



# Wentworthville Northside West Clinic Extension

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State Significant Development Assessment Report  
SSD-17899480

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Cover image: *Eastern elevation of the Wentworthville Northside West Clinic* (Source: Applicant, 2022)

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# Glossary

Abbreviation	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>Applicant</b>	Ramsay Health
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Cumberland City Council
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning and Environment
<b>EHG</b>	Environment and Heritage Group of the Department of Planning and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>Interim Operation</b>	Interim Operation commencing immediately before demolition up until final operation of the Wentworthville Northside West Clinic Extension
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<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>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 development of the Wentworthville Northside West Clinic Extension (SSD-17899480) as revised by the Response to Submissions (RTS) and Supplementary Response to Submissions (SRtS). The site is located at 23-27 Lytton Street, Wentworthville in the Cumberland local government area (LGA), and the Applicant is Ramsay Health.

## Assessment summary and conclusions

The proposal would support the delivery of an enhanced health services facility that would provide increased patient capacity to help meet growing demand. The Department of Planning and Environment (the Department) concludes that the proposal is in the public interest.

The Department believes that proposal can be approved, but recommends a deferred commencement consent as the Applicant has not provided sufficient information to demonstrate the building, as proposed, complies with the Building Code of Australia (BCA) at each operational stage without change to the building as proposed.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.14(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), and issues raised in submissions and agency advice, as well as the Applicant's response to these.

The Department identified the key issues for assessment as being built form and urban design; tree removal, landscaping and biodiversity; traffic, transport and parking; flooding; as well as noise and vibration. The Department's assessment concluded the:

- built form, including height and bulk of the proposal, is generally acceptable when considered in the current and future context of the surrounding development. Although exceeding the maximum height of building and floor space ratio controls, the extension of the existing hospital has been designed to ensure that the maximum height exceedances are contained within the centre of the site, reducing visual and amenity impacts at neighbouring properties.
- proposal includes the removal of 35 trees and the planting of 13 replacement trees. The proposal would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. The proposed landscaping would provide a pleasant and safe space for users of the facility. However, to provide mitigations in relation to overlooking, as well as screening of the building bulk and streetscape contribution, the Department has also recommended a condition requiring additional off-site tree planting.
- site is subject to overland flow flood events, however the development would not increase flooding or flood hazard at neighbouring properties. The proposal would safeguard patients and staff during flood events, and site operations can be managed and maintained to an acceptable level, subject to the preparation of a detailed Emergency Management Plan

- traffic generated by the proposal can be accommodated on the surrounding road network, and car parking demand can be accommodated primarily within the site and to a small extent on adjacent streets
- 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.

The impacts of the proposal have been addressed in the Environmental Impact Statement (EIS), the Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS). The deferred commencement conditions recommended by the Department requires the Applicant to submit an updated BCA Report, confirming the development can meet the requirements at each operational stage without any further change to the existing built form. The Applicant is also required to demonstrate that construction noise and vibration impacts on patients and staff are acceptable during the interim operational stage. The consent would only become operational once the deferred commencement conditions have been satisfied. The Department has also recommended conditions to ensure the identified impacts of the proposal are managed appropriately during construction and operation of the development.

### **The proposal**

The proposal seeks approval for redevelopment of the Wentworthville Northside West Clinic, including demolition of an existing two-storey building at the rear of the site and construction and operation of a four-storey extension to the existing Stage 1 clinic building. The proposal includes alterations and additions to the existing building; landscaping; tree removal; new car parking; and infrastructure improvements.

The application was revised after exhibition, to provide minor reductions of the proposed building height; increase tree removal; amend the landscaping strategy to provide additional tree planting; include three wayfinding signage pylons; provide a space for the installation of Indigenous art; and revise stormwater pit and pipe alignment.

The application would support 60 construction jobs and provide for 23 operational jobs through the investment of approximately \$32 million in health infrastructure.

### **The site**

The application site is located at 23-27 Lytton Street, Wentworthville and is legally described as Lot 1 in DP 787784. The site typically slopes east to west from Lytton Street to a Council reserve at the rear, which is a linear north-south open space centred around Finlayson Creek. The site comprises a contemporary two-storey (plus basement) building with a northern undercroft carpark fronting Lytton Street and an older two-storey building fronting the reserve.

### **Statutory context**

The proposal is SSD under clause 14 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, as the development is for the purpose of a hospital and has a capital investment value of more than \$30 million.

The Independent Planning Commission (the Commission) is the consent authority, as Cumberland Council has made an objection to the proposal.

## **Engagement**

The application was publicly exhibited between Friday 4 February 2022 and Thursday 3 March 2022 (28 days). The Department received advice from six agencies, a submission from Cumberland Council, and three submissions from the public on the application. Council objected to the proposal. A submission from Council and advice from four government agencies were received on the Applicant's RtS.

Key issues raised in advice and submissions included the height and bulk of the built form, flooding impacts, car parking provision and impacts on trees within the Council reserve adjacent to the site.

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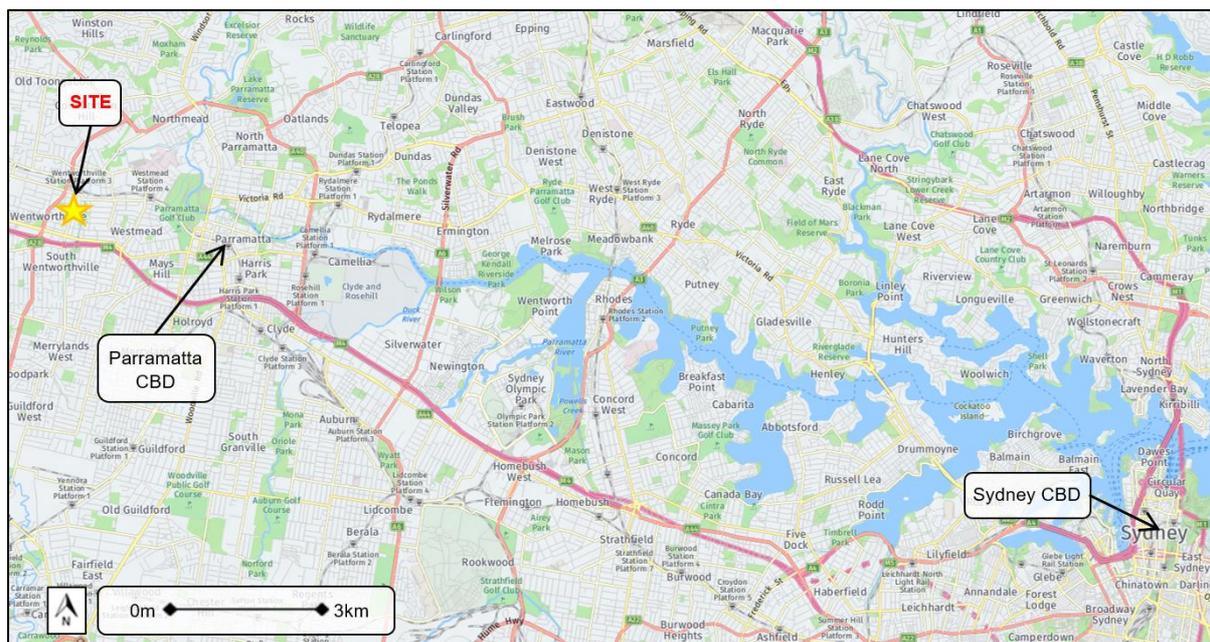
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# 1 Introduction

- 1.1.1 This report provides an assessment of a State significant development (SSD) application (SSD-17899480) for the expansion of the Wentworthville Northside West Clinic at 23-27 Lytton Street, Wentworthville.
- 1.1.2 The proposal seeks approval for the redevelopment of the Wentworthville Northside West Clinic, including demolition of a two-storey west wing building and southern carpark, and tree removal, as well as construction and operation of a four storey extension, alterations and additions to the existing building, landscaping, signage and new car parking.
- 1.1.3 The application has been lodged by Willowtree Planning on behalf of Ramsay Health (the Applicant) and is located within the Cumberland City local government area (LGA).

## 1.2 Site description

- 1.2.1 The site contains an existing mental health services facility known as Wentworthville Northside West Clinic (WNWC). The site is located at 23-27 Lytton Street, Wentworthville, and is legally described as Lot 1 DP 787784. The site is located approximately 2.7km west of the Parramatta CBD, 23km west of the Sydney CBD and 430m south of Wentworthville Railway Station. The site in its regional context is shown in **Figure 1**.



**Figure 1 |** Regional context map (Base source: Nearmap)

- 1.2.2 The WNWC site is irregular in shape and occupies approximately 6,655sqm. It includes a 107m frontage to Lytton Street to the east and is bounded by a Council reserve to the west and a low-density residential property to the north. Immediately to the south it adjoins a pedestrian access laneway which provides access between the street and reserve, beyond which is a low-density residential property. The site typically slopes east to west from Lytton Street down towards the reserve, which is a linear north-south open space centred around Finlayson Creek. The site in its local context and existing site layout are shown in **Figures 2 and 3**.

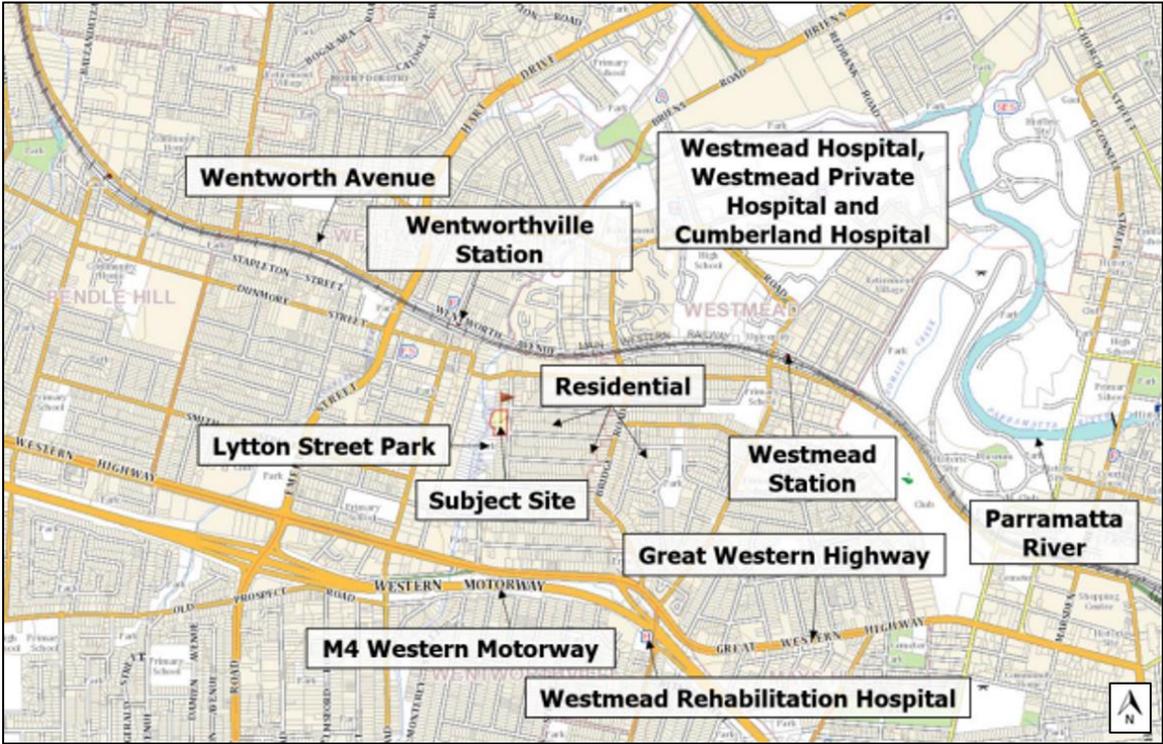


Figure 2 | Local context (Source: Applicant's EIS)

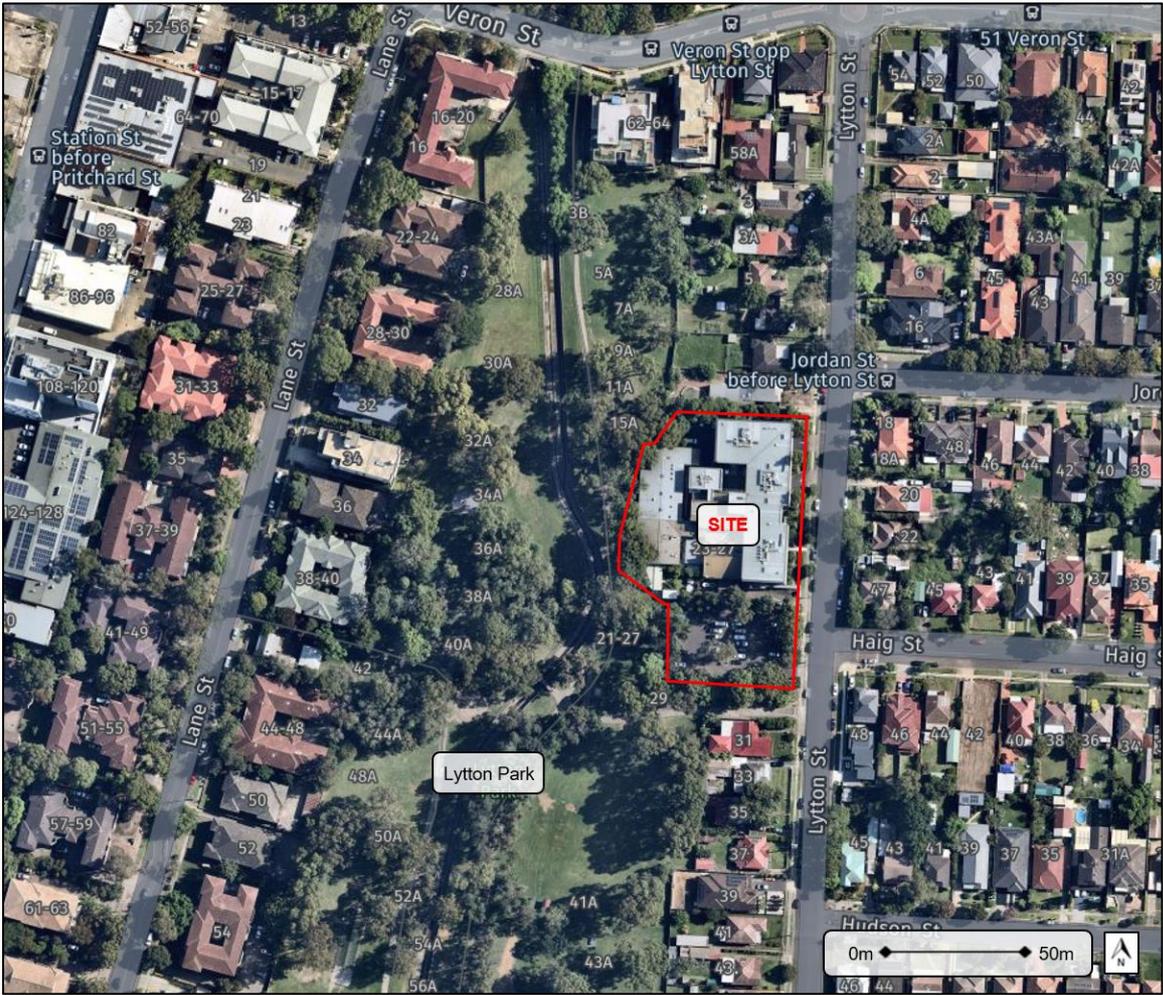
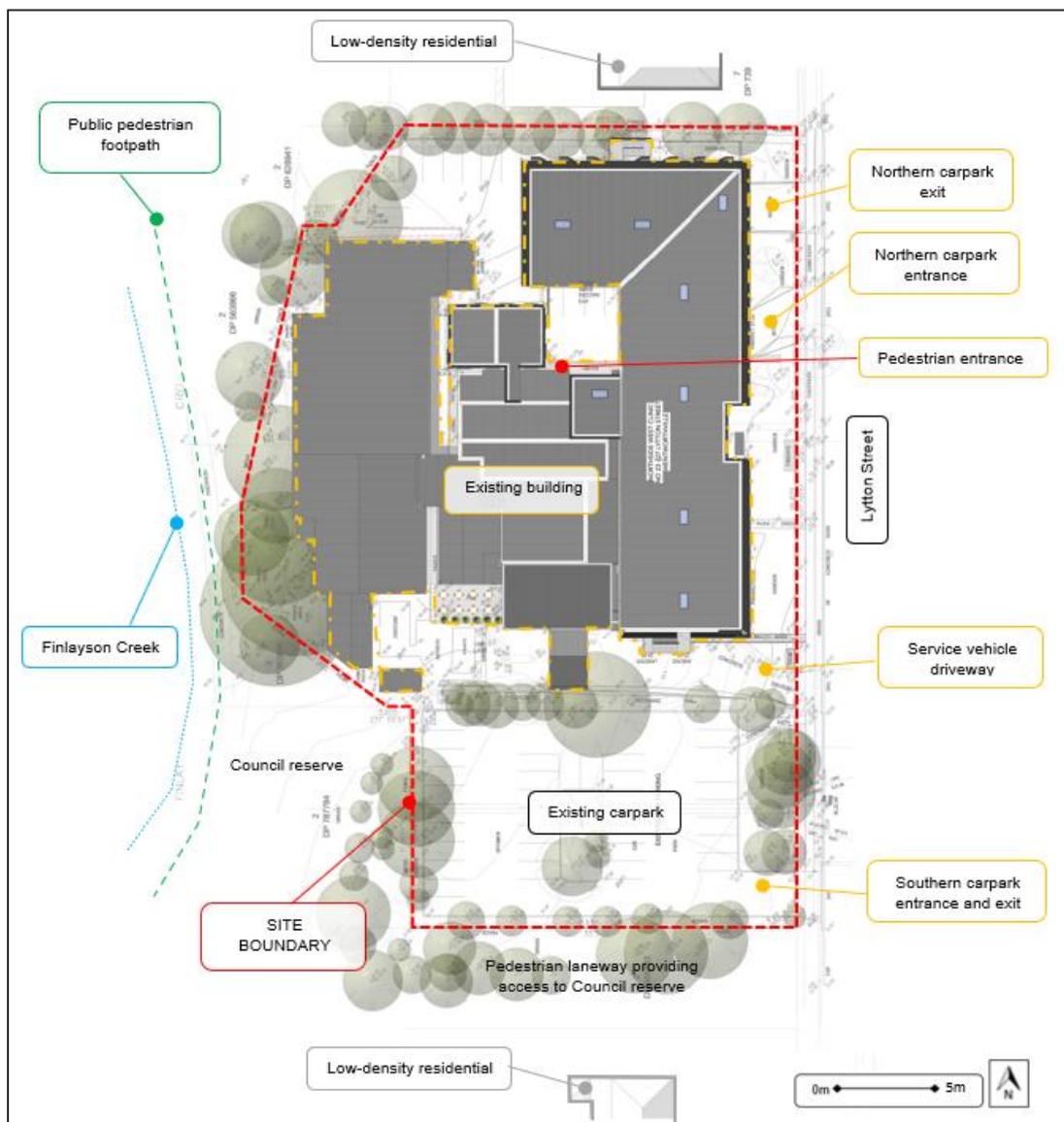


Figure 3 | Site context (Base source: Nearmap)

## Existing development

- 1.2.3 The WNWC is a private health services facility that has been in operation since the 1970s and provides mental health care services and in-patient residential care. The existing site comprises a contemporary two-storey building with a northern undercroft fronting Lytton Street, constructed in 2015 and known as 'Stage 1' of the overall development. At the rear of the site, fronting the Council reserve, stands an older two-storey building known as the 'west wing', which includes internal connections to the Stage 1 building. The site contains two parking areas, including an at-grade carpark to the south and a carpark beneath the undercroft to the north, both of which are accessed via Lytton Street. The site also includes a loading bay area, outdoor spaces for staff and patients and scattered trees throughout. Four driveway crossings currently service the site.
- 1.2.4 Stage 1, as constructed, provides 30 in-patient units / beds, nine consulting suites and 31 car parking spaces and covers a gross floor area (GFA) of 2,786sqm. When including the western hospital building proposed for demolition, the existing WNWC provides 70 in-patient units overall.
- 1.2.5 The current WNWC layout is shown in **Figure 4**, and views of the site are provided in **Figures 5 to 8**.



**Figure 4 | Existing site layout (Base source: Applicant's EIS)**



**Figure 5 |** Street view from Lytton Street, depicting the southern carpark where the extension is proposed (Source: Applicant's EIS)



**Figure 6 |** Lytton Street frontage, depicting existing northern undercroft carpark and Stage 1 building (to be retained) (Source: Applicant's EIS)



**Figure 7 |** View looking south from the Council reserve behind the site (Source: Department, 2022)



**Figure 8 |** Northward view towards existing southern at-grade carpark (Source: Department, 2022)

### Site access

1.2.6 There are four vehicle access points to the site from Lytton Street (shown in **Figure 4**), including a:

- two-way vehicle access driveway to southern carpark
- one-way loop within the northern carpark which utilises two separate driveways (entry and exit) for private and emergency vehicles

- driveway providing access to the loading dock for vehicles up to 6.4m in length, with longer vehicles required to reverse out of the driveway.

1.2.7 Pedestrian access to the site is provided from Lytton Street adjacent to the northern carpark driveway, enabling access to the main entrance of the building along a line-marked pedestrian pathway adjacent the driveway.

### **Biodiversity**

1.2.8 The site is largely developed, with vegetation scattered amongst the southern carpark and along the western and northern boundaries. The existing vegetation consists of planted native vegetation and garden beds with a mixture of native and non-native plants. The site does not contain any naturally occurring or remnant native vegetation, however it does contain one planted threatened species (*Eucalyptus nicholii*) which does not naturally occur on Cumberland Plain and is outside its natural range. Due to the modified nature of the site, few fauna habitat types are present. Nonetheless, the planted native vegetation includes feed trees for the Grey-headed Flying-fox, identified as vulnerable under the *Biodiversity Conservation Act 2016* (BC Act). However, no breeding habitat would be affected by the proposed development.

### **Flooding, stormwater and salinity**

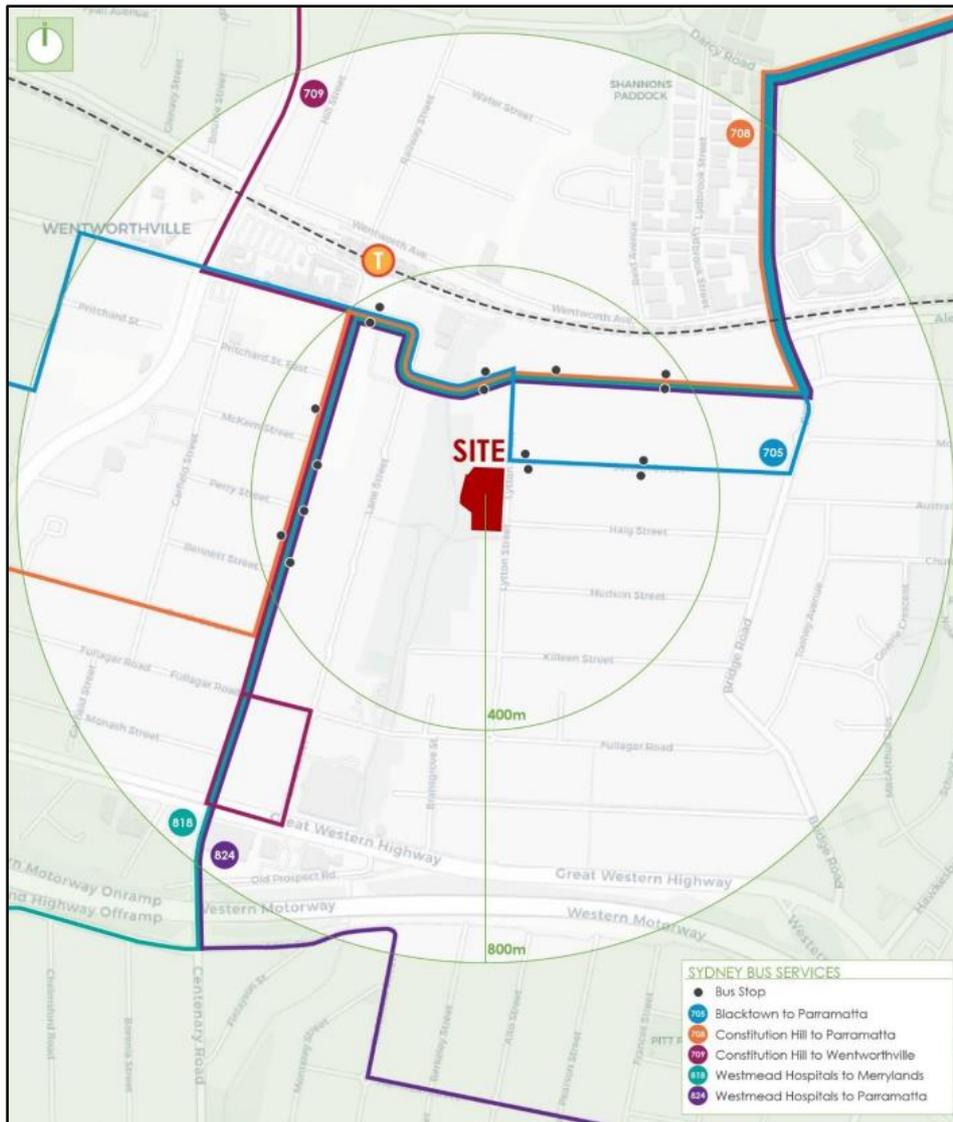
1.2.9 The site is situated near Finlayson Creek (located within an open concrete culvert), which traverses the Council reserve at the rear, and is affected during 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) flood events. The site is affected by a Council stormwater easement containing a 600mm diameter pipe, which runs east to west through the centre of the southern carpark and is proposed for realignment closer towards the southern site boundary.

1.2.10 The site is identified as an area of moderate salinity potential, pursuant to the Cumberland Local Environmental Plan (CLEP) 2021, however investigations reveal that the soils at the site are generally non-saline to slightly saline to a depth of approximately 2m.

### **Transport**

1.2.11 The site is 430m (650m walking distance) from Wentworthville Railway Station (see **Figure 9**). Wentworthville station is served by the T1 Richmond/Western line and T5 Richmond line connecting to Central Station, Parramatta, Blacktown, Penrith, Lidcombe, Liverpool and Richmond. Each line has an operating frequency of 10-30 minutes during peak.

1.2.12 The site is serviced by 16 bus stops within a 400m radius (see **Figure 9**), including bus routes 705, 706, 709, 818 and 824 available along Jordan Street, Veron Street and at Wentworthville Station, connecting the site to Parramatta, Blacktown, Constitution Hill, Westmead Hospital and Merrylands. Each route has an operating frequency of between 30-60 minutes during peak.



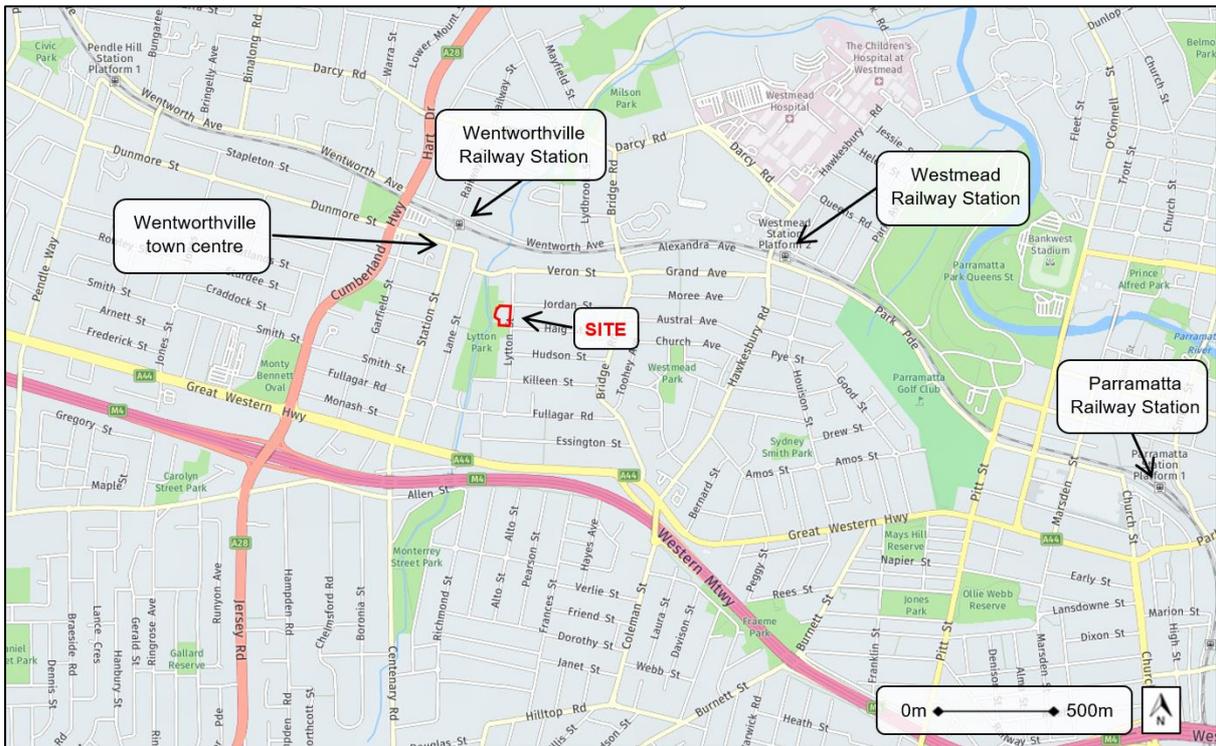
**Figure 9 |** Surrounding bus networks and stops (Base source: Applicant's TAIA)

### 1.3 Surrounding context

1.3.1 The site is located within a well-established residential neighbourhood, ranging in density from R2 Low Density to the south and east, R4 High Density to the north and RE1 Public Recreation to the west (see **Figure 10**). The Wentworthville town centre, centred around Dunmore Street and Station Street, lies approximately 400m to the north-west. The surrounding context includes:

- **North:** currently low-scale residential dwelling houses (single storey to two-storey), but zoned R4 High Density with a permitted height of 12.5 m (potential for three to four storeys). Further to the north is existing medium and high-density residential development (five to six storeys) along Veron Street, and the Main Western railway corridor.
- **East:** low-scale residential dwelling houses (single to two-storey).
- **South:** a generous width pedestrian accessway/laneway to the Council reserve, with low-scale residential dwelling houses (single storey to two-storey) beyond. The Great Western Highway and the M4 Motorway are located approximately 575m and 630m to the south, respectively.

- **West:** the site adjoins a Council reserve centred around Finlayson Creek, with medium-density residential dwellings (up to five-storeys in height) along Lane Street beyond. Further to the north-west is the Wentworthville town centre and Wentworthville Railway Station.



**Figure 10 | Local context map (Base source: Nearthmap)**

## 1.4 Previous approvals

- 1.4.1 The site has been subject to three relatively recent approvals to progressively develop and improve the health services facility, each of which were determined by Council and are listed in **Table 1**.

**Table 1 | Previous approvals**

DA number	Development description	Determination date
DA/2014/195/1	Development application for expansion of existing hospital facility to accommodate adolescent eating disorder unit.	25 August 2014
M2014/195/2	Section 96(2) Modification for alterations to an existing hospital facility	2 November 2015
CDC2017/5235/1	Complying Development Certificate (CDC) for dwelling alterations/additions.	8 August 2017

## 2 Project

2.1.1 The key components and features of the proposal (as refined in the Response to Submissions and Supplementary Response to Submissions) are provided in **Table 2** and are shown in **Figures 11** to **20**.

**Table 2 |** Main components of the project

Aspect	Description
<b>Project summary</b>	Construction and operation of a four storey extension to the Wentworthville Northside West Clinic, including alterations and additions to the existing Stage 1 building, landscaping, tree removal, new car parking and infrastructure improvements.
<b>Demolition</b>	Demolition of existing two-storey structure adjoining the rear of the existing Stage 1 building, including removal of car parking below and part of the southern carpark.
<b>Built form and design</b>	<ul style="list-style-type: none"> <li>• Construction of a new four storey extension to the existing Stage 1 building along the southern and western site boundaries, known as Stage 2. The building would have a maximum height of between 15.31m and 18.67m and comprise:               <ul style="list-style-type: none"> <li>○ a ground level undercroft with at-grade carpark.</li> <li>○ patient care and staff facilities at levels one to three.</li> <li>○ an outdoor terrace at level three.</li> <li>○ an internal void / lightwell.</li> </ul> </li> <li>• The building would incorporate contemporary materials including fibre cement cladding, solid aluminium panelling, perforated metal screening and standing-seam metal cladding.</li> </ul>
<b>Site area</b>	<ul style="list-style-type: none"> <li>• 6,655sqm.</li> </ul>
<b>Gross floor area (GFA)</b>	<ul style="list-style-type: none"> <li>• Existing: 2,786sqm.</li> <li>• Proposed: 4,498sqm.</li> <li>• TOTAL: 7,284sqm.</li> </ul>
<b>Inpatient beds / consulting suites</b>	<ul style="list-style-type: none"> <li>• Existing inpatient beds: 70.</li> <li>• Total inpatient beds as a result of the proposal: 125 (+55).</li> <li>• Existing consulting suites: 9.</li> <li>• Total consulting suites as a result of the proposal: 18 (+9).</li> </ul>
<b>Layout / uses</b>	<ul style="list-style-type: none"> <li>• Lower Ground Level:               <ul style="list-style-type: none"> <li>○ new western carpark (lower level).</li> <li>○ a new lobby, gym, loading bay, ancillary office and associated amenities within the existing Stage 1 building.</li> </ul> </li> <li>• Ground Level:               <ul style="list-style-type: none"> <li>○ new western carpark (upper level).</li> <li>○ new southern at-grade carpark beneath the building undercroft, plant room and services, substation and landscaping.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ a new lobby, art room and amenities within the existing Stage 1 building.</li> <li>● Level 1: <ul style="list-style-type: none"> <li>○ inpatient beds, consulting suites, internal open courtyard, lounge rooms, dining area, terrace, kitchenette and utility rooms.</li> </ul> </li> <li>● Level 2: <ul style="list-style-type: none"> <li>○ inpatient units, accessible units, lounge rooms, servery, dining area, terrace, kitchenette, utility rooms and external courtyard.</li> </ul> </li> <li>● Level 3: <ul style="list-style-type: none"> <li>○ inpatient units, accessible units, outdoor courtyard, lounge rooms and utility rooms.</li> </ul> </li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>● Use of the existing northern driveway from Lytton Street to provide access to the new western carpark.</li> <li>● Use of the existing southern driveway from Lytton Street to provide access to the new southern carpark.</li> <li>● Delivery and loading access via existing loading dock driveway from Lytton Street.</li> <li>● Pedestrian access via existing Lytton Street access.</li> </ul>
<b>Car and bicycle parking</b>	<ul style="list-style-type: none"> <li>● Provision of 46 additional car parking spaces within the southern and western carparks, resulting in a total of 77 off-street parking spaces.</li> <li>● 12 bicycle parking spaces proposed within the existing northern carpark, including eight staff and four visitor spaces.</li> </ul>
<b>Public domain and landscaping</b>	<ul style="list-style-type: none"> <li>● Removal of 35 trees and tree protection measures for remaining trees.</li> <li>● Site landscaping and public domain improvements, including: <ul style="list-style-type: none"> <li>○ replacement planting of 13 trees.</li> <li>○ outdoor seating, pocket garden, climbing wall, half basketball court and planter beds within the undercroft.</li> <li>○ landscaping along the western boundary, inclusive of feature planting and a mixture of native and non-native species.</li> <li>○ internal courtyard with hanging planting and outdoor courtyards on each level.</li> </ul> </li> </ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>● Ward: 24 hours per day, every day.</li> <li>● Day services: 7am to 7pm, every day.</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>● Installation of three x 2.1m tall pylon signs for building identification and wayfinding.</li> </ul>
<b>Remediation</b>	<ul style="list-style-type: none"> <li>● Asbestos identified and present on site, however site is considered suitable for development via the implementation of a Remediation Action Plan and Asbestos Management Plan.</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>● 60 construction jobs.</li> <li>● 23 additional full-time equivalent (FTE) operational jobs.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>● \$32,480,465.</li> </ul>

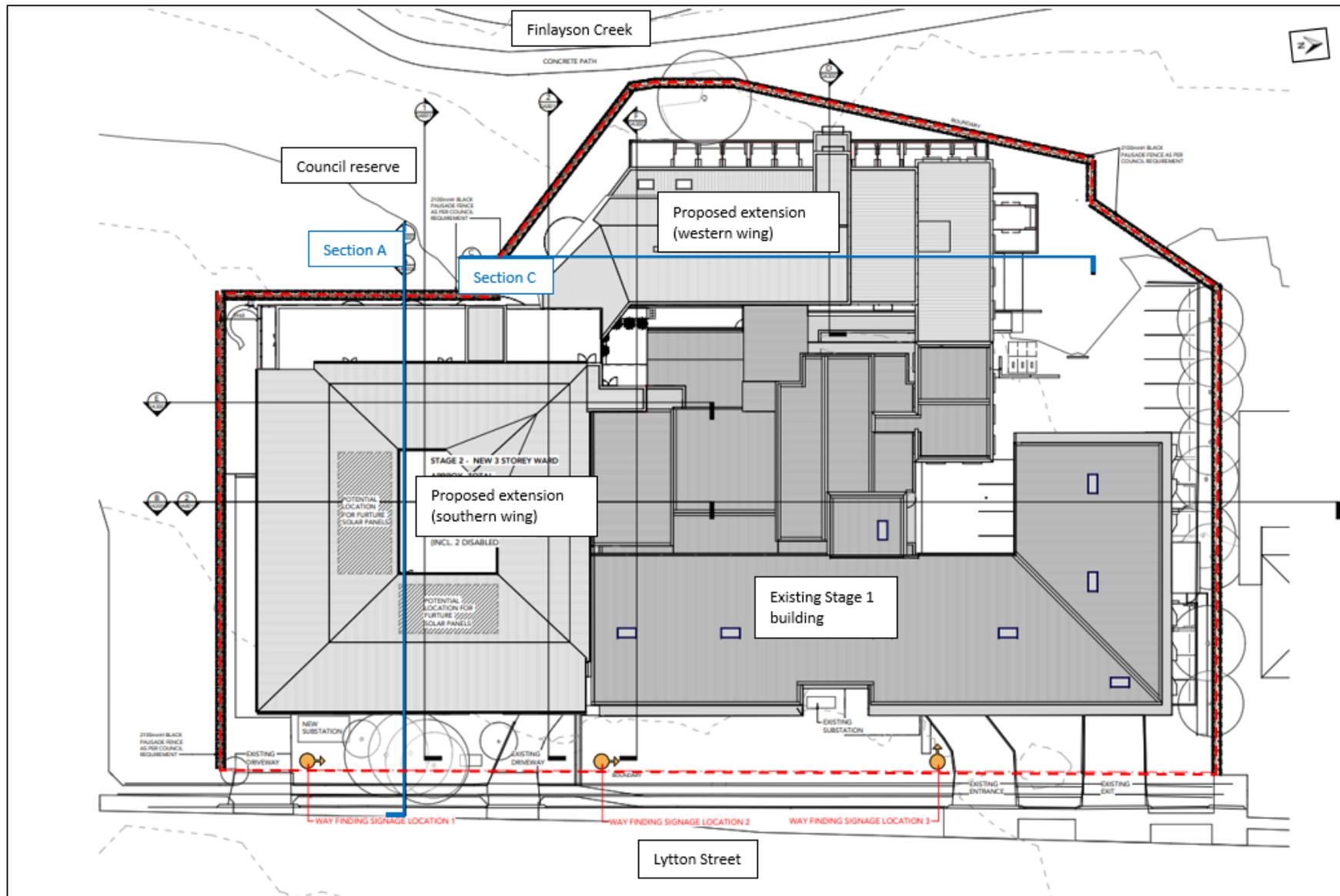


Figure 11 | Proposed WNBC site layout (Source: Applicant's SRtS)

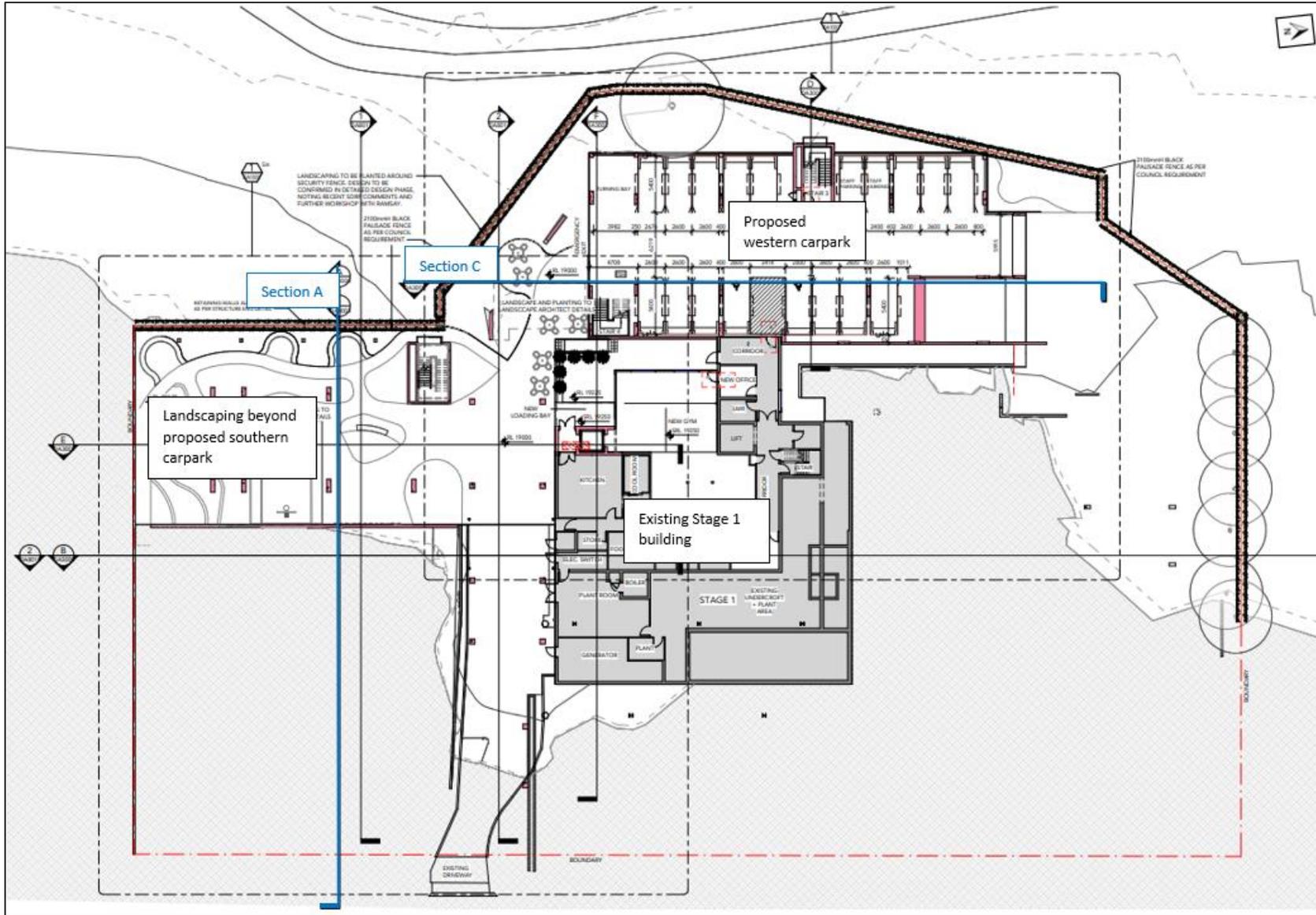


Figure 12 | Proposed lower ground level (Source: Applicant's SRtS)

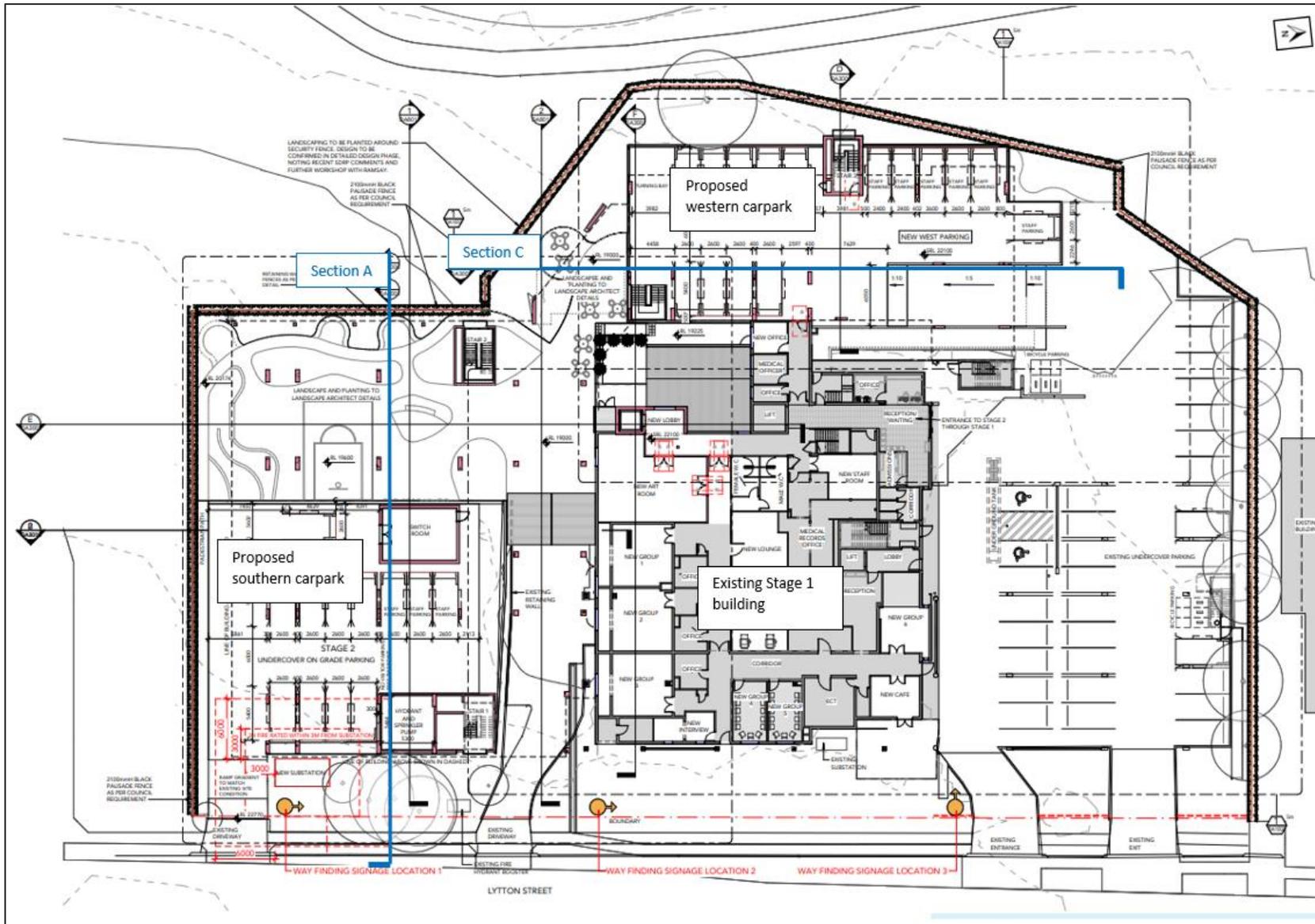


Figure 13 | Proposed ground level (Source: Applicant's RfS)

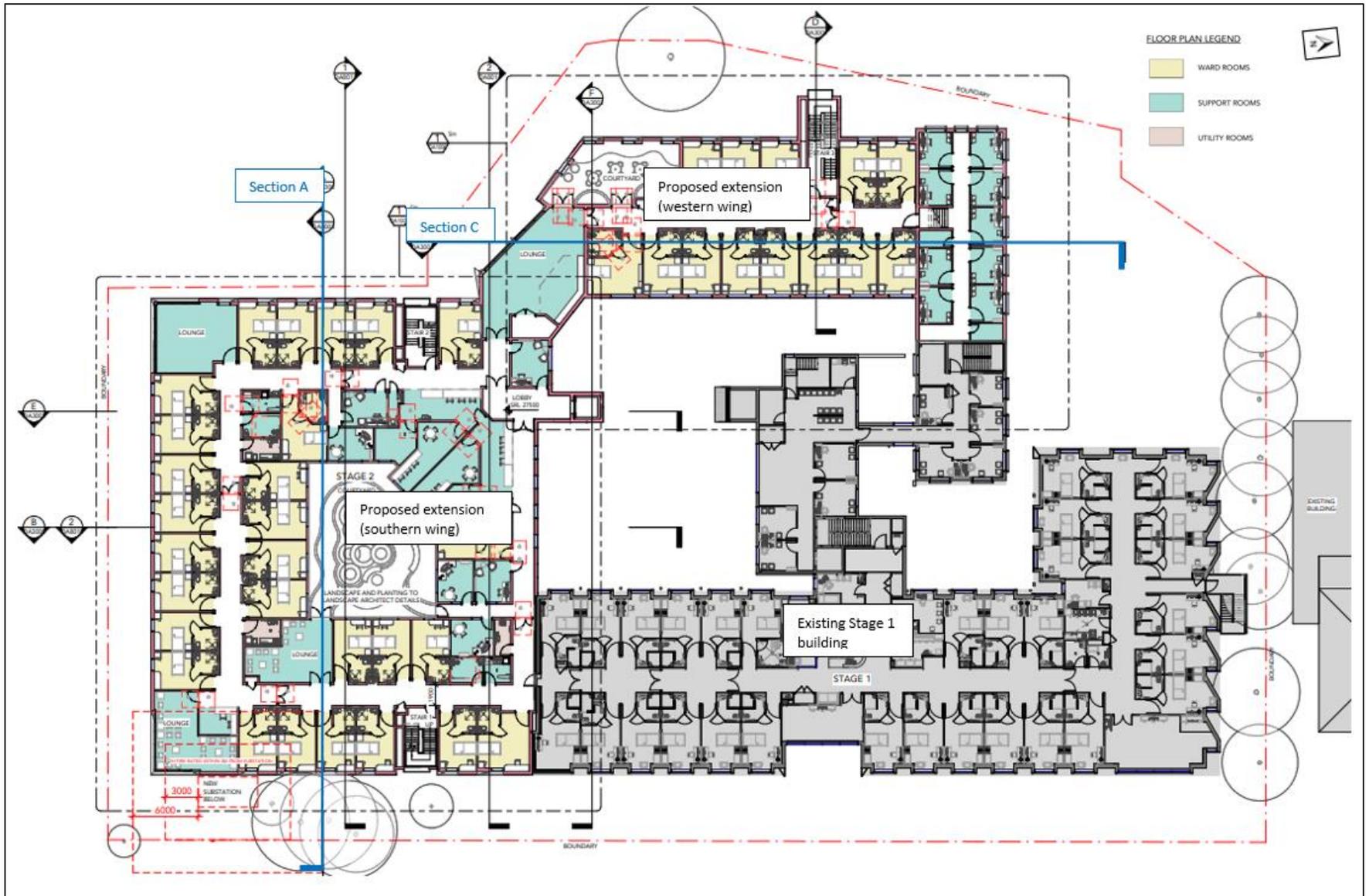


Figure 14 | Proposed first floor level (Source: Applicant's SRtS)

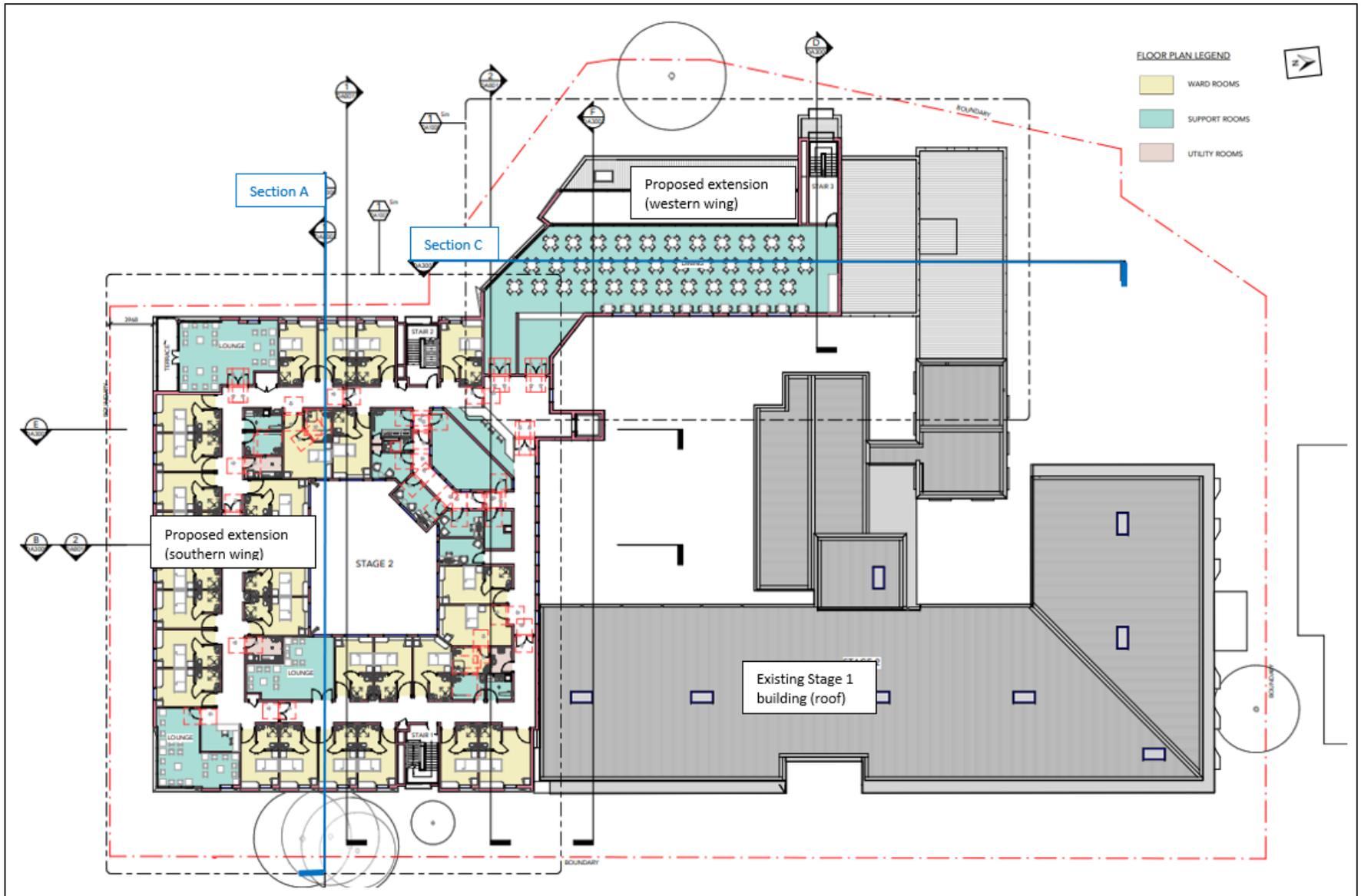
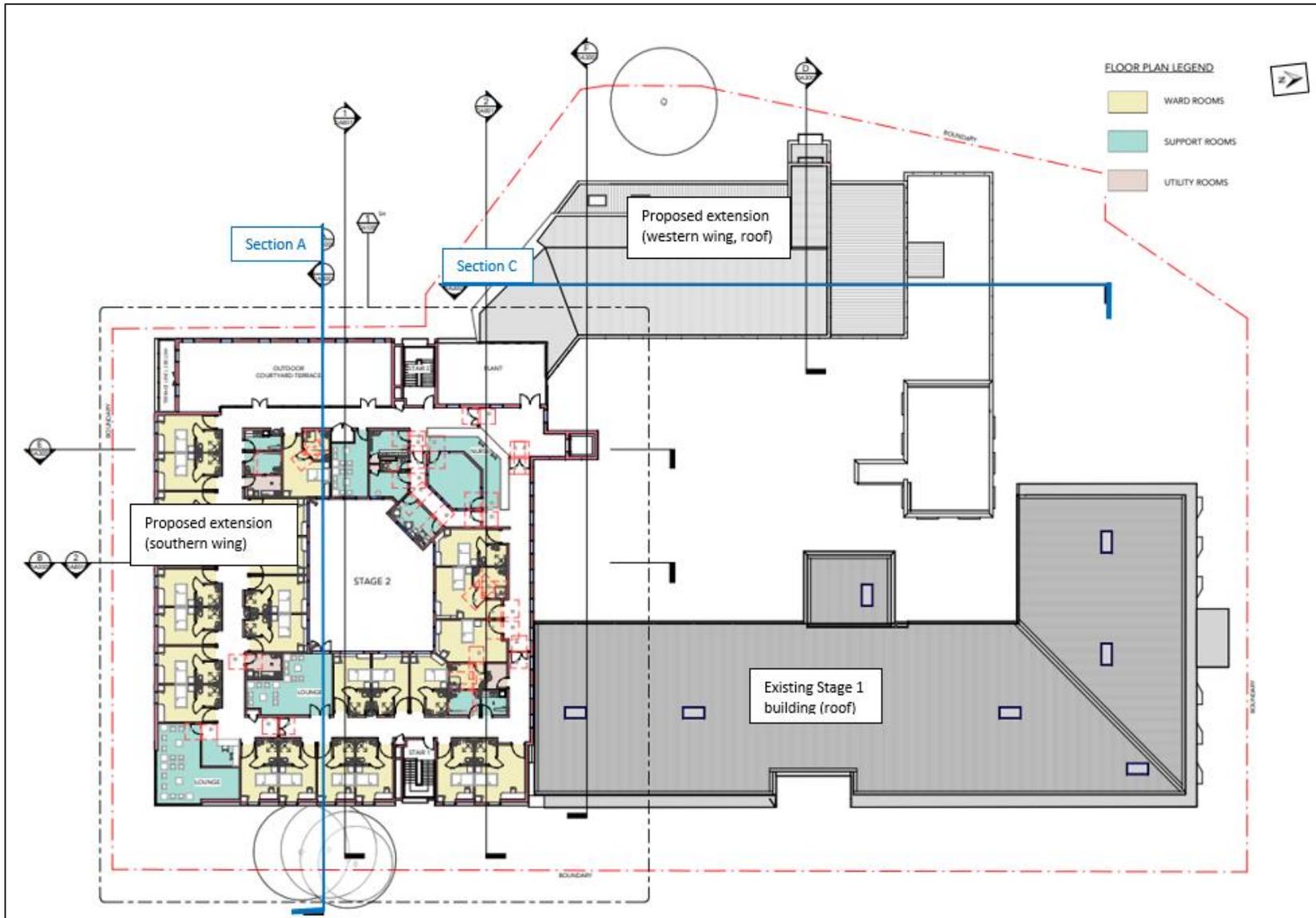


Figure 15 | Proposed second floor level (Source: Applicant's SRtS)



**Figure 16** | Proposed third floor level (Source: Applicant's RtS)





**Figure 20** | Proposed southern extension viewed from the Council reserve at the rear (Source: Applicant's RtS)

## 2.2 Physical layout and design

- 2.2.1 The proposed extension of the existing WNWC would be irregular in shape. It includes a southern wing extending over the existing southern carpark site towards the laneway which connects the street to the Council reserve. There is also a western wing extending towards the Council reserve within the footprint of the existing building which is proposed for demolition. It would align with the existing Stage 1 building along the Lytton Street frontage.
- 2.2.2 The southern wing of the extension would be four storeys in height, with an at-grade undercroft carpark and three hospital levels above (Levels 1 to 3). Due to the fall of the land, the undercroft would be double the height required to provide parking, where it adjoins the reserve. As a result, the southern extension would appear as five storeys when viewed from the west (see **Figure 18**). Levels 2 and 3 would incorporate an internal void / lightwell, providing an internal courtyard at Level 1 (see **Figure 17**).
- 2.2.3 The western wing of the extension would be four storeys in height, comprised of a two-storey parking garage (Lower Ground and Ground floor levels) with two hospital levels above (Levels 1 and 2). It would be partially obscured by the existing Stage 1 building from Lytton Street.
- 2.2.4 The proposed development would exceed the Cumberland Local Environmental Plan 2021 (CLEP) height of building (HOB) and floor space ratio (FSR) controls. The Applicant is seeking variations under clause 4.6 (see **Section 6**) in relation to both.
- 2.2.5 The extension is of a modern / contemporary design with external materials and finishes that complement the existing building, as shown in **Figures 19** and **20**. Hard and soft landscaping is proposed around the building perimeter, within the southern undercroft area, and within the Level 1 internal void. Overall, 13 replacement trees will be planted on-site.

## **Pedestrian, bicycle and vehicular access**

- 2.2.6 The proposed development would utilise the four existing driveway entrances from Lytton Street, including the three carpark driveways and one loading dock entrance (see **Figure 4**). No additional driveways are proposed.
- 2.2.7 The proposed western carpark would be accessed via the existing northern carpark, whereas the southern carpark would have direct access to Lytton Street. Pedestrian access would be retained via a footpath located immediately adjacent the northern carpark entry driveway.
- 2.2.8 The proposal includes the provision of 46 new car parking spaces, including 13 and 33 in the southern and western carparks, respectively. Overall, the development will result in a total number of 77 on-site car parking spaces. 12 bicycle parking spaces are proposed within the existing northern carpark.

## **2.3 Uses and activities**

- 2.3.1 The proposed refurbished building and the new extension would provide expanded health services facilities, including consulting suites, a treatment theatre, in-patient units and ward rooms.
- 2.3.2 The facilities would accommodate an additional 23 FTE jobs.
- 2.3.3 The proposed operating hours are expected to be 24 hours, 7 days a week for the ward and 7am to 7pm for the day services.

## **2.4 Construction hours/construction staging**

- 2.4.1 The proposed construction hours are:
- Monday to Friday: 7am to 6pm.
  - Saturday: 8am to 1pm.
  - No construction to be carried out on Sundays or public holidays.
- 2.4.2 The Applicant proposes construction of the development over approximately 85 weeks, as follows:
- Construction Phase 1 (33 weeks)
    - Demolition, site clearing, tree removal to the southern portion of the site and diversion of the existing stormwater easement.
    - Construction of the four storey southern extension and façade finishes.
  - Construction Phase 2 (39 weeks)
    - Demolition of the existing two-storey building along the western boundary.
    - Construction of western carpark and extension above.
  - Construction Phase 3 (13 weeks)
    - Refurbishment of existing Stage 1 building.
- 2.4.3 The proposed construction phasing seeks to allow for ongoing operation of the clinic while maintaining the current number of beds, at a minimum.

## 2.5 Related development

2.5.1 On 25 May 2017, a Planning Proposal (PP-2020-2448) for the rezoning of 23-27 Lytton Street, Wentworthville was gazetted. The Planning Proposal rezoned the land from R2 Low Density Residential to R4 High Density Residential, increased the maximum HOB control from 9m to 15m, and increased the maximum FSR control from 0.5:1 to 1:1. The project concept outline submitted to inform the Planning Proposal is shown in **Figures 21 and 22**.



**Figure 21** | Concept outline informing the 2017 Planning Proposal (Source: PP-2020-2448)



**Figure 22** | Concept outline informing the 2017 Planning Proposal (Source: PP-2020-2448)

## 3 Strategic context

### 3.1 Project need and justification

3.1.1 The Applicant states that the purpose of the proposed development is to:

- increase the operational capacity of the existing WNWC.
- provide a well-resolved health services facility.
- generate employment opportunities near the Wentworthville town centre and the nearby residential area.
- promote the 30-minute city concept as identified in the Cumberland 2030 Local Strategy Planning Statement.

3.1.2 The EIS advised that three alternative development options beyond the proposal were considered, including a do-nothing approach, development on an alternative site, and an alternative site configuration. The Applicant concluded the proposed development is most suitable for the site, as it would:

- provide increased operational capacity at the site.
- respond positively to the attributes of the site.
- optimise patient and staff safety.
- provide efficient staffing outcomes and comfortable surroundings, with good natural light and connection to the outside.

3.1.3 The proposal would also provide direct investment in the region of \$32,480,465 and support 60 construction jobs and 23 new operational jobs.

3.1.4 Overall, the Department agrees with the Applicant's justification of the proposal to develop the site. The Department considers there are broader social benefits to the proposal, including the provision of new and enhanced health facilities, the delivery of increased patient capacity to help meet unmet growing demand, upgraded parking and improved flood mitigation, as well as construction and operation jobs.

### 3.2 Greater Sydney Region Plan

3.2.1 The Greater Cities Commission's (GCC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GCC (then known as the Greater Sydney Commission) published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.

3.2.2 The Regional Plan outlines how Greater Sydney would manage growth and change and guide infrastructure delivery. It sets out the vision and strategy for Greater Sydney, to be implemented through District Plans. The site is located in the Central City District.

3.2.3 The Department notes that these strategic documents do not set objectives for, or outline the scale of, development that should occur in specific areas.

3.2.4 The proposal is consistent with the Regional Plan as it would facilitate the delivery of health infrastructure and services to meet the needs of a growing and ageing population. The proposal is consistent with the Central City District Plan as it would provide services and social infrastructure to

meet people's changing needs (Planning Priority C3) and provide services for the community in an existing local centre (Planning Priority C6).

### **3.3 NSW Future Transport Strategy 2056**

- 3.3.1 The *Future Transport Strategy 2056* (Transport for NSW) outlines a planned and coordinated set of actions to address the challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.
- 3.3.2 The proposed development contributes to the strategy as:
- the site is located within walking distance to a large number of public transport services.
  - it provides active transport travel options by providing bicycle parking spaces.

### **3.4 State Infrastructure Strategy 2022–2042**

- 3.4.1 *Staying Ahead: State Infrastructure Strategy 2022-2042* (Infrastructure NSW) brings together infrastructure investment and land-use planning for NSW and makes recommendations for each of the state's key infrastructure sectors including health.
- 3.4.2 The proposed development contributes positively to the strategy as it would provide investment in health infrastructure and would enable more complex and higher volumes of services to be delivered.

### **3.5 Cumberland 2030: Our Local Strategic Planning Statement (LSPS)**

- 3.5.1 Cumberland Council's LSPS sets clear planning priorities that seek to address the area's economic, social and environmental land use needs up until 2030.
- 3.5.2 The proposed development contributes positively to achieving Planning Priority 9, as it would deliver high-quality, fit-for-purpose social infrastructure.
- 3.5.3 It would also contribute to the strategic land use framework outlined in the LSPS, by providing additional jobs in the Wentworthville Principal Local Centre.

### **3.6 2022 NSW Flood Inquiry**

- 3.6.1 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.
- 3.6.2 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).

- 3.6.3 The 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 PMF level.
- 3.6.4 The Department has had regard to the Inquiry and Government response in its assessment of the suitability of the site and matters of public interest with respect to flooding in **Section 6.4**.

## 4 Statutory context

### 4.1 State significance

- 4.1.1 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 has a CIV more than \$30 million (\$32,480,465) and is for the purpose of a hospital under clause 14 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.
- 4.1.2 In accordance with clause 2.7 of the Planning Systems SEPP and section 4.5(a) of the EP&A Act, the Independent Planning Commission (the Commission) is the consent authority as Council has made an objection to the proposal.

### 4.2 Permissibility

- 4.2.1 The site is located within the R4 High Density Residential zone under CLEP 2021. Hospitals are defined as a health services facility and are permitted within the R4 High Density Residential zone as an innominate use (i.e. not specifically described in CLEP as being either permissible or prohibited within the zone). The Transport and Infrastructure SEPP also identifies the R4 High Density Residential zone as a prescribed zone and permits health services facilities. The proposed development is therefore permissible with consent.
- 4.2.2 Noting the above, the Commission may determine the carrying out of the development.

### 4.3 Other approvals

- 4.3.1 Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.
- 4.3.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

### 4.4 Mandatory matters for consideration

#### Environmental planning instruments

- 4.4.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is 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 that substantially govern the project and that have been considered in the assessment of the project.
- 4.4.2 The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

- 4.4.3 Since lodgement of the EIS, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, except for the State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.
- 4.4.4 The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply 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

- 4.4.5 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) 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**

Objects of the EP&A Act	Consideration
<p>(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,</p>	<p>The proposal redevelops an existing health services facility close to services and public transport. The proposal would not impact on any natural or artificial resources or natural areas.</p> <p>The proposal seeks to maximise the use of the site and provide public benefits including increased staff and patient capacity, improved healthcare facilities, and construction and operational jobs.</p> <p>The public benefits contribute to the social and economic welfare of the community. The Department considers the proposal is in the public interest, subject to recommended conditions discussed in <b>Section 6</b>.</p>
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</p>	<p>The proposal includes measures to deliver ecologically sustainable development (ESD), as detailed below.</p>
<p>(c) to promote the orderly and economic use and development of land,</p>	<p>The proposal is considered an orderly and economic use of the land as it would meet the objectives of the R4 High Density Residential zone. The development would deliver improved health services and facilities for the local area, within a setting that minimises impacts on the surrounding environment. The expansion would provide</p>

	economic benefit through job creation and infrastructure investment.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(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 involves removal of 35 existing trees within the site and may potentially impact nearby trees within the Council reserve. The Applicant proposes to provide 13 replacement trees within the site. The Department recommends additional off-site planting be required, as discussed in <b>Section 6.2</b> . Overall, subject to conditions, the development would not adversely impact on any native animals or plants, including threatened species, populations and ecological communities, and their habitats
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any heritage items nor is it located near any heritage items or conservation areas. The proposal would have a negligible impact on built and cultural heritage, including Aboriginal cultural heritage (see <b>Section 6</b> ).
(g) to promote good design and amenity of the built environment,	The proposal has been developed through the State Design Review Panel process. The Department considers the overall built form of the development to be complementary to the existing development within the surrounding locality (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,	<p>The proposal is supported by detailed reports, including a Building Code of Australia (BCA) compliance statement. The statement is based on a concept design for the development and demonstrates the proposal requires further significant refinement in respect of BCA compliance, in particular with regard to fire egress.</p> <p>The Applicant has not responded to the areas of concern in the BCA compliance statement and, when requested to do so by the Department, did not provide an updated report to demonstrate the submitted final development is compliant. This matter is discussed in <b>Sections 6.2</b> and <b>6.5</b>.</p> <p>A deferred commencement condition is recommended requiring the Applicant demonstrate compliance with the BCA can be achieved without significant amendment to the building as proposed,</p>

and throughout all operational stages, including while construction is underway (see **Section 6.2**).

A deferred commencement condition is also recommended requiring the Applicant demonstrate that an acceptable level of amenity is provided for both staff and patients in relation to noise and vibrations construction impacts during the interim stage/s of operation (see **Sections 5 and 6**).

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(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, consulted Council and other public authorities, and considered the responses received (see <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, notifying adjoining and surrounding landowners. The EIS was made available on the Department's website.

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### **Ecologically sustainable development**

4.4.6 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.

4.4.7 The development proposes ESD initiatives and sustainability measures, including:

- use of energy efficient glazing, heating and cooling systems, lighting and photovoltaics, and installation of external shading.
- water conservation, through installation of water efficient fixtures and fittings, and implementation of water sensitive urban design measures externally to increase stormwater retention, decrease total suspended solids in runoffs and help mitigate the urban heat island effect.
- use of sustainable materials to avoid harmful emissions, including low or no formaldehyde engineered timber products and low or no Volatile Organic Compounds (VOCs) products for adhesives, sealants, flooring and paint.
- use of sustainable products through reused and recycled materials.
- implementation of a waste management plan to minimise waste and maximise reuse and recycling throughout construction and operation of the development.

- 4.4.8 The Applicant is targeting a 4-Star Green Star (Australian Best Practice) rating framework, but not certification. The application is expected to exceed minimum requirements of the deemed to satisfy requirements of Section J of the National Construction Code (NCC) for energy efficiency in building fabric and building services/systems.
- 4.4.9 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 of the proposed development.
- 4.4.10 To ensure a 4-Star Green Star Rating is achieved, the Department has recommended conditions of consent requiring the Applicant commit to its ESD performance by certifying the achievement of a minimum 4 Star Green Star Design rating prior to commencement of construction and within six months of operations commencing.
- 4.4.11 Subject to the recommended conditions, the proposed development is consistent with ESD principles as described in Section 6.6 and Appendix 7 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- 4.4.12 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 Regulation 2000**

- 4.4.13 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.*

#### **Planning Secretary's Environmental Assessment Requirements**

- 4.4.14 The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

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

- 4.4.15 **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 in **Section 6** 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	The Department's consideration of the relevant EPIs is provided in <b>Section 6</b> and <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 2.10 of the Planning Systems SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs where relevant in <b>Section 6</b> .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	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	The Department considers that impacts can be appropriately mitigated or conditioned (see <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</b> and <b>6</b> .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (see <b>Sections 5</b> and <b>6</b> ).
(e) the public interest	See <b>Sections 6</b> and <b>7</b> .

**Biodiversity Conservation Act 2016 (BC Act)**

- 4.4.16 Under section 7.9(2) of the BC Act, SSD 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.
- 4.4.17 A BDAR was provided with the EIS, which assessed the biodiversity on the site in accordance with the BC Act and Appendix D of the Biodiversity Assessment Method 2020 (BAM). The BDAR concluded that species credits are not required to offset the impacts to planted native vegetation resulting from the proposed development.
- 4.4.18 The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6**.

## 5 Engagement

### 5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application between Friday 4 February and Thursday 3 March 2022 (28 days). The application was exhibited on the Department's website.
- 5.1.2 The Department notified adjoining landholders and relevant public authorities in writing. Representatives of the Department visited the site in May 2022 to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and by way of recommended conditions in the instrument of consent at **Appendix C**.

### 5.2 Summary of advice received from government agencies

- 5.2.1 During the exhibition period, the Department received advice from six government agencies. A summary of the issues raised in the submissions is provided at **Table 5** below and copies of the submissions may be viewed at **Appendix A**.

**Table 5 | Summary of government agency advice**

#### Environment and Heritage Group (EHG)

The Department's then Environment, Energy and Science Group, now known as Environment and Heritage Group (EHG), advised:

##### Biodiversity

- the BDAR adequately assesses biodiversity values and impacts associated with the proposed development.
- recommended conditions of approval to ensure the implementation of the biodiversity mitigation and management measures as per Table 9 of the BDAR.
- recommended that all non-habitat vegetation should be cleared first, hollow bearing trees should be removed safely to minimise risks to fauna and an experienced and qualified ecologist is to be present during any tree removal to re-locate any displaced fauna that may be disturbed during this activity.

##### Tree impacts

The following additional impacts are to be further addressed:

- root mapping must be undertaken for Tree 47 to determine the extent of impacts to existing roots and determine if the tree can remain viable or if design amendments are required to avoid any unsustainable impacts.
- root investigation of Trees 41, 48 and 49 must be undertaken to demonstrate that the trees remain viable with a major encroachment.

- address the cumulative impacts of proposed canopy reduction and tree protection zone incursions/root loss to Tree 41.
- assess the impacts of the substation within proximity to Trees 16, 17, 18, 20 and 53.
- investigate the opportunity to incorporate additional tree planting into the landscape design.

#### Flooding

- the flood assessment should be amended to consider the flood risk from the full range of floods up to the PMF for both mainstream and overland flooding.
- the shelter in place strategy, flood awareness education, awareness and emergency management plans must be referred to the NSW SES for review.
- the 0.5% and 0.2% AEP flood events are to be used as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
- the Flood Impact Study must be amended to address increased flood risk from climate change and rare to extreme flooding is not clear and may pose a risk to life and property.

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

TfNSW raised no objection or recommendations as the additional traffic generation is unlikely to adversely impact the classified road network.

#### **Heritage NSW Aboriginal Cultural Heritage (Heritage NSW ACH)**

Heritage NSW ACH agreed with the recommendations of the ACHAR in relation to Aboriginal cultural heritage management, raising no further advice.

#### **DPE Water**

DPE Water advised that should groundwater be intercepted, a Water Access Licence under the *Water Management Act 2000* must be obtained unless the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in clause 7 of Schedule 4 of the Water Management (General) Regulation 2018.

#### **Endeavour Energy**

Endeavour Energy advised that:

- the padmount substation must be protected by an easement and associated restrictions.
- conditions of consent should be included regarding satisfactory arrangements for the connection of electricity, and design requirements for the decommissioning of the existing substation and commissioning of the new substation.

#### **Sydney Water**

Sydney Water advised that no buildings or permanent structures are to be proposed within one metre of the nearby stormwater channel, and confirmed accessibility of servicing for water and wastewater.

## 5.3 Summary of Submissions

5.3.1 During the exhibition period, the Department received a total of four submissions on the proposal, including an objection from Council and three objections from the public. A summary of the issues raised in Council's submission is provided at **Table 6** and copies are in **Appendix A**.

**Table 6 | Summary of Council submission on EIS**

### Cumberland Council

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Council objected to the proposal, and provided the following feedback:

#### Height, bulk and scale

- the development does not meet the CLEP HOB and FSR development standards or objectives.
- the proposed bulk and scale of the expansion is inappropriate for the locality and the development fails to reflect surrounding development and character.
- the clause 4.6 variations are unsatisfactory.
- the objectives of Part F4-1 23-27 Lytton Street, Wentworthville under Cumberland Development Control Plan (CDCP) 2021 have not been adhered to. The proposal does not provide appropriate setbacks, compliant building height, cut and fill detail, car parking requirements, turning area details, two-way driveway access to Stage 2, parking layout and dimensions, ramp gradients, aisle widths, height clearances and extensions at dead end aisles on the plans.

#### Parkland, open space, tree management and landscaping

- the boundary bordering Council's Reserve (and access laneway) must include a 2.1m high black rod top and bottom palisade fence (tubular steel / school type) with no direct access to the reserve. Fencing adjoining the proposed driveway shall maintain sightlines.
- construction management must ensure access through Council's Reserve is not required.
- further investigations should be undertaken for Tree 41 to determine the presence and extent of internal decay.

#### Other issues

- insufficient information has been provided in relation to stormwater drainage infrastructure and easement, sewer arrangements, flooding and onsite stormwater detention.
- no details have been provided regarding an assessment of the noise to be generated from the upper-level courtyards.
- insufficient information in relation to fencing requirements, street tree planting, overshadowing impacts, tree species and outdoor courtyard noise levels.
- clarification must be provided to determine whether the proposed café and gymnasium uses are ancillary to the existing use on the site.
- insufficient information has been provided regarding bicycle parking.

Council also recommended conditions in respect of landscaping maintenance, tree retention, tree protection and maintenance measures, contamination management and waste management.

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5.3.2 Three submissions were received from members of the public, each objecting to the proposal. The key concerns raised include:

- incompatibility of the development with the surrounding locality, noting that the site is not suitable for a four storey development.
- impact of increased vehicle noise.
- impact of increased traffic on the local road network and pedestrian safety within proximity to the Council reserve at the rear of the site.
- impact of proposed use on community safety, including for park users.

5.3.3 Copies of the public submissions received are at **Appendix A**.

## 5.4 Response to submissions and agency advice

5.4.1 Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to issues raised in submissions and agency advice. The Department also identified concerns regarding the bulk and scale of the development in the surrounding residential context. The Department requested the Applicant provide:

- additional detail to demonstrate why level changes between the Stage 1 and Stage 2 development cannot be accommodated to reduce building height.
- justification for the limited building setbacks proposed.
- a detailed response to the matters raised by the Government Architect NSW (GANSW) as part of the State Design Review Panel (SDRP) process, specifically requests to:
  - reduce building height.
  - demonstrate how response to Country has been addressed.
  - redesign the internal courtyard to include more landscaping, confirm roof treatment and address overshadowing.
  - provide detail of all landscaped areas, particularly the terraces across all floors.
  - identify the total percentage of tree canopy and green space within the site, excluding the trees located outside of the site.
- redesign the lower ground car parking to ensure unobscured swept paths.
- details of landscaping along Lytton Street for improved public amenity.
- details of wayfinding signage.
- an updated Noise and Vibration Impact Assessment to demonstrate that receiver 1 will not be significantly impacted during construction and provide mitigation measures, if required.

5.4.2 On 26 August 2022, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS proposed the following amendments:

- design amendments to decrease the maximum building height to between 15.31m and 18.67m, representing a reduced variation of 2% to 24.5% across the site (with the building height along the Lytton Street frontage reduced to being only 310mm above the CLEP height control).
- inclusion of the installation of three pylon signs fronting Lytton Street.
- inclusion of a space to provide the opportunity for installation of Indigenous art.
- removal of an additional five trees (35 in total).

- amendments to the proposed landscaping strategy to increase tree planting from 7 to 13 trees; alter access to the Level 1 internal courtyard; increase planter walls and planting beds; and detail landscaping along the Lytton Street streetscape, within the courtyard and external terraces.
- revised stormwater pit and pipe alignment in response to Council's submission.

## 5.5 Submissions and agency advice to RtS

5.5.1 The RtS was notified to Council and agencies that commented on the EIS. A copy of the RtS was placed on the Department's website.

5.5.2 An additional submission was received from Council and advice was received from four agencies. A summary of the issues raised is provided in **Table 7** and copies may be viewed at **Appendix A**.

**Table 7 | Summary of Council submission and agency advice to the RtS**

### Council

Council maintained its objection to the proposal, and provided the following feedback:

- the proposal continues to breach the HOB and FSR standards, which would be inconsistent with the bulk and scale of the existing adjoining developments and future character envisaged for the immediate locality.
- the number of car parking spaces proposed is inadequate, noting a shortfall of 18 off-street spaces when assessed against the requirements of the *Guide to Traffic Generating Development* (RTA, 2002). A minimum of 95 parking spaces should be provided based on the current parking rate.
- architectural plans should be revised to demonstrate a minimum 5.6m vertical clearance over Council's existing stormwater pipe and/or associated easements.
- the proposed substation must be located in an area where it is clear of the realigned Council stormwater easement.
- separate Section 68 approval must be obtained for the stormwater deviation.

Council recommended conditions of consent relating the provision of a Long-Term Environmental Management Plan for contamination capping, private waste collection, landscaping works and tree retention and pruning, and to ensure compliance with the recommendations of the Flood Impact Assessment and the Noise and Vibration Impact Assessment.

### EHG

EHG advised:

- based on communication with Council, it has been confirmed that Tree 47 has been approved by Council for removal.
- root investigation of Trees 41, 48 and 49 must be undertaken to determine that the trees will remain viable post development.
- the shelter in place strategy, flood awareness education, awareness and emergency management plans must be referred to the NSW SES for review.

EHG recommended conditions of consent relating to mitigation of biodiversity impacts, tree retention, tree removal works and fauna protection, and trenching or excavation within tree protection zones (TPZs).

#### **TfNSW**

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TfNSW raised no comments or objections.

#### **DPE Water**

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DPE Water advised that all requirements have been adequately addressed in the RtS.

#### **Endeavour Energy**

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Endeavour Energy advised that it would be preferable for the substation to be relocated to the front site boundary, to overcome the need for any fire rated construction to the building and avoid the need for an easement for the associated underground cables.

#### **Sydney Water**

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Sydney Water advised that no buildings or permanent structures are to be proposed within one metre of the nearby stormwater channel and confirmed water and wastewater servicing accessibility.

## **5.6 Supplementary RtS (SRtS)**

- 5.6.1 On 21 October and 16 November 2022, the Applicant submitted additional information to address agency comments and Council's submission to the RtS. As part of the SRtS, the pipeline easement was relocated away from the proposed substation. The Applicant provided additional information regarding the impact of the proposal on off-site trees and clarified the overall height of the proposed extension.
- 5.6.2 Following review of the additional arboricultural information, EHG advised that the proposal does not adequately demonstrate the ongoing viability of Trees 41, 48 and 49.
- 5.6.3 Therefore, conditions were recommended by EHG to assist in mitigating and remediating any impacts that may occur.

## 6 Assessment

6.1.1 The Department has considered the EIS, issues raised in submissions and the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues are:

- built form and urban design.
- tree removal, landscaping and biodiversity.
- flooding.
- traffic, transport and parking.
- noise and vibration.

6.1.2 Each of these issues is discussed in the following sections. Other issues considered during the assessment are discussed at **Section 6.5**.

### 6.2 Built form and urban design

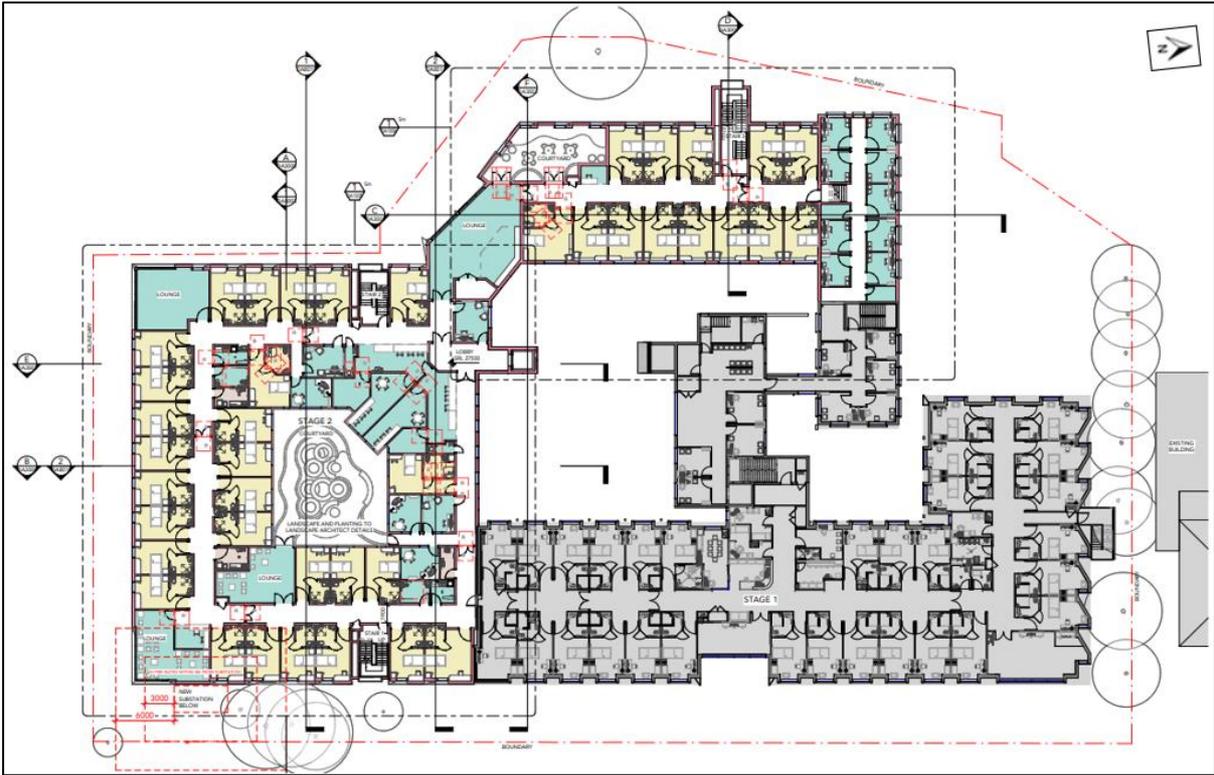
6.2.1 As summarised in **Section 1.2**, the WNWC site comprises a two-storey (plus basement) contemporary hospital building fronting Lytton Street, known as Stage 1, and a two-storey hospital building to the west adjacent to the Council reserve. The site of the proposed extension is currently occupied by an at-grade carpark to the south and the existing western building, which is proposed for demolition. The nearest surrounding properties to the north and south are primarily comprised of low-scale residential development.

6.2.2 The proposal includes the demolition of the western hospital building and the southern at-grade carpark, and construction of a new four storey extension to the existing Stage 1 building. The extension comprises a southern and a western wing providing 95 beds (a total of 125 beds across the site, an increase of 55 from the current facility) and nine consulting suites (a total of 18 across the site, an increase of 9 from the current facility).

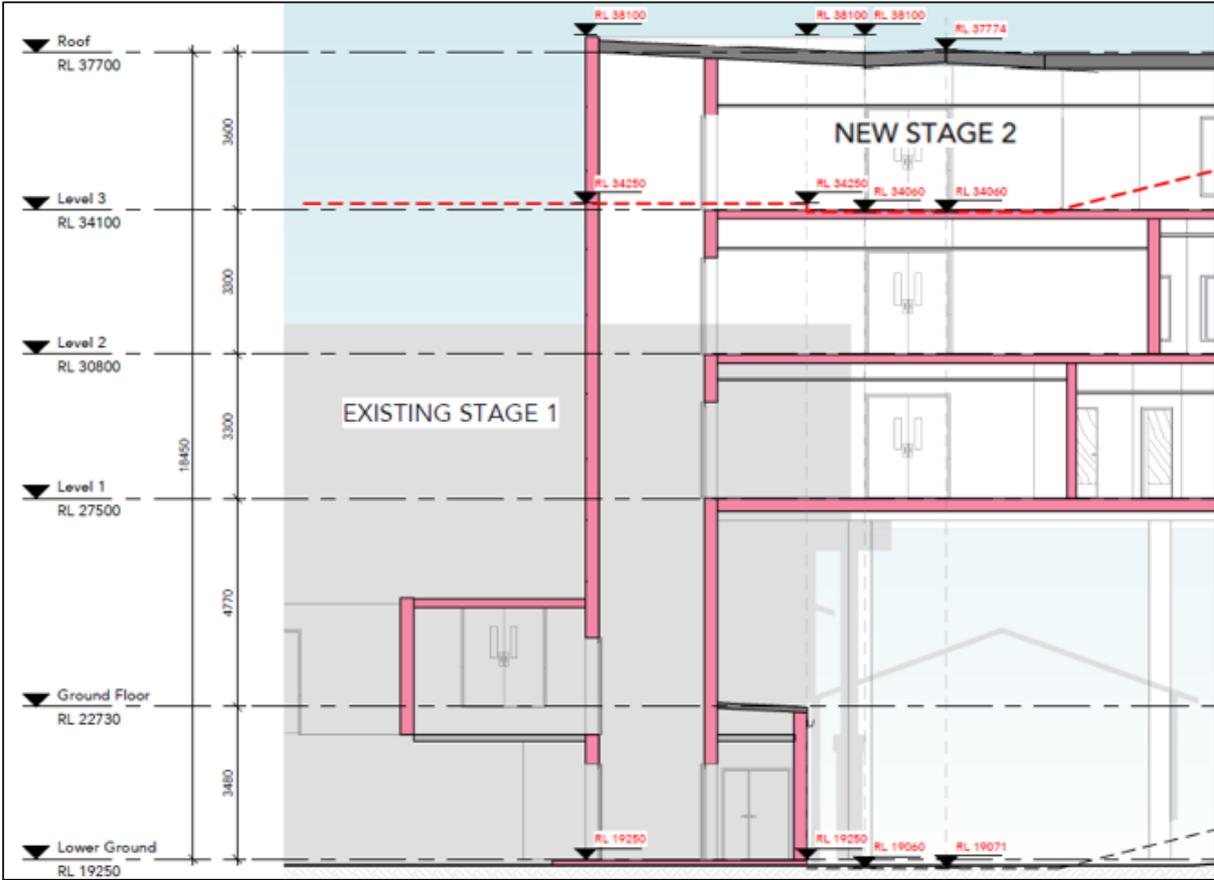
6.2.3 The proposed extension includes a single level of at-grade car parking beneath the southern wing, and two levels of car parking beneath at western wing. Both wings incorporate a stairwell core adjacent to the western site boundary, which are solid in appearance and punctuate through the carpark undercroft.

6.2.4 The overall layout of the WNWC site (including the Stage 1 building) would provide a series of 'pavilion' style structures, perforated by courtyards and balconies (**Figure 23**). As depicted in **Figure 24**, the extension has been designed to ensure the continuation of the existing clinic floorplates, allowing for internal level access to the first floor of the existing Stage 1 building.

6.2.5 The Department is satisfied that the proposed layout would enable built form with appropriate solar access to landscaped and internal areas, providing adequate amenity for future users of the facility, as detailed in **Section 6.7**.



**Figure 23 |** Overall site plan (Level 1), depicting 'pavilion' style layout (Source: Applicant's RTs)



**Figure 24 |** North-south section through existing Stage 1 building and the southern wing of the extension, demonstrating continuation of existing floorplates (Source: Applicant's SRTs)

6.2.6 The proposed materials and finishes vary with a mixture of glazing, fibre cement cladding, solid aluminium paneling, perforated metal screening and standing-seam metal cladding (see **Figure 25**). The Department is satisfied that the proposed materials and colour palette are contextually appropriate.



**Figure 25 | Proposed schedule of materials (Source: Applicant's RtS)**

6.2.7 Minor alterations are also proposed to the existing Stage 1 building, including the construction of a new entrance lobby at lower ground and ground floor rear, and internal reorganisation at these levels to provide a gym, café, offices, new group rooms, staff room, art rooms, breakout rooms and expanded electroconvulsive therapy recovery. The Department notes the minor scale of these alterations and considers them appropriate within the site context and would not have a detrimental impact on the surrounding area.

6.2.8 The extension is set back 5.9m from the Lytton Street site boundary to align with the existing Stage 1 building, and 5.3m from the southern boundary. It would be separated from the northern boundary by the existing Stage 1 building. Due to the irregular alignment of the western boundary, the extension would be set back by between 0.05m and 3m at the Lower Ground and Ground level carpark, and 1m and 4.5m at the floors above.

6.2.9 In its correspondence to the Applicant dated 8 March 2022, the Department raised strong concerns regarding the bulk and scale of the building and the proposed building setbacks. It also requested additional information to demonstrate why level changes between the proposed redevelopment and the existing Stage 1 development cannot be accommodated by the design, to reduce the overall finished height of the building and the carpark oriented appearance of the development.

6.2.10 Council raised concern regarding failure of the development to comply with the setback controls outlined in the CDCP 2021, in particular Part F4-1 which requires setbacks of 6m (or aligned with an existing building) to the front boundary, 6m from the rear boundary and 3m from the side boundaries. The objectives of the setback controls listed under F4-1 are as follows:

- Objective 1: Ensure that any future development on the site provides adequate separation to adjacent properties and the low density development is consistent with that allowed under the R2 zone of *Cumberland LEP 2021*.
- Objective 2: Protect the amenity of nearby properties and the use of those properties.

6.2.11 The proposed development exceeds the minimum 3m setback requirements along the southern and northern (side) boundaries. It would also align with the existing Stage 1 building setback along the Lytton Street frontage as allowed by the control. The setback would not meet the minimum 6m control at the rear of the site. The Department notes the site backs onto a Council reserve at the rear and is separated from any development to the west. The proposal would therefore provide adequate separation to adjacent residential properties, per the requirements of Objective 1.

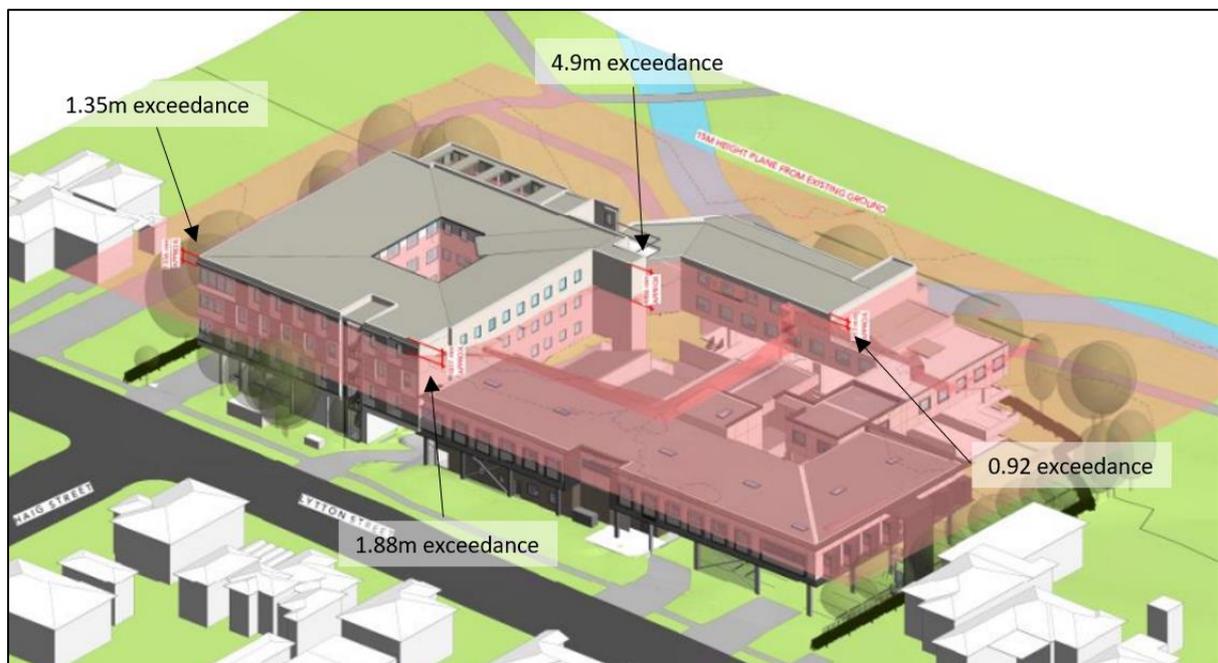
- 6.2.12 In relation to the impact on the amenity of the adjoining reserve and its use as per Objective 2, the Department has reviewed the principle for impacts on public domain views established in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council & Anr* [2013] NSWLEC 1046. A comprehensive investigation and analysis of the proposal against the planning principle is unnecessary because:
- at present, the existing built form elements of the WNBC, including the existing building that adjoins the reserve, are already visible from the public domain.
  - the visual impacts of the extension when viewed from the Council reserve would have minimal impacts on views and vistas currently obtained from the reserve, as detailed in **paragraph 6.2.42**.
  - visual impacts from the reserve were not specifically raised as a key issue of concern in the submissions.
- 6.2.13 The Department has also had regard to the impact of the setback on the adjoining public domain and is satisfied that the proposed setbacks are appropriate in the context of the site.
- 6.2.14 The impact of the development on solar access and privacy on adjacent and adjoining residential properties is discussed in **paragraphs 6.2.46 to 6.2.54**. The Department is satisfied that the proposal would protect the amenity of nearby residential properties and the use of those properties, per the requirements of Objective 2.
- 6.2.15 Prior to lodgement of the SSD application, the design of the building was guided by the GANSW SDRP. During the SDRP process, the following key comments were made regarding built form:
- the non-compliances with the CLEP height and FSR controls are not supported. The undercroft could be removed to allow for redistribution of GFA and useable space at ground level to reduce overall height, bulk and create a better public interface.
  - the number of car parking spaces should be reduced to enable internal communal spaces and increased external landscape at ground level. The height of the at-grade carpark within the undercroft of the southern wing should be reduced to reduce the overall building height.
- 6.2.16 The EIS was accompanied by an Architectural Design Statement, revised at RtS Stage, which sought to address the SDRP comments. The proposed development incorporates reduced car parking capacity and the provision of additional ground level landscaping. The Applicant advised that the design height of the undercroft carpark has been arrived at to facilitate level internal access from the proposed extension through to the first floor of the existing Stage 1 building. The Department's consideration of CLEP HOB and FSR control non-compliances is outlined below.
- 6.2.17 The Department acknowledges the SDRP's request that the undercroft be removed to allow for the redistribution of GFA and useable space to ground level, reducing the height and bulk of the building. It is agreed that removal of the undercroft would result in an improved public interface to both Lytton Street and the Council reserve. However, this would result in additional flooding impacts, as addressed in **Section 6.4**. It is also noted that the existing Stage 1 building, which was granted consent by Council, sits above a ground level undercroft carpark and therefore sets a precedent for this style of development at the site.

## Building height and bulk

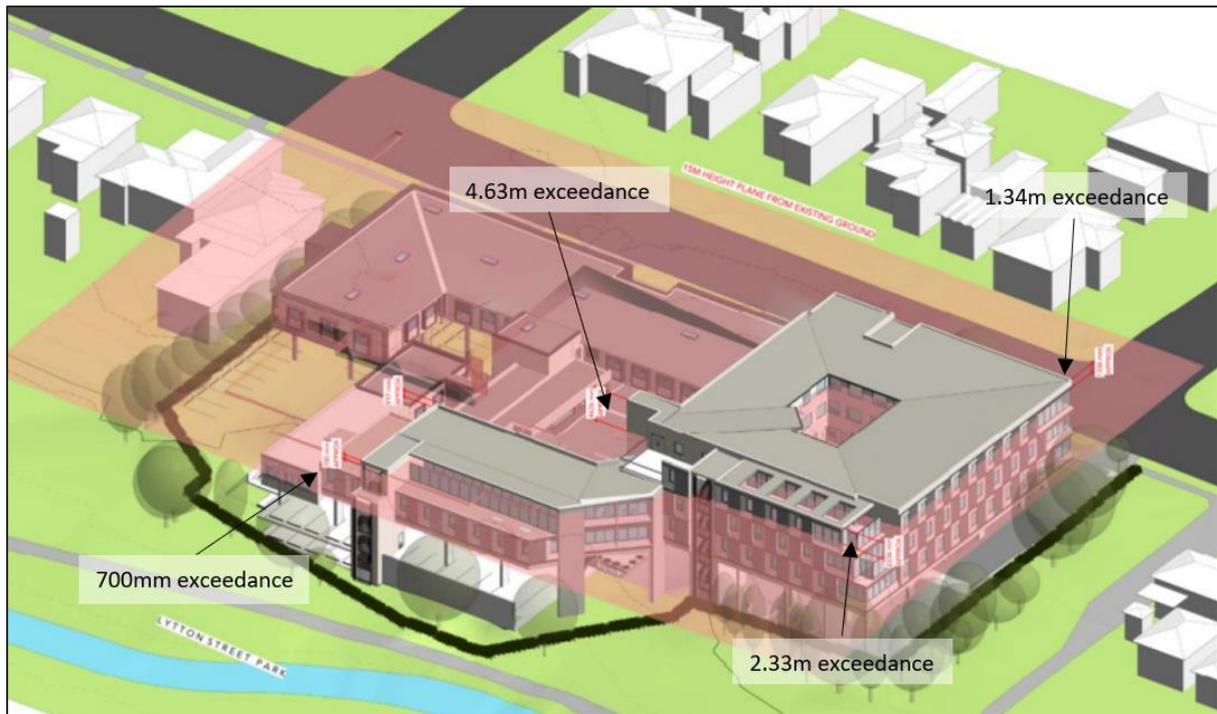
- 6.2.18 Pursuant to the CLEP, the site is subject to a maximum HOB control of 15m and a maximum FSR of 1:1. The proposed extension would exceed the 15m height restriction and the overall development, incorporating the existing Stage 1 building, would exceed the FSR control. A variation to the 15m height and 1:1 FSR development standards has been sought by the Applicant for the proposed development under clause 4.6 of the CLEP.
- 6.2.19 The justification provided in the Applicant's clause 4.6 variation request was prepared having regard to the decisions in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *RebelMH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130.

### Height exceedance – EIS

- 6.2.20 The proposed extension, as originally submitted under the EIS, had an overall maximum height ranging between 16.3m and 19.6m (a variation of up to 30.7% above the LEP), with a maximum RL of 38.70. The extent of the non-compliance proposed under the EIS is illustrated by the grey shaded sections in **Figures 26** and **27**.
- 6.2.21 As discussed in **Section 5**, Council objected to the height variation during the exhibition of the EIS, noting the proposed exceedance of the building height control includes habitable area that will increase overshadowing impacts to the Council reserve at the rear. Council raised concern that the proposed building would result in an inappropriate balance between the built and natural forms within the locality, and that the contravention of the development standards will set an undesirable precedent. Council also noted that, in accordance with the CDCP 2021, the permitted number of storeys at this location should not exceed four storeys for the 15m building height. However, the Council notes that the proposed development contains a five-storey element.



**Figure 26** | Height exceedances as proposed at EIS stage, views from north-east (compliant heights are shown in light pink with exceedances in white/grey (Source: Applicant's EIS)



**Figure 27 |** Height exceedances as proposed at EIS stage, viewed from south-west (compliant heights are shown in light pink with exceedances in white/grey (Source: Applicant's EIS)

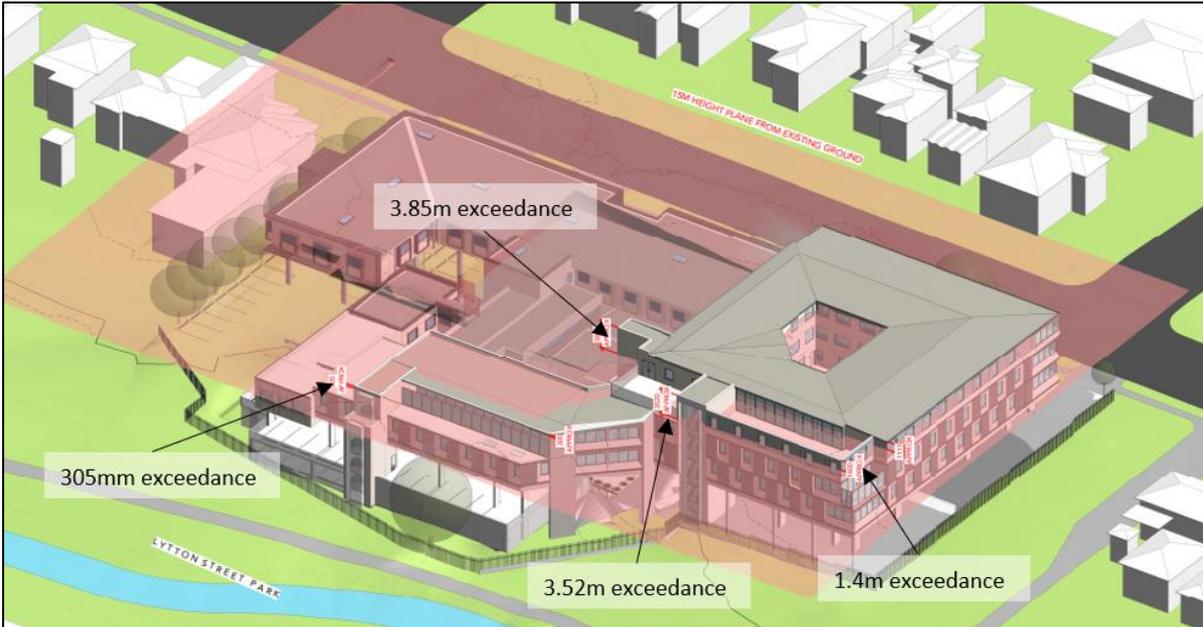
- 6.2.22 A community submitter, objecting the development, also raised concern regarding the incompatibility of the development with the surrounding locality, noting that the site is not suitable for a four storey building.
- 6.2.23 The Department notes that while the proposed development contains five separate floors overall, it has been divided into a separate southern and western wing. Each wing would be limited to a maximum four storeys in height. The Department is therefore satisfied that the development would meet the relevant four storey requirements of the CDCP 2021 in this regard.
- 6.2.24 To address the concerns raised by Council and the public at EIS stage, the Applicant revised the proposed development to reduce the overall height of the building as part of the RtS from 19.6m to 18.67m. However, in the SRtS the Applicant provided additional information demonstrating that the exceedance would be up to 3.85m (0.18m higher than indicated at RtS stage). The Department notes the confirmation of the increase is a matter of correction and not a result of any design changes.

***Height exceedance - SRtS***

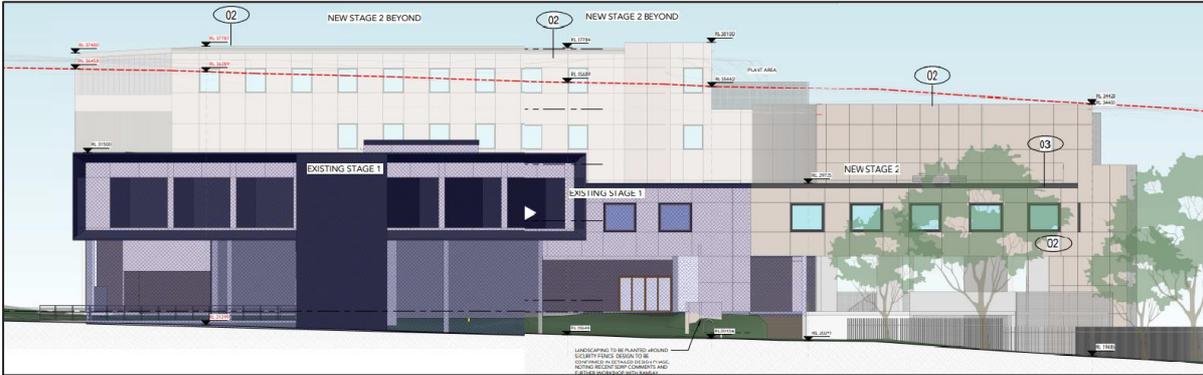
- 6.2.25 Due to the sloping nature of the site towards the western boundary, the revised extension has an overall maximum height that ranges from 15.31m (RL 37787) at Lytton Street elevation to 18.85m (RL 38100) at the north-west corner of the southern wing extension, within the centre of the site around the lift core. This represents a reduction of approximately 0.6m from the original EIS design.
- 6.2.26 An updated variation request under clause 4.6 of the CLEP was provided as part of the RtS. The proposal (as refined by the SRtS) seeks a variation to the 15m height limit in relation to the proposed development and would exceed the height limit by between 0.31m and 3.85m (a variation of up to 25.7%). The non-compliance is largely confined to the northern portion of the southern wing of the extension. The extent of the non-compliance in relation to the final design is illustrated by the grey shaded sections in **Figures 28 and 29** and the red dotted line in **Figures 17, 18, 30 to 33**.



**Figure 28 |** Height exceedances as proposed at SRtS stage, viewed from north-east (compliant height shown in light pink with exceedances in white/grey (Source: Applicant's SRtS)



**Figure 29 |** Height exceedances as proposed at SRtS stage, viewed from south-west (compliant height shown in light pink with exceedances in white/grey (Source: Applicant's SRtS)



**Figure 30 |** Height exceedance, northern elevation (15m compliant height demonstrated by red dotted line) (Source: Applicant's RfS)



6.2.27 The Applicant's clause 4.6 variation argues compliance with the height standard is unreasonable and unnecessary as the:

- development provides for the co-location of health services, avoiding the need for an alternative development site.
- proposed building height would allow for integration with the existing Stage 1 building, ensuring operational connectivity. The design of the development enables productive use of the site.
- facility has been designed taking into consideration prescriptive design requirements set out in the Australasian Health Facility Guidelines, which must be fulfilled to obtain a private operating licence.
- building height has been developed with respect to site constraints, including topography (noting that the site falls significantly from front to rear). The proposal retains the natural landform of the site by omitting basement car parking, which would be impractical for the site from a flooding perspective.
- provision of basement levels would result in the loss of landscaping activities and outdoor recreation space, and therefore at-grade car parking is best suited for the site.
- proposed building envelope has been developed to ensure an appropriate transition from surrounding residential properties through incorporation of building setbacks and landscaping. The maximum height exceedance has been strategically positioned to the rear portion of the extension's southern wing, to alleviate the visual impacts of the building when viewed from Lytton Street. Given adequate separation distances, building configuration and landscaping, the portion of the building with maximum height exceedance will not present as an obtrusive built form to neighbouring properties.
- proposed facility is sympathetic to the residential character of the locality and would not result in unacceptable amenity impacts to surrounding properties or the Council reserve at the rear.
- proposed height is consistent with the future character of the area, noting the R4 High Density Residential and R3 Medium Density Residential zoning of the site and of properties along Lytton Street and Veron Street.

6.2.28 Following review of the revised proposal, Council maintained its objection to the development with regard to the breach in development standards and noted the matters raised by Council previously still remain. Council reiterated concerns that the proposal is inconsistent with the bulk and scale of adjoining developments and future character envisaged for the locality, and the height exceedance in turn results in the breach of the FSR standard. Council requested the height of the building be further reduced.

6.2.29 The Department reviewed the clause 4.6 variation request and assessed the height variation sought in accordance with the CLEP. The Department has also had regard to the objectives of the CLEP height standard (clause 4.3) and each of the Objectives (a) to (d), as outlined below:

*Objective (a): to establish a maximum height of buildings to enable appropriate development density.*

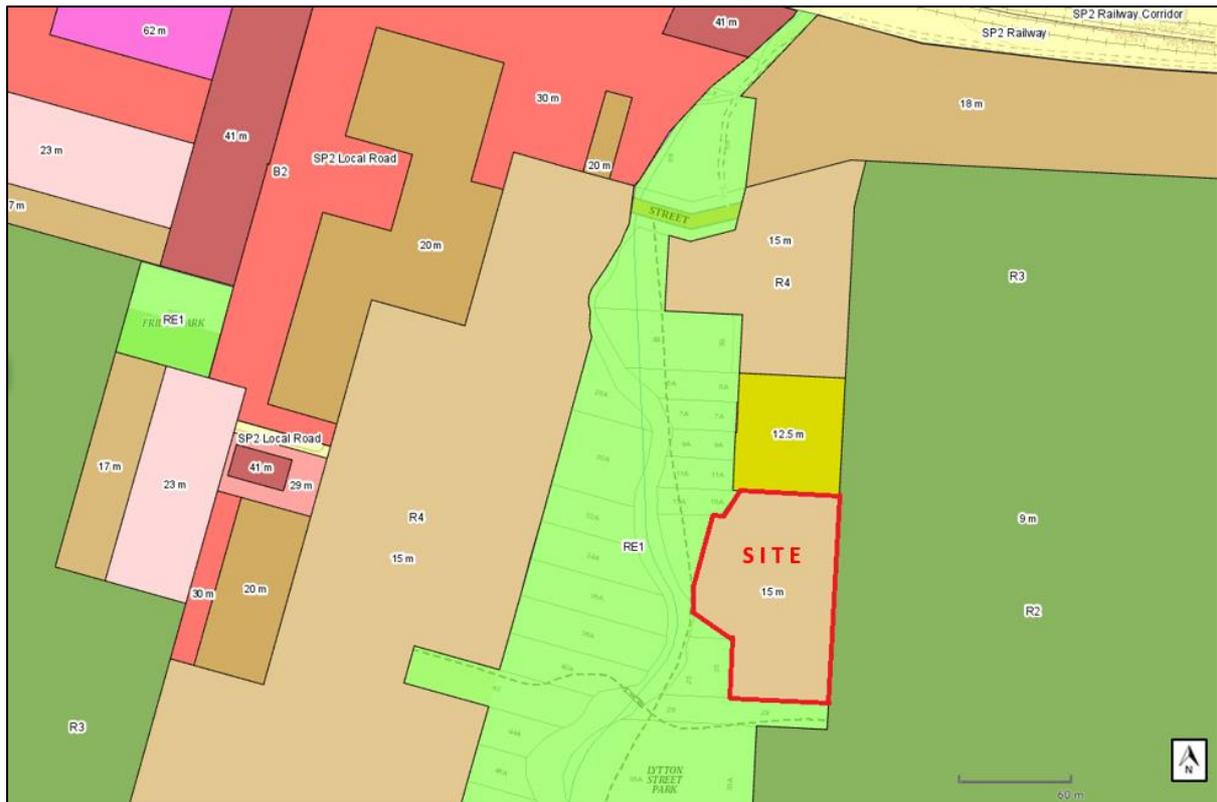
6.2.30 The proposed development would increase operational capacity for the WNWC, to address unmet demand for mental health facilities within the Sydney region. The Department understands earlier

iterations of the development (pre-lodgement) contained a basement carpark; however, this was removed given the flooding constraints of the site (see **Section 6.4**). The Applicant advised that the creation of basement car parking would require extensive excavation and earthworks, which in turn would likely disrupt the existing drainage pattern and soil stability of the site. Therefore, at-grade car parking is proposed to allow for overland flows across the site to be retained and remain usable during low level flooding events. The Applicant also argues that the retention of the undercroft would also allow for some landscaping at ground level, as discussed in **Section 6.3**.

- 6.2.31 The Department considers that the proposed exceedance of the HOB control is acceptable to provide a suitably sized mental health facility while accommodating the constraints of the site. The height of the proposed building reflects clinical functional requirements for level internal connections with the existing Stage 1 building. The Department acknowledges that the development could be designed to accommodate ramps throughout the new southern wing, to allow its height to be reduced and requiring floor levels to transition across to the existing Stage 1 building. However, the Department is not satisfied that the ramps could be delivered without significant implications for the functioning of the facility and consider that they would come at a considerable loss in floor space, circulation and best practise clinical function.
- 6.2.32 The retention of car parking at ground level, rather than as basement parking as had been initially contemplated by the Applicant, delivers building and operational resilience by providing for low risk continued occupation of the health services facility building during overland PMF flood events and after the flood event, whereby the undercroft carpark area would be inundated by low height flood waters.
- 6.2.33 The Department is not satisfied the exceedance of the height warrants refusal of the application or that pursuing a redesign of the building to achieve full compliance is warranted, or on balance justified in the circumstances of the case.
- 6.2.34 Overall, the Department is satisfied that the density of the proposed development is appropriate for the site and locality, as discussed further in **paragraph 6.2.39**. Accordingly, the proposed height variation is consistent with Objective (a).

Objective (b): to ensure that the height of buildings is compatible with the character of the locality.

- 6.2.35 The site is surrounded immediately to the east and south by low density residential properties (CLEP height controls of 9m). To the north of the site is land with a permitted HOB of 12.5m. While the existing adjoining current buildings are of a relatively low height, the permitted 12.5m HOB would accommodate a building of potentially three to four storeys in height. The locality also includes three to four storey medium-density residential approximately 90m from the site along the western side of the Council reserve and fronting Lane Street, and five to six storey buildings on the western side of Lane Street. Approximately 100m to the north, medium-density five to six storey residential buildings front Veron Street and back onto the reserve (CLEP height controls of 15m). Approximately 200m to the west and north of the site, CLEP HOB control allow buildings of between 30m and 41m in height within the Wentworthville town centre (B2 Zone) (see **Figure 34**). Overall, the WNBC site height control of 15m is largely consistent with the properties aligning the northern end of the Council reserve, with the exception of the 12.5m control applying to the immediately adjoining site to the north.



**Figure 34 | Building height controls established under the CLEP (Base source: NSW Planning Portal)**

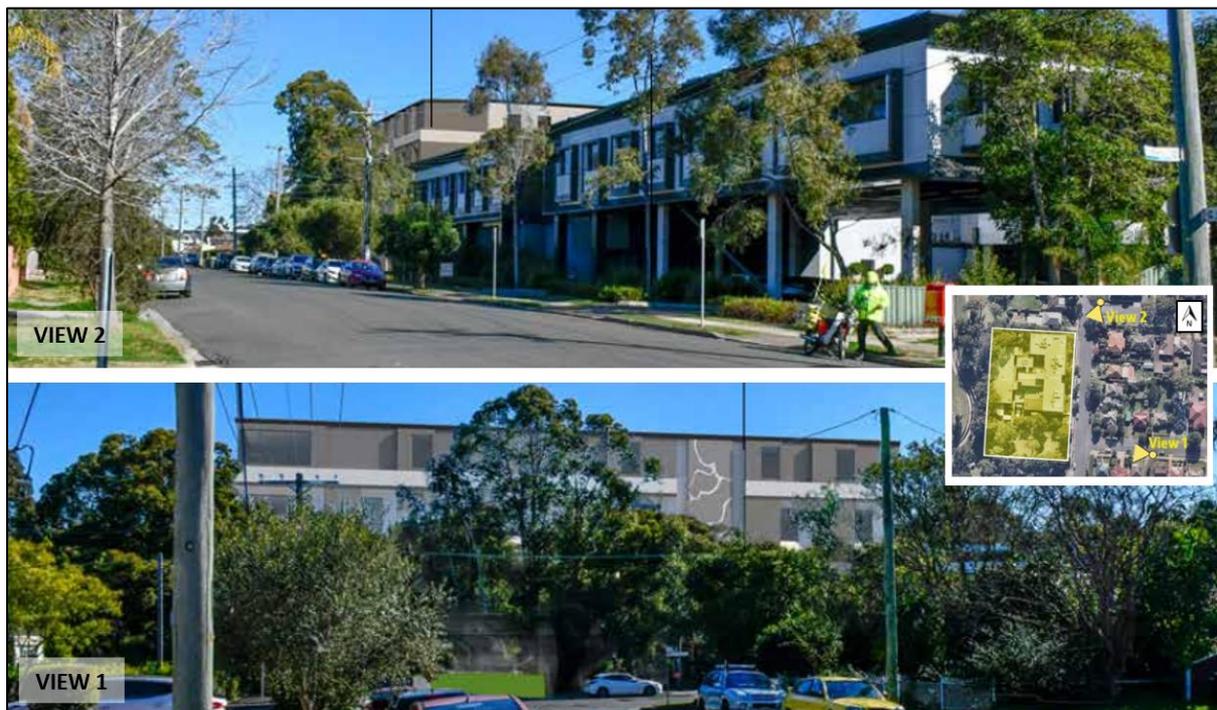
- 6.2.36 Given the westward slope of the site, the height exceedance of the proposed development would be minimal along the Lytton Street frontage, up to only 0.3m and made up predominantly of roof form and not floor space. The greater exceedance would be at the centre of the site, up to 3.85m including the lift over run. While the proposal represents a height exceedance of 25.7% within the centre of the site, it would only exceed the control by up to 2.1% and 8.1% along the Lytton Street frontage and the southern elevation, respectively. It is from this adjoining street that sightlines to the building would be most visible from the surrounding low-density residences to the east and south.
- 6.2.37 The Department also notes that due to the location of the site, the development is provided with generous setbacks from surrounding developments. This includes a setback of 12m from the nearest property to the south across the public lane, 30m from the nearest properties on the eastern side of Lytton Street, and 12m from the adjoining property to the north. This is in addition to the 90m distance between the development and residential buildings on the western side of the Council reserve.
- 6.2.38 The Department considers that the site's generous setbacks contribute to ensuring an acceptable separation between the proposed built form and lower density-built form residential development along Lytton Street. The Department is satisfied that the development has been designed to provide a sensitive transition from adjoining and adjacent residential dwellings and from the adjoining public domain, helping to ensure the building remains compatible with the overall character of the locality.
- 6.2.39 The site was rezoned R4 High Density Residential following the gazettal of the recent planning proposal (PP-2020-2448). This is consistent with R4 zoned properties immediately to the north and on the opposite side of the Council reserve to the west, as well as the R3 Medium Density Residential

properties to the north-west fronting Veron Street. While the Department acknowledges many of these sites have yet to be redeveloped to provide medium and high density residential, the future character of the area is envisaged to accommodate higher density development than currently exists.

6.2.40 Overall, the Department is satisfied that the proposed height of buildings is consistent with both the present and future envisaged character of the locality. Accordingly, the proposed height variation is consistent with Objective (b).

*Objective (c): to minimise the visual impact of development.*

6.2.41 The proposed extension has been designed to ensure that the maximum height exceedance is away from the Lytton Street frontage and adjacent the public lane (see **paragraph 6.2.36**). The part of the building adjoining the northern boundary in not increasing in height. This part of the building would largely be obscured in public sightlines from Lytton Street by the front of the extension and the existing Stage 1 building, as demonstrated by the Applicant's visual assessment (**Figure 35**). Given the above and noting the minimal 2% height exceedance along this frontage, the Department is satisfied that the development would not cause visual harm in sightlines from Lytton Street.

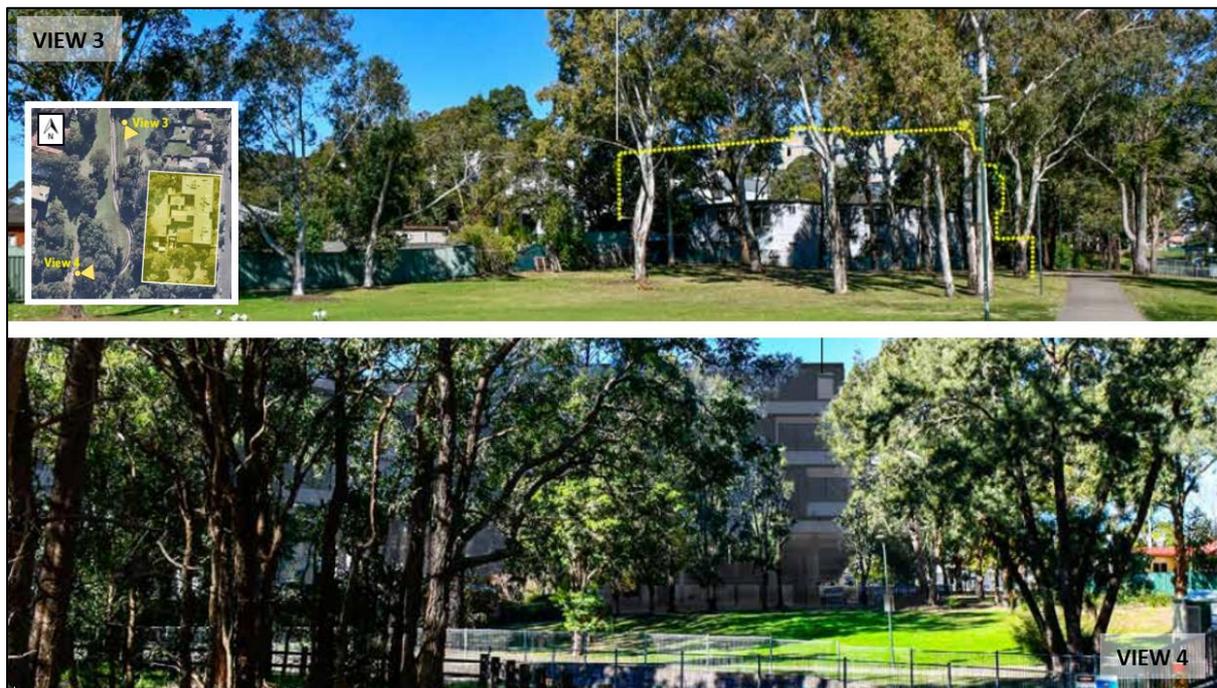


**Figure 35** | Views towards the building from the east (bottom) and north-east (top) (Base source: Applicant's RtS)

6.2.42 Due to the topography of the site, the proposed extension steps down towards the Council reserve, with the roof of the western wing being a floor level below that of the southern wing. Immediately along the western frontage, the western wing would only marginally exceed the height control by up to 0.86m (5%) and the southern wing would exceed the height control by between 1.4m and 3.3m (9% to 22%). However, the Department notes that north of the stair core, the top floor of the southern wing would be set back an additional six metres behind a rooftop plant area, reducing its visual impact. The lift core with the maximum height exceedance (3.85m or 25.7%) is located further beyond and

towards the centre of the site, approximately eight metres from the south-western site boundary and 16m from the western boundary.

6.2.43 The Department acknowledges that the lift core would be visible in sightlines from the west and north-west, from the Council reserve. However, it is satisfied that the proposal has been designed to reduce the visual impact of the core by ensuring that it is set back from the site boundary and behind both wings of the extension. Additionally, the reserve contains significant vegetation and tree planting is proposed within the site (see **Section 6.3**), to further mitigate the visual impact of the development from these sightlines. Views towards the proposed extension from the Council reserve are demonstrated in **Figure 36**.



**Figure 36** | Views towards the building from the north-west (top) and west (bottom) (Base source: Applicant's RtS)

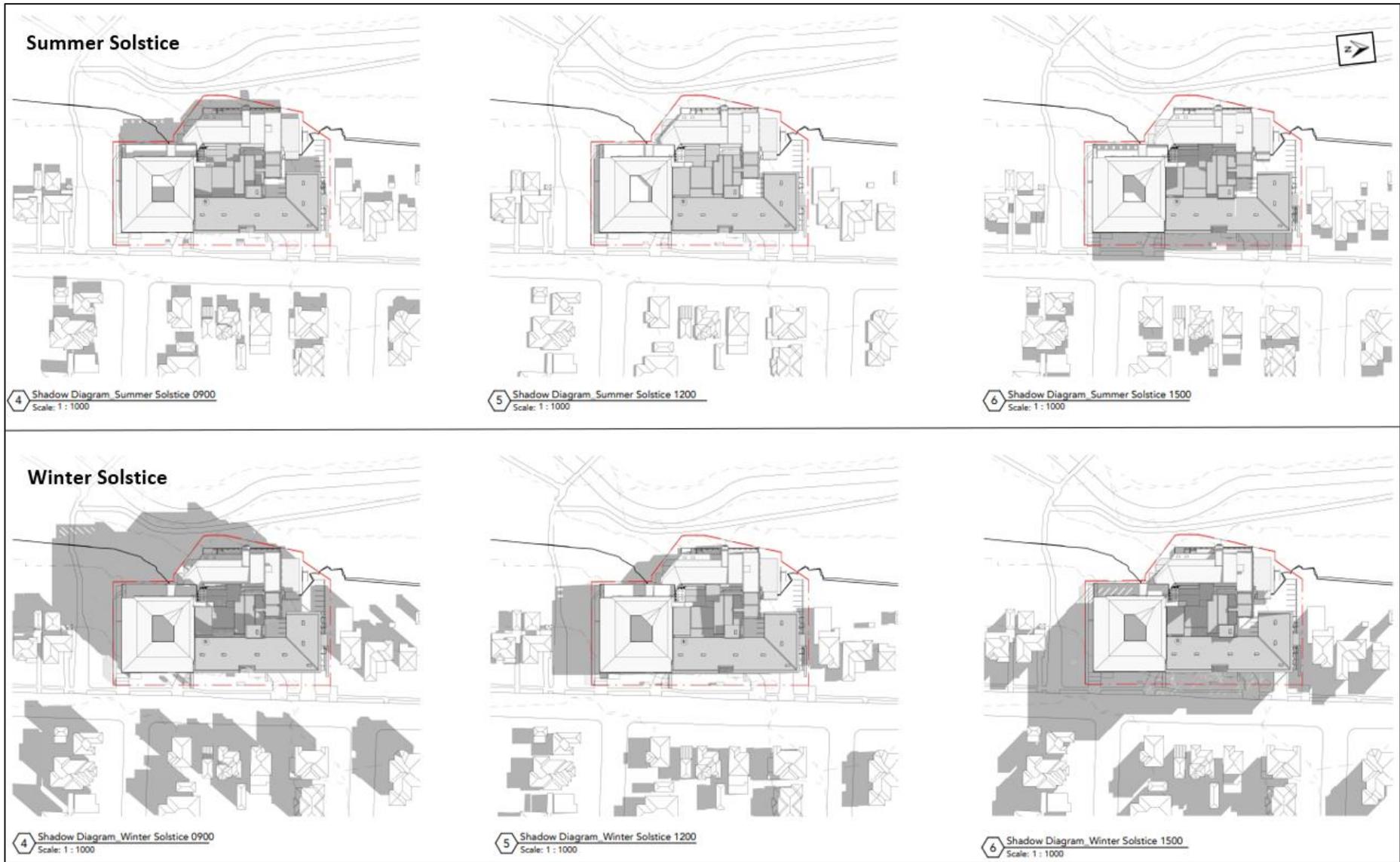
6.2.44 Along the southern site boundary, the extension would be setback beyond the laneway to the nearest residential property by 12m. Despite exceeding the height control by up to 1.22m (8.1%) along the southern boundary at the rear of the extension, the setback and separation distance created by the access laneway would reduce the impact of the exceedance.

6.2.45 Overall, the Department is satisfied that the proposed extension has been designed to reduce the visual impact of the height exceedance on the surrounding locality. Accordingly, the proposed height variation is consistent with Objective (c).

*Objective (d): to ensure sufficient solar access and privacy for neighbouring properties.*

6.2.46 The Department acknowledges that in addition to exceeding the height control for the site, the proposed development would introduce patient accommodation adjacent to the southern site boundary. In particular, the southern elevation of the extension's southern wing incorporates 31 windows serving inpatient rooms and common lounge areas.

- 6.2.47 The *Apartment Design Guide* (Department, July 2015) (ADG) aims to achieve better design and planning by providing benchmarks for designing and assessing residential apartment developments. In this instance, the Department considers the ADG a useful tool to apply in its assessment of the amenity impacts of the development to surrounding residential properties. For buildings of up to four storeys at the boundary with lower density development, control 2F of the ADG recommends the following minimum separation distances: 15m between habitable rooms/balconies, 12m between habitable and non-habitable rooms and 9m between non-habitable rooms.
- 6.2.48 The Department acknowledges that the proposed setback of 12m from the adjacent property at 31 Lytton Street would not meet the minimum outlined in the ADG between habitable rooms. However, the Department is satisfied that overlooking would be minimised given:
- the properties are separated by a publicly accessible landscaped path which would contribute to the provision of a visual separation buffer between the two sites.
  - direct line of sight between the properties would be screened to a significant degree by the landscaping within the public laneway and be supplemented by additional planting recommend by the Department.
  - the north-facing window at 31 Lytton Street appears to serve a non-habitable room (garage).
- 6.2.49 Nevertheless, the Department has recommended a condition requiring installation of opaque glazing or internal fixed louvres up to a height of 1.5m in the south-facing windows of the common lounge areas. This would further reduce overlooking opportunities towards the adjacent property. A good level of internal amenity would also be retained within the lounge areas, given that each lounge has dual aspect and is afforded additional outlook towards the east or west. Neither opaque glazing or internal fixed louvres are recommended for the windows serving inpatient rooms, which are single aspect and must continue to provide a good level of patient amenity.
- 6.2.50 To further mitigate any potential overlooking to the south, the Department also recommends a condition requiring the Applicant to plant three additional off-site trees within the Council laneway, of a species and pot size to be selected in consultation with Council.
- 6.2.51 The above measures are considered sufficient to ensure that the level of privacy experienced by occupiers at 31 Lytton Street is retained. The Department is satisfied that the exceedance of the HOB control would not exacerbate overlooking impacts along the southern site boundary.
- 6.2.52 As discussed previously, the proposed extension has been designed to ensure the greatest height exceedance is contained within the centre of the site. This ensures adequate solar access is retained for surrounding residences and at the Council reserve (see **Figure 37**). The Applicant provided shadow diagrams that demonstrate properties directly south and south-east of the site would continue to receive a minimum of three hours solar access during the winter solstice and unobstructed solar access throughout the day during the summer solstice. The diagrams also demonstrate that the reserve would receive a minimum of three hours of solar access during the winter solstice. Residential properties to the east, north and west of the site would also be afforded adequate solar access.



**Figure 37 |** Shadow diagrams, proposed development (Base source: Applicant's RtS)

6.2.53 Overall, the Department is satisfied that the additional height of the proposed extension beyond the 15m limit would not harm the level of solar access or privacy experienced at neighbouring properties. Environmental amenity is assessed further in **Section 6.7**. Accordingly, the proposed height variation is consistent with Objective (d).

6.2.54 In considering the merits of the proposal and the building height, the Department is guided by clause 4.6 of LEP, which allows for contravention of a development standard where compliance is unreasonable and unnecessary. The Department has also considered the established principle in the case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009. In accordance with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a clause 4.6 variation request to be upheld.

6.2.55 Based on the above, the Department considers the proposed exceedance to the LEP HOB development standard is acceptable in this case as:

- the site is constrained due to the impact of flooding on the site removing the ability to locate parking below ground
- the functional needs of the development are constrained by the retention of the existing building and the need to maintain existing floor levels.
- these constraints restrict the built form and result in less flexibility for the distribution of building mass across the floor levels
- the building envelope locations, height and scale are appropriate for the site, consistent with the ongoing use of the site and would not have significant adverse visual impacts.
- the development is considered to satisfy the objectives of the HOB development standard.
- the development would not have any significant amenity impacts arising from overshadowing, visual impact and loss of privacy, as discussed at **paragraphs 6.2.46 to 6.2.53**.

6.2.56 On balance, the Department considers that the height and scale of the building is acceptable and strict compliance with the LEP HOB development standard is unnecessary and unreasonable and finds that there are sufficient environmental planning and functional grounds to justify contravening the development standard, for the reasons set out in above.

#### ***FSR exceedance***

6.2.57 The proposed development, including the existing Stage 1 building, would provide a total GFA of 7,284sqm, resulting in an FSR of 1.09:1. This would exceed the FSR control of 1:1 under the CLEP by 9%. The GFA, and therefore the exceedance of the FSR control, was not amended in the RtS or SRtS. However, given the height amendment discussed previously, an updated variation request under clause 4.6 of the CLEP was provided as part of the RtS.

6.2.58 The clause 4.6 variation argues that compliance with the FSR standard is unreasonable and unnecessary as the:

- proposed development is considered contextually appropriate in the site and has been designed to be sympathetic to the residential and recreational nature of the locality.

- additional floorspace is required to accommodate unmet demand for mental health services in Sydney. The development would contribute to the provision of mental health hospital beds.
- additional floorspace would support the economic development of Wentworthville by creating employment opportunities close to the local centre during construction, operation and maintenance stages of the development.
- extension has been designed to provide an appropriate scale and density, therefore the FSR variation is compatible with the existing and desired future character of the locality.
- proposal incorporates articulated architectural and landscape design to enhance the visual interest of the development and mitigate the visual and environmental amenity impacts of the built form. Landscaping and the pedestrian access laneway to the Council reserve would provide suitable separation and a visual buffer to 31 Lytton Street to the south.
- development provides for the co-location of health services, avoiding the need for an alternative development site.
- compliance with the FSR control would impact on the efficient and functional operations of the WNBC and inhibit the provision and operation of the purpose-built facility.

6.2.59 Following review of the proposal at EIS and RtS stages, Council objected to the development with regard to the breach in FSR development standards. Council raised concerns that the proposed variation in FSR control indicates bulk and scale that is inappropriate for the existing locality, setting an undesirable precedent in the existing streetscape. Council noted the building is imposing and results in an inappropriate balance between the built and natural forms, and concluded the development is not in the public interest.

6.2.60 The Department reviewed the clause 4.6 variation request and assessed the FSR variation sought in accordance with the CLEP. The objectives of the CLEP FSR standard (clause 4.4) are addressed in the paragraphs below:

Objective (a): to establish a maximum floor space ratio to enable appropriate development density.

6.2.61 The Department has considered the design of the proposed development against the constraints of the site in **paragraph 6.2.30**. The Department considers the proposed exceedance of the FSR control is necessary in this instance to provide a suitably sized mental health facility while accommodating the constraints of the site. The bulk of the proposed building also reflects clinical requirements for level internal connections across the development and having regard to the existing Stage 1 building levels.

6.2.62 Overall, the Department is satisfied that the density of the proposed development is appropriate for the site and locality, as discussed further in **paragraph 6.2.39**. Accordingly, the proposed FSR variation is consistent with Objective (a).

Objective (b): to ensure that development intensity reflects its locality.

6.2.63 The proposal provides a multi-storey built form, consistent with the envisaged built form of the surrounding locality to the north, north-east and west, as discussed in **paragraph 6.2.35**.

6.2.64 The Department acknowledges that the site is surrounded by low-density residential development (zoned R2 Low Density Residential) with a 9m HOB to the east and south. However, the proposed

built form is adequately separated by these properties by Lytton Street to the east and the laneway to the south. This would mitigate the impact of the building's bulk on neighbouring properties.

6.2.65 Overall, the Department is satisfied that the bulk of the proposed development is appropriate for the site and reflects its locality. Accordingly, the proposed FSR variation is considered consistent with Objective (b).

### **Conclusion**

6.2.66 The Department acknowledges Council's concerns that the proposal represents an overdevelopment of the site. The Department and the SDRP in its initial advice to the Applicant also had concerns about the bulk and scale of the proposal and the Applicant amended the design to reduce the height of the building. In particular, it is noted that the development would provide a limited setback from the rear property boundary and that the building would exceed the site's FSR and height controls, resulting in a scale beyond that outlined in the CLEP. However, the Department must take into consideration the site specific characteristics and the Applicant's design approach, which has sought to reduce the impacts of the HOB and FSR contraventions at surrounding properties. Overall, the Department considers that the height and bulk of the proposed extension would not appear excessive within the locality, given that:

- the proposal generally reflects the scale and bulk of existing buildings and proposed future character of sites to the north, north-east and west.
- the structure has been designed to reduce impacts of the height and bulk exceedances on the low-scale residential properties to the south and east.
- the site is bordered by a Council reserve to the west and a public pedestrian laneway to the south, allowing for adequate separation from adjacent properties.

6.2.67 The Department concludes that compliance with the HOB and FSR development standards is unnecessary and unreasonable in this instance, and there are sufficient environmental planning grounds to justify contravening the development standards by 25.7% and 9%, respectively. Overall, the Department is satisfied that the proposed height and FSR variations are consistent with the objectives of clauses 4.3 and 4.4 of the CLEP.

6.2.68 The proposed development would be sympathetic in both scale and character with the surrounding area and compatible with the desired character of the locality in built form and materiality. The building would also not adversely impact the amenity currently enjoyed by users of the Council reserve or the occupants of adjacent properties in terms of overshadowing, privacy or view impacts.

### **Compliance with the BCA**

6.2.69 The EIS was accompanied by a BCA Assessment Report, which assesses the proposal against the provisions of the BCA. The report notes that no inspection was undertaken at the Stage 1 building to ascertain its current level of BCA compliance.

6.2.70 The report raises a number of BCA compliance issues regarding fire safety performance and emergency egress through the site, which would include extended travel distances between exit points and the public road. The proposal would also rely on an emergency egress path which passes directly underneath the building. The report recommends a number of design solutions to address the concerns and advises that plans are required to demonstrate a compliant path of travel from each

exit. The report also notes that the building has not been provided with spandrels or other means of separation of openings in external walls, and therefore assumes that a sprinkler system will be installed.

6.2.71 Excerpts of drawings contained within the report indicate that the proposal was subsequently revised prior to lodgement of the EIS, following preparation of the BCA report.

6.2.72 At SRtS stage, the Department requested the Applicant provide a revised BCA assessment report to demonstrate that the items of non-compliance have been addressed as part of the amended proposal and that the resolution would not require amendments to the development. In particular, the Department raised concerns with regard to:

- unresolved issues relating to compartmentalisation of the building.
- unresolved issues relating to the overall development including the relationship between the extensions and the existing Stage 1 building.
- impacts to the height of the building should the use of spandrels for external separation be required.

6.2.73 The Applicant refuted the need for a revised BCA assessment report and argued that the proposal under consideration is a “Concept Design”, and therefore the outstanding items can be resolved at detailed design stage prior to the issue of a Construction Certificate. The Applicant did, however, clarify that the proposal includes the provision of a sprinkler system and therefore external spandrels are not required. The Applicant also confirmed that the building as proposed would not require any design amendments to address the outstanding BCA items, however did not provide any additional information to support this statement.

6.2.74 The Department is not satisfied that the Applicant has provided sufficient information to demonstrate future design amendments would not be necessary to ensure the building complies with the requirements of the BCA. It is noted that the Applicant’s BCA assessment was undertaken prior to design amendments being made, and that a revised BCA assessment has not been provided.

6.2.75 The Department disagrees with the Applicant’s assertion that the development under consideration is a “Concept Design”, given the proposal does not constitute a ‘concept development’ as defined under clause 2.11 of the Planning Systems SEPP.

6.2.76 The Department acknowledges that in some circumstances BCA compliance issues can be addressed and overcome prior to the issue of a Construction Certificate. Nevertheless, the Department considers that the margin for design variations to address BCA non-compliances is significantly reduced in this instance, given the scale and dimensions of the building. Therefore, the Department disagrees with the Applicant’s assertion that the outstanding BCA compliance issues can be addressed at a later date.

6.2.77 Overall, the Department considers it pertinent to ensure that the Applicant demonstrates the development can address the outstanding BCA compliance issues without further amendments. This has not been satisfactorily demonstrated.

6.2.78 For these reasons, the Department recommends a deferred commencement condition requiring the Applicant to demonstrate that no external design amendments to the development as proposed are necessary to meet BCA requirements, particularly with regard to fire safety, by submitting an updated

BCA assessment report to the satisfaction of the Certifier. It is recommended that evidence of this is submitted to the Planning Secretary within 24 months of the date of determination of the deferred commencement consent, otherwise the consent will lapse pursuant to section 4.53(6A) of the EP&A Act. The development consent will not become operative until the consent authority notifies the Applicant in writing that the requirements of the deferred commencement consent conditions have been satisfied.

### 6.3 Tree removal, landscaping and biodiversity

#### Tree removal

- 6.3.1 Existing vegetation is largely concentrated around the site boundaries and around the southern at-grade carpark. The remainder of the site is largely disturbed and cleared.
- 6.3.2 The proposal includes the removal of 35 on-site trees (Trees 3-6, 17-40, 42-43, 50-51, 53-55) to facilitate the development (see **Figure 38**). Tree 27, a *Eucalyptus nicholii* (Narrow-leaved Black Peppermint), is listed as a threatened flora species under the BC Act. The removal of the threatened species is discussed further in **paragraphs 6.3.19 to 6.3.21**.
- 6.3.3 The TPZ of Tree 47, located on Council-owned land within the public reserve at the rear of the site, would be encroached by the development. Therefore, the tree would also not be viable for retention. The Applicant has advised that the removal of the tree is subject to a separate application with Council (TA2022/0288) and does not form part of this application. Council approved the removal of the tree on 18 August 2022.
- 6.3.4 The proposal building line would also encroach within the TPZs of Tree 41 within the site by 18% and Trees 48 and 49 within the Council reserve by 15% and 13%, respectively. These trees are not proposed for removal.
- 6.3.5 Council raised no concerns regarding the proposed tree loss, however recommended conditions to ensure tree protection measures are implemented during construction for those trees being retained. Council requested further investigation by an arborist be undertaken for Tree 41 to determine the presence and extent of any internal decay, noting that removal of the tree may be necessary if significant decay is found.
- 6.3.6 EHG noted the TPZ of Trees 41, 48 and 49 would be subject to major encroachment from the proposed development and requested root investigations to determine that the trees will remain viable, in accordance with Australian Standard 4970:2009.



Figure 38 | Tree removal plan (Source: Applicant's RtS)

6.3.7 At SRtS stage, the Applicant provided an additional arborist assessment concluding that further root investigations are not required for Trees 41, 48 and 49 for the following reasons:

- the potential loss of root mass for each tree is slightly greater than the 10% defined as a major encroachment within AS 4970:2009, but is within the range of acceptable root loss without impacting viability.
- the trees are in good health and condition and have a good tolerance to root disturbance. They have good vigour and have a long useful life expectancy.
- the trees have no significant trunk lean.
- soil around the trees is clay loam and there is no indication of poor drainage. The trees are located within the Council reserve and have unlimited contiguous area for compensatory root development as required for a major encroachment.
- there are no existing structures impeding root development within the TPZ of the trees.

6.3.8 EHG reviewed the additional information and advised that it is not satisfied that the submitted information is sufficient to demonstrate the ongoing viability of the trees. However, it recommended conditions to assist in mitigating and remediating any impacts that may occur, including a requirement for arborist supervision during construction works and post-construction tree monitoring.

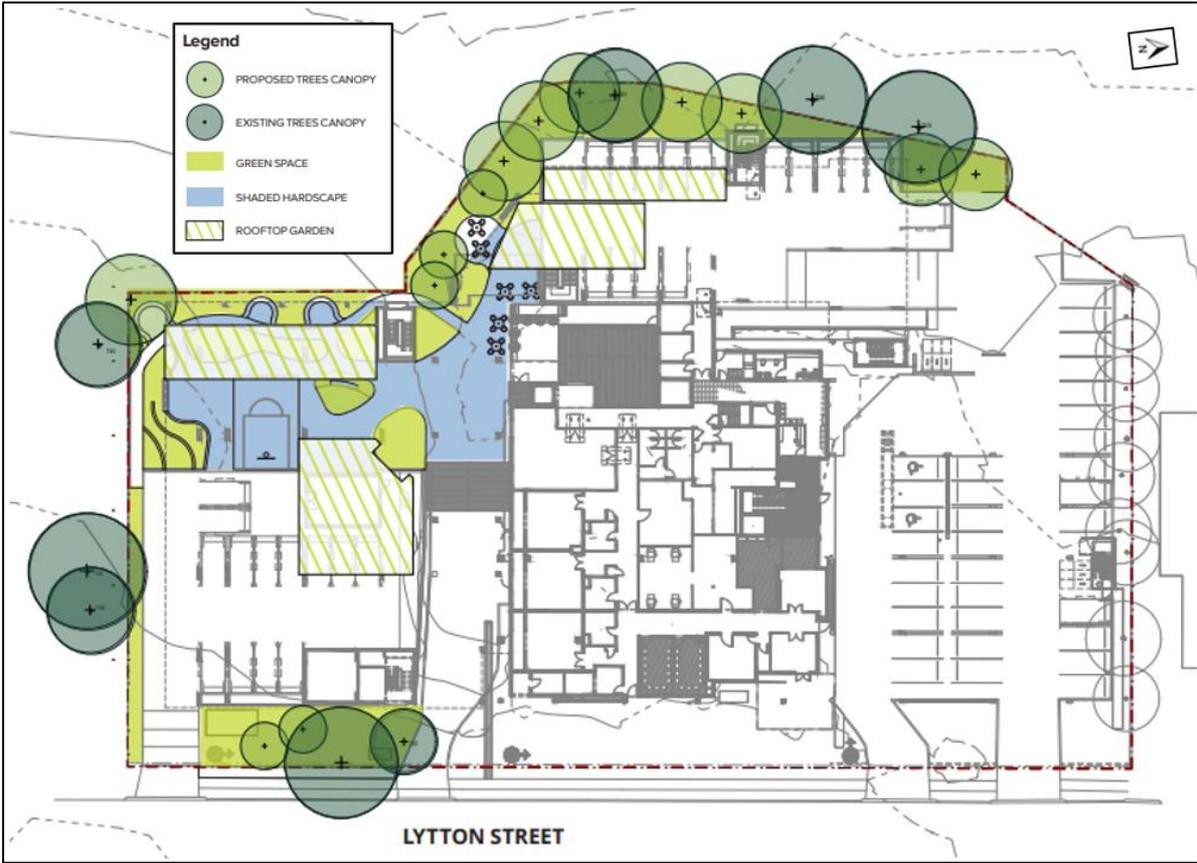
6.3.9 EHG also advised that additional investigation should be undertaken to determine the presence and extent of any internal decay at Tree 41, per Council's request. This has been secured via recommended condition.

6.3.10 The Department is satisfied that the proposed tree removal and impact on trees being retained is acceptable, subject to recommended conditions.

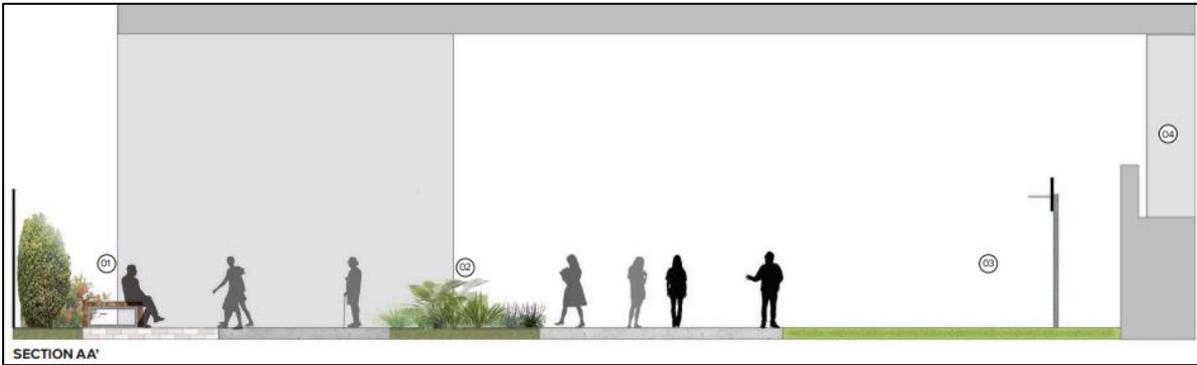
### Landscaping

6.3.11 The application proposes the planting of 11 replacement trees along the western site boundary, two trees at the Lytton Street frontage (13 trees in total) and widespread landscaping including a mix of native and endemic plant species, shrubs and ground cover. In particular, the proposed strategy includes (outlined in **Figures 39 to 42**):

- a landscaped open space within the undercroft beneath the southern wing of the extension, including a half basketball court, pocket garden, soft and hard landscaping and timber seating. A ramp would provide access to this space from the undercroft carpark. Landscaping would largely be limited to the western periphery of the undercroft area, where adequate natural light would be received.
- a hanging garden within the Level 1 central courtyard (southern wing), including hard and soft landscaping, timber seating and a planter wall.
- enclosed courtyards at Levels 1 and 2 of the western wing and Level 3 of the southern wing, including soft and hard landscaping, raised planters and café tables and seats.



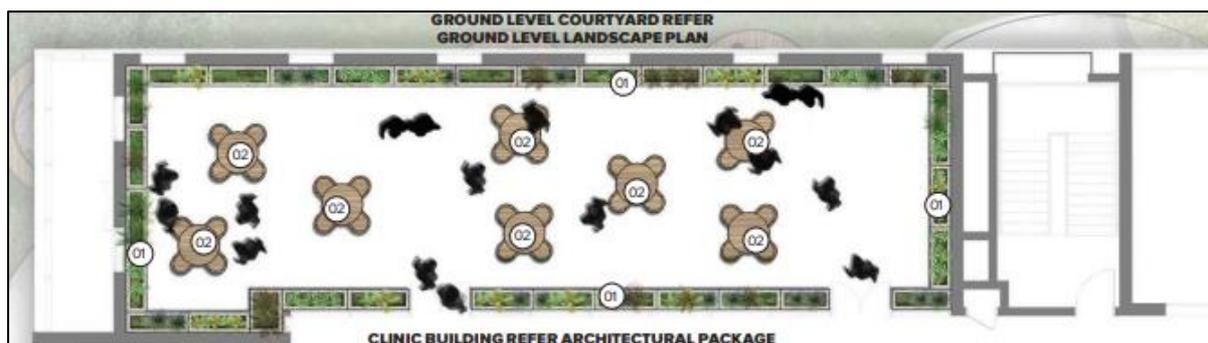
**Figure 39 | Landscaping strategy (Source: Applicant's RtS)**



**Figure 40 | Undercroft landscaping, including half basketball court (Source: Applicant's RtS)**



**Figure 41 | Level 1 central courtyard, including hanging garden (Source: Applicant's RtS)**



**Figure 42 | Enclosed courtyard, Level 3 (Source: Applicant's RtS)**

- 6.3.12 Council raised no concerns regarding the proposed landscaping strategy, but requested the installation of a black palisade fence around the site's western, northern and southern perimeters. Council also requested that the proposed planting of *Corymbia citriodora* (Lemon-scented gum) be substituted with *Corymbia maculata* (Spotted gum), to strengthen protection of local critically endangered species.
- 6.3.13 During the GANSW SDRP process, concern was raised regarding the small proportions of the Level 1 central courtyard. It was also requested that additional street trees be planted, and that a dense landscaped buffer be introduced to boundary fences.
- 6.3.14 At the RtS stage, the proposal was revised to include:
- planting of two new trees to the Lytton Street frontage.
  - substitution of proposed lemon-scented gums with spotted gums.
  - an increase in the provision of planting beds, planter walls and seating within the Level 1 central courtyard. This would provide additional amenity for users and increase privacy within patient rooms. Direct access from patient rooms into the courtyard was also removed.
  - the installation of a black palisade fence around the perimeter site, to be lined by additional landscaping per Council and SDRP requests.
- 6.3.15 The NSW Government's draft *Greener Places Design Guide 2020* suggests a tree coverage target of 40% in low density areas. The proposal includes a site canopy coverage of 27%, or 30% if canopy from existing trees outside the boundary are included.
- 6.3.16 The Department considered the submission from Council, the comments of the SDRP, and the information contained within the Applicant's EIS, RtS and SRtS, and is satisfied that the proposed hard and soft landscaping is of a high quality and is therefore acceptable.
- 6.3.17 Overall, the Department is satisfied with the proposed tree removal and replacement landscaping, noting that:
- due to the location of existing trees, tree removal to facilitate the development is unavoidable.
  - the proposal includes the planting of 13 trees to replace the 35 trees cleared, with a total overall site canopy coverage of 27%. While this is a decrease in tree numbers and canopy coverage, this is unavoidable given the constraints of the site and the nature of the proposed development.

- the proposal would provide outdoor spaces for patients and staff of the facility. The central courtyard would afford landscaped views and solar access for internal rooms.
- Council raised no concerns regarding the proposed loss of trees.

6.3.18 The Department is satisfied that the Applicant has supplied adequate justification for the removal of trees across the site and the proposed replacement planting within the site can suitably offset the localised impact of tree removal on site. The Department has recommended conditions to ensure adequate tree protection during construction activities and requiring a Landscape Management Plan to manage re-vegetation and landscaping on site.

### **Biodiversity**

6.3.19 The site is located within the Sydney Basin Interim Biogeographic Regionalisation Australia (IBRA) region. A BDAR was submitted as part of the EIS, which identified the presence of planted native vegetation on site, specifically a *Eucalyptus nicholii* (Narrow-leaved Black Peppermint) (Tree 27) – listed as vulnerable under the *Biodiversity Conservation Act 2016* (BC Act) and proposed for removal as part of the development. However, the BDAR also identified that the proposal is unlikely to have a significant impact on the species, as it does not naturally occur on the Cumberland Plain and is well outside its natural range.

6.3.20 At RtS stage, the Applicant’s ecologist provided an addendum to the BDAR, advising that the removal of five additional trees resulting from design amendments will not have a significant impact on biodiversity values within the site. The information concluded that there would be no additional impacts to threatened ecological communities or threatened flora species under the updated design.

6.3.21 EHG confirmed that the BDAR adequately assessed the biodiversity values and impacts of the proposal and recommended the biodiversity mitigation and management measures outlined in Table 9 of the BDAR be reinforced through conditions of consent. EHG also recommended that vegetation removal be done under the supervision of an experienced and qualified ecologist, reducing potential harm to fauna.

6.3.22 The Department has recommended conditions requiring the implementation of the management measures outlined in the BDAR and to ensure that vegetation removal be done under the supervision of a suitably qualified ecologist.

## **6.4 Flooding**

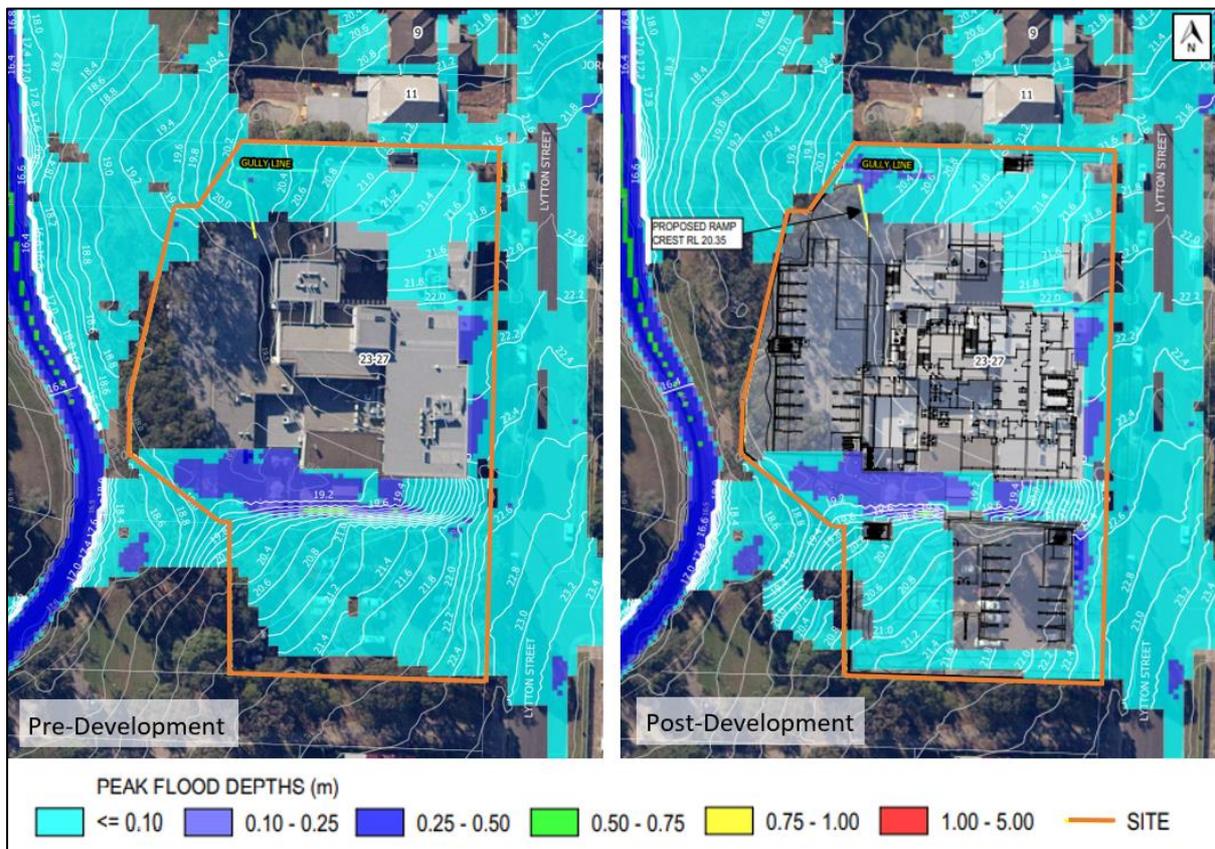
6.4.1 The EIS was accompanied by a Flood Impact Study, which modelled the site for the 1% annual AEP flood event. Following review of the EIS, Council advised that an updated flood advice letter was required to be obtained from Council and incorporated into an updated flood report. EHG requested the flood assessment be amended to consider the full range of floods up to the PMF event and using the 0.5% and 0.2% AEP events as proxies for assessing sensitivity to rainfall increases.

6.4.2 At RtS stage, the Applicant provided a revised Flood Impact Study, which sought to address the comments raised by Council and EHG. The study utilised data including Council’s TUFLOW model for Finlayson Creek and various survey sources to simulate the 1%, 0.5% and 0.2% AEP and PMF flood events.

6.4.3 The revised Flood Impact Study demonstrates that the site is subject to 1%, 0.5% and 0.2% AEP and PMF flood events. Specifically, the site is impacted by overland flows which drain westward from Lytton Street towards the Council drainage reserve at the rear centred around Finlayson Creek. Peak floodwater levels show that the site is not impacted by mainstream flooding during these events.

**1% AEP flood event**

6.4.4 The study demonstrates that minor flood impacts are identified on the site and within the Council reserve, which acts as a drainage reserve during 1% AEP flood events. The study concludes that none of the impacts pose a risk to life or property. There would be no changes to overland flow offsite along the Lytton Street frontage as a result of the development. The pre and post development 1% AEP maximum flood depths and levels are shown in **Figure 43**.



**Figure 43 | 1% AEP maximum flood depths and levels (Base source: Applicant’s RtS)**

6.4.5 The proposal includes a driveway crest (20.35m AHD) at the top of the ramp leading to the western carpark, providing a freeboard of 150mm above the 1% AEP peak flood level of 20.20 AHD. The proposed southern carpark would not be affected by flooding, which would be contained to the landscaped undercroft area at the rear. At the southern elevation of the existing Stage 1 building, the minimum floor level at the proposed entrance lobby would align with the overland flow level of 19.25 AHD, providing no freeboard. However, the Department is satisfied that it would be impractical to raise the current floor level, given the existing nature of the building. Council has raised no concerns with the Applicant’s approach to maintaining the floor level as high as practicable in this instance, which was outlined within the former Holroyd DCP.

6.4.6 Despite the small increases, the study demonstrates that flood hazard categories within the area remain unchanged and indicate a low hazard to occupants, vehicles and building structures.

6.4.7 During the 1% AEP event post-development, overland flow velocities would align with pre-development conditions of between 0.1 and 1.0 metres per second. The proposal would result in a small increase of up to 150mm at the western end of the northern and southern carparks, and a small increase within the reserve at the south-west of the site. Despite the small increases, the flood hazard categories within the area as identified within the Flood Impact Study, remain unchanged indicating a low hazard to occupants, vehicles and building structures. The Department is satisfied that the results of the survey demonstrate that the proposed development would not result in adverse offsite flood impacts during the 1% AEP flood event. Evacuation during 1% AEP flood events is discussed in detail in **Paragraphs 6.4.14 to 6.4.19**.

#### **0.5% / 0.2% AEP and PMF flood events**

6.4.8 During the 0.5% / 0.2% AEP and PMF flood events, inundation at the site would be equal to or greater than during the 1% AEP event.

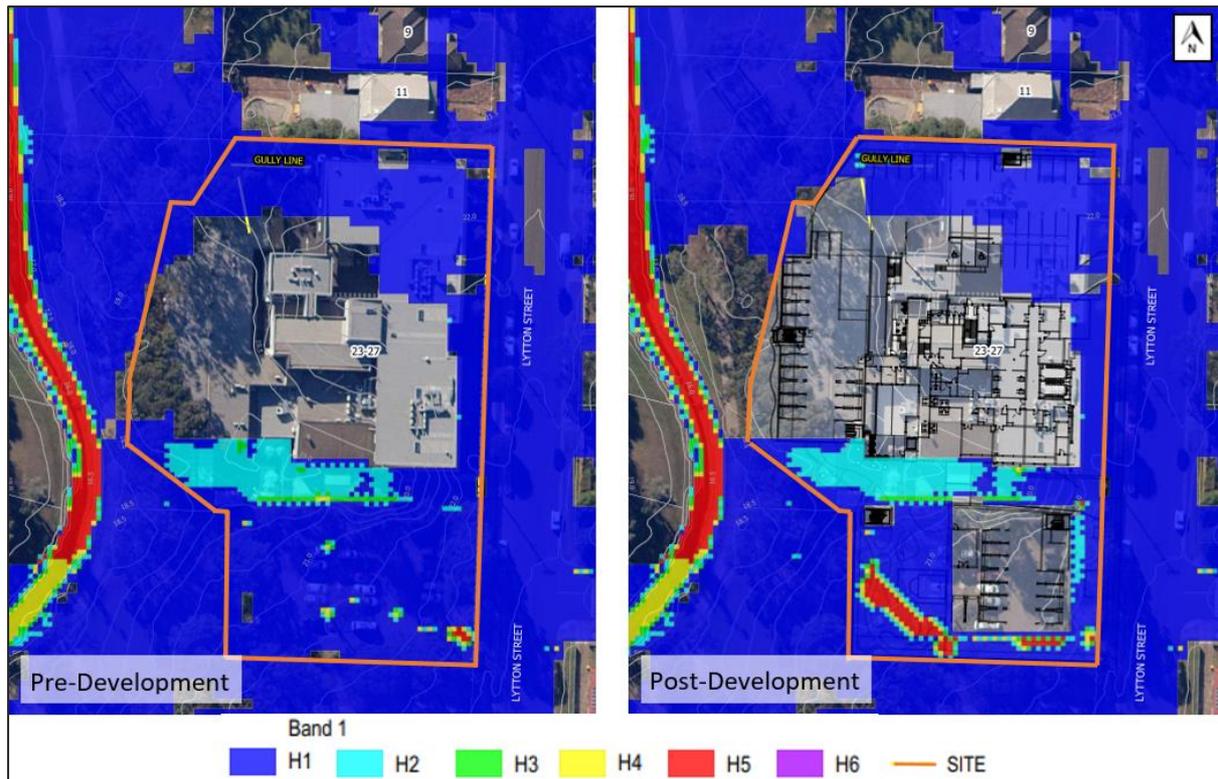
6.4.9 The results of the study show isolated afflux (an increase in turbulent water level) at the eastern and southern side of the extension's southern wing, and at the western end of the existing northern carpark, during each of the 0.5% / 0.2% AEP and PMF flood events. Off-site, there would be small areas of 'was dry, now wet' to the southwest within the Council reserve. The flood study indicates each of these events would not pose an increased risk to life or property.

6.4.10 During the PMF event, the site would be inundated for a duration of up to two hours. Roads in the immediate vicinity of the site would become inundated quickly (approximately 10 minutes after the onset of the PMF storm) due to the fast flood response time of the local catchment during the overland flow flooding.

6.4.11 In accordance with the *Australian Disaster Resilience Guidance 7-3 Flood Hazard* (Australian Institute for Disaster Resilience, 2017), a flood hazard analysis was carried out during PMF events for the pre-development and post-development scenario. The results of the analysis are shown in **Figure 44**.

6.4.12 Generally, the post-development flood hazard remains consistent with the pre-development scenario. The flood hazard in the existing northern carpark is within the H1 category (generally safe for vehicles, people and buildings). The hazard at the loading dock driveway in the centre of the site would remain unchanged in the post-development scenario, within the H2 category (unsafe for small vehicles) and a small area of H3 (unsafe for vehicles, children and the elderly).

6.4.13 Small parts of the southern undercroft would be exposed to hazards up to H4 category (unsafe for vehicles and people), given the slope of the existing driveway. During the post-development scenario, this would largely be confined to the landscaped area at the south-western corner of the site.



**Figure 44 | Maximum hazard, PMF flood event (Base source: Applicant’s SRtS)**

**Flood risk management during operation**

- 6.4.14 The Department is satisfied that the results of the Flood Impact Study demonstrate that the proposed development would not result in adverse offsite flood impacts or unacceptable safety hazards during the 0.5% and 0.2% AEP and PMF flood events, subject to the implementation of the management measures outlined below.
- 6.4.15 During inundation of the site, there may be impacts to sewerage functions for a short period duration. The Applicant advises that these would be minor and can be managed through site procedures. Overland flows are not expected to impact electricity infrastructure and availability, as the new substation is set 150mm above the shallow water depths. To mitigate the potential for flood water ingress to the lower ground levels, a 150mm high bund would be provided around existing doorways to external areas.
- 6.4.16 Due to the short duration of flooding during the PMF event (up to two hours), the Applicant advises it would be infeasible for off-site evacuation. Therefore, a ‘shelter in place’ strategy has been developed, where patients and staff at lower levels of the building would be evacuated to the first floor and above (beyond the PMF level of 22.30 AHD) prior to the flood event. These upper floors can be accessed via both lifts and stairs. A flood evacuation plan would be affixed on all visible spots within flood prone areas of the site.
- 6.4.17 The application proposes the preparation of a detailed Emergency Management Plan (EMP) prior to occupation, to describe the procedures and movement of people from lower floors and carpark areas to access refuge above the PMF level. The EMP would describe:
  - the roles and responsibilities of wardens.
  - procedures regarding refuge facilities during and after a flood.

- procedures for on-site staff to advise incoming patients to delay or cancel their appointment.

6.4.18 To mitigate and manage the flood hazards within the southern undercroft, the Applicant proposes installation of flood warning signage in the carpark and to lower ground level entry/exit doors and the installation of rubber seals to thresholds.

6.4.19 EHG raised no further concerns regarding flooding. The NSW State Emergency Service (SES) reviewed the Applicant's flood study, including the proposed 'shelter in place' arrangements contained in the preliminary Emergency Management Plan, and raised no concerns. It noted that the proposal does not appear to significantly increase flood risk at the site.

### **Conclusion**

6.4.20 The Department acknowledges the existing WNWC facility is vulnerable to overland flows during the 1%, 0.5% and 0.2% AEP and PMF flood events. The existing building at the rear of the property (proposed for demolition) accommodates in-patient beds at lower ground floor level, which would be relocated to Level 1 as part of the development. Whilst the proposed development would intensify use of the site and increase occupation and those exposed to flooding, the Department is satisfied that by relocating the wards to a higher level, the proposal would provide an overall net reduction in risk to staff and patients during flood events and ensure operations of the facility can continue during those events.

6.4.21 The Department is satisfied the proposed development would not increase flooding or flood hazards at neighbouring properties and considers the Applicant has demonstrated that operation of the facility can be managed during flood events. The intention to shelter in place in this instance is considered acceptable given the identified short flood duration and the low-risk hazard of the relevant over land flood events in terms of flood depth and velocity. SES raises no objection to the shelter in place arrangements. The Department recommends conditions to ensure the safety of staff and patients and the management of site operations during flood events, including a requirement for the preparation of an EMP prior to commencement of operations. The design of the development, including at grade car parking, would ensure minimal disruption to the operation of the facility during flood events.

## **6.5 Traffic, transport and parking**

6.5.1 The site is located on Lytton Street between Veron Street (160m to the north) and Fullagar Road (350m to the south). Vehicular access to the site is via a southern driveway and two northern driveways (entry and exit) from Lytton Street, with loading activities via a service driveway 30m north of the southern driveway. Pedestrian access is provided via a path adjacent to the northern vehicle access driveway. There is a shared pedestrian and bicycle path along the southern boundary of the site leading to the Council reserve at the rear.

6.5.2 Lytton Street is a local road with one lane of traffic and unrestricted street parking in each direction. Veron Street is a local collector road connecting the residential area to Wentworthville town centre to the north-west.

6.5.3 The existing site incorporates a southern carpark (33 spaces) and a northern carpark (31 spaces), for a total of 64 car parking spaces.

6.5.4 The application is accompanied by a Traffic and Accessibility Impact Assessment (TAIA), including a preliminary Construction Traffic Management Plan (CTMP) and preliminary Green Travel Plan (GTP),

which considers potential traffic, transport and accessibility impacts throughout construction and operation phases of the development.

- 6.5.5 The application proposes an overall increase in patient treatment facilities (55 additional beds and nine additional consulting suites) and will employ 23 additional full-time staff. The proposal will operate continuously over a 24-hour period, however peak periods are expected between 8am to 9am and 3pm to 4pm.
- 6.5.6 Following exhibition of the EIS, Council raised concerns that the proposed parking provision is inadequate and requested that numbers comply with the Guide to Traffic Generating Development, which would require a minimum of 102 spaces. TfNSW raised no concerns regarding the proposal.

### Mode share and travel plan

- 6.5.7 The Applicant used 2016 Census Data to identify the existing modal splits for persons working within the Wentworthville area. These figures were used to determine the modal split for WNWC staff. The figures show that 15.8% of trips during the peak period are taken using public and active transport. The Department acknowledges that travel mode splits for patients is more difficult to determine, as they are drawn from the wider community. The person trip generation for the proposed development was assessed under the Land Use Traffic Generation Data and Analysis 28 – Private Hospitals (RTA, 1994).
- 6.5.8 All staff and visitors are encouraged to use sustainable modes of transport to and from the site, as appropriate. Based on proposed staff numbers, the staff modal splits of the trips taken via public and active transport during the peak period are summarised in **Table 8**.

**Table 8 | Non-car staff trips during the peak period**

Travel Mode	Percentage (%)	Number of Persons
Train	9.1	11
Bus	2.4	3
Bicycle	0.1	0
Walked only	4.2	5
<b>Total</b>	<b>15.8</b>	<b>19</b>

*Note: the person trip generation for the proposed development was assessed under the Land Use Traffic Generation Data and Analysis 28 – Private Hospitals (RTA, 1994). The number of person trips associated with the proposal was estimated using the following formula; Peak Person Trips = -13.34 + (0.72 x Average number of Staff per weekday day shift), which results in 117 proposed person trips during the peak travel periods (+59 beyond existing scenario).*

- 6.5.9 As demonstrated in **Table 8**, approximately 15.8% of trips within Wentworthville are completed using alternative means of travel, of which a large percentage (73.7% of alternative trips) use public

transport. The TAIA proposes a GTP to encourage WNWC patients and staff to use public transport and alternative modes of transportation, with the primary objectives of:

- promoting the use of sustainable transport methods.
- promoting the private hospital as an innovative and environmentally aware organisation.
- providing an active environment by encouraging healthier travel for patients and staff.

6.5.10 The GTP recommends the preparation of a Transport Access Guide for staff and patients, and the implementation of a formal car-pool scheme for staff including prioritisation of on-site staff car parking for vehicles transporting two or more staff members to and from work.

6.5.11 The Department is satisfied that the implementation of the proposed behavioural and travel strategies in the GTP would likely achieve an increased public/active transport mode share beyond the figures outlined in **Table 8**. The Department has recommended conditions requiring implementation of the GTP, and ongoing monitoring and annual review to ensure the GTP improves over time.

### **Operational traffic generation**

6.5.12 In order to understand the existing site traffic generation, the TAIA includes the results of a survey undertaken at the site access between 7am and 9am and 3pm and 6pm on Wednesday, 24 March 2021. The surveys demonstrated the following volumes:

- 14 vehicles during the morning network peak period of 8am to 9am, which also coincides with the morning site peak generation. This equates to 0.2 vehicle trips per bed per hour.
- 35 vehicles during the afternoon period of 3pm to 4pm, which coincides with the staff change over period and is outside the afternoon network peak of 5pm to 6pm. This equates to 0.5 vehicle trips per bed per hour.

6.5.13 Based on the number of vehicle trips per bed per hour noted above, predicted traffic generation for the proposed net increase of 55 beds is as follows:

- +11 vehicle trips between 8am and 9am.
- +28 vehicle trips between 3pm and 4pm.

6.5.14 Based on the predicted traffic generation, the TAIA also includes a SIDRA analysis of key intersections including Lytton Street / Veron Street and Lytton Street / Fullagar Road for the 2021 and 2031 scenarios. The intersections are shown in **Figure 45**, and SIDRA modelling results in **Table 9**.

6.5.15 The post development traffic assessment found that the development would not reduce the LoS for either intersection in both the 2021 and 2031 Base Case + Development scenarios. No major additional queuing or delays are expected. TfNSW did not raise concerns with the projected figures or with the Applicant's LoS modelling and baseline data set assumptions. Council also raised no concerns regarding the traffic generated by the proposed development. However, a public submission raised concerns regarding impacts of increased traffic and pedestrian safety on surrounding streets.



**Figure 45 |** Intersections assessed in SIDRA analysis (Base source: Nearmap 2022)

**Table 9 |** Intersection performance Level of Service (LoS) (Base Source: Applicant’s EIS)

Intersection	2021 Base		2021 Base + Development		2031 Base		2031 Base + Development	
	AM	PM	AM	PM	AM	PM	AM	PM
Lytton Street / Veron Street	A	A	A	A	A	A	A	A
Lytton Street / Fullagar Road	A	A	A	A	A	A	A	A

*Note: The 2031 future scenario incorporates a two percent annual growth of traffic to the existing surveys, resulting in significant input flow (cumulative 25% increase) onto the surrounding road network. The TAIA considers this a conservative assumption, noting the land zoning located in the vicinity of the site.*

6.5.16 The proposal also includes the provision of a replacement loading bay area between the existing Stage 1 building and the southern wing extension. The loading bay would be accessed via the central driveway, which is currently used for loading activities for the existing facility. Swept path analysis has been conducted of a 6.4m long small rigid vehicle entering and exiting the site, which also demonstrates that such a vehicle would be able to turn around on site. The Department is satisfied that the location of the replacement loading bay is acceptable.

6.5.17 Noting the Applicant’s intersection modelling, the Department is satisfied that the traffic generated by the development is acceptable and the traffic impacts of the proposal on surrounding streets and pedestrian safety can be managed and mitigated. Additionally, as the GTP is applied, there is potential that vehicle movements to/from the site would be further reduced.

### Car Parking

6.5.18 The application proposes the provision of 13 and 31 car parking spaces in the southern and western carparks respectively (44 in total). Following the completion of construction works, this would result in an overall on-site parking provision of 77 spaces, including four accessible spaces.

6.5.19 As part of the EIS, the Applicant outlined the parking rates required for hospitals (rehabilitation centre) in the Wentworthville area under the former Holroyd DCP (2013). Using the DCP as a guide, the development would require 71 off-street car parking spaces, which is six less than the 77 proposed. The Department notes the Holroyd DCP has been superseded by the Cumberland DCP, which came into effect on 5 November 2021. The Holroyd DCP parking requirements are outlined in **Table 10**.

**Table 10 | Holroyd DCP minimum car parking rate and provisions**

Type	Number <sup>1</sup> Proposed	Minimum Car Parking Rate	Minimum Required	Number Provided
Beds	125	1 space per 3 beds	42	
Employees <sup>2</sup>	58	1 space per 2 employees	29	77
Resident Matron	0	1 space per resident matron	0	
<b>TOTAL</b>			<b>71</b>	<b>77</b>

[1] Total numbers post development. [2] Maximum number of staff on-site at all times.

6.5.20 Council objected to the use of the former Holroyd DCP to determine the required on-site parking provision, advising that the number should comply with the *Guide to Traffic Generating Development*. This would equate to a minimum requirement of 102 on-site parking spaces, 25 more than has been proposed.

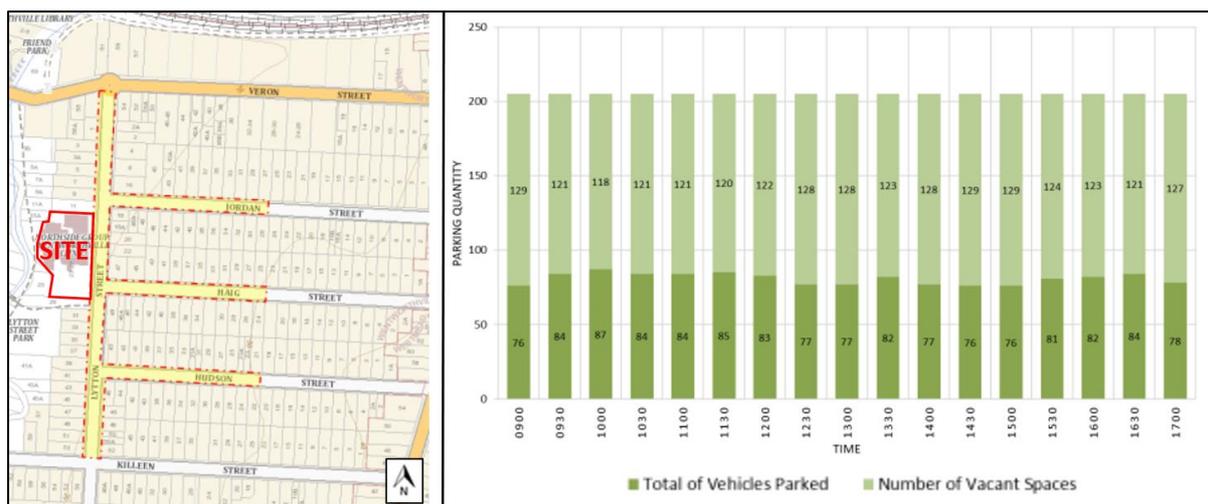
6.5.21 At RtS stage, the Applicant provided additional justification for calculation of the required parking provision. Specifically arguing the:

- Cumberland DCP 2021 is unsuitable to determine parking rates for the expanded facility, given that it does not provide car parking rates for rehabilitation centres or public hospitals.
- *Guide to Traffic Generating Development* is unsuitable to determine parking rates for the expanded facility, given that it provides generic state-wide rates derived from 1994 data, that does not consider the unique operational requirements for individual developments.

6.5.22 The RtS further assessed parking requirements on a ‘first principles approach’, by considering the number of staff and visitor vehicles that are likely to travel to the facility, based on staff and visitor numbers. The approach considers Australian Bureau of Statistics (ABS) data for staff modal split and estimates 75% of visitors would drive to the site. Overall, the development is expected to generate a daily parking demand of 54 for staff and 28 for visitors (a total of 81). The calculation uses ABS data to determine that 71% of staff will drive to site and factored in a 75% private vehicle figure for visitors (no in-patient visitors are permitted to drive to/from the site as per WNWC protocols).

6.5.23 Using this approach, the proposed development is expected to see a shortfall of four off-site parking spaces. However, the Applicant contends that there is sufficient on-street parking capacity to accommodate this minor shortfall.

6.5.24 To demonstrate on-street parking demand, a parking survey was conducted within the vicinity of the subject site between 9am and 5pm on Monday, 8 August 2022. The extent of the parking survey is outlined in **Figure 46**.



**Figure 46 | Extent (left) and results (right) of parking survey (Base source: Applicant's RtS)**

6.5.25 The parking survey identified that there are 205 parking spaces within the survey zone. Typically, on-street parking demand was consistent across the entire day with an average occupancy rate of 39%. The number of vehicles parked within the period peaked at 10am with 87, with 118 spaces remaining available (with a total occupancy of 42%). On average throughout the day, there was an average of 124 vacant parking spaces within the survey zone.

6.5.26 Council objected to the first principles approach undertaken by the Applicant, advising that the development should provide a minimum of 95 off-street parking spaces. The Department notes that this figure does not align with Council's original request for 102 spaces, and it is unclear how this figure was calculated by Council. Regardless, the Department is satisfied that the approach undertaken by the Applicant is adequate to demonstrate that the parking requirements of the development can be accommodated, noting that the:

- results of the survey are based on staff and visitor numbers, taking into consideration ABS data for staff modal split (71% private vehicle) and factoring in a conservative estimate that 75% of visitors would drive to the site.
- number of proposed on-site parking spaces (77) exceeds the number required in accordance with the former Holroyd DCP, which applied to the site up until November 2021.
- Cumberland DCP does not outline minimum parking provision requirements for rehabilitation centres or private hospitals.
- *Guide to Traffic Generating Development* is less suitable in this instance to determine parking rates for the proposed development, given that more recent data has been used to calculate the required parking provision on a first principles approach.
- parking survey clearly demonstrates that there is sufficient on-street parking capacity to accommodate the proposed shortfall of four off-street spaces.
- site is near the Wentworthville town centre, Wentworthville Railway Station and bus stops, enabling good access to public transport.

- proposal includes the implementation of a GTP, which has potential to reduce car parking requirements in the future.

6.5.27 The proposal also includes the provision of four accessible parking spaces, which exceeds the requirement of 1 per 50 car parking spaces or part thereof for Class 9a buildings under the Building Code of Australia. The Department is satisfied that this would result in better overall accessibility for the WNBC.

6.5.28 Overall, the Department is satisfied that the proposal would provide adequate parking in the 2031 plus development scenario. The Department has recommended conditions requiring the implementation of a GTP, including monitoring and annual review to ensure the GTP improves over time.

### **Pedestrian Access**

6.5.29 The Department is concerned regarding the absence of adequate pedestrian pathways generally throughout the development, noting that in a number of instances there is no identified pedestrian pathway. This would result in occupants and staff having to use car park ramps and driveways as pedestrian paths to access the building's entrances. For example, it appears as though a person would be required to exit the southern carpark on foot along the driveway to the road reserve, access the street footpath before walking up the northern driveway to access the main hospital entrance. A condition has been recommended requiring details of AS compliant operational pedestrian footpaths and circulation to be provided to the Department prior to the commencement of construction.

6.5.30 As discussed in **Section 6.2**, the Applicant's BCA assessment report also raises a number of concerns regarding the adequacy of fire emergency egress through the site, including extended travel distances between exit points and the public road and the proposal's reliance on an emergency egress path which passes directly underneath the building. The report recommends a number of design solutions to address the concerns and advises that plans are required to demonstrate a compliant path of travel from each exit. As noted above, a condition has been recommended requiring details of AS compliant pedestrian footpaths and circulation to be provided to the Department prior to the commencement of construction. Compliance with the BCA is discussed further in **Section 6.7**.

### **Construction traffic and parking**

6.5.31 The TAIA includes a preliminary CTMP, which details construction vehicle movements, routes of travel, access arrangements, pedestrian movement and impact management measures. The Applicant also outlined that a detailed CTMP will be required prior to the commencement of construction activities as the final CTMP cannot be developed until a builder has been appointed. The Applicant's preliminary CTMP is therefore intended to provide a framework within which a future CTMP can be developed and implemented.

6.5.32 During construction activities, the existing southern carpark would be fenced off and only the northern carpark (capacity of approximately 31 spaces) would be available for staff and visitor parking. The Department sought clarification of how staff and visitor parking would be managed throughout construction. As part of the RtS, the Applicant advised that during construction staff and visitors to the site would be encouraged to use public transport. On-site parking would be prioritised for employees and construction workers who carpool. Further, as demonstrated by the parking survey undertaken, there is an abundance of unoccupied on-street parking spaces near the site. The Department notes the temporary nature of the construction period and is satisfied that the impact of construction works on parking provision can be adequately managed and mitigated.

- 6.5.33 Following review of the EIS and RtS, neither Council nor TfNSW raised any concerns with the proposed preliminary CTMP.
- 6.5.34 Based on the above assessment, the Department has recommended a condition requiring the preparation and implementation of a final CTMP to ensure that recommended management measures are implemented during construction.

## 6.6 Noise and vibration

- 6.6.1 The EIS was accompanied by a noise and vibration impact assessment (NVIA) that assessed the operational noise and construction noise and vibration impacts associated with the application. The report assessed the impacts on users of the Council reserve, and at seven nearby sensitive land receivers including residential properties to the north, east and south of the site along Lytton Street and to the west of the site on the opposite side of the reserve (**Figure 47**).



**Figure 47** | Nearby sensitive receivers and noise monitoring locations (Long-term monitoring L1 and L2, Short-term monitoring M1, M2 and M3) (Base source: Applicant's RtS)

- 6.6.2 The Interim Construction Noise Guideline (ICNG) and Draft Construction Noise Guideline (DCNG) establish construction noise management levels (NMLs) for surrounding sensitive receivers. In preparing the NVIA, the Applicant undertook attended and unattended noise surveys to establish the ambient and background noise levels of the site and surrounds in accordance with the NSW Noise Policy for Industry (NPfI). Short-term and long-term noise survey locations are shown in **Figure 43**.
- 6.6.3 The NVIA establishes an NML at each of the seven identified sensitive receivers, as identified in **Table 11**.

**Table 11 | Established NMLs at nearby sensitive receivers (Source: Applicant's RtS)**

Sensitive receiver locations		NML, LAeq dB(A)	
		Standard hours	Outside standard hours
1, 2, 3, 4, 6 and 7 (Residential)	Noise affected / External	54	49
	Highly noise affected / External	75	N/A
5 (Public Recreation)	Noise affected / External	65	65

### Construction noise and vibration impacts

- 6.6.4 Proposed construction hours are from 7am to 6pm Monday to Friday and 8am to 1pm Saturdays.
- 6.6.5 The NVIA assesses the likely construction noise and vibration impacts on the most affected sensitive receivers, being receivers 1, 2, 3 and 4. Without noise mitigation, the predicted noise levels are expected to exceed the NMLs at each of the receivers throughout the construction period, and would be above the highly noise affected management level of 75dB(A) at receivers 2, 3 and 4. However, with noise mitigation in the form of a 2.4m high hoarding around the construction, activities occurring at distances of between 5m and 40m would not exceed the highly noise affected management level at any receivers, as identified in **Table 12**.

**Table 12 | Assessment outcomes and exceedances, with 2.4m hoarding (Source: Applicant's RtS)**

Scenario	Parameter (within standard construction hours)	Assessment outcome			
		Receiver 1	Receiver 2	Receiver 3	Receiver 4
Demolition	Predicted noise levels, LAeq, 15min dB(A) (re. 20µPa)	37-55	44-61	44-61	46-63
	Exceedance over NML, dB	0-1	0-7	0-7	0-9
Earthworks	Predicted	34-52	41-58	41-58	44-61
	Exceedance	0	0-4	0-4	0-7
Structure	Predicted	28-46	35-52	35-52	37-54
	Exceedance	0	0	0	0
Façade	Predicted	19-37	31-48	31-48	33-50
	Exceedance	0	0	0	0

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

- 6.6.6 While the assessment demonstrates that the NMLs at nearby residential receivers would be exceeded with the hoarding around the construction site during demolition and earthworks, noise impacts would not exceed the highly noise affected management level of 75dB(A). All structural and façade activities, including a cumulative total, are predicted to be within the NML for the nearest residential receivers.

- 6.6.7 During demolition, activities using the excavator with rock breaker attachment and demolition saw are predicted to exceed the NML for receivers 2 and 3 at close and far distances. The 30-tonne excavator, excavator with rock breaker and demolition saw are expected to exceed the NML at close distances for receiver 4. The NML at all receivers is predicted to be exceeded with all plant activities running cumulatively at all distances.
- 6.6.8 During earthworks, all earthworks except the use of a <20 tonne truck would exceed the NML for receiver 4. The NML at all receivers is predicted to be exceeded with all plant activities running cumulatively at close distances.
- 6.6.9 Additional noise mitigation measures are recommended and require resolution on appointment of a contractor. To assist in the prediction of noise impacts and to develop mitigation measures, the noise assessment recommended the installation of a 2.4m acoustic screen during all phases of construction, except internal refurbishment works. It also recommends the incorporation of noise controls to manage impacts at the existing Stage 1 building, including respite periods, schedule of activities, and complaint management.
- 6.6.10 The Department is concerned that the NVIA failed to identify the existing facility and its occupants as sensitive receivers even though it is intended that the medical facility will continue to operate from the Stage 1 facility throughout the entire period of construction. In addition to failing to identify the existing use as a sensitive receiver the NVIA also fails to identify predicted noise and vibration levels during construction.
- 6.6.11 The Department holds strong concerns regarding the continued operation of the existing Stage 1 mental health facility during demolition and construction (which would include piling works). The Applicant has not demonstrated that an appropriate level of amenity can be achieved for staff and for vulnerable patients that are receiving in-patient and out-patient mental health services, particularly given the noise and vibration measurements forecasts in the NVIA.
- 6.6.12 In particular, the Department is concerned that the noise levels for sensitive receivers within the Stage 1 facility will exceed the highly noise affected management level of 75dB(A). Therefore, the Department recommends a condition requiring the preparation of a Construction Noise and Vibration Management Plan (CNVMP) to ensure that the acoustic impact of construction works at the existing Stage 1 clinic are in accordance with the ICNG.
- 6.6.13 Overall, details and mitigation measures will form part of the CNVMP once construction plant and stages are confirmed. In general, the NVIA recommends implementation of controls including:
- selection of quieter plant and equipment and quieter techniques for high noise activities.
  - strategic locating of plant equipment.
  - avoidance of reversing beeping alarms.
  - use of temporary building and material stockpiles as noise barriers.
  - incorporation of restive periods and the scheduling of work to coincide with non-sensitive periods.
  - implementation of a consultation, notification and complaints handling procedure.
- 6.6.14 Any noise from demolition and construction activities to be carried out on site must not result in 'offensive noise' to any noise sensitive receiver, including occupants of the existing Stage 1 facility that will continue to operate throughout construction. To this end, the Contractor employed to

undertake the demolition and/or construction works is responsible for ensuring that any site noise and, in particular, any complaints shall be monitored, investigated, managed and controlled.

- 6.6.15 Vibration impacts are expected during demolition and construction at both neighbouring receivers and the existing clinic, and the NVIA recommends minimum working distances for vibration intensive plant from sensitive receivers, the incorporation of rest periods and the provision of information to clinic staff before and during construction. For any intensive plant expected to be near the minimum distances, the contractor must engage a qualified engineer to carry out a vibration survey to assess any potential risks.
- 6.6.16 The Department has recommended 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. The CNVMP is required to outline management and mitigation measures generally in accordance with the Applicant's NVIA, including that a 2.4m hoarding be installed during construction activities.
- 6.6.17 Subject to compliance with the recommended conditions of approval and implementation of the proposed mitigation measures, the Department is satisfied that the construction noise and vibration impacts can be appropriately managed.

### Operational noise and vibration impacts

- 6.6.18 The noise generating activities associated with the operation of the development would comprise the operational of mechanical plant and equipment, the use of the new loading bay, traffic general and carpark noise, sleep arousal and the use of the outdoor courtyards and terraces. The noise assessment identified the operational noise criteria under the relevant provisions of the NPfI and has identified project noise trigger levels (PNTLs) at nearby sensitive receivers, to determine the operational noise limits for operation of the development. The PNTLs are outlined in **Table 13**.

**Table 13 |** PNTLs for nearby sensitive receivers during operation (Source: Applicant's RtS)

Noise Amenity Area	Period	Intrusiveness Criterion dB(A)	Amenity Criterion dB(A)
Low to Medium Density Residential (Zone R2/R3)	Day	49	53
	Evening	51	43
	Night	47	38
High Density Residential (Zone R4)	Day	49	58
	Evening	50	48
	Night	47	43
Public Recreation (Zone RE1)	When in Use	--	53

- 6.6.19 No noise data or technical information for mechanical plant has been provided. The NVIA recommends that mechanical plant design and selection should be made to ensure that the cumulative noise levels from plant areas to the nearest noise sensitive receivers meets the PNTLs. Recommended acoustic noise control measures include in-duct attenuation, noise enclosures, sound absorptive panels, acoustic louvres and noise barriers.
- 6.6.20 Loading bay activities will take place approximately 50m from the nearest sensitive noise receiver at 31 Lytton Street to the south of the site, with deliveries to occur between 6am and 12pm. Therefore, the worst-case scenario will be for any deliveries occurring between 6am and 7am (during the night time period). Maximum predicted noise levels from the use of the loading bay would be 36 dB(A) at the receiver, indicating that operations would comply with the night-time PNTLs. However, the NVIA recommends deliveries do not occur between 10pm and 7am to minimise risk. This has been secured via recommended condition.
- 6.6.21 The NVIA includes a sleep disturbance assessment for the operation of both the southern and western carparks for sensitive receivers at 11 and 31 Lytton Street. Given that shift change periods are between 6am and 7.30am and 1.30pm and 3pm, the worst-case scenario for carpark noise would be at night (6pm to 7am). Maximum predicted noise levels from the operation of both carparks are predicted to comply with the night-time PNTLs at both receivers.
- 6.6.22 Occupation of the outdoor terrace at Level 3 would also comply with the PNTLs for the day and evening periods at the nearest noise sensitive receiver at 31 Lytton Street, assuming no more than 30 users are speaking in normal voices at the same time. The NVIA notes that evening use of the terrace would not be permitted. This has been secured via a recommended condition.
- 6.6.23 Traffic generation is not predicted to result in any noticeable change in traffic noise levels and is expected to meet the NSW Road Noise Policy requirements.
- 6.6.24 To avoid noise intrusion into the rooms fronting Lytton Street, the NVIA recommends that solid sections of the eastern façade be constructed with a minimum sound reduction index of  $R_w50$  and glazing with a minimum  $R_w32$ . The Department has recommended a condition to this effect.
- 6.6.25 Detailed design predictions should be conducted during the design refinement phase of the proposal to ensure that operations of the development satisfy the PNTLs. It is requested that detailed qualitative noise impact assessment of the mechanical plant and compliance with noise limits be provided as part of the detailed construction design. A condition is recommended to ensure the PNTLs outlined in **Table 13** are complied with.
- 6.6.26 The Department is satisfied that operational noise impacts generated by the final 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 proposals comply with the PNTLs set out in the NVIA and that post-occupation monitoring be conducted.

## 6.7 Other issues

6.7.1 The Department's consideration of other issues is in **Table 14**.

**Table 14** | Summary of other issues

Issue	Findings	Department's consideration
<b>Aboriginal cultural heritage</b>	<p>The application includes an Aboriginal Cultural Heritage Assessment Report (ACHAR), which incorporates an archaeological survey to determine the site's potential to contain Aboriginal archaeological remains.</p> <p>The ACHAR found that no previously unrecorded Aboriginal sites or objects were identified, and that the study area has nil to low potential to retain aboriginal archaeological deposits. Overall, the study area is assessed as holding nil-low potential for the preservation of Aboriginal heritage.</p> <p>The ACHAR advised that no additional assessment or investigation is required, however it does recommend that an unexpected finds protocol (UFP) should be implemented.</p> <p>Heritage NSW ACH supports the ACHAR's recommendations.</p>	<p>The Department agrees with the conclusions of the ACHAR and the advice provided by Heritage NSW ACH.</p> <p>The Department has recommended a condition requiring the preparation of a UFP as part of the Construction Environmental Management Plan (CEMP).</p> <p>The Department notes that the proposal includes space for Indigenous public art along the Lytton Street façade of the extension, however the Applicant makes no commitment to installing the art.</p> <p>The Department has recommended a condition requiring the Applicant to consult with Registered Aboriginal Parties to determine how a public art strategy for the site can incorporate Aboriginal cultural heritage interpretation and that the appropriate artwork be installed within 12 months of occupation of the development.</p>
<b>Historic heritage</b>	<p>The EIS was accompanied by a Heritage Impact Assessment (HIA), which determines the potential historic heritage impact of the proposal.</p> <p>The development site contains no heritage items, however, is within 250m of four local heritage items listed under the CLEP.</p>	<p>The Department agrees with the conclusions of the HIA and has recommended a condition requiring the preparation of a UFP.</p>

The HIA concludes the proposed development will not directly or indirectly impact on any listed or unlisted items. It advises no further assessment of historical heritage values is required and recommends a UFP be in place during construction works.

**Safety**

The proposal includes the following measures to address the principles of Crime Prevention through Environmental Design (CPTED):

- natural surveillance from internal rooms over Lytton Street, the Council reserve at the rear and the reserve access laneway to the south.
- operation of the site 24 hours per day, ensuring continual staff and patient movement.
- strict access control to the facility via the main front entry. Restricted access into non-patient areas.
- the provision of well-maintained spaces to encourage regular use, therefore reducing crime opportunities.
- CCTV monitoring of external areas.
- internal and external lighting.

The flood study identifies the risk resulting from the flood events affecting the site as being low and is discussed in **Section 6.4**.

The Department is satisfied that the proposal would adequately address CPTED principles, resulting in the provision of a safe and secure facility for patients and staff, and ensuring public safety around the site.

No additional conditions or amendments are recommended.

Matters relating to flood risk management are discussed in **Section 6.4**. The SES is satisfied that the Applicant's intention to facilitate shelter in place at upper floors of the building during relevant flood events is acceptable and does not result in increased risk to patients, vehicles or structures.

**Bicycle parking and EOT facilities**

The proposal includes the provision of 12 bicycle parking spaces, comprising eight staff spaces and four visitor spaces. These would be located at ground level, adjacent to the western carpark. End-of-trip (EOT) staff changing facilities are provided at the Lower Ground Floor of the existing Stage 1 building.

The Department notes that the CDCP 2021 does not include provisions for bicycle parking spaces at hospitals. The Applicant therefore determined provision in accordance with the Cycle Aspects of Austroads Guides (2017).

Council and TfNSW raised no concerns with the level of bicycle parking or EOT facilities proposed.

The Department supports the proposed bicycle parking and EOT facilities, noting:

- they form part of the sustainable transport measures facilitating mode shift away from car use.
- the number of bicycle parking spaces is sufficient
- EOT facilities are adequate.

The Department has recommended a condition requiring the provision of bicycle parking and EOT facilities prior to the commencement of operation.

**Environmental amenity**

The proposal includes the provision of a central open courtyard and an enclosed courtyard terrace at Level 1, and an enclosed courtyard terrace at Level 2. Landscaped areas within the undercroft provide access to outdoor recreation, including a half-sized basketball court.

External windows would be provided to all inpatient rooms, with outlook afforded either off-site or into internal courtyards.

An external lighting system is proposed for operation between dusk and dawn, designed to meet relevant Australian standards. Lighting would be controlled via a photo-electric switch within public access areas (external car parking, drop-off areas and pathways), and internal carparks controlled via movement sensor systems. Specifically, the obtrusive effects of lighting would be controlled in accordance with the requirements of AS 4282:2019.

Solar access and privacy at neighbouring residential properties and at the Council reserve is assessed in **Section 6.2** (paragraphs 6.2.46 to 6.2.54), which concludes the proposal would not harm the level of solar access or privacy experienced at those sites.

The Department notes the proposed central courtyard would be surrounded on all four sides by the three levels of built form, which would reduce solar access to some ward rooms. While this is undesirable, a landscaping strategy has been developed to ensure that the rooms are afforded a green outlook.

The Department notes the design of the enclosed courtyard terraces has been informed by patient safety and security requirements. However, both terraces would look over the Council reserve and provide a good level of amenity.

Overall, the Department is satisfied that the proposal would provide a good level of amenity for patients and staff and not cause harm to the level of amenity experienced by occupiers of neighbouring properties or users of the Council reserve.

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**Contamination**

The EIS was accompanied by a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP). The DSI assessed the potential for site contamination through soil sampling from nine boreholes and groundwater sampling from four monitoring wells. It identified:

- bonded asbestos containing material (ACM) in soil, and suspected ACM at the ground surface.
- minor elevations of some metals (cadmium, nickel and zinc) in groundwater above the ecological site assessment criteria. However, this is consistent with

The Department is satisfied that the DSI satisfactorily demonstrates that the site is suitable for the proposed development subject to the implementation of the recommendations of the DSI and RAP.

The Department has recommended conditions requiring that the:

- management and mitigation measures outlined in the RAP are adhered to.

regional groundwater conditions rather than on-site heavy metals.

The DSI recommended that the site can be made suitable for the proposed development via remediation, implementation of a RAP and the preparation of an Asbestos Management Plan (AMP).

The RAP outlined remediation options for the disturbed areas including:

- in-situ capping and long-term management.
- excavation and off-site disposal of asbestos impacted fill.
- removal of any visible fibre cement fragments in accordance with an AMP.
- topping of existing garden beds with clean mulch cover.
- a licenced Asbestos Assessor is to provide a surface clearance certificate for visible asbestos.

The RAP recommended that the site be managed by a Long-Term Environmental Management Plan (LTEMP), and that a validation report is prepared on completion of remediation activities and submitted to the consent authority.

Council requested that:

- the LTEMP be submitted to Council to ensure appropriate notations are made in relation to contamination for the site.
- in the event that a burrow pit is constructed, a remedial works plan and all validation reports be submitted to Council. The Applicant advised that no burrow pits are proposed.

- Applicant prepares an AMP prior to commencement of demolition works.
- Applicant provides Council with a copy of the LTEMP.

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**Stormwater infrastructure**

The EIS was accompanied by a Stormwater Management Plan (SMP), which includes a stormwater system designed using DRAINS Hydraulic and Hydraulic Urban Catchment modelling taking into consideration flows for the 1% and 5% AEP rain events.

The Department considers that the proposed stormwater provisions would be sufficient for the proposed development. The Applicant's modelling demonstrates the proposed WSUD measures would meet

The southern portion of the site contains an existing stormwater drainage easement containing a 600mm diameter pipe, which runs from Lytton Street to the Council reserve at the rear of the site. The proposal includes the relocation of the easement and drainage pipe approximately 10m closer to the southern site boundary to enable construction of the extension. The Applicant's DRAINS model demonstrates that the proposed diversion will have a net positive effect on the stormwater system, and would:

- increase conveyancing capacity by 40%.
- reduce peak overland flow in Lytton Street by 10- to 15%.

Following review of the EIS, Council raised concern that the proposed pipeline easement would interfere with existing sewer pits and sewer mains. The Applicant revised the proposal to realign the pipeline easement to be entirely within the application site. The proposal was further amended at SRtS stage to ensure that the realigned pipeline is located clear of the proposed substation.

Council also requested that on-site stormwater detention (OSD) be provided. At RtS stage, the Applicant confirmed that the portion of the development site is excluded from the OSD policy under the CDCP, given that it is subject to overland flow. Council raised no further concerns regarding OSD requirements.

As part of the SMP, water quality modelling was undertaken to estimate the effectiveness of the stormwater strategy at removing pollutants including sediment, phosphorous and nitrogen. To manage runoff from the site, the proposal includes the installation of water-sensitive urban design (WSUD) measures:

- rainwater tanks with a combined 20 kilo litre volume, with collected water to be used for on-site irrigation.
- six pit baskets.

Council's pollution reduction targets.

The Department has recommended conditions requiring the development comply with the stormwater design, relevant Australian Standards and industry best practice.

The Department is satisfied that the realigned stormwater drainage easement would be located clear of the proposed substation and Council's existing infrastructure, and therefore addresses the concerns raised by Council. A condition is recommended requiring registration of the realigned easement within 12 months of the date of the date of development consent.

- four 690mm treatment cartridges split into two pits.

<b>Salinity</b>	<p>The EIS was accompanied by a Preliminary Salinity Assessment (PSA), which assessed the soil and groundwater salinity conditions and determined whether a salinity management plan was required.</p> <p>The PSA identified that:</p> <ul style="list-style-type: none"> <li>• soil and groundwater at the site are generally non-aggressive to buried concrete and steel.</li> <li>• soils are generally non-saline to slightly saline to a depth of approximately 2m and unlikely to impact the proposed planting associated with the development.</li> <li>• concrete that will be in contact with slightly saline soils to a depth of 2m should be N20 grade concrete and N25 grade concrete for foundations deeper than 2m.</li> <li>• imported fill must meet the requirements of Section 9 of the PSA.</li> </ul> <p>The PSA concluded that, due to the nature of the development, no salinity management plan is required.</p>	<p>The Department is satisfied that the PSA demonstrates the soil and groundwater at the site is suitable for the proposed development, and that a salinity management plan is not required.</p> <p>No additional conditions are recommended.</p>
<b>Hazardous materials</b>	<p>The EIS was accompanied by an advisory statement regarding the storage of dangerous or hazardous materials.</p> <p>The proposed development would not include handling or storage of any dangerous or hazardous materials, as no medical procedures are proposed to take place at the clinic. Therefore, the statement advised that a preliminary risk screen and hazardous materials assessment in accordance with SEPP 33 is unnecessary.</p> <p>The Department's Hazards branch reviewed the Applicant's EIS and SEPP 33 statement and raised no concerns.</p>	<p>The Department notes that the proposal does not include the handling or storage of dangerous goods. Therefore, the application does not trigger SEPP 33.</p> <p>No additional conditions are recommended.</p>
<b>Social impacts</b>	<p>The Applicant's EIS was accompanied by a Social Infrastructure Assessment and an</p>	<p>The Department considers that the proposal would represent a</p>

Economic Impact Assessment, which demonstrate the proposal would provide:

- 60 construction jobs and 23 FTE ongoing jobs during operation. The Applicant also estimates the creation of an additional 20 indirect jobs during operation.
- increased access to specialised mental health hospital beds, noting that in 2021 there was an estimated shortage of 149 psychiatrists and 283 psychologists within western and north-western Sydney.
- additional opportunities for vocational training and educational platforms for medical students.
- additional support to prepare for increased rates of mental illness stemming from the COVID-19 pandemic.
- increased support for surrounding medical centres and the Westmead health precinct.

The proposal also includes measures to manage and mitigate the impacts of the development on the surrounding community, including:

- incentives to promote public transport usage.
- the incorporation of public art into the building's façade, allowing the erection of major installations by local artists.
- the development of a Construction Environmental Management Plan.

net overall benefit with regard to social impact.

The positive social impacts of the proposed development in delivering the project are considered to be significant. The delivery of the project will future proof capacity at the facility to cater for population growth, future demand for services and evolving clinical and health needs, while providing a modern fit-for-purpose health facility.

Amenity impacts associated with the construction phase are likely to be moderate, as the works are temporary and can be broadly managed and mitigated to avoid any more significant impacts.

The Department also acknowledges the contribution that public art makes to placemaking, playing a positive role in improving the public experience of buildings and spaces.

The Department has recommended a condition requiring the Applicant to consult with Registered Aboriginal Parties to determine how a public art strategy for the site can incorporate Aboriginal cultural heritage interpretation and that artwork be installed within 12 months of occupation of the development.

**Development contributions**

The proposal is subject to a section 7.12 levy under the Cumberland Local Infrastructure Contributions Plan. The Contributions Plan does not specifically exclude health facilities from payment of levies.

The Department has recommended a condition requiring the Applicant pay a levy of 1% of the proposed cost of carrying out the development to

The Applicant has advised that contributions at a rate of 1% will be made.

Council, prior to the commencement of construction.

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**Signage**

The application seeks approval for the location and indicative design of three 2.1m pylon signs along the Lytton Street frontage, which would provide directions to the pedestrian entrance of the facility. The signs are not proposed to be illuminated.

The signage has been assessed against the requirements of State Environmental Planning Policy (Industry and Employment) 2021 (**Appendix B**).

No additional conditions or amendments are recommended.

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**Ancillary uses**

Council queried the whether the proposed café and gymnasium would be ancillary to the principal existing use of the site.

The Applicant confirmed that the café and gymnasium would be for staff, patient and day program use only.

The Department is satisfied that the proposed café and gymnasium uses would be ancillary to the primary use of the site as a health services facility.

## 7 Evaluation

- 7.1.1 The Department has reviewed the EIS, RtS and SRtS, and assessed the merits of the proposal, taking into consideration advice from public agencies and Council. Issues raised in submissions have been considered and environmental issues associated with the proposal have been addressed. Conditions are recommended to satisfactorily address any outstanding issues.
- 7.1.2 Department concludes the impacts of the proposed development are acceptable and can be appropriately mitigated through implementing the recommended conditions of consent.
- 7.1.3 Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.
- 7.1.4 The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* and with the State's strategic planning objectives for the site, set out in the Greater Sydney Region Plan, the Western City District Plan, State Infrastructure Strategy, the NSW Future Transport Strategy 2056 and Cumberland Council's Local Strategic Planning Statement.
- 7.1.5 The Department considers the key issues raised to be built form and urban design, tree removal, landscaping and biodiversity, flooding, traffic, transport and parking, as well as noise and vibration.
- 7.1.6 The height and bulk of the proposal is appropriate when considered in the current and future context of the surrounding development. Although exceeding the maximum building height and FSR controls, the variations result in minimal impact on the amenity of the adjoining area. The design of the extension ensures the maximum height exceedances are contained within the central part of the site, reducing the visual and amenity impacts at neighbouring properties along Lytton Street. The proposal would not have any substantial impacts in terms of overshadowing, overlooking or loss of view.
- 7.1.7 The proposal justified the removal of 35 trees to facilitate the demolition and construction of buildings as required. The Department concludes that the provision of replacement planting of 13 trees and additional landscaping is acceptable. The proposed landscaping will provide a pleasant and safe space for users. The proposal would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats.
- 7.1.8 The proposal would result in intensification of an existing use at a site subject to overland flows during the 1%, 0.5% and 0.2% AEP and PMF flood events. The proposal would not increase flooding or flood hazards on the site or at neighbouring properties. The Department has recommended conditions to safeguard the safety of patients and staff and ensure site operations can be maintained and managed during flood events.
- 7.1.9 The proposal demonstrated that parking demand can be accommodated at the site and on adjacent streets. The Department notes that a mode shift away from private car use, subject to the Green Travel Plan, has potential to further reduce private vehicle use and parking demand in the future. The Department has recommended conditions to ensure that construction and operational traffic impacts generated by the proposal are appropriately managed.
- 7.1.10 The proposal includes appropriate management and mitigation measures that would ensure construction and operational noise impacts at surrounding properties are minimised and mitigated. The Department has recommended operational noise conditions requiring the Applicant's noise management and mitigation measures be implemented.

7.1.11 The proposal is in the public interest as it would deliver public benefits, including:

- provision of improved health infrastructure to meet the demands of the growing population.
- improved flood risk management opportunities that will enable the existing facility to expand and continue to operate during flood events, with minimal disruption to health services and provision for acceptable shelter in place in place during the identified low risk small duration flood events.
- economic benefits, generating approximately 60 construction jobs, 23 new operational jobs and investment in health infrastructure.

7.1.12 Notwithstanding the above, the Applicant has not provided sufficient information to demonstrate future design amendments would not be necessary to ensure the building complies with the requirements of the BCA. Therefore, the Department recommends that the application is granted a deferred commencement consent, to ensure evidence is submitted to demonstrate the development as proposed can satisfactorily comply with the BCA.

7.1.13 The application is hereby referred to the Independent Planning Commission to determine the application as Council has made an objection to the proposal.

**Prepared by:**

Nathan Stringer (A/Principal Planning Officer, Social Infrastructure)

**Endorsed by:**



**Karen Harragon**  
Director  
Social and Infrastructure Assessments

**Recommended by:**



**Erica van den Honert**  
Executive Director  
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's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/projects/wentworthville-northside-west-clinic-extension>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/wentworthville-northside-west-clinic-extension>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/wentworthville-northside-west-clinic-extension>

4. Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/wentworthville-northside-west-clinic-extension>

## Appendix B – Statutory Considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (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 (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).
- Cumberland Local Environmental Plan 2021 (CLEP).

### COMPLIANCE WITH CONTROLS

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

The aims of this SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment of the development against the relevant considerations of the Planning Systems SEPP is provided in **Table B1**.

**Table B1** | Planning Systems SEPP State and Regional Development compliance table

Relevant Sections	Consideration and Comments	Complies
<b>2.1 Aims of Policy</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.	Yes

**Schedule 1 State significant development— general  
14 Hospitals, medical centres and health research  
facilities**

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) hospitals,
- (b) medical centres,
- (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).

The proposal is for a hospital with a capital investment value (CIV) in excess of \$30 million.

Yes

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

The Transport and Infrastructure SEPP facilitates 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.

An assessment of the development against the relevant considerations of the Transport and Infrastructure SEPP is provided in **Table B2**.

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

Clause(s)	Consideration and comment
2.47 – 2.48 Development likely to affect an electricity transmission or distribution network	<p>The development is located near an electricity transmission or distribution network. In accordance with the Transport and Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment.</p> <p>The application was referred to Endeavour Energy, who recommended that the proposed padmount substation be protected by an easement and associated restrictions benefitting Endeavour Energy. It also recommended conditions be included to ensure satisfactory arrangements have been made for the connection of electricity, and design requirements for the decommissioning of the existing substation and commissioning of the new substation.</p> <p>The Department recommends conditions in accordance with Endeavour Energy’s recommendations.</p>

## 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. The EIS includes a geotechnical investigation, Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI), which assessed contamination on the site and concluded the site can be made suitable for the proposed use, subject to the implementation of a Remediation Action Plan (RAP) and an Asbestos Management Plan. A RAP was provided as part of the EIS, which determined that remediation and implementation of the RAP would result in the site being suitable for the proposed development and recommended that confirmation be provided to the consent authority in a validation report.

The Department is satisfied that the site can be made suitable for the proposed use, subject to the recommendations of the DSI and RAP being actioned under clause 4.1(1)(c) of the Resilience and Hazards SEPP. The Department has recommended conditions requiring the preparation of an Asbestos Management Plan prior to commencement of construction, and the development of an unexpected finds protocol for any unanticipated contamination found during future works.

As detailed at **Section 6**, the Department is satisfied the Applicant adequately demonstrated the site is suitable, subject to remediation, for ongoing use as a health service facility, as required by the Resilience and Hazards SEPP.

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

The Industry and Employment SEPP applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The Department has assessed the proposed signage against the relevant requirements in **Table B3** and the specific assessment criteria of Schedule 5 of the Industry and Employment SEPP in **Table B4**.

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

Clause	Assessment Criteria	Comments	Complies
<b>Part 3.2 Signage generally</b>			
3.6 Granting of consent to signage	The signage is to be consistent with the objectives of this policy.	The proposal is consistent with the objectives of the Industry and Employment SEPP, is compatible with the desired amenity and visual character of the area and provides effective communication and public benefit.	Yes
	The signage is to satisfy the assessment criteria in Schedule 5.	See <b>Table B4</b> .	Yes

**Table B4** | Industry and Employment SEPP Schedule 5 assessment criteria table

Assessment Criteria	Consideration and Comments	Complies
<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 signs are contemporary in design and would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	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 signs would not detract from the amenity or visual quality of any special areas.	Yes
<b>3 Views and vistas</b>		
Does the proposal: <ul style="list-style-type: none"> <li>obscure or compromise important views?</li> <li>dominate the skyline and reduce the quality of vistas?</li> <li>respect the viewing rights of other advertisements?</li> </ul>	The signage would not obscure the viewing rights of other signage or dominate the skyline and reduce vistas.	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 proposed scale and design of the signs are appropriate for the streetscape and setting within which they are approved.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs would complement the hospital design and contribute to the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs are simple in design and would not result in visual clutter.	Yes

Does the proposal screen unsightliness?	Not applicable.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs would sit below the height of the proposed building.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes

## 5 Site and building

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 proposed signs are of an appropriate scale and proportion and are considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signs are located at the site street frontage / entrance and would not impact on any other important site features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the proposed signs is to denote the pedestrian entrance of the clinic and identify the clinic to the street.	Yes

## 6 Associated devices and logos with advertisements and advertising structures

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?	Plans of the proposed signage would be determined during detailed design. The signs are anticipated to incorporate the logo of the facility. No lighting devices are proposed.	Yes
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## 7 Illumination

Would illumination result in unacceptable glare?	No illumination proposed.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination proposed.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination proposed.	N/A
Can the intensity of the illumination be adjusted if necessary?	No illumination proposed.	N/A

Is the illumination subject to a curfew?	No illumination proposed.	N/A
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## 8 Safety

Would the proposal reduce the safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The design and location of the proposed signage would not impact on safety of pedestrians of bicyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Extensive views of the footpath and entrance area would still be available.	Yes

## Cumberland Local Environmental Plan (CLEP) 2021

The CLEP 2021 aims to encourage sustainable development for a range of uses, including community facilities, to meet the needs of residents, workers and visitors of the Cumberland LGA. The CLEP 2021 aims to conserve and protect heritage, promote environmental sustainability and facilitate economic growth and employment opportunities.

The Department has consulted Council throughout the assessment process and considered all relevant provisions of the CLEP 2021 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 requirements of the CLEP 2021. Consideration of the relevant clauses of the CLEP 2021 is provided in **Table B3**.

**Table B3** | Consideration of the CLEP 2021

CLEP 2021	Department Comment/Assessment
Land Use Table – Zone R4 High Density Residential	<p>The site is zoned R4 High Density Residential and development for the purpose of a health services facility is permissible within the zone as an innominate use (i.e., not specifically described as either permissible or prohibited within the zone).</p> <p>The objectives of the R4 zone are as follows:</p> <ul style="list-style-type: none"> <li>to provide for the housing needs of the community within a high density residential environment.</li> <li>to provide for a variety of housing types within a high density environment.</li> <li>to enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>to ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a high density residential environment.</li> </ul>

- to encourage residential development that maintains the amenity of the surrounding area.

The Department considers the proposal consistent with the objectives of the R4 zone as it would:

- provide an expanded health services facility to meet the day to day needs of residents.
- ensure that the non-residential land use is located to minimise impacts on the amenity of the adjacent residential environment, as discussed in **Sections 6.2** and **6.7**.

Clause 2.7 Demolition requires development consent	The proposal involves the demolition of a two-storey building on site. Development consent for this work is sought as part of this application.
Clause 4.3 Height of buildings	<p>The proposed extension has a maximum building height of 18.85m which exceeds the 15m height of building control.</p> <p>The Department’s assessment (see <b>Section 6.2</b>) concludes that the proposed height variation is consistent with the objectives of the HOB clause 4.3, and compliance with the development standard is unnecessary and unreasonable in this instance.</p>
Clause 4.4 Floor space ratio	<p>The building envelope proposed has a maximum FSR of 1.09:1 which exceeds the development standard of 1:1 for the site.</p> <p>The Department’s assessment (see <b>Section 6.2</b>) concludes that the proposed FSR variation is consistent with the objectives of clause 4.4, and compliance with the development standard is unnecessary and unreasonable in this instance.</p>
Clause 5.10 Heritage conservation	<p>The site is not a heritage item or within a heritage conservation area. The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR), which concludes the study area holds nil-low potential for the preservation of Aboriginal heritage.</p> <p>The Department considered the potential heritage impacts of the development in <b>Section 6.7</b> and is satisfied the proposal would not result in any adverse outcomes for heritage conservation.</p>
Clause 5.21 Flood Planning	The consent authority must be satisfied the development is compatible with the flood function of the land, will not adversely affect flood behaviour resulting in adverse impacts on other development or properties, will not adversely affect safe occupation and efficient evacuation, incorporates measures to manage risks, and will not adversely affect the environment.

The site is impacted by the 1%, 0.5% and 0.2% AEP and PMF flood events.

The Department considered flooding impacts in detail in **Section 6.4** and is satisfied the development will not result in unacceptable flood risk, subject to recommended conditions of consent.

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Clause 6.2 Earthworks      The consent authority must consider the likely disruption of earthworks on drainage patterns and soil stability, future use and redevelopment of the land, the quality of excavated soil or fill, the source of fill material, destination of excavated material, the likelihood of disturbing relics, the effects of earthworks on waterways, drinking water catchments, neighbouring amenity and appropriate measures to mitigate the impacts of the development.

The Department considered the impacts of the proposed earthworks in **Section 6.7** and is satisfied that subject to conditions, the development is acceptable.

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Clause 6.4 Essential services      The consent authority must be satisfied essential services are available for the development, including for the supply of water and electricity, sewage disposal and management, stormwater drainage or on-site conservation, and suitable vehicle access.

The Department is satisfied that the site has access to essential services.

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Clause 6.7 Stormwater management      The consent authority must be satisfied the development is designed to maximise the use of water permeable surfaces, includes on-site stormwater retention where possible, and avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

The proposal includes relocation of Council's existing stormwater easement and pipeline to accommodate the extension. Rainwater tanks are also proposed.

The Department has considered stormwater management in **Section 6.7** and is satisfied that the proposed development is acceptable.

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Clause 6.9 Salinity      The consent authority must be satisfied that the development would avoid significant adverse environmental impact or be designed and managed to minimise or mitigate adverse environmental impact where it cannot be avoided.

The site is identified as an area of moderate salinity potential. However, investigations reveal that soils at the site are generally non-saline to slightly saline to a depth of approximately 2m. The Department is

satisfied that the Applicant's Preliminary Salinity Assessment demonstrates the soil and groundwater at the site is suitable for the proposed development, and that a salinity management plan is not required.

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Clause 6.12 Urban heat

The consent authority must consider whether the façade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on surrounding land, that awnings and eaves are designed to provide shelter, that heating, ventilation and air conditioning systems are designed to minimise the release of heat in the direction of public domain, that the use of green infrastructure is maximised, the development accommodates tree canopy, open space and deep soil zones and is designed to achieve high passive thermal performance.

The proposal includes initiatives to address ESD requirements (see **Section 4**), and plant is contained within the centre of the site away from neighbouring properties. A landscaping strategy has been developed to ensure a site canopy coverage of 27% (see **Section 5.3**).

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### Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding, objectives of relevant controls under the Cumberland Development Control Plan 2021, where relevant, were considered in **Section 6**.

## **Appendix C – Recommended Instrument of Consent**

The recommended instrument of consent can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/wentworthville-northside-west-clinic-extension>