



Planning &
Infrastructure

MODIFICATION REQUEST:

***Lot 2 DP 748682
132-138 Killeaton Street, St Ives***

***MP 10_0057 MOD 3 – Modification to reduce
the number of visitor car parking spaces***

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

November 2011

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1. BACKGROUND

1.1 The Site

The site is located at Lot 2 DP 748682, 132-138 Killeaton Street, St Ives, situated on the southern side of Killeaton Street between Mona Vale and Yarrabung Roads in the Ku-ring-gai Local Government Area.

The site is L-shaped and has an area of 2.297 hectares that falls approximately 3 metres from the northern (Killeaton Street) boundary to the southern (rear) boundary. The site formerly accommodated a complex which comprised a monastery, college and chapel. The site has been largely cleared, with only the monastery, a two storey brick building, and a small stable remaining (refer **Figure 1** below).

An avenue of large mature trees is located along the existing driveway located adjacent the eastern (side) boundary. A group of mature Ironbark trees is located centrally on the front (Killeaton Street) boundary and are identified in Ku-ring-gai LEP 2010 as having "Biodiversity Significance".

Killeaton Street is a two-lane local road with parking either side and forms a T-Junction with Mona Vale Road approximately 120 metres to the west.



Figure 1: Site Locality

1.2 Previous Approvals

On 2 May 2011, the Planning Assessment Commission approved a Project Application (MP 10_0057) for the construction of a residential development including demolition and excavation; construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments; adaptive – reuse of the monastery building for communal facilities including pool and gymnasium; basement parking; and landscaping works.

This approval was subject to a number of conditions including Conditions B1A and B12:

B1A Other Design Modifications

The design of the project must be amended and approved by the Director General as follows:

- (a) Buildings E and F, and Buildings D and F, must comply with the 12 metre building separation distance prescribed in the Residential Flat Design Code;*
- (b) all 1 bedroom apartments must comply with the minimum balcony area requirements prescribed in the Residential Flat Design Code;*
- (c) at least 70% of apartments must achieve a minimum of 3 hours solar access in mid winter between 9am and 3pm as prescribed in the Residential Flat Design Code;*
- (d) at least 50% of communal open space areas must receive a minimum of 3 hours solar access in mid winter between 9am and 3pm as prescribed in the Ku-ring-gai Development Control Plan (Town Centres);*
- (e) at least 40% of the total site area must be used for deep soil landscaping within the meaning of the Ku-ring-gai Development Control Plan (Town Centres) 2010 so that mature trees may be planted in between Buildings A & B, Buildings B & C and Buildings D, E & F;*
- (f) Car parking numbers must comply with requirements for visitor and residential parking in the Ku-ring-gai Development Control Plan (Town Centres) 2010;*
- (g) the car parking layout must be amended to the extent necessary to achieve compliance with this clause; and*
- (h) the landscaping and car parking plans must be amended so it complies with this approval.*

Plans and details of the modifications to the project required by this clause must be approved by the Director General prior to the release of a Construction Certificate for above ground works.

B12 Car and Bicycle Parking Provision and Storage

- (a) Parking must be provided in accordance with the requirements for visitor and residential parking in the Ku-ring-gai Development Control Plan (Town Centres) 2010. Visitor parking must include a minimum of 2 spaces designated for persons with a disability. The design and construction of the parking area and parking spaces must be in accordance with AS2890.1 and AS2890.6.*
- (b) Secure bicycle parking is to be provided for 90 bicycles on site, with 60 resident and 30 visitor spaces provided. The spaces are to be designed and constructed in accordance with AS2890.3. The bicycle parking spaces are to be allocated evenly throughout the basement in close proximity to the lifts for each individual building.*
- (c) Storage areas for each dwelling are to be provided within the unit and/or basement or part lot.*
- (d) Any pairs of stacked car parking spaces are to be allocated to the same apartment.*

On 6 August 2011, the Director-General approved amended plans to satisfy Condition B1A of the approval. The plans (including an additional basement car parking level) provided car parking numbers in accordance with the requirements for visitor and residential parking in the *Ku-ring-gai Development Control Plan (Town Centres) 2010*.

1.3 Previous Modifications

On 17 October 2011, the Acting Director General approved a Modification Application (MP 10_0057 MOD 1) which involved the use of the existing driveway along the eastern boundary during construction.

Works in accordance with the approval is currently being carried out on the site.

2. PROPOSED MODIFICATION

The application seeks to amend conditions B1A(f) and B12(a) by:

- deleting the requirement for visitor and resident parking numbers to comply with Ku-ring-gai Development Control Plan (Town Centres) 2010;
- reducing the number of visitor parking spaces by 27 spaces from 75 to 48 spaces (to be provided at a rate of one space per 6.2 dwellings); and
- modifying the basement car park as a result of the reduced visitor car parking numbers.

No change to the number of resident parking spaces is proposed. Overall, a total of 369 spaces are proposed, consisting of 321 resident spaces and 48 visitor parking spaces. Two car wash spaces are also included on Level 1.

As a result of the modified basement design, the deep soil landscaping provided to the site is increased by approximately 90m² from 9,201.3m² to 9,290.1m².

Further details of the proposed modifications are provided in **Appendix A** and comments received from Council and the RTA are provided in **Appendix B**.

Table1 provides a comparison of the approved and proposed car parking provision:

	Project Application Proposal	Council's DCP 43	Approved rate with PAC conditions	Proposed amendment	Variation
Resident Spaces	331 spaces	287 to 383 spaces	321 spaces	321 spaces	0
Visitor	43 spaces	1 space per 4 dwellings or part thereof (75 spaces)	1 space per 4 dwellings or part thereof (75 spaces)	1 space per 6.2 dwellings (48 spaces)	27 spaces
TOTAL SPACES	374	362 to 458	396	369	27

Table 1: Car parking provision

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W of the Act is appropriate because the proposal is consistent with the original Approval.

3.3 Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to Section 75W (3) with respect to the proposed modification, as sufficient information was provided to the department to consider the application.

3.4 Delegated Authority

The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority.

The application is being referred to the PAC for determination as Ku-ring-gai Council has lodged a submission objecting to the proposed modification.

As the application has been made by a private person, it is able to be determined by the PAC under delegation from the Minister.

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the department's website and referred to Ku-ring-gai Council, Department of Transport and the Roads and Traffic Authority for comment. No public submissions were received on the modification request.

The following comments were received from the Department of Transport, Roads and Traffic Authority and Ku-ring-gai Council:

Department of Transport raised no objections to the reduction in visitor parking numbers.

Roads and Traffic Authority initially did not support the proposed reduction in visitor spaces. However, following the submission of additional supporting information, the RTA have advised that they raise no objection to the proposed reduction in visitor parking spaces (1 space per 6.2 dwellings) on the basis that the ratio of visitor parking is consistent with the range recommended by the RTA for high density residential apartment buildings which are in the vicinity of public transport services (recommended minimum number of off-street visitor parking spaces is 1 space for every 5 – 7 dwellings).

It is also noted that the RTA did not raise concerns with the original proposal and stated that the project will not have an adverse impact on the arterial road network.

Ku-ring-gai Council provided a submission objecting to the modification on the following grounds:

- the analysis provided by the proponent is based on 2006 ABS data that is representative of activity in a rail corridor, where the majority of apartments would have been located in 2006. It

is unlikely that this data is an indication of vehicles parked in apartments in St Ives (as it is not near a rail station);

- Council's Integrated Transport Strategy indicates that areas like St Ives are still relying substantially on cars as their main mode of travel;
- a reduced visitor parking ratio may be appropriate adjacent to a town centre that is supported by a combination of rail station, bus services and local employment / core retail and commercial services. The subject site does not satisfy this requirement; and
- failing to provide adequate visitor parking may result in impacts on-street and to surrounding residents.

Council recommends that visitor parking should be maintained at a ratio of 1 space per 4 dwellings (or provision of 75 visitor spaces) consistent with the *Ku-ring-gai Development Control Plan (Town Centres) 2010*.

Council also requested that a Deep Soil Landscape Area plan be provided as a result of the reduced car parking provided in the basement.

On 11 October 2011, the proponent submitted a response to Council's submission which maintained that the site is well serviced by bus transport that provides links to nearby railway stations. In addition, the proponent states that it is unlikely that 48 individuals (driving a car) will be visiting the site at any one time, let alone 75 individuals as approved.

On 17 October 2011, Council advised that it maintains its views provided in the original submission.

5. ASSESSMENT

The department considers the key issues for the proposed modification are:

- the reduction in visitor parking spaces and the justification to support this reduction; and
- the modified design of the basement car park.

5.1 Reduced visitor car parking

Ku-ring-gai Development Control Plan (Town Centres) 2010 (applicable at the time of the assessment of the original application) required visitor parking to be provided at a rate of one space per four dwellings (a total of 75 visitor spaces for 297 dwellings).

On 28 July 2011, the Land and Environment Court declared that the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* is of no legal force or effect. This declaration included the revoking of *Ku-ring-gai Development Control Plan (Town Centres) 2010*, therefore the *Ku-ring-gai Planning Scheme Ordinance 1971* (as amended) is now the relevant control which is supported by DCP 43 - Car Parking.

The *Ku-ring-gai Planning Scheme Ordinance* includes a ratio of one space per four dwellings for residential development within the St Ives locality. DCP 43 maintains the same ratio for medium and high density residential developments.

Proponent's justification

The proponent submitted a traffic report prepared by Halcrow in support of the proposed reduced parking rate (1 space per 6.2 dwellings). The report identifies that the RTA's *Guide to Traffic Generating Development* recommends a minimum rate of 1 space for every 5 to 7 dwellings for high density residential flat buildings. This rate may be reduced where sites are within close proximity to public transport.

The proponent justifies the reduced visitor parking rate by stating that:

- the site is within comfortable walking distance of several bus stops, which link the site to the City, Hornsby, North Turramurra, Macquarie Centre, Gordon;
- increased deep soil open space will be provided within the reduced basement area (increased from 40.1% to 40.4%);
- less traffic generation on surrounding roads; and
- excess resident spaces are provided that can be used to cater for occasions of peak visitor demand.

Council's comments

Ku-ring-gai Council has objected to the proposed visitor parking rate and states that Council's DCP 43 – Car Parking requirement of one space per four dwellings be maintained.

The Council argues that the analysis provided by the proponent is based on 2006 ABS data that is representative of activity in the rail corridor, where the majority of apartments would have been located in 2006. It is unlikely that this data is an indication of vehicles parked in apartments in St Ives. Council's Integrated Transport Strategy indicates that areas like St Ives are still relying substantially on cars as their main mode of travel.

Council also states that a reduced ratio may be appropriate in other Ku-ring-gai town centres that are supported by a combination of rail station, bus services and local employment / core retail and commercial services. This site does not have a rail station nor significant employment and failing to provide adequate visitor parking may result in impacts on-street and to surrounding residents.

Department's review

The department's assessment of the original Project Application specifically considered the issue of visitor parking. The application included a traffic study by "Transport and Traffic Planning Associates" that analysed visitor parking demand at a number of high-density residential apartment developments in comparable locations (such as Artarmon, Bankstown, Chatswood, Miranda and Sutherland). Visitor parking spaces were provided at an average ratio of one space per 11.92 dwellings.

The department took the view that the provision of 43 visitor parking spaces (at a rate of one space per 7 dwellings) was acceptable to meet the anticipated demand and would not result in any adverse impact on the local residential streets from congestion or overspill.

The Planning Assessment Commission however considered that the development should provide a greater number of visitor parking spaces in accordance with the *Ku-ring-gai Development Control Plan (Town Centres) 2010* - a rate of 1 space per 4 dwellings or a total of 75 spaces.

The department notes Council's point that St Ives town centre is not directly serviced by rail. However, St Ives is provided with several bus services providing public transport access to a number of areas including nearby train stations.

As part of its assessment of the proposed modification the department has re-examined the proposed visitor parking rate. It is firstly noted that the 48 visitor car parking spaces (1 per 6.2 dwellings) currently proposed is greater than the 43 visitor spaces (1 per 7 dwellings) that were originally proposed and supported by the Department.

The Department has also reviewed visitor parking rates for nearby Local Government Areas in middle to outer parts of Sydney similar to St Ives. In particular such areas are provided with the following visitor parking rates:

- Hornsby Shire Council – 1 space per 5 dwellings; and
- Warringah Council – 1 space per 5 dwellings.

By comparison, it is noted that the rate for these nearby areas is less than the required 1 space per 4 dwellings required in Ku-ring-gai. This lower visitor car parking requirements for similar areas suggests that less visitor car parking may successfully be provided than that prescribed for the Ku-ring-gai LGA. In addition, the RTA have advised that the proposed rate is consistent with the range recommended for high density residential apartment buildings in the vicinity of public transport services (1 space for every 5 – 7 dwellings) as contained within the RTA Guide. Also, the Department of Transport have not objected to this proposed reduction of visitor car parking spaces

Further, the Department notes that the 321 resident parking spaces to be provided exceeds the DCP 43 minimum requirement of 287 spaces (by 44 spaces). It is considered that the provision of resident spaces (15% in excess of the minimum requirement) will be able to absorb occasional peaks in visitor parking demand.

Despite Council's concerns, the department maintains its view that the proposed number of visitor parking spaces is acceptable.

5.2 Amended Basement Design

The proposal seeks the following changes to the approved basement layout that provided 396 spaces (321 resident spaces and 75 visitor spaces, excluding the two car wash spaces provided on Level 1) as a result of reducing the proposed number of visitor spaces to 48:

- modify basement level one by reducing the number of car parking spaces provided from 280 to 273 (reduction of seven spaces) by re-arranging spaces in Stage 1 and 2 and modifying the use adjacent the void area below Block A from car parking spaces to storage areas;
- modify basement level two by reducing the number of car parking spaces from 116 spaces to 96 (reduction of 20 spaces) by deleting the car parking spaces provided in Stage 2 along the western basement wall and re-arranging spaces in Stage 1; and
- relocation of storage space.

The modified basement layout is considered to have appropriate regard to the conditions of Approval, including the provision of spaces designated for persons with a disability.

Council has not raised concerns with the proposed amended basement design.

6. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

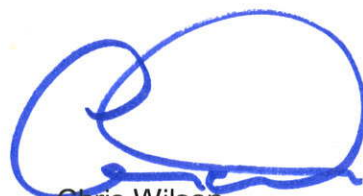
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification request under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification for MP 10_0057 MOD 3.

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APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4925

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4925

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
