

20/12/2020

Northern Beaches Council
PO Box 82
Manly NSW 1655

To whom it may concern,

RE: S4.56 APPLICATION TO MODIFY DA2010/0917 AND ASSOCIATED LAND & ENVIRONMENT COURT ORDER TO AMEND PAID PARKING RATES TO THE DEE WHY GRAND CAR PARK AT 834 PITTWATER ROAD DEE WHY NSW 2099

On behalf of the applicant ISPT, please find attached the following documentation for a S4.56 application to amend DA2010/0917 and Land and Environment Court Order 10273 of 2012 at the above mentioned address:

- DA2010/0917 Notice of Determination;
- Land and Environment Court Order 10273 of 2012;
- Owners Consent Letter & Letter of Authority;
- Operational Management Plan by PTC dated 16/12/2020;
- Traffic Report by PTC date 16/12/2020;
- This letter-style Statement of Environmental Effects.

1.0 SUBJECT SITE AND BACKGROUND

The subject site is located at 834 Pittwater Road Dee Why and is improved by Dee Why Grand which consists of a mixed-use development with a hotel, residential apartments, office space, shopping centre, and a three level basement car park comprising 775 spaces. The car park is the subject of this application. The location of the site is indicated below in Figure 1 and 2.



Figure 1: Subject Site Location



Figure 2: Subject Site Location

As way of background, DA2019/0917 was approved on 16/12/2010 by Warringah Council for the “use of premises as a pay parking scheme”. The consent operated from 18/1/2011, and was amended by the Land and Environment Court in proceedings No. 10273 of 2012 (the order). Condition 1(b) of the order outlined that the pay parking scheme is to provide for a 3 hour minimum free parking period, while Condition 1(c) outlined the parking rates. Additionally, the order outlined the approved Operational Management Plan by Parking and Traffic Consultants dated 25/7/2012. Since the order was made and the 2012 Operational Management Plan implemented, the paid parking rates have not changed. ISPT obtained the site in 2014 and are seeking to revise the parking rates.

2.0 PROPOSED CHANGES

The proposed changes to the previous consent include the following:

1. Amend the free parking period to 2 hours to allow additional turnover and to stop people not using the centre to make use of the free parking;
2. Implement revised parking rates as follows:

Period	Public Parking Rates
0 – 2 hrs	Free
2 – 3 hrs	\$4
3 – 4 hrs	\$6
4 – 5 hrs	\$10
5 – 6 hrs	\$16
> 6 hrs	\$22
Evening, enter after 6pm	Free (0 – 2 hrs)
Evening, enter after 6pm (> free parking period)	\$10
Overnight / Lost Ticket	\$30

The car parking rates from the current / proposed rates, with Meriton Dee Why for comparison, are shown below as outlined in the Traffic Report (dated 16/12/2020) by PTC:

Period	Dee Why Grand Current Fees	Dee Why Grand Proposed Fees	Meriton Dee Why ⁴ (key local comparable)
0 – 2 hrs	Free	Free	Free
2 – 3 hrs	Free	\$4	\$4
3 – 4 hrs	\$2	\$6	\$6
4 – 5 hrs	\$8	\$10	\$10
5 – 6 hrs	\$16	\$16	\$15
> 6 hrs	\$22	\$22	\$22
Evening, enter after 6pm	Free (0 – 3 hrs)	Free (0 – 2 hrs)	Casual Rates
Evening, enter after 6pm (> free parking period)	\$6.50	\$10	Casual Rates
Overnight / Lost Ticket	\$30	\$30	\$22

As can be noted in the above table, the current fees are out of date and do not align with current economic conditions.

Please refer to attached Traffic Report (dated 16/12/2020) and Operational Management Plan (dated 16/12/2020) by PTC for further details.

Correspondence from Rezvan Saket in Council's Traffic Department has outlined that there is no concern in principal from Councils' transport team with the proposed changes to the previous consent.

3.0 TOWN PLANNING ASSESSMENT

3.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

- v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This assessment is shown in the below table:

Evaluation	Assessment
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates, b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	a) The proposed works align with the relative matters of the LEP and DCP as the parking rates are not a descriptive analytic measure in the statutory planning instruments. b) The proposed changes will not have any negative impacts on the surrounding land uses considering the existing use of the car park and the need for the revised changes.

Evaluation	Assessment
c) the suitability of the site for the development,	c) The site is already operating as a shopping centre and car park, with the proposed changes to the previous consent considered appropriate.
d) any submissions made in accordance with this Act or the regulations,	d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.
e) the public interest.	e) The proposed changes are seen to be in the public's interest.

The proposed changes are minor in nature and will have no adverse impacts. The changes are considered to result in development that will remain substantially the same as the development that was originally approved and is considered appropriate.

If there are any issues with any of the information provided, or for further discussion, please do not hesitate to contact the undersigned.

Kind regards,



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