

Memorandum

Reference: DA22/0326 / PPSSWC-244
To: Sydney Western City Planning Panel
From: Sandra Fagan, Senior Development Assessment Planner
Date: 23 May 2023
Subject: **Development Application at 28-32 Somerset Street, Kingswood**

On 15 May 2023, the Panel published its Addendum to Record of Deferral, accompanied by a peer review traffic report by EMM Consulting, dated 11 May 2023. This was in response to the Panel's deferral of development application DA22/0326 (PPSSWC-244) for an accommodation hotel at 28-32 Somerset Street, Kingswood.

The peer review traffic report was specifically initiated by the Panel to review the proposal's departure from the DCP parking rates (that is, the number of proposed on-site parking spaces).

On this specific matter, the peer review found that the number of proposed on-site parking spaces was adequate. The peer review stated that *"Based on the above assessment, I agree with the justification provided in the ttp submission and based on my professional view, 63 on-site car parking spaces should satisfactorily cater the (sic) parking demand for the proposed medi-hotel development"*.

The peer review also advises that the parking spaces should not be sub-leased and that a suitable sign be displayed at the driveway entrance to indicate private parking. **Condition 71** of the recommended conditions already addresses no sub-leasing of spaces. **Condition 69** has been amended to include the requirement for the sign at the driveway entry. In addition, a new condition, now numbered **Condition 73**, is recommended to require a Green Travel Plan.

This is now considered to satisfactorily address the outstanding issue relating to the proposed development's departure from the Penrith DCP parking controls.

Notwithstanding that the Panel *"reserved its position only in relation to the major departure from the DCP parking rates"*, the peer review traffic report made further comments relating to the; design of the equitable parking spaces; use of the loading dock; waste collection; swept paths; and bicycle parking design.

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These were all matters addressed in Council's planning assessment report. Nevertheless, additional information is provided to the Panel to assist in reaching a determination of the development application.

Loading Bay and Waste Collection

The peer review report raises concerns about the operation of the proposed loading bay which will also be used for waste collection. The peer review recommends additional information from a comparable medi-hotel development for assessment (including 3 months of data). The Panel's Addendum to Record of Deferral notes that such data would be useful to guide conditioning of the issue but acknowledges that a similar medi-hotel might be unavailable for a comparable study.

The applicant is aware of the peer review report and has advised Council staff that there is not a comparable facility from which to gain the specific data. The applicant has also expressed that they are confident that the hotel operator is experienced and capable of managing the servicing arrangements of the proposed development. The future operator has been involved in the detailed design of the building and is aware of the loading bay design and need for a management plan.

In addition, the applicant has obtained a letter dated 23 May 2023 (attached) from the future hotel operators, indicating that they are aware of the servicing design of the building and can manage the use of the loading dock using a small rigid vehicle.

The Council planning assessment report considered the proposed loading bay and access by service vehicles, concluding that on balance, the proposed arrangement was acceptable. The assessment report had regard to the potential negative urban design impacts associated with either separating the loading dock from the one (combined) driveway or designing the building for a large rigid vehicle. The assessment report also considered that the development would be managed by a single operator, making the overall management of the loading dock more efficient.

The assessment report includes various recommended conditions which relate to the use of the loading dock. They are:

- **Condition 5** which restricts the use of the loading dock to between 7am and 10pm;
- **Condition 33** which requires a stationary vehicle in the loading dock to switch off

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its engine; and

- **Condition 68** which requires an operational management plan to be in place for all vehicles using the loading dock.

Specifically, **Condition 68** as included in the planning assessment report stated the following:

“Prior to the issue of any Occupation Certificate, the Certifier shall ensure that a Waste Collection / Service / Delivery Vehicle Operational Management Plan is in place. This Plan must apply to all waste collection and service/delivery vehicles accessing the site’s loading dock. The Plan shall include details about:

- *Coordinating all development site businesses and operator's agreements and management of all waste collection, service, and delivery vehicles to the site and to all businesses at the site;*
- *Management of pedestrians to ensure they are kept clear of any service vehicles servicing the site particularly during reversing manoeuvres; and*
- *Details on how drivers will be made aware that they must comply with the operational traffic management plan for the development.*

Condition 68 is sufficient to manage the future use of the loading dock and servicing of the development. However, the condition will be amended to specifically include; the words ‘loading dock management plan’; that no servicing or waste collection can occur from the street; and that the site can only be serviced by vehicles equal to or less than a Small Rigid Vehicle (SRV).

Swept Paths for Hargrave Street and Driveway, and Signage Plans for Local Traffic Committee

The peer review report requests an updated swept path showing a service vehicle (SRV) exiting the loading bay and turning left into Hargrave Street, to assess the potential impact to on-street parking and acknowledging that one on-street parking space in Hargrave Street may need to be removed. The peer review also suggested signage plans for Local Traffic Committee review be submitted.

The applicant’s traffic consultant was asked to review this and determine if there was any more space available within the driveway to adjust the swept path.

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The applicant has responded with an amended swept path for a service vehicle exiting the driveway by turning left into Hargrave Street. The amended swept path shows that the on-street parking space (located on the northern side of Hargrave Street) could be retained, although the swept path is tight.

At any rate, the peer review traffic report acknowledges that *"Given only one car parking (sic) will be lost, I agree with ttp's justification that this loss of on-street parking would be offset by the additional three spaces being made available on Somerset Street with the removal of the redundant driveways in this street"*.

Condition 66 includes the appropriate requirements for any future change to parking bay markings in the street, including any change to signage, to be approved by Council's Local Traffic Committee prior to the issue of a Construction Certificate. It is Council's practice to impose such a condition and any further details are not required at the DA stage.

In addition, the peer review report asks for a swept path in the scenario that two service vehicles are using the driveway at the same time, in opposing directions. This swept path has not been requested of the applicant because it is apparent that the driveway will not allow two service vehicles at the same time. This issue reverts to the discussion above about the need for a loading dock management plan to address the servicing of the development.

Equitable Parking Spaces

The peer review report raises concern that some of the equitable parking spaces do not comply with AS 2890.6:2009, and instead the applicant references a New Zealand standard.

The Council planning assessment report considered this aspect and recommended a generic condition, at **Condition 51**, to address compliance with Australian Standards. However, to clarify this matter and ensure compliance, **Condition 15** has been amended to specifically reference the equitable parking spaces and compliance with AS 2890.6:2009. Condition 15 relates to the Access Report and other changes relating to accessible design and facilities.

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Bicycle Parking

The peer review report also comments on bicycle parking. It seeks further information about the means of access to the staff bicycle parking spaces in the basement, conditions relating to bicycle parking design, and that eight visitor spaces are shown on the drawings.

The Council planning assessment report considered the proposed bicycle parking numbers, location, and design, concluding that the provision and location of bicycle parking was acceptable. The required eight bicycle parking spaces are shown on the ground floor plan, with eight staff spaces shown in the basement. The assessment report includes various recommended conditions which relate to the use of bicycle parking. They are:

- **Condition 22** which requires lighting to be installed and maintained in the bicycle parking area; and
- **Condition 67** which requires secure bicycle parking to be provided at a convenient location(s) in accordance with AS 2890.3 Bicycle Parking Facilities.

Condition 67 is sufficient to address the design of the required bicycle parking. However, to ensure clarity, the condition will be amended to include the specific year '2015' as the reference for the Australian Standard, this being the specific reference used in the peer review traffic report.

Car Parking Design – Compliance with Australian Standards

The peer review report comments on some minor design issues relating to the basement car park and suggests generic conditions to ensure compliance with the Australian Standards.

Council's Development Engineer reviewed the proposed development and recommended conditions which are already included in the planning assessment report conditions. In particular, **Condition 51** requires that "... the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2 and AS 2890.6".



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The applicant has advised Council staff that they raise no objection to the amended conditions.

Recommendation

It is recommended that:

1. The request made pursuant to Clause 4.6 of the Penrith LEP 2010 to vary the development standard for building height at Clause 4.3 of the Penrith LEP is accepted; and
2. Development Application DA22/0326 for the construction of a seven storey accommodation hotel (tourist and visitor accommodation) with three basement parking levels, at 28-32 Somerset Street, Kingswood, be approved, subject to the amended conditions attached to this correspondence (email).