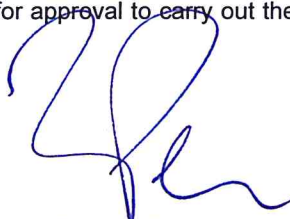


Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2, and the statement of commitments in Schedule 4;
- (b) Pursuant to section 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, all future stages of the Concept Plan approved are to be subject to Part 4 (except for the Stage 1 Project Application MP09_0220); and
- (c) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Nepean Health Precinct Mixed Use Development as set out in Schedule 3.



Deputy Director-General
Development Assessment and Systems Performance
Department of Planning & Infrastructure

Sydney

17th August

2011

SCHEDULE 1

Application No.:	MP 09_0197
Proponent:	Aesthete No.3 Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Corner of Great Western Highway, Parker Street, Barber Avenue, Kingswood (Lot 100 DP 701623, Lot 1 DP 1093052, Lot 4-6 DP 29524)
Project:	<p>Concept Plan for the Nepean Health Precinct Mixed Use Development, including:</p> <ul style="list-style-type: none">• staged redevelopment of the site for commercial, retail, serviced apartments and residential purposes;• 35,750m² of GFA and building envelopes (including height and floor space ratio);• car parking; and• landscaping, site works and services.

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DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Penrith City Council
Department	Department of Planning & Infrastructure or its successors
Director-General	Director-General of the Department of Planning & Infrastructure, or nominee
EA	Environmental Assessment titled <i>Nepean Health Precinct Mixed Use Development Environmental Assessment and Appendices</i> prepared by <i>Cityscape Planning + Projects</i> , dated November 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
FSR	Floor space ratio means the ratio of the floor space of a building to the site area of the land on which the building is proposed to be erected
GFA	Gross floor area means floor space which includes all wall thicknesses, ducts, vents, staircases and lift wells, but does not include: (a) any car parking space in a building, being a space provided to meet the standards required by the responsible authority (but not car parking space provided in excess of those standards), or any internal access to that car parking space; (b) space used for the loading or unloading of goods; or (c) lift towers, cooling towers, machinery and plant rooms and any storage space related thereto.
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Major Development SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure, or nominee
PPR	Preferred Project Report titled <i>Nepean Health Precinct Mixed Use Development Preferred Project Report and Appendices</i> prepared by <i>Cityscape Planning + Projects</i> , dated May 2011
Project	The project and the accompanying plans and documentation described in Schedule 2 of the Project Approval.
Proponent	Aesthete No.3 Pty Ltd
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Residential Accommodation	Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following: attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing, shop top housing, but does not include tourist and visitor accommodation or caravan parks.
Site Area	Means an allotment of land the subject of an application excluding any land upon which the development to which the application relates is not permitted by or under this Concept Plan.
Serviced Apartment	Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. Note. Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.
Stage 1	Refer to Major Project MP 09_0220, Stage 1 Project Application
Statement of Commitments	The Proponent's Statement of Commitments in Schedule 3
Storey	Storey in relation to a building does not include a floor or level of the building used exclusively for the purposes of car parking, storage or laundry facilities, or any combination of these purposes, where the ceiling is not greater than 500 millimetres above ground level.
Subject Site	Corner of Great Western Highway, Parker Street, Barber Avenue, Kingswood (Lot 100 DP 701623, Lot 1 DP 1093052, Lot 4-6 DP 29524)

SCHEDULE 2

PART A TERMS OF APPROVAL

1. Approval of the Nepean Health Precinct Mixed Use Development, except as modified by this approval, including but not limited to:
 - (a) staged redevelopment of the site for commercial, retail, serviced apartments and residential purposes;
 - (b) building envelopes including maximum heights as marked on the approved plans;
 - (c) a maximum gross floor area of 35,750m² (Stage 1 – 25,062m²; Stage 2 – 10,688m²);
 - (d) car parking; and
 - (e) landscaping and site works and services.
2. The development shall be generally in accordance with the following plans and documentation:
 - (a) Environmental Assessment titled *Nepean Health Precinct Mixed Use development Environmental Assessment* and *Appendices* prepared by *Cityscape Planning + Projects*, dated November 2010;
 - (b) Preferred Project Report titled *Nepean Health Precinct Mixed Use development Preferred Project Report* and *Appendices* prepared by *Cityscape Planning + Projects*, dated May 2011;
 - (c) The following plans;

Architectural (or Design) Drawings prepared by <i>TURNER + ASSOCIATES</i>			
Drawing No.	Revision	Name of Plan	
CP10	I	BASEMENT 03	
CP11	I	BASEMENT 02	
CP12	I	BASEMENT 01	
CP13	I	LOWER GROUND PLAN	
CP14	I	GROUND PLAN	
CP15	H	LEVEL 1	
CP16	H	LEVEL 2	
CP17	H	LEVEL 3	
CP18	H	LEVEL 4	
CP19	H	LEVEL 5	
CP20	H	LEVEL 6	
CP21	H	LEVEL 7	
CP22	H	ROOF PLAN	
CP30	F	NORTH ELEVATION	
CP31	F	SOUTH ELEVATION	
CP32	E	EAST ELEVATION	
CP33	F	WEST ELEVATION	
CP40	F	SECTION AA	
CP41	F	SECTION BB	
CP42	F	SECTION CC	
CP43	F	SECTION DD	
CP44	E	SECTION EE / WEST ELEVATION	
CP45	F	SECTION FF	
Architectural (or Design) Drawings prepared by <i>turf</i>			
Drawing No.	Revision	Name of Plan	DATE
LC-02	B	LOWER GROUND FLOOR LANDSCAPE PLAN	29/04/11
LC-03	B	GROUND FLOOR LANDSCAPE PLAN	29/04/11

- (d) Statement of Commitments (Schedule 4); and
 - (e) The modifications contained within this approval.
3. If there is any inconsistency between the plans, documentation and Statement of Commitments referred to above, the most recent document shall prevail to the extent of the inconsistency. However the modifications of this Concept Plan approval prevail to the extent of any inconsistency.
4. Limits on Approval
 - (a) This approval does not allow any components of the Concept Plan to be carried out without further approval or consent being obtained.
 - (b) This approval will lapse five years from the date of this approval unless works the subject of any related application are physically commenced, on or before that lapse date.

SCHEDULE 3

MODIFICATIONS TO THE CONCEPT PLAN

Car Parking

Car parking for the Concept Plan is to be provided in accordance with the table below.

Car Parking Requirements						
	Stage 1		Stage 2		S1 + S2	
Land Use	GFA or Rooms	Requirement	GFA or Rooms	Requirement	GFA or Rooms	Requirement
Commercial	19,558m ²	489	1,504m ²	38	21,062m ²	527
Serviced Apartments	61 x 1 bed 10 x 2 bed	71	-	-	61 x 1 bed 10 x 2 bed	71
Retail	1,669 m ²	64	1,640m ²	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

Provision of disabled car parking is to be in accordance with the Disability Discrimination Act Access Code 2010.

SCHEDULE 4

FURTHER ENVIRONMENTAL ASSESSMENT REQUIREMENTS

General Requirements

1. The Proponent shall ensure that any future applications shall include:
 - (a) a detailed description of the layout and design of the proposed development; and
 - (b) a demonstration that the project is consistent with the requirements of this approval.

Key Assessment Requirements

2. Land Uses

The Proponent is to demonstrate in future applications for fit outs and occupation of the nominated retail and commercial tenancies of Stage 1 and Stage 2 buildings that the proposed uses are of a medical nature, or ancillary to other medical uses in the vicinity of the site.

3. Building Form/Urban Design

For the development application(s) for Stage 2, plans, elevations and sections shall be provided to sufficiently detail the design of the building, including height, setbacks, gross floor area, modulation and articulation. Consideration must be given to bulk and scale in relation to the surrounding development context, topography and streetscape. Any future applications must also include a view analysis, including artist's perspective and photomontages.

4. Environmental and Residential Amenity

- a) For the development application(s) for Stage 2, consideration of the amenity impacts shall be demonstrated, including adequate separation between buildings, setbacks, solar access, visual privacy, acoustic privacy, wind impacts and view corridors, and achieve an adequate level of environmental amenity (including in relation to adjoining residences and the Hospital Precinct). The Proponent shall demonstrate that the requirements of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and Residential Flat Design Code guidelines can be satisfied.
- b) In particular, careful consideration to the design of the Stage 2 building should be undertaken to minimise any overshadowing of existing residential properties to the south-west and demonstrate adequate solar access has been provided to these properties.

5. Transport and Traffic Impacts (Construction and Operational)

For each development application for each future stage, an assessment of the transport and traffic impacts shall be provided, including traffic generation, car parking demand and supply (in accordance with Schedule 3 of this approval), minimise changes to on-street parking conditions, and promote public transport and bicycle usage.

6. Landscaping

Landscape and public domain plans are to be provided for each development application for each future stage clearly identifying the location of any new landscaping. (note: this condition amends dot point 3, 5.1 PUBLIC DOMAIN & LANDSCAPING, of the Statement of commitments in Section 4)

7. Construction and Operational Impacts

- (a) Any future applications are to provide a Stage 2 environmental site assessment and address all potential contamination on the site, including addressing SEPP 55 – Remediation of Contaminated Land requirements, air impacts and waste material.
- (b) An acoustic assessment shall be undertaken for all future applications and identify what mitigation measures are necessary to mitigate noise impacts from the Great Western Highway to the north, and Parker Street to the west to ensure an appropriate level of internal residential amenity can be achieved.
- (c) The hours of construction of future applications shall demonstrate that they are consistent with Council's standard hours. (Note: this requirement prevails over any inconsistency with Statement of Commitment).

8. Ecologically Sustainable Development

- (a) Any future applications are to detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development;
- (b) A description is to be included of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design; and
- (c) Where relevant, future applications are to obtain a BASIX certificate and implement the requirements of the BASIX SEPP.

9. Drainage, Stormwater and Groundwater Management

- (a) All future applications shall identify drainage, stormwater and groundwater management issues, on site stormwater detention, and drainage infrastructure, in accordance with Council's design specifications.
- (b) Detailed plans of the proposed erosion and sediment control measures during demolition, construction and operation shall also be provided.

10. Utilities

In consultation with relevant agencies, future applications are to address the existing capacity and requirements of the development for the provision of utilities, including any necessary augmentation and staging of any infrastructure works.

SCHEDULE 5

PROPOSERS STATEMENT OF COMMITMENTS

5.0 USE AND PERMISSIBILITY

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

5.1 PUBLIC DOMAIN & LANDSCAPING

- A publicly accessible through-site link will be provided and maintained between the Great Western Highway and Barber Ave.
- Lighting to pedestrian plaza will be provided to the relevant Australian Standard.
- A public domain and landscape implementation report shall be prepared and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- All elements of the public domain and landscaping will be maintained by the Proponent throughout the life of the development.

5.2 TRANSPORT AND ACCESSIBILITY

- The Proponent will widen the footpath at the southern side of the Great Western Highway from across the frontage of the development.
- The Proponent will prepare and implement a Transport Access Guide (TAG) for the development that will outline how the development will reduce private vehicle usage by 10%. The TAG will ensure that residential elements of the project are allocated parking in accordance with the requirements of Penrith DCP 2006.
- The TAG will be placed prominently within the development to guide future residents, employees and visitors to the site.
- The access and internal design aspect of the development are acceptable and individual Project will comply with AS 2890.
- A construction Traffic Management Plan will be prepared prior to the issuing a construction certificate.
- A pedestrian fence is to be provided along the entire frontage of the Parker St frontage extending past Barber Ave to prevent uncontrolled pedestrian crossing of Parker St.
- Preparation of a Parking Management Plan that identifies the intended location spaces to users of the site, short and long stay parking and control mechanism for managing compliance.
- Preparation of a Workplace Travel Plan (WTP) for future staff prior to construction.
- Provision of 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.
- Provision of bicycle parking at the appropriate entrances to the development.

5.3 NOISE MANAGEMENT

- A construction Noise Management Plan in accordance with the DECCW's "Interim Construction Noise Guidelines" will be prepared prior to the issuing of a construction certificate.

- All glazing will be provided as per Table 3 of the Acoustic Assessment report prepared by Acoustic Logic.
- A detailed review of all external mechanical plant should be undertaken at construction certificate stage (once a plant selections and locations are finalised). Acoustic treatments should be then determined in order to control plane noise emissions to the level identified.
- The Loading Dock shall only be used during business hours (between 7am and 10pm).

5.4 STORM WATER

- Two separate detention storage tanks with a total volume of 122 cubic meters will be provided to limit post development discharges from the site to less than pre developed flow rates.
- Further investigations and detailed design (will be undertaken prior to the Construction Certificate) is required to provide for the safe carriage of overland flows generated within the site during major storm events and to ensure that the finished floor levels of habitable floor space are at a sufficient height above defined flow paths to avoid inundation.
- Further investigation and detailed design (will be undertaken prior to the Construction Certificate) is required to identify the capacity of the drainage network servicing the Nepean Private Hospital and at what location a legal piped connection draining from the Eastern Catchment of the proposed development can be made.
- Sediment and erosion control during the construction phase will be managed generally in accordance with the plan included in Appendix C of the Stormwater Management and Utilities Report prepared by *Hyder*.
- Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

5.5 CONTAMINATION

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

5.6 ESD

- Energy modelling will be performed during the design stage to assess the energy efficiency of the building and to assist in optimizing the design.
- A Building User's Guide which includes information on Energy and Environmental Strategy, Monitoring and Targeting, Building Services, Transport Facilities, Material and Waste Policy, and Expansion/Re-fit Considerations will be supplied to all users of the building.
- There will be a contractual requirement with the contractor to have an Environmental Management Plan (EMP) and have an ISO 14001 Environmental Management System Accreditation applicable to the building.

- The Proponent will commit to a firm 12 month commissioning building tuning period after handover with minimum of quarterly reviews.
- A comprehensive waste management plan will be implemented with 60% of all waste by weight being recycled or reused. A dedicated on-site waste management area will be established to sort and segregate the waste. Waste skips or bins will be provided for the following materials;
 - Cardboard
 - Timber
 - Metal
 - Soft Plastic
 - Polystyrene
 - Insulation
 - Concrete
 - Glass
 - Bricks

Records will be kept by the contractor to demonstrate the actual percentage of waste recycled.

- A dedicated storage area will be provided for the separation, collection and recycling of office consumables. The storage area will be located in the basement next to the lift shaft to provide easy access for all building occupants and recycling companies. The storage area will provide recycling bins for the following waste streams, paper, glass, plastics, metals and organic (compost) materials.
- The car park has been designed at the minimum planning allowance to assist in reducing the number of cars. In the car park 10% of the car parks will be dedicated solely for small cars, carpool participants or hybrid/alternative fuel vehicles.
- Secure cyclist facilities will be provided to Council's satisfaction and no greater than 100 spaces. The facilities will include 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.
- A Green Star Accredited Professional will have intimate involvement during the design stage to assist in implementing all of the ESD initiatives.

5.7 ACCESSIBILITY

- Residential serviced apartment passenger lifts will have a 1400mm x 1600mm internal dimension (travel more than 12m), compliant with the DDA Access Code 2010 Table E3.6 (b).
- The development will provide 9 x accessible serviced apartments under DDA Access Code.
- 5 (2%) of the total amount of retail car parking to be made available as wheelchair accessible, compliant with the DDA Access Code 2010.
- 5 (1%) of the total amount of commercial car parking to be made available as wheelchair accessible, compliant with the DDA Access Code 2010.
- The development will provide 9 x accessible residential car parking bays allocated for this development, compliant with the DDA Access Code 2010 Table D3.5.

5.8 ELECTROLYSIS FROM RAIL OPERATIONS

- Prior to the issue of a Construction Certificate the Proponent will engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Proponent will incorporate in the development all the measures recommended in the report to control that risk. A copy of that report will be provided to the Principal Certifying Authority with the application for a Construction Certificate

