

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

20 February 2012

(Your Ref: MP10_0177 MOD 6)

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 7, APPLICATION FOR MODIFICATION
OF MAJOR PROJECT APPROVAL UNDER SECTION 75W**

I refer to your letter of 7 February 2012 advising Council of the modification application (MP10_0177 MOD 6).

Council acknowledges that the Planning Assessment Commission recently approved the modification to the Concept Approval (MP09_0162 MOD 1) which, among other changes, deleted the internal road linking Macpherson Street and Boondah and replaced it with two driveways, and re-aligned the bicycle path route within the multi-use shareway.

Nonetheless Council objects to the modification application for the following reasons:

- Insufficient information provided on the full extent of changes required by this modification, as it relates to the Project Approval.
- The 3m wide shareway is insufficient for emergency access. The modification application does not demonstrate compliance with Environmental Assessment Requirement No. 10 of the Concept Approval (as amended).
- The location and proposed uses of the shareway will result in adverse amenity impacts on the future residents of Buildings F and G (in Stage 1) and two Buildings in Stage 2.
- Council will not accept responsibility for maintenance of the shareway.
- Multi-use of the shareway as a bicycle path is not commensurate with the total cash contribution required to be paid and is inequitable.
- The plans submitted incorporate the southern-most driveway off Boondah Road, and introduces a new element to the Stage 1 development on that part of the site not in the current approval.

Detailed reasons for objection are attached for your consideration.

You can contact me on 9970 1133 or Liza Cordoba on 9970 1150 if you wish to discuss any issues regarding this application.

Yours faithfully



Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Encl: Attachment detailing reasons to matters raised in Council objection

THE MODIFICATION APPLICATION

Council understands that the modification application seeks to amend the Project Approval:

- *By amending the plans which remove the internal road between Macpherson Street and Boondah Road so as to be consistent with the recently modified Concept Approval and the amend the reference of plans in Condition A1, and*
- *To facilitate the construction of the entrance driveways into the site.*

MATTERS RAISED

1. *Insufficient information provided on the full extent of changes required by this modification, as it relates to the Project Approval*

Meriton, in its justification for lodging this modification application, states that:

"The modification merely adopts the removal of the internal road as approved under the recent changes to the concept plan. Assessment of impacts in relation to traffic movement, intersection performance and emergency across [sic] details were considered at the time the Planning and Assessment Commission approved the modification to the Concept Plant [sic]."

The notion that the change is simply with the plans (as referred in Condition A1) is incorrect.

This modification application seeks changes well beyond the plans. It extends to a range of conditions in the Project Approval regarding (but not limited to) the construction of the internal road and cycleway path. Condition A2 of the Project Approval reaffirms this approach wherein, "the conditions of this approval prevail".

Meriton's justification is insufficient.

Meriton should be requested to provide details of the actual extent of the modification and supporting documentation that addresses the full impact that Meriton is seeking in this modification application. For example, is Meriton seeking to amend or delete Conditions B12 and in regard to Condition C7(a), the reference of "roads" within the development site?

Council seeks further opportunity to review the full extent of the modification and supporting documentation **prior** to the Department making its recommendation to the Planning Assessment Commission.



2. Consideration for Emergency Access

The submitted plans show a 3m wide shareway, approximately 430m long. Access to the shareway is from the head of a cul-de-sac (directly from a private driveway) located at either end.

The recently modified Concept Approval included a new Environmental Assessment Requirement, in Schedule 3 of the Concept Approval, and reads as follows:

"10 Emergency Access

The emergency access shall meet the requirements for emergency vehicles and may be constructed as a shared way with the cycle path."

There is no demonstrable compliance with this condition.

The development site is identified bushfire prone land, and requires compliance with the NSW Planning for Bushfire Guidelines.

Three (3) metres is too narrow an access for emergency vehicles. This deficiency is further compounded by the curved alignment of the shareway relatively close to the buildings on one side whilst the other side has a steep drop off with protection fencing on the other side.

The pavement construction standard of the shareway needs to accommodate heavy vehicle loadings associated with emergency vehicles, particularly fire fighting appliances.

It is again uncertain whether Meriton also seeks to amend or delete Condition F19.

The emergency vehicle access must be a minimum 4m wide in accordance with the NSW Planning for Bushfire Guidelines and NSW Fire Brigade Guidelines for Emergency Vehicle Access, Policy Number 4, as reiterated in the NSW Fire Brigade letter to Council dated 19 January 2012 (see APPENDIX). Where articulated vehicles are required, the width needs to be increased to 6 metres for outrigger supports and further widening on bends to be able to set up and negotiate.

Council requests that this modification application be referred to the NSW Rural Fire Service as it seeks to modify the approved access arrangements for an approved residential development on identified bushfire prone land (This did not seem to have occurred as part of the Department's assessment in the recently modified Concept Approval).

3. Utility of the Shareway and Reduction in Amenity

As discussed in 1 above, the documentation submitted is insufficient. Meriton (as the applicant) has not addressed the full impact of the changes it is seeking with this modification application. For example is Meriton seeking to amend or delete Conditions B12 and in regard to Condition C7(a), the reference of "roads" within the development site?

A 3m wide, 430m long shareway with private driveway at either end to be used both for emergency access and pedestrian/cycleway for the entire development, which for Stage 1 comprises 226 dwellings raises safety and amenity concerns.

- There is a steep drop off on one side as there is no shoulder to the top of the batter slope edge and any erosion/instability could undermine the access construction.



- The shareway is close to the buildings on the other side, with Building F approx 3 metres setback to the face (which also aligns with the underground carpark) and its balconies setback 1.5 metres) and Building G (approx 2 metres setback from the face).
- No details have been provided that restrict vehicles (other than emergency vehicles) from using the shareway. It is uncertain if Meriton seeks to amend or delete Condition B12 which requires sufficient width of the internal road to accommodate emergency vehicles and parallel parking spaces.

On the basis of insufficient details, vehicle and pedestrian/bicycle conflicts will arise as a result of multiple uses in the shareway. This, in turn, diminishes resident enjoyment and affects the amenity of future residents in the development.

- Noise from users of the shareway being placed in such close proximity to the apartments creates amenity issues for future residents. The public amenity is also very much reduced when alternate routes are possible and provide mutual, superior amenity.
- The location and design of the shareway, potentially within 2 metres or less (given the subsoil drainage membranes that surround the basement construction) of the underground carpark leaves little area for deep soil planting to be established and will not act as visual/noise barrier.
- The public enjoyment and amenity of the cycleway (another use of the shareway) is diminished being very close to 4 storey apartment buildings rather than the original approved design for the cycleway to be closer to the creekline corridor similar to the completed sections of cycleway located upstream.
- Any increase in the shareway width to accommodate the requirements of emergency vehicles (minimum 4m width with additional allowance on curves) further exacerbates potential safety and amenity concerns already raised, particularly if the setbacks to the buildings are reduced given that the batter slope of the detention basin was changed from the original retaining wall support.

A comprehensive redesign of the emergency vehicle access and cycleway/pathway is required to ensure that it complies with standards and affords a high degree of amenity for residents of the new apartments and the general public to stave off future conflicts.

4. *Multi-use of the shareway as a bicycle path is not commensurate with the total cash contribution required to be paid*

The 3m wide shareway incorporates a significant length of the cycleway route that is no longer to be a dedicated, publicly accessible separate route aligning the creekline corridor. The design of the multi-use shareway raises utility and conflicts (detailed in 3 above).

Condition C12 of the Project Approval imposed a total cash contribution (for Stage 1) to be paid and separately identified a Works-In-Kind value. The amount of cash contributions was calculated on the basis that the cycleway would be constructed as a Works-In-Kind item, rather than an itemised cash item.

- The cycleway was always geared to a separate path alignment and not part of a 'piggy back arrangement' on to other already private infrastructure necessary for the



development (in this case the emergency vehicle access as a result of removal of the middle section of the previously proposed loop road).

- As presented, the shareway with private driveway at either end does little to encourage public access. The design effectively discourages anyone outside the development from using the shareway contrary to its intended use as a publicly accessible cycleway path.
- The loss of a separate dedicated pedestrian/cycleway and in lieu, a replacement multi-use will be attributed to the developer.

This is inequitable particularly to other developments in Warriewood Valley that have collectively contributed to cycleway/pathway outcomes including toward this part of the network – this is not just Meriton's path, it is part of the whole cycleway network that connects the Warriewood Valley Release Area (and its surrounds) and must maintain integrity as part of that network.

Council request a separate alignment of cycleway designed and located to afford greater amenity to both incoming occupants of the development and the general community, as well as suitable landscape screening.

Given the multiple concerns raised by the proposed shareway, Council does not accept dedication of that part of the cycleway that is in the shareway arrangement.

Council requests that the total cash contribution, imposed under Condition C12(a)(i) of the Project Approval, be adjusted to incorporate the cycleway item as a part of the total cash contribution (less that part of the cycleway that is wholly dedicated and separate from the shareway).

Meriton has a fundamental requirement to provide the emergency vehicle access for this development and the Warriewood Valley Section 94 Contributions Plan should not be contributing full freight toward a shared and substandard outcome as Meriton seeks to also use the shareway as the cycleway for this section of the total network.

5. Council will not accept responsibility for maintenance of the shareway

In determining the recently modified Concept Approval, the PAC stated in pg 3 of its report:

"The Commission accepts the proponent's reason for relocating the cycleway based on their current experience with the construction of the detention basin. However this only applies to the section that is located within Stage 1 as there is insufficient information on the Stage 2 section to justify its relocation. It is also the Commission's view that the relocated cycleway may be constructed as a shared access with the emergency access if future maintenance responsibility can be satisfactorily arranged with Pittwater Council."

Arrangements regarding future maintenance responsibility have not been discussed/negotiated with Council. The Development Application for subdivision (required under Condition A6(2)) is now with Council however, it does not address ongoing maintenance or matters required to addressed under Condition A6(2).

The much heavier loads associated with emergency service vehicles to service the protection future residents of this development compared to bicycles/pedestrians would mandate that the maintenance, servicing and any reconstruction requirements of the shared route (and keeping



this in a condition fit for purpose) must remain the responsibility of the developer/private strata body to manage, provide and fund.

Council will not accept any maintenance responsibility for a shareway clearly deficient for the intended emergency service requirements of this development.

6. *Introduces part of the site not previously considered and approved by Project Approval*

Engineering and architectural plans are submitted for that part of the site comprising Stage 2 of the development.

The Project Approval is limited to Stage 1 of the development.

The modification application must not extend beyond Stage 1 of the development. If approved, any plans containing Stage 2 of the development must be modified to expressly state this approval is limited to Stage 1 of the development.



FIRE & RESCUE NSW



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19 January 2012

Chris Hunt
Pittwater Council
Email: chris_hunt@pittwater.nsw.gov.au

Mr Wayne Sketchley C/-
NSW Rural Fire Service Headquarters
Locked Bag 17, Granville NSW 2142
CC: wayne.sketchley@rfs.nsw.gov.au

Attention: Chris Hunt

Re: Emergency vehicle access for residential development Meriton Development in Warriewood Valley.

Dear Sir,

In regards to the proposed emergency vehicle access for the Warriewood Valley Meriton Development, Fire and Rescue NSW (FRNSW) provides the following advice:

On the 5 September 2011 FRNSW was approached for comment about the proposed carriageway by Ms Dalton, a Transport Consultant working on behalf of the Development. In the correspondence no mention was made in regard to this site being in a bush fire prone area. At the time FRNSW position was that if the development complied with the deemed to satisfy provisions of the Building Code of Australia (BCA) and any imposed development conditions then such considerations are ultimately the responsibility of the Principal Certifying Authority.

The Structural Fire Safety Unit (SFSU) records indicate that the most recent comment with regard to the development was a meeting held on the 10 November 2011 to discuss FRNSW preferred fire hydrant booster assembly location.

SFSU has contacted the regional office, Metropolitan East 2 (ME2), which this development falls within to ascertain if they had been consulted about emergency vehicle access on the site. The ME2 Zone Commander has no knowledge of any correspondence from the developers of the Warriewood Valley site regarding emergency vehicle access.

In the meeting between FRNSW and the Meriton representatives on the 11 November 2011 it was revealed that the land on the southern side of the proposed shared roadway adjacent to the development is bushfire prone land and that this impinged upon the site itself. Given that in the event of a bushfire this would be the critical location for the urban-rural interface,

PREVENT PREPARE PROTECT



the carriageway would be the most likely location to site FRNSW appliances for the purposes of property protection during a bushfire event.

The FRNSW Guidelines for Emergency Vehicle Access, Policy Number 4, specifies that a standard FRNSW appliance requires straight sections of the carriageway to maintain a minimum width of 4m. If the carriageway is curved then this width must be increased to allow for the expected vehicle body swing. The recommended distance between the inner and outer arc of a curved carriageway is a minimum of 5m.

Specifically, the Guideline in part states;

"Along straight carriageway sections, a minimum width of 4m should be provided for general appliance access, a minimum width of 6m for aerial appliance access.

Along curved carriageway sections, a minimum inner radius of 6.3m and outer radius of 11.3m should be provided for general appliance access, and a minimum inner radius of 7.3m and outer radius of 14.6m for aerial appliance access.

The distance between inner and outer turning arcs must allow for the expected vehicle body swing. The minimum distance between the inner and outer arcs should not be less than 5m for general appliances and 7.3m for aerial appliances."

The current 3m proposed width of the straight and curved carriageway sections on the SKC22 plans are insufficient for continuous access of FRNSW appliances in a forward direction. It is also noted that access to the proposed road from the western cul-de-sac appears to be even narrower and may be impossible for emergency vehicles to enter or exit from.

The FRNSW Guidelines for Emergency Vehicle Access is an 'informative' document and does not replace any statutory requirement. Thus, whilst FRNSW can advise the developer that these are the minimum requirements for our vehicular access, this is not a legal requirement unless referred to by other legislation.

Due to this development being located in a bushfire prone area FRNSW recommends that the NSW Rural Fire Service also be consulted in regards to the revised emergency vehicle access. The NSW Rural Fire Service Development Application and Planning Officer for the Warringah Pittwater area is Mr Wayne Sketchley.

I hope this helps with your enquiry.

Should you have any further enquiries regarding any of the above matters, please do not hesitate to contact the Structural Fire Safety Unit on 02 9742 7400.

Yours faithfully

Electronically approved for release

For Commissioner

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