



19 July 2018

Daniel Lukic - 9710 0668
File Ref: DN18/0026

Ms Emma Butcher
Department of Planning & Environment
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Dear Ms Butcher

Development Referral No. DN18/0026

Proposal: Section 75W Modification (MOD 9) to Concept Plan for Kirrawee Brick Pit (MP10_0076) - Amend Condition No. 14 to clarify residential parking rates

Property: 580 Princes Highway, Kirrawee

Thank you for the opportunity to make a submission regarding the Section 75W modification referred above.

A development application for the strata subdivision of Stratum A, B and C (the residential towers along the Princes Highway frontage) is currently under assessment by Council. At this point in time, Council is not in a position to issue consent for this application as Council is of the opinion that the allocation of car parking does not satisfy Conditions 5(iii)(a) and 60 of Development Consent DA15/1134. This has prompted submission of MOD 9.

In accordance with Condition 5(iii)(a), Council is of the opinion that parking should be allocated such that the following is not exceeded:

- each one bedroom apartment must have one allocated parking space;
- each two bedroom apartment must have one parking space with every fourth apartment having a second space, to accord with the 1.25 space ratio; and
- each three bedroom apartment must have one parking space, with every second apartment having a second space, to accord with the 1.5 space ratio.

When drawn to the applicant's attention, the applicant advised that residential parking was proposed to be allocated as follows:

- one bedroom apartments were either allocated one or no parking space;
- two bedroom apartments were allocated only one parking space;
- three bedroom apartments were all allocated two parking spaces; and
- surplus parking spaces will be allocated to residents owning three bedroom apartments.

Under this scenario there could be one bedroom units with no parking and 3 bedroom units with 3 or more car spaces. It is Council's opinion that inequitable distribution of parking in this manner was not the intention of the original approval and could result in off-site parking impacts. For example the occupant of a 3 bedroom penthouse may choose to purchase 3 or 4 spaces to park cars, boats, camper trailers and the like, leaving some one bedroom units

with no parking. Occupants of those one bedroom units would have to compete for the limited amount of available on street parking with existing residents and commercial centre visitors.

The allocation of at least one space per dwelling and the opportunity for 2 and 3 bedroom units to have more parking also aligns with the reality that Sutherland Shire has statistically a highly car dependant population. While journey to work is often viable by public transport and should be encouraged, trips for other purposes such as leisure and recreation on weekends and outside commuter hours, are typically difficult by public transport and consequently undertaken by car.

Council believes that there is merit in establishing a properly considered, rational, equitable allocation of parking in the consent for the benefit of future residents and to limit the over-flow impacts on the locality.

In relation to the assessment of the strata DA, Council staff and the applicant discussed the above at length and it was agreed that Council would not raise any objection if the residential parking rates contained in Condition 5(iii)(a) if the condition was modified so each one and two bedroom apartments had one parking space and each three bedroom apartment had two spaces. After some discussion with the applicant, plans were provided that allocate parking spaces to units with in accordance with the above, leaving 23 residual parking spaces not allocated.

The subject s75w Modification Application does not accord with the discussions referred to above. Based on the merits of Modification Application MOD9, Council is of the opinion that the applicant's suggested notation to Condition 5(iii)(a) allowing allocation of parking to be completely at the discretion of the person having the benefit of the consent should not be approved for the reasons outlined above and below.

On page 15 of the Statement of Environmental Effects submitted by the applicant for MOD 9, the applicant's traffic expert is quoted as recommending as follows:

"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 residue 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."

This is accepted as a sound, rational, professional opinion and Council is happy to proceed on this basis.

The benefit of the parking rate allocation recommended by the traffic expert is that every apartment will, regardless of bedrooms, be allocated at least one space, and apartments likely to accommodate larger households will have the opportunity to secure an additional space. This approach to allocation is considered fair and equitable, and in the spirit of the ADG, RMS Guide to Traffic Generating Developments and Council's DCP.

Based on the rates agreed in discussions with the applicant in relation to the Strata DA (1 space per one and two bed and 2 spaces per three bed), a total of 906 residential parking spaces will be required, resulting in a surplus of twenty-three (23) parking spaces. Surplus parking spaces can be allocated to two bedroom apartments or be allocated as visitor parking.

The following revised condition is recommended adopting the words provided by the applicant's traffic expert, with a further note dealing with any unallocated parking to ensure it remains available to service the approved development (additional wording underlined for clarity):

14. CAR PARKING

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).

Residential parking must be allocated such that every unit has at least one car space, and residual parking spaces must be allocated as second parking spaces, with priority for 3 bedroom units, and subsequently 2 bedroom units. Any residual parking not allocated to individual units must be allocated as common property for visitor parking.

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Daniel Lukic on 9710 0668 or email dlukic@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully



Peter Barber
Director Shire Planning