



**MODIFICATION REQUEST:**

**Thomas Street Car Park, Chatswood**

**MP09\_0066 MOD 7**

***Below ground basement amendments, including replacing the sloped aisle system with a ramped system, collocating of the public car parking spaces, relocating lift cores; and minor increased depth of excavations.***



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

June 2013

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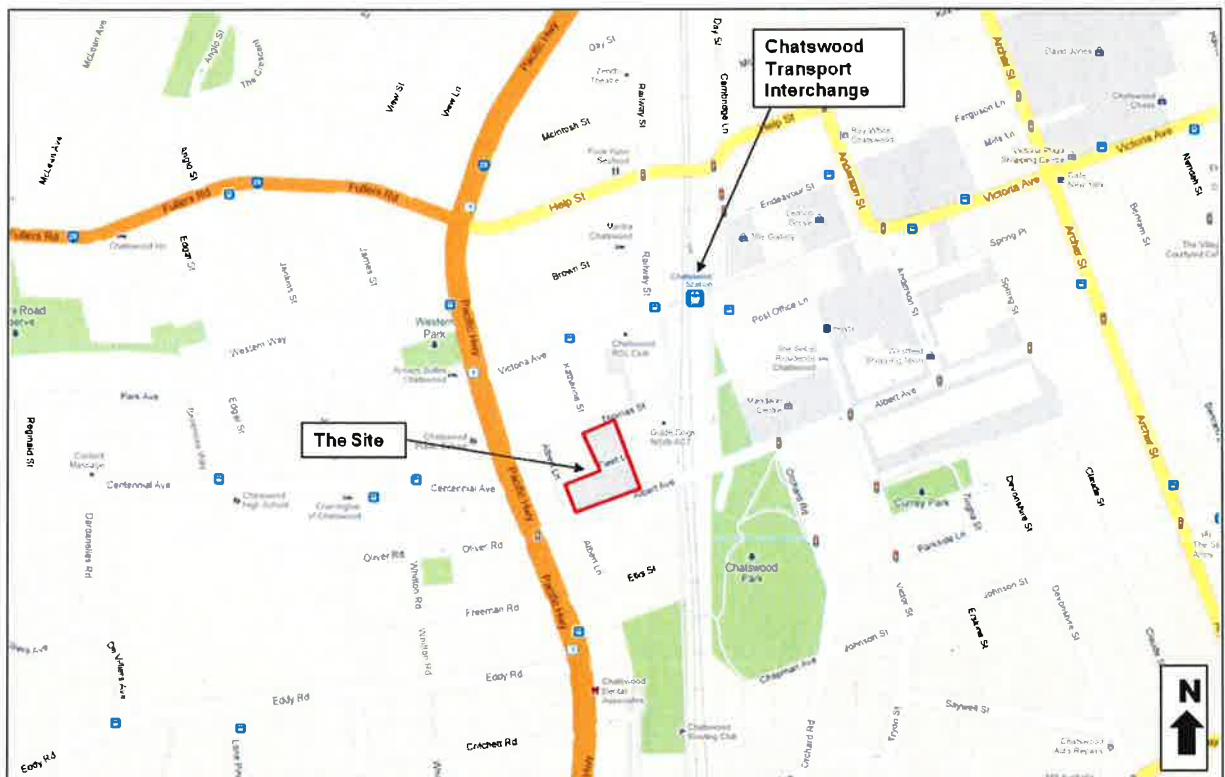
# 1. BACKGROUND

## 1.1 The Site

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

The site has an area of 4,323m<sup>2</sup> 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**.



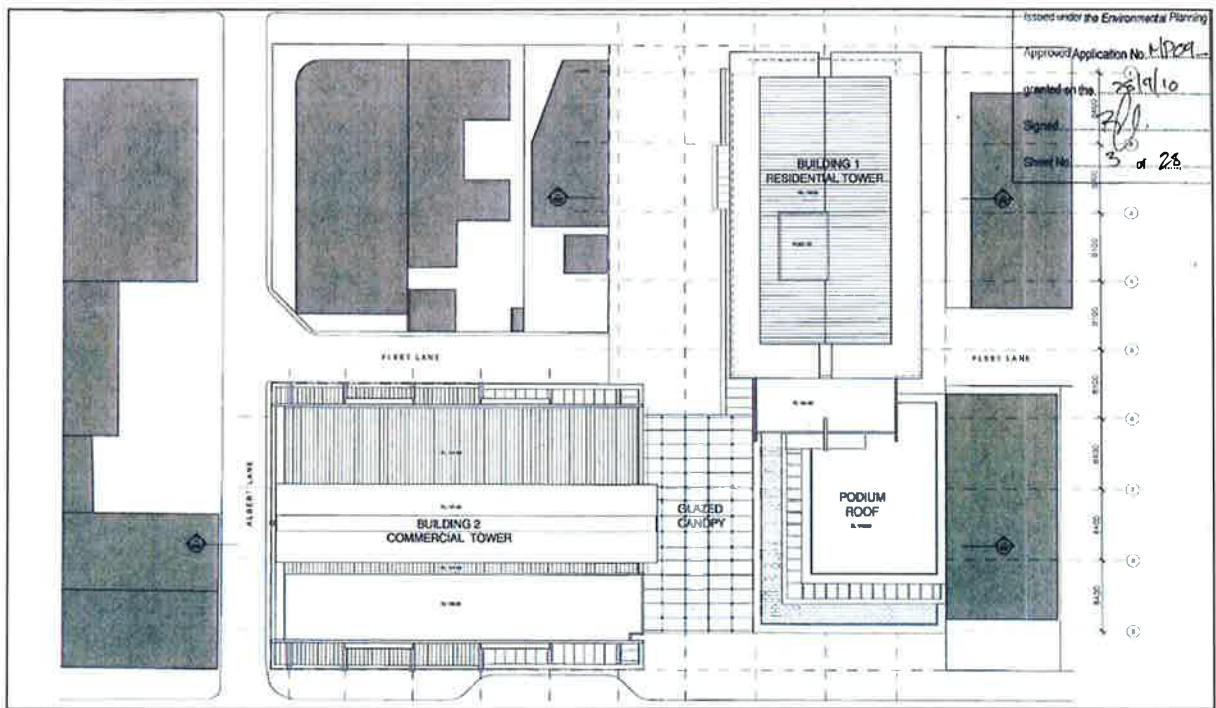


Figure 3: Approved Site Plan (Source: Proponent's PPR)



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 lodged by the proponent. The modification applications are summarised in **Table 1** below.

**Table 1 Previous Modifications**

	<b><i>Application details</i></b>	<b><i>Determination</i></b>
MOD 1	Staging of construction related conditions.	Approved by A/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 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 6	Increase in the height of the buildings, floor space, and car parking including above ground car parking.	Not determined. Currently being assessed by the Department. Lodged 19 December 2012

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

The modification application as lodged proposed below ground basement amendments, including:

- replacing the sloped aisle system with a ramped system;
- collocating of the public car parking spaces;
- relocating the lift cores; and
- increasing the depth of excavations by approximately 900mm to a minimum finished floor level of RL82.45.

The key aspects of the proposed modification are listed in **Table 3**. A plan of a typical basement floor for the proposed modification is at **Figure 5**.

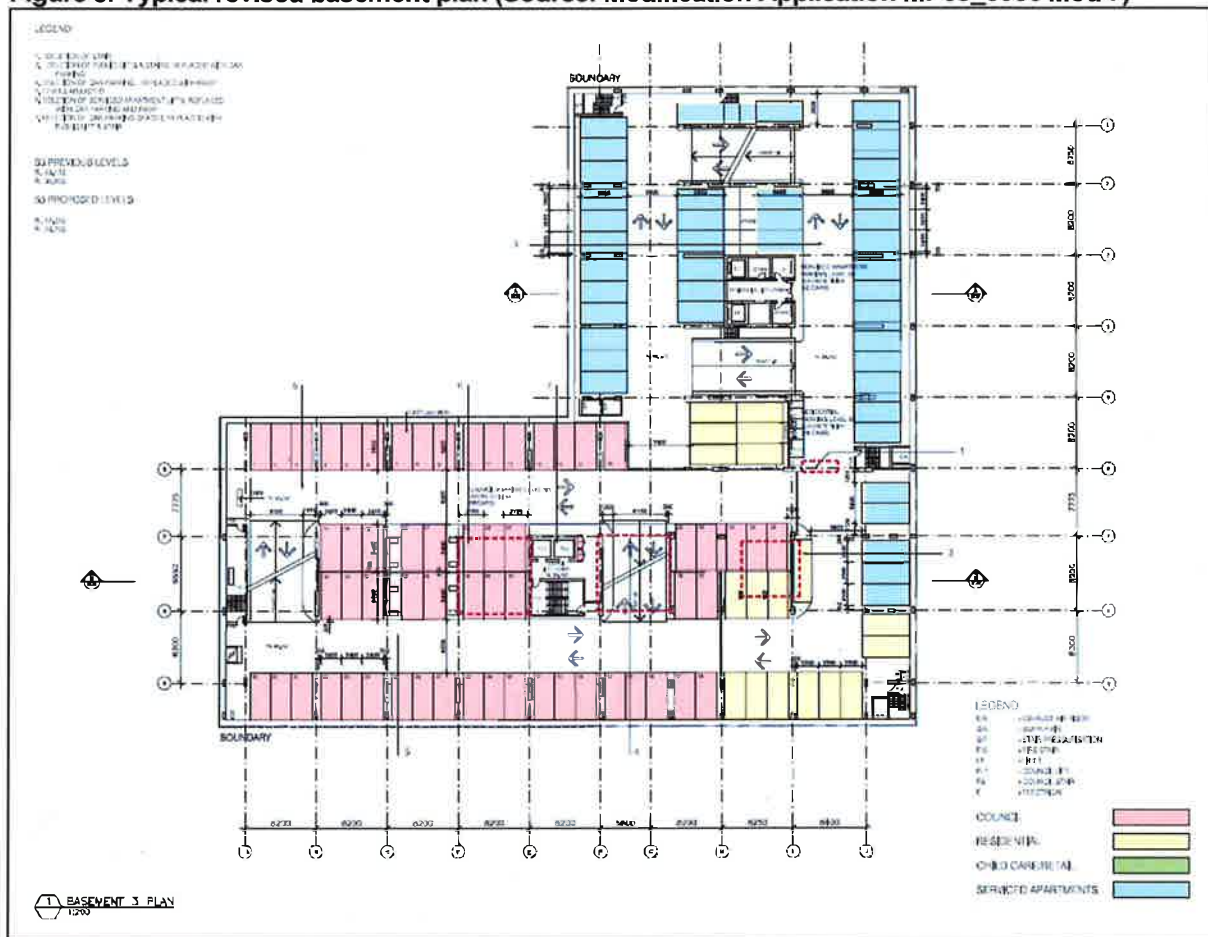
**Table 3: Key Proposed Modifications**

<b><i>Aspect</i></b>	<b><i>Approval</i></b>	<b><i>Modification</i></b>
<i>Excavations</i>	Minimum Finished Floor Level (Basement 5) RL83.350	Minimum Finished Floor Level (Basement 5) RL82.450 (900mm lower)
<i>Layout</i>	Sloped aisle carpark circulation	Level carpark floors with ramping between, relocated lift core

In response to issues raised by Willoughby Council, the proponent amended the modification application by:

- further collocating the public carparking spaces;
- separating the public carpark from other use;
- relocating the serviced apartment carparking to the northeast part of the basement so that it is not accessible through the public carpark; and
- correcting minor errors in the drawings relating to floor levels.

**Figure 5: Typical revised basement plan (Source: Modification Application MP09\_0066 Mod 7)**



### 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 layouts of the basements, and the depth of excavations beyond that of the Project Approval. Therefore, approval to modify the application is required.

### **3.3 Environmental Assessment Requirements**

No additional 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 also delegated his powers and functions under Section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

The Director may determine the modification request under delegated authority as:

- Willoughby Council has responded and confirmed that it does not object to the modification; and
- a political disclosure statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

## **4. CONSULTATION AND SUBMISSIONS**

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### **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 modification request was made available on the Department's website. No public submissions were received on the modification request. The request was referred to Willoughby Council on 16 May 2013. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

### **4.2 Public Authority Submissions**

The Department received one submission, from Willoughby Council.

**Council** did not object however it noted several issues for the Department's consideration including:

- its preference for further consolidating and separating the carparking from the other basement uses, including its access lifts;

- its preference that serviced apartment users did not access carparking through the public carpark;
- its preference that Council's approval be required for any changes to plans affecting the public carpark by reinstating earlier wording of condition B15; and
- errors in the plans relating to the numbers of lifts and written floor levels.

Council also provided marked up plans showing preferred changes to the basement layout.

## **4.2 Public Submissions**

No public submissions were received.

## **4.3 Response to Submissions**

The proponent responded to Council's concerns by amending the plans. The amendments include:

- further consolidating and separating the public carpark from other uses;
- relocating the serviced apartment carparking to the northeast part of the basement so that it is not accessible through the public carpark; and
- correcting errors in the plans.

# **5. ASSESSMENT**

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The Department considers there are no major issues associated with the proposed modification. In particular, the Department notes that the changes proposed are internal and underground. The modification does not alter the number of carparking spaces.

The Department considers there are three minor issues associated with the proposed modification:

- public carpark layout; and
- additional excavations; and
- relocated lift core.

## **5.1 Public Carpark Layout**

The Department notes that Council will take over the operation and management of the public carparking component of the proposed development upon completion. Council raised issues relating to the layout of the public car parking. The proponent responded by amending the plans which provide for the public carpark to be physically separate from the carparking for other uses (consolidated to the south-western part of the basement over 5 levels) and separately accessed. The Department considers that the amended plans have adequately addressed the issues raised by Council.

Council also sought amendment to the timing of a condition of approval requiring the applicant to obtain Council's approval before works commence in relation to the public car park. The Department considers that this is appropriate given the scope of changes to the basement. A rewording of existing Condition 15 to this effect is recommended.

## **5.2 Construction Impacts**

The Department notes that the modification proposes to lower the level of Basement 5 from a minimum finished floor level of RL 83.35m to RL82.45m. The extent of additional excavation is approximately 900mm.

The Department considers that there will be minor impacts as a result of this increase in the depth of excavation arising out of an increased duration of the construction period. 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 impacts which require additional consideration and/or amended conditions.

## **5.2 Relocated Lift Core**

The proposed modification relocates the lift core in the basement approximately eight metres east of the approved location. The Department notes that this will put them in a different location to the approved plans for the building above. As a result, a modification to the internal layout of the serviced apartment building above ground level will be required. The Department notes that this relocation already forms part of a modification application (Mod 6) which the proponent has already applied for and which the Department is currently assessing.

In the event that Mod 6 were not approved, a separate modification would be required to amend the internal layout of the serviced apartment building to align the lifts. An advisory note to this effect is recommended for inclusion in the approval.

## **6. CONCLUSION AND RECOMMENDATIONS**

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The Department has assessed the application and has considered the submissions and the Proponent's response to submissions. There are not considered to be any major issues. The minor issues relate to:

- public carpark layout; and
- additional excavations; and
- relocated lift core.

Each of these matters has been addressed and the Department is satisfied that the proposed modification is acceptable, subject to the conditions recommended in the instrument of approval.


Council's initial concerns have been resolved and condition B15 is recommended to be modified to ensure further consultation with Council for its final endorsement of the public carpark.

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 Acting Director, Metropolitan & Regional Projects South as delegate for the Minister for Planning and Infrastructure:

- (a) consider the recommendations of this Report;
- (b) approve the modification under the repealed Section 75W of Part 3A of the Environmental Planning and Assessment Act, 1979;
- (c) sign the attached modifying instrument (Tag A).

Prepared by  
Alan Cadogan

 21/6/13.

Approved by  
**Ben Lusher**

**A/Director, Metropolitan and Regional Projects South**

  
Reviewed by  
Mark Schofield

# Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 November 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



**Director  
Metropolitan & Regional Projects South**

Sydney

21 June .

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.

**At:**

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

**Modification:**

MP09\_0066 MOD 7: modification is for below ground basement amendments and includes:

- replacing the sloped aisle system with a ramped system;
- collocating of public car parking spaces;
- relocating the lift cores; and
- increased depth of excavations by approximately 900mm.



## SCHEDULE 2 CONDITIONS

### 1. In Part A:

Amend the list of approved “Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects” in Condition A2, as shown (with deletions struck through and insertions in ***bold italics***):

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A – 0000	D	Cover	16.11.12
A - 0002	C	Site analysis	19.07.12
A – 0090	C	Site / roof plan	19.07.12
A – 0100	C	Ground floor plan	19.07.12
A – 0101	C	Level 1 plan	19.07.12
A – 0102	C	Level 2-5 plan	19.07.12
A – 0103	C	Level 6-13 plan	19.07.12
A – 0104	C	Level 14-22 plan	19.07.12
A – 0105	C	Level 23-27 plan	19.07.12
A – 0106	C	Level 28 plan	19.07.12
A – 0107	C	Level 29 plan	19.07.12
A – 0108	C	Level 30 plan	19.07.12
A – 0110	C	Basement 1 Mezzanine Plan	19.07.12
A – 0111	<del>E</del> <b><i>G</i></b>	Basement 1 plan	<del>19.07.12</del> <b><i>27.05.13</i></b>
A – 0112	<del>E</del> <b><i>G</i></b>	Basement 2 plan	<del>19.07.12</del> <b><i>27.05.13</i></b>
A – 0113	<del>E</del> <b><i>G</i></b>	Basement 3 plan	<del>19.07.12</del> <b><i>27.05.13</i></b>
A – 0114	<del>E</del> <b><i>G</i></b>	Basement 4 plan	<del>19.07.12</del> <b><i>27.05.13</i></b>
A – 0115	<del>E</del> <b><i>G</i></b>	Basement 5 plan	<del>19.07.12</del> <b><i>27.05.13</i></b>
A – 0121	C	North elevation	19.07.12
A – 0122	C	South elevation	19.07.12
A – 0123	C	East elevation – building 1 (residential)	19.07.12
A – 0124	C	East elevation – building 2 (serviced apartments)	19.07.12
A – 0125	C	West elevation – building 1 (residential)	19.07.12
A – 0126	C	West elevation – building 2 (serviced apartments)	19.07.12
A – 0131	C	Section – building 1 (residential)	19.07.12
A – 0132	C	Section - building 2 (serviced apartments)	19.07.12
A – 0150	C	Schedule of serviced apartments	19.07.12
A – 0151	C	Schedule of residential apartments	19.07.12
A – 0181	C	Building 1 façade finishes	19.07.12
A – 0182	C	Building 2 façade finishes	19.07.12

**2. In Part B, amend Condition B15 as follows (with deletions struck through and insertions in *bold italics*):**

**Public Car Park**

- B15. ~~For below ground construction of the basement levels, a~~ A detailed design of the public car park, including the public bicycle facilities, shall be submitted and approved by Willoughby City Council prior to the commencement of Stage 4A **2 (*the construction of structures from basement to ground level*) of the development.** The plan is to show the configuration, detail, finish, ventilation and services of the facility and is to include all pedestrian, bicycle and vehicle access to, through and from the site and the public car park. It shall be accompanied by a whole of basement car parking management plan showing the relationship and operation of all car parking/bicycle facilities on the site.

**3. Add a new Advisory Note as follows:**

**Need for further approvals**

- AN8. The changes to the basement layout approved by Modification 7 do not correspond to the approved layout of the levels above. In particular the lift cores of Building 2 are in a different location in the approved plans for the basements 1-5 compared to the approved plans for the levels above. As a result the proponent will need to obtain consent for revised plans for the levels above Basement 1 before proceeding with Stage 3 of the project.

**End of Modification to MP09\_0066**