

Minutes of Application Determination Panel Meeting on 16 December 2010

3.3	834 Pittwater Road, Dee Why (Dee Why Grand) – Use of Premises as a Pay Parking Scheme
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Panel Members

Gayle Sloan, Chairperson, Director of Community & Environment Services

Malcolm Ryan, Director Planning and Development Services

David Kerr, Manager Strategic Planning, Planning and Development Services

DA2010/0917

Proceedings in Brief

The Panel concurred with the Assessment report and recommendation with minor amendments to the conditions to include no purchase required for the 3 hours free parking and for Council's Traffic Management Officer and Team Leader Development Assessment to agree on the conditions in relation to the terms of the trial period and the Operational Management Plan. The terms of these conditions have now been agreed and the revised set of conditions forwarded to the Panel for endorsement.

Also, staff recommended that the description of the development be changed from "Public Parking Station" to "Pay Parking Scheme" to correctly describe the proposed development.

DECISION OF APPLICATION DETERMINATION PANEL

That the recommendation of the Development Assessment Officer for approval be adopted with amendments to the Conditions to read as follows and the description of the development being changed from "Public Parking Station" to "Pay Parking Scheme" to correctly describe the proposed development:

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY THE TERMS OF THE APPROVAL

1. Approval for 14 Month Trial Period

- a) The pay parking scheme shall be limited in its operation to a period of no greater than fourteen (14) months from the date of this consent.
- b) The pay parking scheme is to provide for a 3 hour (minimum) free parking period (applying to the first 3 hours of any stay).
- c) The Parking Rates to be applied in the operation of the pay parking scheme are to be in accordance with the schedule submitted to Council by Murlan Consulting Pty Ltd on 13 August 2010, subject to the changes detailed in the following table:

	With Receipt/Validation	Without Receipt/Validation
0-1 HRS	FREE	FREE
1-2 HRS	FREE	FREE
2-3 HRS	FREE	FREE
3-4 HRS	\$2.00	\$8.00
4-5 HRS	\$5.00	\$16.00
5+ HRS	\$12.00	\$22.00
Overnight/Lost Ticket	\$30.00	\$30.00
Evening Rate after 6pm	\$6.50 - First 3 hours is free after 6pm and any stay after 6pm is FREE with Receipt/Validation from the retail shops and hotel	

The above rates can only be amended by the applicant making application and obtaining approval to do so under Section 96 of the EPA Act, 1979.

- d) A minimum of 20% or 76 of the 380 retail/hotel/visitor carparking spaces within the basement parking levels are to be staff carparking spaces. The staff spaces are to be located on Basement Level 2.
- e) At the end of the 14 month trial period, if the applicant wishes to make the pay parking scheme a permanent component of the development, the applicant must lodge a Section 96 Modification of Consent application with supporting documentation (including the traffic and parking report required in (f) below) on or before 2 months before the end of the 14 month trial period.
- f) During the 14 month trial period, Parking and Traffic Surveys are to be undertaken by a qualified Traffic Consultant to determine the suitability of the allocation of 76 staff carparking spaces for the retail/hotel component, the adequacy of the 3 hour free parking period and is to make recommendations as to the overall suitability and performance of the operation of the public parking scheme (including the design and location of infrastructure, parking rates, signage, location of the staff parking spaces). The surveys and recommendations of the traffic engineer are to be presented in a report to accompany the Section 96 Application.

The approval for a trial period is extended to 14 months (rather than 12 months) to ensure the parking surveys capture the summer seasonal peak period for the operation of the paid parking scheme. Therefore, the traffic consultant is to ensure the surveys include the month of December 2011.

The Traffic and Parking Survey Report is to address the following:

- (i) The surveys are to be submitted to Council on a 6 monthly basis,
- (ii) The surveys are to cover the peak operating periods for the Dee Why Grand. In this regard, the surveys are to be conducted over 3 separate days and must include a Thursday and a Saturday and must cover the full day of trading for each of those days,
- (iii) The surveys are to cover parking within the Dee Why Grand and parking on immediately adjoining streets (Pacific Parade, Sturdee Parade and Pittwater Road),
- (iv) Include a Transport Survey of customers to the Dee Why Grand to determine mode of transport (car, bus, bike, walk, motorcycle, taxi etc),
- (v) The Parking Survey is to be matched against the Parking Accumulation Survey for the carparking areas with the Dee Why Grand,



- (vi) Include a Schedule of Employees against retail shops, hotel and offices to determine how many people are on site at a given time, and
 - (vii) Consider implementing "Incentive Schemes" to encourage staff to use public transport.
- g) The trial period for the pay parking scheme can remain in place until the Section 96 application has been finally determined subject to:
- (i) A Class 1 Appeal to the Land and Environment Court being commenced against any actual refusal of the S96 application by Council within 14 days from the date of that refusal,
 - (ii) If the Council has not determined the S96 application within 40 days of the lodgement of that application, a Class 1 Appeal being commenced against the Council's deemed refusal of the application within 60 days of the date of the lodgement of the S96 application.
 - (iii) In the event that the Section 96 is not lodged in accordance with the above, or the S96 is finally determined by refusal, then the applicant must discontinue the pay parking scheme and remove all parking scheme related infrastructure, including the boom gates, ticket validation/payment equipment and related signage.

Reason: To ensure an orderly and efficient use and management of parking facilities.

2. Operational Management Plan for Pay Parking Scheme

The applicant is to prepare an Operational Management Plan (OMP) for the Pay Parking Scheme, specifically addressing the following:

- a) The pay parking scheme is to provide for a 3 hour minimum free parking period,
- b) A minimum of 76 spaces shall be provided for staff carparking,
- c) A 14 month trial period,
- d) Parking rates as per Condition 1(c) of this consent,
- e) The OMP is to incorporate the measures and recommendations contained in the report entitled "Proposed Carpark Access Control, Dee Why Grand, Dee Why" by Transport and Traffic Planning Associates, dated May 2010,
- f) A review of the Pay Parking Scheme every 6 months by a qualified traffic consultant (with the initial report due 6 months from the consent date), to determine the adequacy of the staff parking numbers, the 3 hour free parking period and general operation of the scheme,
- g) The terms for the Traffic and Parking Surveys outlined in Condition 1(f),
- h) The OMP shall be complied with at all times,
- i) A record is to be kept of complaints and contacts by residents and lessees including dates, times, contact person, resident details and issues raised in relation to the operation of the parking scheme.
- j) The OMP can only be amended after consultation with and approval by Council.

The OMP is to be submitted to Council within forty (40) days of the date of this consent.

Reason: To ensure an orderly and efficient use and management of parking facilities.

3. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	24 June 2010
Roads and Traffic Authority	Response Roads and Traffic Authority	19 July 2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

4. Prescribed Conditions

All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

(a) Unless authorised by Council

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(d) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

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

6. Compliance with Standards

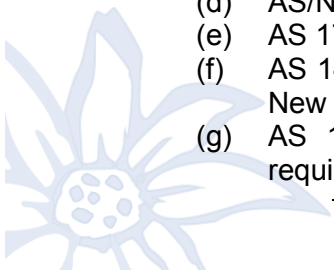
The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (b) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (c) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (d) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (e) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (f) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (g) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**



***Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

7. Carpark Capacity Signage

Suitable electronic signs are to be installed at the entry points to the carpark on Pacific Parade and Sturdee Parade that prominently display when the carpark is at full capacity.

Reason: To ensure motorists are given advance warning when the carpark is full and to avoid conflict on the public road and internally within the carpark.

