



# Nepean Hospital Redevelopment – Stage 2

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State Significant Development Assessment Report  
SSD-16928008

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Cover image: *Photomontage Barber Avenue view to Stage 2 (Source: EIS)*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Penrith City Council
<b>Department</b>	Department of Planning and Environment
<b>EHG</b>	Environment and Heritage Group
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>NHC</b>	Nepean Hospital Campus
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides an assessment of a State significant development (SSD) application for the Stage 2 redevelopment of Nepean Hospital (SSD 16928008). The Nepean Hospital Campus (NHC) is located at 35 Derby Street, Kingswood. The Applicant is Health Infrastructure on behalf of Health Administration Corporation and the proposal is located within the Penrith local government area (LGA).

## Assessment summary and conclusions

The proposal will provide the second stage of the redevelopment of Nepean Hospital, consisting primarily of the construction of a new seven storey hospital building, which will connect to the recently completed 14 storey Clinical and Ambulatory Services Building (Stage 1). The Department concludes the proposal is in the public interest and recommends that the application be approved, subject to conditions.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), the issues raised in submissions, as well as the Applicant's response to these.

The Department identified access, parking and traffic, built form, landscaping and public domain, biodiversity impacts and noise impacts as key issues for assessment. The Department's assessment concluded:

- the traffic generated by the proposal can be accommodated on the surrounding road network and sufficient on-site car parking would be provided to meet demand generated by both the Stage 1 (previously approved) and Stage 2 redevelopment in the recently constructed western multi-level carpark.
- the proposed built form is appropriate for the site given it is comparatively smaller than the height and floor plate of existing structures, particularly the Stage 1 building, and ameliorates environmental impacts to sensitive land uses and the surrounding public domain and has been developed through a design review and excellence process.
- the proposal includes significant public domain improvements, including the delivery of an upgrade to Barber Avenue, enhanced by frontage upgrades and multiple landscaped courtyards supporting additional tree planting around the curtilage of the hospital to provide improved access and green space across the campus.

- noise impacts associated with the development can be appropriately mitigated, subject to detailed design incorporating acoustic attenuation measures to achieve recommended noise limits and the preparation of construction noise and vibration management plans.
- despite the removal of some native trees, it has been demonstrated that the trees are of poor health and appropriate mitigation and offsetting strategies have been proposed to compensate for any tree loss.

The impacts of the proposal have been addressed in the Environmental Impact Statement (EIS) and the Response to Submissions (RtS) for the new hospital building. Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

### **The proposal**

The proposal seeks approval for the partial demolition of the existing North Block and satellite buildings, which currently sit within the footprint of the proposed Stage 2 redevelopment, and construction of a new seven storey hospital building, providing 78 additional hospital beds and a number of ancillary works to support the function of the hospital. An upgrade of Barber Avenue is also proposed.

The project will generate 500 new operational jobs and support 823 construction jobs.

### **The site**

The development site is within the existing Nepean Hospital campus, located at 35-65 Derby Street, Kingswood and legally described as Lot 1 in DP 1114090. The campus is approximately 30 kilometres (km) west of the Parramatta central business district (CBD), 60km west of the Sydney CBD, 20km north of the proposed Western Sydney Airport. The hospital is also located approximately 2km south-east of Penrith CBD, 600 metres (m) from Kingswood Station/CBD and approximately 2.2km north-west of educational campuses including the University of Western Sydney, TAFE NSW Nepean College and University of Sydney Nepean Clinical School. The proposed development forms Stage 2 of the Nepean Hospital campus redevelopment.

### **Statutory context**

The proposal is SSD under clause 14 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, as the development relates to a hospital with a capital investment value of more than \$30 million. Therefore, the Minister for Planning is the consent authority

## Engagement

The application was publicly exhibited for 28 days between 21 January 2022 and 17 February 2022 (inclusive). The Department of Planning and Environment (the Department) received a total of six agency advice letters from public authorities and submissions from Penrith City Council (Council) and a member of the public on the application. A submission from Council and advice from two government agencies was also received in response to Applicant's Response to Submissions.

The key issues raised in the submissions included: built form and façade design; traffic generation and road congestion impacts; redesign of Barber Avenue involving the provision of on-street parking and parking for the site as a whole; and the assessment of the biodiversity impacts.

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# 1 Introduction

This report provides an assessment of a State significant development (SSD) application for construction of Stage 2 of the redevelopment of Nepean Hospital (SSD-16928008), located at 35-65 Derby Street, Kingswood.

The proposal seeks approval for:

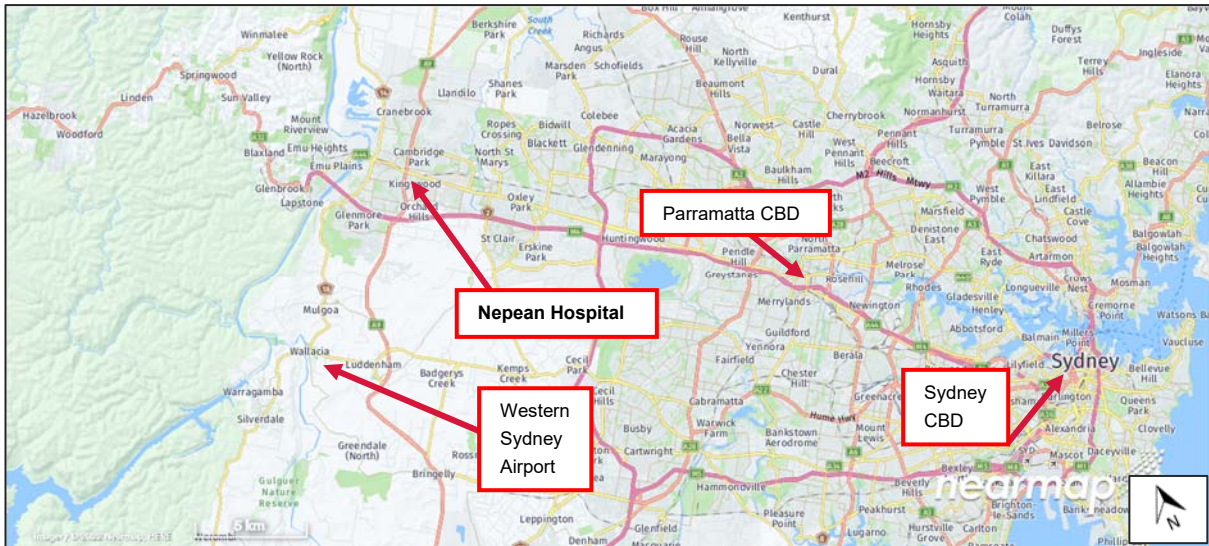
- demolition of parts of the existing North Block and other satellite buildings within the Stage 2 building footprint (excluding other buildings already approved under the Stage 1 SSD consent).
- demolition of the Total Asset Management (TAM) facility.
- construction of a new seven storey health services building with an additional 78 overnight/in-patient beds.
- reconfiguration of the loading dock area and back-of-house functions.
- landscaping and other associated at-grade works within the Stage 2 building's immediate vicinity including off-campus high voltage feeder upgrade.
- Barber Avenue upgrade and construction of access road to the Stage 2 building's forecourt, port cochere, and front-of-house area.

The application has been lodged by Health Infrastructure on behalf of Health Administration Corporation (the Applicant). The site is located within the Penrith local government area (LGA).

## 1.1 Site description

The existing hospital campus is located at 35-65 Derby Street, Kingswood and is legally described as Lot 1 in DP 1114090. The campus is approximately 30km west of the Parramatta central business district (CBD), 60km west of the Sydney CBD, 20km north of the proposed Western Sydney Airport shown in **Figure 1** below. The hospital is also located approximately 2km south-east of Penrith CBD, 600m from Kingswood Station/CBD and approximately 2.2km north-west of educational campuses including the University of Western Sydney, TAFE NSW Nepean College and University of Sydney Nepean Clinical School shown in **Figure 2** below.





**Figure 1 | Regional context map (Source: Nearmap)**



**Figure 2 | Local context map (Source: EIS Design Statement)**

The development site forms part of the Nepean Hospital Campus (NHC), which is comprised of existing hospital buildings varying in height between one storey to 14 storeys, several at-grade carparks and a multi-level carpark structure at the south eastern corner of the site. Vehicle access is provided from Barber Avenue, Parker, Derby and Somerset Streets as shown in **Figure 3**. There is no direct vehicular access to the NHC from the Great Western Highway. A new multi-level carpark has recently been constructed on the western side of the site to service both the Stage 1 and 2 redevelopment of the hospital.





**Figure 3 |** Existing campus layout (development site shaded red) (Source: Nearmap)

The Stage 1 building approved under SSD-8766 has recently been completed. The new western multi-level carpark and Stage 1 building is shown in **Figures 4 to 6**.





**Figure 4 |** Western multi-level carpark from Barber Avenue (Source: Google Maps)



**Figure 5 |** Newly completed Stage 1 building as seen from the north (left) and west (right) (Source: EIS)



**Figure 6 | Stage 1 building (at the rear) from Barber Avenue (Source: EIS)**

The site is serviced by existing footpath infrastructure, with pedestrian entrances from Parker, Derby and Somerset Streets. All site frontages except the Great Western Highway have parallel on-street car parking. Public buses that operate along Derby Street, connecting the site to Kingswood and Penrith Station and Penrith CBD.

## **1.2 Surrounding context**

Nepean Private Hospital adjoins the NHC to the north-east (on the opposite side of Barber Avenue). The Great Western Highway and Western railway line are to the north of the site, with light industrial uses north of the railway line. The area immediately to the east, south and west is a mix of low to high density residential developments. Penrith High School is to the west of the site. Kingswood cemetery in north-east of the railway line (see **Figure 7**).

The area around NHC is undergoing urban renewal. The area on the western side of Parker Street is zoned for high density residential development and the southern side of Derby Street and eastern side of Somerset Street for mixed use purposes. The mixed-use zones are intended to be future medical mixed use to support the operation of the hospital such as medical offices, pharmacies, short-term accommodation, convenience stores and other forms of retail.





**Figure 7 |** Surrounding land uses (Base source: Nearmap)

## 2 Project

The key components and features of the proposal (as refined in the Response to Submissions) are provided in **Table 1** and shown in **Figures 8 to 11**.

**Table 1 | Main Components of the Project**

Aspect	Description
<b>Project summary</b>	<ul style="list-style-type: none"> <li>demolition of parts of the existing North Block and other satellite buildings directly within the development footprint (excluding other buildings already approved under the Stage 1 SSD consent).</li> <li>demolition of the Total Asset Management (TAM) facility.</li> <li>construction of a seven storey health services building, with rooftop plant, comprising 78 additional overnight/in-patient beds.</li> <li>reconfiguration of the loading dock area and back-of-house functions.</li> <li>landscaping and public domain and utility works.</li> <li>Barber Avenue upgrade and dual driveway access road to the new building forecourt, port cochere and front-of-house area.</li> </ul>
<b>Uses and related works</b>	<ul style="list-style-type: none"> <li>New uses with the proposed Stage 2 building include: <ul style="list-style-type: none"> <li>new front-of-house and retail area.</li> <li>education and training services.</li> <li>transit lounge.</li> <li>medical imaging /nuclear medicine/interventional radiology.</li> <li>new intensive/close care facilities.</li> <li>in centre dialysis and renal inpatient unit.</li> <li>paediatric in patient unit.</li> <li>clinic support areas.</li> </ul> </li> <li>Ancillary uses as a part of the redevelopment include plant areas, kitchen and new back-of-house services including a new loading dock.</li> </ul>
<b>Demolition and site preparation</b>	<p>The scope of demolition works include:</p> <ul style="list-style-type: none"> <li>demolition of the TAM building cluster.</li> </ul>

- demolition of other satellite buildings within the footprint of the proposed Stage 2 building, including the existing pathology building.
- demolition of part of North Block – involving the northern extent of North Block is to be demolished to make way for the expanded back-of-house and loading dock area, as well as the Stage 2 building.
- demolition of the temporary linkway between the Stage 1 building and North Block.
- demolition of parts of the existing accessways and roadways towards Parker Street.

<b>Contamination</b>	Remediation works proposed.
<b>Built form and layout</b>	<p>Construction of a seven storey hospital building with a maximum height of 37.3m. The building includes:</p> <ul style="list-style-type: none"> <li>• Ground Level - back-of-house service facilities, including kitchen, loading dock, patient transport bays. emergency Department clinical support.</li> <li>• Level 1 - main entry and front-of-house, staff facilities and clinical support. education/training services, transit lounge.</li> <li>• Level 2 - medical imaging and nuclear medicine, front-of-house, education/training services, clinical support.</li> <li>• Level 3 - interventional radiology, clinical support, shell space for future operating theatres.</li> <li>• Level 4 - associated plant, intensive care unit, clinical support.</li> <li>• Level 5 - intensive care unit (ICU) and close observation unit, in-patient unit (IPU).</li> <li>• Level 6 - paediatrics, IPU, renal incentre dialysis and IPU, paediatric and renal clinical support.</li> <li>• Level 7 - future IPU floor, shell space.</li> <li>• Level 8 - roof / plant and lift overrun.</li> </ul> <p>The building would incorporate contemporary materials including a curtain wall system, full-height perforated metal or metal mesh screening, horizontal shading elements, frameless glass louvres to atrium spaces, timber batten or board lining to entry façade panels and soffits, and textured brickwork.</p>

<b>Gross floor area</b>	33,650sqm
<b>Inpatient beds</b>	78 additional beds as a result of Stage 2
<b>Vehicle access, car parking and bicycle parking</b>	<ul style="list-style-type: none"> <li>• Barber Avenue parking redesign along with public domain works and new dual entrance driveway.</li> <li>• parking on Barber Avenue to be reduced from 43 on-street spaces to 32 to accommodate new public domain and vehicle access driveways, and three additional spaces to the east of the Barber Avenue termination within the hospital site.</li> <li>• 140 bicycle parking spaces provided within new end-of-trip facilities in the new building.</li> <li>• new 12 space temporary parking drop-off and pick-up zone at the front of the new building accessed from Barber Avenue.</li> <li>• service entrance is to remain connected to the back-of-house/service area.</li> </ul>
<b>Public domain and landscaping</b>	<p>Trees, planting works, public domain upgrades, tree removal included in the following spaces:</p> <ul style="list-style-type: none"> <li>• carpark link (from multi-level carpark to front-of-house).</li> <li>• main drop-off entry.</li> <li>• northern courtyards and northern accessways.</li> <li>• southern courtyards.</li> <li>• Level 6 and 7 upper terraces.</li> <li>• pathways and tree amenity throughout the development site.</li> </ul>
<b>Hours of operation</b>	24 hours / seven days a week
<b>Signage</b>	Hospital identification sign located on the north western façade.
<b>Jobs</b>	<p>823 construction jobs</p> <p>500 additional ongoing operational jobs</p>

## 2.1 Physical layout and design

Stage 2 of the hospital redevelopment is located directly west of the Stage 1 building, allowing for connectivity and adjacency to clinical services within Stage 1, as well as the new western multi-level carpark. The proposal's main component is the seven storey tower building, which comprises a single level podium and six levels of an irregular "Y" shaped tower. The proposal includes a reconfiguration of the loading dock and back-of-house functions currently located within the existing North Block, construction of a new front-of-house drop-off area on the north-western side of the new Stage 2

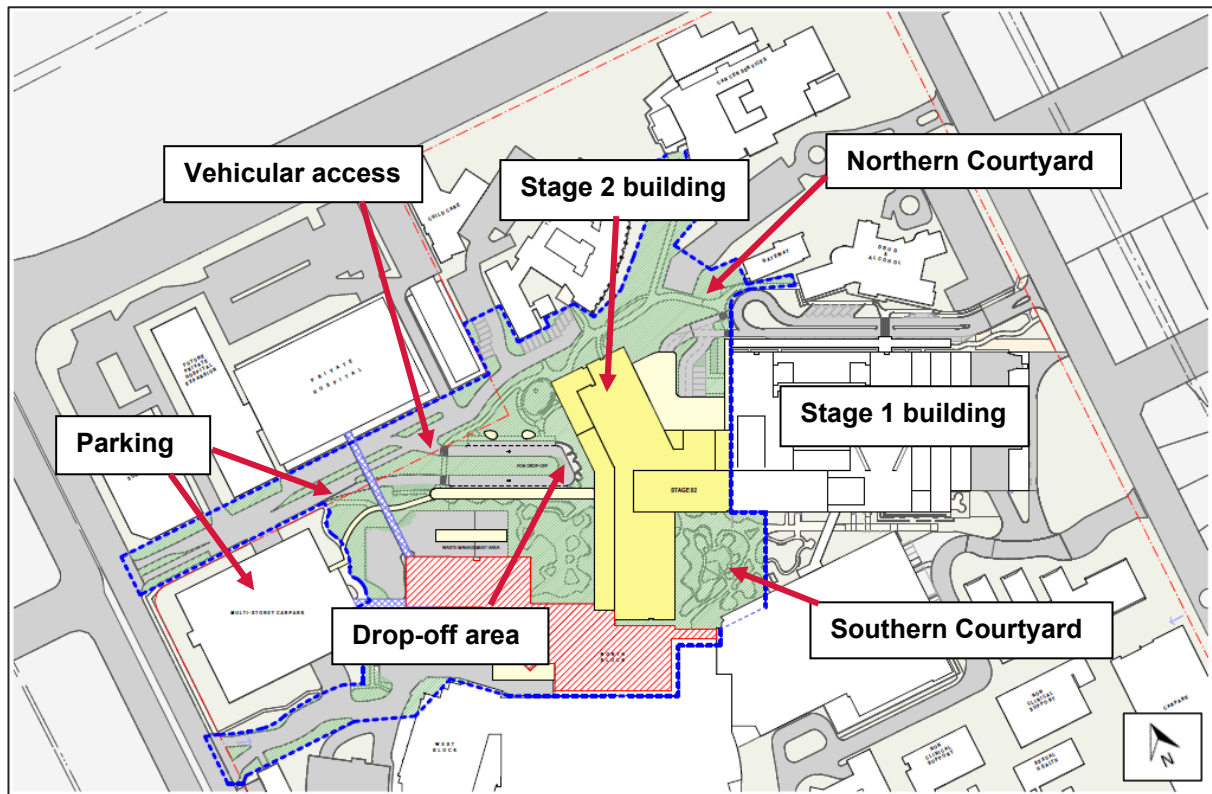


building, combined with landscaping and other associated at-grade works within the building's immediate vicinity.

The main vehicular entry onto the campus to the new hospital facilities will be from the west via Barber Avenue, connecting to the new front-of-house facilities located at the front of the Stage 2 building. Public domain works are also proposed along Barber Avenue, which will improve pedestrian movement and wayfinding to and around this part of the hospital campus.

The EIS states that the project's design principles and aspirations reflect the importance of the Stage 2 building, both within the Nepean Blue Mountains Local Health District (NBMLHD) and the Penrith Education and Health Precinct. The Applicant also states that the design principles are derived from the aspirations set out in the campus masterplan.

The Stage 2 redevelopment will also provide new public green spaces, including the northern courtyard, southern courtyard and a new public domain and green space located at the new front-of-house entrance. The landscaping and public domain works include the planting of 105 canopy trees and an endemic planting design.



**Figure 8 |** Proposed site layout (Source: EIS)



**Figure 9 |** Photomontage of Stage 2 from Barber Avenue (Source: EIS)





**Figure 10** | Photomontage from north-eastern direction showing Stage 1 (existing) and Stage 2 (proposed) buildings (Source: EIS)



**Figure 11** | Photomontage from north showing Stage 1 (existing) and Stage 2 (proposed) buildings and the connection that will exist once complete (Source: EIS)

## 2.2 Uses and activities

The proposed building would accommodate seven storeys of hospital floor space including front-of-house, education and training, medical imaging/nuclear medicine, interventional radiology, intensive care unit and close observation unit, in-centre dialysis and renal inpatient unit, paediatric in-patient unit, plant areas, clinical support and kitchen. It would also house ancillary health-related education, research and business activities.

The hospital, including proposed Stage 2, will continue to operate 24 hours per day, seven days per week. Ancillary uses within the Stage 2 building (such as retail uses and other administrative or teaching uses) will operate during normal weekly business hours.

## 2.3 Timing

The development will be delivered in one stage but over a number of phases, as outlined below:

- Phase 1: demolition of satellite buildings, pathology building and portion of North Block.
- Phases 2a and b: construction of loading dock including new truck bays, waste area and associated rooms and hard stand areas, bulk storage and commissioning.
- Phase 3: establishment of Stage 2 building site and compound, installation of retention wall system, bulk excavation works, sub-structure piling.
- Phase 4: construction of Stage 2 building, commencement of progressive commissioning
- Phase 5a and b: Construct new internal road infrastructure, demolish temporary link between North Block and Stage 1, landscaping, external wayfinding, lighting and security.

Construction hours are proposed to be consistent with the Stage 1 consent, namely:

- Monday to Fridays - 7am to 6pm - works preparation activities permitted from 6:30am to avoid construction and hospital shift overlaps and conflicts.
- Saturdays - 7am to 5pm.
- Sundays and Public Holidays - no work.

## 2.4 Related development

Development within close proximity or related to the development that has been approved is outlined in the table below **Table 2**.

**Table 2 | Related applications**

Application no.	Summary of Development	Approval Date
DA17/0665	Construction of a 735-car space multi-level carpark and temporary helipad (Council DA)	28 November 2017

### 3 Strategic context

NHC is the principal hospital in the Nepean Blue Mountains Local Health District (NBMLHD). NBMLHD is one of nineteen Local Health Districts and Specialty Health Networks in NSW. The NBMLHD provides health care services and support approximately 350,000 people living in four LGAs across Western Sydney (Blue Mountains, Hawkesbury, Lithgow and Penrith).

The proposal forms part of a wider program to improve medical services in the Penrith LGA and the wider Western Sydney region that will create additional jobs and provide significant social benefits for the local community. The proposed redevelopment will provide contemporary facilities that are more effective and efficient that have a greater capacity to meet the health care requirements of a growing and aging population.

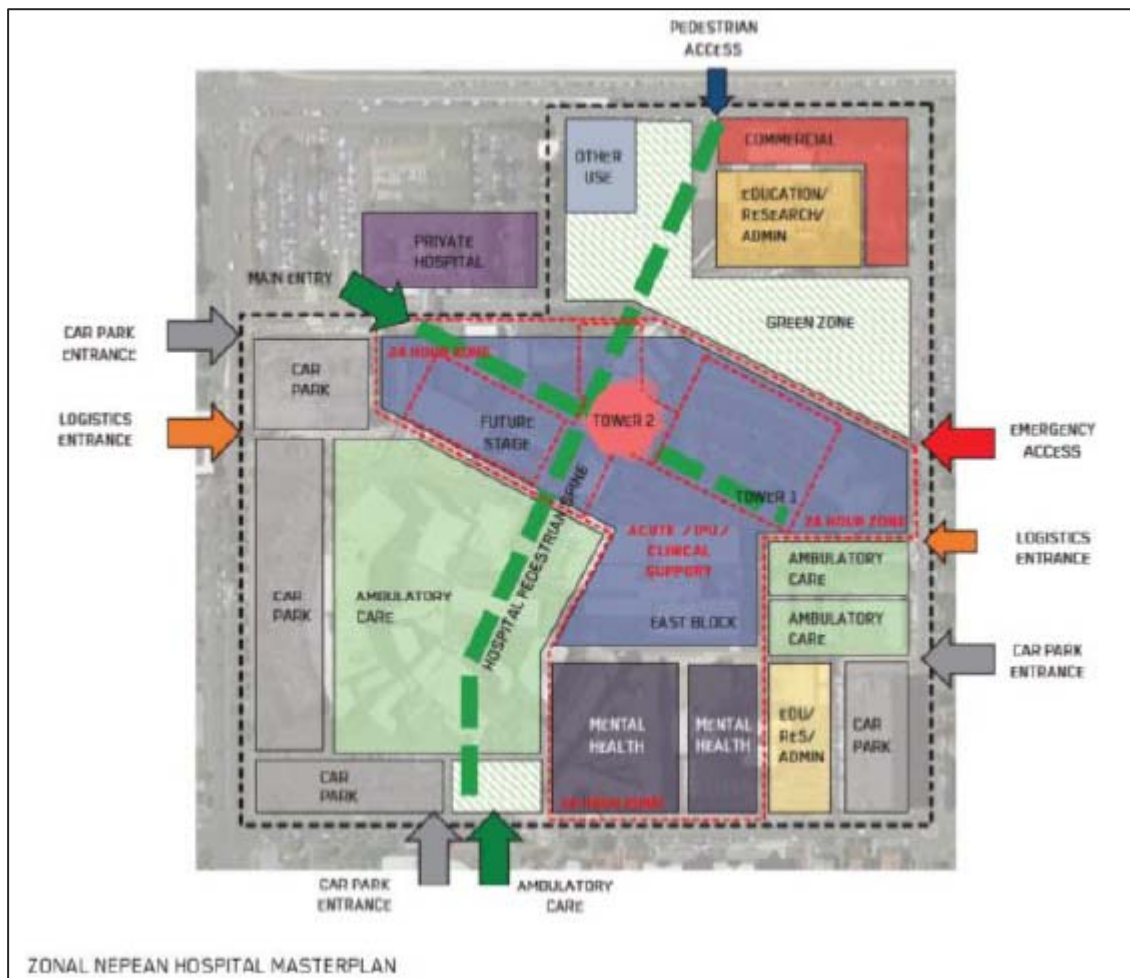
The proposal is critical to the achieving the strategic vision for the region. Over the next 20 years, as part of the Greater Sydney Commission's vision of a Metropolis of Three Cities, the Western City District Plan will drive growth in education, health, and industry sectors with employment hubs in Katoomba, Penrith, Richmond, and Windsor.

The Applicant has indicated that the objective of the proposal is to improve the capacity at the hospital to cater for population growth, future demand for services, and changed clinical and health needs whilst also providing a modern fit-for-purpose health facility. These objectives are associated with the predicted future demand of the region's ageing and growing population. The proposal seeks to meet these objectives through:

- futureproof health services within the NBMLHD.
- further update hospital facilities and services in conjunction with the Stage 1 redevelopment.
- directly and indirectly create jobs and bring jobs closer to homes.
- confirm and convert investment in health service infrastructure.
- improve hospital service levels.
- act as a business catalyst with multiplier effects to further reinforce the role the hospital plays within the LGA, and in particular within The Quarter (Penrith's Health and Education precinct).
- deliver on priorities and actions within the Regional Plan, District Plan and Local Strategic Planning Statement whether directly in relation to the hospital or indirectly otherwise.
- deliver design excellence and high-quality built form and green and landscaped outcomes, including enhancement of the site's green canopy over time.

NSW Health Infrastructure has prepared the Nepean Hospital Zonal Masterplan to identify and support the growth of the campus. The Applicant states that the design principles for the proposal are

derived from the aspirations set out in the masterplan and developed in response to the detailed site analysis contained within the masterplan. An extract of the Nepean Hospital Zonal Masterplan is shown in **Figure 12**.



**Figure 12 | Master Plan showing Stage 2 (Source: EIS)**

The Department considers that the proposal is appropriate for the site given:

- it is consistent with the Greater Sydney Commission's Greater Sydney Regional Plan A *Metropolis of Three Cities* as it will deliver health infrastructure to meet the growing needs of Sydney.
- it is consistent with the Transport for NSW's Future Transport Strategy 2056, as it would provide additional health care facilities in a highly accessible location and provide access to additional new employment opportunities close to public transport.
- it is consistent with the vision outlined in the Greater Sydney Commission's Western City District Plan, as it would provide additional, upgraded health care facilities within the existing health and education precinct and support local investment.



- it is consistent with Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it facilitates investment in health infrastructure to support the growing population.
- it is consistent with Penrith City Council Local Strategic Planning Statement as it would co-locate specialist and allied health services within an existing cluster and would provide health services for a growing and ageing population.
- it will deliver health infrastructure for a growing and ageing population, improve service levels in hospitals through the construction of new health facilities, and the creation of jobs during both the construction and operation phases of the development.

The application would support up to 823 construction jobs and 500 new ongoing operational jobs.

The Department has also had regard to the findings of the NSW Flood Inquiry. The NSW Flood Inquiry was commissioned by the NSW Government in March 2022 to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events. The Inquiry was handed down on 29 July 2022 and recognised that urgent action is required to enable immediate improvements in the way NSW prepares for, responds to and recovers from events of the magnitude of the 2022 floods.

The Inquiry made 28 recommendations for change. The Government response supports all 28 recommendations, either in full (six recommendations) or in principle, with further work required on implementation (22 recommendations).

Government's response to Recommendation 28 is relevant to essential services such as health facilities. Government's response to Recommendation 28 states in part that to minimise disruption to essential services that Government ensure hospitals are situated above the probable maximum flood (PMF) level.

## 4 Statutory Context

### 4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purposes of a hospital and has a CIV greater than \$30 million pursuant to clause 14 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.

The Minister is the consent authority under section 4.5 of the EP&A Act.

In accordance with the Minister for Planning delegation to determine applications, signed on 9 March 2022, the Director, Social and Infrastructure Assessments may determine the application as:

- the relevant council has not made an objection to the application.
- there are less than 15 public submissions objecting to the application.
- a political disclosure statement has not been made for the application.

### 4.2 Permissibility

The site is identified as being located within the SP2 Infrastructure - Health services facility zone by Penrith Local Environmental Plan (PLEP) 2010. Hospitals, including ancillary and incidental development are permissible with consent within the zone. Therefore, the Minister for Planning or a delegate may determine the carrying out of development.

The site is not subject to any building height, floor space ratio or lot size development standards under the PLEP. Consideration of the proposal against the other requirements of the PLEP is provided at **Appendix B**.

### 4.3 Secretary's Environmental Assessment Requirements

On 22 April 2021, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs). The Department is satisfied that the EIS and Response to Submissions (RtS) report adequately address the requirements of the SEARs to enable the assessment and determination of the application.

### 4.4 Other approvals

Under section 4.41 of the EP&A Act, other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.



Under section 4.42 of the EP&A Act, further approvals are required, but must be substantially consistent with any development consent for the application (e.g. approvals for any road works under the Roads Act 1993).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in the assessment of the application, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

## **4.5 Mandatory Matters for Consideration**

### **Environmental planning instruments**

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) and draft EPIs that are of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs and draft EPIs that substantially govern the proposal and that have been considered in the assessment of the proposal.

The Department has undertaken a detailed assessment of these EPIs and draft EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs and draft EPIs.

Since the lodgement of the Applicant's EIS, all NSW Stage Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs.

### **Objects of the EP&A Act**

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 3**.

**Table 3 | Response to the objects of section 1.3 of the EP&A Act**

<b>Objects of the EP&amp;A Act</b>	<b>Consideration</b>
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development would ensure the proper management and development of land for the provision of hospital to meet an identified community need and would provide significant social and economic benefits to the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) as described below.
(c) to promote the orderly and economic use and development of land,	The proposal would meet the objectives of the SP2 zone and would deliver improved health services and facilities for the local health area. The proposal would also provide economic benefit through job creation and infrastructure investment.
(d) to promote the delivery and maintenance of affordable housing,	Not relevant to the proposed development
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal does result in the loss of PCT 849 (Cumberland Plain Woodland CEEC) which has resulted in the Applicant lodging a BDAR. Environmental impact has been offset or managed in an acceptable manner.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any significant impacts upon building and cultural heritage, including Aboriginal cultural heritage. The Department has recommended a number of conditions of consent to ensure any unexpected finds are appropriately managed.

(g) to promote good design and amenity of the built environment,	The proposed has been reviewed by the Government Architect NSW (GANSW) State Design Review Panel (SDRP) throughout the development of the proposed design. The Department considers the development would provide for good design and amenity of the built environment as well as be complementary to existing development within the hospital. See <b>Section 6.2</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the proposed development and has recommended a number of conditions of consent to ensure the construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures ( <b>Appendix C</b> ).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal ( <b>Section 5.1</b> ), which included consultation with Council and other public authorities and consideration of their responses ( <b>Sections 5 and 6</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as ( <b>Section 5.1</b> ), which included notifying adjoining landowners and displaying the proposal on the Department's website.

### Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The application proposed ESD initiatives and sustainability measures, including:

- increased thermal insulation for roofs and walls.

- appropriately sized façade glazing area to achieve a balance between heat losses/gains and natural daylight and views.
- double glazed window units.
- appropriate solar control glazing performance.
- integrated façade shading.
- internal blinds.
- pre-tempering of outdoor air with relief using air to air heat exchanger.
- low flow water efficient fixtures/fittings bio-retention, grass swales and proprietary devices
- minimise impervious surfaces.
- treated rainwater collected and used for irrigation.

The abovementioned sustainability measures will be implemented to ensure the development achieves the required rating under the Health Infrastructure Engineering Services Guidelines (incorporating Design Guidance Note 058). The Applicant has developed the Health Infrastructure ESD Evaluation Tool (ESD tool), which includes a list of nine sustainable initiative categories. The ESD tool has been previously endorsed by the Planning Secretary and outlines a self-certification approach to achieve 'Australian best practice' level, which, for Sydney metropolitan projects, is equivalent to 60 points out of 110 points available (based on the nine sustainable initiative categories). This approach has been designed to demonstrate an equivalency against the Green Building Council of Australia (GBCA) Green Star rating system. A condition of consent is recommended to certify that each of these measures has been delivered and that the targeted rating has been attained by the proposed development.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts. The proposed development is consistent with ESD principles as described in sections 5.4 and 6.8 of the application EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

## **Environmental Planning and Assessment Regulations 2000**

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with. Note: in line with the savings and transitional provisions of Schedule 6, sections (2) and (3) of the EP&A Regulation 2021, if an application was made but not determined prior to 1 March 2022, the 2000 Regulation applies. Given this application was made prior to 1 March 2022, the 2000 Regulation applies in this instance.

### **Section 4.15(1) matters for consideration**

**Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which

additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

**Table 4 | Section 4.15(1) matters for consideration**

<b>Section 4.15(1) Evaluation</b>	<b>Consideration</b>
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Appendix B</b> .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in <b>Appendix B</b> .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, the objectives of relevant controls under the Penrith DCP, where relevant, has been considered in this report.
(a)(iia) any planning agreement	Not relevant to the proposed application
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to <b>Section 6</b> .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Sections 3, 4 and 6</b>
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 5 and 6</b> .
(e) the public interest	Refer to <b>Sections 6 and 7</b> .

#### **4.6 Biodiversity Development Assessment Report**

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), State significant development applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

A BDAR report was submitted with the EIS and was referred to Environment and Heritage Group (EHG) for review, who determined that the proposed development would be unlikely to have any significant impact on biodiversity values and that the BDAR report appropriately justified this position. The Department is supportive of this decision.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act and Part 6, Division 6 of the EP&A Regulation, the Department publicly exhibited the application from 21 January 2022 until Thursday 17 February 2022 (28 days). The application was made publicly available on the Department's website.

The Department notified adjoining landholders and relevant State and local government authorities in writing. Department representative visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the government agency responses and the Penrith City Council (Council) and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

### 5.2 Summary of submissions

The Department received two submissions on the application, including a submission from a local community member and a submission from Council. A summary of the issues raised in the submissions is provided below and copies of the submissions may be viewed at **Appendix A**

The public submission raised concerns in relation construction noise, seeking to limit construction activity to 6pm. Noise and vibration have been raised as a key assessment consideration and has been addressed in **Section 6**, noting that a condition of consent is recommended requiring construction to cease at 6pm on Monday to Friday and 5pm on Saturdays.

Council's submission generally supported the proposal and welcomed further investment into the health infrastructure of the Penrith LGA. Council however requested that the Department ensure that the development does not compromise the local services and infrastructure and provided the following comments:

- the visual presentation of the development, in particular the screening of services, should be improved and all design comments of the SDRP be implemented.
- an indigenous courtyard should be incorporated into the project and designed with local traditional owners and community members.
- car parking and traffic demands associated with the project should not place an unsustainable demand on local roads and existing on-street parking capacity.
- local amenity could be improved by moving the waste management area further west and closer to the existing multi-level carpark.
- a number of concerns are raised in relation to the proposed redesign of Barber Avenue in terms of the public domain works, the proposed reduction in on-street car parking spaces.

### 5.3 Summary of government agency advice

**Table 5 |** Summary of agency advice

#### **Transport for NSW (TfNSW)**

TfNSW provided the following comments:

- the swept paths should be updated to ensure that truck movements function in a manner that does not impede traffic flow and parking and to ensure compliance with Austroads Standards.
- SIDRA modelling is to be provided for all state road intersections and scenarios (i.e. movement summary and phase timings).
- the Traffic Impact Assessment does not identify how many drop-off or pick-up spaces are proposed as part of this development, nor what the signposted parking restrictions would be in these locations. It is also unclear how the number of spaces and selected signposting will meet the demand of the precinct.
- a condition of consent is recommended requiring the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW.
- a condition of consent is recommended requiring that the original Green Travel Plan developed for Stage 1 be updated to incorporate Stage 2.

#### **Environment Protection Authority (EPA)**

No comments were provided.

#### **Environment and Heritage Group (EHG)**

- EHG noted that the application was made without access to the Biodiversity Assessment Method (BAM) calculator and the review conducted by EHG was made without access to GIS files. A photo was provided but its location was not plotted on a map.
- EHG noted that BioNet Atlas search results were not included with the application and subsequently, several species were not included in the biodiversity report. As such, EHG recommended that further surveys be carried out to determine the presence of any microbats and roosting locations and the BDAR updated to include a description of the searches undertaken and any results included in the impact assessment and offset requirement.
- the mitigation measures recommended by the BDAR are supported.
- advice was provided in relation to how pre-clearance survey and tree removal should be undertaken.
- concerns were raised around the flood modelling and information provided. EHG identified that some details require clarification to ensure flood risks are properly managed.



## Heritage NSW (ACH)

Heritage NSW concurs with all the recommendations documented in the Aboriginal Cultural Heritage Assessment Report (ACHAR) with respect to the management and mitigation of the Aboriginal cultural heritage values associated with the proposal. The following comments were made:

- there are no aboriginal archaeological constraints for the site.
- monitoring of excavation by Registered Aboriginal Parties should be undertaken.
- an interpretation strategy and plan detailing Aboriginal history should be developed and implemented.
- the landscape design should respond to Connecting to Country and 'Healing Landscapes' and 'The Story of the Mulgoa People'.
- if any previously unrecorded or undetected Aboriginal objects are unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured, and further advice sought from the consultant and the Aboriginal monitor.
- an induction by an archaeologist should be provided for employees, contractors and sub-contractors about how artifacts are treated upon discovery.

## Sydney Water

Sydney Water raised no objection to the proposal.

## Endeavour Energy

Endeavour energy raised no objection to the proposal.

## Civil Aviation Authority (CASA)

CASA reviewed the Aviation Impact Statement provided with the EIS and raised no issues with the proposed development.

## DPE Hazards

DPE Hazards advised that the proposed hospital meets the qualitative risk criteria in the Department's *Hazardous Industry Planning Advisory Paper No. 4 'Risk Criteria for Land Use Safety Planning'* (HIPAP 4). As such the proposed development meets all the relevant risk criteria and as a result no issues were raised with the proposal.

## 5.4 Response to submissions and government agency advice

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant respond to the issues raised in the submissions and agency advice.

On 10 July 2022, the Applicant provided a Response to Submissions (RtS) addressing the issues raised during the exhibition of the application. In response to concerns raised by EHG, an updated BDAR was provided. An updated Traffic Impact Assessment was also provided to address concerns raised by TfNSW, containing amended swept path diagrams and the agreement to provide TfNSW with SIDRA files related to traffic modelling for review.

The following design refinements were also included in the RtS documentation:

- architectural refinements to all facades of the Stage 2 building, refinements to the façade materials, refinements to the external plant room and enclosures facing north and internal planning refinements on all levels.
- a modified design for the Barber Avenue upgrade and hospital entrance. Originally all 43 existing on-street parking spaces were proposed to be removed, however the refined design has reinstated 29 on-street spaces. The public domain layout and design has also been refined to address Council's concerns.
- additional information to justify species selection and the quality of the proposed landscaping.
- clarification regarding the proposed construction hours in response to the public submission.

The RtS was made publicly available on the Department's website and was referred to Council and relevant government agencies. The Department received a further submission from Council and advice from EHG and TfNSW in relation to the RtS. No further submissions were received from members of the public.

A summary of the comments received from Council and government agencies is provided in **Table 6**.

**Table 6 | Summary of Council submission and agency advice received in response to the RtS**

### Council

Council remains concerned with aspects of the proposal, as detailed below:

#### **Traffic management, parking and road design**

- removal of on-street parking on Barber Avenue still results in a net loss of 14 spaces, which is not supported. Alternate designs for Barber Avenue should be explored in consultation with Council to ensure the existing volume of available parking is retained.

- any proposed line marking along Barber Avenue must be shown on the signage plans in the civil set as previous revisions of plans have shown centre line marking, chevron markings and pavement arrows along Barber Avenue.
- all retaining walls, private pedestrian ramps and other private structures must be wholly contained within private property and are not permitted within the Council Road reserve.
- the proposed new parking spaces along the southern side of Barber Avenue also partially encroach the private property boundary, which is not supported. Public parking must be wholly contained within the road reserve.
- the kerb and footpath on the western limit of works does not align with the existing kerb and must to be adjusted to suit.
- the swept paths in the Traffic Impact Assessment still show a HRV encroaching on a parking space, which is not supported.
- construction vehicle movements during the construction phase have not been adequately addressed. A Construction Traffic Management Plan (CTMP) is to be provided that addresses vehicle movements to and from the site with minimal disruption to Barber Avenue operations.

#### **Landscape design**

- the proposed tree species and landscape plans are not suitable for the proposed locations. The planting proposal requires reconsideration to address Council's concerns, noting that this could be addressed via conditions of consent.
- the updated landscape plans make no reference to tree protection measures. An arborist is recommended to be engaged to advise on measures necessary to minimise impacts to trees, tree protection and constructability with the long-term health of trees in mind.

#### **EHG**

EHG advised that its previous comments were adequately addressed in the updated BDAR. However, to fully demonstrate the adequacy of the BDAR assessment EHG requested that the BDAR be further updated to include the results of BioNet Atlas background searches.

#### **TfNSW**

TfNSW requested that further clarification be provided on matters relating to the submitted vehicle swept path analysis. TfNSW also reiterated that the Applicant is to submit an electronic copy of the SIDRA modelling files undertaken to TfNSW for review and verification.

As result of a review of the RtS, the Department also request that the Applicant provide following additional information:

- evidence to demonstrate that adequate deep soil is available to support the proposed planting.

- consideration be given to providing a useable outdoor area on the north-western terrace located on Level 6 of the proposed building.

### **Further information**

In response to Council's RtS comments, public authority advice and the Department's request for further information, the Applicant provided additional information including updated plans and a revised BDAR. The additional information was provided to address the concerns raised by Council in relation to the design of Barber Avenue, revise the BDAR to reflect EHG's comments and to address TfNSW questions about the traffic modelling.

### **Further public authority advice**

Council has reviewed the additional information provided by the Applicant and is generally satisfied with the revised design of Barber Avenue, which has increased the amount of available on-street parking to 32 spaces. Council further requested that consideration be given to requiring the conversion of two parallel spaces between the entry and exit driveways to four 90 degree spaces. Council also reiterated that no private hospital infrastructure is to be built on public land, which is currently proposed for the location of a pedestrian access ramp, adjoining low retaining wall and a stormwater pipe.

EHG is supportive of the updated BDAR and has requested that the Department impose conditions of consent requiring the implementation of the proposed mitigation measures as described in the BDAR.

TfNSW has confirmed that the Applicant has addressed its questions regarding the traffic modelling and provided support for the project.

## 6 Assessment

The Department has considered the Applicant's EIS, the issues raised in submissions and agency advice, the RtS and supplementary information in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- access, parking and traffic.
- built form, landscaping and public domain.
- biodiversity impacts
- noise impacts.

The key issues are addressed in **Sections 6.1 to 6.4**. Other issues considered during the assessment are discussed in **Section 6.5**.

### 6.1 Access, parking and traffic

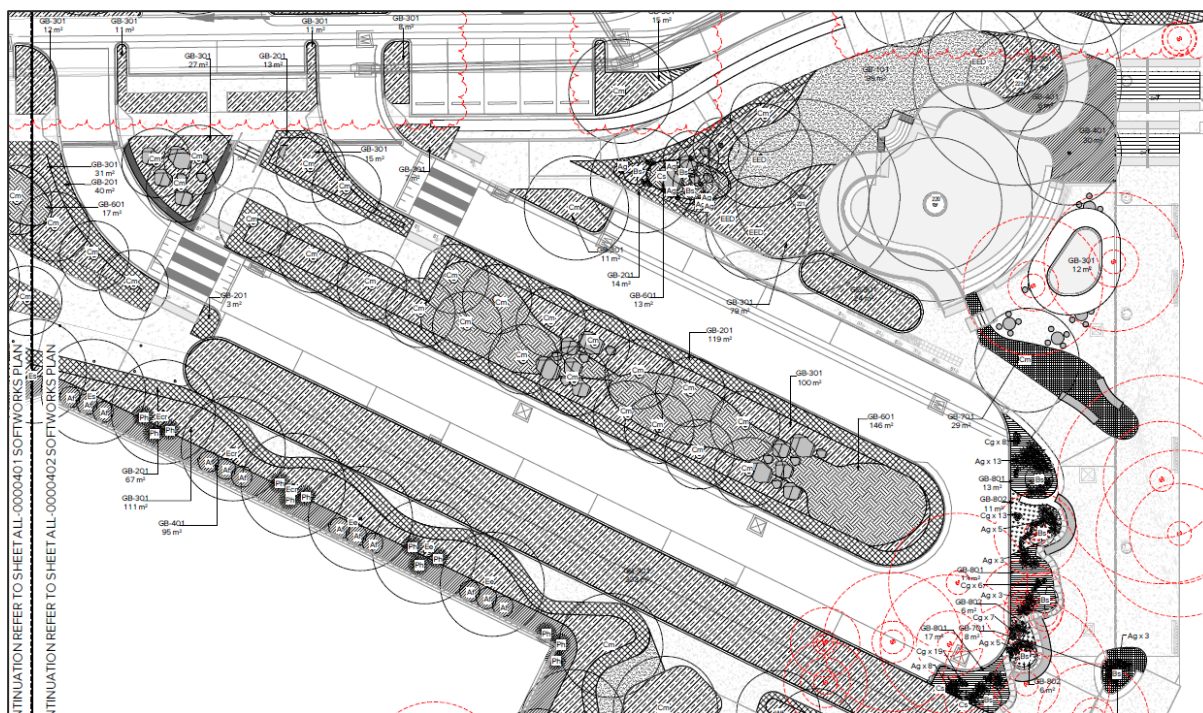
#### 6.1.1 Access

The application is accompanied by a Transport and Accessibility Impact Assessment (TAIA), incorporating a Preliminary Construction Traffic Management Plan (CTMP) and Green Travel Plan (GTP), which consider the existing road and pedestrian connections, predicted construction and operational impacts, transport mode share and sustainable transport measures.

The hospital campus currently has three vehicular access points off Somerset Street, two off Derby Street, one off Parker Street and one off Barber Avenue. The western access off Derby Street provides for emergency vehicle access.

The existing loading dock and back-of-house area adjacent to North Block is to be reconfigured to service the Stage 2 redevelopment and the balance of the hospital. The entry point to this area is via the existing access from Parker Street, which is proposed to be retained and also reconfigured to enhance safe access and efficiency. Existing circulation routes from the dock, waste and linen area to the West Block lift cores are maintained, whilst overall connectivity will be improved. The works will be carried out in a staged manner in order to maintain loading dock access and function for the ongoing operation of the hospital.

The primary vehicle access to the Stage 2 building will be from Barber Avenue, which also connects to Parker Street to the west. Access works include the replacement of the existing single driveway with a new dual driveway vehicle entrance adjacent to the existing multi-level carpark to enable pick-ups and drops-offs to occur at the front of the Stage 2 building (see **Figure 13**). A full upgrade of the public domain within Barber Avenue is also proposed, involving an alteration of the current on-street parking arrangements.



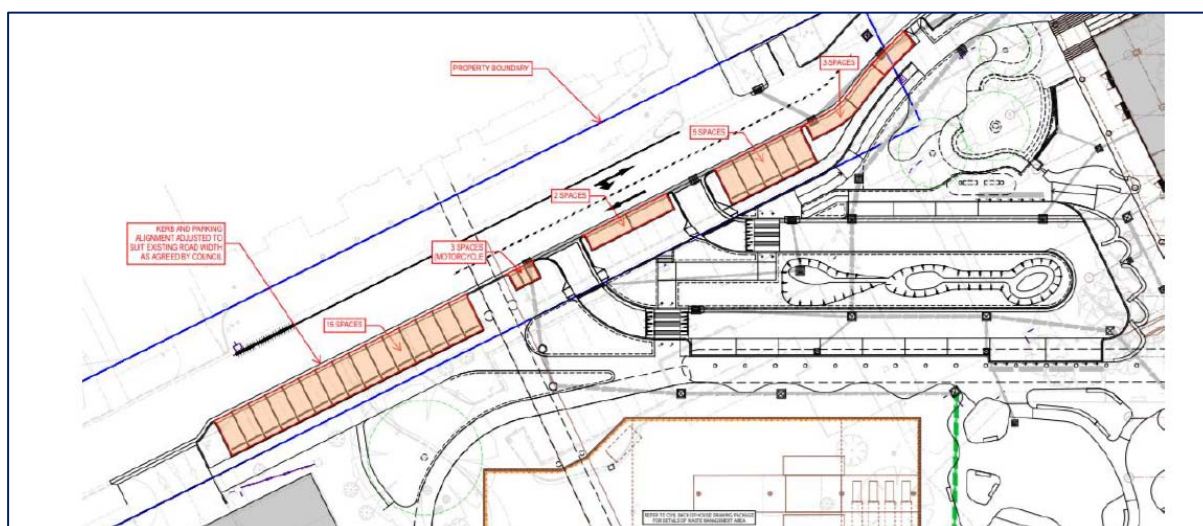


reconfirmation of existing car parking spaces and the introduction of the new multi-level carpark (over the provision prior to the multi-level carpark, Stage 1 and Stage 2 projects).

The current parking demand has been assessed as a campus-wide study as the Stage 2 building will decant certain services and the hospital's Clinical Services Plan involves changes to staffing and services that affect the parking demand. The key finding of the demand study is that the provision of parking within the campus will increase more than the demand for parking, following the completion of the Stage 1 and Stage 2 buildings. This reduces the demand for off-site parking by approximately 104 spaces when comparing the 2017 (739 spaces) and 2031 (635 spaces) demand assessments. This is also excluding changes in travel behaviours made as a result of the Green Travel Plan (GTP), which is being implemented as a condition of the Stage 1 approval (and refined following Stage 2), to reduce car usage by staff.

A new vehicle access arrangement is also proposed via Barber Avenue as part of the Stage 2 redevelopment, along with significant public domain works along Barber Avenue. A 12 space pick-up/drop-off area is proposed at the front entry of the Stage 2 building, which will be accessed from Barber Avenue in the form of separated entry and exit driveways. The access serving the multi-storey car park enables access from Barber Avenue so that vehicles can be parked after dropping off a passenger without needing to drive back out onto Barber Avenue.

In its comments on the Stage 2 EIS, Council raised concerns with the initial loss of 43 on-street parking spaces caused by the proposed public domain changes along Barber Avenue. In response, the Applicant, in consultation with Council, has revised the Barber Avenue upgrade to retain 32 spaces (see **Figure 14**, noting that five existing parallel spaces are located on the southern side of Barber Avenue adjacent to the multi-level carpark and not shown on this plan).



**Figure 14 | Revised Barber Avenue Layout (with reconfigured spaces shown coloured orange and including three motorcycle spaces) (Source: Applicant's RFI)**

Despite the loss of 11 existing on-street car spaces, Council is now generally supportive of the revised upgrade design, however maintains that the proposed two parallel spaces proposed between the entry and exit driveways should be replaced with four 90 degree rear to curb spaces (thereby reducing the loss of on-street parking spaces by a further two spaces). The Applicant's traffic consultant argues that this configuration is problematic for the following reasons:

- the arrangement of two parallel parking spaces was introduced at the RtS stage between the two driveways to increase the Barber Avenue parking supply at the request of Council. While these spaces are shown to fit within the available space, it is maintained that the legibility and safety of the driveways is compromised as a consequence. The conversion of these parking spaces to accommodate four 90 degree spaces will introduce reverse movements across the entry driveway, which results in an unsatisfactory traffic arrangement.
- the introduction of the 90 degree spaces would not only pose potential conflicts between vehicles entering the site and those leaving the parking spaces, it will also impact on sight distances for vehicles exiting the hospital site.
- the provision of four 90 degree spaces will adversely affect the visual appearance of the main entry and overall public domain by complicating the public pathway and circulation along this side of Barber Avenue.

In response, Council has provided the following comments:

- the provision of four 90 degree parking spaces between the entry and exit driveways can be achieved (i.e. there are no site constraints preventing this) and the reasoning for not providing these spaces is unjustified.
- the provision of four 90 degree spaces will enable the width of the end median between the exit driveway and the adjacent parking space to be increased, thereby providing better sightlines looking east for vehicles exiting the driveway.
- the arrangement of 90 degree parking adjacent to the entry/exit driveway already exists on Barber Avenue and currently operates without any issues. Ninety degree spaces can be entered in a forward direction travelling in both directions on Barber Avenue. The parallel spaces would require a vehicle to turnaround and enter in a westbound direction only and it is unclear where vehicles would turnaround (noting that vehicles would potentially need to enter the hospital site to turn around).
- Barber Avenue is a public road with existing 90 degree parking and the notion that 90 degree parking will adversely affect the visual appearance of the main entry and overall public domain is not considered a substantial reason for removing existing on-street parking.



The Department agrees with Council's reasoning regarding the spaces in question and has recommended a condition requiring the conversion of the two proposed parallel spaces to four 90 degree spaces. This will reduce the loss of on-street parking around a hospital campus that is currently deficient in parking and heavily reliant on on-street parking.

Subject to the imposition of the above condition, the Department is satisfied that sufficient car parking has been provided to support the proposed Stage 2 redevelopment. Despite there being a historical shortage of parking at the Nepean Hospital campus, the site is well serviced by public transport and any further car parking provision could result in a poor design outcome for the campus, requiring the removal of trees and landscaping and impacting on the availability of important outdoor breakout spaces for staff, patients and visitors.

The Department further notes that the last of the three parallel spaces provided further east at the termination of Barber Avenue currently sits within both the road reservation and partly on hospital owned land. The Applicant acknowledges that this area of the site will need to be redesigned or an alternative agreement reached with Council. In this regard, the Department has recommended a condition requiring the resolution of this issue prior to the commencement of works within Barber Avenue.

Furthermore, the campus GTP targets a reduced reliance on private vehicles by encouraging walking, cycling, public transport and car sharing. While the GTP has been prepared to satisfy the consent conditions for the Stage 1 redevelopment, the Applicant has confirmed that the GTP applies to the entire campus including Stage 2, as Stage 2 will accommodate the end-of-trip facilities and bicycle lockers required to underpin the active travel targets. The Department considers that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased which would contribute to reducing traffic congestion and parking demand. The Department has also recommended a condition of consent requiring the existing GTP for Stage 1 to be reviewed and update to incorporate Stage 2, at the suggestion of TfNSW, so that a consolidated GTP applies to both projects.

### **6.1.3 Traffic**

#### **Operational traffic**

The TAIA includes details of a previous traffic study that was undertaken in 2017 as part of the EIS for Stage 1. Based on that study, the traffic impact assessment for the Stage 2 redevelopment calculated the estimated increase in trips on the surrounding road network based on the proposed increase in parking numbers on site. This method was used because previous traffic studies undertaken at the site demonstrated that the number of trips to the hospital are governed by the availability of parking on the site.

The analysis estimated that the Stage 2 redevelopment would generate 605 additional trips in each of the two daily peak periods at the site (7am to 8am and 3.30pm to 4.30pm) identified through the traffic surveys. The distribution of these trips across the various hospital access points was determined

using survey data and professional judgement with regard to the expected changes to traffic movements following the completion of the new multi-level carpark and the Stage 1 and Stage 2 redevelopments.

The impact of the increase in trips on the surrounding road network was considered through a SIDRA analysis of key intersections in proximity to the hospital site, which examined the existing and future Level of Service (LOS) at each intersection. LOS is an indicator of the performance of an intersection based on the average delay of vehicles travelling through the intersection. This grades performance from A (good operation with delays of less than 14 seconds) to F (extra capacity required with delays in excess of 70 seconds). The below **Tables 7** and **8** outline the provided traffic modelling for the project.

**Table 7 | Site layout (Source: EIS)**

Intersection	Year	Network description
S1	2017	As existing – do nothing
S2	2021	As – do nothing – 2% growth
S3	2021	As existing + hospital development (Stage 1) – 2% growth
S4	2026	As existing – do nothing – 2% growth
S5	2026	As existing + hospital development (Stage 2) – 2% growth
S6	2031	Road upgrades, without development
S7	2031	Road upgrades + 2% Growth and 0.5% development growth

**Table 8 | Various scenario modelling for surrounding intersections (Source: TAIA)**

Intersection	Peak Period	Existing Scenario		Previous scenario		New Scenario (10- years to 2031)		
		S1	S2	S3	S4	S5	S6	S7
1. Great Western Highway / Parker Street	AM	B	B	B	B	B	C	C
	PM	B	C	C	C	D	E	F
2. Parker Street / Barber Road	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	A	A	A
3. Parker Street / Hospital Entrance	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	C	C	C
4. Parker Street / Derby Street	AM	B	B	B	B	F	F	F
	PM	D	E	F	F	F	F	A
5. Derby Street / Hospital Entrance (south)	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	A	A	A
6. Derby Street / Somerset Street	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	A	A	A

7. Somerset Street / Hospital Entrance 1 (east)	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	A	A	A
8. Somerset Street / Hospital Entrance 2 (east)	AM	A	A	A	A	A	A	A
	PM	A	A	A	A	A	A	A
9. Somerset Street / Great Western Highway	AM	B	B	B	F	F	F	F
	PM	B	F	E	F	F	F	F

The analysis found that the majority intersections currently perform well with spare capacity, having a rating of LOS A or B, and as seen from the modelling between S3 and S5, only modest changes to the level of service of the relevant intersections arises to 2026 during peak periods with the commencement of operation of Stage 2. For the Parker Street / Derby Street intersection, the PM peak performance is subject to pre-existing saturation through background growth that pre-dates Stage 2, with Stage 2 having only a further minor impact on this intersection's performance. Similarly, the Great Western Highway / Somerset Street intersection will operate at Level of Service F in the PM peak in 2021 under the 1.5 per cent growth scenario without the Stage 2 development traffic.

The TAIA also states that the traffic activity associated with the Stage 2 redevelopment has already been assessed and accepted as part of the multi-level carpark development application (as cars travelling to the Stage 2 facilities are expected to park in the new carpark) and concludes that modelling of a 10 year horizon to 2031 scenario demonstrates that the Stage 2 redevelopment has little impact on the road network compared to the background growth occurring on the network.

Council and TfNSW were satisfied that the impacts of the Stage 2 redevelopment have been satisfactorily addressed.

The Department acknowledges that road intersections within the immediate vicinity of the hospital campus will require upgrading in the future to ensure a higher level of performance regardless of the proposed Stage 2 development, and this falls beyond the responsibility of the hospital operator. The application has provided reasonable justification, mitigation strategies and modelling to demonstrate that the intersections can reasonably accommodate traffic generated by the subject proposal. The Department concludes that the traffic generated by the development is acceptable and subject the successful implementation of GTP initiatives, any traffic impacts of the proposal can be managed over time.

## Construction Traffic

The TAIA includes a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP), which details construction vehicle movements, routes of travel, parking and access arrangements, pedestrian management and measures to address potential impacts.

Following review of the EIS, neither Council nor TfNSW raised any concerns with the management of construction traffic, provided a CPTMP is prepared to the satisfaction of TfNSW. Accordingly, the

Department has recommended a condition requiring the preparation and implementation of a final CTPMP to ensure that recommended management measures are implemented during construction.

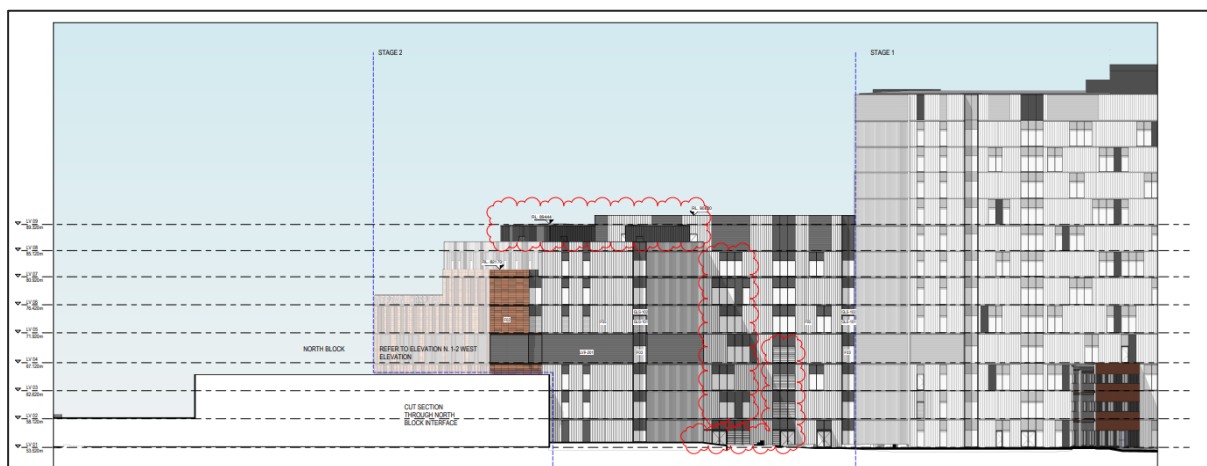
## 6.2 Built form, landscaping and public domain

### 6.2.1 Built form

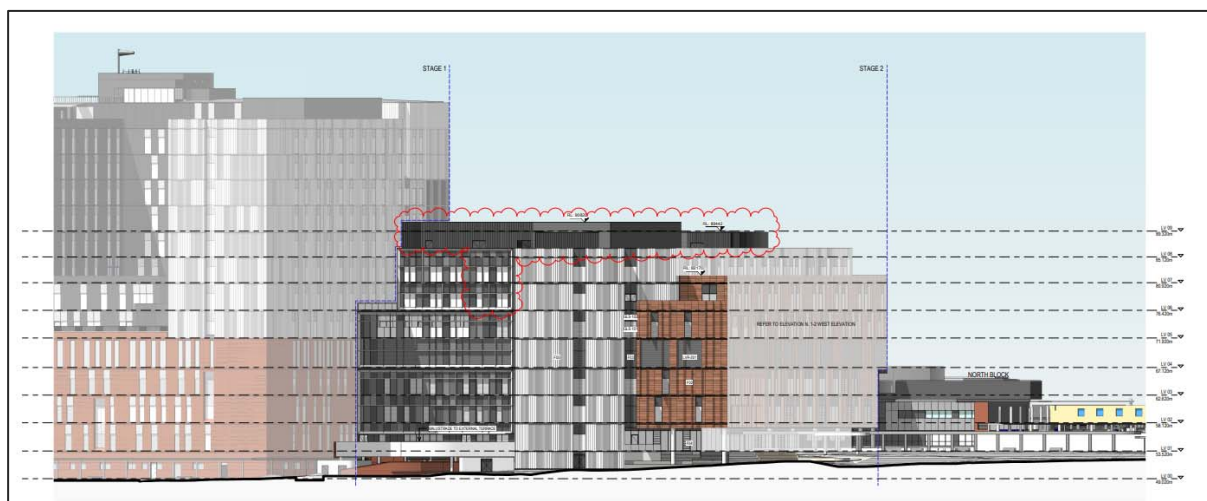
#### Height and form

The existing hospital campus is not subject to a building height or floor space ratio development standard under PLEP 2015. Furthermore, given the height and siting of the building, the proposal will not result in any overshadowing impacts to sensitive land uses or significant areas of public domain. The overall height of the seven storey Stage 2 building would remain well below the completed adjacent 14 storey Stage 1 building.

The proposed Stage 2 building has a maximum building height of 37.3m from natural ground level to the top of the rooftop mechanical plant screening, as shown in **Figures 15 and 16**.



**Figure 15 | Southern elevation (Stage 1 adjacent) (Source: RtS)**



**Figure 16 | Northern Elevation (Stage 1 adjacent) (Source: RtS)**

The primary bulk of the Stage 2 building will be seen from the western side of the site from Parker Street and from Barber Avenue. Some more obscured views from the north western corner of Parker and the Greater Western highway will exist but will be primarily blocked by the Nepean Private Hospital.

The Stage 2 building sits some 180 to 200m off all boundaries of the hospital campus. It is centrally located within the campus and sits adjacent to, but lower than the Stage 1 building. The Stage 1 building has effectively set the new built form context for the campus. This in part has set the maximum height parameter within the immediate locality in conjunction with the relevant height controls around the campus under the PLEP, which is presently set at 18m and 24m (approximately 6 and 8 storeys). The Stage 2 building at seven storeys (plus rooftop plant) is therefore not inconsistent with this established built form.

The Stage 2 building is not out of context or character with the hospital's existing built form, nor is it out of character with the desired and emerging built form of the locality and the wider Penrith Health and Education Precinct (incorporating the public hospital, the nearby Western Sydney University and TAFE campus', Nepean Private Hospital and others), which is progressively evolving.

No concerns were raised by Council or the GANSW regarding the height or built form of the proposed building and the proposal was developed with the support of the State Design Review Panel. In response to the GANSW's comments on the EIS, the proposed was modified to include patient and staff access to an outdoor terrace open space located on Level 6.

The Department has considered the proposed building height and form against the objectives outlined in clause 4.3 Building Height of the PLEP and is satisfied that the development would not have a detrimental impact as:

- the building height is consistent with the existing surrounding structures, retaining a consistent building line and matching the established character of the precinct.
- the proposal has balanced the reasonable developable potential of the site and the need to cater for the increasing demand for health and education services in the area.
- the proposal would not have adverse heritage or amenity impacts.

## **Materials and finishes**

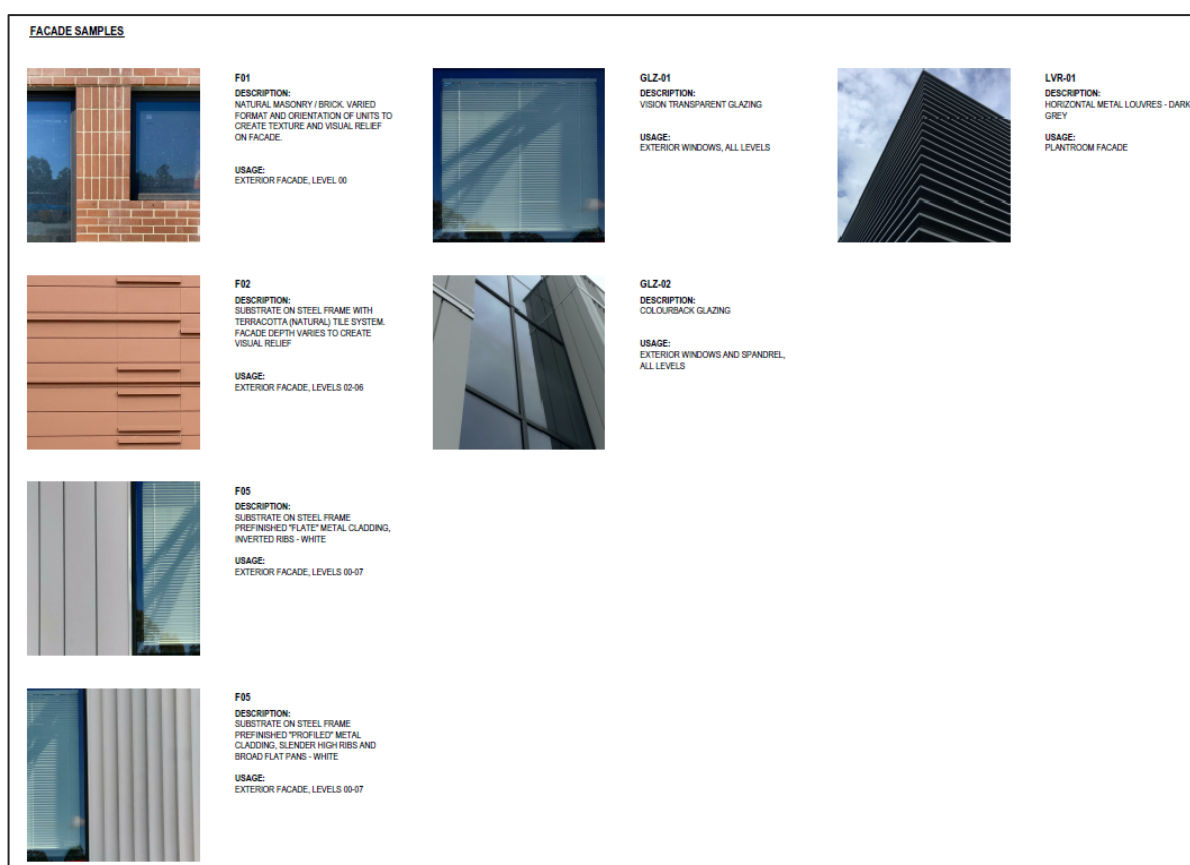
In terms of materiality, the Stage 2 building seeks to tie into the façade language of Stage 1 with the overall intention to create one seamless building, especially along the southern and eastern facades. The main focus is for façade variation and introducing change in materiality along the western façade, clearly marking the new hospital entry. The number of façade types has been kept minimal to ensure clarity in design and appearance and to relate Stage 1, whilst also allowing for construction efficiencies.

The division of the massing of solid material corresponds to key circulation corridors developed in the internal planning. Full height glazing panels setback from the main façade line preserves views at the

end of corridors, facilitating intuitive wayfinding and a connection to the outside. The materials chosen principally include (see **Figure 17**):

- varied format natural masonry / bricks.
- terracotta (Natural) tile system on steel frame.
- profile and flat metal cladding.
- shopfront glazing, transparent glazing and dark grey colourback glazing.
- horizontal metal louvres.
- sunshade terracotta louvre system.

The southern and eastern tower façades are made up of windows and metal cladding panels, which seeks to provide textural variability using a mixture of profiled/ribbed metal cladding in combination with a smooth flat panel. This provides depth and visual relief to the façade system. As a result of the design development and SDRP process, rooftop plant rooms have been set back from the building edges and employ dark-grey-coloured louvre screens to reduce potential visual impacts.



**Figure 17 | Schedule of finishes and materials (Source: EIS)**

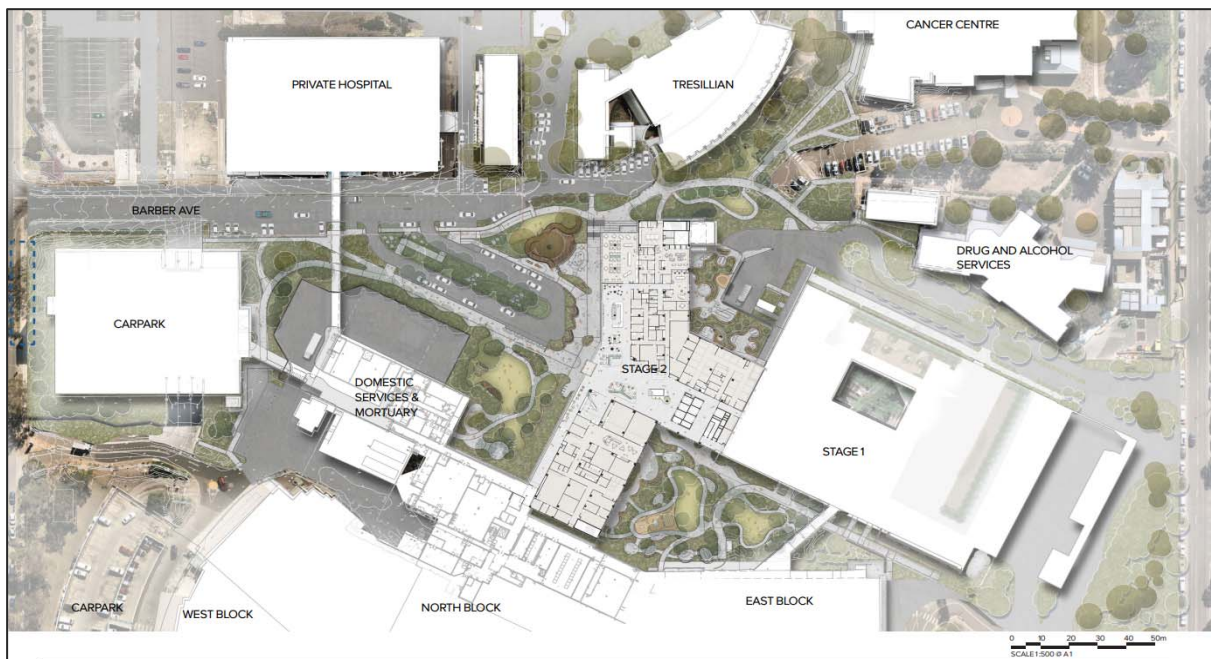
The Department is satisfied that the proposed development would make a positive contribution to the hospital campus and the wider locality and is acceptable in terms of external materials and finishes and appearance, noting the general support of the SDRP and GANSW.



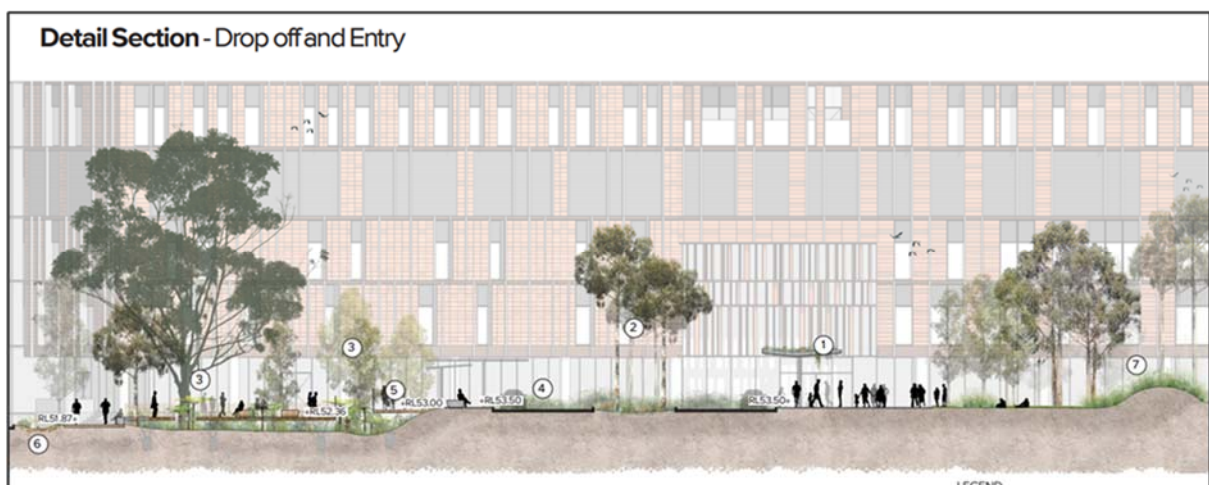
### 6.2.2 Landscaping and public domain

The application proposes the creation of a number of landscaped public domain areas and courtyards to provide an improved public domain on the upper campus and along the Barber Avenue frontage (see **Figures 9, 18 and 19**). Landscaping is also proposed for the terrace edges at Level 01 and Level 06. The key focal points of the landscape component of the project are the front-of-house area and adjacent courtyard and the Northern Courtyards and Southern Courtyards.

The Southern Courtyard (south of the Stage 1 building and east of proposed Stage 2 building) is predominantly located within a deep soil zone. The only portion without deep soil is located on the podium and accordingly has no trees proposed. Planting within the Level 1 garden beds generally have a proposed soil depth of 600mm, with mounding up to 1.0m for proposed small trees, while Level 6 planting has a consistent 950mm soil depth.



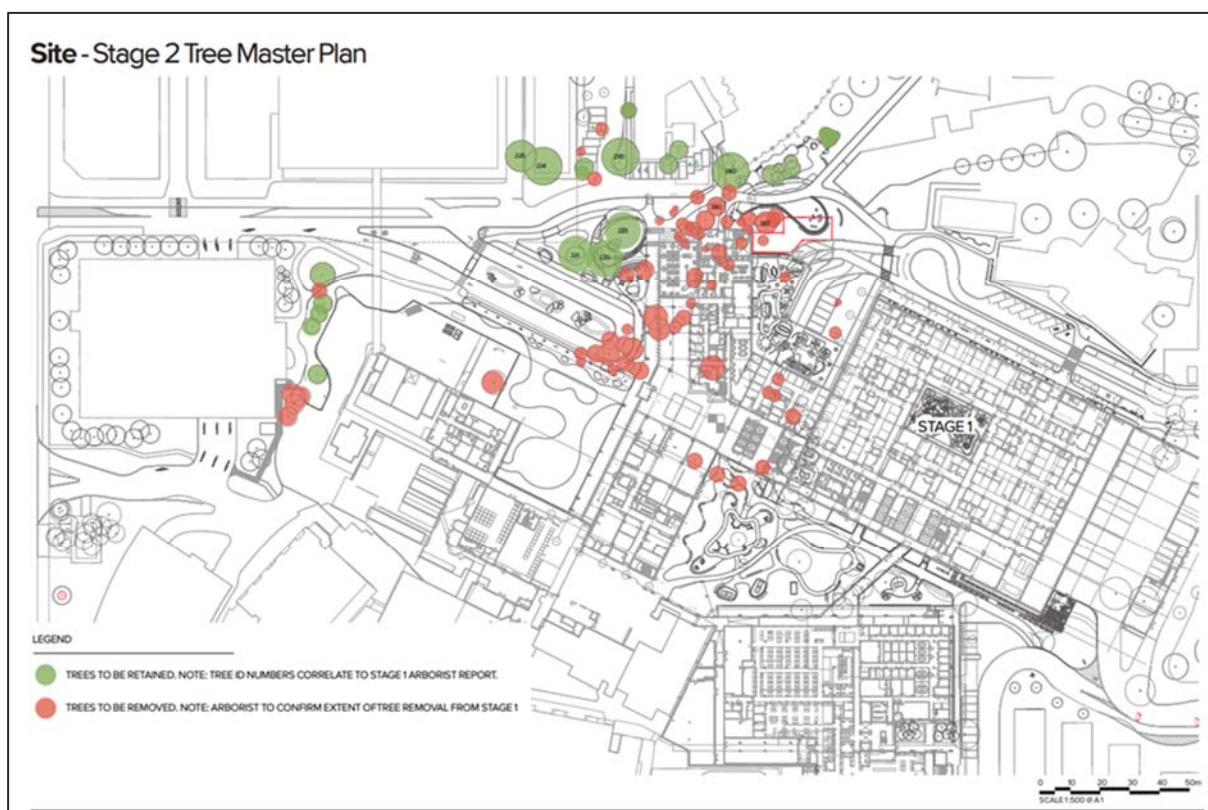
**Figure 18 | Site landscape plan (Source: Landscape report)**



**Figure 19 | Tree elevation from the west (Source: Landscape Report)**

There are some 81 trees, including two groups of trees, located within the development site. Of these, a total of 58 existing trees are proposed to be removed as a consequence of the works, the majority of which are exotic species which are not considered essential to retain. Significant trees worth retaining according to the arborist report submitted with the subject application are minimally impacted, with the exception of one jacaranda tree. The trees proposed for retention, protection and removal are shown in **Figure 20** below.

Canopy trees proposed for removal will be replaced by 105 new trees (a ratio of better than 1.8:1) under the proposed landscape design, meaning that the development will result in a net tree increase for the campus and will facilitate a more planned approach to the site landscaping. Tree planting will be comprised entirely of endemic species such as *Eucalyptus moluccana*, *Eucalyptus tereticornis*, and *Corymbia maculata*.



**Figure 20 | Tree removal plan (Source: Landscape Report)**

The GANSW has expressed support for the proposed landscaping on the development site.

The Department is satisfied that the proposal would result in an improved tree canopy coverage on the hospital campus and a superior landscape design on the campus and along Barber Avenue than currently exists. Further, the Department acknowledges that: the proposal will provide quality public spaces within and around the building, including a range of new public domain spaces and courtyards; and 105 new canopy trees will replace the 58 trees proposed for removal, with exotic species being replaced by native species endemic to the local area.

Overall, Department considers that the proposal will provide a high-quality landscape outcome that will make a positive contribution to the character of the area, providing pleasant spaces for users and improving pedestrian amenity.

Notwithstanding the above, the Department also notes that a pedestrian ramp and retaining wall is proposed adjacent to the entry driveway and Barber Avenue public footpath that encroaches on Council owned land. The Applicant has acknowledged that Council land owners consent has not been granted for this element of the design and has agreed to the Department imposing a condition removing this work from any consent issued for the proposal. The ramp will need to be redesigned to be wholly contained within the hospital site or a boundary adjustment pursued with Council separately to the subject SSD application.

### 6.3 Biodiversity impacts

Part of the development site will impact remnant vegetation which is mapped / listed as Critically Endangered Ecological Community (CEEC) 'Cumberland Plain Woodland' (Plant Community Type (PCT) 849), as listed under the *Biodiversity Conservation Act 2016* (BC Act). In accordance with section 7.9(1) the BC Act, the application was required to be accompanied by a Biodiversity Development Assessment Report (BDAR).

While the hospital campus is generally a highly disturbed urbanised environment, having been subject to a series of works and redevelopment over time with little remaining vegetation or habitat and habitat connectivity, there remain areas of planted native and exotic species around the campus as well as isolated pockets of potentially remnant native vegetation. In this regard, the BDAR makes the following observations:

*"The remnant trees are consistent with the Critically Endangered Ecological Community (CEEC) 'Cumberland Plain Woodland' (Plant Community Type (PCT) 849), as listed under the NSW Biodiversity Conservation Act 2016 (BC Act), albeit in poor condition.*

*The subject land provides suitable habitat for some common bird and mammal species, yet little habitat for threatened fauna species. However, the availability of foraging resources provides opportunistic habitat for some threatened species as part of their broader range (i.e. Little Lorikeet, Grey-headed Flying-fox, Swift Parrot). Due to the highly modified landscape and soil profile, no suitable habitat is present for threatened flora. No threatened species were recorded in the subject land during the BDAR field surveys or have been recorded in previous studies."*

**Figure 21** shows the area of Cumberland Plain Woodland on the Stage 2 site (outlined in red).





**Figure 21 |** Areas of remnant Cumberland Plain Woodland shown in purple (Source: BDAR)

The BDAR has been prepared in accordance with the Biodiversity Assessment Method (BAM).

The proposal would require the permanent removal of the following vegetation:

- 0.059ha of PCT 849 (Cumberland Plain Woodland CEEC).
- 0.112ha of planted native vegetation.
- 0.067ha of non-native vegetation.

The proposal would also result in modification and indirect impacts of a further 0.037ha of PCT 849 in adjacent areas. No key habitat features (i.e. hollow bearing trees, bush rock) would be impacted. The removal of vegetation would result in the direct loss of foraging habitat for local fauna and increase localised fragmentation within the subject land. Due to the small amount of vegetation removal and the highly modified landscape, the greater impacts to fragmentation on a landscape scale is negligible. Additional indirect impacts include increased noise, vibration, light spill and the spread of weeds and pathogens.

The Applicant has detailed that the location of the proposal, and particularly the Stage 2 building, has been chosen to minimise impacts on native vegetation. The northern extent of the Stage 2 building has attempted to retain several remnant trees in PCT 849, while replanting and landscaping works

are designed to increase the extent of PCT 849 by utilising relevant native species and creating structural vegetation layers. Regardless, unavoidable impacts (vegetation removal) to PCT 849 would require offsetting under the requirements of the relevant legislation. To address the permanent loss of 589sqm of PCT 849, the BDAR details that using the Biodiversity Assessment Method Calculator (BAM-C), two ecosystem credits are required to be provided. The balance of vegetation removal requires no offsetting and no species credits are required for the proposal.

Further, under the Cumberland Plain Conservation Plan (CPCP), the hospital and its environs are mapped as 'Excluded Land', meaning land which has been excluded from the CPCP and for which NSW strategic biodiversity certification and approval through the Commonwealth strategic assessment is not required to be sought.

The BDAR, as revised and submitted with the RtS, has been reviewed and endorsed by EHG.

Despite the loss of remnant Cumberland Plain Woodland within the hospital campus as a result of the proposed development, the BDAR has detailed that the vegetation is of poor health and scarcely scattered throughout a heavily disturbed urban site. The continued redevelopment of the campus is required to future proof capacity at the hospital to cater for population growth, cope with future demand for services and changing clinical and health needs. The BDAR has recommended appropriate offsetting to ensure that the development as a whole will not result in a significant impact on the biodiversity of the site. The Department is therefore satisfied that the proposed mitigation measures are appropriate and the impacts on biodiversity acceptable.

## **6.4 Noise impacts**

The EIS was accompanied by a Noise and Vibration Impact Assessment (NVIA) that assessed the operational and construction noise and vibration impacts associated with the proposed development.

The NVIA identified five sensitive receiver locations: 43-45 Rodgers Street (residential); Omega Apartments 48-56 Derby Street (residential); Onyx Apartments 5 Lethbridge Street (residential); 1B Barber Avenue (Tresillian); and 1-9 Barber Avenue (Nepean Private Hospital).

The Interim Construction Noise Guideline (ICNG) and Draft Construction Noise Guideline (DCNG) establish construction noise management levels (NMLs) for surrounding sensitive residential receivers and for surrounding non-residential sensitive land uses. The NVIA establishes an NML at each of the five identified sensitive receivers, being 57dB, 57dB, 58dB, 65dB and 65dB respectively.

### **Construction noise**

The proposed construction hours for the project are 7am to 6pm Monday to Friday and 7am to 1pm Saturdays (consistent with the Stage 1 redevelopment). The Applicant is also proposing to undertake some out of hours construction works between 1pm to 5pm on a Saturday for a limited amount of time during the construction process, again similar to the approved construction hours for Stage 1. Given



the works are scheduled to 5pm at a maximum a sleep disturbance assessment has not been conducted.

Based on the stages of construction and cumulative noise levels produced, **Table 9** provides a summary of the worst-case and loudest predicted noise levels as established by NVIA relative to the NMLs.

**Table 9 | Assessment outcomes and exceedances (Source: NVIA)**

Stage Scenario	Parameter (within standard construction hours)	Assessment outcome				
		43-45 Rodgers Street	Omega Apartments	Onyx Apartments	Nepean Private Hospital	Tresillian
Demolition works stage	Predicted cumulative noise levels, dBA	58	53	43	75	75
	Exceedance over NML, dB	1 (Normal)	0 (Normal)	0 (Normal)	10 (Normal)	10 (Normal)
		6 (Extended hours)	1 (Extended hours)	0 (Extended hours)	10 (Extended hours)	10 (Extended hours)
Formwork and concrete works stage	Predicted	47	46	47	63	67
	Exceedance	0 (Normal)	0 (Normal)	0 (Normal)	0 (Normal)	2 (Normal)
		0 (Extended hours)	0 (Extended hours)	0 (Extended hours)	0 (Extended hours)	2 (Extended hours)
General construction and finishing trades stage	Predicted	52	49	47	63	67
	Exceedance	0 (Normal)	0 (Normal)	0 (Normal)	2 (Normal)	2 (Normal)
		0 (Extended hours)	0 (Extended hours)	0 (Extended hours)	2 (Extended hours)	2 (Extended hours)

**Note:** Nil exceedances (i.e. 0 dB shown in green font) indicate compliance. Exceedances shown with orange font indicate noise affected receivers..

The most affected residences will be east of the hospital but with only a marginally exceeded NML during demolition works. Construction works will at no point exceed the HNL. Healthcare uses to the north of the hospital will be most affected over the course of all of the construction stages, however this is most likely to be during the earliest stage of works.

The Applicant has advised that construction noise levels will be managed to mitigate impacts where exceedances of NMLs have been identified. The construction noise management methods will be detailed in a CMVMP as recommended in the NVIA. Additional noise mitigation measures are recommended but require further resolution on appointment of a construction contractor. To assist in the prediction of noise impact and to develop mitigation measures, the NVIA recommended the preparation of a detailed construction program, which will include a schedule of activities, list of equipment per activity, location of equipment and duration of activities.

A submission was received from a member of the public raising concerns with potential construction noise, based on reported heavy machinery noise beyond 8pm at night on the nearby Nepean Private

Hospital expansion construction site (Council DA approval). A request was made that a condition be imposed on the subject proposal limiting construction hours to 6pm.

The proposed construction hours reflect the standard EPA hours of:

- Monday to Friday 7am to 6pm (works for preparation activities from 6:30am).
- Saturday 8am to 1pm.
- no construction work on Sundays or public holidays.

Some limited work between 7am and 8am on Saturday as well as limited work between 1pm and 5pm on Saturdays is also proposed, as was approved for Stage 1. No work is proposed past 6pm on weekdays or 5pm on Saturdays.

The requested above hours of construction are suitable for the proposed development within the locality in which the development site exists and are reflected within the approved conditions of consent previously issued for Stage 1. The Department has recommended that a detailed CNVMP be prepared by a suitably qualified expert and that consultation be undertaken with all noise sensitive receivers where noise levels are predicted to exceed the NML in the preparation of each of the plans. The CNVMP is also required to outline management and mitigation measures generally in accordance with the NVIA, including that trial acoustic testing and vibration validation measurements at the five sensitive noise locations be undertaken prior to commencement of works.

Subject to compliance with the recommended conditions of approval and implementation of the proposed mitigation measures, the Department is satisfied that construction noise impacts can be appropriately managed.

### **Operational noise**

The NVIA outlines that operational noise generated by the development will be generally associated with loading dock and mechanical plant. Vehicle related noise is not anticipated to significantly be altered as a result of the proposed development.

Loading dock operations resulting from the expanded and upgraded back-of-house and logistics area at North Block will result in increased capacity and additional servicing, including an increase in the size of heavy vehicles. These increased movements however will be confined to daytime hours only.

Predicted noise levels impacting the nearest sensitive receivers adjacent to the hospital (the Onyx Apartments on Parker Street to the west of the loading dock and Tresillian to the north) will be below the relevant noise criteria, largely due to distances from the loading docks area and screening of other buildings in between. The Department is satisfied that no further mitigation is necessary in this instance.

Mechanical plant as part of the Stage 2 building will be generally located in the Level 4 plant room (air handling units and emergency generator) and on Level 8 (rooftop - cooling towers, kitchen exhaust fans, exhaust fans, smoke exhaust and stair pressurisation). The NVIA asserts that the mechanical plant and equipment noise emissions can be controlled to acceptable levels at the nearest noise

sensitive receivers with typical attenuation. Detailed noise predictions should be conducted during the detailed design phases of the proposal to ensure that the mechanical plant and equipment noise emissions satisfy the relevant noise emission criteria.

The Department is satisfied the noise impacts generated by the development can be adequately managed and mitigated, subject to the verification of noise attenuation measures during the detailed design stage and verification of operating conditions upon commencement of operations. The Department has recommended conditions requiring the proposal to demonstrate that it can comply with the EPA's recommended noise limits and that post occupation monitoring is undertaken.

## 6.5 Other issues

The Department's consideration of other issues is provided at **Table 10**.

**Table 10 | Department's assessment of other issues**

Issue	Findings	Recommendations
<b>Flooding</b>	<p>The hospital campus is identified by Penrith City Council as being partially flood affected. Notwithstanding, the area subject of the Stage 2 redevelopment would generally be free of flooding impacts and there are no flood impacts likely to arise because of the proposal.</p> <p>Potential impacts (including increased flows resulting from the development) have been addressed through provision of an on-site detention tank, which will limit post-development peak flows to less than predevelopment peak flow rates. Overland flow paths have been provided in the Stage 2 design which ensures that flood risk on-site is managed and is lower than the existing flood risk. The development will not alter or adversely affect existing and known evacuation routes in the event of a flood, or further contribute to any risk of life.</p> <p>EHG has reviewed the revised information regarding the potential for flood impacts, flood management and mitigation and considers that the RtS has adequately addressed the aspects raised in previous advice on the EIS.</p>	<p>The based on advice received from EHG the Department is satisfied that on-site flood impacts have been satisfactorily addressed.</p> <p>Conditions of consent have been offered to ensure compliance will be achieved.</p>
<b>Contamination</b>	<p>A Preliminary Site Investigation conducted for the development showed potential for site contamination.</p> <p>A Detailed Site Investigation determined that remediation will be needed on the development</p>	<p>The Department is satisfied that the measures outlined in the RAP will satisfactorily manage contamination on the subject site and conditions have been recommended</p>

site to address isolated and limited asbestos finds. Based on a Tier 1 risk assessment, potential risks from exposure to asbestos were identified. As a result a Remediation Action Plan (RAP) was prepared for the site.

requiring n NSW EPA site auditor be engaged to ensure the contamination is dealt with in a satisfactory manner.

The RAP details that the proposed (and preferred) remediation strategy for asbestos is excavation and off-site disposal. A data gap investigation is required following demolition and the outcome of that investigation is to be used to confirm the extent of remediation and the preferred strategy/strategies.

The RAP also includes contingencies for remediating and validating any underground storage tanks, should they be discovered during excavation works. Contingencies for capping asbestos contaminated soil, whether in-situ, or within a borrow pit/containment cell, are also included.

Subject to implementation of the remediation measures outlined in the RAP, the conclusion is made that the site can be made suitable for the proposed development.

#### **Aboriginal Cultural Heritage**

The application incorporates an Aboriginal Cultural Heritage Assessment Report (ACHAR), which determined that the study area contains low archaeological potential due to significant disturbances caused by historical land use and modern hospital development.

As it is not expected that Aboriginal objects will be impacted upon by the proposed works, no specific mitigation measures are required.

The ACHAR recommended that: no further investigations are required for areas assessed as having low archaeological potential; a stop works provision is prepared to manage the discovery of any previously unidentified sites of objects; and continued consultation with Aboriginal groups is conducted regarding the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.

Heritage ACH raised no concerns related to the findings and agreed with the recommendations of the ACHAR.

The Department agrees with the conclusions of the ACHAR and the advice provided by Heritage ACH.

The Department has included the conditions recommended by the ACHAR and by HNSW ACH.

<b>Social impacts</b>	<p>A Social Impact Assessment (SIA) accompanied the EIS, prepared in accordance with the Department's Social Impact Assessment Guideline.</p> <p>The positive social impacts of the proposed development in delivering the project are considered to be significant. The delivery of the Stage 2 redevelopment will future proof capacity at the hospital to cater for population growth, future demand for services and changed clinical and health needs, whilst also providing a modern fit-for-purpose health facility. Accordingly, the health care outcomes and wider social benefits which will arise from investment in new health infrastructure are self-evident.</p> <p>Further, any impacts associated with the construction phase are likely to be moderate as the works are temporary and are able to be broadly managed and mitigated to avoid any more significant impacts.</p>	<p>The Department considers that the proposal would represent a net overall benefit with regard to social impact. The Department is satisfied that the recommendations of the SIA can mitigate the potential negative impacts of the proposal.</p>
<b>Aviation impacts</b>	<p>An aviation report was submitted with the application to consider the impacts of the development on airspace protection, particularly the operations of the new hospital helipad located on the roof of the Stage 1 building.</p> <p>The Stage 2 redevelopment is located outside all major airport airspace areas including any planned flight path airspace for the new Second Sydney Airport as referenced by clause 7.9 of the PLEP, as well as RAAF Richmond. The hospital campus sits just inside the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 Obstacle Limitation Surface (OLS) Map's Outer Horizontal Surface line of 230.5m</p> <p>The flight path for access to and from the Stage 1 building helipad is clear of the proposed Stage 2 redevelopment with the new building being below the actual helipad height. The Stage 2 redevelopment, when built, will not impact access to/from the Stage 1 helipad. Cranes associated with the Stage 2 redevelopment will still allow access to the helipad based on the planned flightpaths.</p>	<p>The Department is satisfied that there will be no adverse aviation impacts as a consequence of the proposed development.</p> <p>A condition of consent has been recommended to ensure that the proposed development does not obstruct or impact on helipad operations.</p>



**Hazardous material**

The EIS is accompanied by a screening assessment of the proposal under SEPP 33. In accordance with the SEARs and *Applying SEPP 33*, the Applicant undertook a preliminary risk screening and identified that the storage of liquid oxygen exceeded the threshold quantities in *Applying SEPP 33* and a Preliminary Hazard Analysis (PHA) was undertaken. The PHA had been prepared generally in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 'Hazard Analysis'* (HIPAP 6), and *Multi-Level Risk Assessment*. It adopted a Level 1 qualitative risk analysis, and the Department considers this approach to be appropriate, for the dangerous goods quantities indicated in the PHA.

Further information was requested on quantities described in the PHA. In the RtS, the Applicant clarified that the PHA contained the correct in the quantity of Class 9 materials, corrected and qualified the quantity of liquid oxygen to be stored at the proposed development and clarified the units of measure of compressed oxygen. Given the clarifications provided in the RtS it is confirmed that the proposed development meets all the relevant risk criteria.

The Department notes that the proposal does not include the storage of dangerous goods that exceed threshold quantities, nor does it modify the existing storage quantities or relocated the storage location. Therefore, the application does not trigger SEPP 33.

The Department recommends a condition of consent be imposed to ensure dangerous good are handled in accordance with the Australian Standards.

## 7 Evaluation

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities. Issues raised in submissions have been considered and all environmental issues associated with the proposal have been addressed.

The Department considers that the proposal should be approved as it would provide benefit for the community by delivering improved and expanded health facilities and is predicted to generate 823 construction jobs and an additional 500 new operational jobs. Overall, the Department concludes that impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The Department considers the key issues raised to be: access, parking and traffic; built form, landscaping and public domain; biodiversity impacts; and noise impacts.

The proposal would not have an adverse impact on the local traffic network or surrounding key intersections. The Applicant has demonstrated that the proposed travel mode share is attainable subject to the implementation of the recommended sustainable transport measures and the Department's conditions of consent. Parking demand generated by the proposal can be accommodated at the hospital campus, and the Department notes that the mode shift away from private car use, subject to the successful implementation of Green Travel Plan initiatives has potential to further reduce private vehicle usage and parking demand in the future.

The height and bulk of the proposed Stage 2 building responds to the site and the existing height of buildings within the hospital campus, and the design of the façade, including materiality, ensure that the development would make a positive contribution to the streetscape and is acceptable. The proposed hard and soft landscaping would result in improved public domain outcomes on the campus. The proposal would not have any substantial impacts in terms of overshadowing, overlooking or loss of views.

The construction and operation of the Stage 2 will result in acceptable noise impacts on surrounding sensitive receivers. The Department considers that the hours of construction are acceptable and the appropriate management and mitigation measures are proposed that would ensure construction impacts on surrounding properties and the existing hospital campus are minimised. The Department has recommended operational noise conditions requiring the Applicant's noise management and mitigations measures be implemented.

Given the significant public benefit provided by the hospital expansion, the Department considers that development contributions should not be levied against the project.

## 8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of Nepean Hospital Redevelopment Project - Stage 2 (SSD-16928008), subject to the conditions in the attached development consent.
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

**Recommended by:**



**Tom Stanton**  
Planning Officer  
Social Infrastructure

**Recommended by:**



**David Gibson**  
Team Leader  
Social Infrastructure

## 9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal line extending to the right.

9 December 2022

**Karen Harragon**

Director

Social and Infrastructure Assessments

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Impact Statement

<https://pp.planningportal.nsw.gov.au/major-projects/projects/nepean-hospital-redevelopment-stage-2>

2. Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/nepean-hospital-redevelopment-stage-2>

3. Response to Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/nepean-hospital-redevelopment-stage-2>

4. Additional Information

<https://pp.planningportal.nsw.gov.au/major-projects/projects/nepean-hospital-redevelopment-stage-2>



## Appendix B – Statutory Consideration

### Environmental planning instruments

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)
- Penrith Local Environmental Plan (PLEP) 2010.

### Compliance with Controls

#### State Environmental Planning Policy (Planning Systems) 2021

**Table B1** | Planning Systems SEPP compliance table.

Relevant Sections	Consideration and Comments	Complies
<b>2.1 Aims of Chapter</b> The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
<b>2.6 Declaration of State significant development: section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is a type specified in Schedule 1.	Yes

<p><b>Schedule 1 State significant development—general</b></p> <p><b>14 Hospitals, medical centres and health research facilities</b></p> <p>Development that has a capital investment value of more than \$30 million for any of the following purposes:</p> <ul style="list-style-type: none"> <li>(a) hospitals,</li> <li>(b) medical centres,</li> <li>(c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).</li> </ul>	<p>The proposed development comprises development for the purpose of a hospital and has a CIV in excess of \$30 million.</p>	<p>Yes</p>
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## State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process.

The Department has consulted and considered the comments from the relevant public authorities (refer to **Section 5** of the report). Consideration of the relevant clauses of the Transport and Infrastructure SEPP is provided in **Table B2**. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

**Table B2** | Consideration of the relevant provisions of the Transport and Infrastructure SEPP

Section(s)	Consideration and comments
2.47 – 2.48 Development likely to affect an electricity transmission or distribution network	The development was referred to the relevant electricity supply authority for comment. The application was referred to Endeavour Energy and it noted that, in the broader context, continued discussions with the Applicant will be required to ensure supply will not be impacted. The Department considers no site-specific recommended conditions are necessary.

2.116 – 2.122 Development in or adjacent to road corridors and road reservations

The development constitutes traffic generating development in accordance with the SEPP as it would provide an additional 78 beds bringing, which exceeds the 100-bed requirement for the total development site with access to a classified road. The SEPP requires traffic generating development to be referred to Roads and Maritime Services (RMS) for comment.

The application was referred to Transport for NSW (incorporating RMS) (TfNSW). TfNSW reviewed the proposal and raised comments in relation to the pick-up/drop-off zone and made recommendations which are discussed further in **Section 6.3**.

The Department recommends conditions of consent in accordance with TfNSW comments.

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### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The Resilience and Hazards SEPP aims to facilitate the effective maintenance of flora and fauna diversity and preventing further habitat losses across the State by effective management of habitats across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process.

The Department has consulted with and considered the comments from the relevant public authorities (refer to **Section 5** of the report). The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application.

Chapter 3 of the SEPP provides clear definitions of hazardous and offensive industries and aims to facilitate development defined as such and to ensure that in determining developments of this nature, appropriate measures are employed to reduce the impact of the development and require advertisement of applications proposed to carry out such development. A preliminary hazard analysis is required if the development is identified as a potentially hazardous or potentially offensive development, having regard to the screening thresholds set out in supporting guidelines.

The EIS included an assessment of the hazardous / dangerous goods and waste to be managed in the proposed development. The assessment determined that the proposal would not involve hazardous / dangerous goods and waste that is not already managed by the existing hospital operations. Overall, the assessment concluded there is a low to medium risk associated with the proposed development noting that the hospital would be operated below the screening thresholds for

further investigation. On this basis, the Department is satisfied that a preliminary hazard analysis is not required.

Matters regarding to the disposal and transporting of hazardous / dangerous goods and waste, the Applicant advises that the hospital has existing procedures in place, and this would be undertaken by regulated contractors in accordance with standard safety procedures for each product. The Department is therefore satisfied that the transport of goods and waste would be appropriately managed. The Department has consulted and considered the comments from the relevant agencies (refer to **Section 5** of the report). The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

Chapter 4 of the SEPP aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a Preliminary Environmental Site Assessment, a Detailed Site Investigation and a Remedial Action Plan (RAP). The reports were prepared on a review of site history, previous environmental assessments, detailed site inspection, soil sampling at 27 locations, sampling of four existing groundwater monitoring wells. The reports identified the presence of asbestos in the form of asbestos fines/fibrous asbestos (AF/FA) was detected in fill soil at a concentration above the adopted human health-based SAC at one location. Bonded asbestos in the form of fibre cement fragments (FCF) (asbestos containing material – ACM) was also encountered at the ground surface and in the top 0.1m of fill soil at two locations at the site, which was also deemed to be an exceedance of the human health-based SAC. Elevations of heavy metals in groundwater were identified above the ecological SAC, however these were considered to be consistent with regional/background groundwater conditions. Overall, risks associated with groundwater contamination were assessed to be low.

The proposed remediation strategy for asbestos is excavation and off-site disposal. A data gap investigation is required following demolition and the outcome of that investigation is to be used to confirm the extent of remediation and the preferred strategy/strategies. The Department notes that no objections were raised to the findings and recommendations of the contamination assessment.

The Department is satisfied that the Applicant has adequately addressed Section 4.6 of the SEPP and that the site can be made suitable for its intended use. The Department also recommends conditions requiring the preparation and implantation of an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during works, a detailed site investigation following the demolition of existing structures, and preparation of updated RAP following the site investigation.

As detailed at **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for use as a hospital.

### **State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 of the SEPP applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The development includes a hospital identification sign located on the north western façade. Under Section 3.6 of the

SEPP, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B3** demonstrates the consistency of the proposed building signage zones with these assessment criteria.

**Table B3** | Industry and Employment SEPP compliance table

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed hospital identification signage is compatible with the character of the locality.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed sign is integrated into the overall design of the building and will not detract from the visual quality of surrounding heritage items, residential areas and will not detract from the amenity or visual amenity.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage is located within the profile of the building and will not affect any views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is appropriately located and scaled to not dominate the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal will not have an adverse impact on the viewing rights of other advertisers.	Yes
<b>4 Streetscape, setting or landscape</b>		



Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signage is integrated into the design and appropriate for the health context.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage, whilst visually prominent, will be integrated into the design of the building facade to minimise visual impact when viewed from streetscape and public domain.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage doesn't result in cluttering and is the sole signage of the façade	Yes
Does the proposal screen unsightliness?	The purpose of the sign is for building identification. It is not required to screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the parapet.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The location and size of the signage is suitable for the scale of the building and appropriate for the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signage is appropriately located and integrates well with the building whilst respecting the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is located to be visually prominent without detracting from the visual quality of the site and its relationship to the surrounding health buildings.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage will be fully integrated with the structures on which they are displayed.	Yes
<b>7 Illumination</b>		

Would illumination result in unacceptable glare?	The single hospital identification sign will not result in unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The hospital identification sign will not be illuminated enough to affect safety for pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	Amenity will not be impacted as a result of the proposed signage.	Yes
Can the intensity of the illumination be adjusted, if necessary?	A condition of consent will ensure that the illumination can be adjusted.	Yes
Is the illumination subject to a curfew?	Illumination will not be subject to curfew.	Yes

## 8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is appropriately located within the building profile and would not have an adverse impact on the safety of pedestrians.	Yes
Would the proposal reduce safety for any public road?	The signage is situated in positions that would not result in any adverse safety impact from the surrounding road network.	Yes

## State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The sustainability provisions for non-residential development include:

- embodied emission measurement and reporting for all developments.
- energy standards for large commercial development with energy performance to be verified after the building is occupied and offsets purchased for residual emissions.
- minimum water standards for large commercial development.
- certain developments to be 'all electric' or capable of converting to operate without fossil fuels by 2035.

The Sustainable Buildings SEPP and associated amendments to Environmental Planning and Assessment Regulation 2021 and Environmental Planning and Assessment (Development

Certification and Fire Safety) Regulation 2021 will commence on 1 October 2023. Savings and transitional provisions have been included so that the Sustainable Building SEPP does not apply to development applications that have already been submitted, but not yet determined by the commencement date. Therefore the Sustainable Buildings SEPP is not applicable to the assessment of the subject SSD application.

### Penrith Local Environmental Plan 2010 (PLEP)

PLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Penrith LGA. PLEP also aims to conserve and protect natural resources and foster economic, environmental and social wellbeing.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the PLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the PLEP. Consideration of the relevant clauses of the PLEP is provided in **Table B4**.

**Table B4 | Consideration of the PLEP**

PLEP 2010	Department Comment/ Assessment
Section 2.1 Land use zones	The site is zoned SP2 Infrastructure and hospital is a permissible use with consent.
Section 4.3 Building height	The site is not subject to a height limit control.
Section 4.4 Floor Space Ratio	The site is not subject to a floor space ratio control.
Section 5.10 Heritage conservation	The site does not contain nor is near to any sites of local heritage significance. Nor is the site or surrounding land included in a heritage conservation area.
Section 5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable
Section 5.21 Flood Planning	The clause provides that the consent authority must be satisfied that the development is compatible with the flood function and behaviour of the land, will not adversely affect flood behaviour resulting in adverse impacts on other development or properties, incorporates measures to manage risk, and will not significantly impact the environment. The Department has considered flooding impacts in detail in <b>Section 6.5</b> and is satisfied that the development will not result in unacceptable flood risk.

Clause 7.1 Earthworks	The earthworks associated with the proposed development include excavation to accommodate the proposed building and the adjoining access road within the site. The excavation works are not anticipated to result in any significant impacts to drainage or soil stability. Additionally, the site is not located in proximity to any identified areas of archaeological sensitivity environmentally sensitive areas. The earthworks are not expected to result in any unreasonable impacts and appropriate mitigation measures are proposed to manage impacts, including management of dust, noise and erosion and sediment control during construction.
Clause 7.7 Servicing	All essential services are available to the development. The Department has recommended conditions of consent that require services to be connected to the development prior to the commencement of aboveground works.

### Development Control Plan

In accordance with Clause 2.10 of the Planning Systems SEPP, Development Control Plans do not apply to State significant development. Notwithstanding this, the objectives of relevant controls under the Penrith Development Control Plan 2014, where relevant, have been considered in **Section 6** of this report.

## Appendix C – Recommended Instrument of Consent