

Subject: DA14063 Construction of a Sixty-Two (62) Bed Residential Care Facility, Chapel and Community Hall, Demolition of an Existing Residential Care Facility and Construction of Twenty-Six (26) Self Contained Dwellings

Development Application Information

Application No: DA14063

Applicant: Mr M Garden of Southern Cross Care (NSW & ACT)

Property: Lot 1 DP 588701, 2-10 Middleton Street, Parkes

Proposal: DA14063 Construction of a Sixty-Two (62) Bed Residential Care Facility, Chapel and Community Hall, Demolition of an Existing Residential Care Facility and Construction of Twenty-Six (26) Self Contained Dwellings

Executive Summary

Development Application No. DA14063 proposes the construction of a 62 bed residential care facility, chapel and community hall, demolition of an existing residential care facility and construction of 26 self contained dwellings and associated infrastructure on Lot 1 DP 588701, 2-10 Middleton Street, Parkes. The application was lodged on the 26 May 2014 by Mark Garden of Southern Cross Care (NSW & ACT).

The application has been referred to the Joint Regional Planning Panel for determination pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979, as the proposal has a capital investment value of more than \$20 million.

Background Information

The southern portion of the site contains an existing 41 bed residential care facility and 54 self contained dwellings.

Development Application No. DA11064 was approved by Council in November 2011 for 48 seniors housing independent residential units, a hall and a workshop on the northern portion of the site. The development consent was subsequently surrendered and a new development application was lodged (DA13102).

Development Application No. DA13102 was approved by Parkes Shire Council in February 2014 for 29 self contained dwellings on the northern portion of the site.

Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

Report

Details of Proposed Development

The proposed development involves the construction of a residential care facility, community hall and chapel, demolition of an existing residential care facility and construction of 26 self contained dwellings.

The proposed development will be constructed in three stages as follows:

Stage 1

The new residential care facility will be constructed in the north eastern corner of the site towards the intersection of Condobolin Road and Middleton Street.

The facility will include 62 residential rooms which are divided into three areas (Care House 1, 2 and 3) and separated by an internal walkway/corridor. Each Care House has its own dining room, lounge rooms, reading room, satellite kitchen and amenities. Each residential room has direct access to an external courtyard.

The service area contains a kitchen, garden storage area, staff change rooms, laundry, dock and garbage area and has a separate access at the rear.

The administration/entry area contains staff offices and a training room, large activity area and a cafe.

The community centre and chapel will be located on the north eastern portion of the site and be primarily utilised by the residents of the residential care facility and self contained dwellings for the entire site.

The residential care facility, chapel and community hall will be accessed from Middleton Street via a new internal road and access located north of the stormwater detention infrastructure. A 1800mm high palisade fence will be erected along part of the northern boundary. The development is surrounded by landscaping which includes large shade trees, seating, community veggie gardens, grassed areas and screen planting.

Stage 2

The demolition of the existing residential care facility will occur once the new residential care facility has been completed. The existing hall will be retained.

Stage 3

The final part of the development will involve the construction of 26 self contained dwellings on the site of the existing residential care facility. The self contain dwellings will consist of 20, 2 bedroom units and 6, 1 bedroom units.

The 2 bedroom units have a bathroom, laundry (with second toilet), open plan kitchen, dining and living, alfresco dining and single garage.

The 1 bedroom units have a bathroom, cupboard laundry, open plan kitchen, dining and living and alfresco dining. Each unit has its own clothes line.

The units will be constructed of brick and have a colorbond roof.

The development is also surrounded by landscaping including large shade trees, seating, pergolas, grassed areas and screen planting.

An aerial photograph of a suburban neighborhood. A large, irregularly shaped green field is outlined with a thick black border and labeled 'DP 588701' in red text. This field is situated between a residential street to the west and a larger green area to the east. To the north of the black-outlined field is a baseball field with a green field and brown infield. The surrounding area is densely packed with residential lots, many of which are also labeled with red text such as 'DP 143228', 'DP 143229', 'DP 143230', 'DP 143231', 'DP 143232', 'DP 143233', 'DP 143234', 'DP 143235', 'DP 143236', 'DP 143237', 'DP 143238', 'DP 143239', 'DP 143240', 'DP 143241', 'DP 143242', 'DP 143243', 'DP 143244', 'DP 143245', 'DP 143246', 'DP 143247', 'DP 143248', 'DP 143249', 'DP 143250', 'DP 143251', 'DP 143252', 'DP 143253', 'DP 143254', 'DP 143255', 'DP 143256', 'DP 143257', 'DP 143258', 'DP 143259', 'DP 143260', 'DP 143261', 'DP 143262', 'DP 143263', 'DP 143264', 'DP 143265', 'DP 143266', 'DP 143267', 'DP 143268', 'DP 143269', 'DP 143270', 'DP 143271', 'DP 143272', 'DP 143273', 'DP 143274', 'DP 143275', 'DP 143276', 'DP 143277', 'DP 143278', 'DP 143279', 'DP 143280', 'DP 143281', 'DP 143282', 'DP 143283', 'DP 143284', 'DP 143285', 'DP 143286', 'DP 143287', 'DP 143288', 'DP 143289', 'DP 143290', 'DP 143291', 'DP 143292', 'DP 143293', 'DP 143294', 'DP 143295', 'DP 143296', 'DP 143297', 'DP 143298', 'DP 143299', 'DP 143300'. The map also shows various streets, including '143228', '143229', '143230', '143231', '143232', '143233', '143234', '143235', '143236', '143237', '143238', '143239', '143240', '143241', '143242', '143243', '143244', '143245', '143246', '143247', '143248', '143249', '143250', '143251', '143252', '143253', '143254', '143255', '143256', '143257', '143258', '143259', '143260', '143261', '143262', '143263', '143264', '143265', '143266', '143267', '143268', '143269', '143270', '143271', '143272', '143273', '143274', '143275', '143276', '143277', '143278', '143279', '143280', '143281', '143282', '143283', '143284', '143285', '143286', '143287', '143288', '143289', '143290', '143291', '143292', '143293', '143294', '143295', '143296', '143297', '143298', '143299', '143300'. The map is a detailed aerial view showing the layout of the neighborhood, including the black-outlined field and the surrounding residential areas.

Engineering Assessment

Traffic Generation and Access

The proposed development will result in a net increase of 21 beds and 26 self contained dwellings. Section 3.3.4 of the RTA Guide to Traffic Generating Developments indicates that each dwelling in an aged care village could generate 1 to 2 vehicle trips daily. This would equate to possibly 94 vehicle trips per day to be generated from the proposed development. According to the submitted documentation this traffic load will be discharged into Middleton Street. The additional traffic is not likely to have any adverse impact on the local access road.

It is proposed that the self contained housing to be sited on the existing residential care facility site will utilise the existing access onto Middleton Street. The approved access on the northern side of the drainage swale will be utilised for the access to the staff parking and the service areas of the residential care facility. A new access is proposed off Middleton Street to provide access to Stage 1 of the proposed development. The proposed access should not be located within the prohibition zone of the Kingsford Avenue intersection.

Stormwater - Major/Minor

In accordance with Council's Stormwater Drainage Design Guidelines it is conditional upon the development of this site that there is no net increase in stormwater runoff from the pre-development state for a 1 in 10 year ARI rainfall event.

Currently the subject site is completely undeveloped and has no impervious surfaces. The submitted documentation prepared by Heath Consulting Engineers has estimated that the developed site will have 61% impervious surfaces. This will have an impact of increased runoff from the developed site. The storage is proposed to be provided through 3000 litre rainwater tanks for each self contained unit, with 50% retained for usage. It is proposed to provide 3 on-site detention (OSD) basins for the development to drain to. This has been calculated to provide a total of 466m³ of detention which, when modelled, is adequate to attenuate rainfall runoff for a rainfall event of 1 in 10 year ARI intensity.

There is an existing open drainage channel that conveys stormwater overland from upstream through the development site and discharges into council's stormwater infrastructure adjacent to Middleton Street. The proposal does highlight 1 in 100 year flow along the existing open drain. Though it does not indicate that the capacity of council's existing stormwater structure is adequate to receive such flow. The proposed OSD basins are located adjacent to this channel and will spill into the drain once they have reached their capacity. Pits at the base of each basin will allow them to drain dry. A pipe and pit network is proposed to drain stormwater from the development site to the various basins, and any flows from rain events greater than 1 in 10 ARI will drain overland towards the basins.

The details for the construction of the pits and pipes must be provided, prior to the issue of a construction certificate and include surface levels, invert levels, pipe grades and material classifications.

Water Supply

The proposed development is within the Parkes water network area. There is an existing 100mm water meter connected to the development providing adequate service for the existing residential care facility. It is proposed to utilise this existing connection and upgrade it if necessary. Any modifications shall be undertaken at no cost to Council. The water meter must be of an appropriate size to suit the demands of the development including fire fighting requirements.

The construction of the internal water supply network is to be in accordance with AS3500 National Plumbing and Drainage and any variations required by the NSW CoP. The internal water network will be owned and maintained by the owner of the development.

Section 64 Headwork's charges are applicable to the development.

Sewer

The proposed development is within the Parkes sewerage drainage area. There are currently council mains running along the western boundary of the development and also another main bisecting the development site north of the existing stormwater channel. It is proposed that the new units will be connected to Council's mains by series of internal drainage lines. Should these proposed drainage lines require additional connections to Council's sewer network, these shall be undertaken at no cost to Council.

Buildings on the development site have not been accurately determined to be outside the zone of influence of the existing sewer main. If such a situation occurs, the footings of the buildings shall be supported by piers located below the zone of influence to ensure that there is no impact upon the sewer as a result of construction of the buildings.

According to the submitted plans the sewer main is located through the proposed onsite detention basins. The sewer infrastructure, including manholes and inspection points shall be protected from any adverse impact from the development of the proposed detention basins. The maximum depth of the basins will be 600mm which allows approximately 600mm covering over the sewer main. Ingress of stormwater to council sewer is to be prevented, sewer manholes shall not be submerged at any time and safe access shall be ensured to the sewer manholes.

Each unit shall have an individual connection to the internal drainage lines which are required to be designed and constructed in accordance with the National Construction Code. The internal sewer network will be maintained by the owner of the development.

Section 64 Headwork's charges are applicable to the development.

Roads/Kerb & Guttering

The proposed development has three road frontages; Brolgan Road to the south, Middleton Street to the east and Condobolin Road (access road) to the north. The main access to the development is currently on Middleton Street. The development will have two new accesses off Middleton Street to provide access to Stage 1 of the proposed development. Proposed Stage 1 will also be accessed internally from the existing facilities to the south via a vehicular bridge to be constructed over the stormwater detention infrastructure.

Access driveways are categorised based on width and are acceptable without any central separator if it is a maximum of 9m wide serving both entry and exit manoeuvres combined. Access roads shall be located and constructed so that there is adequate entering sight distance to traffic and pedestrians on the frontage road. Design & location of accesses shall generally comply with Off-street Car Parking AS2890.1:2001.

Footpaths

The submitted landscape plan proposes to have two pedestrian access points on the northern boundary of the development site. The Parkes Shire Council Pedestrian Access and Mobility Plan (PAMP) has identified the Southern Cross Retirement Village as a pedestrian generator, and access has been provided from the development to the Parkes town centre

by a network of paths leading from Captain Wilson Ave. If the developer should choose to locate any pedestrian points to the perimeter of the site, these must be joined to the existing footpath network, at no cost to Council.

The concrete footpath along the Middleton Street frontage of the existing residential care facility ends at the bus stop located 20 metres north of the existing entrance roadway. The concrete footpath is to be extended across the full frontage with Middleton Street. The footpath extension would benefit all stages of the development by offering continuous footway to the existing bus stop.

Environmental Assessment

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 79C matters for consideration for Development Application No. DA14063:

79(C)(1)(a)(i) Any Environmental Planning Instrument

Parkes Local Environmental Plan 2012

The subject land is zoned R1 General Residential under the Parkes Local Environmental Plan (LEP) 2012. Development for the purpose of seniors housing, community centre (community facility) and chapel (place of public worship) are permitted with development consent on land zoned R1 General Residential under the Parkes Local Environmental Plan 2012.

The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide attractive, affordable, well located and market-responsive residential land.*
- *To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities*

The proposed development is consistent with the objectives of the R1 General Residential zone as the proposed development will provide for the housing needs of a specific demographic and provide a variety of housing types.

The proposed chapel and community hall are facilities which provide services to meet the day to day needs of the residents. The proposed development will be accessible to public transport, services and facilities.

There are special provisions within the Parkes LEP 2012 that are also relevant to the proposal:

6.1 Earthworks

Clause 6.1 Earthworks

Clause 6.1(2)(b) states that development consent is required for earthworks that are ancillary to development which require development consent.

Clause 6.1(3) states that before granting consent for development involving ancillary earthworks, the following matters must be considered:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development*

An on-site detention basin and stormwater swale will be included to ensure the effective management stormwater from the proposed development. While some of the existing drainage patterns on the site may be disrupted, there will be no long term detrimental effects on the drainage patterns and soil stability in the locality of the development due to the proposed on-site detention infrastructure. A condition of consent will also require erosion and sediment control to be implemented during the demolition and construction period.

Council's investigations and records do not reveal any evidence that the subject land may be affected by contamination. Any fill brought to the site will be clean virgin excavated material.

Given the highly disturbed nature of the land, it is unlikely that any relics will be discovered during construction. A condition of consent has been included which requires work to cease immediately if any relics are discovered and appropriate agencies are notified immediately.

The subject land is not located within a drinking water catchment or an environmentally sensitive area and therefore not expected to have any adverse impacts.

6.7 Essential Services

Clause 6.7 Essential Services requires that development consent must not be granted unless the consent authority is satisfied that the following services that are essential for the development are available:

- The supply of water - the subject land has an existing connection to Council's reticulated water service.
- The supply of electricity - the subject land has an existing electricity connection.
- The disposal and management of sewage - the subject land has an existing connection to Council's reticulated sewage system.
- Stormwater drainage or on-site conservation - the proposal involves the use of existing overland flow drainage channels.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy No.55 - Remediation of Land

Council has no records to indicate that the subject land is contaminated and site inspection did not reveal any evidence of site contamination. As such, no further investigations are considered necessary.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The State Environmental Planning Policy No. 44 - Koala Habitat Protection applies to all land in the Parkes Shire in which a development application has been made and that has an area of more than one (1) hectare.

Before Council can grant consent, it must satisfy itself whether or not the land is a potential koala habitat. The SEPP defines a potential koala habitat as an area of native vegetation where the trees listed in Schedule 2 (of the SEPP) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component on the property.

The species listed in Schedule 2 of the SEPP include:

<u>Scientific Name</u>	<u>Common Name</u>
Eucalyptus tereticornis	Forest red gum
Eucalyptus microcorys	Tallowwood
Eucalyptus punctata	Grey Gum
Eucalyptus viminalis	Ribbon or manna gum
Eucalyptus camaldulensis	River red gum
Eucalyptus haemastoma	Broad leaved scribbly gum
Eucalyptus signata	Scribbly gum
Eucalyptus albens	White box
Eucalyptus populnea	Bimble box or poplar box
Eucalyptus robusta	Swamp mahogany

Given the type of vegetation on site does not constitute 15% of the species listed above, Council is satisfied that the subject land is not a potential koala habitat and therefore is not subject to any further investigations in accordance with the requirements of the SEPP.

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

The SEPP is the overriding planning instrument for the development of housing for aged care and disabled people in NSW and provides for hostels, residential care facilities (nursing homes), self contained dwellings and multi-storey buildings. The SEPP is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. Relevant clauses of the SEPP are addressed below:

Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter

This clause states that the development may be only carried out for the accommodation of 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.

The proposal is consistent with this requirement.

The clause also requires a condition of consent to be imposed which requires a restriction as to user to be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to above. A condition of consent has been included to meet this requirement.

Clause 26 - Location and Access to Facilities

This clause provides that a consent authority must not consent to an application unless it is satisfied by written evidence, that residents of the proposed development will have access to:

- (a) shops, banks and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

Access complies with this clause if:

- there is a public transport service available to the residents that is located not more than 400 metres from the site and there is a suitable access pathway to the transport service that will take residents to a place that is located not more than 400 metres from the facilities and services referred to above, and
- that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),
- the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

The proposal is consistent with this requirement.

Clause 30 Site Analysis

A site analysis has been prepared for the proposed development in accordance with Clause 30.

Clause 33 – Neighbourhood Amenity and Streetscape

The existing facility is located in an existing residential area and is surrounded by dwelling-houses. The proposed development is considered to be consistent with existing residential character of the area.

Clause 34 - Visual and Acoustic Privacy

The proposed development is not expected to have any adverse impact on the visual or acoustic privacy of the residents and neighbours of the site.

Clause 40 - Development Standards - minimum sizes and building height

The proposed development complies with this clause as the subject land is larger than 1000m² and has a frontage of greater than 20 metres. The proposed buildings are single storey.

Clause 41 - Standards for hostels and self-contained dwellings

The proposed development meets the requirements of Schedule 3 of the SEPP which includes standards concerning accessibility and useability for self contained dwellings.

Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

This Clause states that a consent authority must not refuse consent to a development application made pursuant to this Chapter for the development of a residential care facility on any of the following grounds:

Clause 48 Requirements	Proposed Development	Complies?
Building Height: if all proposed buildings are 8 metres in height or less	The building is less than 8 metres in height.	Yes
Density and Scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less	The floor space ratio is less than 1:1.	Yes
Landscaped Area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided	The landscaped area is at least 25m ² per residential care facility bed.	Yes
Parking for Residents and Visitors: if at least the following is provided: - 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), - 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time - 1 parking space suitable for an ambulance	Based on 48 beds and 14 dementia beds the development requires 6 car parking spaces to be provided. There are 18 car parking provided as part of the proposed development. The staff car parking areas has been catered for in Development Application No. DA13102. There is sufficient space on site to accommodate the parking of an ambulance.	Yes

Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings

This clause states that a consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:

Clause 50 Requirements	Proposed Development	Complies?
Building Height: if all proposed buildings are 8 metres or less in height	Each unit is single storey and is less than 8 metres in height.	Yes
Density and Scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less	The density of the site is less than 0.5:1.	Yes
Landscaped Area: if: a minimum of 30% of the area of the site is to be	The landscaped area is at least 30% of the site.	Yes

landscaped		
Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, 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 (the deep soil zone). 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	There is sufficient area to support the growth of trees and shrubs.	Yes
solar access: 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	There is satisfactory solar access provided to each unit.	Yes
parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	At least 0.5 car parking spaces have been provided for each bedroom.	Yes

Clause 55 - Residential care facilities for seniors required to have fire sprinkler systems

The proposed development will contain a fire sprinkler system and therefore is consistent with this clause.

S79(C)(1)(a)(ii) Any draft environmental Planning instrument

There are no draft environmental planning instruments relevant to the proposal.

S79(c)(1)(a)(iii) Any Development Control Plan (DCP)

Parkes Residential Code Development Control Plan 2013

The proposed development is generally consistent with the Aims and Objections of the DCP. There are no specific provisions that are applicable to the proposed development. Refer to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 assessment comments above.

S79(C)(1)(a)(iii)a Any planning agreement

There is no planning agreement that has been entered into under Section 93F of the Environmental Planning and Assessment Act 1979 by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

S79(C)(1)(a)(iv)a The EP&A Regulations

Section 79C(1)(a)(iv) of the Act requires the Council to also consider Clauses 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant clauses of the Regulation:

- Clause 92 – The Government Coastal Policy does not apply to the Parkes Shire and therefore Clause 92(1)(a) is not applicable to this development proposal. The proposal does involve demolition of a building and therefore the requirements of AS 2601 have been considered in accordance with Clause 92(1)(b). A condition of consent has been included which requires all demolition works to be carried out in accordance with AS 2601.
- Clause 93 – The proposal does not involve the change of a building use for an existing building and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.
- Clause 94 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.
- Clause 94A – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

There are no relevant prescribed matters relating to the proposed development and the subject land.

S79(C)(1)(b) the likely impacts of the development

Context and Setting

The subject land has an area of 6.6 hectares and is located approximately 1 kilometre west of the Parkes CBD. The site is partially developed contains an existing residential care facility and self contained dwellings on the southern portion of the site.

The northern portion of the site is undeveloped and covered in grass with some trees and shrubs. The site is relatively flat and is bisected through the middle by a drainage channel.

The land has three road frontages including Middleton Street to the east, Brolgan Road to the south and the Condobolin Road to the north. There is an existing access from Middleton Street. The proposed development involves the construction of two additional accesses from this road.

The site is surrounded by low density, single storey residential development to the east, west and south. The land immediately to the north forms part of the Condobolin Road reserve, which was once a travelling stock route.

Given the location of the proposed development, it is unlikely to create any overshadowing or privacy impacts on adjoining properties. The boundary treatment will include palisade fencing along part of the northern elevation and landscaping for the other areas.

The proposed development is considered to be compatible with the surrounding area and land use.

Access Transport and Traffic

The proposed development will result in a net increase of 21 beds and 26 self contained dwellings. Section 3.3.4 of the RTA Guide to Traffic Generating Developments indicates that each dwelling in a residential care facility could generate 1 to 2 vehicle trips daily. This would equate to possibly 94 vehicle trips per day to be generated from the proposed development. According to the submitted documentation this traffic load will be discharged into Middleton Street. The additional traffic is not likely to have any adverse impact on the local access road.

The development is serviced by a local bus company which takes residents to the Parkes CBD three times per day. There is an existing bus stop on Middleton Street.

Pedestrian access is provided throughout the development with a series of connected pathways. The footpath along Middleton Street will be extended to meet with the existing Council footpath on Captain Wilson Avenue which will provide a continuous pathway from the development to the Parkes CBD.

Public Domain

The development incorporates a range of internal and external communal spaces for the residents of the development, such as activity areas, community veggie gardens, community hall, chapel and courtyards. There are good pedestrian linkages within the development that link the residential areas to the public areas within and around the development.

Utilities

There are existing water, sewer, telecommunication and electricity utilities connected to the site. There is capacity within the networks to cater for the proposed development.

Heritage

The subject land does not contain any items of heritage significance.

Other Land Resources

The proposal will not have any adverse impacts on productive agricultural land, mineral and extractive resources or water supply catchments.

Flora and Fauna

Council does not have any records of any critical habitats or threatened species located on the site. The land is not affected by the terrestrial biodiversity map in the Parkes Local Environmental Plan 2012.

Although some trees and shrubs will be removed, extensive landscaping will be included as part of the development and will have a positive long term impact on the flora and fauna on the site.

Waste - Construction

The proposed development will involve the demolition of the existing residential care facility. A Waste Management Plan has been prepared which details the types of materials to be removed from the site. It is noted that the existing residential care facility contains 30m³ of asbestos material and therefore will need to be demolished and disposed of in accordance with Workcover Authority and EPA requirements.

The Waste Management Plan also states that it is intended to re-use some of the existing building elements elsewhere on or off the site. Any materials that are unable to be re-used will be collected on site in a portable waste skip bin and later disposed of at the Parkes tip.

Waste - Operational

The development is currently serviced by Council's garbage service. The self contained dwellings will have a garbage bin that will be individually collected as part of the weekly service. The residential care facility contains a garbage bay adjacent to the loading dock and will be collected by the garbage truck.

The applicant will be required to install a grease trap and enter into a trade waste agreement for the residential care facility. A condition of consent has been included.

Energy

A BASIX Certificate has been prepared for each of the proposed self contained dwellings. The residential care facility will be required to meet the requirements of Part J of the Building Code of Australia.

Noise and Vibration

It is likely that some noise and vibration will occur during the demolition and construction works carried out on site. Conditions of consent have been included which will minimise any potential impacts on the residents of the site or the surrounding dwellings.

Once construction works have finalised minimal noise will be generated from the development.

Natural Hazards

The site is not identified on the Parkes Bush Fire Prone Land Map and is not flood prone. A drainage channel and on-site stormwater detention basins will control overland flow.

Technological Hazards

It is noted that buildings containing asbestos will be demolished as part of the proposal. A condition of consent has been included which requires asbestos to be handled, removed and disposed of in accordance with the Work Health and Safety guidelines.

Safety, Security and Crime Prevention

The proposal has been assessed in accordance with the Crime Prevention Through Environmental Design principles. The proposed development includes design features that minimise the opportunity for crime including:

- Surveillance - clear sightlines exist between public and private spaces.
- Access control - the building includes mechanisms which restrict access by grouping certain services in 'wings' that are closed off from other areas.
- Territorial enforcement - there is clear transitions and boundaries between public and private space.
- Space management - the proposed building represents a clean, modern and well presented public space. The premises will be well maintained.

Social and Economic Impact on the locality

The proposed development will have a positive social and economic impact on the locality. The development will generate on going employment for service staff and contractors during and after the construction of the new building.

Site Design and Internal Design

It is assessed that the development design is sensitive to environmental conditions and site attributes.

The proposed development will comply with the Building Code of Australia and provide suitable access and facilities for the disabled.

Construction

The proposed development will be carried out in three stages (see above) so that any impacts on the residents are minimised.

Conditions of consent have been included which will control the time and day of the week in which demolition and construction activities can be carried out, erosion and sediment controls and waste management.

Cumulative Impacts

The development is not expected to create any cumulative impacts.

S79(C)(1)(c) The suitability of the site for the development

It is considered that the proposed location of the new development within the site is suitable. The subject land has been used for the purpose of aged care for many years. There is existing utility services and access provided to the site. The proposal is not expected to increase the existing noise levels. The site is not subject to any natural hazards.

S79(C)(1)(d) Any Submissions Received

Public Consultation

The development application was notified to adjoining land owners and advertised in the Parkes Champion Post from the 9 June 2014 to 30 June 2014. Council received no submissions in relation to the proposal.

Public Authority Consultation

NSW Police - Lachlan Local Area Command

A referral response was received which made recommendations in accordance with the Crime Prevention Through Environmental Design principles. The recommendations have been considered and conditions of consent have been included.

S79(C)(1)(d) the public interest

It is assessed that the proposal is strongly in the public interest. The proposal will significantly improve the capacity of the service and will support a broad range of primary, community and aged care services to better meet the current and future needs of the surrounding community.

Conclusion

The development application proposes the Construction of a Sixty-Two (62) Bed Residential Care Facility, Chapel and Community Hall, Demolition of an Existing Residential Care Facility and Construction of Twenty-Six (26) Self Contained Dwellings at Lot 1 DP588701, 2-10 Middleton Street, Parkes. The development application has been lodged by Mr M Garden of Southern Cross Care (NSW & ACT). The property is owned by Southern Cross Homes.

The application was supported by a Statement of Environmental Effects and development plans which provide sufficient information to allow assessment of the proposal.

The proposed development has been assessed to be consistent with the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) and the Parkes Local Environmental Plan 2012 relating to development in the zone and is consistent with existing land-use of the site.

Council received no public submissions from the public notification period and one submission from a public authority. The public authority does not oppose the development and included recommendations to be included in the development consent.

Having considered the documentation supplied by the applicant, the findings of site inspections and the comments received during consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application. Accordingly, a recommendation of conditional approval is listed in the recommendation

Conditions

Approved Plans and Documentation

1. Development shall take place generally in accordance with the Parkes Shire Council stamped plan(s) and supporting documentation:
 - a) Cover Plan - Drawing Number/Issue DA01
 - b) Council Submission DA - Stage 2 - Stage 2 Site Ground Floor Plan - Drawing Number/Issue DA02/A
 - c) Council Submission DA - Stage 2 - Site Roof Plan - Drawing Number/Issue DA03/A
 - d) Council Submission DA - RACF - RACF Ground Floor Plan - Drawing Number/Issue DA04/A
 - e) Council Submission DA - RACF - Roof Plan - Drawing Number/Issue DA05/A
 - f) Council Submission DA - RACF - Community, Chapel & Administration Buildings - Elevations - Drawing Number/Issue DA06/A
 - g) Council Submission DA - RACF - Care House - Elevations - Drawing Number/Issue DA07/A

- h) Council Submission DA - ILU Stage 2 - ILUs Stage 2 Site Floor Plan - Drawing Number/Issue DA08/A
- i) Council Submission DA - ILU Stage 2 - ILUs Stage 2 Site Roof Plan - Drawing Number/Issue DA09/A
- j) Council Submission DA - ILU Stage 2 - ILUs Stage 2 Street Elevations 1 - Drawing Number/Issue DA10/A
- k) Council Submission DA - ILU Stage 2 - ILUs Stage 2 Street Elevations 2 - Drawing Number/Issue DA11/A
- l) Council Submission DA - ILU Stage 2 - (S2) Building Type 1 and 3 - Drawing Number/Issue DA12/A
- m) Council Submission DA - ILU Stage 2 - (S2) Building Type 2 - Drawing Number/Issue DA13/A
- n) Council Submission DA - ILU Stage 2 - (S2) Building Type 4 and 5 - Drawing Number/Issue DA14/A
- o) Landscape Concept for DA for Stage 2 RACF - Date 27.03.14 - Drawing No. ST.2-L01 Rev: A
- p) Landscape Concept for DA for Stage 2 ILUs - Date 27.03.14 - Drawing No. ST.2-L02 Rev: A
- q) Stormwater Management Plan & Preliminary Finished Levels Stage 2 ILUs - Date April 2014 - Rev: A
- r) Stormwater Management Plan & Preliminary Finished Levels RACF Building - Date April 2014 - Rev: A
- s) Stormwater Catchment Plan - Calculations and Assumptions - Date April 2014 - Rev: A
- t) Tully Architects - Plan Showing Detail and Levels - Date 15 March 2011

Lodged in respect of Development Application No DA14063 except where varied by the following conditions.

General

2. The development shall be used to accommodate only 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 the housing provided.

In this regard the applicant is required to register a restriction as to user against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act, 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in Clauses 8 and 9 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

3. The development shall comply with the relevant requirements detailed in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
4. The subject site is to be serviced by a bus in accordance with the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for the life of the development. Should the current bus service no longer service the site, alternative arrangements are to be made.
5. No nuisance or interference with the amenity of the area is to be created by reason of

any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.

6. All works shall be undertaken at the expense of the Applicant. No cost shall be incurred by Parkes Shire Council.
7. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code.
8. Landscaping associated with the development shall not impede site lines of vehicles entering and leaving any of the access to the site.
9. No contaminated waste water or liquid waste is to be discharged into Parkes Shire Council's stormwater system or sewerage without the prior submission of a Trade Waste Application to Parkes Shire Council and a Trade Waste Agreement being entered into with Parkes Shire Council and the Applicant.
10. All vehicular access points to the proposed development shall be constructed to the widths indicated on the submitted plans.
11. Any vehicular access points to the proposed development shall not be located in the prohibition zone of any intersection of sub-arterial, collector or local streets with each other or with an arterial road in conformance with AS2890.1:2004 Clause 3.2.3 (a)".
12. All vehicles shall enter and exit the site in a forward direction.
13. All loading and unloading of delivery vehicles is to take place off-street and must not inhibit the free flow of vehicles accessing the site or other premises in the area.

Demolition

14. All demolition works are to be carried out in accordance with Australian Standard 2601-2001: The Demolition of Structures and the provisions of the Work Health and Safety Act 2011, and any relevant requirements of the WorkCover Authority of NSW.

Note: Requirements for licensing for work involving demolition can be found on the Workcover Authority of NSW website at www.workcover.nsw.gov.au

15. A 1.8 metre high security fence must be provided around the perimeter of the demolition site prior to the commencement of any works. The fence shall be maintained throughout the duration of the work and must not be removed until such time as all waste has been removed from the site.
16. Within twenty-one (21) days of the completion of demolition works the applicant shall provide Council or the Certifying Authority with an asbestos clearance certificate prepared by a NATA accredited Occupational Hygienist.
17. The person having the benefit of the development consent must provide Council with a copy of a signed contract with such a person before any development pursuant to the development consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development consent must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

18. All removal, transport and disposal of asbestos or other contaminated waste materials shall be controlled in accordance with the Work Health and Safety Act 2011 and the Protection of Environment Operations Act 1997.

Note: The delivery of asbestos waste to Parkes Shire Council's Waste Depot must be pre-booked.

Note: Requirements for licensing for work involving asbestos removal can be found on the Workcover Authority of NSW website at www.workcover.nsw.gov.au

19. Demolition work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
20. All previously connected services are to be appropriately disconnected as part of the demolition works. The Applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
21. Any run-off and erosion control measures must be maintained until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
22. All vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

Prior to the issue of a Construction Certificate

23. The Applicant shall submit to Parkes Shire Council a detailed design of the internal stormwater network for the proposed development. The detailed design shall include construction drawings showing, plans, long sections and pit details, including invert levels, surface levels and materials, to enable construction of the drainage network in accordance with AUSPEC#1/Parkes Shire Council. The detailed design shall be approved by the Director Engineering Services prior to the issue of a Construction Certificate.
24. The Applicant shall submit to Parkes Shire Council a detailed design of any augmentation of, or connections made to, Council's sewerage system. The detailed design shall include construction drawings showing, plans, long sections and pit details, including invert levels, surface levels, MH depths and materials, to enable construction of the sewerage in accordance with WSA-02 Sewer Code of Australia and Aus-Spec Parkes Shire Council #1. The detailed design shall be approved by the Director Engineering Services prior to the issue of a Construction Certificate.
25. The Applicant shall submit to Parkes Shire Council a detailed design of the water supply network for the proposed development. The detailed design shall include drawings showing, plans, meters, stop valves, hydrants and pipe materials, to enable construction of the water reticulation in accordance with AS3500 National Plumbing and Drainage Code and the NSW Code of Practice for Plumbing and Drainage. The

detailed design shall be approved by the Director Engineering Services prior to the issue of a Construction Certificate.

26. Prior to the issue of a Construction Certificate, whether by Parkes Shire Council or an appropriately accredited certifier, the Applicant shall pay to the Council a bond for the protection of kerb and gutter and other Council owned utility services. The amount of the bond is prescribed in Parkes Shire Council's Fees and Charges Schedule.

Note 1: The security deposit is taken to cover the cost of any damage to Council's assets (eg: drainage systems, footpaths, kerb and guttering, etc) arising from private development work. The deposit will be refunded should no damage be caused to Council's assets adjacent to the development site, as a result of the construction works.

Note 2: The security deposit nominated above is valid only until the end of this financial year, after which a new amount may apply.

Note 3: A photograph(s) indicating the current state of the footpath adjoining the development shall be submitted with the application for the Construction Certificate.

27. Separate approval from Council as the Roads Authority must be obtained under Section 138 of the Roads Act 1993 prior to the issue of any Construction Certificate which includes any works within a Council road reserve. For any such works, detailed engineering design plans must be submitted to Council for approval prior to issue of any Construction Certificate.

Note: Traffic Control Plans are to be prepared in accordance with Australian Standard 1742.3 'Manual of Uniform Traffic Control Devices. Pt 3: Traffic Control Devices for Works on Roads' and be fully implemented.

28. The Applicant is required to obtain written evidence from Parkes Shire Council, pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, certifying that all charges associated with Section 64 of the Local Government Act 1993 have been paid in full for both water and sewer. This written evidence is to be issued prior to release of the relevant Occupation Certificate for each Stage.

Note 1: \$11,300.00 is the current Section 64 water developer charge per ET set out in Council's published fees and charges for 2014/15. This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

Note 2: \$3,345.00 is the current Section 64 sewer developer charge per ET set out in Council's published fees and charges for 2014/15. These charges are reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

29. The applicant shall submit to the Principal Certifying Authority evidence that the requirements of Essential Energy and telecommunications authority have been met in regard to the provision of services provided by those authorities to the proposed seniors housing development. Such evidence shall be submitted to and approved by Council prior to release of the Construction Certificate

30. A group mailbox shall be provided at the street frontage within the property boundaries in accordance with the requirements of Australia Post such to clearly display individual unit numbers and the required house number. Full details shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

31. A Construction Management Plan shall be submitted with the application for the Construction Certificate. The Construction Management Plan shall include:
- Details of sedimentation and erosion control.
 - Details of provision of truck and machinery wash down areas.
 - Details of dust mitigation on building sites and access roads.
 - Location and phone number of the site office.
 - Details regarding provision of areas set aside for the storage/stockpiling of:
 - Construction refuse
 - Construction materials
 - Raw materials such as sand, soil, mulch and the like
 - Details regarding the provision of facilities for workers associated with the development.
32. A 1.5 metre wide concrete footpath is to be provided along the Middleton Street frontage which joins the pedestrian access point with the existing concrete footpath network in Captain Wilson Avenue. The applicant shall submit full engineering details of the footpath for approval by Council's Director Engineering Services prior to issue of the Construction Certificate. All work is to be at full cost to the Applicant.

Prior to Commencement

33. The Applicant is to submit to Parkes Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
34. The applicant is to obtain a Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 from either Council or an accredited certifying authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council engineering standards prior to any building and works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained.

Note 2: It is the responsibility of the applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of engineering works. This may entail alterations to the proposal so that it complies with these standards.

35. Prior to commencing any plumbing or drainage works, the applicant is to obtain approval from Council for the connection of private drainage to the Council Sewer, to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work.

Note: All work shall be carried out by a licensed plumber and drainer and to the requirements of Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

36. Prior to the commencement of construction works, an Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with AUS-SPEC#1 Parkes Shire Council. Such plan shall be implemented prior to, during and after the construction phase of the development.

During Construction

37. Toilet facilities are to be provided prior to works commencing, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
38. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
39. All loading, unloading and storage of goods and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.
40. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.

Note: The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

41. Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on any adjoining public reserve, footpath or road.
42. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container for disposal at an approved Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Note 1: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

43. All roofed and paved areas shall be drained to discharge to Council stormwater infrastructure so that water from those areas is properly conveyed away from buildings in accordance with the Plumbing Code of Australia.

Note: Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with an approved stormwater management system.

44. Should the previously approved on-site stormwater detention basins not be completed prior to any works commencing on site, the Applicant is to submit to Council an interim stormwater management plan for approval by Council's Director Engineering Services.
45. The applicant shall provide a single, minimum 100 mm, sewerage connection to each of self contained dwellings and to the residential care facility in accordance with Parkes Shire Council's Development Control Plan 2013 and AUS-SPEC#1/Parkes Shire Council.

46. The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of Parkes Shire Council's Development Control Plan 2013 and the Building Code of Australia. Any necessary upgrading of the existing service is to be at full cost to the Applicant.
47. All underground utility services shall be provided in a shared trench in accordance with the attached 'Shared Trench Agreement - Country Region of NSW'.

Inspections

48. The Applicant is required to obtain written evidence from Parkes Shire Council or an Accredited Certifying Authority, certifying that all external road-works, including drainage infrastructure, has been constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council. For the purposes of obtaining the written evidence, the roadworks must be inspected by Council or an Accredited Certifying Authority at the times specified below:

- (a) **Earthworks:** Prior to any road works and when all sediment controls have been placed in position.
- (b) **Road Drainage:** When all drainage work and structures are installed and prior to backfilling.
- (c) **Kerb and Gutter:** When the road-base is properly formed and levels for the top of the kerb are in place and prior to pouring of concrete.
- (d) **Road Pavement:** When the road-base is properly formed and compacted and prior to sealing.
- (e) **Completion:** When all roadworks are completed, including sealing, directional signage, street lighting and street furniture.

Note 1: The above written evidence is required irrespective of whether the work has been inspected by a structural engineer, a lending authority or any other person.

Note 2: Any additional Council inspection that is needed to verify the compliance of any work and that is beyond the scope of any inspection listed above will be charged at the individual inspection rate nominated in Parkes Shire Council's Fees and Charges Schedule.

49. The Applicant is required to obtain written evidence from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of sewerage to the development have been undertaken and complied with in full at each stage of the development. For the purposes of obtaining the written evidence, sewerage works must be inspected by Council or an Accredited Certifying Authority at the times specified below. Hydrostatic and pressure testing must be undertaken to the requirements outlined in the Sewer Code of Australia prior to the commissioning of the sewer main. Should any pipe or SMH fail, repairs or reconstruction must be undertaken prior to retesting.

- (a) **Sewerage Pipes:** When all trenches have been dug and materials are on-site prior to installation; and when sewerage pipes and structures are installed and prior to backfilling.
- (b) **Completion:** When all sewerage is completed, including pits, pipes, connections and other sewerage structures.

Note 1: All monetary contributions in relation to the connection of reticulated sewerage must be paid in full before Parkes Shire Council will issue any written evidence.

Note 2: A scaled "works as executed plan" showing the layout of sewerage works that have been carried out in relation to the development is required to be submitted to Parkes Shire Council for approval by Council's Director Engineering Services prior to the issue of any written evidence.

Note 3: The internal sewerage network will be owned and maintained by the owner of the development.

50. The Applicant is required to obtain written evidence from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of water services to the development have been undertaken and complied with in full at each stage of the development. For the purposes of obtaining the written evidence, the water network must be inspected by Council or an Accredited Certifying Authority at the times specified below. Pressure testing must be undertaken to the requirements outlined in AS3500 National Plumbing and Drainage Code prior to the commissioning of the water network. Should any pipe or fitting fail, repairs or reconstruction must be undertaken prior to retesting.

(a) **Water Pipes:** When all trenches have been dug and materials are on-site prior to installation; and when water pipes and structures are installed and prior to backfilling.

(b) **Completion:** When all Water network is completed, including valves, hydrants, meters and other water structures.

Note 1: All monetary contributions in relation to the connection of reticulated water must be paid in full before Parkes Shire Council will issue any written evidence.

Note 2: A scaled "works as executed plan" showing the layout of water works that have been carried out in relation to the development is required to be submitted to Parkes Shire Council for approval by Council's Director Engineering Services prior to the issue of any written evidence.

Note 3: The internal water network will be owned and maintained by the owner of the development.

Occupation Certificate

51. Prior to the occupation or use of the development, a relevant Occupation Certificate for Stage 1 and Stage 3 of the development must be obtained from the Principal Certifying Authority.
52. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, all landscape works shall be completed in accordance with the approved Landscape Plan and maintained in good order at all times.
53. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, appropriate signage is to be erected that identifies the internal access road ways are speed limited to a speed between 10 to 30 kilometres per hour.
54. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, signage shall be erected on and within the site restricting unwanted and/or unauthorised access to the site and warn intruders they will be prosecuted for entering unauthorised areas.
55. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, lighting shall be provided over all the parking and manoeuvring areas,

with consideration given to the proposed residential units, positioning the lights away from the residences. Lighting shall be installed to category P11/P12 as specified in AS1158.3.1 Lighting for Roads and Public Spaces.

56. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, a lighting maintenance policy is to be established to the satisfaction of the NSW Police Lachlan Local Area Command.

Note: Installation of vandal proof lighting will reduce maintenance costs. Bollard lighting should be avoided as it is easily vandalised and makes the area appear poorly maintained.

57. Prior to the issue of the relevant Occupation Certificate for Stage 3 of the development, a survey plan shall be prepared to show easements over all council owned utility services, including sewer, and stormwater drainage facilities located on Lot 1 DP588701 in favour of Parkes Shire Council.
58. Prior to the issue of the relevant Occupation Certificate for Stage 1 and Stage 3 of the development, pave/seal and line mark all access ways, parking manoeuvring areas in accordance with Parkes Shire Council's Development Control Plan 2013 and AUS-SPEC#1/Parkes Shire Council. Trafficable areas shall be maintained in good order and kept clear and available at all times for such purposes.

Prescribed conditions under the Environmental Planning and Assessment Regulation 2000

Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

59. A development consent for development that involves any building work must be issued subject to the following conditions:
- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), of the Environmental Planning and Assessment Regulation 2000, or
- (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Erection of signs

60. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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

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

Note 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

Note 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note 3: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note 4: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Notification of Home Building Act 1989 requirements

61. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Fulfilment of BASIX commitments

62. The commitments listed in each relevant BASIX certificate for the development must be fulfilled, for any BASIX affected development, or any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).

Condition relating to shoring and adequacy of adjoining property

63. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Attachments

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