

09117
24 April 2012

Alan Bright
Director - Metropolitan Projects South Region
Department of Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Watson

Dear Amy

**SECTION 75W MODIFICATION - MP09_0154 (MOD 2)
7 RAILWAY STREET, CHATSWOOD**

On behalf of Mirvac Projects Pty Ltd we hereby submit an application pursuant to section 75W of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Project Approval MP09_0154 relating to 7 Railway Street, Chatswood.

The modifications relate to the allocation of a portion of the landscaped area above the Rail Enclosure Structure (RES) to enable the expansion of the existing childcare centre located at 1 Cambridge Lane, Chatswood.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 75W of the EP&A Act. It should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by JBA Planning dated August 2010 and Preferred Project Report dated December 2010 and is accompanied by:

- Section 75W application form;
- A copy of the Major Project Approval MP09_0154 (**Attachment A**);
- Amended Child Care Floor Plan prepared by JGH architects dated 17 August 2011 (**Attachment B**);
- Statement of Environmental Effects prepared by Boston Blyth Fleming Town Planners, dated 17 November 2011 (**Attachment C**);
- Correspondence with Willoughby Council regarding the childcare centre expansion (**Attachment D**); and
- Revised Stratum Subdivision plans prepared by Denny Liner and Co. (**Attachment E**).

1.0 BACKGROUND

The existing childcare centre located within the building at 1 Cambridge Lane, Chatswood sought to increase the number of childcare places from 46 to 58 and increase the outdoor play area. The original Statement of Environmental Effects relating to a section 96 application that was submitted to Willoughby Council is provided at **Attachment B**, along with the proposed plan (**Attachment C**).

As the intended expansion area forms part of the 7 Railway Street site (subject of Project Application – MP09_0154), a S75W modification is required to alter the use of this area from communal open space to the proposed childcare centre.

When the initial application to increase childcare places and expand the outdoor area was submitted to Council under a section 96 modification in November of 2011, Council raised no objection to the proposal. However, Council informed the applicant at the time, that a S75W modification would be required to amend MP09_0155 (7 Railway Street, Chatswood) as a prerequisite for Council to then have the ability to grant development consent for the use of this area and increased childcare places.

As a gesture of good neighbour relations, Mirvac agreed to excise a portion of the landscaped area, as approved on top of the RES, to allow the expansion of the childcare centre. The land to be given to the childcare centre is identified as Lot 11 in the Stage 1 stratum subdivision plan (provided at **Attachment E**).

2.0 CONSENT PROPOSED TO BE MODIFIED

Project Approval MP09_0154 was granted by the Department of Planning and Infrastructure on 23 February 2011 for the following development:

Construction of a new mixed use residential, commercial and retail development consisting of a:

- 43 storey mixed use building consisting of a:
 - 5 storey podium accommodating retail/cafe tenancies, 4,876m² of commercial floor space and resident recreational facilities
 - 37 storey tower above containing 295 residential apartments
 - Plant within an enclosed roof structure on Level 43
 - Communal private open space on top of the Railway Enclosure Structure
- A seven level basement accommodating a total of 332 parking spaces
- Public domain works comprising:
 - Publicly accessible open space with associated landscaping works;
 - A pedestrian through site link between Railway Street and Cambridge Street
- Stratum subdivision of existing lot into two stratum lots and strata subdivision of the proposed residential stratum.

A copy of the Notice of Determination for MP09_0154 is included at **Attachment A**.

3.0 PROPOSED MODIFICATIONS TO CONSENT

3.1 Childcare Centre

It is requested that the DPI amend the approval such that part of the landscaped area above the RES is permitted to be used as part of the adjoining childcare centre at 1 Cambridge Lane, Chatswood (See **Figure 1**). The land to be excised has an area of 111.16m². Separate approval from Willoughby Council will be sought by the operators of the childcare centre subject to approval of this modification.

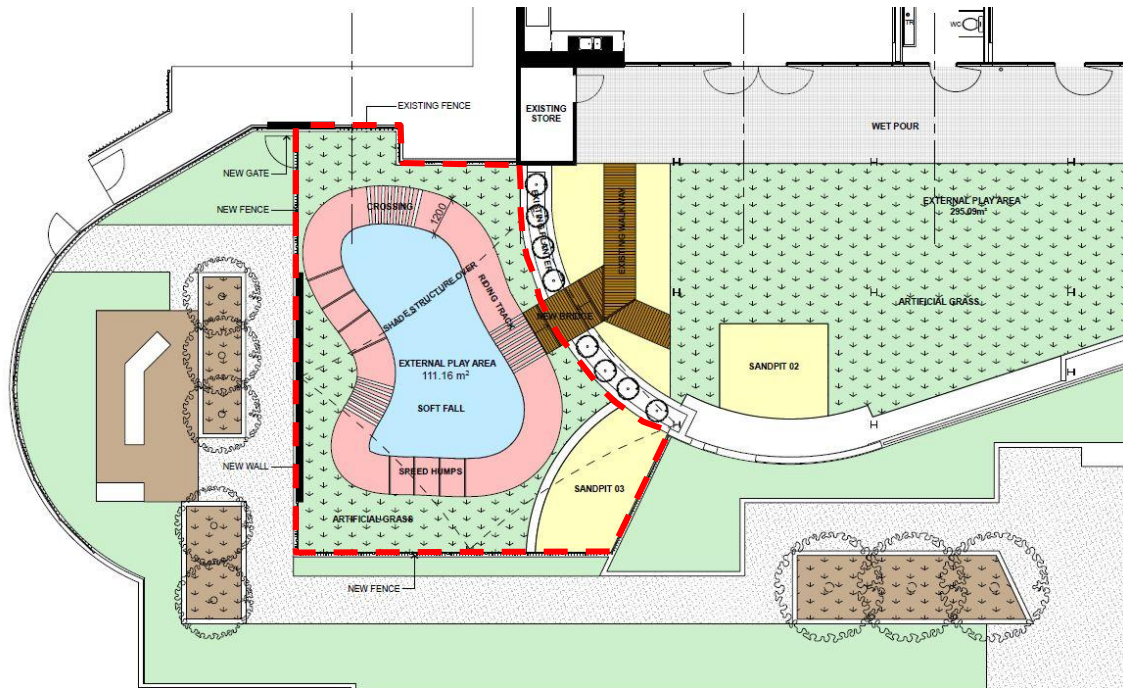


Figure 1 – Area proposed to be apportioned to the existing childcare centre at 1 Cambridge Lane (shown dashed).

As can be seen in the correspondence between Council and the childcare centre operator (**Attachment D**), Council is supportive of the proposal. An amended stratum subdivision plan to accommodate the allocation of this area for the childcare centre is provided at **Attachment E**.

3.2 Modification to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

Development Description

A1. Development approval is granted only to carry out the development described in detail below:

Construction of a new mixed use residential, commercial and retail development consisting of a:

- 43 storey mixed use building (maximum height RL 231 AHD) consisting of a:
 - 5 storey podium accommodating retail/cafe tenancies, 4,876m² of commercial floorspace and resident recreational facilities;
 - 37 storey tower above containing 294 residential apartments;
 - Plant within an enclosed roof structure on Level 43;
 - Communal private open space on top of the Railway Enclosure Structure.
- A seven level basement accommodating a total of 332 parking spaces;
- Public domain works;
- Stratum subdivision of existing lot into ~~two~~ ***three*** stratum lots and strata subdivision of the proposed residential stratum.

Approved Plans/Details

A2. The development will be undertaken generally in accordance with MP09_0154 and the Environmental Assessment dated August 2010, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated December 2010, including all associated documents and reports, and the Statement of Commitments prepared by JBA Urban Planning Consultants Pty Ltd, and BASIX

Certificates No. 348978M_03, 348979M_03, 348980M_03 and 348983M_03 and the following drawings:

PPR1000	[04]	DRAWING REGISTER
PPR1008	[04]	LEVEL 1 (GROUND) FLOOR PLAN
PPR1009	[04]	LEVELS 2 - 5 FLOOR PLANS
PPR1010	[04]	LEVELS 6-14 FLOOR PLANS
PPR1011	[04]	LEVELS 15-25 FLOOR PLANS
PPR1012	[04]	LEVELS 26-39 & 41 FLOOR PLANS
PPR1013	[04]	LEVELS 40 & 42 FLOOR PLANS
PPR1014	[04]	LEVELS 43, 43 MEZZANINE & ROOF FLOOR PLANS
PPR1015	[04]	NORTH ELEVATION
PPR1016	[04]	SOUTH ELEVATION
PPR1017	[04]	EAST ELEVATION
PPR1018	[04]	WEST ELEVATION
PPR1019	[04]	SECTION A-A
PPR1020	[04]	SECTION B-B

1 Cambridge Lane – Proposed Floor Plan – A-101-A

4.0 PLANNING ASSESSMENT

Our assessment of the proposed changes is provided below.

4.1 Compliance with statutory plans

As the proposal does not alter the approved development in terms of the height, gross floor area or predominant approved land use the development remains consistent with *Sydney Regional Environmental Plan No. 5 – Chatswood Town Centre* and *draft Willoughby Local Environmental Plan*. The provision of additional childcare places would not be inconsistent with many of Council's strategies. Particularly given that child care centres are critical for the support of a retail/commercial CBD area.

4.2 Residential Amenity of Surrounding Development

The proposed changes do not affect the footprint or building envelope of the approved development. In light of this there will be no change to the environmental impacts of the approved development in terms of overshadowing or loss of privacy.

4.3 Landscaped Area

The proposal will result in a reduction of landscaped area on top of the RES of approximately 111m² as a result of the expansion of the childcare centre. Given the proposed development provides a total of 3,371m² as publicly accessible open space, the reallocation is considered to be minor. Further it is noted that a total of 769m² on the RES will remain as accessible communal open space for the residents of the Pacific Place development.

5.0 CONCLUSION

The proposed modification to allocate a portion of the landscaped area above the RES to the adjoining childcare centre is minor and would not have any material effect on the nature of the approved development. The Council is supportive of the proposal to use this section above the RES for childcare purposes and the resultant increase in capacity of the childcare centre. We therefore seek approval from the DPI to excise the small portion of land from the project approval there by allowing Council to approve the proposed expansion of the childcare centre.

We trust that this information is sufficient to enable an assessment of the proposed modification, should you have any queries in relation to the above, please do not hesitate to contact me on 9956 6962 or at jbuchanan@jbaplanning.nsw.gov.au.

Yours faithfully



Jennie Buchanan
Principal Planner