



Attachment 2 to Item 13 - Part A

Submissions received

Date of meeting: 20 October 2022
Location: By audio-visual link
Time: 10:00 a.m.

From: PlanningAlerts
Sent: Wed, 18 Aug 2021 09:37:01 +1000
To: Hawkesbury City Council
Subject: Comment on application DA0239/21

For the attention of the General Manager / Planning Manager / Planning Department

Application	DA0239/21
Address	87 Old Bells Line Of Road, Kurrajong, NSW
Description	Commercial Premises - Construction of Retail Premises, Shopping Centre and Restaurant or Cafe
Name of commenter	Shirley Aylett
Address of commenter	[REDACTED]
Email of commenter	[REDACTED]

Comment

I believe Kurrajong village needs this type of development. Encouraging people to come to the village and for locals to enjoy more variety of businesses. Great news!

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

Submission re. DA0239/21

Comments on the Development Application for 87 Old Bells Line of Road, KURRAJONG

Refer to the Appendix for related extracts

Comment 1: Assuming the parking requirement of 64 spaces has been calculated correctly, the claim that on-street parking can cover the deficiency of 16 spaces within the development is unsubstantiated. On-street parking is much more likely to be limited during peak time periods, especially on a Saturdays. The Traffic & Parking Impact Assessment does not report on any parking studies to support this claim and reliance on public facilities to address a deficit in the proposed development should not be acceptable.

Comment 2: Given the absence of supporting justification the references to accessible spaces being “sufficient” for a disabled motorist to enter/exit their vehicle should not be acceptable given the non-compliance with the Australian Standard for those spaces. Also, the poor layout of the basement 2 carpark and narrow parking aisle needs reconfiguration to improve traffic flow in the carpark.

Comment 3: No information is provided on the number of commercial vehicle movements. The proposal assumes that conditions can be included in approvals/leases etc to make the timing of commercial vehicle movements an enforceable requirement – is this a practical arrangement for commercial businesses?

Comment 4: There would be potential for conflict between refuse truck movements and delivery truck movements in and out of the car park access. The documentation does not address sewerage arrangements. Assuming the development would operate a storage and pump out sewerage system, the design/layout of the system and the truck stand area need to be clarified as well as the frequency and timing of pump out.

Comment 5: The traffic assessment does not adequately consider all relevant factors and significantly underestimates the likely peak vehicle movements and their timing. Therefore, the assessment cannot have fully considered the associated impacts. There is no information provided regarding traffic surveys to establish current traffic levels.

Vehicles leaving the basement carparks would interact with passing traffic on Timms Hill Road and then again many of them will proceed to the intersection of Timms Hill Road and Old Bells Line of Road. Vehicles departing the Basement carparks and travelling up Timms Hill Road may have visibility issues due to limited lines of sight and blinding sunlight around sunset. Timms Hill Road is quite steep and vehicles travelling along Old Bells Line of Road turning left into Timms Hill Road would not have good visibility of vehicles exiting the Basement 1 carpark. Traffic interactions have not been adequately assessed at the key points (basement exit/entry points and several key intersections). Traffic control may be required at some intersections.

Comment 6: The proposed built form is inconsistent with the character of the village and will adversely impact the streetscape, given its design, facade, and scale. Whilst new facilities and services would be welcome in the village it's possible that if the development is approved as currently proposed that existing businesses/premises would ultimately close, and Kurrajong will end up with a large multi-story complex including a big brand name supermarket and closed/shuttered

shops along the main street. It would be unfortunate if the current unique village atmosphere was lost.

Comment 7: Refer comment 6 above. Also, the reference to 4.5% increase in maximum height is an unfortunate/misleading typo – it should read 45%. Reducing the height could facilitate resolution of the various parking, traffic management and other issues that have been raised.

Comment 8: Parts of the Acoustic Report appear to relate to a completely different development proposal, raising concerns that a cut-and-paste exercise has not resulted in a report that can be relied upon.

Comment 9: The documentation notes the site is not located on bushfire prone land. There are potentially other issues relating to water supply to the development and water for firefighting. There are known water supply issues in the village. There is reticulated water supply in Old Bells Line of Road however Timms Hill Road does not have reticulated water. The plans indicate a fire hydrant at the south-eastern corner of the development on Timms Hill Road. A development of the size proposed will generate additional demand on the water supply system and the impact of this should be investigated. Further, should a fire occur within the development the water supply from the existing reticulated system may not be sufficient for firefighting. Consideration should be given to a requirement for the development to have an on-site water storage facility dedicated to firefighting.

Comment 10: The proposal attempts to overdevelop the site with car parking, traffic management issues and impact on the streetscape being primary concerns. Other important matters have not been addressed (water supply and sewerage). Refer comments 1 to 9 above.

Comment 11: The documentation refers to legal case that ‘proves’ there is no maximum percentage of flexibility under the planning framework in relation to exceeding the standard height. However, a key consideration in that case (SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112) was that Council had already set a precedent nearby, by approving developments adjacent to the proposed development that also exceeded the standard by a similar amount, and it was this precedent that led to the approval (see figure below). A similar situation does not exist for 87 Old Bells Line of Road.



Repeated references in the documentation to other developments in other LGAs (e.g. Sutherland) is confusing and raises the question of whether other information is included in the application that actually relates to another project that differs from the proposal under consideration.

R Bosler

[REDACTED]

Appendix – Extracts and comments

Relevant extracts from the proposal documentation that gave rise to comments 1 to 11 are set out below

Traffic & Car Parking Impact Assessment

4.1 Car Parking Requirements

“The proposed on-site provision of 48 spaces inclusive of three disabled bays is less than the development’s parking requirements of 64 spaces as set out in the Hawkesbury DCP (2002) and the Building Code of Australia. Information provided by the client however indicates that there is ample available on-street parking within the immediately surrounding area to accommodate the development’s car parking deficiency of 16 spaces during the peak time periods.”

Comment 1: Assuming the parking requirement of 64 spaces has been calculated correctly, the claim that on-street parking can cover the deficiency of 16 spaces within the development is unsubstantiated. On-street parking is much more likely to be limited during peak time periods, especially on a Saturdays. The Traffic & Parking Impact Assessment does not report on any parking studies to support this claim and reliance on public facilities to address a deficit in the proposed development should not be acceptable.

4.4.1 Dimensions of car accommodation

“The parking bays in the basement level 1 car park will be geared to customers and will be provided at a width of 2.6 m, a length of 5.5 m and a minimum aisle width of 6 m. In addition, offset clearances of 300 mm have been provided adjacent to any bays next to end walls, which complies with the requirements stipulated in the Australian Standard, AS 2890.1 (2004).

The accessible bay in basement level 1 car park has been provided at a width of 2.6 m and a length of 5.5 m with an adjacent shared space provided at a width of 1.2 m. Whilst the width of the shared space does not technically accord with that stipulated in AS 2890.6:2009, the overall width of the accessible space and shared space provide sufficient area for a disabled motorist/passenger to enter/exit their vehicle.

The parking bays in the basement level 2 car park will be geared to staff and customers and will be provided at a minimum width of 2.4 m for staff and a minimum width of 2.6 m for customers, a length of 5.5 m and a minimum aisle width of 6 m. In addition, offset clearances of 300 mm have been provided adjacent to any bays next to end walls, which complies with the requirements stipulated in the Australian Standard, AS 2890.1 (2004).

The accessible bay in basement level 2 car park has been provided at a width of 2.6 m and a length of 5.5 m with an adjacent shared space provided at a width of 1.36 m. Whilst the width of the shared space does not technically accord with that stipulated in AS 2890.6:2009, the overall width of the accessible space and shared space provide sufficient area for a disabled motorist/passenger to enter/exit their vehicle.”

Comment 2: Given the absence of supporting justification the references to accessible spaces being “sufficient” for a disabled motorist to enter/exit their vehicle should not be acceptable given the non-compliance with the Australian Standard for those spaces. Also, the poor layout of the basement 2 carpark and narrow parking aisle needs reconfiguration to improve traffic flow in the carpark.

5.1 Commercial vehicles

“To minimise the potential for conflict between delivery vehicles and customers accessing the basement level 2 car park access, it is recommended that all deliveries occur prior to 9 am.”

Comment 3: No information is provided on the number of commercial vehicle movements. The proposal assumes that conditions can be included in approvals/leases etc to make the timing of commercial vehicle movements an enforceable requirement – is this a practical arrangement for commercial businesses?

5.2 Refuse

“The analysis indicates that an 8.8 m MRV truck can enter the site’s basement level 2 car park access, manoeuvre on site to then exit from the site’s basement level 2 car park access in a forward manner to Timms Hill Road.

It is however noted that the ambulance bay is required to be vacant for a delivery vehicle to access the southernmost loading bay.

It is recommended that the refuse bins are serviced outside of the operating hours of the development’s land use components when the complex is not operating to minimise the potential for conflict between a truck and car entering and exiting the basement 2 car park access.”

Comment 4: There would be potential for conflict between refuse truck movements and delivery truck movements in and out of the car park access. The documentation does not address sewerage arrangements. Assuming the development would operate a storage and pump out sewerage system, the design/layout of the system and the truck stand area need to be clarified as well as the frequency and timing of pump out.

5.3 Traffic Impact

“The anticipated traffic generation for the proposed development can be determined based upon case study survey data documented in the RTA NSW ‘Guide to Traffic Engineering Developments’ (October 2002).

Based upon the respective areas of the supermarket (645 sqm) and the retail shops (412 sqm), the anticipated traffic generation during the Thursday afternoon peak hour corresponds to 120 vehicle movements per hour, or 60 vehicle movements in/60 vehicle movements out.

Given the proportion of staff and customer spaces in each of the car parking areas, it is anticipated that two thirds of the vehicle movements would be generated at the basement level 2 car park access and one third of the vehicle movements would be generated at the basement level 21 (sic) car park access.

The restaurant would be expected to generate their peak parking demands during the evening period.

Based upon the rates contained in the RTA NSW ‘Guide to Traffic Engineering Developments’ (October 2002), it is expected that the restaurant component will generate evening peak hour trips at a rate of 5 vehicle movements per 100 sqm of gross floor area.

Based upon a restaurant floor area of 338 sqm, it is expected that the restaurant will generate a total of 17 vehicle movements during the evening peak hour.

Traffic generated by the staff and customers is minimal and not expected to adversely impact upon the safety or operation of the surrounding road network."

Comment 5: The traffic assessment does not adequately consider all relevant factors and significantly underestimates the likely peak vehicle movements and their timing. Therefore, the assessment cannot have fully considered the associated impacts. There is no information provided regarding traffic surveys to establish current traffic levels.

Vehicles leaving the basement carpark would interact with passing traffic on Timms Hill Road and then again many of them will proceed to the intersection of Timms Hill Road and Old Bells Line of Road. Vehicles departing the Basement carpark and travelling up Timms Hill Road may have visibility issues due to limited lines of sight and blinding sunlight around sunset. Timms Hill Road is quite steep and vehicles travelling along Old Bells Line of Road turning left into Timms Hill Road would not have good visibility of vehicles exiting the Basement 1 carpark. Traffic interactions have not been adequately assessed at the key points (basement exit/entry points and several key intersections). Traffic control may be required at some intersections.

Statement of Environmental Effects

2.4 Desired Future Character

The desired future character for the site, derived from the regional, local and site analysis in Sections 2.1, 2.2 and 2.3 of this report, is for:

♣ *An additional neighbourhood supermarket, retail premises and restaurants:*

- *Supporting the growth of Kurrajong as a tourist destination owing to:*

– *The significant quantities of tourist and commuter traffic passing the township along the iconic Bells Line of Road which provides a scenic route between the Sydney Metropolitan Area and Central West NSW via the historic townships of Windsor (18 kilometres to the south-east), Richmond (11 kilometres to the south-east), North Richmond (7 kilometres to the south-east), Bilpin (18 kilometres to the west) and Lithgow (68 kilometres to the west);*

– *Improvements in accessibility between the Sydney Metropolitan Area and Kurrajong in the form of the Richmond Bypass (additional Commonwealth funding announced June 2021) which has the potential to transform Kurrajong into a day-trip or weekend destination for Sydney residents; and*

– *The magnificent views across the Sydney Basin enabled by its elevation.*

- *The significant distances travelled by residents between Kurrajong and the nearest Aldi, Coles and Woolworths in North Richmond and Richmond to conduct shopping, with the existing independent supermarket in Kurrajong primarily performing the role of a convenience store for one-off purchases;*

♣ *A neighbourhood supermarket, retail premises and restaurants to meet the needs of the growing population of Kurrajong and its surrounds, provide spaces for local businesses and create local employment opportunities;*

♣ *Plaza-style public open space to facilitate in-centre interaction between residents and visitors alike;*

♣ *Continuous active street frontage along Bells Line of Road;*

♣ *A built form outcome which responds to the site's location at a prominent corner at the centre of the Kurrajong Neighbourhood Centre;*

♣ *Activate the long-vacant site;*

♣ *Protect the role and function of Old Bells Line of Road as the primary thoroughfare in Kurrajong by locating vehicular access to the development from Timms Hill Road; and*

♣ *Take advantage of the site's significant slope by locating vehicular access on the low side of the site, minimising the extent of excavation required to facilitate vehicular access to the development.*

Comment 6: The proposed built form is inconsistent with the character of the village and will adversely impact the streetscape, given its design, facade, and scale. Whilst new facilities and services would be welcome in the village it's possible that if the development is approved as currently proposed that existing businesses/premises would ultimately close, and Kurrajong will end up with a large multi-story complex including a big brand name supermarket and closed/shuttered shops along the main street. It would be unfortunate if the current unique village atmosphere was lost.

4.3 Height of buildings

(1) The objectives of this clause are as follows—

(a) to protect privacy and the use of private open space in new development and on adjoining land,

[Privacy impacts to adjoining residential uses to the south-east are mitigated by existing planting along the boundary at 5 Timms Hill Road.]

(b) to ensure that the bulk of development is not excessive and relates well to the local context,

[The bulk of the development responds to the site's location at a prominent corner at the centre of the Kurrajong Neighbourhood Centre;]

(c) to nominate heights that will provide a transition in built form and land use intensity,

[The height of the proposed development is appropriate to its location at a prominent corner at the centre of the Kurrajong Neighbourhood Centre.]

(d) to ensure an appropriate height transition between new buildings and heritage items.

[The site is not identified as being or adjoining a heritage item, nor is it located within a heritage conservation area. - N/A]

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

[The proposed development has a height of 14.5 metres, exceeding the maximum permitted 10 metres under Clause 4.3(2) by 4.5 metres (4.5%). A justification to vary the maximum permitted height under Clause 4.6 of HLEP is provided in Appendix A. - Refer to Appendix A]

Comment 7: Refer comment 6 above. Also, the reference to 4.5% increase in maximum height is an unfortunate/misleading typo – it should read 45%. Reducing the height could facilitate resolution of the various parking, traffic management and other issues that have been raised.

4.3.2 Amenity

Acoustic Privacy

Comment 8: Parts of the Acoustic Report appear to relate to a completely different development proposal, raising concerns that a cut-and-paste exercise has not resulted in a report that can be relied upon.

4.3.7 Bushfire

“The site is not located within mapped bushfire prone land.”

Comment 9: The documentation notes the site is not located on bushfire prone land. There are potentially other issues relating to water supply to the development and water for firefighting. There are known water supply issues in the village. There is reticulated water supply in Old Bells Line of Road however Timms Hill Road does not have reticulated water. The plans indicate a fire hydrant at the south-eastern corner of the development on Timms Hill Road. A development of the size proposed will generate additional demand on the water supply system and the impact of this should be investigated. Further, should a fire occur within the development the water supply from the existing reticulated system may not be sufficient for firefighting. Consideration should be given to a requirement for the development to have an on-site water storage facility dedicated to firefighting.

5 Conclusion

This Statement of Environmental Effects has been prepared by OTM Planning on behalf of Kurmond Homes to, in accordance with Section 4.15 of the Act, detail and explain the intended effects of the proposed development of the Kurrajong Shopping Village at 87 Old Bells Line of Road, Kurrajong.

The proposed Kurrajong Shopping Village, incorporating 1,884m² of lettable area, as well as 48 parking spaces across two basement levels, is supported on the following grounds:

♣ *Permitted with consent in and consistent with the objectives of the B1 Neighbourhood Centre zone under HLEP and compliant with the development standards of HLEP, with the exception of the proposed height for which flexibility is sought under Clause 4.6 of the HLEP;*

♣ *Compliant with the provisions of HDCP, with the exception of parking dimensions which is acceptable on the grounds that the proposal is compliant with the relevant Australian Standards; and*

♣ *Results in minimal impacts, including:*

- Consistent with the desired future character of the site, derived from the regional and local context and site analysis;

- Minimal amenity impacts to neighbouring dwellings or the public domain, subject to implementation of acoustic impact management recommendations;

- No impacts on Aboriginal heritage;

- Suitable geotechnical and contamination conditions;

- Not impacted by flooding and capable of managing stormwater runoff;

- Loss of only tree which does not form part of an ecological link or an extant stand of trees, nor does it contain any hollows; and

- Not impacted by bushfire prone land.

♣ Suitable for the site of the proposed development and consistent with the public interested for the reasons outlined above.

Comment 10: The proposal attempts to overdevelop the site with car parking, traffic management issues and impact on the streetscape being primary concerns. Other important matters have not been addressed (water supply and sewerage). Refer comments 1 to 9 above.

Appendix A – Clause 4.6 Application

2.0 Clause 4.6 Exceptions to development standards

Comment: (1) The objectives of this clause are as follows—

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
[Flexibility in the maximum height development standard is sought to a height of 14.5 metres at the southern corner of the planter box at the first floor, a non-compliance of 4.5 metres or 45%. There is no maximum percentage of flexibility under the planning framework, as proven in SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 where variations of approximately 44% for the maximum height development standard and 41% for the maximum FSR development standard were approved. Accordingly, the degree of flexibility pursued as part of this application is acceptable.]

Comment 11: The documentation refers to legal case that ‘proves’ there is no maximum percentage of flexibility under the planning framework in relation to exceeding the standard height. However, a key consideration in that case (SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112) was that Council had already set a precedent nearby, by approving developments adjacent to the proposed development that also exceeded the standard by a similar amount, and it was this precedent that led to the approval (see figure below). A similar situation does not exist for 87 Old Bells Line of Road.



Repeated references in the documentation to other developments in other LGAs (e.g. Sutherland) is confusing and raises the question of whether other information is included in the application that actually relates to another project that differs from the proposal under consideration.

political donations and gifts disclosure statement



Office use only:

Date received: ____/____/____

Development Application no. 0239/21

This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to a council.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below).

Once completed, please attach the completed declaration to your planning application or submission.

Explanatory information

Making a planning application to a council

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a *relevant planning application* to a council is required to disclose the following *reportable political donations and gifts* (if any) made by any *person with a financial interest* in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

Making a public submission to a council

Under section 147(5) of the Act a person who makes a *relevant public submission* to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any *associate of that person* within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- (b) if the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts.

A Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council is available from Council.

If you do not have a disclosure

Should you have no reportable political donations and gifts to disclose simply complete and sign the declaration below.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

I, ROBERT BOSLER declare that I have not made any political donation or gift as outlined in
[Name]

the Local Government and Planning Legislation Amendment (Political Donations) Act 2008.

.....

13/10/21
Date

From: Robert Bosler [REDACTED]
Sent: Wednesday, 13 October 2021 11:55 PM
To: Hawkesbury City Council
Subject: Submission in relation to DA0239/21 - 87 Old Bells Line of Road Kurrajong NSW 2758
Attachments: 87 Old Bells Line Of Road KURRAJONG submission RB.pdf; Disclosure Statement RB.pdf

General Manager
Hawkesbury City Council

Dear Sir,

Please find attached;

- submission in relation to DA0239/21 – 87 Old Bells Line of Road Kurrajong NSW 2758 raising various concerns/objections
- Disclosure Statement

Please let me know if you need any further information or clarification.

Yours faithfully,
Robert Bosler
[REDACTED]

From: David Jones
Sent: Wed, 15 Sep 2021 13:48:43 +1000
To: Hawkesbury City Council
Subject: 87 Old Bells Line of Road Kurrajong
Attachments: Hawkesbury City Council KNB.pdf

Objection letter attached.

**Hawkesbury City Council,
George Street,
Windsor. NSW 2753**

14 September 2021

RE: Lot 1 DP715623, 87 Old Bell's Line of Rd, Kurrajong 2758

DA 0239/21

I want to Register my Objection.

I have lived in Kurrajong all my life. It is a unique little village. Not much has changed here and that is the attraction. Many families have stayed including mine.

Places like Kurrajong, Kurrajong Heights, Bilpin, Mt. Tomah, and Blackheath, all have something to offer the visitors who come to leave the city behind for the day.

We already have a supermarket, a butcher, chemist, doctor, hairdresser, bottle shop, bread shop, hardware store, deli and restaurants, real estate agents, two clothing shops, and even a tattoo and a record shop. The scale of this development is completely out of keeping with the rest of the village.

While we welcome new ideas and new enthusiasm for our town, it is important to recognise what the village appeal is.

Our town has the backdrop of the mountains on one side and the city on the other.

This development is on a large block of land with two road frontages. This land has never been built on before. It is therefore a unique opportunity to build something special that takes into account its surroundings and the view that it overlooks. I don't believe this development does that.

This is really about the 'Vibe' of the village. We don't want a big town. It is not what we are here for.

Karen Buckett

Resident since 1953

SUBMISSION ON PROPOSED SHOPPING CENTRE, 87 OLD BELLS LINE OF ROAD, KURRAJONG: DEVELOPMENT APPLICATION 0239/21

Introduction

This is a Submission on the shopping centre proposed to be constructed at 87 Old Bells Line of Road, Kurrajong. The site is currently vacant, except for its use as a parking area for the Bennett Real Estate office opposite. This Submission has been prepared by Christopher Hallam BE, MEngSc, FIEAust. I have approximately 50 years of experience as a professional traffic engineer. I wrote the original 1984 Roads & Traffic Authority document *Policies, Guidelines and Procedures for Traffic Generating Developments* and was responsible for the updated Sections 3-6 in the current *Guide to Traffic Generating Development*. I am currently an Expert Member on the Penrith and Blue Mountains Local Planning Panels. I have been a resident of Kurrajong for 45 years. This Submission concentrates on my areas of principal expertise, being traffic and parking, while providing some comment on other issues.

Traffic Impact

Section 5.3 of the *Traffic & Car Parking Impact Assessment* by EB Traffic Solutions Pty Ltd discusses Traffic Impact. This report appears to be a bit of a cut-and-paste, with referenced documents and discussions referring to the “City of the Hills” and “The Hills Shire Council”. The opening sentence states that the report assesses a current out of school hours care operation. The report sets out the components of the proposed development as follows:

- Supermarket 645 m²
- Retail (5 shops + kiosk) 675 m²
- Restaurant (3 premises) 564 m²

I note that on the Ground Level, the main restaurant, with a floor area of 338 m² has exclusive use of the large Terrace area in front, providing good views towards Sydney. This terrace area has not been included in the assessment of traffic generation or parking demand. I estimate the area of this terrace to be approximately 200 m². With bifold doors opening onto this terrace, it clearly is intended to be an integral part of the restaurant floor area and yet its impact has not been considered.

They have estimated the Thursday afternoon peak hour traffic generation as being 120 veh/hr for the supermarket and retail shops, based on 645 m² of supermarket and 412 m² of retail shops. This estimate was made using the RTA’s *Guide to Traffic Generating Developments*, (October 2002.) But why has the retail area been reduced from 564 to 412 m²? Clearly this is a mistake, since the full retail area is used for the assessment of car parking. If the correct areas are used for the Thursday afternoon, and using the RTA *Guide* disaggregated model instead of the simple rate (giving a lower figure, to be conservative), the peak hour generation is 131 veh/hr. Then the restaurants need to be added. They only

quote restaurants floor area of 338 m² instead of the correct 564 m². At the RTA *Guide* rate of 5 veh/hr per 100 m² GFA, this becomes a figure of 28 veh/hr. This takes the total Thursday afternoon peak hour traffic generation to 159 veh/hr.

This report's impact assessment is in the following terms: *Traffic generated by the staff and customers is minimal and not expected to adversely impact upon the safety or operation of the surrounding road network.* But how can they come to this conclusion when they have not undertaken any traffic counts?

There is also the question about the likely time of peak activity of this development. The *Statement of Environmental Effects (SEE)* talks a lot about the major benefit of the development will be to attract people to the village who will come for lunch for the great views towards the City. If you have been a resident of Kurrajong for as long as I have, you will know that it is busier during the day on the weekends than at other times. Thus, the key period to assess traffic and parking impacts is the weekend, in the middle of the day, a period when shops are also busy, and presumably a period when residents will be flocking to the new supermarket on the site to buy their weekly supplies.

Using the RTA *Guide* disaggregated model for the late Saturday morning peak hour, the supermarket and shops will generate 167 veh/hr. The restaurants will be approaching their peak time. Unfortunately, the RTA *Guide* does not provide a lunchtime generation rate, because their surveys only covered the evening. I organised those surveys and at the time, traditional restaurants were typically busier in the evening. Taking the evening rate as applicable to the lunchtime, they would add 28 veh/hr, taking the total generation to 195 veh/hr. This figure takes no account of the additional 200 m² of outdoor restaurant terrace. To put the figure of 195 veh/hr into perspective, a typical McDonalds take-away restaurant generates 180 veh/hr.

With no traffic count data provided, nothing is known about the impact of this figure of almost 200 veh/hr, at the time when the village is very busy. The obvious question is: What will happen at the intersection of Timms Hill Road and Old Bells Line of Road? What will the delays be? Traffic counts should have been provided for the three intersections of Old Bells Line of Road with Timms Hill Road, Grose Vale Road and Woodburn Road. Woodburn Road is only about 10 metres to the East so potential traffic interactions should be assessed. Timms Hill Road has a steep uphill gradient approaching Old Bells Line of Road, having some impact on sight lines. While the situation might be satisfactory at present, will it remain satisfactory when almost 200 veh/hr is added, or will intersection improvements be required, to be paid for by the developer of this site?

On the subject of traffic generation, the daily traffic generation, based on rates in the *Guide to Traffic Generating Development*, would be:

Retail 1320 m ² @ 121 veh/day/100 m ² GLFA	= 1597 veh/day
Restaurant 564 m ² @ 60/100 m ² GFA	= 338 veh/day
Total	= 1935 vehicles per day

If the Ground Floor restaurant terrace area was added, there would be an additional 120 vehicles per day.

Section 5.1 briefly discusses *Commercial Vehicles*. While the size of vehicles is discussed, there is no indication on the number of service vehicle movement. Also, sewage has not been mentioned. Properties are currently on pump-out systems. What designs have been made for sewage storage and pump-out? How many pump-out truck movements each week? This would depend on the volume of waste generated each day, the storage capacity and the size of the collection tanker. Where will the pump-out trucks stand while collecting the sewerage?

As a final comment on traffic impacts, the Traffic Study describes Timms Hill Road having a traffic lane and parking lane in each direction. However, the carriageway width as measured between the bottoms of the roll kerb inverts is 8.9-9.0 metres. Allowing for a minimum of 3.0 metres for each traffic lane, only 2.9-3.0 metres is left, which is not adequate for two parking lanes. While no kerbside parking restrictions are currently needed, when traffic flows in this residential street are probably very low, if almost 200 veh/hr is added and if there is increased pressure to use the kerbside for parking, parking restrictions will need to be imposed for the safe movement of traffic. Again, the Traffic Study is silent on this issue. AS1742.11 and AS/NZS2890.1 talk about parallel parking space widths of 2.1-2.3m. Figure 2.5 of AS/NZS2890.1 shows a lane width of 3.0m as the minimum with parallel parking, which would be anticipated for a peak hour two-way traffic generation of about 200 veh/hr. Clearly the carriageway width cannot accommodate more than one kerbside parking lane. I would anticipate that the parking on the south-west side of Timms Hill Road would need to be prohibited, to minimise vehicle/pedestrian conflicts with customers parking on this side and walking across the street to the shops.

Car Parking

Section 4 of the Traffic Study discusses car parking. It sets out the DCP car parking requirement as being 64 spaces, based on the floor areas set out in the proposal. With the restaurant on the Ground Floor, the indoor 338 m² is used. The Terrace directly in front of this restaurant is presumably where customers will want to dine on a fine day at lunchtime. However, the area of this terrace is not included in the parking calculations, presumably because it is open and hence not gross floor area. This terrace has an area of approximately 200 m², taking the restaurant floor area from 338 to 538 m². While it is seen that the DCP does not cover this situation, an analysis based on seating could be used to more accurately calculate the peak parking demand. For reference, the additional 200 m² would have a DCP-rate parking demand of an additional 7 spaces. At a typical 2 m² per person within a restaurant seating area (taken from the RTA surveys), this 200 m² terrace could seat an additional 100 patrons.

If only gross floor area is used to calculate parking, what about the seating area shown around the kiosk on the Ground Floor?

Putting the above issues aside and assuming the 64 spaces is the correct figure, how can the provision of only 48 spaces on the site be justified? The Traffic Report states:

Information provided by the client however indicates that there is ample available on-street parking within the immediately surrounding area to accommodate the development's car parking deficiency of 16 spaces during the peak time periods.

From what I observe every day in the village, there are not a lot of vacant parking opportunities and certainly not in Old Bells Line of Road. There might be some opportunities down Timms Hill Road. However, the Traffic Study is seriously deficient in not undertaking their own parking studies to prove the availability of available parking. The parking shortfall is symptomatic of an overdevelopment of the site, giving weight to the argument that the 45% exceedance of the 10 metre building height limit should not be approved.

Looking at the parking layouts in the basements, in Basement 2 the parking is combined with the loading dock, which is sensible. With just 48 spaces, the allocation of 14 spaces to Staff appears excessive, exacerbating the deficiency in customer parking. The designation of an ambulance space and a Doctor space is unusual, perhaps suggesting that a medical centre is in mind for one of the retail spaces. In Basement 2, the parking aisle is 6.0 m wide, narrower than the 6.7 m specified in the DCP, but in conformity with AS2890.1. However, this width of aisle will exacerbate manoeuvring issues with what is a very long blind aisle. The Traffic Report comments that the blind aisle extension *does not strictly comply with that stipulated in the Australian Standard, AS2890.1 (2004)*. This is an understatement. The Standard states: *In car parks open to the public, the maximum length of a blind aisle shall be equal to the width of six 90 degree spaces plus 1 m, unless provision is made for cars to turn around at the end and drive out forwards.* Between the entrance and the end of the aisle there are 27 spaces along the outside, somewhat more than the 6 spaces specified in the Standard. The reason for this is so that if drivers do not find a parking space, they can reverse back a short way only, but reversing all the way through this curved parking area is not acceptable, particularly if another driver is also on the aisle seeking parking. Placing staff parking at the end of this blind aisle is an attempt to reduce the impact but the design remains sub-standard and not appropriate for high-turnover parking in a shopping centre. This layout is not acceptable and needs to be altered.

The inherent design problem is recognised in the Traffic Study when they state:

Further, given the limited circulation areas within the car parking areas, it is recommended that dynamic parking signage be located at the entrances to the two parking areas stating the number of available customer spaces, an example of which is shown in Figure 4.1.

If the number of car parking spaces met the requirement of the DCP, with allowance for the outdoor terrace area that is part of a restaurant, and the layout of the parking areas met the relevant Standards, there would be no need for *dynamic parking signage*.

On Basement 2 two accessible parking spaces are proposed. Neither meets the requirements of AS/NZS 2890.6:2009, which specify that a clear space of width 2.4 m is required beside accessible spaces. The 1358mm beside the staff space and the column right next to the other accessible space makes them sub-standard. On Basement 1 the accessible space has a similar problem with an associated access space of just 1200mm.

In conclusion, the proposed supply of car parking is inadequate, being just 75% of the quantum calculated at DCP rates, and even more deficient if the Ground Floor restaurant terrace area is taken into account. In addition, the Basement 2 parking area is sub-standard. While there is scope to improve traffic circulation, this would result in the loss of extra parking. The *Statement of Environmental Effects* does not acknowledge the parking deficiency and gives parking a Tick in the compliance table. As with the building height issue, the proposal is an overdevelopment of the site. Reducing floor area could make the floor area match the DCP parking requirement. No doubt a restaurant with a terrace and view of the City could still be provided.

The Traffic Study does not state that the DCP parking requirement is inappropriate. It simply states:

Information provided by the client however indicates that there is ample available on-street parking within the immediately surrounding area to accommodate the development's car parking deficiency of 16 spaces during the peak time periods.

In this situation, the onus is on the applicant to provide survey information to prove that there is spare parking capacity in the area. But this raises the question: Why should this developer rely on a public resource because they propose to overdevelop a site to the extent that on-site parking cannot be provided to match the floor area proposed?

I would be surprised if any parking survey of Kurrajong on a weekend lunchtime period found many vacant parking spaces along Old Bells Line of Road. There might be some potential for on-street parking down Timms Hill Road. As I have indicated, the carriageway width of Timms Hill Road, at 8.9-9.0 m is inadequate for kerbside parking on both sides when there is a two-way peak traffic movement of about 200 veh/hr, in addition to whatever the current traffic flow is, a figure that has not been provided. Two traffic lanes, each 3.0 m wide are needed, only leaving space for parking on one side. For the reason of the safety of pedestrians, parking on the side of the site is preferable to parking on the other side. I have measured the length of the kerb from the boundary with #5 Timms Hill Road and the start of the *No Stopping* restrictions as being 48.3 m. After plotting the driveway locations and allowing clearances of about 3m on each side of the two driveways and designing spaces to meet the Australian Standards, the maximum number of car parking spaces that can be provided is four. It is not appropriate to assume kerbside parking for this development can extend further into the residential area of Timms Hill Road.

This analysis of the kerbside parking opportunities in Timms Hill Road does not take into account the probable allowance for sewerage pump-out locations. The usual design of pump-out services is for the pipes to be close to the kerb. To allow for the current pump-out truck, the logical location is between the two driveways. This would require parking

restrictions which would reduce the potential on-street parking by two spaces, unless there was a plan for sewerage pump-out to be undertaken out-of-hours. Since the whole question of on-site storage capacity and sewerage pump-out is not mentioned in the documents submitted, it is not known how this would work.

Acoustic Report

The Acoustic Report by Acousticworks relies on some traffic data that is incorrect and some of the comments are unusual. Road traffic noise is an assessment issue that can cut both ways. A site in a traffic-busy environment is less sensitive to additional traffic noise compared with the same development in a quiet location. Section 6.4 refers to traffic noise in Burnett Street. While this might be a typographic error, with the donor report dealing with some development in Burnett Street, with the suburb not given, when Section 8 on *Road Traffic Noise* states that the current average daily traffic volume for Old Bells Line of Road is estimated to be approximately 2,000 vehicles per day, and the development is predicted to produce an additional 350 vehicle trips per day, based on the *RMS Guide to Traffic Generating Developments*, an alarm is raised about whether the numbers refer to some different development in another location. Section 10 *Conclusion* refers to the proposed development as being a car wash café.

The Traffic Report provides no information on current traffic flows in Old Bells Line of Road, so I do not know about the accuracy of the 2,000 veh/day mentioned in this Acoustic Report. What I do know is that the daily traffic generation of the proposed development is substantially higher than the 350 veh/day quoted. As previously discussed, based on the *RMS Guide*, and for the moment ignoring the additional impact of the Ground Floor restaurant terrace of some 200 m², the projected daily generation is 1935 veh/day. I do not know if the adoption of this figure would lead to different conclusions. However, it does give rise to concern about the adequacy of this Acoustic Report.

One of the big noise issues is likely to be the Ground Floor restaurant terrace. I note the recommendation in Section 9.1 that the *use of the kiosk and sitting areas (on both ground and first floor) shall be limited to the hours of 7am to 6pm Monday to Saturday and 8am to 6pm Sunday*. I assume this recommendation includes the restaurant terrace on the Ground Floor. I also note that Figure 3 recommends the construction of a 1.8m high acoustic barrier around the outside of the Ground Floor restaurant terrace area. From a noise impact perspective, these recommended controls are supported.

Conclusions

The documentation provided with this development proposal is inadequate to enable an adequate assessment to be undertaken. Of the issues I have reviewed, it is possible that an adequate assessment of the external traffic impacts of the development might show that traffic impacts can be mitigated with possible intersection works at the junction of Old Bells Line of Road and Timms Hill Road, and with appropriate kerbside parking restrictions in Timms Hill Road. However, on the car parking issue, the proposal is an overdevelopment of the site, with an unacceptable shortfall in on-site parking and with the layout of the Basement 2 parking area totally unacceptable. With the very significant issue of the excess height of the building, a better outcome might be achieved if the building was lowered, to fit within the height limits, which could also result in a sufficient reduction in floor area to allow the development's car parking requirement to be provided on the site. In summary, this is an OBJECTION to the development as proposed.

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