

7 November, 2011.

Mr Michael Woodland
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Dear Mr Woodland

**14 – 18 BOONDAH ROAD, WARRIEWOOD (LOT 20, DP 1080979)
AMENDMENT TO CONCEPT PLAN (MP09_0162 MOD 1) – RESPONSE TO RTA AND
COUNCIL SUBMISSIONS**

Please find below a response to the issues raised by Pittwater Council and the Roads and Traffic Authority (RTA) to our proposal that removes the internal road and the reduction in visitor and resident car parking contained in the approved Concept Plan.

The provision of the internal road is a “left-over” of the Council approved Development Application for 135 town houses and 5 housing lots in 2009. The internal road was a necessity for the town houses because this was the only way residents could access street level car parking spaces. With the approved residential flat buildings, residents and visitors can access their car parking spaces from within the basement. Therefore the internal road becomes redundant for car parking needs and can be deleted from the project.

We recognise that the RTA does not support our proposal to reduce visitor car parking spaces. As such, we will revert back to the Planning and Assessment Commission (PAC) approval for stage 1 that was supported by the RTA, which requires 1 visitor space per 5 dwellings, and apply this to the remainder of the site through the Concept Plan for approval consistency. As all visitor parking will be located in the basements, there is no further need to have the internal road.

Importantly, the RTA does not object to the removal of the internal road provided there is no unsatisfactory performance of the Macpherson Street and Boondah Road Intersection. Halcrow Traffic Consultants have undertaken the necessary review of this intersection without the internal road and have found that the proposed round about is more than capable of providing suitable traffic management performance (**refer to Annexure 1**).

We have employed the services of Hydraulic, Building Fire and Bushfire Protection consultants to investigate the requirements of the NSW Fire Brigade and the NSW Bushfire Fire Brigade to access the site. The findings from our consultants reveal that the NSW Fire Brigade and the NSW Bushfire Brigade do not require the shareway for emergency access provided that there is an adequate turning area provided at the ends of each driveway. We have amended the concept plan accordingly.

Council requires 50% of all units to be Adaptable which is excessive and does not reflect actual demand. Our original proposal was to provide no adaptable units, which reflects our extensive experience of demand for this type of unit. However we realise the future may always change and are willing to provide 5% of Adaptable Units in the rare event a person with a disability purchases such a unit.

From our experience to date, we only ever sell Adaptable units to people who are not disabled, and end up using disabled parking spaces instead of standard parking spaces. These unutilised disabled parking spaces are large and add considerably to development costs. We therefore propose to provide 2% of car spaces as disabled which brings it into line with a shopping centre that has a significantly higher demand for such car spaces compared to residential flat buildings.

The more specific issues raised by both the Roads and Traffic Authority and Pittwater Council are addressed on the following pages.

Roads and Traffic Authority (RTA) Submission

The RTA raise three points in their submission dated the 14 October 2011 and are addressed below.

1. *The RTA do not support the proposed reduced visitor parking spaces.*

Response: Given that the RTA supported 1 visitor car space for every 5 dwellings for the stage 1 Project Approval that was approved by PAC, it is proposed that a condition of consent be imposed on the concept plan that also reflects 1 visitor space per 5 units. Pittwater Council in their submission to the original Project Application accepted 1 visitor space per 5 dwellings (see ***Annexure 2***). This way there is consistency with the Project Approval and the approved Concept Plan across the entire site.

2. *No objection is raised to the proposed 1 car parking space per 2 bedroom unit.*

Response: In light of the RTA supporting 1 car space for a 2 bedroom unit (***refer Annexure 7***), a condition in the Concept Plan should be imposed to reflect this across Stage 2 of the development site.

3. *Department of Planning should ensure that removal of the internal road link does not result in the unsatisfactory performance of the intersection of Macpherson Street and Boondah Road.*

Response: Halcrow Traffic Consultants have undertaken the necessary review of this intersection without the internal road and have found that the proposed round-about provides for the appropriate traffic management performance (***refer to Annexure 1***).

Response to Pittwater Council's Submission

Please find below a response to each of the items raised by Pittwater Council.

(1) Implications from deletion of the internal road.

Council raise the following:

1. *The shareway provides the main access to Buildings F, G, L and M. removalists and delivery vehicles would park along the share way for convenience rather than the allocated spaces.*

Response: Residents and visitors will access Buildings F, G, L and M from either the basement where they park their cars, or from using the pathways within the common landscaped areas. This is typical for residential flat developments. Removalists and delivery vehicles will not have access to the shareway, as the sole use is for pedestrians and cyclists. A condition of consent can be imposed that requires bollards at the end of the driveways. Removalists have a dedicated space that was approved previously by the PAC.

Also, the shareway will also provide suitable pedestrian access into Units F, G, L and M should it be required.

2. *The length and width of the shareway does not accommodate opportunities to allow another vehicle to pass.*

Response: Council seems to be thinking that the share way is a useable thoroughfare, which is not the case. No vehicles will be able allowed to use the share-way. All resident and visitor vehicles will use the allocated parking in the basements. Council also thinks that the site is going to have a large number of delivery vehicles enter the site as if it were a commercial/retail development. The loading spaces have already been approved and no changes are proposes with this application.

3. *The shareway width is too narrow for the NSW Fire Brigade or Bushfire Brigade in accordance with the "Emergency Services Vehicles NSW Fire Brigade Code of Practice – Building Construction" and Planning for "Bushfire Guidelines".*

Response: Independent advice has been sought to confirm access requirements for the NSW Bushfire Brigade and the NSW Metropolitan Fire Brigade received.

The removal of the internal road is not required by the NSW Bushfire Brigade and is in accordance with the Planning for Bushfire Guidelines regarding access. Consultants have told us that the driveways must be amended to have cul-de-sacs so the fire trucks can leave the site in a forward direction. ***Refer to Annexures 3 and 4.***

Similarly independent advice was sought on access arrangements for the NSW Metropolitan Fire Brigade to comply with the Emergency Services Vehicles NSW Fire Brigade Code of

Practice. The advice received by the Fire Services Consultant states that the internal road is not required by the NSW Metropolitan Fire Brigade and complies with the relevant Codes as outline in **Annexure 5**.

In summary, the NSW Metropolitan Fire Brigade trucks enter the site via the driveways and parks next to the Fire Indicator Panel against Building F to determine the exact location of the fire. The fire officers commence hooking up the fire hoses and boost the water between the truck and the fire booster assembly valve located adjacent to our Building F facing the driveways.

The truck does not need to proceed any further beyond this point on the driveway, as the fire officers then enter the building on fire to connect to the internal hydrants and externally positioned hydrants located throughout the site.

The fire officers having completed their fire tasks leave in their trucks in a forward direction via the cul-de-sac turning area at the end of the driveways.

As a result of the independent advice, the concept plan has been further amended to have turning heads at the end of each proposed driveway. **Annexure 6** contains a copy of the amended Concept Plan.

4. *Vehicular conflict with the pedestrians using the shareway. How are public rights of access to be achieved?*

Response: There will be no vehicular access along the shareway as mentioned above. With regard to public access, a right of carriageway or easement can easily be provided on a land subdivision application to Council, which already is a condition of consent in the Project Approval for stage 1 (MP10_0177).

Other Issues

1. *The PACs approval recognised the internal road as approved included kerbside parking.*

Response: The provision of visitor parking has never relied on kerbside parking along any street including the internal road that is to be removed. Approved visitor parking in accordance with the Project Approval is provided in the basement. We are seeking no different for the remainder of the site to be developed.

The provision of basement visitor parking (and resident parking) has always been a standard DCP requirement throughout Sydney, without any reference that the number of parking spaces can also be provided along adjoining streets. Councils in general have always required parking for visitor and residents generated by a proposed development to be contained on site. The proposed development with the removal of the internal road continues to provide visitor parking in accordance with approval fully within the basement which is standard planning practice.

2. *Deleting the internal road reduces clear connectivity with the site creating adverse safety and traffic/pedestrian management issues. Consequently this affects the amenity and enjoyment of future residents especially those in Buildings F, G, L and M.*

Response: Connectivity into the site is not diminished from the removal of the internal road and the amenity of future residents in Buildings F, G, L and M will be improved as there still will be the pedestrian/cycle path.

The amenity of Buildings F, G, L and M will be substantially improved by the removal of the internal road from reduced traffic noise at all times during the day and night. Headlights from passing cars will no longer beam into units facing the internal road.

- (2) Insufficient information to support the proposed change in car parking rate that was already dismissed by the PAC.***

Council has been stating that the 2 bedroom car parking rate should be retained because of the high rate of car ownership for all households and that no new information has been put forward to justify a reduction in car parking.

By Council relying on household figures, the car ownership data is skewed towards 2 cars per dwelling. This is because Pittwater has over 78% of all households living in a separate house compared to only 12.4% living in medium density dwellings and 8.1% for high density dwellings as of the 2006 census. This is shown in table 1 below which is taken from data available on Pittwater Council's website.

Table 1 – Dwelling Types as at 2006 Census

Occupied Dwelling Structure	Number	%
Separate House	15,434	78.1%
Medium Density	2,455	12.4%
High Density	1,603	8.1%
Caravans, cabins, houseboat	187	0.9%
Other	65	0.3%
Not Stated	12	0.1%
TOTALS	19756	100%

Source: Australian Bureau of Statistics, Census Population and Housing, 2006
(Pittwater Council's Website 15 October 2011)

A closer look at Table 2 below shows that only 28.7% of occupants in a unit have 2 cars, when compared to 49.2% occupants residing in a separate house owning 2 cars. Also occupants in units have predominantly 1 car, which is shown in Table 2 below. This is consistent with the RTA support for 1 car space per 2 bedroom unit as outlined in **Annexure 7**.

Table 2 – Percentage of Cars Per Occupied Dwelling Type 2006

Car Numbers	0 cars	1 car	2 cars	3+ cars
Separate House	4.0%	26.6%	49.2%	20.1%
Flats	15.5%	51.1%	28.7%	4.6%

Source: ABS Commonwealth of Australia 2007.

Most important, Table 3 below equivocally shows that the number of car spaces in a 3 and four storey apartment building (which are currently being constructed on the subject site), have 1.25 cars per 2 bedroom unit, which is at odds with Council's argument that 2 cars for a 2 bedroom unit are required.

Table 3 – Number of cars per bedroom in a 3-4 storey Residential Flat Building (2006 Census)

Flat, unit or apartment in a 3 and 4 storey block						
No. Of Cars	0	1	2	3	4	Totals
Bedsitter per car	12	3	0	0	0	15
Number of cars	0	3	0	0	0	3
Number of cars per Bedsitter						0.20
1br unit per car	63	167	48	6	0	284
Number of cars	0	167	96	18	0	281
Number of cars per 1 bedroom unit						0.99
2br unit per car	88	446	287	18	4	843
Number of cars	0	446	574	54	16	1,090
Number of cars per 2 bedroom unit						1.29
3br unit per car	11	98	88	17	0	214
Number of cars	0	98	176	51	0	325
Number of cars per 3 bedroom unit						1.52
All Units	174	714	423	41	4	1,356
Number of cars	0	714	846	123	16	1,699
Number of cars per all bedsitters, 1, 2 & 3 br units						1.25

Source: 2006 Census of Population and Housing Local Government Areas and Number of Bedrooms in Private Dwelling (BEDD) by Dwelling Type (DWTD), Dwelling Structure (STRD) and Number of Motor Vehicles (VEHD)

The above tables from the Australian Bureau of Statistics is new information that clearly demonstrates units within 3 and 4 storey apartments in the Pittwater LGA have ownership of 1.25 cars per unit in total and for a 2 bedroom unit 1.29, which is significantly lower than 2 cars, which Council is stating is required.

The ABS data above solidly demonstrates justification alone to vary the requirement of 2 car spaces for 2 bedroom units.

(3) Implications to reducing the car parking rates

Council has provided a table to demonstrate that there is a short fall of visitor and 2 bedroom car parking on the site in accordance with Pittwater DCP 21. When one compares the car parking rates of the RTA which more closely reflect the ABS data, then a glaring difference appears against the Council's DCP. The DCP seeks car parking spaces from overall household numbers which generates an unnecessarily larger number of car spaces required for residential flat buildings. Whereas, if one looks at the RTA requirements which are generally consistent with the ABS data for 3-4 storey residential flat buildings, less car parking is required. In this regard Table 4 below shows how the proposed development complies with the RTA requirements.

Table 4 Proposed Carparking Spaces compared against RTA Requirements

Breakdown of Approved Dwellings	RTA Rates	RTA Spaces	Spaces Proposed	Balance in Spaces
1 x studio	1 per dwelling	1	1	0
22 x 1 bed	1 per dwelling	22	22	0
2 x bed + study	*1 per dwelling	2	2	0
168 x 2 bed	*1 per dwelling	168	168	0
18 x 2 bed + study	*1 per dwelling	18	18	0
15 x 3 bed	2 per dwelling	30	30	0
Visitor spaces	1 per 5 dwellings	46	46	0
TOTALS		287	287	0

**The 2br rate of 1 space per dwelling is supported by the RTA in their submission to the Department of Planning and Infrastructure (refer to Annexure 7)*

After all, we should not be encouraging people to have 2 cars; we should rather be encouraging that they use public transport such as buses which run along MacPherson Street and Pittwater Road.

(4) Inconsistency between this Modification and a concurrent Modification Application (MP10_0177 MOD 3)

Council contends there is an inconsistency in the changed parking rates between the Projects Approval modification for 2 bedroom car parking rates and visitor parking rates being sought by the subject modification to the concept plan.

Response: With the modification to Project Approval (MP_0177MOD3) we decided to revert back to existing condition requiring 1 visitor space per 5 dwellings. Similarly, we retract the proposed 1 visitor space per 10 dwellings under this amendment to the Concept Plan. A condition can be imposed in the concept plan that requires visitor space per 5 dwellings. This way, the approved Project Approval and Concept Plan will be consistent across the entire development site for visitor parking spaces.

The subject amendment to the Concept Plan relates only to the second development stage of the site for 2 bedroom car parking spaces. It does not relate to the Project Approval for Stage 1 that is currently under Construction. The proposed 1 car space per 2 bedroom unit for the second stage of the development site is supported by the RTA, which is consistent with the ABS data presented previously in this letter (*refer to Annexure 7*).

There is a clear distinction between the two applications and no inconsistency that Council is trying to illustrate.

(5) Issues regarding the realignment of the bicycle path route

Council state that the pedestrian/cycle path needs to be publicly accessible and have connections to other areas in Warriewood Valley and towards the Centro Shopping Centre.

Response: The proposed pedestrian/cycleway continues to provide a connection from the adjoining residential estate to the north-west through our site and will leave our site at Boondah Road. From Boondah Road the cycleway is shared with pedestrian to the end of our southern boundary along Boondah Road. This pedestrian/cycleway along Boondah Road will eventually connect to other properties once developed. This pedestrian/cycleway along the street frontages is a continuing network that currently exists in the Warriewood Valley along Macpherson Street, and therefore connectivity will remain in place.

With regard to public accessibility, Condition A6(2) of the Project Approval requires the appropriate easements/right of way to be provided for public use of the cycleway

(6) Bushfire Implications

No access arrangements have been made to maintain the water management facilities or for fire brigade access.

Response: There has been no change to the PAC approved concept plan with regard to the southern portion of the site. Notwithstanding this, our fire services consultants state that fire trucks will park along Boondah Road and within the private road along the southern boundary. Such details of the fire panel board and hydrant locations will be provided when a Development Application is lodged with Pittwater Council for stage 2.

There has been no change to maintaining water management facilities. Diagrams on the concept plan are conceptual and the detail for stage 2 will be contained in a future Development Application made to Council.

(7) Implications from no requirement for Adaptable Housing

Council assert that the provision of adaptable housing for stage 2 is to be provided.

Response: Our position on the provision of Adaptable unit is that too many are required by Pittwater Council – 50%. From our experience, we have only ever sold 1 Adaptable unit in the history of Meriton to a person with a disability. We therefore propose to provide 5% of all units in Stage 2 as Adaptable units in the event that a person with a disability wants to purchase such a unit.

Similarly, the car parking requirements for Adaptable units should be reduced to reflect the limited demand for disabled parking spaces. Shopping centres are generally required to only provide 2% of all car spaces as a disabled person's car space. This is a requirement listed under Table D3.5 of the Building Code of Australia as a Class 6 Building (*refer to Annexure 8*). Class 2 residential flat buildings are not listed as having to provide any disabled car spaces in Table D3.5.

We recognise that there is a big discrepancy between the provision of disabled car spaces in a residential development compared to a retail development. It is logical to state that more people with disabilities are going to visit a shopping centre when compared to a residential development. So why are there more disabled spaces required for adaptable units that no-one will use compared to an inevitable shortage for a shopping centre? We therefore propose to provide 2% of all units as disabled car spaces for the Adaptable Units, which reflects the demand we see is more suitable for residential development.

The disabled car spaces required for Adaptable Units will remain unallocated to any resident, and will remain in ownership as common property until such time as a person with a disability resides in the building and requires use of the space. During the time that the disabled car space is not used by a person with a disability that has purchased an Adaptable Unit, the car space can return to the visitor car parking pool.

Currently, if a wheelchair bound person wishes to buy a unit – whether new or second hand – this person is not guaranteed of obtaining a disabled parking space with an Adaptable or normal unit. Our proposal ensures that a disabled person will have the right, cost-free, to use the dedicated disabled parking space for as long as he/she lives in the building. In this respect, I enclose a draft By-Law at ***Annexure 9*** that we have prepared to 'quarantine' these disabled spaces until the need arises for use by a person with a disability that is residing in a unit.

AMENDMENT TO CONDITIONS

The following conditions are sought under Schedule 2, Part A of the Concept Plan Approval.

Condition 3: Adaptable Units, Visitable Units and Car Parking

To provide adequate accommodation and car parking spaces for people with a disability, the following car spaces and units are to be provided.

- (a) At least 5% of all units are to be adaptable.
- (b) At least 2% of all units are to have disabled car spaces that are to be in common property.

- (i) The disabled car spaces are to remain in ownership as common property until such time as a person with a disability resides in the building and requires use of the space. During the time that the disabled car space is not used by a person with a disability that has purchased an Adaptable Unit, the car space can return to the visitor car parking pool.
- (ii) A By-Law be prepared and approved by the Body Corporate that ensures point (ii) above can be achieved.

Condition 4: Car Parking Provision for Two Bedroom Units

Two bedroom car parking provision is to be provided in accordance with the following rate:

- a. 1 car space for every studio and 1 bedroom unit.
- b. 1 space for every two bedroom unit for the stage 2 development.
- c. 2 car spaces for every 3 bedroom and 4 bedroom unit.

Condition 5: Visitor Car Parking

Visitor car parking provision is to be provided in accordance with the following rate:

- a. 1 visitor car space for every 5 units.

CONCLUSION

The internal road was a by-product of a previous approval for town houses that is no longer required. Fire brigades do not require the internal road and it is not required for car parking as all compliant visitor spaces are being provided in proposed and existing basements.

Demand for Adaptable housing is all but nil for our units. However, our position is to provide 5% of all units as Adaptable in the rare event that a person with a disability purchase such a unit. Subsequently, the number of disabled car spaces has been reduced to match demand.

Visitor car parking is to be provided at a rate of 1 space per 5 units which is consistent with the Project Approval for Stage 1, which will remove most of Council's concerns for the site.

The changes sought in the concept plan will continue to ensure the units being built and yet to commence are at affordable prices for the wider community.

Yours faithfully

MERITON APARTMENTS PTY LIMITED



WALTER GORDON

Manager Planning and Development