
Sent: 17/11/2020 9:00:11 AM
Subject: Northern Beaches Local Planning Panel - DA2020/0431 - 1129 - 1131
Pittwater Road, Collaroy
Attachments: Consent 95 617.pdf;

Hi Carly,

Can you please circulate this email to the NBLPP members prior to tomorrow's meeting as I propose to address them on these points.

Attention: Northern Beaches Local Planning Panel

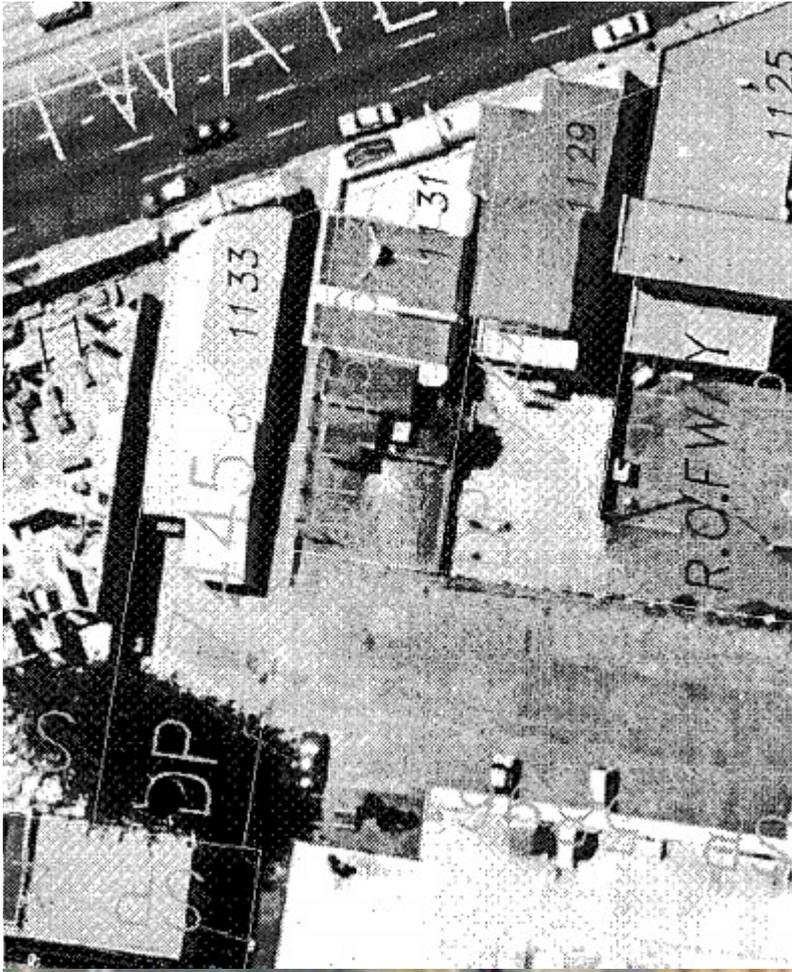
I am the Town Planning Consultant engaged by the proponent for the above application.

Having reviewed the assessment report, draft conditions of consent and further objections submitted in relation to the use of the existing right of carriageway I make the following submissions for your consideration.

Intensification of use of the ROW

A number of submissions have raised concern in relation to a perceived intensification of use of the existing ROW.

We note that prior to the development of No. 1 – 5 Collaroy Street that the only vehicular access to the subject properties was through a large open carparking area located on No. 1 - 5 Collaroy Street as depicted in the photos below.



This access arrangement was formalised when Council granted consent to the development at No. 1 – 5

Collaroy Street and legal rights of carriageway (ROW) created in favour of both the subject properties.

I note that this ROW provides the only legal vehicular access to the site noting that Pittwater Road is an RMS controlled arterial road from which access is unavailable.

I note that there are currently 8 car parking spaces at the rear of the subject properties servicing the existing premises.

I also note that in terms of the existing approved uses on these sites that such use includes a 200 seat restaurant approved on 18th December 1995 (DA95/617) on No. 1129 Pittwater Road. A copy of this consent is attached. This consent was taken up and is current.

In terms of the intensity of use on the site I consider the proposed 23 room boarding house with 2 x ground floor offices to be less intense in terms of site population than a 200 seat restaurant on No. 1129 Pittwater Road and an additional retail premises on 1131 Pittwater Road.

In terms of traffic/ vehicular movement intensity, whilst the proposal provides 20 off street parking spaces to replace the 8 currently available on the site that the frequency of turnover of these spaces must be considered.

Section 5 The Traffic Impact Assessment prepared by Urbis (the Urbis report) in support of the current application states as the RMS guide does not provide trip rates for boarding houses that the traffic generation potential of the boarding house component of the proposed development has been assumed to be similar to that of a high density residential flat building. Although this traffic generation rate was adopted, it is my opinion that given the affordable housing nature of the proposed boarding house that occupants are more likely to utilise the immediately adjacent Collaroy Beach B line bus stop compared to occupants of high density residential flat buildings. As such, I consider the adopted traffic generation rates to be conservative.

The Urbis report identifies 10 total trips in the AM peak hour, 9 total trips in the PM peak hour and a total of 60 daily trips generated by the proposed development. This equates to 5 vehicle trips per hour (1 trip per 12 minutes) across a 12 hour period of between say 7am and 7pm which is considered minimal.

When such traffic generation is compared to the traffic generation and much higher car parking turnover associated with a 200 seat restaurant on No. 1129 Pittwater Road, and the additional existing retail premises on 1131 Pittwater Road, I am of the opinion that the proposal does not represent an intensification of use along the right-of-way as suggested by a number of objectors.

In any event, as the application does not propose any physical works to the adjoining property, or the ROW located on the adjoining property, any residual concern in regards to the use of the ROW is a civil matter between the parties benefited and burdened by the existing ROW.

Draft conditions of consent

No objection is raised to the deferred commencement condition as drafted.

Draft Condition 63 should be amended to reflect the required boarding room carparking rate of 0.5 spaces per room or 11.5 (rounded up to 12) spaces as follows:

Boarding house Requirements

The following are on going requirements for the boarding house:

- *There are to be no more than 23 boarding rooms (without further consent).*
- *The boarding rooms are to have no more than 2 boarders per room.*

- *Car parking is to be allocated as follows: 1 space for the boarding house manager, 12 spaces for the boarding house occupants and 7 spaces for the office premises. Reason: To ensure compliance with the requirements of SEPP ARH and provide other appropriate controls for the boarding house.*

I trust that the panel will take this submission to consideration in their determination of the application.

Regards

Greg Boston
B Urb & Reg Plan (UNE) MPIA
B Env Hlth (UWS)
Director



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Warringah Council

PF 3882/1129 KS.LP/7186D

CONSENT NO: 95/617

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address: S P & B A Gunns, 8/2 Fielding Street,
COLLARROY NSW 2097

Being the applicant in respect of Development Application
No. 1995/497.

Pursuant to section 92 of the Act, notice is hereby given of the
determination by Warringah Council, as the consent authority, of the
Development Application No. 1995/497 relating to the land described
as follows:-

Lot 4, DP 7445, No. 1129 Pittwater Road, Collaroy.

For the following development:-

Change of Use - Alterations to one existing Shop and conversion of
two existing residential flats to create a refreshment room.
(Restaurant "C")

The Development Application has been determined by granting of
consent subject to the following conditions:-

1. Development being generally in accordance with plans numbered
"C", undated, submitted 18.10.95 as modified by any conditions
of this consent/approval.(A1)
2. The use not commencing until such time as the requirements of
this consent have been carried out to Council's reasonable
satisfaction.(A2)
3. No signs to be displayed without a separate approval under the
Local Government Act.(A3)
4. Noise emitted from the property being of a character so as to
not be offensive as defined by the Noise Control Act.(W11)
5. The building being constructed in Type C construction.
Details shall be submitted with the Building Application.(W17)
6. The windows/doors within 3m of the side boundaries being
protected in accordance with the provision of Part C3 of the
Building Code of Australia. Details being submitted with the
Building Application.(W18)



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7. Details being submitted with the Building Application of the existing and proposed essential services as required by the Local Government Act (Approvals) Regulation 1993.(W15)
8. All rooms in the building being ventilated in accordance with the provision of Part F4 of the Building Code of Australia.(W4)
9. No odour, spray or air impurity being emitted from the premises.(W22)
10. Strict compliance with the requirements of Council's Code for minimum construction requirements for food premises with details being submitted with Building Application.(W23)
11. Provision of sanitary and other facilities to the building in accordance with Part F of the Building Code of Australia. Details being provided with Building Application.(W30)
12. Area being provided for the storage of garbage/recyclable materials. Details including size and height of storage area being submitted with the Building Application.(W32)
13. The trading and/or operating hours of the consented to use or any part thereof being confined to 11am to 12 midnight seven days per week.
14. The maximum number of seats shall be limited to a total of 65 during business hours, ie. between 11am - 5pm, and 200 at other times.
15. External walls shall have the required FRL in accordance with Part C of the Building Code of Australia. Details shall be submitted with the Building Application.
16. The toilets and bathroom facilities shall be provided with an air lock and shall not open directly into kitchen, dining and restaurant areas. Details shall be submitted with the Building Application.
17. A complete set of plans shall be submitted with the Building Application, including a site plan with full dimensions, existing and proposed floor plan layouts, elevations and sections.

The reason for the imposition of the above consent conditions is as follows:-

To ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 90 of the Act and the Environmental Planning Instrument applying to the land, as well as section 91(3) of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent **18 DEC 1995**

Civic Centre, 725 Pittwater Road (enter Civic Drive), Dee Why, NSW 2099
Tel (02) 9982 0333, Fax (02) 9971 4522, TTY No. 99820434, DX 9118 Dee Why



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IMPORTANT: You are advised to read these notes in addition to the Conditions of your consent.

- (1) It is to be clearly understood that the above consent is not an approval to carry out any structural work. A formal building application must be submitted to Council and be approved before any structural work is carried out to implement the above consent. Also the applicant is not relieved of any obligation to obtain any other approval required under any other Act.
- (2) The foregoing determination was taken under delegated authority on behalf of the elected Council and, pursuant to Council policy, if you are dissatisfied with the determination you may request the Council to review the determination.
- (3) Section 97 of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the consent authority a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.
- (4) This consent shall be effective and operative from the endorsement date of this consent; however should an appeal be lodged against Council's determination of the application, the consent shall cease to be, or shall not become, operative, until that appeal is determined. See section 93 of the Act.
- (5) For information about the circumstances in which this consent may lapse; about commencement of a development granted consent; about extension of the consent; and about the circumstances in which Council may require completion of the development, see Section 99 of the Act.
- (6) For information about the procedure for the modification of this consent by Council, see Section 102 of the Act.
- (7) Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning and Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

R Kent
DIRECTOR ENVIRONMENTAL MANAGEMENT

per: 

Date 18 DEC 1995