

JRPP No.	2010SYW025
Application No.	371/2010
Proposed Development:	RETIREMENT VILLAGE AND ANCILLARY USES, 400I THE NORTHERN ROAD, ORAN PARK (PT LOT 101 DP 1149182
Property Address:	400H The Northern Road, Oran Park
Applicant:	Sydney Anglican Home Mission Society Council
Owner:	Leppington Pastoral Company
Report By:	Camden Council

Assessment Report and Recommendation

ZONING: R1 General Residential and E2 Environmental Conservation

APPLICABLE PLANNING INSTRUMENT: State Environmental Planning Policy (Sydney Region Growth Centres) 2006

PURPOSE OF REPORT

The purpose of this report is to seek a determination for Development Application DA 371/2010 for a Retirement Village and Ancillary Uses at 400I The Northern Road, Oran Park.

SUMMARY OF RECOMMENDATION

It is recommended that Development Application DA 371/2010 is approved subject to conditions and that the concurrence of the Director-General of the Department of Planning be assumed for a variation to the height of building standard for two (2) buildings.

BACKGROUND

The Oran Park Precinct, within the South West Growth Centre, was rezoned in December 2007. The 1,119 hectare Oran Park Precinct plans for a community including:

- 7,540 dwellings (for approximately 21,500 new residents,
- 18 hectares of employment land, a 50,000 square metre Town Centre and two neighbourhood centres (capacity for 4,120 jobs),
- Schools and Community Facilities, and
- 148 hectares of open space

The subject site is located within a subdivision approved under DA 982/2008 (described by the Landcom/Greenfields Development Company joint venture as "Tranche 1") which also granted consent for a number of super-lots that provide sites for further development applications to be submitted, including:

- Retirement Village (subject of this application)
- Site for a K-12 Non-Government Section School,
- Open Space (including Wayne Gardiner Reserve and Kolombo Creek),
- Church site,

- 45 Home Exhibition Village,
- 170 residential Lots (ranging from 450 to 700 sqm), and
- Medium Density Housing sites (approx 100 dwellings)

Development Application DA 371/2010 was lodged on 14 April 2010 seeking consent for a Retirement Village and Ancillary Uses. The Capital Investment Value of the project is reported to be \$94 Million and as such, the development application is reported to the Joint Regional Planning Panel (Sydney West) for determination.

THE SITE

The property is known as Proposed Lot 16 (approved under DA 982/2008) in Part Lot 101 DP 1149182. The address of the parent Lot is 400I The Northern Road, Oran Park.

The Proposed Lot has an area of 7.8 hectares (including a riparian corridor traversing the site of 0.7 hectares). The land has road frontage on all sides to a Collector Road and two local roads and adjoins Wayne Gardiner Reserve (DA approved) and site for K-12 school to the north, Residential development to the west (under construction) and east (DA under assessment) and Kolombo Creek, a linear parkway (under construction) to the south. The planned Oran Park town centre is located approximately 250 metres to the north.

A Category 3 Watercourse traverses the site from north to south, running into Kolombo Creek, a Category 1 Watercourse. Rehabilitation and revegetation works of both watercourses have previously been approved under DA 982/2008. Under that consent, a cycleway and revegetated grassland are approved in the Category 3 Watercourse as well as public access by way of a right of way.

A Location Plan is attached.

THE PROPOSAL

Development Application DA 371/2010 seeks consent for a Retirement Village and Ancillary Uses (to be known as “Anglicare Chesalon Village, Oran Park”) comprising:

- 240 Self-contained dwellings (96 Villas and 144 Apartment Style Units),
- 102 Bed Residential Care Facility (RACF),
- 27 Bed Hostel,
- Dementia day care centre,
- Community Club House with Bowling Green and 17 serviced units, ...
- Community Hub building comprising Anglicare Office (counselling services), medical suites, newsagent/convenience shop and pharmacy.
- 415 Car parking space, at grade Basement car parks, and emergency services
- Earthworks,
- Landscaping, and
- Two riparian crossings (waterfront lands).

Buildings works are proposed in five (5) conceptual stages and over a notional construction period of five (5) to eight (8) years, comprising:

- Stage 1 – 38 Self-contained dwellings (villas) and Community Clubhouse (containing 17 Units)
- Stage 2 – 33 Self-contained dwellings (villas)

- Stage 3 – Residential care facility (102 Beds), Hostel (27 beds) and Community Day care centre
- Stage 4 – 25 Self-contained dwellings (villas)
- Stage 5 – 144 Self-contained dwellings (units) and Community Hub.

Associated earthworks, site preparatory and drainage works are also proposed to facilitate building works in stages and will be subject to detailed plans at Construction Certificate stage.

NOTIFICATION

Development Application DA 371/2010 was notified in accordance with Camden DCP 2006 between 13 and 28 April 2010. No written submissions were received.

The Development Application is Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as it requires a Bushfire Safety Authority for *special fire protection purpose* under Section 100B of the Rural Fires Act 1997. General Terms of Approval were received from the Rural Fire Service on 13 May 2010 and are recommended to be imposed as conditions of consent.

PLANNING CONTROLS

The planning controls that relate to the proposed development are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)
- Oran Park Development Control Plan 2007

ASSESSMENT

An assessment of the proposed development against the relevant planning controls is provided below:

(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Major Development) 2005

The provisions of SEPP 2005 apply to the proposed development as the capital investment value is in excess of \$10 million. In accordance with the requirements of Clause 13B (1)(a) the submitted application is classified as 'regional development' with the determining authority for the application being the Joint Regional Planning Panel (Sydney West). The development application is therefore referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of SEPP (Major Development).

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

The “Seniors” SEPP applies to the development. The aims of the SEPP are primarily to increase the supply and diversity of housing for seniors or people with a disability, and to ensure good design. The Policy applies to the part of site zoned R1 General Residential under *Appendix 1 Oran Park and Turner Road Precinct Plan* under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 or “Growth Centres SEPP” and Seniors Housing is permissible with consent.

The Seniors SEPP, under Schedule 1, does not apply to any land identified as “Environmentally sensitive land”, which includes part of the site zoned E2 Environmental Conservation. It should be noted that two (2) proposed crossings of the Category 3 Watercourse are assessed under the Growth Centres SEPP.

A detailed assessment of the proposed development has been carried out in relation to the Policy. Under this assessment, the consent authority may be satisfied that the proposed development is consistent with the required considerations and may be supported in terms of the SEPP.

The SEPP requires development consent must include a condition to the effect that only seniors or people with a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provisions of services to housing provided under the SEPP, may occupy any accommodation to which the application relates. The SEPP further requires that the consent authority require that a restriction as to user will be registered against the title of the property limiting the use of the self-contained dwellings, hostels and residential care facility to people aged 55 or more years, or residents of a residential care facility (within the meaning of the Commonwealth Aged Care Act 1997) or people eligible to occupy aged housing provided by a social housing provider. It is proposed that these conditions be imposed on the subject proposal.

The development application seeks consent for a number of different types of residential accommodation, that is defined and permitted under the Seniors SEPP. The applicant has used terms that are common within the Aged care industry, however this assessment will define those industry terms against the relevant planning definition.

High Care and Low Care in the Policy, is a “residential care facility” which is *residential accommodation for seniors or people with a disability that includes meals and cleaning services and personal care or nursing care, or both, and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care. But is not being a dwelling, hostel, hospital or psychiatric facility. The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.*

Assisted Living Units (ALU) in this policy a “hostel” which is *“residential accommodation for seniors or people with a disability where meals, laundering, cleaning and other facilities are provided on a shared basis, and at least one staff member is available on site 24 hours a day to provide management services.*

Impendent Living Units (ILU) and Villas in the policy are “self-contained dwelling” which are *a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or*

part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

All types are permitted with consent on the land. With regard to the specific requirements of the SEPP, the following is a summary of the compliance demonstrated by the development:

Clause 26 Location and access to facilities – The site is located approximately 250 metres from the planned Oran park town Centre and will adjoin a K-12 school, reserve and pathways. The development also proposes to provide onsite the following community facilities:

- Community Clubhouse (Stage 1) comprising competition standard bowling green, administrative offices, commercial kitchen, dining and lounge and billiards rooms, swimming pool and gymnasium facilities as well as visiting rooms for visiting doctor, beautician and hairdresser. Hours of operation are proposed between 7.30am and 11.30 pm daily.
- Community Day Care Centre (Stage 3) comprising activity, craft and quiet rooms and kitchen. Operation will be associated with the adjoining residential care facilities.
- Community Hub Building (Stage 5) which is intended to serve the retirement village and occasionally nearby residents, comprising Anglicare Office (counselling services) , medical suites, café, newsagent/convenience shop and pharmacy. Hours of operation for the medical suites, newsagent/convenience shop and pharmacy are 7.30am and 8.00 pm daily, café being 7.30am to 11.30 daily and Anglicare office 7.30am to 10.00pm daily.

The facilities satisfy the requirements of the Seniors SEPP and it is also considered that they, in the form proposed, are consistent with the objectives and are permitted land uses within the Residential R1 zone.

Clause 27 Bushfire – The Development Application is Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 as it requires a Bushfire Safety Authority for *special fire protection purpose* under Section 100B of the Rural Fires Act 1997. General Terms of Approval were received from the Rural Fire Service on 13 May 2010 and are recommended to be imposed as conditions of consent.

Clause 28 Water and sewer - Upon registration of Proposed Lot 16 under DA 983/2008, it is considered that arrangements can be made to connect the development to a reticulated water sewer system. A condition requiring a Section 73 Compliance Certificate for each stage of building work will be imposed on any consent.

Clause 33 Neighbourhood amenity and streetscape - The proposed development recognises the housing design elements of the desired future character described under the Oran Park Development Control Plan 2007 so that new buildings contribute to the quality and identity of the area. It is considered the building design is of high quality while employing building forms and siting appropriately relates to the sites location and landform.

Clause 34 Visual and acoustic privacy - The proposed development considers the visual and acoustic privacy of neighbours in the vicinity and also residents by appropriate site planning, the location and design of windows, the use of screening devices and landscaping, and by ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. The issue of acoustic consideration is discussed further, later in this report.

Clause 35 Solar access and design for climate – An Environmentally Sustainable Development Report prepared by Cundall Consultants (Report S9076 Revision C), has been submitted in support of the development. The proposed development demonstrates adequate daylight to the main living areas of neighbours in the vicinity, and ensures adequate sunlight to substantial areas of private open space. This is achieved through appropriate site planning, dwelling design, landscaping and building materials that reduces energy and water use.

Clause 36 Stormwater - The proposed development minimises the disturbance and impacts of stormwater runoff by minimising the width of paths and paved areas.

Clause 37 Crime prevention - The proposed development was referred to Camden Police to undertake a *Safer by Design Evaluation*. Recommendations of that evaluation are proposed to be incorporated into conditions of consent to encourage crime prevention by site planning, facilitate general observation of public areas, driveways and streets into the detailed design and construction of the development

38 Accessibility – An Access Assessment Report, prepared by Morris Goding Accessibility Consulting, was submitted in support of the development application. The proposed development has obvious and safe pedestrian links from the site that provide access to public transport services and adjoining land uses and provides attractive and safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.

Clause 39 Waste management – A waste management plan, prepared by Urbis, was submitted in support of the application. The design of the development incorporates dedicated areas for the collection of waste management bins. Conditions are proposed to manage the storage and collection totally on-site. Internal road layouts have been designed to accommodate the manoeuvring of large waste management and emergency vehicles in terms of serviceability, pavement strength and road geometry.

The proposed development will be conditioned to comply with all of the detailed construction standards for self-contained dwellings, hostels and residential care facilities as set out in Seniors SEPP, with regard to detailed design, including, wheelchair access, common areas, security, letterboxes, private car accommodation, accessible entry, width of internal corridors, size of bedrooms, facilities in bathrooms, living and kitchen facilities, laundry and garbage facilities.

Based on the above assessment, it is considered that the proposed development is consistent with the aims and provisions set out in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The “Growth Centres SEPP” aims to co-ordinate the release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region. The land subject to the Retirement Village

development is Zoned R1 General Residential pursuant to the SEPP. “Seniors Housing” development is permissible with consent in the R1 Zone.

Clause 2.3(2) provides that the “*consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone*”.

The objectives for the R1 Zone read:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.*
- *To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.*
- *To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.*
- *To provide for a variety of recreational uses within open space areas.*

It is considered that the proposed development provides for future housing needs within the Camden LGA and provides a variety of housing types and densities within the site and Oran Park precinct generally. The development also proposes to provide facilities and services for the day to day needs of retirement village residents and support services for the community in general and consequently, it is considered the development is consistent in respect to the objectives of the R1 zone.

The Category 3 Watercourse is zoned E2 Environmental Conservation. The proposed driveway crossing, defined as “road”, and pedestrian crossing, defined as environmental facility”, under the SEPP are permitted with consent.

The objectives for the E2 Zone read:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

It is considered that processed access to and across the watercourse land will provide for the appropriate protection and on-going management of the environmental conservation land as well as providing additional amenity to residents of the retirement village and the Oran Park community in general. It is therefore considered the development is consistent in respect to the objectives of the E2 zone.

Clause 4.3 Height of Buildings – The maximum height of buildings is 16 metres for “Residential Flat Buildings” and 9.5 metres for “all other developments”. It is considered that the Apartment style buildings, being a similar typology to the “residential flat buildings”, comply with the 16 metre height standard and that the Villas, Dementia Day Care, Community Club and Community Hub comply with the

9.5 metre height standard. The Residential Care Facility and Hostel, proposed on the north-eastern corner of the site both exceed the 9.5 metre standard as follows:

Building	Height	Standard	Variation
Residential Care Facility	12.03 metres	9.5 metres	2.53 metres
Hostel	14.9 metres	9.5 metres	5.4 metres

In accordance with Clause 4.6 “Exceptions to development standards” of the Growth Centres SEPP, the applicant has requested a variation to the height of these two buildings on the basis that:

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *there are sufficient environmental planning grounds to justify contravening the development standard; and*
- *the proposed development will be in the public interest*

Having regard to the objectives of Clause 4.3 “Height of Building”, as they relate to the proposed development and Clause 4.6 “Exceptions to development standards”, it is considered that an adequate level of amenity for adjoining development is maintained, both on site and surrounding the site, by ensuring buildings and open space continue to receive satisfactory exposure to the sky and sunlight and that the two and three storey design of the Residential Care Facility and Hostel buildings in terms of bulk and scale are consistent with the design of other buildings within the development.

Further, the variation of building height is considered to be appropriately located, on the perimeter of the site and adjacent to a K-12 School site to the north and medium density housing site to the east, while being of high quality urban form.

It is considered that the height of building standard, in this case, does not raise any matter of significance for State or regional environmental planning, and that the provision of a Residential Care Facility and Hostel as proposed in the development application would provide a warranted and desired community service that would be in the public interest.

It is therefore considered that the proposed variation sought is justified and that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. It is recommended that the concurrence of the Director-General of the Department of Planning be assumed for a variation to the height of building standard for two (2) buildings.

Clause 6.1 Public utility infrastructure – provides that the consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (defined as being the supply of water and electricity, and the disposal and management of sewage) is available or that adequate arrangements with utilities have been made. As stated earlier in this report, development consent has been issued under DA 982/2008, for the construction of roads and utilities and conditions have been imposed to facilitate the provision of public road access and utilities. It is considered that adequate arrangements can be made to satisfy this clause, however, at the time this report was prepared, connection to a public road and confirmation that service and utilities

are available has not occurred. As such, it is recommended that the development be granted as a “deferred commencement” consent, requiring the above matters being satisfied. Further, that a condition be imposed that no Occupation Certificate can be issued prior to the registration of Proposed Lot 16 under DA 983/2008.

Giving regard to the objectives and controls as they relate to the land and proposed development, it is considered that the development application is consistent with Growth Centres SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP, is to provide a consistent planning regime for infrastructure and the provision of services across NSW. Under Schedule 3 of the SEPP the proposed development, is required to be forwarded to the RTA. The SEPP provides that Council shall not determine the application until it has received representation from the RTA.

The development application was discussed at the Sydney Regional Development Advisory Committee (SRDAC) on 5 May 2010. Correspondence was received from the RTA on 7 June 2010 stating “...it is undesirable for individual development applications to be submitted and determined within Oran park precinct without RTA approval of the proposed signalised intersections within Oran park until such time the Tranyst 13 model has been endorsed by the RTA”. It is important to note that the RTA does not raise any objection to the development application and their submission provides advisory conditions shall determination of the application proceed. Council generally supports the intent of the RTA’s advisory conditions and recommend that they be incorporated as conditions of consent. Council’s assessment of traffic and carparking are discussed later in this report. **A copy of the RTA letter is attached.**

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

SEPP 65 applies to the subject development. The Policy aims to improve the design quality of residential flat development in New South Wales. This Policy recognises that the design quality of residential flat development is of significance for environmental planning in the State due to the economic, environmental, cultural and social benefits of high quality design.

The application is supported by an Architect Design Statement which demonstrates that the development satisfies the design quality principles set out in SEPP 65. It is considered that development will be an example of high quality architectural and urban design in Camden and satisfies the design quality aims of SEPP 65.

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2)

The proposal is subject to the provisions of Sydney Regional Environmental Plan No 20. State Government recently abolished the terms Regional Plans (REPs) and transferred all such provisions to state planning policies, however existing REPs remain valid and are now termed deemed SEPPs. The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. As stated earlier in this report, suitable arrangements for the collection and disposal of stormwater drainage can be made and addressed through consent conditions. Therefore it is considered that the proposal is consistent with the aims and implementation strategies of this plan.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The proposed residential component of the development has achieved full compliance with the BASIX. The schedule of BASIX Commitments is specified within the BASIX Certificate prepared by Cundall Consultants (Report S9076 Revision C), compliance with which is recommended to be conditioned. It should be noted that the commercial components (being Class 5 – 9 Buildings) are required to comply with Section J – Energy Efficiency of the Building Code of Australia and therefore shall be addressed by way of a condition of consent.

Oran Park / Turner Road Section 94 Plan

It is proposed that a condition in accordance with Section 94 (and as prescribed in the prevailing Contributions Plan as referred to in Part 4, Division 6) of the Environmental Planning and Assessment Act, 1979 be imposed on the development consent to require developer contribution levies to be paid, prior to the release of a Construction Certificate for each stage of building works.

Special Infrastructure Contribution (SIC Levy).

A Levy made by the Minister under S94EE of the Environmental Planning and Assessment Act 1979 applies to the land. It is considered that this development is defined as “Residential Land” for the purposes of SIC Levy. As such, a condition requiring the applicant to obtain a certificate from the Department of Planning prior to the release of a Construction Certificate for each stage that includes building works in accordance with the Growth Centres Commission Practice Note (November 2008), is recommended to be placed on the consent.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no proposed Environmental Planning Instruments that apply to the land or development.

(1)(a)(iii) The provisions of any development control plan

Oran Park Development Control Plan (DCP) 2007

The provisions of Oran Park DCP 2007 apply to the land, however there are no specific controls that relate to this particular development application. However issues of residential amenity, setbacks and orientation of development, particularly on the perimeter of the site are considered to be compatible with development that will adjoin the land.

The proposal for two crossings of the category 3 Watercourse is consistent with the requirements of the Oran Park DCP *and Oran Park and Turner Road Waterfront Lands Strategy*, and its notional design can be consented to, subject to separate application under the *Waterfront Lands Strategy*, for the construction of the crossings being lodged with Construction Certificate that applies to those works.

It is therefore considered that the development is consistent with the aims and objectives of Oran Park DCP 2007.

Camden Development Control Plan (DCP) 2006

Part D: Chapter 1 – Carparking of Camden DCP 2006 applies to the development. A Traffic and Parking Report prepared by Halcrow MWT (reference CTLCTU004r01_v05 dated 12 March 2010) was submitted in support of the

development application. The requirements for the provision of off-street parking are summarised below.

Building	Required	Proposed	Complies
96 Villas	142	166	Yes
144 Units	96	130	Yes
102 Bed Residential Care Facility (RACF)	28	31	Yes
27 Bed Hostel	3	27	Yes
Community Club House	10	33	Yes
17 serviced units	10	10	Yes
Community Hub building	23	26	Yes
TOTAL	312	423	Yes

Given the design and location of the proposed development traffic impacts are expected to be negligible and have been adequately catered for in the planning of the Oran Park development. Ingress and egress is considered to be acceptable. Council's Local Traffic Committee will be required to approve any regulatory signage proposed in the vicinity of the access points (eg; "No Stopping").

The resident parking spaces and access to and from the spaces should be designed in accordance with AS2890.1. The recently released AS2890.6 – "Off Street Parking for People with Disabilities" does not apply as it has not yet been adopted by the Building Code of Australia 2010. The internal road system will not be dedicated as public roads. The plans show provision for garbage trucks and fire trucks. Based on this the geometry of the internal road system is considered to be satisfactory.

Pedestrian crossings are proposed shown on the proposed plans on the internal road system. These are not standard crossings as used for public roads which have allowance for No Stopping on the approach and departure of the crossing. It is recommended the applicant have the detailed design of the crossings audited for road safety requirements and sight distances by a qualified traffic engineer. On-site and on-street lighting will be required to satisfy the requirements of Australian Standard AS1158 – Lighting for Roads and Public Spaces.

Given regard to the relevant parking and access provision, it is considered that the proposed development satisfies the aims and controls of Camden DCP 2006.

(1)(a)(iii) The provisions of any planning agreement

No planning agreement relates to the site or proposed development.

(1)(a)(iv) The provisions of the Regulations

Prescribed conditions required by the Environmental Planning and Assessment Regulation 2000 will be addressed by way on conditions.

(1)(b) The likely impacts of the development

Social Impact

A social impact assessment was submitted with the development application. The assessment concluded that the development has a demonstrated positive aspect as it relates to social impact. This includes the amount of facilities and services that are proposed not only for residents of the retirement village but also the Oran park community in general.

Economic Impact

It is considered that the development will assist “community building” objectives that underlie the Oran Park DCP. Economic activity around the community hub is likely to occur as well as introducing more customers for businesses that will start up in the Oran Park town centre, thereby providing a positive economic impact for the town.

Environmental Impact

The proposed development demonstrates a high degree of energy and water efficient design, thereby permitting reductions in overall energy consumption, greenhouse gas emission and water consumption against comparable scale development.

(1)(c) The suitability of the site for the development

The land has been identified in the Metropolitan Strategy by the NSW Government as being suitable for residential development. The NSW Growth Centre Commission has developed an Indicative Layout Plan and Development Control Plan to implement development of the land.

It is considered that the design of the proposed development is of high quality and has appearance of bulk and scale as it provides an appropriate built form to the surrounding public streets that is consistent with the desired future character of the Oran park precinct. Potential benefit to the community by providing residential care facilities, additional medical practices and on-site community facilities are all positive aspects of the development.

(1)(d) Any submissions

Development Application DA 371/2010 was notified in accordance with Camden DCP 2006 between 13 and 28 April 2010. No written submissions were received.

(1)(e) The public interest

The proposal meets the aims, objectives and controls set out in the prevailing planning instruments and will provide a variety of housing choice, being aged housing, residential care, and assisted living, within the growth centre suburbs of Camden. Subject to compliance with the conditions listed below, it is not expected that the proposed development will create any significant impacts on the surrounding area. It is therefore considered that the proposed development is not contrary to the public interest.

RECOMMENDATION

It is recommended that Development Application DA 371/2010 is approved with the attached draft conditions and that the concurrence of the Director-General of the Department of Planning be assumed for a variation to the height of building standard for two (2) buildings.

DA 371/2010 DRAFT CONDITIONS OF CONSENT

Approved Development:

This development consent approves the following development:

Retirement Villages and Ancillary Uses (to be known as “Anglicare Chesalon Village, Oran Park”) comprising:

- 240 Self-contained dwellings (96 Villas and 144 Apartment Style Units),
- 102 Bed Residential Care Facility (RACF),
- 27 Bed Hostel,
- Day care centre,
- Community Club House with Bowling Green and 17 serviced units, ...
- Community Hub building medical suites ... Anglicare office and ...
- 415 Car parking space , at grade Basement car parks, and emergency services
- Earthworks,
- Landscaping,
- Two riparian crossings (waterfront lands),

All other components of this development specifically referred to in the following development consent conditions are also approved.

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of 24 months in which to provide evidence sufficient enough to enable it to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will become permanently inoperative.

The conditions of Schedule A are as follows:

- (1) Proposed Lot 16 (approved under DA 982/2008) in Part Lot 101 DP 1149182, having access to a public road, and
- (2) Final Draft of a Section 88B Instrument submitted to Council, in accordance with DA 982/2008, and
- (3) Written confirmation submitted to Council that water, sewerage and electricity utilities are available to the site.

The conditions specified in Schedule B are as follows:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out generally in accordance with the following approved plans:

Prepared By	Plans	Numbered
Boffa Robertson Architects	Group Architectural Drawings	087/DA-00 to 087/DA-40 (inclusive)
Hughes Trueman	Concept Engineering Drawing	08S147 MP 01 to MP 26 (inclusive) and SK22
Site Image	Landscape Plans	SS08-1821 102L, 501D and 502D

The development must also comply with the conditions of approval imposed by Council hereunder.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (3) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.
- (4) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.
- (5) **Future Restaurants and Café's and General Food Shops (Community Hub Building)** - A separate Development Application shall be lodged with the Consent Authority for commercial food premises and must include demonstrated compliance with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code). These premises have the potential to generate noise and must consider the requirements of Camden Council's Environmental Noise Policy. Where the operation of commercial premises is expected to cause a noise impact on the surrounding community an acoustic assessment must be provided in support of the application.
- (6) **Place of Public Entertainment** – A separate development application is required for the use of the premises as a place of public entertainment.
- (7) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Camden Council's current Engineering Specifications for engineering design specification.
- (8) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's current Engineering Specifications – for roadworks, drainage and other works associated with the development.
- (9) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 7 – Salinity Management Plan" contained within the "Salinity Management Plan For The Proposed Retirement Village: Tranche 1

- (10) **Landscaping Maintenance & Establishment Period** - All Landscaping works associated with this Consent are to be maintained for a period of 12 months. The Maintenance and Establishment period is to commence from the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Consent Authority (ie Camden Council) agree that the Landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent.

It is the Applicants responsibility to arrange with Council a site inspection upon practical completion of the Landscaping works, to determine and agree upon, an appropriate Date of Practical Completion.

At the completion of the 12 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

At the completion of the 12 month landscaping maintenance period, the landscaping works must comply with the approved Landscaping Plans.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

GENERAL

- (1) **Construction Certificate Before Work Commences** – This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.
- (2) **BASIX Certificate** – Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate

that is applicable to the development when this development consent is modified); or

(ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

- (3) **Special Infrastructure Contribution** – The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction Certificate, for any stage including building works, is issued in relation to any part of the development to which this consent relates.

Information on the Special Infrastructure Contribution can be found at the Growth Centre Commission’s website www.gcc.nsw.gov.au. To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application, please email infrastructurecontribution@gcc.nsw.gov.au.

- (4) **Section 94 Contributions** - A developer contribution levy must be paid in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, prior to the release of a construction certificate for each stage of building works.

The monetary contributions to be paid as prescribed in the prevailing Contributions Plan as referred to in Part 4, Division 6 of the Environmental Planning and Assessment Act 1979, in force, at the time development consent is determined.

- (5) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden current Engineering Design and Construction Specifications – and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

Note: the developer must obtain a Construction Certificate prior to commencement of any physical site works.

All works associated with the development are to be undertaken at no cost to Council.

- (6) **Staging of the Development** – The applicant is to submit to Council a schedule of the proposed staging for the development.

This schedule must include those community facilities proposed to be provided at each stage of development. This schedule is to be endorsed by Council prior to the issue of a Construction Certificate.

- (7) **Services** – Prior to the issue of any Construction Certificate comprising building works the following service authority clearances must be obtained and submitted to the Certifying Authority for inclusion in any Construction Certificate application:

A certificate pursuant to s73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.

Application for such a certificate must be made through an authorised Water Servicing Co-Ordinator.

- (7) **Works within the Site** – Design plans for drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management and all other matters associated with Development Control 2006:

- a. The recommendations of the Salinity Management Plan,
- b. Camden Council's Draft Engineering Design Specification – May 2003,

and certified by accredited certifiers with Civil Engineering and Subdivisional Geotechnics accreditation must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (8) **Bushfire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of the Rural Fire Service's General Terms of Approval for Development Consent No. D10/0623 (DA 10041668737) have been met.

This written confirmation may be by way of either:

- written advice from the Rural Fire Service that the development is compliant with the current Planning for Bushfire Protection document, or
- written advice from an appropriately qualified Bushfire Risk Assessor that the proposed development is compliant with the current Planning for Bushfire Protection document.

- (9) **Protection for existing trees and other Landscape features on site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

- (10) **Performance Bond** - Prior to the issue of the Construction certificate a performance bond of \$100,000 must be lodged with Camden Council. Should any of Councils property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

Note 1: It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.

- (11) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued:

- (a) existing and final contours
 - (b) the location of all earthworks including roads, areas of cut and fill and re-grading
 - (c) location of impervious areas other than roads
 - (d) location and design criteria of erosion and sediment control structures
 - (e) location and description of existing vegetation
 - (f) site access (to be minimised)
 - (g) proposed vegetated buffer strips
 - (h) catchment area boundaries
 - (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - (j) location of topsoil or other stockpiles
 - (k) signposting
 - (l) diversion of uncontaminated upper catchment around areas to be disturbed
 - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) procedures for maintenance of erosion and sediment controls
 - (o) details for staging of works
 - (p) details and procedures for dust control.
- (12) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, drainage reserves, drainage easements and any other existing public infrastructure within the immediate area of the development site must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (13) **Public Risk Insurance Policy – Prior to the issue of any Construction Certificate**, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy with a minimum cover of \$10 million; the policy must relate to the occupation of and works within Council's road reserve.

The Certificate of Currency must remain current for the duration of all construction activities.

- (14) **Crime Prevention Through Environmental Design** – The applicant is to submit to Council a schedule of measures proposed to be implemented in the construction of the development in order to minimise the risk of crime. Details are to be provided prior to the release of the Construction Certificate.

The following measures are listed for consideration:

- (i) Security mirrors within corridors and on blind corners;
- (ii) Vandal proof lighting;
- (iii) Directional signage at entry and exit points throughout the development;
- (iv) A Graffiti Management Plan;
- (v) Monitoring within basement car parking;
- (vi) Electronic access control equipment;
- (vii) Laminated glass windows to retail development.

- (15) **Roof Mounted Equipment – Prior to the issue of a Construction Certificate** Council must endorse plans which identify all roof mounted equipment including air conditioning units and communication towers. The roof mounted equipment must be designed in a manner which compliments and is integrated into the overall design of the building.

VEHICULAR ACCESS AND CARPARKING

- (16) **Roads Act 1993 Consent – Prior to the issue of any Construction Certificate** consent pursuant to s.193 of the Roads Act 1993 must be obtained from the Roads Authority, Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage
- (b) footway formation
- (c) public utility service adjustment or installation
- (d) an Environmental Site Management Plan – it should be noted that the plan required by condition (Management Plan) may also include all aspects associated with this requirement.

The design and subsequent construction of items (a) to (c) above is for the express purpose of providing pedestrian and vehicular facilities as a result of the development.

Further, all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the NSW Department of Planning or where no scheme exists,
- ii) persons who are suitably qualified, are specialists and in that regard, currently practicing in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and be prepared in accordance with Camden Council's Current Engineering Design Specification.

- (17) The applicant is to have the detailed design of the crossings audited for road safety requirements and sight distances by a qualified traffic engineer.
- (18) On-site and on-street lighting is to designed in accordance with AS1158 – Lighting for Roads and Public Spaces.
- (19) **Required Car Parking** – Provision of car parking spaces in accordance with Traffic and Parking Report prepared by Halcrow MWT (reference CTLCTU004r01_v05 dated 12 March 2010) proposing 423 spaces, over the development..
- (20) Vehicular Area Design Standards - The internal driveway and car parking area must be designed in accordance with AS2890.1-1993 off-street carparking.
- (21) All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (22) The proposed roundabout, at Road No. 1 shall be designed based on commercial vehicle of 12.5 m long and constructed utilising concrete pavements.
- (23) The road designed shall be carried out to Council's design specifications with a Traffic Loading of $ESA\ 5 \times 10^5$ and a single coat 10mm flush sea prior to placement of first 25mm of AC 10.
- (24) The width of 5.5m shall be maintained in Road No.2 over the Creek for two way traffic, for emergency access for each precinct as only one point of access is available to service each precinct.
- (25) **Gutter Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the Roads Act 1993 must be approved by Camden Council:
 - (a) provision of a gutter crossing at all points of ingress and egress. All services within the 1.0m of the crossing and the all affected services due the proposed work shall be adjusted in consultation with the appropriate Service Authority. A Minimum splay of 1.0m shall be provided on either side of the proposed driveways at the gutter.

All works must be carried out strictly in accordance with Camden Councils specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (26) A Maintenance Management Plan shall be developed for the maintenance of the subject creek identifying the level, frequency and method of maintenance required and the responsibility of the each stakeholder. Such Maintenance Management must form a part of the Positive Covenant attached to the property at first Stage of the development.
- (27) Maintenance vehicle access shall be provided stormwater system, for Council vehicles with appropriate turning area for a Medium Rigid Truck in accordance with the AS 2980.2 at critical location of the stormwater drainage system.
- (28) All external and internal lighting for roads, parking and essential areas shall be provided in accordance with the Australian Standard 1158
- (29) A comprehensive Construction Management Plan shall be prepared to reflect the staging of the development and the environmental controls and measures associated with different stages including the temporary sediment basins.
- (30) **Intersection Design** – Prepare a detailed design plan to indicate the feasibility of efficient truck and vehicle movement in and out of the proposed intersections of the development and submitted to Council for approval prior to the issuing of the Construction Certificate. All roads and intersection must be designed to facilitate the safe turning of the Large Rigid Truck (12.5m) as per AS 2890.2.

STORMWATER AND DRAINAGE

- (31) **Drainage Strategy** - The drainage strategy to address the management of stormwater during the proposed construction work on each stage shall be submitted to the Consent Authority prior to the Construction Certificate being issued. The drainage system should address the stormwater generated during the staging process and all water must be treated for contamination prior to discharging to council's system.
- (32) **Drainage Design** - A stormwater management plan is to be prepared Prior To The Issue Of A Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

The applicant shall confirm that the existing drainage system is capable of carrying the design peak flows from the development at the 10% AEP storm event.

The floor level of the proposed building to be min. 300mm above the water level (at 1% AEP) of the overflow path and the 600mm above the 1%AEP Flood level in the watercourse

(33) **Water Quality Modelling Compliance** – A report from a qualified stormwater engineer is required that demonstrates that stormwater generated from the Chesalon Development site will be captured and treated to achieve compliance with “Table 11 - Environmental Stormwater Objectives” contained within the Oran Park DCP 2007. The report must be provided prior to the issue of the construction certificate.

(34) **Pre-Treatment Of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.

Such pre-treatment devices shall control the discharge of hydrocarbon and heavy metals to Council's storm water system and also it shall be kept in good order with regular removal of pollutants and maintenance

(35) **Stormwater Detention** – The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval prior to issue of the Construction Certificate.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

(36) **Overland Flow Path** - A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. A Restriction as to User must be created on the title of lot/s affected prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Construction Certificate Before Work Commences** – This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.
- (2) **Notice Of Commencement Of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) at least 2 days prior to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (3) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (4) **Construction Access** – Construction access from public places other than roads (reserves, parks, walkways and the like) shall not occur without the prior consent of council. Monetary bonds may be required to protect council's assets if access from these places is approved.
- (5) **Signs to be Erected on the Construction Site – Prior to the commencement of any work within the site** a rigid and durable sign (minimum size of 300mm x 400mm) must be displayed within the site and be clearly visible and legible from the adjoining roadway advising the following:-
 - (a) The name, address and telephone number of the PCA.
 - (b) The name of the principal contractor, and a telephone number on which the principal contractor can be contacted at any time.
 - (c) Stating unauthorised entry to the site is prohibited.

The sign must be displayed for the duration of the construction works.

Note: Any such sign is to be maintained while the construction work is being carried out and removed only once the work has been completed.

- (6) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.

- (7) **Toilet Facilities** - Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- must be standard flushing toilet, and
- must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this clause:

- *accredited sewage management facility* means a sewage management facility to which Division 4A of Part 3 of the *Local government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.
- *approved by the council* means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.
- *public sewer* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.
- *sewage management facility* has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

- (8) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority, (ie Camden Council). An application must be lodged with and approved by Council prior to the erection of any hoarding or fence.

Note 1 No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

Note 2 Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3 All demolition works must comply with the requirements of AS 2601 - 1991.

- (9) **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc, and when plant and vehicles enter the site, the footway shall be protected against

damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.

- (10) **The Traffic Management** Plan must address the construction process and construction access for the development for all stages of the development, the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions including the use of Council's road and footpath for construction purposes.

Prior to commencement of any work on public roads an approval under Roads Act should be obtained from the Council and such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

- (11) **Retaining Walls** - The detail design of the retaining walls must be submitted to the PCA prior to the issue of the Construction Certificate. All retaining walls including the footing for the same shall be located wholly within the subject property.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the Council agrees to the commencement inspection being combined with the first required inspection.

- (a) Commencement of Building Works - When environmental controls are in place.
- (b) Foundation Preparation - The foundation material prior to the placement of slab preparation (prior to sand base and plastic membrane).
- (c) Swimming Pool Excavations - The foundation material prior to placement of sand bedding, steel reinforcement or fibreglass shell.
- (d) Pier Holes - Excavated pier holes prior to pouring of concrete.
- (e) Strip Footings - When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (f) Slab On Ground - When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (g) Formwork and Steel Placement - When formwork and reinforcement of structural components (such as concrete lintels, beams, columns,

walls, swimming pools, etc) have been completed, prior to pouring of concrete.

- (h) Swimming Pool Coping/Bond Beam – When reinforcement and formwork for the coping around fibreglass swimming pools has been provided, prior to pouring of concrete.
- (i) Swimming Pool Fencing - The swimming pool safety fence prior to filling the pool with water.
- (k) Wall & Roof Framing - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (l) Wet Area Flashing - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (m) Drainage Line-work - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or drainage easement or rubble pit, prior to backfilling of lines.
- (n) Sewer Line-work - When external line-work has been laid and connected to the approved wastewater treatment system.
- (o) Occupation Certificate (final inspection) - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979*, and may prohibit the issue of an Occupation Certificate.

(2) Civil Engineering Inspections - Inspections required by the PCA are required at the following stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of sub grade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans have been submitted to Council.

(3) Construction Noise Levels – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (4) **Hours Of Operation** - All construction, building and earthworks must be restricted to between:
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.
- (5) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Council. Any damage to Council's assets shall be made good prior to commencement of use/occupation.
- (6) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 4pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - Builders operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - Builders waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
 - A waste control container shall be located on the development site.
- (7) **Street Trees, Street Tree protective guards and Nature Strip/Road Verge areas** - Any existing or installed street trees, tree guards, protective bollards or any area of the nature strip/road verge, which is disturbed, removed or damaged during the development and construction stages and/or the Consent conditioned Landscaping 12 month maintenance period, must be repaired or replaced.
- The disturbed, damaged, in decline or removed trees, lawn areas, nature strip/road verge area, bollards and tree guards, are to be repaired or replaced with the same type, species and maturity prior to the completion of the 12 month Maintenance Period.
- (8) **Offensive Noise, Dust, Odour, Vibration** – Demolition works shall not give rise to offensive noise, dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary.
- (9) **Dust** – All construction activities must be managed to ensure that dust is minimised and prevented from leaving the site.

- (10) **Prohibition of Pollution of Water** – All construction works conducted on this site must comply with “Section 120 – Prohibition of Pollution of Waters” of the Protection of the Environment Act 1997.
- (11) **Disposal of Stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (12) **Bunding and Containment Systems** – Where there is a potential for any stored material/s to spill and cause environmental harm, suitable bunding or alternative spill containment systems must be in place. The bunding or containment systems must be designed, engineered and constructed to be suitable for the types and quantities stored therein in accordance with all appropriate standards, including Australian Standard (AS) 1940 and AS 1596.
- (13) **Removal Of Waste Materials** – Where there is a need to remove any identified waste materials from the site such materials will need to be assessed in accordance with Environmental Guidelines Assessment, classification and management of non-liquid waste, NSW EPA, 1997. Once assessed, the materials will be required to be disposed to a DEC (formerly EPA) licensed facility that can lawfully accept the classification of the waste. Copies of disposal receipts / dockets must be obtained and be supplied to the Consent Authority as per the Condition for “Monitoring and Reporting”.
- (14) **Storage of Recyclable Waste** – All waste identified for recycling must be stored and disposed of separately from other waste on the site.
- (15) **Recording of Complaints and Register** – The applicant / owner / site manager of the site must keep a legible record of all complaints in a register that have been received in relation to the activity of remediation and / or construction works undertaken on the site or from works undertaken in relation to the site. A record of all complaint must be kept for the duration of remediation and site development works and be produced to any Council Authorised Officer or Authorised Officer under the POEO Act 1997 who asks to see them.

The record must include details of the following:

- (a) The date and time of the complaint
 - (b) The method by which the complaint was made
 - (c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect,
 - (d) The nature of the complaint
 - (e) The action taken by the applicant / owner / site Manager in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) If no action was taken by the applicant / owner / site Manager, the reasons why no action was taken.
- (16) **Telephone Compliant Line** – The applicant / owner / site Manager must operate during the approved hours of operation a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to remediation and / or construction works undertaken on the site or from works undertaken in relation to the site.

- (17) **No Refuse Burning** – Where building materials, trees and/or shrubs are required to be removed as part of the site works, such materials must be removed from the site and be recycled or disposed to a licensed waste/refuse receiving facility. Under the Protection of the Environment Operations (Clean Air Regulations) 2002, the burning of anything in the Camden Local Government Area is prohibited unless exempt by the regulations or prior written approval has been obtained from the Department of Environment and Conservation.
- (18) **Excavation And Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (19) **Compaction** - Any filling up to a 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and validation report must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All filling or cutting more than 1.0m must be approved at the Development Application Stage development.
- (20) **Fill Material for Development Site** - Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The validation report and sampling location plan must be prepared:

- i) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) The Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of Samples per Volume or part thereof	Volume of fill (m ³)
Virgin excavated Natural material	1 (see note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (21) **Mechanical Plant Noise** – Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels in excess of the Environment Protection Authority's Industrial Noise Policy.
- (22) **Security Fencing** – Any temporary detention, water quality facility and basement exaction areas which are 1.2m below the foot way level shall be enclosed by a 1.8 metre high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be suitably maintained and is to remain in place until the facility is de-commissioned or ground is raised to safe level.
- (23) **Waste Management Plan (Construction)** – The management of construction waste must be undertaken in accordance with the "Waste Management Plan, Prepared for Urbis, Dated June 2009.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of each stage of the development. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) **Fire Safety Certificate** – On completion of the each stage of building works and prior to occupation of the building the owner of the building shall furnish to Council a Fire Safety Certificate for each fire safety measure in the building.

The owner of the building shall then furnish Council with a Fire Safety Statement annually for each Fire Safety Measure in the building.

- (3) Occupation Certificate shall not be issued for any stage of development prior to the registration of Proposed Lot 16 under DA 983/2008.

- (4) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

- (a) Easement for services.
- (b) Easement to drain water.
- (c) Drainage easement over overland flow paths.
- (d) Easement for on-site-Detention.
- (e) Easement for water quality.
- (f) The owners of the subject properties burdened by the Right-Of-Way shall be responsible for ongoing maintenance and the Public Liability of the Right-Of-Way.
- (g) Restricted building zone over the 1% flood inundation area of the natural watercourse which prohibits the erection of structures, including fences, the placement of fill and the planting of trees.

- (5) **Seniors Living Covenant** - A covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the “Seniors Housing” development to prohibit the occupation of the premises by residents other than:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services on the land.

6.0 Operation Conditions

COMMUNITY HUB BUILDING

- (1) **Hours Of Operation** - Hours of operation for the medical suites, newsagent/convenience shop and pharmacy are 7.30am and 8.00 pm daily, and Anglicare office 7.30am to 10.00pm daily.

SWIMMING POOL

- (2) **Swimming Pools / Spas** – Swimming and /or spa pool/s and surrounds must be constructed, operated and maintained in accordance with the Public health (Swimming Pools and Spa Pools) Regulation 2000 and the Department of Health NSW Public Swimming Pool and Spa Pool Guidelines 1996. Demonstrated compliance with the regulation and guidelines must be provided to the consent authority prior to the issue of the construction certificate.

All activities associated with the swim centre must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.

- (3) **Mechanical Plant** - Any mechanical plant for the swimming pools must be located within a building or suitable enclosure to prevent noise emission from leaving the building.
- (4) **Wastewater Disposal** – All swimming pool waste water must be disposed of to the Sydney Water sewer.
- (5) **Recirculation Systems** – The swimming pool water recirculation and filtration system must comply with *AS1926.3 Water recirculation systems* with regard to the provision of safety measures, to avoid the entrapment of or injury to a young child.

Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the recirculation system and filtration system has been constructed in accordance with AS1926.3, must be submitted to the Principal Certifying Authority (PCA).

- (6) **Swimming Pool Fence Design** – The swimming pool must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:
- (a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent.
 - (b) Fences and gates must strictly comply with *AS1926-2007 – Swimming pool safety – Part 1: Safety barriers for swimming pools*.
 - (c) Fencing shall have a minimum effective height of 1.2m.
 - (d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure.
 - (e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water.

The Principal Certifying Authority (PCA), or an accredited certifier must inspect the swimming pool safety fencing.

- (7) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the *Swimming Pools Regulation 2008*, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act, 1992*.

The Principal Certifying Authority (PCA) shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "*Guideline 7: Cardiopulmonary Resuscitation*" published in February 2006 by the Australian Resuscitation Council (available through www.resus.org.au).

- (8) **Depth Markers** - Legible and durable depth markers shall be affixed to the swimming pool coping indicating the water depth at the most shallow and deepest portions of the swimming pool. Depth markers are to be installed prior to the issue of an Occupation Certificate.
- (9) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
- (10) **Disinfection** – The swimming pool water shall be disinfected using continuous dosing equipment.
- (11) **Testing of Pool Water** – The swimming pool water must be tested in accordance with the Department of Health current NSW Public Swimming Pool and Spa Pool Guidelines. The tests must be carried out in accordance with the applicable frequency, parameters and methods stated in the Guidelines.
- (12) **Register** – A register must be kept to record the results of all tests performed on the swimming pool water. This register must be kept on the premises and be made available to Council Officers on request.
- (13) **Non-slip Concourse For Pool** – The concourse area that surrounds the pool is to be designed of non-slip materials.
- (14) **No Sharp Edges For Pool** – The internal finish applied to the pool must ensure that there are no sharp edges.
- (15) **Ventilation** – Where natural ventilation cannot be adequately achieved for all internal areas adequate natural ventilation shall be provided with a system of mechanical ventilation in accordance with the requirements of the Building Code of Australia and Australian Standard AS1668 Parts 1 and 2.
- (16) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the swim centre must be

undertaken by the Consent Authority) Prior to the Issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the swim centre complies with the current NSW Health Public Swimming Pool and Spa Pool Guidelines.

COMMUNITY CLUBHOUSE

- (17) **Hours of Operation** - The hours of operation of the Community Clubhouse and all associated uses, facilities and activities within the building shall be restricted to between 7.30 am and 11.30 pm daily.
- (18) **Use of Community Clubhouse** and all associated uses, facilities and activities shall be limited to residents of the retirement, staff and their guests.
- (19) **Amplified Music** – the playing of amplified music on the premises is prohibited after 10.00pm.
- (20) **Use of Bowling Green** – The use of the bowling green is prohibited after sunset.
- (21) **Bowling Green Noise level restrictions** - The level of total continuous noise emanating from the use of the bowling green (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary or residential private open space and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy and Liquor Administration Board criteria.
- (22) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (23) **Mechanical Plant and Operational Noise Restriction** - The level of total continuous noise emanating from the operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy and Liquor Administration Board criteria.
- (24) **General Requirement** - All activities associated with the development must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
- (25) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply fully with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (26) **Detailed Fitout Plans** – For all kitchens or rooms where food preparation is undertaken detailed fitout plans are to be provided to the consent authority

prior to the issue of the Construction Certificate. The plans must demonstrate compliance with Camden Council's Food Premises Code.

- (27) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a greasetrap and a trade waste agreement.

A written response must be submitted to Camden Council Prior To The Construction Certificate Being Issued.

- (28) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council where as the Notification Form may be completed on-line on the internet (free of charge) or returned to Council with an administration processing fee (of \$55 inclusive of GST).
- (29) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority prior to the issuing of an Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (30) **Hand Washing Facilities** – Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: *AS4674-2004 requires that hand basins are accessible and no further than 5 m from any place where food handlers are handling open food*). The hand basins must be:
- a) Provided with water at least 40°C from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.

BEAUTY SALON, HAIRDRESSER, PHYSIOTHERAPY

- (31) **Hours of Operation** - The hours of operation of the Beauty Salon, Hairdresser, and Physiotherapy shall be restricted to between 7.30 am and 11.30 pm daily.
- (32) **Beauty Salon & Physiotherapy** - the use and operation of the premises shall comply with the requirements of Schedule 3 (Standards for Beauty Salons) of the Local Government (orders) Regulation 1999 under the Local Government Act 1993.

Note: Guidance may also be obtained from the NSW Health Department's "Skin Penetration Guidelines", Code of Best Practice.

- (33) **Hairdresser shops** - That the use and operation of the premises shall comply with the requirements of Schedule 2 (Standards for hairdresser shops) of the Local Government (orders) Regulation 1999 under the Local Government Act 1993. Note: Guidance may also be obtained from the NSW Health Department's "Skin Penetration Guidelines", Code of Best Practice.

- (34) **Skin Penetration** - the use and operation of the premises shall comply with the requirements of the Public Health Act 1991, the Public Health (Skin Penetration) Regulation 2000; Note: Guidance may also be obtained from the NSW Health Department's:
- (a) Skin Penetration Code of Practice;
 - (b) Guidelines on Skin Penetration;
 - (c) Guidelines on Blood Cholesterol and Glucose Testing;
 - (d) Blood Cholesterol and Blood Glucose Measurement – Code of Best Practice;
 - (e) Skin penetration Fact Sheets
 - (1) Acupuncture;
 - (2) Nose Piercing;
 - (3) Hairdressers and Barbers;
 - (4) Ear Piercing;
 - (5) Cosmetic enhancement and semi-permanent make-up;
 - (6) Colonic Irrigation;
 - (7) Body Piercing;
- (35) **Detailed Fitout Plans** – For the beauty salon and physiotherapy rooms detailed fitout plans are to be provided to the consent authority prior to the issue of the Construction Certificate. The plans must demonstrate compliance with requirements of Schedule 3 (Standards for Beauty Salons) of the Local Government (orders) Regulation 1999 under the Local Government Act 1993.
- (36) **General Waste Service Contract** - The business proprietor shall enter into a commercial contract for the collection of waste. A copy of this agreement shall be held on the premises at all times.
- (37) **Floor Finish** - The floors finish in the treatment rooms must be smooth and impervious to enable ease of cleaning.
- (38) **Operation Requirement** - That the use and operation of the premises shall comply with the requirements of the NSW Health Infection Control Policy;
- (39) **Linen Storage**
- a) Clean linen, garments and towels are to be used on each client;
 - b) Used and clean towels are to be stored separately;
 - c) All linen including towels, capes, gowns and other washable fabrics must be washed with laundry detergent and water, rinsed, dried and stored in a clean, dry, dust free location;
- (40) **Chemical Storage**
- a) The storage of all chemicals used on site must be:
 - i) Contained either in the Biohazard Storage Area or alternatively in a cool, dry and well ventilated cabinet at or near ground level to minimise the possibility of chemicals being accidentally dropped or spilled;
 - ii) Out of reach of visitors; and
 - iii) In their original containers.

DOCTORS SURGERY/(S)

- (41) **General Requirement** - The use and operation of the Doctors Surgery (the premises) shall comply with the requirements of:

- (a). The Australian Medical Association
- (b). The NSW Department of Health

- (42) **Medical Waste Collection** - All medical waste must be collected by an appropriately licensed contractor and the receipts of collection retained for viewing by authorised officers.
- (43) **Refuse Containers** - The premises must be provided with suitable waste receptacles with tight fitting lids. Such receptacles must be smooth and impervious to moisture.
- (44) **Needle Safe To Be Provided** - Where disposable instruments are used, a sharps container must be provided for the disposal of sharp instruments used in any skin penetration procedure. Sharps waste containers must comply with the following Australian Standard:
- (45) AS 4031-1992 Non-reusable containers for the collection of sharp items used in health care areas.

Note: The sharps waste container(s) shall be stored in such a manner as to prevent access by visitors and small children.

i) The proprietor must enter into a service contract with a licensed contractor for the safe collection, removal and disposal of the sharps waste generated within the premise.

- (46) **Waste Disposal** - All non-sharps waste shall be double bagged, tied and sealed before being disposed.

Note: Waste bags and containers must not be overfilled as this prevents closure and increases the risk of rupture.

- (47) **Flyscreens** - Flyscreens shall be provided to all window openings and door openings.
- (48) **Hand Basin** - A wash hand basin must be installed in the consultation rooms and must have:
 - a) an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply through a single outlet;
 - b) hand free taps;
 - c) soap, or other substance for the cleaning of hands, located next to it; and
 - d) single-use towels or other suitable hand drying equipment located next to it.

- (49) **Equipment Sink** - The premises must have a sink, for the cleaning of equipment, which has an adequate supply of potable water at a temperature of at least 40°C mixed from a hot and cold water supply. Hand basins are in addition to and separate from kitchen and equipment cleaning sinks.
- (50) **Walls In Wet Area** - The wall(s) adjacent to the (wash hand basin, sinks, etc) must be constructed of, or covered with, a material that is durable, smooth,

impervious to moisture and capable of being easily cleaned. This material must comply with the following dimensions:

- a) from floor level or from the top of the wash basin and extend to a height of 450mm above the top of the wash basin; and
- b) from the centre of the wash basin and extend to a distance of 150 mm beyond each side of the basin.

- (51) **Floor Finish** – The Floor in the treatment area must be constructed of, or covered with, a material that is durable, smooth, impervious to moisture and capable of being easily cleaned.
- (52) **Single Use Disposable Gloves** - An appropriate stock of single use gloves must be provided on the premises at all times for use by staff. These gloves must be correctly sized and fit for purpose of use and be worn for all skin penetration procedures where there is a risk of blood contamination.
- (53) **Sterile Gloves** - An appropriate supply of sterile gloves must be provided and worn where direct contact with sterilised items will occur during a procedure.

RESIDENTIAL CARE FACILITY and DAY CARE CENTRE

- (54) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply fully with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (55) **Detailed Fitout Plans** – For all kitchens or rooms where food preparation is undertaken detailed fitout plans are to be provided to the consent authority prior to the issue of the Construction Certificate. The plans must demonstrate compliance with Camden Council's Food Premises Code.
- (56) **Approved Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.
- (57) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a greasetrap and a trade waste agreement.

A written response must be submitted to Camden Council Prior To The Construction Certificate Being Issued.

- (58) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council where as the Notification Form may be completed on-line on the internet (free of charge) or returned to Council with an administration processing fee (of \$55 inclusive of GST).
- (59) **Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority prior to the issuing of an

Occupation Certificate. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.

- (60) **Hand Washing Facilities** – Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: *AS4674-2004 requires that hand basins are accessible and no further than 5 m from any place where food handlers are handling open food*). The hand basins must be:
- a) Provided with water at least 40°C from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.
- (61) **Food Codes And Regulations Compliance** - The construction and fit-out of the premises or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply fully with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (62) **Detailed Fitout Plans** – For all kitchens or rooms where food preparation is undertaken detailed fitout plans are to be provided to the consent authority prior to the issue of the Construction Certificate. The plans must demonstrate compliance with Camden Council's Food Premises Code.
- (63) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a greasetrap and a trade waste agreement.
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 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.

- (67) **Mechanical Plant and Operational Noise Restriction** - The level of total continuous noise emanating from the operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy.

REASONS

- R1. To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Regulations* made thereto.
- R2. To ensure that the building complies with the *Local Government Act, 1993* and *Regulations*.
- R3. To ensure that the building complies with the requirements of the *Building Code of Australia* and applicable Australian Standards.
- R4. To ensure that the development complies with the submitted plans and supporting documentation.
- R5. To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- R6. To ensure that the development contributes towards the cost and provision of community facilities, public works, open space and recreation facilities in accordance with Sections 94 and 94a of the *Environmental Planning and Assessment Act, 1979*.
- R7. To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.
- R8. To ensure that the building and/or works do not affect public safety and amenity.
- R9. To ensure the development is carried out in an environmentally sustainable manner.
- R10. To preserve public health and the environment.
- R11. To comply with requirements of *Swimming Pools Act, 1992*.

ADVICE

- A1. Offences - Section 125 of the Environmental Planning and Assessment Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent is guilty of an offence against this Act.

- A2. Penalties - Section 126 of the Environmental Planning and Assessment Act provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding \$100,000 and to a further daily penalty not exceeding \$10,000.
- A3. Section 94 Contributions - The contributions required under Section 94 of the Act are set out in the Contributions Plan relevant to this property which can be obtained from the customer service section at Council Chambers, 37 John Street, Camden during normal business hours.
- A4. Long Service Levy - Pursuant to the requirement of the Building and Construction Industry Long Service Payments Act, 1986, all building and construction work costing \$25,000 or more incurs the payment of a Long Service Levy. The levy, currently set at 0.35% of the cost of the work must be paid prior to the issue of Construction Certificate. Where it will assist applicants Council will act as a payment collection agency on behalf of the Long Service Payments Corporation.
- A5. Disability Discrimination Act - Your attention is drawn to the existence of the Disability Discrimination Act. The approval issued by Council is in accordance with the Building Code of Australia however the application may not comply with the requirements of the *Disability Discrimination Act*. Compliance with the provisions of this Act is the sole responsibility of the owner/applicant.
- A10 Certifying Authority Inspection Fees - Inspections for all works proposed within existing public roads adjacent the site must be undertaken by the Roads Authority, Camden Council. The following inspections for works associated with the design approved pursuant to s.139 of the Roads Act 1993 include the following:
- i) implementation of Environment Site Management Plan
 - ii) monitoring the installed Traffic Control Plan

Fees associated with the above inspections have been determined from Camden Council's current Schedule of Fees and Charges (Subdivision Inspections - Roads and Drainage work)

These fees are payable prior to the issue of the Roads Act consent referred to in this development consent.

- A11 Construction Certificate - If Camden Council is appointed as the Certifying Authority for the issue of any Construction Certificate the fees should be obtained from the council or Fees and Charges are available from the Council's web site; www.camden.nsw.gov.au

Fees are applicable during the current financial year and are adjusted annually by Council, and must be paid prior to the issue of the Construction Certificate.