

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 24 October 2022, 3:00pm to 3:30pm
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-244 – Penrith – DA22/0326 - 28 Somerset Street, Kingswood, 2747

Construction of Seven (7) Storey Accommodation Hotel including 140 Hotel Rooms, Related Facilities & Services, Three (3) Levels of Basement Car Parking & Associated Site Works

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli, Ross Fowler
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Gavin Cherry, Robert Craig, Sandra Fagan
DPE	George Dojas and Alex Richard

KEY ISSUES DISCUSSED

- A previous DA20/0767 approved by the Local Planning Panel on 21 September 2021 relating to the site is subject to a third party judicial review appeal by the neighbouring site (Australian Unity) concerning the variance to clause 7.11 of Penrith LEP. The appeal was heard in late September. The Applicant has commenced that consent, including undertaking demolition of the houses on the lots. The approved DA also permits excavation of basement car parking and a 7 storey hotel building, with internal and external drink and dine spaces on the uppermost floor. The approved height of building is 23.854m to the top of the lift overrun. Judgment on the appeal is anticipated in December.
- The current proposal has been lodged for a similar development to that already approved, which suggests that the Applicant is aiming by this DA to protect itself against the prospect that the objector appeal is successful.
- The current application is for excavation and construction of three levels to accommodate 63 car spaces, construction of a seven storey accommodation hotel with 140 rooms, ground floor wellness related uses and ancillary hotel uses. Levels 1-5 are proposed to wholly contain hotel rooms. The top floor will be used for hotel reception. The building again proposes a non-compliant height of 23.854m (circa 5.85m over the height limit) and a proposed FSR of 3.37:1 (compliant).
- Notably, the development standard to which the clause 4.6 request is directed is the mapped height limit fixed by clause 4.3 of the Penrith LEP, and note the height permissible with a 20% bonus if the requirements of clause 7.11 are met. The Panel will need to consider carefully how clauses 4.3, 7.11 and 4.6 of Penrith LEP interrelate, noting that one of the considerations in applying clause 4.6 is

“objectives of the particular standard” to be varied. The Court Judgment (if it is available when the assessment report is prepared) will need to be examined carefully.

- The Panel was briefed as to the heights of, and applicable controls for, buildings on the adjacent and nearby sites.
- The Panel understands that the key issues raised in submissions include the adequacy of the clause 4.6 variation request, the height non-compliance, bulk, scale and setbacks, tree removal and potential works that may affect an adjoining property without owner’s consent, parking and noise.
- The Panel awaits the Council’s assessment report and consideration of the above matters in the context of the existing and desired future character of the area.

TENTATIVE DETERMINATION DATE SCHEDULED FOR NOVEMBER 2022