

<b>JRPP Ref. No. :</b>	2010SYW080
<b>DA No. :</b>	DA10/1146
<b>PROPOSED DEVELOPMENT:</b>	Expansion of Oral Health Facility Including Refurbishment of Existing Building- Lot 1 DP 1114090, Nepean District Hospital, Penrith
<b>APPLICANT:</b>	Aurora Projects
<b>REPORT BY:</b>	Jonathon Wood, Environmental Planner, Penrith City Council



Photomontage of Oral Health Facility Redevelopment. Source: Hassall Pty Ltd, 2010

## Assessment Report

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### Executive Summary

Council is in receipt of a Development Application which proposes the refurbishment and expansion of an existing oral health facility on the Nepean District Hospital Campus. The 'capital investment value' (CIV) of the proposal is \$5.31 million. Having regard to the CIV being in excess of \$5 million, and the development being lodged on behalf of a Crown Authority, 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.

The subject development site is zoned 5(a) Special Uses (Hospital) under the provisions of Penrith Local Environmental Plan 1998- Urban Lands and the proposed development is permissible with consent.

The application was placed on public exhibition from 10 November 2010 to 12 December 2010. No submissions were received in response to the exhibition of the application.

Section 89(1) of the Environmental Planning and Assessment Act 1979 provides that a consent authority cannot refuse a development application without the approval of the Minister, nor impose a condition of consent without the approval of the Minister or the

applicant. The conditions of consent recommended as part of this report have not yet been agreed to in accordance with these provisions.

The application has been assessed under the relevant provisions of the *Environmental Planning and Assessment Act 1979* (as amended). Having regard to the matters discussed in this report, the application is recommended for approval, subject to the imposition of conditions.

## **Background**

The Nepean District Hospital Campus has been subject to a number of recent development proposals for a variety of development works. A number of these proposals have been subject to assessment under Part 3A of the Environmental Planning and Assessment Act 1979, and a recent proposal for a Clinical School was considered and granted consent by the Sydney West Joint Regional Planning Panel.

A summary of the most recent major development proposals associated with the Hospital is provided below:

1. Penrith Health Campus Redevelopment- Part 3A Project granted approval for:
  - New east block to include an ambulatory procedure centre, 33 day beds and 60 overnight beds, level 1 car park;
  - Expansion and refurbishment of the existing north block to provide additional intensive care unit services;
  - Increasing renal dialysis stations in the west block; and
  - Associated engineering services, car parking, landscaping and site works.
2. Integrated Mental Health Unit- Part 3A Project currently under assessment by Department of Planning for:
  - Construction of a three (3) storey building with 5,611m<sup>2</sup> gross floor area to incorporate 64 beds, offices, lounge areas, dining areas, education/workshop areas, family meeting rooms, gymnasium, multimedia areas; landscaped courtyards; ancillary plant and infrastructure;
  - Relocation of the Existing Reconciliation and Memorial Garden.
3. Sydney University Clinical School- Part 4 Project on adjoining site considered and granted consent by the Sydney West Regional Planning Panel incorporating:
  - Construction of a three (3) storey building plus 27 space basement carpark to be utilised as a Clinical School for the University of Sydney for approximately 300 students;

A pre-lodgement meeting was held with the applicant regarding the current Oral Health Facility redevelopment with the key points of that discussion surrounding parking and traffic generation and stormwater drainage.

## **Site and Surrounds**

The hospital precinct is contained within a large rectangular parcel of land measuring some 13.5Ha in size. This precinct is bound by the Great Western Highway to the north, Parker Street to the west, Somerset Street to the east, and Derby Street to the south. The current proposal is located in the south eastern portion of the hospital precinct, immediately adjacent the southern vehicular entry point from Somerset Street. A locality plan and site plan provides a graphical representation of the location of the proposed development.

The portion of the site associated with the current development is occupied by the existing oral health facility and a 42 space carpark which is to be removed as part of the development. The oral health facility, upon completion, will be located immediately to the east of the large extensions that are currently under construction on the site.

The Nepean Hospital Campus itself provides for a wide range of medical uses, and development to the south west is also characterised as predominantly medical land uses. Development to the east and south-east, which are in closest proximity to the current development site are characterised by predominantly residential land uses of varying densities.

## **The Proposed Development**

The specific elements of the proposal are as follows:-

- Construction of a new 'wing' to the existing oral health facility that will accommodate:
  - A new primary building access point including air-lock lobby and reception;
  - A new waiting room;
  - 25 new dental treatment rooms;
  - New dental laboratory;
  - Provision of sterile rooms and washing facilities;
  - New tutorial and meeting rooms;
  - Staff room, staff toilets, and change rooms; and
  - Associated services and storage areas.
- Removal of 42 carparking spaces and provision for an ambulance parking area and two (2) accessible parking spaces;
- Landscaping works; and
- Associated engineering and infrastructure works.

## **Planning Assessment**

The development has been assessed in accordance with the matters for consideration under Section 23G and 79C of the Environmental Planning and Assessment Act 1979 as follows:

### **Section 23G - Joint regional planning panels**

The regional panel is the consent authority as conferred on it under State Environmental Planning Policy (SEPP) (Major Development) 2005 due to the CIV and the fact that the development is to be carried out on behalf of a Crown Authority.

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

### ***State Environmental Planning Policy (Major Development) 2005***

The capital investment value (CIV) of the proposed development is \$5,310,000. Given that the CIV is in excess of \$5 million, and that the development is proposed on behalf of a Crown Authority, 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.

### ***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, the consent authority 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 utilised as an Oral Health Facility and sealed vehicular carpark. Council has no records or evidence of the site being contaminated and a detailed Phase 1 and 2 Environmental Site Assessment was carried out in the location of the proposal with no contaminants being found. The Statement of Environmental Effects also provides that future activities will involve inspection of fill soil excavated during construction as per the recommendations of the Environmental Site Assessment. Therefore the land is considered suitable for the development.

### ***Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River (SREP 20)***

The development proposal has been assessed and found to be in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6.

### ***Penrith Local Environmental Plan 1998-Urban Land***

#### ***Permissibility***

The subject site is zoned 5(a) Special Uses, with an annotation of 'Hospital' located on the zoning map. Within the 5(a) zone the LEP prescribes that development for '*the particular purpose indicated by lettering on the map and any purpose ordinarily incidental or ancillary to that purposes*'. The current proposal is consistent with the hospital annotation found on the zoning map and is permissible on that basis.

#### ***LEP and Zones Objectives***

Clause 9 of the LEP outlines that a consent authority must not grant consent to development of land to which the LEP applies unless it is consistent with the aims of the plan, objectives of the zone, or objectives of the development controls. The proposal has been assessed against these matters and found to be consistent, with particular reference to the objective of the 5(a) zone, which provides:

*To facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organisations or the council to provide and protect services, utilities or transport facilities and associated activities.*

### *Other LEP Provisions*

Clause 30 provides that a consent authority must take into consideration a number of contaminated land guidelines and any development control plan related to land contamination. Appropriate consideration has been given to these matters and as discussed previously in this report a detailed Phase 1 and 2 Environmental Site Assessment has been carried out and has not found any contamination on the land subject to the current application.

There are no further relevant LEP provisions due to the fact that the site is not zoned for residential purposes.

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

There are no draft environmental planning instruments that apply to the land.

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

#### ***Penrith Development Control Plan 2006***

##### *2.1 Contaminated Land*

As discussed previously in this report a detailed Phase 1 and 2 Environmental Site Assessment has been carried out previously for the site as part of redevelopment proposals for the two (2) major project applications. That assessment identified a potential issue on the Mental Health Unit portion of the site however soil and groundwater testing in the location of the Oral Health Facility found no traces of contamination. This information is sufficient in demonstrating compliance with this part of the DCP and appropriate conditions of consent provide that the recommendations of the Phase 1 and 2 Environmental Site Assessment be adopted as part of the construction process.

##### *2.2 Crime Prevention Through Environmental Design*

Detailed assessment against the relevant controls specified in this section of the DCP has been carried out and found to be satisfactory. Appropriate consideration has been given by the development to matters including lighting, fencing treatments, landscaping and the avoidance of entrapment spots and blind corners. Fencing is proposed between the building 'fingers' to prevent access and the consulting rooms provide for passive surveillance of this area. The entry area is also well defined and well lit. The nature of hospitals means that there is substantial patronage across both daylight and night time hours and accordingly there are many passive surveillance opportunities by staff and visitors which serve an important role in deterring anti-social behaviour. The proximity of the development to Somerset Street also increases passive surveillance opportunities.

##### *2.6 Landscape*

A detailed landscape concept has been submitted with the application that is compliant with the provisions of this section of the DCP. A variety of native groundcovers, shrubs, and trees are proposed to complement the built form and also break up the hard surfaces. The overall landscape concept is supported.

##### *2.7 Notification and Advertising*

In accordance with this section of the DCP the application was notified to adjoining properties and placed on exhibition from 10 November 2010 to 12 December 2010. A total of approximately 215 property owners and occupants were notified and no submissions were received in response.

## 2.9 Waste Planning

For the purposes of the ongoing management of the Oral Health Facility a copy of the Sydney West Area Health Service 'Waste Management Policy Manual' has been submitted. This policy contains substantial detail on the appropriate waste disposal methodologies specific to the ongoing operation of a hospital facility. It is outlined by the proponent that this will be adopted at all times. The preparation of a waste management plan relating to the construction works is recommended as a condition of consent.

### 2.11 Carparking

The DCP provides parking rates specific to hospital developments, a rate of 1 space per 3 beds plus space 1 per 3 employees. Given that the proposal forms part of the larger Nepean District Hospital Campus it is appropriate to consider the existing parking situation for the whole campus. The traffic study submitted by TEF Consulting indicates a total bed number of 505 across the site as well as total staff numbers of 1861 (these figures are inclusive of the mental health unit and East Campus expansion). This equates to a need for 789 parking spaces, whilst the hospital campus will provide for 1,227 parking spaces upon completion of the hospital extensions, mental health unit, and oral health facility expansion. As can be seen this is compliant with the DCP parking requirement. Discussion of the existing situation on the site and in the surrounding street network is discussed further in this report.

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

Comments received from Council's Building section indicate that upgrade works are required as per the provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000. Appropriate conditions of consent are recommended to facilitate these upgrade works.

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

### *Context and Setting*

The design statement that accompanied the application provides:

*The Nepean Centre for Oral Health (NCOH) forms a transition between the residential scale developments on the eastern side of the campus and the larger scale (3-6 storey) acute clinical service buildings located in the centre and western side. The transition between the NCOH and East Block is a prime consideration, as is the siting of the new building back into the natural slope of the site.*

*A fundamental consideration in the design of the healthcare buildings is creation of places of wellness, comfort and delight for the building users. Natural light and access to landscaped spaces are key strategies. The design of the new NCOH seeks to establish an affinity with the landscape and a sense of place. As the building is nestled into the site to achieve a single floor level continuous with the existing building, the building is considered to be 'of the earth' and is made in clay brick to emulate the shale soils typical of the area.*

*The new building is conceived as a series of simple monolithic forms, with skillion roofs rising up to the extremities of the building to embrace the larger scale and order of the adjacent East Block currently under construction.*

The proposed design, scale and external appearance of the building is compatible with the built form of the existing buildings on the site and as stated does provide for a visual transition between the more modest scaled buildings to the east and the more substantial built forms in the centre of the site. The new development works are contained behind the existing oral health facility and as such streetscape presentation will be comparable upon completion of the works and maturation of the substantial landscape plantings.

### *Access, Traffic and Parking*

The key issue relating to this development is the impact on the local traffic network, both in terms of traffic generation as well as the availability, or otherwise, of on-site and off-site parking. As outlined previously in this report the development proposal achieves compliance with the numerical requirements of Penrith DCP 2006 and provides almost 400 spaces more than what is required by the DCP. Despite this, observations of the operation of the Nepean Hospital site indicate that the existing parking situation is strained, both in terms of the availability of off-street parking and the current restricted parking scheme that has been put in place by Council. This is in part due to the lack of adequate alternative transport methods to the hospital and also due to the more systemic lack of alternative transportation methods within the region.

The incremental nature of the sites redevelopment has compounded the parking problems and upon completion of the anticipated East Campus, Mental Health Unit, and adjoining Clinical School, it is likely that the existing situation will worsen. Comments from Council's Traffic Section indicate that this is the case, and point out that the traffic report submitted suggests a shortfall of some 300 on-site spaces during peak periods, and as such it is suggested that the application not be supported. A detailed outline of these comments is found further in this report.

These concerns were conveyed to the proponent who in response provided a letter from a Mr Robert Rust who is the Chief Executive of Health Infrastructure. That letter reiterated the fact that the Nepean Hospital provides in excess of the DCP requirements. More importantly, it also outlined that:

*Based on the draft plan for car parking at Nepean Hospital campus, to allow for future service expansion, a new multi-deck car park will be built on site. A preferred location has been identified to develop the new car park on the corner of Somerset and Derby Streets.*

*The timing of the delivery of the multi-deck car park is subject to the outcomes of NSW Health's investigation into alternative procurement and funding models of car parking at major metropolitan hospitals.*

*In line with the Government policy on modal shift and the Premier's Council for Active Living, consideration has been given to reduce the reliance on driving to the site by including:*

- bicycle parking spaces/racks and change facilities,*
- improvements to bus stop,*
- improvements to way finding and signage,*
- introduction of a Transport Access Guide,*
- a Workplace Travel Plan supporting walking, cycling, public transport, car sharing and include a one off issue of a free weekly train/bus pass.*

It can be seen that there is an intention to deal with the issue of parking and alternative access however the timing on such matters remains unclear and means that in the short to medium term the situation will remain poor and also impact on those residents in close proximity to the Hospital site through staff and visitors parking on local streets.

Looking at the specific impacts of the current development, it can be seen that there will be a loss of some 42 parking spaces and the provision of two (2) new parking spaces. The traffic study submitted by TEF Consulting conservatively suggests that the development, upon completion, will result in additional demand for 47 parking spaces, based on an additional 28 staff and 46 clients over that of the existing situation. That report indicates that there is adequate capacity on the surrounding street network to comfortably accommodate this

additional demand, and that the development (in and of itself) will result in a negligible impact on the surrounding street network. Recommendations are made to reduce such impacts and promote alternative transport methods, including:

- The provision of a shower and locker room to encourage bicycle use;
- The provision of bike racks;
- Upgrade of the existing bus stops to provide sheltered facilities;
- Implementation of a staff induction program that provides for a free weekly train/bus pass;

As discussed previously Council's Traffic Section does not support the proposal based on the existing traffic and parking situation on the site. It is likely that in the short term the situation will remain poor and will impact on the amenity of adjoining residents and also be difficult for staff and visitors to the hospital. However, in the longer term the provision of a multi-deck carpark will alleviate these issues although the timing and final commitment to such a project is yet unknown.

#### *Construction Impacts*

As with any construction works there is potential for impact on adjoining property owners due to the nature of these works. The key aspects relate to hours of operation and the generation of noise and dust. The proponent outlined that the works will be in accordance with a Construction Management Plan that will regulate such matters. To ensure that these impacts are mitigated, conditions of consent require the preparation of such a plan, and also stipulate limited hours of operation.

#### *Social and Economic Impacts*

The expansion of the Oral Health facility will result in positive social and economic impacts for the immediate and wider community. The proposal, which is part of a broader strategy employed by NSW Health will serve to centralise the key medical services within the region. It is outlined that the facility will be state of the art that will provide for a full range of oral health care services, including emergency, paediatric, OPG X-ray and general and specialist dental services. It will provide improved oral health services within the locality and beyond to Greater Western Sydney region. The facility will also provide education and training for students and provide new job opportunities during both construction and operation of the facility.

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

The Nepean Hospital Campus has been operating for several decades and has recently been subject to a number of major redevelopment proposals to improve the facilities. The Oral Health facility currently operates from the site and the current development proposal for the expansion of the facility has been designed to accord with the redevelopment works. The development site is not identified as being flood prone, bushfire prone, or subject to subsidence or landslip. Appropriate drainage measures are proposed and the traffic report submitted with the application concludes that the surrounding street network has adequate capacity to cater for the proposal.

Based on these matters the site is considered suitable for the development and the proposed design is appropriate.



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

It is noted that this application was not previously briefed to the Sydney West Joint Regional Planning Panel due to the timing of meetings.

#### ***Referrals***

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

<b><i>Referral Body</i></b>	<b><i>Comments Received</i></b>
<i>Building Surveyor</i>	No objections subject to conditions
<i>Development Engineer</i>	<p><i>Concerns raised regarding the safe functioning of the disabled parking spaces due to the proximity to the existing entrance off Somerset Street.</i></p> <p>An appropriate condition of consent is recommended to deal with this issue. Conditions have also been provided relating to Engineering matters.</p>
<i>Traffic Engineer</i>	<p><i>The expansion of the Oral Health Facility on the Nepean Hospital campus will have severe detrimental effects on parking in the locality. The lack of additional parking provision on the hospital site and the increase in traffic generation and parking demand will place further undue burden on the surrounding street network. Expansion of the Oral Health Facility should therefore be refused and is not supported by the Traffic and Transport section based on the following (note: reasons summarised for brevity)</i></p> <ul style="list-style-type: none"><li><i>• Based on the traffic report there is a shortfall of some 300 parking spaces during peak time;</i></li><li><i>• Council's restricted parking area scheme surrounding the hospital is currently at capacity and due to the number of complaints from residents, it would be a major disservice to Council's residents to support the application;</i></li><li><i>• The construction of the Clinical School will place further burdens on parking;</i></li><li><i>• The implementation of a multi storey car park on the campus has been discussed but only ever progressed to a conceptual design. The increase in parking demand and parking in the locality is now critical and assurance is sought for a commitment to the construction of a multi-deck carpark;</i></li><li><i>• It is critical that staff parking arrangements are improved to encourage on-site parking to take pressure off the surrounding street network.</i></li></ul> <p>These issues have been conveyed to the proponent and as outlined previously in this report a subsequent letter was provided by the Chief Executive of the Health Infrastructure division outlining that the provision of further</p>

	on-site parking is being considered and is subject to final design and funding. It is acknowledged that the development proposal will adversely impact on the surrounding traffic network.
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### **Community Consultation**

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006 – Notification and Advertising, the proposed development was notified to nearby and adjoining residents and no submissions were received in response.

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

As discussed previously in this report the development proposal will result in a substantial upgrade to the existing facilities and also improve the availability of quality oral health services to residents within the Western Sydney region. The development is permissible in the zone and is consistent with the recent approach of NSW Health towards the consolidation of larger hospitals with improved facilities. The development is consistent with the environmental planning instruments that apply to the site, however it is acknowledged that the availability of parking is an issue. For these reasons, and on balance, the proposal is in the public interest.

### **Conclusion**

This application seeks consent to expand and refurbish the existing Oral Health facility on the subject site. The development, upon completion, will provide for a 32 chair facility that will provide a full range of oral health care services, including: emergency, paediatric, OPG X-ray and general and specialist dental services.

The key issue identified relates to the provision of carparking on the site and in the surrounding street network. Whilst the proposal achieves technical compliance with Council's policies it is acknowledged that the actual situation indicates that there is a substantial lack of on-site car parking at present. There has been information submitted indicating that the provision of a multi-deck on site parking facility is currently in its initial stages of planning and will be subject to the finalisation of funding models for car parking at major metropolitan hospitals. Therefore in the longer term it is anticipated that the situation will improve, however in the short term the street network will continue to be subjected to additional demand. In assessing the application the public benefit of the proposed development outweighs the parking issues that have arisen.

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.

### **Recommendations**

That:

1. The Development Application for the Expansion of Oral Health Facility and Refurbishment of Existing Building at Nepean District Hospital 35-65 Derby Street KINGSWOOD NSW 2747-Lot 1 DP 1114090, be approved subject to the following conditions, except in circumstances that they are not agreed to by the proponent:
- 1.2 The development must be implemented substantially in accordance with the following plans/documents:

## **Architectural**

- Site Analysis, drawing no. OHNH-DA02 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Overall Site Plan, drawing no. OHNH-DA03 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Context Elevations, drawing no. OHNH-DA04 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Site Plan, drawing no. OHNH-DA05 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Ground Floor Plan, drawing no. OHNH-DA06 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Roof Plan, drawing no. OHNH-DA07 Rev 2, prepared by Hassall Pty Ltd, and dated 15.10.10;
- Elevations, drawing no. OHNH-DA08 Rev 2, prepared by Hassall Pty Ltd, and dated 14.10.10;
- Elevations and Sections, drawing no. OHNH-DA09 Rev 2, prepared by Hassall Pty Ltd, and dated 15.10.10;
- Cross Sections, drawing no. OHNH-DA10 Rev 2, prepared by Hassall Pty Ltd, and dated 15.10.10;
- Long Sections, drawing no. OHNH-DA11 Rev 2, prepared by Hassall Pty Ltd, and dated 15.10.10;

## **Engineering**

- Stormwater Concept Plan, drawing no. 10S185DAC01 Rev E, prepared by Hughes Trueman and dated 1 December 2010;
- Erosion and Sediment Control Plan, drawing no. 10S185DAC02 Rev D, prepared by Hughes Trueman and dated 1 December 2010;
- Onsite Detention Tank Details, drawing no. 10S185DAC03 Rev A, prepared by Hughes Trueman and dated 24 November 2010;

## **Landscaping**

- Landscape Plan, drawing no. OHNH-DA12 Rev 3, prepared by Hassall Pty Ltd, and dated 28.01.10;
- Landscape Detail, drawing no. OHNH-DA13 Rev 1, prepared by Hassall Pty Ltd, and dated 18.01.10;

## **Supporting Documents**

- Stormwater Management Report, Job No. 10S185, prepared by Mott MacDonald Hughes Trueman and dated September 2010;
- Traffic and Parking Impact Assessment, Job No. 10041, prepared by TEF Consulting and dated 4 October 2010;
- Oral Heath Centre Nepean Hospital Access Review, prepared by Morris-Goding Accessibility Consulting and dated 20 October 2010;
- BCA Statement, Job No. J100321, prepared by Vic Lilli and Partners and dated 10 August 2010;
- Waste Management Policy Manual, document no. MANL10155, prepared by Sydney West Area Health Service and dated 1 February 2008;

and 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.

- 1.3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 1.4 The location/design of the accessible parking spaces are to be revised to ensure that parking and manoeuvrability can be achieved without creating conflict between users of the parking spaces and those motorists utilising the entrance from Somerset Street.
- 1.5 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 approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established. 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.

- 1.6 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.
- 1.7 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.

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.

- 1.8 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.
- 1.9 The recommendations contained within the Phase 1 and Phase 2 Environmental Site Assessment, prepared by Golder Associates and dated July 2010, are to be incorporated during the construction process.

1.10 A waste management plan, dealing with all waste materials to be generated during construction of the development, is to be prepared prior to works commencing on the site.

1.11 A Construction Management Plan (CMP) is to be prepared to deal with, but is not limited to, the following matters:

- Dust Mitigation Measures;
- Construction Noise Mitigation Measures;
- Timing of Delivery of Materials;
- Timing of Waste Collection during Construction.

The CMP is to be prepared prior to the commencement of works on site and is to be adhered to at all times during construction.

1.12 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". In this regard the recommendations of the Access Review, prepared by Morris-Goding Accessibility Consulting, and dated 20 October 2010, are to be implemented. Particular reference is made to:

- The provision of an accessible dental suite to both the general and student dental suites;
- The provision of two (2) accessible parking spaces that are consistent with the relevant standards relating to size, cross-fall, and the provision of a continuous path of travel from each of the parking spaces to the main doors;

In addition to the above the accessible sanitary facility at grid reference C9 (in the existing oral health facility) is to be open to members of the public for their use.

1.13 In accordance with section 116 of the Environmental Planning and Assessment Act, Crown Building work cannot commence to be carried out unless the Crown Building Work is certified by or on behalf of the Crown to comply with the technical provisions of the state building laws in force at the time of invitations of tenders or in the absence of tenders, the date on which carrying out the Crown building work commences.

1.14 In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following fire safety works are to be completed to upgrade the existing building. These works are to be completed prior to occupation of the new portion of the building:

- (a) Emergency Lighting will be required to be upgraded and installed in accordance with E4.2 of the Building Code of Australia;
- (b) Portable Fire Extinguishers will be required to be installed to cover fire risks in accordance with Table E1.6 of the Building Code of Australia.

1.15 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](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

1.16 Prior to the Commencement of Works, 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 padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation.

- 1.17 Stamped plans, specifications, a copy of the development consent 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 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 on completion of the development.

- 1.18 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.

- 1.19 Prior to the Commencement of Works on Site a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Opening the road reserve for the provision of services including stormwater.
- b) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 1.20 On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Hughes Trueman, reference number 10S185DA, revision C01E, CO2D, C03A, and dated 1/12/2010.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person prior to the commencement of works on site

Prior to the commencement of works on site it shall be ensured that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 1.21 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.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

- 1.22 Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Somerset Street ) is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

- 1.23 Prior to the Occupation of the development, it shall be ensured that all works within the road reserve have been inspected and approved by Penrith City Council.

- 1.24 After completion of all civil works, works-as-executed drawings and compliance documentation shall be prepared in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall be submitted to Penrith City Council prior to the Occupation of the development.

- 1.25 Prior to the occupation of the development it shall be ensured that the on-site detention system/s:

- Have been satisfactorily completed in accordance with the approved drainage details and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

- 1.26 Prior to the Occupation of the development a restriction as to user and/or positive covenant relating to the on-site detention system/s 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.

- 1.27 Prior to the Occupation of the development any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.

Any rectification works within Somerset Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

- 1.28 All landscape works are to be constructed in accordance with the stamped-approved 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.