

14 February 2011

The General Manager
Wollongong City Council
41 Burelli Street
WOLLONGONG NSW 2500

FAO: NIGEL LAMB, DEVELOPMENT PROJECT OFFICER

Dear Sir,

DA-2010/1503 134-140 Keira Street, Wollongong

This letter has been prepared by Urbis on behalf of Jerrara Investments Pty Ltd in support of development application DA2010-1503 for a proposed commercial building at 134-148 Keira Street, Wollongong. It seeks to specifically address the level of car parking proposed, which falls below the rate specified by the *Wollongong Development Control Plan 2009* (DCP).

The content of this letter should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Urbis dated November 2010.

OVERVIEW

The purpose of the information provided is to demonstrate that the provision of parking at the rate specified by the DCP would be unreasonable and unnecessary in the circumstances of this particular case. As per the provisions relevant to varying a development standard under Clause 4.6 of the Wollongong Local Environmental Plan 2009 we demonstrate that the objective / intent of the DCP provision can nevertheless be achieved by the proposed development. This has involved an assessment of the effects of the variation.

PROPOSED VARIATION

The site is situated within Wollongong City Centre and the provisions of Chapter D13 are applicable to the proposed development. Chapter D13, Section 4.4 identifies the parking rates applicable to new development within Wollongong City Centre. For new business/retail premises within the City Centre Core the requirement is:

- Ground floor – 1 space per 30sqm of gross floor area (GFA)
- Levels above ground floor – 1 space per 50sqm of GFA

Gross floor area is defined by the *Wollongong Local Environmental Plan 2009* (LEP) as follows:

“The sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) The area of a mezzanine, and

- (b) Habitable rooms in a basement or an attic, and*
- (c) Any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) Any area for common vertical circulation, such as lifts and stairs, and*
- (e) Any basement:*
 - (i) Storage, and*
 - (ii) Vehicular access, loading areas, garbage and services, and*
- (f) Plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) Car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) Any space used for the loading or unloading of goods (including access to it), and*
- (i) Terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) Voids above a floor at the level of a storey or storey above.”*

Calculated on this basis, the proposed development has a GFA of 1,308sqm at ground floor level, and 3,951 sqm for the floors above ground. The parking requirement for the proposed development pursuant to the DCP is therefore 123 spaces.

- Ground floor (1,308sqm) – 37 spaces
- Upper floors (3,951sqm) – 87 spaces

A total of 87 parking spaces are proposed, representing a shortfall of 36 spaces when viewed against the rates specified by the DCP.

The requirement set by the DCP represents a significant uplift in the level of parking required for commercial floorspace within city centre developments when compared against the provisions of the former Wollongong City Centre LEP 2007 (superseded by the Wollongong LEP 2009). LEP 2007 specified a parking requirement of:

- Commercial floorspace – 1 space per 75sqm GFA
- Retail floorspace – 1 space per 25sqm GFA

The floorspace proposed will accommodate predominantly commercial use (4,959 sqm), only a small portion of floorspace on the ground floor of the building is proposed for retail (300 sqm). Based on the previous calculation of parking rates this equates to a parking requirement of 78 spaces.

OBJECTIVES

The objective of the site's zoning and the purpose of the relevant development standards are relevant considerations in determining whether compliance with those provisions would be unreasonable or unnecessary.

The identification of the underlying purpose of the DCP provisions has involved an inquiry into the site's particular zoning and other provisions in the applicable environmental planning instruments that apply to the subject land and the proposed development. It has also involved an examination of the circumstances leading to the development of the standards at the time of their imposition, and of the subsequent application of the development standards by Wollongong City Council over time and in light of changing planning and design circumstances, and potential for achievement of new community benefits that were not envisaged at the time the standards were drafted.

Zoning and Zone Objectives

The site is situated within the City Core Precinct and is within the B3 Commercial Core zone. The objectives of the B3 zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- ***To maximise public transport patronage and encourage walking and cycling.***
- *To strengthen the role of the Wollongong City Centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it:*
 - (a) Is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
 - (b) Contributes to the vitality of the Wollongong city centre.*

The proposed development is consistent with the objectives of the B3 zone in that:

- It is located near to a major railway station and bus stops and, so as to encourage the use of public transport, the level of parking proposed has been kept to a number that encourages use of the nearby public transport networks.
- It provides a good quality commercial and retail development which will contribute to the existing diverse range of facilities and services within the Wollongong City Centre.
- Provides adequate parking and access arrangements to suit the needs of future occupants, visitors and service vehicles.
- Will serve Wollongong City Centre with revitalised and additional commercial floorspace without impacting on local traffic conditions. Of particular note, the provision of more on-site parking would stimulate traffic generation.

Part 4 of Chapter D13 of the DCP identifies the Council's requirements in respect of access, parking and servicing. The DCP identifies a number of key objectives specific to this Part. Of particular note, these objectives include:

- *“(c) Incorporate provisions that manage the demand for parking rather than seeking to accommodate peak demand.*

- (d) *Recognise variable accessibility to public transport in parking rates for different parts of the city."*

These objectives infer that a conservative approach to parking should be adopted. Strict application of the parking rates specified in the DCP would clearly contradict these objectives as it would result in an abundance of on-site parking in a location that benefits from excellent access to public transport.

With reference to on-site parking the specific objectives of the DCP are:

- a) *Facilitate an appropriate level of on-site parking provision in the city to cater for a mix of development types.*
- b) *Minimise the visual impact of on-site parking.*
- c) *Provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).*
- d) *To promote Wollongong city centre as a more lively and vibrant place by providing parking incentives for certain developments in the city centre.*
- e) *To encourage economic growth in the city centre.*
- f) ***To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.***

The development, as proposed, is consistent with the objectives of the Wollongong DCP and the planning objectives for the locality. It recognises the highly accessible location of the proposed development and has incorporated a level of parking that reflects the availability of alternative, more sustainable modes of transport.

JUSTIFICATION FOR THE VARIATION

The site is located within the Wollongong City Centre. It is significantly under-developed in the context of this valuable strategic position and is an appropriate location for more significant building forms. The proposed development will provide a strong contribution towards helping Wollongong to fulfil its role as a Regional City through the provision of high quality commercial floorspace. The Wollongong LEP envisages higher residential and commercial building forms in this location, which benefits from excellent access to public transport infrastructure.

In view of the site's context, compliance with the car parking requirements specified by the DCP is considered to be both unnecessary and unreasonable for the following reasons.

Consistency with State and Regional Planning Strategies

The provision of high levels of parking conflicts with State and Regional policy which supports measures to reduce the reliance on private cars, including limiting car parking, to discourage car use and encourage the use of more sustainable modes of travel (walking, cycling, public transport).

The Illawarra Regional Strategy 2006-31 supports the revitalisation of Wollongong City Centre and recognises it as a regional city. The strategy comments that:

"Land use planning decisions must consider transport access implications to minimise the need to travel, and encourage energy and resource efficiency."

At the State level, *Integrating Land Use and Transport* applies to urban areas throughout NSW and encourages development that will:

- Increase access to public transport, walking and cycling.

- Encourages people to travel shorter distances and make fewer trips.
- Reduces car dependency.

With reference to managing travel demand the policy promotes specific measures which:

- Minimise the need to travel and the length of trips particularly by cars.
- Direct travel to the most sustainable mode of transport.

Comparatively high rates

It is noted that when compared against the policies of other regional cities, including Gosford and Newcastle, the city centre parking requirements in Wollongong are extremely high.

Gosford

- Commercial floorspace – 1 space per 75 sqm GFA
- Retail floorspace – 1 space per 40 sqm GFA

This would result in a requirement of 74 parking spaces which the proposal would comply with.

Newcastle

- Commercial /retail floorspace – 1 space per 60 sqm GFA

This would result in a requirement of 88 parking spaces which the proposal would again comply with.

Car parking requirements of larger cities, including Sydney and Parramatta, include car parking maximums and the proposed car parking rate for the City of Wollongong is significantly greater. While comparison with these larger cities is not particularly relevant, it is certainly relevant to make comparison with the above regional cities. These cities compete directly with Wollongong and with rates that far exceed these two comparable examples, development would be thwarted locally to the benefit of these other regional locations.

Inefficient use of land

The site is strategically located, forming part of the City Centre core. The uses proposed take advantage of this central and highly accessible location and will make a valuable contribution to the available supply of commercial/retail floorspace within the city centre. The proposed development reflects a realistic view of actual parking demands associated with the proposed development given the proximity of public transport infrastructure. The provision of parking at the levels specified by the DCP would result in an over-provision of parking and as such would be an inefficient use of valuable urban land.

Increased levels of parking would be economically unviable

The scope to increase the level of on-site parking through the introduction of additional basement levels has been explored. However, investigations have identified that the geology of the site restricts the extent of excavation that can reasonably be undertaken; the introduction of additional parking at basement level would be economically prohibitive. Any additional parking would therefore need to be provided above ground.

The impact of additional parking above ground level on the design of the building would be undesirable, resulting in a scheme that would be both visually and functionally dominated by parking.

The proposed design achieves a better design outcome than would be achieved under strict application of the current DCP controls.

A review of the parking provision of a number of recently approved developments within the city centre has been undertaken. This has identified that the level of parking to be provided falls below the DCP standard. We suspect that the additional car parking required under the recent change to the Development Control Plan would have a similarly prohibitive impact upon the economic viability of these projects.

AHM, 77 Market Street:

- 5 storey office building
- 2 levels of parking accommodating 125 car spaces
- Provision equates to 1 space per 57 sqm

ING, 280 Keira Street:

- 6 storey office building
- 1.5 levels of parking accommodating 107 car spaces
- Provision equates to 1 space per 65 sqm

25 Atchison Street:

- 12 storey office building
- 2 levels of parking accommodating 1 space per 116 sqm

Proximity to public transport

The reduced supply of parking is considered to be reasonable and warranted when viewed in the context of the site's city centre location. Wollongong train station is located 800m to the south west and regional bus stops are available on Keira Street.

Planning and development decisions have a crucial role to play in providing choice to transport modes and managing travel demand. Simply locating a development within the city centre will not prompt a reduction in car use, particularly where abundant parking is provided. The provision of parking in strict compliance with the DCP, resulting in 123 spaces, favours car use and as such would act as a disincentive to the use of local public transport.

Increased parking equates to increased traffic generation

The proposed development achieves a design that has a lesser impact in regards to traffic generation. An increased level of parking would result in a greater number of cars accessing the site. This would in turn result in increased traffic on the surrounding road network and represents a negative outcome for the city centre.

A lower level of parking can be provided without negative impacts on surrounding areas

The site has good access to public transport. Users of the proposed development would therefore not be reliant on car use as a means of accessing the development; lower levels of parking will encourage the use local public transport.

Existing parking provision within the local area includes the public car park at Victoria Street. This car park has 66 spaces. Investigations undertaken by KFW (refer to Appendix A of the SEE) identified that this car park is under-utilised.

Based on the site's proximity to public transport facilities and the availability of car parking facilities within the local area, the proposed development will not result in excessive demand for street parking

Opportunities to increase public transport patronage

As recognised by the NSW Government's policy document *Integrating Land Use and Transport*, the availability of car parking encourages car use.

"People will be encouraged to use their cars excessively if there is abundant or cheap parking, even in areas with good access by public transport."

Parking can therefore be used as a useful travel demand management tool; limiting parking will act as a mechanism to discourage car use. When coupled with incentives designed to promote the use of alternative modes of transport, this approach can help to successfully reduce car use without disadvantage to site users or resultant impact on the surrounding area as a result of parking pressure on neighbouring streets.

The proposed development includes the provision of cycle parking and associated shower/changing and locker facilities which will support cycling and walking as viable travel options.

A Green Travel Plan could be introduced to further encourage the use of more sustainable, non-car based, modes of transport by users of the development. Specific measures may include the adoption of a car share scheme, and incentives for public transport use. Occupation of the development will contribute to the demand for public transport provision in the area and as such will help towards the viability of local services

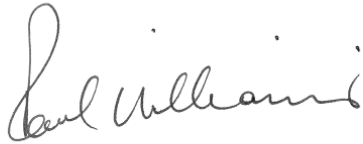
CONCLUSION

In conclusion, the quantum of car parking proposed is considered appropriate in that it reflects the realistic parking demand generated by the proposed development in the context of the site's highly accessible location within Wollongong City Centre.

The provision of parking in strict compliance with the DCP is considered to be:

- Unreasonable – where their construction would render the development economically unviable; and
- Unnecessary – given the highly sustainable location of the site in close proximity to public transport facilities. The proposed number of car spaces is equivalent to that provided with other recently approved developments in the city centre and the rate of car parking is comparable to that required in other similar coastal regional centres.

Yours faithfully,

A handwritten signature in black ink, which appears to read 'Paul Atree-Williams'. The signature is fluid and cursive.

Paul Atree-Williams
Associate Director

CC Peter Taranto - Jerrara Investments Pty Ltd