

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
DETERMINATION OF DEVELOPMENT APPLICATION NO. 119-5-2004
(FILE NO. S03/02747)
CHATSWOOD TRANSPORT PRECINCT PROJECT

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) and Section 89(2)(b) of the *Environmental Planning & Assessment Act, 1979*, and clause 6(2) of Sydney Regional Environmental Plan No. 5 – Chatswood Town Centre, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To provide a mix of land use opportunities at Chatswood;
- (2) To minimise environmental impacts;
- (3) To ensure development of the land will assist in improving the transport infrastructure of the Chatswood Transport Precinct; and
- (4) To encourage good urban design and a high standard of architecture.

Craig Knowles MP
Minister for Infrastructure and Planning

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	John Barraclough, Transport Infrastructure Development Corporation Tower A, Level 7, Zenith Centre 821 Pacific Highway, Chatswood Locked Bag 6501 St Leonards 2065
Application made to:	Minister for Infrastructure and Planning
Development Application:	119-5-2004
On land comprising:	Land identified on plans: B856-010 (Rev A) Podium level RL 106.00 (dated 20.4.04); B856-011 (Rev A) Platform level RL 102.00 (dated 20.4.04); B856-012 (Rev A) Intermediate retail level RL 98.00 (dated 20.4.04); B856-013 (Rev A) Concourse level RL 94.00 (dated 20.4.04); B856-014(Rev C)(dated 28.4.04) and B557-033A.dwg (dated 20.9.04). Chatswood Railway station, Chatswood
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$157,320,000
Type of development:	Section 89 State Significant Development
S.119 Public inquiry held:	No
BCA building class:	Not applicable
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A staged development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 119-5-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

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- (1) for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Adaptable units means units that are designed and built to accommodate future changes to suit occupants with mobility impairment (Australian Standard 1428: Design for Access and Mobility Series) (from “Residential Flat Design Code).

Applicant means Transport Infrastructure Development Corporation or any party acting upon this consent.

Connectivity means the directness of pedestrian, cyclist and vehicular connections in desire lines between movement and activity generators and attractors.

Council means Willoughby City Council.

CTI means Chatswood Transport Interchange project – the transport and related infrastructure in and around Chatswood Station as described in the CTI Review of Environmental Factors subject to approval by the Minister for Infrastructure and Planning.

CTP means the Chatswood Transport Interchange project as described in the CTI Review of Environmental Factors and the Chatswood Transport Precinct Project as described in the CTPP Statement of Environmental Effects.

CTPP means Chatswood Transport Precinct Project of which this consent forms Stage1 of the development as described in the Statement of Environmental Effects.

DA means development application.

DA No. 119-5-2004 means the development application and supporting documentation submitted by the applicant on 20 May 2004 which represents Stage 1 of the CTPP.

DCP means Willoughby Council Development Control Plan

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

EMR means Environment Management Representative

Minister means the Minister for Infrastructure and Planning.

NATHERS means Nationwide House Energy Rating Scheme

Permeability means the degree to which an area is able to be entered and moved through.

PRL means Parramatta Rail Link.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Stage 2DA means a development application lodged subsequent and related to the determination of DA 119-5-2004 for the subject site.

Subject Site has the same meaning as the land identified in Part A of this schedule.

PART D—ADVISORY NOTE

The following list includes Willoughby Council's Development Control Plans and guidelines relevant to this application. The list should not be considered to be exhaustive:

DCP No. 2 – Transport Requirements for Development

DCP No. 14 – Access and Mobility

DCP No. 23 – Willoughby Local Housing Program

DCP No. 30 – Sustainable Development

Local Policy for On-site Stormwater Detention

Code for Installation, Construction and Operation of Garbage etc

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. 119-5-2004****PART A—ADMINISTRATIVE CONDITIONS****A1 Development Description**

Development consent is granted only to carrying out the development described in detail below:

(1) A Stage 1 Development Application for the building envelope and use of:

- A podium level at approximately RL 106 metres for a mix of public and private landscaped space;
- Three separate building envelopes for residential use generally occupying the air space above the rail corridor from the podium level to maximum RLs of 146.550m, 163.650m and 210.400m AHD including lift over-runs, plant, air conditioning vents etc and containing a maximum of 43,000 square metres of floor space area (maximum 49,000 square metres of gross floor area);
- Two levels of underground parking to accommodate not more than 500 car parking spaces at approximately RL 88m and 90m;
- A net lettable area of approximately 5,000 square metres of retail space (7,245 square metres of gross floor area); and
- ancillary uses.

This consent is limited and does not include consent for landscaping, access, internal configuration or layout, or any construction works.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number 119-5-2004 submitted by the applicant on 20 May 2004, and in accordance with the supporting documentation submitted with that application, including the following:

• Statement of Environmental Effects (SEE) entitled "Chatswood Transport Precinct Project" Volumes I and II only, prepared by Kellogg Brown and Root Pty Ltd, dated May 2004; • Letter from the Royal Botanic Gardens of Sydney dated 13.11.02 entitled "RE: Memorial Rose Garden at Chatswood"; • Horticultural Assessment of the Garden of Remembrance by M.W. Barrett dated 9.10.2004.			
• Concept Design Drawings prepared by Daryl Jackson Robin Dyke Pty Ltd			
Drawing Number	Revision	Name of Plan	Date
A1.208b	-	Development Application Residential Buildings RL 110.00	22.4.04
A1.206e	-	Development Application Podium RL 106.00	22.4.04

A1.205f	-	Development Application Platform Level RL 102.00	22.4.04
A1.204f	-	Development Application Upper Level RL 98.00	22.4.04
A1.203e	-	Development Application Concourse RL 94.00	22.4.04
A1.202g	-	Development Application Carparking RL 91.00	22.4.04
A1.201f	-	Development Application Carparking RL 88.00	22.4.04
A1.212a	-	Development Application East Elevation	3.12.04
A1.213a	-	Development Application West Elevation	3.12.04
G.113a	-	Development Application Section B-B	3.12.04
G.114a	-	Development Application Section D-D	3.12.04
G.115a	-	Development Application Section F-F	3.12.04

A3 *Inconsistency between documents*

In the event of any inconsistency between the conditions of this consent and the documents/plans referred to above, the conditions of this consent prevail.

A4 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of the development consent under clause 98 of the Regulation.

PART B—GENERAL REQUIREMENTS

Urban Design

General Requirements

B1 CTI/CTPP Design

Any Stage 2 DA shall demonstrate how the recommendations of the Design Review Report and the Western Precinct Design Report required by the Chatswood Transport Interchange modification to PRL have been incorporated into the design of the proposed development.

B2 General Urban Design Principles

Any Stage 2 DA shall incorporate the following design principles:

- (i) access to any underground car park sufficient to satisfy a safety audit;
- (ii) a high level of connectivity and permeability with adjoining sites and public areas including but not limited to the adjoining streets and mall, Pacific Place, Chatswood Central buildings and gardens adjacent to and north of the Garden of Remembrance;
- (iii) connections with adjoining areas that are accessible to the public in order to minimise grade changes and meet relevant disabled access standards consistent with Willoughby Council's relevant DCP/s;
- (iv) visual and physical east/west corridors provided, at a minimum, between Victoria Avenue/Victoria Mall and between Thomas Street/Orchard Road South. The physical connections shall aim to be in one straight line and to be achieved with a minimum number and extent of grade changes for all users;
- (v) appropriately located and designed service structures which do not preclude opportunities to connect the CTPP with adjoining development sites;
- (vi) a high level of visual interest when the development is viewed from Victoria Avenue, Victoria Mall and Thomas Street/Orchard Road South to the CTPP. Visual interest includes but is not limited to the relationship of the following: façade design and treatment, use of landscaping, profile of buildings, public art, and juxtaposition of vertical and horizontal elements;
- (vii) ventilation, drainage and air conditioning pipes/ducts/vents/exhausts/intakes located to avoid down-wind effects and visual impacts;
- (viii) landscaping consistent with Council's plans and guidelines and include and not be limited to treatments in the vicinity of the Garden of Remembrance to protect amenity of the Garden;
- (ix) emergency access from any CTPP level shall not diminish the active frontages of the development;
- (x) service access and waste storage consistent with Council's plans and guidelines;
- (xi) provision, in consultation with Willoughby Council of facilities for maintenance equipment.

B3 Design of the multi-storey residential buildings

Any Stage 2 DA shall incorporate the following design principles, including but not limited to:

- (i) building designs including location and orientation which provide clearly defined separations between them and adjacent buildings such as the Chatswood Central buildings, to provide views and achieve maximum privacy between the Chatswood Central buildings from nearby residential development;
- (ii) building designs which are simple and of elegant "sculpted form" that reduce the visual impact of the height of the buildings;
- (iii) design that minimises overshadowing of adjoining public spaces/areas, particularly the podium, bus interchange, Chatswood Hotel, Victoria Mall, Victoria Avenue west and the Garden of Remembrance during mid winter;
- (iv) a footprint for the northern building of maximum length not greater than 55 metres (reducing the northern extent of the building) and any sections longer than 35 metres

- shall be broken into smaller sections with a strong vertical rather than a horizontal emphasis to the façade articulation;
- (v) provision of adequate loading and servicing access to each building for large truck deliveries/removals;
 - (vi) residential development consistent with SEPP 65 – Design Quality of Residential Flat Development and the Residential Flat Design Code and follow ESD principles;
 - (vii) the building envelopes not to be exceeded to achieve compliance with SEPP 65 requirements within that envelope;
 - (viii) clear direction from street level to the main entry of each building;
 - (ix) each building shall aim to have direct access to the podium and to the surrounding street network; and
 - (x) provision of adaptable units.

B4 Design of the podium

The design of the podium in any Stage 2 DA shall include but not be limited to:

- (i) maximised public access with the majority of the podium allocated to “public space”;
- (ii) direct connections to adjoining private developments, concourse and street levels;
- (iii) opportunities for light penetration to the station and concourse levels and which minimises overshadowing on adjoining public spaces;
- (iv) appropriate soft (vegetated) and hard (paving, furniture, lighting, wayfinding, directional and tenancy signage) landscaping in accordance with the relevant Willoughby Council DCP/s and guidelines; and
- (v) provision of retail/cafes.

B5 ESD

The Stage 2 DA shall include:

- (i) recycling provisions at each residential building and retail level consistent with Council recycling policy; and
- (ii) collection and storage areas for all stormwater runoff from the podium and residential building roofs and water reuse systems; and either (iii) or (iv) below:
- (iii) BASIX certification if applicable at that time; otherwise:
- (iv) adherence to the principles and objectives of State Environmental Planning Policy (SEPP) – Building Sustainability Index 2004 together with the following NATHERS criteria.
 - a) an average rating for all dwellings of 4 stars or better,
 - b) at least 20% of all dwellings shall achieve better than 4.5 stars,
 - c) at least 80% of all dwellings shall achieve better than 3.5 stars, and
 - d) no apartment shall achieve less than 3 stars.

B6 Safety and security

A Stage 2DA/s shall include plans demonstrating the following:

- (i) a Safer by Design assessment including a safety audit in consultation with NSW Police of all access and pedestrian routes;
- (ii) residential car parking areas divided into areas for each residential building to provide restricted access limited to the owners/occupants of that particular residential building development;
- (iii) direct pedestrian routes after standard retail hours with no circuitous or unclear access. To optimise this, provide for the ability to close off areas with no late night use and to provide maximum security to patrons and residents;
- (iv) recommendations from the assessment and audit to be implemented in the DA design.

B7 Parking and bicycle storage

The Stage 2DA shall include:

- (i) Not more than five hundred car parking spaces associated with the CTPP that:
 - a) consist of no more than 484 spaces with the spaces allocated to residential apartments and other uses such as the child care centre,
 - b) 16 spaces for the use of RailCorp; and

- c) are consistent in design with Willoughby Council's DCP No. 14 – Access and Mobility.
- (ii) Provision to ensure all residential car parking spaces exclusive of service and visitor car spaces, shall be parking for the use only of an occupant, tenant or resident of the residential apartments.
- (iii) Any occupant, tenant or lessee shall therefore not enter into an agreement to lease, licence or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of a residential unit in the CTPP.
- (iv) Provision of adequate loading/unloading spaces in the vicinity of and associated with retail development; and
- (v) Secure bicycle storage at locations convenient to residents of each building and for employees for retail development at rates consistent with Council's DCP No.2 – Transport Requirements for Development.

B8 Wind analysis

A preliminary wind tunnel analysis shall be undertaken by a suitably qualified analyst and a Wind Assessment Report shall be prepared for the Stage 2 DA that:

- a) provides a wind analysis for the main seasonal wind periods and directions based on local measured and modelled wind data for external surfaces of existing development within and in the vicinity of the CTPP/CTI;
- b) modelling of wind effects in the locality from the proposed development with the CTI in place;
- c) recommendations to minimise wind impacts in areas of affectation including and not limited to the CTI, Victoria Mall, the Garden of Remembrance, and publicly accessible areas; and
- d) identification of design elements proposed in response to these recommendations.

Note: While wind criteria will be set for the Stage 2 DA, the sensitivity of the Garden of Remembrance must be addressed through a 13m/s maximum wind speed on the western half of the Garden.

B9 Garden of Remembrance Protection Plan

The Stage 2 DA shall include a Garden of Remembrance Protection Plan (GRPP) to ensure the viability of the Garden of Remembrance. The GRPP shall be prepared by an independent, suitably qualified horticulturalist with local knowledge, commissioned by the Applicant in consultation with Willoughby City Council, the Trustees of the Gardens, the local branches of the Returned and Services League of Australia (RSLA), the Australian Legion of Ex-Servicemen and Women (ALESW). The Applicant shall bear the cost of preparation of the GRPP.

B10 Consultation for the Garden of Remembrance Protection Plan

The GRPP shall be drafted in consultation with Willoughby City Council, the Trustees of the Gardens, the local branches of the Returned and Services League of Australia, the Australian Legion of Ex-Servicemen and Women to inform, mutually, about issues relating to:

- i) the viability of the roses;
- ii) the adequacy and appropriateness of measures to ensure this; and
- iii) measures to protect the amenity of the Garden.

B11 Requirements for the Garden of Remembrance Protection Plan

The GRPP shall include:

- i) details of consultation undertaken;

- ii) definition of viability of the roses;
- iii) a site investigation into the health of the Garden's roses that
 - (a) uses a reproducible methodology sufficient to define rose health; and
 - (b) commences from the date of this consent; and
 - (c) continues until the commencement of construction of the CTPP;
- iv) a further investigation (including monitoring of impacts associated with the CTPP) during construction and up to two years after completion of construction provided under the same methodology as (iii);
- v) a definition of amenity in the Garden of Remembrance acceptable for conducting remembrance ceremonies on relevant occasions/anniversaries;
- vi) a contingency sub-plan, should it be necessary to remove, temporarily, roses during any period including:
 - (d) the definition of temporary as any period up to three years in length;
 - (e) the care of the roses during the temporary removal period to ensure continued viability;
 - (f) provision for harvesting material from the roses to provide sufficient stock in the event the roses do not survive the removal period;
 - (g) return of healthy bushes and/or harvested stock at the end of the temporary period; and
 - (h) provision, including all necessary support (both financial and resource based) to Council and the Trustees of the Garden, for an alternative temporary location of remembrance ceremonies if it were not possible, due to construction activities, to provide the amenity identified through part (v) of this Condition.
- vii) Appropriate mitigation measures to mitigate, adequately, any adverse impacts on the Garden of Remembrance resulting from this development. Adverse impacts shall be determined through the comparison of investigation/monitoring at the time this consent is granted (as defined in (iii) above) with anticipated impacts on the Garden, and when available, results of the investigation (identified in (iv)).

B12 Implementation of the Garden of Remembrance Protection Plan

The applicant shall be responsible for, and bear the cost of, the implementation of the GRPP. The GRPP shall be available for implementation by a suitably qualified horticultural specialist at the commencement of construction works associated with the CTPP or as otherwise requested by the Director.

Construction

B13 Construction Management

The relevant Stage 2DA(s) shall provide for community liaison, for the appointment of an EMR and for relevant monitoring regimes consistent with PRL Conditions of Approval.

B14 Environmental Management through Mitigation

At the time a Stage 2 DA is submitted for this development, the Applicant shall provide, as part of the documentation, best practice mitigation measures to address the relevant impacts identified in Attachment 1.

B15 Traffic monitoring

At the time a Stage 2 DA is submitted for this development, the Applicant shall provide, as part of the documentation, a study in consultation with Willoughby Council and the RTA of the interaction of CTI and CTPP construction traffic with other construction sites and general traffic issues in Chatswood and identify the need for additional or modified management measures. Monitoring shall include, but not be limited to, independent computer analysis of

intersection operations during critical peak periods (eg 7am-9am and 4p-m to 6pm weekdays , 10-12 noon Saturdays) including intersection turn counts, and, simultaneously, queue lengths and observation of general intersection operations including ease of pedestrian crossing during these peak periods, over a number of weekdays (e.g. Thursday/Friday and Saturday). As part of this study, monitoring of construction traffic related impacts shall be undertaken at, but not limited to the following intersections:

- Albert Avenue/Pacific Highway;
- Albert Avenue/Orchard Road;
- Help Street/Pacific Highway;
- Help Street/Railway Street;
- Help Street/Orchard Road;
- Help Street/Anderson Street;
- Railway Street/Pacific Highway;
- Railway Street/Victoria Avenue;
- Victoria Avenue/Pacific Highway;
- Thomas Street/Pacific Highway; and
- Thomas Lane/Albert Avenue.

B16 Traffic Management

Any Stage 2 DAs shall include, best practice measures to address the following in consultation with Willoughby Council:

- (i) the implementation of recommendations of the traffic study identified in Condition B15;
- (ii) management of traffic flows around the area affected including as required regulatory and direction signposting, line marking and variable message signs;
- (iii) identification of any regulatory measures to improve the efficiency of traffic conditions;
- (iv) any necessary adjustments to base traffic conditions for the period of CTPP construction;
- (v) restriction on the use of Katherine Street, Thomas Street, Victoria Avenue and Railway Street except between the hours of 10.00 am and 2.30 pm Monday to Fridays in consultation with Willoughby Council and unless otherwise agreed to by the RTA with construction traffic minimised on these local streets at all times;
- (vi) provision for site specific Traffic Management Reports (TMRs) including requirements consistent and compatible with any construction traffic measures which may be required by any CTI approval under the PRL.;
- (vii) measures to ensure that no more than 20 trucks (40 movements) per hour shall result from the cumulative CTI and CTPP construction sites in Chatswood;
- (viii) provision for an independent safety audit assessing the appropriateness of all traffic control devices and measures proposed during each construction stage.

B17 Stage 2 Regenerated Noise Report

The Stage 2 DA shall be accompanied by a Report prepared by a suitably qualified independent acoustic consultant, demonstrating, to the satisfaction of the Director-General, how the design of the residential buildings has incorporated measures to mitigate the impacts of regenerated noise from train movements. The Report shall detail the measures proposed and the regenerated noise level predictions at various levels in the proposed buildings. The Report shall respond, but not be limited to, the relevant findings of the Noise Report required in Condition of Approval 76A of the CTI modification of the PRL project.

B18 Residential Regenerated Noise

The Applicant shall ensure that an easement is created over the appropriate lots with respect to residential development stating that any development for the purpose of residential use at the subject land may be affected by noise due to rail operations within the CTI corridor. The Stage 2 DA for residential development shall be accompanied by the necessary

documentary evidence that such an easement has been created in accordance with this condition.

B19 Child Care

Details of the child care centre including location and size shall be provided and presented for approval at the time a Stage 2 DA for this development is lodged.

ADVISORY NOTE AN1 – CONSULTATION

At the time a Stage 2 DA is lodged, the Applicant shall provide, as part of the documentation, evidence and outcomes of consultation with the NSW Heritage Office in relation to matters outlined in the Office's letter dated 22 June 2004 and with Willoughby Council on appropriate matters.

ATTACHMENT 1

Areas for Best Practice Mitigation Management

General requirements shall include but not necessarily be limited to:

- (a) reference to the main environmental system elements including but not be limited to: noise and vibration; air quality; water quality; erosion and sedimentation; access and traffic; property acquisition and/or adjustments; heritage and archaeology; groundwater; acid sulphate soils, spoil stockpiling and disposal; waste/resource management; weed management; flooding and stormwater control; geotechnical issues; visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource use and recycling; communication, settlement, flora/fauna, auditing, security, property survey and utilities;
- (b) the mechanism for appointment and the role of the EMR for the construction period of the Stage 2DA; and
- (c) provision, for any construction period, for a Community Involvement Plan and Community Liaison Group similar to those required under Conditions 16 and 17 respectively of the Conditions of Approval for the Parramatta Rail Link.