

1 December 2011

**75W Modification Application (Mod 3)
Residential Development at 132-138 Killeaton Street, St Ives**

Background

The original project application was approved by the Planning Assessment Commission (the Commission) with conditions in May 2011. The approval was for the construction of a residential development of 6 buildings of 4 to 6 storeys in height comprising 298 units, adaptive reuse of the monastery building for communal facilities and associated infrastructures including parking and landscaping works.

The subject modification (Mod 3)

This application seeks to:

- Delete the requirement to comply with visiting parking standards in Ku-ring-gai Development control Plan (Town Centres) 2010 ;
- Reduce 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
- Modify the basement car park as a result of the reduced visitor car parking numbers.

Delegation to the Commission

The application was referred to the Planning Assessment Commission for determination as it meets the Ministerial delegation relating to an application where the relevant Council raises objection to the proposal.

The Commission members nominated to determine the application were Mr Garry Payne (chair) and Ms Donna Campbell. Mr Payne visited the area on 27 November 2011 and Ms Campbell visited the site and its surrounds in April 2011 when considering the original application.

Commission Meetings

On 30 November 2011, the Commission met separately with the Department of Planning and Infrastructure, Ku-ring-gai Council and the proponent.

Department of Planning and Infrastructure

The Department was represented by Mr Anthony Witherdin and Mr Ben Lusher. The meeting discussed the appropriate visitor parking rate that should apply and public transport services to the area.

The Department advised that the proposal visitor parking rate is within the RTA recommended rate of 1 space for 5 to 7 dwellings. The Department also reviewed parking requirements in the neighbouring Hornsby and Warringah Councils. The visitor parking rate for both councils is 1 space for 5 dwellings which is less than the KRG Council's 1 space for 4 units.

The site is located in close proximity to the strategic bus corridor of Mona Vale Road. Although St Ives town centre is not directly serviced by rail, bus services are available to nearby railway stations.

The Department reiterated its support for the proposed visitor parking rate and considered the proposed number of parking spaces would meet the anticipated demand and would not result in any adverse impact on the local residential streets from congestion or overspill.

Ku-ring-gai Council

The Council was represented by Mr Joseph Piccoli who briefed the Commission on the reasons why Council objected to the proposed modification.

- Council has consistently applied the visitor parking rate in DCP43 in all developments in the area;
- A reduction rate may be appropriate for town centres along the rail corridor, but St Ives is a car dependence area, (as confirmed in the Ku-ring-gai Integrated Transport Strategy Final Report prepared by ARUP);
- Although it is located along a strategic bus corridor, off peak and weekend bus services are inadequate to meet residents and visitors requirements;
- It is important to maintain a high level of on-street residential amenity;
- The site is unlikely to benefit from multi-purpose trips from visitors; and
- The 2006 ABS data represented activity along the rail corridor where most of the high density developments were located at that time. The data is unlikely to be representative of the St Ives environment.

Meriton Apartments

Meriton Apartments were represented by Mr Peter Spira, Mr Walter Gordon and Mr Bruce Masson. The meeting focused on the justification for the proposed reduction on the number of visitor parking spaces.

They noted that Meriton Apartments have a lot of experience in building and managing apartments and this experience indicates 48 visitor parking spaces would be adequate to service the proposed development. To provide the extra spaces would be a waste of resources and not environmentally friendly as it requires additional excavation and mechanical ventilation.

They argued that the site is located in close proximity to the strategic bus corridor, public transport and other services. The original RTA research indicated visitor parking in high density residential area required about 0.15 spaces per unit equivalent to 1 space per 6.7 units. Further, the proposed parking spaces for residents are more than Council's DCP 43 requirements and so the excess spaces can be used to meet peak visitor demand.

Commission's Comment

In the assessment of the original application, the Department identified visitor parking as one of the key issues raised in public submissions. The Commission found that, while the development had sufficient number of resident and visitor parking spaces to satisfy the DCP requirements when added together, it did not support the proposed reallocation of spaces in breach of Council's DCP in relation to visitor parking.

The Commission's report on the original application found "there is insufficient justification to deviate from the visitor parking requirements outlined in the DCP controls which would ordinarily apply to other developments in the locality in the R4 High Density Residential Zone." Hence, the Commission in approving the project application required visitor parking provision to be provided in accordance with the Council's DCP.

When reviewing the current modification application and the information provided by the Department including the assessment report, the Commission did not find any additional information to persuade it to change the view expressed by the Commission members in determining the original application.

The Commission again notes that the DCP required number of visitor parking spaces can be accommodated within the proposal by reallocating some of the residential spaces to visitor spaces. The proponent confirmed at the meeting with the Commission that it is a marketing decision for each 1 and 2 bedroom unit to have 1 parking space and each 3 bedroom unit to have 2 parking spaces. The Commission does not consider it reasonable to reduce the visitor parking requirement to accommodate the provision of residential parking spaces in excess of DCP43 requirements.

The Commission agrees with Ku-ring-gai Council that St Ives has limited public transport services particularly during off peak hours and weekends. It is a car dependence area. It notes that the RTA recommended visitor parking rate for metro sub-regional centres is 1 space per 5 units. Further, according to the *Subregional Strategy – North Subregion*, St Ives is classified as a village, not a sub-regional centre. The *Metropolitan Plan for Sydney 2036* has not identified St Ives as a major centre or potential specialised centre. Hence it is questionable whether the RTA rate is the most appropriate one to apply to the area. Council has also confirmed that the DCP43 visitor parking requirement has been consistently applied to other developments in the area. The Commission also notes the RTA research data quoted by the proponent to support its application was carried out in 1993.

Commission Determination

After careful consideration of the assessment report and associated documents provided by the Department and the views expressed by the Department, Ku-ring-gai Council and the proponent at the meetings, the Commission is not persuaded that there is sufficient justification to reduce the number of visitor parking spaces for the development. The modification application is therefore refused (see Attachment 1).



Garry Payne AM
PAC Member



Donna Campbell
PAC Member

Attachment 1

Modification of Ministerial Approval

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, we the Planning Assessment Commission of New South Wales **refuse** to give approval for the modification of the project application referred to in schedule 1, for the reasons listed in schedule 2.



Garry Payne AM
Member of the Commission



Donna Campbell
Member of the Commission

Sydney

1 December 2011

SCHEDULE 1

Project Approval:

MP 10_0057 granted by the Planning Assessment Commission on 2 May 2011

For the following:

Project Approval for a residential development including:

- Demolition and excavation;
- Construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments;
- Adaptive – reuse of monastery building for communal facilities including pool and gymnasium;
- Basement parking; and
- Landscaping works.

Modification:

MP 10_0057 MOD 3: Modification includes:

- deletion of Condition No. B1A(f) relating to car parking to comply with the Ku-ring-gai Development Control Plan (Town Centres) 2010;
- reduction to the number of visitor parking spaces from 75 to 48 spaces; and
- redesign of the basement car parking levels.

SCHEDULE 2

REASONS FOR REFUSAL

1. There is insufficient justification to deviate from the original approval condition that visitor parking spaces should be provided in accordance with Ku-ring-gai Council's Development Control Plan.
2. Although the site is located in close proximity to a strategic bus corridor, St Ives has very limited public transport services particularly during off peak hours and weekends.
3. St Ives is classified as a village in the Subregional Strategy – North Subregion. It is not identified in the *Metropolitan Plan for Sydney 2036* as a major centres or potential specialised centre. The RTA recommended rates of 1 space per 5 units and 1 space per 7 units apply to metro regional centre (CBD) and subregional centre respectively.
4. Ku-ring-gai Council has consistently applied the DCP43 parking requirement to other developments in the area and it has not been justified why this development should be treated differently.