

## Traffic Engineer Referral Response

<b>Application Number:</b>	DA2022/2281
<b>Proposed Development:</b>	Formalisation of the use of premises as a restaurant (Pilu at Freshwater) including ancillary use as a function centre, increased patron numbers and extended hours of operation
<b>Date:</b>	22/08/2023
<b>Responsible Officer</b>	
<b>Land to be developed (Address):</b>	Lot B DP 329073 , 80 Undercliff Road FRESHWATER NSW 2096

### Officer comments

#### Additional comments - 22/8/23

The applicant has provided a traffic and parking impact statement prepared by TTPA transport planning dated 16 August 2023. This report responds to concerns raised in the original traffic referral comments.

It is noted that under the original consent the developer was required to pay a contribution towards to construction of the adjacent public carpark with the contribution calculated to be equivalent to the cost (at the time) to construct 28 parking bays. These parking bays were deemed to meet the offstreet carparking requirements associated with the approval for the restaurant on the site.

The developers Traffic consultant has undertaken a travel mode survey of patrons attending the restaurant for a Mothers day event at a time when the restaurant was fully booked, this would also be expected to be a time when parking demands on surrounding streets and carparks would be high. On the same day the traffic consultant has also reviewed parking occupancy levels in publicly available parking in adjacent carparks and on street within 200m walking distance of the restaurant.

The parking surveys demonstrated that there was a peak demand of some 45 parking spaces occupied out of 50 spaces in the Moore Road carpark representing little parking availability however the parking surveys also found that there were some 161 parking spaces unoccupied in publicly accessible areas within 200m walking distance of the restaurant.

The travel mode survey also found that for the requested 130 patron maximum, there was likely to be a generated parking demand of some 30 spaces. This slightly exceeds the 28 spaces provided under the original DA approval for a restaurant on the site however is considered acceptable given the demonstrated parking occupancy levels in nearby public parking areas consistent with DCP requirements which allow for a reduced level of offstreet parking to be provided if there is available parking nearby.

The traffic report has also provided an analysis of traffic generation associated with the restaurant which is considered reasonable

It is noted that servicing for the restaurant will be accommodated on the existing servicing/loading bay accessed off the Moore Road carpark. This is considered acceptable.

On the basis of the above, the traffic concerns outlined in the original referral comments have been addressed and the development can be supported subject to conditions

### **Original comments - 17/4/23**

Proposal description: Formalisation of the use of premises as a restaurant (Pilu at Freshwater) including ancillary use as a function centre, increased patron numbers and extended hours of operation.

This DA proposes to update the existing restaurant's operating hours to 10am – 12am (midnight), Monday to Saturday and 10am – 10pm Sundays. It also seeks to increase the maximum patron occupancy of the restaurant to a maximum of 50 patrons in the pavilion and a maximum of 100 patrons indoors, but which must not cumulatively exceed 130 patrons at any one time.

It is noted that this DA does not relate to the kiosk, which will continue to operate under DA2015/1048 and which is not subject to this DA.

The traffic team has reviewed the following documents:

- The *Statement of Environment Effects DA for Operation of Restaurant and Function Centre 'Pilu at Freshwater'* prepared by PLANNING LAB dated 31 January 2023,
- Plans (Master Set) – Revision B, designed by McINTOSH&PHELPS Architecture Landscape Architecture, dated 10/11/2022, and
- *Plan of Management* prepared by PLANNING LAB dated 20 December 2022.

### **Parking requirement**

- The site is zoned "RE2 Private Recreation", according to Warringah LEP. The Warringah DCP applies to the subject site. Under the DCP, 15 parking spaces per 100 sqm of GFA or 1 space per 3 seats are required for restaurants although consideration can be given to a reduced rate if there is available parking in the vicinity at the restaurant's hours of operation. With the proposed maximum of 130 seats, this equates to 43 spaces. No additional parking spaces are proposed under this DA application.
- It is noted that a development contribution was previously paid to Council, and a Deed was made providing the use of 28 car parking spaces in the adjacent Council public carpark for the existing restaurant. The deed stated that the execution and implementation of the Deed allowed the site to comply fully with the Council's requirement for off-street parking for the premises. With the proposed changes to the development under this DA, there would be a shortfall of 15 parking spaces.
- As outlined in the SEE, "*The restaurant use was approved in 1980 under 1980/311 with no stated maximum occupancy. The current occupant of the premises has operated since 2004 in the manner proposed in this application without incident. Therefore, the proposal does not represent an intensification in terms of occupancy from that approval under 1980/311 in which the execution of the Deed satisfied the off-street parking requirements.*" Although the original consent may not have imposed a patronage limit it is not considered acceptable to now define a patronage limit without demonstrating that the proposed patronage limit will not impose unacceptable parking impacts on the community. A parking analysis should be undertaken and demonstrate that there is adequate parking availability

within the adjacent on and offstreet carparking to cater for the restaurant's peak parking demands.

- A Traffic Impact Statement (TIS) should be prepared, and the following items related to the proposal's parking requirement should be included:
  - o The parking accumulation survey for the available parking in nearby on and off-street locations (during the weekend midday period when parking occupancy rates are anticipated to be high) should be undertaken. This is to identify a) restaurant customer accumulation, b) parking capacity c) parking occupancy at no less than 30minute intervals within a 200m radius of the restaurant.

The analysis should be undertaken on a day when the restaurant capacity is anticipated to be operating at or near to capacity.

- o Travel Mode surveys for both staff and customers should also be conducted for the existing site and identify mode of travel and vehicle occupancy levels (for multiple occupant vehicles). This will assist in gaining a better understanding of the likely parking impacts of the development and potentially demonstrate that there is a lower parking demand due to a high level of car sharing and/or use of public transport or ride share platforms.
  - o Some information about the anticipated number of development staff and staff travel mode should be included in the traffic report.
- Bicycle parking stands are also required in line with DCP requirements i.e 1 high security space for each 200m<sup>2</sup> of GFA and 1 customer space for every 600m<sup>2</sup> of GFA, Bicycle parking spaces are not presented in the architectural plans and their presence will contribute towards reducing reliance on private motor vehicle travel. The location for bicycle parking spaces should be confirmed on the amended plans.
  - Some limited information about the deliveries/loading and waste management have been included in the SEE. It is reported that *"it is requested that the new condition specifically exempt deliveries and allow them to occur from Undercliff Road which is closer to the main building and kitchen. Only deliveries are specific for weddings e.g., DJ and some florists, all other restaurant deliveries would be through the main driveway."* The use of Undercliff Road for deliveries is considered inappropriate with deliveries considered to be more appropriately received from the driveway accessed from the Moore Road carpark. Some details on the frequency of deliveries and size of delivery vehicles is required to demonstrate that the development can receive deliveries without impacting on adjacent parking or residential premises.

### **Site Access**

- Condition 13 of DA consent 1980/311 required that *"the entranceway fronting Undercliff Road not to be used by restaurant patrons for access. All vehicular, pedestrian and service access to be from the northern access"*. To limit impacts on nearby residential development, it is proposed that a similar DA condition is will also be applied to this proposed DA.

### **Traffic Impact**

- An indication of the traffic generation potential of the development proposal should be provided by reference to the TfNSW Guide to Traffic Generating Developments, Section 3 – Land use Traffic Generation (October 2002). Restaurant Trip Generation and the travel mode Surveys (car driver, taxi, car passenger and share/Uber trips) should also be used to determine potential trip generation attributed to the proposed development. This should also be included in the TIA report.

## **Conclusion**

The plans and the traffic section of the SEE in their current form are unacceptable given the lack of relevant detail upon which to base a traffic and parking impact assessment, as outlined above.

The proposal is therefore unsupported.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

## **Recommended Traffic Engineer Conditions:**

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

#### **Bicycle Parking Spaces**

That amended plans be provided detailing the location of the four secure bicycle parking spaces and 5-6 bicycle parking spaces fronting the Moore Road carpark.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To ensure bicycle parking is provided to encourage active travel.

### **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Site Occupancy**

That the number of (customers/guests/patrons) on the site at any one time be limited to 130 persons.

Reason: To ensure that parking generated by the site does not unduly impact on nearby public parking