



MODIFICATION REQUESTS:

Thomas Street Car Park site, Chatswood

MP 09_0066 MOD 13 and MOD 14



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979
January 2015

© Crown copyright 2015
Published January 2015
NSW Department of Planning & Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

1.1 Introduction

The purpose of this report is to assess two modification requests to the Major Project Approval MP 09_0066 for a mixed use residential and serviced apartment redevelopment of the Thomas Street Car Park site, Chatswood in accordance with Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Modification 13 seeks approval to modify various aspects of Building 1 (residential tower) and Building 2 (serviced apartment tower) including alteration to apartment layouts and lobby areas, façade amendments and changes to balcony areas, reduce the overall parking provided on-site to 567 spaces and modify the monetary contribution for car parking offsets.

Modification 14 seeks approval to erect roof and wall structures to enclose the approved bridges that connect the two buildings and install a security room.

1.2 The Site

The site, commonly known as the Thomas Street Car Park, is within the Chatswood CBD in the Willoughby Local Government Area. It was formerly owned by Council and occupied by a public car park.

The site has an area of 4,323m² and frontages to Thomas Street to the north and Albert Avenue to the south. The site is within 200 metres of the Chatswood Transport Interchange with rail and bus services to/from Sydney CBD and other centres. The site is approximately 12km north-west from Sydney CBD. The site location is shown in **Figure 1**.

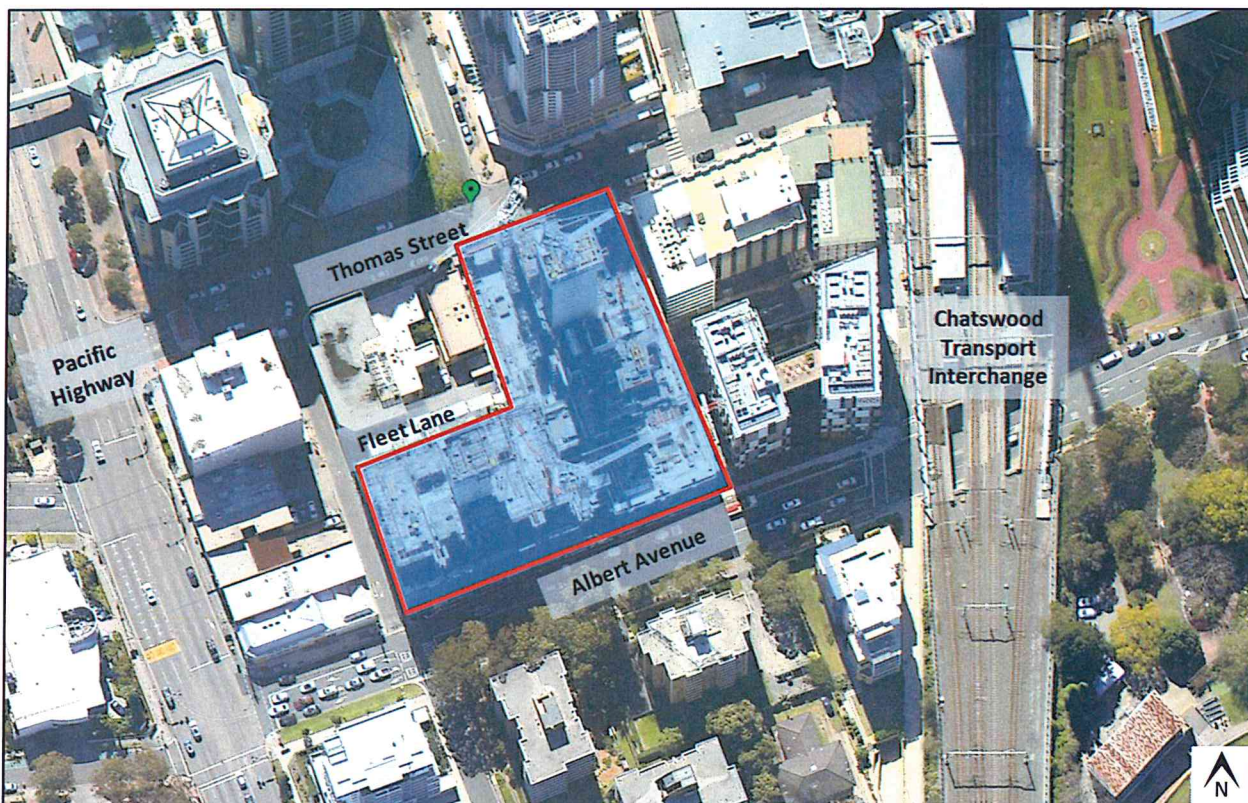


Figure 1: Aerial view of the site under construction (outlined in red)

1.3 Previous Approvals

On 28 September 2010, the then Minister for Planning approved the construction of a mixed use commercial, retail and residential development contained within two towers, consisting of a 3 storey retail/commercial podium with:

- a 26 storey residential tower above on the northern portion of the site (Building 1);
- a 18 storey commercial tower on the southern portion of the site (Building 2);
- a basement level car park containing 506 car parking spaces (including 250 public car parking spaces); and
- public domain works including:
 - publicly accessible open space with a through site pedestrian link; and
 - a vehicular right of way between Thomas Street and Fleet Lane.

1.3 Modifications

Fifteen applications to modify the original Project Approval have been lodged by the proponent, including the subject applications which are modifications 13 and 14 (**Section 2**). The modification applications are summarised in **Table 1** below.

Table 1 Previous Modifications

	Application details	Determination
MOD 1	Staging of construction related conditions.	Approved by Acting Director Metropolitan & Regional Projects South on 7 June 2012.
MOD 2	Amendment to conditions relating to adaptable units, on-site detention, rainwater harvesting, stormwater, dilapidation report and car parking.	Approved by the Planning Assessment Commission (PAC) on 1 November 2012.
MOD 3	Change of use of commercial building (Building 2) to serviced apartments and other associated changes.	Approved by the Executive Director Major Projects Assessment on 18 February 2013.
MOD 4	Encroachment of the basement car park structure into Fleet Lane.	Approved by the Director, Metropolitan & Regional Projects North on 14 December 2012.
MOD 5	Increase in the height of the buildings, floor space, and car parking including above ground car parking.	Withdrawn by the proponent on 22 November 2012.
MOD 6	Increase in the height of the buildings, floor space, and car parking including above ground car parking.	Approved by the NSW Land and Environment Court on 29 January 2014.
MOD 7	Amend basement layout within approved building envelope.	Approved by the Acting Director, Metropolitan and Regional Projects South on 21 June 2013.
MOD 8	Amend conditions of approval relating to construction hours.	Withdrawn by the proponent on 15 November 2013.
MOD 9	Amend the basement design to separate the loading dock from the public car park circulation.	Withdrawn by the proponent on 20 January 2014.
MOD 10	The installation and display of two illuminated building identification signs on Building 2.	Approved by the PAC on 14 August 2014.
MOD 11	To reduce the total apartment numbers and number of adaptable units within the residential tower to a total of 271 dwellings, amend the mix of units, car parking allocation and Section 94 Contributions.	Approved by the PAC 10 September 2014
MOD 12	To delete Condition B16 relating to Energy Star Ratings.	Withdrawn by the proponent on 20 August 2014
MOD 15	To amend the timing of satisfaction of conditions C47, E35, E37, E41, E42 and E45.	Approved by the PAC on 26 November 2014

The development as modified under MOD 6 consists of construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower (Building 2) part 32 and 33 storeys high containing 337 serviced apartments;
- a residential tower (Building 1) 38 storeys high containing 271 dwellings;
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- a five level basement containing car parking, including a public car park for 250 cars;
- a gross floor area of 51,426m²;
- total car parking of 570 spaces; and
- public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right of way for pedestrians including a lift.

A Voluntary Planning Agreement (VPA) was negotiated and executed between the proponent and Council as part of the increased floor space achieved by MOD 6. The VPA includes a monetary contribution for the additional floor space for public benefits including upgrades to open space and community facilities in the area. The VPA is separate and in addition to the requirement to pay Section 94 contributions applicable to the development.

2. PROPOSED MODIFICATION

2.1 Modification 13

The proposal seeks to:

- amend various internal and external aspects of Building 1 (residential tower) and Building 2 (serviced apartment tower);
- reduce the overall parking provided on-site from 573 to 567 spaces; and
- modify the monetary contribution relating to car parking offsets.

2.2 Modification 14

The proposal seeks to:

- construct glazed walls to enclose the bridges that currently connect the two buildings at levels 1, 2 and 3, and erect two roof structures over the bridges at level 4; and
- install a security room at the ground floor level of the residential tower (Building 1).

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3 of Schedule 6A of the EP&A Act, Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations. The Minister for Planning (or delegate) may approve or disapprove of the modification request pursuant to Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The modification applications have been lodged with the Department pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including

“revoking or varying a condition of the approval or imposing an additional condition of the approval.”

The Minister’s approval of a modification is not required if the project as modified will be consistent with the existing approval. In this instance, each proposal seeks to modify aspects of the project approval which requires further assessment. Therefore, approval to modify the applications is required.

3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Department may notify the proponent of the Secretary’s Environmental Assessment Requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application.

3.4 Delegated Authority

Consistent with the Minister’s delegation, the applications can be determined by the Planning Assessment Commission.

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X of the EP&A Act and Clause 8G of the EP&A Regulation, the Department must make the modification request publicly available. The Department placed both modification requests on its website and referred them to Willoughby City Council for comment. Due to the nature of the proposed modifications, they were not exhibited by any other means.

Council did not object to the modifications subject to:

- payment of Section 94 contributions, including the payment of currently owed contributions (MOD 13); and
- artistic etching being provided to the glazed walls of the pedestrian bridges facing the public domain on the Thomas Street frontage (MOD 14).

No public submissions were received.

5. ASSESSMENT

The Department’s consideration of the proposed modifications within Modifications 13 and 14 to the Project Approval is provided below:

5.1 Modification 13

5.1.1 Amendments to buildings

The proposal seeks to modify the approved buildings across all levels, by incorporating internal and external alterations, including changes to apartment layouts, façade treatments and balconies, provision of additional lifts to service the basement car parking areas and amendments to mechanical ventilation and plant rooms.

Council raised no objections to the internal layout and external changes to the buildings.

The proposed changes are generally minor in nature, providing detailed design changes which do not materially affect the overall development.

However, the Department notes that the proposal seeks to delete the balcony from three 1 bedroom apartments on the western side of Levels 1, 2 and 3 located in Building 1 (**Figure 2**).

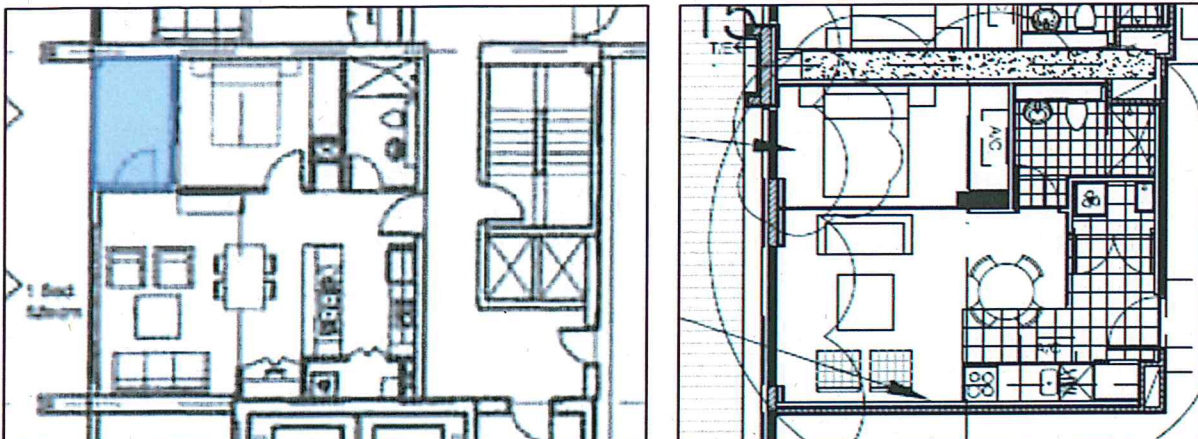


Figure 2: Approved apartment layout (left) and proposed apartment layout (right)

The proposed deletion of the balconies (approximately 6m² each) for these apartments is offset by the increase in internal living space and internal storage. The Department also notes that the internal layout of the unit has been redesigned to provide a studio layout, with the bedroom partitioned from the living area, rather than a formally planned 1 bedroom apartment as originally approved.

The proposed apartments have a maximum depth of 7 metres which ensures that the whole apartment achieves a good level of daylight and natural ventilation. Further, the apartment has access to communal facilities including the residential pool, gymnasium and open space areas provided on Level 4. On this basis, the Department concludes that the revised apartment layout achieves acceptable amenity, despite not being provided with a balcony.

In summary, the Department supports the minor external amendments which do not negatively impact the aesthetics of the approved development. The internal amendments are acceptable and maintain the amenity of apartments and ensure the efficient use of the basement car parking areas.

5.1.2 Car parking

The application seeks to modify the car parking allocation for the different types of residential apartments in Building 1 and as a consequence the overall parking spaces for the development.

Building 1

The approval requires 253 underground car parking spaces for Building 1, which includes 8 surplus spaces for the residential component of the development that are not allocated to a particular unit type / use. The amended proposal now seeks to reduce the overall on-site residential parking from 253 to 247 spaces, by deleting 6 surplus spaces and allocating 2 surplus spaces for use by 1 bedroom apartments.

Table 2 illustrates the proposed allocation of spaces compared to the previous approval.

Table 2: Residential Car parking allocation

Unit Type	Car parking rate	Approved (MOD 11)		Proposed		Total
		No. of Dwellings	Car Parking	No. of Dwellings	Car Parking	
1 bedroom	0.5 space per unit	109	55	109	57	+2
2 bedroom	1 space per unit	111	111	111	111	
3 bedroom	1 space per unit	51	51	51	51	
Visitors		-	28	-	28	
Surplus spaces		-	8	-	0	-8
Total		271	253	271	247	-6

Council raised no objection to the reduction in car parking spaces provided for Building 1, subject to the retention of visitor, retail, child care, serviced apartment and public car park spaces consistent with the terms of the Project Approval.

The proposal does not amend the visitor, retail, child care, serviced apartment and public car park spaces.

The Department notes that the car parking provided is consistent with the car parking rates previously applied on the site, with the exception of 1 bedroom apartments. The additional 2 spaces to be allocated for use by the 1 bedroom apartments equates to a car parking rate of 0.52 spaces per apartment, which results in a minor exceedance of the adopted rate of 0.5 spaces per apartment (by 0.02).

The proposed modification will not cause any additional traffic impacts on the surrounding road. The overall parking provision remains materially the same and is acceptable, noting the sites proximity to public transport and services.

The Department therefore recommends that Condition F6 be amended to reflect the reduction of 6 spaces from 573 to 567 across the overall development.

5.1.3 Section 94 Contributions

The parking rates applied to the site, as outlined above, were considered appropriate for the site, noting the accessibility to public transport. However, the rates do not comply with the Willoughby DCP car parking rates for the site. In this regard, a monetary contribution was imposed on the Project Approval to offset the shortfall in spaces in accordance with Willoughby Section 94 Contributions Plan – Car Parking (\$28,092.56 per space).

Condition B4 requires a monetary contribution of \$2,078,849.44 for the short fall of 74 on-site parking spaces, based upon the approved development in MOD 6.

As a result of the changes to the dwelling mix and reduction in the overall apartments from 286 to 271 approved in MOD 11, Council and the proponent have agreed that the short fall of car parking is reduced to 62 spaces (**Table 3**) and that the contribution should be reduced accordingly.

Table 3: Comparison between proposed and required car parking requirements for the development

	Proposed	Required	Difference
Resident	247	284*	-37
Serviced Apartment	56	85	-29
Child care centre	10	10	0
Commercial / retail	4	0**	+4
Public	250	250	0
Total	567	629	-62

* As proposed in the original Project Application and accepted by Council, a residential car parking rate of 0.5 spaces per studio, 1 space per 1, 2 or 3 bedroom apartments and 28 visitor spaces (for 271 apartments) has been applied. Car parking was not required for affordable housing units.

** Council previously advised that no separate spaces are required for retail uses.

The Department therefore recommends that Condition B4 is amended to reflect a reduction in the monetary contribution of \$252,833.04 (from \$2,078,849.44 to \$1,741,738.72).

The Department also notes that the proponent has sought an equivalent reduction in the monetary contribution under the agreed VPA. Council has, however, advised that this would require a formal amendment of the VPA, and have instead suggested that the amount could be deducted from outstanding Section 94 contributions which the proponent is liable to pay.

The payment of the contributions, and any refund for contributions already paid, is a matter between Council and the proponent. The Department recommends that a condition be imposed requiring verification of payment of the Section 94 Contributions in Condition B4 prior to issue of any Occupation Certificate for above ground works.

5.2 Modification 14

5.2.1 Connection Bridges

Car parking for the serviced apartments (Building 2) is located under the residential tower (Building 1), with access provided via the bridges that connect both buildings at levels 1, 2 and 3.

The proposal seeks to amend the bridges to erect two roof structures at level 4 as illustrated in **Figure 3** and provide glazed walls to enclose the bridges at levels 1, 2 and 3 (see section plan **Figure 4**).

Council does not object to this modification subject to the incorporation of artistic etching into the glazed wall of the bridges facing the public domain.

The proponent submitted amended plans including a notation that the glazing will be a clear or translucent glass with an etching pattern or other treatment that contributes to the artwork in the public domain.

With the incorporation of etching into the glazed panels, the proposed changes result in a high quality finish to the connection bridges and will provide weather protection for residents and guests. The Department recommends that an additional condition be imposed to require the details of the etching pattern or motif to be glazed panels visible from Thomas Street and Albert Lane Plaza to be approved by Council prior to issue of a Construction Certificate (CC) for the pedestrian bridges.

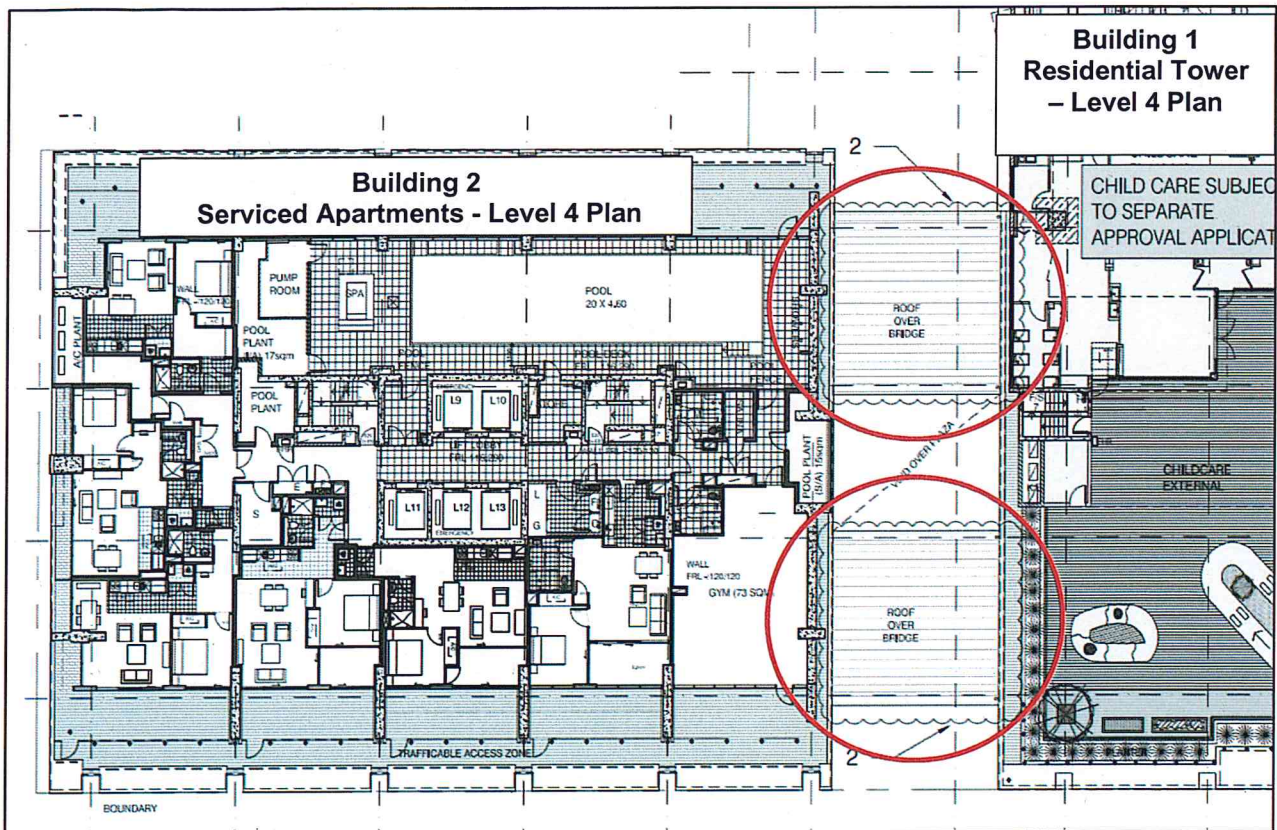


Figure 3: Aerial view of proposed roof over approved bridges between each building at level 4

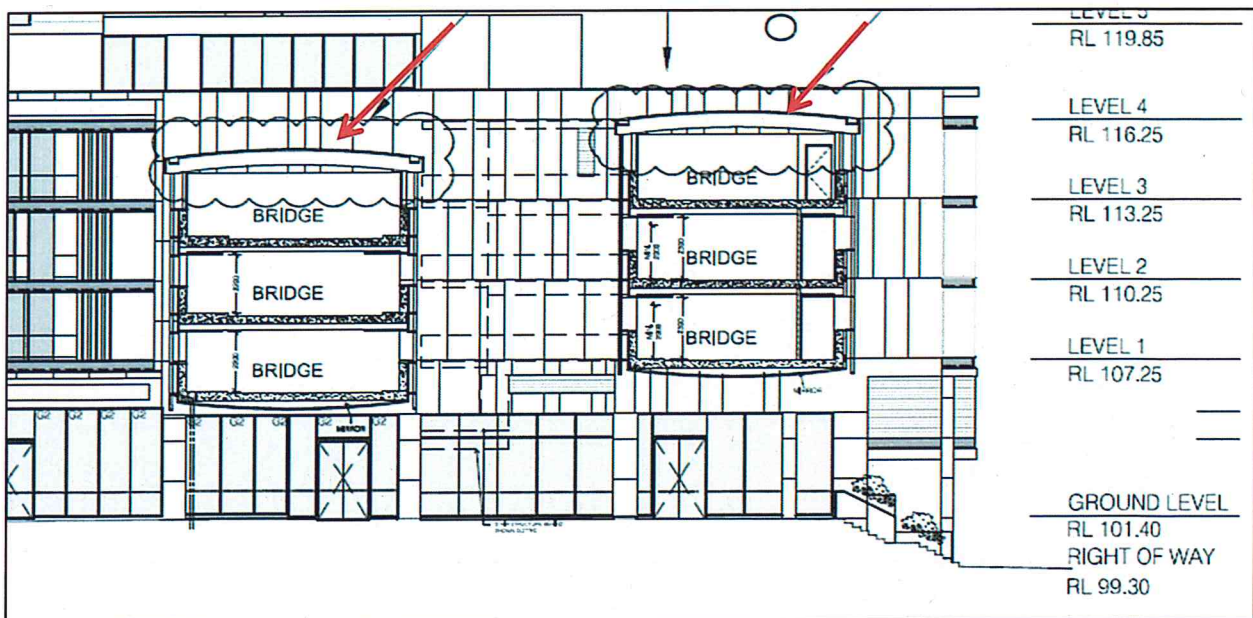


Figure 4: Section Plan of approved bridges at levels 1, 2 and 3 with the proposed roof structures and elevation of glass walls facing Thomas Street and Albert Avenue.

5.2.2 Security Room

The proposal seeks to install a security room at the rear of the residential lobby on the ground floor level of Building 1. The security room is accessed by stairs which are required to provide adequate clearance above the basement car park exit ramp. The security room will provide necessary services for the future residential occupants of Building 1.

Council raised concern regarding disability access to the proposed security room and the required clearance for the car park ramp.

In response, the proponent provided advice from an access consultant identifying that the security room does not require accessible path of travel in accordance with Australian Standard (AS1428.1-2009 Design for access and mobility - General requirement for access – New building work). The purpose and function of the security room is to accommodate security staff who require inherent physical abilities to carry out their role. Access to the security room will be restricted to security staff only. In addition, a call button will be provided at the required height (900-1100mm) at the base of the security room to enable communication with the security staff.

Amended plans were also provided which demonstrate a minimum clearance of 2.3 metres to the car park exit ramp which is consistent with the approved clearance to the residential lobby.

The additional information provided by the proponent adequately addresses the concerns raised by Council.

The Department supports the proposed inclusion of a security room in the ground floor plan layout of the residential tower (Building 1). The residential lobby and reception remains of adequate size and the security room will provide additional services for residents.

The Department recommends that a condition be imposed to require the installation of a call button in an accessible location in the residential lobby prior to issue of an Occupation Certification (OC) for the residential tower (Building 1).

On this basis, the Department is satisfied that the amendments retain acceptable levels of amenity for future residents and guests of the development.

6. CONCLUSION

The Department supports the proposed modifications as outlined in this report. The proposed amendments are generally consistent with the approval (as modified). The modifications are minor and do not impact upon the suitability of the proposal in the context of the location and access to public transport. No additional environmental impacts arise as a result of the proposed amendments.

Council's concerns in relation to payment of Section 94 contributions and treatment of the pedestrian bridges have been addressed in the recommended conditions of approval.

The Department concludes that the modifications are acceptable and recommends the conditions included in **Appendix C** be modified.

7. RECOMMENDATIONS

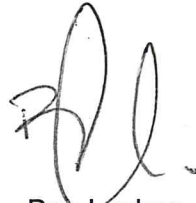
It is recommended that the Planning Assessment Commission as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **approve** modification requests 13 and 14 subject to conditions under Section 75W of the EP&A Act; and
- **sign** the attached Instrument of Modification (**Appendix C**).

Endorsed by:

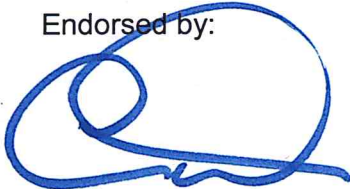


Amy Watson
**Team Leader
Metropolitan Projects**



Ben Lusher
**Manager
Key Sites**

Endorsed by:



21. 1. 15

Chris Wilson
**Executive Director
Infrastructure and Industry Assessments**

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6647; and

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6700

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6647; and

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6700

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
