

566-594 Princes Highway, Kirrawee
S75W Modification to Concept Plan
MP10_0076

S75W Modification to Concept Plan MP10_0076

566-594 PRINCES HIGHWAY, KIRRAWEE

Amend Condition No. 14 to clarify that the
residential car parking rates are not intended to
dictate car parking allocation

June 2018

Prepared by

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1.0 INTRODUCTION

This Statement has been prepared in support of an application to modify an approved Concept Plan pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979* and Clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional, and Other Provisions) Regulation, 2017*.

On 30 January 2015, as delegate of the Minister for Planning, the Planning Assessment Commission (PAC) approved Concept Plan MP10_0076 (MOD 3) for a mixed use development at 580 Princes Highway, Kirrawee. The Concept Plan provides for the following:

- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for 7 buildings to a maximum height of 14 levels;
- 85,000 square metres of gross floor area, comprising 69,310 square metres of residential floor space (749 dwellings) and 14,190 square metres of retail/commercial floor space (including a 4,740 square metre supermarket and 1,450 square metre discount supermarket) and a 1,500 square metre community facility;
- Basement, ground and above ground car parking;
- Road layout to support the development;
- Public pedestrian and cycle pathway;
- Public park with lake and surrounding forest; and
- Landscaping areas throughout the site.

The PAC issued future environmental assessment requirements for subsequent stages of the development pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and determined that all future stages will be subject to the provisions of Part 4 of the EP&A Act, as provided for under section 75P(1)(b). In particular, the Concept Plan MP10_0076 (MOD 3) approval includes Condition No. 14 which provides car parking rates to determine the maximum residential parking provision.

On 2 May 2016, the Sydney East Joint Regional Planning Panel subsequently granted consent to a Part 4 development application DA15/1134 which was lodged pursuant to the Part 3A Concept Plan and which provided for a mixed use retail, commercial and residential development containing 749 apartments on the site. The application has subsequently been amended and has increased the apartments to 779.

However, the Development Consent DA15/1134 included Condition No. 60 which states that the parking allocation for the apartments is to be based on the car parking rates in Condition No. 14 of the Concept Plan.

The maximum car parking control for residential uses under Condition No. 14 of the Concept Plan MP10_0076 (MOD 3) is intended to provide a maximum quantum of residential parking to restrict the level of on-site parking provided, in order to reduce traffic generation and to encourage alternative forms of transport. It was not imposed in order to dictate the specific allocation of parking to 1, 2 and 3 bedroom apartments as reflected in Condition No. 60 of Development Consent DA15/1134. Accordingly, it is proposed to amend Condition No. 14 of the Concept Plan to clarify that the rates are not intended to dictate specific allocation of parking, which is at the discretion of the developer.

A S4.55 application will be lodged with Sutherland Shire Council concurrent with this application to amend Condition Nos. 5 and 60 of Development Consent DA15/1134, to allow allocation of car parking at the developers discretion.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Site Description

The site is located within the suburb of Kirrawee, which is located within the Sutherland Shire Local Government Area. The site is approximately 25km south west of the Sydney CBD and 1.5km east of Sutherland Town Centre.

The site is now known as No. 580 Princes Highway, Kirrawee. The site is located on the southern side of the Princes Highway and east of the Oak Road intersection. The site is rectangular in shape with frontages of 252.13 metres to the Princes Highway to the north, 160.75 metres to Oak Road to the west, 251.66 metres to Flora Street to the south, and 177.85 metres to the existing industrial area located immediately east. The site, which comprises three lots, has a total area of 42,542 square metres.

Construction of the approved development is nearing completion.

2.2 Surrounding Development

Surrounding development includes light industrial units to the south across Flora Street, immediately adjacent to the east and to the north of the site across the Princes Highway. To the south-west of the site along Oak Road are the Kirrawee village shops and Kirrawee train station is located beyond the shops approximately 250 metres to the south. A variety of residential flat buildings of between one and three storeys in height are located to the west of the site along Oak Road.

3.0 BACKGROUND

3.1 Major Projects MP10_0076

On 23 August 2012, as delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission granted approval for Concept Plan MP10_0076 for the subject site.

The Concept Plan provides for a mixed use development of the site comprising the following:

- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for 9 buildings to a maximum height of 14 levels above podium;
- 60,735 square metres of gross floor area, comprising 45,505 square metres of residential floor space (432 dwellings) and 15,230 square metres of retail/commercial floor space (including a 3,900 square metre supermarket and 1,470 square metre discount supermarket);
- Basement, ground and above ground car parking;
- Road layout to support the development;
- Public pedestrian and cycle pathway;
- Public park with lake and surrounding forest; and
- Landscaping areas throughout the site.

In addition, the PAC issued future environmental assessment requirements for subsequent stages of the development pursuant to section 75P(1)(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act), and determined that all future stages will be subject to the provisions of Part 4 of the EP&A Act, as provided for under section 75P(1)(b).

In relation to car parking provision, the Director General's Assessment Report dated June 2012 specifically advocates reduced car parking for the residential component on the basis of the proximity of the site to Kirrawee train station. In relation to the non-residential parking provision, the report states (page 28):

NSW Transport has recommended that the car parking for the retail/commercial component should be reduced and that this can be required to be assessed as part of a Workplace Travel Plan for any future application. The Department is supportive of this approach as the site is well located to utilise the existing public transport infrastructure and should be further considered at development application stage.

3.2 Major Projects MP10_0076 (MOD 1)

The Concept Plan was modified (MOD 1) on 17 January 2013 to amend the wording of Environmental Assessment Requirement No. 18 so that the design excellence provisions only relate to above ground works.

3.3 Major Projects MP10_0076 (MOD 2)

The Concept Plan was modified (MOD 2) on 16 May 2014 to achieve the following:

- amendment of several of the conditions of consent to defer their satisfaction to allow the commencement of early works on the site as soon as possible including dewatering, bulk excavation and remediation.
- a minor amendment the methodology for dewatering including an addendum to the Biodiversity Management Plan, and an addendum to the Geotechnical Report and an updated Dewatering Report.

3.4 Major Projects MP10_0076 (MOD 3)

The Concept Plan was modified (MOD 3) on 30 January 2015 to achieve the following:

- 24,265m² increase of GFA (from 60,735m² to 85,000m²), comprising: 69,310m² of residential; 14,190m² of retail/commercial (including 4,740m² supermarket and 1,450m² discount supermarket); and 1,500m² community facility.
- reduction of the total number of building envelopes from nine to seven and reconfiguration and amendment of building envelope locations, footprints, heights, separation distances and setbacks;
- amended construction staging and timing of the delivery of the open space; and
- removal of the car parking cap and imposition of car parking rates.

The amended Concept Plan is described as follows:

- Use of the site for a mixed use development with associated public open space;
- Indicative building envelopes for 7 buildings to a maximum height of 14 levels;
- 85,000 square metres of gross floor area, comprising 69,310 square metres of residential floor space (749 dwellings) and 14,190 square metres of retail/commercial floor space (including a 4,740 square metre supermarket and 1,450 square metre discount supermarket) and a 1,500 square metre community facility;
- Basement, ground and above ground car parking;
- Road layout to support the development;
- Public pedestrian and cycle pathway;
- Public park with lake and surrounding forest; and
- Landscaping areas throughout the site.

In relation to car parking provision, the Planning Assessment Commission report dated January 2015 provided the following (page 7):

Council's concerns regarding traffic generation are noted, however the Commission considers these have been adequately addressed in the Assessment Report. The Commission notes the changes to parking requirements as a result of updates to RMS guidelines, and supports the Department's move to impose parking ratios rather than a parking maxima.

Condition No. B4 was deleted and Condition No. 14 was amended to read as follows (emphasis added):

Future applications shall address the following:

a) **Total** number of car parking spaces for the proposed development shall 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.

b) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application.

c) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.

d) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.

e) the provision and implementation of a car share scheme.

f) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

g) South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.

h) A community bus and taxi drop off to the main central Flora Street pedestrian entry, shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

3.5 Major Projects MP10_0076 (MOD 4)

The Concept Plan was modified (MOD 4) on 20 November 2014 to amend Condition No. 8j to allow the release of a Construction Certificate for the Early Works stage.

3.6 Major Projects MP10_0076 (MOD 5)

The Concept Plan was modified (MOD 5) on 18 October 2017 to amend Condition A4A to facilitate an alternative apartments mix and an increase from 749 apartments to 808 apartments.

3.7 Major Projects MP10_0076 (MOD 6)

An application to amend Condition No. 14 of the Concept Plan (MOD 6) in relation to non-residential parking is currently under assessment and at the time of writing is shortly to be considered by the PAC. The Department's recommended amended wording for Condition No. 14 is supported by the developer and as follows:

14. Car Parking

a) Total number of car parking spaces for the proposed development shall 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.

Where a use is not listed above, the maximum parking rate for that use shall be based on the rates in Sutherland Shire Council's DCP or the rates in the RMS Guide to Traffic Generating Development (irrespective of whether or not the car parking control is expressed as a minimum, maximum or absolute standard, the rate shall be applied as a maximum rate for the purpose of this condition).

Explanatory Note: *The imposition of a maximum car parking rate to the non-residential component of the development is intended to control traffic generation associated with the development and to encourage alternative forms of transport such as walking, cycling and public transport use. Any parking provision that does not exceed the maximum parking provision is compliant and acceptable.*

a) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application **to ensure that the maximum parking provision is not exceeded.**

b) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.

c) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.

d) the provision and implementation of a car share scheme.

e) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for

storage or any other purpose that would restrict their use for the purposes of loading and unloading.

f) South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.

g) A community bus and taxi drop off to the main central Flora Street pedestrian entry, shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

3.8 Major Projects MP10_0076 (MOD 7)

The Concept Plan was modified (MOD 7) on 12 April 2018 to amend Condition A11A to facilitate an alternative timing for the VPA to be entered into.

3.9 Development Consent DA15/1134

On 2 May 2016, the Sydney East Joint Regional Planning Panel granted consent to development application DA15/1134 which provided for a mixed use retail, commercial and residential development and associated public park including 749 dwellings, fitout and use of 2 supermarkets, 1 liquor store, 9000m2 public park with lake and surrounding forest, 1500m2 community facility, torrens subdivision for road dedication, torrens subdivision of 1 lot into 2 lots for public reserve dedication, 5 lot stratum subdivision and signage strategy

The development consent included Condition No. 60 as follows:

60. Car Parking Allocation

A. Before Subdivision

Car parking must be allocated to individual strata lots as part of their unit entitlement. Parking must be allocated on the basis as specified in the Concept Approval:

Visitor parking facilities and/or car wash bays must be designated as common property on any strata plan and clearly delineated by signposting and/or linemarking.

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

3.10 Modifications to Development Consent DA15/1134

A number of modifications have been made to Development Consent DA15/1134 to undertake a range of amendments to the approval including an increase from 749 to 779 apartments under MA17/0572 which was approved by the Sydney South Planning Panel on 20 June 2018. Condition No. 5(iii) of the consent has subsequently been modified and reads as follows:

Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:

(a) 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).

(b) 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.

An updated schedule of parking allocation for the site shall be prepared and submitted with each subsequent application. The parking demand for the non-residential uses within the development must not exceed the parking provision provided (i.e. 541 spaces).

4.0 PROPOSED MODIFICATION

4.1 Description of Proposed Modification

Development Consent DA15/1134 included Condition No. 60 which states that the parking allocation for the apartments is to be based on the car parking rates in Condition No. 14 of the Concept Plan.

However, the maximum car parking control for residential uses under Condition No. 14 of the Concept Plan MP10_0076 (MOD 3) is intended to provide a maximum quantum of residential parking to restrict the level of on-site parking provided, in order to reduce traffic generation and to encourage alternative forms of transport. It was not imposed in order to dictate the specific allocation of parking to 1, 2 and 3 bedroom apartments as reflected in Condition No. 60 of Development Consent DA15/1134.

Accordingly, it is proposed to amend Condition No. 14 of the Concept Plan (as proposed to be amended by the Department at the time of writing of this report) pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979* and Clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional, and Other Provisions) Regulation, 2017* as follows:

14. Car Parking

a) Total number of car parking spaces for the proposed development shall 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).

(Note: the above rates are to be used to determine the maximum collective quantum of residential car parking for the development and are not intended to dictate the specific allocation of car parking spaces to individual apartments. Car parking allocation to individual apartments is at the election of the developer).

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.

Where a use is not listed above, the maximum parking rate for that use shall be based on the rates in Sutherland Shire Council's DCP or the rates in the RMS Guide to Traffic Generating Development (irrespective of whether or not the car parking control is expressed as a minimum, maximum or absolute standard, the rate shall be applied as a maximum rate for the purpose of this condition).

Explanatory Note: The imposition of a maximum car parking rate to the non-residential component of the development is intended to control traffic generation associated with the development and to encourage alternative forms of transport such as walking, cycling and public transport use. Any parking provision that does not exceed the maximum parking provision is compliant and acceptable.

a) An updated schedule of parking allocations for the site shall be prepared and submitted with each subsequent application to ensure that the maximum parking provision is not exceeded.

b) Parking facilities (public, commercial and bicycle) shall be designed in accordance with relevant Australian Standards.

c) The design of the parking and commercial vehicle facilities shall be designed so that all vehicles, including commercial vehicles, enter and exit the development in a forward direction.

d) the provision and implementation of a car share scheme.

e) All loading and unloading associated with the use of the development shall take place wholly within the site from designated loading bays as identified in the Concept Plan. Loadings bays shall not be used for storage or any other purpose that would restrict their use for the purposes of loading and unloading.

f) South Village Pty Ltd shall enter into an agreement with Sutherland Shire Council that will delegate powers to Council to enforce regulatory parking signs within the internal road network if requested by Council.

g) A community bus and taxi drop off to the main central Flora Street pedestrian entry, shall be provided in a location and of a design that achieves reasonable accessibility for people with mobility restrictions between vehicles and the retail shops.

5.0 STATUTORY PLANNING FRAMEWORK

5.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional, and Other Provisions) Regulation*:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that:

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or
- (b) the proposed modification is of minimal environmental impact, or
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

This application is lodged after the cut-off date of 1 March 2018, however, benefits from Clause 3BA(5) because it only proposes an amendment to Condition No. 14 of the Concept Plan to provide clarification that the car parking rates are not intended to dictate car parking allocation to individual units. Accordingly, the amendment is of no environmental impact and the amendment satisfies the 'substantially the same development' test as it does not result in any material change beyond that intended by the approved Concept Plan.

5.2 Environmental Assessment Requirements

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will, be considered by the Minister. Given the minor nature of the proposed amendment, it is considered that new or amended SEARs are not required as this application sufficiently addresses the key issues relevant to the modification request.

5.3 Strategic Planning Controls

The objectives, targets and initiatives of the NSW State Plan 2010, A Plan for Growing Sydney, the Metropolitan Transport Plan: Connecting the City of Cities, Integrating Land Use and Transport policy package, Planning Guidelines for Walking and Cycling and the Healthy Urban Development Checklist all support reduced reliance on car use in favour of walking, cycling and public transport usage.

Under the State Plan, the NSW Government has set specific transport related targets that include an increase in the number of commute trips made by public transport by 28% and an increase in rates of walking and cycling.

This is also reflected within the objectives of the B4 Mixed Use zone under the Sutherland Shire Local Environmental Plan 2015 within which the site is located which aim to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

6.0 ENVIRONMENTAL ASSESSMENT

Sutherland Shire Council have advised that their interpretation of Condition No. 14 is such that the car parking rates in the condition are intended to dictate the specific allocation of car parking to the individual categories of 1, 2 and 3 bedroom apartments. Council's interpretation is reflected in the table below:

Sutherland Shire Council interpretation of Condition No. 14			
Unit Category	Units	Rates	Maximum units allocated to each category of unit
1	249	1	249
2	403	1.25	503.75
3	127	1.5	190.5

According to Council's interpretation it is not possible under Condition No. 14 to allocate any greater than 249 car spaces to the 1 bedroom units, 504 spaces to the 2 bedroom units, and 190 spaces to the 3 bedroom units.

However, this is a narrow interpretation which serves no planning purpose and is not supported by the specific wording or purpose for the rates in Condition No. 14. In particular, Condition No. 14 specifically states that the **"total"** number of car parking spaces for the proposed development shall not exceed the relevant car parking rates and there is no mention that the rates must not be exceeded on an individual basis.

A letter prepared by traffic engineers Ason Group accompanies this submission and provides the following commentary in relation to the purpose and correct application of Condition No. 14:

The condition above implies maximum car parking rates by the inclusion of the wording, "shall not exceed the following car parking rates". The intention of this would be to minimise traffic impacts on the local road network by setting a maximum car parking provision, which would manage (and ideally discourage) car ownership and thereby result in reduced peak hour traffic generation.

The condition provides a mechanism upon which to calculate the total parking permissible residential parking provision; however, there are no clauses in the condition that directly specify the allocation of this parking. The condition does reference visitor spaces and therefore (by definition) the visitor spaces must be dedicated to 'common title' so they are provided for visitor use. However, the condition is worded such that the residual parking can be distributed amongst the one, two and three bed units in any manner.

Recognising that the overall objective of the condition is to manage traffic impacts, we would recommend that each unit (regardless of bedrooms) be provided with a minimum of 1 parking space, then the 'residual' parking spaces be allocated as 'second' parking spaces, with priority for the three bedroom units (as these units are most likely to have the highest demand for more than 1 parking space) and subsequently for the two bedroom units.

Having regard to the above, it is proposed to amend Condition No. 14 of the Concept Plan to provide clarity as to the intended purpose of the imposition of a maximum residential car parking total and that the rates are not intended to dictate specific allocation of car parking spaces within the development.

A concurrent Section 4.55 application will be lodged with Sutherland Shire Council to amend Condition No. 5(iii) and Condition No. 60 of Development Consent DA15/1134 relying on the clarity proposed for Condition No. 14 of the Concept Plan as part of this S75W application.

7.0 CONCLUSION

The proposed modification seeks to amend Condition No 14 of the Concept Plan to provide clarification that the residential car parking rates are intended to provide a maximum overall car parking quantum for the residential component of the development rather than dictate specific allocation of car parking to individual units.

This clarification is consistent with the strategic planning hierarchy governing the site, submissions made by Transport for NSW in relation to the Concept Plan, and the Department's previous consideration of this issue.

This clarification is necessary to assist in Council's consideration of a Section 4.55 application which will be lodged with Sutherland Shire Council concurrent with this application to amend condition No. 5(iii) and Condition No. 60 of Development Consent DA15/1134.

APPENDIX A

LETTER OF SUPPORT FROM TRAFFIC
CONSULTANT

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8 June 2018

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Attention: Greg Colbran – Development Manager

Proposal: Strata subdivision of approved Stratum Lot 3
Property: South Village, 566-594 Princes Highway, Kirrawee

Dear Greg,

Ason Group has been commissioned to provide transport and traffic consultancy services to support the proposed mixed-use development at 566-594 Princes Highway, Kirrawee (the Site). The Site is located within the local government area of Sutherland Shire Council.

The work covered by this letter relates to our interpretation of Condition 14 of the Concept Plan approval that governs development on the Site, in this case residential car parking provision. The following presents the component of Condition 14 that is in question:

Total number of car parking spaces for the proposed development shall not exceed the following car parking rates:

(a) 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).*


The condition above implies maximum car parking rates by the inclusion of the wording, “*shall not exceed the following car parking rates*”. The intention of this would be to minimise traffic impacts on the local road network by setting a maximum car parking provision, which would manage (and ideally discourage) car ownership and thereby result in reduced peak hour traffic generation.

The condition provides a mechanism upon which to calculate the total parking permissible residential parking provision; however, there are no clauses in the condition that directly specify the allocation of this parking. The condition does reference visitor spaces and therefore (by definition) the visitor spaces must be dedicated to ‘common title’ so they are provided for visitor use. However, the condition is worded such that the residual parking can be distributed amongst the one, two and three bed units in any manner.

Recognising that the overall objective of the condition is to manage traffic impacts, we would recommend that each unit (regardless of bedrooms) be provided with a minimum of 1 parking space, then the ‘residual’ parking spaces be allocated as ‘second’ parking spaces, with priority for the three bedroom units (as these units are most likely to have the highest demand for more than 1 parking space) and subsequently for the two bedroom units.

I trust this is sufficient for your current requirements; should you have any questions, please contact the undersigned.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Piran Trethewey', with a stylized flourish at the end.

Piran Trethewey

Director – Ason Group

Email: piran.trethewey@asongroup.com.au