northern beaches council

# Traffic Engineer Referral Response

| | |
|---|---|
| **Application Number:** | DA2020/1756 |

| | |
|---|---|
| **Date:** | 07/10/2021 |
| **Responsible Officer** | |
| **Land to be developed (Address):** | Lot 66 DP 6248 , 353 Barrenjoey Road NEWPORT NSW 2106<br>Lot 65 DP 6248 , 351 Barrenjoey Road NEWPORT NSW 2106<br>Lot 64 DP 1090224 , 351 Barrenjoey Road NEWPORT NSW 2106 |

**Officer comments**

**Second referral response - additional information received.**
The proponent has submitted updated plans to Council to resolve some of the issues that the community had with the proposed development and the impact on the amenity of Robertson Road.
**Parking provision.**
The update plan reduces the basement level from 2 to 1 and reduces the parking provision from 52 to 26. The allocation of spaces has not been confirmed as a part of the documentation provided, however it is noted that to achieve the required precinct outcome for Robertson Road all parking provided within the subject site is to be allocated for the residential component of the development, including residential visitors only.
All commercial parking will be provided with in the overall Newport Village precinct. It is noted that this will result in a deficiency of approximately 20 spaces (although there is not this number provided for the existing commercial usage of the site.
The parking provision is supported in line with the community vision for the adjoining road and reducing the volume of traffic using Robertson Road.

**Access driveway**
The access driveway is proposed to be initially located from Robertson Road with the future potential for the site to achieve a long term connection to Foamcrest Avenue through the site to the west. The applicant has also made provision for the next site to the north to potentially achieve access through the car park to eliminate the need for the access from Barrenjoey Road.
The location of the access driveway in Robertson Road is near the western boundary of the property away from Barrenjoey Road (approx 35 metres), with the location allowing the future conversion to additional commercial space should access from Foamcrest Avenue be achieved in the future. The location will have the least impact from the combined queue length of vehicles accessing the basement, and using the angled parking on the southern side of Robertson Road.
Whilst the option to completely remove vehicle access from Robertson Road would be ideal, access form Barrenjoey Road is not permitted and the impact of any development on the traffic flow along Barrenjoey Road needs to be considered including the potential for queuing to affect the pedestrian safety and accessibility.

The revised proposal is supported as it has less impact on the amenity in the area and provides a benefit to the future pedestrian safe environment in Robertson Road.

**Initial Referral Response**

Also seeks a departure from the Height of Buildings development standard of more than 10% pursuant toClause 4.6 of the Pittwater Local Environmental Plan 2014 (PLEP).

The key issues that have been raised by the community during the two (2) public exhibition periods is the proposed vehicular access off Robertson Road and the proposed development's contextual fit and contribution to the Newport Commercial Village which includes both the northern andsouthern sides of Robertson Road. The community have raised issue with vehicular access to the site off Robertson Road which, if constructed may inhibit any future opportunity to pedestrianise RobertsonRoad which is currently a one-way street giving access to the subject land and adjoining land to the north-west.

Council has considered the application against the requirements of the Newport Masterplan and Pittwater 21 Development Control Plan (DCP) with regards to the designated vehicular access within the Newport Commercial Village. The development is consistent with the Masterplanand the DCP, which show a vehicular access point to the subject site from Robertson Road. It is also important to note that the Newport Master Plan identifies that Robertson Road is to be maintained as a one-way street. The Masterplan does not envisage the full closure of Robertson Road to vehicles. The proposal is also consistent with the required pattern of site amalgamation identified within the Newport Masterplan and DCP.

Notwithstanding the proposals consistency with the masterplan and the DCP, the applicant has incorporated design measures to facilitate a potential future scenario whereby vehicular access to the site could be achieved through the adjoining land at No. 31 Foamcrest Avenue (to the north-west currently owned by Australia Post) via a basement breakthrough and the subsequent closure of the access driveway off Robertson Road. This would be contingent on development occurring at No. 31 Foamcrest Avenue. As no development upon No. 31 Foamcrest Avenue is imminent, this option is considered a long term solution to minimising vehicles along Robertson Road, if Council in the future amended the Masterplan or required the full closure of Robertson Road.

The breach to the building height is considered against the requirements of the PLEP later in this report. In summary, the applicant's written request is considered to be well founded and the proposed non-compliance is supported in this regard. The development is considered to be consistent with the key Design Criteria under the Apartment Design Guide (ADG) with regard to residential amenity whereby the proposed building design has optimised solar access despite the south facing corner orientation.

The application has been considered on two separate occasions by the Design and Sustainability Advisory Panel (DSAP) and each time the applicant has amended the plans in accordance with the recommendations given by the DSAP in order to provide a satisfactory building design with regards to internal amenity and the streetscape context within the Newport Commercial Village.

Each of the initial concerns raised by Council during the assessment of the application have been addressed by way of amended plans and additional information, and the applicant has provided an appropriate response to address the community concerns regarding vehicular impact on Robertson Road (whilst maintaining the reasonable development rights of the land in accordance with the DCP) therefore, the application is recommended for approval to the NBLPP subject to the conditions outlined at the end of this report.

**PROPOSED DEVELOPMENT IN DETAIL**

The proposed development is for demolition of the existing structures on the land and construction of a three (3) storey shop top housing development containing 8 retail shops and 13 Residential units. The proposal comprises the following:

# DEVELOPMENT APPLICATION ASSESSMENT REPORT

| | |
|---|---|
| **Application Number:** | DA2020/1756 |

| | |
|---|---|
| **Responsible Officer:** | Jordan Davies |
| **Land to be developed (Address):** | Lot 66 DP 6248, 353 Barrenjoey Road NEWPORT NSW 2106<br>Lot 65 DP 6248, 351 Barrenjoey Road NEWPORT NSW 2106<br>Lot 64 DP 1090224, 351 Barrenjoey Road NEWPORT NSW 2106 |
| **Proposed Development:** | Demolition works and construction of a mixed use development (Shop Top Housing) |
| **Zoning:** | B2 Local Centre |
| **Development Permissible:** | Yes |
| **Existing Use Rights:** | No |
| **Consent Authority:** | Northern Beaches Council |
| **Delegation Level:** | NBLPP |
| **Land and Environment Court Action:** | No |
| **Owner:** | RT Investments (NSW) Pty Ltd |
| **Applicant:** | Crawford Architects Pty Ltd |

| | |
|---|---|
| **Application Lodged:** | 28/01/2021 |
| **Integrated Development:** | Yes |
| **Designated Development:** | No |
| **State Reporting Category:** | Mixed |
| **Notified:** | 06/08/2021 to 20/08/2021 |
| **Advertised:** | 06/08/2021 |
| **Submissions Received:** | 262 |
| **Clause 4.6 Variation:** | 4.3 Height of buildings: 13.9% - 37.6% |
| **Recommendation:** | Approval |

| | |
|---|---|
| **Estimated Cost of Works:** | $ 7,055,446.00 |

## EXECUTIVE SUMMARY

The application seeks consent for a shop-top housing development comprising a three (3) storey building above basement parking. The development accommodates 13 Residential units and ground floor commercial/retail tenancies.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) for determination as the proposal has received 262 submissions across two (2) separate notification periods. The application

assessment report.

Overall, the proposed setbacks are satisfactory with regard to achieving the character of the B2 Local Centre zone and providing an optimal building orientation for solar amenity and building separation in accordance with the Apartment Design Guideline (ADG).

This issue does not warrant the refusal of the application.

- ***Overshadowing of the southern side of Robertson Road.***

Comment
The prescribed building height under Clause 4.3 of the PLEP compliments the intended outcome to achieve a high level of solar access to the southern side of Robertson Road and the future pedestrian plaza to be provided in the reddevelopment of properties on the southern side of Robertson Road.

As detailed later (in the Clause 4.6 assessment regarding building height), the satisfactory solar outcome to the southern side of Robertson Road is achieved notwithstanding the numerical non-compliance with the control. This is due to the substantial setback to the non-complaint portion of the building which does not have a direct impact upon overshadowing. Furthermore, the applicant has provided an additional street setback for Level 1 adjoining Robertson Road in this portion of the site, to further improve solar access outcomes for Robertson Road.

Overall, the proposal is found to be satisfactory with regards to the solar access outcomes for Robertson Road and this issue does not warrant the refusal of the application.

- ***The proposed vehicular access point off Robertson Road will mean that pedestrianisation of Robertson Road cannot occur in the future and inhibits closing of Robertson Road for street events, as well as potential permanent closure of Robertson Road to create a pedestrian village hub. The driveway should also be moved closer to Barrenjoey Road as to not inhibit this.***

Comment
In response to the above concern regarding permanent closure and pedestriansation of Robertson Road, the Newport Masterplan does not make any reference to permanently closing off Robertson Road to vehicles and pedestrianising Robertson Road. Rather, the Masterplan makes reference to Robertson Road being retained as a one-way street. This is further supported by Figure 4.4 of the Masterplan which shows a vehicular access point to the site from Robertson Road. The Newport Masterplan recognises that development adjoining Robertson Road will have a role in activating the street and providing a 'pedestrian friendly' environment, with temporary closure for events.

It has been raised by the community that the proposal will restrict the closing off of Robertson Road for future street events due to the volume of traffic generated by the proposal. However, given the proposal is consistent with the required pattern of site amalgamation and the vehicular access point, as guided by the Masterplan, the proposal can be supported in the current configuration and refusal of the application for this reason would be unwarranted. The short term closure for the purpose of street events could continue to be undertaken with the appropriate notification to businesses and residents and this may still occur as a result of the proposed development.

In recognition of the issue raised by the community and the desire by the community to have an outcome whereby Robertson Road could be closed off to vehicles in the future (for both events

and permanently if that is what the Council decides to do at a future date), the applicant has put forward some measures to address this should the land at No. 31 Foamcrest Avenue (which is currently owned and operated by Australia Post) be developed in the future. The measures which are proposed and shown on the plan include:

- Designing the basement to allow 'punch through' connections to No. 31 Foamcrest Avenue and No. 355 Barrenjoey Road. Noting, that any future development of 355 Barrejoey Road must obtain vehicular access from either 351-353 Barrenjoey Road or 359-356 Barrenjoey Road.
- Allowing the driveway to be removed and access gained through No. 31 Foamcrest Avenue to the basement carpark of the proposed development, at a time No. 31 Foamcrest Avenue is developed;
- Designing the crest of the driveway to be removable so the access to the site from Robertson Road could be removed;
- Providing details of the floor plan and elevation of how the former driveway off Robertson Road could be made into a retail space, following the above occurring.

Whilst the above scenario is contingent upon the development of No. 31 Foamcrest Avenue, Council is satisfied that sufficient measures have been established to allow this to occur as a medium to long term solution in achieving the community's desired outcome for pedestrianising Robertson Road and removing vehicular access from Robertson Road.

Furthermore, in addition to structural solutions that are proposed to be built into the development to allow this to occur, Council has also recommended a consent condition for a positive covenant and a restriction under *Section 88E of the Conveyancing Act* that imposes and obligation upon the owner of the land to obtain the necessary consents and carry out all necessary ancillary work at its own cost to provide practical and appropriate vehicular access by registered instrument for the development site and adjoining development site at 355 Barrenjoey Road to and from Foamcrest Avenue. The covenant shall state that when such access becomes available to and from Foamcrest Avenue the subject site access from Robertson Road is to be made inaccessible by Vehicles.

Therefore, the proposed development can be supported given consistency with the Masterplan and the solutions put forward by the applicant for a future solution, at a time when the adjoining land is developed at 31 Foamcrest Avenue. At present allowing a driveway off Robertson Road is within the reasonable development rights of the land and consistent with the Newport Masterplan, with the ability to still conduct temporary closures for community events.

The proposed driveway location has been considered with regards to the proximity to Barrenjoey Road. Whilst it has been raised that the driveway should be closer to Barrenjoey Road to make it easier to close off for events, Council's traffic engineer is satisfied with the location of the driveway to prevent cueing onto Barrenjoey Road. See Council's traffic engineer's comments later in this report.

This issue does not warrant the refusal of the application.

- ***The development is not in keeping with the Newport village feel and character and does not do activate Robertson Road in a satisfactory way.***

Comment
The issue regarding activation of Robertson Road is addressed above. The proposed development provides three retail/commercial tenancies fronting Robertson Road which are capable of a variety of uses, including restaurants and cafes which will serve to activate the street.

(d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
(e) AS 4970 - 2009 'Protection of trees on development sites'**
(f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
(g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
(h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
(i) AS 2890.5 - 1993 Parking facilities - On-street parking**
(j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
(k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
(l) AS 1428.1 – 2009* Design for access and mobility - General requirements for access – New building work**
(m) 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 www.hreoc.gov.au/disability rights /buildings/good.htm. <www.hreoc.gov.au/disability% 20rights%20/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.)

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)

31. **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.

32. **Basement Wall Structural Design**
Prior to the issue of any construction certificate, details shall be provided by a suitably qualified structural engineer demonstrating the two areas of the basement marked 'soft construction for future breakthrough' have been incorporated into the structural design of the basement and building to allow connections to future adjoining developments.

Details shall be provided to the Principle Certifying Authority prior to the issue of any construction certificate.

33. **Driveway crest structural design**
Prior to the issue of a construction certificate, details shall be provided by a suitably qualified structural engineer demonstrating the area identified as 'Area of slab shown hatched to be detailed as removeable' upon drawing A102 Issue 33 has been incorporated into the structure design of the driveway and the building.