

DEVELOPMENT ASSESSMENT REPORT – DA244/15 - PROPOSED LONG DAY CHILD CARE CENTRE, LOT 1 DP 786694, 22 LITHGOW STREET LITHGOW NSW 2790

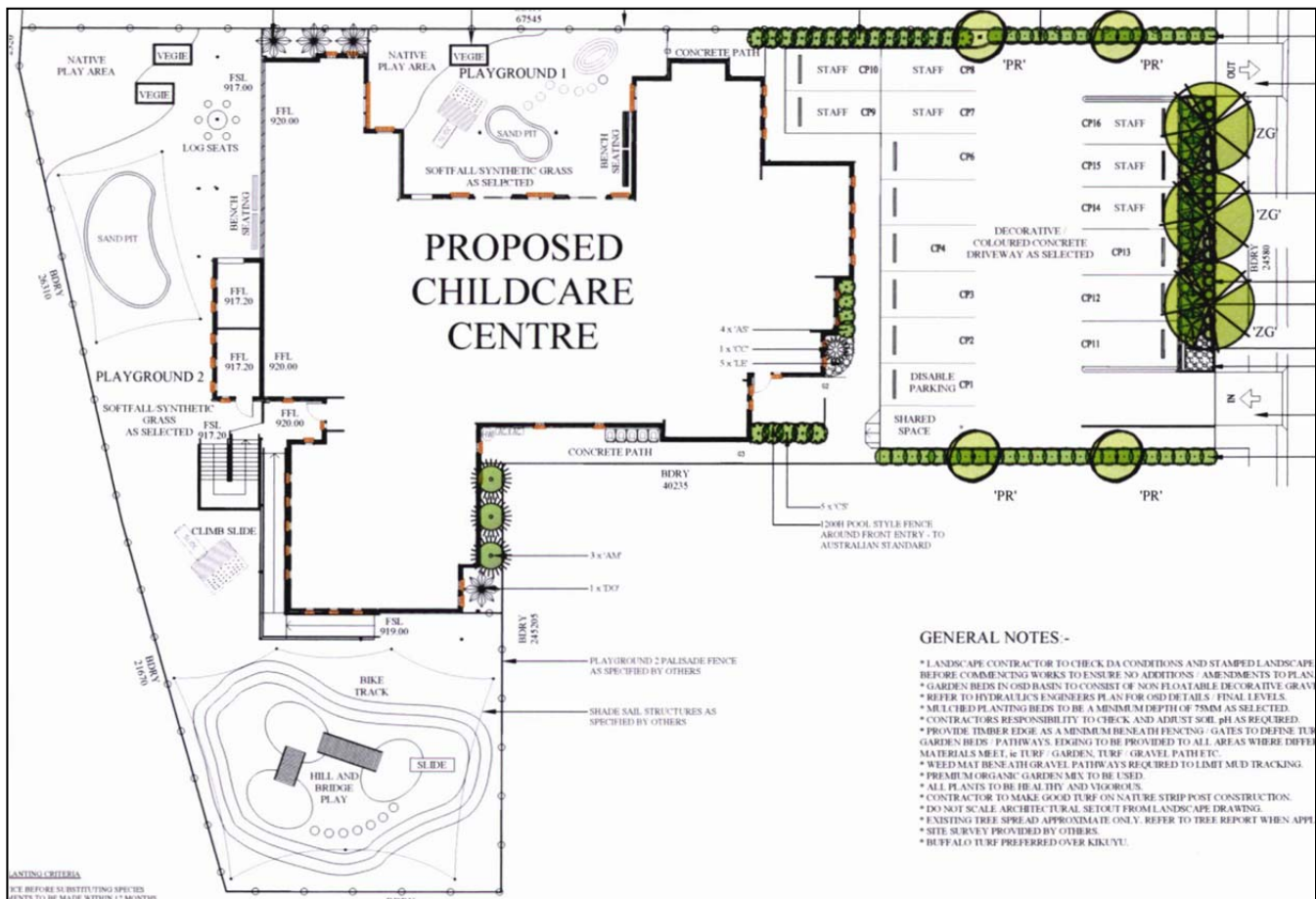
1. PROPOSAL

Council is in receipt of a Development Application DA244/15 from Childcare Specialists Australia Pty Ltd for a long day child care centre on land known as Lot 1 DP 786694, 22 Lithgow Street Lithgow.

The land is mostly flat from Lithgow Street and slopes towards Queen Elizabeth Park at the rear of the property. There is some scattered vegetation onsite that is required to be removed as a result of the proposed building play areas and carpark. The development is to be located on the subdivided allotment from Lot 1 DP786694 being 2068m², which is vacant land and adjoins the St Helens building now located on a separate allotment.

The child care centre is proposed to include 16 car spaces, landscaping, 2 playgrounds, 5 child care rooms, storage areas, 5 separate bathrooms, laundry, training room, nappy changing rooms, kitchen, staff room, reception, office and 3 cot rooms. Additionally a split level at the rear will contain a store room and toilets. The total ground floor area is 817m², with vehicle access from Lithgow Street. The proposed hours of operation are from 7am to 6pm Monday to Friday only with 14 full/part time staff to cater for a maximum of 84 children (0 to 5yrs).

Site Plan:



Elevations:



2. SUMMARY

To assess and recommend determination of DA244/15 with the recommendation being for a deferred commencement consent.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 786694
Property Address : 22 Lithgow Street Lithgow NSW 2790

Note: As mentioned, the site is in the final stages of being subdivided into 2 lots

4. ZONING: The land is zoned B4 Mixed Used in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY: The development being a child care centre, as defined below is permissible under zone B4 Mixed Use of the Lithgow Local Environmental Plan 2014.

child care centre means a building or place used for the supervision and care of children that:

(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and

- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
but does not include:
- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
- (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
- (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

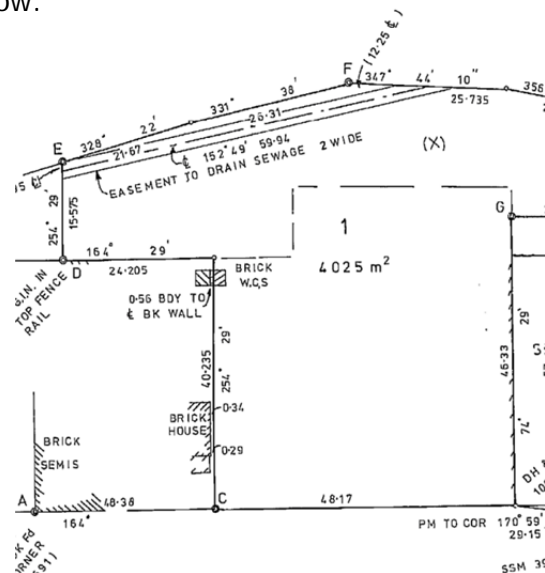
5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 5.1 Building Over Easements

The policy states:

1. That no building or structure of any type be permitted to be constructed over water, sewer or drainage easements without the express written consent of the Council.
3. That the General Manager is delegated authority to adjudicate any exception to this policy in extreme or unusual circumstances. Extreme or unusual circumstances include:
 - No other reasonable alternative to relocate the structure away from the easement
 - Unreasonable cost to the applicant to relocate the infrastructure and the easement
4. Council staff will review the alignment of infrastructure compared to the documented location of easements whenever reviewing a particular easement and undertake the appropriate actions to correct easement notation if required.
5. Wherever possible new easements for Council infrastructure are to be located in land owned or controlled by the Council.

The development is within proximity of a Council easement at the rear of the property as below:



The development has been assessed by Council's Water & Wastewater Officer in relation to zone of influence and impact to existing infrastructure. It has been found that the proposed design and location will be adequate with minimal impact on the infrastructure subject to conditions of consent if approved.

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 the Lithgow City Council Policy 7.5 – Notification of Development Applications 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 in accordance with 6.3 of the Policy and therefore complies with requirements of this 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 for the child care centre. This financial implication applies to the development given the increased load on Council's water and sewer systems. The *Section 64 Determinations Equivalent Tenements Guidelines May 2009* by The Water Directorate provides the following calculation to be applied:

Clause 8- Standard ET Figures – commercial user categories

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Community Facilities: Child Care Centre	Person	0.06	0.10

Therefore the following calculations will be applied to the development:

$$\begin{aligned} \text{Water} &= 0.06 \times 84 = 5.04 \text{ E.T} \\ \text{Sewer} &= 0.10 \times 84 = 8.4 \text{ E.T} \end{aligned}$$

Currently, under Lithgow Council's Fees & Chargers 2016/2017 the contributions for water are \$3,000 per E.T and for sewer, \$2500 per E.T. Therefore the Section 64 Contributions will be a total of \$36,120.00 (\$15,120 for water and \$21,000 for sewer). These fees would be imposed under the development consent, if approved.

Section 94A Development Contributions Plan 2015

The Section 94A plan applies to this development given it is for a child care centre, 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%

Therefore, a condition of consent would be applied to the development, if approved.

5.3 LEGAL IMPLICATIONS

Local Government Act 1993

If this application is approved, the applicant must obtain a written 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 the Occupation Certificate.

Mine Subsidence Compensation Act 1961

The development is 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		Compliance
Clause		
Land Use table	B4 Mixed Use	Yes
5.10	Heritage conservation	Yes
7.1	Earthworks	Yes

Comment: The development will integrate a suitable business with other developments within the main town centre. The proposal also attempts to maximise and encourage walking by being within proximity to the town centre and other similar developments. The proposal will be undertaking earthworks on the site to provide for the building, play areas and carparking. The potential impacts from the earthworks will be minimised by sedimentation and erosion controls onsite at all times.

The proposal would have a condition imposed regarding relics, if approved, due to the proximity to the adjoining heritage listed building of St Helens. This will reduce any potential impacts on relics and maximise records of any findings during the development process. The development has been designed in a way that will have a neutral or beneficial impact on water quality subject to conditions that would be imposed by Water NSW. The proposal will meet the requirements for earthworks set by LEP2014.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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

Comment: The application is required to be assessed by Water NSW as per the requirements of the SEPP. The recommendations in relation to assessment under the SEPP have not been received from Water NSW for this application at this stage. However, a condition of consent will be imposed to ensure that all requirements set by Water NSW will be met.

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
Part 1	Objectives	Yes
Part 3	Procedures	Yes
Part 4	Design Controls- General	Yes
	Design Controls- Commercial	Yes

Comment: The proposed signage is 1.5m by 1m in size and will display the business name, and contact details only. The sign is on a pole with a maximum height of 2.3m which is free standing. The signage will be on the northern side of the entrance access to the property. The signage will comply with the requirements of the DCP.

Off Street Carparking Development Control Plan

Off Street Carparking – Compliance Check		
	Clause	Compliance
Part 1	Objectives	No
Part 6	Car Parking Standards	No
Part 7	Construction Standards	Yes
Part 8	Landscaping	Yes
Part 9	Design Guidelines	No

Comment: The applicant has advised that there is a shortfall of carparking for a the development under this DCP. The development proposal includes 16 carspaces with two being stacked car spaces for staff only. This does not comply with the calculations below for the development:

Land & Building Use	Rate of provision	Calculations	Shortfall
Child Care Centres	1 space per staff plus 1 space per 8 children	1 x 14 staff = 14 spaces 1 x 84/8 children = 10.5 spaces TOTAL = 25 spaces	9 spaces

After further discussions with the applicant and consultants onsite, it is suggested that the application could be approved with the following mitigation measures to address peak time on-street carparking issues:

- Impose time limited parking on Lithgow Street;
- Provide an onsite management plan to ensure that parents are aware of appropriate pick up/ drop off times;
- Implementation of median strip along Lithgow Street between traffic lanes to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

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 appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the Regulation subject to conditions of consent if approved.

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 used for commercial developments; a school and residential uses. The area is a mixture of land uses and is close to the town centre. During the assessment process there was a concern that the development would not be consistent with the surrounding land uses as it may be an overdevelopment of the site given the potential for carparking overflow. A concern was raised that the use of on street carparking may impose conflicts for the existing adjoining land uses such as the school. This would be especially evident in peak traffic times given the location near a busy intersection, "school buses", parents delivering primary school children; and other uses within the area.

However, it is recommended that conditions of consent be imposed to ensure that traffic impact is minimised through the following mechanisms:

- Impose time limited parking on Lithgow Street;
- Provide an onsite management plan to ensure that parents are aware of appropriate pick up/ drop off times;
- Implementation of a median strip along Lithgow Street between lanes to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

Services: The development will have connections to Council's reticulated water and reticulated sewer services. Additionally, there is access to electricity and telecommunication services nearby with the proposal to be adequately serviced if approved.

Context and Setting: The proposed development will be located within an established mixed use area and will be of a similar nature to the surrounding area. However, the required amount of carparking cannot be provided onsite for the number of children and staff proposed.

The setting of the development is an area of high traffic volumes and high demand for on street carparking during daylight hours. In order to address this, the applicant has to impose time limited parking on Lithgow Street. It is proposed to make this a deferred commencement matter along with the implementation of an onsite management plan to ensure that parents are aware of appropriate pick up and drop off times. The proposal also entails the implementation of a median strip along Lithgow Street between lanes to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

Access/ traffic: The proposal will gain access from Lithgow Street and has been assessed by Council's engineers who raised concerns to be addressed due to the proximity of the Lithgow/Mort Street traffic lights. Therefore, the applicant has proposed a median strip with fencing to eliminate the potential for turning in to or out of the development in a right direction. This is acceptable and the entry/exist is accepted by Council, subject to compliance with Council's requirements.

The development cannot meet the requirements for off street carparking for a development of this size. The following calculations are from the Off-Street Carparking Development Control Plan and Roads and Maritime Services (RMS) '*Guide to Traffic Generating Developments, Section 5- Parking Requirements for Specific Landuses*':

Lithgow City Council Off-Street Carparking DCP			
Land & Building Use	Rate of provision	Calculations	Shortfall
Child Care Centres	1 space per staff plus 1 space per 8 children	1 x 14 staff = 14 spaces 1 x 84/8 children = 10.5 spaces TOTAL = 25 spaces	9 spaces
RMS Guide to Traffic Generating Development			
Land & Building Use	Rate of Provision	Calculations	Shortfall
Child Care Centres	1 space for every 4 children	1 x 84 / 4 children = 21 spaces TOTAL = 21 spaces	5 spaces

The proposed carparking includes 11 "pick up-drop off" spaces and 5 staff car spaces including stacked car parking onsite and does not meet the requirements of Council's or the RMS guidelines.

Council requested advice from the RMS on this matter with the following comment provided:

"Lithgow Street adjoining the subject land is a local collector road that intersects with Mort Street at a signalised intersection. Lithgow Street carries a high volume of traffic (590 vehicles during morning peak hour and 670 during evening peak hour) and has high pedestrian movements as well as drop off/pick up movements generated by the nearby primary school. Given the proposed development will involve the dropping off and picking up of young children, Roads and Maritime recommends that this activity not occur within the road reserve and instead, the applicant provide the required number of car spaces on-site."

Council then referred the application to the Traffic Advisory Local Committee for final consideration. However, the Committee did not provide a recommendation and referred the proposal back to development staff for determination.

After further discussions with Councillors, the applicant and consultants on site, it is suggested that the application could be approved with the following mitigation measures to address the morning peak time on street carparking issues:

- Impose time limited parking on Lithgow Street;
- Provide an onsite management plan to ensure that parents are aware of appropriate pick up/ drop off times;
- Implementation of median strip along Lithgow Street between lanes to ensure pedestrians and cars do not unsafely cross the road to enter the Child Care Centre.

Heritage: The development has been designed to allow a reasonably sympathetic design on the adjoining St Helens building that is locally heritage listed. The development, subject to conditions of consent if approved, will minimise impact on the adjoining buildings through design, landscaping and screening of the proposal. Additional conditions of consent would be imposed if the determination was for approval to further minimise impacts to the adjoining heritage building. The area is currently in a built up area with a variety of surrounding land uses and the proposed building would be consistent with the current character of the area.

Flora and Fauna: The development proposes some clearing of existing scattered vegetation. This removal of vegetation will not have a major impact on the flora and fauna of the area and or the development adjoining Queen Elizabeth Park. The proposal includes landscaping that would be acceptable for the area.

Social and Economic Impact: The application has the potential to have both positive and negative social impacts. This is due to the proposal providing a sought after service to the community in the way of child care places. The impacts relate to concern that a shortage of off street car parking will force reliance on on-street parking and potentially create unsatisfactory traffic safety issues. However, this is proposed to be mitigated through traffic design and management onsite. The development may have a positive economic impact by way of the creation of employment during construction and ongoing operation and increased facilities within the town.

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, if approved, 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 was to be assessed by Water NSW as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011*, the final assessment has not yet been received. However, implementation of a condition of consent will ensure that any recommendations from Water NSW will be imposed on the development to ensure minimal impact to receiving waters.

Air and Microclimate: There will be no significant impact on air or microclimate. However, conditions of consent will be imposed, if approved, requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

Waste: Waste during construction will be to a licenced facility as per conditions of consent, if approved. Given the development is for commercial use, once an Occupation Certificate has been provided a garbage service be required for the commercial development.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally upon the proposal. The proposal is not expected to cause any noise issues in the surrounding area, other than children in the playground. However, the child care centre is limited to 7am to 6pm Monday to Fridays.

5.3.7 The Suitability of the site for the development

The proposal is considered to be a suitable development of the site and would be compatible with the surrounding area if all proposed deferred commencement and operational consent conditions are satisfied.

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

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

WATER NSW

No final comments have been received on the proposal, however the following condition of consent should be imposed to ensure compliance with any recommendations received:

- That all recommended conditions of consent by Water NSW in their final assessment for this application under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* are to be imposed and met accordingly.

ROADS AND MARITIME SERVICES

The proposal is for a child care centre on land fronting Lithgow Street, 50 metres south of the signalised intersection of Mort Street and Lithgow Streets (MR516). The proposed centre would provide long day care for up to 84 children. 16 off-street care spaces are proposed, representing a shortfall of 9 required by Council's Development Control Plan. Opposite the subject land is a primary school and to the south, is a large retail complex.

The submitted documentation has been reviewed. Under the *Environmental Planning and Assessment Act 1979* and *Roads Act 1993*, DA244/15 does not require referral to Roads and Maritime for concurrence or comment. However, Council is seeking advice from Roads and Maritime in relation to the proposed development, and in this regard, the following comments are provided for your consideration:

- Lithgow Street adjoining the subject land is a local collector road that intersects with Mort Street at a signalised intersection. Lithgow Street carries a high volume of traffic (590 vehicles during morning peak hour and 670 during evening peak hour) and had high pedestrian movements as well as drop off/pick up movements generated by the nearby primary school. Given the proposed development will involve the dropping off and picking up of young children, Roads and Maritime recommends that this activity not occur within the road reserve and instead, the applicant provide the required number of car spaces.
- Based on the turning and through traffic volumes provided by the applicant, under Part 4A of the *Austrroads Guide to Road Design*, the intersection treatment on Lithgow Street servicing the vehicular access should include a channelized right turn treatment short (CHR(s)). A plan of a CHR(s) treatment is enclosed.

TRAFFIC ADVISORY LOCAL COMMITTEE

No recommendations are made on the proposed development and the matter is referred back to Environment & Development for determination.

MINE SUBSIDENCE BOARD

No objections raised or specific recommendations.

COUNCIL'S HERITAGE ADVISOR

Background

St Helens is one of the most significant residences in the heart of Lithgow with important associations with early development of one of Lithgow's major historic industries. The property has State level significance with important historic, historic associational, aesthetic, social and rarity values. The property is included on the *LCC LEP 2014 Schedule 5* as a local item at this stage. The Lithgow Heritage Study inventory sheet (ref SHI 1960327) has some of the available history of the property and buildings and has an outline statement of significance which notes that it was "*the house for a manager of a major Lithgow industry, well-known Bathurst architect, Edward Gell, (who) designed his own home. In its use of Lithgow pottery features, the house reflects the significance of Lithgow Pottery. In its public flamboyance, it is a contrast to the muted Director's house for the same Lithgow Valley Colliery Co., in Coalbrook Street.*"

It has significance for the state because of the message that it conveys about colliery / pottery company and manager / architect. In the Lithgow context today it is the only Gothic / Tudor house of its period and aesthetically it has state significance as a rare example."

The property is highly visible on the busy junction of Lithgow Street and Mort Street adjacent to the St Patrick's Primary School. It is also part of a historic group of late 19th and early 20th century houses on the northern side of Lithgow Street between the junction with Main Street and the junction with Bent Street many of which are already listed in the current LEP (ref 8-14 Lithgow Street, 16-18 Lithgow Street, and 20 Lithgow Street). These houses are likely to have been workers cottages for the Pottery or Lithgow Valley Colliery and therefore there is an important relationship between Gell's house and the others in this streetscape. The existing landscaped character in this section of Lithgow Street results from the setback of St Helens and the dense tree planting along the southern edge of the property. These are important streetscape aspects and make a major contribution to the positive character of this street.

The property was used as a residence and restaurant in recent years but currently is only providing bed & breakfast accommodation. The current owners are in the process of sale to a developer, subdividing the property and redeveloping the eastern half of the property as a Long Day Child Care Centre.

Current Proposals

In summary, the current proposals include:

- Subdivide the landholding to form 2 lots (complete).
- Removal all trees from the eastern half of the new lot.
- Demolition of a small toilet block on the eastern boundary.
- Alter the existing street access from Lithgow Street to create two new access points for St Helens and the proposed Long Day Care Centre.
- Alter the existing street fencing along the length of the property.
- Construct the Long Day Child Care Centre and carpark on Lithgow Street.

There do not appear to be any alterations proposed to the house at this stage. It is assumed that the restaurant will not be re-established or continue business.

ISSUES

I have the following heritage / urban design comments and recommendations regarding the proposals:

Documentation

- The design drawings adequately illustrate the proposed development and no further information is required to complete this report. The Statement of Heritage Impact (SOHI) follows the format and methodology recommended by OEH and includes a brief history, policies and recommendations. I concur with most of the assessment and recommendations apart from as noted below.

Regarding the Proposed Demolition

- A small outbuilding is located on the southern boundary of the new lot. It is referred to in the SOHI as 'toilet of former cottage' and sits back-to-back with the adjoining property's toilet. It is unclear as to whether this will be retained or demolished. If it is to be demolished it should be photographed and recorded.

Regarding the Proposed Development

- The proposed setback from Lithgow Street for the proposed development is a positive aspect of the development. While it would have been preferable for it to have been setback to the alignment of St Helens at least the proposed alignment sets the bulkier elements of the proposed building behind St Helens and only a discrete hipped roof section slightly in front of the St Helens alignment. The
- SOHI refers to efforts made in the design phase to consider massing of roofs to assist in reducing the scale and bulk of the new development when viewed from Lithgow Street. However, in my opinion, the roof plan is still overly complicated and could have been simplified to create a more defined group of separate roofs around a central area.
- The setback from Queen Elizabeth Park at the rear is also positive as there will be a need for landscaping at the rear to retain the woodland for the setting of St Helens when viewed from the Park as recommended in the SOHI.
- The choice of colours and selection of brickwork will be important considerations. It is preferable for a local brick colour to be used in preference to red, orange or blond bricks. The recent school additions in Hassan Street and other residential development in the Pottery Estate have been successful in sourcing locally appropriate bricks. I would suggest that the manufacturer and selection be clarified as early as possible.

Landscape Issues

- One of the major concerns with any proposed redevelopment will be dependent on the degree of impact on the curtilage and setting of St Helens. While it would be preferable to retain a substantial garden setting for the house it is recognized that its location in the centre of Lithgow will pressure development in some way, however there are likely to be a number of options for future use of the site and the currently proposed usage is only one such option.
- The new subdivision lot boundary is positioned relatively close to the eastern edge of St Helens. The lot boundary and current proposals have been developed by the same Applicant. The alignment of the southern boundary poses two issues (i) loss of woodland setting and (ii) character of dividing fence.
- Regarding the issue of woodland setting. The SOHI prepared by the Applicant recognizes the importance of the landscaped setting for St Helens as indicated by the following numerous statements and recommendations for the setting:
 - Ref p4 para 4 *"St Helens cottage was designed to sit in the landscape, viewed among woodland trees from the east and west.*
 - Ref p4 para 6 *"future development ...needs to enable St Helens to remain in the setting of the existing trees.*
 - Ref p4 para 9 *"It was considered important to enable the form of St Helens to remain unique within the landscape".*
 - Ref p4 para 11 *"Additional information is required in regard to the landscaping and fencing in order to retain the woodland setting of the cottage"*
 - Ref p13 para 5 *"the frontage garden...is a remnant woodland garden with more formed cottage gardens in the rear courtyard..."*
 - Ref p20 para Criterion (c) *"...the house has additional (state) significance as a cottage designed to appear as a folly in woodland as a display of the design aesthetic of the Pottery".*

- Ref p21 para 6.0 Conservation Policy *"...future development...needs to enable St Helens to remain in the setting of the existing woodland trees"*.
- Ref p21 para 6.0 *"...enable the woodland views to St Helens to be retained from Lithgow Street"*.
- Ref p22 para 7.2 Potential Impacts *"...The subdivision of the land may impact on the woodland setting of the cottage..."*
- Ref p22 para 7.2 *"...to provide for retention of all significant trees and spaces around the house..."*.
- Ref p22 para 7.2 *"...the potential impact needs to be further mitigated by careful landscaping to preserve existing views and the Woodland setting..."*.
- Ref p22 para 7.2 *"...the frontage should be retained as a woodland setting..."*.
- Ref p24 para 7.4 Impact Assessment in relation to OEH guidelines regarding curtilage contributing to its heritage significance the SOHI states *"The garden setting and view to and from the heritage item are significant including the woodland setting to the frontage and rear terraces, and views to and from Lithgow Street and views to and from Queen Elizabeth Park. The character of the cottage as a folly within a woodland setting is part of the Victorian Gothic design intent of the original architect"*.
- The issue of 'woodland setting' is further reinforced by two further important policy statements in the SOHI relating to the new shared southern boundary. The SOHI notes on p23 in section 7.3 (c) regarding impact *"The landscaping along the southern shared boundary requires further resolution to ensure that the boundary planting enables views through trees and planting to St Helens from the child Care Centre and the south"*. Also, p22 para 7.1 of the SOHI suggests *"an additional landscaped screen placed along the southern boundary to screen"* the new development. However, the SOHI unfairly suggests that this be placed within the St Helens site. It is more appropriate that this additional landscaped screening be placed within the new development site.
- The importance of the landscaping in the success of any future development cannot be understated. It must be considered at the outset and new development planning work within its framework and constraints. It cannot be an afterthought and simply added after a building layout or design has been substantially completed without leading to abortive work on the part of the designer because inadequate allowance will be made for landscaped buffers and the building layout will expand to fill the apparent available space. This appears to be the problem with the current proposals.
- With the importance of the above statements on landscaping in mind the SOHI notes on p22 para 7.2 *"Landscaping plans have not been provided for review"*.

RECOMMENDATIONS:

It is recommended that the following occur regarding the landscaping:

- A landscaped buffer is required along the northern boundary of the new lot (ie the southern shared boundary relative to St Helens). The buffer needs to be landscaped with large trees that will provide the required woodland screening and setting for St Helens. The proposed landscaped margin of 785mm to 1085mm is insufficient to achieve the desired intent of retaining a woodland setting. A 5+ m buffer is recommended as a minimum. The shared boundary should be cleverly designed into the layout in a more effective way perhaps using the 2 large play areas and integrating them into that treed space.

To locate a large play area in the southern corner of the site is a wasted opportunity. This landscaped buffer will adjust the siting of the proposed building southwards and reconsidering the two play areas. It may also require reconsidering the scale of the proposed development and scaling down its footprint to allow adequate landscaping to retain the setting.

- An appropriate landscaped buffer is required along the eastern boundary of the new lot on Lithgow Street. The drawing suggests only 1.8m wide landscaping. A 5+ m buffer is recommended as a minimum. The selection of appropriate large trees will also be an important consideration that must contribute to the woodland landscaped setting, as recommended in the SOHI.
- The proposed carparking on Lithgow Street will diminish the woodland setting and create an open hard space. It is recommended that additional landscaping is required and to extend or integrate trees through the carpark and provide a continuous woodland appearance from Lithgow Street. There may be a reduction in some parking to accommodate these trees. There may also options for the 'paved' finish in the carpark to reduce the potential visual impact of a black bitumen carpark, such as using precast pavers with grass infill. There are a number of trafficable products on the market that should be explored.
The green forecourt combined with the 5m buffer and isolated trees within the carpark as suggested will make a considerable difference in retaining the important woodland setting.
- The selection of trees needs to be clarified as noted in the SOHI. The type of trees needs to achieve the intent of the woodland setting as recommended in the SOHI.

Regarding the issue of dividing fence. There are a number of issues related to the proposed dividing fence along the shared southern boundary (i) the transparency of fence (ii) the height of fence and (iii) the materials for fence. The shared southern boundary fence could be dealt with in two sections – firstly, the section from the street to the face of St Helens and secondly, the section of fence behind the face of St Helens to the rear boundary.

- The proposed fence on the design drawings using a 1.8m high timber lapped and capped is acceptable for the rear section of fence behind the face of St Helens. This roughly coincides with the proposed gate shown on the design drawings within the Child Day Care Centre. It is recommended that the fence be a hardwood fence, as opposed to, say, treated pine, and allowed to weather to a natural silver-grey.
- The proposed fence between the street alignment and the front face of St Helens must be visually transparent to ensure that the continuity of the woodland setting for views from the south east on Lithgow Street. A 1.8m high solid fence would not be appropriate. It is recommended that the overall height of this section of fence be lowered to, say 1-1.2m and be less of a visual barrier. There are a number of options that could be considered which could include an open mesh type fence, a simple black palisade fence or a planted hedge or a combination.

Regarding the issue of street fence.

- The fence on the street alignment should be of a similar visual character as recommended for the shared southern boundary fence with St Helens. The important views from Lithgow Street to St Helens should not be blocked by built elements.

The design drawings refer to modern looking 0.9m high brick piers with timber slat infills which would not be appropriate. If a front fence is essential it is preferable that it be similarly transparent type of fence and avoid drawing attention to its presence. Darker colours for mesh or low palisade would also assist in reducing its visibility. A heritage-style modern Colorbond fence, similar to swimming pool fencing, would not be appropriate.

- The provision or design of any vehicle entry gates from Lithgow Street need to be clarified.

In summary, St Helens is a landmark building in Lithgow and its unique architecture and woodland setting important contributions to the historic character of the town. The building is also regarded as having state level cultural values which gives it special interest locally. It is recognised that some increase in development is achievable on this site but this should not be at the expense of the intrinsic values of this place. While a proposal for a single dwelling on this site might sit at the lower end of its development potential, the current proposals could be regarded as sitting at the upper end of any acceptable development and built footprint...when considered with the functional and practical issues of providing appropriate screening and setting for the place together with providing safe and convenient vehicle and pedestrian movements in an already busy and constrained precinct.

COUNCIL'S BUILDING OFFICER

Proposal

The proposal provides for:

- a) The demolition of an outhouse/storage buildings
- b) The construction of a part two storey (84 place) long day child care building
- c) The construction of associated onsite carparking areas
- d) The construction of associated ancillary structures (e.g. play area, sandpit, etc).
- e) Landscaping and associated site works

Compliance

It is noted that no Construction Certificate has been submitted, however a cursory review of the proposal has revealed that compliance with the provisions of the Building Code of Australia is readily achievable.

Council as the water and sewer authority will undertake all plumbing and drainage inspections associated with the development.

In this regard, hydraulic details (prepared by a practicing hydraulic engineer) for all sanitary plumbing and drainage and fire services must be submitted to and approved by Council prior to the issue of a Construction Certificate. A suitable condition will be recommended on the development consent in this regard.

Consideration

Should approval be recommended, no objections are raised in relation to the proposal, subject to conditions being imposed if consent is issued.

ENVIRONMENTAL OFFICER

Proposal

Long Day Child Care Centre

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

The Environment Department has assessed the above application and has no objections subject to conditions.

COUNCIL'S WATER & WASTEWATER OFFICER

Please find attached general design requirements in relation to the servicing requirements for water and sewerage as part of the abovementioned Development Application.

The attached conditions do not constitute approval under *section 68, Local Government Act 1993*. Prior to the commencement of any works as described below;

- Undertaking of water supply works
- Undertaking of sewerage works
- Installation, alteration, disconnection or removal of a meter connected to a service pipe
- Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

The developer must obtain written Section 68 approval from Council; this will be required prior to the issue of the Construction Certificate. The Section 68 application requires the submission of all detailed engineering drawings/design, including hydraulic specifications and any applicable supporting information for the proposed works.

If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction. Therefore, there is no objection to the proposal given conditions of consent being imposed if approved.

COUNCIL'S ENGINEERS

If the above development application is approved by Council, despite the shortfall of Off-Street Parking, the Operations Department recommend the following conditions be placed on the development:

- A central median island for the full frontage of the site is to be installed at the developers cost. The central median island is to include a pedestrian fence to the standard defined in the RMS Technical Direction TD 2010/SR02.

- Concrete driveways are 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.
- A detailed Stormwater Plan is to be submitted at Construction Certificate stage and shall include details of offsite discharge and detailed maintenance plans for the below ground On-site Stormwater Detention system and Stormwater filter chamber.
- A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Lithgow Street whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Lithgow Street. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
- The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
- Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions, watercourses and stormwater drainage infrastructure, and shall be regularly maintained and retained until works have been completed and groundcover established.

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 DA244/15 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

Manager :

Signed:.....

Dated:.....

REASONS FOR CONDITIONS

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

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that 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 lots are adequately serviced.
- 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)

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.

DEFERRED COMMENCEMENT CONDITIONS

As per Section 80(3) of Environmental Planning & Assessment Act 1979

1. That the applicant obtain approval from the Traffic Authority Local Committee (TALC) to impose time limits on the 'on-street parking' adjoining the proposed development extending along the western side of Lithgow Street to opposite the Bent Street intersection. This shall include consultation with adjacent landowners by the applicant and implementation of signage as approved by TALC.
2. An onsite Carparking Management Plan is to be provided to Council's satisfaction. This is to ensure that onsite carparking during peak times is managed to minimise overflow carparking onto Lithgow Street.

These conditions are to be complied with within one year of the approval date for the consent to be activated, otherwise the consent will lapse.

Upon satisfaction of the deferred commencement conditions above, an Operational Consent will be issued subject to the following conditions.

OPERATIONAL CONDITIONS

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 except as modified in red by Council and/or any conditions of this consent. This includes a maximum of:
 - 84 children;
 - 14 staff; and
 - Operation hours from 7am to 6pm Monday to Friday.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. That all conditions of consent by Water NSW in their final assessment for this application under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* are to be imposed and met accordingly.
4. The endorsed Carparking Management Plan is to be administered by the Child Care Centre and advised to patrons. Compliance with the Management Plan may be audited by the Council in order to ensure compliance with this condition of consent.
5. 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.

Heritage Requirements

6. The proposed fence between the street alignment and the front face of St Helens is to be visually transparent. The overall height of this section of fence is to be a maximum of 1.2m. Options include an open mesh type fence, a simple black palisade fence, a planted hedge or a combination.
7. The fence on the street alignment should be of a similar visual character as per condition 7. The proposed design for modern looking 0.9m high brick piers with timber slat infills is not appropriate. If a front fence is essential it is to be similarly transparent as per condition 4 with darker colours for mesh or low palisade to assist in reducing its visibility. A heritage-style modern Colorbond fence, similar to swimming pool fencing, would not be appropriate. Any vehicle entry gates from Lithgow Street are to be of a similar nature.
8. The selection of trees needs is to be approved prior to Construction Certificate. The type of trees needs to achieve the intent of the woodland setting as recommended in the Statement Of Heritage Impact.

Engineering Requirements

9. A central median island for the full frontage of the site is to be installed at the developers cost. The central median island is to include a pedestrian fence to the standard defined in the RMS Technical Direction TD 2010/SR02.
10. Concrete driveways are 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.
11. 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.
12. 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.
13. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
14. 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.
15. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

16. A detailed Stormwater Plan is to be submitted at Construction Certificate stage and shall include details of offsite discharge and detailed maintenance plans for the below ground On-site Stormwater Detention system and Stormwater filter chamber.
17. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Lithgow Street whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Lithgow Street. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
18. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
19. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions, watercourses and stormwater drainage infrastructure, and shall be regularly maintained and retained until works have been completed and groundcover established.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

20. 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 relation to:
 - a) Sanitary plumbing
 - b) Sanitary drainage
 - c) Fire Services
 - d) Backflow prevention
 - e) Water temperature control

Section 94

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

Retaining Walls

22. That retaining walls/structures be appropriately designed by a practicing engineer and submitted to the Certifying Authority prior to Construction Certificate.

Heritage Requirements

23. The choice of colours and selection of brickwork for the building are required to be submitted to Council prior to Construction Certificate for consideration. It is preferable for a local brick colour to be used in preference to red, orange or blond bricks. An example is the Hassan Street St Pats School addition and other residential development in the Pottery Estate which have successfully sourced locally appropriate bricks.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORKS

24. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.

- b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

- 25. 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.
- 26. 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.
- 27. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
- 28. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 29. 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 WorkSafe requirements.

Heritage Requirements

- 30. A small outbuilding located on the southern boundary to be demolished is to be photographed and recorded prior to demolition. All records are to be provided to Council prior to construction.

Demolition Requirements

- 31. Demolition works shall be carried out in accordance with the following:
 - a) All demolition work be carried out strictly in accordance with AS 2601-2001 – The Demolition of Structures.
 - b) The handling or removal of any asbestos product from the building/site must be carried out in accordance with WorkSafe provisions. A person/contractor licensed for asbestos removal must carry out all work

Water & Wastewater Requirements

- 32. The developer shall submit to Council a Section 68 Application under *Local Government Act 1993* for approval to connect and draw water from Council water reticulation system and connect to Councils sewer junction/riser.
- 33. The applicant will be required to provide a separate water property service and meter to be

sized and designed for the proposed sanitary fixtures and any fire services (hose reel systems/ hydrants) for the child care centre by a qualified hydraulic engineer and be submitted to Council for approval prior to any Water Service Connection Application being submitted to Council and prior to the release of the construction certificate.

34. Installation of Backflow Prevention for containment at the boundary shall be provided ensuring both adequate pressure and flow requirements to AS 3500.1
35. Flow and pressure test results shall be submitted to Council for design purposes for fire and potable water designs.

REQUIREMENTS DURING CONSTRUCTION

36. 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
37. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority:
 - a) A Set-out survey showing the location of slab/footing formwork is to be submitted (prior to pouring of concrete);
 - b) An Identification Survey (upon completion of external walls / eaves construction and prior to any Completion inspection being carried out).
38. That rainwater drains are connected to the street/lane gutter to the satisfaction of Council.
39. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
40. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

REQUIREMENTS PRIOR TO OCCUPATION

41. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
42. The occupation certificate shall not be issued until Council as the certifying authority for water and sewer inspections has undertaken and approved the final installation of all plumbing and drainage fixtures and the Certificate of Compliance has been supplied by the licensed installer.
43. Upon completion of the building and prior to issue of an Occupation Certificate, those essential fire safety measures services listed in the attached 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 specified below.

Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:

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

Contributions

44. An application shall be submitted to Council for the supply of a Compliance Certificate under Section 305 of the Water management Act 2000. A Final occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. These contributions are calculated using *Water Directorate Section 64 Determinations of Equivalent Tenements (ET) Guidelines- May 2009* and Lithgow Council Fees and Charges or any applicable document adopted by Council in relation to contributions under Section 64 of the *Local Government Act 1993* at time of payment.

At the time of this approval the following chargers were applicable, which are subject to variation and to CPI increases in accordance with the applicable Fees & Charges adopted by Council at the time of payment.

Clause 8- Standard ET Figures – commercial user categories

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Community Facilities: Child Care Centre	Person	0.06	0.10

Therefore the following calculations will be applied to the development:

$$\begin{array}{rclclcl}
 \text{Water} & = & 0.06 & \times & 84 & = & 5.04 \text{ E.T} & \times & \$3,000.00 & = & \$15,120.00 \\
 \text{Sewer} & = & 0.10 & \times & 84 & = & 8.4 \text{ E.T} & \times & \$2,500.00 & = & \$21,000.00 \\
 & & & & & & \text{TOTAL} & & & = & \text{\$36,120.00}
 \end{array}$$

FOOD PREMISES REQUIREMENTS

Walls

- 45. The walls surrounding the food preparation areas shall be of solid construction.
- 46. 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

- 47. 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.

- 48. 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.
- 49. 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

- 50. 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

- 51. 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.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. The wash up sink shall be supplied with hot and cold water.

Lighting and Light Fittings

- 56. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.
- 57. 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

- 58. 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.
- 59. 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.

60. A mechanical exhaust ventilation system that complies with the AS/NZS 1668.1-1998 and AS 1668.2-2012 shall be provided in the food preparation areas to remove the steam from the dishwasher or other washing and sanitizing equipment.

Coolroom

61. The open space between the top of the coolroom and the ceiling shall be fully enclosed and kept insect and pest proof.
62. 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.
63. 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

64. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
65. 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

66. 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

67. 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.
68. 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

69. 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.
70. 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

71. 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

72. 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.
73. Adequate facilities shall be provided for the storage of chemicals, cleaning materials and personal items (such as clothing, shoes and handbags).
74. 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.
75. The use of charcoal or wood as fuel for cooking is not permitted unless with the prior approval of Council.

Food Safety Supervisor

76. 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

77. Annual Liquid Trade Waste Fees are applicable to this type of business in accordance with Council's current Fees & Charges.
78. All sinks in the food preparation area must be fitted with fixed sink screens.
79. Floor waste's in the food preparation areas and waste collection areas must be fitted with dry basket arrestors.
80. Food preparation activity will need to discharge to a suitable sized grease arrestor (1500 L) sized according to the inflow rate and installation must comply with the requirements of AS3500 and Council's Trade Waste Guidelines.
81. 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.
82. 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.

83. Instillation of 100 mm high level venting terminating above the roofline on the inlet line of sanitary drainage and chamber vent are required.
84. Installation of surcharge gully or reflux valve as per AS3500 is required.
85. All in ground grease arrestors are required to be covered with a concrete pad minimum 100 mm in depth.
86. All pre-treatment systems must be approved and installed to manufactures and Council's requirements.
87. Site plans, specifications of grease arrestor and flow diagram of process must be submitted with Trade Waste Application or Notice of Works to allow assessed prior to installation of the pre-treatment device.

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) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) Slab base if no piers required and prior to placement of the membrane.
 - f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - i) Wet area flashing prior to tiling or covering.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.

k) 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 Council prior to inspections.