

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWT010
DA Number	DA17/0665
LGA	Penrith City Council
Proposed Development	Six (6) Storey Split Level Hospital Car Park, Rooftop Helipad & Related Stormwater Drainage, Servicing, Landscaping & Soil Remediation Works
Street Address	Nepean District Hospital 35-65 Derby Street KINGSWOOD
Applicant	Health Infrastructure
Owner	Nepean Blue Mountains Local Health District
Date of DA lodgement	24 July 2017
Number of Submissions	1
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development that has a capital investment value of more than \$5 million – Crown Development.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> Local Environmental Plan 2010 (Amendment 4) Development Control Plan 2014 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55—Remediation of Land Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Site Plans Attachment 2 – Floor Plan Attachment 3 – Elevations & Section Attachment 4 – Perspective Attachment 5 – External Finishes Attachment 6 – Landscape Plan
Report prepared by	Jane Hetherington
Report date	8 November 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? Not Applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWCPP Ref. No.:	2017SWT010
DA No.:	DA17/0665
PROPOSED DEVELOPMENT:	Six (6) Storey Split Level Hospital Car Park, Rooftop Helipad & Related Stormwater Drainage, Servicing, Landscaping & Soil Remediation Works - Lot 1 DP 1114090,35 - 65 Derby Street, KINGSWOOD NSW 2747
APPLICANT:	Health Infrastructure
REPORT BY:	Jane Hetherington, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Health Infrastructure for the construction of a six (6) storey split level hospital carpark, rooftop helipad & related stormwater drainage, servicing, landscaping & soil remediation works at 35-65 Derby Street, Kingswood.

The site is zoned SP2 Infrastructure (Health Services Facility) under Penrith Local Environmental Plan 2010. Development for the purpose shown on the land zoning map (Health Services Facility), including any development that is ordinarily incidental or ancillary Health Services Facilities are permitted with consent within the SP2 zone. As a result the proposal is permissible development.

In accordance with Section 23G of the *Environmental Planning and Assessment Act, 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal is Crown Development and has a capital investment value in excess of \$5 million.

The application was referred to the NSW Roads and Maritime Service for consideration on 11 August 2017, however no comments or concerns have been received noting response timeframes specified in *State Environmental Planning Policy (Infrastructure) 2007*.

The development application has been advertised in local newspapers and notified to all adjoining and adjacent property owners and placed on public exhibition from 11 August to 11 September 2017. One submission was received which relates to the potential noise impact due to the helicopter component of the development.

The proposed development is Crown Development as the applicant is NSW Health Infrastructure which is a statutory state government authority. Applicants for Crown Developments are exempted from the requirements to obtain Construction and Occupation Certificates. In accordance with Section 89(1)(b) of the *Environmental Planning and Assessment Act 1979*, draft conditions of consent (as documented in this report) were forwarded to the applicant for consideration. At the time of the report, a final response to the draft conditions has not been provided, but it being pursued.

Key issues identified for the proposed development include:

Tree Removal

Forty-two (42) trees are located within the development site, of which thirty-nine (39) are required to be removed to facilitate the construction works. The accompanying Arboricultural Assessment Report prepared by Moore Trees Arboricultural Services and dated June 2017, did not identify any trees as being protected species. However, four

(4) of the trees were found to be in excellent health and condition and provide good visual amenity to the surrounding area. Of these four (4) trees, the accompanying Aboricultural Assessment Report finds that it is possible to retain three (3) trees. The landscape plan shows that the number of replacement plantings exceeds this tree removal. The significant setbacks of the car park allows for landscaping that will, at maturity, create a visual barrier and reduce the bulk and scale of the development. As such, the proposed tree removal is supported.

Helicopter Noise and Vibration

There are no mandatory acoustic criteria for emergency vehicles such as the noise generated from the helipad component of the development. As such, the guideline from Air Service Australia "Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise" was used in assessing the development's potential impact on nearby development. This document specifies that the goal for aircraft noise should be 95dB(A). To make an assessment assumptions were made regarding the type of helicopter, typical flight path and take-off/approach gradient, which was based on advice from an Aviation Consultant. It was predicted that the 95dB(A) noise goal of the Air Services Australia will be achieved when the helicopter sits off the helipad, however there will be potential exceedances of the 95dB(A) target level in the event that the flight path passes directly over the Parker Street residences or the Private Hospital which have predicted noise levels of 97dB(A) and 98dB(A) respectively. These levels are considered to be acceptable given the infrequency of the helicopter flight movements; the duration of the noise event will be very short; the peak noise event is compliant with the OH&S guidelines with respect to hearing protection/damage and the proximity of the helipad to residential/hospital development is not out of keeping with other hospital development.

Site Design

The proposed location is consistent with strategic policies for the hospital precinct including the Integrated Nepean Hospital and Community Based Services (Penrith) Master Plan Report and Nepean Hospital Zonal Master Plan. The siting of the car park provides for adequate setbacks along Parker Street, Barber Avenue and the existing hospital service corridor. This will allow for substantial landscaping which will provide for the high quality embellishment of the site which, at maturity, will complement the scale, design and function of the development.

The floor plate of the car park has been designed to accommodate an adequate and compliant helicopter landing footprint and provide for the required number of car spaces for the hospital. Façade articulation provides a vertical language with horizontal joints and colour banding which aligns to that of the existing multi-storey carpark. The chosen colours, materials and finishes are appropriate and will complement the site's current and future surrounds. The building materials comprise contemporary materials and design. Neutral colours are selected for the building materials to minimise the visual impact. The building is considered to complement the surrounding landscape setting, incorporating materials which contribute to an aesthetic design.

An assessment under Section 23G and Section 79C of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval.

Site & Surrounds

Properties of the site

The proposed development is located within the north western area of the Nepean District Hospital Campus, on land known as Nos. 35-65 Derby Street, Kingswood and legally described as Lot 1 DP 1114090. The hospital precinct is contained within a large irregular shaped parcel of land measuring approximately 13.92 hectares in area.

The Nepean District Hospital Campus is located on the northern side of Derby Street, and is generally bound by the Great Western Highway, Somerset Street and Parker Street to the north, east and west respectively. The proposed development is located within the north western area of the Nepean District Hospital Campus, on the corner of Barber Avenue and Parker Street.

Nepean Private Hospital is located directly north of the development site and development to the west and north-west, which are in closest proximity to the development site are characterised by predominantly residential land uses of varying densities.

Proposal

The proposed development involves the following works:

- Construction of a multi-deck car park consisting of split level design (six levels) to accommodate 627 motor vehicle parking spaces, lobby areas, associated car ramps, lifts and fire stairs;
- Pedestrian overpass off Level 2 to connect the car park to the existing overpass between the Nepean Private Hospital (north) and adjoining hospital buildings on site;
- Construction of a Helipad above the top deck of the car park, which can be reconfigured to accommodate 108 car parking spaces if no longer required for a helipad;
- Construction of a new internal vehicular driveway connecting the car park to the existing Nepean Hospital road network to the south;
- Construction of a new egress point from the car park to Barber Avenue;
- Carpark to be operational to staff and visitors 24 hours a day, 7 days a week;
- Soil remediation works; and
- Associated tree removal, landscaping, stormwater drainage and utility infrastructure.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G – Sydney Western City Planning Panel (SWCPP)**

Under Section 23G of the Environmental Planning and Assessment Act 1979, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Under Clause 5 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, a regional panel has the function of determining applications for crown development which has a capital investment in excess of \$5 million.

The application meets the above criteria and as such the Sydney Western City Planning Panel is the determining authority.

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Division 10 Health Services Facilities

Under Clause 57 of *State Environmental Planning Policy (Infrastructure) 2007*, the construction of the multi-deck hospital car park is permissible with consent in the SP2 Infrastructure zone.

Clause 104 - Traffic-generating Development

Clause 104 states that development for parking with the capacity of 200 or more motor vehicles with access to any road is traffic generating development requiring referral to the Roads and Maritime Service (RMS). Given that the proposal includes the construction of a multi-deck car park with over 600 spaces, in accordance with Clause 104 the application was referred to the RMS on 11 August 2017. Clause 104(3)(b)(i) specifies that a prior to determining an application for which the clause applies, the consent authority must take into consideration any submission that RMS provides within 21 days of being notified of the application. No response was received by the RMS.

The subject application was accompanied by a Traffic & Parking Impact Statement prepared by Traffic and Parking Consultants. Council's Senior Traffic Officer reviewed the proposed development and have raised no objections subject to the imposition of conditions relating to parking and manoeuvrability across the site.

The development is considered to be satisfactory for the purposes of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The construction of the car park will require the demolition of existing "Pialla Building" (to be completed under separate approval) and the decommissioning of the existing stormwater detention basin.

The application was accompanied by a Preliminary Environmental Site Assessment (Contamination)(PESA), prepared by Environmental Investigation Services (EIS) and dated 24 February 2017. This investigation found that the potential sources of contamination within the development site included fill material, above-ground bulk fuel and chemical storage, former/abandoned underground storage tanks (USTs), historical agricultural use and hazardous building materials. While the preliminary assessment found that the potential for significant, widespread soil contamination was low to moderate, a stage 2 investigation was recommended to characterise the soil and groundwater conditions.

As part of the PESA and the stage 2 investigation (Stage 2 Environmental Site Assessment, prepared by EIS and dated 18 September 2017) soil samples and groundwater monitoring wells were obtained. These investigations identified that the primary contaminant of concern as asbestos containing material (ACM) within the fill material at the site. The ACM was identified both within the fill material and on the surface of the site and was considered to pose a risk to potential site receptors.

Given the above findings of the preliminary and stage 2 investigations, a Remediation Action Plan (RAP) was prepared for the site (Remediation Action Plan (RAP), prepared by Environmental Investigation Services (EIS) and dated 6 October 2017). The RAP advises that the site is largely underlain with fill material that contains construction and demolition materials (e.g. brick, tile, cement, metal, fibre cement fragment etc.). The sampling and analysis program found that the fill contained asbestos cement fragments and as such remediation is required to make the site suitable for the proposed development. The RAP details that excavation and off-site disposal of all fill to a licensed landfill facility will be undertaken. This strategy will remove the asbestos contamination from the site and will mitigate the need for on-going management or contamination post-development. The RAP concludes that "*the site can be made suitable for the proposed development provided this RAP is implemented*". The document has been reviewed by Council's Environmental Management Team, who has advised that they are satisfied with the contents and conclusions of the RAP.

As such, in accordance with Clause 7(b) of the *SEPP No. 55 - Remediation of Land*, Council is satisfied that the land will be suitable, after remediation, for the proposed use. This is subject to compliance with recommended conditions of consent which requires site validation (clearance) prior to the commencement of construction works.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 -1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme*. SREP 20 is supported by an Action Plan which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures. Council's Development Engineers have reviewed the application and subject to recommended conditions of consent relating to stormwater, erosion and sediment controls have no objections to the proposal.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies
Clause 7.11 Penrith Health and Education Precint	Complies

Clause 2.3 Permissibility

The subject site is zoned SP2 Infrastructure (Health Services Facilities) under Penrith Local Environmental Plan 2010. Development for the purpose shown on the land zoning map (Health Services Facility), including any development that is ordinarily incidental or ancillary Health Services Facilities are permitted with consent within the SP2 zone. The proposed construction of a multi-deck hospital car park relates to the existing hospital buildings and is therefore a permissible form of development with consent in the SP2 zone.

Clause 2.3 Zone objectives

The proposed development is consistent with the aims and objectives of the LEP. The particular objectives of the SP2 zone is as follows:

- (a) To provide for infrastructure and related uses.*
- (b) To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development satisfies the objective of the SP2 zone in that it will provide car parking to support the current services and facilities of Nepean Hospital.

Clause 5.9 Preservation of trees or vegetation

Forty-two (42) trees are located within the development site, of which thirty-nine (39) are required to be removed to facilitate the construction works. The accompanying Arboricultural Assessment Report prepared by Moore Trees Arboricultural Services and dated June 2017 did not identify any trees as being protected species. However, four (4) of the trees were found to be in excellent health and condition and provide good visual amenity to the surrounding area. Of these four (4) trees, the accompanying Arboricultural Assessment Report finds that it is possible to retain three (3) trees. The other tree (identified as Tree No. 1) is required to be removed as it conflicts with the proposed location of the driveway off Barber Avenue, which has been positioned as to provide the required separation distances from the intersection with Parker Street. The proposed landscaping works for the site, which includes the planting of forty-one (41) trees will compensate for the removal of the thirty-nine (39) trees.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments applicable to the subject site or to the proposed development.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E12 Penrith Health and Education Precinct	Complies

Section 79C(1)(b) The likely impacts of the development

Context and Setting

The proposed development seeks to construct a multi-deck car park to increase the existing level of hospital car parking for staff and visitors. The additional car parking will support the current services provided within Nepean Hospital and any future expansion of facilities and services. No expansion of facilities at Nepean Hospital is proposed as a part of the Development Application.

The car park is located within the vicinity of an existing six (6) storey hospital building which is located to the south east. To the north-east, the Nepean Private Hospital is three (3) storeys in height and is adjacent to a ground level open car park. To the west of the development site, is residential development undergoing a period of transition with a number of residential flat buildings under construction or recently approved. The proposal is therefore compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

Location and Site Design

The proposed development was reviewed by Council's Urban Design Review Panel on 10 April 2017 and 20 September 2017. The main concerns raised by the panel related to the sites suitability given the prominent location of the development site, the vegetation removal required and the pedestrian connectivity. Consideration was required to be given to relocating the car park or shifting its position on the site. However, further details have been provided by the application demonstrating that the proposed location will support and facilitate the redevelopment of the hospital site, with the Stage 2 Hospital building to be aligned to the carpark. In addition, the proposed location is consistent with strategic policies for the

hospital including the Integrated Nepean Hospital and Community Based Services (Penrith) Master Plan Report and Nepean Hospital Zonal Master Plan.

The floor plate of the car park has been designed to accommodate an adequate and compliant helicopter landing footprint and provide for the required number of car spaces for the hospital. This has resulted in a square footprint arrangement. The siting of square form within the parameters of the site provides for adequate setbacks along Parker Street, Barber Avenue and the existing hospital service corridor.

Façade articulation provides a vertical language with horizontal joints and colour banding which aligns to that of the existing multi-storey carpark. The chosen colours, materials and finishes are appropriate and will complement the sites current and future surrounds. The building materials comprises contemporary materials and design. Neutral colours are selected for the building materials to minimise the visual impact. The building is considered to complement the surrounding landscape setting, incorporating materials which contribute to an aesthetic design.

Accessibility

An access report prepared by iAccess Consultants accompanied the application. This report found that the proposed development can comply with the accessibility requirements of the *Building Code of Australia (BCA)*, *Disability (Access to Premises) Standard 2010* and applicable *Australian Standards*.

The proposed development was also reported to Council's Access Committee at its meeting held on 11 October 2017. At that meeting the Committee requested the following be provided:

- Increase in the number of accessible parking spaces provided.
- Provision of automatic doors to the entry of each lobby.
- Pathways at least 1.5m wide linking the car park to the existing footpath to the north.

The development, as submitted, included six (6) accessible parking spaces located on the first three floors of the car park. The accompanying Access Report found that this did not satisfy the minimum requirements of the Building Code of Australia (BCA). Under the BCA accessible spaces within a hospital (outpatient) are to be provided at a rate of 1 accessible space for every 50 carparking spaces or part thereof. The rate for hospital (outpatient) was used as it has a higher rate than a hospital (non-outpatient). This issue was raised with the application who agreed to increase number of accessible spaces. To comply with the BCA it is recommended that a condition of consent be included requiring fifteen (15) accessible spaces be provided.

The recommendations contained in the accessibility report and outlined at the Access Committee meeting are recommended to be imposed as conditions of consent for inclusion in the detailed construction plans for the proposal.

Access, Parking and Traffic

The hospital campus currently accommodates 1,509 parking spaces, of which 851 are provided at grade and 658 are provided in the existing multi-storey car park located on the corner of Derby Street and Somerset Street. The proposed car park will initially accommodate an additional 627 parking spaces and a rooftop helipad. Following the completion of the hospital expansion, the helipad will be relocated enabling the car park to accommodate 735 spaces. Upon completion of the car park, the parking provision on the hospital campus will be increased by 332 spaces, considering the displacement resulting from the construction of the hospital expansion, which is the subject to a separate state significant development application. The application was supported by a Traffic and Accessibility Assessment prepared by Parking

and Traffic Consultants and dated 3 July 2017, which concluded that the proposed multi-level car park will accommodate parking demands associated with the proposed hospital expansion.

To identify the existing traffic conditions, video survey counts were undertaken in proximity to the hospital at the four key intersections along Parker Street (Parker Street/Great Western HWY; Parker Street/Barber Road; Parker Street/Hospital Entrance & Parker Street/ Derby Street) and one on Derby Street (Derby Street/Hospital Entrance -south). An initial set of intersection surveys were undertaken on 15 November 2016 which indicated that the network peaks occurred at 8:00am to 9:00am and 3:15pm to 4:15pm. These hours were adopted as the peak periods for the purpose of assessing the impacts of increased traffic resulting from the proposed hospital development. The performance of the existing road network has been established through the preparation of a Road Network Model using SIDRA modelling software. This road network modelling confirmed that the road network surrounding the hospital is currently operating within capacity. The modelling also indicated that all intersections (except for the Parker Street/Derby Street intersection) will be able to accommodate the traffic generated by the proposed development. The Parker Street and Derby Street intersection is currently operating with a Level of Service D, which indicates that it is able to manage the demand under normal conditions, however any slight increase in traffic activity or interruption to traffic flow results in extended delays and a poor performance. The road network model confirms that the intersection of Parker Street and Derby Street will fail to accommodate the background traffic demand by 2021 and will require upgrading in order to restore the current Level of Service. However, upgrades at this intersection form part of NSW Government Pinch Point Program which aims to reduce traffic delays, manage congestion and maintain travel times on Sydney's major roads, particularly during peak periods. The upgrades to this intersection are expected to be completed by February 2019.

Penrith City Council's Traffic Engineer has reviewed the proposed development with regard to access, parking and traffic consideration due to the planned infrastructure upgrades forming part of this program and is therefore supportive of the application subject to conditions.

Noise and Vibration

The application was supported by a Noise Emission Assessment, prepared by Acoustic Logic and dated 21 June 2017. This report included an assessment of the noise and vibration impacts on nearby receivers from the proposed construction works, additional traffic generated on the roads network, operation of the car park and the use of the helipad.

To quantify the existing acoustic environment both long term unattended noise logging and attended noise measurements were conducted. Unattended noise monitoring was conducted over a ten day period between 31st January and 10th February 2017. Two noise monitors were installed within the hospital precinct, one on the western boundary and one on the eastern boundary. These locations were selected as they were both secure for monitoring equipment and would provide background noise data representative of the nearest noise receivers. In addition, a series of attended noise measurements were made between 11:00am to 1:00pm on the 30th January 2017 which verified that the background noise level measured by the loggers was the same as what is received at the residences on Parker Street and Somerset Street. This data was also used to determine the existing traffic noise levels at the site.

Car Park Operation

Noise generated within the car park building (vehicle movements and mechanical plant (e.g. ventilation fans)), was assessed against the EPA's Industrial Noise Policy (INP). The INP provides a noise criteria for both intrusiveness and amenity. The intrusiveness criteria specifies that noise generation is to be no more than 5dB(A) above the existing background noise levels. While the amenity noise criteria set additional goals based on the land use of the noise sensitive receivers. In case of the subject development, the suburban (for the adjoining residential development) and the commercial (the private hospital) levels are appropriate for the assessment. The assessment found that noise from cars within the car park building

itself is expected to comply with the EPA Industrial Noise Policy Guideline. However, given that the type of specific mechanical plant to be used is unknown, a condition of consent will require that a further assessment of this component be undertaken prior to construction commencing.

Construction Noise & Vibration

It is expected that excavation and piling work close to the northern and western boundaries will have the greatest potential noise and vibration impact on the Private Hospital (to the north-east) and the residences (to the west). However, detailed acoustic assessment of individual activities cannot be undertaken prior to knowing the activities/construction methods proposed, their duration and location. As such, a condition of consent will require that on completion of the construction program, acoustic review of proposed construction activities and plant/methods will be undertaken to identify the extent and duration of potential exceedances of EPA construction noise management levels. Where exceedances are predicted, acoustic controls or management techniques are to be implemented.

Noise from Increased Traffic Generation on Public Roads

Noise created as a result of an increase in traffic on public roads is assessed with reference to the EPA Road Noise Policy. Under this policy, noise generated from a new development on an arterial road (Parker Street) shall not exceed 60dB(A) and 55dB(A) for the day and night period respectively. However, if existing noise levels already exceed these levels, then Section 3.4 of the Road Noise Policy is applicable, which requires noise impacts are reduced through feasible and reasonable measures. However, in determining what is feasible/reasonable, the policy notes that an increase of less than 2dB(A) is a minor impact and would be barely perceptible.

The predicted traffic noise level for the day period is 60dB(A) and as such complies with the EPA Road Noise Policy. However, the predicted noise level for the night period is 57dB(A), exceeding the requirement by 2dB(A). This is acceptable given that the existing traffic noise level on Parker Street already exceed EPA recommended levels being 67dB(A) during the night time. As such, under Section 3.4 of the Road Noise Policy, the development can not result in the night time traffic level to increase above 69dB(A). The predicted night time level complies with this requirement.

Helicopter Noise

There are no mandatory acoustic criteria with respect to noise from emergency vehicles. Acoustic guidelines such as the EPA Industrial Noise Policy and Australian Standard 2021 are commonly adopted for noise emissions and for aircraft noise respectively. However, neither are appropriate for use in assessment of emergency helicopter noise, which is more infrequent than industrial noise or from commercial aircraft.

Despite this a guideline from Air Services Australia "Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise" specifies that *'there should be a current agreed aircraft noise exposure level above which no person should be exposed, and agreement that this level should be progressively reduced. The goal should be 95dB(A).'* This level was utilised in assessing the potential impact on nearby development. To make an assessment assumptions were made regarding the type of helicopter, typical flight path and take-off/approach gradient, which was based on advice from an Aviation Consultant. It was predicted that the 95dB(A) noise goal of the Air Services Australia will be achieved when the helicopter sits of the helipad, however there will be potential exceedances of the 95dB(A) target level in the event that the flight path passes directly over the Parker Street residences or the Private Hospital which have predicted noise levels of 97dB(A) and 98dB(A) respectively. These levels were considered to be acceptable for the following reasons:

- The infrequency of the helicopter flight movements (approximately 2-3 times per week);
- Duration of the noise event will be very short (less than one minute each for the inbound and outbound movement);

- The peak noise event is compliant with the OH&S guidelines with respect to hearing protection/damage, which permit momentary noise events up to 140dB(C) before hearing protection is recommended;
- The proximity of the helipad to residential/hospital development is not out of keeping with other hospital development, such as Westmead and Royal North Shore Hospitals.

The above justification is supported on a temporary basis. As such, a condition of consent will require that the helipad component of the development be decommissioned after five (5) years or on completion of the hospital expansion, whichever comes first.

Landscaping

The development includes suitable setbacks from the Parker Street and Barber Avenue frontages, being 10m and 6m respectively. This allows for substantial landscaping to be implemented which will provide a visual barrier and soften the bulk and scale of the development. The application was accompanied by a Landscape Concept Plan, prepared by Arcadia Landscape Architecture and dated October 2017, which indicates that there will be a net increase in trees (including the proposed street trees) within the area after the development. The plan shows that thirty-one (31) native trees and ten (10) street trees will be planted across the site and within the road reserve to compensate for the proposed vegetation removal. While the landscape plan indicates that five (5) street trees will be planted along Parker Street, this is not supported as traffic lights are located within this vicinity and street trees are likely to impact of the sightlines to the traffic signals. As such, it is recommended that a condition of consent be included requiring that these trees be relocated behind the boundary line.

In addition to the proposed tree plantings, the landscape plan incorporates extensive native shrubs and grasses and a green wall along the base of the development. The proposed landscape works will provide for the high-quality embellishment of the site which, at maturity, will complement the scale, design and function of the development.

Community Safety

The operating hours of the car park, being 24 hours and day, 7 days a week will maximise opportunities for passive surveillance in and around the car park. Appropriate conditions of consent have been included in relation to adequate lighting, provision of CCTV, provision and implementation of emergency management plans, landscaping and building maintenance.

Section 79C(1)(c) The suitability of the site for the development

The site attributes and current site operations are conducive to the proposed development. The proposal has been designed in a manner consistent with the existing character of the site.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was advertised in local newspapers and notified to owners and occupiers of adjoining and nearby properties. A total of seventy-three (73) property owners and occupiers were notified in the surrounding area.

The public exhibition period for the proposal was from 11 August to 11 September 2017. One (1) submission was received which was generally supportive of the Development Application, however, concerns were raised regarding the noise generated from helicopters using the proposed helipad. This issue is discussed in the likely impacts section of the report.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	Not supported, however conditions provided

Tree Management Officer

Council's Tree Management Officer does not support the proposed tree removal due to the significant amenity this vegetation provides along The Northern Road. However, when reviewed in its entirety the proposal is worthy of support. The proposal is supportable when the benefits of the development to the broader community and the streetscape outcomes that will result from then proposed replacement planting at maturity are considered.

Section 79C(1)(e)The public interest

The proposed development demonstrates consistency with the aims and objectives of Penrith LEP 2010, the zone itself and Penrith Development Control Plan 2014. The proposed development is consistent with the zone of the land which applies.

The development will provide additional car parking spaces for visitors, staff and patients in a convenient location at the hospital site. The proposal presents an opportunity for future expansion of the existing hospital site and improves emergency services infrastructure (with the provision of the helipad) within the site. As such, the proposal is considered to be of public interest.

Conclusion

The proposed development is in accordance with the relevant provisions of the environmental planning instruments and development control plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment through the appropriate conditioning of the development consent. The proposed development seeks to increase the existing level of car parking for staff and visitors of Nepean Hospital to support the existing services undertaken at the site.

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G, Section 79C and Section 89 of the *Environmental Planning and Assessment Act 1979* and has found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendation

That:

1. That the information contained in the report on Development Application No. DA17/0665 for the construction of a six (6) storey split level hospital car park, rooftop helipad & related stormwater drainage, servicing, landscaping & soil remediation works at 35-65 Derby Street, Kingswood be received.
2. Development Application No. DA17/0665 for the construction of a six (6) storey split level hospital car park, rooftop helipad & related stormwater drainage, servicing, landscaping & soil remediation works at 35-65 Derby Street, Kingswood be approved subject to the following conditions:

CONDITIONS

General

- 1 The development must be implemented substantially in accordance with the following plans numb stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Drawing Number	Prepared By	Dated
Architectural Plans	DA00-DA18 (Issue B)	BVN	23/06/2017
Landscape Plans	-	Arcadia Landscape Architecture	Oct 2017
Stormwater Plan	202182001 (Rev P2)	Bonacci Group	09/10/2017
Waste Management Plan	-	-	-

- 2 Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. 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).
- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 Prior to the commencement of construction works, the design recommendations of the Access Report, prepared by iAccess Consultants and dated 4 October 2017 shall be incorporated into the construction plans. The works shall be certified accordingly by a suitably qualified access consultant prior to the use of the car park.
- 5 **Prior to the commencement of construction**, the following is to be incorporated into the construction plans:
 - (i) Provision of fifteen (15) accessible parking spaces.
 - (ii) Provision of automatic doors to the entry of each lobby.
 - (iii) Pathways at least 1.5m wide linking the car park to the existing car park to the north.
- 6 This consent permits the helipad component of the development to be used for maximum of five (5) years from the date of commencement of use or up until such time as it is relocated (whichever comes first). Should the applicant wish to extend this period, a separate application or modification application for development approval, must be lodged, and approval obtained, prior to continued operation.
- 7 Prior to the use of the car park, the following community safety and CPTED (Crime Prevention Through Environmental Design) requirements shall be satisfied:

Lighting

- (a) All pedestrian pathways, laneways and access routes in outdoor public spaces in and around the car

park must be lit to the minimum Australian Standard of AS 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas and should be designed in accordance with AS 4282 – Control of the obtrusive effects of outdoor lighting.

(b) The car park must minimise dark areas through the provision of appropriate lighting. This includes all entry and exit points, ramps, pedestrian bridges, lifts, stairwells, lobbies and pay stations.

(c) All surfaces in the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.

Car Parking

(d) The design of the car park should ensure that passive surveillance is possible and where appropriate, incorporate active measures such as cameras and security patrols. The proposed panel façade to the car park will assist in allowing natural light in during the day, while providing opportunities to maintain sight lines and allow observation into and out of the car park.

(e) The car park should incorporate communication devices such as:

- Intercoms.
- Public address systems.
- Telephones.
- Emergency alarms.

(f) To ensure users of the car park are easily able to determine their location, exit and access points, security intercoms etc., appropriate signage is to be included.

(g) All potential entrapment points should be avoided e.g. under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable.

Landscaping

(h) Dense, medium height vegetation with top to bottom foliage shall be avoided, particularly around walkways. The use of low-level planting or high canopied vegetation will improve surveillance, provide clear lines of sight and avoid any potential concealment areas.

(i) Vegetation must be regularly pruned to maintain sight lines.

(j) The proposed green wall planting will assist in preventing graffiti to surfaces of the car park, however must be regularly maintained to ensure it does not restrict sight lines or provide unintended concealment areas.

Communal/Public

(k) Where lifts or stairwells are provided in the car park, open style or transparent materials are encouraged on doors and/or walls of lifts/stairwells.

(l) Waiting areas and entries to lifts/stairwells should be close to areas of active uses, and should be visible from the car park entry.

Movement Predictors

(m) Users of the proposed pedestrian link bridge should have clear sight lines so they can see what is ahead and behind at all times.

(n) Lighting of the link bridge is essential. Natural lighting should be used where possible with consideration given to wall and ceiling materials to help reflect light.

- (o) Emergency intercoms, telephones and security videos should be included in the design of the link bridge.

Entrances

- (p) Entrances to the car park for both vehicles and pedestrians should be at prominent positions and clearly visible and legible to users.

- (q) Design entrances to allow users to see into the car park before entering.

Building, Security & Access Control

- (r) A boom-gate system must be installed at entry and exits to control access to the car park and reduce the risk of motor vehicle theft.

- (s) Regular patrols of the car park should be carried out by building supervisors or security guards.

- (t) CCTV must be installed and signage displayed indicating that CCTV cameras are in use. The lighting shall be provided to support the cameras at night.

Ownership & Space Management

- (u) Management to ensure the speedy repair or cleaning of damaged or vandalised property.

- (v) Management to provide for the swift removal of graffiti.

- (w) Management to provide information advertising where to go for help and how to report maintenance or vandalism problems.

Signage/ Way Finding

- (x) Signs throughout the car park should be large and legible, with strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.

- (y) Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.

- (z) Signs should indicate how to report maintenance problems in the car park.

Graffiti/ Vandalism

- (aa) Graffiti resistant coatings must be used to internal and external surfaces of the car park where possible, including signage, furniture, retaining walls etc.

- (bb) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the car park. This includes reporting incidents to police and/or relevant authorities.

Environmental Matters

- 8 Polished concrete surfaces or similar must not be included in the carpark construction. Broom or float finish, or other similar finishes, must be adopted as required by the recommendation included in the report titled "Nepean Hospital Project, Proposed Carpark and Temporary Helipad, Noise Emission Assessment", report reference 201706106.2/0621A/TT/R1, dated 21 June 2017.
- 9 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils

- 10 Noise emissions during the remediation and construction phases of the project shall be managed in accordance with the report titled Nepean Hospital Development, Proposed Car Park and Temporary Helipad, Noise Emission Assessment, prepared by Acoustic Logic, report reference 20170106.1/0621A/TT/R1, dated 21 June 2017.
- 11 An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:
1. Supervise the remediation works.
 2. Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
 3. Address off site impacts and proposed management strategies where relevant.
 4. (After completion of works) Certify by way of a Compliance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement**.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

- 12 The Unexpected Finds Protocol contained in the approved Remediation Action plan (prepared by Environmental Investigation Services, reference E29845KDrpt-RAP, dated 6 October 2017) is to be complied with at all times during the demolition, excavation and remediation phases of the development.

Should unexpected contamination be encountered that requires a different remediation and validation approach as approved by Council, works are to stop, and an application made to Penrith City Council to modify the approved Remediation Action Plan.

- 13 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 and Landcom's "Managing Urban Stormwater: Soils and Construction" 2004.

{Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.}

The sediment and erosion control measures are to be installed prior to and maintained throughout the demolition and construction phases of the development until the land, that was subject to the works, has been stabilised and grass cover established.

- 14 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

- 15 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.

- 16 Site remediation works shall be carried out generally in accordance with the Remediation Action Plan prepared by Environmental Investigation Services, report reference E29845KDrpt-RAP, dated 6 October 2017, as well as Penrith Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted for approval to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted **within 30 days of the said works having been completed.**
- A Validation Report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted **before the commencement of construction works.** The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

18 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by an appropriately qualified and experienced consultant. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

19 Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS 3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

20 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.

21 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.

- 22 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the report titled "Nepean Hospital Development, Proposed Car Park and Temporary Helipad, Noise Emission Assessment prepared by Acoustic Logic, report reference 20170106.2/0621A/TT/R1, dated 21/6/2017. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on construction plans. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to use of the carpark.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 23 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

BCA Issues

24 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.

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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.

25 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.

Utility Services

26 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 use of the multi-deck car park.

27 Prior to the commencement of construction works, a written clearance is to be obtained from Endeavour 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.

Construction

- 28 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 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 are 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 construction and associated landscaping works have been completed.

29 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.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

30 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.

Engineering

- 31 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the commencement of construction works on site. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 32 Prior to the commencement of construction works, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) 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.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

- 33 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Bonacci Group), reference number (202182001), revision (P2), dated (09.10.2017).

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person

Prior to commencement of works, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

- 34 Prior to the issue of any commencement of any works the applicant shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.
- 35 Prior to commencement of works, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

- 36 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

- 37 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 38 Prior to completion of works the applicant shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

- 39 Prior to use of the multideck car park, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council.

- 40 Prior to the use of the multideck car park, the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

- Have been satisfactorily completed in accordance with the approved Construction Certificate 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.

- 41 Prior to the use of the carpark, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design)

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 Stormwater and Drainage for Building Developments policy.

- 42 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

43 Prior to the commencement of construction works, the Principal Certifying Authority shall ensure that the plans include dimensions of driveways, ramps, aisles, parking spaces, columns and obstructions, car park headroom, accessible parking, bicycle parking with end of journey facilities and accessible pedestrian paths of travel complying with AS 2890, AS 1428 and Development Control Plan (DCP) C10. These details shall include but not limited to:

- Minimum driveway, ramp, aisle and car space width and lengths in accordance with DCP C10, AS 2890.1 and AS 2890.6
- Minimum headroom (from floor to lowest ceiling obstruction) of 2.3 metres to accessible parking and minimum head room of 2.5 metres above accessible parking spaces.
- Swept turn path clearances at driveways (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) External driveway access turning paths are to be provided and be at least 0.3 metres clear of driveway edges, parking and road centrelines and at least 300mm clear of kerbs and medians. Internal aisle and car park manoeuvring area vehicle turning paths are to be at least 0.3 metres clear of obstructions including to walls, bollards and other obstructions.
- At least 1 metre long indent at the end of dead end aisles.
- Car park ramp dimensions (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) including additional 0.3 metre clearances to walls and other obstructions.
- Car park ramp headroom clearances including at grade transitions.
- Car park aisle widths, service vehicle areas, car park column locations and clearances (including accordance with AS 2890.1 Figure 5.1 and 5.2).
- Additional car space clearances from obstructions (including accordance with AS 2890.1 B4.1 minimum additional clearance of 0.3 metres).
- Sight distance requirements in accordance with AS 2890.1 and / or AS 2890.2 Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.
- Accessible pedestrian paths of travel from all car parking spaces to the lifts, stairs and the link bridge.
- Separate accessible pedestrian paths of travel from the fronting roadway footpaths to access the car park area.
- Complying numbers of secure bicycle parking, end of journey facilities, change rooms, showers, and lockers are provided at convenient locations in accordance with DCP C10, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines of Walking and Cycling (NSW Government 2004).

44 All vehicle are to enter and leave in a forward direction.

45 Prior to use of the car park the Principal Certifying Authority shall ensure that appropriate signage, visible from the public road and on-site is installed to reinforce designated vehicle circulation and to direct staff / service vehicle drivers / visitors to on-site parking and service areas.

- 46 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 47 All car spaces and access areas are to be sealed / line marked and dedicated for the parking of vehicles only and not to be used for storage of materials / products / waste materials etc.
- 48 Subleasing of car parking spaces is not permitted by this Consent.
- 49 **Prior to the commencement of construction works**, the Civil and Stormwater Plans must be amended to include the location and cross section details of the 20m vegetated swale as per the stormwater management system requirements for the development.

Landscaping

- 50 All landscape works are to be constructed in accordance with the stamped approved landscape plan, prepared by Arcadia Landscape Architecture and dated October 2017 and Penrith Development Control Plan 2014.

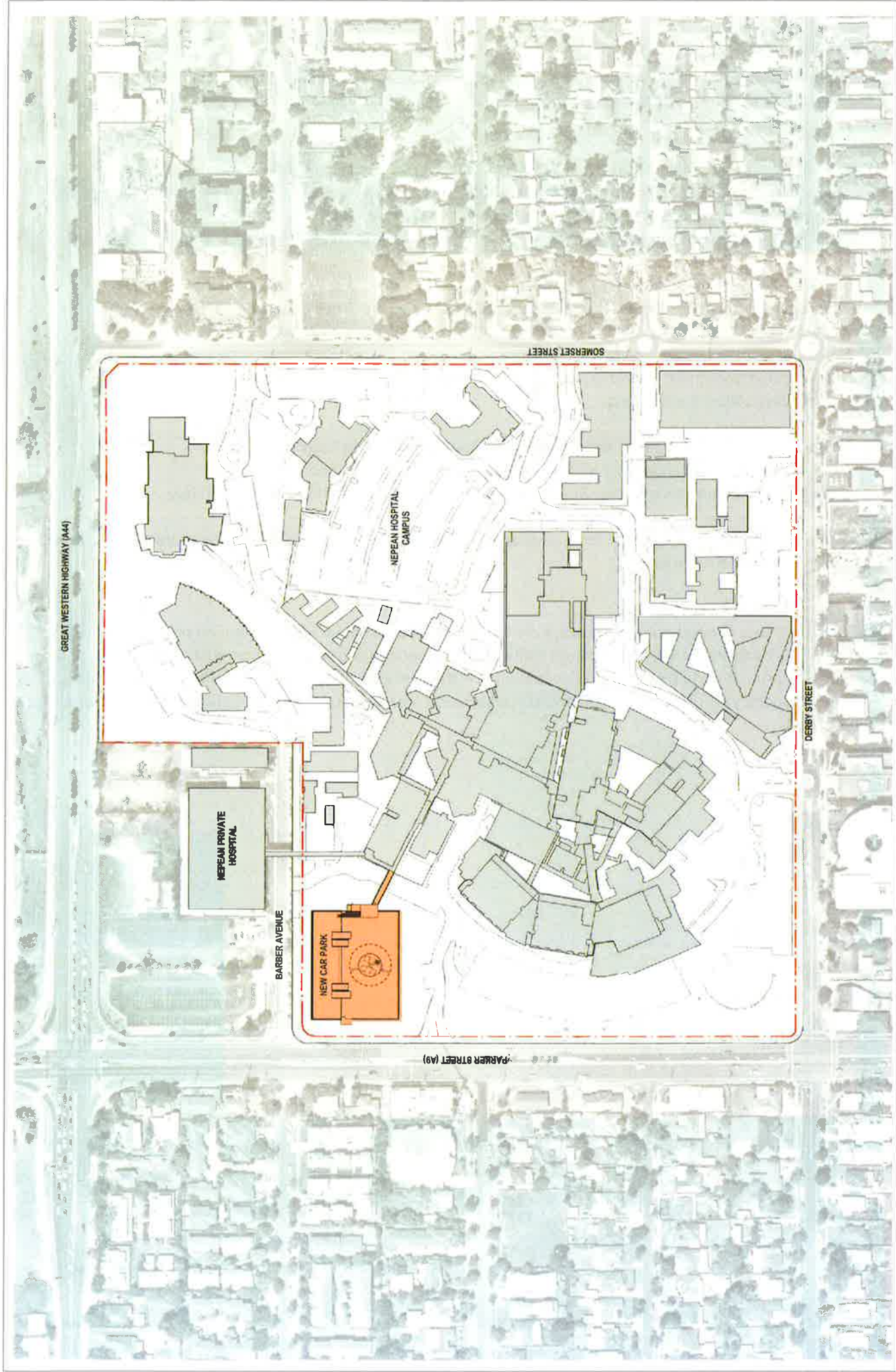
Landscaping shall be maintained:

- 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.

- 51 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.
- 52 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 suitably qualified and experienced landscape professional.
- i. Implementation Report
- Upon completion of the landscape works associated with the development and prior to use of the carpark, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.
- 53 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 Development Control Plan.
- 54 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.

- 55 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.
- 56 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.
- 57 The Trees No. 2, 14 & 40 must be retained and protected in accordance with the recommendations of the Arboricultural Development Assessment Report, prepared by Moore Trees and dated 28 June 2017. This report is to be updated to include the protection and retention of Trees Nos. 23, 24, 25 and 26.
- 58 **Prior to commencement of works**, an amended landscape plan is to be submitted to and approved by Council incorporating the following:
- a) Sheet 2.3 is to be amended to reference Kingswood Public Domain Technical Manual.
 - b) Sheet 2.3 is to be amended to accurately show the trees being retained.
 - c) The five street trees along Parker Street are to be relocated to within the property boundary.
- 59 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained
- 60 **Trees on Public Property:** All precautions shall be taken to adequately protect trees on public property (ie. footpaths, roads, reserves, etc.) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction – this includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.



DATE	25/07/2017
BY	AR/DAP
FOR	AR/DAP



PROJECT MANAGER
aurora

PROJECT
New Nepean Hospital Car Park

PROJECT NUMBER
1610704 JB



PROJECT NORTH
PROJECT NORTH
GRAPHIC SCALE
1:100 @ A1
1:100 @ A1
1:100 @ A1

SCALE
1:100 @ A1
1:100 @ A1
1:100 @ A1

DATE
23/06/17

SCALE
1:100 @ A1