

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SWT003
DA Number	DA16/1236
LGA	Penrith
Proposed Development	Staged Construction of Twin Creeks Resort including 165 Room Hotel & Related Facilities & Alterations & Additions to Existing Twin Creeks Golf & Country Club Building and upgrading of an existing Sewage Management Treatment Plant in association with the proposed development.
Street Address	Golf Club & Golf Course 2-8 Twin Creeks Drive, LUDDENHAM
Applicant	Twin Creeks Holdings (Australia) Ltd
Owner	Twin Creeks Holdings (Australia) Ltd
Date of DA lodgement	22 November 2016
Number of Submissions	7 submissions received on amended application Refer to previous report for list of all submissions received from previous 2 notification periods
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development that has a capital investment value of more than \$20 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Local Environmental Plan 2010 (Amendment 4) • Development Control Plan 2014 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55—Remediation of Land • Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Appendix 1 – Architectural Plans • Appendix 2 – Landscape Plans • Appendix 3 – Sewerage Treatment Plant Plans • Appendix 4 - Amended Acoustic Report • Appendix 5 – Amended Traffic Impact Assessment • Appendix 6 – Draft Conditions of Consent • Appendix 7 - Previous Council Assessment Report from SWCPP meeting 1 March, 2018
Report prepared by	Paul Anzellotti
Report date	16 April, 2018

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Panel Reference	2016SWT003
DA Number	DA16/1236
LGA	Penrith City Council
Proposed Development	Staged construction of Twin Creeks Resort including 163 room hotel & related facilities on Lot 221, DP 270417 (10 Twin Creeks Drive, Luddenham) & alterations and additions to existing Twin Creeks Golf & Country Club Building on Lot 47, DP 270417 (2-8 Twin Creeks Drive, Luddenham) and upgrading of an existing Sewage Management Treatment Plant on Lot 1, DP 270417 in association with the proposed development
Street Address	2-10 Twin Creeks Drive, Luddenham and Community Property, Lot 1, Twin Creeks Drive, Luddenham
Applicant	Twin Creeks Holdings (Australia) Ltd
Owner	Twin Creeks Holdings (Australia) Ltd (2-8 Twin Creeks Drive), TCG Resorts Pty Ltd (10 Twin Creeks Drive) and Community Association DP 270417 (Lot 1, DP 270417)
Date of DA Lodgement	22 November 2016
Regional Development Criteria	Capital investment value of more than \$20 million
Addendum Report Author	Paul Anzellotti, Senior Development Assessment Planner, Penrith City Council
Addendum Report Date	16 April 2018

Assessment Report Addendum

Background

This report provides an addendum to the Council assessment report dated 1 March 2018, in relation to the subject development proposal.

On the 1 March, 2018, DA16/1236 was provided to a Sydney West City Planning Panel meeting for determination. The application was provided with a recommendation for approval subject to 'Deferred Commencement' conditions due to outstanding matters relating to privacy, landscaping, acoustic and effluent management. In addition, discussion was held in regard to the proposal's continuation of existing use rights for function room activities and issues pertaining to the proposed hotel building's position over two lots, Lot 221 and 47, DP 270417, noting that Lot 47 does not permit the additional permitted use of hotel accommodation.

The Panel unanimously agreed to defer consideration of the application for the following reasons;

1. *The Applicant requested deferral of the application to address issues of permissibility, and the Council staff representatives present agreed that the deferral was appropriate.*
2. *The Applicant offered to address during the period of adjournment issues raised by objectors and Panel members including:*

- (a) *Provision of planning detail and potentially legal advice relevant to the issue of whether the part of the principal new building proposed within the E4 zone can be correctly said to be the continuance of the identified existing use of "golf club" (with any part of the building which is not claimed to fall within the ambit of s.4.66 and 4.67 of the EP&A Act to be deleted from the proposal).*
- (b) *Acoustic impacts (noting that the Council has raised the advantages of an updated acoustic report to address amendments to the design).*
- (c) *Visual impacts.*
- (d) *Overlooking.*
- (e) *Clarity as to the deletion of the childcare centre and replacement landscaping.*

3. *A better planning assessment will be possible with the benefit of the revised material*

When this information has been received, the panel will hold another public determination meeting.

This addendum report addresses the applicant's response to the Panel's deferral and assessment of amended information received.

Design Amendments / Additional Information

The following amendments and supporting documentation to the proposed development have been received by Council via amended architectural plans since the determination meeting of the 1 March, 2018;

- The overall number of apartments proposed to the hotel component on Lot 221, DP 270417 has been reduced by 35 from a previous total of 198 to the current proposal of 163 apartments.
- The apartments and associated balconies removed were previously located above the proposed ground floor ballroom. This area has now been redesigned to incorporate a void area from levels 1 to 4 above the proposed ball room while maintaining the original roof form. The external presentation of this void is provided in a mixture of timber louvres and battens and aluminium framed glass sliding doors.
- All elements of the proposed hotel accommodation are contained entirely within Lot 221, DP 270417.
- Removal of external spa facilities associated with proposed 'Day Spa' component of the hotel.
- Removal of child care area and replacement with a landscaped area including the provision of a 2m high acoustic barrier.
- Separation of parking for the hotel use and club patrons including entry and exit arrangements to the basement levels in a revised basement parking layout.
- An overall reduction in the number of proposed parking spaces from a previously identified 334 to 317. Of these spaces, 194 are located on Lot 47, DP 270417 for club patrons and 123 are located on Lot 221, DP 270417 for hotel use. The provided plans have also indicated an additional 76 parking spaces for an anticipated stage 3 redevelopment to basement level 2 (allowing for a total number for Lot 47, DP 270417 of 270 spaces), but while so, these parking spaces are not included in parking space calculations noting that the original nominated stage 3 of the proposal as amended is now deleted.

- The provision of a new Acoustic Report dated 26 March, 2018 prepared by Acouras Consultancy.
- The provision of legal advice prepared by Mills Oakley on behalf of the applicant.

Assessment of Additional information / modifications provided.

The following discussion is provided in regard to proposed amendments to the proposed development and additional information provided in relation to the issues of deferral arising from the previous Sydney West City Planning Panel meeting of the 1 March, 2018.

1. Provision of legal advice in regard to 'existing use rights'

Legal advice was received by Council from Mills Oakley dated 23 March, 2018 addressed to the applicant which provided for the following summarised advice;

In our opinion:

- *If your functions business is not regarded as falling within the definition of 'community facility', then it would be an existing use protected under Division 4.11 of the EP&A Act.*
- *There is no conceptual difference between your existing functions business and the proposed ballroom, which would also be operated by you.*
- *The construction of the ballroom would be an enlargement, expansion and/or intensification of an existing use. However, the grant of a development consent for this purpose is expressly permitted by the statutory scheme.*
- *The area of land on which the ballroom is to be located is land on which the existing use is already carried out. That is, it is already used for outdoor functions. Accordingly, we consider the relevant requirements of the statutory scheme to be plainly satisfied.*
- *There is no relevant breach of Clause 41(2)(b) of the Regulation*

Amended plans have provided for the retention of the ball room to the ground floor of the hotel complex and the removal of previously identified hotel rooms to levels 1 to 5 above. This area is provided as a void (atrium) to the ball room on the ground floor while retaining the previously proposed roof form. In addition, the design of the hotel has been modified so as to maintain all associated balconies to remaining rooms along the hotels north west elevation to within the boundary of Lot 221, DP270417.

In this regard, the application as amended has provided for all hotel elements to be contained within Lot 221, with the ball room on the ground floor, associated atrium and roof structure to this part of the proposed building located on Lot 47, DP 270417 which currently maintains the existing golf club facility. Amended plans have also provided for separate vehicular access and parking layouts within basement 1 and 2 located on either Lot 47 or Lot 221 identified to operate in association with the respective clubhouse or hotel use.

It is recognised that the existing ballroom is located outside of the footprint of the existing golf club building, notwithstanding this, the current proposal seeks the enlargement of an existing use through existing use rights provisions. As the ball room is located in an area which currently caters for functions (via ceremonies being provided on an outside lawn area), it is considered that the existing use is currently carried out in this position of the subject lot. The separation of parking areas and individual access and exit for vehicles is also considered an appropriate modification to the current design, which is in line with the additional permitted use provision of the Penrith LEP for Lot 221.

In this regard, the proposal (in particular, the provision of the ballroom within the proposed building extending onto Lot 47, DP 270417) is considered to satisfy the existing use rights provisions under the Environmental Planning and Assessment Act 1979, specifically, Clause 4.68 of the Act which does allow for the enlargement, expansion or intensification of an existing use. As a result, this aspect is considered to be permissible under the above existing use rights provisions.

2. Acoustic Impacts

The application as amended has been provided with an additional revised acoustic report prepared by Acouras Consultancy dated 26 March, 2018 in support of the proposed modifications to the architectural plans.

The amended information however has not adequately addressed previous concerns raised in relation to an assessment of all noise emissions and compliance with the relevant sleep disturbance criteria.

The amended acoustic report has maintained a reliance on the NSW Government Office of Liquor, Gaming and Racing (OLGR) to address the potential noise impact of operations from the proposal. Council however requires the applicant address noise impacts using the OLGR and Industrial Noise Policy requirements and use whichever is the most conservative.

In response to this issue, it is noted that the proposed hours of operation for the hotel and associated uses could be restricted to 10pm, including the operation of the function centre and associated ballroom. This would assist in addressing the shortcomings of the submitted acoustic report noting that the evening period under the Industrial Noise Policy is defined from between 6pm to 10pm, with night time categorised from 10pm onwards. The imposition of restricted hours of operation to no greater than 10pm, ensures that the operation of the development does not extend into the night time criteria, mitigating potential for adverse impact to neighbouring properties.

The retention of the deferred commencement conditions as recommended would then enable rectification of the acoustic modelling in line with the above requirements, and an opportunity for Council to ensure that the revised modelling is suitable having regard to restricted hours of operation. In the event that the revised modelling confirms that extended operation is both suitable and compliant with the Industrial Noise Policy, a modification application could be separately pursued to revisit the restrictions imposed to hours of operation which would then be assessed.

Visual Impacts

Plans as amended have provided for the retention of the overall building mass of the proposed hotel as well as alterations to the Golf Club. While apartments above the proposed ground floor ball room have been deleted, the presentation of the proposed hotel complex has been retained via the provision of a void area above the ball room to the respective levels above, allowing for a continuation of the roof form.

In regard to the visual impact created by the proposal, the retention of the proposed roof line is considered to maintain an appropriate symmetry to the overall visual presentation of the hotel. Alternatively, were the ground floor ball room to be retained and levels above removed completely, it is considered that this would provide for a lopsided and disproportional looking built form with the south western end of the proposed hotel not providing for an appropriate scale with the remaining building.

The provision of timber louvres to the ballroom void area is considered an appropriate

treatment as it will allow for a clear differentiation between the ballroom location and remaining apartments. It is noted that the amended design has either in part removed or amended balconies for the proposed hotel to the north western elevation fronting the Golf Clubhouse. This has in turn created an irregular triangular shaped balcony size for proposed rooms 118 on Level 1 and respective rooms above (No's. 218, 318, 418, 518 and Suite 601 for levels 2 to 6). As these balconies are only provided with a maximum depth of 60cm which in turn proceed to narrow along their length, their use is considered impractical and removal is warranted to also enhance the appearance of this façade. In this regard, should approval be granted, a condition requiring the removal of these balconies is recommended to be included.

3. Overlooking

The application was originally provided to the Sydney West City Planning Panel with a recommendation of a Deferred Commencement approval in part based upon the following modifications;

Plans are to be amended to the satisfaction of Penrith City Council prior to this consent becoming operational so as to provide for the following modifications to the hotel building design:

(a). Terraces for levels 3 to 8 to the south-eastern end of the hotel building fronting the existing community facilities adjoining Twin Creeks Drive are to be converted to non-trafficable roof area.

(b). External non-fixed moveable shutters attached from balcony balustrading to ceiling height of an appropriate width are to be provided to the exterior of balconies for the following apartments fronting Twin Creeks Drive:

Levels	Unit No's.
1	129, 130, 132, 134, 136, 138, 139, 140, 142
2	229, 230, 232, 234, 236, 238, 239, 241, 243
3	329, 330, 332, 334, 336, 338, Suite 303
4	429, 430, 432, 434, 435, Suite 403
5	529, 530, 532, 536
6	629, 630, 632
7	729, 730

(c). The external spa area associated with the "Spa" facility to the ground floor of the hotel is to be deleted and replaced with appropriate landscaping as per the landscaping 'Deferred Commencement' condition of this consent. Use of this area in association with the hotel is not permitted.

In relation to the above points, the following comments are provided.

(a). The application as amended has maintained terraces for levels 3 to 8 to the south eastern end of the hotel. In this regard, should approval be granted, it is considered appropriate that this previous condition be retained.

(b). The application as amended has not provided for shutters as previously required. As the height of the building has been maintained as per the previous design, it is considered appropriate that this previous condition be retained.

(c). The application as amended has provided for the removal of the external spa area. In

this regard, it is considered that this concern has been satisfied.

The application as amended has maintained the existing number of storeys but while so has provided for a reduction in the overall number of apartments by 35 from 198 to 165. All apartments which have been removed are to levels directly above the proposed ballroom. In this regard, it is considered that the potential for overlooking of adjoining properties to the south east of the subject site has been diminished by the current amendments noting that 15 apartments and their associated balconies have been deleted from this south eastern façade which maintain a perspective onto adjoining properties.

The application as amended has also provided for the removal of the previously provided child minding facility adjoining the boundary of No. 8 Crystal Downs Close and part of No. 14 Twin Creeks Drive and replacement with landscaping. Amended landscape plans have identified the provision of large specimen trees to a height of 10m and greater as well as screen planting to be provided between the proposed lagoon pool and the adjoining property as well as other proposed specimen trees and planting. Plans as amended have also identified the provision of a 2m high acoustic wall which will be offset from the sites south eastern boundary within the newly created landscaped area.

The provision of the proposed landscaping is considered to provide for an improved buffer between the operations of the proposed hotel and neighbours directly adjoining at No. 8 Crystal Downs Close and No. 14 Twin Creeks Drive. In addition, it is noted that the proposed hotel built form will be in the vicinity of between 80m to 95m from the boundary of these properties with the provision of the existing community facility also serving to separate No. 14 Twin Creeks Drive from the subject site.

The amended design will provide for the retention of four open terrace areas to the south western wing of the buildings to levels 6 to 9. Previous plans also provided for communal open terrace end to this wing for levels 3 and 4, which have now been deleted as part of the incorporated atrium above the ball room. Noting the removal of these terraces, concern is raised that the open terraces to levels 6 and 8 may become congregation points for hotel patrons and create disturbances not only for guests but also surrounding residential properties. In this regard, it is considered appropriate that along with terraces to the south eastern end of the hotel building, these terraces also be conditioned to be non trafficable. As the terrace to level 9 is provided attached to the proposed penthouse, public access to this area is considered restricted and its retention is appropriate in this instance.

The application has also identified the provision of timber batten balustrading to the exterior of each apartment which will also assist in mitigating direct overlooking concerns. Taking into consideration that any determination granted will also include a condition requiring terraces for levels 3 to 8 to the south-eastern end of the hotel as well as now terraces to levels 6 to 8 to the south western end are to be converted to non-trafficable roof area, it is considered that the design as amended will provide for an acceptable relationship with residential properties directly adjoining the subject site.

4. Clarity as to the deletion of the childcare centre and replacement landscaping

The provision of amended plans has provided for the deletion of the previously identified child care centre and its replacement with a landscaped area. The provision of landscaping to a mature height in this area is in line with the previous 'deferred commencement' condition and is supported. The amended landscape plan has identified a mixture of planting species including large specimen trees to a height greater than 10m. These tree species have included in part Spotted Gum, Water Gum, Weeping Lilly Pilly and Brush Box and taking into consideration the deep soil area to the south eastern boundary of Lot 221, are considered will achieve their mature height.

It is noted that the deferred commencement condition relating to Landscaping has also requested an appropriate car parking landscape design to reflect podium conditions. As an amended design has not been provided, it is considered appropriate that this item of the previous condition be maintained taking into consideration the visual significance of the at-grade car parking in relation to Twin Creeks Drive and its surrounds. Noting the setback provided to the existing Golf Club from Twin Creeks Drive and the treatment of this area, it is considered imperative to provide for appropriate planting to this podium area. This would allow for an acceptable streetscape presentation and provide for a large area of proposed car park hardstand to be broken up with an appropriate landscaping scheme.

Additional Issues

The following additional issues have arisen in relation to the provision of amended plans and documentation;

1. Amended basement layout and access

The application has been amended so as to provide for separate vehicle access for hotel patrons and service vehicles via the southern ramp on Lot 221, DP 270417 whilst the ramp at the northern end of the development on Lot 47, DP 270417 is used to access all other parking for Club patrons, via the ground floor carpark.

Plans have also been amended to provide for a total of 123 parking spaces on Lot 221, DP 270417 to service the hotel over basement levels 1 and 2. In addition, Lot 47, DP 270417 has been amended to provide for a total of 270 parking spaces over basement levels 1 and 2. As all 76 spaces to basement level 2 have been identified for an anticipated stage 3 redevelopment and in this regard, these parking spaces are not included in parking space calculations.

In this regard, a total of 317 spaces are provided for with 123 spaces for the proposed hotel over basement levels 1 and 2 and 194 spaces for the existing clubhouse over basement level 1.

The amended application has also been accompanied with an amended Traffic Impact Assessment report prepared by Traffix dated 5 April, 2018 which has advised as follows in regard to the required parking rate;

The assessment has been included in Attachment 2 and demonstrates a minimum of 123 spaces are required to service the revised hotel component. In addition, it can be seen a total of 308 spaces are required to service the combined site, including hotel, clubhouse, function centre and auxiliary uses.

Council's Traffic Engineering Department have indicated that the provided amended traffic report has addressed the traffic implications resulting from the proposed development as well as an acceptable parking layout. As such, the proposal is considered acceptable in terms of traffic and parking.

The amended basement layout has provided for a number of accessible parking spaces to service the clubhouse on Lot 47 but while so, it is considered that their location is not appropriately positioned in relation to the lift service available from the basement to the ground floor. In this regard, should approval be granted it is considered appropriate to include a condition requiring the reposition of these spaces to a location which would allow for the shortest distance from the proposed parking space layout on Lot 47 to the lift area.

Community Consultation

Following the receipt of the current amended plans and documentation, the application was renotified from the 28 March, 2018 to the 6 April, 2018. During this renotification period, seven (7) submissions were received.

The concerns raised in these submissions are addressed below.

Issue: The bulk and scale of the resort does not fit the rural setting outlook or streetscape of Twin Creeks and will dominate the scenery.

Comment: It is acknowledged that the proposed built form will create a significant difference in size in comparison to the surrounding residential dwellings within the Twin Creeks Estate which have been constructed over the last 10 years and in this regard does not maintain the existing rural context of detached dwellings located upon large lots. While so, it is considered that the size of the subject lot (at almost 10,000m²) may allow for the facilitation of the proposal of such a size. View analysis plans accompanying the application have also identified that the visual impact of the proposal will diminish when considered also in the context of the surrounding golf course and its surrounds and in this regard and noting future developments envisaged for this part of western Sydney including the Sydney Science Park and the Second Sydney Airport is not considered out of context.

Issue: Concern in regard to increase in traffic congestion created by the proposal and existing road network will not be able to cope with additional movement of vehicles.

Comment: The application was accompanied by an amended Traffic Impact Assessment Report which has been referred to Council's Traffic Engineering Department. It is noted that correspondence has also been received originally from the Roads and Maritime Services. In this regard, the modelling provided was considered to identify that the traffic generated by the development can be accommodated in the precinct road network which was considered by both the RMS and Council's Traffic Engineer and viewed as acceptable. In addition, commentary provided by the RMS has recommended that as a consequence of the development, the intersection of Luddenham Road and Mamre Road should be upgraded to minimise traffic delays via the provision of a left turn/slip lane from Luddenham Road onto Mamre Road. Should approval be granted, this will be included as a condition of consent with any determination granted.

Issue: Concern that proposed construction works will not enable the continued parking of patrons and visitors during this period.

Comment: The application has been accompanied by a Staging Plan which has identified a temporary car park of 104 spaces is proposed to be maintained during Stage 1 works involving the construction of the proposed hotel and part of the new car park. In this regard, parking facilities are available for club patrons to the existing clubhouse during this period.

Stage 2 works will comprise of the clubhouse renovations and expansion and construction of the remaining car parking. While the application has identified a temporary car parking area for Stage 1 of the development, a proper management study has not been provided for demonstrating how the identified temporary car parking and pedestrian access to cater for the developments operations during the construction period will be managed. In this regard, should the application be approved, an appropriate condition of this form for both stage 1 and 2 works will be included with any determination.

Issue: Concern that construction works will result in health problems dust to dust and dirt created.

Comment: The development will be subject to conditions of consent in regard to the movement of vehicles and workplace controls to minimise any dust and dirt created. In addition, conditions of consent will be included with any determination granted requiring all demolition works associated with the existing Golf Club to be in accordance with the provisions of Australian Standard 2601-1991 *"The Demolition of Structures"*. In addition, it is considered that dust suppression techniques employed during the demolition stage will reduce the potential nuisance to surrounding properties.

Issue: Provision of proposed acoustic wall will not assist in mitigating noise concerns for adjoining residents.

Comment: The application has been amended to incorporate a 2m high acoustic wall within the landscaped area to the south eastern portion of Lot 221, DP 270417 to assist in mitigating noise concerns in relation to the operation of the hotel, golf clubhouse and associated uses. The accompanying amended acoustic report has been reviewed by Council's Environmental Management Section and in this regard, it is considered that this supporting document has not adequately considered the potential acoustic impacts that the amended proposed development (and associated mitigation measures) will create to surrounding residential properties as discussed within this report. In this regard, it is considered appropriate that amended information be provided for, to the satisfaction of Council, prior to any operational consent as part of a 'Deferred Commencement' conditional approval.

Issue: Provision of proposed planting will create overshadowing concerns for adjoining properties.

Comment: The amended application has provided for a number of tree species to be provided along the common boundary of No. 8 Crystal Downs Close, part of the boundary with No. 14 Twin Creeks Drive and along the perimeter of the existing community facilities site. The tree species identifies vary from hedges and planting up to large specimen trees with a height greater than 10m.

The application has been accompanied with overshadowing plans but while so this is only to the proposed built form as is the requirement of applications for buildings received by Council, overshadowing created by vegetation and trees not applicable. While so, this vegetation is separated by a drainage easement with a width of 5m on the subject lot which will not allow for mature tree planting, increasing the separation between the boundary and planting. In addition, taking into consideration the irregular shape of the subject site it is considered that an acceptable level of solar access will be provided to the adjoining residential property (being No. 8 Crystal Downs Close), especially from midday onwards and further in the afternoon period. As No. 14 Twin Creeks Drive is provided with a significant portion of its side boundary adjoining the existing community facilities, no concern is raised in regard to an unacceptable loss of solar access from the proposed tree planting.

Issue: Propose hotel will create unacceptable overshadowing of adjoining residential properties.

Comment: Amended plans have maintained the overall height of the proposed hotel structure which in turn will not create any additional overshadowing concerns. In this regard, the location of the proposed hotel is not considered to create an unacceptable impact upon adjoining or surrounding residential properties. Taking into consideration the location, built

form and orientation of the 10 storey building, the majority of overshadowing on the 21 June throughout the day will fall upon either the existing golf course adjoining the proposed building or upon the lagoon pool. In addition, it is noted that an assessment of shadow diagrams provided reflecting overshadowing cast on the 21 September (Spring Equinox) has revealed that no residential properties will be impacted upon.

Issue: Concern in regard to overlooking created by size and bulk of the proposed built form.

Comment: An assessment of the amended application has taken into consideration any identified potential overlooking concerns created by the proposed hotel building. In this regard, it is noted that the previously identified child care centre has been removed and replaced with landscaping to assist in maintaining existing amenities for properties directly adjoining the subject site. The removal of 35 units to levels 1 to 5 will also assist in diminishing direct overlooking concerns from the proposal. In addition, open terrace areas to each end of the hotel building are also not considered appropriate and are to be deleted and replaced with non trafficable areas, along with additional screening to balconies for room fronting the intersection of Twin Creeks Drive and Medinah Avenue with any determination to be conditioned appropriately.

Issue: Concern in regard to noise impacts created by the proposed activities

Comment: It is acknowledged that the accompanying supporting documentation has not sufficiently considered the potential acoustic impacts that the amended proposal will create to the surrounding residential properties as discussed within this report. In this regard, it is considered appropriate that amended information be provided for, to the satisfaction of Council, prior to any operational consent as part of a 'Deferred Commencement' conditional approval.

Issue: proposed development will create an increased potential for the displacement of local wildlife

Comment: It is not considered that the proposal will create an unacceptable impact upon the existing wildlife noting that the proposal will not create a significant impact upon the existing natural environment. It is noted that the subject site for the hotel development does not maintain any native trees, shrubs or herb layers and in this regard, a displacement of local wildlife is not considered a valid concern.

Issue: Proposed development is considered excessive in height in comparison to approved building in Science Park.

Comment: The Science Park area is provided with two varying height controls of 18m and 24m as provided by the Penrith Local Environmental Plan 2010. Comparatively, the subject site is not provided with a maximum height control under the provisions of the Penrith LEP. In this regard, it is not considered that an appropriate comparison of development standards can be conducted in this instance.

Issue: Visual Impact of proposed amendments to the built form have not been addressed by amended plans.

Comment: The amended application has maintained the roofline and building bulk for the proposed hotel as per plans provided to the Sydney West City Planning Panel meeting of the 1 March, 2018. As discussed within this report, the proposal is not considered to create overshadowing concerns for adjoining residential properties and subject to appropriate conditions, is considered to maintain an acceptable level of privacy for surrounding lots. The

provision of landscaping to the subject site boundary will assist in buffering the visual impact of the proposal to these residencies while the proposal's curved features is considered to allow for an improved relationship to its rural surrounds, as compared for instance to a building more rigid in structure.

Issue: The application as amended has not removed any southern facing terraces as requested by the previous Council report should be removed.

Comment: The application as previously reported to the Sydney West City Planning Panel provided for the recommendation that terraces for levels 3 to 8 to the south-eastern end of the hotel building fronting the existing community facilities adjoining Twin Creeks Drive be converted to non-trafficable areas. It is noted that as this has not been provided by amended plans received, this condition is still retained as a 'Deferred Commencement' condition which will require amendments to the proposed design prior to the operation of any formal development consent.

Issue: Concern that supporting Acoustic Report has provided no discussion on the impacts of 'diffracted' and 'reflected' noise on adjoining properties.

Comment: The accompanying Acoustic Report has provided for modelling and projections which are considered to have included the impacts of diffracted and reflected noise created by activities associated with the proposal. While so, it is acknowledged that the accompanying supporting documentation has not sufficiently considered the potential acoustic impacts that the amended proposal will create to the surrounding residential properties as discussed within this report. In this regard, it is considered appropriate that amended information be provided for, to the satisfaction of Council, prior to any operational consent as part of a 'Deferred Commencement' conditional approval.

Issue: The location of trees and the proposed acoustic wall will not provide for appropriate buffering of adjoining properties

Comment: The location of planting and vegetation in the position of the previous child care facility is considered to assist in providing a buffer between existing residential lots and the proposal. The landscaping provided is considered to allow for a variety of vegetation and plant species ranging in size and nature which is considered to provide for a softer edge to the proposal as compared to previous schemes for the site. The provided acoustic wall, subject to resolution of issues raised as part of the deferred commencement condition is considered to assist in mitigating the acoustic impact of the proposed uses upon the adjoining residential lots.

Issue: Concern in regard to construction noise created and time period to construct new building

Comment: Any approval granted will be provided with conditions in regard to hours of operation for the construction of the proposal. In this regard, standard hours of operation are primarily restricted to the periods of Mondays to Fridays, 7am to 6pm, Saturdays, 7am to 1pm with no work permitted on Sundays and Public Holidays. Should excessive noise or complaints be received during the construction period, this shall be also subject to conditions of development consent and may be directed to either the Certifying Authority for the proposal or Council to investigate.

Conclusion

The receipt of amended plans and documentation are considered to have appropriately resolved concerns in relation to the continuation of an existing use via the provision of the

proposed ball room. The proposal will maintain the hotel component solely on Lot 221, DP 270417 in accordance with additional permitted uses as provided by the Penrith Local Environmental Plan 2010, with activities relating to the continued operation of the Golf Clubhouse and associated function space maintained on Lot 47, DP 270417.

The application has provided for an amended acoustic report which is not considered to have adequately resolved previous deferred commencement conditions. In this regard, these conditions are retained and require resolution prior to the formal operation of any development consent.

The removal of 35 rooms as well as additional landscaping adjoining residential properties is considered to improve the amenity for adjoining residential properties. Subject to appropriate conditions with any determination granted, it is considered an acceptable level of amenity will be retained for surrounding residential properties.

Amended information received by Council has not included discussion in relation to outstanding effluent management concerns and in this regard, these conditions are to be retained.

Recommendation

That DA16/1236 for the staged construction of Twin Creeks Resort including a 198 room Hotel and related facilities on Lot 221, DP 270417 (10 Twin Creeks Drive, Luddenham), alterations and additions to the existing Twin Creeks Golf and Country building on Lot 47, DP 270417 (2-8 Twin Creeks Drive, Luddenham) and upgrading of an existing Sewage Management Treatment Plant on Lot 1, DP 270417 be approved subject to the attached conditions.