

SWCPP Ref. No.:	2019WCI005
DA No.:	DA18/1222
PROPOSED DEVELOPMENT:	Nepean Private Hospital Expansion including Construction of Four (4) Storey Building containing Ground Floor Reception, Retail Premises & Undercroft Car Parking & Three (3) Levels of Consulting Rooms & Associated On-Grade Car Parking & Site Works - Lot 90 DP 1009692, Lot 1 DP 1093052, Lot 100 DP 701623,1 - 9 Barber Avenue, KINGSWOOD NSW 2747 78 - 82 Parker Street, KINGSWOOD NSW 2747 11 Barber Avenue, KINGSWOOD NSW 2747
APPLICANT:	Memphis Strategic Pty Ltd
REPORT BY:	Gemma Bennett, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Memphis Strategic Pty Ltd proposing the construction of a four storey health services facility, at grade carparking, site works and subdivision at No's. 1-9 Barber Ave, 11 Barber Ave, and 78-82 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 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 \$29,913,184.00 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.

In addition, Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* identifies which type of development requires referral to 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). Comments from the RMS were received on 15 March 2019 and have been considered as part of this assessment.

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 2014. 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 21 December 2018 to 1 February 2019. During this period, Council received four (4) submissions.

Key issues identified for the proposed development include:

Parking and Access

The subject site is benefitted by an existing right of carriageway across 84-88 Parker Street to the benefit of the lots at 78-82 Parker Street. Vehicular access to the 297 car parking spaces proposed is provided via this right of carriageway off Barber Avenue as well as via a second driveway to the east of the existing hospital building.

The application was referred to Council's Traffic Engineering Section who have advised that the appropriate civil arrangements must be made demonstrating legal servicing of the adjoining lots via the right of carriageway arrangement. In this regard, it is recommended a deferred commencement condition be included should the application be approved to this effect.

Landscape Design

Planting is proposed on the boundary interface to the Great Western Highway and Parker Street, as well as feature landscaping along the pedestrian access from the highway to the proposed development, and minor planting beds within the carpark and in the Barber Street frontage. To allow for greater consideration of this important element in the design of this 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 species selection, appropriate provision of deep soil to accommodate these canopy trees, as well as a proper treatment of the public domain prior to the occupation of the building.

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 on the corner of the Great Western Highway, Parker Street and Barber Avenue. The legal property description of the site is provided below;

- 78 Parker Street, Kingswood (Lot 1, DP 1093052)
- 1-9 Barber Avenue, Kingswood (Lot 90, DP 1009692)
- 11 Barber Avenue, Kingswood (Lot 100, DP 701623)

Lot 100 DP 701623 is benefitted by a easement for carparking purposes over Lot 91, DP 1018760 to the east.

A restriction applies to Lot 1 DP 1093052 (Y606002) that prevents access from the lot directly to/from the road. Access to the lot is provided via a six (6) metre wide right of carriageway located across the eastern boundaries of Lots 4, 5 and 6 of DP 29525 (84-88 Parker Street, Kingswood) to the south. 84-88 Parker Street was recently subject to a deferred commencement consent for a six storey health services facility with four levels of basement carparking (DA18/0773). The deferred commencement conditions are noted as follows:

Prior to the issue of an operational consent, the following matters are required to be satisfied:-

- 1. The proposal is to provide for a safe means of accessing the temporary rooftop helipad on the carpark of Nepean Hospital having regard to the use of cranes during construction and any other potential obstruction to helicopter access, having regard to any applicable guidelines, and taking into account alterations to the current helipad design that would reasonably be available to the Hospital in all the circumstances.*
- 2. The DA design (including the method of construction of the approved development) is to be consistent with the registered right of way benefitting the adjoining site to the north (unless written approval of the owner of the land benefitted by the right of way is obtained to permit any part of the development inconsistent with the right of way).*

The existing Nepean Private Hospital building is located to the south of the subject site with the proposed new building to be attached on it's western elevation.

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 opposite the site along the western side of Parker Street are detached residential dwellings.

The subject site has a combined area of 12,626.1m² and provides for a frontage of approximately 111.5m onto Barber Avenue. The rear of the subject site adjoins the Great Western Highway to the north and is provided with a fall of approximately 5.5m generally in a south westerly direction.

Proposal

Background

Prior to lodgement of the application, the proposal was subject to an Urban Design Review Panel meeting on 14 November, 2018 and subsequent correspondence provided as a result of the meeting outlining key matters for consideration. The subject Development Application was subsequently received by Penrith City Council on the 11 December, 2018 providing for construction of a four (4) storey health service facility, with ground floor reception, retail premises and undercroft car parking, three (3) levels of consulting rooms, and associated at grade

carparking and site works.

The proposal included two options for access to the site, which is discussed further later in this report.

The proposal was subject to a briefing with the Sydney Western City Planning Panel on 18 March, 2019.

Current Proposal

The proposal involves the following:

Ground floor

Foyer with two lifts and amenities; 124m² leased retail premises for the purposes of a pharmacy, florist and café with outdoor seating; circulation space and plant/service spaces. 55 covered ground level car parking spaces are provided in the undercroft area. The proposed building connects to the existing hospital facility via an adjoining door into the proposed foyer.

First floor

Endoscopy surgical suite and consulting rooms with a floor area of 1,095m²; amenities, lifts, foyer and service spaces. The proposed building connects to the existing hospital facility via a walkway to the foyer.

Second floor

Consulting rooms, with a floor area of 1,761m²; amenities, lifts, foyer and service spaces.

Third floor

Consulting rooms with a floor area of 1,761m²; amenities, lifts, foyer and service spaces.

At grade carpark

At grade carparking with a total of 297 spaces, including those on Lot 91, DP1018760 (subject to SP 67725) and the undercroft spaces. An external fire service building with a floor area of 68m² is provided within the carpark. Pedestrian access is proposed via a footpath link to the Great Western Highway.

Landscaping and tree planting to the Great Western Highway and Parker Street setbacks are provided. Planting also identified within the carpark, alongside the pedestrian footpath from the Highway, and feature planting in the undercroft area and the Barber Avenue frontage.

Building Finishes

The proposed building is to be provided with a decorative screen on the western façade, constructed of perforated metal sheeting with a 50% transparency. The screen connects with the awning to the ground level and wraps partially around the northern elevation. The remainder of the building is primarily treated with double glazing and spandrel glass, the eastern elevation with a fritted pattern and the northern and southern elevations with transparent glazing.

Signage

The proposal has identified business identification signage to the northern, western and southern elevations.

Subdivision

The proposal includes consolidation of the three subject lots, with a transfer of easements, and creation of two separate lots - Lot 1 for the existing hospital building and carpark, and Lot 2 being the health services facility (subject to this proposal).

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 \$29,913,184.00 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 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 referral to 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).

Clause 104 specifies that:

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to RMS within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

Correspondence received from the RMS dated 15 March, 2018 has advised as follows:

The documentation provided relating to the Right of Carriageway (ROW) appears to clarify the legal access arrangements for these sites and the relationship with the development at 84-88 Parker Street. The legality of the access is of course a matter for you as the landowner and the primary concern relating to this arrangement relates to vehicular queuing in the ROW and your additional documentation responds to this concern. Roads and Maritime would continue to have concern with access arrangements where vehicles exit/enter from the ROW in close proximity to the Parker Street intersection and also potential conflicts with through traffic to the Public Hospital and vehicles queuing to access the public hospital carpark directly opposite the subject lands ROW access/egress.

With regard to the access/egress arrangements off the Great Western Highway Roads and Maritime, following consideration of your response to this issue, would remain unsupportive of such a proposal when the land has alternative vehicular access arrangements available. This RMS position is a long standing policy where current practice is to limit the number of vehicular conflict points along the arterial road network to maintain network efficiency and road safety. This current practice is reflected in Section 6.2.1 of Roads and Maritime current publication of the Guide to Traffic Generating Developments, which states 'access across the boundary with a major road is to be avoided wherever possible'. The Great Western Highway is a major arterial road, which carries a high volume of traffic, where transport efficiency of through traffic is of great importance.

Further to the above, clause 101(2a) of State Environmental Planning Policy (Infrastructure) 2007, which reads as follows:

"The consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road".

As the subject site has alternative vehicular access via the local road network, Roads and Maritime would not grant concurrence to the proposed access on the Great Western Highway under Section 138 of the Roads Act, 1993.

In addition to the above comments I can advise of the following standard advisings:

- *There will be no new signalised intersections, including at the Great Western Highway and Somerset Street.*
- *There is to be no parking on the Great Western Highway or Parker Street.*
- *No parking is recommended on Barber Avenue in order to be able to accommodate the main access to the hospital.*
- *Council on behalf of RMS are extending the right turn bays on Parker Street at Derby Street and on the Great Western Highway at Parker Street. Clarification should be provided on whether the proposed right turn bay extensions are in addition to this work.*
- *It is recommended that the Private Hospital development should coordinate their proposal with the public hospital plans and align with Council's vision for the Precinct.*

Further discussion and conditions of consent are recommended in relation to the access and carparking

arrangements, discussed in relation to the DCP (Part C10 Transport, Access and Signage).

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.*

Council's Environmental Management team have reviewed the 'Soil Contamination Assessment - Nepean Private Hospital Expansion Stage 1, 1-9 Barber Avenue, Kingswood NSW' (EP0991.001 v3) prepared by EP Risk dated 20/11/18. The results of the investigation appear satisfactory for the proposed continued use of the land as a commercial premises subject to an appropriate condition requiring an Asbestos Clearance Certificate for the site.

State Environmental Planning Policy No 64—Advertising and Signage

The application is provided with three proposed building identification signs to the northern, western and southern elevations, these signs principally being in the form of signage panels identifying *Nepean Private Hospital* and accompanied by the business logo.

The building identification signage as proposed does not meet the development standards for exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009*.

While in principle no concern is raised in regards to the placement of the proposed signage, the level of detail on the accompanying plans is not considered to allow for a proper assessment of their impact upon immediate surrounds. In particular, it is unknown whether the signage is to be illuminated, and the specific dimensions of the signage.

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 the Part C9 of the 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 4.1 - Minimum subdivision lot size	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	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
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.

The proposed maximum height of the building is 20.9m to the lift overrun and stairwells. The main roof has a maximum height of 17.8m. The proposal is compliant with the building height standard.

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 Development Engineering team 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 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 7.11 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 a proposed building height compliant with the Height of Buildings Map.

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

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

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - 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	Complies - see Appendix - Development Control Plan Compliance
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. Appropriate setbacks to the

Great Western Highway have been proposed, and the location of the building on the lot provides an acceptable design solution in the context of the streetscape.

At grade carparking is to provide sufficient on site parking to service the development within the existing hospital and the proposed health services facility. It is noted that future development is mooted in the subject proposal, primarily in the form of additional floors on the proposed health services facility, however redevelopment of the at grade carparking is also likely to occur in future considering the zoning of the site and the permissible FSR and building height.

The proposal provides for a four storey 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 benefitted by a right of carriageway from Barber Avenue. The burdened lot, subject to a deferred commencement consent under DA18/0773, provides a six storey built form to the corner of Parker St and Barber Ave, with carparking facilities provided in the basement levels. In this regard, the proposed built form is considered to provide for an acceptable relationship to the adjoining developments with the separation between each building, maintenance of the right of carriageway to allow for vehicular movements to and from the adjoining lots and treatment of front setback areas considered to provide for appropriate additions to the Barber Avenue frontage.

As noted above, it is the intention of landscaping to provide a vegetated buffer to the Great Western Highway and Parker Street boundaries. While the landscaped and deep soil area is technically non-compliant with DCP control, the areas identified for tree planting are considered acceptable. However, further consideration of the species, number of trees to be provided and their spacing is considered warranted 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 boundary and internal carpark planting 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 proposal does not currently reflect the expected site coverage as envisaged by current 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 on adjoining lots. In this regard, the broader site and its surrounds within the B4 zone to the northern side of Barber Avenue are likely to be developed further reflecting the applicable FSR and height controls under the LEP. The proposal therefore is considered an acceptable response to its surrounds, subject to an appropriate landscaped treatment of the site. The proposed building is considered to be acceptable in regard to scale and bulk in the context of its surrounds.

Overshadowing

An assessment of the accompanying architectural plans has identified that while the proposed development will create overshadowing, taking into consideration the width of the non residential uses to the south, east and west of the subject site, 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.

Parking and Traffic

The proposed development as amended is provided with a total of 297 at grade parking spaces and service bay to the ground level at the rear of the existing and proposed buildings. Vehicular access is proposed via

two driveways from Barber Avenue - one to the east of the existing hospital and one utilising the right of carriageway across the adjoining site at 84-88 Parker Street.

The accompanying report and amended plans were provided to Council's Traffic Engineering Section who raised concerns in regards to the circulation pattern and use of the right of carriageway to service adjoining lots. No objection to the proposal was raised, subject to the inclusion of a deferred commencement condition requiring documentation to be provided to Council demonstrating that legal access in the form of amended agreements with the owners of the adjoining lot are provided.

Swept paths have been provided demonstrating that the largest vehicles to service the property will be 8.8m trucks, and that they can enter and leave the site in a forward direction.

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.

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

Comments provided from Council's Development Engineering and Water Management Departments have indicated that, subject to appropriate conditions, drainage works proposed in association with the development are considered appropriate.

Accessibility

The development application is accompanied by an Accessibility Design Review Report prepared by McKenzie Group. The Report identifies actions to be taken in relation to accessible paths of travel and the ramp from Barber Avenue into the main foyer; door width and provision of left hand transfers for the unisex accessible sanitary facilities; location of the accessible parking spaces; and allow offset steps between flights of fire isolated stairs.

The following accessibility matters have also been identified as part of the assessment of the application:

- The surrounding topography along Parker Street and Barber Avenue is predominantly flat. Footpath works along Barber Avenue need to be clarified.
- The proposal indicates specific potential uses but does not provide for an internal fitout layout for each level.
- The development proposes a total of 4 accessible car parking spaces. All are provided to the rear of the existing hospital building with level access via the rear entry doors. Consideration should be given to the placement of these parking spaces and the possibility of an increase in numbers.
- Directional Signage will be required to comply 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 proposal is required to provide 1 accessible space per 100 carparking spaces proposed.

Noting the above requirements, the application is required to provide 3 spaces, however following feedback from Council's Access Committee, the application has been amended to provide for 13 accessible car

parking spaces to the rear of the existing hospital building and the undercroft area of the proposed development. 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.

Amended plans have been provided demonstrating that the proposal can provide complaint sanitary facilities.

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 traffic and access arrangements, 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 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 21 December 2018 to 1 February 2019. During this period, Council received four (4) submissions.

The concerns raised in the submissions are addressed below.

Issue: Traffic congestion resulting from use of the right of carriageway as an entry point for the entire proposed carpark.

Comment: The proposal has been amended to restrict the right of carriageway for use by staff only, servicing 111 carparking spaces. Boom gates and signage are proposed to restrict public usage of this driveway. A separate second driveway to the car park is proposed to the east of the existing hospital for use by patients and visitors.

Issue: That approval of the development should be contingent on RMS approval of the proposed slip lane from the Great Western Highway.

Comment: RMS have not supported the entry from the highway as previously discussed in this report. Legal access to the proposed carpark is available via the two driveways from Barber Ave and therefore the proposal can be approved with suitable access arrangements, subject to further information being provided.

Issue: The right of carriageway that benefits a lot does not entitle other lots to benefit, and the

proposed subdivision plans indicate that the right of carriageway is to be extended across the adjoining lots.

Comment: As discussed earlier in this report, issues related to the right of carriageway are subject to further information requirements recommended as a deferred commencement condition. This is a matter requiring civil resolution between affected property owners.

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.

The applicant was requested to provide a response to the above matter and has indicated that they have engaged a consultant to provide an assessment of the proposed impact of the development on the helipad operation. Envisaging a deferred commencement on this matter as per the adjoining site at 84-88 Parker St (DA18/0773), it was considered reasonable and appropriate that this issue be resolved prior to release of an operational consent and in conjunction with the response provided by the adjoining development.

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: Access to shared bulk oxygen vessels is to be removed as part of the public hospital redevelopment and the proponent will need to accommodate their own bulk oxygen supply.

Comment: An allocated space for a dedicated bulk oxygen supply is not required until 2021. The applicant is aware of the matter and has the capacity within the site to provide suitable space for the service.

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	Not supported, however conditions provided
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	Not supported, however conditions provided

Development Engineer

Both the Development Engineer and Traffic Engineer were not satisfied that the supporting documentation submitted with the proposal demonstrated that the carpark circulation and access via the right of carriageway across the adjoining site at 84-88 Parker Street was sufficient and in accordance with the terms of the easement. However, both officers were satisfied that subject to a deferred commencement condition in this regard, documents could be submitted demonstrating adequate access arrangements have been made prior to release of an operational consent.

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. The presentation and treatment of the façades is considered will allow for appropriate visual articulation. The built form is also considered to have appropriately considered the characteristics of the six storey health services facility on the corner of Barber Ave and Parker Street. Subject to the provision of appropriate landscaping to the public domain, it is considered that the proposal will provide for a positive addition to the existing streetscape.

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 car parking 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.

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 for consideration and have formed part of this assessment.

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. 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 and recommended for approval subject to appropriate conditions.

Recommendation

1. That DA18/1222 for the construction of a four storey health service facility, at grade car parking, associated works and subdivision at 1-9 Barber Ave, 11 Barber Ave and 78-82 Parker Street, Kingswood be determined for approval, subject to a deferred commencement in accordance with the attached conditions.
2. That those making submissions 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 Project No. 18-008				
DA1501	R1	Site plan (roof)	SKAr	03/12/2018
DA1502-B	R1	Site plan (overall parking / traffic option B)	SKAr	04/12/2018
DA1503	R1	Site plan (existing tree plan)	SKAr	26/11/2018
DA2001	R3	Level 00 - Ground floor plan	SKAr	15/03/2019
DA2002	R3	Level 01 - Plan	SKAr	15/03/2019
DA2003	R3	Level 02 - Plan	SKAr	15/03/2019
DA2004	R3	Level 03 - Plan	SKAr	15/03/2019
DA2006	R1	Roof - Plan	SKAr	03/12/2018
DA2007	R1	External service building	SKAr	04/12/2018
DA3000	R1	Elevations	SKAr	03/12/2018
DA3001	R1	Elevations	SKAr	03/12/2018
DA4001	R1	Sections	SKAr	03/12/2018
DA9001	R1	Material board - Façade	SKAr	03/12/2018
DA9002	R1	Material board - Façade	SKAr	03/12/2018
Landscape Plans Project No. 18-008				
L01	D	Cover sheet, drawing list & location plan	SKAr	09/01/2019
L03	D	Materials and finishes plan - Sheet 1	SKAr	09/01/2019
L04	D	Materials and finishes plan - Sheet 2	SKAr	09/01/2019
L05	D	Landscape planting plan - Sheet 1	SKAr	09/01/2019
L06	D	Landscape planting plan - Sheet 2	SKAr	09/01/2019
L07	C	Details Sheet 1	SKAr	09/01/2019
Civil Engineering Works Package Job No. 182350				
DAC101.01	2	Cover sheet, drawing schedule and locality plan	Northrop	26/03/2019
DAC101.11	2	Specification notes	Northrop	26/03/2019
DAC101.21	2	General arrangement plan	Northrop	26/03/2019
DAC102.01	2	Concept sediment and soil erosion control plan - Sheet 01	Northrop	26/03/2019
DAC102.02	2	Concept sediment and soil erosion control plan - Sheet 02	Northrop	26/03/2019
DAC102.11	2	Sediment and soil erosion control details	Northrop	26/03/2019
DAC103.01	2	Bulk earthworks plan - Sheet 01	Northrop	26/03/2019
DAC103.02	2	Bulk earthworks plan - Sheet 02	Northrop	26/03/2019
DAC104.01	2	Siteworks and stormwater management plan - Sheet 01	Northrop	26/03/2019
DAC104.02	2	Siteworks and stormwater management plan - Sheet 02	Northrop	26/03/2019
DAC104.31	2	Stormwater management devices	Northrop	26/03/2019
DAC107.01	2	Details sheet	Northrop	26/03/2019

DAC108.01	2	Catchment plan	Northrop	26/03/2019
Subdivision Plans				
Sheet 1		Location plan	Matthew Graham Smith	04/12/2018
Sheet 2		Ground floor & below	Matthew Graham Smith	04/12/2018
Sheet 3		Level 1	Matthew Graham Smith	04/12/2018
Sheet 4		Levels 2-3	Matthew Graham Smith	04/12/2018
Sheet 5		Level 4 & above	Matthew Graham Smith	04/12/2018
Sheet 6		Existing easements	Matthew Graham Smith	04/12/2018

- Traffic and Transport Impact Assessment by Transport and Traffic Planning Associates, Ref. 18219, Rev. B, dated Nov 2018.
- Acoustic Report for Development Application by Northrop, Ref. SY182350-AUR01, Rev. C, dated 19/11/2018.
- Soil Contamination Assessment by EP Risk, Ref. EP0991.001, Rev. 3, dated 20/11/2018.
- Accessibility Design Review Report by McKenzie Group, Job No. 77354, dated 05/12/2018.
- Preliminary Building Code of Australia 2016 Report by Metro Building Consultants, Report Reference 18325-R06, dated 04/12/2018.
- Arboricultural Impact Assessment by Tree IQ, Revision D, dated 03/12/2018.
- Civil Engineering Stormwater Management Report by Northrop, Ref. 182350, Rev. C, dated 04/12/2018.
- Carpark circulation plan

2 The subject site is to be subdivided in accordance with the approved plans.

A copy of the registered plan of subdivision 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 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 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.
- 8 **Prior to the issue of a Construction Certificate**, a management plan is to be prepared in consultation with Nepean Blue Mountains Local Health District (NBMLHD) at least 21 days prior to the erection of construction crane management resources. The plan is to include 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 in accordance with and addressing Guideline H - Protecting Strategically Important Helicopter Landing Sites as part of the *National Airports Safeguarding Framework*.

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.

The plan is to be submitted to the Certifying Authority, Penrith City Council and NBMLHD and complied with at all times.

- 9 **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.
- 10 **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.

- 11 **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
- 12 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**.
- 13 **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 including the following:
- Deep soil planting to the northern and western boundaries of the site including widened planting beds.
 - Additional trees of varied and climate change resistant species to be selected for boundary and internal carpark planting beds.
 - Boundary planting to be continued along the length of the Parker Street frontage.
 - Internal carpark landscaped beds to be widened and provided with Engineered structural cells to share applied loads from vehicle movements.
 - Plans must indicate the pedestrian footpaths located within the road reserve, and sections indicating the locations of footpaths, kerbs, canopy trees and roadway.

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**.

- 14 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.
- 15 A separate development application for the erection of fencing or retaining walls, other than that listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.
- 16 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.

- 17 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.

18

- 19 **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.

Demolition

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

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

- 21 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

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

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

- 24 Demolition and construction works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

- 25 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.
- 26 No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by 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.
- {Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

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

- 27 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.
- 28 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

- 29 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Acoustic Report for Development Application - Nepean Private Hospital Expansion Stage 1 at 1-9 Barber Avenue, Kingswood' (SY182350-AUR01 RevC) prepared by Northrop Consulting Engineers dated 19/11/2018. 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 building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to 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.

- 30 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 31 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.
- 32 **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be constructed and maintained in accordance with the 'Civil Engineering Stormwater Management Report' (182350) for Nepean Private Hospital prepared by Northrop dated 4/12/2018 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 land, that was subject to the works, have been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 33 **Prior to the issue of a Construction Certificate**, an Asbestos Clearance Certificate prepared by a Licensed Asbestos Assessor is to be submitted to Penrith City Council for the subject property addressing the bonded asbestos found on site as reported in the 'Soil Contamination Assessment - Nepean Private Hospital Expansion Stage 1, 1-9 Barber Avenue, Kingswood NSW' (EP0991.001 v3) prepared by EP Risk dated 20/11/2018.
- 34 Wastewater generated from the washing of garbage bins is not to be directed into the stormwater drainage system.

BCA Issues

- 35 The following construction issues need 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 measure installed in the building including access to all fire isolated exits.
- In this regards, details are to be provided to the Certifying Authority prior to the issue of any **Construction Certificate**.
- 36 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.
- 37 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.
- 38 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.

- 39 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

- 40 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
- 41 The 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

- 42 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.
- 43 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.
- 44 The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.
- 45 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).

- 46 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.
- 47 The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:
- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
 - if the system is installed after he or she becomes the occupier, within one month after the system is installed.
- The occupier of the premises must notify Council within 7 days of any change of details.

Utility Services

- 48 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.

- 49 **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.

- 50 **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

- 51 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.

52 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

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

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

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

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

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

53 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 Development Control Plan 2014, 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.

54 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

- 55 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.
- 56 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.

- 57 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 or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

58 **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 concrete footpath and verge regarding works along the frontage of Great Western Highway, Parker Street (The Northern Road) and Barber Avenue in accordance with Penrith City Council's adopted 'Kingswood Public Domain Manual'.

The roadworks shall include but not limited to, the following:

- The footpath along Great Western Highway fronting the property boundary shall be constructed as 2.5m wide.
- The footpath along Parker Street (The Northern Road) fronting the property boundary shall be constructed as 2m wide and the verge raised for the provision of a 4% crossfall from the property boundary falling out to the top of the kerb & gutter.
- Adjustment of any utility services and utility service lids including footings of existing street light poles to suit new verge and footpath works.
- Removal of any redundant driveways and replacement with upright kerb & gutter.

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 or Subdivision Certificate as applicable.

59 **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 works within the Parker Street (The Northern Road) and Great Western Highway 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.

- 60 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Northrop Pty Ltd), Reference Number 182350, Drawing numbers DAC101.01 – 108.01, Revision 2, dated 26/03/19

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 a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 61 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop, reference number 182350, revision 2, dated 26.03.2019.

The stormwater plans shall be amended so that the levels shown for the carpark are consistent with the carpark site plans. In addition, 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.

- 62 **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, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

- 63 **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.

- 64 **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.

- 65 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 66 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.

- 67 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 68 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 69 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 70 **Prior to the issue of a Subdivision 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 and / or Subdivision (Strata) Certificate where Penrith City Council is not the Principal Certifying Authority.

71 **Prior to the issue of an Occupation Certificate** a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design measures) 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

72 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management systems (including on-site detention and WSUD):

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

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

73 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of customer and staff 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 AS2890.1-2004; AS2890.2- 2002; AS2890.6-2009 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 Signage and pavement markers are required to clearly delineate the circulation of the car parking areas.

78 Prior to the issue of any Occupation Certificate, secure bicycle parking is to be provided at convenient location(s) in accordance with *AS2890.3:2015 Bicycle Parking Facilities*

79 **Prior to issue of a Construction Certificate**, the Certifying Authority shall ensure that all stormwater runoff from the site are captured and conveyed by a pit and pipe system to a Council stormwater drainage discharge system. Full details are to be shown on plans submitted with the application for a Construction Certificate.

80 **Prior to issue of Construction Certificate**, details of retaining wall heights in the car park adjoining the Parker Street and Great Western Highway frontages are to be provided. Sections in key locations are also to be provided through the car park, across the verge area out to the kerb & gutter.

Landscaping

- 81 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.

- 82 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.

- 83 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.

- 84 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.

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

- 86 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.
- 87 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

- 88 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.

- 89 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 6.6 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 6.6 of the Environmental Planning and Assessment Act 1979.

Schedule 1 (Deferred Commencement)

90 Prior to the issue of an operational consent, the following matters are required to be satisfied:-

1. The proposal is to provide for a safe means of accessing the temporary rooftop helipad on the carpark of Nepean Hospital having regard to the use of cranes during construction and any other potential obstruction to helicopter access, having regard to any applicable guidelines, and taking into account alterations to the current helipad design that would reasonably be available to the Hospital in all the circumstances.

2. An existing Right Of Carriageway currently burdens lots 4, 5 & 6 of DP 29524 and benefits Lot 1 of DP 109305. The proposed carpark layout shows the access to the staff carpark is via this Right Of Carriageway which is located outside the benefiting lot. As such, the applicant shall provide Penrith City Council with a written acceptance from the owners of the burdened lots permitting traffic access to the lot(s) that do not benefit from the existing Right Of Carriageway. The applicant shall subsequently amend the easement to benefit to the lot(s) that require access via the Right Of Carriageway and provide proof of registration with Land Registry Services NSW to Penrith City Council.

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:

C6 Landscape Design

The application as amended has provided for the provision of landscaping to the subject site, primarily in the form of boundary planting to the carpark area, as well as embellishment to the front setback and pedestrian pathway from the building to the Great Western Highway. Small pockets of landscaping are proposed within the carpark, the largest being located adjacent to the service building on the north western corner of the lot.

The boundary and carpark planting largely consists of Brush Box (*Lophostemon confertus*) and Chinese Elm (*Ulmus parvifolia*). 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 Chinese Elm trees are a semi-deciduous tree between 10 to 18m in height and 15 to 20m in width. 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. The canopy spread and shape will also need to be more carefully considered in context of the Great Western Highway and Parker St intersection, and potential conflicts with sight lines and above ground electrical services. Additionally, any landscaping proposed may need to be adjusted should the carpark circulation be amended in accordance with the engineering recommendations. In this regard, further information will be necessary to determine if the proposed species 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 site via submission of amended detailed landscaping plans with specified details.

The application has also identified the location of feature planting adjacent to the pedestrian pathway with a mixture of grasses, shrubs and small trees proposed. This planting is considered to provide an area of interest within the site and a potential 'break out space' for patients and visitors, that could be improved with the addition of furniture such as benches. In regard to the retention of existing trees on 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 is within the area identified as being controlled by the provisions of the Kingswood Public Domain Manual. In this regard, accompanying plans have identified the provision of street trees and turfed areas to both the Barber Avenue, Parker Street and Great Western Highway frontages. 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

Three positions along the northern, western and southern elevations have provided for areas to include an identified '*Nepean Private Hospital*' 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 while partially compliant, further detail is required to be submitted. 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 proposed pedestrian walkway connection to the highway is located approximately 750m 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 (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 accompanied by a Traffic and Parking Assessment Report prepared by Transport and Traffic Planning Associates which has provided an expected parking calculation for the proposal of 264 spaces. It is noted that the parking calculation omits the ground floor retail space, to be calculated at 1 space per 30m² GFA as per the DCP. The retail space has a GFA of 124m², requiring an additional 4.1 parking spaces.

The parking rate provided in relation to the original application received also identified tenancies to each level which is considered an appropriate measure in the calculation of necessary spaces, as follows;

DCP Requirement for Existing Hospital

Council's DCP specifies a parking provision for hospital development as follows:

1 space per 3 beds

1 space per 2 employees

Application of this criteria to the existing development of 109 beds and 174 FTEs would indicate the following:

<i>109 beds</i>	<i>37 spaces</i>
<i>174 staff</i>	<i>87 spaces</i>
<i>Total</i>	<i>124 spaces</i>

DCP requirement for Proposed Development

Council's DCP specifies a parking provision for Health Consulting Room/Medical Centre development as follows:

3 spaces per health care professional practising at any one time
1 space per receptionist/staff
1 space per associated dwelling

Application of this criteria to the proposed development and no associated dwelling would indicate the following:

<i>26 doctors</i>	<i>78 spaces</i>
<i>62 staff</i>	<i>62 spaces</i>
<i>Total</i>	<i>140 spaces</i>

The combined car parking requirements for the existing and proposed developments would equate to 264 spaces.

As noted above, the retail space would add an additional 4.1 spaces, rounded to 5, to provide a total requirement of 269 spaces.

Noting the above, the proposed provides 297 car parking spaces which is considered to exceed the expected required future parking space requirements.

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.

The proposal includes use of the right of carriageway that traverses across the burdened lots 4, 5 and 6 of DP 29524 and benefits lot 1 DP 1093052. However, the carparking from lot 1 is proposed to connect to additional carparking on the adjoining lots to the east. Clarification of the use of the right of carriageway was requested, with the following information provided by the applicant:

"it is intended that the ROW will be utilised to access a staff only carparking area to be provided on Lot 1, DP 1093052 (i.e. the corner lot that is owned by Healthscope and benefited by the ROW) and partly on the larger Healthscope lot. Entry to the staff carpark will be controlled (via a card-operated boom gate) and will be sign-posted to ensure public awareness of this restriction. This arrangement has been discussed and agreed in principle with the adjacent developer (CBD) and will be negotiated with the current owners such that a formal agreement regarding the ongoing management of the ROW can be completed.

The intended use of the ROW to access the restricted staff parking area will not give rise to any queueing issues given the small amount of traffic that will use this access. Both our and CBD's traffic flow modelling will be shared in order to ensure queueing is not affected by either party's vehicles utilising the ROW.

All other (public) access is intended to be directed to the existing point of access situated to the west of the existing hospital or via the GWH access if approved by RMS."

While acceptable in principle, a legal agreement in the form of an amended s88B document has not been provided. As such, a deferred commencement condition is recommended requiring the supply of such a document to demonstrate legal access to the carpark as proposed.

In accordance with clause 104(b) of ISEPP, Council has taken into consideration the comments made by RMS with the proposal reviewed by Council's Traffic Engineering and Development Engineering teams. The following comments were made in relation to the amended plans provided:

- *Little change is offered to the parking layout and circulation pattern, some areas of two and one way conflicts have been removed. A number of boom gates operating different sections of the car parking are proposed. The layout is still cumbersome and likely to create confusion for visitors. The car park is internal/private and little resulting impacts will occur to the surrounding local road network.*
- *The 6m wide right of carriageway will service the staff car parks only (as well as the approved adjacent development). Stacked parking is proposed within the staff car park. It is noted that staff will be travelling during all hours of day/night (based on shift work) and not during standard am/pm peak periods. The use of the carriageway is not supported for this extent of vehicles however, as staff will be frequent users (not visitors), the risks may be reduced. Agreement from the affected property owners is to form the basis of a Deferred Commencement Consent.*
- *Truck reversing remains as proposed. It appears that the loading/service bay will be physically separated from parking areas to prevent pedestrian access.*
- *Additional accessible spaces and end-of-trip facilities have been provided.*
- *Barber Avenue is provided with left-in/left out access only. Existing "No Stopping" restrictions apply along the northern side of the street across property frontage.*

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.

C11 Subdivision

The proposal includes subdivision of the existing three lots (Lot 100 DP701623, Lot 90 DP 1009692 and Lot 1 DP 1093052) into two with transfer of the existing easements and restrictions. The two new allotments are to be created as follows:

Lot 1 - encompassing the existing hospital building and proposed at grade carparking.

Lot 2 - encompassing the proposed health services facility, inclusive of the ground, first, second and third floors.

It is noted that the draft subdivision plans provided allowed for the road widening required to accommodate a vehicular entry from the Great Western Highway. As this entry has not been supported by RMS or Council's Development and Traffic Engineers, the road widening is not required and therefore the subdivision plans must be amended to reflect this.

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	All floors: FFL to FFL of 4.2m	The proposal complies with the Height of Buildings control that applies to the lot.
Non-residential buildings greater than 12m in height are to have a maximum depth of 25m	The proposal is provided with a depth of 79.8m.	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 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 suitable architectural elements to all elevations.	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	North elevation - 12.5m to awning West elevation - 0m to awning North elevation - 18m to wall West elevation - 6m to wall	Yes Yes
Site Coverage: 75% of site	90% site coverage provided.	Non compliant but acceptable in this instance. Please refer to discussion below.
Deep soil zone: 10% of site area	4% 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
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
<p>Active frontage uses are defined as one or a combination of the following, at street level:</p> <ol style="list-style-type: none"> 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 proposed design is considered acceptable.	Yes Please refer to discussion below.

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 four levels with openings provided to all elevations which will assist in allowing for greater amounts of natural light to the building as well as consideration of improved ventilation. In addition, the western façade is provided with a decorative feature screen that wraps around the northern elevation. The lower portion of the screen is folded into an angled awning over the northern, southern and western elevations. The screen and awning provides for shading on these elevations while also allowing for suitable articulation on those façades.

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 all elevations. 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 the surrounding development including the six storey health services facility on the corner of Parker Street and Barber Avenue (DA18/0773), the subject of a deferred commencement consent, and the proposed connection to the

existing private hospital facility on the eastern elevation.

Site coverage and deep soil zone

The proposal has been provided with a non compliant deep soil area, which is created predominantly by the extensive at grade car park proposed. While so, it is noted that a number of large deep soil areas are proposed within the carpark, particularly adjacent to the external service building, and on the Great Western Highway boundary interface. 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 zones are 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 these locations are considered subject to appropriate conditions and further review by Council to provide for an appropriate relationship to the landscaping promenade presentation to the highway in particular.

It is noted that the proposed site coverage, inclusive of both buildings and paved hard surface areas, is non-compliant. This is also largely a reflection of the area of at grade carparking proposed. However it is noted that the existing lots are predominantly paved for carparking, or have been previously built upon with concrete slabs remaining on site, and the proposed development will not significantly alter the proportion of hard surface area presently on the lots.

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 and awning, with clear identification of commercial uses to the ground floor. Architectural plans have also identified that access is provided to this façade via a main entrance ramp from Barber Ave which is considered to allow persons equitable access to future ground floor tenancies.