

16 October 2009

Dr Robert Lang
Chief Executive Officer
Parramatta City Council
GPO Box 32
PARRAMATTA NSW 2124

By e-mail: pkennedy@parracity.nsw.gov.au

Attention: Mr Paul Kennedy

Dear Dr Lang,

Re: Planning proposal for amendments to Parramatta City Centre LEP 2007

The Urban Taskforce is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

The Urban Taskforce has reviewed the "Planning proposal for amendments to *Parramatta City Centre LEP 2007*" ("the proposal"). We are very concerned at the proposal to amend clause 22C of the plan to set a maximum number of car parking spaces for development in the city centre.

Council's justification for this policy initiative rests on two tenuous points. The first being that restricting car parking spaces will result in an increase in alternative transport use for access to the town centre. Secondly, Council asserts that because the existing car parking rules are silent on whether the rates are maximums or minimums, there is an ambiguity that must be addressed. **Council's justification is flawed and we do not support the proposed severe restriction on car parking.**

Our views are outlined below.

1. Mandatory limits on residential car parking will not reduce car ownership

The suggestion that residential development be limited to one parking space for each home – even for three bedroom homes - will simply mean that more vehicles will occupy street car parking spaces for longer periods of time and in greater numbers. The impact on local amenity will most certainly give rise to community disapproval.

The development of residential areas and centres that are dense, compact, with a mix of uses, *will* encourage greater walking and public transport use. In fact, some people may even choose to do without a car altogether. However, ownership of a private motorcar will continue to be a *necessity* for most people.

While the existing and proposed rail systems are predominantly radial (towards Sydney's central business district), a growing proportion of all travel activity is regional and cross regional. While rail networks are most useful in getting people to and from their jobs; they are much less useful for trips such as:

- getting children to weekend sport;
- social visits to family and friends; or
- transporting shopping purchases home.

That's why people continue to seek private car ownership. The benefits of compact pedestrian friendly communities around public transport nodes will not be reduced car ownership; the

benefit is more likely to be lower car usage. Sensible land use and transport planning allows for all modes of transport (cars, transit, walking and cycling) and plans must consider and integrate these.¹

Where parking is limited, there are major social impacts caused by the lack of off-street parking. The impact of overflow on-street parking in surrounding streets is well known.

2. Proposed numerical restrictions on shops will make most such development unviable

Limiting shops to one parking space for every 30 square metres of gross floor area will cripple many development opportunities. For example, most retail development requires one car parking space for every 20 square metres in order to be viable. Many developments that are necessary to provide competitive tension with existing shopping centre landlords will be made commercially unattractive by this kind of blanket rule.

Council's justification does not include any assessment to demonstrate and/or quantify modal shift brought about by the proposed policy initiative, nor does Council's justification provide any traffic impact assessment to ensure that local amenity and safety has not been compromised.

3. Neither minimum, nor maximum car parking provisions are appropriate for commercial development, shops, restaurants or drive-in take-away food and drink premises

Council is proposing to cap commercial office development to one car parking space for every 100 square metres of gross floor area. While some commercial developments close to public transport may still be viable with less car parking, others won't be. We don't think that any minimum or maximum standard on car parking should be imposed for commercial office development close to public transport – each proposal should be judged on its merits.

Similarly the car parking requirements for restaurants are excessive (as a minimum). Some restaurants (and some shops) will not require any car parking. Likewise, some "drive-in or take-away food and drink premises with seating" may be so well located that no parking is required at all (the former McDonalds at the Darling Harbour Sega World is an example).

4. Parramatta Council has misinterpreted the current provisions of the local environmental plan

Council's justification for proposed amendments was that the proposed amendments were in-line with the intent of *Sydney Regional Environmental Plan No 28—Parramatta* ("the REP"). It's worth noting that the REP ceased to apply to Parramatta's city centre in 2007, when there was a policy change, in-line with the *Parramatta City Centre Local Environmental Plan 2007* ("the LEP").

Council has correctly stated that when the REP applied to the Parramatta city centre it imposed a maximum limit on car parking. This is very clear for three reasons.

Firstly, the REP's car parking provisions were accompanied by an objectives clause which (among other things) made it clear those provisions were:

- to "ensure" that public transport becomes the most important and efficient means of moving people to and within the Parramatta City Centre;
- to "encourage" commuting by public transport to the Parramatta City Centre in order to reduce the number of motor vehicles travelling through and to the Parramatta City Centre, and to improve overall environmental quality and pedestrian amenity.²

¹ Mackay, M., 2005, Don't think Transit-oriented development, think transport-oriented development. Paper presented at the Transit Oriented Development Conference. Fremantle, Western Australia 5-8 July 2005.
[<http://www.patrec.org/conferences/TODJuly2005/papers/Mackay.M.pdf>, accessed 7 April, 2008]

² CI 56.

Secondly, the REP clearly stated that:

[t]he number of car parking spaces provided for use for the purpose of a building of a kind described in the Table to this clause is not to exceed that calculated in accordance with that Table (emphasis added).³

Thirdly, in the accompanying table in the REP, the column containing the number of parking spaces per dwelling, area of floor space, etc was headed:

Parking spaces *permitted* on-site (emphasis added)⁴

Council then goes on to *mischievously* assert that the provisions in the which replaced the REP, are “ambiguous” because they impose neither a maximum nor minimum number of car parking spaces. Council says that, as matter of policy, it has been applying the table as a maximum. Council is in error. The LEP is clearly not intended to be a maximum number of car parking spaces, but a minimum number. This is evident for four key reasons.

Firstly, the objectives clause set out in the REP was not reproduced in the LEP.

Secondly, the wording of the key text in the car parking clause is very different from the REP:

Consent must not be granted for any new building, or an alteration to an existing building that increases the gross floor area of the building, ... unless the consent authority is *satisfied* that car parking will be provided in accordance with the [table] ... (emphasis added)⁵

Note the words “not to exceed” (which appeared in the REP) have not been used.

Thirdly, in the accompanying table, the column containing the number of parking spaces per dwelling, area of floor space, etc is headed:

Number of parking spaces *required* (emphasis added)⁶

Note the word “permitted” (which appeared in the REP) has not been used.

Finally, in explaining how the gross floor area is calculated for the purposes of the table, the LEP clearly contemplates the possibility that underground car parking might be provided in excess of the car parking mandated by the table.⁷

In practice, when seeking to meet a car parking standard, any reasonable planner or designer would take such a standard to be a minimum that must be achieved. Development controls such as car parking rates are always taken to be a minimum unless expressly stated that the standard is a maximum.

5. Developers should be free to provide car parking sufficient to meet local needs, subject to the traffic studies required in the development assessment process

The Urban Taskforce has consistently expressed concern at any move towards a strategic capping of car parking spaces. Such caps, particularly when set at unrealistically low levels, can effectively sterilise the development potential of land.

Sensible land use and transport planning allows for all modes of transport (cars, transit, walking and cycling) and plans must consider and integrate all of these modes.⁸ In this regard, planning urban areas in the vicinity of mass transit should continue to provide car related infrastructure (parking and roads), at an appropriate rate.⁹

³ CI 57(1).

⁴ CI 57.

⁵ CI 22C(1).

⁶ CI 22C.

⁷ In clause 22C(2)((b) the definition of “gross floor area” includes underground car parking that is not mandated by clause 22C.

⁸ Mackay, M., 2005, Don't think Transit-oriented development, think transport-oriented development. Paper presented at the Transit Oriented Development Conference. Fremantle, Western Australia 5-8 July 2005.

[<http://www.patrec.org/conferences/TODJuly2005/papers/Mackay.M.pdf>, accessed 7 April, 2008]

⁹ Ker, I., 2005, Common Sense and Opportunism in Transit Oriented Development (or 'life is what happens to you while you're busy making other plans'). Paper presented at the Transit Oriented Development Conference. Fremantle, Western Australia 5-8 July 2005. [<http://www.patrec.org/conferences/TODJuly2005/papers/Ker.I.pdf>, accessed 7 April, 2008]

There is a large body of evidence from inner Sydney experience to demonstrate that limiting car parking is an ineffective tool in encouraging public transport use. North Sydney and City of Sydney (and the former South Sydney Council) have attempted to use this tool for some time. It has been found to be crude and ineffective.

It is widely accepted that Sydney's public transport system cannot service non-centre related trips. Crude tools to reduce car ownership hinder economic development as they weaken the community's ability to access employment and services.

If good public transport exists people will use it for some of their trips, despite their ownership of a car. Ironically, in inner Sydney the unintended outcome of concentrating new residents around railway stations has been overcrowding at stations and trains. This unfortunately erodes the attractiveness of using public transport and thus promotes car use. Any promotion of public transport use must be commensurate with investment in public transport.

In summary:

- We do not support the blanket conversion of the existing minimum car parking requirements to maximum car parking requirements. We would support the removal of the car parking restrictions from the LEP altogether.
- The proposal to convert car parking *minimums* to *maximums* will put at risk the viability of residential apartment and retail development.
- The existing "minimum" car parking arrangements for commercial development, shops, restaurants or "drive-in take-away food and drink premises with seating" are problematic and should be deleted altogether.
- Should Council still wish to persist with car parking restrictions in the LEP, any proposal placed on exhibition should be accompanied by an assessment of local traffic and car parking impacts, and a credible assessment of the impact of the changes on development viability.

These comments are offered to encourage constructive dialogue between government and the development industry and we ask that you accept these comments as our contribution to the plan making process. We are always able to provide a development industry perspective on planning policy and we would welcome the opportunity to meet and discuss these issues in more detail.

Yours sincerely

Urban Taskforce Australia



Aaron Gadiel
Chief Executive Office