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MERITON PROPERTY SERVICES
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Mr Ben Lusher
NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mr Lusher

**STATEMENT OF ENVIRONMENTAL EFFECTS: SECTION 75W APPLICATION TO MAJOR
PROJECT MP NO.09_0066, THOMAS STREET CAR PARK – AMENDMENT TO CONDITIONS**

INTRODUCTION

Pursuant to Section 75W (1) (a) of the Environmental Planning and Assessment Act 1979, a 'modification of approval' is sought to vary Conditions pertaining to Major Project Approval MP No. 09_0066.

Modifications are sought to amend Conditions B9, B10, B11, C15, and E40 to be consistent with Metropolitan planning policy and construction management.

THE SITE

Site Context

The site is located within the Chatswood CBD, within the Willoughby local government area (LGA). The site sits at the southern gateway of the Chatswood CBD. The Pacific Highway is to the west of the site and the North Shore rail line is to the east of the site.

The site is a reverse L-shaped block bounded by Thomas Street to the north, Albert Lane to the west, Albert Avenue to the south and low rise commercial properties to the east. The site has an area of approximately 4,323sqm.

The site is legally described as Lots 23-30 in DP2983, which forms part of the southern block fronting Albert Avenue with a length of 80.465m and the width of 33.855m. Lot 13 of DP 2983 and Lots A and B of DP 381223, which is the northern block fronting Thomas Street with a length of 40.23m and a width of 3.855m.

A site location plan is provided at **Figure 1** below:



APPROVALS BACKGROUND

In June 2007, Willoughby Council entered into a contract with Welles Thomas for sale of the Council car park site at Thomas Street and Albert Avenue.

On the 27 March 2009 Connybeare Morrison International Pty Ltd, on behalf of Welles Thomas, requested that the Minister of Planning declare the proposed mixed use development to be a Major Development subject to Part 3A of the EP&A Act.

On 24 April 2009, the Minister declared the proposed development to be a Major Development. Subsequently a Project Application was submitted and on the 28 September 2010, Project Approval MP09_0066 was approved for a mixed use development, comprising the following;

"Southern commercial building consisting of a three storey podium; and 18 storey commercial tower above. Northern residential building consisting of a three storey podium; and 26 storey residential tower above five level basement and public domain works".

PROPOSED MODIFICATIONS

The specific Conditions to be amended are B9, B10, B11, C15, and E50 of Major Project Approval MP No. 09_0066 as approved on the 28 September 2012. The reasons for proposed amendment and the actual wording of the proposed changes are addressed below.

Condition B9 – Adaptable Units and Disabled Parking

The Project Approval requires 20% of dwellings to be adaptable, which equates to 40 units. This is significantly higher than the 10% set out by the Metropolitan Plan for Sydney 2036 for new multi-unit residential development.

This standard was recently upheld by the Planning and Assessment Condition (PAC) who approved 10% as a reasonable figure for the provision of Adaptable Units at 14- 18 Boondah Road, Warriewood, which falls within the jurisdiction of Pittwater Council. (Refer to MP09_0162 MOD1).

The reasoning behind the PAC recommendation was based primarily on the issue of demand. From Meriton's experience of delivering numerous apartments to the markets over many years, there simply is no demand from people with a disability that want to purchase an Adaptable Unit.

Secondly, the existence of a State Environmental Planning Policy (SEPP) (Housing for Seniors of People with a Disability) 2004 has been specifically created to provide appropriate accommodation for people with a disability, including seniors housing, residential care facilities, hostels and self contained dwellings. This SEPP is the appropriate policy for the provision of housing for people with a disability.

Therefore, the PAC supported the Metropolitan Strategy and concluded that the reasonable amount of disabled units in a development is 10%.

The question then arises, as to what the appropriate level of disabled car parking is. In our experience, the number of disabled parking spaces required by Council does not reflect the actual demand for these spaces. From our experience, we only ever sell adaptable units to people who are not disabled, who then end up using the associated disabled parking spaces. These spaces are significantly larger than normal, and cost more to construct, which in turn makes housing less affordable.

Rather than providing 1 car space per disabled unit it is proposed to allocate 2 car parking spaces within each basement level, resulting in a total of 10 spaces. These spaces 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 buildings and requires the use of the space. In this respect a draft By-Law has been prepared which will 'quarantine' these disabled spaces until the need arises for them.

Condition B9 is therefore proposed to be amended as follows.

Proposed Condition B9

Adaptable Units

*Adaptable residential units for disabled persons are to be provided to no less than ~~20%~~ 10% of the total number of units. Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with disabled car spaces **as per the proposed bylaw below.** ~~required by Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability of one per unit.~~*

Bylaw

1. Disabled Car Spaces

- 1.1 An owner or occupier of a lot must not park or stand any motor or other vehicle in a disabled car parking space except with the written approval of the owner's corporation.*

- 1.2 In the event that an owner or occupier of a lot is a person with a disability and requires the use of the disabled car parking space, then the owners corporation must grant exclusive use of the disabled car parking space to that owner or occupier's at no costs for as long as the owner or occupier is in occupation of a lot.

2. Restriction of use to be registered on Common Property Title

No disabled vehicle spaces in the common property is to be used for the parking or storage of vehicles, boats, trailers or the like without the consent of the owners corporation. The Owners Corporation shall grant and/or permit an owner or occupier of a lot with a disability the exclusive right of use disabled vehicles spaces in the common property for as long as the owner or occupier is in occupation of a lot.

Condition B10 – Design of OSD& Rainwater Harvesting System

Condition B10 pertains to the rainwater harvesting system will result in a duplication of on-site stormwater detention. BASIX is the over-riding requirement for applications of energy efficiency to which the residential component will comply with. Accordingly, Condition B10 is to be reworded as follows.

Proposed Condition B10

~~The proponent shall submit a rainwater harvesting system with a minimum storage volume of 2.5 cum per apartment and capable of receiving 100mm of rainfall over the roof catchments of the development in accordance with Sydney Water's requirements and relevant Council's WDCP and Technical Standards. The rainwater harvesting tank shall be located behind the front property alignment of the building. Should the tank be full, the overflow shall be directed to a suitably sized on site detention tank (OSD) system. The rainwater harvesting system shall be connected to supply non-potable use of the development including, but not limited to laundry toilet flushing demonstrating the reuse of stormwater for irrigation. The storage tank volume should be of sufficient volume to cater to the requirements of plants located in the landscaped podium area. In addition, water saving devices in laundry and toilets shall be installed to satisfy the requirements of BASIX.~~

Condition B11- Design of Stormwater System in Fleet Lane

This condition pertains to the stormwater system in Fleet Lane. The current approved plans indicate the podium level at a higher point than Fleet Lane, which will cause a problem in terms of overland stormwater runoff in Fleet Lane. This Clause needs to be amended so that the Lane and associated drainage work properly. It is proposed that a pipe will be required in the plaza area, before the podium to collect the runoff. This pipe will then be directed to meet up with Councils existing system. Amendment to Condition B11 is proposed as follows.

Proposed Condition B11

~~The proponent shall submit a design for approval by Willoughby Council of an underground stormwater disposal system in Fleet Lane to convey the carry in the 1 in 100 years Annual Recurrence Interval (ARI) critical storm. An approved overland flow path shall be maintained on street level for flows larger than the design flow. An overland flow path for stormwater runoff from Fleet Lane shall be provided for storms up to 1 in 100 year design storm. In the event that an overland flow cannot be provided, it may be permitted to convey the overland flow for the 1 in 100 year storm within a pie or~~

culvert system with the pipe capacity designed for 1 in 100 year storm assuming a 50% blockage. The proposed underground system shall be connected to Council's nearest underground system.

Condition C15 – Dilapidation Report of Adjoining Properties

No objection is raised to preparing a Dilapidation report on adjoining properties. However, the wording of the Condition requires detailing of structural adequacy of adjoining properties to withstand excavation and ensure that no damage will occur during works. Standard practice for a dilapidation report is to take photographic evidence of a building prior to construction commencing on site. Following completion of the works, a photographic record is undertaken to compare for any damage.

Any damage that happens would be subsequently rectified. This is not how the current condition is worded. Meriton do not accept that no damage will occur and to undertake structural adequacy details of adjoining properties, goes beyond a dilapidation report. Accordingly the Condition is to be amended as follows.

Proposed Condition C15

Delete the existing Condition in its entirety and replace with the following.

The applicant must have a dilapidation survey and report (including photographic evidence) prepared which details the pre-developed condition of the existing public infrastructure and the structural condition of all neighbouring structures within the 'zone of influence,' of the development site.

At the completion of the development a post construction dilapidation survey and report (including photographic record) shall be prepared of the existing public infrastructure and the structural condition of all neighbouring structures within the same 'zone of influence' of the development site.

Condition E40 – Affordable Housing Units

This condition pertains to the ownership of "Affordable Housing Units". Currently there is a requirement for the developer to transfer the affordable units into the ownership of Willoughby Council. It is Meriton's intention to negotiate with Council for a monetary amount which will be donated in lieu of the transfer of units. This approach is permissible, in accordance with the Willoughby Local Environmental Plan, 1995 Clause 25(b), 4(b) (ii). Therefore there is no need for this Condition its current format and accordingly it should be deleted and replaced, as below.

Proposed Condition E40

~~*The ownership of the affordable housing units is to be transferred to Willoughby Council prior to occupation of the residential flat building.*~~

The monetary costs associated with the provision of affordable housing will be negotiated between Willoughby Council and the proponent, in accordance with the Willoughby Local Environmental Plan, 1995 Clause 25(b), 4(b) (ii).

CONCLUSION

Modifications are sought to amend Conditions B9, B10, B11, C15, and E40 Modifications are sought to amend specific Conditions, to be consistent with Metropolitan policies and construction management.

There has been no change to the bulk, scale or height of the approved buildings. As such the changes remain within the realm of S75W application and are worthy of approval.

Yours faithfully

MERITON PROPERTY SERVICES PTY LIMITED

A handwritten signature in blue ink, appearing to read 'W Gordon', is written over the company name.

WALTER GORDON

Manager Planning and Development