

Development & Building Services Referral



ENGINEERING ASSESSMENT – Traffic, parking,

TO: DAVID PAINE –SNR DEVELOPMENT OFFICER (PLANNING)

FROM: JAMES CROSS – SNR DEVELOPMENT OFFICER (ENGINEERING)

DATE: 17/7/12

FILE NO: DA 12/0141

SITE: COURTHOUSE -282 KING ST NEWCASTLE

RECOMMENDATION NOT SUPPORTED FROM A CAR PARKING PERSPECTIVE

Assessment Scope

The following plans / details have been assessed in addition to information already submitted

- Reports by: Better Transport Futures
 - Independent Traffic Review of Proposed Newcastle Courthouse, Results of Parking Demand Surveys dated 31/5/12
 - Independent Traffic Review of the Proposed Newcastle Courthouse Project, Newcastle NSW, Summary of Newcastle Courthouse Survey Data, July 2012
 - Independent Traffic Review of the Proposed Newcastle Courthouse Project, Newcastle NSW, Summary of Wollongong Courthouse Survey Data, July 2012
- JBAs response letter dated 9 July 12

Parking & Traffic

The courthouse is a building within city centre with a gross floor area of 8400m², a development of this size within the city centre would require at least 140 car spaces using Council's DCP city centre rate of 1 space per 60m². This is the rate in Council's policy at the time the application was submitted Newcastle DCP 2005 and the current Newcastle DCP 2012 . The courthouse site is proposing 25 parking spaces, this is a shortfall of 115 spaces from the DCP requirement

Council's DCP 2005 does allow for variations to the parking rate within Element 4.1 'Parking and Access' under section 4.1.2 b) in " situations where it is not possible to provide parking on site at the rate nominated under this DCP, but the benefits of the proposal are significant. It is the responsibility of the applicant to show that the proposed level of parking is appropriate, or that overall, the benefits outweigh concerns regarding the level of parking provision."

In my opinion the applicant has not sufficiently justified that the proposed level of parking on site is appropriate. Nor do I accept that the overall benefits outweigh concerns regarding the level of parking provision given that it is argued that a single city centre site be developed that is likely to monopolise the use of publicly available spaces provided for all city centre users.

The applicant seeks to justify the shortage by stating in JBA's letter of 9/7/12 that:

- "Due to policy and site constraints, DAGJ is unable to provide the number of car parking spaces required by the Newcastle Development Control Plan 2010. DAGJ has commissioned three additional traffic surveys which collectively respond to Council's request for further comparative data and parking and traffic impacts in the CBD.

- The traffic and user surveys demonstrate that the proposed Courthouse will contribute a likely additional 29 vehicles into the location at a time which is not competitive with commercial enterprise (after 9am) and which will support the commercial viability of car parks (4% of vacant spaces).”

With regard to the “policy” issue it is noted and acknowledged the State Government’s Policy identifies the security risk/concerns with providing visitor parking in any courthouse design project. In noting the Policy it is considered that the requirements for visitor parking could be provided through good design or via providing parking associated with the development at separate location within walking distance to the site that achieves both parking supply and required security outcomes. I am aware that off site parking within easy walking distance has been provided for government buildings in the past to alleviate security concerns, such as the Defence Force building in William St Raymond Terrace and its associated parking in King St Raymond Terrace.

It is my view that this Policy is an in house departmental or state issue and does not form part of the planning assessment process and does not get referenced in any planning instrument.

In response to the traffic and user survey data provided, this has been analysed and the following comments are made:

The notion that “the proposed Courthouse will contribute a likely additional 29 vehicles” is based on a historic deficiency argument. This argument is not in accordance with Council’s DCP requirements which specifies (4.1.2b)iii) of element 4.1 - Parking and Access)...An historic parking deficiency generally will not apply in the case of total redevelopment of a site” this is further enforced in NDCP 2012 which states. “...a historic parking deficiency does not apply in the case of total redevelopment of a site.”

That is, a historic parking deficiency is not to apply to a total redevelopment of a site. The precursor for this is that the proposal is a redevelopment on a site with an existing deficiency. The Court House DA is for a new site, is a new development and as such the historic deficiency provisions do not apply. This approach is consistent with how Council assesses parking provisions for all other applications.

If the historic deficiency argument is used the applicant argues that, based on survey data from the existing courthouse site, there is a historic deficiency of 114 vehicles per day and therefore only adds an additional 29 spaces per day demand due to the new facility. This 114 deficiency + 29 additional spaces relates only to the survey of visitors and does not include staff parking requirements.

Carrying the data forward the 29 additional vehicles +114 existing historic deficiency suggests that the Courthouse will contribute at least an average additional 143 vehicles plus staff related vehicles to the area surrounding the development site.

JBA further seeks to address the above points in relation to the car parking shortage in their letter by providing the following comments:

“Car Parking Shortage

The Courthouse's functional and security requirements (screening) and construction costs prohibit DAGJ from physically providing the number of car parking spaces required by the Newcastle Development Control Plan 2010. In addition, the application of the generic City Centre car parking control (1/60m2) does not recognise that:

1. the proposed building is a court facility that has low staff numbers for the size of the facility but a higher level of short term visitors;

2. the proposed building is not a new facility but is being relocated from another close by site in the Eastern part of the CBD;
3. there is sufficient existing supply and availability of off-street car parking within 400m and 800m of the Courthouse site;
4. there are demonstrated successfully managed precedents within DAGJ's portfolio including Bankstown, Sydney West(Parramatta), and Downing Centre (Sydney CBD) all of which are subject to restricted parking conditions (ranging from 0-30 private spaces) similar to those proposed at Newcastle. Similar precedents exist in other States, such as the new Courthouse at Ipswich, QLD; and
5. the site is in close proximity to public transport connections including the Civic Railway Station and regular Hunter Buses services.

To support the proposed car parking provision, DAGJ has commissioned three additional traffic surveys to quantify:

- the traffic and parking patterns of the existing Newcastle Courthouse users;
- the traffic and parking patterns of Wollongong Courthouse users as another large and comparable regional centre and
- existing parking demand within the Newcastle CBD.

Those investigations collectively respond to Council's request for further comparative data and parking and traffic impacts in the CBD. They demonstrate that the types of Courthouse users, modes of travel, and car parking demand justify the proposed provision of 25 basement spaces at the new Courthouse. In particular:

- 46% of all existing Newcastle Courthouse users drive to the site and 54% of users rely on public transport or travelling as a passenger in a car;
- 38% of all Wollongong Courthouse users drive to the site and 62% of users rely on public transport or travelling as a passenger in a car;
- there is significant spare parking capacity within the six (6) existing car parking facilities within close proximity to the proposed Newcastle Courthouse site. Of a total 1857 spaces available within 400m of the proposed site 634 spaces (or 34% of all available spaces) are free at 9am; and 529 spaces (or 28%) are available at 10am, reflecting significant capacity. This quantum of car parking is up to four (4) times greater than that required by the Courthouse under Council's DCP car parking rates if the proposed Courthouse was not replacing a current facility in the same geographic location. Arguably, the reliance on commercial car parks not only alleviates the provision of on-site car parking, but also supports the economic vitality of existing car park businesses in the CBD, consistent with other objectives of the EP&A Act and Council's own local planning controls.

When these established usage principles are applied to the proposed Newcastle Courthouse, the current proposal equates to a shortfall of only 29 community car parking spaces based on the calculations set out below. The existing capacity within the surrounding networks (up to 529 spaces at 10am) more than caters for the projected 29 additional spaces triggered by the proposed development. The likely additional 29 vehicles is calculated as:

- $1241 \text{ visitors} \times 46\% / 5 \text{ days} = 114 \text{ vehicles parked per day};$
- 10 court rooms are proposed, representing a maximum 25% increase in demand on the current Newcastle Courthouse which comprises 8 court rooms. Therefore:

- 114 vehicles x 1.25 = 143 vehicles parked per day average;
- 143 – 114 = 29 extra vehicles; and
- 29 additional vehicles as a percentage of the available off street car parking spaces available after 9am = 4.4% demand increase. “

It is noted that the 46% figure used above has been rounded down by the applicant from 46.8% - rounding this number to 47% increases the demand to 117 vehicles, which when the formula is followed suggests a parking demand of 149 spaces not 143 spaces. Noting that this relates to visitor demand surveys not including staff.

In response to the submission that “The Courthouse's functional and security requirements (screening) and construction costs prohibit DAGJ from physically providing the number of car parking spaces required by the Newcastle Development Control Plan 2010.”, as indicated earlier, while the courthouse security issues are noted, it is considered that the requirements for visitor parking can be provided through good design or via providing parking associated with the development at separate location within walking distance. Further, the construction costs of providing parking in accordance with DCP requirements should be taken into account when budgeting for the project.

In relation to point 1, the SEE identifies that the 25 basement car parking spaces are for serving judges and magistrates and departmental vehicles (including 2 special use spaces). These spaces are not for all staff in relation to the development. The SEE indicates that up to 80 permanent staff will work at facility, which is an increase in the number of staff at the current courthouse.

The Independent Traffic Review of the Proposed Newcastle Courthouse Project, Newcastle NSW, Summary of Newcastle Courthouse Survey Data, July 2012 states that “33 registry staff, 15 sheriffs and 10 reporting services staff”, for a total 58 staff working at the existing courthouse and that these employees “utilise a car park to the rear of the administration building” along with 17 secure basement car parks for ‘a combined provision of approximately 60 parking bays.”

The survey does not state directly that the existing staff members have sufficient on site parking provided, or are shared with adjoining sites, notwithstanding that this is evidenced by the survey. The survey also recognises that there will be a high number of visitors with an average of 310 visitors/day (based on the data presented in the survey ie: 1241 visitors / 5 days = 248 visitors per day x 25% increase on demand = 310 visitors per day)

The question arrived at from this data is “where will these staff park and where will the visitors park in the new facility” The submitted survey data indicates that the proposed courthouse will generate 203 (143 visitor + 60 staff) vehicles based on staff and visitors. While the argument was made that the standard car parking rate in Council’s DCP of 1/60sq.m was not appropriate to apply to a Court House development of this nature, the DCP requirement suggests a of 140 vehicles based on a rate of 1/60m² of floor area

In relation to point 2 regarding relocation of an existing facility, it is not in accordance with Council policy to apply a historical deficiency to a new development on a new site.

In relation to point 3 Council does not agree that there is sufficient existing supply and availability of off-street car parking within 400m and 800m of the Courthouse site.

In the Independent Traffic Review of the Proposed Newcastle Courthouse Project, Newcastle NSW, Summary of Newcastle Courthouse Survey Data, July 2012 and the Independent Traffic Review of the Proposed Newcastle Courthouse Project, Newcastle

NSW, Summary of Wollongong Courthouse Survey Data, July 2012 the survey results show that a large number of vehicles associated with court users, used paid parking, 86% at Newcastle courthouse and 79% at Wollongong. In this regard, the split between on street and off street is discussed later.

The applicant has commissioned a number of surveys in the Independent Traffic Review of Proposed Newcastle Courthouse, Results of Parking Demand Surveys dated 31/5/12 to demonstrate that there is off street public parking available in the area within walking distance. These survey results show that most parking stations are reaching capacity, at between 72-94%, with “529 spaces at 10am”

Only two off-street parking station sites showing low occupancy rates. These are the Car Park associated with the vacant David Jones building (King and Perkins Sts) and the Mall Car Park, accessed off King Street. The King Street site is between 800m and 900m from the development site.

When the David Jones building was occupied the adjoining carpark had a peak demand of 81% and the Mall had 71% (Newcastle City Centre Parking Strategy by GTA consultants dated 12/09/08). Both of these car parks are in areas that are not currently used to the surrounding development sites’ full potential. Concern is raised that should these sites be the subject of redevelopment, either independently or as part of a city revitalisation, is likely that the rate of occupancy of the Car Parks would increase and if the average use of these car parks is the same as the average use of the other referenced car parks (83% full at 9am and 88% full at 10am) then the total amount of available spaces in all the parking stations in accessible distance is 310 spare and 218 spare, respectively.

As indicated below, the submitted survey results showed that approximately 50% of the cars related to court users/uses, parked on the street and the balance in parking stations, say 70 to 90 cars associated with the site park in parking stations that would be about 1/3 of the available spaces. 90 Cars based on if the use, was in the same ratio as the day with the largest number of cars parked in association with the courthouse over the 5 day survey period then 184 vehicles would be required). Previous parking surveys supplied by the applicant showed that civic had 354 parking spaces and a demand of 78% therefore 77 available in the immediate precinct.

This would also lead to the majority, if not all available car parks in off-street parking stations and on street areas being used within the city by court house users. This development may not leave many spare car spaces within the city for other city users and visitors. The above assumptions also do not take into account the parking required for all staff.

It is not council practice to include available public car parking within the required car parking for any particular proposed development. It is usual practice is that each development site provides the required amount of car spaces within or as part of there development (or a financial contribution in lieu) and not rely on existing parking within the public realm. For council to accept such an approach it would need to be considered that the benefits from the proposal are significant, without question and specific to a public development.

The courthouse, try to justify the parking shortfall by saying there is on and off street parking available that they can use. This is unsound for a number of reasons. In relation to on street parking. On street parking is provided for all the public to use, not to support a shortfall of one development, especially in the city area where there are a number of businesses, buildings, people rely on its availability. Within the city on street parking is at a premium and available to help all business in the city by providing a good turnover of available parking.

The Newcastle Courthouse Survey and Wollongong Survey results show that 46% and 45% (approximately half the cars) take up available on street parking and that 49% and 50% take up parking in Car parks. The numbers associated with Car parks could be for knowing the time required for court proceedings and needing longer than short duration available (i.e 2hr/1hr on street), meaning that the part of those associated with court uses of long duration could have a low turnaround in CBD parking.

Newcastle City Centre Parking Strategy (NCCPS) by GTA consultants dated 12/09/08 shows there is minimum on street available in places close to this site. Given the long(er) parking timeframes required for this type of development it would place extra pressure on parking within the residential areas surrounding the city, this has not been investigated in the traffic report. The NCCPS shows that the unrestricted areas surrounding the site have a high demand and also that

- There is a high on-street peak parking demand (70-90%) within the centre of the Newcastle City Centre including the Civic, Cooks Hill, Darby and City East precincts with a lesser on street demand in the City West, The Hill, Honeysuckle, The Foreshore and Newcastle East precincts;
- Peak off street parking demand is also highest within the centre of the Newcastle City Centre with car parking stations at Civic, The Delaney, Honeysuckle and Marketown operating at their practical capacities during certain times of the day;

In relation to Point 4 a site specific assessment has been carried at the proposed location and its impact on parking in the immediate vicinity.

In relation to Point 5 it is noted that the development is in close proximity to public transport connections including the Civic Railway Station and regular Hunter Buses services. And the Newcastle and Wollongong surveys showed that a percentage of people accessed court facilities by public transport, however these percentage rates are not expected to increase significantly given that the existing Newcastle courthouse has access to the same transport lines.

With high numbers of people arriving to the site by car in the survey data provided, Newcastle 70% (45% driver and 25% passenger) and Wollongong 70% (38% driver 32% passenger), it is considered unlikely that there would be significant changes to public transport use as both sites are close to the rail line and the bus lines. It is acknowledged that the site is closer to public transport stops and with other encouragements there may be a minor modal shift although this has not been quantified (or commented on in the submitted surveys).

While the lack of parking can, in itself, lead to a transport mode shift, it is not appropriate planning practice to support a development with insufficient onsite parking on this basis.

The site requires 140 spaces under the DCP and the applicants own survey results show that there is an average of 143 vehicles parked in conjunction with court uses + staff vehicles. When the use reaches this rate it would have an increased impact on the capacity. Such a shortfall sets precedence for buildings within the CBD when the 1 per 60m² is a rate that already takes into account the good public transport and close proximity of residences within the CBD area. With only 25 spaces provided, this is only 18% of the required parking (less a % if the survey data results of 143 spaces +staff spaces required is used).

It is noted that the proposed courthouse site had an existing 60 vehicle car park, however no approval for this car park can be found and it appears to have started as an informal carpark after the previous buildings got demolished on site. The hotel site has separate contractual arrangements in place that parking be provided to it by Council (This is outside this realm of this proposal and assessment)

The courthouse proposal is generally not supported from a parking and associated traffic perspective given the significant shortfall in parking provided and the potential adverse traffic impacts that the shortage will have on the surrounding on street parking and public parking network'.