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Attention: Aaron Sutherland – Director of Sutherland & Associates Planning (SAP)

Proposal: S75W Modification to Concept Plan MP10_0076
Property: South Village, 566-594 Princes Highway, Kirrawee

Dear Aaron,

Ason Group has been commissioned by South Village Pty Ltd (the Applicant) to provide transport and traffic consultancy services to support the proposed modifications to the approved Development Application (DA) for mixed-use development at 566-594 Princes Highway, Kirrawee (the Site). The Site is located within the local government area of Sutherland Shire Council.

This work has most recently focussed on the Section 75W Modification (MOD6) to the Concept Plan for Kirrawee Brick Pit (MP10_0076) – amendment to Condition 14 to clarify that future non-residential uses are not to be constrained by the non-residential car parking provision. As requested, the following provides our comments and recommendations following a review of your MOD6 Planning report dated January 2018 (the SAP report) and Council's submission letter dated 23 February 2018 (the Council letter).

Based on the Council letter, the following summarises Council's position on key points:

1. Out of due respect to the PAC and the JRPP, Council assumes that their decisions to approve the original and revised Concept Plans were well considered and properly made.
2. No objection to the proposed amendments to Condition 14 of the Concept Approval in terms of clarifying the maximum vs minimum aspect.
3. The condition does not account for a range of other land use activities permitted with consent, as these were not proposed or perhaps envisaged back at that time.
4. It is likely that these land uses would create a higher demand for parking than could be absorbed within the allocated 541 non-residential parking spaces.
5. The condition ought to be modified so that uses outside those listed in it are considered on their merit at the time of application with regard to parking.

Council's position in Points 1. and 2. are welcomed. As the lead traffic consultant on the original and revised Concept Plan, I am aware of the extent that DPE went to (via TfNSW) to impose maximum parking restrictions that recognised the high-level of public transport accessibility of the Site and the potential for internalisation of trips afforded by a mixed-use commercial/residential development, and therefore the opportunity to use constrained maximum parking provisions to manage traffic demand on the local road network.

Indeed, due to the recognised benefits of parking restriction, it is important to note that the original version of Condition 14 attached to the 2012 approved Concept Plan, DPE/TfNSW included the following clause that put a cap on the total car parking spaces permitted on the Site:

14.a) The total amount of car parking to be provided as part of the development shall not exceed 1,150 spaces.

Regarding Point 3., I accept that proposed Condition 14 could benefit from rewording to clarify the process to be undertaken for uses that are permissible but fall outside the range of specific uses that were considered at Concept Plan phase.

However, with regard to Point 4., Council's concern about the potential for the centre to generate a higher demand for car parking than can be accommodated by the 541 spaces, is incompatible with their stated position in Points 1. and 2. that maximum parking rates (for any use) are supported. Furthermore, I disagree with their proposed additional wording in Point 5., not only because it arises from Council's misguided concerns with theoretically higher parking demand, but because this condition – with such wording – would fail to achieve its intended goal of a car parking control that provides clarity and certainty around parking requirements. I provide my justification for my conflicting view to Council's herewith.

With regard to the potential for higher car parking demand than can be accommodated by the 541 proposed parking spaces, it must be recognised that if Council raises no objection to the maximum parking rates identified for the 'listed uses' being applied as maximum parking rates, then they effectively accept that car parking demand (based on the rates) can exceed car parking provision. To demonstrate this, the following presents the car parking demand and provision extracted from the Ason Group report that supported the approved 2017 DA, which identifies the 541 non-residential car parking space maximum limit and provision.

Table 4: Proposed Car Parking Provisions

Land Use	No / Area (m ²)	Approved Parking Rate	Maximum Permissible Parking	Parking Proposed
<i>Residential</i>				
1 Bedroom Units	189	1.0 spaces / unit	189	
2 Bedroom Units	403	1.25 spaces / unit	504	929
3 Bedroom Units	157	1.5 spaces / unit	236	
Visitor	749	1.0 spaces / 8 units	94	94
<i>Non Residential</i>				
Supermarket (incl. discount supermarket)	5,880	4.5 spaces / 100m ²	264.6	
Mini-Major	1,250	4.0 spaces / 100m ²	50.0	
Specialty Retail	1,909	4.2 spaces / 100m ²	80.2	
Showroom	3,902	2.4 spaces / 100m ²	93.6	541
Medical Centre	316	0.9 spaces / 100m ²	2.8	
Flora Street Replacement	n/a	n/a	40	
Car Share	n/a	n/a	10	
Total Parking Provision			1,564	1,564

NOTE: All rates are in trips / 100m² of GLA, except for the Showroom which is GFA and residential which is in trips / unit.

The table above shows that the different listed uses have different maximum parking rates and that the 541-space provision was based on the anticipated mix of those uses at the time.

However, it is clear that a shift in the mix of listed uses (without any additional GFA) could result in additional demand above the 541-space provision. For example, if 1,000m² of approved showroom was subsequently proposed for a Mini-Major use, then its parking demand (based on the rates) would increase by 16 spaces from 24 spaces (at 2.4 spaces per 100m² of showroom) to 40 spaces (at 4.0 spaces per 100m²).

Council's stated position in Point 2. is that the above scenario – whereby the parking demand of listed uses is higher than the parking provision – is acceptable. Therefore, it can be assumed that parking demand that exceeds provision is not a genuine concern of Council's, regardless of whether it is for listed uses or unlisted permissible uses.

It is worth noting here that in Council's Kirrawee specific DCP Chapter 17 (B2 Local Centre B4 Mixed Use – Kirrawee), the parking rates at Section 13.2 that govern the Site and the surrounding area are 1 spaces per 30m² for Business premises, Retail premises (including food & drink premises) and Community uses (health & medical, etc). Therefore, all the non-residential uses proposed would require just 492 parking spaces based on the application of Council's site specific DCP, just shy of 50-spaces fewer than will be provided.

Therefore, it is clear that Council's objection to recent proposals – based on their opinion that 541-spaces would be insufficient car parking to meet demands – is unacceptable as the requirements based on the application of Council's own DCP requires significantly less parking. Furthermore, measures should be taken to avoid Council from implementing conditions that seek to set the Concept Plan parking rates as minimum parking rates, as to do so would again conflict with Council's own DCP and effectively require South Village to provide parking above the levels of parking required on neighbouring sites.

As stated, my primary objection to Council's wording in Point 5., is that the condition does not result in a clear car parking control through the introduction of a 'merit assessment'. My secondary concern is Council's ability to perform a reasonable merit assessment and to demonstrate this I use the child care example Council referred to in their submission. As the traffic consultants for the Proposal that introduced the child care centre as an 'unlisted use', we provided a comprehensive assessment that demonstrated that the child care centre was acceptable in terms of parking because:

1. The parking demand generated by a child care centre is greatest during the weekday morning peak period, a time when the shopping centre would be generating limited parking demands,
2. The parking demand generated by the child care centre is moderately busy during the afternoon through to evening peak period on weekdays, a time when the shopping centre would also be moderately busy,
3. The parking demand generated by the child care centre would be non-existent on weekends, a time when the shopping centre would be busiest, particularly around midday.

The analysis above is not particularly innovative, but in fact represents a well-used parking argument for the acceptability of child care facilities at shopping centres. Therefore, Council's decision to oppose the child care centre is clear evidence of my concern with their ability to undertake a subjective merit assessment when it comes to development at the South Village site.

It is worth noting here that the flexibility of maximum parking rates also responds to the flexible nature of tenants and uses that shopping centres cater for. For example, tenants can change on a regular basis in a shopping centre, and whilst the different uses are all permissible, strict application of parking guidelines would suggest that different uses can have different parking requirements that are based on the peak demand of each use. However, parking requirements at shopping centres are often determined having consideration for the varying demand profiles, as noted above with the child care centre versus retail example. Other examples are restaurants and cinemas are busy in the evening when retail is often closed, and commercial tenants like bank branches are often closed on weekends when the shopping centre is busiest. It is for these reasons that a flexible approach to parking is a necessity for shopping centres, and therefore the maximum parking rates attached by DPE to the Concept Plan must be protected from attempts by Council to make them minimum (and therefore absolute) parking rates, as has previously been the case.

In light of the above, it is my recommendation that proposed Condition 14 in the SAP report (Section 4.1) should be revised at clause 14.a) as follows; it should be noted that in the drafting of this revised condition, I have considered the wording often found in SEPP guidance for parking controls.

Future applications shall address the following:

a) A consent authority must not refuse consent on the grounds of car parking to a development application made pursuant to this Concept Plan approval that provides a total number of car parking spaces that does not exceed the following car parking rates:

i. residential component of the development:

- 1 space per 1 bedroom unit;
- 1.25 spaces per 2 bedroom unit;
- 1.5 spaces per 3 bedroom unit; and
- 0.125 visitor space per unit (1 space per 8 units).

ii. non-residential component of the development (including the replacement of 40 street car parking spaces displaced by the development):

- Supermarket - 4.5 spaces per 100m²;
- Mini-Major (faster trade retail) - 4.0 spaces per 100m²;
- Speciality Retail (incl. secondary retail, kiosks) - 4.2 spaces per 100m²;
- Showroom - 2.4 spaces per 100m²;
- Office - 2.5 spaces per 100m²; and
- Medical - 0.9 spaces per 100m².

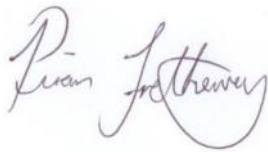
iii. Where a proposed development is not listed in these controls, parking shall not exceed the parking provision based on the rates in Sutherland Shire Council's DCP at Chapter 16 (B2 Local Centre B4 Mixed Use - Kirrawee) or Chapter 36 (Roads, Vehicular Access, Traffic, Parking and Bicycles) or the rates in the RMS Guide to Traffic Generating Development

In summary, the proposed modified condition above:

- Is consistent with all prior approved Concept Plan conditions and retains (and enforces) the intent of DPE/TfNSW to implement parking restraint on the South Village site a measure to manage traffic demand on the local road network.
- It provides a condition that provides clear instructions around car parking that covers all permissible uses, listed or unlisted, and prohibits Council from imposing any unreasonable condition that seeks to make the maximum parking rates minimum parking rates also.

Should you have any questions, please contact the undersigned.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Piran Trethewey'.

Piran Trethewey

Director – Ason Group

Email: piran.trethewey@asongroup.com.au