

| | |
|------------------------------|---|
| JRPP No | 2011SYW065 |
| DA Number | DA 490/2011 |
| Local Government Area | Camden Council |
| Proposed Development | Seniors housing development comprising the construction of 152 self-contained dwellings, community centre, landscaping, carparking and associated infrastructure in four stages. |
| Street Address | 229 Macquarie Grove Road, KIRKHAM |
| Applicant/ | Mbark Pty Ltd |
| Number of Submissions | 1 |
| Recommendation | Approval with Conditions |
| Report by | Ron P Dowd, Urban Designer |

PURPOSE OF REPORT

The purpose of this report is to seek a determination by the Joint Regional Planning Panel (the Panel) of a development application for a seniors living development at the abovementioned premises.

The Joint Regional Planning Panel is the determining authority for this development application as the development pursuant to Part 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, as the capital investment value (CIV) exceeds the CIV threshold of \$20 million (for general development) for Council to determine the application.

SUMMARY OF RECOMMENDATION

It is recommended that the Panel approve Development Application (DA) 490/2011 subject to the draft conditions provided at the end of this report.

BACKGROUND

Development consent was granted to DA 192/2008 for the subdivision of the Mater Dei landholding for the 234 residential lot Kirkham Rise community title development on 24

February 2009 under. The subdivision comprises four precincts (known to the developer, Mbark Pty Ltd, as precincts A to D).

The community lot within the Kirkham Rise development comprises regrowth Cumberland Plain Woodland, walking trails and stormwater facilities for the development. The Commonwealth under provisions of the Environmental Protection Biodiversity Conservation (EPBC) Act has also granted approval for the development.

Civil works have commenced on the first precinct release and a lead in road from Macquarie Grove Road.

The land subject to this application is referred to as precinct D and was approved under DA 192/2008 for 69 lots. DA 490/2010 now proposes the Wivenhoe Village comprising 152 self-contained dwellings, community centre and associated works to be constructed in four stages.

The CIV of the project is reported to be \$45 Million and as such, the development application is reported to the Joint Regional Planning Panel (Sydney West) for determination.

The DA was publicly exhibited between 18 May and 24 June 2011 with one submissions being received from the public.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to the Panel for determination.

THE SITE

The Mater Dei landholding comprises a total area of 279.12ha and is bound by the Nepean River and rural properties to the west, Cobbitty Road to the north, Macquarie Grove Road to the east and Camden Airport to the south. The land has been in the ownership of the Sisters of Good Samaritan for over 100 years and contains the Wivenhoe Homestead, Mater Dei Chapel and Mater Dei School.

The site subject to this application has an area of 10.29 ha and is linked to the remainder of the Kirkham Rise estate by a proposed public road. The land is bound by Macquarie Grove Road to the east, the Wivenhoe property to the south the community bushland lot to the west.

The rural-residential developments of the “The Lanes” and “The Meadows” are located immediately to the east of the site with Camden is located 4km to the south and the Oran Park growth centre 1 km to the north.

THE PROPOSAL

Development consent is sought for the following development:

A seniors housing development comprising the construction of 152 self-contained dwellings, community centre, landscaping, carparking and associated infrastructure in four stages. Wivenhoe Village

1. Stage 1 – 41 self-contained dwellings, associated works and operation of village bus.
2. Stage 2 – community facilities building (providing a pool, gym craft rooms, library, cinema, media room, consulting rooms to be used by hairdresser, general practitioner, podiatry, massage and financial planning services), 34 self-contained dwellings and associated works.

3. Stage 3 – 34 self-contained dwellings and associated works
4. Stage 4 – 43 self-contained dwellings and associated works

NOTIFICATION

The application was publicly notified to surrounding property owners 18 May and 24 June 2011 with one submissions being received. This submission is discussed in more detail under the heading “Any Submissions”.

EXTERNAL REFERRALS

The development application is deemed as 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.

The development application is nominated integrated development, as it requires a controlled activity approval under the Water Management Act 2000. General terms of approval were receive from the NSW Office of Water dated 23 May 2011 and are recommended to be imposed as conditions of consent.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
2. State Environmental Planning Policy No. 55 – Remediation of Land
3. Deemed State Environmental Planning Policy No. 20 - Hawkesbury-Nepean River
4. Camden Local Environmental Plan 2010
5. Camden Development Control Plan 2011

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Environmental Planning & Assessment Act. The following comments are made with respect to the proposal:

(1)(a)(i) The provisions of any Environmental Planning Instrument

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 land zoned R2 Low Density Residential under Camden Local Environmental Plan 2010. The development application seeks consent for 152 self-contained dwellings and community facilities. The development is permissible with consent.

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 that any 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.

Clause 26 Location and access to facilities – The development also proposes to provide on site the following community facilities:

- Village Bus (from Stage 1).
- Community Centre (Stage 2) which will serve the retirement village and provide an indoor pool, gym, craft room, lounge, media room, cinema, dining area, library and consulting room (providing accommodation for a GP, hairdresser, beautician, podiatrist, massage, financial planner and fitness instructor).

The facilities and transport arrangements satisfy the requirements of the Seniors SEPP.

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 2011 and are recommended to be imposed as conditions of consent.

Clause 28 Water and sewer - A condition requiring a Section 73 Compliance Certificate for each stage of building work and a separate condition that potable water and reticulated sewer for all buildings in the development are provided by a regulated utility supplier prior to Occupation Certificate 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 Camden Development Control Plan 2011 so that new buildings contribute to the quality and identity of the Kirkham Rise. 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 – It is considered that 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 has incorporated Safer by Design principles into its planning. It is recommended that these principles be incorporated as conditions of development 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

Clause 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.

Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. The site is located approximately 1.2 kilometres from the Nepean River, a main tributary of the Hawkesbury/Nepean. It is a recommended development consent condition that stormwater detention and treatment systems form part of each of the various stages of this development.

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 Building Sustainability (Certificate 354000M), compliance with which is recommended as a condition of development consent. It should be noted that the community centre will be 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.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

Under the SEPP, a consent authority must not approve to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable for its intended use in its contaminated state.

Under DA 192/2008 residential subdivision, the applicant submitted a Stage 2 environmental site assessment, which assesses soil contamination conditions at the site. Council is satisfied with the findings of the assessment which concluded that no contaminants of concern are present and therefore no remediation of land is required.

Camden Local Environment Plan 2011

The land subject to this application is Zoned R2 Low Density Residential pursuant to Camden Local Environment Plan 2010 (the LEP). A “seniors housing” development is permissible with consent in the R2 Zone.

Pursuant to Clause 2.3 it is considered that the proposed development is consistent with the relevant objectives of the zone as it will provide for housing needs in the community and provide facilities and services for the day to day needs of residents. Subject to the imposition of conditions, it is considered that community activities will not adversely affect the amenity of adjoining residential development.

Clause 4.3 Height of Buildings - The development complies with the maximum height of buildings for this site of 9.5 metres.

Clause 5.10 Heritage Conservation - The proposed development site is located 450 metres from the “Wivenhoe” heritage item. A conservation management plan (CMP) was prepared for the original subdivision under DA 192/2008. It is considered that the seniors housing proposal is not inconsistent with the CMP and unlikely to impact the heritage significant of Wivenhoe.

Pursuant Clause 6.1, Council is satisfied that all public utility infrastructure necessary for the proposed development will be available for it and this is reinforced in the recommended development consent conditions provided at the end of this report.

Clause 7.2 Airspace Operations – The Camden Airport Masterplan was approved by the Commonwealth Minister of Infrastructure in 2010. The masterplan guides development airport operations as well as future development of the airport. The masterplan also illustrates noise, height and lighting constraints that must be considered when assessing development in the vicinity of the airport. Camden Airport Limited (CAL) was notified of the proposal and has made comment described in this section.

The subject site is mapped within the Obstacle Limitation Surface (OLS) for Camden Airport. Drawings submitted by the applicant indicate that the height of the development will not penetrate the OLS inner horizontal surface however CAL have request that details of building heights as they relate to the OLS be certified by an aviation consultant and submitted to Camden Airport prior to the release of each construction certificate for building work. This will be imposed a condition of development consent.

Clause 7.3 Aircraft noise - The proposed development is located outside the 25 ANEF contour for Camden Airport and therefore the clause does not apply to the development. Notwithstanding this, an aircraft noise intrusion assessment report was submitted with the development application which demonstrates that acoustic attention is required for the

development to comply with Australian Standard AS 2021 (2000) Acoustics – Aircraft Noise Intrusion. Council has assessed the report and recommends that the attenuation proposed in the report be imposed as a condition of development consent, the acoustic report be placed on the Section 88B as a restriction to user and that a notation be placed on the Section 149 Certificate alerting future residents of the retirement village of aircraft noise from the operation of Camden Airport.

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 the LEP.

(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 draft environmental planning instruments that are applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following parts of Camden Development Control Plan 2011 (DCP) are relevant to this proposal:

B1.2 – Earthworks

Some site works are proposed however this is relatively minor. Council has considered and deem the works to be acceptable.

B1.9 Waste Management

A waste management plan was lodged with the application relating to construction waste and ongoing management of operational waste. This plan is considered to be satisfactory and it is a recommended development consent condition that all waste management complies with the submitted waste management plan.

B1.10 Bushfire Management

A Bushfire Protection Assessment was lodged with the development application and referred to the Rural Fire Service as integrated development. General Terms of Approval were received on 13 May 2010 and are recommended to be imposed as conditions of consent.

B1.15 – Camden Airport

Airport noise and airspace operations have been considered previously in the report under the “Camden LEP 2010” section. Part of the development site is located in an area restricting the intensity of lighting. It is recommended that a report prepared by lighting design consultant be submitted to the consent authority and Camden Airport demonstrating compliance the maximum lighting intensities contained in Figure 9.21-1 of the Camden Airport Masterplan 2010.

All waste will be stored and collected as per normal suburban process and landscaping and vegetation is in keeping with the existing landscape and as such CAL agree that bird activity is unlikely to increase as a result from the development.

CAL support that building construction methods will be consistent with buildings already in the area and unlikely present a turbulence or windshear hazard and materials, including roofing material is consistent with standard building practices used in the area and is consistent with other buildings in the area, as such the development will not present a convective turbulence or radiant heat hazard.

Subject to the imposition of development consent conditions to certify height and lighting, it is considered that the development is consistent with the DCP controls for building near Camden Airport.

B1.16 – Acoustic Amenity

An acoustic report was submitted with the development prepared to assess the impact of road traffic noise from Macquarie Grove Road on the development. Council is satisfied that the proposal complies with Council's noise policy.

B5 – Access and Parking

It is considered that the design of the carparking, areas and ingress/egress locations are generally consistent with the DCP, subject to conditions that the car parking design criteria satisfy Australian Standard AS 2890. The provision of parking within the development is considered to be fully compliant with the requirements of the Seniors Housing SEPP and the DCP.

On the basis of the above, Council is satisfied that the development complies with the relevant controls contained in the DCP.

(1)(a)(iia) The provisions of any Planning Agreement

The proposal is subject to a Voluntary Planning Agreement (VPA). Council's strategic planner has recommended that the proposed development be conditioned to comply with the VPA made between Camden Council and the Trustees of the Sisters of the Good Samaritan, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979 on 28 June 2011.

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

The Regulations prescribe several development consent conditions that are provided as part of the recommended development consent conditions at the end of this report.

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

The development is unlikely to have any significant negative impacts on adjoining and surrounding properties.

The delivery of housing diversity and provision of appropriate services for that community is considered to provide positive social impact. All other likely impacts of this development have been assessed in other sections of this report.

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

This site is considered to be suitable for the proposed development, as it is located on a site previously approved for residential development and close to Camden Town Centre. The surrounding transport and road systems are considered to provide sufficient access to and from the site. The applicable SEPPs, LEP and DCPs for this site provide for such a

development and it is consistent with the relevant development objectives that they seek to achieve. The development will fit in well with the planned characteristics of the Wivenhoe and Kirkham Rise development and, subject to the conditions discussed in the report, will not result in any significant impacts upon surrounding properties or the environment.

(1)(d) Any submissions

The application was publicly exhibited between 18 May and 24 June 2011 with one submissions being received on behalf of the tenants of Camden Airport, which raise the following issue:

1. The above development was raised by the tenants and it should be noted that the consensus of the attendees was that the development was inappropriate. The operators believe that the development is situated too close to the airport and that the property owners will in time start to complain about noise emitted by aircraft operating from Camden Airport.

Officer comment:

On 14 September 2007 the land was rezoned 7(d4) Eco-Residential under Camden LEP No. 74, which permitted subdivision and dwellings subject to the consent of Council. On 24 February 2008 DA 192/2008 was approved for a 234 Lot subdivision. On 21 April 2011 the site subject to this development application was rezoned R2 Low Density Residential. The affects of aircraft noise have been considered in this report and it is recommended that conditions of development consent be imposed that buildings be erected to comply with the acoustic report submitted with the application, the acoustic report be placed on the Section 88B as a restriction to user and that a notation be placed on the Section 149 Certificate alerting future residents of the retirement village of aircraft noise from the operation of Camden Airport.

The above is considered to be a satisfactory solution to the submission issue.

(1)(e) The public interest

This development is considered to be within the public interest. It achieves the objectives of the relevant SEPP, Camden LEP and DCP and is consistent with all relevant development controls. The proposed seniors housing development will provide housing diversity and community facilities for the Kirkham Rise development and is considered to be within the public interest.

CONCLUSION

Camden Council has received a development application for a seniors housing development. The application has been publicly exhibited with one submission from the public being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that the proposed development represents a suitably located and designed and, subject to appropriate conditions, will not have any significant impacts on any adjoining properties or the surrounding environment.

Consequently it is recommended that the Panel approve Development Application (DA) 490/2011 with subject to the attached draft conditions provided at the end of this report.

RECOMMENDATION

It is recommended that the Panel approve Development Application (DA) 490/2011 subject to the draft conditions provided at the end of this report.

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

| Plan / Development No. | Description | Prepared by | Dated |
|---|------------------------------------|------------------|------------------|
| 11013 Wivenhoe Village DA01:00 to DA07:04 inclusive | Development Plans | Saturday Studio | 15 December 2011 |
| 10-093W pages 1 to 17 inclusive | Landscape Plans | Talyor Brammer | 1 March 2011 |
| 7832A | Statement of Environmental Effects | Don Fox Planning | 27 April 2011 |

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

- (3) **Building Code Of Australia** - In accordance with the requirements of the Environmental Planning & Assessment Regulation 2000, the proposed development 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) **Wheelchair Access** - Provision shall be made for wheelchair access to the building on the site for disabled persons in accordance with AS 1428 Parts 1 to 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment.
- (5) **Landscaping Maintenance and Establishment Period** - For a period of 12 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent. The Applicant will also be responsible to ensure the landscaping works are successfully established during this 12 month period.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment, initial weed control and completion of all planting, turf installation and mulching.

The DPC will be that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed.

It is the applicant's responsibility to arrange a site inspection with the PCA, upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, must have signs of healthy and vigorous growth

At the completion of the maintenance and establishment 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.

- (1) **Seniors Housing Development Standards** –The development shall demonstrate compliance with the development standards contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of the Construction Certificate.
- (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) **Voluntary Planning Agreement (VPA)** – the development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council and Trustees of the Sisters of the Good Samaritan, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, amended 28 June 2011.

Contributions – The following monetary contributions must be paid prior to issue of the Construction Certificate.

\$178.00 per lot (as at June 2011 Quarter), **total \$27,056 for Plan Administration**

\$1,290.00 per lot (as at June 2011 Quarter), **total \$196,080 for Community and Recreation Land Acquisition**

\$1,909.00 per lot (as at June 2011 Quarter), **total \$290,168 for Community & Recreation Facilities**

The Contributions must be indexed quarterly in accordance with the Consumer Price Index: Sydney All Groups: as published by the Australian Bureau of Statistics at the time of payment.

- (4) **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. DA 490/2011 have been met. Width of the bush fire trail details to be provided in accordance with the document "Planning for Bushfire Protection" with appropriate passing bay as specified including all weather treatment in unsuitable locations to access of the emergency vehicles. Appropriate signage must be installed indicating that the footpath is used by emergency vehicle during emergencies in Road No. 1.

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.
- (5) **Waterfront Construction Works** - A Construction Certificate (CC) will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (ie, Camden Council).
- (6) **Safer By Design (CPTED) requirements** - Prior to the issue of the Construction Certificate, all recommendations contained in the Safer By Design Report must be addressed and be reflected in all relevant plans submitted with the Construction Certificate Application.
- (7) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate (CC), detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the CC application.

The detailed Landscaping Plans must include (but not limited to) and clearly show the following items:

- 1 The detailed Landscaping Plans must comply with the Development Control Plan (DCP) applicable to this site.
- 2 The detailed Landscaping Plans must be consistent and mirror the Consent approved Landscaping Concept Plan.

- 3 All landscape amenity elements such as boardwalks, lookouts, seating, playgrounds, picnic facilities, bubblers, signage, shade structures, paths, cycle ways, dog and litterbins and furniture elements.
- 4 A detailed planting schedule. The schedule must clearly detail the positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 15yrs maturity.

(8) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering 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 for subdivision work 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.

(9) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (i) Camden Council's Current Engineering Specifications, and
- (ii) the recommendations of the Salinity Management Plan

It should be noted that designs for line marking and regulatory signage associated within public roads MUST be submitted to and approved by the Roads Authority, Camden Council prior to the issue of any Construction Certificate.

(10) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 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:

- i) the construction of kerb and gutter, road shoulder and drainage
- ii) footway formation
- iii) public utility service adjustment or installation
- iv) an Environmental Site Management Plan.

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 N.S.W 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 prepared in accordance with Camden Council's Current Engineering Design Specification.

- (11) **Works adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate.

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to the Roads Authority, Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

The application shall: -

- (i) include supporting information that addresses/details all proposed and related activities, and
- (ii) include associated plans/documentation: -
- (iii) be prepared by a persons with experience in civil and structural engineering design, and
- (vi) be endorsed by a practicing engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering.

It should be noted that: -

- (ix) designs for line marking and regulatory signage for any proposed/existing public road associated with this development MUST be: -
 - (a) included with this application, and
 - (b) have prior approval from the Roads Authority, Camden Council.
 - (x) items (i) above must be constructed to the satisfaction of the Roads Authority prior to the issue of any Occupation Certificate.
- (12) **Footpath Construction** - The construction of any concrete footpath and/or pedestrian/cycle shared way, within any proposed/existing public road must not be commenced until a Public Road Activity (Roadwork) application has been submitted to and approved by the Roads Authority, Camden Council.
- (13) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) shall be altered to match road design and construction.
- (14) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council and the Roads and Traffic Authority. Plans and proposals must be approved by Council and the Roads and Traffic Authority prior to the Construction Certificate being issued.

- (15) **Public Risk Insurance Policy** - Prior to the issue of the first Construction Certificate, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy. The policy is to relate to the use, occupation of and works within Council's road reserve for all activities associated with this proposed subdivision. The certificate must provide the following details: -

- (i) Confirmation that such a policy provides a minimum public liability cover of \$20 million,
- (ii) currency period for the policy,
- (iii) the land to which the policy relates, and
- (iv) the details of the person/company to whom the policy has been issued

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

- (16) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, foot paths,, 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.

- (17) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the 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:

- (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.
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

- (18) **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.

- (19) **Drainage Design** - Detail drainage design shall be provided at the Construction Certificate Stage in accordance with the Council's Design Specifications by an engineer or qualified and experienced person on hydraulics and hydrology .The drainage system and overland flow path shall be connected to Council's system.

- (20) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above

condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior or the Construction Certificate being issued.

All disabled parking shall be designed and constructed to comply with AS 2980.6

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

Detailed design of any crossings audited for road safety requirements and sight distances by a qualified traffic engineer.

- (21) **Lighting** - On-site and on-street lighting is to be designed in accordance with AS1158 – Lighting for Roads and Public Spaces.
- (22) **Road Design** - All roads 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.
- (23) **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/strategy 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.
- (24) **Water Quality Measures** – Water quality measures must be provided based on the Water Sensitive Urban Design principles to meet the water quality targets in accordance with the Council's Specifications The detail design modelling and construction of water quality treatment system including the maintenance procedures/manual shall be submitted prior to the issue of the Construction Certificate to the Principle Certifying Authority.
- (25) **Water Quality Monitoring Plan**– Prior to the issue of a Construction Certificate a water quality monitoring plan (WQMP) must be submitted to the PCA for review and written approval. Where the PCA is Camden Council the WQMP must be reviewed and approved by an Officer of the Environment and Health Branch and be approved in writing by the branch prior to release of the Construction Certificate. The WQMP shall include monitoring (this extends to water quality sampling and laboratory analysis) for all completed water quality treatment systems that provide water quality treatment to service the development both during the construction and post development stages. Only relevant water quality treatment systems that drain the development should be included in the WQMP.

The WQMP should be consistent with the requirements of Council's Standard Water Quality conditions with respect to water sampling and will need to include as a minimum: quarterly water sampling, reference to an approved sampling methodology, location of sampling, frequency of reporting of results to the Consent Authority and, nomination of suitable water quality criteria (i.e., concentration values for pollutants expressed in mg/l) for the purpose of determining compliance.

- (26) **Construction Requirements for Noise Control** - For all dwellings/units the construction requirements that include external wall systems, roof / ceiling systems, and windows and door are to be consistent with "Section 5 – Recommendations & Design Advice and "Table 5.3.1 – Glazing Schedule" contained within the report "Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11." For all dwellings / units, compliance with the above is to be demonstrated.
- (27) **Alternative Ventilation for Dwellings / Units** - For all dwellings/ units where windows are to be closed (but not necessarily sealed) to meet internal noise criteria the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided consistent with rooms of dwellings identified in "Table 5.3.1 – Glazing Schedule" contained within the report "Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11." Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling / unit.
- (28) **Acoustic Engineer Liaison** – Liaison with a qualified acoustic engineer is required during the detailed design stage and prior to and during construction phases to verify that each approved dwelling and facility building will comply with "Section 5 – Recommendations & Design Advice and Table 5.3.1 – Glazing Schedule" contained within the report "Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11."
- (29) **Alternative Ventilation for Community Facility** - For the community facility where all windows are to be closed (but not necessarily sealed) to meet internal noise criteria the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided consistent with rooms of dwellings identified in "Table 5.3.1 – Glazing Schedule" contained within the report "Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11." Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.
- (30) **Camden Airport** – Height plans, certified by a suitable experienced aviation consultant, demonstrating compliance with the Obstacle Limitation Surface (OLS) inner horizontal surface for Camden Airport shall be submitted to Camden Airport Limited prior to the issue of a construction certificate.

Lighting design consultant shall prior and submitted to Camden Airport demonstrating compliance the maximum lighting intensities contained in Figure 9.21-1 of the Camden Airport Masterplan 2010.

3.0 - Prior To Works Commencing

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

- (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) **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.
- (3) **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 \$600.00, 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 \$1500 for a corporation maybe issued by Camden Council.

- (4) **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.

- (5) **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, subdivision 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, subdivision 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.

- (6) **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 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.
- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker in accordance with Council's standard drawing SD 31 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
- (8) **Performance Bond - Prior to the commencement of works** a performance bond of \$15,000 of the value of works must be lodged with Camden Council. Should any of Council's property sustain damage or the implementation of the development, place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works.

The bond will be refunded when: -

- (i) all work both within the subdivision site and the existing public road adjacent, has been completed in accordance with the issued consents, and
- (ii) the Bond for Rectification of Public Work has been lodged with Council.

The applicant is 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 & Charges an administration fee for processing of bonds in the form of cash/cheque 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.

4.0 - During Construction

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

- (1) **Approved Plans to be On-site** - A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.
- (2) **Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
 - (a) After the installation of sediment and erosion control measures;
 - (b) final inspection after all works are completed.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2006 and Current Engineering Specifications must be submitted to Council prior to the issue of the Occupation Certificate.

- (3) **Compaction (Roads)** - All filling on future public roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the most current edition of AS1289.

Compaction activities shall be undertaken by a practicing engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics to Level 1 responsibility in accordance with the requirements of AS 3798 – 1996.

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being: -

- (i) endorsed by the engineer noted above, and
- (ii) submitted to the Principal Certifying Authority/Roads Authority prior to a final inspection.

- (4) **Compaction (Building Areas and Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (5) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.
- (6) **Re-grassing** - All disturbed ground shall be re-grassed or otherwise permanently stabilised.
- (7) **Construction Noise Levels** - Noise levels emitted during all works shall be restricted to comply with the Department of Environment and Climate Change's (DECC) Interim Construction Noise Guideline 2009.

- (8) **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:

(i) The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 5pm on Saturdays.

(ii) 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.

(iii) All construction activities shall be confined to the curtilage of the site. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.

(iv) Construction waste must not be burnt or buried on site, nor should any wind-blown matter be permitted to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

A waste control container shall be located within the development site.

- (9) **Vehicles leaving the site** - The contractor/demolisher/construction supervisor **MUST** ensure that: -

(i) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;

(ii) the wheels of vehicles leaving the site: -

(a) do not track soil and other waste material onto any public road adjoining the site.

(b) fully traverse the Stabilised Access Point (SAP).

- (10) **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/envguidlms/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.

- (11) **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 National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and

iii) be prepared 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".
- 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;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

Sampling 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.

A minimum of 1 sample from each sampling location must be provided for assessment.

1. Sampling for Contamination 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.

- (12) **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.

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.

- (13) **Connect Downpipes** – All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (14) **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.
- (15) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.
- (16) **Street Trees, Tree Protective Guards and the Road Verge Areas:**
Any street trees, tree guards, protective bollards or any lawn area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.
- Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity, and the works carried out successfully prior to the completion of the maintenance and establishment period.
- (17) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (18) **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 8 – Management Strategies” contained within the “Report On Salinity Management Plan: Proposed Residential Development Wivenhoe Estate Kirkham, Prepared for Mbark Pty Ltd, Prepared by Douglas Partners, Report No 40942.01, Dated January 2009.”
- (19) **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.
- (20) **Fill Material** – Prior to the importation and/or placement of any fill material (VENM permitted only) 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. Add "Validation of the existing fill shall also be carried out prior to import of any material.

The validation report and sampling location plan must be prepared: -

i) by a practicing 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 | 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) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (22) **Services** - All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (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) **Public Road Access to Lot 104** – No Occupation Certificate shall be issued until Lot 104 has access to Macquarie Grove Road by a public road.
- (3) **Sydney Water Clearance** – Prior to the issue of an Occupation Certificate a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water and submitted to the Principal Certifying Authority.
- (4) **Sewer and Water Supply** - potable water supply and reticulated sewer are provided by a regulated utility supplier for each building in the development prior to the issue of an Occupation Certificate
- (5) **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) 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 8 – Management Strategies*” contained within the “*Report On Salinity Management Plan: Proposed Residential Development Wivenhoe Estate Kirkham, Prepared for Mbark Pty Ltd, Prepared by Douglas Partners, Report No 40942.01, Dated January 2009.*”
 - (g) Construction Requirements For Noise Control - For all dwellings/units the construction requirements that include external wall systems, roof / ceiling systems, and windows and door are to be consistent with “*Section 5 – Recommendations & Design Advice and “Table 5.3.1 – Glazing Schedule*” contained within the report “*Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11.*” For all dwellings / units, compliance with the above is to be demonstrated.

- (h) **Alternative Ventilation for Dwellings / Units** - For all dwellings/ units where windows are to be closed (but not necessarily sealed) to meet internal noise criteria the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided consistent with rooms of dwellings identified in *"Table 5.3.1 – Glazing Schedule"* contained within the report *"Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11."* Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling / unit.
 - (i) **Alternative Ventilation for Community Facility** - For the community facility where all windows are to be closed (but not necessarily sealed) to meet internal noise criteria the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided consistent with rooms of dwellings identified in *"Table 5.3.1 – Glazing Schedule"* contained within the report *"Wivenhoe Seniors Living Village Development: Aircraft Traffic Noise Intrusion Assessment March 2011, Prepared by Acoustic dynamics, Project 2603, Dated 19/04/11."* Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.
- (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 Living" development to prohibit the occupation of the premises by residents other than:
 - a) Persons over 55 years of age; or
 - b) Persons of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity
- (7) **Annual Fire Safety Statement** must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.
- (8) **Annual Fire Safety Certification** - The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.
- (9) **Works As Executed Plan** - prior to the Occupation Certificate being issued, a works-as-executed drawing must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (10) **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.

- (11) **Registration & Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Swimming Pools / Spas** – Swimming and /or spa pool/s and surrounds must be constructed, operated and maintained in accordance with the current Public health (Swimming Pools and Spa Pools) Regulations and the current Department of Health NSW Public Swimming Pool and Spa Pool Guidelines. Demonstrated compliance with the regulation and guidelines must be provided to the consent authority prior to the issue of the construction certificate.
- (2) **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.
- (3) **Wastewater Disposal** – All swimming pool waste water must be disposed of to the Sydney Water sewer.
- (4) **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).
- (5) **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.

- (6) **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).

- (7) **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.
- (8) **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.
- (9) **Disinfection** – The swimming pool water shall be disinfected using continuous dosing equipment.
- (10) **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.
- (11) **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.
- (12) **Non-slip Concourse For Pool** – The concourse area that surrounds the pool is to be designed of non-slip materials.
- (13) **No Sharp Edges For Pool** – The internal finish applied to the pool must ensure that there are no sharp edges.
- (14) **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.
- (15) **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.

- (16) **Amplified Music** – the playing of amplified music on the premises is prohibited after 10.00pm.
- (17) **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.
- (18) **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 criterion for Daytime 43 dB(A), Evening 43 dB(A), Night-time 42 dB(A) when measured at any façade of any residential unit / dwelling. The noise level must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy and Liquor Administration Board criteria.
- (19) **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.
- (20) **Construction of Bar** - The construction and fit-out of any Bar within the community building or any part thereof, to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the Food Act, 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
- (21) **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 40oC 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.
- (22) **Fit-out of Consultation Room for Beauty & Hairdresser Use** – One of the consultation rooms must be fitted out with a designated hand wash basin washable walls, washable floors and washable cupboards. A separate equipment sink must be located either in the room or located nearby. Access to a cleaners sink for washing of floors must also be located nearby.
- (23) **Operation of Beauty Salon** - the operation of the any beauty treatment 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.
- (24) **Operation of Hairdresser Salon** - The operation of any hairdresser treatment 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.

- (25) **Skin Penetration** - the operation of any skin penetration 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;
- (26) **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.
- (27) **Operation Requirement** - That the use and operation of the premises shall comply with the requirements of the NSW Health Infection Control Policy.
- (28) **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;
- (29) **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 clients or visitors; and
 - iii) In their original containers.
- (30) **Cleanliness of premises** must be maintained in a clean and sanitary condition at all times.
- (31) **General Requirement** - The fit-out use and operation of any Doctors Surgery or treatment room on the premises shall comply with the requirements of:
- (a). The Australian Medical Association
 - (b). The NSW Department of Health
- (32) **Hours of Operation** – The hours of operation applicable to the use of the community building is only permitted during the following hours:
- Monday to Sunday (inclusive) 7.00am to 10.00pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.