

Hunters Hill Congregational Church
PO Box 132
HUNTERS HILL NSW 2110

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION No.
393/2010**

**Issued under Section 81 (1) (a) of the
Environmental Planning and Assessment Act 1979**

(For privacy reasons, the applicant's details only appear in the notice to the applicant)

LAND TO BE DEVELOPED:	49A Lodges Road NARELLAN 2567 LOT: 13 DP: 242250
PROPOSED DEVELOPMENT:	Nominated Integrated Development for alterations and additions to the existing aged care facility to consist of a four stage development. Works to include demolition and redevelopment of limited existing villas, construction of 27 self care villas, 6 serviced self care accessible apartments and a partial three storey building to consist of a 64 place Residential Aged Care Facility. Associated works to include earthworks, tree removal, drainage, parking and landscaping.

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES: -

DATE THE CONSENT EXPIRES: -
(unless works commenced)

DATE OF THIS DECISION: -

INFORMATION ATTACHED TO THIS DECISION:

- Advice listed in Attachment A.
- Rural Fire Service's General Terms of Approval dated 15 September 2010, Ref: D10/0919 DA10060269803 DS ID:69803/64384/5.
- Letter from NSW Fire Brigades; dated 23 September 2010.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Stage 1 – A residential aged care facility (RACF)
- Stage 2 – RACF focused villas and serviced disabled apartments
- Stage 3 – Lake focused villas; and
- Stage 4 – Lodges Road focused villas

The works associated to the above will see the following;

- demolition and redevelopment of 12 existing self care villas/units to result in eight replacement villas/units;
- 31 single storey self care units made up of 3 bedroom and 2 bedroom units;
- 6 x 1 bedroom serviced self care single storey apartment blocks for disabled persons; and
- a partial three storey 64 place Residential Aged Care Facility

Additional associated works include;

- augmentation and embellishment of an existing on site water management facility;
- an additional 20 space car parking area adjacent to the RACF;
- acoustic and boundary fencing; and
- associated landscaping.

Upon completion, the entire development will comprise of the following;

- 75 self care villas/units;
- 1 x 64 place RACF;
- 6 x 1 bedroom serviced self care apartment for disabled persons;
- A community centre (existing) which provides for meeting rooms; and management offices, day respite aged care centre, activity rooms, workshop, kitchen and sundry services; and
- a residents recreation room (existing).

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:
 - (a) Site Plan; Ref: 323-DA04(A); dated 15 April 2010
 - (b) Stage Plan; Ref: 323-DA05(5); dated 15 April 2010
 - (c) Streetscape Elevations; Ref: 323-DA06(A); dated 15 April 2010
 - (d) Site Sections; Ref: 323-DA07(A); dated 15 April 2010
 - (e) Residential Aged Care Facility; Basement/Services Lower Level Floor Level; Ref: 323-DA08(A); dated 22 March 2010

- (f) Residential Aged Care Facility; Level 1; Ref: 323-DA09(A); dated 15 April 2010
- (g) Residential Aged Care Facility; Level 2; Ref: 323-DA10(A); dated 22 March 2010
- (h) Type A Self Care Villa; Ref: 323-DA12(A); dated 22 March 2010
- (i) Type B Self Care Villa; Ref: 323-DA13(A); dated 22 March 2010
- (j) Type C Self Care Villa; Ref: 323-DA14(A); dated 22 March 2010
- (k) 6X1 Bed Aged Disabled Care; Ref: 323-DA15(A); dated 15 April 2010
- (l) Proposed 5x2 bed / 2x3 bed Self Care Villas; Ref: 323-DA16(A); dated 15 April 2010
- (m) Proposed 5x2 bed / 2x3 bed Self Care Villas; Ref: 323-DA17(A); dated 22 March 2010
- (n) Cut and Fill Plan; Ref: 323-DA18(A); dated 15 April 2010
- (o) Landscape Plan; Ref: 323-DA23(A); dated 15 April 2010
- (p) Landscape / Site works Details; Ref: 323-DA24(A); dated 22 March 2010

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

Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Amendments or modification of the approved development require the written prior approval of Camden Council.

- (2) **Landscaping Maintenance & Establishment Period** - All Landscaping works associated with this Consent are to be Maintained and Established for a period of 24 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 (i.e., 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 initial completion of the Landscaping works, to determine and agree upon, an appropriate DPC.

At the completion of the 24 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 24 month landscaping maintenance period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping works that require repair or replacement are to be repaired or replaced prior to the completion of the 24-month maintenance period and/or

Council accepting handover for the responsibility of any on-going maintenance for the subject site.

- (3) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval.
 - pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (4) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **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.

- (6) **Waste Management** – The operation of the retirement village shall comply with the following waste management requirements:
- (a) Use of appropriate signage to alert pedestrians and other motorists of trucks' presence/movements and clearly labelling waste management storage and collection areas.
 - (b) Waste management storage and collection area/s shall be drained to a grassed area or to the Sydney Water Trade Waste connection and not to a stormwater drain.
 - (c) Where utilised, bin pads are to be installed by the developer during construction stage. The pads are to be constructed with a hard surface and finished to complement the building, e.g., paved or stencil concreted.
 - (d) Where an alternative contractor is utilised records and proof, in the form of receipts and a signed collection contract, must be retained and provided to council upon request.
 - (e) Waste bins shall be located out of public sight or in a lockable waste management area to prevent vandalism and shall be well lit to encourage safe use by occupants after dark.
 - (f) An Indemnity Agreement will need to be carried out if council waste management vehicles are to enter the premises.
- (7) **Approvals and Licences from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits and licences from

all other approval authorities as required, prior to the commencement of any work and/or operation of the premises.

- (8) **Acoustic Mitigation Requirements** – The following acoustic mitigation measure shall be incorporated within the development:
- (a) That a solid fence be erected along the Principal Private Open Space Areas facing Lodges Road of the proposed Stage 4 villas at no less than 1.8m in height. The design and colour of fence must be compatible with the materials used within the dwellings.
 - (b) That the recommendations outlined in Section 4.3 of the Environmental Noise Assessment report prepared by Acoustic logic reference 200981/0411A/R1/JG; dated 4 November 2010; be implemented.
- (9) **Additional uses** - If there is to be a hairdresser on the premises or it is a proposed to sell any food from the Activities Pavilion, a separate Development Application shall be submitted to and approved by Council for this use.
- (10) **Substation** - It may be necessary for the installation of a suitable electrical substation for the distribution of electrical power in this area to be located on the land, the subject of this application, and that an area of land suitable for the Endeavour Energy to provide such an installation be set aside for this purpose. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Endeavour Energy directly with respect to the possible need for such an installation immediately or in the future. No works shall be at cost to Council.
- (11) **Overland Flow Path** – An overland flow path must be formed over the full width and length of the drainage easement to provide a stormwater escape route for the existing natural drainage line. 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 the land prohibiting the alteration of the surface levels within the drainage easement (for the cross-sectional area of the easement) to allow overland flow to be contained within the easement. An easement shall be obtained over any downstream property from the downstream adjacent subdivision to a defined watercourse.
- (12) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the road and/or natural drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (13) **Subdivision approval** – This Notice of Determination does not give consent for any subdivision of land.

2.0 - Construction Certificate Requirements

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

- (1) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Requirements for Construction Certificate** - The following shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate:
 - (a) Detailed designs of the intersection of the access road with Lodges Road are to be submitted to Council for review and approval prior to construction.
 - (b) The applicant is to submit swept paths for a standard fire truck accessing the site and within the internal road system.
- (3) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:
 - (a) Inclusion of boom gate at entry point of 'The Way'.
 - (b) Remove the layout of the residential subdivision marked as 'proposed new residential subdivision'.
- (4) **Completed In Stages** - Where the development must be completed in stages, a plan must be submitted showing details of boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

The above details must be submitted to the Principal Certifying Authority and Camden Council **prior to the Construction Certificate being issued**. This shall be submitted in form of a comprehensive Construction Management Plan which outlines the staging of the development and the environmental controls and measures associated with different stages including the temporary sediment basins.

- (5) **Management of Sewer - Prior to issue of the Construction Certificate** an Application to Install, Construct, Alter a Sewage Management System under Section 68 of the Local Government Act 1993 shall be submitted to Council and approved. The application shall be supported by all such documents as detailed in Camden Councils Sewage Management Strategy.

The applicant shall obtain written advice from IPART regarding the need for a WICA License for the site. A copy of such advice shall be submitted to Council.

- (6) **Easement for drainage** - A drainage easement with appropriate width shall be provided in the downstream property Lot 3 DP 520826 and Lot 1 DP 545452 to

connect all stormwater including overland flow paths generated from the proposed OSD facilities in the subject development. A Deed of Agreement indicating that the consent from the adjoining downstream property owner for the creation of the drainage easement shall be submitted to Consent Authority prior to the release of the Construction Certificate. The registration of the easement shall be completed prior to the issue of the Occupation Certificate.

- (7) **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.

- (8) **Requirements from the NSW Fire Brigades** - The applicant is to submit to the Principal Certifying Authority a schedule of measures proposed to be implemented in the construction of the development in order to meet the requirements of the letter from the NSW Fire Brigades; dated 23 September 2010; attached to this development consent. Details are to be provided **prior to the release of any Construction Certificate**.
- (9) **Bush Fire Construction Requirements** - The development must comply with the NSW Rural Fire Service Planning for Bushfire Protection and AS 3959. For the purpose of this condition, AS 3959 means the Australian Standard: Construction of Buildings in Bushfire Prone Areas (AS3959) 2009.

Prior to the issue of a Construction Certificate, details shall be provided showing proposed construction compliance with the requirements of the above Standards and recommendations outlined in the Bushfire Hazard and Management Report and Map (Annexure H of Volume 2 (part 1) Planning Report. Where there is an inconsistency between the Report and PBP, the PBP take precedence to the extent of the inconsistency.

Landscaping and other ancillary development in the Bush Fire Prone Land Area must not increase the bushfire risk. The maintenance of this area must be to the standard of an Inner Protection Area of an Asset Protection Zone and is the sole responsibility of the land owner.

- (10) **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 dated 15 September 2010, Ref: D10/0919 DA10060269803 DS ID:69803/64384/5; have been met.

This written confirmation may be by way of either:

- (a) Written advice from the Rural Fire Service that the development is compliant with the current Planning for Bushfire Protection document, or
 - (b) Written advice from an appropriately qualified Bushfire Risk Assessor that the proposed development is compliant with the current Planning for Bushfire Protection document.
- (11) **Building in a Saline Environment** - All building infrastructure and associated site works shall be built in accordance with Camden Councils "Building in a Saline Environment" and as follows:
 - (a) If proposed concrete piles/piers embedded into moderately aggressive soil (1.0m below ground level) should have 40Mpa characteristic strength.
 - (b) If proposed steel piles embedded into mildly aggressive soil, (upper 1.0m) should have a uniform corrosion allowance of 0.01mm/year or less.
- (12) **Waste Management During Construction** - A Waste Management Plan must be produced for the construction phase of the development. At the very minimum the Plan must address the following matters for each phase of the development;
 - (a) all the waste streams that the development will generate;
 - (b) the volumes for each of the waste streams and how they will be stored temporarily on-site (awaiting removal); and
 - (c) the details of the recycling contractor(s) and landfill destination (if any).
- (13) **External Materials and Finishes** - The building must be constructed using materials and colours that are compatible with the amenity of the built area and in accordance with the External Finishes Schedule; Ref: 323-DA26(A); Dated 22 March 2010. Details of proposed colours and materials must be submitted with the Construction Certificate.
- (14) **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 Council's Development Control Plan 2011 (except as varied in the approved plans) and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.
- (15) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:
 - (a) All matters associated with Council's Erosion and Sediment Control Policy.
 - (b) All matters associated with Occupational Health and Safety.
 - (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.

- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

- (16) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (i.e. 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 stormwater 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.

- (17) **Crime Prevention through Environmental Design** – The applicant is to submit to Council and the Principal Certifying Authority a schedule of measures proposed to be implemented in the construction of the development in order to minimise the risk of crime. Such methods shall be in accordance with the Crime Prevention Through Environmental Design Analysis contained within Planning Report: No. 49 Lodges Road, Narellan; Volume 2 (Part 1). Details are to be provided prior to the release of any Construction Certificate.

- (18) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications for roadworks, drainage and other works associated with subdivisions and other developments.

- (19) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval **prior to a Construction Certificate being issued.**
- (20) **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 be in accordance with Council's Engineering Specifications and must cater for future developments of land adjoining the site and overland flow from adjoining properties and shall be designed with the following requirements:
- (a) The floor level of any building shall be a minimum of 300mm above the water level (at 1% AEP) of the peak storage level of the OSD system and the 600mm above the 1%AEP Flood level in the Herbert Rivulet.
 - (b) The proposed drainage system shall be connected to the underground drainage system for allotments (Lots 2&3 DP 520826) and the overland flow path should be directed to Herbert Rivulet .If a formal overland flow path is not constructed via public road at the time of the occupation of the subject development, a temporary overland flow path must be constructed up to the Herbert Rivulet.
- (21) **Parking Spaces** - Car parking spaces must be provided on site as per the approved plans. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council Development Control Plan 2011, and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and Camden Council's standard. Documentary evidence of compliance from an Accredited Certifier/suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- All new spaces for the parking of people with a disability shall comply with AS 2980.6. The resident parking spaces and access to and from the spaces are to be designed in accordance with AS2890.1.
- (22) **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.
- (23) **Water Sensitive Urban Design** - The water quality management for the subject site shall be based on the Water Sensitive Urban Design principles to achieve target water quality levels in the Council's Specifications.

- (24) **Council future infrastructure** - Should any infrastructure proposed to be dedicated to Council then it shall be designed to appropriate Traffic Loading and constructed with inspections undertaken by Council..
- (25) **Works to existing dam** – Works to the existing water management feature on the site (noted on the approved plans as Exist. Lake) must be in accordance with the Assessment and Recommendations outlined in the Dam Embankment Assessment (produced by GeoEnviro Consultancy Pty Ltd; Ref: JC09077A-r3; Dated 31 May 2011).

All remediation and improvement work shall be done under the supervision of a qualified and experience Geotechnical Engineer and a Certificate of Completion of remediation work shall be submitted to the Principle Certifying Authority.

During such works all measures are to be implemented to protect life and property to the surrounding area. Such measure may include a Dam Destabilisation Strategy Emergency Response in the event of subsidence.

- (26) **Works at Lodges Road driveway** – The island and associated signage identified on plan Figure 3; Island treatment for no right in no right out to access road; job no. 28123 (as amended) shall be constructed in accordance with this plan. All works shall be at no cost to Council and subject to a Public Road Activity Approval.
- (27) **Construction of 'The Way'** – The road noted as 'The Way' on the approved plans shall be constructed as a temporary internal road way. The ultimate design, width, location and construction standard will be determined and approved with any subsequent development application for residential purposes adjoining the land.
- (28) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional runoff 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 with the Construction Certificate.

On completion of the on-site detention system, Works-as-Executed plans (in hard copy and .dwg format) are to be prepared by a registered Surveyor or 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.

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) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
 - (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
 - (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (29) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council **prior to the issuing of the Construction Certificate**.
- The survey must include descriptions of each photo and the date when each individual photo was taken. The survey shall include the current status of both Sirius Circuit and Lodges Road.
- (30) **Section 73 Compliance Certificate** – A Section 73 Certificate shall be obtained from Sydney Water. A copy of this certificate shall be submitted to Council and the Principal Certifying Authority.
- (31) **Performance Bond - Prior to the issue of the Construction Certificate**, a performance bond of \$25,000.00 must be lodged with Camden Council. Should any of Council's 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 released 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: In accordance with Council's current Fees and Charges, an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the performance bond, unless a suitable replacement bond is submitted.

- (32) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out a Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a Certificate of Currency from the issuer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land.

- (33) **Section 94 conditions** - Prior to the issue of any Construction Certificate, the following Section 94 contributions shall be paid at Camden Council. Documentary evidence must be provided to the Principal Certifying Authority that the below payments have been made;

Stage 2 – RACF focused villas and serviced disabled apartments
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- (a) Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$8.00 per additional lot or dwelling, total \$168.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

The contribution must be indexed by the Road Cost Index, **paid prior to issue of the Construction Certificate**.

- (b) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$27.00 per additional lot or dwelling, total \$567.00, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index, **paid prior to issue of the Construction Certificate**.

- (c) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$383.00 per additional lot or dwelling, total \$8,043.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of the Construction Certificate**.

- (d) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$7,360.00 per additional lot or dwelling, total \$154,560.00 for **s.94 Open Space Land Acquisition and Community Land Acquisition**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (e) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,173.00 per additional lot or dwelling, total \$87,633.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Construction Certificate**.

The monetary contribution may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Construction Certificate**.

Stage 3 – Lake focused villas

- (f) Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$8.00 per additional lot or dwelling, total \$64.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

The contribution must be indexed by the Road Cost Index, **paid prior to issue of the Construction Certificate**.

- (g) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$27.00 per additional lot or dwelling, total \$216.00, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index, **paid prior to issue of the Construction Certificate**.

- (h) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$383.00 per additional lot or dwelling, total \$8,064.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of the Construction Certificate**.

- (i) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$7,360.00 per additional lot or dwelling, total \$58,880.00 for **s.94 Open Space Land Acquisition and Community Land Acquisition**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (j) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,173.00 per additional lot or dwelling, total \$33,384.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Construction Certificate**.

The monetary contribution may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Construction Certificate**.

Stage 4 – Lodges Road focused villas

- (k) Pursuant to **Contributions Plan No 8** amended in September 1997, a contribution must be paid to Council of \$8.00 per additional lot or dwelling, total \$56.00, for **Secondary Roundabout R6 (Richardson Road/Lodges Road)**.

The contribution must be indexed by the Road Cost Index, **paid prior to issue of the Construction Certificate**.

- (l) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$27.00 per additional lot or dwelling, total \$189.00, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index, **paid prior to issue of the Construction Certificate**.

- (m) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$383.00 per additional lot or dwelling, total \$2,681.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of the Construction Certificate**.

- (n) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$7,360.00 per additional lot or dwelling, total \$51,520.00 for **s.94 Open Space Land Acquisition and Community Land Acquisition**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

- (o) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,173.00 per additional lot or dwelling, total \$29,211.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid **prior to issue of the Construction Certificate**.

The monetary contribution may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind at the discretion of Camden Council. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the release of a Construction Certificate**.

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) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the *Environmental Planning and Assessment Act, 1979*, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the *Protection of the Environment Operations Act 1997*, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation maybe issued by Camden Council.

- (3) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be

erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
- (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (4) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one (1) toilet for every 20 persons or part of 20 persons employed at the site.

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

- (5) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (6) **Management of Noxious weeds** - The Flora and Fauna Impact Assessment survey prepared by Dr Trevor J Hawkeswood reported 3 species on the site, which are declared noxious weeds within the Camden LGA.

As per the requirements of the Noxious Weeds Act 1993 the applicant must fully and continuously suppress and destroy, by appropriate means, the following noxious weeds **prior to the Construction certificate being issued**. The following noxious weeds were reported to Council within the Flora and Fauna Survey:

- | | |
|------------------------|-------------------|
| ▪ Ligustrum Lucidum | Broad-leaf Privet |
| ▪ Lycium ferocissimum* | African Boxthorn |
| ▪ Opuntia stricta* | Prickly Pear |

The applicant must also ensure that any other noxious weed or environmental weed infestations that occur during development must be reported to Council and fully and continuously suppressed and destroyed, by appropriate means.

All machinery, vehicles and other equipment entering or leaving the site must be clean and free of noxious weed material, to prevent the spread of noxious weeds to or from the property.

- (7) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (8) **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. Council's standard details as per SD 31 shall be used for construction.
- (9) **Payment of Long Service Levy** - The Long Service Levy payment must be paid prior to works commencing. Documentary evidence must be provided to the Principal Certifying Authority demonstrating that payment has been made.

4.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (2) **Construction Site Noise** - Noise Levels emitted during construction works shall be restricted to comply with the DECCW's Interim Noise Construction Guidelines dated July 2009.
- (3) **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:
 - (a) The delivery of material shall only be carried out between the hours of 7.00am – 6.00pm, Monday to Friday, and between 8.00am – 4.00pm on Saturday.
 - (b) 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.
 - (c) 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.

- (d) 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.
- (e) A waste control container shall be located on the development site.
- (4) **Air Quality** - Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to achieve this objective:
- (a) Dust screens may be erected around the perimeter of the site.
 - (b) All loads entering or leaving the site must be securely covered.
 - (c) Water sprays shall be used across the site to suppress dust.
 - (d) When excavating, the surface should be kept moist to minimise dust.
- (5) **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.
- (6) **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.
- (7) **Support for Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.
- (8) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (9) **Street Trees, Street Tree Protective Guards and Nature Strip/Road Verge Areas** - Any established or recently 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 24 month maintenance period, must be repaired or replaced.

Any repairs or replacements needed to the tree/s, lawn area, bollards, tree guards, nature strip/road verge area are to be completed with the same type, species and maturity and the works carried out prior to the completion of the 24 month maintenance period.

- (10) **BASIX Certificate** – Under Clause 97A 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*.

- (11) **Demolition WorkCover Licence** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety Regulation 2011.

A copy of this licence must be obtained from Work Cover NSW and displayed on the site where demolition work is carried out.

Occupational health and safety regulations place obligations on the licence holders that demolition work is performed in a manner that reduces the risk to the health of both demolition works and the public.

- (12) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 – 2001 – Demolition of Structures.
- (13) **Compaction** - Any filling up to 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.
- (14) **Fill Material** - 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 and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- i) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- iii) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- 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".
- iv) 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, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- v) less than 6000m³ - 3 sampling locations,
- vi) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	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.*

- (15) **Validation of Existing Fill Materials** - Validation of the existing fill shall be carried out prior to import of any material or use in the development. The validation report must be submitted to the Principle Certifying Authority prior to the issuing of the Construction Certificate.
- (16) **Validation Sampling-** After removal/ demolition of the concrete slabs and tank areas validation sampling should be carried out in accordance with the NSW EPA "Sampling design guidelines and Guidelines for consultants reporting on contaminated sites" to ensure that contamination does not exist in these areas. This includes in the area in the vicinity of TP57.

Should contamination exist and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Councils Policy- Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (17) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (18) **Unexpected Finds Contingency-** Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Councils Policy- Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (19) **Asbestos Removal** - All works/ demolition works involving the removal and disposal of asbestos over 10m² must only be undertaken by contractors who hold

an appropriate and current WorkCover Asbestos Licence (either AS A: Friable Asbestos Licence or AS B: Bonded Asbestos Licence). Friable asbestos licence holders are authorised to undertake bonded asbestos work as well.

The removal of asbestos shall be carried out in accordance with:

- (a) the "Asbestos Code of Practice" for the safe removal of asbestos (National Occupational Health and Safety commission).
 - (b) all asbestos must be lawfully transported to a waste facility that is classified for the disposal of asbestos and a copy of tipping receipts being submitted to Council at the completion of removal works and prior to the issue of the Construction Certificate/ Occupation Certificate.
 - (c) a clearance certificate issued by an Occupational Hygienist shall be submitted to Council at the completion of works, and prior to the issue of the Construction Certificate/ Occupation Certificate, validating that all asbestos has been removed from the site.
- (20) **Removal of specific waste** – The following rubbish shall be removed in accordance with the below:
- (a) All buried rubbish fill including those encountered in TP 41 to be excavated and removed off site to a DECCW approved landfill.
 - (b) The stockpile identified as Site feature O containing rusted scrap metal and a few fibro (i.e. asbestos) pieces should be deposited to a DECCW approved landfill as asbestos waste.
 - (c) The numerous fill stock piles within site feature D shall be disposed of to a DECCW approved landfill.
- (21) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlns/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (22) **Environmental Control** - The management strategies outlined in Section 9.2 of the Preliminary Contamination, Salinity and Geotechnical investigation prepared by GeoEnviro Consultancy Pty Ltd ref: JC 09077A (rev 2); dated February 2010, and addendum to report dated 5 August 2010 shall be implemented.

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 (PCA) prior to occupation or use of the development.

In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the 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.

- (2) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire and Rescue, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (3) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's Customer Service Centre, and/or Internet site at www.camden.nsw.gov.au

- (4) **Works as Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed drawing (in hard copy and .dwg format) signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.

- (5) **Section 88B Instrument** - Prior to the issue of any Occupation Certificate, 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) That all buildings, landscaping and associated works to be constructed on site must be built in accordance with Section 9.2 Salinity Assessment of the Preliminary Contamination, Salinity and Geotechnical investigation prepared by GeoEnviro Consultancy Pty Ltd ref: JC 09077A(rev 2) dated February 2010, and addendum to report dated 5 August 2010 .
- (6) **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.

Note: Under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: precluded

Seniors are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided and / or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

AND

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.)

- (7) **Requirements for Seniors Housing or Housing for Persons with a Disability**
- The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

6.0 - Operational Conditions

- (1) **External lighting** - All external and internal lighting for internal roads, parking and service areas shall be provided in accordance with the Australian Standard 1158. At no time shall the lighting exceed the limits of the Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting.

- (2) **Noise Mitigation** – The following requirements shall form part of the operational requirements to minimise noise levels:

- That the service dock located within the RACF parking area shall only be used between the hours of 7am-7pm Monday –Sunday.
- That any mechanical plant shall be selected to comply with the following criteria when measured along the western boundary adjacent to the proposed residential properties.

Time of Day	Noise Objective Leq dB(A)
Day 7:00am-6:00pm	50
Evening 6:00pm-10:00pm	45
Night 10:00pm-7:00am	37

- (3) **Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:

- (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays;
- (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute; and
- (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

- (4) **Requirements for Approved Garbage Room** – the following requirements must be incorporated within the construction design of the garbage room located within the RACF:

- (c) That the garbage room shall be constructed of solid material, cement rendered and steel trowelled to a smooth even surface.
- (d) That the floor of the garbage room shall be of impervious material, coved at the intersection of the walls and graded and drained to an approved floor waste that discharges to the sewer.
- (e) That the garbage room be ventilated to the external air by natural ventilation or an approved mechanical ventilation system.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Regulations* made thereto.
- (2) To ensure that the building complies with the *Local Government Act, 1993* and *Regulations*.
- (3) To ensure that the building complies with the requirements of the *Building Code of Australia* and applicable Australian Standards.

- (4) To ensure that the development meets the aims, objectives and requirements of Camden Council's *Local Environmental Plan* and *Camden Development Control Plan 2011* which relate to the subject land.
- (5) To ensure that the building and/or works do not affect public safety and amenity.
- (6) To ensure the development is carried out in an environmentally sustainable manner.
- (7) To ensure that stormwater drainage from and/or passing through the site has been collected and conveyed to a controlled system.

Advice:

- (1) **Offences** - 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.
- (2) **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.
- (3) **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.
- (4) **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.

RIGHTS OF APPEAL If you are the applicant:

You can appeal against this decision in the Land and Environment Court within 12 months of the date of this notice. You cannot appeal, however, if a Commission of Inquiry is or is to be held and the development is designated development or state significant development.

DETERMINATION REVIEW

If you are an applicant and you are dissatisfied with the determination, you may within 12 months from the date of determination, request Council, in writing, to review the determination.

SIGNED on behalf of
Camden Council

Jasmina Djuric
Senior Town Planner
(Development Branch)

DRAFT

ATTACHMENT A

The following matters are included as advice as relative to this application.

1. Section 82A of the EP&A Act 1979 provides that the applicant may request a review of this determination within 12 months of the date of the determination, following the payment of the prescribed fee.
2. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
3. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the requirements of Council's Tree Preservation Policy shall be guilty of an offence.
4. Section 126 of the EP&A Act, 1979 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 1000 penalty units and to a further daily penalty not exceeding 100 penalty units.
5. The contributions required under Section 94 of the EP &A Act, 1979 are set out in the stated Contribution Plans which can be viewed at Council's Customer Service during normal business hours.
6. This consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been applied for and been issued.
7. **SYDNEY WATER** requires the submission of stamped approved plans to their office prior to commencement of work.
8. **INTEGRAL ENERGY** requires electrical installations to be in accordance with their standards. All enquiries relating to electrical installations should be directed to that Authority.
9. **TELSTRA** requests that prior to any excavation commencing in connection with the approved work, contact should be made with Telstra "Cable Locations", Telephone 1100. Calls to this number are free.