

JRPP No.	Item 1 (2009SYW025)
DA No.	DA09/1196
Proposed Development	1-9 Barber Avenue, Kingswood - Internal redevelopment works on levels 2 and 3 of the Nepean Private Hospital
Applicant:	Helen Lonergan
Report by	Gurvinder Singh (Penrith City Council)

Assessment Report and Recommendation

Summary

Council received a development application on 18 November 2009 from the Nepean Private Hospital (Healthscope Ltd) for partial internal redevelopment of levels 2 and 3 of the existing hospital building. Penrith Local Environmental Plan 1998 (Urban Land) applies to the subject site. The land is zoned 2(d) Residential (Medium Density) and the proposed development is permissible in this zone with consent.

The cost of the development is \$7.6 million and under the provisions of the Major Development SEPP any development which involves private infrastructure with a CIV over \$5 million is to be determined by the Regional Panel.

In accordance with the Penrith Development Control Plan 2006 the development application was notified to the surrounding neighbours with the exhibition period from 25 November 2009 to 9 December 2009. During this period no submission was received.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

The Proposed Development

The development application seeks approval for the following works, which are contained within the existing building envelope of levels 2 & 3:

- Installation of two additional operating theatres within the recovery areas
- Relocation and expansion of the day surgery areas
- Reconfiguration of the existing recovery areas and patient rooms to maximise the area available for new recovery beds, recliners and trolleys
- Reconfiguration of several rooms to create a new reception , office store, store room and a doctor's lounge

Site and Surrounds

The site is an irregular shaped allotment having an area of 5019sqm. It is located on the northern side of Barber Avenue around 70m east of the intersection of Parker Street and Barber Avenue, Kingswood. The four storey Nepean Private Hospital building - the subject of this development application, is located on the north-west corner of the site. This building currently has 121 beds and specialises in general surgery, maternity, orthopaedics and urology. Level 2 of this building contains a high dependency unit and day surgery areas, including operating theatres and the recovery ward, while the primary use of level 3 is patient wards.

The site is adjacent to the Nepean Public Hospital, Family Care Centre, Nepean Cancer Care Centre and Wentworth Centre for Drug and Alcohol Medicine. The Nepean Private Hospital is attached to the Nepean Public Hospital through a link way on level 2.

The site is surrounded by a number of non residential uses which include medical facilities and a church.

Planning Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 as follows:

Section 79C(1)(a)(i) – Any Environmental Planning Instrument

Penrith Local Environmental Plan (LEP) 1998 (Urban Land)

The land is zoned as 2d Residential (Medium Density) under LEP 1998. The proposed development is permissible with the consent, being defined as a 'Hospital'.

Objectives of the Zone

The objectives of the zone are:

- (i) *to reinforce the importance of natural landscape settings and areas with heritage conservation value, and*
- (ii) *to protect the character of traditional cottage development and streetscapes, and*
- (iii) *to consolidate population and housing densities, and*
- (iv) *to expand housing choices by allowing multi-unit housing up to a two storey appearance, and*
- (v) *to promote a variety of housing types or forms upon each site, and*
- (vi) *to allow a range of compatible non-residential uses.*

The proposed development comprises a compatible non-residential use which is consistent with the above objectives of the zone.

The surrounding developments are of a non residential nature as outlined in the site and surround section of the report.

Development Standards

Clause 12 – Building Envelopes, Heights, Landscaped Areas and Rear Boundary Setback

The above development standards do not apply to the proposed development as the proposed works are internal only and the existing external height setbacks and landscape areas are not altered.

Clause 13(3) - Environmental Performance

This clause requires that consent to development must not be granted unless the consent authority is of the opinion that the proposed development has taken into account the following:

- (a) The provisions of any development control plan relating to environmental noise, including impacts on both generators and receivers of noise; and*
- (b) The reduction of contaminated stormwater discharge from the site.*

These matters are addressed below:

a) Noise

Consideration of noise generation by the proposed development is limited to noise associated with construction only. Standard conditions of consent are recommended to be imposed to mitigate any adverse noise impact on the adjoining properties.

(b) Quality of Stormwater Discharge

The proposed development will have no impact on the quality of stormwater discharge as works are internal only.

Clause 14 – Design Principles

This clause requires that consent to development must not be granted unless the consent authority is of the opinion that the proposed development has taken into account the following:

- (a) Reinforcement and protection of local topography and setting,*
- (b) Reflection of the forms, features or qualities of traditional residential neighbourhoods across Penrith local government area,*
- (c) Consistency or compatibility with the scale, design and amenity of neighbouring development,*
- (d) Contribution to attractive streetscapes through the diversity of building forms and landscaped areas that can be seen from any public place nearby,*
- (e) Provision for contemporary standards of amenity within each dwelling and the associated private open space,*
- (f) Preservation and enhancement of any significant vista that currently might be available from a public place nearby.*

The proposed works are internal only, which do not impact on the above matters to be considered.

Clause 17 - Provision of Community Services and Infrastructure

This clause requires that consent must not be granted unless the determining authority has considered whether adequate support services and utilities are or will be available to the site of the proposed development within a reasonable time.

All necessary utility services are already provided and existing to the site and the hospital. The proposed internal alterations will not generate the need for the provision or upgrading of any utility services.

The proposed development complies with the requirements of Clause 17 of the LEP.

State Environmental Planning Policy No. 55 (SEPP55) - Remediation of Land

The objectives of SEPP 55 are:

- *to provide for a State wide planning approach to the remediation of contaminated land*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

The site is located in a residential area and it has been used as a Hospital for many years. The likelihood of the site being contaminated by the current use is negligible.

Due to these reasons it is considered that the site is free of any contamination.

The objectives of SEPP 55 are satisfied.

SREP 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system, by ensuring that the impacts of future land uses are considered in a regional context.

The requirement of SREP 20 to assess potential impacts on water quality particularly during construction operations is relevant to the proposal.

As the proposed development involves only internal works only there is no potential impact likely to occur on water quality.

The objectives of SREP 20 are satisfied.

Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

There is no current draft planning instrument that affects the site.

Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan (DCP) 2006

The objective of this plan relating to non-residential development is that non-residential development should be planned and designed according to principles of traditional suburban design and to preserve amenity of the neighbourhood.

The proposed works are internal only that will have no impact on the amenity of the neighbourhood.

Crime Prevention Through Environmental Design (CPTED)

The principles of this section of the DCP 2006 require a safe and secure development and public domain with adequate lighting, visual access and passive surveillance to all areas of the site.

The hospital currently has implemented a number of measures and facilities in respect to safety and security management, the proposed development will utilise these existing measures and facilities.

Waste Planning

A Waste Management Plan is submitted with the development application which specifies strategies for waste management during construction of the building and the operation of the development. Relevant conditions of consent are recommended to be imposed for the operation of the waste management system.

It is considered that the proposal can satisfy the intent of this part of DCP 2006.

Car Parking

The purpose of this section of the DCP is to provide guidance in relation to the parking requirements of new development. Specifically, the Plan provides that parking for a hospital is to be provided at the following rates:

1 per 3 beds plus 1 per 3 employees

The original application as modified for the hospital proposed 133 beds, 350sqm of professional suites/consulting facilities and a café.

The plans approved provided 84 on site car parking spaces which was less than the requirements which have not changed. The variation to the car parking was supported by a Traffic and Parking report that demonstrated the parking provide on site was adequate for the proposed development.

The applicant has advised that the proposal will not result in an intensification of use nor an increase in the capacity of the facility. They have indicated that the number of beds will fall slightly, as shown in the Table below. The number of employees of the hospital will not increase as a result of this proposal.

Table 1. Existing and Proposed Bed Numbers.

Item	Existing	Proposed
-------------	-----------------	-----------------

Day Surgery - Trolleys	5	8
Day Surgery - Recliners (not beds)	8	11
Ward Beds	38	24

No additional parking is required as a result of the proposed development which does not increase the number of beds or staff.

Section 79C(1)(a)(iv) – The Regulations

No matters prescribed in the Regulation are relevant in the consideration of this application

Section 79C(1)(b) – The Likely Impacts of the Development

Context and Setting

This consideration addresses the relationship of a development to its immediate and broader locality. It includes matters such as the built environment, land use, scenic / visual elements and impacts upon adjacent properties.

The proposed internal works are compatible with the built form of the existing building and will have no impact external to the site.

Site and Internal Design

The site and internal design of the additions proposed for the hospital will improve the general level of amenity, convenience and comfort for users.

Natural Environment

The proposal is not considered likely to result in adverse impacts upon the natural environment.

Access, Traffic and Parking

This matter has been addressed in a previous section of this report.

Noise

This matter has been addressed in a previous section of this report.

Social and Economic Impacts

The extensions to the hospital will result in positive social or economic impacts for the immediate or wider community. Construction of the new extension will bring positive economic impact by creating employment and investment in the assets of the region.

Dust

The works involving internal alterations only will not generate any dust.

Fire Safety

The proposed plans have been assessed against the requirements of the *Building Code of Australia (BCA)*. The building is classified as Class 9b. Standard conditions of consent are recommended to be imposed, which include compliance requirements for accessible access and facilities, essential services and fire safety certification.

Section 79C(1)(c) – The Suitability of the Site for the Development

The site is suitable for the proposed development due to its existing use as a hospital, adequate site area, no major site constraints and accessible location with respect to road network and surrounding developments.

The site is currently serviced by water and sewerage facilities and electricity. However, standard conditions have been suggested requiring the applicant to consult with Sydney Water and Integral Energy to obtain required certificates/clearances for adequate provision of those services.

Section 79C(1)(d) – Any Submissions made in relation to the Development

Referrals

The application was referred to the following Council Officers and their comments and conditions have formed part of the assessment and report:

<i>Council Officer</i>	<i>Comments/Conditions</i>
Senior Building Surveyor	No objections subject to recommended conditions

Community Consultation

This application was publicly notified and exhibited, from 25 November to 9 December 2009 in accordance with Part 2.7-Notification and Advertising of DCP 2006. No submissions were received during the exhibition period.

Section 79C(1)(e) – The Public Interest

The expansion of the existing hospital will provide social, community and economic benefits. The surrounding residential development will have negligible impact as a result of this development. It is considered that the proposal will serve a wider public interest.

Section 94 Contributions

Contributions do not apply to this development proposal.

Conclusion

This application seeks consent to carry out alterations and additions to the existing hospital that has been conducting its activities on-site for a number of years.

The works involve internal alterations and will not alter the external appearance of the building.

The proposed works will not increase the number of beds or staff and as a result the need for additional on site parking is not required.

After detailed consideration of all matters under Section 79C of the Environmental Planning and Assessment Act, this report recommends that the application be approved, subject to recommended conditions.

Recommendation

That the development application (DA09/1196) to carry out alterations and additions to the existing hospital be granted consent subject to the following conditions:

GENERAL

1. The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
2. A **Construction Certificate** shall be obtained prior to commencement of any building works.

DEMOLITION

3. All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

BCA ISSUES

4. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
 - (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

5. The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

6. In accordance with clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing building is to be upgraded to comply with Sections C,D & E of the Building Code of Australia 2009 (Volume 1) prior to the issue of an occupation certificate for the alterations and additions.
7. Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

CONSTRUCTION

8. Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

- Signage but no more than 2 signs stating the above details is to be erected:
 - at the commencement of, and for the full length of the, construction works onsite, and
 - in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

9. **Prior to the commencement of construction works:** *Nominate*
 - (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
10. Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
 - Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

CERTIFICATION

11. **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:
 - a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

12. An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.
13. **Before the Occupation Certificate can be issued for the development**, [Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.