

ATTACHMENT 1

1) Rationale behind submission

A. Consistency with Chatswood CBD strategy

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and endorsed by the Department of Planning and Environment (now Department of Planning Housing and Infrastructure, DPHI) on 9 July 2020 after a two year period of consideration. Prior to endorsement, DPHI required further review work to be undertaken involving how the significant uplift would be accommodated with particular regard to sites bordering Chatswood CBD boundaries. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The Chatswood CBD and wider Willoughby LGA community has been taken on this strategic planning journey by Council with involvement from DPHI. Community and stakeholder engagement involving the draft CBD Strategy occurred between January and March 2017, and involved notification letters to CBD landowners, webinars, information and drop-in sessions. A number of planning proposals have been made to date, as well as development applications progressed and determined, consistent with the CBD Strategy. The progression of the CBD Strategy to WLEP 2012 and WDCP, and responding development, has involved substantial community participation and, while issues and concerns have been raised, this local strategic planning framework determining outcomes is now established. Concern is raised with state government development, introducing un-anticipated land uses in this location, without meaningful involvement of Council and community participation, have adequate regard to expectations and reduces faith in the planning system.

The CBD Strategy recommended that the site be zoned B3 Commercial Core (now E2 Commercial Centre), with a maximum height of 90 metres subject to sun access protection to key public spaces and a maximum floor space ratio of 6:1. The recommended zone and maximum controls were subject to the satisfaction of other CBD Strategy key elements (a total of 35). The rationale behind the CBD Strategy key elements was to balance land use to ensure non-residential and residential growth, to ensure the significant uplift was accompanied by supporting controls to ensure an optimum high density urban environment within the Chatswood CBD, to achieve a high level of liveability for its workers, residents and visitors and to ensure that the Willoughby, Chatswood and CBD community were able to have the confidence that the necessary supporting infrastructure will be available in order to support the proposed change.

The CBD Strategy has now been incorporated into the comprehensive WLEP 2012 review, endorsed for finalisation at the Council Meeting dated 12 December 2022, and now made by DPHI and notified on 30 June 2023 (Amendment 34). The CBD Strategy has also been incorporated in Willoughby Development Control Plan.

Council does continue to question state government changes that are contrary to local comprehensive strategic planning for the Chatswood CBD. The CBD Strategy provided

for significant housing growth within the CBD, and the allowance of further residential within the Commercial Centre undermines the provision of non-residential land uses into the future and the carefully considered land use balance close to infrastructure.

Notwithstanding the above comprehensive strategic planning journey, Council is subject to direction from the NSW Government and acknowledges that shop top housing is now permissible with consent in the E2 Commercial Centre zone under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

This submission accepts the reality of state government direction and seeks to ensure that considerations other than land use are not disregarded in the pursuit of additional housing above what has been already planned. It is the position of Council officers that appropriate regard must still be given to the rationale behind the CBD Strategy (represented in the key elements) and now incorporated into WLEP 2012 and WDCP.

B. Balancing Council and State government expectations

Council expectations for the Chatswood CBD are expressed in WLEP 2012 and WDCP which states in Part L, Section 4 Chatswood CBD, 4.1 Character Statement:

"The controls in this plan relating to the E2 Commercial Core zone are designed to increase investment confidence in office development and protect these employment hubs from residential incursions.

The MU1 Mixed Use zone provides a mix of commercial and residential around the E2 Commercial Core ... This is to help maximise returns on existing and planned investment in public infrastructure and ensure Chatswood remains a major employment centre in metropolitan Sydney.

The controls aim to maintain a compact, walkable city centre, and create exceptional urban design. They support easy pedestrian and bicycle linkages, a quality public domain that embraces the local character and heritage, and the greening of the centre."

WDCP Part L, Section 4 Chatswood CBD, 4.2 Performance Criteria further elaborates on Council expectations:

"Proposed development in Chatswood CBD should:

- a. be in line with permitted development within the E2 Commercial Core zone, which prioritises non-residential land uses*
- b. allow residential growth as part of mixed use development surrounding the E2 Commercial Core within the CBD*
- c. maintain a diverse mix of uses, including retail, medical, educational, health, cultural and recreational activities*
- d. involve amalgamated sites for optimum development outcomes*
- e. create new publicly accessible spaces with links to existing public places*
- f. embellish and/or add to existing public spaces*
- g. adopt travel demand management to support active and sustainable transport*
- h. provide excellence in urban design*

- i. *provide greening of the streetscape as well as green areas on and around new buildings to improve the visual quality, amenity for workers and visitors, and reduce the impacts of urban heat island effects*
- j. *ensure sun access is provided to public places ...*
- n. *ensure podium and roof top communal open spaces are designed to address issues of quality, safety and usability"*

Council officers acknowledge the NSW government's focus on facilitating state significant development, and the importance of providing significant infrastructure to serve the local area, region and the state is also recognised.

It is noted that given the unanticipated land use in question, the relevance of Council controls may vary depending on the circumstances of the site specific case. Council officers have taken an approach that responds to the specific site and what is considered to be a satisfactory development response, while also having regard to the established strategic planning for the site and surrounds. We consider this to be necessary to ensure the introduction of a residential land use in this location does not undermine the amenity of the future employees and residents.

It is noted that the subject proposal involves a site of 1,554.6m². The minimum lot size established in WLEP 2012 for the purposes of commercial premises in the E2 zone is 1,800m². "Commercial premises" was incorporated in the wording of the provision merely because residential use was not permissible in the E2 zone at the time of its drafting. As build to rent is now permitted, and considering the underlying principles behind the minimum lot size LEP requirement, it is considered reasonable and appropriate to use the same minimum lot size of 1,800m² reflective of the zone and the expected redevelopment amalgamation pattern. Council officers have sought for amalgamation to occur with the adjacent site at 781 Pacific Highway sharing the boundary to the north, however the proponent has indicated that approaches have been made with that landowner and not supported.

Variation to the minimum lot size in the E2 zone is prepared to be considered in this case, provided the built outcomes are appropriate, both on this site and on the site at 781 Pacific Highway (which is substantially below the minimum lot size as a result of this SSD). Part L, Section 4.3.1 (c) of WDCP addresses minimum site area as follows:

"This plan encourages site amalgamation to meet the minimum site requirements and ensure sites are not left isolated.

The objective of the minimum site area is to enable a development to achieve best outcomes by:

- *providing the required setbacks to achieve slender towers and building separation whether onsite or on neighbouring sites*
- *providing ground level public realm or areas accessible by the public on private land*
- *limiting and rationalising the number of vehicle entry/exit points*
- *providing parking and loading facilities in the basement with adequate area for onsite manoeuvrability to enter and leave the site in a forward direction*
- *maximising commercial floor space and street activation at ground level*
- *maximising landscaping and deep soil planting"*

Comments below have regard to the above objectives.

For Council officers, the emphasis in the state significant development application process is on ensuring that the built outcome is broadly consistent with the established vision for this part of the Chatswood CBD. It is noted that *State Environmental Planning Policy (Planning Systems) 2021*, Clause 2.10 states:

*“2.10 Application of development control plans to State significant development
(1) Development control plans (whether made before or after the
commencement of this Chapter) do not apply to-
(a) State significant development”*

With redevelopment at 763-769 Pacific Highway, it is considered reasonable to request state significant development to be consistent with the broad vision contained in comprehensive and significant strategic planning work prepared at the local government level and involving previous state government consultation, with particular regard to expected impacts on surrounding properties and the relationship of a developed site not in isolation but in the context of a redeveloped Chatswood CBD.

While Council is cognizant of proponent's preferred floorplate dimensions, this preference should not be the basis of a design that is inconsistent with the expected built form development in the Chatswood CBD. Meaningful incorporation of Council's built form vision is sought, which is further discussed below.

C. Design Excellence

Notwithstanding the results of the Design Excellence competition, Council officers are of the opinion that a design excellence review of development on this site should have appropriate regard to vision of the CBD Strategy, WLEP and WDCP, and the matters raised in this submission. The Design Excellence Competition Report does not represent the views of Council and it is noted that the design excellence process informs an application and a consent authority, among a number of elements to be assessed.

The Design Excellence Competition Report prepared by Ethos Urban acknowledges:

“The decision of the Jury will not fetter the discretion of the consent authority in its determination of any subsequent State Significant DA associated with the site that is the subject of the Competition.”

Council officers request that appropriate regard be given by the consent authority, being DPHI, to the issues raised in this submission. Considerable emphasis has been placed on explaining Council's vision, where amendments to the SSD proposal should be made and where additional information, clarification or should be provided. It is the view of Council, that greater compliance with relevant controls can be achieved while keeping with the design excellence principles upheld in the competition process.

2) Amendments requested

A. Built form, slender towers and setbacks

Amendments are sought to increase tower setbacks to the Pacific Highway and 481 Pacific Highway, and more effectively address the vision for slender towers in the CBD (primarily, in this case, the presentation to the west). Although the Chatswood CBD does extend to part of the western side of the Pacific Highway, opposite the E2 Commercial Centre zone, significant increases in height and floor space (in accordance with the CBD Strategy and WLEP 2012) have been restricted to the eastern side. This means that the eastern side of the Pacific Highway is effectively the built form boundary of the CBD and presents in a highly visible manner to the west. This visibility, and importance of the built form in this location, is magnified by the Pacific Highway acting as a major state road leading towards the Sydney CBD and being on a ridgeline, which falls away to the west.

The CBD Strategy and subsequent WDCP seeks for slender towers above podium, with this being achieved through setbacks.

Setbacks and street wall heights were carefully considered in the Chatswood CBD based on precincts (total of 11) with desired built form outcomes, regardless of whether in the E2 or MU1 zones. Additional setbacks were required for commercial or non-residential development as well.

The approach to slender towers, floor plates and setbacks are outlined below.

Part L, Section 4.3.1 (d) of WDCP addresses slender towers as follows:

"To achieve slender towers and adequate building separation, the maximum gross floor area at each level of a development should be no more than:

- *2000m² for office developments*
- *700m² for residential towers above the podium level in the mixed use zone*

Note:

- *The maximum gross floor area is to be read in conjunction with other controls for Chatswood CBD (such as maximum floor space, height and minimum setbacks), as well as the site size and shape.*
- *These maximum floor plates, together with maximum floor space and height, and minimum setbacks, require an unusually large site to be achieved. Lesser floor plates than the maximum would be expected on standard size lots ...*
- *The width is to be minimised on all sides to achieve a slender tower."*

Part L, Section 4.3.4 (a) of WDCP addresses setbacks and street wall heights as follows:

Pacific Highway frontage:

- minimum 4m setback at ground level from front boundary
- maximum 7m street wall height
- minimum 6m setback above street wall to tower

Office core frontage (Albert Avenue):

- 4m–12m maximum street wall height at front boundary

- minimum 6m setback above street wall to tower

The following relevant Notes are provided as follows:

- On corner sites where different setbacks and street frontage height precincts meet, the greater setback and lower street wall height required on the primary frontage is to continue around the corner for a minimum distance of 6m. This is to provide a satisfactory transition between the setbacks and wall heights.
- With setbacks of 3m or more, including the Pacific Highway, deep soil planting for street trees is to be provided.
- Where a site adjoins a laneway and no footpath exists, a minimum ground level setback is to be provided to facilitate construction of a footpath.

Part L, Section 4.3.4 (b) of WDCP also states:

“All towers above podiums in the E2 Commercial Core and MU1 Mixed Use zone are to be setback from all boundaries with a minimum 1:20 ratio of the setback to building height. This means if a building is:

- *a total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side*
- *a total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side*
- *a total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side”*

The following relevant Notes are provided as follows:

- The required setback of a tower will vary depend on the total height.
- Minimum setbacks and going beyond with additional setbacks where appropriate is considered an important way of achieving the desired outcome of slender towers.

Part L, Section 4.3.4 (c) and (d) of WDCP also state:

- *“c. Separation of buildings must be provided in line with the Apartment Design Guide (NSW Department of Planning and Environment, July 2015) for residential apartments within a mixed use development.*
- *d. Commercial uses must have a minimum 6m setback from all boundaries above the street level wall height.”*

The SSD application proposes tower setbacks as follows:

- Based on 2.3m road widening required by TfNSW, a 9.38m setback to Pacific Highway new front boundary
- 4.5m setback to Albert Avenue side boundary
- No setback to 481 Pacific Highway side boundary
- 3m tower setback to Albert Lane rear boundary

The current design has significant variances based on what is expected under WDCP.

Based on what has been proposed, Council raises concern with the absence of any setback to 481 Pacific Highway. No setback, together with a possible no setback when 481 Pacific Highway seeks to redevelop as a smaller isolated site, will mean that there is a potential 90m high uninterrupted wall from the Albert Avenue end of this SSD site northwards to Thomas Street (approximately 70m) on the highly visible Pacific Highway. Council considers this to be a highly significant deficiency in the current application and does not support it progressing further until it is more appropriately resolved.

This is a particularly undesirable urban design outcome and contrary to the slender tower objective and building separation vision. There is a responsibility on the SSD site to address the slender tower objective when viewed with particular regard from the Pacific Highway. Furthermore there has been a historical separation between the eastern and western sides of the Pacific Highway, which the CBD Strategy, WLEP and WDCP has sought to overcome, by promoting separated built forms that invite people into the CBD centre while maintaining viable floor plates rather than seeking maximised floor plates and tower walls that suit the feasibility outcomes of proponents. It is noted that tower floor plates are proposed at 491m². The assessment of applications responding to the CBD Strategy, WLEP 2012 and WDCP has involved residential tower floor plates as low as approximately 150m² and up to 700m², depending on site size and setback consistency. A number of residential tower floor plates are between 300m² and 400m², and it is considered lower floor plate size is appropriate on this site having regard to the above discussion.

Council officers understand the need to be flexible and sensitive to the site constraints, and in this context are prepared to support somewhat reduced setbacks. The variation of the minimum 6m tower setbacks from all boundaries expected in the E2 Commercial Centre zone may be considered. The 4.5m tower setback to Albert Avenue and 3m tower setback to Albert Lane are prepared to be supported in this case. The minimum setback to 481 Pacific Highway should be 4.5m based on a height of 90m. As outlined above, a lower setback to 481 Pacific Highway may be considered provided height is lowered (i.e. Not including the Pacific Highway boundary, a 60m height would result in a 3m setback requirement to the side and rear boundaries. It should be noted that even a building height of 30m requires a 1.5m setback).

The other setback concern is not achieving the minimum 10m tower setback to the Pacific Highway, which has been successfully achieved on a number of other redevelopment sites on the Pacific Highway utilising the CBD Strategy, WLEP and WDCP controls. The SSD proposal encroaches into the required tower setbacks. Council officers support variation in tower forms however this should be designed outside of expected setback requirements, rather than as intrusions.

B. Inadequate heritage response involving 767 Pacific Highway

The subject site contains one Heritage Item at 767 Pacific Highway, known as the Old Fire Station, with the significance classified as local. Refer to the photo below.



The Statement of Significance for the Old Fire Station is as follows:

"The former Chatswood Fire Station has some historical significance as a remnant of early public architecture and is evidence of the development of government services during the late nineteenth and early twentieth centuries."

Any work at the subject site should be consistent with the recommended management in the State Heritage Inventory listing sheet. This Inventory Listing Sheet outlined how in 2010, heritage Consultants, Clive Lucas, Stapleton & Partners reviewed 767 Pacific Highway Chatswood (the Former Fire Station), noting that it was a heritage item in SREP 5 (Chatswood Town Centre), Schedule 5 and also identified by the RTA for arterial road widening. The Inventory Listing Sheet concluded:

"In relation to the Former Fire Station Council resolved at this meeting" (3.11.10) "to amend the WDCP "in Section E a site specific control for the land at 767 Pacific Highway Chatswood requiring the existing façade of the heritage listed Fire Station to be incorporated (if demolished due to road widening) within any future development on the site."

Below is the specific control for the subject site in Part L Place Based Plans of WDCP:

*"13 Controls for specific sites
13.1 Chatswood CBD*

The following specific sites and areas, and the site specific DCPs apply to the Chatswood CBD.

13.1.1 767 Pacific Highway, Chatswood

The existing façade of the heritage listed Chatswood Fire Station is to be incorporated within any future development on the site if it is required to be demolished for road widening.”

Based on the information above:

1. The position of Council officers is that demolition of a Heritage Item is not supported as proposed.
2. Specific consideration in WDCP has already been given to retain the heritage significance of the site whilst allowing for arterial road widening – the proposal as it exists does not acknowledge Council’s adopted position of retention and relocation of the Heritage Item as part of any new development.
3. The State Heritage Inventory listing sheet specifies that the interest of the Heritage Item is confined to the front façade. It is considered that retention of this element is a proportionate measure which will enable both the development and road widening to proceed whilst retaining the heritage interest of this section of the Pacific Highway.
4. Heritage interpretation as demonstrated within the proposal is not considered an adequate alternative to retention and relocation of the front elevation. Whilst references to the materiality, articulation and massing of the podium in response to the former Fire Station are welcomed, total demolition of the front elevation and interpretation in the form of a decal or plaque is unlikely to satisfy community expectations of management of a Heritage Item.
5. Failure to adhere to the site specific control to retain and relocate the existing façade of the Heritage Item undermines the premise and credibility of site specific controls in WDCP and protections for Heritage Items.

It is the position of Council officers that the existing façade of the heritage listed Chatswood Fire Station be incorporated within the proposed development more effectively than currently proposed to satisfy WDCP Section 13 Controls for specific sites and the reasonable expectations associated with the site’s listing.

C. Road widening on Pacific Highway and Albert Avenue

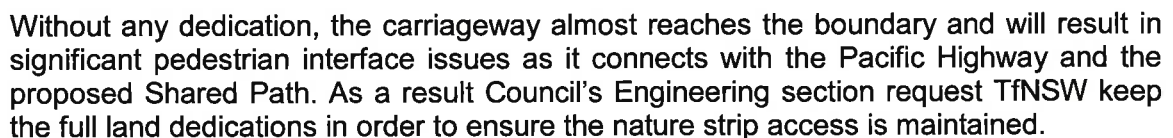
Under WLEP 2012, the Pacific Highway and Albert Avenue frontages are identified on the Land Reservation Acquisition (LRA) Map as Classified Road (SP2), for the purposes of road widening required by TfNSW.

Council officers consider the provision of this road widening as important to transport management on the Pacific Highway, and entering and exiting the Chatswood CBD via Albert Avenue. There is existing traffic congestion in this gateway location and the expectation is that this will increase in the future in response to the changed planning controls in the Chatswood CBD.

Under the Chatswood CBD Planning and Urban Design Plan 2036 (the CBD Strategy) the Chatswood CBD boundary was increased to the north and south along the Pacific Highway, and non-residential and residential density has been significantly increased to provide for employment and housing growth to 2036. This document was prepared with input from ARUP, and had regard to existing transport management strategies such as road widening and proposed transport management strategies such as lower car parking

Council has reduced car parking rates in WDCP to address congestion issues within the CBD. It is also understood that TfNSW are reviewing car parking rates in its guidelines. It should be noted that while proponents have taken up the increase in densities permitted in the Chatswood CBD, there has been push back on lower car parking rates. Acceptance of lower car parking rates continues to be an unresolved issue at the time of this submission.

Please see in Diagram 1 below detailing the 2011 Concept Design Option which led to the required dedication of land involving the subject site.



It has been indicated in an email from TfNSW to Novus (13 March 2024) that the required land on the Pacific Highway is a maximum width of 2.3m (and not 3.5m as suggested on the WLEP 2012 LRA Map), and that Albert Avenue land (1.5m wide) is not required.

It is understood that Transport for NSW will make a submission in response to the current exhibition, which will formalise its expectations in regards the two frontages identified for road widening. Council officers have raised their concerns with the reduction or removal of the road widening identified, look forward to further TfNSW consideration of this matter and seek clarity in a formal response. It is Council's view that the intersection upgrades and widening are not only required in full, but should be provided with this development to ensure access arrangements and the required pedestrian infrastructure to connect the site to nearby transport, open space, community facilities and other amenities is available to the residents at occupation.

If the TfNSW requirements are to be reduced, the remaining land (being approximately 1.2m on the Pacific Highway and 1.5m on Albert Avenue) should be provided as dedicated road reserve - similar to the opposite side of Albert Avenue facing 763 Pacific Highway. For the purpose of clarity, the required setbacks outside of the TfNSW road widening, and dedicated road reserve, is requested to be subject to public rights of way (consistent with the approach to ground level setbacks in WDCP Part L).

D. A Green Chatswood CBD

Council's vision for the Pacific Highway, through the CBD Strategy and WDCP, is for a more positive and balanced relationship than the existing between the built environment, a state significant transport route, active transport and the natural environment, noting that this is effectively the western boundary of the Chatswood CBD and a major entry point.

WDCP Part L, Section 4.3.2 Greening Chatswood CBD states:

"A range of approaches apply on a site-specific basis to provide permeability, publicly accessible open space and a 'green' ground plane.

These are designed to develop a comprehensive network for the centre of landscape and open space to create a green, well-connected CBD."

The Pacific Highway setback is specifically identified in the Strategy and WDCP as a key component to achieving a green Chatswood CBD, with deep soil planting required to achieve this outcome.

In addition to the requirement for a share path to promote active transport, the remainder of the 4m front setback with the Pacific Highway property boundary is to be green landscaped (and subject to public access via rights of way). Hard paving is to be minimised in this setback and deep soil planting is to be provided – with no basement intrusion. In particular a green gateway into and out of Chatswood via Albert Avenue is sought, with significant green planting provided close to this corner (on 763 Pacific Highway).

3) Requested additional information, clarification or technical matters

A. Public Realm embellishment

The CBD Strategy and the subsequent WDCP seeks for public realm embellishment at the ground level to accompany height and density. As already noted in regards land previously identified by TfNSW for road widening and now not required (on the Pacific Highway and Albert Avenue frontages), Council officers support this land as being road reserve.

In regards other ground level setbacks outside of the WLEP 2012 Land Reservation Acquisition Map (such as setbacks to Pacific Highway and Albert Lane), Council officers seek for this to be subject to public rights of way.

The provision of a publicly accessible shared path along the Pacific Highway frontage, being separately identified from other publicly accessible land, is broadly consistent with Council's vision for the Pacific Highway – noting regard should also be given to green CBD objectives discussed below. WDCP Part L. Section 4.3.3 Links and public realm states:

- “a. All proposals must consider the potential for through links to public places. Pedestrian and cycling links are sought to improve existing access within and through the CBD ... New linkages are sought where these are considered to be of public benefit...”*
- b. Public realm or areas accessible by the public on private land is required to be included in all E2 and MU1 redeveloped sites. These must be:*
 - *designed to respond to context and nearby public domain*
 - *visible from the street and easily accessible*
 - *accompanied by public rights of way or similar to achieve a permanent public benefit”*

Any approval should clearly delineate on the plans the extent of the TfNSW widening, the extend road reserve, and then the remaining ground level land being subject to public rights of way.

B. Engineering comments relating to the Pacific Highway and Albert Avenue frontages

Engineering comments relating to the Pacific Highway and Albert Avenue frontages are as follows:

- Width of proposed shared paths: From the back of kerb, the proposed shared path is preferably 4.0m wide, with minimum width of 3.0m depending on site constraints.

- Integration of adjacent infrastructure: Requires relocation/adjustment of traffic control lanterns, power pole, school zone signs and Council bin to ensure 0.6m clearance to the edge of the shared path.
- Undergrounding services: Overhead electricity should be undergrounded as part of the development for reasons around integration of adjacent infrastructure. This should occur on all frontages.
- Traffic Signals: Installation of 3.6m full-width kerb ramps and introduction of bike lanterns. Utilities may require consolidation at intersection.
- Retaining wall 5 should be curved to match the kerb alignment and create additional width.
- Vegetation is encouraged in road reserves, being outside of TfNSW road widening.

C. Engineering comments on vehicle access and parking, stormwater management, public domain and infrastructure

Vehicle access and parking

The development proposes that an indented bay is provided at ground level off the laneway, for use by food delivery and potentially Council's waste vehicle. This bay should only be used by vehicles larger than an SRV, with all other deliveries occurring within the basement, which should be designed to accommodate a SRV.

The swept path diagrams do not clearly indicate that the service vehicle/SRV is able to pass a passenger vehicle (B99) at all locations on the entry ramp between the frontage road and the loading bay. To prevent vehicle conflicts, Council requires the simultaneous movement, including the manoeuvring zones, is provided between the frontage road and the loading bay for a SRV and a B99 vehicle.

For the single lane ramps, details are not provided of the waiting location at either end of the ramp, whereby the 2 vehicles can pass. To minimise vehicle conflicts, these locations need to be documented and appropriate line marking provided.

Stormwater management

The stormwater management plans have not demonstrated compliance with the requirements of Part I of the Willoughby DCP and the associated Technical Standard 1. Items for which compliance is required and which are not currently obtained are:

- The overflow from the on-site stormwater detention (OSD) tank is not compliant and not acceptable. The proposed overflow is piped, which does not comply with Clause 6.2.e of Technical Standard 1 (which specifically prohibits piped overflows), nor with the requirements of AS/NZS 3500.3, which require that the overflow is in a visible location so that it is obvious and the fault can be corrected. Council requires that the overflow from the tank is to ground, either through the top or side of the tank, so that in the event of the outlet blocking and operation of the overflow it is obvious that the tank requires maintenance, which can then occur as soon as possible.
- The report details that the water quality objectives of Clause I.3.5 of the Willoughby DCP and Section 11.2.2 of Technical Standard 1 are not achieved, due to areas bypassing the system. This non-compliance is not acceptable to Council and compliance with the water quality improvement objectives needs to be achieved for the full site area.

Public Domain and Infrastructure

The works will impact the public domain, both through increased pedestrian and vehicle traffic and through damage caused by construction works, including trenching. In addition, a new pipe is required in Albert Avenue extending from the site to the existing Council pipe also in Albert Avenue in order to manage stormwater flows from the site. To mitigate the impacts, the following public domain works should be undertaken by the development:

- New 375mm dia Class 4 RCP stormwater pipe from the site to the existing Council pit in Albert Avenue, approximately 30m to the east of Albert Lane.
- New 1.8m kerb inlet pit in Albert Avenue, at the connection point for the site drainage system.
- Construction of new kerb and gutter in Albert Lane, for the full frontage of the development site.
- Asphalt resheeting of 2.0m wide road pavement in Albert Lane for the full frontage of the development site in Albert Lane, associated with the reconstruction of the kerb and gutter.
- Construction of new footpath / shared paths for the full frontage of the development in Albert Avenue and Pacific Highway. Pavement materials and width to be as per Council requirements for the area.
- Removal of redundant vehicle crossings and replacement with kerb and gutter.

To assist DPHI, a list of engineering conditions addressing the above is provided at Attachment 2.

D. Waste provision

In the latest WDCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils (NSROC, 2018) for multi-dwelling housing, residential flat buildings and mixed-use developments.

- The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.
- The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.
- All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings.

The proposed operational waste management systems at this site are not generally consistent with Council's expectations. Typically, for a development of this size, residential waste servicing by Council is expected to take place on-site, in the basement. It is acknowledged that there are some constraints at this site. Therefore, Council are prepared to consider a waste servicing solution at ground level, via Albert Lane. However, there are a number of issues with the current proposal that should be resolved before this application proceeds, as outlined below.

Waste collection contractor

This development proposes that residential waste collection “will be by a private contractor using a MRV or smaller” (OWMP, Elephants Foot, Rev C, 20/05/2024, p. 12).

Private waste collection of residential waste is not offered or supported by Willoughby City Council for the following reasons:

- No reduction in standard: State Government guides discuss the potential for private collection, however, Council does not recommend this option in the context of ensuring sustainable and efficient waste collection in the Chatswood CBD; although the guidance is also clear that it is not to be used to lessen the standards required by Council. Therefore, private collection is not to be used to reduce Council’s DCP requirements for the size of truck required or any other aspect of the requirements. Most Councils that have pockets of private collection still require HRV access, unless they already have smaller trucks for their own requirements at their own discretion.
- Targets: Council is obliged to meet State Government mandated recovery targets and needs to control the service to meet those targets and have access to the data to understand the trends.
- Contracts: Council has collection contracts for collection and processing for the totality of residential waste generated within the Local Government Area (LGA), in accordance with its obligations to ensure waste service availability.
- Availability charge: Even in private collection, a fee would still need to be levied by Council to the households as an availability charge. Private collection is therefore less desirable for future residents as the cost is substantially higher than if they utilised Council’s service, covered by the availability charge.
- Resident understanding: It is confusing for residents if services offered by Council are unavailable because a certain building has a different collection arrangement.
- Efficiency: Private collection in smaller vehicles is likely to result in more vehicle movements.
- Admin cost: Private collection has a substantial additional administrative component, forcing Council to work with more providers to collect and analyse the data that Council needs to meet its targets.

Council waste HRV access

The development provides swept path analysis suggesting that Council’s waste collection HRV (10.5m long) “could not access Albert Lane and the loading area based on the current road geometry” (Transport and Accessibility Impact Assessment, Stantec, Rev C, 15/05/2024, p. 15).

Council has suggested that Albert Lane could be made one-way for all vehicles to facilitate HRV access to the site, and to allow loading / unloading / servicing to take place in a satisfactory manner. However, this does not appear to have been actioned in the proposal. From a waste perspective, Council’s HRV waste collection truck must be accommodated at the site in order to service residential waste (bins and bulky waste).

It is critical that this is addressed before the application progresses further. Failure to address this matter raises the likelihood that waste provision on the site will not be possible when residents occupy the building.

It is Council’s expectation that servicing occurs on-site, not on any part of Albert Lane, and that the development provides an on-site servicing waste space that is:

- A minimum of 12.5m long to allow for loading / unloading to and from the waste vehicle; and
- A minimum width of 3m to allow for on-site access to the rear of the vehicle.

Recycling chute and bulky cardboard disposal

The current proposal is for two chutes, one for general waste and one for recycling. The OWMP states that “cardboard boxes or large containers should also not be disposed of in the chute” (OWMP, Elephants Foot, Rev C, 20/05/2024, p. 10).

The current proposal does not consider how residents will dispose of bulky cardboard, which makes up a large proportion of the recycling at MUDs in Council’s area. If bulky cardboard waste disposal is not considered, this could cause problems with potentially damaged recycling chutes from residents attempting to dispose of bulky cardboard and dumping of bulky cardboard in residential corridors, which impacts the amenity of residential spaces.

Council does not require a recycling chute and NSROC (2018) states that “current best practice is to have a chute for garbage only” (Section 5.4, p. 48). It is Council’s preference for the development to provide a 240L recycling bin in a waste storage cupboard, on each residential level, where all recyclable materials can be disposed, including bulky cardboard. The 240L recycling bin is also important for recycling disposal in case the recycling chute is broken.

If a recycling chute is desired, this could be proposed in conjunction with a 240L recycling bin for bulky cardboard waste on each residential level. The waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed by considering FOGO disposal (see future point) and bulky cardboard waste disposal.

FOGO waste disposal for residents

The NSW EPA (2022), in the *NSW Waste and Sustainability Materials Strategy 2041 – Stage 1: 2021-2027*, will require the separate collection of food and garden organics from all NSW households by 2023. Although Council does not have a FOGO service currently, Council will be required to introduce a FOGO service in the future.

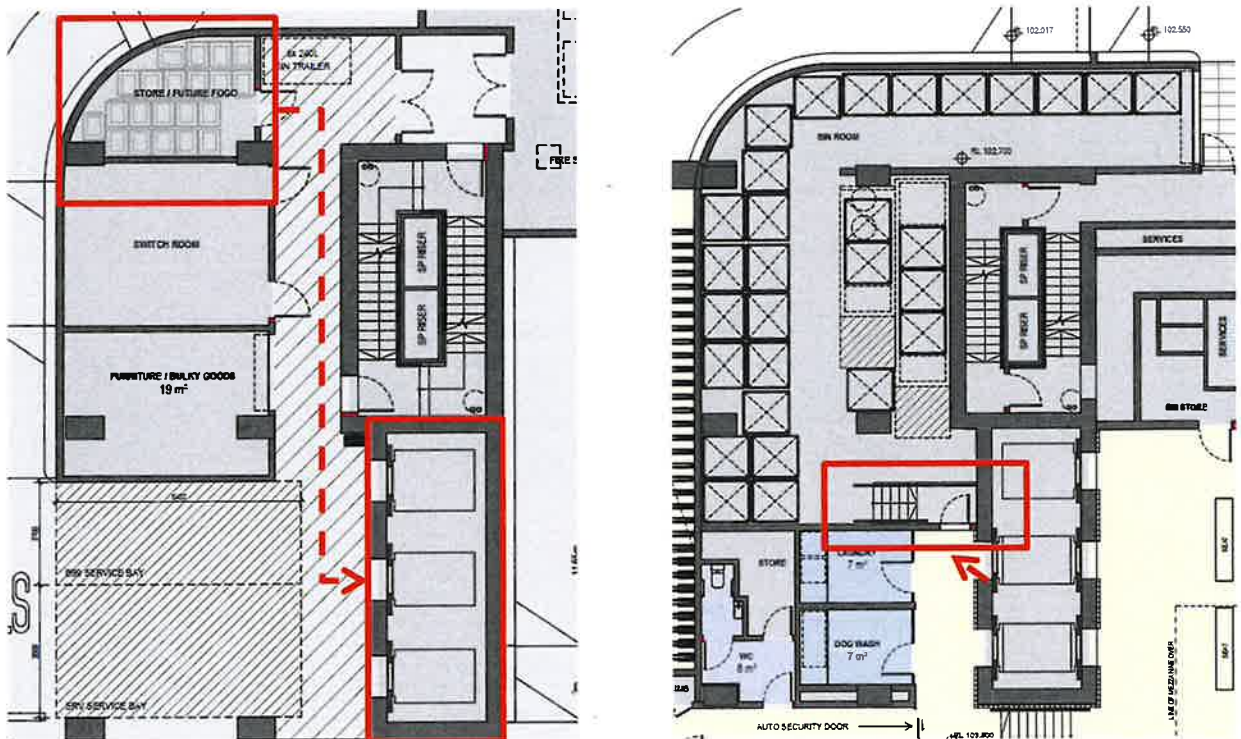
It is acknowledged that the development has begun to consider FOGO waste disposal, which is viewed favourably. However, the current system does not appear to be practical for residents to dispose of food waste. The current proposal, which requires residents to “be responsible for walking their own FOGO down to the communal FOGO bin room” (OWMP, Elephants Foot, Rev C, 20/05/2024, p. 11), is unlikely to work practically. With the convenient disposal for general waste and recycling on each residential level, through waste and recycling chutes, residents are unlikely to travel to the B1 Level FOGO bin room to dispose of food organics. This would lead to food waste disposal in the waste or recycling chutes, leading to the loss of a large proportion of recoverable material and potentially high recycling bin contamination rates. This is not conducive to achieving Council’s improved resource recovery targets and increased diversion of organics waste from landfill (see the *Northern Sydney Regional Waste Strategy 2022* which has been adopted by Council).

It is Council’s preference that there is a FOGO disposal option for residents that is in close proximity to the general waste and recycling disposal options. This would make waste separation and disposal convenient for all residents so they are able to drop-off all waste to one central point. The waste, recycling and FOGO disposal locations for residents (waste chutes or waste storage cupboards on each residential level) should be designed by considering FOGO disposal and bulky cardboard waste disposal, as outlined in the previous point.

FOGO bin carting routes for caretakers

In the current proposal, the FOGO bin room is on the B1 Level, while waste collection is proposed to take place from Ground Level.

The OWMP and architectural plans do not indicate the FOGO bin carting route from the B1 Level to Ground Level. It appears that the caretakers must use residential lifts to cart the bins as there is no back-of-house lift. There also appear to be obstacles (i.e., steps and doors) in the route to cart FOGO bins to the Ground Level bin room for collection or the bins must be carted through the residential lobby. The figures below highlight these issues.



The location of the FOGO bin room should be re-considered so that it is in a suitable location for servicing. If caretakers are still required to cart the FOGO bins, the bin carting route for caretakers should meet the following requirements:

- Be direct and as short as possible;
- Wholly within property boundaries;
- To be solid, concrete and non-slip;
- A minimum of 2m wide;
- Free from obstructions and steps; and
- A maximum grade of 7% for 240L bins, or a maximum grade of 3% for bulk bins.

If bins must be moved to different levels for collection and storage, a back-of-house lift should be supplied.

Bulky waste collection and carting

Similar to the FOGO bin room, the bulky waste rooms cannot be accessed by Council's HRV waste collection vehicle. The location of the bulky waste on the B1 Level, would require bulky waste to be carted to the Ground Level for collection. It is important to consider how this would be done, and if this is a feasible option due to the typical size and weight of residential bulky waste. The current proposal, to collect bulky waste with a private contractor SRV, is not appropriate for Council.

Charity and other recycling waste space

It is Council's preference for the development to provide a 6m² space for charity bins and other recycling, as required in NSROC 2018.

Retail waste storage space

The retail waste generation rates appear to be underestimated in the OWMP. However, with private collection, the tenancy is able to increase the number of collections per week to reduce the number of bins.

The waste space provided for the retail tenancy does not appear to be practical, due to the small size. There is only space for two 1,100L bins, stacked very closely together, back-to-back, without any manoeuvring space (see Figure 1). This suggests that for staff to place items correctly in the waste or recycling bin, one of the bins would need to be removed from the room before the bin at the back could be used. It is not realistic to expect staff to move the bulk bins every time waste is disposed, and this is likely to result in unrecovered recyclables in the waste bin or contamination in the recycling bin.

Council's view is that the application should be amended to provide a retail waste room of a sufficient size to allow the bins to be placed so that staff can use them easily, and do not have to move them frequently.

E. Updated documentation

All plans should, where relevant, should clearly identify the adjusted property boundary after land acquisition by TfNSW.

F. Infrastructure contributions and Affordable Housing

As noted previously, it is Council's view that the intersection upgrades and widening are not only required in full, but should be provided with this development to ensure access arrangements and the required pedestrian infrastructure to connect the site to nearby transport, open space, community facilities and other amenities is available to the residents at occupation.

Council also notes that amendments to the operation of the Albert Lane are likely to be required to ensure waste provision and access to the site can be maintained. These should be provided by the developer prior to occupation of the development.

Council also notes that the introduction of Build to Rent is a significant change to the permissible land uses on the site and this should be accompanied by a requirement to provide Affordable Housing, as is consistent with the LEP requirements for residential development elsewhere in the Chatswood CBD. While Council acknowledges that Build

to Rent is an important part of the future mix of residential offerings required to support our community it does not in and of itself meet the critical and demonstrated need for affordable housing in this location. Council request that analysis of affordable housing provision be undertaken as part of the application to set an appropriate contribution to Council.

Council anticipates the full payment of local contributions applicable and would welcome the opportunity to confirm the requirements under the local contributions plan prior to the finalisation of any relevant conditions, should the issues identified be sufficiently resolved for the application to proceed to the drafting of a consent.
