

# Memorandum

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Reference: DA21/0945 / PPSSWC-214  
To: Sydney Western City Planning Panel  
From: Sandra Fagan, Senior Development Assessment Planner  
Date: 01 June 2023  
Subject: **Development Application at Kingswood Hotel, 180 Great Western Highway and 26 Rodgers Street, Kingswood**

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On 24 May 2023 the Panel issued a direction with respect to the above development application. Accompanying that direction was a peer review traffic report prepared by EMM Consulting, dated 15 May 2023. The peer review traffic report was initiated by the Panel to review the proposal's departure from the Penrith DCP parking rates.

For the proposed temporary pub on the southern site at 26 Rodgers Street, the peer review stated that:

- The proposed on-site parking represents a non-compliance of 44 spaces;
- Restrictions could be placed on the temporary pub to mitigate the parking non-compliance, including restricting the number of patrons and/or restricting the size of the temporary pub; and
- A 20% parking shortfall could be considered reasonable if the applicant operates a free shuttle bus service (with any additional shortfall justified by further information on a comparable hotel).

For the proposed permanent pub on the northern site at 180 Great Western Highway, the peer review stated that:

- The architectural plans referenced showed more resident parking spaces and less visitor spaces (a discrepancy);
- One or two car share spaces could be considered to replace up to 6-12 residential spaces;
- The introduction of random breath testing (in 1982) should not be considered as a basis for reduced parking demand. The Penrith DCP provisions were adopted in 2014 and were likely to already contemplate changes in driver behaviour;
- Similarly, ride share services (Uber) commenced before the adoption of the Penrith DCP 2014; and

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- There is inadequate justification for the requested dispensation of parking spaces for the pub component.

Council staff request that the Panel consider the following matters prior to determining the development application.

For the proposed temporary pub, the suggested 20% dispensation (with a free shuttle service) equates to a resulting parking shortfall of 30 spaces. The DCP permits the consent authority to consider a reduction of on-site parking spaces.

The discrepancy referred to in the architectural plans for the northern building on Great Western Highway was understood and addressed in the planning assessment report. The parking numbers in the CJP letter are accurate whilst the architectural drawings contained the discrepancy. **Condition 127** of the recommended conditions specifies the number of parking spaces to be provided and allocated to each use. In this instance, 85 spaces are to be resident spaces and 15 spaces are for residential visitors. The parking numbers in the condition are accurate. Therefore, there is no oversupply of parking in other components of the development and no ability to re-allocate spaces.

Council's planning assessment report outlines the arguments for allowing a dispensation of the DCP parking rates. This position has not changed.

## Penrith Council's DCP Parking Controls

It is also useful to understand the background to Council's parking rates in the current Penrith DCP 2014, particularly whether the parking rates have evolved over time or been strategically reviewed.

The summary of controls below will demonstrate that Council's current car parking rates in the Penrith DCP 2014 have neither significantly changed nor undergone a strategic review since at least 2005, and possibly prior to this date.

This is the status for all the Penrith local government area, except for the Penrith City Centre. For the City Centre (which does not include the subject site) the parking rates will be reviewed. For other areas, including Kingswood, a review will only occur when the DCP 2014 is reviewed overall, but there is currently no timetable for this.

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This is relevant when considering the references in the EMM peer review report around breath testing and the ride-share economy.

While it is not possible to get a full history of the evolution of Council's parking controls, information covering the last 18 years is available. Specific parking rates are included in the following documents:

- *Summary of Council's Carparking Requirements (as at July 2005)* – This appears to be an internal staff document with a collated table of car parking rates. The preamble of the document states "*This document encompasses various carparking requirements adopted by Council since 1971 as components of Council's adopted Car Parking Policy (Policy No. 4.1.1)*". The car parking rates stated in July 2005 were:

<b>Licensed hotels</b>	1 per 3.5m <sup>2</sup> of bar floor area plus 1 per 5.5m <sup>2</sup> lounge and dining room, plus 1 per 3 rooms for accommodation – minimum requirement 175 vehicles
<b>Licensed Clubs</b>	1 per 3.5m <sup>2</sup> of bar floor area plus 1 per 5.5m <sup>2</sup> lounge and dining room

- These controls were subsequently consolidated into the *Penrith Development Control Plan 2006*. The DCP 2006 was an amalgamation of most of the previous policies. The car parking rates in the DCP 2006 were unchanged from the previous 2005 document, as detailed below:

<b>Licensed hotels</b>	1 per 3.5m <sup>2</sup> of bar floor area plus 1 per 5.5m <sup>2</sup> lounge and dining room, plus 1 per 3 rooms for accommodation – minimum requirement 175 vehicles
<b>Licensed Clubs</b>	1 per 3.5m <sup>2</sup> of bar floor area plus 1 per 5.5m <sup>2</sup> lounge and dining room

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- The next iteration of applicable controls is the *Penrith Development Control Plan 2014* (noting that the DCP 2010 did not apply to Kingswood). The DCP 2014 remains the current applicable DCP. The car parking rates in the DCP 2014 are:

*'Pubs/Registered Clubs – 1 space per 4m<sup>2</sup> of bar floor area plus 1 per 6m<sup>2</sup> lounge and dining room'.*

The slight change to the figures in the DCP 2014 was a result of the decimal numbers being rounded up to the nearest whole number. Therefore, 3.5m<sup>2</sup> was rounded up to 4m<sup>2</sup> and 5.5m<sup>2</sup> was rounded up to 6m<sup>2</sup>.

Council's City Planning Coordinator has clarified that the car parking rates for Kingswood have not been strategically reviewed since the consolidation of policies resulting in the DCP 2006. The car parking rates have also not been reviewed since the DCP 2014 was adopted.

Therefore, the current car parking rates in the DCP 2014 are similar (if not the same) as the car parking rates used by Council in at least 2005, and possibly prior to that time. Therefore, the minimum DCP car parking rates for pubs may not have responded to the changing behaviours of society, including raised awareness of drink-driving and associated penalties, and increased police presence through random breath and drug testing.

In addition, there is improved public transport options (train and bus), and an increased residential and working population in Kingswood, related to the development of the Penrith Health and Education Precinct.

The Penrith DCP 2014 allows for dispensation and reduced on-site car parking. The planning assessment report discussed why a reduced parking provision is acceptable in this instance, including considering the site's location opposite Kingswood train station. Further to this, some weight could be given to the fact that Council's DCP parking rates for the Kingswood area have not undergone a review and have not significantly changed since at least 2005, and possibly prior to that time.

## Other Matters

*Page 4 of the EMM report* – The minor discrepancy referenced here relates to parking numbers for the southern site (Rodgers Street). This discrepancy has already been

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addressed via recommended **Condition 127**. This condition specifies the correct number of parking spaces in each building, allocated to each use.

*Pages 5 and 12 of the EMM report* – The request for a signage plan/s for the Local Traffic Committee in relation to changes to street sign posting has been addressed by recommended **Condition 120**.

*Pages 5 and 12 of the EMM report* – The request for three bicycle parking related conditions has been addressed by recommended **Conditions 25, 91, 98, 118 and 127**.

*Pages 5 to 6 and 12 to 13 of the EMM report* – Requires further details about the use of the loading dock and waste collection. These matters have been addressed by recommended **Conditions 12, 14, 119, and 126**.

*Pages 6 and 13 of the EMM report* – Details about car wash bays have been addressed by recommended **Conditions 38 and 91**.

*Pages 6 and 13 of the EMM report* – Suggests further details or conditions relating to parking spaces complying with Australian Standards and swept paths. Both Council's Development Engineering and Traffic Engineering teams carried out an assessment of the proposal based on Australian Standards and the submitted swept paths. Both Council teams raised no objection to the proposed development on these grounds and several suitable conditions are included in the recommended conditions to address these aspects.

## Recommendation

The recommendation of Council staff is as per the planning assessment report. It is recommended that:

1. The request made pursuant to Clause 4.6 of the Penrith LEP 2010, dated 10 March 2023, to vary the development standard for building height at Clause 4.3 of the Penrith LEP is accepted and the variation granted; and
2. Development Application DA21/0945 for the demolition of the Kingswood Hotel and the staged construction of two residential flat buildings / shop-top housing, containing a ground floor pub, bottle shop and commercial space, with

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basement parking levels at 180 Great Western Highway and 26 Rodgers Street, Kingswood, be approved, subject to the conditions attached to the planning assessment report.