
PLANNING PROPOSAL REF	RZ17/0002
PLANNING PROPOSAL DESCRIPTION	Planning Proposal – Australian Arms Hotel 351-359 High Street, Penrith
DATE OF LPP MEETING	Wednesday 10 April 2019
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Geoff Martin (Community Representative)
APOLOGY	
DECLARATIONS OF INTEREST	No conflicts of interest were declared

Executive Summary

Council is in receipt of a Planning Proposal seeking to amend Penrith Local Environmental Plan 2010 (LEP) Height of building and Floor space ratio (FSR) controls for land at 351 - 359 High Street, Penrith (Lot 2 DP 513015 and Lot 9 DP 28199).

The Planning Proposal seeks to increase the height of buildings control from 12m to 24m over part of the land. The Planning Proposal also seeks to increase the Floor Space Ratio (FSR) control from 3:1 to 3.5:1 over all of the land. No increase in height controls is proposed over the Australian Arms Hotel building portion of land.

These proposed amendments will enable a 120 room four-star hotel with conference and function facilities at 351 - 359 High St, Penrith. It is intended to retain the heritage listed existing Australian Arms Hotel.

The purpose of this report is to:

- refer this Planning Proposal to the Local Planning Panel for advice, and
- provide key details relating to the Planning Proposal including Council's assessment.

This Planning Proposal has been endorsed by Council. The Planning Proposal is being reported to the Local Planning Panel as a procedural matter. Any advice received will be provided to the Department of Planning and Environment, to support an existing request for issue of a Gateway Determination.

Background

Site description

The site accommodates a local heritage item, which is the Australian Arms Hotel, as well as a covered beer garden, car parking and a substation.

Figure 1 – Aerial photo of Site.**Key:**

- Subject Site (including 351 and 359 High Street, Penrith)
- Australian Arms Hotel Building
- 351 High Street, Penrith

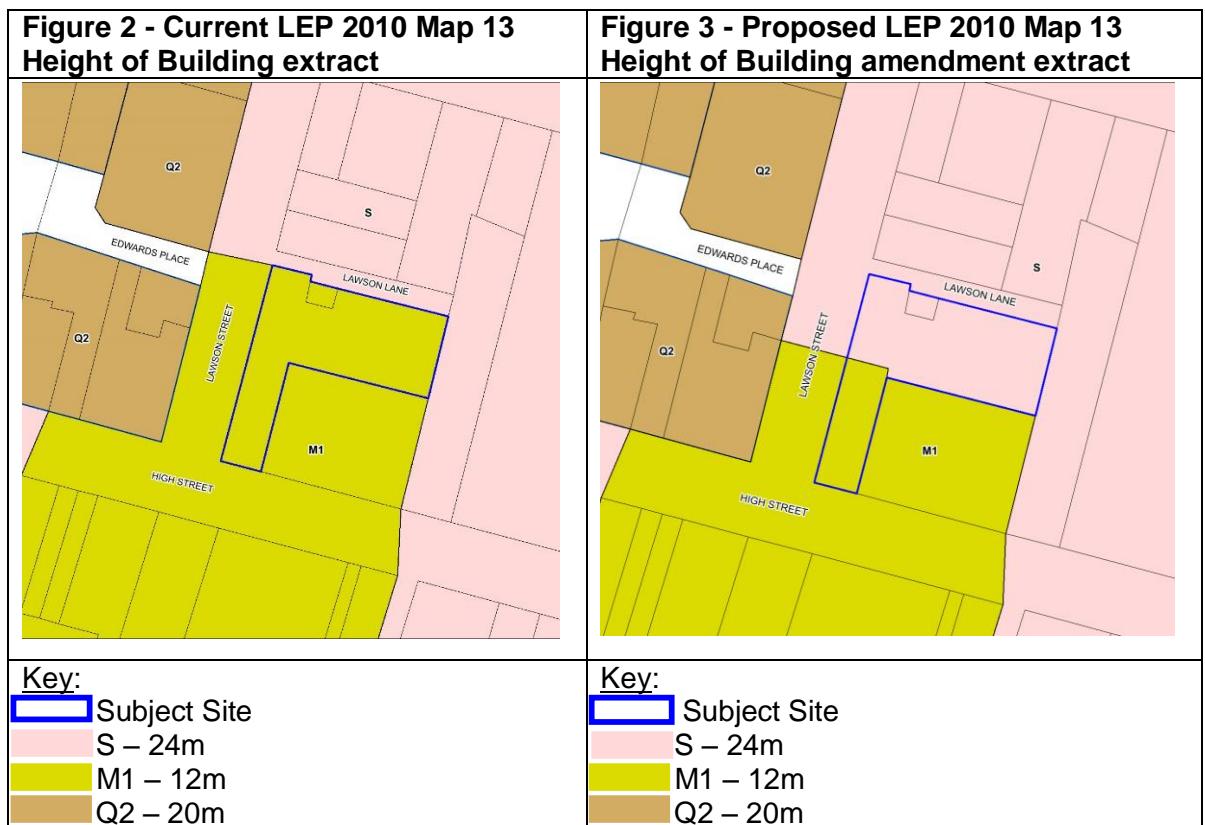
In 2016, pre-development application discussions were carried out between the proponent and Council's Development Assessment team. The architectural plans for the development of the site were referred to the Urban Design Review Panel (UDRP). The UDRP advised that the proponent should proceed through the Planning Proposal process as the height exceedance was excessive, and an exception to the development standards under clause 4.6 of LEP 2010 could not be considered. The Planning Proposal and designs reflect feedback from the UDRP.

Planning Proposal

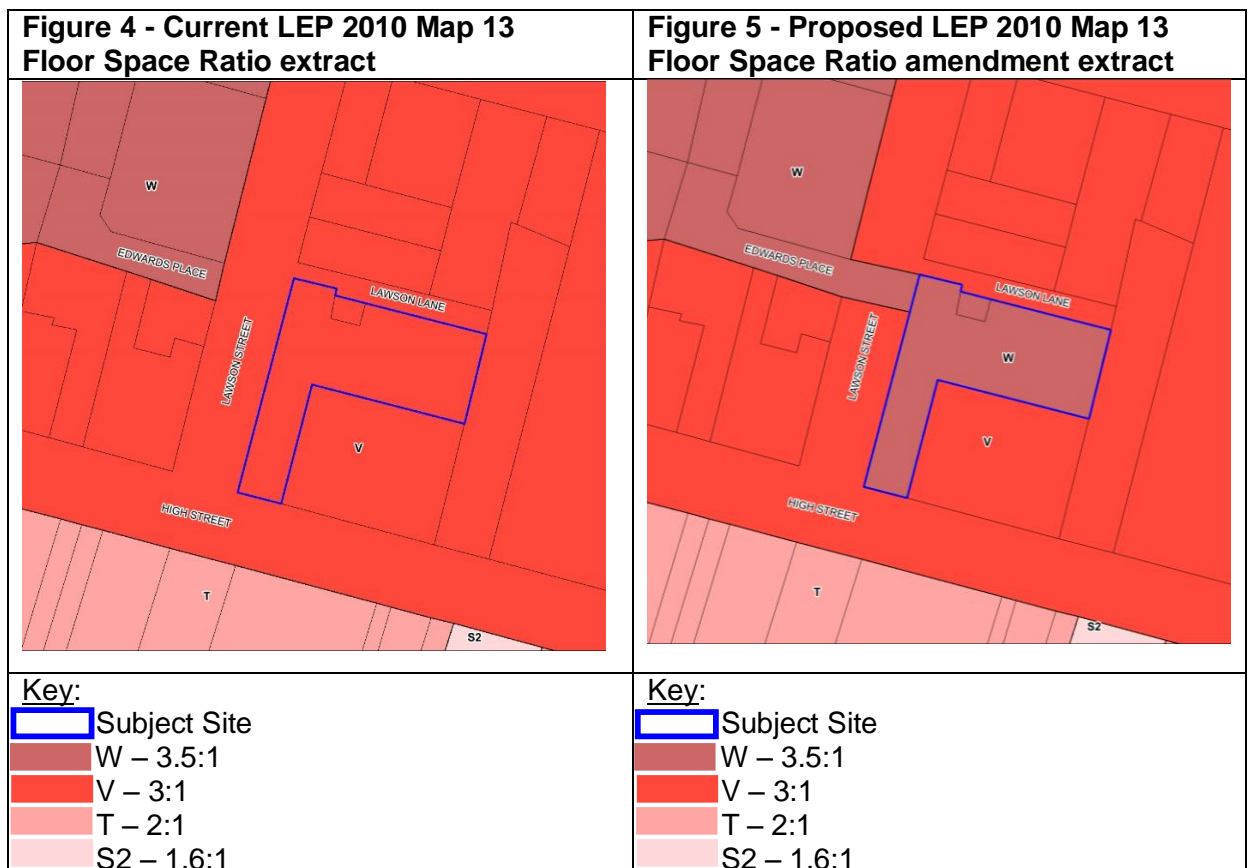
The Planning Proposal seeks an increase in height and FSR controls to enable a new 120 room four-star hotel with conference and function facilities at 351 and 359 High Street, Penrith. The Proposal does not propose any change to the current B3 Commercial Core zone.

The aims of the Planning Proposal are to:

- Amend the height of building control as it relates to 351 and 359 High Street, Penrith from 12m to 24m on the covered beer garden, substation and parking. No increase in height is proposed over the Australian Arms Hotel building portion of land.



- Amend the Floor Space Ratio (FSR) control as it relates to 351 and 359 High Street, Penrith from 3:1 to 3.5:1.



The Planning Proposal and appendices are provided as Attachment 1.

Purpose of planning proposal

The proposed amendments will enable a development application for a 120 room, four-star hotel with conference and function facilities at 351 - 359 High St, Penrith. It is intended to retain the existing heritage listed Australian Arms Hotel.

Key considerations

Key considerations for the Planning Proposal include:

Height and Floor Space controls

The Height and FSR controls proposed as part of this Planning Proposal are in response to an Urban Design Study submitted as part of the Planning Proposal which explored a variety of development options for the site. The preferred design, as reflected within the Planning Proposal, is able to facilitate a hotel within the overall development.

The proposed height of 24m is consistent with the existing heights along the remainder of Lawson Street. As the indicative designs do not propose development over the existing heritage listed hotel building, it is not necessary to increase building height over the whole site. This means that the existing 12m height over the Australian Arms Hotel will be retained for all heritage items along the Lawson/High Street heritage precinct.

The proposed FSR of 3.5:1 is sought over the whole site. This will allow the bulk of the FSR to be taken up within the proposed new building. As such, the application of the FSR control across the site results in a lower FSR to be proposed if it were to only be applied to the portion of the site being developed.

In summary, the proposed controls are intended to complement the form and scale of the surrounding commercial core, without adversely affecting the amenity of future public spaces in Edward Place or the heritage items within the vicinity.

Heritage

The site contains the Australian Arms Hotel, a heritage item listed under Schedule 5 of Penrith LEP 2010. Other heritage items under LEP 2010 are in the immediate vicinity of the site along High Street. These heritage sites have lower FSR's and heights permissible under LEP 2010 than surrounding development in order to maintain the integrity of heritage sites by ensuring new construction does not overwhelm heritage items with increased bulk and scale.

To ensure that the integrity of the Australian Arms Hotel heritage site is maintained through the proposed amendments, a Conservation Management Plan (CMP) has been prepared. The CMP is provided as Appendix 1 in the Planning Proposal (Attachment 1) and provides guidelines for the conservation and management of the Australian Arms Hotel.

The CMP provides that new structures need to:

- not overwhelm the existing hotel building when viewed from the public domain,
- allow observers in the public domain to appreciate the character and detail of the Art Deco building,
- provide visual separation of the Hotel, ensuring independence of the original fabric,
- be assessed by a heritage specialist to ensure any negative heritage impacts are minimised.

A list of significant internal and external items has been provided in the CMP for elements that need to be conserved, such as the:

- face brick and glass brick tower and flagpole at the corner of the building,
- room layout and curved internal corners,
- roof form and tile finishes viewed from the public domain,
- awning including pressed metal soffit.

The Planning Proposal will be referred to the Heritage Advisory Committee subject to an approved Gateway Determination and as part of the public exhibition of the Planning Proposal.

Traffic

An assessment of traffic generation indicates that existing streets have capacity to accommodate the growth that would be created by increasing the Height and FSR of the site.

Provision of approximately 62 basement car parking spaces is projected for the future development. Further detailed designs will be required during the Development Approval process to create appropriate parking and access.

Panel's Advice

The Planning Proposal has been reported to and endorsed by Council at the Policy Review Committee meeting on 8 October 2018. The meeting minutes are provided as Attachment 2.

A record of the Panel's advice will be included in the referral of this Planning Proposal to the Department of Planning for a Gateway Decision.

Conclusion

Council staff have held ongoing discussions with the proponents of the subject land to provide an appropriate development outcome, given the local heritage listing of the site.

The Planning Proposal has the potential to facilitate improved employment and recreation opportunities, increase the night-time activation of the Eastern end of the Penrith CBD and provide short-term accommodation in the City Centre. Sympathetic development of the site also has the potential to complement the existing use and facilitate conservation of the Australian Arms Hotel.

The Planning Proposal also has the potential to provide improved economic and social benefit to the community, due to increased employment and recreational opportunities in the City Centre, close to compatible uses and transport.

RECOMMENDATION

It is recommended that:

1. The Planning Proposal be submitted to the Department of Planning and Environment (DP&E) with a request to issue a Gateway Determination.

ATTACHMENTS

1	Australian Arms Hotel Planning Proposal with appendices
2	8 October 2018 Policy Review Committee meeting minutes

Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979

The Panel has considered the planning proposal and the preliminary assessment prepared by Council Officers and provides the following advice:

- 1 The Planning Proposal is generally supported for the following reasons:
 - a. The proposed amendments allow a built form and scale that is consistent with the surrounding commercial core.
 - b. The proposed amendment to LEP 2010 will not result in negative impacts on the heritage item or surrounding commercial core.
 - c. The proposed amendments are able to facilitate improved employment and recreation opportunities, increase the night-time activation of the Eastern end of the Penrith CBD and provide short-term accommodation in the City Centre.

Jason Perica – Chair Person	John Brunton - Expert
Geoff Martin – Community Representative	Mary-Lynne Taylor (Expert)