

# DEVELOPMENT ASSESSMENT REPORT – DA228/15 PROPOSED DEMOLITION AND CONSTRUCTION OF 144 BED, AGED CARE FACILITY, LOTS 1 & 2 DP 775471, LOTS 2 & 3 DP319366, LOT 1 DP311786 AND LOT B DP397063 SHORT STREET (MAPLE CRESCENT) LITHGOW NSW 2790

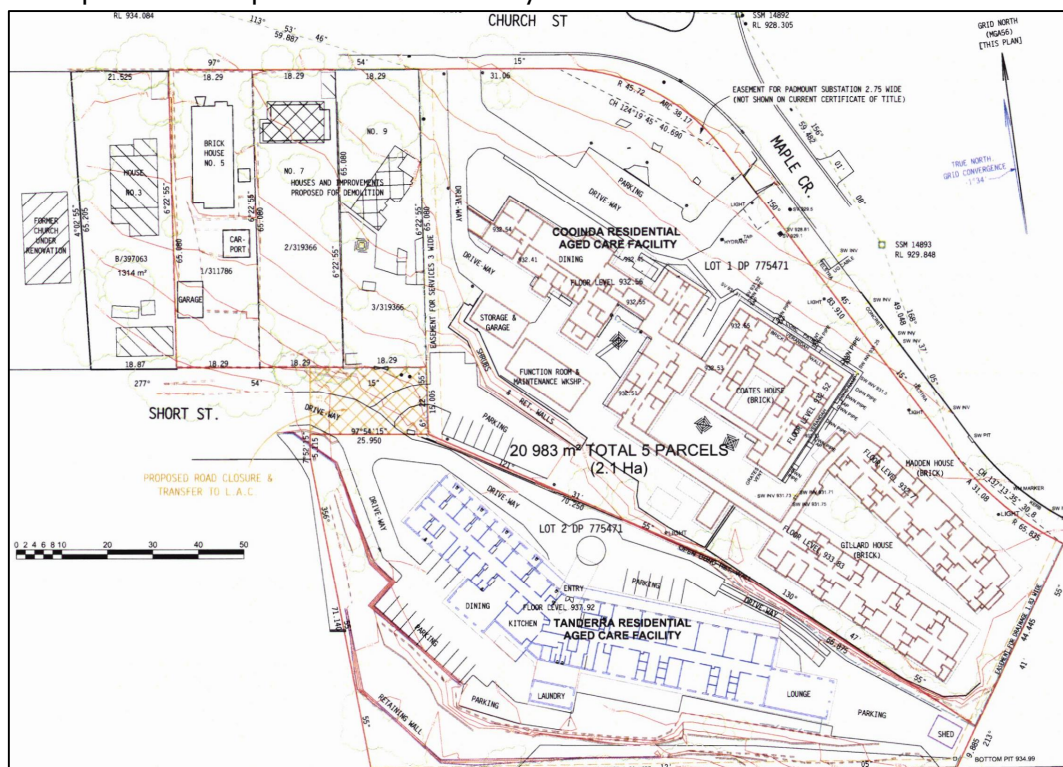
## 1. PROPOSAL

Council is in receipt of Development Application (DA228/15) from Lithgow Aged Care Limited. The proposal is situated on Lots 1 & 2 DP 775471, Lots 2 & 3 DP319366, Lot 1 DP311786 and Lot B DP397063, Short Street (Maple Crescent) Lithgow NSW 2790. The applicant is seeking approval for:

1. Part demolition of the existing Cooinda Aged Care Facility, specifically: Coates House; the function room and maintenance workshop; and a storage/garage building.
2. Provision of 144 beds increasing the total to a 168 bed facility (an additional 73 beds). This would be achieved by constructing 4 new buildings, each with two levels containing 18 single rooms per level.
3. Ancillary cut and fill (earthworks) and retaining walls.
4. Connections to essential services.
5. Landscaping, driveways and vehicle parking/manoeuvring areas.

Current operations include 95 beds (59 rooms) across the entire facility (Cooinda and Tanderra). The facility is staffed 24 hours a day providing nursing services, occupational therapy, podiatry, social workers, and physiotherapists with audiology and optometry services available on request. Additionally, the existing facility provides a laundry service, cleaning and preparation/ cooking of all meals onsite.

The plan below depicts the current facility:



The plan shows that Tanderra is contained on Lot 2 DP775471 and Cooina is on Lot 1 DP775471. Lots 2 & 3 DP319366 and Lot 1 DP311786 all retained dwellings prior to their recent demolition under development consent DA135/14. However, an existing dwelling will be retained on Lot B DP397063 until further demolition.

The applicant has stated that the proposed operations of the new facility will not significantly vary the key parameters from the existing facility, but will substantially create significant efficiencies with improved design, integration of Tanderra and Cooina and better services and amenity for residents, staff and visitors. It will continue to 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 of the kitchen, laundry, administration, café, shop, hair salon and health consulting rooms operating during extended business hours (up to 7am to 7pm). Car parking onsite will be increased by 22 car spaces.

The following plans show perspectives and site layout of the proposed development:







## 2. SUMMARY

To assess and recommend determination of DA228/15 with a recommendation for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lots 1 & 2 DP 775471, Lots 2 & 3 DP319366, Lot 1 DP311786 and Lot B DP397063  
 Property Address : Short Street (Maple Crescent) Lithgow NSW 2790

**4. ZONING:** The land is zoned R1 General Residential under Lithgow Local Environmental Plan (LEP) 2014.

**5. PERMISSIBILITY:** The development being for 'seniors housing' (group term) and further defined as a 'residential care facility', both defined below, is permissible under Lithgow Local Environmental Plan 2014, subject to development consent.

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

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.** Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**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.

Additionally, the *Environmental Planning and Assessment Act 1979* (EP&A Act) states the following:

**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 has an estimated cost of \$30,290,150 and therefore the following clause of the EP&A Act applies:

**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 development is required to be determined by the Western Regional Planning Panel due to the above requirements.

## **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

### **Council Policy 7.1 Filling and Levelling of Land**

The development proposes to do levelling and filling of the land, however the design has been to use the existing lay of the land to the proposal's advantage. It is considered that the development complies with the policy.

## Council Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

### **5. Who will be notified under this Policy and how long is the notification period?**

*5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.*

The proposal was notified to surrounding landowners and placed on display for a period of 21 days given it is for a senior housing- residential care facility and therefore complies with Council's Policy.

## **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

### **Water Management Act 2000**

Under the Water Management Act 2000, Section 305, an application for Certificate of Compliance must be submitted to Council. This Act states:

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) An application must be accompanied by such information as the regulations may prescribe.*

Therefore Council's Section 64 Contributions under the Local Government Act 1993 for water and sewer connections will be required to be paid prior to the release of the Final Occupation Certificate. This financial implication applies to the development given the increased beds associated with the proposal and its additional load on Council's water or sewer systems. The *Section 64 Determinations Equivalent Tenements Guidelines May 2009 by The Water Directorate* has provided the following calculation to be applied:

### **Clause 8- Standard ET Figures – commercial user categories**

<b>Category</b>	<b>Standard Unit</b>	<b>Suggested Values</b>	
		<b>Water ET</b>	<b>Sewer ET</b>
<i>Nursing Home/Special Care Home/ Self Care Retirement-Serviced Unit</i>	<i>Bed</i>	<i>0.5</i>	<i>0.75</i>

Therefore the following calculations will be applied to the development:

$$\begin{array}{rclclcl} \text{Water} & = & 0.5 & \times & 73 & = & 36.5 \text{ E.T} \\ \text{Sewer} & = & 0.75 & \times & 73 & = & 54.75 \text{ E.T} \end{array}$$

Currently, under Lithgow Council's Fees & Chargers 2015/2016 the contributions for water are \$2,900 per E.T and for sewer, \$2400 per E.T.

However, the applicant has requested that Council waive the Section 64 Contributions of \$237,250.00 given the development is for a privately funded community infrastructure project that will benefit the community at present and into the future. This request was put forward at Council Ordinary meeting 29 February 2016 with the below resolution:

**RESOLVED**

**THAT** Council waive the Section 64 Contributions relating to DA228/15 given the development is to be carried out by a not for profit organisation for privately funded essential community infrastructure.

**Section 94A Development Contributions Plan 2012**

The Section 94A plan applies to this development given it is for an increased development at an estimated cost of \$30,290,150.00, using the below levies:

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

However, the applicant has requested that Council allow for an exemption to the payment of \$302,901.50 given the development is for a privately funded community infrastructure project that will benefit the community at present and into the future. This request was put forward at Council Ordinary meeting 8 February 2016 with the below resolution:

**RESOLVED**

**THAT** An exemption to the Section 94A Development Contribution Plan 2015 levy be applied to DA228/15 given the development is to be carried out by a not for profit organisation for privately funded essential community infrastructure. Therefore no levy will be applicable to this development.

**5.3 LEGAL IMPLICATIONS**

**Local Government Act 1993**

If this application is approved, the applicant must obtain a Section 68 application for connection to Council's water and sewerage supply. This must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicably supporting information for the proposed works. All conditions of the Section 68 Approval must be complied with prior to the release of Occupation Certificate.

**Mine Subsidence Compensation Act 1961**

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly, the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and is discussed later in this report and therefore it is considered that the proposal will comply with the provisions of this Act.

**Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow Local Environmental Plan 2014***

LEP 2014 – Compliance Check		
Clause		Compliance
<b>Land Use table</b>	R1 General Residential	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.3</b>	Stormwater management	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.10</b>	Essential Services	Yes

**Comment:** The proposed development meets the requirements of the R1 General Residential zoning as it is providing housing needs to the community that meet the day to day needs of residents of the area. The proposal has also been assessed by Water NSW in relation to impact to water catchments, stormwater and groundwater which found that the development is appropriate subject to conditions of consent being imposed.

The proposed earthworks associated with the development will not have a detrimental effect on drainage patterns or stability in the locality as the proposal has been assessed in relation to these matters both by Water NSW and the Mine Subsidence Board. The proposal has been designed to complement the existing land and with appropriate conditions of consent will meet requirements of the LEP relating to earthworks. The development will have access to all essential services that will be upgraded to meet the intensified use. Therefore the development meets the requirements of the LEP.

#### ***State Environmental Planning Policy No 64—Advertising and signage***

SEPP 64 – Compliance Check		
	Clause	Compliance
<b>3</b>	Aims and Objectives	Yes
<b>12</b>	Consent authority	Yes
<b>13</b>	Matters for consideration	Yes
<b>23</b>	Freestanding advertisements	Yes
<b>29</b>	Advertising design analysis	Yes
<b>Schedule 1</b>	Assessment criteria	Yes

**Comment:** There is minimal advertising proposed as part of this development and one 'as of right sign' is proposed to be placed on proposed structures of the development. Given the minor nature of the signage being for the business only it is considered that the proposal meets the requirements of the SEPP.

*Depiction of signage:*



***State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004***

**Comment:** This policy does not apply due to the development being within the Sydney Drinking Water Catchment area as detailed below:

***(6) Land to which Policy does not apply***

*This Policy does not apply to:*

*(a) land described in Schedule 1 (Environmentally sensitive land), or*

***Schedule 1 Environmentally sensitive land***

*Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions:*

*(1) water catchment,*

However it has been addressed by the applicant as discussed below.

The development is within proximity to the CBD of Lithgow and is relatively close to essential services. The site orientation and design of the building complements the existing site and maintains existing views of the area while providing appropriate solar access. Some cut and fill will be required however the design of the building has been undertaken to provide for varied levels over the site given the existing slope.

Some clearing of vegetation is required to allow the construction of the proposal, however a landscaping plan has been provided that will allow for additional vegetation to soften the area and provide nature areas such as gardens and courtyards. The land is not flood prone, bushfire prone, have critical habitats or be contaminated. The land is within a Mine Subsidence District which requires the consent of the Mine Subsidence Board for the development which has been sought as part of this application.

The proposal will provide for safe pedestrian access and for public transport and personal vehicles to access the site from public roads which is considered appropriate. Pedestrian access is designed to allow disability access around the site.

The building design has been completed by undertaking an investigation of the surrounding building designs and incorporating parts of these designs within the proposed buildings. This has allowed the development to be sympathetic to the residential buildings in the area regardless of the scale. The building has been broken into sections utilising different architectural aspects, features and roofing design to break the building up and minimise the impact on the surrounding area.

The design of windows, balconies and landscaping will provide visual and acoustic privacy to the surrounding residential areas with minimal overshadowing and impact on views. Crime prevention initiatives have been considered and surveillance is provided at entrances and pathways. The design of communal spaces and bedroom configuration will allow for natural crime prevention and resident safety.

The development will have access to the utilities of sewer, water, electricity, gas and telecommunications and will be able to achieve a sustainable building in relation to water and energy consumption requirements.



The development does not meet the requirements of the height restrictions provided under the SEPP. However as the SEPP does not apply in this instance there is no requirement to be met. The height has been given a merit based assessment and the design of the buildings is suitable for the site. The site is has a significant slope and the size of the buildings is not expected to impact on adjoining neighbours by way of overshadowing or loss of views.

***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
<b>10</b>	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
<b>11</b>	Development that needs concurrence of the Chief Executive	Yes

**Comment:** The application is required to be assessed under this SEPP and therefore was referred to Water NSW. An assessment has been undertaken in accordance with the SEPP and found that the application will have a neutral or beneficial effect on water subject to conditions of consent if approved.

***State Environmental Planning Policy (Infrastructure) 2007***

SEPP (Infrastructure) 2007 – Compliance Check		
	Clause	Compliance
	Division 5 Electricity transmission or distribution	
	Subdivision 2 Development likely to affect an electricity transmission or distribution network	
<b>45</b>	Determination of development applications—other development	Yes

**Comment:** The development land contains a padmount substation owned by Integral Energy now Endeavour Energy and therefore a referral to Endeavour Energy was undertaken for the assessment of the application under the SEPP. Comments were received, with no objection to the proposal subject to appropriate conditions being imposed as detailed later in this report.

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

Nil.

5.3.3 Any Development Control Plan

**Outdoor Advertising Development Control Plan**

Outdoor Advertising – Compliance Check		
	Clause	Compliance
<b>Part 1</b>	Objectives	Yes
<b>Part 3</b>	Procedures	Yes
<b>Part 4</b>	Design Controls- General	Yes
	Design Controls- Commercial	Yes

**Comment:** There is minimal advertising proposed as part of this development and one 'as of right sign' is proposed to be placed on proposed structures at the front of the development visible from Church Street. Given the minor nature of the signage being for the business only it is considered that the proposal meets the requirements of the DCP.

### Off Street Carparking Development Control Plan

Off Street Carparking – Compliance Check		
	Clause	Compliance
<b>Part 1</b>	Objectives	Yes
<b>Part 6</b>	Car Parking Standards	Yes
<b>Part 7</b>	Construction Standards	Yes
<b>Part 8</b>	Landscaping	Yes
<b>Part 9</b>	Design Guidelines	Yes

**Comment:** The development is for an aged care facility with a total of 214 beds. Under the DCP requirements reference is made to the repealed SEPP5 Housing for Aged and Disabled Persons which could be applied to the hostel section of this application. The requirements for a hostel are similar to the standards set by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* as below and have been applied:

#### ***Part 7 Development standards that cannot be used as grounds to refuse consent Division 2 Residential care facilities***

##### ***48 Standards that cannot be used to refuse development consent for residential care facilities***

*A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:*

- (d) parking for residents and visitors: if at least the following is provided:*
- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
  - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
  - (iii) 1 parking space suitable for an ambulance.*

The site will provide 71 spaces which exceeds the required 61 spaces required.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

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

The development has been forwarded to Council's Building Officer for assessment under the appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

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

**Adjoining Landuse:**

The surrounding area is generally for residential pursuits with the proposal intensifying an existing use. The development has been designed to complement the existing area including building design, landscaping, access and placement of buildings. It is considered that the proposal will have minimal impact on the surrounding land uses subject to conditions of consent, if approved.

**Services:** The development will have connections to Council's reticulated water and reticulated sewer services subject to appropriate conditions in relation to the further loadings proposed. Additionally, there is access to electricity and telecommunication services nearby. It is considered that the proposal will be adequately serviced.

**Context and Setting:** The building design has been completed by undertaking an investigation of the surrounding areas architectural designs and incorporating parts of these designs within the proposed buildings. This will allow the development to be sympathetic to the residential building in the area and adds to the locality positively and will allow the building to be absorbed within its surroundings regardless of the scale.

The maximum cut is 6m on the site. This will contain a basement level carpark whereby the carpark level is at 929.4AHD being a cut of 0.5m at the front and 6m at the rear of the site. This lessens the impact of the approximately 9.5m high building as it will sit only 5m above natural ground level at the rear of the site.

The buildings at a height of 9.5m are proposed to be set back from 6 to 10m This is considered reasonable and will not dominate the streetscape, cause overshadowing or overlooking concerns.

The building has been broken into sections utilising different architectural aspects, features and roofing design to break the building up and minimise the impact. Therefore, the development will have minimal impact on the context and setting of the surrounding environment.

The design of windows, balconies and landscaping will provide visual and acoustic privacy to the surrounding residential areas with minimal overshadowing and minimal impact on views being affected as a result.

**Access/ traffic:** The proposal will gain access from Church Street and Short Street and has been assessed by Council's engineers in relation to the suitability. Pedestrian access has been provided appropriately from the street and throughout the development. The proposal will not cause traffic impacts.

**Flora and Fauna:** Minimal clearing is required and the development is expected to have no impact on flora or fauna given the area is in an urban setting. Additional landscaping has been proposed for the site to ensure that the development retains a part of the natural environment.

**Social and Economic Impact:** The development will have a positive impact on social and economic factors within the community. The Lithgow LGA requires more aged care to meet the needs of an ageing population which is being provided as part of this development. Additionally, the proposal will provide additional employment opportunities of approximately 65. It will intensify the development to 168 beds and provide ancillary facilities on the site including, hairdressers, cleaners, nurses, gardening, specialists, retail and café workers. The proposal will have a positive impact in relation to social and economic factors given the increased provision of an aged care facility which is a current and future need in the Lithgow district.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent, will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

**Water:** The proposed development has been assessed by Water NSW as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with the development found to have a neutral or beneficial effect on water quality. Therefore, with appropriate conditions of consent it is considered that the development will have minimal impact on water quality.

**Air and Microclimate:** There will be no significant impact on air or microclimate subject to compliance with health requirements for the laundry. Additionally, a condition of consent will be recommended requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

**Waste:** For waste during construction and demolition there will be a recommended condition requiring the developer to take any waste to a licenced facility, if approved. Once the development is operational, waste will be required to be taken offsite as per the requirements for commercial premises.

**Noise and Vibration:** There are no nearby sources of noise or vibration that would impact detrimentally upon the proposal. The development noise sources would include residential noise, vehicles, laundry services, ventilation and air conditioning systems. The locations of plant, hydrant room and laundry services have been proposed in a way that will have minimal effect on nearby residents.

The laundry services have been placed in the centre rear of the property to ensure that this does not impact on the surrounding area. The closest residents to the laundry services and plant room are approximately 70m upslope of the development. However these areas are on the lower level, shielded by landscaping and retaining walls. It is considered that the development will have minimal increased noise impact on the surrounding residents given the design and internal operations of the proposal. Construction noise will be restricted to general hours as per conditions of consent to minimise potential impacts on the surrounding residents.

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

The surrounding land uses are for a residential aged care with the size and nature of the development to be sympathetic to the surrounding area. Beyond the boundaries of the subject site is low density residential housing with a mix of other uses such as a high school, TAFE and a church nearby.

The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity with conditions of consent imposed. Therefore, given the site is already used for the proposed use and is an increase in development within the capacity of the existing land, it is considered to be suitable for the proposed development.

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

The proposal was sent to Water NSW, Endeavour Energy, the Mine Subsidence Board and Council's Building Officer, Water & Wastewater Officer, Environmental Officer and Engineers for commenting with their recommendations detailed below. The proposal was also notified to surrounding landowners and placed on public display in Council's Administration Building for a period of 21 days with no submissions received.

The following comments have been received:

#### **WATER NSW**

The following documents have been considered in the assessment of the application:

- a Statement of Environmental Effects prepared by i Plan Projects (dated 30 November 2015), and
- a Water Management Report incorporating a MUSIC stormwater quality model and concept stormwater drainage and erosion and sediment control plans prepared by EFWF Pty Ltd (dated 11 November 2015).

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

#### ***General***

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by i Plan Projects (dated 30 November 2015); and shown on the Site/Room Plan prepared by Integrated Design Group Pty Ltd (Dwg. No. da 0101; Project Ref LAC14073; Iss. C; dated 18 November 2015). No revised site layout or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

*Reason for Condition 1- Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

#### ***Stormwater Management***

2. All stormwater management measures as specified in the Water Management Report (dated 11 November 2015) and Concept Stormwater Drainage Plan (Job No. 20737-001; Dwg. No. 001; Iss 01; dated 15 November 2015) both prepared by EFWF Pty Ltd, shall be incorporated in the final stormwater drainage plan to be approved by Council, in particular as elaborated or varied in the following conditions.



3. The main driveways and carpark hard stand areas shall be sealed and drain to stormwater pits fitted with inlet filters (Enviropod 200 or Water NSW endorsed equivalent) and directed to the bioretention basin on the site.
4. A raingarden shall be located and constructed as specified in the Water Management Report (dated 11 November 2015) and shown on the Concept Stormwater Drainage Plan – Details (Job No. 20737-001; Dwg. Nos. 001 & 003; Iss 01; dated 15 November 2015) each prepared by EFWF Pty Ltd, and shall incorporate the following specifications and requirements:
  - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - have a minimum surface area and a minimum filter area of 150 square metres
  - have a gross pollutant trap (Enviropod 200 or Water NSW endorsed equivalent) installed at the main inlet point
  - be fitted with mesh litter filters at secondary inlet points
  - have an extended detention depth of 200 mm
  - have a filter depth (excluding transition layers) of 400 mm above the underdrains
  - have a 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
  - 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 permanently protected from vehicular damage by bollards, fences, castellated kerbs 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 revegetated or stabilised.
5. The raingarden shall be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.
6. A rainwater collection and reuse system for the building roof shall be installed that incorporates the following specifications and requirements:
  - rainwater tanks with a minimum total capacity of 50,000 litres above any volume required for mains top-up
  - roofs and gutters designed so as to maximise the capture of rainwater in the tanks
  - the tanks plumbed to toilets, laundry, and other areas for non-potable use including landscape watering, and

a) all rainwater tank overflow shall be directed to the raingarden on the site.
7. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.

8. 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.

#### ***Operational Environmental Management Plan***

9. 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 OEMP shall include but not be limited to:
  - details on the location and nature of stormwater management structures such as pits, pipes, inlet filters, gross pollutant trap, raingarden and rainwater collection system
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - checklists for recording inspections and maintenance activities.

*Reason for Conditions 2 to 9 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

#### ***Construction Activities***

10. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the development. The Plan shall incorporate the controls outlined in the Concept Stormwater Drainage – Erosion Sediment Control Plan (Job No. 20737-001; Dwg. No. 002; Iss 01; dated 15 November 2015) prepared by EFWF Pty Ltd, shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" and shall be to the satisfaction of Council **prior** to the commencement of construction.
11. Effective erosion and sediment controls shall be installed prior to any construction activity including site access, and shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

*Reason for Conditions 10 & 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

#### **ENDEAVOUR ENERGY**

I refer to Council's below email of 8 February 2016 regarding Development Applications DA228/15 at Short Street Lithgow NSW 2790 (Lots 1 & 2 DP 775471, Lot B DP 397063, Lots 2 & 3 DP311786 & Lot 3 DP 319366) for 'Demolition and construction of 144 bed aged care facility'. Submissions need to be made to Council by 7 March 2016.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (please note this is not a 'Dial Before You Dig' plan), there is an easement over the site benefitting Endeavour Energy (which is shown by red hatching) for padmount substation number 213274. Overhead power lines are located along both Short Street and Church Street/Maple Crescent frontages of the site.

Whilst Endeavour Energy has no objections to the proposed development, its recommendations and comments are as follows:

- Network Capacity / Connection

In due course the applicant for the future proposed development of the site will need 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.

Please find attached for the applicant's reference a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. This 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.

- Easement Management / Network Access

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.

Endeavour Energy has noted that the Statement of Environmental Effects, Section 4.6 Easements & Restrictions on Title states the following:

*c) Easement for Padmount Station 2.75 wise (corner Church Street/ Maple Crescent).  
This easement is unaffected as the substation will be retained for the development.  
All of these easements will be retained and protected in the proposed development.*

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- 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.

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](mailto:Jeffrey.Smith@endeavourenergy.com.au)

- **Public Safety**

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. I have attached 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. The public safety training resources are also 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>

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.

### **MINE SUBSIDENCE BOARD**

At its meeting on 24 February 2016, the members of the Mine subsidence Board granted "conditional approval" of your Building Application (15 December 2015) for a proposed 2 storey Aged Care Facility at 9 Church Street, Lithgow.

The board acknowledges the updated "Geotechnical Report" (Ref Douglas Partners, 20 November 2015) and preliminary design drawings, in its determination of the following conditions 1 to 3;

1. The final design shall;
  - a) Be developed from the concept design accompanying the Building Application.
  - b) Include, unless otherwise agreed;
    - Full height articulation to reduce the effective building lengths to less than 30m;
    - The basement retaining wall is designed for a 2mm/m horizontal ground strain due to mine subsidence and include adequate drainage and tanking.
  - c) Include sufficient drawing plans, long-sections, elevations and details, to describe the work.
  - d) Ensure there is suitable flexibility and articulation jointing in building elements, in accordance with relevant codes and standards.
2. Submit final design drawings for acceptance by the Board prior to commencement of construction.
3. On completion, the projects engineer shall provide certification to the Board, that all improvements have been constructed in compliance with plan approved by the Board under this development application with supporting documentation.

This "conditional approval" remains current for 2 years from the date of this letter. Please note you will need to respond adequately to these conditions before the Board will consider its approval of this development.

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

I refer to the abovementioned development application in regards to your referral dated 8 December 2015 and provide the following comments.

#### **Proposal**

The proposal provides for:

- Demolition of part of the Cooinda Aged Care Facility
- Ancillary cut and fill and construction of retaining walls
- Construction of 144 bed 2 storey aged care facility (4 buildings)
- Associated landscaping, driveways construction and vehicular parking/manoeuvring areas

It is noted that the proposal requires final determination by JREPP given the estimated value of work is in excess of \$30 million.

#### **Legislation**

- Environmental Planning and Assessment Act 1979
- Building Code of Australia 2015

#### **Consideration**

- No Construction Certification (CC) application has been submitted to Council however, the a BCA Assessment Report prepared by Blackett, Maguire & Goldsmith (Dated 30 November 2015, Rev. 1, Project No. 150420) has been provided to indicate that compliance with the Building Code of Australia is readily achievable (note: minor non compliances and proposed alternative solutions to be addressed with CC). A list of the existing Essential Fire Safety measures should be furnished to the PCA in conjunction with a CC application.
- The proposal is staged in terms of construction scheduling however, is not a 'staged development' within the meaning of the Act. The applicant does intend to seek separate Interim Occupation Certificates throughout construction when/where applicable. Outline of construction staging is as follows:
  - a) Stage 1 - part demolition works, construction of building A, car parking for building A, other associated works
  - b) Stage 2 – part demolition works, construction of buildings B & C, car parking, fire services, stormwater infrastructure, other associated works
  - c) Stage 3 – Construction of building D, car parking, other associated works
- As the development is staged in terms of construction scheduling and the applicant intends to seek separate Interim Occupation Certificates throughout construction, consideration should be given to BCA aspects such as accessibility and paths of travel, implementation of essential fire safety measures, links between separate buildings (onsite links should be provided), etc. An operational/contingency plan should be submitted to the PCA in conjunction with the CC application to address these matters.



- No hydraulic details have been provided in respect of the following services. A condition should be imposed requiring the following hydraulic details to be submitted to and approved by LCC prior to commencement of work:
  - a) Fire Services (Fire main, hydrants, hose reels, sprinklers, etc.)
  - b) Sanitary plumbing and drainage (e.g. stack work, water services, etc.)
  - c) Backflow prevention
- Accessibility should be addressed in conjunction with a CC application. An access consultants report should accompany the CC to indicate compliance with AS1428.1:2009.

### Notes

The application should be referred to the following departments of Council for comment in relation to other aspects of the development:

- Water and wastewater – Section 68 LGA approvals for sewer and water connections, backflow requirements
- Engineering – stormwater disposal and vehicular access
- Environment – trade waste approvals, shop fit out requirements (food shop, hair salon, etc.)

It is noted that the application has been referred to the following government departments for comment:

- Mine Subsidence Board
- Water NSW – stormwater disposal/retention/treatment, erosion and sedimentation controls

### Recommendation

Should approval be recommend, no objection is given to the proposal subject to imposing the below conditions on the Development Consent.

### DA228/18 - DOCUMENTATION RELIED UPON

DRAWING NO	REVISION	DRAWING TITLE
<b>Architectural Plans</b>		
DA0100	C	Site Analysis
DA0101	C	Site/Roof Plan
DA1100	C	Lower Ground Floor
DA1102	C	Ground Floor
DA1103	C	Second Floor
DA2000	C	Elevation 1
DA2001	C	Elevation 2
DA2002	C	External Character
DA3000	C	Sections
DA9001	C	Staging
DA9002	C	Perspectives 1
DA9003	C	Perspectives 2
DA9600	C	Finishes Schedule and Signage
<b>Landscaping Plans</b>		
LA01	-	Landscape Masterplan
LA02	A	Tree Retention and Removal Plan
LA03	A	Planting Plan
LA04	A	Details
<b>Civil Plans</b>		
001-DA	01	Concept Stormwater Drainage

002-DA	01	Erosion and Sedimentation Control Plan
003-DA	01	Details
<b>Other Supporting Documentation</b>		
BCA Assessment Report	Rev. 1 - 150420	Blackett, Maguire & Goldsmith – Nov. 2015
SOEE & WMP	D	iPlan Projects – 30 November 2015

## **PROPOSED CONDITIONS**

### **General Requirements**

1. 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**

2. 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:
  - 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

### **Requirements Prior to Commencement of Work**

3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. 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 Building Code of Australia 2015. In particular, contingencies are to be prepared in the event that:
  - a) Required exits/paths of travel to exists are obstructed; and
  - b) Isolation of active fire safety measures is required.
5. 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.

6. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
8. 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**

9. All demolition work must be carried out strictly in accordance with AS2601:2001.
10. 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.
11. 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.
12. 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.
13. That any asbestos or other dangerous/hazardous material be disposed of to Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility.

#### **Requirements upon Completion of Demolition Works**

14. 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.

#### **Requirements During Construction**

15. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
16. 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
17. 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:
  - 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).
18. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

#### **Requirements Prior to Occupation**

19. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority. In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
20. 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:

  - (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
  - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

#### ***Advisory Notes:***

- AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- d) Slab base if no piers required and prior to placement of the membrane.
- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to the Principal Certifying Authority prior to inspections.**

AN2. To ensure compliance with Australian Standard 3500 – National Plumbing and Drainage and Council (being the Water and Sewer Authority), compliance certificates are to be issued by Council for the following:

- a) Internal drainage carried out by licensed plumber prior to covering.
- b) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- c) Hot and cold water plumbing installation

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

AN3. Accessibility to and within all parts of the building required to be accessible must comply with Part E of the Building Code of Australia and AS1428.1:2009. An 'Access Consultants Report' should accompany a Construction Certificate application submitted to the Principal Certifying Authority.

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

1. Applicant to obtain S68 Approval for water and sewer connections to Councils water and sewer reticulation system, supply hydraulic drawings for each stage of construction.
2. The developer/owner 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 by Council staff at owners/ developers costs.
3. Water meter to be purchased through Councils Application for Work at Owners Cost Payment Authority and Water Service Connection Application for property service upgrade.
4. Provide water pressure and flow tests for potable water design purposes and make allowances for existing and future fire services.
5. 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.



6. Install Reduced Pressure Zone Valve for backflow prevention for containment at the property boundary on the potable water supply.
7. Applicant 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.
8. Remove existing water meter that has been allocated for the old Tandara site from Councils water main including connection for 65mm sprinkler service. Both services are connected to the high pressure line that enters from Short Street. Cap off and alter water supply to re connect to new internal water supply. Council to cap off service and work to be at owners costs.
9. Fire hydrants of an approved type are to be installed along the water main at such convenient distances, and at such places, as may be necessary for the ready supply of water to extinguish fires accordance with AS/NZS 2419.
10. 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.
11. 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.
12. A Work as Executed plan (WAE) **MUST** be submitted to council prior to the release of the final occupancy certificate for each stage, outlining the following:
  - Service meter location and internal shut off valves to each building
  - Serial number of water meter
  - Sewer alterations and connections to Council sewer main
  - Hydraulic plans

### **COUNCIL'S ENGINEERS**

I refer to the abovementioned Development Application dated 8 December 2015 and provide the following comments regarding the following matter of interest:

- Proposed access
- Stormwater Drainage

The following conditions should be placed on any consent:

- 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.
- 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.
- 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.

- A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
- 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.
- All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
- Construction noise shall be in accordance with the 'Noise Control Guidelines for Construction Noise Standards'. Hours of operation shall be permitted between 7am and 6pm Monday to Friday and 8am and 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.

## **ENVIRONMENTAL OFFICER**

### **Legislation**

- ☐ Local Government Act 1993,
- ☐ The Food Act 2003 and Food Regulation 2010
- ☐ The Food Standards Code - Standard 3.2.3 - Food Premises and Equipment
- ☐ Australian Standard AS 4674-2004 Construction and Fit out of Food Premises,
- ☐ Building Code of Australia & Australian Standard 1668 Part 1 & 2,
- ☐ Health Act 2010,
- ☐ Public Health Regulation 2010,

## **PROPOSED CONDITIONS**

### ***Demolition***

1. That appropriate dust mitigation measures be implemented during demolition and construction to Council's satisfaction.
2. Approval must be obtained from Council's Environment Department prior to the disposal of any waste (including VENM) at any Council owned facility,
3. All concrete and bricks not reused or recycled must be pulverised to a minimum 80 mm prior to disposal.
4. All Asbestos must be handled in accordance with SafeWork NSW requirements.

### ***Food Premises Requirements***

#### ***Walls***

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

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

### ***Floors***

7. 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.
8. 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.
9. The floor of the (food preparation areas) is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.

### ***Ceiling***

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

### ***Washing Facilities***

11. 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).
12. 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.
13. 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.
14. 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.

15. The wash up sink shall be supplied with hot and cold water

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

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

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

18. 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.
19. 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.
20. 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***

21. The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
22. 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.
23. 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***

24. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
25. 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***

26. 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***

- 27. 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.
- 28. 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***

- 29. 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.
- 30. 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***

- 31. 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***

- 32. 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.
- 33. Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).
- 34. 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.
- 35. 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.

36. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.
37. The preparation of food (including processing, cooking and packaging of food) for sale is not permitted unless with the prior approval of Council.
38. 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***

39. 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***

40. Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges
41. No floor waste is to be located the hair cutting area.
42. All sinks used for washing hair or rinsing hair cutting utensils must be fitted with sink screens.
43. Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
44. 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.
45. 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.
46. 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.
47. 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.

#### **Recommendation**

Provide a Waste Management Plan detailing how the demolition waste will be reused and recycled where possible before disposal to landfill.



### 5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

## **6. DISCUSSION AND CONCLUSIONS**

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

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA228/15 is approved subject to conditions set out in Schedule A.

Report prepared by: Jessica Heath

Checked by Supervisor: Paul Cashel

Dated: 4 April 2016

Dated: 4 April 2016

### **REASONS FOR CONDITIONS**

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

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **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. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. That due to a building being constructed over a number of allotments, Lot 1 DP 311786, Lot 2 DP 319366, Lot 3 DP 319366 and Lot 1 DP77541 are to be amalgamated into one Torres title and the registered surveyor's plans submitted for approval and release prior to any Occupation Certificate.

### **MINE SUBSIDENCE BOARD REQUIREMENTS**

3. The final design shall;
  - a) Be developed from the concept design accompanying the Building Application.
  - b) Include, unless otherwise agreed;
    - Full height articulation to reduce the effective building lengths to less than 30m;
    - The basement retaining wall is designed for a 2mm/m horizontal ground strain due to mine subsidence and include adequate drainage and tanking.
  - c) Include sufficient drawing plans, long-sections, elevations and details, to describe the work.
  - d) Ensure there is suitable flexibility and articulation jointing in building elements, in accordance with relevant codes and standards.
4. Submit final design drawings for acceptance by the Mine Subsidence Board prior to commencement of construction.
5. On completion, the projects engineer shall provide certification to the Mine Subsidence Board, that all improvements have been constructed in compliance with plan approved by the Mine Subsidence Board under this development application with supporting documentation.
6. That condition 3 to 5 form the "conditional approval" which remains current for 2 years from 25 February 2016. Please note you will need to respond adequately to these conditions before the Mine Subsidence Board will consider its final approval of the development.

### **ENGINEERING REQUIREMENTS**

7. 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.
8. 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.
9. 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.

10. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
11. 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.
12. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

## **BUILDING REQUIREMENTS**

13. 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***

14. 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:
  - 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

### ***Requirements Prior to Commencement of Work***

15. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
16. 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 Building Code of Australia 2015. In particular, contingencies are to be prepared in the event that:
  - a) Required exits/paths of travel to exists are obstructed; and
  - b) Isolation of active fire safety measures is required.
17. 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.

18. 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.
19. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
20. 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***

21. All demolition work must be carried out strictly in accordance with AS2601:2001.
22. 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.
23. 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.
24. 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.
25. That any asbestos or other dangerous/hazardous material be disposed of to the Lithgow Solid Waste Disposal Facility or other licensed waste disposal facility.
26. All Asbestos must be handled in accordance with SafeWork NSW requirements.
27. All concrete and bricks not reused or recycled must be pulverised to a minimum 80 mm prior to disposal.
28. Approval must be obtained from Council's Environment Department prior to the disposal of any waste (including VENM) at any Council owned facility.

29. That appropriate dust mitigation measures be implemented during demolition and construction to Council's satisfaction.

***Requirements upon Completion of Demolition Works***

30. 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.

***Requirements During Construction***

31. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
32. 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          |
33. 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:
- 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).
34. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

***Requirements Prior to Occupation***

35. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority. In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
36. 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:

- (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
- (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.

## **WATER & WASTEWATER REQUIREMENTS**

37. 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.
38. 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.
39. 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.
40. The applicant is to provide water pressure and flow tests for potable water design purposes and make allowances for existing and future fire services.
41. 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.
42. The developer is to install a Reduced Pressure Zone Valve for backflow prevention for containment at the property boundary on the potable water supply.
43. 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.
44. 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-connect to the new internal water supply. Council to cap off services and work will be at owners costs.
45. 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.
46. 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.
47. 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.
48. A Work as Executed plan (WAE) **MUST** be submitted to council prior to the release of the final Occupancation Certificate for each stage, outlining the following:
  - Service meter location and internal shut off valves to each building
  - Serial number of water meter
  - Sewer alterations and connections to Council sewer main
  - Hydraulic plans

## **FOOD PREMISES REQUIREMENTS**

### ***Walls***

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

### ***Floors***

51. 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.
52. 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.
53. The floor of the (food preparation areas) is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.

### ***Ceiling***

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

### ***Washing Facilities***

55. 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).
56. 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.
57. 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.

58. 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.
59. The wash up sink shall be supplied with hot and cold water.

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

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

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

62. 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.
63. 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.
64. 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***

65. The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
66. 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.
67. 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***

68. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
69. 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***

70. 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***

71. 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.
72. 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***

73. 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.
74. 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***

75. 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***

76. 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.
77. Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).
78. 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.
79. 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.
80. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.
  81. The preparation of food (including processing, cooking and packaging of food) for sale is not permitted unless with the prior approval of Council.
  82. 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***

83. 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**

84. Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges
85. No floor waste is to be located the hair cutting area.
86. All sinks used for washing hair or rinsing hair cutting utensils must be fitted with sink screens.
87. Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
88. 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.
89. 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.
90. 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.
91. 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***

92. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by iPlan Projects (dated 30 November 2015); and shown on the Site/Roof Plan prepared by Integrated Design Group Pty Ltd (Dwg. No. da 0101; Project Ref LAC14073; Iss. C; dated 18 November 2015). No revised site layout or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.

### ***Stormwater Management***

93. All stormwater management measures as specified in the Water Management Report (dated 11 November 2015) and Concept Stormwater Drainage Plan (Job No. 20737-001; Dwg. No. 001; Iss 01; dated 15 November 2015) both prepared by EFWF Pty Ltd, shall be incorporated in the final stormwater drainage plan to be approved by Council, in particular as elaborated or varied in the following conditions.
94. The main driveways and carpark hard stand areas shall be sealed and drain to stormwater pits fitted with inlet filters (Enviropod 200 or Water NSW endorsed equivalent) and directed to the bioretention basin on the site.
95. A raingarden shall be located and constructed as specified in the Water Management Report (dated 11 November 2015) and shown on the Concept Stormwater Drainage Plan – Details (Job No. 20737-001; Dwg. Nos. 001 & 003; Iss 01; dated 15 November 2015) each prepared by EFWF Pty Ltd, and shall incorporate the following specifications and requirements:
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - have a minimum surface area and a minimum filter area of 150 square metres
  - have a gross pollutant trap (Enviropod 200 or Water NSW endorsed equivalent) installed at the main inlet point
  - be fitted with mesh litter filters at secondary inlet points
  - have an extended detention depth of 200 mm
  - have a filter depth (excluding transition layers) of 400 mm above the underdrains
  - have a 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
  - 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 permanently protected from vehicular damage by bollards, fences, castellated kerbs 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 revegetated or stabilised.
96. The raingarden shall be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.

97. A rainwater collection and reuse system for the building roof shall be installed that incorporates the following specifications and requirements:
- rainwater tanks with a minimum total capacity of 50,000 litres above any volume required for mains top-up
  - roofs and gutters designed so as to maximise the capture of rainwater in the tanks
  - the tanks plumbed to toilets, laundry, and other areas for non-potable use including landscape watering, and
  - all rainwater tank overflow shall be directed to the raingarden on the site.
98. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.
99. 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.

#### ***Operational Environmental Management Plan***

100. 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 OEMP shall include but not be limited to:
- details on the location and nature of stormwater management structures such as pits, pipes, inlet filters, gross pollutant trap, raingarden and rainwater collection system
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - checklists for recording inspections and maintenance activities.

#### ***Construction Activities***

101. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the development. The Plan shall incorporate the controls outlined in the Concept Stormwater Drainage – Erosion Sediment Control Plan (Job No. 20737-001; Dwg. No. 002; Iss 01; dated 15 November 2015) prepared by EWWF Pty Ltd, shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" and shall be to the satisfaction of Council **prior** to the commencement of construction.
102. Effective erosion and sediment controls shall be installed prior to any construction activity including site access, and shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

#### **TELSTRA GENERAL REQUIREMENTS**

103. 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 the issue of a Construction Certificate or any works commencing, whichever occurs first.

104. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

#### **ENDEAVOUR ENERGY REQUIREMENTS**

105. 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.  
The following is the main terms of Endeavour Energy's electrical easements requiring that the land owner:

- 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.

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](mailto:Jeffrey.Smith@endeavourenergy.com.au)

106. 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.

## ADVISORY NOTES

### ***Building Requirements***

AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- d) Slab base if no piers required and prior to placement of the membrane.
- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to the Principal Certifying Authority prior to inspections.**

AN2. To ensure compliance with Australian Standard 3500 – National Plumbing and Drainage and Council (being the Water and Sewer Authority), compliance certificates are to be issued by Council for the following:

- a) Internal drainage carried out by licensed plumber prior to covering.
- b) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- c) Hot and cold water plumbing installation

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

AN3. Accessibility to and within all parts of the building required to be accessible must comply with Part E of the Building Code of Australia and AS1428.1:2009. An 'Access Consultants Report' should accompany a Construction Certificate application submitted to the Principal Certifying Authority.

### ***Endeavour Energy- Network Capacity/Connection***

AN4. 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.

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.

***Endeavour Energy- Safety***

- AN5. 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>