

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2011SYW100
DA Number	742/2011
Local Government Area	Camden
Proposed Development	Construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works
Street Address	359 Narellan Road, Currans Hill
Applicant / Owner	Michael Brown Planning Solutions / Balanced Securities
Number of Submissions	2 (both objecting to the proposed development)
Recommendation	Approve with conditions
Report by	Mairead O' Connell, Acting Team Leader – Town Planning Assessments

PURPOSE OF REPORT

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works at 359 Narellan Road, Currans Hill. The DA has been lodged under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The DA was lodged with Council on 5 July 2011 when Part 3 of State Environmental Planning Policy (Major Development) 2005 (SEPP) was in force. Clause 13B(1)(i) of the SEPP provided that development with a capital investment of more than \$10 million was to be determined by the Panel. The capital investment of the proposed development is \$15.3 million and was therefore required to be determined by the Panel.

However, changes to the *Environmental Planning and Assessment Act 1979* (the Act) have repealed this provision from the SEPP. New classes of regional development are now set out under Schedule 4A of the Act. Under this Schedule, the threshold for this type of development to be determined by the Panel has increased to a CIV of \$20 million. As the Panel has already been briefed on the DA and following advice from the Panel Secretariat, the Panel will remain the determining authority for this development application despite only having a CIV of \$15.3 million.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 742/2011 for the construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained within this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works at 359 Narellan Road, Currans Hill.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly notified for a period of 14 days between 15 September and 29 September 2011. During this period 1 submission was received (objecting to the proposed development).

The issues raised in this submission related to safety implications in the event an existing incomplete seniors housing development on the site (known as stage 1) was to remain incomplete and the current configuration of an existing internal east-west road (which provides access from Narellan Road).

Additionally, on 1 June 2012, Council received a submission from the NSW Centre for Road Safety which also raised concerns with the existing internal east-west road. However, Council has since been liaising with the Speed Management Manager of the Roads and Maritime Services (RMS) (as requested by the NSW Centre for Road

Safety) who is now satisfied that subject to the conditions contained in this report, no adverse traffic or safety impacts will occur on the internal east-west road as a result of the proposed development.

It is considered that the imposition of a condition requiring the completion of the existing incomplete seniors housing development on the site (either through rectification of all outstanding issues or demolition) prior to the issue of a Construction Certificate for the subject proposed development (known as stage 2) will achieve the planned and orderly development of the site. This will ensure that the existing issues with the unfinished stage 1 are rectified and is an appropriate condition in this circumstance.

Additionally, a further condition is recommended that requires the widening of the western end of the east-west internal road carriageway to a minimum of 7m which will also help address the concerns raised in both submissions.

The applicant proposes a variation to a building height development standard stipulated by Clause 40(4)(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Clause 40(4)(c) states that a building located in the rear 25% area of the site must not exceed one storey in height. The proposed development proposes 3 two storey units in the rear 25% of the site. Council staff have assessed this SEPP variation and recommend that it be supported.

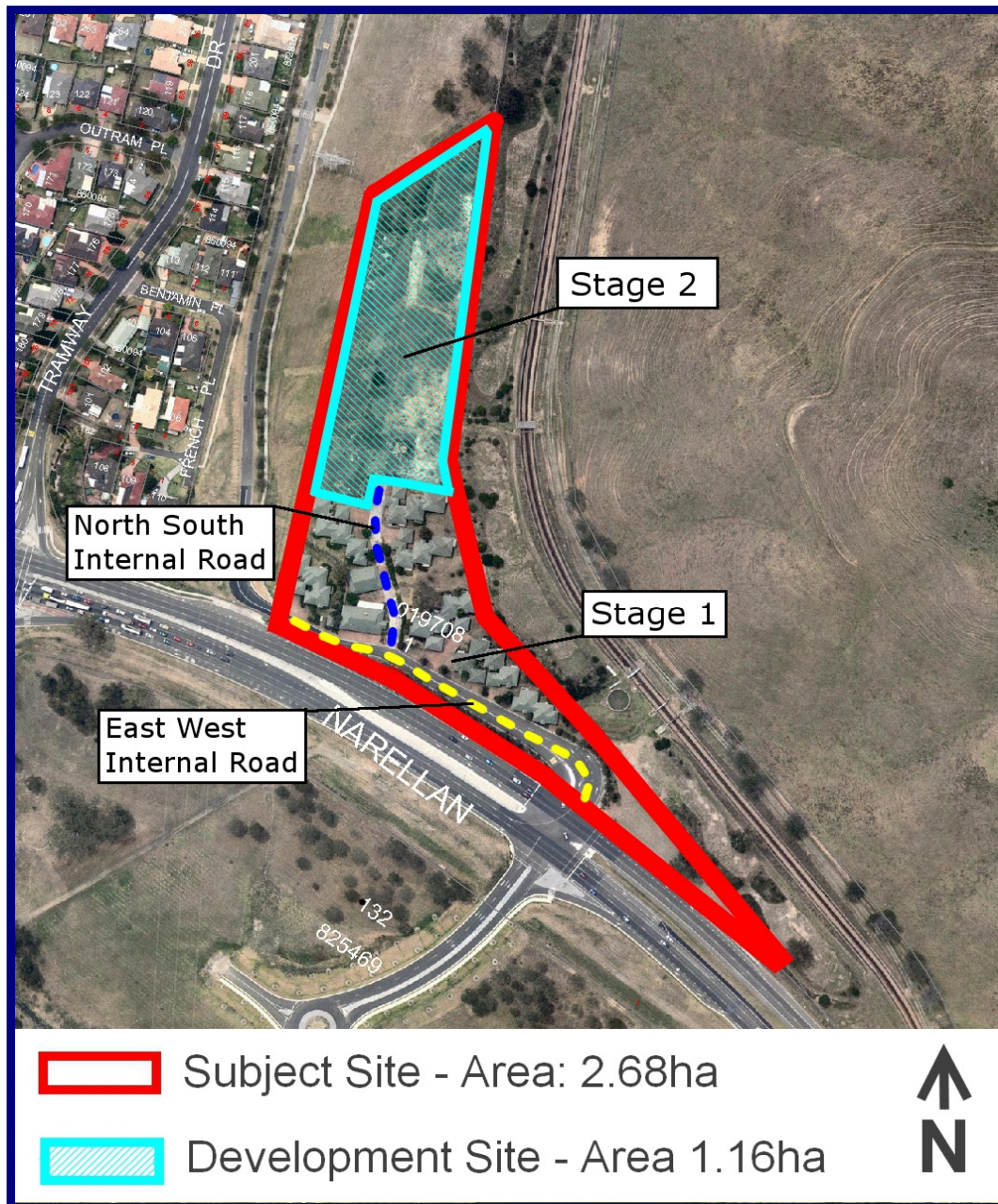
These 3 units are substantially set back by approximately 65m from the closest existing residences located along Tramway Drive and Benjamin Place within Currans Hill to the west. In addition, given the setback of these units from the nearest public viewpoint (Benjamin Place), they will not appear visually dominant or prominent. The intent of the control, being to protect the amenity of the surrounding environment, will still be achieved by the proposed development despite the height variation.

The application has been unable to be reported to the Panel any earlier because Council has been waiting for an amendment to Camden Local Environmental Plan 2010 which has recently been gazetted.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTOS





THE SITE

The site (shown in red on the above aerial photos) is commonly known as 359 Narellan Road, Currans Hill and is legally described as Lot 1, DP 1019708.

The site has a frontage of 350m to Narellan Road, a depth of 285m and an overall site area of approximately 2.6ha.

The exact part of the site the subject of this DA is shown in blue on the above aerial photos and comprises an area of 1.16ha. This part of the site is vacant except for some scattered vegetation and slopes gently down towards Narellan Road from the rear of the site.

The subject site currently has 23 existing dwellings, a community centre and an indoor swimming pool which were approved by Development Consent 2770/1999 (known as stage 1). No Occupation Certificates have been issued for any of the

aforementioned buildings as there remain a number of non-compliances with the current Building Code of Australia which the developer has not yet rectified.

The surrounding area is characterised by a mix of low density residential, rural and educational land uses.

The south of the site is bound Narellan Road with the Australian Royal Botanic Gardens and the Macarthur Sustainability Centre further to the south. The Mount Annan Commercial Centre is located further to the south west. The Sydney Catchment Authority's upper canal (a State heritage item) bounds the site directly to the east whilst further to the east lies vacant rural land and the Campbelltown LGA. An existing TransGrid easement lies directly to the west of the site with the residential suburb of Currans Hill further to the west. The Mount Annan Christian College and C3 church lies to the north and share this site's internal east-west road to gains access from/to Narellan Road.

HISTORY

The relevant development history of the site is summarised in the following table:

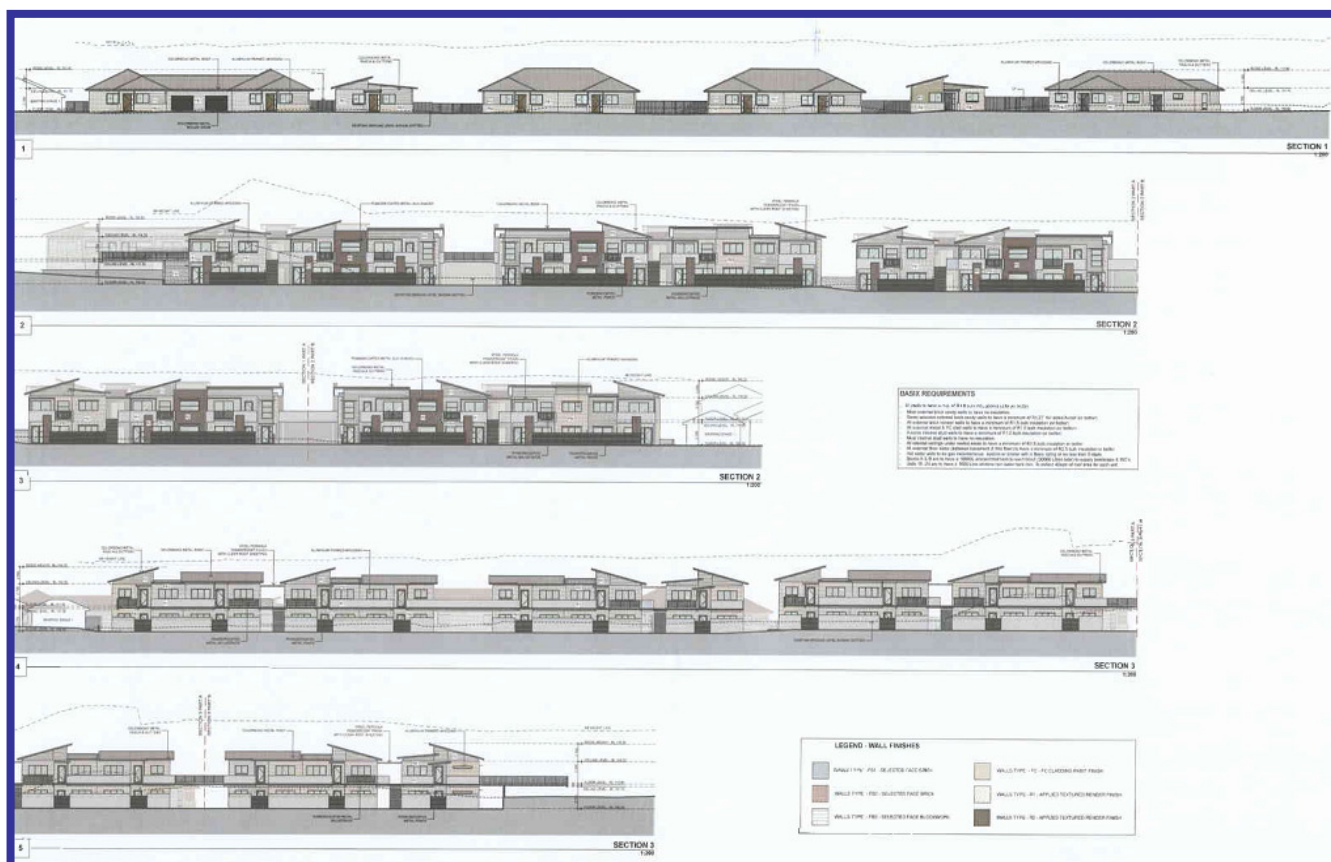
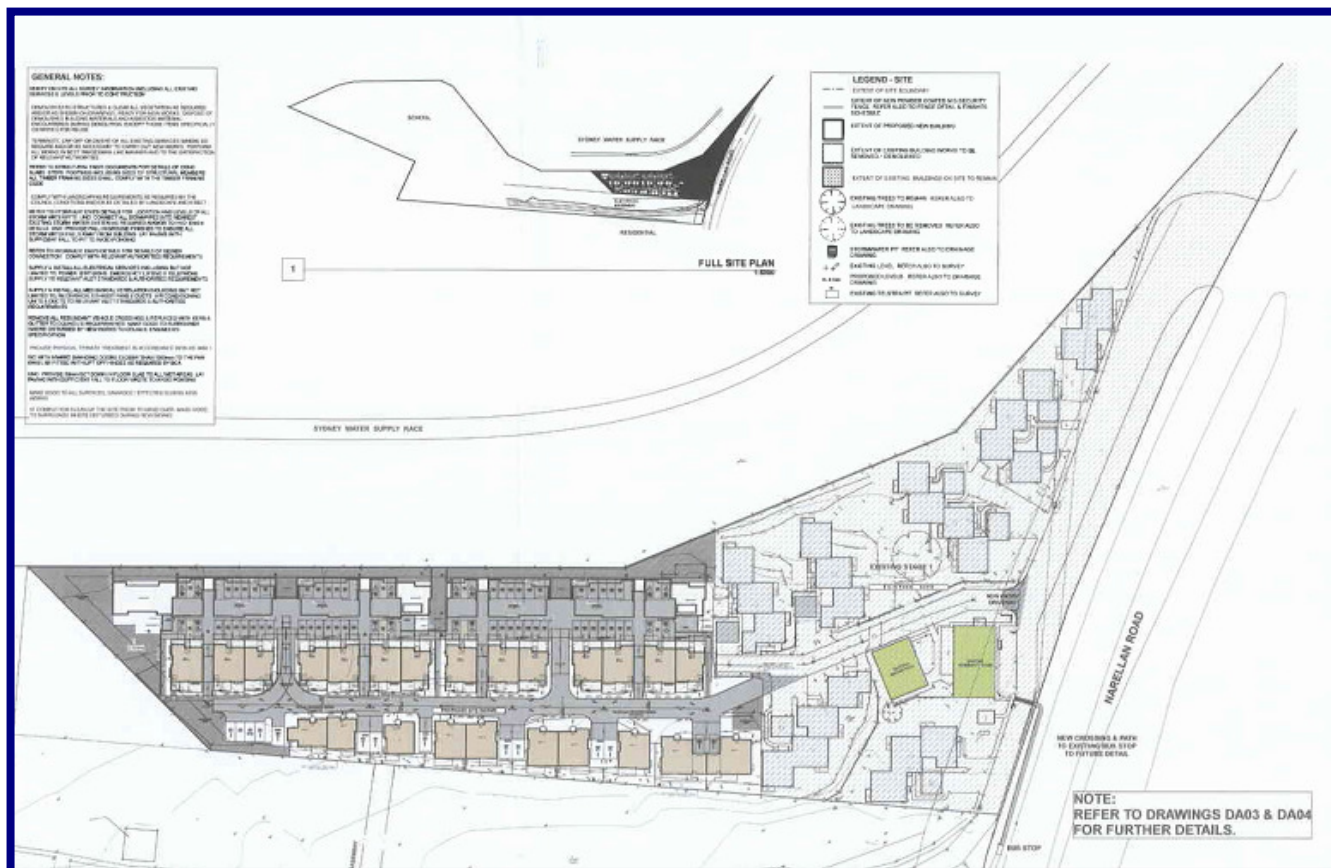
Date	Development
19 July 2000	Approval of DA 2770/1999 for the construction of 65 seniors housing units, a community centre, indoor swimming pool, internal road, drainage, landscape and associated site works

THE PROPOSAL

DA 742/2011 seeks approval for the construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works.

Specifically the proposed development involves:

1. the construction of 54 self contained seniors housing units comprising 10 single storey dwellings, 15 ground floor apartments, 14 first floor apartments and 15 dwellings above the proposed basement car parking. The units are a mix of single and two storey, all have pitched roofs and will be finished in a mix of brickwork and painted render;
2. 23 of the dwellings contain 2 bedrooms and 31 contain 3 bedrooms;
3. provision of approximately 1,707m² of communal open space at the rear of the site;
4. 75 resident car parking spaces and 5 visitor car parking spaces; and
5. construction of a new internal driveway, on-site stormwater detention, landscaping and associated site works.



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Major Development) 2005 (SEPP)

The DA was lodged with Council on 5 July 2011 when Part 3 of State Environmental Planning Policy (Major Development) 2005 (SEPP) was in force. Clause 13B(1)(i) of the SEPP provided that development with a capital investment of more than \$10 million was to be determined by the Panel. The capital investment of the proposed development is \$15.3 million and was therefore required to be determined by the Panel.

However, changes to the *Environmental Planning and Assessment Act 1979* (the Act) have repealed this provision from the SEPP. New classes of regional development are now set out under Schedule 4A of the Act. Under this Schedule, the threshold for this type of development to be determined by the Panel has increased to a CIV of \$20 million. As the Panel has already been briefed on the DA and following advice from the Panel Secretariat, the Panel will remain the determining authority for this development application despite only having a CIV of \$15.3 million.

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

The aims of this SEPP are to encourage the provision of housing that will increase the supply and diversity of housing for seniors or people with a disability, make efficient use of existing infrastructure and services and ensure good quality design.

The DA was assessed against the following relevant clauses of the SEPP:

Clause	Requirement	Provided	Compliance
2 Aims of this Policy	The aim of the SEPP is to encourage the provision of housing	The proposal is well designed and will utilise existing infrastructure and	Yes

Clause	Requirement	Provided	Compliance
	that is well designed to meet the needs for seniors and people with disabilities whilst utilising existing infrastructure and services	services to ensure that the needs of residents will be met	
4.1 Land to which this Policy Applies	This policy applies to land within New South Wales that is zoned primarily for urban purposes and on which dwellings and certain residential land uses are permitted	The proposed site is zoned R2 Low Density Residential and dwellings are permitted on the land. The SEPP therefore applies to the land	Yes
18 Restrictions on occupancy of seniors housing allowed under this chapter	Development may only be carried out for the accommodation of seniors or people who have 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 this policy	A condition is recommended to require that a covenant is registered against the title of the property limiting the use of the proposed development in accordance with this clause	Yes
25 Application for site compatibility certificate	The consent authority must consider Clauses 5 (b) i, iii and v. This clause requires that the natural environment and existing uses on site and surrounding area are considered, adequate access to services and infrastructure is available or can be made available to meet the needs of the proposal, the impact of the bulk, scale, built form and character from the proposal and the	The proposed development is compatible with its surroundings and will complement the site. It is considered that the development will not produce any negative impacts on existing character or services available to the site nor will it have any potential future negative impacts	Yes

Clause	Requirement	Provided	Compliance
	potential future impacts on the site or the surroundings as a result		
26 Location and Access to Facilities	The consent authority needs to be satisfied that the development provides for access to services and facilities	<p>The site is located near the Mount Annan Commercial Centre which provides shopping and other services including health services facilities. Additionally, the town centres of Narellan and Camden (located approximately 3.3km and 10km from the site respectively) provide further services including a hospital, additional banking services and recreational facilities. Campbelltown, which is a regional centre, is located approximately 3km to the east of the site and provides higher order shopping facilities, services and two additional hospitals</p> <p>A bus stop is located immediately in front of the subject site on Narellan Road. This bus stop is serviced at least once a day between the hours of 8am and 12pm and 12pm to 6pm Monday to Friday as required by the SEPP. The bus stop is located within 400m of the proposed development and will be accessible by an access path subject to the conditions contained in this report</p>	Yes
28 Water and Sewer	The consent authority must be satisfied that the development has access to reticulated water and adequate facilities for the disposal of sewerage	The proposed development is capable of being serviced with water and the site is currently connected to sewer. The DA was referred to Sydney Water who raised no objection to the proposed development	Yes

Clause	Requirement	Provided	Compliance
29 Consent authority to consider certain site compatibility criteria for development applications to which Clause 24 does not apply	In determining an application to this clause applies must consider the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).	The proposed development has been sited taking into consideration aspect, topography and existing adjacent land uses. The proposed development generally matches the scale of nearby development in Currans Hill to the west and is considered to be an appropriate response to the scale of the residential buildings located there. The scale, bulk and height of the proposed building envelopes has been developed to provide appropriate legibility and scale and to contribute to the future character of the area	Yes
30 Site Analysis	The consent authority must not grant consent unless they are satisfied that a site analysis has been undertaken	A site analysis has been prepared including an assessment of the site topography, existing vegetation, existing heritage and other built structures	Yes
33 Neighbourhood Design and Streetscape	Maintain and recognise reasonable local character, neighbourhood amenity and appropriate residential character whilst complementing any heritage items in the vicinity	<p>The proposal has been designed and sited to ensure minimal impact on existing local character whilst maintaining neighbourhood amenity</p> <p>The proposed development is considered to be generally consistent with the existing character of the area as it comprises a mix of single and two storey units. These units are sufficiently set back to minimise overlooking onto adjacent land and are of a bulk and scale to respect existing residential development in the surrounding area. Proposed landscaping will help soften and screen the development both internally and externally</p> <p>The proposed development will not have any negative impacts upon the adjacent</p>	Yes

Clause	Requirement	Provided	Compliance
		Sydney Catchment Authority (SCA) upper canal which is a State heritage item. Subject to a condition regarding the maintenance of existing security fencing along the shared property boundary, the SCA have not raised any objections to the proposed development	
34 Visual and Acoustic Privacy	Development needs to consider visual and acoustic privacy for neighbours and residences	<p>The siting of the proposed dwellings ensures that no balconies or private open space is located adjacent to existing dwellings. The closest residential dwellings are located along Tramway Drive, Benjamin and French Places in Currans Hill and these dwellings are separated from the subject site by a set back of approximately 65m, an internal road and boundary fences</p> <p>Acoustic treatments will be provided to protect the new residents of the development. A 1.8m acoustic fence along the site's western boundary is proposed to protect the acoustic amenity of future residents from road traffic noise from Narellan Road</p>	Yes
35 Solar Access and Design for Climate	Ensure adequate daylight to main living areas and open space. Buildings to be designed to be energy efficient	<p>The buildings are designed to maximise the use of natural daylight and cross flow ventilation for natural cooling and access to solar heating</p> <p>Additionally, 80% of the proposed dwellings will receive 3 hours of sunlight between 9am and 3pm in mid winter</p>	Yes
36 Stormwater	Control and minimise impacts from storm water run off due to development on site	The proposed development provides stormwater plans identifying how stormwater run-off will be managed post development. The	Yes

Clause	Requirement	Provided	Compliance
		construction of an enlarged underground drainage pipe system is proposed which will drain into an existing drainage easement located to the west of the site	
37 Crime Prevention	Design that encourages/allows for observation approaches, safety and secure of both residence and visitors	The DA was referred to Camden Local Area Command who have undertaken a "Safer by Design" evaluation. This evaluation has identified the site as a low crime risk and no objections were raised or conditions recommended. The proposed development is considered to be consistent with Safer by Design principles and achieves the objectives of this clause	Yes
38 Accessibility	Provide links for pedestrians to access public transport or local facilities that are both attractive and safe. Provide access to parking for both visitors and residents	It is a recommended condition that pedestrian access paths within the site, and from the site to the bus stop located on Narellan Road, be provided. These paths will provide for safe access for residents and visitors and have a gradient of no more than 1:14 Sufficient parking is also provided both at grade and within the basement for both residents and visitors	Yes
39 Waste Management	Manage waste in appropriate facilities and maximise recycling	The proposed development provides for adequate facilities to aid the management and collection of waste. Three waste collection bays are provided along with the provision of sufficient bin pads at grade to facilitate the efficient collection of waste	Yes
40 Development Standards – Minimum sizes and Building Heights	The site must have a minimum lot size of 1,000m ² and a minimum frontage of 20m at the building line	The site area is approximately 2.6 hectares in area and it has a frontage of approximately 350m to Narellan Road	Yes Yes

Clause	Requirement	Provided	Compliance
	Height of all buildings in the proposed development must be 8m or less	The development proposes a maximum building height of 7.85m	Yes
	A building that is adjacent to a boundary of the site must be not more than two storeys in height	The development proposes units which do not exceed two storeys in height	Yes
	A building located in the rear 25% area of the site must not exceed one storey in height	The development proposes 3 units in the rear 25% of the site which are two storey	No – SEPP Variation 1
50 Standards that cannot be used to refuse development consent for self-contained dwellings	The proposed building is 8m high or less	The proposed buildings range in height from 4.6m to 7.85m above existing ground level	Yes
	The proposal does not exceed a density and scale 0.5:1 or less	The proposed development has a floor space ratio of 0.45:1	Yes
	A minimum of 30% of the area of the site is to be landscaped	The proposed development provides for 3,471m ² of landscaping which represents 32% of the site area	Yes
	An area of no less than 15% of the area of the site must accommodate deep soil planting	The development requires the provision of 1,735.5m ² for the provision of deep soil planting and an area of 1,788 m ² has been provided	Yes
	A minimum of 70% of the dwellings are to receive a minimum of 3 hours of solar access between 9am and 3pm in mid winter	80% of the dwellings receive a minimum of 3 hours of solar access between 9am and 3pm in mid winter	Yes
	Private open space of 15m ² or an area of 3m x 3m long accessible from living area located on	A minimum of 15m ² or 3m x 3m is provided.	Yes

Clause	Requirement	Provided	Compliance
Schedule 3 Part 1 and 2 - Standards applying to hostels and self-contained dwellings	ground floor 0.5 car parking spaces for each bedroom, therefore 70 spaces required	The development provides for 75 resident spaces and 5 visitor spaces. Additionally, 16 of those 75 spaces are disabled access spaces	Yes
	Compliance with requirements of siting standards, security, letterboxes, private car accommodation, accessibility entry, interior, bedroom, bathroom, toilet, surface finished, door hardware, ancillary items, living room and dining room, kitchen, access to kitchen, main bedroom, bathroom and toilet, lifts in multi-storey buildings, laundry and storage for linen	The applicant has provided a design assessment report which demonstrates compliance with all applicable requirements. It is a recommended condition that the proposed development complies with this report	Yes

SEPP Variation 1 – Building Height

SEPP Development Standard

Pursuant to Clause 40(4)(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP), a building located in the rear 25% area of the site must not exceed one storey in height.

The application proposes three units (units 1, 2 & 3) within the rear 25% of the site which are two storey and have a maximum height of 7.85m above natural ground level.

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of Camden Local Environmental Plan 2010 (LEP), the applicant has submitted a written request seeking a variation to the building height development standard (Clause 40(4)(c) of the SEPP) on the basis that:

- existing properties will not be impacted by the construction of two storey dwellings given the separation distance from the proposed development to the nearest residential properties in Curran's Hill to the west;

- no residential properties will be affected through overlooking and overshadowing as a result of two storey dwellings at the rear of the site given this separation distance;
- the proposed two storey dwellings at the rear of the site have been designed and sited to 'fit in' with the existing dwellings to the west of the site;
- the maximum height for dwellings and other building types under Camden Local Environmental Plan 2010 on this site is 9.5m; and
- strict compliance with the height control would reduce the availability and choice of dwellings available to seniors in the area.

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the height limit is unreasonable and unnecessary due to the separation distance between this site and the nearest residential property and public viewpoint. It is considered that non-compliance with the height limit will not have any unreasonable impacts on the residential amenity of the surrounding area.

In support of the SEPP variation it is noted that:

- the closest residential dwellings to the rear of subject site are located approximately 65m to the west off Tramway Drive and Benjamin Place in Currans Hill;
- there will be no adverse impacts in relation to overshadowing, overlooking or loss of visual amenity to neighbouring residents as a result of the height of these units given this separation distance; and
- the proposed units will not be visually prominent when viewed from Narellan Road as they will be set back approximately 200m from this road and partially screened by the existing and proposed buildings on the site.

Council has the assumed concurrence of the Director General of the Department of Planning and Infrastructure and therefore the Panel may determine the SEPP variation.

Consequently it is recommended that Panel support this proposed variation to the SEPP building height development standard.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

Pursuant to Clause 6 of the SEPP, a BASIX certificate has been lodged in support of this application. This certificate has been assessed and Council staff are satisfied that the proposed development is consistent with the requirements of the SEPP..

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. This applicant has submitted phase 1 and 2 contamination assessments in support of this application.

The contamination assessments note that the site contains a number of areas of environmental concern (AECs) as a result of previous agricultural uses. These AECs consist of waste material generated by past agricultural cropping activities, stockpiling of top soil materials and domestic waste. The phase 2 contamination assessment concludes that these AECs have contaminant levels that are within an acceptable range for the future residential use of the land and therefore no remediation is required.

Council staff have assessed these reports and agree with the recommendations contained therein. It is a recommended condition that all waste materials are removed off site and transported to a licensed waste facility.

The land is therefore considered to be suitable for its intended residential use.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide a water pollution control device as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as “seniors housing”, which is a permissible land use in this zone.

Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment

Officer comment:

The proposal is for a seniors housing development which will provide for the housing needs of seniors within an environment that is appropriate for this site and the proposed development type.

- To enable other land uses that provide facilities or services that meet the day to day needs of residents

Officer Comment:

This objective is not relevant to the proposed development as the proposal is for a seniors housing development.

- To allow for educational, recreational, community and religious activities that support their wellbeing of the community

Officer Comment:

This objective is not relevant to the proposed development as the proposal is for a seniors housing development.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

The proposed development is consistent with this objective as it provides a largely self contained development that will not conflict with other development in this or in adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the standards is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	Proposed maximum building height of 7.85m	Yes
5.10 Heritage	Conserve the heritage significance of heritage items	There will be no adverse impacts on the Sydney Catchment Authority's upper canal which is a State heritage item and located adjacent to the site to the east	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is and can be serviced by appropriate public utility infrastructure including sewer and water	Yes
7.4 Earthworks	Consider the likely disturbance and impact on existing drainage, vegetation, amenity and adjoining developments	The proposed development will require minor earthworks to facilitate the development. Requirements for sediment and erosion controls are a recommended condition to control any sediment and erosion impacts. Subject to the conditions contained within this report, all other	Yes

Clause	Requirement	Provided	Compliance
		development impacts, including construction noise, dust and stormwater run-off will be minimised. There is no vegetation of significance on the site that will be impacted as a result of the proposed development	

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls measures have been provided	Yes
B1.2 Earthworks	To ensure development takes into account the topography of the site and minimises disturbance	The proposed buildings and associated works are designed to minimise the need for cut and fill on site and respond to the natural topography to ensure minimal disturbance	Yes
B1.3 Salinity Management Plan	Salinity resistant construction	The application is supported by a salinity report which has been reviewed by Council staff. The site is subject to moderate level salinity impacts and salinity construction measures are recommended as a condition	Yes
B1.4 Water management	Demonstrate how stormwater will be managed in accordance with	The application is supported by stormwater drainage plans and a report outlining how	Yes

Control	Requirement	Provided	Compliance
	Council's Engineering Specifications	stormwater will be managed on site including the proposed storage, reuse and collection procedures to be undertaken. Conditions are recommended to ensure the proposed development complies with Council's Engineering Specifications	
B1.9 Waste minimisation and management	A waste management plan (WMP) be provided outlining how waste will be managed through out the demolition, construction and operation stage of the development	The DA was accompanied by a WMP addressing demolition, construction and operational waste generation by outlining how waste will be managed, stored and transported	Yes
B1.12 Contaminated and Potentially contaminated land management	To evaluate the risk to public health and the environment and that the site is suitable for the intended use.	Phase 1 and 2 contamination reports was submitted with the application. These reports identified 3 AECs which had contaminant levels within an acceptable range for the intended residential use and therefore no remediation is required Based on this report, Council staff consider the site to be suitable for its intended residential use	Yes
B1.16 Acoustic Amenity	To ensure the acoustic amenity of residents is mitigated (existing and new residents) both during construction and operation of developments	The applicant has submitted an acoustic report in support of this application. The report recommends the provision of a 1.8m acoustic fence along the site's western boundary Council staff have reviewed the acoustic report and subject to the conditions contained within this report, are satisfied that sufficient acoustic amenity for future residents can be achieved	Yes
B2	Landscaping is to	The DA was accompanied	Yes

Control	Requirement	Provided	Compliance
Landscaping	be designed to integrate new development within the existing character of the street and be sensitive to site attributes, existing landscape features, streetscape views and vistas	by a landscape plan demonstrating the provision of sufficient landscape including deep soil zones. The proposed landscaping will help soften and screen the proposed development from neighbouring views and uses	
B3 Environmental heritage	To retain and conserve heritage items and their significant elements and settings	The proposal will not adversely impact on the Sydney Catchment Authority's upper canal which is a State heritage item located directly to the east of the site. The application was referred to the SCA and subject to a condition regarding the maintenance of existing security fencing along the shared property boundary, the SCA have not raised any objections to the proposed development	Yes
B5 Off-street Car Parking Rates and Requirements	As per the Seniors SEPP: Car parking spaces at a rate of 0.5 spaces for each bedroom where the development application is made by a person other than a social housing provider – therefore a total of 70 car parking spaces are required	The development provides for 75 resident spaces and 5 visitor spaces Additionally, 16 of those 75 spaces are disabled access spaces	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained within this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Social impacts

It is considered that the proposed development will provide a high quality seniors housing development which will be of benefit to the community. The development proposes a mix of dwelling sizes and designs which will help create a more diverse community and built environment. Additionally, the proposed development will contribute to the vibrancy of the suburb of Currans Hill by providing additional housing in close proximity to the Mount Annan District Centre and surrounding areas in a sustainable manner.

Traffic impacts

At a briefing meeting on 13 October 2011, the Panel requested that further assessment be undertaken in relation to the potential traffic impacts the proposed development would have on the surrounding road network (including the internal east-west road).

Council's traffic engineer has assessed the proposed development and has requested that both the existing and proposed sections of the internal north-south road be widened to have a carriageway with a minimum width of 7m to more readily facilitate emergency vehicles. Additionally, the provision of a footpath is also recommended to ensure the safe movement of residents from the site to the existing bus stop on Narellan Road.

Council's traffic engineer has also recommended that the existing east-west internal access road be widened to have a carriageway with a minimum width of 7m to allow for the safe movement of buses and other vehicular traffic which is currently impeded due to the current alignment of this road.

Failure to rectify the existing east-west internal road would potentially result in unacceptable vehicle conflicts between traffic to/from this site and traffic to/from the nearby Mount Annan Christian College and C3 church which share this internal road to gain access from/to Narellan Road.

The application was also discussed with the RMS who have also requested that a condition be imposed to widen the carriageway of the existing internal east-west road to a minimum of 7m. Subject to this occurring, the RMS are satisfied that the proposed development will not have any adverse traffic impacts on the surrounding road network.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) Any submissions made in accordance with this Act or the Regulations

This DA was publicly notified for a period of 14 days between 15 September and 29 September 2011. During this period, 1 submission was received (objecting to the proposal). On 1 July 2012, a submission was also received from the NSW Centre for Road Safety (also objecting to the proposal).

The following discussion addresses the issues and concerns raised in the submissions.

1. *Council should give consideration to adding appropriate conditions regarding finalisation of outstanding matters relating to stage 1 including the realignment of the existing east-west road adjacent to the subject site.*

Officer comment:

It is considered that the imposition of a condition requiring the completion of the existing incomplete seniors housing development on the site (either through rectification of all outstanding issues or demolition) prior to the issue of a Construction Certificate for the subject proposed development (known as stage 2) will achieve the planned and orderly development of the site. This will ensure that the existing issues with the unfinished stage 1 are rectified and is an appropriate condition in this circumstance.

Additionally, a further condition is recommended that requires the widening of the western end of the east-west internal road carriageway to a minimum of 7m which will help minimise any potential vehicle conflict that may occur between the proposed development and the Mount Anna Christian College and C3 church.

2. *Any redevelopment of the subject site should include plans to upgrade the safety of the road in front of the unoccupied retirement village as it poses a risk for large vehicles.*

Officer Comment:

As noted previously described, it is a recommended condition that the carriageway of the internal east-west road adjacent to the subject site is widened to a minimum of 7m to adequately accommodate large vehicles including school buses and emergency vehicles.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, subject to the imposition of development consent conditions the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Roads and Maritime Service (RMS)

The proposed development was referred to the RMS for comment as requested by the NSW Centre for Road Safety. The RMS have requested a condition be imposed to widen the carriageway of the existing internal east-west road to a minimum of 7m to accommodate large vehicles. Subject to the inclusion of this condition, the RMS has raised no further issues with the proposed development. It is recommended that this conditions be imposed.

Camden Local Area Command (NSW Police)

The DA was referred to Camden Local Area Command (NSW Police) for a “Safer by Design” Evaluation. The Police have identified the development as a low crime risk with no objections raised or conditions recommended.

Sydney Catchment Authority

The DA was referred to the Sydney Catchment Authority (SCA) for comment due to the proximity of the SCA’s upper canal which is a State heritage item. The SCA have requested that a condition be imposed to ensure the continual upgrade and maintenance of existing security fencing along a shared property boundary to the east to protect the integrity of the upper canal. This request by the SCA has been included in the conditions contained in this report.

TransGrid

The DA was referred to TransGrid pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 as the site is adjacent to an existing electricity transmission line and easement. TransGrid has raised no objections to the proposed development.

Sydney Water

The DA was referred to Sydney Water for comment. Sydney Water raised no objections to the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and polices. Accordingly, DA No 742/2011 is recommended for approval subject to the conditions listed in this report.

RECOMMENDED

That the Panel approve DA 742/2011 for the construction of 54 self-contained seniors housing units, an internal driveway, drainage, landscaping and associated site works at 359 Narellan Road, Currans Hill subject to the conditions contained in 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
DA02 Revision F	Site Plan	De Anglis Taylor Associates	2 November 2011
DA03 Revision F	Ground Floor Plan – Part A	De Anglis Taylor Associates	2 November 2011
DA04 Revision F	Ground Floor Plan – Part B	De Anglis Taylor Associates	2 November 2011
DA05 Revision D	Level 1 Floor Plan – Part A	De Anglis Taylor Associates	1 July 2011
DA06 Revision D	Level 1 Floor Plan – Part B	De Anglis Taylor Associates	1 July 2011
DA07 Revision D	Roof Plan – Part A	De Anglis Taylor Associates	1 July 2011
DA08 Revision D	Roof Plan – Part B	De Anglis Taylor Associates	1 July 2011
DA09 Revision D	Site Analysis, Sediment Control & Waste Management Plan	De Anglis Taylor Associates	1 July 2011
DA10 Revision D	Unit Plans	De Anglis Taylor Associates	1 July 2011
DA11 Revision D	Elevations	De Anglis Taylor Associates	1 July 2011
DA 12 Revision D	Sections	De Anglis Taylor Associates	1 July 2011
DA13 Revision D	Sections	De Anglis Taylor Associates	1 July 2011
DA14 Revision D	Shadow Diagram 9am	De Anglis Taylor Associates	1 July 2011
DA15 Revision D	Shadow Diagram 12 Noon	De Anglis Taylor Associates	1 July 2011
DA16 Revision D	Shadow Diagram 3pm	De Anglis Taylor Associates	1 July 2011
-	Plan of Detail & Contour Survey Sheets 1-4	JMD Group	1 October 2010

L-01/3 Issue A	Landscape Lower Ground	RFA Landscape Architects	9 May 2011
L-02/3 Issue A	Landscape Lower Ground	RFA Landscape Architects	9 May 2011
L-03/3 Issue A	Landscape Lower Ground	RFA Landscape Architects	9 May 2011
Sheet 1 Revision F	Drainage Concept Plan	JMD Group	29 October 2012
Sheet 2 Revision D	Catchment Plan	JMD Group	16 October 2011
610.07939.05455 Revision 2	Noise Assessment Report	SLR	13 November 2012
201296	Phase 1 & 2 Contamination Assessment	Harvest Scientific Services Pty Ltd	20 July 2011
201296	Salinity Assessment	Harvest Scientific Services Pty Ltd	20 July 2011
P211_019-1ME	Design Assessment Report	Design Confidence	14 May 2011
10078	External Finishes Schedule	De Anglis Taylor Associates	May 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.

- (2) **Internal North-South Access Road Carriageway** - The proposed internal north-south access road carriageway way to Stage 2 must be widened to a minimum of 7m. This internal access must also be designed to Council's Standard to cater for a Traffic loading of 5×10^5 ESA either to requirements of a rigid or flexible pavement. The must also be completed for the existing internal north-south access road in stage 1 from where it connects into the internal east-west access road.
- (3) **Public Safety** – The security fence along the eastern border of the subject site must be regularly maintained in a complete condition (and its condition monitored on a regular basis) to prevent illegal access to the Sydney Catchment Authority's upper canal.
- (4) **East-West Internal Access Carriageway** – The existing pavement width at the western end of the east-west access road must be widened to a minimum of 7m. Details of this must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- (5) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (6) **Design Assessment Report** – The development must comply with the Design Assessment Report P211_019-1ME dated 14 May 2011 and prepared by Design Confidence.
- (7) **Pedestrian Paths Location and Gradients** – Pedestrian access paths must be provided from along the entire length of the development and through to the bus stop on Narellan Road. These pedestrian paths must be designed in accordance with Council's Engineering Specifications and have a gradient of no greater than 1:14.
- (8) **Private Open Space Gradients** – All private open space areas must have gradients no greater than 1:14.

2.0 - Construction Certificate Requirements

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

- (1) **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.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

- (2) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications and are to be submitted For Approval To The Principal Certifying Authority Prior To The Engineering Construction Certificate Being Issued.
 - (a) under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) 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.

- (3) **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. This report must give details of the existing conditions of the access from Narellan Road, internal access to the C3 Church school. The survey must also include land where existing OSD is located including the general contours of Lot 2, DP 1019708 and any drainage structures located in this property.

- (4) **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.

- (5) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

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

- (a) Camden Council's current Engineering Specifications, and
- (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads and Maritime Services, Camden Council prior to the issue of any Construction Certificate

- (7) **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.
- (8) **Drainage Design** - A stormwater management plan is to be prepared prior to the Issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (9) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (10) **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 (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to the Construction Certificate being issued.

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.

All disabled parking must be designed and constructed to comply with AS2890.6.

- (11) **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 must prohibit the discharge of hydrocarbons and heavy metals to Council's stormwater system and also must be kept in good working order with regular maintenance and removal of pollutants.

- (13) **Internal Footpath Provision** – A north-south footpath must be provided on one side of the internal north-south access road within the site including the existing stage 1 and the proposed stage 2 site areas.

- (14) **External Footpath Provision** – A level footpath in accordance with AS1428.1 must be provided within the frontage of the lot between the bus stop on the northern side of Narellan Road and the existing footpath on the north side of the east-west access road.
- (15) **On site Detention and Over Land Flow Path** - The detail engineering plan must be prepared for proposed On-site detention drainage system and overland flow path including all calculation and be submitted for the approval of the Principle Certifying Authority. The drainage system and construction process must address the following requirements.
- a. Any retaining wall proposed in the subject land must be designed and constructed in accordance with the Structural Engineers recommendations.
 - b. The stormwater discharges from the existing upstream rural catchment must be maintained at current discharge levels at the existing point of charge to the Council's System. Any increase in discharge of stormwater to Council system must only be allowed after checking the downstream drainage system for its capacity and after confirmation that there is no potential to cause flooding in down stream catchment.
 - c. The pipe flows with an appropriate over land flow paths for the upstream rural catchment must be designed, constructed and maintained for storms up to 1% AEP with a freeboard of minimum 300mm to finished floors of the proposed developments.
 - d. The outlet pipe and the overland flow path from the proposed basin in stage 2 must be relocated to cause no impact on the existing basin constructed for stage 1 to accommodate the proposed pipe and overland flow path.
 - e. All overland flow discharges must be checked to make sure that they comply with the Council's safety criteria for pedestrian access in path ways and public roads.
 - f. All exposed areas and any affected vegetation must be reinstated to satisfaction of the Council.
 - g. Any work to modify or reconstruct the existing drainage system, to the overland flow path or improvements in Council land or downstream drainage easements must be carried out only with a separate approval in consultation with the Council's Assets Section.
 - h. A design Compliance Certificate must be obtained by the Principle Certifying Authority, from a hydraulic engineer/Consultant prior to the Construction Certificate being issued. This certificate must confirm that the proposed drainage design complies with the

Councils Design Specification and Conditions and that the downstream drainage system has sufficient capacity to accept the stormwater from the proposed development (including both stage 1 & 2).

- (16) **Disposal of Stormwater** - Provision must be made for the collection and disposal of stormwater draining to the basement from the ramp and any potential seepage in to the basement by incorporating a sump and a pump with automatic controls to discharge to the drainage system provided.
- (17) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

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

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided,
- (c) 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:

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 (i.e. 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:

- (a) view the state of repair of the basin;
- (b) 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.

- (c) 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.
- (18) **Works on Public Road** - Any work on Public Road or Public Property must be subject to an approval under the Road Act and inspection by the Road Authority (Council).
- (19) **Section 94 Contributions** - Pursuant to **Contributions Plan No. 20** adopted in October 1996, a contribution must be paid to Council of \$28 per additional lot or dwelling, total \$1,484, for **Fire and Other Emergency Facilities and Equipment**.

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

- (20) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,316 per additional lot or dwelling, total \$228,748, for **Community Facilities**.

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

- (21) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$397 per additional lot or dwelling, total \$21,041 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 the issue of a Construction Certificate**.

- (22) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of \$7,359 per additional lot or dwelling, total \$390,027 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 the issue of a Construction Certificate**.

- (23) **Bin Pads** - Each waste bin collection point must be on level ground, running parallel to the rear of the kerb and measure 3 metres long x 0.9 metres wide and allow 3.9 metres clear vertical space to allow for the truck-lifting arm.
- (24) **Garbage Truck Turning Paths** - The garbage truck turning path and entrance to the basement car park must accommodate heavy rigid vehicles and must comply with Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles.
- (25) **Rectification of Existing Structures On Site (Stage 1)** – The finalisation of the existing buildings on site (referred to as stage 1) must be completed (either through rectification of all outstanding issues or demolition) prior to the issue of a Construction Certificate for the current proposal (referred to as stage 2). Any demolition works associated with Stage 1 will require separate development consent.

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) **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.
- (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.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **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.
- (4) **Removal of Waste** – Prior to the commencement of any earthworks, all domestic refuse, foreign material, building materials and dumped materials are to be removed off-site and disposed of at an appropriate waste facility as outlined in Section 6.0 of the report titled *Phase 1 and 2 Contamination Assessment, Proposed Seniors Living Development, No. 359 (Lot 1 DP 1019708) Narellan Road, Currans Hill*, job reference 201296, prepared by Harvest Scientific Services Pty Ltd, dated 20 July 2011. Tipping receipts must be provided to Council.
- (5) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 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 or subdivision works.
- (7) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.

4.0 - During Construction

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

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

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 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.
- (3) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant must advise Council, in writing, of any existing damage to Council property before commencement of the development. Where

existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant must bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate

- (4) **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 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - (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) Builder's 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.
- (5) **Compaction** - Any filling up to a 1.0m on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (6) **Fill Material** - 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:

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

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) 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".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) 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");
 - (iv) is suitable for its intended purpose and land use; and
 - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

For (e) and (f) 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 (<i>see Note 1</i>)	1000 or part thereof

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.

- (7) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (8) **Unexpected Finds Contingency (General)** - 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 Council's Policy - Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (9) **Salinity Management Plan** - All proposed earthworks that includes imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the report titled *Salinity Assessment, Proposed Seniors Living Development, No. 359 (Lot 1 DP 1019708) Narellan Road, Currans Hill*, job reference 201296, prepared by Harvest Scientific Services Pty Ltd, dated 21 November 2011.
- (10) **Construction Noise Levels** – Noise Levels emitted during construction works must be restricted to comply with the DECCW's Interim Noise Construction Guidelines dated July 2009.
- (11) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) 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.
- (12) **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 the 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*.
- (13) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.

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) **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.
- (2) **Acoustic Fence Compliance** - Documentary evidence must be obtained verifying that the following works have been installed in accordance with their respective Australian Standards and performance standards and presented to the Consent Authority (i.e. Camden Council) prior to the Occupation Certificate being issued:
 - (a) The acoustic fence as detailed in section 6 of the report titled *Noise Assessment Report, Stage 2 Development, Currans Hill Seniors Village, Narellan, NSW 2567*, prepared by SLR Consulting Australia Pty Ltd, Report Number 610.07939, dated 13 November 2012.
- (3) **Seniors Living Covenant** - A covenant prepared pursuant to Section 88E of the Conveyancing Act must 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;
 - b. residents of a residential care facility (within the meaning of the Commonwealth Aged Care Act 1997);

- c. people eligible to occupy aged housing provided by a social housing provider; or
- d. persons of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity.

- (4) **Street Trees, Tree Protective Guards, Root Barrier Installation and Road Verge Areas** - Any nature strip street trees, tree guards, protective bollards, root barrier installation, or any area of the road verge, which are disturbed, relocated, removed, or damaged during the development and construction periods, applicable to this Consent, must be successfully restored at the Applicants cost.

Any repairs, relocations or replacements needed are to be completed with the same type, species, initial installation standards and maturity and the works carried out successfully prior to the issue of the Subdivision/Occupation Certificate.

- (5) **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.

- (6) **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 Fire & Rescue New South Wales, 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.
- (7) **East-West Internal Access Carriageway** – The widening of the western end of the east-west internal access carriageway to a minimum of 7m must be fully completed and operational prior to the issue of an Occupation Certificate.
- (8) **Indemnity Agreement** - An Indemnity Agreement that fully indemnifies Council is required for Council's waste vehicles to enter the premises. This Indemnity Agreement must be signed prior to the release of an Occupational Certificate.
- (9) **Safety Signage** - "Caution Trucks" or similar signage must be installed at the entrance to access ways where vision is impaired by a building and/or landscaping (or the like) to alert pedestrians and other motorists of trucks' presence/movements.
- (10) **General Waste Service Contract** - The business proprietor must enter into a commercial contract for the collection of waste. A copy of this agreement shall be held on the premises at all times