

ATTACHMENT 1 – Council Submission

SSDA 410-416 Victoria Avenue, Chatswood

1. Site location considerations

The site is located within a prominent and central area of the Chatswood CBD. The site experiences a high level of pedestrian activity to all frontages, being:

- Chatswood Mall to the north of the site which is fully pedestrianised between the Chatswood Transport Interchange and Anderson Street.
- Victor Street to the east of the site which is mostly pedestrianised along the boundary of the site.
- Post Office Lane to the south of the site which is a shared zone providing a service laneway for vehicles and a pedestrian link between the Chatswood Transport Interchange and Victor Street.
- To the west of the site are shops which have a frontage to Chatswood Mall and rear access from Post Office Lane.

The site has an area of approximately 1,050sqm and comprises:

- Lot A and B in DP 406105 (410-414 Victoria Avenue, Chatswood).
- Lot 4 in DP 82303 (416 Victoria Avenue, Chatswood).

Image: Surrounding context



Willoughby City Council 31 Victor Street Chatswood NSW 2067 PO BOX 57 Chatswood NSW 2057

www.willoughby.nsw.gov.au

Phone 02 9777 1000 Email: email@willoughby.nsw.gov.au ABN 47 974 826 099

Map: Site within centre of Chatswood CBD



It is critical that any redevelopment takes into high consideration the location of the site being centrally located within the Chatswood CBD.

In particular, key site location considerations include:

a) Pedestrian character of the immediate vicinity

Chatswood Mall to the north of the site is fully pedestrianised between the Chatswood Transport Interchange and Anderson Street. Victor Street adjacent the site to the east is characterised by significant pedestrian activity, and Post Office Lane to the south of the site is a significant pedestrian connection to and from the Transport Interchange.

Footfall counts for Post Office Lane prior the most recent upgrade indicated that up to 10,000 pedestrians used Post Office Lane each day. Since the upgrade, this figure has risen to 14,000 a day.

It is crucial that the proposal delivers public domain outcomes consistent with the function of the surrounding mall and lane, and that construction is carefully managed to minimise impacts on pedestrians.

b) Post Office Lane

Post Office Lane has traditionally performed a service related function for a number of sites that do not have other vehicle access opportunity. However, since the development of the Metro at Chatswood, Post Office Lane has increasingly become a pedestrian thoroughfare. There exists ongoing tension between vehicle access and pedestrian movement in Post Office Lane. Through the redevelopment process, Council vehicle

activity at ground level in Post Office Lane must be minimised to enhance pedestrian movement and safety.

This SSDA represents the first site backing onto Post Office Lane seeking redevelopment in response to the CBD Strategy and WLEP 2012 Amendment 34.

A review of the SSDA has identified the following key concerns in relation to the impact on Post Office Lane:

- It is noted that hoarding will be installed around the perimeter of the site, including in Post Office Lane during the construction period. More information with respect to the construction management is required to confirm adequate mitigations are in place to maintain pedestrian safety and vehicle access.
- There is currently a motorbike parking area on Post Office Lane (along part of the SSDA site boundary) heavily used by visitors to the CBD and by food delivery drivers. Additional details are required to confirm arrangements during construction and to ensure the retention of this function in this location post-development as an integrated part of the public domain servicing the site..
- The plans show the removal of the extended kerb in Post Office Lane adjacent to the building which was recently built to protect an electricity box. More information is required to ascertain whether this electricity box will be removed or protected in its current location.
- Post Office Lane is an emergency fire exit for the residential towers above the station and cannot be blocked at any time even temporarily. More information is required to ensure Post Office Lane is not obstructed at any time, particularly during the construction period. Any approval must address the need to retain this emergency egress function of the lane at all times.

Council requests that the proposal be amended to address the above issues.

c) Chatswood Mall Market

The Chatswood Mall Market operates directly in front of the site to the north.

The Market has been running for over 20 years, performing:

- A commercial function for stall holders as well as having wider economic impacts to the CBD, both in regards the day time and night time economy.
- A community function being a place for the community to gather, attracting returning customers and providing opportunities to entertainers.
- An important source of revenue for Council, being an approximate profit of 1.4 million per year after expenses.

Map: Chatswood Mall Market



As indicated in the above map, the majority of the Mall is used by the market when operating, involving 41 stall spots and 3 promotion/entertainment spots.

Chatswood Mall Market days are from 10am – 10pm Thursday, Friday and Saturdays weekly (closed on public holidays). On these days, the setting up of the market is from 7.30am and dismantling by 11.30pm, with vehicles driving into the Mall escorted by Council event staff via the vehicle checkpoint in Victor Street. During market operations, stallholders use the checkpoint in Victor Street to load and unload equipment and stock.

Bins are collected by waste contractors at the end of Victor Street on Saturday nights.

On an average day, it is estimated at least 10,000 people would walk through the market area.

The Economic Impact Study (Appendix I) does not take into account any potential negative impacts on the CBD during the construction phase, such as reducing visitation to the three day Mall Market, or reducing the visitation to the CBD as a whole.

In addition, the Transport Accessibility Impact Statement (Appendix P) does not take into account how the construction period will impact the Chatswood Mall Markets.

These documents are required to be updated providing details regarding what mitigation measures are proposed to ensure the Chatswood Mall Markets are capable of operating during the construction period and to ensure impacts are addressed or minimised.

d) A constrained surrounding road network

Victor Street ends in a cul-de-sac and Post Office Lane is a shared zone that ends in a dead end; there is limited space in the road reserve and an extremely high potential for dangerous vehicle-pedestrian conflict. It is critical that the construction period is carefully managed to mitigate this risk, and that the final public domain outcome meets the needs of the mall and lane.

The application does not take into account the unique functional requirements of the adjacent Chatswood Mall and Post Office Lane. The proponent's Economic Impact Study (Appendix I) and Transport Accessibility Impact Statement (Appendix P) should be updated to address:

- Minimisation of the impact of the construction period on the Chatswood Mall Markets.
- Mitigation measures to be undertaken during the construction period to ensure pedestrian safety in Chatswood Mall, Victor Street and Post Office Lane and to maintain wayfinding to and from the metro station.
- Maintenance of the emergence egress routes in Post Office Lane at all times throughout construction.
- Key infrastructure items to be retained or replaced, including public motorbike parking and adjacent electricity infrastructure..

2. Overdevelopment of the site

The below image is from the proponent's Design Report (Appendix H) which shows the proposed building envelope of the development:

Image: Building envelope of proposal as viewed from Chatswood Mall



The proposed development is excessive in bulk and scale. The proposed building envelope is too excessive and situated on an undersized lot that does not meet the minimum lot size requirement. The excessive building envelope and its undersized lot is the primary cause of non-compliances with LEP and DCP controls and objectives, resulting in the following substandard outcomes:

- Non-compliant tower setbacks to all boundaries and a nil setback to the western boundary that will prevent the provision of an appropriate setback to any future development to the neighbouring site to the west. This will result in an excessively bulky form when the neighbouring site is developed reducing amenity to the surrounding sites and high-activity public spaces, including Chatswood Mall, and resulting in a sub-optimal outcome with respect to the future Chatswood skyline.
- The size of the building footprint, despite its non-compliance with the minimum lot size, results in intensification beyond what can be accommodated by the proposed basement, resulting in insufficient waste servicing facilities on site, and exacerbating vehicle-pedestrian conflicts.
- Inadequate space for landscaping and greening for the public realm, particularly the frontages to Victor Street and Post Office Lane.
- The proposed development in its current form will increase traffic movement within Post Office Lane.

Council requests a significant redesign that addresses the above issues.

Council also notes that the image provided portrays a conceptual building envelope for the neighbouring sites to the south at 45 Victor Street and 432 Victoria Avenue, Chatswood. This potentially misrepresents the impact the bulk and scale of the proposed building will have in its context noting that the surrounding buildings are likely to be taller than illustrated.

Council requests that the proposal is significantly redesigned to reduce the bulk and scale of the form, providing a more slender tower more in keeping with the intent of the controls and the desired future character and skyline of the Chatswood CBD and to ensure the amenity and impact of the future development on the neighbouring site can be accommodated.

3. Minimum lot size

The subject site is 1,050m², which is below the minimum lot sizes for commercial and mixed use development in the Chatswood CBD under clause 6.16 of the WLEP 2012. In the E2 zone, the minimum lot site is 1,800m² for commercial or non-residential development – noting that residential or mixed use is not permissible and at the time the control was established, Build-to-rent development was not permissible. In the MU1 Mixed zone, which does consider the requirements of residential and build-to-rent development, the minimum lot size is 1,200m² for mixed use developments. Under the WDCP, Part L, 4.3 Controls for Chatswood CBD, 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.

The minimum lot sizes are the expected development lot size for the Chatswood CBD, originating from the CBD Strategy and now transitioned into WLEP 2012. The subject site is below the minimum lot size in the E2 zone by 750m² and below the minimum lot size for MU1 Mixed use development by 150m².

This is not merely a technical matter of numerical non-compliance; the minimum lot size control was specifically designed to work with the approved heights and setbacks in this location to deliver the appropriate built form and ground level outcomes. In particular, maximising ground level activation while minimising vehicular-pedestrian conflict points, and ensuring tall slender towers allowing adequate light and visual corridors to key public spaces such as Chatswood Mall. The fact that the State Government introduced permissibility of Build-to-rent development after the relevant controls were adopted should not have the un-intended consequence of undermining the existing site based controls that ensure appropriate outcomes are delivered, commensurate with the needs of the location.

To ensure Build-to-rent developments do not provide compromised levels of amenity to future residents and users of Chatswood CBD, they should not be exempt from meeting the objectives and controls designed to ensure minimum standards of amenity and deliver appropriate built form that functions within its context.

4. Tower setbacks

The WDCP, Part L: Placed Based Plans, Section 4.3 Controls for Chatswood CBD, 4.3.4 Setbacks and street frontage heights, b) 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
- a total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side
- a total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side

Compliance with Council's controls would require a 152.2m high tower to have a 7.61m setback. Refer below in the Design Excellence section of this report (point 8) for **Image: WDCP setback requirements.**

The proponent has provided tower setbacks above the podium as follows:

- 6m setback to Victoria Avenue / Mall
- 6m setback to Victor Street
- 5m Setback to Post Office Lane
- No setback to western property boundary

Image: Presentation to Victoria Avenue/Mall



The proponent is proposing to vary the setbacks as follows:

- Victoria Avenue/Mall: A reduction of 1.61m
- Victor Street: A reduction of 1.61m
- Post Office Lane: A reduction of 2.61m
- Western property boundary: A reduction of 7.61m (a nil setback)

The proponent's Environmental Impact Statements states (p. 74):

The proposed development provides a contextual and appropriate response to building setbacks and separation requirements. This has been informed by a detailed site and urban analysis in conjunction with Council and GANSW, as part of establishing the parameters for the Design Excellence Competition. As part of this process, guidance was taken from the WDCP, where appropriate. In other instances, a more context specific response to the constraints of the Site, the nature of the Proposal and the existing and likely, future character of surrounding developments. This was reinforced by the Applicant's commissioning of the Urban Design Study, which made a series of recommendations regarding appropriate building envelope and setbacks at the Site

Below are architectural plans which show the floor plans for the tower:



Image: Level 6 Floor Plan – tower setback distances are the same up to level 44

Concern remains regarding the provision of no setback to the western boundary.

The CBD Strategy, WLEP 2012 and the WDCP establish an expected future built form for redevelopment in the Chatswood CBD. Presentation to the north is crucial in this case, due to the importance of Chatswood Mall as a high amenity, highly trafficked, public open space, critical to the function and amenity of the wider CBD.

- Council in particular refers to the Explanatory Note accompanying WDCP, Part L: Place based Plans, 4.3 Controls for Chatswood CBD, 4.3.1 Built form, d) Slender towers:
 - 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.

- Different controls are provided for non-residential development compared to residential development in order to encourage non-residential development in the Commercial Core zone. The CBD Strategy did not envisage a build-to-rent residential land use utilising the more generous controls intended for non-residential development. As noted above, the subsequent introduction of Build-to-rent into the CBD, after controls had been implemented on the basis that development would be limited to non-residential land uses, should not be the basis for compromised outcomes. The objectives setting out standards for residential buildings should be enforced to ensure the residents of the Build-to-rent development and the future users of the neighbouring sites, enjoy the minimum standards of amenity expected by the community.
- Controls were intended to be read together and not in isolation. More generous controls such as the maximum floor plate size are still required to be accompanied by other controls such as slender towers (even in the commercial core), setbacks and appropriate loading and unloading solutions. Given the detrimental impacts of the bulk and scale of the proposed, the focus on floor plate size controls over setbacks is considered inappropriate.

Council is seeking a substantial re-design reducing the proposed tower floorplates to allow a slender tower form with improved setbacks commensurate with the proposed height and desired future character of the location.

5. Height

The proposed RL 246.8m height would be supportable in the absence of associated issues. As noted, the proposed development would result in a range of unacceptable impacts, and therefore, consideration should be given to a reduced height, if other options for redesign cannot address these impacts.

Council seeks a revised proposal that significantly reduces the bulk and scale of the form, providing a more slender tower more in keeping with the intent of the controls and the desired future character and skyline of the Chatswood CBD.

6. Floor space ratio

The SSDA seeks a floor space ratio (FSR) of 17.6:1. As noted above, Council considers the proposal to be an overdevelopment of the site, particularly given that it has not been amalgamated as was envisioned when establishing the relevant controls. In order to address the impacts of the proposal it would be expected that a lower floor space ratio results. Council acknowledges that housing delivery is critical to addressing current challenges and future needs. However, housing supply should not be at the expense of housing quality.

The proposed overdevelopment of this site would result in future residents of the development and the surrounding area experiencing sub-standard outcomes, sub-standard loading and waste servicing, a high likelihood of dangerous vehicular-pedestrian conflicts, and a compromised ground plane lacking the amenity and

activation commensurate with the character of the Chatswood CBD. Residential FSR should still meet the relevant standards required to ensure the amenity of the community.

Redesign recommendation similar to previous.

7. Vehicle access and appropriate loading/unloading arrangements

Council officers do not support the vehicle entrance and unloading/loading space off Post Office Lane. An improved urban design outcome is required for the south-eastern corner of the site at the intersection of Victor Street and Post Office Lane, a predominant location that impacts thousands of residents and visitors.



Image: ground floor plan showing vehicle turntable and unloading/loading area off Post Office Lane

Post Office Lane experiences up to 14,000 pedestrians a day. It is also used for servicing vehicles for surrounding properties and an emergency access route for the residential towers above the metro station. Council officers seek a solution commensurate with the pedestrianisation of Post Office Lane to significantly improve pedestrian access and safety, whilst ensuring vehicle access is maintained to surrounding properties.

Council notes that the site to the South is currently under-developed; there is a significant opportunity for consideration to be given to shared servicing of the two sites. Such outcomes such as shared basements should be encouraged and facilitated by government to address the constraints of CBD developments and to deliver the improved amenity residents expect from new developments. Council would be supportive of efforts to work with both the developer of the current site, and the owners of the site to the south to facilitate this outcome. This would require the support and direction of the State Government as the determining authority for this application.

If basement access from 45 Victor Street cannot be achieved, it is requested a basement entrance off Victor Street be considered. This will result in significantly safer outcomes for pedestrians in Post Office Lane and the surrounding vicinity.

Council officers do not support vehicle access and the unloading/loading space off Post Office Lane as proposed. Council is seeking support from the State Government to facilitate discussion with the neighbour to the south to achieve shared servicing of the two sites. If this cannot be achieved consideration should be given to redesigning the access to reduce the impact on Post Office Lane.

8. Design Excellence Process

The proponent has engaged Council officers seeking feedback on a number of issues, with particular regard to the presentation of the development from Chatswood Mall, the configuration of the ground floor and public domain. Council's response to the proponent is provided in **Attachment 2**.

A background urban design study, dated 21 December 2023, was prepared by AJC Architects on behalf of Novus to inform a design competition. The report states:

The objective of the report is to help direct future design outcomes by providing recommendations about setbacks and building envelopes for both the Site and its expected future context.

The report focuses on the wider superblock the design competition site is within, being the properties adjoining the north and south sides of Post Office Lane

The AJC Study examined setbacks consistent with WDCP (p. 25) as shown on the next page.

Image: WDCP setback requirements by AJC Architects



The AJC Study made recommendations around tower setbacks and separations as shown in the below image:



Image: Recommended tower setbacks and separations by AJC Architects



No tower separation was recommended to the west (and the Interchange), resulting in a wide wall approximately 60m presenting to Chatswood Mall. This 60m wide wall would involve a height of RL 246.8m or approximately 152m presuming development is proposed to the maximum height.

The AJC report also provides an image showing an indicative envelope, with a significant height on the SSDA site, and significantly lower height to the western neighbour and surrounding.

Image: Indicative envelope - aerial view of possible height



The Competitive Design Process Report, dated 31 July 2024, prepared by Ethos Urban on behalf of Novus, states:

The Jury acknowledge Competition Entries are concepts only and any technical resolution is preliminary. It is understood, while maintaining design integrity, the Fender Katsalidis scheme must undergo design development, address technical items and Jury recommendations in concert with other outstanding matters to demonstrate the achievement of design excellence in any subsequent detailed SSDA (p. 19)

...the scheme is the most capable of achieving design excellence as per the statutory requirements.

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 (p. 20)

Council comments

A number of concerns are identified by Council with the AJC Study:

- While the AJC Study acknowledges the required setbacks, an alternative approach to setbacks is provided on the SSDA site, based on a super block one tower approach with the neighbouring site immediately to the west. The rationale for the setbacks arrived at is considered unclear and unconvincing.
- Development combined with neighbouring sites was not envisaged in the CBD Strategy, which in directly opposition to such an approach, seeks slender forms with increased setbacks as height increases.
- The Image: Indicative envelope roof plan shows:

- An approximately 60m wide wall presenting to Victoria / Chatswood Mall, which if developed at the permitted maximum WLEP 2012 height, would be 152m high.
- Greater setbacks on the neighbouring sites to the west, greater than what is shown on the SSDA site.
- The Image: Indicative envelope aerial view shows a much greater height on the SSDA site than on the neighbouring sites, in particular the site to the west where no setback is proposed. It is reasonable to assume that the neighbouring site in the future will be seeking the permitted maximum height under WLEP 2012 (RL 246.8m or 152m), similar to the SSDA site. By providing a significantly lower height to the properties to the west, the AJC study seems to acknowledge that a 152m shared wall represents a undesirable outcome, but fails to address this issue on the site or explain convincingly why the mitigation in the form of a reduced height should be entirely on the adjoining site.
- The AJC Study did not examine options around lower height and lower setbacks, in accordance with the CBD Strategy and WDCP, Part L: Place Based Plans.

Council advised the proponent on 23 December 2024:

- Officers encourage basement connectivity with 45 Victor Street. It should be noted that any basement going under Post Office Lane (being a public lane beyond the boundary of any private land) will require appropriate actions under the Roads Act, and agreement with Council (reporting to a Council meeting and subsequent endorsement).
- On-site loading is expected. None of the options provide information on how loading from a HRV will be managed, noting that these are common to service residents moving in and out. None of the options provide clarity on how Council's waste collection is to be accommodated.
- The information provided appears to show a maximum turntable size of 9m diameter (241204_Victoria Avenue Presentation p6). Another diagram (p8 as well as 241204_Public Domain Investigation) appears to show 6.5m diameter. Neither of those are big enough for a 10.5m HRV to wholly fit on the turntable and the relevant clearances are not demonstrated:
 - Vertical: at least <u>4.5m</u>
 - Rear: at least <u>2m</u> within the collection area behind the truck parking space; an unobstructed loading zone behind the vehicle for the loading of 660L and 1,100L bins.
 - Side: at least <u>0.5m</u> on either side of the vehicle within the collection area truck parking space for driver movements and accessibility.
- Concern is raised that Council has been given aspects of the development to provide comment on but has not been provided the whole proposal.
- Council does not have information showing tower setbacks to Victoria Mall, Victor Street, Post Office Lane and the neighbouring property to the west.
- The intention of Council's CBD Strategy and controls is for tower separation between sites and not for independent sites to be combined at some stage in the future. Tower separation is expected with the site immediately to the west of the subject site.

The proponent responded on 7 January 2025:

The tower setbacks will be consistent with the outcome of the Competitive Design Process, which in turn was informed by a detailed and extensive consultation process with Council, GANSW and DPHI which commenced in October 2023 and included the preparation and endorsement of a site-specific Urban Design Study prepared by AJC Architects.

Council officers further advised the proponent on 10 January 2025 (DPHI copied in):

To provide clarity for all parties

- The statement "The tower setbacks will be consistent with the outcome of the Competitive Design Process, which in turn was informed by a detailed and extensive consultation process with Council" is questioned.
- There has been no meaningful review and contribution by Council officers regarding tower setbacks that vary the expected and established required tower setbacks for this site in WDCP and envisioned in the Chatswood CBD Planning and Urban Design Strategy 2036.
- A proponent is required to justify any non-compliance/deviation from the statutory controls throughout the SSDA process. This should address how a better outcome is achieved compared to what is expected under the statutory controls.
- The AJC Urban Design Study is a proponent prepared document, and not any form of endorsed/acknowledged regulatory control document.
- The AJC Urban Design Study and competitive design process outcome does not remove the applicability of endorsed/acknowledged regulatory control documents and their consideration by a consent authority.
- Any Council presence in the competitive design process is as an observer only and should not be taken as Council endorsement of any kind.

In Council's view, it is critical the above points are clear in the preparation of this SSDA (including all relevant documentation), and available as part of the public exhibition process.

Tower setbacks represents one of a number of important considerations for any redevelopment on this site and is connected to Council concerns regarding overdevelopment of the lot at the lot size proposed.

It is requested that Novus work with Council having meaningful regard to the above.

The Design Excellence Process does not include consideration of the merits of compliance or non-compliance with Council controls and assumes a separate process will address these planning considerations. It does not provide justification for the proposed non-compliance, nor does it address the objectives of the relevant controls sufficiently to inform a merit assessment without additional justification.

The Design Excellence Process informs an application and a consent authority, among a number of elements to be assessed – with any scheme subject to change under the SSDA and in response to the exhibition and subsequent submissions. It does not presume

approval of the competition scheme in the SSDA and it is Council's view, that in this case, the scheme requires significant amendments.

A detailed 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 having particular regard to the location of this site. The Design Excellence Process does not address all matters that need to be assessed in this application, with particular regard to tower setbacks and the visual impact facing Chatswood Mall, vehicle access and loading/unloading issues, a shortfall of non-residential floor space and public benefit.

Council has previously raised concern, and continues to raise concern, with DPHI regarding the over-reliance on Design Excellence Process outcomes to justify significant non-compliances resulting in detrimental impacts and proposals that fall short of the objectives of the relevant planning controls. The Design Excellence Process allows for further, more holistic assessment, and in this case, that assessment should result in a significant redesign of the proposal.

The Design Excellence Process does not comprise of a detailed assessment against the planning controls and does not presuppose that the application warrants approval. Noting the specific role of the Design Excellence Process, Council officers request that appropriate consideration for the key planning issues raised in this submission and that significant redesign occur incorporating the comment provided by the Design Excellence Panel.

9. Inadequate provision of non-residential floor space

The subject site is zoned E2 Commercial Core. The CBD Strategy intended only commercial and retail uses would be permissible in the commercial core to build and strengthen Chatswood CBD as a major commercial centre that provides local employment, retail and services for the community.

Clause 6.25 of the WLEP 2012 requires development for shop top housing in land zoned MU1 Mixed Use to provide 17% of the gross floor area for non-residential purposes.

The proposed development provides a total gross floor area (GFA) of 18,475m² consisting of:

- 16,318m² residential floor space.
- 1,047m² residential amenity floor space.
- 1,110m² retail floor space.

The SSDA proposes 94% residential floor space and 6% non-residential floorspace over the whole proposed development. This is not consistent with the land use mix Council has planned for either the E2 or MU1 zones within the Chatswood CBD.

The Character Statement for the Chatswood CBD within the WDCP states the following objective for the E2 Commercial Core of the CBD:

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.

In order to achieve this objective, the CBD Strategy identified a minimum no-residential component of 17% is necessary to provide a mixture of commercial and retail floor space for local employment and servicing the community.

Concern is expressed with such a low non-residential component (6%). The proponent and DPHI are requested to consider a larger non-residential component.

With the provision of additional housing through State Government pathways, the planned capacity for commercial and retail space within the CBD is reduced. The request for a minimum of 17% non-residential floor space is necessary to achieve the CBD Strategy objective of providing a necessary mix of land uses required to deliver a functioning and vibrant CBD. The development is capable of providing 17% non-residential floor space.

The proposed development is capable of accommodating non-residential floor space within the podium and tower. The Chatswood CBD Strategy does not require all non-residential floor space within podium levels, and there is no reason that non-residential floor space cannot be provided within tower forms. Non-residential land use within tower levels is encouraged where necessary to meet non-residential land use expectations established in the CBD Strategy.

Chatswood's continued success as a CBD will require a variety of non-residential spaces within towers and podiums. It is crucial that local employment opportunities are provided to maximise local employment, increase retail activity, minimise traffic congestion, and provide a wide variety of services to the community.

While it is acknowledged that the market is currently exhibiting a strong preference for residential uses, over the life of the building, as the Chatswood CBD grows, so too will demand for non-residential space to service the larger community and capitalise on local employment.

The CBD Strategy intended only commercial and retail uses would be permissible in the commercial core to build and strengthen Chatswood CBD as a major commercial centre that provides local employment, retail and services for the community.

The SSDA proposes 94% residential floor space and 6% non-residential floor space.. This is not consistent with the land use mix planned for the E2 or MU1 zones within the Chatswood CBD.

Council requests the proponent to provide a minimum 17% non-residential floor space to ensure the Chatswood CBD continues as a major commercial centre that provides local employment, retail and services for the community.

10. Landscaping and greening of the site

The existing development on the site currently provides no deep soil zones or landscaping. The proposed development presents an opportunity to provide a significant improvement to the public realm in a centrally important location within the Chatswood CBD.

The current proposal includes high-level concept plans for public domain upgrades associated with the redevelopment of the site. Council would support conditions of consent requiring upgrades to Council's satisfaction; Council would be seeking significant refinement and redesign noting that the concepts do not adequately address both the need for landscaping and greening and the function of these public domain areas.

The below image shows the conceptual plans for the public domain in Victor Street:



Image: Ground Floor Plan

There are existing street trees located within the public domain along the Victor Street and Victoria Avenue pedestrian plaza fronting the development. These trees are to be retained and protected throughout construction works.

Landscape Provision

There is a discrepancy between the landscape areas shown on the landscape plans and those indicated in the architectural plans. The lower figure shown in the landscape plans has been adopted for assessment purposes. The total landscaped area provided within the proposal is 298 m², equating to 28% of the site area. This meets the minimum requirements of WDCP Part L.

Outdoor open space areas on Levels 02, 06, and 23 exceed 20% landscaping to outdoor communal spaces in line with the WDCP Part D objectives.

Planting for Wind Mitigation

The Pedestrian Wind Environment Study (Appendix N) recommends the use of dense planting for wind mitigation.

The proposal includes retention of existing trees along Victor Street and Victoria Avenue; however, it is noted that the existing species—Ulmus parvifolia (Chinese Elm)—is deciduous, not evergreen, as stated in the documentation. As such, this species does not meet the wind study's recommendation for dense, evergreen planting and may be inadequate for year-round wind mitigation. If the deciduous trees are determined to be unsuitable, alternative wind mitigation measures at ground level may need to be considered.

The proposed planting plan incorporates species of appropriate size and density for effective wind mitigation. Conditions of consent should require the provision of dense screen planting capable of achieving a minimum height of 1.5 metres in the planters located on Levels 02 and 06, in the areas identified in the wind study.

It is noted that the wind study did not provide specific recommendations for the outdoor open space on Level 23. The planting to this level incorporates a similar mix of planting as the lower terraces.

Noting again the intensity of pedestrian activity around the site wind mitigation is a significant issue that requires further attention including a more detailed public domain plan.

The current proposal includes high-level concept plans for public domain upgrades associated with the redevelopment of the site. Council would support conditions of consent requiring upgrades to Council's satisfaction; Council would be seeking significant refinement and redesign noting that the concepts do not adequately address both the need for landscaping and greening and the function of these public domain areas.

Further consideration of potential wind mitigation requirements within the landscaping and in the building design is required.

11. Affordable housing

The subject site is not identified on the WLEP 2012 Affordable Housing Map.

Land within the commercial core of the Chatswood CBD is not identified on the Affordable Housing Map as it was envisioned no residential development would occur in the commercial core as planned by the Chatswood CBD Strategy.

The introduction of build-to-rent to the commercial core is a significant change to the permissible land uses on the site and this should be accompanied by a requirement to provide contributions to affordable housing, as is consistent with the LEP requirements for residential development in the Chatswood CBD. While Build-to-rent provides housing choice in terms of tenure, it is not in and of itself sufficient to address the affordability challenges facing the community and should be subject to appropriate affordable housing contribution requirements.

Council's preference is for dedication of built affordable housing units, however Council's controls provide flexibility for payment of a monetary contribution. In the event this option is chosen, the appropriate figure is determined as follows:

- A figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice.
- A date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided.
- The most recent WCC average unit size as published by Council must be assumed for the purposes of the calculation as at 1 Feb 2025 this figure is 100m2.

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 or a monetary contribution towards affordable housing, as is consistent with the LEP requirements for residential development in the Chatswood CBD.

12. Infrastructure provision

Council anticipates the full payment of applicable local contributions and welcomes the opportunity to confirm the requirements under the local contributions plan prior to the finalisation of any relevant conditions, should the application to proceed to the drafting of a consent.

Council also seeks for the proponent to outline the rates that will be paid as a build-to-rent development, compared to the rates to be paid as a mixed use residential and non-residential development.

Council anticipates the full payment of applicable local contributions and welcomes the opportunity to confirm the requirements under the local contributions plan prior to the finalisation of any relevant conditions, should the application to proceed to the drafting of a consent.

13. Public art

It is noted that the SSDA does not address Council's WDCP and Public Art Policy. The WDCP, Part L: Placed Based Plans - *3. Public art and prominent corner sites* states:

To enhance the visual appearance of buildings in gateway or highly visible locations such as prominent street corner sites, major developments such as retail centres or shop top housing should make provision to integrate public art and/or unique façade treatment.

A major development proposal may need to include an art plan that identifies opportunities to integrate public art in line with Willoughby City Council's public art policy.

The Willoughby Public Art Policy is based on the following from Our Future Willoughby 2032:

- A City that is connected and inclusive:
- 1.2 Respect and celebrate our history and heritage sites
- 1.3 Celebrate and encourage our diversity
- A City that Is liveable:
- 3.4 Create desirable places to be and enjoy
- 3.6 Activate local spaces in creative ways

In Council's view, the SSDA does not address public art in a satisfactory manner.

Council would be supportive of a public art contribution consistent with the Willoughby Public Art Policy, noting that it would be Council's decision whether any public art contribution would be appropriate on-site or whether a contribution towards another location would be of greater public benefit. This decision would be made having regard to the details of any offer made.

Consistent with the above, and as advised by Council's Urban Design Specialist, the following is required:

- a) A Public Art Plan, detailing:
 - Artist selection process
 - Public Art Brief
 - Including location
- b) A Public Art Strategy
 - Clearly outlining the following
 - Demonstration of Excellence
 - Including composition of the Public Art Panel comprising:
 - Developer representative (PBD)
 - Willoughby City Council representative (Urban Design Specialist and Arts and Culture Manager)
 - Independent Art Specialist (TBA)
 - Including project budget with breakdown:
 - Project (building) CIV
 - Public Art budget

- Addressing public art ownership as follows:
 - Dedication of the Public Art to the people of Willoughby
 - Agreement between Developer/Body Corporate and WCC regarding ownership
 - o Artist Rights
 - Deaccession Plan/Agreement as noted in the Public Art Strategy document
 - Maintenance regimen and responsibilities
 - Expected annual maintenance budget
 - Insurances
- c) Prior to occupation certificate:
 - Agreement between the Developer/Body Corporate and WCC clearly identifying the following:
 - Dedication of the Public Art to the people of Willoughby
 - Agreement between Developer/Body Corporate and WCC regarding ownership
 - Artist Rights
 - Deaccession Plan/Agreement
 - Maintenance regimen and responsibilities
 - Expected annual maintenance budget
 - Insurances

Public art should be conditioned in any approval.

Council supports art on site or as part of the building – however this is separate to public art.

Council is seeking public art consistent with the Willoughby Public Art Policy, noting that it would be Council's decision whether any public art contribution would be appropriate on-site or whether a contribution towards another location would be of greater public benefit. This decision would be made having regard to the details of any offer made.

14. Building sustainability

Council recently exhibited amendments to the WDCP from 17 March to 22 May 2025. These proposed amendments provide clarity on Council expectations regarding sustainability standards for new development across the Chatswood CBD. The additional sustainability requirements proposed in a new section are outlined below:

4.3.5 Building Sustainability

a) MU1 Mixed Use Zone

All development is expected to achieve higher building sustainability standards. A minimum of 5 stars GBCA building rating is required. A higher rating is encouraged. An assessment report is to be submitted at Development Application stage.

b) E2 Commercial Centre Zone

All development is expected to achieve of higher building sustainability standards. A minimum of 6 stars GBCA building rating is required. A higher rating is encouraged. An assessment report is to be submitted at Development Application stage.

These amendments are expected to be reported to the June 2025 Council meeting for finalisation.

The intention of the proposed inclusion of a new section on Building Sustainability is to ensure that these minimum sustainability requirements, already required as site-specific provisions, are provided for all new applications in the Chatswood CBD, reflecting the aspirations of the CBD Strategy for higher building sustainability standards accompanying the significant density and height uplift provided.

The proposed SSDA has not provided certainty regarding the expected minimum 6 star GBCA rating or the equivalent as the minimum sustainable building outcome for this site, located in the E2 Commercial Centre zone.

Council seeks a clear commitment, consistent with exhibited WDCP amendment (soon to be finalised), for a 6 star GBCA rating or the equivalent for the proposed SSDA development. Furthermore, Council seeks for any approval to contain conditions of consent requiring a 6 star GBCA rating or equivalent.

The SSDA has not provided certainty regarding the expected minimum 6 star GBCA rating or the equivalent as the minimum sustainable building outcome for this site.

Council seeks a clear commitment, consistent with exhibited WDCP amendment (soon to be finalised), for a 6 star GBCA rating or the equivalent for the proposed SSDA redevelopment. Council seeks for any approval to be conditioned in this regard.

15. Waste disposal

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

- The NSROC technical guide (NSROC 2018) provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.
- The NSROC development controls (NSROC 2018a) 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 development corresponds to the high-rise definition in NSROC 2018 (NSROC, 2018, Section 1.2) and it is a mixed-use development. The proposal should conform to NSROC (2018) particularly including:

- Section 3 Requirements that apply to all developments; and
- Section 5.3 Residential flat buildings: high-rise; and
- Section 6 Mixed-use development.

This SSDA does not satisfy the minimum requirements for waste management in the Willoughby DCP 2023 (Section 4.3.8) and Northern Sydney Regional Organisation of Councils (NSROC) 2018 Waste Management Technical Guide and Development Controls. Waste-related comments for the proposed development are outlined below.

Collection of residential waste: bins and bulky waste

Council is required to service residential waste, including bins and bulky waste. The proposal seeks private collection of residential waste with a non-compliant standard of design for waste collection.

Council has a legislative responsibility to collect residential waste (NSROC 2018, Section 3.1.1). Private waste collection of residential waste is not supported by Willoughby City Council. NSW Government (NSW EPA 2019, Section 2.4 – Better Practice Guide for Resource Recovery in Residential Developments) guidance also notes:

The waste management systems and the location of the collection point should always be designed so that the council can provide the standard domestic waste management service for the life of the building. Some councils do not allow private contractors to service residential dwellings... If a private contractor is planned, the relevant council may still require that the design of the waste storage area comply with its specifications.

For a development of this type, it is expected that:

- The design of the waste storage areas comply with Council's requirements.
- Residential waste will be serviced by Council and takes place on-site (NSROC 2018, Section 5.3), in the basement (or Ground Level) with Council's waste HRV (10.5m long, with 4.5m height clearance).

Onsite collection with a Heavy Rigid Vehicle (HRV) is not demonstrated contrary to the Willoughby DCP 2023 Vehicular Access Requirements (NSROC 2018, p34, Table 11). Council expects the waste HRV to enter and exit the site in a forward direction. The vehicle (HRV) should not reverse over the property boundary and needs to be able to exit in a forward direction if any turntable is not operational.

The proposal includes a maximum turntable size of 6.5m diameter (FKAustralia - Architectural drawings, 2025, Rev A, DA100 – Ground Floor Plan). It is not large enough for a 10.5m HRV to wholly fit on the turntable and the relevant clearances are not demonstrated. It is not demonstrated that the Council truck could exit if the turntable was not functional. Council requires clearances from AS2890.2:2018 with clarifications of:

- Vertical: at least <u>4.5m</u> throughout the swept path.
- Rear: at least <u>2m</u> within the collection area behind the truck parking space; an unobstructed loading zone behind the vehicle for the loading of bulk bins (660L or 1,100L) and bulky waste.
- Side: at least <u>0.5m</u> on either side of the vehicle within the collection area truck parking space for driver movements and accessibility.

In addition, there are no waste collection holding rooms shown adjacent to the turntable, but a refuse/goods lift is shown. With onsite collection, the residential waste collection holding rooms (one for bins and one for bulky waste) need to be located within 2m of the truck parking area. The Council collection team should not be required to collect bins or bulky waste up through a lift.

Collection of non-residential waste: bins

The Willoughby DCP 2023 through NSROC 2018 (Section 6, page 51) permits private collection for non-residential waste:

Council will service the residential component of the development but is not required to service the commercial component. A private waste contractor may service the commercial part. They may have larger bins and trucks, so it is important to ensure your design can accommodate a heavy ridged vehicle including ceiling height clearance.

Council does support smaller vehicles for non-residential (commercial) waste collection, particularly an MRV. The vehicle should not reverse over the property boundary and needs to be able to exit in a forward direction if the turntable is not operational. Collection can be more frequent (up to 3 times per week is preferred) for each of waste and recycling and any other potential services proposed; commercial organics would be considered favourably.

Loading dock location

Apart from not accommodating the required HRVs, the proposed dock appears to have substantial risk of conflict between:

- Waste trucks: there would be at least:
 - o Residential waste:
 - Four Council waste trucks on one day for residential waste: general waste, recycling, organics and bulky waste. These trucks generally arrive in the mornings around similar times as they complete their runs
 - One Council waste truck on one day for the second weekly pick-up of residential general waste.
 - Non-residential waste
 - Two non-residential waste trucks per day on five days per week: waste and recycling
- Other trucks such as deliveries.

There does not appear to be anywhere for trucks to wait and without any bin holding rooms adjacent to the loading area, the proposal (OWMP 2025, Rev C, Section 5.5) appears to require collection staff to exit the vehicle, go down a lift and bring bins and bulky waste up and take the bins back down. While not compliant, if it did occur it would take a long time

and it appears that the turntable would be occupied for that duration preventing access to other waste trucks and delivery vehicles. The proposal does not appear to be safe and practical and does not meet the requirements of the Willoughby DCP 2023 (NSROC 2018, e.g., Section 3.13.4, Table 10).

Bin storage area sizes

The OWMP (2025, Rev C, Table 7: Waste Room Areas) provides sufficient space for bins and bulky waste. However, it does not clearly demonstrate consideration of sufficient storage space for:

- The additional space needed in bin rooms for any equipment that may be required (chutes, compactors, bin lifters, bin tugs etc) above the amount of space required for bins.
- Charity waste and other recycling space, where 6m2 is required (NSROC, 2018, e.g., Section 3.12.1).
- Locations for temporary holding of bins for collection within 2m of the loading area.

A bin lifter may be required to decant bin contents from the residential on-floor chute room cupboard bins into the bulk recycling bins for collection, unless the residential on-floor chute room cupboard bins are bulk bins (660L or 1,100L bins) that would be the same bins collected. It is typical that residential on-floor chute room cupboard bins are 240L bins, but this is not clear in the OWMP (Rev C). The OWMP (2025, Rev C, Section 5.4.1-Residential General Waste and Recycling Disposal Procedures) states "Cardboard cupboards on each floor for bulky cardboard waste/irregular shaped items are present for disposal".

Charity waste/other recycling area

The OWMP (2025, Rev C) does not include charity and other recycling space (6m²), which is required in the Willoughby DCP (NSROC, 2018, Section 3.12.1).

Internal residential waste

The proposal is not clear that there is a provision for space allocated inside each residential unit for source-separation with capacity for two days waste generation (NSROC 2018, Section 3.8).

Waste storage conditions and amenities

The proposal is not clear that all of the required conditions and amenities for communal bin storage areas (e.g. NSROC 2018, Section 3.10.3, Table 8) have been met, including location, drainage, taps and aisle width, access, door widths of a minimum of 2.5m (2,500mm) wide. This should be shown on the architectural plans.

Summary of other design requirements

The below provides a summary of other design requirements. This is not an exhaustive list and the proposal should refer to and accommodate the Willoughby DCP 2023 and using NSROC 2018 for all developments (Section 3), residential high-rise flat buildings (Section 5.3) and mixed-use developments (Section 6).

- Waste generation rates should be based on NSROC 2018 (Section 3.6) for the residential and non-residential components.
 - **Residential waste generation rates**: The OWMP (Rev C, Table 1) does appear to meet or exceed these requirements:
 - General waste: 140L/unit/week
 - Recycling: 120L/unit/week
 - Organics: Instead of the Willoughby DCP (2023) requirement for 120L/unit/week of organics capacity, Council does consider the NSW EPA (2019) Better Practice Guide for Resource Recovery in Residential Developments (Table F2). This requires a calculation using:
 - Studio, 1-bed or 2-bed unit: 25L/unit/week (257 proposed in the architectural plans "Project Summary").
 - 3+ bed unit: 50L/unit/week (3 proposed in the architectural plans "Project Summary")
 - Bulky waste, 10m2 per 40 units and thereafter 2m2 per additional 10 units, or part thereof.
 - Non-residential waste generation rates: The OWMP (Rev C, Table 3) does appear to meet or exceed the total requirements. However the following would be considered favourably:
 - More non-residential recycling capacity.
 - A non-residential organics bin collection service.
 - A less frequent collection such as 3 times per week.
- Council collects residential waste (on-site), with the following frequency which does not align with the OWMP (Rev C, Table 1) which proposes twice weekly for recycling and organics:
 - General waste: twice per week;
 - Recycling: once per week;
 - Organics: once per week; and
 - Bulky waste: booked service.
- If the development proposes a waste chute, the following design requirements should be considered (NSROC 2018 Section 5.4 and Section 5.5), which appears to be generally included within the proposal (OWMP 2025, Rev C), although more clarity around the bin size and internal handling of the recycling bins on each residential level as outlined in point 2 would assist:
 - 1. The waste chute should be located in a waste cupboard and not directly into a corridor.
 - 2. The waste chute (or dual waste and recycling chute) should be located adjacent to a recycling bin. This is required for recycling such as bulky cardboard that cannot be disposed of in chutes, even if there is a recycling chute that may accept some of the recycling. The proponent should also consider how organics will be disposed of at the site, close to the waste and recycling disposal points.
 - 3. The waste chute should be accessible from a common point and not located inside apartments, for maintenance and hygiene reasons.

- 4. The chute termination and plant room must not be able to be accessed by residents. Other waste storage areas, such as bulky waste, charity waste/other recycling and organics bin rooms, should be able to be accessed by residents.
- Ongoing management of the waste systems should be considered, including responsibilities, signage and continuous education, which appears to be generally included within the proposal (OWMP 2025, Rev C) with the exception of the collection process responsibilities to transfer bins and bulky waste to collection holding rooms adjacent to and within 2m of the loading area. The proposal (OWMP 2025, Rev C, Section 5.5) appears to require collection staff to leave their vehicle on the Ground Floor and go to the basement 3 in the lift to bring bins and bulky waste up and take the bins back down.

Construction and demolition waste plan

A construction and demolition waste plan needs to be provided (NSROC 2018, Table 1, Construction and Demolition Waste Management Plans) that addresses at least the following items:

- Estimated weights of waste to be generated during demolition and construction as well as the volume supplied;
- An estimate of the percentage of waste that will be reused or recycled as well as disposed, targeting an 85% recovery rate (demolition may realistically will have a general waste fraction but none is supplied).
- Clear evidence of the method(s) used to calculate expected waste generation (such as an excavation plan);
- Nominated landfill facilities (if any), as well as recycling facilities (provided), by waste type; and
- Plans showing the location of onsite waste facilities during the demolition and construction phases, including vehicle access.

The proposed development does not provide acceptable arrangements for waste disposal. Council does not support the collection of residential waste from a private operator. Vehicle access from Post Office Lane and the location of the turntable does not provide the ability for a Heavy Rigid Vehicle (HRV) to enter and collect waste from the site. The loading dock is not capable of providing a safe and practical arrangement for waste collection vehicles. There are a number of issues regarding the waste storage areas, location of waste chutes, and requested amendments to the construction and demolition waste plan.

16. Requested further amendments and information

a) Engineering comments

Amendments/additional information are required to address the following:

i. Traffic and transport comments

Parking

As the Council requests a significant redesign with the basement entrance and unloading/loading space from Victor Street, the following is required with any new design:

- In accordance with the *State Environmental Planning Policy (Housing) 2021*, 5 car share spaces would be required for the proposed development. On this basis, the proposed 9 car share spaces should be reduced to 5.
- The accessible carpark layout does not align with AS/NZS 2890.6 shared width to have the same width as the accessible parking space with a minimum of 2.4m in length and minimum headroom of 2.4m. The existing arrangement contains a column directly in front of the share space and no dimensions provided. The offset distance from the parking space to the wall was not provided to check for compliance.
- The swept path analysis for the existing arrangement shows encroachment on outlined hard standing areas located at the shared shuttle lift for drawings 7 of 11, 10 of 11, 11 of 11 which requires to be resolved for two car share parking spaces. One car share park being adjacent to stairs and the shared shuttle lift adjacent to car lift and another car share park directly opposite right side car lift.
- It is not clear if the car share spaces are only for the tenants of the building. The following is required to be clarified:
 - Are the car share spaces available for public use?
 - Would the car share spaces include the provision of charging facilities for electric vehicles?
- Details are to be submitted to demonstrate that the safety of pedestrians and vehicles will be managed at any loading area and proposed car lift area. The details are to address the requirements for sight distances and sight triangles as required by Section 3.2.4 of AS/NZS 2890.1.

Pedestrian and bicycle requirements

The proposed development provides capacity for 52 bikes located in Basement 1. It is not clear how people will be accessing this via lifts, car lifts, or share shuttle lift/refuse goods lift.

The pedestrian access paths are noted to be on Victoria Avenue, Victor Street and Post Office Lane. It is not clear if there will be a proposed share path access with pedestrian and cyclists and if there is a preferred entry for cyclists.

Traffic generating characteristics of the proposed development

 Construction Pedestrian and Traffic Management Plan (CPTMP) provides construction truck routes, management of impact, hours of work, site access and loading. This will be reviewed by Council's Traffic Team to ensure correct permits are applied and conditions adhered to. It is noted up to 15 to 25 trucks per day during peak activities (concrete pours) was reported in the SSDA. This is a significant concern regarding safety, vehicle access to Victor Street and Post Office Lane, and maintaining clear access for pedestrians in Post Office Lane at all times.

- TfNSW Guide to Traffic Impact Assessment 2024 (GTIA 2024) was sourced for the person trip rate of 0.66 ad 0.56 person trips per dwelling in the AM and PM peak hours for high density residential dwellings located in areas of high public transport accessibility.
- The traffic report states car share has been offered in place of traditional parking and therefore it was estimated the vehicle trips generated by residential component of 1 trip per car share space in both AM and PM peak hours had been adopted. The traffic generation rates for residential use with the least rate is 5% for car, followed by 41% for train and 42% for walking. Council has concerns with the low number of car trips adopted. It is not clear if this considers weekdays only and does not account for weekends where car trips would be much higher, nor how this would be managed with increased weekend foot traffic on Post Office Lane associated with its function connecting the metro to the Shopping Centre opposite the site.

Construction management plan

A Construction Pedestrian and Traffic Management Plan (CPTMP) has been submitted at concept level. A detailed CPTMP shall be provided prior to works commencing and should address:

- How will construction be managed to minimise impacts on the Chatswood Mall Markets
- o Minimising disruption to pedestrian flows and business access on Post Office Lane;
- Managing construction access and staging via Victor Street where feasible;
- Ensuring safe passage and emergency access is maintained at all times;
- Coordination with Council and market operators for continued access along Victoria Avenue.

ii. Flood impact and risk assessment

The Flood Impact and Risk Assessment (Appendix W) provides assurances that the subject site lies in the upper reaches of Scotts Creek catchment. The flood report states the site is not affected by depths of inundation greater than 0.1m during 1% Annual Exceedance Probability (AEP) flood and Probable Maximum Flood (PMF) events. The reference of 0.1m depth of inundation is not expanded upon and has been interpreted to mean inundation occurs, but only to 0.1m depth, which contradicts the findings below. Clarification is required of this statement.

As the site is not located on flood prone land and located close to a ridge line towards the top of the stormwater catchment area, it will not be affected by mainstream flooding. PMF inundation mapping shows flooding occurring 70m east away from the site before the corner of Victoria Ave and Anderson Street. The development would not be subject to flood related development controls under DCP Part I. Item 19 Flood risk of Planning Secretary's Environmental Assessment Requirements (PSEARs) is also not applicable for this development.

iii. Stormwater management

Overland stormwater flows from storm events is required to be directed around the building and is likely to flow within the road carriageway and pedestrian mall area directed towards Victor Street in line with surrounding development near the site. The proposed site drainage system is required to be directed into the northern corner of the development site and discharged into the existing stormwater pit located at Victor Street.

The stormwater management report and plans provided for the proposed works detail the proposed management measures.

The WDCP Part I and the associated Technical Standard 1 detail Council's requirements for stormwater management. Section 6.2 requires that all major developments are to provide OSD in accordance with Technical Standard 1.

The 410-416 Victoria Ave Chatswood site is located within OSD Zone 2, which requires:

- Site storage rate 3.6m³/100m² = OSD volume of 37.8m³
- Permitted Site Discharge (PSD) 1.7L/s/100m²= 17.85L/s

Section 6.2 also requires where flow from impervious area bypasses the detention system, the PSD from the system is to be reduced by a rate equal to the flow from the bypass area in the 1% AEP storm event. Where the area bypassing the system is over 5% of the total impervious area, then a DRAINS model is to be prepared to confirm that the 1% AEP storm event, the PSD is achieved and confirm the required storage volume for the reduced outflow.

Catchment area of the site is as follows:

- Area = 1,049.9m²
- Existing impervious area = 100%
- Proposed impervious area = 100%
- Bypassing area = 19m² (1.8% of total development site)

The bypassing area is below 5% total impervious area and therefore no DRAINS model is required.

The report details that the OSD is designed to be suspended on at Level 2, positioned between Level 2 and soffit of Level. The OSD storage tank is proposed with the pool at level 2 with the OSD access lid designed to be sealed lid to prevent mixing of pool water.

In line with Part I, all below ground OSD tanks is not be located underneath habitable floors and are to have access grate diagonally opposite the outlet for ventilation and cleaning purposes. It is not demonstrated how access for maintenance requirements, preventing the mixing of pool water and OSD will be managed. It is not clear how the below ground OSD is accessible in line with AS 286.5- Safe working in confined spaces with no step iron provided for OSD tanks deeper than 900mm.

The proposed overflow strategy includes overflow slots on the eastern side of the tank positioned 150mm above the tank's top water level. These slots are to be fitted with louvres to facilitate architectural screening and airflow into the tank. It is to be confirmed if the louvres are fixed to ensure no blockages occur. Council's preference is for these to be open to ensure full opening for overflows to discharge freely.

A gutter is to be installed at the slot level along the building wall directing flows to the site's designated discharge point. In the case of the gutter blockage, excess water will overflow from the gutter, discharge on to the awning at the perimeter of the building situated overhead from ground level. Council has concerns with discharge onto the awning and spreading onto the pedestrians below. It would be preferred to direct flow away via downpipe.

As the OSD is located in level 2, the outlet is unaffected by the downstream tailwater level at the discharge point at Victor Street. The OSD has an orifice of 103mm.

For the catchment area of the OSD systems, during a 1% AEP storm the full catchment area needs to drain to the OSD tank/basin, either via the piped drainage system or by overland flow paths when the capacity of the piped system is exceeded.

Council's policy requires OSD systems to be included as part of stormwater management systems to control peak flows from development sites and reduce flooding downstream. From the above, the proposed stormwater system does not result in an increase in impervious area, and the stormwater management requirements in Technical Standard 1 (an attachment of the DCP) are met.

We recommend the stormwater management system proposed for the site not be accepted in its current form.

The following conditions can be imposed to ensure that the system complies with Council's requirements:

Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifying Authority for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code. The drawings shall include the following:

- For the Site, an OSD system with a minimum volume of 38m³ and a PSD of 17L/s, with a catchment area of 1049.9m² of impervious area, covering the total area of proposed works. All roof and impervious area from the proposed works shall drain through the OSD facility.

(Reason: Ensure compliance)

On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via an approved OSD system in accordance with Sydney Water's requirements AS/NZS3500.3, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC). The requirements for the system shall be

- For the site, an OSD system with a minimum volume of 38m³ and a PSD of 17L/s, with a catchment area of 1049.9m² of impervious area, covering the total area of proposed works. All roof and impervious area from the proposed works shall drain through the OSD facility.

(Reason: Prevent nuisance flooding)

iv. MUSIC water quality

The site catchment area is broken down into land use category to accurately model pollutant runoff in the MUSIC model. The pollutant concentration parameters have been provided in line with Water NSW.

Catchment ID	MUSIC source nodes	Catchment Area (ha)
Bypass	Urban/commercial	0.002
Urban levels 2-5	Urban/commercial	0.018
Urban levels 6-46	Urban/residential	0.029
Urban roof to OSD	Urban/roof	0.056

The stormwater quality improvement devices (SQID) include:

- 1 x Ocean Protect OceanGuard filter baskets to treat level 2 terrace area prior being directed to OSD storage.
- 1 x Ocean Protect Aluminum combination unit, filter basket, 2x stormfilter cartridges in level 4 storage/plant room. With rooftop and level 6 terrace drainage to be directed to combination unit prior to being directed to OSD storage.

No hydrocarbon removal devices were included in the modelling as the no catchment drains into the basement of the carpark.

The Music model results demonstrate with the above SQID devices water quality targets are met and comply with DCP Part I.

17. Missing information in SSDA

The following information is identified in the proponent's Environmental Impact Statement but has not been made available as part of the exhibition:

- Appendix M Estimated Development Cost Report, prepared by WT Partnership.
- Appendix S Legal advice prepared by Addisons regarding Clause 6.16 of the WLEP regarding minimum lot size.