

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

<b>JRPP No</b>	<b>JRPP Reference Number: 2014SYW147</b>
<b>DA Number</b>	<b>DA/670/2014</b>
<b>Local Government Area</b>	<b>Parramatta City Council</b>
<b>Proposed Development</b>	<b>Tree removal and construction of a 4 storey family accommodation building containing 60 self-contained units and associated communal facilities. The proposal is defined as Integrated Development as approvals are required under the Water Management Act 2000 and the Heritage Act 1977. The proposal will be determined by the Sydney West Joint Planning Panel.</b>
<b>Street Address</b>	<b>Westmead Childrens Hospital and Cumberland Hospital, 178 Hawkesbury Road Westmead and 1 Hainsworth Street Westmead (Lot 101 DP 1119583 and Part Lot 1 DP 808447)</b>
<b>Applicant</b>	<b>Arnold Tink Inc. Trading as Ronald McDonald House</b>
<b>Owner</b>	<b>Health Commission of NSW</b>
<b>Number of Submissions</b>	<b>Nil</b>
<b>Regional Development Criteria</b>	<b>The development has a capital investment value of greater than \$20 million dollars</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<b>State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta LEP 2011, Parramatta Development Control Plan 2011</b>
<b>Recommendation</b>	<b>Approval</b>
<b>Report by</b>	<b>Liam Frayne, Senior Development Assessment Officer</b>



## **ASSESSMENT REPORT – S79C – Environmental Planning & Assessment Act 1979**

### **SUMMARY**

#### **Application details**

DA No:	DA/670/2014
Assessment Officer:	Liam Frayne
Property:	Lot 101 DP 1119583, Part Lot 1 DP 808447, Westmead Children's Hospital, 178 Hawkesbury Road and 1 Hainsworth Street, WESTMEAD
Proposal:	Tree removal and construction of a 4 storey family accommodation building containing 60 self-contained units and associated communal facilities. The proposal is defined as Integrated Development as approvals are required under the Water Management Act 2000 and the Heritage Act 1977.
Date of receipt:	01 October 2014
Applicant:	Arnold Tink Inc. trading as Ronald McDonald House
Owner:	Health Commission Of NSW
Submissions received:	Nil
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form

Issues: Proximity to a natural creek, site landscaping, heritage.

Recommendation: Approval

## **Legislative requirements**

Zoning: SP2 Infrastructure (Health Services Facility)

Permissible under: Parramatta Local Environmental Plan 2011

Relevant legislation/policies: Parramatta Development Control Plan 2011, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, Policy for the Handling of Unclear insufficient and amended development applications

Variations: Nil

Integrated development: Yes

- The development is integrated development under the Water Management Act 2000 as the proposed works are located within 40 metres of a natural water course (Toongabbie Creek).
- The development is integrated development under the Heritage Act 1977 as the site contains the heritage listed Cumberland District Hospital and its Wisteria Gardens.

Crown development: No

## **The site**

Site Area: 7427m<sup>2</sup> (area leased from the Health Commission of NSW)

Easements/rights of way: None currently within lease area

Heritage item: Yes – Cumberland Hospital and the Wisteria Gardens are located on the same allotment as the proposal, however are significantly separated from the site.

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: None relevant to present application.

## DA history

1 October 2014	Application Lodged
10 October 2014	Additional information request sent to applicant
16 October 2014 to 15 November 2014	Advertising Period
12 December 2014	Response to information request received
25 February 2015	General Terms of Approval under Water Management Act 2000 received from Office of Water
20 March 2015	Additional engineering detail received
17 April 2015	Heritage Office General Terms of Approval received.

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is a 7427m<sup>2</sup> area forming part of the Westmead and Cumberland Hospital complex. The site is located on the northern edge of the hospital lands, located just east of Redbank Road and just south of Toongabbie Creek.

The site is accessed from Redbank Road Northmead via an internal hospital road, or from Bridge Road and Paringa Avenue Westmead to the south.

The site is presently occupied by ornamental and memorial gardens associated with the hospital complex, and contains a number of sculptures.

To the north, the site adjoins Toongabbie Creek and its associated riparian land, to the south, a tennis court and service road across which there are single and two storey buildings forming part of Cumberland Hospital. To the west, across the service road, is the existing Ronald McDonald House facility (a four storey building) behind which is the Children's Hospital at Westmead.

To the east, the site adjoins a common detention basin for the entire site and the Parramatta River.

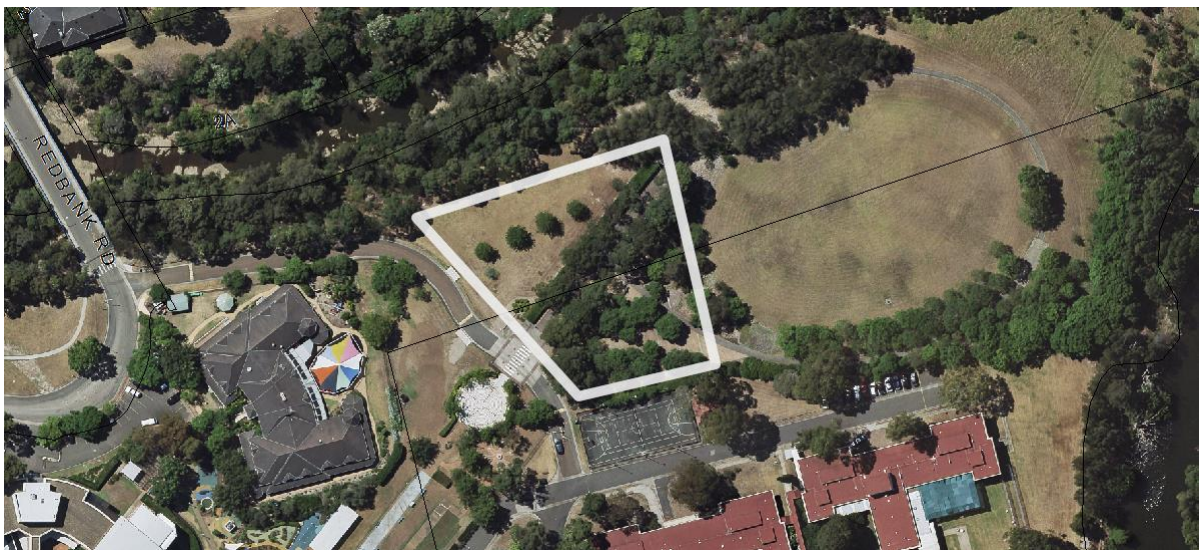
In terms of general character, the precinct is best described as having an institutional character, with large buildings generously set out in the landscape, and generally well separated from other buildings.

The site is identified as being affected by the Probable Maximum Flood extent.





**Figure 1:** Approximate location of the proposed lease area within the hospital complex.



**Figure 2:** Close up aerial photograph of the site. The building with the coloured shade sail to the left of the picture across the service road from the site is the existing Ronald McDonald House.





**Figure 3:** The site viewed from across the internal service road.

## THE PROPOSAL

Consent is sought for the following:

- Removal of 74 trees;
- Bulk earthworks to create a semi-basement and to maintain capacity of the existing stormwater storage basin to the east of the site;
- Construction of a 4 storey building to house a new Ronald McDonald House above semi-basement car parking and loading areas;
- The proposal will contain 60 self-contained accommodation suites, a reception area, offices, a central kitchen facility, communal facilities including play rooms and lounges, outdoor play areas, laundry facilities, beverage bars and lounges, quiet areas and winter gardens;
- The accommodation suites contain bedroom(s) lounge areas, bathrooms and limited cooking facilities;
- 16 of the accommodation suites are 1 bedroom and 44 are 2 bedroom with different layouts catering for a variety of needs;
- The proposal will provide 97 off-street car parking spaces; and
- Site works (including reconstruction of the service road immediately adjacent to the site), landscaping and stormwater drainage works.

## PERMISSIBILITY

### Parramatta Local Environmental Plan 2011

The site is zoned SP2 Infrastructure (Health Services Facility) under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a health services facilities on the site.

The definition of a 'health services facility' is as follows:

**Health Services Facility** *means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, or persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:*

- (a) A medical centre;*
- (b) Community health service facilities;*
- (c) Health consulting rooms;*
- (d) Patient transport facilities, including helipads and ambulance facilities;*
- (e) Hospital.*

Ronald McDonald House is consistent with this definition as it provides services relating to the maintenance or improvement of health in the form of accommodation for sick children and their families.

Accordingly, the proposal is permissible as a Health Services Facility in the zone applying to the site.

It is noted that the W1 zone boundary is based on the Riparian Zone boundary and the building is wholly contained within the SP2 Infrastructure Zone.

## REFERRALS

### Development Engineer

The application was referred to Council's Development Engineer as the application relates to a development for which on-site detention facilities are required, and the site is identified as being flood affected.

It is proposed that the site will drain into Toongabbie Creek via a new stormwater discharge pipe and headwall to be built across the creek bank in an already disturbed area. The design of this facility has been prepared in accordance with the Office of Water's guidelines for such works.

The building is protected from 1% AEP (100 year ARI) flood events, and will act as a refuge during more serious flood events (including up to Probable Maximum Flood (PMF) events). Council's Development Engineer considers that the detail provided sufficiently demonstrates that the proposal has an acceptable level of flood protection and risk management for a facility of this type.

It is noted that the lowest habitable floor in the development is 18.2m AHD. This is 500mm above the PMF level. Vehicular escape routes are available for the 1% flood event (1 in 100 year event) to Redbank Road, and for higher flood levels to Paringa Road, and satisfactory evacuation and emergency response plans have been provided.

A stormwater pipeline also traverses the site, draining higher points of the hospital campus. It is noted that this pipe is capable of taking water generated from its catchment and even in serious events will operate at less than half its capacity. Accordingly, Council's Development Engineer is satisfied that there is no uncontrolled overland flow running into the site associated with this pipeline or with the catchment area upstream.

The proposal incorporates On-site detention (OSD) and Water Sensitive Urban Design (WSUD) measures. The OSD is in the form of 250m<sup>3</sup> reinforced concrete HED tank that discharges into a new pipe linking to Toongabbie Creek.

In terms of WSUD measures, the OSD will contain 12 x Stormfilter 360 cartridges for stormwater pollution control.

Council's Development Engineer does not consider that additional OSD is necessary for this site, given the significant detention basins adjacent to the site, and given that the site is immediately adjacent to a creek. In such a context, it is normally preferable to have water released directly from the site into the waterway so as to enable the released water to move down stream before stormwater from upstream has time to drain into the creek.

Given this, Council's Development Engineer has recommended conditions that enable an alternative stormwater drainage design (not incorporating new OSD) be provided. Conditions have been recommended to ensure the implementation and ongoing operation of the proposed stormwater infrastructure and flood evacuation details.

### **Landscape and Tree Management Officer**

The application was referred to Council's Landscape and Tree Management Officer given the development is a type for which a landscape plan is required and given a substantial number of trees are proposed to be removed.

The application is accompanied by an arborist report which assesses trees to be removed and retained. This report was found to be satisfactory by Council's Landscape and Tree Management Officer who considers the tree removal proposed justified in this instance, and also supports the trees proposed to be retained.

In total, the removal of 74 trees is proposed, with 83 trees to be retained. The details are contained in the Arborist report prepared by Naturally Trees that accompanies this application.

Conditions were recommended to facilitate the tree removals sought, and to ensure the appropriate retention of the remaining existing trees.



It is noted that to address concerns about the interface between the development and the creek bushland north of the site, a condition has been included requiring provision of an amended landscape plan that requires additional and more substantial endemic planting on the northern side of the building.

### **Traffic and Transport Investigations Engineer**

The application was referred to Council's Traffic and Transport Investigations Engineer as the development is a type with potential to generate traffic impacts and proposes a substantial car park (97 spaces) as part of the development.

The Traffic and Transport Investigations Engineer found that the proposal was generally satisfactory subject to widening of the aisle on the car park entry side of the proposed boom gate, and restriction of delivery vehicles to vans and small rigid trucks.

In terms of traffic generation, it was noted that the facility would likely generate an additional 10 to 25 vehicle per hour compared with the existing facility (a total of 15 to 35 vehicles per hour). Given this, the Traffic and Transport Investigations Engineer considered that the level of traffic generation could be accommodated on the existing road network, particularly given that peak generation for the facility does not coincide with general peak traffic flows in the locality.

Conditions were recommended to ensure the appropriate fit-out of the car park facilities and are included in the recommendation.

### **Environmental Health (Food)**

Council's Environmental Health Officer reviewed the details submitted with the application and confirmed that as the facilities within the development will not be used to prepare food for sale, and will be used by people staying within the accommodation to prepare their own meals, a commercial kitchen set up is not required and the proposal is therefore satisfactory.

### **Waste Management**

The application was reviewed by Council's Waste Management Officer as part of the clearing house process. Council's Waste Management Officer found the proposal to be satisfactory subject to conditions relating to the on-going management of waste, and the management of waste during construction.

The recommended conditions are incorporated into the proposed conditions.

### **Heritage Advisor Referral**

The application was referred to Council's Heritage Advisor for comment given the site is identified as being of high indigenous sensitivity. The application is accompanied by a statement of Heritage Impact prepared by Rappoport Pty. Ltd. Council's Heritage Advisor assessed the proposal and found given the level of natural and human disturbance to the site that it was unlikely that any indigenous artifacts are present on the site, and considered that as no response had been received from notification to the indigenous communities affected, the site had an acceptable impact on its environs.

The Heritage Advisor recommended conditions with respect to the proper reporting and documenting of any archaeological finds that emerge during works (European or Aboriginal). These have been included in the recommendation.

### **Open Space and Natural Resources**

Council's Open Space and Natural Resources Planner reviewed the proposal as the application adjoins a natural area in Toongabbie Creek.

The open space and natural resources planner raised concern that insufficient tree planting was proposed along the northern boundary of the proposed work site, and with respect to the location of the proposed works within 30m of a 3<sup>rd</sup> order stream. Concern was also raised about the removal of the Casurina grove on the site.

The application has been reviewed by the Office of Water who consider the proposal to be satisfactory, and Council's Landscape and Tree Management Officer who considers the tree removals to be adequate.

In order to minimise the impact of the proposal on the creek environment however, it is considered that modification could reasonably be made to the submitted landscape plan to include trees of moderate to substantial size on the northern side of the building, of species forming part of the existing ecological community. Presently the proposed planting scheme indicates small exotic plants. Conditions are included in the recommendation in this regard.

In addition, it is noted that the Heritage Office general terms of approval require, among other things, that additional planting of she oak (*Casuarina cunninghamiana*) directly east of the building near the river bank to assist in screening its eastern façade from view from the northern part of the heritage significant Cumberland Hospital East.

It is considered that these measures together will appropriately mitigate the impacts of the proposal on the creek environment, and will reduce the extent of long-term canopy loss.

### **Urban Design**

The application was referred to Council's Urban Designers given the scale of the proposal. The advice of Council's Urban Designer is addressed below:

<b>Comment</b>	<b>Response</b>
The design responds to a site outline defined by a lease arrangement - this appears to be arbitrary and does not acknowledge the natural and created attributes of the site. It is strongly suggested that this outline is reconsidered to allow a better location of the built form.	A detailed survey plan has been provided that identifies the features of the existing site. It is considered the location of the proposal is appropriate given the role of the adjacent OSD basin and surrounding service roads.
The response to the existing avenue of trees, oval, creek corridor and the siting	It is acknowledge that a loss of tree canopy and the existing gardens will

<p>of the built form (including the future stage) is not sympathetic to the natural and created environment in the context. The avenue of trees have been removed and the trees that have been retained appear to be in a constrained location. The tree planting proposed does not replace the extent of trees removed.</p>	<p>occur as a result of this application. This outcome is, however, an inevitable consequence of the need to improve on the existing accommodation facilities on the site.</p> <p>Conditions are included in the recommendation requiring that the existing sculptures, artworks and any memorial plaques to be relocated as part of the proposed works be reinstalled at an appropriate location on the site prior to the release of the occupation certificate.</p>
<p>The natural landscape response is subservient to the built form and the building appears to be located fairly close to the creek system. There is limited tree planting between the raised terrace and the creek to reinstate the stand of trees that will be removed. A more wider and screened transition to the creek corridor is recommended.</p>	<p>While a wider transition cannot be achieved at this time given the extent of the lease area and the constraints of the site, additional planting will be required by condition to strengthen the limited amount of transition available.</p>
<p>The manner in which the formal element of the vista/ walkway leading down an avenue of trees to the oval along Toongabbie creek has largely been ignored – this formal vista should ideally be continued as a building break located between the first and second stages of development. Should this not be possible, the building entry should be located in a manner to terminate this vista in a more considered manner. The easement on the other hand had taken precedent over other contextual consideration. It is suggested that the tennis court be relocated elsewhere and allow the proposed built form to moved away from the creek edge.</p>	<p>The proposed lobby is directly aligned with the pathway to the main hospital complex which is considered appropriate. It is acknowledged that the existing avenue of trees will be lost, but retention of this is not realistic within the confines of the site.</p> <p>The tennis court located to the south is beyond the lease area agreed by the land owner and accordingly relocation of that facility is not an option as it is not located within the development site.</p>
<p>The elbow of the L shaped building footprint at ground level is occupied with service and kitchen areas. Common/ lounge areas at this location closer to the entry would provide a better visual and physical connection to the creek corridor/ courtyard contained by the arms of the development.</p>	<p>The service and kitchen areas are used by occupants, and also provided in this area is a communal outdoor deck, and dining room. These are not service areas in the normal sense of the term.</p> <p>It is considered that connection to the creek corridor is achieved by the</p>

	proposal.
Given the proximity to the proposed North Parramatta development, this area will experience more foot traffic in the future. The east and north elevation have a cavernous ground floor that is raised well above the natural ground above flood levels - this presents very poorly to the creek corridor both for passing pedestrians along the southern bank of the Toongabbie Creek as well as pedestrians on the northern bank continuing eastward after the <i>Yara Yirabana</i> trail. It is recommended that the cavernous lower ground floor is screened/ concealed with planting and earth embankments. Appropriate CPTED measures must be put in place to increase natural surveillance and minimise opportunities for crime. It is also recommended a formed pathway with night lighting is provided along the pedestrian track within the site.	<p>The flood constraints of the site prevent extensive ground floor activation. The placement of the building and associated activities will ensure increased passive surveillance opportunities are provided.</p> <p>Planting is proposed to screen the lower ground floor level. In addition to this, a condition will be imposed requiring the installation of physical screening to the northern edge of the car park.</p> <p>A condition will be incorporated in the recommendation requiring that external lighting affixed to the building light those parts of the pathway which have an unimpeded sight-line to the site (i.e adjacent to parking spaces 32-43).</p>
The movement of the garbage collection vehicles in the lower ground floor impinge further onto the creek corridor. This needs to be resolved to minimise the impact on the creek corridor.	Garbage collection and the associated servicing areas are acceptably located. This area will also be screened by planting required by the conditions of consent to screen the northern side of the development.

## External Referrals

### Sydney Water

The application was referred to Sydney Water as the proposal is for a building for which additional water servicing may be required.

Sydney Water indicated that an extension of the drinking water system will be required from the 150mm main in Redbank Road to meet the needs of the development, and indicated that sufficient waste water connections were available.

It was noted that the developer will need to take care to ensure that Sydney Water assets within the site are not impacted upon by the proposed works.

The above matters can be resolved as part of the Sydney Water Quick Check/Section 73 Certificate process and conditions are included in the recommendation in this regard.

### **Office of Water**

Given the proposal is located within 40m of a natural creek and proposes discharge into that creek, referral to the office of water was required under the *Water Management Act 2000*.

The Office of Water subsequently provided General Terms of Approval with respect to the works proposed. The General Terms of Approval have been incorporated into the recommendation.

### **Heritage Office**

Given the proposal is located on a site also containing a State listed Heritage Item (Cumberland Hospital and its Wisteria Garden), referral to the Heritage Office was required under the *Heritage Act 1977*.

The Heritage Office subsequently provided General Terms of Approval with respect to the works proposed. The General Terms of Approval have been incorporated into the recommendation.

## **PUBLIC CONSULTATION**

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties, and Council's Heritage Committee given notice of the application for a 30 day period between 16 October 2014 and 15 November 2014. In response no submissions were received.

Amended Plan

Yes

- Additional survey details provided;
- Additional engineering details provided.

In accordance with clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

### **Issues raised by Cumberland and Westmead Hospitals**

On 21 May 2015, discussions were held on-site with representatives of Westmead Hospital and Cumberland Hospital. Issues raised related to site access arrangements during and following works, concern about the interface between Ronald McDonald House and nearby wards of Cumberland Hospital that caters for people with mental disabilities, and with respect to the general impact of the proposed works on the operation of the entire hospital complex.

Conditions have been incorporated into the recommendation to address the concerns identified.



It is noted that the Hospital representatives indicated that they would endeavor to lodge a detailed written submission prior to the matter being referred to JRPP. As at midday May 28, 2015 a submission had not been registered with the Council. Assessment of the issues in any future submission will be provided under separate cover.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

The provisions of SEPP No. 55 have been considered in the assessment of the development application. While the site is not identified in Council's records as being contaminated, the application is accompanied by a preliminary site investigation which indicates that the site contains evidence of fill material, and test pits identified that Asbestos Containing Material was located on the soil surface in two locations. There was no evidence of the site being otherwise contaminated.

The Stage 1 site investigation indicated that a detailed site investigation is required, along with preparation of a remedial action plan. *The report did, however indicate that the remediation of the site to the required standard was achievable.*

Given this it is considered that this development satisfies the requirements of clause 7 of the SEPP. A condition is included in the recommendation requiring that a detailed site investigation be carried out and that a remedial action plan is prepared prior to the commencement of construction works on the site.

### **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The applicant has submitted correspondence from a BASIX consultant outlining that as the proposal relates to a Class 3 – short term accommodation building, a BASIX Certificate is not required.

### **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is sufficiently far upstream from the Parramatta River that it is not identified as being within the Foreshores and Waterways Area which extends west only to Parramatta CBD. Given this, the specific controls of the SEPP do not relate to the proposal.

The development is consistent with the objectives contained with the deemed SEPP.

### **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 not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

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 the average daily traffic volume of the adjoining service road is less than 40,000 vehicles.

### **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

<b>COMPLIANCE TABLE</b>		
<b>Development standard</b>	<b>Yes/No</b>	<b>Compliance</b>
Land Use Table – SP2 – Infrastructure (Health Services Facility)	Yes	Health Services Facilities are permissible in this SP2 zone.
4.3 Height of Buildings  No height limit applies under LEP 2011.	N/A	N/A
4.4 Floor Space Ratio  No Floor Space Ratio applies under LEP 2011	N/A	N/A

<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	N/A	<p>The proposal is not for the development of land that is covered by tidal waters.</p>
<p>5.9 Preservation of trees.</p>	Yes	<p>See previous discussion on tree removal in the referral section of this report.</p>
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p>	Yes	<p>According to the Heritage Item and heritage conservation maps the subject site does not contain a heritage item, but Cumberland Hospital located within the broader hospital complex benefits from a State Heritage Listing.</p> <p>The application was referred to the NSW Heritage Office for comment. The heritage office issued general terms of approval outlining the requirements necessary to ensure the development did not impact on the listed item.</p> <p>These have been incorporated into the recommendation.</p>

<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p> <p>Note the submitted report by Rappoport does not address Aboriginal heritage.</p>	Yes	<p>The northern edge of the site (adjacent to Toongabbie Creek) is listed as having high sensitivity.</p> <p>In accordance with LEP 2011, the application was referred to the local Aboriginal Land Councils and no comment was received in response.</p> <p>Council's Heritage Advisor advised that the site has been significantly disturbed by natural flooding of the creek and by past works on the property. Accordingly, it is considered unlikely that significant artifacts are located on the site, and given the lack of response by local indigenous communities to notification, it is not considered that the site is significant. Conditions are included outlining that if any artifacts are unearthed during works, these are reported to the appropriate authorities..</p>
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	Yes	<p>The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.</p>
<p>6.1 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	Yes	<p>Council's Development engineer has reviewed the application and considers that the proposed earthworks are satisfactory.</p>
<p>6.2 Flood planning</p> <p>Is the site floodprone?</p>	Yes	<p>The site is wholly affected by PMF and partly affected by 1 in 100 year ARI events. Detailed discussion is contained in the engineering referral earlier in this report.</p>
<p>6.3 Biodiversity protection</p> <p>Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?</p>	N/A	<p>The site is not identified on this map.</p>

<p>6.5</p> <p>Water protection</p> <p>Is the site identified as being riparian land on the 'Riparian Land and Waterways Map?</p>	<p>See LEP Clauses below</p>	<p>While the development is generally located outside of the riparian zone of Toongabbie Creek, the building will drain site stormwater via a pipeline and spreader into the creek.</p> <p>This drainage is an environmental protection work and does not require consent in the W1 zone. It will form part of the 'Controlled Activity' approval required by the Office of Water.</p>
<p>Clause 6.5(3)</p> <p><i>Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) the water quality of receiving waters,</i></li> <li><i>(b) the natural flow regime,</i></li> <li><i>(c) the natural flow paths of waterways,</i></li> <li><i>(d) the stability of the bed, shore and banks of waterways,</i></li> <li><i>(e) the flows, capacity and quality of groundwater systems.</i></li> </ul> <p>The proposal has been designed in accordance with Office of Water requirements to drain into Toongabbie Creek with minimal impact. The proposal will not have an adverse impact with respect to the matters identified.</p> <p>Clause 6.5(4)</p> <p><i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> <li><i>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</i></li> <li><i>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</i></li> <li><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></li> </ul> <p>The works in the riparian zone will be carried out in accordance with the GTA requirements of the Office of Water, which will ensure that works are appropriately designed, sited, and managed to avoid adverse environmental impacts.</p>		
<p>6.6</p> <p>Development on landslide risk land</p> <p>Is the site identified as being landslide risk land on the 'Landslide Risk Map?</p>	<p>N/A</p>	<p>The site is not identified on this map.</p>

The proposal therefore complies with the provisions of LEP 2011.



## Zone Objectives

The objectives of the SP2 Infrastructure (Health Services) zone include:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposed development is consistent with the aims and objectives of the SP2 Infrastructure Zone as the proposal provides infrastructure to support the functioning of the hospital and will not impact on the future provision of hospital infrastructure.

## DEVELOPMENT CONTROL PLANS

### PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The proposal compares to the provisions of DCP 2011 in the following manner:

Development Control	Proposal	Compliance
Site Considerations		
<p>2.4.1 Views and Vistas</p> <p>Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.</p> <p>Are views to and from public domain areas protected?</p>	<p>The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.</p>	<p>Yes</p>
<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p> <p>If yes does the proposed landscaping comprise of local indigenous species?</p> <p>Do any works proposed in the waterway designed to incorporate natural channel design principles?</p>	<p>The site adjoins a natural water way in Toongabbie Creek.</p> <p>The application does not affect species immediately adjacent to the waterway, but does propose the replacement with the existing Casuarina</p>	<p>No – Condition</p>

	<p>grove, and the planting of plants not local to the creek environment.</p> <p>To rectify this a condition is included requiring that an amended landscape plan be submitted to Council prior to the release of a construction certificate including plant species local to the creek environment.</p> <p>The proposed drainage point into the creek is designed in accordance with natural channel design principles.</p>	Yes
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p>	<p>A semi-basement is proposed. There is no evidence that works to create the semi-basement will require dewatering of the site.</p>	Yes
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p>	Yes
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p>	<p>The site is of low salinity potential and accordingly salinity is unlikely to impact on the development.</p>	Yes
<p>2.4.5 Air Quality</p>	<p>Standard conditions have been imposed to</p>	Yes

Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	ensure that the potential for increased air pollution has been minimised.	
2.4.6 Development on Sloping Land  Does the design of the development appropriately respond to the slope of the site?	The development responds appropriately to the slope of the site.	Yes
2.4.6 Biodiversity  Is vegetation removal appropriate?  Does the landscape plan incorporate indigenous planting listed in Appendix 3?  If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?	Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/Fauna Impact is not required.	Yes
2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone  Does the site adjoin land zoned E2 or W1?  If yes, does the development satisfy the design principles?	The site adjoins a W1 natural corridor.  The development is consistent with the design principles, providing a 20m setback from the creek as a riparian corridor.  It is noted, however that the limited planting proposed to the north of the building and the lack of locally indigenous species proposed in this location is not acceptable. A condition is included requiring provision of an amended landscape plan providing adequate	Yes – subject to condition.

	planting.	
<p>2.4.7 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p>	<p>The building does not adjoin the general public domain, but does adjoin an internal service road to the hospital. The building provides appropriate address to this road, and provides natural surveillance to all points around the building.</p>	<p>Yes</p>
<p>3. Preliminary Building Envelope</p> <p>It is noted that there is no specific building envelope provisions that relate to the proposal under DCP 2011 given the SP2 zoning applying to the site. However, it is considered that the proposal fits appropriately within its setting.</p>		
<p>Special Precincts</p> <p>The site is identified as being located within the Westmead Strategic Precinct under DCP 2011</p>	<p>The proposal compares to the Westmead Precinct controls as outlined below</p>	<p>See Below</p>
<p>New development is to address and activate public domain areas including open spaces, streets, pedestrian links, laneways, and public spaces.</p> <p>New buildings should not significantly impact on sun access and accessibility of open space areas.</p> <p>Is the proposal consistent with the objectives outlined for the precinct?</p>	<p>The proposal addresses existing pedestrian and vehicular links running through the hospital site.</p> <p>The proposal does not significantly impact on solar access to the adjacent creek or hospital open space to its east. The proposal does not limit access to the open space surrounding the site.</p> <p>Subject to the provision of more substantial planting on the northern side of the development and the use of indigenous plant species, the proposal</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	will be consistent with the objectives outlined for the precinct.	
<b>3.2. Building Elements</b>		
<b>3.2.1 Building Form and Massing</b> Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	The height, bulk, and scale of the proposal is consistent with the scale of existing buildings on the surrounding hospital campuses.	Yes
<b>3.2.2 Building Façade and Articulation</b> Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?	The proposed facades are appropriately modulated in plan and elevation, reducing the appearance of building bulk.  The building frontage provides address to the internal service road adjacent.	Yes
<b>3.2.3 Roof Design</b>  Does that roof form minimise the bulk and scale of the building?  Does the roof form respond to the local context, in particular scale and pitch?	The proposed roof form minimises the bulk and scale of the proposal and is compatible with the surrounding hospital buildings.	Yes
<b>3.2.4 Energy Efficient Design</b>  Does the proposal comply with the Building Code of Australia Energy Efficiency Provisions?	The proposal complies with the energy efficiency provisions of the BCA.	
<b>3.2.5 Streetscape</b>  Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?  Do Garages and parking structures dominate the building façade and front setback?	The development responds appropriately to the character of surrounding built development  The semi-basement car parking proposed is generally acceptable,	Yes  Condition.



	however a condition is included requiring screening to the northern edge of the car park to minimise its visual impact on the adjacent creek reserve.	
<b>3.3 Environmental Amenity</b>		
<b>3.3.1 Landscaping</b> Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?	Where possible, the natural setting around the site is retained.	Yes
<b>3.3.3 Visual Privacy</b> Do balconies face the street or another element of the public domain such as a park?  Is a minimum building separation of 12m provided between habitable rooms/ balconies?	The development generally faces the internal service road or the Toongabbie Creek corridor.  Although the building does not adjoin any other residential flat buildings, the development is in proximity to some wards of Cumberland Hospital and accordingly some privacy is desirable.  The building is separated by 35 metres from Cumberland Hospital which is a distance sufficient to ensure that no privacy impacts will result.	Yes  Yes  Yes
<b>3.3.4 Acoustic Amenity</b> Is the building is located within proximity to noise-generating land uses such as major roads and rail corridors?	The building is not in proximity to any major noise generating land uses.	Yes
<b>3.3.5 Solar Access</b> Do all dwellings receive a minimum of 3 hours sunlight to	The development does not contain stand-alone	Yes

<p>habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p>	<p> dwellings as such, with all forming part of the Ronald McDonald House complex. The development does not overshadow the private open space of any adjoining dwelling, or any adjoining building.</p> <p>Where possible, the development provides optimal solar design for the common open space areas and the units on the northern and eastern side of the building.</p>	
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p>	<p>2.7m</p>	<p>Yes</p>
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> <p>Given Council's Engineer has also identified that the provision of the OSD infrastructure may not be necessary in this instance, the condition enables an alternate stormwater design not incorporating OSD to be proposed where that is acceptable to the applicant.</p>	<p>Yes</p>

Has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?	The development achieves the outlined WSUD standard.	Yes
<p>3.3.6.2 Water Efficiency</p> <p>Residential development not subject to BASIX is to incorporate water efficiency measures including 3 star Water Efficiency Labeling and Standards Scheme (WELS Scheme) plumbing fixtures.</p>	Conditions are imposed requiring that the plumbing of the building comply with the required standard.	Condition
<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p>	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.	Yes
<b>3.4 Social Amenity</b>		
<p>3.4.1 Public Art</p> <p>Is an arts plan required?</p> <p>Note: Arts plans are required if the site is over 5000m<sup>2</sup></p>	<p>Given the area to be leased for the proposal exceeds 5000m<sup>2</sup>, an arts plan is required.</p> <p>None has been submitted at Development Application stage, however it is noted that Ronald McDonald House already has a number of artworks on site, and additionally, it is noted that the development site contains some artworks for which retention is warranted. Further, there is opportunity to develop an arts scheme that reflects the significant themes of the site, including trees planted (which will be</p>	Condition

	<p>removed) that commemorate deceased children.</p> <p>Given this, a condition will be imposed requiring that all existing plaques and artworks on the site be protected prior to the release of a construction certificate, and require an arts plan be prepared and implemented prior to the release of any Occupation Certificate.</p>	
<p><b>3.4.4 Safety and Security</b></p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The building faces towards the street and towards the creek reserve to the north, promoting natural surveillance from within the units to the front setback and public domain.</p>	Yes
<p><b>3.4.2 Access for People with Disabilities</b></p> <p>The siting, design, and construction of premises available to the public are to ensure an appropriate level of accessibility so that all people can enter and use these premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian Standards and the Building Code of Australia</p>	<p>Conditions are included in the recommendation requiring compliance with the BCA and the development is legally required to provide equitable access in accordance with the Disability Discrimination Act.</p>	Condition
<b>3.5 Heritage</b>		
<p>Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.</p>	<p>The site contains a heritage item, Cumberland Hospital, although this is not contained within the lease area of the</p>	Yes

<p>Does the site contain a heritage item?</p> <p>Is the site within a heritage conservation area?</p> <p>Is the development near a heritage item?</p>	<p>proposed development. The Heritage Council has provided their general terms of approval in this regard.</p> <p>The development is not within a heritage conservation area or near any other heritage items.</p> <p>The impact of the proposal on its surrounds is considered to be acceptable.</p>	
<p>3.5.2 Archaeology</p> <p>Is excavation proposed?</p> <p>If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?</p>	<p>The site is within Archeological Management Unit 3070, and is identified as having moderate and local archaeological potential. A condition is included in the recommendation requiring that any findings uncovered during works be documented.</p>	Condition
<p>3.5.3 Aboriginal Cultural Heritage</p> <p>Is the application accompanied by an assessment of the impact of the development on the significance of the site to indigenous communities (High Sensitivity)?</p> <p>Is the site within 50m of a known Aboriginal Site?</p>	<p>The application is accompanied by a heritage assessment that considers the high indigenous sensitivity of the site.</p> <p>The site is more than 50m from local Aboriginal sites.</p>	<p>Yes</p> <p>Yes</p>
<b>3.6 Parking Provision</b>		
<p>As a form of use not listed in DCP 2011, is the development accompanied by an adequate parking assessment that</p>	<p>The application is accompanied by a parking assessment that</p>	Yes



identifies likely parking demand?	indicates the site would have demand for 40 parking spaces.	
	The proposal will provide 97 off-street parking spaces.	Yes
Is bicycle parking provided?	Bicycle parking is provided in the basement.	Yes
3.6.3 Accessibility and Connectivity		
Are the existing connections through the site maintained?	The existing walkway along Toongabbie Creek will be maintained, and the development will connect into an existing foot path by locating its main entry opposite.	Yes
	A condition is included in the recommendation requiring a footpath be provided to connect the development to the creek front path thereby connecting the development to the broader recreation area.	Condition

Subject to appropriate conditions, the proposal will achieve reasonable compliance with the provisions of DCP 2011.

## PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the residential flat building exceeds \$100,000 a Section 94A development contribution **1.0%** is required to be paid. A Quantity Surveyor who is a member of the Australian Institute of quantity Surveyors prepared a Quantity Surveyors Report which **did not** detail any exemptions. Accordingly, the Section 94A contributions will be calculated on the value of **\$28,875,000**

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Occupation Certificate.

It is noted that investigations were made with respect to waiving the requirement for S94A contributions in this instance given the public good that will be brought about as a result of the proposal, however Council's investigations have

identified that there is no mechanism by which S94A contributions can be waived within the current Section 94A plan.

The applicant has had preliminary discussions with Council to identify means of minimizing the impact of S94A requirements, and it is recommended that these continue. Given that the requirement to pay section 94A contributions has been imposed in the Occupation certificate, further discussions will be able to occur once construction commences.

## **Bonds**

In accordance with Council's Schedule of Fees and Charges, the developer would ordinarily be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

No public Council infrastructure adjoins the site given its location within the hospital complex, off a service road. Accordingly, no bonds will be applied to the proposal.

## **PLANNING AGREEMENTS**

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

## **REGULATIONS**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 4.

## **LIKELY IMPACTS**

### **Utilities/Infrastructure**

The proposed use will not adversely impact existing utilities or public infrastructure. Conditions have been imposed within the recommendation requiring the applicant to liaise with service authorities to ensure that these services can be provided.

### **Fire Safety**

All building work associated with the development must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

## **Impacts during Construction**

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

## **Social & Economic Impact**

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

## **ESD & The Cumulative Impact**

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

## **SUITABILITY OF THE SITE**

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

## **SUBMISSIONS & PUBLIC INTEREST**

No submissions were received in response to the notification of the application.

The proposed development is not contrary to the public interest.

## **Conclusion**

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## **Recommendation**

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

## **APPROVAL SUBJECT TO CONDITIONS**

**That** the Sydney West Joint Regional Planning Panel as the consent authority grant approval to Development Application No. DA/670/2014 for tree removal and construction of a 4 storey family accommodation building (health services facility) containing 60 self-contained units and associated communal facilities at Westmead Children's Hospital, 178 Hawkesbury Road and 1 Hainsworth Street, WESTMEAD for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions:

## **General Matters**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Sheet and Drawing Register drawing number 0001 revision A	Jackson Architecture	13 June 2014
Site Analysis Plan Drawing Number 0002 revision A	Jackson Architecture	13 June 2014
Proposed site plan drawing number 0102 revision A	Jackson Architecture	13 June 2014
Car Park and Loading Level drawing number 1001 revision A	Jackson Architecture	13 June 2014
Ground Floor Plan drawing number 1002 revision A	Jackson Architecture	13 June 2014
Levels 1 & 2 plan drawing number 1003 revision A	Jackson Architecture	13 June 2014
Level 3/roof plan drawing number 1004 revision A	Jackson Architecture	13 June 2014
Elevations drawing number 2001 revision A	Jackson Architecture	13 June 2014
Sections drawing number 2501 revision A	Jackson Architecture	13 June 2014
External finishes and materials drawing number 3001 revision A	Jackson Architecture	13 June 2014
Landscape Plan for Development Application Car Park Level revision C	Peter Glass and Associates	4 September 2014
Landscape Plan for Development Application Upper Ground Floor Level revision C	Peter Glass and Associates	4 September 2014
Plant Schedule and Image Panels for Development Application revision C	Peter Glass and Associates	4 September 2014
Job number 141096 drawing number C1.01 revision 1 titled Cover Sheet, Drawing Schedule and Locality Plan.	Northrop	12 September 2014
Job number 141096 drawing number C1.02 revision 1 titled Civil Design Specification Notes – Sheet 1	Northrop	12 September 2014
Job number 141096 drawing number C1.03 revision 1 titled Civil Design Specification Notes	Northrop	12 September 2014

– Sheet 2		
Job number 141096 drawing number C2.01 revision 1 titled Concept Sediment and Erosion Control Plan	Northrop	12 September 2014
Job number 141096 drawing number C2.11 revision 1 titled Concept Sediment and Erosion Control Plan	Northrop	12 September 2014
Job number 141096 drawing number C4.01 revision 1 titled Concept Stormwater Management Plan	Northrop	12 September 2014
Job number 141096 drawing number C4.02 revision 1 titled Stormwater Catchment Plans	Northrop	12 September 2014
Job number 141096 drawing number C5.01 revision 1 titled Siteworks and Grading Plan	Northrop	12 September 2014
Job number 141096 drawing number C7.01 revision 1 titled Road 1 – Longitudinal Section	Northrop	12 September 2014
Job number 141096 drawing number C8.01 revision 1 titled Road 1 – Cross Section	Northrop	12 September 2014
Job number 141096 drawing number C9.01 revision 1 titled Civil Design Details – Sheet 1	Northrop	12 September 2014
Job number 141096 drawing number C9.02 revision 1 titled Civil Design Details – Sheet 2	Northrop	12 September 2014
Job number 141096 drawing number C9.03 revision 1 titled Civil Design Details – Sheet 3	Northrop	12 September 2014
Job number 141096 drawing number C9.04 revision 1 titled Civil Design Details – Sheet 4	Northrop	12 September 2014
Job number 141096 drawing number C9.05 revision 1 titled Civil Design Details – Sheet 5	Northrop	12 September 2014

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	4 September 2014
Building Code of Australia Capability Statement	Group DLA	3 September 2014
Energy Statement	Floth Sustainable Building Consultants	2 September 2014
DA flood report	Emerson Associates	15 August

		2014
Statement of Heritage Impact Job Number 2230	Rappoport Pty. Ltd.	September 2014
Development Application Landscape Report	Peter Glass and Associates	4 September 2014
Development Application Estimate Report	Rider Levett Bucknall Pty. Ltd.	August 2014
Riparian Report job number 141096	Northrop	26 August 2014
Stage 1 Preliminary Environmental Site Investigation Ronald McDonald House Westmead reference DL3310_S001843 revision R03	DLA Environmental	September 2014
Statement of Environmental Effects	BTG Planning	September 2014
Stormwater Management Report and Supplementary Report	Northrop	5 September 2014 and 20 March 2015
Traffic Assessment of Proposed Ronald McDonald House, Westmead Childrens Hospital	Colston Budd Hunt & Kafes Pty. Ltd.	September 2014
Waste Management Plan	Lindsey Bennelong Developments	4 September 2014

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

2. Trees to be retained are (refer to Arboricultural Impact Appraisal & Method Statement by Naturally Trees dated 4 September 2014):

Tree No's – 1-5, 6 (x7), 7-21, 24, 25, 28-37, 42-45, 51a, 68a (x20) & 73 (x19)

**Reason:** To protect significant trees which contribute to the landscape character of the area.

3. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

- Reason:** To ensure compliance with legislative requirements.
5. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.
- Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
6. The development is required to be carried out in a matter that complies with the following general terms of approval that are attached to this consent notice:
- (a) The General Terms of Approval under S91 of the Water Management Act 2000 issued by the Office of Water, Reference 10 ERM2015/0022.
- (b) The General Terms of Approval issued under the Heritage Act 1977 by the Heritage Council, Reference 2015/IDA/1.

It is noted that a separate Controlled Activity Approval must be sought under the Water Management Act 2000 following the granting of development consent.

It is noted that separate approvals may be required given the site is located in a high sensitivity area as identified in DCP 2011's Aboriginal Sensitivity Map.

**Reason:** To ensure compliance with the issued General Terms of Approval.

### **Prior to the issue of a Construction Certificate**

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

7. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

**Notes:** For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

8. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the

proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To ensure Council's assets are not damaged.

9. The basement stormwater pump-out system, must be designed and constructed to include the following:
  - (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
  - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - (i) The permissible site discharge (PSD) rate; or
    - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure satisfactory storm water disposal.

10. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure the structure can withstand flooding events.

11. No work is to commence on the storm water system until the detailed final storm water plans and management system have been approved by in writing by Council's Team Leader Technical Specialists and subsequently by the Principal Certifying Authority. The details are to address the following:
  - a) Council will accept the existing concept design with an OSD tank (approx. 250 m<sup>3</sup> volume) as shown, or, as a preferred alternative, will accept use of the existing retention basin for both OSD and water sensitive urban design bioretention purposes. This latter alternative will require alteration of pipework and overland flow paths, review of swales and bioretention



facilities, and deletion of the OSD tank. It may also include use of the 1800mm diameter stormwater main across the site.

- b) Note: The Northrop Stormwater design for OSD and WSUD is concept in nature only and not to be used for construction purposes as the construction drawing. A detailed stormwater design must be prepared, consistent with landscape and architectural designs, and submitted with the application for Construction Certificate to Council and the Principal Certifying Authority for approval).
- c) The final drainage plans must be consistent with the concept Drainage Plans with the notations thereon, approved with the Development Consent or with the alternative conditions as set out herein.
- d) Any proposed stormwater detention/retention and water sensitive urban design system must be designed by a suitably qualified engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" as well as Council's Drainage Code E4 and Stormwater Drainage Guidelines, DCP 2011 and requirements of this consent.
- e) Any detention system design must demonstrate a Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT's handbook).

**Reason:** To manage stormwater.

12. A total of 4 accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

13. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

14. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

**Reason:** To ensure Council's assets are not damaged.

15. Foundations adjacent to the existing 1800 mm diameter drainage pipe, within the drainage easement, must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.

**Reason:** To ensure structural stability of the stormwater pipe.

16. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

**Reason:** To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

17. The land forming part of the development site is to be remediated to the criteria consistent with the *National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (No.1) Residential A – Residential with Garden or Accessible Soils*.

A detailed site investigation is to be prepared and carried out in accordance with the Contaminated Land Guidelines referenced in SEPP 55. The investigation is to delineate and quantify where possible the potential contaminants within the fill material on site.

Where the site investigation indicates contamination of the site to a level that makes it inconsistent with the NEPM 2013 Residential A criteria, a remedial action plan in accordance with the Contaminated Land Guidelines referenced in SEPP 55 is to be prepared demonstrating how the site can be made fit for the uses sought under this consent.

All documents referenced in this condition when prepared are to be submitted to Council and are to be to the written satisfaction of Council.

A copy of all validation and monitoring reports are to be provided to Council's Environment and Health unit for the site remediation works identified in the remedial action plan prior to issue of a Construction Certificate. Documents are to certify that the land is consistent with the NEPM 2013 Residential A criteria.

**Note 1:** Depending of the extent and nature of any contamination affecting the site and the remediation works required to make the site safe for residential use, separate Development Consent may be required for the remediation works. This consent does not approve remediation works of a scale that would require Development Consent under SEPP 55.

**Reason:** To ensure that the site is safe for residential occupation and to ensure compliance with SEPP 55.

18. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.  
**Reason:** To ensure that the levy is paid.
19. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).  
**Reason:** To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.
20. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
21. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.  
The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.  
**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
22. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.
- The Construction Noise Management Plan must include:
- (a) Identification of nearby residences and other sensitive land uses within the hospital grounds.
  - (b) Assessment of expected noise impacts.
  - (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
  - (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- Reason:** To prevent loss of amenity to the area.
23. Prior to the release of a Construction Certificate details are to be submitted demonstrating that the development incorporates 3 star water efficiency labelling and Standards Scheme (WELS Scheme) plumbing fixtures.  
**Reason:** To comply with DCP 2011.

24. Prior to the release of a Construction Certificate by the Principal Certifying Authority, an audit is to be carried out all existing art installations, memorial features and plaques, and any other items of cultural or historic significance located within the lease area, with details recorded.

A plan of management of these items is to be developed, outlining how they will be preserved between the commencement of construction works and the conclusion of works, at which point, the items are to be reinstalled within the hospital complex (Westmead or Cumberland Hospital) or on the site itself.

A copy of the audit and plan of management is to be provided to Council, the land owner and the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To ensure significant features and memorials located on the site are appropriately preserved.

25. An amended landscape plan is to be submitted for approval to Council prior to the release of the Construction Certificate by the Principal Certifying Authority. The amended plan is to include:

- (a) The existing hedge running along the northern boundary of the tennis court is to be retained to provide screening of the adjacent Hospital facility.
- (b) A 1.8m high school type fence is to be installed around a portion of the perimeter of the Ronald McDonald House area to provide a barrier between the building and the adjacent grounds of Cumberland Hospital to prevent unintended access into the grounds of Ronald McDonald House. The location of the fence is to be determined following negotiations with Cumberland Hospital.
- (c) Planting advanced trees of a suitable pot size capable of growing to at least 10 metres in height located to the north of the proposed building, between the building and Toongabbie Creek. The trees are to be selected from locally indigenous species and are to effectively enable the screening of the car park and service areas from the creek side pathway.
- (d) The Casuarina grove required to be planted by the NSW Heritage Office General Terms of Approval.
- (e) All proposed non-local species proposed to the north of the building are to be replaced with locally indigenous species.

Advisory Note: For details of species selection for (a), (c) and (e) you may contact Council's Open Space and Natural Resources Planner on 9806-8272.

**Reason:** To limit the visual and environmental impact of the development on the adjacent nature corridor.

26. The details submitted for Construction Certificate are to include screening affixed to the northern side of the car park where it faces the adjacent creek pathway. The screens are to be designed to visually screen the car park but also to give way in the event of flood inundation.

In addition, lighting is to be affixed to the northern side of the building to provide lighting towards the creekside pathway and minimise opportunities for anti-social activities.

**Reason:** To minimise the visual impact of the car park area on the adjacent creek path and to improve natural surveillance.

27. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the gradients of the driveway and the ramp access driveway to the basement level are to be marked and shown on the DA plans for confirmation and approval of the design plans, prior to issue of the construction certificate

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

28. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Bollards are to be installed on the shared area adjacent to the disabled parking spaces (adjacent to parking space 68 and 69; and 70 and 7) on the basement level. to comply with AS 2890.6 – 2009.

**Reason:** To comply with Council's parking requirements and Australian Standards.

29. The proposed private road is to be constructed (6m wide minimum) and paved according to Council's specification. Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To comply with Council's parking requirements and Australian Standards

### **Prior to Work Commencing**

30. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

**Reason:** To ensure adequate toilet facilities are provided.

31. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan prepared in consultation with Cumberland and Westmead Hospitals, to the satisfaction of the Principle

Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - (iii) The locations of any proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
  - (x) Details demonstrating how the impacts of works on hospital access will be minimised and in particular how the loss of access to Redbank Road will be minimised to assist with managing the significant traffic issues within the Westmead precinct..
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of any proposed 'Works Zone' restriction in the egress frontage roadways of the development site owned by Parramatta City Council.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant

notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

(c) Traffic Control Plan(s) for the site:

- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

(d) Where applicable, the plan must address the following:

- (i) Evidence of RMS concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- (iii) Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

32. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

33. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

34. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
  - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
  - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
  - (d) The impact on groundwater levels in relation to the basement structure.
  - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must



be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

- 35. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or

construction works upon the site. These measures are to be maintained throughout the entire works.

**Reason:** To ensure soil and water management controls are in place before site works commence.

36. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

37. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

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

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

38. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building

materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

**Reason:** Proper management of public land.

39. The trees identified for protection within the submitted Arboricultural Impact Appraisal & Method Statement by Naturally Trees dated 4 September 2014 - Tree No's – 22, 23 (x17), 26, 27, 38-40, 41 (x4), 46-67, 68 (x20) & 69-72 shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

Prior to the commencement of any demolition, excavation or construction works, tree protection measures shall be installed in accordance with the Arboricultural Impact Appraisal & Method Statement by Naturally Trees dated 4 September 2014 and all relevant conditions of this consent.

**Reason:** To ensure the protection of the tree(s) to be retained on the site.

40. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

**Reason:** To ensure the protection of the tree(s) to be retained.

41. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

42. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

**Reason:** To comply with legislative requirements.

43. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be

installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

44. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
  - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (c) The name, address and telephone number of the Principal Certifying Authority;
  - (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

45. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
  - (b) Below; or
  - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**Note:** Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

46. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

## **During Work**

47. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and/or waterways. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.  
**Reason:** To ensure no adverse impacts on neighbouring properties.
48. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.  
**Reason:** To protect public safety.
49. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.  
**Reason:** To ensure appropriate car parking.
50. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.  
**Reason:** To ensure Council's assets are appropriately constructed.
51. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.  
**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
52. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.  
  
If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW National Parks and Wildlife Service Act.  
**Reason:** To ensure that the requirements of the Office of Environment and Heritage are met.
53. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
54. All excavation within the tree protection zones is to be supervised by an Australian Qualifications Framework (AQF) Level 3 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist as per appendix 4, 5, 6, and 7 of the approved Arboricultural report by Naturally Trees dated 4 September 2014.  
  
**Reason:** To provided adequate protection of trees.
55. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.  
**Reason:** To ensure the protection of the tree(s).

56. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

57. All trees supplied above a 25L container size must be grown and planted in accordance with:

(a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.

(b) Natspec Guide No.2.

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

**Reason:** To minimise plant failure rate and ensure quality of stock utilised.

58. Trees to be removed are (refer to Arboricultural Impact Appraisal & Method Statement by Naturally Trees dated 4 September 2014):

Tree No's – 22, 23 (x17), 26, 27, 38-40, 41 (x4), 46-67, 68 (x20) & 69-72

**Reason:** To facilitate development.

59. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

**Reason:** To ensure the trees planted within the site are able to reach their required potential.

60. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

61. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

62. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

63. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

64. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of

the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

**Reason:** To protect the amenity of the area.

65. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
  - (b) The means by which the complaint was made;
  - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
  - (d) Nature of the complaints;
  - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
  - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

66. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

**Reason:** To protect the amenity of the area.

67. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.

68. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

**Reason:** To ensure proper management of Council assets.

69. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

**Reason:** To ensure maintenance of Council's assets.

### **Prior to the issue of an Occupation Certificate**

70. A monetary contribution comprising \$288,750.00 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of any Occupation Certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4) can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

**Reason:** To comply with legislative requirements.

71. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

**Reason:** To comply with statutory requirements.

72. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.



- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

**Reason:** To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

73. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention and retention, stormwater pollution and stormwater management facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and other stormwater measures to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention and other facilities, including their relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

**Reason:** To ensure maintenance of on-site detention facilities.

74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

75. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

**Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.

**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

76. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together

with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

**Reason:** To make property owners/residents aware of the procedure in the case of flood.

77. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

78. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

79. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

**Reason:** To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

80. An arts plan is to be prepared and implemented prior to the release of any Occupation Certificate for the site. The plan is to be developed with reference to the history of the development site as a memorial garden, and is, where possible, to make allowance for the reinstallation of the artworks that existed on the site prior to the commencement of works where this is possible.

The arts plan may also employ any existing artworks held by the Ronald McDonald House foundation for installation on the site.

**Reason:** To ensure the appropriate implementation of the approved public art plan.

81. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

**Reason:** To ensure a visible house number is provided.

82. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate electricity services are provided.

83. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and A copy of this report is to be forwarded to Council.

- Reason:** To establish any damage caused as a result of the building works.
84. Prior to the release of any Occupation Certificate for the development, a pedestrian connection is to be provided linking the building to the existing riverside track. This may be in the form of a simple pedestrian track akin to the existing track.
- Reason:** To improve site linkages into the broader recreation space around the site.
85. Boom gates near the driveway entry and exit via a private road are to be installed in accordance with Clause 3.3 (b) of AS 2890.1-2004 prior to the release of any Occupation Certificate.
- Reason:** To ensure the gates are installed in accordance with Australian Standards.

### **The Use of the Site**

86. The property owner is to ensure the warning system is in good working order, through regular testing and maintenance.
- Reason:** To ensure the integrity of the flood warning system.
87. All putrescible waste shall be removed from the site weekly to avoid nuisance from pests and odours.
- Reason:** To ensure provision of adequate waste disposal arrangements.
88. Separate waste bins are to be provided on site for recyclable waste.
- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
89. All waste storage areas are to be maintained in a clean and tidy condition at all times.
- Reason:** To ensure the ongoing management of waste storage areas.
90. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
- Reason:** To ensure waste is adequately stored within the premises.
91. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.
- Reason:** To minimise noise impact of mechanical equipment.
92. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.
- Reason:** To ensure the removal of graffiti.
93. Delivery vehicles are to be restricted to vans and small rigid trucks (SRV). Larger delivery vehicle may not be able to manoeuvre properly into and out of the site.
- Reason:** To ensure appropriate vehicular maneuvering is provided