

SUBMISSIONS**REASON FOR REFERRAL TO DAU**

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| 1. Exhibition: | Not required. | 1. Recommended for refusal. |
| 2. Notice Adj Owners: | Yes, fourteen (14) days. | 2. Submissions received. |
| 3. Number Advised: | Forty (40) adjoining properties and relevant interest groups. | |
| 4. Submissions Received: | (242)
230 objections
12 in favour. | |

HISTORY

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| 08/07/2009 | Subject development application lodged. |
| 24/07/2009 | Acoustic report submitted. |
| 04/08/2009 | Councillor Workshop held. |
| 11/08/2009 | Meeting with applicant to discuss submissions received and issues identified by Council staff. |
| 24/08/2009 | Letter sent to applicant summarising submissions received in response to notification of application. |
| 07/09/2009 | Conciliation Conference held. |
| 24/09/2009 | Letter sent to applicant summarising all issues relating to the development application and requesting withdrawal of application. |
| 6/11/2009 | Letter received from applicant partly responding to issues raised and requesting Council staff continue to participate in negotiation with a view to supporting the development application. |
| 19/11/2009 | Letter sent to applicant advising that, on balance, the site is not suitable for development proposed and requesting withdrawal of application within 14 days. |
| 24/11/2009 | Advice received from applicant that application would not be withdrawn and requesting determination of the application in its current form. |

OWNERSHIP AND MANAGEMENT OF THE SUBJECT LAND

The development is proposed over five (5) lots which comprise part of Bidjigal Reserve, part of Excelsior Reserve and Ted Horwood Reserve. Attachment Nos. 2 & 3 identify the subject lots.

- Lot 45 DP 748695 is owned by The Hills Shire Council.
- Lots 836 & 910 DP 752028 are owned by the NSW Crown Lands Office and are under the management, care and control of The Hills Shire Council.
- Lots 7062 & 7063 DP 1070983 are owned by the NSW Crown Lands Office and are under the management, care and control of the Bidjigal Reserve Trust Board.

THE PROPOSAL

The proposal is for the construction and operation of a high rope adventure course within part of Bidjigal Reserve, part of Excelsior Reserve and Ted Horwood Reserve, Baulkham Hills. The proposed high rope adventure course, administration cabin and picnic shelters are shown on Attachment Nos. 3 – 6.

In detail the application proposes:-

- Construction of a high rope adventure course, timber administration cabin and two picnic tables within Bidjigal Reserve, Ted Horwood Reserve and Excelsior Reserve.
- Use of existing Council amenities and car parking areas in the Ted Horwood Reserve and Excelsior Reserve.
- Hours of operation are daylight hours all year except Christmas Day and Good Friday.

The high wire adventure course is principally built of wood, rope and wire. Ropes, nets, zip wires (similar to flying foxes) and other crossings are attached to trees between 3m and 15m high up in the tree canopy.

The course is made up of a training zone and an adventure course comprising five activity zones which are linked together by 1.4m wide pathways. The paths generally link the administration cabin, training area and activity zones. The path edges being marked with branches and fallen trees and the path surface being a mix of natural ground/ crushed sandstone/ mulch.

Participants are each fitted with a climbing harness before being trained by instructors in how to use the course. After the training all participants then practice their techniques in the training zone under individual supervision.

Once the training zone has been satisfactorily completed the participants commence the adventure course. Each zone starts with the participants climbing a rope ladder to reach a wooden platform that is braced around a tree trunk several metres above the ground. From here the participants negotiate a series of activities consisting of various types of rope bridges as they pass from one tree to the next. At the last tree in the zone a zip wire or rope ladder brings the participant back to ground level where they walk to the next zone. Each zone typically fits into the area of a tennis court.

In addition to the adventure course it is proposed to construct a timber administration cabin. The cabin is used to welcome visitors to the site as well as for general administration purposes. The cabin includes a veranda which will be used to provide shelter from the weather and space for participants to wait for their start time.

The reception cabin provides a secure space to leave equipment overnight, while also providing a space for pre-prepared refreshments to be served and a computer that is used to track bookings and arrivals.

In general 40% of course users are expected to be families with children aged from 10 years. A further 40% are expected to be 18 – 45 yrs of age. The remaining 20% are expected to comprise persons 45 years +, corporate visitors and international tourists.

During peak season (school holiday weekends) it is expected that 14 participants would start the course every 30 minutes. Mid season (school holiday weekdays and school term weekends) 14 participants would start the course every 60 minutes. Low season (school term weekdays) when 14 participants would start the course every 2 hours.

The proposal also seeks to remove seventy seven (77) trees, clear 1730m² of understorey vegetation and provide a 15m long stormwater absorption trench on the western side of the administration cabin.

CONCILIATION CONFERENCE

A Conciliation Conference was held on 7 September 2009. Matters discussed included:

- Bushland Impacts
- Flora & Fauna
- Traffic & Parking
- Noise
- Benefits of Proposal

The following outcomes were achieved through the Conciliation Conference:

- The concerns raised by residents at the conference and in their individual submissions would be addressed in a report prepared by Council's Senior Town Planner.
- The report would be referred to Council's Development Assessment Unit for consideration. Three Councillors are required to have the report considered at a full Council Meeting.
- Notes of the meeting will be provided to all attendees who signed the Attendees Register.

ISSUES FOR CONSIDERATION

1. Issues Raised in Submissions

The application was notified for a period of fourteen (14) days to adjoining landowners and relevant interest groups. 230 submissions were received objecting to the development. The table below addresses the objections received:

ISSUE/OBJECTION	COMMENT	OUTCOME
Bushland Impacts		
The "Tree Report" proposes to remove many trees because they spatially conflict with the proposed aerial course i.e. they are between two aerial crossing trees. The nature of the aerial activities (other than zip wires) are not detailed in the application. Depending on the nature of the activity the proposed tree removal may not be necessary.	Further information is required in this regard.	This issue warrants refusal of the application.
No assessment/ details of the departure tree and ladder trees for the zip wire over Darling Mills Creek have been provided (other than tree 98).	Further information is required in this regard.	This issue warrants refusal of the application.
The zip wire over Darling Mills Creek will necessitate the removal/pruning of many trees. The "Tree Report" has not considered this issue.	Further information is required in this regard.	This issue warrants refusal of the application.
Does bushfire buffer zone include the 1730m ² of clearing?	No. The Bushfire Hazard Assessment Report requires a 10m Asset Protection Zone around the administration cabin. This clearing has not been considered elsewhere in the development application.	This issue warrants refusal of the application.
The proposed tree removal is excessive and unnecessary. The proposal is for the use of 42 trees, yet removing 77 (of which 44 are healthy and 10 more are not too bad) not including vegetation not classified as trees such as sapling and undergrowth. Go Ape insist their proposal is reversible but what about the 77 trees?	The application does not clearly or adequately demonstrate the extent of or need for tree (and vegetation) removal and pruning.	This issue warrants refusal of the application.
Is the ACQ (Ammoniacal Copper Quaternary) treatment for the platforms supported by the applicant's arborist? Written evidence should be	The application is unclear as to whether the applicant's arborist supports ACQ treatment.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
provided. ACQ treatment is not permitted in National Parks, it should not be here either.		
Drilling through trees - In the proposal it is stated that "no through bolting" is used. What about nailing or screwing things to trees?	The method of attachment of the ropes course to trees and rock faces has not been sufficiently detailed. Further information is required in this regard.	Issue addressed.
Some of the trees proposed to be removed are home to the Ring Tail Possum which is the Totem of the Darug Clan.	The application does not clearly or adequately demonstrate the extent of or need for tree removal. As such the concern relating to loss of habitat for the Ring Tail Possum cannot be assessed.	Issue addressed.
The location of the pathways has not been identified. The impacts arising from location and construction of the paths cannot be assessed.	The submitted drawings are internally inconsistent showing the pathways in different locations. An assessment of the impacts arising from the paths cannot be undertaken.	This issue warrants refusal of the application.
The extent and details of the wooden stockades to protect ladders, extent of clearing for zip wire landings, extent of clearing for the Reception Cabin, reception area, two small shelters and training zone (fencing required?) have not been sufficiently detailed.	The plans submitted do not indicate the full extent of the development or accurately depict its location. A complete assessment is unable to be undertaken.	This issue warrants refusal of the application.
Walking tracks - the proposal mentions tracks from the end of one area to the next one. At the Treetop Adventure Park in Ourimbah there are almost as many people walking under the course than on the course. People will follow their family or friends or just strangers to watch. It is very popular and it is very hard to keep them on the tracks. The application does not demonstrate how spectators would be restricted from moving around the course.	The issue of spectator control has not been adequately addressed in the application. The proposal indicates that spectators will not be allowed past the training area and does not provide pathways for spectators to follow the participants around the course. It is highly likely that spectators will follow/ view participants on both the eastern and western side of Darling Mills Creek causing significant impact upon the bushland.	This issue warrants refusal of the application.

Natural paths in bushland are not 1.4m wide. The proposed paths will be a blight on the Reserve. There is no guarantee that people will stay on paths. Go Ape's fact sheet on their website states "spectators are more than welcome to watch friends and family trek, swing, crawl and zip from tree to tree".	Sufficient details of the pathways including their location and justification for the width have not been provided.	This issue warrants refusal of the application.
The rehabilitation works proposed will not mitigate the damage of the bushland proposed. The proposal is contrary to the Council's current effort in bush regeneration.	Full details of the proposed regeneration or rehabilitation offsets have not been provided.	This issue warrants refusal of the application.
Rope ladders, ribbons, sacrificial battens, fences and other visual eyesores are not in keeping with the natural beauty of the Reserve.	The area concerned provides significant visual amenity for recreational users of the reserves and nearby residents. The proposed modification of vegetation is likely to reduce the aesthetic value of the reserves on both sides of the valley, and surrounding areas.	This issue warrants refusal of the application.
The proposal will impact upon the environmental stability of the area due to increased rubbish left by users and damage to bushland.	The Flora and Fauna Assessment does not adequately consider ancillary damage such as trampling, rubbish, weed vector transfer.	This issue warrants refusal of the application.
The area is steep and rocky with very shallow soil. The significant foot traffic proposed in conjunction with the clearing of undergrowth, would greatly increase erosion risk. Paths that have had tripping hazards removed will not remain even as topsoil is washed away. Once the topsoil is gone the bush cannot recover "within a very short time".	The proposal is likely to result in significant localised trampling and erosion of the soil surface in an otherwise disturbed area.	This issue warrants refusal of the application.
Flora and Fauna Impacts		
The effects on the removal of hollows for prey of the Powerful Owl have not been assessed and the impact upon the foraging resources	The application does not adequately address all flora and fauna issues relevant to the proposal. See Flora and Fauna Comments in the latter	This issue warrants refusal of the application.

of the Grey-headed Flying Fox has not been dealt with.	part of this report.	
The noise from up to 30,000 participants per annum will affect sleeping nocturnal animals and birds and drive them away.	See comment above.	This issue warrants refusal of the application.
At the base of one of the zip wire access points, there is a small colony of <i>Epacris purpurascens</i> var. <i>purpurascens</i> – a threatened species. There are also Green Hood Orchids and <i>Boronia rubii</i> . The Flora and Fauna report misses these.	See comment above.	This issue warrants refusal of the application.
The Flora and Fauna report is incomplete. It misses 43 extra bird species frequenting the area within 1km of the site.	See comment above.	This issue warrants refusal of the application.
The proposed removal of remnant native vegetation should not allowed. Areas of natural bush are rare in the city and should be preserved at all costs.	See comment above.	This issue warrants refusal of the application.
Traffic and Parking		
The increase in vehicles attending the Renown Road car park will be a safety concern along Renown Road, which is a dangerous stretch of road.	Council's Traffic Engineers have not identified any issues of traffic danger. (See Traffic Comments later in the report).	This issued has been assessed.
The Park Road and Renown Road car parks as well as the surrounding streets already struggle to accommodate vehicles during weekend sports.	The proposal does not satisfactorily consider parking associated with the application. See Sections 3 and 4 below and Traffic Comments.	This issue warrants refusal of the application.
The Parking Study was done during a period when junior soccer was not in full swing, It is considered that the survey has limited value, many sports games were cancelled on the day the survey was undertaken as it had been raining the preceding 3 days.	See comment above.	This issue warrants refusal of the application.

<p>The Statement of Environmental Effects states that between 10,000 and 30,000 people are expected to attend each year. That is 200 – 600 per week, largely on the weekend. The Traffic and Parking report is inconsistent with this.</p>	<p>See comment above.</p>	<p>This issue warrants refusal of the application.</p>
<p>Council's mulching service at Bidjiwong Nursery has recently been extended to two Saturdays per month. This is already causing traffic chaos. Why wasn't the parking survey carried out on mulching Saturdays.</p>	<p>See comment above.</p>	<p>This issue warrants refusal of the application.</p>
<p>With 22 parks in England, Go Ape must know better about parking usage. 3.9 people per car seems very unrealistic. The Treetop Adventure Park in Ourimbah has 10,000 visitors a year and originally built 40 car spaces. Recently 25 more were added to the car park as 40 was not sufficient. All 65 are used during weekends and school holidays. Parking provision at this rate in an urban location like Baulkham Hills would be likely to be far higher than on our remote site. People in the city are more likely to drive separately to the site, they car pool to our site due to it's remoteness.</p>	<p>See comment above.</p>	<p>This issue warrants refusal of the application.</p>
<p>The parking and traffic assessment in Appendix D depends entirely on the fact that the average vehicle occupancy rate in the UK is 3.9 people per vehicle (page 5). Is there any evidence at all that this bears any relationship to vehicle occupancy rates in Australia? It seems very high.</p>	<p>See comment above.</p>	<p>This issue warrants refusal of the application.</p>

The calculations are also based only on the expected number of paying participants, and take no account at all of non-paying spectators.	See comment above.	This issue warrants refusal of the application.
Noise		
<p>The Noise Assessment Report is unsatisfactory because:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> The noise logger was placed in the wrong location. <input type="checkbox"/> It does not accurately depict the location of the adventure course. <input type="checkbox"/> It does not consider noise impacts upon residents in Larra Crescent or Bidjigal Reserve which is a noise-sensitive location. <input type="checkbox"/> Noise from the zip wires has not been considered. <input type="checkbox"/> It has not considered all relevant sections of the Industrial Noise Policy (INP). 	Council's Health and Environmental Protection Section has reviewed the proposal finding that the Noise Assessment Report has not addressed all the relevant requirements of the NSW Industrial Noise Policy. (See Health and Environmental Protection Comments within the body of the report). Furthermore, the acoustic report shows the adventure course in a different location to the architectural drawings.	This issue warrants refusal of the application.
There is no indication whether there were adverse weather conditions during the monitoring period, nor whether such periods (if they occurred) were monitored and excluded from the data, as required by the INP.	See comment above.	Issue addressed.
There is no indication that the continuous sampling to assess the ambient noise was "accompanied by periods of operator attended monitoring", as specified in Table 3.1 of the INP. Almost none of the reporting requirements specified in Appendix B of the INP were adhered to.	See comment above.	Issue addressed.

There is no description of land uses in surrounding areas; no description of the hordes walking past the monitoring equipment on their way to play football.	See comment above.	Issue addressed.
There is no brief description of where the equipment was positioned. There is a dot on a Google Earth image, which seems to indicate the equipment was amongst trees. However, Section 3.4 of the INP states that "Wind blowing through leaves can raise the environmental noise levels, even at speeds less than 5 m/s. To avoid this effect, care should be taken selecting monitoring locations that are as far away as possible from vegetation while still being representative of the subject site."	See comment above.	Issue addressed.
By superimposing the course location (green lines) from the applicant's <i>Statement of Environmental Effects</i> , it is clear that the Acoustic Report greatly minimises the area affected by the proposed development.	See comments above.	This issue warrants refusal of the application.
As the eastern most extent of the course has been ignored entirely, the houses on the eastern side of valley – some of which are only 100 m from the landing one of the longest zip wire – have also been ignored. These houses are far closer to the course itself than the purported "nearest affected neighbouring residences" to the northwest of the course.	See comment above.	Issue addressed.
People using aerial activities such as zip wires will yell and scream. This will impact upon the	See comment above.	Issue addressed.

amenity of residents in Larra Crescent and users of the Reserve particularly those immediately below walking along Darling Mills Creek. Youtube videos shows the zip wires themselves to be noisy let alone the people yelling on the zip wires as well.		
Go Ape even actively encourage noisy users: "Or maybe you just want to make like Tarzan and swing through the trees shouting, 'arrrrhaarrhaarrhrrhhh!' We're fine with that too." (www.goape.co.uk).	See comment above.	Issue addressed.
General		
The "Survey plan" by Mepsted, "Blueprint" by Altus and "proposed reception cabin" by A. Dyer show the log cabin and picnic shelters in different locations.	The drawings and reports forming the application are internally inconsistent. The development for which consent is being sought is unclear.	This issue warrants refusal of the application.
An emergency management plan should be required which includes consideration:- a) of egress from the rope course in the event of a bushfire and b) proposed emergency or maintenance access roads	An emergency management plan is required and has not been provided.	This issue warrants refusal of the application.
The Bushfire Report at page 13 says that "Avenues of Access and Egress to the site are considered satisfactory". This may be true if "the site" consists only of the reception cabin and closely surrounding areas. Where is the satisfactory egress for someone down the bottom of the course, connected to a zip wire, and watching a bushfire driven by a strong wind bearing down on him.	Egress from the highwire ropes adventure course in the event of an emergency has not been sufficiently addressed.	This issue warrants refusal of the application.

<p>There are too many signs proposed along Park Road and Renown Road. The signs display apes which hardly seems appropriate in the Australian context.</p>	<p>The signage along Park and Renown Roads is generally considered unsatisfactory. See Section 6 below.</p>	<p>This issue warrants refusal of the application.</p>
<p>There does not appear to be any satisfactory financial arrangements set out for the removal of the course and buildings should the project fail.</p>	<p>No details provided regarding this matter. However, if the development were approved this concern could potentially be addressed by a bond or similar arrangement.</p>	<p>Issue addressed.</p>
<p>The UK course in Thetford has been operating for 8 years. Over this time 70% of the course has changed/ been re-routed. Will the proposed course be similarly changed? Does the applicant know that each change will require approval from The Hills Shire Council? Each time the course is changed more track construction will be required and more damage to bushland will occur.</p>	<p>If the application were granted consent, and changes subsequently proposed to the course, then either a new development application or an application to modify the consent would be required.</p>	<p>Issue addressed.</p>
<p>The Bidjigal Reserve Deed of Agreement was created to settle an outstanding Native Title Claim. Under the agreement the Bidjigal Reserve Trust Board was established with an aim to: <i>"Provide for a consistent future shared management with the Darug people and conservation of the overall bushland area of Excelsior Park and Darling Mills State Forest in perpetuity for the mutual benefit of the citizens of NSW, the local community and the descendants of the Darug people to facilitate the preservation and promotion of Darug culture and heritage."</i> The destruction of a section of Bidjigal Reserve does not meet this agreement.</p>	<p>The application is recommended for refusal.</p>	<p>Issue addressed.</p>

What toilets will Go Ape be using?	The application seeks to utilise existing amenities within Ted Horwood Reserve, however it does not identify which amenities building will be used.	Issue addressed.
The development will be detrimental to the character of the Reserve.	Insufficient information has been provided to determine whether the proposal will impact upon the visual and acoustic amenity of the reserve.	This issue warrants refusal of the application.
Fire is an ever present danger. Cigarette butts are a principle source of bush fires. Will the Go Ape visitors be allowed to smoke?	If the application were recommended for approval an appropriate no smoking restriction would be placed on all staff, participants and visitors.	Issue addressed.
Are 30,000 people really expected to go through the course each year? Does this include non paying spectators?	The Statement of Environmental Effects states that up to 30,000 people are expected each year. It is unclear if this figure includes spectators.	Issue addressed.
Impact on aboriginal heritage. Local Aboriginal groups should be consulted. There are Aboriginal cultural sites in the area.	Insufficient information has been submitted to allow an assessment of possible impacts upon Aboriginal Heritage. A draft Preliminary Aboriginal Heritage Assessment has been prepared by ARC Heritage Pty Ltd however no final document has been submitted for consideration.	This issue warrants refusal of the application.

Twelve (12) submissions were received supporting the development. The benefits identified included:-

- It will increase environmental awareness.
- It promotes outdoor activities and the scenic qualities of area.
- There will also be an economic benefit to the local government area via increased tourism.

2. Compliance with Baulkham Hills Local Environment Plan 2005 (BHLEP 2005)

(i) Permissibility of Use

The proposed use is defined within the BHLEP 2005 as a recreation facility, being:

"a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain but, in the Table to clause 13, does not include a building or place elsewhere specifically defined in this clause."

The subject site is zoned Open Space 6(a) (Existing and Proposed Public Recreation) pursuant to clause 13 of the BHLEP 2005 and a recreation facility is permissible in the zone with consent.

(ii) Clause 13 Zone Objectives and Zoning Controls

Clause 13(2) provides:-

"Except where otherwise provided by this plan, consent must not be granted for development unless the consent authority is satisfied that the proposed development:

- (a) is consistent with one or more aims of this plan and any relevant objectives for development, and*
- (b) is not contrary to achieving the objectives of the zone within which it will be carried out."*

Regarding clause 13 2(a), clause 2(2) of the BHELP provides the following relevant objectives for development:-

"The objectives for development of this plan are:

- (a) with respect to the natural and built environment of the Baulkham Hills local government area, that development should:*
 - (ii) protect and enhance the area's biodiversity,*
 - (iii) ensure that environmentally sensitive areas are suitably protected,*
 - (vi) rehabilitate the natural environment where damaged by previous activities, and*
 - (xiv) positively contribute to the retention and maintenance of items of indigenous and non-indigenous heritage, and*
- (b) with respect to the community of that area, that development should:*
 - (iii) provide opportunities for tourism and recreational development in appropriate locations, and*
- (c) with respect to use of resources within that area, development should:*
 - (i) protect localities from inappropriate development and ensure that local amenity is maintained and enhanced."*

Regarding clause 13 2(b), objective (d) of the Open Space 6(a) (Existing and Proposed Public Recreation) zone provides:-

- "(d) to protect, preserve and enhance areas of urban bushland and fauna habitat corridors that are considered valuable in terms of their natural heritage significance and recreational, educational, aesthetic and scientific value, and*
- (e) to provide opportunities for formal and informal recreation and tourist facilities development on publicly owned land for use by the community".*

Comment:

The area chosen for the proposed development is one providing significant educational, aesthetic and scientific values for the local area. These values are likely to be significantly compromised by the proposal.

The reserves in which the proposal is situated provide for a range of formal and informal educational activities, and are incorporated in Council's environmental guided walks program. The proposal would not only reduce the area of intact bushland in the reserve, but would also result in significantly greater noise pollution of the area, subsequently reducing educational potential.

The area concerned provides significant visual amenity for recreational users of the reserves and nearby residents. The proposed modification of vegetation is likely to reduce the aesthetic value of the reserves on both sides of the valley, and surrounding areas.

The area is considered to hold high scientific value, and continues to be used for a range of research studies. While insufficient survey has been undertaken to determine the full range of species present, the area is within the home range of locally breeding Powerful Owls, an Endangered species rarely recorded breeding in the Sydney Metropolitan Area. The vegetation communities present (on a geological interface between shale and sandstone communities), and are likewise rare in the Sydney Metropolitan area, were surveyed by the Department of Environment & Climate Change as part of their regional vegetation mapping scheme, due to the rarity of this formation in the region. This proposal will significantly threaten continued use of the area for scientific research through fragmentation and reduction of an unusually large, intact area of unique geology and biodiversity.

(iii) Clause 25 Protection of riparian land near creeks

Clause 25(1) provides:-

"Consent must not be granted to the carrying out of development within 200 metres of a creek, unless the consent authority is satisfied that the development will not have a detrimental impact on natural ecosystems, flora and fauna, water quality, natural drainage channels, visual amenity, flooding, soil erosion or topographical features."

Comment:

Insufficient information has been provided to enable a complete assessment of the possible impacts on natural ecosystems, flora and fauna, water quality, natural drainage channels, visual amenity or topographical features.

(iv) Clause 27 Tree and bushland management

Clauses 27(1) – (4) provides:-

- "(1) The aim of this provision is to maintain and enhance the visual amenity of the local government area of Baulkham Hills through the effective control and management of actions likely to affect the health of trees and bushland.*
- (2) This clause applies to any tree (including a habitat tree) or bushland, except as otherwise provided by this clause.*
- (3) Except in accordance with a development consent or permit granted by the Council, a person must not ring-bark, cut down, top, lop, remove, injure or wilfully destroy any tree or bushland.*
- (4) Except in accordance with a development consent, the carrying out of any filling or excavating (excluding top dressing, gardening, paving on a sand base and the like) within the area vertically beneath the foliage of a tree or bushland is prohibited."*

Comment:

The extent of tree and bushland disturbance and earthworks has not been clearly demonstrated nor the extent justified. The impact upon the visual amenity of the local government area cannot be determined.

(v) Clause 45 Adequacy of services to be considered

Clause 45(a) provides:-

"(a) *Consent must not be granted for the erection of a building, the carrying out of a work or a change of building use unless the consent authority is satisfied that adequate arrangements have been made for any provision or augmentation of the following that will be needed because of the carrying out of the proposed development:*

- (a) *a water supply, and sewerage or drainage services,*
- (b) *an electricity supply or telephone service"*

Comment:

It has not been demonstrated that that adequate arrangements have been made for any provision or augmentation of existing sewerage, electricity and telephone services that will be needed for the carrying out of the proposed development.

3. Compliance with Baulkham Hills Development Control Plan Part C Section 10 Open Space

Objective (i) of *Part 3.9 Car Parking* aims "to ensure that all car parking demands generated by a specific use of open space are accommodated on site". The existing car parking areas operate at maximum capacity during Saturday sport for the majority of the year. See section 4 - *Compliance with Baulkham Hills Development Control Plan Part D Section 1 Parking* below.

The application has not had sufficient regard to the objectives and development controls contained in *Part 3.10 Disabled and Aged Person Access* with particular reference to the reception cabin and access to and from amenities within Ted Horwood Reserve.

4. Compliance with Baulkham Hills Development Control Plan Part D Section 1 Parking

Part 2.1.1 General, Development Control (a) provides that the "number of required parking spaces and associated conditions must be provided in accordance with Table 1."

Table 1 provides that a parking study is required for Recreational Facilities.

A Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 6 July 2009 accompanied the application.

The proposal is unsatisfactory in terms of parking provision for the following reasons:

- The *survey of parking accumulations* contained within Traffic and Parking Assessment Report does not accurately depict the existing car parking demand within the Park and Renown Road car parks during the proposed hours and days of operation, particularly during Saturday sports.

- The Traffic and Parking Assessment Report counts *informal* car parking spaces which cannot be relied upon.
- Evidence has not been submitted demonstrating a correlation between the average vehicle occupancy rate of 3.9 people per car in the United Kingdom and that which can be expected for the subject application.
- Insufficient car parking is available in the Park and Renown Road car parks to meet the demand generated.

5. Compliance with Baulkham Hills Development Control Plan Part D Section 2 Signage

The application proposes signage along the Renown Road and Park Road frontages of Ted Horwood Reserve as well as within the subject site, see Attachment Nos. 7 – 10.

The proposed signage has been assessed against the Baulkham Hills Development Control Plan Part D Section 2 Signage and the following comments are made.

- Sign 1: Acceptable.
- Sign 2: Unacceptable. The sign is visually distracting due to its size, location and colour. It also interferes with driver interpretation of road safety signage. Furthermore the sign dwarfs Council's existing entry sign.
- Sign 3: Unacceptable. The sign encourages a dangerous right hand turn manoeuvre, it is visually obtrusive and the precise location is unclear.
- Sign 4: Acceptable, provided the location clearly demonstrated.
- Signs 5 & 6: Acceptable, provided maximum height and width is 900mm x 600mm above natural ground level. The sign is to be similar design to Council's existing entry sign at the Renown Road entry, i.e. green metal frame with a curved top. The location is required to be clearly demonstrated.
- Signs 7 – 11: Acceptable.

FLORA AND FAUNA COMMENTS

- (i) Baulkham Hills Shire Council Generic Plan of Management for Natural Areas (2008)

Council's Generic Plan of Management relates to all natural areas on community land within the Shire. The site constitutes a *Natural Area* as defined under the plan and under the NSW Local Government Act 1993.

The Generic Plan of Management outlines a single 'Function Objective' for the management of Natural Areas:-

"The primary function of Natural Areas will be to conserve biodiversity and cultural heritage, with provision for recreation, education and research activities where these do not substantially compromise the primary values"

The proposal substantially compromises the primary function of the Natural Area to provide biodiversity conservation. It provides for substantial clearing and modification of

a significantly sized area which is recognised by the Sydney Metropolitan Catchment Management Authority as a high fauna habitat value area, is known to provide habitat for a range of Threatened and rare species, and is likely to provide habitat for a range of others.

These matters are dealt with in further detail under SEPP 19 considerations below.

(ii) State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 19 – Bushland in Urban Areas is a relevant policy for consideration.

Clause 6(4) provides that a consent authority *shall not* consent to the carrying out of development unless:

- (a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,*
- (b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland"*

Comment Regarding (a):

The proposal is inconsistent with Clause 2(2) (a), (c), (d), (f), and (g):

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area*

A significant area of remnant vegetation will be highly modified by the proposal. While the area to be modified has not been suitably quantified, nor the vegetation communities suitably confirmed, it is likely that a substantial area of shale-sandstone transition vegetation would be affected. This is a rare vegetation formation in the Sydney urban area.

- (c) to protect rare and endangered flora and fauna species*

While no assessment has been made of Rare-or-threatened-Australian-Plants (ROTAPs; Briggs & Leigh 2007), it is likely that the proposal will impact on nationally rare flora, in addition to locally rare species. Likewise, no assessment of rare local fauna has been undertaken. However, it is known that the area is the only or one of few sites in the Sydney Metropolitan region where the White-bellied Cuckoo-shrike is regularly seen. There are further reports of wombat, a regionally significant species, in the local area. The proposal is not in accordance with best management practices for the protection of these species.

Endangered species known to breed in the area include the Powerful Owl, which has not been suitably assessed. The proposal is likely to result in significant auditory disturbance in neighbouring gullies and reduce densities of prey (predominantly native gliders) in the immediate area.

- (d) to protect habitats for native flora and fauna*

The area concerned is assessed as Grade 3 – High Value habitat within Site 34 of the NSW Department of Environment and Climate Change and Sydney Metro CMA publication Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area (June 2008). The value of the area as fauna habitat has not been suitably addressed in this application.

(f) to protect bushland as a natural stabiliser of the soil surface

The proposal is likely to result in significant localised trampling and erosion of the soil surface in an otherwise undisturbed area.

(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape

The proposal will significantly reduce the existing scenic values by replacing the bushland views to the gorge with a modified landscape.

Comment Regarding (b)

The provision of a private enterprise high ropes adventure course on public open space is not considered essential for a purpose in the public interest. The proposed course is a private business which is limited to a small range of recreational opportunities; and a small sector of the community (age, fitness, and socio-economically limited).

In contrast, the existing land use (passive recreation) provides a wide range of opportunities, including passive recreation, educational opportunities, and scenic value. These are presently enjoyed by a wide sector of the community and not limited by age, fitness or socio-economic status.

Further, the proposed location on public open space is not considered essential to the provision of this service. Over 94% of bushland in the Shire is in private ownership. Similar active recreational opportunities are provided on private bushland in the local area (e.g. paintball centres). The proposal could readily be accommodated in a large private vegetated lot in the region, thus providing recreational opportunities without compromising the extremely limited local areas of bushland in public open space.

(iii) Environmental Protection and Biodiversity Conservation Act 1999 & Threatened Species Conservation Act 1995

In addition to the above issues, the application is potentially not in accordance with the provisions of the Federal Environmental Protection and Biodiversity Conservation Act 1999 and Threatened Species Conservation Act 1995. Resolution of this issue would require further information in a revised Flora & Fauna Assessment, particularly:

- a) Sufficient evidence regarding the claim that Habitat Unit A comprises Sydney Hinterland Transition Woodland rather than the Endangered Ecological Community Shale Sandstone Transition Forest. While this assessment may be correct, quadrat sampling as per the SCIVII mapping of Tozer et al. (2006) is required to support the classification of the standing assessment.
- b) Suitable consideration of the removal of tree hollows and foraging resources for the Powerful Owl and Grey-headed Flying Fox.
- c) Full details of proposed regeneration or rehabilitation offsets, at a suitable ratio for public land i.e. 20:1.
- d) Assessment of the likely impacts of operational noise on Threatened fauna.

e) Quantified estimates and assessment of:

- likely understorey vegetation damage or removal,
- downstream impacts and erosion from use of the proposed facilities and
- ancillary damage (eg trampling, rubbish, weed vector transfer).

(iv) Additional Information

On 6 November 2009 additional information was provided by Glendinning Minto & Associates. The information included Appendix 2 by Footprint Green dated 2nd November 2009.

The information provided does not substantially address the issues raised above.

In this regard the following comments are made:-

a) *Powerful Owl*:-

Page 7 of Appendix 2 details that '*the site is not considered to be owl roosting or breeding habitat*'. Powerful owl are known to raise young in the reserve complex, although breeding sites and site fidelity are unknown. I clarify that the principal (but not exclusive) concern with regard to this species is the effect that daytime noise from the proposed development would disturb roosting or, more seriously, nesting Powerful Owl in the local area. The area in which such effects could be expected to occur is determinant on the details of acoustics, which I understand are not resolved, but is likely to extend well beyond the course area.

In considering the level of noise which may influence this species, it should be noted that Sooty and Boobook owls regularly respond to human imitation of calls (<70dB) from distances of over a kilometre (pers. obs.), and it is likely that Powerful Owls are similarly sensitive. Council does not have information regarding the roosting or breeding sites of this species in the local area, or on any research of owl tolerance to recreational noise.

Appendix 1 of Glendinning Minto & Associates' correspondence provides some details of the precautionary principle which are relevant in relation to this matter. Principally, this details that '*The burden of showing that [a] threat does not in fact exist or is negligible effectively reverts to the proponent of the development*' and that '*the more significant and the more uncertain the threat, the greater the degree of precaution required*'.

Council staff are aware the Powerful Owl regularly and successfully breed in the reserve complex, and are not aware of any other suburban breeding sites in the Shire. With no information provided on the distribution of breeding sites, the potential that sites are located very close to the proposed activity cannot be ignored. Likewise, no information has been provided to suggest that Powerful Owls have successfully bred in proximity to comparable recreational noise; on the contrary, locations of breeding sites elsewhere in the Shire suggest that this species strongly avoids noise. Whatever the perceived likelihood, the potential result (that breeding is disrupted in an isolated population) is considered significant enough to require a thorough investigation into this matter.

b) *Endangered Ecological Communities (EECs)*:-

As discussed previously, the application has not adequately demonstrated whether the vegetation on the site constitutes the Endangered Ecological Community Shale Sandstone Transition Forest, another EEC, or a non-Threatened Ecological Community. Appendix 2 details previous mapping schemes and the classification of the site under these: however, there is considerable variation in the conclusions of these mapping schemes, and none have actually sampled vegetation within the subject site.

c) *Grey-headed Flying Fox*

In relation to the Threatened species *Grey-headed Flying Fox*, no adequate assessment under the TSC Act 1995 has been carried out.

d) *ROTAP plants*

An assessment of the presence and/or impact of the proposal on ROTAP plants remains has not been carried out.

The submitted comments in relation to land zoning do not significantly address the concerns provided. The 6(a) Open Space – Existing and Proposed Public Recreation zoning explicitly provides for assessment of the *comparative merit* of formal and informal recreation (e) and urban bushland and fauna habitat (d), both potential land uses depending on site constraints and opportunities. The need to assess the value of a site for either of these potentially conflicting purposes is explicitly noted in objective (d), which considers bushland preservation for areas *'that are considered valuable in terms of their natural heritage significance and recreational, educational, aesthetic and scientific value'*.

This wording of the zoning objectives makes it clear that formal recreation can be pursued on 6(a) land except in cases where the land has educational, aesthetic and scientific values that would be reduced by such activities. The provision of a range of potential land use objectives does not imply that all objectives are appropriate on all properties or all portions thereof. This is particularly the case given the provision of explicit guidance (as in objective (e)) as to when zone objectives are to operate.

The fact that the Sydney Metropolitan Catchment Management Authority (SMCMA) identified the entire Bidjigal/Excelsior Reserve as high value fauna habitat on a Sydney-wide scale enhances, rather than detracts, from the consideration that the subject portion is itself of high value for fauna conservation. Likewise, the fact that the SMCMA noted weed encroachment and similar issues in the complex does not detract from the fact that the complex was nonetheless considered holistically as of high regional value. Further, the area where the high rope adventure course is proposed is largely weed free and in good condition.

BUILDING COMMENTS

Details have not been provided showing how access for the disabled has been considered for entry into the proposed cabin, or what facilities are provided for disabled persons. No paths or ramps shown on the plan to allow access to the proposed structures.

ENGINEERING COMMENTS

No objection is raised to the proposal.

TRAFFIC COMMENTS

(a) **Existing Traffic Environment**

This application proposes to establish a high rope adventure course in Ted Horwood Reserve, Bidjigal Reserve and Excelsior Reserve with access proposed to the existing carparking facilities off both Renown Road and Park Road, Baulkham Hills. A traffic impact statement prepared by Varga Traffic Planning accompanies the application.

It would appear that the existing access to the northern carpark off Park Road is intended as the primary access to accommodate staff and patrons with an additional access to the southern carpark off Renown Road also intended to be utilised.

There are no Environmental capacity calculations for Park Road contained within the Residential Development and Traffic Study undertaken by TAR Technologies in 2005 however Park Road would be classified as a Minor Collector Road within Council's Road Hierarchy. Using Cross Street east as an indicator the existing traffic volumes on Cross Street currently exceeds the Environmental Capacity (EC) by a substantial margin with existing flows typically around 780 peak hour movements and the EC only around 308 v/hr. This would be a similar expectation for Park Road.

Similarly Renown Road is a sub arterial regional route which is also not referred to in the EC Traffic Study. Renown Road typically sustains around 1200 peak hour vehicle movements on a Saturday. However, given the limited number residential properties having a frontage to the road any increases in vehicle movements would not be deemed as critical.

(b) Proposed Development - Traffic Generation

The Roads and Traffic Authority Guide to Traffic Generating Developments does not provide typical traffic generation rates for adventure facilities. The traffic consultants report however makes reference to projected patronage levels including staff movements of around 16 vehicle trips per hour mainly on weekends and school holidays.

(i) Cumulative Impact in Locality – Park Road

Traffic Movements	Environmental Capacity	Existing	Proposed Increase	% Increase
Park Road				
Vehicle Movements Peak Hour	308	780	16	2.1%
Vehicles Per Day	3080	7800	160	2.1%

The above table contains traffic counts for Park Road and shows that the cumulative impact of the proposed development in Park Road will result in traffic increase of up to 2.1% in this street. As can be seen from the figures above, the net increase in traffic expected to be generated by the proposed new development is relatively insignificant in terms overall numbers. This additional traffic generation is considered relatively minor and when taken into context of the off peak nature of the proposal should not have a substantial negative impact on the operational performance of the surrounding road network or nearby intersections.

(ii) Need for Traffic Improvements in the Locality

None.

(iii) Traffic egress/ingress to arterial/sub-arterial roads

Park Road is located to the east of the State Arterial of Windsor Road within the suburb of Baulkham Hills. Access to Windsor Rd is via Cook Street and controlled by traffic signals.

(iv) Sight distance and other safety issues

Sight distance when entering or exiting the property exceeds the minimum safe intersection sight distance standards required under the Austroads Standards for vehicles travelling at 50km/h.

RECREATIONAL FACILITIES (PARKS) COMMENTS

As part of the Bidjigal Reserve Trust agreement, The Hills Shire Council is required to investigate and alter the boundaries between Bidjigal Reserve, Ted Horwood Reserve, Eric Mobbs Reserve and Excelsior Reserve.

The proposed cabin and parts of the course including paths and aerial activities are sited within the current boundaries of Ted Horwood Reserve. These structures should be located outside of Ted Horwood Reserve (i.e. Lot 836 DP 752028). This would (following the future boundary adjustments) place the structures under the management, care and control of the Bidjigal Trust Board.

RURAL FIRE SERVICE COMMENTS

No objection is raised to the proposal subject to the development being carried out in accordance with the recommendations listed in the Bushfire Hazard Assessment Report prepared by Building Code & Hazard Solutions Pty Ltd dated 22nd June 2009.

ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS

The application is considered unsatisfactory for the following reasons:-

Amenities/toilet facilities

It has not been demonstrated whether existing toilet facilities and pump-to-sewer system within Ted Horwood Reserve have the capacity to service the existing community and public groups, as well as the development proposed.

Refreshment facilities

The Statement of Environmental Effects Report states that a space within the administration cabin will be allocated for the serving of refreshments. Details have not been provided as to how the refreshments will be served, whether that be counter service with a food preparation area or vending machine/s.

A kitchen or canteen like structure for the serving of refreshments would be required to comply with Australian Standard 4674:2004 Design, construction and fit-out of food premises.

Ambient noise monitoring

The location of the noise logger used to calculate the ambient noise levels was located in a unsatisfactory position. The centre of three playing fields is an unsuitable location to determine how the proposed adventure course will affect neighbouring residents.

Ambient noise monitoring should have been undertaken at the nearest affected neighbouring residents as advised in the report.

Monitoring was not undertaken as required by *Section 3, Table 3.1 Methods for determining background noise* of the Industrial Noise Policy (INP). The background noise levels were not monitored at the most affected point on or within the residential properties located within 30 meters of the carpark.

Despite the topography of the area, analysis as to how the noise generated from the site would travel and affect the neighbouring residents to the east is required has not been provided.

Ambient noise monitoring did not include operator-attended monitoring as specified in Table 3.1 Methods for determining background noise of the INP.

No details regarding the calibration of the meter has been included.

Noise sources

The assessment of the noise sources is inadequate. *Section 2.3 Sources of Potential Noise Impact* states the following noise sources;

- The operational noise from the proposed development which includes shouting and load conversations among patrons utilizing the facility.
- Noise emission from car park activity.
- Traffic noise impacts on the proposed development.

Although operational noise is noted, no mention is made throughout the report regarding the noise generated by the zip lines whilst in use. Furthermore, a further assessment regarding the noise levels predicted for all noise sources being generated at any one time has not been conducted.

Further details regarding noise generated from the site should also take into consideration *Figure 1.5 Assessing the likelihood of wind and temperature inversions enhancing noise impacts at a site* as well as section 4 Modifying factor adjustments to confirm whether the noise generated from the zip lines requires the application of the modifying factors principle.

The report did not take into consideration *Figure 1.5 Assessing the likelihood of wind and temperature inversions enhancing noise impacts at a site* as well as *Section 4 Modifying factor adjustments* to confirm whether the noise generated from the zip lines requires the application of the modifying factors principle.

NSW LAND AND PROPERTY MANAGEMENT AUTHORITY (CROWN LANDS)

Correspondence received from the NSW Land and Property Management Authority (LPMA) dated 21 August 2009 raises a number of issues with the proposal:-

- Impacts on the Powerful Owl and Grey Headed Flying Fox must be properly assessed and the findings forwarded to Council.
- The proposed 2:1 offset in the Statement of Environmental Effects is vague and non-specific. Offset actions should be clearly specified in an agreed management plan for the site.
- If the development were to proceed, the pedestrian traffic and access trails may allow for the conveyance of weed seeds into the rope course area and down slope of the area into the adjoining riparian zones.
- The threat of erosion and transfer of sediment and specific mitigation measures have not been stipulated.

CONCLUSION

The proposed development has been assessed against the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 19 – Bushland in Urban Areas, Environmental Protection and Biodiversity Conservation Act 1999, Threatened Species Conservation Act 1995, Baulkham Hills Local Environmental Plan 2005 and Baulkham Hills Development Control Plan and is considered unsatisfactory.

The proposal is inconsistent with or contrary to the overall objectives and Open Space 6(a) (Existing and Proposed Public Recreation) zone objectives of the Baulkham Hills Local Environmental Plan 2005 in that it would reduce the area of intact bushland in Bidjigal Reserve, impact on the visual and acoustic amenity enjoyed by reserve users and nearby residents and significantly compromise the educational, aesthetic and scientific values afforded to the local area.

The reserve is considered to hold high scientific value, and continues to be used for a range of research studies. The flora and fauna surveys provided with the application are insufficient in that the full range of species likely to be present have not been determined. This proposal will significantly threaten continued use of the area for scientific research through fragmentation and reduction of an unusually large, intact area of unique geology and biodiversity.

The proposal is also considered unsatisfactory because it will impact upon nationally and locally rare flora and endangered flora, modify to a large extent a significant area of remnant shale-sandstone transition vegetation and significantly reduce the existing scenic value of the reserve by replacing bushland views into the gorge with a modified landscape.

In addition, the operation of the high ropes adventure course is likely to result in significant localised trampling and erosion of soil surface in an otherwise undisturbed area.

The provision of a private high ropes adventure course on public open space is not considered essential for a purpose in the public interest. Presently the area affected by the proposal provides a wide range of opportunities, including passive recreation, educational opportunities, and scenic value to a wide sector of the community. In contrast, the proposal is a private business which is limited to a small range of recreational opportunities; and a small sector of the community (age, fitness, and socio-economically limited).

Further, the proposed location on public open space is not considered essential to the provision of this service. Over 94% of bushland in the Shire is in private ownership. Similar active recreational opportunities are provided on private bushland in the local area (e.g. paintball centres). The proposal could readily be accommodated in a large private vegetated lot in the local government area, thus providing recreational opportunities without compromising the extremely limited local areas of bushland in public open space.

The proposal fails to comply with the car parking and signage requirements of the Baulkham Hills Development Control Plan. It has not been demonstrated that sufficient on site car parking is available during Saturday sport nor that the stated vehicle occupancy rate of 3.9 persons per vehicle can be relied upon. Further the design and location of the signage adjacent to Park and Renown Roads is visually distracting and out of character with the area.

The application is internally inconsistent and lacks sufficient information to allow a complete assessment. It does not clearly or adequately demonstrate the extent of or need for tree and vegetation removal/ pruning particularly around the timber administration cabin, picnic shelters, training zone and zip wire over Darling Mills Creek.

The submitted drawings show pathways and the timber administration cabin in different locations. The Flora and Fauna assessment does not adequately consider all issues relevant to the proposal including ancillary damage such as trampling, rubbish and weed vector transfer.

Issues including the method and location of attaching the course to trees and rock faces, spectator control, emergency management, the expected attendee numbers and the type of aerial activity between each tree has not been sufficiently detailed.

Sufficient evidence has not been provided to confirm that Habitat Unit A comprises Sydney Hinterland Transition Woodland rather than the Endangered Ecological Community Shale Sandstone Transition Forest.

Suitable consideration of the removal of tree hollows and foraging resources for the Powerful Owl and Grey-headed Flying Fox has not been undertaken.

Full details of the proposed regeneration or rehabilitation offsets, at a suitable ratio for public land have not been provided.

An assessment of the likely impacts of operational noise on Threatened fauna has not been provided.

The application fails to adequately assess the possible noise impacts arising from the proposal. Ambient noise monitoring and the assessment of noise sources has not been carried out in accordance with the Industrial Noise Policy.

Given the above it is considered that the site is not suitable for the development proposed and it is recommended that the application be refused.

IMPACTS:

Financial Arrangements and Liability

The financial considerations that would allow the implementation of the development should be considered separately from this application.

The financial compensation sought by Council from the applicant would be the subject of a report to Council once suitable advice is sought from an independent valuer (lease of car parking and toilets).

Liability would be reviewed as part of the arrangement.

Hills 2026

The social and environmental impacts where appropriate have been identified and addressed in the report. If the development were to proceed it would have benefits for tourism and provide a valuable recreational facility. However, these benefits must be balanced against environmental, acoustic and car parking concerns. On balance the proposal is not considered desirable.

RECOMMENDATION

The application be refused on the following grounds:-

- (1) The proposed development is unsatisfactory when assessed against clause 6(4) of State Environmental Planning Policy No. 19 – Bushland in Urban Areas, Environmental Protection and Biodiversity Conservation Act 1999 and Threatened Species Conservation Act 1995 (Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).
- (2) The proposed development is contrary to overall objectives 2(2)(a)(ii), (iii), (vi), (xiv), (b)(iii) and (c)(i) (d) and objective (d) of the Open Space 6(a) (Existing and Proposed Public Recreation) zone of the Baulkham Hills Local Environment Plan 2005. (Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).
- (3) The development application provides sufficient information to allow an assessment against clauses 25(1), 27(1)(2)(3)&(4), or 45(a)(a)&(b) of the Baulkham Hills Local Environment Plan 2005. (Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).
- (4) The proposed development does not comply with the provisions of the Baulkham Hills Development Control Plan Part C Section 10 – Open Space *Part 3.1 – Disabled and Aged Persons Access*. (Section 79C 1(a)(iii) of the NSW Environmental Planning and Assessment Act 1979).
- (5) The proposed development does not comply with the provisions of the Baulkham Hills Development Control Plan Part D Section 1 – Parking *Part 2.1.1(a) – General*. (Section 79C 1(a)(iii) of the NSW Environmental Planning and Assessment Act 1979).
- (6) The proposed development does not comply with the provisions of the Baulkham Hills Development Control Plan Part D Section 2 – Signage *Part 2.6 – Signs in other zones* in that design and location of the signage adjacent to Park and Renown Roads is visually distracting and out of character with the surrounding area. (Section 79C 1(a)(iii) of the NSW Environmental Planning and Assessment Act 1979).
- (7) The development is considered not to be in the public interest given it does not achieve the function objective of the *Baulkham Hills Shire Council Generic Plan of Management for Natural Areas (2008)*. It also received a substantial amount of objections from adjoining and surrounding resident. (Section 79C 1(e) of the NSW Environmental Planning and Assessment Act 1979).
- (8) The application fails to adequately assess the possible noise impacts arising from the proposal.
- (9) The development application is internally inconsistent and lacks sufficient information to allow a complete assessment.

ATTACHMENTS

1. Locality Plan
2. Zoning Map
3. Aerial Photograph and Course Location
4. Indicative Course Layout
5. Picnic Shelters
6. Administration Cabin
7. Location of Signs
8. Sign 1
9. Signs 2 & 3
10. Signs 4, 5 & 6

ATTACHMENT 1 - LOCALITY PLAN



- SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- OBJECTIONS

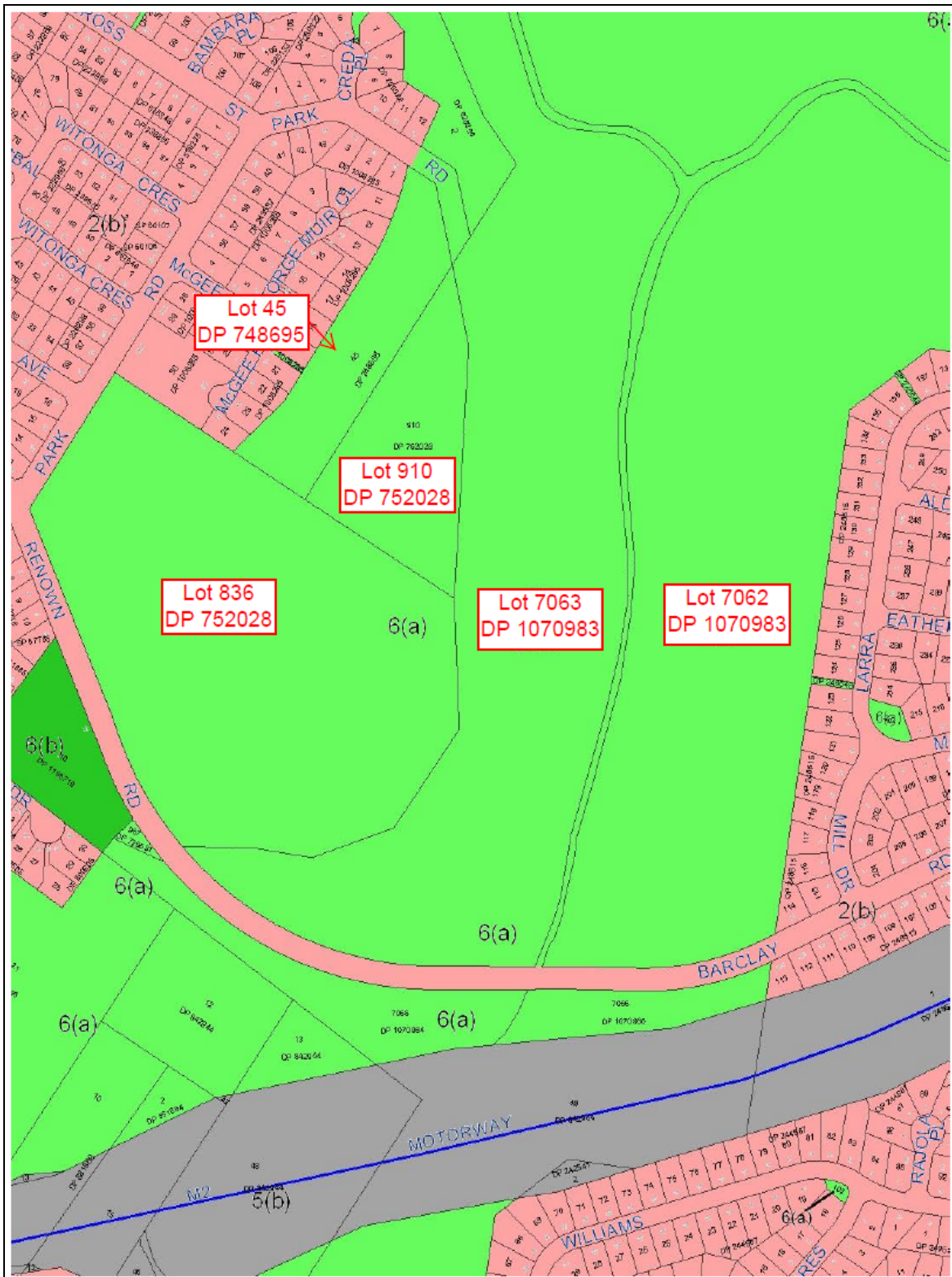
NOTE: OTHER OBJECTIONS RECEIVED OUTSIDE THE SCOPE OF THIS MAP



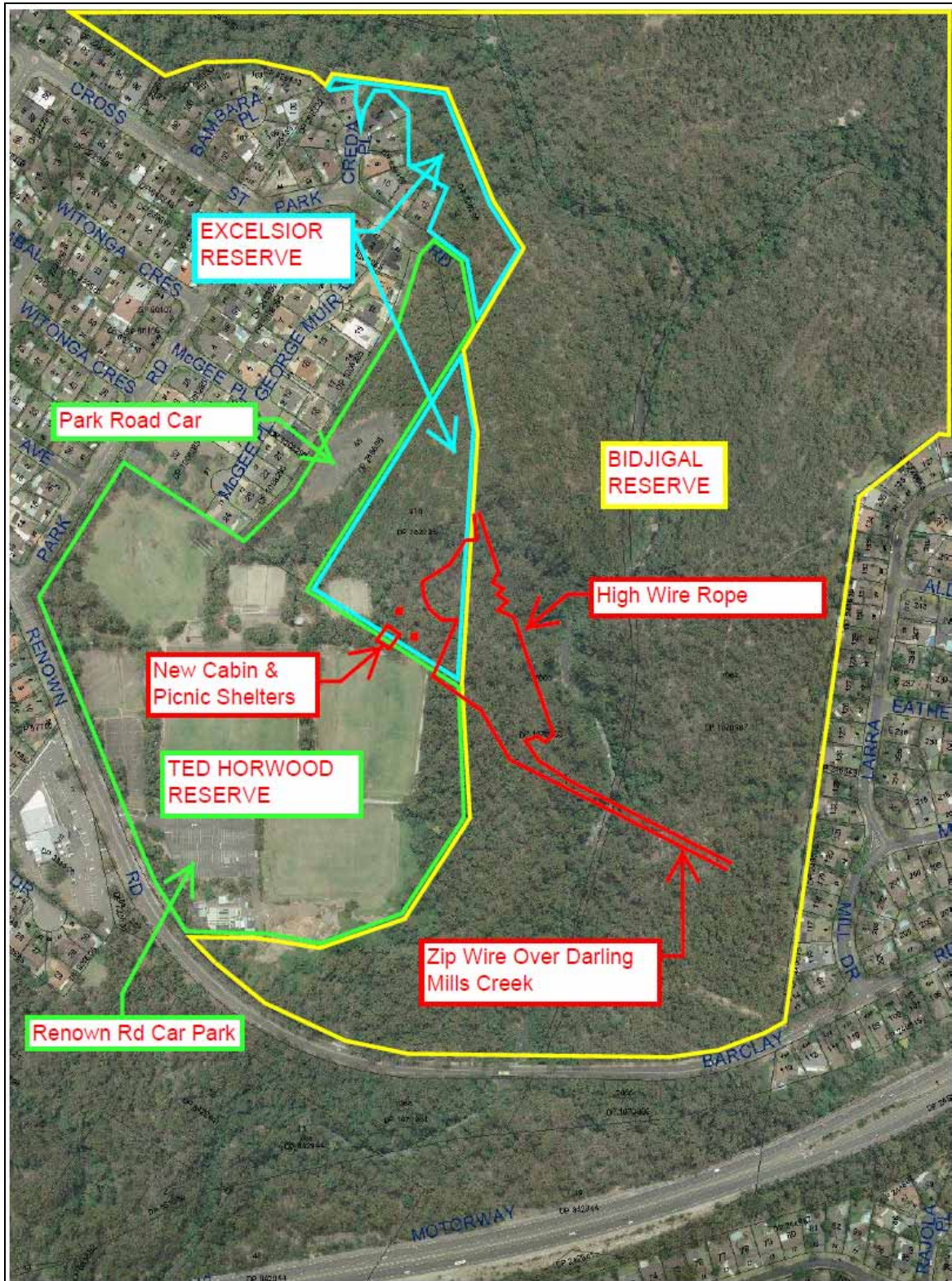
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
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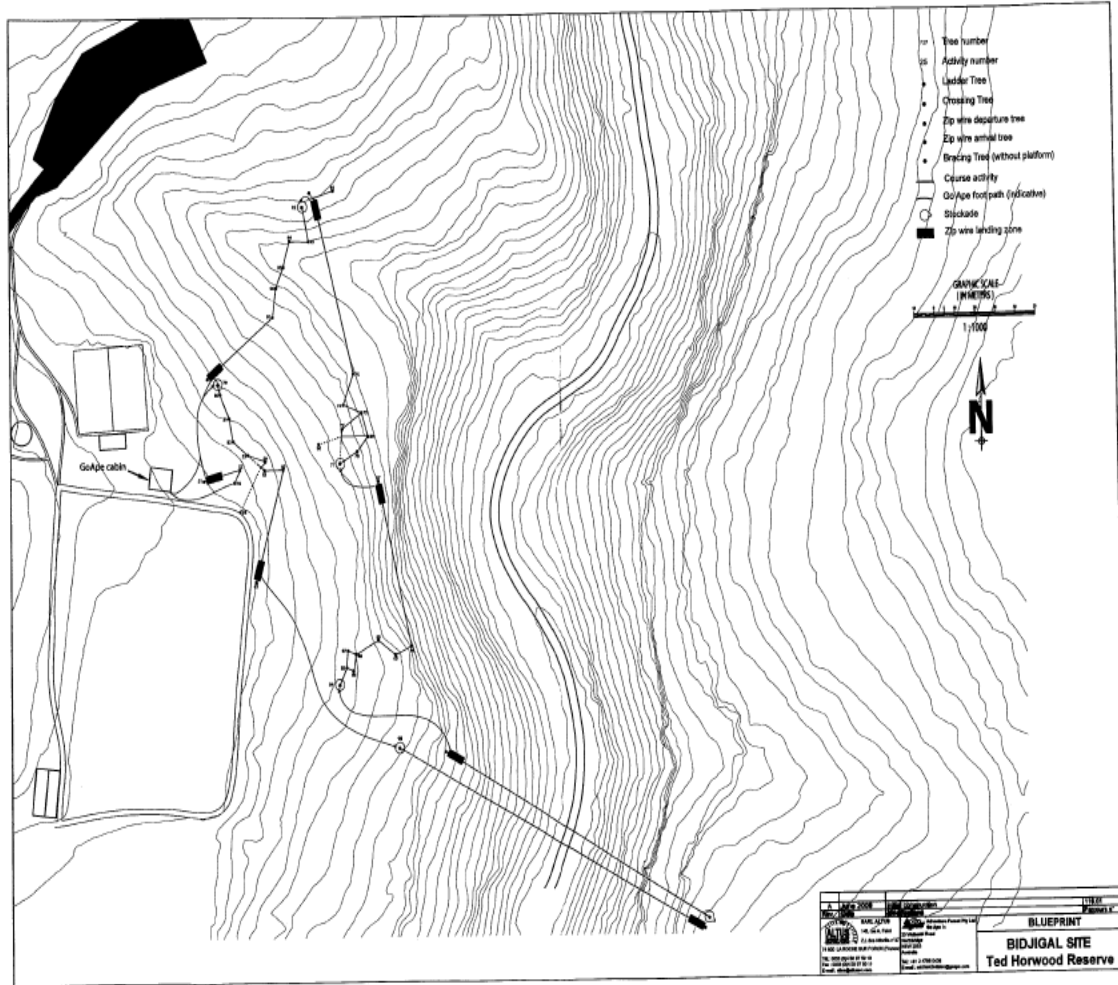
ATTACHMENT 2 – ZONING MAP



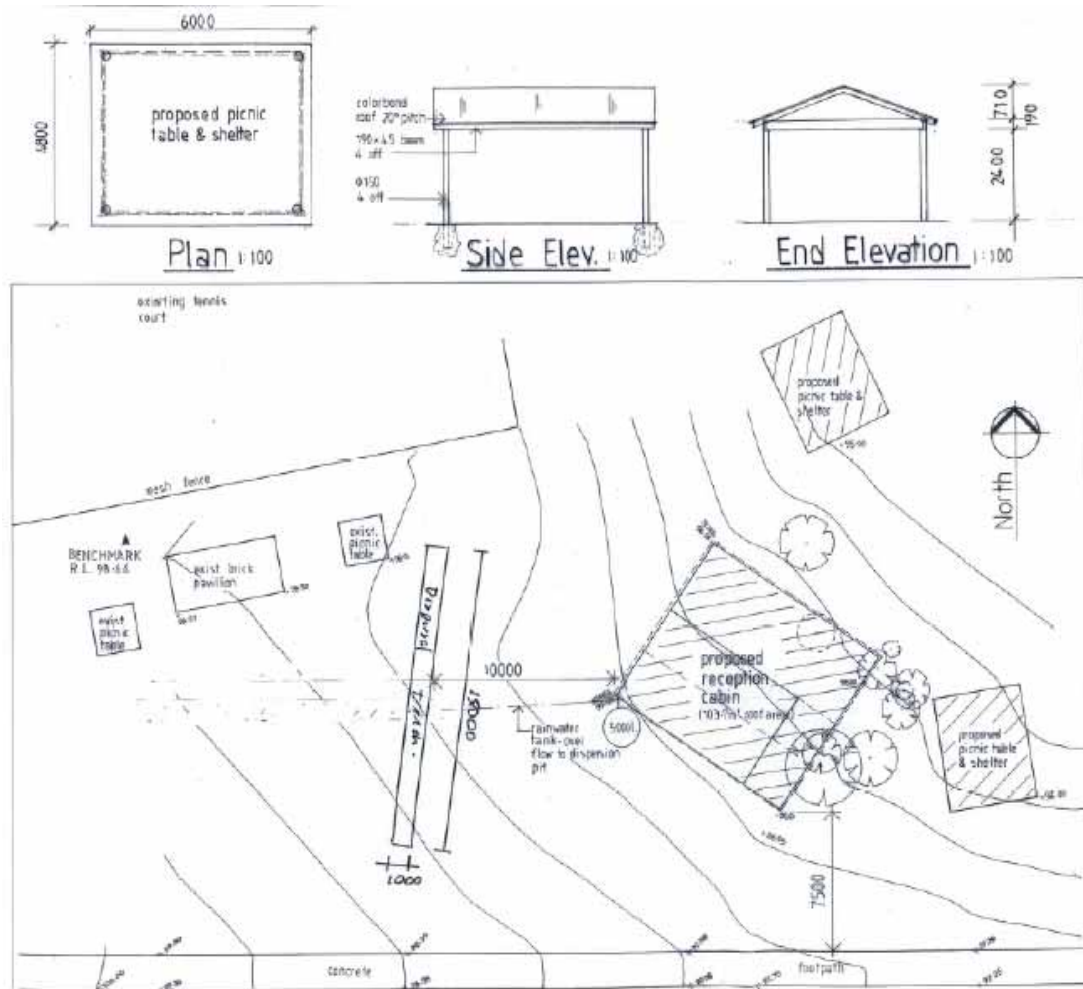
ATTACHMENT 3 –
AERIAL PHOTOGRAPH AND COURSE LOCATION



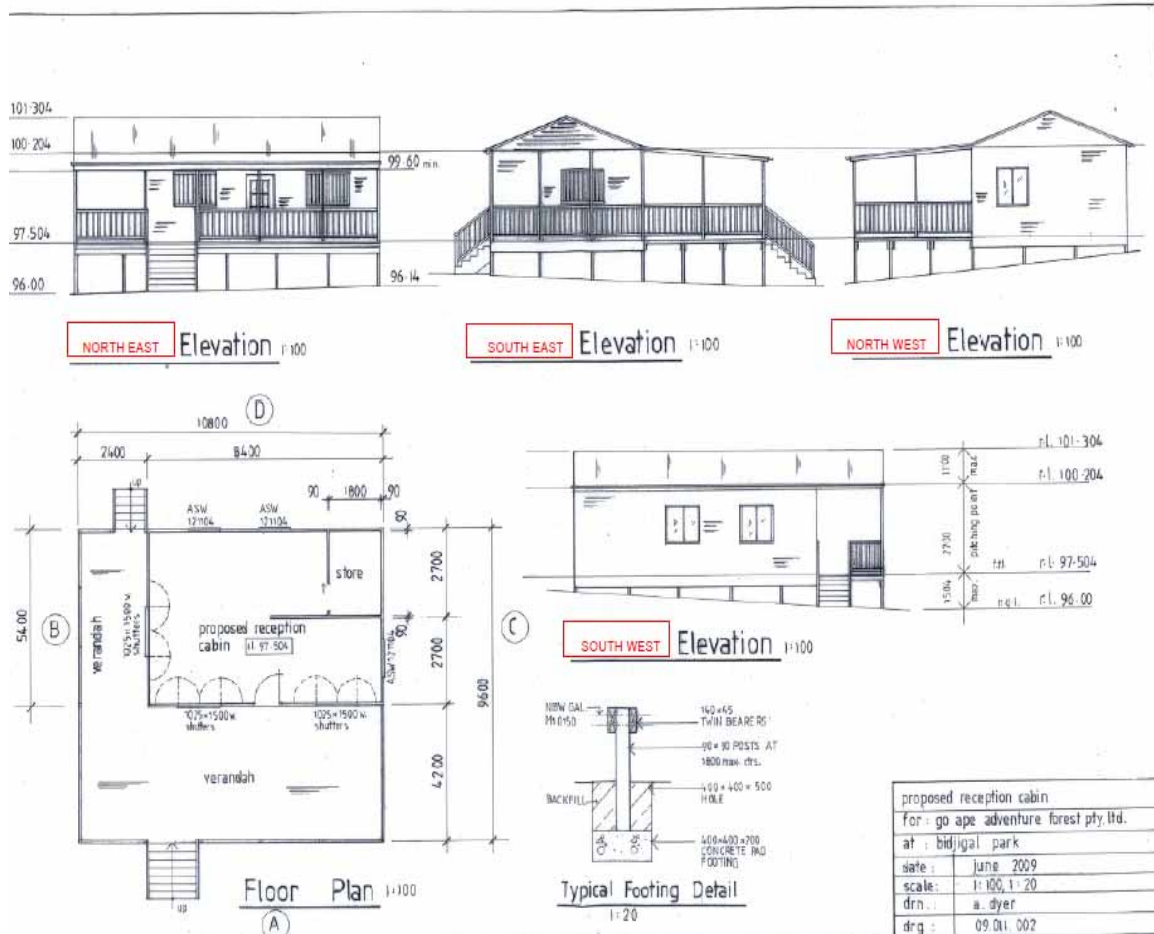
ATTACHMENT 4 – INDICATIVE COURSE LAYOUT



ATTACHMENT 5 – PICNIC SHELTERS



ATTACHMENT 6 – ADMINISTRATION CABIN



ATTACHMENT 7 – LOCATION OF SIGNS



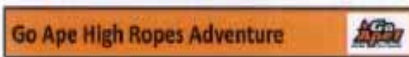
Corner of Renown and Park Roads: signage



Propose to lift Existing Signs

Place Go Ape sign underneath

①

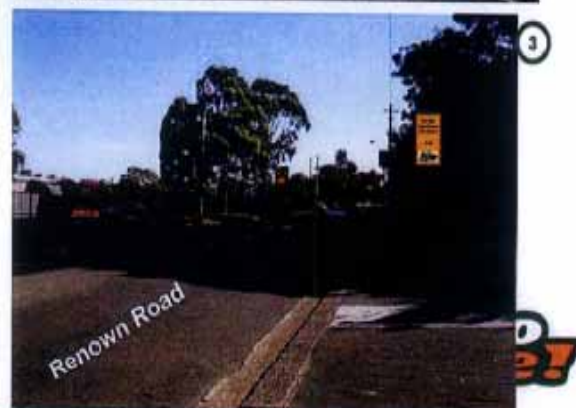
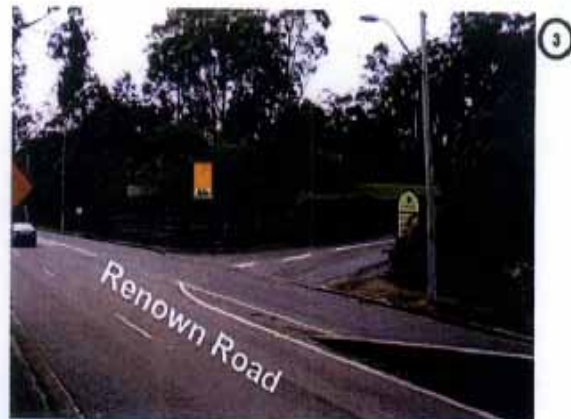
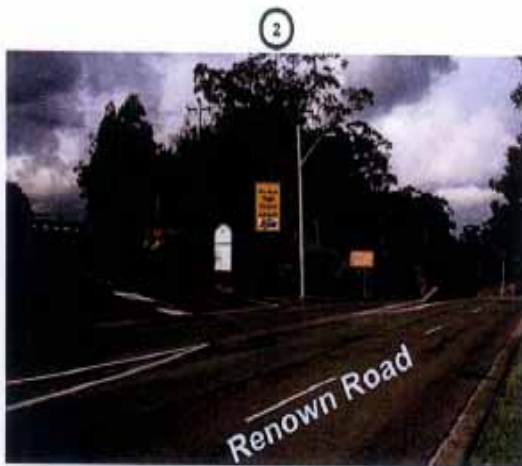


Logo and colour important for recognition;
Size is similar to existing Ted Horwood sign
Material will be painted wood



ATTACHMENT 9 – SIGNS 2 & 3

Renown Road entrance to Ted Horwood Reserve Car Park: signage locations

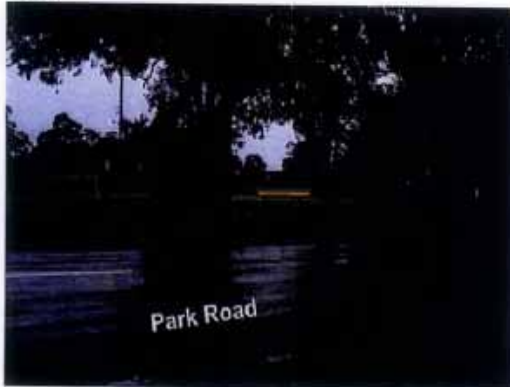


- Signs are 2.25m high x 1m wide
- Made from 3mm Alupanel fixed to 50mm gal steel round posts
- Colour and logo important
- Two signs on Renown road since no back-to-back locations can be found that are visible from far enough away
- Signs are significantly smaller than the sign on the other side advertising the location of the Sports Club

ATTACHMENT 10 – SIGNS 4, 5 & 6

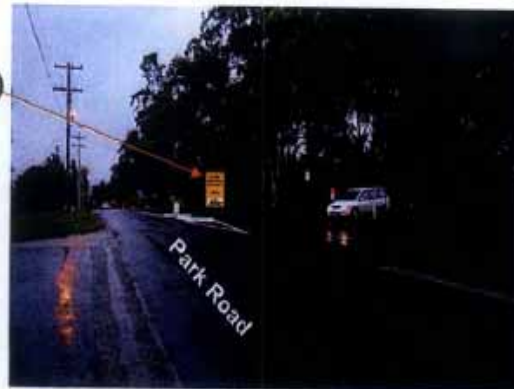
Park road entrance to Ted Horwood Reserve: Signage

④



- Signs are 1.5m high x 0.7m wide
- Made from 3mm Alupanel fixed to 50mm gal steel round posts
- Colour and logo important
- One back-to-back sign only on Park road is possible
- Sign below the Ted Horwood Reserve green wooden sign is slightly smaller than the Ted Horwood Reserve sign

5&6



5&6

