

15 November 2011

**Section 75W modification to the Warriewood Stage 1 Project  
Boondah Road, Warriewood**

**Background**

The concept plan and Stage 1 project application for the Boondah Road, Warriewood proposal was approved by the Planning Assessment Commission (the Commission) with conditions. The Stage 1 approval allows a 2 level basement car park to provide parking spaces to the residential units to meet Pittwater Council DCP 21 requirements which are: 1 parking space for studio and one bedroom unit, 2 parking spaces for each 2 bedroom/3bedroom unit and one visitor parking space per 3 units. This project approval was subject to two previous modifications.

The first modification, approved by the Commission in July 2011 was to delete the lower level basement car park and allow all parking requirements to be accommodated in the single level car park with stack parking. The parking condition was also modified to clarify the number of parking spaces to be provided, a total of 474 spaces (including 46 visitor parking spaces). Condition B13 also requires stack parking to be allocated on title to a single unit.

The second modification was approved by the Director General of Department of Planning and Infrastructure in October 2011 to allow the installation of a permanent pumping system to ensure the basement is free of stormwater.

**The Modification**

The key changes sought by this modification application include:

- Modification of condition B13 to reduce the number of parking spaces to be provided from 474 to 370 by reducing the parking rates for 2 bedroom unit from 2 spaces per unit to 1.5 spaces per unit and visitor parking rate from 1 space per 5 units to 1 space per 7 units;
- Deletion of the eastern entry/exit point resulting in a single entry/exit point at the western side of the Stage 1 development; and
- Amendment to the basement car parking layout to reflect the reduced footprint due to reduction in car parking numbers and the deletion of the eastern entry/exit.

In response to issues raised in Council and agencies' submission, the proposed modification was amended to:

- Delete visitor parking modification (from 1 space per 5 units to 1 space per 7 units); and
- Increase parking rate for 2 bedroom unit from 1.5 to 1.57 spaces per unit.

**Delegation to the Commission**

The application was referred to the Planning Assessment Commission for determination as it meets the Ministerial delegation relating to an application where the relevant Council raises objection to the proposal.

The Commission members nominated to determine the application were Emeritus Professor Kevin Sproats (chair) and Mr Richard Thorp.

## **Commission Meetings**

On 8 November 2011, the Commission met separately with the Department of Planning and Infrastructure, Pittwater Council and the proponent.

### Department of Planning and Infrastructure

The Department was represented by Mr Anthony Witherdin and Mr Ben Lusher. The meeting focused its discussion on the number of modifications that have been lodged with the Department or will be lodged soon and the justification for the proposed reduction in the parking rates for 2 bedroom units.

The Department advised that the following modifications have been lodged:

- Modifications 4 to amend the timing of road works and deleting required road works within Pittwater Road;
- Modification 5 to vary Crime Prevention Through Environmental Design measures within the basement car park; and
- A modification to the concept plan approval to delete the internal road, realign the cycleway, no requirement for accessible units, visitor parking rate at 1 space per 10 units and 2 bedroom parking rate at 1 space per unit.

The Department supports the proposed rate of 1.57 spaces per 2 bedroom unit which is slightly higher than its recommendation to the original proposal (1.5 spaces per 2 bedroom unit). This rate also exceeds the RTA's guide and the 2006 Census data for the Pittwater local government area. Further that the RTA and Department of Transport raised no objection to the proposed reduction. It considered the modified rate would provide a good balance between meeting car parking need of the local area and reducing car reliance and traffic impacts.

As to the proposed deletion of the eastern entry/exit, the Department raised no issue of concern. Other issues raised by Pittwater Council were considered adequately addressed by the amendment plan and conditions. The proposed modification application was recommended for approval subject to conditions.

### Pittwater Council

Pittwater Council was represented by Mr Steve Evans, Mr Lindsay Dyce and Mr Chris Hunt.

Council reiterated its objection to the modification application, particularly having regard to the other modifications in relation to both the Stage 1 development and concept plan. The Commission advised Council that although it is aware of other modifications that have been lodged with the Department, the Commission does not have any documentation concerning the other applications. The determination of this application would be based on the documentation provided by the Department in relation to this application and the merit of this application only.

The key issues raised by Council included:

- Council's DCP 21 parking requirements have been applied consistently for developments within the local government area.
- The Commission's approval of the concept plan and Stage 1 application requiring parking provision to meet DCP 21 requirements.
- The RTA acknowledged that the area has very limited access to public transport services during off peak and weekends. Most visitors would use private vehicles.
- Over 80% of traffic movements are within the northern beaches for work, shopping, school and recreation.

- The RTA guidelines are for a range of multi-unit developments that have good alternative forms of transport at all times. The guidelines state other factors should be considered in determining the parking requirements.
- Generalising census data over the whole of the LGA or comparing this with Sydney averages is misleading.
- Government should confirm that more buses will immediately be made available and new services provided to service this development.

The Commission sought clarification from Council on its view of the proposed deletion of the eastern entry/exit. On 9 November 2011 Council confirmed in written correspondence that it does not support the proposed removal of the driveway access as there is insufficient information provided by the proponent to allow a detailed analysis of potential impact and it would result in an unacceptable reduction in the amenity and possible safety issue for future residents.

### The Proponent

The Proponent was represented by Mr Peter Spira, Mr Walter Gordon and Mr Bruce Masson.

Two key issues were discussed at the meeting, namely, the reduced number of parking spaces and the close of the eastern entry/exit. The proponent advised the reasons for reducing the number of parking spaces for 2 bedroom unit include:

- No market demand for 2 car spaces for 2 bedroom unit;
- Good bus services on McPherson Street and Pittwater Road;
- RTA guidelines require 1.2 spaces per a 2 bedroom unit;
- 2006 Census data indicated 1.29 spaces in the Pittwater LGA; and
- Lower cost means more affordable housing.

The justifications to delete the eastern entry/exit include:

- With reduced number of parking spaces, there is no need for 2 entrance/exit points;
- It is easier to control and manage with one entry/exit point;
- An application has been lodged to delete the internal road; and
- Many buildings in Sydney with over 400 units have only one entry/exit point.

### **Commission's Comments**

Following careful consideration of the Director General's assessment report, Pittwater Council's submissions, the proponent's response to submissions and the Commission's earlier determination of the concept plan and Stage 1 applications, the Commission is not persuaded that there is sufficient new information available to justify the proposed reduction in parking rate for 2 bedroom units.

The transport and traffic issue was a key consideration in the original determination. The availability of public transport and the location of the development are key challenges in the area. The 2006 census data is 5 years old and is an average for 2 bedroom unit in the Pittwater LGA. Most of the unit developments are located in or adjacent to town centres or major public transport corridors where public transport is easily accessible.

The bus information attached to the proponent's response to submissions supports Council's contention that the poor public transport services, particularly during off peak hours and weekends, travel time for transport distances and multiple interchanges is a direct correlation to the low usage of public transport. The Commission is not convinced that there is sufficient justification to alter its original approval of 2 parking spaces for a 2 bedroom unit.

As to the deletion of the eastern entry/exit point, the Commission accepts the Department's recommendation.

### **Commission's Determination**

1. The modification to reduce the parking rate for 2 bedroom unit from 2 spaces per unit to 1.57 spaces per unit is not approved.
2. The modification to delete the eastern entry/exit point is approved subject to the submission of an amendment car parking plan to be approved by the Director General.
3. Condition B13 is amended by insertion of (e) after condition B13 (d):

**B13**            **Car and Bicycle parking Provision and Storage**  
(e)            Directional signs shall be provided in the basement indicating the location of visitor and emergency vehicle parking spaces.



Emeritus Professor Kevin Sproats  
Commission Member



Richard Thorp  
Commission Member

# **Attachment 1**

## **Modification of Minister's Approval**

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales approve of the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Emeritus Professor Kevin Sproats  
**Member of the Commission**



Richard Thorp  
**Member of the Commission**

Sydney 15 November 2011

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### SCHEDULE 1

**Project Approval:**

**MP 10\_0177** granted by the Planning Assessment Commission on 18 January 2011.

**For the following:**

Stage 1 Project Approval for demolition of the existing buildings and structures on site, tree removal, excavation, earthworks, flood mitigation works, construction of 7 residential buildings, basement parking, childcare centre, external road works, internal public access roads, public pedestrian and cycle way, Asset Protection Zone, environmental buffer areas, ecological rehabilitation and landscaping works.

**At:**

14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979).

**Proposed Modification:**

MP 10\_0177 MOD 3 - modification includes:

- amendment to Condition B13 to reduce the car parking provision from 474 spaces to 395 spaces;
- deletion of a vehicular entry/exit to the basement car park; and
- amendment to the basement car park plan to reflect the reduction in car parking numbers and deletion of the eastern vehicle entry/exit.

## SCHEDULE 2

### CONDITIONS

The above approval is modified as follows:

- a) Condition B13 (a), (b), (c) and (d) remain as approved on 15 July 2011.
- b) A new condition be inserted after condition B13(d) and read as follows:

**B13     *Car and Bicycle Parking Provision and Storage***

- (e) Directional signs shall be provided indicating the location of visitor and emergency vehicle parking spaces.
- c) The architectural drawing listed in Condition A1 – Drawing No DA04, Revision C, Plan title *Car Parking Plan* dated 30/05/11 be amended to delete the eastern entry/exit point. The amendment plan shall be submitted for the approval of the Director General.

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**END OF MODIFICATIONS TO MP 10\_0177**