



ASSESSMENT REPORT – SECTION 96 MODIFICATION

Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No: DA/670/2014/A

Assessment Officer: Sasi Kumar

Property: Lot 101 DP 1119583 and part Lot 1 DP 808447, 178 Hawkesbury Road and 1 Hainsworth Street, WESTMEAD 2145 - Westmead Children's Hospital

Proposal: Section 96 (2) modification to the approval for the construction of a 4 storey family accommodation building containing 60 self-contained units and associated communal facilities. The proposed modifications include the following:

- 1) Adjustment of lease boundary area to the the eastern side of the internal access road;
- 2) Adjustment and rotation of the approved building footprint marginally to the east;
- 3) Lowering of overall building height and finished floor level;
- 4) Minor internal modifications;
- 5) Addition of a new vehicular turning circle at the front of the building and a larger landscape set back provided;
- 6) Adjustments to landscape design to include new pathways. New pathways are also proposed along the northern edge of the development adjacent to Toongabbie Creek.

The proposal will be determined by the Sydney West Joint Planning Panel.

Date of receipt: 23 September 2015

Applicant:	Arnold Tink Inc. Trading as Ronald McDonald House
Owner:	NSW Health Commission
Submissions received:	None
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:	Flooding
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, Notification DCP, SEPP 55, Policy for the Handling of Unclear insufficient and amended development applications
Variations:	Nil
Integrated development:	Yes
	The original development was assessed as being Nominated Integrated pursuant to 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 ² (total lease area from NSW Health Commission)
Easements/rights of way:	None in the lease area
Heritage item:	Yes - Cumberland Hospital and the Wisteria Gardens are located on the same allotment as the development site. However, they are located some distance from the approved building (150 m).
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Approval was granted 10 June 2015 by the Joint Regional Planning Panel for development application DA/670/2014 for tree removal and construction of a 4 storey family accommodation building containing 60 self-contained units and associated communal facilities.

DA history

23 September 2015	Application lodged.
15 October to 16 November 2015	Application advertised.
13 October 2015	Landscape and Tree management Officer's comments received.
13 October 2015	NSW Department of Primary Industries/ Water comments received.
23 October 2015	Meeting with applicant and their consultant engineer's.
23 October 2015	Open Space & Natural Resources comments received.
29 October 2015	Development Engineer's comments provided.
11 November 2015	JRPP briefing held.
10 December 2015	Traffic Engineer's comments received.
18 December 2015	NSW Office of Environment and Heritage comments received.

SECTION 96 ASSESSMENT

SITE & SURROUNDS

The subject site is flood prone and has a total area of 7427m² and is identified as part Lot 101 in DP1119583 (4,809m²) owned by Westmead Hospital and part Lot 1 in DP 808447 (2,618m²) owned by Cumberland Hospital. The approved development lies in the northern most portion of Westmead and Cumberland Hospitals, on the southern side of Toongabbie Creek and east of Redbank Road

Access to the site is Hainsworth Street which runs off Redbank Road. The subject site has been leased from the Health Administration Corporation.



Figure 1: Locality Map



Figure 2: Development site denoted by red outline.

The subject site is zoned SP2- Infrastructure pursuant to PLEP 2011. The zoning maps indicate the site as being a Health Service Facility. The property is bounded by Toongabbie Creek to its northern and eastern boundaries, with Westmead and Cumberland Hospitals to the south and Hainsworth Road to the west.

The project is subject to the provisions of:

- Parramatta Local Environmental Plan 2011
- Parramatta Development Control Plan 2011
- Heritage Act
- Water Management Act 2000

THE PROPOSAL

Council is in receipt of a Section 96(2) application seeking modification to the consent to DA/670/2014 for the construction of a 4 storey family accommodation building containing 60 self-contained units and associated communal facilities granted on 10 June 2015 by the Joint Regional Planning Panel.

The subject proposal details various modifications including: -

1. Adjustment to the lease boundary area to the eastern side of the internal access road (previously west). The lease area is then adjusted to the east so as to maintain the approved building foot print;

2. Shifting the approved building foot print to the east and slight rotation;
3. Lowering of the overall building height by 650mm;
4. Adjustment of internal layout;
5. Addition of new vehicular turning circle at the front of the building and a larger landscape setback provided; and
6. Adjustments to landscape areas and design including new pathways (including pathways along the northern edge of the development immediately adjacent to Toongabbie Creek).

The works have not been completed.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned SP2 Infrastructure (Health Services Facility) under Parramatta Local Environmental Plan 2011. The proposal seeks to make modifications to an approved health services facility 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.

TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

Development / Catchment Engineer

The development application was referred to the Development/ Catchment Engineer for comment and the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The following recommendations have been provided;

a) *Please delete condition 73 from the original consent.*

b) *Please amend condition 12 to read as follows:*

12 No work is to commence on the stormwater management system until the detailed final storm water plans and management system have been approved by the Certifying Authority.

The Northrop Stormwater design for drainage 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 the Principal Certifying Authority for approval).

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.

Reason: *To manage stormwater.*

c) *Please add the following conditions:*

N1 *The site is subject to flooding from Toongabbie Creek. The minimum habitable floor levels shall be 12.32m AHD.*

N2 *In addition the building (and associated work) must be of flood proof construction and designed to withstand the forces associated with flood waters and moving debris and buoyancy forces up to the level of RL 17.70m AHD.*

N3 *The surface and piped drainage around the area of Pit 5/5 should be redesigned so as to prevent escape of pollutants such as wastes and garbage from the area into the stormwater system or directly into the river.*

N4 *There is to be no direct discharge to Toongabbie Creek from the development's stormwater management system.*

N5 *Throughout site disturbance and the construction phase the Applicant shall adequately manage (minimise, capture, store, treat and dispose of) stormwater, groundwater and floodwater runoff to prevent transport off site or into Toongabbie Creek of pollution, including sediments, colloidal soil particles, oil and grease and other contaminants.*

The Applicant is also directed to the need to comply with the requirements of the Protection of the Environment Operations Act 1997 and any EPA licence

requirements. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, the Protection of the Environment Operations Act 1997 must be complied with in, and in connection with, the carrying out of the development.

In addition to any EPA licence requirements, Council requires the following discharge water quality standards be achieved at all times throughout the construction phase of the development: pH 6.5-8.5; Total Suspended Solids (TSS) 50 mg/l ; Oil and Grease 'Not visible'.

Prior to release of the Construction Certificate the applicant must provide to the Principal Certifying Authority for approval full details of the construction phase stormwater and groundwater collection and discharge pollution control and quality management system, including full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance. "

Comments:

The additional conditions of consent have been recommended for inclusion in the modified consent.

Landscape

The development application was referred to the Landscape and Tree Management Officer for comment and the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

Traffic Engineer

The development application was referred to the Traffic Engineer for comment and the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The following recommendations were provided;

"Prior to the release of a Construction Certificate:

1. Condition 29 is to be amended as follows:

29 Parking spaces (96 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.

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

Prior to the release of an Occupation Certificate:

2. Condition 85 is to be amended as follows:

85. Boom gates near the driveway entry and exit via the turning circle on private road is to be installed in accordance with Clause 3.3 (b) of AS 2890.1-2004. If an intercom or security card reader is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

The Use of the Site

3. Condition 93 is to be amended as follows:

93. Delivery vehicles are to be generally restricted to vans and small rigid trucks (SRV) with the exception of one heavy rigid vehicle (HRV) per day to collect waste. **Note that the bridge section on Redbank Road is under the control and management of the New South Wales Health Commission. Any occurrences of damage or repairs to be carried out on the bridge section of Redbank Road shall be the responsibility of the applicant. All costs associated with the any works on the bridge shall be paid for by the applicant at no cost to Council.**

Reason: To ensure appropriate vehicular manoeuvring is provided"

Comments:

The proposed conditions are acceptable and will form part of the recommendations.

Open Space and Natural Resources

The development application was referred to the Open Space and Natural Resources Officer for comment the officer provided the following advice;

"I refer to the proposed modifications to the approved development at 178 Hawkesbury Road / 1 Hainsworth Street in Westmead (DA/670/2014), particularly in relation to 'adjustments to the landscape areas and design including new pathways, particularly along the northern edge of the development adjacent to Toongabbie Creek'.

This additional landscaping includes concreting and lighting of a section of existing bushwalking track (between Redbank Road and Eastern end of northern car park), with 2 new connections into the existing walking track from the new car park. This additional landscaping is located predominantly within the 20m riparian zone along Toongabbie Creek which provides important habitat for native wildlife. The existing bushwalking track is part of the Governor Phillip Walk and is popular with both local residents and visitors. We therefore do not support concreting or lighting of the existing walking track and request it be retained as a natural surface (potentially crushed sandstone) with no lighting to interfere with nocturnal wildlife.

It would be more appropriate for a separate concrete pathway with lighting to be provided along the internal access road and edge of the proposed development. Screening vegetation would be located between this new pathway and the existing

walking track to retain a 'natural' experience for bushwalkers (daylight hours only), whilst improving passive surveillance along the new access pathway (used during both day and night)."

Comments:

The applicant is agreeable to accept the recommendations of the Open Space and Natural Resources officer with respect to the concreting of the bush walking track and this will form part of the recommended conditions of consent.

NSW Office of Primary Industries/ Office of Water

The development application was referred to the NSW Office of Primary Industries/ Water for concurrence as the application has been identified as an Integrated Development under the Water Act 2000. The following response was received;

"I refer to your letter dated 30 September 2015 regarding S96, DA/670/2014/A for the subject site, our GTA ref ERM2015/022 issued on 25 February 2015 does not need to be changed.

Please be advised that no works should be allowed on waterfront land, ie land within 40m from the top of the bank of a 'river' without a Controlled Activity Approval (CAA). Our records do not show that the applicant has obtained a CAA for the DA 202014/670."

Comments

As no modifications are proposed to the General Terms of Approval issued for the original application on 25 February 2015, no amendment to the existing condition is proposed.

NSW Office of Heritage and Environment

The development application was referred to the NSW Office of Heritage and Environment for concurrence, as the application has been identified as an Integrated Development under the Heritage Act 1977. The Heritage Council subsequently provided the following comments: -

"The proposed modification to the existing design consists of an amended lease boundary to the east, shifting and rotating the approved building footprint to the east, lowering the overall building by some 6m, a new turning circle to front, landscaping and internal changes.

As delegate of the Heritage Council, I have considered the modification in accordance with the required matters for consideration under section 62 of the Heritage Act 1977 and consider that the modification is substantially the same development as the original approval.

The Heritage Council raises no objection to the proposed modification of the consent and because of the nature of the modification it will not be necessary for the general

terms of approval provided to the Council on 17 April 2015 to be amended, beyond the first general term of approval listing the revised and new documents, as outlined below:

Also previous general term of approval No. 4 noted the requirement for the applicant to lodge an s.60 application for approval under the NSW Heritage Act 1977 prior to any work commencing, along with appropriate supporting information such as on the potential impacts on both Aboriginal sensitivity map zones and Aboriginal heritage values and mitigation strategies to avoid or minimise such impacts. The applicant should be reminded of this requirement."

Comments

The Heritage Council has no additional concerns with the proposed modifications. Condition 6 is recommended for amended to reflect the above request.

PUBLIC CONSULTATION

In accordance with Appendix 5 of DCP 2011, owners and occupiers of surrounding properties, and Council's Heritage Committee were given notice of the application for a 30 day period between 15 October and 16 November 2015. In response no submissions were received.

Amended Plan

N/A

SECTION 96 MATTERS OF CONSIDERATION

Has the consent lapsed? No

Section 96(2) Modification

Section 96(2) of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The modifications proposed under the subject Section 96(2) application are generally contained within the approved building envelope.

In the context of the overall scope of the development, the current proposal does not involve any significant changes to the floor space, built form or landscaped area provision of the approved development. The modified development will not result in detrimental environmental, social or economic impacts on the locality, and is considered to be within the public interest. Therefore, the proposed modifications are considered to result in a development that remains substantially the same as the development for which the consent was originally granted. In relation to the consideration of any submissions, none have been received by Council.

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as that to which the original development consent relates being a health services facility development.

The proposed modifications essentially relate to adjustments and cosmetic improvements to the approved building to correspond with the amended lease area and are considered to result in a development which is substantially the same as that approved the JRPP under the original assessment.

Consultation with Minister, public authority or approval body

Consultation has been carried out with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body.

The proposed modifications have been referred to NSW Office of Primary Industries/ Water and the NSW Office of Heritage and Environment as Nominated Integrated Development under the Water Act 2000 and the Heritage Act 1977 respectively. No objections have been raised to the proposed amendments.

Notification & Submissions

The subject application was advertised and notified between 15 October and 16 November 2015 in accordance with Appendix 5 of the Parramatta Development Control Plan. At the conclusion of the public consultation process, no submissions were received.

Threatened Species

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

Section 79C Assessment

The proposed modifications have been assessed in accordance with the matters for consideration under Section 79C of the EP&A Act, 1979.

SEPP 55- Remediation of Land

The subject site is not identified in Council's records as being contaminated, however the original development application did assess a Stage 1 site investigation report and a condition of consent requiring a detailed site investigation and a remedial action plan be prepared was included within the consent (Condition No-17). There is no further need for any additional conditions.

Parramatta Local Environmental Plan 2011 (PLEP)

Clauses contained in PLEP 2011 relating to maximum floor space ratio and building heights respectively do not apply to the development as there are no height and FSR controls applicable to the subject property. Further, the proposed modifications do not result in any increase to the gross floor area or building height of the approved building. The modifications are considered to be satisfactory in this regard and continue to appropriately respond to the relevant objectives of the zone.

Parramatta Development Control Plan 2011 (PDCP)

A detailed assessment of the proposed modifications as itemised below has been undertaken against the PDCP as follows: -

- **Adjustment to the lease boundary area to the eastern side of the internal access road (previously west). The lease area is then adjusted to the east so as to maintain the approved building foot print.**



Figure 3: The proposed and approved lease boundaries denoted in dotted red and blue, respectively.

Comment:

The lease changes, as indicated in Figure 3 above, do not impact on any DCP controls. No additional concerns are raised and the proposed modification to the approved lease boundary is considered to be acceptable subject to the amended conditions of consent recommended.

- a) Amendment to Condition 1.
- b) Amendment to Condition 6.
- c) Amendment to Condition 12.
- d) Addition of Conditions 12 A to D.
- e) Deletion of Condition 73.
- f) Addition of Condition 93 A.

- **Shifting the approved building foot print to the east and slight rotation.**

Comment:

The proposed shift in the building is due to the amendment to the lease area. The proposed change to the building location is acceptable.

- **Lowering of the overall building height by 650mm.**

Comment:

This does not have any impact on the development controls as there are no building height controls applicable to the site. The lowering of the building was

discussed in detail with Council's Catchment and Development Engineers and it was accepted that this will not have any adverse impact on the flooding of the site. Further the reduced building height has no appreciable impact on the neighbouring buildings and is acceptable.

- **Adjustment of internal layout.**

Comment:

The proposed internal modifications do not result in any visible change to the approved built form and does not result in any changes to the original DCP assessment. The modifications are considered to be satisfactory in this regard.

- **Addition of new vehicular turning circle at the front of the building and a larger landscape setback provided.**

Comment:

This has been assessed by Council's Traffic Engineer and the following modifications to the conditions have been recommended: -

- a) Amendment to Condition 29.
- b) Amendment to Condition 85.
- c) Amendment to Condition 93.

The proposed modifications have no known adverse impacts on the vehicle circulation , access and safety as assessed by Council's traffic Engineer.

- **Adjustments to landscape areas and design including new pathways (including pathways along the northern edge of the development immediately adjacent to Toongabbie Creek) -**

Comment:

The Tree and Landscape Officer and the Open Spaces and Natural Resources Officer have assessed the application and provided the following recommendation: -

- a) Addition of Condition 93 A.

Further it is noted that the proposed landscaping as complying with Condition 93A, provides an appropriate landscape ambience and response to compliment the built form and use.

SECTION 94A

An adjusted Section 94A development contribution is not payable as the value of the modification works do not increase the estimated development cost above \$100,000.

Conclusion

The modifications proposed as part of this application do not substantially alter the form and nature of the approved development and continues to meet the

objectives and performance requirements of relevant State and Local planning controls.

The resultant modified built form, massing and façade articulations will be generally consistent with the approved development and maintain a satisfactory streetscape outcome. The proposed modifications will not result in unreasonable impacts on the amenity of the surrounding properties in terms of visual bulk and scale, view loss, solar access and privacy.

Having regard to the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, the proposed modifications are considered to result in a development that remains substantially the same as the development for which the consent was originally granted.

Approval of the modification will not result in any significant environmental impact and will not detract from the integrity of the development nor its relationship with adjoining development. It is therefore considered that the modification to the original development consent is reasonable and the proposal is recommended for approval subject to conditions.

Recommendation

Approval

That the Joint Regional Planning Panel, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, to modify Development Consent DA/670/2014 to include adjustment to the lease boundary, shifting and rotating the building footprint, lowering the building, construction of a new vehicle turning bay, footpaths and modifying landscaping at 178 Hawkesbury Road and 1 Hainsworth Street, Westmead as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the following modifications in BOLD:

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:

Drawing No.	Prepared By	Dated
Cover Sheet and Drawing Register drawing number 0001 revision B	Jackson Architecture	6 August 2015
Site Analysis Plan Drawing Number 0101 revision B	Jackson Architecture	6 August 2015
Proposed site plan drawing number 0102 revision B	Jackson Architecture	6 August 2015

Car Park and Loading Level drawing number 1001 revision B	Jackson Architecture	6 August 2015
Ground Floor Plan drawing number 1002 revision B	Jackson Architecture	6 August 2015
Levels 1 & 2 plan drawing number 1003 revision B	Jackson Architecture	6 August 2015
Level 3/roof plan drawing number 1004 revision B	Jackson Architecture	6 August 2015
Elevations drawing number 2001 revision B	Jackson Architecture	6 August 2015
Sections drawing number 2501 revision B	Jackson Architecture	6 August 2015
External finishes and materials drawing number 3001 revision B	Jackson Architecture	6 August 2015
Landscape Plan for Lower Ground Level revision D	Peter Glass and Associates	1 September 2015
Landscape Plan for Development Application Upper Ground Floor Level revision D	Peter Glass and Associates	1 September 2015
Plant Schedule and Image Panels for Development Application revision D	Peter Glass and Associates	1 September 2015
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 – Sheet 2	Northrop	12 September 2014
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	Northrop	12 September 2014

Stormwater Catchment Plans		
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

Document(s)	Prepared By	Dated
Arboricultural Impact Appraisal and Method Statement And Update	Naturally Trees	4 September 2014 19 August 2015
Building Code of Australia Capability Statement	Group DLA	3 September 2014
Energy Statement	Floth Sustainable Building Consultants	2 September 2014
DA flood report and updated Flood report	Emerson Associates	15 August 2014 13 August 2015
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	DLA Environmental	September 2014

Ronald McDonald House Westmead reference DL3310_S001843 revision R03		
Statement of Environmental Effects and update	BTG Planning	September 2014 August 2015
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
General Terms of Approval by the Heritage Council, Reference 2015/IDA/1 and updated vide EF14/5114		17 April 2015 and 17 December 2015.
General Terms of Approval by the Office of Water ref ERM2015/022		25 February 2015

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.

Note: Amended as per Modification A.

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) & 74.

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 manner 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 and updated vide EF14/5114 dated 17 December 2015.

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.

Note: Amended as per Modification A.

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 – 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 the issue of a Construction Certificate a revised landscape plan is to be submitted to the satisfaction of Council's Strategic Manager Outcomes and Development that relocates the proposed boardwalk so that the labyrinth and aboriginal cultural landscaping is maintained.

Reason: To ensure existing landscape features are preserved.

9. 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.

10. 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 recurrence 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.

11. 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.

- 12. *No work is to commence on the stormwater management system until the detailed final storm water plans and management system have been approved by the Certifying Authority.***

The Northrop Stormwater design for drainage 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 the Principal Certifying Authority for approval).

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.

Reason: To manage stormwater.

Note: Amended as per Modification A.

- 12A. The site is subject to flooding from Toongabbie Creek. The minimum habitable floor levels shall be 12.32m AHD. In addition the building (and associated work) must be of flood proof construction and designed to withstand the forces associated with flood waters and moving debris and buoyancy forces up to the level of RL 17.70m AHD.**

Reason: To ensure safety during flood events.

Note: Addition as per Modification A.

- 12B. The surface and piped drainage around the area of Pit 5/5 should be redesigned so as to prevent escape of pollutants such as wastes and garbage from the area into the stormwater system or directly into the river. There is to be no direct discharge to Toongabbie Creek from the development's stormwater management system.**

Reason: To ensure the water quality of Toongabbie Creek.

Note: Addition as per Modification A.

- 12C. Throughout site disturbance and the construction phase the Applicant shall adequately manage (minimise, capture, store, treat and dispose of) stormwater, groundwater and floodwater runoff to prevent transport off site or into Toongabbie Creek of pollution, including sediments, colloidal soil particles, oil and grease and other contaminants. The Applicant is required to comply with the requirements of the Protection of the**

Environment Operations Act 1997 and any EPA licence requirements. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, the Protection of the Environment Operations Act 1997 must be complied with in, and in connection with, the carrying out of the development. In addition to any EPA licence requirements, Council requires the following discharge water quality standards be achieved at all times throughout the construction phase of the development: pH 6.5-8.5; Total Suspended Solids (TSS) 50 mg/l ; Oil and Grease 'Not visible'.

Reason : To minimise any pollution to the water course.

Note: Addition as per Modification A.

- 12D. Prior to release of the Construction Certificate the applicant must provide to the Principal Certifying Authority for approval full details of the construction phase stormwater and groundwater collection and discharge pollution control and quality management system, including full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance.**

Reason: To ensure the Stormwater system is operational.

Note: Addition as per Modification A.

- 13. 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.

- 14. 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.

- 15. 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.

16. 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.

17. 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.

18. 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.

19. 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.
20. 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.
21. 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.
22. 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 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.
23. 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.
24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. **Parking spaces (96 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.**

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

Note: Amended as per Modification A.

30. 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

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

Reason: To ensure adequate toilet facilities are provided.

32. 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 Principal 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.

33. 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.

34. 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.

35. 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 C1 of AS 2870 - 1996.

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

36. 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.

37. 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.

38. 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.

39. 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.

40. The trees identified for protection within the submitted 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, 68a (x20), 73 (x19), 74 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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

48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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.
56. 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).

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. 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 effect;
- (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.

67. 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.

68. 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.
69. 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.
70. 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

71. 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

Reason: To comply with legislative requirements.

72. 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 stator requirements.

73. Deleted

Note: Deleted as per Modification A

74. 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.

75. 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 then the "e-developer" icon or telephone 13 20 92.

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

76. 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.

77. 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.
78. 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.
79. 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.
80. 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.
81. 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.
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 the turning circle on private road is to be installed in accordance with Clause 3.3 (b) of AS 2890.1-2004. If an intercom or security card reader is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.**

Reason: To ensure the gates are installed in accordance with Australian Standards.

Note: Amended as per Modification A.

The Use of the Site

86. The property owner is to ensure the flood 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 generally restricted to vans and small rigid trucks (SRV) with the exception of one heavy rigid vehicle (HRV) per day to collect waste. *Note that the bridge section on Redbank Road is under the control and management of the New South Wales Health Commission. Any occurrences of damage or repairs to be carried out on the bridge section of Redbank Road shall be the responsibility of the applicant. All costs associated with the any works on the bridge shall be paid for by the applicant at no cost to Council.***

Reason: To ensure appropriate vehicular maneuvering is provided.

Note: Amended as per Modification A.

- 93A. The existing walking track shall be retained as a natural surface (potentially crushed sandstone) with no lighting to interfere with nocturnal wildlife.

A separate concrete pathway with lighting shall be provided along the internal access road and edge of the proposed development. Screening vegetation shall be provided between this new pathway and the existing walking track to retain a 'natural' experience for bushwalkers (daylight hours only), whilst improving passive surveillance along the new access pathway (used during both day and night).

Reason: To ensure the retention of natural walkways.

Note: Amended as per Modification A.