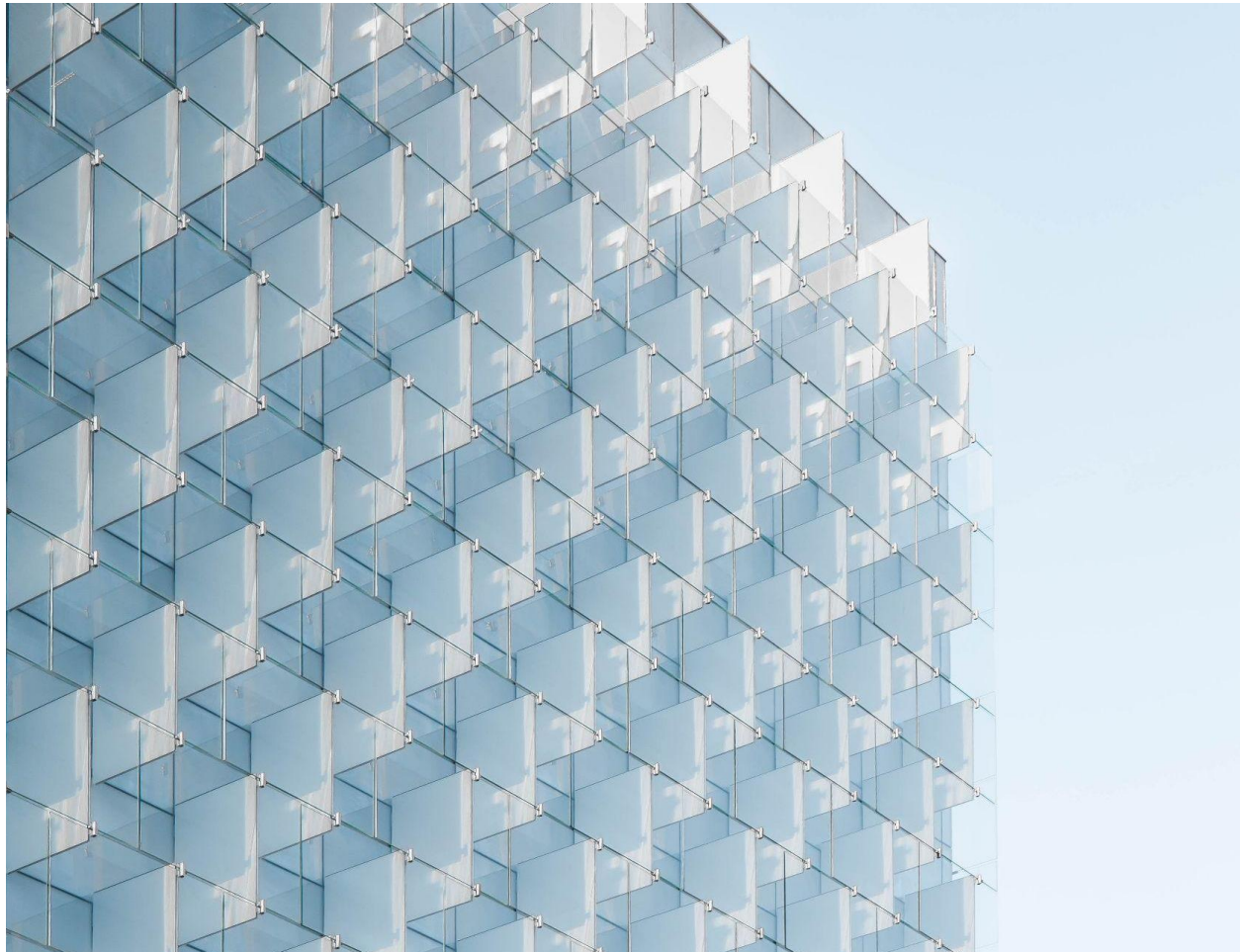


WILLOWTREE PLANNING



18 December 2023

Ref: WTJ23-199
Contact: Peter Braga



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED DEMOLITION AND CONSTRUCTION OF MEDICAL CENTRE AND CAFE

45 Orth Street, Kingswood
Lot 186, DP 1433

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Axis Trust

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition and Construction of Medical Centre and Cafe

45 Orth Street, Kingswood (Lot 186, DP 14333)

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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Proposed Demolition and Construction of Medical Centre and Cafe
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| 10 | Site Survey | Freeburn Surveying |
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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Axis Trust (the Applicant) and is submitted to Penrith City Council (Council) in support of a Development Application (DA) at 45 Orth Street, Kingswood (Subject Site), which captures the following land parcels:

- Lot 186, DP143333

This DA seeks development consent for demolition and construction of a medical centre and cafe at the Subject Site, including other necessary works, as described in **PART C** of this SEE.

The Subject Site is zoned MUI Mixed-Use zone, pursuant to the *Penrith Local Environmental Plan 2010* (PLEP2010), which is intended to:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To allow for residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

The proposal seeks to provide a medical centre and café, which are both permitted within the MUI Mixed Use zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the Subject Site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**



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Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 PRE-LODGE MENT CONSULTATION

A pre-lodgement meeting was held with Penrith City Council on 4 July 2023 with Mahbub Alam (Development Assessment Planner) and other Council representatives. **TABLE 1** below outlines the notes provided by Mahbub Alam on 27 July 2023 and commentary against each matter. The Pre-Lodgement Advice has been attached as **Appendix 1**.

| TABLE 1. PRE-LODGE MENT NOTES | |
|---|--|
| Council Comments | Applicant Response |
| Planning | |
| The Subject Site is located within the Penrith Health and Education Precinct. Within this precinct, the site is then identified as being within the Medical Mixed-Use area. Your proposed use as medical consulting rooms and a cafe is a suitable use for this precinct and will support the vitality and functionality of the area. | Noted. The Subject Site has been designed to complement the existing and future character and use of the Penrith Health and Education Precinct and will ultimately provide a development that will positively contribute to the immediate locality and wider area. |
| <p>You should consider the detailed planning and design controls contained at Chapter E12 of the Penrith DCP 2014. Chapter E12 relates to the Penrith Health and Education Precinct.</p> <p>This chapter contains detailed objectives and controls relating to street setbacks, boundary setbacks, landscaped areas, and deep soil planting (amongst other controls). Your proposal appears to breach some of these controls, specifically relating to the requirement for a 4m setback from Somerset Street, the amount of landscaped area, and the amount of deep soil planting.</p> <p>Given the size and constraints of the site, it is acknowledged that full compliance with the controls at Chapter E12 will be difficult to achieve, particularly the 4m setback from Somerset Street. You will therefore need to carefully consider how the objective of that control can be met in other ways.</p> <p>In this regard, I would consider providing more deep soil landscaping along the Somerset Street frontage. In this instance, you could consider modifying proposed parking spaces 5 and 9 to create an additional landscaped area and using this additional area for deep soil planting.</p> <p>I would also consider providing more deep soil landscaping along the eastern side boundary. In this instance, you could consider modifying</p> | The provisions of the Penrith Development Control Plan 2014 (PDCP2014) Chapter E12 have been considered and address within the PDCP2014 Compliance Table contained within Appendix 2 . |



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| <p>the driveway between the eastern side boundary and proposed car parking spaces 8 and 12 to create an additional landscaped area and using this additional area for deep soil planting.</p> <p>Please consider whether any existing trees on the site could be retained.</p> <p>You should also include a new tree in the area between proposed parking spaces 7 and 11.</p> <p>Furthermore, the encroachment into the street verge is not supported. The existing significant street tree on Somerset Street is to be retained and this may require adjusting the facade and built form design to suit current and future street trees. The submitted plans show incorrect existing street trees on Somerset Street. The corner requires a substantial landscape offering to contribute to the intersection. A corner chamfer would suit the full height of the building. A tree in the front setback at the corner is preferred together with substantial shrub gardens along both frontages.</p> <p>Visual screening should also be provided to the interface with the car park to the north.</p> | |
| <p>The number of compliant parking spaces you can achieve on the site will dictate the yield in terms of the number of consulting rooms and health practitioners, and seating area and employee numbers for the proposed cafe. As discussed during the pre-lodgement meeting, Chapter C10 of the Penrith DCP requires 3 spaces per health care professional practising at any one time, plus 1 space per receptionist/support staff member, and 1 space per 6 sq.m of seating area, plus 1 space per employee for the proposed cafe.</p> <p>Based on the current proposal, the number of proposed car parking spaces does not comply with the DCP requirements. This is likely to be an issue given the site's location near Nepean Hospital and the heavy demand for parking in the area.</p> <p>It will therefore be important for you to consider the nature of the proposed use, the intended internal layout and fit-out, and the number of rooms and health care practitioners. It is acknowledged that you have stated in your statement that the use of the site will include four (4) medical specialists and a maximum of four (4) support staff members (nurses/administration staff) at any one time. You have also indicated that the proposed ground floor cafe has been designed to accommodate two (2) staff members and 6 sq.m of seating area.</p> <p>However, please ensure the application is clear and specific, both on the floor plans and in your written statement, about how the proposed development will operate, the number of rooms, and the number of</p> | <p>A Traffic and Parking Impact Assessment has been prepared by Headway Traffic and Transport and can be found at Appendix 3. Additionally, Section 5.3 of this SEE further address traffic and parking as they relate to the proposed development.</p> |



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| health practitioners, and specify the cafe use details (seating area layout and maximum number of staff). | |
| Overall, the proposed design of the building is satisfactory. However, the eastern elevation appears as a large blank wall which will be highly visible from the street. The eastern elevation should be articulated to add visual interest. In this instance, to assist in providing articulation and visual interest, large expanses of any single material is to be avoided. | The eastern elevation has been designed to respond the neighbouring Site, Matilda Nepean. Given the proximity to adjacent building, suitable design elements including different materials and finishes have been incorporated to provide a commensurate elevation as displayed in the Architectural Plans (Appendix 4). |
| ENVIRONMENTAL MANAGEMENT | |
| <u>Contamination</u> The Statement of Environmental Effects will need to outline site contamination potential as required by SEPP (Resilience and Hazards) 2021. The age of the structures on the property will require a Hazardous Material Survey prior to the demolition of structures. Should approval of the application be granted, this can be addressed via a consent condition. | Any potential contamination on the Subject Site is considered in Section 5.6 of this SEE. |
| <u>Noise Impacts</u> An acoustic report is required to be prepared for the proposal. While there are no nearby residential receivers, an acoustic report should consider adjoining noise impacts on the proposed development. In particular, the adjoining Nepean Hospital and the use of the helipad that is 150m from the proposed land use. The report should determine if there are any building design/attenuation treatments required. The report should be prepared in accordance with the NSW EPA Noise Policy for Industry and the NSW EPA Interim Construction Noise Guidelines. | An Acoustics Report has been prepared by Northrop and can be found at Appendix 5 . Additionally, Section 5.5 of this SEE further address any acoustic concerns as they relate to the proposed development. |
| <u>Cafe Fit-Out</u> Detailed plans for the fit-out of the cafe are required to be submitted and prepared in accordance with AS 4674:2004 - Design, Construction and Fit-Out of Food Premises and Standard 3.2.3 of the Food Standards Code. The application will need to include information relating to mechanical ventilation, waste water requirements from Sydney Water's Trade Waste Unit and the provision of waste disposal from the cafe. | A BCA and Access Report has been prepared by Steve Watson & Partners and can be found at Appendix 6 , indicating that the proposed development is capable of complying with the relevant Australian Standards. |
| <u>Vegetation Management</u> Generally, trees greater than 3.5m in height are protected under Chapter C2 (Vegetation Management) of Penrith Development Control Plan 2014. If development of a site is proposed, then any | An Arborist Report has been prepared by Canopy Consulting and can be found at Appendix 7 . Additionally, |



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| <p>existing trees are required to be assessed under the context of this section and in accordance with AS 4970:2009 - Protection of Trees on Development Sites. It appears that some trees will need to be proposed to be removed to cater for the development.</p> <p>In this regard, an inventory of individual trees proposed to be removed and retained will be required to be assessed in accordance with AS 4970:2009 - Protection of Trees on Development Sites. This will require an Arboricultural Report to be provided for the proposed works. The report shall be written by an appropriately qualified AQF (Australian Qualification Framework) Level 5 Arborist and must not contradict any environmental assessment undertaken for the site.</p> | <p>Section 5.9 of this SEE further address any tree retention or removal concerns as they relate to the proposed development.</p> |
| <p><u>General Requirements</u></p> <p>A detailed sediment and erosion control plan is required to be prepared for the proposed development. The sediment and erosion control plan is required to be submitted to Council for assessment as part of the application.</p> | <p>A Sediment and Erosion Control Plan has been prepared by AT&L and can be found at Appendix 8. Additionally, Section 5.4 of this SEE further address any sediment and erosion concerns.</p> |
| <p>The medical centre will need to provide for medical waste disposal. The Statement of Environmental Effects should include information in this regard.</p> | <p>An Operational Waste Management Plan (OWMP) has been prepared and can be found at Appendix 9. Additionally, Section 5.7 of this SEE further address any medical waste disposal issues as they relate to the proposed development.</p> |
| ENGINEERING | |
| <p>Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link: https://www.penrithcity.nsw.gov.au/building-development/development/engineering-requirements-for-development-subdivision</p> | <p>Noted. No subdivision is proposed as part of this development.</p> |
| <p>All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.</p> | <p>A Civil Design Report and Plans have been prepared by AT&L and can be found at Appendix 8.</p> |
| <p>A detailed survey of the site, including Council's verge area and the adjoining surrounds, shall be submitted with the application. All plans for the site shall have levels and details to AHD.</p> | <p>A Site Survey has been prepared by Freeburn Surveying and can be found at Appendix 10.</p> |



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| <p><u>Stormwater</u></p> <p>Stormwater drainage for the site must be in accordance with the following:</p> <ul style="list-style-type: none"> ▪ Council's Development Control Plan, ▪ Stormwater Drainage Specification for Building Developments policy, and ▪ Water Sensitive Urban Design Policy and Technical Guidelines. <p>A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application.</p> <p>Stormwater discharge from the site shall comply with Section 5.1.1 of Council's Stormwater Drainage Specification for Building Developments policy.</p> | <p>A Stormwater Management Plan has been prepared by AT&L and can be found at Appendix 8. Additionally, Section 5.4 of this SEE further address any sediment and erosion concerns.</p> |
| <p>Water Sensitive Urban Design (WSUD) is required to be provided for the site. A WSUD Strategy shall be developed and submitted with the Development Application and shall include MUSIC modelling (*.sqz file) demonstrating compliance with Council's adopted Water Sensitive Urban Design Policy and Technical Guidelines. The strategy shall address (but not be limited to) water conservation, water quality, water quantity, and operation and maintenance. The strategy and MUSIC modelling must also demonstrate compliance with SEPP (Biodiversity and Conservation) 2021 Chapter 6 - Water Catchments, Division 2, Section 6.6 - Water Quality and Quantity.</p> | <p>A Civil Design Report and Plans have been prepared by AT&L and can be found at Appendix 8. This includes Water Sensitive Urban Design (WSUD) considerations.</p> |
| <p>Any on-site detention system or water quality system must be accessible from the street.</p> | <p>No on-site detention system is proposed as part of this development.</p> |
| <p><u>Traffic</u></p> <p>A fully dimensioned car parking plan is to be provided demonstrating that car parking bays, car parking aisles and manoeuvring details comply with AS 2890, Parts 1, 2 & 6, and Council's Development Control Plan. The plan shall also show the line marking for the existing on-street car parking spaces along with the proposed amendments to on-street car parking spaces in Somerset Street.</p> <p>The application shall be supported by turning paths in accordance with AS 2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road for the largest vehicle expected to use the site.</p> <p>Plans shall also detail overhead clearance for the car park ensuring it is adequate for the largest vehicle expected to use the site.</p> | <p>A Traffic and Parking Impact Assessment has been prepared by Headway Traffic and Transport and can be found at Appendix 3. Additionally, Section 5.3 of this SEE further address traffic and parking as they relate to the proposed development.</p> |
| <p><u>External Works</u></p> <p>The development will be required to upgrade the verge area (public domain) for the frontage in Somerset Street and Orth Street in accordance with Council's 'Kingswood Public Domain Manual'. The</p> | <p>Noted.</p> |



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| <p>manual is currently being reviewed. A link to the manual is provided below:</p> <p>https://www.penrithcity.nsw.gov.au/images/documents/building-development/planningzoning/Kingswood_Public_Domain_Manual.pdf</p> | |
| <p>Any driveway crossover shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel. The driveway shall also be located a minimum of 1.5m from any street tree. Utility services may be required to be relocated to accommodate the crossover. Contact the utility service provider to obtain requirements.</p> | <p>The proposed driveway crossovers have been designed to avoid and integrate into the existing utilities and objects located along Somerset Street.</p> |
| <p><u>Earthworks</u></p> <p>No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater run-off passing through the site.</p> | <p>No retaining walls or filling is proposed as part of this development.</p> |
| TRAFFIC | |
| <p><u>Traffic and Parking Report</u></p> <p>A Traffic and Parking Assessment Report/Statement prepared by a suitably qualified traffic practitioner in accordance with the RTA (now TfNSW) Guide to Traffic Generating Developments 2002 shall be submitted with the application. In addition to the requirements detailed in the TfNSW guide, the report shall assess the following:</p> <ul style="list-style-type: none">▪ Impact of the proposed development on low density local roads with consideration for local road environmental capacities and impact on residential amenity.▪ Impact of the proposed development on surrounding intersections (subject to traffic generation assessment of the proposed development). | <p>A Traffic and Parking Impact Assessment has been prepared by Headway Traffic and Transport and can be found at Appendix 3. Additionally, Section 5.3 of this SEE further address traffic and parking as they relate to the proposed development.</p> |
| <p><u>Loading</u></p> <p>Details of loading (deliveries and garbage collection) shall be provided. Adequate facilities shall be provided on-site for servicing of the proposed development. Details shall be provided demonstrating that the design (largest) heavy/delivery vehicle is suitable for the proposed development and measures to ensure safety while heavy vehicles are entering, manoeuvring and exiting the site.</p> <p>Heavy vehicles shall not perform reversing manoeuvres in the car park area.</p> | |
| <p><u>Off-Street Car Parking Provision</u></p> <p>The provision of off-street parking spaces shall be in accordance with Penrith DCP 2014. The minimum requirement for the proposed development is as per the below rates:</p> | |



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| <ul style="list-style-type: none">▪ Medical centre - 3 spaces per health care professional practising at any one time plus 1 space per receptionist/support staff member.▪ Restaurants, reception and function rooms - 1 space per 6m² of seating area, plus 1 space per employee. <p>It appears that there is potential for a greater number of staff to occupy the facility in the future and parking should be calculated based on the maximum potential occupancy. This should be addressed in the traffic report.</p> | |
| <p><u>Car Park and Driveway Layout</u></p> <p>The design of the driveway, internal roadways and ramps, car parking spaces, sight distance and loading areas shall comply with Penrith DCP 2014 and Australian Standards (i.e. AS 2890.1, AS 2890.2 for heavy vehicles and AS 2890.6 for accessible spaces).</p> <p>The traffic report shall assess the proposed driveway locations for the safety of vehicles entering and exiting the site and outline any measures that may be required to mitigate any identified issues.</p> <p>Loss of on-street parking is not supported; a plan shall be provided showing any required changes to on-street parking.</p> <p>All vehicles shall enter and exit the site in a forward direction.</p> <p>A swept path analysis shall be provided demonstrating the following:</p> <ul style="list-style-type: none">▪ A car can pass another car at all passing areas.▪ A car can turn around within the site when all visitor spaces are occupied.▪ The largest vehicle (heavy vehicle) can enter the site, manoeuvre into the loading area, and exit the site (performing no reversing manoeuvres in the car park) in a forward direction. | |
| BUILDING | |
| <ul style="list-style-type: none">▪ Access to and within the building from the main pedestrian entrance to the site and around the site will need to comply with Part D3 of the BCA and AS 1428.1-2009.▪ The building will have a BCA classification of Class 5 with a rise-in-storeys of 3 to be constructed to Type B construction. This means that most walls (including any openings) will require an FRL.▪ The building will be required to be hydrant protected. This can potentially be serviced by way of a street hydrant. It is recommended that a hydraulic engineer be consulted to establish that a street hydrant is available and is able to service the building. | <p>A BCA and Access Report has been prepared by Steve Watson & Partners and can be found at Appendix 6.</p> |



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| <ul style="list-style-type: none">▪ The stairs within the building are required to be fire isolated. Please advise if an alternative to the deemed-to-satisfy provisions is proposed.▪ Travel distances appear excessive; consider an additional exit or consider a performance solution to comply with the requirements of the BCA. | |
| WASTE | |
| <p><u>Integrated On-Site Waste Collection</u></p> <p>Waste collection vehicles proposed to service commercial and industrial developments are to be designed in accordance with the vehicle specifications outlined in Section 3.5 of Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document.</p> <p><u>On-Site Collection</u></p> <p>The waste vehicle must be able to safely and efficiently access the site and the nominated collection point to perform on-site waste collection. There must be sufficient manoeuvring area on-site to allow the collection vehicle to enter and exit the site in a forward direction and service the development efficiently with little or no need to reverse.</p> <p><i>Note:</i> The current plans do not demonstrate on-site waste collection and supporting internal infrastructure inhibiting the provision of a safe and efficient waste collection service. Please provide swept path diagrams showing a waste collection vehicle entering the site and exiting the site in a forward direction.</p> | <p>An OWMP has been prepared and can be found at Appendix 7. Additionally, Section 5.7 of this SEE further address any medical waste disposal issues as they relate to the proposed development.</p> |
| <p><u>Architectural Plans</u></p> <p>Scaled architectural plans are required to support the application which demonstrate the site's entry point, vehicle's route of travel and manoeuvring comply with a standard waste collection vehicle.</p> | <p>The Architectural Plans (Appendix 4), Traffic and Parking Assessment (Appendix 3) and Operational Waste Management Plan (Appendix 9) indicate the proposed ingress, egress and vehicle route of the anticipated waste collection vehicle.</p> |
| <p><u>Swept Path Model</u></p> <p>Swept path models are to be provided illustrating how a standard waste collection vehicle will enter, service and exit the site. A 0.5m unobstructed clearance is required from all obstructions for the vehicle's ingress and egress manoeuvres. The model is to provide on-street parking on both sides of the road adjacent to the development to demonstrate unobstructed access during a 'business as usual' configuration.</p> | <p>A Traffic and Parking Impact Assessment has been prepared by Headway Traffic and Transport and can be found at Appendix 3. Additionally, Section 5.3 of this SEE further address traffic and parking as they</p> |



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| | |
|---|--|
| <u>Service Clearance</u> For rear loaded vehicles, an additional 2m unobstructed loading zone is required behind the waste vehicle for the loading of 660L and 1,100L bins. Additionally, a 0.5m side clearance is required on either side of the vehicle for driver movements and accessibility. | relate to the proposed development. |
| <u>Plan of Operations</u> All development applications are to be accompanied by a 'Plan of Operations' outlining proposed bin infrastructure sizes, collection frequency, waste collection vehicle dimensions, hours of collection and access to the waste collection room. <i>Note:</i> The "Plan of Operations" is to set out if tenants have their own waste collection contracts or if building management will arrange communal waste collection on behalf of tenants. | A Plan of Management (Appendix 11) and OWMP (Appendix 9) have been prepared to accompany this DA. |
| <u>Waste Collection Infrastructure</u> Waste collection infrastructure to be provided in accordance with Section 3.1 of Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document. | An OWMP has been prepared and can be found at Appendix 7 . Additionally, Section 5.7 of this SEE further address any medical waste disposal issues as they relate to the proposed development. |
| <u>Waste Generation Rates</u> Proposed waste generation rates are required to be provided to permit waste collection in accordance with Section 3.3 of Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document. | |
| <u>Alternate Use</u> For commercial and industrial waste streams that are not outlined in Section 3.3 of Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document, supporting documentation is required to validate the proposed waste volumes for the respective waste streams. | |
| <u>Waste Collection Rooms</u> All developments are required to provide a waste collection room integrated wholly within the development's built form to permit a safe and efficient waste collection service. The room will need to incorporate infrastructure into its design in accordance with Section 3.4 of Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document. | |
| <u>Waste Infrastructure Guidelines</u> For further specific waste operational and infrastructure information, refer to Council's <i>'Industrial, commercial and mixed-use waste management guideline'</i> document: https://www.penrithcity.nsw.gov.au/images/documents/building-development/planningzoning/planningcontrols/Waste_Management_Guidelines_Industrial_Commercial_Mixed_Use . | |



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Proposed Demolition and Construction of Medical Centre and Cafe
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| | |
|---|--|
| pdf | |
| <p><u>Documentation to be submitted with Development Application</u></p> <ul style="list-style-type: none">▪ Survey Drawing▪ Site Plan▪ Floor Plans▪ Elevations▪ Sections▪ Statement of Environmental Effects▪ Traffic and Parking Assessment Report▪ Schedule of External Materials / Finishes▪ Signage Details▪ Acoustic Report / Statement▪ Landscape Plan▪ Stormwater Concept Plan▪ WSUD Strategy▪ Waste Management Plan▪ Contamination Assessment (in SEE)▪ Accessibility Statement▪ Operational Plan of Management <p>Development applications must be lodged through the NSW Planning Portal via the link below: https://www.planningportal.nsw.gov.au/majorprojects/services/lodge-application</p> <p>Please ensure that all plans and documents submitted illustrate consistent detail.</p> | <p>This DA contains all the required documentation as identified by Council.</p> |
| <p><u>Key Land Based Considerations</u></p> <p>Bushfire Prone Land will likely require lodgement of a Bushfire Assessment Report. Flood Affected Land will require floor levels to Australian Height Datum (AHD). Impacts to native vegetation (including grassland) will require an assessment under the NSW Biodiversity Offset Scheme and may require a Biodiversity Assessment Report or a Test of Significance.</p> | <p>The Subject Site is not located on bushfire prone land.</p> |
| <p><u>Fees</u></p> <p>Please call the Development Services Department Administrative Support Team on (02) 4732 7991 to enquire about fees and charges.</p> | <p>Noted.</p> |

1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

This proposal does not require the concurrence of any authorities.



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Subject Site is identified as 45 Orth Street, Kingswood, containing the following land holdings:

| TABLE 2. SITE IDENTIFICATION | | |
|------------------------------|----------------------|---------------------|
| Site Address | Legal Description(s) | Land Area (approx.) |
| 45 Orth Street, Kingswood | Lot 186, DP14333 | 732 m ² |

The Subject Site is identified as 45 Orth Street, Kingswood being legally described as Lot 186, DP 14333. The Subject Site is identified as a corner lot consisting of a site area of approximately 732 m². The Subject Site features a primary frontage along Orth Street with the secondary boundary identified as Somerset Street. The Subject Site is zoned as MU1 Mixed Use zone, pursuant to the zoning provisions of PLEP2010.

Currently, the Subject Site is occupied by a single storey brick building that is currently used as consulting rooms for medical specialists. The proposed development would facilitate the upgrade and improvement of the Subject Site to support its continued operation by the same users for the purpose of a medical centre. The existing building is proposed to be demolished, as shown in the Architectural Plans provided by Bell Architecture in **Appendix 4**.

The Subject Site is located on a corner lot and is bounded by Orth Street to the south and Somerset Street to the west. The Subject Site is accessible via Somerset Street, with cars able to access the Subject Site's allocated parking spaces via Somerset Street as displayed in the Architectural Plans (**Appendix 4**). Kingswood Railway Station is located approximately 410 m from the Subject Site, with bus services available from Derby Street, 210 m to the south.

The Subject Site is surrounded by further MU1 Mixed Use, RE1 Public Recreation zoned land to the north and SP2 – Health Service Facility to the west. The Subject Site is located within the Penrith Health and Education Precinct area as defined by the PDCP2014 and is ideally located in proximity to other health and education related development. These include:

- Immediately to the west of the Subject Site is the Nepean Hospital;
- Immediately to the east of the Subject Site is the Matilda Nepean (private hospital);
- Further to the south on Somerset Street is the Somerset Private Hospital; and
- Other medical centres/ health related services located in the proximity include Nepean Dermatology, Nepean Lung and Sleep, Douglas Hanly Moir Pathology, Exact Hearing Services, Physio Inq Penrith, Penrith Chiropractic Centre and Collaborative Disability Care.

Refer to **Figure 1** and **Figure 2** below.



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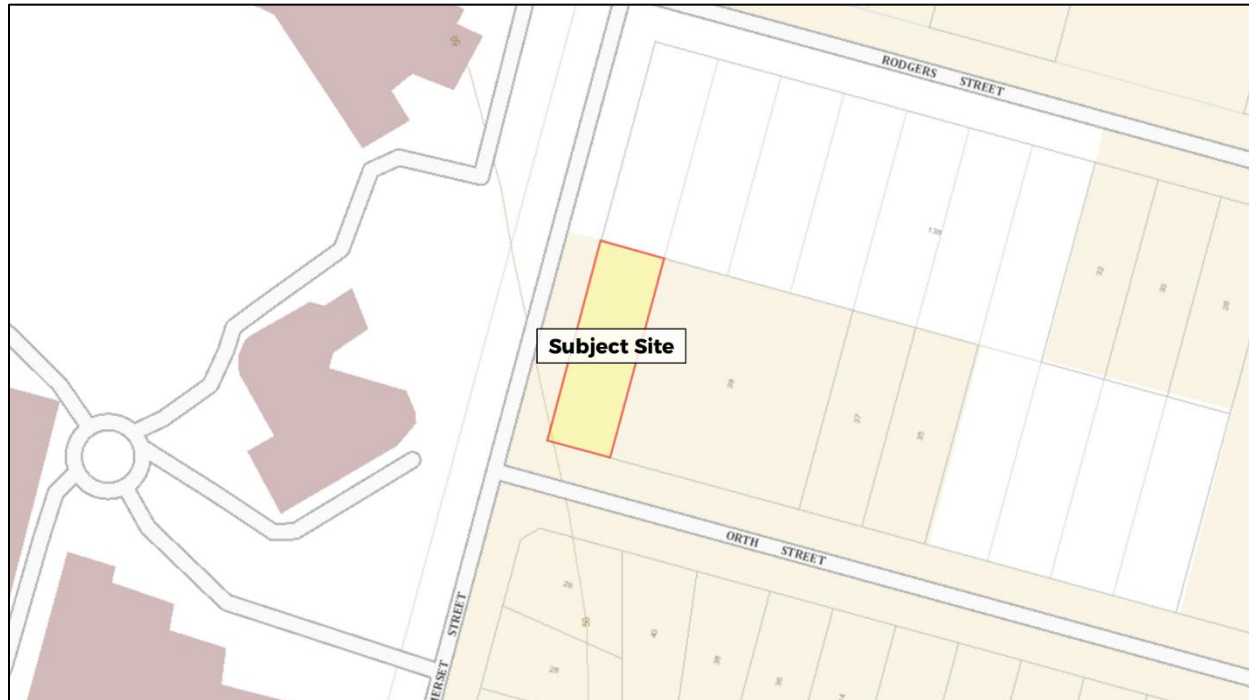


Figure 1. Cadastral Map (Source: SIX Maps, 2023)

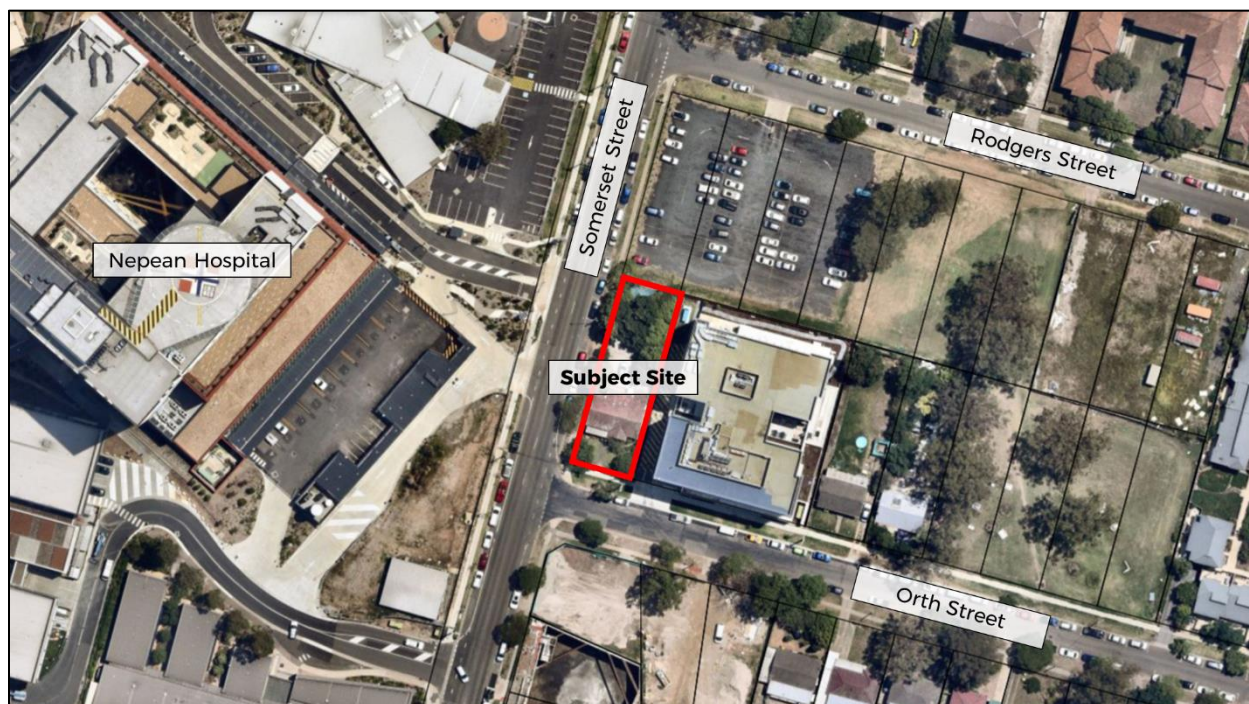


Figure 2. Aerial Map (Source: Near Map, 2023)



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Proposed Demolition and Construction of Medical Centre and Cafe
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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposed development is for the construction and operational use of a Medical Centre and Café. The Subject Site currently operates as a Medical Centre as a private medical practice comprising consulting rooms. The current users would also be the future end user of the proposed Medical Centre. The development includes the demolition, removal of the existing built form and 29 trees and construction of a new two-storey building addressing Somerset Street, car parking, rooftop garden, ground level café and associated landscaping.

3.2 DEVELOPMENT STATISTICS

The proposed development includes the following scope of works:

- Demolition and site preparation works
 - Removal of 29 trees
 - Demolition of existing built form on-site including all ancillary components
- Construction of two-storey building including the following components
 - Car parking
 - Associated Landscaping
- Operational use for the Subject Site as a Medical Centre and Café

The proposed demolition and construction of Medical Centre and Café includes those works as identified in **TABLE 3** below.

| TABLE 3. DEVELOPMENT PARTICULARS | |
|----------------------------------|---|
| Component | Proposed |
| Site Area | 732 m ² |
| Primary Land Use | <ul style="list-style-type: none">▪ Medical Centre – suited to the needs of medical consulting for medical specialists; and▪ Cafe – to be operated by a third party. |
| Gross Floor Area | 601 m ² <ul style="list-style-type: none">▪ Ground Floor: 179 m²▪ Level 1: 422 m² |
| Floor Space Ratio | 0.82:1 |
| Building Height | 11.5 m |
| Number of Storeys | Two-storey building with roof garden. |
| Landscaping | 39 m ² |
| Roads / Driveways | Removal of one (1) driveway located along Somerset Street and the addition two (2) new vehicle ingress and egress locations along Somerset Street. |
| Car Parking | 17 parking spaces (including one (1) disabled persons space) |
| Bicycle Parking | Two (2) secure bike parking locations have been provided |



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| | |
|---------------|---|
| Tree Removal | 29 trees proposed to be removed |
| Signage | Three (3) proposed signs |
| Cost of Works | \$8,294,000 (including GST) (Appendix 12). |

3.2.1 Proposed Demolition and Site Preparation Works

The proposed development includes demolition and site preparation works to facilitate the proposed built form to be located on the Subject Site. Accordingly, the proposed demolition includes the demolition and removal of the existing:

- Built form;
- 29 trees;
- Car parking area;
- Existing fencing;
- Driveway along Somerset Street;
- 'Sail' shade structure adjacent to the northern boundary;

One (1) tree is proposed to be removed that is located on Council land in the footway along Somerset Street to facilitate the proposed built form.

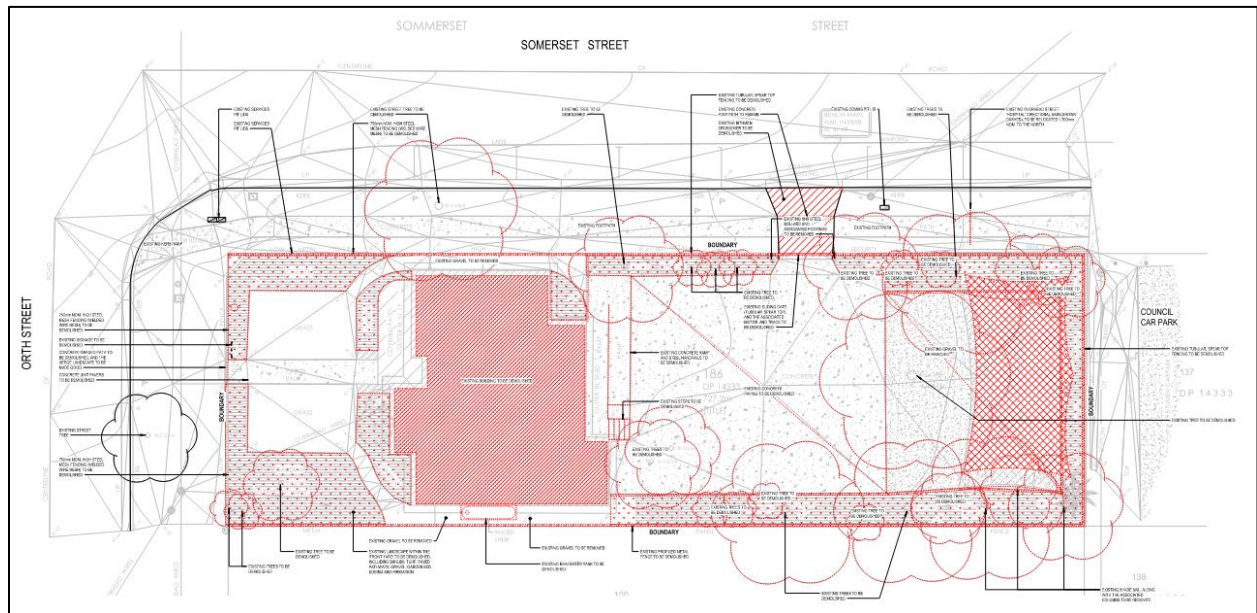


Figure 3. Demolition Plan (Source: Bell Architecture, 2023)

3.2.2 Proposed Construction of Medical Centre

The proposed development is for the construction of a Medical Centre and Café. The proposal comprises the following development particulars identified in the Architectural Plans (**Appendix 4**) and include:

- Construction of two-storey building including the following components:
 - Car parking;



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- Associated Landscaping;
- Ground floor café tenancy;
- Rooftop garden;
- Boardroom;
- 12 medical consulting rooms;
- Three (3) business identification signs; and
- Footway awning along Orth Street and Somerset Street.

Refer to **Figure 4** and **Figure 5** below.

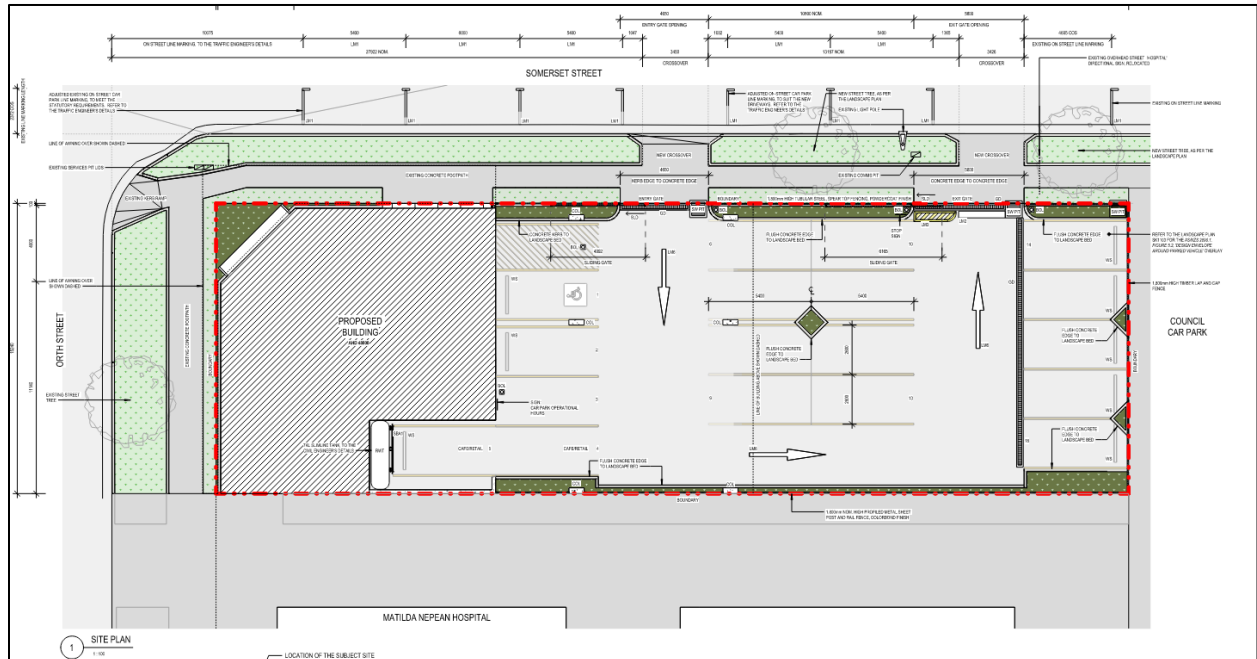


Figure 4. Site Plan (Source: Bell Architecture, 2023)



Figure 5. Development Perspective Drawing (Source: Bell Architecture, 2023)



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Proposed Demolition and Construction of Medical Centre and Cafe
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3.2.3 Change of Primary Address

The Subject Site currently has a primary address of 45 Orth Street, Kingswood and a secondary address of 22 Somerset Street, Kingswood. Subject to approval of the proposal, the Subject Site has been designed to have primary pedestrian and vehicle access from Somerset Street on the west side of the Subject Site. Accordingly, to ensure coherent wayfinding and to the site access points, it is requested that the Subject Site's primary address be changed to 22 Somerset Street, Kingswood.

3.3 OPERATIONAL DETAILS

The proposal seeks to operate a Medical Centre and Café. The Medical Centre is to be operated by the current site users with the proposed details further documented in **TABLE 4**.

| TABLE 4. OPERATIONAL DETAILS | |
|------------------------------|---|
| Component | Proposed |
| Nature of Use | Medical Centre and Café (food and drink premises) |
| Hours of Operation | 8am – 6pm, seven (7) days per week |
| Number of Staff | <p>Medical Centre</p> <ul style="list-style-type: none">▪ A maximum of four (4) full time equivalent (FTE) consultants at any one time.▪ A maximum of three (3) FTE support staff (nurses/administrative assistants) at any one time. <p>Café</p> <ul style="list-style-type: none">▪ Maximum of two (2) staff members at any one time |
| Vehicle Types | Light vehicles and waste collections services. |
| Number of Vehicle Movements | 2.8 vehicles per hour during peak periods |
| Storage of Dangerous Goods | No dangerous goods are proposed to be stored on the Site. |

The proposed café will be leased out to a future operator upon completion of the development. As such, the operational details of the future cafe operator are not known at this stage.



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Subject Site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Heritage Act 1977*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Planning Context

- *Penrith Local Environmental Plan 2010*
- Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development
- Penrith Development Control Plan 2010

Strategic Context

- Penrith Local Strategic Planning Strategy

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires



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approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 5** below.

| TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS | |
|---|---|
| Section | Response |
| Section 4.15(1)(a)(i) any environmental planning instrument, and | The PLEP2010 is the relevant Environmental Planning Instrument (EPI) applying to the Subject Site, which is assessed in Section 4.4 of this SEE. |
| Section 4.15(1)(a)(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | It is understood that no draft environmental planning instruments apply to the Subject Site. |
| Section 4.15(1)(a)(iii) any development control plan, and | The <i>Penrith Development Control Plan 2014</i> (PDCP2014) applies to the Subject Site and is addressed in Section 4.4.2 and Appendix 2 of this SEE. |
| Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | It is understood that there are no voluntary planning agreements (VPA) applicable to the Subject Site. |
| Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), | The EP&A Regulation is addressed in Section 4.3.2 of this SEE. |
| Section 4.15(1)(b)-(c) | These matters are addressed in PART E of this SEE. |



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Pursuant to Division 4.2 of the EP&A Act, the consent authority for the proposed development is Penrith City Council.

4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters that require consent from the consent authority and one (1) or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

The proposed development would not constitute Integrated Development and does not require referral under Section 4.46 of the EP&A Act.

4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

| TABLE 6. HOW THE DA IS MADE | |
|---|--|
| Considerations | Response |
| Division 1 – Making development applications | |
| <i>Section 23 – Persons who may make development applications</i> | |
| (1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land. | This DA is made by Axis Trust. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made. |
| <i>Section 24 – Content of development applications</i> | |
| (1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal. | The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal. |
| <i>Section 25 – Information about concurrence or approvals</i> | |
| A development application must contain the following information— (a) a list of the authorities – (i) from which concurrence must be obtained before the development may lawfully be carried out, and | It is understood that the proposed development does not trigger any referrals or concurrence from other authorities. |



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| | |
|---|--|
| <p>(ii) <i>from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,</i></p> <p>(b) <i>a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</i></p> | |
|---|--|

4.3.3 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

The Subject Site is not located within 40 m of a watercourse. Accordingly, referral is not required.

4.3.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

Notwithstanding, the Subject Site is not identified as containing biodiversity significant land.

4.3.5 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposed development does not constitute a Scheduled Activity under Schedule 1 of the POEO Act and does not require an Environmental Protection License (EPL).

4.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:



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- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the Subject Site, the following matters are highlighted.

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Notwithstanding, upon review of the historic consents and development that has occurred on the land, the Subject Site is not considered to have been used for any purposes which may have contaminated the land or that would require any remediation works to be carried out.

4.3.7 State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) contains planning provisions relating to:

- employment land in western Sydney.
- advertising and signage in NSW.

Chapter 3 of the Industry and Employment SEPP applies to all signage:

- (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and*
- (b) is visible from any public place or public reserve.*

The proposal includes the following signage:

- Three (3) business identification signs

The specification and location of the proposed signage is provided in the Architectural Plans located within **Appendix 4** of this SEE.

Pursuant to Clause 3.8 of the Industry and Employment SEPP, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:



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- (a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

Aims and Objectives of Chapter 3 Advertising and Signage

The aims of Chapter 3 of the Industry and Employment SEPP are:

- (1) *This Chapter aims—*
 - (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
 - (b) *to regulate signage (but not content) under Part 4 of the Act, and*
 - (c) *to provide time-limited consents for the display of certain advertisements, and*
 - (d) *to regulate the display of advertisements in transport corridors, and*
 - (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) *This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.*

Assessment Criteria

The Assessment criteria under Schedule 5 of the Industry and Employment SEPP are addressed in **TABLE 7**.

| TABLE 7. SEPP 64 ASSESSMENT CRITERIA | |
|--|---|
| Criteria | Comment |
| 1. Character of the area | |
| Is the proposal compatible with the existing or desired future character of the area or locality in which is to be located? | Yes, the proposed signage is compatible with the existing and desired future character of the Subject Site and other development within the immediate area, which is primarily other commercial and mixed-use developments. |
| Is this proposal consistent with the particular theme for outdoor advertising in the area or locality? | Yes, as above. |
| 2. Special Areas | |
| <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i> | The proposed signage has been designed to be commensurate with the existing character of the area and not detract from the public amenity along Orth Street or Somerset Street. |



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| 3. Views and vistas | |
|---|---|
| <i>Does the proposal obscure or compromise important views?</i> | No. The proposed signage is to be located flush on the wall of the proposed building and is of height and scale consistent with the built form on the Subject Site and would not disrupt or dominate views toward the Subject Site. |
| <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> | No, the proposed signage would be of a height and scale consistent with the built form on the Subject Site and would not dominate the skyline. |
| <i>Does the proposal respect the viewing rights of other advertisers?</i> | Yes, the signage would not obstruct any other signage or advertising. |
| 4. Streetscape, setting or landscape | |
| <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> | Yes. The proposed signage has been designed in respect of the proposed built form on the Subject Site to effectively identify the business. The proposed signage is compatible with the character of the Subject Site and its surrounds as detailed above. |
| <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> | Yes. The proposed signage would visually define the business occupying the Medical Centre and ground level Café and would be integrated with the Subject Site to create a visually coherent built form. Furthermore, the proposed signs are of high quality design, materials and finishes that will contribute to the visual interest and of the streetscape and Subject Site. |
| <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> | <p>Yes. The proposed signage relates to business identification, comprising three (3) flush wall signs on the western and south eastern elevations of the proposed building. The proposed signage is of appropriate size, scale and spaced to be suitable within the area.</p> <p>Given the above, the proposed signage would not cause any clutter.</p> |
| <i>Does the proposal screen unsightliness?</i> | No. The proposed sign is not used as a visual screen or filter. |
| <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i> | No. The signage would not protrude above the roof line or tree canopy. |
| <i>Does the proposal require ongoing vegetation management?</i> | No. The proposed sign would not require ongoing vegetation management. |
| 5. Site and building | |



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| | |
|---|--|
| <i>Is the proposal compatible with the scale proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> | Yes. The proposed sign is of a suitable scale and design for its intended purpose to effectively identify the building and tenants on-site and would integrate with the proposed built form and façade design to achieve visual coherence. |
| <i>Does the proposal respect important features of the site or building, or both?</i> | Yes. The signage does not obscure any important architectural features of the building. |
| <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i> | Yes. The proposed signage has been integrated with the layout of the Subject Site so as not to obstruct any vehicle or pedestrian movements and achieve a positive visual outcome. |
| 6. Associated devices and logos with advertisements and advertising structures | |
| <i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i> | No safety devices, platforms, lighting devices or logos have been designed as an integral part of the signage or structure on which it is to be displayed. |
| 7. Illumination | |
| <i>Would illumination result in unacceptable glare?</i> | N/A – illumination is not proposed. |
| <i>Would illumination affect safety for pedestrians, vehicles, or aircraft?</i> | N/A – illumination is not proposed. |
| <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i> | N/A – illumination is not proposed. |
| <i>Can the intensity of illumination be adjusted, if necessary?</i> | N/A – illumination is not proposed. |
| <i>Is the illumination subject to a curfew?</i> | N/A – illumination is not proposed. |
| 8. Safety | |
| <i>Would the proposal reduce the safety for any public road?</i> | No. The proposed signs are not located over any public road. Therefore, the proposed signs do not reduce the safety of any public road. |
| <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i> | No, the proposal would not obstruct any pedestrian or cycle routes or infrastructure and therefore would not negate the safety of pedestrians or bicyclists. |
| <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i> | No, the proposed signage would not obscure any sightlines from public areas frequented by pedestrians. Neither would the proposed signage obstruct any vehicle sight lines from public roads. |



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4.3.8 State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) sets standards for both non-residential and residential development and implement the official process of measuring and reporting on the embodied emissions of construction materials.

Chapter 3 sets out standards for non-residential development. Pursuant to Clause 3.1(1)(a), as the proposed development is for the construction of a new non-residential building that has a CIV of greater than \$5 million, the Sustainable Buildings SEPP applies to the proposed development. For clarity it is noted that the proposal is not categorised as a 'large commercial development'. Clause 3.2 outlines the matters for consideration that the consent authority prior to granting development consent:

The proposed development has been designed to enable the following:

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*
- (g) the metering and monitoring of energy consumption,*
- (h) the minimisation of the consumption of potable water.*

The proposed development has been designed to satisfy the requirements of the Sustainable Buildings SEPP.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Penrith Local Environmental Plan 2010

The PLEP2010 is the primary Environmental Planning Instrument that applies to the Subject Site.

The relevant provisions of PLEP2010 as they relate to the Subject Site are considered in the following subsections.

4.4.1.1 Zoning and Permissibility

The Subject Site is located within the MU1 Mixed Use zone under the PLEP2010 as shown in **Figure 6**.



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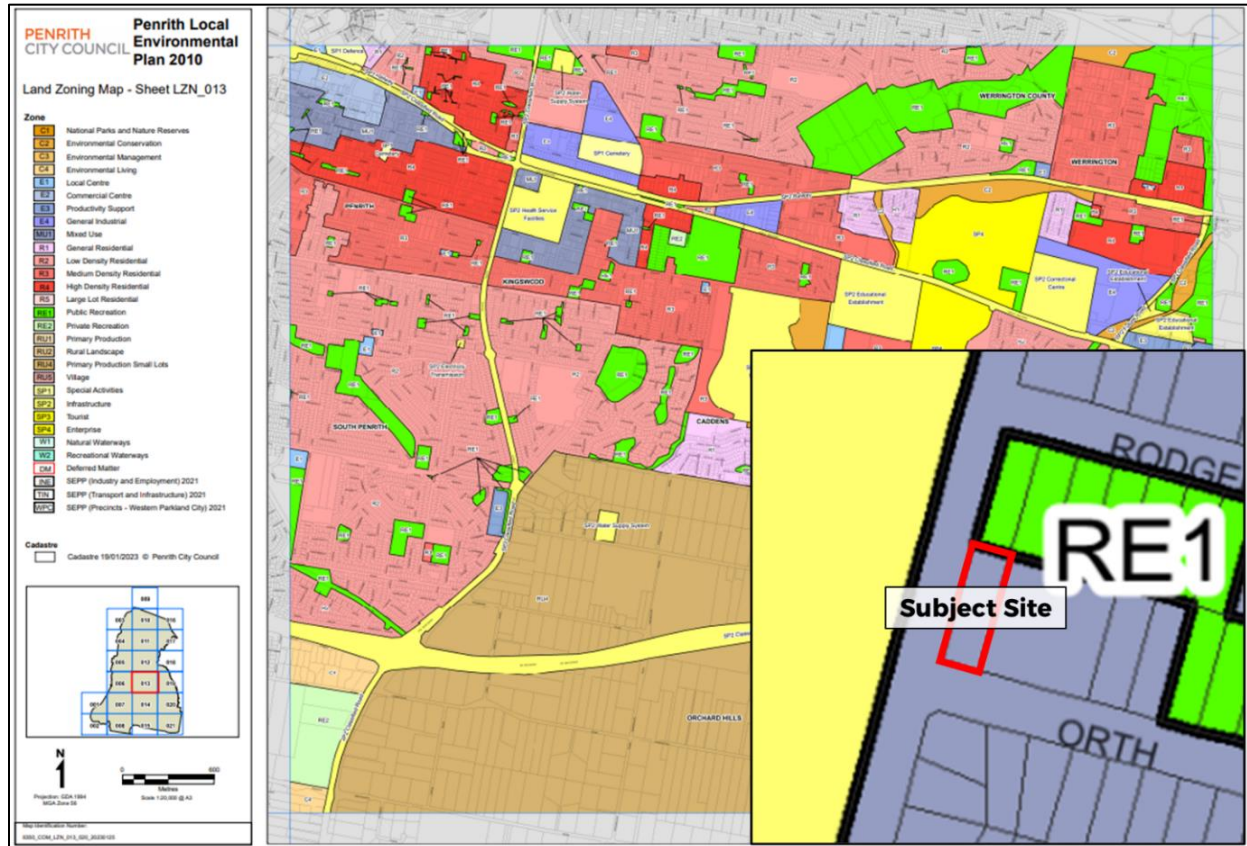


Figure 6. PLEP2010 Zoning Map (Source: NSW Legislation, 2023)

The objectives of the MU1 Mixed Use zone include:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To allow for residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

Within the MU1 Mixed Use zone, the following development is permitted without consent:

- Home occupations

Within the MU1 Mixed Use zone, the following development is permitted with consent:

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Entertainment facilities; Environmental facilities; Environmental



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*protection works; Flood mitigation works; Function centres; Home businesses; Home-based child care; Information and education facilities; Light industries; Local distribution premises; **Medical centres**; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals*

Within the MU1 Mixed Use zone, the following development is prohibited:

Rural workers' dwellings; Any other development not specified in item 2 or 3

The proposed development comprises a medical centre and is consistent with the definition provided above, and permissible with consent in the MU1 Mixed Use zone.

The proposed development includes the addition of a cafe located on the ground floor. Pursuant to the PLEP2010, the cafe is permissible with consent in the MU1 Mixed Use zone being identified as a commercial premises, that is a retail premises, that is a food and drinks premises as defined below.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) **retail premises.**

Accordingly, a retail premises is defined as;

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (b) (Repealed)
- (c) **food and drink premises,**
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,
- (o) but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Accordingly, a food and drink premises is defined as;



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food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Both proposed uses permissible with consent within the MUI Mixed Use zone. Additionally, the proposed development supports the zone objectives through the provision of diverse employment generating opportunities and encouraging active street frontages within a location that is compatible with its surrounding land uses and adjoining zones.

4.4.1.2 Development Standards

TABLE 8 outlines the developments consistency and compliance with the relevant development standards and controls under PLEP2010.

| TABLE 8. DEVELOPMENT STANDARDS | |
|--|---|
| Clause | Comment |
| Clause 4.1 – Minimum Lot Size | The Subject Site is subject to a minimum lot size of 400 m ² pursuant to the PLEP2010. Notwithstanding, no subdivision is proposed as part of this development. |
| Clause 4.3 – Height of Buildings | The Subject Site is subject to a height limit of 18 m pursuant to the PLEP2010 (refer to Figure 7). The proposed development exhibits a height of 11.5 m as displayed in the Architectural Plans (Appendix 4), complying with Clause 4.3. |
| Clause 4.4 – Floor Space Ratio | The Subject Site is subject to a maximum FSR of 3.5 pursuant to the PLEP2010 (refer to Figure 8). The proposed development has a FSR of 0.8:1, complying with Clause 4.4. |
| Clause 4.6 – Exceptions to development standards | No exception to any development standard is proposed as part of this development. |
| Clause 5.10 – Heritage | The Subject Site is not identified as containing a heritage item, nor is it located in a Heritage Conservation Area (HCA). |
| Clause 5.21 – Flood planning | The Subject Site is not identified as being in a flood planning area. |
| Clause 7.8 – Active Street Frontages | The western side of the Subject Site along Somerset Street is identified on the Active Frontages Map pursuant to the PLEP2010 (refer to Figure 9). |



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Accordingly, the proposed development has been designed to address Somerset Street and provide an active frontage at the street level as displayed in the Architectural Plans (**Appendix 4**).



Figure 7. PLEP2010 Height of Buildings Map (Source: NSW Legislation, 2023)



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Figure 8. PLEP2010 Floor Space Ratio Map (Source: NSW Legislation, 2023)

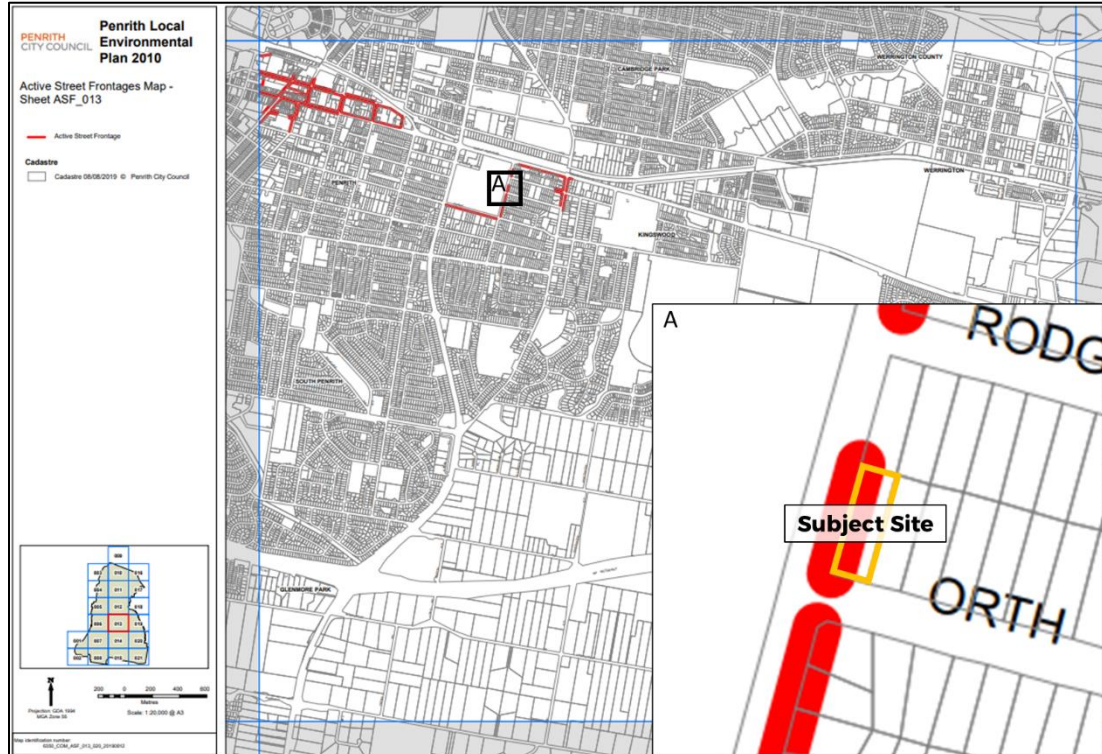


Figure 9. PLEP2010 Active Street Frontages Map (Source: NSW Legislation, 2023)



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4.4.2 Penrith Development Control Plan 2010

The PDCP2014 provides detailed planning and design guidelines to support the planning controls of the PLEP2010.

An assessment of the proposal against the relevant sections of the PDCP2014 is provided at **Appendix 2**.

4.4.3 Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development

The *Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development* (Penrith S7.12 Contributions Plan) is the relevant contribution plan that relates to the Site. The plan applies to any non-residential development with a proposed cost of more than \$100,000 that is not otherwise subject to a S7.11 contribution. The proposed development has a CIV of greater than \$100,000 and is for development relating to a Medical Centre and Café, therefore the contributions plan applies.

TABLE 12 demonstrates the applicable Section 7.12 Fixed development consent levy rate per resident, worker and visitor under this plan.

| TABLE 9. PENRITH S7.12 CONTRIBUTIONS PLAN CONTRIBUTIONS RATE | |
|--|-------------------|
| Development Type | Levy Rate |
| Up to and including \$100,000 | Nil |
| More than \$100,000 and up to an including \$200,000 | 0.5% of that cost |
| More than \$200,000 | 1% of that cost |

It is noted that the newly introduced Housing and Productivity Contribution (HPC) may also apply to the proposed development.

4.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Subject Site.

4.6 STRATEGIC PLANNING CONTEXT

4.6.1 Penrith Local Strategy Planning Statement

The *Penrith Local Strategy Planning Statement – Wagga Wagga 2040* (WWLSPS) applies to the Subject Site. The PLSPS outlines Penrith's economic, social and environmental land use over the next 20 years, highlighting the characteristics that make the area special and outlining how growth and change will be managed in the future.

The PLSPS identifies 21 planning priorities that are divided into 10 themes. In particular the proposed development supports Planning Priority 13;

Reinforce The Quarter as a specialised health, education, research and technology precinct



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The proposal development will result in a medical centre within the health and education precinct, supporting the existing agglomeration benefits seen within the locality, meeting the needs of private health practitioners, and supporting the wider community through the provision of a high quality and fit for purpose medical centre.



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Proposed Demolition and Construction of Medical Centre and Cafe
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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

In its existing state, the Subject Site comprises a medical centre and café, which is permissible within the MU1 Mixed Use zone under PLEP2010. The proposed medical centre and cafe are considered compatible with the surrounding land uses within the MU1 Mixed Use zone and the Penrith Health and Education Precinct as identified by the PDCP2014. The use of the Subject Site for the purpose identified is further supported by Penrith Council during the Pre-Lodgement Meeting, with the Pre-Lodgement notes provided (**Appendix 1**), “Your proposed use as medical consulting rooms and a cafe is a suitable use for this precinct and will support the vitality and functionality of the area.” Additionally, the proposal does not adversely impact on the functionality of the adjoining SP2 Health Services Precinct zone to the west or RE1 Public Recreation zone to the north. Rather, the proposed development, would be considered consistent with prevailing development in the immediate vicinity, as well as the wider locality.

5.2 BUILT FORM

The proposed built form has been designed to be of commensurate bulk, height and scale to the adjoining sites and prevailing built form in the area as displayed in the Architectural Plans (**Appendix 4**). The proposed development would be complemented by a high quality design and construction in order to positively reflect and contribute to the Subject Site and wider locality. The proposed built form would display the appropriate scale and visual appearance that is consistent with the existing built-form, and surrounding development of the Penrith Health and Education Precinct within the Penrith LGA and would reinforce the mixed-use character of the area.

Setbacks

The side and rear setbacks are determined based on the proposed building height of 11.5 m.

In order to provide a development that comprises efficient and effective use of the land for the purpose of a medical centre and cafe, the proposed layout has been designed to address Somerset Street and encroaches on the 4 m setback.

Notwithstanding, the proposed built form has been designed to ensure a high-quality interface along Somerset Street that is commensurate with the existing and desired character of the area. The building includes appropriate articulation, an awning, architectural features and views in and out of the ground level cafe that complement the streetscape and surrounds. Additionally, the chamfered corner of the building and landscaping in the southwest corner of the Subject Site serve to complement the adjoining streets and reduce any adverse visual impact.

In accordance with Clause 4.15(3A)(b) of the *Environmental Planning and Assessment Act 1979 No 203*, flexibility with the standards set out in the PDCP2014 is sought given the site constraints and design solutions presented above and illustrated in the Architectural Plans (**Appendix 4**) that still achieve the objects of the control.



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5.2.1 Height

The Site is subject to a maximum building height of 18 m pursuant to the PLEP2010. The proposed development has a height 11.5 m. The rooftop of the building has been designed to provide a private open space for employees of the Subject Site and planter boxes and landscaping has been provided to ensure pleasant views of the Site from adjoining development that is higher than the proposed including Matilda Nepean to the east and Nepean Hospital to the west.

5.2.2 Landscaping

The proposed development includes a total of 39 m² of deep soil landscaping, representing 5.33 % of the Subject Site. Notwithstanding, due to the site constraints, the proposed development has been designed to include the provision of 116 m² of landscaping on the roof area. Pursuant to the PDGP2014, planting on roofs is a suitable component of mixed-use development. The total landscaping (including deep soil and rooftop landscaping) provided on the Subject Site is 155 m², representing 21.17 % of the total site area. Furthermore, the rooftop landscaping will improve the amenity of the locality as the roof level can be easily viewed from the neighbouring taller buildings at Matilda Nepean and Nepean Hospital.

5.3 TRAFFIC & TRANSPORT

A Traffic and Parking Impact Assessment has been prepared by Headway Traffic and Transport and can be found at **Appendix 3**.

5.3.1 Traffic Generation

The vehicle trip generation is based on the Transport for NSW (TfNSW) Trip Generation Surveys Medical Centres August 2015. Reviewing the data collected, a comparative facility was selected to determine the estimated peak hour trip generation. Site 13 (Bankstown Medical Centre) was selected due to the proximity to public transport and similar size of the development. The intended operation of the café is not to produce additional or trips specific to the café, rather it is to serve visitors and staff within the local area. Additionally, the parking requirements from Councils DCP for cafés, does not consider parking for visitors, as such traffic generation associated with the café has been excluded.

| TABLE 10. PROPOSED VEHICLE TRIP GENERATION | | | |
|---|-------------------------|---------------------|---------------|
| Usage | Traffic Generation Rate | Multiplier (Doctor) | Vehicle Trips |
| Current Conditions - Daily Vehicle Generation | | | |
| Medical Consulting rooms | 2.8 trips per doctor | 3 | 8.4 |
| Proposed Conditions - Daily Vehicle Generation | | | |
| Medical Consulting Rooms | 2.8 trips per doctor | 4 | 11.2 |

The impacts associated with vehicle trip generation is limited and consistent with the existing usage resulting in approximately an additional 2.8 trips per peak hour from the current rate. This minimal increase is considered acceptable.



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5.3.2 Parking

The development is designed to operate with 4 (four) consultants and three (3) support staff. The parking calculations are based on *Section C10 Transport, Access and Parking* of the PDCP2014.

| TABLE 11. PENRITH S7.12 CONTRIBUTIONS PLAN CONTRIBUTIONS RATE | | | |
|---|---|-----------------|----------------|
| Usage | Parking Provision | Required Spaces | Provided Space |
| Medical Centre | 1 space per receptionist/support staff (3 support staff) | 3 | 3 |
| | 3 spaces per health care professional (4 health care professionals) | 12 | 12 |
| Café/Retail | 1 space per 6m ² of seating area (6m ² of seating area) | 1 | 1 |
| | 1 space per employee | 2 | 2 |
| Total | | 18 | 18 |

The parking provided satisfies the provisions of the PDCP2014. The sites proximity to public transport can be used to encourage active transport to reduce the parking demand for the Site.

As the development will also result in new/additional staff associated with the Subject Site, appropriate measures can be implemented during the hiring process to encourage and limit private vehicle usage.

5.3.3 Access and Loading

Vehicle access into the car park is provided through a one-way loop system removing the conflicts between entering and exiting vehicles. The implementation of the one-way loop has not resulted in any additional loss of on street parking if the access was from a single crossover in accordance with AS2890.5.

Refuse collection and deliveries will occur internally outside of typical business operating hours. The one-way loop system and carpark area will provide sufficient space for refuse vehicles to manoeuvre. It is not anticipated that there will be any medical waste generated from the development that may require special disposal.

A private waste collection service provider will be engaged to support the development with waste to be collected internally without impact to Somerset Street.

5.4 STORMWATER & EROSION & SEDIMENT CONTROL

5.4.1 Stormwater

A Stormwater Drainage Plan has been provided as part of the Civil Design Report and Plans provided by AT&L found at **Appendix 8**.

5.4.2 Erosion and Sediment Control

An Erosion and Sediment Control Plan has been provided as part of the Civil Design Report and Plans provided by AT&L found at **Appendix 8**.



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5.5 ACOUSTICS

An Acoustics Report has been prepared by Northrop in relation to the proposed development and can be found at **Appendix 5**.

A noise survey was conducted to measure the ambient noise at the Subject Site. The internal noise criteria were established based on the relevant Australian standards and guidelines. Additionally, the noise emission criteria and construction noise and vibration criteria were established based on relevant standards and guidelines.

The following Design Guidelines and Standards were assessed as part of the of Acoustics Report:

- PDGP2014
- NSW Noise Policy for Industry (NPfI), 2017, issued by NSW Environmental Protection Authority
- NSW Interim Construction Noise Guideline (ICNG), 2009, issued by NSW Department of Environment, Climate Change and Water
- Australian / New Zealand Standard 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors – issued by Standards Australia
- Australian Standard 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction – issued by Standards Australia
- Department of Environment and Conservation Assessing Vibration: A Technical Guideline, 2006 (AVaTG)
- German Standard DIN4150-3 2016 ‘Structural vibration: Effects of vibration on structures’ (DIN4150)

The following acoustics consideration were taken into account for the assessment of the proposed development:

- Noise intrusion into building from external sources, including:
 - Road traffic noise
 - Helicopter noise
- Noise emission from the Project, including:
 - Car park movements and road traffic noise
 - Mechanical plant
 - Rooftop outdoor seating
- Construction noise and vibration

15 minute attended measurements were conducted to characterise the acoustic environment around the Project as well as measuring the noise levels from traffic noise at the proposed building façade. Operator attended noise measurement survey was conducted with an integrating Type 1 sound level meter and windshield. Measurements were taken continuously, and the microphone was set to receive direct frontal sound and facing the direction of noise emission.

The operator attended noise measurements were performed on 10th October 2023 during peak traffic hours between 7am – 8am at locations M1 and M2, marked in blue in **Figure 10**. The results of which are presented in **TABLE 12** below.



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Proposed Demolition and Construction of Medical Centre and Cafe

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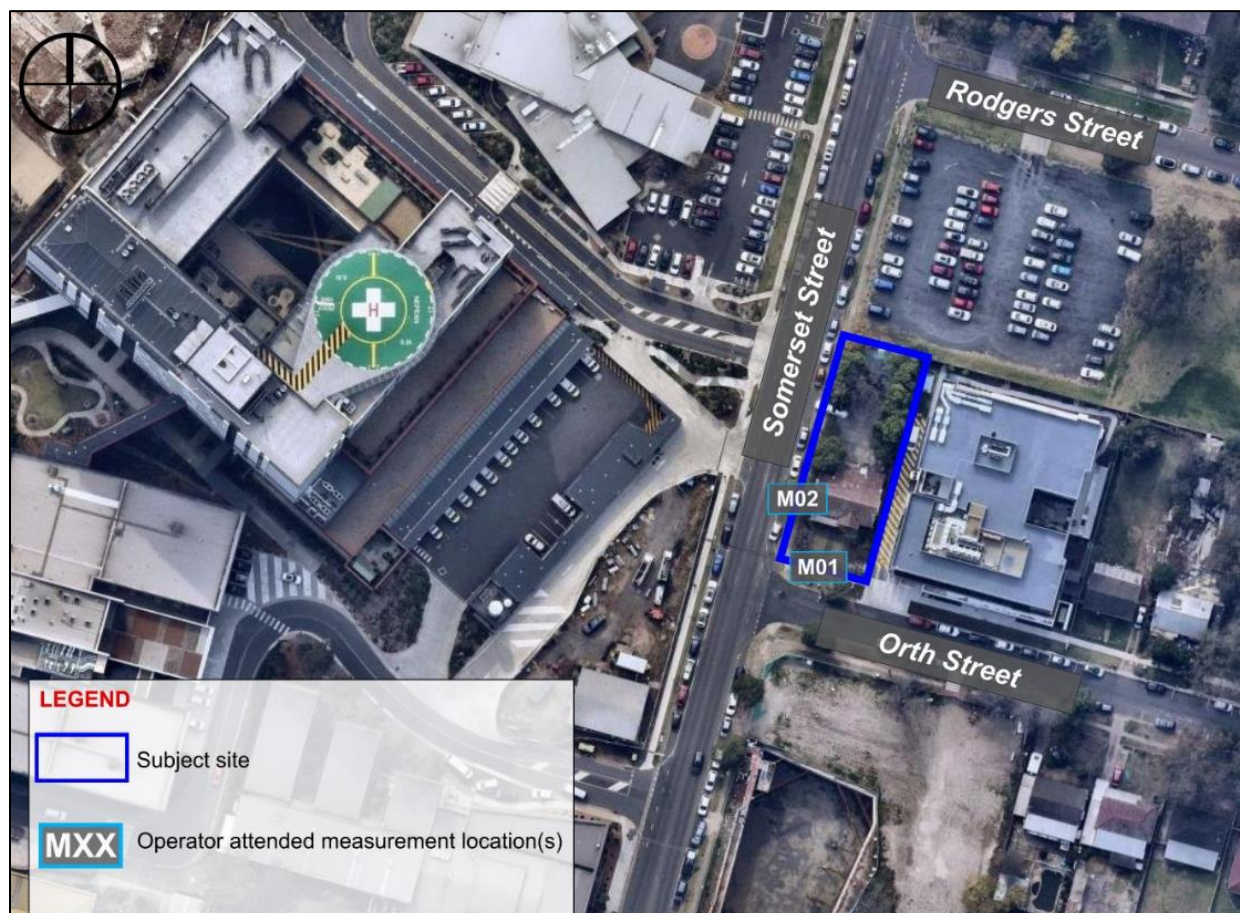


Figure 10. Operator Attended Measurement Locations (Source: Northrop, 2023)

TABLE 12. DEVELOPMENT STANDARDS

Operator Attended measurements

| Location | Measurement date and time | $L_{eq, 15 \text{ minute}}$ - dBA | $L_{10, 15 \text{ minute}}$ - dBA | $L_{90, 15 \text{ minute}}$ - dBA | Notes |
|----------|---------------------------|-----------------------------------|-----------------------------------|-----------------------------------|--|
| M1 | 07:00 -07:15 | 60 | 64 | 51 | Ambient noise dominated by traffic noise from Somerset Street and Orth Street and bird noises. |
| M1 | 07:15 -07:30 | 61 | 65 | 52 | Ambient noise dominated by traffic noise from Somerset Street and Orth Street and bird noises. |
| M2 | 07:49 -08:04 | 64 | 68 | 56 | Ambient noise dominated by traffic noise from Somerset Street and construction noise. |



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The report assessed the noise intrusion associated from the external ambient noise surrounding the project with recommendations provided in Sections 5.3 and 5.4 of the Acoustics Report to reach compliance with the internal noise criteria.

5.6 CONTAMINATION

Upon review of the historic consents and development that has occurred on the land, the Subject Site is not considered to have been used for any purposes which may have contaminated the land or that would require any remediation works to be carried out.

5.7 WASTE

5.7.1 Demolition and Construction Waste

A Demolition and Construction Waste Management Plan has been prepared for the proposed development and can be found at **Appendix 13**.

5.7.2 Operational Waste

An Operational Waste Management Plan (OWMP) has been prepared for the proposed development and can be found at **Appendix 7**.

Waste Storage

The Waste storage room is located within the building at Ground Level. The Waste store is accessed via the Entry foyer and the Car Park, through Corridor 1, and is intended to be utilised by the medical consulting facility and the café/retail tenancy. The waste collection contractors will have access to the Waste storage room after hours to undertake the removal of waste materials and return the emptied bins. Secure access to the Waste storage room will be provided via the external door at the car park (with entry via Corridor 1).

Type of Waste

The waste streams and associated maximum volumes (per week) that will be produced by the premises will be;

- General waste (660L),
- Organic green waste (240L), and
- Recycling – paper and plastics (240L).

There will also be a secure document bin (140L), which will be collected periodically by a third-party secure document destruction company. The bins will be stored in the Waste room at Ground Level of the building.



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Waste Collection

The waste pick up will occur within the Subject Site. Carpark space no. 3 provides the accessway to Corridor and the Waste store, for the removal of the bins. This car park will be assigned as staff member parking, and it will have signage detailing the designated car park space availability (e.g. No parking between 7pm and 7am Monday-Friday). The collection of waste will occur between the hours of 7pm and 7am. The collection is intended to occur one time weekly; the frequency can be adjusted if the need arises.

5.8 HERITAGE

The Subject Site has not been identified as containing any Historic (European) Heritage and / or Aboriginal Cultural Heritage items of significance.

5.9 FLORA AND FAUNA

An Arborist Report has been prepared by Canopy Consulting to accompany this DA and can be found at **Appendix 7**. The Arborist Report comprises an Arboricultural Impact Assessment and a Tree Protection Management Plan.

The report provides information on tree retention values, assesses project impacts, and offers recommendations for minimising negative impacts and preserving trees, where appropriate.

A total of 29 trees have major Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) encroachments due to the proposed development, including one (1) Council street tree. These will occur due to either in isolation or conjunction with the following:

- Being within the hardstand and/or development footprint for driveways, crossover, retaining walls or building.
- Being subject to unsustainable cut and fill activities that cannot be mitigated.

Tree 29, a council street tree located on Orth Street, is in very poor health due to an adjacent development that appears to have not installed tree protection. This tree is recommended for retention as it will not be significantly impacted by the development.

Additionally, Tree 24, a council street tree located on Somerset Street is proposed to be removed as it is located directly in front of the proposed main entry doors of the Site. The intent is to remove the street tree and plant two other street trees to the north within the Somerset Street verge zone as indicated in the Landscape Plan contained within the Architectural Plans (**Appendix 4**).

The proposed development will therefore see the removal of 29 trees and retention of one (1). For further detail and individual assessment of each tree, refer to the Arborist Report provided at **Appendix 7**.

5.10 CONSTRUCTION

Construction will be undertaken in accordance with Council's conditions of consent. Appropriate measures will be undertaken to mitigate any potential impacts from construction including dust, noise, odours, traffic impacts and erosion.



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5.11 BUILDING CODE OF AUSTRALIA

The proposed development is capable of complying with the Building Code of Australia. A BCA and Access Report has been provided by Steve Watson & Partners and can be found at **Appendix 8**.

5.12 ACCESSIBILITY

The proposed development is capable of complying with the BCA. A BCA and Access Report has been prepared by Steve Watson & Partners and can be found at **Appendix 8**. Additionally, an Accessibility Report has been provided by Bell Architecture and can be found at **Appendix 14**.

The report confirms that the proposed development is capable of complying with the applicable accessibility provision contained within the following:

- The NCC 2022 - Building Code of Australia;
- Disability (Access to Premises – Buildings) Standards 2010;
- AS1428.1-2009 General Requirements for Access – New Building Work;
- AS1428.4.1 -2009 Tactile Ground Surface Indicators; and
- AS2890.6-2009 Car Parking for People with Disabilities.

5.13 SUITABILITY OF SITE FOR DEVELOPMENT

The proposed development seeks to support the ongoing use of the Subject Site for the purpose of a Medical Centre. The works proposed are both permissible with consent and are consistent with the MUI Mixed Use zone objectives. Additionally, the proposed development aligns with the strategic objectives and priorities of the PLSPS as identified in **Section 4.6** above, through the provision of modern, high-quality medical centre located in the Penrith Health and Education Precinct that will support the Penrith community and existing and future medical patients across Sydney.

The proposed development provides an appropriate design response with its built form and scale consistent with its local context and prevailing character of the area. Where there are non-compliances with numerical controls of PDGP2014, suitable design solutions have been provided to meet these objectives.

The Subject Site is already serviced by the required utility services infrastructure. Suitable site ingress, egress and parking has been included in the development to maintain the efficient operating of the Subject Site and to ensure minimal traffic impacts to Somerset Street and the immediate road network.

The Subject Site is consequently highly suitable for the proposed development.

5.14 SUBMISSIONS

No submissions have been received in relation to the proposed development; however, the proponent is willing to address any submissions, should they be received by Council.

5.15 THE PUBLIC INTEREST

The proposed development is in the public interest as it:



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition and Construction of Medical Centre and Cafe
45 Orth Street, Kingswood (Lot 186, DP 14333)

- Supports the existing use of the Subject Site for the purpose of a medical centre and café within the well-established Penrith Health and Education Precinct and is consistent with the objectives of MUI Mixed Use zone;
- Shall not create any measurable environmental or amenity impacts on the surrounding sites or public domain; and
- Will result in additional employment generation.

The proposed development will have no adverse impact on the public interests and is in accordance with the aims and objectives of the PLEP2010 and PDCP2014. The development of the Subject Site will be carried out to support the continued use of the Subject Site for the primary purpose of medical centre that shall result in a positive impact for the Penrith LGA and the broader Region.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition and Construction of Medical Centre and Cafe
45 Orth Street, Kingswood (Lot 186, DP 14333)

PART F CONCLUSION

The proposed development for the proposed demolition and construction of a medical centre and cafe at the Subject Site, 45 Orth Street, Kingswood, is permissible with consent within the MUI Mixed Use zone pursuant to PLEP2010. The proposal is compatible with the zone objectives and would facilitate the intended use of land within the MUI zone, the Penrith Health and Education Precinct, and more broadly within the Penrith LGA. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed demonstrating that the proposed development is compatible with the surrounding environment.

The proposal has been prepared after taking into consideration the following key issues:

- The context of the Subject Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Penrith City Council.

The proposal is considered to warrant a favourable determination for the following reasons:

- It is appropriate within the context of the Subject Site and surrounding locality.
- The development shall not create any adverse amenity impacts on the surrounding sites or public domain.
- The proposed development is consistent with the relevant provisions of PLEP2010.
- The proposed development is considered generally consistent with the objectives and relevant provisions of the PDCP2014.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

