

Ordinary Council Meeting 21 March 2011**OPEN SPACE AND URBAN SERVICES DIVISION REPORT NO. 9**

Reference: Open Space and Urban Services Division Report No. 9
Subject: Mowbray Road Precinct - Traffic & Bushfire Emergency Evacuation
Record No: SU4043 - 9882/11
Author(s): Wayne Rylands

Executive Summary

The Lane Cove LEP 2010 was gazetted in February 2010. The gazetted LEP included the rezoning of the area bounded by Mowbray Road, Centennial Avenue, Batten Reserve and Willandra Street, now commonly referred to as the Mowbray Road Precinct, to high density residential, R4. The rezoning of this area was performed by the Department of Planning (DoP), against the resolution of Council.

Council strongly reinforced its view regarding the Mowbray Rd Precinct by resolving to seek a downzoning of the Precinct at its meeting of 16 December 2010.

Council Officers have since met with the DoP on 12 December to convey the resolution to downzone the area. The documentation required to be submitted to the Department's LEP Gateway panel was subsequently prepared following further discussions with the DoP in February-early March 2011. It is to be submitted at a meeting set for next Tuesday 22 March. This is the earliest possible date as Council had to take into account changes to the NSW Standard LEP, only announced on 25 February this year.

One of the key issues with the increased development is the precincts proximity to bushland and the associated Bush Fire Risks. In response to concerns raised by the Rural Fire Service through the Joint Regional Planning Panel process of reviewing development applications for the Mowbray Road Precinct, the DoP engaged a consultant, Urbanhorizon Pty Ltd, to prepare the "Lane Cove Bushfire Accessibility" report. A Final Report, dated March 2011, is provided as **AT-1**.

Council staff are concerned that this report is completely lacking in any meaningful research or analysis on the traffic implications and bushfire emergency evacuation procedures that will be required as a result of the DoP's decision to rezone the Mowbray Road Precinct, to high density residential, R4 through Council's Lane Cove LEP 2010.

Unless the State Government, DoP, or Rural Fire Service ensure a more meaningful study is undertaken immediately, Council and the local community will be left to deal with a possible catastrophic event in the Mowbray Road Precinct should a significant bushfire occur.

It is proposed that Council undertake significant lobbying of the responsible government authorities and political parties for urgent attention to be given to this matter, and for a meaningful study to be undertaken on the traffic implications and bushfire emergency evacuation procedures required for the Mowbray Road Precinct as a matter of urgency.

Background

The result of the Mowbray Road Precinct rezoning by the Minister of Planning is that the area could be redeveloped with up to 2500 additional dwellings (when a FSR of 2.1:1 is applied; about 1800 additional dwellings with an FSR of 1.5:1) in addition to the existing flats there. As a result of this, Council requested from the DoP any background study information that they had used to determine the application of these FSR's for the Mowbray Road Precinct. The Department was not forthcoming with any information.

Following the rezoning, developers began to lodge significant applications to construct apartments (high density residential) with a capital investment value over \$10 million. As of 1 February 2011, Council had received the following applications for within the Mowbray Road Precinct:-

1. 532-534 Mowbray Road and 72-74 Gordon Crescent;
2. 544-550 Mowbray Road;
3. 554-560 Mowbray Road;
4. 9-13 Mindarie Street (not for JRPP); and
5. 31-39 Mindarie Street.

These proposals account for over 250 apartments and were referred to the Joint Regional Planning Panel (other than 9-13 Mindarie Street). During this process, the Rural Fire Service (RFS) required that they would not be in a position to provide comment or their sign off, until a traffic assessment was provided for the whole precinct.

This requirement for a traffic assessment was referred by Council to the DoP in late 2010. In January 2011, the DoP issued a draft document to Council that called for tenders to prepare a "Mowbray Road Traffic Assessment". In the main, this tender brief required a suitably qualified consultant to "undertake a traffic assessment to determine whether the existing road infrastructure can support the planned increase in population density in this area."

Council pointed out to the DoP that this draft document did not address the bushfire emergency evacuation issue for the Mowbray Road Precinct. From this, the DoP somehow managed to morph the brief and remove the need for the traffic assessment based on the increased population density and only required *"comment on the suitability of the current road network to cater for vehicular movement during a bushfire given planned increases in density provided for in the Lane Cove LEP 2010"* and *"recommend appropriate vehicular access changes or emergency access requirements."*

This highlights the fact that the DoP is either ignorant to the obvious serious traffic implications that will occur in the Mowbray Road Precinct and adjoining street network as a result of the significant increase in dwellings and population density, or that it is another example of a State Government department offloading its responsibility to local government. Subsequent correspondence from the Department's representative appears to indicate the latter.

Discussion below will further highlight the indifference of the DoP and RFS to the major traffic implications and bushfire emergency evacuation issues as a result of accepting the "Lane Cove Bushfire Accessibility-Final Report, dated March 2011" that was prepared by Urbanhorizon Pty Ltd. This report has been found by Council staff (and others) to be totally inadequate at addressing the real issues and simply attempts to transfer the responsibility for undertaking the necessary studies to account for an emergency evacuation of large scale proportions in the event of a bushfire in Batten Reserve to Council.

Discussion

After considerable input from numerous Council staff in preparing a meaningful brief, the Department of Planning chose a company called Urbanhorizon Pty Ltd to undertake the "Lane Cove Bushfire Accessibility" study. It would appear from correspondence from the DoP that no tender or expressions of interest process was used in selecting Urbanhorizon Pty Ltd for this study.

Based on the Final Report provided to Council, it is questionable if this company was qualified to undertake a study of such importance, and that will have serious ramifications on the potentially significant numbers of people that could end up living in the Mowbray Road Precinct.

In the main, the report regurgitates requirements straight from the Rural Fire Service "Planning for Bushfire Protection, 2006" document. The report makes no meaningful conclusions, other than requiring Council's Emergency Management Committee to update its' Displan, with involvement from the RFS.

The report states a potential for 1200-1500 potential dwellings in the rezoned area (based only on

the Department based growth data). However, based on Council's data, the potential dwelling size could be up to 2500 apartments. This would create significantly more traffic than that identified in the Urbanhorizon report. Without any justification, the Urbanhorizon report states the additional 4800-6000 trips per day is *"not considered a threat to RFS access and operation during a fire event"*. However, the report goes on to state that *"the increased volume of traffic and parking in the precinct may increase delays in the event of an evacuation."* The two statements contradict each other, both without any factual quantification of the problem. There is no discussion of the significant traffic movements that occur on both Mowbray Road and Centennial Avenue (Regional Roads). There is no discussion about the gradients or narrowness of Girraween Road, Kullah Parade, Mindarie Street or Willandra Street. There is no discussion about how Elizabeth Parade would be used in the event of a bushfire. In fact, there is little discussion about any of the major traffic issues that would occur in the event of a bushfire emergency evacuation of the Mowbray Road Precinct.

It is incredible that the author of the report then has the audacity to conclude with the statement:-

*"Any supplementary traffic investigation will need to be undertaken in a manner that **does not delay development assessment and approval** in the precinct."*

Further to the traffic comments (or lack thereof) made in the report, Urbanhorizon also has provided some less than constructive comments to make in relation to how Council could reduce the fire risk in Batten Reserve, and improve the RFS accessibility and operations. The suggestions made by the author include:-

- Removing lower limbs of trees abutting the southern side of Gordon Crescent and Kullah Parade up to a height of 4 metres above the ground;
- Reducing the tree canopy cover in Batten Reserve to between 15% and 30% (**This is not a misprint, the author is definitely telling Council that we should seriously consider removing up to 85% of the tree canopy for the whole of Batten Reserve.** This would definitely negate any bushfire risk. In fact, this would result in virtually the total removal of the bushland from Batten Reserve, and would definitely ensure the area is no longer bushfire prone land and be in direct conflict with SEPP 19 and other bushland protection legislation; and
- Mowing the understorey of Batten Reserve along the southern side of Gordon Crescent and Kullah Parade. (Again, it must be pointed out that this is not a misprint. The author does not stop at mowing the grass, but any understorey along the south side of the road carriageway. With the 85% removal of tree canopy and mowing the understorey, Council would struggle to retain 10% of the existing bush reserve.)

These suggestions may satisfy the RFS Asset Protection Zones requirements and the needs of the developers in undertaking residential developments in Gordon Crescent and Kullah Parade, but they are ludicrous in the context of what this report was required to investigate, analyse and make recommendations on.

Batten Reserve is a highly valued community asset. Bush regeneration has been actively undertaken in the area for over 40 years and as well as its innate value to our community it is an acknowledged wildlife corridor. Council and community would not accept such environmental vandalism as an option.

In all, Council staff have reviewed the Urbanhorizon report and find it to be completely unsatisfactory and an insult to the Council and Lane Cove community. It not only provides no meaningful analysis of the real issue of bushfire emergency evacuation of the Mowbray Road Precinct, but it is suggested that the conclusions have been written to simply allow the DoP and the RFS to tick boxes and allow the substantial overdevelopment of the area to be moved along.

Of real concern is that if this report is accepted by DoP and possibly the RFS in progressing the high density residential development in the Mowbray Road Precinct, then Council and the Lane Cove community will be left with a seriously unaddressed bushfire emergency evacuation issue.

Community Consultation

Statement of Intent

The consultation is designed to inform the community of Council's stance and major concerns on the Lane Cove Bushfire Accessibility report prepared by Urbanhorizon Pty Ltd, particularly relating to the unaddressed bushfire emergency evacuation issue. It is also designed to notify the State Government and the Opposition of Council's major concerns in this respect.

Method

Level of Participation	Inform
Form of Participation	Open
Target Audience	Lane Cove Community and community groups
Proposed Medium	Press release, E-newsletter and Website information
Indicative Timing	Immediate, and for as long as required

Conclusion

The Urbanhorizon report only serves to reinforce that council was correct in its initial decision in 2008 not to seek significant upzoning of this area of the Mowbray Road Precinct. It serves also to reinforce council's decision in December 2010 to seek a downzoning of the current R4 zone.

The total inadequacy of the research and analysis undertaken both prior to and since this enforced rezoning by the DoP and the serious implications particularly by bushfire, need to be urgently highlighted to the Premier and Opposition Leader.

RECOMMENDATION

That Council:-

1. Write to the Premier and Opposition Leader:-
 - a) Detailing Council's deep concerns regarding the totally inadequate research and analysis that was undertaken prior to and since this enforced rezoning with respect to traffic, bushfire including emergency evacuation and environmental implications.
 - b) Requesting the urgent funding needed for the necessary expert reports required should the incoming State Government insist on maintaining the current zoning, and
 - c) Implore the incoming State Government to treat Council's request for a downzoning of this section of the Mowbray Road Precinct as a matter of extreme urgency.
2. Issue a press release highlighting the above issues and in particular the shortfalls of the Urbanhorizons report.

Wayne Rylands
Executive Manager
Open Space and Urban Services Division

ATTACHMENTS:

AT-1 [View](#) Urbanhorizon Lane Cove Bushfire Accessibility Final Report 22 Pages