

15 December 2010

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 to amend the Parramatta City Centre Local Environmental Plan 2007 in relation to car parking controls

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 previously reviewed the "Planning proposal for amendments to *Parramatta City Centre LEP 2007*" ("the proposal") and we outlined our concerns with the proposal to limit car parking in the central business district of Parramatta in correspondence to the Council dated 16 October 2009.

Council considered our comments and we were encouraged that Council resolved to proceed with the "housekeeping" amendment to the LEP without proceeding with the car parking limitations. Unfortunately, this matter is once again on Council's agenda. In this regard, the Urban Taskforce again confirms that the proposal to amend clause 22C of the plan to set a maximum number of car parking spaces for development in the Parramatta City Centre is of grave concern. The Urban Taskforce remains opposed to this proposal as outlined in our previous submission and the additional comments provided below.

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 existing car parking rules are silent on whether the rates are maximums or minimums and that 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.**

Furthermore, the Department of Planning confirmed in their gateway determination that "the issue of imposing parking limits through the LEP will need to be addressed when the City Centre LEP is amalgamated with Council's Standard Instrument LEP at some stage in the future with a view to including development standards in the DCP". **This suggests that car parking controls should not be included in a local environmental plan, but should be placed in a development control plan.**

This is a key matter that does not seem to have been properly considered and/or communicated to councillors. For instance, councillors are being advised that other local councils are limiting the provision of car parking and that this is essentially common practice. However, the councillors were not advised that most local environmental plans do not contain the car parking controls suggested for Parramatta City Centre. Where councils seek to manage car parking, the means of implementing car parking controls is generally by way of a development control plan. Contrary to what councillors may have been lead to believe, North Sydney, Willoughby (Chatswood) and Ryde (Macquarie Park Corridor) local environmental plans do not include car parking limitations as proposed for Parramatta LEP.

Further, the comparison of Parramatta to "European Cities" lacks relevance. Quite apart from the fact that the Council officer reports give no detail on which cities are being considered as comparable to Parramatta, it is generally accepted that the European urban environment is dominated by significantly higher density development, shorter travel distances and considerably higher quality public transport. These conditions do not exist in Parramatta and any comparison to major European cities in this context is irrelevant and misleading.

In addition to our previous submission of 16 October 2009 (which forms part of this submission and is attached for your information), the Urban Taskforce makes the following supplementary comments.

1. There is no evidence provided to support assertions

Council officer reports continue to advise that a limit on parking will translate into higher public transport usage. However, evidence to support this assertion has not been provided. Results of investigations and/or studies into traffic and car parking have not been exhibited to lend weight to the assertions being made.

Furthermore, exhibited materials state that the social and economic impacts of the planning proposal have been considered. However, evidence of how these important matters have been considered has not been provided.

Exhibited material also states that there is ability for existing public transport to support a reduction in parking. Again, no evidence has been provided to support such a sweeping generalisation. It is of concern that Council officers would make such a claim without exhibiting evidence and results of consultation with transport authorities.

Where is the evidence that there will be net community benefit by adopting this planning proposal? There is nothing provided by Council to show how "net community benefit" is defined, nor is there any discussion on how this matter was considered. This is yet another example of an unsubstantiated assertion being passed off as a matter of fact.

Seeking to justify a cap on parking by suggesting that existing businesses in the Parramatta CBD operate without any parking is simply an untruth. Car parking for these businesses is provided by way of centralised public car parking and/or parking on local streets in the vicinity of these business premises or (in the case of Westfield Parramatta, for example, on-site).

2. Converting a minimum car parking rate to a maximum is not good policy

By Council's own admission, the maximum car parking rates being considered have been derived by taking an existing Roads and Traffic Authority (RTA) minimum and stating them as a maximum. This is clearly an inappropriate use of a development control/criteria. To adopt an RTA minimum as a maximum shows a complete disregard for the criteria or the appropriate application of said criteria.

Clearly a minimum is intended to be a starting point. To take a starting point (minimum) and simply convert it to a maximum is not a robust, defensible policy position.

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.

Contrary to suggestions made in exhibited materials, this matter cannot be considered to be a "proposal of minor significance". This proposal has the potential to significantly impact on development feasibility and if adopted has the potential to force more parking into local streets. The resulting impact on local amenity is something worthy of careful investigation. It is by no stretch of imagination to be a minor matter.

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.

Furthermore, the decision to place a car parking control in a local environmental plan must not be taken lightly. Placing such a control in a local environmental plan removes flexibility for the applicant and Council. That is, if a situation was to arise where there was a demonstrable case for additional parking, such could not be readily provided, even if Council was supportive.

As mentioned above and alluded to by the Department of Planning, the most useful location for a car parking control is within a development control plan. If included in the development control plan, Council would be able to manage car parking provision and if appropriately drafted, a provision in the DCP could be devised where flexibility to provide more parking could be considered upon provision of a robust argument from the applicant.

Council's ability to make a comprehensive assessment of development proposal in relation to traffic management and car parking will be limited if a cap on parking is included in a local environmental plan, placing Council at a considerable disadvantage.

3. Limiting car parking does not make public transport viable

Council asserts that limiting parking will make public transport more viable. Again, no evidence to support this claim is provided by Council. However, it is widely accepted that 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.

The type of urban development that is permitted in the vicinity of the key transport nodes strongly influences patronage of public transport, not poorly considered or derived limitations on car parking.

It is now well understood that "land use patterns have a significant influence on how well public transport services can be delivered and utilised".¹ By introducing more land use flexibility in the vicinity of transport infrastructure, the infrastructure itself benefits in terms of patronage, and therefore viability. Research consistently shows that density has a significant impact on the use of public transport. For instance, it was found that every 10 per cent increase in population density was associated with about a 6 per cent increase in boardings at transit stations.² Furthermore, most urban services cannot be provided unless there are a certain number of people that can make them viable.³

It should be noted that doubling of density will reduce the number of cars and vehicle miles travelled per household by 25 per cent.⁴

The significance of population and employment densities as predictors of travel behaviour is clear. Studies reaffirm residential density as being the most important built environment element which influences travel choices.⁵ It is clear that the elements of the built environment that exert a strong influence on travel behaviour are population and employment density, not simply limiting the provision of car parking.

Extensive research on this issue is available and the general consensus is that along with an increase in residential and employment density, mixed land uses around station areas have become accepted practice as a means of increasing usage rates.⁶

¹ Alford, G., 2006, Integrating Public Transport and Land use Planning – Perspectives from Victoria. *Australian Planner*, Vol. 43, No. 3, pp. 6-7.

² Parsons, Brinckerhoff, Quade and Douglas et al. 1995 in Cervero, R., Ferrell, C., and Murphy, S. 2002, Transit-Oriented development and Joint Development in the United States: A Literature Review. Transit Cooperative Research Program. Research results digest. October 2002—Number 52 [http://onlinepubs.trb.org/Onlinepubs/tcrp/tcrp_rrd_52.pdf, accessed 7 April, 2008].

³ Newman, P., 2005., Transit Oriented Development: An Australian Overview. Paper presented at the Transit Oriented Development Conference. Fremantle, Western Australia 5-8 July 2005. [<http://www.patrec.org/conferences/TODJuly2005/papers/Newman%20paper%20REV.pdf>, accessed 7 April, 2008].

⁴ Leck, E., 2006, The Impact of Urban Form on Travel Behaviour: A meta-Analysis. *Berkeley Planning Journal*, Vol. 19, pp. 37-58.

⁵ Leck, E., 2006, The Impact of Urban Form on Travel Behaviour: A meta-Analysis. *Berkeley Planning Journal*, Vol. 19, pp. 37-58.

⁶ Joshi, H., Guhathakurta, S., Konjevod, G., Crittenden, J. & Li, K., 2006, Simulating the Effects of Light Rail on Urban Growth in Phoenix: An application of the UrbanSim Modelling Environment. *Journal of Urban Technology*, Vol. 13, No. 2, pp. 1-21.

Placing a cap on car parking is simply the application of an unsophisticated, blunt instrument in an attempt to reduce travel demand. Development that is well located and easily accessible by high quality public transport will have more success at influencing a more desirable modal split than car parking caps.

Our focus should not be about forcing people to use a less efficient mode of transport, it should be about making public transport more efficient and attractive. Getting development happening in the right locations to make public transport more attractive should be our collective aim.

4. 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.⁷ 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.⁸

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.

The Urban Taskforce confirms that:

- 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

⁷ 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]

⁸ 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]

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

A handwritten signature in black ink, reading "Aaron Gadiel". The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

Aaron Gadiel
Chief Executive Officer

Encl.

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 Cl 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 Cl 57(1).

⁴ Cl 57.

⁵ Cl 22C(1).

⁶ Cl 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