



MEMORANDUM

Reference: **DA20/0767**

To: Penrith Local Planning Panel

From: Sandra Fagan – Senior Development Assessment Planner

Date: 21 September 2021

Subject: Proposed Demolition of Dwelling, Construction of a Seven (7) Storey Accommodation Hotel with Rooftop Bar and Restaurant, 3 Levels of Basement Parking for 63 Vehicles, Ground Floor Reception, Lounge and Dining, and Associated Site Works with Consolidation of Three Lots
28 - 32 Somerset Street, Kingswood

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 22 September 2021.

This memorandum provides a response to questions from the Local Planning Panel ahead of the upcoming Local Planning Panel meeting.

No.	Question	Response
1	<p><i>Can we please get latest UDRP comments?</i></p> <p><i>In addition, for the southern elevation to Hargrave Street, is there opportunity for improved presentation. For example, screening to the stairwell as a feature, and windows to the ground floor and hotel rooms either side of the stair. The latter may also improve cross ventilation to rooms.</i></p>	<p>The UDRP advice dated 17 March 2021 is now provided to the Local Planning Panel (LPP) with this memo. The UDRP comments are based on the proposed development as lodged, prior to the amendments currently before the LPP.</p> <p>The question of further design changes to the Hargrave Street facade has been raised with the applicant's architect.</p> <p>The architect has prepared a mark-up of the southern facade render, which is included in the attached information.</p> <p>The mark-up shows additional vertical blades as a screen to the stairwell, and vertically proportioned windows to the hotel rooms on the south-east side, with a single window on the south facade of those rooms (facing Hargrave Street).</p>

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		<p>These changes are considered to improve the appearance of the facade to Hargrave Street and are supported.</p> <p>A suitable condition to this effect is included below.</p> <p>In addition, the ground floor already has windows to Hargrave Street in the position of the bar/lounge area.</p> <p>While the render also shows a glazed window facing the driveway at ground floor, the floor plan shows a solid wall in this position, which is the location of the employee break room. A window could be added to the employee break room to improve access to light (although the outlook is to the driveway).</p> <p>The applicant has confirmed that adding a window here, and making the other changes discussed above, is acceptable.</p>
2	<i>Please send traffic/parking report and full comments from traffic engineer.</i>	<p>The amended Traffic Report is provided to Panel members with this memo.</p> <p>The referral comments from Council's Traffic Engineer are also provided to Panel members. This includes two referral responses corresponding with the original and amended proposal.</p>
3	<p><i>Comments on draft conditions for consideration and discussion:</i></p> <p><i>a. 4 – approved by Council?</i></p>	<p><u>Condition 4</u> requires the operational Plan of Management to be endorsed by the Principal Certifier. This condition should be amended so that Council is able to review and subsequently endorse the Plan of Management.</p>

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	<p>b. <i>5 – Why – if limited parking charging for staff may encourage non-car travel?</i></p> <p>c. <i>24 – approve with CC?</i></p> <p>d. <i>25 – to be approved?</i></p> <p>e. <i>29 – mark areas on approved plan?</i></p>	<p>Amended wording to the condition is below.</p> <p><u>Condition 5</u> states that hotel staff are not to be charged to park within the building. However, there is no Council policy which requires this provision. On review, it is recommended that this specific requirement be deleted. Amended wording to the condition is below.</p> <p><u>Condition 24</u> relates to mechanical ventilation of parking levels. The condition should be amended to require details prior to a Construction Certificate being issued. Amended wording to the condition is below.</p> <p><u>Condition 25</u> relates to the submission of an acoustic report for mechanical plant. The condition should be amended to enable Council to endorse this report. Amended wording to the condition is below.</p> <p><u>Condition 29</u> relates to restrictions on the use of the food and drink spaces of the hotel (the licensed areas). These requirements have been extracted from the Acoustic Report. The question from the Panel relates to whether the affected areas should be marked on the approved plans to be clearer.</p> <p>The Acoustic Report specifically refers to the two licensed areas of the hotel. The first is “<i>an internal bar and lounge area located on the ground level separated by the foyer/entry. The second area located on the rooftop includes an internal bar and dining area, and an external seating area around the perimeter (northern, southern, and eastern).</i>”</p>
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	<p>f. <i>Do conditions 44 and 63 complement? Is 44 needed if made underground?</i></p>	<p>Council's Senior Planner sought clarification from the acoustic consultant as to the specific areas being referenced.</p> <p>The acoustic consultant has confirmed that the areas include the internal food and beverage spaces at both ground and rooftop levels. The external spaces include the arbour to Somerset Street at ground floor and the whole of the external rooftop terrace, as this space contains seating available to diners.</p> <p>While it is not considered necessary that the approved floor plans are marked-up to show these areas, the wording of the condition should be amended to clearly state the areas of the hotel where the restrictions apply. Amended wording to the condition is below.</p> <p><u>Condition 44</u> references the referral response from Endeavour Energy. This letter includes information about the substation and utility requirements, as well as the encroaching overhead power line that serves the neighbouring property.</p> <p>Condition 44 was imposed to ensure that the applicant engage with Endeavour Energy to carry out any required works, including addressing the power line to the adjoining property.</p> <p><u>Condition 63</u> requires all services for the development, including those across the frontage of the development, to be located underground.</p>
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		<p>It is acknowledged that one condition relates to undergrounding power, and the other references the existing encroachment of the power line. However, it is considered that the two conditions are still relevant because it is unknown at this time how the existing power line encroachment will be addressed.</p> <p>Condition 44 is worded to allow the applicant and Endeavour Energy the ability and flexibility to resolve issues relating to the encroaching power line.</p> <p>Council's public domain and engineering policies will still require the utility to be underground.</p> <p>There are no changes recommended for Conditions 44 and 63.</p>
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Recommended Changes to Conditions for Development Application DA20/0767

1. Insert New Condition

The southern elevation is to be further articulated to improve the facade's presentation to Hargrave Street, generally in accordance with the Updated Render submitted by email to Council on 20 September 2021. These changes are to include the following:

- (a) Additional screening in the form of vertical blades to the open stairwell;
- (b) A single, vertically proportioned window positioned on the southern facade of the hotel rooms located in the south-eastern corner of the building, at all levels; and
- (c) A window on the eastern wall of the employee break room.

Details of these amendments are to be submitted to Penrith City Council for approval prior to the issue of a Construction Certificate.

2. Amend Condition 4

An operational 'Plan of Management' is to be ***submitted to, and written approval***

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obtained from, Penrith City Council approved by the Principal Certifier prior to the issue of any Occupation Certificate. **Thereafter, the hotel shall be managed in accordance with the approved Plan of Management, which can be reviewed and updated to improve processes and operations.** The Plan of Management is to include at least details of the following:

- The 24 hour contact details of the property caretaker or manager, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;
- Any rules, including details of how they will be publicised to guests, visitors and patrons, that cover guest behaviour, activities and noise, visitor policy and any other relevant rules;
- Measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of the licensed bar / restaurant areas and the external seating areas;
- The use of external and publicly accessible spaces should be restricted in accordance with the Acoustic Report referenced at Condition 1 and other conditions of this consent; and
- Details of how complaints will be investigated and managed.

3. Amend Condition 5

The car parking spaces at all basement levels are to be used solely by staff and visitors/guests of the hotel. ~~Staff are not to be charged to park within the parking areas, and at~~ **At** no time are the car parking spaces to be let to a third party.

4. Amend Condition 24

The basement car park and basement waste storage room are to be mechanically ventilated in accordance with the relevant sections of the BCA and AS 1668, Parts 1 & 2. The discharge of the mechanical ventilation is to be to the roof of the building. The exhaust risers are to be reticulated through the internal areas of the building prior to their discharge to the roof. **Suitable details are to be submitted to Penrith City Council for approval prior to the issue of a Construction Certificate and the approved details are then to be included in the Construction Certificate drawings.**

5. Amend Condition 25

An acoustic report is to be provided to Council **and written approval obtained from Council**, prior to a Construction Certificate being issued, **which outlines** outlining the noise impacts and mitigation measures required for all mechanical plant on the premises. The acoustic report is to be prepared by a suitably qualified and practising person in accordance with the Noise Guide for Industry.

6. Amend Condition 29

The **following restrictions apply to the bar, lounge, and dining** areas of the hotel. **This includes the internal bar and lounge areas located on ground level, the external seating area located on the ground floor arbour on Somerset Street,**

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the internal 'food & beverage' area located at rooftop level, and the whole of the external/outdoor terrace around the perimeter of the rooftop level (northern, southern, and eastern sides) relating to food and drink spaces, including all of the external areas of the hotel. These areas are to be used and managed in accordance with the recommendations of the acoustic report referenced at Condition 1. In this regard, the use of those spaces is restricted as follows:

- The use of the internal areas of both the ground floor and rooftop bar/lounge/dining are limited to between 6:00am to 12:00am (midnight) every day;
- All external facades ***adjoining the ground floor and rooftop level food and beverage spaces***, including windows and doors, are to be closed between 10:00pm and 7:00am with doors used only for direct ingress and egress as required;
- The use of the ***ground floor arbour area to Somerset Street, and the rooftop external terrace area*** is limited to between 7:00am to 10:00pm, Monday to Saturday, and 8:00am to 10:00pm on Sundays and Public Holidays, except for the two areas shown in red at page 35 of the Acoustic Report, being the northern and southern end of the external rooftop terrace, with these areas only able to operate until 6:00pm, unless Penrith City Council approve additional acoustic treatments;
- The total number of patrons permitted internally in the rooftop bar/dining area is 75 patrons, in the external roof top area is 99 patrons (as per page 34 of the Acoustic Report), in the ground level lounge is 84 patrons, and in the ground level bar is 36 patrons (these limits do not include staff);
- Background music only can be played within internal areas and is not to exceed 75dBA within the space; and
- The 1.8m high glazed balustrade around the entire perimeter of the outdoor dining/bar area is to be retained.

Sandra Fagan
Senior Development Assessment Planner