

Liza Cordoba, Principal Officer Land Release  
8am to 5.30pm Mondays to Thursdays, 8am to 5pm Fridays  
02 9970 1150

31 January 2012

(Your Ref: MP10\_0177 MOD 4)

Mr A Bright  
Acting Director, Metropolitan & Regional Projects South  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Bright

**RE: COUNCIL SUBMISSION TO MP10\_0177 MOD 4, APPLICATION FOR MODIFICATION  
OF MAJOR PROJECT APPROVAL UNDER SECTION 75W**

I refer to your letter of 18 January 2012 advising Council of the amended modification application (MP10\_0177 MOD 4) now sought by the application and inviting Council to make a submission by 1 February 2012.

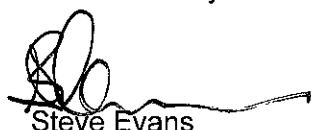
Council objects to a number of changes proposed by this amended modification application, particularly:

- (a) The application of credits attributed to roadworks:
  - within Pittwater Road (a state road to which no infrastructure improvement was originally identified under the Warriewood Valley Section 94 Contributions Plan and the improvement is necessitated directly by this development), and
  - within Macpherson Street, fronting 5 and 7 Macpherson Street.
- (b) The removal of conditions regarding the construction of a roundabout in Macpherson Street and the internal road.

Detailed reasons for objection are attached for your consideration.

You can contact me on (02) 9970 1133 if you wish to discuss any issues regarding this application.

Yours faithfully



Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY**

## THE MODIFICATION APPLICATION

Council understands that the amended application now seeks the following modifications to the Project Approval:

1. Amend Condition F15 by inserting a new subclause (e) providing for the works required to lengthen the right turn bay within Pittwater Road to be deducted from the required Section 94 contributions for Traffic and Transport (to the value of \$139,412.10);
2. Amend Condition C6 by:
  - Inserting a new subclause (n) providing for all works in Boondah Road to be completed as part of Stage 2 of the development (the proponent has accepted Council's suggested wording for this caveat);
  - Deleting subclause (d) (i) relating to the required roundabout at the intersection of Macpherson Street and the entry to the Anglican Retirement Village (ARV), including cost sharing with the ARV;
  - Amending subclause (m) (i) to delete reference to the internal road; and
  - Inserting a new subclause (o) providing for the cost of the required road works for the frontage of 5-7 Macpherson Street to be credited from Pittwater Section 94 Contributions Plan; and
3. delete Condition C7 relating to the internal road.

## MATTERS RAISED

### 1. **Works within Pittwater Road (Condition F15)**

- Council notes the applicant is not seeking deletion of this condition as originally sought following objections by Council and the Roads and Maritime Services (RMS).

Nonetheless, the need to lengthen the right turn lane within Pittwater Road (as required under Condition F15) was specifically generated by the approved development (MP09\_0162 and MP10\_0177). Additionally, this infrastructure requirement was not required/identified for the Warriewood Valley Release Area development, therefore is not a work item in the current adopted *Warriewood Valley Section 94 Contributions Plan No 15 Amendment No 16*.

Council refutes the statement that "...the developer shall undertake the proposed civil works on Pittwater Road as works-in-kind.." made by the RMS in its letter to the Department dated 19 December 2011:-

- (a) No infrastructure improvement within Pittwater Road is identified in the Warriewood Valley Contributions Plan or the background document entitled "Warriewood Valley Roads Master Plan – 2006 Review".

Conversely, Meriton may wish to take up the issue of co-funding the cost of the works directly with the RMS, as the turning bay is a required improvement to the RMS' main road infrastructure.

- (b) The RMS incorrectly identified \$139,412.10 for intersection upgrades at Pittwater Road and Warriewood Road. The works item estimated at \$139,412.10 are for works within Warriewood Road (one of the entrances into the land release). The works in Warriewood



Road seeks to improve access into Pittwater Road at this intersection (A copy of the design plans is provided for your information).

The item in the Section 94 Plan does not relate to the right turn lane extension in Pittwater Road as required by Condition F15.

- (c) The need to extend the right turn lane in Pittwater Road (at the intersection with Warriewood Road) is generated by the approval of the subject development, as the higher density approved for this development will generate traffic volumes greater than what was originally calculated in the Warriewood Valley Roads Master Plan – 2006 Review.

Council considers that the latest Halcrow Traffic Report (dated 20 December 2011) does not change the findings of previous consultant reports (including Halcrow's own report of February 2010) that the right turn lane on Pittwater Road will require extension as a result of the additional traffic generation by the Meriton development. Council's comments dated 17 November 2011, in regard to Condition F15 are reiterated as follows:

*Applicants Traffic Impact Assessment (Halcrow, Feb 2010)*

*This report identified (Pg 8) that the right turn bay in Pittwater Road at Warriewood Road prior to the approval of the development was operating "close to capacity, with the right turn bay in Pittwater Road currently overflowing onto adjoining lanes on occasions during peak hours".*

*In the assessment of traffic conditions with the development in place (Pg 14) it says that the intersection would operate satisfactorily based on their assumption that "the right turn lanes into Jacksons Road and Warriewood Road (from Pittwater Road) was assumed to be lengthened to overcome the existing problem with queues overflowing into through lanes". Their assumption is that this upgrade work was already identified in an item in Council's WVRMP (2006 review) and as an item in the Warriewood Valley S94 Infrastructure Plan, which is not correct. This assumption is repeated in report conditions on page 23.*

*The consultant's assumption is not correct as there is no reference in Council's WVRMP to extending the right turn lane in Pittwater Road. Figure F1 in Council's WVRMP which is a concept plan for the upgrading of this intersection which is the basis of the item in Council's S94 Infrastructure Plan, clearly shows the proposed additional turning lane in Warriewood Road but shows no changes to the existing right turn turning lane in Pittwater Road. The extension of the right turn lane in Pittwater Road was not included in the WVRMP as it was considered that this area of the intersection would function to an acceptable standard for the expected traffic generated by the density of the development approved for Warriewood Valley Land Release.*

*As it is the conclusion of the Halcrow report that the extension of the subject right turn lane is necessary to cater for the increase in traffic generation directly related to the increased development density approved by the PAC for the site, this infrastructure improvement is directly linked to and necessitated by the approval of the Meriton development and so should be provided by the developer as per the requirement of Condition F15.*

Assessment of traffic Impact (Traffix, April 2010)

*This report (Pg 6) concludes that it is necessary to "upgrade the intersection of Warriewood Road and Pittwater Road" to cater for the additional traffic generated by the proposed development.*

*This supports the retention of F15.*

RTA Comments on Development Application (Letter of 19 October 2010)

*Following consideration of the Meriton Development Application and the Assessment of Traffic Impacts report by Halcrow, the RTA provided a recommendation (No 3) that was included by the PAC as Condition of Approval F15.*

*Council supports [and continues to support] this recommendation which reads:*

*"As indicated within the Halcrow report, the right turn movement from Pittwater Road into Warriewood Road at the intersection of Pittwater Road/Warriewood Road/Hunter Street currently overflows into the through traffic lanes. To address this issue along with the increased turning movements associated with (Stages 1 & 2) of the development, the developer will be required to lengthen this right turn bay to provide a minimum of 80m storage +taper."*

PAC Conditions of Approval

*Following assessment of the Meriton DA by the PAC and in consideration of all comments received, the PAC considered that the proposed development itself necessitated the upgrading of the slip lane in Pittwater Road at its intersection with Warriewood Road to cater for the anticipated traffic volumes.*

*It was also determined that as the extension of the right turn lane in Pittwater Road was necessitated by the increased traffic that would be generated by the Meriton Development by the approved increased development density, this work should be provided by the developer as a direct condition of consent, hence F15 should remain.*

The requirement to construct the right turn lane (via Condition F15) must be adhered to given the traffic generated by this one development and importantly, the responsibility of the developer (Meriton) to provide.

- (d) Levying for infrastructure is based on a nexus where the infrastructure identified is delivered via a 'cost sharing' approach across an intended area.

The works in Pittwater Road now imposed by Condition F15 was never identified infrastructure for the purpose of cost sharing, therefore does not appear in any Council reports particularly the Warriewood Valley Section 94 Contributions Plan.

Providing for Meriton to be credited for the works in Pittwater Road (necessitated directly by their development alone and not identified in Council's works schedule for Warriewood Valley Section 94 Contributions Plan) will result in an unfunded liability and sets a precedent that is inequitable to other developments in the land release.

Council understands that the RMS is currently investigating/ carrying out Bus Priority Works at a number of intersections along Pittwater Road and the subject intersection may

feature as part of that upgrade. Meriton may wish to discuss this aspect directly with the RMS.

## **2. Boondah Road (Condition C6)**

Council's letter of 17 November 2011 raises no objection to staging the approval and construction of all roads works in Boondah Road and the roundabout at the Boondah Road-Macpherson Street intersection as part of the Stage 2, with completion of the road works occurring prior to occupation of Buildings H, I, J, K, L, M, N, O & P.

Council notes that Meriton has agreed to the following wording of the caveat, namely:

*"All references to Boondah Road in Condition C6 will also include reference to the balance of proposed roadworks not completed as part of Stage 1 which, while relevant to the overall development, will be deferred until the construction and prior to final occupation of Buildings H, I, J, K, L, M, N, O & P thereby providing access to Stage 2 of the development."*

## **3. Macpherson Street (Condition C6)**

### **(a) Construction of roundabout**

Council objects to the proposed deletion of condition C6(d)(i). The subject roundabout provides a controlled intersection for the intersecting access points for both developments with Macpherson Street and is a direct result of both developments. The roundabout at this location was not identified in the original infrastructure requirements for Warriewood Valley and therefore is not a works item in the Warriewood Valley Section 94 Contributions Plan.

Meriton, in its advice to the Department, indicated that the roundabout is required to be constructed by the Anglican Retirement Village (ARV) development prior to the Occupation Certificate for Stage 1, which has been completed. Meriton's advice is incorrect. The consent for the ARV development, to be constructed/completed in stages was issued in April 2006 (and subsequently amended). The construction of the roundabout is required for completion prior to the issue of the final Occupation Certificate being issued for the project (thus at the end of the final building stage) rather than Stage 1 as surmised by Meriton in its submission to the Department.

Condition C6(d)(i) of MP10\_0177 require the roundabout to be constructed in Stage 1 and to be completed prior to Occupation Certificate being issued for any buildings in Stage 1. This condition is not a duplication but reinforces the shared outcome that requires ARV and Meriton to provide and fund this roundabout because it is collectively used by both developments and hence its cost should be equitable shared.

Deletion of C6(d)(i) is inequitable for ARV, particularly as ARV's aged care facility has a significantly lower traffic generation to the approved residential development being constructed by Meriton. In this circumstance, the construction of the roundabout is more pertinent for the higher traffic generating development, which is the Meriton development to minimize likely traffic and pedestrian conflicts.

The condition as worded should be retained. The condition provides for both developments to share costs towards the construction of the roundabout. Meriton

therefore needs to arrange/coordinate with ARV the construction of this roundabout facility and not seek to remove its involvement in the provision of this facility.

(b) Roadworks in front Nos 5 and 7 Macpherson Street

Condition C6(a) requires works to the full length of Macpherson Street (including 5 and 7 Macpherson Street) and Boondah Road frontages of the development site and including works associated with the intersection access to the development, accounted for as direct provision with the approved development.

The approved development is located in the section of Macpherson Street that contains a bend in the road alignment. Access into Stage 1 of the development is generally off Macpherson Street and vehicles will travel either direction along Macpherson Street to enter and leave this development. Pedestrian movement from this development will also travel either direction of Macpherson Street, particularly towards Pittwater Road to access the direct bus services to the City.

This development has necessitated the roadworks along Macpherson Street between Boondah Road and the intersection to the ARV access road including the bend in Macpherson Street immediately fronting 5 and 7 Macpherson Street.

This type of improvement to existing roads being infrastructure directly provided through the development consent therefore are not in the Warriewood Valley Contributions Plan and monetary contributions have not been received for such roadworks. Any proposal to credit works typically provided by direct provision will result in an unfunded liability against the Warriewood Valley Contributions Plan.

Conversely, to delete the requirement to construct the section of Macpherson Street in front of 5 and 7 Macpherson Street would result in adverse traffic and amenity impacts due to:

- the missing section of road 55m in length, is located on a bend in Macpherson Street;
- the missing section of road includes kerb & gutter required for road drainage and to define and support the road edge and provide protection to the adjoining footpath construction, including reduction in kerbside parking; and
- the missing section of pedestrian footpath that would be of benefit to residents of this development and wider community.

The Planning Assessment Commission in its decision to impose condition C6(a) recognized the need for continuity of the roadworks along the frontage of the development site and Nos 5 & 7 Macpherson Street for safety and functional reasons.

Condition C6(a) must be retained.

A credit must not be afforded to the applicant, regarding the roadworks fronting 5 and 7 Macpherson Street as the approved development generated the requirement for roadworks along this section of Macpherson Street including the section fronting 5 and 7 Macpherson Street particularly the configuration of the road fronting Nos 5 and 7.



#### **4. Amend reference to 'internal road' (Condition C6)**

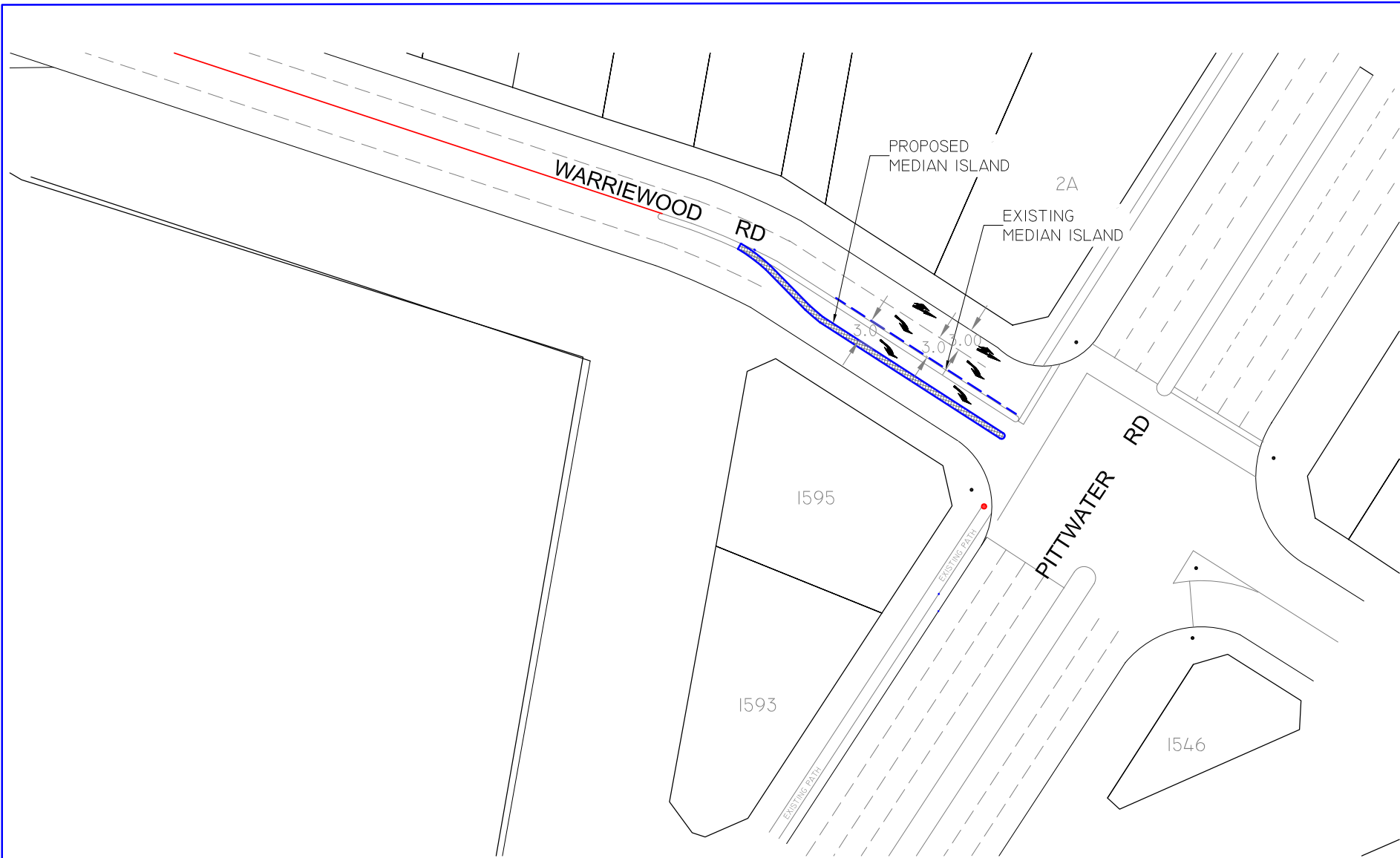
The request to amend condition C6 m i relates to the reference of 'internal through-road'. The intent of the condition relates to the entry treatments into the site, rather than the internal through road.

In this regard, no objection is raised to amending Condition C6 m 1 by deleting the words "internal through-road linking".

#### **5. Implications with deleting Condition C7**

Condition C7 is entitled "Internal Road Network (within the development site)" however the intent of the condition relates to all civil engineering works roads and drainage being undertaken within the development site, which is still required for the approved development regardless the Planning Assessment Commission has modified the design of the internal through-road link (under MP09\_0162 MOD 1).

It is therefore more appropriate to amend condition C7 by replacing the title "Internal Road Network" with "Civil Engineering Works" and deleting from C7 a vi, the words "internal through-road linking".



**PLAN**

SCALE: 1:500

SCALE (A3 PLOT)



		ADOPTED AT MEETING		LEVEL DATUM	AUTOCAD 2009-12DWG	S.SUTRESH
				ORIGIN OF LEVELS	DATE:	Drawn
				CO-ORD SYSTEM	RECOMMENDED FOR APPROVAL :	APPROVED FOR CONSTRUCTION :
		WORK AS EXECUTED		ORIGIN OF CO-ORDS	Designer	Project Leader/Design
		BY:		SURVEY AZIMUTH	DESIGN APPROVED :	APPROVED :
		DATE:		DATA BASE	FIELD BOOK	Urban Infrastructure Manager
				SURVEYED	---	Engineer/Works
No	DATE	AMENDMENTS		INITIALS		

**WARRIEWOOD RD/PITTWATER RD**

**WARRIEWOOD**

**PROPOSED CONCEPT PLAN OF  
SLIP LANE-S94-WORK ITEM NO-7**

PLAN No.  
**2009-12**

SHEET No. No. of SHEETS  
**1 1**