



# ENVIRONMENTAL ASSESSMENT REPORT

## SECTION 75W MODIFICATION OF MAJOR PROJECT MP09\_0066: ALTERATIONS TO UNIT MIX

16 THOMAS STREET | CHATSWOOD (THOMAS STREET CARPARK)

**CLIENT:** MERITON APARTMENTS PTY LTD

**PROJECT REF:** 0077/14

**DATE:** 30 JUNE 2014

PLANNING  
I N G E N U I T Y

## CONTENTS

1	INTRODUCTION .....	1
2	LOCALITY AND SITE ANALYSIS .....	2
2.1	The Site .....	2
2.2	Context and Surrounding Development.....	2
3	BACKGROUND.....	4
3.1.1	Original Approval .....	4
3.1.2	Previous Modifications .....	4
3.2	Proposed Modifications .....	5
4	PLANNING CONTROLS & JUSTIFICATION .....	11
4.1	Part 3A of the EP&A Act, 1979 .....	11
4.2	SEPP (BASIX) 2004.....	11
4.3	SEPP No. 65 Design Quality of Residential Flat Development	11
4.4	Adaptable Units .....	12
4.5	Modified Section 94 Contributions.....	12
4.6	Environmental Impacts .....	12
5	CONCLUSION .....	13

## FIGURES

Figure 1: Location plan.....	2
------------------------------	---

## ANNEXURES

A	Approved Site Plan
B	Proposed Plans

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Director, Planning Ingenuity Pty Ltd.

## **1 INTRODUCTION**

This Environmental Assessment Report has been prepared for Meriton Apartments Pty Ltd. The report is to accompany an application under Section 75W of the Environmental Planning & Assessment Act, 1979, for the modification of MP09\_0066 to alter the approved unit mix within Building 1. The site is located between Albert Avenue and Thomas Street, Chatswood and is known as the Thomas Street Carpark.

On 28 September 2010, a mixed use development (MP09\_0066) was approved on the site by the Minster for Planning. The approved development (as modified) authorises the construction of a mixed use development comprising 2 towers ranging in height from 32 to 38 storeys over a 3 storey podium and basement parking, and various public domain works. Construction works are currently underway.

The approved development has been the subject of 10 previous modifications and details of each modification are included at Section 3 of this report. In addition, Willoughby City Council is currently assessing a development application for the fit out and use of a child care centre at level 5 of Building 1.

This current modification application relates only to alterations to the approved unit mix within Building 1 and does not propose any amendments to Building 2, as approved. Building 1 contains the residential apartments and Building 2 contains the serviced apartments. Some relatively minor external alterations are proposed to cater for the unit mix and layout revisions. All proposed changes are 'clouded' on the submitted architectural plans.

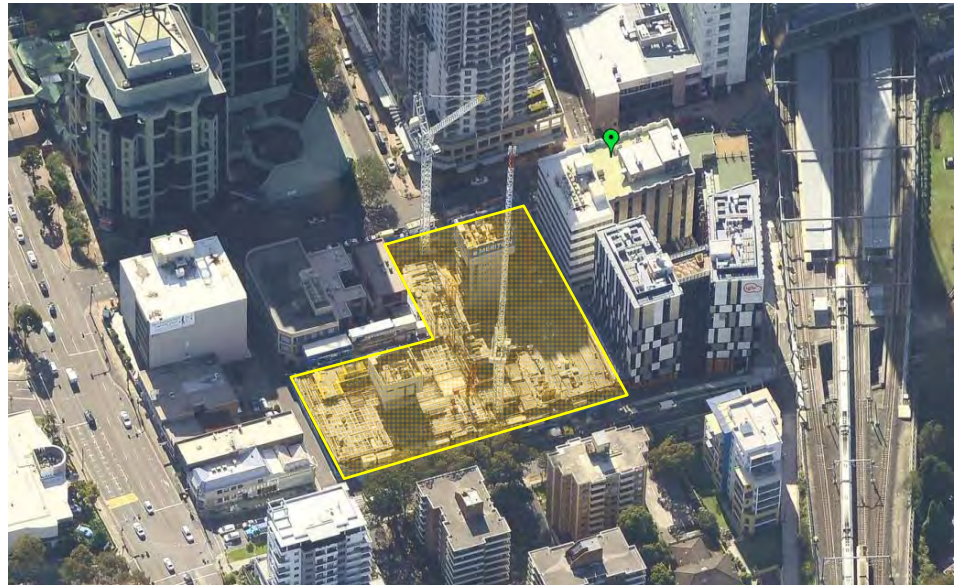
The purpose of this Statement is to address the planning issues associated with the amended development proposal and specifically to assess the likely impact of the proposal on the environment.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

## **2 LOCALITY AND SITE ANALYSIS**

### **2.1 The Site**

The subject site is commonly known as the Thomas Street Car Park and is located on the southern side of Thomas Street and northern side of Albert Avenue, Chatswood (Figure 1). The legal description of the property is Lots 13 and 22-30 in DP 2983, Lots A and 8 DP 381223, and Lot 3 in DP 1160905.



*Figure 1: Location plan*

The site is irregular in shape, with a northern frontage to Thomas Street of 40m, a southern frontage to Albert Avenue of 80m, providing a total site area of 4,323m<sup>2</sup>. The site stretches over an existing portion of Fleet Lane.

The site is currently undergoing construction of two mixed use towers that range in height between 32 and 38 storeys and are connected by a 3 storey podium. The development was approved on 28 September 2010 by the Minister for Planning under the now repealed Part 3A of the Environmental Planning & Assessment Act, 1979, and has been modified on a number of occasions since.

The proposed unit mix alteration relates to Building 1 (Building 2 contains the serviced apartments) which is positioned on the eastern side of the site. The most recent approved plans (modification 6) are provided at Annexure A of this report.

### **2.2 Context and Surrounding Development**

Development in the surrounding area is predominantly mixed use, residential and commercial in the form of medium to high density developments. The scale and architectural character of the buildings varies widely reflecting the different periods of development and redevelopment in the locality.

To the north is a high density mixed use building with frontage to Thomas Street. This building is located approximately 20m (across Thomas Street) from the northern boundary of the subject site.

To the east of the site is a 7 storey commercial building which is separated from the common boundary of the subject site by a pedestrian access way known as Thomas Lane. To the west of the site exists a 2 storey commercial/retail complex. Opposite the southern boundary of the site exists a number of multi-storey residential flat buildings which are set behind a line of mature street trees.

### **3 BACKGROUND**

#### ***3.1.1 Original Approval***

On 28 September 2010, a mixed use development (MP09\_0066) was approved under Part 3A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), by the Minister for Planning. The approved development includes:

- 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.

#### ***3.1.2 Previous Modifications***

The approved development has been the subject of a number of modification applications as indicated in the table below.

MOD #	Modification	Determination
1	Alterations to consent conditions to allow for construction staging.	Approved 7 June 2012 (Department of Planning)
2	Amendments to conditions relating to adaptable units, on-site detention, rainwater harvesting and stormwater management, dilapidation report and car parking.	Approved 1 November 2012 (Planning Assessment Commission)
3	Change of use of commercial building (Tower 2) to serviced apartments and other and other associated changes.	Approved 18 February 2013 (Department of Planning)
4	Encroachment of the basement car structure into Fleet Lane.	Approved 14 December 2012 (Department of Planning)
5	Increase in the height of the buildings, additional gross floor area, additional car parking and above ground car parking.	<i>Withdrawn</i>
6	Increase in building height, additional floor space and increase in apartments, and alterations to car parking.	Approved 29 January 2014 (Land & Environment Court)
7	Below ground basement amendments, including altered internal access arrangements, consolidation of public car parking spaces, relocation of lift cores; and altered excavation depths.	21 June 2013 (Department of Planning)
8	Increase in permitted construction hours to 5pm Saturdays.	<i>Withdrawn</i>
9	Basement car park modifications.	<i>Withdrawn</i>
10	Signage	Under assessment at the time of preparing this report.

At the time of preparing this report, the latest version of the approved development allows for the following:

*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 carpark for 250 cars;*
- *a gross floor area of 51,426m<sup>2</sup>*
- *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.*

### **3.2 Proposed Modifications**

The application seeks to modify the original consent MP09\_0066, as approved on the 28 September 2010 and previously modified, by altering the approved apartment mix within Building 1 (Building 2 remains unaltered by the proposed modifications).

The proposed modifications will reduce total dwelling yield within Building 1 by 15 units (from 286 approved apartments to 271 apartments). This is generally achieved by reducing the number of 1 and 2 bedroom units and increasing the number of 3 bedroom units. The proposed unit mix correlates with market demand and affordability.

Levels 22 to 36 of Building 1 are proposed for modification, incorporating the units located on the eastern and southern side of the building. At the southern side of the building, 2 x 2 bedroom units and an adjacent 1 bedroom unit will be amalgamated and internally redesigned to create 2 x 3 bedroom units. This requires the inclusion of a thin blade wall to divide the balcony space of the 3 bedroom units on the southern building elevation.

Minor internal layout and balcony alterations (including the provision of triangular shaped extensions for east facing balconies from levels 32 to 36, to match the balcony design of levels below), and the location of some windows are proposed for amendment to reflect the altered dwelling mix.

The proposed modifications will not alter total gross floor area of the building and all proposed changes are 'clouded' on the submitted architectural plans.

Comparison of the approved and proposed unit mix and car parking, is provided in Tables 1 and 2 respectively (over page).

TABLE 1: UNIT MIX COMPARISON			
Unit Type	Approved	Proposed	Total
1 bedroom	124	109	-15
2 bedrooms	141	111	-30
3 bedrooms	21	51	+30
<b>Total</b>	<b>286</b>	<b>271</b>	<b>-15</b>

TABLE 2: CAR PARKING COMPARISON			
Unit Type	Approved	Proposed	Total
1 bedroom	62	55	-8
2 bedrooms	141	111	-30
3 bedrooms	21	51	+30
Visitors	29	28	
<b>Total</b>	<b>253</b>	<b>245</b>	<b>-8</b>

The 8 'additional' car parking spaces indicated above will be dedicated to residential use. Car parking layout will remain unaltered as a result of the proposed modifications.

Submitted with the application and attached at Annexure B are copies of the proposed architectural plans. The location and design of each unit is indicated on the plans.

To facilitate the proposed signage, the development consent will need to be modified as follows:

*“ Development Description*

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

*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~~ 271 dwellings;*
- a three storey podium containing above ground car parking, apartment uses, child care, and other mixed uses;*
- a five level basement containing carparking, including a public carpark for 250 cars;*
- a gross floor area of 51,426m<sup>2</sup>;*
- 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.*



**Approved Plan/Details**

A2. The development will be undertaken in accordance with MP No. 09\_0066 and the Environmental Assessment dated December 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated July 2010, prepared by JBA Urban Planning Consultants Pty Ltd, the further amendments contained within the additional submission by JBA dated 12 August 2010 as amended by:

Section 75W Application to MP09\_0066 (Modification 3) and the Environmental Assessment dated August 2012 prepared by Cardno, except where amended by the response to Submissions dated 19 December 2012 prepared by Meriton Group and the following drawings as amended by:

Section 75W Application to MP09\_0066 (Modification 6) and the Environmental Assessment dated December 2012 prepared by Meriton Property Services, except where amended by the Preferred Project Report dated 21 May 2013 prepared by Meriton Property Services and the following drawings:

<b>Architectural Drawings prepared for the Environmental Assessment/ Preferred Project Report by PTW Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-0000	E	Cover	02.12.13
A-0002	E	Site analysis	02.12.13
A-0090	E	Site- roof plan	02.12.13
A-0100	E	Ground floor plan	02.12.13
A-0101	E	Level 1 plan Car parking	02.12.13
A-0102	E	Level 2 plan Car parking	02.12.13
A-0103	E	Level 3 plan Car parking	02.12.13
A- 0104	E	Level 4 plan	02.12.13
A-0105	E	Level 5-8 plan	02.12.13
A-0106	E	Level 9-21 plan	02.12.13
A-0107	E	Level 23-31 plan	02.12.13
A-0108	E	Level 32 plan	02.12.13
A-0109	E	Level 33 plan	02.12.13
A-0110	E	Level 34-36 plan	02.12.13
A-0111	E	Level 37 plan	27.05.13
A-0112	E	Level 38 plan	27.05.13
A-0114	G	Mezzanine plan Loading dock	02.12.13
A-0115	G	Basement 1 plan	02.12.13
A-0116	G	Basement 2 plan	02.12.13
A-0117	G	Basement 3 plan	02.12.13
A-0118	G	Basement 4 plan	02.12.13
A-0119	H	Basement 5 plan	02.12.13
A-0121	E	North elevation	02.12.13
A-0122	E	South elevation	02.12.13
A0071	10		27.06.14
A-0123	E	Building 1 Elevation- East	02.12.13
A-0072	7		27.06.14
A-0124	E	Building 2 Elevation- East	02.12.13
A-0125	E	Building 1 Elevation- West	02.12.13

**Architectural Drawings prepared for the Environmental Assessment/ Preferred Project Report by PTW Architects**

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-0126	E	Building 2 Elevation- West	02.12.13
A-0131	E	Section- building 1 (residential)	02.12.13
A-0132	E	Section- building 2 (serviced apartments)	02.12.13
A-0140	E	Perspective View 1	02.12.13
A-0141	E	Perspective View 2	02.12.13
A-0142	E	Perspective View 3	02.12.13
A-0150	E	Schedule of serviced apartments	02.12.13
A-0151	E	Schedule of residential apartments	02.12.13
A-0181	E	Building 1 facade finishes	02.12.13
A-0182	E	Building 2 facade finishes	02.12.13
A-0201	E	Comparable Height Study	02.12.13
A-0202-1	E	Shadow diagram 21 December	02.12.13
A-0202-2	E	Shadow diagram 21 March	02.12.13
A-0202-3	E	Shadow diagram 21 June	02.12.13
A-0202-4	E	Shadow diagram 21 September	02.12.13
A-0203	E	View Analysis	02.12.13

**Except as modified by:**

A0038	9	Level 22 Plan	23.05.14
A0039	3	Levels 23-24 Plan	23.05.14
A0041	3	Level 25 Plan	23.05.14
A0042	3	Levels 26-27 Plan	23.05.14
A0044	3	Levels 28-31 Plan	23.05.14
A0048	10	Level 32 Plan	23.05.14
A0049	9	Level 33 Plan	23.05.14
A0050	9	Level 34 Plan	23.05.14
A0051	3	Level 35 Plan	23.05.14
A0052	2	Level 36 Plan	23.05.14

**Landscape Plans prepared for the Environment Assessment/ preferred Project Report by Site Image**

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
001	S75W	Site Analysis	24.05.12
101	S75W	Landscape Analysis	24.05.12
101	S75W	Removed Tree Plan	24.05.12
102	S75W	Landscape Master Plan	24.05.12
103	S75W	Landscape Design Features	24.05.12
104	S75W	Plant Schedule	24.05.12
105	S75W	Landscape Standard Detail	24.05.12

**Except as amended by:**

*The extent of the basement encroachment under Fleet Lane shown hatched on the following plans prepared by PTW Architects (MOD 4):*

A-0111	F	Basement 1 Plan	09.10.12
A-0112	F	Basement 2 Plan	09.10.12
A-0113	F	Basement 3 Plan	09.10.12
A-0114	F	Basement 4 Plan	09.10.12
A0115	F	Basement 5 Plan	09.10.12

*The following plan prepared by JBW Surveyors Pty Ltd showing the concept for the proposed stratum road closure of Part of Fleet Lane*

124741/ PROPRDCLOSURE		Plan showing the concept of the proposed stratum road closure of part of Fleet Lane	12.11.12
--------------------------	--	---	----------

*“ Developer Contributions*

*B4 a) A cash contribution is to be paid in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, in relation to the following items specified below:*

<i>A</i>	<i>Childcare</i>	<i>\$NA</i>
	<i>Calculation</i>	
	<i>A contribution of \$464,119.77 has been waved in recognition that the development provides for Childcare onsite, if this situation changes the contribution will apply.</i>	
<i>B</i>	<i>Open Space and Recreational Facilities</i>	<i><del>\$4,016,163.80</del> \$3,999,573.26</i>
	<i>Calculation</i>	
	<i>Residential</i>	
	<i>\$6,790.71 per one bedroom dwelling (124 109)</i>	
	<i>\$10,306.28 per two bedroom dwelling (141 111)</i>	
	<i>\$13,148.61 per three bedroom dwelling (21 51)</i>	
	<i>Retail</i>	
	<i>\$180.04 per m<sup>2</sup> of retail/commercial floor area (546)</i>	
	<i>Serviced Apartments</i>	
	<i>\$4,113.64 per Service Apartment (302)</i>	
<i>C</i>	<i>Roads and Traffic/Transport Management</i>	<i>\$1,444,863.90</i>
	<i>Calculation</i>	
	<i>Residential/Serviced Apartments</i>	
	<i>\$2,205.12 per residential unit/serviced apartment (535)</i>	
	<i>Retail/Commercial</i>	
	<i>\$218.69 per m<sup>2</sup> of floor area (546)</i>	
	<i>Total</i>	<i><del>\$5,461,027.70</del> \$5,444,437.16</i>

*This contribution is based on needs generated by the development as identified in the relevant adopted Section 94 Contributions Plan. The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.*

*Please note that payment will only be accepted by way of a bank cheque or cash.*

*Copies of the Contributions Plans and revised rates are available for inspection at the Councils Administration Building, 31 Victor Street, Chatswood or online at [www.willoughby.nsw.gov.au](http://www.willoughby.nsw.gov.au).*

*Payment of the total contribution is required prior to the issues of the Construction Certificate for Stage 1 B of the development.*

- b) *A monetary contribution of \$2,078,849.44 shall be paid to offset the short fall of 74 on-site parking spaces as identified and determined in the development approval. This is based on a rate of \$28,092.56 per space identified in the Willoughby Council Section 94 Contributions Plan - Car Parking.*

*This is to be paid to Council prior to the issue of the Construction Certificate for Stage 1 B of the development and is to be lodged in the special trust fund for the provision of parking within the Chatswood Town Centre.*

*The contribution rate and calculation is current until 30 June 2013, if payment is made after this date the rate/contribution will be increased in accordance with the CPI adjusted rates current at the time of payment.*

### ***Adaptable Units***

- B9 *Adaptable residential units for disabled persons are to be provided to no less than 20% of the total number of units. This requires the provision of ~~57~~ 54 adaptable units. ~~Nine~~ Seven disabled car parking spaces are to be provided that are linked to ~~nine~~ seven of the adaptable units. Each adaptable unit is to be nominated on the relevant Construction Certificate drawings.*

## **4 PLANNING CONTROLS & JUSTIFICATION**

### **4.1 Part 3A of the EP&A Act, 1979**

Pursuant to Clause 3 of Schedule 6A of the EP&A Act, 1979, Section 75W continues to apply to *Transitional Part 3A Projects*. As such, the proposal is submitted in accordance with the requirements of the Act and the Minister (or his delegate) is the approval authority.

*Transitional Part 3A Projects* are defined in Clause 2 of Schedule 6A of the Act and includes a project that was approved pursuant to the now repealed Part 3A of the Act.

### **4.2 SEPP (BASIX) 2004**

The proposed modifications will require an amended BASIX Certificate and in accordance with consent condition B17, the requirements of the SEPP will be satisfied.

### **4.3 SEPP No. 65 Design Quality of Residential Flat Development**

In accordance with the requirements of the SEPP, a *Design Verification Statement* has been prepared, and is submitted separately with this application. The *Design Verification Statement* identifies how the proposal responds to each of the identified design quality principles of the SEPP.

In terms of RFDC compliance, the approved 2 bedroom units located at the south-eastern corner of the building and adjacent 1 bedroom units will be replaced with a 3 bedroom unit that will:

- achieve at least 2 hours sunlight to living and private open spaces of the south-eastern corner unit, whereas the approved development did not achieve compliant solar access to any south facing units;
- be naturally cross ventilated;
- have an internal area ranging from 104m<sup>2</sup> to 113m<sup>2</sup> (which exceeds the 95m<sup>2</sup> minimum prescribed by the RFDC);
- the back of kitchen is approximately 9m from the closest window for some apartments, however, this is consistent with the layout of other approved apartments within the development, and the open plan design of the apartment living areas ensures good natural light penetration and ventilation;
- reduce the number of single aspect south facing units; and
- have 2 balcony spaces that collectively achieve the minimum private open space requirements.

The proposal will therefore improve compliance with the RFDC provisions as outlined above. In addition, the proposal will create improved occupant amenity through generally larger living areas and more functional layouts.

Various RFDC provisions (such as building depth, separation and communal areas) will remain unaltered by the proposed modifications.

The proposal will maintain a variety of unit sizes, types and layout, and will offer the following unit mix:

- 1 bedroom – 109 (40%)
- 2 bedroom – 111 (41%)
- 3 bedroom – 51 (19%)

The external appearance of the building has been altered to accommodate the proposed modifications, however, the architectural expression and functionality of the building will not be substantially altered from the approved design. This is confirmed by the *Design Verification Statement* prepared by the project architect.

#### **4.4 Adaptable Units**

As required by consent condition B9, 20% of the units within Building 1 will be designed as adaptable compliant dwellings. The exact location of the adaptable dwellings will be nominated on the construction drawings as required by consent condition B9.

#### **4.5 Modified Section 94 Contributions**

As outlined in this report, the proposal will necessitate modification to Section 94 contributions through reduced 1 and 2 bedroom units and increased 3 bedroom units. The new quantum of Section 94 contributions is outlined in Section 3.2 of this report.

#### **4.6 Environmental Impacts**

The proposal will not create any adverse environmental impacts and represents an efficient use of the available building footprint. The modified development will offer high levels of amenity for the future occupants, who will enjoy views of the Chatswood CBD and surrounds, within a highly sort after location.

## **5 CONCLUSION**

The project was approved by the Minister for Planning in September, 2010 and permits a mixed use development on the site.

The modification of the development arises from a greater understanding of current market conditions and affordability. The proposal will not result in any adverse impacts on surrounding or nearby property owners, and will maintain a building form that is essentially and materially the same as previously approved.

Given the modest scope of the modification and its acceptable impacts, approval of the application is warranted.