
EVERGLADES HOUSE & GARDEN, LEURA OPERATIONAL PLAN - TEMPORARY ACTIVITIES



PREPARED BY TWO TREES & CO. FOR THE NATIONAL TRUST OF AUSTRALIA (NSW)

OCTOBER 2025

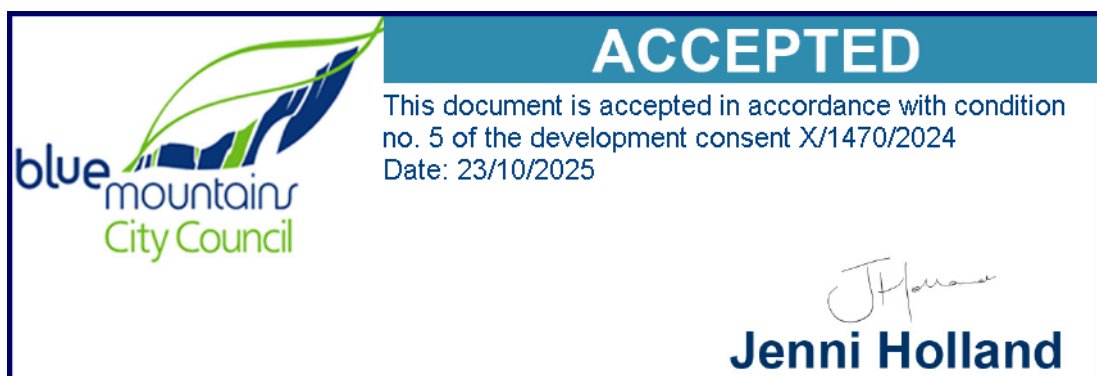


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VERSION HISTORY		
DESCRIPTION	ISSUE	APPROVED
November 2024	Created for DA	National Trust
January 2025	Clarify mitigation measures for DA	National Trust
March 2025	Clarify mitigation measures for DA	National Trust
July 2025	Revisions in response to Heritage NSW GTA and Development Consent: X/1470/2024	National Trust
October 2025	Revisions in response to Development Consent: X/1470/2024	National Trust

1. INTRODUCTION

This Operational Plan has been prepared for Everglades House and Garden by Two Trees & Co. to accompany a Development Application (DA) to Blue Mountains City Council (Council) for the proposed use of the site on Everglades Avenue for Temporary Activities including small and Performance activities and Open Days.

This Operational Plan has been prepared with reference to the following:

- Traffic Impact Assessment prepared by ptc Consulting;
- Acoustic Impact Assessment prepared by RWDI;
- Bushfire Assessment prepared by Bushfire Consulting Services; and
- Heritage Impact Statement prepared by the National Trust of Australia (NSW) and
- Conservation Management Plan 2010 for Everglades House & Gardens prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd.

2. VISION - EVERGLADES

The National Trust seeks to conserve and enhance the heritage significance of the places and built heritage in which it operates.

A principle objective of the operation of Everglades House & Gardens by the National Trust is to offer an attraction that is viable, sustainable and an essential part of both the local community and tourism offer in the Blue Mountains, collaborating with relevant stakeholders to realise these opportunities.

The day-to-day or business as usual (BAU) activation of Everglades and the use of the site for Temporary Activities will achieve the following objectives. Everglades House & Gardens will be:

- Accessible and welcoming to all members of the public;
- A place for local people to visit often: based on a diverse program of temporary activities as well as providing the opportunity to share public spaces for recreation and enjoyment during BAU operations.

3. PURPOSE OF THIS OPERATIONAL PLAN

The key objective of the Operational Plan (OP) is to ensure that the activation and use of Everglades House & Gardens delivers a safe, enjoyable and practical visitor experience that does not compromise the amenity of neighbours and the wider locality.

The OP focuses on key operational activities that have the potential to impact the neighbours and community in terms of noise, traffic and transport, public safety and amenity. The site's operations will be managed within the parameters outlined in the relevant development consents and in this OP.

The use of the site for Temporary Activities is proposed initially in line with existing operations, with the frequency of activities to rise gradually and incrementally over time. This will allow growth managed by this OP and constrained by the need to conserve the site's heritage significance and the resourcing capacity of the National Trust. It will also permit gradual growth within the physical capacity of the site to sustain activation.

The OP is proposed as the primary governance mechanism to ensure that development over time responds to appropriate heritage policies, environmental and amenity criteria. This will allow the use of the site to evolve over time and accommodate changing cultural and artistic programming while management measures continue to be refined and improved. This will also facilitate operational change to better respond to changing conditions in the visitor economy.

The OP adopts key conservation policies contained in the CMP and additional project specific conservation policies recommended by the HIS.

The OP also adopts the key recommendations from the noise impact and traffic and parking assessments as detailed following, which will help ensure activities meet appropriate environmental and amenity criteria.

The OP will therefore help ensure that the proposed development meets the requirements of clause 5.10(10) and does not adversely affect:

- The site's heritage significance or its setting
- The site's capacity to accommodate ongoing public access through business as usual activities; or
- The amenity of the neighbourhood.

On this basis the OP forms a sound governance regime that allows:

- Stakeholders to be confident of established environmental criteria which need to be met and the mechanisms for managing issues if they arise; and
- The National Trust to
- Respond to changing creative, operational and environmental circumstances (without the need for further development approval);
- Evolve the activation of the site over time and continue to meet and exceed established environmental standards.

4. APPLICATION OF THE OPERATIONAL PLAN

The Operational Plan applies to the operation of Temporary Activities at Everglades House & Gardens Activation Area, which includes only those parts of the site that are currently open to the public and includes access to the Glades, The Grotto, The Lookout and terraced areas of the Gardens as well as the House and surrounds, the Visitor Centre as shown in in Figure 1.

In accordance with condition 11 of the consent at Appendix E no permanent change to the existing character or fabric of the site or to any buildings on the site shall be made as a result of any event or function conducted on the site in accordance with that consent.

The proposed use of the site shall be implemented in accordance with the Statement of Environmental Effects and the Operational Plan – Temporary Activities, both prepared by Two Trees & Co. Pty Ltd (dated November 2024 and March 2025, respectively). No revisions to site use, layout or works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

The locations for Temporary Activities including direction of any stage and speakers, permitted locations for coffee cart, food van or bar are detailed in Figure 1.

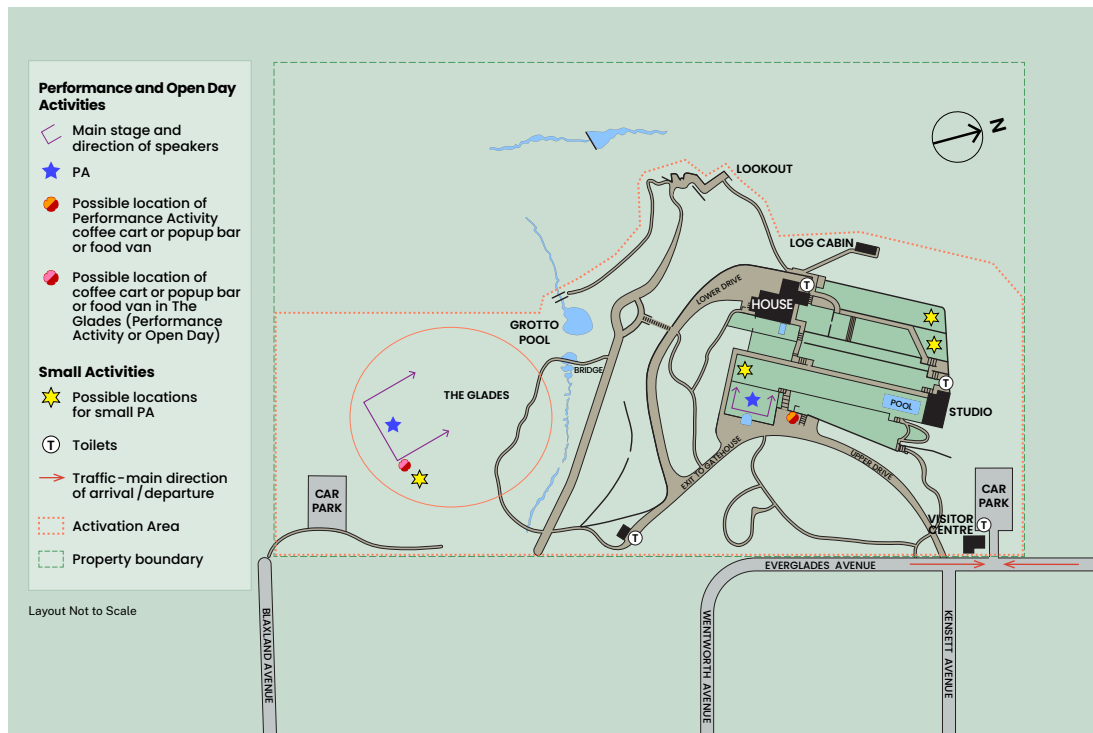


Figure 1: Indicative Activation Area Map not to scale (Source: Graphic/Dimensional 2025)

4.1. TEMPORARY ACTIVITIES

Table 1 – Summary of Proposed Temporary Activities

Description	Capacity	Frequency (maximum only)	Hours of operation	Conditions of Consent
Small Activities limited to services and ceremonial activities or the like	120	90 activities per year	9am to 7pm or sunset (whichever is earlier)	Each activity shall take no longer than 2 hours. At least a 1-hour break between each activity. A maximum of 3 activities per day.
Performance Activities	250	10 days per year	9am to 7:30pm, (Performance to end by 7pm). For a 2 year trial period (from 5 June 2025 – 5 June 2027) Performance activities may operate between 7pm and 10.30pm (with performances to end by 10.00pm)	
Open Day Activity	600	2 days per year	9am to 7pm or sunset (whichever is earlier)	

The approved tearooms support visitor's enjoyment of the site and includes light meals and Devonshire Tea. This is undertaken in accordance with Food Safety and Responsible Service of Alcohol requirements and other relevant standards. In addition the proposed development includes ancillary food and beverage components which comprise:

Ancillary Food and Beverage will continue to be provided including approved operation of the existing tearoom and

- Extension of hours of operation for the café/tearooms for use during all activities;
- Retail sale of pre-packaged food and beverages for consumption on site;
- Occasional outdoor coffee cart, food truck and/or popup bar for Performance and Open Day Activities.

5. HERITAGE MANAGEMENT

The site is to be managed in accordance with the Conservation Management Plan prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and associates Pty Ltd and the Heritage Impact Statement (Heritage Management Document for the purpose of cl 5.10(10) prepared by the National Trust of Australia (NSW).

The National Trust conserves and enhances the heritage significance of the places and built heritage items in which it operates. Use and activation of Everglades House and Garden will achieve the following heritage objectives:

- The primary use of the site will continue as a National Trust house and garden which is open to the public.
- Any activities or uses will be determined by the relevant council approvals in terms of capacity and frequency. In terms of heritage impact, the relevant measures should be undertaken to ensure the protection of the site in response to the number of patrons expected, areas of the property in use, weather conditions expected and duration of the activity.
- Any Temporary Activity or use of the property should have a fully reversible impact on the property.

6. SUMMARY OF MANAGEMENT AND MITIGATION MEASURES

Potential impacts and associated mitigation measures are detailed below for ease of reference and operations in accordance with this Operational Plan. Table 2 details specific measures by Activity Types and for all activities in all locations at all times. Activities shall operate in accordance with the recommendations provided in the report: Noise Impact Assessment – 37 Everglades Avenue, Leura (2200086.04) prepared by RWDI Australia Pty Ltd dated 13 November 2024 as detailed in Table 2. Table 3 and 4 relate to all activities in all locations at all times. Table 5 specifies heritage management and mitigation measures.

Table 2 – Summary Mitigation Measures for individual Temporary Activities in all locations and at all time

Description	Capacity	Frequency (maximum only)	Hours of operation	Sound Emission Limit	Sound Mitigation Measures
Small Activities	120	90 activities per year	9am to 7pm or sunset (whichever is earlier)	40 dBA (9.00am to 6.00pm); 35dBA (6.00pm –7.00 pm)	There should be a noise limiting device fitted at Front of House or noise monitoring performed during small activities to ensure that the sound power level (SWL) of the small PA system is: <ul style="list-style-type: none"> no greater than 94 dBA during the day time; no greater than 90 dBA during the evening/night time
Performance Activities	250	10 days per year	9am to 7:30pm (performance end by 7pm). For a 2 year trial period (from 5 June 2025 – 5 June 2027) Performance activities may operate between 7pm and 10.30pm (with performances to end by 10.00pm)	45 dBA, 55 dBC (LAeq 5-minute)	The speaker system/stage should be orientated as shown in Figure 1. There should be a noise limiting device fitted to ensure that the sound power level of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m. Alternatively, monitoring needs to be conducted during every performance activity to ensure that the measured sound pressure Levels at 10m from the speaker are less than 69dBA/79 dBC.
Open Day Activity	600	2 days per year	9am to 7pm or sunset (whichever is earlier)	45 dBA, 55 dBC (LAeq 5-minute)	The speaker system/stage should be orientated as shown in Figure 1. There should be a noise limiting device fitted to ensure that the sound power level of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m. Alternatively, monitoring every Open Day shall ensure that the measured sound pressure Levels at 10m from the speaker are less than 69dBA/79 dBC..

Table 3 – Summary Mitigation Measures for all Temporary Activities at all locations

Potential Impact	Mitigation measures
Fire and Emergency Management	<ul style="list-style-type: none"> • Everglades House & Gardens is to continue to be maintained in perpetuity as managed grounds in accordance with the recommendations of the Bushfire Assessment Report prepared by Bushfire Consulting Services in 2024. • The RFS are to be notified prior to the conduct of Performance Activities and Open Days. • All Activities to be cancelled on Catastrophic Fire Danger Rating days.
Heritage Management	<ul style="list-style-type: none"> • Confirm all of the Temporary Activity proposal is consistent with heritage management measures in Table 4 below • Consult Conservation Director of National Trust immediately if any concerns or queries.
Gardens Management and Maintenance	<p>Prior to Activity Everglades Duty Manager and Head Gardener to conduct condition inspection report of the site (including photos)</p> <p>Post Activity Inspection conducted by Everglades Duty Manager &/or Head Gardener</p> <ul style="list-style-type: none"> ○ gardens for any damage and address immediately post Activity as required ○ lawns and identify any renovation or repair requirements, temporary closure of area if required; and ○ external verges (as applicable) <p>Gardens partial closure - if parts of the Gardens are impacted by weather conditions (drought, waterlogging or other damage) they may be closed to allow repair and rejuvenation. Standard booking conditions permit the relocation of Temporary Activities within Everglades should heritage or gardens priorities require.</p>

Parking and Traffic Management	<ul style="list-style-type: none"> • Consider the need for traffic and parking control measures to help ensure the safe and efficient movement of traffic during the Temporary Activity and minimise disruption to local residents and maintain the residential character of the area, including specific recommendations for Activity Type below.
Emergency Plan	<ul style="list-style-type: none"> • Review Emergency Plan that includes evacuation routes, emergency contacts, and procedures for adverse weather conditions, such as bushfire, heavy rain or high winds. • Communicate the emergency response plan to all prior to the activity.
Emergency Cancellation	<ul style="list-style-type: none"> • All Activities to be cancelled immediately if a Catastrophic Fire Danger Rating is issued by the RFS &/or BoM • Other weather events may necessitate cancellation due to flooding, storm damage or similar - cancellation of Activities should occur as soon as practicable giving patrons and clients as much notice as possible - Standard Booking Terms include requirements for such an unforeseen cancellation.
Open Days and Performance Activities	<ul style="list-style-type: none"> • Consider need and plan for patron arrivals including raising awareness of limited parking and encouraging car-pooling, public transport, ride share/ taxi and coach services and additional directional signage to guide vehicles and pedestrians • Deploy trained traffic marshals to <ul style="list-style-type: none"> ○ manage traffic flow and parking ○ Assist with local conditions/issues such as cars parked over driveways as they arise as instructed by the Everglades Duty Manager (as the appropriate resident point of contact) ○ Apply schedule for coaches and Coach Management policy (esp. switch engines off and leave once passengers disembarked, return for collection at scheduled time). • For Open Days - ensure visitation is spread across the day through shows and activities spaced or repeated throughout the day and publicised as such and /or timed tickets. • Require monetary bond for damages or costs incurred because of the Activity.

	<ul style="list-style-type: none"> • Remind all clients and patrons to respect local residential amenity and enter and leave quietly and quickly, with care for the grass verges. • Prior to Open Day or Performance Activities Bump-In (set-up) and following Bump out conduct condition inspection of local streets and neighbourhood specifically including grass verges. • If required document verge and local streets conditions with photos. • Any illumination required for performance activities shall be operated and positioned to minimise light spillage from the boundary of the subject property. As a minimum level of performance, illumination shall avoid obtrusive light spillage to adjoining residential properties or dwellings (Refer condition 23 at Appendix G.).
Equipment	<ul style="list-style-type: none"> • Establish whether any stage/sets/ marquees, booths or ancillary food and beverage are to be provided • Ensure that temporary Structures generally cover not more than 20% of the of the area utilised for the Temporary Activity. • Refer Temporary Structures conditions of consent at Appendix G. • Determine placement/locations for these and illustrate on the site plan to accompany the booking conditions (or on a more detailed plan prepared by the Client/Activity Operator) • Include any temporary structures in the Bump in/Bump out Schedule.
Marquees	<ul style="list-style-type: none"> • Marquees can be used occasionally as required for weather protection of equipment or patrons. Marquees shall be limited in size according to the type of activity and patron numbers and should be no greater than 3m x 3m or cover more than 20% of the area utilised for the Temporary Activity. • Marquees shall be erected in the set up and dismantling periods specified in this OP. • Marquees are not permitted to be used for weddings or celebrations-of life within the areas identified as being of high or exceptional significance, as illustrated on the Gradings of significance map at Figure 2. • (Refer Temporary Structures conditions of consent at Appendix G)

<p>Servicing and Ancillary Food and Beverage Vehicles</p>	<ul style="list-style-type: none"> • Deliveries relating to activities are to be carried out Monday to Saturday between 8am-6pm, and on Sundays between 9am-3pm, excluding public holidays. Alteration to these hours may be possible under certain circumstances but only with the prior written agreement of Council. (refer condition 21 at Appendix G). • The informal area adjacent to the House can accommodate Small Rigid Vehicles (SRVs) and should not be used by more than 2 vehicles at any time. • A coffee cart/ popup bar /food van may be installed above the Garden Theatre (refer Figure 1) in association with a Performance Activity or Open Day for the duration of the activity and should be installed in accordance with the set up and dismantling times for the Performance as specified in this OP. Any such vehicle shall access the site from Everglades Avenue under the direction of National Trust Site Manager. • A food van, coffee cart and/or popup bar may be installed in association with Open Day or Performance Activity in the Glades (refer Figure 1) for the duration of the activity and in accordance with set up and dismantling times for the activity as specified in this OP. Any such vehicle shall access the site from Blaxland Avenue under the direction of National Trust Site Manager. <p>As part of the Activity Plan locations for any ancillary food and beverage should be identified on the site plan to accompany the booking confirmation and conditions.</p>
<p>Maintaining significant views to the southwest during use of the Studio Terrace</p>	<ul style="list-style-type: none"> • The Studio Terrace is identified in the CMP as “the earliest garden design directly influenced by European modernism constructed in Australia” and the document outlines a number of measures that should, in time, be undertaken to restore the key design elements of this most important part of the garden. The views to the Jamison Valley from the “window frames” are a significant element of the Studio Terrace and attempts should be made to restrict impinging on these during temporary events. Any temporary marquee should only be placed to the western side of the terrace and must only obscure the view from one of the three windows.

Pedestrian access	<ul style="list-style-type: none"> • During all activities, staff and volunteers are present to guide visitors through the site, with permanent interpretation signage and visitor guide brochures illustrating approved walking paths throughout the property. • The Wisteria Walk is a key feature of the property and will remain accessible as a pathway during all events.
Waste	<ul style="list-style-type: none"> • Ensure waste management plan is prepared and waste receptacles are available at exits to site for any visible hand-held items to be disposed prior to exiting the property; • Ensure local streets are monitored the day after Performance Activities and Open Days for any event related litter impacts. • All rubbish and waste associated with temporary events shall be sorted, collected in bins and removed from the site immediately after the event, and deposited in a licensed waste facility. • All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
<u>Management of Potential Erosion</u>	<ul style="list-style-type: none"> • In the event of prolonged or intense rainfall immediately before or during any event at the site, 'matting' shall be laid in all high foot-traffic areas such as around toilet facilities. • Effective erosion and sediment controls shall be installed, on the downward slope of high foot and vehicular traffic areas, in the event of wet weather immediately before or during the event, to prevent sediment or polluted water leaving the site or entering any drainage depression, watercourse or stormwater drain. The controls shall be regularly inspected, maintained, and retained until the event has concluded and ground surface has stabilised.
Notification	<ul style="list-style-type: none"> • For Performance Activity or Open Day a letterbox drop at least 28 days prior to the Activity to local residents within 400 m radius from the site entry. It shall include details of the Temporary Activity (including nature of activity and dates, sound conditions and details of any noise-related bump in or bump out activities planned, expected noise

	<p>levels and duration, as well as contact details for Everglades Duty Manager including a phone number for any issues or complaints during the Temporary Activity.</p> <ul style="list-style-type: none"> • Notify the RFS of a Performance Activity or Open Day
Small Activities	<ul style="list-style-type: none"> • For Small Activity bookings where patron numbers will meet or exceed 70 people, booking conditions issued by the National Trust will encourage use of local wedding bus hire companies or larger capacity (5 – 7 seater) or standard ride share or taxi services to limit the number of vehicles in attendance. These include (but are not limited to) nearorfarbusandcoach.com.au and easyweddings.com.au • Ensure Studio Terrace and Cherry Terrace in Spring not used too frequently for grass to recover.
Duty Manager/Activity Coordinator:	<ul style="list-style-type: none"> • An experienced coordinator will oversee the Temporary Activity, managing logistics and coordinating all aspects including: • Monitoring of the Duty Manger phone line throughout the Activity and responding to any issues as they arise on site or in the neighbourhood.
Complaints Handling	<ul style="list-style-type: none"> • Complaint handling procedures will include maintaining a register of: Nature of complaint; Name telephone number or email address of complainant Action taken and resolution of complaint; and Feedback to complainant and any ongoing management review action required including need for update of this Operational Plan.
Volunteers	<p>Activity coordinator to brief volunteers prior to the Activity to ensure they are aware of</p> <ul style="list-style-type: none"> • Their duties, the schedule, emergency protocols, and how to interact with participants: • The need for gate house/ box office personnel to remind all patrons entering Everglades to leave quietly and quickly and drive very carefully over grassed verges. • Any specified traffic or pedestrian management measures

	<ul style="list-style-type: none">• The need to require residents and patrons to communicate directly with the Everglades Duty Manager regarding issues (as the appropriate key point of contact)• Understand and enforce any scheduled coaches in accordance with the Coach Management policy above (i.e. ensure drivers switch engines off and leave once passengers disembarked, return for collection at scheduled time).
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Table 4 – Summary Bump In and Bump Out Mitigation Measures for all Temporary Activities at all locations

Set up and dismantling windows vary depending on the type of Activity and are presented as a maximum number of days on either side of the Activity within which the set up or dismantling would occur. This is to permit off-peak scheduling (around other activities on site and in the neighbourhood) and it is not intended that set up and dismantling will require all of these days. Set up and dismantling should occur with minimal disruption to the neighbourhood e.g. through traffic and noise and timing of activities

	Set Up Duration (maximum)	Bump Out Duration (maximum)	Sound Mitigation Measures	Servicing
Small Activities	24 hours prior	24 hours post		
Performance Activities and Open Days	Within the 5 days prior (including rehearsal/sound check)	Within 3 days post	<p>Noise management level is RBL+ 10 dBA (NSW EPA Interim Construction Noise Guideline and applies at the property boundary most exposed. Construction works associated with Bump In and Bump Out would generally be confined to the use of small tools for small structures, consequently noisy activities are not anticipated.</p> <p>Potentially impacted residents will be informed of bump-in and bump-out activities, expected noise levels and duration, as well as contact details for the Everglades Manager who will to respond as and if issues arise. Sound Check and Rehearsal conform to performance sound limits above.</p>	<p>The informal area adjacent to the House that can accommodate Small Rigid Vehicles (SRVs) should not be used by more than 2 vehicles at any time.</p> <p>Management, and organisers to follow locations, parking and access in the booking conditions for any ancillary food and beverage and servicing (see detailed requirements below).</p>

Table 5 – Summary Heritage Mitigation Measures for all Temporary Activities at all locations

Heritage impact	Mitigation measures
<p>Use (or uses) should not compromise the cultural and heritage significance and retain the character and significance of the place</p>	<ul style="list-style-type: none"> • The primary use of the site will continue as a National Trust house and garden which is open to the public. • Periodic inspection of the property and evaluation of uses and their impact on the site and its significance (this is BAU) should involve: <ul style="list-style-type: none"> ○ Test proposed action against Statement of Cultural Significance, taking into account the interpretative potential of Everglades; ○ Test proposed action against detailed individual rankings of relevant items • Temporary Activities are to <ul style="list-style-type: none"> ○ Be located in designated locations to minimise impact on other parts of the site as far as possible (refer Figure 1 Activation Area); ○ Be carried out in accordance with any council approval in terms of capacity and frequency. ○ Help ensure the protection of the site in response to the number of patrons expected, areas of the property in use, weather conditions expected and duration of the activity ○ Have a fully reversible impact on the property. ○ To, as far as possible, use the existing features and facilities. ○ Involve as little change as is practicable to culturally significant fabric and landscape elements. ○ Complete the Temporary Activity Plan template at Appendix A.
<p>Preserve as much as possible of components that have been identified by the CMP as having high and moderate significance</p>	<ul style="list-style-type: none"> • No intervention should be initiated without careful consideration of the alternatives. • Any activity should consider the impact on historic landscape and/or building fabric and appropriate measures should be undertaken to minimise this impact.

Heritage impact	Mitigation measures
	<ul style="list-style-type: none"> • Where impact may be expected to occur (such as degrading of pathways, or damage to lawns) then protective measures are required to be put in place (such as the use of protection mats). • Activities should not be undertaken that will cause permanent and irreversible damage to the heritage values of the property.
Existing access to the site should be maintained	<ul style="list-style-type: none"> • The principal pedestrian access to the garden should remain via the existing main entrance. • Existing vehicular access points should be retained; • A disability access plan should be developed and progressively implemented. • No new paths that would cause a heritage impact should be installed. • All paths should be kept in good repair as far as is practicable to ensure safe access.
Compliance with regulations and statutory framework should not compromise the heritage significance of the place.	<ul style="list-style-type: none"> • Measures should be undertaken to ensure safety and compliance throughout the property in a way that responds to the heritage values of the place. • The least intrusive approach should be selected
<p>Landscape design: Recognise the exceptional significance of the Studio Terrace (Squash Racquet Court and Terrace) for its position as the first example of Modernist garden design in Australia.</p> <p>The main terraces of Everglades, particularly the Studio Terrace, form the key element of the exceptional significance of the place their conservation and long-term management should be given the highest priority in any master plan and maintenance plan formulated for the site.</p>	<ul style="list-style-type: none"> • Maintain structural elements and spatial planning of the original garden design; • Conserve and reinstate designed vistas from the Studio Terrace; • Conserve and reconstruct, where necessary, elements of the Studio Terrace from the van de Velde period • Temporary Activities on the Studio Terrace should respond to and utilise the existing features of the site (such as the elevated "theatre" and the defined "windows" to the valley) wherever possible. • Temporary Activities that would cause permanent and irreversible damage to the Studio Terrace will not be permitted.

Heritage impact	Mitigation measures
<p>Views: conserve views and vistas to and from the house, main terraces and lookout including those once a feature and now blocked</p>	<ul style="list-style-type: none"> • The ongoing management of the main terraces, in particular the Studio Terrace, should be guided by both the short and longer-term conservation guidelines for those spaces in the CMP in terms of conserving and restoring views. As follows: <p>Short term</p> <ul style="list-style-type: none"> • This should particularly apply to: the vista from the Studio Terrace through the window frames and the views from the main southern windows of the house to the Jamison Valley; • Selectively prune and thin shrub or understorey planting (ongoing). <p>Long term</p> <ul style="list-style-type: none"> • Careful placement of new or replacement trees; • Selective removal of trees and reinstatement of original garden design elements and plantings.
<p>Interpretation of the buildings and the gardens and grounds:</p> <ul style="list-style-type: none"> • Careful selection of furniture and design of displays is necessary to minimise clutter within the House other interiors and the grounds; • Furnishings within the House and Squash Racquet Court should be sympathetic to the second half of the 1930s. Use archival photographs from the 1930s as the basis for selection of furniture design and layout; • Garden furniture should be based on archival photographic evidence of the furniture of the van de Velde period 	<ul style="list-style-type: none"> • Appropriate measures to minimise heritage impact need to be identified as part of any Activity Plan: <ul style="list-style-type: none"> ○ Temporary Activities shall be confined to designated locations to minimise impact on other parts of the site as far as possible (refer Figure 1 Activation Area); ○ Temporary activities should respond to the unique nature of the location, such as by responding to a view or utilising a change in level

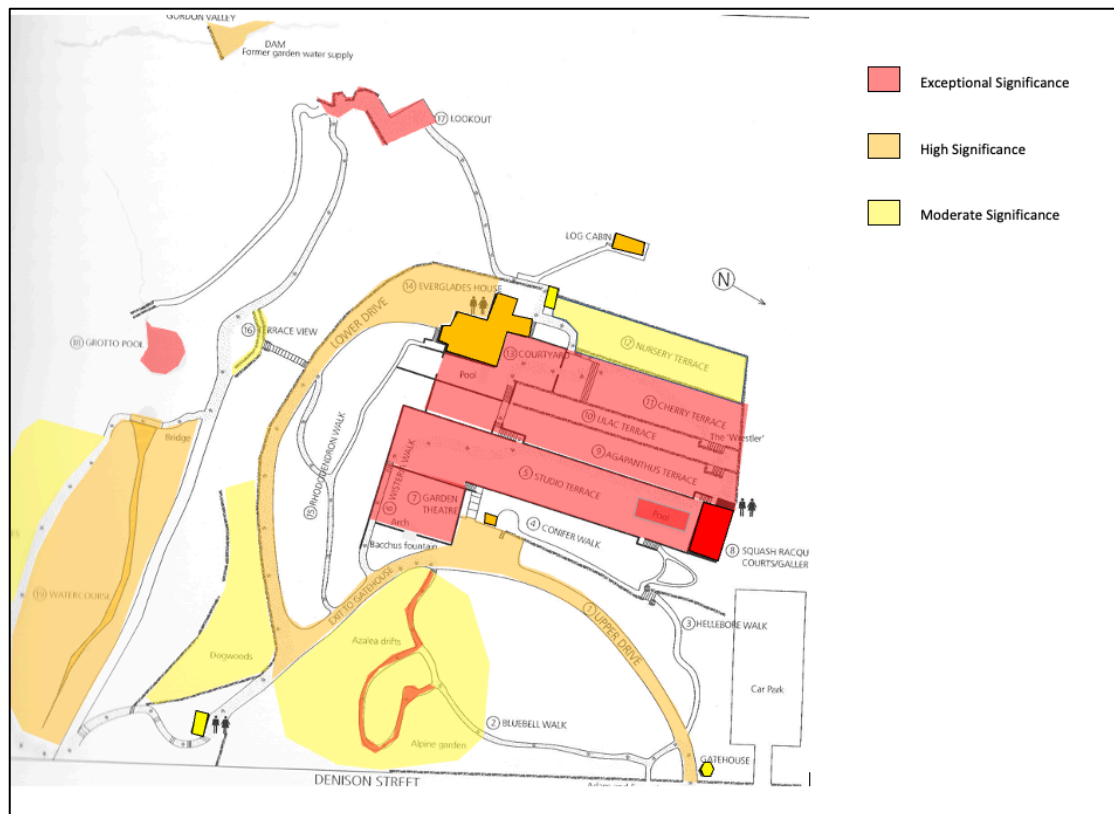


Figure 2: Gradings of Significance Map not to scale (Source: National Trust NSW, based on significance assessment in CMP)

7. PARKING, TRAFFIC AND TRANSPORT MANAGEMENT

Pedestrian access is the only means of public access to the site and controlled via the Visitor Centre on Everglades Avenue as illustrated in Figure 1.

Vehicular access to the site is obtained from Everglades Avenue into the site and the car park at the site frontage and Blaxland Avenue for staff parking and other services vehicles.

There are two on site car parks which accommodate 29 cars. 14 onsite parking spaces accessed from Blaxland Avenue are used for staff parking and 15 on-site parking spaces are available to visitors and the public from Everglades Avenue. Most patrons park in the vicinity of the House & Gardens where there are at least 120 – 200 legal, safe and publicly available parking spaces within the walking catchment of the site.

Loading and servicing of Everglades House & Garden is currently undertaken by a variety of light commercial vehicles ranging in size from vans to 6.4m long small trucks. In this regard, deliveries will be scheduled to arrive outside of busy periods when the visitor levels on site are minimal.

Private coaches bring visitors to the site during BAU and Temporary Activities, particularly special interest and elderly groups. These range in size from 13-20 seat mini buses to 28-71 seat coaches. Coaches will be managed in accordance with this Operational Plan to utilise the designated space at the front of the site for intermittent coach stopping to minimise potential impact on traffic flow and parking.

In this regard coaches are required to turn off their engines while passengers embark or disembark, then drivers must remove the vehicles to park in an alternate location and return as arranged when visitors ready to depart.

On a maximum of two days per year, it is proposed to host Open Days with a maximum capacity of 600 visitors spread throughout the day. To ensure this visitation is spread across the day, shows/activities would be repeated or spaced throughout the day and publicised as such.

For Small Activity bookings where patron numbers will meet or exceed 70 people, the booking conditions issued by the National Trust will encourage use of local wedding bus hire companies or larger capacity (5 – 7 seater) or standard ride share or taxi services to limit the number of vehicles in attendance.

For Small Activity bookings where patron numbers will meet or exceed 70 people, the booking conditions issued by the National Trust will encourage use of local wedding bus hire companies or larger capacity (5 – 7 seater) or standard ride share or taxi services to limit the number of vehicles in attendance. These include (but are not limited to):

- nearorfarbusandcoach.com.au
- easyweddings.com.au

For Open Days and Performance Activities trained traffic marshals will adopt a TMP prepared by an appropriately accredited organisation for each activity in accordance with the consent (refer Appendix F) and specifically including methods to:

- Manage traffic flow and parking
- Assist with local conditions/issues such as cars parked over driveways as they arise as instructed by the Everglades Duty Manager (as the appropriate resident point of contact)
- Apply a schedule for coaches and apply the Coach Management policy above (esp. switch engines off and leave once passengers disembarked, return for collection at scheduled time).

A map illustrating the location of onsite car parking and detailing the limited capacity for car parking locally with encouragement to car pool will be provided to all bookings. The informal area adjacent to the House that can accommodate Small Rigid Vehicles (SRVs) should not be used by more than 2 vehicles at any time.

8. SOUND MANAGEMENT

Amplified sound is proposed to be used in some Temporary Activities as follows:

- Performance Activities and Open Days (with the proposed sound source being a main stage either in the Glades or in the outdoor theatre as illustrated in Figure 1.
- Small Activities – small PA for wedding celebrant or small ensemble or background music in one of three terrace locations or in the Glades as illustrated in Figure 1.

Measures to ensure compliance with the required noise limits are the nearest affected receivers relate to speaker and stage orientation, and the inclusion of a noise limiting device during Temporary Activities to ensure specific sound pressure levels are met. These measures are detailed in Tables 2 and 4 above.

9. FIRE AND EMERGENCY MANAGEMENT

Parts of the site are identified as bushfire prone land. The site is predominantly managed lands and well maintained, with the National Trust providing the means to maintain the property in the future. This Operational Plan adopts the following requirements in relation to the maintenance and management of Everglades to protect it from the potential impacts of bushfire.

9.1. ASSET PROTECTION ZONES

At the commencement of the development, and in perpetuity, the site shall be managed as an Asset Protection Zone to the extent currently achievable. Any future landscaping is to have regard to the Asset Protection Zone requirements of PBP Appendix 4.

9.2. GAS SERVICES

- Where applicable, reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas and the requirements of relevant authorities, and metal piping is used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side, connections to and from gas cylinders are metal.
- Polymer-sheathed flexible gas supply lines are not used, and above-ground gas service pipes are metal, including and up to any outlets.

9.3. WATER SUPPLY

The existing tanks are to comply with the following:

- A 65mm Storz outlet with a ball valve is fitted to the outlet
- Ball valve and pipes are adequate for water flow and are metal
- Supply pipes from tank to ball valve have the same bore size to ensure flow volume;
- Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank
- Above-ground tanks are manufactured from concrete or metal
- Unobstructed access is provided at all times
- Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters
- underground tanks are clearly marked
- All exposed water pipes external to the building are metal, including any fittings
- Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack
- Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter
- Any fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.

9.4. EMERGENCY AND EVACUATION PLANNING

A Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants. Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

9.5. NOTIFICATION

The RFS are to be notified prior to the conduct of Performance Activities and Open Days..

For Performance Activity or Open Day a letterbox drop at least 28 days prior to the Activity to local residents within 400 m radius from the site entry. It shall include details of the Temporary Activity (including nature of activity and dates, sound conditions and details of any noise-related bump in or bump out activities planned, expected noise levels and duration, as well as contact details for Everglades Duty Manager including a phone number for any issues or complaints during the Temporary Activity refer condition 15 in the consent at Appendix G).

10. AMENITY OF THE SURROUNDING NEIGHBOURHOOD

Operation in accordance with this OP will help ensure that the operation of Everglades delivers a safe, enjoyable and practical visitor experience that does not compromise the amenity of the locality. Activities on the site may change from year to year and management measures will continue to be refined and improved. By applying adaptive management techniques to accommodate operational changes which are low impact and similar in nature and scale to those approved, the National Trust can evolve the activation of the site over time and continue to meet and exceed established environmental standards.

Implementation of this OP will:

- Lead to improved and sustainable site management;
- Meet the needs of visitors, neighbours and stakeholders through the provision of suitable and agreed facilities and services; and
- Increase capacity to address evolving community, regulatory and environmental requirements.

The objective of Everglades House & Gardens is to welcome all members of the local community into the site on a regular basis. It is intended that this will provide opportunities to develop strong relationships with the local community.

Liaison and regular communication with the community are an important ongoing element in managing the site. Information regarding the site is provided to neighbours and stakeholders as required in a dynamic process that allows for the adjustment of management and operational methods for the benefit of all parties.

In addition the National Trust maintains a webpage where the community can obtain up-to-date information about the site and which provides email and phone contact numbers that create a direct line of communication (refer condition 12 of the Consent at Appendix G). In this way, issues can be addressed as they arise.

Complaint handling procedures will include maintaining a register of:

- Nature of complaint;
- Name telephone number or email address of complainant (if available);
- Action taken and resolution of complaint; and
- Feedback to complainant and any ongoing management review action required.

11. AMENDMENTS TO THIS OPERATIONAL PLAN

This OP shall be reviewed from time to time, as required to take account of changes in the operational, creative or environmental impacts of the activation of the site. The updated OP shall be provided to Council and all other relevant stakeholders.

The OP will be updated regardless of the need to seek further development approval to:

- Take account of changes in site management and operational practices;
- Address any new environmental impacts arising out of these changes;
- Identify any additional performance standards or mitigation measures necessary to offset residual impacts and ensure the amenity of the locality and surrounds are protected; and

Address the outcomes of any annual review, registered complaint, monitoring or compliance activity.

12. ANNUAL RETURNS IN ACCORDANCE WITH THIS OPERATIONAL PLAN

All Temporary Activities are to be managed in accordance with this Operational Plan and the Heritage Impact Statement prepared by the National Trust of Australia (NSW).

An annual review should be conducted of all Temporary Activities, conservation works and complaints received and submitted to Council in accordance with the template at Appendix C.

Condition 7 requires the annual report to be provided to Council by 31 July each year covering the preceding period 1 July to 30 June, inclusive (sent to council@bmcc.nsw.gov.au) . This report is to detail the following information:

- Number and type of events held across categories
- Funds raised
- How funds raised through events have been spent
- Any complaints received and how they were addressed
- The condition of the gardens
- The outline of any works planned for following year
- Performance events and open days planned for following year
- A copy of the regular maintenance and repair report (which is a short summary demonstrating the work completed in the previous year (as per Policy 17 in the Conservation Management Plan prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd, dated May 2010), and to discuss the priority conservation works to be implemented within the next year. Conservation works must prioritise safety requirements and fabric conservation.)
- An assessment of the performance of the activities against the requirements in this Operational Plan.

The annual review of Temporary Activities should help ensure that the heritage significance and amenity of the site and surrounding neighbourhood is conserved. It includes a review of the complaints register and if required update of this Operational Plan. If an update of the Operational Plan is required a copy should be submitted to Council together with the Annual Return at the end of each financial year.

APPENDIX A - TEMPORARY ACTIVITY PLAN TEMPLATE

Planned Temporary Activity type and brief description

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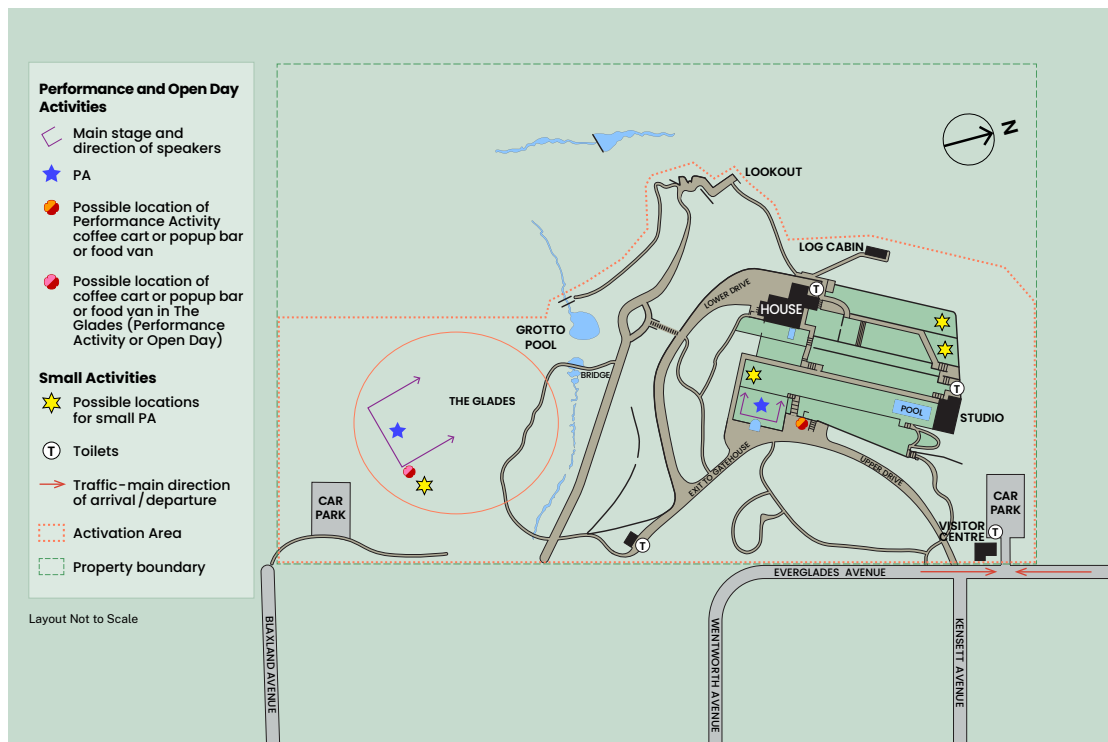
Activity Date(s)

.....

Set Up and Dismantling Dates (circle those that apply)

	Set Up Duration (maximum)	Bump Out Duration (maximum)
Small Activities	24 hours prior	24 hours post
Performance Activities and Open Days	Within the 5 days prior (including rehearsal/sound check)	Within 3 days post

Temporary Activity Location (illustrate on Map include locations for ancillary food and beverage, access, parking (permitted number of vehicles etc.)



Sound Management (if applicable circle those that apply)

Activity Type	Sound Limits	Sound Emission Mitigation
<p>Small Activity</p> <p>Max Capacity 120</p> <p>Max 90 activities per year</p> <p>9am to 7pm (or sunset whichever is earlier)</p>	<p>40 dBA (9.00am to 6.00pm);</p> <p>35dBA (6.00pm –7.00 pm)</p>	<p>There should be a noise limiting device fitted at Front of House or noise monitoring performed during small activities to ensure that the sound power level (SWL) of the small PA system is:</p> <ul style="list-style-type: none"> • no greater than 94 dBA during the day time (9.00am to 6.00pm); • no greater than 90 dBA during the evening/night time (6.00pm –7.00 pm)
<p>Performance Activity</p> <p>Max Capacity 250</p> <p>Max 10 days per year</p> <p>9am to 7:30pm, (Performance to end by 7pm).</p> <p>For a 2 year trial period (from 5 June 2025 – 5 June 2027)</p> <p>Performance activities may operate between 7pm and 10.30pm (with performances to end by 10.00pm)</p>	<p>45 dBA, 55 dBC (LAeq 5-minute)</p>	<p>The speaker system/stage should be orientated as shown in Figure 1. There should be a noise limiting device fitted to ensure that the sound power level of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m.</p> <p>Alternatively, monitoring needs to be conducted during every performance activity to ensure that the measured sound pressure Levels at 10m from the speaker are less than 69dBA/79 dBC.</p>
<p>Open Day Activity</p> <p>Max Capacity 600</p> <p>Max 2 days per year</p> <p>9am to 7pm (or sunset whichever is earlier)</p>	<p>45 dBA, 55 dBC (LAeq 5-minute)</p>	<p>The speaker system/stage should be orientated as shown in Figure 1. There should be a noise limiting device fitted to ensure that the sound power level of the speaker system is below 97 dBA or less than 69dBA/79 dBC at 10m.</p> <p>Alternatively, monitoring needs to be conducted during every Open Day to ensure that the measured sound pressure Levels at 10m from the speaker are less than 69dBA/79 dBC..</p>

	Management / mitigation measures	Potential impact /reporting mechanisms
Activity enquiries	For small activities: Venue options, capacity, duration, timeframes and inclusions are itemised on the National Trust's venue hire page For Performance Activities: applications considered on request For Open Days: National Trust capacity to implement	Count # activities/ distribution
Suitability of temporary activity	Assess feasibility of application and discuss with Manager as necessary Does the proposal fit within the DA conditions of consent and OP management and mitigation measures for managing temporary activities For Performance Activities: Does applicant have experience and capacity to deliver	Schedule
Feasibility of venue	Consult internal stakeholders as required (incl Head Gardener/ Manager/ Conservation team) Assess operational feasibility of the proposed site, incl: <ul style="list-style-type: none"> - Site suitability - Venue availability - Condition of/ impact upon the garden - Heritage management - Stakeholder impacts - Capacity to facilitate (enabling activity & resourcing) 	
Compliance	For Small/ Performance Activities: Instruments of agreement issued and signed and Venue hire fees & Bond paid For Small Activities: running order confirmed prior to set up of event, . National Trust nominated representative receives and reviews/ sends comments or meets client to finalise.	

	<p>For Performance Activities:</p> <p>Activity Organiser develops management plans (EMP/ site plan/ risk management plan/ weather contingency plan) with the NT Duty Manager provides background details on the property (incl Operational Plan and relevant conditions of consent) and reviewing and providing feedback or accepting the management plans prior to site occupation commencing.</p> <p>For Performance Activities/ Open Days: notify local residents, RFS and emergency services as required</p>	
Operational planning	<p>Ensure site is prepare as required (e.g. mowing, irrigation mark-up, cleaning amenities, provision of any agreed inclusions)</p> <ul style="list-style-type: none"> - Brief staff/ volunteers - Perform pre-activity condition report Refer Appendix E. <p>Manage National Trust's responsibilities during bump in, activity & pack-down, including but not limited to: implementation of running order/ EMP and monitoring sound, access, waste management, safety, first aid, traffic & parking, security, food & beverage operations, lighting (Performance Activities only & if scheduled in the evening) and monitor and respond to any issues as they arise</p>	Update complaints register (if applicable), ref. OP Appendix C
Post-activity	<p>Ensure any National Trust equipment/ resources are collected and stored</p> <p>Complete post-activity condition report (including photos) by inspecting the site, external verges (as applicable) and establishing with Head Gardener/ Facilities team if any works are required. If so, recoup costs from activity organiser as applicable.</p> <p>Finalise activity records including statistics, debrief notes and new or revised mitigation measures</p>	Detail new or revised mitigation measures
Temporary activities pathway	<p>Capture, review and evaluate measures of success.</p> <p>Review and revise OP annually &/or in response to matters arising.</p> <p>Safe, sustainable, complimentary activities enabled.</p>	Submit annual return to council, ref. OP Appendix C

APPENDIX B – COMPLAINTS REGISTER

If the Activity Coordinator receives a phone call during a temporary Activity, all efforts are to be focussed on resolution within 24 hours with details to be included in a register as follows

Name, telephone number or email address of complainant (a formal complaint can only be recorded with these details)

Name	Phone/Email	Date & time	Activity Type	Nature of complaint/ feedback	Action taken & resolution of complaint	Response date	Feedback to complainant and any ongoing management review action required

APPENDIX C – ANNUAL RETURN FOR BLUE MOUNTAINS CITY COUNCIL

To be submitted to Council at the end of each Financial Year

Summary

- Revenue and visitor numbers associated with Temporary Activities
 -
- Conservation Works Undertaken
- Conservation Works Proposed – Minor Works Approval to be submitted to Council under separate cover to comply with Condition 9.

SMALL ACTIVITIES	DETAILS
Number of Small Activities held (maximum 90 days per year)	
Average Capacity /Attendance (maximum patrons 120)	
Complaints Received and Actioned	
New or Revised Management/Mitigation Measure	
Implementation Comments	
Update Operational Plan (Yes/No - if yes update revised Operational Plan)	
PERFORMANCE ACTIVITIES	DETAILS
Number of Performance Activities held (maximum 20 days per year)	
Average Capacity /Attendance (maximum patrons 250)	
Complaints Received and Actioned	
New or Revised Management/Mitigation Measure	
Implementation Comments	
Update Operational Plan (Yes/No - if yes update revised Operational Plan)	
OPEN DAYS	DETAILS
Number of Open Days held (maximum 2 days per year)	
Average Capacity /Attendance (maximum patrons 600)	
Complaints Received and Actioned	
New or Revised Management/Mitigation Measure	
Implementation Comments	
Update Operational Plan (Yes/No - if yes update revised Operational Plan)	

APPENDIX D – STANDARD EXEMPTIONS UNDER THE HERITAGE ACT 1977

Standard Exemptions under the Heritage Act 1977 (Government Gazette Number 262–Planning and Heritage Friday, 17 June 2022 accessed 23 March 2025)

These standard exemptions were made under the Heritage Act 1977 and published in the NSW Government Gazette and must be complied with.

This exemption allows for minor changes of use that will not affect the item’s heritage significance.

General conditions apply to the use of all standard exemptions and must be complied with.

The following specified activities/works to an item do not require approval under subsection 57(1) of the Heritage Act 1977 if the specified activities/works are undertaken in accordance with each of the relevant standards prescribed below.

Check if any other approvals apply

Activities or work exempt from approval under the Heritage Act 1977 might still need other approvals. For example, your proposed activity or work might need an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974, if Aboriginal objects may be present or the site is a declared Aboriginal Place.

Engage suitably qualified professionals

Heritage projects need the right experts to get the job done. Try searching online or asking around for professionals who have the skills and experience for what you need.

Any activity or work done under an exemption must be carried out by qualified people with the right knowledge, skills and demonstrated experience.

Keep records

Records must be kept of any activities or work completed under a standard exemption. Use the Standard Exemption Record Keeping Form (PDF 70KB)

Guidance

- NSW Heritage Manual
- The Burra Charter

12 Temporary Structures

This exemption is for erection of a temporary structure(s) for less than 30 consecutive calendar days.

Examples of typical temporary structures include:

- marquee, tent or gazebo
- portaloos
- shipping container
- performance stages and staging equipment.

General conditions apply to the use of all standard exemptions and must be complied with.

Specified activities/works

- a. The construction or installation of a temporary structure or structures.

Relevant standards

- b. Activities/works must not involve alteration to (including penetrations), damage to, or the removal of, significant fabric.
- c. Any excavation must comply with Standard Exemption 8: Excavation relevant standards.
- d. Temporary structure/structures may be internal or external to items or buildings.
- e. The temporary structure or structures must not be located where it could:
- i. damage (including through use of the temporary structure) significant fabric or
 - ii. endanger significant fabric, including landscape or archaeological features, or
 - iii. obstruct significant views to and from the item, or
 - iv. detract from the significance of the item, or
 - v. reduce the ability to appreciate the item.
- f. Existing public access to the item must be maintained and not restricted.
- g. The temporary structure or structures must not be erected for more than 30 consecutive calendar days (inclusive of set-up, pack-down and removal).
- h. No further temporary structure or structures may be erected again on the site, under this exemption within a period of 90 calendar days.

16 Filming

The exemption allows for the use of an item as a set or backdrop for filming.

Examples of typical activities/works include:

Specified activities/works

- protection of significant fabric using bumpers or gaskets during filming of a television or online commercial, show or movie
- temporary movement of non-significant elements of the item within the item
- setup of moveable tripods and lighting without penetrations into significant fabric.
- General conditions apply to the use of all standard exemptions and must be complied with.

- a. The use of an item as a set or backdrop for filming in a manner that may result in the temporary movement and/or alteration of an item.

Relevant standards

- b. The specified use of the heritage item as a set or backdrop for filming is permitted for up to 60 calendar days in a calendar year.
- c. Any activities/works must be temporary, reversible and must have no physical impact to significant fabric, landscape elements and/or archaeological relics.
- d. No permanent activities/works are to be undertaken to the item.
- e. No painting or special effects are to be physically applied to significant fabric.
- f. Significant fabric must be protected from damage by using bumpers, gaskets and/or matting.
- g. No penetrations into significant fabric are permitted. Clamping or bracing to the item's significant fabric may be used.
- h. Consent must be provided by the owner or lawful occupier of the item to the use of the item as a set or backdrop for filming.
- i. The item must not be moved except as permitted by Standard Exemption 17 - Moveable Heritage Items.

21 Change of Use

This exemption allows for minor changes of use that will not affect the item's heritage significance.

General conditions apply to the use of all standard exemptions and must be complied with.

Specified works/activities

a. Development that is the change of use, commencement of an additional or temporary use, of land, a building or work to which a listing on the State Heritage Register applies.

Relevant standards

b. Activities/works must not involve the alteration of fabric, layout or setting of the listed item.

c. Activities/works must not involve the carrying out of activities/ works other than that permitted by other exemptions under these standard exemptions or the *Heritage Act 1977*.

d. Activities/works must not involve the cessation of the primary use for which the listed item was erected, a later significant use, or the loss of significant associations with the listed item by current users.

e. Activities/works must not involve a temporary use greater than 90 calendar days (inclusive of set-up and pack-down time).

These standard exemptions were made under the *Heritage Act 1977* and published in the NSW Government Gazette.

These general conditions apply to the use of all standard exemptions and must be complied with.

1. These general conditions apply to all of the following standard exemptions.
2. These standard exemptions apply to all items of all values listed on the NSW State Heritage Register or subject to an Interim Heritage Order (termed 'item' or 'items' for the purpose of these standard exemptions), including Aboriginal cultural heritage.
3. These standard exemptions are available to the owner of a listed item or item subject to an Interim Heritage Order, or any person with the consent in writing of that owner, or if the item is situated on Crown Land, as defined in the *Crown Land Management Act 2016*, the lawful occupier.
4. Anything done under the standard exemptions must be carried out by people with knowledge, skills and experience appropriate to the work (some exemptions require suitably qualified and experienced professional advice/work).
5. The standard exemptions do not permit the removal of any significant fabric. Significant fabric means all the physical material of the place/item including elements, fixtures, landscape features, contents, relics and objects which contributes to the item's heritage significance.
6. The standard exemptions do not permit the removal of relics or Aboriginal objects.

If relics are discovered, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area.

If any Aboriginal objects are discovered, excavation or disturbance is to cease, and Heritage NSW notified in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Aboriginal object has the same meaning as in the *National Parks and Wildlife Act 1974*.

7. Activities/works that do not fit strictly within the exemptions described below require approval by way of an application under section 60 of the *Heritage Act 1977*.
8. The standard exemptions are self-assessed. It is the responsibility of a proponent to ensure that the proposed activities/ works fall within the standard exemptions.
9. The proponent is responsible for ensuring that any activities/works undertaken by them meet all Relevant standards and have all necessary approvals.
10. Proponents must keep records of any activities/works for auditing and compliance purposes by the Heritage Council. Where advice of a suitably qualified and experienced professional has been sought, a record of that advice must be kept. Records must be kept in a current readable electronic file or hard copy for a reasonable time.
11. It is an offence to do any of the things listed in section 57(1) of the *Heritage Act 1977* without a valid exemption or approval.
12. A person guilty of an offence against the *Heritage Act 1977* shall be liable to a

-
- penalty or imprisonment, or both under section 157 of the *Heritage Act 1977*.
13. Authorised persons under the *Heritage Act 1977* carry out inspections for compliance.
 14. The standard exemptions under the *Heritage Act 1977* are not authorisations, approvals or exemptions for the activities/ works under any other legislation, Local Government and State Government requirements (including, but not limited to, the *Environmental Planning and Assessment Act 1979* and the *National Parks and Wildlife Act 1974*).
 15. The standard exemptions under the *Heritage Act 1977* do not constitute satisfaction of the relevant provisions of the National Construction Code for ancillary works.
 16. Activities or work undertaken pursuant to a standard exemption must not, if it relates to an existing building, cause the building to contravene the National Construction Code.
 17. In these exemptions, words have the same meaning as in the *Heritage Act 1977* or the relevant guidelines, unless otherwise indicated. Where there is an inconsistency between relevant guidelines and these exemptions, these exemptions prevail to the extent of the inconsistency. Where there is an inconsistency between either relevant guidelines or these exemptions and the *Heritage Act 1977*, the Act will prevail.
 18. The Heritage Manual (1996, Heritage Office and Department of Urban Affairs & Planning) and The Maintenance Series (1996 republished 2004, NSW Heritage Office and Department of Urban Affairs & Planning) guidelines must be complied with when undertaking any activities/works on an item.



Standard Exemption Record Keeping Form

This form is to assist owners and managers when recording the use of standard exemptions under section 57(2) of the *Heritage Act 1977*. Use the form each time a standard exemption is used. Retain copies of completed forms and all relevant information for your records and to demonstrate compliance with the general conditions of use for the standard exemptions.

Use of the standard exemptions is self-assessed. In completing this form you acknowledge that this record is not for assessment purposes and does not represent an endorsement of the Heritage Council for the work or use of exemptions. This form may be requested as part of an audit or compliance investigation. This information cannot be relied on as a defence to prosecution.

AFFECTED HERITAGE ITEM

Name of State Heritage Register item/IHO item:
Insert name as it appears in the State Heritage Inventory or interim heritage order

Street address of heritage item:

Local government area: Choose an item.

State Heritage Register/ interim heritage order reference number:

ACTIVITY/WORKS

Description of works:

Include at a minimum what the activity/work is, how it will be carried out, what parts of the item it affects, what materials will be used.

Standard Exemption: Choose an item.

Statement of Significance Referred to: Choose an item.

If not the State Heritage Register, record the document title, author and date:

Document Title	Author	Date

Was professional advice required to use the Standard Exemption? Yes: No:

Was professional advice sought to use the Standard Exemption (even if it was not required by

the relevant standards)? Yes: No:

If yes to either of the above questions on professional advice, complete the table below (add additional rows if required):

Name of company/ person who advised	Date of advice	Title of any document containing the advice

Cost of works: \$ Start date: Completion date:

Were any inspections undertaken? Yes: No:

If yes, complete below (add additional rows if required):

Date of inspection	Who inspected (name and organisation)	Purpose of inspection	Inspection findings

Challenges encountered and/or change of plans

Describe here the challenge or change and how you managed it. Remember: any change of plans that would not comply with the Standard Exemption require approval under the *Heritage Act 1977* before activity/works can be undertaken.

Heritage impact

Summarise how the activity/ work will change the heritage item. What elements of the item will be affected? Are those elements significant or non-significant? How will those elements change? Is the change permanent or temporary and will the change be reversible? Does the change to those elements affect their significance and/or the item's overall significance? Remember: there must be no impact to the item's overall significance to work under a Standard Exemption.

Heritage controls:

What measures were put in place to minimise or avoid impact from the activity/ work to significant elements, fabric, values and the item's overall heritage significance?

Contact details (person completing is form)

Name	
Organisation/role	
Postal address:	
Email:	
Phone number:	

Name of heritage item owner
(if not the contact who completed this form)

Attachments

List the names of any other documents or files that form part of the exemption record in addition to this form.

APPENDIX E – INFRASTRUCTURE AND PUBLIC DOMAIN PLAN FOR OPEN DAY AND PERFORMANCE ACTIVITIES

1. PURPOSE

This plan responds to the Condition of Consent (X1740/2024) 5 (b) that requires preparation of this plan prior to commencement:

- 5(b) An infrastructure and public domain maintenance plan that describes the existing condition of roads, drainage, footpaths and verges (a dilapidation report) within a 400 metre radial distance from the site entry at Everglades Avenue and measures to be undertaken after each activity to repair infrastructure and the public domain.

This plan provides a template for assessment of the condition of verges that may be used for parking within a 400-metre radius of the site and associated rectification measures to be undertaken as required to restore verges. It provides operational parameters for monitoring of the condition of roads, drainage and footpaths.

2. SITE LOCATION & CONTEXT

Everglades House & Gardens is located at the southern end of Everglades Avenue within the established residential area of Leura. The site is located on the western side of Everglades Avenue between Blaxland Avenue and Kensett Avenue.

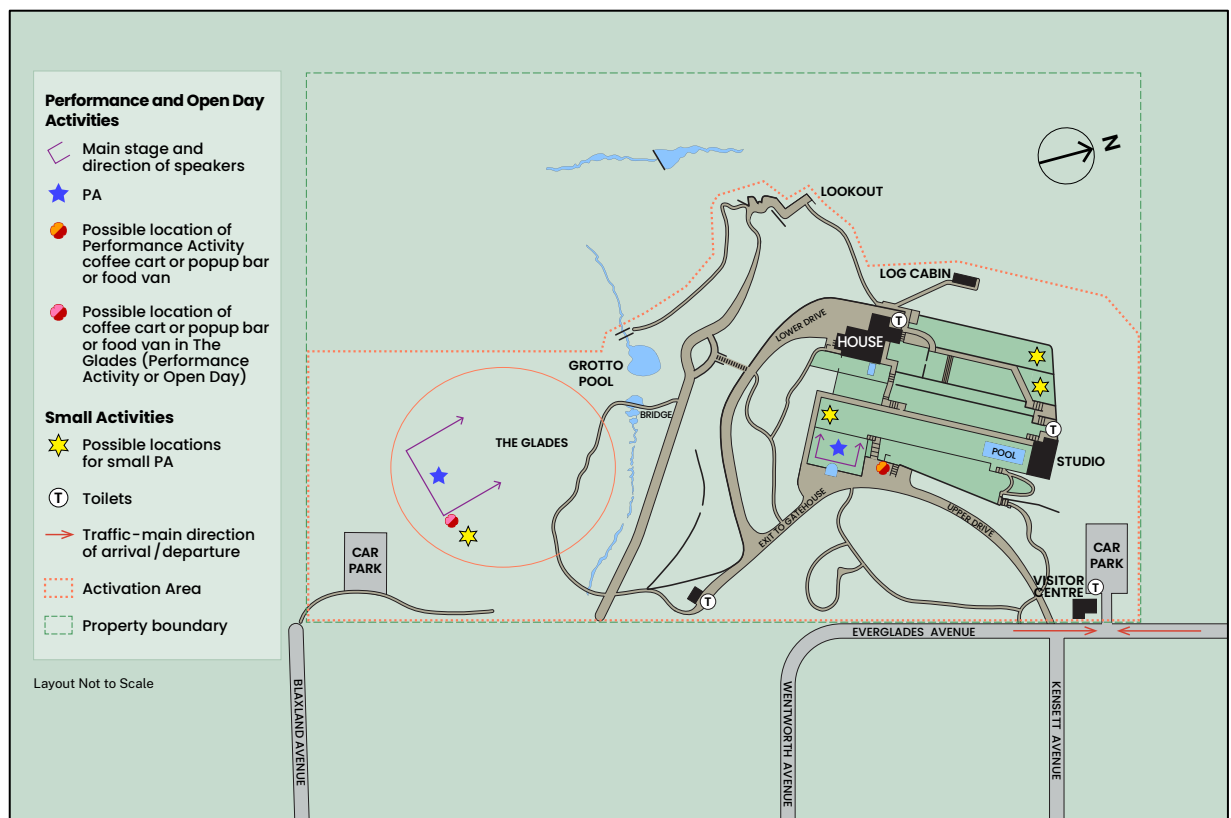


Figure 2: Everglades Activation Area (Source: Graphic/Dimensional 2025)

The site is bound by residential development to the north and east, with Blue Mountains National Park located to the south and west of the site, and additional residential development further west. The site's main entrance gate is a pedestrian only entrance at Everglades Avenue and is the site of the Visitor Centre approved by Council in 2010.

There are two on site car parks which accommodate 29 cars. 14 spaces accessed via Blaxland Avenue are used for staff parking and 15 spaces accessible from Everglades Avenue are available to visitors and the public. Most patrons park on-street in the vicinity of Everglades House & Gardens. A bus parking zone is located outside the Visitor Centre and managed in accordance with the Operational Plan provisions above.

For the purpose of modelling projected parking impact there are considered to be 120 readily accessible on-street parking spaces in the vicinity of the site and a modelled total of 135 visitor parking spaces. (The reality is that there are 29 spaces on site + 179 legal on street spaces totalling 208 parking spaces.)

Demand for parking can be accommodated in close proximity to the site as illustrated below. Parking impacts in the wider 400 m radial distance are not expected.

- Small Activity + BAU (pink) - would result in a modelled worst case scenario need for 67 visitor parking spaces
- Performance Activity (red)– On a maximum of two days per year, a maximum demand for 84 parking spaces is expected based on a travel mode of 3 persons per car.
- Open Day (blue)- On a maximum of two days per year (based on an expected travel mode of 3 people per car) 200 patrons all arriving by car would result in a parking demand of up to 67 spaces.



Figure 3: Estimated parking demand for maximum capacity Small Activity and BAU (Pink) Performance Activity (Red) and Open Day (Blue) (adapted from ptc traffic consultants 2023)

3. SCOPE OF MANAGEMENT AREA

The Management Zone has two functions and is illustrated in Figure 4:

- A Notification area within which residents will be notified of forthcoming Open Day or Performance Activity in accordance with the Operational Plan; and
- A Monitoring area along nearby streets potential affected by Open Days and Performance Activities.



Figure 4: Everglades Management Zone illustrating the streets marked in blue within a 400 m radial distance from the site's main pedestrian entrance for Notification and Monitoring

4. EXISTING CONDITIONS ASSESSMENT (DILAPIDATION REPORT)

Prior to the first Performance Activity or Open Day under consent X1740/2024 a photographic dilapidation survey is to be conducted to document the current condition of verges within the Management Zone. This should include photographic evidence and location mapping using the photographic survey template included at Attachment A.

5. MONITORING AND MAINTENANCE

After the conclusion of bump out for each Open Day or Performance Activity, the following monitoring/ maintenance actions will be undertaken within seven working days.

5.1. VISUAL INSPECTION

- Cross-check against the pre-event dilapidation report
- New damage to be clearly documented and photographed

5.2. VERGE REINSTATEMENT

- Topsoil and turf seeding for verges with significant damage

5.3. LITTER REMOVAL

- Collection of small litter likely left by attendees from daily during Performance Activity or Open Day. Stormwater channel or pit cleaning, if blocked by debris from attendees or event materials

5.4. RESPONSIBILITY AND MONITORING

Activity	Responsible Party
Pre- and post-event inspections	National Trust and Blue Mountains City Council or Land Owner depending on extent and cause of damage
Verge reinstatement Waste and litter removal	National Trust and Blue Mountains City Council or Land Owner depending on extent and cause of damage

6. DRAINAGE, ROADS AND FOOTPATHS MONITORING

Roads and drainage are expected to be minimally affected by the proposed Open Days because these have a maximum frequency of 2 x per year and 10 per year respectively – total maximum of 12 days per year. Consequently every 5 years or 60 event days a Management Zone walkaround will be conducted to inspect the condition of roads, drainage and footpaths and report any relevant matter to Council. Otherwise the National Trust (NSW) will perform as a reasonable ratepayer and notify Council of issues as they arise.

ATTACHMENT A – PRE AND POST ACTIVITY DILAPIDATION CONDITION ASSESSMENT
 TEMPLATE

Everglades Avenue between Wentworth and Easter Street



Road Classification	Local Road
Alignment	North – South
Number of Lanes	Single Lane in both direction
Carriageway Type	Undivided
Carriageway Width	8m
Speed Limit	50km/h
Parking Controls	Unrestricted on carriageway in angle parking outside the site and against limited curb and gutter on eastern side
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Easter Street between Everglades Avenue and Albert Street



Road Classification	Local Road
Alignment	East - West
Number of Lanes	Single Lane in both direction
Carriageway Type	Undivided
Carriageway Width	5m
Speed Limit	50km/h
Parking Controls	Unrestricted on verge
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Fitzroy Road



Road Classification	Local Road
Alignment	East – West
Number of Lanes	1 lane
Carriageway Type	undivided
Carriageway Width	5m
Speed Limit	50km/h
Parking Controls	Unrestricted on verge
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Gladstone Road between Blaxland Ave and Fitzroy Street



Road Classification	Local Road
Alignment	East – West
Number of Lanes	1 lane
Carriageway Type	undivided
Carriageway Width	5m
Speed Limit	50km/h
Parking Controls	Unrestricted parking against curb and gutter on eastern side and on carriageway on western side
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Kensett Avenue



Road Classification	Local Road
Alignment	East – West
Number of Lanes	1 lane
Carriageway Type	undivided
Carriageway Width	5m
Speed Limit	50km/h
Parking Controls	Unrestricted on verge
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Blaxland Avenue



Road Classification	Local Road
Alignment	East – West
Number of Lanes	Single Lane in both direction
Carriageway Type	Undivided
Carriageway Width	5m
Speed Limit	50km/h
Parking	Unrestricted on verges
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

Wentworth Avenue



Road Classification	Local Road
Alignment	East – West
Number of Lanes	Single Lane
Carriageway Type	Undivided
Carriageway Width	4m
Speed Limit	50km/h
Parking	Unrestricted parking on verge and fenced parking areas on southern side
Pre Activity Verge condition photo and date	
Comments – damage as a result of Activity	
Adjacent Landowner contact details (if relevant or complaint received)	
Rectified Date	
Verge condition photo and date	

APPENDIX F –TRAFFIC MANAGEMENT PLAN FOR OPEN DAY AND PERFORMANCE
ACTIVITIES



Traffic Management Plan

(TCAWS Manual Appendix A.2.3 checklist)

**TCAWS
TMP-01**

Details the work to be undertaken, identifies the associated traffic management risks and accepted control measures to eliminate or reduce those risks.


Disclaimer

While care and diligence has been taken to produce the checklists, templates, and example documents (Documents), no responsibility is taken, or warranty made with respect to the accuracy or correctness of the Documents. Transport for NSW expressly disclaim all liability for any omissions, errors, inaccuracy, or incompleteness of any of the Documents and the consequences upon reliance of the Documents.

The Documents are provided for general information purposes only. While every attempt has been made to align these documents with the Traffic control at work sites (TCAWS) Technical Manual, the Documents provided are only examples. The use of these Documents may not fulfill all the relevant requirements in the latest release of the TCAWS Technical Manual. It is the obligation of the user to ensure that appropriate modifications are made to meet the requirements of the TCAWS Technical Manual.

Disclaimer updated on 20 October 2023, 9:00am

Prepared by

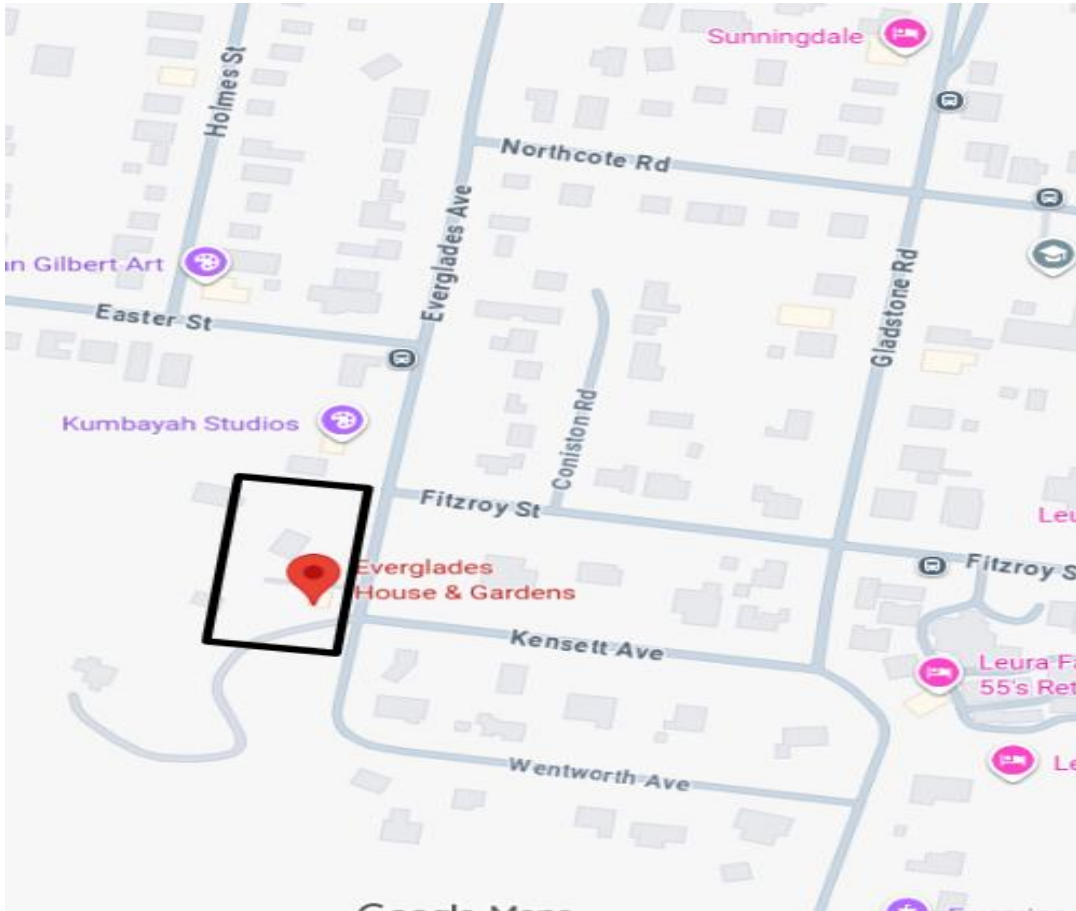
Name:	Phillip Belo	Role:	Traffic Plan Designer
Card number:	TCT0059235	Organisation:	TMPACS
Signature:		Date:	16/09/2025

Location of works

Project	Everglades House & Garden Open Days and Performance Activities Everglades Avenue Leura 25 th January 2026
Activity / work	Open/Performance Days for Everglades
Location	Everglades Avenue Leura

Location of works

Site
Layout



Main Entrance



Location of works	
Dates relevant for TMP work	

Traffic Management Strategy (TMS) Verification		
Has the TMS been received and attached to this TMP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If "no" has been selected a TMP should not be developed until TMS information is obtained</i>	
Provide updated information regarding TMS if required		
Current existing speed limit/s	Everglades Avenue between Wentworth and Easter Street – 50km/h Easter Street between Everglades Avenue and Albert Street – 50km/h Fitzroy Road – 50km/h Gladstone Road between Blaxland Ave and Fitzroy Street – 50km/h Kensett Avenue – 50km/h Blaxland Avenue – 50km/h Wentworth Avenue – 50km/h	
Updated traffic data	Traffic volumes (ADT): N/A	Traffic volumes (AADT): N/A
	Hourly traffic volumes : Open Day - Max vehicles 200 (throughout the day) and modelled worst case demand for 100 Parking spaces Performance Activities - Max vehicles - modelled peak demand for 84 Parking spaces	Operating speed: N/A
	Peak times AM:	Peak times PM:
Traffic composition	<input type="checkbox"/> OSOM <input type="checkbox"/> Heavy vehicles >30 (%) <input type="checkbox"/> Permit vehicle routes	
If yes provide details	Details:	

Traffic Management Strategy (TMS) Verification	
Site and work specific considerations	<i>Nil</i>
Additional options available	<i>For additional options identified, the process of assessment outlined in the TMS must be completed</i>

Decision point: Temporary Traffic Management Method	
Was an options assessment completed by the client?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Summary of TMS options	Appropriate signage and spotters/marshals to be in place
TTM method	<input type="checkbox"/> Around <input checked="" type="checkbox"/> Past <input checked="" type="checkbox"/> Through Option Selected: <i>nominate option selected from TMS</i>
Justification	Appropriate advanced warning, vehicle mitigation and other signage will be erected to guide members of the public to and from event

Traffic Management Planning				
TTM type	<input type="checkbox"/> Mobile	<input type="checkbox"/> Low impact	<input checked="" type="checkbox"/> Static	
Will lane or shoulder widths need to be modified?	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
Specific road users impacted	<input checked="" type="checkbox"/> Pedestrians	<input checked="" type="checkbox"/> Cyclists	<input checked="" type="checkbox"/> Motorcyclist	<input type="checkbox"/> OSOM
	<input type="checkbox"/> Freight Industry	<input type="checkbox"/> Persons with disability, prams or children	<input type="checkbox"/> Public transport e.g. bus, tram.	<input type="checkbox"/> Other
Minimal Impact to local road users				

Existing Parking – Members of the Public/Visitors (On Street Parking)

On-Street Car Park Locations	Spaces
Everglades Avenue	51
Fitzroy Street	27
Gladstone Road	29
Easter Street	13
Total	120

Staff Parking (Off Street Parking)

Car Parks	Parking Provision (spaces)
Staff Car Park (Blaxland Avenue)	14
Public Car Park (Everglades Avenue)	15
Total	29

	<p><u>Council Consent Requirements:</u></p> <ul style="list-style-type: none"> -Ensure the safety of pedestrians, attendees, staff, and local road users. -Maintain clear access for emergency and service vehicles. -Minimise disruption to surrounding residents and businesses. -Provide clearly signed and controlled parking areas. -Safely manage coach, bus, public transport, and service vehicle access following the established procedures set out in the Everglades Operational Plan.
<p>Additional location specific requirements to be considered?</p>	<ul style="list-style-type: none"> Parking on Kensett Avenue is to be avoided where possible due to potential for damage to existing grass verges. Appropriate signage and spotters to be onsite to guide members of the public visiting the events of alternate areas for parking. Parking on Coniston Ave is to be avoided also due to narrow cul-de-sac nature of the street Parking on Wentworth Street also to be avoided as the street is very narrow (approximately 4.5m wide) with landscaping on relatively steep batter slopes extending to pavement edge in places. For parking in Everglades Avenue parking bays, a spotter and appropriate signage shall be in place to assist as it proceeded by a blind corner.

Risk assessment

Undertake and attach to this TMP a risk assessment of the proposed works with the determined strategy.

<p>List of sources of information used in risk assessment</p>	<p>TCAWS Version 6.1 2022</p>			
<p>Has the risk assessment considered?</p>	<input checked="" type="checkbox"/> Proximity of traffic	<input type="checkbox"/> Queued traffic	<input type="checkbox"/> High traffic volume	<input type="checkbox"/> Traffic speed and compliance behaviour
	<input checked="" type="checkbox"/> Traffic composition	<input type="checkbox"/> Exposure and proximity of workers to live traffic	<input type="checkbox"/> Length of delays for road users	<input type="checkbox"/> Traffic generating land use (hospital, school)
	<input type="checkbox"/> Non-compliance with temporary speed limits	<input type="checkbox"/> Reduced lane and shoulder widths	<input checked="" type="checkbox"/> Compromised access points	<input checked="" type="checkbox"/> Site vehicle access and egress points
	<input type="checkbox"/> Horizontal (curves) and vertical (crests/sags) alignment	<input type="checkbox"/> Utilities including above and below services	<input type="checkbox"/> Crash history	<input type="checkbox"/> Topographical constraints

Risk assessment				
	<input type="checkbox"/> Sight distances	<input checked="" type="checkbox"/> Emergency services	<input type="checkbox"/> Car parking impacted	<input type="checkbox"/> Transport services (bus stops etc)
	<input type="checkbox"/> Access to private and commercial properties	<input checked="" type="checkbox"/> Local road access	<input checked="" type="checkbox"/> Special events or high risk venues	<input type="checkbox"/> Other _____
Key risks identified as a result of works:	Pedestrian movements, vehicle movements			
Specific controls required:				
Protection of workers	<input type="checkbox"/> Barriers	<input type="checkbox"/> Delineation	<input checked="" type="checkbox"/> Other	
	Appropriate signage, traffic control and marshals to be onsite aiding members of the public and guiding them as required as per activity requirements. Controls change from Open Day to Performance Day Activities			
Will a speed restriction be required?	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
End queue management strategy:	<i>There will be no end of queue management required</i>			
Delineation of site	<i>Delineation of parking/no parking zones</i>			
Emergency service access and notification	<i>Emergency Services access will not be impeded at any time. Should emergency vehicles need to pass the site when under traffic control, Traffic Controllers will provide priority access through the site for the emergency vehicle or direct vehicles to alternative routes available to the other side of the worksite.</i>			

Relevant Documentation		
Have the following mandatory documents been provided as part of the overall TMP?		
<input checked="" type="checkbox"/> All approved TGS required	<input type="checkbox"/> Road Occupancy Licence	<input type="checkbox"/> Plans showing access to local properties or side roads
<input type="checkbox"/> WHS documentation	<input type="checkbox"/> Approved list of TTM personnel and contacts	<input type="checkbox"/> Vehicle movement plans


Relevant Documentation		
<input type="checkbox"/> Traffic incident plans		
STOP: If one of the above documents has not been selected the TTMP cannot be approved		
Other documents provided		
<input type="checkbox"/> Traffic staging arrangements including Traffic Staging Plans	<input type="checkbox"/> Speed Zone Authorisation	
<input type="checkbox"/> Design drawings	<input type="checkbox"/> Council permits	
<input checked="" type="checkbox"/> Pedestrians and cyclists movement plans	<input type="checkbox"/> Consultation with public transport operator	
<input checked="" type="checkbox"/> Other: Separate site maps provided for each different Activities.		

Monitoring activities required			
Person responsible for monitoring <i>daily</i> TTM work activities			
Name:	TBC	Role:	Traffic Control Team Leader
Unit:		Division:	
Qualification:	PWZTMP	Card Number:	
Comments:			
Person responsible for TTM works			
Name:		Role:	
Unit:		Division:	
Qualification:		Card Number:	
Comments:	Traffic Control Team Leader to be appointed by Traffic Professionals.		

Review activities required			
Activity	Required		Frequency or details
Shift inspections	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Sign checks every 2 hours whilst undertaking stop slow
Weekly Inspections	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

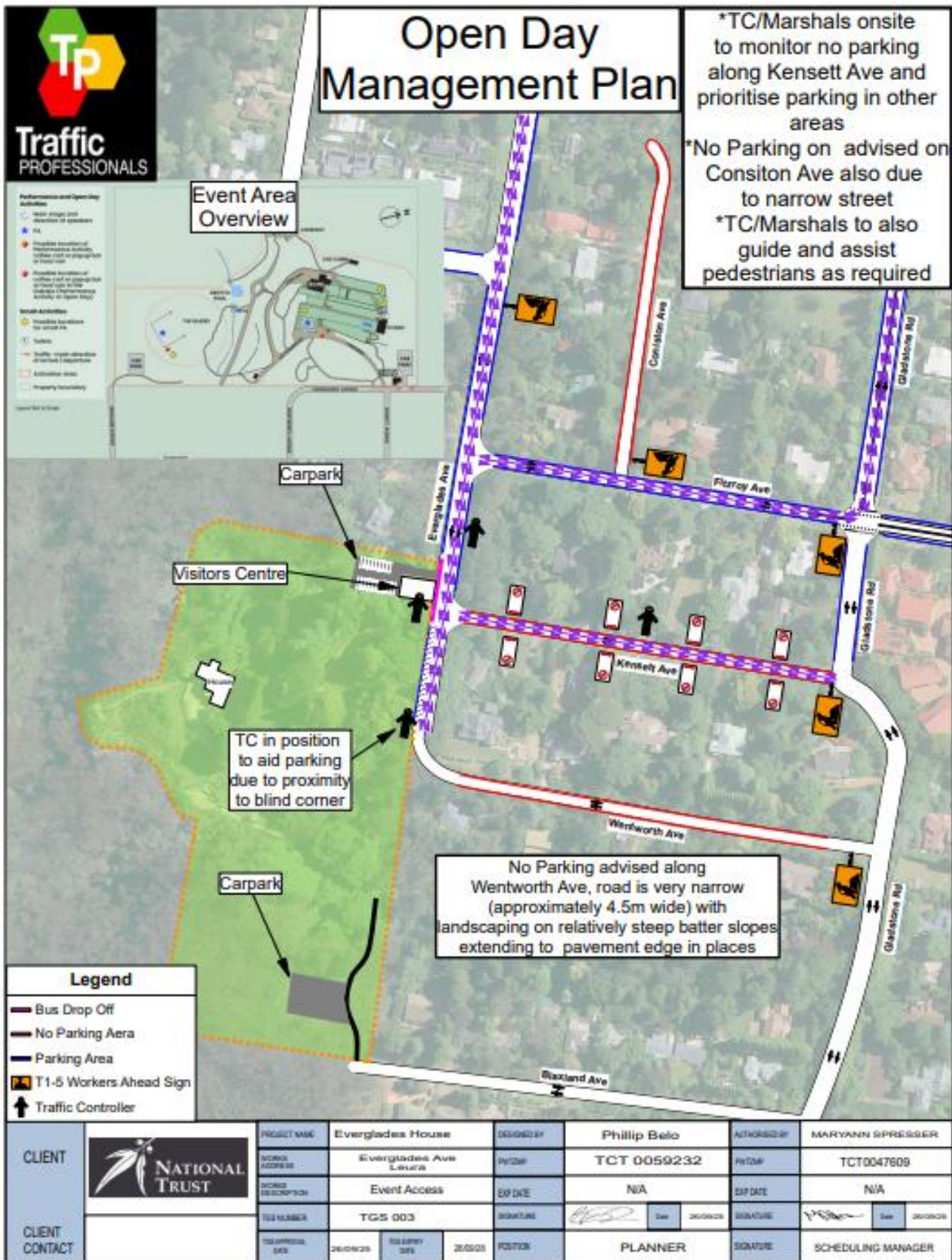
Monitoring activities required			
TMP review	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	As required if changes are needed
Road safety audit	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Other:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Comments:			

Endorsed by (when a Principal Contractor undertaking the work)			
Name:	Allison McCann		
Role:	Event Organiser	Organisation	National Trust of Australia
Signature:		Date:	

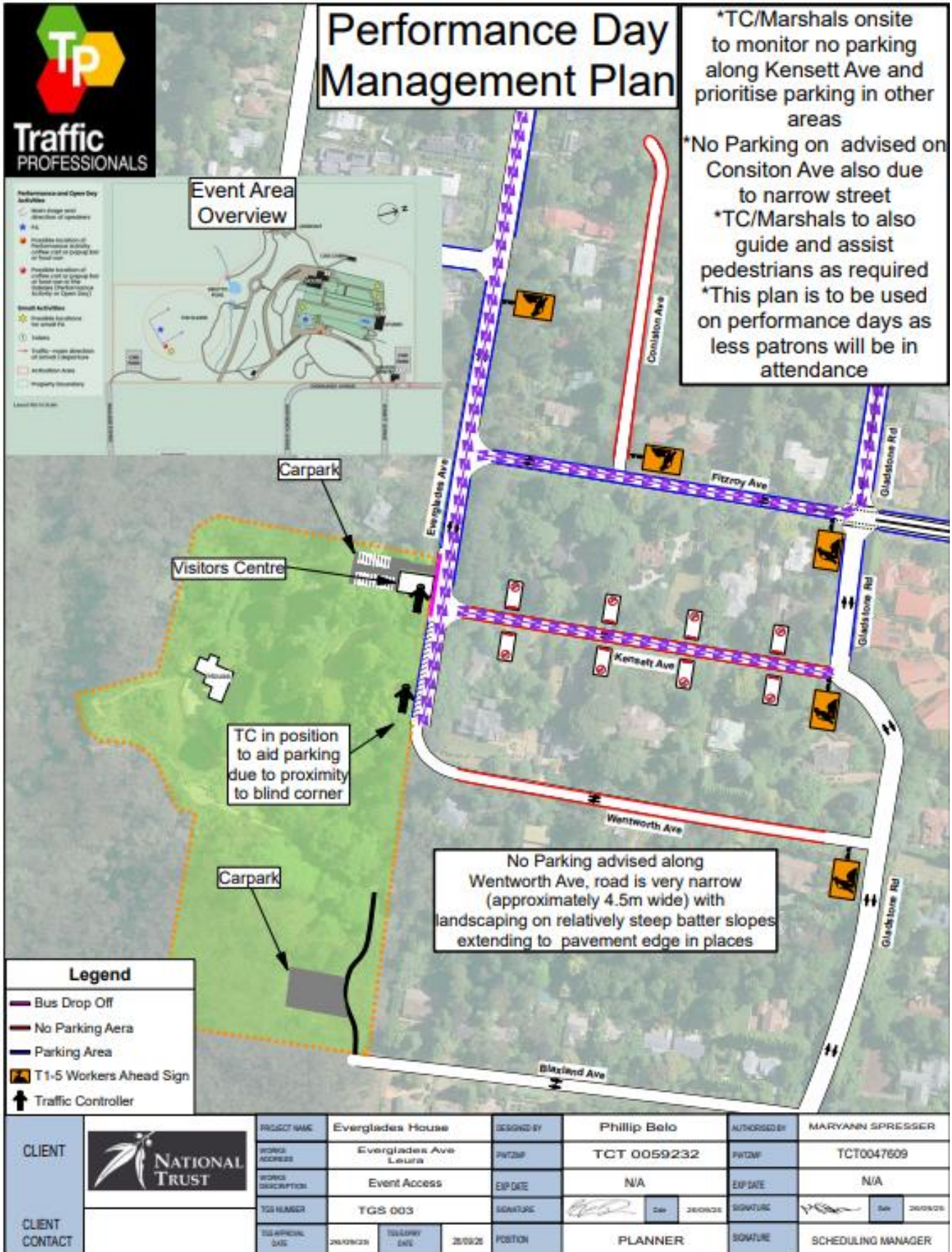
Approval			
<i>I have reviewed the relevant documents for the works and approve works to be completed in accordance with the TTM Plan.</i>			
Name:	Mike Dowd		
Qualification:	PWZTMP	Card Number:	TCT1056039
Unit:		Division:	General Manager
Signature:		Date:	

Approved TGS

TGS-001- Everglades House and Gardens Site Access – Open Day Management Plan



TGS-001- Everglades House and Gardens Site Access – Performance Day Management Plan REV B





Development Consent

Integrated Development

No: X/1470/2024



Issued under s4.16 of the Environmental Planning and Assessment Act 1979

Failure to comply with the terms of this consent constitutes a breach of the *Environmental Planning & Assessment Act 1979*, and may result in action being taken by Council to remedy the breach. This action may include the issue of a Penalty Infringement Notice or institution of legal action.

Subject land	<i>street address:</i>	The Everglades, 37-49 Everglades Avenue, LEURA NSW 2780
	<i>lot and deposited plan number:</i>	L 1 DP 1167262
Development	<i>description:</i>	Temporary Activities including small activities, performance activities and Open Days
Applicant details	<i>name:</i>	National Trust of Australia
	<i>address:</i>	Redacted
Owner details	<i>owner:</i>	National Trust of Australia
Date of determination	<i>dated:</i>	26 May 2025
Date development consent operates	<i>dated:</i>	5 June 2025
Date development consent lapses	<i>dated:</i>	5 June 2030
Determination authority		Local Planning Panel
Reason/s for the decision		<ol style="list-style-type: none">1. The proposed activities will facilitate the ongoing conservation and maintenance of the heritage item without adversely impacting the amenity of the locality or the significance of the heritage item.2. The activation of the site will increase opportunities for the public to engage with the heritage item.3. The ongoing events will be able to be effectively managed and monitored through the operations plan and regular reports to Council.4. The proposed development generally complies with the relevant State and

local planning instruments and policies.

5. Following consideration of concerns raised by objectors, Council's assessment report and the Panel's own site inspection, the Panel has imposed additional limitations on the proposed activities including limiting the number of performance activities.
6. The Panel considers that the activities as amended by the proposed conditions will not have any significant adverse effect on the amenity of the surrounding area. However, as a precautionary measure, the Panel has applied a trial period on performance activities that are proposed to be held after 7pm at night.
7. The Panel has accounted for the concerns of objectors expressed in written submissions and verbal representations and is satisfied that with the amendments the proposed development achieves points a-e in LEP 2015 clause 5.10(10) and that there are no reasons why the application should be refused.

Community view/s taken into account in making the decision

Adjoining property owners were notified of the proposed development in accordance with Council's policy and concerns raised in submissions were addressed by limiting the number of performance activities.

Lapsing of consent

Pursuant to s.4.53 of the *Environmental Planning and Assessment Act 1979*, physical commencement of construction is required prior to the date the development consent lapses. After this date, should physical commencement have not occurred, a new development consent, and construction certificate if applicable, will be required.

Planning Assessment Commission

The Planning Assessment Commission has not conducted a review of this application.

Integrated development

(s.4.5 of *Environmental Planning & Assessment Act*)

The following bodies have provided general terms of approval in relation to the development:

- Heritage Council of NSW

Concurrence

(s.4.13 of *Environmental Planning & Assessment Act*)

Concurrence has been received from:

- Water NSW

Conditions are identified and included in the consent.

Review of determination

An applicant who is dissatisfied with this determination may, within 6 months from the date of this notice, request Council to review the determination pursuant to s.8.2 of the *Environmental Planning & Assessment Act 1979*.

Right of appeal – Applicant

An applicant who is dissatisfied with the determination of the application has a right of appeal to the Land and Environment Court within 6 months from the date

of this notice (s8.7 of the *Environmental Planning & Assessment Act 1979*).

Right of appeal – Objectors

Under s.8.6 of the *Environmental Planning & Assessment Act 1979*, an objector who is dissatisfied with Council’s determination does not have a right of appeal against this decision.

Development consent

In accordance with s.4.17 of the *Environmental Planning & Assessment Act 1979* Blue Mountains City Council issues its consent, subject to conditions stated hereunder.

Conditions

General conditions

Confirmation of relevant plans and documentation

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Document	Prepared by:	Drawing No	Issue	Date
Operational Plan	Two Trees & Co	-	-	March 2025
Noise Impact Assessment	RWDI	2200086.04	G	13-11-2024
Heritage Impact Statement	National Trust	-	-	-
Heritage Council of NSW Correspondence	-	-	HMS ID: 8165	28 March 2025

Compliance with the requirements of the Heritage Council of NSW

2. At all times, compliance with the correspondence and conditions issued by the Heritage Council of NSW, HMS ID: 8165, dated 28 March, 2025 as provided by Condition 1 and attached to this Development Consent is required.

Approval under section 60 of the Heritage Act 1977

3. A valid section 60 approval under the *Heritage Act 1977* is required for the duration of the operation of this consent unless a site specific exemption has been granted for the activities approved in this consent.

Once a section 60 approval or site specific exemption has been granted a copy is to be forwarded to Council.

Approved Activities

4. This consent approves the following types of activities being held at the gardens:
 - Small Activities
 - 0 Maximum capacity: 120 people
 - 0 Maximum frequency: 90 activities per year.
 - 0 Each activity shall take no longer than 2 hours.
 - 0 At least a 1-hour break between each activity.
 - 0 A maximum of 3 activities per day.

-
- 0 Limited to services and ceremonial activities or the like.
 - 0 Hours of operation: 9am to 7pm or sunset, whichever is earlier.
 - Performance Activities
 - 0 Maximum capacity: 250 people
 - 0 Maximum frequency: 10 days per year
 - 0 Hours of operation: 9am to 7:30pm, with performances to end by 7pm.
 - 0 Notwithstanding the approved hours of operation above, the event may operate between 7pm and 10.30pm with performances to end by 10.00pm for a trial period of 2 years from the date of this consent.
 - 0 A further application may be lodged not less than 30 days before the end of the trial period to continue the operating hours nominated in the previous paragraph of this condition (the nominated hours). Council's consideration of a proposed extension of the nominated hours beyond the two year trial period will be based on, among other things, the operator's compliance with the conditions of this consent and the Operational Plan and on the operator's response to any complaints received by it.
 - Open Day Activity
 - 0 Maximum capacity: 600 people
 - 0 Maximum frequency: 2 days per year
 - 0 Hours of operation: 9am to 7pm or sunset, whichever is earlier

Amendments to Operational Plan

5. Before the commencement of the approved activities an updated operational plan is to be provided to and approved by Council. This plan is to include any updates required by the General Terms of Approval from Heritage NSW, as well as:
- a) For Open Day and Performance Activities, a traffic management plan prepared by an appropriately accredited organisation that presents how movements and safety of traffic and pedestrian and how car parking in roads and verges will be controlled and signposted including the resourcing of the control measures within a 400 metre radial distance from the site entry at Everglades Avenue. The plan shall include measures to manage coach, bus, public transport and service vehicle access and movements.
 - b) An infrastructure and public domain maintenance plan that describes the existing condition of roads, drainage, footpaths and verges (a dilapidation report) within a 400 metre radial distance from the site entry at Everglades Avenue and measures to be undertaken after each activity to repair infrastructure and the public domain.
 - c) Updates to reflect the requirements of relevant conditions of consent.
 - d) A copy of the notice of determination is to be included in the operational plan as an appendix.

A copy of the approved operational plan is to be made publicly available via the

National Trust – Everglades House & Garden website.

Compliance with approved Operational Plan

6. The approved Operational Plan is to be complied with at all times.

Annual Report

7. A brief annual report is to be provided to Council by 31 July each year covering the preceding period 1 July to 30 June, inclusive. The report shall be sent to council@bmcc.nsw.gov.au. This report is to detail the following information:
- Number and type of events held across categories
 - Funds raised
 - How funds raised through events have been spent
 - Any complaints received and how they were addressed
 - The condition of the gardens
 - The outline of any works planned for following year
 - Performance events and open days planned for following year
 - A copy of the regular maintenance and repair report (see below)
 - An assessment of the performance of the activities against the requirements in the operational plan.

The regular maintenance and repair report is a short summary demonstrating the work completed in the previous year (as per Policy 17 in the Conservation Management Plan prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd, dated May 2010), and to discuss the priority conservation works to be implemented within the next year. Conservation works must prioritise safety requirements and fabric conservation.

Reason for condition: to allow Council to monitor whether required heritage conservation work is carried out.

Conservation works

8. The conservation works approved by this consent and as detailed in section 12.2 of the Heritage Impact Statement prepared by the National Trust, include:
- 0 Restoring modernist landscaping features, plantings and views on the studio terrace;
 - 0 The plantings on the Cherry Terrace;
 - 0 Repair and/or modification of handrails and barriers throughout the property to improve accessibility, compliance and safety;
 - 0 Irrigation and water management throughout the property;
 - 0 Repair works to the roof and rainwater systems of the house and studio;
 - 0 Improvements to driveways and pathways within the site.

These works are to be carried out within 10 years of the date of this approval.

Where any additional conservation works require approval, this is to be sought separately either under HNSW Standard Exemptions (Section 57 of the Heritage Act 1977), or Heritage minor works clause (Clause 5.10(3) Blue Mountains Local

		Environmental Plan 2015), or a separate approval if required.
Conservation works	9.	Prior to work commencing on each approved heritage conservation work, detailed plans and specifications are to be submitted to the Program Leader Commercial Development Assessment at Blue Mountains Council for approval.
Conservation Management Plan	10.	<p>To ensure the ongoing link between events and heritage management on the site, in the event that a new or revised Conservation Management Plan is prepared for the site, the CMP is to be submitted to Council for review and approval as part of a modification to this consent.</p> <p>Following the approval of a new or revised Conservation Management Plan for the site, the Operational Plan is to be updated to reference the new Conservation Management Plan.</p> <p>Until such time, the site is to continue to be managed in accordance with the Conservation Management Plan prepared by Anne Higham, Professor Ian Jack and Colleen Morris in association with Rod Howard and Associates Pty Ltd, dated May 2010.</p>
Changes to site	11.	No permanent change to the existing character or fabric of the site or to any buildings on the site shall be made as a result of any event or function conducted on the site in accordance with this consent.
Complaint Line and Register	12.	The applicant must provide advice to surrounding residents (within a 400m radial distance from the site entry at Everglades Avenue) of a phone number where the applicant or their representative can be reached during events and normal hours of operation. All calls must be recorded in a register and the action taken to resolve any problem is to be entered into the register, which is to be provided to Council on request.
Temporary restriction of activities	13.	In response to substantiated concerns relating to neighbourhood amenity, heritage or environmental impacts, Council may direct the site operators to temporarily reduce the frequency of events or take other action to mitigate the identified impacts.
General <i>WaterNSW Condition</i>	14.	<p>The proposed use of the site shall be implemented in accordance with the Statement of Environmental Effects and the Operational Plan - Temporary Activities, both prepared by Two Trees & Co. Pty Ltd (dated November 2024 and March 2025, respectively). No revisions to site use, layout or works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.</p> <p>Reason for Condition: Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.</p>

Event Operation Conditions

Event Notification

15. A leaflet advising the date, times and nature of forthcoming performance activities and open days shall be letterbox dropped to residential premises within a 400 metre radial distance from the site entry at Everglades Avenue, at least 28 days prior the event. The leaflet shall include the name of a contact person and phone number for further information.

Solid Waste Management

WaterNSW Condition

16. All rubbish and waste associated with temporary events shall be sorted, collected in bins and removed from the site immediately after the event, and deposited in a licensed waste facility.

Reason for Condition: To ensure that all solid waste generated on-site during the event will be managed and disposed of in a manner that ensures a sustainable neutral or beneficial effect on water quality.

Waste Storage

17. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

Management of Potential Erosion

WaterNSW Condition

18. a. In the event of prolonged or intense rainfall immediately before or during any event at the site, 'matting' shall be laid in all high foot-traffic areas such as around toilet facilities.
- b. Effective erosion and sediment controls shall be installed, on the downward slope of high foot and vehicular traffic areas, in the event of wet weather immediately before or during the event, to prevent sediment or polluted water leaving the site or entering any drainage depression, watercourse or stormwater drain. The controls shall be regularly inspected, maintained, and retained until the event has concluded and ground surface has stabilised.

Reason for Condition: To manage adverse environmental and water quality impacts before, during and after the event to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

Noise Report

19. The recommendations provided in the report: Noise Impact Assessment – 37 Everglades Avenue, Leura (2200086.04) prepared by RWDI Australia Pty Ltd Dated 13 November 2024 shall be implemented.

Acoustic limits

20. Open Day Activities - The sound power level of the speaker system must be below 97 dBA or less than 69dBA/79 dBC at 10m. Alternately the sound pressure level must be measured at less than 69dBA/79 dBC at 10m.

Performance Activities - The sound power level of the speaker system must be below 97 dBA or less than 69dBA/79 dBC at 10m. Alternately the sound pressure level must be measured at less than 69dBA/79 dBC at 10m.

Small Activities - The sound power level of the speaker system must be at or

below 94 dBA during the daytime and 90dBA during evening/night events.

A noise limiting device must be fitted during all activities, and must be configured to ensure compliance with these requirements.

Deliveries

21. To safeguard local amenity and reduce noise nuisance deliveries relating to events are to be carried out Monday to Saturday between 8am-6pm, and on Sundays between 9am-3pm, excluding public holidays.

Alteration to these hours may be possible under certain circumstances but only with the prior written agreement of Council.

Noise pollution

22. Upon receipt of a verified complaint in relation to noise pollution emanating from the premises, during future activities and for a period to be determined by Council, an acoustic assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority - NSW Noise Policy for Industry and is to confirm all acoustic conditions of the consent are being met whilst the use is being undertaken. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants or membership of the Australian Acoustical Society (MAAS) and shall be submitted to Council for consideration.

Air pollution

23. Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

Toilets

24. Adequate temporary toilets serviced by a licensed contractor shall be provided for performance and open day activities.

Repair of damage

25. The applicant shall repair or reconstruct any damage to Council infrastructure caused by the development (e.g. damage to grass verges caused by visitors parking during wet weather) when notified by the Council.

Obtrusive light spill

26. Any illumination required for performance activities shall be operated and positioned to minimise light spillage from the boundary of the subject property. As a minimum level of performance, illumination shall avoid obtrusive light spillage to adjoining residential properties or dwellings.

Temporary Structures Conditions

Structural design

27. All temporary structures shall be erected such that they are able to resist relevant loads as determined by the following *Australian Standards*:
- 1170.0 (Structural Design Actions – General Principles)
 - 1170.1 (Structural Design Actions – Permanent, Imposed and other actions)
 - 1170.2 (Structural Design Actions – Wind actions)

WorkCover

28. All temporary structures shall be approved by the WorkCover Authority. Details of this approval shall be kept by the applicant and produced to the Council upon any reasonable request.

Stage loading notice

29. A notice indicating the actual distributed and concentrated load for which any stage or platform has been designed must be conspicuously displayed on the stage or platform.

Pedestrian circulation area

30. Each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent or marquee, unless it is attached to or abuts a building with no separation.

Number of Exits Required

31. Each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
- (a) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (b) 2 exits if the tent or marquee has a floor area of not more than 100m².
 - (c) 4 exits in any other case.

Travel distances

32. If any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided.

Paths of travel

33. Each tent or marquee must have a width for each exit of at least:
- (a) 850mm if the floor area of the tent or marquee is less than 150m², or
 - (b) 1m in any other case.

Tiered seating

34. No tent or marquee shall contain tiered seating.

Authority

Jenni Kremer
Development Assessment Officer