

# WILLOWTREE PLANNING



23 June 2025

REF: WTJ23 -409

Lake Macquarie City Council  
PO Box 1906  
Hunter Regional Mail Centre  
NSW 2310

**Attention: Emma Sabovic**

**PROPERTY: 3 VIOLET TOWN ROAD, MOUNT HUTTON - DA/328/2024 - RESPONSE TO RURAL FIRE SERVICE**

Dear Emma,

I write in relation to Development Application DA/328/2024 for alterations and additions to an existing seniors housing development at 3 Violet Town Road, Mount Hutton (the Site), currently under assessment by Lake Macquarie City Council (Council).

Following our correspondence to Council dated 17 April 2025 and supplementary email dated 28 April 2025 in response to Council's draft Notice of Determination, additional information is provided to address the NSW Rural Fire Service's (RFS) remaining concerns.

Please see enclosed at **Appendix 1** comprehensive analysis prepared by bushfire consultants, Kleinfelder Australia Pty Ltd, which provides detailed consideration of the Site's land use history, relevant bushfire legislation and the appropriate assessment pathway for the proposed development. This report confirms that the Site has continuously operated as seniors housing since the original approval under DA/234/1983. While the facility has undergone various expansions and modifications over the past 40+ years, the fundamental use as seniors housing has remained constant throughout this period.

The current application maintains the existing land use classification of 'Seniors Housing' as defined under State Environmental Planning Policy (Housing) 2021, which encompasses residential care facilities. Furthermore, the proposed works do not change the existing building classifications under the National Construction Code 2022, maintaining the current Class 3 and Class 9a building designations.

Based on this comprehensive analysis, we submit that the proposed development does not constitute a change of use under Section 100B of the Rural Fires Act 1997, as it maintains the consistent land use classification of seniors housing. The development should therefore be assessed as an existing Special Fire Protection Purpose (SFPP) facility under Section 6.4 of Planning for Bush Fire Protection 2019, which specifically provides for alterations and additions to existing SFPP developments. This

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classification enables the application of appropriate bush fire protection measures that balance safety requirements with site constraints, as contemplated by PBP 2019.

The proposed works represent important improvements to existing facilities that will enhance the quality of care and amenity for current residents whilst supporting the broader Lake Macquarie community's aged care needs. We request a meeting with Council officers and RFS representatives to discuss the classification matter and work collaboratively towards a resolution that enables the issue of an appropriate Development Consent.

We remain committed to ensuring all bush fire safety requirements are appropriately addressed whilst delivering these essential upgrades to the existing facility. Should you require any clarification or additional information, please do not hesitate to contact me on ph. 0418443167 or via email [apigott@willowtp.aom.au](mailto:apigott@willowtp.aom.au)

Your sincerely,

A handwritten signature in blue ink, appearing to read 'A Pigott'.

Andrew Pigott  
Director  
Willowtree Planning Pty Ltd

