



Ref: 0417r02v03

3/09/2021

McKees Legal Solutions
Suite G18 / 25 Solent Circuit
Baulkham Hills NSW 2153

Attention: Graham McKee

**RE: 227 BUNGARRIBEE ROAD, BLACKTOWN (DA-21-00559)
KRISHATHI PTY LIMITED -V- BLACKTOWN CITY COUNCIL (LEC CASE NO. 2021 / 146822)
LETTER OF RESPONSE TO TRAFFIC CONTENTIONS**

Dear Graham,

We refer to recent correspondence concerning the abovementioned Court proceedings and the Statement of Facts and Contentions (SOFC) issued by Blacktown City Council (Council) dated 14/07/2021, relating to the deemed refusal of Development Application, DA-21-00559.

We issued a Letter of Response to Traffic Contentions (ref: 0417r02v02) dated 05/08/2021 which provided a response to Contentions 6 and 13(d) and included relevant swept path drawings.

The plans have since been further amended to incorporate a manager's room, with no change to the overall provision of 12 rooms (including the manager's room). Relevant copies of the further amended architectural drawings are provided as **Attachment 1**.

Our response to Contentions 6(a)-(f), 6(h)-(m) and 13(d) remains unchanged from that detailed in the Letter of Response to Traffic Contentions (ref: 0417r02v02) dated 05/08/2021. The design of the vehicle access and parking arrangements also remains unchanged from that documented in the Letter of Response to Traffic Contentions (ref: 0417r02v02) dated 05/08/2021 and accordingly, no updates are required to the swept path analysis or queuing assessment.

Our response to Contention 6(g) has changed and is discussed below.

We have reproduced Contention 6(g) below which is shown **highlighted**. Our revised response is provided underneath.

6. Access and parking

The DA is not satisfactory with respect to impact to Bungarribee Road, vehicle access, sight lines, safety, car park design, car parking and on-site waste collection if deemed to be required.

g) The requirement for an on-site boarding house manager and car parking for this manager means that the DA in its current form is short of providing the car parking spaces for the Site that the Respondent would ordinarily be satisfied with.

PDC Consultants

ABN: 70 615 064 670

info@pdcconsultants.com.au | www.pdcconsultants.com.au

+61 2 7900 6514 | Level 14, 100 William Street, Woolloomooloo NSW 2011



The boarding house now proposes one (1) on-site manager's room, with no change to the overall provision of 12 rooms (including the manager's room).

Clause 29(2)(e)(iii) of the SEPP ARH 2009 states:

(iii) in the case of any development— not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.

The words “not more than” are taken to mean that the development can provide either nil (0) spaces for the manager or a maximum of one (1) space for the manager as per the findings of Commissioner Dickson in *Arxidra Pty Ltd v Randwick City Council*; *Arthur Wong Pty Ltd v Randwick City Council* [2017] NSWLEC 1463.

Accordingly, additional car parking for the manager is not required.

The development provides six (6) car spaces which complies with Clause 29(2)(e)(iia) of the SEPP ARH 2009, and accordingly, the consent authority is unable to refuse the development on the grounds of car parking provision.

We trust the above satisfactorily addresses Contention 6(g). Please contact the undersigned should you have any queries or require anything further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Corbett', with a long horizontal stroke extending to the right.

Paul Corbett
Director, PDC Consultants

Email: pcorbett@pdcconsultants.com.au

Attachments:

1) Relevant Further Amended Architectural Drawings



Attachment 1

