Submission to NSW Land & Environment Court

Parking and Traffic

Re: 231 Whale Beach Road, Whale Beach, NSW

19 March 2024

Friends of Whale Beach Association Inc

…Executive Summary (page 2 of 2)

Our objection to the Appellant's request is predicated on <u>three fundamental issues</u>:

1. The very limited public parking available for members of the public who want to access Whale Beach for sport and recreation will be seriously compromised by an expansion of the venue limit
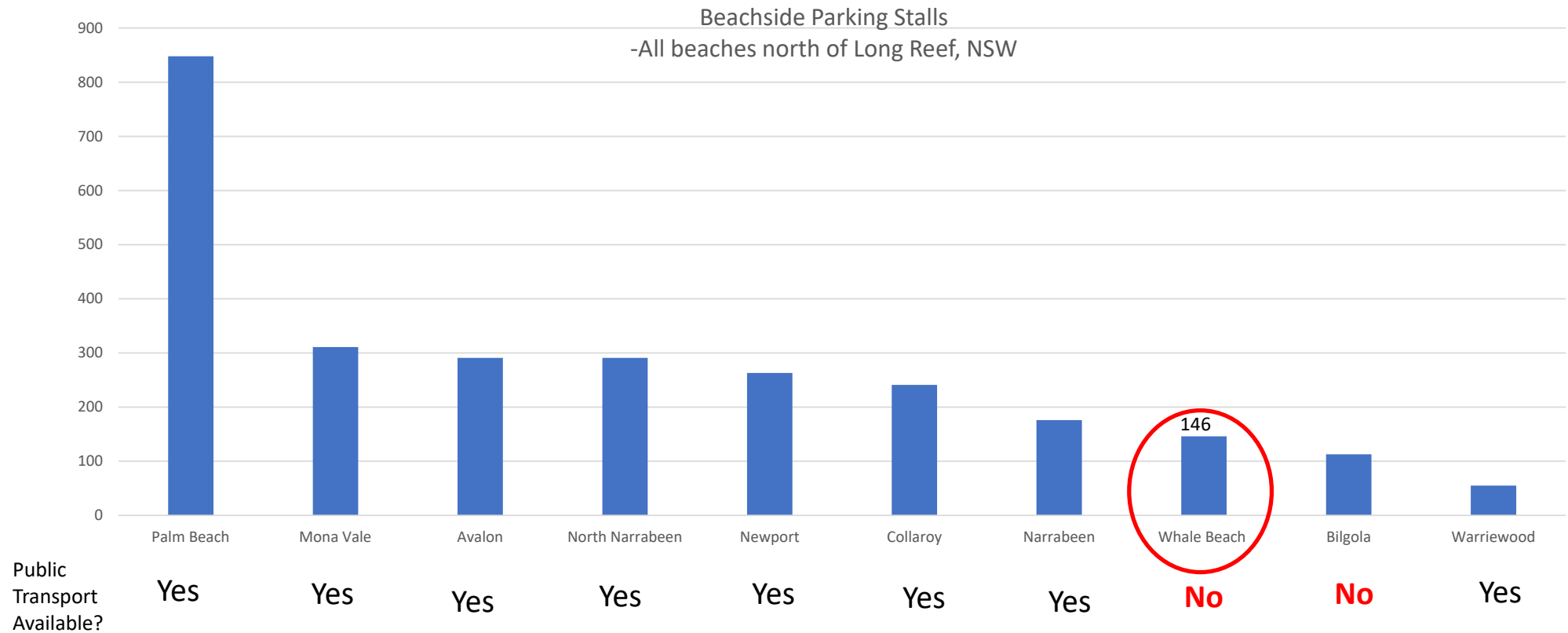
- Parking availability at Whale Beach (146 stalls) is already extremely limited compared to other Northern Beaches locations

- Public transport is not an option unlike other beach areas – meaning the only viable option to access the beach is to drive and park; for this reason, a public car park is essential is access is to be equitable

- Fresh data captured across many weekends demonstrates that many users will simply not be able to access the beach –on average on a warm weekend day there is just under <u>2 parking stalls available out of the 146</u>…

- …and this is *before* the additional demand created by the 70-person limit that is already approved for the venue

- Adding even further demand for scarce parking stalls by allowing a *further* 46-96 (total of 116 – 166) patrons and employees will essentially transfer the benefit of a public asset to a private owner

2. The congestion already seen on busy weekends as people jockey for scarce parking stalls will exacerbate the safety and wellbeing of visitors to the beach

- Congestions already results in many, many instances of illegal parking, which is not policed;

- In addition, notwithstanding the 10 km/h speed limit signposted throughout the parking lot, recent data demonstrates that the average speed observed is more than double this limit

- Association members have observed near crashes involving cars and young children as drivers seek parking spots

- Note: All people entering the water from the Surf Club have to cross the parking area to access the beach.

3. Beyond the extra burden on the very limited parking, and safety concerns, a venue of the size proposed by the Appellant will significantly impact on the access and amenity of the area, especially given the late-night service of alcohol.

Whale Beach is already a difficult beach for finding a parking stall, and public transport is not an option for beachgoers

Beachside Parking Stalls
-All beaches north of Long Reef, NSW

	Palm Beach	Mona Vale	Avalon	North Narrabeen	Newport	Collaroy	Narrabeen	Whale Beach	Bilgola	Warriewood
Public Transport Available?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	**No**	**No**	Yes

Excessive speed already contributes to a dangerous parking lot at Whale Beach – the average speed is more than double the signposted speed limit

Speed Test Results - Whale Beach Parking Lot, Whale Beach NSW

Signposted speed limit (10 KPH) to support pedestrian safety

21 kph

26 kph

30 kph

Average   85th Percentile   95th Percentile
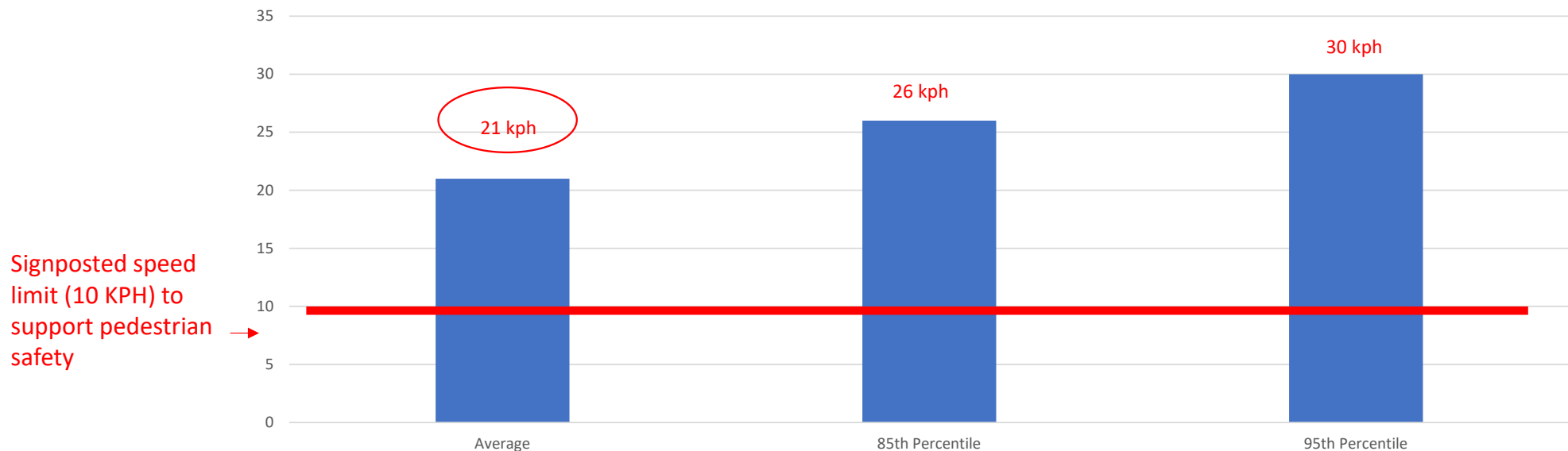
The 85th percentile speed or 85th percentile rule is a traffic engineering standard used to set the speed limit for automobiles on a public roadway. It refers to a speed where 85% of vehicles travel at or below. Likewise for the 95th percentile…

Note: Speed test conducted in February, 2024 by NBC.

Even now, parking violations are not being adequately policed. There is effectively NO enforcement (Data provided by NBC under GIPA-FoI Application)

Annual # of Parking Infringements – Whale Beach

Year	Infringements
2021	188
2022	313
2023	14
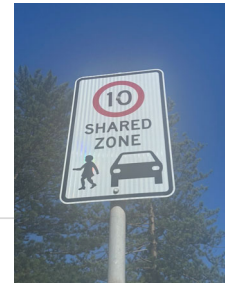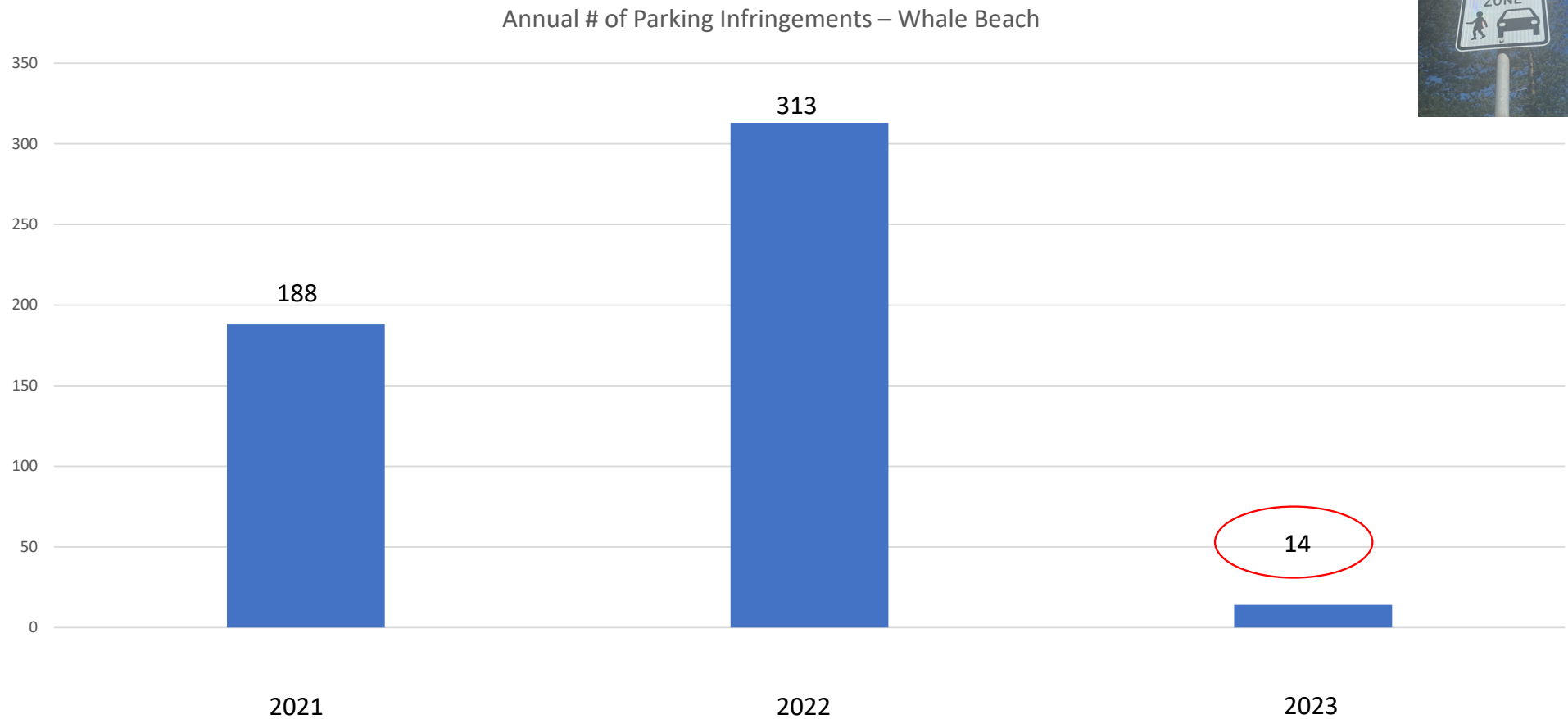
Parking availability is near zero (average of 1.5 stalls out of 146) on a broad cross-section of weekends and Public Holidays …. … and this is *before* the 70 person venue is built

Available Parking Stalls - Whale Beach NSW – October 2023 through to March 2024

Number of vacant parking stalls

Number of vacant parking stalls, less illegal cars (a better indication of demand)

Average number of net parking stalls available over monitored dates = 1.5
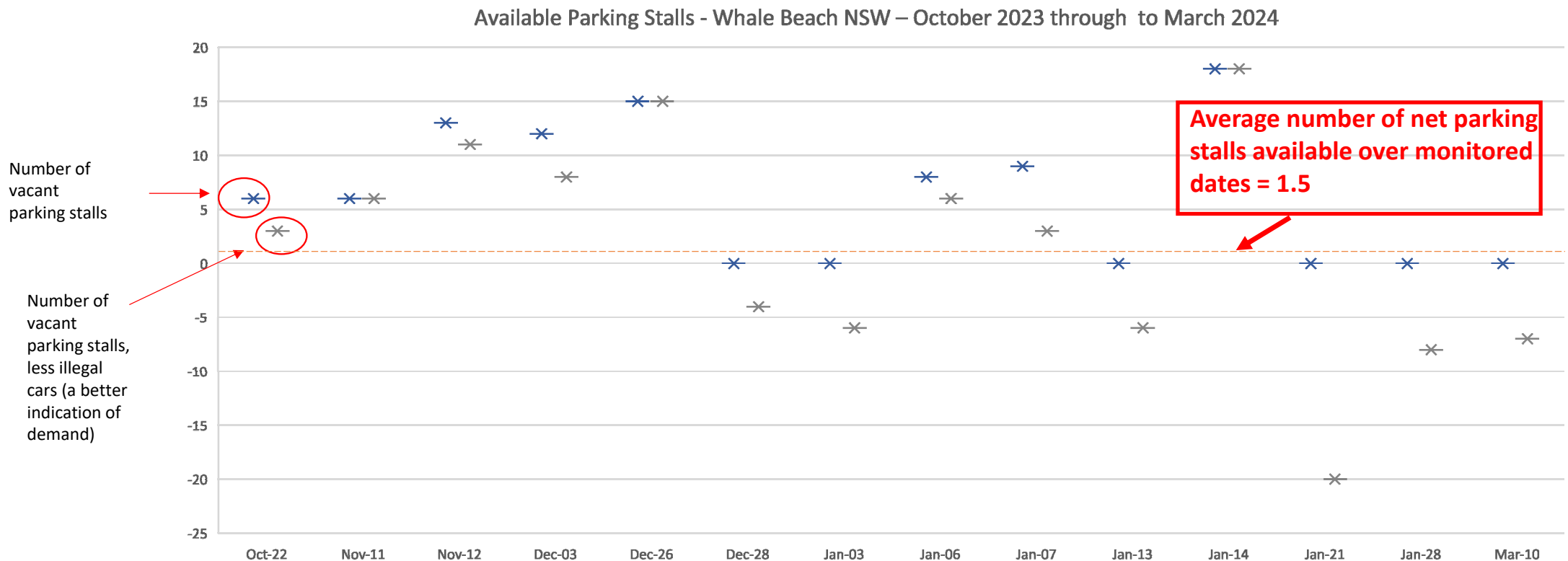
Note: Surveys conducted on weekends and public holidays at circa 1:00 PM to indicate peak demand periods The parking analysis done to substantiate even the *70-person* cap is flawed and is markedly inconsistent with resident experience – Sundays at mid-day during peak summer season sees the parking lot already full with overflow traffic taking up illegal park spots.

Source: FOWB Survey

January 26, 2024 – typical busy day at Whale Beach – Australia Day

Source: Paul Mirabelle

The cumulative effect of allowing the appeal will be to displace *actual* public users of the parking lot and in essence transfer 20 % of the lot to private use

Chart Title

■ Increase ■ Decrease ■ Total

Aggregate impact of -30 stalls during peak days (20% of the entire lot which is already full)
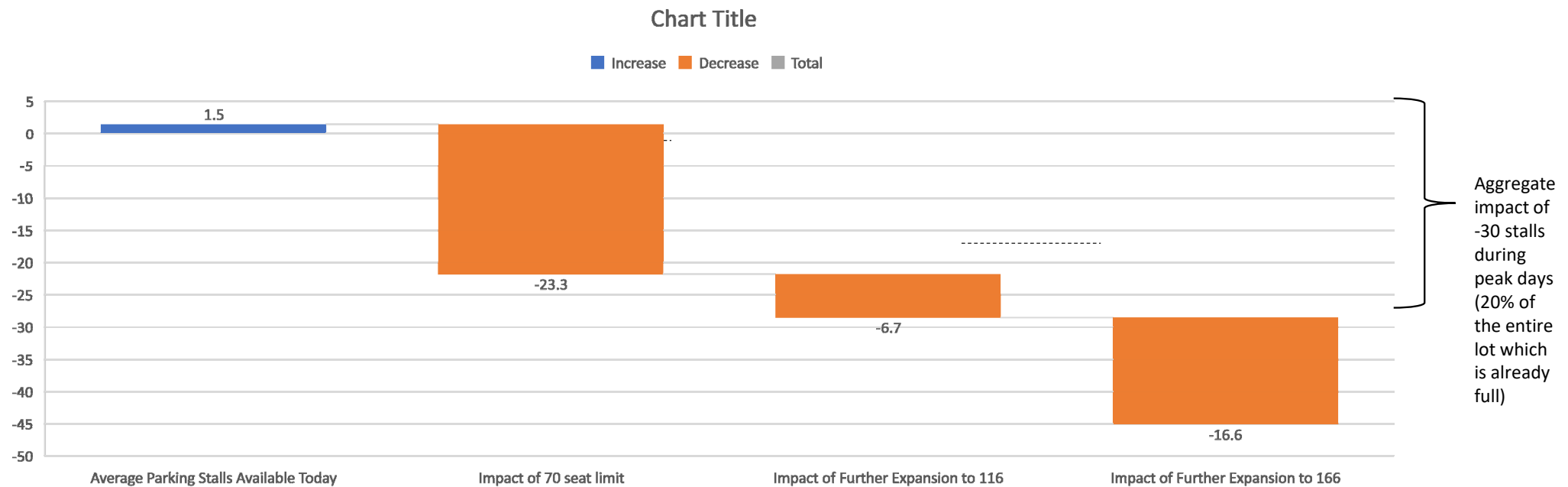
Today there are on average only 1.5 parking stalls available at peak times; once the 70-person limit venue is opened, available spots will decrease to a negative 23 spots . If the Consent Order is approved by L&E court, the cumulative available spots will be an aggregate -30 spots taken up. In other words, private use by the developer will displace actual demand of public users of the parking lot.

Note: This assumes a very conservative assumption used by RMS that a venue only requires 1 parking stall for every 3 users. We dispute that this assumption is valid here given the lack of public transport and the high cost of taxi service to the area – i.e. in our view, the ratio will be more like 1:2 or worse.

The Friends of Whale Beach Association is comprised of community members concerned about protecting equitable access to Whale Beach for all users and preserving the amenity of area for local residents, Northern beaches residents, all Sydneysiders and visitors who enjoy this unique and beautiful part of our Australian coastline.

Objects of our Association

1. **Preservation of Local Environment**: Commit to preserving the natural beauty and environmental integrity of Whale Beach and its surrounding areas.

2. **Community Engagement and Awareness**: Increase community awareness and engagement regarding local development projects and their potential impacts on the area.

3. **Advocacy and Representation**: Represent the interests of Whale Beach residents in discussions with developers, local councils, and other stakeholders.

4. **Monitoring and Reporting**: Monitor proposed developments and report on their potential impacts on local amenities, including traffic, noise, and environmental factors.

5. **Promoting Sustainable Development**: Advocate for sustainable and responsible development that aligns with the community's values and does not compromise the area's charm and ecological balance.

6. **Facilitating Community Dialogue**: Create a platform for open dialogue between residents, developers, and local authorities to ensure that all voices are heard and considered in development decisions.

7. **Legal and Policy Research**: Understand and inform the community about relevant local laws, regulations, and policies that impact development decisions.

8. **Organising Community Events**: Host community meetings, information sessions, and events to unite residents and discuss relevant issues.

9. **Building Partnerships**: Collaborate with local environmental groups, businesses and other organisations to strengthen our advocacy.

10. **Fundraising and Resource Allocation**: Raise funds to support the association's activities, including legal consultations, community events, and awareness campaigns.

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Northern Beaches Council beach permit parking areas.

1. Avalon Beach
2. Bayview Baths
3. Bilarong Reserve
4. Bilgola Beach
5. Birdwood Park
6. Clareville Beach
7. Clontarf
8. Collaroy Beach North
9. Collaroy Beach South
10. Dee Why Beach
11. Dee Why Headland
12. Devitt Street (beach end)
13. Fisherman's Beach
14. Freshwater Beach
15. Gore Street, Freshwater
16. Governor Phillip Park, Palm Beach
17. Jamieson Park
18. Long Reef Beach
19. Manly Beach (4 hours)
20. Manly Dam
21. McKillop Park Reserve
22. Mid Curl Curl
23. Robertson Street (beach end)
24. Middle Creek Reserve
25. Mona Vale Beach
26. Moore Road, Freshwater (beach end)
27. Narrabeen Street (beach end)
28. Newport Beach
29. North Curl Curl
30. North Narrabeen Beach
31. North Narrabeen Rockpool
32. Ocean Road, Palm Beach
33. Pittwater Park, Palm Beach (south carpark)
34. Narrabeen Beach
35. Sandy Bay
36. Shelly Beach (4 hours)
37. South Curl Curl
38. Spit Bridge (Battle Boulevard only)
39. Warriewood Beach
40. Whale Beach
41. Winnererremy Bay Reserve

Note: There are areas where parking permits ARE NOT VALID, including:
1X. Rowland Reserve, Bayview
2X. Church Point Reserve, Church Point
3X. Woorak Reserve and Iluka Park, Palm Beach
4X. Pitwater Park carpark (north)

Whale Beach is already a difficult beach for finding a parking stall

Beach Area	Number of Parking Stalls (Lot only)	Public Transport Available?
Palm Beach	838	Yes
Whale Beach	146	No
Avalon Beach	291	Yes
Bilgola Beach	113	No
Newport Beach	263	Yes
Mona Vale Beach	371	Yes
Warriewood Beach	55	No
Collaroy Beach	241	Yes
North Narrabeen	291	Yes
Narrabeen	176	Yes

Source: NBC Signage; FOWB Count; NSW Transit

Back up Data

Day	Time	Temperature	Weather Conditions	Vacant Spots	Other Observations
Oct-22	12:00 PM	24	Sunny	6	3 illegally parked
Nov-11	11:30 PM	22	Sunny	6	quite a traffic jam today, although very few people were on the beach.
Nov-12	12:50 PM	24	Sunny	13	Beach not busy; WBSLC lot full; two illegally parked cars; abandoned car remains in handicap spot
Dec-03	12:08 PM	23	Sunny	12	4 illegally parked; 4 disabled spaces available
Dec-26	1:10 PM	26	Sunny	15	warn
Dec-28	1:15 PM	26	Sunny	0	16 cars parked illegally ; 6 cars roaming
Jan-03	1:15 PM	28	Sunny	0	busy lot with 6 parked illegally
Jan-06	1:30 PM	27	Sunny	8	2 illegal cars
Jan-07	1:06 PM	25	Sunny	9	very windy; PM noted 12 @1:55; 6 illegal cars
Jan-13	1:10 PM	26	Sunny	0	very congested; many illegally parked cars and cars waiting; good video
Jan-14	12:45 PM	24	Rainy/overcast	18	Not a great beach day but still a lot of cars
Jan-21	1:00 PM	29	Sunny	0	20 illegals in No Stopping
Jan-28	1:00 PM	26	Sunny	0	Parking lot swamped
March 10	11:03	27	Sunny	0	7 Illegally parked

Note: All surveys conducted by H. Scruby, P. Mirabelle and K. Naito