

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-16928008 Nepean Hospital Redevelopment - Stage 2
Applicant	Health Administration Corporation
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)*, granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

9 December 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including capital investment in health infrastructure, as well as the creation of 823 construction jobs and an additional 500 new operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Commission's Greater Sydney Regional Plan 'A Metropolis of Three Cities' and Western City District Plan, Transport for NSW's Future Transport Strategy 2056 and NSW State Infrastructure Strategy 2018-2038 Building the Momentum;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has included conditions to ensure: landscaping and public domain works are delivered in a timely manner; a Green Travel Plan is delivered to achieve a gradual modal shift away from private vehicle travel; noise mitigation is developed through design development to ensure noise targets are complied with; and construction impacts are appropriately managed;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement from 21 January 2022 until Thursday 17 February 2022 (28 days). One public submission was received.

The Department also undertook a site inspection to develop a deeper understanding of the site and the impact of the issue upon the locality.

The key issues raised by Penrith City Council and the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include construction noise impacts and the proposed upgrade of Barber Avenue and loss of on-street parking. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Barber Avenue upgrade</i></p> <ul style="list-style-type: none"> The proposed upgrade of Barber Ave should minimise any loss of on-street parking The proposed private infrastructure needs to be removed from Council Land. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The original design proposed the removal of all 43 car parking spaces within Barber Avenue. The Applicant amended the design reducing the loss of existing on-street car spaces. Council is now generally supportive of the revised design, despite maintaining that the proposed two parallel spaces between the entry and exit driveways should be replaced with four 90-degree rear to curb spaces. The applicants traffic consultant argued that the requested 90-degree spaces would impact sightlines and will require reverse movements across driveways and result in a less desirable appearance. Council has provided a suitable alternative argument demonstrating that 90-degree spaces allow for more parking and a more suitable means of access to the parking spaces, despite the Applicants traffic consultants recommendation. Subject to the imposition of conditions, 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. Council also noted that a 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 landowners 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 an alternative agreement pursued to resolve the encroachment into Council land. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A condition outlining that the private infrastructure works within Council land and Barber Avenue Road reservation (along its south-eastern side adjacent to its termination) are to be wholly located in the hospital site or an agreement reached with Council for the works to be on Council land. A requirement for the eastern most parallel parking spaces to be redesigned within the road reserve or evidence be provided to the Planning Secretary that a boundary adjustment or other agreement has been reached to address one parking space being partially located in the road reservation. A requirement to provide swept paths demonstrating that vehicle can safely turnaround to access the three parallel parking spaces at the eastern end of Barber Avenue. Unless the spaces are redesigned to be 90-degree spaces. A requirement for the two parallel spaces between the driveway on Barber Avenue are to be redesigned and constructed as four 90-degree spaces.
<p><i>Construction noise</i></p> <ul style="list-style-type: none"> Request that construction works no be allowed to continue past 6pm. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant is not seeking to undertake construction past 6pm. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> No construction works are allowed to be undertaken past 6pm on Mon-Fri, and past 5pm on Saturdays.