



# Statement of Environmental Effects

Proposed Medi-Hotel

28-32 Somerset Street, Kingswood

16 November 2020

# ppd | planning consultants

Unit 407, 5 Warayama Place  
Rozelle NSW 2039

Tel: 0403 242 926

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## APPENDICES

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# 1 Introduction

PPD Planning Consultants has been engaged to prepare this Statement of Environmental Effects (SEE) to accompany a development application for development of a medi-hotel at 28-32 Somerset Street, Kingswood.

This SEE has been prepared pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000.

In preparing the SEE, PPD Planning Consultants has relied upon the adequacy and accuracy of the assessments and advice contained in the reports, plans, diagrams, tables and so forth prepared by consultants engaged to provide necessary specialist advice in their respective fields of expertise.

Particular consideration has also been given to the advice provided in the record of the Pre-Application Meeting that was held with Council's Urban Design Review Panel on 15 July 2020.

This statement should be read in conjunction with the various professional reports and plans submitted with the Development Application (DA).

The DA has been prepared in accordance with Council's requirements for the submission of DAs.

## 2 Project Team

The following project team has been formed to deliver this project:

Design	Rothelowman Architects
Urban Planning	PPD Planning Consultants
Traffic	The Transport Planning Partnership
Hydraulic Services	Evolved Engineering
Landscape	LandFX
Survey	Project Surveyors
ESD	EMF Griffiths
Building Services	Evolved Engineering
Arborist	Naturally Trees
Acoustic	Pulse Acoustic
Stormwater	Northrop
BCA	Design Confidence
Accessibility	Design Confidence
Structural Engineering	Northrop
Contamination	Douglas Partners
Geotechnical	Douglas Partners
Quantity Survey	Mitchell Brandtman
Waste Management	Salt

## 3 Site Analysis

### 3.1 Site Description and Location

The site description and location is summarised in Table 1.

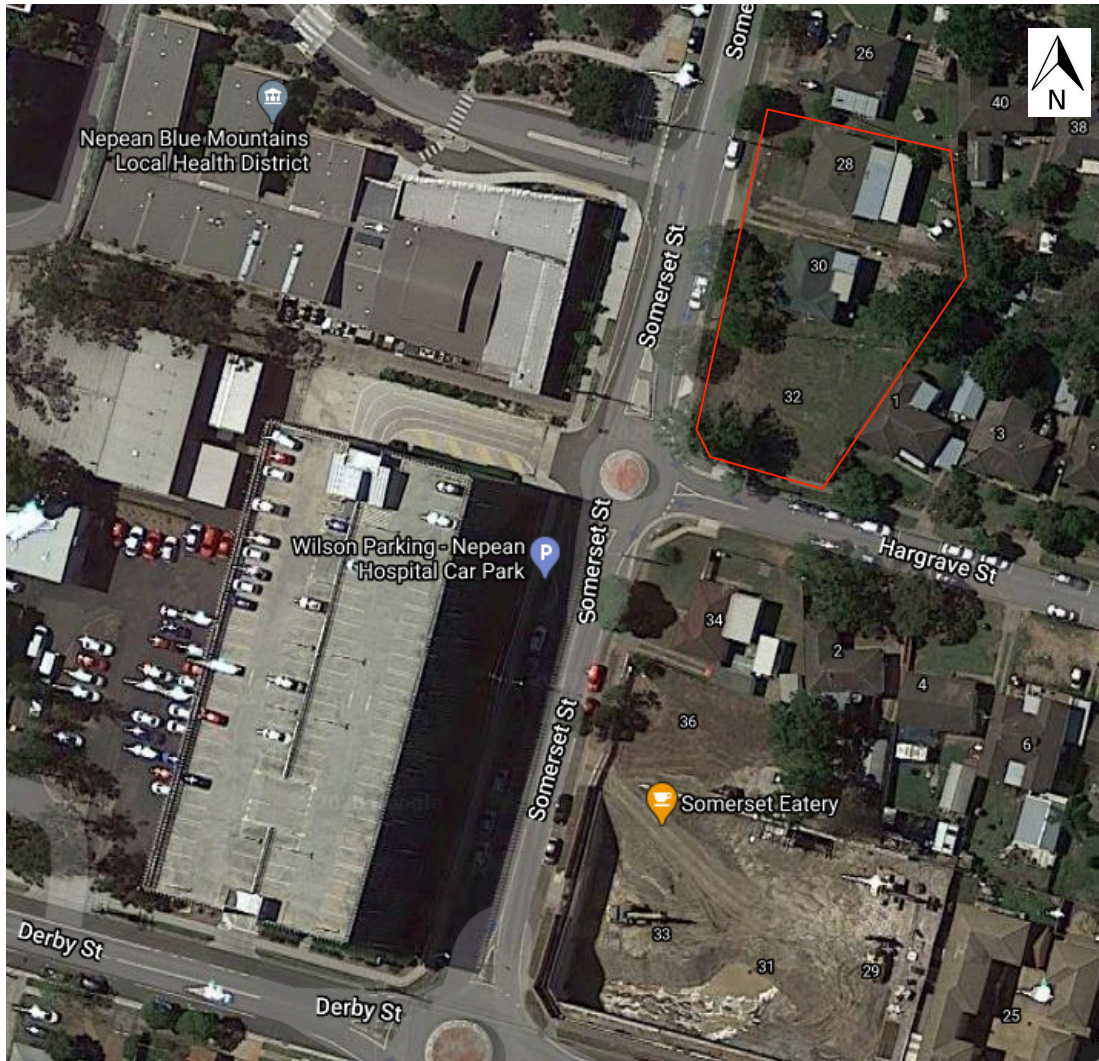
Table 1. Site Description and Location Summary

<b>Street Address</b>	28-32 Somerset Street, Kingswood
<b>Deposited Plan</b>	Lot 57, 58 & 59 DP 36728
<b>Site Area</b>	Lot 57 – 569.1m <sup>2</sup> Lot 58 – 556.4m <sup>2</sup> Lot 59 - 556.4m <sup>2</sup> <b>Total – 1,681.9m<sup>2</sup></b>
<b>Brief Site Description</b>	<p>Very prominent site on the corner of Somerset Street and Hargrave Street, directly opposite Nepean Hospital (refer Figure 1). Lots 57 and 58 are vacant (refer Figure 2) and Lot 59 is occupied by a single storey weatherboard house (refer Figure 3).</p> <p>The site has a 55.47m frontage to Somerset Street and 19.81m frontage to Hargrave Street.</p>
<b>Topography</b>	A <b>Survey Plan</b> accompanies this application and provides detail on how the site gently slope down by 1.2 metres from Somerset Street to the rear of the site of approximately.
<b>Public Transport</b>	The site is well located in relation to public transport being: <ul style="list-style-type: none"><li>• Less than 200m from bus stops on nearby Derby Street operating between Penrith Station and Mt Druitt Station; and</li><li>• 800m from Kingswood Station</li></ul>
<b>Services</b>	All relevant utility services including water, sewer, electricity, gas and telephone are available and connected to the subject property.

Figure 1 provides an aerial view of the subject site (outlined in red) located on the corner of Somerset Street and Hargrave Street and in the context of surrounding development. Figures 2 provides a view of the vacant lots at 30-32 Somerset Street from corner of Somerset Street and Hargrave Street. Figure 3 provides a view of the existing dwelling at 28 Somerset Street that is proposed to be demolished.

STATEMENT OF ENVIRONMENTAL EFFECTS  
HOTEL DEVELOPMENT  
28-32 SOMERSET STREET, KINGSWOOD

Figure 1. Aerial view of site (outlined in red) and locality



Source: Google Maps

Figure 2. View of 30-32 Somerset Street (part subject site)





Figure 3. View of 34 Somerset Street (part subject site)



### 3.2 Urban Context

The subject site is located in the Hospital Precinct as identified in *Penrith Development Control Plan 2014* (outlined in black in Figure 4). The following extract from the DCP provides a description of the character of the area (key areas have been highlighted):

*The Hospital Precinct is located in Kingswood, immediately east of, and in close proximity to, the Penrith City Centre. The location of the Nepean Hospital and the surrounding range of medical services and facilities within its boundaries make this area the primary medical centre for the Penrith LGA. The University of Western Sydney's Kingswood campus as well as TAFE NSW Nepean College is located within close proximity of the Precinct, with many of the services also catering to students of these tertiary institutions. The Hospital Precinct also enjoys good access by public transport, with the Kingswood Railway Station located north east of the Precinct.*

***The majority of the Hospital Precinct is zoned B4 Mixed Use under Penrith LEP 2010, which provides for an innovative mix of commercial and medical related uses as well as higher density housing to service the needs of medical patients, staff and students.***

*There are three precincts identified in the Hospital Precinct (see Figure 4), all with their own distinct characteristics. Generally, **these activity precincts acknowledge and reinforce existing patterns of use in the area and have been identified as having potential to contribute to the precinct's demands for growth in health and medical related uses** and the related demands for key worker and student accommodation in an accessible location, with close proximity to the Nepean Hospital, the University of Western Sydney, local services and public transport.*

Figure 4. Hospital Precinct – Character Areas



Source Penrith DCP 2014

The subject site is located within the Medical Mixed Use precinct that is described in the DCP as follows:

*This precinct is adjacent to the Nepean Hospital and offers the most dynamic environment to further develop the Hospital Precinct into a specialised medical precinct. This precinct encourages development that would support the operation of the hospital, such as medical offices, pharmacies, short-term accommodation, convenience stores and other forms of retail that will meet the needs of visitors and people using the medical services offered within the precinct.*

*Medium to high-density development will be developed in a similar nature to the existing institutional scale development present within the precinct. Building heights will be 4-6 storeys and will incorporate ground floor active uses with commercial and residential uses located above. The western vista will be a key consideration when designing development within this Precinct.*

*Development along Somerset and Derby Street is encouraged to take advantage of the potential for these streets to offer a high quality entrance to the Hospital Precinct, with continuous landscaped themes and high quality architectural design. A high quality public realm will be achieved by providing generous pedestrian zones and activating ground floor frontages.*

*Orth Street should be treated as a major connector between the hospital and the main area of local community space located on Bringelly Road to the east. This connection will accommodate pedestrians and cyclists with a generous, landscaped southern verge.*

The locality of the subject site is dominated by the presence of the Nepean Hospital and in particular the first stages of the redevelopment of the hospital as seen in the artist's impressions in Figure 5 and the existing hospital car park on the corner of Somerset Street and Derby Street (see Figure 6).

The first stage is almost completed with construction of the 14-storey hospital tower reaching its highest construction point. The new Stage 1 tower is expected to be one of the tallest hospital buildings in Australia – topping out at more than 100 metres and is located diagonally opposite the subject site.

Figure 5. Nepean Hospital Redevelopment – Stage 1



Figure 6. Nepean Hospital Car Park (diagonally opposite site)





Additional built form that contributes to the emerging character of the locality include the Somerset Specialist medical centre on the corner to Somerset Street and Derby Street (refer Figure 7) and the 5 to 8 storey mixed use development at 48-56 Derby Street, Kingswood with a maximum building height of 25.35 metre (refer Figure 8).

The remainder of the locality is characterised by older single storey fibro cottages similar in style to the existing house on the subject site (refer Figure 3).

Figure 7. Somerset Specialist Centre at 28-32 Somerset Street, Kingswood



Figure 8. Mixed Use Development at 48-56 Derby Street, Kingswood





## 4 Relevant Development Approvals

### Nepean Hospital Redevelopment

The website for the Nepean Hospital Redevelopment provides the following summary:

*The Nepean Redevelopment will deliver contemporary and expanded hospital services, and integrated community health facilities for the Nepean Blue Mountains Local Health District. The redevelopment of the Nepean Hospital is being carried out in stages. The NSW Government has committed \$550 million to deliver Stage 1 and \$450 million to deliver Stage 2. This will also include the construction of a \$26 million multi-storey car park on Barber Avenue to support the expanded services on campus. An expansion and upgrade of services is also being carried out on the Nepean Cancer Care Centre, Blue Mountains Satellite Renal Dialysis Centre and Somerset Cottage.*

#### Stage 1 – Hospital Tower

*Planning and design is underway for a new 14-storey clinical building as part of Stage 1 of the Nepean Redevelopment.*

#### Stage 1 – Multi-storey car park

*More than 600 new parking spaces are now available to patients and their loved ones at Nepean Hospital.*

#### Stage 1 – Cancer Care expansion

*Opened in Septemebr 2019.*

Construction of Stage 2 of the development will commence following completion of Stage 1 and incorporates an integration with Stage 1 development providing an expansion and upgrade of essential clinical services as shown in Figure 9.

Figure 9. Nepean Hospital Redevelopment – Stage 1 and 2



28-32 Somerset Street, Kingswood (DA16/0597)

On 16 December 2016 approval was granted for development at 28-32 Somerset Street, Kingswood (the subject site) described as:

*Demolition of Existing Structures, Construction of Six (6) Storey Mixed Use Development including Ground Floor Commercial Tenancy, 52 Residential Apartments & Two (2) Levels of Basement Car Parking.*

The approved development comprised 54 residential apartments and 184 m<sup>2</sup> of commercial area, with basement car parking for 74 cars, 15 bicycles and a loading area.

On 12 January 2017 an extension of three years was granted to DA16/0597.

10-12 Hargrave Street, Kingswood (DA17/0490)

On 26 April 2018 approval was granted for a six (6) storey serviced apartment development at 10-12 Hargrave Street, Kingswood.

48-56 Derby Street Kingswood (DA 15/0730)

On 19 November 2015 approval was granted for development at 48-56 Derby Street Kingswood described as:

*Demolition of Existing Structures & Construction of 5 Storey to 8 Storey Mixed Use Development including 5 Ground Floor Commercial/Retail Tenancies, 191 Residential Apartments & Associated Basement Car Parking, Landscaping & Drainage Works*

## 5 Urban Design Review Panel Meeting

An Urban Design Review Panel meeting was held with Council on 15 July 2020 and minutes summarising key points raised during the Panel meeting were provided by letter dated 20 July 2020.

In the preparation of this application, particular consideration has been given to the key points raised by the Panel.

The proposal was considered by the Panel "to be a suitable land use in this precinct.

Table 1 provides a summary of how the proposed development, were practicable, has responded to the key matters identified by the Panel to be further progressed in the refinement of the proposal.

Table 2. Summary of Response to Key Matters

Key Matters	Response
The proposal (amended since the preceding pre-lodgement meeting) provides generally compliant setbacks to the public domain being Somerset Street and Hargrave Street. The success of the setback will be in the design detail of these landscaped areas for tree canopy planting and activation within the setback zone to the intersection. The basement setback affords opportunities for deep soil planting and canopy provision that will contribute positively to the public domain.	<p>Deep soil planting and canopy provision that contributes positively to the public domain is provided along the street frontages as detailed in the <b>Landscaping Plan</b> that accompanies this application.</p> <p>The detail design of the setback zone proposes an architectural arbour that not only creates a setback from the street to allow for canopy and root protection for the existing and any future street trees, but for the early establishment of the landscape treatment of the 4m setback zone.</p>
It was considered of key importance and benefit that break out spaces are provided into the landscape setback to the intersection, extending off the dining and lounge area to activate the street corner. This could be by way of seating with awning /canopy shade structures as intimated within the photomontage drawings presented.	<p>Breakout out spaces in the form of seating with framed shade structures are provided into the landscape setback to Somerset Street and the intersection as much as practicable. These spaces extend off the dining and lounge area to activate the street.</p> <p>The full length of the street frontage is activated with high levels of permeability and glazing addressing the street.</p>

<p>Detailed cross sectional drawings are required which extend from the kerb to the development floor plate. It should consider existing services, street verge dimensions, detail finished ground levels and level transitions, identify space for structural root zones and also inform the location of tree planting in the setbacks. Consideration will also need to be given to shore lining and consideration of vision impairment in the setback landscape design.</p>	<p>The entirety of the basement carpark is setback 4m from the street boundaries.</p> <p>The proposed landscape arbour structure is setback 1m from the boundary in order to provide space for the canopies of the existing and any future street trees.</p> <p>The zone under the arbour is planted with dense landscaping, with the arbour itself supporting a linear planter element that will allow for the arbour to in time be covered in natural foliage, whilst in the first instance providing a protected outdoor space below.</p> <p>Refer to landscape architects detail drawings for streetscape detail.</p>
<p>Side and rear setbacks are generally compliant with the DCP noting minor point encroachments. Appreciating the allowances in the DCP for zero setbacks up to 12m building height, the external wall presentation of the northern and eastern facades will require careful attention given the same deep soil setbacks cannot be provided to these boundaries unlike the primary and secondary road setbacks.</p>	<p>External wall presentation of the northern and eastern facades is detailed in the Architectural Plans that accompany this application. It should be noted that discussions with the adjoining owner indicate the site will be developed for a private hospital and the northern and eastern facades will not be as prevalent in the streetscape as viewed from the public domain. Notwithstanding, attention has been given to both facades to ensure there is minimal impact on the desired future building envelope on the adjoining sites.</p>
<p>The use of the Level 1 roof over the basement driveway requires confirmation. If this space is intended to be trafficable, the privacy and amenity of the neighbouring dwelling must be considered with setbacks, planters and other measures to minimise direct views into the adjacent rear open space and living areas.</p>	<p>The proposed roof over the driveway element has been removed to create greater visual relief and separation to the neighbours. External terrace areas have also been removed from the hotel rooms in order to manage privacy and overlooking.</p>

<p>The provision of mixed uses usually dictates a need for separate access arrangements. It should be confirmed if security cards will be issued to hotel patrons, that would negate the need for separate lift access from ground to roof for patrons of the restaurant only.</p>	<p>The proposed roof top spaces will be for the use of both guests and the general public, therefore the hotel room levels will only be accessible by guests with a secure swipe key. The lift waiting area on ground is located directly adjacent reception for surveillance.</p>
<p>The development form results in a significant variation to the maximum building height provisions within the LEP 2010, inclusive of the non-residential floor space bonus provisions. It must be demonstrated by way of a Clause 4.6 variation request that deletion of Level 5 or Level 6 in its entirety is unwarranted or unnecessary based on contextual and character integration considerations and zone objectives. The roof top offering for a food and beverage premise has the potential to be a positive contribution to the precinct however the resulting exceedance of the height limit is driven by floor to ceiling / floor to floor clearances at Level 1 which exceed requirements for a typical hotel floor plan arrangement. Consideration could be given to the transferred of the first floor commercial floor space bonus to the roof by way of a separate Clause 4.6 variation. Assuming that the basis for the bonus is the security of commercial floor space at ground and future commercial floor space at the first floor in a mixed-use development. The scheme provides for non-residential at ground and secures up front delivery of non-residential in an upper floor, albeit level 6. It is considered that the objectives of the clause can still be met if the transference of the bonus from level 1 to Level 6 was reasonably justified. This would allow for a reduction in hotel floor to ceiling / floor-to-floor levels that may enable LEP height compliance (or close to compliance).</p>	<p>Consideration has been given to the transfer of the first floor commercial floor space bonus to the roof by way of a separate Clause 4.6 variation as suggested by the Panel. It was decided that a single Clause 4.6 was the simpler and more proficient method of justifying an exception to the maximum height of building standard and for getting as close as possible to the building height compliance.</p> <p>The proposed Floor to floor heights on both the ground, and first floors are in accordance with the LEP requirements for a ceiling height of 3.5m</p> <p>This results in a First floor approximately 700mm higher than would otherwise be required for a typical hotel level, creating a larger height exceedance on the new Rooftop F+B level. Refer to Architectural section for further detail.</p>

<p>Revised photomontage drawings were tabled in the presentation that build on the architectural expression of the proposed development. The expressed frames assist to break the massing of vertical walls and provide relief and shadowing elements on the external façade. The blade elements / expressed frame utilised on the western elevation should also be replicated on the eastern elevation for this same purpose.</p>	<p>A detailed façade design concept has now been developed that better integrates the building “in the round” with a façade expression that creates deep profiled reveals on both the East and West for solar shading purposes, and that also creates movement and interest along the street edges.</p>
<p>The DCP requires setbacks above level 4 to be greater, to achieve a recessive upper storey presentation to the built form. The current proposal does not comply with this, however the modulation of the design and the expressed frames will assist to ameliorate the streetscape presentation with street level landscaping and awnings to ground the built form. An analysis of adjacent existing and approved developments, including the existing Nepean Hospital Multi Deck Car Park should be undertaken to ascertain if the proposed setbacks, façade design and landscape treatments establish a public domain interface and streetscape that achieves the objectives of the DCP and the Kingswood Public Domain Manual.</p>	<p>The building is designed to read in three distinct elements.</p> <p>The lower two floors are expressed through the inclusion of the Landscaped Arbour that while reaching out the street edge, creates a protected and uniquely green space along the sites entire frontage. This also creates the perception of a podium along the Somerset Street frontage.</p> <p>The middle section of the hotel is expressed with uniform deep window reveals.</p> <p>The upper two floors are designed to feel part of the overall building composition, but create a visual difference with the creation of larger window openings, and on the north and south, the grouping of vertical openings across the two floors.</p> <p>The roof top food and beverage and wellness spaces are significantly setback from all street frontages in order that this space creates a minimal presence from the public domain.</p> <p>Refer to analysis in the Urban Design Report accompanying the DA for further details.</p>

## 6 Development Application

### 6.1 Proposal

Approval is sought for:

- Demolition of existing dwelling; and
- Construction of a 140-room hotel with associated rooftop bar and restaurant, underground parking and associated landscaping.

The application is accompanied by **Architectural Plans** that provide detail of the proposed development.

### 6.2 Overview of Key Numerical Aspects

A summary of the key numerical development aspects of the proposal is provided in Table 3.

Table 3. Summary of Proposal

Level	Use	Hotel Suites	Gross Floor Area (m <sup>2</sup> )	Car parking spaces
B2	Car park Change rooms Laundry Housekeeping			23 (2 accessible)
B1	Car park Waste storage Loading			23 (2 accessible)
G	Hotel suites Foyer Lounge & Bar	8	906.5	
1	Hotel suites	28	926.0	
2	Hotel suites	28	926.0	
3	Hotel suites	28	896.1	
4	Hotel suites	24	777.1	
5	Hotel suites	24	793.6	
6	Bar & Dining Gym Meeting room		393.0	
<b>Total</b>		<b>140</b>	<b>5,618.2</b> <b>(FSR 3.32:1)</b>	<b>46</b> <b>(4 accessible)</b>

### 6.3 Urban Design Statement

The application is accompanied by an **Urban Design Statement** (UDS) that provides commentary and detail on

- Urban Context & Site Analysis



- Proposed Design Response
- Design Proposal
- Design Perspectives

Key elements of the design articulated in detail in the UDS can be summarised as follows:

#### **LEVEL G - 1**

The street presentation at Ground Level and First Floor is primarily composed of the Landscaped Arbour. This performs a dual role of creating a green and landscaped presentation the street as well as creating a deep shaded space at ground level, and to the ground floor internal spaces. Designed to suit the strong Western sun, in the early days of establishment, the screen will create a dappled shaded effect to the spaces behind.

#### **LEVEL 2-3**

The lower levels of the hotel are proposed with more solid to void ratio, punctuated with a staggered window expression. This is accentuated with colour fins to the north that combined with the facade depth create solar shading.

#### **LEVEL 4-5**

As the tower rises, the upper two floors have larger cuts into the solid facade, with raking window profiles and accent colour.

In addition, as the building rises through the storeys, the horizontal spandrel gradually thins in section to further accentuate the upper levels differentiation.

#### **ROOF LEVEL**

The top most floor is setback beyond the street to reduce its visibility, with its materiality in a light grey metallic that maintains its recessive nature.

A perspective view of the proposed development's façade to Somerset Street is provided in Figure 10.

Figure 10. Frontage to Somerset Street





In summary the urban design response to the proposed development of the subject site is formulated around recognition of an opportunity to grow the 24hr economy of the hospital precinct through the provision of a high quality, short stay accommodation and associated food and beverage spaces.

## 6.4 Operational Details – Medi-Hotel

Negotiations are currently being finalised in regard to an internationally renowned branded hotel operator to manage the hotel.

The 140-key hotel will cater for regular guests as well as pre- and post-operative patients and their families from the nearby Nepean Hospital. The hotel can be more accurately described as a "medi-hotel".

As described by Victoria Health on their website, medi-hotels fulfil the following functions:

- provide high-quality, non-ward type accommodation and hotel services that reflect the environment and character of a hotel
- are located within or in close proximity to a hospital
- are accessed on referral from clinical, diagnostic and other hospital units following a screening process
- provide minimal supervision and support for patients
- ensure access to prearranged episodic care similar to that generally available within the community
- provide facilities for a family member or carer as required.

In particular, the specific design elements that are proposed to be incorporated into this medi-hotel include:

- High provision of Accessible hotel rooms within the 140 keys (12 accessible and 11 comply with Disability Discrimination Act);
- Inclusion of Adaptable rooms – larger suites – that can provide extra clearances for patrons;
- Inclusion on each hotel level area for specialised nurses room or store that creates space for wheelchairs, medical supplies; and
- Inclusion on the top floor of the development Wellness spaces including – indoor remedial gym space, external therapy spaces and garden, meeting rooms for use by medical staff working in the hotel.

The inclusion of the top floor Wellness spaces alongside food and beverage space are not part of the standard hotel model, and are proposed due to the unique location of the development adjacent the Nepean Hospital precinct. More specifically, the inclusion of the top floor and the facilities it provides has been in direct response to the expressed wants and needs of the Nepean Hospital. By letter dated 7 September 2020 the Chief Executive of the Nepean Blue Mountains Local Health District has acknowledged reviewing plans for the 140-room medi-hotel and made the following comments:

- A high-quality medi-hotel facility such as this with food and beverage and conferencing facilities is much needed in the area adjacent the Nepean Hospital and will make a valuable contribution to the community generally

- The services and facilities proposed will support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers and medical staff; and
- We are willing to discuss potential arrangements to provide access to our car parking facilities.

A copy of the letter can be found at Appendix 1.

## 6.5 Supporting Documentation

The following plans and reports are provided in support of this application:

1. **Architectural Plans & Urban Design Statement**
2. **Stormwater Plans**
3. **Landscape Plans**
4. **Survey Plan**
5. **BASIX Certificate and Stamped Plans**
6. **Arborist Report**
7. **Heritage Impact Statement**
7. **Waste Management Plan**
8. **Cost Report**
10. **BCA Report**
11. **Preliminary Environmental Site Investigation**
12. **Geotechnical Report**
13. **Structural Report**
14. **Traffic Report**
15. **Acoustic Report**
16. **Access Report**
17. **ESD Report**

## 6.6 Building Code of Australia Compliance

A **BCA Design Assessment Report** accompanies this application.

The stated purpose of this assessment is *"to identify the extent to which the architectural design documentation complies with the relevant prescriptive provisions of the Building Code of Australia (BCA) Volume 1, edition 2019 Amendment 1"*.

The assessment has concluded the subject development is capable of complying with the performance provisions of the BCA:

- via a mixture of adopting a performance-based approach as well as complying with the relevant deemed-to-satisfy requirements as outlined within the BCA; and
- compliance via the performance-based approach could occur without significant changes to the proposed design.

## 6.7 Accessibility

An **Access Design Assessment Report** accompanies this application. The stated purpose of the report *"is to identify the extent to which the architectural design documentation complies with the accessibility provisions of the National Construction Code – Building Code of Australia Volume 1, Edition 2019 Amendment 1 (hereinafter referred to as the BCA), as are principally contained within Parts D3, E3.6, F2.4 and F2.9 and relevant Australian Standards"*.

The report provides recommendations that will be developed with the ongoing design development and will be confirmed prior to Construction Certificate stage.

Based on the assessment, the report concludes:

- the subject development is capable of achieving compliance with the relevant accessibility provisions of the National Construction Code – Building Code of Australia Volume 1, Edition 2019 Amendment 1,
- Compliance can be achieved either by meeting the deemed-to-satisfy requirements of the BCA or via a performance-based approach.

## 6.8 Geotechnical Investigation

A **Geotechnical Investigation Report** accompanies this application and provides comment on the following

1. Site preparation and earthworks
2. Excavation support
3. Groundwater and seepage
4. Foundations
5. Footings.

## 6.9 Utilities

The **Utilities Report** accompanies this application provides details on the services that are available to the subject site. The Report concludes the following;

- It is anticipated a pad mounted kiosk substation will be required on site.
- Telecommunications services and pathways are readily available in the street frontage for the site and should be sufficient to service the development.
- The site is adequately supplied with a sanitary drainage system.
- The site is currently serviced by a towns water main in Somerset Street. It is expected that this will be sufficient for the development however this will be confirmed by Sydney Water via the Section 73 Application.
- The site is currently serviced by a nylon gas main in Somerset Street.

In summary, the proposed development can be adequately serviced by utilities.

## 6.10 Structural Design Intent

The **Structural Design Report** accompanies this application and provides details on the structural design intent for the proposal.

The report outlines

- ground conditions;
- required design life and design parameters;
- proposed footing solutions and design parameters; and
- proposed superstructure solutions and design parameters.

## 6.11 Cost Report

A **DA Cost Report** accompanies this application and estimates a \$30,737,703 construction cost for the proposed development.

## 7 Statutory Assessment

Section 4.15(1) of the EP&A Act 1979 details the following matters of relevance that a consent authority is to take into consideration in determining a development application:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement a developer has offered to enter into under s 93F, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

(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,*

(c) *the suitability of the site for the development,*

(d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

In addition, any assessment of this application should also have due consideration to the approved development on the site (DA18-02327), particularly in relation to the approved land uses, built form, car parking, landscaping and signage.

The following provides an assessment of how the proposed development complies with the relevant matters detailed in Section 4.15(1) of the EP&A Act 1979.

### 7.1 Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(i) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the following relevant environmental planning instruments:

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy 55—Remediation of Land
- State Environmental Planning Policy (Sate & Regional Development) 2011

- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (no 2 – 1997)
- Penrith Local Environmental Plan 2010

### 7.1.1 Environmental Planning & Assessment Act 1979

The objects of the Environmental Planning and Assessment Act are:

(a) to encourage:

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

*(iii) the protection, provision and co-ordination of communication and utility services,*

*(iv) the provision of land for public purposes,*

*(v) the provision and co-ordination of community services and facilities, and*

*(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*

*(vii) ecologically sustainable development, and*

*(viii) the provision and maintenance of affordable housing, and*

*(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed development provides for orderly and economic use of the land as envisaged in the Medical Mixed-use Precinct.

### 7.1.2 State Environmental Planning Policy (SEPP) No 55—Remediation of Land

This Policy requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

A **Preliminary Site Investigation** report accompanies this application. This Report presents an update of a 2015 Site Investigation Report in the context of this application.

The stated objectives of this Report were to:

- *Review current and historical information to gain an understanding of likely current and past land uses and hence site activities which may be potentially contaminating;*

- *Develop a conceptual site model (CSM) based on the available desktop information, site walkover and limited soil analysis program. This involved assessing potential contamination source - pathway - receptor linkages; and*
- *Provide an opinion on the suitability of the site for the proposed development.*

As a follow up to the Investigations:

- A hazmat survey of existing buildings / structures will be undertaken prior to demolition and the site being cleared by an occupational hygienist post demolition works;
- Confirmation will be provided of the contamination status (and waste classification) of the soils under the existing building;
- A development of an unexpected finds protocol for implementation during construction works will be prepared;
- The vacant lots (Number 30 and 32) will be cleared for asbestos during stripping of the grass coverage and / or the demolition and clearance documentation completed for the removal of the former house will be provided for reviewed; and
- Additionally, regarding the provisional General Solid Waste (non-putrescible) classification for the filling and the classification for the underlying natural material, should material be identified during works which does not reflect those described in the Report or show signs of contamination (e.g., results of testing under the existing buildings, odours, staining, asbestos) this material will be segregated and an appropriately qualified environmental consultant engaged to confirm the classification of the material.

Subsequently, it is considered the site can be made suitable for the proposed hotel (commercial) development.

### 7.1.3 State Environmental Planning Policy (State and Regional Development) 2011

The State Environmental Planning Policy (State and Regional Development) 2011 applies and the site falls within the category of 'regionally significant development' pursuant to Schedule 7(5). The proposed Capital Investment Value is over \$30 million and the proposed use falls within the group of "**General development over \$30 million**".

### 7.1.4 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (no 2 – 1997)

The site is located within the catchment of the Hawkesbury - Nepean Rivers. The stated aim of this plan "*is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*".

This application is accompanied by a **Soil and Erosion Sediment Control Plan** that will ensure there is no detrimental impact on environmental functions and process of any creeks or tributaries to the Hawkesbury-Nepean River.

### 7.1.5 Penrith Local Environmental Plan (PLEP) 2010

An assessment of the proposed development's compliance with the relevant provisions of BLEP 2013 has been undertaken and can be found at Appendix 2.

This assessment confirms that the proposed development complies with all the relevant provisions of PLEP 2010 except for Clause 4.3 relating to maximum Building Height. A Clause 4.6 application for an exception to the development standard accompanies this application and can be found at Appendix 3. The Clause 4.6 application provides support for the proposed exception to the building height standard.

## 7.2 Development Control Plans

In accordance with the provisions of Section 4.15(1)(a)(iii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of *Penrith Development Control Plan (PDCP) 2015*.

As stated on Penrith Council's website

*Penrith DCP 2014 is Council's current plan that facilitates development permitted under LEP 2010. DCP 2014 sets out Councils objectives and development controls on what built form and environmental outcomes are acceptable for different land uses and development types. Applicants must demonstrate compliance with these controls when they propose new developments.*

It is noted that the DCP includes provisions to allow flexibility in the application of development control standards, particularly in relation to allowing alternative solutions to otherwise strict numeric compliance to achieve the objectives of the DCP control.

This is in general compliance with Section 4.15(3A) of the EP&A Act, 1979, that provides requirements which govern the application of controls within Development Control Plans and seeks to provide flexibility and an outcome based approach to the achievement of the objectives expressed by specific controls. Section 4.15(3A) provides as follows:

#### **(3A) Development control plans**

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, "standards" include performance criteria.*

An assessment of the proposed development's compliance with the relevant



development controls in PDCP 2015 has been undertaken. A copy of the compliance table can be found at Appendix 4.

The proposed development has been designed to comply with the relevant development control standards in the DCP as much as practicable. Where the proposed development does not fully comply with the design solutions (refer compliance table in Appendix 4) the following justification is provided for a variation to the relevant control standard identified in bold.

## **#1 – Car Parking**

### Summary of non-compliance

The development proposes a parking rate less than the rate prescribed for “hotel and motel accommodation” in the DCP.

### Justification of non-compliance

The application is accompanied by a **Traffic Impact Assessment** report that assesses the impacts of the development, including its parking provision.

This assessment takes a pragmatic approach to the issue of car parking spaces by asking should the same DCP parking rates used for a motel be used to determine the parking rate for the proposed medi-hotel and if not, then how should the appropriate parking rate be determined and what does that look like.

The Transport Impact Assessment report makes a compelling argument for the DCP parking rates for combined ‘hotel and motel accommodation’ to not be used in determining the parking rates for the proposed development. There is an undisputable difference in the operation, and therefore car parking requirements, of a motel that specifically caters for travellers on the road (ie usually driving a car) and a hotel that is designed and located primarily to cater for hospital patients, their families and/or friends who are more likely to catch a taxi, bus train etc. because of the convenience. This position is supported by the RTA (now Transport NSW) who differentiates between the travel and parking demand characteristics of motels and tourist hotels in their publication “*Guide to Traffic Generating Developments*” (as updated).

Although the RTA guide acknowledges it has no current research data on tourist hotels, it does suggest a parking rate for tourist hotels based on modal averages from surveys conducted on 3-star, 4-star and 5-star hotels in the Sydney CBD. However the guide does not include specific rates for a medi-hotel similar to that proposed as this is a much more recent trend in hotel accommodation that is yet to be generally recognised.

The travel characteristics of visitors to a medi-hotel can be reasonably expected to be different to those associated with tourist hotels and so, using the same metrics as the RTA guide, the **Traffic Impact Assessment** has undertaken research into parking requirements at similar medi-hotel developments located within similar health precincts to get a more accurate analysis of actual parking requirements. These health precincts include:

- The St Leonards Health and Education Precinct, Sydney NSW
- Murdoch Health and Knowledge Precinct, Perth WA
- St George Private Hospital and St George Public Hospital Precinct, Sydney NSW

The data from this research suggests that a rate of one (1) car parking space per

3.0 accommodation rooms is adequate to provide for a medi-hotel. This equates to approximately 46 spaces equivalent to the car parking spaces provided in the proposed development.

This rate is slightly greater than the RTA guide's 1 car parking space per four rooms for 3-star and 4-star hotels and one space per 5 rooms for 5-star international hotels and the **Traffic Impact Assessment** considers the proposed parking supply will satisfactorily accommodate the expected demand for this specific type of land use.

Additionally, the CEO of Nepean Blue Mountains Local Health District has reached out formally by letter (refer Appendix 1) and provided support for this application and, in particular, has offered to discuss potential arrangements with the medi-hotel operator to provide access to their car parking facilities, which are very close to the subject site, if required.

## **#2 – Building height**

### Summary of non-compliance

The desired future character of the area is described as having building heights of 4-6 storeys. The proposed building height is 7 storeys.

### Justification of non-compliance

A request for an exception to the maximum building height standard accompanies this application and provides support for the exception (refer Appendix 3).

## **#3 – Boundary Setbacks**

### Summary of non-compliance

Above 12 metres the setback varies from a minimum 3.6m to 8.8m and does not comply with the minimum 6m-setback requirement in the DCP.

### Justification of non-compliance

The variance in setback from 3.6m to 8.8m for building height over 12 metres is a direct result of designing a building that has been modulated/articulated as much as practicable to fit comfortably on a lot that has oblique side and rear boundaries.

Due consideration has been given in the overall design of the building to what can be expected to be built on the neighbouring properties. The desired future character of the locality expressed by Penrith Council in the DCP is for medium to high-density development to be developed in a similar nature to the existing institutional scale development present within the precinct with building heights to be 4-6 storeys. Preliminary discussions indicate the adjoining sites will be developed as a private hospital from Hargrave Street through to Orth Street.

The design of the hotel provides an alternative design solution to the otherwise strict numeric compliance to achieve the boundary setback objectives of the DCP control. In particular

- Specific consideration has been given to the design and location of windows to ensure an appropriate level of amenity for hotel occupants in terms of daylight access, outlook, ventilation and privacy.
- As much as practicable, windows have been located so that they are no closer than 6 metres to an adjoining boundary and orientated to improve outlook.

- Orientation and location of windows will ensure the privacy to adjoining neighbours will be maintained regardless of what is eventually developed on those sites.
- The majority of the building is set back further than the recommended 6 metres.
- Intrusions into the 6m setback are very minor and come from the corners of the building only and do not include long expanses of wall.

The proposed development achieves the objectives in relation to boundary setbacks and strict compliance with the numeric controls would be onerous.

## 7.3 Environmental Impacts

In accordance with the provisions of Section 4.15(1)(b) of the EP&A Act 1979 the development proposal has been assessed for the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### 7.3.1 Landscaping

**Landscaping Plans** accompany this application and provide details of how the proposal will comply with the landscape controls prescribed in Council's DCP.

The Landscaping Plan provides details on:

- Landscape constraints
- Landscape opportunities
- Key design moves
- Landscape Character
- Landscape Concept Plan
- Landscape Detail Plan
- Indicative Landscape Palettes

Implementation of the Landscape Plan will:

- Contribute to the expressed desired future streetscape character
- Improve the overall amenity of the public domain and the microclimate within the development.
- Foster attractive outlooks, privacy and open space areas of high aesthetic quality.
- Contribute to water sensitive urban design planting along street frontages.

The landscaping on the site will result in greater aesthetic quality and amenity for the occupants of the development and neighbours. The landscaping is of high quality and contributes positively to its context and site.

### 7.3.2 Trees

An Arboricultural Impact Report accompanies this application with the stated purpose of the report being to provide "*an analysis of the impact of the development proposal on trees with additional guidance on appropriate*

*management and protective measures".*

The report provides the following guidelines for appropriate tree management and protective measures:

- A schedule of the relevant trees to include basic data and a condition of assessment;
- An appraisal of the impact of the proposal on trees and any resulting impact that has on local character and amenity; and
- A preliminary arboricultural method statement setting out appropriate protective measures and management for trees to be retained..

### 7.3.3 Water Management

A **Site Works and Stormwater Management Plan, Sediment Erosion Control Plan** and **Stormwater Management Report** accompany this application and details:

- a strategy on how the impacts of urban stormwater on the subject site and adjoining properties will be managed.
- how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.

The findings of this report and associated concept designs indicates *"effective stormwater management measures can be integrated into the proposed development, in accordance with the Penrith City Council's engineering standards, and that no major factors relating to stormwater management would preclude the proposed development of the site"*.

### 7.3.4 Waste Management

A **Waste Management Plan** (WMP) accompanies this application and describes the proposed how waste will be managed during the demolition of the existing building and construction of the new building. The plan also provides details on how the expected volumes of on-going waste generated by the development will be managed.

The Report includes a construction and demolition waste management plan.

As described in the Report:

*Any waste generated once the site is operational would be stored on-site in the waste room located at the basement 1 level.*

*Waste generated by the proposed site would be collected by private contractor with:*

- *Three 1.100L garbage bins collected three times per week;*
  - *Three 1.100L commingled recycling bins collected three times per week; and*
  - *Seven 240L organics bins collected three times per week;*
- Waste vehicles would prop safely at the loading dock to perform collections. Vehicle operators would ferry waste bins from the waste room to the collection vehicle and return upon emptying.*

The Report concludes the Waste Management Plan will provide efficient waste management for the proposed development.

### 7.3.5 Traffic and Parking

A **Traffic Impact Assessment** accompanies this application and assesses the impacts of the development, including its parking provision, vehicle trip generation, access and car parking arrangements and loading facilities.

The following recommendations from the assessment will be implemented:

- adequate lighting be provided for the proposed bicycle parking spaces; and
- convex mirrors (and/or other management measures) be installed to assist the drivers of

Assessment has concluded:

- the proposed development will have acceptable impacts on the operation of the surrounding road network.
- the provision of 46 car parks is expected to accommodate demand.
- The layout of the proposed car parking and loading dock meets the general requirements of the Australian Standards 2890.1 and 2890.2.

### 7.3.6 Noise

An **Acoustic Report** accompanies this application. The stated purpose of the report is to address the following:

- Potential surrounding environmental noise intrusion impacts on the development (i.e. road traffic, mechanical and other external noise sources).
- Noise emissions on nearby receivers from mechanical plant, generator and other base building services, vehicle movements as well as noise associated with the internal and external food and beverage areas; and
- Acoustic separation requirements.

Minimum acoustic performances and associated indicative constructions for the building envelope have been provided in the report and the recommended treatments will be implemented to ensure compliance with the objectives for external noise intrusion.

To control noise impacts from the development, recommended indicative treatments for major engineering services have been provided in the report.

A selection of high-performance acoustic treatment will be implemented to ensure the operation of plant items do not detrimentally impact on adjacent land users. Prior to the issue of a Construction Certificate (CC) a detailed acoustic assessment will be undertaken to ensure all cumulative noise from engineering services (including the roof plant room) comply with the relevant requirements for noise emission.

The management and building controls outlined in the report in relation to management of noise impacts from dining and bar areas will be implemented and adhered to.

A review of noise from vehicles associated with the proposed development on public roads has been conducted and it is confirmed the project site will not provide more than a minimal 2dBA increase in noise levels at surrounding facades.

A detailed review will be undertaken at the Construction Certificate (CC) stage to ensure all the acoustic requirements for the separation between units within the development formulated in accordance with the National Construction Code (NCC) will be achieved.

### 7.3.7 Security and Safety

The design of buildings and places in the proposed development has had consideration to achieving the principles of Crime Prevention Through Environmental Design, in particular:

- Enhance and improve community safety within the local community;
- Create a physical environment that encourages a feeling of safety; and,
- Prevent the opportunity for criminal activity.

Key features of the development that will specifically increase safety and security include:

1. Opportunities for effective surveillance with:
  - Clear sightlines between windows to the public domain;
  - Lighting plan (provided at CC stage) that effectively illuminates potentially dark places; and
  - Landscaping that has been designed to make the place attractive but at the same time does not provide opportunities for offenders to effectively hide and not be seen by the general public.
2. Effective access control by creating:
  - Clear entry points and paths of travel/access; and
  - Restricted access to internal areas through the use of physical barriers such as doors and gates.
3. Territorial reinforcement with building built close to the boundary; and
4. Space management through clear areas of ownership that will ensure site will be well maintained.

The proposed development is seen to conform to the principles outlined in Crime Prevention Through Environmental Design.

### 7.3.8 Environmentally Sustainable Design (ESD)

The application is accompanied by an **Environmentally Sustainable Design Report**.

The stated role of the report “is to develop and implement Environmentally Sustainable Design (ESD) strategies into the project that address the sustainability targets outlined in the Penrith Local Environmental Plan 2010 and the Penrith DCP Principles 2014”. The report also outlines other sustainability initiatives the project team is incorporating to ensure the best possible outcomes are obtained, exceeding standard practice.

The report addresses each of the ten (10) key principles created by the Penrith City Council and articulated in Penrith Development Control Plan to support their commitment to sustainability articulated in the Sustainable Penrith Program.

The hotel and restaurant components of the proposed development will demonstrate compliance with NCC 2019 Section J via the JV3 Verification Method once the design has progressed. Advice is provided in relation to building construction and energy efficiency measures that will be undertaken in the later stages of the development to comply with the Deemed-To-Satisfy provisions of Section J.

To achieve a best practice sustainable outcome for the project, an extensive list of measures for the project to incorporate or consider are listed in the report under the following sustainability categories:

- Ecological impact of the project
- Integration and celebration of the community and its local history
- Sustainable management of material
- Accountability and transparency

### 7.3.9 Geotechnical Investigation

The application is accompanied by a **Geotechnical Investigation Report** that updates results of a geotechnical investigation undertaken in 2015 for a previous residential development at 28 - 32 Somerset Street, Kingswood. Site conditions remain essentially unchanged since the 2015 investigation and accordingly, the results are considered valid and of sufficient scope for the current hotel development.

Comments and advice are provided in the Report in relation to:

- Site Preparation and Earthworks
- Excavation Support
- Groundwater and Seepage
- Foundations
- Seismic Loading

The advice provided in the Report will be implemented as part of the overall management of the project and can be included as conditions of consent where practicable.

### 7.3.10 Social Impacts

The proposal will provide a number of social benefits, including:

- A variety of opportunities for the community to come together and socialise, and
- Improved security and safety with clear views and surveillance of the public domain.

### 7.3.11 Economic Impacts

Potential economic benefits of the proposed development include:

- the provision of short term accommodation to support the growing needs of the hospital/medical community;
- improve the attractiveness of the area as a place to invest in the future of the area as a medical mixed use precinct;



- increased property values from new development that is well designed and complements the desired future character of the locality; and
- additional investment in the local area arising from Section 7.11 payments from the developer.

## 7.4 Suitability of the Site

In accordance with the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the suitability of the site for the proposed development has been assessed.

The site is deemed to be suitable for the proposed use, subject to conditions to require remediation in accordance with the consultants reports submitted. The proposed building is appropriate for the site and area and will enhance the desired future character of specialised medical services to support the existing hospital uses in the precinct.

## 7.5 Public Interest

In accordance with the provisions of Section 4.15(1)(e) of the EP&A Act 1979 the development proposal has been assessed for the public interest.

The proposed development is considered to be in the public interest because

- It generally complies with all the standards and controls governing development of the site; and
- results in the appropriate development of the site to support Council's future vision for the Penrith Health and Education Precinct.



## 8 Conclusion

Subject to Section 4.15(1) of the EP&A Act 1979, the proposed development has been assessed having regard to the relevant matters that a consent authority is to take into consideration in determining a development application.

Based on our assessment, we consider the proposed development:

- Is of a high architectural standard of design largely informed by a very detailed site analysis;
- is consistent with the desired future character of the Medical Mixed Use precinct;
- contributes to an attractive and safe streetscape with a high level of engagement between the private and public domains;
- will protect the existing amenity of adjoining properties, in particular main living areas and principal private open space while having due consideration to desired future character of eventual built form;
- is well located and will make a positive contribution to the community in general and the Nepean health precinct .

In conclusion, it is considered that the development application for a 'medi-hotel' fits comfortably within the established health precinct and desired future landscaped character, neighbourhood character and streetscapes. The hotel is very well designed and will set a benchmark for future non-residential development in the precinct. The proposal will offer a high level of amenity to future hotel guests while protecting neighbours' amenity. The proposal is consistent with the objectives of the B4 mixed-use zone and complies with the key numerical development standards for FSR, site coverage and deep soil planting.

A request for an exception to the building height standard has been provided and demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because it will result in the loss of much a needed community benefit and conversely, applying a reasonable degree of flexibility in applying the building height standard will achieve a better outcome.

The proposal for a hotel with associated basement car parking and landscaping warrants Council approval.

## APPENDIX 1

Letter from Nepean Blue Mountains Local Health District



7 September 2020

**TO WHOM IT MAY CONCERN**

**Proposed Medi-Hotel Development at 28-32 Somerset Street, Kingswood**

We have reviewed Boston Global's plans for a 140-room medi-hotel at 28-32 Somerset Street, Kingswood (attached) and provide this letter in support of the proposal.

A high quality medi-hotel facility such as this with food and beverage and conferencing facilities is much needed in the area adjacent to Nepean Hospital and will make a valuable contribution to the community generally. The services and facilities proposed by Boston Global in this location will support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers, and medical staff.

We understand that Penrith City Council generally supports the proposed development subject to resolving some minor issues with the building form and number of car parking spaces required onsite. In terms of car parking, we are willing to discuss potential arrangements with Boston Global and the medi-hotel operator to provide access to our car parking facilities, which are close to the subject site, if required.

We are genuinely excited about the proposed medi-hotel and would be happy to discuss it or provide any further details that may assist. If you have questions or require additional information please contact my office: [NBMLHD-OfficeOfTheCE@health.nsw.gov.au](mailto:NBMLHD-OfficeOfTheCE@health.nsw.gov.au) or by phone: 4734 2441.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kay Hyman', with a long horizontal flourish extending to the right.

Kay Hyman  
**Chief Executive**  
**Nepean Blue Mountains Local Health District**

**TOGETHER**  
**ACHIEVING**  
**BETTER HEALTH**

Nepean Blue Mountains Local Health District  
ABN 31 910 677 424

PO Box 63, Penrith NSW 2751  
Tel (02) 4734 2000  
Website: [www.nbmlhd.health.nsw.gov.au](http://www.nbmlhd.health.nsw.gov.au)

## APPENDIX 2

### Penrith Local Environmental Plan 2010 Compliance Table

**Penrith LEP 2010 Compliance Table**

Relevant Clause	Comment	Complies
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, the subject site is within the <i>B4 Mixed Use</i> zone as shown on the Land Zoning Map.	Noted
2.3 Zone objectives and land use table	<p>The proposed development is defined as <b>hotel or motel accommodation</b> meaning a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—</p> <p>(a) comprises rooms or self-contained suites, and</p> <p>(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,</p> <p><b>Hotel or motel accommodation</b> is identified as a land use that is permissible in the B4 zone with the consent of council.</p> <p>In accordance with the relevant objectives of the B4 zone, the proposed development will provide for:</p> <ul style="list-style-type: none"> <li>• a mixture of compatible land uses particularly in relation to uses such as hospital and medical centres;</li> <li>• improved public amenity with activation of the street level with outdoor seating, landscaping etc. and the provision of roof top food and beverage facilities; and</li> <li>• land uses such as hotel that will provide a unique service to the community in association with the Nepean Hospital.</li> </ul>	<p align="center">✓</p> <p align="center">✓</p> <p align="center">✓</p>
4.3 Height of buildings	The maximum permissible building height shown for the subject site on the Height of Buildings Map is 18 metres. Pursuant to cl.7.11 of this LEP the maximum building height of the proposed development is 21.6 metres. The proposed building height is 23.21 metres and lift overrun is 24.49 metres and this exceeds the maximum building height identified on the Height of Buildings Map.	X
4.4 Floor space ratio	The maximum permissible Floor Space Ratio (FSR) shown for the land on the Floor Space Ratio Map is 3.5:1. The proposed FSR is 3.26:1 and does not exceed the maximum FSR identified on the Floor Space Ratio Map.	✓
4.5 Calculation of FSR and site area	The FSR has been calculated in accordance with the provisions of this clause.	✓
4.6 Exceptions to development standards	<p>A written request accompanies this application justifying the contravention of the maximum building height development standard by demonstrating</p> <ul style="list-style-type: none"> <li>- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,</li> <li>- there are sufficient environmental planning grounds to justify contravening the development standard; and</li> <li>- the proposed development is in the public interest.</li> </ul>	✓

<b>6.1 Earthworks</b>	An <b>Erosion and Sediment Control Plan</b> accompanies this application and provides details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.	✓
<b>7.4 Sustainable development</b>	Adequately addressed in s7.3.9 of the SEE.	✓
<b>7.6 Salinity</b>	The subject site is identified as having 'moderate salinity potential' on the map Salinity Potential in Western Sydney 2002 which is consistent with most of Western Sydney. The original development approved on the site in 2015 did not require an assessment for salinity or aggressivity. As development is largely an excavate and dispose of off-site exercise, there isn't a significant need for a specific salinity assessment.	✓
<b>7.7 Servicing</b>	Adequately addressed in s6.8 of the SEE.	✓
<b>7.8 Active street frontages</b>	The frontage of the subject site to Somerset Street is identified as "Active Street Frontage" on the Active Street Frontages Map. All premises on the ground floor of the hotel facing Somerset Street are used for the purposes of business premises in accordance with the provisions of this clause.	✓
<b>7.11 Penrith Health and Education Precinct</b>	Subject site is identified as "Penrith Health and Education Precinct" on the Clause Application Map. The floor to ceiling height of both the ground and first floor are equal to 3.5 metres and development consent may be granted to development that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20%	✓



## APPENDIX 3

### Request for Exception to a Development Standard

16 November 2020

General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751

## **REQUEST FOR EXCEPTION TO A DEVELOPMENT STANDARD**

A request is made to vary the maximum building height development standard in relation to a Development Application (DA) for a hotel at 28-32 Somerset Street, Kingswood.

This request is made having regard to:

1. The provisions of Clause 4.6 *Penrith Local Environmental Plan (PLEP) 2010*; and
2. *Varying development standards: A Guide (August 2011)* prepared by the Department of Planning and Infrastructure.

The Guide “contains details of the information applicants are required to submit to the council to assist council assess development applications and associated applications to vary a standard.” The following addresses the information detailed in the Guide.

### **1. BACKGROUND**

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The subject site is zoned B4 Mixed Use and is located in the Penrith Health and Education Precinct as identified in the *Clause Application Map* of PLEP 2010. Hotel is a permissible land use in the B4 zone subject to Council consent.

The maximum building height shown for the subject site on the *Height of Buildings Map* in PLEP 2010 is 18.0 metres. Pursuant to cl. 7.11 of the LEP consent may be granted to development on land that exceeds the maximum height shown for that land on the *Height of Buildings Map* by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

The proposed development avails itself of the additional height provision with floor to ceiling heights on both the ground and first floors equal to 3.5 metres. The maximum permissible building height for the proposed development is therefore 21.6 metres.

At its maximum height, the building is 23.8 metres, or 2.2 metres (+ 10.2%) above the maximum building height permissible. The lift overrun is 25.2 metres high, or 3.6 metres (+ 16.7%) above the maximum building height permissible. The non-compliance with the maximum building height standard triggers the requirement for a request for an exception to the development standards pursuant to cl. 4.6 of PLEP 2010.

The building height non-compliance is directly attributable to the addition of a roof top wellness centre and food and beverage facility that is over and above the standard requirements for the med-hotel. The provision of this additional level of services does not increase the number of hotel keys in the development but instead is a response to discussions with Nepean Blue Mountains Local Health District that are formalised in correspondence provided at Appendix 1. By letter

dated 7 September 2020 the CEO of the Nepean Blue Mountains Local Health District (refer Appendix 1 to the SEE) emphasises how these additional roof top facilities are

*"much needed in the area adjacent to Nepean Hospital and will make a valuable contribution to the community generally"*

and will

*"support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers and medical staff".*

Particular consideration has also been given to the supportive comments and suggestions provided by Council's Urban Design Review Panel (UDRP) following their review of a preliminary concept plan. In particular, the UDRP commented:

*"The roof top offering for a food and beverage premise has the potential to be a positive contribution to the precinct....."*

A summary of the UDRP comments and the response to the comments in the final DA are detailed in Table 2 of the SEE that accompanies the DA.

## **2. CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

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The objectives of Clause 4.6 of *Penrith Local Environmental Plan 2010* are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 imposes three (3) preconditions on Council in exercising the power to vary a development standard and grant consent to the proposed development.

The first precondition requires Council to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)).

The second requires Council to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with Council finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

The third requires Council to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out (cl 4.6(4)(a)(ii)).

## **3. JUSTIFICATION FOR EXCEPTION TO THE BUILDING HEIGHT STANDARD**

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The preconditions to vary the Building Height development standard are addressed as follows:

### **3.1 Is the development standard unreasonable or unnecessary in the circumstances of the case?**

Strict compliance with this diverse housing standard is considered unreasonable or unnecessary in the circumstances of this case because strict adherence to the standard will not result in a development that is anymore consistent with the desired future character of the locality.

NSW Land and Environment Court cases dealing with applications to vary development standards resulted in the Court setting out a 'five part test' for consent authorities to consider when assessing an application to vary a standard and to determine whether the objection to the development standard is well founded and compliance is unreasonable or unnecessary. The following provides an assessment of the matters in the 'five part test' (identified in bold and italic).

***1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.***

The objectives of the building heights standard are identified below and comment is provided on the proposal's consistency with each objective.

Objective #1

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

Comment

The height, bulk and scale of the desired future character of the locality is best described by the built form that comprises a significant part of the immediate visual catchment (i.e. context) of the subject site. The perspective of the subject site and immediate locality below highlights the built form and context of:

1. Proposed development
2. 6-storey Somerset Specialist Centre
3. Nepean Hospital Car Park
4. 14-storey Nepean Hospital Redevelopment – Stage 1
5. Private hospital (being proposed).



Source: Rothelowman Architects

Just out of the frame in the top right corner of the built form perspective is the 8-storey residential flat building developed at 48-56 Derby Street, Kingswood.

The proposed development is considered to be consistent with this objective because:

- the perceived size and scale of development is 6-storeys with the roof top amenity, that part of the building in excess of the building height, being set back from each boundary so that it is not clearly visible from the public domain and reduces the visual impact;
- The proposed development maintains a complying Floor Space Ratio; and
- the proposed building is compatible with the bulk and scale of nearby developments and provides a suitable transition in scale from the significantly higher built form in the Nepean Hospital to the medical mixed-use precinct to the east and the residential precinct further east.
- The non-compliance is not a result of excessive floor space with the maximum permissible FSR for the subject site not being achieved.

#### Objective # 2

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

#### Comment

The detailed assessment in the **Statement of Environmental Effects** and reports that accompany the DA for the subject site provides supporting information on how the development has been designed to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas.

The architectural plans accompanying the DA provide a very comprehensive analysis of the shadow impacts from the proposed development in comparison to the previously approved scheme on the subject site and a complying development scheme on the subject site. This assessment shows there is a minimal/insignificant shadow impact from a scheme that is exceeding the building height limit as proposed and there would not be any improved benefits from a scheme that was compliant with the building height.

The **Acoustic Report** accompanying the DA outlines management and building controls that will ensure acceptable management of noise impacts from dining and bar areas located on the rooftop. In particular recommendations are made in relation to hours of operation, no background music, a 1.8m high continuous glazed/solid balustrade to be constructed around the entire perimeter of the outdoor dining/bar area and the number of people that can be reasonably accommodated in each space.

The roof top bar and dining area is also setback from the edge of the predominant built form below and there is landscape screening proposed to the outer edges of the outdoor rooftop areas that will ensure there are no overlooking or privacy issues.

Generally there are no potential views that can be disrupted by the proposed development or by the addition of the roof top amenities.

### Objective # 3

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

#### Comment

There are no heritage items, conservation area and areas of scenic or visual importance identified that could be impacted by the proposed development.

### Objective # 4

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

#### Comment

The building heights for the proposed development is only a 10% variation on the maximum building heights nominated by council notwithstanding the further non-compliance of the lift overrun. The proposed hotel displays design excellence and is strategically located in an area that is best suited to provide a transition in built form and land use intensity from the development in the Nepean Hospital to the supporting development in the surrounding mixed use zone. The subject site is located on Somerset Street and directly opposite key entries into the Nepean Hospital precinct and the new 14-storey redevelopment site. In short, if there is anywhere best suited to accommodate additional building height it is the subject site i.e. along Somerset Street and directly opposite the Nepean Hospital.

#### **2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.**

The underlying objective or purpose of the standard remains relevant to the development and the commentary above provides detail on how the proposed development achieves compliance with the objectives notwithstanding non-compliance with the numerical standard.

#### **3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.**

Compliance with the underlying object of purpose is unreasonable because it would only result in the loss of the rooftop Wellness centre and food and beverage facility that will primarily benefit the general staff, nurses, doctors etc. associated with the Nepean Hospital. As previously discussed, the CEO of the Nepean Blue Mountains Local Health District has emphasised how much these facilities are needed in the area and will make a valuable contribution to the community generally and in particular how much they will support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers and medical staff.

#### **4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.**

While it cannot be said the building height standard has been abandoned or destroyed by Council's own actions there is at least one (1) case where the Council has departed from the maximum building height standard. The nearby residential development at 48-56 Derby Street, Kingswood has been built with an approved maximum height of 25.35 metres (8 storeys) that equates to a 17.7% variance to the maximum building height standard. There is precedence for Council to consider a variation in building height if it is perceived to result in a



better urban outcome and/or provide a significant community benefit.

The provision of the roof top amenity does not improve the yield of the hotel in the number of rooms that can be made available. The roof top amenity provides a much needed community benefit that will significantly help activate the local area and provide a significant boost to the Nepean health precinct.

**5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.**

The subject site is appropriately zoned and this matter raises no further issues.

### **3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?**

There are sufficient environmental planning grounds to justify contravening the Building Height development standard.

The SEE accompanying the development application demonstrates how the proposal, and in particular the additional roof top area, will:

- provide a valuable contribution to the community generally and will support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers and medical staff;
- not result in additional impacts on both the natural and built environments, particularly from overshadowing, overlooking and noise;
- not result in detrimental social or economic impacts; and
- be in the public interest because it will improve the general amenity of development in the locality.

Approval of the non-compliance will not impact on the proposals ability to:

- achieve an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable;
- minimising adverse impacts of development;
- protect and enhance the amenity of occupants and neighbours;
- protect and enhance the natural and built environment; and
- meet the future needs of the growing hospital precinct.

### **3.3 Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?**

Assessment of the first matter in the 'five part test', Table 1 confirms the proposed development will be in the public interest because it is consistent with the objectives of the Building Height standard.

In assessing a development's consistency with the zone objectives, Commissioner Brown in *Antoniades Architects Pty Ltd v Canada Bay City Council* [2014] NSWLEC 1019, took the following approach:

*The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not*

*necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.*

With this in mind, the proposed development is considered to be consistent with the relevant B4 zone objectives. Objectives for the B4 zone are identified below and comment is provided on the proposal's consistency with each objective.

#### Objective #1

*To provide a mixture of compatible land uses.*

#### Comment

Penrith Council "encourages development that would support the operation of the hospital, such as medical offices, pharmacies, short-term accommodation, convenience stores and other forms of retail that will meet the needs of visitors and people using the medical services offered within the precinct". The proposed development will provide short-term accommodation, conference facilities, Wellness centre, food and beverage facilities that supports the operation of the Nepean Hospital'

#### Objective #2

*To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

#### Comment

The subject site is very well located in relation to public transport and the hospital so as to encourage use of public transport, walking and cycling. Refer to the Traffic Report that accompanies the DA for further detail on the public transport options identified in the locality.

#### Objective #3

*To minimise conflict between land uses within the zone and land uses within adjoining zones.*

#### Comment

The proposed hotel land use is compatible with the desired future character and medically related land uses for the locality. Preliminary discussions indicate the development of a private hospital on the adjoining land to the rear and this will increase demand on the services of the hotel and in particular, the roof top amenities.

#### Objective #4

*To create opportunities to improve public amenity.*

#### Comment

The public amenity along Somerset Street in particular will be improved with the development of a hotel that exhibits a high level of design excellence. The arbour treatment to the front building facade will create a unique ambience along the Somerset streetscape as highlighted in the image below.



Public amenity will also be significantly boosted by the addition of a roof top food and beverage facility (refer image below) that is currently not being provided in the locality. This area will also boast district views to the Blue Mountains.



#### Objective #5

*To provide a wide range of retail, business, office, residential, community and other suitable land uses.*

#### Comment

The proposed hotel use will add to the wide range of land uses that are currently and proposed to be developed that support the operation of the hospital.

#### 4. CONCLUSION

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Clause 4.6 of *Penrith Local Environmental Plan 2010* aims to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes by allowing flexibility in particular circumstances. The proposed development warrants favourable consideration under this clause because it has been demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

The development is considered to be in keeping with the desired future character of the zone and provide much needed community benefit in the shape of a Wellness centre and food and beverage facility on the rooftop . The non-compliance in building height can be directly attributed to the provision of roof top amenities.

The CEO of Nepean Hospital as indicated how much this roof top facility is needed in the area and how it will make a valuable contribution to the community generally and how much it will support the Nepean health precinct and enhance the total care experience for all involved.

Strict compliance with the building height standard is considered unreasonable and unnecessary in the particular circumstances of this case and will result in the loss of a much needed community benefit. Conversely, applying a reasonable degree of flexibility in applying the building height standard will achieve a better outcome.

In conclusion, the request is well founded and granting consent is considered consistent with the requirements of Clause 4.6 of *Penrith Local Environmental Plan 2010*.

Regards



Anthony Polvere  
Director

## APPENDIX 4

### Penrith Development Control Plan Compliance Table

## Penrith DCP 2014 Compliance Table

### Parts A and B – Introductory Material and overarching DCP Principles

Provisions	Comment	Complies
A Introduction	Noted	✓
B DCP Principles	Noted	✓

### Parts C – City-wide Controls

#### C1 SITE PLANNING AND DESIGN PRINCIPLES

Provisions	Comment	Complies
1.1 Site Planning	<u>Site Analysis</u> A comprehensive analysis of the features of the site and the immediate locality has been undertaken and presented in the <b>Statement of Environmental Effects</b> and in more detail as part of the <b>Urban Design Report</b> (UDR) accompanying this application. In particular, the UDR details the urban context, site analysis and proposed design response.	✓
	<u>Key Areas with Scenic and Landscape Values</u> Subject site is not identified as a Gateway site or being in an area of visual sensitivity.	✓
1.2 Design Principles	<u>Application of Certification System</u> Adequately addressed in s7.3.8 of the SEE.	✓
	<u>Built Form - Energy Efficiency and Conservation</u> Adequately addressed in s7.3.8 of the SEE.	✓
	<u>Building Form - Height, Bulk and Scale</u> An <b>Urban Design Report</b> accompanies this application and provides a detailed analysis of the site and it's urban context and how the design of the building has responded in terms of built form.	✓
	<u>Responding to the Site's Topography and Landform</u> Development is located on a relatively flat site that will minimise excavation (except for underground car park), cut and fill in accordance with the requirements of the Land Management Section of this Plan. Use of building design excellence and landscaping compliments any lack of topography.	✓
	<u>Safety and Security (Principles of Crime Prevention through Environmental Design)</u> Adequately addressed in s7.3.7 of the SEE.	✓
	<u>Maximising Access and Adaptability</u> Adequately addressed in s6.7 of the SEE.	✓



	<u>Adult Change Facilities</u> Accessible Adult Change Facilities, designed in accordance with Section F 2.9 of the National Construction Code (NCC) are provided in Basement Level 2.	✓
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## C2 VEGETATION MANAGEMENT

Provisions	Comment	Complies
<b>2.1 Preservation of trees and vegetation</b>	Adequately addressed in s7.3.2 of the SEE.	✓
<b>2.2 Biodiversity Corridors and Areas of Remnant Native Vegetation in Non-Urban Areas</b>	N/A	
<b>2.3. Bushfire Management</b>	N/A	

## C3 WATER MANAGEMENT

Provisions	Comment	Complies
<b>3.1. The Water Cycle/Water Conservation</b>	Adequately addressed in s7.3.3 of the SEE.	✓
<b>3.2. Catchment Management and Water Quality</b>	Adequately addressed in s7.3.3 of the SEE.	✓
<b>3.3. Watercourses, Wetlands and Riparian Corridors</b>	N/A	
<b>3.4. Groundwater</b>	Adequately addressed in s7.3.3 of the SEE.	✓
<b>3.5 Flood Planning</b>	N/A	
<b>3.6. Stormwater Management and Drainage</b>	Adequately addressed in s7.3.3 of the SEE.	✓
<b>3.7. Water Retention Basins/Dams</b>	N/A	
<b>3.8. Rainwater / Storage Tanks</b>	Adequately addressed in s7.3.3 of the SEE.	✓

C4 Land Management		
Provisions	Comment	Complies
<b>4.1. Site Stability and Earthworks</b>	Adequately addressed in s7.3.9 of the SEE.	✓
<b>4.2 Landfill</b>	Adequately addressed in s7.1.2 of the SEE.	✓
<b>4.3. Erosion and Sedimentation</b>	An <b>Erosion and Sediment Control Plan</b> accompanies this application and provides details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.	✓
<b>4.4. Contaminated Lands</b>	Adequately addressed in s7.1.2 of the SEE.	✓
<b>4.5. Salinity</b>	The subject site is identified as having 'moderate salinity potential' on the map Salinity Potential in Western Sydney 2002 which is consistent with most of Western Sydney. The original development approved on the site in 2015 did not require an assessment for salinity or aggressivity. As development is largely an excavate and dispose of off-site exercise, there isn't a significant need for a specific salinity assessment.	✓
C5 WASTE MANAGEMENT		
Provisions	Comment	Complies
<b>5.1. Waste Management Plans</b>	<b>Waste Management Plan</b> accompanies this application and describes how waste will be managed during the demolition of the existing building and construction of the new building.	✓
<b>5.2. Development Specific Controls</b>	Adequately addressed in s7.3.4 of the SEE.	✓
<b>5.3. General Controls</b>	Adequately addressed in s7.3.4 of the SEE.	✓
<b>5.4. Hazardous Waste Management</b>	N/A	
<b>5.5. On-Site Sewage Management</b>	N/A	
C6 LANDSCAPE DESIGN		
Provisions	Comment	Complies
<b>6.1 Controls</b>	Development is classified as Category 3. Information is provided in accordance with the requirements for Category 3 development as tabled in the DCP. Refer section 7.3.1 of the SEE.  Landscaping has been designed in accordance with the relevant controls detailed in the DCP.	✓

C8 PUBLIC DOMAIN		
Provisions	Comment	Complies
<b>8.1. Pedestrian Amenity</b>	An active street frontage at ground level is provided to Somerset Street with the entrance to the hotel clearly visible from the street and active uses such as foyer, reception and lounge areas visible from the street (use of clear glazing). Breakout out areas are also provided beneath the arbour to the Somerset Street frontage.  Activation of the secondary frontage is achieved by continuing the glazing around the corner.	✓
<b>8.2. Street Furniture</b>	Furniture will be placed in the activated area beneath the arbour to the Somerset Street frontage.	✓
<b>8.3. Lighting</b>	The development does not propose any lighting to the public domain.	✓
<b>8.4. Outdoor Dining and Trading Areas</b>	The development does not propose any outdoor dining and trading.	✓
<b>8.5. Public Art</b>	The development does not propose any public art.	✓
C10 TRANSPORT, ACCESS AND PARKING		
Provisions	Comment	Complies
<b>10.1 Transport and land Use</b>	Development is not considered to have a significant impact on transport or require Transport Management and Accessibility Plan.	✓
<b>10.2 Traffic Management and Safety</b>	Application is accompanied by a <b>Traffic Report</b> (refer s7.3.5 of the SEE) and this report addresses the relevant requirements identified in the DCP.	✓
<b>10.3. Key Transport Corridors</b>	N/A	
<b>10.4 Roads</b>	N/A	
<b>10.5. Parking, Access and Driveways</b>	Parking provided on site has been designed to meet AS 2890 and where appropriate, AS 1428 and is supported by a <b>Geotechnical Report</b> that accompanies this application.  Car parking is not provided on-site in accordance with the DCP parking rates (refer s7.2 of the SEE for justification of a lower parking rate for the proposed development).  Accessible car spaces are provided in accordance with the Access to Premises Standards, Building Code of Australia and AS2890.  The development proposes 12 bicycle racks on the ground level, which is considered to be satisfactory (refer Traffic Report that accompanies this application).	✓  X  ✓  ✓
<b>10.6. Pedestrian Connections</b>	N/A	

<b>10.7 Bicycle Facilities</b>	The layout of the bicycle racks is generally compliant with AS2890.3.	✓
<b>C12 NOISE AND VIBRATION</b>		
<b>Provisions</b>	<b>Comment</b>	<b>Complies</b>
<b>12.1. Road Traffic Noise</b>	Application is accompanied by a <b>Noise Impact Statement</b> (refer s7.3.6 of the SEE) that adequately addresses the issue of potential road traffic noise.	✓
<b>12.2. Road Traffic Noise and vibration</b>	N/A	
<b>12.3. Aircraft Noise</b>	N/A	
<b>12.4. Industrial and Commercial Development</b>	Application is accompanied by a <b>Noise Impact Statement</b> (refer s7.3.6of the SEE) that adequately addresses the issue of potential road traffic noise.	✓
<b>12.5. Rural Development</b>	N/A	
<b>12.6. Open Air Entertainment</b>	N/A	
<b>12.7. Vibration and Blasting</b>	N/A	
<b>C13 INFRASTRUCTURE AND SERVICES</b>		
<b>Provisions</b>	<b>Comment</b>	<b>Complies</b>
<b>13.1. Location of Easements for Infrastructure</b>	N/A	
<b>13.2. Utilities and Service Provision</b>	Application is accompanied by a <b>Utilities Report</b> (refer s6.9 of the SEE) that adequately addresses the provision of services/utilities to the property and whether there is satisfactory capacity to address the required demand of the proposal.	✓
<b>13.3. On Site Sewage Management</b>	N/A	
<b>13.4 Engineering Works and Construction Standards</b>	All engineering works shall be undertaken in accordance with the provisions of Council's: <ul style="list-style-type: none"> <li>• Stormwater Drainage Specifications for Building Developments</li> <li>• Council's Water Sensitive Urban Design (WSUD) Technical Guidelines;</li> <li>• Engineering Design Specifications for Civil Works; and</li> <li>• Engineering Construction Specifications for Civil Works.</li> </ul>	✓

<b>13.5 Development Adjacent to the Sydney Catchment Authority Controlled Areas – the Warragamba Pipelines</b>	N/A	
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## Parts E – Key Precincts

### E12 Part A Hospital Precinct

Provisions	Comment	Complies
<b>12.1 Background</b>	<p>Subject site is strategically located directly opposite the Nepean Hospital in land identified as the Hospital Precinct. The DCP describes this area as:</p> <p style="padding-left: 40px;">the most dynamic environment to further develop the Hospital Precinct into a specialised medical precinct. This precinct encourages development that would support the operation of the hospital, such as medical offices, pharmacies, short-term accommodation, convenience stores and other forms of retail that will meet the needs of visitors and people using the medical services offered within the precinct.</p> <p>The proposed development takes advantage of the potential for Somerset Street to offer a high quality entrance to the Hospital Precinct, with a landscaped theme and high quality architectural design. As a result, a high quality public realm is achieved by providing a generous landscaped arbour treatment to Somerset Street and activating the ground floor.</p> <p>The desired future character of the area is described as having building heights of 4-6 storeys. The proposed building height is 7 storeys. A request for an exception to the maximum building height standard accompanies this application and provides support for the exception (refer Appendix 3 of the SEE)</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">X</p>
<b>12.2 Land use controls</b>	<p>Proposed development provides flexible floor areas and layouts to both the ground and first floor to accommodate a range of commercial uses if necessary in the future.</p> <p>The development of a hotel within the Hospital Precinct, instead of approved residential flat building on the site, will provide for active uses at the street frontage and will help to revitalise the precinct and encourage further medical related uses.</p> <p>Increased floor to ceiling heights are proposed to both the ground floor and first floor to take advantage of the additional building height incentives prescribed by LEP 2010,</p> <p>The ground floor of the development provide 100% commercial frontage to Somerset Street.</p> <p>Building provides an active ground floor setback zone, free of columns, balustrades and other visual barriers to Somerset Street. Blank building walls at ground level are avoided.</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

<p><b>12.3. Built form controls</b></p>	<p><u>Street alignment, building height and setbacks</u></p> <p>4m setback is provided to Somerset Street frontage with a 2-storey arbour projecting into the front building line.</p> <p>The design of the hotel with a front arbour projects as a 2-storey podium and is central to the overall aesthetic of the building and how it projects to Somerset Street.</p> <p><u>Building Depth and Bulk</u></p> <p>The design of the building uses a combination of building articulation, fenestration and alternative architectural enhancements such as the arbour to ensure there are no large unrelieved expanses of wall or building mass.</p> <p><u>Boundary setbacks and building separation</u></p> <p>For the first 3 levels (12m) the side and rear setbacks vary from a minimum zero lot line to the rear up to approximately 7.5m along the path of the driveway access to the basement parking.</p> <p>Above 3 levels the setback varies from a minimum 3.6m to 8.8m.</p> <p><u>Site coverage and deep soil zones</u></p> <p>Site coverage is 64% of the total site area and deep soil is 16.5% of the site area.</p> <p><u>Building exteriors</u></p> <p>Building façades are articulated so that they address the street and add visual interest.</p> <p>External walls will be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork and applied finish.</p> <p>Large expanses of any single material are avoided.</p> <p>Highly reflective finishes and curtain wall glazing are avoided above ground floor level.</p> <p>A materials schedule is provided as part of the architectural plans accompanying the application.</p> <p>The design of roof plant rooms and lift overruns is integrated into the overall architecture of the building,</p> <p><u>Landscape design</u></p> <p>A landscape concept plan accompanies this application and covers all landscaped areas, including the deep soil zone, in accordance with the Landscape Design section of this DCP. The plan outline how landscaped areas are to be maintained.</p> <p>Recycled water will be used to irrigate landscaped areas.</p> <p>Accessible outdoor spaces beneath the arbour incorporates planting.</p> <p>Remnant vegetation must is maintained throughout the site, wherever practicable (refer s7.3.2 of the SEE).</p> <p>Landscape Plan that accompanies this application provides detail on how planting on the roof has been designed in accordance with the provisions of the DCP.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✗</p> <p>✓</p> <p>✓</p> <p>✓</p>
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<p><b>12.4. Other controls</b></p>	<p><u>Active street frontages and address</u></p> <p>The proposed development provides for an active frontage to Somerset Street at street level by providing</p> <ul style="list-style-type: none"> <li>• an entry into the hotel lobby,</li> <li>• glass fronted area to lounge and bar areas; and</li> <li>• break out areas underneath the arbour along the Somerset Street frontage.</li> </ul> <p><u>Safety and security</u></p> <p>Development should be referred to Council's Community Safety Officer and, where appropriate, NSW Police in accordance with the CPTED protocol between Penrith City Council and NSW Police.</p> <p><u>Vehicle footpath crossings</u></p> <p>Vehicular access and footpath crossings have been designed in compliance, where practicable, with the relevant DCP controls and will minimise impact on the public domain.</p> <p><u>Car Parking</u></p> <p>Proposed development provides for basement car parking and is accompanied by a supporting <b>Geotechnical Report</b>.</p> <p>Basement car parking is located as much as practicable directly under the building footprint and maximises opportunities for deep soil areas (ie deep soil planting is 16.5% of the site area).</p> <p>The appearance of car parking is improved by locating parking so that it is not visually prominent from Somerset Street.</p> <p>Car parking layouts comply with the relevant Australian Standards.</p> <p><u>Site Facilities and Services</u></p> <p>Telecommunication infrastructure will be built into the development and predominantly below ground,</p> <p>Vehicular access to the waste collection area is from the side street.</p> <p>Loading/unloading area is located in the basement and in accordance with the DCP controls.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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