



Planning &
Infrastructure

**MAJOR PROJECT ASSESSMENT:
Nepean Health Precinct Mixed Use
Development Concept Plan (MP 09_0197)
and Stage 1 Project Application (MP
09_0220)**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

August 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	Aesthete No. 3 Pty Ltd
RtS	Response to Submissions

Cover Photograph: View north east of pedestrian plaza

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EXECUTIVE SUMMARY

This report is an assessment of an application by Aesthete No.3 Pty Ltd (the Proponent), seeking concept plan and concurrent stage 1 project approval for the demolition of existing buildings, construction of three new buildings, underground car parking, landscaping, site works and services at the corner of the Great Western Highway and Parker Street, Kingswood, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The site is located within the Nepean Health Precinct and has frontages to the Great Western Highway, Parker Street & Barber Avenue in Kingswood. The site is located within the Penrith Local Government Area.

The site currently contains three single storey cottages, a single storey church building, a car park as well as vacant and undeveloped land.

The Concept Plan seeks approval for three new mixed use buildings with a combined total GFA of 35,750m² including 2 x 7 storey buildings and a part 7 and part 8 storey building, construction of 761 car parking spaces across three basement levels, at grade car parking as well as vehicular egress on to the Great Western Highway, and provision of landscaping and construction of associated stormwater, infrastructure and utilities.

The Stage 1 Project Application seeks approval for the demolition of existing buildings on site, construction of 2 x 7 storey mixed use buildings with a combined GFA of 25,062m², construction of 449 car parking spaces across three basement levels, provision of landscaping and construction of associated stormwater, infrastructure and utilities.

The Capital Investment Value (CIV) of the Concept Plan is **\$108,906,616** and the CIV of the Stage 1 Project Application is **\$69,446,453**. The Concept Plan will create approximately 650 full time equivalent construction jobs, and approximately 2750 full time equivalent operational jobs.

The site is zoned Residential 2(d) under the *Penrith Local Environmental Plan 1998*. The residential component of the development is permissible in the zone, while the retail and commercial components of the development are prohibited.

The EA was exhibited from 27 January 2011 until 28 February 2011. The Department received seven (7) submissions from Public Authorities which included Penrith City Council, the Roads and Traffic Authority, Sydney Water, former Department of Environment Climate Change and Water, NSW Department of Health, Railcorp and Transport NSW. One submission was received from the Nepean Private Hospital. Issues raised in submissions related to built form, car parking, amount of proposed retail floor space, landscaping, pedestrian and cycle connectivity and impacts on water supply infrastructure.

On 5 May 2011, the Proponent submitted a Preferred Project Report (PPR) which detailed reduced overall heights of buildings, reduced gross floor area, and removal of a supermarket from the development.

The Department has assessed the merits of the proposal and considers that the key issues associated with the proposal relate to built form and urban design, traffic and transport, noise and vibration, ecologically sustainable development and the public interest. These issues have been assessed in detail and the Department is satisfied that they can be adequately mitigated and managed to ensure a satisfactory level of environmental performance, pursuant to section 75J of the EP&A Act.

The Department is satisfied the site is suitable for the proposed uses and that the project will provide significant social and economic benefits for the region, and is consistent with the Metropolitan Plan for Sydney 2036 and the North West Subregion Draft Subregional Strategy as it would:

- strengthen the potential specialised centre of Penrith Health and Education Precinct and support sustainable growth;
- ensure appropriate social infrastructure and services are located near transport, jobs and housing;
- ensure adequate land supply for economic activity, investment, jobs in the right location;
- promote Penrith regional city to underpin sustainable growth in a multi-centred city.
- contribute towards the employment capacity target of 130,000 new jobs within the North West Subregion by 2031 through the provision of approximately 650 construction jobs and 2750 full time operational jobs.

The Department therefore considers the proposal to be in the public interest and the Concept Plan and Stage 1 Project Application should be approved, subject to conditions.

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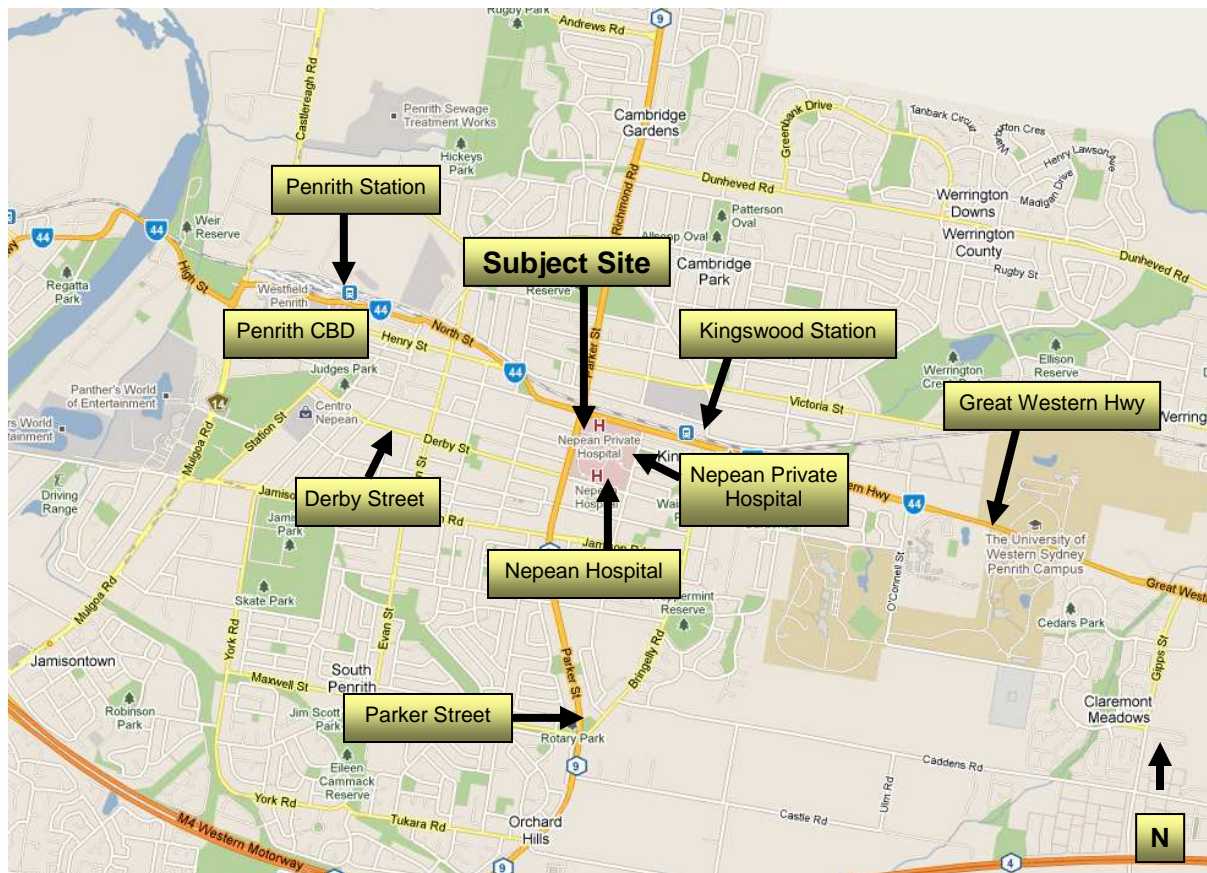
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1. BACKGROUND

1.1. The Site

The site is located in the Penrith Local Government Area (LGA) within the Nepean Health Precinct. The site is located on the corner of Parker Street and the Great Western Highway, Kingswood, and is legally described as Lot 1 in DP 1093052, Lots 4-6 in DP 29524, and Lot 100 in DP 701623. The project location is shown in Figure 1 below.

Figure 1: Project Location



The locality is serviced by commuter rail and bus services, and is located approximately 700m west of Kingswood Train Station. Additionally, the site is located 250m east of the nearest bus stop along the Great Western Highway, and 400m north of an alternative bus stop along Derby Street.

1.2. Existing Site Features

The site comprises five (5) allotments with a total area of approximately 9,571m². The site is "L" shaped and has frontages to the Great Western Highway, Parker Street, and Barber Avenue. The site slopes from the northern boundary to the south west corner with a drop of approximately 6m, and currently contains a single storey church building, three (3) single storey dwellings and a car parking area. The demolition of all buildings on site forms part of the Stage 1 Project Application.

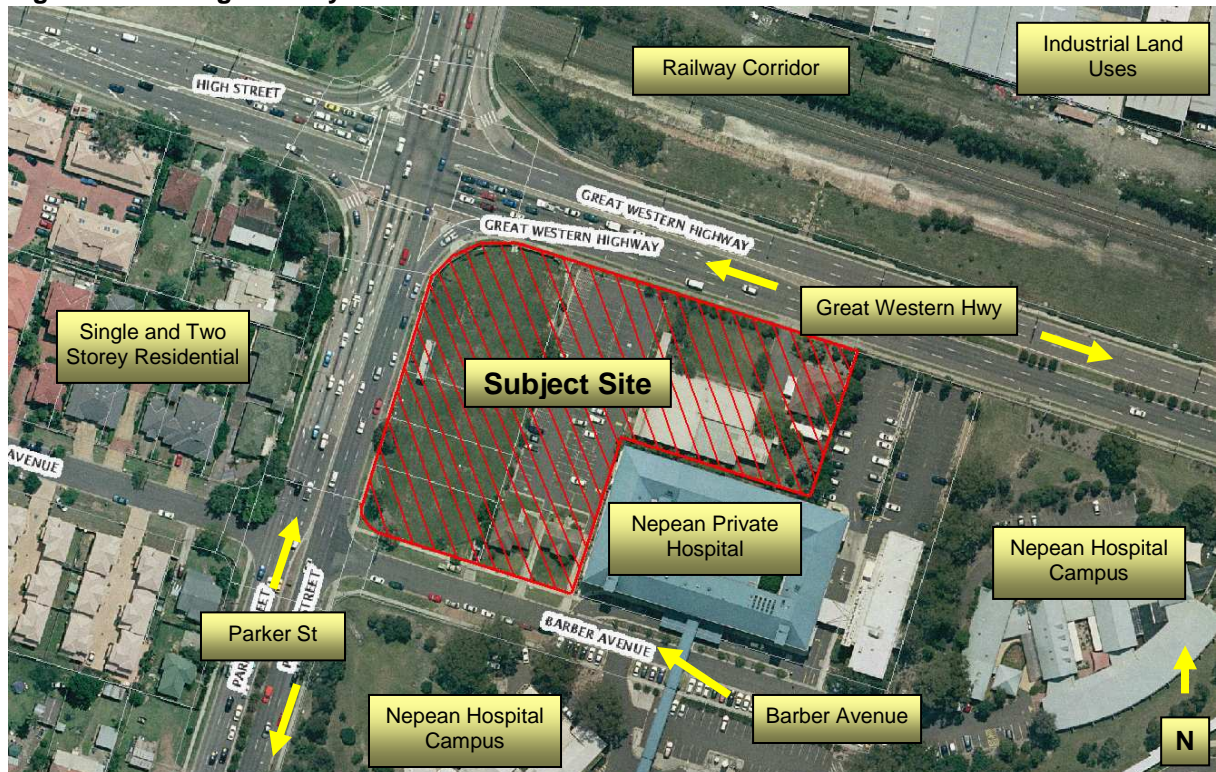
1.3. Surrounding Development

The subject site is located amongst a mix of medical and residential related uses which are detailed below:

- To the north of the site, beyond the Great Western Highway and railway line corridor, is a mix of industrial land uses;
- To the east of the site, is the Nepean Private Hospital and the Nepean Hospital Campus;
- To the south of the site is the Nepean Private Hospital, Barber Avenue and the Nepean Health Campus; and
- To the west of the site, beyond Parker Street, is a mix of single and two storey residential developments.

The existing site layout and surrounding development is shown in Figure 2 below.

Figure 2: Existing Site Layout



1.4. Strategic Context

1.4.1. NSW State Plan

The NSW State Plan seeks to achieve improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport. The State Plan aims to improve the design of cities, centres and suburbs and the proposal will achieve this through the development of complementary commercial, retail and residential land uses within the establishing Nepean Hospital Precinct. The proposal would contribute to a number of the plan's important priorities and targets, including the following:

- Increase the number of jobs closer to home;
- Increase business investment and support jobs;
- Grow cities and centres as functional and attractive places to live, work and visit;
- Improve and maintain access to quality healthcare in the face of increasing demand;

- Improve housing affordability;
- Develop a clean energy future; and
- Reduce waste.

1.4.2. Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036, which builds on the previous *Metropolitan Strategy: A City of Cities* and integrates with the *Metropolitan Transport Plan*, supports positioning Sydney as a globally competitive city. The Metropolitan Plan for Sydney 2036 identifies the health and education clusters of the Nepean Hospital and University of Western Sydney and TAFE campuses at Kingswood-Werrington as a potential specialised centre.

The proposed development will satisfy the Metropolitan Plan objectives to:

- focus activity in accessible centres;
- strengthen major and specialised centres to support sustainable growth of the city;
- ensure appropriate social infrastructure and services are located near transport, jobs and housing;
- ensure adequate land supply for economic activity, investment, jobs in the right location;
- ensure adequate supply of land and sites for residential development; and
- promote regional cities to underpin sustainable growth in a multi-centred city.

1.4.3. North West Subregion Draft Subregional Strategy

Penrith is identified as a regional city of Western Sydney in both the Metropolitan Plan for Sydney 2036 and the North West Subregion Draft Subregional Strategy. The Nepean Hospital Precinct forms part of the Regional City of Penrith and plays a vital role as an employment hub and service centre for Western and North Western Sydney. The proposal will also contribute towards the employment capacity target of 130,000 new jobs within the North West Subregion by 2031 through the provision of approximately 650 construction jobs and 2750 full time operational jobs.

2. PROPOSED PROJECT

2.1. Project Description

The proposal as described in the Environmental Assessment sought approval of a Concept Plan and concurrent Stage 1 Project Application.

2.1.1. Concept Plan

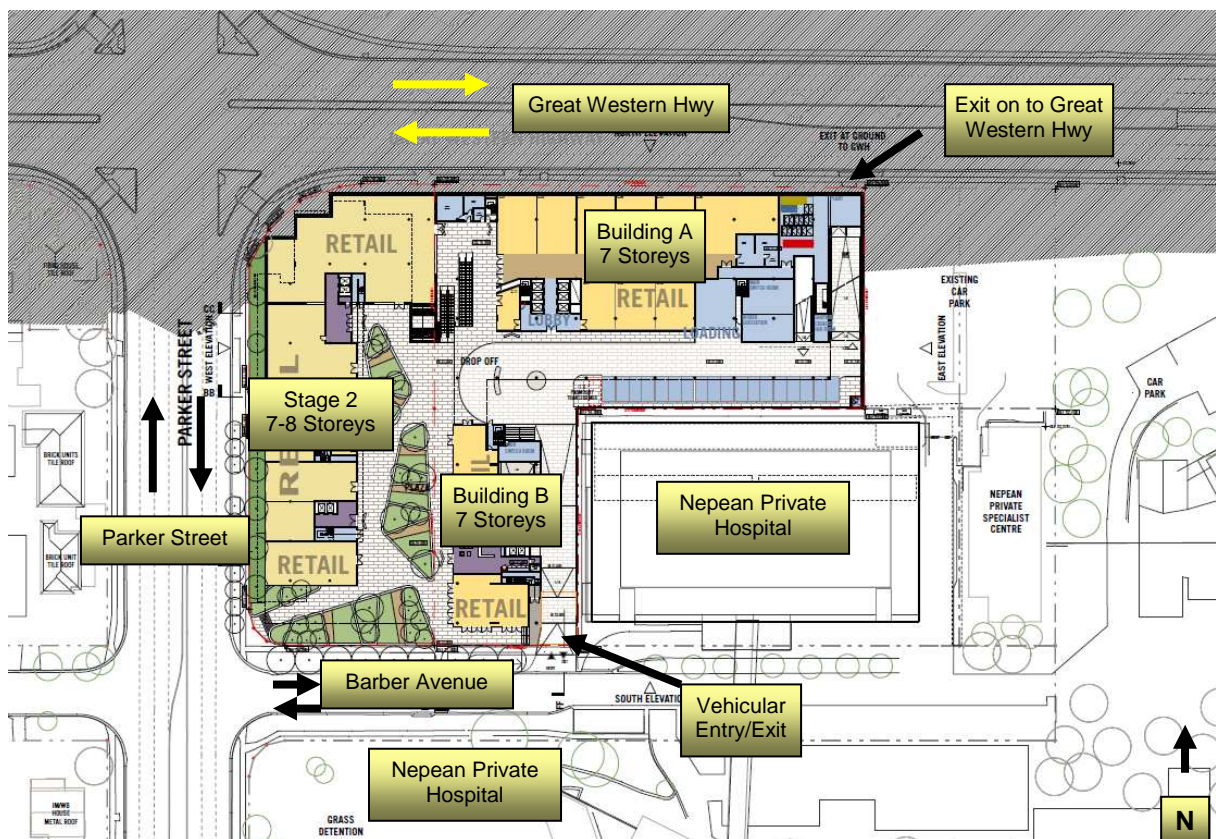
Concept Plan approval is sought for:

- Construction of three (3) new buildings with a combined total GFA of 35,750m² to be constructed across 2 stages of development, including:
 - Stage 1:
 - Construction of 2 x 7 storey buildings (Building A and B) with a combined GFA of 25,062m².
 - Stage 2:
 - Construction of 1 x 7 to 8 storey building with a GFA of 10,688m².
- Construction of 761 car parking spaces provided in three basement levels and at grade car parking, with vehicular egress on to the Great Western Hwy; and
- Provision of landscaping and construction of associated stormwater, infrastructure and utilities.

The site has an area of 9,571m² and the proposal will result in an FSR of 3.74:1.

The project layout is shown in Figure 3 below.

Figure 3: Project Layout & Access (lower ground)



A breakdown of the uses and GFA of Stage 1 and Stage 2 is provided in Table 1.

Table 1: Land Use and GFA (PPR)

CONCEPT PLAN	
Total Floor Space Area and Land Use Breakdown	
Use	GFA
Commercial	21,062m ²
Serviced Apartments	3,835m ²
Residential	7,544m ²
Retail	3,309m ²
TOTAL	35,750m ²
Site Area: 9571m ²	
Site FSR: 3.74	
Car Parking Provision: 761	

STAGE BREAKDOWN	
STAGE 1	STAGE 2
Building A (7 Storeys)	Stage 2 Building (7- 8 Storeys)
Use	Use
GFA	GFA
Commercial	Commercial
18,817m ²	1,504m ²
Retail	Residential
1,270m ²	7,544m ²
-	Retail
-	1,640m ²
TOTAL	TOTAL
20,087m ²	10,688m ²
Site Area: 5,853m ²	
FSR: 4.27:1	
Car Parking Provision: 449	

Building B (7 Storeys)	
Use	GFA
Commercial	741m ²
Serviced Apartments	3835m ²
Retail	399m ²
TOTAL	4,975m ²

Site Area: 3,718m2	
FSR: 2.87:1	
Car Parking Provision: 312	

2.1.1.1. Landscaping

Landscaping is proposed along the Great Western Highway, Parker Street and Barber Avenue frontages of the site, as well as the pedestrian through site connection and plaza.

Landscaping along the northern and western street frontages of the site comprises lawn and ground cover as well as planting of mature trees in the kerbside verge and deep soil zones.

A series of planter boxes will also be set back from the northern site boundary along the Great Western Highway and will continue along the pedestrian through site connection and plaza. The planter boxes will comprise a mixture of mature trees, shrubs, lawn and groundcover, timber decks together with paving treatments. Additionally, the planter box at the entry to the pedestrian through site link off the Great Western Highway will include a water feature (see Figures 5, 6 & 7).

Figure 5: Ground Landscaping Plan

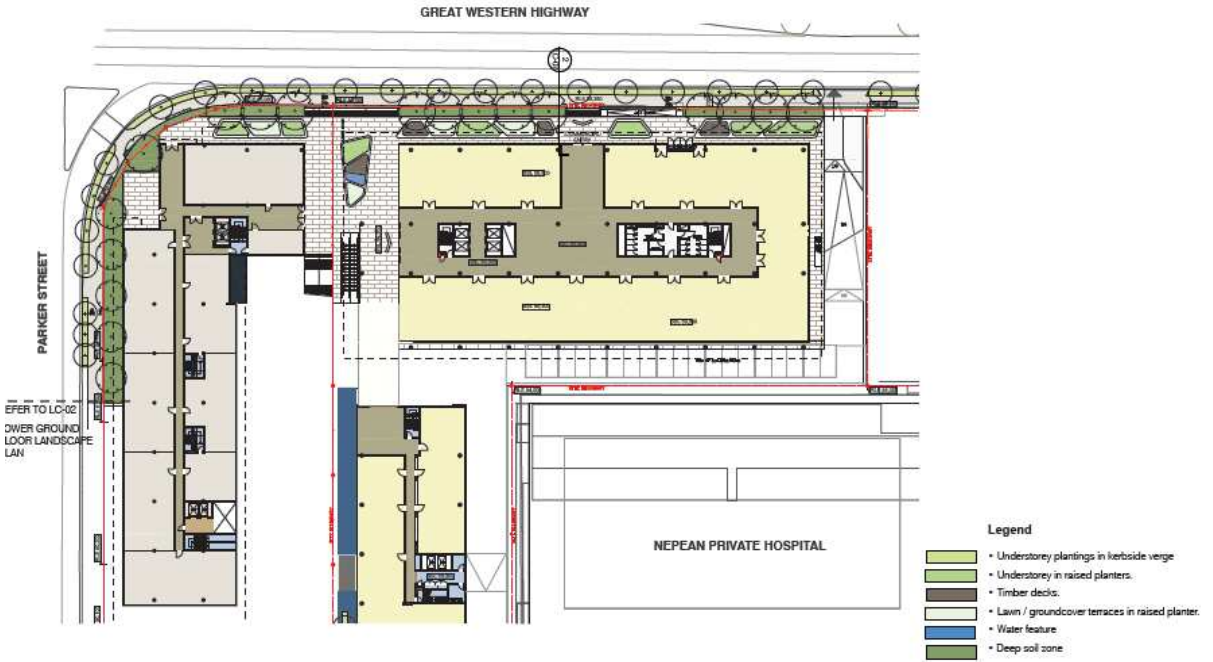


Figure 6: Lower Ground Landscaping Plan

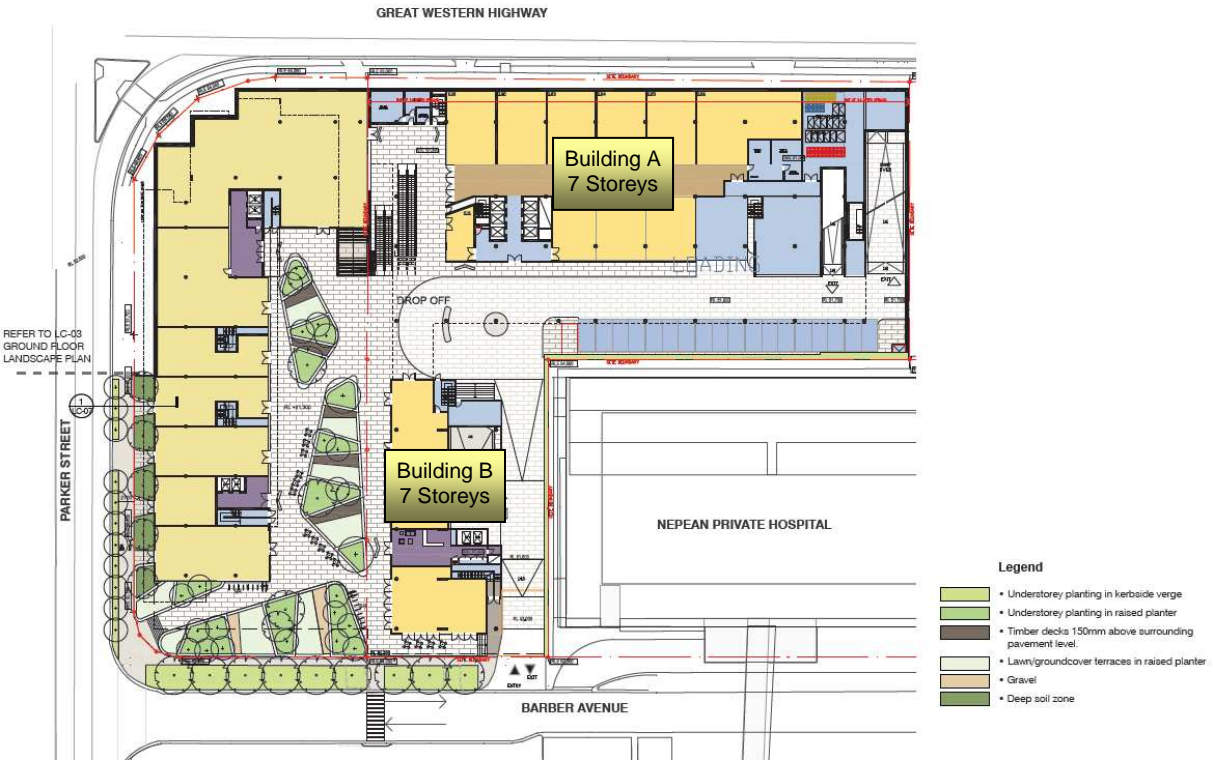


Figure 7: Landscaping Perspective facing North-East from Barber Avenue

2.1.1.2. Access and Parking

The proposed development will provide a total of 761 car parking spaces across three basement levels and an at grade car park. Additionally the proposal provides a vehicular through site connection between Barber Avenue and the Great Western Highway along the eastern boundary of the site. A vehicular entry and exit is provided at Barber Avenue, and a one way exit is provided on to the Great Western Highway.

2.1.2. Stage 1 Project Application

Concurrent Stage 1 Project Application approval is sought for:

- Demolition of existing buildings on site;
- Construction of 2 x 7 storey buildings (Building A + Building B) with a combined GFA of 25,062m² comprising:
 - 19,558m² of commercial GFA;
 - 3,835m² of serviced apartment GFA;
 - 1,669m² of retail GFA; and
- Provision of 449 car parking spaces.

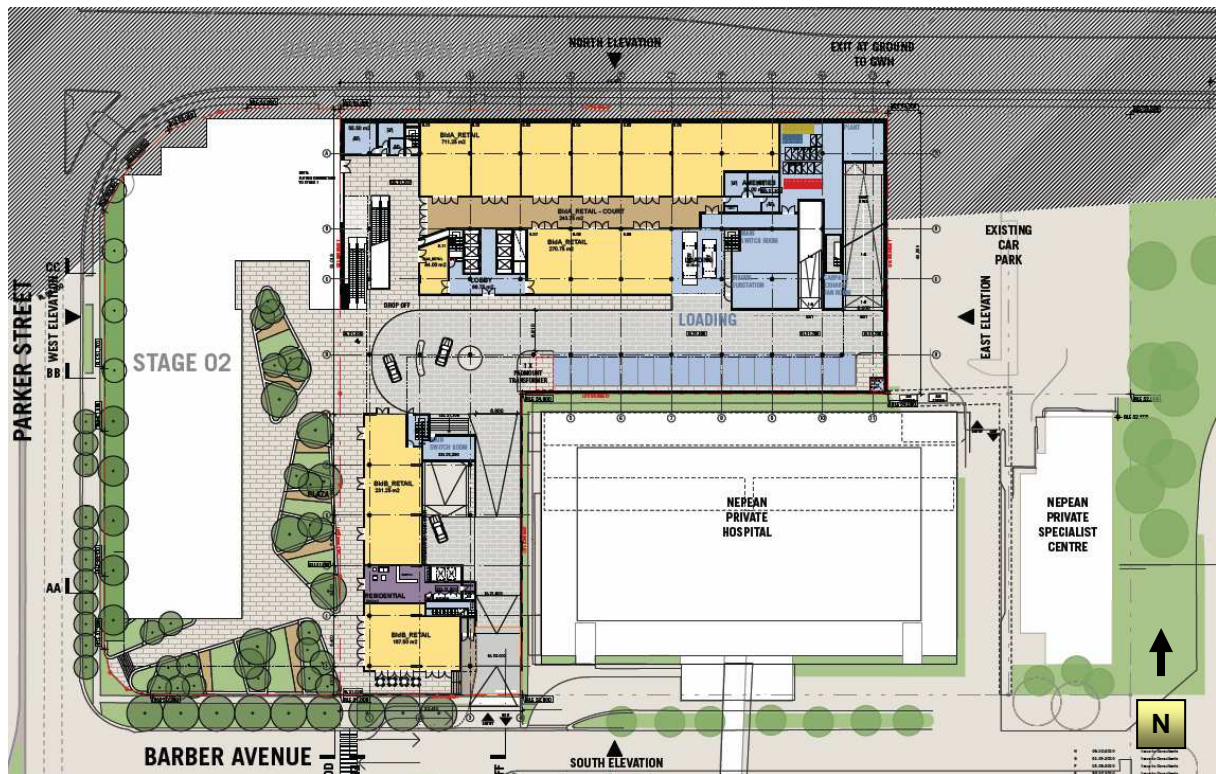
A breakdown of the land use and GFA for Stage 1 is provided below in Table 1.

Table 2: Concept Plan Land use and GFA Table (PPR)

STAGE 1			
Building A (7 Storeys)		Building B (7 Storeys)	
Use	GFA	Use	GFA
Commercial	18,817m ²	Commercial	741m ²
Retail	1,270m ²	Serviced Apartments	3835m ²
-	-	Retail	399m ²
TOTAL	20,087m²	TOTAL	4,975m²
Site Area: 5,853m²			
FSR: 4.27:1			
Car Parking Provision: 449			

The Stage 1 project layout is shown in Figure 8 below.

Figure 8: Stage 1 Project Layout & Access



2.2. Design Evolution Background

In October 2009, the Proponent sought a declaration under Part 3A of the EP&A Act for a two staged mixed use development which included three 7 to 12 storey buildings comprising approximately 60,000m² of GFA and underground car parking. The proposal comprised approximately 35,000m² of commercial GFA, 10,000m² of retail GFA and 15,000m² of residential GFA and underground car parking. The Department wrote to the Proponent to advise that, notwithstanding that the proposal has been declared a project to which Part 3A of the EP&A Act applies, the proposal comprised a significant amount of retail and commercial floor space, and that the proposed maximum height of 12 storeys significantly exceeded the existing height controls applying to the site. The Department advised that the development would need to be carefully considered, with any exceedance in controls justified in the EA.

In response, when the Proponent lodged the EA, the proposal was reduced to approximately 42,295m² of GFA, comprising approximately 20,189m² of commercial GFA, 14,748m² of residential GFA and 7,358m² of retail GFA including a supermarket, and underground car parking. The proposal comprised 2 x 8 storey buildings and 1 x part 7 and part 12 storey building. Subsequent to the exhibition, the Department advised the Proponent of continued concerns over the amount of retail floor space proposed, and the proposed height of buildings.

The Preferred Project Report (PPR) was lodged in May 2011. Further amendments to the design were proposed in the PPR, which included reducing the proposal to approximately 35,750m² of GFA, comprising 21,062m² of commercial GFA, 11,379m² of residential GFA and 3,309m² of retail GFA. The revised proposal detailed in the

PPR had also removed the supermarket from the development. Building heights were also reduced, with the PPR proposing 2 x 7 storey buildings and a part 7 and part 8 storey building. While the proposed building height still fails to comply with the height controls detailed in Clause 12 of Penrith Local Environmental Plan 1998 (Urban Land), this represented a reduction of 4 storeys in maximum building height and a reduction in GFA of approximately 6,545m² from that which was originally proposed in the exhibited EA.

2.3. Project Need and Justification

The proposed development will result in significant economic, social and health benefits to the broader community through contributing to the establishment of the Nepean Health Precinct as an employment and services hub. The proposal will have a strong nexus with the adjoining Nepean Hospital and Nepean Private Hospital as the commercial component of the development will provide medical related services such as private health specialists and pharmaceutical services. Additionally, the retail services provided by the development will service the demand generated from staff, patients, and residents of the hospital precinct.

The proposal is also consistent with the Metropolitan Plan for Sydney 2036 and the North West Subregion Draft Subregional Strategy as the proposal will further strengthen the precinct as a potential specialised centre, and will contribute towards meeting the employment capacity target of 130,000 new jobs for the subregion by 2031 through the provision of approximately 650 construction jobs and 2750 full time operational jobs.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for the purpose of Residential, Commercial and Retail under Clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP). The CIV of the Concept Plan is \$108,906,616 and the CIV of the concurrent Stage 1 Project Application is \$69,446,453. The proposal was declared a major project to which Part 3A of the EP&A Act applies on 26 November 2009. Concurrently, the Department authorised the submission of a Concept Plan under Section 75M of the EP&A Act.

On 13 May 2011, an amendment to the Major Development SEPP was published which repealed the provisions that make Residential, Commercial and Retail projects with a capital investment value greater than \$100 million a class of development to which Part 3A of the EP&A Act applies. Notwithstanding, the amendment to the Major Development SEPP also detailed that all applications for Residential, Commercial and Retail development for which valid Director General's environmental assessment requirements (DGRs) have been issued on or before 8 April 2011 (where the DGRs are less than two years old as of that date) will remain as Part 3A applications. Accordingly, as the DGR's for the Concept Plan and Stage 1 Project Application were issued on the 1 March 2010, the proposal will remain a major project under Part 3A of the EP&A Act. Therefore, the Minister for Planning and Infrastructure is the approval authority.

3.2. Delegated Authority

Under the Minister's Instrument of Delegation dated 28 May 2011, the Planning Assessment Commission (PAC) is the determining authority for concept plans and project applications other than for major infrastructure development where the Proponent is a public authority or critical infrastructure. The proposed development is not major infrastructure development, nor is it 'critical infrastructure'. However, the delegation also works in conjunction with the delegation given to senior Department staff under the Ministerial Delegation issued 25 January 2010. This allows the Deputy Director-General to determine concept plans where the application is consistent (in the opinion of the delegate) with the Sydney Metropolitan Strategy or the relevant Regional Strategy or Sub-Regional Strategy, and if there are fewer than 25 public submissions in the nature of objections. Additionally, the delegation also allows the Deputy Director-General to determine project applications where there are fewer than 25 public submissions in the nature of objections. The delegation is not exercised where the Council has made an objection. The Concept Plan and Stage 1 Project Application is consistent with the Metropolitan Plan for Sydney 2036 and the North West Subregion Draft Subregional Strategy (see Section 1.4), received fewer than 25 submissions in the nature of objections, and received no objection from Penrith City Council. The Deputy Director-General, Development Assessment and Systems Performance can therefore determine the project under delegated authority.

3.3. Permissibility

The site is zoned No 2 (d) Residential (Medium Density) under the Penrith Local Environmental Plan 1998 (Urban Land) (LEP). The residential component of the development, which falls under the definition of multi-unit housing, is permissible with development consent in the zone. The commercial, serviced apartments and retail components of the development fall under the definition of Commercial Premises, serviced apartments and Shops respectively under the LEP, and are prohibited within the zone.

Section 75O(3) and 75J(3) of the EP&A Act provides that the Minister can grant approval for a Concept Plan and Project Application for a project that would be prohibited under an environmental planning instrument provided that, as outlined in Clause 8N of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the site is not located in an area of environmentally sensitive area of state significance or a sensitive coastal location. Accordingly, as the site is not located in environmentally sensitive area of state significance or a sensitive coastal location, the Minister can grant approval for the Concept Plan and Stage 1 Project Application.

3.4. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in Appendix D.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has considered the objects of the EP&A Act, and determined that the application is consistent with the relevant objects. The assessment of the application in relation to these relevant objects is provided in Section 5 of this report.

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

Detailed assessment of the economic and environmental issues associated with the project is provided in Section 5 of this report. On the basis of this assessment, the Department is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act.

3.7. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from Thursday 27 January 2011 until Monday 28 February 2011 (32 days) on the Department's website, and at the Department of Planning and Infrastructure Information Centre and Penrith City Council.

The Department also advertised the public exhibition in the *Sydney Morning Herald*, *The Daily Telegraph* & *Penrith Press* on 27 January 2011 and notified landholders, local community groups and relevant State and local government authorities in writing.

The Department received eight (8) submissions during the exhibition of the EA – seven (7) submissions from public authorities and one (1) submission from a private organisation.

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Seven (7) submissions were received from public authorities. None of the submissions objected to the proposal, however, some provided general comments as summarised below. The Department's consideration of key issues raised in submissions is contained in Section 5 of this report. Appropriate conditions of approval have been recommended where requested by agencies.

Penrith City Council

Penrith City Council raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- Council recommended that the height of the corner Stage 2 residential building be significantly reduced and that the remainder within Stage 1 be a maximum of 6 storeys above natural ground level.
- Council recommended that a further public pedestrian path be established connecting Barber Avenue to the Great Western Highway along the eastern section of the site.
- Council recommended that that provision for cyclists using the Great Western Highway needs to be considered.
- Council considered that the trip generation discounts of approximately 25% are excessive and it is envisaged that the majority of users will use motor vehicles. Further, the reduction in car parking is not supported due to the high competing demands of the hospital and adjacent land uses.
- The single point of access from Barber Avenue would appear to be inadequate as a means of facilitating all traffic movements to and from the site.
- The extent of retail floor space proposed indicates it will serve customers beyond this proposal and that generated by the adjoining hospital. Only retail floor space ancillary to the proposed medical and short stay accommodation on site and the adjoining hospital uses is appropriate at this location.

- Any commercial floor space at this location must be used for medical/health care related professional consulting rooms and related conference facilities.
- The scale of residential component of the development nominated for Stage 2 is inappropriate given the existing zoning of the site and adjoining lands.
- Council raised concern with the site's pedestrian connectivity and integration with the Great Western Highway and Hospital Campus.
- Council raised concern with the viability of plaza landscaping and inadequate provisions of deep soil zones.

Penrith City Council also reviewed the Preferred Project Report and provided some general comments and recommendations as summarised below:

- Council noted that the removal of the supermarket, reduced floor area and reductions in building height are significant improvements to the proposal.
- Council are supportive of the overall concept plan on the basis that the Stage 2 component of the development provides for a residential flat building or short stay accommodation and is subject to further detailed design and DA approval.
- Council is supportive of Stage 1 progressing as submitted, with some aspects being dealt with by conditions.
- Council maintain that the use of the site should be medical related and the short stay accommodation and retail spaces are to be ancillary and suitable to the medical uses.
- The proposed site and location of the Stage 2 Residential Building will need to be carefully considered due to its proximity to the intersection of Parker Street / Great Western Highway and potential amenity impacts.
- Council recommended that the car parking provisions should satisfy the requirements of Council's DCP.
- Consideration needs to be given to how car parking arrangements are to be managed during construction.
- Council recommended that the northern side of Barber Avenue be maintained as a "No Stopping" area for the full frontage of the site.
- Council identified that the need to provide contemporary architectural features, combined with substantial complementary landscaping at the corner of Parker Street and the Great Western Highway cannot be underestimated.
- Given then number of residential storeys proposed in Stage 2, an assessment against SEPP 65 is recommended.
- Plant equipment should be "invisible" through appropriate integration with built form.
- Limited width between path and kerb as well as shade from buildings may negatively impact on trees.

Roads and Traffic Authority (RTA)

The RTA raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- The RTA does not support the minimalist approach and overall reduction in car parking provisions of 28% proposed in the EA.
- The RTA does not support any reduction in the car parking provision of the super market component of the development given the degree of car dependency associated with the development.

- Consideration should be given to the implementation of measures to restrict car parking demand such as timed and/or paid parking, and allocated spaces specifically for the non-residential land uses.
- Consideration should be given to introducing traffic calming measures and/or boom gate control to discourage traffic generated from surrounding land uses driving through the development, and to ensure that all vehicle traffic leaving the site at the Great Western Highway egress has a verified purpose for visiting the development.
- Measures to improve public transport provision should be implemented at stage 1 of the development.
- A pedestrian fence should be provided along Parker Street to discourage pedestrians crossing the road in an uncontrolled fashion.
- Loading docks and service areas should be provided for each use of the development and should have direct connection with each respective use.
- RTA raised concern with the ability of larger vehicles servicing the loading docks to manoeuvre the site.
- Adequate taxi services are to be provided either on street or within the development given the nature of the mixed land uses.
- Circulation aisles are to be provided with sufficient width so that vehicles are not required to travel in the opposite side of the circulation aisles and ramps to circulate throughout the development.

Sydney Water

Sydney Water raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- The Proponent will need to design and construct an extension to the available 225mm water main on the northern side of Barber Street.
- The existing wastewater network does not have sufficient capacity to service the proposed development. A full system study to define the amplifications needed to service the proposed development will need to be undertaken at the developer's expense.
- The proposed development conflicts with the location of a 150mm waste water main that traverses the property.

Transport NSW (TNSW)

TNSW raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- TNSW supports the proposed parking rates servicing retail, serviced apartments and commercial uses that are below minimum requirements of the DCP.
- TNSW request that the Traffic Management Accessibility Plan be updated to have consideration of the targets contained in the State Plan 2010.
- TNSW does not support the allocation of residential parking which is in excess of the DCP requirements.
- The extent and quantity of bicycle parking should be quantified in the Traffic Management Accessibility Plan and EA.

Office of the Environment and Heritage (OEH) (former Department of the Environment Climate Change and Water (DECCW))

OEH provided a submission, however raised no objection to the proposal, and provided no comment on the proposal.

Railcorp

Railcorp raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- Railcorp supports the Proponent's sustainable approach to on site car parking provisions for the uses of retail, commercial and service apartments.
- Railcorp recommends that the DCP residential parking rate should be applied to the development given the development's close proximity to public transport.

NSW Health

NSW Health raised no objection to the proposal, however, provided some general comments and recommendations as summarised below:

- The proposed access and egress points of the site may potentially impact on the Health Campus and queuing in Barber Avenue and may result in unacceptable delays.
- The proposed development will result in significant traffic impacts on surrounding streets including Great Western Highway, Parker Street, Barber Avenue, Derby Street and Somerset Street.
- Management of Construction Traffic is a key issue for the operation of the Health Campus.
- The proposed building heights of the development should be reviewed in the context of the adjacent flight paths of hospital helicopters.

4.3. Public Submissions

One (1) submission was received from EMGA Mitchell McLennan Pty Ltd, on behalf of Healthscope Pty Ltd, who are the owners and operators of the adjoining Nepean Private Hospital. The submission raised objections to the proposal regarding traffic and parking impacts, overshadowing, inappropriateness of development height, inadequate noise and vibration impact assessment and lack of adequate consultation by the Proponent.

The Department has considered the issues raised in submissions in its assessment of the project.

4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions (see Appendix C). The response included a Preferred Project Report (PPR), amended plans, amended landscape plan, an additional acoustic consultant report, a traffic consultant addendum report, and an amended Statement of Commitments.

Changes detailed in the PPR included:

- removal of 6543m² of GFA across the development;
- removal of 1 storey from Building A and 1 storey from Building B in Stage 1;
- removal of 4 storeys from the 12 storey part of the Stage 2 Building;

- insertion of a ground level commercial level in the Stage 2 Building instead of retail; and
- removal of the supermarket, previously located in Building A.

In summary, the revised proposal detailed in the PPR includes reductions in overall height of the development and reduced nominal demand for car parking. The break down of land uses and GFA of the PPR is provided in Table 1 (see page 5).

The Department is satisfied that the Proponent's PPR and response to submissions adequately addressed the issues raised in submissions.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Land Uses;
- Built Form and Urban Design;
- Traffic and Transport;
- Noise and Vibration;
- Ecologically Sustainable Development; and
- Public Interest.

5.1. Land Uses

The site is zoned 2(d) Residential (Medium Density) under the Penrith LEP. This zone allows for a range of land uses including multi-unit housing, community facilities and hospitals. Given that the proposal is a mixed use development comprising commercial, retail and residential components, the Concept Plan effectively represents a rezoning of the site, as commercial and retail land uses are not currently permitted in the residential zone. As detailed in the EA, the commercial component of the development will provide for private health specialists, professional consulting rooms, pharmaceutical services and medical conferences which are complementary uses to the hospital precinct. Additionally, the serviced apartment component of the development is intended to service the short stay accommodation demand generated from hospital visitors and patrons. Penrith City Council supports the proposed commercial and short stay accommodation components of the proposal on the basis that they are related to medical or health care services and there is a nexus with the hospital precinct.

Notwithstanding the above, Council raised concern with the potential for the proposal to provide for uses beyond the role of servicing the immediate hospital precinct. Specifically, Council raised concern with the amount of retail floor space given the abundance of supply of land for retail within existing centres, and the potential commercial impacts on the nearby Kingswood Small Village Centre. The retail component of the development detailed in the exhibited EA provided for a supermarket and other convenience retail uses to service the demand of staff, visitors and patients in the health precinct, as well as new residents occupying the residential component of the development.

In response to Council's concern regarding the retail land use component of the development, the PPR removed the supermarket and contained an overall reduction in retail floor space of approximately 4049m². Council has acknowledged the design changes in the PPR in response to the retail floor space concerns and considers that the removal of the supermarket and reduced floor area has significantly improved the proposal.

The Proponent has also committed in its Statement of Commitments to a land use breakdown within the development as detailed below:

- Commercial for the use of or ancillary to medical, health, educational or research uses within the precinct.
- Residential uses to include apartments, serviced apartments, aged care facilities, medical step down, patient low care, rehabilitative care, hotel facilities.

- Retail uses that support the hospital precinct – eg. convenience retail, chemist, newsagent, café etc.

In addition to the Proponent's Statement of Commitments, to ensure that the uses of the development are related to the hospital precinct, the Department has recommended as a future environmental assessment requirement, that the Proponent is to demonstrate that in future applications for the fit-out and occupation of the retail and commercial tenancies of the Stage 1 and Stage 2 Buildings, that the proposed uses are complementary to, and supportive of, the Nepean Health Precinct.

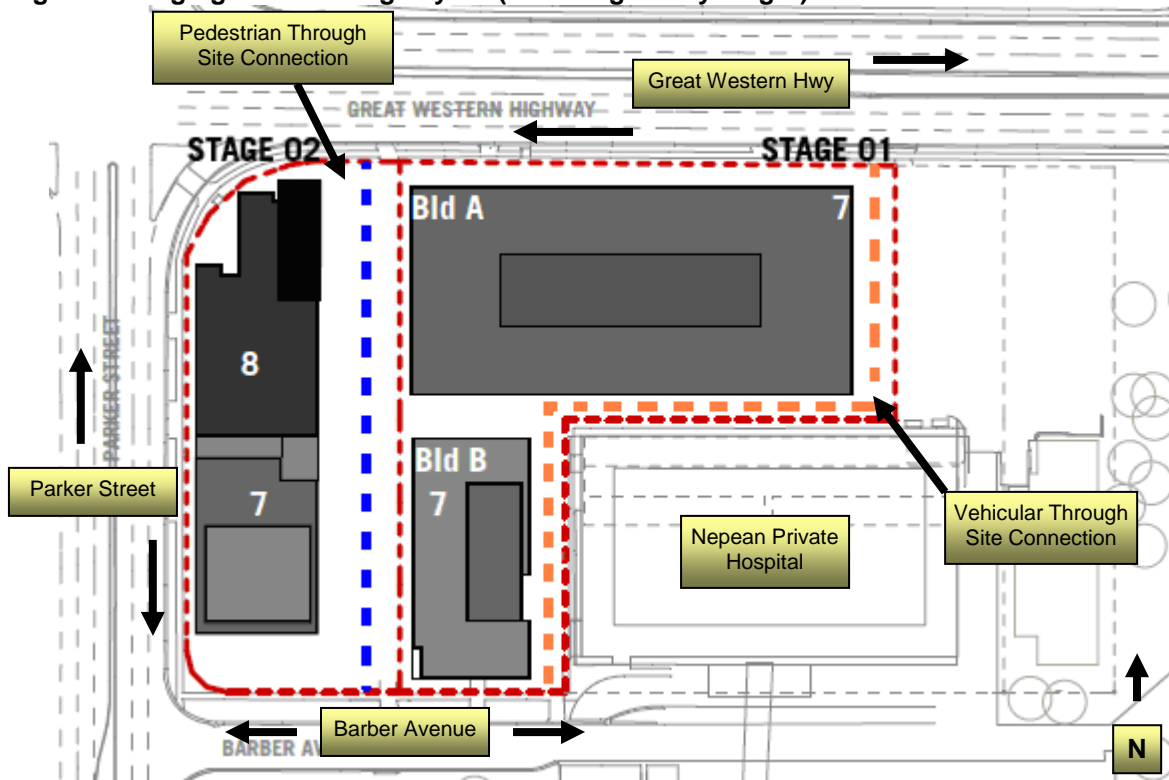
The Department is satisfied that in accordance with the Proponent's Statement of Commitments and recommended conditions of consent, the proposed mix of land uses will be complementary to, and supportive of the hospital precinct. The nature and mix of proposed land uses will also complement existing retail centres in the LGA, without drawing trade away from those centres.

5.2. Built Form and Urban Design

5.2.1. Bulk and Scale

The Concept Plan proposes the construction of 3 new buildings across 2 stages of development. Stage 1 comprises the construction of 2 buildings, including a 7 storey building with a height of approximately 30.1m above ground level (Building A), and another 7 storey building with a height of approximately 27.7m above ground level (Building B). Stage 2 comprises the construction of a part 7 and part 8 storey building with a maximum height of approximately 29m above ground level. The staging and layout of the buildings is shown below in Figure 9.

Figure 9: Staging and Building Layout (including storey height)



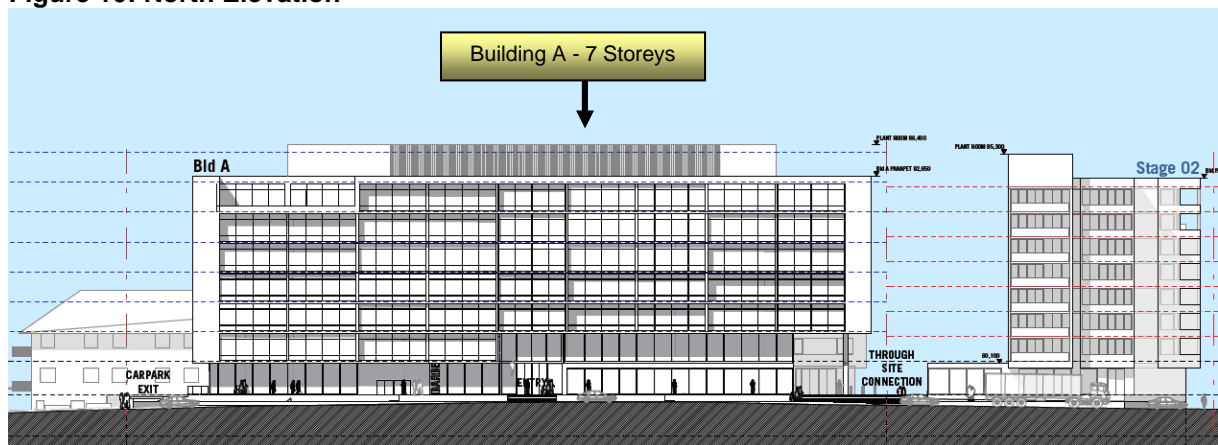
The arrangement of buildings follows the 'L' shaped layout of the site and the buildings are aligned with the street edges along the Great Western Highway, Parker Street and Barber Avenue. The layout of buildings also facilitates a north-south through site connection between the Great Western Highway and Barber Avenue. The central and southern portion of the through site connection contains the pedestrian plaza which is the focal point of the development. The alignment of the buildings also facilitates a vehicular access from Barber Avenue with connection through to the Great Western Highway along the eastern boundary of the site. The vehicle connection provides separation of the building alignment with the adjoining Nepean Private Hospital on the southern and eastern boundaries of the site.

Building A is located at the northern east portion of the site and presents to the Great Western Highway. The lower ground level of the building comprises retail floor space and a lobby area. The ground level comprises a commercial foyer area with multiple building entry points, and levels 1 to 6 of the building comprise commercial office and consulting room floor space. The top floor of Building A (level 7) contains plant equipment and comprises a reduced floorplate which is located centrally on the building, effectively reducing the viewable height of the building from street level along the Great Western Highway.

Levels 1 to 6 of the building present a linear modern facade addressing the Great Western Highway, incorporating subtle modulation between each floor. The outer walls of the ground and lower ground floors of the building are recessed from the outer edge of the upper floors of the building and a colonnade is provided along the western edge of the building. The western edge and colonnade of the building forms part of the entry to the pedestrian through site connection off the Great Western Highway.

The Department considers that the combination of these elements is successful in breaking up the built form and reducing the visual impact of Building A, and results in an appropriate built form and scale addressing the Great Western Highway (see Figure 10). Additionally, the Department considers that incorporation of retail uses and multiple entry points on the ground and lower ground levels provides activation at the pedestrian scale.

Figure 10: North Elevation

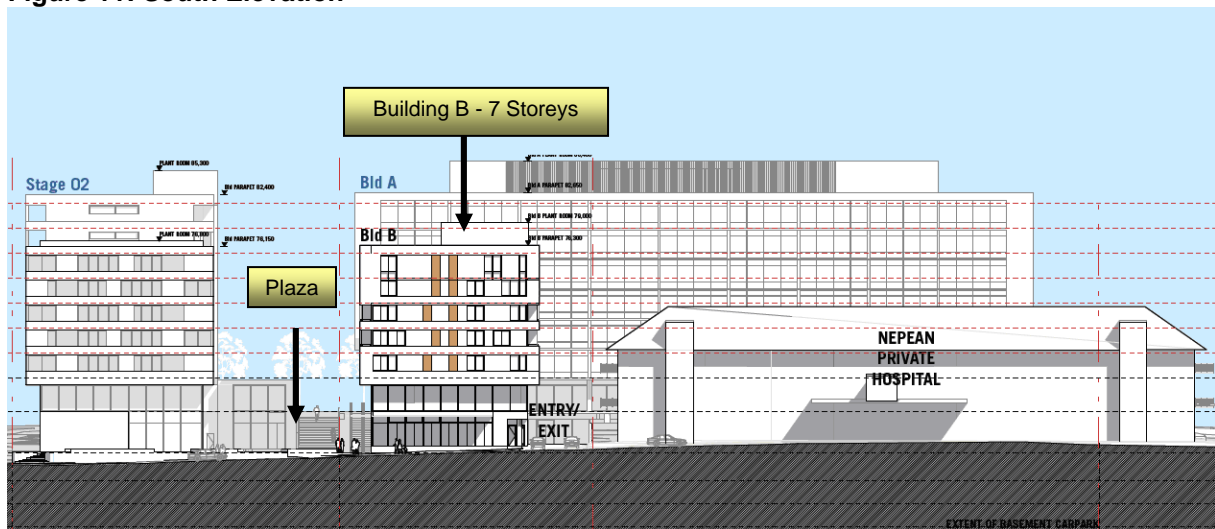


Building B is located at the south east portion of the site and presents a short address to Barber Avenue and a longer facade defining the eastern edge of the plaza. The lower ground level of the building comprises retail floor space with the

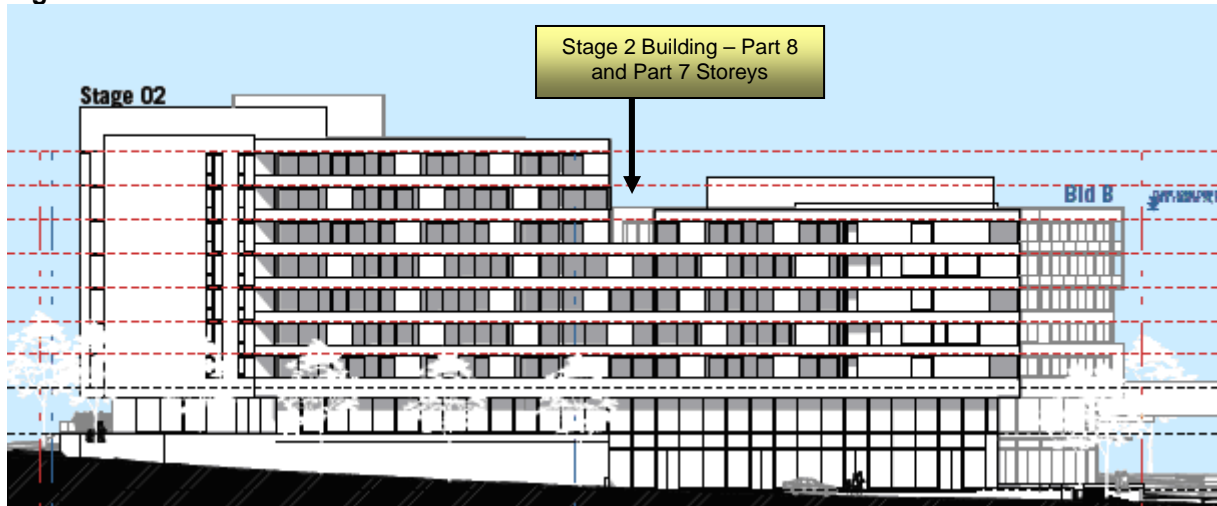
ground level comprising commercial floor space. Levels 1 to 5 comprise serviced apartments including 61 x 1 bed/studio apartments and 10 x 2 bedroom apartments. Similar to Building A, the top floor of Building B (level 6) also contains plant equipment and comprises a reduced floorplate which is located in the central eastern section of the building. As a result, the top floor is sited away from the southern and western edges of the building footprint and has reduced the viewable height of the building when viewed from Barber Avenue and Parker Street. The facade of the upper floors of the building contains articulated balconies and fenestrations which reflect the serviced apartment use of the building at these levels. The base of the building presents as a 2 storey colonnade with glazed facades to accommodate the retail and commercial uses.

The Department considers that the combination of these elements and overall reduced scale of the building in comparison to Building A results in an appropriate built form and scale to define the eastern edge of the plaza (see Figure 11).

Figure 11: South Elevation



The Stage 2 Building is located on the western portion of the site and presents primarily to Parker Street. The lower ground level of the building comprises retail floor space with the ground level comprising commercial floor space. Levels 1 to 7 of the building comprise residential floor space including 24 x 1 bedroom apartments and 54 x 2 bedroom apartments. The building varies in height from 7 to 8 storeys and aligns with the heights of the buildings in Stage 1. The northern 8 storey portion of the building is located on the intersection of Parker Street and the Great Western Highway and presents as a marker for the development and hospital precinct. Plant equipment has also been located on the top floor of the building, however it has been recessed away from the western edge of the building footprint which reduces the viewable height of the building when viewed from Parker Street. The building height steps down to 7 storeys along Parker Street in line with Building B in Stage 1 (see Figure 12).

Figure 12: West Elevation

The lower height of the building in this location is intended to match Building B and to define the western edge of the plaza. Additionally, the western edge of the Stage 2 building is set back further from Barber Street than Building B which results in a physical and visual connection to the plaza from Parker Street (see Figure 13).

Figure 13: Lower Ground Plan

Perceived excessive building height in the context of surrounding development was raised as an issue in the submission from Nepean Private Hospital on the exhibited EA. The 3 storey Nepean Private Hospital is approximately 18m in height and adjoins the southern and eastern boundaries of the subject site (see Figure 13).

In response, the PPR proposed the removal of 1 storey from both Building A and Building B (i.e. from 8 to 7 storeys) and the removal of 4 storeys from the Stage 2 Building (i.e. from 12 to 8 storeys).

Notwithstanding the proposed reduced building height, the Proponent has indicated that the strategic context of the subject site, including both its location in proximity to the Kingswood Retail Centre and the Penrith Regional City Centre, creates a legitimate expectation for a significant increase in scale to facilitate urban renewal. Further, the Proponent identifies that the proposed design responds to a number of local urban context considerations, including the site's location on the intersection of two major arterial roads, namely, the Great Western Highway and Parker St. Additionally, the proposal has regard to the intended future character of the area as the residential land to the west of the site is currently the subject of a Planning Proposal to be rezoned as High Density Residential.

The Department considers that the reduced height of buildings proposed in the PPR has resulted in an improved building scale in the context of surrounding development when compared to the previous proposal exhibited in the EA. Specifically, the provision of reduced building heights of Building B and the Stage 2 Building fronting Barber Avenue results in a sympathetic transition in built form from the proposed development to the Nepean Private Hospital when viewed from Barber Avenue. The Department also notes that there are a number of four to six storey developments of a comparable scale within the adjoining Nepean Hospital Campus. The Proponent has also indicated that the proposal is comparable in scale to a 9 storey development that has been given approval in the Kingswood Business District to the east of the site.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) applies to the Stage 2 building as it includes the development of residential apartments. Detailed assessment against the Residential Flat Design Code has not been undertaken as the Stage 2 building only forms part of the Concept Plan and detailed design of the building has not yet been resolved. Accordingly, an assessment against the Residential Flat Design Code will be undertaken as part of a future application for the Stage 2 Building. Notwithstanding the above, an assessment against the design principles listed in SEPP 65 has been undertaken in Appendix D of this report. On the basis of this assessment, the Department is satisfied that the proposal addresses the design quality principles for residential flat development.

Penrith Local Environmental Plan 1998 – Urban Lands (Penrith LEP) applies to the subject site. Penrith LEP requires a building envelope to be within a height plane over the site at 45 degrees from a height of 1.8m above natural ground level at the side boundaries of the site. Additionally, Penrith LEP provides for a maximum external wall height for the site of 6.5m. Given that the proposed buildings range from approximately 27-30m in height, the proposed development significantly exceeds the LEP controls.

The Penrith LEP controls are reflective of the existing residential zoning of the site and do not contemplate large scale mixed use developments such as that proposed in the Concept Plan. Additionally, it is arguable that the subject site has only one side boundary (the eastern boundary), three street frontages (the Great Western Highway, Parker Street and Barber Avenue), and two rear boundaries which adjoin the Nepean Private Hospital. Therefore, in this instance it is difficult to realistically apply the Penrith LEP building height plane control. It is also noted in Council's submission that they were supportive of buildings up to 6 storeys in height at the site.

Accordingly, the Department considers that strict compliance with the LEP controls is not necessary in this instance.

The relevant objectives of Penrith LEP regarding building envelopes and wall heights are to:

- achieve site-responsive development at a scale which is compatible with existing housing in the locality by controlling visual impacts relating to height and bulk;
- minimise the impact of loss of privacy, overshadowing and loss of views;
- achieve an appropriate separation between buildings and site boundaries and preserve private open space corridors along rear fence lines; and
- protect and enhance the environmental features, which are characteristic of each of the residential zones, by requiring sufficient space on-site for effective landscaping and on-site stormwater detention.

Penrith Development Control Plan 2006 (Penrith DCP) also applies to the site; however there are no specific controls regarding height, bulk and scale applicable to the development. When considering the relative merit of the proposal against the existing envelope and wall height controls of Penrith LEP, amenity impacts associated with the development on the surrounding locality are a key issue. Amenity impacts were also mentioned in submissions, with particular concern raised regarding the relationship of the built form of Stage 1 and the adjoining Nepean Private Hospital. The Department considers that the limited separation or relief in the building alignment between the Stage 1 buildings and the Nepean Private Hospital is in part due to the minimal setbacks provided by the Nepean Private Hospital (see Figure 13).

The proposal has incorporated a variety of building elements to improve the relationship of built form on the surrounding area and reduce overall visual impact, namely:

- recession of the top floors away from the perimeter of the building footprint;
- articulated facades;
- incorporation of a variety of colours, materials and finishes;
- variation in the scale of built form across the site;
- alignment of buildings to facilitate a through-site connection and vista; and
- vehicle connection from Barber Avenue through to the Great Western Highway which facilitates separation in the Stage 1 built form from the adjoining Nepean Private Hospital.

Further, the planting of mature trees and additional landscaping along the street boundaries of the site will assist in providing a visual buffer, and will improve privacy between the development and surrounding development.

The Department has considered the issue of exceedance of Penrith LEP building envelope controls on merit and has concluded that the height, bulk and scale of the proposed buildings are justified for the following reasons:

- the complementary land uses that the development will facilitate for the established hospital precinct;
- the existence of other buildings in the locality of a comparable building height;
- the variation in building heights and architectural treatments which breaks up the built form; and
- the context of planned increased residential density to the west of the site.

5.2.2. Overshadowing

During the morning winter period (9am – 10am), overshadowing from the development will extend south west beyond Parker Street to the front of residential allotments at the corner of Parker Street and Barber Avenue (see Figure 14). These shadow impacts are considered minimal as the shadows will be gone by 10am (see Figure 15).

Figure 14: Morning Winter (9am)

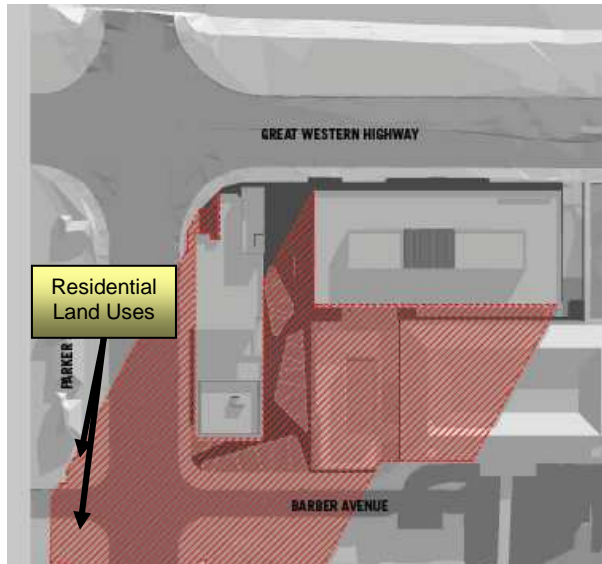
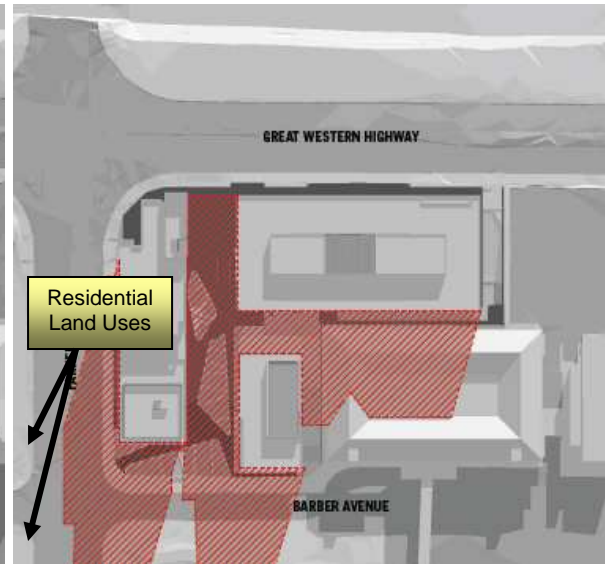


Figure 15: Morning Winter (10am)



Overshadowing impacts generated by the proposed buildings are largely contained to the hospital precinct to the south and east of the site. During the winter morning, noon and afternoon periods (see Figure 14, 16 and 17), the proposal will result in overshadowing to the northern and western facades of the Nepean Private Hospital.

Figure 16: Winter Noon (12pm)

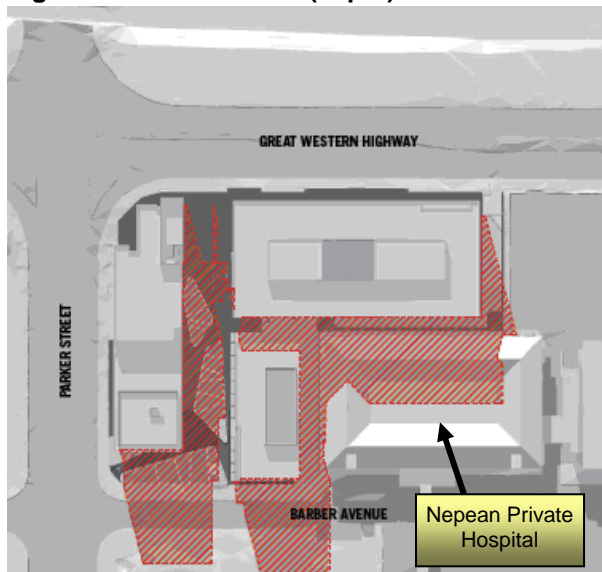
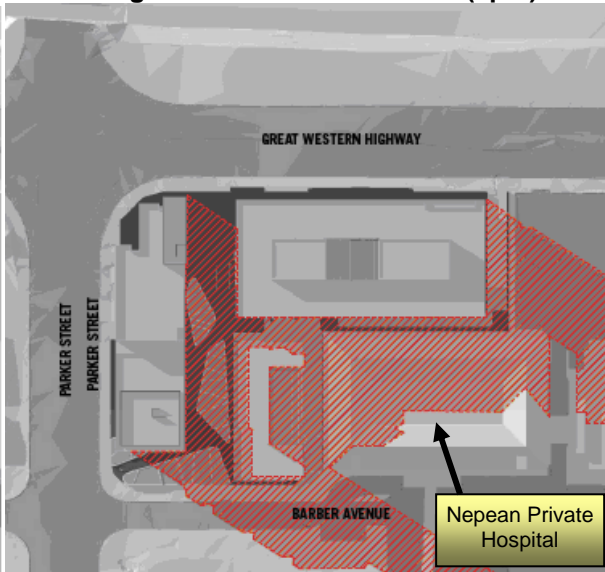


Figure 17: Winter Afternoon (3pm)



Overshadowing impacts from the development on the adjoining Nepean Private Hospital was raised as an issue in the Hospital's submission on the exhibited EA. Given the Nepean Private Hospital's minimal setback from the southern and western boundaries of the subject site, there is limited opportunity to configure the proposed

development without resulting in overshadowing to the adjoining Nepean Private Hospital. The Department also considers that due to short term use of the Nepean Private Hospital by patients and visitors, the function of the building will not be unduly affected by the resulting overshadowing.

Accordingly, the Department considers that overshadowing as a result of the proposed development is unavoidable given the context of the site and relationship with the Nepean Private Hospital.

5.2.3. Public Domain

The layout of buildings on the site facilitates both a pedestrian and vehicle through-site connection between Barber Avenue and the Great Western Highway. The vehicular connection is confined to the eastern boundary of the site while the pedestrian through-site connection is located on the western portion of the site and runs parallel to Parker Street. The proposed development has also provided a pedestrian crossing across Barber Avenue to connect the development with the Nepean Public Hospital. The pedestrian crossing forms a continuation of the through-site connection between the Great Western Highway and Barber Avenue.

The RTA has recommended that a pedestrian fence be provided along the entire western frontage of the development to prevent pedestrians from crossing Parker Street in an uncontrolled fashion. Accordingly, the Department has recommended as a condition of approval that a permanent pedestrian fence be erected on the median in Parker Street, extending from the signalised intersection at the Great Western Highway and Parker Street intersection, past the Barber Avenue/Parker Street Intersection. The fence is intended to direct pedestrian traffic to the signalised pedestrian crossing at the intersection of Parker Street / Great Western Highway.

A plaza is proposed at the central and southern portion of the pedestrian through-site connection where Building A and the Stage 2 building define the eastern and western edges of the plaza respectively. A variety of complementary retail uses are to be provided at the lower ground levels of both buildings within the plaza. Additionally, to the north of Building B, the plaza will connect with additional retail uses at the lower ground level of Building A (see Figure 17).

Figure 17: Lower Ground Plan



As the topography of the site slopes down towards the south, the pedestrian through-site connection steps down from the ground level fronting the Great Western Highway to the lower ground level pedestrian plaza via an outdoor escalator and staircase (Figure 18).

Figure 18: View to South West of Pedestrian Plaza

The Department considers that the through-site connection and plaza with retail uses, multiple building entry points, paved walking services and landscape treatment provides activation at the pedestrian scale. The addition of mature trees and landscaping both within the plaza as well as along the northern, western and southern street frontages will also soften the public domain.

The Department is satisfied that the proposal will complement the existing pedestrian and vehicular networks surrounding the development. Additionally, the pedestrian crossing on Barber Avenue reinforces the nexus of the development with the hospital campus and will provide staff, visitors and patients with a safe access to the ancillary land uses in the development.

5.3. Traffic and Transport

5.3.1. Traffic

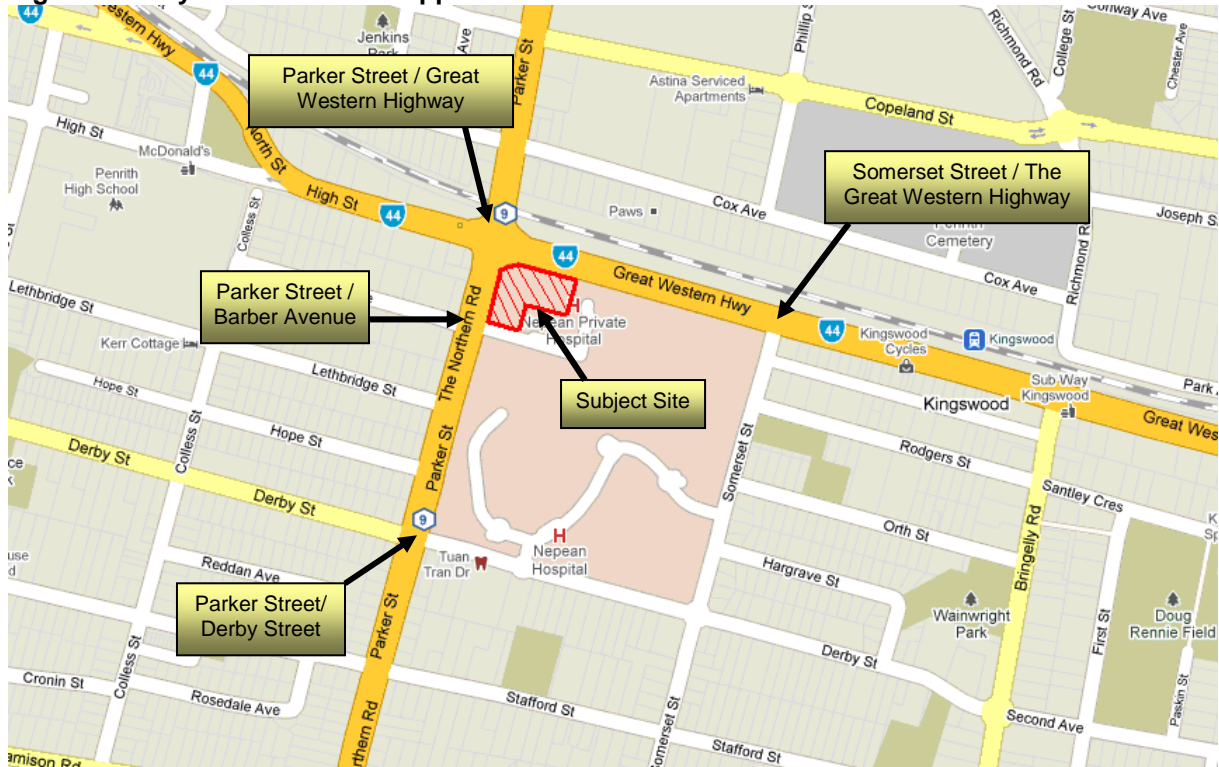
A Transport Management Accessibility Plan (TMAP) was submitted as part of the EA and an addendum Transport Management Accessibility Plan (TMAP Addendum) accompanied the PPR detailing traffic impacts associated with the revised proposal, as well as responding to traffic issues raised in submissions.

The TMAP identifies that no existing traffic generation for the site is assumed and consequently, the traffic generated from the development will be a net increase over existing conditions. The TMAP identifies that the proposed new development will generate approximately 262 and 450 vehicle trips per hour in the AM and PM peak hour periods respectively. Accordingly, the proposed development provides the greatest increase in traffic generation in the PM peak hour period. As the above calculations were based on the original proposal in the exhibited EA, the TMAP

addendum was submitted as part of the PPR and provides an analysis of the traffic generated during the critical PM peak hour period from the revised proposal. The TMAP addendum identifies that the revised proposal will generate approximately 290 vehicle trips per hour in the PM peak hour period, which represents a reduction of 160 vehicle trips per hour in the PM peak hour period from the original proposal in the exhibited EA.

The TMAP also provides an analysis of key approach route intersections, namely: Parker Street / Great Western Highway; Parker Street / Barber Avenue; Parker Street / Derby Street, Somerset Street / Great Western Highway (see Figure 19).

Figure 19: Key intersections & Approach Routes



A SIDRA analysis was included as part of the TMAP which detailed the current intersection performance and projected intersection performance considering the traffic generated by the development. The results of the SIDRA analysis are summarised in Table 2 below.

Table 2: SIDRA Analysis

Intersection	Peak Period	Current Intersection Delay	Projected Intersection Delay	Current Level of Service	Projected Level of Service
Parker Street / Great Western Highway	AM	60.3	61.6	E	E
	PM	68.1	94.5	E	F
Parker Street / Barber Avenue	AM	21.4	25.5	B	B
	PM	22.1	37.0	B	C
Parker Street / Derby Street	AM	25.6	25.6	B	B
	PM	27.3	28.1	B	B
Somerset Street / Great Western Highway	AM	13.6	14.6	A	B
	PM	15.9	16.7	B	B

The TMAP SIDRA analysis identifies that during the PM peak hour period, the Parker Street / Great Western Highway intersection will decrease from a level of service E 'at capacity and incidents will cause excessive delays', to a level of service F

'unsatisfactory and requires additional capacity'. Additionally, the analysis identifies that during the PM peak hour period, the Parker Street / Barber Avenue intersection will decrease from a level of service B 'good with minimal delays and spare capacity' to C 'satisfactory with spare capacity', and during the AM peak hour period, the Somerset Street / Great Western Highway intersection will decrease from a level of service A 'good' to B 'good with minimal delays and spare capacity'. Accordingly, with the exception of the Parker Street / Great Western Highway intersection, all other key approach route intersections will continue to operate at or above a level of service C 'satisfactory with spare capacity'.

The most significant reduction in the level of service occurs at the Parker Street / Great Western Highway intersection which already operates at a level of service E 'at capacity and incidents will cause excessive delays' in both the AM and PM peak periods. The TMAP identifies that the current poor level of service and subsequent reduction in level of service factoring in traffic generated by the development relates to the lack of through lane capacity along the highway. Further the TMAP identifies that the current poor level of service is a strategic issue for the RTA, and options to upgrade the intersection to accommodate even general growth in background traffic levels will need to be investigated, irrespective of the subject development.

The TMAP SIDRA analysis is based on the traffic generated from the original proposal in the exhibited EA, and accordingly the TMAP addendum submitted as part of the PPR provides comments regarding the traffic impacts associated with the revised proposal. The TMAP addendum identifies that the resultant impacts on critical intersections generated from the revised proposal are significantly improved from the original proposal in the exhibited EA, and result in acceptable performance. Additionally, the TMAP identified that the intersection of Parker Street / Great Western Highway is still likely to decrease to a level of service F 'unsatisfactory and requires additional capacity', but delays would not be the same as previously modelled from the original proposal in the exhibited EA. In this regard, it is likely that any significant redevelopment of the subject site would result in the intersection decreasing to a level of service F. The TMAP addendum also concluded that the traffic generating intensity of the revised proposal is substantially reduced from that proposed in the exhibited EA, and is supportable on traffic grounds.

The Department notes that the reduction in development intensity detailed in the PPR will result in reduced traffic generating impacts on the key approach route intersections compared with that identified in the exhibited EA. The reduction in traffic generation detailed in the PPR is primarily a result of the removal of the supermarket element of the proposal. The RTA raised no objection to the proposal based on the impact to the Parker Street / Great Western Highway intersection in their Submission. The Department considers that while the Parker Street / Great Western Highway intersection may experience some reduction in the level of service, the resultant delay is not considered unacceptable. Additionally, with the exception of the Parker Street / Great Western Highway intersection, all other key approach route intersections will continue to operate at or below a level of service C 'satisfactory with spare capacity'. Accordingly, the Department is satisfied that the proposed development will not have an unacceptable impact on the existing road network.

5.3.2. Parking

In the exhibited EA, the Concept Plan provided a total of 761 car parking spaces across three (3) basement levels and an at-grade car park. Stage 1 of the Concept Plan provided 449 parking spaces to service the demand generated from Buildings A & B, and Stage 2 of the Concept Plan provided 312 spaces to service the demand generated from the Stage 2 Building. A breakdown of the Stage 1 and Stage 2 land use and car parking requirements of the exhibited EA is provided below in Table 3.

Table 3: Land Use and Car Parking Requirements

Land Use Car Parking Requirements and Provision (exhibited EA)									
	Stage 1			Stage 2			S1 + S2		
Land Use	DCP	RTA	PROPOSED	DCP	RTA	PROPOSED	DCP	RTA	PROPOSED
Commercial	505	505	335	-	-	-	505	505	335
Serviced Apartments	93	84	42	-	-	-	93	84	42
Retail	60	70	22	121	141	121	181	211	143
Supermarket	53	58	50				53	58	50
Residential	-	-	-	128	143	191	128	143	191
TOTAL	711	717	449	249	284	312	960	1001	761

As shown in the table above, Penrith DCP generates a requirement for 960 car parking spaces for the exhibited Concept Plan, which includes 711 spaces for Stage 1 and 249 spaces for Stage 2. Under the RTA's *Guide to Traffic Generating Development* (RTA Guideline), 1001 car parking spaces are required for the exhibited Concept Plan, which includes 717 spaces for Stage 1 and 284 spaces for Stage 2.

In justifying the above deficiencies in car parking numbers, the Proponent detailed that the proposal was intended to support non-car travel modes, utilising readily accessible local public transport networks (rail and bus), and the expected high proportion of walking trips to and from the site from the adjoining hospital campus.

The RTA and Penrith City Council raised inadequate car parking as an issue in their submissions. Specifically, the RTA identified that the significant reduction in the provision of car parking may not be appropriate in this instance given the limited availability of on-street car parking in the immediate vicinity of the subject site, the proximity to the Nepean Hospital Precinct, and the high car dependency rate in the Penrith LGA. Penrith City Council considered that reduced car parking was not appropriate due to the high competing demands of the hospital and adjacent land uses.

Accordingly, to address issues raised in submissions, the Proponent submitted a PPR which detailed revisions to the Concept Plan and Stage 1 Project Application. Whilst the provision of car parking remained unchanged in the PPR (761 spaces), the reductions in GFA and removal of the supermarket element from the proposal resulted in a reduced demand for car parking generated by the development. A breakdown of the land use and car parking requirements for Stage 1 and Stage 2 of the PPR is provided in Table 4 below.

Table 4: Land Use and Car Parking Requirements (PPR)

Land Use Car Parking Requirements and Provision (PPR)									
	Stage 1			Stage 2			S1 + S2		
Land Use	DCP	RTA	PROPOSED	DCP	RTA	PROPOSED	DCP	RTA	PROPOSED
Commercial	489	489	449	38	38	312	527	527	761
Serviced Apartments	71	76		-	-		80	76	
Retail	64	70		63	69		127	139	
Residential	-	-		94	104		94	104	
TOTAL	624	635	449	195	211	312	819	846	761

As shown in the table above, Penrith DCP generates a requirement for 819 spaces for the Concept Plan as modified by the PPR, which includes 624 spaces for Stage 1 and 195 spaces for Stage 2 – i.e. a reduction of 141 spaces from the exhibited EA. Under the RTA Guideline a total of 846 spaces are required for the modified Concept Plan, which includes 635 spaces for Stage 1 and 211 spaces for Stage 2 – i.e. a reduction of 155 spaces from the exhibited EA.

The design changes to the Concept Plan and Stage 1 project in the PPR have resulted in a significant reduction in the requirement for on-site car parking provision from the exhibited EA. In this regard, the deficiency in parking spaces as required by the Penrith DCP has reduced from 199 spaces to 58. The deficiency in parking spaces as required by the RTA Guideline has reduced from 240 spaces to 85.

The PPR indicates that the minimal shortfall in car parking can be offset through implementation of a Travel Demand Management strategy and exploring alternative travel modes such as, walking, cycling and public transport.

As illustrated in the table above, the PPR did not allocate car parking spaces to specific land uses. The PPR indicated that the specific allocation of car parking to individual uses should remain flexible in order to allow the development to respond to changing conditions over time. The PPR concluded that parking allocation is best dealt with in the context of the Transport Access Guide, which can be updated over time.

The Department provided Penrith City Council with an opportunity to review and comment on the PPR. Council acknowledged the improvements incorporated in the revised design, however, recommended that the provision of car parking should still satisfy the requirements of Council's DCP.

The Department has considered the proposed shortfall in car parking numbers in the modified Concept Plan and Stage 1 project and concluded that the development should be self-sufficient in terms of car parking demand given the existing limited availability on of on-street car parking, and the existing demand for car parking generated by the hospital precinct. Additionally, the Department raised concern with the disproportionately higher short fall in car parking provided in Stage 1 as opposed to the excessive supply of car parking in Stage 2. Specifically, in the PPR, Stage 1 proposes a 29% parking short fall when compared with the Penrith DCP requirements, while Stage 2 proposes a 60% excess in parking numbers when compared with the Penrith DCP requirements.

Consequently, the Department has recommended a modification to the Concept Plan and condition on the Stage 1 project approval that the Proponent reconfigure the supply of car parking for each stage of the development, and allocate specific car parking spaces to each use proposed within the Concept Plan in accordance with the Penrith DCP requirements. The Department has prepared a table of the recommended car parking requirements that would meet Council's DCP car parking requirements (Table 5).

Table 5: Land Use and Car Parking Requirements (as per Penrith DCP 2006)

DCP Car Parking Requirements						
	Stage 1		Stage 2		S1 + S2	
Land Use	GFA or Rooms	Requirement	GFA or Rooms	Requirement	GFA or Rooms	Requirement
Commercial	19,558m2	489	1,504m2	38	21,062m2	527
Serviced Apartments	61 x 1 bed 10 x 2 bed	71	-	-	61 x 1 bed 10 x 2 bed	71
Retail	1,669 m2	64	1,640m2	63		127
Residential	-	-	24 x 1 bed 54 x 2 bed	78	24 x 1 bed 54 x 2 bed	78
Residential Visitor	-	-	1/5 of units	16	1/5 of units	16
TOTAL		624		195		819

In order to address the abovementioned recommended condition, the Proponent will need to provide an additional level of basement car parking. The condition also requires that the details of the additional car parking are submitted to the Director-General, prior to the issue of any Construction Certificate.

Notwithstanding the Department's recommended modifications to the provision of car parking within the proposal, the Proponent has committed to a number of transport initiatives in their Statement of Commitments, including a commitment to:

- prepare and implement a Transport Access Guide to outline how the development will reduce private vehicle usage;
- locate the Transport Access Guide prominently within the development to guide future residents, employees and visitors to the site;
- prepare a Work Place Travel Plan; and
- provide adequate bicycle parking spaces and level of amenities for staff at a convenient location on basement level 1 near the lifts to maximise surveillance, convenience and use.

The Department is satisfied that adequate car parking will be provided for the development subject to the recommended modifications and conditions of approval.

5.3.3. Public Transport

The subject site is located within close proximity to a range of public transport services, including Kingswood Train Station, and bus services along the Great Western Highway and Derby Street. Specifically, the site is located approximately 600m west of the Kingswood Train Station, 250m east of the nearest bus stop along the Great Western Highway, and 400m north of an alternative bus stop along Derby Street. Additionally a pedestrian crossing is proposed between the development and the adjoining Nepean Public Hospital and will form a continuation of the pedestrian through site connection between the Great Western Highway and Barber Avenue.

TNSW has recommended that the proposal incorporate the preparation and implementation of a Work Place Travel Plan, adequate bicycle parking for staff and visitors of the development and preparation of a Transport Access Guide.

As detailed above in Section 5.2.2 of this report, the Proponent has identified a number of public transport initiatives in the Final Statement of Commitments, including, the preparation of a Transport Access Guide and Work Place Travel Plan, provision of 100 bicycle parking spaces with accessible change rooms and shower facilities.

The Department considers that the existing public transport services available will satisfactorily service the proposed development, and additionally, the Proponent's Statement of Commitments will further improve usage of the available public transport. Additionally, the proposal will complement the existing pedestrian network through the construction of the through site connection and pedestrian crossing to link the development with the Nepean Private Hospital.

5.4. Noise and Vibration

Noise will be generated during demolition works, construction works and operation of the development. An acoustic assessment report was submitted as part of the EA. The nearest sensitive receivers include the residential properties to the west of the development across Parker Street, and the Nepean Public and Private Hospitals to the south and east of the development.

5.4.1. Construction Noise

Noise associated with the Stage 1 construction works will result from plant equipment operation, truck movements and the operation of tools and hand held machinery.

To ensure that the amenity of surrounding development is protected throughout the construction works, the Department has recommended a condition in the Stage 1 project approval that the Proponent prepare a Construction Management Plan, which will detail noise and vibration management. This will need to address all requirements contained in the Office of the Environment and Heritage (formerly the Department of Environment, Climate Change and Water) Interim Construction Noise Guideline, including:

- identification of specific activities that will be carried out and associated noise sources;
- identification of all potentially affected sensitive receivers;
- noise and vibration monitoring reporting and response procedures; and
- description of specific mitigation treatments, procedures and management measures.

Additionally, the recommended condition requires that the noise and vibration management section of the Construction Management Plan address the relevant provisions of Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

The Department has also recommended a condition in the project approval that the hours of construction work be restricted to the hours of 8am – 1pm on Saturdays to minimise weekend noise impacts from truck movements in the surrounding streets.

The Department is satisfied that the amenity of the surrounding development will be protected during the construction works through the recommended conditions of approval.

5.4.2. Operational Noise

While operation of the development is not expected to substantially increase noise levels in the Nepean health precinct, mechanical plant has the potential to increase night time noise levels and cause sleep disturbance to hospital wards and existing residential development on the opposite side of Parker Street.

The Acoustic Report included as part of the EA established intrusive and amenity criterion based on the Office of the Environment and Heritage (formerly the Department of Environment Climate Change and Water) Industrial Noise Policy Guideline (see Table 3)

Table 3: Intrusiveness and Amenity Noise Criterion

Intrusive		
Time of Day	Measured Background level	Recommended Acceptable Noise Level – dB(A)_{Leq(15mins)} Background + 5dB(A)
Day	56	61
Evening	51	56
Night	38	43
Amenity		
Type of Receiver	Time of Day	Recommended Acceptable Noise Level dB(A)_{Leq}
Residential (suburban)	Day	55
	Evening	45
	Night	40
Hospital Internal	Noisiest 1 hour period	35
Hospital External	Noisiest 1 hour period	50

The Acoustic Report identifies that all plant equipment associated with the development can be satisfactorily attenuated to levels complying with noise emission criteria through siting in appropriate locations, and standard acoustic treatments such as noise screens, enclosures, in-duct treatments such as silencers or lined ducting.

To ensure that the noise emission criteria is met at all sensitive receivers, the Department has recommended as a condition in the Stage 1 project approval for the Proponent to demonstrate that the installation and performance of operational plant equipment will meet the noise emission criteria outlined above as well as satisfying the Building Code of Australia and Australian Standard AS 1668.

5.5. Environmentally Sustainable Development

The Proponent has provided an Ecologically Sustainable Development Report (ESD Report) as part of the EA. The ESD Report identifies that the proposal cannot be evaluated against the criteria for NABER Energy rating and / or Green Star rating due to the proposal comprising individual land use components. The ESD Report identifies that due to the majority of air conditioning systems potentially being owned by tenants, any evaluation will result in an unrealistically high NABER's rating. Further, as the NABER's rating contributes towards the energy component of Green Star Rating, the resultant Green Star Rating may also be unrealistic.

Notwithstanding the above, the proposal has incorporated a number of ecologically sustainable measures in the design of the building, including, orientating the buildings to maximise solar access, installation of double glazing windows, open doors creating natural ventilation, addition of an central atrium with glass roof in Building A to optimise solar access, rain water harvesting and water efficient water fittings and fixtures, and reverse cycle air conditioning.

Additionally, in accordance with the Final Statement of Commitments, the Proponent will also:

- Undertake energy modelling during the detailed design stage to assess the energy efficiency of the building and to assist in optimizing the design. A Green Star Accredited Professional will also have intimate involvement during the design stage to assist in implementing all of the ESD initiatives.
- Supply to all users of the buildings a Building User's Guide incorporating information on energy and environmental consideration.
- Instigate a contractual requirement to have an Environmental Management Plan (EMP) and have an ISO 14001 Environmental Management System accreditation applicable to the building.
- Implement a comprehensive waste management plan with 60% of all waste being recycled or reused. Waste skips or bins will be provided for, cardboard, timber, metal, soft plastic, polystyrene, insulation, concrete, glass and bricks. Records will be kept by the contractor to demonstrate the actual percentage of waste recycled.
- Provide a dedicated storage area in an accessible area for the separation, collection and recycling of office consumables.
- Provide 100 bicycle parking spaces with secure bicycle storage and lockers, accessible showers with changing facilities. Visitors bicycle storage will be provided in an accessible location, signposted near the main public entrances.

The Department is satisfied that the Proponent has adequately considered the principals of ESD in the proposal. Additionally, the initiatives outlined in the Statement of Commitments will ensure that further development of ESD initiatives will be implemented at the detailed design stage of the development.

5.6. Contributions

Penrith City Councils S.94 Contribution Plans relevant to the subject site are for:

- Cultural facilities;
- District Open Space;
- Local Open Space; and
- Kingswood Neighbourhood Centre.

Under the abovementioned S94 Contribution Plans, the proposal is subject to a total contribution of \$195,398. Accordingly, the Department has a recommended imposing a condition requiring monetary contributions generated by the Stage 1 Project Application to be paid to Penrith City Council in accordance with Penrith City Council's Section 94 Plans.

The Proponent has also identified that the Stage 1 Project Application generates demands for local infrastructure works (separate to Section 94 Contributions), including:

- Great Western Highway footpath widening; and

- Provision of street trees to all street frontages.

The Proponent has committed to undertaking these works in its Statement of Commitments.

S94 Contributions associated with the residential component of the Stage 2 Building are to be resolved as part of a future application.

5.7. Public Interest

The proposal will have a strong nexus with the adjoining Nepean Public Hospital and Nepean Private Hospital and will provide medical related services such as private health specialists, consulting rooms and pharmaceutical services, and retail services to cater for hospital staff, visitors and residents. The proposal will provide for significant investment in the region and create approximately 650 full time equivalent construction jobs, and approximately 2750 full time equivalent operational jobs. Given that any residual impacts associated with the development can be mitigated, the Department therefore considers the proposal in the public interest.

6. CONCLUSION

The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in the public submission in accordance with Section 75I(2) of the EP&A Act. All relevant environmental issues associated with the proposal have been extensively assessed.

The development is consistent with the strategic objectives for the area, being consistent with the Metropolitan Plan for Sydney 2036 and the draft North West Subregion Draft Subregional Strategy.

The proposal is generally consistent with requirements of the relevant planning instruments, policies and objectives. The Department has given consideration to the relevant State Environmental Planning Policies and the context of the locality. Whilst the application presents some deviations from the Penrith LEP in terms of permissible uses and heights of buildings, detailed justification for these departures has been documented and assessed as acceptable by the Department.

The Department is of the view that the recommended conditions and implementation of the measures detailed in the Proponent's EA and appendices, PPR and appendices and the Statement of Commitments will adequately mitigate the environmental impacts of the proposal.

On balance, the Department considers the site to be suitable for the proposed development and that the Concept Plan and concurrent Stage 1 Project Application is in the public interest. Accordingly, the Department recommends that the project be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Deputy Director-General:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the Concept Plan Application (MP 09_0197), subject to modifications, under Section 75O(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above;
- c) **Approve** the Stage 1 Project Application (MP 09_0220), subject to conditions, under section 75J(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above;
- d) **Determine** that under Section 75P(1)(b) that Stage 2 of the development be subject to the provisions of, and be determined under, Part 4 of the EP&A Act;
- e) **Determine** that under Section 75P(2)(c) the environmental assessment requirements for Stage 2 are outlined in Schedule 3 of the Concept Approval;
- f) **Sign** the attached Instruments of Approval (**TAG A & B**).



**Director
Metropolitan and Regional Projects North**

5/8/11


**Executive Director
Major Projects Assessment**

5/8/11


**Deputy Director-General
Development Assessment & Systems Performance**

17/8/11