

JRPP No.	2009SYW032
Application No.	DA09/1299
Proposed Development:	Construction of a Clinical School for University of Sydney
Property Address:	62 Derby Street Kingswood
Applicant:	Atlis Architecture
Report By:	Gurvinder Singh, Penrith City Council

Assessment Report and Recommendation

Executive Summary

Council received a development application on 17 December 2009 from Altis Architecture for the construction of a Clinical School for the University of Sydney. The land is zoned 2(d) Residential (Medium Density) under Penrith Local Environmental Plan 1998 (Urban Land). The proposed development is permissible in this zone under the definition of 'educational establishment' and 'medical centre' and is permissible by virtue of Clause 33 which recognises that the site is suitable for the proposed uses given its proximity to Nepean Hospital. As the capital investment value of the development is \$14,254,000 the Joint Regional Planning Panel is the consent authority in accordance with the provisions of the State Environmental Planning Policy (Major Development) 2005.

In accordance with the Penrith Development Control Plan 2006; the development application was notified to adjoining and surrounding property owners and occupiers from 13 to 27 January 2010. During this period one submission was received. The concerns raised in that submission form part of the assessment of this development application. An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

The proposal represents a significant investment in a specialised training facility in the region which is integral to the future operation of Nepean hospital.

Background

The applicant organised a pre-lodgement meeting with Council Officers on 7 September 2009 for the proposed clinical school. In that meeting Council Officers advised the applicant that the proposal predominantly represents an educational establishment which is permissible with development consent. The key issues identified in that meeting related to traffic and parking, noise, water quality, height of the building and building envelope. These issues are addressed in a further section of this report.

Site and Surrounds

The site is located on the southern side of Derby Street between Parker and Somerset Streets Kingswood. It is a regular shaped allotment having a frontage of around 32m to Derby Street and side boundaries around 81m. The area of the site is 2605.14m². The land falls from the rear to the front of the site.

The uses in the immediate locality are mainly medical related. Directly opposite the site is the Nepean Hospital which has 4-5 storey buildings. A 3 storey medical centre including the Nepean School Educational Centre is located to the west of the site. Residences converted to medical related uses are located to the east of the site. Residential dwellings adjoin the rear boundary of the site.

The site is currently vacant.



Aerial View of Site and Surrounds

The Proposed Development

The proposed development involves the following:

- The construction of a 3 storey building plus basement car parking to be used as a clinical school for the University of Sydney
- Basement level containing 27 car parking spaces including 1 accessible car space
- Ground level comprising of 10 consultation rooms, 3 research rooms, 4 offices, reception/waiting area, café and associated rooms
- Level 1 comprising of computer rooms, tutorial rooms, clinical skill labs and auditorium together with other associated rooms and facilities; and
- Level 2 comprising of offices and meeting rooms.

The construction of the building will involve brick/concrete with a glass facade.



NORTHEAST CORNER



SOUTHEAST CORNER

The proposed building will consist of three principal areas:

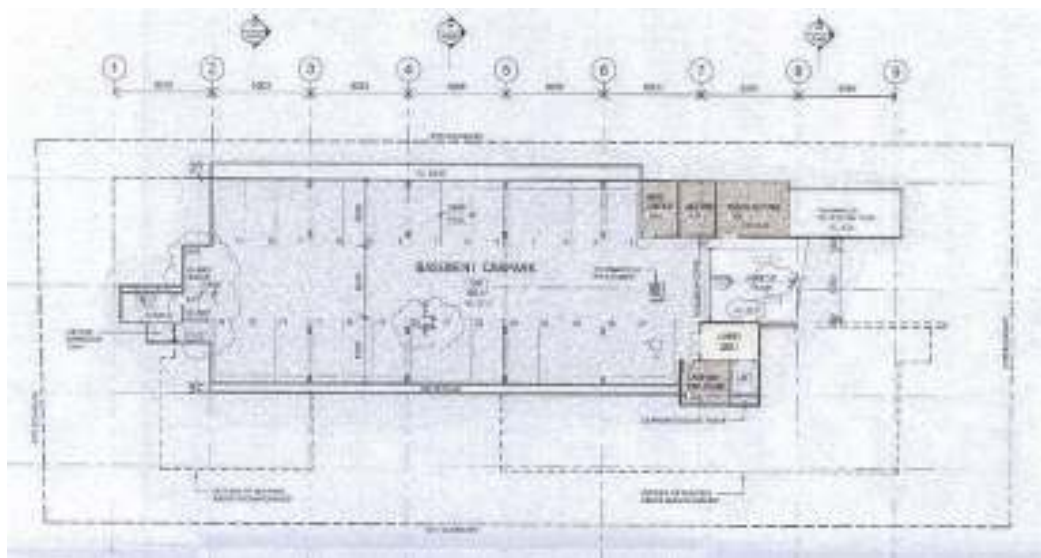
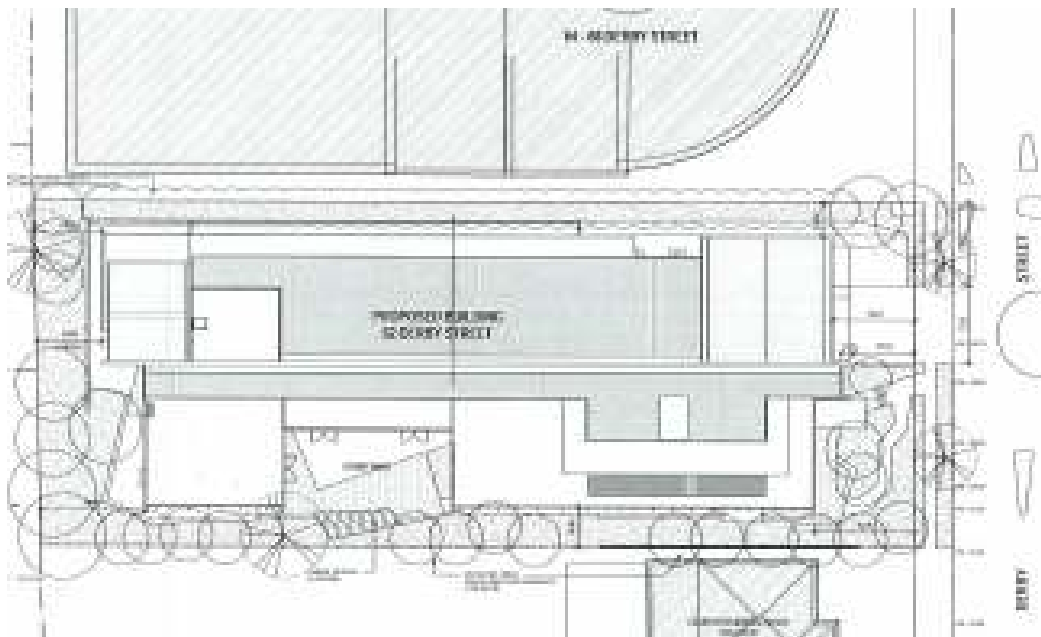
- Clinical school administration area
- Educational area
- Academic and clinical research area that incorporates the clinical service areas.

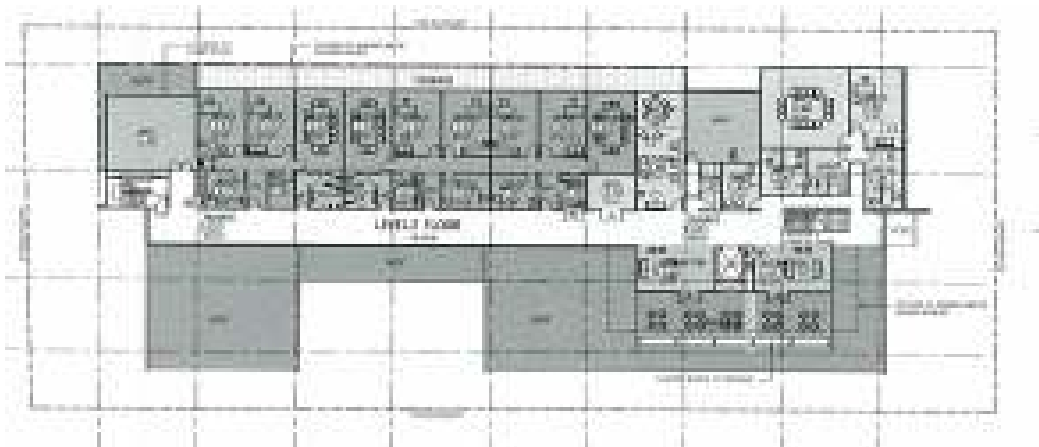
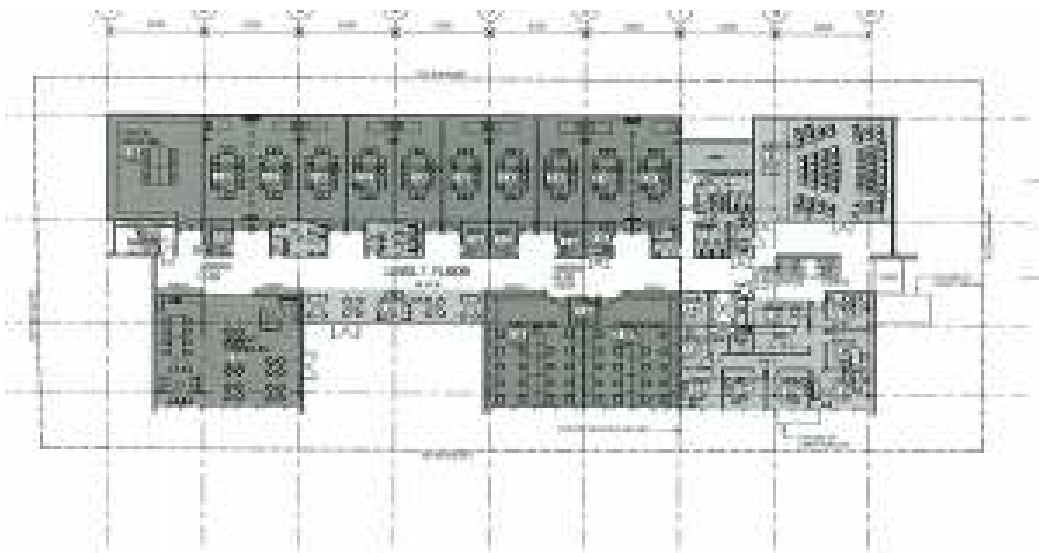
The proposed clinical school will cater for some 300 students, of which up to some 120 students will be present on the site at one time. The other students will be involved in working in the hospital opposite the site. The school will have between 35-48 staff on site at any one time. Vehicular access to the school is proposed from the existing roundabout located on Derby Street adjacent to the site. Stormwater drainage will be discharged to the Derby Street stormwater system.

The following reports have accompanied the Development Application and used throughout the planning assessment:

- Statement of Environmental Effects prepared by GAT & Associates dated December 2009;
- Access Review prepared by Morris-Goding Accessibility Consulting dated 9-11-09;
- BCA Capability Report prepared by Vic Lilli & Partners dated 30-11-09;
- Fire Engineering Statement from Norman Disney and Young dated 6-11-09;
- Aborigicultural Impact Assessment prepared by Allied Tree Consultancy dated 16-11-09.

Site and floor plans of the proposed development follow.





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

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 currently vacant. Council has no records or evidence of the site being contaminated. It is considered that the likelihood of the site being contaminated is negligible given its previous use involved a dwelling.

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. A condition of consent is imposed that requires sedimentation and erosion controls to be in place prior to the commencement of any site works. This will ensure that quality of water from the site has no adverse impact on the existing environment of the Hawkesbury-Nepean River system.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides for consultation with relevant public authorities about certain development during the assessment process. Schedule 3 – *Traffic generating development to be referred to the RTA* lists educational establishments having 50 or more students. The subject development application was referred to the RTA in accordance with the above SEPP as the proposed clinical school will cater for 300 students

Council received advice on the proposed development from the RTA. This advice is discussed in the 'Car Parking' section of this report.

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Major Development) 2005 identifies development for which Joint Regional Planning Panels are to exercise specified consent authority functions.

The capital investment value (CIV) of the proposed development is \$14,254,000. Given that the CIV is in excess of \$10 million, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West pursuant to Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

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

Statement of Permissibility

The site is zoned 2(d) Residential (Medium Density) under LEP 1998 (Urban Land). The proposed development is permissible with the consent of Council, being defined as an educational establishment and medical centre as provided by Clause 33 which states that a person may, with the consent of the council, carry out development on the land to which this clause applies for the purpose of a medical centre.

Zone Objectives and Development Control Table

Clause 9(2) of the above LEP requires Council to be satisfied with the following provisions prior to granting development consent:

- (a) the aims of the plan*
- (b) the objectives of the zone*
- (c) the objectives of the development controls in the LEP*
- (d) the objectives of any development control plans*

These are addressed below:

(a) The Aims of the Plan

The aims of the plan relevant to the proposal are:

- (i) safeguard residential amenity*
- (ii) safeguard environment*

It is considered that the proposal is consistent with the above aims. A commentary is provided in a further section of this report.

(b) Objectives of the Zone

The relevant objectives of the zone are:

- (i) to reinforce the importance of natural landscape settings and areas with heritage conservation value, and*
- (ii) to allow a range of compatible non-residential uses.*

The proposed development comprises a compatible non-residential use as an educational establishment and medical centre which is consistent with the above objectives of the zone.

(c) The Objectives of the Development Controls in the LEP

The development controls and related objectives in the LEP applicable to the proposal are addressed below:

Clause 12 - Building envelopes, heights, landscaped areas and rear boundary setbacks

The objectives of Clause 12 of the LEP are:

- (i) To achieve a site responsive development at a scale that is compatible with the existing housing in the locality by controlling visual impacts due to height and bulk*

The site is mainly surrounded by non-residential development. The proposed development does not satisfy the building envelope and height requirements of the LEP. However, the proposed development creates no adverse visual impact regarding bulk and height due to its location in the non-residential precinct and its compatibility with the adjoining existing 3 storey medical centre to the west of the site and 4 to 5 storey hospital buildings to the north of the site.

- (ii) Minimise impact of loss of privacy, overshadowing and loss of views*

Privacy impacts relate to the existing dwelling to the south of the site. Windows are provided on the southern external wall at the first floor of the proposed building. These windows are located in the clinical skills laboratory. The windows are separated by a continuous working bench inside the laboratory which restricts overlooking through the windows thus minimising privacy impacts on that dwelling.

A shadow diagram accompanies the development application that shows that sunlight will be available for more than 4 hours to the eastern, western and parts of the northern sides of the existing dwelling to the south of the site between 9:00am to 3:00pm on 21 June. Solar access to the private open space of this dwelling will be available between 12 and 3:00pm. It is considered that there will be negligible impact to the solar access to the existing dwelling.

There are no views from the site that would be impacted as a result of the proposed development.

- (iii) Achieve appropriate separation between buildings and site boundaries and preserve private open space corridors along rear fence lines*

The rear boundary setback complies with Council's setback requirement of 6m. Appropriate separation is proposed between buildings and site boundaries as required by the above objective.

- (iv) *Protect and enhance environmental features by requiring sufficient space for landscaping and on-site stormwater detention*

Landscaping complies with Council's requirements. This has been addressed in a further section of this report. Council's Engineers are satisfied with the on-site stormwater detention.

The following table shows the extent of compliance with the development standards of Clause 12:

Requirement	Provision	Compliance
Building envelope – 45 degrees at 1.8m height at side boundary	The proposed building is not within the building envelope	No
External wall height - 6.5m	11.6m	No
Landscaped area - 40% min	40%	Yes
Rear setback - 6m	6m	Yes

Clause 12 (6) of the LEP provides that:

'Despite any other provisions of this clause, the council may consent to a building which is not wholly within the relevant building envelope or contravenes the maximum wall height control if, in the opinion of the council, the application demonstrates that a variation to those controls is necessary to improve the design, external appearance or utility of the proposed building'.

The applicant has argued that:

The site is within a non-residential precinct with Nepean Hospital located to the north and adjoining non-residential buildings. The site is not surrounded by conventional residential dwellings. The land use interface is different and the planning context is also different. The design provides for a transition of building form between the adjoining developments. The maximum height to the western boundary is 11.6m (3 storeys) while the two storey component to the eastern boundary is 7.8m. The stepping effect in height of the building fits within the surrounding development.

The design of the building in terms of its setbacks and footprint ensures the massing is compatible to the development to the east. The courtyard proposed to the eastern boundary breaks the building mass.

The adjoining western building is also a three storey building and has a footprint and height greater than the proposed building. The proposed use is permissible and fits more within a medical precinct rather than a residential area.

The argument put forward by the applicant for non compliance with the building envelope and external wall height has merit in this case. The variation is necessary to provide for the utility of the building and specific use proposed. It is questionable whether or not the construction of Clause 12 anticipated a built form such as a Medical Centre in a residential zone as provided by Clause 33. Notwithstanding this the design is responsive to the adjoining built forms and has design merit.

Clause 13(3) - Environmental Performance

This clause requires that Council must not consent to development unless it 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

The applicant has argued that the proposed development will not create noise to the adjoining properties. All plant and equipment will be contained within plant rooms in the building and access to the building is solely through the front door and basement car park. There will be no general movement of people within the perimeters of the site.

It is recommended that a condition be imposed that the operating noise level of any plant and equipment shall not exceed 5dB (A) above the background noise level when measured at the boundaries of the premises.

Noise can be generated during construction of the building. To manage these noise impacts a condition is recommend that no work shall occur outside the following hours: -

- 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.

These hours are consistent with the hours imposed on previously approved developments in Penrith Local Government area.

(b) Quality of Stormwater Discharge

Quality of stormwater discharge can be maintained by requiring the applicant to use stormwater pre-treatment devices to remove litter and sediment and oil prior to its discharge to the street system. A condition has been included in the recommendation.

Clause 14 - Provision of design principles in development

This clause requires council to not consent to development unless the following has been taken into account:

- (i) Reinforcement and protection of local topography and setting*
- (ii) Reflections of forms and features of traditional neighbourhoods*
- (iii) Consistency or compatibility with the scale, design and amenity of neighbouring development*
- (iv) Contribution to attractive streetscapes*

The proposal does not include large amounts of excavation and it utilises the existing site topography and setting.

The proposed building form relates well to the existing buildings surrounding the site. The scale of the proposed building is compatible with the existing buildings and do not impact on the amenity of the residential neighbourhood.

The proposed building with its architectural merit will improve the existing streetscape.

Clause 17 - Provision of Community Services and Infrastructure

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

Clause 28 - Tree Preservation

This clause requires that 'a person must not ringbark, cut down, poison, dig up, top, lop, remove, injure, or wilfully destroy any tree or vegetation by any action (including the addition of soil or drainage works around the base of a tree), except with the consent of the Council.'

An arboriculture impact assessment report accompanies the development application which includes assessment of the existing trees and recommends removal and protection of some trees

There are 10 trees - mainly eucalyptus existing on the site/near the boundary of the site. The report includes recommendations to remove 5 trees due to poor form and retain and protect 5 trees. A condition of consent has been recommended to require retention and protection of the 5 trees as required by the arborist's report.

Clause 33 - Development of certain land for medical centres

This clause states that a person may, with the consent of the council, carry out development on the land to which this clause applies for the purpose of a medical centre.

This clause applies to the subject land and a medical centre is permissible on the subject site.

(d) Objectives of any Development Control Plans

These are addressed in a further section of this report.

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

Draft Penrith Local Environmental Plan 1998 (Urban Land) Amendment No. 17

The plan proposes various, relatively minor, general amendments to *Penrith Local Environmental Plan 1998 (Urban Land)*. The activities proposed by this application would not result in any inconsistency or non-compliance with the terms of this draft plan.

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 proposal generally complies with the principles of suburban design. Various development standards such as building envelope, height, setbacks and landscaped area are considered and assessed previously in this report. However, the following development controls have been considered in detail in the assessment.

Setbacks

The DCP requires front setback to match the existing neighbourhood character with a 5.5m minimum or average the setbacks of the immediate neighbours, whichever is greater to be provided. A 6m rear setback is required which shall be used only as a landscaped area.

Comment:

The majority of the front setback proposed is 7.54m except for a 3m portion of the building where the front setback is 6.74m and the front fin wall is setback 5.57m.

The average of the setbacks of the immediate neighbours is 6m. The proposed front setback complies with the above requirement except for the front fin wall. The articulation provided by the varying front setback provides an interesting and aesthetic appearance of the building to Derby Street. The proposed front setback is acceptable given the existing neighbourhood character.

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.

It is considered that with appropriate safety and security management, the proposed development can provide activation and passive surveillance within the building to reduce the risk of crime in the building and the immediate vicinity.

A number of conditions are recommended that reflect CPTED principles for maintaining safety and security within and around the property. These conditions include lighting, landscaping, walkways, graffiti, and building/site identification. It is acknowledged, however, that safety will be increased through good management.

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. Although there is no demolition to take place on the site, excavation will be required and that material will be disposed of in accordance with Council's requirements. Conditions are included in the recommendation to ensure the satisfactory operation of the waste management system.

The proposal can satisfy the intent of this section of DCP.

Landscaping

A landscape plan accompanies the development application. Shrub plantings, screen and canopy trees and ground covers are proposed within the front, rear and side setbacks of the site. New trees are also proposed to be planted in the outdoor café area.

The proposed landscaping is considered to be satisfactory.

Car Parking

The purpose of this section of the DCP is to provide guidance in relation to the parking requirements of new development. The DCP does not contain any controls for parking involving an educational establishment.

Accompanying the development application is a traffic report prepared by Colston Budd Hunt & Kafes Pty Ltd. The report includes an assessment of the existing traffic conditions, parking and the traffic implications of the proposed development on the local road network. The report concludes that the proposed development will have a

low traffic generation equivalent to an average of one vehicle every 2 ½ to 3 ½ minutes during peak hours and that the road network will be able to cater for the traffic generated by the proposed development.

The traffic report justified the parking demand and provision of parking on site for the development as follows:

- Twenty seven parking spaces are proposed in the basement
- The location of the site across the road from the hospital and adjacent to the existing Sydney University Nepean School Education Centre will create synergies between these various uses. The clinical school will have a proportion of staff from the adjacent university education centre. The clinical school will also have a proportion of visitors who are also patients at the hospital. These staff and visitors will not generate an additional demand for parking
- A majority of the students would be expected to travel to and from the clinical school by public transport as the site is close to Kingswood railway station and adjacent to bus services which operate along Derby Street
- The university operates housing in the area (Rodgers Street) which provides accommodation for students. These students will not require parking at the facility, being within a short walking distance.

Council's officers requested further details from the applicant regarding the operation of the proposed clinical school and the likely number of students/employees in the school. The applicant in response provided the following information about the operation of the school and arguments to justify the car parking on site:

- The existing clinical school educates some 200 students, of which up to some 100 are there at one time. The proposed school will cater for some 300 students, of which up to some 120 will be there at one time; therefore, the increase in students at the facility will be some 20 at one time
- Students spend most of their time at the hospital rather than the clinical school
- Employees at the clinical school will be as follows:
 - Level 1: three administration staff;
 - Level 1: six – 10 consultants;
 - Level 1: five – 10 clinical researchers;
 - Level 2: six – 10 employees;
 - Level 3: 15 employees;
 - Total:35 – 48 employees
- The university has advised that of these, most are currently already on site, employed by either the hospital or the university. An increase of five to 10 employees is therefore expected
- The consultants, researchers and other employees also spend much of their time at the hospital rather than the clinical school; and based on up to 20 additional students and five to 10 additional employees, the proposed parking provision of 27 spaces will readily cater for parking demands of these users
- The previous version of the Australian Standard for Parking Facilities (Part 1: Off-street car parking), AS 2890.1 – 1993 indicates that hospitals and medical

centres should provide three to four per cent of parking spaces for disabled users.

- One of the 27 spaces is proposed as a disabled parking space. This represents some 3.7 per cent which satisfies the provision suggested by the standard, and is considered appropriate.

The application was reported to the Sydney Regional Advisory Committee (SRDAC) meeting of 24 March 2010. SRDAC advised that no objections are raised to the development; however Council shall consider the adequacy of the proposed parking provision for the site.

There is limited spare capacity in the on street parking available in the vicinity of the site and there has been no provision made for visitor parking on site. Visitor parking may therefore occur on the main hospital site resulting in greater numbers of pedestrians crossing Derby Street near the roundabout.

The applicant's justification centers on those who currently drive to the existing school at the hospital, parking either at the hospital or in the locality, and that the proposal need only cater for those additional people who wish to drive to the proposed school. Public transport and walking options are acknowledged, however, parking around the hospital site is critical and at its limit. The applicant was therefore requested to provide details of the number of spaces taken up at the hospital.

In response the applicant submitted a traffic and parking impact assessment report prepared by TEF Consulting for Penrith Health Campus Stage 3 redevelopment, a project under Part 3A of the EPA Act 1979 approved by the Department of Planning and currently under construction. This report included a detailed parking survey of the local area and assessment of the existing and proposed parking for that project.

In summary, the above report cites the total parking requirement for the Penrith Hospital Complex as follows:

Total car parking spaces required under DCP 2006:	729
Total car parking spaces provided:	1182

This shows that there are 453 car parking spaces more than the DCP requirement. The report also shows that there is an under utilisation of existing off-street parking at Nepean Hospital of 12% and at peak times there is a total of 200 spare car spaces on streets in the immediate vicinity of the area. A letter has been received from the General Manager of the Nepean Hospital outlining support for the proposal and confirming that the students and visitors of the proposed clinical school will be able to park their vehicles at the hospital complex.

Council's Senior Traffic Officer agrees with the assumptions put forward in the abovementioned traffic and parking impact assessment, finding this submission to be satisfactory and raising no further concerns on the issues relating to car parking. The proposed development will be integrally linked to the operation of the hospital. The proposed "shared" parking arrangement is appropriate given the operational relationship between the two facilities, the proximity and frequency of public transport

movements (10 min bus intervals and Kingswood train station within easy walking distance) and student accommodation in the area.

Issues of vehicular and pedestrian access and safety are addressed under “the likely impacts of the development.”

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

The proposed design, scale and external appearance of the building is compatible with the built form of the existing buildings adjacent to the site including the medical centre to the west and hospital to the north of the site. The relationship of the proposed building relative to the immediate streetscape, character and visual amenity of the wider locality is considered acceptable in terms of its existing context and setting.

The visual impacts of the proposed development upon adjacent and neighbouring properties are not unreasonable. The likely threat to the amenity of these properties relates to noise, traffic and parking associated with operations of the proposed development. These matters are addressed separately in this report.

Access, Traffic and Parking

Parking has been addressed in a previous section of this report.

The application was referred to Council’s (Disability) Access Committee meeting on 3 February 2010. As the proposed development is accessible from the street frontage, via a lift throughout and was accompanied by an Access Review prepared by Morris-Goding Accessibility Consulting, the Committee was satisfied with the accessibility of the built form. Other issues discussed included the crossing point from the medical school to the hospital and the driveway being the fourth leg of the roundabout.

Council’s Senior Development Engineer has assessed the proposed vehicular access as a fourth leg of the roundabout to be acceptable subject to suitable alignment and detailed design. There will also be an increased number of pedestrian movements between the proposed clinical school and the hospital once the school is operational. The traffic report accompanying the development application did not assess the impact of such movements on pedestrian safety.

The existing median splitter island on the western approach to the roundabout incorporates a pedestrian refuge with adjacent gutter crossings linking to the existing footpaths on either side of Derby Street. The connection of the vehicular access will

require (by way of recommended condition 2.35) an upgrade of this intersection at the applicant's expense.

Condition 2.42 is recommended to require a Road Safety Audit (RSA) on the roadwork by an accredited auditor who is independent of the design consultant. This will provide an opportunity to review the operational safety of the existing pedestrian provisions and incorporate any recommendations into the new designs. The recommendations of the RSA shall be addressed in any plans approved with the Construction Certificate.

Noise

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

Social and Economic Impacts

The benefits of the proposed facility to the region (approximate 500,000 population) are invaluable. The new clinical school will result in both short and long term positive social and economic impacts for the immediate and wider community. It will provide improved medical services and education in the field of medicine and be an educational asset to the City of Penrith. With its strong synergies with the Nepean Hospital the proposed use will reinforce and strengthen this important medical precinct and help pave the way for the area to grow into a stronger and more robust medical destination. It is inevitable that the Hospital will draw such uses to its periphery and this combination of land use activities will provide Penrith and its region with improved services and social benefits now and in the long term that must outweigh any short term concern about car parking.

The use of the site will also result in additional employment opportunities for the local area. Construction of the building will bring positive economic impacts by creating employment and investment in the locality.

Dust

Dust created during construction may cause dust problems to the nearby properties. A condition has been recommended for dust suppression techniques to be employed during site works and constructions works.

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 disabled access and facilities, essential services and fire safety certification.

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

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

The site can be serviced by water and sewerage facilities and electricity. 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
Senior Development Engineer	No objections subject to recommended conditions
Senior Traffic Engineer	No objections subject to recommended conditions
Environmental Health Officer	No objections subject to recommended conditions

Community Consultation

This application was publicly notified and exhibited, from 13 to 27 January 2010 in accordance with Part 2.7-Notification and Advertising of DCP 2006. One submission was received during the exhibition period.

The concerns raised in that submission are that the respondent does not wish to provide a monetary contribution to build a new fence on the rear boundary. Also there is a request that a gate is provided in that fence so that the respondent can have access to Derby Street Kingswood.

The issue of monetary contribution is a civil matter between the respondent and owner of the subject site under the Dividing Fences Act 1991. Council has no involvement in such a matter. The issue of provision of a gate in the rear fence is also a civil matter between the property owners of the subject properties; however provision of access through a property in separate ownership without appropriate legal rights is not supported.

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

The new clinical school will contribute to the expansion of the medical and educational services in the precinct. It will provide social, community and economic benefits. The new building and its aesthetic appearance will enhance the existing streetscape. The surrounding 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 construct a clinical school for the University of Sydney at the subject site. Key issues identified in the assessment include the encroachment over the building envelope, non-compliance with the external wall height and inadequate car parking spaces on site. The applicant has justified variations to the building envelope and external wall height under Clause 12(6) of the LEP 1998 by arguing that the interface of the proposed development with the existing surrounding development is appropriate and compatible and the variation is necessary to improve the design and utility of the building.

The university operates housing in the area which provides accommodation for the students. These students may not require parking at the proposed clinical school being within a short walking distance. Most of other students will be expected to travel to and from the clinical school by public transport as the site is close to the Kingswood railway station and adjacent to bus services which operate along Derby Street. Any overflow parking from the clinical school can be catered by the available parking on the hospital site.

The flexible parking arrangements sought must be considered in the context of the direct link to the hospital and its available parking provision, the proximity and frequency of public transport, local accommodation of students and the wider public benefit of the proposed development.

Consideration of all the matters has identified that the use is suitable for the site subject to the recommended conditions. 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 conditions which ensure that the operating characteristics of the clinical school generally respect the capacity, setting and context of the site.

Recommendations

1. The information contained in the report on Development Application DA09/1299 to construct a clinical school for the University of Sydney at Lot 200 DP 1137377 No. 62 Derby Street Kingswood be received;
2. **The development application (DA09/1299) be granted consent subject to the attached conditions:**

Standard Conditions

- 2.1 The development must be implemented substantially in accordance with the following plans stamped approved by 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:

Drawing Title	Drawing No	Issue	Prepared by	Dated
Site Plan	A101	D	Altis Architecture	16/12/2009
Basement Floor Plan	A102	E	Altis Architecture	22/02/2010
Ground Floor Plan	A103	E	Altis Architecture	22/02/2010
Level 1 Floor Plan	A104	D	Altis Architecture	16/12/2009
Level 2 Floor Plan	A105	D	Altis Architecture	16/12/2009
Roof Plan	A106	D	Altis Architecture	16/12/2009
Shadow Diagrams	A107	D	Altis Architecture	16/12/2009
Elevations	A200	D	Altis Architecture	16/12/2009
Finishes Board	A201 A202	D	Altis Architecture	16/12/2009
Sections	A300	D	Altis Architecture	16/12/2009
Stormwater Drainage Plan	C-100.00	03	Enstruct Group Pty Ltd	09/02/2010
Section	C-100.31	01	Enstruct Group Pty Ltd	09/02/2010
Landscape Plan	ADSO904-02a	-	Ayling and Drury Landscape Architecture	15/12/2009

- 2.2 The development shall not be used or occupied until an Occupation Certificate has been issued.
- 2.3 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan–Advertising Signs.

- 2.4 All materials and goods associated with the use shall be contained within the building at all times.
- 2.5 Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 2.6 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 2.7 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 2.8 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

- 2.9 Erosion and sediment control measures shall be installed prior to the commencement of works on site including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The erosion and sediment control measures shall be certified (by way of a Compliance Certificate) as having been installed in accordance with the approved erosion and sediment control plan(s) for the development and "Managing Urban Stormwater: Soils and Construction" 2004. The Compliance Certificate shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until [the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 2.10 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to

enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 2.11 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 2.12 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 2.13 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.

- 2.14 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.

- 2.15 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.
- 2.16 All food shop construction works shall be carried out in accordance with the requirements of AS 4674-2004 Design Construction and Fit out of Food Premises, the Food Act 2003 and Food Regulation 2004.

Detailed plans and specifications for the construction of the premises and installation of fittings, furnishings and equipment to all food preparation and storage areas are to be submitted with the Construction Certificate application regarding the fit out of the food shop.

- 2.17 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate

- 2.18 Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 2.19 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.

2.20 Prior to the commencement of construction works:

- (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.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

2.21 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.

2.22 All landscape works are to be constructed in accordance with the stamped-approved Landscape Plan and Sections F5 “Planting Techniques”, F8 “Quality Assurance Standards”, F9 “Site Management Plan” of Penrith Council’s Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

2.23 The approved landscaping for the site must be constructed by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

2.24 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 3 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iii Final Site Arborist’s Report (significant tree protection)

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a consulting arborist listed in Council's Approved Landscape Consultants Register. At Council's discretion this period may be reduced under circumstances where the Site Arborist is able to guarantee the health and ongoing survival of the trees.

iv 3 Year Landscaping Report (category 3 developments)

3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

2.25 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

2.26 All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

2.27 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

2.28 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.

- 2.29 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.

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.

- 2.30 All car parking and manoeuvring must be in accordance with AS2890 and Council's requirements.
- 2.31 All vehicles are to enter/exit the site in a forward direction.
- 2.32 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 2.33 All road works, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 2.34 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.35 Prior to the issue of a Construction Certificate for building works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a Roads Act application, including the payment of appropriate fees, has been lodged with and approved by Penrith City Council (being the Roads Authority under the Roads Act) for the following works:

Provision of: a heavy duty kerb and vehicular crossing opposite the roundabout; splitter island & footpath works in the footway area; removal of the kerb blister and re-alignment of kerb & gutter and on the west bound approach to roundabout in Derby Street; signage and line marking associated with the new

kerb re-alignment and new entry/exit off the existing roundabout in Derby Street. The works are to generally in accordance with the plans by Enstruct Group Pty Ltd titled 'Stormwater Drainage DA Plan' reference number 4005, drawing No's: C-100.00 revision 03 dated 09/02/10 and C-100.31 revision 01 dated 09/02/10.

Plans are to also detail replacement of existing driveways and gutter crossings with kerb and gutter, replacement of any sections of damaged kerb and gutter and replacement of any damaged sections of footpath for the property frontage.

Drainage outlets across the footway area are also to be shown.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Note:

Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

2.36 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.

- (a) On-site detention system
- (b) Stormwater drainage
- (c) Overland flow path
- (d) Earthworks
- (e) Car park
- (f) Retaining walls
- (g) Paving works
- (h) Sealed pavement for all areas of vehicular access.
- (i) Line marking and signage

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

2.37 Stormwater drainage from the site shall be discharged to the:

- (a) Street drainage system

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 2.38 On-site detention shall be provided generally in accordance with the concept plans lodged for development approval, prepared by Enstruct Group Pty Ltd titled 'Stormwater Drainage DA Plan' reference number 4005, drawing No's: C-100.00 revision 03 dated 09/02/10 and C-100.31 revision 01 dated 09/02/10.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 2.39 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- (a) The proposed development will not concentrate or divert overland flows onto adjoining properties.
- (b) The crest in the access ramp to the basement car park shall not be below 200mm above the top of kerb and be protected against the ingress of new overland flows.
- (c) That all new fencing within the overland flow path is open style to a minimum height of 150mm to permit the passage of overland flows.

Details prepared by a qualified person, demonstrating compliance with these conditions, shall form part of any Construction Certificate issued.

- 2.40 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, car parking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.

- 2.41 Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for works in Derby Street.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's **Development Engineering Unit** on 4732 7777 for further information relating to bond requirements.

- 2.42 A Road Safety Audit (RSA) shall be undertaken on the proposed roadwork by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction

Certificate application. Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 2.43 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.44 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller. Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- 2.45 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Derby Street is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 2.46 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.47 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 2.48 Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.
- 2.49 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works. An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.
- 2.50 Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that the on-site detention system:

- Has been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
- Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
- Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.51 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- 2.52 Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Derby Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.
- 2.53 Prior to the issue of an Occupation Certificate directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 2.54 Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Penrith City Council for works in Derby Street.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.