

NORTHERN BEACHES COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

Panel Reference	PPSSNH-91
DA Number	DA2020/0272
LGA	Northern Beaches Council
Proposed Development	Demolition and construction of a mixed use building - "Shop-top boarding house" development
Street Address	Lot 1 DP 166322, 691 Pittwater Road, Dee Why
Applicant/Owner	A.C.N. 605 170 358 Pty Ltd (Owner) Gannet Developments (Applicant)
Date of DA lodgment	17 March 2020
Number of Submissions	5
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development with a Capital Investment Value (CIV) of more than \$5 million for affordable housing (which includes a Boarding House)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy – Infrastructure 2011 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • Warringah Local Environmental Plan 2011 (WLEP 2011) • Warringah Development Control Plan 2011 (WDCP 2011)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Amended Architectural Plans • Attachment 2 – Revised Applicant's Clause 4.6 • Attachment 3 – Applicant's response to SNPP deferral matters
Clause 4.6 requests	Clause 4.6 request relates to Clause 30(1)(h) of SEPP ARH 2009 – Motorcycle Parking
Summary of key submissions	<ul style="list-style-type: none"> • Traffic and parking concerns • Privacy impact • Out of character
Report prepared by	Lashta Haidari – Principal Planner
Report date	25 November 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not Applicable
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

PURPOSE OF THIS REPORT

The purpose of this Supplementary Report is to provide the Sydney North Planning Panel (SNPP) with an assessment of revised plans and further information in accordance with the decision of the SNPP at its meeting on 19 August 2020.

This report does not revisit any matters previously addressed in the original Assessment Report prepared by Council and considered by the SNPP.

RELEVANT BACKGROUND

The Development Application was considered at the SNPP on 19 August 2020. In the Assessment Report forwarded to the Panel, Council made a recommendation for refusal of the application for the following reasons:

1. State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development should not be approved in its current form as it is inconsistent with the requirements for a Boarding House in Division 3 of the SEPP.

Particulars:

- 1. The development form is not characteristic and imposes unnecessary constraints on surrounding built form, and is therefore inconsistent with Clause 30A of the SEPP (ARH) 2009.*
- 2. The development is not consistent with the requirement of Clause 29(e) of SEPP (ARH) 2009, in that the development does not provide any parking for the boarding house component of the development.*

2. Motorcycle Parking (Clause 30 (1)(h))

The proposed deficiency in motorcycle parking does not comply with clause 30 (1) (h) Development Standard of the Statement Environment Plan (Affordable Rental Housing) 2009, and the contravention of the development standard is not justified under clause 4.6.

Particulars:

- a) The proposed development provides no motorcycle parking and is contrary to clause 4.6 and it is not consistent with the objectives of the B4 mixed use zone.*
- b) The written request seeking to justify contravention of the development standard under clause 4.6 WLEP 2011 is not well founded and does not satisfy the matters in clause 4.6 (5) of the WLEP 2011.*

3. Non-compliance with Warringah DCP 2011

Particulars:

- a) The proposed development does not comply with the provisions of Part G1 Dee Why Town Centre Controls as it relates to:*
 - 6. Site Amalgamation*

- 7. Traffic and Parking
 - 8. Car share
- b) *The proposed development does not comply with Clause 3 – Parking Facilities in that the proposed development does not provide any parking on site for the retail/commercial and boarding house components of the development.*
- c) *The proposed development is inconsistent with Clause C2 - Traffic, Access and Clause 3 – Waste Management.*

4. Site Isolation of 687 Pittwater Road, Dee Why

Particulars:

- a) *The proposed development would result in the future redevelopment of 687 Pittwater Road being constrained to the extent that it would hinder any redevelopment of the site in accordance with the planning controls for the range of permissible uses.*
- b) *It has not adequately been demonstrated that the process required under the established case law/planning principle relating to the amalgamation of the adjoining property at 687 Pittwater Road, Dee Why has been undertaken.*

5. Public Interest

The proposal is not in the public interest

Particulars:

- a) *The proposed development with no parking on the subject site is contrary to the reasonable expectations of the community.*
- b) *Having regard to the public submissions and the adverse impacts of the proposed development in relation to parking, the approval of the application is not considered to be in the interest of the public.*

At the meeting, the Panel deferred the determination of the application to allow the Applicant to attend to and respond to the following issues as identified by the Panel:

“While the rear access rights of way is unlikely to be achieved in the very short term, the panel considers the development concept proposed by the applicant still has stand-alone merit in such a population dense and public transport rich precinct and asks Council and the Applicant to work towards urgently resolving the outstanding issues below:

- **Motorcycle parking** – *The applicant submitted a Clause 4.6 written request but the panel concurs with Council that the applicant has to date presented insufficient environmental grounds to justify contravening the development standard. The majority of the panel considers that a means of providing motorcycle parking onsite accessed from Pittwater Road could be achieved and the applicant needs to provide an amended design in this regard.*
- **687 Pittwater Road** – *The applicant needs to further address the potential amalgamation with the adjoining property at 687 Pittwater Road or better demonstrate*

the neighbouring property will not be effectively isolated, including details of legal arrangements to provide a right of way over the site for access to 687 Pittwater Road;

- **Construction Rear Access through Salvation Army Property** – *Written confirmation of construction access through the Salvation Army property is required;*
- **Lack of Loading Facility & Property Service Plans** – *The applicant needs to further demonstrate the viability of planned property services including garbage collection.*
- **Pittwater Road Frontage** – *While the panel agrees the proposal is generally compatible and consistent with the character of the surrounding town centre development, the proposed building façade above the heritage should be reworked to be less imposing and more recessive; and*
- **Car Parking and Sharing** – *The applicant's approach to promote car sharing and justify the proposed lack of car parking needs to be further addressed and documented."*

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

The Applicant submitted to Council the following information on 22 September 2020:

1. Letter from Salvation Army regarding Access Deed (attached),
2. Valuations and Letters of Offer (attached) with response from the owner of 693 Pittwater Rd Dee Why. The response to the Letter of Offer from 687 Pittwater Rd Dee Why had not yet been received at the time,
3. Traffic Report ("A Green Travel Plan"); and
4. Updated architectural plans.

On 1 October 2020, amended information was submitted by the Applicant, which included:

1. Revised Clause 4.6 Submission for Motorcycles (plus annexures as referenced within the submission),
2. Summary Letter addressing the points raised by the Panel; and
3. Response letter from the owner of 687 Pittwater Rd Dee Why.

Proposed Amendments

1. The amended plans incorporate the following changes as per the accompanying statement from BKA Architecture:
 - a) Amended Front and Rear Elevations to present a more recessive mild grey paint colour in contrast to retained white heritage façade. Precast concrete elements replaced by FC panels.

- b) Amended Calculations comprising: Revised Landscaped Areas deducting future rear lane area and including amended landscape and additional upper level planters. Revised Motorcycle and Car Parking provided.
- c) Revised GFA.
- d) Ground Floor Plan amended to suit first stage bicycle parking and future second stage Post-Rear Lane Construction including Automatic Car Stacker, Motorcycle Parking and rear lane waste collection service.
- e) Amended Ground Floor Landscaped area.
- f) Public Bathroom relocated.
- g) Retail area GFA slightly reduced.
- h) Rearranged vertical circulation core.
- i) Additional upper level planters.
- j) Additional Landscaped area to Communal open Space.
- k) Communal Living Room area slightly reduced.
- l) Common open Space Area slightly increased.
- m) Manager's room layout slightly amended.
- n) Future second stage arrangement detailed Post-Rear Lane Construction including Automatic Car Stacker for 8 vehicles (2 car share, 1 manager's, 5 residents), 13 Motorcycle Parking and rear lane waste collection service.
- o) Amended Finishes Schedule: retained side elevations in Precast Concrete, amended front and rear elevations in painted mild grey FC for a more recessive appearance. Rooftop cladding replaced for FC to match.
- p) Additional Information detailing future rear lane automatic car stackers parking arrangement.
- q) Additional Information showing Eye of The Sun Diagrams demonstrating Solar Access to Communal Living and main Communal Open Space even after possible future development along 693-695 Pittwater.
- r) Additional Information showing further Detailed Feasibility Study for 687 Pittwater Rd to demonstrate that an orderly and economic use and development of the site can be achieved.
- s) Additional Information showing Eye of The Sun Diagrams for feasibility Study for 687 Pittwater Rd. demonstrating adequate Solar Access for 691 Pittwater Rd and proposed feasibility for 687 Pittwater Rd.

ASSESSMENT OF ADDITIONAL INFORMATION

Motorcycle Parking

The applicant has submitted a revised Clause 4.6 Variation submission in relation to Clause 30(1) of the SEPP (ARH) 2009. The proposal involving no motorcycle parking spaces does not comply with the standards for boarding houses in the SEPP (ARH) 2009 and a variation of the development standard, is sought by the applicant pursuant to Clause 4.6 of Warringah LEP 2011.

The revised Clause 4.6 submission, prepared by BBF Planners, provides additional environmental planning grounds, and is assessed as follows:

Clause 4.6(3) (a): Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Applicant's Reasons

In response to the 5 Wehbe principles, it is assessed that the first and third principles are relevant to the subject matter. Assessment of the proposal under clause 4.6(3) (a) finds that:

- *Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, because the proposal satisfies the key applicable environmental planning provisions including:*
 - *Given there are no objectives of clause 30(1)(h), it is appropriate to have regard to the objectives of SEPP ARH (as Commissioner Bish did in M&C Property Pty Ltd v The Council of the City of Sydney [2020] NSWLEC 1131). the aims of SEPP ARH relating to facilitating the delivery of new affordable rental housing 'close to places of work' (clause 3(f) of the SEPP) See section 5 below;*
 - *the local planning provisions relating to development within the area designated by the LEP as the Dee Why Town Centre (clause 1.2(b)) as they relate to urban renewal for multi-level mixed use development, including, the objectives of the B4 zone, retention of heritage values (clause 1.2(g) and 5.10 of the LEP),*
 - *good design (clauses 7.3, 7.4, and 7.5 of the LEP), and sustainable transport (clause 7.13).*
- *Compliance with the development standard would defeat the underlying objective or aims of the SEPP, which is to increase the supply of affordable rental housing in local business centres that are close to places of work and public transport, and the LEP which is to encourage development of increased intensity and scale within Dee Why, noting that:*
 - *The proposal will result in a reduced onsite parking demand and reduced traffic generation as compared to the development currently on the site.*
 - *The site benefits from proximity and direct pedestrian access to public transport as the site is 30 and 50 metres walking distance from the main two bus stops serving Dee Why including access to the B-Line (B1) high frequency service.*

- *The site is located in an area that is highly accessible to employment areas that are in close proximity (for example Brookvale, which contains a regionally significant concentration of employment serving the subregion). Given key workers are one of the community cohorts that affordable rental housing is targeted at, the proposal responds positively to the likelihood that some occupants are likely to be attracted to the development for its proximity to places of employment that would not demand them to own a motorbike or car.*
- *The proposal facilitates a boarding house that satisfies the statutory controls under the Affordable Rental Housing SEPP 2009 and Warringah LEP 2011.*
- *The proposal facilitates the redevelopment of the land in a manner that is envisaged by the local planning provisions for the Dee Why town centre, including facilitating the creation of rear vehicle access to the site and the adjoining property at 687 Pittwater Road.*

Assessment Officers Comments

As stated in the original assessment report, the applicant's justification is not concurred with for the following reasons:

- Under provision of motorcycle parking in this instance does not provide an appropriate degree of flexibility for this particular development, given that there are very limited or no opportunities for parking motorcycles in the local streets for long periods due to parking restrictions;
- The absence of offstreet carparking for the proposed boarding house, will not compensate for the inability to provide motorcycle parking on the site;
- The existing development is a commercial/business use and the proposed use is predominantly a residential use. The proposal is for a complete redevelopment of the site and there are no physical site constraints that prevent the provision of motorcycle parking within the site.

Clause 4.6(3) (b): Are there sufficient environmental planning grounds to justify contravening the development standard?

Applicant's Reasons

The following section outlines the environmental planning grounds upon which the exception is justified.

1. *The vehicle parking demand generated by the proposal can be met by off-site parking availability near the property and other more sustainable transport alternatives including public transport, electric (& regular) bicycles, car share, and walking to nearby amenities. Furthermore, expert traffic assessments conclude that the proposal will generate minimal traffic impact in the surrounding road network, given it provides no onsite parking for vehicles in the short term, and compliant motorcycle parking when rear access can be constructed.*

2. *It is practical and appropriate that the traffic generation and parking demand generated by the existing bank development, to which there are no impediments to its continued use, be considered as a credit in relation to the existing development.*
3. *To not allow the exception, prevents the achievement of various State and Local environmental planning policy objectives. The proposal is consistent with the objectives for the Dee Why Town Centre Masterplan, LEP, & DCP. Furthermore, in this instance State and Local planning strategies are aligned in increasing housing in this location, decreasing dependency on individual car ownership and encouraging use of other sustainable transport means. The proposed development is entirely consistent with these planning objectives even without motorcycle parking in the short term.*
4. *The proposal secures future vehicle access to the site and unlocks access to the rear of the adjoining property at 687 Pittwater Road, at which time motorcycle parking will be provided. This is consistent with the objects of the E&A Act to promote the orderly and economic development of land. It is not economic to require one landowner to provide rear lane access when it is not provided for the entire block. However, this landowner is willing to provide rear lane access to enable motorcycle parking on its site and other sites (access) as the block is developed over time. Strict application of the motorcycle parking standard would be an unreasonable burden in the circumstances because renewal of the site in the manner intended by the planning objectives would not be achieved.*
5. *The proposal promotes ecologically sustainable development, noting it: has significant bicycle parking provision; provides electric bikes in place of motorcycles; is adjacent to multiple bus routes and the high frequency B-Line bus service; offers immediate off-site car share provision for exclusive use by future residents; provides future onsite car share parking provision - when rear access can be developed; rooftop solar power generation; rainwater quality control provisions; onsite stormwater detention; and BASIX compliance.*
6. *The proposal is consistent with the aims of SEPP ARH because it will increase the supply of affordable rental housing within a regional scale strategic centre, close to public transport and 'close to places of work'.*
7. *Given the location of the site and the merits of the design there are appropriate compensatory alternative transport provisions including:*
 - *an adaptive design that accommodates future rear vehicle access for motorcycle parking, car parking, car share, and waste collection;*
 - *43 bicycle parking spaces (30 additional) including 10 electric bicycles that will be supplied maintained and shared under a managed arrangement until rear access can be developed for motorcycle parking;*
 - *high quality and frequency public transport provision adjacent to the site that is equivalent, if not, greater to the frequency of a train line;*
 - *proximity to existing public car share parking provision near the site and additional provision 2 car share vehicles within 400m at 5 Mooramba Road*

shared under a managed arrangement, until rear access can be developed for motorcycle parking.

8. *To provide a driveway and ramp would impede transport, pedestrian amenity and adversely impact the heritage façade.*
9. *The proposal will not establish a precedent for future developments with vehicle parking deficits because it is the only privately owned heritage building fronting Pittwater Rd within the Dee Why Town Centre's B4 zone.*
10. *The exception sought is 'temporary' in nature because the design accommodates 13 compliant motorcycle spaces within its ground floor level that will be accessible once rear access to the property is constructed via either an extension to the right-of-way from St David Ave, over 693 Pittwater Road, or the creation of the 'Shared Laneway' shown on the LEP Key Sites Map envisaged by cl 7.14 of the LEP as it relates to Key Site E.*
11. *The proposal is consistent with the relevant objectives of the Environmental Planning and Assessment Act including: orderly and economic use of a strategically located property, various ecologically sustainable development features, conservation of heritage and increased provision of affordable rental housing 'close to places of work'.*

These matters are further expanded upon within the attached Clause 4.6 Variation submission, prepared by BBF planners.

Assessment Officers Comments

The applicant's environmental planning grounds are noted, however it is considered that the request does not contain sufficient environmental planning grounds to justify contravening the development standard because the grounds are no more compelling than the original Clause 4.6 justifications, which were assessed as being inadequate and not well founded.

The statement that the right-of-carriageway may be extended to the subject site, and therefore the non-compliance is temporary is an assumption that has no definite timeline, thus lacking certainty and imminence. No information or evidence has been submitted that can guarantee this outcome and within a reasonable and predictable timeframe.

Clause 4.6(5): In deciding whether to grant concurrence, the Planning Secretary (or the consent authority under delegation) must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning.*

Comment:

It is considered that the contravention of the Clause 30(1) (h) of SEPP (ARH) 2009 development standard does not raise any issues of significance for State or Regional Environmental Planning.

- (b) *the public benefit of maintaining the development standard.*

Comment:

Whilst there is a general public benefit in maintaining development standards, such standards may also be varied in appropriate circumstances. However, in this case it is considered that the breach of the Clause 30(1)(h) of SEPP (ARH) 2009 standard will have a negative impact on surrounding streets, other businesses and the community and that there is a public benefit in maintaining it on this occasion.

- (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

Comment:

There are no other matters required to be taken into consideration.

Conclusion of Clause 4.6 Variation Request

It is considered that the written request to vary the relevant standard applicable under Clause 30(1) (h) of SEPP (ARH) 2009, has not demonstrated that compliance is unreasonable or unnecessary in the circumstances of the case. Nor does it demonstrate sufficient environmental planning grounds have been established to justify the variation to the control.

In summary, the proposal fails to satisfy the relevant matters in Clause 4.6 of WLEP 2011 and therefore, it is recommended that this issue be given determining weight and the development application not be approved on these grounds.

Motorcycle Parking Provision from Pittwater Road

The Panel within their Minute's state that a means of providing motorcycle parking onsite accessed from Pittwater Road could be achieved and the applicant needs to provide an amended design in this regard.

The applicant has not provided amended plans in response to this matter, but has responded to this issue within the amended Traffic Report, which states that:

If a driveway crossing is not provided, which would incorporate a ramp from the road level to the footpath level, the rider would have to lift the motorcycle by hands and over the kerb (front wheel first and then rear wheel). The weights of motorcycles range between approximately 80kg (scooters) and 300kg (cruisers), with the average weight being above 180kg (typical urban and sport motorcycles). Half of the motorcycle weight (90kg on average) would have to be lifted by the rider of each wheel. I regard such arrangement as difficult for riders, leading to a high risk of motorcycle falling and therefore basically unsafe.

We note that there is provision for 10 electrical bikes that can be stored at the premises. These can travel at up to 25km/hour. Combined with the solar panels, this makes for a very sustainable form of transport. We also note that the high frequency B-line bus stop is within 30m of the site and is an un-timetabled express service between Wynyard and Mona Vale.

Potential Amalgamation with 687 Pittwater Road

The Panel asked the applicant to further address the potential for amalgamation of the subject site with the adjoining property to the south at 687 Pittwater Road or better demonstrate the neighbouring property will not be effectively isolated, including details of legal arrangements to provide a right of way over the site for access to 687 Pittwater Road.

Comment

The documents submitted by the applicant (which includes an independent valuation) has confirmed that the applicant made an offer to purchase the adjoining site at 687 Pittwater Road. The offer was rejected by the owners of that property.

Accordingly, the applicant has provided sufficient evidence that they have made a reasonable attempt to purchase the adjoining site. Accordingly, the applicant has addressed this part of the Panel's resolution.

As no agreement was reached in relation to the purchase of the adjoining site, the applicant has submitted concept plans (Revision C, dated 21 September 2020) which shows that the property at 687 Pittwater Road can be developed in its own right.

In relation to the rear access to that property, the applicant has stated that they will accept a condition of consent similar to that imposed on the redevelopment of 701 Pittwater Road that requires an easement to be registered on the title of 691 Pittwater Road, benefitting Council, that enables Council to authorise use of the rear lane for the benefits of 687 Pittwater Road and all lots to the south to Fisher Road.

As the offer of purchase has not been accepted, a condition for the right of way will address the Panel's resolution.

Construction of Rear Access through the Salvation Army Property

The Panel requested that written confirmation of construction access rights through the Salvation Army property be furnished.

Comment

The applicant has submitted a letter dated 21 September 2020 from the Salvation Army confirming that an agreement has been reached on construction access.

This matter has now been addressed.

Lack of Loading Facility and Property Service Plans

The Panel requested that the applicant needs to further demonstrate the viability of planned property services, including garbage collection and loading/unloading.

Comment

The viability of planned property services, including the garbage collection, has been addressed by the applicant in the TEF Consulting report, dated 22 September 2020. The report, which addresses the short term and long term collection arrangements, concludes that

collection from the Pittwater Road frontage in the short term occurs presently and considering the time of day that it is collected, is also suitable for the proposed development.

In the long term, the applicant has requested that a similar condition be imposed on the current development to that which was imposed on the shop top housing development at 699-701 Pittwater Road, where the rear lane begins.

The applicant has provided amended architectural plans (DA100 Revision C, dated 21 September 2020) which show how the waste can be delivered via the ramp in the short term to Pittwater Road. In the long term, when the rear lane access is available, the waste would be collected via a services bay at the rear of the building and deliveries would also be conducted in that manner.

As stated previously, the activation of the rear lane could take many years, as there is no evidence at this stage to indicate that this would happen in the near future. Therefore, the development will have to be assessed for all the loading and unloading and waste removal to occur from Pittwater Road, which would be to be unacceptable to Council and contrary to the public interest and community's expectations.

Accordingly, it is considered that this matter is not resolved and should be a reason for refusal of the application.

Pittwater Road Frontage

The Panel requested that the proposed building façade above the heritage elements should be reworked to be less imposing and more recessive.

Comment

Amended plans have been submitted which show a slightly more recessed colour for the proposed building façade above the heritage facade.

Council's Urban Designer has reviewed the amended scheme and is supportive of the changes.

This matter has been satisfactorily addressed by the Applicant.

Carparking and Sharing

The Panel requested that the applicant's approach to car sharing and lack of carparking needed to be further addressed and documented.

Comment

The applicant has submitted a Traffic Report, which was prepared by TEF Consulting, dated 21 September, which provides the requested additional justification. The applicant has also prepared a Green Travel Plan to justify a reduction in parking and encourage non-private car use in a manner that is consistent with the intent behind the Dee Why Town Centre Master Plan.

The applicant has also offered to make available two (2) car spaces within the shop top housing development at 5 Mooramba Road which is 400m south along Pittwater Road (built by the

Applicant), as that development provides two car spaces that are in excess of the car parking requirement for the development. The applicant states that these parking spaces will be managed by the boarding house until such time as car share spaces can be provided on site.

In the long term, the applicant states that once the rear lane is activated, car parking will be provided with a combination of offstreet carspaces, car share and motorcycle parking.

The complete lack of vehicular access and 100% non-compliance with the parking provisions under the WDCP is a fundamental and fatal deficiency in the proposal as reported in the original assessment report. The applicant's suggestion to partly rely on another development that 400m away from the subject site is impractical and is not supported.

Accordingly, it is considered that this matter has not been resolved and this issue should remain as a reason for refusal of the application.

INTERNAL REFERRALS

Internal Referral Body	Recommendation/ Comments
Traffic Engineer	<p>Not Supported</p> <p>Essentially, the amended plans remain unchanged.</p> <p>The applicant is proposing no parking as part of the 'Stage 1' (prior to the rear lane being constructed, with the equivalent of 16 spaces at some point in the future when the rear lane is created. It should also be noted that the proposed 'private car share' being provided at an alternative location is not acceptable.</p> <p>The consultant has stated that the existing bank use requires all day parking, as would similarly be required by the residential component of the proposed building. They therefore request that the parking requirements be wholly offset by the existing development's approved numbers.</p> <p>Council is not in agreement with this statement. Whilst the bank is deemed to have 'some' all day parking requirements for staff, the fact is staff have the ability to take public transport as the bank is a destination, not an origin, where the tenant would require the ability to park a vehicle for overnight stay or long term stay.</p> <p>Whilst the statement made by the applicant that tenants will be aware of the parking supply and hence can choose to occupy the building based on their own situation is true to an extent, the future of the site would suggest that parking will be brought in at a later date.</p> <p>The issue being faced is that there is no certainty of when the lane will be created, and hence the</p>

Internal Referral Body	Recommendation/ Comments
	<p>development cannot rely on the adjoining properties to develop before providing what is required of their site.</p> <p>As such, the previous comments issued by Council's Traffic Team are still valid, and the applicant should be required to provide a temporary, alternative access to the site until the rear lane can be formalised.</p>
Waste Officer	<p>Not Supported</p> <p><u>Pittwater Road Collection</u> Previous comments stand. The proposed arrangement is acceptable to Council until such time as the rear laneway is activated.</p> <p>The doors at the lower end of the ramp adjacent to Pittwater Road must remain unlocked (5.00am to 6.00 pm) on the scheduled collection days.</p> <p>The doors at the lower end of the ramp adjacent to Pittwater Road must be able to be latched in the open position.</p> <p>Council will provide a "wheel out / wheel in service" for the bins. Under no circumstances are bins to be placed on the footpath by the boarding house manager.</p> <p><u>Rear Laneway Collection</u> The loading dock has been modified to accept Council's waste collection vehicle. This arrangement is now acceptable to Council.</p> <p><u>Residential Bin Storage Room</u> The layout of the binroom is unacceptable. Bins are not to be "double banked". There needs to be three separate rows of bins with a 1 metre wide isle between each row.</p> <p>This could be achieved by widening the currently proposed binroom by 280mm and providing two doors at each end.</p>

CONCLUSION

The revised plans and additional information have been considered against the matters raised in the resolution of the Panel dated 19 August 2020 and the relevant matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979.

This assessment has also taken into consideration the public submissions and referral responses.

On balance, the arguments and position put forward by the applicant to justify the lack of carparking, lack of motorcycle parking and lack of a vehicular access to service the

development are not sufficient to overcome the operational requirements of the development and will result in adverse impacts on public streets and areas surrounding the site.

Importantly, the revised Clause 4.6 variation request is not well founded and is not supported.

The proposed development of the site for large shop top boarding house does not represent the orderly development of land and is not a suitable and appropriate development of the site in the absence of the required vehicular access from St Davids Avenue or Fisher Road.

The conclusions and recommendations made in the original assessment report remain unchanged.

Nevertheless, the matter is forwarded back to the SNPP for their consideration of the applicant's amended scheme and additional information and Council's assessment.

RECOMMENDATION

- a) The reasons for deferral of the matter by the SNPP have been addressed in detail above.
- b) Draft conditions have been prepared, should the Panel be minded to approve the application.
- c) The application is referred back to the SNPP, as the consent authority, for its determination.