

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

The Planning Assessment Commission of New South Wales, as delegate for the Minister for Planning and Infrastructure dated 14 September 2011, refuses to give approval for the modification of the project application referred to in Schedule 1, for the reasons listed in Schedule 2.



Donna Campbell
Member of Commission



Richard Thorp
Member of Commission

Sydney

30 September 2013

SCHEDULE 1

Project Approval:

MP09_0066 granted by the Minister for Planning and Infrastructure on 28 September 2010.

For the following:

Welles Thomas Plaza including:

Mixed use development consisting of:

- Southern commercial building consisting of a:
 - three storey podium; and
 - 18 storey commercial tower above.
- Northern residential building consisting of a:
 - three storey podium; and
 - 26 storey residential tower above.
- Five level basement; and
- Public domain works.

Site:

Lots 13 and 22 – 30 in DP 2983, Lots A & B in DP 381223 and Part of Fleet Lane

Modification:

MP09_0066 MOD 6: modification includes:

- Increase in floor space from 45,148m² to 58,621m²;
- Increase in on-site parking from 506 to 660 spaces;
- Changes to the building envelope, public domain, landscape design, awnings and external finishes;
- Including a new podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- Changes to Building 1 including change in dwelling mix, increase in apartments from 233 to 355 and increase in the number of storeys from 29 to 47; and
- Changes to Building 2 including, increase in serviced apartments from 302 to 359 and increase in the number of storeys from 29 to 37.

SCHEDULE 2

REASONS FOR REFUSAL

1. The additional overshadowing impacts on public and private open spaces and nearby residences are not acceptable and reducing the height by 5 storeys makes little difference. The proposed improvements of the Chatswood Oval via the Voluntary Planning Agreement do not outweigh the additional loss of sunlight in the afternoon.
2. The proposed vehicular entry/exit points on Thomas Street (about 16m) and Albert Avenue (about 13m) are excessive and not acceptable on pedestrian safety ground, notwithstanding the proposed pedestrian refuges. The site is located in a high density development area with increased pedestrians over time, particularly those who use the footpath to access the adjacent medical services and Guide Dogs NSW.
3. The design of the podium as a result of the above ground parking will adversely impact on the through site access connecting Albert Avenue and Thomas Street, as well as on the practicality and viability of providing an active frontage link. It essentially removes the open air above the originally proposed open space landscaped plaza, an important feature of the original approval. The podium design will also adversely impact on streetscape and the visual amenity of adjacent residents and pedestrians.
4. The proposed building height and design result in impacts that are inconsistent with the objectives of very recent local planning provisions. Willoughby LEP 2012 only came into effect on 31 January 2013.
5. The public benefits of providing an additional 122 residential units in a highly accessible location and in close proximity of an employment centre and the voluntary planning agreement do not outweigh the environmental and amenity impacts on public infrastructures, nearby residents and pedestrians and workers who use the area.

Notes: The reasons for refusal are further explained within the Commission's Determination Report in Schedule 3.

End of Schedule 2

Schedule 3

Planning Assessment Commission Determination Report