

Joint Regional Planning Panel
GPO Box 3415
SYDNEY NSW 2001

Our Ref: GMC:dt:21705

5 December 2011

Attention: Panel Secretariat

By Email: Angela.Kenna@planning.nsw.gov.au

Dear Secretariat,

JRPP REF No: 2011SYE042

Property: 2 - 4 Riverhill Avenue & 751 - 757 Warringah Road, Forestville

Re: DA 2011/0400

We refer to the above matter and the independent traffic report prepared by Chris Hallam dated 30 November 2011.

Throughout the application process, the RTA (RMS) has changed its position regarding access to and from the subject site a number of times. We provide the following chronology outlining the key items of correspondence between the applicant and RTA over the last 12 months:

- On 16 December 2010 Tim Rogers, the applicant's traffic consultant, attended a meeting with the RTA to discuss access from Warringah Road. The RTA did not object to ingress to the proposed development if a slip lane was provided. This initial advice from the RTA was used by the design team in the preparation of the DA.
- On 25 March 2011 DA2011/0400 lodged with Warringah Council.
- On 27 April 2011 RTA released referral response stating that *"As the subject site has alternate vehicular access via Riverhill Avenue, the RTA will not grant its concurrence to the proposed driveway on Warringah Road."*
- On 16 May 2011 The applicant implements the RTA's advice involving the removal of access from Warringah Road. All ingress and egress would now be provided via Riverhill Avenue.
- On 27 July 2011 the application went before the JRPP. Among other recommendations, the JRPP requested that *"the applicant, assisted by the council, to approach the RTA again with a view to receiving permission for vehicular entry from a slip lane in Warringah Road."*

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- On 10 August 2011 the applicant and representatives from the Council met with the RTA to discuss access from Warringah Road. The RTA agreed 'in principle' to access from Warringah Road.
- On 19 September 2011 the RTA forwarded a letter to Tim Rogers confirming the above.
- On 17 October 2011 the RTA forwarded a letter to Warringah Council confirming concurrence was granted to access from Warringah Road subject to a number of conditions including the provision of a deceleration lane.
- On 8 November 2011 Angela Malloch from the RTA (RMS) forwarded an email to Council stating that it did not support the amended application submitted to Council on 23 September 2011 which proposed all access via Warringah Road with 30 vehicles permitted egress to Warringah Road, and the one way egress to Riverhill Avenue.
- On 16 November 2011 Tim Rogers had a further meeting Owen Hodgson and Angela Malloch from the RTA (RMS) to discuss access from Warringah Road. The RTA confirmed its position to support ingress for all vehicles from Warringah Road, egress for 30 vehicles to Warringah Road and formed the opinion that it was a matter for Council in relation to Riverhill access. At this meeting, Owen Hodgson agreed to prepare a letter confirming this agreement.
- From 18 November to 1 December 2011 Tim Rogers chased the RMS for the abovementioned letter confirming the discussions held on 16 November 2011.
- On 2 December 2011 Owen Hodgson from the RMS confirmed that the letter had been sent to the Minister of Planning. Tim Rogers requested a copy of the letter but the RTA would not provide one as it was privileged document. At Tim's request, Owen Hodgson agreed to prepare a similar letter addressed to Warringah Council.
- On 2 December 2011 the RMS forwarded a letter addressed to Warringah Council to Tony Collier and Tim Rogers confirming it would permit all vehicles to enter the site via Warringah Road and allow 30 vehicles to egress onto Warringah Road. The RMS stated that it continued to support two way access onto Riverhill Avenue.

During a community meeting held by the applicant on 13 April 2011 local residents raised concerns regarding increased traffic congestion and confusion two way access onto Riverhill Avenue would create. These concerns have also been raised in numerous submissions forwarded by residents to Warringah Council and also at the meeting on 27 July 2011 before the JRPP.

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In an attempt to accommodate the residents concerns relating to access to the development from Riverhill Avenue and provide a balanced outcome between traffic efficiency and community interests the applicant made a deliberate choice to provide egress only to Riverhill Avenue.

The applicant, after reviewing the report of Christopher Hallam and taking the advice of Tim Rogers continues to seek the approval of egress only to Riverhill Avenue. We genuinely believe that this is the best outcome for the developments direct neighbours at number 7 Forestville Avenue, 3 and 6 Riverhill Avenue, and all residents of Riverhill Avenue. An approval consistent with the plans proposed will represent an appropriate balance, in part addressing the communities concerns and in part responding to the RMS and individual traffic consultant expert advice.

In the event the JRPP disagree with this position, or in the event there is a difference of opinion between the traffic experts, we invite the JRPP to impose as a condition of consent a requirement that access to Riverhill be two way.

Should you have any questions please contact Graham McKee or David Tyrrell in his absence.

Yours faithfully

MCKEES LEGAL SOLUTIONS



Graham McKee
Principal

Encl.