

# **DEVELOPMENT ASSESSMENT REPORT – DA256/21 - PROPOSED ALTERATIONS & ADDITIONS TO RESIDENTIAL CARE FACILITY, Lot 2 DP 1068159, 2A Col Drewe Drive BOWENFELS**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA256/21 from Three Tree Lodge Lithgow Limited for a alterations & additions to residential care facility on land known as Lot 2 DP 1068159, 2A Col Drewe Drive, Bowenfels. The development site currently retains existing Three Tree Lodge being an Aged Care Facility in 5 buildings on the site approximately 1.3ha in size.

The proposal is for alterations & additions to the existing residential care facility including:

### **Stage 1:**

- a) Minor demolition of existing 'Wattle' building (southern end) removing one (1) bed/room to allow for new building connection and minor removal of vegetation;
- b) Construction of a new residential care facility building extension including:
  - i. Five (5) new rooms & additional seven (7) new beds (eight (8) new / one (1) demolished) – total approved 73 beds for entire facility;
  - ii. Communal spaces including a domestic style kitchenette & dining area (main meals to be provided from existing commercial kitchen) and living areas facing north;
  - iii. Decked outdoor landscaped spaces & pedestrian connections;
- c) Additional two (2) parking spaces (one (1) is accessible) near the main entrance;
- d) Ancillary cut and fill (earthworks), water tanks, drainage, connections to utilities, landscaping, driveways and vehicle manoeuvring areas.
- e) removal of five trees and the provision of a 15,000L rainwater tank. A sketch of the proposed development is provided below.

### **Stage 2:**

Separation of potable water supply, fire hydrant system water supply, and gas supply from the Hospital system and new connection to Col Drewe Drive;





## 2. SUMMARY

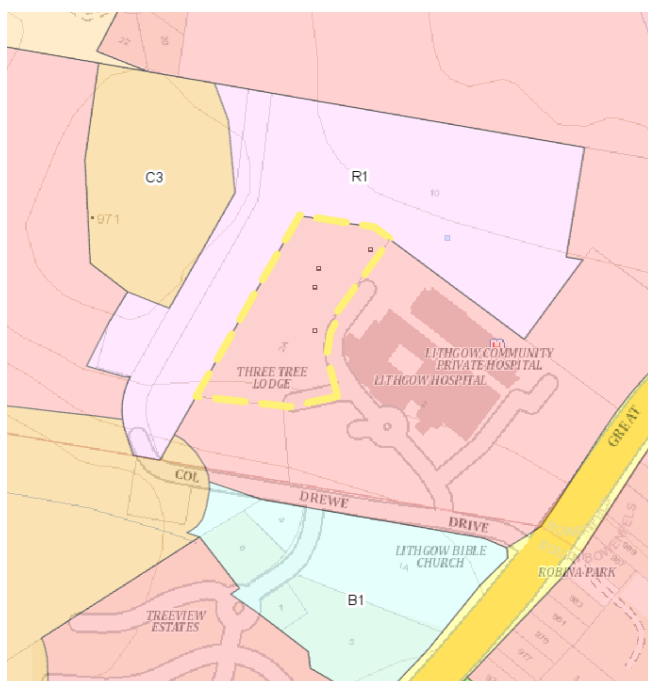
To assess and recommend determination of DA256/21 with recommendation for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 1068159  
Property Address : 2A Col Drewe Drive BOWENFELS

## 4. ZONING

The land is zoned R2 Low Density Residential in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).



## 5. PERMISSIBILITY

The proposed use is defined as and a 'residential care facility', as defined below.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of seniors housing—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
  - (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or
  - (c) a group of independent living units, or
  - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

A residential care facility is a type of seniors housing and is permissible in the R2 zone under Lithgow Local Environmental Plan 2014, subject to development consent.

## 5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)

### Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

The proposed development is not located on Council owned land, however it relies on adjoining land owned by Council for part of an asset protection zone (APZ), as shown in the following diagram.





It is proposed that deed of agreement be imposed on Council land (at the cost of the developer) for the management of the Council land as an APZ until such time as the Council land is developed for residential housing (thereby removing the existing bushfire hazard, being unmanaged grassland).

The development application is therefore proposed to be reported to Council for consideration and determination.

### **Lithgow Community Participation Plan**

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes certain types of development as exempt from requiring notification. The proposed development is not exempt and was therefore notified in accordance with the Community Participation Plan.

## **5.2 FINANCIAL IMPLICATIONS**

### **Section 94A (Section 7.12) Development Contributions Plan 2015**

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 applies to this development given it is for a residential care facility at an estimated cost of \$2,004,471.70, using the below levies:

<b>Estimated cost of development</b>	<b>Levy applicable</b>
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

It has been requested by the applicant that consideration to an exemption of the Section 94A Development Contributions be applied. However, the following condition will still be applied and the exemption, if adopted, will supersede the applied condition of consent if approved.

- Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$20,044.71, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

### **Development Servicing Plan for Water Supply and Sewerage**

As the development is an increase in floor area and beds for an Aged Care Facility and therefore the contributions under this plan are applicable. A condition of consent will be imposed in relation to requesting payment of the levy and Compliance Certificate under Section 305 of the Water Management Act 2000.

## **5.3 LEGAL IMPLICATIONS**

### ***Conveyancing Act 1919***

The subject land contains easements for drainage purposes and services and benefits from a right of carriageway over the adjoining land (Lithgow Hospital). The proposal includes a deck partly over the drainage easement.

Council's Engineering Officer has assessed the proposal and has advised that as the section of deck over the easement is removable, the risk for potential operation within the easement is low. There is no direct conflict between pillars and the existing drainage pipe in the easement. A condition regarding the zone of influence is recommended.

No other easements are affected by the proposal.

The land also contains a restriction on the use of the land, to require it to be used for aged care purposes. The proposal is consistent with this caveat.

### ***Local Government Act 1993***

A Section 68 approval for sewer and water supply works has been lodged concurrently with the development application. Council's Water and Wastewater Officer will prepare and issue a Section 68 approval.

### ***Biodiversity Conservation Act 2016***

The proposal involves the removal of five trees. Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

#### ***Biodiversity Conservation Act 2016***

##### ***7.2 Development or activity "likely to significantly affect threatened species"***

*(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value.*

The trees to be removed are not threatened species or ecological communities. The proposal will have no impact on any threatened species or ecological communities.

Further, for the purpose of Section 7.2(1)(b) of the BC Act, Clause 7.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017), defines the BOS thresholds, as below:

#### ***Biodiversity Conservation Regulation 2017***

##### ***7.1 Biodiversity offsets scheme threshold (section 7.4)***

*(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves:*

- (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or*
- (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.*

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

**Biodiversity Conservation Regulation 2017**

**7.2 Clearing of area of land that exceeds threshold**

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

**Table**

**Column 1**

**Minimum lot size of land**

Less than 1 hectare

Less than 40 hectares but not less than 1 hectare

Less than 1,000 hectares but not less than 40 hectares

1,000 hectares or more

**Column 2**

**Area of clearing**

0.25 hectare or more

0.5 hectare or more

1 hectare or more

2 hectares or more

The MLS applicable to the land is 800m<sup>2</sup>. The total area of land to be cleared for the proposed development is approximately 100m<sup>2</sup>, which is below the 0.25 hectare threshold prescribed under Clause 7.2 of the BC Regulation. Therefore, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Further, the proposed clearing is not to be undertaken on land included on the Biodiversity Values Map under Clause 7.1(1)(b) of the BC Regulation. Therefore, the BOS is not applicable to the development under Section 7.2(b) of the BC Act.

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

**Rural Fires Act 1997**

The proposed development is Integrated Development as the use is a special fire protection purpose that requires an authority under Section 100B of the Rural Fires Act. The application was referred to the NSW Rural Fire Service (RFS) who have issued General Terms of Approval and a Bush Fire Safety Authority (BFSA). The RFS conditions have been included in Schedule A and the BFSA is attached.

**Water Management Act 2000**

The land contains a drainage line covered by an easement. This drainage line is not mapped as a watercourse. The proposal does not involve any works within 40m of a watercourse and it is therefore not integrated development as no approval is required under the Water Management Act 2000.

**Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

**Lithgow Local Environmental Plan 2014**

Clause		Compliance
<b>Land Use table</b>	R2 Low Density Residential	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.3</b>	Stormwater management	Yes
<b>7.10</b>	Essential Services	Yes

**Comment:** The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain or improve the water quality of receiving water catchments.*

The proposal is on the site of an existing residential care facility and is permissible with consent. The proposal will not detrimentally affect water quality. The proposal is considered to be consistent with the zone objectives.

The proposal involves minimal earthworks for building footings as the proposed extension will be raised above natural ground level on piers. The proposal is considered acceptable in relation to clause 7.1.

Stormwater from new roofed areas will be collected in a new 15,000L rainwater tank which will act as stormwater detention to minimise the impact of stormwater on downstream properties. Overflow from the tank will be discharged into the existing drainage easement. A stormwater drainage assessment provided with the application states as follows:

*"This rainwater tank is likely to mitigate any increase in runoff flows from the development, and detention is therefore not required. Further, any major storm event runoff over and above the 20% AEP event will discharge to the existing watercourse unimpeded, as currently occurs and will not adversely impact any structure or neighboring property."*

The proposal is considered acceptable in relation to relation to clause 7.3.

The development will be connected to all available and necessary essential services. Currently the residential care facility shares water services, for potable water and fire fighting purposes, with the adjoining Lithgow Hospital. It is proposed to disconnect the facility from the hospital services and provide new separate services. The proponent is in negotiations with NSW Health to ensure these works have minimal disruption to the hospital. To allow time for these negotiations to be resolved, it is considered appropriate that a condition relating to the separation of services require such to be completed prior to the issue of a final occupation certificate (this allows for an interim occupation certificate to be issued when the works are completed and all other conditions are satisfied). The proposal is considered acceptable in relation to clause 7.10.

***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Chapter 2 of this SEPP relates to vegetation in non-rural area. The proposal is in an urban area and involves the removal of five trees. As approval for the removal of these trees is sought as part of this development application, the proposal is consistent with the requirements of this Chapter.



Chapter 4 of the SEPP relates to koala habitat protection. The subject land is greater than 1ha in size and therefore this chapter applies. The proposal involves the removal of five trees, none of which are koala feed tree species. The proposal is unlikely to have an impact on koala habitat and no further assessment under this chapter is therefore required.

Chapter 8 of the SEPP relates to the Sydney Drinking Water Catchment. As the subject land is located in the Sydney Drinking Water Catchment Area, a NorBE assessment has been undertaken. The proposal is determined to achieve a neutral or beneficial effect on water quality, as shown below.

## NorBE Assessment

### General Information

DA number **DA256/21**  
 Assessing officer **Jessica Ramsden**  
 Council **Lithgow City**  
 Development class **Retail/office - sewerred**  
 Date of assessment **9/28/2022**

Lot	Section	Plan
2		1068159

### Assessment Summary

NorBE status **Determined**  
 System outcome **Satisfied** User outcome  
 SCA concurrence outcome  
 Determination outcome **Granted** Determination date **9/28/2022**

### Pre-Assessment

Located within Sydney drinking water catchment? **Yes**  
 Is development consistent with any existing SCA S88 instruments on title? **N/A**  
 Crown perpetual leasehold land? **No**  
 Water quality impact ? **Yes**  
 Documentation is complete? **Yes**  
 Does Water Cycle Management Study meet SCA/Council requirements? **Yes**

## Module 1

### Development risks

Impervious area (m2) **300m<sup>2</sup>**  
 Construction area (m2) **273m<sup>2</sup>**  
 Adequate SSSQM certificate provided? **Yes**

### Area to be disturbed

Development site slope > 20% **No**  
 Development site within 1% AEP flood level flood prone land? **No**  
 Other site constraints? **No**

### Required NorBE conditions of consent

Condition	Assigned At
The applicant shall implement the proposed stormwater management measures identified on the Small-Scale Stormwater Quality Model (SSSQM) certificate to prevent impacts on water quality.	9/28/2022
An Erosion and Sediment Control Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works required as part of the development (of each stage for staged development). The Plan shall: <ul style="list-style-type: none"> <li>meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual</li> </ul>	9/28/2022

<ul style="list-style-type: none"> <li>• be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council, and</li> <li>• include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.</li> </ul>	
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**State Environmental Planning Policy (Resilience and Hazards) 2021**

The subject land has a long history of residential use and there is no evidence of any previous use that would potentially result in any contamination. No change of use is proposed. The land is considered suitable for the proposed development.

**State Environmental Planning Policy (Housing) 2021**

Part 5 of Chapter 3 of this SEPP relates to housing for seniors or people with a disability. The following table assesses the proposal against the relevant provisions of this Part.

<b>Division 3 Development standards</b>	
<p><b>84 Development standards—general</b></p> <p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p>	Noted.
<p>(2) Development consent must not be granted for development to which this section applies unless—</p> <p>(a) the site area of the development is at least 1,000m<sup>2</sup>, and</p> <p>(b) the frontage of the site area of the development is at least 20m measured at the building line, and</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p> <p>(3) The servicing equipment must—</p> <p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p>	<p>The site is 13,458m<sup>2</sup> in size.</p> <p>The site has no street frontage, but has a width of greater than 20m at the building line and is considered to comply with this requirement.</p> <p>The proposed building has a height of up to 7m. No rooftop services are proposed.</p>
<p><b>88 Restrictions on occupation of seniors housing</b></p>	<p>The proposal is an expansion of an existing residential care facility. Council can be</p>

<p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live in the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</li> </ul> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>satisfied that the proposal complies with this clause.</p>
<p><b>91 Fire sprinkler systems in residential care facilities</b></p> <p>(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</p> <p>(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</p>	<p>A fire sprinkler system is proposed.</p>
<p><b>Division 4 Site-related requirements</b></p>	
<p><b>94 Location and access to facilities and services—residential care facilities</b></p> <p>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</p> <ul style="list-style-type: none"> <li>(a) on-site, or</li> <li>(b) by a transport service other than a passenger service.</li> </ul>	<p>The Three Tree Lodge facility provides a bus service for residents.</p>
<p><b>95 Water and sewer</b></p> <p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—</p> <ul style="list-style-type: none"> <li>(a) be connected to a reticulated water system, and</li> <li>(b) have adequate facilities for the removal or disposal of sewage.</li> </ul>	<p>The proposal will be connected to reticulated water and sewer services.</p>
<p><b>96 Bush fire prone land</b></p> <p>(1) A consent authority must not consent to development under this Part on bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.</p> <p>(2) In determining a development application for development under this Part on land near bush fire prone land, the consent authority must—</p>	<p>The proposal complies with the requirements of Planning for Bushfire Protection 2019.</p> <p>The application was referred to the NSW RFS have issued general terms of approval and a bushfire safety authority for the development.</p> <p>As the proposal is an expansion of an existing residential care facility, the proposal is</p>

<p>(a) consult with the NSW Rural Fire Service and consider its comments, and</p> <p>(b) consider the following including—</p> <p>(i) the location of the development,</p> <p>(ii) the means of access to and egress from the location,</p> <p>(iii) the size of the existing population within the area,</p> <p>(iv) age groups within the population and the number of persons within the age groups,</p> <p>(v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,</p> <p>(vi) the number of schools within the area and the number of students at the schools,</p> <p>(vii) existing seniors housing within the area,</p> <p>(viii) the road network within the area and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the area in the event of a bush fire,</p> <p>(ix) the adequacy of access to and from the site of the development for emergency response vehicles,</p> <p>(x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,</p> <p>(xi) the requirements of Fire and Rescue NSW.</p>	<p>considered acceptable having regard to the considerations in clause 2(b).</p>
<p><b>Division 5 Design requirements</b></p>	
<p><b>98 Design of seniors housing</b></p> <p>A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.</p>	<p>Noted. See below.</p>
<p><b>Division 6 Design principles</b></p>	
<p><b>99 Neighbourhood amenity and streetscape</b></p> <p>Seniors housing should be designed to—</p> <p>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</p> <p>(b) recognise the desirable elements of—</p> <p>(i) the location’s current character, or</p> <p>(ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and</p> <p>(c) complement heritage conservation areas and heritage items in the area, and</p>	<p>The proposed expansion of the existing residential car facility is considered appropriate having regard to the design requirements for neighbourhood amenity and streetscape. In particular, it is noted that the subject land does not have a direct street frontage and adjoins a hospital, a university and vacant residential land.</p>

<p>(d) maintain reasonable neighbourhood amenity and appropriate residential character by—</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site’s land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(e) set back the front building on the site generally in line with the existing building line, and</p> <p>(f) include plants reasonably similar to other plants in the street, and</p> <p>(g) retain, wherever reasonable, significant trees, and</p> <p>(h) prevent the construction of a building in a riparian zone.</p>	
<p><b>100 Visual and acoustic privacy</b></p> <p>Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—</p> <p>(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The proposal is considered acceptable in relation to visual and acoustic privacy. The adjoining land to the west is vacant residential land that has a higher elevation than the subject land. The proposal will not result in overlooking of future dwellings. The proposed extension is located away from driveways and parking areas and will have adequate acoustic amenity.</p>
<p><b>101 Solar access and design for climate</b></p> <p>The design of seniors housing should—</p> <p>(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>The proposal is considered acceptable in relation to solar access and design for climate. Each new bedroom will have south-facing windows that allow adequate light without impact on neighbouring buildings. The new living areas will have a northern orientation.</p>
<p><b>102 Stormwater</b></p> <p>The design of seniors housing should aim to—</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p>	<p>The proposal is considered acceptable in relation to stormwater management. The new roofed areas will be drained to a water tank with overflow to an existing drainage easement.</p>

<p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	
<p><b>103 Crime prevention</b> Seniors housing should—</p> <p>(a) be designed in accordance with environmental design principles relating to crime prevention, and</p> <p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by—</p> <p>(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</p> <p>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</p> <p>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The proposal is considered acceptable in relation to crime prevention. The proposal is an expansion of an existing residential care facility with adequate security measures in place.</p>
<p><b>104 Accessibility</b> Seniors housing should—</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The proposal is considered acceptable in relation to accessibility. The proposal is an expansion of an existing residential care facility with an existing bus service for residents and adequate access and car parking for visitors.</p>
<p><b>105 Waste management</b> Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The proposal is considered acceptable in relation to waste management. The proposal is an expansion of an existing residential care facility with adequate waste management measures in place.</p>
<p><b>Division 7 Non-discretionary development standards</b></p>	
<p><b>106 Interrelationship of Division with design principles in Division 6</b> Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.</p>	<p>Noted</p>
<p><b>107 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15</b> (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority</p>	<p>Noted</p>



<p>from requiring more onerous standards for the matters.</p>	
<p>(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(d) internal and external communal open spaces with a total area of at least—</p> <p>(i) for a hostel—8m<sup>2</sup> for every bed, or</p> <p>(ii) for a residential care facility—10m<sup>2</sup> for every bed,</p> <p>(e) at least 15m<sup>2</sup> of landscaped area for every bed,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) for a hostel—at least 1 parking space for every 10 beds in the hostel,</p> <p>(h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</p> <p>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) at least 1 parking space for the purpose of ambulance parking.</p>	<p>The proposed building has a height of up to 7m. No rooftop services are proposed. The development density is 0.25:1. The proposal includes new internal and external communal open space areas integrated into the design and not seen from public places. The total area of internal and external communal open space is 207.45m<sup>2</sup>, equating to 26m<sup>2</sup> per bed.</p> <p>Over the whole of the site, the landscaped area equates to 124m<sup>2</sup> per bed. The site has a deep soil zone of approximately 67% of the site area.</p> <p>Two additional parking spaces are proposed, meeting the requirement for the proposed addition, with one space for the eight additional beds and one space for new employees (up to 2 new employees are proposed).</p> <p>For the whole of the development, there is a mix of on-site parking and shared parking with the adjoining hospital and university developments (through a memorandum of understanding). The site has an existing ambulance bay.</p> <p>The proposal is considered acceptable and in compliance with the non-discretionary development standards.</p>

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
<b>2.2 Site Analysis, Local Character &amp; Context</b>	

2.2.1 Site Selection	The site contains an existing residential care facility. The location of the proposed expansion is considered appropriate having regard to the existing development on the site and on surrounding land.
2.2.2 Site Analysis & Development Response	The development responds adequately to the site and surrounding development.
2.2.3 Local Character & Context	The proposal will have no significant impact on local character.
2.2.4 Visually Prominent Sites	The subject land is not visually prominent.
2.2.5 Reflective Materials	The building is not proposed to use reflective materials.
<b>2.3 Slope Response, Earthworks and Retaining Walls</b>	
2.3.1 Earthworks	Earthworks are minimal for building footings only.
2.3.2 Retaining Walls	No retaining walls are proposed.
<b>2.4 Stormwater Management</b>	Stormwater will be collected in a new rainwater tank with overflow to an existing drainage easement. The proposal is considered satisfactory.
<b>2.5 Vehicle Access &amp; Parking</b>	
2.5.1 Guidelines & Standards	The proposed new parking spaces will comply with the relevant standards.
2.5.2 Vehicle Access & Driveways	Access is satisfactory.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	No new loading/unloading facilities are proposed.
2.5.4 Parking Location, Design & Circulation	The location of the proposed new parking spaces is considered appropriate.
2.5.5 On-Site Parking Numbers	The proposal complies with the requirements of the Housing SEPP as addressed above.
2.5.6 Exemptions to Off-Street Car Parking Requirements	Not applicable.
2.5.7 Bicycle Parking	Not applicable.
<b>2.6 Pedestrian Access, Mobility &amp; Safety</b>	

2.6.1 Accessibility	The proposal will comply with the relevant disability access standards and the Disability Discrimination Act 1992.
2.6.2 Pedestrians	Internal driveways are low speed shared spaces. This is considered appropriate for the development.
2.6.3 Street Numbering & Letterboxes	Not applicable.
<b>2.7 Designing for Crime Prevention</b>	
2.7.1 Crime Risk Assessment	A crime risk assessment was included with the Statement of Environmental Effects submitted with the development application. The proposal is considered acceptable having regard to the principles of crime prevention.
<b>2.8 Utilities, Easements &amp; Infrastructure</b>	
2.8.1 Connection to Utilities	The development will be connected to all required utilities.
2.8.2 Building Near Utilities/Easements/Drainage Lines	The proposal involves a deck over a drainage easement. The deck is removable and is deemed to be acceptable. An appropriate condition is recommended.
2.8.3 On-Site Sewage Management	Not applicable.
2.8.4 Liquid Trade Waste	No new liquid trade waste facilities are proposed.
2.8.5 Re-Use of Waste Water	The new rainwater tank can provide for re-use of stormwater in toilets and/or landscaping areas.
2.8.6 Water Supply	Reticulated water is available to the site.
<b>2.9 Solid Waste Management</b>	
2.9.1 Hazardous Materials & Asbestos	Not applicable.
2.9.2 Solid Waste Management Plan – Larger Developments	Waste management is addressed in the Statement of Environmental Effects submitted with the development application. The proposal is considered acceptable.
2.9.3 Waste Storage & Collection – Larger Developments	No change is proposed to existing waste management procedures at the

	site. The proposal is considered acceptable.
<b>2.10 Amenity/Buffers for Sensitive Uses</b>	
2.10.1 Noise & Vibration	The proposal is considered acceptable as the development is not likely to cause significant noise impacts and is unlikely to be significantly affected by noise from surrounding developments.
2.10.2 Air Emissions, Odour & Dust	With minimal earthworks proposed, there is unlikely to be any adverse dust impacts during construction. The proposal is unlikely to cause any air pollution or odour impacts.
2.10.3 Buffers to Sensitive Land Uses	Not applicable.
2.10.4 Buffers & Landscaping	None required.
2.10.5 Agriculture & Right to Farm	Not applicable.
<b>2.11 Water &amp; Energy Efficiency</b>	The proposal can comply with relevant energy efficiency construction requirements. Energy and water efficient appliances can be installed in the development.
<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>3.2 Bush Fire Prone Land</b>	The subject land is bush fire prone and was referred to the NSW RFS as Integrated Development. The RSF has provided general terms of approval and a Bushfire Safety Authority.
<b>3.3 Biodiversity &amp; Vegetation Clearing</b>	The proposal involves the clearing of five trees. The clearing does not exceed the BOS threshold and will not significantly affect threatened species or ecological communities. The proposed clearing is considered acceptable.
<b>3.4 Land &amp; Soils</b>	Given the site history and the existing use, the subject land is not expected to be contaminated. The land is not identified as sensitive land. Minimal earthworks are proposed and standard erosion and sediment control conditions are recommended.
<b>3.5 Flood Prone Land</b>	The subject land is not known to be flood prone.

<b>3.6 Ground &amp; Surface Water Protection</b>	The subject land is not mapped as groundwater vulnerable and there are no watercourses in the vicinity of the development. With minimal earthworks proposed, the proposal is unlikely to have a significant impact on ground or surface water.
<b>3.7 Mine Subsidence Risk</b>	Not applicable
<b>Chapter 6 – Residential Development</b>	
<b>6.2 General Controls</b>	
6.2.1 Site Analysis & Potential Land Use Conflicts	The site contains an existing residential care facility. The location of the proposed expansion is considered appropriate having regard to the existing development on the site and on surrounding land.
6.2.2 Site Suitability	The site is considered suitable for the proposed development.
6.2.3 Landscaping & Tree Protection	Landscaping details have been provided with the development application. The proposal is considered acceptable.
6.2.4 Fencing	Not applicable.
6.2.5 Sustainable Design	The proposed new living areas will have a northern orientation. The proposal is considered acceptable.
<b>6.5 Medium to Higher Density Housing</b>	
6.5.1 Siting and Setbacks	<p>The subject land does not have a street frontage, therefore the front setback requirements are not applicable.</p> <p>The proposal has a 3.05m building setback to the southern side boundary, with a 1.5m deck within this setback area.</p> <p>The building setback to the rear (western) boundary is 10.19m with a deck located up to 2.9m from this boundary.</p> <p>The proposal is considered acceptable in relation to side and rear boundary setbacks.</p>

6.5.2 Low Rise Medium Density Housing	Not applicable.
6.5.3 Dual Occupancies (Side by Side and Rear)	Not applicable.
6.5.4 Manor Houses and Dual Occupancy (One Above the Other)	Not applicable.
6.5.5 Terraces	Not applicable.
6.5.6 Multi-Dwelling Housing	Not applicable.
6.5.7 Residential Flat (Apartment) Buildings	Not applicable.
6.5.8 Shop Top Housing/Mixed Use Developments	Not applicable.
<b>6.6 Other Development</b>	
6.6.1 Water Tanks, Pools & Spas & Equipment	The proposed water tank is located to the rear and under the proposed building. The location of the water tank is considered acceptable.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development consent, if granted, will be appropriately conditioned in relation to demolition and fire safety requirements.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Adjoining Landuse:** The site is located in a mixed use commercial, community and residential precinct. The proposal is consistent with the existing use of the land and is compatible with surrounding land uses. No land use conflicts are envisioned.

**Services:** The development will be connected to all available and necessary essential services. Currently the residential care facility shares water services with the adjoining Lithgow Hospital. It is proposed to disconnect the facility from the hospital services and provide new separate services. The proponent is in negotiations with NSW Health to ensure these works have minimal disruption to the hospital. To allow time for these negotiations to be resolved, it is considered appropriate that a condition relating to the separation of services require such to be completed prior to the issue of a final occupation certificate (this allows for an interim occupation certificate to be issued when the works are completed and all other conditions are satisfied). The proposal is considered acceptable in relation to clause 7.10.



**Context and Setting:** The proposed development will be located within an established mixed residential and community/commercial area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

**Access:** Existing access arrangements to the site will be retained and are considered satisfactory.

**Heritage:** The site does not contain a heritage item and is not in a heritage conservation area. The proposal will have no impact on any heritage item in the vicinity of the site.

**Flora and Fauna:** The proposal involves the clearing of five trees. The clearing does not exceed the BOS threshold and will not significantly affect threatened species or ecological communities. The proposed clearing is considered acceptable.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result.

**Soils:** With minimal earthworks proposed for building footings only, the proposal will have no significant impact on soils. The site is not expected to be contaminated. Standard erosion and sediment control conditions are recommended.

**Water:** The subject land is not mapped as groundwater vulnerable and there are no watercourses in the vicinity of the development. With minimal earthworks proposed, the proposal is unlikely to have a significant impact on ground or surface water. The NorBE assessment concluded that the development will have a neutral or beneficial effect on water quality.

**Air and Microclimate:** The proposal will have no significant impacts on air quality or the microclimate.

**Waste:** Existing waste management procedures at the residential care facility will be continued. Standard waste management conditions during construction are recommended.

**Natural Hazards:** The subject land is bushfire prone and was referred to the NSW RFS as Integrated Development. The NSW RFS have issued general terms of approval and a Bushfire Safety Authority. The land is not known to be flood prone.

**Noise and Vibration:** The proposal is considered acceptable as the development is not likely to cause significant noise impacts and is unlikely to be significantly affected by noise from surrounding developments.

**Other Land Resources:** The proposal will have no impacts on any land resources on or in the vicinity of the site.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for a mix of community, commercial and residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

##### **NSW HEALTH**

The Nepean Blue Mountains Local Health District provided an initial objection to the development application and sought further information with regard to the impact of the proposed development on the shared services on the Lithgow Hospital land and on the subject land. Meetings and conversations have been held between Council, Three Tree Lodge and NSW Health to reach a negotiated solution to the issues raised. At this stage, negotiations are still underway.

To prevent further delay to the assessment of the application, it is considered appropriate that a condition relating to the separation of services require such to be completed prior to the issue of a final occupation certificate (this allows for an interim occupation certificate to be issued when the works are completed and all other conditions are satisfied).

### **NSW RURAL FIRE SERVICE**

The NSW RFS have issued general terms of approval and a Bushfire Safety Authority for the development. The conditions are included in Schedule A and the BFSAs are attached.

In relation to the use of Council land adjoining the site as part of the Asset Protection Zone, the NSW RFS provided the following advice to Council:

*"Council is advised that this BFSAs has been issued on the basis of Council being satisfied that lands within Lot 1 DP 1268778 will be managed as an asset protection zone as shown in figure 4 of the proposed Plan of Management produced by iPlan Projects dated 31 May 2022, Version C, through a suitably worded instrument under section 88B of the Conveyancing Act 1919, a plan of management, or other suitable mechanism until such time as these lands are further developed and the assessable bush fire hazard in this location is removed."*

A condition requiring a deed of agreement on Council land and requirements for the developers responsibilities for this matter are included in Schedule A.

### **COUNCIL'S BUILDING OFFICER**

Council's Building Officer has reviewed the proposal and recommended conditions of consent. The conditions have been included in Schedule A.

### **COUNCIL'S ENGINEERING OFFICER**

Council's Engineering Officer has reviewed the proposal and recommended conditions of consent. The conditions have been included in Schedule A.

### **COUNCIL'S WATER AND WASTEWATER OFFICER**

1. The approved development is subject to Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.
2. Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforce at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases.
3. The number of Equivalent Tenements in a development is determined using the methodology and definitions as described in the Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines, April 2017. Council will make a copy available to the applicant for the purpose of determining the contribution amount.

4. An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Work as Executed drawings.
5. A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.
6. A Certificate of Compliance must be issued prior to the release of the Subdivision Certificate/Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied.
7. In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.

Advisory Note Calculations:

The charges for the subject DA are as such:

Lithgow Water and South Bowenfels Sewer charges applicable  
 Charges calculated utilising LCC Development Servicing Plan, Water Directorate  
 Section 64 Determination of Equivalent Tenements Guidelines  
 Charge applicable:

Sewer

$$5(\text{beds}) \times 0.75(\text{ET}) \times \$15,308.81 (\text{charge}) = \$57,408.05$$

Water

$$5(\text{beds}) \times 0.5(\text{ET}) \times \$3,146.34 = \$7,865.85$$

Total charges = \$65,273.90

Regarding Section 68 of Local Government Act 1993 water and sewer connections

1. The new development will be required to connect the external drainage into the existing property drainage that is connected to Council's sewerage infrastructure as per the Council policy 3.5 Sewer Connection
2. The development will be required to have individual water service connection and separation from the existing hospital connection as per policy 3.1 Water Service and meter Installation.

3. The applicant will provide a Water and Sewer Service Connection Application to Council for the work relating to water and sewerage connection and for purchase of the water meter and associated items to serve the new development

## **COUNCIL'S ENVIRONMENTAL HEALTH OFFICER**

### ***Kitchen/food preparation area***

1. The proposed kitchen or food preparation areas are to be designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specification illustrating compliance with AS 4674-2004 - Design, construction and fit-out of food premises, for Council's approval prior to the commencement of demolition/construction activities.

### ***Walls***

2. The walls surrounding the food preparation areas shall be of solid construction.
3. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:
  - (i) Glazed tiles.
  - (ii) Stainless or aluminium sheeting.
  - (iii) Polyvinyl sheeting with welded seams.
  - (iv) Laminated thermosetting plastic sheeting.
  - (v) Similar impervious material adhered directly to the wall.

### ***Floors***

4. The flooring in the food preparation and storage areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials:
  - (i) Sealed quarry tiles or ceramic tiles.
  - (ii) Stainless steel.
  - (iii) Polyvinyl sheeting with welded seams.
  - (iv) Laminated thermosetting plastic sheeting.
  - (v) Epoxy resin.
  - (vi) Steel trowel case hardened concrete.
5. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.
6. The floor of the food preparation areas is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.

### ***Ceiling***

7. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)

### ***Washing Facilities***

8. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in food preparation areas.
9. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.
10. Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.
11. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
12. The wash up sink shall be supplied with hot and cold water

### ***Lighting and Light Fittings***

13. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
14. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

### ***Mechanical Exhaust Ventilation System***

15. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
16. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.
17. A mechanical exhaust ventilation system that complies with the AS/NZS 1668.1-1998 and AS 1668.2-2012 shall be provided in the food preparation areas to remove the steam from the dishwasher or other washing and sanitizing equipment.



### ***Fixtures, Fittings and Equipment***

18. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
19. Service pipes, conduits and electrical wiring shall either be –
  - (i) concealed in floors, plinths, walls or ceiling; or
  - (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

### ***Toilet Cubicles***

20. The toilet cubicles shall be –
  - (i) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitting with self-closing doors; or
  - (ii) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.

### ***Waste Management***

21. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
22. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.

### ***Pest Control***

23. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being -
  - i. tight-fitting and permanently fixed closed;
  - ii. fitted with mesh screens that can be removed for cleaning; or
  - iii. protected by a permanent mesh screen that can be cleaned in place.
24. Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by –
  - i. tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or
  - ii. tight-fitting self-closing mesh screen doors.
25. The layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations there under).

### ***Liquid Trade Waste***

26. Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges.

27. All sinks in the food preparation area must be fitted with fixed sink screens.
28. Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
29. Food preparation activity will need to discharge to a suitable sized grease arrestor sized according to the inflow rate and instillation must comply with the requirements of AS3500 and Council's Trade Waste Guidelines.
30. A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.
31. A hose cock with RPZ backflow protection valve is required to be installed within 15m of the grease arrestor to assist with maintenance / cleaning. An annual backflow test report needs to be furnished upon installation.

### **PUBLIC SUBMISSIONS**

No public submissions were received.

#### 5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

The proposal increases the supply of housing for seniors in the Lithgow area in a manner that has minimal environmental or amenity impacts and is therefore considered to be in the public interest.

## **6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** development application DA 256/21 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

### **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## Schedule A

### Conditions of Consent (Consent Authority) and General Terms of Approval (Rural Fire Service)

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

Plan No.	Plan Name	Rev	Date
	Location Plan- Integrated Design Group		
DA-0000	Site Analysis and Area Calcs - Integrated Design Group	C	27/10/2021
DA-0001	BCA Compliance Plan- Integrated Design Group	B	27/10/2021
DA-0110	Wattle Extension Site Plan- Integrated Design Group	D	27/10/2021
DA-0200	Ground Floor Demolition Plan- Integrated Design Group	D	27/10/2021
DA-1100	Ground Floor Plan- Integrated Design Group	C	27/10/2021
DA-1101	Roof Plan- Integrated Design Group	C	27/10/2021
DA-2000	North and South Elevations- Integrated Design Group	B	27/10/2021
DA-2001	East and West Elevations- Integrated Design Group	B	27/10/2021
DA-3000	Section- Integrated Design Group	B	27/10/2021
DA-3001	Section Through Stormwater Channel- Integrated Design Group	B	27/10/2021
DA-9100	Shadows - 12pm 21st June- Integrated Design Group	C	27/20/2021
DA-9600	3D View- Integrated Design Group	B	27/10/2021
22476-001 – F – 001 – P - 01	Fire Services Hydrant Proposed Reconfiguration - Epicentre Consulting Engineers		AUG 2021
22476-001 – H – 001 – P - 01	Hydraulic Services Proposed Reconfiguration- Epicentre Consulting Engineers		AUG 2021
2021.0725 G01 A, ES01 & 2 A	Erosion And Sediment Control Plan & Notes – Calare Civil		23/07/2021
	Statement of Environmental Effects- iPlan Projects	C	04/11/2021

	Additional information- iPlan Projects		20/9/2022
	Plan of Management for Asset Protection Zone – iPlan Projects	C	31/05/2022
	Bushfire Assessment Report – Integrated Consulting	B	October 2021
31251/5227D-G	Geotechnical Investigation Report – STS Geotechnics Pty Ltd		June 2021
	Building Services Review – Epicentre Consulting Engineers	C	31/08/2021
	Stormwater Drainage Assessment		20/10/2021
	Fire Safety Statement- Kathryn Hurrell		29/07/2021
	Building Code of Australia (BCA) Capability Statement- Blackett, Maguire & Goldsmith		04/11/2021
	Access Review – Final- Morris Golding Access Consultingz		23/08/2021

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. **Staging**  
The development may be completed in two stages, as follows:  
Stage 1 – Construction and Occupation of the Building, and  
Stage 2 – Separation of Services.

#### **GENERAL TERMS OF APPROVAL – RURAL FIRE SERVICE**

4. **Asset Protection Zones**  
From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
  - tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - tree canopies should be separated by 2 to 5m;
  - preference should be given to smooth barked and evergreen trees;
  - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees;
  - shrubs should not form more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
  - grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
  - leaves and vegetation debris should be removed.

5. ***Construction Standards***

New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

6. ***Water and Utility Services***

The provision of water, electricity and gas must comply the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, 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.

7. ***Emergency and Evacuation Planning Assessment***

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;
- Australian Standard AS 3745:2010 Planning for emergencies in facilities; and,
- Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities.

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.



## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***Section 94***

8. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$20,044.71, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

### ***Compliance Certificate***

9. The approved development is subject to Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.
10. Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforce at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases.
11. The number of Equivalent Tenements in a development is determined using the methodology and definitions as described in the Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines, April 2017. Council will make a copy available to the applicant for the purpose of determining the contribution amount.
12. An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Work as Executed drawings.
13. A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.
14. A Certificate of Compliance must be issued prior to the release of the Subdivision Certificate/Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied.
15. In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.

### ***Erosion & Sedimentation Control***

16. An Erosion and Sediment Control Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works required as part of the development (of each stage for staged development).

The Plan shall:

- meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual
- be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council, and
- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.

### ***Legalising Asset Protection Zone***

17. The applicant shall enter into a deed with Lithgow City Council for the management of that part of the Asset Protection Zone on Council land at Lot 1 DP 1268778 in accordance with the Plan of Management prepared by iPlan projects dated 9 May 2022.

### **PRIOR TO THE COMMENCEMENT OF WORKS**

18. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:

- a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
- b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
- c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

Note: If the construction is to occur in stages, a Construction Certificate for each stage of the development is to be obtained.

19. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.

20. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

21. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

## **DURING CONSTRUCTION**

22. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
23. All work on site shall only occur between the following hours:
- |                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No work          |
24. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).
25. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with approved Construction Certificate drawings and to demonstrate that the building (with the exception of the proposed deck) has been erected clear of any easement affecting the land:
- A Set-out survey showing the location of slab formwork/footings is to be submitted (prior to pouring of concrete);
  - An Identification Survey (upon completion of external walls / eaves construction and prior to any Completion inspection being carried out).
26. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

### ***Demolition Requirements***

27. (1) A waste management plan for the work must be prepared before work commences on the site.
- (2) The waste management plan must—
- identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
  - identify the quantity of waste material, in tonnes and cubic metres, to be—
    - reused on-site, and
    - recycled on-site and off-site, and
    - disposed of off-site, and
  - if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
  - if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

28. Demolition works shall be carried out in accordance with the following:

- a) Certification from an Approved Practising Structural Engineer (if applicable) is to be submitted to Council prior to the commencement of building works if a part of a structure is to be demolished or removed. Structural certification must indicate that the remainder of the building will be structurally adequate and the amenity of the adjoining/surrounding buildings and occupants will not be affected by demolition works. Structural certification is required for demolition works affecting an adjoining building/structure.
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided.
- c) The handling or removal of any asbestos product from the building/site must be carried out in accordance with WorkCover provisions. A person/contractor licensed for asbestos removal must carry out all work.
- d) An appropriate fence preventing public access to the site shall be erected for the duration of the demolition works.
- e) Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures.

### ***Stormwater Requirements***

29. Foundations of proposed structures adjoining the stormwater drainage easement must be designed clear of the zone of influence.

30. Stormwater generated from the impervious areas in proposed development shall be discharged to the proposed rainwater tank with overflow directed to the existing onsite stormwater drainage system.

## **HEALTH REQUIREMENTS**

### ***Kitchen/food preparation area***

31. The proposed kitchen or food preparation areas are to be designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specification illustrating compliance with AS 4674-2004 - Design, construction and fit-out of food premises, for Council's approval prior to the commencement of demolition/construction activities.

### ***Walls***

32. The walls surrounding the food preparation areas shall be of solid construction.

33. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:

- (i) Glazed tiles.
- (ii) Stainless or aluminium sheeting.
- (iii) Polyvinyl sheeting with welded seams.
- (iv) Laminated thermosetting plastic sheeting.
- (v) Similar impervious material adhered directly to the wall.

### **Floors**

34. The flooring in the food preparation and storage areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials:
- (i) Sealed quarry tiles or ceramic tiles.
  - (ii) Stainless steel.
  - (iii) Polyvinyl sheeting with welded seams.
  - (iv) Laminated thermosetting plastic sheeting.
  - (v) Epoxy resin.
  - (vi) Steel trowel case hardened concrete.
35. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.
36. The floor of the food preparation areas is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.

### **Ceiling**

37. The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)

### **Washing Facilities**

38. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in food preparation areas.
39. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.
40. Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.
41. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
42. The wash up sink shall be supplied with hot and cold water.

### **Lighting and Light Fittings**

43. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
44. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

### ***Mechanical Exhaust Ventilation System***

45. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
46. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.
47. A mechanical exhaust ventilation system that complies with the AS/NZS 1668.1-1998 and AS 1668.2-2012 shall be provided in the food preparation areas to remove the steam from the dishwasher or other washing and sanitizing equipment.

### ***Fixtures, Fittings and Equipment***

48. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
49. Service pipes, conduits and electrical wiring shall either be –
  - (i) concealed in floors, plinths, walls or ceiling; or
  - (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.

### ***Toilet Cubicles***

50. The toilet cubicles shall be –
  - (i) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitting with self-closing doors; or
  - (ii) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.

### ***Waste Management***

51. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
52. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.

### ***Pest Control***

53. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being –
  - i. tight-fitting and permanently fixed closed;
  - ii. fitted with mesh screens that can be removed for cleaning; or
  - iii. protected by a permanent mesh screen that can be cleaned in place.
54. Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by –

- i. tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or
  - ii. tight-fitting self-closing mesh screen doors.
55. The layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations there under).

***Liquid Trade Waste***

56. Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges.
57. All sinks in the food preparation area must be fitted with fixed sink screens.
58. Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
59. Food preparation activity will need to discharge to a suitable sized grease arrestor sized according to the inflow rate and instillation must comply with the requirements of AS3500 and Council's Trade Waste Guidelines.
60. A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.
61. A hose cock with RPZ backflow protection valve is required to be installed within 15m of the grease arrestor to assist with maintenance / cleaning. An annual backflow test report needs to be furnished upon installation.

**REQUIREMENTS PRIOR TO USE**

62. **Stage 1 (Occupation of The Building)**  
Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
63. Upon completion of the building (work) and prior to issue of an Occupation Certificate, the performance of any fire safety measures relevant to such work (as nominated by any current Fire Safety Schedule) must be assessed and verified by an accredited practitioner (fire safety), engaged by the owner. Certification is to be submitted to Council stating that the fire safety measures have been installed and comply with the relevant performance standard specified by that Schedule.
64. **Stage 2 (Separation of Services)**  
Prior to issue of an Occupation Certificate for Stage 2, works associated with the separation of the existing shared services (serving Three Tree Lodge and Lithgow Hospital) is to be completed. All such work associated with any fire services must be carried out in accordance with AS2118.4:2012 and AS2419.1:2005. A Final Fire Safety Certificate endorsed by an Accredited Practitioner (Fire Safety) is to be submitted to Council upon completion.

## **ONGOING REQUIREMENTS**

65. Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and to Fire & Rescue NSW, Locked Mail Bag 12, GREENACRE NSW 2190, with a copy retained on site certifying that:
- (i) The fire and other safety measures have been maintained so as to meet the original performance design standard required; and
  - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

## **ADVISORY NOTES**

### **Advisory Note Calculations:**

The charges for the subject DA are as such:

Lithgow Water and South Bowenfels Sewer charges applicable  
Charges calculated utilising LCC Development Servicing Plan, Water Directorate Section 64 Determination of Equivalent Tenements Guidelines  
Charge applicable:

Sewer

$$5(\text{beds}) \times 0.75(\text{ET}) \times \$15,308.81 (\text{charge}) = \$57,408.038$$

Water

$$5(\text{beds}) \times 0.5(\text{ET}) \times \$3,146.34 = \$7,865.85$$

$$\text{Total charges} = \$65,273.90$$

Regarding Section 68 of Local Government Act 1993 water and sewer connections

AN1. The new development will be required to connect the external drainage into the existing property drainage that is connected to Council's sewerage infrastructure as per the Council policy 3.5 Sewer Connection

AN2. The development will be required to have individual water service connection and separation from the existing hospital connection as per policy 3.1 Water Service and meter Installation.

AN3. The applicant will provide a Water and Sewer Service Connection Application to Council for the work relating to water and sewerage connection and for purchase of the water meter and associated items to serve the new development





NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

SFPP – Seniors Housing  
2A Col Drewe Drive Bowenfels NSW 2790, 2//DP1068159  
RFS Reference: DA20211212005464-Original-1  
Your Reference: DA256/21 (CNR-32095)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Nika Fomin**

Manager Planning & Environment Services  
Built & Natural Environment

Monday 26 September 2022