



12 June 2012

**Section 75W modification to a residential development
at 14-18 Boondah Road, Warriewood (MP10_0177 Mod 6)**

Background

On 18 January 2011, the Planning Assessment Commission (the Commission) approved a concept plan proposal for the site and a project application for Stage 1 development subject to conditions and certain design modifications and layout changes including a reduction in building height and a maximum yield of 60 dwellings per hectare.

Following approval of the concept plan, the Commission subsequently in December 2011 approved a modification to the concept plan to delete the internal road linking Macpherson Street to Boondah Road with a replacement of 2 driveways and an emergency access way, as well as the relocation of the cycle way for Stage 1. Condition 10 of this approval requires "the emergency access shall meet the requirements for emergency vehicles and may be constructed as a shared way with the cycle path."

The approved Stage 1 proposal comprised 7 residential buildings with 2 levels of basement parking for 471 cars. The change to building height and density required by the Commission has reduced the number of apartments from 295 to 226.

Following the Commission's approval, six modification applications have been approved by the Director General or the Commission under Ministerial delegation. These modifications include:

- The deletion of the 2nd basement parking level;
- Installation of a permanent pumping system in the underground car park;
- Deletion of the second entry/exit point;
- Amendment to CPTED measures to allow painting of the soffit;
- Staged strata subdivision; and
- Staging of road works and landscaping and deletion of the cost sharing requirement for the roundabout at the entry to the Anglican Retirement Village.

The Current Modification Application

The subject modification application includes:

- replacing the internal road with a private road terminating in a cul-de-sac adjacent to Building F;
- Realigning the pedestrian/cycle path to the northern side of the detention basin and allow shared emergency vehicle access in lieu of providing public road access;
- Revising associated landscaping works; and
- Deleting or modifying references to the internal road in existing conditions.

Delegation to the Commission

On 14 September 2011 the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, delegated his power to determine the application to the Planning Assessment Commission.

For the current modification application Ms Jan Murrell was nominated to constitute the Commission to consider and determine the application.

Meeting with Pittwater Council

On 31 May 2012, the Commission met with Pittwater Council representatives, Mr Chris Hunt and Ms Lisa Cordoba to discuss Council's concerns including:

- The design and construction standard for the 'sharepath' is unknown and is inconsistent with the design guidelines for emergency tanker access that the NSW Rural Fire Service and Fire & Rescue NSW use;
- Loss of public and private amenity as a result of the location of the 'sharepath'; and
- Future maintenance responsibility of the sharepath and the appropriate offset of developer contributions for the pedestrian/cycle path.

Meeting with the Proponent

The Commission met with the Proponent, Meriton Apartments Pty Ltd represented by Mr Walter Gordon on 31 May 2012. The Commission also visited the site on 1 June 2012 to understand and appreciate the circumstances of the site as constructed and its environment.

At the meeting the Commission requested the proponent to clarify two key aspects of the proposed modification. These are:

- The concept plan approval shows an emergency access road to link up the two driveways (cul-de-sacs). Condition 10 as amended states that the access may also be used as a sharepath for cyclists and pedestrians. The proposed modification is inconsistent with such approval as the proposed sharepath is mainly for pedestrians and cyclists and will not meet the requirements for heavy fire fighting emergency vehicles.
- The reason why the pedestrian/cycle path cannot be relocated to the southwest side of the detention basin.

On 8 June 2012, the proponent provided a written response to address the Commission's concerns. In brief, the proponent advised that:

- There is no requirement under Schedule 6A or any other part of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that restricts the Minister or delegate from approving a Major Project application or subsequent modification where it is inconsistent with an approved concept plan. Nevertheless the proposed modification still satisfies the overall intents and purposes of the approved concept plan.
- The approved Fire Engineering report removed the need for Fire and Rescue NSW to access the site from the sharepath. Also NSW Bushfire Brigade confirmed that access is not required over the sharepath. Two spaces have been provided in the basement car park for NSW Ambulance Service. The alternative design solution has been approved and this provides how access is to be provided to units in the development. As such the shared pathway/cycle way is not required for heavy emergency vehicles. Nonetheless the sharepath could provide supplementary access in an emergency for use by lighter vehicles.
- The sharepath cannot be relocated to the southwest of the detention basin for technical and safety reasons including: the location of the weir; overland flow path; and Sydney Water's main, and accessibility during inclement weather. These issues have been discussed in the concept plan modification application resulting in the approval of the current alignment.

Commission's Comments and Determination

Following careful consideration of the Director General's assessment report, Council's submission and the proponent's response to the Commission's questions, I am now satisfied that the issues raised by Pittwater Council have been satisfactorily addressed by the Department and the proponent.

The Commission agrees with the Department's assessment and conclusion. Particularly the Commission notes that the emergency access over the sharepath is no longer necessary as it has been superseded by the alternative design solution. If it is used in an emergency situation, it would only be for small emergency vehicle.

Given its purpose is now only for a sharepath, the proposed 3m width is acceptable and therefore it is reasonable for Council to be responsible for its maintenance as it is for the other sections of the sharepath.

With regard to the boundary interface amenity issue of residents and cyclists & pedestrians, the landscaping plan shows the boundary walls are for the courtyards of individual units and for limited length only. It is not one high brick wall along the lot boundary. The landscaping areas vary in width from 3m to 5m as can be seen on the A1 plan (No LA101 Issue F). Given the other side of the sharepath is open landscape; the Commission agrees that the resultant amenity for both residents and users of the sharepath is acceptable.

The Commission accepts the Department's recommendation that the application should be approved subject to conditions as recommended by the Department.

Accordingly the signed Instrument of Approval is attached.



Jan Murrell
Commission Member

Attachment 1

Instrument of Approval

Notice of Modification 6

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.


Jan Murrell
Member of the Commission

Sydney

12 June

2012

SCHEDULE 1

Project Approval:

MP 10_0177 granted by the Planning Assessment Commission on 18 January 2011.

For the following:

Stage 1 Project Approval for demolition of the existing buildings and structures on site, tree removal, excavation, earthworks, flood mitigation works, construction of 7 residential buildings, basement parking, childcare centre, external road works, internal public access roads, public pedestrian and cycle way, Asset Protection Zone, environmental buffer areas, ecological rehabilitation and landscaping works.

At:

14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979).

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A1 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers as follows:

A1 Development in Accordance with Plans

The development will be undertaken in accordance with MP No. 10_0177 and the Environmental Assessment dated March 2010, prepared by Architectus, except where amended by the Preferred Project Report dated September 2010, prepared by Architectus, as amended by MP10_0177 MOD 1, the Section 75W Modification dated May 2011, prepared by Meriton Apartments Pty Limited; **as amended by MP10 0177 MOD 6, the Section 75W Modification dated 11 January 2012 prepared by Meriton (as amended by correspondence dated 8 March 2012);** as amended by MP10_0177 MOD 7, the Section 75W Modification dated 12 January 2012 prepared by Meriton (as amended by correspondence dated 20 February 2012 and 2 April 2012); and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA00	D	Cover Sheet (S75W Application)	Meriton Apartments Pty Ltd	30/05/2011
DA01	E F	Overall Site Staging Plan	Meriton Apartments Pty Ltd	20/07/2011 30.01.12
DA02	G D	Site Plan	Meriton Apartments Pty Ltd	27/05/2011 30.01.12
DA04	E	Car Parking Plan (amended to delete the eastern entry/exit point).	Meriton Apartments Pty Ltd	20/01/2012
DA05	D E	Podium Plan	Meriton Apartments Pty Ltd	30/05/2011 30.01.12
DA06	E F	Typical Floor Plan (Level 1 & 2)	Meriton Apartments Pty Ltd	31/05/2011 30.01.12
DA07	E F	Deep Planting	Meriton Apartments Pty Ltd	20/07/2011 30.01.12
DA10	C	Street Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA11	D	Site Sections	Meriton Apartments Pty Ltd	30/05/2011
DA20	E	Building A Plans & Elevations	Meriton Apartments Pty Ltd	20/07/2011
DA21	D	Building B Plans & Elevations	Meriton Apartments Pty Ltd	31/05/2011
DA22	D	Building C Plans & Elevations	Meriton Apartments Pty Ltd	31/05/2011
DA23	C	Building D Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA24	C	Building E Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA25	C	Building F Plans & Elevations Sheet 1	Meriton Apartments Pty Ltd	27/05/2011
DA26	C	Building F Plans & Elevations Sheet 2	Meriton Apartments Pty Ltd	27/05/2011

DA28	C	Building G Plans & Elevations	Meriton Apartments Pty Ltd	27/05/2011
DA30	B	Childcare Pool Plans & Elevations	Meriton Apartments Pty Ltd	13/08/2010
DA70	B	Typical Unit Plans	Meriton Apartments Pty Ltd	06/08/2010

Landscape Plan

Drawing No.	Revision	Name of Plan	Drawn By	Date
LA000	<u>B</u> <u>G</u>	Title Sheet	Site Image Landscape Architects	13/08/2010 <u>03.02.2012</u>
LA101	<u>E</u> <u>F</u>	Landscape Masterplan Stage 1 DA	Site Image Landscape Architects	15/07/2011 <u>02.02.2012</u>
LA102	<u>B</u> <u>G</u>	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/2010 <u>02.02.2012</u>

Other

Drawing No.	Revision	Name of Plan	Drawn By	Date
C025	P1	Site Earthworks Plan and Section	AT&L Civil Engineers and Project Managers	07/09/10
C004 <u>75WC201</u>	P1 <u>A</u>	Cover Sheet	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C002 <u>75WC201</u>	P1 <u>A</u>	Notes and Legends	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C003	P4	General Arrangement Plan	AT&L Civil Engineers and Project Managers	12/08/10
C004	P2	Typical Road Cross Sections Sheet 4	AT&L Civil Engineers and Project Managers	26/07/10
C005	P1	Typical Road Cross Sections Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C006	P1	Typical Road Cross Sections Sheet 3	AT&L Civil Engineers and Project Managers	26/07/10
C007	P2	Typical Road Cross Sections Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10

C008	P1	Roadworks Details Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C009	P1	Roadworks Details Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C010 <u>75WC210</u>	P2 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C011 <u>75WC211</u>	P2 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10 <u>20/12/11</u>
C012 <u>75WC212</u>	P3 <u>A</u>	Roadworks and Stormwater Drainage Plan Sheet 3	AT&L Civil Engineers and Project Managers	12/08/10 <u>20/12/11</u>
C013	P2	Roadworks and Stormwater Drainage Plan Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10

C014 75WC214	P6 A	Roadworks and Stormwater Drainage Plan Sheet 5	AT&L Civil Engineers and Project Managers	12/08/10 20/12/11
C015	P4	Roadworks and Stormwater Drainage Plan Sheet 6	AT&L Civil Engineers and Project Managers	2/08/10
C020	P1	Road Longitudinal Sections Sheet 1	AT&L Civil Engineers and Project Managers	04/06/10
C024 75WC217	P1 A	Road Longitudinal Sections Sheet 2	AT&L Civil Engineers and Project Managers	04/06/10 20/12/11
75WC230	A	Intersection Layout Plan and Kerb Return Profiles Sheet 1	AT&L Civil Engineers and Project Managers	20/12/11
75WC231	A	Intersection Layout Plan and Kerb Return Profiles Sheet 3	AT&L Civil Engineers and Project Managers	20/12/11
75WC234	A	Intersection Layout Plan and Kerb Return Profiles Sheet 4	AT&L Civil Engineers and Project Managers	20/12/11
C040 75WC240	A	Bio Retention Basin A Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10 20/12/11
75WC242	A	Bio Retention Basin Section and Details	AT&L Civil Engineers and Project Managers	20/12/11
C044	A	Bio Retention Basin B Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10
C035	P1	Pavement Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C036	P1	Pavement Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C037	P1	Pavement Plan Sheet 3	AT&L Civil Engineers and Project Managers	26/07/10
C038	P1	Pavement Plan Sheet 4	AT&L Civil Engineers and Project Managers	26/07/10

Reports

Report No.	Revision	Name of Report	Prepared By	Date
610.10599-R1	0	Proposed Residential Building F 14-18 Boondah Road Warriewood Solar Access Report	SLR Consulting Australia Pty Ltd	21 June 2011
-	-	Solar Access Assessment – Stage [1] – B1 Modification – 14-18 Boondah Road, Warriewood	SLR Consulting Australia Pty Ltd	31 May 2011

Strata Plans

Drawing No.	Reference	Name of Plan	Drawn By	Date
Strata Plan 1	123899	Location Plan	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 2	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 3	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 4	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 5	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 6	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 7	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 8	123899	Car Park Level	Surveyor: Wayne Diver-Tuck	Mar12

Strata Plan 9	123899	Building A Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 10	123899	Building A Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 11	123899	Building A Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 12	123899	Building B + C Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 13	123899	Building B + C Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 14	123899	Building B + C Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 15	123899	Building D Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 16	123899	Building D Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 17	123899	Building D Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 18	123899	Building D Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 19	123899	Building E Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 20	123899	Building E Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 21	123899	Building E Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 22	123899	Building E Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 23	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 24	123899	Building F Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 25	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 26	123899	Building F Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 27	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 28	123899	Building F Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 29	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 30	123899	Building F Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 31	123899	Building G Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 32	123899	Building G Level 1	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 33	123899	Building G Level 2	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 34	123899	Building G Level 3	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 35	123899	Pool Facility Ground Level	Surveyor: Wayne Diver-Tuck	Mar12
Strata Plan 36	123899	Development Lot	Surveyor: Wayne Diver-Tuck	Mar12

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

- b) Condition A6(3) to be added by the insertion of the **bold and underlined** words/numbers as follows;

A6 Further Approvals

3. Right of Way (Emergency Access)

Creation of a suitable right of way in accordance with Section 88(b) of the Conveyancing Act 1919 benefiting any emergency access that may be required which may be shared with the pedestrian cycleway where it passes Buildings F and G to the northern most vehicle entrance along Boondah Road in accordance with this approval.

- c) Condition B12 is deleted.
- d) Condition C2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the struck-out words/numbers as follows;

C2 Landscaping of the Site

- a. Detailed landscape construction plans to be prepared by a registered landscape architect generally in accordance with schematic landscape plans as prepared by Site Image P/L (Landscape Masterplan SM10041 LA 101.B). Detailed plans are to incorporate the matters detailed in this condition and prepared in conjunction with the Vegetation Management Plan as outlines in the Total Earth Care report, including:
- i. **Public Domain**
The entrances into the development, off Boondah Road and Macpherson Street are to:
 - Be embellished with street tree planting to the central median (400 litre in size) incorporating structural soil to accommodate 12m³ root volume per tree. 4-6m tree spacing to landscape edges along entryway with 400 litre tree species and grasses/groundcovers at 4-6m².
 - Incorporate entry identification of the estate name and feature paving stencilling to roadway.
 - At least 2 metered watering points.
 - ii. **Street Trees/Garden Areas to Road Verges (Boondah/Macpherson Street and Internal Access Roadways)**
 - 400 litre street trees (as indicated on plan).
 - No turf to road verge areas, garden areas planted in accordance with Warriewood Valley Landscape Masterplan in relation to species @ 4-6 plants per m².
 - iii. **Internal Access ways (between Buildings A, B, C and F, G):**
 - Central access path to be 2.4m in width reinforced concrete (exposed aggregate/coloured concrete or unit paving on concrete). Trees to pathway to be at 6m centres along the pathway and installed at 200 litre sizes.
 - Gardens to all external planters in public domain to incorporate planting two per m² and include 200 litre trees as indicated on concept plan. All gardens to have minimum 500mm depth of soil medium.
 - Waterproof membranes to all on slab areas to be independently certified by waterproofing/membrane specialist as being fit for purpose and being effectively installed.
 - All playground/fitness equipment to be in accordance with AS4685, AS4486 and AS4422. All equipment as installed is to be independently certified as complying with the nominated standards prior to use by the public.
 - All plant material is to be certified as complying with NATSPEC specifications prior to installation.

- iv. Building Setbacks to Macpherson Street/Boondah Road Frontages:
 - Setback areas to be extensively landscaped to screen the building form. Tree planting to be as per the landscape plans hereby approved and incorporate 200L/400L tree sizes.
 - Three copies of a detailed Landscape Plan, drawn to scale, by a qualified landscape architect/ consultant, must be submitted to and approved prior to any relevant Construction Certificate for any works being issued.
- b. The Riparian Corridor, including the Wetland Riparian edge, is to be planted in accordance with condition B26 and in accordance with the adopted Warriewood Valley Urban Release Area Landscape Masterplan and Design Guidelines (Public Domain) 2006 prior to issue of the final Occupation Certificate for Stage 1.
- c. All landscaping in the approved plan for a part of the site within Stage 1 is to be completed prior to a final Occupation Certificate for the aboveground works being issued for that part of the site.

Prior to release of Occupation Certificate, all landscape works need to be certified as complying with approved landscape plans by a registered landscape architect.

- d. A Landscape Management Plan is to be prepared and implemented to outline the technique and frequency of maintenance tasks during the establishment of the landscaping and on a permanent basis. The Management Plan, is to be implemented for 24 months immediately following completion of the landscaping works on site, and is to incorporate a procedure for the replacement of failed plantings, and a reconsideration of other endemic species type where plantings do not respond to the conditions as expected. Evidence of engagement of maintenance contractor for 24 months for all landscape works as constructed by the applicant to be dedicated to Council, 24 month period to be completion of all landscape works as proposed. Evidence of engagement to be submitted to and approved by certifier/Council prior to issue of Occupation Certificate

This information is to be submitted with the Landscape Plan, in conjunction with this condition.

- e. Landscape works required by this condition only pertain to Stage 1 which incorporates Buildings A, B, C, D, E, F and G, as shown on the approved Overall site staging plan – DA01 Revision E and dated 20 July 2011.
- e) Condition C6 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out words/numbers~~ as follows;

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 the Macpherson Street frontage (including 5 and 7 Macpherson Street) and along 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 Street and Boondah Road:
Works to the full length of the 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, being:

- b. Kerb and Guttering (vertical faced kerb only will be permitted)
 - c. Landscaping (in accordance with condition C2 above)
 - d. Roundabouts at:
 - i. At the intersection of Macpherson Street and Boondah Road - kerb and gutter, footpath and landscape construction to accommodate the future roundabout.
 - e. Road shoulder and road pavement construction, including pavement design and treatments for half road construction up to the road centre line or formation of recently construction pavement to pavement design criteria in Macpherson Street (4 x 106 ESA pavement design criteria).
 - f. Footpath/cycleway 2.5m wide in Macpherson Street including 5 and 7 Macpherson Street, and 2.5m wide footpath/cycleway in Boondah Road.
 - g. Associated road drainage for Macpherson Street and Boondah Road.
 - h. Indented parking bays in accordance with the requirements of the Warriewood Valley Roads Masterplan.
 - i. Indented bus bays in locations and to the requirements of Sydney Buses.
 - j. Incorporation of the design and construction recommendations of the Arborist's Report referred to in condition C2 above necessary to achieve the retention of Bangalay Sand Forest where it is outside the approved development zone.
 - k. Dedication of 12.5m² Road Reserve land being a splay corner (5 metres x 5 metres) at the intersection of Macpherson Street and Boondah Road to allow the construction of a roundabout.
 - l. No vehicle access (other than for temporary construction works) permitted from any private property to either Boondah Road or Macpherson Street other than via the approved access road network.
 - m. Entry treatments into the site:
 - i. The entry treatments ~~for the internal through road linking~~ **into** Macpherson Street and Boondah Road ~~is~~ **are** to include kerb returns and pedestrian/cycle refuges ~~at the intersection of the roadway with Macpherson Street and Boondah Road~~
 - ii. The southern-most entry treatment for the internal road at Boondah Road (south of Building P) is to be designed and constructed as a standard access driveway and gutter crossing in accordance with Council driveway standards.
 - n. Works within the road reserve may be constructed as part of Stage 1 (this approval) and Stage 2 (subject to a future development application) as follows:
 - i. Macpherson Street works including 5 and 7 Macpherson Street fronting the development site are to be completed prior to the final Occupation Certificate being issued for Stage 1.
 - ii. The Boondah Road works are to be completed as part of a future Stage 2 development application, if they are not completed as part of Stage 1.
- f) Condition C7 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out words/numbers~~ as follows;

C7 Internal Road Network (within the development site)

- a. Engineering plans and specifications for all roads, drainage and other civil engineering works within the development site are to include the following matters:
 - i. Pedestrian facilities;
 - ii. Pavement design and treatments. Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;
 - iii. Drainage facilities and associated water treatment facilities;
 - iv. Threshold treatments;
 - v. Street landscape, including street lighting and sign posting;
 - vi. The entry treatments ~~for the internal through road linking~~ **into** Macpherson Street and Boondah Road, to include kerb returns and pedestrian/cycle refuges ~~at the intersection of the roadway with Macpherson Street and Boondah Road.~~
- b. The engineering plans and specifications are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan, AustRoads, AUSSPEC and Pittwater 21 Development Control Plan, and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.
- c. The engineering design and plans for road and drainage works must be certified as meeting the requirements of these conditions of Approval by a suitably qualified experienced civil engineer who is NPER accredited by Engineers Australia.
- g) Condition C23 to be added by the insertion of the **bold and underlined** words/numbers as follows

C23 Pedestrian/cycle path

- (a) The alignment of the pedestrian/cycle path in the south-west portion of the site shall be agreed between Council and the proponent to ensure that the path will provide an appropriate connection over the creek to the adjoining property to the west, consistent with Council's wider pedestrian and cycle network in the Warriewood Valley.**
- (b) Fencing between the pedestrian/cycle path and the bio retention basin shall be durable, open style fencing to ensure a high level of visual amenity.**

END OF MODIFICATIONS TO MP 10_0177