

SECTION 4.55 (2) MODIFICATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No.	MODDA046/23 & (PAN- 395136) DA228/15
Subject Site	Lot 1 DP1249852, 38 Maple Crescent Lithgow 2790
Proposal	<p>Demolition and Construction of Residential Aged Care Facility (Lithgow Aged Care)</p> <p><u>Proposed Modification:</u></p> <ul style="list-style-type: none"> • Reduce total beds from 144 to 132 new beds (including already constructed Building A) and reduce total beds from 213 to 178 beds • Reconfiguration of 3 new buildings (B, C & D) still to be constructed (Building A completed) • Demolition of previously retained Madden & Gillard houses prior to construction of Building D • Three (3) stages of development • Ancillary works <ul style="list-style-type: none"> ○ changes to internal configurations of buildings ○ earthworks ○ stormwater & utilities ○ carpark configurations and sizes changed
Zoning	R1 General Residential
Applicant	Respect Group Ltd
Owner	Respect Group Limited
Notification	Notified commencing 1 February 2024 and concluding 28 February 2024.
Submissions	One (1) written submission, by way of objection, was received during the notification period.
Variations	Nil (DCP previously not applicable)
Site Inspection	27 February 2024
Responsible Officer	Jessica Ramsden – Development Assessment Officer
Recommendation	Approval subject to attached conditions

Executive Summary

On 23 January 2024, Modification Application 4.55(2) was lodged into Council seeking approval for alterations and additions to an approved residential aged care facility at 38 Maple Crescent Lithgow.

The residential aged care facility was approved by the Joint Regional Planning Panel (JRPP) on 18 April 2016 under DA228/15. The consent is active as physical works have commenced, in particular, the construction of Building A has been completed.

Pursuant to Council's Community Participation Plan, the application was notified for a period of twenty-eight (28) days commencing 1 February 2024 and concluding 28 February 2024. One (1) written submission, by way of objection, was received during the notification period. This is addressed in further detail later in this report.

The Application was referred to WaterNSW, Subsidence Advisory, Council's Waste and Wastewater Team, Development Engineering Team and Building Surveyor Branch. Details of the referrals are provided within this report.

Delegations

Schedule 4A development for which regional panels may be authorised to exercise consent authority functions of councils

3 General development over \$20 million

Development that has a capital investment value of more than \$20 million

The application was an estimated cost of \$30,290,150 and therefore the following clause of the previous EP&A Act applied:

Division 3 Joint regional planning panels

23G Joint regional planning panels

(2) A regional panel has the following functions:

- (a) any of a council's functions as a consent authority that are conferred on it under an environmental planning instrument,*
- (b) any functions that are conferred on it under Division 1AA (Planning administrators and panels) of Part 6,*
- (c) to advise the Minister or the Secretary as to planning or development matters or environmental planning instruments relating to the part of the State for which it is appointed, or any related matters, if requested to do so by the Minister or the Secretary (as the case may be).*

(2A) An environmental planning instrument may only confer a council's functions as consent authority on a regional panel if the development is of a class or description set out in Schedule 4A. The functions of a consent authority may only be conferred on a regional panel in accordance with subsection (2) (a) and this subsection.

The Section 4.55(2) under the amended EP&A Act relates to an application previously determined by a Joint Regional Planning Panel and the following Clause 275 of *Environmental Planning & Assessment Regulation 2000* (EP&A Reg) applies:

275 Functions exercisable by council on behalf of Sydney district or regional planning panel—the Act, s 4.7(2)(h)

- (1) The determination of an application to modify a development consent under the Act, section 4.55 is prescribed as a function of a Sydney district or regional planning panel that must be exercised on behalf of the panel by the council of the area, except as provided by subsection (2).*
- (2) A council must not determine an application to modify a development consent under the Act, section 4.55(2) on behalf of a Sydney district or regional planning panel if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.*

The 'Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents' (Instructions) 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.*

Note: Clause 123BA of the Regulation requires councils to determine all other applications for the modification of development consents under section 4.55(2) of the Act, as well as applications for the modification of development consents under section 4.55(1) and section 4.55(1A) of the Act. This instruction takes effect on 1 August 2020 and applies to applications to modify development consents made but not determined before 1 August 2020.

The Regional Planning Panel did not impose or change any conditions of consent on the original consent for the Residential Care Facility and the proposal does not pose any risks under the conflict of interest or contentious development criteria under Schedule 1 of the 'Instructions'. As such, Council can determine the Section 4.55(2) modification under the EP&A Act without further consultation with the Regional Planning Panel. However, this determination is to be undertaken by the elected Council at a Council meeting.

Description of Site and Surrounds

The subject site is formally known as Lot 1 DP1249852, 38 Maple Crescent Lithgow 2790. The site is located approximately 220m (by road) to the south-east of the Lithgow CBD with frontage to Maple Crescent / Church Street and Short Street to the rear.



Figure 1 - Location Map Showing Site - highlighted in red (GIS Maps)

The Lithgow Aged Care Facility (Coinda & Tandarra) currently operates at the site and comprises of ninety-five (95) beds and has been established for over thirty (30) years.

The existing original buildings include Coinda / Coates House, Madden / Gillard House, and Tanderra. These buildings are either at or reaching end-of-life in meeting the current aged care requirements. Tanderra House is currently vacant.

Site History

On 18 April 2016, the Joint Regional Planning Panel (JRPP) approved Development Application **DA228/15** for the demolition and construction of a residential aged care facility at 38 Maple Crescent, Lithgow.

The approval included:

- Part demolition of the existing Coinda Aged Care Facility. Specifically, the Coates House, function room, maintenance workshop and a storage/garage building.
- Provision of one-hundred and forty-four (144) beds increasing the total to two-hundred and fourteen (14) beds (an additional seventy-three (73) beds at the site). The additional beds

would be achieved by constructing four (4) new buildings, each with two (2) levels containing eighteen (18) single rooms per level.

- Ancillary civil works including cut and fill, retaining walls, landscaping, driveways and carparking comprising of an additional twenty-two (22) car parking spaces to the already existing carparking.

On 29 March 2018, Council approved Modification Application **S96006/18** to amend NSW Subsidence Advisory's conditions to reflect the General Terms of Approval issued after determination of DA228/15. This Modification also required the consolidation of allotments and was imposed as a condition of consent.

On 17 May 2019, Council approved Modification Application **MOD013/19** to amend Water NSW's conditions to reflect the staged stormwater management.

On 23 August 2019, Council approved Modification Application **MOD021/19** which sought a number of internal and external alterations, primarily to Building B. Specifically, MOD021/19 approved the following amendments:

- Utilise the approved boardroom of Building B as administration offices with internal configuration changes, as part of Stage 1 construction, until total completion of Building C occurs. Once Building C is completed the room will return to the approved boardroom and the development will utilize the administration area approved within Building C.
- Change configuration of lower ground level Building B at south-west corner.
- Internal changes to lower ground level Building B.
- Amended entrance and additional door to ground lower level Building B.
- Minor external cladding building material changes to Building B.
- Minor wall changes to second floor Building A.
- Re-locate hydrants from the 'hydrant / plant room' on the west of the lower ground floor of Building C, to the existing approved void in the north west section of the lower ground floor of Building B. This includes two (2) fire hydrant tanks, sprinkler tank, sprinkler pump, main communications room and main switch board room.

On 16 January 2020, Council approved Modification Application **MOD050/19** which approved the following amendments:

- Changes to the Fire Resistance Level of load bearing external walls located at the top storey of the aged care facility; and
- The provision of smoke separation between levels.

On 19 January 2020, a Construction Certificate **CC002/18** was issued in accordance with DA228/15 and subsequent modifications. Building A (and associated parking) to the north-west of the site and the lower ground floor of Building B has been constructed. The site has also been amalgamated to create one (1) allotment known as Lot 1 DP1249852, 38 Maple Crescent Lithgow 2790.

Given the abovementioned works, DA228/15 is considered to have been physically commenced and the consent remains valid. Therefore, the subject Modification Application MODDA046/23 can be considered and determined.

Proposed Development

Council is in receipt of Modification Application MODDA046/23 seeking consent for alterations and additions to an approved residential aged care facility at 38 Maple Crescent, Lithgow.

Specifically, the modification proposes:

- Reduce total beds from 144 to 132 new beds (including already constructed Building A) and reduce total beds from 213 to 178 beds
- Reconfiguration of the 3 new buildings (B, C & D) still to be constructed (Building A completed)
- Demolition of previously retained Madden & Gillard houses prior to construction of Building D
- Ancillary civil works including earthworks, stormwater and utilities, car parking alterations.
- Stage development:

Stage One (1)

- Demolition of part of Building A and Coinda RAF
- Construction of Building B and ancillary works

Stage Two (2)

- Demolition of Coates House
- Construction of Building C and ancillary works

Stage Three (3)

- Demolition Madden/Gillard Houses
- Construction of Building D and ancillary works.

A comparison of the approved site plan and proposed site plan is provided below (also see the separate Architectural Plans):

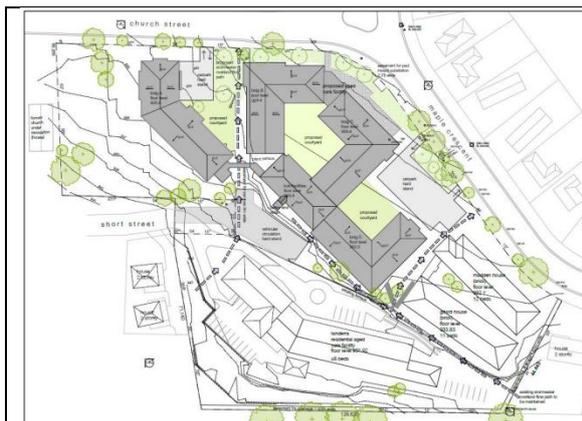


Figure 2 – Approved Site Layout (CC002/18)

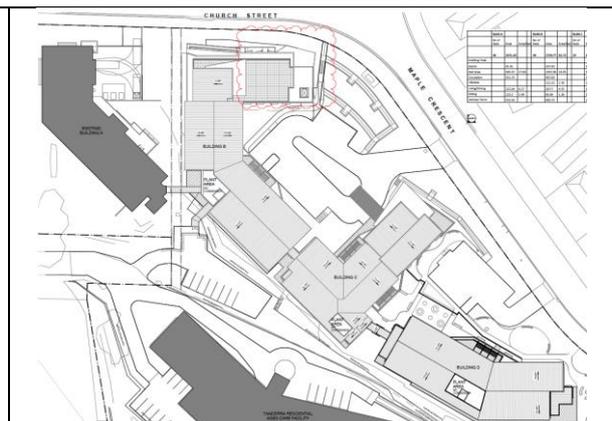


Figure 3 - Proposed Site Layout (MODDA046/23)

Reason for Proposed Modifications

A reduction of new beds from one-hundred and forty-four (144) (approved) to one-hundred and thirty-two (132) (proposed including Building A) is more financially viable and improves the sustainability of the facility and alignment with approved bed licensed.

The original scheme had four (4) buildings, A, B, C & D (with A and part B already constructed). The new scheme retains the four (4) buildings that are reach mostly 2 storeys and 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 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 established locality.

The proposal will reinforce the primary (main) building entrance with a covered pick-up and drop-off area and three (3) main car parking areas (one for servicing) along Church Street / 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 facilities.

The proposal will relocate the kitchen and some service areas into the parking area of Building A so that there is not a thoroughfare past the service area. 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 Street (adjacent to Building B) will be retained with minor upgrades.

The proposed modifications will result in a reduced building footprint and increased landscaped area and is as follows:

Comparison	DA228/15 (% Site Area)	This Modification (% Site Area)
Site Area	22,683.3 m ²	22,298 m ²
Affected (Landscaped) 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

Figure 4 - Site Coverage Comparison

Number of Beds

The proposal seeks to reduce the number of new/total beds as follows (Note: Tanderra not currently operational so excluded in numbers):

	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

Figure 5 - Total Number of Beds

Vehicle & Pedestrian Access and On-Site Car Parking

The proposal seeks to relocate the kitchen and laundry facilities to the Ground Flood (Parking Area) of Building A. As a result, the primary solid waste servicing will be relocated from the Short Street Car Park down to replace the Building A car park.

DA228/15 provided one (1) car park area with this proposal including two (2) parking areas. One in the existing location in front of Building B & C (main carpark) and a new car park (staff car park) in front of proposed Building D.

This modification has a reduced number of beds and as such, proposes a reduction in the total number of carparking provided on-site 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
Cooinda	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

Figure 6 - Proposed Number of On-Site Parking

Parking requirements for residential care facilities are outlined in the State Environmental Planning Policy (Housing) 2021 (also referred to in Council's Development Control Plan (DCP 2021). The proposed onsite car parking of fifty-eight (58) spaces plus ambulance exceeds to onsite parking requirements as detailed below:

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.

Figure 7 - On-Site Parking

The modification will reduce the total number of beds and staffing required (compared to DA228/15) so it will reduce the on-site parking demand. The modification seeks to reduce the provided on-site parking from sixty-seven (67) to fifty-eight (58) spaces (+ ambulance) which still exceeds the minimum onsite parking requirements.

Permissibility

Pursuant to the Lithgow Local Environmental Plan (LEP) 2014, the approved development is characterised as a residential care facility and is defined as follows:

Residential care facility means accommodation for seniors or people with a disability that includes—
(a) meals and cleaning services, and
(b) personal care or nursing care, or both, and
(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
but does not include a dwelling, hostel, hospital or psychiatric facility.
Note—Residential care facilities are a type of seniors housing—see the definition of that term in this Dictionary.

Senior's housing is permitted with consent in the R1 General Residential zone.

Section 4.55(2) Modifications

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EPA Act 1979) reads as follows:

Relevant Provision	Comments
(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	<p>The original Development Application was for a Residential Care Facility for an addition 144 beds, demolition and construction of new buildings. The proposal is to change this approval to reduce the bed numbers and reconfigure the building layout on the site.</p> <p>The overall use and intent of the application of the proposal does not change and the land associated with the development remains unchanged. As such the proposal is considered to be substantial the same development.</p> <p>The applicant has also provided substantial case law and justification to support the proposal is substantially the same development.</p>
(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	<p>The modification is to be assessed and determined by Council as previously advised, subject to re-referral to NSW Subsidence Advisory and Water NSW.</p> <p>This process has been undertaken in accordance with this clause.</p>
(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	<p>The proposal has been notified to adjoining and adjacent landowners and advertised as per Council's policy and in accordance with the regulations for this modification. One (1) written submission, by way of objection, was received during the notification period.</p> <p>The Lithgow Development Control Plan was not in place when the proposal was submitted to Council originally and has not been used to assess the proposed modification.</p>
(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.	<p>Water NSW and Subsidence Advisory NSW comments have been assessed and applied appropriately to the consent conditions if approved. One (1) written submission, by way of objection, was received during the notification period.</p>
(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters	<p>The overall development use is unchanged and will provide additional aged care housing to the area. Although the development has been downsized, the proposal will still provide for much needed aged</p>

referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	care to the community. Environmental, economical and social impact have been considered as part of this application. The development will have minimal environmental impacts given the existing disturbed site and assessment of the stormwater management for the site. The proposal will be economical for the area and provide employment during construction and once operational. The proposal will benefit the Lithgow Region by providing for additional aged care.
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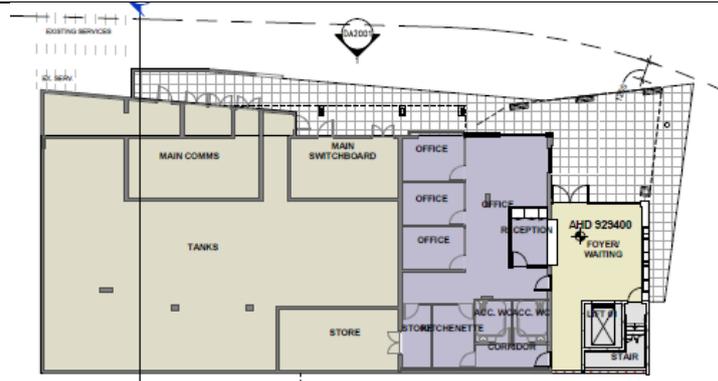
Referrals

Referral Agency	Outcome
Water NSW	No objection subject to Conditions of Consent received and amended within proposed conditions of consent for this modification.
NSW Subsidence Advisory	GTA provided for modification.
Building Comments	Building has no objection to the proposal subject to modifying and adding conditions of consent. Some of original consent conditions are no longer relevant given legislation changes and some new conditions are required to ensure compliance with new legislation.
Engineers Comments	Amended carparks have meet requirements. All conditions remain on the consent.
Water & Sewer Comments	Conditions were provided in relation to contributions levied under Division 5 Part 2 of Chapter 6 of Water Management Act 2000. However, on 29 February 2016 MIN16-31 at Council Ordinary Meeting it was moved and minuted that this application be waved of such levies being applicable given the benefit to the community for this project. As such, no contributions have been imposed in the conditions of consent.

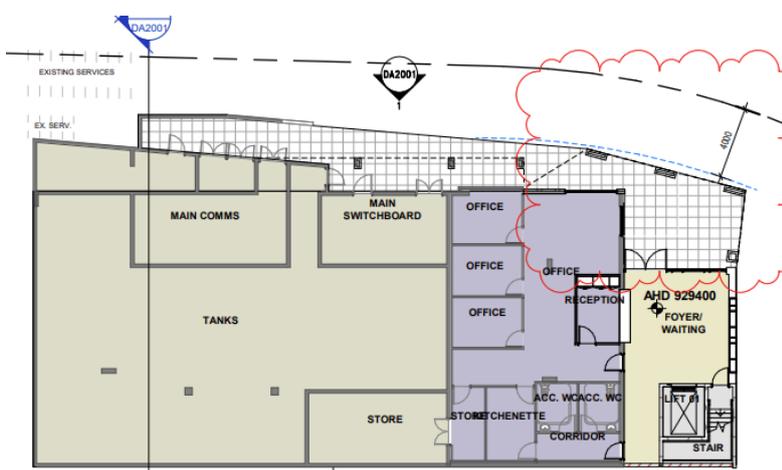
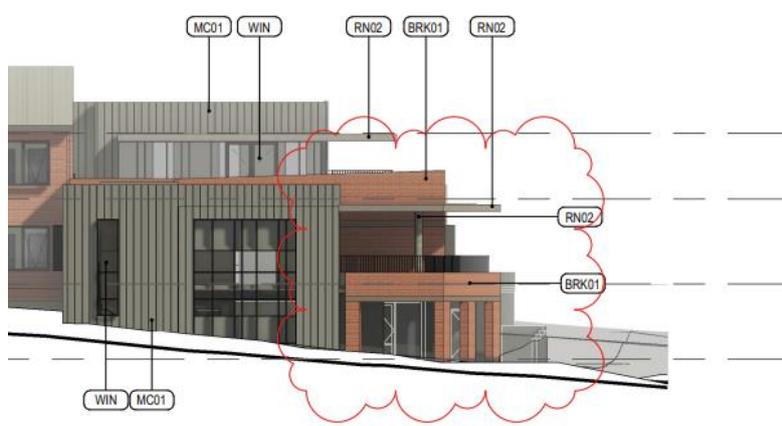
Public Submissions

During the public exhibition process, one submission was received and is addressed below:

Concern	Council Comment
The building design for Building B provides a setback that is concerning at 1.2m and design is stark & unsightly.	<p>The design has been amended to change this area to increase the setback to 4m and change the roofline as shown in below images:</p> <p>Original Design:</p> 



Amended design:



These amended designs have addressed the issue of setbacks and design accordingly and is acceptable by Council.

Significant traffic increase and increase level of noise during the day from visitors and staff. The carpark is now visible from the street

Although the carpark is now visible from the street, the overall bulk and scale of the development is significantly reduced as part of this proposal. Additionally, the landscaping plan provided shows that landscaping will soften any concrete areas of the development along the street frontages. This plan will form part of the consent and will be implemented as part of the construction.

	 <p data-bbox="566 750 1396 840">Noise from the carpark will be most prominent during daytime visiting hours, however, would not be at a level that would cause concern in relation to intrusive noise impacts to adjoining neighbours. As such the</p>
Increased lighting at the lobby entrance will impact residents at night	It is proposed that a condition of consent be imposed to ensure light pollution is minimised to the surrounding area.
A footpath should be constructed connecting older buildings to the facility on Maple Crescent and Church Street.	The construction of the footpath will be a separate process to this application given it is a Council asset and Council undertaking. The footpath was not required under the original application and construction of the footpath will not be imposed on the modification.
The trees on Maple Crescent should be maintained to keep the streetscape in the area	As per the landscaping plan, majority of the trees along Maple Crescent are being maintained as part of this development.

Likely Impacts of That Development

Head of Consideration	Comment
Natural Environment	<p data-bbox="566 1332 1396 1422">The proposed modification will result in a reduced building footprint and increased permeable surfaces (including increase landscaped areas).</p> <p data-bbox="566 1456 1396 1556">The modification is considered to adequately respond to the existing natural environment. The proposal is considered to achieve a neutral or beneficial effect on water quality and quantity.</p> <p data-bbox="566 1590 1396 1691">Based on the information provided, the proposed modification is considered unlikely to result in adverse impacts on the natural environment.</p>
Built Environment	<p data-bbox="566 1718 1396 1848">The proposed modification includes a reduction in the total building footprint and site density. The modification is considered to appropriately respond to the existing site constraints and the established and desired future characteristics of the locality.</p> <p data-bbox="566 1881 1396 2004">The overall density of the site is reduced and improves the impact of the proposal on adjoining residential landowners. The proposal replaces more of the existing older buildings onsite which will help ensure fire safety compliance and building upgrades are updated.</p>

	<p>During the assessment process of the application, it was requested that the frontage be amended to reduce impact on the streetscape which was provided by the applicant. The amended design is considered to achieve a positive design outcome for the established and desired future characteristics of the locality.</p> <p>The proposal is considered unlikely to result in adverse impacts on the built environment.</p>
Social Impact	<p>The proposed modification is considered to achieve greater social benefits for existing and future residents. The proposal will include on-site support services which will meet the day-to-day needs to results (e.g. café/shops, hair salon, health consultant, library services). Specialist services will be brought to site or accessed in Lithgow if required.</p> <p>The proposal will support existing and future residents providing them with the support and services needed to remain involved with the community.</p> <p>The site currently operates an aged care facility, and the proposed modification is considered unlikely to result in adverse social impacts on the wider community.</p>
Economic Impact	<p>Short-term economic benefit is anticipated to occur during the construction phase of the development. In the long-term the proposal shall provide for additional employment opportunities across a variety of sectors.</p> <p>The proposed modification will ensure a feasible development that can be achieved. The modification will also allow for a viable long-term development / operation.</p> <p>Based on the information provided, the proposed modification is considered unlikely to result in adverse impacts on the subject site and wider locality.</p>

ATTACHMENTS

Schedule A- Conditions of consent.

RECOMMENDATION

THAT Modification Application MODDA046/23 is approved subject to the amended, deleted and additional conditions set out in Schedule A.

Assessment Prepared By: 

 Jessica Ramsden
 DEVELOPMENT PLANNERS

Schedule A- Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

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

ADMINISTRATIVE CONDITIONS						
1.	<p>That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval, S96006/18, MOD013/19, MOD021/19, MOD050/19 and any further information provided during the process unless otherwise amended by the following conditions:</p> <p><i>(Amended as per S96006/18 dated 29/3/2018)</i> <i>(Amended as per MOD013/19 dated 17/5/19)</i> <i>(Amended as per MOD021/19 dated 23/8/19)</i> <i>(Amended as per MOD050/19 dated 16/01/2020)</i></p> <p>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</p> <p>Development consent is granted for a residential aged care facility at Lot 1 DP1249852, 38 Maple Crescent Lithgow 2790.</p> <p>The development shall take place in accordance with the approved plans listed below and submitted in respect of DA228/15 and any subsequent Modification Applications, except where the conditions of this consent expressly require otherwise.</p>					
Approved Plans						
	Title	Author	Job No.	Drawing No.	Revision	Date
	Survey Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0101	-	01.11.2023
	Existing Site Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0103	-	01.11.2023
	Design Response (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0104	-	01.11.2023
	Site Plan Comparison to Previous Scheme (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0105	-	04.12.2023
	Staging and Demolition Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0201	-	04.12.2023
	Overall Lower Ground Floor Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0800	-	01.11.2023
	Overall Ground Floor Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0801	A	04.12.2023
	Overall First Floor Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0802	A	04.12.2023
	Overall Roof Plan (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA0803	A	04.12.2023
	Ground Floor Plan (Building A)	Smith & Tracey Architects Pty Ltd	21031A	DA1001	-	04.12.2023
	Elevation (Building A)	Smith & Tracey Architects Pty Ltd	21031A	DA2001	-	04.12.2023
	Lower Ground Floor Plan (Building B)	Smith & Tracey Architects Pty Ltd	21031B	DA1000	A	04.12.2023
	Ground Floor Plan (Building B)	Smith & Tracey Architects Pty Ltd	21031B	DA1001	A	04.12.2023
	First Floor Plan (Building B)	Smith & Tracey Architects Pty Ltd	21031B	DA1002	A	04.12.2023

Elevations and Section (Building B)	Smith & Tracey Architects Pty Ltd	21031B	DA2001	A	04.12.2023
Ground Floor Plan (Building C)	Smith & Tracey Architects Pty Ltd	21031C	DA1001	-	01.11.2023
First Floor Plan (Building C)	Smith & Tracey Architects Pty Ltd	21031C	DA1002	-	01.11.2023
Elevations and Sections (Building C)	Smith & Tracey Architects Pty Ltd	21031C	DA2001	-	01.11.2023
Ground Floor Plan (Building D)	Smith & Tracey Architects Pty Ltd	21031D	DA1001	-	01.11.2023
First Floor Plan (Building D)	Smith & Tracey Architects Pty Ltd	21031D	DA1002	-	01.11.2023
Elevations and Sections (Building D)	Smith & Tracey Architects Pty Ltd	21031D	DA2001	-	01.11.2023
Street Elevations (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA2001	A	04.12.2023
Building C New Entry (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA5001	-	01.11.2023
Building C Main Entry (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA5002	-	01.11.2023
Building B Temp Main Entry (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA5003	-	01.11.2023
Building B Street View (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA5004	-	01.11.2023
External Finishes (Master Plan)	Smith & Tracey Architects Pty Ltd	21031	DA9001	-	01.11.2023
Concept Stormwater Drainage Plan	Calare Civil	22.1055	C01	C	22.06.2023
Landscape Site Plan	Taylor Brammer Landscape Architects Pty Ltd	-	LA02	C	05.12.2023
Tree Retention and Removal Plan	Taylor Brammer Landscape Architects Pty Ltd	-	LA03	C	05.12.2023
Detailed Landscape Plan 1/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA04	C	05.12.2023
Detailed Landscape Plan 2/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA05	C	05.12.2023
Detailed Landscape First Floor Plan 1/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA06	B	05.12.2023
Detailed Landscape First Floor Plan 2/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA07	B	05.12.2023
Planting Plan Ground Floor	Taylor Brammer Landscape Architects Pty Ltd	-	LA08	C	05.12.2023
Planting Plan First Floor	Taylor Brammer Landscape Architects Pty Ltd	-	LA09	B	05.12.2023
Landscape Details	Taylor Brammer Landscape Architects Pty Ltd	-	LD01	A	24.05.2023

Site Survey	CEH Survey			21.04.2016
Supporting Documents				
Title	Author	Project	Revision	Date
Statement of Environmental Effects	iPlan Projects Planning and Development Solutions	-	D	07.12.2023
Mine Subsidence Investigation	Douglas Partners Pty Ltd	81387.02	R.002 Rev0	20.06.2023
Water Management Report	EWWF Consulting Engineers	4270	0	11.11.2015
Traffic & Parking Impact Assessment	McLaren Traffic Engineering			23.11.2015
<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevail.</p>				
1A.	<p>That prior to commencement of any works associated with Construction Stages 2 and 3 the applicant/developer is to submit a water management report and supporting documentation for consideration and approval by Council and Water NSW. This documentation is to detail how stormwater management will be undertaken onsite for the associated stage of construction and/or the remaining development in accordance with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.</p> <p>(Note: the amended documentation may require a Section 4.55 modification of consent application).</p> <p>(Additional as per MOD013/19 dated 17/5/19)</p> <p>(Condition deleted as per MODDA046/23 dated XX/XX/XXXX)</p>			
2.	<p>The development shall be undertaken in stages as follows:</p> <ul style="list-style-type: none"> a. Stage One (1) <ul style="list-style-type: none"> • Demolition of part of Building A and Coinda RAF • Construction of Building B and ancillary works b. Stage Two (2) <ul style="list-style-type: none"> • Demolition of Coates House • Construction of Building C and ancillary works c. Stage Three (3) <ul style="list-style-type: none"> • Demolition Madden/Gillard Houses • Construction of Building D and ancillary works. <p>(Condition added as per MODDA046/23 dated XX/XX/XXXX)</p>			
3.	<p>That due to a building being constructed over a number of allotments, Lot 1 DP 311786, Lot 2 DP 319366, Lot 3 DP 319366, Lot 2 DP775471, Lot B DP397063 and Lot 1 DP775471 are to be amalgamated into one Torres title and the registered surveyor's plans submitted for approval and release prior to any Occupation Certificate.</p> <p><i>(Amended as per S96006/18 dated 29/3/2018)</i></p>			
4.	<p>That all external lighting be fixed in a position that does not cause light spill into adjoining properties or roadways.</p> <p>(Condition added as per MODDA046/23 dated XX/XX/XXXX)</p>			

MINE SUBSIDENCE BOARD REQUIREMENTS	
5-6	<i>(Condition deleted as per S96006/18 dated 29/3/2018)</i>
7.	<p>Approval has been granted by Subsidence Advisory NSW, subject to the conditions set out in Attachment 1 as per TBA18-00270—Notice Of Determination dated 7 February 2018. <i>(Amended as per S96006/18 dated 29/3/2018)</i></p> <p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p> <p>The development shall be constructed and managed in accordance with and comply with the requirements of Subsidence Advisory NSW General Terms of Approval (GTAs). The GTAs are replicated within this consent:</p> <ol style="list-style-type: none"> These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to MODDA046/23 (DA228/15) and provided to Subsidence Advisory NSW. Any amendments or subsequent modifications to the development renders these GTAs invalid. This approval expires 5 years after the date the approval was granted if building, engineering or construction work relating to the application has not physically commenced on the land. Upon completion of construction, works-as-executed certification by a qualified builder or certifier that confirms construction is in accordance with the plans approved by Subsidence Advisory NSW.
ENGINEERING REQUIREMENTS	
8.	Concrete driveway is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.
9.	All development to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
10.	All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development will be inspected by Council's Operations Department. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or his authorised delegate.
11.	A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
12.	Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.
13.	All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into the Council's stormwater infrastructure.
BUILDING REQUIREMENTS	
14.	All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Requirements Prior to the Issue of a Construction Certificate	
15.	<p>Prior to the issue of a Construction Certificate, Hydraulic details prepared by a Practising Hydraulic Engineer are to be submitted to and approved by Council in respect to the following essential services:</p> <ul style="list-style-type: none"> a) Fire safety services (e.g. Fire main, hydrants, hose reels, sprinklers, etc.) b) Sanitary plumbing and drainage (e.g. stack work, water services, etc.) c) Backflow prevention <p><i>(Condition deleted as per MODDA046/23 dated XX/XX/XXXX)</i></p>
Requirements Prior to Commencement of Work	
16.	<p>Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:</p> <ul style="list-style-type: none"> a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations. <p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p> <p>Prior to commencing any construction works, the following requirements of the Environmental Planning and Assessment Act 1979 are to be complied with:</p> <ul style="list-style-type: none"> a. A principal certifier is appointed in accordance with section 6.6(1) of the Act, and b. If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and c. A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and d. Council has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.
17.	<p>Prior to commencement of works, an operational contingency plan (OCP) is to be developed to the satisfaction of the Principal Certifying Authority to address egress and active fire safety measures associated with any existing use remaining operational at all times during construction in accordance with the provisions of the current Building Code of Australia 2015. In particular, contingencies are to be prepared in the event that:</p> <ul style="list-style-type: none"> a) Required exits/paths of travel to exists are obstructed; and b) Isolation of active fire safety measures is required. <p><i>(Condition amended as per MODDA046/23 dated XX/XX/XXXX)</i></p>
18.	<p>Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements. The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p>
19.	<p>Prior to commencement of any building works, a suitable lidded waste container or enclosure for the deposit of all potential windborne building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.</p>
20.	<p>Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:</p>

	<ul style="list-style-type: none"> a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours. b) Stating that unauthorised entry to the work site is prohibited and c) Showing the name, address and telephone number of the principle certifying authority for the work. d) The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
21.	Prior to the commencement of any works on the land, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
Demolition Requirements	
22.	All demolition work must be carried out strictly in accordance with AS2601:2001. The demolition of structures and the WorkCover Authority of NSW publication "Demolition work code of practice July 2014. <i>(Condition amended as per MODDA046/23 dated XX/XX/XXXX)</i>
23.	Prior to the commencement of any demolition works on the land a detailed demolition work plan (or waste management plan) designed in accordance with AS2601-2001, prepared by a suitably qualified person, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance, quantity and type of materials, recycling of materials and the disposal methods for materials including hazardous materials.
24.	All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.
25.	Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia). Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.
26.	That any asbestos or other dangerous/hazardous material be disposed of to the Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility. <i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i> <ul style="list-style-type: none"> a. Before demolition work commences involving the removal of asbestos, a standard commercial manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the demolition site and maintained for the duration of the removal of the asbestos. b. That any asbestos or other dangerous/hazardous material be disposed of to the Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility. c. All Asbestos must be handled in accordance with SafeWork NSW requirements.
27.	All Asbestos must be handled in accordance with SafeWork NSW requirements. <i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i> While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

	<ul style="list-style-type: none"> a. Only an asbestos removal contractor who holds the required class of Asbestos License issued by SafeWork NSW must carry out the removal, handling and disposal of the asbestos material; b. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environmental Protection Authority to accept asbestos waste; and c. Any asbestos waste load over 100kg (including asbestos containing soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool Waste Locate.
28.	All concrete and bricks not reused or recycled must be pulverised to a minimum 80 mm prior to disposal.
29.	Approval must be obtained from Council's Environment Department prior to the disposal of any waste (including VENM) at any Council owned facility.
30.	<ul style="list-style-type: none"> a. All disturbed/exposed soil due to proposed demolition works shall be regressed/revegetated after the completion of the demolition works. b. Upon completion of each 'stage' of demolition work, a report prepared by an Occupational Hygienist is to be furnished to Council to verify that all hazardous material has been removed offsite. <p><i>(Condition amended as per MODDA046/23 dated XX/XX/XX)</i></p>
<i>Requirements upon Completion of Demolition Works</i>	
31.	Upon completion of each 'stage' of demolition work, a report prepared by an Occupational Hygienist is to be furnished to Council to verify that all hazardous material has been removed offsite.
<i>Requirements During Construction</i>	
32.	A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
33.	All work on site shall only occur between the following hours: Monday to Friday 7.00am to 6.00pm Saturday 8.00am to 1.00pm Sunday and public holidays No work
34.	<p>The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with the Building Code of Australia (Fire Source Features), approved Construction Certificate drawings and to demonstrate that the buildings have been erected clear of any easement affecting the land:</p> <ul style="list-style-type: none"> a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete); b) A Set-out survey showing the location of external walls erected on strip footings (prior to reaching floor level); c) An Identification Survey (upon completion of external walls / eaves construction and prior to any Completion inspection being carried out). <p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p> <p>Prior to pouring concrete, a set-out survey (prepared by a registered practising Surveyor) is to be submitted to the Principal Certifier nominating the location of the development in accordance with the Stamped Documentation & Plans.</p> <ul style="list-style-type: none"> a. Such a survey is to show the location of slab formwork in relation to other buildings on-site and the allotment boundaries.
35.	That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

	<p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p> <p>a. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.</p> <p>b. Forty-eight (48) hours' notice shall be given to Lithgow City Council for inspection of the following plumbing and drainage works:</p> <ol style="list-style-type: none"> i. Internal and external drainage lines prior to backfilling. ii. The licensed plumber/drainer shall be on-site at the site of the inspection, and the drainage lines shall be charged and under test. iii. Hot and cold-water installations under test bucket pressure of 1500kpa. iv. On completion of all plumbing drainage and sanitary fixture installations.
36.	<p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p><i>(Condition added as per MODDA046/23 dated XX/XX/XX)</i></p>
<p>Requirements Prior to Occupation</p>	
37.	<p>Prior to the issue of an Occupation Certificate, a final fire safety certificate prepared by an Accredited Practitioner (Fire Safety) is to be submitted to the Principal Certifier in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p><i>(Condition added as per MODDA046/23 dated XX/XX/XX)</i></p>
38.	<p>An Identification Survey (prepared by a registered practising Surveyor) is to be submitted to the Principal Certifier demonstrating the location of the development in accordance with the Stamped Documentation & Plans.</p> <p>a. Such a survey is to show the location of the external walls/eaves in relation to the allotment boundaries.</p> <p><i>(Condition added as per MODDA046/23 dated XX/XX/XX)</i></p>
39.	<p>Prior to the use/occupation of the development an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.</p>
40.	<p>Upon completion of the building and prior to issue of an Occupation Certificate, essential fire safety measures services listed in the Fire Safety Schedule must be certified by a competent person, engaged by the owner. Certification is to be submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard. Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, and a copy retained on-site certifying that:</p> <p>(i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and</p> <p>(ii) That the path of travel is clear of anything which would impede free passage of any person at any time.</p> <p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p>

	An Annual Fire Safety Statement is to be submitted to Council and NSW Fire Brigades and a copy is retained on-site to verify that the performance & maintenance of the essential fire safety measures specified in a Fire Safety Schedule is in accordance with Parts 10 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
WATER & WASTEWATER REQUIREMENTS	
41.	The applicant is to obtain S68 Approval for water and sewer connections to Council's reticulated water and sewer systems. The hydraulic drawings for each stage of construction are to be supplied as part of this process.
42.	The developer/owner is to provide a new water property service and water meter to serve all of the development, sized to the requirements of AS3500 Part 1. Property water service installation from the main to the inside property boundary is to be completed by Council staff at owners/ developers costs. <i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i> The developer/owner will submit to Council a water and sewer connection application for the appropriately sized meter and service connection following S68 approval to serve the development and existing site.
43.	A water meter is to be purchased through Council's Application for Work at Owners Cost Payment Authority and Water Service Connection Application for property service upgrade. <i>(Condition deleted as per MODDA046/23 dated XX/XX/XX)</i>
44.	The applicant is to provide water pressure and flow tests for potable water design purposes and make allowances for existing and future fire services.
45.	The developer is to submit hydraulic drawings for approval of all the development including existing, proposed and future fixtures for assessment and approval, prior to the release of the Construction Certificate. <i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i> The developer/owner is to submit hydraulic drawings for approval of the development including existing, proposed, and future fixtures for assessment and approval, prior to the release of the Construction Certificate including all fire services and connections, sewer services and connections and any areas where Council infrastructure may be affected or within the construction area. All Council infrastructure within the site is to be located and surveyed using a qualified underground service locator, non-destructive digging and a qualified surveyor.
46.	The developer is to install a Reduced Pressure Zone Valve for backflow prevention for containment at the property boundary on the potable water supply.
47.	The applicant is to install a Double Detector Check Valve with metered by pass on the fire service prior to any booster assembly located at the front boundary.
48.	The applicant is to remove the existing water meter that has been allocated for the old Tandara site from Council's water main including connection for 65mm sprinkler service. Both services are connected to the high pressure line that enters from Short Street. This is to be capped off and the altered water supply is to be re-connected to the new internal water supply. Council to cap off services and work will be at owners costs.
49.	Fire hydrants of an approved type are to be installed along the water main at convenient distances, and at such places, as may be necessary for the ready supply of water to extinguish fires in accordance with AS/NZS 2419.

50.	<p>The applicant is to provide a water meter and backflow prevention on any temporary water supplies installed for construction sites. The backflow hazard will be regarded as high.</p> <p><i>(Condition replaced as per MODDA046/23 dated XX/XX/XX)</i></p> <p>On any temporary water supplies and applicant is to provide a water meter and backflow prevention installed for construction sites. The backflow hazards will be regarded as high.</p>
51.	<p>The relocation of the sewer main and manholes that will impede Building B will require a full sewer design submitted to Council and shall be constructed under full control of Council.</p> <p><i>(Condition deleted as per MODDA046/23 dated XX/XX/XX)</i></p>
52.	<p>A Work as Executed plan (WAE) MUST be submitted to council prior to the release of the final Occupation Certificate for each stage, outlining the following:</p> <ul style="list-style-type: none"> - Service meter location and internal shut off valves to each building - Final plumbing and drainage designs - Sewer alterations and connections to Council sewer main - Hydraulic plans <p><i>(Condition amended as per MODDA046/23 dated XX/XX/XX)</i></p>
53.	<p>An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the developer/owner at the completion of the works and prior to an Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Works as Executed Drawings.</p> <p>A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the plumbing and Drainage Act 2011.</p> <p><i>(Condition added as per MODDA046/23 dated XX/XX/XX)</i></p>
54.	<p>In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters/ Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.</p> <p><i>(Condition added as per MODDA046/23 dated XX/XX/XX)</i></p>
<p>FOOD PREMISES REQUIREMENTS</p>	
<p><i>Walls</i></p>	
55.	<p>The walls surrounding the food preparation areas shall be of solid construction.</p>
56.	<p>The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:</p> <ul style="list-style-type: none"> (i) Glazed tiles. (ii) Stainless or aluminium sheeting. (iii) Polyvinyl sheeting with welded seams. (iv) Laminated thermosetting plastic sheeting (v) Similar impervious material adhered directly to the wall.
<p><i>Floors</i></p>	

57.	The flooring in the food preparation, storage and bar areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harborage for pests. Floors in the food preparation areas shall be finished with one or a combination of the following materials: (i) Sealed quarry tiles or ceramic tiles. (ii) Stainless steel. (iii) Polyvinyl sheeting with welded seams. (iv) Laminated thermosetting plastic sheeting. (v) Epoxy resin. (vi) Steel trowel case hardened concrete.
58.	Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.
59.	The floor of the (food preparation areas) is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.
<i>Ceiling</i>	
60.	The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)
<i>Washing Facilities</i>	
61.	A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in (food preparation areas).
62.	All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.
63.	Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.
64.	A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.
65.	The wash up sink shall be supplied with hot and cold water.
<i>Lighting and Light Fittings</i>	
66.	Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
67.	In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.
<i>Mechanical Exhaust Ventilation System</i>	
68.	Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
69.	The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.

70.	A mechanical exhaust ventilation system that complies with the AS/NZS 1668.1-1998 and AS 1668.2-2012 shall be provided in the (kitchen/dish washing areas) to remove the steam from the dishwasher or other washing and sanitizing equipment.
Coolroom	
71.	The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
72.	The coolroom must have a smooth concrete floor, which is to be sloped to the door. A floor waste connected to the sewer must be located outside the coolroom.
73.	The coolroom shall be able to be opened from the inside without a key and fitted with an alarm that can only be operated from within the coolroom.
Fixtures, Fittings and Equipment	
74.	All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
75.	Service pipes, conduits and electrical wiring shall either be – (i) concealed in floors, plinths, walls or ceiling; or (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.
Toilet Cubicles	
76.	The toilet cubicles shall be – (i) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitting with self-closing doors; or (ii) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.
Waste Management	
77.	Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
78.	A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.
Pest Control	
79.	Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being - i. tight-fitting and permanently fixed closed; ii. fitted with mesh screens that can be removed for cleaning; or iii. protected by a permanent mesh screen that can be cleaned in place.
80.	Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by – i. tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or ii. tight-fitting self-closing mesh screen doors.
Grease Arrestor	
81.	A grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

Others	
82.	Separate hot and cold water taps, fitted with hose connections, are to be installed in the kitchen at a position of not less than 600mm from the floor.
83.	Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).
84.	The meter box shall have a smooth, washable cover. The top of the cover must be at an angle of 45° and be tight fitting to the wall.
85.	The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, waste water, waste products or other impurities which are a nuisance or injurious to health.
86.	The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.
87.	The preparation of food (including processing, cooking and packaging of food) for sale is not permitted unless with the prior approval of Council.
88.	Food products shall be served by using disposable drinking and eating utensils. The use of reusable drinking and eating utensils is not permitted unless with the prior approval of Council.
Food Safety Supervisor	
89.	A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.
LIQUID TRADE WASTE	
90.	Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges
91.	No floor waste is to be located the hair cutting area.
92.	All sinks used for washing hair or rinsing hair cutting utensils must be fitted with sink screens.
93.	Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
94.	Food preparation activity will need to discharge to a suitable sized grease arrestor sized according to the inflow rate and instillation must comply with the requirements of AS3500 and Council's Trade Waste Guidelines.
95.	A hose cock with RPZ backflow protection valve is required to be installed within 15m of the grease arrestor to assist with maintenance / cleaning. An annual backflow test report needs to be furnished upon installation.
96.	The laundry will need to install RPZ backflow prevention on each washing machine connected to Council water supply. All liquids will need to be stored in a bunded area. Discharge from the washing machines is required through lint screen into a suitably sized cooling pit to allow the discharge below 38°C.
97.	A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

WATER NSW REQUIREMENTS

General

98. ~~The site layout, works and staging shall be as specified in the General Arrangement and Staging Plan (Dwg No. C01.02, Job No. NL181872, Revision 2, dated 11 July 2019) prepared by Northrop Consulting Engineers. No revised site layout or external works or staging that will impact on water quality, shall be permitted without the agreement of Water NSW.~~
~~(Amended as per MOD013/19 dated 17/5/19)~~
~~(Amended as per MOD021/19 dated 23/8/19)~~

(Condition replaced as per MODDA046/23 dated XX/XX/XX)

The development layout and works shall be implemented in accordance with the plans and supporting documents set out in the following table:

Approved Plans					
Title	Author	Job No.	Drawing No.	Revision	Date
Survey Plan	Smith & Tracey Architects Pty Ltd	21031	DA0101	-	01.11.2023
Existing Site Plan	Smith & Tracey Architects Pty Ltd	21031	DA0103	-	01.11.2023
Site Plan Comparison to Previous Scheme	Smith & Tracey Architects Pty Ltd	21031	DA0105	-	04.12.2023
Staging and Demolition Plan	Smith & Tracey Architects Pty Ltd	21031	DA0201	-	04.12.2023
Overall Lower Ground Floor Plan	Smith & Tracey Architects Pty Ltd	21031	DA0800	-	01.11.2023
Overall Ground Floor Plan	Smith & Tracey Architects Pty Ltd	21031	DA0801		04.12.2023
Overall First Floor Plan	Smith & Tracey Architects Pty Ltd	21031	DA0802		04.12.2023
Concept Stormwater Drainage Plan	Calare Civil Ptd Ltd Limited	22.1055	C01	C	22.06.2023
Detailed Landscape Plan 1/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA04	C	05.12.2023
Detailed Landscape Plan 2/2	Taylor Brammer Landscape Architects Pty Ltd	-	LA05	C	15.12.2023

Supporting Documents					
Title	Author	Project	Revision	Date	
Statement of Environmental Effects	Plan Projects Planning and Development Solutions	-	D	07.12.2023	
Water Management Report	EWF Consulting Engineers	-	0	11.11.2015	
Mine Subsidence Investigation	Douglas Partners Pty Ltd	81387.02	R.002 Rev0	20.06.2024	

No revised site layout, staging or external works that will have any impact on water quality, shall be permitted without the agreement of WaterNSW.

Stormwater Management

99. All stormwater management measures as specified in the Concept Stormwater Management Plan (Sheet Nos. 1 & 2, Dwg No. CSK04.01-02, Job No. NL181872, Revision 1, dated 15 April 2019) prepared by Northrop Consulting Engineers, shall be incorporated in the final stormwater management plan. The final plan shall:

- include a cross-section of the bioretention basin
- provide details about the design of the bioretention basin, consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015), and incorporate:
 - a filter depth (excluding transition layers) of 400 mm above the underdrains
 - filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - planting of deep-rooted, moisture-tolerant vegetation protected by rock mulch
 - direction of all discharge and overflow to Council's stormwater system
 - vehicle accessibility from Maple Crescent to facilitate cleaning, monitoring and maintenance of the structures
 - bollards, fences, castellated kerbs or similar structures to protect from vehicular damage
 - a sign to advise of its nature and purpose in water quality management, and
 - sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised
- indicate that the driveway and carpark hardstand areas are sealed and drain to stormwater pits fitted with inlet filters (Enviropod 200 or Water NSW endorsed equivalent), and the runoff is directed to the bioretention basin.

(Amended as per MOD013/19 dated 17/5/19)

(Condition replaced as per MODDA046/23 dated XX/XX/XX)

a. All stormwater management measures as shown in the Concept Stormwater Drainage Plan set out in condition 98 of this consent shall be incorporated in the final stormwater drainage plan to be approved by the Principal Certifier. Stormwater management measures shall include:

- Pits and pipes
- Gross pollutant traps and inlet filters
- Vegetated swales, and
- A bioretention raingarden at the northwest corner of the site.

The final approved stormwater plan shall be implemented.

b. The carparks, footpath and hardstand areas shall be sealed and shall drain to stormwater pits fitted with inlet filters (SPEL StormSack or Water NSW endorsed equivalent) and directed to the bioretention raingarden on the site.

c. The swales shall:

- Have a minimum depth of 0.3 metres
- Have a maximum slope of 2.5%, and
- Be vegetated and stabilized with bitumen and jute matting or equivalent as soon as possible after construction.

d. The bioretention raingarden shall:

- Be designed consistent with *Adopted Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)*
- Also incorporate the following:
 - A minimum surface and filter area of 150 square metres
 - Be fitted with mesh inlet filters (SPEL StormSack or Water NSW endorsed equivalent) at inlet points

	<ul style="list-style-type: none"> ○ An extended detention depth of 300mm ○ A filter depth (excluding transition layers) of 400mm above the underfrains ○ A filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5mm, a maximum orthophosphate concentration of 400 mg/kg and <ul style="list-style-type: none"> • Be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable) • Direct all discharge and overflow to Council's stormwater system • Be accessible from Maple Crescent by machinery to facilitate cleaning, monitoring, and maintenance of the structures • Be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised • Be permanently protected from heavy vehicle damage by guardrails, castellated kerb, bollards, or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and • Be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is re-vegetated or stabilised. <p>e. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW</p> <p>f. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.</p>
100.	<i>(Removed as per MOD013/19 dated 17/5/19)</i>
101.	<i>(Removed as per MOD013/19 dated 17/5/19)</i>
102.	<p>The final stormwater management plan shall be implemented. <i>(Amended as per MOD013/19 dated 17/5/19)</i></p> <p><i>(Condition deleted as per MODDA046/23 dated XX/XX/XX)</i></p>
103.	<p>The bioretention basin shall be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised. <i>(Amended as per MOD013/19 dated 17/5/19)</i></p> <p><i>(Condition deleted as per MODDA046/23 dated XX/XX/XX)</i></p>
104.	No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.
105.	A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
<i>Sewerage Infrastructure</i>	
106.	<p>The development shall be connected to Council's reticulated sewerage system and shall ensure that all new sewerage infrastructure is designed, located and installed in accordance with Council's requirements and be to the satisfaction of Council.</p> <p><i>(Condition added as per MODDA046/23 and dated XX/XX/XX)</i></p>
<i>Operational Environmental Management Plan</i>	

107.	<p>An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The Plan shall:</p> <ul style="list-style-type: none"> Be provided to the owner of the property Include details about the location, description and nature of stormwater management structures such as pits, pipes, inlet filters, gross pollutant trap, bioretention basin, swale and buffer area outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities identify the persons individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and include checklists for recording inspections and maintenance activities, particularly for bioretention basin. <p><i>(Amended as per MOD013/19 dated 17/5/19)</i></p> <p><i>(Condition amended as per MODDA046/23 and dated XX/XX/XX)</i></p>
108.	<p>All stormwater treatment measures shall be inspected, monitored, maintained and managed in accordance with the Operational Environmental Management Plan, after all comments made by WaterNSW during the consultation process have been appropriately resolved and incorporated in the final Operational Environmental Management Plan.</p> <p><i>(Additional as per MOD013/19 dated 17/5/19)</i></p> <p><i>(Condition amended as per MODDA046/23 and dated XX/XX/XX)</i></p>
<p>Construction Activities</p>	
109.	<p>A Soil and Water Management Plan shall be prepared for all works required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> • meet the requirements outlined in Chapter 2 of <i>NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)</i> • be developed prepared prior to issuance of a Construction Certificate to the satisfaction of Council; and • include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain. <p><i>(Amended as per MOD013/19 dated 17/5/19)</i></p> <p><i>(Condition amended as per MOD0DA46/23 and dated XX/XX/XX)</i></p>
110.	<p>The soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. Erosion and sediment controls shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.</p> <p><i>(Amended as per MOD013/19 dated 17/5/19)</i></p>
<p>TELSTRA GENERAL REQUIREMENTS</p>	
111.	<p>If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to commencement of works.</p> <p><i>(Amended as per S96006/18 dated 29/3/2018)</i></p>
112.	<p>The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.</p>
<p>ENDEAVOUR ENERGY REQUIREMENTS</p>	

113.	<p>It is imperative that the access to the existing electrical infrastructure on and adjacent the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.</p> <p>The following is the main terms of Endeavour Energy’s electrical easements requiring that the land owner:</p> <ul style="list-style-type: none"> • Not install or permit to be installed any services or structures within the easement site. • Not alter the surface level of the easement site. • Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose. <p>If the proposed works will encroach/affect Endeavour Energy’s easements, contact must first be made with the Endeavour Energy’s Easement Management Officer, Jeffrey Smith, on 9853 7139 or alternately Jeffrey.Smith@endeavourenergy.com.au</p>
114.	<p>Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, electricity cables etc.</p>

ADVISORY NOTES	
<i>Building Requirements</i>	
<i>Endeavour Energy- Network Capacity/Connection</i>	
A1	<p>The developer is to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Endeavour Energy's Asset & Network Planning branch have undertaken a preliminary desk-top review of the proposed development and advised that supply will be provided by 11kV feeder M400 from Lithgow Zone Substation located at 11 Barton Street, Lithgow. However, considering the significant increase in the number of beds in the new aged care facility, adequate capacity may not be available from the existing padmount substation. Notwithstanding the applicant's Statement of Adequacy of Power, this will not be certain until the final load assessment is completed.</p> <p>Attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' that sets out in detail Endeavour Energy's current / updated design and management requirements for easements related to padmount substations. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.</p>
<i>Endeavour Energy- Safety</i>	
A1	<p>As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely is available via Endeavour Energy's website via the following link: http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures</p>

Schedule 2 – Advisory Notes

1 Endeavour Energy – Advisory Notes

- a. The developer is to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Endeavour Energy's Asset & Network Planning branch have undertaken a preliminary desk-top review of the proposed development and advised that supply will be provided by 11kV feeder M400 from Lithgow Zone Substation located at 11 Barton Street, Lithgow. However, considering the significant increase in the number of beds in the new aged care facility, adequate capacity may not be available from the existing padmount substation. Notwithstanding the applicant's Statement of Adequacy of Power, this will not be certain until the final load assessment is completed.
- b. Attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' that sets out in detail Endeavour Energy's current / updated design and management requirements for easements related to padmount substations. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.
- c. As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely is available via Endeavour Energy's website via the following link:

2 Required Documents to Accompany Construction Certificate Application

The following documentation is to accompany an application for a Construction Certificate if submitted to Lithgow City Council:

- a. Building Work Plans and Specifications prepared by a Design Practitioner registered in accordance with the Design and Building Practitioners Act 2020.
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- b. Access & Egress Report prepared by an Access Consultant registered with the Access Consultants Association of Australia ([Find an ACA consultant | ACA \(access.asn.au\)](#)).
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards, the current National Construction Code and the Disability Discrimination Act 1992.
- c. Structural Engineering Plans prepared by a Chartered Professional Structural Engineer registered with the National Engineering Register (NER) of the Institution of Engineers Australia ([Welcome to Engineers Australia Portal](#)),
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- d. Civil Engineering Plans prepared by a Chartered Professional Civil Engineer registered with the National Engineering Register (NER) of the Institution of Engineers Australia ([Welcome to Engineers Australia Portal](#)),
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- e. Fire Services Plans prepared by an Accredited Practitioner (Fire Safety) registered with the Fire Protection Association Australia ([Accreditation & Licensing \(fpaa.com.au\)](#)).
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- f. Mechanical Services Plans prepared by a Qualified Mechanical Engineer registered with the National Engineering Register (NER) of the Institution of Engineers Australia ([Welcome to Engineers Australia Portal](#)),
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- g. Electrical Services Plans prepared by a Qualified Electrical Engineer registered with the National Engineering Register (NER) of the Institution of Engineers Australia ([Welcome to Engineers Australia Portal](#)),
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.
- h. Hydraulic Services Plans prepared by a Qualified Hydraulic Engineer registered with the National Engineering Register (NER) of the Institution of Engineers Australia ([Welcome to Engineers Australia Portal](#)),
 - i. Accompanied with a design statement verifying compliance with the relevant Australian Standards and the current National Construction Code.

- i. Section J Report prepared by a suitably qualified consultant demonstrating compliance with the current National Construction Code.

3 Performance Solutions

If a Performance Solution is proposed with your Construction Certificate, the prescribed process outlined in A2G2 of the National Construction Code is to be followed and relevant documentation is to accompany your Construction Certificate Application.

For guidance, please refer to the document produced by the Australian Building Codes Board (ABCB) regarding the Performance Solution Process (Link: [Performance-Solution-Process.PDF \(abcb.gov.au\)](#))

