



Council Ref: OA2021/0009

3 March 2022

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

Dear Sir/Madam,

Subject: Request for Comments - State Significant Development (SSD)
Application No: SSD-17899480
Property: 23-27 Lytton Street WENTWORTHVILLE NSW 2145,
Proposal: Redevelopment of Wentworthville Northside West Clinic, including demolition of a two-storey west wing building and southern car park, tree removal and construction and operation of a four-storey extension, alterations and additions to the Stage 1 building, landscaping and new car parking

Reference is made to the Department of Planning and Environment letter received on 4 February by Cumberland City Council (**Council**) in relation to the above application. Please find Council's response as follows.

Development Standards

1. Council objects to the breach proposed for both of the building height and floor space ratio (FSR) controls. The proposed development is seeking to contravene the Cumberland Local Environmental Plan (CLEP) 2021 development standards for building height by 30.7% and FSR by 9.45%. The proposed exceedance in building height control includes habitable area that will increase overshadowing impact to Lytton Street Park towards the western and southern sides of the site. The variation proposed on the FSR control indicates bulk and scale that is inappropriate for the existing locality that is comprising of a higher residential density R4 zoning towards the northern part of the site and a lower residential density R2 zoning towards the eastern and southern sides of the site. The proposed contravention of the development standards will set undesirable precedence on the building height and FSR within the existing streetscape. The development fails to positively contribute to the character of the area and fails to replicate positive features of surrounding development. The proposed building is imposing, is greater in scale than the neighbouring development, and results in an inappropriate balance between the built and natural forms. For these reasons, clause 4.6 submitted with the application is not considered satisfactory, as the proposed development will not be in the public interest because it is inconsistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The pathway for amending initial planning proposal approved on the site to accommodate the extent of the current and future development should have been pursued first.

Land Use

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Welcome Belong Succeed

2. Clarification is required whether the proposed use of café and gymnasium will be ancillary to the principal existing use on the site.

Council Pipeline/Easement

3. The proposed works will interfere with the existing sewer pits and sewer mains. The following matters need to be resolved prior to the determination of this application.
 - a) Separate approval shall be obtained for the storm water deviation design and construction works. Proposed realignment shall be located within the subject site. In this regard design may need to be modified during the above stormwater approval as follows:

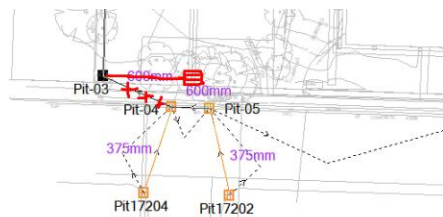
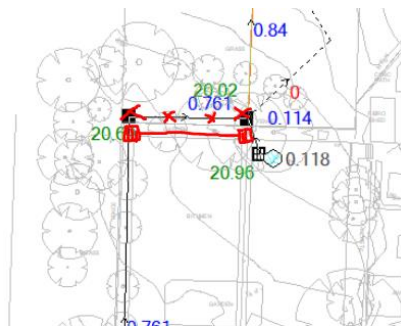


Figure 4 - Post-development Model



- b) No building or structures are permitted over the Council's stormwater pipe and/or associated easements. This has not been demonstrated.

Flooding

4. An updated current flood advice letter shall be obtained from Council. The flood advice letter used in the stormwater report is not a valid one. The flood report shall also ensure current flood advice letter used in the flood report. Details shall be incorporated in the report and flood report shall be updated.

Stormwater Management

5. Onsite stormwater detention shall be provided for entire site. In this regard,
 - i. stormwater plans shall clearly show the contributing catchments to the OSD system. As built OSD details and calculations shall be submitted.
 - ii. OSD for the area that is located outside the contributing catchment shall be provided. Detail calculations shall be provided.
 - iii. OSD shall comply with Council's DCP and Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
6. Stormwater runoff from the entire site shall be discharged by gravity system. In this regard, downstream easement(s) is required. Details have not been provided in the information submitted with the subject application.

Acoustic

7. No details provided regarding assessment of noise that will be generated from the proposed upper levels outdoor courtyards.

Land Contamination

8. A Long Term Environmental Management Plan for the contamination capping on site must be submitted to Council to ensure contamination notations are added to the property for planning certificates under section 10.7 of the *Environmental Planning and Assessment Act 1979*. If the

burrow Pit is to be constructed on sit 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.

Waste Management

9. Due to the development being commercial in nature, a private waste collection has been proposed. In the event that Council cannot service this development given no details provided regarding the access arrangement of waste collection vehicle size to the site, condition to maintain such private waste collection arrangement should the development be approved in its current form is recommended.

Parkland and Open Space

10. The delineation of the boundary bordering Council's Reserve (and access laneway) by a continuous 2.1m high black rod top and bottom palisade fence (tubular steel / school type) with no direct access to the reserve shall be provided. Any fencing adjoining to proposed driveway shall maintain the appropriate sightlines. Street tree planting needs to be consistent with the existing (intervals and species). Built structure is very close to the western boundary bordering Council's Lytton Street Park and the proposal would be expected to increase overshadowing of the park and to impact on the integrity of mature trees adjoining to the site's boundaries.
11. 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.
12. The proposed planting *Corymbia citirodora* needs to be substituted to *Corymbia maculata*. *Corymbia citirodora* is known to hybridise and its substitution will protect the local critically endangered ecological community.

Tree Management

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

Exclusion of Application of Development Control Plans

18. In accordance with Clause 2.10 of State Environmental Planning Policy (Planning Systems) 2021, *development control plans (whether made before or after the commencement of this Policy) do not apply to (a) state significant development.* Notwithstanding this, the following items as per the Part F4-1 23-27 Lytton Street, Wentworthville and Part G Miscellaneous Development under Cumberland Development Control Plan (**CDCP**) 2021, are raised for your attention.

The objectives of Part F4-1 23-27 Lytton Street, Wentworthville is to ensure that any future development on the site provides adequate separation to adjacent properties the low density development is consistent with that allowed under the R2 zone of Cumberland LEP 2021 and to protect the amenity of nearby properties and the use of those properties.

- a) **Setbacks** – Any new building on the property is to adhere to the following setbacks from the identified property boundary, which have not been demonstrated by the proposed development.
 - minimum of 6m setback from the front (street facing) property boundary. This setback distance may be reduced in order to align the new building with an existing building on the property;
 - minimum of 6m setback from the rear property boundary;
 - minimum of 3m setback from the side property boundary; and
 - minimum of 3m setback from the side and from the rear property boundaries to be applied to basement levels.
- b) **Height** – The permitted number of storeys shall not exceed 4 for a 15m building height limit within the locality being a high density residential area. Part of the proposed building appears to contain a 5 storey element that is incompatible with the existing adjoining developments. This has not been demonstrated.
- c) **Earthworks** – Details of cut and fill proposed shall be provided.
- d) **Traffic and Parking** - Proposed parking spaces are inadequate. Car parking space numbers shall comply with Guide to Traffic Generating Development requirements. In this regard, a minimum of 102 parking spaces shall be provided.

Turning area shall be provided in the blind aisles as per as per Australian standard AS2890.1 requirement. Turning area has not been provided for Stage 2 undercover at grade car parking. Driveway access to Staged 2 parking shall be designed comply with two way access. Driveway/layback shall be minimum 1.2m from the power pole. Parking layout and ramp gradients shall comply with Australian standard AS2890.1 and AS2890.6. Dimensions (parking space length and width, aisle width, parking space gradients, head height clearance, extensions at dead end aisles, etc.) shall be shown on the plan. Bicycle parking spaces shall be addressed as part of construction certificate drawings.

Should you have any further enquiries please do not hesitate to contact Olivia Yana on 8757 9544 in relation to this matter.

Yours faithfully,



Olivia Yana
Executive Planner