



Statement of Environmental Effects

Proposed Medi-Hotel

28-32 Somerset Street, Kingswood

12 April 2022

ppd | planning consultants

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1 INTRODUCTION

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

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

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

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

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

2 BACKGROUND

On 22 September 2021 approval was granted to DA20/0767 for the development on the subject site described as follows:

Demolition of Dwelling, Construction of a Seven (7) Storey Accommodation Hotel with Rooftop Bar and Restaurant, 3 Levels of Basement Parking for 63 Vehicles, Ground Floor Reception, Lounge and Dining, and Associated Site Works with Consolidation of Three Lots.

Following approval, a number of modifications were identified that needed further council consent and these modifications include an amendment to the clause 4.6 request for an exception to the maximum building height standard. Having due consideration to the modifications proposed it was decided that lodgement of a new development application was appropriate. Both quantitatively and qualitatively, this new application is significantly similar to the approved DA, particularly in relation to

- Bulk, scale and density (ie GFA)
- Height
- Urban form
- Car parking
- Number of hotel rooms
- Land use
- Environmental impacts (ie overshadowing etc).

In support of Council's assessment process, this application is accompanied by a **Statement of Changes** summarising the changes between the approved DA and this application and the reasons for the changes.

As part of the assessment process for approved DA20/0767 the proposal was considered by Penrith Council's Urban Design Review Panel meeting and minutes summarising key points raised during the Panel meeting were provided. Subsequently, particular consideration was given to the key points raised by the Panel in the preparation of that final application.

Importantly, in their comments the Panel considered

- *"the spatial arrangement of the built form, the architectural design treatments identified and the massing"* was supportable in this location from an urban design perspective; and
- the proposal *"to be a suitable land use in this precinct"*.

3 PROJECT TEAM

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

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

4 SITE ANALYSIS

4.1 Site Description and Location

The site description and location is summarised in Table 1.

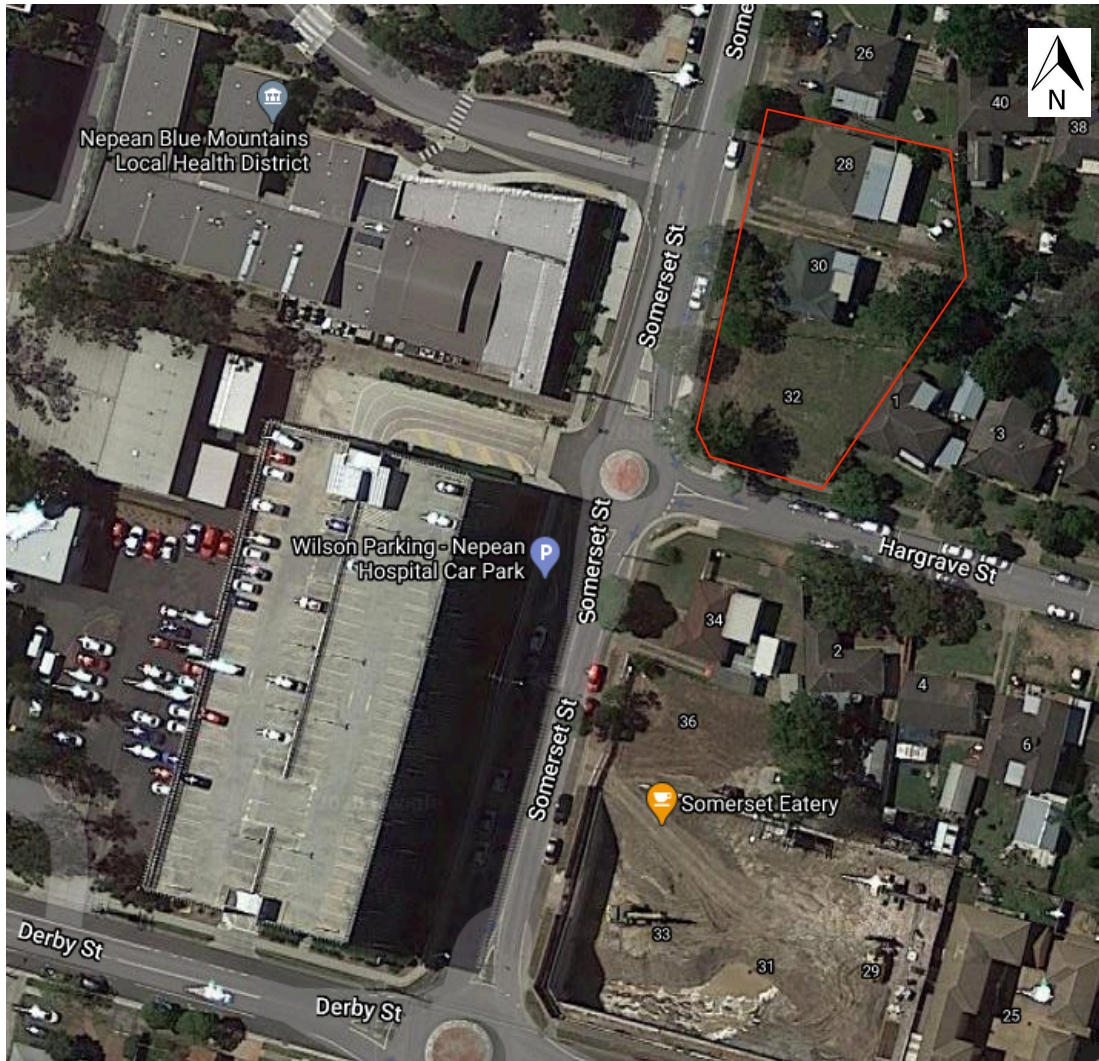
Table 1. Site Description and Location Summary

Street Address	28-32 Somerset Street, Kingswood
Deposited Plan	Lot 57, 58 & 59 DP 36728
Site Area	Lot 57 – 569.1m ² Lot 58 – 556.4m ² Lot 59 - 556.4m ² Total – 1,681.9m²
Brief Site Description	<p>Very prominent site on the corner of Somerset Street and Hargrave Street, directly opposite Nepean Hospital (refer Figure 1). All lots are now vacant as detailed in the Survey Plan that accompanies this application.</p> <p>The site has a 55.47m frontage to Somerset Street and 19.81m frontage to Hargrave Street.</p>
Topography	The Survey Plan provides detail on how the site gently slopes down by approximately 1.2 metres from Somerset Street frontage to the rear of the site.
Public Transport	The site is well located in relation to public transport being: <ul style="list-style-type: none">• Less than 200m from bus stops on nearby Derby Street operating between Penrith Station and Mt Druitt Station; and• 800m from Kingswood Station
Services	All relevant utility services including water, sewer, electricity, gas and telephone are available and connected to the subject property.

Figure 1 provides an aerial view of the subject site (outlined in red) located on the corner of Somerset Street and Hargrave Street and in the context of surrounding development (note: all buildings shown on the subject site have now been demolished). Figure 2 provides a view of the vacant lots at 30-32 Somerset Street from corner of Somerset Street and Hargrave Street.

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

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



Source: Google Maps

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



4.2 Urban Context

The subject site is located in the Hospital Precinct as identified in *Penrith Development Control Plan 2014* (outlined in black in Figure 3). The following extract from the DCP provides a description of the character of the area (key areas have been highlighted):

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

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

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

Figure 3. Hospital Precinct – Character Areas



Source Penrith DCP 2014

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

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

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

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

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

The locality of the subject site is dominated by the presence of the Nepean Hospital and in particular the first stages of the redevelopment of the hospital as seen in the artist's impressions in Figure 4 and the existing hospital car park on the corner of Somerset Street and Derby Street (see Figure 5).

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

Figure 4. Nepean Hospital Redevelopment – Stage 1



Figure 5. Nepean Hospital Car Park (diagonally opposite site)



Additional built form that contributes to the emerging character of the locality include the Somerset Specialist medical centre on the corner to Somerset Street and Derby Street (refer Figure 6) and the 5 to 8 storey mixed use development at 48-56 Derby Street, Kingswood with a maximum building height of 25.35 metre (refer Figure 7).

The remainder of the locality is characterised by older single storey fibro cottages similar in style to the houses that once existed on the subject site.

Figure 6. Somerset Specialist Centre at 28-32 Somerset Street, Kingswood



Figure 7. Mixed Use Development at 48-56 Derby Street, Kingswood



5 RELEVANT DEVELOPMENT APPROVALS

5.1 Nepean Hospital Redevelopment

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

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

Stage 1 – Hospital Tower

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

Stage 1 – Multi-storey car park

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

Stage 1 – Cancer Care expansion

Opened in September 2019.

Construction of Stage 2 of the development will commence following completion of Stage 1 and incorporates an integration with Stage 1 development providing an expansion and upgrade of essential clinical services as shown in Figure 8.

Figure 8. Nepean Hospital Redevelopment – Stage 1 and 2



5.2 Subject Site

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

On 16 December 2016 approval was granted for development on the subject site described as follows:

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

The approved development comprised 54 residential apartments and 184 m² of commercial area, with basement car parking for 74 cars, 15 bicycles and a loading area.

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

28-32 Somerset Street, Kingswood (DA20/0767)

On 22 September 2021 approval was granted for the development on the subject site described as follows:

Demolition of Dwelling, Construction of a Seven (7) Storey Accommodation Hotel with Rooftop Bar and Restaurant, 3 Levels of Basement Parking for 63 Vehicles, Ground Floor Reception, Lounge and Dining, and Associated Site Works with Consolidation of Three Lots.

5.3 Locality

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

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

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

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

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

6 Development Application

6.1 Proposal

Approval is sought for construction of a even (7) Storey Accommodation Hotel with associated rooftop bar and restaurant, 3 levels of underground parking for 63 cars and associated site works.

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

6.2 Overview of Key Numerical Aspects

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

Table 2. Summary of Proposal

Level	Use	Hotel Suites	Gross Floor Area (m ²)	Parking spaces
B3	Car park Store Services		65.9	24 (Cars) (inc. 2 accessible) 2 (motor bikes)
B2	Car park Store Services		76.7	20 (Cars) (inc. 2 accessible) 3 (motor bikes)
B1	Car park Housekeeping Engineers Office		73.6	19 (Cars) (inc. 2 accessible)
G	Hotel suites Foyer Wellness Centre Wellness Retail Loading Bay	8	790.6	
1	Hotel suites	28	941.6	
2	Hotel suites	28	905.8	
3	Hotel suites	28	905.8	
4	Hotel suites	24	775.8	
5	Hotel suites	24	775.8	
6	Front Office Food & Beverage Meeting room Admin./Office Outdoor terrace		448.7	
Total		140	5,760.3 (FSR 3.40:1)	63 (6 accessible)

Vehicular access to and from the basement car park is proposed via a new two-way driveway to Hargrave Street. The access driveway will provide for all vehicles accessing the site, including for servicing and garbage collection purposes. Loading facilities are located at ground level.

The proposed hotel operator has indicated that the medi-hotel would employ approximately 30 staff full time, although due to rostering and shift arrangements, not all of those staff will be present on-site at one time.

Application also involves the consolidation of the existing three (3) lots as detailed in the accompanying Survey Plan.

6.3 Urban Design Statement

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

- Urban Context & Site Analysis
- Proposed Design Response
- Design Proposal
- Design Perspectives

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

LEVEL G - 1

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

LEVEL 2-3

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

LEVEL 4-5

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

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

ROOF LEVEL

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

A perspective view of the proposed development's façade to Somerset Street is provided in Figure 9.

Figure 9. Frontage to Somerset Street



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

6.4 Operational Details – Medi-Hotel

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

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

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

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

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

- High provision of Accessible hotel rooms within the 140 keys (12 accessible and 11 comply with Disability Discrimination Act);

- Inclusion of Adaptable rooms – larger suites – that can provide extra clearances for patrons;
- Inclusion on each hotel level area for specialised nurses room or store that creates space for wheelchairs, medical supplies;
- Inclusion on the ground level of Wellness Centre and Wellness retail offering; and
- Inclusion on the top floor of a food and beverage facility.

The inclusion of the Wellness spaces along with food and beverage space are not part of the standard hotel model, and are proposed due to the unique location of the development adjacent the Nepean Hospital precinct. More specifically, the inclusion of the top floor food and beverage facilities has been in direct response to the expressed wants and needs of the Nepean Hospital. By letter dated 7 September 2020 (refer [Appendix 1](#) for a copy) the Chief Executive of the Nepean Blue Mountains Local Health District has acknowledged reviewing plans for the 140-room medi-hotel and made the following comments:

- A high-quality medi-hotel facility such as this with food and beverage and conferencing facilities is much needed in the area adjacent the Nepean Hospital and will make a valuable contribution to the community generally
- The services and facilities proposed will support the Nepean health precinct and enhance the total care experience for patients, their families, friends, carers and medical staff; and
- We are willing to discuss potential arrangements to provide access to our car parking facilities.

6.5 Supporting Documentation

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

- 1. Architectural Plans & Urban Design Report**
- 2. Stormwater Management Report**
- 3. Landscape Plans**
- 4. Survey Plan**
- 5. Arborist Report**
- 6. Waste Management Plan**
- 7. Cost Report**
- 8. BCA Report**
- 9. Preliminary Environmental Site Investigation**
- 10. Geotechnical Report**
- 11. Structural Report**
- 12. Traffic Report**
- 13. Acoustic Report**
- 14. Access Report**
- 15. ESD Report**
- 16. Services Report**

6.6 Building Code of Australia Compliance

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

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

The assessment has concluded

- the subject development is capable of complying with the performance provisions of the BCA:
 - via a mixture of adopting a performance-based approach as well as complying with the relevant deemed-to-satisfy requirements as outlined within the BCA; and
 - compliance via the performance-based approach could occur without significant changes to the proposed design.
- The details of the proposed performance solutions are subject to the outcome of the fire engineering brief and analysis which will be carried out in accordance with the International Fire Engineering Guidelines.
- The performance solutions for the building will be developed as part of the ongoing design and consultation with the design team.

6.7 Accessibility

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

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

Based on the assessment, the report concludes:

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

6.8 Geotechnical Investigation

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

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

6.9 Utilities

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

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

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

6.10 Structural Design Intent

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

The report outlines

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

6.11 Cost Report

A **Cost Report** accompanies this application and estimates a \$34,130,725 (inc. GST) construction cost for the proposed development.

7 Statutory Assessment

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

(a) *the provisions of:*

(i) any environmental planning instrument, and

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

(iii) any development control plan, and

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

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

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

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

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

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

(e) the public interest.

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

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

7.1 Environmental Planning Instruments

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

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

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

7.1.1 Environmental Planning & Assessment Act 1979

The objects of the Environmental Planning and Assessment Act are:

(a) to encourage:

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

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

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

(iv) the provision of land for public purposes,

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

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

(vii) ecologically sustainable development, and

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

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

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

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

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

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

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

The stated objectives of this Report were to:

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

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

As a follow up to the Investigations:

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

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

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

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

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

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

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

7.1.5 Penrith Local Environmental Plan (PLEP) 2010

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

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

7.2 Development Control Plans

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

As stated on Penrith Council's website

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

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

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

(3A) Development control plans

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

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

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

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

In this subsection, "standards" include performance criteria.

An assessment of the proposed development's compliance with the relevant development controls in PDCP 2015 has been undertaken. A copy of the compliance table can be found at Appendix 3.

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

#1 – Car Parking

Summary of non-compliance

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

Justification of non-compliance

This application is accompanied by a **Traffic Impact Assessment** report that assesses the impacts of the proposed development, including its parking provision. Noting the significant similarities between the recently approved Development Application (DA) on the subject site (refer s4.2 of this Statement of Environmental Effects) and the proposed development "*this traffic impact assessment provides an update to the previous July 2021 report, focussing on those aspects of the proposal which differ from those of the approved development*". The July 2021 **Traffic Report** also accompanies this application.

The following assessment is provided in relation to the provision of car parking:

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

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

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

The travel characteristics of visitors to a medi-hotel can be reasonably expected to be different to those associated with tourist hotels and so, using the same metrics as the RTA guide, the Traffic Impact Assessment has

undertaken research into parking requirements at similar medi-hotel developments located within similar health precincts to get a more accurate analysis of actual parking requirements. These health precincts include:

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

The data from this research suggests that a rate of one (1) car parking space per 3.0 accommodation rooms is adequate to provide for a medi-hotel. This equates to approximately 46 spaces equivalent to the car parking spaces provided in the proposed development.

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

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

The Traffic Impact Assessment accompanying this application makes the following conclusions in relation to the provision of car parking

- From their experience, the intended operator has indicated that the demand would be met by the provision of one car parking space for every four accommodation rooms, plus three spaces for the use of executive staff. This is comparable to the rate recommended in the RTA "Guide to Traffic Generating Developments" for a 3-star or 4-star tourist hotel, and is equivalent to a requirement for 38 parking spaces for the proposed 140-room development.
- A robust assessment of the potential additional parking demand generated by non-guest patrons/customers in the ancillary areas has been conducted and the parking demand for the ancillary facilities (ie food and beverage, meeting room, outdoor terrace, wellness retail space and wellness centre combined) would require a total of 19 car parking spaces.
- The demand for parking at the proposed 140-room medi-hotel would be met by the provision of 57 car parking spaces, being 38 car parking spaces for the accommodation rooms and executive staff, plus 19 spaces for the patrons/customers of the ancillary uses. The proposed provision of 63 car parking spaces exceeds this requirement and is considered satisfactory.
- The Penrith DCP requires that parking for people with a disability should be in accordance with the Access to Premises Standard, the Building Code of Australia and Australian Standard AS2890. Based on the Building Code of Australia, and taking into account the proportion of accommodation rooms that are accessible, this development would

require that five car parking spaces be accessible. The proposed provision of five spaces for people with a disability is satisfactory.

#2 – Building height

Summary of non-compliance

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

Justification of non-compliance

A request for an exception to the maximum building height standard accompanies this application and provides support for the exception.

#3 – Boundary Setbacks

Summary of non-compliance

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

Justification of non-compliance

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

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

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

- Specific consideration has been given to the design and location of windows to ensure an appropriate level of amenity for hotel occupants in terms of daylight access, outlook, ventilation and privacy.
- As much as practicable, windows have been located so that they are no closer than 6 metres to an adjoining boundary and orientated to improve outlook.
- Orientation and location of windows will ensure the privacy to adjoining neighbours will be maintained regardless of what is eventually developed on those sites.
- The majority of the building is set back further than the recommended 6 metres.
- Intrusions into the 6m setback are very minor and come from the corners of the building only and do not include long expanses of wall.

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

7.3 Environmental Impacts

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

7.3.1 Landscaping

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

The Landscaping Plan provides details on:

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

Implementation of the Landscape Plan will:

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

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

7.3.2 Trees

An **Arborist Report** accompanies this application with the stated purpose of the report being to provide "*an analysis of the impact of the development proposal on trees with additional guidance on appropriate management and protective measures*".

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

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

7.3.3 Water Management

A **Stormwater Management Report** accompanies this application and details:

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

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

7.3.4 Waste Management

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

The Report includes a construction and demolition waste management plan.

As described in the Report:

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

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

- *Three 1.100L garbage bins collected three times per week;*
- *Three 1.100L commingled recycling bins collected three times per week; and*
- *Nine 240L organics bins collected three times per week;*

Waste vehicles would prop safely at the loading dock to perform collections. Vehicle operators would ferry waste bins from the waste room to the collection vehicle and return upon emptying.

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

7.3.5 Traffic and Parking

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

The following recommendations from the assessment will be implemented:

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

Assessment has concluded:

- the proposed development will have acceptable impacts on the operation of the surrounding road network.
- the provision of 63 car parks is expected to accommodate demand generated by the medi-hotel accommodation and ancillary facilities.
- The layout of the proposed car parking and loading dock meets the general requirements of the Australian Standards 2890.1 and 2890.2.

7.3.6 Noise

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

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

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

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

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

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

A review of noise from vehicles associated with driveway and loading dock activities has been conducted and it is confirmed the use of the driveway and loading dock comply with the requirements listed in the report.

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

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

7.3.7 Security and Safety

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

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

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

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

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

7.3.8 Environmentally Sustainable Design (ESD)

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

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

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

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

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

7.3.9 Geotechnical Investigation

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

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

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

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

7.3.10 Social Impacts

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

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

7.3.11 Economic Impacts

Potential economic benefits of the proposed development include:

- the provision of short term accommodation to support the growing needs of the hospital/medical community;
- improve the attractiveness of the area as a place to invest in the future of the area as a medical mixed use precinct;
- increased property values from new development that is well designed and complements the desired future character of the locality; and
- additional investment in the local area arising from Section 7.11 payments from the developer.

7.4 Suitability of the Site

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

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

7.5 Public Interest

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

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

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

8 Conclusion

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

Based on our assessment, we consider the proposed development:

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

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

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

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

APPENDIX 1

Letter from Nepean Blue Mountains Local Health District



7 September 2020

TO WHOM IT MAY CONCERN

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

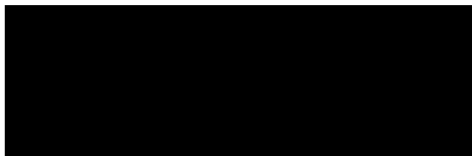
We have reviewed Boston Global's plans for a 140-room medi-hotel at 28-32 Somerset Street, Kingswood (attached) and provide this letter in support of the proposal.

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

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

We are genuinely excited about the proposed medi-hotel and would be happy to discuss it or provide any further details that may assist. If you have questions or require additional information please contact my office: [REDACTED] or by phone: [REDACTED].

Yours sincerely



Kay Hyman
Chief Executive
Nepean Blue Mountains Local Health District

APPENDIX 2

Penrith Local Environmental Plan 2010 Compliance Table

Penrith LEP 2010 Compliance Table

Relevant Clause	Comment	Complies
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, the subject site is within the <i>B4 Mixed Use</i> zone as shown on the Land Zoning Map.	Noted
2.3 Zone objectives and land use table	<p>The proposed development is defined as hotel or motel accommodation meaning a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—</p> <p>(a) comprises rooms or self-contained suites, and</p> <p>(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,</p> <p>Hotel or motel accommodation is identified as a land use that is permissible in the B4 zone with the consent of council.</p> <p>In accordance with the relevant objectives of the B4 zone, the proposed development will provide for:</p> <ul style="list-style-type: none"> • a mixture of compatible land uses particularly in relation to uses such as hospital and medical centres; • improved public amenity with activation of the street level with outdoor seating, landscaping etc. and the provision of roof top food and beverage facilities; and • land uses such as hotel that will provide a unique service to the community in association with the Nepean Hospital. 	<p align="center">✓</p> <p align="center">✓</p> <p align="center">✓</p>
4.3 Height of buildings	The maximum permissible building height shown for the subject site on the Height of Buildings Map is 18 metres. The proposed building height is 23.21 metres and lift overrun is 24.49 metres and this exceeds the maximum building height identified on the Height of Buildings Map.	✗
4.4 Floor space ratio	The maximum permissible Floor Space Ratio (FSR) shown for the land on the Floor Space Ratio Map is 3.5:1. The proposed FSR is 3.40:1 and does not exceed the maximum FSR identified on the Floor Space Ratio Map.	✓
4.5 Calculation of FSR and site area	The FSR has been calculated in accordance with the provisions of this clause.	✓
4.6 Exceptions to development standards	<p>A written request accompanies this application justifying the contravention of the maximum building height development standard by demonstrating</p> <ul style="list-style-type: none"> - compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, - there are sufficient environmental planning grounds to justify contravening the development standard; and - the proposed development is in the public interest. 	✓

6.1 Earthworks	An Stormwater Management Report accompanies this application and provides details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.	✓
7.4 Sustainable development	Adequately addressed in s7.3.8 of the SEE.	✓
7.6 Salinity	The subject site is identified as having 'moderate salinity potential' on the map Salinity Potential in Western Sydney 2002 which is consistent with most of Western Sydney. The original development approved on the site in 2015 did not require an assessment for salinity or aggressivity. As development is largely an excavate and dispose of off-site exercise, there isn't a significant need for a specific salinity assessment.	✓
7.7 Servicing	Adequately addressed in s6.9 of the SEE.	✓
7.8 Active street frontages	The frontage of the subject site to Somerset Street is identified as "Active Street Frontage" on the Active Street Frontages Map. All premises on the ground floor of the hotel facing Somerset Street (excluding entrances and lobbies) are used for the purposes of business or retail premises in accordance with the provisions of this clause.	✓
7.11 Penrith Health and Education Precinct	Subject site is identified as "Penrith Health and Education Precinct" on the Clause Application Map. The floor to ceiling height on the ground and first floor are not 3.5 metres and the provisions of this clause in relation to development that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% does not apply.	✓

APPENDIX 3

Penrith Development Control Plan Compliance Table

Penrith DCP 2014 Compliance Table

Parts A and B – Introductory Material and overarching DCP Principles

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

Parts C – City-wide Controls

C1 SITE PLANNING AND DESIGN PRINCIPLES

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

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

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

C3 WATER MANAGEMENT

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

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

C8 PUBLIC DOMAIN		
Provisions	Comment	Complies
8.1. Pedestrian Amenity	<p>An active street frontage at ground level is provided to Somerset Street with the entrance to the hotel clearly visible from the street and active uses such as foyer and wellness centre visible from the street (use of clear glazing). Breakout out areas are also provided beneath the arbour to the Somerset Street frontage.</p> <p>Activation of the secondary frontage is achieved by continuing the glazing around the corner.</p>	✓
8.2. Street Furniture	Furniture will be placed in the activated area beneath the arbour to the Somerset Street frontage.	✓
8.3. Lighting	The development does not propose any lighting to the public domain.	✓
8.4. Outdoor Dining and Trading Areas	The development does not propose any outdoor dining and trading.	✓
8.5. Public Art	The development does not propose any public art.	✓
C10 TRANSPORT, ACCESS AND PARKING		
Provisions	Comment	Complies
10.1 Transport and land Use	Development is not considered to have a significant impact on transport or require Transport Management and Accessibility Plan.	✓
10.2 Traffic Management and Safety	Application is accompanied by a Traffic Impact Assessment (refer s7.3.5 of the SEE) and this report addresses the relevant requirements identified in the DCP.	✓
10.3. Key Transport Corridors	N/A	
10.4 Roads	N/A	
10.5. Parking, Access and Driveways	<p>Parking provided on site has been designed to meet AS 2890 and where appropriate, AS 1428 and is supported by a Geotechnical Report that accompanies this application.</p> <p>Car parking is not provided on-site in accordance with the DCP parking rates (refer s7.2 of the SEE for justification of a lower parking rate for the proposed development).</p> <p>Accessible car spaces are provided in accordance with the Access to Premises Standards, Building Code of Australia and AS2890.</p> <p>The development proposes 8 bicycle racks over 2 basement levels, which is considered to be satisfactory (refer Traffic Report that accompanies this application).</p>	<p>✓</p> <p>✗</p> <p>✓</p> <p>✓</p>
10.6. Pedestrian Connections	N/A	

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

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

E12 Part A Hospital Precinct

Provisions	Comment	Complies
12.1 Background	<p>Subject site is strategically located directly opposite the Nepean Hospital in land identified as the Hospital Precinct. The DCP describes this area as:</p> <p style="padding-left: 40px;">the most dynamic environment to further develop the Hospital Precinct into a specialised medical precinct. This precinct encourages development that would support the operation of the hospital, such as medical offices, pharmacies, short-term accommodation, convenience stores and other forms of retail that will meet the needs of visitors and people using the medical services offered within the precinct.</p> <p>The proposed development takes advantage of the potential for Somerset Street to offer a high quality entrance to the Hospital Precinct, with a landscaped theme and high quality architectural design. As a result, a high quality public realm is achieved by providing a generous landscaped arbour treatment to Somerset Street and activating the ground floor.</p> <p>The desired future character of the area is described as having building heights of 4-6 storeys. The proposed building height is 7 storeys. A request for an exception to the maximum building height standard accompanies this application and provides support for the exception.</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">X</p>
12.2 Land use controls	<p>Proposed development provides flexible floor areas and layouts to both the ground and first floor to accommodate a range of commercial uses if necessary in the future.</p> <p>The development of a hotel within the Hospital Precinct, instead of approved residential flat building on the site, will provide for active uses at the street frontage and will help to revitalise the precinct and encourage further medical related uses.</p> <p>The ground floor of the development provides 100% commercial frontage to Somerset Street.</p> <p>Building provides an active ground floor setback zone, free of columns, balustrades and other visual barriers to Somerset Street. Blank building walls at ground level are avoided.</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>
12.3. Built form controls	<p><u>Street alignment, building height and setbacks</u></p> <p>4m setback is provided to Somerset Street frontage with a 2-storey arbour projecting into the front building line.</p>	<p style="text-align: center;">✓</p>

	<p>The design of the hotel with a front arbour projects as a 2-storey podium and is central to the overall aesthetic of the building and how it projects to Somerset Street.</p> <p><u>Building Depth and Bulk</u></p> <p>The design of the building uses a combination of building articulation, fenestration and alternative architectural enhancements such as the arbour to ensure there are no large unrelieved expanses of wall or building mass.</p> <p><u>Boundary setbacks and building separation</u></p> <p>For the first 3 levels (12m) the side and rear setbacks vary from a minimum zero lot line to the rear up to approximately 7.5m along the path of the driveway access to the basement parking.</p> <p>Above 3 levels the setback varies from a minimum 3.6m to 8.8m.</p> <p><u>Site coverage and deep soil zones</u></p> <p>Site coverage is 64% of the total site area and deep soil is 16.5% of the site area.</p> <p><u>Building exteriors</u></p> <p>Building façades are articulated so that they address the street and add visual interest.</p> <p>External walls will be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork and applied finish.</p> <p>Large expanses of any single material are avoided.</p> <p>Highly reflective finishes and curtain wall glazing are avoided above ground floor level.</p> <p>A materials schedule is provided as part of the architectural plans accompanying the application.</p> <p>The design of roof plant rooms and lift overruns is integrated into the overall architecture of the building.</p> <p><u>Landscape design</u></p> <p>A landscape concept plan accompanies this application and covers all landscaped areas, including the deep soil zone, in accordance with the Landscape Design section of this DCP. The plan outline how landscaped areas are to be maintained.</p> <p>Recycled water will be used to irrigate landscaped areas.</p> <p>Accessible outdoor spaces beneath the arbour incorporates planting.</p> <p>Remnant vegetation must be maintained throughout the site, wherever practicable (refer s7.3.2 of the SEE).</p> <p>Landscape Plan that accompanies this application provides detail on how planting on the roof has been designed in accordance with the provisions of the DCP.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✗</p> <p>✓</p> <p>✓</p> <p>✓</p>
<p>12.4. Other controls</p>	<p><u>Active street frontages and address</u></p> <p>The proposed development provides for an active frontage to Somerset Street at street level by providing</p>	<p>✓</p>

	<ul style="list-style-type: none"> • an entry into the hotel lobby, • glass fronted area to wellness centre; and • break out areas underneath the harbour along the Somerset Street frontage. <p><u>Safety and security</u></p> <p>Development should be referred to Council's Community Safety Officer and, where appropriate, NSW Police in accordance with the CPTED protocol between Penrith City Council and NSW Police.</p> <p><u>Vehicle footpath crossings</u></p> <p>Vehicular access and footpath crossings have been designed in compliance, where practicable, with the relevant DCP controls and will minimise impact on the public domain.</p> <p><u>Car Parking</u></p> <p>Proposed development provides for basement car parking and is accompanied by a supporting Geotechnical Report,</p> <p>Basement car parking is located as much as practicable directly under the building footprint and maximises opportunities for deep soil areas (ie deep soil planting is 16.5% of the site area).</p> <p>The appearance of car parking is improved by locating parking so that it is not visually prominent from Somerset Street.</p> <p>Car parking layouts comply with the relevant Australian Standards.</p> <p><u>Site Facilities and Services</u></p> <p>Telecommunication infrastructure will be built into the development and predominantly below ground,</p> <p>Vehicular access to the waste collection area is from the side street.</p> <p>Loading/unloading area is located at ground level and in accordance with the DCP controls.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
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