

SWCPP Ref. No.:	2018SWT008
DA No.:	DA18/0773
PROPOSED DEVELOPMENT:	Construction of Six (6) Storey Health Services Facility, Four (4) Levels of Basement Car Parking & Associated Site Works - Lot 5 DP 29524, Lot 6 DP 29524, Lot 4 DP 29524, 86 Parker Street, KINGSWOOD NSW 2747 88 Parker Street, KINGSWOOD NSW 2747 84 Parker Street, KINGSWOOD NSW 2747
APPLICANT:	Cornerstone Building Developments
REPORT BY:	Paul Anzellotti, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Cornerstone Building Developments proposing the construction of a six (6) storey Health Services Facility and four (4) levels of basement car parking at No's. 84-88 Parker Street, Kingswood.

The subject site is located within the Penrith Health and Education Precinct and is zoned B4 Mixed Use under Penrith Local Environmental Plan 2010. The proposal is defined as a *health service facility* and while such a use is not identified within the subject site's B4 zone under the Penrith Local Environmental Plan 2010 as permissible with consent, it is a permitted use within the subject zone under Clause 57 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

In accordance with Section 2.12 and 2.15 (previously Section 23G) of the *Environmental Planning and Assessment Act, 1979* the Sydney Western City Planning Panel (SWCPP) is the determining authority. As the proposal's capital investment value is \$28,356,000.00 and is provided as a health services facility under Clause 5 of Schedule 7 *Regionally significant development* of the *State Environmental Planning Policy (State and Regional Development) 2011* a regional panel, in this instance being the Sydney Western City Planning Panel are required to determine an application for development that has a capital investment value of more than \$5 million.

The proposal has undergone revision through pre-lodgement discussions and an Urban Design Review Process and via the development assessment process.

The proposed development is Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as it involves excavation works which are considered to be a controlled activity. In this regard, Water NSW is required to provide for General Terms of Approval to be incorporated with any determination granted. Water NSW has provided for General Terms of Approval to be incorporated with any determination granted.

In addition, Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* identifies which type of development requires concurrence from the Roads and Maritime Services (RMS) as 'traffic generating development'. The current Development Application is identified as a traffic generating development as it has a connection to a classified road within 90m of the site (being Parker Street). Correspondence received from the RMS dated 18 December, 2018 has advised that no objection was raised with the proposal as amended subject to appropriate conditions being included with any determination granted.

The development application had been originally advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were originally notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 20 August to 2 October, 2018. During this period, Council received seven (7) submissions, six (6) submissions not in favour and one (1) submission in favour of the proposal.

Following the receipt of amended plans and documentation, the application was renotified from the 10 to 24 December, 2018. During this renotification period, one (1) submission was received.

Key issues identified for the proposed development include:

Relationship with surrounding properties

The proposed development is provided with a nil setback along the majority of the northern boundary while maintaining an existing right of carriageway along its eastern boundary. In addition, the subject site is located directly opposite a recently approved six storey split level hospital car parking facility along the southern side of Barber Avenue. In this regard, the provision of a nil setback along the northern boundary is not considered inappropriate in this instance noting the commercial nature of the B4 zoning with the expectation that the adjoining northern property will in time be redeveloped with an abutting building in the future. While noting that Council is currently in receipt of a development application for the adjoining northern and eastern property (DA18/1222) which has identified an at grade car parking area adjoining the subject site to the north, it cannot be considered that this will be maintained in the future with no expectation of a built form, noting that it is a continuation of the existing at grade car parking use of this northern neighbour.

The location of the right of carriageway along the subject sites eastern boundary is also considered to assist in allowing for an appropriate separation to a neighbouring future development as well as improving the presentation of the proposed and adjoining applications to Barber Avenue. The proposal is also considered to have appropriately considered the currently under construction split level hospital car parking facility opposite along Barber Avenue via an indented setback to the south western corner of the subject site. This 10m indented setback aligns with the car park facility setback and allows for a mature vegetated treatment of the subject sites south western corner. In this regard, the proposal is considered to have provided for appropriate consideration of its immediate surrounds in its built form design.

Building Presentation

As the subject site is located on a corner block and with the provision of a right of carriageway along one setback, the proposal is considered to have appropriately responded to each frontage with an acceptable mix of colours and finishes which will create a distinct architectural design to compliment its surrounds. This is highlighted via the mixture of glazing and solid finishes, the stepping back of the building from level 2 upwards for the western façade and treatment of the main building entry along the Barber Avenue frontage. In addition, the colour schedule to the northern elevation which will maintain a nil setback is an acceptable use of a darker base juxtaposed with the lighter coloured remaining upper wall which is considered to provide for an overall softening of the building mass.

Landscape Design

An essential component of the proposed development has focused upon the treatment of the south western corner of the subject site in an attempt to provide for a harmonious relationship with screening landscaping provided to the recently approved multi-level car parking facility located along the southern side of Barber Avenue. In this regard, each side of Barber Avenue as it intersects with Parker Street to its west is considered a gateway area for entry to the Nepean Hospital precinct.

The design of this corner has been subject to multiple modifications and discussions between Council and the applicant which in turn has provided for a 10m by 7m sized deep soil area to allow for mature canopy tree planting in this location. Plans as amended currently have introduced two (2) brush box trees in addition to other landscape design features to serve as a continuation of the desired landscape outcome for this part of Barber Avenue. To allow for greater consideration of this important element in the design of this corner site and to ensure that a unique tree species is selected that will distinguish this entry point into this section of the Health District, it is considered that should the application be granted development consent, an appropriate condition be included requiring the applicant to liaise with Council in selecting the correct mature tree(s) as well as a proper treatment of the public domain prior to the occupation of the building.

Parking and Access

The subject site is burdened by an existing right of carriageway to the benefit of the adjoining neighbouring lots directly to the north of the subject site. Vehicular access to the 195 car parking spaces is provided via this right of carriageway off Barber Avenue also noting that a recently received application for the adjoining lots (being DA 18/1222) will also in part use this access handle for car parking purposes. The application was referred to Council's Traffic Engineering Section who have advised that no objection is raised with the application subject to the provision of appropriate conditions with and development consent granted. It is also noted that any development consent will provide for a condition requiring future tenancies to adhere to Council's parking rate as stipulated within the Penrith DCP for intended uses to ensure that a compliant parking rate for the operation of the building is maintained once occupied.

An assessment under Section 2.12, 2.15, 4.15 and 4.46 of the EP&A Act 1979 as amended has been undertaken and the application is recommended for approval subject to appropriate conditions

Site & Surrounds

The subject site consists of three (3) allotments with a frontage onto Parker Street and Barber Avenue. The legal property description of the site is provided below;

- 84 Parker Street, Kingswood (Lot 4, DP 29524)
- 86 Parker Street, Kingswood (Lot 5, DP 29524)
- 88 Parker Street, Kingswood (Lot 6, DP 29524)

The subject site has an area of 1963.65m² and provides for a frontage of approximately 50.2m onto Parker Street and a frontage of 39.3m onto Barber Avenue. The subject site also currently maintains a splay to the intersection of Parker Street and Barber Avenue and is provided with a fall of approximately 3m in a south westerly direction. In addition, the subject site is burdened by a six (6) metre wide right of carriageway located along the eastern boundary of the site which is to the benefit of the adjoining northern lot being Lot 1, DP 1093052. Currently existing on the subject site is a temporary at grade car park with access provided from Barber Avenue.

The location is considered to maintain a mixed character with a recent development approval granted (DA17/0665) directly opposite the subject site along the southern side of Barber Avenue for a six (6) storey split level hospital car park including a rooftop helipad in association with the operation of Nepean Hospital. Directly adjoining the subject site to its east and west are at grade temporary carparks while further to the east is the Nepean Private Hospital being a three (3) level building maintaining an enclosed pedestrian bridge access to the Nepean Hospital Campus located on the southern side of Barber Avenue. Directly opposite the site along the western side of Parker Street are detached residential dwellings.

It is noted that Council is currently in receipt of a Development Application (DA18/1222) for the existing vacant land adjoining the subject site to the east and north (being 1-11 Barber Avenue and 78-82 Parker Street) for the proposed expansion of the Nepean Private Hospital including the construction of a four (4) storey building containing ground floor reception, retail premises, undercroft car parking, three (3) levels of consulting rooms, associated on-grade car parking and site works. This application (DA18/1222) is currently under neighbour notification until the 1 February, 2019. In this regard, the locality is expected to undergo a significant transition (especially to the north and east of the subject site) noting the B4 zoning allowing for a maximum height subject to appropriate floor to ceiling heights of up to 28.8m.

Proposal

Background

A pre-lodgement advice meeting (PI18/0049) was held between Penrith City Council and the applicant in relation to the proposed development on the 9 July, 2018 and subsequent correspondence provided as a result of the meeting outlining key matters for consideration. The Development Application (DA18/0773) was subsequently received by Penrith City Council on the 7 August, 2018 providing for construction of a five (5) storey health service facility including specialised medical tenancies, four (4) levels of basement car parking and associated site works.

The proposal was also subject to a briefing with the Sydney Western City Planning Panel on the 24 September, 2018 and noting the significance of the site was also subject to an Urban Design Review panel Meeting on the 3 October, 2018.

Following discussions between Council and the applicant an amended set of plans were provided for consideration. Following a preliminary assessment of the application with correspondence forwarded from Penrith Council to the applicant on the 8 November, 2018 further amended plans and documents were received in

response to the contentions raised which were subsequently renotified from the 10 to 24 December, 2018.

Current Proposal

The proposal as amended involves the following:

Basement 3

- The provision of 54 car parking spaces (including 3 small car spaces), 1 separate motorcycle parking areas, two (2) x fire stairs to upper levels, two (2) lifts, 2 x storage rooms and vehicle ramp to upper level.

Basement 2

- The provision of 55 car parking spaces (including 3 small car spaces), 1 separate motorcycle parking areas, two (2) x fire stairs to upper levels, two (2) lifts, 2 x storage rooms and vehicle ramp to upper level.

Basement 1

- The provision of 55 car parking spaces (including 3 small car spaces), 1 separate motorcycle parking areas, two (2) x fire stairs to upper levels, two (2) lifts, 2 x storage rooms, bicycle parking room for 16 bicycles and vehicle ramp to upper level.

Basement 1A

- The provision of 31 car parking spaces, 1 separate motorcycle parking areas, two (2) x fire stairs to upper levels, two (2) lifts, tank detention room, generator room, refuse store room, plant room, ambulance bay, refuse truck bay and vehicle ramp to upper level.

The proposal is provided with a total of 195 car parking spaces.

Ground floor

- The provision of vehicular access to basement levels from right of carriageway located alongside the eastern boundary of the subject site, public foyer access from Barber Avenue, provision of two (2) lifts and two (2) fire stairs, toilet facilities and fire booster room. An external ramp from the foyer area to the north of the subject site adjoining the right of carriageway is also provided.
- The ground floor is provided as a single tenancy with this level not provided with a plan identifying future tenancies or their areas. The provided plans have identified a leasable floor area of 793m² out of a total floor area of 891m² (including lifts and services).
- The provision of landscaping and tree planting to the corner of Parker Street and Barber Avenue with a number of street trees also identified to both Parker Street and Barber Avenue. In addition, a separate planter area is provided to the Parker Street frontage to the north western corner of the subject site

Level 1

- The provided plans have identified a leasable floor area of 1,163m² as an open floor plan with no future tenancies identified out of a total floor area of 1,204m² (including lifts and services). This level is provided with male and female toilet facilities as well as lift access and two fire stairs. A planter box is provided along the majority of the western elevation length for this level fronting Parker Street.

Level 2

- The provided plans have identified a leasable floor area of 1,251m² as an open floor plan with no future tenancies identified out of a total floor area of 1,285m² (including lifts and services). This level is provided with male and female toilet facilities as well as lift access and two fire stairs. A 1.8m wide terrace is provided along the majority of the western elevation length for this level fronting Parker Street.

Level 3

- The provided plans have identified a leasable floor area of 1,248m² as an open floor plan with no future

tenancies identified out of a total floor area of 1,285m² (including lifts and services). This level is provided with male and female toilet facilities as well as lift access and two fire stairs.

Level 4

- The provided plans have identified a leasable floor area of 1,248m² as an open floor plan with no future tenancies identified out of a total floor area of 1,284m² (including lifts and services). This level is provided with male and female toilet facilities as well as lift access and two fire stairs.

Level 5

- The provided plans have identified a leasable floor area of 1,250m² as an open floor plan with no future tenancies identified out of a total floor area of 1,295m² (including lifts and services). This level is provided with male and female toilet facilities as well as lift access and two fire stairs.

Building Finishes

The proposed building is to be provided with a mixture of external cladding and render with painted finish, painted concrete panel walls. In addition, stone cladding has been identified to the main entry area while vertical garden walls identified as support structures are identified along the western elevation fronting Parker Street.

Signage

The proposal has identified wall signage and business identification signage to the western, southern and eastern elevation.

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
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

Under Section 2.12 and 2.15 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 7 *Regionally significant development of the State Environmental Planning Policy (State and Regional Development) 2011* a regional panel, in this instance being the Sydney Western City Planning Panel are required to determine an application for development that has a capital investment value of more than \$5 million for any of the following purposes:

(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,

(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

As the proposal is provided with a CIV of \$28,356,000.00 and is for a health service facility, the Sydney Western City Planning Panel is required to determine the current application.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 4.46 - Integrated development**

A Geotechnical and Hydrogeological Investigation has been undertaken by Douglas Partners and submitted with the Development Application. The report assesses the proposed excavation to between 10 to 12 metres below natural ground level to accommodate 4 levels of basement parking.

The investigation found that ongoing groundwater inflows into the basement in both the short and long term are expected. In this regard, the preliminary assessment prepared by Douglas Partners estimated that groundwater inflows initially could be up to 10kL/day but is expected to reduce with time to be in the range of 0.5 to 2kL/day. It is also noted that the investigation advised that further investigation is required for the preparation of any dewatering management plan in association with the proposal.

Given the proposed works will impact on the groundwater, the applicant considered that the development would require an Activity Approval under Section 91 of the Water Management Act 2000. Section 4.46 of the Environmental Planning and Assessment Act identifies any development which requires such an approval as Integrated Development.

Accordingly the development was advertised as Integrated Development in accordance with the Regulations and referred to the NSW Office of Water for their General Terms of Approval. In this regard, correspondence was returned from the NSW Office of Water dated 11 December, 2018 providing for their General Terms of Approval.

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for greater flexibility in the location of infrastructure and service facilities across the State. Division 10 'Health service facilities' of the ISEPP allows for health service facilities to be provided within prescribed zones. The following definition of a health service facility is provided under Clause 56 of the ISEPP;

health service facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals

Clause 57 of the ISEPP allows for development permitted with consent. Clause 57(1) reads as follows;

(1) Development for the purpose of health service facilities may be carried out by any person with consent on land in a prescribed zone.

A **prescribed zone** means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,
- (d1) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (g1) B1 Neighbourhood Centre,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (l) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure.

The subject site is located within a B4 Mixed Use zone which is identified as a prescribed zone under Clause 57 of the ISEPP. In this regard, as the proposal is for a health service facility, the proposed development is a permissible use and may be carried out subject to development consent.

Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* identifies which type of development requires concurrence from the Roads and Maritime Services (RMS) as 'traffic generating development'. The current Development Application is identified as a traffic generating development as it has a connection to a classified road within 90m of the site (being Parker Street). Correspondence received from the RMS dated 18 December, 2018 has advised that no objection was raised with the proposal as amended subject to appropriate conditions being included with any determination granted.

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 (SEPP 55) outlines the following requirements that a consent authority consider prior to the issue of a consent for any development:

A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it 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, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application was originally accompanied by a Preliminary Contamination Assessment Report prepared by Geotechnique Pty Ltd which was referred to Council's Environmental Management Team for consideration. The report concluded that *'the site can be made suitable for the proposed residential development subject to a detailed assessment of the ACM at and in the vicinity of BH103. A safework Licensed Asbestos Assessor must be engaged for a detailed assessment/management of the asbestos contamination within the site.'* Whilst an Unexpected Finds Protocol detailing methods for managing any unexpected contamination uncovered during works, including asbestos, may be provided this is not considered satisfactory. These concerns were relayed to the applicant who in turn provided for a *'Remediation Action Plan for Asbestos Impacted Soil'* prepared by Australian Industry Group dated December 2018. Following request for further information, a *'Supplementary to Remediation Action Plan for Asbestos Impacted Soil'* also prepared by Australian Industry Group dated January, 2019 was provided for Council's consideration. Following the receipt of each document, these were referred to Council's Environmental Management Section who provided the following comments;

The 'Supplementary to Remediation Action Plan for Asbestos Impacted Soil' prepared by Australian Industry Group dated January 2019 outlines the methodology applied for the additional sampling undertaken in December 2018. Twelve further samples were taken to support the sampling carried out in the initial site investigations. Material from the identified fill layer was sampled from the area surrounding BH103. Asbestos fragments were found at three further locations. These findings have informed the remedial works put forward in the 'Remediation Action Plan for Asbestos Impacted Soil' (RAP) prepared by Australian Industry Group dated December 2018.

The RAP details the steps to be followed to address contaminated fill material and asbestos cement fragments on the soil surface. To remediate the impacted fill material, the RAP proposes that the excavation of materials will be required. Surface impact will be addressed through raking and handpicking. These activities are to be carried out by a Class B asbestos removal contractor.

Whilst the remediation approach included in the RAP is considered appropriate, a number of variations from the EPA Contaminated Site Guidelines have been made:

- The Guidelines require that a RAP include information regarding the site history, topography, geology and hydrogeology, however the RAP submitted does not include this information. Instead the RAP refers to the corresponding sections of the 'Preliminary Contamination Assessment' submitted to Council. The information contained in the relevant sections of the PCA was considered comprehensive, and this is considered satisfactory.*
- Further, the Guidelines also require that a contingency plan be included in a RAP, and this is not addressed in the RAP provided. However, given the nature of the contaminant of concern (asbestos) and the remediation methodology put forward, this is not of significant concern.*
- The Guidelines require that the validation testing program be included in the RAP. The RAP does not*

contain a sampling program, however it does confirm the validation acceptance criteria and that this sampling will be carried out. This requirement can be enforced through development consent conditions.

In turn, the RAP is considered appropriate for the remedial works proposed, and it does confirm that the site can be made suitable for the proposed use.

As a result of the above commentary provided, it is considered that the proposed development is compliant with the provisions of SEPP 55, particularly Clause 55. In this regard, Council can state with certainty that the site is suitable for its intended use, as is required to satisfy SEPP 55.

State Environmental Planning Policy No 64—Advertising and Signage

The application is provided with a number of proposed signs to the southern western and eastern elevation in association with the operation of the building, these signs principally being in the form of signage panels (with not further information) or identified *Nepean Health Hub* signs. While so, the accompanying SEPP 64 discussion within the Statement of Environmental Effects accompanying the development application is not considered acceptable noting a number of errors provided for (eg, vis indicating that signage will not be illuminated while indicated as illuminated on the accompanying architectural plans) and the generic nature of the commentary provided.

Noting the above, while the building identification signage as proposed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* is exempt from obtaining development consent and in principle no concern is provided for their application, the identified signage on the accompanying plans is not considered to allow for a proper assessment of their impact upon its immediate surrounds. In this regard, should the application be approved, any determination is to include a condition indicating that a separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of this section of the Penrith DCP.

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 with any Development Consent granted. 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 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.10 Heritage conservation	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies
Clause 7.11 Penrith Health and Education Precinct	Complies - See discussion

Clause 2.3 Permissibility

The provision of a *health service facility* is not identified within the subject site's B4 Mixed Use zoning as being specified in Item 2 (Permitted without consent) or Item 3 (Permitted with consent) within the Penrith Local Environmental Plan 2010 'Land Use Table' and may be defined therefore as a prohibited use.

While so, as discussed previously within this report, the provision of a *health service facility* is permitted under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP (ISEPP) 2007. In this regard, no concern is raised in this instance in regard to the permissibility of the proposed use noting that the provisions of the ISEPP override the provisions of the Penrith Local Environmental Plan 2010 (PLEP) where there is an inconsistency between the ISEPP and the PLEP.

Clause 4.3 Height of buildings

Clause 4.3 of the Penrith Local Environmental Plan 2010 relates to building heights and states the following:

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Building Map identifies a maximum height of 24m applying to the site, however as detailed further in this report, the proposal benefits from a LEP height bonus of 20% pursuant to Clause 7.11 of the LEP.

Clause 7.11(3) provides the following:

(3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

The proposal benefits from Clause 7.11 in that it provides for a 4.7m floor to ceiling height for the ground floor and 3.7m for the first floor of the development. Noting the sloping roof proposed and the location of the plant equipment area to the roof level, this then provides for a varying maximum permitted building height of between 26.1m and 27.08m on the subject site.

Noting the above, the proposed building and associated structures are compliant with the 28.8m maximum (bonus) height applying to the site.

Clause 7.2 Flood planning

Clause 7.2 of the Penrith Local Environmental Plan provides that development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and*
- (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and*
- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and*
- (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and*
- (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and*
- (h) incorporates appropriate measures to manage risk to life from flood, and*
- (i) is consistent with any relevant floodplain risk management plan.*

An assessment of the proposed development as amended has identified that the subject site is located in part within an overland flow flood hazard. In this regard, the application was referred to Council's Senior Development Engineer who has advised that subject to the provision of appropriate conditions with any Development Consent granted, the proposed stormwater drainage design has made appropriate provision for drainage of the stormwater runoff from the existing temporary car parking areas to the north of the development site and is acceptable in this instance. Comments provided have also indicated that the proposed on-site detention system has been designed to ensure post-development flows match the pre-development flows from the original land use.

Clause 7.6 Salinity

The subject site is affected by moderate salinity. While so, it is considered that appropriate measures can be taken to avoid or reduce any undesirable effects that may be created as a consequence of the proposed development via appropriate conditions of consent.

Clause 7.11 Penrith Health and Education Precinct

Clause 7.11 is provided with the following objectives;

(1) The objectives of this clause are as follows:

- (a) to encourage a built form that is suitable for both residential and health service facilities,*
- (b) to encourage adaptive reuse of residential buildings for health services facilities in the Penrith Health and Education Precinct where the residential use within the building ceases in the future.*

Taking into consideration objective (a) above, as previously indicated within this report the provision of a health service facility is permissible under the provisions of the State Environmental Planning Policy (Infrastructure) 2007. The proposed building is therefore compliant with this objective. As objective (b) above is in relation to an existing building, this objective is not applicable in this instance.

In addition, the following controls are provided;

(2) This clause applies to land identified as "Penrith Health and Education Precinct" on the Clause Application Map.

The subject site is located within the area of the Clause Application Map.

(3) Despite Clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

The development is provided with proposed floor to ceiling heights for the ground and first floor respectively of 4.7m and 3.7m. In this regard, the height bonus is applicable. As the subject site is provided with an 24m height control, this is therefore increased to a maximum height of 28.8m for the proposed development. An assessment of the provided plans has indicated that the proposed building is provided with a maximum variable height of between 26.1m and 27.08m above existing natural ground level and is therefore compliant.

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 - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E12 Penrith Health and Education Precinct	Does not comply - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent with any Development Consent granted, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

Context and Setting

The subject site is located within the Kingswood Hospital Precinct as identified by the Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014. The subject site is located within a B4 Mixed Use zone with this area to contribute to the Precinct's demand for growth in health and medical related uses. An assessment of the development has identified that the proposal is compliant in regard to

height and floor space development controls applicable for the subject site. While a 1.052m setback will be provided to Parker Street, this is considered an appropriate design solution in this instance to allow for the necessary activation of this street as provided by associated glazing to the ground floor. As further discussed within this report, the provision of a nil boundary setback for the northern elevation is considered appropriate noting the expectation that this adjoining lot will be redeveloped with an abutting building in the future. In addition, as the subject site and its surrounds is provided with a commercial zoning, the provision of a nil boundary setback is an acceptable outcome as commercial buildings primarily maintain nil side or rear setbacks. While it is acknowledged that DA18/1222 currently under assessment by Penrith City Council for the adjoining land to the north and east of the subject site (being 1-11 Barber Avenue and 78-82 Parker Street) has identified an at grade car parking facility to be provided, it cannot be considered that this may be maintained in perpetuity noting the floor space ratio and building height controls which pertain to the adjoining subject site. In this regard, it is expected that the adjoining northern lots will be in the long term future, also subject to a future development application for the provision of a built form.

The proposal provides for a six (6) level built form which is considered to have been appropriately articulated so as to provide for an acceptable addition to this precinct. It is noted that the subject site is currently provided with a right of carriageway from Barber Avenue along the eastern boundary to the benefit of the northern neighbouring lot. The retention of this right of carriageway will allow for the built form to be setback a minimum of 6m from the eastern boundary. This setback and the proposed building mass to this façade is considered to allow for an improved siting of the built form presentation with the setback assisting to allow for appropriate depth and architectural treatment. Comparatively, DA18/1222 for the adjoining lot to the east (currently under assessment by Penrith City Council) has provided for a 4 storey building adjoining this right of carriageway with car parking facilities provided on the ground level. This adjoining application has also provided for landscaping and a pedestrian pathway alongside the carriageway. In this regard, the proposed built form is considered to provide for an acceptable relationship to the adjoining proposed development currently under assessment with the separation between each proposed building, maintenance of the right of carriageway to allow for vehicular movements to and from the adjoining northern lots and treatment of its edges considered to provide for an appropriate addition to the Barber Avenue frontage.

The application is also considered to have given appropriate recognition of the approved multi level car park opposite the site along the southern side of Barber Avenue approved under DA17/0665 which is currently under construction. The design has incorporated an initial setback to the Barber Avenue frontage of 10m at a depth of 7m before continuing the proposed built form along the Parker Street frontage. This indented setback corner feature is provided to allow for an appropriate relationship aligned with the approved car park building and allow for this indented setback area to be provided with a landscaping feature via the provision of mature tree planting with a large canopy size, which will also provide for an appropriate relationship to landscaping along the southern side of Barber Avenue.

As noted above, it is the intention of this landscaping to compliment the approved landscaping along the southern side of Barber Avenue and allow for a softened promenade presentation for persons turning into Barber Avenue from Parker Street. The area identified for tree planting is considered acceptable in size with the accompanying landscape plans identifying two (2) Brush Box trees to be provided in this located. While so, further consideration of the species, number of trees to be provided and their spacing is considered warranted for this corner noting the importance of vegetation to be provided to accommodate the desired 'gateway landscaping' envisaged. In this regard, should approval be granted, any determination will be appropriately conditioned to allow for further consideration of the appropriate vegetative treatment of the south western corner of the subject site as well as the treatment of the surrounding public domain prior to the commencement of any construction.

Noting the above, while it is acknowledged that the subject site and its surrounds within the B4 zone to the northern side of Barber Avenue does not currently reflect the expected built forms as envisaged by current

LEP and DCP controls, this area of the Hospital Precinct is considered to be in a state of transition from the existing temporary at grade car parking provided to envisaged specialised health services and associated uses as also identified by the existing application currently under assessment to the adjoining lots. In this regard, the proposal is considered an acceptable response to its surrounds subject to an appropriate landscaped treatment of the south western corner of the subject site. In addition, with the Nepean Hospital and its associated multi level car parking currently under construction also located directly opposite the subject site as well as the Nepean Private Hospital and its current associated expansion application located to the east of the subject site along Barber Avenue, this is considered to provide the proposed building with an acceptable context in regard to scale and bulk in the context of its surrounds.

Further discussion is provided within this report under the title '*E12 Penrith Health and Education Precinct: Articulation of building faces / external building appearance*' in relation to the proposed building appearance and presentation.

Overshadowing

An assessment of the accompanying architectural plans has identified that while the proposed development will create overshadowing, taking into consideration the width of Parker Street and the non residential uses to the south and east of the subject site which are primarily public car parking uses, it is considered that the proposal will not create an adverse impact upon sensitive uses such as residential properties so as to not allow for an acceptable amount of solar access (i.e. a minimum of 3 hours between 9am and 3pm on the 21 June as stipulated by the Penrith DCP) throughout the day.

Overlooking

As the subject site is located on a street corner, it is considered that the potential for overlooking is well managed to the majority of its elevations. In this regard, the western frontage to Parker Street will present directly upon this thoroughfare which is provided with a width of 22.5m (from road reserve to road reserve) with residential properties along its western side. Noting the width of Parker Street and the nature of the existing residential dwellings and associated fencing, the potential for overlooking is not considered significant. Directly to the south of the subject site is an existing multi-level car park currently under construction opposite the subject site within the Nepean Hospital grounds and will therefore create no concern. Noting the existing at grade car parking facilities adjoining the subject site to the east and the Nepean Private Hospital further to the east (as well as its intended redevelopment under separate DA18/1222), it is considered that no overlooking concerns will be created by the proposal.

Parking and Traffic

The proposed development as amended is provided with a total of 195 parking spaces over four levels of basement car parking as well as a refuse truck bay and ambulance bay to the ground level off the internal driveway. The application via the original accompanying Traffic and Parking Impact Assessment Report has provided for 'educated assumptions' of the proposed tenancies noting that the current application will provide only for the proposed built form. The accompanying report provided the following conclusions;

- *The surrounding road network operates with a reasonable level of service during peak periods and is capable of accommodating additional demand,*
- *The development application has been projected to generate up to 176 peak hour vehicle trips to and from the subject site,*
- *It is considered that the adjoining road network is capable of accommodating the traffic projected to be generated by the subject development,*
- *The proposed site access arrangements are projected to result in motorists being capable of entering*

- *and exiting the subject site in a safe and efficient manner,*
- *The proposed off-street vehicular parking provision is considered to be capable of accommodating the peak operational requirements of the development with reference to relevant land-use parking arrangements, and*
- *The internal vehicle circulation arrangements are capable of providing for safe and efficient internal manoeuvring and servicing.*

The accompanying report was provided to Council's Traffic Engineering Section who raised no objection to the proposal subject to the provision of appropriate conditions to be included with any determination. It is noted that the application as amended has provided for the removal of previously identified tenancy partitions/walls and in this regard the size and location of future individual tenancies may alter as floor space is to be leased. Should the proposal be approved, it is considered warranted that a condition be therefore included which will provide for the allocation of parking spaces to future tenancies to be based upon the parking rate for either medical consulting rooms, medical offices and retail floor area.

Vehicular access to the site will be provided via an existing right of carriageway located along the eastern edge of the subject site which is to the benefit of the adjoining northern lot being No. 78-82 Parker Street. The proposal is not considered to remove this benefit to the adjoining northern lot which will allow in the future for the continued movement of two-way traffic to and from Barber Avenue. This benefit (via the use of the existing right of carriageway) has also been identified in the accompanying application received by Council (DA18/1222) which in part provides for car parking to the adjoining northern lots to be accessed via the subject site from Barber Avenue.

Swept paths have been provided demonstrating that cars, waste collection vehicles (MRVs) and ambulances can enter and leave the site in a forward direction. However, waste collection vehicles and ambulances will be required to reverse into the respective bays on ground level. As this reverse manoeuvre is close to the ramp accessing the basement and would use aisle area to make the turn, this is considered to have the potential to create conflicts with vehicles using the ramp. In this regard, warning signals or similar will be required and may be incorporated as a condition of consent should the application be provided with a development consent.

Noting the above and subject to the provision of appropriate conditions with any development consent granted, it is considered that the proposal is acceptable in relation to parking and traffic issues.

Landscaping

The application as amended has provided for the provision of two (2) main areas of landscaping to the subject site, being a small pocket to the north western corner with the south western corner at the intersection of Parker Street and Barber Avenue identified as an area of deep soil to facilitate for the provision of mature tree planting. The pocket of landscaping provided to the north western corner is considered to provide for appropriate relief to the building in this area with landscaping considered to assist in allowing for a green buffer or a continuation in the future of landscaping along this frontage for any future built form to be provided to the adjoining northern lot. It is noted that this landscaping area is provided adjoining an air exhaust for the basement level and in this regard the provision of mature planting is not considered possible, vegetation and planting provided serving more to assist in providing relief to the built form. Further consideration is therefore warranted of an appropriate species treatment prior to the issue of any operational Construction Certificate should approval be forthcoming in consultation with Council.

The south western corner of the site (being the intersection of Palmer Street and Barber Avenue) has via plans identified a mixture of planting with a pair (2) of *Lophostemon confertus* (commonly known as Brush Box) to be provided as gateway trees. With an average height of 10m to 25m and a width of between 5m to 15m, the location of these trees is considered to provide for a strong landscaped presentation on this

corner and provide for an acceptable relationship to landscaping to be provided to the southern side of Barber Avenue opposite the subject site in association with the approved multi level car park currently under construction. It is noted that the approved landscaping opposite will serve to screen the car park levels with Cumberland Plain Woodland species identified to be provided which is not a common species for this part of Kingswood. While the provision of trees to the south western corner of the subject site is considered to provide for a large canopy feature and assist in presenting Barber Avenue with a strong landscaping visual presence noting the approved landscaping opposite in association with the multi level car park, it is considered that there is the scope and potential in this instance to explore alternate tree species (along with the identified Brush Box) to ensure that a distinguishable tree species is not only appropriate for this location and size of deep soil provided but will provide for an appropriate relationship with the approved landscaping to the south of the subject site. In this regard, should development consent be forthcoming, a condition will be provided for requiring approval by Council for any species to be provided to determine if the proposed tree number(s) and area of planting is appropriate as well as creating a harmonious vegetated entry into Barber Avenue off Parker Street..

Plans have also identified the provision of three (3) street trees to the Barber Avenue and seven (7) trees to the Parker Street road reserve area to the front of the proposed building. While the three trees identified to Barber Avenue are considered to compliment the four approved street trees to be provided in association with the approved multi level car park opposite, it is considered appropriate that should any development consent be issued, (as was provided for the opposite car park) that a condition be included requesting details and a plan identifying the location of any street furniture and street tree planting to be provided to the satisfaction of Penrith City Council and in accordance with the Kingswood Public Domain Manual. This is also considered prevalent for the public domain along Parker Street noting the remaining width of the road reserve provided and the existing infrastructure facilities along the western side of the subject site.

Noise and Construction Impacts

Construction at the site will have a temporary affect on the amenity of the area due to noise and equipment/machinery. Standard conditions of consent are recommended with regard to hours of construction, noise and dust suppression and soil and sediment control.

Natural Environment

The application is considered to have adequately demonstrated that the proposed waste management arrangements associated with any future tenancies will be adequately catered for via the proposed waste room and collection area and associated loading area to ground level. Taking into consideration the future uses proposed on each level, waste generation volumes may vary widely for an expected day surgery or health care facility, the amount dependent on the types of patients, hours of operation and surgical methods adopted for instance. While so, it is considered that appropriate areas have been provided for by the proposal for both general waste and clinical waste storage.

Comments provided from Council's Development Engineering and Water Management Departments have also indicated that drainage works proposed in association with the development subject to appropriate conditions is considered appropriate with provision provided for drainage of the stormwater run off from the existing temporary car park area to the north of the development site. In this regard, the on-site stormwater detention system is considered to have be designed to ensure post-developed flows match the pre-developed flows from the original land use. Matching of post-developed flows with the pre-developed flows from the sealed temporary car park is appropriate as the original downstream drainage system was designed to accommodate an alternate use, noting also that the car park was approved only as a temporary use.

Accessibility

The application was accompanied by an Accessibility Assessment Report prepared by Knisco Inclusive Access. The report outlines that the proposal either complies with, or can comply with, the relevant accessibility provisions within the Building Code of Australia, Premises Standard and Penrith DCP 2014. In this regard, the following key accessibility considerations were originally identified with the application:

- The surrounding topography along Parker Street and Barber Avenue is predominantly flat
- The proposal did not provide for an internal fitout layout for each level which is intended to be subject to future applications.
- The development did not currently provide or has identified any accessible car parking spaces out of the total of 200 car parking spaces to be provided.
- Directional Signage on buildings to comply with AS1428.1-2009; and
- Accessible sanitary facilities are required to be in accordance with AS1428.1-2009

It is noted that as the proposal is for a hospital and specialist health services, under the Building Code of Australia, this would provide that the building be a Class 9a structure. In this regard, the following parking rate for accessible spaces is applicable;

- *Hospital (non-outpatient area) - 1 space for every 100 car parking spaces or part thereof*
- *Hospital (outpatient area) - up to 1000 car parking spaces - 1 space for every 50 car parking spaces or part thereof, and*
- *Clinic or day surgery not forming part of a hospital - 1 space for every 50 car parking spaces or part thereof.*

Noting the above requirements, the application has been amended to provide for three (3) accessible car parking spaces to basement level 1 which is considered appropriate. In this regard, should any development consent be forthcoming, appropriate conditions are recommended for the provision of appropriate car parking facilities. In addition, future applications for any tenancy proposed will be required to also identify appropriate facilities (for example; sanitary facilities) to be provided to meet the required standards.

Social & Socio-Economic Impacts

The development is not considered likely to result in any negative social impact in the area. The proposal has been assessed against the principles and objectives contained within the Penrith DCP specifically those related to safety and security and is compliant in this regard. The development of the site will facilitate the provision of a building with the future intention of accommodating health service facilities including a private hospital and specialist health services in accordance with the aims of the Penrith LEP 2010.

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

The proposal is considered to have addressed the constraints of the subject site, in particular with regard to potential contamination concerns, the management of overland flow flood hazards and retention as well as use of the existing right of carriageway to the benefit of the adjoining northern lots. In this regard, it is considered that the site is suitable for the intended use.

Section 79C(1)(d) Any Submissions

Community Consultation

The development application was advertised in the local newspaper and notified to owners and occupiers of

adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 20 August to 2 October, 2018. During this period, Council received eight (8) submissions, seven (7) submissions not in favour and one (1) submission in favour of the proposal.

Following the receipt of amended plans and documentation, the application was renotified from the 10 to 24 December, 2018. During this renotification period, one (1) submission was received.

The concerns raised in the submissions are addressed below.

Issue:The proposal will create an obstruction to the northern approach/departure flight path to the approved multi level car park helicopter landing site. This obstruction will be exacerbated during construction due to the associated cranes on site.

Comment: The submission received has raised concerns that the approach of helicopters associated with the use of the Nepean Hospital will be disrupted via the location of the proposed building and any associated crane during the construction phase. The correspondence has also indicated that an alternate route is available for a helicopters approach and departure from the helipad which would be more north-westerly in nature and fly over adjoining residential properties to the west of Parker Street. It is noted that the helipad associated with the multi level carpark currently under construction would be temporary in nature subject to the expected completion of a 14 storey hospital building including a permanent helipad (SSD 8766) with the expectation that this will be in operation from September 2021.

Taking into consideration that the submission received has identified that an alternate north-western flight path is an option it is considered that the construction of the proposed building will not create an unacceptable constraint on the operation of the helipad once complete. In addition, noting that this helipad is to be temporary in nature, it is not considered that the operation of an alternate flying route is inappropriate in this instance and a restriction on all future development north of the subject site is not considered appropriate or reasonable in this instance or with any future applications currently being assessed or to be received.

While the submission received has also identified that an alternate flight path would create additional noise concerns for surrounding residents, it is noted that DA17/0665 for the multi level car park and associated helipad advised that there are no mandatory acoustic criteria for emergency vehicles such as the noise generated from the helipad component of the approved development. In this regard, given the nature of the infrequency of the helicopter flight movements, the duration of the noise events which will be very short and the temporary nature of the operation of the helipad subject to the construction of a permanent helipad, approval of the application in this instance is not considered to create an inappropriate impact upon the operation of the hospital or the long term amenity of surrounding residents. In addition, should a development approval be granted, any determination will include conditions in relation to the treatment of cranes during the construction period to minimise any potential impact upon the flight of helicopters associated with the operation of the Nepean Hospital.

Issue: The proposal is provided with overly generous floor to ceiling heights.

Comment: The application is provided with floor to ceiling heights to the first and ground floor which would allow them to achieve a bonus overall height as permissible by the Penrith LEP. In addition the upper levels are provided with floor to ceiling heights ranging from 3.3m to 4.7m (for the uppermost level) as indicated on the accompanying architectural plans. The provision of the proposed floor to ceiling heights are considered to allow for an improved working amenity and environment for persons associated with or visiting future tenancies. It is noted that maximum floor to ceiling heights are not applicable for the proposed use and in

this regard, their retention in this instance is considered acceptable to allow for an improved amenity overall for the building, circulation of air and receipt of solar access as well as a reduced dependency on introduced mechanical ventilation while also noting the numerical compliance overall provided to the building height subject to the bonus provisions of the Penrith LEP.

Issue:The proposal will impact upon the benefit that the existing right of carriageway provides to the adjoining northern lot were it to be redeveloped in the future.

Comment: An assessment of the application by Council's Engineering staff have indicated that the existing right of carriageway is of a width as registered on the Deposited Plan. In this regard and noting the treatment of the right of carriageway, it is not considered that the adjoining lot to the north will not allow for the benefit of its use in association with the current proposal. In addition, it is noted that Council is currently in receipt of a development application (DA18/1222) for the adjoining lots which has provided for use of this carriageway in part to access car parking facilities.

Issue:The proposal is not a permissible use within the subject site's B4 Mixed-Use zoning.

Comment: The provision of a *health service facility* is not identified within the subject site's B4 Mixed Use zoning as being specified in Item 2 (Permitted without consent) or Item 3 (Permitted with consent) within the Penrith Local Environmental Plan 2010 'Land Use Table' and may be defined therefore as a prohibited use.

While so, the provision of a *health service facility* is permitted under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP (ISEPP) 2007. In this regard, no concern is raised in this instance in regard to the permissibility of the proposed use noting that the provisions of the ISEPP override the provisions of the Penrith Local Environmental Plan 2010 (PLEP) where there is an inconsistency between the ISEPP and the PLEP. The proposal is therefore permissible subject to appropriate development consent.

Issue: Concern in regard to existing crane which is currently located directly opposite the subject site.

Comment: The submission received has raised concerns in regard to an existing crane not located on the subject site but is rather located opposite the site along the southern side of Barber Avenue associated with the construction of the six storey split level hospital car park approved under DA17/0665. In this regard, the concern raised is not within the scope of consideration for this application.

Issue:The application has incorrectly stated that the proposal is below the established trigger for determination by the Sydney Western City Planning Panel.

Comment: Under Clause 5 of Schedule 7 *Regionally significant development* of the *State Environmental Planning Policy (State and Regional Development) 2011* a regional panel, in this instance being the Sydney Western City Planning Panel are required to determine an application for development that has a capital investment value of more than \$5 million for any of the following purposes:

(a) *air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

(b) *affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

As the proposal is provided with a CIV of \$28,356,000.00 and is for a health service facility, the Sydney

Western City Planning Panel is required to determine the current application.

Issue: Proposal is non compliant in relation to separation requirements to be provided when a building is between 12m and 24m in height.

Comment: The proposal has identified a numerical non compliance for the proposed wall height above 12m to the northern elevation noting the proposed nil setback provided. The provision of a nil setback to the northern boundary is not considered an unacceptable design outcome in this instance noting the commercial zoned nature of the subject site and its surrounds which generally do allow for nil setbacks to side boundaries. The presentation of this northern elevations is also considered to provide for appropriate visual articulation and in this regard, the proposed nil setback to the northern boundary in this instance is considered acceptable.

Issue: The proposal is non compliant in relation to the maximum site coverage to be provided.

Comment: An assessment of the application has identified that the proposal is provided with a site coverage of 72% which is within the maximum 75% site coverage requirement for this subject site under the requirements of Section E12 of the Penrith Development Control Plan 2014 and is therefore compliant.

Issue: The proposal is non compliant in relation to the minimum deep soil to be provided.

Comment: While it is acknowledged that the minimum deep soil requirements have not been achieved with this proposal, taking into consideration the commercial nature of the proposed building, compliance with this requirement is primarily not considered a viable option as a commercial building comparatively to residential buildings for instance, maintain a larger building footprint and a greater area for basement car parking. While so, it is noted that the site coverage proposed is compliant while the pocket of deep soil to the corner of Barber Avenue and Parker Street (measuring 10m by 7m in size), subject to appropriate treatment is considered will allow for an acceptable landscaped entry to this part of the Nepean Heath and Education Precinct.

Issue: Proposal is non compliant in relation to DCP requirement to provide for a desired future link as stipulated under the Penrith Development Control Plan.

Comment: The application has provided for the retention of the existing right of carriageway along the eastern edge of the subject site. The provision of this right of carriageway will allow for the movement of vehicles to the adjoining northern lots. This is reflected via DA18/1222 (providing for the proposed extension of the Nepean Private Hospital) currently under assessment by Penrith City Council which has identified that an at grade car park to adjoining northern lots on the corner of the Great Western Highway and Parker Street will be accessed via the existing right of carriageway from Barber Avenue. In addition, a pedestrian path from the parking bays to the building foyer area has been provided along the building's eastern elevation.

Issue: The proposal is non compliant in relation to the maximum permissible floor space ratio.

Comment: An assessment of the architectural plans as amended have identified that the proposal is provided with a floor space ratio of 3.68:1 which is compliant with the maximum applicable floor space ratio of 4:1 for the subject site.

Issue: Proposal will provide for an unacceptable amount of glazing to the main façade.

Comment: The application as amended has provided for a reduction in the amount of glazing proposed to the western elevation especially to levels 3 and 4 which is considered to improve the appearance of the

building as well as minimising the potential of excessive heat being created from the afternoon westerly sun especially during the warmer summer months which is prevalent for Western Sydney. Taking into consideration the public presentation of this elevation, it is considered that the proposal has provided for an appropriate mix of solid surfaces and gazing to allow for an appropriate addition to the existing streetscape. It is noted that the building will also provide generous floor to ceiling heights as well as for mechanical services to allow for the movement of air and controlling of internal temperatures to each level when considered appropriate.

Issue: The building does not respond well to its orientation as the northerly aspect is not used.

Comment: The provision of a nil northern boundary setback with no openings is considered acceptable in this instance noting the commercial nature of the building. While Council is currently in receipt of an application (DA18/1222) incorporating the adjoining northern lots to be provided as an at-grade car parking facility, this is not considered a definitive use noting the building height and floor space ratio controls applicable in line with the B4 zoning. The provision of nil openings to the northern elevation is therefore an acceptable design solution in this instance.

Issue: Insufficient setbacks exaggerate the bulky presentation of the building.

Comment: The application as amended is considered to provide for an acceptable presentation to both Barber Avenue and Parker Street. It is noted that the proposal has provided for a level 2 balcony with a depth of 1.8m along the western façade fronting Parker Street which is considered to assist in minimising the visual impact of the proposal. The stepped nature of the setback to the corner of Parker Street and Barber Avenue to incorporate landscaping associated with a deep soil area is also an appropriate measure in stepping the bulk of the building away from this intersection. The building design via uses of varied materials is considered to identify a base and upper level presentation which is considered an acceptable solution for this corner site.

Issue: The proposal has provided for a weak planting solution to the corner of Parker Street and Barber Avenue.

Comment: The application as amended has been updated with a landscaping scheme for the corner of Parker Street and Barber Avenue which has incorporated hedges, ground cover planting and two (2) brush box trees as 'gateway' trees. While the provision of such trees is considered to provide for a large canopy feature in this location, the application has not been accompanied with information to allow for clarification if the location of these trees within the identified deep soil zone will appropriately flourish. In this regard, while considered to provide for an appropriate relationship with the native trees approved with DA17/0665 directly opposite the site, further information is considered necessary in this instance to determine if the proposed number and area of planting is appropriate for this space. Should the application be approved, it is therefore considered appropriate to include a condition requiring an amended landscape plan to be provided and approved by Penrith City Council prior to issue of any Construction Certificate.

Issue: The proposal has not provided for a green roof.

Comment: The provision of a green roof is not considered necessary in this instance. Taking into consideration the commercial nature of the proposed building, the provision of communal open spaces as for instances with a residential flat building development is not a numerical or design requirement.

Issue: The provided waste storage/collection areas to levels 1 to 3 are non compliant.

Comment: The application as amended was reviewed by Council's Waste Services Section who have indicated that the waste collection infrastructure and collection proposal is supported subject to appropriate

conditions being included with any development consent granted.

Issue: The proposal is provided with a depth greater than 25m and is therefore non compliant with the Penrith Development Control Plan.

Comment: Building depth restrictions are generally provided to commercial buildings to assist in allowing appropriate access to natural light and ventilation especially to upper levels, while also reducing any adverse effects that a built form may have in regard to a visual impact when viewed from the public domain. The development will provide for commercial uses to six levels with predominant glazing via windows provided to both the Parker Street and Barber Avenue frontages. In addition, the eastern façade is also provided with extensive glazing which will assist in allowing for greater amounts of natural light to the building as well as consideration of improved ventilation. In this regard, the design is considered to allow for the availability of solar access via the extent of glazing proposed to the eastern, western and southern facades.

Issue: The proposal is not provided with any balconies, terraces or green space.

Comment: The application as amended has provided for a balcony to level 2 along the western elevation fronting Parker Street. This will allow an area of relief to be provided in the future to tenants of the building as well as providing for an element of architectural relief to this elevation and the building mass overall. The application as amended has provided for the removal of the proposed tenancy layout as originally provided with the application. While, it is not possible to currently provide for clarification as to which future tenancies will be able to access this terrace area, it is considered that access may be provided to a number of future tenancies along the western elevation or alternatively should a tenant secure the whole of level 2, direct access will be provided for.

Issue: The proposal is overly dependent on large expanses of aluminium panels.

Comment: The application as amended has provided for a number of materials and finishes to be provided to each elevation. This has included a mixture of concrete panel walls, external rendered finishes, external wall cladding and stone cladding. Stone cladding is prominently located along the lower levels of the eastern, western and southern façade which is considered to assist in presenting a solid base for the proposed building as well as assisting to allow the ground floor entry along with an awning which serves as a distinguishable feature along the Barber Avenue frontage.

On balance, the proposal is considered to provide for an appropriate mix of finishes which interfaced with glazing provided to the eastern, western and southern elevations is considered to provide for a positive addition to the surrounding public domain. While the northern elevation will be provided in an external rendered finish with a darker base and lighter remaining colour tone above noting the vertical panel presentation provided to the upper lighter finish, this is considered to allow for an acceptable visual stimulation for passers by also noting that it is expected that this presentation will be temporary in nature with the expectation of a further additional redevelopment of the adjoining northern neighbour.

Issue: The proposal does not provide for a continuous street awning.

Comment: Under Section E12 of the Penrith Development Control Plan, this area of the Penrith Health and Education Precinct is not identified as requiring an active street frontage and in this regard, a continuous street front awning is not required to be provided for. It is noted that an awning to a depth of 3m is provided to the main building entry along Barber Avenue which is considered an acceptable outcome. In assisting to identify the buildings main entry and also allow for protection from the elements.

Issue: Natural ventilation to underground car parking is not evident.

Comment: Should the application be granted with a development consent, appropriate conditions are to be included requiring the provision of ventilation in accordance with the Building Code of Australia. In addition, an air exhaust has been identified to the north western corner of the proposed building on the architectural plans.

Issue: Ambulance bay is reliant on stairwell for access to building.

Comment: An assessment of the provided plans has identified that a ramp on the ground floor (also noting that it is undercover) will run along the eastern side of the ground floor from the rear of the ambulance bay area to the main foyer area to service movements associated with arriving or departing ambulances. In this regard, it is considered that persons using the ambulance bay may access the proposed building via accessing the foyer area and lifts to upper levels.

Issue: Proposal does not meet the requirements of the Kingswood Public domain.

Comment: Plans accompanying the application have identified the provision of street trees and turfed areas to both the Barber Avenue and Parker Street frontages, with Crepe Myrtle trees to the Barber Avenue frontage and Water Gum trees to the Parkers Street frontage. While the size of trees proposed to this northern side of Barber Avenue are considered to compliment the approved tree species along the southern side of Barber Avenue in association with the under construction multi level car parking facility creating a promenade effect for users of this thoroughfare, it is considered that further detail is required in regard to their planting and pot sizes for instance. In this regard, it is considered appropriate that should the application be approved to include a condition requesting details and a plan identifying the location of any street furniture and street tree planting to be provided to the satisfaction of Penrith City Council and in accordance with the Kingswood Public Domain Manual.

Issue: Concern that the proposal will generate greater traffic concerns for its surrounds

Comment: The application was accompanied by a Traffic and Parking Report which has estimated that the proposal will generate 176 morning peak hour trips and 159 afternoon peak hour trips. In addition, the traffic report calculated parking rates based on the RMS guide for medical centres being 4 spaces per 100m² gross floor area, a commercial rate of 1 space per 40m², a retail pharmacy rate of 1 space per 30m² for an overall requirement of 175 car parking spaces to be provided. In this regard, the application and accompanying Traffic and Parking report were provided to Council's Senior Traffic Engineer for consideration. Comments returned have indicated that the traffic implications of the proposed operations will not create an unacceptable impact upon the existing road network while the 195 car parking spaces proposed will adequately cater for the identified parking rate.

Issue: Concern that contractors and their vehicles during the construction period may create an impact upon existing parking restrictions and the quantity of traffic including disturbances to emergency vehicles.

Comment: Should a development consent be forthcoming, the development will be subject to a condition requiring that prior to the commencement of any works associated with the development, that a Traffic Control Plan must be prepared in accordance with Australian Standard 1742.3 "*Traffic Control Devices for Works on Roads*" and the Roads and Maritime Services publication "*Traffic Control at Worksites*" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller. Should traffic concerns arise during the construction period, this may also be directed to either the Certifying Authority for the proposal or Council to investigate.

Issue: Concern that dust generated from demolition and construction phases will have the potential to affect nearby residents as well as the hospital in the vicinity.

Comment: Should a development consent be forthcoming, the development will be subject to conditions of consent which will require all demolition works to be in accordance with the provisions of Australian Standard 2601-1991 *"The Demolition of Structures"*. In addition, it is considered that dust suppression techniques employed during the respective remediation and construction stage will reduce the potential nuisance to surrounding properties.

Issue: The proposal will create unacceptable noise impact concerns to surrounding properties during the construction phase.

Comment: Any approval granted will be provided with conditions in regard to hours of operation for the construction of the proposal. In this regard, standard hours of operation are primarily restricted to the periods of Mondays to Fridays, 7am to 6pm, Saturdays, 7am to 1pm with no work permitted on Sundays and Public Holidays. Should excessive noise or complaints be received during the remediation or construction periods, this shall be also subject to conditions of development consent and may be directed to either the Certifying Authority for the proposal or Council to investigate.

In regard to noise created by the operation of the building, it is noted that the application has been accompanied by an Acoustic Report which has provided for a noise emission assessment from Mechanical Plant in operation. Should the application be approved, this document will be included as being required to be complied with, noting that noise emissions from all mechanical services as discussed within the accompanying Acoustic Report are considered to meet the relevant criteria when measured from surrounding land uses.

Issue: The proposal will create an unreasonable light spill onto adjoining properties.

Comment: The application will provide for five (5) signs, two (2) each to the western and the southern elevation and one (1) to the eastern elevation which have been identified as being illuminated. As the adjoining properties to the south and east (along Barber Avenue) are commercial in nature, it is not considered that the use of illuminated signs will create any impact to its surrounds. Of the two signage panels proposed along the western elevation fronting Parker Street, it is considered that the elevated panel to level 5 would create the greatest potential in regard to impacting upon the amenity of surrounding properties to the west of the subject site noting its residential character. While so, it is not considered that sufficient detail has been provided to allow for a proper assessment of the impact of illumination from signage onto adjoining properties. In this regard, should the application be approved, any determination is to include a condition indicating that a separate development application for the erection of a sign or advertising structure, other than advertising listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of the Penrith DCP.

In regard to the operation of the proposed health service facility, it is not considered that light generated from tenancies will create an unacceptable impact upon its surrounds.

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
Environmental - Public Health	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions

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

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposed works are considered to be consistent with the relevant planning provisions. Subject to compliance with conditions of any development consent and modifications to the development design as outlined within this report, the proposal is considered worthy of support.

Section 94 - Developer Contributions Plans

Section 7.11 contributions do not apply to the proposed development.

Conclusion

The proposed development has been assessed in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. While the provision of a Health Service Facility is a prohibited use under the site's B4 Mixed Use zoning, it is a permitted use within the subject zone under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP 2007.

The proposal will provide for a built form which is considered to be consistent with the objectives of the Penrith Health and Education Precinct under the Penrith Local Environmental Plan and Part E12 of the Penrith Development Control Plan 2014. The presentation of the building is considered to provide for an acceptable addition to the existing streetscape and is also considered to provide for an appropriate relationship to proposed and existing built forms in its immediate surrounds.

The proposal is not considered to create an unacceptable amenity impact to surrounding properties in regard to overshadowing and overlooking. The proposal will provide for a nil boundary setback to the northern elevation but while so, the presentation and treatment of this façade is considered will allow for an appropriate visual articulation. The built form is also considered to have appropriately considered the characteristics of the recently approved multi level car park located opposite the site along the southern side of Barber Avenue noting that the intersection of Barber Avenue and Parker Street is considered a prominent 'gateway' entry point for the Nepean Hospital Precinct. Subject to the provision of appropriate landscaping to the public domain and the south western corner of the subject site, it is considered that the proposal will provide for a positive addition to the existing streetscape.

The proposal will provide for the retention of an existing right of carriageway along the eastern site boundary to the benefit of adjoining northern lots. The application has also undergone a number of revisions to its façade which is considered to have reduced its immediate impact upon both Parker Street and Barber Avenue to allow for an improved presentation to the public domain. While the current proposal does not identify the intended tenancies to be provided to each level, it is considered that adequate information has accompanied the application to allow assurance in regard to the proposed basement car parking levels meeting future demands.

The application as amended is also considered to have identified compliance with SEPP 55 in regard to the future remediation of the land as well as allowing for the natural environment to not be inappropriately impacted upon via drainage works to be conducted. In addition, the location of the refuse/truck bay and waste facilities are also considered to cater for future uses while the building layout is considered to allow for equitable access from either the Barber Avenue footpath or proposed basement parking levels.

The proposal has been identified as Integrated Development that would require an Activity Approval under Section 91 of the *Water Management Act 2000* and in this regard the NSW Office of Water have provided for General Terms of Approval. In addition, the application was required to be provided to the Roads and Maritime Services (RMS) as it is considered a traffic generating development under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*. In this regard, comments have been returned from the RMS advising that no objection was raised with the proposal subject to appropriate conditions being included with any determination granted.

While the proposed building will represent a significant redevelopment to a currently underutilised site, the design of the building is compliant with applicable building height and floor space ratio controls in a location expected to be in transition and upgraded to reflect applicable higher density development controls. This is reflected by this current application and an application currently being assessed by council for the adjoining site to the north and east. The proposed development has been assessed against the relevant heads of consideration contained in Sections 2.12, 2.15, 4.15 and 4.46 of the *Environmental Planning and Assessment Act, 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal subject to compliance with conditions is in the public interest. The proposal is therefore worthy of support.

Recommendation

1. That DA18/0773 for the construction of a six (6) storey health service facility, four (4) levels of basement car parking and associated works at 84-88 Parker Street, Kingswood be approved subject to the attached conditions.
2. That the individuals who made a submission be advised of this decision and of the consideration given to their concerns.

CONDITIONS

General

- The development must be implemented substantially in accordance with the following plans 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.

Doc No.	Issue	Title	Prepared By	Date
Architectural Plans all Project No. 17-1110				
AA.000	S	Proposed Site Plan	Aspect Architecture	17 December, 2018
AA.100	Y	Podium Floor Level	Aspect Architecture	17 December, 2018
AA.101	U	Level 1 Plan	Aspect Architecture	17 December, 2018
AA.102	U	Level 2 Plan	Aspect Architecture	17 December, 2018
AA.103	U	Level 3 Plan	Aspect Architecture	17 December, 2018
AA.104	T	Level 4 Plan	Aspect Architecture	17 December, 2018
AA.105	H	Level 5 Plan	Aspect Architecture	17 December, 2018
AA.111	T	Basement Level 1A Plan	Aspect Architecture	17 December, 2018
AA.112	U	Basement 1_2A Plan	Aspect Architecture	17 December, 2018
AA.113	T	Basement 2_3A Plan	Aspect Architecture	17 December, 2018
AA.114	T	Basement 3_4A Plan	Aspect Architecture	17 December, 2018
AA.200	V	Proposed Elevations	Aspect Architecture	17 December, 2018
AA.201	W	Proposed Elevations	Aspect Architecture	17 December, 2018
AA.202	L	Proposed Elevations	Aspect Architecture	17 December, 2018
AA.203	L	Proposed Elevations	Aspect Architecture	17 December, 2018
AA.300	S	Sections	Aspect Architecture	17 December, 2018
AA.301	S	Sections	Aspect Architecture	17 December, 2018
AA.302	S	Sections	Aspect Architecture	17 December, 2018
AA.303	R	Sections	Aspect Architecture	17 December, 2018
Exterior Finishes Schedule all Revision. 100-04				
FC105-03	-	Page 1 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 2 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 3 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 4 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 5 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 6 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 7 of 8	Aspect Architecture	21 June, 2017
FC105-03	-	Page 8 of 8	Aspect Architecture	21 June, 2017
Landscape Plans as amended by Condition 14 of this Development Consent				
1859-01	A	Development Application Landscape Plan	Jackie Amos Landscape Architect	28 November, 2018
1859-02	A	Development Application 'Gateway' Landscape Plan	Jackie Amos Landscape Architect	28 November, 2018
Civil and Drainage Works all Project No. 21196				
C01	A	Drawing Schedule Notes and Locality Plan	ADG	23 November, 2018
C10	A	Sediment and Erosion Control Layout Plan	ADG	23 November, 2018

C11	A	Sediment and Erosion Control Notes and Details	ADG	23 November, 2018
C30	B	Roadwork & Drainage Layout Plan	ADG	19 December, 2018
C31	A	Roadwork & Drainage Notes and Details	ADG	23 November, 2018
C32	01	Driveway Crossover Details	C32	26 June, 2018

- Remediation Action Plan for Asbestos Impacted Soil prepared by Australian Industry Group, Revision No. 1, dated 19 December, 2018,
- Site Based Stormwater Management Plan prepared by ADG, Job No. 21196, Revision No. 2, dated 19 December, 2018,
- Geotechnical Investigation prepared by Geotechnique Pty Ltd, Job No. 14219/1, Reference No. 14219/1-AA Amend 2, dated 20 September, 2018,
- Report on Preliminary Groundwater Assessment prepared by Douglas Partners, Project No. 94524.00, Revision 0, Document No. R.001.Rev0, File Name 94524.00.R.001.Rev0, dated 26 November, 2018,
- Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions, Report No. 17132, Revision C, dated 25 October, 2018,
- Access Assessment Report prepared by Kinsco Inclusive Access Pty Ltd, Revision No. 181110-1, dated 14 June, 2018,
- Development Application Acoustic Assessment prepared by Acoustic Logic, Project No. 20180703.01, Revision 0, Document Reference No. 20180703.1/0606A/R0/MF, dated 6 June, 2018,
- Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural Consultants, Reference No. 3865, dated 15 May, 2018,
- Preliminary Building Code Assessment Report prepared by Kinsco, Issue 1 dated 13 June, 2018,
- Water NSW General Terms of Approval, Reference No. IDAS1109642, dated 11 December, 2018, and
- Roads and Maritime Services comments - Reference SYD18/01794/01(A25185093), dated 18 December, 2018.

2 Lots 4, 5 and 6 in Deposited Plan 29524 are all to be consolidated as one lot.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, **prior to the issue of the Occupation Certificate** for the development.

3 Prior to occupation of the future commercial tenancies within the building, separate development approval is to be obtained to use each tenancy within the building.

4 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

5 All materials and goods associated with the use shall be contained within the building at all times.

6 The conditions imposed by Water NSW are to be complied with and completed prior to the issue of an Occupation Certificate or the applicable trigger as outlined in their letter dated 11 December, 2018 (Ref. IDAS1109642).

- 7 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 8 To ensure adequate on-site parking is available for each future tenancy, the proposed tenancies to the approved building are not to attract a parking rate higher than 4 per 100m² for medical consulting rooms, 1 per 40m² for medical offices, and 1 per 30m² for retail floor area in accordance with the Penrith Development Control Plan 2014. Allocation of parking spaces to the tenancies is to be based on these parking rates or any future change to applicable parking rates.
- 9 Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:
- Name of responsible company and relevant contact details.
 - Dimensions (height, length, etc.).
 - Position and orientation of boom/jib and counterboom/jib.
 - Length of time that such a crane or structure will be erected on site.
 - The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions.
 - When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
 - No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.
- 10 **Prior to the issue of a Construction Certificate**, Penrith City Council must be consulted over the proposed location of the hydrant booster. Details must be provided to Penrith City Council to confirm the material and design dimensions of any heat shield required.
- 11 **Prior to the issue of a Construction Certificate**, 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.
- 12 **Prior to the issue of an Occupation Certificate and / or prior to street furniture installation**, plans and details identifying the location and design of any street furniture proposed is to be submitted to, and approved by, Penrith City Council in accordance with the Kingswood Public Domain Manual, adopted 29 September, 2014. The works are to be undertaken to the satisfaction of Penrith City Council prior to the issue of any occupation certificate

13 Street tree planting is to be provided in consultation with and to the satisfaction of Penrith City Council and applied in accordance with the Kingswood Public Domain Manual, adopted 29 September, 2014. In this regard, concurrence must be obtained from Penrith City Council prior to the planting of any trees. Evidence of concurrence is to be provided to the Certifying Authority **prior to the issue of an Occupation Certificate**.

14 **Prior to the issue of a Construction Certificate**, a revised landscape plan and documentation is to be submitted and approved by Penrith City Council providing for a planting scheme for the following:

- The identified deep soil area to the south western corner of the subject site (on the corner of Parker Street and Barber Avenue),
- Planting to the north western corner of the subject site,
- Along the planter box area identified to the ground floor of the building's Eastern elevation, and
- The vertical growing walls to the Western elevation.

Evidence of consultation with and approval of the approved revised landscape plan by Penrith City Council is to be provided to Certifying Authority **prior to the issue of an Occupation Certificate**.

15 **Prior to the issue of an Occupation Certificate**, warning signals are to be installed adjoining the ramp accessing the basement carparking in both directions, advising motorists and pedestrians of waste collection vehicles and ambulances reversing into their respective bays on the ground level.

16 A separate development application for the erection of a sign or advertising structure, other than advertising listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

17 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

18 **Prior to the issue of a Construction Certificate** details on water conservation measures as outlined in Section 3.1 Council's Water Sensitive Urban Design Policy shall also be submitted to, and approved by Penrith City Council.

- 19 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

Basement Car Parking

- Staff and visitor parking spaces must be clearly identified within the basement car park.
- A security system must be installed on all pedestrian and vehicle entry/exit points to the car park, including the lift and stairwells, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the buildings including the car park.
- Australian Standard 220 – door and window locks must be installed in all premises.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored back to base alarm system must be installed.
- Building supervisors or security guards should be considered.
- Access to service areas and staff areas must be restricted via a swipe card by authorised staff which will assist in restricting unauthorised access.
- The loading dock/refuse truck bay area should be well secured and well lit.

Entrances

- The main entrance to the building off Barber Avenue must be well defined, secure, well lit and able to be seen from the street, public spaces and adjacent buildings.
- The proposed entry forecourt must be clearly visible and legible to users and well lit at night.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Environmental Matters

- 20 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.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.**

- 21 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

- 22 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.

- 23 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the DA Acoustic Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, Revision 0, Document Reference No. 20180703.1/0606A/R0/MF, dated 6 June, 2018.

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 plans accompanying the Construction Certificate application.**

A certificate is to be obtained from a qualified acoustic consultant certifying that the development (including plant and equipment) 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 the issue of an Occupation Certificate.**

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

- 24 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

25 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 Development Control Plan 2014) 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 Development Control Plan 2014) 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 Development Control Plan 2014 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, soilscience, 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."}

26 Dust suppression techniques are to be employed during remediation and construction works to reduce any potential nuisances to surrounding properties.

27 Remediation and construction 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.

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

29 **Prior to the issue of the Construction Certificate**, a Construction Noise Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. This assessment is to address noise and vibration impacts and consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

30 All mechanical plant and equipment is to comply with the noise criteria outlined in the DA Acoustic Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, Revision 0, Document Reference No. 20180703.1/0606A/R0/MF, dated 6 June, 2018.

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development it to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

- 31 Site remediation works shall be carried out generally in accordance with 'Remediation Action Plan for Asbestos Impacted Soil prepared by Australian Industry Group, dated 19 December 2018, as well as Penrith Development Control Plan 2014, the applicable NSW Environment Protection Authority Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure (1999) [NEPM 2013].

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 Development Control Plan 2014, is to be submitted **before any site preparation or building works can commence on the remediated site.** 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, NEPM 2013 and Penrith Development Control Plan 2014.

- 32 An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) 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 Development Control Plan 2014 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.”}

- 33 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.
- 34 **Prior to the commencement of remediation works**, a site plan is to be submitted to Council for approval that shows key site locations during the remediation works, including but not limited to the proposed locations of vehicle and personnel entry/exit, any unloading area, any decontamination zones and those areas that may be used for stockpiling of contaminated or other materials.

The approved plan is to be adhered to throughout all stages of the remediation works.

- 35 Wastewater generated from the washing of garbage bins is not to be directed into the stormwater drainage system.

- 36 The current on-waste infrastructure provided within the development is to be built in accordance with configurations specified in the architectural plans as approved by Condition 1 of this Development Consent.
- 37 The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:
- A swept path model is required to be submitted illustration how the 8.8m HRV waste collection vehicle will reverse into the on-site loading bay when the Ambulance Bay is occupied. A minimum clearance of 0.5m from all obstructions is required during all reverse manoeuvres on-site to permit and safe and efficient waste collection service.
 - The waste collection room to incorporate 1.8m outwards opening dual doors to permit unobstructed access for the respective collection contractors. The doors to be locked through a Abloy Key system to permit access for respective private contractors
- 38 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to works commencing on site**, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

The Protocol is to address the management of any contamination found on the site during the remediation and construction phases of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining. The Protocol is to incorporate those provisions included in Section 7.1 of the 'Remediation Action Plan for Asbestos Impacted Soil prepared by Australian Industry Group, dated 19 December 2018, as well as Penrith Development Control Plan 2014, the applicable NSW Environment Protection Authority Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure (1999) [NEPM 2013].

The above Protocol is to be complied with at all times during the remediation and construction phases of the development.

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building material, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. An such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation work within Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

BCA Issues

- 39 The following construction issues is to be addressed **prior to the issue of any Construction Certificate** to ensure compliance with the Building Code of Australia:
- Any future fitout of the building must not unduly affect the fire safety measures installed in the building including access to all fire isolated exits.

In this regard, details are to be provided to the Certifying Authority **prior to the issue of any Construction Certificate**.

- 40 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 41 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

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

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 42 A supplementary fire safety statement is to be given to Penrith City Council where a critical fire safety measure is implemented. A supplementary fire safety statement for a critical fire safety measure must be given at such intervals (being intervals of less than 12 months) as is specified in respect of that measure in the current fire safety schedule for the building. As soon as practicable after the supplementary 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.
- 43 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.

Health Matters and OSSM installations

- 44 Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times

- 45 Any ionising radiation apparatus is to be registered with the NSW Office of Environment & Heritage (OEH) prior to its use.

Note: Guidance may be obtained from the NSW EPA guidelines “*Radiation Guideline 6 - Registration requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging*”. Any X-ray device must incorporate all necessary safety features to prevent exposure to radiation in excess of that permitted by the *Radiation Control Act 1990* and Regulations and any other relevant legislation, code or standard

- 46 Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated waste or related waste prior to final disposal of the material at a facility approved by the NSW Office of Environment and Heritage. A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.
- 47 The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health or the environment. An air purification system is to be provided in each of the dental treatment rooms. Air purification systems must be capable of removing mercury from the air. All air emissions generated by the premises must not be expelled from the premises or enter the atmosphere. The operation of the premises must be in accordance with the *Protection of the Environment Operations Act 1997* and Regulations.
- 48 The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.
- 49 A hand wash basin in the treatment room/s is to be provided. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).
- 50 The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.

Utility Services

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

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

52 **Prior to the issue of a Construction Certificate**, 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.

53 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

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

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

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

Signage but no more than 2 signs stating the above details 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 Occupation Certificate has been issued for the development.

55 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 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.

56 A completed waste management plan shall be submitted to Penrith City Council for consideration and approval **prior to any works commencing on site.**

The waste management plan shall be prepared in accordance with the Penrith Development Control Plan, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

57 Garbage rooms within the building shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

Engineering

- 58 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 59 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 commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. 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.

60 Prior to the issue of any Construction Certificate, 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.
- 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

61 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of new 2m wide concrete path paving and verge regarding works along the frontage of both Parker Street and Barber Avenue. The verge area along the Parker Street frontage shall be reconstructed and raised in accordance with the following requirements:

- Provision of a 4% crossfall from the property boundary falling out to the top of the kerb & gutter in Parker Street
- Construction of a new 2m wide concrete path for the property frontage in Parker Street
- Adjustment of any utility services and utility service lids including footings of existing street light poles to suit new verge and footpath levels
- Removal of any redundant driveways and replacement with upright kerb & gutter

All works within the verge area shall be in accordance with Penrith City Council's adopted 'Kingswood Public Domain Manual'

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering 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.

62 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by the Roads and Maritime Services for any kerb & gutter, drainage works or anchoring works within the Parker Street road reserve.

A copy of the Roads and Maritime Services approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

- 63 The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by ADG, Project No. 21196, Drawing No. C30, Revision B, dated 19 December 2018.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, 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.

- 64 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).
- 65 **Prior to the issue of any Construction Certificate**, the Certifying Authority 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 2014.
- 66 **Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate**, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.
- 67 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council **prior to Construction Certificate** and then updated and submitted **prior to any Occupation Certificate** confirming no damage has occurred.

- 68 Prior to commencement of any works associated with the development, 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 Maritime Services’ publication “Traffic Control at Worksites” and certified by an appropriately accredited Roads and Maritime Services 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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

- 69 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

- 70 **Prior to the issue of an Occupation Certificate**, 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 with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

- 71 **Prior to the issue of any Occupation Certificate**, 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 been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

72 **Prior to the issue of any Occupation Certificate**, a restriction as to user and positive covenant relating to the:

- a) 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 Drainage Specification for Building Development – Appendix F.

73 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

74 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

75 All car parking and manoeuvring must be in accordance with Australian Standard AS 2890.1-2004, Australian Standard AS 2890.2- 2—2, Australian Standard AS 2890.6-2009 and Council's requirements.

76 All car spaces are to be line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc

77 Subleasing of car parking spaces is not permitted by this Consent.

78 All vehicles are to enter/exit the site in a forward direction.

79 **Prior to the issue of any Occupation Certificate**, secure bicycle parking facilities as per the approved architectural plans are to be provided in accordance with *AS2890.3:2015 Bicycle Parking Facilities*

80 **Prior to the issue of any Occupation Certificate**, the traffic signal infrastructure and associated software is to be installed as part of the ramp and carriageway vehicular access arrangements.

81 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that stormwater flows from the adjoining car park to the north are captured and conveyed into Council's stormwater drainage system. Full details are to be shown on plans submitted with the application for a Construction Certificate.

Landscaping

- 82 All landscape works are to be constructed in accordance with the stamped approved plan as amended to satisfy condition 1 of this development consent and Section's C2 'Vegetation management' and C6 'Landscape Design' of 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.

- 83 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

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

- 84 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in the Penrith Development Control Plan 2014.

- 85 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.

- 86 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

- 87 All precautions shall be taken to adequately protect trees on public property (i.e. 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.
- 88 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specifications prescribed in Penrith Development Control Plan 2014.

Certification

- 89 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

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

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

Information to accompany the Notice of Commencement

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The proposal has been assessed against the applicable provisions of the Penrith Development Control Plan 2014, in particular those under Part C, City Wide Controls and is found to be compliant. Compliance with particular Sections is discussed below:

C1 Site Planning and Design Principles

The proposal has been assessed against the key aims and objectives of the Chapter and is considered to comply in that, the design of the health service building is of an acceptable bulk and scale in the context of the location and is compliant with the maximum permissible height and floor space ratio expressed for the site within the Penrith Local Environmental Plan 2010.

C5 Waste Management

The DCP does not include controls specific to a health service development. Notwithstanding this, an assessment has been made of the proposal against applicable objectives and general waste controls relating to the practical and sustainable management of waste at the site. Submitted plans indicate the provision of a refuse storeroom provided to basement level 1A maintaining areas for medical, recycling and general waste.

A Waste Management Plan prepared by Elephant Foot Recycling Solutions, dated 17 July, 2018 was submitted in support of the proposal. The report details the management of waste for each expected future function of the development. As the proposed development is commercial in nature, the collection of garbage by Penrith Council is not applicable in this instance and will be subject to the operations of a private contractor. The accompanying Waste Management Plan has identified a number of vehicles and their characteristics which may facilitate the proposed development with the contractor's waste vehicle to access the site from Barber Avenue and pull into the refuse truck bay via the thoroughfare. From this location, collection staff will access the medical waste room and service the bins. An assessment of the provided plans has identified a refuse truck bay entry width 3.5m and a floor to ceiling height to the loading bay of 3.5m. These heights are considered to be of an acceptable clearance to facilitate the use of the identified vehicles.

Should the application be approved, future tenancy applications will be required to provide details of compliance with *NSW Health: Waste Management Guidelines for Health Care Facilities* for medical waste created prior to operation. In this regard, it is considered that the waste services proposed for the development are acceptable.

C6 Landscape Design

The application as amended has provided for the provision of two (2) main areas of landscaping to the subject site, one being a small pocket to the north western corner and one to the south western corner in line with the location of the deep soil zone. The south western corner of the site (being the intersection of Palmer Street and Barber Avenue) has provided for a mixture of planting consisting of ground cover planting, feature plants, hedge planting and a pair (2) of *Lophostemon confertus* (commonly known as Brush Box) identified as gateway trees. It is noted that Brush Box trees are evergreen trees with an average height of 10m to 25m and a width of between 5m to 15m.

While the provision of such trees is considered to provide for a large canopy feature in this location, the application has not been accompanied with information to allow for clarification if the location of these

specified trees within the identified deep soil zone will appropriately flourish. In this regard, while considered in principle to provide for an appropriate relationship with the native trees approved with DA17/0665 directly opposite the site in association with a multi level car parking facility, further information is considered necessary in this instance to determine if the proposed number and area of planting is appropriate for this space. As discussed within this report, should the application be provided with a development consent, any determination will be appropriately conditioned to allow for further consideration of the appropriate vegetative treatment of the south western corner of the subject site.

The application has also identified the location of vegetation to the north western corner of the subject site adjoining the northern neighbouring lot including a feature tree *Tristania laurina* (Water Gum) and ground cover. As this area is located above a basement level and does not allow for a deep soil zone, it is also considered appropriate to request additional information to determine if this is an appropriate tree for this location noting the constraints provided.

The application has identified a raised planter box adjoining the building along the western edge of the existing right of carriageway. In this regard, noting the possible movement of persons in the future within this area (also noting the provision of a proposed thoroughfare to the adjoining northern lot and the development of the adjoining lot to the east), the current landscape design in this location is considered an appropriate screening of a rampway located along the eastern elevation.

In regard to the retention of existing trees upon the subject site, taking into consideration the current at grade car parking use, no trees of any significance currently exist for retention.

C8 Public Domain

It is noted that the subject site provided within the an area identified as being controlled by the provisions of the Kingswood Public Domain Manual. In tis regard, accompanying plans have identified the provision of street trees and turfed areas to both the Barber Avenue and Parker Street frontages, with Crepe Myrtle trees to the Barber Avenue frontage and Water Gum trees to the Parkers Street frontage. While the size of trees proposed to this northern side of Barber Avenue are considered to compliment the approved tree species along the southern side of Barber Avenue in association with the under construction multi level car parking facility creating a promenade effect for users of this thoroughfare, it is considered that further detail is required in regard to their planting, pot sizes and spacing from each other for instance.

Noting the above, it is considered appropriate that should the application be approved to include a condition requesting details and a plan identifying the location of any street furniture and street tree planting to be provided to the satisfaction of Penrith City Council and in accordance with the Kingswood Public Domain Manual. Any determination would also require the appropriate treatment of footpath to allow for equitable pedestrian connectivity along both site frontages in accordance with the Kingswood Public Domain Manual. It is noted that conditions provided by Council's Development Engineering Section have advised of an appropriate footpath to be provided

C9 Advertising and Signage

A number of positions along the eastern, western and southern elevations have provided for areas either to include signage or an identified '*Nepean Health Hub*' sign. While so, it is not considered that appropriate details have been provided with the application to clarify dimensions and possible type of illumination to the building's facades.

Noting the above, should the application be approved, any determination is to include a condition indicating that a separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the

requirements of this section of the Penrith DCP.

C10 Transport, Access and Parking

The proposal has been assessed against the provisions of this Section and is found to be acceptable. Compliance with particular clauses is detailed below;

Clause 10.1 Transport and Land Use

The DCP requires that public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes. The development is located approximately 850m walking distance from Kingswood Railway Station which is also situated on the T1 Western Line (Great Western Highway). In addition, 3 bus services are located in the vicinity of the subject site along the Great Western Highway approximately 170m from the subject site (Route No's. 677, 780 and 789) which will provide for regular bus services throughout the week. In this regard, the proposal is considered to be readily accessible by public transport and complies with the DCP in this respect.

Clause 10.2 Car Parking Rates

This section of the Penrith DCP provides the following parking rates for health consulting rooms / medical centres and hospitals:

Health Consulting Rooms / Medical Centres	3 spaces per health care professional practicing at any one time plus 1 space per receptionist/support staff, plus 1 space per associated dwelling
Hospitals	1 space per 3 beds plus 1 space per 2 employees

Noting the above, Council's rate is in part based on the number of practitioners and support staff. The application was originally accompanied by a Traffic and Parking Assessment Report prepared by Stanbury Traffic Planning which has provided an expected parking calculation for the proposal. It is noted that the parking rate provided is in relation to the original application received which also identified tenancies to each level which is considered an appropriate measure in the calculation of necessary spaces, as follows;

For the purposes of this assessment, the off-street parking rate of "4 spaces per 100m² GFA" nominated within the Roads & Maritime Services' Guide to Traffic Generating Developments for medical centres has been applied to the medical tenancies within the development. The following calculation is therefore provided:

$$4 (1,538\text{m}^2 / 100\text{m}^2 = 61.5 \text{ (adopt 62) spaces}$$

The medical tenancies are therefore required to be serviced by an off-street parking provision of 62 spaces.

Medical Office Suites

Penrith City Council provides the following locally sensitive parking requirements within DCP 2014 for commercial office based uses:

$$1 \text{ space per } 40\text{m}^2$$

The following calculation is therefore provided:

$$(4,138\text{m}^2 / 40\text{m}^2) = 103.5 \text{ (adopt 104) spaces}$$

The medical office tenancies are therefore required to provide a total of 104 parking spaces in accordance with Council's requirements.

Pharmacy Tenancy

Penrith City Council provides the following locally sensitive parking requirements for retail uses:

1 space per 30m²

The following calculation is therefore provided on the basis of a single 243m² pharmacy tenancy:

(243m² / 30m²) = 8.1 (adopt 9) spaces

The pharmacy tenancy is therefore projected to generate demand for nine spaces

Summary of Parking Demand and Discussion

Table 5 below provides a summary of the parking requirements of the development components.

Table 5 - Summary of Parking Demand	
Use	Parking Demand
Medical consulting Tenancies	62
Medical Office Tenancies	104
Pharmacy Tenancy	9
Total	175

The development has therefore been projected to generate demand for up to 175 parking spaces.

The application was originally provided with 190 car parking spaces with amendments increasing this number to 195 spaces. While, the application as amended has provided for the removal of the identified tenancies correspondence from the applicant has advised that the ideal tenancy make up for the proposed building would be what was originally provided to Council for consideration. In this regard, it is considered a valid expectation that an integrated medical GP centre with pharmacy and pathology will be provided on the ground floor with the upper floors likely to be smaller medical office suites for specialists and the like.

Noting the above, the provided car parking spaces are considered to exceed the expected required future parking space requirements. In addition, as previously discussed within this report, should development consent be granted, it is considered appropriate to include a condition which would provide for the allocation of parking spaces to future tenancies to be based upon the parking rate for either medical consulting rooms, medical offices and retail floor area.

Previous applications within the Kingswood Precinct have focused on the existing road network and lack of parking opportunities available. In this regard, it is considered that the proposal is acceptable noting the above mentioned compliant parking number available and access to public transport facilities, also noting the use of the existing right of carriageway from Barber Avenue. In addition, it is noted that Penrith Council's City Planning Section is currently preparing a local housing strategy including the Kingswood area which is anticipated will be completed by the end of the year. Should areas be identified for an increase in future density expectations, it is projected that a contribution plan will also be prepared which may also include traffic infrastructure.

E12 Penrith Health and Education Precinct

The proposal has been assessed against the applicable provisions of Part E12, Penrith Health and

Education Precinct of the Penrith Development Control Plan 2014 and while non compliant in a number of instances, is considered acceptable taking into consideration the overall nature of the proposed design. Compliance with particular sections is discussed in the table below:

Requirement	Proposed	Compliances/Discussion
Provision of flexible floor areas and layouts to the ground and first floor to accommodate a range of commercial uses	The ground and first floor will provide for commercial uses	Yes
Floor to ceiling heights for an applicant seeking to take advantage of the additional building height incentives prescribed by LEP 2010 1. 3.5m on the ground and first floor; and 2. 2.7m on the upper floors	Ground floor: 4.7m First floor: 3.7m Upper floors: 3.4m	Yes
Non-residential buildings greater than 12m in height are to have a maximum depth of 25m	The proposal is provided with a depth of between 43m to 48m.	Non compliant but acceptable in this instance. Please refer to discussion below.
All points of an office floor should be no more than 10m from a source of daylight (e.g. window, atria or light wells)	The application s amended has not identified the location of proposed tenancies to each floor.	N/A
Large unrelieved expanses of wall or building mass will not be supported and should be broken up by the use of suitable building articulation, fenestration or alternate architectural enhancements	The proposal is provided with a blank wall on the northern boundary which is considered to have been appropriately broken up.	Yes Please refer to discussion below.
Side and Rear setback requirement for non-residential uses: • Up to 12m / 0m setback • 12m to 24m / 6m setback	East elevation – 6.0m to 6.7m North Elevation – 0m	Yes Non compliant but acceptable in this instance. Please refer to discussion below.
Site Coverage: 75% of site	72% site coverage provided.	Yes
Deep soil zone: 10% of site area	1% deep soil zone provided.	Non compliant but acceptable in this instance. Please refer to discussion below.
Building faces are to be articulated so that they address the street and add visual interest	The proposed design is considered acceptable.	Yes Please refer to discussion below.
External walls should be constructed of high quality and durable materials and finishes with 'self cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass	The proposed design is considered acceptable.	Yes Please refer to discussion below.

Active frontage uses are defined as one or a combination of the following, at street level:	The proposed design is considered acceptable.	Yes Please refer to discussion below.
1. An entrance to a retail premises;		
2. A shop front;		
3. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage;		
4. A café or restaurant if accompanied by an entry from the street;		
5. Active office uses, such as a reception, if visible from the street, and		
6. A public building, if accompanied by an entry		

The following commentary is provided on the areas of non-compliance or additional design discussion points identified within the above table;

Non-residential building depth

Building depth restrictions are generally provided to commercial buildings to assist in allowing appropriate access to natural light and ventilation especially to upper levels, while also reducing any adverse effects that a built form may have in regard to a visual impact when viewed from the public domain. The development will provide for commercial uses to six levels with predominant glazing via windows provided to both the Parker Street and Barber Avenue frontages. In addition, the eastern façade is also provided with extensive glazing which will assist in allowing for greater amounts of natural light to the building as well as consideration of improved ventilation.

The development has identified a nil boundary setback provided to the northern elevation with the intention of a future development being provided directly adjoining to the north of the subject site. This nil setback is considered consistent with the future desired building configuration layout for this part of the Nepean Health Precinct, the provision of a darker tone to the lower levels and lighter tone to the upper levels of this northern elevation also considered an appropriate treatment.

Noting the above and taking into consideration the position of the subject site, the design is considered to allow for the availability of solar access via the extent of glazing proposed to the eastern, western and southern facades. Serving specifically with specialised health services, the impact of providing significant solar access and ventilation is diminished in comparison to a normal commercial office layout. In this regard, it is considered that the design is an acceptable response to the constraints of the site also noting that a further envisaged future redevelopment of the northern adjoining properties (separate to current DA18/1222) is expected to provide a future expectation of abutting the nil setback provided.

Blank wall presentation

As the proposed development is provided with a nil boundary setback to the northern elevation, this has in

turn provided for a large amount of building mass to this façade. Plans as amended have provided for a number of measures to mitigate the over-riding bulk created by this design. These measures have included the provision of a darker base element and a lighter toned central and upper level with a 30% proportion provided to the lower darker tone and 70% provided to the remaining lighter toned façade. The darker toned base has been treated in a checkered panel manner with the upper lighter tone provided in a vertical panel manner. It is noted that a darker linear finish is provided to the end of the western façade which is considered to allow for an appropriate symmetry with the darker tone to the northern elevation.

Noting the mixture of architectural features and colours proposed, the northern elevation is considered to provide for an appropriate presentation to allow for architectural interest when viewed from either the public domain or the existing northern adjoining lots. While simplistic in style, the presentation is considered effective for the subject site and to its surrounds which is also viewed as a common feature for commercial buildings.

Side setback

Penrith DCP controls have identified for a built form from 12m to 24m in height, that a 6m building setback is required to be provided to the boundary. In this regard, part of level 3, level 4 and 5 are provided with a non compliant nil boundary setback for the northern elevation. The proposal will provide for the consolidation of three (3) lots to create a large corner parcel of land which comparatively to a standard lot with a single street frontage is not considered to identify a specific rear boundary. While so, taking into consideration the existing right of carriageway provided to the eastern edge of the subject site, it is noted that a compliant setback is provided to this boundary with the previously discussed nil setback provided to the northern boundary.

The provision of a nil setback to the northern boundary is not considered an unacceptable design outcome in this instance noting the commercial zoned nature of the subject site and its surrounds which generally do allow for nil setbacks to side boundaries. As previously discussed within this report, the presentation of this northern elevations is considered to provide for appropriate visual articulation and in this regard, the proposed nil setback to the northern boundary in this instance is considered acceptable.

Deep soil zone

The proposal has been provided with a non compliant deep soil area, which is created via the provision of a nil building setback to the northern, southern and western boundaries. While so, a large deep soil area measuring 10m by 7m has been identified to the south western corner of the subject site at the intersection of Parker Street and Barber Avenue. It is noted that the proposed site coverage is compliant (considered a consequence of the retention of the existing right of carriageway along the sites eastern boundary) but the commercial nature of the proposed building does create the effect of a reduced deep soil availability. While so, the location of the deep soil zone to the south western corner of the site is considered an appropriate position for the location of mature tree planting with a large canopy which has been reflected by the accompanying landscape plan. The location of planting in this location is considered subject to appropriate conditions and further review by Council to provide for an appropriate relationship to the approved landscaping to be provided in association with the construction of the new multi level car parking facility opposite the subject site and in turn allow for a distinctive landscaping promenade presentation for this part of Barber Avenue from Parker Street.

Articulation of building faces / external building appearance

The proposal will provide for a prominent presentation to both the Parker Street and Barber Avenue frontages noting that this intersection is in a prominent position and will provide for a visual focus point for both motorists and pedestrians. In this regard, plans as amended are considered to allow for a

distinguishable base to both the southern and western elevations via the use of stone cladding to the ground and first floor and a mix of vertical design elements up to level 2 along the Parker Street frontage. In addition, this frontage is provided with a terrace for the majority of its length which allow for the upper portion of the proposed building to be set back from the lower podium level. This façade is also 'bookended' with a darker concrete panel wall painted finish which is considered to assist in providing symmetry to this facade. With the upper levels also provided with glass window elements, this is considered to minimise the overall impact of glazing to the public domain and is considered an acceptable design solution.

The Parker Street elevation is also provided with vertical growing walls for levels 1 and 2 which will provide a distinct feature in combination with the second level terrace area when viewed from the public domain. Evenly distributed and totalling thirteen (13) in number, the vertical growing walls will provide for a green vegetation feature to this façade which will be distinctly visible and assist in providing for articulated vertical elements for the length of Parker Street. Their location is considered a positive and creative design feature for a building located within a commercial use zoning.

As the Barber Avenue frontage is provided with the main building entry point, the treatment of this façade differs to the western elevation with a greater use of stone cladding surrounding the entry point to the building. Above this ground level, level 1 treated with an external rendered finish which is vertical in nature before running along the eastern end of this façade and repeating a vertical feature to the top of the building. This is an acceptable design feature which is considered to individualise this elevation to the public domain. With the addition of deep planting to the south western corner of the site, the presentation of this elevation is considered to provide for an appropriate counter balance feature to the western elevation.

While the eastern elevation is not a public street façade, with the location of the right of carriageway along the eastern boundary of the subject site the presentation of this facade is also considered to provide for a public presentation. In this regard, it is noted that the stone cladding provided to the entry area on Barber Avenue is continued to this elevation to the ground and first level to its length to the service bay areas and basement entry area which is considered an appropriate feature. It is also noted that an external rendered finish is provided to the southern edge of this façade which is considered an appropriate continuation of this feature along the southern elevation. Levels 2 to 5 are also considered to provide for appropriate proportionally sized windows which are broken into two large architectural external rectangular features which is not considered inappropriate for this part of the façade noting the compliant setback provided to the boundary overall for the building.

The south western corner of the proposed building has provided for a 10m x 7m indent into the envelope of the built form to allow for the provision of deep soil area and associated planting. This area is characterised by concrete panel walls and a mixture of external wall cladding which is considered to provide an appropriate blend and link between the southern and western facades. In this regard, the presentation of this building in association with appropriate planting to the corner of Parker Street and Barber Avenue is considered an acceptable addition to the surrounding streetscape presentation for this part of the Nepean Health Hub area.

Active Frontage

It is noted that both the Parker Street and Barber Avenue frontages are not identified as active street frontages under Part E12 of the Penrith DCP. While so, the proposal as amended is considered to clearly identify the main entry of this proposed public building to the Barber Avenue frontage noted by an alternate finishes treatment an 3m deep awing, while the glazing provided to the Parker Street frontage is considered to provide for a clear identification of commercial uses to the ground floor. Architectural plans have also identified that level access is provided to this façade towards the north western end of the Parker Street frontage which is considered to allow persons equitable access to future ground floor tenancies.

