

WILLOUGHBY CITY COUNCIL

SUBMISSION

COMMENTS ON APPLICATION FOR MODIFICATION 6 TO MP09_0066 – THOMAS STREET CAR PARK SITE DEVELOPMENT

APPLICANT: MERITON GROUP

INTRODUCTION

This submission summarises Willoughby City Council's objections on the proposed Modification 6 by Meriton Group of MP09_0066 for development of the Thomas Street car park site located between Albert Avenue and Thomas Street in Chatswood. Council urges the Department to refuse the Modification and request the applicant to proceed with Modification 3 as approved.

Council notes that since Modification 6 was placed on exhibition, Modification 3 was approved by the Department of Planning on 18 February 2013. That Modification changed the approved commercial office in the development to a serviced apartment building.

This submission identifies a number of concerns of Council with the further modification of the development as submitted. The submission also notes issues/conditions that are required should the Department of Planning be of a mind to recommend approval of the modification.

PROPOSED REVISIONS TO MODIFICATION 6 FOLLOWING COUNCIL OFFICERS MEETING WITH PROPONENTS.

Council met with Meriton Group and its architects on 15 March 2013 when Council officers were shown plans indicating a number of amendments to the submitted modification. The meeting followed Council's submission of preliminary comments on the proposal to the Department of Planning on 21 February 2013. The changes included:

- Cutting back the overhead car parking podium to open the northern half of the through site link to the sky.
- Relocating the fire control room and providing an entry feature to the through site link on the Thomas Street frontage.
- Providing a window to half the café frontage facing Thomas Street to provide some active frontage to the street.
- Provision of an entry feature above the through site link on the Albert Avenue frontage
- External finishes refinement and other minor changes.
- Further detailing of the shadowing impacts.
- An alternative façade treatment to the above ground parking podium.
- Ensuring that two vehicle movement and short stay parking was provided in the serviced apartment's port-cochere.

Council appreciated the opportunity to meet with the proponents to discuss its concerns.

The meeting with the Proponent on the 15 March advised of some design changes although the substantive form of the Modification proposal is unchanged.

The following comments are provided in relation to the suggested changes:-

- Council's preference is for there to be no above ground car parking. At the meeting on the 15th March it was indicated an intention to cut-back the above ground car park podium over the northern half of the through site link. The deletion of the above ground car park over the northern section of the through site link will be an improvement of the scheme. Half of the area of the link however will remain as a covered walkway to Albert Avenue. If above ground car parking is supported by the Department then Council's preferred design solution is for the section of car parking over the southern section of the "walkway" only consist of a narrow driveway connection between the western and eastern car parks on all above ground levels. This would allow for a substantial recess to be created in the Albert Avenue façade of the above ground car park thereby providing visual relief to the façade. It would also allow for retention of a greater area of open air landscaped space more consistent with the originally approved development. This change would likely require relocation of some parking from the above ground car park to an additional basement level. At the Council Meeting on the 25th March, the applicants representative informed the Council that they were considering a further amendment to include active uses (offices, serviced apartments or residential apartments or facilities associated with the latter) on the Albert Avenue and Thomas Street elevations of the above ground car park. If there is to be any such car parking then Council would support the design amendment to incorporate active uses.
- The proponents have provided an elevation of an alternative design for the above ground car park incorporating a series of framed elements and revised materials incorporating pre-cast panels (Alucobond cladding or similar) and perforated screens. The alternative includes additional glazing to Fleet Lane at ground floor level and returning the new treatment by openings on the western and eastern facades of the podium. The alternative design is preferred to the Modification 6 plans. Whilst Council's preference is for no above ground car parking, or an above ground podium with active usage on the Albert Avenue and Thomas Street elevations, if the Department supports this design outcome then:
 - a) Council requests the recess as outlined above to increase the size of the landscaped open space;
 - b) Council supports the alternative façade treatment as presented to Officers at the meeting on March 15, 2013.
- If the above ground car parking that requires the double lane entry off Thomas Street is supported by the Department, then the changes proposed at the March 15 meeting should be incorporated by submission of revised plans for the:
 - Café window;
 - Fire control room;
 - Fire stair screen planting;
 - Driveway footpath crossing pavement treatment
 - Sculptural element adjacent to the entry to the landscaped open space; and
 - Public art painting or panel to the structural column.

- The changes to the Thomas Street entry for the landscaped open space noted above will improve the presentation of this access point. At the meeting on March 15, a revised treatment to the Albert Avenue elevation was also presented. The revised façade to Albert Avenue incorporating a significant recess to the above ground car park and including a substantial awning element over the entry is supported. (The awning may project over the public footpath subject to an appropriate license with Council).
- Willoughby Council considers that even if the Department of Planning is of a mind to recommend approval of Modification 6 incorporating the above revisions then the plans and documentation are not of a quality or level of completeness that are adequate to form the basis of an approval. Further design development to address the concerns noted in this submission and provision of adequate supporting documentation and specialist consulting advice should be required before the modification should be allowed to progress.
- **As noted previously in this submission Council requests that it be given an opportunity to review any amendment of the proposal and to make a further submission. Furthermore Council requests that in that review it be given the opportunity to also review the conditions of consent that will affect the public domain, the public car park and public infrastructure. For example the design of the public car park is completely changed from the previously considered design by Council. As a result Conditions including but not limited to B15 of the previous Modification consent need to be reactivated and reviewed in the context of Modification 6.**

BACKGROUND

This submission necessarily responds to the Modification as lodged with the Department and placed on public notification.

The proposed development as reflected in Modification 6 raises significant issues for the strategic planning of Chatswood and potential impacts that were not raised by the earlier Modifications. The implications to the strategic planning of Chatswood and the context of the site are evidenced by a summary of the background to Modification 6. The background is relevant and includes the strategic and statutory environment of the approvals and the extent of changes to the development arising from the series of modifications.

The strategic and statutory planning context is established by publically exhibited and adopted/gazetted plans. Certainty for the public of the planning framework of an area is a fundamental security of a community that has been set aside in this case because of the operation of Part 3A. A summary of the statutory planning context of the development is as follows:

1. **APPLICABLE INSTRUMENT AT TIME OF ORIGINAL CONSENT: SREP 5 CHATSWOOD TOWN CENTRE**

ZONE: BUSINESS COMMERCIAL 3(C2)

FSR: Maximum 5.5:1 of which maximum residential was 2.5:1

HEIGHT: RL 150 on the Thomas Street side of the site and RL 130 on the Albert Avenue side of the site

2. **CURRENT EPI: WLEP 2012**

ZONE: Western side COMMERCIAL CORE (B3) eastern side MIXED USE (B4)

FSR: 6:1

HEIGHT: 60 metres along Thomas Street side of the site and 34 metres along Albert Avenue side of the site
ACTIVE FRONTAGE MAP: Albert Avenue
SPECIAL AREA: Area 3 – subject to the 4% affordable housing requirements of Clause 6.8

3. STATE GOVERNMENT METROPOLITAN PLAN AND DRAFT INNER NORTH SUB REGIONAL STRATEGY

Chatswood is a major centre that is required to provide additional business and jobs potential. It is compact centre with limited land available such that the loss of key sites is critical to Chatswood's future viability.

4. CHATSWOOD CBD STRATEGIC PLAN

Chatswood CBD Strategic Plan sought to reinforce the business role of Chatswood CBD consistent with State planning principles.

The proposed development as now modified is inconsistent with the planned strategic and statutory environment of the site, specifically in terms of building scale, density and use.

The history of the development process for the site demonstrates that Modification 3 in combination with Modification 6 dramatically changes the content, form and scale of the development to the point where it does not reflect the original development or its impacts, relationship and role in Chatswood CBD. The following is a summary of the developments evolution:

1. ORIGINAL APPROVAL 26 SEPTEMBER 2010

Applicant: Welles Thomas Pty Ltd

Approval: 18 storey office building plus retail on ground floor with total height to RL 197.2

26 storey residential building with commercial gym, retail/café on ground and first floor with total height to RL 199 and 4% affordable housing and 20% adaptable housing

FSR 10.4:1 – 44,971m² calculated in accordance with GFA definition in WLEP 2012
Landscaped open space plaza > 1,000m²

5 basement levels of car parking for 506 vehicles including 250 public car park for Council

2. MODIFICATIONS 1 AND 2

Applicant: Meriton Group as new owner

Approvals 6/6/2012 and 1/11/2012 respectively: Adjustment of conditions to allow for staging of construction, changes to some conditions relating to stormwater management and car parking provision associated with adaptable housing

3. MODIFICATION 3

Applicant: Meriton Group

Approval on 18 February 2013. It changed the commercial office building to 302 serviced apartments significantly reducing the planned employment potential of the

site. It increased the total GFA and number of residential apartments to 241 units. It reduced the retail floor space and proposed a child care centre. It provided an additional “mezzanine” level below ground for back of house for serviced apartments. It increased GFA to 45,148m² and FSR to 10.44:1 with no change to the approved height.

4. MODIFICATION 4

Applicant: Meriton Group

Approval in December 2012: Extended the basement and mezzanine levels under Fleet Lane West

5. MODIFICATION 5 (WITHDRAWN)

6. CURRENT MODIFICATION – MODIFICATION 6

Applicant: Meriton Group

Proposal: Conversion of the commercial office building to serviced apartments (subsequently approved in Modification 3) but with increase in the number of serviced apartments to 356 units. Increase in the number of residential units to 353 units. Increase in the height to RL 221.95 (serviced apartments) and RL 253.35 (residential) which is an increase of 27.75 metres to the serviced apartment building and 53.45 metres to the residential building. Reduction in the retail floor space but increased overall floor space to 58,621m² (WLEP 2012 definition), increased car parking to 740 spaces of which 3 levels are above ground and provision of a covered through site link rather than a landscaped public plaza as originally envisaged. The 4% affordable housing and 20% adaptable housing and 250 space public car park is still incorporated. The residential building although located on the southern fringe of Chatswood CBD, if approved, will become the tallest building in Chatswood (disregarding the architectural roof feature on Tower 1 of the Chatswood Transport Interchange in the centre of Chatswood).

This submission acknowledges the discussion at the meeting on 15 March and the proposed design changes but in the absence of formal lodgement of revised plans with the Department of Planning, this submission must primarily respond to the proposed modification as has been lodged.

COMMENTS ON MODIFICATION 6

Errors in Plans and Documentation

The documentation and plans lodged with the application contain errors and the documentation does not correspond with the plans. Some assumptions have had to be made to prepare these comments such as the public car park is proposed in the basement over 5 levels, serviced apartment parking is above ground, vertical services will be provided through the building, ramps and stairs will be adjusted to connect between the levels and various incorrect labelling of spaces will be rectified. This assumption extends to any changes arising from any revised plans. Similarly although the Landscape Plan does not reflect the modified architectural plans for the through site link it is assumed that the architectural plans represent the intent. It is noted that the Landscape Plan is not achievable with the extent of enclosure of what was a landscaped plaza and is now just a covered through site link. The landscaped plan and architectural plans will need to be further adjusted if the revised scheme presented to Council Officers on 15 March is progressed.

The floor space calculations appear to have omitted the usable floor area of back of house for the serviced apartments in the mezzanine. The use of this floor area needs to be clarified to confirm that it is not to be counted as gross floor area. The retail floor space is either 276m² or 486m² as indicated in the traffic report. This should be clarified. The storage space in the above ground car parking levels should also be included in the GFA as it is not located in a basement.

Council recommends that a full review of plans and documentation occur and the updated plans and documentation be provided to Council for further review if the Department is of a mind to approve the modification.

Considerations of the design and impacts of Modification 6

1. Inadequate Planning Basis for the Increase in Density and Height

The proponent has not provided a sufficient planning justification for the increase in density and height for the modification. There are no additional public benefits as claimed by the Statement of Environmental Effects provided with the modification. The following points are made in response to the statements made by the applicant as to the benefits of the modification:

1. Section 94 contributions are not a benefit as the contributions are to meet the increased demands on local services arising from the development that has to be met by the local community. Section 94 contributions will apply for open space/recreation and community facilities, roads and traffic and child care.
2. The shortfall of car parking for the development will have to be met by contribution (see the later comments on car parking provision).
3. The provision of 4% of the residential GFA in affordable housing was a fundamental requirement of development of the site from the beginning and the value of the land reflected the requirement.
4. The provision of a 250 space public car park was a development requirement of the site from the beginning and the value of the land reflected the requirement.
5. The submission of a letter of offer for a Voluntary Planning Agreement with the modification is acknowledging that the proposed modification is substantially greater in scale and intensity than any development previously considered for the site. The accompanying impacts including, but not limited to, traffic and shadowing means the VPA is in part addressing the consequences of increased traffic, shadowing and population. The latter impacts are proposed to be addressed using the VPA amount to meet the additional pressure on public facilities and providing funds for Chatswood Oval to ensure its usability with the increased shadowing. Council considers that the VPA is appropriate should the modification be approved as the scale of development now proposed on the subject site has not been allowed for or anticipated in Council's works programs.
6. Council has already made provisions for the dwelling targets required for Willoughby in the Metropolitan Plan for Sydney. The subject development results in Willoughby exceeding the targets at the expense of the jobs potential in a commercial office building which is a separate regional planning target set for Willoughby. (The latest version of the Metropolitan Plan increases the jobs target for Chatswood). As previously stated in Council's submission to Modification 3, Chatswood will NOT meet the jobs target as 3 major development sites in Chatswood CBD have been approved by the Minister for

residential purposes instead of job-providing commercial uses. The loss of commercial development sites undermines the viability of Chatswood as a business centre and its role as a sub-regional centre for the northern region of Sydney in the global economic arc.

7. The jobs provided by a serviced apartment development are a significant reduction to that provided by the proposed commercial office building.
8. The supporting reports are inadequate to make a proper assessment of wind, glare, noise or traffic impacts which are likely to be dis-benefits to the public if not properly addressed.
9. As noted in Council's submission to Modification 3, the ESD undertakings are the minimum and there is potential for greater initiative especially noting, for example, the likely demands for high energy usage to continually light the through site link and common areas of the serviced apartments.
10. The provision of 20% adaptable residential units for people to adapt should they become disabled or are disabled is less than what WDCP requires of 50% for a multi-storey building serviced by a lift. The provisions of WDCP are met by other developers in Willoughby.

The proponent's justification for the increase in height and floor space is based on the Chatswood Interchange Towers. The towers have a maximum roof height of the tallest of the 3 towers (Tower 1) of RL 239.6 (not RL 263.8). The height of the plant room of Tower 1 is RL 246.8 and the height of RL 263.8 is the top of the architectural blade roof feature not usable floor area. The height of the residential tower on Modification 6 is RL 253.35.

Furthermore Chatswood Transport Interchange is located in the centre of Chatswood CBD as an identifier to the public bus-rail interchange whereas the subject site is located on the south-western edge of Chatswood CBD. Development on the fringes of the CBD should be scaling down from the core to the 8-storey and 3-4 storey residential development to the south of Albert Avenue.

2. Shadowing Impacts

The shadow diagrams provided with the Modification were not adequate to properly assess the additional impact. Additional shadowing diagrams were provided to Council officers at the meeting on 15 March 2013. These indicate the substantial increase in the extent of shadowing impact. The additional impact however from 3pm in mid-winter compared to the approved development falls beyond Chatswood Oval. This additional shadow impact will affect a large number of residential properties. Whilst the applicant has argued that the narrow profile of the towers means that the shadow will "fast moving" it is apparent from the shadow diagrams that in mid- winter from 9am until late into the afternoon a significant part of the residential area south of the CBD will now be affected by shadow whereas under the approved scheme(s) there was no such impact. There will also be additional shadow over the croquet lawns / public open space and private bowling club land to the south of Ellis Street from midday in mid-winter till 3pm. The approved scheme (both the original scheme and Modification 3) resulted in minimal additional shadowing of this public and private open space land as the development shadow fell within the shadows of existing buildings. Modification 6 will result in a significant impact on the quality of that open space.

The additional shadow impact on the recreational facilities is a result of the increased scale and height of the development under this Modification.

3. Design Issues

- 3.1 The plans do not indicate the affordable housing units (4% of residential GFA) to be provided to Council (see previous submissions on this point). The plans must nominate the affordable housing units.
- 3.2 The landscaped open space plaza was fundamental to the site specific planning of the site to enjoy the penetration of northern sun achievable along the alignment of Katherine Street. This is compromised with the modification plans as it will be enclosed by the proposed above ground parking and will become a “gun-barrel” walkway. Its area has been significantly reduced in size making it no longer a usable recreational space as well as a through site link. The retail/active frontage is tokenistic and questionable in its viability to provide an active frontage along the link. The proponent has suggested that the space could be used for art exhibitions or similar. In the absence of details in respect to management of such a space, the curatorial requirements for exhibitions and how the space will be controlled within the site, it is most likely that the narrow retail “strip” or exhibition space will be unviable. There will not be the throughput of pedestrians to make such retail space successful. Council would propose that the windows to the space be removed and it be added to the landscaped open space with public seating or additional garden space.
The proposed walkway and ceiling treatment will require 24 hour lighting that is energy inefficient.
- 3.3 The mass and bulk of the boundary to boundary podium of above ground car parking as proposed in the Modification will have an adverse visual impact on the streetscape of Albert Avenue. It is preferable that car parking should be provided in below ground basements. The detail of the proposed façade treatment and finish is inadequate. The use of external finishes that have a short maintenance life such as painted surfaces is inappropriate for this CBD location. The mass and bulk of the podium will still dominate the streetscape in Thomas Street and in Albert Avenue. The podium will become even more prominent when the road widening occurs on the northern side of the intersection of Albert Avenue with Pacific Highway and when the building on 763 Pacific Highway is demolished at some time in the future for redevelopment. Moreover the site is also affected by RMS road widening along its frontage to Albert Avenue such that the podium will be a dominate element over the road footpath. The adequacy of the clearance above the surface of the road footpath where the road widening is to occur needs to be clarified.
- 3.4 The ground level presentation to Thomas Street widening as shown on the modification 6 plans consists predominantly of blank walls and car parking entrance/exits. There is no relationship to pedestrians, urban design quality is poor and there is little active frontage providing even basic passive surveillance. At the meeting on 15 March it was indicated that a 2.5 metre wide window is proposed to be introduced to the shop/café frontage with a display panel installed on the face of the structural column and the fire control room relocated to provide a sculpture screen to the fire stair. Additional planting will also be proposed in front of the fire stair on the Thomas Street frontage. This will provide some improvement. However, more than 18 metres is taken up by driveway entrances and exits. The width of the footpath crossing to serve the multiple driveways is unsafe for pedestrians though pavement treatment on the driveways can improve the visual appearance.

The amount of signage that will be required for vehicles seeking to access the site will only add to the poor presentation from Thomas Street.

- 3.5 The mass and bulk of the towers with the increase in height will be visually prominent on the southern edge of Chatswood CBD. They will dominate the southern approach to Chatswood in a scale that is inconsistent with the surrounds and site context. External finishes currently proposed include painted finishes that have ongoing maintenance concerns in for buildings of this scale. The schedule of finishes should be revised to limit painted finishes to minor external elements with predominant use of pre-cast or pre-applied finishes. In order to maintain a high standard of finish and continue the design quality throughout construction, Council recommends that a condition be imposed requiring that the design architects oversee the quality of finishes and façade treatment throughout construction, This could be concluded with a design certification prior to occupation certificate that the completed building conforms to the intended design standard as presented in the application drawings and perspectives.
- 3.6 There is a lack of identity and clarity at a pedestrian scale as to the entries of the development. The mix of uses and activities will demand building and business identification in the future that has not been addressed in the architecture to produce an integrated outcome.

4. Traffic, Disabled Persons Access and Car Parking Issues

- 4.1 The head clearance over the Fleet Lane link appears inadequate and must be 4.7 metres for its full length as achieved in Modification 3. The increased scale and density of the modified development that is proposed will need to make use of the link road to access the loading dock as well as to meet the needs of the properties in Fleet Lane East. This necessitates that the clearance over the lane meets the requirements for large trucks including furniture delivery vehicles.
- 4.2 The width of the crossing proposed in Thomas Street to accommodate all the driveways is in the order of 18 metres. As noted previously in this submission this is undesirable in terms of pedestrian amenity and streetscape. There is no safe refuge for pedestrians available across its width and there is a multiplicity of vehicle movements and vehicle sizes that will access the various driveways. For those unfamiliar with the location, such as visitors to the serviced apartments or residential units and drivers of delivery vehicles, the queuing or chance of entering the wrong driveway and then cars reversing out means there is a safety issue for pedestrians and other vehicles.
- 4.3 Despite the proposed increase in service apartments the porte-cochere has not been redesigned. The design and its capacity has been a concern noted in the previous submissions including the submission made by Council on Modification 3. The proponents indicated at the meeting on 15 March that the porte-cochere can be designed to accommodate two lanes for vehicles as well as a space for temporary parking of serviced apartment users or couriers. The port-cochere must be able to accommodate at least a mini-bus access beside another vehicle. Any consent must prohibit access to the site by standard passenger buses as there is no capacity in Thomas Street, Fleet Lane, Albert Lane, the porte-cochere or Albert Avenue to accommodate a bus to park or stand.

- 4.4 The traffic report is inadequate to properly assess the impacts. More detail is provided in an attachment to this submission:
1. It contains a number of statements that are unsubstantiated.
 2. It does not consider the distribution of traffic generated from the different entrances/exits.
 3. It does not adequately consider the delivery demands and routes for trucks to/from the site. The location of the loading dock access forces truck into Thomas Street that does not have a signalised intersection at Pacific Highway forcing trucks into other streets with the associated impacts.
 4. All parking for the development must be provided on site with no shortfall according to Councils DCP.
 5. It does not allow for known developments in the vicinity that already add to or will add to traffic in the area, particularly at the Albert Avenue / Pacific Highway intersection.
 6. It does not adequately consider the consequences of congestion in Pacific Highway and when that occurs.
 7. It does not consider the peak traffic impacts and congestion of vehicles in the area and on Pacific Highway at weekends. That is the traffic counts that are basis of the assessment do not cover an adequate range of times and different days that is the reality of the location.
 8. It does not consider the other relevant traffic studies and the recommendations that have been commissioned by Council in the area (GTA Traffic Consultants study of the immediate precinct of the site, Lambert and Rehbein of Chatswood CBD). The traffic assessment has only been with SIDRA and has only considered each intersection in isolation. Furthermore the SIDRA analysis of the Albert Avenue intersection with Pacific Highway conflicts with SIDRA analysis undertaken by Council's consultants in 2011 that found that the intersection had an LOS of B in the am peak and a LOS of F in the pm peak.
 9. The access to the loading dock off the Fleet Lane link must provide a security roller door or similar and locate the roller door well within the driveway to allow a truck to park wholly within the site. The design of the link has to be reviewed to determine the minimum loading for the road and the structure below.
 10. The parking spaces located in the loading dock should be allocated the retail shops for staff parking or servicing.
 11. The loading dock design must cater for large rigid trucks. The manoeuvring diagrams only consider MRV's entering the site and not the exiting vehicle especially the consequences of manoeuvring if any of the docks are occupied.
 12. Council will not provide loading zones or bus parking areas in the surrounding streets.
 13. The car parking plans note spaces available in mainly the residential but also the serviced apartment parking areas that are either unmarked or are labelled "storage" that can easily be converted to car parking. The potential of this adds more than 70 spaces to the total car parking provision and potential traffic generation. Any consent must prohibit the conversion of such spaces to additional car parking.
 14. If the above ground car park is not supported by the Department, then revised plans should be submitted removing the driveways from Thomas Street and relocating the parking in additional basement levels.

- 4.5. Council is aware that a submission has been made on the Modification from No 12 Thomas Street-a property that adjoins the subject site directly to the north east. That property has a series of medical and specialist practices that include patients with disabilities. Those patients and their carers used the adjoining public car park and then accessed No 12 Thomas Street via a disabled ramp access from Fleet Lane to the Thomas Street entry to the building. The ramp runs along the west side of No 12 Thomas Street. Access to the Thomas Street entry of the building is not possible for people with a disability requiring wheel chair use as the Thomas Street entry is elevated by steps above the footpath. The only access is via the ramp from Fleet Lane. The new public car park will be placed underground with disabled access provided by lift access to the central through walkway/open space. From there, disabled persons are unable to access No 12 Thomas Street other than by exiting to Thomas Street, travelling east along Thomas Street to Thomas Lane, heading west along Fleet Lane then up the side access ramp to the front entry of the building. The only alternative is for carers to drop off the patients by car in Fleet Lane to access the side ramp while the carer parks the car in the public car park. This occurs by the vehicle travelling along Fleet Lane then Thomas Lane to Thomas Street then down Albert Lane and eastbound along Albert Avenue to enter the car park. This issue of disabled access should be addressed by the proponent as an impact on the adjoining property.

5. Other Matters

- 5.1 The plans do not appear to have regard to all the levels and stormwater issues that have already been the subject of much discussion between Council and Meriton. The proponent should document those agreements in the proposal.
- 5.2 The plans do not acknowledge and address the letters and discussion with Council on the requirements for acceptable operational design of the public car park facility as well as how it is to be separately titled from the rest of the development. This needs to be addressed by the proponent for reference in conditions of consent. In this regard the design changes to the public car park (assumed to be in the basement) raise a number of issues that need to be addressed. More detail is provided in an attachment to this submission.
- 5.3 Council further notes that in the application documentation for Modification 6, a letter of offer for a Voluntary Planning Agreement is included. The letter of offer undertakes to provide funds to Council to carry out improvement works in the vicinity that can address some of the impacts of the increased scale of the development. The funding will be used to carry out improvements to surrounding open space and community facilities in the area. Council supports the VPA. The letter of offer uses an incorrect GFA to determine the amount of the monetary contribution. The proponent agreed to correct this at the meeting on 15 March.

The letter of offer needs to be resolved as a VPA pursuant to S.93F and s.93G of the Act, including public notification and registration on title. In accordance with S.93 I (4) of the Act, the letter of offer should be included as part of the terms of a commitment under Part 3A. Council recommends that the proponent be requested to incorporate the letter of offer (as corrected) in

the Statement of Commitments and then any consent granted by the Department / Minister:

- i) require that applicant to undertake the commitments;
- ii) include a condition requiring a planning agreement to be entered into in the terms of the letter of offer (as corrected).

5.4 Willoughby Council has been undertaking a community needs analysis as part of its Community Strategic Plan. A key finding of that analysis is that the increased residential population around Chatswood is having and will have a significant impact on the local and district community infrastructure, especially the capacity of local public schools, child care centres and before/after school care facilities to meet the demand from the additional population.

The following table sets out the projected enrolments for Willoughby City Public Schools for 2013 and the % change from 2012. The figures show across-the-board increases that all public schools are experiencing (with the exception of Willoughby Girls High which has a fixed enrolment).

| Public Schools in Willoughby | Student enrolments 2013 | % growth from 2012 |
|------------------------------|-------------------------|-------------------------------|
| Artarmon PS (APS) | 910 | 6.1% |
| Castle Cove PS (CCPS) | 489 | 5.2% |
| Chatswood PS (CPS) | 886 | 7.7% |
| Mowbray PS (MPS) | 358 | 9.5% |
| Northbridge PS (NBPS) | 556 | 3.9% |
| Willoughby PS (WPS) | 958 | 2.0% |
| Willoughby Girls HS (WGHS) | 929 | 0.4% (WGHS has fixed numbers) |
| Chatswood HS (CHS) | 1330 | 5.3% |

Five of these schools are operating well over intended capacity and are so full already there is insufficient space for the installation of additional demountables. The only option in some cases is to remove teacher parking or outdoor space for the siting of new classrooms.

Some of the school enrolment numbers on school site areas would justify provision of a new school if the school was in a greenfields location.

This issue is not limited to Willoughby City but also applies to other LGAs within the region.

Lower North Shore Student Numbers and Growth Rates (based on NSW Public School February 2012 Census Figures)

| Comprehensive Public High Schools | 2006 | 2012 | % change over 6 years |
|-----------------------------------|------|------|-----------------------|
| Chatswood | 905 | 1263 | 40 |
| Killara | 1351 | 1527 | 13 |
| Killarney Heights | 660 | 952 | 44 |
| Mosman | 766 | 886 | 16 |
| Willoughby Girls | 830 | 926 | 12 |

As Willoughby and the Lower North Shore generally, are well developed, there are very limited sites, with high land prices, available to develop a new school. The increasing population that will occur will compound the problem in future years. The key issue for the local public schools is having sufficient capacity to cope with continually increasing enrolments when the schools are already at capacity.

Chatswood Primary School has one of the worst capacity issues despite recent action to install 2 storey demountables. The pressure is likely to increase with the proposed residential developments earmarked for Chatswood CBD, approximately 1000 new dwellings. The Modification 6 development will include an additional 353 dwellings.

Before and After School Care is also at crisis point in a number of schools with waiting lists closed and places at off- site locations very limited. This will be exacerbated with the increase in student enrolments in coming years and into the future. There are obstacles to establishing before and after school facilities at public schools and the Government should review these to make it easier for schools to operate OOSH services.

The increased scale of Modification 6 over the approved scheme(s) is at odds with the planning principle of matching increased density with the capacity of local (and State) infrastructure to cater for the increased demand.

The approved Modification 3 included a child care centre. The current application omits the facility.

Council requests that the Department require the reinstatement of a child care facility within the development in order to address the increased demand generated by the development. The facility could be incorporated as a use within the serviced apartment building using the top of the podium as outdoor play space. Such a use will also add to the employment generation of the site which is an issue raised earlier in this Submission.

CONCLUSION

Willoughby Council appreciates the opportunity to make this Submission on the application. Council requests that the points raised in this submission be considered by the Department in its assessment of the application in conjunction with other submissions made on the application.