

***MODIFICATION REQUEST:
Thomas Street Car Park, Chatswood
MP09_0066 MOD 6
Increase in the height of the buildings,
floor space, and car parking including
above ground car parking.***



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2013

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EXECUTIVE SUMMARY

Meriton Property Services Pty Ltd (the proponent) proposes to modify the Project Approval for a mixed use development on the Thomas Street carpark site in the Chatswood CBD. The Modification Application (MP09_0066 MOD6) has been lodged with the Director-General pursuant to section 75W of the EP&A Act.

The site has an area of 4,323m² with frontages to Thomas Street and Albert Avenue and is within 200 metres of the Chatswood Transport Interchange with rail and bus services to/from Sydney CBD and other centres (see Section 1 for a full site description and details of the existing approvals relating to the site).

The proposal's key modifications include adding 153 apartments, increasing the two tower building heights by 18 storeys and 8 storeys respectively, increasing carparking by 154 spaces, accommodating above ground parking in a new three level podium, and providing a monetary contribution to Willoughby City Council through a Voluntary Planning Agreement. The modification application was publicly exhibited and submissions were received from Willoughby City Council and from Roads and Maritime Services which did not object to the proposal. There were also 67 public submissions objecting to the proposal. The key issues raised in the public submissions include, increase in traffic, additional height and bulk, access to adjoining properties, car parking and the proposed podium design.

The Department has assessed the application and has considered the submissions and the proponent's response to submissions (see Section 5). The critical assessment issues relate to the proposed increase in height, the podium design and carparking.

A key benefit arising from the proposal is the provision of increased residential accommodation and serviced apartments within a major centre and in close proximity to employment opportunities with immediate access to excellent public transport facilities. This is consistent with key strategic directions of the Draft Metropolitan Strategy for Sydney 2031.

The site is also well located in that it is generally unconstrained in terms of amenity and environmental impacts.

However, the Department acknowledges that impacts arising out of the proposal, in particular the visual impacts from increased height, overshadowing, urban design impacts resulting from the proposed podium, traffic impacts, and impacts on local infrastructure, will be greater than those of the current proposal. It considers that the proposed 47 storey height is excessive when considering the Chatswood CBD context and the extent of the proposed shadow toward nearby residential properties. It also considers that the extent of a blank podium façade facing Thomas Street and Albert Avenue to be inappropriate, resulting in a less than optimal urban design outcome.

In order to address these impacts the Department has recommended design amendments including the reduction of height of the residential tower (Building 1) by five storeys, and additional sleeving to car parking by apartments and other associated changes.

With these changes, the Department is satisfied that the proposal achieves an acceptable design outcome. Accordingly, the Department considers that the proposed modification is acceptable, subject to the conditions recommended in the instrument of approval.

1. BACKGROUND

1.1 The Site

The site is within Chatswood CBD in the Willoughby Local Government Area occupying a block between Thomas Street and Albert Avenue. It was formerly owned by Council and occupied by an at grade public car park, and is known as the Thomas Street Car Park site.

The site has an area of 4,323m² and frontages to Thomas Street to the north and Albert Avenue to the south. It is bound by Albert Lane and commercial properties to the west and commercial properties to the east. 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 location is shown in **Figures 1 and 2**.

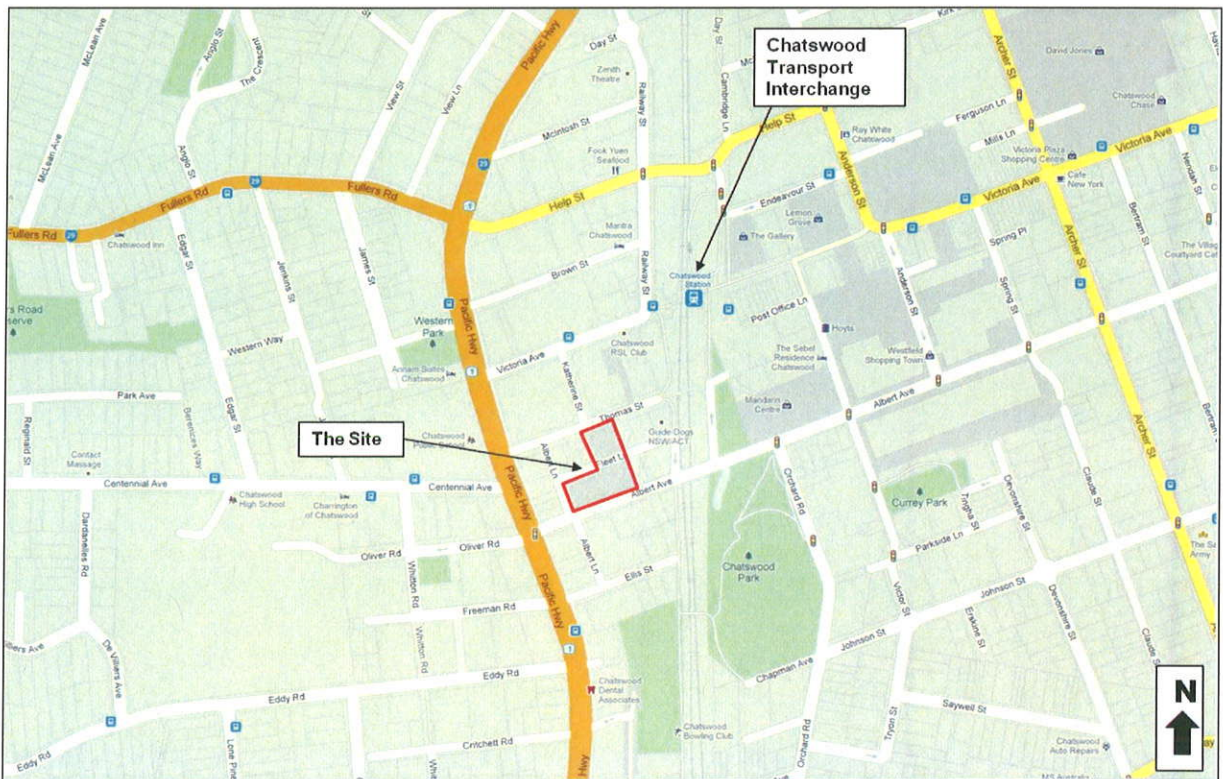


Figure 1: Site Location Map (Base Image Source: Google Maps 2013)

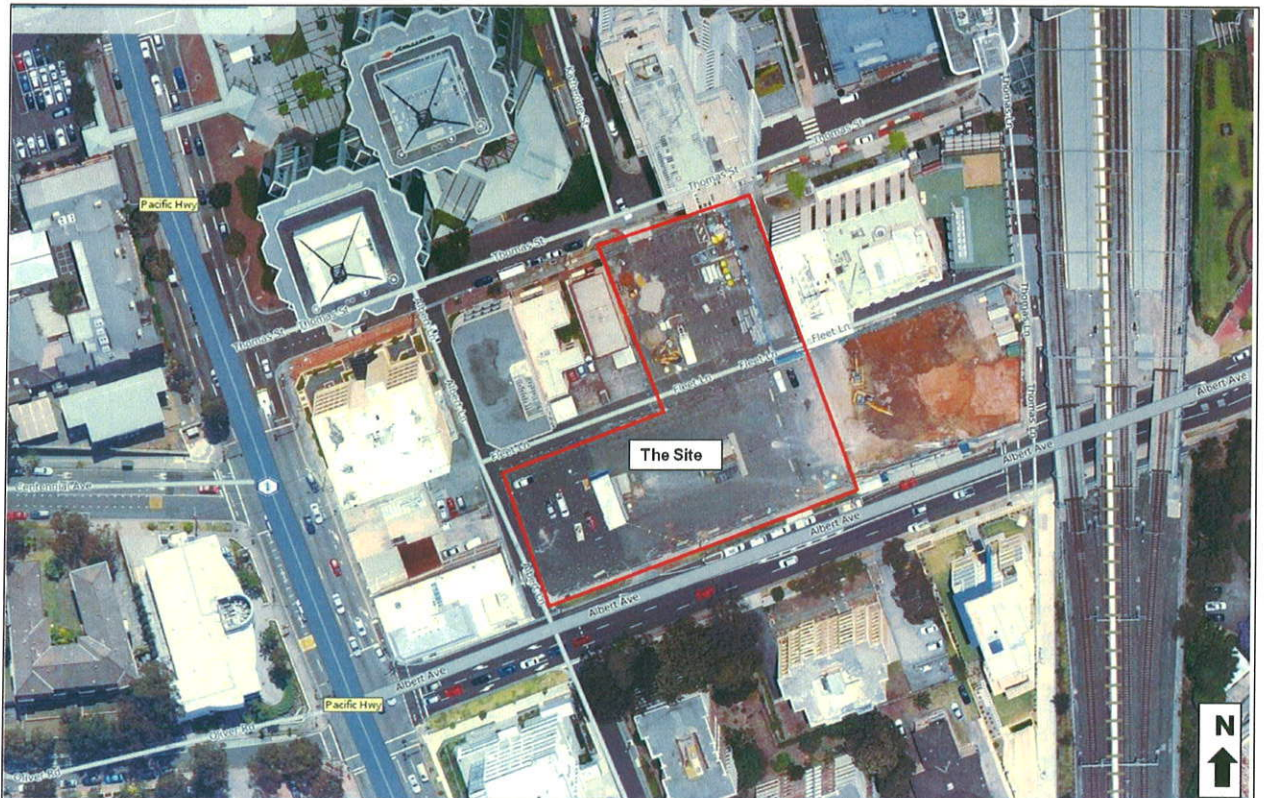


Figure 2: Aerial view of the site (Base Image Source: Nearmap, 2013)

1.2 Major Project Approval

On 28 September 2010, the then Minister for Planning approved a Project Application (MP09_0066) for:

- the construction of a commercial building (Building 1) on the southern portion of the site comprising of a 3 storey retail/commercial podium and 18 storey commercial tower above;
- the construction of a residential building (Building 2) on the northern portion of the site consisting of a 3 storey retail/commercial podium and 26 storey residential tower above;
- a 5 level basement level car park containing 506 car parking spaces (including 250 public car parking spaces); and
- public domain works including:
 - publicly accessible open space and a through site pedestrian link; and
 - a vehicular right of way between Thomas Street and Fleet Lane.

The approved project layout is shown in **Figures 3 and 4**.

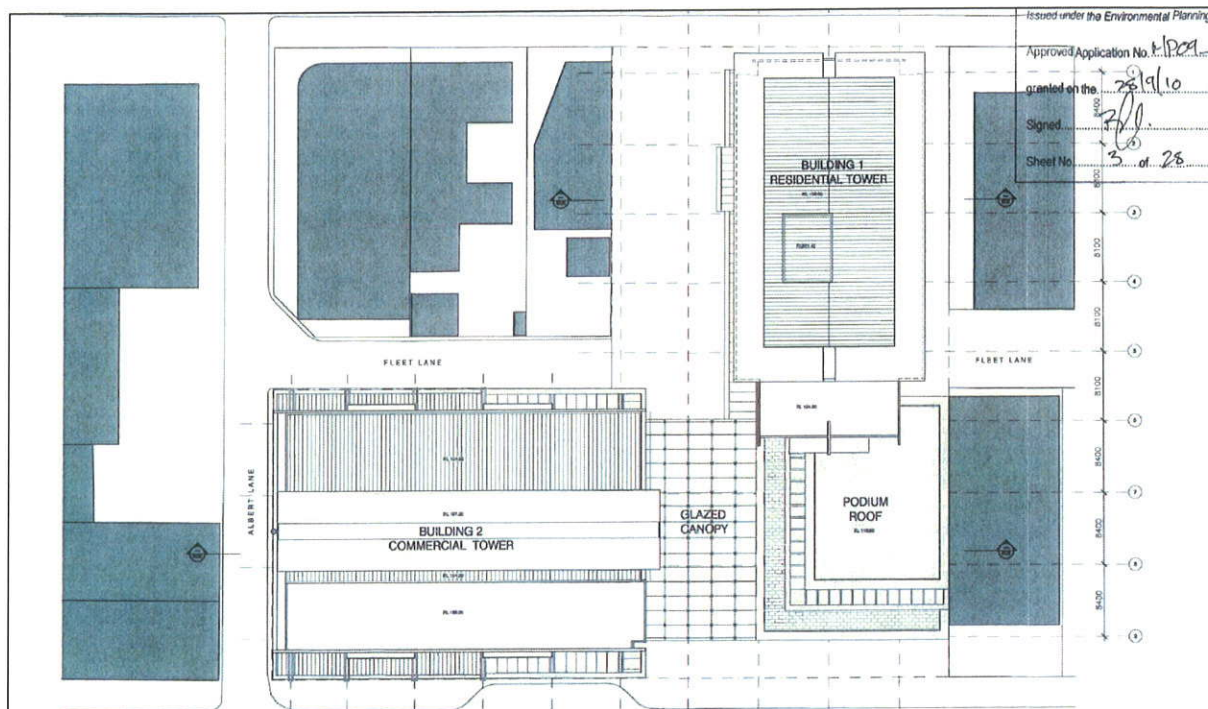


Figure 3: Approved Site Plan (Source: Proponent's PPR)



Figure 4: Perspective of the approved development from Albert Avenue (Source: Proponent's PPR)

1.3 Major Project Modifications

Six applications to modify the original Project Approval have been made. 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 A/Director Metropolitan & Regional Projects South on 7 June 2012.
MOD 2	Amendments to conditions relating to adaptable units, on-site detention, rainwater harvesting, stormwater, dilapidation report and car parking.	Approved by the PAC on 1 November 2012.
MOD 3	Change of use of commercial building 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 7	Below ground basement amendments, including replacing the sloped aisle system with a ramped system, consolidating the public car parking spaces, relocating lift cores; and minor increased depth of excavations.	Approved by the Director, Metropolitan & Regional Projects South on 21 June 2013.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification application as exhibited proposed to:

- increase the number of units in the approved residential tower from 202 to 353;
- increase the height of the approved residential tower from 32 storeys to 49 storeys;
- change the dwelling mix within Building 1;
- change the use of Building 2 from commercial to serviced apartments;
- increase the height of the approved commercial tower from 31 storeys to 38 storeys;
- increase the amount of parking from 506 spaces to 740 spaces; and
- include new above ground parking in a new three level podium including expanded driveways, relocation of the right of way to Thomas Lane, narrowing of the building over the public plaza, reconfiguration of the retail uses at ground level and deleting a childcare centre use.

The proposal also included a Voluntary Planning Agreement, in which the proponent agreed to provide a monetary contribution to Willoughby City Council of \$844.48 per square metre of approved gross floor area over and above the currently approved gross floor area. The total value of the contribution is approximately \$11.4 million, to be expended at the discretion of the Council for public benefit works.

At the time this application was lodged, a separate modification application (Modification 3) was also being assessed by the Department. This modification, which was determined on 18 February 2013, approved the change from commercial to serviced apartment use in Building 2, and introduced a child care use (which Modification 6 initially sought to delete but later reinstated).

Figures 5, 6, and 7 show the proposal as lodged. The key aspects of the proposed modification are listed in **Table 3** as well as those of the original project approval and the current approval.

Following responses and subsequent discussions with Council, the proponent amended the proposal following exhibition to include:

- an accessible pedestrian crossing through the ground floor to the rear of 12 Thomas Street ;
- increased retail space fronting Albert Avenue, Thomas Street and the through site-link;
- relocating the serviced apartment swimming pool / gym from the ground floor to the podium roof (Level 4);
- reinstating the Child Care Centre into the development on Level 4;
- relocating the public art sculpture to the Thomas Street entry of the walkway;
- partly sleeving two levels of the above ground parking in the podium fronting Albert Avenue for approximately two thirds of the façade length, with apartments;
- sleeving two levels of the above ground parking in the podium fronting Thomas Street with apartments;
- redesigning the facades of the carparking use and storage uses on level three of the podium fronting Thomas Street and Albert Avenue to reflect the architectural expression of the apartments below;
- reducing the number of entry /egress driveways from the Thomas Street frontage;
- separating the podium between Building 1 and 2 with two glazed bridges connecting the car parking on each side;
- reinstating the width of the through site-link to that of the approved development; and
- deleting the orange terracotta colour awning fronting Albert Avenue.

Figures 8 and 9 show the proposal as amended. The key aspects of the amended proposal are listed in the right column of **Table 3** including the changes compared to the proposal as exhibited.



Figure 5: Photomontages of the proposal as lodged from Albert Avenue (from the EA).



Figure 6: Photomontage of the proposal's through site link as lodged (from the EA).

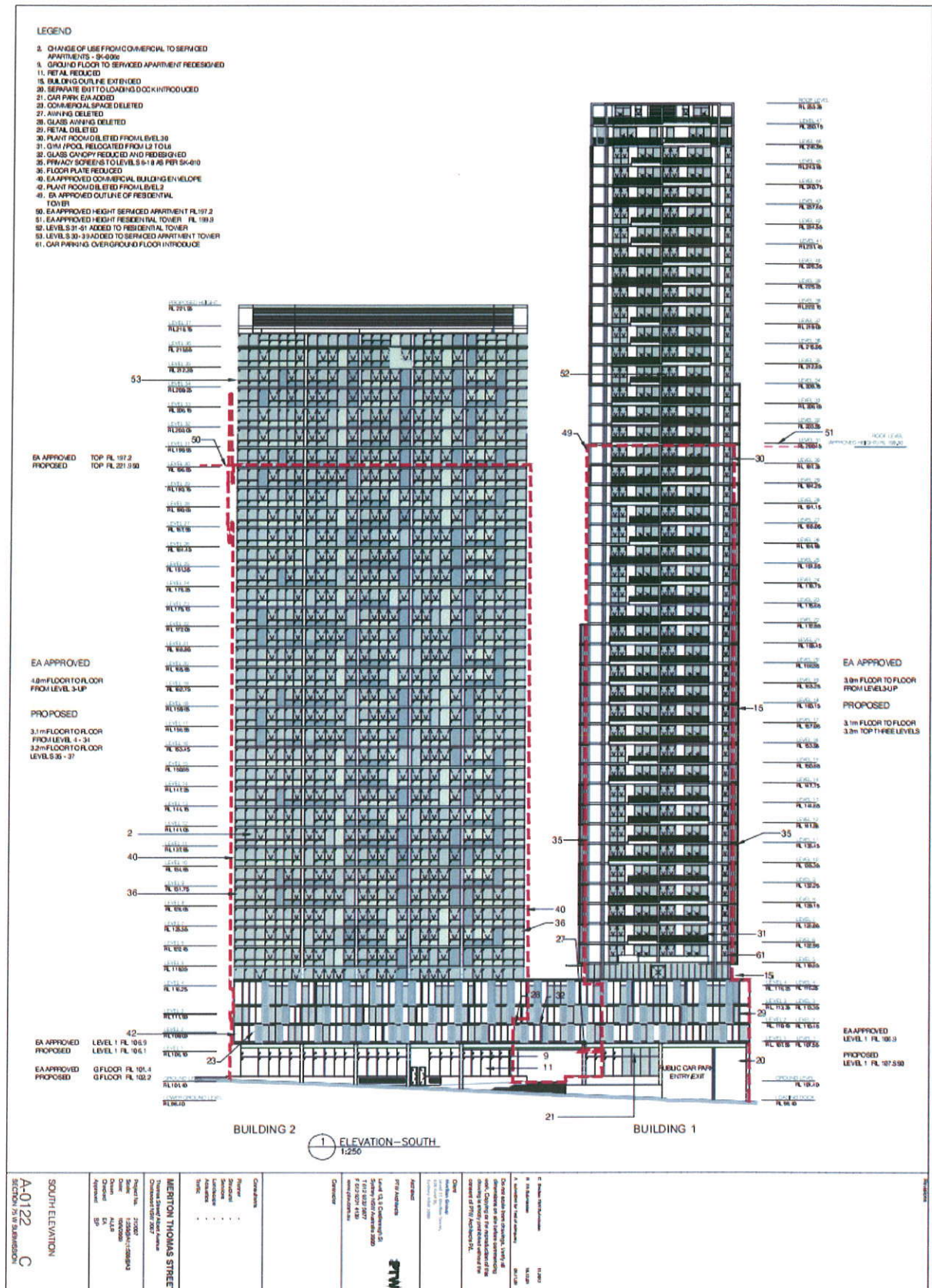


Figure 7: Albert Avenue elevation (from the EA). Note the envelope of the current approval is shown in red.



Figure 8: Photomontage of the revised proposal from Albert Avenue (from the PPR).



Figure 9: Photomontage of the revised proposal from Thomas Street showing the through site link/public plaza (from the PPR).

Table 3: Key Proposed Modifications

Aspect	Original Project Approval	Current Approval	Modification as lodged (comparison to current approval)	Preferred Project Report (comparison to current approval)
<i>Height</i>	Building 1 - 29 storeys + plant RL 199.9 Building 2 - 21 storeys + plant RL 197.20	Building 1 - 29 storeys + plant RL 199.9 (RL 201.4 to lift plant) Building 2 - 29 storeys + plant RL 197.20	Building 1 - 47 storeys RL 253.35 + plant (increase of 18 storeys, 51.95m) Building 2 - 37 storeys RL221.95 + plant (increase of 8 storeys, 24.5m)	Building 1 - 47 storeys RL 253.35 + plant (no change to mod as lodged) Building 2 - 37 storeys RL221.95 + plant (no change to mod as lodged)
<i>GFA</i>	44,491m ² (Site Area 4,323m ²)	45,148m ²	58,621m ² (increase of 13,473 m ²)	58,621m ² (increase of 13,473 m ²)
<i>FSR</i>	10.4:1	10.94:1	13.56:1	13.56:1
<i>Residential</i>	202 apartments including: • 10 x studio (5%) • 12 x 1 bed (6%) • 146 x 2 bed (72%) • 34 x 3 bed (17%)	233 apartments: • 87 x 1 bed (37%) • 128 x 2 bed (55%) • 18 x 3 bed (8%)	353 apartments: • 137 x 1 bed (39%) • 186 x 2 bed (52%) • 30 x 3 bed (8%) (increase of 120 apartments)	355 apartments: • 149 x 1 bed (42%) • 176 x 2 bed (50%) • 30 x 3 bed (8%) (increase of 122 apartments)
<i>Serviced apartments</i>	No serviced apartments The original approval was for a commercial office use in building 2.	302 serviced apartments: • 1 x studio (<1%) • 242 x 1 bed (80%) • 54 x 2 bed (18%) • 5 x 3 bed (2%)	356 serviced apartments: • 287 x 1 bed (80%) • 64 x 2 bed (18%) • 5 x 3 bed (2%) (increase of 54 apartments)	359 serviced apartments: • 288 x 1 bed (80%) • 66 x 2 bed (18%) • 5 x 3 bed (2%) (increase of 57 apartments)
<i>Car parking</i>	506 spaces (fully within the basement) including: • 192 residential • 64 commercial • 250 public parking	508 spaces (fully within the basement) including: • 168 residential • 77 serviced apartment • 3 retail • 10 child care • 250 public parking	744 spaces (in 5 basement levels and 3 podium levels) including: • 397 residential • 93 serviced apartment • 4 retail • 250 public parking (increase of 229 residential and 16 serviced apartment)	660 spaces (in 5 basement levels and 3 podium levels) including: • 317 residential • 79 serviced apartment • 4 retail • 10 child care • 250 public parking (increase of 149 residential and 2 serviced apartment)

2.2 Project Need and Justification

NSW 2021

NSW 2021 is the NSW Government's strategic plan setting priorities for action and guiding resource attention. NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and community. The provision of additional accommodation within the Chatswood CBD with excellent access to public transport would contribute to the Plan's goals of delivering 25,000 of new dwellings in Sydney each year, thereby improving housing affordability and availability (Goal 5); of building liveable cities by locating people closer to jobs (Goal 20) and of growing patronage on public transport (Goal 8). The proposal is therefore consistent with the NSW 2021 Plan.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy was released in March 2013 and sets out the NSW Government's vision for Sydney to 2031. The Draft Strategy anticipates that the population of Sydney will increase by 1.3 million by 2031 and this will result in the need for approximately 545,000 new homes and 625,000 new jobs across the metropolitan area. Within the 'Central' subregion, which includes the Willoughby Local Government Area, targets include an additional 138,000 dwellings and 230,000 jobs by 2031, with a target of 82,000 additional dwellings by 2021. The proposal would make a positive contribution to the dwelling and job targets under the draft plan.

The Draft Strategy aims to locate new housing in places to give people a choice of housing that is more affordable and to enable them to work closer to where they live. It encourages balanced growth by stimulating housing growth in both infill and greenfield areas and aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for balanced growth, the Draft Strategy focuses urban renewal in areas close to transport hubs and corridors and advocates efficient use of land in infill areas.

It also emphasizes the importance of strengthening and reinforcing the 'Global Economic Corridor', within which The Chatswood CBD is located, as an important influence and contributor to the expansion of Sydney's economy. The Draft Strategy also identifies Chatswood as being a Major Centre and specifically supports growing the role of the centre including the provision of medium and high density housing.

The proposed residential development is considered to support the strategic direction of the Draft Strategy by placing housing close to employment, and improving employment opportunities on the site through the additional service apartment development will strengthen the role of the Major Centre and contribute to the growth of the Global Economic Corridor. The proposal will also encourage the use of public transport and make use of existing infrastructure due to its immediate proximity to the railway station and bus services.

Draft Inner North Subregional Strategy

The Draft Inner North Subregional Strategy also identifies Chatswood as a Major Centre within the Inner North Subregion and part of the Global Economic Corridor. The strategy sets targets for housing and employment growth for the subregion, although these are now largely superseded as the Draft Metropolitan Strategy provides more recent targets for Sydney and the Central Subregion. The proposed development creates increased residential accommodation and employment opportunities within Chatswood CBD and also in close proximity to public transport services of the Chatswood Rail Station and Chatswood Transport Interchange. The proposal will also help Willoughby LGA achieve their dwelling target under the plan.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), Section 75W 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, and the Minister (or his delegate) may approve or disapprove the modification of the project under Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The Modification Application has been lodged with the Director-General 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. However, in this instance, the proposal seeks to modify the approved land uses, unit numbers and subsequent terms of approval imposed on the Project Approval. Therefore, approval to modify the application is required.

3.3 Environmental Assessment Requirements

No environmental assessment requirements were issued with respect to the proposed modifications, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original Director-General's Requirements.

3.4 Delegated Authority

On 14 September 2011, the Minister delegated his powers and functions under Section 75W of the EP&A Act to the Planning Assessment Commission where the application has not been made by or on behalf of a public authority and:

- the relevant local council made an objection; or
- a political disclosure statement has been made; or
- there are more than 25 public submissions in the nature of objections.

Willoughby City Council does not object to the modification however 67 public submissions were received in the nature of objections. No political donations have been disclosed in relation to this or any previous application.

As a result of the number of public submissions in the nature of objections, the modification request is referred to the Planning Assessment Commission for determination under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department publicly exhibited the modification

from 30 January 2013 until 1 March 2013 on the Department's website, at the Department's Information Centre and at Willoughby City Council Service Centre. The modification request was advertised in the Sydney Morning Herald, Daily Telegraph and North Shore Times on 30 January 2012. Surrounding landholders and relevant State and local government authorities were notified in writing.

The Department received 48 submissions during the exhibition of the modification request. Of the submissions, two were from public authorities. The department received more submissions following exhibition with a total of 67 submissions received from the general public and special interest groups up until this assessment was completed. A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Two submissions were received from public authorities. The issues raised in these submissions are discussed below.

Willoughby City Council originally objected to the modification as lodged and recommended refusal. It also requested that the Department consider a wide range of issues including:

- the impact of additional overshadowing on community facilities;
- further pressure on local infrastructure especially schools, child care facilities and before and after school care facilities;
- requests that the application retain the approved Child Care Centre with the Project and facilitates disabled access to Number 12 Thomas Street; and
- Council's preference for all car parking to be placed underground.

The proponent responded to Council's submission by reinstating the childcare facility, incorporating disabled access through the development to 12 Thomas Street, and changing the design of the podium, ground floor uses, and carparking. The form and height of the towers were not changed in the amendments, and the amendments retained above ground parking.

Council provided a subsequent submission in response to the amended proposal. Council's submission of 15 April no longer maintained an objection to the modification. Council's submission requested that the Department take into consideration the unresolved issues in its earlier submission. Council also requested that the Department address the following specific matters in its assessment:

- the scale, proposed use and density of the proposal is contrary to the planning for this location having regard to its context and the role of Chatswood CBD as a major employment centre;
- the public car parking should be provided over the least possible number of basement parking levels across the southern part of the car park (3-4 levels);
- provision should be made for all car parking to satisfy Council's DCP on-site or a monetary contribution in lieu of any shortfall;
- reconciliation of all plans, elevations and sections to remove inconsistencies, errors and incorporation of the latest revisions;
- identification of the affordable housing units;
- the driveway crossing in Thomas Street should provide tactile paving at the footpath crossing points, use of a paver treatment where the foot path crossings occur (instead of concrete), additional lighting over the entrance points and a coherent signage plan for the 4 driveways indicating purpose and flow direction of each path;
- submission of a comprehensive traffic plan for the site and its context addressing all congestion points, median islands and proposed measures to mitigate the traffic impacts on the local and arterial road networks;

- resolution of detailed plans of the public car park for Council approval prior to the issue of a Construction Certificate for that section of the building;
- finalisation and notification of the VPA including the Statement of Commitments to be covered in any condition of approval;
- submission of a wind report covering the Albert Avenue colonnade, and the through site link to achieve an acceptable environment for pedestrians with appropriate wind mitigation measures;
- submission of a revised landscape plan addressing the podium roof landscaping, outdoor play areas of the child care centre, design of the landscaped through site link and process for an approved design for the sculptural art element at the Thomas Street entry; and
- provision of a disabled persons pedestrian access from the public car park to the front of 12 Thomas Street by:
 - modifying the ground floor to create a new pedestrian access between the open walkway, through the proposed retail lift lobby, across the covered right of way and then by a path beside the right of way to Fleet Lane at the rear of No 12, including signage, line-marking and bollards; and
 - installing a suitable wheel chair hoist to provide disabled person's access between the Thomas Street footpath and the Building's entry level, to be maintained at the expense of the body corporate of No 12 Thomas Street.

The **Sydney Regional Development Advisory Committee (SRDAC)** of the **Roads and Maritime Services** did not object to the modification. It raised a number of issues including the design of road median islands and other infrastructure, carpark layouts, loading management, signage, noise and green travel arrangements.

RMS provided supplementary advice on its recommended condition of approval for car parking signage/information, removing the requirement to have bay sensors installed for each car space.

4.3 Public Submissions

A total of 67 submissions objecting to the proposed modification were received from the public. The key issues raised within the objections are listed in **Table 4**.

Table 4: Summary of Key Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
Traffic congestion	91
Disabled and other access to Fleet Lane	78
Height/bulk	76
Overshadowing/loss of sunlight	74
Parking	52
Podium design	46
Pedestrian safety	41
Change of use from commercial to serviced apartments	33
Visual and amenity impacts	33
Lack of separation to 12 Thomas St	30
Density/overdevelopment	30
Noise	26
Streetscape impacts	17
Impact on businesses	15

Other issues raised in a small number of submissions include:

- objection to removal of the previously approved child care;
- concerns in relation to Council's changing views on the proposal;

- increased vandalism and pollution;
- wind impacts; and
- that the proposed modification should be considered as a new application.

The Department has considered the issues raised in submissions in its assessment of the proposed modification (refer to **Section 5**).

The key issues are discussed in **Section 5**, including height, podium design, carparking, traffic, contributions, voluntary planning agreement, and access to 12 Thomas Street.

The Department previously considered issues relating to change of use from commercial to serviced apartments in its assessment and approval of Modification 3. The proposed modification is consistent with that approval, and the proponent's preferred project report no longer seeks consent for this change of use (it having already been approved in Modification 3).

Issues relating to noise, impact on businesses, and wind have been previously considered by the Department in its assessment of the original application. The proposed modification does not significantly alter these impacts other than in terms of the duration (for impacts arising out of construction). Noise issues relating to the use of the podium for carparking are addressed in **Section 5**.

The Department does not consider that there is likely to be an increase in vandalism and pollution due to the overall increase in the residential population of the site. Increased residential use of the site is instead likely to improve the overall safety of the area by providing increased passive and active surveillance and use of the public domain.

In relation to the objections to the removal of the previously approved child care, the proponent's preferred project report has reinstated the child care use to be broadly consistent with the current approval.

Submissions have also argued that Modification 6 is not a modification but rather a totally different building with much greater proportions and incorporating elements which are totally new compared to the original application. The Department notes that the scale of the modification is significant compared to the original application, however it considers that it is within the scope of Section 75W of the Act, as the proposal remains a high rise development accommodating previously approved residential and serviced apartment uses.

The Department considers that issues relating to concerns about the Council's changing views are not directly relevant to its assessment of the merits of the proposal. The application has been publicly exhibited in accordance with statutory requirements and with the Department's standard processes, and the issues that have been raised by the Council have been considered in the assessment of the modification application.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be:

- height;
- podium design;
- car parking;
- access to 12 Thomas Street;
- traffic;
- contributions; and
- voluntary planning agreement.

5.1 Height

The Department has considered the height of the towers as approved, including the impacts of overshadowing and privacy in its previous assessments. The issue for this modification is the impact of the additional proposed height.

The current approval permits two tall tower buildings. Building 1 is approved for 29 storeys plus plant to a total height of RL 201.4. Building 2 is approved for 29 storeys plus plant to a total height of RL 197.20. Each building has a height in the order of 100 metres which exceeds the a maximum height limit of 34 metres to the southern portion of the site and a maximum height limit of 60 metres to the northern portion of the site provided in Willoughby Local Environment Plan 2012 (WLEP).

The proposed modification seeks approval for height increases to both towers. The proposed height for Building 1 would be increased by 51.95 metres to RL 253.35 (47 residential storeys plus plant). The proposed height for Building 2 would be increased by 24.75 metres to RL 221.95 (37 residential storeys plus plant).

The proposed residential tower would be approximately 158 metres high and the proposed serviced apartment tower would be 127 metres high (assuming plantroom heights of 3 metres for each building).

A number of public submissions raised concern with changes to the height and associated impacts. The Department considers that the key issues associated with the proposed additional height relate to the consistency with the Chatswood CBD context and additional overshadowing impacts.

Comparative heights in Chatswood CBD

The proponent has submitted a comparative height study which illustrates how the proposed towers relate to the Chatswood CBD skyline. The study compares the proposed development with the Chatswood Transport Precinct Project (CTPP) residential towers which are currently being constructed over Chatswood railway station. The study's diagrams detail the location and form of the proposed development in relation to the existing CBD context.

Figure 10 shows diagrams reproduced from the study illustrating the project as approved, and as per the proposed modification. This height study shows a notional arc to justify the proposed heights. The Department notes that the proposed building height is similar to the CTPP towers.

In its assessment of the original Project Approval, the Department concluded that the tall mixed use towers to the north, north west and north east of the site provided a height backdrop to the proposed development which would ensure that the height of the proposed new towers did not contrast against the established Chatswood CBD skyline, particularly when viewed from the Pacific Highway and the residential area to the south. The additional height of the proposed modification changes this, so that the towers will now be more significant elements in the established Chatswood CBD skyline and will be highly visible from the Pacific Highway and the residential area to the south.

The Department notes that the Chatswood CBD environment is characterised by high density commercial and residential towers. The Department considers that the introduction of new tall, buildings within the Chatswood CBD is consistent with its growth over time and that the proposal represents acceleration of the evolution of the urban form of Chatswood CBD, rather than a contrary planning direction. In particular, the Department notes the potential for increasing height and density for the Chatswood CBD beyond the life of both the current LEP and the Metropolitan Strategy, but within the likely lifespan of the proposed development. The Department considers that there is scope for additional height, given this CBD context.

The policy directions of the Metropolitan Strategy include a focus on providing housing close to existing public transport infrastructure. In the case of the heavily developed Chatswood CBD, this will inevitably lead to increased height and density of development in close proximity to the railway station, allowing for the maintenance of existing lower density forms further from the CBD.

Notwithstanding the above, the Department considers that the proponent's justification for the additional height of 18 storeys for the residential tower, which relies on comparing it to the tallest building in the Chatswood CBD and providing a notional arc to inform building heights, is not robust and overly simplistic.

The proponent's notional arc bears little relationship to the existing skyline (apart from the CTPP Towers) or strategy for future development of the CBD. The application of this arc would infer that it is appropriate to provide taller buildings than the CTPP Towers. The Department does not consider that this is a sound planning approach and does not consider that matching the height of the tallest nearby building achieves an appropriate outcome as it does not achieve a form that emphasises the town centre of Chatswood. In urban design terms, the Department considers that it is more appropriate that the CTPP Tower, which marks the location of the transport interchange and is arguably toward centre of the CBD, should be maintained in the skyline as a higher and more dominant form.

The Department considers that a more supportable approach is to allow the CTPP tower to read as the tallest building in the CBD, and for new towers to step down from this level in order to achieve a better tower height distribution for the CBD skyline. With this approach, the Department considers that a better urban form is achieved by reducing the height of the proposed residential tower to a height midway between the height of the serviced apartment tower and the top floor of the CTPP project. This would result in a reduction of height of Building 1 by approximately five storeys (marked in yellow on **Figure 11**). This will reduce the gross floor area by 3,830m² and the total number of apartments by 40.

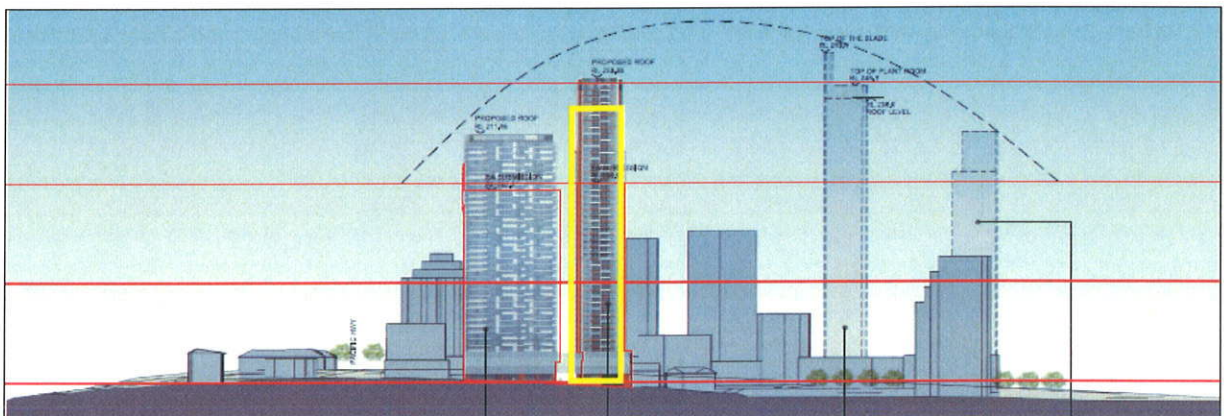


Figure 11. Height study showing the Chatswood CBD with a repositioned height arc and suggested reduced building heights marked in yellow

The Department considers that reducing the proposed height in this manner would be beneficial in terms of articulating and stepping the CBD skyline, providing a greater level of modulation and articulation to the skyline. This approach would also allow the development to deliver a lesser, but still supportable amount of additional housing to meet the targets in the Metropolitan Strategy in close proximity to a major and recently upgraded public transport interchange while reducing some of the impacts from the proposal's height including visual impacts and the extent of overshadowing of residences to the south and south east of the site (discussed below).

Reducing the height would also result in a reduced number of apartments, lowering the required provision of carparking. This is discussed below in Section 5.2.

Conditions of approval are recommended to achieve a reduction in the height of the proposed residential tower (Building 1) by five storeys. With the imposition of this change, the Department considers that the height of the buildings would be acceptable from an urban design perspective and provide a more appropriate fit when compared to heights of other buildings within the CBD.

Overshadowing

Submissions have objected to overshadowing arising out of the proposal's additional height. The proponent provided shadow diagrams in the PPR that show the extent of additional overshadowing.

The Chatswood Croquet Club has objected to the increased overshadowing and the impact on its operations. The proposed modification will result in the club's lawns being impacted by shadows in winter between 12pm and 2pm (for approximately 1.5 hours). The development as approved does not overshadow the southernmost lawn, but partly overshadows the northern lawn. The extent of additional overshadowing is only for a comparatively short duration and limited to the midwinter period. Given the limited period of overshadowing the Department considers this to be acceptable.

In relation to Chatswood Oval, the proponent has submitted diagrams indicating that the oval would already be impacted by overshadowing from the approved development. Chatswood Oval remains generally shadow free from the buildings on the subject site between the hours of 9am and just prior to 2pm. After 2pm, there is a small segment of shading beginning to encroach upon the south-west section of the oval in winter, and a larger extent encroaching the northern end of the Oval to varying amounts from March until September. This is reflected in the shadow diagrams in Annexure 3 of the PPR. The Department considers that the shadow from the additional height of the proposal has only a minor impact on Chatswood Oval in the winter period and though the extent of additional shadow crossing the oval is more significant in the afternoons in spring and autumn, the relatively good morning exposure to morning sunlight enjoyed by the oval will mean that impacts are acceptable. The Department also notes that the owner of the oval, Willoughby Council, has not objected to the revised proposal.

Public submissions have also objected to additional overshadowing caused by the proposal. The proponent notes in the Response to Submissions that the tip of the shadow moves quickly across the affected properties. The Department acknowledges that the extended length of shadowing from the increased height will affect a number of properties, most of which are dwellings, to the south-east and south-west of the site. The Department's recommended reduction in the height of the proposed residential tower by five storeys will, however, reduce the extent of additional overshadowing up to approximately 45 metres in length, thereby reducing the impacts on a large number of residential properties in the residential areas to the southwest and southeast of the site.

In summary the Department considers that the proposed additional building height will have a minor impact to nearby open space areas (when considered against the impacts from the existing approved development). This additional impact is considered to be reasonable given that these areas will only be affect for brief periods through the day. The additional proposed building height will cast shadow toward additional residential properties, if only for very short periods though the day. The Department considers that the impacts of the additional shadowing would be mitigated by the recommended 5 storey reduction in building height for Building 1.

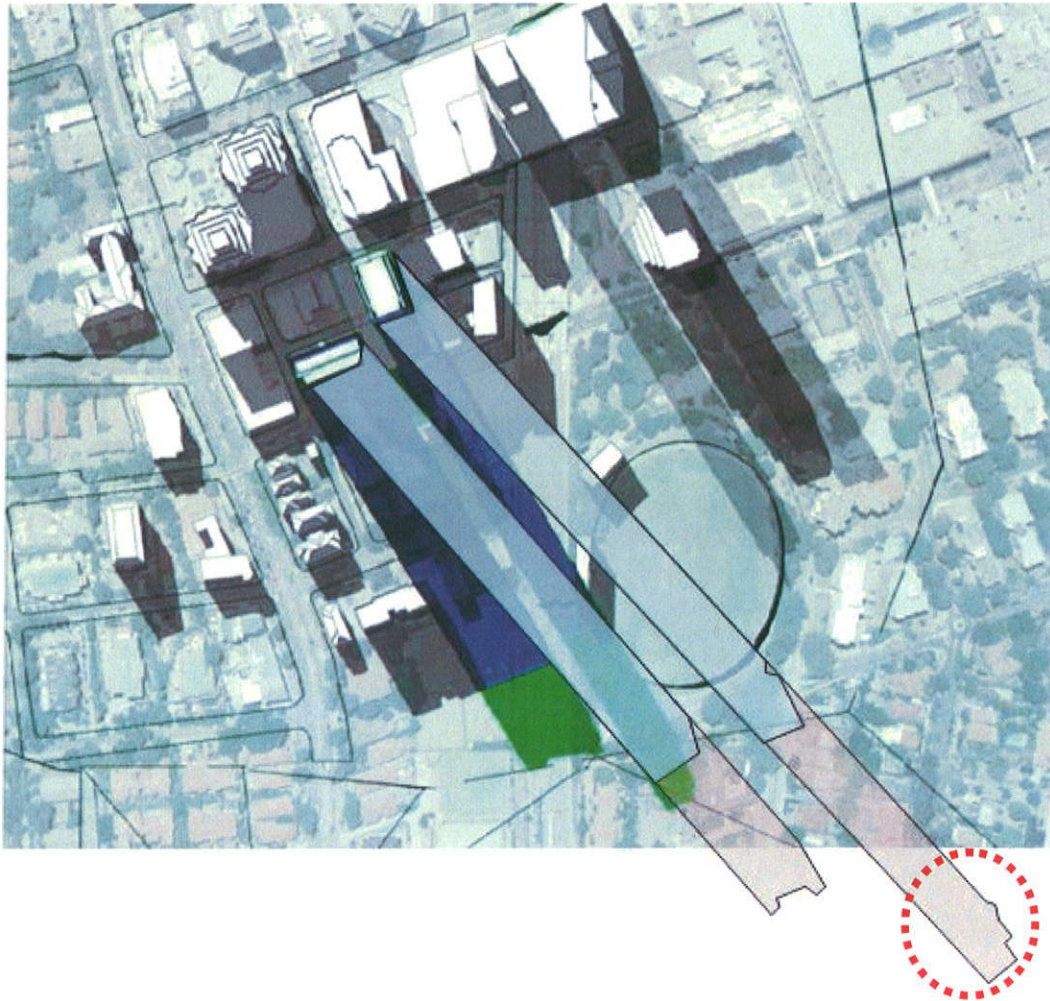


Figure 12: Plan diagram showing the extent of approved (blue) and additional (green) overshadowing at 2pm on June 21 (from the PPR). Using the current approval plans, the Department has also approximated the approved (light blue) and proposed (pink) shadows at 3pm on June 21 (as these were not provided by the proponent). The red circle indicates the approximate reduction in shadow that would result from reducing the height of the residential tower by 5 floors.

5.2 Podium design

The proposed modification includes a new podium element at the base of the two tower buildings. This podium contains a mix of uses including:

- building entry lobbies, retail spaces and multiple vehicle entries on the ground floor;
- carparking on podium levels 1, 2 and 3, which is partly skinned on levels 1 and 2 by residential apartments along the Thomas Street frontage and the Albert Avenue frontage west of the through site link/public plaza; and
- a childcare centre, gymnasium, community rooms and pool on the podium roof (level 4).

The key assessment issues relating to the podium design are:

- above ground car parking;
- podium activation and architectural treatment; and
- vehicular access design.

These issues are described below.

Above ground carparking

The current project approval includes five levels of basement parking. The proposed modification includes three levels of above ground parking in addition to the five basement levels.

In response to the Department's request for justification for the above ground parking, the proponent noted positive components to having aboveground car parking including:

- fewer disturbances to underground geology and ground water flows;
- less dewatering of the soils during excavation resulting in less use of diesel pumps;
- significant reduction to the carbon footprint from a range of measure including from:
 - reduced truck movements;
 - reduced excavations;
 - use of fewer construction materials (steel and concrete);
 - reduced water use; and
 - longer term operational energy savings;
- better separation between the public and private car parking areas resulting in better traffic flow;
- removal of conflict with service trucks from private and public vehicles entrances; and
- less use of ongoing ventilation.

The Department does not agree that these components in themselves justify above-ground parking. The Department considers that it would be preferable to have carparking fully provided in basement levels. However the above ground parking can be acceptable for the site and its immediate vicinity if the architectural treatment of the podium achieves an appropriate level of design and activation, and subject to the impact on the public domain of vehicles accessing and using the above ground parking.

Podium activation and architectural treatment

The proposal includes some active uses along the major street frontages of Thomas Street and Albert Avenue.

On the Thomas Street frontage, the proposal has residential apartments on levels 1 and 2, with storage on level 3. There is also an apartment extending 8.2 metres south along the frontage of the through site link. The remainder of the through site link frontage contains plant, storage and carparking. The ground floor frontage is composed of vehicle driveway entries/exits and a retail tenancy on the corner of the through site link (refer to **Figure 9**).



Figure 13: Detail of the Albert Avenue frontage of the proposal (from the PPR)

On the Albert Avenue frontage the ground floor is a mix of uses including retail, the through site link and carpark entries. On levels 1 and 2 of the podium, approximately half of the frontage is sleeved by residential apartments, and the remainder contains carparking. On level 3, the entire frontage contains carparking. The through site link is crossed by two glazed bridges three levels high, primarily for vehicular circulation. The proponent states that these are designed to be see-through.

The proponent's design report notes that the carparking will be completely and acoustically sealed. This will ensure that there are no impacts from noise, overlooking or glare from headlights to adjacent properties. The report also notes that the facade will be detailed and patterned, with the same treatment applied to the whole of the podium regardless of the functions within. The Fleet Lane and side boundary frontages of the podium contain only carparking uses.

The Department considers that above ground parking is acceptable provided the proposal includes design responses to provide articulation of the facades and to provide some façade activation.

In relation to side boundaries, the Department considers that with the acoustic and visual sealing of these side elevations, the potential light-spill and acoustic impacts from carparking are manageable. The Department also notes that the architectural patterning of the facades here, (which can be seen on the left of **Figure 13**) achieves a degree of modulation that is acceptable for a side boundary.

In relation to the major street frontages, the Department notes that the sleeving of above ground car parking with residential uses concentrated to the two lower levels above ground provides an acceptable degree of podium activation at these levels. The Department notes that other parts of the facade containing carparking are proposed to be patterned with a facade that approximates the serviced apartment façade below in terms of materials, depth and composition. This is shown on the elevations and illustrated in **Figure 13**.

Despite this patterning, the Department considers that the proposal does not achieve a sufficiently high level of activation on the two major street frontages. On Thomas Street just over 50 percent of the façade is active with residential uses and some retail on the ground floor. The remainder is storage and driveways. On Albert Avenue, the partial sleeving of Levels 1 and 2 with apartments and some ground floor activity to the western half of the podium achieves only approximately one third of the façade being activated. The eastern half of the façade is almost entirely inactive and contains only driveways and carparking other than a small retail use next to the through site link, and all of Level 3 is inactive.

The Department considers that the podium should be better activated, in order to improve the streetscape impacts along the major street frontages. The Department considers that the design approach of sleeving carparking with residential uses as used on Levels 1 and 2 should also be applied to Level 3. This will help to improve the level of activation on both major street frontages. The Department's proposed amendments to level 3 are shown in **Figure 15**. The Department has discussed these changes with the proponent, which has not objected. The proponent has advised that this would add 6 apartments on Level 3 (comprising of 3 x 1 Bedroom and 3 x 2 Bedroom) totalling 462 square metres of gross floor area.

The Department also considers that the single parking space on Levels 1, 2 and 3 on the corner of the through site link and the Albert Avenue frontage adjacent to the through site link (see the highlighted space on **Figure 14**) should be replaced by apartment uses. These amendment will further improve the activation of the Albert street frontage by adding an activating use to the corner of the through site link (this will be the only activating use above ground level facing the through site on the Albert Avenue side of the podium).

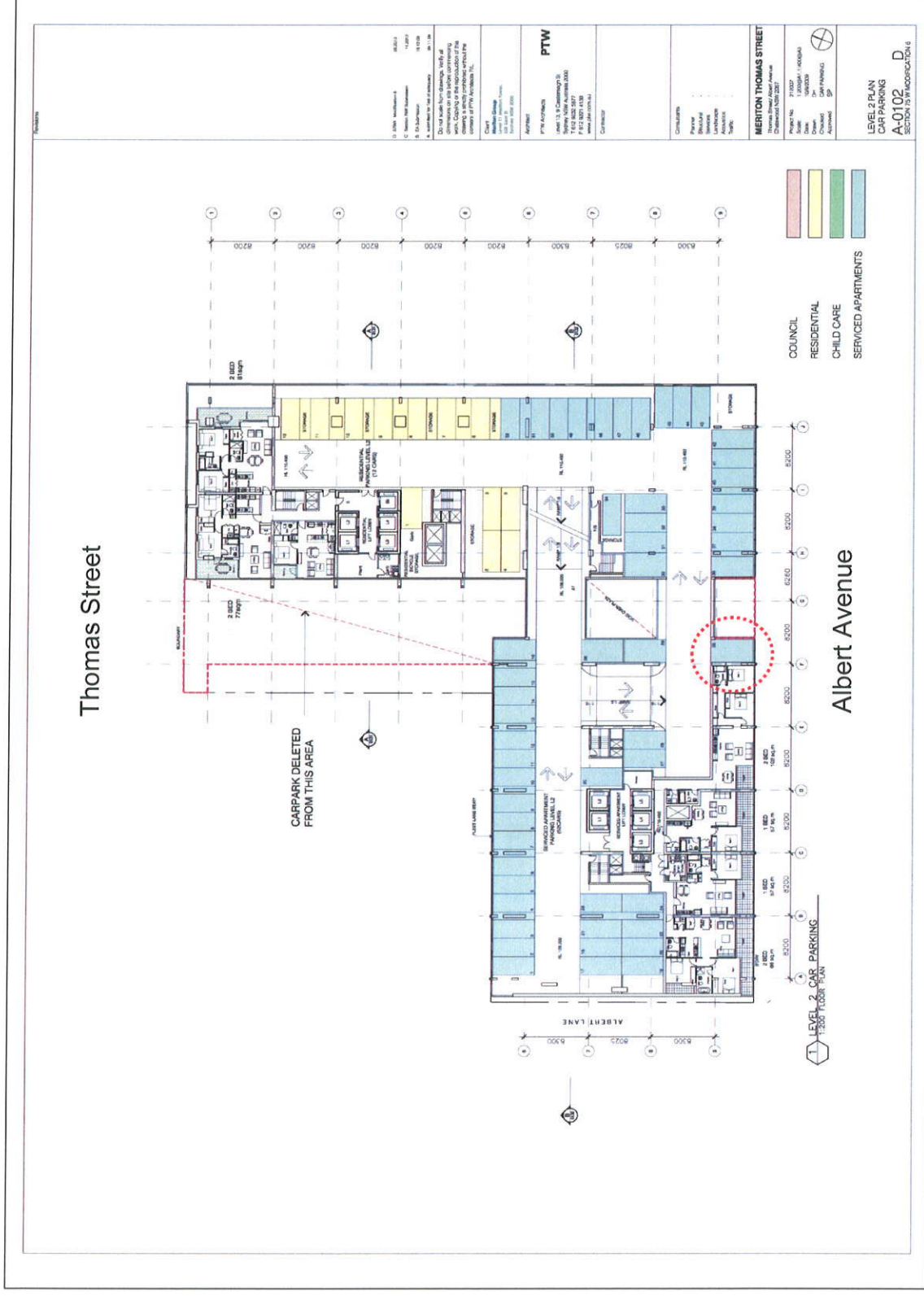


Figure 14: Level 2 floor plan showing the partial sleeving of carparking in the podium with apartments. The dotted circle highlights the single parking space that the Department considers should be replaced by active apartment uses on all podium levels.

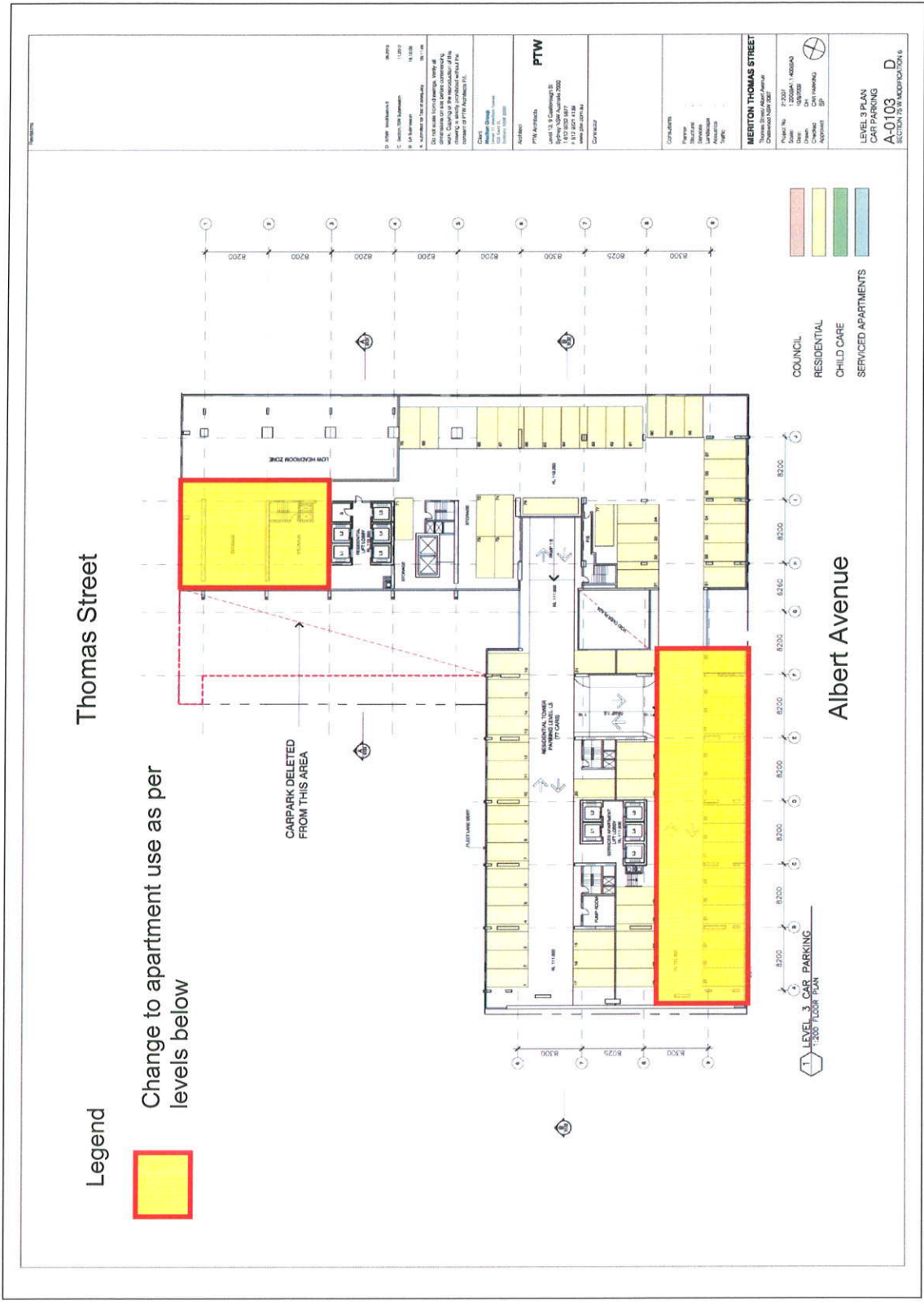


Figure 15: Level 3 floor plan (podium) marked up to show the recommended areas for increasing activation (see Section 5.2) and reducing carparking (see Section 5.3).

Conditions of approval regarding these design amendments are recommended.

The Department notes that increasing the number of apartments sleeving inactive podium uses will reduce the amount of carparking that can be provided in the proposal. The Department notes, however that its recommended height reduction for the residential tower will also reduce the amount of parking required. This is discussed in **Section 5.3**.

Vehicle access

The development as approved includes one combined vehicle entry/exit on Albert Avenue approximately 9.5 metres wide and a combined right of way entry and carpark exit on Thomas Street approximately 9.5 metres wide. The right of way also exits into Fleet Lane (east). This is shown in **Figure 16**.

The proposed modification includes additional vehicle entry/exit points compared to the current approval. The total width of vehicle crossovers on Albert Avenue is increased to approximately 13 metres and on Thomas Street is increased to approximately 16 metres.

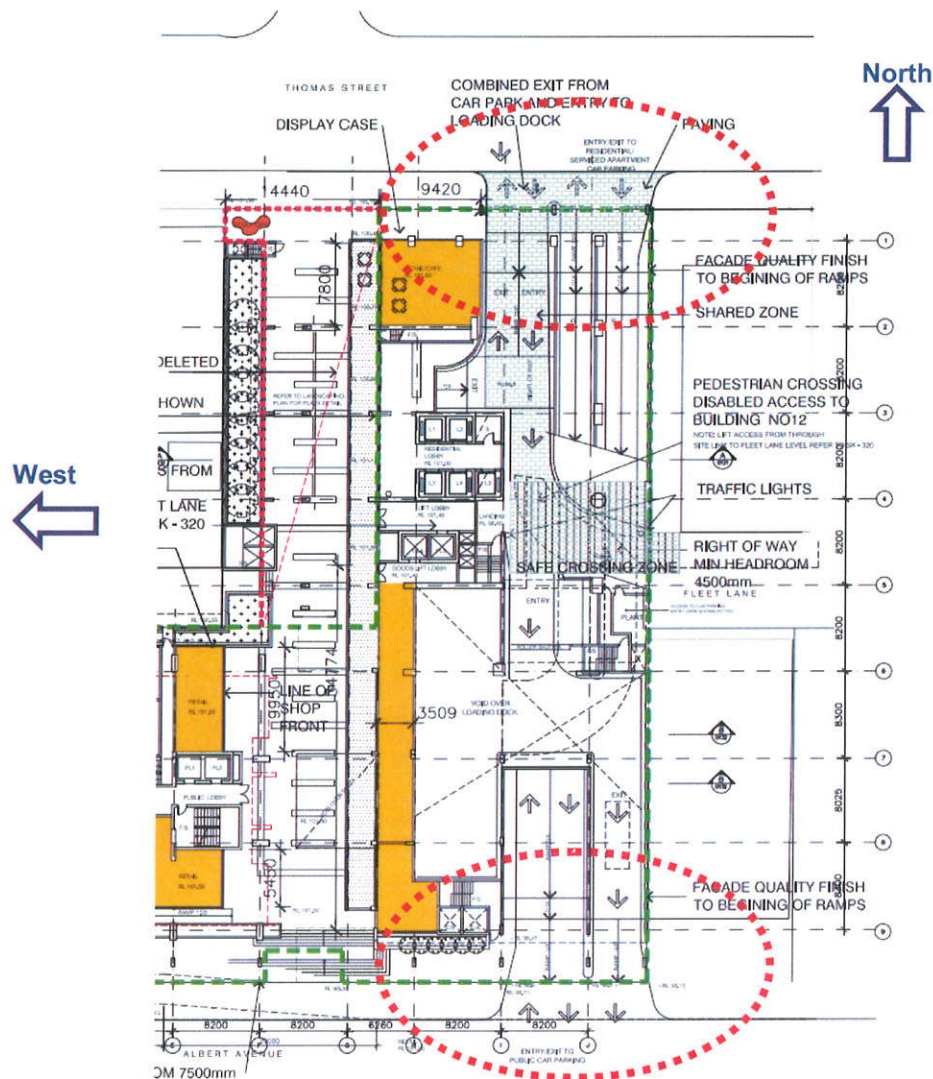


Figure 16: Detail of the ground floor plan showing the driveways adjacent to the northern and southern boundaries, circled in red (from the PPR).

The Department notes that current adjacent uses include medical services for the disabled including eye surgery specialists and the headquarters of Guide Dogs NSW who have objected to the proposal.

Council also raised issues regarding the vehicle access including:

- their excessive length;
- concerns for pedestrian safety as motorists may not be looking out for them when exiting the site;
- the absence of refuge points within the driveway to allow pedestrians to stage their crossing;
- the existence of vehicular conflict points when vehicles are simultaneously trying to enter and or leave the site, particularly when exiting if one vehicle wants to turn right while the other wants to turn left; and
- the confusing array of access points.

Council noted that the number of entries and exits could be minimised by relocating the above ground parking levels to below ground.

The proponent revised the design to reduce the width of the driveway on Thomas Street by approximately one metre by removing the separation from the public carpark exit and the service vehicle entry. The proponent argued that no further reductions were available to reduce the driveway width due to the space required for structural columns. The proponent also stated that the change also included a separately paved shared driveway to assist drivers and pedestrians.

The Department considers that despite the increased driveway widths the proposal is acceptable given the constraints. However, the Department recommends that in order to improve pedestrian safety, pedestrian refuge points should be provided within the driveway crossings as recommended by Council, and a condition is proposed to achieve this outcome.

5.3 Car parking

The project as approved provides for 508 underground car parking spaces. The modification proposes 660 car parking spaces, 195 above ground and 465 below ground.

The proposal provides distinct and separate parking areas including:

- 317 residential spaces underground in the basement and above ground in the podium with access via the Building 1 lifts;
- 79 serviced apartment spaces above ground in the podium with access via the Building 1 lifts;
- 10 child care centres spaces, and 4 retail spaces underground in the basement with access via the Building 1 lifts; and
- 250 public carparking spaces underground in the basement accessed by separate lifts in Building 2.

A summary of the uses in the approved development and as proposed is provided in **Table 4**.

Table 4: Summary of Uses and Car Parking

Aspect	Current Approval	Proposal
<i>Residential</i>	233 apartments: • 87 x 1 bed apartments (37%) • 128 x 2 bed apartments (55%) • 18 x 3 bed apartments (8%)	355 apartments: • 149 x 1 bed apartments (42%) • 176 x 2 bed apartments (50%) • 30 x 3 bed apartments (8%)

Aspect	Current Approval	Proposal
Serviced apartments	302 serviced apartments: • 1 x studio apartment (<1%) • 242 x 1 bed apartments (80%) • 54 x 2 bed apartments (18%) • 5 x 3 bed apartments (2%)	359 serviced apartments: • 288 x 1 bed apartments (80%) • 66 x 2 bed apartments (18%) • 5 x 3 bed apartments (2%)
Retail	3 separate tenancies (546 m ²)	4 separate tenancies (230 m ²)
Childcare	50 place childcare (377 m ²)	50 place childcare (445 m ²)
Car parking	508 spaces: • 168 residential spaces • 77 serviced apartment spaces • 3 retail spaces • 10 child care spaces • 250 public parking spaces	660 spaces: • 317 residential spaces • 79 serviced apartment spaces • 4 retail spaces • 10 child care spaces • 250 public parking spaces

Notwithstanding the requirements of the Development Control Plan, Willoughby Council has previously advised in its submission to the original Major Project Application that the development should provide a reduced total number of car parking spaces to that required by the Development Control Plan. The Department accepted this reduced rate in its approval of the Project Application. This agreed rate was:

- 0.5 spaces per studio;
- 1 space per 1, 2 or 3 bedroom apartments;
- 18 visitor spaces for 208 residential apartments (one space per 12 apartments); and
- Car parking was not required for affordable housing units.

These rates are also shown in **Table 5**.

Table 5: Carparking rates

	DCP rate	Approved Rate
Residential	• Studio- 0.5 space • 1 or 2 bedroom- 1 space • 3+ bedroom- 1.25 spaces • Visitor spaces- 1 per 4 dwellings	• Studio- 0.5 space ; • 1, 2 or 3+ bedrooms- 1 space • Visitor spaces- 1 per 12 dwellings • 0 spaces for affordable housing units.
Serviced apartments	1 space / 4 units + 1 space/ 2 employees)	1 space / 4 units + 1 space for each late night employee (2)
Retail	1 per 25m ²	1 space per retail tenancy
Child Care	1 space/ 2 employees	1 space/ 2 employees

Given the location of the proposed development in close proximity to the major public transport interchange of Chatswood town centre, the Department remains of the view that it is reasonable in the circumstances to accept carparking rates below that required by the Development Control Plan.

The Department has considered the non-compliances in relation to residential, serviced apartment, and retail car parking in more detail below.

Table 6: Proposed and Required Car Parking for the development

	DCP	Approved Rate	Proposed
Residential (355 total)	444 (355 + 89 visitor)	371 (341* + 30 visitor)	317 (281 + 36 visitor)
Serviced apartment (359 total)	90	90	79
Retail (4 tenancies, 230 m ²)	9	0 (Not required)	4
Child Care (based on 20 staff)	10	10	10
Public	250	250	250
Total	803	720	660
<i>Compared to DCP</i>	-	83 shortfall	143 shortfall
<i>Compared to prior approval rates</i>	-	-	60 shortfall

*Assumes that 4% of apartments are affordable housing and do not have a parking allocation. The proposal is required under the current approval to provide 4% of the floorspace for affordable housing. The proponent has not identified which apartments or how many are to be assigned to affordable housing. Assuming that 4% of the area corresponds to 4% of the apartment numbers then 14 apartments will be affordable housing.

Residential parking

The proposal includes 317 residential carparking spaces (comprising 281 allocated to apartments and 36 visitor spaces).

The Department however notes that previous approvals for the site agreed to reduced parking rates. Based on the reduced carparking rate used in earlier approvals, the required provision would be 371 spaces. This is calculated from 355 spaces (one per apartment) less 14 spaces (one space for each affordable housing dwelling, which are not required to have a parking allocation) plus 30 visitor spaces (one per 12 apartments). The proposal provides 54 fewer residential parking spaces than required by the previously agreed parking rates (60 fewer allocated to apartments and 6 additional visitor spaces).

In support of the proposed parking rate, the proponent argues in the PPR that its experience with managing thousands of residential apartments (leasing and selling) leads them to conclude that there is less demand for parking for studios and 1 bedroom units where good public transport is available. The proponent cites successful sales of studios and 1 bedroom units with no car spaces in Zetland, which is in close proximity to buses and the Green Square railway station. The proponent argues that residents of the proposed development will also embrace a reduction in car parking for studios and 1 bedroom units due to the close location of the Chatswood CBD, trains, bus interchange and retail hub. Accordingly, the proposal is for parking for studios and 1 bedroom apartments at 0.5 spaces per unit.

The Department considers that as the subject site is within 5 minutes walking distance to the major public transport interchange at Chatswood Station, there are sound reasons for accepting lower rates of carparking. The Department considers it is appropriate to have regard to the rates required in nearby CBD locations where similarly large residential development is permitted. In Sydney CBD there is no requirement to provide parking for residential uses. In North Sydney, the parking rate for one bedroom apartments in non-residential zones is 0.5 spaces. This is consistent with the proponent's stated experience in other city locations. The proposal's reduced parking rate is consistent with these other CBD examples, and matches that of North Sydney which is similarly serviced by train and bus networks.

The proposed development includes 149 one bedroom residential apartments. At a rate of 0.5 spaces per one bedroom apartment the overall parking needed for the development is reduced by 75 spaces leading to a total provision of 296 spaces (including visitor parking).

With regard to residential visitor parking, the proponent has included 36 visitor spaces, using a rate of one space per 10 apartments. The Department notes that the previously approved rate was reduced to one space per 12 apartments. The current proposal is a higher provision than the previously agreed rate, resulting in six additional spaces allocated to visitor parking.

The Department considers that in this instance the flow-on effect from reduced residential parking provision is reduced car ownership and a concomitant reduction in traffic generation. Based on the proponent's arguments, and in consideration of the parking generation of similar developments in other CBD locations, the Department considers that reducing the level of residential parking to 0.5 spaces per studio or one bedroom apartment would not lead to a increase in demand for parking in the area outside the development, but would instead lead to a reduction in car ownership by residents. The Department also notes the 36 visitor spaces in the proposed development as well the development's public carpark which will provide for visitors to the development. Accordingly the Department considers that the reduced parking rates below the levels already approved would not lead to a demand for parking in the local area and that a minimum rate for parking for studios and 1 bedroom apartments at 0.5 spaces per unit is acceptable for the development given the circumstances.

The Department concludes that the provision of residential parking of 281 spaces allocated to apartments and 36 spaces for visitors is acceptable.

Serviced apartment parking

The proposal includes 79 carparking spaces for serviced apartments. The provision required by the Development Control Plan, and the rate used in earlier approvals, is 90 spaces. This will result in a shortfall in the provision of residential carparking of 11 spaces.

In its original assessment of the proposal for serviced apartment parking, the development was consistent with the Willoughby DCP.

In support of a lower rate, the proponent argues that its experience in managing over 2000 serviced apartments leads it to conclude that the minimum number of spaces to provide for the 359 serviced apartments in this location is 79 spaces. The Department considers that as the subject site is within 5 minutes walking distance to the major public transport interchange at Chatswood Station and its location within a major regional centre, there are sound reasons for accepting lower rates of carparking. The Department considers it is appropriate to have regard to the rates required in nearby CBD locations where similarly large serviced apartment development is permitted. In Sydney CBD there is no requirement to provide parking for serviced apartment uses. In North Sydney, the parking rate for serviced apartments is one space per five apartments. Applying the North Sydney rate to the proposal would result in a requirement for 72 spaces. The proposal's reduced parking rate is slightly higher than required at North Sydney which is similarly serviced by train and bus networks. The Department has also had regard to the proposal's inclusion of a 250 space public carpark on the site. While this carpark will be operated independently by Council as a commercial enterprise, it will offer additional options for short term visitor parking. Accordingly the Department considers that the reduced parking rates below the levels already approved would not lead to a demand for parking in the local area.

The Department concludes that the provision of serviced apartment parking at 79 spaces, equivalent to a rate of one space for every 4.5 apartments, is acceptable.

Serviced apartment employee parking

The proposal is consistent with the previously approved serviced apartment employee parking of two spaces for use at night from within the serviced apartment allocation. The Department therefore maintains this is acceptable.

Retail parking

The proposal is consistent with the previously approved retail parking allocation of one space per retail tenancy. The Department maintains that the provision of four retail spaces corresponding to one space per retail tenancy is acceptable.

Impact on car parking from recommended changes

In **Section 5.1** the Department has recommended reducing the height of the proposed residential tower by five floors. The proponent has advised that the five floors that would be deleted from the Building 1 tower are levels 43 to 47 inclusive. This will result in the loss of 32 apartments (11 1-bedroom, 12 2-bedroom and 9 3-bedroom).

In **Section 5.2** the Department has recommended increasing the number of apartments on Level 3 of the podium to increase the activation of the major street frontages. This will add six apartments in total, comprising one 1-bedroom and one 2-bedroom residential apartment fronting Thomas Street, and two 1-bedroom and two 2-bedroom serviced apartments fronting Albert Avenue.

The net effect of the Department's recommendations is to reduce the total number of residential apartments by 30, and to increase the total number of serviced apartments by 4.

The reduction in apartments has an impact on the required level of parking. The Department has accepted the proponent's revised rates of parking argued in the PPR as noted above. Using these rates, the Department's changes reduce the total parking required by 33 spaces. This is summarised in Table 7, below.

Table 7: Proposed and Revised (reduced height) Parking Provision

	Proposed	Revised with recommended height reductions
Residential	(355 apartments) 317 spaces, comprising • 75 for 149 1-bedroom apartments • 176 for 176 2-bedroom • 30 for 30 3-bedroom • 36 visitor	(325 apartments) 283 spaces, comprising • 70 for 139 1-bedroom apartments • 165 for 165 2-bedroom • 21 for 21 3-bedroom • 27 visitor
Serviced apartments	(359 apartments) 79 spaces (1 per 4.5 apartments)	(363 apartments) 80 spaces (1 per 4.5 apartments)
Retail	4	4
Child Care	10	10
Public	250	250
Total	660	627 (33 fewer spaces)

The Department notes that the new residential uses proposed to the podium frontages in **Section 5.2** will take up the space occupied by 24 parking spaces. This leaves 7 spaces oversupplied by the development. The Department recommends that these should be allocated to visitor parking.

5.4 Voluntary Planning Agreement

The proponent has negotiated with Council a Voluntary Planning Agreement (VPA) in conjunction with the proposed modification to be executed should approval be granted. A copy of the draft VPA is contained within the PPR.

Under the agreement, the proponent proposes a monetary contribution of \$844.48 per square metre of approved gross floor area over and above the currently approved gross floor area of 45,148 square metres. (Note: areas allocated for car parking are not to be included in the gross floor area under the agreement). The contribution will be expended as detailed in the VPA for the following Public Benefit Works including but not limited to:

- Upgrade of Chatswood Oval and surrounds including new playing surface, upgrading of grandstands and change rooms, provision of a gym for both general community use and sporting club use, walking paths, regional playground, community garden and childcare;
- Upgrade of the Chatswood High Oval to a synthetic surface and redevelopment of the abandoned tennis courts for multi-purpose activities;
- Upgrade of the playing surface at Beauchamp Oval, including drainage improvements and change room upgrades; and
- CBD streetscape improvements where required, it being noted that the works may vary as planning and costings for these are further developed.

With the proposal having a gross floor area of 58,621 square metres the total difference between the proposed and the currently approved gross floor area is 13,473 square metres. At a rate of amount of \$844.48 per square metre the total monetary contribution of the Voluntary Planning Agreement is \$11,377,679.04.

The Department further notes that height, podium activation and carparking reductions recommended in **Sections 5.1, 5.2 and 5.3** of its assessment will reduce the gross floor area of the development and that this will correspond to a reduction in the size of the total monetary contribution of the voluntary planning agreement. The Department calculates that the total gross floor area will be reduced by approximately 3,000m². This will result in a reduction in the monetary contribution under the Voluntary Planning Agreement in the order of \$2.5 million. The Department supports the draft VPA as it will provide a clear public benefit by way of improvements to key open space facilities in the Chatswood area.

The Department recommends that a condition of approval be provided to require that the proponent execute the Voluntary Planning Agreement with the Council prior to the issue of a construction certificate as outlined in the PPR subject to the revised calculation of the gross floor area.

5.5 Traffic

A number of public submissions raised concerns regarding traffic generation from the proposed modification. Compared to the project as approved, the modification contains parking for an additional 152 cars (from a total parking provision of 508 to 660 spaces). This assessment is concerned with the impact of these additional 152 into the adjacent road system.

The proponent provided a traffic report in its EA prepared by Transport and Traffic Planning Associates. The traffic report noted that the intersections in the vicinity of the development maintained a generally satisfactory operational performance with the impact of additional traffic arising out of the proposal, however it noted that traffic delays and congestion are experienced on the road system in Chatswood at times, for other reasons primarily related to:

- major intersections on the Pacific Highway (eg Boundary Street, Fullers Road/ Help Street and Mowbray Road etc);
- Victoria Avenue through the heart of the CBD;
- Archer Street/Victoria Avenue intersection; and
- retail centre carpark accesses.

The report also noted that residential and serviced apartments do not create significant traffic generation (as compared to retail/commercial floor space) because:

- of lower generation rates per square metre of floor space;
- excellent public transport within easy walking distance for residents; and
- employment, retail and restaurant/entertainment facilities are available close by.

The traffic report concluded, based on modelling and data from comparable developments, that the additional traffic generation of the revised development scheme will only be some 15 vehicles per hour through the highway intersection and some 5 through the Albert Avenue intersections. It noted that these additional traffic movements will represent less than 1 vehicle trip each 2 cycles of the traffic signals in the morning and afternoon peaks and would therefore be entirely imperceptible in terms of traffic modelling. It further noted that the highway intersection currently accommodates a total of some 5,000 vehicles per hour in the morning and afternoon peak periods and the subject development will make available land for the proposed widening of Albert Avenue.

As a result the traffic report concludes that there are no adverse traffic implications arising out of the development.

The Department considers that, based on the information of the traffic report, that the proposal does not give rise to significant additional traffic impacts compared to the currently approved project. The Department notes the traffic reports observations that traffic congestion in the area primarily arises out of peak hour congestion on the Pacific Highway, and is not likely to be significantly impacted by the proposed modification. The Department also notes that both Council and the Sydney Regional Development Advisory Committee of Roads and Maritime Services did not object to the modification, but recommended a number of conditions of approval to ensure the orderly flow of traffic within and adjacent to the development.

The Department further notes that height and carparking reductions recommended in **Sections 5.1 and 5.3** of its assessment will further reduce the traffic generated by the proposal.

The Department concludes that the traffic impacts are acceptable and has recommended conditions of approval reflecting those requested by Roads and Maritime Services and Council.

5.6 Contributions

Council's Section 94 Plans for Chatswood town centre were repealed on 27 July 2012 (they were replaced with Section 94A plans) however, they remain in force for development applications lodged prior to that date. Consistent with its approach in assessing Modification 3, the Department considers that Section 94 contributions are payable in accordance with the Section 94 plans that previously applied in respect of the proposal for open space and recreational facilities and for roads and traffic transport management. The Department notes that consistent with its approval for Modification 3, no childcare contribution is payable as the proposal includes a childcare use. Conditions of approval for the payment of the approved and increased Section 94 contributions are recommended accordingly.

With regard to carparking, the Department's assessment of carparking in Section 5.3 has concluded that a lower rate of parking below the level of previous approvals is unlikely to lead to an increase in the demand for parking in the surrounding area. Accordingly, the Department considers that the Section 94 payment in relation to carparking under the existing approval does not require adjustment.

5.7 Access to 12 Thomas Street

A large number of public submissions raised concern regarding access between the public car park and businesses, particularly in the building at 12 Thomas Street. The Department previously considered this issue in its assessment of the original application.

The entrance of 12 Thomas Street, which shares the eastern boundary of the subject site, is on the ground floor and accessed by stairs from Thomas Street or by a ramp from Fleet Lane. Until recently, persons using the building had access through the at grade carpark to either street frontage in order to reach the entrance. The approved development alters the side boundary relationship so that while it is still possible to access the Fleet Lane at-grade entrance to the ramp at 12 Thomas Street, the pathway to reach this entry is less direct, and through a covered right of way shared by vehicles.

The proposed modification does not alter the Department's previous assessment of this issue which found that the reliance upon the subject site by the adjoining property for access to 12 Thomas Street is not reasonable and cannot justifiably be maintained at the expense of the development of the subject site.

Notwithstanding, the proponent has responded to this issue in the PPR by providing for an accessible path of travel between the public carpark of the proposed development and the rear access of 12 Thomas Street onto Fleet Lane. This is shown in **Figure 15**. Persons using the public carpark, or the pedestrian plaza / through site link connecting Thomas Street and Albert Avenue are able to access a lift lobby midway along the eastern side of the plaza that provides disabled vertical transport between the plaza level and the level of Fleet Lane. From there, the revised proposal includes a shared pedestrian zone treatment to the public right of way/loading dock lane which connects to Fleet Lane and the existing rear of 12 Thomas Street. From there pedestrians can access an accessible ramp along its western boundary to reach the Thomas Street entrance. The proponent argues that the treatment of this area and its generally low vehicular movements provide suitable environment to allow for its use by pedestrians including those with a disability.

The Department notes that the proposed lift access, which resolves the significant issue of vertical travel for disabled persons, along with the upgraded finishes and improved pedestrian design of the marked safe crossing zone provides for improved accessibility compared to the development as approved. The Department supports this amendment subject to the detailed design providing a suitable pedestrian environment in terms of materials, finishes and lighting. A condition of approval is recommended to ensure this outcome.

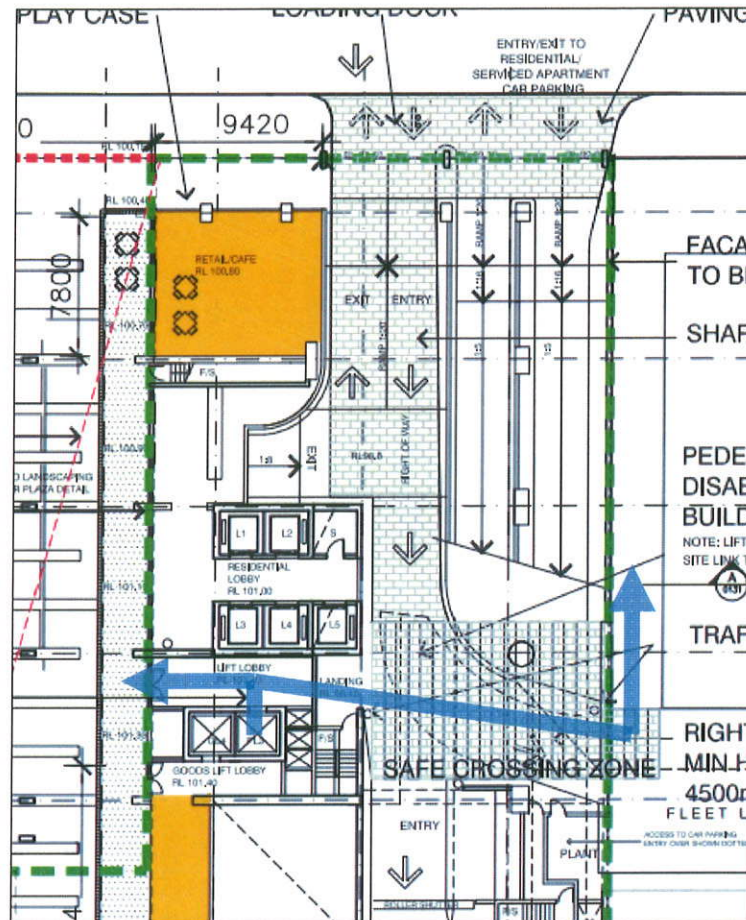


Figure 15: Detail of the ground floor plan A-0100 showing the proposed treatment of the right of way and safe crossing zone between the through site link and the rear of 12 Thomas Street (from the PPR). The path of travel, including a lift, described in the PPR is marked in blue.

5.8 Other

5.8.1 Construction Impacts

A number of public submissions were concerned about impacts during construction and protection of neighbouring properties. The larger size of development means that the time of construction will be extended. As a result there will be a longer duration of the impacts that arise from construction. The Department considers that these impacts are adequately addressed in the assessment of the original application and the conditions of approval. The proposed modification is considered not to give rise to any new construction impacts which require additional consideration and/or amended conditions.

5.8.2 Wind Impacts

The proponent provided an assessment of the wind impacts of the proposal in its EA prepared by consultants Windtech. The report examined the effect of wind activity within and around the proposed development for the three prevailing winds for the Sydney region; north-easterly, southerly and westerly winds. The analysis of the wind effects relating to the proposal was carried out in the context of the local wind climate, building morphology and land topography.

The results of this study indicate that wind conditions for all outdoor trafficable areas of the development are expected to be suitable for their intended uses and be similar to or better than the existing conditions around the site. In particular, the report noted that “the increase in height of the subject development is expected to have a minimal impact on the ground level wind conditions.”

The Department notes in particular the conclusion of the wind report that the increased height of the towers is expected to have a minimal impact on the ground. As a result it is considered that wind impacts have been adequately addressed in the assessment of the original application and the conditions of approval. The proposed modification is considered not to give rise to any new wind related impacts which require additional consideration and/or amended conditions.

6. CONCLUSION AND RECOMMENDATIONS

The Department has assessed the application and has considered the submissions and the proponent's response to submissions. The key issues relate to:

- height;
- podium design;
- car parking;
- access to 12 Thomas Street;
- traffic;
- contributions; and
- voluntary planning agreement.

The Department notes that the modification represents a considerable increase in the floorspace and height of the proposal compared to the current approval. The proposal also includes new elements such as above ground parking in a new larger podium for the site.

The Department has had regard to the amendments made to the proposal in the PPR and notes that several issues have been satisfactorily addressed including issues relating to the public plaza / through site link and access to the rear of 12 Thomas Street. The Department acknowledges that other impacts arising out of the proposal, in particular the visual impacts from increased height, overshadowing, urban design impacts resulting from the proposed podium, traffic impacts, and impacts on local infrastructure, will be greater than those of the current approval.

The Department has concluded, however that, whilst there is scope for additional height given the CBD context and the proposed modification's contribution to the housing targets within the Metropolitan Strategy, the proposal's tower buildings would achieve a better and more sympathetic relationship with the existing skyline of the Chatswood CBD with a reduced height, that achieved a more stepped form. Accordingly, the Department has recommended that the height of the residential tower be reduced by five storeys.

The Department has also considered the significant impacts associated with the proposal's above ground parking and the flow on effects to the podium design, streetscape appearance and activation, and pedestrian safety around the large driveways.

The Department notes the partial activation of major facades with residential uses 'sleeved' in front of carparking, and the architectural patterning of the inactive portions of facades. The Department that the podium activation should be maximised in order mitigate any urban design impacts associated with the lack of activation of level 3 of the podium. The Department has recommended design amendments to level 3 of the podium by increasing the activation of the street Thomas Street and Albert Avenue frontages with additional sleeving of carparking by apartments. This will result in an improved urban design outcome.

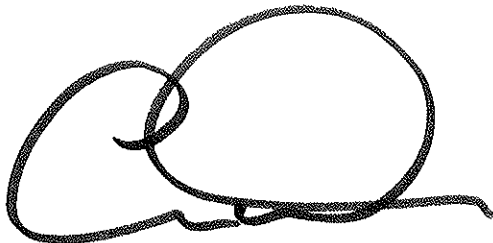
The Department's recommended amendments give rise to flow on effects to car parking, apartment numbers, floorspace, the podium design and the size of the contribution covered by the Voluntary Planning Agreement.

With these changes, the Department is satisfied that the proposal achieves an acceptable design quality for the circumstances. Accordingly, the Department considers that the proposed modification is acceptable, subject to the conditions recommended in the instrument of approval.

The Department supports the proposed modification as outlined in this report and it is therefore recommended that the application be approved subject to the modified conditions.

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

- (a) consider the recommendations of this Report;
- (b) approve the Project Application under the repealed Section 75J of Part 3A of the Environmental Planning and Assessment Act, 1979; and
- (c) sign the attached Instrument of Approval.



29.7.13

**Executive Director
Development Assessment Systems & Approvals**

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5759

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5759

