
Sent: 11/03/2020 10:00:09 AM

Subject: DA2020/0102 - 79a Ryan Place, Beacon Hill: Response to Council Issues

Attachments: 1. RFI Cover Letter - 79a Ryan Place, Beacon Hill.pdf; 3. Pages 14-15 of Statement of Environmental Effects - 79a Ryan Place, Beacon Hill.pdf; 2. Site Survey - 79a Ryan Place, Beacon Hill.pdf;

Hi Kevin,

As you know, Naomi has left our company. Please note that I have taken on the subject DA.

I refer to your letter dated 5 March 2020, and I provide the attached documents that form a response to that letter. The client does not wish to withdraw the DA.

I trust the attached will satisfy Council's concerns with the DA. Please don't hesitate to call me should you wish to discuss further.

Kind regards,

Tom Hutchison





11 March 2020

The General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attn: Mr Kevin Short

Dear Mr Short,

DA2020/0102 - 79a Ryan Place, Beacon Hill: Response to Council Issues

Thank you for your letter dated 5 March, 2020, in which you raise issues with respect to the subject Development Application. I note that your letter makes a recommendation that the DA be withdrawn. However, it is our client's wish for me to respond to your letter and address the issues you have raised.

1. Site survey

In your letter you have stated:

A survey prepared by a registered Surveyor was not submitted with the development application. This document is necessary to describe and show the current use of the land and associated existing car parking areas.

I can confirm that a site survey plan was submitted with the DA, as referenced in our lodgement cover letter dated 29 January 2020. Please see copy of submitted site survey attached for your reference. You will see that the site survey contains all the relevant information as required by Council's [Development Application & Modification Lodgement Requirements 19/20](#).

2. Bed and Breakfast definition

In your letter you have stated:

Zone R2 Low Density Residential - Bed and breakfast accommodation (B&B): B&B accommodation must be provided within an existing dwelling house. The proposal seeks to convert an outbuilding to B&B accommodation which is prohibited development.

I note in the Dictionary of Warringah LEP 2011, 'bed and breakfast accommodation' is required to be provided in a 'dwelling' – it does not need to be provided in a 'dwelling house'. Please refer to these definitions below:

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

The subject DA proposes that the bed and breakfast be provided in the existing outbuilding to which Council has granted consent (DA2016/0229) as ancillary to the dwelling on the site. On this basis, the proposal is consistent with the LEP definition of 'bed and breakfast accommodation', as it is to be provided in a dwelling. Therefore, the Council has legal discretion to consider the application on merit.

3. Car parking requirements

In your letter you have stated:

cl. C3 Parking Facilities & Appendix 1 Car Parking Requirements: No comparison with other B&B accommodation with developments for a similar purpose has been provided. Reliance on public transport, being bus routes, for visitor access to the site is not concurred with. No plan has been provided for the current on-site parking situation.

Also, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.

The Statement of Environmental Effects that was submitted with the DA contains an assessment of the DCP car parking requirements – please refer to pages 14 & 15 of the Statement that I have attached for your reference. You will see that a comparison with other bed and breakfast operations in the area has been undertaken, as required by the DCP. If you consider that something further specific needs to be done, please specify the requirement so we are guided as to what you consider are the deficiencies in that assessment.

We invite Council to impose a relevant condition on any consent that requires that car parking for people with physical disabilities be provided to meet the requirements of the Disability Discrimination Act 1992.

Thank you for your consideration of this DA to date. I trust that the information that I have submitted satisfactorily addresses the issues you have raised and will enable you to progress with a favourable determination.

Please do not hesitate to contact me on 1300 008 138, or via email at tom@councilapproval.com.au should you wish to discuss this further.

Kind Regards,



Tom Hutchison
Town Planner

Enclosure:

Site survey, prepared by B & G Surveying

Pages 14-15 of Statement of Environmental Effects, dated 29 January 2020

Clause	Provisions	Comment
	<p>(Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.</p> <p>5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</p> <p>On-site loading and unloading</p> <p>6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.</p>	Not relevant.
C3	<p>Parking facilities</p> <p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> Garage doors and carports are to be integrated into the house design and to not dominate the façade. <p>Parking is to be located within buildings or on site.;</p> <ul style="list-style-type: none"> Laneways are to be used to provide rear access to carparking areas where possible; Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; Parking is to be located so that views of the street from front windows are not obscured; and Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. <p>2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> the land use; the hours of operation; the availability of public transport; the availability of alternative car parking; and the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles. <p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> Avoid the use of mechanical car stacking spaces; Not be readily apparent from public spaces; Provide safe and convenient pedestrian and traffic movement; Include adequate provision for manoeuvring and convenient access to individual spaces; Enable vehicles to enter and leave the site in a forward direction; Incorporate unobstructed access to visitor parking spaces; Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; 	<p>Complies – additional parking for the site (western carpark extension) was approved in 2016 with Construction certificate obtained (2017/00350) and is pending construction when required and could be constructed for use in association with the proposed B&B if needed. However, given the unique location and setting of the site it is envisaged the B&B will attract eco-conscious younger backpacker type travellers who use Apps such as Uber and Menulog for transportation, as well as public transport services, and do not drive cars. Also, the dedicated B-line bus service is located a 15 minute walk from the site. As a result, no additional car parking is considered necessary.</p> <p>The Warringah DCP requires that car parking be provided in accordance with Appendix 1 of the DCP. With regard to ‘bed and breakfast accommodation’ the DCP states “comparison must be drawn with developments for a similar purpose”. Recent research identified six (6) similar bed and breakfast accommodation developments in nearby suburbs that c=may be used as a comparison to the proposed development. All of these other accommodation developments either did not advertise that car parking was available or did not provide on-site car parking. The B&B’s are as follows:</p> <ol style="list-style-type: none"> Freshwater Views B&B – 36 Ocean View Rd, Freshwater; Jacarandah B&B – 13 Brighton St, Balgowlah; Cecil Street B&B – 18 Cecil St, Fairlight;

Clause	Provisions	Comment
	<ul style="list-style-type: none"> Provide on-site detention of stormwater, where appropriate; and Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. <p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.</p> <p>5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.</p> <p>6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.</p> <p>7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.</p> <p>8. For Forest Way Village car parking at ground level is to be provided for individual units.</p>	<p>4. Frenchs Forest B&B – 5A Gladys Ave, Frenchs Forest; and</p> <p>5. Ivanhoe House – 10 Birkley Rd, Manly.</p> <p>It is therefore considered that no additional car parking is required for the proposed bed and breakfast accommodation given there are numerous other similar developments in the area that also do not provide guest car parking.</p>
C3(A)	Bicycle parking and end of trip facilities	Not relevant.
C4	<p>Stormwater</p> <p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.</p>	Complies – Jack Hodgson Engineering have provided a Hydraulic Stormwater Plan for this proposal (refer to Appendix I). All stormwater will be piped into the existing stormwater system.
C5	<p>Erosions and sedimentation</p> <p>All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.</p> <p>Any erosion and sedimentation is to be managed at the source.</p> <p>Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.</p>	Complies – only very minimal earthworks will be undertaken associated with the construction of the footings for the proposed cabin addition. Appropriate erosion and sedimentation control measures will be put in place to avoid this occurring in accordance with Council's Water Management Policy.

