

Sydney Western City Planning Panel

Panel No	2017SSW025
DA Number	2017/176/1
Local Government Area	Camden
Proposed Development	<p>Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.</p> <p>Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and</p> <p>Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services.</p>
Street Address	<p>Lot 200 in DP 1022680, Lot 13 DP 242250 and Pt500 DP1213866.</p> <p>49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie</p>
Applicant	Terry Brooke of Baptistcare NSW & ACT C/ - DFP Planning.
Owner	Baptistcare NSW & ACT
Number of Submissions	A total of 44 submissions have been received from 27 households.
Regional Development Criteria (Schedule 4A of the Act)	<ul style="list-style-type: none"> - Private infrastructure and community facilities with a Capital investment value over \$5 million; and - Capital investment value > \$20 million. <p>The CIV is \$38,886,817.</p>
List of All Relevant s79C(1)(a) Matters	<p>State Environmental Planning Policy (State and Regional Development) 2011 (SEPP);</p> <p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)</p> <p>State Environmental Planning Policy (Affordable Rental Housing) 2009.</p> <p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p> <p>State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>State Environmental Planning Policy (Infrastructure) 2007.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p>Sydney Regional Environmental Plan No 20 Nepean-Hawkesbury River.</p> <p>Camden Local Environmental Plan 2010.</p> <p>Camden Development Control Plan 2011.</p>
Does the DA require Special Infrastructure	Yes.

Contributions conditions (s94EF)?	
List all documents submitted with this report for the panel's consideration	Assessment report and conditions; Architectural plans; Civil/Engineering plans; Landscape plans; Community Title Subdivision Plan; Operational Plan of Management; Schedule of Finishes; Statement of Environment Effects; and Submissions;
Recommendation	Approve with conditions.
Report by	Nicholas Clarke Senior Town Planner Development Assessment (West)

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes.
----------------------------------------------------------------------------------------------------------------------------------	------

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP.	Yes.
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
--------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)? Note: Certain Das in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.	Yes
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefers that draft conditions, notwithstanding Council's recommendation, be	Yes.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

provided to the applicant to enable any comments to be considered as part of the assessment report.	
-----------------------------------------------------------------------------------------------------	--

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) determination of a Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.

- Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and
- Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services (which will be the subject of future Development Application's)

pursuant to the provisions outlined in Section 83B of the Environmental Planning and Assessment Act 1979, at 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$38,886,817 which exceeds:

- Private infrastructure and community facilities Capital investment value over \$5 million; and
- Capital investment value over \$20 million.

SUMMARY OF RECOMMENDATION

That the Panel:

1. Determine DA 2017/176 for a Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.

Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and

Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services (which will be the subject of future Development Application's) pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report; and

2. That the objectors be notified of this decision.

EXECUTIVE SUMMARY

Council is in receipt of a concept development application pursuant to the provisions outlined in Section 83B of the Environmental Planning and Assessment Act 1979, and includes the following:

Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.

Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and

Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services (which will be the subject of future Development Application's) at 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the consideration of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011	The Panel is the determining authority for this DA as the proposed development has a CIV of \$38,886,817 million which exceeds: - Private infrastructure and community facilities Capital investment value over \$5 million; and - Capital investment value over \$20 million.
State Environmental Planning Policy (Affordable Rental Housing) 2009.	The proposal is consistent with the aims of the SEPP (Affordable Rental Housing) 2009 and all of its planning controls.
SEPP (Housing for Seniors or People with a Disability) 2004	The proposal is consistent with the aims of the SEPP (Housing for Seniors or People with a disability) 2004 and all of its planning controls.
State Environmental Planning Policy No 55 – Remediation of Land	<p>A contamination assessment and Remediation Action Plan were provided and reviewed by Council's Environmental Health Officer. No issue was raised subject to suitable conditions being imposed that remediation and validation are undertaken prior to the issue of a Construction Certificate for the building works.</p> <p>The site, once remediation is completed, will be "fit for purpose" for residential</p>

	development.
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and satisfies all of its planning controls.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)	The proposed development includes the removal of native vegetation. The proposed tree removal was reviewed by Council's Landscape Officer and is considered to satisfy the aims of the SEPP subject to conditions of consent requiring replacement plantings.
State Environmental Planning Policy (Infrastructure) 2007.	The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. Conditions of consent have been provided by Endeavour Energy and imposed accordingly.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition is imposed to ensure such commitments are fulfilled during the construction of the development.
Camden Local Environmental Plan 2010	The proposed development is permitted with consent in the R1 General Residential zone. The development is consistent with the zone objectives and compliant with the applicable development standards and other matters for consideration.

It is noted DA/2017/451/1 *Demolition, site remediation, removal of 24 trees, excavation, bulk earthworks, benching and retaining wall construction, stormwater management and water quality works* was lodged by the applicant with the aim to start ground works for the subject application.

The works proposed above were combined into this application (DA/2017/176/1) and DA/2017/451/1 was subsequently withdrawn.

The following advertising and notification took place:

- DA/2017/176/1 was originally notified to surrounding properties and advertised in the local paper for a 30 day period between 29 March 2017 and 27 April 2017 and re-notified to surrounding properties for a 14 day period between 27 October 2017 and 9 November 2017.
- DA/2017/451/1 (now included in subject application) was originally notified to surrounding properties and advertised in the local press for a 30 day period between 10 May 2017 and 8 June 2017 and re-notified to surrounding properties for a 14 day period between 26 October 2017 and 8 November 2017.

As a result of the community consultation associated with DA/2017/176/1 and the inclusion of works proposed under DA/2017/451/1, the plans were amended and re-advertised in the local paper and notified to surrounding properties for a 30 day period between 13 December 2017 and 12 January 2018.

A total of 44 submissions have been received from 27 households objecting to the proposal as of 20 January 2018.

The issues contained in the submissions generally relate to:

- Vehicular access to Sirius Circuit and through the existing retirement village to Lodges Road and impacts on residential amenity.

In response to issues raised in the submissions, plans have been amended to restrict the proposed Sirius Circuit access to only be used by emergency vehicles (addressed by Condition 6.0(8) and also a Management Plan). General vehicular access is not proposed onto Lodges Road. There will be minimal impact on the amenity of Sirius Circuit and Lodges Road residents.

- Non-compliance with the Elderslie Master Plan.

The non-compliances with the Elderslie Master Plan are considered acceptable and discussed in greater detail later in this report.

- Affordable housing, group home and community centre not required.

Group homes are a permissible form of development as prescribed by Council's Local Environmental Plan 2010 and this zone is a prescribed zone as referenced in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

In addition the applicant has provided statistical information to demonstrate the housing demand for their identified target market (single income families and domestic violence sufferers).

- The built form and resulting impacts on property values.

The issue of property value is not a matter of consideration under S79C of the Environmental Planning & Assessment Act 1979.

Submission issues are discussed in greater detail later in this report.

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 known as 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie and is legally described as Lot 200 in DP 1022680, Lot 13 DP 242250 and Pt500 DP1213866. The site has an overall area of 95,480m².

The site is bound by Lodges Road to the north, Sirius Circuit (and residential properties with frontage to Sirius Circuit) to the east, a residential subdivision to the west and the Camden Bypass to the south.

An existing seniors housing development, known as Angus Bristow Village, comprising 48 self-contained dwellings is currently located on the northern part of the site which is accessed via Lodges Road. An existing dam is located along the western boundary of the seniors housing development and functions as a temporary

water storage basin. The remainder of the site is undeveloped, is undulating and contains vegetation with a small dam in the area where the future residential aged care facility is proposed. The site contains a riparian corridor located centrally along the western boundary, adjacent to Vicary Avenue this defines the commencement of the Herbert Rivulet.

The site adjoins the existing Narellan residential area and is located at the eastern edge of the Elderslie release area. Surrounding development comprises Camden golf course to the north, Camden Bypass and the suburb of Narellan Vale to the south, The Bicentennial residential estate to the east and new residential subdivisions and housing associated with the development of the Elderslie release area to the west.

HISTORY

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

Date	Development
26 September 2011	<p>DA/2010/393/1 - Nominated Integrated Development for alterations and additions to the existing aged care facility to consist of a four stage development. Works to include demolition and redevelopment of existing villas, construction of 27 self-care villas, 6 serviced self-care accessible apartments and a partial three storey building to consist of a 64 place Residential Aged Care Facility, associated works to include earthworks, tree removal, drainage, parking and landscaping.</p> <p>This consent, dated 26 September 2011, has lapsed.</p>
24 April 2017	<p>DA/2017/119/1 - Boundary adjustment to create 3 lots and part lots.</p> <p>This application involved a land swap at the southern end of the site to rationalise the boundaries between the two adjoining land holdings. The approved subdivision plan is attached to this report for reference.</p> <p>The land swap is progressing between AV Jennings and BaptistCare. It is subject to conditions of a contract between the parties. One condition is the construction of Bowerman Road. AV Jennings are currently in the process of progressing the construction of the road. It is anticipated the road construction will be completed in May. Final adjustments/swaps will then occur, subject to contract conditions.</p>
9 November 2017	<p>DA/2017/451/1 - Demolition, site remediation, removal of 24 trees, excavation, bulk earthworks, benching and retaining wall construction, stormwater management and water quality works.</p> <p>The works proposed under this application were combined into this application (DA/2017/176/1) and DA/2017/451/1 was subsequently withdrawn.</p>

THE PROPOSAL

DA/2017/176/1 seeks approval for a Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.

- Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and
- Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services (which will be the subject of future Development Application's).

Specifically the proposed development involves:

Stage 1 -

- Demolition of ancillary structures;
- Site remediation;
- Removal of 24 trees;
- Excavation, bulk earthworks, benching and retaining wall construction; and
- Storm water management and water quality works;
- Construction of 122 dwellings:
 - 84 x 1 bedroom, single storey villas for use as self-care housing for seniors proposed under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The seniors housing will be allocated as follows:

- Twenty Six (26) seniors housing will be made available to working seniors on low incomes.
- Fifty Eight (58) seniors housing will be made.
- 38 x 2 bedroom, two storey townhouses with each being a group home as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009.

The group homes will be allocated as follows:

- Nineteen (19) group homes will be made available to working single parents on low incomes.
- Nineteen (19) group homes will be made available to single parent families on very low incomes.
- Construction of a community centre for use by residents only. The centre will consist of a manager's office, administration and reception area, meeting and consult room, common room, toilets, a hall and kitchen area with a covered outdoor area. Nine car parking spaces, including two accessible spaces are proposed to be provided directly adjacent to the hall. The centre will generally be

in use 8.30am – 5pm Monday to Friday and will also be in use for pre-arranged weekend and evening events.

- Road infrastructure to service the development which includes a road access point being from Bowerman Road and provision of a future connection to Vicary Avenue. Sirius Circuit is proposed to only be used by emergency and service vehicles, namely waste contactors, delivery and removalist trucks, maintenance and gardening contractors only (maximum length of 9.0m), with the main vehicular access to the site from Bowerman Road. Lodges Road will be utilised by residents of the Angus Bristow Village only, as this will operate independently to the subject proposal.
- Essential infrastructure, including stormwater drainage, electrical substation and maintenance shed.
- Site landscaping, including landscaping within each dwelling 'lot' and landscaped common areas.
- A full-time on-site Housing Manager will be sited in the community centre building Monday to Friday. An after-hours emergency contact will be available. A maximum five staff will be on-site at any one time.
- Community title subdivision to create five development parcels within the site:
 - Lot 1 - pocket parks, centre and dam;
 - Lot 2 - existing retirement village and the site of 46 future retirement villas;
 - Lot 3 - the proposed 38 group home dwellings;
 - Lot 4 - site of the future residential aged care facility and car park; and
 - Lot 5 - road.

It is noted no part of this development is to be dedicated to Council and will remain in private ownership given the public road proposed to connect Sirius Circuit to Bowerman Road is not supported and condition 1.0(20) is imposed for this to be included as part of the community lot which contains the remainder of the internal roads.

- Twenty-one (21) non-residential car parking spaces are proposed to be provided onsite, including up to 5 staff car spaces.
- A Plan of Management has been provided detailing the operations of the seniors and group homes including selection process, onsite management, staffing, security, in-house bus service and use of the residents' community centre. The Plan of Management is attached to this report.

Stage 2 -

Concept proposal includes:

- The location of a future 128 room (134 bed) residential aged care facility (RACF).
- The location of 46 new seniors living dwellings within the existing retirement village.

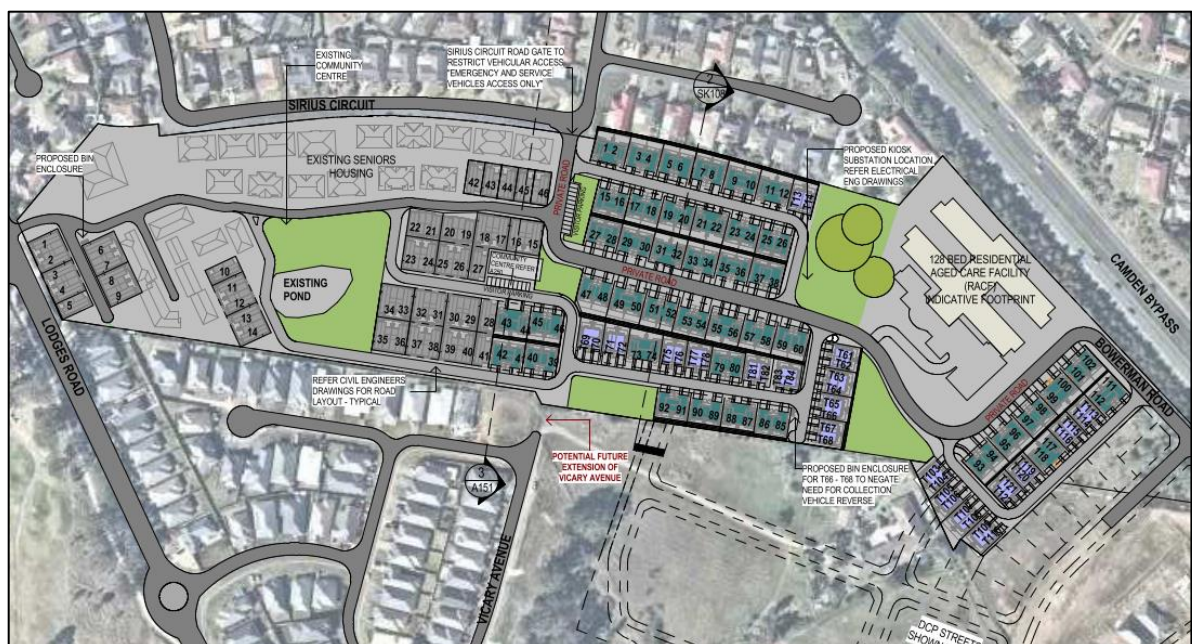
It is noted the concept proposes only the future location of the RACF and an additional 46 dwellings for the retirement village. No detailed assessment has been undertaken, such as built form or car parking requirements. The design and construction of these facilities will be subject to future development applications.

- Use of an existing building to provide additional services to residents of the proposed development.

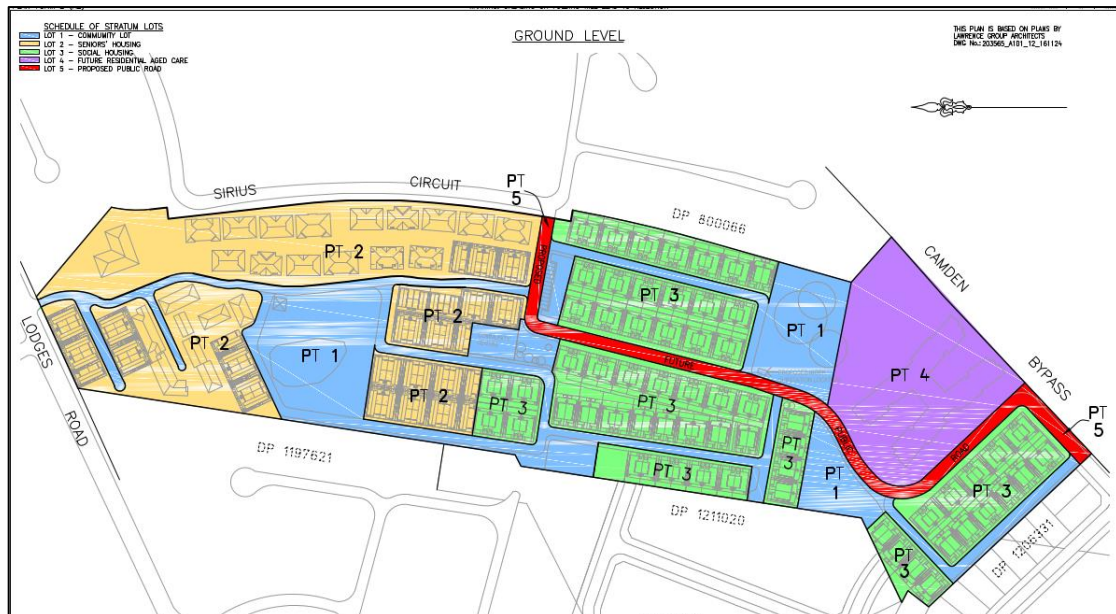
BaptistCare NSW and ACT has advised the types of future services to be offered to residents are currently unknown but, once the residents have moved into the new dwellings BaptistCare will review and understand what additional services are required to assist with individual client needs. This review will determine whether these services will be delivered within the existing and new community spaces, or alternatively within individual residences as part of the in home services program. If required the identified services will be subject to future development applications.

BaptistCare NSW and ACT is a registered charity and community housing provider as evidenced by details including a certificate from the Australian Charities and Not-for-Profits Commission, ABN details and National Regulatory System Community Housing Certificate of Registration.

The capital investment value of these works is \$38,886,817.

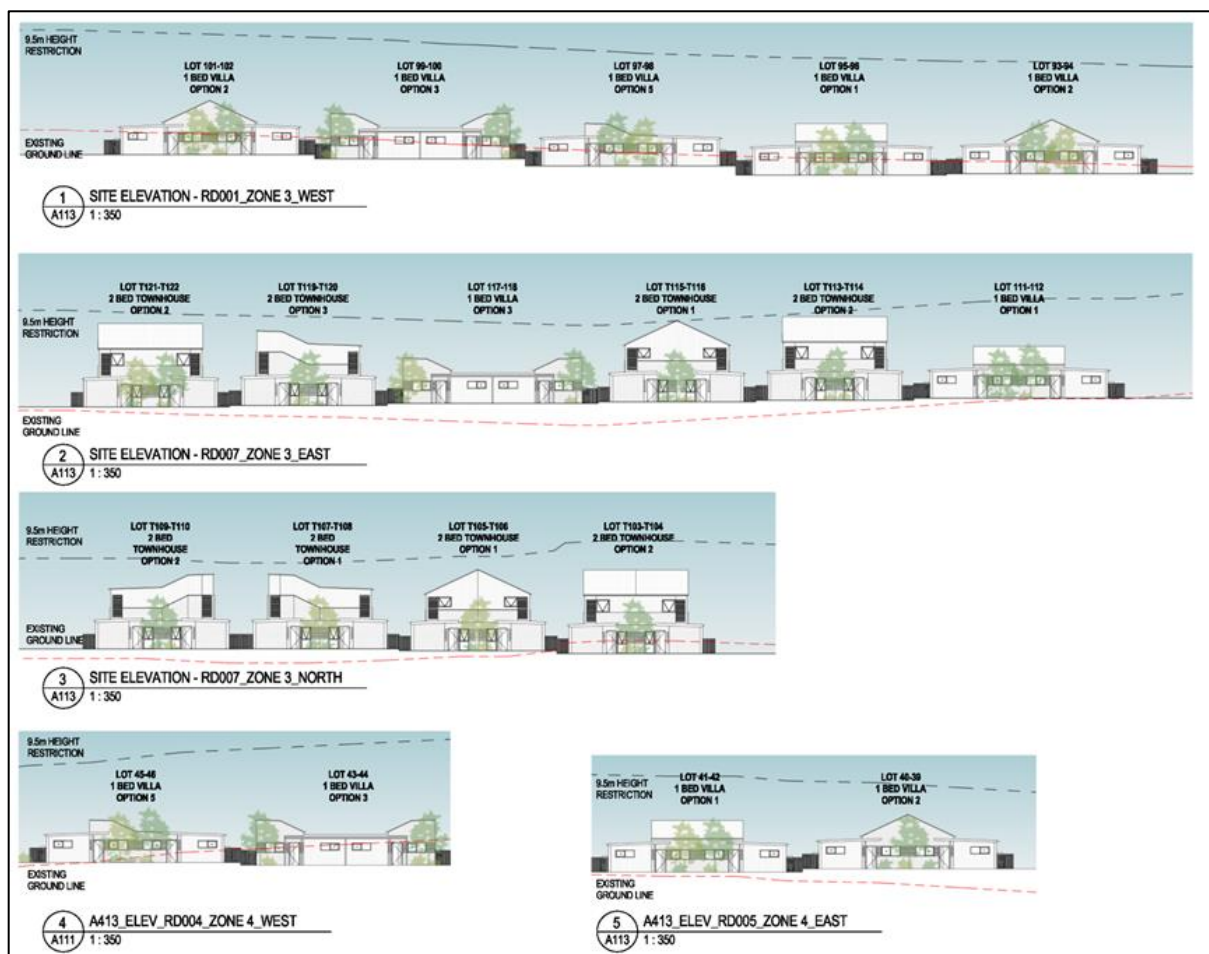


Site Plan

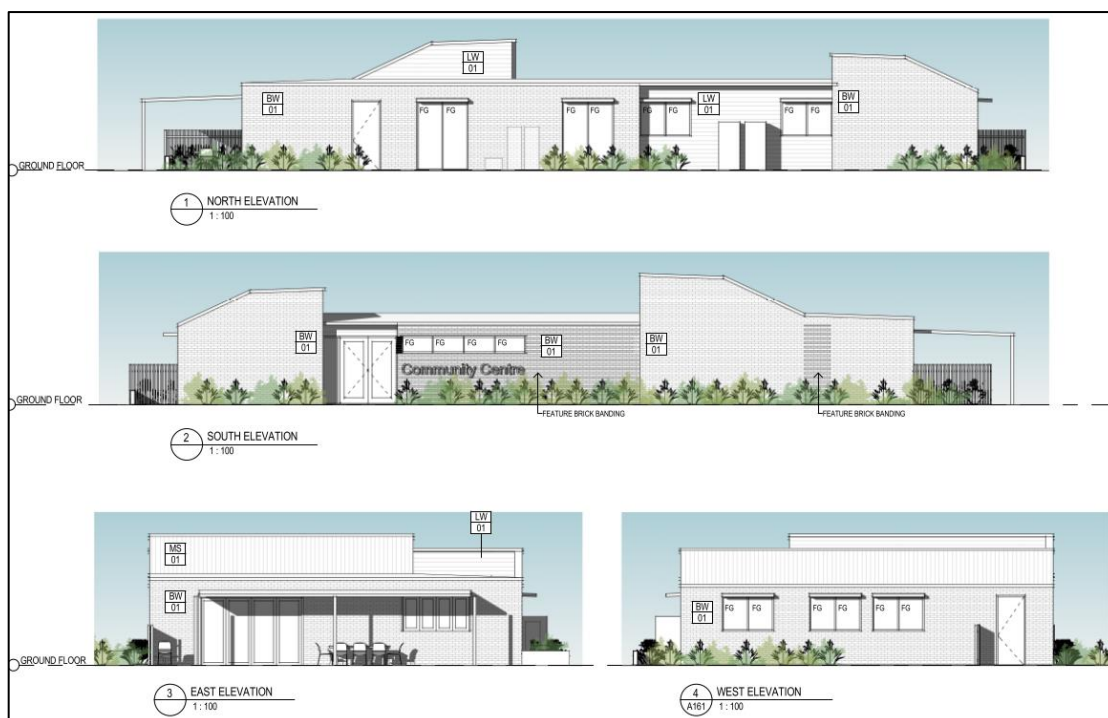


Community Title Subdivision Plan - (public road is conditioned to be a private road)

PROPOSED ELEVATIONS



Typical Elevations of the single storey Seniors Living and two storey Group Home



Elevations of the Community Centre

ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (State and Regional Development) 2011 (SEPP);
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- SEPP (Housing for Seniors or People with a disability) 2004;
- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Sydney Regional Environmental Plan No 20 Nepean-Hawkesbury River; and
- 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 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$38,886,817. This exceeds the CIV threshold - Private infrastructure and community facilities Capital investment value over \$5 million and capital investment value over \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The development application includes 38 by two bedroom, two storey townhouses, which have been proposed under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS). The townhouses are proposed to be used by Baptistcare as a group home.

A group home is defined by the ARHS as *a permanent group home or a transitional group home*.

A permanent group home means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

A transitional group home means a dwelling:

(a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

The applicant advises the homes are intended to be used as both permanent and transitional group homes, by providing household accommodation for single parent families suffering from domestic upheaval with the potential to provide accommodation to those requiring relief or rehabilitation.

The proposal satisfies the standards contained in SEPP (ARH) 2009.

Relevant Clauses

The Development Application was assessed against the following relevant clauses of the SEPP and satisfies the standards contained in SEPP (ARH) 2009.

Clause	Requirement	Provided	Compliance
42 Definition	To comply with SEPP definitions.	The proposal satisfies the definition of a group home as discussed above.	Yes.
43 Development in prescribed zones	Development for the purpose of a group home on land in a prescribed zone may be carried out with consent.	Consent has been sought for the purpose of group homes on land within a R1 General Residential zone, which is a listed prescribed zone.	Yes.
46 Determination of development applications	(1) A consent authority must not: (a) refuse unless assessed the community need for the group home and (b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.	The development application is recommended for approval, no conditions have been recommended for the group homes only for the reason that they are group homes.	Yes.

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

The development proposes 84 x one bedroom, single storey, in-fill self-care dwellings proposed under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The following is an assessment of the proposed development's compliance with the applicable controls of the SEPP.

Clause	Requirement	Provided	Compliance
Clause 18 Restrictions on occupation of seniors housing allowed under this chapter	Accommodation is to be only for (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability and c) associated staff.	An 88B restriction is recommended as a condition requiring all future residents to be one or a combination of the following: (a) seniors or people who have a disability, (b) people who live within the same household with	Yes.

		seniors or people who have a disability, and (c) associated staff	
Clause 26 Location and access to facilities	<p>Located within 400m of public transport with a suitable access pathway (max gradient 1:14)</p> <p>Public transport route will take residents to within 400m of facilities and services and the public transport is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive).</p>	<p>The development site is appropriately located as the 895 service bus stop is situated within the Lodges Road frontage. A majority of the 84 seniors dwellings are physically located approximately 400m from the bus stop.</p> <p>The 890C bus service is also within 400m of the site and is accessed from Richardson Road via Sirius Circuit and a public pathway. The design of the site will be compliant with AS1428 to ensure access and maneuverability for all.</p> <p>Both the 895 (twice hourly) and 890C (AM hourly, PM x4) bus routes provide regular services to and from Macarthur Square and the Narellan Town Centre between 8am and 6pm, Monday to Friday.</p> <p>The 895 bus operates an hourly weekend and public holiday service. In addition to the public transport network, a condition 1.0(19) has been imposed requiring the existing community bus which services the Angus Bristow Village be made available to all residents associated with Stage 1 and Stage 2. Further, an additional eastbound bus stop</p>	<p>Yes.</p> <p>Yes.</p>

		has been conditioned (Condition 5.0(15)) on the north side of Lodges Road, west of the intersection with Sophia Street.	
Clause 28 Water and sewer	Housing to be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewerage.	The development is co-located with existing seniors housing facilities. Existing services can be extended to service the new development. Conditions have been imposed requiring the applicant to ensure this can be achieved prior to the commencement of the development.	Yes.
Clause 29 Consent authority to consider certain site compatibility criteria for development applications Criteria referred to in must.	<p>The assessment must take the following into consideration:</p> <p>The natural environment and the existing uses of land in the vicinity.</p> <p>The services and infrastructure to meet demand and any proposed financial arrangements for infrastructure provision, and</p> <p>The impact of bulk, scale, built form and character on the vicinity.</p>	<p>There is no adverse impact on the natural environment or on the surrounding land uses with respect to bulk, scale, overlooking and shadowing. Cut and fill is proposed throughout the site to facilitate a suitable building platform and will result in dwellings sited lower than adjoining properties along the eastern boundary.</p> <p>The development has access to required services and infrastructure to facilitate the development.</p> <p>The low scale nature of the development is consistent with the surrounding dwellings in the immediate vicinity and does not adversely impact the existing residential</p>	Yes.

		development on adjoining lots or the existing development on site.	
Clause 30 Site analysis	Provision of a site analysis plan.	A suitable site analysis plan has been provided.	Yes.
Clause 31 Design of in-fill self-care housing	Consideration of the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i>	The proposal is considered to be generally consistent with the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> .	Yes.
Clause 32 Design of residential development	The development demonstrates adequate regard to the principles of Division 2 Clauses 33-39 – Design Principles.	Division 2 Clauses 33 - 39 are discussed below.	Yes.
Clause 33 Neighbourhood amenity and streetscape	The development should: (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and	The surrounding residential character is mainly low density detached dwellings. The proposed streetscape demonstrates the bulk, scale and density of the proposed development is appropriate and will not adversely impact the amenity of the locality and its residential streetscape character.	Yes.
	(c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development,	All dwellings are suitably located within the subject site, and due to the cut and fill across the site the development adjacent to the eastern boundary is below the residential level of the dwellings within Scarborough Close to ensure minimal adverse impact on adjoining dwellings within the development site and on adjoining lots. The development	Yes.

	<p>and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>is not prominent from the public domain given the site topography and the proposed cut and fill.</p> <p>The development has been designed so that there is no adverse impact on the adjoining dwellings, and an acceptable level of amenity for future occupants is achieved.</p> <p>The dwellings adjacent to the eastern boundary are set lower into the site, therefore not impacting the existing dwellings that are located within Sirius Circuit.</p> <p>The proposed landscape plan and the replacement planting is considered satisfactory.</p> <p>The tree removal is only proposed where necessary.</p> <p>Open space is proposed adjacent to the location of the riparian area.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
Clause 34 Visual and acoustic privacy	Consider visual and acoustic privacy of neighbours and residents.	The proposed development is not considered to raise significant privacy concerns due to ground level living areas and appropriate boundary fencing.	Yes.
Clause 35 Solar access and design for climate	Ensure adequate daylight to the main living areas and private open space of neighbours and residents.	The development will not impact on the solar access of existing dwellings noting the development is located at a lower level than the existing adjoining dwellings and are generally orientated	Yes.

		<p>east-west.</p> <p>Solar access diagrams have been provided for the typical dwellings within the development. The orientation of each single storey seniors living dwelling enables the minimum solar access to be achieved.</p>	
Clause 36 Stormwater	Control and minimise the disturbance and impacts of stormwater runoff.	A stormwater management plan has been provided that demonstrates the development meets the requirements of this clause.	Yes.
Clause 37 Crime prevention	Ensure property security for residents and visitors and encourage crime prevention.	<p>Each dwelling has windows overlooking the public domain to assist in active surveillance.</p> <p>The landscape design, street lighting and way finding enables active and passive surveillance ensuring a line of sight from each dwelling to the public domain.</p>	Yes.
Clause 38 Accessibility	Ensure safe pedestrian links to public transport services or local facilities provide pedestrians and motorists with convenient access and parking for residents and visitors.	The assessment of the development has demonstrated safe internal pedestrian links to the Lodges Road bus stop and provides convenient and ample parking throughout the site for residents and visitors.	Yes.
Clause 39 Waste management	Ensure the provision of appropriate facilities.	A waste management plan has been submitted supporting the application. Each dwelling will be provided with a putrescible waste and a recycling bin to maximise opportunities for recycling. Sufficient frontage space is available for both bins to be collected. Swept	Yes.

		<p>path diagrams have been provided indicating a 9.9m long service vehicle can maneuver throughout the site.</p> <p>It is noted two traffic bollards are in place to restrict traffic access to Angus Bristow Village, these will be removed during times of garbage collection (if required) and operated in accordance with the site management plan.</p>	
Clause 41 Standards for hostel and self-contained dwellings	<p>A self-contained dwelling is to comply with the standards specified in Schedule 3.</p> <p>Clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15-20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</p> <p>3 Security. Pathway lighting: must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.</p> <p>4 Letterboxes Letterboxes: must have wheelchair access, be lockable, and adjacent to the street entry.</p>	<p>The proposed development is for self-contained dwellings. As demonstrated below, the development complies with the relevant standards specified in Schedule 3.</p> <p>The application is made by a social housing provider being BaptistCare NSW. Accordingly, clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15-20 are not required to be satisfied.</p> <p>Pathway lighting can be designed to satisfy the minimum lux level. An appropriate condition (Condition 2.0(19)) of consent is recommended to ensure compliance with this requirement.</p> <p>All dwellings are provided with a letterbox adjacent to their driveway. A condition (Condition 2.0(19)) will require the</p>	<p>Yes</p> <p>Yes</p>

	<p>5 Private car accommodation must comply with the requirements for parking for persons with a disability set out in AS 2890, 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres.</p> <p>6 Accessible entry Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p> <p>21 Garbage A garbage storage area must be provided in an accessible location</p>	<p>letterbox be provided with a lock to ensure security.</p> <p>Each seniors dwelling has a 4m wide carport. No garages are proposed.</p> <p>All dwellings are provided with an at grade landing space adjacent to the entry doors. An appropriate condition (Condition 2.0(19)) of consent is recommended to ensure compliance with this requirement.</p> <p>There is no communal garbage storage area. Each dwelling is provided with a waste storage area. An appropriate condition (Condition 2.0(19)) of consent is recommended to ensure compliance with this requirement.</p>	<p>Yes</p> <p>Yes.</p> <p>Yes.</p>
<p>Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings</p>	<p>An application for self-contained dwellings must not be refused on any of the following grounds:</p> <p>(a) building height 8 metres or less in height,</p> <p>(b) density and scale floor space ratio is 0.5:1 or less,</p>	<p>The height of the development does not exceed 8m.</p> <p>The total floor space ratio of existing, proposed and future</p>	<p>Yes.</p> <p>Yes.</p>

		self-contained dwellings is 0.31:1 across the site. Total existing, proposed and future buildings = 0.44:1	
	(c) landscaped area minimum 35 square metres per dwelling.	Each seniors living dwelling will be provided with approximately 40m ² of landscaped area.	Yes.
	(d) Deep soil zones 15% of the site and sufficient depth to support the growth of trees and shrubs.	Four pocket parks provide 10,000m ² deep soil zone for all residents onsite, and a minimum total 5500m ² deep soil is provided within all dwellings private open space and is capable of supporting tree and shrub growth. Total 15,500m ² (16%)	Yes.
	(e) Living rooms and private open spaces for a minimum of 70% of the dwellings to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The solar access diagrams have been provided for the typical dwellings within the development. The orientation of each single storey seniors living dwelling enables the minimum solar access to be achieved.	Yes.
	(f) private open space not less than 15 square metres per dwelling min. 3x3m.	Each dwelling has access to an area no less than 15m ² at ground level with a minimum dimension of 3m.	Yes.
	(h) 1 car space to be provided for each 5 dwellings.	Each self-contained dwelling is provided with at least 1 space exceeding the minimum requirement of the SEPP.	Yes.

The proposal satisfies the standards contained in SEPP (Housing for Seniors or People with a disability) 2004 and is recommended for approval subject to conditions.

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.

A contamination assessment and Remediation Action Plan were provided and reviewed by Council's Environmental Health Officer. No issue was raised subject to suitable conditions being imposed that remediation and validation is undertaken prior to Construction Certificate.

The site, once remediation is completed, will be "fit for purpose" for residential development.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the development.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. Conditions of consent have been provided by Endeavour Energy and imposed accordingly.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as access is not proposed to a road with a traffic volume over 40,000 vehicles.

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

The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal. A condition is recommended to ensure such commitments are fulfilled during the construction of the development.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)

The proposed development includes the removal of native vegetation.

The proposed tree removal was reviewed by Council's Landscape Officer and is considered to satisfy the aims of the SEPP subject to conditions of consent requiring replacement plantings.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R1 General Residential under the provisions of the Camden Local Environmental Plan. The proposed development is defined as "Seniors Housing, Group homes and subdivision" which are all permissible land uses with development consent in the 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 provide for the housing needs of the local ageing population and people in need of housing assistance.

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

Officer comment:

The proposed single storey and two storey dwelling/group homes contribute to the variety of housing types throughout the Elderslie area.

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

Officer comment:

The proposed seniors dwellings and group homes provide support and services to meet the needs of the local ageing and disadvantaged residents

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

Officer comment:

The proposed centre is available for use by all new residents of the development and will contribute to educational, recreational and community activities within the site. The proposed pocket parks will also contribute to the recreational activities within the site.

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

Officer comment:

The proposed Group Homes and Seniors housing are permissible in the R1 General Residential zone with development consent. The proposal will have no adverse impact on adjoining land uses.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP, no variations are proposed.

Clause	Requirement	Provided	Compliance
2.3 Land Use Table	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone	The proposal is for Seniors Housing, Group Homes and subdivision in the R1 General Residential zone. The proposed works are consistent with the objectives of the zone.	Yes.
2.6 Subdivision — consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Community Title subdivision is proposed as part of this application. No part of this development is to be dedicated to Council and will remain in private ownership. The public road is not supported; this will be now part of the community title scheme as there is no through access permitted from Bowerman Road to Sirius Circuit.	Yes.
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition works are proposed. Appropriate conditions to control the work have been imposed.	Yes.
4.3 Height of Buildings	Maximum 9.5m height Maximum 6.5m along Scarborough Close boundary	Single storey villas are a maximum 5.165m in height. Two storey townhouses are a maximum 7.92m in height. A 2 storey townhouse is located along the Scarborough Close boundary having a maximum height 6.5m (height is measured from existing natural ground level to highest point), due to the site excavation to achieve a level building platform.	Yes. Yes.
6.2 Public utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer, which can be extended to	Yes.

		service the new development.	
6.3 Development control plan	To ensure development in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan has been prepared.	Camden Council Development Control Plan 2011 was made under Section 74C of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000; was adopted by Council on 8 February 2011 and came into force 16 February 2011. The DCP addresses all matters subject to this clause.	Yes.
7.2 Airspace operations	Camden Airport must be consulted if development penetrates the levels on the OLS map.	The site is subject to the OLS map. The proposed site levels are not within 5m of the OLS levels, with the highest point of the site being 112.5AHD, therefore consultation is not required. Future residential development can be accommodated below the OLS level.	Yes
7.4 Earthworks	To ensure that earthworks will not have a detrimental impact on environment or the surrounding land.	Proposed earthworks will not have a detrimental impact on the local environment or the surrounding land.	Yes.

(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 are no draft Environmental Planning Instruments 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.

Clause	Requirement	Provided	Compliance
A2.3 Advertising	Council will advertise	The application has been	Yes.

Clause	Requirement	Provided	Compliance
of applications	development classed as Nominated Integrated for 30 days.	advertised and notified in accordance with the DCP as discussed previously. A total of 44 submissions have been received from 27 households objecting to the proposal.	
B1.1 Sediment and Erosion control	Erosion and sediment control measures	Appropriate erosion and sedimentation measures have been provided.	Yes.
B1.2 Earthworks	Minimise disturbance to existing landforms, costly earthworks and to protect existing and proposed development from becoming unstable.	A balance of cut and fill is required over the majority of the site to reduce the undulating nature of the land and provide appropriate grades for roads, footpaths and drainage. A contamination assessment and Remediation Action Plan were provided and reviewed by Council's Environmental Health Officer in accordance with State Environmental Planning Policy No 55 – Remediation of Land. A condition is recommended that only clean fill material (VENM) is imported. Appropriate drainage, soil and water management and landscaping plans have been provided. Conditions relating to fill management are recommended.	Yes.
B1.3 Salinity measures	Salinity resistant construction	Conditions have been imposed to ensure the development is undertaken having regard to salinity affectations.	Yes.
B1.4 Water Management	Ensure compliance with Council's Engineering Specifications	Conditions have been imposed to ensure compliance with Council's engineering specifications.	Yes.

Clause	Requirement	Provided	Compliance
B1.5 Trees and Vegetation	Provide criteria for permitting removal and appropriate ongoing management of prescribed trees and vegetation.	24 trees are proposed to be removed which are mainly eucalypts located in two groups to the south-east and north-west of the development area. Removal is required as they are located within the proposed building footprint. Council's Landscape Officer has reviewed the proposal and raises no issue with the tree removal subject to conditions of consent including replacement planting throughout the site.	Yes.
B1.6 Environmentally Sensitive Land	To address impacts to vegetation, habitats and threatened species.	It is noted tree removal is required to facilitate development within the site. Council's Landscape Officer has reviewed the proposal and raises no issue with the tree removal subject to conditions of consent including replacement planting throughout the site.	Yes.
B1.7 Riparian Corridors	Development must not impact any riparian corridors.	The DA was referred to DPI - Water for comment given the location of a watercourse within the site. DPI – Water, confirmed a Controlled Activity Approval is required for this DA. General Terms of Approval have been referenced as a condition.	Yes.
B1.8 Environmental and Declared Noxious weeds	Subdivision developments to include noxious weed control and management.	A standard noxious weed management condition is recommended.	Yes
B1.9 Waste minimisation and	Waste management plan	A waste management plan has been provided and considered acceptable.	Yes.

Clause	Requirement	Provided	Compliance
management			
B1.12 Contaminated and potentially contaminated land management	Appropriate site assessment is required to determine whether remediation is required or if the site is suitable for its intended use.	A contamination assessment and Remediation Action Plan were provided and reviewed by Council's Environmental Health Officer. No issue was raised subject to suitable conditions.	Yes.
B1.13 Mine Subsidence	Application requires the approval of the Mine Subsidence Board prior to submission of a development application to Council.	The application was referred to the Subsidence Advisory NSW for comment and advised that 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie no longer fall within a Mine Subsidence District and therefore Subsidence Advisory NSW will not need to assess or comment on the proposed development.	Yes.
B1.15 Development near Camden Airport	Development must not exceed the OLS height limit.	The proposed development will be beneath the OLS height limit.	Yes
B1.16 Acoustic amenity	Compliance with Council's Environmental Noise Policy	An acoustic report has been submitted with the DA having regard to noise impacts associated with the proposal. Noise generation will be within acceptable limits and is supported by Council's Environmental Health Officer subject to conditions relating to dwelling construction materials and boundary fencing between unit 102 and 111 (parallel to the Bypass).	Yes.
B2 Landscape design	A landscape plan is required	An appropriate landscape plan has been provided.	Yes.
B5 Access and parking	Group Homes - 1 car parking space per full time equivalent staff member - 5 spaces required.	A maximum 5 staff are proposed on site at any one time. 5 staff and 16 visitor spaces are provided within the site.	Yes.

Clause	Requirement	Provided	Compliance
	<p>Parking rate for residents to be assessed on the merits of the application.</p> <p>Seniors Housing Self-Contained Dwelling - 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.</p>	<p>Each dwelling (group home) is provided with one car space within the front setback which is supported by Council's Traffic Engineer and is consistent with the standard dwelling parking rate.</p> <p>Each dwelling (seniors housing) is provided with one car space within the front setback. Each senior's dwelling is provided with a carport 4.06m wide.</p> <p>While visitor parking is not strictly required by the DCP, it is considered temporary off-street car parking for 10 vehicles, including one accessible space, can be provided opposite dwellings No.97, No.98 and No.99. This additional parking will ensure visitor parking is accessible across the whole site until such time as construction begins on the future Residential Aged Care Facility. A condition (Condition 2.0(19)) of consent is imposed as such.</p>	<p>Yes.</p>
C5.1 Neighbourhood Amenity and Subdivision Design	<p>Neighbourhoods shall be designed with a high level of pedestrian connectivity between residential areas and public open space areas, public transport nodes, education and community/recreation facilities and commercial and retail centres.</p> <p>The subdivision layout is to create a legible</p>	<p>The proposal provides a high level of pedestrian connectivity for residents compliant with the required accessible grades. The street network has been designed to enable all age groups and disability levels to move within the site.</p> <p>Community Title is proposed and the</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provided	Compliance
	and permeable street hierarchy that responds to the natural features of the land, including the topography of the site, watercourses and existing significant trees and vegetation communities.	subdivision and road layout are considered to respond to the site topography (east-west fall) which is consistent with the Elderslie Street Hierarchy Plan in that private 'local' roads are proposed.	
	Street blocks are to be generally a maximum of 250m long x 70m wide where the layout is grid formation.	Maximum street block is 150m in length and 50m in width.	Yes.
	Lot orientation and configuration either north-south or east-west.	Centrally located dwellings are generally orientated east-west and dwellings at the southern end are generally orientated northeast-southwest due to boundary shape and the Camden Bypass.	Yes.
	Residential lots must generally be rectangular, minimise battle-axe lots.	All dwellings are sited on generally rectangular lots.	Yes.
	Easements for utility services are to be incorporated in public road reserves wherever possible, and where the infrastructure is located in private lots, appropriate easements must be created over the land.	Conditions of consent have been provided by Endeavour Energy and imposed accordingly.	Yes.
C5.2 Street Network and Design	The street network shall be designed generally in accordance with the indicative master plan that applies to each urban release area.	The proposed street network is not strictly in accordance with the Elderslie Master Plan.	No. DCP Variation 1.
C5.3 Pedestrian and Cycle Network	1. Unless otherwise stated, all pedestrian and cycleway routes and facilities are to be consistent with the following:	The masterplan shows an off road pedestrian /cycle path connecting Vicary Avenue to Sirius Circuit. This connection is not proposed as part	No. DCP Variation 2.

Clause	Requirement	Provided	Compliance
	<p>(a) the Indicative pedestrian and cycle network plan applying to each urban release area.</p> <p>2. are to be safe, well lit, clearly defined, functional and accessible to all.</p> <p>3. designed as a network which allows pedestrian or cycle travel throughout the entire locality.</p>	of this proposal.	
C5.7 Provision of Adequate Infrastructure and Facilities	<p>Adequate local infrastructure and facilities must include, but is not limited to, provision of:</p> <p>(a) traffic and transport management facilities;</p> <p>(b) water cycle management facilities, including drainage and water quality treatment;</p> <p>(c) open space and recreation facilities; and</p> <p>(d) community facilities.</p>	Satisfactory infrastructure and facilities are proposed in the form of roads, drainage and water quality treatment, open space and recreation facilities which include a community centre.	Yes.
C6.1 Elderslie Release Area	<p>The residential dwelling target for Elderslie is 1978 dwellings.</p> <p>Area 3 = 1142 dwelling minimum, min lot size 450m², public roads.</p> <p>Single storey dwellings along south-eastern boundary.</p>	<p>This application does not include residential subdivision or public roads as identified in the Elderslie Master Plan.</p> <p>Two attached two storey dwelling (2 x group home) are proposed within the location annotated single storey.</p>	No. DCP Variation 1.
C6.2 Neighbourhood and Subdivision Design	<p>3. At subdivision/development stage, noise attenuation measures need to be developed for sites adjacent Camden Bypass.</p> <p>4. The master plan</p>	<p>Noise attenuation measures have been provided and appropriate conditions of consent are recommended.</p> <p>The proposal protects</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provided	Compliance
	<p>aims to protect significant views, and these corridors shall be protected in any subdivision application. Details such as fences, walls and tree plantings shall also respect these corridors.</p> <p>6. In order to reinforce and enhance the identity of the area, mature vegetation must be preserved where possible and integrated into the new landscape in accordance with Figure C13.</p>	<p>views due to the low scale development and amount of cut proposed along the eastern boundary.</p> <p>The proposed tree removal was reviewed by Council's Landscape Officer and is considered to satisfy the aims of the SEPP subject to conditions of consent requiring replacement plantings.</p>	<p>Yes.</p>
C6.3 Street Network and Design	The following figures (C14 and C14.1 – C14.7) illustrate various street types and details which must be used throughout the design and construction phase.	The application does not propose public local roads as per the masterplan. A minimum 6m wide private road is proposed.	No. DCP Variation 1.
C6.4 Pedestrian and Cycle Network	Comply with Elderslie pedestrian and cycle network map (Pedestrian (n-s) and cycle (e-w) path runs through the site)	The masterplan shows an off road pedestrian /cycle path connecting Vicary Avenue to Sirius Circuit. This connection does not form part of this proposal.	No. DCP Variation 2.
D2.2.3 Multi Dwelling Housing and Attached Dwellings (group homes only)	<p>4. The maximum site coverage for multi dwelling housing and attached dwellings is 50%.</p> <p>5. in keeping with the character of the area</p> <p>6. compatible with the streetscape and designed to face and address internal private access roads/driveways.</p>	<p>The total coverage proposed under the masterplan is approximately 23% of the site.</p> <p>The dwellings are contemporary in design and typical of recently completed dwellings within the Camden Local Government Area. No dwellings (for construction) are proposed to front any existing public street and as they are cut into the development site will have limited visibility from the public domain.</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provided	Compliance
Group Homes	8. create an appearance of a single or grouped dwellings that are separated by gardens and ancillary structures,	Each semi-detached dwelling is separated by gardens.	Yes.
	9. avoid repeating designs used in other developments.	The proposed designs do not replicate other developments as no other developments of this type are located nearby.	Yes.
	10. clear differentiation between private areas and communal open space and car parking.	Differentiation between private areas, communal open space and car parking is provided.	Yes.
	11. provide a minimum of 12m between front facades	In excess of 12m between front facades.	Yes.
	12. clearly identify each unit, its entrance, visitor carparking.	Each dwelling has a clearly identifiable entrance and parking space.	Yes.
	13. (a) minimise vehicular and pedestrian entry and exit points;	One vehicular access point proposed from Bowerman Road with a later connection from Vicary when the road is extended.	Yes.
	(b) provide a defined and well-lit pedestrian 'safe route'.	Street lighting and pedestrian pathways are proposed.	Yes.
	(c) consider site accessibility to people in wheelchairs and with lesser mobility.	The proposal satisfies site accessibility requirements in accordance with AS1428.	Yes.
	14. 1 car parking space per full time equivalent staff member.	A maximum 5 staff are proposed on site at any one time. 5 staff and 16 visitor spaces are available within the site.	Yes.
	Parking rate for residents to be	Each dwelling (group home) is provided with	Yes

Clause	Requirement	Provided	Compliance
Seniors Housing Self-Contained Dwelling	assessed on the merits of the application.	one car space within the front setback which is supported by Council's Traffic Engineer and is consistent with the standard dwelling parking rate.	
	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.	Each dwelling (seniors housing) is provided with one car space within the front setback. Each senior's dwelling is provided with a carport 4.06m wide.	Yes.
	15. Communal visitor and/or resident's parking areas located within view of residents.	Parking areas are readily viewable by residents and are appropriately signposted and a condition imposed.	Yes.
	16. Traffic calming measures for safer vehicle and pedestrian environment.	Roads are limited to 20km/hr.	Yes.
	17. Driveways, maneuvering areas, parking areas and garages are to be located away from bedrooms.	Bedrooms are suitably located at the rear of the dwellings away from vehicle parking.	Yes.
	18. Each dwelling shall be provided with a separate secure storage space of 8m ³ .	Each dwelling has compliant storage.	Yes.
	19. Private open space in accordance with subsection D2.1.5 of this DCP.	All dwellings provide required private open space.	Yes.
	20. landscaping in accordance with subsection D2.1.5 and dedicated communal open space.	Four pocket parks are provided for all residents.	Yes.
	21. Landscaping shall take into account probable day and night use by residents,	All landscaping is considered appropriate for the development.	Yes.

Clause	Requirement	Provided	Compliance
	seating, shade and allows surveillance by residents ie the plants are either high (canopy trees) or low (ground covers).		
	22. dark fencing and permeable to maximise passive surveillance of the area.	Internal fencing to be 1.8m high paling behind the front building line. The applicant advises a 1.8m high Colorbond boundary fence is proposed, however it is considered a 1.8m high lapped and capped timber fence is more appropriate and a condition (Condition 2.0(19)) of consent is recommended as such.	Yes.
	23. Communal open space landscaping shall be designed to minimise water usage and maintenance requirements.	The application was reviewed by Council's Landscape Officer and is considered to satisfy subject to conditions of consent.	Yes.
	24. Communal open space should be provided in locations which help to retain existing trees wherever possible.	Communal open space is appropriately located. Existing trees have been retained where possible.	Yes.
	25. The proposed development should be designed to comply with Council's 'Safer By Design' Guidelines.	The proposal is considered to provide safety and security to residents and visitors.	Yes.

DCP Variation 1 – Sections C5.2 Street Network and Design Controls, C6.1 Elderslie Release Area and C6.3 Street Network and Design

Sections C5.2 Street Network and Design Controls, C6.1 Elderslie Release Area and C6.3 Street Network and Design relate to the following Elderslie Master Plan requirements:

- The street network shall be designed generally in accordance with the indicative master plan;
- The residential dwelling target for Elderslie is 1978 dwellings, subject site is part of 'Area 3' = 1142 dwelling minimum;

- Average lot size 525m² (450m² minimum) for Torrens title dwelling lots; [this development is proposing Community Title Subdivision not Torrens which was envisaged by the requirement];
- Public local roads [this development proposes private roads within a Community Title Scheme];
- Single storey dwelling along south - eastern boundary; and
- Figures C14 and C14.1 – C14.7 illustrate various street types and details which must be used throughout the design and construction phase.

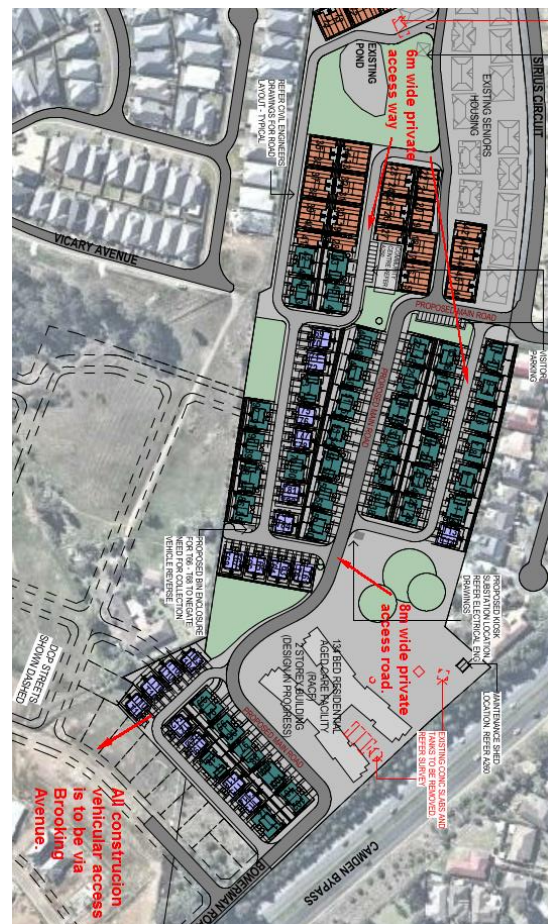
The Elderslie urban release area master plan envisaged the subject site to be single residential lots, with an average lot size of 525m², contributing to at least 1142 dwellings within 'Area 3'.

The road layout indicates two public local access roads running north-south connecting at Vicary Avenue and Bowerman Road to facilitate three areas for future subdivision and residential dwellings.

Below is the master plan road layout indicating two public local roads running north-south and three lots for future subdivision and the construction of residential dwellings.



Elderslie Master Plan.



Proposed Layout

Variation Request

Masterplan Requirement	Proposed variation
<p>The road layout indicates two public 7.2m wide local access roads running north-south to facilitate three areas for future subdivision and residential dwellings.</p> <p>Vehicular access is via Vicary Avenue and Bowerman Road.</p>	<p>The applicant proposes a combination of an 8m wide centrally located private road (running north-south) with a connection to Bowerman Road (Sirius Circuit is gated for emergency access only), and 6m wide secondary access ways leading off the private road. (see diagram below)</p> <p>In addition the site has been designed to facilitate a future connection to Vicary Avenue.</p> <p>Proposed vehicular site access:</p> <ul style="list-style-type: none"> - Bowerman Road is the primary site access; - A connection to Sirius Circuit; with restricted access for emergency vehicles (maximum of 9.0m in length); and - Provide for a future road connection to Vicary Avenue.
<p>The residential dwelling target for Elderslie is 1978 dwellings.</p> <p>The site is located in Area 3 with a target of 1142 dwellings with an average lot size 525m² (450m² minimum)</p> <p>Area 3: Dwelling House (15 - 18m Wide Lot) (450-540m²)</p>	<p>The site is proposed to include 84 seniors housing dwellings, 38 affordable rental housing dwellings (group homes) along with concept approval for the location of a 128 room (134 bed) residential aged care facility and location of 46 retirement villas. Community Title subdivision is also proposed.</p> <p>No Torrens title lots are proposed, the existing Angus Bristow Village and the proposed dwellings/villas proposed under Stages 1 and 2 equate to 216 dwellings.</p> <p>Angus Bristow – 48 (existing) Stage 1 – 122 (proposed) Stage 2 – 46 (concept location only)</p> <p>(The Residential Aged Care Facility has not been included in this as it is not a residential development form).</p>
<p>The street network indicates public local access roads, being 7.2m wide.</p> <p>Figures C14 and C14.1 – C14.7 illustrate various street types and details which must be used throughout the design and construction phase.</p>	<p>The application does not propose public roads given the application is seeking community title subdivision, however 6m wide secondary access ways leading off the central 8m wide private road are proposed, which are not consistent with Figure C14.3.</p>
<p>Single storey dwelling along south-eastern boundary.</p>	<p>Two storey dwellings are proposed along south-eastern boundary.</p>

Council Staff Assessment

Street Network -

The applicant has stated they have been unable to design a development that can fully comply with the Elderslie urban release area master plan due to the master plan not having regard to the constraints of the site in terms of topography, contamination (which will require remediation), drainage and the development requiring the site to be accessible for seniors and persons with a disability. The site is presently undulating with considerable slope, which will require cut and fill to meet the accessible requirements under State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004 for pedestrian access to be in the gradient range of 1:8 to 1:14 dependent on the distance to be travelled in accordance with AS1428.

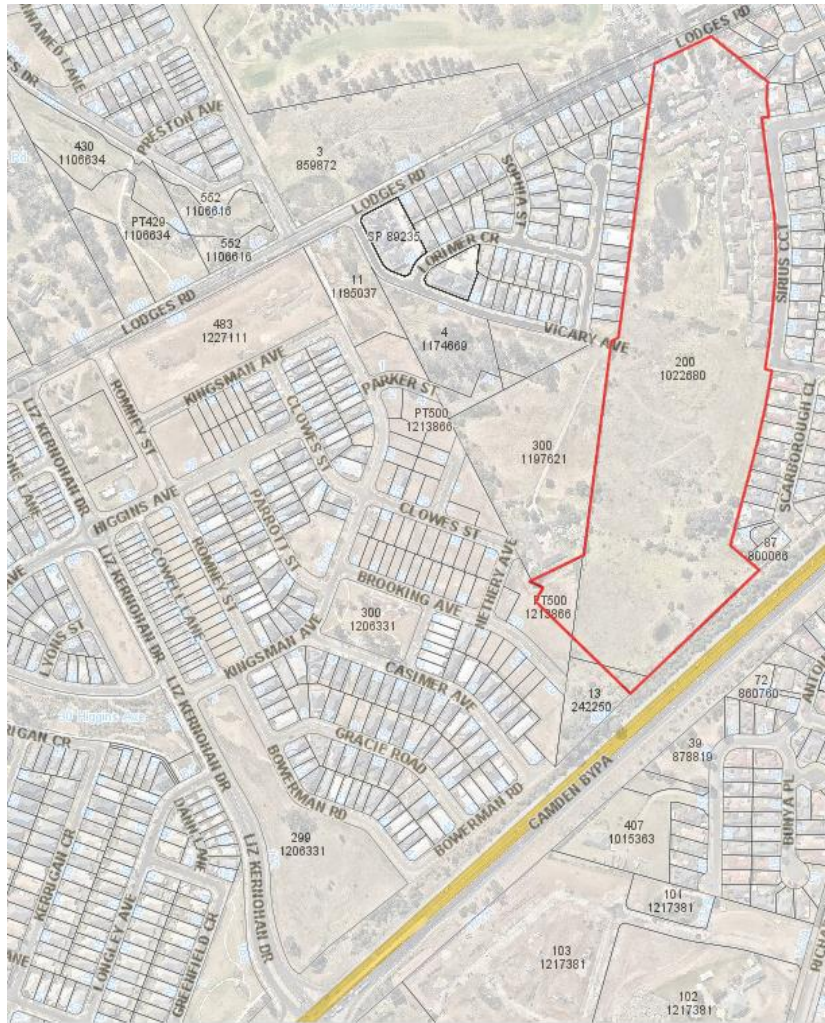
To address concerns raised by residents in Sirius Circuit, the proposal was amended to restrict access. Council's Traffic Officer did not accept a through road connection from Bowerman Avenue to Sirius Circuit, however accepts a restricted emergency vehicle only access to Sirius Circuit which will be facilitated through the use of a locked gate with key access supported by an onsite management plan for the operation of the site.

An Emergency Plan of Management has been included in the Operational Plan of Management detailing how access to the gate by Police, Fire or Ambulance services will be managed by the onsite management team in the event of an emergency. It is considered this gate will ensure no additional vehicles, in the form of private and construction, will access Sirius Circuit, maintaining the existing amenity of the area.

To address concerns by the occupants of Angus Bristow Village traffic management devices in the form of two removable bollards have been conditioned to restrict vehicular traffic between the Angus Bristow Village and the new development, being located within the road between future seniors living dwelling 41 and proposed seniors living dwelling 42 and future seniors living dwellings 46 and 15. The bollards will be removable only during times of garbage collection (if required) or in an emergency and operated in accordance with the site management plan.

Council's Traffic Officer in the interim does not raise issue with a single vehicular site access point from Bowerman Road, given there will, in the future, be a road connection from the western side of the site into Vicary Avenue which will complete the road network in this precinct.

Council's Traffic Engineer raises no issue with site access, subject to the application demonstrating there is an ability to connect this development into Vicary Avenue, as the development will be completed in stages which will incrementally increase local traffic and burden of construction vehicles on the street network, and the future connection will enable the sharing of access to the development. The diagram below indicates the south-western local road network that will provide access to the site from Bowerman Road.



Existing road network

Further to vehicular movement, Council's Traffic Engineer requires all construction vehicle access is to be via Brooking Avenue (located at the south-western corner of the site) and egress via Bowerman Road (once completed). Brooking Avenue shall be used until this time as per condition 3.0(16) imposed on the consent.

The completed Vicary Avenue road connection will ensure compliance with the current Elderslie urban release area master plan.

Residential Density and Road Widths -

It is acknowledged the intent of the Elderslie urban release area master plan was for part of the site (the southern portion) which is owned by BaptistCare to be individual titles based on the street network being two public 7.2m wide local access roads running north-south to provide three individual lots for subdivision and the site being part of Area 3 identified for up to 1142 dwelling houses on lots 15m - 18m wide Lots ranging from 450-540m².

With BaptistCare owning the site, Torrens title subdivision is not within the model for providing housing for seniors, aged care and care for vulnerable persons within this site.

The Masterplan envisaged dwelling density for the subject site being part of 'Area 3' with a target of 1142 individual Torrens Title lots with an average lot size 525m² (450m² minimum).

While no Torrens title lots are proposed the existing Angus Bristow Village and the proposed dwellings/villas under Stages 1 and 2 will yield a total 216 dwellings and will be subject to Community Title subdivision. The 216 dwellings whilst resulting in a higher density than that envisaged the development has a residential form that is reflective of a residential development in the locality.

As this private development is a permissible land use under the LEP, and its density is enabled by the applicable SEPP's providing housing for aged and vulnerable persons, it is considered the built outcomes of the attached 84 single storey and 38 two storey dwellings in a landscaped garden and residential setting is not out of character with the development form in immediate vicinity of the site. The dwellings are contemporary in design and typical of recently completed dwellings within the Camden Local Government Area. It is further acknowledged the proposal will contribute to the 1142 dwelling target as envisaged in 'Area 3' outlined in the masterplan and the proposed built form variation of the density satisfies the Camden Local Environmental Plan 2010 zone objective *To provide for a variety of housing types and densities* of the R1 General Residential zone.

The 8m and 6m wide private access roads throughout the development are adequate from a traffic perspective given it is internal within a community title development and ensures safe vehicular and pedestrian movement. In addition the application has proposed a carparking space for each of the dwelling provided, together with parking for the staff and visitors. Swept path diagrams have been provided indicating a 9.9m long service vehicle can maneuver throughout the site. It is noted the two traffic bollards will be removed during garbage collection if required. The proposed 6m wide private internal roads are consistent with the existing access ways within the Angus Bristow Village and the 8m wide central carriageway is consistent with the recently approved extension of Bowerman Road, which is to be constructed by AV Jennings and the internal road is to connect into.



Location of 6m and 8m wide private roads.

Dwelling height -

The Elderslie Master Plan includes an annotation along the south-eastern boundary (parallel to Scarborough Close) nominating single storey only; this was to protect the

outlook from the dwellings in Scarborough Close. The proposal however includes two attached two storey group homes in this area adjacent to 15 Scarborough Close.

Consideration has been given to the impact of the 2 storey form on the adjacent residential development. The development site is being cut along this boundary in order to facilitate a development that meets the grades required under the SEPP's and satisfy the access criteria of AS1428. As a result, the form presenting to the residential lots reads as a single storey form which meets the intention of the single storey form nominated in the Masterplan and is therefore considered supportable.

In addition the Camden LEP 2010 states a maximum of 6.5m building height along the Scarborough Close boundary. Building height is measured from the highest point to existing natural ground level; given the cut, the group home will be lower than the 6.5m permitted from the natural ground level of the site.

The proposed ridgeline of the 2 storey dwelling will be at a similar level to that of a single storey dwelling built on the existing natural ground level. Boundary fencing above a tiered retaining wall (wall wholly within the subject development site, therefore not impacting the adjoining lots along Scarborough Close) will maintain residential amenity for the adjoining properties, the fencing is recommended to be a 1.8m high lapped and capped timber fence.

The proposed variations discussed above are considered supportable as the Elderslie Master Plan states variations to the master plan may be considered if the principles set out in the Development Control Plan (DCP) are complied with.

The proposal as assessed above satisfies the relevant Elderslie Planning Principles as nominated in the DCP as follows:

1. Development will consist of a variety of single and two storey housing forms, in a landscaped garden and natural setting. The dwellings are contemporary in design and typical of recently completed dwellings within the Camden Local Government Area.
2. The development will contribute to the integration of the Elderslie suburban area into the existing Elderslie and Narellan communities as it provides suitable low level road and pedestrian links in the form of proposed new private internal roads having connections to the public roads Bowerman Road and Vicary Avenue (once the adjoining property is developed). In addition, the site is located close to public transport, local commercial, educational facilities and open space corridors.

The subdivision pattern, although not strictly in accordance with that envisaged by the masterplan, is generally consistent in terms of orientation and it is noted the yield of the 168 proposed and concept dwellings together with the existing 48 within the Angus Bristow Village contribute to the 1142 dwelling target for the area.

3. The development will be serviced by current regular public transport services.
4. Not applicable.
5. The alignment of Lodges Road remains unchanged.

6. Visually and ecologically significant vegetated areas are included in the open space network such as pocket park No. 2 which is a continuation of the adjoining riparian area.
7. District views and view corridors between historic items and culturally significant places have been preserved through the proposal of low scale single and two storey dwellings.
8. Stormwater management is ecologically sustainable by using local control measures and is supported by Council's Development Engineer subject to conditions of consent.

As such, the variations to the Elderslie Master Plan identified in *C5.2 Street Network and Design Controls*, *C6.1 Elderslie Release Area* and *C6.3 Street Network and Design* are considered worthy of support as they will not undermine the objectives of the controls.

DCP Variation 2 - C5.3 Pedestrian and Cycle Network and C6.4 Pedestrian and Cycle Network

Sections *C5.3 Pedestrian and Cycle Network* and *C6.4 Pedestrian and Cycle Network* relate to an off road pedestrian/cycle path connecting Vicary Avenue to Sirius Circuit as seen below:

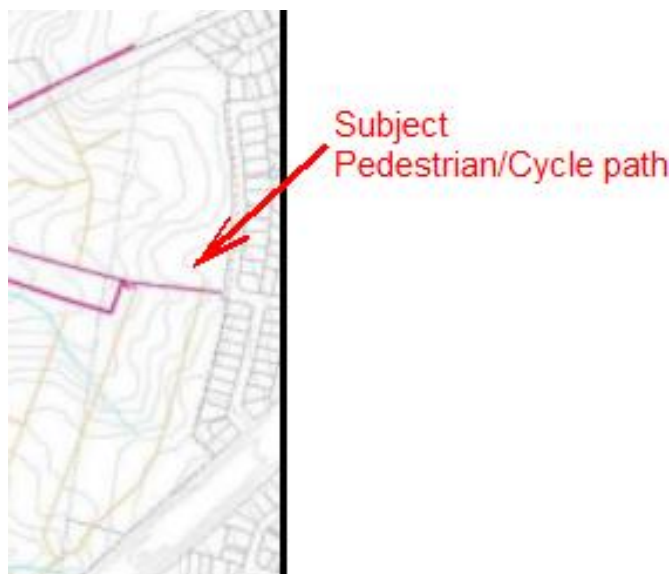


Figure C15 Elderslie Pedestrian / Cycle Network

Variation Request

The applicant has not proposed the off road pedestrian/cycle path connecting Vicary Avenue to Sirius Circuit as identified in the Elderslie Master Plan.

Council Staff Assessment

The Elderslie Master Plan identifies a shared path running east-west through the property between Vicary Avenue and Sirius Circuit, as part of the wider residential subdivision of the Elderslie Urban Release Area. This path is envisaged as an

extension of Vicary Avenue to the west, through the subject site to Sirius Circuit; however a vehicular connection to Sirius Circuit is not identified in the DCP.

Consideration has been given to this indicative shared path connection in the context of the current development proposal with an internal private road network. As noted in previous comments the applicant has stated they have been unable to design a development that can fully comply with the Elderslie urban release area master plan due to the master plan not having regard to the constraints of the site in terms of slope, contamination (which will require remediation), drainage and the development requiring the site to be accessible for seniors and persons with a disability.

In this instance the expansion of the retirement village as a private development, slope of the site and proposed internal private road network does not result in a suitable gradient or area for the provision of a public off road pedestrian/cycle path. In addition the cycle pathway does not continue beyond this site as there is no cycleway in Sirius Circuit.

An existing east - west shared path is located along the northern side of Lodges Road. This existing path is considered to fulfill the intention of the identified pathway by connecting Elderslie Public School, Elderslie High School, areas of open space and onward eastward connecting to Narellan Town Centre.

The envisaged eastern connection with Sirius Circuit does not connect to any existing off-road pathway within this residential pocket and no significant destinations have been identified that would justify the through connection, noting the existing pedestrian and cycle path along Lodges Road to Narellan. The variation is supported in this regard.

(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 Regulation prescribes several matters that are addressed in the conditions contained in this report.

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

As demonstrated by the above assessment, the proposed development is unlikely to have a significant adverse 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 following advertising and notification took place:

- DA/2017/176/1 was originally notified to surrounding properties and advertised in the local paper for a 30 day period between 29 March 2017 and 27 April 2017 and re-notified to surrounding properties for a 14 day period between 27 October 2017 and 9 November 2017.
- DA/2017/451/1 (now included in subject application) was originally notified to surrounding properties and advertised in the local press for a 30 day period between 10 May 2017 and 8 June 2017 and re-notified to surrounding properties for a 14 day period between 26 October 2017 and 8 November 2017.

As a result of the community consultation associated with DA/2017/176 and the inclusion of works proposed under DA/2017/451/1, the plans were amended and re-advertised in the local paper and notified to surrounding properties for a 30 day period between 13 December 2017 and 12 January 2018.

A total of 44 submissions have been received from 27 households objecting to the proposal.

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

1. *Concern is raised the proposed vehicular access to Sirius Circuit will result in adverse impacts including increased traffic, noise, pollution, pedestrian safety, parking and loss of residential amenity.*

Officer comment:

Since the submission was received, the applicant has amended the proposal to restrict general vehicular access to Sirius Circuit by installing a gate which is to be locked. The gate will only be accessed by emergency vehicles having a maximum length of 9.0m. This proposed amendment was included in the notification period of 27 October 2017 – 9 November 2017. The service vehicles that were being sought by the applicant are not supported as this was not anticipated by the indicative layout plan. Conditions have been recommended to restrict the access through this location to emergency vehicles only. It is noted emergency vehicles and all service vehicles will have unrestricted access from Bowerman Road. It is considered this gate will ensure no additional vehicles, both private and construction, will access Sirius Circuit, maintaining the existing amenity of the area. The applicant has been informed of this requirement which is recommended as condition 6.0(8) of consent. In addition to this the annotation of the roadway was a public road on plan; this has also been conditioned to be a private road and part of the community title scheme.

2. *It is suggested Lodges Road be the only proposed vehicular access.*

Officer comment:

The existing shared vehicular/pedestrian road network servicing the existing Angus Bristow Village is unsuitable for general vehicular use as it is considered too narrow for the proposed additional development. The applicant has also advised the Angus Bristow Village will operate independently of the proposed development with no vehicle access provided between the two developments, as a result Lodges Road cannot be considered an access point for the proposed development.

Access to this development will be via the Bowerman Road connection (the applicant has received consent from the adjoining land owners AV Jennings to traverse their site for construction vehicles until such times as Bowerman Road is completed and the land transfer completed) and the future connection to Vicary Avenue when the road is extended, which is consistent with the Elderslie Indicative Layout Plan.

3. *Concern is raised by existing residents of the Angus Bristow Village over impacts from vehicular access through the Village to Lodges Road and the new development should be separate from the existing village.*

Officer comment:

The applicant has confirmed the existing Village will operate independently of the new development and advised vehicular movements throughout the site will be subject to restrictions included in leasing contracts.

Condition 1.0(16) has also been imposed that road bollards be installed within the road between future seniors living dwelling 41 and proposed seniors living dwelling 42 and future seniors living dwellings 46 and 15 (as marked in red on the stamped site plan) to restrict potential vehicular access between the new and existing retirement village and through the site to and from Lodges Road. The bollards will be removable only during times of garbage collection (if required) or when emergency vehicles are required to attend the site and will be operated in accordance with the site management plan.

4. *Concern is raised over the non-compliance with the Elderslie Master Plan road pattern and impacts on future development of adjoining properties. This submission also provided future development options and requested comment.*

Officer comment:

Vehicular access to the site (with the exception of emergency access) will be from Bowerman Road. The plans have also included a location for a future connection of this site when the extension of Vicary Avenue is affected. This development will not result in an adverse impact on the adjoining allotments and their ability to develop in accordance with the Elderslie Master Plan and the adopted ILP.

The submitter was advised the development option issue is better suited to a pre-development application discussion, which has been acknowledged through email correspondence.

5. *It is suggested that affordable housing is not required in the area and the proposed dwellings are out of character of surrounding dwellings*

Officer comment:

Group homes are a permissible form of development in the R1 zone as prescribed by Council's Local Environmental Plan 2010, this zone is also a prescribed zone as referenced in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

In addition the applicant has provided statistical information to demonstrate the housing demand for their identified target market (single income families and domestic violence sufferers).

The dwellings are contemporary in design and typical of recently completed dwellings within the Camden Local Government Area. Further, no dwellings directly front a public street; they are all located internally within the site with limited visibility from the public domain.

6. *It is suggested the proposal should connect directly to the Camden Bypass.*

Officer comment:

Vehicular and/or pedestrian access to the Camden Bypass is not supported by Roads and Maritime Services or Council. The proposed connection to Bowerman Road and the future connection to Vicary Avenue is in accordance with the Elderslie Master Plan road pattern and considered satisfactory in this regard.

7. *Concern is raised the aged care facility will result in excessive height, loss of views, light and noise pollution.*

Officer comment:

The design and construction of an aged care facility and additional retirement villas does not form part of this proposal. The subject application includes the concept approval nominating the location of future facilities; however separate Development Applications will be required to be lodged and assessed for the construction of such facilities.

The height of the dwellings proposed to be constructed under stage 1 are all below the maximum building height limits of the Camden LEP 2010.

8. *Concern is raised the proposal will impact property values.*

Officer comment:

The issue of property value is not a matter of consideration under S79C of the Environmental Planning & Assessment Act 1979.

9. *Concern is raised over the two storey dwelling on the Scarborough Close boundary.*

Officer comment:

Consideration has been given to the impact of the 2 storey form on the adjacent residential development. The development site is being cut along this boundary in order to facilitate a development that meets the grades required under the SEPP's and satisfy the access criteria of AS1428. As a result, the form presenting to the residential lots reads as a single storey form which meets the intention of the single storey form nominated in the Masterplan and is therefore considered supportable. In addition the Camden LEP 2010 states a maximum of 6.5m building height along the Scarborough Close boundary. Building height is measured from the highest point to natural ground level, given the cut; the group home will be lower than the 6.5m permitted from the natural ground level of the site.

The proposed ridgeline of the 2 storey dwelling will be at a similar level to that of a single storey dwelling built on the existing natural ground level. Boundary fencing above a tiered retaining wall (wall wholly within the subject development site, therefore not impacting the adjoining lots along Scarborough Close) will maintain

residential amenity for the adjoining properties, the fencing is recommended to be a 1.8m high lapped and capped timber fence.

10. Concern is raised the community centre is not required and will impact the residential amenity of the retirement village.

Officer comment:

The applicant has proposed a general purpose centre for use only by the residents of the development. Such a centre is ancillary to the seniors/group home development and is permissible within the R1 General Residential zone with development consent. Condition 6.0(8) imposed on the consent is recommended to restrict the use of public address systems and amplified music so as to not emit offensive noise and to only be used by residents of the development.

11. Concern is raised vehicles will still access Sirius Circuit.

Officer comment:

A gate is proposed on the Sirius Circuit access for use by emergency vehicles only. Condition 6.0(8) imposed on the consent is recommended to ensure this access point is for use by emergency services vehicles only.

12. Concern is raised over existing and future boundary fencing

Officer comment:

Dividing fences are a private matter covered by the Dividing Fences Act 1991 and is a matter for discussion between the property owners.

The applicant proposes a 1.8m high Colorbond boundary fence along the eastern and western boundaries, however it is considered a 1.8m high lapped and capped timber fence along the eastern and western boundaries adjoining a neighboring dwelling is more appropriate and condition 2.0(19) imposed on the consent is recommended to achieve this.

13. Concern is raised over Saturday construction hours.

Officer comment:

The following standard condition of consent relating to Construction Hours is imposed for all approved construction works:

4.0(2). 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.

The above condition and other standard conditions relating to construction noise levels as per NSW Environmental Protection Authority's Environmental Noise Control Manual are considered satisfactory to maintain residential amenity.

14. Concern is raised over the proximity of proposed dwellings and internal road along the western boundary, resulting amenity impacts and timeframe for Stage 2 construction.

Officer comment:

The dwellings in question form part of Stage 2 and will be subject to assessment under a future development application.

The internal access road will provide a buffer between the 16 proposed dwellings in question and the adjoining properties, ensuring there is no adverse privacy impact on the amenity of the existing dwellings on Teasedale Close.

It is noted there is no timeframe nominated for the lodgment of the Stage 2 development application. Any future development application will be notified in accordance with the Camden Development Control Plan 2011.

15. Concern is raised Vicary Avenue is not suitable for vehicular access.

Officer comment:

The Elderslie Master Plan and adopted Indicative Layout Plan identify a connection from this development to Vicary Avenue. This application identifies the location of the future connection to Vicary Avenue to ensure compliance with the Elderslie Master Plan. The design nominated in the plans has been reviewed by Council's Traffic and Transport Engineer and is considered compliant.

Condition 2.0(19) has been imposed requiring this road connection be constructed up to the boundary to ensure a seamless connection at a future date.

16. Concern is raised over pedestrian and vehicular safety at the Lodges Road and Sirius Circuit intersections. A roundabout is requested to be installed at Lodges Road and Sirius Circuit due to current traffic.

Officer comment:

All vehicles accessing the proposed development will be via Bowerman Road and Vicary Avenue once the connection is completed. No general traffic is proposed to access or exit the site from Lodges Road and only emergency vehicles are to access the Sirius Circuit connection. Further, construction vehicles will only access the site from Brooking Avenue (owner's consent provided by AV Jennings) and Bowerman Road during the construction phase, as per condition 3.0(16) imposed on the consent. Therefore the proposal will not impact existing pedestrian and vehicular safety at the Lodges Road and Sirius Circuit intersection.

As the intersection in question is located outside the subject site, the request for a roundabout is a matter that should be referred to the Local Traffic Committee for appropriate action.

17. Reference is made to Council's notification letter dated 10 December 2017 and concern is raised the over the change of use of the existing permanent group home to a transitional group home and notification had not been provided to surrounding residents.

Officer comment:

The reason for the re-notification letter dated 10 December 2017 was to include a paragraph within the newspaper advertisement referring to the application being nominated integrated development in that it requires a activity approval under Part 3

of Chapter 3 of the Water Management Act 2000 from the Department of Primary Industries Water.

At this time the development application description was amended to reflect the proposal as per the submitted documents. The proposed works include the construction of 38 dwellings for use as a group home. The proposal does not include any change of use of the existing buildings onsite.

The previous notification/advertising description referred to affordable housing, which includes both permanent and transitional group homes, which are permissible with consent on the subject site, under State Environmental Planning Policy (Affordable Rental Housing) 2009, the proposed use of this site has not been altered during its assessment.

(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. Furthermore, the proposal has regard to the Draft Sydney Western City District Plan as it will result in an appropriate social outcome for future and existing residents of the Camden Local Government Area.

Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Department of Primary Industries Water

The DA was referred to NSW Department of Primary Industries Water for assessment as the development proposes works within 40m of a watercourse and therefore requires an activity approval under Part 3 of Chapter 3 of the Water Management Act 2000. The proposed development is therefore classed as Nominated Integrated Development.

DPI Water raised no objection to the proposed development subject to general terms of approval (GTA). Compliance with these general terms of approval is a recommended condition.

Subsidence Advisory NSW

The DA was referred to Subsidence Advisory NSW for comment as the site was located within a Mine Subsidence District at the time of lodgment. The Mine Subsidence Districts have since been revised and the site no longer requires comment or assessment as advised in the following comment provided by Subsidence Advisory NSW:

Please be advised that 49 and 49A Lodges Road NARELLAN no longer fall within a Mine Subsidence District and therefore Subsidence Advisory NSW will not need to assess or comment on the proposed development.

Endeavour Energy

The DA was referred to Endeavour Energy for comment and no issue was raised subject to conditions of consent.

FINANCIAL IMPLICATIONS

Camden Contributions Plan 2011 (CCP) applies to the land at 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie. Section 2.8.1 of the CCP exempts levying of development contributions where the development that are for the “sole purpose of affordable housing” or “which section 94 contributions will not be levied in accordance with a direction by the Minister under section 94E of the EP&A Act.”

The Ministerial Direction dated 14 September 2007, exempts payment of a contribution for development carried out under the Seniors Living SEPP where undertaken by a social housing provider. BaptistCare as the developer of 49 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie (DA 176/2017) have demonstrated that they satisfy both the criteria of providing affordable housing under the under State Environmental Planning Policy (Affordable Rental Housing) 2009 and as a social housing provider developing seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability). Therefore DA/2017176/1 is exempt from development contributions under CCP, as per the Ministerial Direction dated 14 September 2007.

It is acknowledged that the development site was envisaged to be single residential lots of an average 525m² which would have the potential to be levied for S94. As a result of this development no contributions will be collected in this location.

The non-levied area is acknowledged as being a financial implication for Council. Notwithstanding this, the application is proposing community title subdivision where all the roads and supporting infrastructure will be built and maintained by the Community Title Scheme, therefore not burdening Council with future maintenance costs.

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/2017/176/1 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. NSW Department of Primary Industries Water letter dated 14 September 2017; and

2. Endeavour Energy email and attachments dated 2 January 2018.

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
A101, Issue 22	Demolition Plan	DWP Suters	22/2/2017
Surveyors Reference 161114	Draft Plan of Subdivision	Surveyor Mark John Andrew	16 February 2017
254590-3-Cd-000-905, Issue 1	Site Plan - Bulk Earthworks Plan	SCP Consulting	28/2/2017
254590-3-CD-000-750, Issue 3	Signage And Linemarking Plan - Sheet 1	SCP Consulting	16/2/2017
254590-3-CD-000-751, Issue 3	Signage And Linemarking Plan - Sheet 2	SCP Consulting	16/2/2017
254590-3-CD-000-752, Issue 3	Signage And Linemarking Plan - Sheet 3	SCP Consulting	16/2/2017
254590-3-CD-000-753, Issue 3	Signage And Linemarking Plan - Sheet 4	SCP Consulting	16/2/2017
254590-3-CD-000-754, Issue 3	Signage And Linemarking Plan - Sheet 5	SCP Consulting	16/2/2017
254590-3-CD-000-755, Issue 3	Signage And Linemarking Plan - Sheet 6	SCP Consulting	16/2/2017
254590-3-CD-000-756, Issue 3	Signage And Linemarking Plan - Sheet 7	SCP Consulting	16/2/2017
254590-3-CD-000-757, Issue 3	Signage And Linemarking Plan - Sheet 8	SCP Consulting	16/2/2017
254590-3-CD-000-700, Issue 3	Pavement Plan - Sheet 1	SCP Consulting	16/2/2017
254590-3-CD-000-701, Issue 3	Pavement Plan - Sheet 2	SCP Consulting	16/2/2017
254590-3-CD-000-702, Issue 3	Pavement Plan - Sheet 3	SCP Consulting	16/2/2017
254590-3-CD-000-800, Issue 4	Retaining Wall Details - Sheet 1	SCP Consulting	8/2/2017
254590-3-CD-000-801,	Retaining Wall	SCP	8/2/2017

Issue 4	Details - Sheet 2	Consulting	
254590-3-CD-000-802, Issue 2	On-Site Detention Details - Sheet 1	SCP Consulting	8/2/2017
254590-3-CD-000-803, Issue 3	On-Site Detention Details - Sheet 2	SCP Consulting	8/2/2017
254590-3-CD-000-804, Issue 2	On-Site Detention Details - Sheet 3	SCP Consulting	8/2/2017
254590-3-CD-000-805, Issue 2	On-Site Detention Details - Sheet 4	SCP Consulting	8/2/2017
254590-3-CD-000-601, Issue 3	Stormwater Longitudinal Sections - Sheet 1	SCP Consulting	3/10/2017
254590-3-CD-000-602, Issue 3	Stormwater Longitudinal Sections - Sheet 2	SCP Consulting	3/10/2017
254590-3-CD-000-603, Issue 3	Stormwater Longitudinal Sections - Sheet 3	SCP Consulting	3/10/2017
254590-3-CD-000-604, Issue 3	Stormwater Longitudinal Sections - Sheet 4	SCP Consulting	3/10/2017
254590-3-cd-000-605, Issue 3	Stormwater Longitudinal Sections - Sheet 5	SCP Consulting	3/10/2017
254590-3-CD-000-606, Issue 3	Stormwater Longitudinal Sections - Sheet 6	SCP Consulting	3/10/2017
254590-3-CD-000-607, Issue 3	Stormwater Longitudinal Sections - Sheet 7	SCP Consulting	3/10/2017
254590-3-cd-000-608, Issue 4	Stormwater Longitudinal Sections - Sheet 8	SCP Consulting	3/10/2017
254590-3-CD-000-609, Issue 4	Stormwater Longitudinal Sections - Sheet 9	SCP Consulting	3/10/2017
254590-3-CD-000-610, Issue 4	Stormwater Longitudinal Sections - Sheet 10	SCP Consulting	3/10/2017
254590-3-CD-000-611, Issue 1	Stormwater Pit Schedule	SCP Consulting	3/10/2017
254590-3-CD-000-550, Issue 1	Intersection Plan and Kerb Return Details - Sheet 1	SCP Consulting	8/2/2017
254590-3-CD-000-551, Issue 1	Intersection Plan and Kerb Return Details - Sheet 2	SCP Consulting	8/2/2017
254590-3-CD-000-552, Issue 1	Intersection Plan and Kerb Return Details - Sheet 3	SCP Consulting	8/2/2017
254590-3-CD-000-553, Issue 1	Intersection Plan and Kerb Return Details - Sheet 4	SCP Consulting	8/2/2017
254590-3-CD-000-520,	Road 1 Cross	SCP	21/7/2017

Issue 3	Sections - Sheet 1	Consulting	
254590-3-CD-000-521, Issue 3	Road 1 Cross Sections - Sheet 2	SCP Consulting	21/7/2017
254590-3-CD-000-522, Issue 3	Road 1 Cross Sections - Sheet 3	SCP Consulting	21/7/2017
254590-3-CD-000-523, Issue 2	Road 1 Cross Sections - Sheet 4	SCP Consulting	21/7/2017
254590-3-CD-000-524, Issue 3	Road 1 Cross Sections - Sheet 5	SCP Consulting	21/7/2017
254590-3-CD-000-525, Issue 3	Road 1 Cross Sections - Sheet 6	SCP Consulting	21/7/2017
254590-3-CD-000-500, Issue 3	Road 1 Longitudinal Sections - Sheet 1	SCP Consulting	16/2/2017
254590-3-CD-000-400, Issue 6	Site Grading And Drainage Plan - Sheet 1	SCP Consulting	3/10/2017
254590-3-CD-000-401, Issue 6	Site Grading And Drainage Plan - Sheet 2	SCP Consulting	3/10/2017
254590-3-CD-000-402, Issue 5	Site Grading And Drainage Plan - Sheet 3	SCP Consulting	3/10/2017
254590-3-CD-000-403, Issue 5	Site Grading And Drainage Plan - Sheet 4	SCP Consulting	3/10/2017
254590-3-CD-000-404, Issue 6	Site Grading And Drainage Plan - Sheet 5	SCP Consulting	3/10/2017
254590-3-CD-000-405, Issue 6	Site Grading And Drainage Plan - Sheet 6	SCP Consulting	3/10/2017
254590-3-CD-000-406, Issue 6	Site Grading And Drainage Plan - Sheet 7	SCP Consulting	3/10/2017
254590-3-CD-000-407, Issue 5	Site Grading And Drainage Plan - Sheet 8	SCP Consulting	3/10/2017
254590-3-CD-000-200, Issue 3	Sediment And Erosion Control Plan - Sheet 1	SCP Consulting	16/2/2017
254590-3-CD-000-201, Issue 3	Sediment And Erosion Control Plan - Sheet 2	SCP Consulting	16/2/2017
254590-3-CD-000-202, Issue 3	Sediment And Erosion Control Plan - Sheet 3	SCP Consulting	16/2/2017
254590-3-CD-000-210, Issue 2	Sediment And Erosion Control Details	SCP Consulting	8/2/2017
254590-3-CD-000-020, Issue 3	Early Works Bowerman Road - Road 001 Tie In Plan	SCP Consulting	16/2/2017

254590-3-CD-000-021, Issue 2	Early Works Bowerman Road - Road001 Tie In Longgitudinal Section	SCP Consulting	8/2/2017
254590-3-CD-000-022, Issue 3	Early Works Bowerman Road - Road 001 Cross Sections	SCP Consulting	16/2/2017
254590-3-CD-000-100, Issue 1	Bulk Earthworks Plan	SCP Consulting	8/2/2017
254590-3-CD-000-010, Issue 3	Sheet Key Plan	SCP Consulting	16/2/2017
254590-3-CD-000-000, Issue 2	Cover Sheet, Drawing List And Location Plan	SCP Consulting	8/2/2017
254590-3-CD-000-001, Issue 3	Specifications, Notes And Legends - Sheet 1	SCP Consulting	16/2/2017
254590-3-CD-000-002, Issue 1	Specifications, Notes and Legend Sheet 2	SCP Consulting	15/12/2017
254590-3-CD-000-901, Issue 1	Sediment And Erosion Control Plan - Sheet 1	SCP Consulting	28/2/2017
254590-3-CD-000-902, Issue 1	Sediment And Erosion Control Plan - Sheet 2	SCP Consulting	28/2/2017
254590-3-CD-000-903, Issue 1	Sediment And Erosion Control Plan - Sheet 3	SCP Consulting	28/2/2017
254590-3-CD-000-904, Issue 1	Sediment And Erosion Control Details	SCP Consulting	28/2/2017
254590-3-CD-000-905, Issue 1	Site Plan - Bulk Earthworks Plan	SCP Consulting	28/2/2017
254590-3-CD-000-906, Issue 1	Site Section - Sheet 1	SCP Consulting	28/2/2017
254590-3-CD-000-907, Issue 1	Site Section - Sheet 2	SCP Consulting	28/2/2017
254590-3-CD-000-908, Issue 1	Site Section - Sheet 3	SCP Consulting	28/2/2017
254590-3-CD-000-909, Issue 1	Retaining Wall Details - Sheet 1	SCP Consulting	28/2/2017
254590-3-CD-000-910, Issue 1	Retaining Wall Details - Sheet 2	SCP Consulting	28/2/2017
254590-3-CD-000-600, Issue 2	Catchment Plan	SCP Consulting	8/2/2017
254590-3-CD-000-808, Issue 2	Civil Details - Sheet 1	SCP Consulting	8/2/2017
254590-3-CD-000-809	Civil Details - Sheet 2	SCP Consulting	13/2/2017
254590-3-CD-000-501,	Circulation Driveway	SCP	16/2/2017

Issue 3	Longitudinal Sections - Sheet 2	Consulting	
254590-3-CD-000-502, Issue 3	Circulation Driveway Longitudinal Sections - Sheet 3	SCP Consulting	16/2/2017
254590-3-CD-000-503, Issue 3	Circulation Driveway Longitudinal Sections - Sheet 4	SCP Consulting	16/2/2017
254590-3-CD-000-526, Issue 4	Typical Road And Circulation Driveway Cross Sections	SCP Consulting	21/7/2017
A101, Issue 29	Site Plan Overall	DWP Suters	17/10/2017
A110, Issue 8	Site Plan - Zones Legend	DWP Suters	27/3/2017
A111, Issue 10	Site Plan - Zone 1	DWP Suters	16/2/2017
A112, Issue 10	Site Plan - Zone 2	DWP Suters	16/2/2017
A113, Issue 10	Site Plan - Zone 3 & 4	DWP Suters	16/2/2017
A140, Issue 4	Streetscape Elevations - Zone 1	DWP Suters	30/1/2017
A141, Issue 5	Streetscape Elevations Zone 2	DWP Suters	30/1/17
A142, Issue 5	Streetscape Elevations - Zone 3 & 4	DWP Suters	30/1/2017
A150, Issue 7	Site Sections	DWP Suters	13/2/2017
A200, Issue 9	Villa_Ground Floor Plan_Option 3	DWP Suters	30/1/2017
A201, Issue 8	Villa_Ground Floor Plan_Option 1, 2, 4 & 5	DWP Suters	30/1/2017
A202, Issue 5	Villa - Typical Sections	DWP Suters	30/1/2017
A203, Issue 7	Villa_Elevations Option 1	DWP Suters	30/1/2017
A204, Issue 7	Villa_Elevations Option	DWP Suters	30/1/2017
A206, Issue 6	Villa Elevations Option 3	DWP Suters	30/1/2017
A207, Issue 6	Villa Elevations Option 4 & 5	DWP Suters	30/1/2017
A210, Issue 7	Townhouse Floor Plans	DWP Suters	30/1/2017
A211, Issue 5	Townhouse Typical Sections	DWP Suters	30/1/2017
A212, Issue 6	Townhouse Elevations- Option 1	DWP Suters	30/1/2017
A213, Issue 6	Townhouse Elevations - Option 2	DWP Suters	30/1/2017

A214, Issue 6	Townhouse Elevations - Option 3	DWP Suters	30/1/2017
A250, Issue 10	Community Centre - Ground Floor Plan	DWP Suters	30/1/2017
A401, Issue 6	Community Centre - Site Plan	DWP Suters	9/10/2017
A400, Issue 13	Community Centre - Sections	DWP Suters	9/10/2017
A253, Issue 5	Community Centre - Elevations	DWP Suters	30/1/2017
A260, Issue 3	Maintenance Shed Elevations	DWP Suters	30/1/2017
Issue 5	Plan of Subdivision	Mark John Andrew	16/2/2017
SK01, Issue 5	Landscape Plans	Scape Design	Undated
SK02, Issue 3	Landscape Plans	Scape Design	Undated
SK04, Issue 2	Landscape Plans	Scape Design	Undated
SK05, Issue 2	Landscape Plans	Scape Design	Undated
SK06, Issue 3	Landscape Plans	Scape Design	Undated
SK07, Issue 2	Landscape Plans	Scape Design	Undated
SK08, Issue 2	Landscape Plans	Scape Design	Undated
SK09, Issue 2	Landscape Plans	Scape Design	Undated
CD209, Issue 5	Planting Schedule	Scape Design	9/10/2017

Document Title	Prepared by	Date
A800, Issue 4 Material Board	DWP Suters	21/1/2017
BASIX Certificate No.794764S	Efficient Living	10 February 2017
BASIX Certificate No.794769S	Efficient Living	10 February 2017
BASIX Certificate No.794771S	Efficient Living	10 February 2017
BASIX Certificate No.794775S	Efficient Living	10 February 2017
BASIX Certificate No.794776S	Efficient Living	10 February 2017
BASIX Certificate No.794785S	Efficient Living	10 February 2017
BASIX Certificate No.794787S	Efficient Living	10 February 2017
BASIX Certificate No.794788S	Efficient Living	10 February 2017
BASIX Certificate No.794789S	Efficient Living	10 February 2017
BASIX Certificate No.794791S	Efficient Living	10 February 2017
BASIX Certificate No.794793S	Efficient Living	10 February 2017
BASIX Certificate No.794794S	Efficient Living	10 February 2017
BASIX Certificate No.794760S	Efficient Living	10 February 2017
BASIX Certificate No.794762S	Efficient Living	10 February 2017
BASIX Certificate No.794796S	Efficient Living	10 February 2017
BASIX Certificate No.794797S	Efficient Living	10 February 2017

Remediation Action Plan, project 76799.00	Douglas Partners	February 2017
Arborist Report	Naturally Trees	April 2017
Acoustic report, 20161398.1/1602/R2/JS	Acoustic Logic	16 February 2017
Salinity investigation and management plan 76799.00	Douglas Partners	February 2017
Waste Management Plan	Waste Audit	February 2017
Operational Plan of Management	BaptistCare	January 2018
Civil Design Report 254590-3-CR-000-01, Issue 4	SCP Consulting	3/10/2017

- (3) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

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

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (6) **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 development 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; and
- 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.

- (7) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (8) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (9) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (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) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
 - a) in the case of work for which a principal contractor has been appointed:

- i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with 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 carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

- (12) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.

- (13) **Conditional Approval for Tree Removal** - Consent is granted for the removal of twenty four (24) trees as indicated within the Arboricultural Impact Appraisal and Method Statement Report prepared by Naturally Trees dated 3 April 2017.

The following conditions apply;

- a) Approved tree works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of amenity trees' and is to be carried out in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry.
- b) Approved tree 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.
- c) This consent does not grant access to adjoining land. The applicant must negotiate any issues of access with adjoining property owners.
- d) Green waste and or timber generated from the approved tree work is to be recycled into mulch and reused on site or transferred to a designated facility for composting. Stock piles of green waste or processed timber for reuse including firewood must be stored behind the building line or place

out view from the street within 28 days of the tree works authorised by this consent.

- e) All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.
- f) Tree work is inherently noisy and potentially disruptive to normal traffic conditions in your street; as such the applicant shall notify (at least 24 hours prior) surrounding neighbours of the time and date of the approved tree works.

- (14) **Street Lighting** - Street lighting for the subdivision shall be designed and installed in accordance with relevant Australian Standards.
- (15) **Collection Points** - A waste bin collection area that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (16) **Traffic Management** - The following shall occur:
 - All carparking area must be in accordance with AS 2890.1 and 2890.6;
 - All signage and linemarking on site is to be in accordance with Australian Standards and RMS supplements to ensure that signage is consistent with NSW practices;
 - All construction vehicle access is to be via Brooking Avenue and egress via Bowerman Road (once completed). Brooking Avenue shall be used until this time;
 - Only emergency vehicles can access the Sirius Circuit connection. The gate is to be locked at all other times.
 - Two removable bollards to restrict vehicular traffic between the Angus Bristow Village and the new development are to be installed, located within the road between future seniors living dwelling 41 and proposed seniors living dwelling 42 and future seniors living dwellings 46 and 15, as marked in red on the stamped site plan. The bollards will be removable during times of garbage collection (if required) only and will be operated by onsite management.
- (17) **Concept Proposal** – Approval for the concept location of up to a 128 room (134 bed) residential aged care facility and 46 retirement villas, known as Stage 2, relates to the location of the proposal only and built form will be the subject of separate development applications to be lodged for consideration and approval satisfying the relevant assessment criteria including carparking, built form and amenity.
- (18) **Community Title Subdivision** – This application does not support the connection of the development to Sirius Circuit for general access and egress of residents. The nominated public road on the draft Community Title Subdivision Plan is to be amended to be a private road and the Proposed Lot 5 'Public Road' to be incorporated in to Proposed Lot 1 'Community Title' Lot which contains the remainder of the private roads.
- (19) **Community Bus** – The existing bus operating to support the residents of the Angus Bristow Village is to be extended for availability and access of the future residents of Stages 1 and 2.

- (20) **Land Ownership** - No part of this development, including infrastructure, is to be dedicated to Council and will remain in private ownership.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **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.

A temporary protection measure is to be provided for the bio-retention areas. The temporary protection measures of the bio-retention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 80% of upstream housing construction, including landscaping has been completed.

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

- (2) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan 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.

- (3) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (4) **Easement Creation** - Drainage easements shall be obtained over downstream properties where drains for the disposal of stormwater are located across lands owned by others (and where the drainage is not within a water course). The width of the drainage easement/s shall be in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to Council with the Construction Certificate application.

The easement shall be registered with the NSW Land & Property Information prior to the issue of an Occupation Certificate.

- (5) **Structural Engineer's Details** - The piers/slabs/footings/structural elements/retaining walls shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.

- (6) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (7) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (8) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications. Turning heads must be provided at the end of all dead end roads for subdivisions that are progressively developed in a staged manner.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (9) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

- (10) **Stormwater Plans** - Amended plans are to be provided to meet the requirements under Council's Engineering Design Specifications 2009.

- a) On Project Number 160058, Drawing Number 254590-3-CD-000-607 rev 03:
 - i. Line 20 Drainage Longitudinal Section. The pipe grade of 0.10% is inadequate. The design shall be amended to provide a minimum grade of 0.5%.
- b) On Project Number 160058, Drawing Number 254590-3-CD-000-400 rev 06:
 - i. Amend drawing to show stormwater line from pit N149 as per revision 3 drawings.
- c) On Project Number 160058:

- i. All stormwater drainage pipes shall have a minimum grade of 1.0%. Stormwater drainage pipes 750mm in radius or over can have a minimum grade of 0.5%.
- ii. A minimum cover of 600mm is to be provided for all stormwater drainage pipes.
- iii. All stormwater drainage pipes shall comply with Council's Engineering Specifications 2009 and be a minimum of Class 3.

(11) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications and points below. Details demonstrating compliance shall be provided to the Certifying Authority.

- a) Street trees to be sourced in accordance with tests and measurements contained within AS2303-2015 – *Tree Stock for Landscape Use*;
- b) Tree planting detail to specify root barrier where trees are planting in close proximity to hard surfaces;
- c) Installation of street trees to be in accordance with clause B.2.3 Appendix B of Council's Engineering Design Specifications;
- d) Additional tree species selection shall be derived from Council's preferred tree list.
<http://www.camden.nsw.gov.au/assets/pdf/Environment/Biodiversity/2015/15-67558-Final-Tree-Management-Policy-Appendix-A-Tree-and-Landscape-Species-List.pdf>
- e) Plant schedule is to indicate plant species grid spacing;
- f) Plant schedule is to indicate plant species grid spacing eg. Ground cover plants 1 per 0.5m², shrubs 1 per 1.5m², tall shrubs/small trees 1 per 2.5m² and trees 1 per 10m² (as per planting plan prepared by Scape Design Landscape Architecture)
- g) The plant schedule is to include additional trees than proposed, additional shrubs up to 3m in height;
- h) The plan is to identify existing street trees on plan and include notation for the protection of these trees during construction phase;
- i) *Angophora costata* and *Eucalyptus pilularis* to be substituted with native indigenous species such as *Eucalyptus moluccana* or *Eucalyptus tereticornis*. *Corymbia maculata* is acceptable;
- j) Along front boundary *Elaeocarpus reticulatus* to be substituted with *Tristaniopsis laurina* 'Luscious' to align with streetscape;
- k) *Corymbia citriodora* 'Scentuous' along southern boundary adjoining neighbouring properties to increase densities from 10m centres to 8m centres;
- l) Pocket Park 2 - *Angophora costata* to be substituted for *Eucalyptus moluccana* or *Eucalyptus tereticornis*. *Corymbia maculata* is acceptable or

large deciduous tree for seasonal change and better climate amelioration function suitable to Camden district include *Quercus palustris*, *Quercus palustris* 'Pringreen', *Liquidambar styraciflua* 'Ward' fruitless variety.

m) An amended landscape plan is required prior to issue of CC.

- (12) **Tree Survey Plan and Hollow Bearing Trees/Active Nests** – If tree hollows and/or active nests are identified throughout tree removal, a nest box installation and active nest relocation plan must be prepared in addition to the tree survey plan.

The nest box installation and active nest relocation plan shall provide fauna with short-term habitat requirements during vegetation clearance and bushland restoration works. Each individual tree hollow must be replaced at a minimum 1:1 ratio with nest boxes.

All hollow-bearing and active nest trees removed from the site are to be inspected prior to removal.

Measures must be taken to ensure that fauna inhabiting tree hollows or active nests are treated humanely and relocated before development activities commence, in line with the National Parks and Wildlife Act 1974. A qualified ecologist or wildlife carer will be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

- (13) **Validation Report** - A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council prior to the issue of the construction certificate which demonstrates:

- a) compliance with the approved RAP;
- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;
- d) and includes:
- e) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- f) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
- g) statement confirming that the site following remediation of contamination is suitable for the intended use.

- (14) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (15) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- c) retaining walls shall not be erected within drainage easements;
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (16) **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.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

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

- (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 Department of Planning and Environment (DPE).

Evidence of payment of the SIC shall be provided to Council and the PCA.

Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.

- (18) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance

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

(19) **Amended Plans/Details** – Prior to the issue of the Construction Certificate, amended plans/details are to be submitted to the Certifying Authority addressing:

- a) Compliance with requirements of Clause 26(2) (footpath gradients) and Clause 41 of State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004.
- b) The Vicary Avenue road connection to be constructed to the property boundary.
- c) Details of removable (to assist garbage collection if required) road bollards (as marked in red on the stamped site plan) to restrict vehicular access between the proposed works and Angus Bristow Village.
- d) Each dwelling must have a garbage storage area provided in an accessible location and screened from the street frontage.
- e) A Bushfire Protection Assessment, identifying any bushfire hazard, risks resulting from the revegetation works in the Herbert Rivulet Riparian Corridor and any required mitigation measures such as Asset Protection Zones.
- f) All commitments annotated as per approved BASIX Certificates.
- g) All reference to public roads is to be deleted from all approved plans. No part of this development is to be dedicated to Council, it is all part of the Community Title Scheme.
- h) Temporary off-street car parking for 10 vehicles, including one accessible space, to be provided opposite dwellings No.97, No.98 and No.99 (as marked in red on the stamped site plan) until such time as construction begins on the future Residential Aged Care Facility.
- i) All shared eastern and western boundaries with existing/future neighboring dwellings are to be fenced with a 1.8m high lapped and capped timber fence.

3.0 - Prior to Commencement of Works

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

- (1) **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 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/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

(3) **Site is to be Secured** - The site shall be secured and fenced.

(4) **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.

(5) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

(6) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.

(7) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.

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

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP 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;
 - g) work, health and safety; and
 - h) community consultation.
- (9) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

- (10) **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.

(11) **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 Certifying 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.

(12) **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; and
- 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.

(13) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

(14) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Arboricultural Impact Appraisal and Method Statement Report prepared by Naturally Trees dated 3 April 2017 sections 4 to 8.

- a) The area beneath the canopies of the trees to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection in accordance with AS4970 *Protection of Trees on Development Sites*

(15) **De-Watering Activities** – Measures must be taken consistent with *National Parks and Wildlife Act 1974* to ensure that any fauna inhabiting the water

body, or surrounding vegetation, are treated humanely and relocated before development activities commence. a qualified ecologist or wildlife carer must be present throughout de-watering activities to relocate fauna or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna). Nesting animals must be left in situ until young have fledged and/or left the nest.

- (16) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (17) **Fill Management Plan** – A fill management plan (FMP) must be submitted with the Construction Certificate application. The FMP shall include procedures and controls for certifying that all material imported onto the site is VENM only and the management of the imported fill to facilitate earth and construction works as part of the approved development. The FMP must also facilitate compliance with the condition of this development consent entitled "Fill Material (VENM)".
- (18) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:
 - a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.
- (19) **Demolition Work** - Consent is granted for the demolition of concrete slabs, tanks and metal shed currently existing on the property, subject to compliance with the following conditions:
 - a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
 - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
 - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;

- d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
 - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (20) **Dilapidation Report – Adjoining Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of adjoining properties shall be prepared.
- All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.
- In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the PCA in such circumstances.
- (21) **Registration of Land** - Documentary evidence shall be provided to the PCA confirming registration of the land, subject to land swap deal, with NSW Land & Property Information.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **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.
- (3) **Site Management** - 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 or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - 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:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

- (5) **Site Signage** - A sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has been registered with Land and Property Information. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 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.
- (6) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (7) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (8) **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 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of 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.
- (9) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/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.
- (10) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection Authority's Environmental Noise Control Manual.
- (11) **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.

- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **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 Council officers on request and be provided to the Council at the completion of the development.
- (14) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and

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

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – 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.

- (15) **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.
- (16) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be 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).
- Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (17) **Unexpected Finds Contingency (Remediation)** – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (18) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within section 9 of the salinity investigation and management plan prepared by Douglas Partners reference number 76799.00 dated February 2017.
- (19) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (20) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

- (21) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- c) retaining walls shall not be erected within drainage easements; and
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

- (22) **Remediation Action Works** - All works approved as part of the Remediation Action Plan that includes; removal of asbestos contaminated material, validation of soil, waste classification and offsite disposal, backfilling, environmental controls that include Air emissions, dust, asbestos, noise controls, soil management, water management, occupational health and safety, licences and approvals, must be undertaken on the site in accordance with the Remediation Action Plan prepared by Douglas Partners, project 76799.00 dated February 2017.

Any further variation or modification to the Remediation Action Plan in terms of compliance work or remediation work beyond what is contained in the approved RAP or conditions of this consent must be requested from the Consent Authority (Camden Council) in writing prior to works being undertaken. Significant variations may require additional consent approval.

- (23) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

- (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) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (26) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites. The area beneath the canopies of the trees to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection in accordance with AS4970 Protection of Trees on Development Sites.
- (27) **Reuse Or Placement Of Remediated Or Validated Fill Material Or Soils** – The placement or reuse of remediated or validated fill material or soil on Council land (this includes under roads, open space) or on land to be dedicated to Council is prohibited.
- (28) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the waste management plan. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.
- (29) **Traffic Management** - All construction vehicle access is to be via Brooking Avenue (located at the south-western corner of the site) and egress via Bowerman Road (once completed). Brooking Avenue shall be used until this time.
- (30) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (31) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the stormwater drainage installed as per the approved hydraulic plan. Stormwater must be clear of and not impact upon the effluent management area as shown on the approved sustainable effluent management plan.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (32) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Operational management plan** - Prior to an Occupation certificate being issued for the development, a management plan for the operation of the community centre shall be provided to the Consent Authority. The plan shall demonstrate the management principles that will be implemented at the site is to cover (but is not limited to) the following issues:

- Ensure compliance with the relevant conditions of approval;
- Minimise the potential impact of the operation of the premises on nearby residents;
- Effectively minimise and manage anti-social behavior;
- Minimise noise emissions and associated nuisances;
- Patron conductivity and security;
- Use and cleanliness including the kitchen and common area facilities;
- Complaint handling systems including details regarding how noise complaints from the use will be received, rectified, recorded and monitored.

A copy of the Plan of Management must be displayed on site at all times and made available to all staff and or occupants. All requirements of the approved Management Plan are to be implemented within one month of the use of the premises commencing and shall be complied with at all times during the operation of the premises.

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

- (5) **House Numbering** – The dwellings on the site (existing and approved, primary and secondary) must be readily identifiable from the street by displaying their Council allocated house numbers. The allocated house numbers will be in accordance with the current Geographical Names Board of NSW Address Policy. E-mail Council at lis.mailbox@camden.nsw.gov.au to obtain the allocated house numbers. Any alternative numbering of the dwellings is not permitted.
- (6) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (7) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
- (9) **Waste Collection Contract** - The site owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (10) **Indemnity Agreement** – in the event of Council garbage collection, the strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads.
- (11) **Compliance with Submitted Acoustic Report** - The noise control measures specified in section 5 of the acoustic report prepared by Acoustic Logic reference number 20161398.1/1602/R2/JS dated 16 February 2017, shall be

installed prior to the issuing of the occupation certificate. These measures include:

- the construction of 2400mm solid fence between the first row of villas identified in Figure 3;
- External wall construction outlined in section 5.2
- Roof and ceiling construction outlined in section 5.3
- Glazing and door construction outlined in section 5.4 and table 6

All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

- (12) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (13) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (14) **Bollards** – The two Traffic bollards are to be installed prior to the issue of the Subdivision Certificate.
- (15) **Bus Stop** - An eastbound bus stop with concrete boarding point is to be installed on the north side of Lodges Road, west of the intersection with Sophia Street, subject to a Public Road Occupancy application and the concurrence of the Local Traffic Committee.
- (16) **Emergency Plan of Management** - Prior to the Subdivision Certificate being issued for the development, a management plan for the operation of the Sirius Circuit gate shall be provided to Council. The plan shall detail how access to the gate by Police, Fire or Ambulance services will be managed by the onsite management team in the event of an emergency.
- (17) **Bollard Plan of Management** - Prior to the Subdivision Certificate being issued for the development, a management plan for the operation of the two removable traffic bollards shall be provided to Council. The plan shall detail how access to the bollards will be managed by the onsite management team in the event of garbage collection or an emergency.
- (18) **Letterboxes** - All letterboxes to be provided with a lock to ensure security.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified

in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.

- (2) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (3) **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, completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 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 be inspected by Council to ensure that works comply with the approved landscape

- (4) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (5) **Public Address Systems and Amplified Music** - Public address systems and amplified music are not to be installed or used external to the community centre. The use of such equipment at the premises must not cause the emission of offensive noise (as define by the Protection of the Environment Operations Act 1997).

As a guide to minimise the likelihood of disturbance, the LAeq (15 minutes) noise level due to the operation of amplified sound equipment should not exceed the background LA90 plus 5dB(A) sound level when measured in the immediate vicinity of the external structure of any nearby residence

- (6) **Acoustic Certification** - Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in the acoustic report prepared by Acoustic Logic reference number 20161398.1/1602/R2/JS dated 16 February 2017. Where the criteria are not meet the acoustic report is to include

recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

- (7) **Group Home** – The approved group homes shall only be used for the purpose of a group home, as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (8) **Traffic Management** - Only emergency vehicles can access the Sirius Circuit connection. The gate is to be locked at all other times.
- (9) **Community Title Plan** – A copy of the Community Title Plan is to be submitted to Council upon registration.
- (10) **Occupation Certificate Required-** An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (11) **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.
- (12) **Use of the community centre** - The centre is for the use of residents and guests only and is not for use/hire by the general public. The centre shall only be used between the hours of 7.00am to 10.00pm Monday to Sunday.
- (13) **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).
- (14) **Seniors Living** - All residents of the dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are to be one or a combination 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.
- (15) **Community Title** - No part of this development is to be dedicated to Council and will remain in private ownership.
- (16) **Operation of the Site** – The site is to operate as per the approved Operational Plan of Management.

7.0 - Prior to Issue of a Subdivision Certificate for the Community Title Scheme

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

- (1) **Fill Plan** - A fill plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must show (where applicable):

- a) lot boundaries;
- b) road/drainage/public reserves;
- c) street names;
- d) final fill contours and boundaries; and
- e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

- (2) **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).

- (3) **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.

- (4) **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.

- (5) **Burdened Lots to Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.

- (6) **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 (where the subdivision involves engineering works), unless otherwise approved in writing by the PCA.

- (7) **Water Quality Facility Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of approved water quality facilities in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and

- c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (9) **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 services;
- b) easement to drain water and drainage easement/s over overland flow paths;
- c) easement for on-site-detention;
- d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
- e) easement for water quality facility;
- f) retaining wall, positive covenant, and restriction to user;
- g) restriction as to user detailing any approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within section 9 of the salinity investigation and management plan prepared by Douglas Partners reference number 76799.00 dated February 2017.
- h) All residents of the dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are to be one or a combination 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.
- i) Only emergency vehicles are permitted to access the Sirius Circuit connection. The gate is to be locked at all other times.

- j) The approved group homes shall only be used for the purpose of a group home, as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (10) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.
- Note** – An administration fee is payable upon the lodgment of a bond with Council.
- (11) **Incomplete Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of incomplete works in accordance with Council's Development Infrastructure Bonds Policy.
- Note** – An administration fee is payable upon the lodgement of a bond with Council.
- (12) **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.
- (13) **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.
- (14) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the PCA (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.
- (15) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with 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.
- (16) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (17) **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.

- (18) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.
- (19) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the PCA.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
- b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.

Advisory Note: This application has undertaken a complete assessment of the works associated with the Concept Development Application Stage 1. Consideration has been given to the proposed future location of the Stage 2 works; however the application was not supported by detailed plans and documentation to support the works. The stage 2 works will be the subject of future Development Applications where consideration will be given to compliance with the relevant Planning Controls which addresses the bulk and scale of the development, service provision, amenity, car parking and any other provisions.

RECOMMENDED

That the Panel:

1. Determine DA 2017/176 for a Concept Development Application seeking consent for stage 1 construction works and concept approval for future stage 2 development.

Stage 1 includes demolition, remediation, tree removal, earthworks, service and infrastructure provision and construction of 84 seniors housing dwellings and 38 affordable rental housing dwellings (group homes) including community title subdivision; and

Stage 2 is a concept approval identifying the location of a future 128 room (134 bed) residential aged care facility and 46 retirement villas including the expansion of onsite services., at 449 and 49A Lodges Road, Narellan and 29 Brooking Avenue, Elderslie, pursuant to Section 83B of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions contained in this report.