

27 July 2012

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

Attention: Mr Ben Lusher

Dear Mr Lusher,

**RE: P09_0066 MOD 2 THOMAS STREET CAR PARK CHATSWOOD DEVELOPMENT
MODIFICATION**

I refer to the second application for modification of the approved mixed use development on the Thomas Street car park site in Chatswood. I also refer to Council's submission dated 18 May 2012.

Council seeks to comment on the Proponent's response to Council's May submission. In commenting Council notes that the Proponent, the Meriton Group, has advised by email dated 19 July 2012 that it no longer seeks a variation to Condition E 40 concerning the required provision of affordable units in the development. This letter, therefore, provides no further comment on that request. However, if any subsequent variation is received by the Department from the Proponent relating to Condition E 40 Council requests that it be advised and given an opportunity to respond noting the importance of the condition to the overall development outcome. The provision of affordable housing units on the site as part of the terms of the original approval were integral to the consideration noting that the floor space ratio and height controls of the approved development were significantly increased from the permissible levels of the relevant environmental planning instrument being SREP 5.

Condition B9 Provision of Adaptable Units

Council notes with interest the comments of the Proponent concerning the requirement to provide adaptable units in the development. Council fails to see that the proposed reduction of the rate of provision from 20% of the total number of units to 10% of the total number of units has been justified by the Proponent. Further the proponent has not acknowledged that 20% is a reduction from 50% that Willoughby DCP requires and that has been provided in other multi-unit high-rise residential developments in Willoughby. The submission does not acknowledge the basis under which Council requires the units which gives flexibility for current use and adaptation in the future as noted in Council's previous submission. That is that Council's minimum requirement for adaptable units is a design and construction level of Class C pursuant to AS 4299. A number of examples are provided with the DCP of how a unit can be designed to be capable of adaptation in the future.

Willoughby Council was one of the early Council's to develop a comprehensive development control plan providing for people with disabilities and it prepared the original plan and carried its subsequent review with the assistance and advice of a specialist access consultant. The

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requirements for adaptable housing units vary depending on the type of multi-unit residential development being considered noting that some housing development forms cannot achieve the higher proportions of adaptable units as the developments are not provided with lift access. Willoughby Council only requires 50% adaptable units where the development is multi-storey and serviced by lifts as in the subject case. Otherwise the requirement is 10% to 33% depending on the development type and number of storeys.

A claim that Meriton has only had a request for an adaptable unit once in 40 years fails the obvious test as to what has happened over the years since a development has been completed and Meriton is no longer involved in the development. The requirement for adaptable units is a provision to be made now but is more likely to be taken up in the future to give the option to residents to remain in their dwellings should their health and circumstances change. This is a logical and caring approach for the future whether or not the changed circumstances of a resident relate to aging or accident. The person is not also forced to find alternative accommodation and perhaps at a time when they are more vulnerable.

A reference to SEPP (Housing for Seniors or People with a Disability) 2004 is an alternative form of accommodation. Its predecessor SEPP 5 was first framed in 1997 and gazetted January 1998. It met a need at the time and it is noted that it is NOT just for seniors but also for anyone with a disability regardless of age. Since 1998 the awareness and acknowledgement of the need for flexible housing has increased and Council's have responded with the requirements for adaptable housing that supplements the choices and options without the need to move from the comfort and familiarity of the existing dwelling and surrounds. The need for adaptable housing is complementary to and not a duplicating of the SEPP (Housing for Seniors and People with Disabilities) in an aging population.

The 2006 Census indicated that Willoughby has a higher proportion of people over 70 years of age compared with the rest of Sydney (9.4% compared with 8.9%). This indicates the extent of potential demand for seniors to occupy units that have been designed to be adaptable rather than being obliged to seek alternative accommodation at some time in the future.

The comparative table of various Council requirements with respect to provision of adaptable units as part of the justification does not support the position sought by the Proponent. A number of the Councils where multi-storey residential developments serviced by lifts are known to occur have requirements higher than 10%. The reference to circumstances of a development in Warriewood cannot be commented on as this Council is unaware of the particular circumstances of that project.

References to State Policies such the Metropolitan Strategy reflect minimum targets for achievement and should not be viewed as maximums for compliance while ignoring the objectives and intent of the targets.

In short Willoughby Council is of the view that there is no justification provided to reduce the requirement for adaptable housing from 20% to 10% as stated in Council's May submission and again supported by this submission.

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Condition B9 – Car parking for Adaptable Units

No further comment required as the Proponent seeks to now comply with WDCP.

Condition B10 – Basix and Rainwater Use

The proposed and approved development includes both residential and non-residential components in the development. Whilst the Proponent is a market leader in the development industry it is surprising that they are not prepared to be a leader in sustainable initiatives. Nevertheless it is pointed out that Basix only applies to the residential units. There are substantial opportunities within the non-residential components of the development to use non-potable water in toilet flushing and so on. Council stands by its May submission and does not consider SEPP (Building Sustainability Index Basix) sets aside the requirements for rainwater detention and reuse on the site as required by condition B10.

Condition C14 – Dilapidation of Council's Property

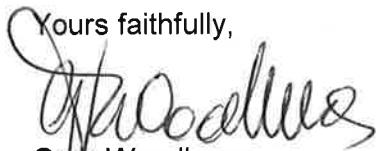
The condition concerns COUNCIL'S property within 50 metres of the site. The condition is standard and reasonable noting that Council's property within 50 metres of the site includes the roads and lanes including footpaths, street trees, signage, stormwater drainage network, lighting, nature strips and so on. During construction work the damage caused in the public domain by truck and crane movements can be significant. It is in the Proponent's interest to carry out the dilapidation report noting also that there are no other development construction sites within the 50 metre radius. The area immediately adjoining the subject site does not deal with the extended area that can also be impacted by a development during construction.

Condition C15 – Dilapidation report of Adjoining Properties

No further comment required.

The above has been prepared following the response to Council's submission on Modification 2 of MP09_066. The additional comments provided seek to elaborate and confirm Council's position with respect to the requested changes. It should be read in conjunction with Council's original submission dated 18 May 2012.

Yours faithfully,



Greg Woodhams

ENVIRONMENTAL SERVICES DIRECTOR

Reference: Greg Woodhams

Phone: 9777 7650

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