

Memo

Development Assessment

Additional information and condition changes for DA2019/0239

To: NBLPP Panel Members

From: Daniel Milliken – Principal Planner

Date: 15 April 2020

Subject: Item 3.2 – DA2019/0239 – 638 Pittwater Road, Brookvale - Demolition Works and construction of a mixed use development.

Record Number: 2020/213231

Dear Panel Members

Further to questions asked by the Panel on 14 April 2020, the purpose of this memo is to clarify a number of matters raised by the Panel to assist in its deliberation.

Brookvale Structure Plan – Information from Strategic Planning

The panel queried the progress of the Brookvale Structure Plan. Council's Strategic Planning Team have provided the following information:

“The Brookvale Structure Plan is restarting, we are in the process of procuring a consultant to assist with a review of relevant recent studies (traffic study, employment study, LSPS, social infrastructure study etc) and to review previous work done on the Brookvale Structure Plan. A revised structure plan will then be developed and put out for community consultation. Given the current climate with COVID-19 we will need to consider options for meaningful community engagement while being mindful of health and safety.”

Condition Amendments

Condition 3. Transport for NSW Conditions

The applicant requests that No. 3 within this condition is to read as follows:

- 3. The proposed future potential vehicle access through the subject site to adjoining Lot 1, DP 900686, No. 640 Pittwater Road, as shown on the approval plans, is to be made available for future vehicular access in the event that it is reasonably demonstrated that no alternate vehicular access is available through any other adjoining property. The terms of any future Right of Carriageway are to be negotiated between the property owners.*

Condition 10. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

A drafting error has been found within this condition, which currently references Kenneth Road and Condamine Street. The condition should be amended to read (changes in red):

10. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

*The developer/applicant must lodge with Council a Maintenance Bond for the construction of civil infrastructure works within **Pittwater Road, Orchard Road and Charlton Lane** as part of this consent.*

The bond is valued at 10% the cost of civil infrastructure works. The value of the bond shall be determined in consultation with Council.

The Maintenance Bond will only be refunded on completion of the six-month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: Protection of Council's infrastructure.

Condition 75. Road Way configuration

The panel raised concerns around the timing of this condition, its wording and what the intended outcome is.

After a conversation with the Traffic Engineer this morning, the following information is provided:

- The intent of the condition is for the applicant to collect the data, the traffic committee to decide on the outcome and the applicant to pay for and implement that decision (see condition 76).
- Council's Traffic Engineers have already considered this laneway and the potential options (being a two way or one way configuration) but have not done the detailed analysis.
- Council's Traffic Engineer is comfortable with the width of the laneway in relation to the swept paths and notes that there are five properties to the north of the subject site that currently use this laneway without any issues.
- The reason the engineer put the condition prior to OC is that the SIDRA analysis and report, and the traffic committee process, can take some time and it is not necessary to hold up the issue of the CC, and therefore the build, to achieve the intended outcome.

To assist the panel, an amended version of the condition that clarifies the intent, is provided below.

75. Road Way configuration

The applicant is to prepare two options for the configuration of Charlton Lane, as follows:

- *a two-way configuration with parking removed from both sides of the lane way*
- *a one-way configuration with 'no parking' restrictions maintained along one side of the lane way*

These configurations must be accompanied by SIDRA analysis undertaken by an accredited traffic engineer, demonstrating the impacts of both options on the local network, including the intersections of;

- *Charlton Lane and Sydenham Road*
- *Charlton Lane and Orchard Road*

- Orchard road and Pittwater Road
- Sydenham Road and Pittwater Road

The applicant must submit detailed drawings of the options, including signage and line marking, SIDRA data and a report, to Council's Traffic Committee.

The Traffic Committee will decide on the best outcome and provide this decision to the applicant.

The applicant must then install the treatment, in accordance with condition 76.

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To determine the most appropriate configuration of the lane way to optimise traffic that is generated by the proposed development.

Condition 84. Right of Access (through-site vehicle link)

The applicant has requested that the condition be amended to

84. Right of Access (through-site vehicle link)

The proposed future potential vehicle access through the subject site to adjoining Lot 1, DP 900686, No. 640 Pittwater Road, as shown on the approval plans, is to be made available for future vehicular access in the event that it is reasonably demonstrated that no alternate vehicular access is available through any other adjoining property. The terms of any future Right of Carriageway are to be negotiated between the property owners.

Consideration should be given to the difficulties that future owners of No. 640 Pittwater Road will have, trying to negotiate terms, once the proposed development on No. 638 Pittwater Road is fully owned by an owners corporation. However, this change is in line with the discussion the panel had yesterday evening, mainly around removing the requirement to register an easement.