

13 August 2012

Mr Alan Bright
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NSW Department of Planning & Infrastructure
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Dear Mr Bright

SECTION 75W APPLICATION TO MAJOR PROJECT APPLICATIONS MP09_0162 (CONCEPT APPROVAL) AND MP 10_0177 (PROJECT APPROVAL), AT 14-18 BOONDAH ROAD, WARRIEWOOD

INTRODUCTION

Pursuant to Section 75W of the Environmental Planning and Assessment Act, 1979, a "Modification of Approval" is sought to the Concept Approval MP09_0162 and Project Approval MP10_0177 for the following:

- apply car parking rates for 2 bedroom units consistent with market demand and state government policy;
- confirm the proportion of reconstructing Boondah Road and;
- amend the Statement of Commitments – relating to when the Developer Contributions are paid.

COMMERCIAL VIABILITY

The commercial viability of development is now at the forefront of urban planning in New South Wales as a result of the recent Green Paper. With regard to car parking, two spaces for two bedroom units is not commercially viable. As of the date of this letter, 17 x 2 bedroom units have been occupied of which only 3 have 2 cars. This is equivalent to 1.17 car spaces for a 2 bedroom unit, which is consistent with the RTA Guidelines for medium density housing and the Australian Bureau of Statistic data.

Similarly it is not commercially viable to commence building the remaining units if we have to reconstruct the entire width of Boondah Road, when historically, Council has granted approvals of other developments for half road construction in the Warriewood Valley.

CAR PARKING RATE FOR 2 BEDROOM UNITS

We have instructed Cardno Pty Ltd to review the car parking requirements and research the transport options for the area.

Cardno researched the issue thoroughly, encompassing comparisons with other Councils car park rates, references to recent Census Data and a review of transport options in the area. Their report concludes that a rate of 1.2 car spaces per 2 bedroom apartment would be appropriate, which is in accordance with the Roads and Traffic Authority Guidelines. In addition it is proposed that residents within our site would benefit from a Green Travel Plan. To this end a Green Travel Plan has been

prepared which provides an exhaustive range of sustainable transport options available from our site. This is an approach we support and will be distributed to current and future residents of the site. The detailed Cardno report, including the Green Travel Plan is attached in **Annexure 1**.

HALF CONSTRUCTION OF BOONDAH ROAD

There are a number of conditions contained in the Major Project Approval MP10_0177 to undertake construction of the frontages to Macpherson Street and Boondah Road. Subsequently, we have completed reconstructing half the width of Macpherson Street with the relevant approvals from Council, provided in **Annexure 2**.

To confirm that Meriton is only requested to construct half the width of Boondah Road, we recommend that conditions in the Major Project Approval and Concept Approval be amended to remove any ambiguity to the amount of reconstruction required.

We note that Council's Section 94 Plan identifies collected funds are to go towards constructing half of Boondah Road in 2013, which confirms that Council will be re-constructing the half of Boondah Road. A copy of this works schedule is contained in **Annexure 3**. Further, conditions i(a) and i(f) from the Anglican Retirement Village Consent Approval No. N0102/05 was requested to only reconstruct half of Macpherson Street (refer to **Annexure 4**). This is likely to have occurred in all Warriewood Valley DA's where new development was proposed next to existing roads. We therefore seek a number of conditions to be varied as outlined below to ensure that only half of Boondah Road is required to be built by Meriton and the other half by Council.

CONSISTENCY - DEVELOPER CONTRIBUTIONS

Recently the Department of Planning and Infrastructure approved staging modifications to a number of Conditions in MP10_0177 MOD 8, whereby s94 payments are to be paid prior to the issue of the Final Occupation Certificate. The current Concept Plan approval needs to be updated to reflect this recent change. This is simply a matter of 'house- keeping' to ensure consistency between the two approvals.

RECOMMENDATION

Given the above issues, the following changes to conditions of the Concept Plan Approval and the Major Project Approval are proposed.

CAR PARKING RATE FOR 2 BEDROOM UNITS

Amendment to Concept Plan Approval, MP09_0612

Condition 8 be inserted within Schedule 3 of the Concept Plan Approval, as follows:

"8. Car Parking Rate for 2 bedroom units

Future Development Applications shall provide 1.2 car parking spaces for two bedroom units."

HALF CONSTRUCTION OF BOONDAH ROAD

Amendment to Concept Plan Approval, MP09 0612

A Condition be inserted into Schedule 3 of Concept Plan Approval, MP 09_0162 as follows:

"9. Road Improvement Works

"Half the width of Boondah Road must be reconstructed to be consistent with reconstructing half of the Macpherson Street frontage."

Amendment to Project Plan Approval, MP10 0177

The following conditions are to be amended in the Major Project Approval:

"Condition C6 Existing Public Roads – Roads Act Approval (Pittwater Council acting as the road authority under the Roads Act 1993)

"Engineering Plans and specifications for all roads, drainage and other civil engineering works within an existing Public Road reserve along half of the Macpherson Street frontage (including 5 and 7 Macpherson Street) and along half the width of the Boondah Road frontage, must be submitted to and a written approval under Section 139 of the Roads Act obtained from Council prior to the issue of the relevant Construction Certificate."

The Engineering Plans and specifications are to include the following matters:

a. Macpherson and Boondah Road:

Works to the full length of the Macpherson Street (including 5 and 7 Macpherson Street) and half the width of the Boondah Road frontages of the development site and including works associated with the intersection access to the development, being:"

"Condition C10 Services

a. Street lighting facilities to the development street frontages of the site and to the full length of the existing Public Road reserve frontages to Macpherson Street (including 5 and 7 Macpherson Street) and half of the width of the frontage to Boondah Road) to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.

b. All services, including electrical and telecommunications for the proposed lots, shall be provided underground. The location of any trenching and if required, a pad mounted substation(s) shall have regard for future and proposed landscaping in the public domain.

c. All existing and new utility services and adjustments to those services including overhead power supply and communication cables located in the adjacent Public Park reserve verge are to be placed and/or relocated underground for the full length of the road reserve frontages (Macpherson Street including 5 and 7 Macpherson Street, and

half the width of Boondah Road) of the development site at the full cost to the developer."

"Condition F14 Works within Council's road reserve

*Prior to the issue of a final Occupation Certificate for the buildings in each stage, all works in the public roads (Macpherson Street and **half the width** of Boondah Road) described in the plans required in the Construction Certificate (in accordance with the staging as outlined in Condition C6) must be constructed."*

CONSISTENCY - DEVELOPER CONTRIBUTIONS

Amendment to Concept Plan Approval, MP09 0612

To provide consistency between the Major Project Approval and the Concept Plan Approval, the Statement of Commitment must be updated in relation to the timing of Section 94 payments. Proposed changes to Schedule 3 of the Concept Plan, which is a copy of the Statement of Commitments, are as follows:

"1. Developer Contributions

Stage 1

*A cash contribution to the amount of \$6,941,076.64 to be made payable prior to the issue of the **Final** Occupation Certificate".*

Stage 2

*A cash contribution to the amount of \$6,221,675.36 to be made payable prior to the issue of the **Final** Occupation Certificate."*

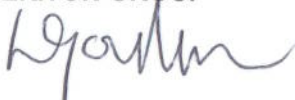
CONCLUSION

The proposed modifications to conditions are necessary for the commercial viability of the project so as to establish a realistic rate for the provision of car parking for 2 bedroom units, to confirm half reconstruction of Boondah Road, and to provide consistency between all approvals for when Section 94 contributions are payable.

Should you have any queries please do not hesitate to contact me in the first instance.

Yours faithfully

MERITON GROUP



WALTER GORDON

Manager Planning and Development