

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW131
DA Number	DA/2014/761/1
Local Government Area	Camden Council
Proposed Development	Construction of a 100 bed residential aged care facility, 12 independent living units and associated site works
Street Address	2-24 Grice Street, Oran Park
Applicant/Owner	Anglicare Diocese of Sydney
Number of Submissions	None
Regional Development Criteria (Schedule 4A of the Act)	Pursuant to the requirements of Schedule 4A of the Environmental Planning and Assessment (EP&A) Act 1979, the proposed development is referred to the Sydney West Joint Regional Planning Panel (JRPP) for consideration and determination as the Development Application has a Capital Investment Value over \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centre) 2006 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • 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 Development Control Plan 2011 • Oran Park Development Control Plan 2007
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environmental effects • Architectural plans • Landscaping plans
Recommendation	It is recommended that Development Application DA 2014/761 be approved subject to conditions and that the concurrence of the Director-General of the Department of

	Planning be assumed for a variation to the height of building standard.
Report by	Cathryn Fuller, Executive Planner - Development Assessment (West)

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 a 100 bed residential aged care facility, 12 independent living units and associated site works.

The Panel is the determining authority for this DA pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979* as the capital investment value (CIV) of the proposed development is \$22,415,850 which exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 2014/761 for the construction of a 100 bed residential aged care facility, 12 independent living units and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a 100 bed residential aged care facility (RACF), 12 independent living units (ILU) and associated site works at 2-24 Grice Street, Oran Park. The proponent currently operates "Chesalon Retirement Village" Seniors Living facility on the land.

The proposal has been the subject of a number of amended designs, responding to concerns raised by Council staff. The concerns raised primarily included building setbacks, privacy and solar access issues. Namely, inadequate solar access to the living rooms and private open space of the ILU's and unsatisfactory privacy of the ILU's from the RACF. The amended design, the subject of this report, reduced the ILU yield from 13 to 12 units and reconfigured the layout of the ILUs, satisfying concerns raised.

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.

AERIAL PHOTO



THE SITE

The site is known as 2-24 Grice Street, Oran Park and is legally described as Lot 16, DP 1153031. The site is located on a corner and is bounded by Redman Grange Road and South Circuit. The subject land overall comprises an existing Independent Living retirement centre, which is bounded by Grice Street to the west, South Circuit to the south and east, and Redman Grange to the north and has an area of 7.8 hectares.

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

The surrounding area is characterised by residential development, predominantly single storey dwellings, recreational open space areas and the existing retirement village on-site. The Oran Park town centre is located approximately 400 metres to the north.

HISTORY

The subject site is located within a subdivision approved under DA 982/2008.

Development Application DA 371/2010 was reported to the Joint Regional Planning Panel (Sydney West) for determination and approved 26 November 2011 subject to conditions. The consent was for a Retirement Village and Ancillary Uses (known as “Anglicare Chesalon Village, Oran Park”) which had a total CIV of \$94 million. The development included:

- 240 self-contained dwellings (96 Villas and 144 Apartment Style Units);
- 102 bed residential aged care facility (RACF);
- 27 bed assisted living units;
- community day care centre;
- community club house with 17 serviced units;
- community hub building comprising Anglicare Office (counselling services), medical suites, newsagent/convenience shop and pharmacy;
- 415 car parking space, at grade basement car parks, and emergency services;
- earthworks;
- Landscaping; and
- two riparian crossings (waterfront lands).

The DA was approved in five (5) conceptual stages, over a notional construction period of five (5) to eight (8) years. The stages include:

- Stage 1 – 38 Self-contained dwellings (villas) and Community Clubhouse (containing 17 Units)
- Stage 2 – 33 Self-contained dwellings (villas)
- **Stage 3 – Residential care facility (102 Beds), Hostel (Assisted Living Units) (27 beds) and Community Day Care Centre associated with the Residential care facility**
- Stage 4 – 25 Self-contained dwellings (villas)
- Stage 5 – 144 Self-contained dwellings (units) and Community Hub.

Stages 1 and 2 have been constructed and are occupied.

The “Stage 3” development application, the subject of this report, is proposed to replace the previously approved Stage 3 development described above. The previously approved site plan for Stage 3 development is provided as **Attachment A**.

DA 371/2010 consent approved the development in stages, not as a staged development under Section 83B(1) of the Act.

THE PROPOSAL

DA 2014/761 seeks approval for the construction of a 100 bed residential aged care facility (RACF), 12 independent living units (ILU) and associated site works.

Specifically the proposed development involves:

- construction of 12 single storey independent living units each with 3 bedrooms;
- construction of a 2 to 3 storey, 100 bed residential aged care facility;
- basement car park comprising 34 car parking spaces, including 2 accessible car parking spaces;
- landscaping and associated site works; and
- the employment of 34 staff.

The capital investment value of the works is estimated at \$22,415,850.

PROPOSED PERSPECTIVE PLANS



① View of RACV eastern courtyard



② North elevation of eastern RACV wing





① View of RACF from Riparian Corridor



② View of RACF north-west corner



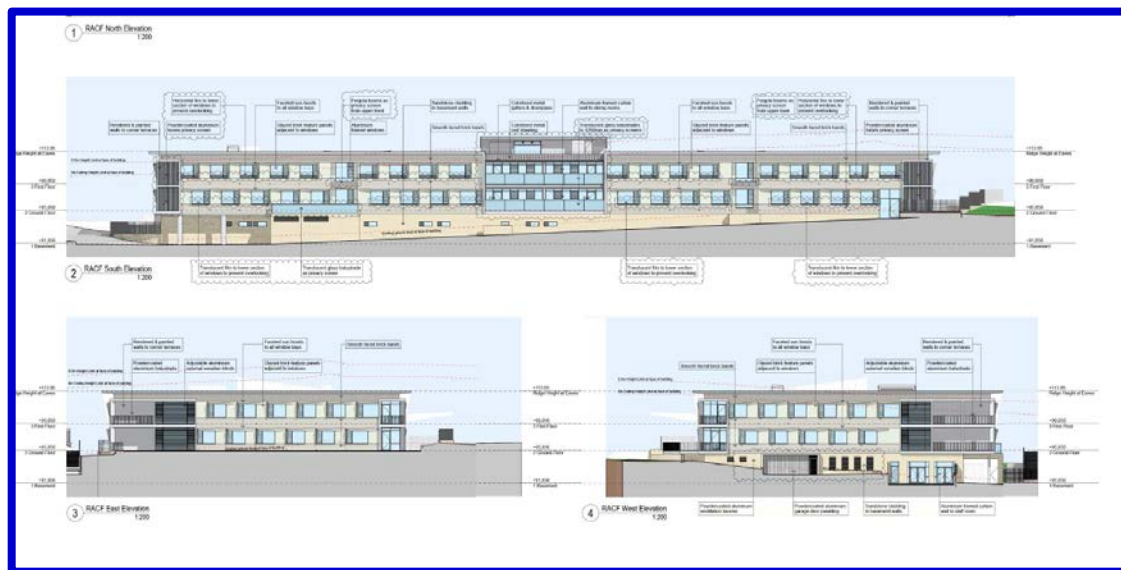
① View from western end of ECU road



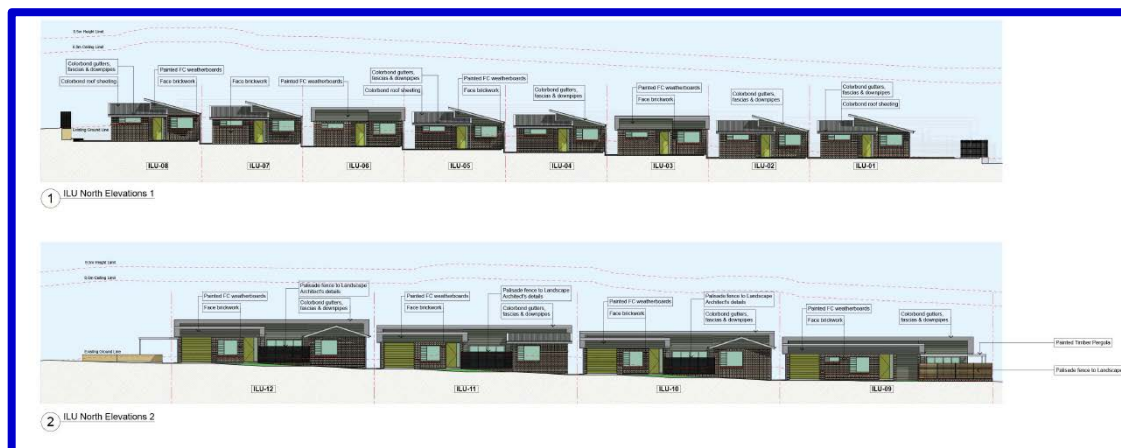
② View from western end of ECU road



PROPOSED ELEVATION PLANS



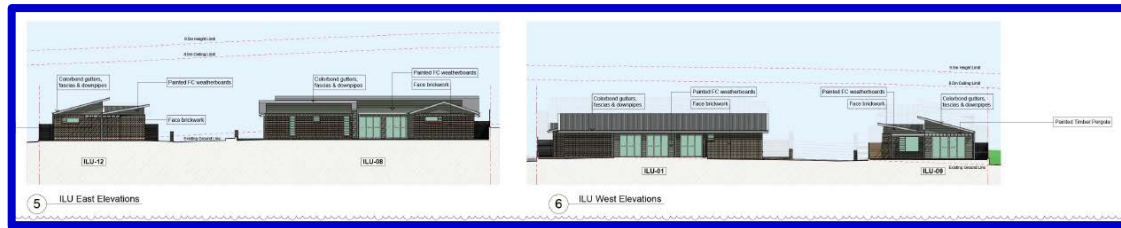
Elevations of RACF building



North Elevations of ILU's

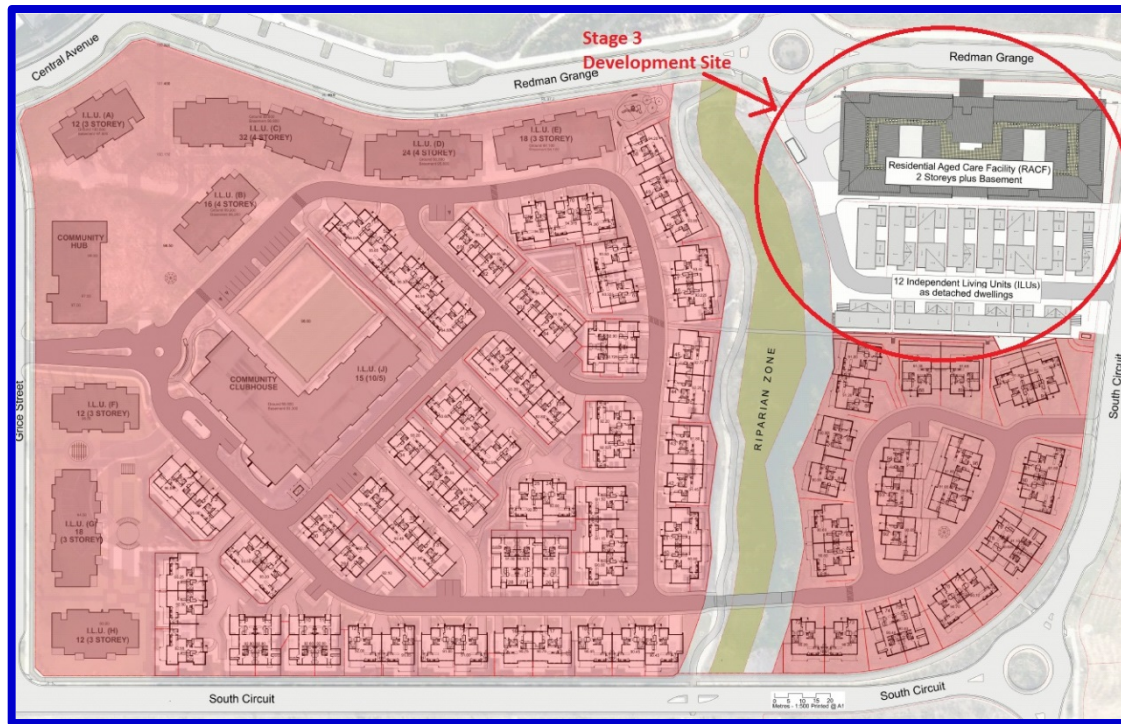


South Elevations of ILU's



East and West Elevations ILU's

PROPOSED SITE PLAN



NOTIFICATION

The DA was publicly exhibited from 29 September 2014 to 13 October 2014 in accordance with Camden Development Control Plan 2011. One submission was received raising concerns with the proposal. The submission related to the presentation of the two ILUs with a frontage to South Circuit. The issue was resolved and the objection formally withdrawn subsequent to amended plans that added windows and architectural design features to address the South Circuit frontage.

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 (State and Regional Development) 2011
- State Environmental Planning Policy (Sydney Region Growth Centre) 2006
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- 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 Development Control Plan 2010
- Oran Park Development Control Plan 2007

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

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$22 million. This exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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

Permissibility

The portion of the site which is subject to this DA is zoned R1 General Residential under the provisions of the SEPP (Sydney Region Growth Centres 2006). The proposed seniors living development is permissible with consent in accordance with Clause 4 and 15 of the SEPP (Housing for Seniors or People with a Disability) 2004.

The DA seeks consent for a residential care facility and self-contained dwellings. Both development types are permitted with consent on the land.

Aims of Policy

The aims of the SEPP are to increase the supply and diversity of housing for seniors or people with a disability, to make efficient use of existing infrastructure and services and to ensure good design. The proposal development is considered to be consistent with these aims.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP as discussed in the table below:

Clause	Requirement	Provided	Compliance
Clause 18 Restrictions	Development must be occupied only by the following: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.	88B restrictions are recommended requiring compliance with this control.	Yes
Clause 26 Location and access to facilities	<p>Site must have access to shops, banks and commercial services, medical services, community and recreation facilities.</p> <p>Access must be within 400m via a suitable access with gradient of no more than 1:14.</p>	<p>A seniors living development has previously been approved by the JRPP on the site. The approved development will primarily provide the required facilities on site. The approved development includes:</p> <ul style="list-style-type: none"> - Community Clubhouse (Constructed as part of Stage 1) comprising bowling green, administrative offices, commercial kitchen, dining and lounge and billiards rooms, swimming pool and gymnasium facilities as well as visiting rooms for visiting doctor, beautician and hairdresser; and - Community Hub Building (To be built as part of Stage 5) comprising Anglicare Office (counselling services), medical 	Yes

		<p>suites, café, newsagent / convenience shop and pharmacy.</p> <p>Until such time as these facilities are fully constructed a community bus currently takes residents to the Oran Park Town Centre and/or Camden Town Centre.</p> <p>Notwithstanding, the site is located within 400m of a bus stop which provides 4 services per day to local centres. Conditions of consent are recommended to ensure a path of travel to this bus stop is provided which is compliant with clause 26.</p>	
Clause 27 Bush fire prone land	<p>The consent authority must consult with the Rural Fire Service.</p> <p>Development to comply with Planning for Bush Fire Protection.</p> <p>Consideration must be given to the means of access to and egress from the general location.</p>	<p>The DA was referred to the Rural Fire Service who provided General Terms of Approval (GTA) including requiring compliance with Planning for Bush Fire Protection. A condition is recommended requiring compliance with the GTA's. The Bushfire Report submitted in support of the DA concludes the development is beyond a 100 metre distance from the closest bushfire prone land and is able to meet the DTS requirements of Planning for Bushfire Protection 2006 and is acceptable.</p>	Yes
Clause 28 Water and sewer	<p>Development to be connected to a reticulated water</p>	<p>The site is fully serviced for water and sewerage. A condition</p>	Yes

	system and have adequate facilities for the removal and disposal of sewage	is recommended requiring evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.	
Clause 29	<p>Provides that the consent authority consider certain site compatibility criteria, which are discussed below;</p> <p>1. The natural environment and existing/likely future land uses in the vicinity of the proposed development.</p> <p>2. The services and infrastructure available to meet the demands rising from the development</p> <p>3. The impact that the built form of the development is likely to have on existing and likely future development.</p>	<p>The site is part of a new release area and close to a range of shopping and transport options. The development is satisfactory with regard to the existing residential and commercial surrounds of the site and the protection of riparian zone and natural environment within the site.</p> <p>The site is located in an emerging urban area and is well placed to accommodate future resident's needs.</p> <p>The built form of the development is not likely to have a significant or detrimental impact on existing and future development in its vicinity.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Clause 30 Site analysis	Provide a site analysis in accordance with Clause 30(2), (3) and (4)	A suitable site analysis has been provided.	Yes
Clause 32 Design of	The development is to demonstrate adequate	The proposed development	Yes

residential development	regard to the principles of Division 2 (Clauses 33 to 39).	demonstrates adequate regard to the principles set out in Division 2 clauses 33-39 as discussed below.	
Clause 33 Neighbourhood amenity and streetscape	<p>The development should:</p> <p>(a) recognise the desirable elements of the location's current character</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are</p>	<p>The development is sympathetic to the character of the locality and is of a scale which is appropriate in the context. The presentation of the development to nearby streets is considered to be acceptable upon consideration of proposed fence heights and landscape treatments (subject to the inclusion of conditions in any consent issued).</p> <p>Appropriate setbacks are provided to reduce bulk and maximise the amenity for residents of the development and adjoining properties. The overshadowing impact of the proposed development is considered acceptable as discussed in this report.</p> <p>The building form and siting appropriately relates to the sites location and landform</p> <p>The proposed RACF will present as</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>predominately two storeys to the street which is compatible with the surrounding area. The ILU's are of a single storey scale.</p> <p>Appropriate setbacks are provided to maximise the amenity for future residents of the development and adjoining properties.</p> <p>The front building setbacks of the RACF and ILU's are sufficiently setback in sympathy with surrounding development.</p> <p>The proposal incorporates planting which will help to soften the development and which is sympathetic to the streetscape.</p> <p>No trees on-site are required to be removed. The construction of the Redman Grange access will require the removal of two street trees. Being small, <i>Lophostemon confertus</i>, which are not considered significant. Replacement of street trees will be required as conditions of consent.</p> <p>No buildings are proposed to be constructed in the riparian zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Clause 34 Visual and acoustic privacy	Consider the visual and acoustic privacy of neighbours in the vicinity and residents	The proposed development is not considered to raise significant privacy concerns.	Yes

		<p>The separation distance between the ILU's and the RACF building is between 6.23m and 7.7m. The RACF has been designed to minimise potential overlooking by the inclusion of horizontal fins, pergola beams, translucent glass balustrades and sun hoods</p> <p>The issue of acoustic privacy has been assessed by Council and is considered to be satisfactory subject to conditions.</p>	
Clause 35 Solar access and design for climate	Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space	<p>Detailed solar access diagrams and tables have been submitted in support of the development. The proposed development demonstrates adequate daylight to the main living areas of the ILU's and ensures adequate sunlight to substantial areas of private open space.</p> <p>Adequate natural light is provided to the RACF.</p>	Yes
Clause 36 Stormwater	Control and minimise the impacts of stormwater runoff	An adequate stormwater management plan has been provided.	Yes
Clause 37 Crime prevention	Ensure that the site planning allows each dwelling general observation to both the approach to the dwelling from the entry and from inside each dwelling. The dwellings must be designed to allow residents to see who approaches their dwellings without the need to open the front	<p>The RACF would be a secure facility with a reception desk at the entry. Sufficient surveillance of the street is expected from the ground floor and foyer which allows general observation of persons entering the site.</p> <p>The ILU's provide</p>	Yes

	door	adequate passive surveillance and encourages crime prevention.	
Clause 38 Accessibility	Provide obvious and safe pedestrian links from the site that provide access to public transport services or local facilities. Provide attractive and safe pedestrian and motorist environments with convenient access and parking.	An Access Assessment Report was submitted in support of the DA. A condition is recommended requiring compliance with the access report. 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.	Yes
Clause 39 Waste management	Provide waste facilities that maximise recycling	A waste management plan was submitted in support of the DA. The design of the development incorporates dedicated areas for the collection of waste management bins. A condition is recommended requiring compliance with the waste management plan.	Yes
Clause 41 Standards for hostel and self-contained dwellings	Comply with the requirements of Schedule 3 – Standards concerning accessibility and usability for hostels and self-contained dwellings in so far as they are applicable having regard to Clause 41(2)	The application is made by a social housing provider. A condition is recommended requiring compliance with Schedule 3 clauses 1, 3, 4, 5, 6, 14 and 21.	Yes
Clause 48 Development standards that cannot be used	An application for a RACF must not be refused on any of the following grounds:		

to refuse development consent for residential care facilities	(a) if the building height is 8 metres or less	A maximum building height of 8.9m is proposed for the RACF. The exceedance of the 8m building height standard does not result in unacceptable amenity related impacts to adjoining properties. Further the exceedance is considered to be minimal as only the south west corner of the RACF exceeds 8m. The exceedance is considered reasonable and acceptable as the objectives of the SEPP have been met.	Yes
	(b) if the floor space ratio is 1:1 or less	The FSR of the entire staged development is 0.47:1.	Yes
	(c) if a minimum of 25m ² of landscaped area is provided per bed.	In excess of 25m ² of landscaped area is provided per RACF bed over the entire staged development site.	Yes
	(d) if at least: 1 space is provided per 10 beds 1 space is provided per 2 staff, and 1 ambulance space is provided.	34 car spaces and 2 ambulance spaces are provided which is in excess of the requirement noting only 1 ambulance space and 27 car spaces are to be provided (on the basis of 34 staff and 100 beds).	Yes
Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings	An application must not be refused on any of the following grounds:		
	(a) if the building height is 8 metres or less	All ILU's are single storey in height and do not exceed the 8 metre height control	Yes
	(b) if the floor space ratio is 0.5:1 or less	the FSR of the entire staged development is 0.47:1	Yes

	<p>(c) if a minimum of 35m² of landscaped area is provided per dwelling</p> <p>(d) if there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site. Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres</p> <p>(e) if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter</p> <p>(f) if not less than 15m² of private open space per dwelling is provided and, of this open space, one area is not less than 3m wide and 3m long and is accessible from a living area located on the ground floor</p> <p>(h) if 1 car space is provided for each 5 dwellings</p>	<p>The ILU's are capable of providing 35m² of landscaped area per dwelling. A condition is recommended requiring this.</p> <p>There is sufficient deep soil planting provided over the entire staged development site.</p> <p>100% of the internal living rooms achieve a minimum of 3 hours solar access between 9am and 3pm, 80% of the POS's achieve the same standard.</p> <p>All ILU's have at least 30m² of private open space.</p> <p>1 car space per dwelling is provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Clause 55 Fire sprinklers	A residential care facility for seniors must include a fire sprinkler system	A sprinkler system proposed. A condition is recommended requiring the details of the system to be provided prior to the issue of a Construction Certificate.	Yes

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The portion of the site the subject of this DA is zoned R1 General Residential under the provisions of the SEPP (Sydney Region Growth Centres 2006). The proposed development is defined as a "Seniors Housing" by the SEPP which is a permissible land use in this zone.

Objectives

In terms of the proposed development's consistency with the zone objectives, the relevant objectives of the zone seek to "provide for the housing needs of the community" and to "provide for a variety of housing types and densities" and "enable other land uses that provide facilities or services to meet the day to day needs of residents".

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

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP as discussed below.

Clause	Requirement	Provided	Compliance
Clause 4.3 of Height of Buildings	Maximum building height of 9.5m	The maximum height of the RACF is 10.29m. The ILU's are less than 9.5 metres in height.	No – SEPP Variation 1

SEPP Variation 1 – Maximum Building Height

SEPP Control

The SEPP limits the maximum height of buildings to 9.5m

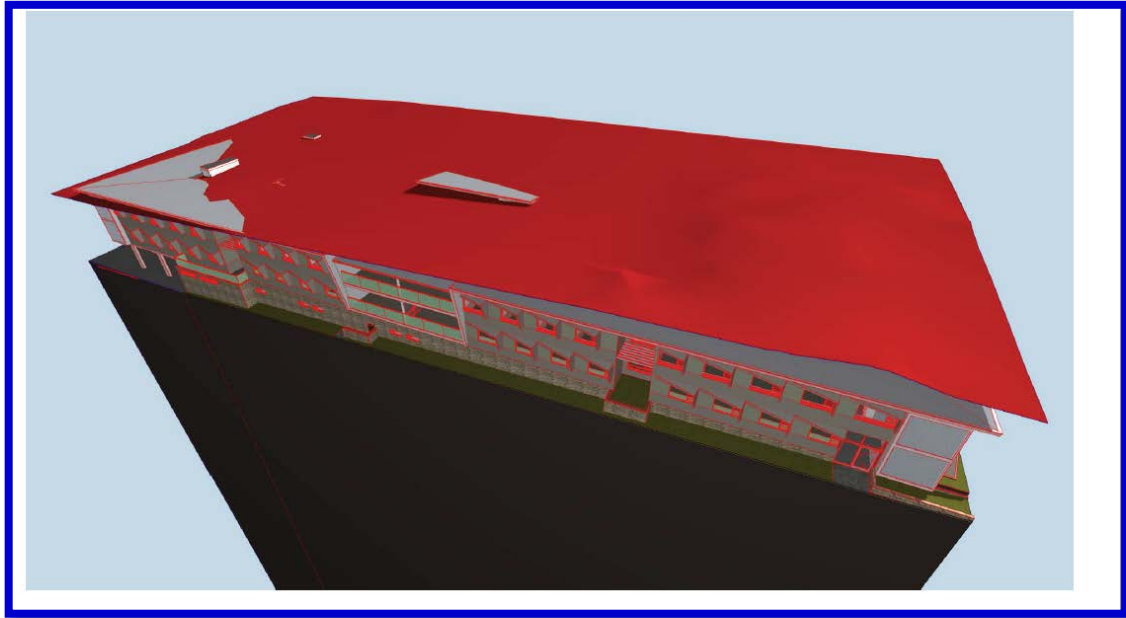
Variation Request

The applicant has requested that Council support a variation to this SEPP control on the basis that:

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

Council Staff Assessment

The 9.5m height of building control is exceeded by 790mm in the south-western portion of the RACF and 500mm towards the centre of the RACF. The breach building height is highlighted in grey in the figure below.



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

The building height exceedance will not appear visually dominant in the streetscape and will not detract from views through the area. The building height exceedance does not unreasonably impact on solar access of the adjacent ILU’s and the building is sufficiently articulated to create visual interest and avoids large expanses of blank wall.

It is also noted that the Stage 3 development as approved by the JRPP (DA 371/2010) exceeded the 9.5m height limit by 2.5m. The proposed development reduces this non-compliance to 790mm.

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

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

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 submitted an initial contamination review report and additional contamination soil sampling assessment including sampling of stockpiles and analysis for the site in support of this DA. All concentrations of heavy metals, TRH, BTEX, PAH were below limits of detection of site assessment criteria. No asbestos or other contaminants were identified apart from some loose rubbish on the site. The site is considered suitable for its intended use.

A standard contingency condition is recommended that requires any contamination found during construction must be managed in accordance with Council's Management of Contaminated Lands Policy.

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

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. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the development.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The proposed residential component of the development has achieved full compliance with BASIX.

(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

Oran Park Development Control Plan 2007 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the Oran Park DCP.

Control	Requirement	Provided	Compliance
6.3 Salinity Management	A salinity report to be provided	An adequate salinity report has been provided. A condition is	Yes

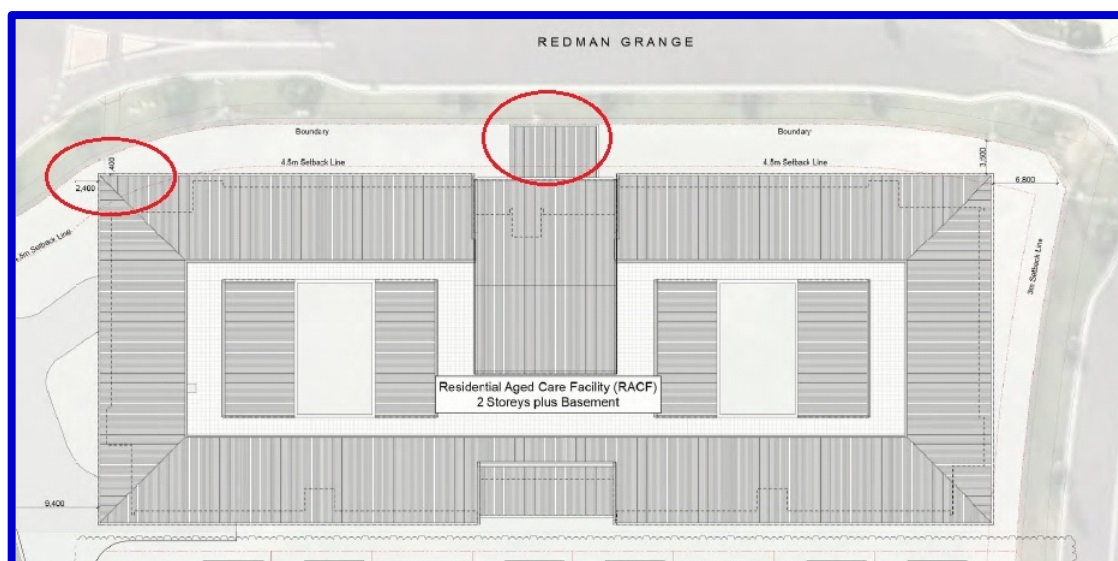
Control	Requirement	Provided	Compliance
		recommended requiring compliance with the report.	
6.9 Acoustics	An acoustic report to be provided	An adequate acoustic report has been provided. A condition is recommended requiring compliance with the report.	Yes
7.7.3 Multi Dwelling Housing	To ensure the design of multi dwelling housing is consistent with the character of residential areas within the precinct. Table 22 provides key controls for multi-dwelling housing. Maximum 50% of site coverage	 The cumulative FSR resulting from the overall development (including all stages) is 48%.	 Yes
	Landscape area – Minimum of 30% of site area.	38% landscaped area is provided for the entire staged development site.	Yes
	Principal Private open space – Minimum of 16m ² with a minimum dimension of 3m	In excess of 16m ² of PPOS is provided per ILU.	Yes
	Front setback 4.5m to building façade and 3.0m to articulation zone	The building façade line of the RACF is setback 4.5 metres from the street. The RACF encroaches into the 3m articulation zone.	Yes No – DCP Variation 1
	Corner lots – Secondary street setback 2m	ILU's No. 8 and 12 have a secondary frontage to South Circuit. These ILU's are setback 3.4m from the secondary street. The RACF is setback greater than 2m from the secondary street.	Yes
	Side Setbacks to be minimum 0.9m	The RACF side setbacks exceed 900mm.	Yes

	Internal building separation - 5m (unless dwellings are attached by a common wall)	All ILU's are attached by a common wall and a separation of 5m is achieved between the RACF and the ILU's.	Yes
7.8.5 Seniors Housing	Comply with the controls of Section 7.7.3	Compliance with Section 7.7.3 is detailed above.	Yes
8.3 Waste Management Plan	Provide a waste management plan	An adequate waste management plan has been provided. A condition is recommended requiring compliance with the plan.	Yes
8.6 Safety and Surveillance	Buildings are to provide overlooking of streets and public spaces, incorporate the principles of Crime Prevention Through Environmental Design (CPTED)	The proposed development promotes passive surveillance and is consistent with CPTED.	Yes

DCP Variation 1 – Front Setback

DCP Control

Section 7.7.3 – Multi Dwelling Housing of the Oran Park DCP control plan requires a front setback of 3m to the articulation zone. The proposed development intrudes into the 3m articulation zone as highlighted below in red:



Council Staff Assessment

A porte cochere in the middle of the site extends to the front boundary and is non-compliant with the front setback controls. The porte cochere is an architectural feature which will provide a covered entrance large enough for vehicles, (including ambulances), to pass under at the entrance of the building. The addition of the porte cochere is considered appropriate with regard to function of the development.

The western corner of the RACF encroaches into the 3m articulation zone by 600mm. The encroachment occurs in an area with a generous nature strip and as such the development will appear to be adequately setback from the street. Further the area of non-compliance is considered to be sufficiently articulated so as not to appear excessively bulky.

The non-compliance with the front setback 3m articulation zone is considered acceptable noting the above.

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the Camden DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	In the event of an approval, a condition is recommended requiring appropriate erosion, sedimentation and dust control measures.	Yes
B1.2 Earthworks	Minimise cut and Fill	The proposed cut and fill is minimised and is appropriate for the proposed development.	Yes
	Use only clean fill	A standard condition is recommended to ensure that only clean fill is used.	Yes
B1.3 Salinity Management	Salinity control measures	An adequate salinity report has been provided. A condition is recommended requiring compliance with the report.	Yes
B1.4 Water Management	Detention, drainage and water sensitive urban design to be compliance with Council's Engineering Specification	A condition is recommended requiring all works to be undertaken in accordance with Council's Engineering Specification.	Yes
B1.7 Riparian Corridors	Maintain riparian connectivity where possible, buffer zones, design to minimise impacts on sensitive areas.	No works are proposed within the riparian corridor.	Yes

Control	Requirement	Provided	Compliance
B1.8 Environmental and Declared Noxious Weeds	All applications for development, subdivision and bulk earthworks are to consider the need to minimize weed dispersion and weed infestation management during stages of development	A condition is recommended which requires that noxious weed management is to occur in accordance with Camden DCP.	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	Minimise the risks to human health and the environment from the development of potentially Contaminated land.	The site is considered suitable for its intended use. A standard contingency condition is recommended that requires any contamination found during construction be managed in accordance with Council's Management of Contaminated Lands Policy.	Yes
B5 Access and Parking	Ensure pedestrian and traffic safety, quality of parking area and integration with surrounding areas. Ensure the provision of sufficient and suitably located parking including parking for persons with a disability	A Traffic and Parking Report was submitted in support of the DA. The provision of off-street parking is satisfactory. The proposal has been considered by Council's traffic engineers and it is considered that the proposed development satisfies the aims and controls. A condition is recommended requiring consistency with Council's Engineering Specification.	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

The Oran Park Urban Release Area Planning Agreement (VPA) does not apply to the land.

Oran Park / Turner Road Section 94 Plan

The applicant has provided sufficient information to Council to demonstrate that the proponent satisfies the definition of "social housing provider" pursuant to Clause 3 of the State Environmental Planning Policy (Housing for Seniors or People with a

Disability) 2004. In accordance with Ministerial Direction 94E dated 14 September 2007, no Section 94 contributions may be conditioned for this application.

Special Infrastructure Contribution (SIC Levy)

A Levy made by the Minister under S94EE of the *Environmental Planning and Assessment Act 1979* applies to the land. The levy has been paid with previous stages of the development. The Certificate of Payment of Special Infrastructure Contribution received by Council 14 October 2010 certifies that the SIC has been paid in respect to the land.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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. The proposed aged housing facility is considered to be appropriate within the context and setting as it will provide a high care facility which will be co-located with an existing aged housing facility of a low care nature. The size of the site and relationship with adjoining development is such that the proposed use will have minimal amenity impacts. A Social Impact Assessment prepared for the site notes *"the proposed Chesalon Seniors Development at Oran Park would provide quality, well designed aged care facilities to meet both existing and future needs of the local and regional population and fulfil the vision of a modern town where people can live, learn and grow with family and friends."*

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The proposed development will provide much need high care aged housing accommodation. The proposal addresses an identified State-wide demand and it will complete the low care stages already constructed and will therefore encourage 'ageing in place' for existing residents as the level of care increases. There are no site constraints that would provide limitations to the proposal.

On 7 June 2015 the Transport for NSW released a draft plan for the South West Rail Link extension for consultation. The draft plan shows that the subject site will be affected by the Rail Link. Notwithstanding, there is no certainty that the Rail Link will proceed in this location and there is nothing to prevent the approval of the subject development application at this time.

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

The DA was publicly exhibited from 29 September 2014 to 13 October 2014 in accordance with Camden Development Control Plan 2011. One submission was received raising concerns with the proposal. The submission related to the presentation of the two ILUs with frontage to South Circuit. The issue was resolved

and the objection formally withdrawn subsequent to amended plans that added windows and architectural design features to the elevation plans.

(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, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The Rural Fires Act 1997, specifically Section 100B applies to the development as 'seniors housing' is considered to be a 'special fire protection purpose'. Accordingly, and pursuant to the 'integrated development' provisions of the *Environmental Planning and Assessment Act 1979*, the application was forwarded to the Rural Fire Service for assessment. The RFS General Terms of Approval are found in **Attachment B** of this report.

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 policies. Accordingly, DA 2000/2012 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA 03-A	Site Context & Analysis Plan	Calder Fower Architects	29 April 2014
DA 04-B	Masterplan	Calder Fower Architects	9 June 2015
DA 05-C	Stage 3 Site Plan	Calder Fower Architects	15 April 2014
DA 06-F	RACF Basement Floor Plan; ILU	Calder Fower Architects	15 April 2014

	Ground Floor Plans		
DA 07-C	RACF Ground Floor Plan; ILU Roof Plans	Calder Fower Architects	15 April 2014
DA 08-C	RACF First Floor Plan	Calder Fower Architects	15 April 2014
DA 09-C	RACF Roof Plan	Calder Fower Architects	16 April 2016
DA 10-B	RACF Elevations and Sections	Calder Fower Architects	3 Feb 2015
DA 12-C	ILU Elevations	Calder Fower Architects	15 April 2015
DA 16-A	RACF External Finishes	Calder Flower Architects	29 August 2014
DA 17-A	ILU External Finishes	Calder Flower Architects	29 August 2014
DA 20-B	ILU Shadow Diagrams_Sheet 1	Calder Fower Architects	15 April 2015
DA 21-B	ILU Shadow Diagrams_Sheet 2	Calder Fower Architects	15 April 2015
DA 23-B	ILU Shadow Perspectives_Sheet 1	Calder Fower Architects	15 April 2015
DA 24-B	ILU Shadow_Sheet 2	Calder Fower Architects	15 April 2015
MMD-335517-C-DR-00-XX-1101-02	Stage 3 Civil Works Notes and Legends Sheet 1	Mott MacDonald	April 2002
MMD-335517-C-DR-00-XX-1102-02	Stage 3 Civil Works Notes and Legends Sheet 2	Mott MacDonald	April 2002
MMD335517-C-DR00XX-1105-03	Civil Plan	Mott MacDonald	15 April 2015
MM-335517-CDR-00-xx-1115-02	Stage 3 Civil Works Typical Road Cross Sections	Mott MacDonald	15 April 2015
MMD-335517-CDR00-XX-1140-03	Stage 3 Civil Works Siteworks Plan	Mott MacDonald	15 April 2015
MMD-335517-CDR-00XX-1145-03	Stage 3 Civil Works Road Longitudinal Section Sheet 1	Mott MacDonald	15 April 2015
MMD-335517C-DR00-XX-1150-02	Stage 3 Civil Works Stormwater Longitudinal Sections Sheet 1	Mott MacDonald	15 April 2015
MMD-335517-C-DR00-XX-1151-02	Stage 3 Civil Works Stormwater Longitudinal Sections Sheet 2	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1160-03	Stage 3 Civil Works Siteworks Details Sheet 1	Mott MacDonald	15 April 2015

MMD-335517-CDR00-XX-1161-02	Stage 3 Civil Works Siteworks Details Sheet 2	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1190-02	Stage 3 Civil Works Proposed Catchment Plan	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1200-02	Stage 3 and Stage 6 Civil Works Simulated turning paths Sheet 1	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1201-02	Stage 3 and 6 Civil Works Simulated turning paths Sheet 2	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1202-0	Stage 3 Civil Works Simulated turning paths Sheet 3	Mott MacDonald	15 April 2015
MMD-335517-C-DR-00-XX-1203-0	Stage 3 Civil Works Simulated turning paths Sheet 4	Mott MacDonald	15 April 2015
L-S6-SD-01-P2	General Arrangement and Finishes Plan	Arterra Design Pty Ltd	12 May 2015
L-SD-02-A	Level 2 RACF Landscape Plan	Arterra Design Pty Ltd	1 Sept 2014
L-SD-03-A	Level 3 Courtyards	Arterra Design Pty Ltd	1 Sept 2014
L-SD-04-A	Sections & Plant Images	Arterra Design Pty Ltd	1 Sept 2014

Document Title	Prepared by	Date
Statement of Environmental Effects	City Plan Services	September 2014
Anglicare Chelsalon Stage 3 and 6 South Circuit Oran Park – Stormwater Quality and Quantity Ref 346484	Mott MacDonald	15 April 2015
Tranche 1 DA, Oran Park Stormwater Quality Management	Ecological Engineering Practice Area	16 October 2008
Operational Management Plan	Chesalon Life Enriching Care	7 May 2014
Construction Management Plan	Anglicare Chesalon Living Village	17 June 2009
Management Plan Waste	Chesalon Living Village, Oran Park	December 2009
Salinity Management Plan	Environmental Earth Sciences	27 May 2009
Contamination Review	Douglas Partners	28 May 2014
Infrastructure Report	Hughes	November 2009

	Tueman	
Building Code Australia Report	Blackett Maguire & Goldsmith	30 July 2014
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	1 July 2014
Noise Impact Assessment	Acoustic Logic	13 June 2014
Traffic Management Plan	Transport and Traffic Planning Associates	July 2014
BASIX Certificate – 570403M_02	Efficient Living	29 May 2015
Bushfire Protection Assessment	Ecological	29 April 2014

- (2) **Protect existing Waterfront Vegetation and Natural Landscape features** - Approval must be sought from Council prior to the removal, transecting, impact upon or any disturbance of any of the existing Waterfront area.

The following procedures shall be strictly observed:

- (a) No additional works or access/parking routes, transecting the Waterfront area shall be undertaken without Council approval,
 - (b) Pedestrian and vehicular access within and through the protected Waterfront area shall be restricted to Council approved access routes.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (6) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (7) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site

visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (8) **Modified Documents and Plans** - The development shall be modified as follows:

- a) A minimum of 35m² of landscaped area is provided per each Independent Living Unit.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

- (9) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.

- (10) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. Rural Fire Service - General Terms of Approval dated 12 February 2015.

- (11) **Tree Removal** - The trees identified below are approved for removal:

- (a) 2 x *Lophostemon confertus* on Redman Grange.
- (b) 1 x *Lophostemon confertus* on South Circuit

The following replacement trees shall be planted:

- a) Street Trees South Circuit – street tree planting shall consist of *Lophostemon confertus* (Brush Box). One existing tree is permitted to be removed. All remaining trees are to be protected during the construction phase. Should any of the trees die or be damaged they shall be replaced with 100 litre stock of the same species in the same location and installed on a like for like basis.
- b) Street Trees Redman Grange – Street tree planting consists of *Lophostemon confertus* (Brush Box) at the road junction and roundabout and *Lirodendron tulipefera fastigatum* (Tulip Tree). One existing tree pit is permitted to be removed. All existing trees are to be protected during the construction phase. Three *Lirodendron tulipefera fastigatum* (Tulip Tree) are to be installed in the vacant tree pits using 100 litre container stock. Should any of the trees die or are damaged they shall be replaced with 100 litre stock of the same species in the same location and installed on a like for like basis.
- c) An inspection must be arranged with Council's Landscape Development Officer prior to the issue of the Occupation Certificate.

This work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of

Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Salinity Management Plan** - The proposed development, landscaping and associated works for the development shall comply with the Salinity Management Plan prepared by Environmental Earth Sciences dated 27 May 2009.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (3) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.
- (4) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (5) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (6) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall

be provided to the Certifying Authority with the Construction Certificate application.

- (8) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
- b) Measures to suppress odours and dust emissions;
- c) Soil and sediment control measures;
- d) Measures to control air emissions that includes odour;
- e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) Any other recognised environmental impact; and
- g) Community Consultation.

- (9) **Construction Noise Management Plan** - A construction noise management plan shall be provided to the Certifying Authority and include the following:

- a) Noise mitigation measures
- b) Noise and/or vibration monitoring
- c) Use of respite periods
- d) Complaints handling, and
- e) Community liaison and consultation

- (10) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

- (11) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.

- (12) **Services** - The following conditions of consent shall be complied with prior to the issue of a Construction Certificate. Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (13) **Independent Living Unit Design** - Prior to the issue of a construction certificate for the Independent Living Units the applicant shall demonstrate compliance with the requirements of Schedule 3 clauses 1, 3, 4, 5, 6, 14 and 21 of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004.
- (14) **Fire sprinkler system** – Prior to the issue of a construction certificate for the Residential Aged Care Facility details of the fire sprinkler system are to be provided to the PCA to demonstrate compliance with Clause 55 of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004.
- (15) **Acoustic Report** - The development shall be constructed in accordance with Noise Impact Assessment prepared by Acoustic Logic dated 13 June 2014. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (16) **Access Report** - The development shall be constructed in accordance with Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions dated 1 July 2014. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (17) **Access to facilities and public transport** - Prior to the issue of a Construction Certificate the applicant shall submit plans to the PCA for approval which demonstrate the provision of a suitable path of travel to public transport in accordance with Clause 26 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (18) **Outdoor Lighting** – All lighting shall comply with AS 1158 and AS 4282.
- (19) Details of grid spacing or plant numbers of indicative shrub, hedge and ground cover plants is required prior to issue of a Construction Certificate.

3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the registered number and date of issue of the relevant development consent;
- d) the name and address of the PCA, and of the person by whom the PCA was appointed;
- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
- f) a telephone number on which the PCA may be contacted for business purposes

(2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the registered number and date of issue of the relevant development consent and construction certificate;
- e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

(3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;

- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

- (7) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.

- (8) **Performance Bond** - Prior to commencement of works a performance bond of 10% the value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

- (9) **Food Premises** – The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:

- b) the Food Act 2003;
- c) the Food Regulation 2004;
- d) Food Standards Australia and New Zealand – Food Standards Code 2003;
- e) Council's Food Premises Code;
- f) AS 1668 'The use of ventilation and air conditioning in buildings';

- g) the BCA; and
- h) AS 4674-2004. Design, construction and fitout of food premises.

Details demonstrating compliance shall be provided to the Certifying Authority.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (5) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (6) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (7) **Site Management Plan** - The following practices shall be implemented during construction works:
 - a) a sign shall be erected at all entrances to site and be maintained until development is completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (8) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (9) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:
- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 45 of the *Roads Act 1993*;
 - b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

- (10) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (11) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

- (12) **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 provided 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 practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- c) be prepared in accordance with:

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 (see Note 1)	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.

- (13) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (14) **Site Management Plan** - The following practices are to be implemented during construction:
- a) 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 site;
 - b) 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;
 - c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (15) **Protection of Existing Street Trees** - No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway

installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) during all works applicable to this consent, shall be installed in accordance with AS 4970-2009 'Protection of Trees on Development Sites'.

- (16) **Construction Noise Management Plan** – All operations must be carried out in accordance with the recommendations contained in the approved Construction Noise Management Plan including:
- a) Noise mitigation measures
 - b) Noise and/or vibration monitoring
 - c) Use of respite periods
 - d) Complaints handling, and
 - e) Community liaison and consultation
- (17) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act (1997). All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (6) **Access to facilities and public transport** - Prior to the issue of an Occupation Certificate the applicant shall construct a suitable path of travel to public transport in accordance with Clause 26 (3) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (7) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:

- a) restriction as to user occupying the development to:
 - i) persons 55 years of age or older or people who have a disability;
 - ii) people who live within the same household with seniors or people who have a disability;
 - iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
- (8) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (9) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (10) **Acoustic Boundary Fence** – Prior to the issue of an Occupation Certificate a 1.8 metre high solid acoustic fence is to be constructed along the entire rear boundaries of Independent Living Units No. 1 – 4. The fence can be colourbond or lapped and capped timber with no gaps between panels or underneath.
- (11) **Food Premises** - The following notifications shall occur:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and

- c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.
- (2) **Medical Waste** - Waste disposal containers with securely fitting lids shall be kept on the property for the storage of any clinical, contaminated or related waste prior to the final disposal of the material at a facility approved by the EPA.
- (3) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (4) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (5) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of application.
- (6) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

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

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all planting's, including street tree installations.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all road verge areas, street trees, street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth.

- (7) Synthetic turf is not to be used in common open space or street interface areas. (7) **Chemical Storage** – The storage and handling of flammable and combustible liquids must be in accordance with “Australian Standard 1940 - The Storage and handling of flammable and combustible liquids”.
- (8) **Trafficable Roof** – The roof of the Residential Aged Care Facility is not to be used as an area of entertainment and is to be used for service access only.

RECOMMENDED

That the Panel approve DA 2015/761 for construction of a residential aged care facility, 12 independent living units and associated site works at 2-24 Grice Street, Oran Park subject to the conditions listed above and that the concurrence of the Director-General of the Department of Planning be assumed for a variation to the height of building standard.