



Planning & Environment

***MODIFICATION REQUEST:
Thomas Street Car Park, Chatswood
MP 09_0066 MOD 10***

***Addition of two building identification signs
to Building 2***



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979
August 2014

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1. BACKGROUND

The purpose of this report is to assess an application to modify the approved Project Application for a mixed use residential and serviced apartment redevelopment of the Thomas Street Car Park site, Chatswood, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for the installation and display of two building identification signs on Building 2.

1.1 The Site

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

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



Figure 1: Aerial view of the site

1.2 Development History

On 28 September 2010, the then Minister for Planning approved a Major Project Application (MP 09_0066) for the construction of a mixed use commercial, retail and residential development contained within two towers, consisting of a 3 storey retail/commercial podium with;

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

1.3 Major Project Modifications

Nine applications to modify the original Project Approval have previously been lodged by the proponent, therefore this application is modification No. 10 (MOD 10). The previous modification applications are summarised in **Table 1** below.

Table 1 Previous Modifications

| | Application details | Determination |
|-------|--|--|
| MOD 1 | Staging of construction related conditions. | Approved by Acting Director Metropolitan & Regional Projects South on 7 June 2012. |
| MOD 2 | Amendment to conditions relating to adaptable units, on-site detention, rainwater harvesting, stormwater, dilapidation report and car parking. | Approved by the Planning Assessment Commission (PAC) on 1 November 2012. |
| MOD 3 | Change of use of commercial building (Building 2) to serviced apartments and other associated changes. | Approved by the Executive Director Major Projects Assessment on 18 February 2013. |
| MOD 4 | Encroachment of the basement car park structure into Fleet Lane. | Approved by the Director, Metropolitan & Regional Projects North on 14 December 2012. |
| MOD 5 | Increase in the height of the buildings, floor space, and car parking including above ground car parking. | Withdrawn by the proponent on 22 November 2012. |
| MOD 6 | Increase in the height of the buildings, floor space, and car parking including above ground car parking. | Approved by the NSW Land and Environment Court on 29 January 2014. |
| MOD 7 | Amend basement layout within approved building envelope. | Approved by the Acting Director, Metropolitan and Regional Projects South on 21 June 2013. |
| MOD 8 | Amend conditions of approval relating to construction hours. | Withdrawn by the proponent on 15 November 2013. |
| MOD 9 | Amend the basement design to separate the loading dock from the public car park circulation. | Withdrawn by the proponent on 20 January 2014. |

The most recent modification (MOD 6) granted approval for construction of a new mixed use serviced apartment, residential and retail development consisting of:

- a serviced apartment tower building part 32 and 33 storeys high containing 337 apartments;
- a residential tower building 38 storeys high containing 286 dwellings;
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;
- a five level basement containing car parking, including a public car park for 250 cars;
- a gross floor area of 51,426m²;
- total car parking of 570 spaces; and
- public domain works comprising:
 - publicly accessible open space with associated landscaping works;
 - a pedestrian through site link;
 - a vehicular right-of-way between Thomas Street and Fleet Lane; and
 - an accessible crossing of the vehicular right of way for pedestrians including a lift.

The approved project layout (as modified) is shown in **Figures 2 and 3** below.

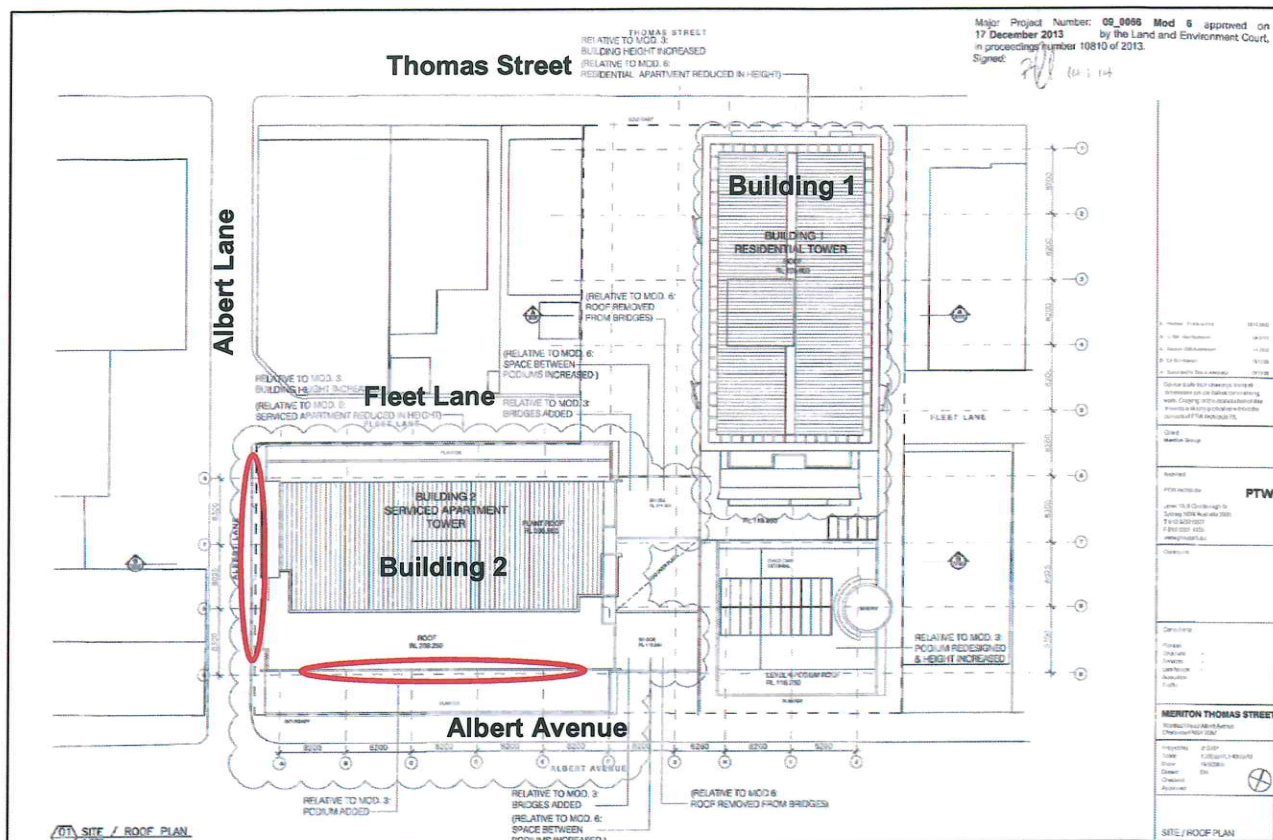


Figure 2: Approved Site Plan identifying proposed location of building identification signs (show in red) on Building 2.



Figure 3: Perspective of the approved development from Albert Avenue

2. PROPOSED MODIFICATION

The modification seeks approval for the installation and display of two illuminated building identification signs to the external façade of Building 2, identifying the building as 'Meriton'. Building 2 contains 337 serviced apartments and is located on the southern portion of the site, as depicted in **Figure 3** above.

The proposed signs are shown in **Figures 5** and **6** and comprise:

- Sign 1, approximately 17.4 metres wide x 2.5 metres high, located on Level 33 of the southern elevation (it is noted that the location was amended from Level 32 in response to Council's concerns); and
- Sign 2, approximately 2.5 metres wide x 15.5 metres high, located between Level 26 and 30 of the western elevation.

The proposed signs are building identification signs and relate to the approved commercial use of the building by Meriton as serviced apartments.

No signage is proposed to the residential tower (Building 1).

The proponent considers that the proposed signage is consistent with signage displayed on surrounding buildings.



Figure 4: Perspective view of the proposed Sign 1 from the southern elevation

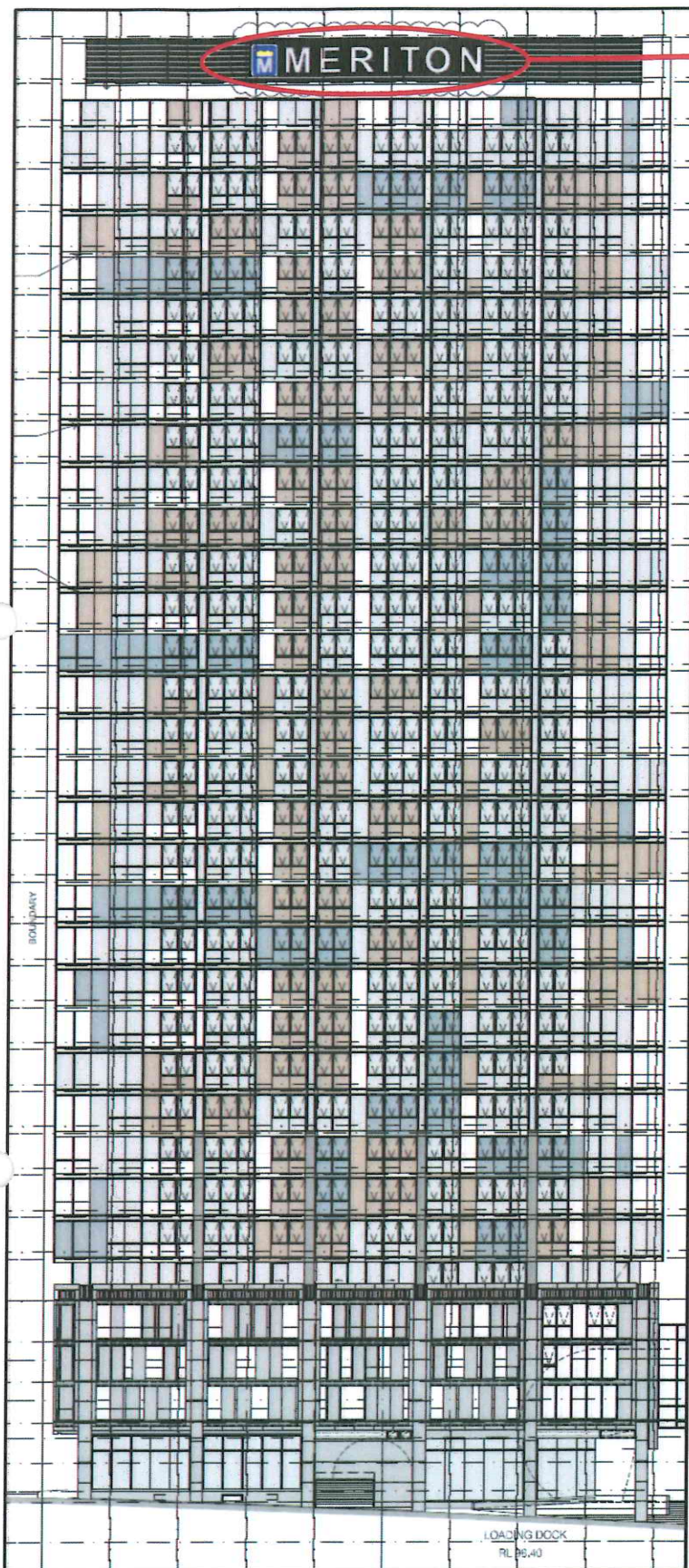


Figure 5: Proposed Sign 1 on southern elevation at Level 33

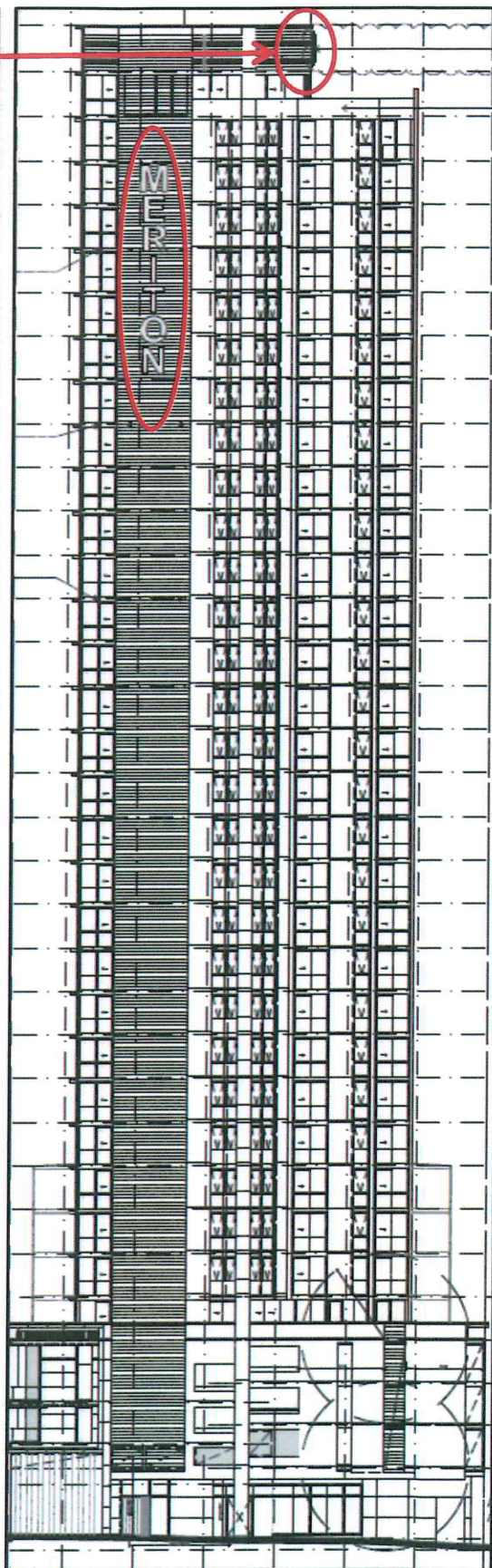


Figure 6: Proposed Sign 2 on western elevation between Level 26 and 30

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

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

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

3.2 Modification of the Minister's Approval

The Modification Application has been lodged with the Department of Planning & Environment (the department) pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval."*

The Minister's approval of a modification is not required if the project as modified will be consistent with the existing approval. In this instance, the proposal seeks to modify the approved development which requires further assessment and therefore approval to modify the application is required.

3.3 Environmental Assessment Requirements

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

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of Environmental Assessment Requirements pursuant to Section 75W(3) with respect to the proposed modification, as sufficient information was provided to the department to consider the application.

3.4 Delegated Authority

Although Willoughby City Council raised no objection to the application, less than 10 public submissions of objection were received, and a political donation disclosure statement has not been made, the department considers that the application should nevertheless be referred to the Planning Assessment Commission.

Consistent with the Minister for Planning delegation, the application can be determined by the Planning Assessment Commission.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with Section 75X of the EP&A Act and Clause 8G of the EP&A Regulation, the department is required to make the modification request publicly available. The modification request was made available on the department's website. Due to the nature of the proposal, the modification request was not exhibited by any other means. The request was referred to Willoughby Council and NSW Roads and Maritime Services.

4.2 Public Authority Submissions

Willoughby City Council

Council did not object to Sign 2, however did not support the location of Sign 1 on the southern elevation at Level 32 as originally proposed. Council recommended that the proposed Sign 1 be relocated to Level 33 affixed to the façade of the plant room.

The proponent responded to Council's submission with amended architectural plans illustrating the proposed location of Sign 1 on the southern elevation at Level 33, affixed to the façade of the plant room (as per Council's recommendation).

Council subsequently confirmed that it does not object to the revised location of Sign 1 at Level 33.

Roads and Maritime Services (RMS)

RMS reviewed the application in accordance with Clause 18 of the State Environment Planning Policy (SEPP) No.64 – Advertising and Signage and does not object to the proposal.

4.3 Public Submissions

No public submissions were received in relation to the modification request.

5. ASSESSMENT

The key issues in the department's assessment are:

- visual impacts; and
- consistency with State Environmental Planning Policy 64 - Advertising and Signage.

5.1 Visual Impacts

The department considers the visual impacts of the proposed building identification signage are minor and will not adversely impact on the surrounding natural and built environments. The key issues in relation to visual impacts are:

- the location;
- size/design; and
- positioning.

Location

The location of the signage at Albert Avenue (southern) and Albert Lane (western) elevations of the building are considered appropriate from a visual perspective as they are both frontages to public roads. It is noted the proposal is limited to two signs, one sign per elevation, which is considered acceptable as it avoids unnecessary repetition.

Size / Design

The dimensions and area of Sign 1 and 2 are considered an appropriate size in the context of the overall height and scale of the approved building. The horizontal form of Sign 1 is consistent with the dimensions of this façade and results in a suitable design outcome for the frontage at Albert Avenue. Similarly the vertical form of Sign 2 responds to the narrower depth of the western façade and has more emphasis on the vertical design to this elevation.

Positioning

The department considers the position of Signs 1 and 2 are acceptable for the following reasons:

- Sign 1, at Level 33 and Sign 2, at Levels 26-30 enables more distant building recognition (e.g. from the Pacific Highway);

- the position of the signs on the upper levels of the building is consistent with other building and business identification signage in the Chatswood CBD;
- the signs will not be in direct view from any neighbouring properties; and
- the signage will be affixed to the external façade of the building and therefore results in no increase in height.

The department therefore considers the visual impacts to the proposed building identification signage are minor and acceptable.

5.2 State Environmental Planning Policy No 64 - Advertising and Signage

SEPP 64 provides guidance for new signage to ensure that it is compatible with the character of the area, provides effective communication and is of a high quality design and finish. Schedule 1 provides a number of assessment criteria which must be considered by the approval authority prior to determining any application for signage.

The department has assessed the proposal against the relevant assessment criteria in **Table 1** below.

Table 1: Assessment of proposed signage against Schedule 1 Assessment Criteria of SEPP 64

| SEPP 64 – Schedule 1 Assessment Criteria | |
|--|---|
| Control | Assessment and Comment |
| Character of the Area | The site is within the Chatswood CBD and the surrounding character is both commercial and high-density residential in nature. The majority of commercial buildings in the CBD incorporate building and business identification signage. It is considered the proposed signage will be consistent with the existing and future character of the area. |
| Special areas | The site is within a commercial core zone and is not within or adjacent to a heritage conservation or environmentally sensitive area. The signs are integrated into the building facades and will not impact on the amenity of neighbouring residential buildings. |
| Views and Vistas | The building identification signage is consistent with surrounding identification and advertising signs within the area, and will not obscure or compromise views across the Chatswood skyline. |
| Streetscape, setting or landscape | <p>The scale of the proposed signage is appropriate in the context of the development and the surrounding mixed use development that display similar business and/or building identification signs.</p> <p>The proposed signage is affixed to the façade of Building 2 and therefore does not result in any further protrusion of the development above buildings, structures or tree canopies within the area.</p> |
| Site and Building | The proposed signage is considered to be an acceptable size and form that is in proportion with the size of the building. The vertical and horizontal locations of the signs on the building are generally consistent with the surrounding area and identify the building's use as serviced apartments. |
| Associated devices and logos with advertisements and advertising structures | The proposed signage illustrates the proponent's corporate logo 'Meriton', which is appropriate for the purpose and use of the building as serviced apartments. |
| Illumination | The proposed signage is described to provide a low level of illumination that will not result in unacceptable glare. It is considered that it will not detract from the surrounding amenity or affect the safety of pedestrians, vehicles or aircrafts. The height and orientation of the signs mean that the signs would not directly face nearby residential properties, and are therefore unlikely to cause adverse glare impacts. |

| | |
|---------------|---|
| Safety | <p>The proposed signage is unlikely to cause any adverse impacts to the safety of any pedestrians, public road, vehicles/motorists or aircrafts.</p> <p>The RMS has assessed the location of the signs from a road safety perspective and is satisfied with the proposal.</p> |
|---------------|---|

On this basis, the department is satisfied that the proposal is acceptable having specific regard for the CBD character of the area, the simple and effective communication of the building's use and being well integrated into the building facades. The size and location of the each sign is considered acceptable in the context of the approved building height and form, and the department considers that the signs are of a high quality design and finish.

6. CONCLUSION AND RECOMMENDATIONS

The department considers there are no major issues associated with the proposed modification. In particular, the department notes that the changes proposed are external and the environmental and visual impacts of each sign to the Project Approval are considered minor.

Council's initial concerns have been resolved and the proposed location of the signage to the southern and western elevation to Building 2 is supported.

The signage is consistent with the aims and objectives of SEPP 64 and will provide building identification signage for the approved serviced apartment use in Building 2.

The department supports the proposed modification as outlined in this report and considers there to be no additional environmental impacts as a result from the addition of the two building identification signs to Building 2.

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

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

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APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6531

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6531

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
