

**PLANNING FOR A SUSTAINABLE FUTURE**

Extraordinary Meeting, 28/6/05

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**ITEM NO: 1**

**SUBJECT: FINALISATION OF THE REVIEW PROCESS FOR DRAFT AMENDMENT 2 (KATOOMBA CULTURAL PRECINCT) TO LOCAL ENVIRONMENTAL PLAN 2005**

**FILE NO: Z08 048**

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**Recommendations:**

1. *That Council receive this report and the document "Review of Public Submissions to the Cultural Precinct DLEP", which is provided as a separate Enclosure.*
  2. *That Council adopt the following recommendations contained within the document "Review of Public Submissions to the Cultural Precinct DLEP" as the basis for making alterations to Draft Amendment 2 (Katoomba Cultural Precinct) to Local Environmental Plan 2005 (the "Cultural Precinct DLEP") and/or to inform the design process by the proponent and the Council's Architect in finalising the development proposal for the Blue Mountains Cultural Centre:*
    - (a) *Recommendation A1 (Aims of the plan),*
    - (b) *Recommendation B1 (Permissibility of land use),*
    - (c) *Recommendations C1-C3 (Desired future character),*
    - (d) *Recommendations D1-D4 (Building height),*
    - (e) *Recommendations E1-E4 (Townscape),*
    - (f) *Recommendation F1 (Public spaces),*
    - (g) *Recommendation G1 (Accessibility),*
    - (h) *Recommendation H1 (Traffic management),*
    - (i) *Recommendations I1-I5 (Heritage),*
    - (j) *Recommendation J1 (Advertising),*
    - (k) *Recommendations K1-K3 (Listing of heritage item),*
    - (l) *Recommendations L1-L2 (Reclassification of public land),*
    - (m) *Recommendations M1-M2 (Miscellaneous).*
  3. *That pursuant to Section 68 of the Environmental Planning and Assessment Act 1979, the Cultural Precinct DLEP (as altered in response to the Recommendations referred to in 2 above) and the required supporting information be forwarded to the Department of Infrastructure, Planning and Natural Resources with a request that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) make the Cultural Precinct DLEP.*
  4. *That Council delegate authority to the General Manager to undertake and authorise such incidental changes to the revised Cultural Precinct DLEP as may be required for the purpose of legal drafting and other requirements of the Director-General to facilitate gazettal of the revised Cultural Precinct DLEP where those changes do not affect the intent or substance of the draft plan.*
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**Report by Group Manager, City Sustainability:**

**Introduction**

At its Ordinary Meeting of 8 March 2005, Council commenced the process of considering the submissions made to the public exhibition of Draft Amendment 2 (Katoomba Cultural Precinct) to Local Environmental Plan 2005 (the “**Cultural Precinct DLEP**”) by resolving:

- “1. *That Council note the nature of the public response to the public exhibition of Blue Mountains Local Environmental Plan 2005, Draft Amendment 2 (Katoomba Cultural Precinct).*
2. *That Council note the key elements of the formal process required under Section 29 of the Local Government Act for reclassification of community zoned land.*
3. *That Council note the key elements of the formal process required under Section 68 of the Environmental Planning and Assessment Act for finalisation of DLEP Amendment 2.*
4. *That pursuant to Section 29 of the Local Government Act and Section 68(1) of the Environmental Planning and Assessment Act, Council conducts a public hearing into the reclassification of Lot 2, DP 547229, College Lane, Katoomba from community land to operational land.*
5. *That pursuant to Section 68(1) of the Environmental Planning and Assessment Act, Council not expand the terms of reference for the public hearing into the reclassification to include other issues raised in submissions as they are not considered of such significance that they should be the subject of a public hearing before the Council decides whether and, if so, what alterations should be made to Blue Mountains Local Environmental Plan 2005, Draft Amendment 2 (Katoomba Cultural Precinct).”*

This report represents the second and final phase of the process commenced by Council on 8 March 2005 to review the public submissions to the “Cultural Precinct DLEP”. The report:

1. addresses the approach taken to reviewing the issues raised in public submissions to the Cultural Precinct DLEP,
2. provides the “Review of Public Submissions to the Cultural Precinct DLEP” document;
3. includes a summary of the issues raised and the nature of the recommended responses to those issues, and
4. outlines the process for completing the Cultural Precinct DLEP.

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As Council is aware, the completion of the Cultural Precinct DLEP is an integral part of the process to develop the Blue Mountains Cultural Centre and a significant retail outlet in the Katoomba town centre. The land to which the draft plan applies is shown in Attachment 1.

#### **1. Approach to reviewing the issues raised in the public submissions**

A summary of the issues raised in response to the public exhibition of the Cultural Precinct DLEP was provided as an enclosure to the report to Council of 8 March 2005. These issues were organised in response to the provisions of the Cultural Precinct DLEP. Prior to finalising the Cultural Precinct DLEP, Council is required to consider the issues that were raised in these submissions before determining what, if any, alterations should be made to the draft plan in accordance with s.68 of the *Environmental Planning & Assessment Act 1979* (“**EP&A Act**”).

As Council may recall, only six (6) public submissions were received to the exhibition of the draft plan. The submissions raised a broad range of issues that are considered in this report.

In addition to those submissions considered by Council on 8 March 2005, a late submission addressing the issue of advertising has been received from Don Fox Planning representing Coles Myer Limited (who at a later stage intend to lodge a development application for a proposed Coles Supermarket as part of the development of the Cultural Precinct). On the basis that public submissions to the exhibition had raised objection to the size of commercial signage, requiring this issue to be specifically assessed in any event, it is considered that the submission by Don Fox Planning on behalf of Coles Myer Limited may assist Council's deliberations on this aspect of the DLEP.

As well as the matters raised in public submissions, public authority issues (including a further submission from the Heritage Office) have been incorporated into the consideration of submissions process. This will bring to eight (8) the total number of submissions to be considered by Council.

#### Nature of considerations

The Cultural Precinct DLEP will facilitate a significant mixed-use development for Katoomba, which will be a key project in the revitalisation of the town centre. As the draft plan provides a detailed framework for future development of an important site, the issues raised would ordinarily warrant the full consideration by Council.

In addition to this, and as part of its deliberations on 8 March 2005, Council considered a submission requesting that a public hearing be held into various aspects of the Cultural Precinct DLEP. In resolving not to extend the scope of the Public Hearing to be held into the reclassification of Council land as part of the Cultural Precinct DLEP, Council considered the following advice:

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*“In view of the limited number of submissions received, the nature of issues raised and the ability for Council to consider these submissions in detail prior to finalising the draft amendment, it is recommended that the scope of the public hearing be confined to the reclassification of Lot 2.”*

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As such the 8 March 2005 report indicated that this second phase of the review process would provide Council with “a detailed consideration of ...all matters raised in submissions. This will include staff responses to the issues raised, which may or may not result in recommendations to alter the draft amendment”. The approach taken to the review of the submissions in this report aims to provide a thorough consideration and response to the issues the public raised in response to the exhibition to the Cultural Precinct DLEP.

**2. Review of public submissions**

The consideration of the public submissions and the proposed planning response is provided as a separate Enclosure: “Review of Public Submissions to the Cultural Precinct DLEP” (referred to as the “**Review Document**”).

The issues raised in the submissions are broad ranging and have been considered in the review document in relation to the aspects of the Cultural Precinct DLEP identified in the table below:

A	Aims of the plan
B	Permissibility of land use
C	Desired future character
D	Building height
E	Townscape
F	Public spaces
G	Accessibility
H	Traffic management
I	Heritage
J	Advertising
K	Listing of heritage item
L	Reclassification of public land
M	Miscellaneous

The general format of the review document will be familiar to Council, as it follows that used in the extensive review process for Draft Local Environmental Plan 2002 (DLEP 2002).

The document is organised under the headings outlined above, and provides:

1. a description of the relevant provision of the draft plan;
2. an overview of the submissions received on that provision;
3. a table identifying whether the public submission:
  - (a) supports the provision, with no refinements requested,
  - (b) supports the provision, with refinements requested,

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- (c) requests refinements to the provisions,
  - (d) objects to the provision, with refinements requested,
  - (e) objects to the provision, or
  - (f) provides other comment in relation to the provision;
4. a summary or statement of the issue, based on the headings in (3) above;
  5. the planning consideration of the issues raised, providing relevant background to the particular provision or planning approach, and suggesting any refinements or modifications to the planning instrument in response to the public submissions; and
  6. recommendations to guide any changes to the Cultural Precinct DLEP and/or to inform refinements of the development proposal.

#### Recommendations

The recommendations made address two aspects of the planning approach embodied in Cultural Precinct DLEP. The first provides recommendations to retain the exhibited provisions or suggests alterations to the draft plan in response to the submissions. The second aspect concerns the process for refining the actual detailed concept design for the Blue Mountains Cultural Centre and the retail outlet in response to the provisions of the Cultural Precinct DLEP.

In relation to this last aspect, it is noted that in exhibiting the Cultural Precinct DLEP, the Detailed Schematic Designs (DSD) of the development proposal was exhibited to assist in understanding the draft plan. This was particularly pertinent as the DLEP provided a detailed set of considerations for the future development of the site. The consideration of issues raised in the submissions (whether or not these gave rise to any refinements to the provisions of Cultural Precinct DLEP) assisted in identifying aspects of the design concept plan that may be considered in order to accord more fully with the outcomes sought by the Cultural Precinct DLEP.

The final development proposal will be subject to the development assessment process. In augmenting this process, recommendations have been made to request that the proponent to investigate the benefits and feasibility of modifying certain aspects of the proposal in response to issues arising from the review process. The investigation of these matters by the proponent prior to the lodgement of a development application will assist in the strategic intent of the DLEP being translated into an optimum planning outcome for this precinct.

### **3. Summary of issues, planning consideration and proposed response**

The issues, planning consideration and proposed response have been summarised below to assist in Council's review of submissions. It follows the format of the Review Document, which is to be referred to for the details of the submissions and the recommendations arising from the consideration of submissions.

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#### A. Aims of the plan

Four (4) submissions made general comments about the plan. Generally these were in support of the principles behind the plan and the proposal to incorporate the site within LEP 2005. One comment opposed the plan, for reasons that are discussed in detail in the following sections. In response to these comments it is recommended that the aims of the plan be retained as exhibited.

#### B. Permissibility of land use

Six (6) submissions raised issue with the proposal to permit a range of commercial, civic and residential land uses on the site. These land uses are proposed to be permitted by rezoning the site Village – Town Centre and changing the Land Use Matrix of LEP 2005 to permit a “district supermarket” and to include a “cultural facility” as an additional land use under LEP 2005. All six submissions either rejected a supermarket on the site, or objected to the proportion of the site to be used for retail or commercial purposes.

A detailed response has been made which recognises the origins of the proposal in the Katoomba Charrette process, and Council’s decision to progress a mixed-use development in preference to a stand-alone cultural facility. The supermarket and accompanying retail uses are considered to be compatible with the proposed cultural facility and add to the viability of the development. It is recommended that the range of permissible uses, including a district supermarket, be retained as exhibited.

#### C. Desired future character

Four (4) submissions raised issues relating to the location, design and visual prominence of the proposed cultural facility. These have been addressed having regard to the precinct vision statement and objectives, which broadly outline the expectations for future development on the site. Consideration has been given to alternative forms of the proposed building, including more visually prominent designs. Strengths of the current proposal include its relationship to the Carrington Hotel, responsiveness to the slope of the site, incorporation of supermarket and parking without these uses dominating the street, substantial articulation along façades and provision of a varied building form. It is recommended that modifications be made to the Cultural Precinct DLEP to ensure that the proposed building can be easily identified as a public cultural facility.

#### D. Building height

Two (2) submissions objected to the proposed height of the buildings, one saying that the height limit is excessive and the other saying it should be increased. Building heights are set by the podium level, which is designed to be equivalent to ground level at College Lane at the site’s northern boundary, and will rise 10-12 metres above ground at the southern boundary, due to the fall of the land. Car parking and retail land uses will be below the podium level. Public uses, including the library and other cultural facilities, will be built on the podium level. A maximum height limit of 8.5 metres applies to buildings on the podium level, with exceptions made for the library, architectural embellishments and public art works.

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The proposed height of the podium at its southern end will provide public access to views towards Mount Solitary and the Jamison Valley. A higher podium is not supported. However it is recommended that the architect investigate an additional viewing platform in the south-west of the site. Similarly, no change to the height of buildings above the podium is supported. It is recommended that the proponent and Council's Architect investigate reductions to the visual height of the building at its southern end, by increasing the setback of the library and/or altering exterior finishes.

#### **E. Townscape**

Four (4) submissions were made addressing townscape. These covered a range of issues relating to the exterior design of the cultural centre and the way buildings on the site present to the surrounding streetscape. Comments specifically related to the interaction of buildings on the site with Froma Court, Froma Lane, Parke Street and College Lane. Support was provided for the proposed library. These comments were addressed with regard to the eastern façade, bordering College Lane and Froma Lane, and the western façade, bordering Parke Street.

Many of the issues raised are more appropriately addressed in the final detailed design. It is recommended that an additional subclause be inserted to require an entry statement at the north-west corner of the site, and that the proponent and Council's Architect be requested to consider amendments to the plans in this regard. It is also recommended that the proponent and Council's Architect consider how to improve the amenity of the eastern façade through public art and increased openings, to address the eastern entry to the precinct from Froma Lane. The Parke Street façade will be articulated by a number of openings, varying building height and large panels of public art. Recommendations are made that the project architect assess modifications to the Parke Street façade to limit horizontal expanses.

#### **F. Public spaces**

Two (2) submissions raised issues relating to the public area, and were particularly concerned with public safety and anti-social behaviour. An existing clause in the Cultural Precinct DLEP requires that the development application show how crime minimisation is to be achieved, and there is an additional objective for accessible and safe public spaces to be provided in the precinct. In addition, a clause within the body of LEP 2005 will require an application for development of this nature to specifically address the principles of crime minimisation. It is considered that the issue has been adequately addressed, and recommended that the existing references to crime minimisation in the Cultural Precinct DLEP be retained as exhibited.

#### **G. Accessibility**

Two (2) submissions raised issues relating to accessibility, including access for people with a disability from Katoomba Street and the stairway accessing the site at the end of Froma Lane. It is noted that there are three key links to the site from Katoomba Street, and two of these are proposed to be accessible. The stairway opposite Froma Lane is the only inaccessible link, and a requirement that this be accessible is not supported.

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However, given that some accessible links depend on access through private land, it is recommended that a minor change be made to a precinct objective to require that accessible links to the site from main streets be provided. In the event that the intended linkages through private land cannot be achieved, this will ensure that other key links to the site from Katoomba Street are accessible.

#### **H. Traffic management**

Two (2) submissions raised issues relating to traffic management. One, from the Roads and Traffic Authority, supports the clause. The other objects to shared pedestrian and vehicular access, and states that the schematic plans do not indicate traffic flows, impacts and car park entrances and exits. The Cultural Precinct DLEP requires that a traffic impact assessment be prepared to accompany any development application for the site. While the schematic plans showed some detail about the location of entries and exits, further detail on this and traffic impacts will be provided with a development application for the site. Vehicular access to College Lane is considered necessary for existing developments using this lane, and shared pedestrian and vehicular access can be managed so as to improve pedestrian safety and amenity. It is recommended that this clause be retained as exhibited.

#### **I. Heritage**

Two (2) submissions were received in relation to the general heritage significance of the precinct. One, from the NSW Heritage Office, requested a workshop to discuss how to strengthen the provisions relating to heritage. The other submission requested that the heritage significance of all related buildings be considered. The heritage significance of the site is raised in both the precinct objectives and a specific clause for heritage. All heritage sites in the surrounding area are required to be considered as a part of any development application. No change is recommended in this regard. However a number of recommendations have arisen from discussions with the Heritage Office that result in minor wording changes to the precinct objectives and clauses relating to townscape and heritage within the Cultural Precinct DLEP.

#### **J. Advertising**

Two (2) submissions raised issues relating to advertising. One submission stated that the size of advertising permitted was too large and that advertising should not be permitted within the cultural precinct. The other submission, from Coles Myer, made detailed comments relating to the need for “whole of precinct” identification signage, for larger advertising allowances, and for advertising to be permitted above the podium level.

The response to these submissions has sought to balance concerns that the signage permitted by the Cultural Precinct DLEP is excessive with requests for greater advertising space, while maintaining Council’s desire to promote the Blue Mountains Cultural Centre as a premier public attraction. Changes to increase or decrease the maximum advertising space for commercial signage is not supported.

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However, a number of wording changes are recommended for the clause relating to advertising. These changes:

- clarify the need for an integrated signage package for the precinct,
- enable the incorporation of “whole of precinct” identification signage in response to the suggestions made by Coles Myer,
- maintain the restriction on advertising related to retail purposes not being located above the podium level on public buildings,
- provide allowance for the maximum advertising space to be comprised of a number of separate envelopes.

Such an approach is considered to provide a reasonable balance between maintaining the public domain and contributing to the economic viability of the retail components of the development.

#### **K. Listing of heritage item**

Two (2) submissions addressed this clause, which is intended to add the “Site of Froma” to the list of heritage items in Schedule 6 (Heritage) of LEP 2005. The “Site of Froma” marks the location of Katoomba’s first privately owned permanent house. One submission supported the inclusion of the site as a heritage item. The second submission, from the NSW Heritage Office, requested that an archaeologist be engaged to prepare an assessment of the site and stated that the proposed provisions relating to building envelope, heritage and built form should ensure that the site’s significance is not damaged as a result of development.

In response to these comments it is recommended that the proposed heritage listing of the site be retained as exhibited, that Council note the preparation of a brief to commission an archaeological study of the site, and that an amendment be made to the wording of a subclause within the Cultural Precinct DLEP to ensure that the heritage significance of the site of Froma be interpreted as part of any proposed development.

#### **L. Reclassification of public land**

Two (2) submissions made comments relating to the proposed reclassification of Lot 2 DP 547229 (33-35 College Lane, Katoomba) from community to operational land. One submission supported the reclassification, while another opposed it and stated that the land should remain in public hands. Reference should be made to the report from the public hearing chaired by Mr Peter Walsh on 7 April 2005 regarding the reclassification. The public hearing report considered both opposition to and support for the reclassification of Lot 2, and concluded that the reclassification should be supported. Accordingly, it is recommended that Council receive and consider the public hearing report and support the reclassification of Lot 2, proceeding with the required statutory processes to gain State government approval.

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#### M. Miscellaneous

Two (2) submissions made comments that could not be considered under any particular provisions of the Cultural Centre DLEP. These ranged from support for the library to specific comments about the location of bins and the items that should be included in the cultural centre. Each of the issues raised have been addressed, and it is recommended that no changes be made to the Cultural Precinct DLEP.

#### **4. Process for finalising the Cultural Precinct DLEP**

The process for finalising the Cultural Precinct DLEP is governed by Section 68 of the EP&A Act and is guided by the interpretation of the Act by the Courts in relation to the LEP process.

Subject to the review of the public submissions in sections 2 and 3 above and a determination of what alterations should be made to the Cultural Precinct DLEP, Council is required to consider whether the nature of the revisions to the draft plan warrant re-exhibition before deciding whether or not to proceed with finalising the Cultural Precinct DLEP.

#### Alterations and the need for re-exhibition

It is recommended within the Review Document that alterations be made to the Cultural Precinct DLEP. These alterations arise from a consideration of submissions and may be made by Council pursuant to s.68(3) of the EP&A Act.

Section 68(3B) of the Act provides that:

*“68(3B) The council may (but need not) give public notice of and publicly exhibit, wholly or in part, a draft local environmental plan that has been altered pursuant to subsection (3)...*

At face value, s.68 (3B) provides that the decision to re-exhibit the whole or part of a draft LEP that has been altered is one for Council. However, case law, including *John Brown Lenton and Co Pty Ltd v Minister for Urban Affairs and Planning (1999)* in respect of LEP 1991 Amendment 25 establishes that where alterations to an exhibited draft LEP are substantive to the operation of the plan, the whole or relevant parts of a modified draft plan “should (be) re-exhibited to fulfil the important public participation objectives of the Act which (are) essential to ensure transparency and fairness in the plan making process”. That view has been reinforced in correspondence to all councils by PlanningNSW.

As part of finalising Draft LEP 2002 in October 2003, Council considered the following set of principles in deciding whether the re-exhibition of a planning instrument is warranted:

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- a) *Have the alterations made to the draft LEP been substantive to its operation? In other words, is the plan substantially the same plan (achieving the same objectives and outcomes) following alteration?*
- b) *Are the altered provisions more onerous than those originally exhibited? In other words, what has been the likely impact of the changes for owners and/or applicants for development?*
- c) *Has procedural fairness been applied in relation to the alterations made to the plan? In other words, have those parties likely to be adversely affected by the changes been given the opportunity to make submissions in respect of those changes?*

The alterations proposed to the Cultural Precinct DLEP are in response to the issues raised in public submissions or by the Heritage Office. These alterations are minor in nature and accord with the planning approach adopted by the Cultural Precinct DLEP, as well as the principal instrument, LEP 2005. Having regard to the principles above, it is not recommended that the Cultural Precinct DLEP be subject to further exhibition.

#### Next steps in finalising the revised Cultural Precinct DLEP

Subject to Council's adoption of the recommendations made in the Review Document, the draft plan will be altered and the necessary reports prepared for submission to the Department of Infrastructure, Planning and Natural Resources.

Following Council's submission of the draft plan in accordance with s.68 of the Act to the Department, the Cultural Precinct DLEP will be reviewed by the Parliamentary Counsel's Office and a report prepared by the Director-General. The Minister will consider this report in deciding whether or not to make the Cultural Precinct DLEP.

#### **Recommendation and conclusion**

Following considerations of the matters raised in the public submissions to the Cultural Precinct DLEP, recommendations are made to alter some of the provisions of that instrument to ensure that the development outcomes sought can be achieved on this significant site in the Katoomba town centre.

Subject to altering the Cultural Precinct DLEP in line with those recommendations and preparing Council's submission to Government, it is considered that the revised draft plan may be finalised without recourse to additional exhibition processes. On this basis, a recommendation is made to forward the revised Cultural Precinct DLEP to DIPNR, with a request that the Minister make the plan.

The finalisation of the Cultural Precinct DLEP represents an important step in progressing the development of the Blue Mountains Cultural Centre and retail outlet, and is a cornerstone in the revitalisation of Katoomba town centre.

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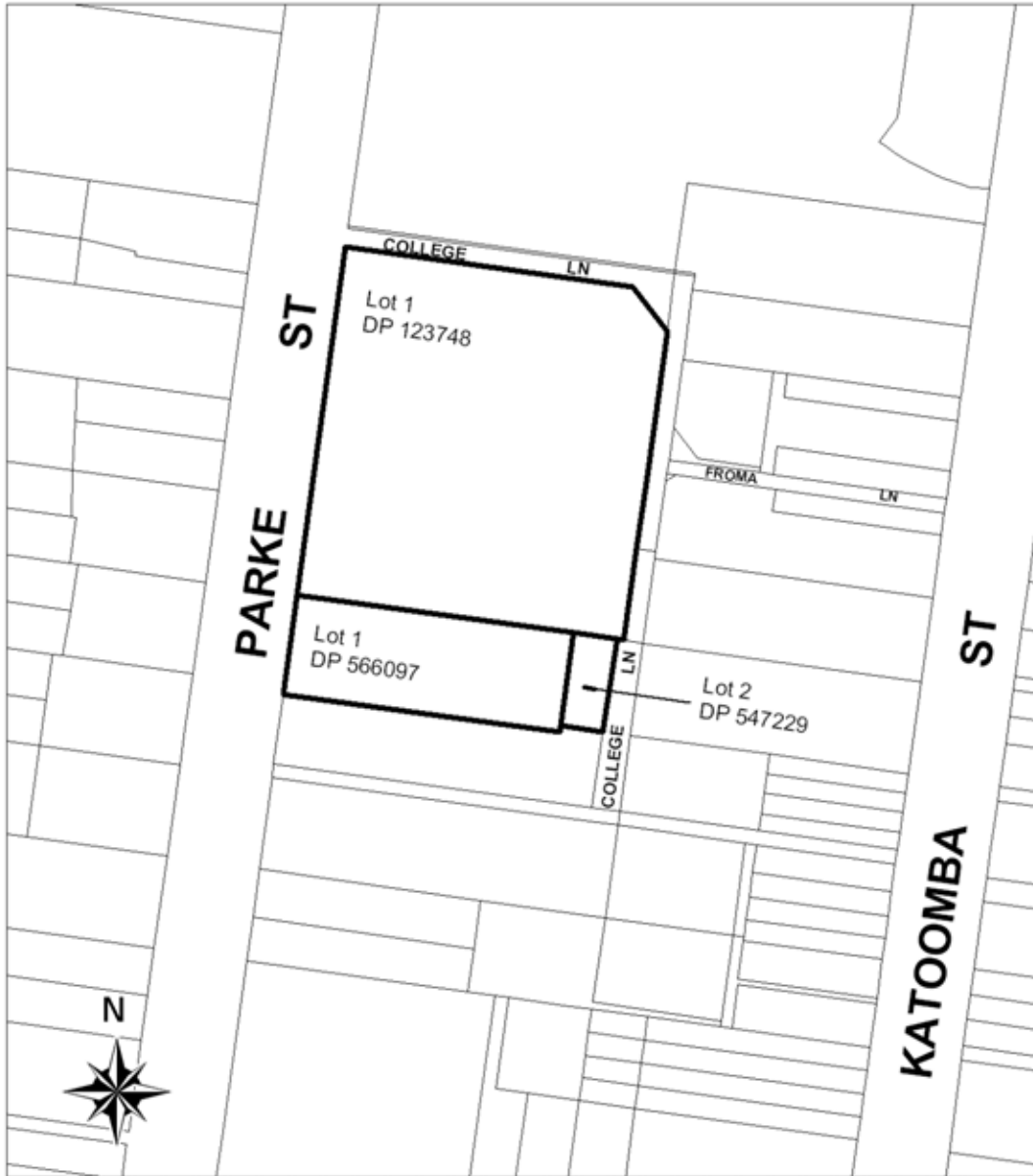
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Although only a limited number of submissions were made to the exhibition of the Cultural Precinct DLEP, they have raised broad ranging issues. These have contributed to refinements to the planning instrument, which in turn will need to be considered in finalising the development proposal. The assessment of the development application will provide further opportunities for public engagement in this important project for the Blue Mountains.

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Attachment 1



**LAND USE MANAGEMENT**

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**ITEM NO:** 2

**SUBJECT: DEVELOPMENT APPLICATION NO. X04/1497 FOR THE EXTENSION OF THE BLAXLAND WASTE MANAGEMENT FACILITY ON LOT 303 DP 751662 AND LOT 376 DP 823999, NOS. 30 AND 35 ATTUNGA ROAD, BLAXLAND**

**FILE NO:** X04/1497

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**Recommendations:**

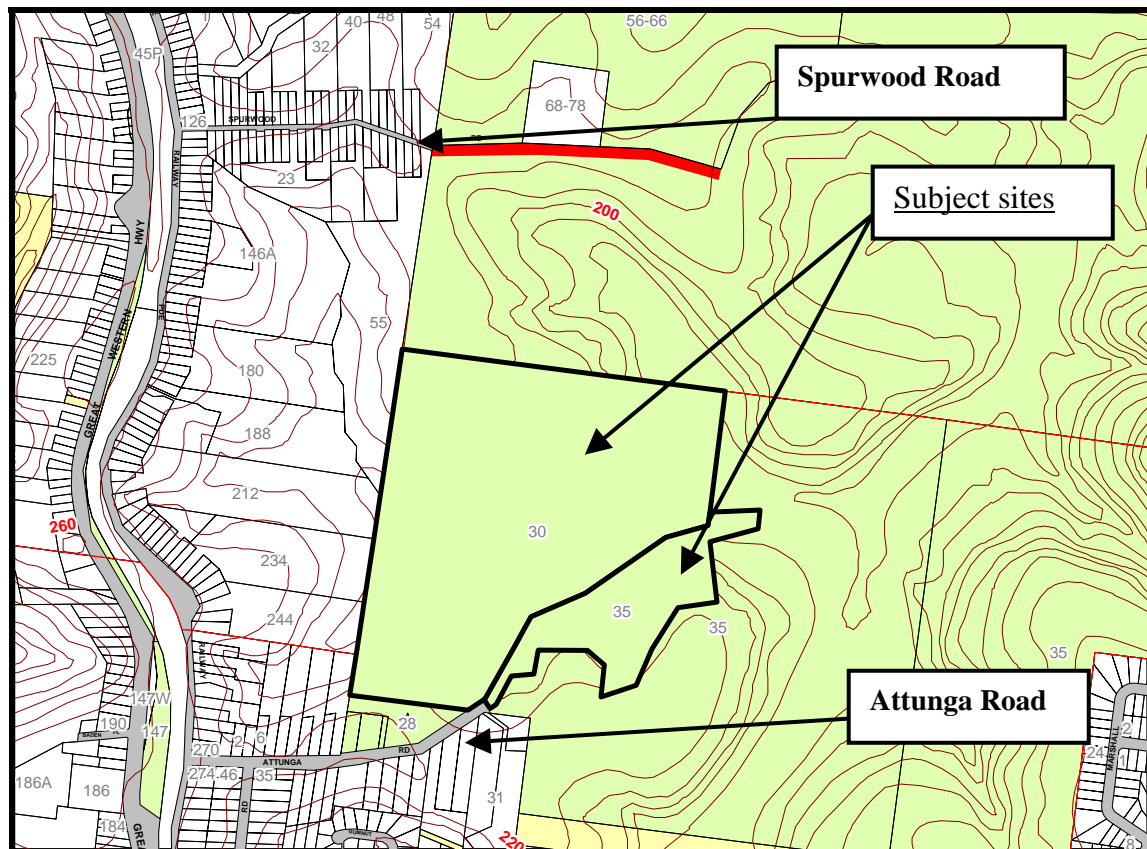
- 1. That Council note and receive the development assessment report by Nexus Environmental Planning Pty Ltd.*
  - 2. That Development Application No. X04/1497 for the extension of the Blaxland Waste Management Facility on Lot 303 DP 751662 and Lot 376 DP 823999, Nos. 30 and 35 Attunga Road, Blaxland be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.*
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**Report by Acting Group Manager, Environmental and Customer Services:**

<b>Reason for report</b>	Council is the applicant and the value of the development is in excess of \$1,000,000.
<b>Applicant</b>	Blue Mountains City Council
<b>Owner</b>	Crown. Land under care, control and management of Blue Mountains City Council.
<b>Application lodged</b>	8 October 2004
<b>Property address</b>	Lot 303 DP 751662 and Lot 37 DP 823999, Nos. 30 and 35 Attunga Road, Blaxland

## LAND USE MANAGEMENT

## Item 2 - Extraordinary Meeting, 28/6/05



### Background

This Development Application was lodged with the Environmental and Customer Services Group and was made by the City Solutions Group of Blue Mountains City Council.

In consideration of Council being the applicant, the nature of the assessment and limited staff resources, the services of an independent planning consultant were obtained to assess the proposal. The consultant is Neil Kennan, Principal of Nexus Environmental Planning Pty Ltd ('Nexus') and his Report, dated 25 May 2005, is reproduced in full as an associated enclosure to the business paper.

The initial assessments by both the consultant and one of the integrated approval bodies being the Department of Environment and Conservation raised some issues. Requests made to the applicant to supply this information resulted in the provision of a supplementary report, prepared by GHD, dated May 2005. The supplementary report has been provided to Councillors via the Councillor delivery system on 20 May 2005.

The additional information (GHD report 20 May 2005) addressed all of the concerns raised by both the Department of Environment and Conservation and Nexus.

A site plan showing the proposed landfill extension is included as Attachment 2 to this Report.

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**Unresolved Matters**

Nexus recommends, if the Council is of a mind to approved the proposed development, that a suitably worded condition of Development Consent be attached to the consent to ensure that works associated with the roundabout and the intersection for 8.8 metre and 12.5 metre vehicles are implemented to ensure the integrity of the intersection is maintained.

This aspect of the proposal has been assessed and the following comments are relevant:

- The traffic impact caused by the development will occur only during the construction phase. Once construction is completed, the traffic regime reverts to pre-construction conditions.
- Suitable conditions of consent that address the construction phase are included in Attachment 1 to this Report.

During the exhibition and assessment of this proposal, it has become evident that there are both community and technical concerns in relation to the closure of the Katoomba Waste Management Facility, should that closure impact on the operation of the Blaxland Waste Management Facility. The assessment of this application has not been based on this assumption however, if the operations of the Blaxland Waste Management Facility expanded to the point where 19 metre vehicles were required, further works in relation to the road network would be required at that point.

**Conclusion**

The Development Application proposed an extension of the existing Blaxland Waste Management Facility. Being both Designated and Integrated development, the application is supported by an Environmental Impact Statement and supporting documentation required by other government authorities who are required to comment and/or consent. Council has engaged an independent planning consultant to assist in this assessment of the application and it is concluded that the development:

- Will assist the Council in the short to medium term to dispose of waste generated in the Blue Mountains City Council area,
- Will incorporate mitigation measures as part of the development of the site which will ensure that environmental impacts are limited and acceptable.

On this basis, it is recommended that the application be approved subject to the conditions shown at Attachment 1 to this Report.

## LAND USE MANAGEMENT

**Item 2 - Extraordinary Meeting, 28/6/05**

## 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 generally in accordance with the contents of the Environmental Impact Statement prepared by GHD, dated 28 September 2004 and additional information submitted by GHD dated May 2005, 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 five-year period from the date of this consent. Should this not occur, the development consent will lapse.

**Provision of footpath**

3. A footpath is to be provided along Attunga Road to provide pedestrian access to the residential properties along Attunga Road which does not conflict with the movements of trucks and other vehicles to and from the development site. The footpath shall be a minimum width of 1.2 metres and shall include any works required to make the construction effective.

**Engineering conditions**

4.
  - a. The construction vehicle access to the site shall be confined to Wilson Way, Railway Parade (south of Attunga Road) and Attunga Road. Koala Street is not be used.
  - b. Prior to the work commencing, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to and approved by Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council for approval.

The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes and size of vehicles, safety of the public, materials storage and handling, and times of operation.

A minimum of seven (7) days notice shall be given to residents if access by residents who are affected by the construction traffic. A copy of the letter to residents and a list of addresses notified shall be submitted to and approved by Council.

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- c. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect Council and Roads and Traffic Authority roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites (Sep 2003). Details prepared by a qualified person shall be submitted to Council for its approval with the Traffic Management Plan Report.

The contractor shall submit to Council the names of proposed traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.

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**Bond**

- 5. A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance involving Council's roads that are affected by construction traffic/activity shall be paid to Council.

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of Council's Supervising Engineer.

The bond is to be paid prior to the commencement of works.

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**Repair of damage**

- 6. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.

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**Compliance with standards**

- 7. All engineering works required by this development are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 1987 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective.

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A qualified civil/structural engineer shall supervise all internal works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer with NPER registration and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications.

**Structural works**

8. The design of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Certification of structural works**

9. The construction of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Consolidation of water mains**

10. The two (2) 100 mm water mains which service the existing Waste Management Facility are to be consolidated into one (1) service and administered by one (1) water meter.

**Services**

11. Arrangements must be made with Sydney Water for the extension of services to and within the site or to dispose of leachate. Written evidence of such arrangements are to be submitted prior to works on site.

In this regard, a Section 73 Certificate is to be obtained from Sydney Water prior to works on site.

**Department of Primary Industries (NSW Fisheries) conditions****Section 200 permit**

12. Blue Mountains City Council is to obtain a Section 200 permit under the Fisheries Management Act 1994 from DPI (Fisheries) to undertake the proposed creek re-diversion works. The permit application form is available on the Department's website at [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au), then Aquatic Habitats Homepage, then Council and Developer Toolkit. The cost of the permit is \$200.00.

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<b>Extent of works</b>	13. The permitted works will be restricted to dredging and reclamation activities as outlined in the DA documentation provided to DPI (NSW Fisheries).
<b>Requirements of DIPNR</b>	14. The permitted works are to be in accordance with requirements stated by the Department of Infrastructure, Planning and Natural Resources including conditions on design of in-stream works, bank works and riparian rehabilitation.
<b>Environmental safeguards</b>	15. Environmental safeguards (silt curtains, booms etc.) are to be utilized during conduct of the permitted activity to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.
<b>Stockpiling of materials</b>	16. Sand, gravel, silt, topsoil or other materials removed from the waterway under this permit must not be stockpiled within 50 metres of a river or on flood prone land.
<b>Damage to or erosion of adjacent banks</b>	17. The permitted activity shall be conducted in such a manner as not to cause damage to, or increase the erosion of adjacent banks
<b>Monitoring</b>	18. Monitoring of the water discharged from the diversion pipe should be conducted on a quarterly basis to check for leachate contamination
<b>Stormwater and runoff controls</b>	19. Stormwater and runoff controls on site should aim to achieve no net increase in runoff and no reduction in water quality of the receiving waters
<b>In-stream works</b>	20. Any snags or macrophytes disturbed or removed by in-stream works must be relocated/transported following the conclusion of the works.
<b>Relevant authorities</b>	21. All relevant authorities must have no objections to this proposal

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**Vegetation  
management plan**

22. A vegetation management plan must be developed prior to commencement of works that incorporates both riparian and aquatic zones:
- Comprised of endemic riparian and aquatic vegetation, including emergent vegetation, wherever possible, to protect the receiving waters from erosion and runoff and to contribute organic matter to the aquatic system.
  - Established immediately following the creek works to minimize erosion and runoff problems.
  - Managed and maintained for a minimum of two (2) years after initial establishment of the vegetation to control noxious weeds, control localized sedimentation and erosion, and to ensure the viable establishment of native vegetation over time.

**General Terms of Approval of the Department of Environment and Conservation**

**Administrative Conditions**

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**Information supplied to  
the Environment  
Protection Authority**

23. Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- The development application X04/1497 submitted to Blue Mountains City Council (Environmental and Customer Services Group) on 15 October 2004.
  - The Environmental Impact Statement relating to the development titled '*Proposed Extension of Blaxland Waste Management Facility—Environmental Impact Statement*' dated 28 September 2004 ('*the EIS*'); and
  - All additional documents supplied to the EPA in relation to the development, including:
    - a. letter from GHD Pty Ltd to Blue Mountains City Council titled 'Blaxland EIS Response to DEC Comments on Air Quality Study' dated 21 January 2005 and attachments.
    - b. letter from Dick Benbow and Associates Pty Ltd to GHD Pty Ltd titled 'Blaxland Waste Management Facility—Response to DEC' dated 10 February 2005; and

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- c. letter from GHD dated 14 April 2005 to Blue Mountains City Council titled ‘Proposed Extension of Blaxland Landfill Response to Noise Issues’ appending a letter from Dick Benbow and Associates Pty Ltd to GHD Pty Ltd dated 13 April 2005.

**Fit and proper person**

24. The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environmental Operations Act 1997, having regard to the matters in Section 83 of that Act.

**Administrative licensing requirements**

25. ■ Waste must not be disposed of into the landfill extension area proposed in the EIS until the EPA has provided the applicant with written approval to commence the disposal of waste in that area.
- In order to obtain EPA approval for the disposal of waste in the proposed extension area, the applicant must apply to the EPA for a variation of its existing Environment Protection Licence (EPL–No. 10039) issued under the Protection of the Environmental Operations Act 1997.
- The variation application referred to in Condition 25 (second dot point) of this instrument must be accompanied by an updated Landfill Environmental Management Plan (LEMP) prepared in accordance with the EPA’s ‘Environmental Guidelines: Solid Waste Landfills.’ The LEMP must address all relevant matters proposed in the EIS and required in this instrument of consent and the existing EPL, including providing:
- a. Drawings ‘for construction,’ specifications, design details and justification thereof and an implementation and commissioning schedule, of the proposed:
- i. Diversion pipe for Cripple Creek and its trash rack;
  - ii. Basal liner system of the landfill extension area, including its subgrade, the ‘geogrid’ and anchoring system;
  - iii. Leachate collection, conveyance, storage and disposal system;

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- iv. System for the extension of the basal liner and leachate collection and conveyance system for the various stages of the landfill extension;
  - v. Landfill gas management system, including details of proposed measures to ensure that if a flare is installed it will not pose a bushfire risk;
  - vi. Progressive capping and rehabilitation of the premises; and
  - vii. A small vehicle drop off facility.
- b. A proposed Quality Assurance and Testing Program (QTAP) that ensures that the measures referred to in dot point three, subsection a. ii., iii. and iv. of this Condition will be installed in a manner to achieve their design specifications;
  - c. Documentary evidence that demonstrates that the pipes used in the diversion of Cripple Creek and the leachate collection and conveyance system will withstand the weight of the overlying waste and cap, assuming a density of up to two (2) tonnes per cubic metre;
  - d. A soil and water management plan for both the construction and operational phase of the landfill extension, including details of the location of all stockpiles of excavated material; and
  - e. A filling plan depicting:
    - i. Contours of the landfill ever 12 months for the life of the landfill;
    - ii. containment of leachate within the tipping face;
    - iii. The direction of surface water flows from areas of daily and intermediate cover to the measures proposed in the soil and water management plan referred to in Condition 25, third dot point, subsection d. of this instrument.

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- The design of the leachate collection, conveyance, storage and disposal system referred to in Condition 25, third dot point, subsection a. iii. of this instrument must:
  - a. Be on the basis that disposal options for leachate, as stipulated on Condition 33, c. of this instrument, are limited to discharge to sewer, disposal at a facility licensed to accept such waste or evaporation from the leachate storage dams;
  - b. Allow for the level of leachate above the basal liner to be not greater than 300 mm (or another level approved by the EPA in writing), except in circumstances of heavy precipitation that would result in the freeboard in any leachate storage dam being reduced to less than a capacity to accept rainfall from the 1:25 year ARI 24 hour duration rainfall event (as per e. below) in which case the level may be greater than 300mm;
  - c. Allow for management, without discharge to waters, of all leachate generated during the 10% AEP wet year. The volume of leachate generated must take into account leachate collection from the previously landfilled areas at the premises and any leachate removed from the leachate interception works. The justification should be based in part on the approach in Appendix A of the document ‘Blue Mountains City Council, Blaxland Waste Management Facility, Landfill Design Technical Report,’ GHD, September 2004 (Appendix A of Appendix F the EIS);
  - d. Allow for the level of leachate in any storage dam to be maintained such that there is sufficient freeboard to accept rainfall from the 1:25 year ARI 24 hour duration rainfall event without overflowing;

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- e. Incorporate high level alarm/s and interlock system/s configured such that the alarm/s are activated and any pump or gravity flow of leachate to any dam is automatically shut down prior to the freeboard in that dam being reduced to less than the capacity to accept rainfall from the 1:25 year ARI 24 hour duration rainfall event; and
- f. Incorporate a provision for all leachate dams to be lined with a liner system, and/or managed such that the leakage rate through the base of the dam is less than or equal to 1150 litres per hectare per day.
- The soil and water management plan required in Condition 25, third dot point, subsection d. must be in accordance with the document ‘Managing Urban Stormwater (MUS): Soils and Construction, Landcom, March 2004 (as amended from time to time). All sediment dams must be designed and operated to capture run off from the 90<sup>th</sup> percentile 5 day rainfall event and the maximum permissible concentration of total suspended solids in any pumped discharge must be less than 50 mg per litre. Any discharges must have a total ammonia concentration less than 0.9 mg/L and a pH of between 6.5–8.5.

**Notes:**

The EPA will review the LEMP with a view to attaching conditions to the applicant’s environment protection licence:

- Requiring the installation of the measures referred to and in Condition 25, third dot point, subsections a. and d. of this instrument;
- Requiring the applicant to provide a report prepared by a suitably qualified person that demonstrates that the control measures referred to in Condition 25, third dot point, subsection a. i., ii., iii., v. and vi. of this instrument have been installed in accordance with their approved design and EPA requirements.
- Requiring the applicant to provide a report on the implementation and results of the QATP referred to in Condition 25, third dot point, subsection b. of this instrument.

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- Requiring the applicant to provide ‘as constructed’ drawings of the installed; diversion pipe for Cripple Creek; the basal liner; the leachate collection, conveyance and storage system; and the capping works (when eventually installed); and
- Prohibiting disposal of waste in the landfill extension without the EPA’s approval, which will be based on the receipt and assessment of the above information to confirm the approved works (except for the final capping) were installed.

**Limit Conditions**

**Waste**

26. a. The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environmental Operations Act 1997*.
- b. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environmental Operations Act 1997*.
- c. The applicant must ensure that only the following types of waste are disposed of at the premises:

Type of landfill	Wastes able to be landfilled
<b>Solid Waste Class 1 Landfill</b>	Waste, including putrescible waste, that is assessed as <i>inert waste</i> or <i>solid waste</i> following the technical assessment procedure outline in Technical Appendix 1 of Waste Guidelines or that is specified as <i>inert waste</i> or <i>solid waste</i> in Schedule 1 of the Protection of the Environmental Operations Act 1997 and asbestos waste (including asbestos waste in bonded matrix and asbestos fibre and dust waste resulting from the removal of thermal or acoustic insulating materials or from processes involving asbestos material and dust from ventilation collection systems).

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**Note:**

The disposal of asbestos waste must be in accordance with Clause 29 or Protection of the Environmental Operations (Waste) Regulation 1996.

- d. The applicant must provide storage recycling facilities for the following waste(s):
  - i. Glass – clear, brown and green;
  - ii. Paper and cardboard;
  - iii. Plastics;
  - iv. Untreated timber;
  - v. Garden waste;
  - vi. White goods;
  - vii. Ferrous metals; and
  - viii. Non-ferrous metals.
- e. Except as provide by any other condition of this instrument, only the waste(s) listed below may be stored at the premises:
  - i. Domestic quantities of asbestos;
  - ii. Waste oils for recycling or reuse; and
  - iii. Motor vehicle batteries.

**LA Combustion parameters**

- 27. For each monitoring/discharge point or utilisation area specified in the tables below (by point number), the parameter must be equal to or greater than the lower limits specified for that parameter in the table.

**Point 4**

Parameter	Units of measure	Lower limit	Averaging period
Residence time	s	0.6	Instantaneous
Temperature	°C	760	Instantaneous

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**Noise limits**

28. a. Noise generated at the premises must not exceed the noise limits presented in the table below. Note that the limits represent the noise contribution, at the nominated receiver locations in the table, for the landfill from the commencement of operation of the landfill extension.

**Table 6.1 Noise Limits ( $L_{Aeq(15\text{ minute})}$  dB(A))**

Location	Day	Evening	Night
6 Attunga Road, Blaxland	42	42	N/A
188 Railway Road, Blaxland	38	38	N/A
51 Spurwood Road, Blaxland	38	38	N/A

- b. For the purpose of Condition 28a:
- Day is defined as the period from 7 am to 6 pm, Monday to Saturday and 8 am to 6 pm, Sundays and public holidays,
  - Evening is defined as the period from 6 pm to 10 pm,
  - Night is defined as the period from 10 pm to 7 am, Monday to Saturday and 10 pm to 8 am, Sundays and public holidays.
- c. Noise from the premises is to be measured at the residential locations specified in Table 6.1 above, at the most affected point on or within the residential boundary or at the most affected point within 30 metres of the dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the  $L_{Aeq(15\text{ minute})}$  noise limits in Condition 28a.

Where it can be demonstrated that direct measurement of noise from the premises is impractical eg. masking of operational noise by traffic noise, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

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- d. The noise emission limits identified in Condition 28a apply under meteorological conditions of wind speeds up to 3m/s at 10 metres above ground level.
- e. Compliance with the limits shall be assessed by noise monitoring, by a suitably qualified and experienced person, three months after commencement of operations in the extension area. This monitoring must be conducted when the tub grinder is operating. This compliance noise monitoring is then to be repeated at two-year intervals or if noise complaints are received or if operations are significantly changed. The results of the noise monitoring are to be reported together with details of any operational changes or additional noise mitigation measures that are proposed to be implemented to ensure that noise emissions do not exceed the licence limits over the forthcoming two-year period.

**Hours of operation**

- 29. a. All construction work at the premises must only be conducted between 7 am to 6 pm, Monday to Friday, Saturdays, 8 am to 1 pm with no audible construction activities to occur on Sundays or public holidays.
- b. Activities at the premises, other than construction work, may only be carried on between the hours of 7 am to 7 pm, Monday to Sunday, including public holidays.
- c. The following activities may be carried out at the premises outside the hours specified in Conditions 29 a. and b.
  - i. The delivery of materials as requested by Police or other authorities for safety reasons;
  - ii. Emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

**Vehicle size disposing of waste at the tipping face**

- 30. Vehicles weighing less than 2 tonnes and carry waste must not enter the landfill extension area depicted on Figure 8.1 of the EIS (volume 1).

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**Operating Conditions****Dust control**

31. a. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- b. Activities occurring in or on the premises must be carried out in a manner that will minimise the generation or emission from the premises, of wind-blown or traffic generated dust.

**Management of surface waters**

32. Surface drainage must be diverted away from any area where waste is being or has been landfilled.

**Leachate**

33. a. Water which contacts waste (other than daily and intermediate cover) must be managed as leachate.
- b. Until 30 May 2006, leachate must only be disposed of by the following methods:
- i. Disposal at a facility licensed to accept such waste; or
  - ii. Irrigation onto completed areas of the premises landfill; or
  - iii. Injection into the waste disposal cells; or
  - iv. Discharged to sewer; or
  - v. Evaporation.
- c. After 30 May 2006, leachate must only be disposed of by the following methods:
- i. Disposal at a facility licensed to accept such waste; or
  - ii. Discharged to sewer; or
  - iii. Evaporation.
- d. A high level alarm and pump interlock system must be installed on the leachate storage dam(s). The system must be configured such that the alarm system is activated and any pump or gravity flow of leachate to the dam(s) is shut down when the freeboard in the pond(s) is reduced to less than a sufficient capacity to accept rainfall from a 1:25 year, 24 hour storm event. The design, operation, maintenance and monitoring of this system must be documented in the LEMP.

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**Note:**

Settled solids may need to be regularly removed from the leachate storage pond(s) to ensure that such dam(s) can contain the design volume of leachate and maintain the freeboard. The methodology for removing the solids should ensure the liner(s) is/are not damaged.

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**Management of  
leachate holding dams**

34. The applicant must monitor and record the volume of leachate in the leachate storage dam(s) (stored, added and removed) daily.

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**Sediment dams**

35. All sediment dams must be fitted with suitable devices to prevent litter being discharged with water from the dam.

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**Degradation of local  
amenity**

36. The applicant must implement a litter management program. This program must be documented in the LEMP.

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**Landfill gas**

37. a. If any landfill gas flare is installed it must be at ground level, shrouded, provided with automatic combustion air control, automatic shut-off gas valve and an automatic re-start system.
- b. If any landfill gas flare is installed, it must not result in igniting a fire at any other location at the premises and/or off the premises.

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**Closure plan**

38. The last licensee must prepare and submit to the EPA, within twelve months of the landfill ceasing to dispose of waste, a closure plan in accordance with Section 76 of the *Protection of the Environmental Operations Act 1997*.

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## Monitoring and Recording Conditions

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**Requirement to monitor concentration of pollutants discharged**

39. For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure and sample at the frequency, specified opposite in the other columns:

**Points 7, 8 and 9 (on current licence)**

Pollutant	Units of measure	Frequency	Sampling method
Particles-deposited matter	g/m <sup>2</sup> /month	Continuous	AM1 and AM-19

**Point 23(new point) (Landfill Gas)**

Pollutant	Units of measure	Frequency	Sampling method
Temperature	°C	Continuous	TM-2
Volumetric flow rate	m <sup>3</sup> /s	Continuous	CEM-6

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**Surface water monitoring network**

40. The EPA will require an expanded surface water-monitoring program to be implemented to monitor the environmental performance of the construction, operation and rehabilitation of the landfill on surface waters. The LEMP must document an expanded surface water-monitoring network which is designed to provide monitoring data that will indicate whether landfilling activities at the premises are impacting on surface waters.

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**Groundwater monitoring network**

41. The EPA will require an expanded groundwater-monitoring program to be implemented to monitor the environmental performance of the construction, operation and rehabilitation of the landfill on groundwaters. The LEMP must document an expanded groundwater-monitoring network which is designed to provide monitoring data that will indicate whether landfilling activities at the premises are impacting on groundwaters.

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## Attachment 1—Proposed Conditions of Development Consent

**Surface gas monitoring**

42. The EPA will require an expanded surface gas-monitoring program to be implemented based on benchmark technique 17 of the EPA's Environmental Guidelines: Solid Waste Landfills. The LEMP must document an expanded surface gas-monitoring network based on benchmark technique 17 of the EPA's Environmental Guidelines: Solid Waste Landfills.

**Weather monitoring**

43. A wind speed and direction, rainfall (daily) and evaporation (daily) monitoring program must be implemented and measured at the weather station at the premises. The monitoring program must be documented in the LEMP.

**Pollution Studies and Reduction Programs****Leachate report**

44. The applicant must provide the EPA with a report comparing the actual volumes of leachate generated to the volumes predicted in Appendix A of the document 'Blue Mountains City Council, Blaxland Waste Management Facility, Landfill Design Technical Report, GHD, September 2004' (Appendix A of Appendix F the EIS ('Appendix A')) and the LEMP.

The report must be provided to the EPA within eighteen months of the commencement of the disposal of waste in the landfill extension area. The report must provide data, based on twelve consecutive months of monitoring, of the actual volumes of leachate disposed of per month for that twelve-month period and a breakdown of the methods by which the leachate was disposed of for that twelve-month period. The report must also provide monthly rainfall and evaporation data for the same period (obtained from the on-site weather station) and compare the information with the predictions provided in Appendix A and the LEMP. The report then, based on the comparison, must, if possible, comment on the adequacy of the leachate management system to manage that leachate generated from the 10% AEP wet year and maintain the required freeboard and head.

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**Traffic noise  
management plan**

45. A Traffic Noise Management Plan shall be developed and implemented for both the construction and the operation of the landfill extension to ensure best practice noise management for vehicle movements associated with the facility. The Plan is to include, but not necessarily be limited to, measures such as:
- a. Appropriate signage limiting speed to the recommended speed limit, with appropriate traffic calming devices, if necessary, and signage limiting the use of compression braking in residential areas (particularly along Attunga Road);
  - b. Selection and maintenance of low noise vehicles; and
  - c. A system of audited management practices that assess the implementation and improvement of the Traffic Noise Management Plan.

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Attachment 2—Proposed Landfill Extension Plan

**FACILITATING COMMUNITY DEVELOPMENT**

Extraordinary Meeting, 28/6/05

**ITEM NO: 3****SUBJECT: COMMUNITY ASSISTANCE / DONATIONS -  
RECOMMENDATIONS BY COUNCILLORS****FILE NO: C00944****Recommendation:**

*That Council approve the following donations from the Councillors' Minor Local Projects Vote:*

<u>Organisation</u>	<u>Amount</u>
<i>Blue Mountains East Timor Sisters Project</i>	<i>\$500</i>
<i>Springwood Youth Centre</i>	<i>\$50</i>
<i>Springwood Scout Group</i>	<i>\$200</i>
<i>Braemar Gallery</i>	<i>\$200</i>
<i>Warrimoo Rural Fire Service</i>	<i>\$100</i>
<i>Winmalee Rural Fire Service</i>	<i>\$100</i>
<i>Valley Heights Rural Fire Service</i>	<i>\$100</i>
<i>Winmalee Neighbourhood Centre</i>	<i>\$100</i>
<i>Springwood Neighbourhood Centre</i>	<i>\$100</i>
<i>Lawson Swimming Club</i>	<i>\$150</i>
<i>Wentworth Falls Soccer Club</i>	<i>\$150</i>
<i>Hazelbrook Soccer Club</i>	<i>\$150</i>
<i>Mid Mountains Netball Club</i>	<i>\$150</i>
<i>Hazelbrook-Lawson Girl Guides</i>	<i>\$150</i>
<i>Mid Mountains Neighbourhood Centre</i>	<i>\$200</i>
<i>Wentworth Falls Rural Fire Service</i>	<i>\$150</i>
<i>Bullaburra Rural Fire Service</i>	<i>\$150</i>
<i>Lawson Rural Fire Service</i>	<i>\$150</i>
<i>Hazelbrook Rural Fire Service</i>	<i>\$150</i>
<i>Woodford Rural Fire Service</i>	<i>\$150</i>
<i>Blaxland Public School P&amp;C</i>	<i>\$100</i>
<i>Glenbrook &amp; District Historical Society Inc</i>	<i>\$100</i>
<i>Blaxland Neighbourhood Centre</i>	<i>\$150</i>
<i>Blue Mountains Creative Arts Centre</i>	<i>\$100</i>

**Report by General Manager:**

On 11 July 2000 Council adopted a revised Policy for Councillors' Minor Local Projects allocations for the provision of community assistance/donations. The following recommendations for donation, which appear to fall within the ambit of the Policy, have been received and are submitted for approval.

**FACILITATING COMMUNITY DEVELOPMENT****Item 3 - Extraordinary Meeting, 28/6/05**Minor Local Projects

<u>Recommending Councillor</u>	<u>Organisation</u>	<u>Purpose</u>	<u>Amount</u>
Cr P McInnes	Blue Mountains East Timor Sisters Project	Support visit to East Timor	\$500
Cr P McInnes	Springwood Youth Centre	Administration costs	\$50
Cr A McLaren	Springwood Scout Group	Purchase of equipment	\$200
Cr A McLaren	Braemar Gallery	To assist with exhibition costs	\$200
Cr A McLaren	Warrimoo Rural Fire Service	Purchase of equipment	\$100
Cr A McLaren	Winmalee Rural Fire Service	Purchase of equipment	\$100
Cr A McLaren	Valley Heights Rural Fire Service	Purchase of equipment	\$100
Cr A McLaren	Winmalee Neighbourhood Centre	Administration costs	\$100
Cr A McLaren	Springwood Neighbourhood Centre	Administration costs	\$100
Cr A Searle	Lawson Swimming Club	Trophies and administration	\$150
Cr A Searle	Wentworth Falls Soccer Club	Trophies and administration	\$150
Cr A Searle	Hazelbrook Soccer Club	Trophies and administration	\$150
Cr A Searle	Mid Mountains Netball Club	Trophies and administration	\$150
Cr A Searle	Hazelbrook-Lawson Girl Guides	Administration	\$150
Cr A Searle	Mid Mountains Neighbourhood Centre	Administration	\$200
Cr A Searle	Wentworth Falls Rural Fire Service	Administration	\$150
Cr A Searle	Bullaburra Rural Fire Service	Administration	\$150
Cr A Searle	Lawson Rural Fire Service	Administration	\$150
Cr A Searle	Hazelbrook Rural Fire Service	Administration	\$150
Cr A Searle	Woodford Rural Fire Service	Administration	\$150
Cr A Brown	Blaxland Public School P&C	Purchase of computers for school use	\$100

**FACILITATING COMMUNITY DEVELOPMENT****Item 3 - Extraordinary Meeting, 28/6/05**

<u>Recommending Councillor</u>	<u>Organisation</u>	<u>Purpose</u>	<u>Amount</u>
Cr A Brown	Glenbrook & District Historical Society Inc	Printing of newsletter	\$100
Cr A Brown	Blaxland Neighbourhood Centre	Administration/special projects	\$150
Cr A Brown	Blue Mountains Creative Arts Centre	Administration costs	\$100