



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

26 March 2012

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

(Your Ref: MP10\_0177 MOD 6)

Dear Mr Bright

**RE: COUNCIL SUBMISSION TO MP10\_0177 MOD 6, AMENDED APPLICATION FOR  
MODIFICATION OF MAJOR PROJECT APPROVAL UNDER SECTION 75W**

I refer to your letter of 13 March 2012 advising Council of the amended 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 again requests that the amended 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.

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

- 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.

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 amended modification application now seeks to amend the Project Approval:

- *Amend Condition A2 to include amended plans which remove the internal public access road between Macpherson Street and Boondah road and realign the bicycle path so as to be consistent with the recently modified Concept Approval;*
- *Delete reference to internal public access roads in the project description;*
- *Delete Condition B12; and*
- *Amend condition C2, C6 and C7 to reflect the deletion of the internal public access road.*

## MATTERS RAISED

### **1. Request that amended application be referred to NSW Rural Fire Service**

It is understood that a report prepared by R Coffey, "FPA Australia" will be relied upon to address the NSW Planning for Bushfire Guidelines.

The development site is identified bushfire prone land.

Council again requests that this modification application be referred to the NSW Rural Fire Service as the application 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*).

### **2. Consideration for Emergency Access**

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."*

Halcrow's letter of 4 November 2011 simply deals with the private driveways, rather than the shareway itself. The shareway being 3m wide 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.

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.

### **3. *Utility of the Shareway and Reduction in Amenity***

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. 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. 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 be 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.

#### **5. Use of developer contributions for the construction of the shareway/emergency access**

The merging of the footpath/cycleway with the emergency vehicle access into a shareway and utilising developer contribution funding should have regard to the fact that the emergency vehicle access was already required by this development and to be paid for by this development as a result of the loop road being removed.

The credit from the Warriewood Valley Section 94 Contributions Plan should therefore be suitably adjusted (reduced) to take this merged outcome into consideration rather than the s94 Plan funding what was originally to be a separate path.

#### **6 Comments to procedural changes with Consent conditions**

If approved, Council has no objection to the following:

- deletion of "internal through road" in the project description
- deletion of Condition C12
- amendments required to be made to Conditions C2, C6 and C7 to delete any reference to the "internal through road".



### FIRE & RESCUE NSW



COMMUNITY SAFETY DIRECTORATE  
STRUCTURAL FIRE SAFETY UNIT  
Amarina Avenue Greenacre NSW 2190  
Locked Bag 12 Greenacre NSW 2190

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ABN 12 593 473 110

Your Reference: Nil  
File No: NFB/11849  
Contact Officer: Simon Bracht

Telephone: (02) 9742 7400  
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19 January 2012

Chris Hunt  
Pittwater Council  
Email: [chris\\_hunt@pittwater.nsw.gov.au](mailto: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](mailto: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,

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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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