

Variation to Development Control-DA-2019/493.

4 Marshall Street Dapto.

This submission relates to a variation in the number of car parking spaces and refers to controls in **Chapter E3** of Wollongong DCP 2009 relating to car parking, access servicing and loading facilities.

The prelodgement notes from the meeting of 11 October 2018 noted the following:

"Based on the DCP parking rates and sustainable parking waiver, the development would result in a parking shortfall and is unlikely to be supported in its current form. If the DCP parking rates are not considered relevant to the specific use proposed, the application will need to justify why this is the case."

Since the time of the submission and initial assessment of the DA there have been a number of discussions with Council in relation to car parking as well as a site inspection by the Southern Joint Regional Planning Panel (JRPP).

Council has now requested a variation to the car parking development control.

The submission includes this justification for this request.

Clause 8 of Chapter A1 of Wollongong DCP 2009 advises that a variation to a development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives and the development control have been achieved.

The variation statement must address the following points:

- a) the control being varied; and
- b) the extent of the proposed variation and the unique circumstances as to why the variation is requested; and
- c) demonstrate how the objectives are met with the proposed variations; and
- d) demonstrate that the development will not have additional adverse impacts as a result of the variation.

Responses:

a) the control being varied

Car parking, bicycle parking and motorcycle parking should be provided in accordance with Schedule 1 of Chapter E3 of the DCP. Council has nominated medical centre/health consulting rooms as the appropriate development description with the following parking requirements:

- 4 spaces/consulting room plus 1 space/3 employees
- 1 bicycle space per medical centre.
- 1 motorcycle space per 25 car parking spaces.
- An ability to service the site with a small rigid vehicle.

Clause 7.4 of Chapter E3 states that Council has the discretion to waive the minimum number of spaces required for a particular site if the reduced provision can be justified by an accompanying Car Parking and Traffic Impact Assessment Study. The DCP provides for the following reductions:

-10% if bus stops are within 400 metres of the site.

-20% reduction if a railway station is within 800 metres of the site.

-10% reduction if there is a public car park with greater than 50 spaces within 400 metres of the site.

The site's location satisfies all three criteria and therefore a maximum reduction of 30% can be achieved.

Plans supporting the application indicate a total of 11 consulting rooms (7 medical and 4 dental) which require 4 car parking spaces/consulting room. Staff parking is required at 1 space/3 employees for 35 staff. Therefore:

11 consulting rooms x 4	=44 spaces
35 staff @ 1 space/3	= 12 spaces
Total	= 56 spaces
Discounted by 30%	=39 spaces

The application seeks to provide 22 spaces. A car parking space initially provided has been converted to a secure space for 10 bicycles. This will bring the total of bicycle spaces on site to 16.

b) The extent of the proposed variation and the unique circumstances as to why the variation is requested.

A Traffic & Parking Assessment Prepared by JN accompanied the development application. The report advised that there are no specific parking rates available for "community health services" within either Chapter E3 of the DCP or RMS Guide to Traffic Generation.

The application proposed 23 car parking spaces, including 2 for people with a disability, a bike rack and staff end-of-trip facilities. The car spaces will be prioritised for client use and staff pool cars. There will be 15 pool cars used by staff providing outreach services. These will depart from the site at 8am returning at 2.30pm, therefore a significant number of staff will be off-site during the day. The facility will operate on an appointment basis which will allow for an arranged visitation to the facility and therefore better management of the car parking area.

To further support the assessment a local parking study within the precinct and a benchmarking study of a similar facility was undertaken.

The parking study investigated the available parking at the subject site (presently 11); public car parking in the Bong Bong Road Council carpark (190 spaces), on street parking in Marshall Street between Bong Bong Road and McCabe Street (57 spaces).

The study found that on average, during the facilities operating hours of 8am to 5pm Monday to Friday, there were 151 spaces available in close proximity to the subject site.

The Wollongong Community Health Centre (CHC), located in the Wollongong CBD in close proximity to trains and buses, was utilised as the benchmark comparable. This facility is within the Piccadilly Centre which has provision for public parking.

The Wollongong CHC provides primary health and oral health services and has a full-time staff of 45 and operates with 13 pool cars.

The HealthOne facility will implement a traffic management plan to minimise the possibility of any overflow traffic occurring. The traffic management plan will incorporate distributing the session times throughout the day to minimise the impact on onsite parking. Signage will be installed advising that the car park is for the use of patients only.

Subsequent to the initial assessment there has been a number of discussions with Council and a site visit by the JRPP. A consequence of the discussions has been the submission of a Green Travel Plan (GTP) by the applicant which promotes active transport (i.e. walking, cycling, foot-powered scooters, car-pooling & public transport) for Dapto HealthOne staff. The GTP details a number of strategies and actions to develop wellbeing and environmentally sustainable programmes.

To facilitate this programme a car-parking space proposed with the initial submission has been converted to a secure bicycle storage area. End of trip facilities including an accessible shower/toilet and 16 lockers will be located on Level 1.

The traffic management plan acknowledges that 15 fleet cars will be secured on site overnight. This fleet will be utilised by staff providing outreach services and will be off-site during the day between 8.30am to 3pm. Client consultations are provided between 8.30am to 2.30pm daily and therefore demand for on-site parking will decline during this period.

Line marking within the car parking area will delineate the area for pool parking.

Encouragement will be provided for clients to utilise the public car park off Bong Bong Road through the installation of a two-way gate from the property to the car park.

c) Demonstrate how the objectives are met with the proposed variation.

The objectives of Chapter E3 of the DCP are to:

- a) Ensure that transport networks are able to support the proposed development in a manner that maintains safe levels of service.
- b) Provide adequate and safe vehicular access to sites without compromising streetscape qualities
- 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
- e) Support an increase in bicycle and motorcycle usage by requiring provision of bicycle and motorcycle parking, storage and end-of- trip facilities for certain developments.
- f) Ensure that the design of access and parking areas meets the relevant Australian Standards.
- g) Ensure that developments are designed to be accessible for pedestrians, cyclists and motorists.
- h) Provide adequate access, loading facilities and on-site manoeuvring for service and waste collection vehicles.

- i) Ensure that parking facilities are integrated into the design of developments and minimise visual impacts.
- j) Ensure safe access for pedestrians and people with a disability.

Response

It is considered that the providing the requested variation to the development control will not compromise the above objectives. The subject site is in close proximity to both public transport and a public car park area.

The survey and assessment conducted by Jones Nicholson indicate the level of available car parking in the precinct. This survey also provides a comparable with a like facility located within the Wollongong CBD.

The JN report supports the fact that the local road network can support the proposal (objective a).

Safe access is provided without compromising the quality of the streetscape (objective b).

Objective (c) above is satisfied as adequate parking will be provided through the traffic management plan. The report explains the proximity to public transport (objective d). Objective (e) is satisfied through the secured bicycle store and 6 spaces outside of this area. Parking and access requirements satisfy the criteria of the Australian Standards (objective f) and accessible requirements are met (objective g).

Deliveries and waste collection will be scheduled outside of consultation hours (objective h).

Importantly the implementation of a Green Transport Plan will encourage staff to seek alternative active transport to and from work.

d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

Firstly, it is considered that in granting the variation requested the objectives of Chapter E3 will not be compromised. Secondly the benchmarking survey against a similar facility located within the Wollongong CBD appears to indicate that the HealthOne centre can be managed through the utilisation of a car pool system.

The JN report provides advice that the proposed 23 parking spaces will be implemented to cater for the development and that a traffic management plan will be provided to manage the traffic on site.

The implementation of the GTP is to be considered as an active environmental initiative.



J.P. SA, CD, P.A.
Town Planner, Property Consultant
PH: 0417 241 827
E: terry@towconsulting.com.au
A/H: 02 4227 1746
A: 45 Eastern Av,
Mangerton, NSW 2500
ABN 57 055 186 126

Project #1832
8 August 2019

The General Manager
Wollongong City Council
41 Burelli Street
WOLLONGONG 2500

Dear Sir,

Attention: Rodney Thew

DA-2019/493- 4 Marshall Street Dapto. Request for Variation to a Development Control.

In correspondence of 17 July 2019, Council in requesting additional information for the above application, included the following statements:

- The landscaping along the front boundary is to be a minimum 1.5m wide. The offset appears to be compromised by an area labelled as “compensatory landscape zone to the eastern boundary”. It is unclear what this means, however the 1.5m landscape offset area is not to be compromised.
- DCP 2009 Chapter E6 section 7 states that where car parking adjoins a side or rear boundary provide a 1.5m wide planting bed. This control applies to the western boundary and the northern boundary.

Amended Landscape Plans prepared by NBRS Architecture will be provided to Council with the request for additional information. These plans indicate a 1.5 m landscape area along the Marshall Street frontage.

However, a 1.5m planting bed cannot be provided along the northern and western boundaries. Such being the case Council is requested to consider this request for a variation to this control.

Clause 8 of Part A of Wollongong DCP advises that a justification statement must address the following points:

- a) Identify the development control subject to the variation request; and
- b) Identify the objectives of the control; and
- c) Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and
- d) Confirm that the development will not have a greater adverse impact on residential amenity than if compliance was achieved; and
- e) Show how the development will achieve the objectives of the zone contained in the relevant LEP; and
- f) Show how the development will achieve the objectives of the DCP; and
- g) Justify why compliance with the provisions of this plan is unreasonable or unnecessary in the particular circumstances of the case.



J.P. SA, CD, P.A.
Town Planner, Property Consultant
PH. 0417 241 827
E. terry@towconsulting.com.au
A/H: 02 4227 1746
A. 45 Eastern Av,
Mangerton, NSW 2500
ABN 57 055 186 126

The responses to these points are provided hereunder:

a) **Identify the development control the subject of the variation request.**

The development control is contained within Section 7.5 Car Parking Areas in Chapter E 6 of WDCP 2009 which state:

“Where the car park adjoins a side or rear boundaries development should provide a 1.5-metre-wide planting bed.”

b) **Identify the objectives of the control.**

The DCP does not provide a specific objective for this control.

c) **Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application.**

The application provides for the replacement of an existing community facility which has reached a level of redundancy and obsolescence. Existing access arrangements will in the main be utilised. Currently there is no landscaping along much of the northern boundary and none along the western boundary. The proposal will therefore provide significant improvement to that which exists.

The landscaping proposed adjacent to the western boundary at the south western corner commences at a width of 3470 mm and continues at a width of 1920 mm narrowing at the north western corner of the site. This is a factor of geometry given the dimensions and configuration of the site.

The provision of car parking and vehicle manoeuvring in this location make an adjustment to the landscaping width difficult.

Landscaping cannot be provided along the northern boundary due to the requirements for the driveway width. This is currently the case. However, comparisons with other sites will be made in (g) of this submission.

d) **Confirm that the development will not have a greater adverse impact on residential amenity than if compliance was achieved.**

This application does not propose residential development but seeks the replacement of a community facility. The site does not adjoin residential development at any point.

The landscaping proposed will be an enhancement to that which exists.

e) **Show how the development will achieve objectives of the zone contained in the relevant LEP.**

The site is zoned B2-Local Centre. The objectives of this zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.



J.P. SA, CD, P.A.
Town Planner, Property Consultant
PH. 0417 241 827
E. terry@towconsulting.com.au
A/H: 02 4227 1746
A. 45 Eastern Av,
Mangerton, NSW 2500
ABN 57 055 186 126

- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential accommodation and other uses while maintain active retail, business or other non-residential uses at street level.

It is considered that this request for the variation to the development control will not adversely compromise these objectives.

f) **Show how the development will achieve the objectives of the DCP.**

The objectives of Chapter E6-Landscaping are:

- a) To define the landscaping provisions necessary for the Development Application process.
- b) To ensure that landscaping is appropriate to characteristics of its locality, preserving and contributing to its natural, cultural, heritage and visual character.
- c) Minimise the impacts from the development on natural site features in particular retaining existing trees where feasible.
- d) Facilitate long term improvements to the landscape of the Wollongong LGA.

The site is the last B2 property in the southern periphery of the Dapto CBD in Marshall Street. Adjoining properties to the south are zoned light industrial and the South Coast Rail line is to the immediate west. It is considered that the landscaping proposed is appropriate to the location.

There are no significant items of vegetation within the property. The reality is, that which is proposed is superior to that which exists.

g) **Justify why compliance with the provisions of this plan is unreasonable or unnecessary in the particular circumstances of the case.**

The application proposes to replace an existing community facility that will provide much improved services to the community. Such is the demand for the services to be provided that it should be considered a high order issue in the assessment of the application. However, Council's controls need be assessed.

It is considered that compliance with this control is both unreasonable and unnecessary for the following reasons:

- The provision of car parking is pivotal to this application and car parking and vehicle manoeuvring cannot feasibly be sacrificed for additional landscaping.
- The configuration of the site particularly along the western boundary restricts the ability to provide denser landscaping along the full boundary.
- There is evidence of precedence in the immediate precinct where the control has not been provided as follows:



J.P. SA, CD, P.A.
Town Planner, Property Consultant

PH: 0417 241 827

E: terry@towconsulting.com.au

A/H: 02 4227 1746

A: 45 Eastern Av,
Mangerton, NSW 2500

ABN 57 055 186 126

- 2 Marshall Street F45 Fitness Centre with no landscaping along the driveway.
- 5 Marshall Street Dapto Uniting Church.
- 9 Marshall Street Campbell Page
- 11 Marshall Street CBC Self Storage.
- 14 Marshall Street Anglicare Stores.
- 3 Marshall Street Dapto Medical car park has several landscape bays but no full-length boundary landscaping.
- The site adjoins the Bong Bong Road Council car park. Although the car park has a verge (< 1.5 metres) along the boundary with the subject site it is not provided with any landscaping.

Council is requested to favourably consider this request to vary the control requiring a 1.5-metre-wide planting bed adjacent to the northern and western boundaries as it is considered that the imposition of this control for this application is both unreasonable and unnecessary in this instance.

Yours faithfully,

Terry Wetherall