

Preferred Project Report Project Application

Albert Avenue and Thomas Street, Chatswood
Mixed Use Development (MP09_0066)

Submitted to
Department of Planning
On Behalf of Welles Thomas Pty Ltd

July 2010 ■ 09141

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1.0 Introduction

This Preferred Project Report (PPR) has been prepared for the proposed mixed use development at the site of the existing Willoughby Council (Council) carpark at Thomas Street and Albert Avenue, Chatswood (Thomas Street carpark site).

The Project Application for the proposed mixed use development was submitted to the Department of Planning in December 2009 and was publicly exhibited from 13 January 2010 to 26 February 2010. This PPR responds to the issues raised by the Department of Planning (the Department) during the assessment process, as well as issues raised by public agencies (including Council) during the exhibition of the Project Application. Issues raised in public submissions are also addressed.

On 20 April 2010, the Department sent a letter to the applicant (care of JBA Urban Planning Consultants) which requested that a PPR be submitted for the project addressing the issues raised in the Department's letter, as well as those raised by public agencies and the general public.

A meeting was held with the Department on 6 May 2010 to discuss key issues raised by the Department and public agencies, and to develop an appropriate response to these key issues. The Department requested that amended sketches of the development be submitted to the Department ahead of formal submission of the PPR.

On 21 May 2010, JBA (on behalf of Welles Thomas) submitted a letter to the Department which detailed the applicant's proposed approach to addressing issues raised by the Department and other public agencies. This letter was accompanied by revised design sketches which amended the proposal to address the two significant issues raised by the Department, Council and the Road and Traffic Authority (RTA):

- the provision of an additional vehicle access to Thomas Street; and
- the interface between the proposed residential tower and the existing commercial building to the east.

Accordingly, this PPR details the following:

- Design changes to respond to key issues raised by the Department and other authorities;
- A comprehensive response to issues raised by public authorities including:
 - The Department;
 - Council;
 - The RTA;
 - NSW Transport and Infrastructure; and
 - Sydney Water
- A response to the key issues raised in public submissions; and
- A revised Draft Statement of Commitments.

2.0 Issues raised by the Department of Planning

The following issues were raised by the Department in its letter of 20 April 2010.

2.1 Built Form

The proposed residential tower should address potential amenity and impacts upon future development potential of adjoining properties in terms of massing, scale and setbacks. This may include further design options being investigated with particular consideration to maximising the amenity of the proposed apartments.

In consultation with Council, PTW prepared a sketch which provides for an adjustment to the lower three levels on the eastern side of the building (see attached Drawing SK001 Residential Amenity at **Appendix A**). The revised sketch provides for the replacement of two studio apartments and two 1-bedroom apartments with two 2-bedroom apartments per floor (from levels 3 to 5). Angled privacy screens have also been provided at this facade as shown on the Residential Amenity sketch.

The above amendments to address amenity impacts at the eastern facade of the development were discussed with Council's planning officers at the meeting on 13 May 2010 and Council indicated its agreement to the proposed changes.

It is proposed that the attached sketch be approved as part of the Project Application approval for the project. The Draft Statement of Commitments has been amended which states that full documentation of the revised scheme will be submitted to the Department following approval of the Project Application (see Section 9.0 below).

It is considered that this issue has been appropriately addressed.

2.2 SEPP 65 / Residential Flat Design Code (RFDC)

Consistency with the RFDC Rules-of-Thumb

Further details regarding the RFDC is to be provided, having particular regards to apartment sizes, depths and solar access, demonstrating that sufficient amenity can be provided for the units.

A RFDC Table of Compliance was prepared by JBA and submitted as part of Appendix I of the Environmental Assessment Report (EAR). This Appendix has been included in this submission at **Appendix K** for the Departments information.

As detailed in the RFDC Table of Compliance, the proposed development will be generally consistent with the Rules-of-Thumbs in the RFDC. It is also noted that the Rules-of-Thumb are not development controls and are intended to guide the development of residential flat buildings (RFB) in NSW. In certain circumstances, variations from the Rules-of-Thumb are justified.

It is considered that this issue has been appropriately addressed.

Daylight Access and Natural Ventilation

General compliance with the Daylight Access and Natural Ventilation Rules-of-Thumb is achieved. Detail are provided in Section 6.15 of the EAR and are outlined below.

All units at the eastern façade will receive at least 2 hours of sunlight between 9am and 3pm in midwinter to their living rooms spaces. In other words, approximately 104 apartments (50%) will receive at least 2 hours of direct sunlight to their living rooms and private open space in mid winter.

The western face of building will receive sunlight access after 1pm in midwinter. Thus 12% of the units at the western façade will receive between 0 - 2 hours of sunlight access in midwinter of which 28 apartments (the north-west corner apartments) will receive at least 2 hours sunlight to their private open space.

In addition, the north-west and south-east corner apartments receive good solar access to their bedrooms which are identified as habitable rooms under the RFDC.

Taking into account the partial solar access to the west facing apartments, solar access to the private open space of the north-west corner apartments and solar access to the bedrooms at the south-east and north-west corner apartments, approximately 160 out of 208 (or 77%) of units will receive good solar access. Although this is not strictly compliant with the Rule-of-Thumb relating to daylight access, it achieves the intent of the Rule-of-Thumb which is to ensure appropriate daylight access (including diffuse and direct light) is provided to most units in a new residential flat building (RFB) development.

It is noted that the site is located at the southern end of the Chatswood CBD and is therefore partially overshadowed by many existing buildings. Therefore, the near compliance with the daylight access Rule-of-Thumb is good given the inherent site constraints.

In relation to Natural Ventilation, all corner apartments will have excellent cross-ventilation which equates to approximately 50% of apartments in the proposed residential tower. An additional 42% of apartments have windows to two sides of their living rooms which encourages air flow into the unit. In addition, apartments are planned to have minimal internal walls and corridors to promote air flow.

Thus, although the proposed development is not strictly compliant with the RFDC Rule-of-Thumb in this regard it achieves the intent of the Rule-of-Thumb in that it provides an appropriate level of natural ventilation to most units in the development.

Apartment Depth

The RFDC recommends that 'single aspect apartments should be limited in depth to 8 metres from a window and that the back of a kitchen should be no more than 8 metres from a window. The proposed apartment depths are generally consistent with the RFDC Rule-of-Thumb with the exception of the two south facing apartments which are between 8 and 10 metres deep from the back of the kitchen to the window. However, the south facing apartments are all corner apartments and therefore achieve a high level of internal amenity. They also have a bright expansive outlook with very large setbacks from the southern boundary of the site. Thus, the minor non-compliance with the Apartment Depth Rule-of-Thumb is not considered significant as the intent of the control is achieved.

Apartment Sizes

The RFDC recommends the following apartment sizes:

Table 1 - RFDC recommended apartment sizes

Apartment type	Internal area (sqm)	External area (sqm)
Studio apartment	38.5	6
One-bedroom single aspect apartment	63.4	10
Two-bedroom corner apartment	80	11
Three-bedroom apartment	124	24

The apartment layout and sizes within the proposed development are generally consistent with the internal area requirements of the RFDC:

- Studio apartments will have 37sqm of internal area and no external area but have large openable windows.
- One-bedroom apartments will generally have 63sqm of internal areas and 6.5sqm balconies.
- Two-bedroom apartments range from 81sqm to 103sqm internally and have external areas ranging from 6.5sqm to 19sqm.
- Three-bedroom apartments range from 99sqm to 149sqm internally and have external areas ranging from 15sqm to 25sqm.

Although, the proposed apartment layouts and sizes do not strictly comply with the external area requirements in the Apartment Sizes Rule-of-Thumb, some 1,800sqm of landscaped open space (with excellent solar access) will be provided at the ground floor of the development. In addition, extensive recreational facilities will be provided for residents at Level 2 of the proposed residential tower including a gym, 25 metre lap pool and external terraced area.

Building Separation

Where building separation does not meet the provisions of the RFDC under SEPP 65 along the eastern boundary, further details / revised plans shall be submitted to demonstrate that any amenity impact can be suitably managed between buildings (also considering the future development potential of the adjoining site).

It is noted that the proposed development is currently consistent with the separation distances required under the RFDC Rule-of-Thumb. The RFDC establishes recommended setback distances between **habitable rooms** where one RFB adjoins another. The proposed residential tower does not adjoin any residential buildings. However, the Department has asked the applicant to consider the potential privacy implications should the site to the east of the proposed residential tower be developed for residential purposes in the future.

As detailed above, PTW, in consultation with Willoughby Council, has prepared a revised sketch which amends the layout at the lower levels of the residential tower and provides privacy screening at the eastern facade of the building. This will ameliorate any privacy impacts should the site to the east be developed in the future.

It is noted that the site to the east (12 Thomas Street) has a site area of just 512sqm and an approximate street frontage of 13 metres. 12 Thomas Street is proposed to be zoned B4 Mixed Use under the Draft Willoughby Local Environmental Plan 2009 (Draft WLEP 2009) in which ground floor retail/commercial development with shop top housing is permitted. Although 12 Thomas Street will benefit from a proposed floor space ratio (FSR) of 5:1, development on the site will be limited by the lot frontage controls in the draft amendments to the Willoughby Development Control Plan (WDCP).

WDCP is being amended to be consistent with the proposed controls in Draft WLEP 2009 and will include a new Part E which will provide specific controls for

'commercial and shop top development'. Proposed control E1.1 - Frontages provides that where the height of development will exceed three storeys or 11 metres, a minimum width of the site at front alignment of 27 metres is required. Thus, under the proposed development controls in the Draft WLEP 2009 and associated draft amendments to the WDCP, the site at 12 Thomas Street would not be able to be developed for more than three storeys.

Furthermore, it is noted that the potential amalgamation of 12 Thomas Street with adjoining sites to the east is limited by the fragmentation of land ownership in the area. 12 Thomas Street is a strata title allotment (SP22904), as is the site to the immediate east of 12 Thomas Street (SP73780). As these strata titles allotments are likely to be under the ownership of a number of separate entities, the likelihood of amalgamation (or development) of these site in the future is limited.

Despite the slim chance of 12 Thomas Street (or the adjoining site to the east) being developed for residential purposes in the future, PTW have prepared amendments to the design to ensure improved privacy at the eastern facade of the development site which have been considered favourably by Council.

Design Verification Statement

A design verification statement is to be submitted.

A Design Statement was submitted as part of Appendix I of the EAR. This Statement has been included at **Appendix K** for the Department's information.

2.3 Traffic and parking

The Department requested that the traffic and parking issues raised by Council, the RTA and in public submissions be addressed in the PPR. A response the main issues raised by the RTA and Council is provided below (other traffic and parking issues raised by Council and the RTA are addressed in Section 3.0 and 4.0 respectively).

Additional vehicle exit

Both the RTA and Council noted the need for an additional vehicle exit at the Thomas Street frontage. At the meeting with the Department on 6 May 2010, the applicant and its consultants discussed the possibility of removing the right-of-way from Fleet Lane and providing an exit ramp in this location. The Department indicated that input from Council would be needed on this issue.

At the meeting between PTW and Council on 13 May 2010, Council indicated that it would prefer to have both the right-of-way and an exit ramp provided in this location (ie. at the frontage to Thomas Street). The following in-principle agreements were reached with Council's planning staff:

- A right-of-way from Fleet Lane and exit ramp from Basement 1 to be provided to Thomas Street; and
- The width of both the right-of way and exit ramp should be kept to a minimum on the Thomas Street frontage i.e. 6 to 8 metres total.

PTW have prepared a revised Ground Floor and Basement 1 sketch which demonstrate the revised vehicle access arrangements (see **Appendix B**). It is proposed that the attached sketch be approved as part of the Project Application approval for the project. The Draft Statement of Commitments has been amended which states that full documentation of the revised scheme will be submitted to the Department following approval of the Project Application (see Section 9.0 below).

Additional Parking

The EAR for the project indicated that the following car parking will be provided on the site:

- Residential Apartments– 192 spaces
- Commercial/Retail – 64 spaces
- Public – 210 spaces with 40 of the public spaces to be provides residential visitor and retail component of the development subject to appropriate contributions being made to Council.
- **Total - 506**

Council, in its submission on the Project Application notes that the following parking provisions would be considered acceptable:

- Residential Apartments– 193 spaces
- Commercial– 96 spaces
- Public – 250 spaces
- Retail - none required
- Residential/visitor spaces - 18
- **Total - 557**

In relation to the parking allocation for residential apartments, the proposed provision of 192 spaces is only one space short of Council's recommended provision. The provision of 192 residential spaces on the site is considered appropriate and is supported by the findings of the applicant's traffic consultant (see Traffic and Parking Assessment submitted with the EAR). It is also noted that the Director General's Requirements (DGRs) for the project places significant emphasis on constraining parking on the site. The provision of constrained parking provision was also supported by NSW Transport and Infrastructure due to the site's excellent proximity to public transport services.

Furthermore, the proposed amendments to the residential tower will result in an overall reduction of units on the site from 208 units to 202. The proposed unit mix will be:

- 10 x studio apartments;
- 10 x 1bed apartments;
- 2 x 1 bed + study apartments;
- 138 x 2 beds apartments;
- 8 x 2bed (dual key) apartments; and
- 34 x 3 bed apartments.

In accordance with the Traffic Report submitted with the EAR carparking for the residential component of the development was to be provided at a rate of 0.5 spaces per studio apartment and one space for all other units.

No parking is to be provided for the affordable housing units at level 3 which (subject to the design amendments proposed) will consist of six two-bed units and two dual-key 2-bed units. Council has agreed that no parking needs to be provided for the affordable housing units.

Thus, carparking for a total of ten studio apartments (at a rate of 0.5 spaces per unit) and 184 two-bed/three-bed apartments (at a rate of 1 space per unit) will be required. This would result in a requirement for 189 parking spaces in accordance

with the rates put forward in the Project Application (and which have been generally agreed to by Council). An additional space would be required for the manager/caretakers unit. Thus, the provision of 192 spaces for the residential component of the development is considered appropriate.

In relation to commercial space, Council indicated in its letter of 24 August 2009 that a rate of 1/200sqm would be appropriate; this would necessitate 96 spaces for the commercial component of the development. However, the site's location in close proximity to excellent public transport services makes it suitable for a reduced parking provision (consistent with the DGRs and comments from NSW Transport and Infrastructure) a total of 64 parking spaces will be provided for the commercial development on the site. Council has agreed that the shortfall of 32 commercial spaces can be made up by way of a monetary contribution to Council (see memo at **Attachment C**). At July 2009, the rate for each of these 50 carparking spaces is \$26,018.62, however, the contribution will be calculated according to the applicable rate at the time (see revised Draft Statement of Commitments at Section 9.0 below). A contribution in lieu of 18 residential visitor parking spaces will also be made to Council (see **Attachment C**) resulting in a total monetary contribution for 50 spaces (see revised Draft Statement of Commitments at Section 9.0 below).

It is proposed to provide 250 public carparking spaces on the site. Council may also, if it chooses, allocate some of these public carparking spaces as carshare spaces and allocate them to carshare programs such as GoGet. It is not possible to provide carshare spaces in the private residential parking as this will not be accessible to the general public.

Therefore the following parking provision will be available for the proposed development:

- 192 residential spaces;
- 64 commercial spaces; and
- 250 public parking spaces.

Accordingly, the provision of **506** carparking spaces on the site is considered acceptable.

A monetary contribution for 50 carparking spaces will be made to Council in accordance with the revised Draft Statement of Commitments.

Widening of Albert Avenue

The widening of Albert Avenue has not been raised in any preliminary discussions with the RTA or Council and is not identified in any Council (or RTA) strategic documents. The benefits of providing the widening in front of the Thomas Street carpark site only are limited and it is not considered necessary to provide for this widening.

2.4 Additional Information requested

The Department requested that the following additional information be provided:

Table 2 - Additional information requested by the Department

Additional information requested	Response
Overshadowing <ul style="list-style-type: none"> ■ To accurately assess the level of overshadowing impacts additional shadow diagrams (at an appropriate scale in plan and elevation) should be submitted and shall include the 	PTW have prepared additional shadow diagrams for the project which respond to the Department's request (see Appendix D).

Additional information requested	Response
<p>overshadowing impacts on the properties fronting Albert Avenue, properties to the east (particularly 12 Thomas Street) and properties to west of the site.</p> <ul style="list-style-type: none"> ■ The amended overshadowing diagrams should also take into consideration the immediately adjoining developments (that have not been constructed) and developments currently under construction. 	
<p>View Loss/Analysis</p> <p>Details are to be provided to determine the view loss from surrounding residential properties. In this regard, various views from elevated positions (not from ground as currently provided) are to be provided illustrating view loss impacts and areas of view sharing</p>	<p>To address this issue, PTW have prepared images showing views from the top level of the Bentleigh Apartments on Thomas Street and from 88 Albert Avenue. These are attached at Appendix E.</p>
<p>Heritage</p> <p>The EA shall provide an Archaeological Assessment of the site's potential for Aboriginal and non-indigenous archaeology, assessing their significance and the impact of the proposal on any such archaeology.</p>	<p>JBA has undertaken a search of Heritage Council's database, as well as the Department of Environment Climate Change and Water's (DECCW) Aboriginal Heritage Information Management System (AHIMS).</p> <p>The results of the Heritage Council search indicate that there are no archaeological management units identified in the Willoughby local government area. Therefore the chances of European archaeological heritage being found on the site is very limited. In addition, the AHIMS search indicated that no Aboriginal heritage items have been identified in the Chatswood CBD. We also note that DECCW have raised no concern about the proposal in their submission on the Project Application.</p> <p>The provision of a full archaeological heritage report is not considered necessary. A commitment has been included in the revised Draft Statement of Commitments at Section 9.0 below to provide for the ceasing of excavation should archaeological heritage items be identified during excavation (although the likelihood of this occurring is minimal).</p>
<p>Capital Investment Value</p> <p>Confirmation is required that the CIV provided is based on the submitted plans and that the calculation is in accordance with Clause 3(2)(a) of SEPP (Major Development) 2005:</p> <p><i>"the capital investment value of development includes all costs necessary to establish and operate the development, including the design and construction of buildings, structures,</i></p>	<p>The CIV for the project was calculated in accordance with the definition under <i>State Environmental Planning Policy (Major Development) 2005</i> (Major Development SEPP). <i>State Environmental Planning Policy Amendment (Capital Investment Value) 2010</i> was gazetted on 7 May 2010, which amended the definition for CIV in the Major Development SEPP to refer to the definition for CIV in clause 3 of <i>Environmental Planning and Assessment Regulation 2000</i> (EPA Reg).</p>

Additional information requested	Response
<i>associated infrastructure and fixed or mobile plant and equipment (but excluding GST, as defined by A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth, and land costs".</i>	It is noted that the CIV for the project will be the same according to the definition in both the Major Development SEPP and the EPA Reg. The Quantity Surveyor's Report for the project has been updated to state that the CIV for the project has been calculated in accordance with the definition in the EPA Reg (see Appendix F).
Draft WLEP 2009 Draft Willoughby Local Environmental Plan 2009 is currently being exhibited. An assessment of the proposal against the draft LEP is to be provided.	JBA, on behalf of Welles Thomas, has made a submission to Willoughby Council on the Draft Willoughby Local Environmental Plan 2009 (Draft WLEP 2009). A copy of this submission was provided to the Department. Further detail is provided in Section 2.5 below.
Consultant Report All consultant reports are to be reviewed to ensure that they correctly refer to the current plans (as amended) and the development description.	A review of all consultant reports/plans has been undertaken to ensure consistency with the submitted plans. Only the Stormwater plans and the Wind Report needed to be updated to ensure consistency with the submitted plans. Revised versions of these plans are included at Appendices G and H respectively.
BASIX The submitted BASIX / ABSA Assessor Certificate refers to previous versions of plans than those submitted in the Environmental Assessment. The BASIX / ABSA Assessor Certificate are therefore required to be updated to have regard to the current plans (subject to any amendments following review of the submissions and the above Departmental issues).	The BASIX/ABSA Assessor certificate has been updated to have regard to the current plans (see Appendix I).
Geotechnical Report The Geotechnical Report is to be amended to include comments that the site is capable of supporting the proposal.	The Geotechnical Report has been updated in accordance with the Department's request (see Appendix J).
Stormwater Plans The submitted Stormwater Plans and Report does not include all of the proposed stormwater plans for assessment. Submission of the full set of plans to be provided with the PPR.	A full set of revised Stormwater Plans are included at Appendix H .

2.5 Draft WLEP 2009

Zoning

Under Draft WLEP 2009, the Thomas Street carpark site is proposed to have a split zoning. The eastern portion of the site on which the residential tower is proposed to be located is proposed to be zoned B4 Mixed Use, whilst the western portion of the site is proposed to be zoned B3 Commercial Core.

This zoning will support the proposed development. The proposed Mixed Use zone permits a range of commercial, retail and residential uses including the types of

uses proposed within the residential tower which will comprise ground and level 1 retail space with shop top housing above. The proposed commercial building is located within the proposed Commercial Core zone in which commercial and retail uses are permitted.

Although the proposed development will be permitted on the site under the proposed zoning controls, JBA, on behalf of Welles Thomas, has made a submission to Council recommending that a consistent Mixed Use zone be applied to the site as well as the broader block of land bound by Thomas Street to the north, the railway to the east, Albert Avenue to the south and the Pacific Highway to the west.

Implementing a split zone across a single development site is considered inappropriate and may result in adverse urban design outcomes. Furthermore, the development site and the broader area of land in which it is located provided a transitional zone between the Chatswood commercial core to the north (which is proposed to be zoned B3 Commercial Core) and the high density residential area to the south (which is proposed to be zoned R4 High Density) and is more appropriately zoned for mixed use purposes (see **Figure 1** below).

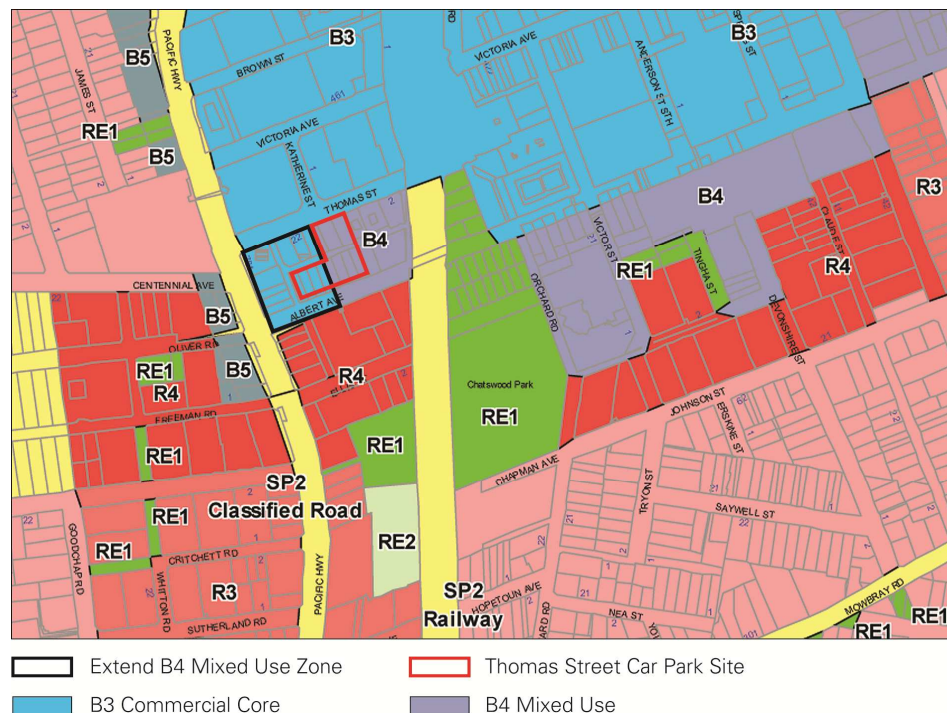


Figure 1 - Proposed zoning amendment

Height

The Draft WLEP 2009 seeks to apply a maximum height limit of 34m to the southern portion of the Thomas Street carpark site and maximum height limit 60m to the northern portion of the site. The proposed height controls for the site are inconsistent with the proposed heights of the commercial and residential towers sought under the Project Application. The proposed residential tower will have a maximum height of approximately 100m or RL201.40 (when measured to the top of the lift motor room in accordance with the definition for height under Draft WLEP 2009) and the commercial tower will have a maximum height of approximately 96m or RL197.20.

As noted in the Council officer's report to a Council meeting on 24 August 2009, Council understood that an approximate building height of 110m was proposed for

the residential tower and an approximately 100m height was proposed for the commercial tower. The Council officers report noted that building heights will be determined following detailed shadow analysis which will take into consideration issues such as the croquet lawns south of Ellis Street.

Due to Council's concerns regarding the potential overshadowing impacts of the proposal detailed shadow diagrams were submitted with the Project Application including half hour interval shadow diagrams in mid winter. As demonstrated in the Project Application, the Chatswood Croquet and Tennis Centre, as well as the Chatswood Bowling Club which lie to the south of the site on the southern side of Ellis Street will not be significantly affected by the proposed development. The Croquet and Tennis Centre is already overshadowed at midday by a residential building to the north. The proposed mixed use development will not alter existing shadow impacts on the Centre until 1:30pm in midwinter and will only affect the Centre until 3pm (a maximum of 1.5 hours). The Centre will continue to receive good solar access in the morning. In addition, the Chatswood Bowling Club, which is located further to the south, will barely be affected by the shadow from the new development in midwinter.

The shadow diagrams also demonstrate that the shadows from the proposed development will only hit the Chatswood Oval at 2pm in midwinter. Thus the oval will retain good solar access for most of the day. Furthermore, the articulation of the development into two towers means that the shadow cast over the Oval in the afternoon will be broken up.

The shadow diagrams provided in the Project Application demonstrate that the proposed height of the commercial and residential towers will not have an unacceptable overshadowing impact on land to the south. For this reason the proposed heights are considered appropriate and JBA, on behalf of Welles Thomas, has made a submission to Council recommending that the Draft WLEP 2009 be amended to reflect the height of the proposed residential and commercial towers on the site.

It is also noted that strict compliance with the Draft WLEP would not be required for a Part 3A project

Floor Space Ratio

Clause 7.13 of Draft WLEP provides site-specific planning controls for the Thomas Street carpark site including site-specific FSR controls which limits the maximum FSR for shop top housing (residential development above ground floor commercial or retail uses) on the site to 3:1, and 7.5:1 for all other development on the site. Thus, whilst the Draft WLEP 2009 would permit a maximum FSR of 10.5:1 on the site, it limits the residential component to a maximum of 3:1.

This contradicts Council's previous written advice (also recorded at the Council meeting on 24 August 2010) which confirms that Council would support an overall FSR of 10.5:1 on the site with a maximum of 5:1 residential FSR.

JBA, on behalf of Welles Thomas, has made a submission to Council requesting that Council correct this anomaly in the Draft WLEP 2009. It is also noted that strict compliance with the Draft WLEP would not be required for a Part 3A project.

Public plaza

Clause 7.13 applies a minimum landscaping requirement to the Thomas Street carpark site. It requires a minimum 2,000sqm of publicly-accessible landscaped space to be provided on the site. This requirement exceeds the provisions of the contract of sale for the site under which Council imposed a number of planning restrictions including that a pedestrian landscaped area of at least 1,000sqm be provided.

The proposal for the mixed use development will provide for 1,824sqm of publicly-accessible open space (including the southern street frontage) which exceeds the requirement specified under the contract of sale. Council's proposal to increase the requirement for the provision of publicly-accessible open space on the site is inconsistent with its formal agreement for the development of site.

It is also noted that the potential benefit provided by the publicly-accessible landscaped open space on the site is not related to only the quantity of open space provide, but also the quality of open space provided. The open space proposed as part of the Thomas Street carpark Project Application will provide the following benefits for the broader Chatswood residential and commercial community.

It is noted that the Project Application will provide open space in excess of the requirement under the contract for the sale. JBA recommended that the requirement for publicly-accessible open space should be limited to 1,000sqm.

Retail floor space in the Commercial Core zone

Clause 6.10 limits the maximum floor space of shops within the B3 Commercial Core on the western side of the North Shore Rail Line (in Chatswood City Centre) to 100sqm in gross floor area (GFA). It is unclear whether Council intends to limit the GFA of each *individual* shop to a maximum 100sqm, or whether it is seeking to limit the entire retail GFA within a single development. Should Council's application of Clause 6.10 be the latter, this would result in significant limitations on the appropriate development of the mixed use development on the Thomas Street carpark site.

Council is aware that a large amount of retail/cafe floor space is proposed at the ground floor of the proposed commercial tower. This is consistent with Council's objective to provide an activated streetscape in the vicinity of the site. Individual development applications (DAs) will be submitted for fit-out and occupation of these retail/cafe tenancies following approval of the Project Application.

Should Council apply a B3 zoning to the western part of the site, it would not be possible to provide more than 100sqm of retail floor space within the commercial tower (if Clause 6.10 is interpreted to limit the overall retail GFA in the B3 zone on the site to a maximum of 100sqm). This is inconsistent with the Project Application for the site (on which Council has been extensively consulted) and will limit the extent to which street activation in the western part of the site can be encouraged.

If interpreted as such, the provisions of Clause 6.10 would also be inconsistent with the provisions of Clause 6.19 of Draft WLEP. Clause 6.19 states that development consent must not be granted for development on the street level and along main pedestrian frontages of a building in the B3 zone, if the development would result in any part of that floor not being used for retail or business premises that have active street frontages. The potential to provide active retail street frontages where the total GFA for retail purposes is limited to 100sqm is almost impossible. Therefore, these two clauses could be read contradictory.

JBA has recommended that Council clarify the correct interpretation of Clause 6.10 of Draft WLEP.

3.0 Issues raised by Council

Council raised the following key issues in its submission letter to the Department dated 10 March 2010:

3.1 Amendments to Design

Council requested that amendments to the design of the development be made to address the following:

Additional car park vehicle exit to Thomas Street

As detailed in Section 2.3 above, an additional vehicle exit has been included at the Thomas Street frontage (see design sketch at **Appendix B**).

Revision of the north-eastern residential façade to take account of the likely redevelopment of the adjoining site to the east

As detailed in Section 2.1 and 2.2 above, PTW, in consultation with Council, have amended the design of the proposed residential tower to address any potential privacy impacts on the neighbouring building to the east (see design sketch at **Appendix A**).

Providing an additional car parking level

This recommendation relates to Council's requirements for additional parking to be provided on the site. As detailed in Section 2.3 above, sufficient parking is proposed to be provided to meet the needs of the proposed development.

Redesign of the loading area

The loading area has been redesigned in accordance with the sketch for basement 1 provided at **Appendix B**.

3.2 Reconciliation of plans/reports

Council requested that all plans the amended plans reconcile all architectural, hydraulic engineering and landscaping plans. As detailed above, the stormwater plans and wind report have been updated to be consistent with the **submitted** architectural plans. No change is required to the landscape plan.

The revised design sketches provided at **Appendices A** and **B** will transferred into fully documented architectural plans following approval being issued for the Project Application at which time associated consultant plans will be updated if necessary.

3.3 Additional matters to be addressed

Council requested that the following matters (outlined in **Table 3** below) also be addressed.

Table 3 - Additional matters raised by Council

Issue	Response
Additional car parking The development be redesigned to provide additional car parking based on the comments and rationale as set out in this submission. Council considers that the development requires the provision of 96 commercial/retail spaces, 18 residential visitor spaces at the Basement Level 1,	This is addressed in Section 2.3 above. Parking provision on the site is considered appropriate.

Issue	Response
<p>193 residential spaces including 2 car share scheme spaces on site for the development (total 307) in addition to the 250 public car parking spaces. The current proposal is for 506 spaces requiring an additional 51 spaces to be provided on site by an additional half basement level. Amended plans are required accompanied by a Car Park Management Plan that demonstrates how car space allocation, car share scheme, security and boom gate systems will operate and shared use of the commercial spaces can occur for out of office hours use.</p>	
<p>Widening of Albert Avenue The development be redesigned to provide for road widening on Albert Avenue as indicated by the RTA, deletion of the proposed lay by in Albert Avenue (so that all loading, servicing, waste collection and removalist needs are accommodated on site), separation of the loading/waste handling areas from the car park access driveway and provision of an alternative second exit from the car park to Thomas Street. Further, a condition of consent is to require a median strip in Albert Avenue to prevent the right turn movement into or out of the car park entrance in Albert Avenue.</p>	<p>This is addressed in Section 2.3 above. The widening of Albert Avenue is not documented in any RTA or Council strategic planning documents and was not raised in any preliminary discussions with Council. No justification for the road widening has been provided in any regional or local traffic studies. Furthermore, there would be very little benefit to implementing the road widening at the frontage to the Thomas Street carpark site as sites to the east and west are unlikely to be developed in the near future and the road widening would therefore not be contiguous along Albert Avenue.</p>
<p>Car sharing A condition be imposed on the consent that allows residents who do not need a car space to use the spaces(s) for car sharing and car pooling in such a way that it can be expanded in future</p>	<p>As detailed above, 250 public carparking spaces are to be provided in the carpark. These spaces will be accessible to the general public and it is proposed that, if Council chooses to, some of these spaces could be reserved for carshare schemes such as GoGet. It is not possible to provide carshare spaces in the private carparking spaces associated with the residential component of the development as secure access to these spaces will only be available residents of the proposed development.</p>
<p>Accessible units The proposal comply with the requirements for adaptable housing as required by C6.3 of WDCP</p>	<p>The Willoughby Development Control Plan 2006 (WDCP) requires 50% of units to be adaptable. This requirement is considered excessive particularly when considered in relation to the requirements of neighbouring Councils, for example the number of accessible units required under Ku-ring-gai Development Controls Plan 31 0 Access (Ku-ring-gai Access DCP). In accordance with the Ku-ring-gai Access DCP, any residential development containing 8 or more dwellings shall provide 1 dwelling that is accessible to the disabled. A further dwelling accessible to the disabled shall be provided for every 20 dwellings provided thereafter. Taking into consideration the controls in the Ku-ring-gai Access DCP, the proposed</p>

Issue	Response
	development would be required to provide 11 units which are accessible to the disabled. Assuming the revised design for the proposed residential tower is accepted, the proposed development will have 202 units. 10% of these units (ie 20 units) will be provided as adaptable units, accessible to the disabled. This provision of adaptable units in the proposed development exceeds the number of adaptable units that are required under planning controls in most other local government areas and is considered satisfactory.
Disabled parking Additional disabled car spaces to be provided in accordance with relevant standards.	Disabled parking spaces will be provided in accordance with Australian Standard 1428.1-4 Design for access and mobility. This has been included in the revised Draft Statement of Commitments at Section 9.0 below.
Disabled Access WDCP Section C6 in the design for people with disabilities, in particular, pedestrian access from the Albert Avenue/ Albert Lane corner is to be at a constant level grade to the central plaza area and all areas such as recreation space, mail boxes and lobbies are to be designed to comply	Appropriate disabled access is available to the public plaza from Albert Avenue via a ramp with a maximum grade of 1:14. The pavement along Albert Avenue and Albert Lane will be returned to its existing condition following development and appropriate disabled access will be provided at this frontage. The proposed residential development is capable of complying with relevant provisions of the Building Codes Australia (BCA), Australian Standard 1428.1-4 Design for access and mobility and Australian Standard 4299-1995 Adaptable Housing. A commitment has been included in the revised Draft Statement of Commitments at Section 9.0 which states that at the detailed design stage, the development will be designed to be consistent with the above accessibility standards.
Peak Usage of Sports Facilities The Department seek further shadowing analysis to consider the mid-winter impact on nearby open space and sporting facilities having regard to peak usage times of the facilities. Further consideration of the height and consequent overshadowing that is detrimental to the use of the Chatswood Oval and the sporting facilities south of Ellis Street.	<p>The Chatswood Croquet and Tennis Centre, as well as the Chatswood Bowling Club lie to the south of the site on the southern side of Ellis Street. The shadow diagrams submitted with the EAR demonstrate that the Tennis Croquet centre is already overshadowed at midday by a residential building to the north. The proposed development will not alter existing overshadowing on the Centre until 1:30pm in midwinter and will only affect the Centre until 3pm. The Centre will continue to receive good solar access in the morning. In addition, the Chatswood Bowling Club, which is located further to the south, will barely be affected by the shadow from the new development in midwinter.</p> <p>The shadow diagrams also demonstrate that the shadows from the proposed development will only hit the Chatswood</p>

Issue	Response
	<p>Oval at 2pm in midwinter. Thus the oval will retain good solar access from most of the day. Furthermore, the articulation of the development into two towers means that the shadow cast over the Oval in the afternoon will be broken up.</p> <p>As the shadow impact on these outdoor recreational areas is minimal, no change to the height of the proposal is considered necessary. In addition, the peak usage times of the recreational facilities are not considered relevant due to the minor impact on the functionality of these premises.</p>
<p>ESD Management Plan The ESD principles proposed in the application be supported but requests that a condition require that the ESD measures be detailed in a whole of site ESD Management Plan that obliges and guides all future owners and occupants to maintain and where possible improve on the sustainability initiatives (including car share scheme) incorporated in the development of the site.</p>	<p>A commitment has been included in the revised Draft Statement of Commitments at Section 9.0 below</p>
<p>Environmental Health Officer Comments The assessment considers the comments of Council's Environmental Health Officer on such matters as ventilation, cooling towers, car wash bays and so on and imposes conditions as required reflecting those comments.</p>	<p>Comments from Council's Environmental Health Officer were included in the Council report to its meeting on 8 March 2010. These have been addressed in detail in Table 4 below.</p>
<p>Civil Infrastructure Design The applicant confer with Councils Engineers regarding the design of the stormwater management system to ensure that civil infrastructure is properly designed and takes account of local flooding conditions.</p>	<p>The Stormwater Plans have been designed in accordance with Council requirements and no further amendment to the stormwater design is considered necessary.</p>
<p>Car parking stratum A condition of consent require that in a future subdivision of the development the title of the public car parking stratum be transferred to the Council for its ongoing future use as a public car park.</p>	<p>A commitment has been included in the revised Draft Statement of Commitments which provides that the public carparking area will be subdivided onto a separate stratum and dedicated to Council. See Section 9.0 below.</p>
<p>Compliance with Acoustic and Wind reports The Department impose conditions that require full compliance of the design with the recommendations of the acoustic assessment and wind reports accompanying the application.</p>	<p>Compliance with the recommendations made in the Acoustic and Wind Reports submitted with the EAR has already been included in the Draft Statement of Commitments.</p>
<p>Dedication of affordable housing units The Department impose a condition of consent requiring that the affordable housing units be transferred to Council (as provided in the draft Statement of Commitments) so that Council can ensure their continuous use as affordable rental housing units managed by Community</p>	<p>This has already been included in the Draft Statement of Commitments.</p>

Issue	Response
Housing Lower North Shore. Contributions The Department impose a condition of consent that the payment of developer contributions for the proposed development on the site be 2% of the construction value of the development (net of the cost of construction of the public car parking and affordable housing units). The Department impose a condition of consent that requires the construction of the car park, including the public car park, as the first stage of the development. Council also requests that a condition require that no subdivision or occupation certificate for any part of the residential building be granted until such time as the public car park is capable of operation.	The CIV for the project is \$147 million excluding GST. This CIV figure includes the cost of building the affordable housing units and public parking spaces. A commitment has therefore been included in the Draft Statement of Commitments which provides that a revised quantity surveyor's report will be prepared following approval of the Project Application which will provide a CIV for the project (excluding the cost of building the affordable housing units and public parking spaces) on which basis a developer contribution of 2% will be calculated. The entire carpark will be developed as part of the first stage of the development as detailed in Section 6.17 of the development. The applicant is willing to accept a condition of approval which will limit the subdivision and/or occupation of the residential component of the development until the carpark is operational.
Council's standard condition The Department have regard to Council's standard conditions of development consent in drafting its conditions particularly in respect to civil engineering/public infrastructure and construction site management matters.	Council has indicated that it will prepare a list of standard conditions of approval to be included in the project approval for the Thomas Street carpark mixed use development. The applicant requests that a draft of these conditions be provided to the applicant for consideration before finalisation.
Control exceedence Further information regarding justification for exceedences of the current development controls on planning grounds be submitted by the applicant.	Details justification of the exceedence of both the floor space ratio (FSR) and height controls under <i>State Environmental Planning Policy 5 - Chatswood Town Centre</i> (SREP 5) have been provided in Section 6.2 of the EAR. Further detail is provided below.
Review of plans A review be carried out of all plans submitted with the application to ensure that the development proposed is consistently represented in all application drawings and that once that review has been carried out and plans amended where necessary that Council be given the opportunity to review the amended plans.	As detailed above, a review of all plans and reports submitted as part of the EAR has been undertaken. Only the Wind Report and Stormwater Plans were required to be updated and have been included at Appendices F and G respectively. It is not considered necessary that Council review the plans again.
Cumulative traffic study Proper cumulative traffic studies be undertaken for the block surrounding the site, prior to finalisation of the Major Project Application.	The Traffic Report submitted with the Project Application considered the traffic implications of the project proposal in light of future traffic generation analysis undertaken in the Council/RTA Traffic Study for the Chatswood CBD (prepared by GHD). For this reason, no cumulative traffic study is necessary.
ESD commitments Environmental sustainability measures to be specified in the application drawings and as commitments in any consent.	ESD commitments have already been included in the Draft Statement of Commitments. It is not considered necessary to also include these commitments on the architectural

Issue	Response
	drawings as ESD measures are also included on the BASIX drawings for the proposal.
Archaeology An archaeological assessment of the site be undertaken if required.	As detailed above, JBA has undertaken a search of the DECCW's AHIMS database which revealed that no aboriginal relics have been recorded in the Chatswood CBD. A commitment has been included in the revised Draft Statement of Commitments at Section 9.0 below to provide for the ceasing of excavation should archaeological heritage items be identified during excavation (although the likelihood of this occurring is minimal). The provision of a full archaeological assessment is not considered necessary.

3.4 Issues raised by Council's Environmental Health Officer

The following issues were raised by Council's Environmental Health Office

Table 4 - Additional matters raised by Council

Issue	Response
Ventilation There is no indication of the allowance of ventilation exhaust systems for the car park or proposed food premises located on the lower levels of the development. Ensure that provision is made for car park exhaust and kitchen exhaust riser(s) with a discharge point located in accordance with the BCA and AS1668.2.	A commitment has been included in revised Draft Statement of Commitments as Section 9.0 below which states that provision will be made for carpark exhaust and kitchen exhaust riser(s) with a discharge point located in accordance with the BCA and AS1668.2. This will be provided in the detailed architectural drawings at the detailed design stage.
Cooling Towers Cooling towers are proposed for the development as an ESD measure in the commercial portion of the development. Cooling towers carry the risk of Legionella if not installed and maintained properly and therefore require installation and operation in accordance with the <i>Public Health Act 1991, Public Health (Microbial Control) Regulation 2000</i> , AS3666.1:2002 and AS3666.2:2002. Under the <i>Public Health Act 1991</i> Council must be notified by the owner of the premises where cooling towers are installed and Council is required to keep a register of all cooling towers in its local government area.	A commitment has been included in revised Draft Statement of Commitments as Section 9.0 below which states that cooling towers in the proposed development will be installed and maintained in accordance with the <i>Public Health Act 1991, Public Health (Microbial Control) Regulation 2000</i> , AS3666.1:2002 and AS3666.2:2002 and Council will be notified once the cooling towers have been installed.
Carwash bays for residential tower There does not appear to be any carwash bays provided for residents. If none are provided residents will wash their cars into a stormwater drain which then would be discharged into Scotts Creek which flows into Middle Harbour. Council feels that spaces must be made available for washing of residents vehicles that are	A commitment has been included in revised Draft Statement of Commitments as Section 9.0 below which provides that at least one carwash bay will be provided for residents which will be connected to the Sydney Water Sewerage System. As detailed above, the reduction in unit numbers means that two resident spaces will be available for use as a carwash bay.

Issue	Response
<p>connected to Sydney Water Sewerage System to prevent stormwater pollution from vehicle washing by residents. Parking in these carwash areas should be avoided as this would prevent access by residents to the carwash bay. Council feels that there should be a dedicated carwash bay during the majority of the day and evening 7 days a week. Council feels that this should be addressed at the design stage. One of the resident visitor parking spaces may be designated for this use so long as it is connected to the sewer.</p>	
<p>Rainwater and re-use of pool backwash water</p> <p>In the event of any reuse of backwash water or the use of rainwater to top up the swimming pool and for toilet flushing, a risk assessment and management program should be undertaken in accordance with the relevant National and State water re-use and treatment requirements addressing risk assessment and management to ensure public health and environmental health is ensured.</p>	<p>Rainwater may be used to top up the pool and for toilet flushing. Accordingly, a commitment has been included in the revised Draft Statement of Commitments at Section 9.0 below which states that a risk assessment and management program will be undertaken in accordance with the relevant National and State water re-use and treatment requirements addressing risk assessment and management to ensure public health and environmental health is ensured. This will be undertaken prior to the construction certificate being issued for the residential component of the development.</p>
<p>Environmental Management During Demolition and Construction</p> <p>There is no reference in the Environmental Assessment Report Project Application (2009) by JBA Urban Planning Consultants regarding any impacts generated on-site to off-site properties and the environment such as noise, dust or water pollution mitigation and management measures, during demolition and construction phases.</p> <p>Willoughby City Council would like to see this addressed in the planning stages for the construction. Council feels that a Construction Management Plan referred to in Section 6.17-Staging of the EAR should include a Construction Environmental Management Plan that addresses all potential environmental management issues encountered during demolition and construction. This should include a sediment and erosion control plan that is prepared in accordance with MUS (2004) Soils and Construction, Vol.1 (2004) that is suitable for each proposed stage of the development.</p>	<p>The revised Draft Statement of Commitments at Section 9.0 below has been updated to state that a Construction Environmental Management Plan that addresses all potential environmental management issues encountered during demolition and construction will be provided prior to the construction certificate being issued which will include a sediment and erosion control plan that is prepared in accordance with MUS (2004) Soils and Construction, Vol.1 (2004) that is suitable for each proposed stage of the development.</p>
<p>Contaminated Soil/Land</p> <p>As the geotechnical investigation noted fill</p>	<p>A commitment has been included in the revised Draft Statement of Commitments at Section 9.0 below which provides that</p>

Issue	Response
on the site, the removal of all soil from site should be in accordance with the Protection of the Environment Operations Act 1997 and DECCW Waste Classification Guidelines (2008) prior to disposal. Testing should be undertaken prior to removal of soil from the site.	the removal of all soil from site will be undertaken in accordance with the <i>Protection of the Environment Operations Act 1997</i> and DECCW Waste Classification Guidelines (2008) prior to disposal. Testing will be undertaken prior to removal of soil from the site.
Should there be an incomplete history of the site then a Stage 1 Preliminary Site Audit should be undertaken in accordance with SEPP55.	It is not considered necessary to provide a Stage 1 Preliminary Site Audit as the site has been under Council ownership for a number of years and the known history of uses on the site is limited to a public carpark. In addition, the site is located within an established commercial/residential part of Chatswood which does not have a history of industrial or contaminating uses. The presence of contamination on the site is highly unlikely.

3.5 Exceedence of relevant planning controls

FSR Exceedence

An existing FSR of 5.5:1 applies to the site under *State Environmental Planning Policy 5*, of which a maximum of 2.5:1 can be residential GFA and a maximum of 3:1 can be commercial GFA.

SREP 5 references the now-repealed *Environmental Planning and Assessment Act Model Provisions 1980* (Model Provisions) and defines GFA as:

the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1 400 millimetres above each floor level excluding:

- (i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall,*
- (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,*
- (iii) car-parking needed to meet any requirements of the council and any internal access thereto,*
- (iv) space for the loading and unloading of goods.*

In accordance with this definition, 22,910sqm of residential GFA (equivalent to a FSR of 5.3:1) and 24,690sqm of commercial/retail GFA (equivalent to a FSR of 5.71:1) is proposed. In total, 47,600sqm of GFA (equivalent to a FSR of 11.01:1) is proposed on the site when calculated in accordance with the definition for GFA under SREP 5.

However, under Draft WLEP 2009, Council is proposing to apply a permissible FSR of 10.5:1 to the site. Despite the anomaly in the FSR provisions for the residential component of the development under Draft WLEP 2009 (discussed in Section 2.5 above), the report to Council on 24 August 2009 indicates that Council will accept a floor space mix on the site of 5.5:1 commercial GFA and 5:1 residential GFA with a maximum FSR of 10.5:1 on the site consistent with the future FSR control for the site under Draft WLEP 2009.

Under Draft WLEP 2009, GFA will be calculated in accordance with the definition under the Standard LEP template as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

In accordance with the above definition, 21,494sqm of residential GFA (equivalent to a FSR of 4.97:1) and 23,657sqm of commercial/retail GFA (equivalent to a FSR of 5.47:1) is proposed. In total, 45,151sqm of GFA (equivalent to a FSR of 10.44:1) is proposed on the site when calculated in accordance with the definition for GFA under the proposed planning framework for the Willoughby LGA.

Thus, the total FSR on the site will be consistent with the future FSR control for the site under Draft WLEP 2009 and the provision of commercial and residential floor space is consistent with Council's advice reports to its meeting of 14 August 2009.

Draft WLEP 2009 represents Council's desired future character for the area. Therefore, the project's exceedence of the current FSR control under SREP 5 is not considered an issue as the proposal will comply with the overall density control for the site under Council's Draft LEP.

Height Exceedence

The residential tower located in the northern portion of the site will have a height of RL 199.90 (approximately 98.5m when measured in accordance with the definition for height under SREP 5) which will be approximately 49.9m above the permissible height control in SREP 5 (RL 150). The commercial tower located in the southern portion of the site will have a height of RL 197.20 (approximately 95.5m when measured in accordance with the definition for height under SREP 5) which will be approximately 67.2m above the permissible height control in SREP 5 (RL 130).

As detailed in the report to Council on 24 August 2009 the building heights for the development are determined based on detailed shadow analysis which will take into consideration issues such as the croquet lawns south of Ellis Street.

As detailed above, extensive shadow analysis has been undertaken in relation to the shadow impact of the proposed development on surrounding land, particularly the outdoor recreation areas to the south-east. No unacceptable shadow impact will result on surrounding development or outdoor space and the proposed height of the building is considered acceptable in terms of shadow impacts.

A comparative height study was provided at **Appendix K** of the EAR which considered how the proposed residential and commercial towers relate to the Chatswood skyline. Notably the proposed development will be lower than the Chatswood Rail Interchange (CRI) Towers over the Chatswood Railway Station for which approval has already been granted. As detailed in the south elevation height study, the tall mixed use towers to the north, north-west and north-east provide a height backdrop to the proposed development site which will ensure that the height of the proposed new towers does not contrast against the established Chatswood CBD skyline particularly when viewed from the Pacific Highway and the residential area to the south. In addition, as shown in the west elevation height study, the proposed new towers will provide a 'bookend' between the residential portion of Chatswood to the south and the Chatswood commercial CBD to the north. The proposed new towers will also 'soften' the impact of the taller CTI towers (once built) on the residential area to the south by providing a transition down to the area on the southern side of Albert Avenue.

The height of the proposed development is therefore considered appropriate.

4.0 Issues raised by RTA

The following issues were raised by the RTA:

Table 4 - Issues raised by the RTA

Issue	Comment
The RTA has recommended that Albert Avenue be widened by a minimum of 1.5m to facilitate the upgrade of the intersection of Pacific Highway/Albert Avenue/Centennial Avenue.	As detailed above, whilst the upgrade of the Albert Avenue intersection is identified in the Chatswood Traffic Study, the widening of Albert Avenue is not identified in any strategic Council documents. The proposed widening was never mentioned in any consultation meetings with Council. Furthermore, there would be little benefit to implementing the road widening at the frontage to the site as sites to the east and west are unlikely to be developed in the future and therefore the road widening in front of the site is of little or no benefit.
The RTA has requested the a contribution to the upgrade of Thomas Lane be made by the applicant.	The upgrade of Thomas Lane is not identified in any schedule of works for which developer contributions can be levied. As detailed above (in Section 3.3) and the revised Draft Statement of Commitments in Section 9.0 below, the applicant will made a contribution of 2% of the CIV (excluding the cost of constructing the public parking and affordable housing units) which will be paid to Council and can be used for appropriate infrastructure works identified by Council.
The RTA has requested that median strip be included on Albert Avenue to enforce the left-in/left out turn from the vehicle access point on Albert Avenue.	It is proposed to provide a median strip on Albert Avenue to facilitate the proposed left-in/left-out from this access. A detailed plan for the median strip will be prepared for Council and RTA consideration following project approval. This has been included in the revised Draft Statement of Commitments in Section 9.0 below.
The RTA has requested that an additional vehicle exit and entry be provided to Thomas Street.	As detailed in Section 2.3 above, an additional vehicle exit is proposed to be included at the Thomas Street frontage in accordance with the revised design sketch at Appendix B. Due to Council's requirement to also provide the right-of-way to Fleet Lane, it is not possible to provide a vehicle exit and entry at this frontage.
The RTA has raised concern regarding conflict between vehicle and trucks as a result of the design of loading bay and has suggested that the loading bay be separated from the rest of the carpark.	As detailed in the revised basement plan at Appendix B, the commercial loading dock, which is expected to experience the majority of deliveries to the site is separate from the rest of the carpark and is located away from the Albert Avenue vehicle access and will not impact on vehicle movements into and out of the carpark. If required, a commitment can be made to provide a loading dock manager for the commercial/retail component of the development during standard trading hours. The residential loading dock will experience significant less truck deliveries and has been redesigned to ensure that potential impacts on the operation of the carpark are minimised. If required, a commitment can be made to provide a loading dock manager for the commercial/retail component of the development during standard trading hours.
The RTA has requested clarification on the availability of bicycle parking and the cyclist shower facilities to the general public. The RTA has suggested that caged	Whilst the bicycle parking facilities will be available to the general public, it is not intended that the cyclist shower facilities be made available to the public. There would be significant safety and maintenance issues associated with making the shower facilities available to the general public. In any case, it is expected that the shower facilities will be predominantly used by the

Issue	Comment
bicycle enclosures be considered.	employees in the commercial and retail tenancies and that a member of the general public who would park his vehicle or bicycle in the carpark to undertake activities in the Chatswood CBD would not require the use of shower facilities. Caged bicycle enclosures will be considered for tenants of the development but would not be appropriate for public users.
The RTA has recommended that two car-share spaces be included in the carpark.	As detailed above, it is recommended that Council allocate spaces within the public carpark for car-share purposes. It is not possible to allocate any of the resident or commercial parking for carshare purposes as these will not be accessible to the general public due to security arrangements within the carpark.
The RTA has recommended that a Green Travel Plan be developed for the project and submitted to Council for approval prior to release of the Stage 1 construction certificate. The Green Travel Plan should clearly detail how the plan is to be implemented and who will be responsible for overseeing implementation of ensuring that there is an ongoing commitment to maintaining recommendations proposed within the Green Travel Plan.	A commitment to include prepare a Green Travel Plan has been included in the revised Draft Statement of Commitments at Section 9.0 below.

The following additional comments made by the RTA have been responded to by including appropriate commitments in the revised Draft Statement of Commitments at Section 9.0 below:

- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle length and parking bay dimensions) will be in accordance with AS2890.1-2004 and AS 2890.2 - 2002 for heavy vehicles.
- Revised turning path diagrams for a 9.6m vehicle will be prepared for the existing movements of such vehicles which will take into account the location and design of the proposed median on Albert Avenue.

In response to other issues raised by the RTA, it is noted that appropriate acoustic measures have been incorporated into the Draft Statement of Commitments to ensure that the proposed development will comply with the acoustic requirements in *State Environmental Planning Policy (infrastructure) 2007*. In addition all vehicles will be able to enter and exit the site in a forward direction and turning areas will be kept free of obstacles.

5.0 NSW Transport and Infrastructure

NSW Transport and Infrastructure has not raised any significant concerns regarding the proposal but have suggested that the carparking provision on the site be reduced in light of the site's excellent access to public transport facilities. This is at odds with Council's recommendation to increase parking provision on the site. For this reason it is considered acceptable to retain the currently-proposed parking provision for the development (as detailed in Section 2.3 above) without any further amendment.

As significant bicycle facilities are to be provided in the first basement level, it is not considered necessary to provide any bicycle parking at ground level.

6.0 Sydney Water

The submission received from Sydney Water does not raise any unusual requirements that relate specifically to the project. Compliance with the recommendations of the Sydney Water submission can thus be included as conditions of approval if considered necessary.

7.0 Key Issues raised by the public

The following key issues have been raised by neighbouring property owners

Table 5 - Key issues raised by the public

Issue	Response
Excessive height of proposal	This is addressed in detail above (see Section 2.5 and 4.2). the height of the proposed development is considered appropriate.
Traffic and parking issues	All traffic and parking issues have been responded to in addressing the RTA and Council concerns.
Adverse impacts on the amenity of surrounding residents and commercial premises, including overshadowing, loss of privacy and reduced solar access	As detailed above and in the EAR, the proposed shadow impact from the proposed development will not be unacceptable. Additional shadow diagrams are incorporated at Appendix C which demonstrate that no unacceptable overshadowing impact will result on residential land uses to the south of the site.
Loss of views	View diagrams were included at Appendix S of the EAR and additional view diagrams (showing the view impact from key surrounding sites) are included at Appendix D to this PPR. These view diagrams demonstrate that no unacceptable loss of views will result from the proposal.
Significant departure with current planning controls (height and floorspace)	This is discussed in detail above. The FSR on the site will be consistent with the overall FSR control proposed for the site under Draft WLEP 2009. The height of the development is considered appropriate in the context of the height of surrounding existing and approved development.
Inconsistent with the prevailing character of the area	The existing and future character of the Chatswood CBD has been identified in both State and local strategic planning documents as a mixed use centre accommodating increased commercial floor space and residential accommodation in close proximity to the existing transport network and services within the Centre. The proposed development is entirely consistent with this strategic vision as it will provide high-quality commercial and retail floor space and affordable residential units in this accessible location. The proposed development is also generally consistent with the desired future character for the site and the area as expressed in Draft WLEP 2009.
Affect on property values	This is not a valid planning reason on which to raise an objection. However, the proposed development is likely to increase property values in the area. Not only will it

Issue	Response
	provide a high-quality development on a currently-underutilised site, but it will provide some 1,800sqm of landscaped, ground floor open space that will be accessible to the public and will improve the amenity and quality of the public domain in the area.
Conflict of interest, with Council being the owner of the site	The application is being assessed by the Department and not Council. therefore no conflict of interest arises in the assessment of the project.
Access and servicing issues	It has been demonstrated that appropriate servicing and access arrangements can be provided to the site. An additional vehicle exit has been included on Thomas Street to facilitate improved vehicle access for the development.
Conflict between vehicles and pedestrians	The proposed vehicle exits and entries are located well away from the pedestrian entries to the site. No unacceptable conflict between pedestrian and vehicle movements is expected to result from the proposed development.
Construction related impacts	The proposal will not result in any unusual construction impacts. A commitment has been made to provide a Construction Management Plan prior to the first construction certificate being issued for the site.
Reliance on a draft LEP that is not available to be public or been through public exhibition	Draft WLEP 2009 has now been exhibited.
No consideration of wind tunnelling impacts	A detailed Wind Assessment was conducted for the proposal (see Appendix Q of the EAR) which recommended a number of mitigation measures to be included in the design and landscaping of the project. These measures are included in the Draft Statement of Commitments and will ensure that no adverse wind impacts will result.

8.0 Amendments to the Project

The following key changes have been made to the design of the project in response to issues raised by the Department and other public agencies:

- Inclusion of an additional vehicle exit at the Thomas Street frontage and associated changes to the basement 1 layout (see revised design sketch at **Appendix B**);
- Amendments to the loading dock arrangement in basement 1;
- Amendments at levels 3 to 5 at the eastern facade of the residential tower to replace two studio apartments and two 1-bedroom apartments with two 2-bedroom apartments per floor. Angled privacy screens have also been provided at this facade (see **Appendix A**).
- The amendments to the residential tower will result in 2020 units being provided within the residential tower with the revised unit mix being:
 - 10 x studio apartments;
 - 10 x 1bed apartments;
 - 2 x 1 bed +study apartments;
 - 138 x 2 beds apartments;
 - 8 x 2bed (dual key) apartments; and
 - 34 x 3 bed apartments.
- The following parking will be provided on the site:
 - 192 residential spaces;
 - 64 commercial spaces;
 - 250 public parking spaces
 - **Total - 506 spaces**

A monetary contribution in lieu of 50 parking spaces will be made to Council/

9.0 Revised Draft Statement of Commitments

The Draft Statement of Commitments has now been revised to take into consideration the issues raised by the Department and other public agencies. Commitments that have been added, amended or revised are highlighted in blue text in **Table 6** below.

Table 6 – Draft Statement of Commitments

Subject	Commitments	Timing
Documentation of revised scheme	<ul style="list-style-type: none"> Full documentation of the revised scheme (outlined in the sketches prepared by PTW Architects and dated May 2010 will be submitted to the Department following approval of the Project Application. 	Detailed design stage
Disabled Access	<ul style="list-style-type: none"> 10% of all units will be adaptable - capable of being adapted to accommodate disabled access in accordance with AS1428.2; Disabled access will be provided to and within every floor containing a unit required to be adaptable; Disabled access to and within all the areas of facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee or visitor will be provided in the commercial building and new retail premises. Disabled parking spaces will be provided in accordance with Australian Standard 1428.1-4 Design for access and mobility. The residential component of the development will be designed in accordance with relevant provisions of the Building Codes Australia (BCA), Australian Standard 1428.1-4 Design for access and mobility and Australian Standard 4299-1995 Adaptable Housing. 	Detailed design stage
Wind Amelioration	<p>The following wind amelioration measures to be incorporated into the design of the proposed development:</p> <ul style="list-style-type: none"> Retention of Level 1 awning on the western face of the residential building Extension of this awning to the northern face of the residential building. Retention of Level 1 awnings on Level 1 of the office building. Retention of the proposed glass canopy between the office and residential buildings Addition of balustrades and awnings to the Level 2 balconies of the residential tower. Addition of balustrades to the northern corner balconies of the residential tower and retention of the blade wall between the balconies on the southern face of the residential building. Retention of current planting scheme (see Landscape Plan at Appendix E), with the addition of strategic ground level planting of trees and/or shrubs along the public walkway and close to the northern and southern entrances. <p>OR</p> <ul style="list-style-type: none"> Retention of a planting scheme similar to that 	Detailed design stage

	currently proposed (see Landscape Plan at Appendix E), and extension of the awnings located on the western and northern aspects of the residential building.	
Carpark and kitchen exhaust	Provision will be made for carpark exhaust and kitchen exhaust riser(s) with a discharge point located in accordance with the BCA and AS1668.2.	Detailed design stage
Carwash bay	A minimum of one carwash bay will be provided for residents which will be connected to the Sydney Water Sewerage System.	Detailed design stage
Archaeological heritage	Excavation of the site will cease and the Department of Climate Change and Water will be notified should archaeological heritage items be identified during excavation.	During Excavation
Removal soil from the site	Removal of all soil from site will be undertaken in accordance with the <i>Protection of the Environment Operations Act 1997</i> and DECCW Waste Classification Guidelines (2008) prior to disposal. Testing will be undertaken prior to removal of soil from the site.	During Excavation
Development Contributions	<ul style="list-style-type: none"> 2% of the project's CIV (excluding the cost of constructing the public carparking spaces and the affordable housing units) is to be paid to Council. A contribution in lieu of 50 public carparking spaces will be paid to Council (the rate at July 2009, the rate for each public carparking space is \$26,0812.62, however, the contribution will be calculated in accordance with applicable rate at the time. 	Contribution to be paid prior to issue of first occupation certificate for the development
Affordable Housing Units	<ul style="list-style-type: none"> All units at level 3 of the proposed residential tower are to be dedicated to Council. 	Dedication to occur when occupation certificate is issued for these units.
Dedication of public carpark	<ul style="list-style-type: none"> The public carpark is to be subdivided onto a separate stratum and dedicated to Council. 	Dedication to occur when occupation certificate is issued for the carpark.
Waste Management	A waste management plan to be prepared for the commercial, retail and residential components of the development (will include details regarding construction and operational waste management)	To be provided prior to Construction Certificate being issued for the first residential, retail or commercial component of the development
Parking Management (Public Parking)	A parking management plan for the public car park to be prepared which will address, security, management, fees and access control etc in the proposed public car park.	To be provided to Council for approval prior to Construction Certificate being issued

		for the carpark
Public Domain	<ul style="list-style-type: none"> ▪ A Plan of Management detailing the proposed management and maintenance mechanisms for the public domain to be prepared. ▪ Repaving of Thomas Street and Albert Avenue Council footpath and appropriate street tree planting to be undertaken in accordance with Council requirements. ▪ All services to be provided below ground 	Plan of Management and detailed plans showing paving and street tree planting to be provided to Council for approval prior to the Construction Certificate being issued for the residential component of the development.
ESD	<p>Atmosphere</p> <ul style="list-style-type: none"> ▪ Residential apartments to be designed for compliance with BCA for natural ventilation. ▪ Air conditioning units proposed will use refrigerant R410A (mainly in packaged units) and other refrigerants with zero (0) ozone depletion potential. ▪ Insulation will be specified and selected where no ozone depletion substances are used in the manufacture of insulating materials. ▪ Provision of refrigerant leak detection system for major chiller plant in the commercial building to minimise ODP and GWP emissions. <p>Energy / Greenhouse Gas Abatement</p> <ul style="list-style-type: none"> ▪ The residential tower will comply with BASIX energy requirements by reducing energy use by at least 20%. ▪ Provision of energy efficient appliances eg dishwasher, clothes washer and dryer in the apartments to improve the BASIX energy score. ▪ Residential air conditioning will be reverse cycle water cooled package units providing energy efficient heating and cooling to the apartments. ▪ Retail glazing to comply with deemed to satisfy requirements of BCA section J. ▪ The office building will be designed to achieve 5 stars NABERS Energy rating. ▪ Energy efficient lighting and fixtures will be installed. ▪ The car park ventilation system design will be based on an engineered solution to minimise the volume of supply and exhaust air required. The reduced air flow allows the fan size and motors to be reduced providing significant energy savings. CO monitors will be installed in the car park and interlocked with the ventilation system to keep fan operation speeds and operation times to a minimum saving energy. ▪ Energy consumption levels will be achieved by compliance with BCA Section J 'Energy Efficiency' requirements. <p>Indoor environmental quality and thermal comfort</p> <ul style="list-style-type: none"> ▪ Daylighting is proposed for at least 60% of the net 	To be implemented during construction and operation of proposed development (where relevant).

	<p>usable commercial area.</p> <ul style="list-style-type: none"> ■ Artificial lighting will be designed to comply with the requirements of BCA Section J6 and lighting loads will not exceed the following: <ul style="list-style-type: none"> - Commercial Office - 6 W/m² - Retail Areas - 20 W/m² - Circulation Space & Corridors - 8 W/m² - Entry Lobby - 15 W/m² - Carpark - 3 W/m² - Carpark Entry - 25 W/m² ■ Lighting to residential apartments will be fluorescent type light fixtures in accordance with the BASIX report. ■ High frequency electronic ballasts will be used in commercial areas to reduce the unfavourable symptoms from which some people suffer (eg eyestrain and headaches). ■ Provisional exhaust risers will be provided in the office tower for tenancy fitouts to assist in removing pollutants from the office environment, such as Volatile Organic Compounds (VOC's), ozone, nitrogen oxide gas, carbon monoxide and particulates. ■ Provisional outside air supply riser will be provided in the office tower for tenancy fitouts. ■ The residential units will be designed to comply with the BASIX Thermal Comfort requirements. This will result in less energy required in the use of heating and cooling of the residential apartments. <p>Biodiversity</p> <ul style="list-style-type: none"> ■ Landscape design of the development will have at least 70% locally indigenous plant species. This will reduce the impact of the building development on the local environment ecology and enhance the development through the re-introduction of indigenous species. <p>Building Materials</p> <ul style="list-style-type: none"> ■ Internal paint with zero or low Volatile Organic Compounds will be specified. ■ Flooring with zero or low Volatile Organic Compounds will be specified. ■ All composite wood products specified to be of the low formaldehyde type. <p>Waste</p> <ul style="list-style-type: none"> ■ Minimum 60% of construction waste to be recycled for reuse. ■ The volume of concrete used in construction will be reduced by the use of oversized aggregate and/or aggregate will be replaced with industrial waste product. ■ Steel reinforcing used in concrete and steel beams will contain ≥50% post consumer recycled product. ■ Waste cupboard or storage area for recycling garbage on every residential floor. <p>Water conservation</p> <ul style="list-style-type: none"> ■ The residential tower will be compliant with BASIX Water requirements to achieve 40% saving in potable water use. ■ Residential, Commercial and Retail tapware and 	
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	<p>fixtures will provide the following ratings:</p> <ul style="list-style-type: none"> - 4 star Wels rated low flush volume water closets - 6 star Wels rated flow restricted bathroom tapware - 5 star Wels rated flow restricted laundry and kitchen tapware - 4 star Wels rated flow restricted showers <ul style="list-style-type: none"> ■ Water efficient appliances will be provided in the apartments eg dishwasher and clothes washer to improve the BASIX water saving score. ■ The landscaped area will have drip feed irrigation with timed switching. ■ Rainwater Tank to be provided for basement and common area toilet flushing, filling of pool water and landscape irrigation. ■ Collection of air conditioning condensate from commercial air conditioning for recycling purposes proposed. ■ Provision of a chlorine elimination system for the pool and spa backwash facility to enable recycling for landscape irrigation purposes. ■ Fire systems will be designed to save water during test mode. Test water from the system will drain into a tank for reuse for basement and common area toilet flushing, filling of pool water and landscape irrigation. ■ Water meters will be installed for all major water uses in both buildings. The meters will be connected to a Building Management System for monitoring to provide a leak detection system. <p>Noise</p> <ul style="list-style-type: none"> ■ Mechanical plant will be selected, acoustically treated and located in plant rooms and areas less sensitive to noise. ■ The external and internal wall materials will be selected and constructed to comply with AS2107 <p>Management</p> <ul style="list-style-type: none"> ■ An owners corporation manual will be provided prior to occupation. The Manual will describe ESD initiatives proposed for the development including energy saving measures, water saving measures, waste management, etc. 																														
Noise	<p>Glazing to be provided in accordance with Tables 4 and 5 of the Noise and Vibration Assessment at Appendix H as detailed in the figure below:</p> <p style="text-align: center;">Table 4 – Residential Glazing</p> <table border="1"> <thead> <tr> <th>Facade</th><th>Room</th><th>Glazing requirements</th></tr> </thead> <tbody> <tr> <td rowspan="2">North (Thomas St)</td><td>Bedrooms</td><td>Medium to heavy weight single glazing with acoustic seals</td></tr> <tr> <td>Living Rooms</td><td>Light to medium weight single glazing with acoustic seals</td></tr> <tr> <td rowspan="2">South (Albert Ave)</td><td>Bedrooms</td><td>Medium to heavy weight single glazing with acoustic seals</td></tr> <tr> <td>Living Rooms</td><td>Light to medium weight single glazing with acoustic seals</td></tr> <tr> <td rowspan="2">East (Rail Corridor)</td><td>Bedrooms</td><td>Medium to heavy weight single glazing with acoustic seals</td></tr> <tr> <td>Living Rooms</td><td>Light to medium weight single glazing with acoustic seals</td></tr> <tr> <td rowspan="2">West (Pacific Highway)</td><td>Bedrooms</td><td>Medium to heavy weight single glazing with acoustic seals</td></tr> <tr> <td>Living Rooms</td><td>Light to medium weight single glazing with acoustic seals</td></tr> </tbody> </table> <p style="text-align: center;">Table 5 – Commercial/Retail Glazing</p> <table border="1"> <thead> <tr> <th>Facade</th><th>Area</th><th>Glazing requirements</th></tr> </thead> <tbody> <tr> <td>All</td><td>Commercial / Retail</td><td>6mm / 12mm air gap / 6mm</td></tr> </tbody> </table>	Facade	Room	Glazing requirements	North (Thomas St)	Bedrooms	Medium to heavy weight single glazing with acoustic seals	Living Rooms	Light to medium weight single glazing with acoustic seals	South (Albert Ave)	Bedrooms	Medium to heavy weight single glazing with acoustic seals	Living Rooms	Light to medium weight single glazing with acoustic seals	East (Rail Corridor)	Bedrooms	Medium to heavy weight single glazing with acoustic seals	Living Rooms	Light to medium weight single glazing with acoustic seals	West (Pacific Highway)	Bedrooms	Medium to heavy weight single glazing with acoustic seals	Living Rooms	Light to medium weight single glazing with acoustic seals	Facade	Area	Glazing requirements	All	Commercial / Retail	6mm / 12mm air gap / 6mm	Details to be provided as part of detailed construction plans.
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	<p>Figure 6 – Proposed glazing requirements</p> <ul style="list-style-type: none"> ■ Air conditioning to be installed to meet AS 1668.2 requirements. Any mechanical ventilation system that is installed will be acoustically designed such that the acoustic performance of the recommended constructions are not reduced by any duct or pipe penetrating the wall/ceiling/roof. Noise emitted to the property boundaries by any ventilation system will comply with DECCW Guidelines. 	
Groundwater	Groundwater flows to be controlled by draining to a sump at the lowest basement level for pumped disposal to the stormwater system.	Details to be included in detailed construction plans.
Construction Management Plan	A Construction Management Plan will be prepared for the proposed development to manage construction activity (including water management, traffic management, road closures and proposed construction hours) in a way that will minimise and adverse impacts.	Prior to Construction certificate being issued.
Road closure plan	A plan for the closure of Fleet Lane and development on the new vehicle access from Fleet Lane to Thomas Street will be prepared and submitted to Council for approval. It is proposed that development of the re-directed Fleet Lane access will form part of the early works on the site to ensure that impacts on traffic circulation in the area are limited.	Plan for closure and redirection of Fleet Lane to be submitted to Council prior to issue of Construction Certificate.
ESD Management Plan	ESD measures will be detailed in a whole of site ESD Management Plan that obliges and guides all future owners and occupants to maintain and where possible improve on the sustainability initiatives incorporated in the development of the site.	Prior to occupation certificate being issued for the first stage of the development
Cooling towers	Cooling towers in the proposed development will be installed and maintained in accordance with the <i>Public Health Act 1991, Public Health (Microbial Control) Regulation 2000, AS3666.1:2002 and AS3666.2:2002</i> and Council will be notified once the cooling towers have been installed.	Construction and prior to operation
Rainwater reuse	A risk assessment and management program will be undertaken in accordance with the relevant National and State water re-use and treatment requirements addressing risk assessment and management to ensure public health and environmental health is ensured in relation to the rainwater reuse in the development.	Prior to issue of construction certificate for the residential component of the development
Median strip	A median strip will be provided on Albert Avenue. A detailed plan for the median strip will be prepared for Council and RTA consideration.	Prior to the first occupation certificate being issued

10.0 Conclusion

The Project Application for the proposed mixed use development has been updated and amended to respond to key issues raised by the Department, other public agencies and the general public. The proposed amendments, as well as the changes to the Draft Statement of Commitments will ensure that any potential amenity impacts (that had not already been addresses) will be mitigated.

The proposed mixed use development at the site of the existing Council car park at Thomas Street and Albert Avenue, Chatswood will provide for a high-quality commercial, retail and residential development on this currently underutilised site, at the same time as ensuring that the casual parking needs for the Chatswood CBD continue to be met.

The proposed development generally complies with relevant development controls set by SREP 5 and is consistent with strategic planning provisions for the Chatswood CBD including the intention of Draft WLEP 2009 which will increase density controls on the site.

The proposed development will provide an attractive landscaped open space which will be public accessible and a through-site link which will increase pedestrian connectivity in the CBD. The proposed ground floor retail uses will activate the Thomas Street and Albert Avenue streetscapes, as well as promote a lively and amenable pedestrian environment in the public plaza area.

The proposed residential development has been designed to achieve maximum amenity to units on the site and to ensure that high quality residential accommodation is available in close proximity to the public transport and services. The provision of 4% of the residential GFA on the site will promote a diverse social mix and assist in meeting the affordable housing needs for the Willoughby LGA. In addition, the provision of some 19,000sqm NFA of A-Grade office space will continue to promote the Chatswood CBD as an employment centre.

The proposal is considered to be in the public interest as it provides for the development of this currently under-utilised site for a range of uses that are permissible in the zone. The proposal will provide additional public parking in excess of the existing amount. The new public car park will be more efficient and safer than the existing as it will be below ground. In addition, the development will provide 10% of the residential GFA as affordable housing which will have a positive social impact. The provision of some 1,800sqm of high-quality, landscaped open space (with associated through-site link) will not only provide additional passive recreational space in the locality (without burdening Council with maintenance costs) but will also improve pedestrian connectivity in the Chatswood CBD. The provision of high-quality residential, commercial and retail GFA in the locality is consistent with State Government objectives to provide residential accommodation and employment-generating activities in close proximity to public transport. The proposed development will therefore provide a number of tangible public benefits.

The development has been designed to minimise environmental impacts on the surrounding area at the same time as providing a visually interesting, high quality development at this gateway to the Chatswood CBD. All issues raised in submission have been addressed the Project Application for a mixed use development on the Thomas Street car park site is considered worthy of the Department's approval.

It is noted that the project was publicly exhibited in January 2010. As all of the issues raised in submissions are considered resolved, there should be no reason to delay the approval of the project.