

Statement of Environmental Effects (SoEE)

Waste Management Plan +

Crime Risk Assessment +

Social Impact Assessment



MODIFICATION APPLICATION TO DA228/15

Section 4.55(2) of the EP&A Act

Proposed Residential Care Facility Expansion (Alterations & Additions)

RESPECT Aged Care

38 Maple Crescent, Lithgow NSW 2790

Lot 1 DP1249852



Figure 1: Illustrative concept image of Proposal viewed from Maple Crescent (main entrance).

Prepared for

Applicant: Respect Group Limited t/as Respect Aged Care
38 Maple Crescent
Lithgow NSW 2790

To be Lodged with

Lithgow City Council

Dated: 7 December 2023

Version D (Final for DA Lodgement)

Document Control

Version	Date	Document	Provided To
A	29 March 2023	Draft for Internal Review	Smith + Tracey Architects
B	9 July 2023	Draft Final for Internal Review	Smith + Tracey Architects
C	30 November 2023	Draft Final for Internal Review	Smith + Tracey Architects
D	7 December 2023	Final for DA Lodgement	Smith + Tracey Architects NSW Planning Portal

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1 EXECUTIVE SUMMARY

1.1 Summary of Proposed Development

The following table summarises the key aspects of this development application:

Applicant / Owner	Respect Group Limited t/as Respect Aged Care (ACN 121 263 545) 38 Maple Crescent, LITHGOW NSW 2790.
Site Description	The development will occur at the existing RESPECT aged care facility on one parcel known as Lot 1 DP1249852 at 38 Maple Crescent, LITHGOW (also with access from Church St and Short St).
Site Area	Site Area ~22,298m ² (Architectural Plans – Note that the Survey has incorrectly calculated the area as it did not include former Lot B DP397063 and mistakenly included the end of Short St). Site affected by Modification ~10,535m ² (Landscape Plans).
Existing/ Historical Use	Existing Residential Aged Care Facility.
Summary of Proposed Development	The proposal is seeking consent for the MODIFICATION of DA228/15 which <u>previously approved</u> construction of 144 new beds (total 213 bed facility) over four (4) buildings – A, B, C & D (noting Building A & part Building B have already been constructed as physical commencement). This Application seeks to MODIFY DA228/15 for staged development of the residential care facility including, but not limited to: <ul style="list-style-type: none"> • Reduce number of new beds from 144 to 132 new beds (including already constructed Building A) and reduce total beds from 213 beds to 178 beds; • Construct three (3) new buildings – B, C & D (in addition to Building A already constructed); • Demolition of the existing Madden & Gillard Houses prior to construction of Building D; • Three (3) stages of development as set out in the plans and this report; • Associated earthworks, parking & new driveways, landscape, stormwater, connection to utilities, and ancillary works.
Estimated Cost of Development	Total Capital Investment Value (CIV) of \$27,947,974 exclusive GST (see Estimate attached) which is below the threshold for State Significant Development. Total Estimated Cost of Development of \$30,742,771.40 inclusive GST . We suggest this is a Section 4.55(2) Modification with DA Fees calculated on Estimated Cost of Development.
DA/CC	DA only
Development Type	This is likely to be INTEGRATED development as it requires approval to alter or erect improvements within a mine subsidence district under Section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> and referral to Subsidence Advisory NSW. Note: there are no marked watercourses on or near the Site, the Site is not bushfire prone mapped land and it does not meet the other integrated development triggers.
Concurrences	Concurrences are likely to be required from: <ul style="list-style-type: none"> • Subsidence Advisory NSW – as the Site is in a mapped Mine Subsidence Area; • Water NSW – as the Site is in the Sydney Drinking Water Catchment (noting that there is a reduced hardstand/impermeable area compared to DA228/15 so we are relying on the previous stormwater calculations and water quality modelling).
Staged Development	The Modification seeks approval for all the works shown on the attached plans. It is NOT a Concept or Staged Development. However, there may still be staging of Construction Certificates for each section of work as set out in <i>Architectural Plan DA0201 Staging Plan</i> and conditions of consent should align with these stages.
BCA Class.	Class 9C (aged care building).
Notification	Under Council's <i>Community Participation Plan 2020</i> – Council will notify applications in accordance with the original DA228/15 including any objectors to that application.

1.2 Included Reports/Plans

The following reports/plans are included in this application to support this Statement of Environmental Effects (SoEE) which also includes a brief Crime/Safety Review & Waste Management Plan:

Purpose	Titles	Date/Version	Consultant
Architectural Plans	DA0001-Cover Sheet DA0101-Survey Plan DA0102-Site Analysis DA0103-Existing Site Plan DA0104-Design Response DA0105-Site Plan Comparison to Previous Scheme DA0201-Staging Plan DA0800-0803-Overall Plans (All Buildings) DA2001-Street Elevations ADA1001-2001-Building A (modified) Plans/Elevation BDA1000-2001-Building B Plans/Sections/Elevations CDA1001-2001-Building C Plans/Sections/Elevations DDA1001-2001-Building D Plans/Sections/ Elevations Note: Elevations include Signage & Fence Details DA5001-5004-Building B & C Views DA7000-Shadow Studies DA9001-External Finishes	1/11/2023 & 4/12/2023	Smith + Tracey
Landscape Plans	LA00-Cover Sheet LA01-Existing Streetscape Character & Views LA02-Site Plan & Deep Soil Area LA03-Tree Retention/Removal Plan LA04-05-Landscape Detail Plans LA06-07-Landscape First Floor Plans LA08-09-Planting Plans LD01-Landscape Details	5/12/2023 Version C	Taylor Brammer
Stormwater	Concept Stormwater Drainage Plans	22/06/2023	Calare Civil
	Water (Quality) Management Report (Unchanged)	11/11/2015	EWWF
Mine Subsidence	Mine Subsidence Assessment Report on Mine Subsidence Investigation	3/04/2023 July 2023	Douglas Partners
Cost Estimate	Cost Plan (Quantity Surveyor)	30/11/2023	MBM

1.3 Unchanged Approved Plans

Please note that there are no changes to the outcomes in the following DA228/15 approved plans so they are NOT relodged (unless Council requests):

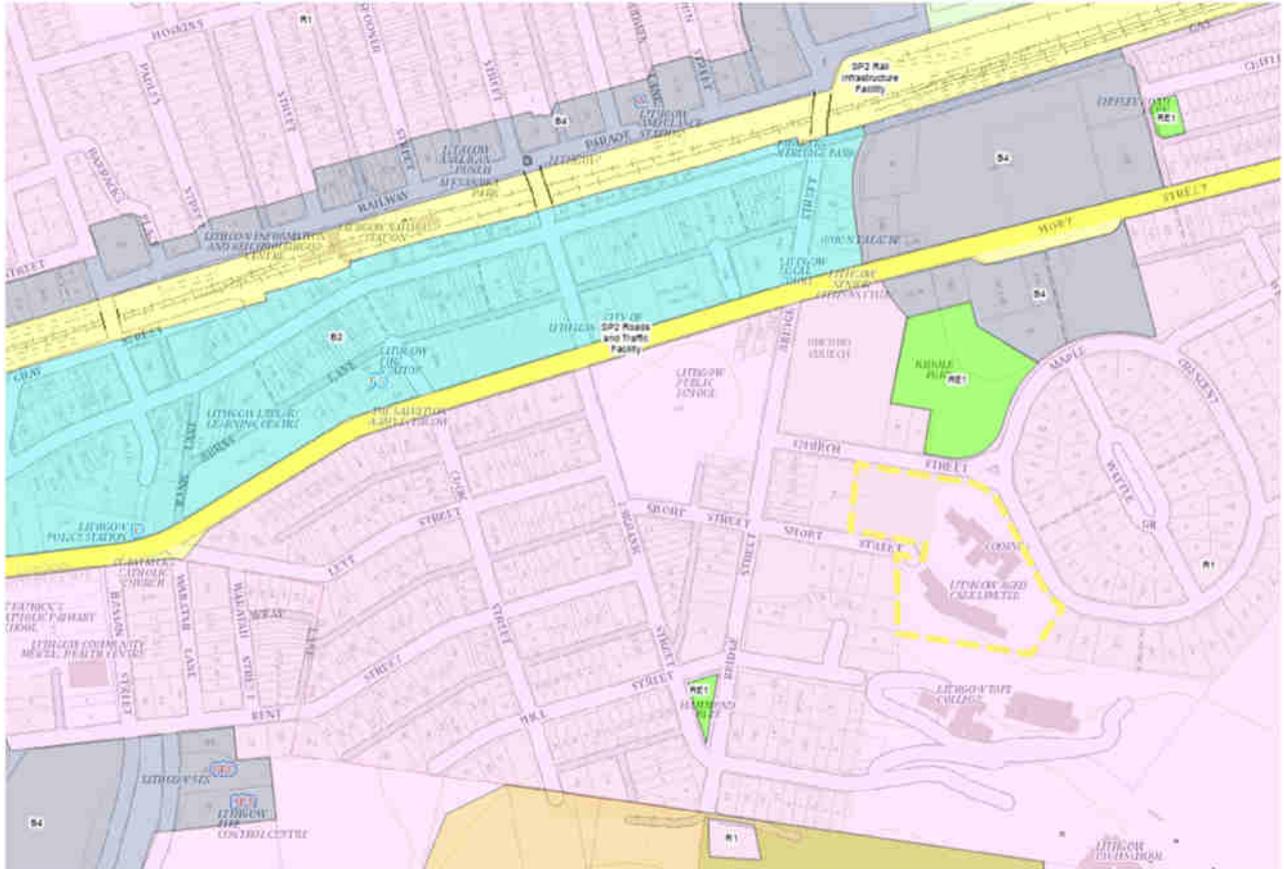
- Survey – CEH Survey dated 21/04/2016;
- Statement of Adequacy - Electrical – EWWF dated 29/10/2015;
- Statement of Adequacy – Water/Sewer/Gas – EWWF dated 29/10/2015;
- Geotechnical Investigation – Calare Civil dated 13/11/2015;
- Traffic & Parking Impact Assessment – McLaren Traffic Engineering – dated 23/11/2015.

2 EXISTING SITE

2.1 Site Location

The Site is located ~220m (by road) to the south-east of the Lithgow CBD with frontage to Maple Crescent/Church St and Short St to the rear (see Figure below).

Figure 2: Location Map/Zoning Overlay showing Site – yellow dotted line (NSW Planning Portal).



2.2 RESPECT Aged Care

Respect Group Limited trading as Respect Aged Care is a not-for-profit group that is registered as a charity with the Australian Charities & Not-for-profits Commission (ACNC) and is a member of the Aged & Community Care Providers Association (ACCPA). The organisation began in Tasmania and it now also has aged care facilities in NSW and Victoria. It is associated with aged care, retirement living & home care.

2.3 Staging & Works Completed under DA228/15 – Physical Commencement

As can be seen from the photos below and the Survey/Site Plans, as part of DA228/15, Building A (& associated parking) to the north-west of the Site and the Lower Ground Floor of Building B has already been constructed and the entire site consolidated into one lot. In our opinion, this is sufficient to demonstrate that DA228/15 has been physically commenced.

The existing original buildings include Coinda/Coates House, Madden/Gillard Houses, and Tanderra but these are either at or reaching end-of-life in meeting current aged care requirements. Tanderra House is not currently used (vacant).

2.4 Aerial Photos (2018/2021)

Figure 3: NSW Planning Portal Aerial Photo of whole Site does NOT show new Buildings A & part B (Date 9/07/2018 SIX Maps).



Figure 4: Google Earth Aerial Photo of Site (Dated 21/07/2021) shows new buildings.



2.5 Site Photos (2022)

Figure 5: Site photos of Proposed Stage 4 Area (taken March 2023).

Streetscape view from Maple Street (looking south-west)



View of Building A from Church St (looking south-west)



View of Building A from internal parking area (looking north-west)



View of Building A from near end of Short St (looking north)



View of Building B (Lower Ground only constructed) from near Maple Crescent (looking north-west)



View of original Coinda buildings from Maple Crescent (looking south-west)



View of Coates House from existing vehicle driveway near Maple Crescent (looking south)



View of Madden House from Maple Crescent (looking south-west)



View of Madden House from Maple Crescent (looking north-west)



3 PROPOSED MODIFICATION

3.1 Modification – Consent Authority / Type / Referrals

We note that DA228/15 was originally approved by the Western Region Planning Panel. Under Cl.275 of the *EP&A Regulations 2021*, Council may be able to determine a modification application that previously was approved by the Panel unless it is specified in the *'Instructions on Functions Exercisable by Council on behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents'* (Instructions).

This Instruction states:

*A council is **not** to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:*

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or*
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or*
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.*

Council's Lauren Stevens has reviewed these Instructions and by email dated 13/04/2023 states that:

'Given that the panel never amended or proposed any conditions, Schedule 1 doesn't apply, it looks like the proposed mod can be determined by Council delegations and doesn't have to be referred back to the Panel.'

Council also stated:

'I am satisfied the application will be a modification 2 [Section 4.22(2)], given that physical commencement has been undertaken (Stage A and partially B) and as per the case study you provided.

It is acknowledged that the development is being reduced in size/scale and that the architectural drawings you submitted clearly define the previous approval compared to the proposed modification.

As such the development will need to be re-referred to Subsidence Advisory and WaterNSW.'

3.2 Modification Requirements

An Applicant may lodge an application to modify an approval/consent under Section 4.55 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). We would suggest that this application could be considered under *Section 4.55(2) – Other Modifications*. This is set out below and addressed in the following sections:

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
 - (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- Subsections (1) and (1A) do not apply to such a modification.*

3.3 Case Law Summary

The associated caselaw (some key cases set out below) has identified several tests or interpretations of the modification provisions including:

- a) The modification power is beneficial and facultative (*Michael Standley*) so it should be interpreted broadly;
- b) The applicant bears the onus of proof that it is 'substantially the same development' (*Vacik Pty Ltd*);
- c) 'Substantially the same development' means 'essentially or materially having the same essence' (*Moto Projects No.2*);
- d) Modification involves 'alteration without radical transformation' (*Ilenace Pty Ltd*);
- e) A comparison of 'use' is relevant to the assessment but not determinative (*Vacik Pty Ltd*);
- f) The task involves more than a comparison of the physical features or component of the development as approved and modified. The comparison should involve a qualitative and quantitative appreciation of the developments in their 'proper contexts' including the circumstances in which the development consent was granted (*Moto Projects*) – this may be interpreted as:
 - i) Consider the numerical difference in all key aspects of the development;
 - ii) Consider non-numerical factors (e.g. in visual impact, traffic impacts, or changed land uses);
 - iii) Consider any changes relating to a material and essential feature of the approved development.
- g) The significance of a particular feature or set of features may alone or in combination be so significant that the alteration is such that an essential or material component of the development is so altered that it can no longer be said to be substantially the same development – this determination will be a matter of fact and degree depending upon the facts and circumstances in each case. Such an exercise is not focussing on a single element, rather it is identifying from the whole an element which alone has such importance it can alter the development to such a degree that it falls outside the jurisdictional limit in s 4.56 (*Hunter Dev.*).

Caselaw of key principles includes, but is not limited to:

- *Hunter Development Brokerage Pty Ltd t/as HDB Town Planning & Design v Singleton Council* [2022] NSWLEC64;
- *Hunter Industrial Rental Equipment Pty Ltd v Dungog Shire Council* (2019) 101 NSWLR 1;
- *DL Newport Pty Ltd v Northern Beaches Council* [2017] NSWLEC 1661;
- *Innerwest 888 Pty Ltd v Canterbury Bankstown Council* [2017] NSWLEC 1241;
- *Council of Trinity Grammar School v Ashfield Council* [2015] NSWLEC 1086;
- *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No.3)* [2015] NSWLEC 75;
- *Scrap Realty Pty Ltd v Botany Bay City Council* [2008] NSWLEC 333; (2008) 166 LGERA 342;
- *King, Marwick, Taylor & Ors v Bathurst Regional Council* [2006] NSWLEC 505;
- *Moto Projects (No.2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280; (1999) 106 LGERA 298
- *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 43 NSWLR 468;
- *Vacik Pty Ltd v Penrith City Council* [1992] NSWLEC 280;
- *Sydney City Council v Ilenace Pty Ltd* [1984] 3 NSWLR 414.

Caselaw of key changes that were accepted as 'substantially the same development' includes, but is not limited to:

- *Bassett and Jones Architects Pty Limited v Waverley Council (No.2)* [2005] – added additional storey, reduced setbacks, and increase of 112m² of floor space (20%);
- *Davi Developments Pty Ltd v Leichhardt Council* [2007] – increase parapet height 900mm, new unit mix, & new car park layout;
- *Bathla Investments Pty Limited v Blacktown City Council* [2008] – Change from single to double storey townhouses, separation of dwellings, changed parking layout;
- *Marana Developments Pty Limited v Blacktown City Council* [2008] – increase in units from 76 to 102; changed unit mix, additional level of basement parking; changed facades/appearance.

As discussed below, we suggest the Proposal meets the requirements to be considered a modification to DA228/15.

3.4 Key Changes in this Modification

3.4.1 Definition of Use / Activity

In *Lithgow Local Environmental Plan 2014* ('LEP2014') and *State Environmental Planning Policy (Housing) 2021* the application continues to be defined as 'Seniors housing' (sub-term 'residential care facility') that is permissible with consent in the relevant Zone R2 Low Density Residential (see *Section 6 Development Compliance* in this report).

There is no change to the approved use/activity (aged care) on the Site that is permitted with consent. A reduction in new/total beds within four (4) buildings of similar height spread across the Site does not change the key activity (only the arrangement) and reduces (not increases) density. Therefore, the use/activity is the same as the approved use.

3.4.2 Design Intent/Summary of Reasoning

Some of the key reasons for modifying the original approval are set out on *Plan DA0105 Site Plan Comparison to Previous Scheme* and summarised/added to here as follows (Tanderra is not upgraded as part of this application):

- DA228/15 was approved when the facility was under ownership of Lithgow Aged Care (LAC) which subsequently went into administration and was sold to Respect Aged Care (Respect). Respect has some different requirements for the facility and different operations that require an amended layout for the buildings.
- A reduction of new beds from 144 (approved) to 132 (proposed including Building A) is more financially viable and improves the sustainability of the facility and alignment with approved bed licences.
- The original scheme had four (4) buildings – A, B, C & D (with A and part B already constructed). The new scheme retains four (4) buildings – A, B, C & D that are each mostly 2 storeys + roof in height.
- The original scheme retained the Madden/Gillard/Tanderra buildings but this resulted in a much denser development of new buildings over Coinda/Coates House with an internal courtyard and reduced views.
- The Proposal will replace Madden/Gillard Houses and spread the proposed four (4) buildings over a larger area to reduce density, increase building separations, improve views for residents, increase landscape spaces, and upgrade the facilities.
- The new scheme will reduce building massing, improve integration with the low-density character of the area, and modify materials including a wider range of materials and use of face brickwork which is compatible with the area.
- The new scheme will reinforce the primary (main) building entrance with a covered pick-up/drop-off area and three (3) main car parking areas (one for servicing) along Church St/Maple Crescent.
- A new staging will allow a logical staging of demolition and replacement of existing buildings that may no longer be 'fit-for-purpose' with modern aged care requirements.
- The Proposal will relocate the kitchen and some service areas into the parking area of Building A so that there is not a throughfare past the service areas. This replaces the existing parking associated with Building A with a waste collection area and ability for truck movements.
- The car park at the end of Short St (adjacent to Building B) will be retained with minor upgrades.

3.4.3 Number of Beds

The modification seeks to reduce the number of new/total beds compared to DA228/15 but increase it compared to the original/existing as follows (**Note:** Tanderra not currently operational so excluded in final number below):

	PRIOR TO ALL DAs	EXISTING as at 2023 (Building A Constructed)	APPROVED DA228/15	This MODIFICATION
Tanderra	46	46	46	46
Coates	21	21	Demolished	Demolished
Madden	12	12	12	Demolished
Gillard	11	11	11	Demolished
Building A	-	36	New 36	Existing 36
Building B	-	-	New 36	New 44
Building C	-	-	New 36	New 20
Building D	-	-	New 36	New 32
Total New Beds	-	-	144	96
TOTAL excl. Tanderra	44	80	167	132
TOTAL with Tanderra	90	126	213	178

3.4.4 Vehicle & Pedestrian Access

The Amended Proposal seeks to relocate the kitchen and laundry facilities to the Ground Floor (Parking Area) of Building A. As a result, the primary solid waste servicing will relocate from the Short St car park down to replace the Building A car parking.

Compared to DA228/15 (excluding Building A) which had one (1) car parking area accessed from Maple Crescent (but separate entrance/exit driveways) – this Modification has two (2) parking areas – one in the existing location in front of Buildings B & C (main carpark), and a new car park (staff car park) in front of proposed Building D.

The entrance to the main car park moves slightly south-east away from the intersection without impacting any street trees. The new staff car park entrance also does not appear to impact any street trees. The same number of driveways is proposed though both proposed are two-way (slightly wider).

3.4.5 On-Site Parking

Whilst this modification has reduced the total number of approved beds compared to DA228/15, the modification will provide a slight increase in parking compared to the existing layout as follows. Overall, compared to DA228/15 there will be a slight decrease in parking but also reduced beds so it will reduce traffic generation and provides more than the required amount of on-site parking. As a result, we suggest no further traffic studies are required due to the reduced impact. A summary table is as follows:

	PRIOR TO DAs	EXISTING (Bldg A Constructed)	APPROVED DA228/15	MODIFICATION
Tanderra	25	25	25	25
Short St	7	7	Ambulance + 2 Bus	7
Coinda	8	8	--	--
Building A		16	16	(Truck parking) 0
Building B/C			23	Ambulance + 12
Building D				14
TOTAL	40	56	Ambulance + 66	Ambulance + 58

3.4.6 Staging

As with DA228/15, the proposed development is planned to allow for multiple stages to reduce the financial exposure and allow for decanting of existing residents into existing buildings for staged building replacement.

The three (3) proposed Stages are shown on DA0201 Staging Plan and include:

1. Stage 1: Demolition of Coinda RACF & construction of Building B;
2. Stage 2: Demolition of Coates Building & construction of Building C;
3. Stage 3: Demolition of Madden/Gillard Buildings & construction of Building D.

Where possible, relevant conditions should be aligned with these stages so that an occupation certificate can be gained at the completion of each stage.

3.4.7 Key Permeable/Impermeable Areas

See Tables on *DA0001 Cover Sheet & DA0105 Site Plan Comparison to Previous Scheme* and table below that compared to DA228/15 there is a **reduction** in total Gross Floor Area (GFA) and impermeable areas resulting in an increase in permeable/deep soil areas for increased stormwater infiltration and landscape as set out. As a result, the previous calculations for stormwater management in DA228/15 (including the sizing of the on-site detention system/raingarden) will more than accommodate the reduce site coverage.

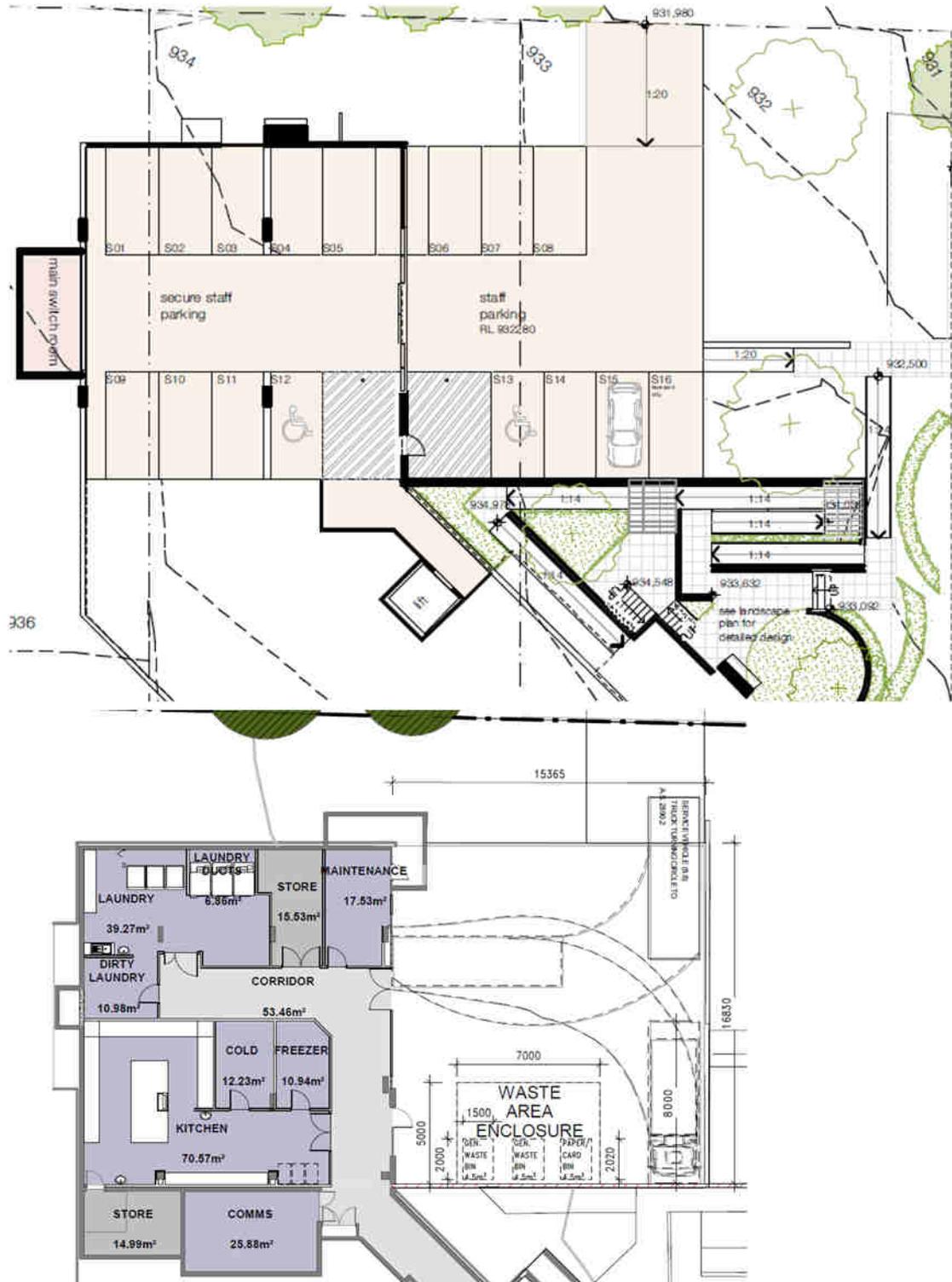
Comparison	DA228/15 (% Site Area)	This Modification (% Site Area)
Site Area	22,683.3 m ²	22,298 m ²
Affected (Landsaped) Site Area		10,535 m ²
Total new GFA (incl. Building A)	9,382 m ²	8,914 m ²
Total GFA after demolition/ construction	12,072 m ²	10,441 m ²
Impermeable Area (Stormwater Plans)	(57.2%) 12,979 m ²	(55.9%) 12,465 m ²

3.4.8 Built Setbacks & Form

Building A

Under DA228/15, Building A is already constructed along with parking and landscape largely in accordance with that approval. The proposed changes (see comparison below) convert the existing Ground Level internal parking to a kitchen/laundry within the existing building footprint and height. Other than removal of the roller door and enclosure of the internal parking area, these changes are not visible from outside the building. The external parking is also removed so that it can provide a waste vehicle storage and turning area (see *Waste Management Plan* below). The kitchen & laundry have lift access to upper levels for servicing the facility. The existing structure of Building A including parking pillars remains with no additional excavation.

Figure 6: Comparison Building A Ground floor plans (top) DA228/15 (bottom) proposed.



Building B

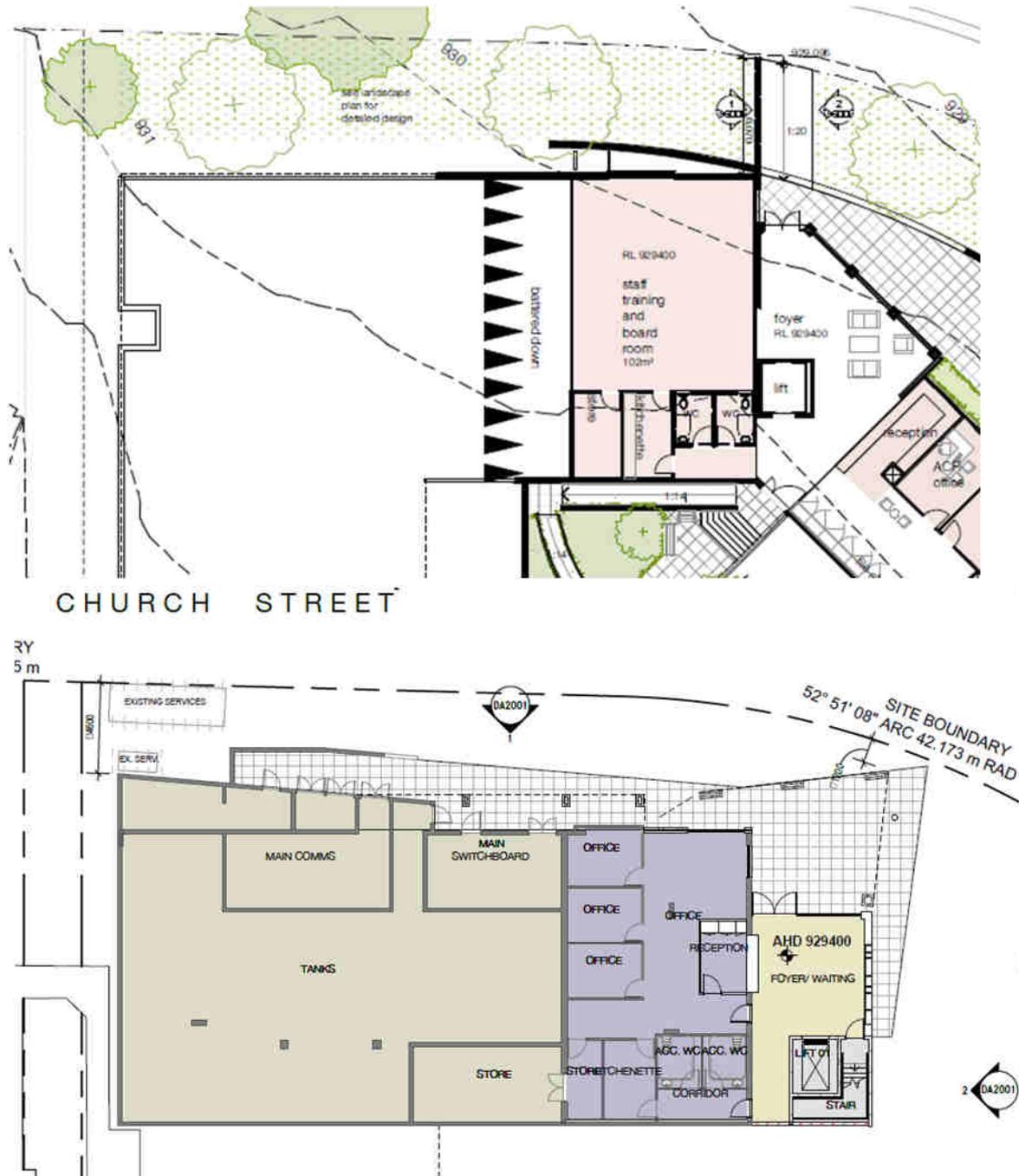
In addition, the Lower Ground Floor of the northern end of Building B was constructed with staff training and board room and toilets. The changes are shown in the Figure below.

The Proposal largely achieves the minimum building setbacks as follows except for Building B. The existing Lower Ground Floor has a setback of 6.4-8.2m from Church St. However, a variation to the 6m setback is requested for the upper level open terraces on the north-eastern corner of this building where it reduces at ground and first floor to 1.2m to the structural columns (not the internal building line) and 4.6m to expanded service rooms facing the street (to meet fire requirements).

This generally has minimal additional impact as it is located away from side boundaries/neighbours and looks out over the park opposite to the north so there is no loss of residential privacy or additional shadow on neighbours (see comparison floor plans below). It reinforces the Church St/Maple Crescent intersection and is buffered by the road.

The Figures on the next page show that Building B is now extended but the original servicing areas (kitchen/laundry) are relocated to Building A with resident rooms replacing these – avoiding the need to connect through the service area.

Figure 7: Comparison Building B Lower Ground floor plans (top) DA228/15 (bottom) proposed.



Building C

As the Figures below show, in DA228/15 Building C was located close to Maple Crescent creating an enclosed courtyard with Building B in a tight configuration to allow room for Building D close to Madden/ Gillard Houses.

As part of this Modification, Building C is moved towards the centre of the Site (away from Maple Crescent / close to approved Building D) to wrap around the existing/proposed parking area and open views and space between the buildings. It has a 12m setback (from building line) and 6.7m setback from upper level terraces to Maple Crescent.

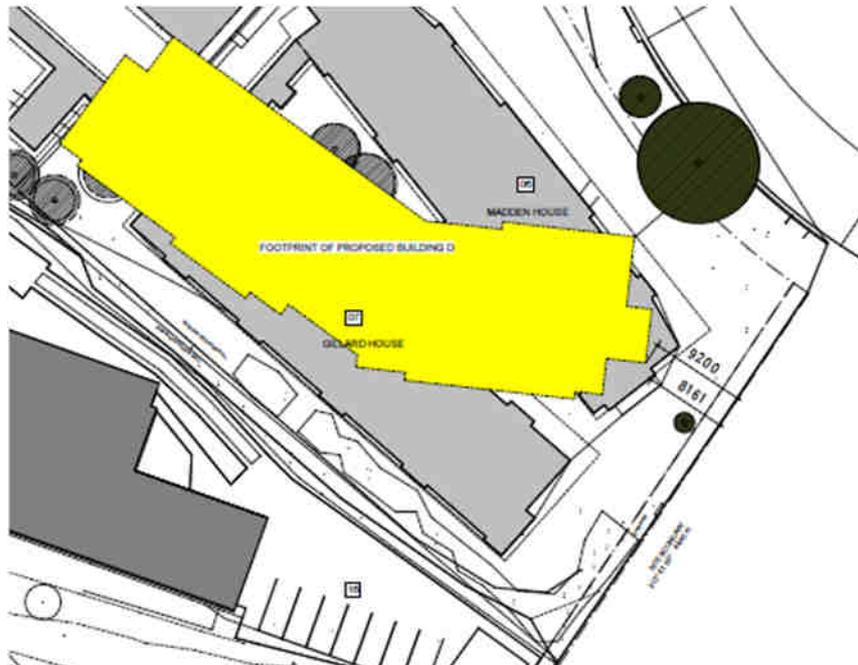
Figure 8: Comparison Building B/C Ground Floor Plans (top) DA228/15 (bottom) proposed.



Building D

This modification proposes to replace the existing two (2) Madden/Gillard Houses (single storey) with a relocated single Building D (two storey + roof) (see Figure below). The massing of Building D is mostly further setback from Maple Crescent but has a bend such that the leading edge near Maple Crescent is a similar setback to the existing Madden House. Compared to the existing side setback of Madden House of 8.161m, proposed Building D has a setback of 9.2m (see Figure below). The ground level sits at a significantly lower level than the adjacent dwelling to the south-east. See discussion re *Neighbouring Amenity* below for south-east interface.

Figure 9: Overlay of proposed Building D footprint/setbacks on Madden/Gillard House (Architect provided).



All the approved buildings under DA228/15 were 2-storeys (except for minor lower ground Building B) plus pitched roof. This remains unchanged for the proposed buildings in this Modification – retaining a similar height to the permitted 2-storeys + roof form of nearby and adjacent dwellings (albeit with a larger footprint for aged care).

The context of institutional buildings such as TAFE NSW (to the south) combined with the fact the Site is in Zone R1 General Residential (that permits residential apartment buildings) suggest that the proposed two-storey form with some moderate building footprints can be compatible with the existing and desired residential character of the area. It also sits well below surrounding streets and landscape forms so it does not dominate the streetscape.

3.4.9 Neighbouring Amenity

We suggest the Modified Development either retains or improves setbacks to adjacent lots (except slight reductions to Maple Crescent) and, as a result, there is a low likelihood of impacts on neighbouring amenity.

Tanderra is unchanged by DA228/15 and this modification and acts as a buffer to residential development off Short St and the TAFE NSW to the south.

Building A has been constructed and acts as a buffer to residential development to the west (with all built form changes largely within the Ground Floor parking area).

Church St/Maple Crescent acts as a buffer to residential development to the north and north-east.

The only interface that is changing as part of this development is the staged replacement of Madden/Gillard Houses with Building D.

It is important to note that the existing/proposed buildings on the south-east side boundary are cut into and well below the existing ground levels of the neighbours by up to 1 storey. The existing Site levels at this eastern end are ~RL933-934 which raises significantly up to the adjacent dwelling to the east. Therefore, the proposed two storey Building D only presents as a single storey + roof from the south-east. Combined with an increased setback of 9.2m and the orientation of the Site, we suggest that there is no significant shadow impact to the south-east neighbour between 9am and 3pm on the Winter Solstice to the south-east as shown on the Shadow Studies DA7000.

Therefore, we suggest the Site can support a 2-storey+ roof form (similar to a permissible detached dwelling) that will sit at a lower contour and reduce shadow, bulk, and visual impact to the adjacent dwelling.

3.4.10 Proposed Servicing/Operations

The proposed operations of the new facility will not significantly vary from the existing/approved facility operations. However, there will be efficiency with improved design, communal facilities for the dementia wards, and better services and amenity for the residents, staff, and visitors. It will continue to be run as a 24-hour / 7-day a week facility with night time staffing. Night time staff/operations will generally be limited to carers, security and base level services with most servicing and meal operations during extended business hours.

A rough estimate of total staff is likely to be ~170 staff (some part-time). However, the maximum likely on-site at peak/handover (e.g., Monday 9am) is full-time ~41 staff.

The proposed development will include new primary kitchen/laundry but it has been relocated to the Ground Floor (existing Parking) area to service the new development (except for Tanderra that has its own kitchen).

There is limited plant (air-conditioning) located on the proposed roof of each building as shown on the Plans.

3.5 Substantially the Same Development

As shown on *Plan DA0105 – Site Plan Comparison to Previous Scheme*, there are four (4) approved buildings and four (4) buildings are proposed – all 2-storey in height. This modification changes the arrangement of those four (4) buildings on the Site and reduces total site coverage, building massing and new/total beds (to reduce impact). In this way, it is **‘substantially the same development.’**

As the case law above shows, the Land & Environment Court has approved modifications with similar changes to building form and layout where the impacts are largely the same.

There are reduced environmental and other impacts as the total site coverage/total beds is reduced, there is an increase in landscaped area, and there is likely to be less traffic generation and parking requirements.

Maple Crescent and Church St to the north and the existing Tanderra building to the south continue to provide a buffer to most neighbours. There is a slight change in the interface of the Site to neighbours only at the south-eastern end – but as the levels of the Site are well below the neighbour – the increase to two (2) storeys in this location will have little impact on this neighbour.

3.6 Modification - Consistency with Original Reasoning

The original consent DA228/15 provided standard reasons for imposition of consent conditions in Schedule B but these did not relate to specific outcomes/activities/impacts on the site (Note: at the time of that consent, detailed reasons were not required to be provided). The proposal would not be inconsistent with those reasons.

3.7 Modification - Controls that Apply

This is NOT a Development Application – it is an application under Section 4.55 to modify the original consent. Unlikely a new development application, a modification application is a ‘free-standing provision’ (*North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163*) that applies the planning controls applicable at the time of the original approval (subject to merit assessment under Section 4.15 of the EP&A Act). For example, there is case law stating that *Clause 4.6 – Exceptions to development standards* does NOT apply to a modification. However, as part of that merit assessment we have address the current controls as a guideline for the development as they have not changed substantially.

3.8 Modification - DA228/15 Conditions of Consent

Conditions to be AMENDED

The following aspects of DA228/15 are sought to be amended by this application:

- a) **Approved Documentation:** as updated by the attached plans/reports and this SoEE;
- b) **Conditions 3-6:** Mine Subsidence Board Requirements - change name to Subsidence Advisory NSW and change date in Condition 6 but otherwise controls still applicable (subject to concurrence advice);
- c) **Condition 93-94:** Water NSW Requirements (Stormwater Management) – these should largely remain the same as impermeable area is decreasing but proposed water management methods are very similar - updated references to new plans/reports (subject to concurrence advice);

Conditions that should NOT CHANGE

Please NOTE that there should be no changes to any other conditions that are not relevant to the modification or where the current wording is still applicable.

Some of the conditions will have been completed during the construction of Building A but where not inconsistent with this Modification they can be retained.

4 IMPACT ASSESSMENT

4.1 Environmental Impacts

4.1.1 Topography & Slope

The site sits on the northern slope of Bracey’s Lookout (approximately 440m to the south of the Site) which falls to the north and north-west towards the central business district and urban area of Lithgow and the lower lands north of the railway along Farmers Creek. Bracey’s Lookout sits above 1060m-1070m and provides a backdrop to the Site.

As shown on the *Survey Plan*, the highest point of the site (including the Tanderra Facility) is in the south western corner of the site at ~RL944 dropping to ~RL940-941 in Short Street. However, this Proposal relates to buildings along the Maple Crescent frontage with the highest points ranging from RL931-934.

The lowest point of the site is in the north-east corner at the point where Church Street becomes Maple Crescent at approximate RL 929 – resulting in up to a ~5m fall across the Cooinda site (mostly 3-4m) and 11-12m up to Short St. Any two (2) storey buildings + roof are likely to sit into this slope and not significantly block views for building at higher elevations and will sit within the landscaped backdrop of the hill behind.

The aim is to rely on many of the existing retaining walls across the site and minimise the cost of new retaining walls (subject to structural advice).

4.1.2 Watercourses & Flooding

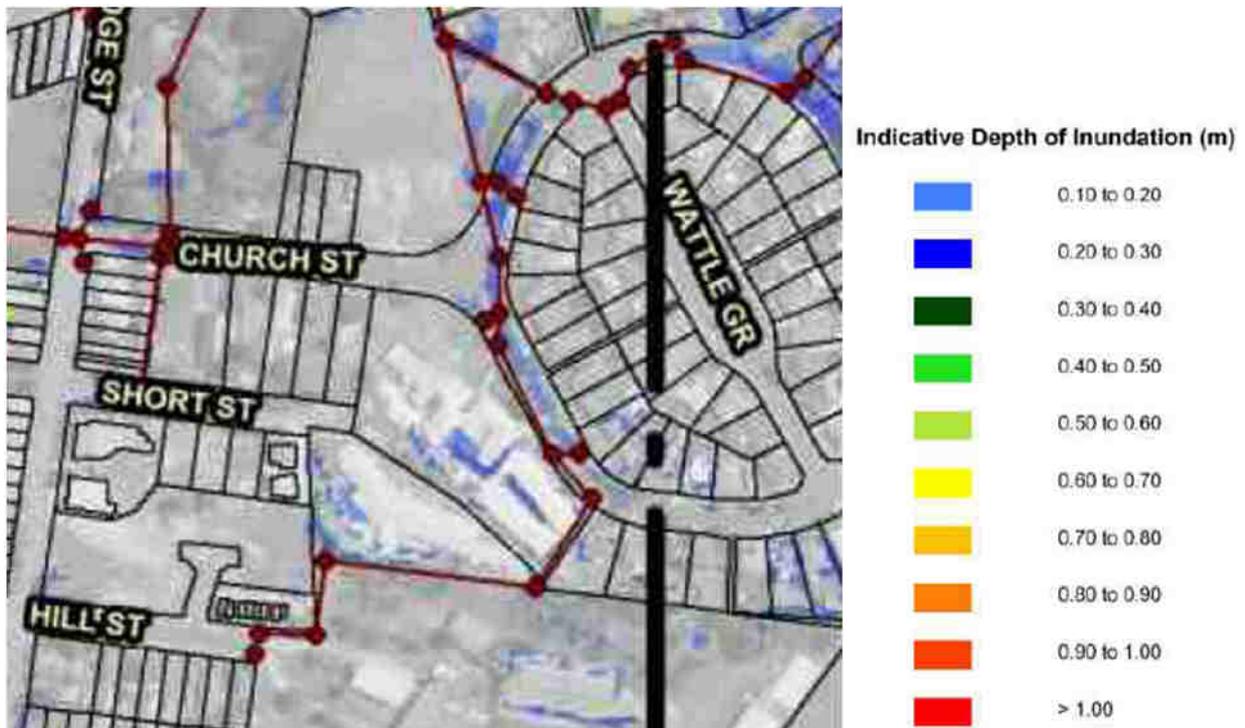
There are no watercourses on or through the Site. The nearest mapped watercourse (NSW Planning Portal) is >200m to the east of the Site so mainstream flooding is unlikely to be an issue.

The *Lithgow Flood Study Review 2017* was finalised after DA228/15 was approved. More recently, the *Draft Lithgow Floodplain Risk Management Study & Plan* (exhibited March 2023) refines the outcomes but does not significant change the flood levels.

The Figure below shows the 1:100 ARI Flood Levels. There are minor inundation levels of 0.1-0.3m in the centre of the Site, possibly due to the building arrangement blocking overland flows coming down from the escarpment. These parts of the Site have a LOW provisional hydraulic hazard (flood fringe) and are ‘Land Outside Interim Flood Planning Area/Subject to Overland Flow Deeper than 100mm’ but most of the Site is not mapped as flood prone.

The new arrangement of buildings will provide for stormwater flows between buildings (with building connections raised) to prevent or minimise this (see *DA0104 Design Response*). This will feed to the existing raingarden and then Council’s stormwater system (see below for details). There is only very minor inundation on Maple Crescent and little on Church St. The road frontages (& associated emergency evacuation areas) are relatively clear of inundation and are expected to provide safe emergency access/egress back towards the Lithgow CBD.

Figure 10: 1:100 ARI Tuflow Modelling (Lithgow Flood Study Review 2017 – Figure 6.6).



In this way the proposed building arrangement complies with *Clause 5.21 – Flood planning* of the LEP, as follows:

- a) It provides paths for overland flows between buildings is expected to reduce concentrations of water in the middle of the Site and reduce the low level of flooding on the Site;
- b) The buildings, key paths, & evacuation areas are largely outside of flood prone mapped land and the use is compatible with the flood functions & behaviour on the land;
- c) Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of flood;
- d) Incorporates appropriate measures to manage risk to life in the event of a flood; and
- e) Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

4.1.3 Stormwater & Drinking Water Catchment

The Site is in the Sydney Drinking Water Catchment. There is Council stormwater infrastructure along Church St and Maple Crescent to which the Site drains naturally. There is an easement for drainage along the eastern boundary of the Site and an Easement for Services between Short St and Church St through the Site.

The Applicant's stormwater engineers (Calare Civil) have been liaising with WaterNSW who have recognised that the amount of impermeable surface is decreasing in this modification compared to DA228/15 (see table above and Note on *Stormwater Plan*) and, as such, the original approved stormwater management mechanisms should be satisfactory. As a result, we have only submitted an updated *Concept Stormwater Drainage Plan* and rely on the previous *Water Management Report* by EFWF for stormwater calculations that are largely unchanged.

Under DA228/15 we understand that part of the bio-detention raingarden has been constructed adjacent to Maple Crescent and Building A is connected to the approved stormwater systems. This will be expanded to ~153m² with discharge to Council's stormwater system in Maple Crescent.

The Note on the *Stormwater Plan* states that '*stormwater treatment to comply with previous approval DA treatment train specifications including drawings and DA conditions.*' As such, this modification should have a Neutral or Beneficial Effect (NorBE) on water quality (subject to review by WaterNSW).

4.1.4 Vegetation & Biodiversity

DA228/15 already approved significant development across the Site (excluding the Madden/Gillard/Tanderra Houses) so the approved areas are already approved for extensive earthworks & any associated vegetation removal.

This modification only has an additional impact to vegetation in the areas of Madden/Gillard Houses. The Plans show that it will result in removal of 2 additional small trees (Trees No.13 & 14 – see *LA Tree Retention & Removal Plan*) only that are believed to be Cypress as well as non-native grasses. The adjusted vehicle driveways are located to not impact on existing street trees.

The proposed vegetation removal is unlikely to remove any significant native vegetation or impact on threatened species or ecological communities as the Site is largely developed, in an urban area, and isolated from denser vegetation towards the escarpment.

There is no mapped sensitive biodiversity across the Site. The Site does not have mapped Biodiversity Values on the *Biodiversity Values Map & Threshold Tool* (www.lmbc.nsw.gov.au). The threshold for clearing of 0.25ha will not be exceeded. Therefore, we suggest that a *Biodiversity Development Assessment Report (BDAR)* is not required.

4.1.5 Bushfire

Whilst bush fire prone land mapping has changed across Lithgow LGA since 2016, the Site is in an urban area and is not mapped as bush fire prone land. It is buffered by urban development on all sides so the risk from bush fire is manageable and not increased by the Proposal. Tanderra is the closest facility to the bush fire prone land to the south and is not amended by this application so it continues to buffer the newer development.

4.1.6 Preliminary Contamination Investigation

This is a modification to an existing approval for residential aged care facility. It does not significantly alter the building form or increase the risk of contamination. The replacement of Madden/Gillard Houses with Building D is with the same use. The DA228/15 approval suggests that Council has considered the existing and proposed use of the Site and deems the Site is compatible with this use. There is no change in use of the Site (as approved).

Since DA228/15 approval, there have been no known additional potentially contaminating land uses in the Contaminated Land Guidelines having existed on the site. It is considered that no further investigation is warranted.

4.1.7 Mine Subsidence

The Site is within the Mine Subsidence District for Lithgow (Proclaimed 16 May 1962) under Part 3 of the *Coal Mine Subsidence Compensation Act 2017*. It is located towards the southern boundary of this mine subsidence district but historic maps show mine workings present under the Site (see Figure below). As the site is in a proclaimed mine subsidence district, the application requires referral to Subsidence Advisory NSW (SANSW).

DA228/15

As part of the original approval there was extensive correspondence with the former Mine Subsidence Board (Singleton Office) and subsequent approval for the proposed building lengths and construction methods. The Modification involves building of similar lengths and construction methods.

Mine Subsidence Assessment

This Modification has provided an updated Mine Subsidence Assessment from Douglas Partners (April 2023). It is noted that since DA228/15 a new merit assessment policy has been introduced by SANSW in 2018 which describes the processes to assess the risk of mine subsidence.

Whilst we appreciate the need to address these new controls, we also wish acknowledged that this is a MODIFICATION of an existing approval, so the controls that were relevant at the time of approval may be relevant.

Based on survey estimates of mine workings by CEH, Douglas Partners have overlaid the alignment of the estimated mine workings with the proposed building footprints (see Figure below – noting that the mine workings are indicative only and estimated from known mine shafts and historic workings) and prepared a desktop analysis of the likelihood of mine subsidence.

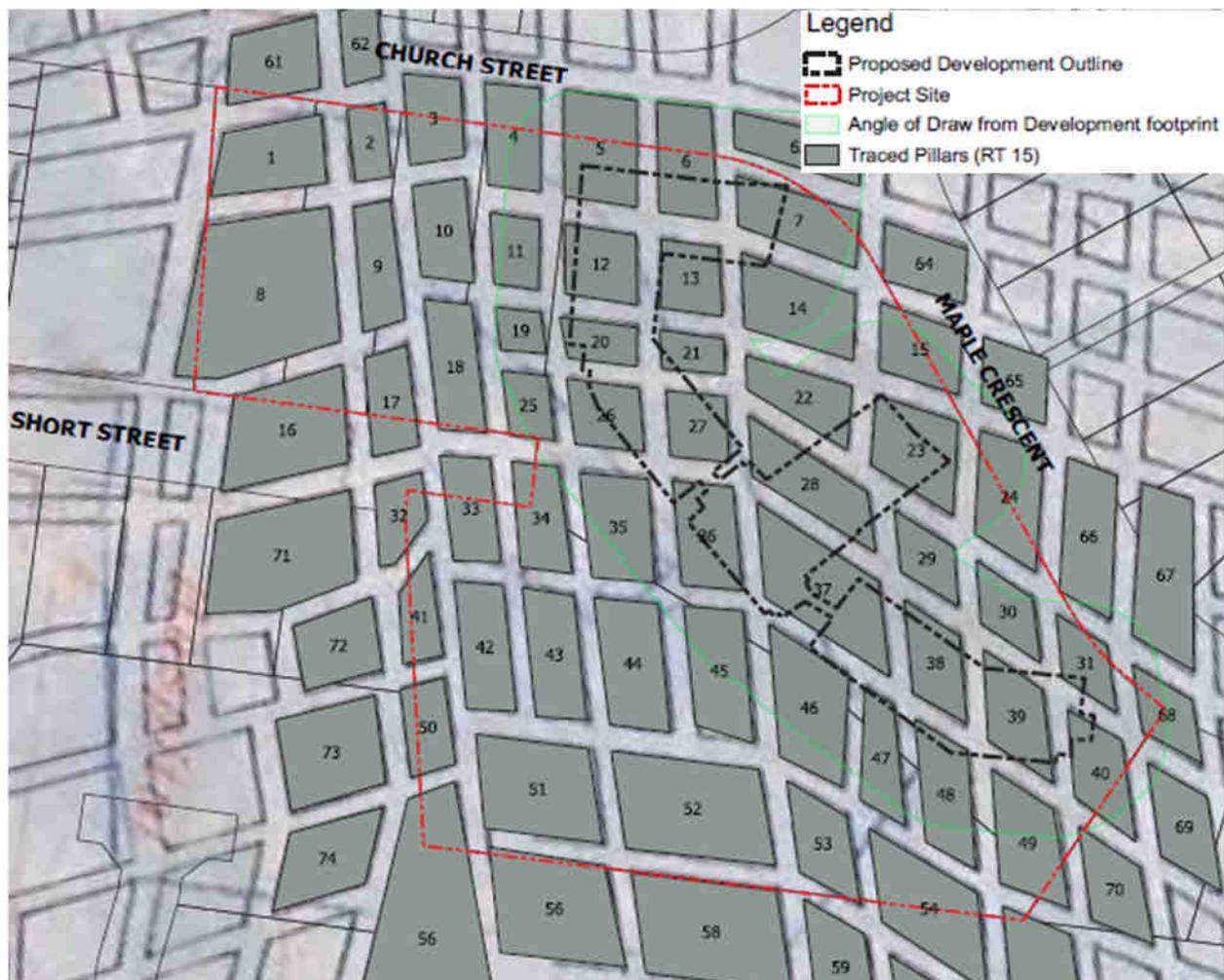


Figure 11 Inferred Layout of Mine Workings overlaid with new building footprints (Mine Subsidence Assessment Dwg.1).

It is believed that the mine workings are at least 32.5-42m below the surface in this location which is significantly lower than in many areas of the Lithgow CBD. It is noted also that other buildings such as the Workers / RSL Club with a larger footprint have received approval on much shallower workings and on less stable geology that the Site which is on a limestone shelf.

Based on the NEW controls, Douglas Partners has noted that there is a low risk of pothole subsidence, low risk of floor or roof punching, but some potential issues with pillar stability. The average width to height ratio for the pillars exceeds the target value of 4 but some are below the average. It is suggested that drilling is undertaken to improve the geotechnical uncertainty to moderate or low.

Douglas Partners stated in Section 4 – Conclusions:

‘Pillar stability analysis indicates that the factors of safety of the pillars in the vicinity of the site and average width to height ratio satisfy the Subsidence Advisory NSW merit assessment policy for a B3 structure assuming a moderate uncertainty. Accordingly, structures that overl[a]y the workings are required to be designed to accommodate subsidence parameters presented in Table 3 or the workings are grounded to effectively remove the risk of future subsidence.

There might be opportunities which include numerical modelling that could be undertaken to further improve the subsidence parameters as listed in Table 3 but this should be considered following additional subsurface investigation.’

This is very different from the 2013 Douglas Partners review that concluded that:

“Based on the results of the desktop assessment, in particular the pillar dimensions and depth of cover shown on the mine workings plan prepared by CEH, there is no credible mechanism for surface subsidence to occur.”

Design Response

The Design has sought to address the key issues raised in previous and recent correspondence with SANSW including, but not limited to:

- a) Limiting cut and fill on the site and utilising existing retaining walls where possible / structurally sound;
- b) Stepping the buildings up the site so the height does not exceed three (3) storeys at any one point and the majority is only two (2) storeys;
- c) Providing ‘L’ shaped building footprints that can sit across the workings;
- d) Breaking the facility down into four (4) separate buildings to allow for separate foundations and ‘flexibility’ in the overall structure.
- e) Foundation and slab design designed to distribute loading and reduce point loads;
- f) Simple construction techniques with external walls aligned.

It is important to note that DA228/15 approved buildings of similar lengths and massing and that the total site coverage has been reduced.

4.1.8 Other Hazards

The site is not known to be affected by any other hazards including, but not limited to, landslip, or acid-sulphate soils.

4.2 Heritage

Figure 12: Excerpt from LEP Heritage Map showing items in proximity to the Site.

There are no state listed heritage items in or adjacent to the site. The site is not in a heritage conservation area (HCA). However, the subject site is near:

- Heritage item No.309 (local) – the former St Mary’s Presbyterian Church (1 Church Street – Lot A DP397706) – now adapted as a dwelling;
- Heritage Item No.314 (local) – Hoskins Memorial Presbyterian Church (Bridge & Mort Streets);
- Heritage Item No.278 (local) – Lithgow Public School Group (163 Mort St);
- Archaeological Site A.123 (local) – Sorenson Memorial (Lot 1 DP 165879 – Mort & Bridge Streets);
- Lithgow Main Street Heritage Conservation Area C7 that extends to the north-west of the Site but is several lots away and buffered by Building A (constructed).
- There are other items north of Mort St but we do not believe they are affected by the proposal.



As part of DA228/15, we reached agreement with Council (Mr Paul Cashel) that a heritage impact statement (HIS) was not required for that development and it could be appropriately addressed in this report.

It is important to note that Building A (already constructed) is immediately adjacent to/opposite the HCA/heritage items and presents an existing 2-storey + ground level parking + roof form to these items. The modifications to the ground level parking area in this application are within the existing building footprint, do not affect the building height, and are only visible from the eastern elevation of the building away from the adjacent heritage item.

Building A provides a significant buffer to the remainder of the modified development which is greater than 50m from the nearest item. Proposed Building B is similar in location and form to DA228/15 approval so it is unlikely to result in any significant additional impact.

There are no heritage items near the north-east, east, or south of the Site where most of the modifications are proposed. The modification has the greatest effect at the eastern end of the Site where Building D replaces Madden/Gillard Houses. This is the furthest from any listed heritage items and adopts a 2-storey + pitched roof form like surrounding detached dwellings. Therefore we suggest that there is limited additional heritage impact from this modification and it is consistent with Clause 5.10 of the LEP.

4.3 Access & Parking

Public transport and the existing road network were largely addressed in DA228/15.

4.3.1 Vehicle Access

The key points for vehicle access to/from the Site are largely similar (with some modifications) to DA228/15.

- Building A has access from Church St (constructed). The key modification is that this will no longer be public/ staff parking but will be used by service vehicles and waste trucks.
- Buildings B & C retain a driveway from Maple Crescent that is changed to a two-way driveway (rather than separate entrance/exit) and is widened/moved slightly compared to DA228/15. This would be the primary visitor car park with a clear covered entrance area.
- There is a new parking area proposed near Building D with a new two-way driveway to Maple Crescent. This would be primarily a staff parking area.
- Access via Short St is unchanged from existing (with staff parking) BUT waste management is amended from DA228/15 as set out in the *Waste Management Plan* below.
- Public and staff parking around Tanderra from Short St is retained.

Amended driveways are no closer to any intersection than the existing/approved driveways and they have good sight-lines along Maple Crescent. They ensure all vehicles enter and leave in a forward direction. Driveway slopes will not have significant slope.

4.3.2 Proposed Parking

Parking requirements for residential care facilities are set out in *SEPP (Housing) 2021* (referred to in Council's DCP) as set out in the table below (noting a slight change since *SEPP (Housing for Seniors or People with a Disability) 2004* was replaced).

The proposal provides the following parking spaces:

Parking Spaces	Existing	DA228/15	This Modification
Tanderra	32	Ambulance + 27	25 + 7 = 32
Coinda RACF	8	Replaced by Building B	Replaced by Building B
Building A	16	16	Waste truck parking
Building B (Stage 1)	-	23	Ambulance + 12
Building D (Stage 3)	-	-	14
Total NEW	-	Ambulance + 39	Incl. Building A – 26
Total	56	Ambulance + 66	Ambulance + 58

The table below shows this EXCEEDS the minimum parking requirement so no additional parking is required.

PARKING	Beds	Staff/Employees	Ambulance	Required	Provided
Requirement in 2016	1 space per 10 beds	1 space per 2 employees on duty	1 space	N/A	N/A
DA228/15	Proposed 214 beds = $214/10 = 21.4$ (22) spaces	Approx. 78 full-time staff = 39 spaces	1 space	62 spaces	67 spaces (71 noted)
SEPP Housing 2021 (2023)	1 space per 15 beds	1 space per 2 employees on duty	1 space	N/A	N/A
Modification	Proposed 178 beds = 2016: $178/10 = 17.8$ (18) spaces 2023: $178/15=11.8$ (12) spaces	Approx. 41 full-time staff = 20.5 (21) spaces	1 space	2016: (39.3) 40 spaces 2023: (33.3) 34 spaces	58 spaces + Amb. EXCEEDS REQ.

The Modification will reduce total bed numbers and likely staffing required (compared to DA228/15) so it will reduce on-site parking demand. The Modification only seeks to reduce the provided on-site parking from 67 to 58 spaces (+ Ambulance) which still exceeds the minimum requirements of 34-40 spaces.

We suggest that the reduction in total beds will reduce traffic generation & parking demand (compared to approved DA228/15) and the provision of additional parking spaces will exceed on-site parking requirements. Therefore, we suggest an amended *Traffic & Parking Assessment* is not required as there is no additional load on intersections. The architect has provided swept path movements for the new waste management area adjacent to Building A to show it is sufficient for a 8.8-9.2m truck.

Whilst the parking areas are generally in-front of buildings, the proposed buildings wrap around them and there is sufficient landscape so they do not dominate the streetscape.

4.3.3 Pedestrian Access & Amenity

Access to Building A (constructed) remains unchanged except that a walkway connecting to Building B will be added over the easement for centralised servicing. Primary visitor access is through the main entrance to Building C (off the visitor parking area) that has a lobby and reception with most administrative staff.

There is a connection from proposed Building B up to the Short St parking area that enables connection up to Tanderra. Staff parking at Building D, Tanderra, and Short St has short connections back to most buildings (except for Building D). Building D will be the dementia ward so access to/from this building is more tightly regulated and must be through Building C for safety & security. There are footpath connections from all parking areas to Maple Crescent/Church St. The slope of paths is designed to allow for accessible access to all buildings.

All internal and external areas are designed to comply with AS 1428.1 to allow Access for people with Disabilities.

4.4 Crime Risk Assessment

Under DCP2021 a *Crime Risk Assessment* is required for significant alterations & additions that are likely to affect crime prevention principles for Seniors housing (>8 people). The table below shows that the site, building, and landscape design seeks to provide clear territorial reinforcement and access control whilst avoiding making the facility look institutional or inward looking.

Principle/Design	Response
<u>Territorial Reinforcement</u>	<p>There is a clear transition from the public street areas, to the semi-public parking, to clearly defined entrances for each building (except Building D for dementia patients), to the administrative area in the semi-private lobbies and communal landscaped areas, to private areas in each building.</p> <p>There are relatively consistent street setbacks with buildings wrapping around parking areas. The leading edge of each building defines the transition point without the need to fully enclose the communal spaces. There are maintenance staff to manage gardens and buildings. Fences are only used around the dementia building for resident safety (setback from street).</p>
<u>Access Control</u>	Buildings are designed to have lobbies for public or visitor entrances with reception desks/ staff (administrative) areas to monitor entrance/exits from each building. Building D is a dementia ward so it does not have direct access to/from the street and will have separate secure areas. Centralised communal areas are in each Building requiring secure access.
<u>Natural or Casual Surveillance</u>	<p>The proposal orients each of the three (3) new buildings (Buildings B, C & D) so they have views over Church St/Maple Crescent to the north-east over the on-site parking and landscaped open space areas between the buildings and views south-east towards Short St for casual surveillance of public spaces. These are two storey buildings with both private rooms and communal areas looking out over these semi-public and public spaces.</p> <p>Building entrances (Buildings B & C) are clearly visible/legible from the street and the carp parking areas with the main entrance to Building C for visitors having a large covered entrance feature. There are good sightlines into lobbies and out to car parking areas.</p> <p>The <i>Landscape Plans</i> show clearly defined pathways with good sightlines and communal gardens around each building. There are limited opportunities for concealment near entrances and in parking areas. Landscape towards the street is mostly taller trees or lower shrubs to maintain sightlines.</p>
<u>Organised or Technical Surveillance</u>	All external areas around buildings including car park areas and pathways will have lighting. CCTV will likely be located at each of the main building entrances and reviewing the perimeter of the Site.
<u>Activity & Space Management</u>	The vertical transition from public (street) to semi-public (car-park), to semi-private (lobbies & service areas), to private (resident rooms and communal spaces) provides good space management.

4.5 Social Impact Statement

The following statement seeks to respond to the question raised in the Development Guide.

Question	Response
Will the proposal be likely to give rise to a significant increase or reduction in the number of persons on the site?	There will be an increase in the number of beds/suites available on site (<u>compared to existing</u>) but a significant <u>reduction in beds/staff</u> compared to DA228/15 approval so it has less overall impact than DA228/15 which has been approved. The Staging of the development will relocate existing residents into new buildings as they are constructed to allow future stages – resulting in a longer time until full completion and maximum beds/staff.
Will the proposal disadvantage or benefit a particular social group?	The proposal will significantly benefit senior citizens and disabled persons who require this type of accommodation and care by upgrading the existing out-of-date facility and providing additional expansion for growth to meet demand. It is unlikely to significantly

Question	Response
	disadvantage any particular social group as it is well integrated into the surrounding residential area and results in a lower density than approved under DA228/15.
Will the proposal be likely to give rise to an increase or decrease in employment opportunities in the locality?	The expansion of the aged care facility will increase employment opportunities (compared to existing) in the locality for a range of professions including, but not limited to nurses, carers, caterers, cleaners, administration, and maintenance and gardening workers and have positive social and economic benefits as a result. It is more sustainable than DA228/15.
Will the proposal have a significant impact upon existing housing stock in the locality, particularly low rental housing?	No demolition or loss of existing dwellings forms part of DA228/15 or this modification. It improves affordable seniors housing stock by expanding the total number of beds in a more communal facility.
Will the proposal impact upon existing community meeting places or give rise to an increased demand for community facilities or services in the locality?	This does not impact on existing 'community' meeting places any more than DA228/15 including the adjacent park. Public spaces like the park will have no shadow but will have improved casual surveillance. This Modification improves the communal and landscaped spaces by reducing building density and making them more outward looking. Most of the day-to-day services for residents are provided on site but there will be some additional usage of community facilities to cater for an ageing population (libraries, parks, public bus transport etc.) compared to existing but less than DA228/15 approved.
Will on-site support services be required?	Yes. On-site support services are provided to service the day-to-day needs of the residents (e.g. café/shop; hair salon; health consultant; library services). Specialist services will be brought to site or accessed in Lithgow or elsewhere as required.
Will the proposal be likely to give rise to increased conflict in the community or adversely impact upon community identity?	Improved accommodation services (albeit less than DA228/15) for senior citizens are highly unlikely to increase conflict with community or its identity. It is an essential service that allows people to age-in-place with little impacts on adjacent properties from noise, anti-social activity etc. Two-storey buildings with a reduced site coverage better integrate into the surrounding residential area.
Will the proposal be likely to enhance or detract from the cultural life of the community?	The proposal should enhance the cultural life of the community by promoting ageing-in-place and enabling senior citizens to have the support and services to remain involved with the community.
Will the proposal create areas of insecurity or risk for occupants or pedestrians within or adjacent to the development?	See <i>Section 4.4 Crime Risk Assessment</i> above that demonstrates an overall improved safety outcome for the neighbourhood. Increased activity, particularly at night will increase casual surveillance. There are good sightlines and surveillance mechanisms for staff and resident safety.
Will the proposal be likely to give rise to increased community concern regarding public safety?	See <i>Section 4.4 Crime Risk Assessment</i> above. The proposed occupants and use is highly unlikely to increase concern for public safety. There are existing dementia wards and these will be replaced with more fit-for-purpose facilities with appropriate safety and security.

As a result, the modification of DA288/15 will have an overwhelmingly positive social (and economic) impact on Lithgow and the local government area. Impacts are less than DA228/15 in this modification and proportional to normal urban growth. This is an existing use that is not out of character with the existing urban context. We do not believe that the impacts warrant a *Social Impact Statement* prepared by a qualified social practitioner.

4.6 Utilities

DA228/15 provided reports from EFWF Engineers that stated there was sufficient capacity for the proposed development for key utilities based upon 213-214 beds. This Modification results in a decrease of total beds to 178 beds. This should reduce demand for utilities so we suggest capacity is not an issue for the modification based on previous review.

4.7 Easements & Restrictions on Title

The Survey diagram (DA228/15) indicates that there are several key easements / restrictions that affect the site and all these easements will be retained and protected in the proposed development, as follows:

- a) **Easement for Pad-mount Substation** 2.75m wide (corner Church St / Maple Crescent). This easement is unaffected as the substation will be retained for the development. The adjacent on-site detention (raingarden) area will not impact on this substation to the best of our awareness.
- b) **Easement for Drainage** 1.83m wide (south eastern boundary). The relocated Building D is setback the same or greater than the existing Madden/Gillard Houses and min. 9.2m from the south-east boundary – so approximately 7.37m from the western edge of the easement at the closest point. Any works should be outside the zone of influence of this easement.
- c) **Easement for Services** 3m wide runs between the end of Short St and Church St to the east of Building A (constructed) and contains a range of utilities. This modification retains the utility easement. The proposed pedestrian bridge between Buildings A & B is elevated above the easement to allow for access for maintenance but because it is enclosed, the Applicant would prefer that Council did not condition this link to be removable.

Please note that this application seeks to apply under *Council's Policy 5.1 – Building over Easements* for an exemption to build over the 3m easement noting, however, that this same link was approved as part of DA228/15 and the proposed floor levels of the link are the same or similar as that previously approved.

5 WASTE MANAGEMENT PLAN

5.1 Demolition

DA228/15 approved the demolition of Cooinda/Coates House so the original waste management plan applies to those building(s) and/or can be appropriate conditioned prior to Construction Certificate of each Stage.

This modification expands this to include Madden/Gillard Houses as part of a staged future replacement of those buildings. These buildings have frontage to Maple Crescent and sufficient room in the front setbacks (proposed car park) to separate, store and manage waste during demolition. Where possible, waste will be separated for re-use, recycling, or landfill as appropriate. Waste will be taken to Lithgow Solid Waste Facility (see description below). If required a more detailed Demolition Waste Management Plan can be prepared prior to Construction Certificate.

5.2 Construction

DA228/15 approved the construction of four (4) Buildings A, B, C & D. This Modification also results in four (4) Buildings A, B, C & D of similar size but spread across the Site. Therefore, the original waste management plan is likely to also apply to the amended buildings and/or can be appropriate conditioned prior to Construction Certificate of each Stage. Waste will be taken to Lithgow Solid Waste Facility (see description below).

Facility	Hours of Operation	What can I dispose of there
Lithgow Solid Waste Depot The main facility for the LGA - Off Geordie Street, Lithgow	Open 8.00am - 5.00 pm Closed Christmas Day	Household residential waste, green waste, tyres, whitegoods, building waste, putrescible waste, commercial waste, asbestos. This is Council's only facility to accept commercial Waste, asbestos & tyres. Please note asbestos must be booked in with Depot prior to dumping.

Figure 13: Excerpt from Council's website showing allowable waste types at Lithgow Solid Waste Depot.

5.3 Operation of Facility

5.3.1 Solid Waste

This Modification amends the PRIMARY waste collection area on the Site compared to DA228/15 by relocating it from the end of Short St to the Building A car park with access from Maple Crescent. The benefits of this include, but are not limited to:

- The kitchen/laundry facilities are relocated to the Lower Ground of Building A and at the same grade as the waste collection area for ease of waste transfer by staff;
- The Building A car park has removed the current parking so it can accommodate a truck parking area which is an improvement over potential conflicts in the Short St car park;
- Veolia waste commercial service has suitably sized trucks of up to 9.2m in length to service the Site and can provide a frequency of service that would limit the amount of waste stored on site;
- There is no additional significant impact as the Building A car park is already constructed and Council's waste trucks already use Maple Crescent;
- A loss of 16 car spaces in Building A car park is partly made up by 7 car spaces at the Short St level;
- The waste storage area in the car park has a potential area of 5m (deep) by 7m (wide) and can store 3-4 commercial waste bins (4.5m³) for general waste and recycling;
- The waste storage area can be suitably screened from the street.

As this Modification reduces total bed numbers (compared to approved), the original approved waste volume allocation should be more than sufficient to manage the amended facility.

In addition, the Proposal provides a storage room in each Building and in the key Kitchen/Laundry/Staff areas to act as a temporary storage until waste is relocated to the large capacity bins to minimise the amount of pedestrian traffic to these large capacity bins.

5.3.2 Medical / Hazardous Waste

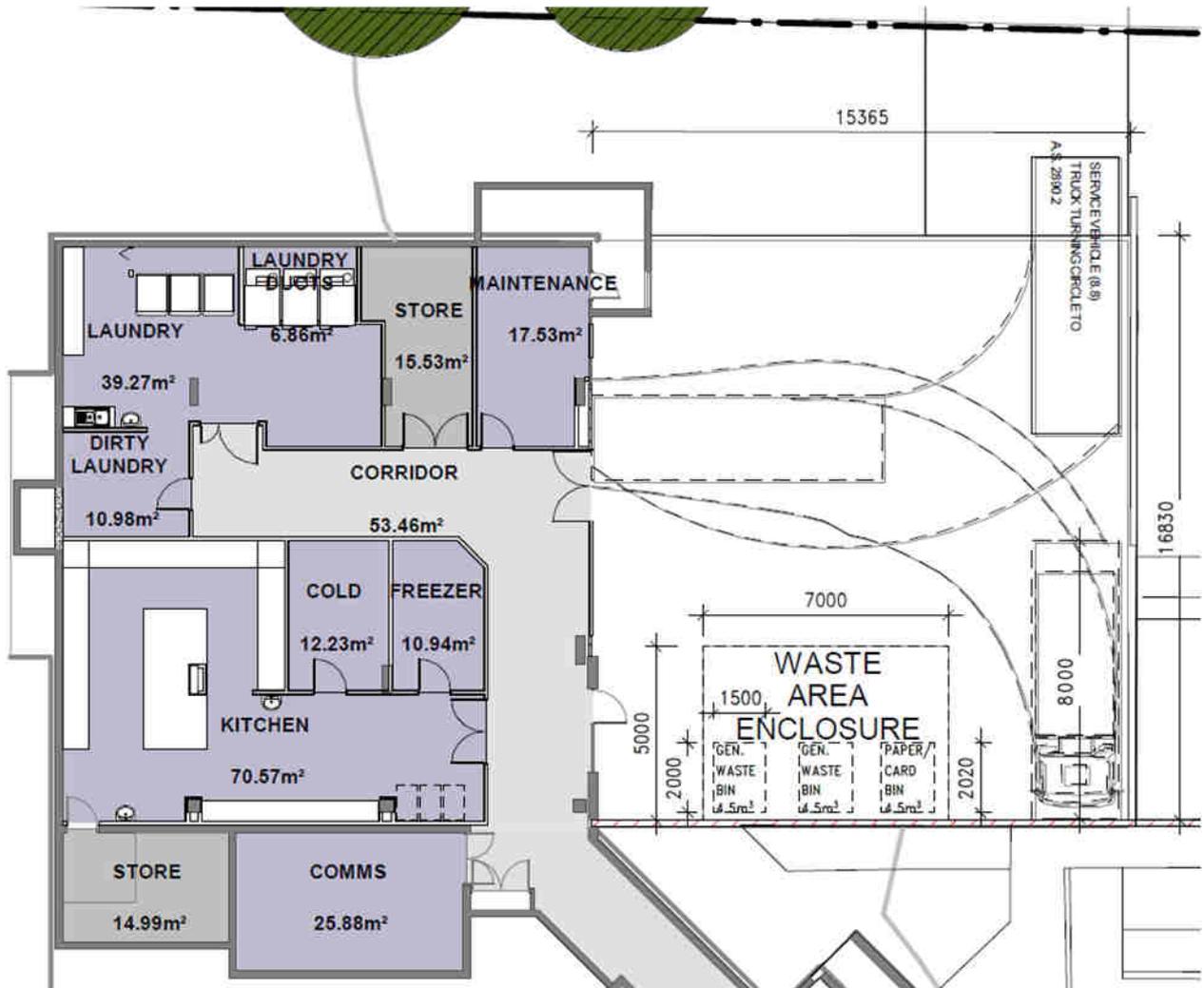
A private service will continue to pick up Sanitary, Clinical and Sharp waste from the waste storage area in Building A car park. The regularity of collections can be adjusted to manage the potential increased load from the larger facility

and avoid any significant increase in on-site storage. It is assumed that most will be stored safely within the facility until collection day and then taken by staff to the waste storage area for collection by the contractor.

5.3.3 Liquid Trade Waste

DA228/15 approved new centralised kitchen facilities and these are now relocated to the Ground Level of Building A. Therefore, the conditions under DA228/15 are still relevant and the Applicant can update its existing Liquid Trade Waste Agreement at the appropriate time. The loads are expected to be reduced compared to DA228/15 due to lower bed & staff numbers compared to DA228/15.

Figure 14: Excerpt of Building D Ground Floor Plan DA1001 showing Waste Area Enclosure.



6 DEVELOPMENT COMPLIANCE

This section analyses the key environmental planning instruments and other council's planning policies that apply to the subject site and are affected by the Modification to DA228/15.

6.1 SEPP (Housing) 2021 – Part 5 - Housing for Seniors or People with a Disability

This application does not RELY on Part 5 of the Housing SEPP for its approval as it may be approved under Council's Local Environmental Plan (LEP). However, the summary below shows that it is broadly consistent with the requirements and the associated guidelines including the *Seniors Living Policy* ('Policy') prepared by the Urban Development Advisory Services in 2004.

CHAPTER	PROVISION	COMMENT
Division 1 – Land to which Part applies	This Policy applies to, amongst others, Zone R1 General Residential which applies to the Site.	Seniors housing is permitted with consent in Zone R1. Note that this is NOT an application for a new seniors' housing development. It is a modification to an existing approval – so many of the issues raised by the SEPP are not strictly relevant.
Division 2 – Preliminary	Bush fire evacuation risk map does not currently apply to Lithgow LGA.	Not Applicable.
Division 3 - Development Standards	<p>Minimum development requirements:</p> <ul style="list-style-type: none"> • Site area 1,000m² • Site frontage 20m • Max. height 9.5m • If more than 2 storeys then within height plane. • Occupation of seniors living is restricted as per Clause 88 • Include a fire sprinkler system 	<p>All minimum site requirements can be achieved. The 9.5m height plane on the Building Sections demonstrate that the total height is largely under the max. building height of 9.5m (like DA228/15) with largely two storeys plus low pitched roof. There is only a small breach at the northern end of Building B at the tip of the hipped roof. However, as there is no LEP height control no Clause 4.6 Variation Request is required and we are not relying on SEPP (Housing). If this breach is unacceptable (even though no impact) then amendment can be conditioned.</p> <p>The infill of the Ground Level parking of Building A increases this to three storeys but is within the existing building envelope so no change to height or bulk. Even though Building B has a lower ground floor, it steps down the Site with an open rooftop terrace so it still presents as two storeys.</p> <p>See the Shadow Studies DA7000 to see there is no shadow outside the Site 9am to 3pm on Winter Solstice so no significant impact on neighbours.</p>
Division 4 – Site Related Requirements	<p>94- There must be adequate access to facilities and services by a transport service or on-site.</p> <p>95- Water & Sewer - There must be connection to reticulated water and adequate facilities for disposal of sewage.</p> <p>96 – Bushfire prone land – Compliance with Planning for Bush Fire Protection</p>	<p>The <u>existing</u> facility is located on urban zoned land in reasonable proximity to the Lithgow CBD with public bus transport from the adjacent street(s).</p> <p>The facility is connected to reticulated water & sewer.</p> <p>The Site is NOT mapped as bush fire prone land.</p>
Division 5 - Design Req.	98 – Design of seniors housing –consider principles set out in Division 6.	See below.
Division 6 – Design Principles	<p>99 – Neighbourhood amenity & streetscape</p> <p>100 – Visual and acoustic privacy</p> <p>101 – Solar access and design for climate</p> <p>102 – Stormwater</p> <p>103 – Crime prevention</p>	This is a modification to an approved expansion of an existing facility under DA228/15. It continues to be a largely a two-storey + roof extension and spreads the building site coverage over the site with reduced massing towards Maple Crescent. It only has a direct interface with adjacent dwellings to the

CHAPTER	PROVISION	COMMENT
	104 – Accessibility 105 – Waste management	south-east where it is set at a lower level so there is no significant overshadowing. Communal areas are largely oriented to the north of each building for solar access & views. Setbacks to parking areas protect resident amenity from noise. Stormwater has already been addressed in DA228/15 and there is no significant change. A <i>Crime Risk Assessment</i> is provided above. All buildings will meet accessibility requirements for users and staff. A <i>Waste Management Plan</i> is provided in this report.
Division 7 – Non-discretionary development standards	106 – See Division 6 107 – Non discretionary standards include: <ul style="list-style-type: none"> • Max height of 9.5m excl. servicing equip. • Max. floor space ratio of 1:1 • Communal open space – 10m²/bed • Landscaped area - 15m²/bed • Deep soil zone – 15% of site area/min. 6m • Parking – 1 parking space/15 beds + 1 space for every 2 employees on duty + 1 ambulance parking 	Proposal complies (see calculations in <i>Architectural Plans</i> and <i>Landscape Plans</i>) as: <ul style="list-style-type: none"> • Height complies (addressed above). • Total GFA of 10,441m² on a site area >2.2ha results in an FSR less than 1:1. • Communal open space including building & landscaped area > 10m²/bed. • Landscaped area = 2,344m² over 96 new beds = ~23.7m² > 15m²/bed. Over 132 beds (excluding Tanderra) = 17.8m²/bed > 15m²/bed. • Deep soil area = 2,127m² out of mod. Site area of 10,535m² = 20.2% > 15% of site area. • Parking – exceeds min. requirement (see <i>Section 4.3 Access & Parking</i> above).

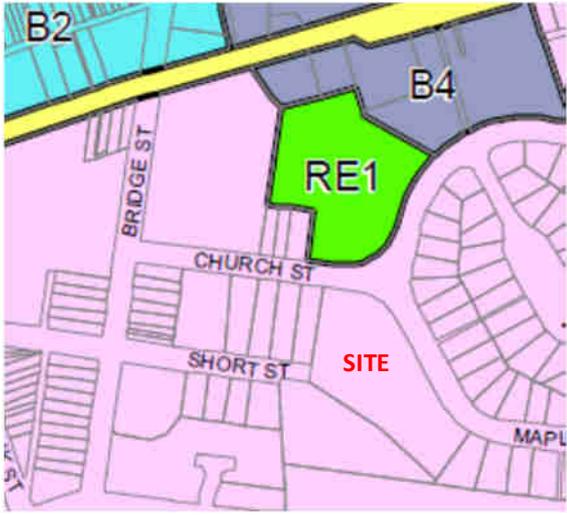
6.2 Other State Environmental Planning Policies

SEPP	Key Controls	Proposed Response
SEPP (Biodiversity & Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas Chapter 4 – Koala Habitat Protection	The SEPP seeks to protect existing vegetation & biodiversity in non-rural zones and encourages conservation and management of areas of natural vegetation for core koala habitat.	This has been addressed in more detail in <i>Section 4.1.4 Vegetation & Biodiversity</i> above where it found the proposed vegetation clearance (2-3 trees) does not exceed the thresholds for a BDAR and is unlikely to have any significant impact on threatened species or ecological communities or koala habitat. It does not meet the thresholds to require a <i>Biodiversity Development Assessment Report</i> .
Chapter 6 – Water Catchments	This Chapter of the SEPP seeks to protect listed drinking water catchments including Sydney's.	Whilst the Site is in the Sydney drinking water catchment, this is a modification to an approved residential care facility that seeks to reduce the building footprint/hardstand area and slightly increase water permeability. By retaining the approved stormwater management mechanisms including on-site detention/raingarden from DA228/15, this lower impact modification should achieve a Neutral or Beneficial Effect (NorBE) on the water catchment. The Applicant's engineers have liaised with WaterNSW on this issue and we have resubmitted the original EFWW Water Management Report that has already been suitably conditioned.
SEPP (Resilience & Hazards) 2021	This SEPP requires the suitable remediation of land where there may have been a previous land use that contaminated the site.	See <i>Section 4.1.6 – Preliminary Contamination Investigation</i> above. This is a modification to an approved application that is unlikely to increase risk of contamination from the changes proposed as all buildings sit over existing aged care facilities and there is no change of use.

SEPP	Key Controls	Proposed Response
SEPP (Transport & Infrastructure) 2021	This SEPP seeks to promote infrastructure development and managed development in proximity to key infrastructure.	<p>There are no known classified roads adjacent to or close to the Site that would be affected by this modification.</p> <p>Residential care facilities/seniors housing is not specifically listed though for residential accommodation the threshold is 300 or more dwellings with access to any non-classified road.</p> <p>This modification seeks to reduce total beds and likely traffic generation and only results in slightly reduced on-site parking. Some of the waste management is shifted to Building A car park off Maple St but this is likely to have minimal impact.</p> <p>Therefore, we suggest that no updated <i>Traffic and Parking Assessment</i> is required as part of this application as it is addressed in this Planning Report and has been previously approved under DA228/15 with a higher number of beds.</p>
SEPP (Industry & Employment) 2021	This SEPP provides state wide controls for advertising signage.	<p>Building signage is proposed for the key elevations of Building C only - see DA2001 (Building C elevation) with word 'RESPECT' to highlight the key public vehicle and building entrances:</p> <ul style="list-style-type: none"> • Sign 1: One wall sign 4-4.5m wide by 600-800mm high; • Sign 2: One sign on entrance feature/landscape wall ~3.9m wide and 600mm high. <p>These signs are integrated with the building facades and do not dominate the street or buildings. Other discrete Building signage may be provided for navigational purposes only and to direct people to appropriate car parking.</p>
SEPP (Resources & Energy) 2021	This SEPP seeks to protect existing/ known mineral resources from incursions by sensitive uses and facilitate development of these areas for economic growth.	This is a modification to an approved application that is unlikely to increase risk of conflict with any future extractive industries in the area as it modifies an approved development in an existing urban area. Mine subsidence is addressed above.
SEPP (Sustainable Building) 2022	This SEPP seeks to achieve water & energy efficiency for certain residential & non-residential buildings.	<p>Chapter 2 Residential (BASIX) does NOT apply to Class 9C residential care facilities as the application does not include 'dwellings' as the facility or its individual rooms are not capable of being used as a 'separate domicile' or 'dwelling'. No BASIX Certificate needed.</p> <p>Chapter 3 Non-Residential does not apply as Clause 3.1(2)(c) states that it does not apply to 'residential care facilities' regardless that it exceeds the cost threshold.</p>

6.3 Lithgow Local Environmental Plan 2014

Lithgow Local Environmental Plan 2014 ('LEP2014') commenced on 19/12/2014 and is addressed as follows:

CL.	PROVISION	COMMENT
Part 2 Land Use Zone	Zoning 	<p>Subject site is zoned as R1 General Residential (Pink). This Zone permits with consent (amongst others) dwelling houses; group homes; multi-dwelling housing; residential flat buildings; respite day care centres, semi-detached dwellings; shop top housing; serviced apartments; and SENIORS HOUSING.</p> <p>This is an alteration/addition to an existing residential care facility. The proposal complies with the objectives by providing housing needs for seniors; providing housing types suitable for care facilities at a density that can fit within the character of the area; and integrating with other services (see Sections 3 & 4 for more details). In this way the proposed land uses comply with the objectives and permissible land uses in the zone. Complies.</p>
Part 4 4.1	Minimum subdivision lot size	The proposal does not include Torrens or other subdivision (land already consolidated previously). Not Applicable.
4.3	Height of Building	Not Applicable. No height maximum on-site. See height control in SEPP (Housing) above.
4.4	Floor Space Ratio	Not Applicable. No FSR maximum on-site. See FSR control in SEPP (Housing) above.
5.1	Land Reservation Acquisition	No land reservation is known or likely within or adjacent to the subject site. Not Applicable.
5.8	Conversion of fire alarms The facility would be provided with a standalone connection of the fire alarm system to Fire & Rescue NSW	The existing and proposed future facility has/will have both soft and hard-wired connections to ADT monitoring reporting back Fire & Rescue NSW. Likely to Comply (at detailed design stage).
5.10	Heritage conservation	See <i>Section 4.2 Heritage</i> for more details. Complies.
5.21	Flood planning	See <i>Section 4.1.2 Watercourses & Flooding</i> for more details. Complies.
7.1	Earthworks The objective is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>This modification modifies the building layout compared to DA228/15 but still requires four (4) buildings of similar length and arrangement. It largely keeps or upgrades/replaces existing retaining walls across the Site and works with the existing site levels to minimise cut and/or fill.</p> <p>Please see previous DA228/15 <i>Erosion & Sediment Control Plan</i>. There is no additional impact on adjoining properties. Complies.</p>
7.3	Stormwater management The objective of this clause is to minimise the impacts of urban stormwater on land and on adjoining properties, native bushland and receiving waters. This clause applies to all residential, business, and industrial zones (including Zone RU5). Development consent must not be granted to development on land to which this clause applies	DA228/15 approved an on-site raingarden for management of stormwater for a larger (213 bed) facility whilst this modification reduces that to 178 beds. This modification will remove Madden & Gillard Houses and result in a lower site coverage, increased landscape areas and increased water infiltration – ideally reducing stormwater runoff.

CL.	PROVISION	COMMENT
	<p>unless the consent authority is satisfied that the development:</p> <p>a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>As a result, the modification's reliance on DA228/15 stormwater calculations and similar sized on-site detention (raingarden) system should exceed the requirements. See Amended <i>Stormwater Drainage Plan</i> and notes to that effect. DA228/15 already has appropriate conditions for stormwater management that do not need to be amended except for stamping amended plan.</p> <p>Complies.</p>
7.4	Terrestrial biodiversity	The Site (and most of the urban area of Lithgow) is not affected by any mapped sensitive terrestrial biodiversity. There are no major ecological linkages likely to occur on or near the Site. The removal of 2-3 non-native trees will not significantly impact terrestrial biodiversity. Not Applicable.
7.5 7.6	Groundwater Vulnerability Riparian Land & Watercourses	The site has no mapped sensitive watercourses and is also just outside the groundwater vulnerable lands south of TAFE. The Site is fully serviced (sewer & water) so there is low risk to groundwater and watercourses. Not Applicable.
7.7	Sensitive lands	The Site is not affected by any mapped sensitive lands. Not Applicable.
7.8	Development within a designated buffer	The Site is not within a facilities buffer zone (red areas). The nearest buffered areas are to the north and east of Lithgow. Not Applicable.
7.9	Active street frontages	The primary active street frontages in Lithgow are along Main Street in the CBD and do not affect the Site. Not Applicable.
7.10	Essential services	This is addressed in more detail above in <i>Section 4.6 Utilities</i> above. All essential services will be provided to the development suitable for an urban site. This is unchanged from DA228/15 except for internal arrangement. Complies.

6.4 Lithgow Development Control Plan 2021 (DCP)

Since DA228/15 was approved, Council have adopted *Lithgow Development Control Plan 2021* (DCP) in June 2021.

Largely, this focusses on good site planning and response to site opportunities/constraints. These were largely addressed by the approved development and the modification has no significant additional impacts (key issues are discussed above). The DCP has no site or land-use -specific controls for *Seniors housing* or *residential care facilities* beyond that in *SEPP (Housing) 2021*. We also suggest the original controls apply to a modification. However, we have addressed these controls broadly to demonstrate good-practice.

CH.1 – INTRODUCTION & ADMINISTRATION	
1.6 Variations to DCP Controls	No specific need to vary controls.
CH.2 – SITE REQUIREMENTS	
2.2 Site Analysis, Local Character & Context	See the <i>Architectural Plans</i> and <i>Landscape Plans for Site (Analysis)</i> and <i>Section 4 Impact Assessment</i> of this Report for further site analysis and response.
2.2.1 Site Selection	
2.2.2 Site Analysis & Development Response	The Proposal is a modification to an approved/existing residential care facility. It is consistent with the land use zone and its objectives (addressed above) and impacts on adjacent lands are minimal or appropriately addressed.
2.2.3 Local Character & Context	
2.2.4 Visually Prominent Sites	The modification retains the approved four 2-storey + roof buildings but spreads them across the Site with the replacement of Madden/ Gillard Houses. This results in a reduced site coverage and density with a similar height, form, and scale to the approved buildings.
2.2.5 Reflective Materials	The form is consistent with existing and desired future character of Zone R1 General Residential that permits a range of building types including residential flat buildings and two storey dwellings. See <i>Section 3 Proposed Modification</i> for more details.
	The Site is not a visually prominent site as defined in the DCP. Whilst it steps up the slope and may be visible from the area around Maple Crescent - 2-storey + roof buildings will generally sit within and below the highest points of the Site and well below the backdrop of other urban development and not interfere with the escarpment setting behind. Appropriately recessive materials are also used to reduce visual impact. No reflective materials are proposed that would impact on residential amenity or driver safety.
2.3 Slope Response, Earthworks & Retaining Walls	The modification largely replaces existing out-of-date buildings at similar ground levels and does not require significant additional earthworks. It largely relies on existing (or upgraded/replaced) retaining walls. There is some stepping of the buildings down the slope (Building B) but much of this is already constructed. No excavation work is likely to be near adjacent sites or public spaces. Only Building B is close to an easement and this form was largely approved in DA228/15.
2.3.1 Earthworks	
2.3.2 Retaining Walls	
2.4 Stormwater Management	See the <i>Site (Analysis) Plan(s)</i> , <i>Stormwater Plan(s)</i> and <i>Section 4 Impact Assessment</i> for further site analysis and response.
3. Sydney Drinking Water Catchment	The Site is in the Sydney Drinking Water Catchment. However, this is a modification to DA228/15 and relocates the existing approved four (4) buildings of similar size across the Site so it will have 'no identifiable potential impact' above that approved.
4. Water tanks	
5. On-Site Detention (OSD)	
6. Discharge / 7. Inter-Allotment Drainage	All stormwater is discharged to the approved raingarden and then Council stormwater infrastructure on Maple Crescent so no inter-allotment drainage is required.
2.5 Vehicle Access & Parking	See <i>DA0801 Overall Ground Floor Plan</i> with parking areas and <i>Section 4.3 Access & Parking</i> for more details.
2.5.1 Guidelines & Standards	
2.5.2 Vehicle Access & Driveways	Access for waste vehicles has been significantly improved with the adaptation of Building A car park for most servicing with a good truck

2.5.3 Loading/Unloading, Delivery & Servicing Facilities 2.5.4 Parking Location, Design & Circulation 2.5.5 On-Site Parking Numbers 2.5.6 Exemptions to Off-Street Parking 2.5.7 Bicycle Parking	turning area. Whilst this has resulted in a slight reduction in on-site parking it exceeds the minimum requirements and is consistent with the reduction in total beds and staff. Parking locations at-grade are encircled by proposed buildings and setback from the street(s) and landscaped to minimise visual impact. Building B carpark (12 spaces) is largely for visitors with one-way circulation and relocated driveway to Maple Crescent. Building D carpark (16 spaces) is largely for staff with a two way aisle No bicycle parking is required for seniors living but staff can utilise areas outside Building B Lower Ground if required.
2.6 Pedestrian Access, Mobility & Safety 2.6.1 Accessibility 2.6.2 Pedestrians 2.6.3 Street Numbering & Letterboxes	See <i>Section 4.3 Access & Parking</i> and <i>Site Plans</i> for more details. There is a primary public access to Building C with appropriate levels from the street footpath and car parking area. Each of the proposed/amended building will be accessible to meet aged care and staff needs with lifts for each building. Access to Building D is restricted to provide security for dementia patients.
2.7 Designing for Crime Prevention 2.7.1 Crime Risk Assessment	See <i>Section 4.4 Crime Risk Assessment</i> and <i>Section 4.5 Social Impact Statement</i> for more details.
2.8 Utilities, Easements & Infrastructure 2.8.1 Connection to Utilities 2.8.2 Building Near Utilities/Easements/ Drainage Lines 2.8.4 Liquid Trade Waste 2.8.6 Water Supply	See <i>Section 4.6 Utilities</i> and <i>Section 4.7 Easements & Restrictions on Title</i> for more details. All buildings will be connected to required utilities and easements protected. The DA228/15 conditions for Liquid Trade Waste can be met by the modified proposal.
2.9 Solid Waste Management 2.9.1 Hazardous Materials & Asbestos 2.9.2 Solid Waste Management Plan – Larger Developments 2.9.3 Waste Storage & Collection – Larger Developments	See <i>Section 5 - Waste Management Plan</i> for more details.
2.10 Amenity / Buffers for Sensitive Uses 2.10.1 Noise & Vibration 2.10.2 Air Emissions, Odour & Dust 2.10.3 Buffers to Sensitive Land Uses 2.10.4 Buffers & Landscaping 2.10.5 Agriculture & Right to Farm	Development is a quasi-residential use. The Proposal is NOT a higher impact land use but may be a sensitive land use and is not near any higher impact land use(s) that could affect it. The development is NOT close to a rail line or classified road. We suggest a <i>Noise/Vibration Assessment</i> is not required. It is NOT likely to generate significant air emissions and dust. Vehicle access is via sealed driveways. Dust can be managed during the construction process. We suggest an <i>Air Emissions Assessment</i> is not required. No additional buffers required other than standard setbacks. The Proposal is buffered by urban land use zones and future uses so it will not impact agriculture. Some air-conditioning plant is located on roof areas (see <i>Overall Roof Plan(s)</i>) in central locations away from neighbouring residential uses to avoid or minimise noise issues.
2.11 Water & Energy Efficiency	The proposal is not required to address SEPP (Sustainable Buildings) 2022 but energy & water efficient appliances/fixtures can be addressed at the detailed design stage.
CH.3 – NATURAL ENVIRONMENT & HAZARDS	
3.2 Bush Fire Prone Land	The land is not bush fire prone mapped land. See <i>Section 4.1 Environmental Impacts</i> for more details.
3.3 Vegetation Management & Biodiversity	See <i>Section 4.1 Environmental Impacts</i> and <i>Section 6.2 – Other Statement Environmental Policies</i> - response to SEPP (<i>Biodiversity &</i>

3.3.1 Vegetation Clearing for Development Requiring Consent 3.3.2 Threatened/Endangered Species/ Ecological Communities 3.3.3 LLEP2014 – Terrestrial Biodiversity 3.3.6 Declared Vegetation in this DCP 3.3.7 Tree Removal Criteria	<i>Conservation</i>) 2021 above. The Site does not trigger the biodiversity offset thresholds so we suggest that a <i>Biodiversity Development Assessment Report</i> (BDAR) is not required. The DCP does NOT protect any specific vegetation species or sizes. The Site is not mapped as having 'sensitive biodiversity' on the Terrestrial Biodiversity Map in LLEP2014 or development within 40m of the top of bank a sensitive waterway (see above).
3.4 Land & Soils 3.4.1 Contaminated Land 3.4.2 Sensitive Land areas 3.4.3 Erosion & Sedimentation 3.4.4 Other Geological or Soil-Related Issues	See <i>Section 6.2 – Other State Environmental Policies - response to SEPP (Resilience & Hazards) 2021</i> above. No sensitive land areas across site. Erosion & sedimentation can be appropriately conditioned There are no other known geological or soil-related issues. See DA228/15 <i>Geo-technical Investigation</i> for more details if required.
3.5 Flood Prone Land	See response in <i>Section 4.1 Environmental Impacts & Section 5.21 Lithgow Local Environmental Plan 2014</i> . The land is not in the Interim Flood Planning Area though some areas are affected by minor overland flows. We suggest the modified buildings will continue to facilitate overland flows so flood risk is reduced and no <i>Flood (Risk) Assessment</i> is required.
3.6 Ground & Surface Water Protection	As stated above, the Site is not identified on the LLEP2014 maps as being in an area of 'groundwater vulnerability' or adjacent to 'riparian land and watercourses'.
3.7 Mine Subsidence Risk	<i>Section 4.1 Environmental Impacts</i> and <i>Mine Subsidence Review</i> as it is in a Mine Subsidence District. Whilst controls have changed since the DA228/15 approval and the attached <i>Mine Subsidence Assessment</i> recommends further drilling to assess risk, we suggest similar building lengths/ footprints should be acceptable to Subsidence Advisory NSW or can be discussed with them during the assessment process.
CH.6 – RESIDENTIAL DEVELOPMENT	
6.1 Introduction 6.1.1 Application of this Chapter 6.1.4 Affordable Housing	The group land use term ' <i>residential accommodation</i> ' includes ' <i>seniors housing</i> ' and ' <i>residential care facilities</i> ' so this Chapter applies to the Proposal. However, there are limited specific controls for this type of development.
6.2 General Controls 6.2.1 Site Analysis & Potential Land Use Conflicts 6.2.2 Site Suitability 6.2.3 Landscaping & Tree Protection 6.2.4 Fencing 6.2.5 Sustainable Design	See response to DCP <i>Chapter 2 – Site Requirements</i> above re site analysis and site responsive design. This is a modification to an existing/approved facility that was approved for a larger number of beds than proposed. New <i>Landscape Plan(s)</i> are submitted that show minimal tree removal and improved landscape design. Only minor fencing is required around Building D (dementia ward) as shown on <i>DA2001 Building D Elevations & Sections</i> with a 1.8m metal slat fence shown for resident safety and security.
6.5 Medium to Higher Density Housing Objective(s) 6.5.1 Siting & Setbacks 6.5.2 Low Rise Medium Density Housing	See <i>Section 3 Proposed Modification</i> in this Report for more details. The Proposal largely achieves the minimum building setbacks as follows except for Building B where a minor variation to the 6m setback is requested for the open terraces on the north-eastern corner of this building. The Low Rise Housing Diversity Guide does not apply to seniors housing. There are no other specific controls for this type so it largely governed by <i>SEPP (Housing) 2021</i> as a guideline.
6.6 Ancillary & Other Development 6.6.1 Water Tanks, Pools & Spas	Not Applicable.