

**From:** [Olivia Yana](#)  
**To:** [Nathan Stringer](#)  
**Subject:** Wentworthville Northside West Clinic (SSD-17899480) - Draft conditions of consent  
**Date:** Thursday, 1 December 2022 10:54:03 PM  
**Attachments:** [image091447.png](#)

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Hi Nathan,

Thank you for your patience. Council has no further objections subject to recommendations below to be included in the draft conditions of consent.

1. Condition E8 shall be amended marked in red below.

**Development Contributions**

E8. Prior to the issue of any occupation certificate, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act **subject to CPI at the time of payment.**

2. Condition B5 shall incorporate wordings that delineate measures to minimise the impact of car parking shortfall within the immediate locality, along with proper consultation with Council.

3. The following matters are to be addressed in the conditions.

- a. Further consultation with Council's Public Spaces Planning & Design is required in relation to any relocation of easement and works within Lytton Street Park. A concept plan which includes the proposed easement and route of pipework must be approved by Council's Public Spaces Planning & Design prior to registration. The easement and associated pipework must consider a trajectory which will least impact Council's Lytton Street Park including existing fixtures, pathways, and existing tree root zones, as well as optimise available open space for future uses. This consultation should be coordinated through Council's Development Engineer.
- b. The boundary of the property bordering Council's Reserve (and access laneway) is to be delineated by a continuous 2.1metre high black rod top & bottom palisade fence (tubular steel / school type) with no direct access to the reserve. Variation of this fencing type, as suggested by GANSW is not supported. Comments in the submission by GANSW suggest further development is warranted to support Connecting with Country. In this regard the applicant is advised that the potential use of the adjacent parkland would be supported in principle to facilitate this purpose, subject to joint consultation with Council's Public Spaces Planning & Design and First Nations representatives and final approval by Council ATSI/CC/Council. For any queries regarding these comments, please contact Council's Public Spaces Planning & Design section on 8757 9626.

4. Additional conditions below are recommended to be incorporated in the consent.

### **Realignment of Council's stormwater pipe (Prior to CC)**

A detail design for the proposed realignment of street drainage system shall be submitted to and approved by Cumberland Council's Executive Manager, Development and Building. In this regard,

- a) A separate application shall be submitted to Council with necessary design details.
- b) Construction methodology and construction programme shall be submitted.
- c) Written approval from relevant authorities' shall be obtained for the any required service adjustments.
- d) All the costs shall be borne by the applicant.

(Reason: to ensure Council's assets are designed to Council's requirements.)

### **Council's pipe line/Easement clearance and substation (Prior to CC)**

Detail plans showing compliance of following shall be submitted to and approved by registered Certifier.

- a) 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.
- b) Substation shall be clear of the realigned Council's stormwater easement.

Copy of the approved documents shall be submitted to Council.

(Reason: to ensure vertical clearance has been provided over the easement/pipe and substation is clear of drainage easement.)

### **Special footings (Prior to CC)**

Special footings shall be provided where the proposed structure is in the zone of influence of the drainage pipe/pit . The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser.

The footings shall be designed by a practising structural engineer. Details are to be submitted to and approved by Registered Certifier.

Copy of the above documents shall be submitted to Council.

(Reason: to ensure existing Council's stormwater pipe in the vicinity of the site is not affected by the proposed development.)

### **Drainage construction - (Prior to commencement of works)**

Realignment of Council's drainage system shall be completed to Council's satisfaction at no cost to Council. In this regard,

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Council's inspections **will be required** for the works related to the proposed connection to Council's stormwater drainage system at following stages:
  - i) After the excavation of culvert/pipeline trenches.
  - ii) After the laying of all culvert/pipes prior to backfilling.
  - iii) After the formwork for pits prior to pouring concrete.
  - iv) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

(Reason: to ensure Council's assets are constructed to Council's requirements.)

#### **Hydraulic engineer's design certification. (Prior to CC)**

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

- a) Construction certificate plans comply with the recommendations and conclusion as stated in Flooding and Overland Flow Impact Study dated 24. 06. 2022 prepared Acor and Council's Flood Risk Management Policy(CFRMP).
- b) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by Registered Certifier.

(Reason: to ensure construction certificate plans comply with the Flood Report and CFRMP.)

#### **Certification of Engineering Works.**

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Registered Certifier and Council.

- a. Work as executed drawings for completed engineering works from a registered surveyor.
- b. A Certificate from a qualified practising professional engineer with the Engineers Australia membership under the appropriate professional category, that certifies the following matters have been constructed in accordance with the approved plans :
  - i) the stormwater drainage system, and/or
  - ii) the car parking arrangement and area including circulating ramps, and/or

- iii) any related footpath works, and/or
- iv) the proposed driveway and layback,

(Reason: Asset management)

#### **Hydraulic engineer's flood certification. (Prior to OC)**

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

- a) Development complies with the recommendations and conclusion as stated in Flooding and Overland Flow Impact Study dated 24. 06. 2022 prepared Acor and Council's Flood Risk Management Policy(CFRMP).
- b) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by Registered Certifier.

(Reason: to ensure construction comply with the Flood Report and CFRMP.)

#### **Covenant & Restriction as to User for stormwater and overland flowpath**

Prior to the issue of an Occupation Certificate, a positive covenant and/or a restriction as to user shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council for requiring the ongoing retention, maintenance and operation of the stormwater system inclusive of overland flowpath. Council shall be identified as the authority with power to release, vary or modify the covenant / restriction.

(Reason: Compliance and adequate maintenance of overland flowpath)

#### **Notification of new contamination evidence**

- a. Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland Council.
- b. Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.
- c. Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an Occupation Certificate **must not be** issued until a Section A Site Audit Statement has been submitted to Cumberland Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: Site suitability and contamination)

Regards,



**OLIVIA YANA**

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