

## JOINT REGIONAL PLANNING PANEL (Sydney West)

|  |   |
|--|---|
| JRPP No  | 2016SYW096  |
| DA Number  | 577(2)/2014   |
| Local Government Area  | Camden  |
| Proposed Development   | Section 96(2) to modify DA 577/2014 which approved a subdivision to create 3 lots, stratum subdivision of two lots, construction of a private day surgery hospital and associated drainage and site works.  |
| Street Address   | 37 Hilder Street, Elderslie   |
| Applicant/Owner  | Centennial Constructions Pty Ltd / Ms R G Schwarz   |
| Number of Submissions  | None  |
| Regional Development Criteria (Schedule 4A of the Act)                       | Private infrastructure and community facilities >\$5 million (health services facility)   |
| List of All Relevant s79C(1)(a) Matters                                      | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007</li> <li>• State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</li> <li>• Camden Local Environmental Plan 2010</li> <li>• Camden Development Control Plan 2011</li> </ul> |
| Does the DA require Special Infrastructure Contributions conditions (s94EF)? | No  |
| List all documents submitted with this report for the panel's consideration  | <ul style="list-style-type: none"> <li>• Assessment report and conditions</li> <li>• Statement of environment effects</li> <li>• Architectural plans</li> <li>• Subdivision plans</li> </ul>  |
| Recommendation   | Approve with conditions   |
| Report by  | Aisling McGrath   |

|             |               |
|-------------|---------------|
| Report date | 4 August 2016 |
|-------------|---------------|

## **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 a Section 96(2) modification to DA 577/2014 which approved a subdivision to create 3 lots, stratum subdivision of two lots, construction of a private day surgery hospital and associated drainage and site works at 37 Hilder Street, Elderslie.

The Panel is the determining authority for this DA in accordance with Section 96 of the *Environmental Planning and Assessment Act 1979* as the application proposes an amendment to approved regional development. The original consent was approved on 22 February 2016 under Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine DA 577(2)/2014 for modifications to the approved day surgery hospital 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 Section 96(2) application DA 577(2)/2014 for modifications to the approved day surgery hospital at 37 Hilder Street, Elderslie.

The modification 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 within this report.

The modification was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. No submissions were received.

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

## **AERIAL PHOTO**



## THE SITE

The site is commonly known as 37 Hilder Street, Elderslie and is legally described as Lot 4, DP 558686.

The site has a frontage of 105m to Hilder Street, a depth of 231m and an overall area of 2ha. The works proposed by this DA are limited to the south western half of the site, covering an area of approximately 8,343m<sup>2</sup>.

The site contains an existing medical centre, car park and landscaping, the topography slopes from both the front and rear boundaries towards the central riparian corridor which bisects the site, and is known as the "Oxley Rivulet". Some scattered trees and vegetation exist across the remainder of the site. Three local heritage items are located within close proximity to the site, being I106 (cottage), I107 (cottage) and I108 (the "Hilsyde" homestead).

The eastern portion of the site will in the future be developed under DA 380/2015 which approved subdivision to create 10 residential lots, 1 riparian corridor lot and 1 superlot.

The surrounding area is characterised by a mixture of residential and community uses, including the developing Elderslie urban release area to the north and east and a multi-dwelling housing development consisting of 15 townhouses adjoining the south eastern side boundary. Elderslie High School is located on the opposite side of Hilder Street, to the south west, and public recreation areas of Harrington Green and Kirkham Park are located to the west and north-west. Camden Valley Way is located approximately 300m west of the site.

## HISTORY

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

| Date              | Development  |
|-------------------|--|
| 22 February 2016  | Approval of DA 577/2014 for subdivision to create 3 lots, stratum subdivision of two lots, construction of a private day surgery hospital and associated drainage and site works |
| 30 September 2015 | Approval of DA 380/2015 for a subdivision to create 10 residential lots  |
| 2 December 2014   | Refusal of DA 374/2014 for a subdivision to create 10 residential lots   |
| 29 September 2011 | Approval of DA 276/2010 for extension of existing surgery and construction of new dental surgery   |
| 9 May 2007        | Approval of DA 405/2006 for filling of land  |
| 23 May 2006       | Approval of DA 184/2006 for stockpiling of soil material   |
| 8 November 2001   | Approval of DA 1990/2001 for a medical centre dispensary   |
| 10 September 1996 | Approval of DA 538/1996 for additions to surgery   |
| 24 July 1996      | Approval of DA 111/1996 for additions to medical centre  |
| 23 July 1992      | Approval of DA 230/1992 for conversion of residence to offices   |
| 28 October 1991   | Approval of DA 1301/1991 for professional consulting rooms   |

## **THE PROPOSAL**

The original DA 577/2014 approved a subdivision to create 3 lots, stratum subdivision of two lots, construction of a private day surgery hospital and associated drainage and site works.

This Section 96 application seeks to:

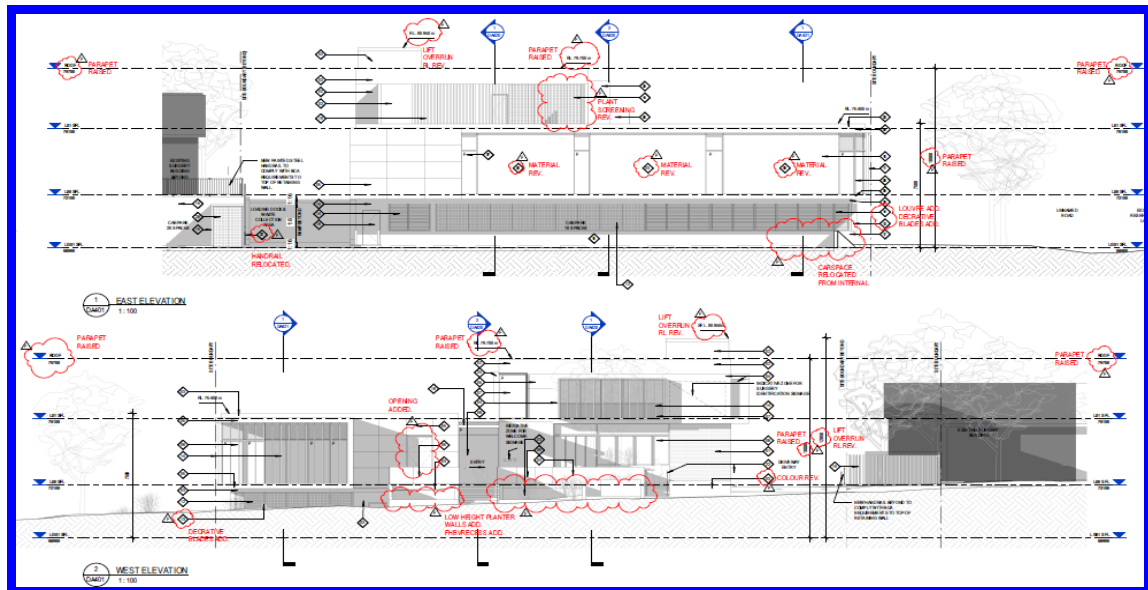
- Modify the approved lot sizes:
  - lot 51 from 3,678m<sup>2</sup> to 3712m<sup>2</sup>;
  - lot 52 from 3,132m<sup>2</sup> to 3094m<sup>2</sup>; and
  - lot 53 from 1,532m<sup>2</sup> to 1537m<sup>2</sup>.
- Increase the number of overnight stays from 3 patients to 6 patients and allow overnight stays on Sundays and Public Holidays;
- Relocation of some carparking and motor cycle spaces within the site;
- External changes to the building design including window reconfiguration and material and colour changes;
- Increase the height of the parapet by 200mm on the roof;
- Internal design changes within all three floors;
- Realignment of the substation and the emergency generator to minimise impact on the adjacent property to the south;
- Removal of one additional tree; and
- Endorse the Flood Evacuation Plan.



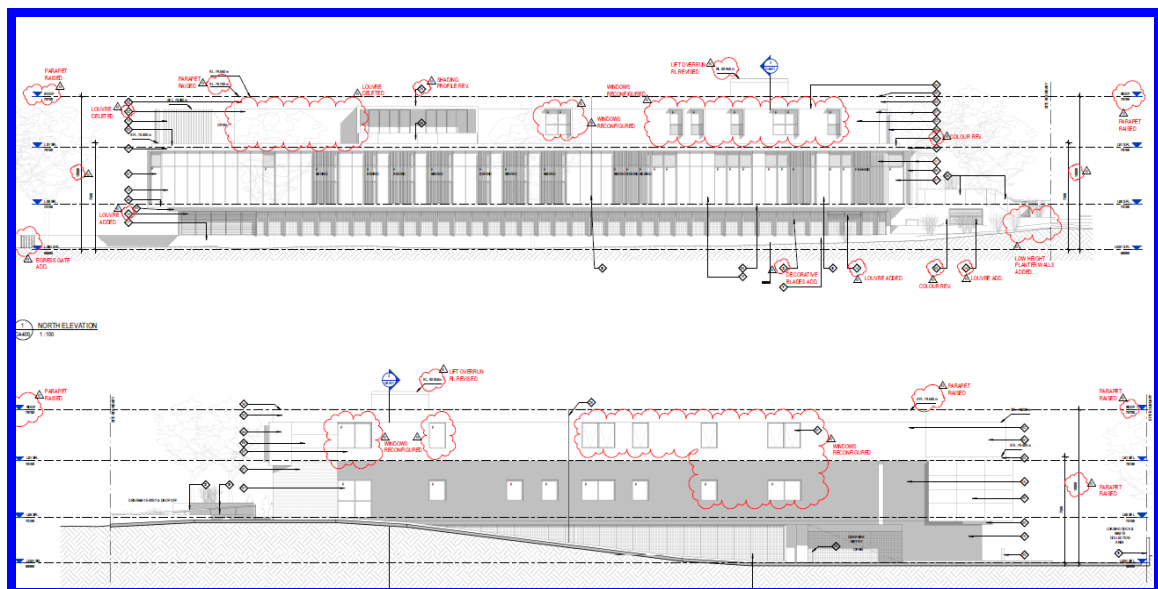
## PROPOSED PLAN OF SUBDIVISION



## PROPOSED FRONT AND REAR ELEVATIONS



## PROPOSED SIDE ELEVATIONS



## ASSESSMENT

Pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*, the modified development is considered to be substantially the same as the originally approved development. In addition, the modification application has been publicly exhibited and no submissions have been received. An assessment against Section 79C of the *Environmental Planning and Assessment Act 1979* is provided below.

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

In determining the Section 96 application, 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 No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy (State and Regional Development) 2011

The Panel is the determining authority for this DA, pursuant to Clause 21 of the State Environmental Planning Policy (State and Regional Development) 2011, as the Section 96(2) Modification seeks to amend a development consent determined by the Panel.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)

The original development was subject to the provisions of SEPP 33. The proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

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

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposed modifications are not considered to result in any additional adverse impacts to the Hawkesbury-Nepean River system.

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. The proposed modification has no impact on the previous assessment which concluded the site is suitable for the proposed use.

Camden Local Environmental Plan 2010 (LEP)

*Permissibility*



The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as a “hospital” which is a permissible land use in this zone. The proposed modification remains consistent with the objectives of the R1 zone.

#### *Zone Objectives*

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

#### Officer comment:

The proposed development will not specifically provide housing; however it will not prevent the adjoining or surrounding land being developed for residential purposes, this use supports the residential nature of the locality.

- To provide for a variety of housing types and densities.

#### Officer comment:

This objective is not relevant as no residential development is proposed.

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

#### Officer comment:

The proposed development will provide an expansion of medical services available to residents in the immediate vicinity and the broader region.

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

#### Officer comment:

The proposed hospital will facilitate training opportunities and provide valuable “on the job” experience for medical interns.

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

#### Officer comment:

The proposed development has been assessed and subject to the recommended development consent conditions, will not have any adverse impacts on any other land uses either within the R1 General Residential zone, the adjoining RE1 Public Recreation or the R2 Low Density Residential zones. The use is an expansion of the existing medical use associated with the medical centre.

#### *Relevant Clauses*

The proposed modifications were assessed against the following relevant clauses of the Camden LEP. Discussion of any variations of the controls is provided after the compliance table.

| Clause   | Requirement   | Provided   | Compliance   |
|--|---|--|--|
| 4.1<br>Minimum<br>Subdivision<br>Lot Size        | Minimum 300m <sup>2</sup><br>lot area   | The application proposes to modify the size of the 3 torrens title lots approved. Lot 53 is the smallest lot with an area of 1,537m <sup>2</sup> which exceeds the minimum required. There is no minimum lot size for the proposed stratum lots. | Yes  |
| 4.3<br>Height of<br>Buildings                    | Maximum 9.5m<br>building height   | Proposed 9.66m building height for a portion of the building as illustrated in Figure 1.   | <b>No –<br/>Variation<br/>discussion<br/>below</b> |
| 5.9<br>Preservation of<br>Trees or<br>Vegetation | Removal of trees<br>or vegetation<br>requires<br>development<br>consent   | One additional tree is proposed to be removed as part of the Section 96 application.   | Yes  |
| 5.10<br>Heritage<br>Conservation                 | Impacts to<br>heritage items,<br>heritage<br>conservation<br>areas, European<br>and Aboriginal<br>archaeological<br>sites require<br>consideration. | The modifications proposed are minor in nature and will not impact the heritage items in the area.   | Yes  |
| 7.1<br>Flood Planning                            | To minimise the<br>flood risk to life<br>and property<br>associated with<br>the use of land   | Council's Flood Engineers are satisfied the modifications to the DA are acceptable and, subject to conditions, can comply with Council's Flood policy.   | Yes  |

#### Variation – Height of Building

##### *Camden LEP Control*

The Height of Buildings Map sets a maximum height standard of 9.5m for the site.

##### *Variation Request*

A request has been prepared in accordance with the provisions of Clause 4.6 - Exceptions to Development Standards. The request seeks a variation to the Height of Building development standard adopted under Clause 4.3 of the Camden Local Environmental Plan 2010.

The proposed amendment to the roof will result in a maximum height of 9.66m in a localised area being the raised roof parapet. This height exceedance equates to 0.16m above the height limit (See Figure 1). The remainder of the building remains compliant with the height development standard.

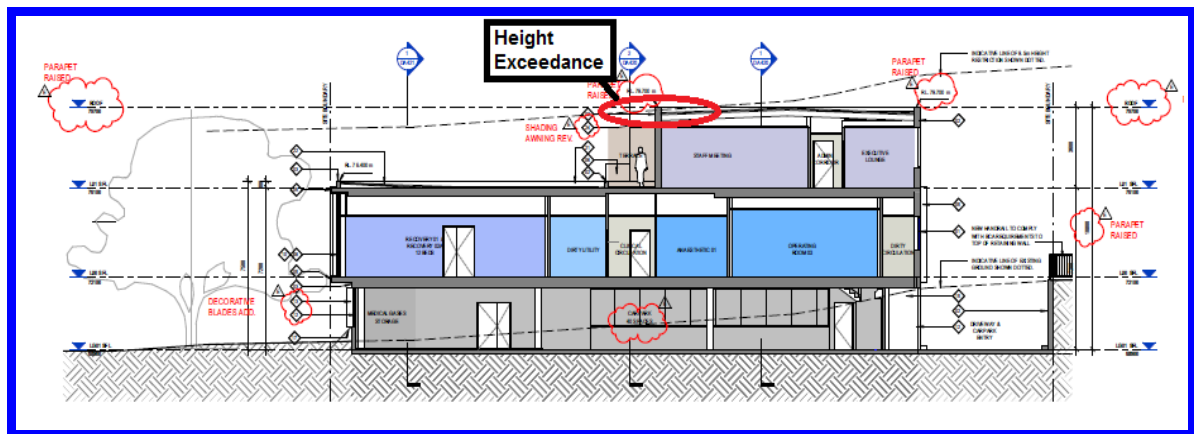


Figure 1

The non-complying area relates to a raised parapet, which is an architectural feature of the building resolving the finish of the upper edge of the building. Neither of these elements is associated with significant adverse environmental or amenity impacts.

#### *Council Staff Assessment*

Council staff have reviewed the above variation and are satisfied that it can be considered as part of the Section 96(2) application as lodged. Council may modify a development consent under the provisions of Section 96 of the Act if it is satisfied that:

- the modification is of minimal environmental impact; and
- the development remains substantially the same as originally approved;

Council staff consider the modification to building height meets the Section 96 provisions and recommend that it is supported for the following reasons:

- The variation is minor in nature resulting in an exceedance of 0.16m;
- The proposed additional height is negligible and will not materially affect the height of the approved building which is compatible with the existing and future character of the locality;
- The portion of the raised parapet that exceeds the height limit is located in an isolated area, centrally within the rooftop and will not contribute towards view loss, privacy or solar access loss to adjacent development; and
- The proposed development is considered consistent with the relevant objectives of the height control.

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

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

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

Camden Development Control Plan 2011 (DCP)

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

| Control                           | Requirement   | Provided   | Compliance |
|-----------------------------------|---|--|------------|
| B1.4<br>Water Management          | Compliance with Council's Engineering Specification and use of Water Sensitive Urban Design measures  | There is no change proposed to the approved stormwater system.   | Yes        |
| B1.5<br>Trees and Vegetation      | Removal of trees higher than 3m requires consent  | Council's Landscape Officer is satisfied that the one additional tree to be removed is acceptable and will be appropriately offset.  | Yes        |
| B1.7<br>Riparian Corridors        | Existing Riparian Corridors are to be protected   | The Section 96 application has been referred to the Office of Water. No issues were raised. The original GTAs remain as conditions of consent.   | Yes        |
| B1.10<br>Bushfire Risk Management | Bushfire assessment in accordance with NSW Rural Fire Service (RFS) guidelines  | The Section 96 application was referred to the RFS for comment. No issues were raised. The original GTAs remain as conditions of consent.  | Yes        |
| B1.11<br>Flood Hazard Management  | Development to comply with Council's Engineering Specifications and Flood Risk Management Policy which is located within and affected by flood prone land | Council's Flood Engineers are satisfied the DA modifications are acceptable and subject to conditions can comply with Council's Flood Risk Management Policy.<br><br>A Flood Evacuation Report was submitted as part of the application and will be approved as part of the consent. | Yes        |
| B1.13                             | Approval from   | Written approval from the  | Yes        |

| Control  | Requirement  | Provided   | Compliance |
|--|--|--|------------|
| Mine Subsidence                                    | Mine Subsidence Board  | Mine Subsidence Board was provided with the original DA. The modified plans were referred to the MSB for comment. No issues have been raised.  |            |
| B1.15 Development near Camden Airport              | Development must not exceed the OLS height limit   | The proposed development will be well beneath the OLS height limit. The Section 96 application was referred to Camden Airport. No issues have been raised.   | Yes        |
| B1.16 Acoustic Amenity                             | Compliance with Council's Environmental Noise Policy   | A revised acoustic assessment was submitted supporting the Section 96 and is recommended to be approved as part of the consent. The amended development will comply with Council's Environmental Noise Policy.   | Yes        |
| B5.1 Off-street Car Parking Rates and Requirements | There are no specific car parking rates for hospitals referenced in Council's DCP. Assessment is merit based. The Roads and Maritime Services (RMS) rates for private hospitals have been used for the hospital. | <p>The original DA approved 79 off-street car parking spaces for the proposed hospital, and 65 off-street spaces for the existing medical centre (10 greater than currently available) which is in accordance with RMS guidelines and Council standards. There is no change to the number of car parking spaces to be provided on site.</p> <p>The application proposes 2 motorcycle spaces, which is considered satisfactory for the nature of the development proposed.</p> <p>A condition of consent requires a minimum of 3 bicycle spaces to be provided on site.</p> | Yes        |

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

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

***(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 modifications are unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

***(c) The suitability of the site***

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

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

The DA was publicly exhibited for a period of 14 days in accordance with the Camden DCP 2011. The exhibition period was from 1 June 2016 to 14 June 2016. No submissions were received.

***(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 Section 96 application was referred to the following concurrence authorities in accordance with Clause 120 of the Environmental Planning and Assessment Regulation 2000:

- Mine Subsidence Board (MSB)
- NSW Rural Fire Service (RFS)
- Department of Primary Industries (Water)

No objections were received and the original GTAs will remain as conditions of consent.

## **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 577(2)/2014 is recommended for approval subject to the conditions contained in this report.

## **CONDITIONS**

### **Details of Conditions:**

The modification, deletion or addition of any development consent condition is identified in **bold**.

### **1.0 - General Conditions of Consent**

- (1) **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:

- a) Rural Fire Service, Ref D14/2463 dated 30 September 2015.
  - b) NSW Department of Primary Industries Office of Water, Ref 10 ERM2014/0775 dated 10 September 2014.
  - c) Mine Subsidence Board, Ref FN84-02203P0 dated 21 May 2015.
- (2) **State Authorities Requirements** - The requirements of the following State authorities shall be complied with prior to, during, and at the completion of the development.
- a) NSW Police, dated 15 September 2014.
  - b) Sydney Water, dated 20 August 2014.
- (3) **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:

| <b>Plan Reference/<br/>Drawing No.</b> | <b>Name of Plan</b>  | <b>Prepared by</b> | <b>Date</b>       |
|--|--|--------------------|-------------------|
| <b>DA009 issue F</b>                   | Existing Site Plan   | <b>Shed*</b>       | <b>11/04/2016</b> |
| <b>DA010 issue K</b>                   | Proposed Site Plan   | <b>Shed*</b>       | <b>20/4/2016</b>  |
| <b>DA100 issue K</b>                   | Proposed Lower Ground Floor Plan   | <b>Shed*</b>       | <b>11/04/2016</b> |
| <b>DA101 issue J</b>                   | Proposed Ground Floor Plan   | <b>Shed*</b>       | <b>11/04/2016</b> |
| <b>DA102 issue H</b>                   | Proposed Level 01 Floor Plan   | <b>Shed*</b>       | <b>11/04/2016</b> |
| <b>DA400 issue G</b>                   | Elevations – North and South   | <b>Shed*</b>       | <b>11/04/2016</b> |
| <b>DA401 issue F</b>                   | Elevations – East, West and Detailed Elevation Radiant Heat Shield Fence | <b>Shed*</b>       | <b>5/4/2016</b>   |
| <b>DA420 issue H</b>                   | Sections AA and BB   | <b>Shed*</b>       | <b>11/04/2016</b> |

|                            |  |                           |                   |
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| <b>DA421 issue G</b>       | Sections – CC and DD                             | <b>Shed*</b>              | <b>11/04/2016</b> |
| <b>DA422 issue E</b>       | Sections – EE and FF                             | <b>Shed*</b>              | <b>6/04/2016</b>  |
| <b>DA920 issue C</b>       | Colour & Finishes                                | <b>Shed*</b>              | <b>6/04/2016</b>  |
| 77905.01.P04 revision A    | Plan of Proposed Subdivision                     | Smec Urban                | <b>22/04/2016</b> |
| 000 issue B                | Landscape Cover Sheet                            | Arcadia                   | 9/9/2014          |
| 100 issue B                | Colour Landscape Master Plan                     | Arcadia                   | 9/9/2014          |
| 101 issue B                | Detailed Landscape Plan                          | Arcadia                   | 9/9/2014          |
| 102 issue B                | Landscape Plan                                   | Arcadia                   | 9/9/2014          |
| 501 issue B                | Landscape Details                                | Arcadia                   | 9/9/2014          |
| 502 issue B                | Landscape Elevations                             | Arcadia                   | 9/9/2014          |
| 26161 – SYD C-100 issue E  | Civil Services Plan                              | Wood and Grieve Engineers | 26/5/2015         |
| 26161 – SYD C- 101 issue C | Civil Services Sediment and Erosion Control Plan | Wood and Grieve Engineers | 26/5/2015         |
| 26161 – SYD C -110 issue C | Civil Services Sections and Details              | Wood and Grieve Engineers | 17/12/2014        |
| 26161 – SYD C-111 issue C  | Civil Services Sections and Details              | Wood and Grieve Engineers | 17/12/2014        |
| <b>77905.01.L02B</b>       | Plan of Subdivision of Lot 4011 (Sheet 1 of 2)   | Ronald James Rengger      | 12/6/2015         |
| <b>77905.01.L02B</b>       | Plan of Subdivision of Lot 4011 (Sheet 2 of 2)   | Ronald James Rengger      | 12/6/2015         |

| <b>Document Title</b>                 | <b>Prepared by</b>                           | <b>Date</b>          |
|---------------------------------------|--|----------------------|
| Stormwater Management Plan Report     | Wood & Grieve Engineers                      | 28/05/ 2015          |
| <b>Acoustic Report for Section 96</b> | Wood & Grieve Engineers – Sean Matthews      | <b>14/4/2016</b>     |
| Bushfire Hazard Assessment            | Harris Environmental Consulting              | 11/08/2015           |
| <b>BCA Report</b>                     | <b>Brentnall Technical Solutions Pty Ltd</b> | <b>24/06/2014</b>    |
| BCA Compliance Letter - T14009        | Brentnall Technical Solutions Pty Ltd        | 27 January 2015      |
| Traffic Impact Assessment             | Traffix                                      | 3 February 2015      |
| Salinity Management Plan              | CDH Property One Pty Ltd                     | Undated              |
| <b>Flood Evacuation Plan</b>          | <b>Wood &amp; Grieve Engineers</b>           | <b>15 April 2016</b> |

**(This condition was amended by Section 96 modification 577(2)/2014 on July 2016).**

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **Earthworks, Infrastructure and Building Construction** – The entire development shall be carried out in accordance with the Saline Soil Management Plan Contained within report titled “Salinity Management Plan, dated 8 October 2015.”
- (5) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (6) **Tree Removal** - The trees as shown in the approved Existing Site Plan prepared by VArc plan dated 18/12/2014 are the only trees approved for removal.
- (7) **Tree Removal** – Prior to removal, all hollow-bearing trees removed from the development site are to be inspected by a qualified ecologist or wildlife carer. Measures must be taken in line with OEH's Policy on the Translocation of Threatened Fauna in NSW to ensure that fauna inhabiting tree hollows, or other habitat onsite, are treated humanely and relocated before development activities commence. A qualified ecologist or wildlife carer must be present throughout vegetation clearing activities to relocate fauna or take fauna into care where appropriate.
- (8) **Turning Bay** – The turning bay in the existing carpark must be clearly marked as a 'No Parking' zone.
- (9) **Separate Approval for Signs** - A separate development application for any signage shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs.
- (10) **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.
- (11) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning,

impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

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

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.

- (12) **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.

- (13) **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.
- (14) **Onsite Detention Tank** – The proposed onsite detention tank must be constructed in accordance with Council's Engineering Specifications.
- (15) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.



At the completion of the 1) month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

- (16) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (17) **Removal of Excavated Soil** - The removal of surplus soil from the site to be imported onto another site can only occur if the receiving site has a fill condition that allows the importation of fill. The requirement of any fill condition must be complied with before importation. Where compliance cannot be achieved the surplus material must be waste classified for disposal to a licensed landfill.

## 2.0 - Prior To Issue of Construction Certificate

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

- (1) **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.

- (2) **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.
- (3) **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.
- (4) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

- (5) **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.
- (6) **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 landuses 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.
- (7) **Works In Kind** – The development proposes to construct and dedicate to Council land and public infrastructure as identified in the Camden Development Contributions Plan, a Works in Kind Agreement must be agreed to by Council in writing prior to the issue of a Construction Certificate for those works. All such agreements shall be in accordance with Council's Works In Kind Policy.
- (8) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:
- a) the RFS' General Terms of Approval for the DA Ref D14/2463 dated 30 September 2015; and
  - b) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006.
- (9) **Safety Barriers** – Safety fencing must be provided on steep batters or vertical drops in accordance with the requirements the Camden Council Engineering Specifications
- (10) **Access Connection to Water Quality Basin** – The proposed maintenance access ramp for the Water Quality Basin must connect smoothly to Council's land to the north of the site. Proposed works should facilitate access for a vehicle from the gravel road on Council's land.
- (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) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (13) **Review Salinity Management Plan** – A review of the Salinity Management Plan (SMP) titled *“Salinity Management Plan: Proposed Camden Day Hospital 37 Hilder Street Elderslie, Prepared by CDH Property One Pty Ltd, n.d.”* is required to be undertaken by a qualified engineer prior to the issue of a construction certificate to ensure that it remains applicable for all development works that includes excavations. The final SMP (following review) applies to all proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, excavations, and associated infrastructure proposed to be constructed on the land.
- (14) **Detailed Lighting Plan** - A detailed lighting plan shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for building works. The plan must demonstrate that the orientation and intensity of lights will comply with the Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting” that includes compliance at all residential boundaries.
- (15) **No Stopping Restrictions** - Any additional ‘No Stopping’ restrictions must to be approved by the Local Traffic Committee prior to the issue of a construction certificate.
- (16) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.

### 3.0 - Prior To Commencement of Works

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

- (1) **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.
- (2) **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.
- (3) **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.
- (4) **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
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (5) **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.

- (6) **Performance Bond** - Prior to commencement of works a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **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).

- (8) **Noise & Vibration Management Plan** – A site specific noise and vibration management plan must be prepared prior to the commencement of works. The plan must address all noise and vibration impacts on all sensitive receivers or sites and provide suitable controls to ensure that potential noise and vibration will comply with relevant criteria.
- (9) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.

#### 4.0 - During Works

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

- (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) **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.



- (3) **Site Management Plan** - The following practices shall be implemented during construction works:
- a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. 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.
- (4) **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.
- (5) **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.
- (6) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm))
- Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (7) **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.

- (8) **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.
- (9) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- (10) **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 6000m<sup>3</sup> - 3 sampling locations,

- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> 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 <sup>3</sup> ) |
|-----------------------------------|--------------------------|----------------------------------|
| Virgin Excavated Natural Material | 1<br>(see Note 1)        | 1000<br>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.

- (11) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (12) **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)*.
- (13) **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.

- (14) **Importation of Fill** - All Fill material to be imported onto the site shall be approved by a suitably qualified Environmental Consultant in accordance with the fill Management Plan.
- (15) **Fill Assessment Reporting Requirements** – All fill assessment reports (including those where material is considered not suitable for importation onto the development site) assessed under the approved Fill Management Plan, shall be provided to the Consent Authority (Camden Council) on a monthly basis to facilitate an audit for compliance with the Fill Management Plan.
- (16) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set

out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (17) **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 to 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:
  - g) be a standard flushing toilet connected to a public sewer; or
  - h) have an on-site effluent disposal system approved under the Local Government Act 1993; or
  - i) be a temporary chemical closet approved under the Local Government Act 1993.
- (18) **Carpark Barrier** – A 2.2 metre high solid acoustic barrier is required to be constructed along the length of the southern boundary of the new external carpark and wrap around along the south eastern side for a distance of 12 meters. The barrier should achieve a RW33 and be located as per "appendix 2" in report *"Acoustic Report for Development Application: Camden Day*

*Hospital, Prepared by Wood & Grieve Engineers, Revision No 4, Dated 2 December 2014.”*

- (19) **Chiller Unit Barrier** – A 2.6 metre high solid acoustic barrier is required to be constructed on the south side of the chiller unit. The barrier should achieve a RW33 and be located as per “appendix 2” in report “*Acoustic Report for Development Application: Camden Day Hospital, Prepared by Wood & Grieve Engineers, Revision No 4, Dated 2 December 2014.*” The chiller unit should be installed a distance of 1.5m away from the south facing side of the barrier to enable maximum shielding to nearest residents.
- (20) **Backup Generator Barrier** – A 2.0 metre high solid acoustic barrier is required to be constructed on the south and east side of the generator unit. The barrier should achieve a RW35 and be located as per “appendix 3” in report “*Acoustic Report for Development Application: Camden Day Hospital, Prepared by Wood & Grieve Engineers, Revision No 4, Dated 2 December 2014.*”
- (21) **Mechanical Plant (Air Handling Units)** – The level of sound power output for each individual air handling installed on site must not exceed 71 dB(A) per individual unit.
- (22) **Glazing** – The level of glazing required for the building must be consistent with “Table 16 – Recommended acoustic performance of glazing system” as contained within the report titled “*Acoustic Report for Development Application: Camden Day Hospital, Prepared by Wood & Grieve Engineers, Revision No 4, Dated 2 December 2014.*”
- (23) **Construction and Operational Waste Management Plan (CWMP)** – construction and operational waste must be managed consistent with the provided waste management plan titled “*Waste Management Plan: Camden Day Hospital 37 Hilder Street Elderslie*”.
- (24) **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.
- (25) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

## **5.0 - Prior To Issue of a Subdivision Certificate**

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.



- (3) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.
- (5) **Fill Plan** - A Fill Plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must:
- a) Show lot boundaries
  - b) Show road/drainage/public reserves
  - c) Show street names
  - d) Show final fill contours and boundaries, and
  - e) Show depth in filling in maximum 0.5m Increments

It is to be provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (6) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (8) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (9) **Updated Vegetation Management Plan and Trunk Drainage Plan** - The following plans must be updated to reflect the changes to the drainage infrastructure and embellishment of the Oxley rivulet as a result of the development:
- 1. Elderslie Trunk Drainage Plan (Technical Specification for Construction of Oxley Rivulet Landscape Works) prepared by Context Landscape Design dated 28/09/2005; and
  - 2. Vegetation Management Plan for the Herbert & Oxley Rivulet Elderslie (Ref D227) prepared by Wyndham Prince dated November 2005.

The updated plans must be submitted to Council prior to the issue of a subdivision certificate.

- (10) **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) Easement for right of access
  - b) Easement for services
  - c) Easement to drain water
  - d) Easement for support
- (11) **Update the Bushfire Prone Land Maps.**- Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:
- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the Planning for Bush Fire Protection Guidelines and Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service. See [http://www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=900](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900). Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
- (i) experience in identifying bushfire prone land within NSW,
  - (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
  - (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
  - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
  - (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
  - (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
  - (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million
- Note:** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see website <http://www.fpaa.com.au/certification/index.php?certification=bpad>)
- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (12) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.

- (13) **Soil Classification** - A Soil Classification Report prepared by a suitable qualified person in accordance with the AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The Soil Classification Report shall also be provided to Council.
- (14) **Services** - 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.
- (15) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications. Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).
- (16) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (17) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.
- Evidence of payment of the SIC shall be provided to Council and the PCA.
- (18) **Maintenance Bond** - The applicant is to lodge a maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council prior to the issue of a Subdivision Certificate.
- The bond covers the maintenance during or after subdivision works for a stipulated period (6 months) for matters such as riparian corridor and WSUD, public reserves or other public property that require on-going maintenance as a result the Development Consent conditions.
- (19) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council. The bond covers any defects and liabilities of the public infrastructure.

## 6.0 - Prior To Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing an Occupation Certificate.

- (1) **Requirement for an Occupation Certificate** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Approved Subdivision Certificate** – The subdivision certificate associated with this consent must be issued prior to the occupation certificate being issued for the development.
- (3) **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.
- (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) **Flood Evacuation Management Plan** – A Flood Evacuation Management Plan prepared by a suitable qualified engineer in accordance with Camden Council's Flood Risk Management Policy. Details demonstrating compliance shall be provided to the Certifying Authority
- (7) **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.
- (8) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (9) **Reinstate Verge** - The applicant must construct the footpath and reinstate the verge at the entrance of the existing surgery as shown on the approved site plan prior to the issue of an occupation certificate.
- (10) **Bicycle Parking** – A minimum of 3 bicycle spaces are to be provided on site, with access from the street elevation prior to the issue of an occupation certificate.

## 7.0 – Ongoing Use

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a subdivision Certificate.

- (1) **Hours of Operation** - The approved hours of operation include:

| Day   | Hours of Operation |
|---|--------------------|
| Monday  | 6am – 10pm         |
| Tuesday   | 6am – 10pm         |
| Wednesday   | 6am – 10pm         |
| Thursday  | 6am – 10pm         |
| Friday  | 6am – 10pm         |
| Saturday  | 6am – 6pm          |
| Sunday and Public Holidays – visitors for overnight stays | 1pm to 4pm         |

**NB:** Overnight stays are permitted on occasion to allow monitoring of patients post-operative. A maximum of 6 patients is permitted on any one night. Overnight stays and associated staffing are permitted on Sundays and Public Holidays. Patient visitors on Sundays and Public Holidays between 1pm and 4pm.

**(This condition was amended by Section 96 modification 577(2)/2014 on July 2016).**

- (2) **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).
- (3) **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 its application.
- (4) **Chemical Storage** – The recommendations with respect to the storage and separation of chemicals contained within “Section 4” of the report titled *“Assessment of relevance of State Environmental Planning Policy 33 for Camden Day Hospital, Prepared by R T Benbow, Report No 148185\_Rep\_Rev1, Dated July 2014.”* must be complied with at all times.
- (5) **General Requirements** - The use and operation of the premises shall comply with the requirements of:-
  - (a) The Medical Board of Australia
  - (b) The NSW Department of Health
  - (c) The Australian Health Practitioner Regulation Agency
- (6) **Delivery Vehicle Restrictions** – All delivery vehicles that include garbage trucks are restricted to only deliver or collect during the following hours:
  - Not before 7am or after 6pm on Monday to Fridays; and
  - Not before 8am or after 6pm on Saturday and Sundays and Public Holidays.
- (7) **Testing Backup Generator** - The required testing of the backup generator is to occur between the hours of 11am and 3pm on any week day excluding public holidays and weekends.
- (8) **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.

- (9) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.

**RECOMMENDED**

**That the Panel approve DA 577(2)/2014 to modify the approved day surgery hospital at 37 Hilder Street, Elderslie subject to the conditions listed above.**