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**NEPEAN HEALTH PRECINCT
MIXED USE DEVELOPMENT**

**S75W MODIFICATION:
CONCEPT PLAN (MP09_0197)
STAGE 1 PROJECT APPLICATION (MP09_0220)**

SUBMITTED TO: DEPARTMENT OF PLANNING AND INFRASTRUCTURE
ON BEHALF OF AESTHETE NO. 3

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DISCLAIMER

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1.0 INTRODUCTION

Cityscape has been engaged by the proponent, Aesthete No.3 Pty Ltd, to prepare and submit an application to modify the relevant Concept and Project Approval pursuant to section 75W and Clause 3C of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

The report is accompanied by the following plans and technical studies:

- Revised Plans for approval – Turner & Associates
- Design Verification Statement – SEPP 65
- Landscape Plan
- Traffic, Transport and Parking Assessment – Traffix
- Acoustic Report – Acoustic Logic
- Stormwater Management + Utilities – Hyder
- Accessibility – Morris Goding
- BASIX – Efficient Living
- BCA Report – Blackett Maguire Goldsmith
- Waste Management Plan – Cini Little

2.0 MODIFIED PROPOSAL

2.1 BUILT FORM MODIFICATIONS

Whilst the proposal seeks to modify both the concept plan and project approval the proposed development modification relates only to stage 1 of the development. Only very minor changes to the parking Stage 2 element of the development are proposed. The modifications include:

STAGE 1

BASEMENTS

- Delete basement level 3 of parking and reconfigure parking layouts plans for all basement levels.
- Reduce parking supply from 449 to 402 spaces

BUILDING A

- Reduce height by 1 storey
- Replace two upper levels of commercial floor space with 36 x apartments (34 x 2 bed and 2 x studio apartments)
- Reduce scale of roof-top plant room

-
- Replace retail at lower ground level with car parking

BUILDING B

- Replace commercial at Ground level with additional serviced apartments

STAGE 2

BASEMENTS

- Reconfigured vehicle access ramp arrangements for basements 2-3
- Reduction in parking supply from 312 to 286.

The modification results in a significant reduction on GFA and building volume. Table 1 provides a schedule that identifies Gross Floor Area (GFA) for both the approved and modified proposals to assist understanding of the proposed changes:

TABLE 1: GFA SCHEDULE

		Approved Scheme	Modified Proposal	GFA change
STAGE 1		m2	m2	m2
Land Use	Building	GFA	GFA	GFA
Commercial	A	18118	8750.75	-9367.25
foyer	A	616	433	-183
Commercial	B	741	401	-340
sub total		19475	9584.75	-9890.25
Residential				
Apartment	A	0	2656	2656
Serviced Apartment	B	2255	2585	330
subtotal		2255	5241	2986
Retail				
retail	A	1292	1225	-67
retail	B	399	0	-399
Sub total		1691	1225	-466
STAGE 2		m2	m2	m2
Land Use		GFA	GFA	GFA
Commercial		1504	1504	0
Residential		7544	7544	0
Retail		1640	1640	0
Sub total		10688	10688	0
TOTAL GFA		34109	26738.75	-7370.25
SITE AREA		9571	9571	9571
FSR		3.56	2.79	-0.77

2.1 CONSENT NOTICE MODIFICATIONS

Condition B15 of the current Project Application Approval currently outlines a range of developer s94 contributions to be paid prior to the issuing of a Construction Certificate.

The relevant Council contribution plans only seek to levy these contributions for a limited range of developments including multi-unit housing and does not seek to impose developer contributions for serviced apartments

The original development did not seek to provide multi-unit housing however has been charged a contribution for the serviced apartment element of the development. This is therefore inconsistent with the contributions plan.

The modification therefore seeks to have consent conditions modified as follows:

CONCEPT APPROVAL

2. The Development shall be generally in accordance with the following plans and documentation:

- (a) S75W report titled ***Nepean Health Precinct Mixed Use Development*** and Appendices prepared by Cityscape Planning + Projects, dated October 2012;
- (b) The following plans;

Architectural (or Design) Drawings prepared by TURNER + ASSOCIATES		
Drawing No.	Revision	Name of Plan
CP10		Basement 03
CP11	J	Basement 02
CP12	J	Basement 01
CP13	J	Lower Ground Plan
CP14	J	Ground Plan
CP15	I	Level 1
CP16	I	Level 2
CP17	I	Level 3
CP18	I	Level 4
CP19	I	Level 5
CP20	I	Level 6
CP21	I	Level 7
CP22	I	Roof Plan

CP30	G	North Elevation	
CP31	G	South Elevation	
CP32	F	East Elevation	
CP33	G	West Elevation	
CP40	G	Section AA	
CP41	G	Section BB	
CP42	I	Section CC	
CP43	G	Section DD	
CP44	F	Section EE West Elevation	
CP45	G	Section FF	
Landscape Plans that form part of Report prepared by Turf Designs dated May 2011			
LC-02	B	Lower Ground Floor Landscape Plan	29/04/11
LC-03	B	Ground Floor Landscape Plan	29/04/11

PROJECT APPROVAL

A2 Development in Accordance with the Plans and Documentation

The development will be undertaken in accordance with the following documents and plans:

S75W Modification report titled <i>Nepean Health Precinct Mixed Use Development</i> and Appendices prepared by Cityscape Planning + Projects, dated October 2012;		
Architectural (or Design) Drawings prepared by TURNER + ASSOCIATES		
Drawing No.	Issue	Name of Plan
EA11	K	Basement 02
EA12	K	Basement 01
EA13	K	Lower Ground Plan
EA14	J	Ground Plan
EA15	I	Level 1
EA16	H	Level 2
EA17	H	Level 3
EA18	I	Level 4

EA19	I	Level 5	
EA20	I	Roof Plan	
EA30	I	North Elevation	
EA31	I	South Elevation	
EA32	H	East Elevation	
EA40	I	Section AA	
EA41	I	Section BB	
EA42	I	Section CC	
EA44	H	Section EE West Elevation	
EA45	I	Section FF	
EA70	A	Materials Board	
Landscape Plans that form part of Report prepared by Turf Designs dated May 2011			
LC-02	B	Lower Ground Floor Landscape Plan	29/04/11
LC-03	B	Ground Floor Landscape Plan	29/04/11

B14 Car Parking – This condition is deleted in recognition that the modified plans that form part of this proposal satisfy the parking requirements outlined as part of the original approval are achieved.

B15 Developer Contributions

The following replacement contribution sums for each item calculated on 36 apartments provided as part of Building A:

(1) Cultural facilities	\$6566.40
(2) District Open Space	\$107,640.00
(3) Local Open Space	\$38,304.00
(4) Kingswood Neighbourhood Centre	\$7,689.60

3.0 CONSULTATION

A full range of consultation with relevant state and local agencies as well as adjacent development occurred as part of the original concept and project application.

Further informal consultation with officers of Penrith City Council together with representatives of Nepean Hospital was undertaken as part of the development of the modified proposal.

4.0 PLANNING ASSESSMENT

The Director General issued detailed requirements for planning assessment as part of the original Concept and Project Applications.

These matters are considered to remain the key considerations for the modified development proposal and re identified below together with an assessment of the modified proposal against them.

4.1 RELEVANT EPI'S POLICIES AND GUIDELINES

4.1.1 GENERAL

The original Environmental Assessment reviewed the proposal in the context of all relevant state and local planning instruments inclusive of:

- Objects of EP &A Act
- SEPP (Major Development) 2005
- SEPP (infrastructure) 2007
- SEPP 55 – Remediation of Land
- Penrith LEP 1998 – Urban Lands
- Penrith DCP 2006

The statutory planning framework as it relates to the development proposal has not altered since the original Environmental Assessment. However, the introduction of residential elements to Building A does introduce a necessity to assess the development against the following Environmental Planning Instruments:

- SEPP 65 – Design Quality of Residential Flat Development
- SEPP 2004 - BASIX

4.1.2 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

This Policy aims to improve the design quality of residential flat development in New South Wales by identifying design quality principles as a means of evaluating the merit of residential elements of the proposed development.

A design verification statement has been prepared by the architectural firm and accompanies the Development Application.

A detailed assessment of the residential built form against the Residential Flat Design Code that accompanies SEPP 65 is provided at section 4.2 of this report.

4.1.3 SEPP 2004 - BASIX

BASIX seeks to ensure that new residential dwelling design meets the NSW Government's targets of up to 40% reduction in water

consumption and a 25% reduction in greenhouse gas emissions, compared with the average home. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

A holistic approach to building sustainability has underpinned the design of the development.

A range of measures outlined in the accompanying BASIX report reveal that the development will achieve water reduction of 40%, energy target of 25% and an appropriate level of thermal performance.

4.2 BUILT FORM

The major modification to the built form of the current proposal is the replacement of the top three levels of commercial in Building A with two levels of residential development.

Key built form considerations for apartment developments are typically identified in the Residential Flat Design Code.

Relevant sections of the Code are identified below together with an assessment of the development against them. This includes a numerical assessment provided in table format against key 'rules of thumb' provided in the Code.

PART1: LOCAL CONTEXT

PRIMARY DEVELOPMENT CONTROLS

Building Height

Objectives

- *To ensure future development responds to the desired scale and character of the street and local area.*
- *To allow reasonable daylight access to all developments and the public domain.*

The modified development proposal actually seeks to reduce the height of Building A by one storey, which translates to a reduction in height of 4.55m when the lower ceiling height of the residential elements is factored into height considerations.

In addition the modified development provides a reduced plant room height and scale (7.8m lower) which lessens the height and apparent built volume of the development.

The modified Building A will also be of a lesser height than the approved tower element in Stage 2 of the this development and another previously 9 storey building recently approved at the eastern end of the Kingswood Business District.

The lower building height also obviously reduces the already limited overshadowing impacts on adjacent development.

In this context the modified development proposal is clearly consistent with the desired scale and character of the local area and also allows reasonable daylight access to all local development.

Building Depth

Objectives

- ***To ensure that the bulk of the development is in scale with the existing or desired future context.***
- ***To provide adequate amenity for building occupants in terms of sun access and natural ventilation.***
- ***To provide for dual aspect apartments.***

Control Checklist

- ***In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.***

The development provides two separate rows of apartments that run on an east-west axis on the upper two levels of Building A. These apartments are separated by a central atrium that provide building separation and excellent amenity through solar access and ventilation to all future residents.

The depth of both rows of apartments is approximately 11m and therefore well less than the maximum 18m building depth provided for by the code.

The new residential cap to Building A also significantly reduces the mass of the upper levels when compared to the approved development.

Accordingly, the modified development is considered to provide a building bulk that is in scale with the local context.

Building Separation

Objectives

- ***To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.***
- ***To provide visual and acoustic privacy for existing and new residents.***
- ***To control overshadowing of adjacent properties and private or shared open space.***
- ***To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.***
- ***To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.***

The code requires building separation of 13-18m between habitable rooms of apartments with a height of 5-8 storeys.

The development provides separation distances from the approved Stage 2 building of 17.5m from the balcony and 19.4m to the living room window of the western apartments. This is considered to well satisfy the code requirement, particularly as the western elevation of the proposed apartments do not represent the primary aspect of those units.

There is no development to the east of the site, however the modified development is set back 9m (measured to balcony) from that boundary which achieves 50% of the building separation distance required under the code.

There is no development at this height on the adjacent private hospital to the south and only a small interface between the approved Building B in that location. This interface only relates to two of the proposed

apartments and provides a building separation of 10m. However, importantly, these apartments provide only dwelling entry and utility rooms along their southern elevation and no habitable living spaces or windows.

Accordingly, there is no risk of adverse privacy or amenity outcomes as a consequence of that interface.

Building B also provides serviced apartments which are not subject to the building separation requirements of the code. Further, the building separation in that location matches that of the already approved development.

Accordingly, the modified development is considered to provide appropriate building separation distances.

Street Setbacks

Objectives

- ***To establish the desired spatial proportions of the street and define the street edge.***
- ***To create a clear threshold by providing a transition between public and private space.***
- ***To assist in achieving visual privacy to apartments from the street.***
- ***To create good quality entry spaces to lobbies, foyers or individual dwelling entrances.***
- ***To allow an outlook to and surveillance of the street.***
- ***To allow for street landscape character.***

The modified development proposal does not seek to change the approved street setback of the development over the approved lower commercial levels or proposed upper residential levels.

Entry and lobby areas will be provided at ground level via both the Great Western Highway and the thru site link as well as through the basement parking areas.

Side and Rear Setbacks

Objectives

Side Setbacks:

- *To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.*
- *To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form.*

The modified development does not seek to alter any side or rear setbacks and an assessment of building separation has been previously undertaken within this report and demonstrates good quality solar and ventilation outcomes will be achieved for future residents.

Rear setbacks:

- *To maintain deep soil zones to maximise natural site drainage and protect the water table.*
- *To maximise the opportunity to retain and reinforce mature vegetation.*
- *To optimise the use of land at the rear and surveillance of the street at the front.*
- *To maximise building separation to provide visual and acoustic privacy.*

The modified development does not seek to alter any side or rear setbacks and an assessment of building separation has been previously undertaken within this report and demonstrates good

quality solar and ventilation outcomes will be achieved for future residents.

Floor Space Ratio

Objectives

- *To ensure that development is in keeping with the optimum capacity of the site and the local area.*
- *To define allowable development density for generic building types.*
- *To provide opportunities for modulation and depth of external walls within the allowable FSR.*
- *To promote thin cross-section buildings, which maximise daylight access and natural ventilation.*
- *To allow generous habitable balconies.*

The previously approved development provided a FSR for stage 1 of 3.56:1.

The modified development will result in a FSR of 2.79:1.

This results in a reduction on FSR of 0.77:1 and is therefore considered to provide a suitable density outcome.

PART 2: SITE DESIGN

SITE ANALYSIS

The development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for future residential flat development can be understood and addressed in the design.

A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.

The accompanying architectural drawings and section 2 of this report include an analysis of the site, looking at the various opportunities and constraints it presents.

SITE CONFIGURATION

Deep soil zones

Objectives

- *Optimise the provision of consolidated deep soil zones within a site.*
- *Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.*
- *Promote landscape health by supporting for a rich variety of vegetation type and size.*
- *Increase the permeability of paved areas by limiting the area of paving and/ or using pervious paving materials.*
- *A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in*

urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.

Rules of Thumb

- ***A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.***

The development provides a mixed use development with significant commercial and retail areas at lower levels. These lower elements of the development are not expected to deliver deep soil landscape outcomes and as such they cannot be translated to the upper residential levels of the development.

Fences and Walls

Objectives

- ***To define the edges between public and private land.***
- ***To define the boundaries between areas within the development having different functions or owners.***
- ***To provide privacy and security.***
- ***To contribute positively to the public domain.***

The modified development only relates to the upper two levels of Building A and therefore has no impact upon proposed fences and walls and ground levels of the development.

Open Space

Objectives

- ***To add value to residents' quality of life within the development in the forms of privacy, outlook and views.***
- ***To provide habitat for native indigenous plants and animals.***
- ***To improve stormwater quality and reduce quantity.***

-
- *To improve the microclimate and solar performance within the development.*
 - *To improve urban air quality.*
 - *To contribute to biodiversity.*

Rules of Thumb

- *The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brownfield sites may have potential for more than 30 percent.*
- *Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.*
- *The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m²; the minimum preferred dimension in one direction is 4 metres.*

The development provides a mixed use development with significant commercial and retail areas at the lower ground and ground levels.

A large public domain area is provided at these ground levels which will afford significant communal open space and resident amenity.

Total landscaped area provided by the development is 9571m² which is 36.8% of the site area and is therefore considered to well achieve the code requirement. This is represented at Figure 3.

Orientation

Objectives

- *To optimise solar access to residential apartments within the development and adjacent development*
- *To contribute positively to desired streetscape character*
- *To support landscape design of consolidated open space areas*
- *To improve the thermal efficiency of new buildings*

The site enjoys a direct northern aspect and all of the proposed 36 units take advantage of that aspect with a northern orientation.

This ensures that they will all achieve excellent solar access and resident amenity.

Planting on Structures

Objectives

- ***To contribute to the quality and amenity of communal open space on roof tops, podiums and internal courtyards.***
- ***To encourage the establishment and healthy growth of trees in urban areas.***

Rules of Thumb

- ***Shrubs - minimum soil depths 500-600mm***

The plans show significant soft landscaping opportunity on the structure at level of 4 in the area between the two rows of the apartments.

This will add to the amenity of the outdoor environment in that location.

Significant mature tree planting is provided as ground levels of the entire site but particularly as part of the thru site link and street frontage areas.

Additional plantings are provided in planters adjacent to the terraces

Stormwater Management

Objectives

- *To minimise the impacts of residential flat development and associated infrastructure on the health and amenity of natural waterways.*
- *To preserve existing topographic and natural features, including watercourses and wetlands.*
- *To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.*

The subject site does not accommodate any existing natural or topographic features that warrant retention as part of the development.

Stormwater is well managed on site as demonstrated by the accompanying report and plans.

SITE AMENITY

Safety

Objectives

- *To ensure residential flat developments are safe and secure for residents and visitors.*
- *To contribute to the safety of the public domain.*

The apartments are located on upper levels of the development only and therefore provide a highly secure living space for residents.

Secure access to the residential areas is provided through lobby areas provided off the Great Western Highway and the Thru Site link. Additional secure access is provided through the basement car park area.

Visual Privacy

Objectives

- ***To provide reasonable levels of visual privacy externally and internally, during the day and at night.***
- ***To maximise outlook and views from principal rooms and private open space without compromising visual privacy.***

Visual privacy to and from adjacent development has been addressed as part of the assessment of building separation.

The two rows of apartments themselves are only separated by 10.5m. However each row of apartments is fully orientated to the north with only apartment entry and utility rooms facing the south.

This orientation ensures that there is no opportunity for adverse visual privacy impacts.

SITE ACCESS

Building Entry

Objectives

- ***To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.***
- ***To encourage the active use of street frontages.***

All units are accessed by a lobby with pedestrian access via both the Great Western Highway and Thru-site link.

All car parking and servicing occurs in basement areas that are removed from public view.

Parking

Objectives

- *To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport- public transport, bicycling, and walking.*
- *To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport.*
- *To integrate the location and design of car parking with the design of the site and the building.*

All resident parking is provided in the basement levels.

A more detailed car parking assessment is provided in the accompanying traffic and parking assessment.

This report demonstrates the development generally satisfies Council's car parking DCP and that the parking demands associated with the development can be fully accommodated onsite with no reliance of on-street parking.

This matter is addressed in greater detail later in this report.

Pedestrian Access

Objectives

- *To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.*
- *To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access ways or lifts.*

The development provides at grade pedestrian access to all site users directly from the Great Western Highway and the Thru site link.

An accessibility report accompanies the development and demonstrates that suitable accessibility outcomes can be achieved.

Vehicle Access

Objectives

- ***To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.***
- ***To encourage the active use of street frontages.***

All car parking access is provided via Barber Ave with only egress available via the Great Western Highway. This represents no change to the previously approved vehicular access arrangements.

As such the vehicle access will have only limited visibility from the important public domain area of The Great Western Highway, Parker St and the Thru-site-link.

PART 3: BUILDING DESIGN

BUILDING CONFIGURATION

Apartment Layout

Objectives

- ***To ensure the spatial arrangement of apartments is functional and well organised.***
- ***To ensure that apartment layouts provide high standards of residential amenity.***
- ***To maximise the environmental performance of apartments.***
- ***To accommodate a variety of household activities and occupants' needs.***

All apartments provide well organised floor plans with primary living areas located adjacent to the primary outlook and aspect. This aspect and outlook incorporates significant glazed areas to

maximise natural daylight and ventilation. The primary living area is also co-located with external living areas to provide quality and seamless outdoor living opportunities.

Rules of thumb

- ***Single-aspect apartments should be limited in depth to 8 metres from a window.***

Table 1 demonstrates that the development does not achieve this code requirement. However, these apartments are only 9m in depth with the rear section of each apartment providing non-habitable or utility areas.

Therefore this is a justifiable non-compliance.

- ***The back of a kitchen should be no more than 8 metres from a window.***

Table 1 demonstrates that only 22% of the apartments achieve this requirement.

The other apartments provide kitchens that are a maximum of 9m from windows. However, these are all island type kitchens with the front or major part of the kitchen being located only 6.5m from the primary living area window.

Therefore this is a justifiable non-compliance.

- ***The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.***

Not relevant as no cross or cross thru apartments proposed.

- ***If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)***
 - ***- 1 bedroom apartment 50m²***
 - ***- 2 bedroom apartment 70m²***
 - ***- 3 bedroom apartment 95m²***

Council does not have an affordable housing strategy for development in existing urban areas. However, the development does provide small, studio type units that would be likely to achieve an affordable price point in the local housing market.

The 1 x bedroom units have a floor area of 44.25m², whilst the 2 x bedroom units are 75.25m² which are within the range identified in the Code.

Apartment Mix

Objectives

- ***To provide a diversity of apartments types, which cater for different household requirements now and in the future.***
- ***To maintain equitable access to new housing by cultural and socio-economic groups.***

The Penrith LGA is characterised by a predominance of traditional, detached dwelling houses which does not meet the diverse housing needs of an increasingly diverse community and household units.

The development seeks to directly address this lack of diversity by providing 1 and 2 bedroom units that are currently not widely available within the LGA.

Balconies

Objectives

- *To provide all apartments with private open space.*
- *To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.*
- *To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.*
- *To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.*

Rules of thumb

- *Provide primary balconies for all apartments with a minimum depth of 2 metres.*
- *Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind-can not be satisfactorily mitigated with design solutions.*
- *Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.*

Table 1 demonstrates that the development achieves 100% compliance with this requirement.

TABLE 1: SEPP 65 COMPLIANCE

UNIT No LEVEL	BEDROOMS		DIVERSE HOUSING FORMS	PRIVATE OPEN SPACE			ASPECT + NATURAL VENTILLATION (NV)					DAYLIGHT ACCESS		STORAGE			
							TYPE	ASPECT		KITCHEN Distance to window (max 8m)	Access to NV						
								SW-SE	NW-NE								
	1	2	3	Ground level Area (m2) (req 25m2)	Balcony Area (m2) depth (m) (min 2m)	Dual Corner	Single	SW-SE	NW-NE	Depth (max 8m)		≥3hours	< 3 hours	1 bed 2 bed 3 bed			
1	4	1		75.25	1 3	1	1				3	1		1			
2	4	1		75.25	1 3		1	1	1	0	9	1		1			
3	4	1		75.25	1 2.4		1	1	1	0	9	1		1			
4	4	1		75.25	1 2.4		1	1	1	0	9	1		1			
5	4	1		75.25	1 3.4		1	1	1	0	9	1		1			
6	4	1		75.25	1 3.4		1	1	1	0	9	1		1			
7	4	1		75.25	1 2		1	1	1	0	9	1		1			
8	4	1		75.25	1 2		1	1	1	0	9	1		1			
9	4	1		75.25	1 2.4	1	1				3	1		1			
10	4	1		75.25	1 2.8	1	1				3	1		1			
11	4	1		75.25	1 2.8		1	1	1	0	9	1	1	1			
12	4			44.25	1 2		1	1	1	0	9		1				
13	4	1		75.25	1 2.8		1	1	1	0	9	1		1			
14	4	1		75.25	1 2.8		1	1	1	0	9	1	1	1			
15	4	1		75.25	1 2.8		1	1	1	0	9	1		1			
16	4	1		75.25	1 2.8		1	1	1	0	9	1		1			
17	4	1		44.25	1 2		1	1	1	0	9	1	1				
18	4	1		75.25	1 2.8	1	1				3	1		1			
19	5	1		75.25	1 3	1	1				3	1		1			
20	5	1		75.25	1 3		1	1	1	0	9	1		1			
21	5	1		75.25	1 2.4		1	1	1	0	9	1		1			
22	5	1		75.25	1 2.4		1	1	1	0	9	1		1			
23	5	1		75.25	1 3.4		1	1	1	0	9	1		1			
24	5	1		75.25	1 3.4		1	1	1	0	9	1		1			
25	5	1		75.25	1 2		1	1	1	0	9	1		1			
26	5	1		75.25	1 2		1	1	1	0	9	1		1			
27	5	1		75.25	1 2.4	1	1				3	1		1			
28	5	1		75.25	1 2.8	1	1				3	1		1			
29	5	1	1	75.25	1 2.8		1	1	1	0	9	1	1	1			
30	5			44.25	1 2		1	1	1	0	9		1				
31	5	1		75.25	1 2.8		1	1	1	0	9	1		1			
32	5	1	1	75.25	1 2.8		1	1	1	0	9	1		1			
33	5	1	1	75.25	1 2.8		1	1	1	0	9	1	1	1			
34	5	1		75.25	1 2.8		1	1	1	0	9	1		1			
35	5			44.25	1 2		1	1	1	0	9		1				
36	5	1		75.25	1 2.8	1	1				3	1		1			
sub totals				4	32	0	0	8	28	0	8	20	28	8	4	32	0
TOTALS				No. APARTMENTS		36	0	36	45		8			28	4	36	
REQUIREMENT COMPLIANCE						100%	100%	100%	max 10%	100%	min 25%	min 70%	77.8%	100%	100%	100%	

Ceiling Heights

Objectives

- *To increase the sense of space in apartments and provide well proportioned rooms.*
- *To promote the penetration of daylight into the depths of the apartment.*
- *To contribute to flexibility of use.*
- *To achieve quality interior spaces while considering the external building form requirements.*

Rules of thumb

- *The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired.*
 - *in mixed use buildings: 3.3 metre minimum for ground floor retail or commercial and for first floor residential, retail or commercial to promote future flexibility of use - in residential flat buildings in mixed use areas: 3.3 metre minimum for ground floor to promote future flexibility of use*
 - *in residential flat buildings or other residential floors in mixed use buildings:*
 - *in general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.*
 - *for two storey units, 2.4 metre minimum for second storey if 50 percent or more of the apartment has 2.7 metre minimum ceiling heights*
 - *for two-storey units with a two storey void space, 2.4 metre minimum ceiling heights - attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum ceiling slope.*
- *Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (eg. shallow apartments with large amount of window area).*

The development provides ceiling heights of 2.7m for all apartments and therefore achieves the code requirement.

Flexibility

Objectives

- *To encourage housing designs which meet the broadest range of the occupants' needs possible.*
- *To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.*
- *To encourage adaptive re-use.*
- *To save the embodied energy expended in building demolition.*

The development provides small apartments that will be likely to attract use by health professionals who have commercial suites in lower levels of the development.

However, the configuration of the apartments is such that they are suitable for use by a broad range of users and occupants.

Ground Floor Apartments

Objectives

- *To contribute to the desired streetscape of an area and to create active safe streets.*
- *To increase the housing and lifestyle choices available in apartment buildings.*

Rules of thumb

- *Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.*
- *Provide ground floor apartments with access to private open space, preferably as a terrace or garden.*

Not relevant as no ground floor apartments provided.

Internal Circulation

Objectives

- *To create safe and pleasant spaces for the circulation of people and their personal possessions.*
- *To facilitate quality apartment layouts, such as dual aspect apartments.*
- *To contribute positively to the form and articulation of the building facade and its relationship to the urban environment.*
- *To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.*

Rules of thumb

- *In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:*
 - *for adaptive reuse buildings - where developments can demonstrate the achievement of the desired streetscape character and entry response*
 - *where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).*

Not relevant as the development does not provide double loaded corridors. Rather building entries are provided via two building cores that unload in an open atrium area that provide natural light and ventilation.

Both cores are accessed either thru the basement or via the ground level building entries.

Mixed Use

Objectives

- ***To support the integration of appropriate retail and commercial uses with housing.***
- ***To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base.***
- ***To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.***

The modified development provides a diverse range of retail, commercial and commercial land uses that will activate the site and local health precinct throughout day and evening periods.

All proposed non-residential land uses are sited at lower levels only and therefore ensures a high level of amenity for future residents is achieved.

Storage

Objectives

- ***To provide adequate storage for everyday household items within easy access of the apartment.***
- ***To provide storage for sporting, leisure, fitness and hobby equipment.***

Rules of thumb

- ***In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:***
 - ***studio apartments 6m³***
 - ***one-bedroom apartments 6m³***
 - ***two-bedroom apartments 8m³***
 - ***three plus bedroom apartments 10m³***

The floor plans show provision of storage areas for all apartments that readily achieves the relevant requirement.

BUILDING AMENITY

Acoustic Privacy

Objectives

- ***To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.***

The apartments are orientated along an east-west axis with primary living areas aligned in a manner that ensure that there is no opportunity for noise disturbance to occur between the key living areas of the apartments.

The development is located adjacent to a major transport corridor which represents a potential noise disturbance to residents.

An acoustic and vibration report has been prepared and concludes that the use of selected glazing will reduce internal noise levels to within the acceptable noise standard levels.

Daylight Access

Objectives

- ***To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.***
- ***To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.***
- ***To provide residents with the ability to adjust the quantity of daylight to suit their needs.***

Rules of thumb

- ***Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of***

three hours direct sunlight between 9 am and 3 pm in mid-winter.

All living rooms of development have direct access from outdoor living areas. All 36 apartments have a direct northern or north western aspect and therefore would receive well in excess of the 3 hours direct daylight even in mid-winter periods.

The only units that don't achieve the 3 hours are the 6 units that are shed by the central building cores.

Table 1 demonstrates which units achieve the requirement and that the development exceeds the 70% solar access requirement.

- ***Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed.***

Table 1 demonstrates that the development provides 0% of single aspect units with a SW-SE aspect. As previously indicated all apartments have a direct northern aspect.

Natural Ventilation

Objectives

- ***To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.***
- ***To provide natural ventilation in non-habitable rooms, where possible.***
- ***To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.***

Rules of thumb

- ***Building depths, which support natural ventilation typically range from 10 to 18 metres.***

This matter has been previously addressed in this report and demonstrated compliance.

- ***Sixty percent (60%) of residential units should be naturally cross ventilated.***
- ***Twenty five percent (25%) of kitchens within a development should have access to natural ventilation.***

Table 1 demonstrates that all 36 x units achieve the natural cross-ventilation requirements which is achieved through the window openings in the northern elevation and additional ventilation opening above the entry doors.

All kitchens have access to natural ventilation.

BUILDING FORM

Awnings + Signage

Objectives

- ***To provide shelter for public streets.***
- ***To ensure signage is in keeping with desired streetscape character and with the development in scale, detail and overall design.***

Not relevant to subject development as no signage proposed as part of residential elements.

Facades

Objectives

- ***To promote high architectural quality in residential flat buildings***
- ***To ensure that new development have facades which define and enhance the public domain and desired street character***
- ***To ensure that building elements are integrated into the overall building form and façade design***

The development provides numerous design features that demonstrate high architectural quality in its design. These include:

- Recessed scale at upper residential levels that reduces the building bulk and scale.
- Well relieved elevations provide varied building lines and recessed and protruding built elements that break up visual mass and provide shadow elements across the entire development.
- Limited visual presence of car accommodation provided through use of basement parking.
- Large glazed windows provided at generous and regular intervals across all elevations will animate building and provide rhythm to the building façade.
- Highlight materials use to express corner elements and frame balconies and building modular elements.
- Use of a diverse blend of quality materials and finishes including:
 - Precast concrete
 - Tinted precast concrete (various colours)
 - Timber façade panels
 - metal sheet roofing
 - glazing

Further details of these materials are provided in the accompanying material schedule.

The quality of the design and elevation treatments is demonstrated in the photomontage provided at Figures 1-2.

Figure 1: **perspective views of modified proposal**



01. VIEW FROM INTERSECTION PARKER STREET AND GREAT WESTERN HIGHWAY

Figure 12 perspective views of modified proposal



02. VIEW FROM RETAIL COURT ON GREAT WESTERN HIGHWAY TOWARDS BARBER AVENUE



03. VIEW FROM BARBER AVENUE TO LOWER GROUND PLAZA

0 18.06.2017 Issue to Council/State

4.3 PUBLIC DOMAIN

The development provides a large, functional and attractive public domain space represented as a thru-site-link that runs centrally through the site and provides direct pedestrian linkages at ground level from the Great Western Highway to Barber Ave.

The presence of the link will ensure that the development is a permeable urban space and its location will encourage direct pedestrian linkages from the adjacent hospitals.

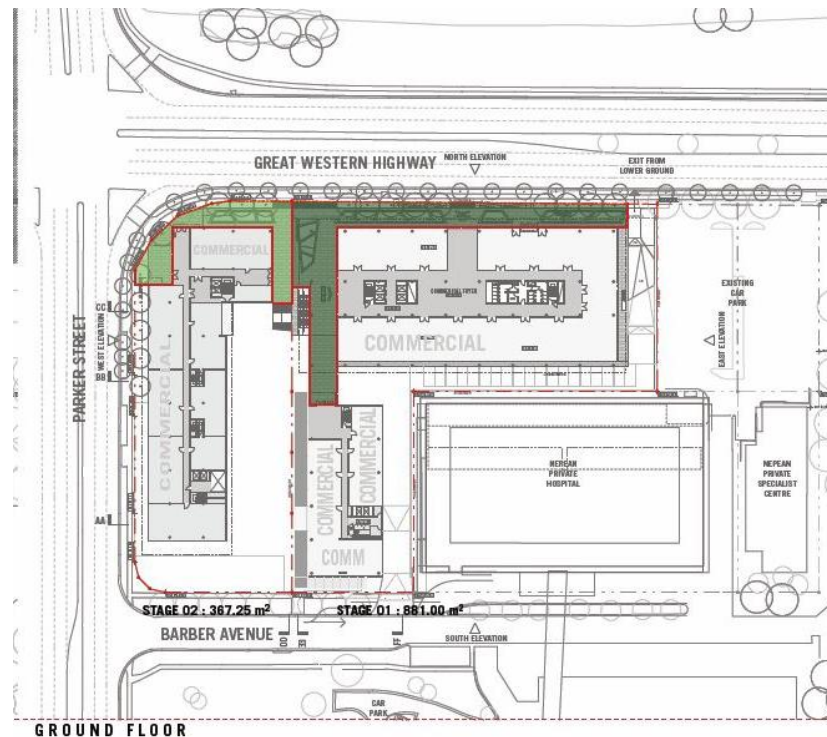
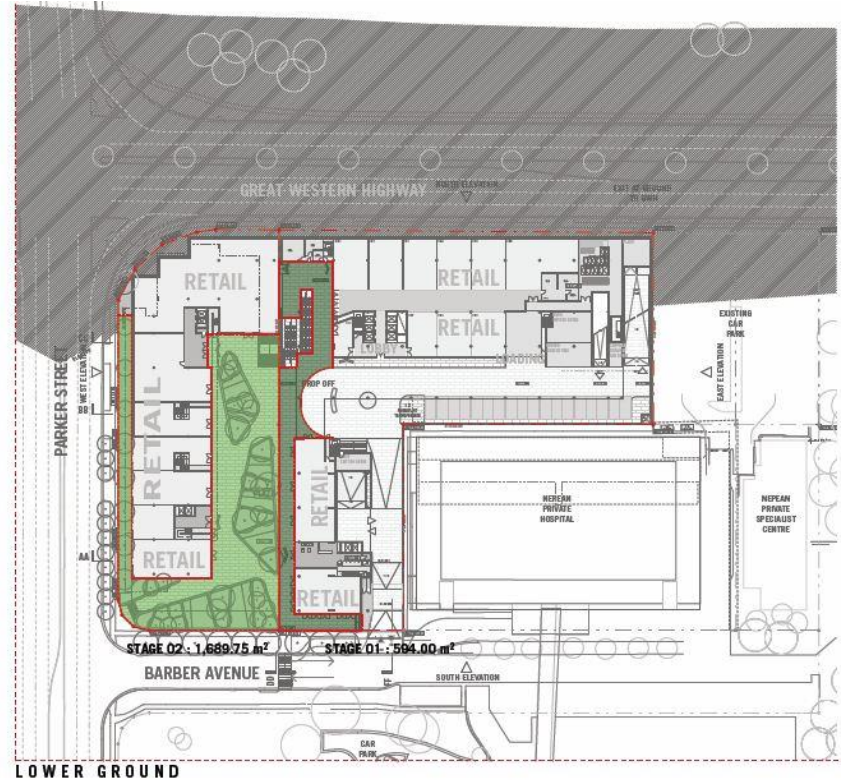
The public domain area will be flanked by retail and commercial development on both sides and as such will serve as the developments retail court. This will assist in activating the space through extended trading periods and as such will provide a high level of passive surveillance and security.

The modified development does not seek to significantly change the public domain arrangements other than at the subterranean lower ground level where the retail space will be replaced with parking. However, this area is removed from the primary public domain or thru site link area and therefore ensures that the quality public domain opportunity is maintained.

The pedestrian link provides mature trees as well as a mix of shrubs, lawn and groundcovers in planters, and timber decks together with paving treatments.

These finishes are both attractive and functional and will provide pleasant passive open space areas for occupants and visitors to the site. The Great Western Highway pedestrian entrance is also provided with a small water feature that will assist in providing a welcoming entry treatment for the development.

Figure 3: Landscaped Areas of modified proposal



PUBLIC OPEN SPACE	LOWER GROUND	GROUND FLOOR	TOTAL
STAGE 01	594 m ²	881 m ²	1475 m ²
STAGE 02	1689.75 m ²	367.25 m ²	2057 m ²
			3532 m ²

4.4 TRANSPORT, TRAFFIC + PARKING

4.4.1 TRANSPORT MANAGEMENT + ACCESSIBILITY

The traffic impact assessment undertaken as part of the modified development proposal is still premised upon a reduction in traffic generation when compared with the RTA's "unconstrained" trip rates, which reflect relatively poor access to public transport for many of the land use components under consideration.

To achieve this target, various initiatives are proposed. These include improved bus services, provision of pedestrian and bicycle linkages (including end-user facilities), taxi services, a constrained parking supply, car sharing arrangements and the formulation of a Transport Access Guide.

Details of these are provided in greater detail as part of the accompanying transport, traffic and parking report.

4.4.2 TRAFFIC

Traffic generation under the amended Stage 1 development has been modelled and the results show it is substantially reduced from 344 veh/hr under the approved Project Application, during the more critical PM peak period, to 204 veh/hr. This is a significant reduction of 40% and is fundamentally due to the reduced commercial floor area, notwithstanding the higher parking rate that has now been adopted (1/40m² compared with 1/60m² under the approved development). It

also reflects the inclusion of residential units, which is a low traffic-generating land use.

Based on this result, the overall traffic generation associated with the approved development (both Stage 1 and Stage 2) will result in significantly improved traffic conditions compared with those assessed in the original EA and the original TMAP report.

In summary, the development as now proposed further reduces traffic impacts below the levels that were previously accepted by RMS and the Department of Planning and Infrastructure, as being supportable.

4.4.2 PARKING

The Stage 1 parking requirements under the modified development have adopted the requirements advised by the Department of Planning and Infrastructure as shown in Table 2. This is based on the application of Council's DCP 2006, having regard for the evident need for the development to be self-sufficient in terms of parking demand, in circumstances where there is an existing limited availability of on-street car parking. The Department has also expressed a view that the parking for each stage should be sufficient for the needs of each stage.

It is evident that a total of 409 spaces are required in Stage 1 and in response, 402 spaces are proposed. This is effectively full compliance, particularly when account is taken of the ability to share parking within this mixed use development, where peak demands do not overlap. This also acknowledges the underpinning policies to reduce parking to promote alternate travel modes.

TABLE 2: CAR PARKING REQUIREMENTS

Table 2 Car Parking for Amended Stage 1 PA and CP Based on Penrith DCP 2006

Land Use	Stage 1		Stage 2		Stages 1 and 2	
	Yield	Requirement	Yield	Requirement	Yield	Requirement
Commercial	9,226	231	1,505	38	10,728	269
Serviced Apartments	87	87	n/a		87	87
Retail	1,220	47	1,614	62	3,034	117
Residential	36	36	78	78	112	112
Residential Visitor		8		15		23
TOTALS		409		194		603

No change is proposed to the Stage 2 land use intensity or mix from the approved Concept Plan, although the parking provision has been adjusted to reflect the need to comply with DCP 2006, resulting in a need for 409 for Stage 1 and 194 spaces for the Stage 2 development and hence 608 spaces for the overall development.

Stage 1 actually provides 402 spaces. This is effectively full compliance, particularly when account is taken of the ability to share parking within this mixed use development, where peak demands do not overlap. This also acknowledges the underpinning policies to reduce parking to promote alternate travel modes. This is slightly less than the RMS requirement so that there will be some suppression of parking demand.

Stage 2 provides 286 spaces which is actually 92 spaces beyond the DCP requirement. The additional parking supply could be provided to meet existing demand from other users in the precinct.

4.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Sustainability has represented a fundamental objective of the entire design process and as such a raft of ESD initiatives have been integrated into the development proposal. These are identified in detail as part of the ESD report provided as part of the original approved development.

The introduction of a residential development element necessitates the achievement of BASIX targets. A BASIX report accompanies the development and demonstrates that all water and energy reduction targets are achieved.

4.6 ECONOMIC IMPACT

The modified development proposal significantly reduces the commercial floor space of the approved development and also reduces the retail component. These reductions are in response to more limited demand for those elements.

Despite the reduction in these floor spaces the scale of the site and the development proposal will still provide significant commercial GFA

that will facilitate the establishment of a health precinct with ancillary retail support.

The reduction on commercial GFA also will overcome the original concern of Penrith City Council that the scale of the approved development would compete with the Penrith CBD by providing 'out of centre' commercial floor space.

As such the modified development provides a good balance between generating significant local employment opportunities and maintaining the pre-eminence of the Penrith CBD as the chief business district for the Penrith Regional City.

4.7 SOCIAL IMPACT

4.7.1 PROVIDES HOUSING DIVERSITY

The Penrith LGA is characterised by a predominance of traditional, detached dwelling houses which do not meet the diverse housing needs of an increasingly diverse community and household units.

The development seeks to directly address this lack of diversity by providing diverse housing types, including serviced apartments and 1-2 bedroom units that are currently not widely available within the LGA.

The housing typology may prove attractive to a range of demographic household units including empty nesters, first home buyers, sole parents, single person households, students and workers in the health industry etc as it provides secure and accessible housing.

This ensures that the development will meet the housing needs of community members over the full span of their life cycle and will therefore allow them to age in place.

For these reasons the development is considered to have a positive social impact upon both the local and regional community.

4.7.2 CAPTURE SOCIAL CAPITAL

The Penrith region is characterised by an imbalance between population and local employment opportunities resulting in a need for many residents to commute daily from the region.

The provision of significant local employment opportunities will lessen the need of residents to commute and therefore allows them to be more fully engaged in their local communities thereby capturing the full value of their social capital.

4.7.3 ACCESSIBILITY

The modified development proposal does not seek to alter the accessibility arrangements to the major public domain areas or commercial elements of the proposal.

An amended accessibility review has been prepared and accompanies the development proposal. The amended review examines all aspects of the development proposal including the new residential areas and concludes that it demonstrates an appropriate degree of accessibility and compliance with statutory requirements pertaining to site access, common areas, parking, lifts and amenity

areas etc. The review also makes recommendations that would be incorporated in detail design undertaken as the Construction Certificate Stage.

4.8 INFRASTRUCTURE + SERVICES

4.8.1 STORMWATER

An amended concept stormwater plan has been prepared and accompanies the modified development proposal. This plan has been prepared in consultation with engineering officers of Penrith City Council and demonstrates compliance with Councils design objectives.

4.8.2 UTILITIES

All utility authorities have been consulted as part of the design process. The outcomes of those consultations are provided in detail as part of the original Environmental Assessment and in summary below. The proposed modifications are not of a scale or type that would be expected to warrant further analysis.

WATER

A 250mm diameter *Sydney Water* water main is located along the northern side of Barber Avenue. *Sydney Water* has indicated in the Section 73 Feasibility that this water main is to be used to supply potable water to the development and has the capacity to cater for the proposed development.

SEWER

There is a network of 150mm diameter sewer mains surrounding the proposed property boundary. *Sydney Water* has indicated in the Section 73 Feasibility Study that the preferred sewer connection point is to directly north of the existing Nepean Private Hospital and that the sewer connection point has sufficient capacity to cater for the proposed development.

GAS

A 50mm diameter medium pressure gas main is located in Barber Avenue. It is envisaged that gas supply to the proposed development will be supplied via this gas main.

Jemena gas authority have indicated that gas supply is available for the site, however a formal submission needs to be made during detailed design to confirm the capacity in the existing gas supply network.

ELECTRICITY

The development will be provided with HV reticulated underground cable to allow future interconnection of Indoor substations for Building A and Kiosk substation for Building B serving the developments.

- Maximum Demand for the proposed Stage 1 (Building A & B) is as follows:
- Building A – 2710 KVA served by indoor substation
- Building B- 990 KVA served by kiosk substation

Based on Integral Energy's desktop assessment, a new dedicated feeder from Kingswood Zone Substation will be required for the development.

COMMUNICATIONS

The development will be provided with underground communication services. Communication services will enter into the site from Barber Avenue allowing future interconnection to the Main distribution Frames for Building A and B. Pits will be strategically located in compliance with the communication authority

Telstra are obligated under their universal services to provide base telephony services to the development via their existing infrastructure.

A formal application has been registered with Telstra Smart community for the Stage 1 development.

4.9 ACOUSTIC + VIBRATION IMPACTS

A detailed acoustic and vibration assessment was undertaken by Acoustic Logic as part of the original Environmental Assessment and concluded that both construction and operational elements of the development would not cause adverse impacts to adjacent development.

However, the introduction of new residential elements in proximity to the Great Western Highway and western rail line now introduces a necessity to assess the impact of those transport corridors on the proposed dwellings.

Additional analysis has therefore been undertaken and concludes that that the use of selected glazing will reduce internal noise levels to within the acceptable noise standard levels.

4.9.1 NOISE IMPACT ASSESSMENT ON OTHER STAGES

Noise at the site has been measured and noise goals have been set in accordance with the Director Generals Requirements. An assessment of noise emissions has been conducted with reference to the Penrith City Council and DECCW acoustic requirements.

The assessment reveals that provided the identified construction recommendations as set out in that report are adopted, primarily glazing and acoustic seals, then it considered that noise impacts on the proposed development will be acceptable.

4.9.2 VIBRATION ASSESSMENT

Railway vibration and train and traffic noise intrusion into the proposed mixed use development has also been assessed. The assessment has been conducted in accordance with the requirements of NSW Government Department of Planning “Development Near Rail Corridors and Busy Roads”- Interim Guideline and The Australian Standard AS2107 and council requirements.

This assessment reveals that internal level of human comfort will comply with the relevant criteria without any additional treatments.

Again, provided noise intrusion recommendations are adopted external noise impacts will be satisfactory.

4.9.3 NOISE EMISSIONS ASSESSMENT

The development itself also has the potential to generate noise emission impacts both on proposed residential development and the adjacent hospital.

Noise emissions from the development, particularly mechanical plant and the loading dock have therefore been assessed. The assessment concludes that the following measures if implemented would suitably mitigate any impact:

Mechanical Plant: Detailed review of all external mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments should be then determined in order to control plant noise emissions to the levels identified.

Loading Dock: Should only be used during business hours (between 7am and 10pm).

4.9.4 CONSTRUCTION NOISE ASSESSMENT

With any major construction site there will be noise associated with demolition and construction. The management of impacts arising from these activities is now routine practice, both to address impacts to surrounding properties, and for commercial reasons, to limit impacts on nearby tenancies.

The development and implementation of appropriate Noise Management Plans during that phase should suitably mitigate those impacts.

4.10 CONTAMINATION

A Phase 1 Environmental Site Assessment was undertaken by Environmental Investigation Services and is provided as part of the original Environmental Assessment. This assessment concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented:

- Undertake a preliminary Phase 2 environmental site assessment to include sampling and analysis of soil and groundwater
- Undertake an inspection of the existing buildings prior to demolition, to assess the potential use of hazardous construction materials such as asbestos, lead and PCB's
- If contamination and/or hazardous construction materials are encountered prepare a remediation action plan (RAP) for the proposed development. The RAP will provide remedial procedures to be followed during the proposed development works.
- Undertake a validation assessment for the remedial works undertaken at the site and prepare a validation report.

4.11 FLORA + FAUNA IMPACTS

The site has been largely cleared of vegetation and now only contains relatively isolated and scattered trees, inclusive of exotic or garden type tree species located around the curtilage of the built forms. The location of these trees is also shown on the survey plan.

Vegetation on site is not identified as having any ecological significance or even local character values and does not support any native fauna habitat of any significance.

Accordingly the development can not be considered to cause any adverse impact on the flora and fauna values of the locality or region.

4.12 HERITAGE

Neither the site nor the immediate area accommodates any items of environmental or cultural heritage that would otherwise constrain development of the site.

4.13 CONTRIBUTIONS

Penrith City Councils s.94 contribution Plans that are relevant to the subject site, create a nexus between new residential development and the demand for new infrastructure.

Stage 1 of the development now proposes to provide 36 apartments at levels 4-5 of Building A and will therefore attract contributions for this element of the development.

The serviced apartment element of the development does not attract developer contributions under the relevant S94 contribution plans.

5.0 CONCLUSION

The modified development proposal has been submitted to the Department of Planning and Infrastructure pursuant to S75 W of the Environmental Planning & Assessment Act.

The proposed development relates only to stage 1 of the development. No modifications to Stage 2 are proposed. The modification results in a significant reduction on GFA and building volume and includes the following:

BASEMENTS

Delete basement level 3 of parking and reconfigure parking layouts plans for all basement levels.

BUILDING A

- Reduce height by 1 storeys
- Replace two upper levels of commercial floor space with 36 x apartments (34 x 2 bed and 2 x studio apartments)
- Reduce scale of roof-top plant room
- Replace retail at lower ground level with car parking

BUILDING B

-
- Replace commercial at ground level with additional serviced apartments

Despite the proposed modifications the development proposal still represents a significant urban renewal initiative of land that forms part of the Nepean Health Precinct, which has been identified by both state and local agencies as a major focus for new employment growth in the LGA and sub region.

The modifications are also of minimal environmental impact, and the project will remain substantially the same development as that originally approved. Further, the project will remain consistent with the approved concept plan.

The proposed modifications and key issues outlined in this application will have a substantial net public benefit, and are worthy of support in their entirety

Given the environmental planning merits described above, and significant public benefits proposed, it is requested that the Minister approve the modified development proposal under the relevant provisions of the Environmental Planning & Assessment Act, 1979.

Appendix A

MODIFIED PLANS

Appendix B

DESIGN VERIFICATION + ARCHITECTURAL
STATEMENT

Appendix C

LANDSCAPE PLAN

Appendix D

**TRAFFIC, TRANSPORT, TRAFFIC AND
PARKING REPORT**

Appendix E

ACOUSTIC REPORT

Appendix F

STORMWATER + UTILITIES REPORT

Appendix G

ACCESSIBILITY

Appendix H

BASIX CERTIFICATE

Appendix I

BCA REPORT

Appendix J

WASTE MANAGEMENT PLAN