

WARRINGAH DEVELOPMENT ASSESSMENT PANEL MEETING

3.1	10, 16, 20, 22 & 28 Lawrence Street, Freshwater – Construction of a Mixed Use (Commercial/Retail/Residential) Building, Subdivision (Stratum & Strata) and Signage
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Panel Member**Mary-Lynne Taylor**, Chair (Environmental Law)**Steve Kennedy**, Urban Design Expert**Marcus Sainsbury**, Environmental Expert**Lloyd Graham**, Community Representative**DA2011/1361****Application Details**

Demolition works and construction of a mixed use (commercial and residential) building, subdivision (stratum and strata) and signage

Site Description

Lot 1 in DP 595422, No. 10 Lawrence Street; Lot 45 in DP 974653, No. 16 Lawrence Street; Lot 1 in DP 578401, No. 20 Lawrence Street; Lot 1 in DP 100563, No. 22 Lawrence Street; and Lot 1 in DP 900061, No. 28 Lawrence Street, Freshwater

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the WDAP Meeting. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Proceedings in Brief

This is an application for the properties at 10-28 Lawrence Street in the village of Freshwater. The development comprises the whole southern side of Lawrence Street between Dowling Street and Albert Street, except for the corner property at Albert Street. The mixed use building will replace the present mixture of buildings of varying age and architectural style which accommodate retail and commercial with apartments above and vehicular access for vehicles at the rear of the site to a second level of roof top parking accessed from Dowling Street. Immediately adjoining the site at the rear, are residential buildings.

The Panel is aware of the site and the village having visited immediately prior to the meeting and on other occasions and is also aware of the unsuccessful development proposal for the opposite side of the road which was controversial and which did not receive approval from Council or the Court.

In this application, the Council received 45 letters objecting to aspects of the proposal and three letters in support. The majority of the speakers at the Panel hearing, were opposed to the development mainly for the reasons of the vehicular access being provided from Lawrence Street

instead of as previously from Dowling Street. One of the speakers at the meeting was a residential property owner at the rear of the site who was satisfied with the impact of the proposal on his residence. In this regard, the Panel notes that the design provides for an appropriate setback to the residential buildings at the rear.

The Panel agrees that redevelopment of this site is appropriate and that a mixed use proposal is an appropriate use for the site within the village. The Panel agrees with the Council assessment of the proposal.

Whilst one objector was opposed, on health grounds, to the provision of parking for vehicles, most objections were concerned with the provision of the only motor vehicle access via Lawrence Street on the grounds of pedestrian safety being compromised and the fact that it will be the only footpath crossing on the southern side of Lawrence Street. In the opinion of most objectors it should remain a pedestrian area only. The concern for the safety was not only for the area in which the parking would be accessed, but also concern for additional traffic on Lawrence Street and possible congestion. The concern was expressed by some over the fact of a short fall in parking numbers by 26 car spaces which does not meet Council standards.

Council's urban design found favour with the design of the development noting that there was only a very minor non-compliance with height at the highest part and the non-compliance was minor in measurement and minor in width and depth and generally the design was satisfactory. The Panel notes the amount of setback provided to the rear residential properties and agrees with the Council's assessment in terms of the residential properties because of the setback, landscaping, and lack of view loss involved in the development and that the residential interface has been well met.

The report reveals state transit were involved in giving their approval of the application and subject to satisfactory provision of the bus area, found the application to be satisfactory and the report states that the buses can be appropriately accommodated. The Panel notes the application has been assessed under the previous WLEP 2000 and under the provisions of the now gazetted WLEP 2011. The application is satisfactory in terms of Desired Future Character and generally is compliant with the Built Form Controls and standards of both planning instruments.

In relation to the short fall of car parking, the Panel notes that the Council's traffic engineers and planners agree with the applicant's traffic engineer that the short fall of 26 car spaces is satisfactory because all the residential parking has been accommodated on the site and the short fall will be for the commercial parking and in view of the non residential uses land uses, it will operate at different peak hours to the residential uses, a reciprocal car parking arrangement will be appropriate and there is a certain amount of dual use of the property with other services in the area. In this regard, the Panel finds the amount of car parking provided to be satisfactory.

On the visit to the site, in view of the local concerns about access from Lawrence Street the Panel looked carefully at the present access from Dowling Street, noting that it leads to roof top car parking and not to basement car parking. The traffic engineers are in agreement that the access from Dowling Street to basement car parking would provide a non-compliant ramp to the basement without appropriate transition; it is believed to be too close to the intersection of Dowling and Lawrence Street for the purpose of safety; and the Panel is aware that there is no access to the basement of the proposal from the property on the corner of Albert and Lawrence Street as the owner is not agreeable to that alternative access and notes that that property has been more recently developed.

Whilst the location of the driveway from Lawrence Street is not consistent with the Residential Flat Design Code which suggests that access should locate vehicles entries away from main pedestrian entries and on secondary frontages, and under the General Principles of Built Form Control, Clause 72 requires that vehicle access points for parking, servicing or deliveries, and pedestrian access, are to be located in such a way as to minimise traffic hazards, vehicles queuing on public roads, the number of crossing places to a street, traffic and pedestrian conflict and interference with public transport facilities, and suggests, where practical, vehicle access is to be obtained from minor streets and lanes, Council assessment determines that there will be a traffic calming effect of the existing pedestrian crossing and the driveway design features are satisfactory. Additional traffic is considered to be relatively low at normal peak time and will not have significant adverse impact on the existing road network and the bus movement can be accommodated in an appropriate way. There is to be a left in, left out only procedure and there is to be a medium strip to ensure that this occurs, and unloading and loading can take place in the secondary street. The traffic engineers find the design of the driveway to be satisfactory and sight lines appropriate. Accordingly in the circumstances, the Panel agrees with the Council assessment in relation to the provision of the vehicle access from Lawrence Street and does not find that there are suitable alternatives but does note this is the only footpath crossing on this side of the street and therefore there will not be pedestrian safety connected with a plethora of footpath crossings.

Based on the visit to the site, the assessment by the Council staff, and the general compliance with suitable design and Council controls, and assisted by the submissions of the residents, and in particular the reasons advanced for acceptance of the Lawrence Street vehicular access for the proposal, the Panel approves the application for the reasons given in the Council Assessment Report and subject to the conditions proposed in that report. The Panel accepts that there is no other feasible alternative for the access to the basement for parking, that parking is necessary for the development in the amount proposed and that basement parking is appropriate, and all necessary design features have been incorporated into the Lawrence Street access.

DECISION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL

That the recommendation of the Deputy General Manager Environment Division for approval be adopted.

Voting 4/0