



24 May 2021
Ref 19583

Conomos Legal
Suite 8, Level 6
229-231 Macquarie Street
SYDNEY NSW 2000

Attn: Mr Vasili Conomos
vc@conomoslegal.com.au

Dear Vasili,

LAND & ENVIRONMENT COURT PROCEEDINGS No. 2021/38192
PROPOSED ALTS & ADDS TO AN APPROVED RESIDENTIAL DEVELOPMENT
23 WOLSELEY RD (AKA 2 WENTWORTH ST), POINT PIPER
RESPONSE TO CONTENTION 5 & 6(E)

Introduction

This statement has been prepared in relation to the abovementioned Land & Environment Court (LEC) Proceedings pertaining to the refusal of DA/536/2020/1, involving the proposed alterations and additions to an approved residential development located at the abovementioned address.

I can confirm that I have read Division 2 of Part 31 of the Uniform Civil Procedure Rules (UCPR) and the Expert Witness Code of Conduct, by which I agree to be bound. A copy of my Curriculum Vitae is attached.

This statement provides my position in respect of the traffic and parking contentions detailed in Contention 5 and Contention 6(e) of the Statement of Facts & Contentions dated 14 May 2021.

Development History

In July 2018, the Local Planning Panel approved DA 369/2017 involving the demolition of the existing buildings on the site and the construction of a new part five/part six-storey residential apartment building, comprising 5 units. Off-street parking was approved for a total of 11 cars within a new basement parking area. Vehicular access to the car park was approved to be provided via a new entry/exit driveway located towards the northern end of the Wentworth Street site frontage.

In September 2019, the Local Planning Panel approved DA 484/2018 involving the alterations and additions to the approved residential apartment building (under DA 369/2017/1), including the construction of 1 additional unit (to a total of 6 units). Off-street parking was approved for a total of 14 cars within a new basement parking area.

Vehicular access to the car park was approved to be relocated to the Wolseley Road site frontage by way of a new entry/exit driveway.

In March 2020, Council approved a s4.55 application under DA 484/2018 involving the reconfiguration of the basement parking layout, reduction in the approved number of car parking spaces from 14 down to 13, and other internal and external modifications. Vehicular access to the car park remained via the approved Wolseley Road driveway.

Refused Development Proposal

The development proposal which was refused by Council involves the following:

- a) an additional level comprising a new 3-bed unit (total of 7 x 3-bed units),
- b) internal reconfiguration to the layout of the approved basement level to include a new car lift, and
- c) a new basement mezzanine level

In this regard, the proposed modified off-street parking arrangement made provision for a total of 13 residential spaces, consistent with the approved s4.55 application under DA 484/2018. Vehicular access to the site remained proposed via the approved Wolseley Road driveway.

Response to Contentions

5. Parking and Access Design Standards

The Proposal fails to provide for safe and efficient movement of vehicles within, entering and leaving the Site.

Particulars

- a) The parking and access design of the Proposal does not ensure the safe and efficient movement of vehicles within the Site, failing to satisfy the relevant matters for consideration under Part E1.10 and Part E1.15 of the WDCP in that:
 - i. Car Park Layout and Aisle Width – The proposal does not provide unrestricted manoeuvres when entering and exiting parking spaces 5, 12 and 13 and utilising the car lift. The parking layout requires excessive and restricted manoeuvres to perform such movements, failing to satisfy the relevant matters for consideration under Part E1.10 of the WDCP in that it does not comply with *AS/NZS 2890.1 Part 1: Off-street car parking*.

Response

Please see attached swept turn path diagrams of a B85 design vehicle accessing car parking spaces 5, 12 & 13. It should be noted that these turn paths were included in the traffic and parking assessment report that accompanied the development application.

In essence, all three parking spaces in question require a 5-point-manoeuvre to enter and exit the spaces (in total). This *includes* the manoeuvres into and out of the car lift.

It is pertinent to note in that regard that 3 of the 7 parking spaces contained within the *approved* single-level parking area (with car stackers) also required a 5-point-manoeuvre to enter and exit those spaces (in total).

The proposed reconfigured parking layout is therefore consistent with the previous parking layout approved by Council, with respect to requiring a 5-point-manoeuve. Furthermore, the proposed introduction of a mezzanine parking area and the deletion of the *dependent* car stackers is considered supportable because:

- each parking space will be *independent* and will not rely on another car to be moved, unlike the previously approved layout with *dependent* stackers
 - market research indicates that purchasers of the apartments within the development are likely to be down-sizers and empty-nesters, many with just the 1 car
 - as all but one of the 7 apartments will be allocated 2 parking spaces each, it is proposed that each of the 7 apartments will be allocated one parking space within the basement level, with their second parking spaces provided on the mezzanine level
- ii. Queuing of vehicles outside of site boundaries – The Proposal may require the use of the footpath and driveway as a waiting bay (Part E1.15: Mechanical Parking Installations of the WDCP requires waiting bays to be a minimum length of 6m). This would compromise the use of the footpath which is not considered to be a safe use of access ways for vehicles and pedestrians, contrary to Part E1.10.6 of the WDCP. Queuing on the driveway access point/footpath area, is contrary to Part E1.15.3 of the WDCP;
-

Response

Based on the *medium density residential flat building* traffic generation rate of *0.65 peak hour trips per dwelling* to the 7 proposed dwellings results in a traffic generation potential of just 4.6 peak vehicle trips (IN and OUT, combined). Furthermore, given the residential nature of the development, the vehicle peak vehicle movements are likely to be “tidal” – i.e. in the morning peak period, most vehicles will be exiting whilst in the afternoon peak, most vehicles will be arriving home.

The proposed security roller door is setback 6m within the boundary, such that a single car waiting in front of the roller door while it opens will *not* extend out into the public domain and block the footpath. Furthermore, a car waiting to enter the car lift will likely wait alongside car parking space 5.

The *very low* traffic generation of the development means that the likelihood of two cars accessing the car parking area at the same time is *statistically insignificant*.

- iii. Waiting Bay – The Proposal does not provide a waiting bay onsite. Vehicles attempting to simultaneously access and egress the car lift may result in the requirement for further manoeuvres, which are already considered excessive in a compact garage.

Response

As per the above response, the *very low* traffic generation of the development means that the likelihood of two cars accessing the car parking area at the same time is *statistically insignificant*.

AS2890.1:2004 requires the 98th percentile queue to be accommodated on site, which the proposed design allows for. In any event, there is sufficient manoeuvring space for two cars to pass each other in the large central area within the car park. This arrangement is also consistent with the previous parking layout approved by Council, in the scenario whereby cars parked within the same stacker needed to be swapped over.

6. Inadequate information

Inadequate information has been submitted to enable a full and accurate assessment of the Proposal against the relevant considerations pursuant to Section 4.15 of the EPA Act.

Council requires the following material to carry out an assessment.

Particulars

- e) A revised **swept path analysis** prepared by a suitably qualified engineer in order to demonstrate unrestricted manoeuvres when entering and exiting parking spaces 5, 12 and 13 and utilising the car lift.
-

Response

As per the above response, the swept turn path diagrams of a B85 design vehicle accessing car parking spaces 5, 12 & 13 which were included in the traffic and parking assessment report that accompanied the development application are attached. The turn path diagrams confirm that car parking spaces 5, 12 & 13 can be accessed without difficulty.

Conclusion

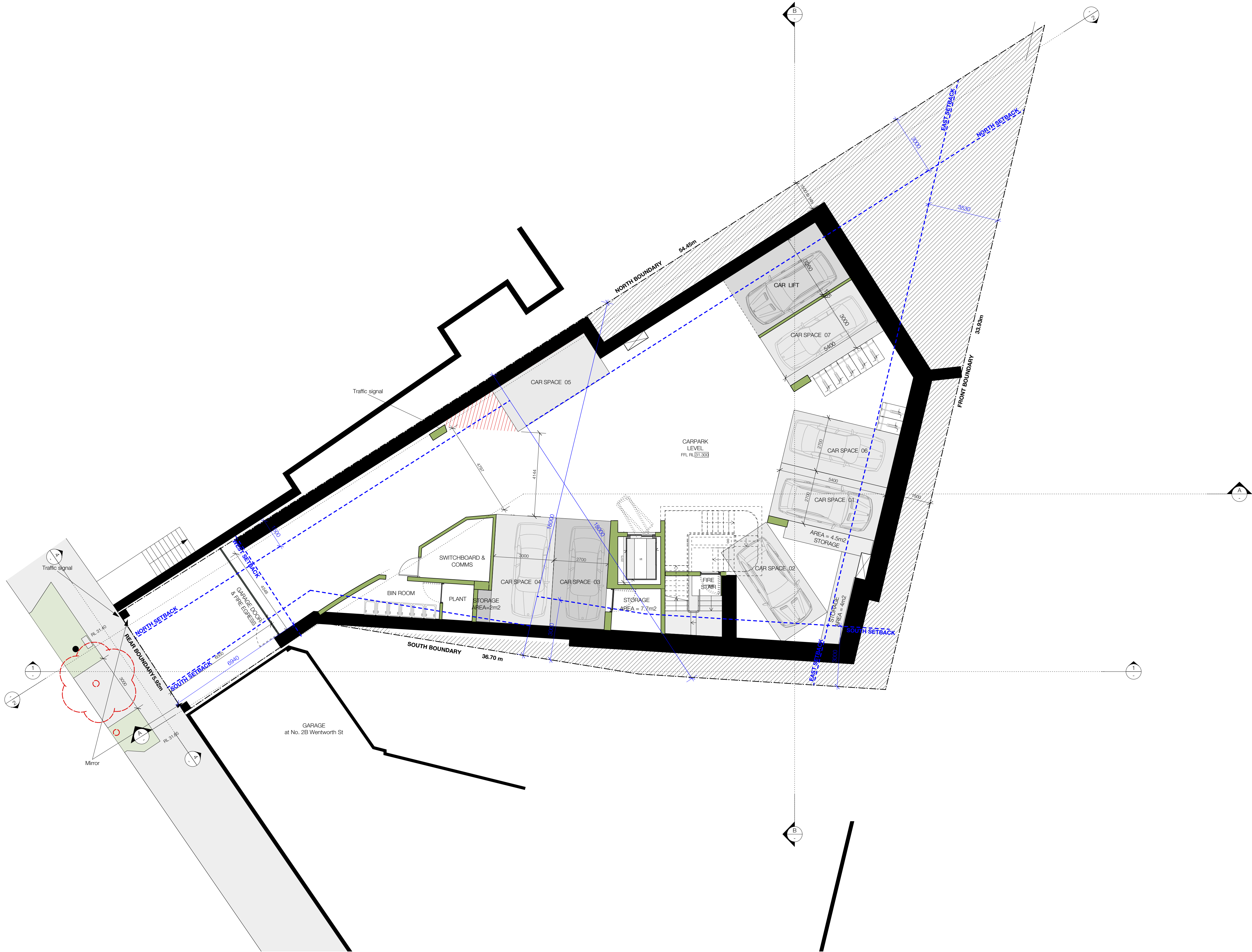
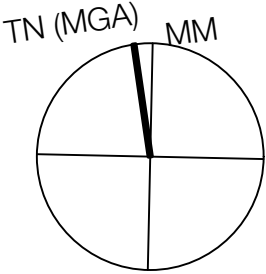
In summary, the proposed modifications being sought under this application, from a traffic and parking perspective, seek to improve, or at least be consistent with, the previous layout approved by Council. In my opinion, the proposed modified layout achieves this, and it is therefore concluded that the proposed development will not have any unacceptable traffic, parking or access implications.

Please do not hesitate to contact me on telephone 9904 3224 should you have any enquiries.

Yours sincerely



Chris Palmer
Executive Engineer B.Eng (Civil)
Varga Traffic Planning Pty Ltd



GENERAL ARRANGMENT

- structure: approved to remain
- structure: proposed brickwork
- structure: proposed concrete
- structure: proposed cut stone
- structure: proposed steel
- Proposed changes

- setback information
- area to remain unobstructed for vehicular circulation

- bulkhead /eave over
- hidden detail
- existing ground, condition unkown/variable
- proposed soil
- existing reduced level
- new reduced level
- proposed reduced level

- DP down pipe / drainage point connected to stormwater: see drainage plans
- DRAIN drain connected to stormwater: see drainage plans
- FFL RL of finished floor level
- FSL RL of top of finished structural slab
- FW floor waste - connect to stormwater

- OF over-flow pipe for roof drainage pit connected to stormwater: see drainage plans
- PIT top of wall (reference with RL's)
- TOW top of wall (reference with RL's)
- TOF top of fence (reference with RL's)

- soft landscaping to refer landscape architect's drawings
- hard landscaping to refer landscape architect's drawings

- AL - aluminium
- BR - brickwork
- GZ - glazing
- PT - render
- ST - sandstone

3416 - DA
STM Realty Pty Ltd | 2 Wentworth Street, Point Piper
BASEMENT GARAGE LEVEL PLAN

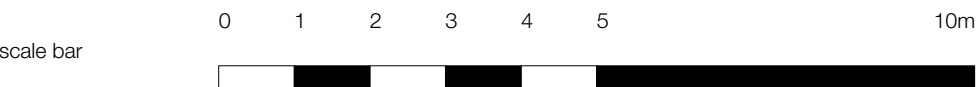
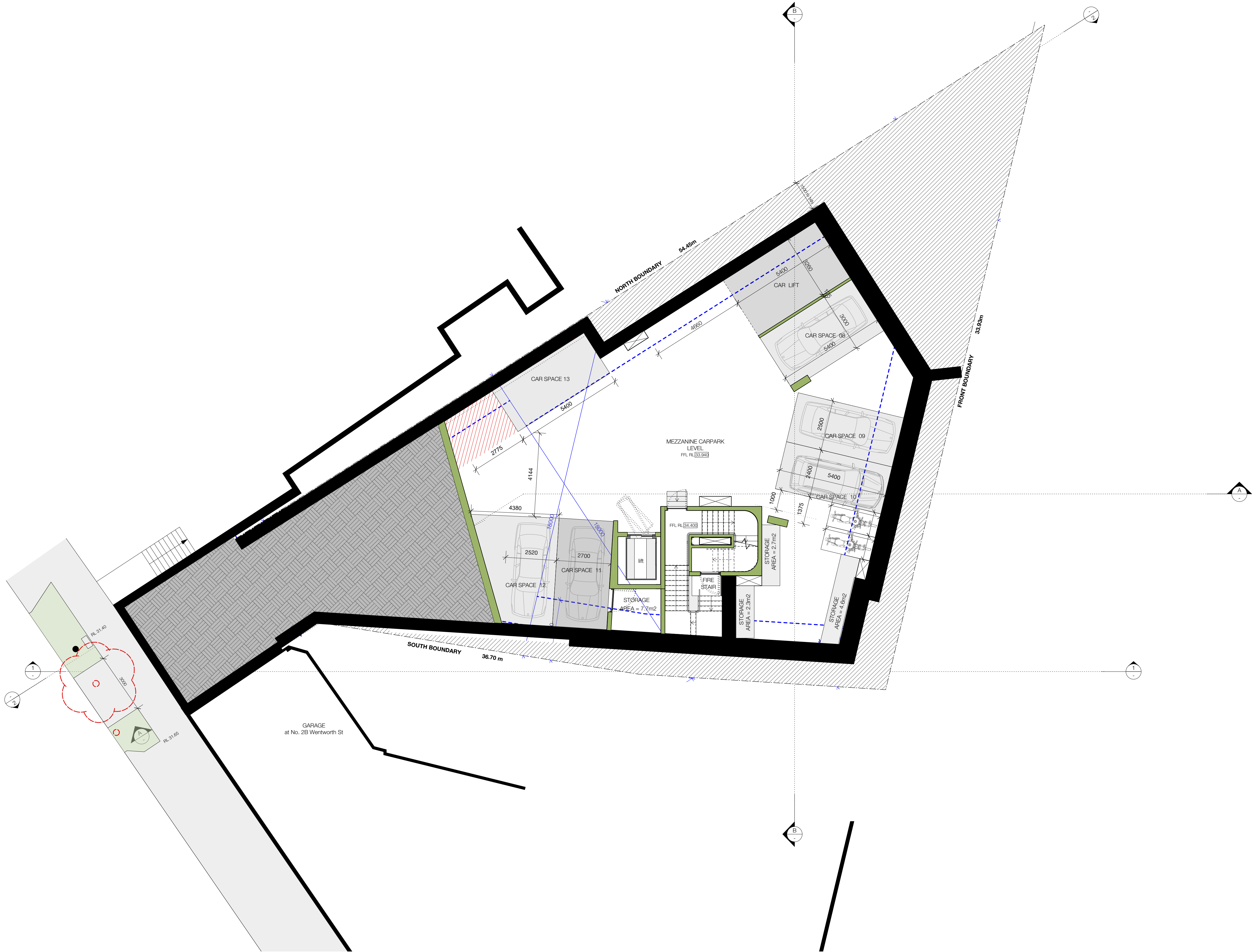
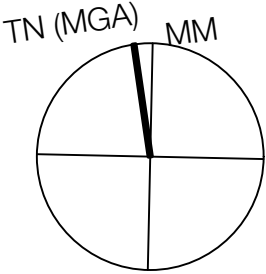
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All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.



GENERAL ARRANGMENT

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	structure: proposed cut stone		proposed soil
	structure: proposed steel		existing reduced level
	Proposed changes		new reduced level
	setback information		proposed reduced level
	area to remain unobstructed for vehicular circulation		

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DRAIN	drain connected to stormwater: see drainage plans	PT	pit connected to stormwater: see drainage plans
FFL	RL of finished floor level	TOW	top of wall (reference with RL's)
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3416 - DA
STM Realty Pty Ltd | 2 Wentworth Street, Point Piper
BASEMENT MEZZANINE GARAGE LVL PLAN

SCALE 1:100 @ A1
19th May 2021
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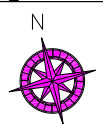
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 Sydney, Australia

PROJECT
 RESIDENTIAL DEVELOPMENT



DRAWING TITLE
 B85 VEHICLE TURNING PATH - SPACES 5
 Entering Car Space

ADDRESS
 2 Wentworth Street,
 Point Piper

PROJECT NO.
 19583

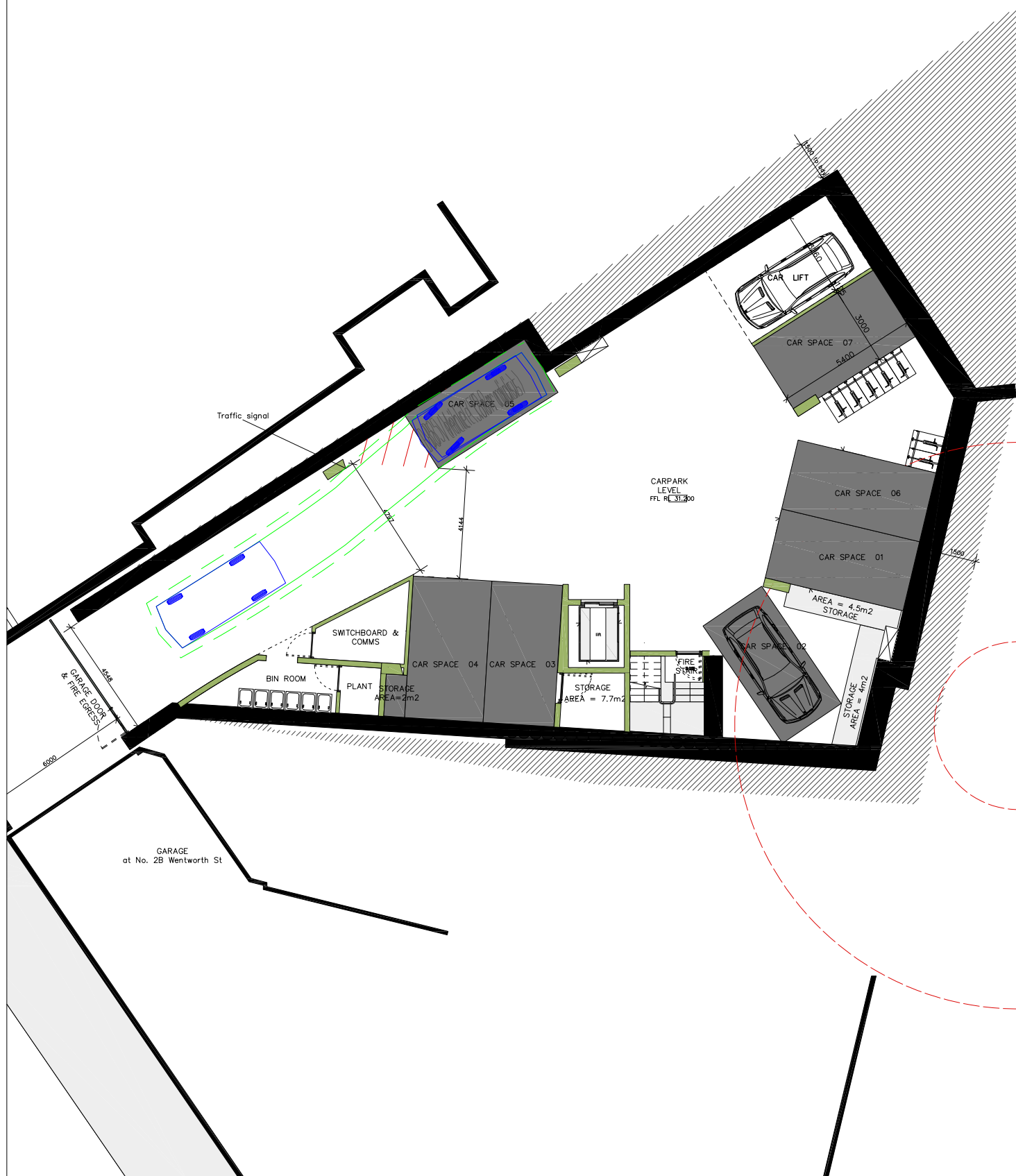
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 2020-12-17

REVIEWED
 CHRIS PALMER

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PREPARED
 DONALD LEE

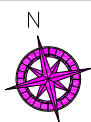
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 Transport, Traffic and Parking Consultants





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PROJECT
 RESIDENTIAL DEVELOPMENT



DRAWING TITLE
 B85 VEHICLE TURNING PATH - SPACES 5
 Exiting Car Space

ADDRESS
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PREPARED
 DONALD LEE

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