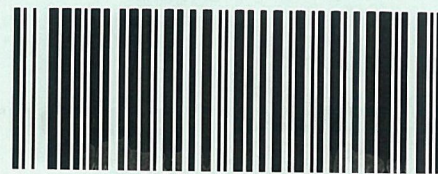


Department of Planning & Infrastructure



PMU020298

DIRECTOR GENERAL'S CORRESPONDENCE

PRIORITY:

<input type="checkbox"/> URGENT	Date due: / /
<input type="checkbox"/> Early (2 weeks)	
<input type="checkbox"/> Routine (3 weeks)	

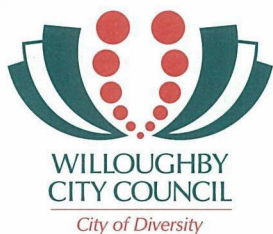
ACTION REQUIRED:

DRAFT LETTER FOR SIGNATURE BY:	
Director General	(Full brief <input type="checkbox"/> Short Brief <input type="checkbox"/> <input type="checkbox"/>
Deputy Director General	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Director	<input type="checkbox"/>
Regional Director	<input type="checkbox"/>
BRIEFING NOTES FOR DIRECTOR GENERAL	<input type="checkbox"/>
DISCUSSION WITH DIRECTOR GENERAL	<input type="checkbox"/>
NOTES FOR INCLUSION IN COORDINATED REPLY	<input type="checkbox"/>
DEPARTMENTAL ACTION	<input checked="" type="checkbox"/>
INFORMATION ONLY	<input type="checkbox"/>
OTHER:	<input type="checkbox"/>

ACTION OFFICER(S) AND COMMENTS:

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DASP



ENVIRONMENTAL SERVICES

18 May 2012

The Director General
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

RECEIVED

22 MAY 2012

Director-General

Attention: Roy Wong

Dear Sir,

**RE: MODIFICATION OF THOMAS ST CAR PARK DEVELOPMENT APPROVAL
(MP09_0066 MOD 2)**

I refer to the second application to modify the approval for MP09_066 for development of the Thomas Street car park site in Chatswood. I note that the modification concerns changes to conditions B9, B10, B11, C15 and E40.

Council provides the following comments on the proposed modifications:

Condition B9

The requested modification is to reduce the percentage provision of adaptable units to 10% from 20%. The current requirement is 40 units out a total of 202 units. It also requests that the provision of car parking for people with disabilities be on the basis of two spaces on each basement level which is advised to be a total of 10 spaces.

On the second part of the request concerning car parking provision for people with disabilities the proponent has incorrectly interpreted the requirements of the condition as being one space for each adaptable unit. The condition requires the provision of the spaces in accordance with WDCP which in Part C6 requires one disabled space for visitors in the visitor parking area and spaces for adaptable units on a sliding scale depending on the number of units as follows:

Number of adaptable housing units	Number of disabled car spaces
1 – 4	1
5 – 9	2
10 – 14	3
15 – 19	4
(etc)	

The required rate of provision of car parking for the adaptable units recognises that there are a range of needs for people with disabilities not necessarily always requiring the full space requirements for car spaces in accordance with AS2890.1. The consent requirement is for a total of 9 spaces comprising 1 space in the visitor car parking and 9 spaces allocated to adaptable housing units in accordance with the WDCP table. Council has no objection to the condition being modified to prescribe 2 disabled spaces per level allocated to the adaptable units with one space unallocated in the common area for a visitor with disabilities. The allocation of the spaces

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for people with disabilities must comply with AS2890.1 and the path of travel to the spaces from the lift must also comply.

On the matter of the percentage provision of adaptable units the Department is reminded that this was the subject of discussion with Council during the assessment of the original application and that 20% is a significant reduction compared with the WDCP requirement of 50% for multi-storey residential serviced by lift. If the Department recalls Council's approach to the provision of adaptable units is to ensure that structurally a unit is capable of adaptation should it be required in the future. Council calls for the alternative lay-out plans for the adaptable units in the adapted state as part of the development application. The adaptable unit, for example, may have two bathrooms but in the adapted state it may be adjusted into one bathroom with the separating wall being non-structural and easily removed and the plumbing/drainage positions being located to be capable of change to the adapted layout. The main features of the adaptable units that must be built in the original form is that the entrance doorway to the unit is provided with the 450mm offset in accordance with AS 1428 and any internal halls widths and doorways comply or are capable of adjustment. On this basis the provision of 20% adaptable units is not onerous on a development and it provides flexibility of residential use into the future and to allow aging in place. This is consistent with State Government policy.

Therefore, Council objects to a change to the provisions of Condition B9 other than to prescribe a specific number of disabled car spaces per basement level and 1 disabled visitor space. Council has no objection to the inclusion of the requirements of Condition B9 in the Owners Corporation by-laws.

Condition B10

The condition requires rainwater detention and re-use systems be provided on site in accordance with WDCP and Council's Technical Standards. The requirement is not new and the condition is not unreasonable noting that as an integrated system the capacity of the rainwater re-use system and the detention system are interrelated and complementary. Council has been applying the requirement for a number of years consistent with water sensitive urban design principles.

BASIX provides a minimum standard for water saving that is easily improved upon and should not be considered as a maximum. This is the inference of the requested change to the condition. Council considers that Meriton as a market leader in the development of residential should also be a leader in sustainable initiatives. I note that the condition is a standard form applied to all similar development in Willoughby. Rain water re-use for as much as possible non-potable water needs such as laundry, toilet flushing, car washing, landscape irrigation and so on is responsible sustainable design. The condition of consent as currently worded provides certainty in respect to design standards and storage volumes. The requirement that there be an overflow to an on-site detention tank is to manage the excess capacity needed for high volume storm events and to minimise the flush of an overflow into Council's stormwater system.

Council objects to the request to change Condition B10.

Condition B11

Condition B11 concerns the management of stormwater at the end of Fleet Lane west side. Meetings have been held with Council's engineers on the design issues noting that in the

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approved plans for the podium design the level is 1.4 metres higher than the level at the end of Fleet Lane. This precludes the provision of an overland flow path through the site.

Therefore, Council has no objection to the proposed amendment of the condition to increase the design capacity of the underground stormwater disposal system to 1 in 100 year ARI with a pipe capacity assuming 50% blockage as requested.

Condition C15

Council has no objection to the change but notes that the dilapidation report prior to construction work commencing should advise of any structural matters so that the site is informed to take any additional measures to ensure that there is no damage to neighbouring properties. This is a liability risk for the proponents.

Condition E 40

The provision of the affordable housing units and the handing over to Council of those units to be managed by the Community Housing Association with other affordable housing units owned by Council was a fundamental element of development of the site. It was part of the terms of sale of the site by Council and is reflected in the Statement of Commitments and the sale price of the land. The Statement of Commitments acknowledges that all the units on Level 3 of the residential building will be transferred to Council for affordable housing for management as part of its affordable housing program.

The provision of a monetary amount in lieu of providing the affordable units into the ownership of Willoughby Council is unacceptable. Council has had an affordable housing program for a number of years that is acknowledged in SEPP 70. The site, however, is not subject to the provisions of WLEP 1995 as the controlling instrument in Chatswood CBD is SREP5. Council recognised that it was appropriate to provide affordable units in a large integrated development being proposed for the Thomas Street car park site. As a result it was made a condition of the sale of the land that the affordable housing units be provided in the development. Such units are required for low to middle income residents of Willoughby City and key essential workers who would otherwise have to commute long distances to work in Chatswood. This is consistent with State Government policy. Council believes it is imperative that the Government maintain the consent condition as prescribed to uphold its own policy position.

Money in lieu of the units leaves Council the obligation to find and purchase alternative units, that is, if the contribution adequately covers the cost of buying a similar number of units elsewhere in Chatswood CBD area. It is noted that the contribution (Clause 25(5)) is calculated from an average market value of the floor space based on median sales for the Willoughby LGA and not just the Chatswood CBD area. It does not cover the additional costs of tax and legal fees. It also does not maintain the management efficiencies that are achieved having several units in one development. Council has an arrangement with a community housing organisation to lease, maintain and manage the affordable housing units under the Council's program.

Council strongly objects to the variation of Condition E40 and requires that the affordable housing units be provided in the development as approved and be transferred to Council in accordance with current condition E40.

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The above responds to the requested variation of conditions B9, B10, B11, C15 and E40. In summary, Council has no objection to the requested variation of Conditions B11 and C15 but Council objects to variation of Conditions B9 and strongly objects to any variation of conditions B10 and E40.

Yours faithfully,



Greg Woodhams
Environmental Services Director