

WILLOWTREE PLANNING



21 October 2022

REF: WTJ20-395

NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Nathan Stringer

Wentworthville Northside West Clinic Extension SSD-17899480

Dear Nathan,

Reference is made to your email dated 21 September 2022 requesting additional information in respect of the subject SSD Application. Table 1 overleaf provides a response to each item raised by Cumberland Council and the various agencies.

In relation to the raised by DPE in the email correspondence dated 10 October 2022 regarding additional details from the arborist, location of development in respect of the easement and clearance heights over associated easements, refer to attachments 1(b), 2 and 3.

On behalf of the operator and owner of the existing private hospital, Ramsay Health Care, it is kindly requested that the information provided be utilised by DPE to complete the final assessment report and draft conditions. It is considered unwarranted to further refer the application to Council given the repeated efforts of the applicant's project team to meaningfully engage and resolve issues with Council. The development proposed seeks to offer essential health services to the community and any further delay would not be in the public interest.

Should you require further information, please contact the undersigned.

Yours Sincerely,

Andrew Cowan
Director
Willowtree Planning Pty Ltd

Enclosed:

- Arborist Statement
- Updated Stormwater Plans
- Updated Architectural Plans

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TABLE 1. COUNCIL & AGENCY COMMENTS 21.09.2022		
A.	Cumberland Council Response	Applicant Response
1.	Council maintains the objection to the development application with regard to the proposed breach in the development standards. Council notes that the proposal has attempted to address the issues raised notably by reducing the building height breach from 30.7% to 24.5%. Matters raised in the objection previously submitted however continue to remain.	A comprehensive Clause 4.6 variation was submitted with the RtS which addressed the mandatory components of Clause 4.6, being: 1. Objectives of the standard 2. Objectives of the zone 3. Why the standard is unreasonable and unnecessary 4. Environmental planning grounds for the variation All of the above have been addressed satisfactorily which demonstrate the variation is supportable and justified, having regard to the site conditions, nature of the use, surrounding land use and resultant impacts.
2.	Council considers that the proposed building component where it contravenes the permitted height standard by 24.5%, or 3.67m above the maximum height of 15m, to be inconsistent with the bulk and scale of the existing adjoining developments and the future character envisaged for the immediate locality.	The location where this occurs is centrally located within the proposed building. The Lytton Street frontage is compliant with the 15m height limit. The perceived bulk and scale because of the breach is minor and wholly consistent with the operational nature of the existing hospital on the site. The impacts on surrounding land are minimal and inconsequential in terms of privacy, views, solar access and bulk and scale.
3.	The amended section plans indicate that the proposed floor area situated above the permitted building height line particularly contains proposed rooms that will be used as habitable areas, which in turn results in the breach of the FSR standard by 9.45%.	Any rooms above the height limit will be for patients. The rooms are not for typical residential accommodation, rather health services for mental health. The nature of the use and separation from any surrounding properties should give comfort that there is minimal to negligible impact in this respect.
4.	If the building height were to be further reduced, this will assist in the reduction the FSR standard breach. Council would support any variation of the building height standard with	The building height as proposed is generally a result of the site topography and the ultimate operational requirements. The



	regard to the areas, such as, privacy screen, roof section, plant/services room or lift overrun.	breach is unavoidable and has sought to be minimised where possible.
5.	Council Pipeline/Easement A minimum of 5.6 metres vertical clearance stated on the stormwater letter prepared by Stellen Consulting dated 8 June 2022 over the Council's stormwater pipe and/or associated easements shall be indicated and annotated on the architectural plans to ensure that the minimum clearance proposed is achieved.	Noted and to be completed.
6.	The proposed substation shall be located in area where it is clear of the realigned Council's stormwater easement.	Noted – to be positioned in line with Endeavour Energy requirements and not within the Council Easement.
7.	Separate section 68 approval shall be obtained for the stormwater deviation.	Noted.
8.	Flooding Development shall comply with the recommendations and conclusion as stated in Flooding and Overland Flow Impact Study dated 24. 06. 2022 prepared Acor.	Noted.
9.	Traffic/Access The number of the car parking spaces proposed are not adequate and will have a shortfall of 18 off-street spaces. A minimum of 95 parking spaces shall be provided based on the current parking rate. Short fall of parking will have cumulative impact on the on-street parking provision. Relevant condition shall be imposed to minimise the impact of car parking shortfall within the immediate locality, along with proper consultation with Council.	The traffic and parking statement prepared by Traffix, submitted with the RtS provided a clear and rationale justification for calculating the car parking required on site. In essence, a first principles assessment was completed given the outdated nature (28 years old) of the guide for traffic generating development guideline. As such, a shortfall of 4 space was identified. In addition, a parking survey was conducted at the request of DPE which confirmed there are 124 spaces available on street, thus demonstrating the small shortfall could be accommodated if needed. The response provided by Council has no basis and should not inform the final assessment in any capacity.
10.	Acoustic impact Development shall comply with the recommendations and conclusion as stated in an updated Noise & Vibration Impact Assessment for SSDA (SSD – 17899480) (Project No. 210190) (Rev E) dated 19/04/2022 that was prepared by JHA.	Noted.
11.	Land Contamination Condition shall be imposed for a submission of a Long-Term Environmental Management Plan for the contamination capping to Council to ensure that contamination notations can be captured by the planning certificates under section 10.7 of	Noted – Long term environmental management plan can be provided prior to completion of works.



	the Environmental Planning and Assessment Act 1979. If the burrow Pit is to be constructed on site then the remedial works plan report should be submitted to Council for review of the location and the works that will be carried out at the site. It is recommended that all validation reports are submitted to Council for review on completion of works.	It is not clear what Council are referring to in terms of the burrow pit – this does not relate to the subject proposal.
12.	Waste Management Due to the development being commercial in nature, a private waste collection has been proposed, condition to maintain such private waste collection arrangement should the development be approved in its current form is recommended.	Noted.
13.	Parkland and Open Space Development works to be coordinated to ensure access through Council's Reserve is not required. There is no provision under the Local Government Act 1993 for the use of community land for private development. Temporary access or occupation of community will be considered only in special circumstances on application.	Noted.
14.	Tree Management It is recommended that all trees that are to be retained as part of the proposed upgrade of this site are appropriately protected as per AS4970 – 2009 Protection of trees on development.	Noted.
15.	As per the recommendations of the Arboricultural Impact Assessment by Birds Tree Consultancy, prior to demolition and construction a project arborist should be appointed to ensure tree protection recommendations of the report are adhered to and all trees on the site and within the neighbouring reserve are retained and suitably protected throughout the life of the development.	Noted.
16.	Reference is made in the report to Tree 41. It is recommended that further investigation via picus sonic tomograph by a suitably qualified AQF5 arborist to determine the presence and extent of internal decay. dependant on the findings the removal of this tree may be necessary.	Noted.
17.	During construction or any time during the development, any pruning works should be carried out to AS4373 – 2007 Pruning of amenity trees by a minimum AQF3 qualified arborist.	Noted.
	All associated landscape works should be carried out by a minimum AQF3 qualified landscaper to industry standards. All works should be inspected to ensure works have been carried out to a satisfactory standard prior to issuing of an occupation certificate.	Noted.
B. Biodiversity & Conservation		
1.	Biodiversity, trees and landscaping EHG has reviewed the letter prepared by Ecological Australia dated 28 July 2022 relating to the removal of the five additional trees and is satisfied that the additional tree removal will not affect the outcomes of the Biodiversity Development Assessment Report, dated 15 November 2021. In relation trees on site, EHG notes the following.	A further review of this requirement has been undertaken and is located at Attachment 1 .

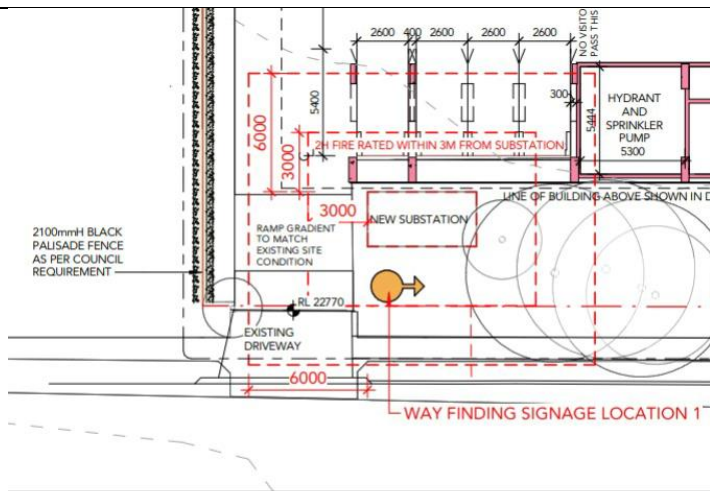


	- An additional six trees have been incorporated into proposed landscaping for a total of 13 new tree plantings on site. Of the 13 trees proposed, five are dwarf species. - Based on the additional information provided and communication with Cumberland City Council, EHG has confirmed that tree 47, located within the Council reserve, has been approved by council for removal. - EHG previously noted that trees 41, 48 and 49 will be subject to major encroachment into their tree protection zone (TPZ) from the proposed development. Australian Standard 4970:2009 Protection of Trees on Development Sites provides a range of actions that should be undertaken in this scenario, the first of which is to determine the location and distribution of the roots through non-destructive investigation methods. This investigation is the first step in determining if the subject trees will remain viable post development. This has not been undertaken. EHG recommends the previously requested information in relation to trees 41, 48 and 49 be provided.	
2.	With the above noted, EHG provides the following recommended conditions should the proposal proceed to an approval. - Mitigation of Biodiversity Impacts as identified in BDAR To mitigate potential impacts to remaining biodiversity values on site, all mitigation and management measures identified in Table 9 of the Biodiversity Development Assessment Report (prepared by EcoLogical Australia dated 15 November 2021) are to be implemented. - Retention of trees All trees not specifically identified on the approved plans for removal are to be retained and protected throughout the life of the development. Retained trees are to be protected in accordance with the recommendations of the Arboricultural Impacts Assessment prepared by Birds Tree Consultancy (dated 22 June 2022) and Australian Standard 4970:2009 – Protection of Trees on Development Sites. Tree protection zone fencing, and all other tree protection measure are to be in place prior any works commencing on site. A diploma qualified arborist (AQF 5) must be on site to supervise any works within the Tree Protection Zone of any trees to be retained. - Tree removal works and Fauna Protection Trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the “grab” attachment of a machine. During tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site or an appropriate nearby location when re-habilitated.	Noted. Noted. Noted.

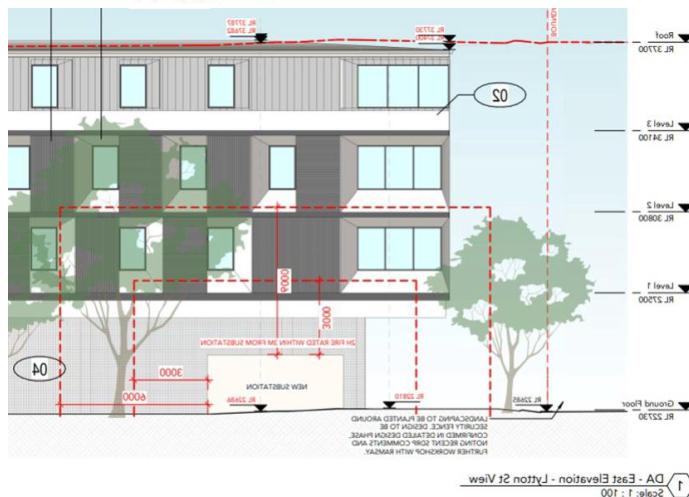


	- Trenching or excavation within tree protection zones Trenching or excavation within the tree protection zone of trees to be retained should be undertaken under the supervisions of a Diploma qualified (AQF 5) Arborist using minimally destructive techniques such as hand-digging, compressed air or water-jetting. Where root pruning is necessary, all cuts should be clean cuts using sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Roots greater than 50mm diameter must not be severed.	Noted.
3.	Flooding EHG's previous advice to consult with the NSW State Emergency Service still applies. The proponent has proposed a shelter in place strategy in rare flooding events, however, this is a matter for the NSW SES as the responsible flood combat agency. Proposed shelter in place strategy and a specific site emergency management plan should be referred to the NSW SES No further referral to EHG is required in relation to flooding.	Noted.
C.	Endeavor Energy	
1.	It is Endeavour Energy's experience in dealing with the fire restriction for padmount substations that any openings such as garage doors and any form of glazing (in particular opening windows) cannot achieve the required rating. Partly for this reason the Terms of Restriction on the Use of Land for Fire Rating of Buildings has recently been amended (please refer to the attached copy) and now includes the following additional requirement. No doors or opening windows are permitted to be erected within the restriction site on the external surface of a building within 3 metres from the substation footing. As shown in the following extracts of the Architectural Plans it appears there may be opening windows within the fire restriction area for the new padmount substation.	No windows will be operable as this is a mental health facility and operable windows are non-compliant under the Australian Health Facility Guidelines. Any doors to the Hydrant & sprinkler room will be located outside the 6m perimeter.





1 DA Overall - Ground Floor
Scale: 1 : 200



1 DA - East Elevation - Lytton St View
Scale: 1 : 100

Given the available front building setback, relocating the new padmount substation to the front boundary could be preferable. This should overcome the need for any fire rated construction to the building, avoid the need for an easement for the associated underground cables and is preferable from a prudent avoidance perspective.

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

As previously advised, the applicant should also have appropriate regard to Endeavour Energy's previous submission made to the Department via email on 27 April 2021 for the Secretary's Environmental Assessment Requirements (SEARs).

Unable to move due to Council Stormwater pits.

Noted and to be undertaken following approval of the SSD Application.

