

URBIS

RESPONSE TO SUBMISSIONS

2016SYE110-WILLOUGHBY-
PGR 2016 WILLO 002 00
MANDARIN CENTRE - 65
ALBERT AVENUE
CHATSWOOD

Prepared for
**MANDARIN DEVELOPMENTS PTY LTD & BLUE
PAPAYA PTY LTD**
15 February
2021

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Report Number	Final



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1. INTRODUCTION

This 'Response to Submissions' Report (RtS) has been prepared by Urbis on behalf of Mandarin Developments & Blue Papaya to address the matters raised by government agencies, the general public and owner's corporations during public exhibition of Planning Proposal 2016SYE110-WILLOUGHBY-PGR_2016_WILLO_002_00 for the Mandarin Centre at 65 Albert Avenue, Chatswood.

The Department of Planning, Industry and Environment (DPIE) have requested a response to the matters raised during the public exhibition period. It is understood that the submissions and the responses to those submissions as provided in the RtS will inform DPIE's recommendation to the Sydney North Planning Panel (SNPP).

As previously concluded by DPIE, the proposal continues to have strategic merit, given the objectives and intended outcome to provide for urban renewal of the site to accommodate mixed use development with an appropriate mix of commercial, retail, residential and community uses,- in close proximity to jobs and in a location well serviced by public transport. The concept design has appropriately responded to design matters including the application of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65).

This report illustrates that the design concept achieves a balanced outcome, including mitigating view and environmental impacts to neighbouring properties, public domain improvements and open space for the community, whilst supporting Chatswood's future as an employment centre through an uplift in commercial, an upgrade to the retail offering and community use facility whilst providing housing on the redeveloped site close to transport infrastructure.

The planning proposal provides a well-considered site-specific design approach that will ensure a genuine mixed-use outcome.

1.1. OVERVIEW

The Planning Proposal was on public exhibition from 22 October to 18 November 2020. During this period, submissions were received from public authorities and the general public. The submissions received from public authorities included those from:

- Willoughby City Council (Council)
- Transport for NSW (TfNSW)

The majority of public submissions - received were from residents of The Sebel, immediately north of the site. Submissions were also received from the Owner's corporation of the Sebel Residence and one submission from owner's corporation of SP88677 – 69 Albert Avenue, Chatswood; SP88678 – 1 Post Office Lane, Chatswood; SP88679 – 438 Victoria Avenue, Chatswood.

Key matters raised in these submissions include:

- View and Visual Impact
- Impact on Privacy
- Wind Impact
- Overshadowing/solar access
- Traffic and Pedestrian Impacts
- Commercial and residential oversupply and market saturation
- Noise and air quality Impacts
- Construction impacts
- Light spill
- Pressure on community and public infrastructure/facilities
- Consistency with documentation and strategic documentation

- Loss of amenity leading to mental and physical health impacts
- Loss of value of asset.

The RtS provides an in-depth and holistic response to all matters raised by public authorities and community submissions.

Revised specialist documentation has been provided in support of the RtS. These documents further support the proposed concept design. This includes:

- Revised Planning Proposal Report (**Appendix A**)
- Traffic and Transport Impact Statement prepared by GTA Consultants (**Appendix B**).
- Preliminary Wind Assessment prepared by Windtech Consultants (**Appendix D**).

The content contained in the RtS and the Planning Proposal Report, demonstrates that the Planning Proposal contributes to the achievement of the vision and objectives for development within the Chatswood CBD as outlined within the *Chatswood CBD Draft Planning and Urban Design Strategy to 2036* (the CBD Strategy). The proposal integrates the site and enhances the public domain for the benefit of the local and wider community.

Due to the conceptual nature of the proposed design, we have addressed issues relevant at this stage of the planning process. Few issues raised in the submissions relate to matters that will be addressed either through controls that can be implemented as future design excellence briefs and/or the detailed design phase required for future development applications (DA). This also includes the more detailed design criteria required by SEPP 65 and the accompanying Apartment Design Guide (ADG). Overall, the proposal is in the public interest and should be supported by DPIE in its recommendation to the SNPP.

2. RESPONSE TO SUBMISSIONS

The response below responds to matters raised by both the general public and public agencies. This incorporates assessment of the additional studies undertaken in response to the submissions to support the Planning Proposal.

2.1. GENERAL PUBLIC AND OWNER'S CORPORATION SUBMISSIONS

Several of the Sebel residents raised site specific issues. Most of these matters can be resolved during the design excellence and DA process. Despite this, the proponent has provided adequate detail at this stage to ensure the Planning Proposal can be supported by the DPIE in its recommendation to the SNPP.

2.1.1. View and Visual Impact

The residents of the Sebel raised concerns about the potential loss of views to the south of the site as below:

- Loss of views to the Sebel which overlooks the Mandarin Centre to the north.
- The increase in height and floor space would have an unacceptable impact on neighbouring properties.
- The actual visual impacts associated with the potential development of the site are far reaching and not accurately represented in the visual impact analysis.
- Tenacity principle - underscores why the Planning Proposal should be rejected as good planning would avoid the need to resort to such principles.
- View loss is not consistent with CBD Strategy considering site constraints and surrounding context.

Response:

In accordance with the conditions of Gateway Determination the proponent undertook a detailed Visual Impact Assessment (VIA) of the proposed development concept on residential apartments within the 'Sebel'. The VIA also compared this to an indicative commercial tower envelope that could be achieved under the CBD Strategy.

In relation to the impact on views raised within the submissions, the VIA notes that the scenic features from the subject site, limits the ability to effectively retain access to such views, given the intervening development for example tower clusters at St Leonards and North Sydney which are subject to continual change and uplift.

As outlined in the VIA, *Tenacity* concerns private domain view loss and describes what features are considered as scenic and valuable. The principle also describes the extent of view loss using a qualitative scale and takes into consideration the value of features in each composition and from where the views are available. As such, tenacity is a relevant and common component of a VIA.

The VIA concludes that limiting development would contravene the objective of the planning principle in *Tenacity* which seeks to establish a level of view sharing whilst having regard for all relevant information, including allowing for the development potential of a site to be realised. As such, to limit the development potential on site and other intervening sites located in the southerly-scenic view would ignore the strategic value that has been attributed to this site by the DPIE and Council.

The measures undertaken in the concept design to limit view impacts would be incorporated into the design brief for the design excellence phase of the planning process. These mitigation measures would then be implemented during future DAs. It is further noted that the accuracy of the photomontages has been certified by Urbis and are therefore accurately represented in the VIA.

In addition to the VIA we make the following points:

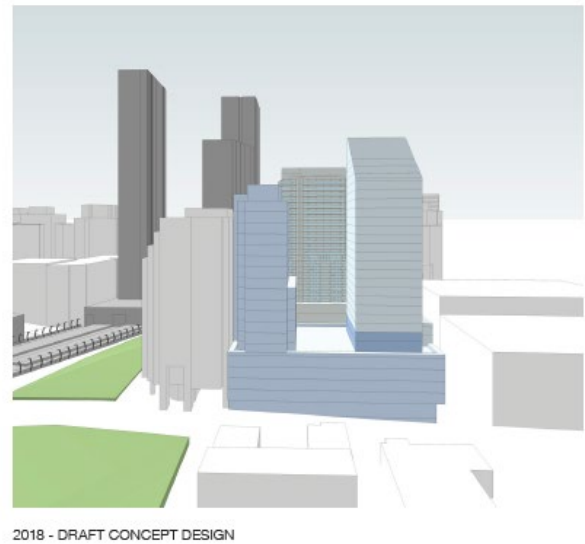
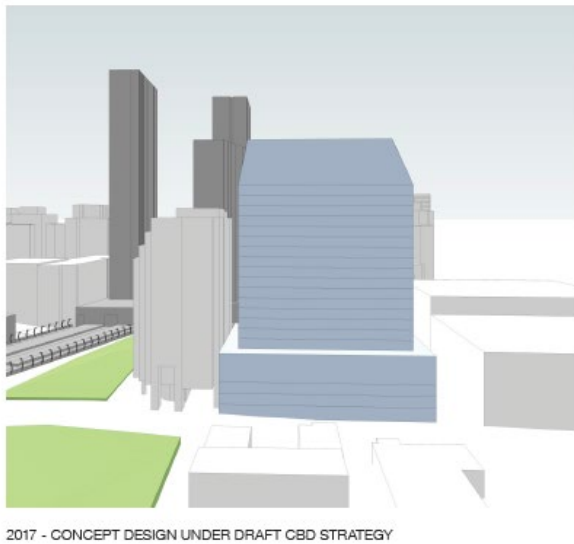
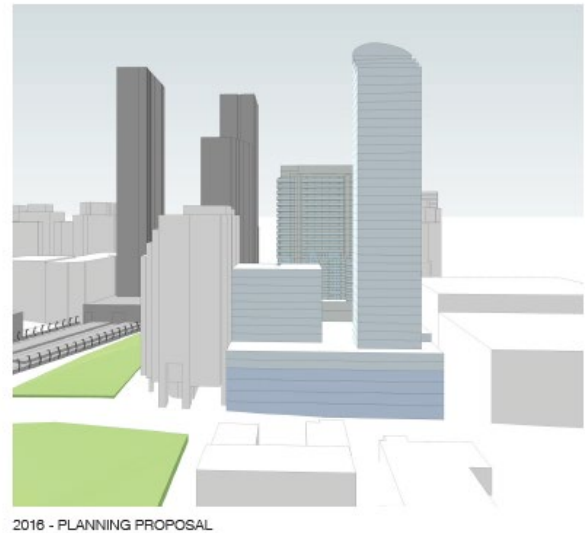
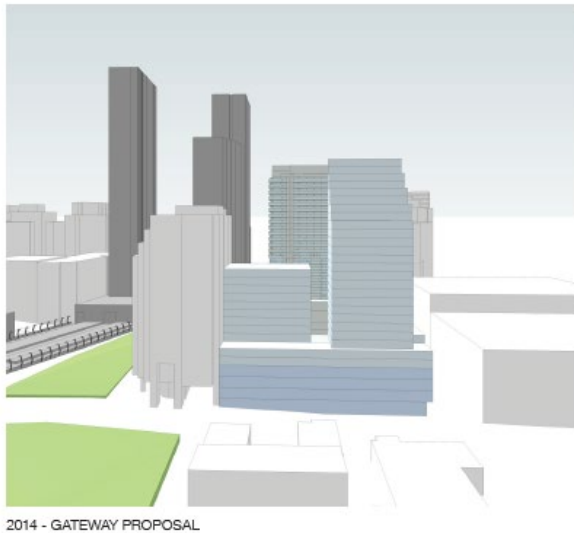
- The concept design has evolved over the previous 7 years in response to direction and feedback provided by Council, SNPP and strategic planning advice including the Chatswood CBD Planning and Urban Design Strategy.
- It is important to consider the length of the southern façade of the Sebel and its setback to its southern boundary which would not be consistent with SEPP 65 and the ADG. The design of the Sebel means any

future uplift on the Mandarin Centre in the form of a tower would create some level of impact. Given the design some balance needs to be struck to ensure that the site is not sterilised from future uplift.

- The proposed orientation and design of the building envelopes have been created to minimise the amenity and view impacts to the Sebel apartments. The inclusion of the appropriate spatial separation (21/24m) between the towers above the podium allows for a view corridor when considering views from the north to the south. This approach maintains some regional and district views from the Sebel, whilst several dual aspect balconies on western and southern facades *also* retain existing views.
- It is important to consider the alternate significant impact of a single commercial office tower on the Sebel if the site design was developed in accordance with the CBD Strategy. This would have far greater impact on the views from the Sebel building (Figure 1). The current concept design with two slender towers minimises the view impact to the Sebel significantly whilst ensuring the feasibility of a new development on the site.
- The proposed building separation opens additional views from the single aspect apartments at the lower level of the 'Sebel' that were previously impacted by the 2015 and 2016 Planning Proposals (Figure 1) which also illustrates the significant impact of an envelope that is consistent with the CBD Strategy (bottom left).
- The proposed setback and separation between the residential and commercial towers (21/24m) have been balanced with the need to maintain a large proportion of through site views for residents within the Sebel.
- The DPIE assessment of view sharing in its assessment dated 20 August 2019 found that:

“While the proposal would have some impact on the current views of the Sebel tower, it is considered that it would be unreasonable and inequitable to expect that redevelopment of the site would be protected indefinitely to preserve an unimpeded outlook from the Sebel tower. Moreover, the strategy contemplates additional scale and density of development for the subject site which would result in some level of view sharing.”

Figure 1 Development Concept History



Source: Urbis

The proponent has rigorously assessed view loss in response to the Gateway Conditions. It is our opinion that the concept proposal demonstrates how the proposed LEP amendments can achieve a balanced development outcome that supports a level of view sharing whilst also ensuring an achievable level of development uplift on the site.

2.1.2. Impacts on Privacy

The following matters were raised in submissions in relation to impact to privacy of the Sebel residents. The key matters raised included:

- Windows will look directly opposite and into the Sebel. This will result in curtains having to be continually closed.
- The concept scheme does not comply with the recommended building separation.
- A building separation to the Sebel residential building of 15-17m. The Planning Proposal report states an 18m separation distance is required to The Sebel building for compliance with Objective 2F (Building separation).

Response:

Privacy mitigation measures can be incorporated into the design brief for the design excellence phase. These mitigation measures would then be implemented in the future Development application. These measures could include:

- Installation of privacy screens to windows and balconies,
- Location of windows and balconies – This includes the north façade of the residential tower which intended to incorporate non habitable rooms/blank walls.

As shown in Figure 2 the current Planning Proposal has increased the separation to Sebel from 12m to 15/17m and separation between the towers from 12m to 21/24m. The following responses are also made in relation to separation distances:

- Half the minimum separation distance (9m) to the northern boundary with the Sebel currently, does not comply with the required setbacks for habitable rooms/balconies. This approach is consistent with Part 2F of the ADG which states:

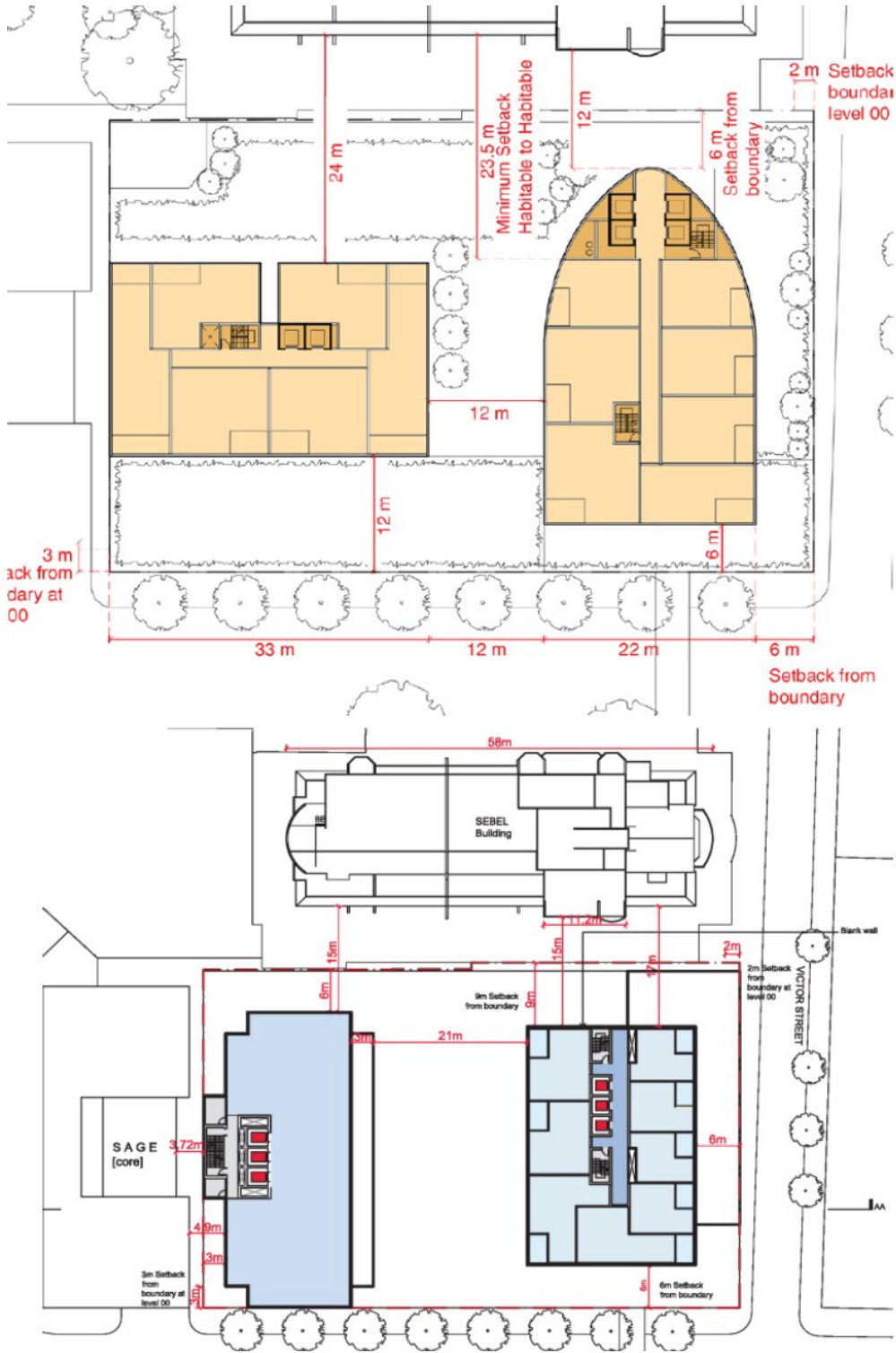
*“Where applying separation to buildings on adjoining sites, **apply half the minimum separation distance measured to the boundary.** This distributes the building separation equally between sites.”*

It is inequitable to expect the Mandarin Centre to provide any further increases to the setback to the northern boundary to account for the non-compliant setbacks of the Sebel building.

- On site building separation between the proposed residential tower and proposed commercial tower is between 21m and 24m. This separation is predominantly consistent with the application of part 2F of ADG. Whilst level 10 is below the minimum separation distance the separation is greater than the 18m required below Level 9.
- The proposed separation of the two towers is also considered appropriate to the high-density CBD location noting that similar controls for buildings on the same site within the Sydney CBD require a minimum separation of 15m between commercial and residential buildings. The proposed separation in the subject Planning Proposal is 6m more than the minimum separation proposed between the commercial and residential tower.

The amendments reflect two appropriately sized tower envelopes on the site that ensures that adequate building separation and amenity can be achieved. These proposed envelopes promote a balanced approach to view sharing and acceptable levels of visual privacy between buildings. Further consideration of these matters can be undertaken with mitigation measures provided where required within the detailed design.

Figure 2 Separation Distances (Original PP vs Gateway Design)



Source: Bates Smart

2.1.3. Wind Impact

The following matters were raised in submissions, in relation to impact of wind on the Sebel residents. The key matters raised included:

- Strong wind tunnel from the west between Sebel and Mandarin Centre
- Balcony doors on the Sebel will constantly have to be closed.
- Development will contribute to wind tunnelling on Victoria Avenue.

Response:

In response to the concerns raised in the submissions around potential wind impacts, the proponent has undertaken a preliminary assessment of wind impact prepared by Windtech Consultants. This assessment is provided at Appendix D.

The results of this preliminary assessment indicate that the concept design has incorporated design features and wind mitigating strategies and is expected to be suitable for the intended use for the majority of the outdoor trafficable areas. While some areas will be exposed to stronger winds the assessment provides the following recommendations, which will mitigate any impacts:

- Retention of the densely foliating street trees along the Victor Street and Albert Avenue frontages of the site.
- Impermeable awnings along the Victor Street and Albert Avenue frontages of the site.
- Podium Level 2 Entrance: Localised wind mitigating devices such as densely foliating vegetation in the form of trees or shrubs/hedge planting (live or artificial) or screening around the entrance.
- Podium Level 5 Communal/Childcare Open Spaces:
 - The proposed planter areas along the perimeter edge of the childcare and communal open space.
 - High impermeable balustrades along the proposed perimeter edge.
 - Impermeable awnings along the proposed tower facades;
 - short duration stationary activities such as outdoor seating are recommended to be restricted/situated away from the corners of the proposed towers.
 - Localised wind mitigating devices such as densely foliating vegetation in the form of trees or shrubs/hedge planting (live or artificial), screening or pergolas within and around areas intended for short duration stationary activities.
- Private Balconies:
 - Full-height blade walls or louver screens along the short perimeter edges and an impermeable balustrade on the long perimeter edges of the corner balconies.
 - Full-height privacy screen between southern private corner balconies.

Impermeable balustrades along the perimeter edge of the remaining single aspect private balconies. The preliminary wind assessment concludes that wind conditions for the various trafficable outdoor areas within and around the development will be suitable for their intended uses, and that the wind speeds will satisfy the applicable criteria for pedestrian comfort and safety. The above recommendations can be implemented at development application stage.

The proponent is committed to undertaking wind tunnel testing at subsequent detailed design stages. In particular, requirements for wind tunnel testing and the mitigation measures recommended in the preliminary wind assessment can be included in any future design excellence brief.

2.1.4. Overshadowing & Solar Access

The following matters were raised in submissions in relation to impact of potential overshadowing. The key matters raised included:

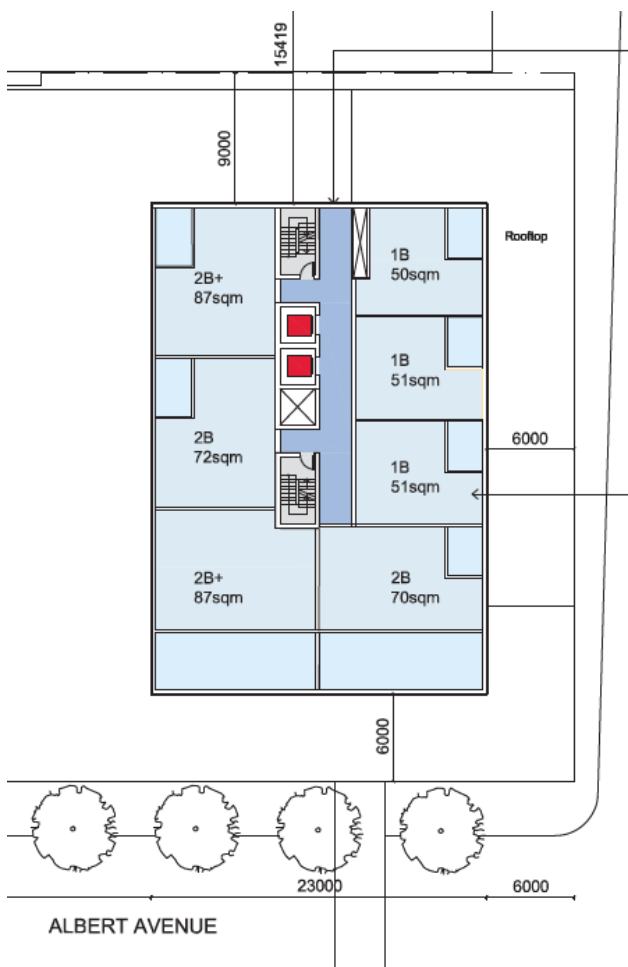
- Reduce sunlight to the Sebel
- Unacceptable overshadowing to Chatswood Park

Response:

As the Sebel is north of the site, there will be no overshadowing impact to this existing development. Any shadowing will be to the south of the site. The proponent provides the following responses regarding overshadowing:

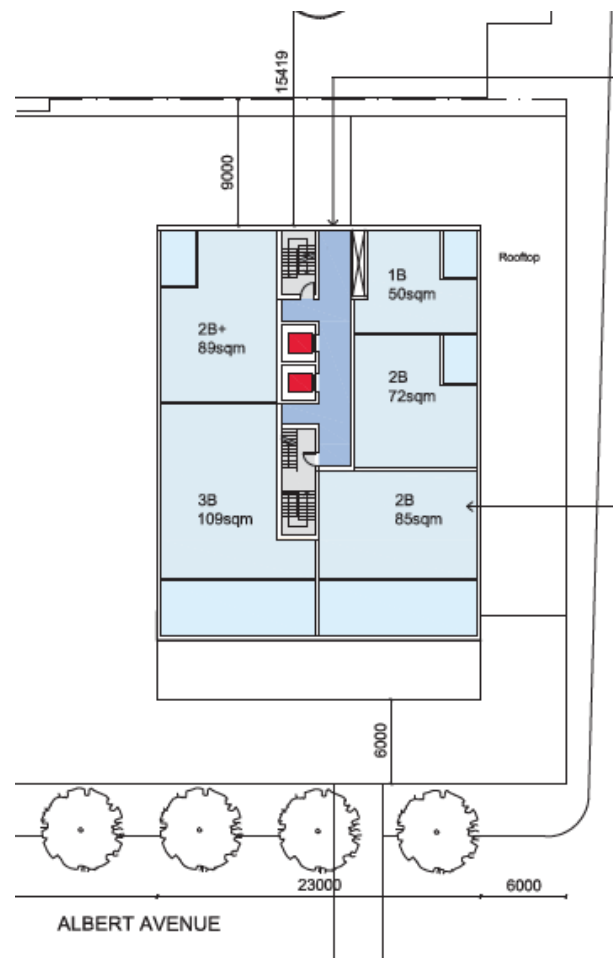
- Shadow to Chatswood Park was deemed acceptable by Council in its CBD Strategy, SNPP and DPIE. The proposal will ensure no additional overshadowing to Chatswood Oval and has prepared and submitted appropriate shadow diagrams to demonstrate this throughout the planning process.
- The proposed LEP provision will ensure that that development must not result in additional overshadowing of the playing surface of 'Chatswood Oval' between 11am and 2pm mid-winter". This is consistent with the SNPP and CBD Strategy recommendations.
- As demonstrated in the Bates Smart concept design (Figure 3), the uppermost residential levels step back from the southern edge to improve solar access to adjacent public spaces.

Figure 3 Upper Level floor plates step back to reduce shadowing.



Picture 1 Level 24

Source: Bates Smart



Picture 2 Level 25

Source: Bates Smart

2.1.5. Traffic and Pedestrians

The following matters were raised in relation to traffic and pedestrian impacts of the Planning Proposal:

- Impact on Albert Avenue and Victor Street intersection.
- Congestion from Albert Avenue to Pacific Highway.
- Congestion entering and exiting Victor Street.
- Infrastructure will not cope with additional traffic in the area.
- Traffic during school's hours is already not operating efficiently.
- Pedestrian congestion and safety
- Planning proposal relies on a Green Travel Plan – admission that PP will result in unacceptable traffic impacts.

Response:

To appropriately respond to these matters raised by the Sebel residents, GTA Consulting has provided a further Traffic and Transport Statement to support the proposed concept design and Planning Proposal. GTA Consultants have also updated their TIA as part of the RTS response. This update considers the Arup Future Conditions Transport Study prepared in 2020. The following responses are made:

- The updated TIA has reviewed the Arup Future Conditions Transport Study prepared in 2020 which assessed the future traffic and transport (active and public) network impacts of forecasted employment and dwellings documented in the CBD Strategy. The study tested 2026 and 2036 design years using TfNSW strategic modelling. GTA have concluded that the future development of the Mandarin Centre will not compromise the surrounding road network when the Arup Study is considered. This is further discussed in section 2.1 and 2.2 of this RTS.
- The proposed car parking on the site is consistent with the RMS rates. A Green Travel Plan will be prepared as part of any future DA to further mitigate any concern from residents and Council that the Planning Proposal will result in additional impacts. The requirement for a Green Travel Plan can be included in any future design excellence brief.
- The car parking rates provided in the RMS Guide for the residential component are consistent with requirements of the ADG which states:
“On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area.....the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.”
- The additional parking for residential will represent only a minor component of overall traffic generation during the peak period of weekday PM and Saturday Lunchtime.
- The TIA has confirmed that the additional traffic generated by the amended Planning Proposal could not be expected to compromise the safety or function of the surrounding road network. Additional traffic volumes generated by the amended Planning Proposal to the surrounding roads will continue to be low compared to existing volumes on these roads.
- The site's strategic location adjacent to Chatswood Station will allow any future development to explore opportunities for demand management approach and a reduction in the overall car parking on the site, including sharing car parking between uses that peak at different times throughout the day (i.e. residential visitors and retail uses).
- The TIA confirms that further analysis would be undertaken as part of the Development Application stage, and the proponent will consider whichever car parking rates are applicable at the time of any future DA, with the opportunity to reduce retail parking in consultation with Council (noting that council is considering new parking rates for the CBD which if applied would significantly reduce the number of car spaces)and TfNSWwhilst adopting appropriate strategy to manage traffic generation on the surrounding

road network. In terms of the previous RMS requirement for road widening along Victor Street the analysis considers that there would be negligible benefit to the road network operation in providing a widened Victor Street carriageway (i.e. left turn at Victor Street).

2.1.6. Oversupply and Market Saturation

A number of submissions raised concerns regarding oversupply of key land uses resulting market saturation, in particularly the following was raised:

- Housing over supply – resulting in high vacancy rates
- Reduced housing demand
- Over supply of retail – Mandarin Centre is a poor location for retail
- Fails to identify the current performance of the Mandarin Centre and demand for additional commercial opportunities.
- Over supply and low demand for commercial office space.
- Impact of COVID (working from home).

Response:

The proponent has appropriately responded to the matters raised in the submissions within the amended Planning Proposal. It is noted that economic analysis was provided with the Planning Proposal. The following responses are made in relation the statements made above:

- The residential component will provide more housing diversity close to services and jobs and transport. The proposal delivers more residential capacity within the Willoughby LGA in a highly accessible location which supports the State Government's significant investment in infrastructure such as the Sydney Metro. Residential uses in this location supports the notion espoused by the Regional and District Plans of a 30-minute city.
- The proposed housing supply will increase housing capacity in the Willoughby LGA. This is consistent with Willoughby Housing Strategy which forecast between 6,000 - 6,700 dwellings will be required to meet population growth to 2036. The proposal will foster liveable healthy communities by ensuring people can live where they can access jobs, transport and services without a car. This is consistent with the Housing Strategy, which states:

“It was concluded that in the interests of sustainability, any additional residential should be located close to business and service centres and public transport.”

- The residential floor space will assist with growing the Chatswood Strategic Centre by providing additional housing stock to accommodate future workers expected in the area. The provision for affordable housing of 4% of GFA is consistent with the current WLEP 2012 and the Housing Strategy.
- In addition, the Planning Proposal is consistent with District Plan for these reasons:
 - The proposed renewal of the existing retail shopping centre will contribute to creating a vibrant and active retail centre. The upgraded retail space will provide for additional specialty retail jobs.
 - The proposal provides new office floor space to suit a wider range of businesses and services. The proposal is therefore consistent with the productivity objectives of the District Plan, particularly Action 42 which relates to Chatswood.
 - The mixed-use proposal will deliver an integrated land use and transport outcome which balances the need for both employment and residential uses close to Chatswood Station.
- Mixed use development on the site will ensure the continued viability of the Chatswood retail core and contribute to its vibrant late-night economy.
- The Mandarin Centre is currently the third largest shopping centre in Chatswood. The proposal will improve the retail capacity and functionality, attracting more visitors and potential retailers to the Centre.
- Studies provided to inform the CBD Strategy justify the requirement for increased commercial floor space. This included from BIS-Oxford Economics who provided input into the CBD Strategy. This advice

has underpinned the objective of the CBD Strategy to build Chatswood's commercial future. The Chatswood office market is Sydney's sixth-largest. The CBD Strategy notes that:

“With no changes to planning controls, BIS-Oxford Economics forecast that Chatswood’s office employment would grow by a mere 900 persons by 2021. Thereafter, both office employment and the stock of office space would contract. Chatswood would lose employment to other centres and its market share of office employment would decline. It would be highly unlikely that Chatswood could achieve even the baseline target of 6,300 additional jobs by 2036 that is set out in the Greater Sydney Commission’s (GSC) North District Plan.”

- The proposal, therefore, contributes to the required commercial office supply by delivering significant employment floor space within Chatswood. The proposal will provide approximately 737 retail jobs, 920 commercial office jobs and 6 childcare jobs. The jobs will contribute to the productivity targets for Chatswood set in the North District Plan and requirements of the CBD Strategy.
- While, the above studies and research within the Planning Proposal have not taken the recent COVID-19 impact into consideration, recent research points towards mixed use lifestyle driven properties that result in diversity of uses with convenience as a primary driver. The proposal provides for diverse use, whilst assisting to boost economic activity and also aligns with CBD Strategy’s vision to achieve baseline targets highlighted in the North District Plan.

2.1.7. Other Matters Raised

The following table responds to other matters raised by the public, in particularly the Sebel residents.

Matter	Response
Noise	
<ul style="list-style-type: none"> ▪ Disturbing amenity and wellbeing of adjacent residents. ▪ Concern about air-conditioning units and other mechanical plants. ▪ Noise from traffic and pedestrians. ▪ Noise from commercial uses on site. 	<p>An detailed acoustic report will be required as part of any future DA which will make recommendation for mitigation measures to be incorporated into the detailed design e.g. acoustic screening.</p> <p>The requirement for an acoustic assessment can be included as part of any future design excellence brief and implemented through subsequent development applications.</p> <p>GTA have confirmed that the site will not result in additional traffic impacts. Noise should therefore not increase. Further traffic studies and responses has been provided in this RtS.</p>
Loss of value of asset	
<p>Serviced apartments, hotel and private residence located within The Sebel.</p>	<p>Loss of value is not a valid planning consideration, particularly within a CBD context in an area planned for significant change and development uplift. This RtS and the previously submitted Planning Proposal has demonstrated that appropriate mitigation measures have been introduced and the concept design revised to ensure impacts to the adjacent Sebel building are limited.</p>
Impacts on Air Quality	

Matter	Response
Air pollution from construction	Appropriate construction mitigation measures will be addressed through the DA and submission of a draft construction management plan.
Light Spill into Sebel Residence	Sebel is located within the Chatswood CBD and surrounded by tall buildings that would all generate a certain amount of light spill. Notwithstanding this, light spill from any future development can be addressed at detailed design, including during subsequent DAs.
Construction Impacts	
Impacts to traffic and pedestrian hazard	Appropriate construction mitigation measures at DA stage through the submission of a draft construction management plan..
Pressure on public and community facilities	
<ul style="list-style-type: none"> ▪ Pressure on Council facilities ▪ Local school's enrolment pressure ▪ Insufficient open space 	<p>The Planning Proposal will contribute to the provision of community facilities through future 7.12 contributions. These contributions will assist in providing Council with funding to upgrade facilities within Chatswood CBD.</p> <p>It is noted that the proposal provides significant public benefit including:</p> <ul style="list-style-type: none"> ▪ A minimum of 4% as affordable housing ▪ 860sqm of floor space for future community use such as childcare, after school care, other education related uses and health and wellness. ▪ Weather protected through site links that will connect Albert Avenue with Chatswood Station and Interchange ▪ The upgraded retail areas which will provide increased publicly accessible mall areas. <p>These components of the Planning Proposal will benefit residents in Chatswood and the wider community.</p>
Consistency in Documentation	
<p>Exhibited documents confuse the Planning Proposal with the design concept.</p> <p>Evident in the Gateway Determination Report and could have misled the delegate of the Minister when issuing the Gateway Determination. That confusion is likely to mislead members of the public about the Planning Proposal.</p>	<p>The Planning Proposal seeks to amend the controls including height and floor space. The concept design illustrates how this height and floor space will be distributed. The design would only be assessed and determined during subsequent stages including design excellence and development applications.</p> <p>The additional controls such as minimum non – residential floor space and sunlight protection to Chatswood Oval will further regulate the built form in conjunction with the</p>

Matter	Response
	<p>existing requirements of SEPP 65 and the Apartment Design Guide.</p> <p>The proposed controls will provide certainty to key stakeholders, including Council and the Sebel residents that an appropriate design and development will be achieved on the site with consideration to the matters raised in the submissions. The proposed built form outcome can be achieved through the preparation of a detailed design excellence brief which is required to be approved by Council prior to the commencement of the design excellence process.</p>
<p>Section 1.3 of the report identifies The Sebel as containing residential serviced apartments in addition to commercial floor space. Where in fact, The Sebel contains 90 serviced apartments and 112 residential flats with 106 of them overlooking the Mandarin Centre. This distinction in land use is critical in the context of the Planning Proposal and matters raised to date.</p>	<p>The Planning Proposal has acknowledged the Sebel as having a mix of residential apartments and serviced apartments. This is evident in both the Planning Proposal and the Visual Impact Assessment.</p>
Consideration of Strategic Documentation	
<p>Incorporate CBD Strategy.</p> <p>The maximum FSR proposed within the FSR map is 11.11:1 however, pursuant to Clause 4.4A(b), there is to be no maximum FSR for 'commercial premises' or 'hotel and motel accommodation'. Allows for development which is not for shop top housing to exceed the proposed maximum FSR for the Site of 11.11:1.</p>	<p>An updated Planning Proposal report is provided which includes an assessment against the current CBD Strategy.. This assessment will be consistent with the proponent's response to Council's submission in section 2.2.1 of the RTS.</p> <p>The exception to Floor Space Ratio clause allows for the proposed changes to FSR to be progressed for commercial office development in accordance with the CBD Strategy. This is further discussed in response to Council's submission in section 2.2.1 of the the RTS.</p>
<p>The Planning Proposal is not considered to represent sufficient strategic merit in achieving the relevant priorities of the North District Plan and LSPS.</p>	<p>The proposal has responded to the North District Plan and LSPS appropriately. The site is within an existing Strategic Centre which benefits significantly from high frequency and high capacity public transport and a substantial retail and service offering. The proposal will provide additional housing and commercial office space in an appropriate location. This will assist in delivering on the priorities of the North District Plan and LSPS. This has been outlined in Section 2.1.6 above.</p>
<p>LSPS acknowledges that there is enough housing capacity.</p>	<p>The CBD is an ideal location for genuine mixed-use transport orientated development. Demand for housing in these strategic locations is forecast to continue into the future. The proposed housing supply will increase housing</p>

Matter	Response
	capacity in the Willoughby LGA. This is consistent with Willoughby Council Housing Strategy which forecast between 6,000 - 6,700 dwellings will be required to meet population growth to 2036.
Does not address issues from previous Planning Proposal	All matters from the previous Planning Proposal have been addressed including a detailed view impact analysis and additional traffic and wind studies. Parking has been reduced and alternate built form provided to better respond to maintaining some views through the site to the south from the Sebel.
Failure to satisfy either of the two pre-conditions imposed by the Department	The amended Planning Proposal addresses these pre-conditions and is considered to have sufficient strategic and site specific merit.
Loss of amenity and mental and physical health impacts	
Quality life will be reduced leading to mental and physical health impacts.	Under the new LEP and CBD Strategy the alternative built form would be a commercial office tower that could achieve the same height, lesser setbacks and a commercial floor plate of up to 2000sqm based on no maximum FSR. It is our opinion that the proposal strikes the right balance between light, air, setbacks and privacy. A commercial development under the CBD strategy would have a far greater amenity and subsequent impact on health and wellbeing.

2.2. PUBLIC AGENCY SUBMISSIONS

The following section provides responses to matters raised by Willoughby City Council and Transport for NSW who made submissions. The proponent has provided detailed responses to demonstrate that the Planning Proposal has sufficient merit to be supported by the SNPP, followed by making of the LEP (should the plan be recommended to proceed by SNPP).

2.2.1. Willoughby City Council Submission

Willoughby Council's submission raised concerns relating to the Chatswood CBD strategy and the proposal's consistency with this strategy. While the Planning Proposal addressed the Strategy prior to endorsement from DPIE, Council's submission acknowledges that "amendments have occurred to the Strategy in response to DPIE endorsement". Council also acknowledges that:

"The Planning Proposal has strategic merit based on the broad objectives of the Strategy as endorsed by DPIE. This B3 Commercial Core site is suitable for significant increases in height and floor space, providing it results in substantial employment growth in line with Chatswood's Strategic Centre status. A limited residential component has been conceded in accordance with DPIE parameters, the site being close to transport and other infrastructure and services."

Whilst acknowledging Council's position that the Planning Proposal has strategic merit, the proponent has appropriately responded to the requests in Council's Attachment 1 in addressing the CBD Strategy. This is discussed below.

In relation to Council's submission, we note multiple references to Council's request for a site-specific development control plan (DCP). In relation to this matter, the proponent has no principal objection to a site specific DCP. However, the proponent does have significant concerns that the DCP would be required to be made by Council as the EP&A Act 1979 does not provide for the SNPP (the appointed PPA) to make a DCP.

We have significant concerns around any process that would put Council in a position where it could potentially delay the lodgement of a DA. One solution to this could be through the design excellence process where the PP design concept and parameters requested by Council (e.g. sustainability) form part of the reference design.

1) Land Use

Council Comment - Key Element 2

It is requested that the proponent review the floor space allocation and increase the commercial / non-residential floor space percentage for the site to 70% of the developable floor space, with residential being a maximum of 30%. A reduction in the residential component is possible by adhering to the required setbacks in the Strategy. Council would seek for the 70% non-residential and 30% residential land use split to be applied as a control for this site within WLEP 2012.

Proponent Response

Key Element 2

The proponent does not agree to Council's proposed reduction and reiterates that the DPIE endorsement of the Strategy, was based on 'demonstratable significant and assured job growth' in the letter to Council dated 9 August 2019 and not a specifically defined quantum of 70% commercial / 30% residential.

Council's proposed reduction will result in the loss of approximately 332sqm of residential floor space, equivalent to approximately three residential apartments which is significant in the context of the overall development and the amount of employment floorspace being proposed.

The proposed quantum of floorspace is justifiable for these reasons:

- The proposed quantum floor space has been significantly informed by other nearby high-density mixed-use developments in strategic centres that are in close proximity to major transport.
- The proposed concept design provides 69% of the overall GFA as employment floor space which includes 11,085 sqm of new commercial office GFA within the podium shopping centre and Tower B. This significant amount of employment floor space has been provided in line with the DPIE conditions for mixed use development outlined August 2019.
- Council have acknowledged within their submission the SNPP's support of a residential component in a development located within the Chatswood CBD B3 Commercial Core on the east side of the North Shore Rail Line.
- The proposed quantum of employment floor space will have the potential to create 920 additional office jobs, 737 retail jobs and 6 childcare jobs. This will contribute 1,664 jobs to the 20-year employment targets for Chatswood set within the revised North District Plan and will increase the number of jobs currently provided within the Mandarin Centre by 65.89%.
- The upgrade of the Centre will also deliver significant improvements to the quality of retail space provided within the Mandarin Centre and provide significantly more ground level activation than is offered by the existing centre. This will encourage further visitors and businesses to Chatswood's third largest retail centre.
- As discussed further in this response, a reduction in setbacks on the site is not feasible given the design intent, including the proposed orientation and design of the building envelopes to minimise the amenity and view impacts to the Sebel apartments. Further changes to setbacks compliant with the CBD Strategy would sterilise the developable opportunity on the Mandarin Centre site.

The Planning Proposal provides a balanced outcome prioritising employment and housing close to transport infrastructure, while acknowledging site specific context, through an appropriate design response. Given the

significant amount of employment floorspace being proposed, Council's request is considered unreasonable and unnecessary.

2) Planning Agreements to Fund Public Domain

A Letter of Offer is requested with reference to Council's draft VPA Policy recently on exhibition.

Council Comment - Key Element 5 states:

"Planning Agreements will be negotiated to fund public domain improvements."

The discussion by the proponent of Key Element 5 refers to base FSR, which is not correct.

Documentation submitted with this Planning Proposal should be based on the current Strategy.

Proponent Response

The proponent referenced the former Key Element 5 which was correct at the time of writing (August 2020). Council subsequently updated the Strategy in September 2020 which changed the wording of this key element.

Further discussion on Planning agreements is provided under Key Element 6 below.

Council Comment - Key Element 6

The above approach from the proponent to only provide s7.12 contributions is not considered to be adequate, consistent with what is expected or in the public interest. An affordable housing requirement of 4% for residential development (including within a shop top development) is already a standard requirement under WLEP 2012. Under the Strategy, there is no change to this standard requirement. As noted above contributions are intended to "operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP 2012)."

Proponent Response

A planning agreement is voluntary. Development uplift should, therefore, not be contingent on the offer of a VPA. This Planning Proposal is unique in its ability to provide a genuine mixed-use development with significant publicly accessible areas and amenity. The Planning Proposal will provide substantial public benefit including:

- **Affordable Housing** - 4% of the residential floor will be provided as affordable housing (NB to be provided in addition the maximum residential GFA).
- **Community Land Uses** - The proposal will provide 860sqm of floor space for future community use such as childcare, after school care, other education related uses and/or health and wellness land uses to benefit the wider Chatswood community.
- **Through site links** – The proposal will provide significantly improved through site access to Chatswood Station and Interchange. The proponent is willing to discuss with Council's its desired hours for the through site access to be available as part of any future DA.
- **Upgraded retail shopping centre** – An upgraded retail centre which will provide increased publicly accessible mall areas, services and amenities. These enlarged circulation areas will provide space for passive recreation and respite and improve overall efficiency of movement throughout the centre providing overall public benefit to Chatswood.

Notwithstanding the above it is noted that the Council, DPIE and SNPP have acknowledged that some residential uplift is appropriate in locations of the CBD close to public transport. Whilst it is not seeking uplift under the CBD Strategy, the Planning Proposal has demonstrated its consistency with the objectives CBD Strategy and North District Plan. It is also noted that residential floor space has been significantly reduced compared to the 2015 Planning Proposal. This change was specifically made to bring the proposal in line

with the objectives of the CBD Strategy which aims to promote office growth and a diverse mix of uses to bring vibrancy to the Chatswood CBD.

The proposal can provide a range of uses consistent with the land uses identified within the CBD Strategy (p16) to fulfil future needs including:

- Retail,
- Professional services and small offices,
- Community uses,
- Medical, and
- Education

Given the above and the significant economic benefit that an upgraded publicly accessible shopping centre will bring to the Chatswood CBD and the significant number of jobs being generated, Council's request for a VPA based on the residential uplift in addition to existing 7.12 contributions is considered unreasonable and unwarranted in this particular circumstance.

Council Comment - Key Element 7

Council seeks a commitment to working with Council's Public Art Policy at Planning Proposal stage. In this regard Council seeks public art to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

The proponent will commit to the inclusion of public art in the future development - consistent with Council's existing public art policy dated July 2020. A public art provision can be provided in a future design excellence brief and implemented in subsequent development applications.

3) Design Excellence and Building Sustainability

Council Comment - Key Element 8

Existing Design Excellence approach for CBD to be utilised. It is requested that this approach to amending WLEP 2012 be utilised.

Proponent Response

Council's request is understood by the Proponent. There is no principle objection any future development of the site being required to exhibit design excellence.

However, we note that the proposed design excellence clause being put forward by Council for their proposed city wide LEP amendment includes the following provision.

“An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:

Such a process would be unreasonable and unnecessary in the circumstances for these reasons:

- The substantial delay already borne by the proponent in seeking the proposed LEP amendment due to the delays in endorsement of Council's CBD Strategy. The Planning Proposal (which includes the previously refused Planning Proposal) has been in the system for over 8 years.
- We are extremely concerned that Council's historical objection to the Planning Proposal would likely prejudice any design excellence process administered by Council if it is required to endorse any design excellence brief based on the exhibited concept design. Council's fundamental objection to the Planning Proposal and concept design has been reiterated in their most recent submission.
- The concept design has been led by Philip Vivian of Bates Smart whose projects have received 24 state and national AIA Design Awards for commercial architecture, interior architecture, urban design, ESD

and heritage. Bates Smart, would be retained for the detailed design. They have won numerous design competitions throughout Sydney and have a well-established commitment to design excellence and sustainability.

- The proposed concept/envelope design has been substantially refined to address key requirements of the DPIE and the SNPP and is capable of informing a detailed design excellence brief for a design excellence review panel.

Given the above, the proponent requests that the Planning Secretary or their delegate (Government Architect) agree to a site specific clause as part of the LEP amendment which would waive the requirement for the design competition in favour of a Design Excellence Review Panel process administered by the Government Architect.

However, if the Secretary or their delegate are of an opinion that a design competition is necessary for this site then we would request that this process, including approval of the design brief, appointment of competitors and panel members be independently administered by the NSW Government Architect and the Planning Delivery Unit and not Willoughby City Council.

Council Comment - Key Element 9

Council seeks a minimum GBCA rating or the like of 5 star in residential and commercial buildings. A higher GBCA rating is encouraged in commercial buildings.

In this regard Council seeks design excellence and building sustainability to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

The proponent has no objection to the implementation of higher building sustainability standards into the detailed design. A minimum GBCA rating of 5 stars in residential and commercial buildings can be applied and included in any future design excellence brief.

4) Floor Space Ratio

Council Comment - Key element 12

The site is satisfactory with regard to Key Element 12 and the 1800sqm minimum site area.

Council has an approach to minimum site area that it consistently applies to Planning Proposal sites within the Chatswood CBD as follows:

To add Clause 4.1D 'Minimum lot size for Zone B3.

The objective of this clause is to ensure a site is of sufficient size to achieve an optimum development outcome in the Chatswood CBD.

(2) This clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area X on the Lot Size Map."

It is requested that this approach to amending WLEP 2012 be utilised.

Proponent Response

Noted and accepted. The proponent will accept the approach outlined by Council.

Council Comment - Key Element 13

The subject site is in a location identified as having No Maximum for commercial development. The following points are made that impact on the final FSR arrived at on this site:

- *In the B3 Commercial Core zone, a No Maximum FSR was created to encourage commercial development (not mixed development). Under the Strategy, Council does not accept that the FSR*

achievable on this site would be the same for a sole commercial development as it would be for a mixed development.

- *The Key Element is a standard requirement for Planning Proposals seeking to utilise the Strategy and would apply to the subject site. The FSR of 11.11:1 does not satisfy Key Elements 13 c) and d) above, and should be revised accordingly to be consistent with the envisioned outcome. This will have an impact on FSR.*

Proponent Response

A minimum non-residential FSR and overall maximum FSR (11.11:1) is only proposed for this site, for a shop top housing / mixed use development outcome.

Consistent with the Strategy the no maximum FSR is proposed if a commercial development outcome is pursued (with no residential). This exception will ensure an option to pursue a sole commercial development remains despite the Planning Proposal, with consideration given to surrounding context and site constraints.

The proponent does not accept that the proposed setbacks at ground and upper levels and SEPP 65/ADG considerations inhibit the achievement of the proposed Floor Space Ratio. Setbacks are discussed later in the RTS.

The concept design therefore is consistent with Key Elements 13 c) and d) and has provided suitable justification and FSR controls to limit residential development on the site, while supporting commercial development.

Council Comment - Key Element 14

The proponent's Planning Report states:

"The proposal maintains that given the significant non-residential floor space being provided, affordable housing should be excluded from the maximum FSR consistent with approach under clauses 4.4 and 6.8 of the current LEP."

The Council response to this different approach is that if the proponent seeks to utilise the uplift under the Strategy for this site, then all relevant Key Elements apply. An approach of choosing which Key Elements apply and then relying on existing WLEP 2012 clauses (that will be changed in response to the Strategy) is not considered reasonable or in the public interest.

Therefore, Council seeks affordable housing to be provided within any proposed residential floor space component (not in addition to, which would result in an FSR more than 11.11:1) and separate to any VPA (as per Key Element 6).

In regards the public interest, Council would be interested to hear from the proponent if there is an opportunity to increase the affordable housing provision within the residential component, with 4% being the minimum requirement and future increases being considered.

Proponent Response

It is noted that the Planning Proposal has never sought to utilise the uplift under the Strategy for this site. If this was the case, then the proposal could not seek a mixed-use development outcome on this site as the CBD Strategy does not provide any controls for this type of development in the B3 Zone.

Throughout the planning proposal process both Council and DPIE have requested that the proponent provide an assessment against the CBD Strategy as a relevant matter for consideration for the Planning Proposal. The Planning Proposal appropriately demonstrates how a genuine mixed-use development can remain consistent with the objectives and intent of the key elements of the CBD Strategy. Justification has been provided where the Planning Proposal has varied from the specific requirements of the CBD Strategy.

We note that the Planning Proposal was submitted in 2016, well before the CBD Strategy was finalised in 2020. Since this time the proposal has been substantially amended to include significantly more employment floor space while reducing the overall residential component of the development to 3.33:1. This change acknowledged the intent of the strategy to promote office growth and a diverse mix of uses to bring vibrancy to the centre

Compared to the 2015 Planning Proposal, residential floor space has been reduced by approximately 9,054sqm, while there has been a 11,085sqm increase in the quantum of commercial office floor space. Reference is made to the table on page 12 of the submitted Planning Proposal which outlines comparisons between 2015 Planning Proposal and 2020 scheme submitted for Gateway Determination.

Despite this reduction in overall residential FSR, the Planning Proposal has consistently committed to providing 4% of residential FSR/GFA for affordable housing in addition to the maximum residential FSR/GFA. This approach is consistent with the application of the existing WLEP (Part 6, Clause 6.8 Affordable Housing).

The Planning Proposal was also submitted and proceeded to initial gateway determination prior to the final endorsement of the CBD Strategy and therefore application of the existing WLEP clause in relation to affordable housing is considered relevant and appropriate. Notwithstanding, the provision of affordable housing is consistent with the intention of this Key Element to ensure that affordable housing is provided in new development. Further detail of the location of affordable housing in the development would be provided at Development Application stage.

Given that the proponent voluntarily proposed to reduce the residential component in lieu of increased commercial and community floor space, the proposed affordable housing in addition to the overall maximum GFA is considered appropriate in this circumstance. Council's request for more affordable housing, this would only be considered in addition to the maximum residential FSR and not within.

Council Comment - Key Element 17

Key Element 17 states:

"In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised. Setbacks are considered an important part of achieving slender tower forms."

The proponent's Planning Report states:

"Sides of both towers have been minimised."

Setbacks consistent with the Strategy reflect the built form envisioned for redevelopment — not retaining existing setback approaches. Floor plates below numerical standards and minimisation of the sides of towers are not the sole requirements to be addressed. Setbacks are discussed further below.

Proponent Response

The setbacks outlined within the CBD Strategy relate to a specific podium/tower typology. The proposed setbacks demonstrate a site-specific response to the constraints presented by adjoining buildings to the north and west, which both have setbacks below the CBD Strategy and Apartment Design Guide minimums. It is unreasonable to expect any future development on the Mandarin Centre to be responsible for the difference in separation that results from these non-compliances.

While the design approach has taken into consideration this key element and the proposed Urban Core setbacks, the proposal has also a considered site-specific response and can be further developed through the design excellence process. Furthermore, where appropriate, the concept employs setbacks and separation distances that are largely consistent with the ADG including:

- A street wall along Victor Street that aligns in height with the Sebel podium before stepping down to Albert Avenue to align with Chatswood Westfield on the opposite side of Victor Street. This architectural form therefore conforms with the surrounding context and existing street wall heights.
- A 6m setback above the street wall to the residential tower for the Albert Avenue frontage and part of Victor Street consistent with the CBD Strategy for a minimum 6 metre setback above street wall to tower in the 'Urban Core'.
- A 0m setback at the Albert Avenue frontage for the commercial tower, aligning with the adjacent Sentral Office building.

- A varied setback approach to the western boundary from 0m to 6m where the office cores align.
- On site building separation between the proposed residential tower and proposed commercial tower is between 21m and 24m. This separation is predominantly consistent with the application of part 2F of ADG. 21/24m to commercial tower. Whilst level 10 is below the minimum separation distance the separation is greater than the 18m required below Level 9 and is considered an appropriate response in this context and is considered only a minimal non-compliance with the guidelines.

Council Comment - Key Element 18

Council seeks consistency with building separation and the Apartment Design Guidelines. The slender tower outcome has positive implications from the public domain as well as in regards to the amenity of neighbouring properties. In regards Key Element 18, amendments should be made with regard to building separation, with particular reference to Level 10.

Council seeks built form to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

Two slender towers have been provided above an upgraded shopping centre. As illustrated in Figure 4, the proposed 21m to 24m separation between the residential and commercial towers on the site is generally consistent with the ADG. As previously mentioned, the separation is also significantly greater than the minimums required for commercial and residential towers in comparable high-density environments. For example, in Sydney CBD a building greater than 45m in height, requires a 15m separation when provided on the same site.

As noted, half the minimum separation distance of 18m is provided between the proposed residential tower to the Sebel (non-habitable to habitable > 9 storeys). The "Sebel" building provides a 6m setback to the boundary from its habitable rooms/balconies along the entire length (approximately 60m) of the southern elevation. If the Sebel were to be assessed against the ADG, a 12m setback from habitable rooms to the boundary would be required. It is therefore considered unreasonable and unequitable to require to this proposal be responsible for the difference in separation that results from non-compliances on adjacent sites.

As the Sebel does not comply with the setback requirements within the ADG it is considered unreasonable to sterilise and limit development on the Mandarin Centre site by requiring it to provide a greater proportion of the required building separation to offset this non-compliance. There are also precedents where SEPP 65 Design Review Panels and the JRPP have accepted a merit-based approach to building separation and setbacks where existing adjoining developments do not provide the required setbacks.

It is noted that the concept design illustrates a building envelope and not a fully resolved detailed design. As such further consideration of the ADG and the location of habitable windows/balconies can be determined through detailed design resolution as required by SEPP 65.

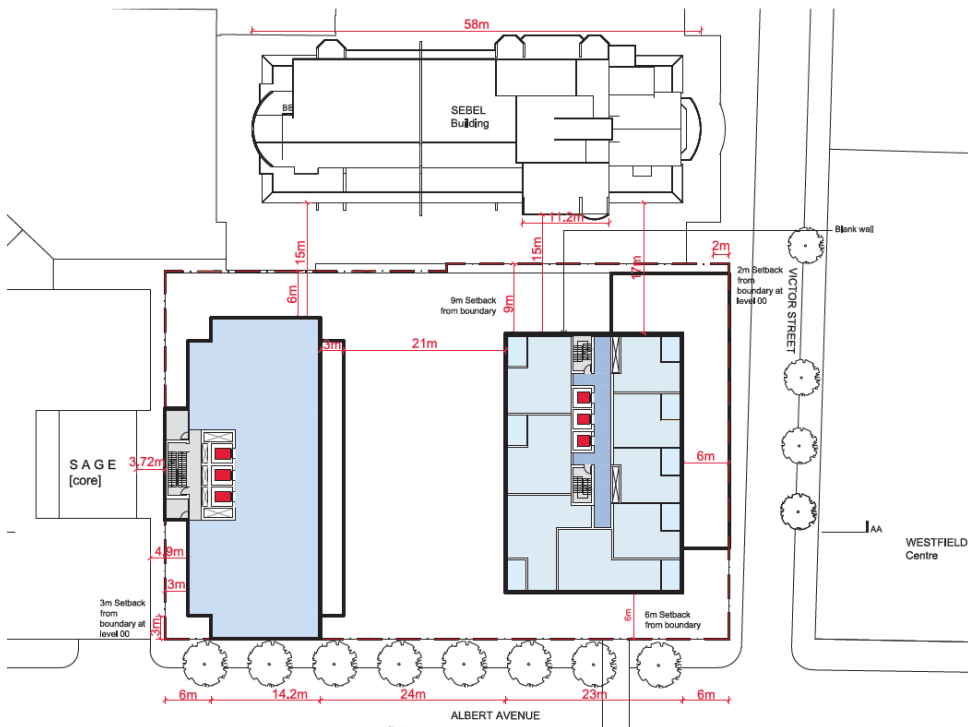
In terms of separation between the proposed commercial tower and the Sentral building, a varied setback approach is considered appropriate given that Sentral is built over the Orchard Road carriageway to a minimum of 0.9m from the boundary of the subject site. The proposed commercial envelope proposes alignment of its building core with that of the Sentral at a zero setback to the western boundary. The building separation to the Sentral ranges from 3.72 to 7.9m. In this regard it is noted that in the Sydney CBD a 3m minimum setback to boundary is considered appropriate for windows to commercial buildings above 45m.

It is also noted that if the recommended separation and setbacks were strictly applied would require a change in building mass which would see an increase to the view impacts to the Sebel and may result in additional overshadowing to Chatswood Park, this would be inconsistent with Council's request for Key Element 19 below.

As the ADG is a guide only, it is evident that a merit-based approach to the application of the building separation/setback requirements is justifiable in this particular instance, given the development on adjacent sites which is unlikely to change in the future.

The setbacks proposed within the development concept can be provided within a future design excellence brief which will then form the basis for the detailed design.

Figure 4 Proposed concept design setbacks and building separation



Source: Bates Smart

6) Sun access to Key Public Spaces and adjacent Conservation Areas

Council Comment - Key Element 19

The discussion of overshadowing on Page 49 of the proponent's Planning Report is noted.

However, the shadow diagrams provided (Appendix 1) do not clearly show the overshadowing directly related to the subject concept plans development, with all overshadowing shown in the same colour. Shadow diagrams are requested that clearly show:

- Overshadowing for what is proposed, together with any other overshadowing from other development. For clarity purposes, if the overshadowing is within existing shadowing, this still should be highlighted on the plans. Any additional overshadowing should also be shown.
- Pre and post development shadow diagrams for a comparison. The above information is to clearly indicate the impact of overshadowing from the subject Planning Proposal on the three key public spaces abovementioned, with particular regard to Chatswood Oval (and Chatswood Park).

Proponent Response

Overshadowing has been extensively examined throughout the various versions and stages of the Planning Proposal, this included certified shadow diagrams (submitted with original PGR scheme). It is our opinion that the shadow diagrams provided are appropriate for this stage of the planning process (refer Figure 5).

It has been adequately demonstrated that there will be no additional overshadowing to the playing surface of Chatswood Oval between 11am and 2pm as expressed as part of the proposed LEP provisions. This explicitly states:

New provision which ensures that that development must not result in additional overshadowing of the playing surface of 'Chatswood Oval' between 11am and 2pm mid winter.

This local provision is proposed to ensure that no additional sunlight will impact the 'playing surface' of Chatswood Oval consistent with Figure 3.1.5 of the CBD Strategy (excerpt below). As such, further shadow diagrams would be provided at development application stage noting that any future building form would be restricted by the proposed LEP provision.

Figure 5 Shadow Diagrams

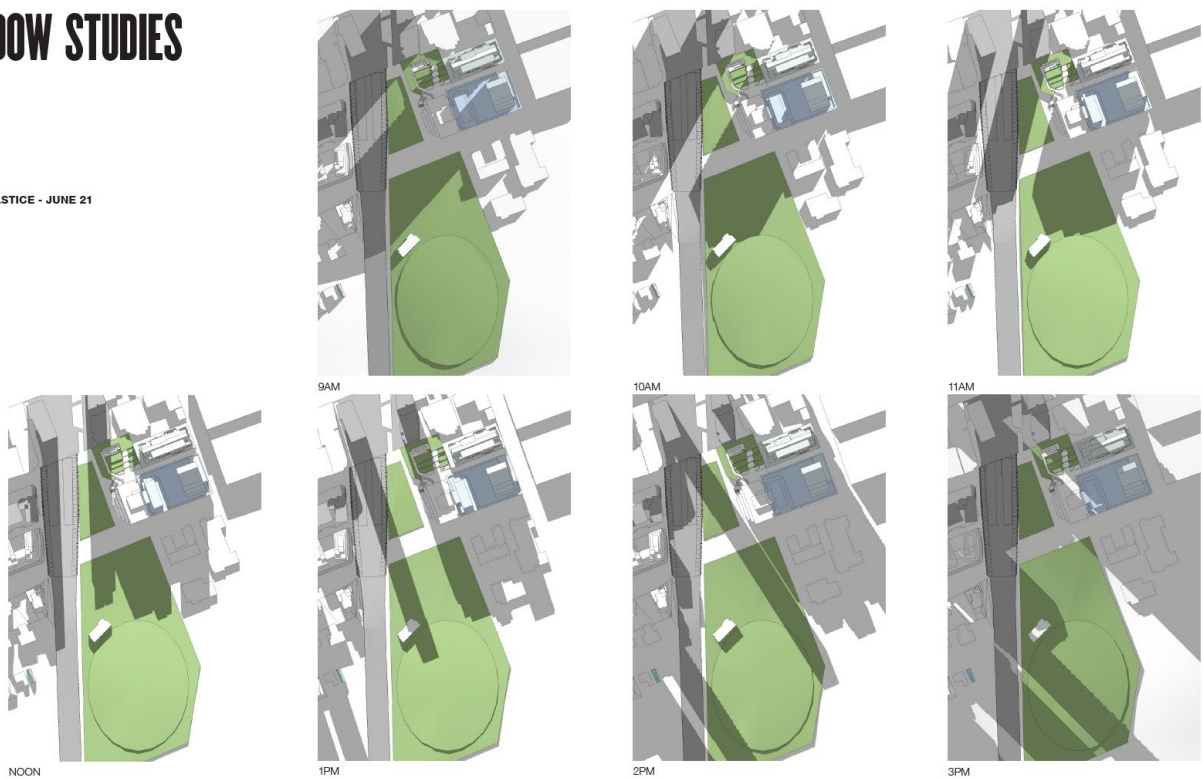


Picture 3 Recommended sun access protection for public spaces (excerpt from CBD Strategy)

Source: Willoughby City Council

SHADOW STUDIES

WINTER SOLSTICE - JUNE 21



Picture 4 Shadow Diagrams (demonstrating consistency with the Strategy)

Source: Bates Smart

Council Comment - Key Element 20

The subject site is identified in Figure 3.1.6 'Recommended height' as located in the area protected by sun protection within the Chatswood CBD.

Key Element 20 states:

"Maximum height of buildings in the CBD will be based on Figure 3.1.6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:

a) Sun access protection.

Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines."

This Key Element is a standard requirement for Planning Proposals seeking to utilise the Strategy and would apply to the subject site. The subject Council submission has had regard to the Strategy vision with regard to proposed height as affected by sun access protection and the other matters abovementioned.

In regards Key Element 20, the proponent's Planning Report states:

"Maximum height has been provided in accordance with the sun access protection diagram."

There are three RL's that affect the subject site, with the most southern RL being RL 160m (boundary where Albert Avenue meets Orchard Road), the middle section being RL 180m and the most northern being RL 200 m (boundary where 65 Albert Avenue meets 31 Victor Street).

The Planning Proposal seeks a height control over the entire site of RL 192.9 m.

Council has no objection to the concept plans height provided it is in accordance with Figure 3.1.6 and the reduced height for sun access protection. The plans provided do not clearly indicate how compliance is achieved. Detailed plans should be provided showing how the heights proposed satisfactorily address the contours and RL heights shown on Figure 3.1.6 of the Strategy.

Council seeks building heights to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

Height compliance will be determined by the new LEP Clause which requires no additional overshadowing to Chatswood Oval between 11am and 2pm and in accordance with CBD Strategy Figure 3.1.5.

If Council are still concerned about how compliance with the maximum height may be achieved, then the proponent would accept a height control consistent with Council's proposed amendments to the WLEP submitted for Gateway Determination in December 2020. This approach would set the maximum height at RL246m subject to the proposed sun access protection clause. This approach would ensure that the height of any future building ensures the sun access protection to nearby open space required by the CBD Strategy.

Building height provisions can also be included as part of the design excellence brief which will then form the basis for the detailed design parameters.

Key Element 21

In accordance with Key Element 21, all structures located at roof level are to be within the height maximum (including roof features). In addition, these maximum heights are only achievable provided the other aspects of the Strategy, with particular regard to land use, are addressed.

Requested that elevation and section plans refer to RL heights, metres and storeys.

Council has an approach to architectural roof features and height that it consistently applies to Planning Proposal sites within the Chatswood CBD as follows:

To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area X on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."

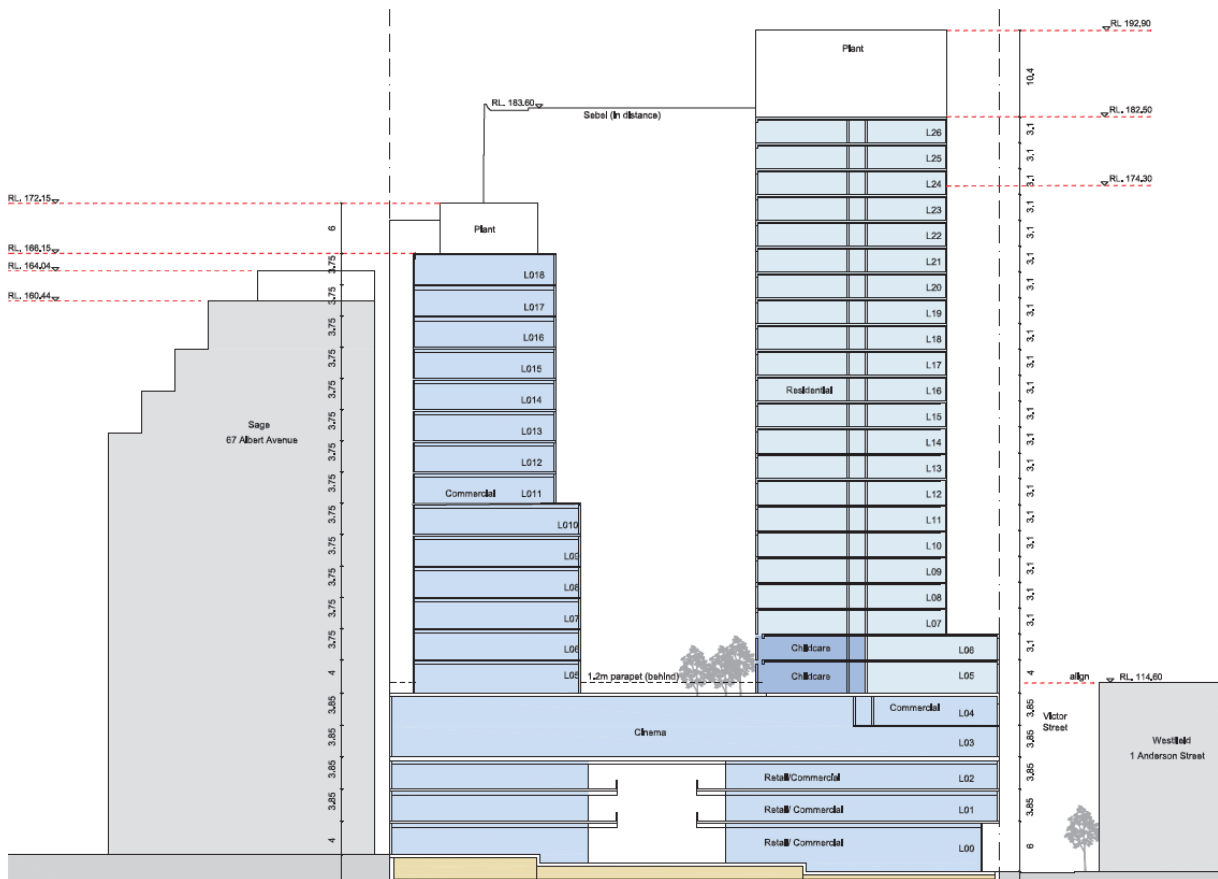
It is requested that this approach to amending WLEP 2012 be utilised.

Proponent Response

More specific details of roof features would be provided at detailed design stage, including development application stage. It is accepted that all structures at roof level will be within the height maximums. As noted previously the proponent does not agree to Council's recommended reduction of the residential component to 30% of the overall GFA.

The section plans provide a detailed breakdown of height in RL, metres (floor to floor) and storeys. An excerpt of Section AA is provided in Figure 6 below. Detailed elevation plans showing the overall height in metres can be provided if required by DPIE and the Panel.

Figure 6 Section Plans demonstrating proposed concept design height



Source: Bates Smart

Key Element 22

Analysis is required to clearly identify how the requirements in Figure 3.1.7 (page 36) of the strategy have been addressed. How is this space to be managed and public access guaranteed?

Proponent Response

The proponent is committed to ensuring public access is maintained and improved to all publicly accessible areas within the centre. The upgraded retail areas will provide increased publicly accessible mall area.

These proposed linkages are provided from both Albert Avenue and Victor Street as demonstrated in Figure 7 below. These enlarged circulation areas will also improve access to Chatswood Station and areas west of the rail line.

An additional through-site connection will be maintained between the bridge from the Council Car Park on Albert Avenue to level one of the centre which then connects to the elevated plaza access to Chatswood Station at level two. This is consistent with Figure 3.1.7 of the CBD Strategy which demonstrates two 'through-building links' from Victor Street and also in a north west direction across the site from the intersection of Victor Street and Albert Avenue. Furthermore, Figure 3.1.7 of the CBD Strategy also demonstrates the 'existing upper storey link' which is to be retained as part of the concept design and Planning Proposal.

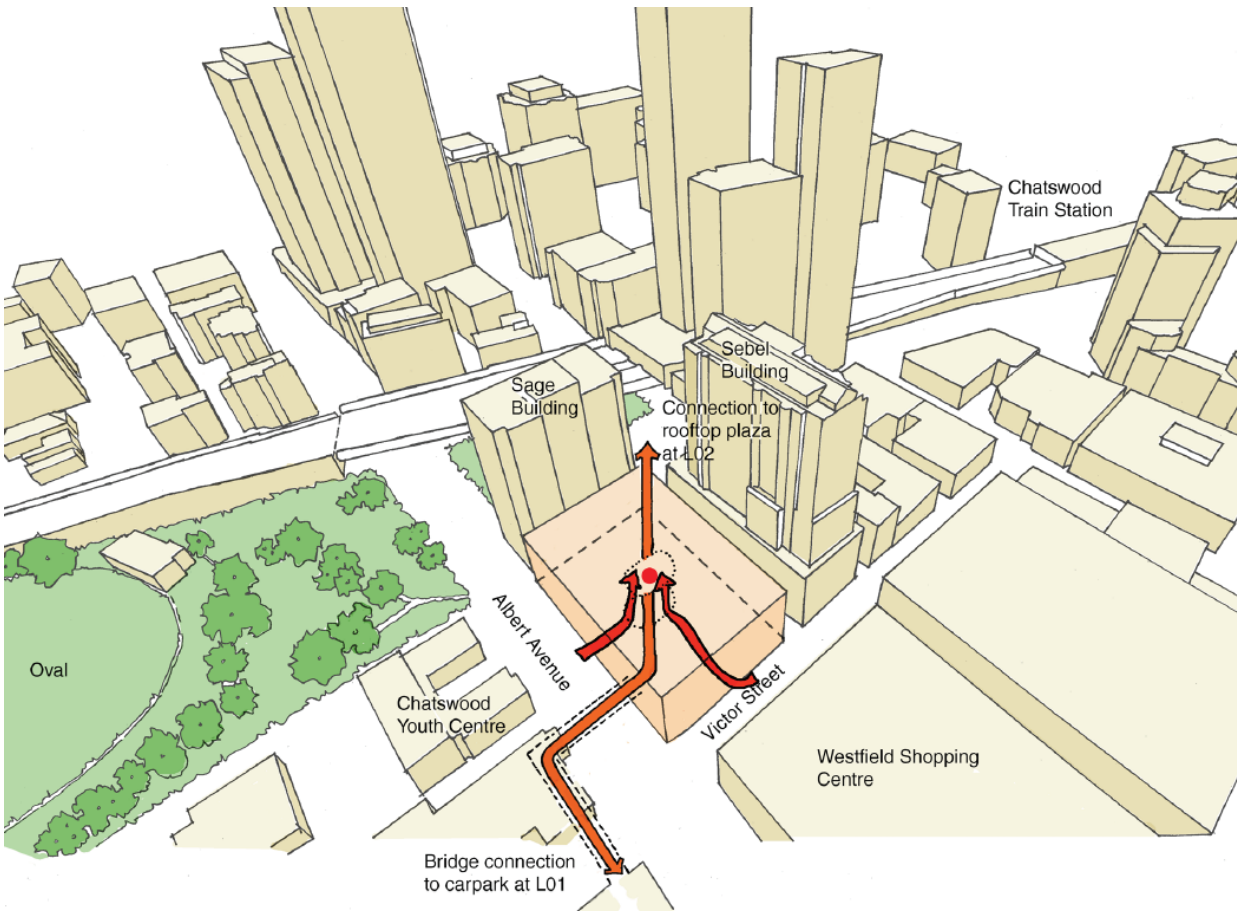
These enlarged circulation areas will provide space for passive recreation and respite and improve overall efficiency of movement throughout the centre and will provide overall public benefit to Chatswood, consistent with this Key Element of the CBD Strategy. All such links will be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance, through subsequent detailed design phases. Operation and management including hours open to the public will be decided in consultation with various stakeholders including Council at subsequent detailed design phases.

Figure 7 Through site linkages consistency with CBD Strategy



Picture 5 CBD Strategy Figure 3.1.7

Source: Willoughby City Council



Picture 6 Proposed through site-links consistent with the CBD Strategy.

Source: Bates Smart

Council Comment - Key Element 23 states:

"Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability."

The proponent's Planning Report refers to an incorrect Key Element in regards Key Element 23 communal open space. Analysis of the Strategy should be updated to accurately reflect the 35 Key Elements.

It is also noted that the Planning Proposal provides for a commercial tower, a residential tower, a retail commercial podium and basement supermarket, as well as a podium level child care / education facility. The communal open space allocated to each use should be identified and satisfactorily serve each respective use. Particular concern is raised in regards the Level 5 Podium and the relationship between residential communal open space and the child care / education facility. It is considered that residential communal open space should be divided between podium level and roof top level for an acceptable outcome. Council seeks links and open space to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

The concept design has provided detail appropriate to a Planning Proposal to demonstrate indicative arrangements for the communal open space and the level 5 childcare facility.

Further details on these matters can be addressed at detailed design where communal open space for the residential uses and outdoor play area requirements for the child care use can be accurately determined in accordance with relevant statutory provisions (including *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*).

Details would also be provided on the provision of communal open space at the roof top of the residential tower. It is noted at this stage of the Planning Proposal process these details are unknown and subject to change as this is only a 'concept design'. Future tenants and possible childcare operators currently unknown, limit the ability to provide clear design parameters at this stage of the planning proposal.

Council Comment - Key Element 24

Key Element 24 states:

"Public realm or areas accessible by public on private land:

- a) Is expected from all B3 and B4 redeveloped sites.*
- b) Is to be designed to respond to context and nearby public domain.*
- c) Should be visible from the street and easily accessible.*
- d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit."*

The proponent's Planning Report refers to an incorrect Key Element in regards Key Element 24. Analysis of the Strategy should be updated to accurately reflect the 35 key Elements.

It is noted that the concept plans show a Ground Level setback of 3m to Albert Avenue, and 2m to Victor Street. These setbacks are supported and encouraged in regards to the provision of public realm, but are not considered reasons for variation of other Strategy or setback requirements.

Further explanation is requested on how the proposal has been designed to maximise public benefit and encourage public use — in accordance with this key Element. Council also requests detail on how the permanent public benefit is to be achieved (KE 24d)).

It is noted that Planning Proposal 2013/4 for the subject site was accompanied by improvements to the surrounding road network, provision of additional public open space and footpath widening in a draft Voluntary Planning Agreement (VPA) as follows:

- A 3m wide road dedication to Council along Albert Ave (unencumbered by any building above) to enable adequate traffic access to and from the site.*
- A publicly accessible landscaped open space area (minimum area 97.8sqm) connecting with the interchange public open space terrace precinct.*
- The provision of a two metre building setback at the ground level of the proposed development along the full length of the Victor St frontage of the site providing an active street frontage with a widened public footpath and street planting.*

Council would be interested to discuss the possibilities of any of the above items being included in a Voluntary Planning Agreement. In regards Victor Street, Council would be interested in the provision of a two metre setback unencumbered by any building above to improve the pedestrian experience leading to and from Chatswood Mall and the Transport Interchange (via Post Office Lane).

Proponent Response

The proponent referenced the former Key Element 24 in the Planning Proposal which was correct at the time of writing (August 2020). Council subsequently updated the CBD Strategy in September 2020 which changed the wording of this Key Element.

The proponent is not requesting these ground level (reverse) setbacks be used as justification for variation of the strategy and/or setback requirements. The ground floor setbacks ensure a wider footpath is provided to improve the pedestrian experience.

The reverse setback proposed along Victor Street will allow for greater weather protection whilst also maintaining a consistent street wall alignment with the adjacent Sebel podium at the levels above. This approach is a well-considered and logical urban design response.

Council's reference to the previous VPA is noted, however it is also highlighted that that VPA was associated with a Planning Proposal which provided significantly more residential uplift than the current Planning Proposal. This proposal provides substantially more employment floorspace in addition to retail and community floor space, consistent with the CBD Strategy and supported by DPIE during the Pre-Gateway Review in 2019.

In addition, the retail centre will be significantly re-designed and upgraded. The redesign will focus not only on providing an improved retail offering but also on improving vertical circulation and public mall areas. The quality and design of the public spaces will be essential to providing a high-quality experience which will enhance the Centre's ability to compete with Westfield and Chatswood Chase.

The proponent notes that a design brief will be required as part of the design excellence framework, this brief can include requirements for the design to consider how the proposal can maximise public benefit and public use, which will then be implemented and assessed through the subsequent development application process.

10) Landscaping

Council Comment - Key Element 25

Council seeks green roofs to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Council Comment -Key Element 26

Although the incorrect Key Element number is used, in regards this issue the proponent's

Planning Report states:

"Soft landscaping can be resolved through the design excellence process and detailed DA."

Although it is appreciated that the design is still in 'concept' stage, Council nonetheless requests landscape plans that address soft landscaping on-site, how the above two 'Landscaping' Key Elements are addressed, and how the proposal is consistent with the objective of greening the Chatswood CBD. In addition to concept landscape plans, Council seeks draft DCP provisions which address Strategy Key Elements related to landscaping, consistent with the Strategy and Council's standard site specific DCP template approach.

Podium levels should contain greening that is visible from Albert Avenue and Victor Street.

Proponent Response

As illustrated in the concept plans, the podium roof will be publicly accessible, any requirements relating to greening of the podium can be included in the design brief to satisfy design excellence, which will then be implemented and assessed through the subsequent development application process.

Requirements for landscaping can be included in the detailed design brief to satisfy design excellence, this brief can include the minimum 20% soft landscaping requirement.

Council Comment - Key Element 27

Key Element 27 identifies the subject site as being in the Urban Core Precinct with setback and street frontage heights as follows:

"i. Maximum 24 metre street wall height at front boundary.

ii. Minimum 6 metre setback above street wall to tower."

The above applies to both Albert Avenue and Victor Street. This key Element is to be read in conjunction with other Key Elements, with particular reference to Key Elements 24 Public Realm and 28 (below).

The concept plans are not consistent with the street wall height to Albert Avenue (for approximately 14 metres of the Albert Avenue frontage). The concept plans show a street wall height to Albert Avenue of approximately 72 metres from Ground to Level 18 (being the highest level). The street wall height to Albert Avenue should be no higher than 24 metres, with a 6 metre setback then provided for the commercial tower. As previously discussed, the provision of a Ground Level setback does not justify an increase in street wall height.

The concept plans are not consistent with the street wall height to Victor Street. The concept plans show a street wall height to Victor Street of 28.5 metres — from Ground to level 6 (for the majority of the Victor Street frontage). The street wall height to Victor Street should be no higher than 24 metres, with a 6-metre setback then provided. In this regard Levels 5 and 6 should be further setback.

Proponent Response

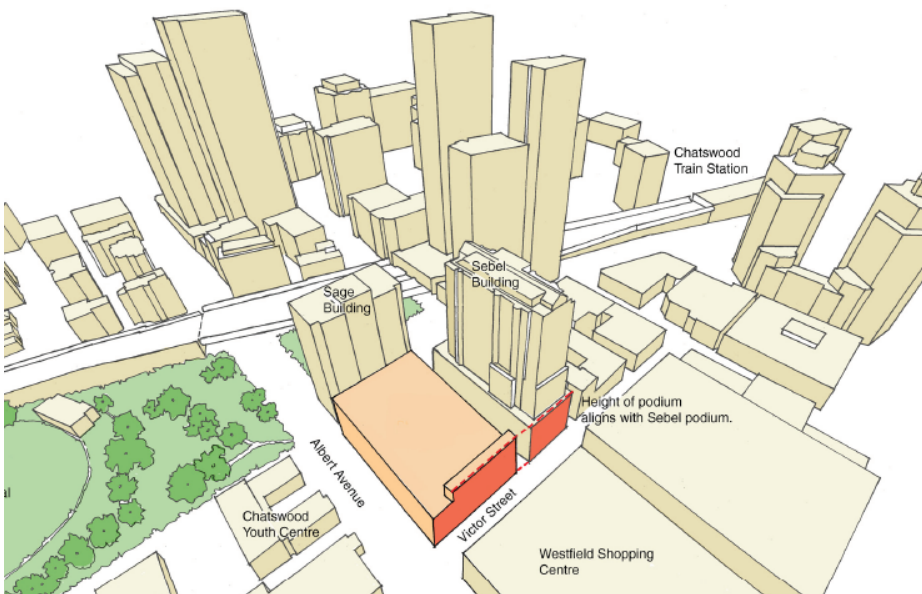
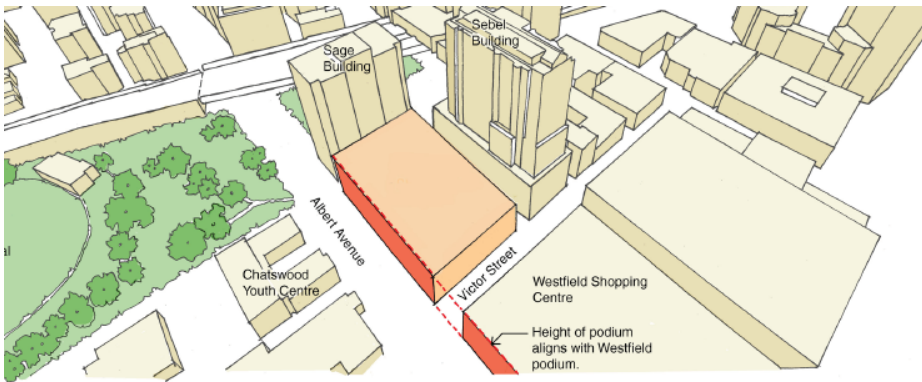
The setback alignment of the proposed commercial tower to the adjacent 'Sentral' building is considered a positive and strong design response to context. This portion of the street wall is only 14.2m of the 73m Albert Avenue frontage. This equates to 19.3% and is appropriate to the site context.

As previously mentioned, the proponent has provided rationale for the street wall height and podium setback to Victor Street numerous times throughout the planning proposal process. As illustrated in Figure 8 below, the proposed street wall aligns with the podium of Sebel before stepping down towards Albert Avenue.

This approach was formulated prior to the CBD Strategy and responds to the context rather than a blanket 24m street wall approach which assumes two adjacent buildings will be redeveloped according to the CBD Strategy. Redevelopment in accordance with the CBD Strategy is unlikely to occur for these reasons:

- A 24m street wall does not consider the retention/upgrade of the Mandarin Shopping Centre which requires site specific consideration, and
- The Sebel includes 200+ strata owned residential apartments, a quantum that could not be achieved in any future development of that site due to the requirements of the ADG and prohibition of residential without a substantial employment component in the B3 Zone.

Figure 8 Proposed Concept Podium alignment responding to surrounding context



Council Comment - Key Element 28

"All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height."

This means if a building is:

- e) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.*
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.*
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.*
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side ...*

Key Element 28 applies to both towers — whether commercial or residential. Attention is drawn to the Albert Street frontage, Victor Street frontage, the commercial tower to the Sentral building and Level 6 to 31 Victor Street. Amendments to the concept plans are required to be consistent with the Strategy. This is the desired development outcome as envisioned under the Strategy, and will be

required into the future when neighbouring sites are redeveloped. The provision of the Ground level setback and active street frontage are matters that are either encouraged or required under the Strategy and not the basis for substantial variation in setback requirements.

In regards Key Element 28, a staggered setback as you go up in height is not what is sought — unless it is in addition to the minimum required. What is sought is a minimum setback at the beginning of the tower (for the whole tower) based on height.

Proponent Response

The setbacks have been formulated to minimise the visual impact of the towers to the adjacent Sebel. Applying the 1:20 setback would require the residential tower to be setback approximately 8.8m and commercial tower 3.9m. Application of these setbacks would either significantly reduce floorspace or push the towers towards the centre of site thus impacting the views to more residents of the Sebel.

It is also noted that the previous wording of this Key Element prior to the September update was not clear on how this setback was to be applied. The previous wording related to the building (not tower) and as such could be interpreted to mean the podium setback from the boundary which would not have been appropriate to this particular proposal which proposes a substantial upgrade of the existing shopping centre. The previous key wording is provided below:

All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height (e.g. 3m setback for a 60m building, and 6 setback for a 120m building).

Therefore, the concept design, has applied setbacks which are consistent with the surrounding context and existing setbacks in the locality. It is noted that the proposal provides through site links which activate each frontage and provide an improvement on the current retail offering. This is a site-specific considered concept design, with immense consideration to urban design principles it is sympathetic to the landscape of the adjoining buildings and location.

Council Comment - Key Element 29

"Building separation to neighbouring buildings is to be:

- a) In accordance with the Apartment Design Guide for residential uses.*
- b) A minimum of 6 metres from all boundaries for commercial uses above street wall height."*

In regards Key Element 29, the proponent's Planning Report states:

"ADG separation distances are proposed for the residential tower:

- 9m to northern boundary with Sebel (half minimum separation distance)*
- 21/24m to commercial tower. Whilst level 10 is below the minimum separation distance the separation is greater than 18m required below Level 9 and is considered an appropriate response in this context."*

All buildings part of this Planning Proposal are to be in accordance with the abovementioned minimum setbacks. Particular regard is given to tower height above Podium.

In regards Key Element 29, if a residential component is proposed in the subject Planning Proposal, then it should be designed assuming that the neighbouring property may seek a residential component. On this basis clear analysis is to be shown on plans regarding how the Planning Proposal is able to satisfactorily address SEPP 65 and the Apartment Design Guide for residential uses.

Council seeks setbacks and street frontage heights to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

The 6m setback for the commercial tower has been addressed above. The proposed arrangement of the commercial tower has taken into consideration the need to separate the two towers to improve amenity and view sharing to the neighbouring Sebel apartments. As previously mentioned, the proponent contends that whilst level 10 is below the minimum separation distance the separation is greater than 18m required below Level 9.

For the residential tower half the minimum separation distance has been provided to the northern boundary in accordance with the Objective 2F of the ADG. This will allow the Sebel (if developed) to apply its share of the required building separation.

Nonetheless, the Sebel is not considered viable option for redevelopment for these reasons.

- Significant number of strata owners (over 200).
- ADG constraints (noting that existing setbacks do not comply)
- Council/DPIE requirement for significant, assured job growth and Council's own benchmark of 70/30% split for mixed use in the B3 zone.

In addition, the Sentral building is owned by Council and whilst it could be re-developed for residential it would be constrained by existing site area which resulted in the current building cantilevering over Orchard Road, as well as restricted in height by the solar access plane. Any redevelopment for mixed use would also need to satisfy the requirement for significant and assured job growth. Given that Council own the Sentral site it is considered unlikely that this site will be redeveloped for mixed use residential.

As both adjacent sites are encumbered by constraints that significantly limit the potential of future residential development, the proponent should only be required to provide its share of the required building separation. This ensures that separation is equitably shared between adjacent sites which is consistent with the ADG.

Council Comment -Key Element 30

In regards Key Element 30, Council seeks active street frontages to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

Council's response is noted, active street frontages will be provided. This requirement can be included in any design brief required as part of the design excellence process and implemented through subsequent development applications.

One of intended outcomes of the Planning Proposal is to:

"To deliver significant public domain improvements including active street frontages, high quality internal and external public areas and improved connectivity to Chatswood train station."

The Planning Proposal will facilitate significant improvements to the current arrangement on the site which is restricted by minimal entry and exit points and minimal through site links. The proposal will contribute to the rejuvenation of Chatswood by encouraging and supporting Council's vision for a vibrant and active Commercial Core.

13) Floor Space at Ground level

Council Comment – Key Element 33

Key Element 33 states:

"Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels."

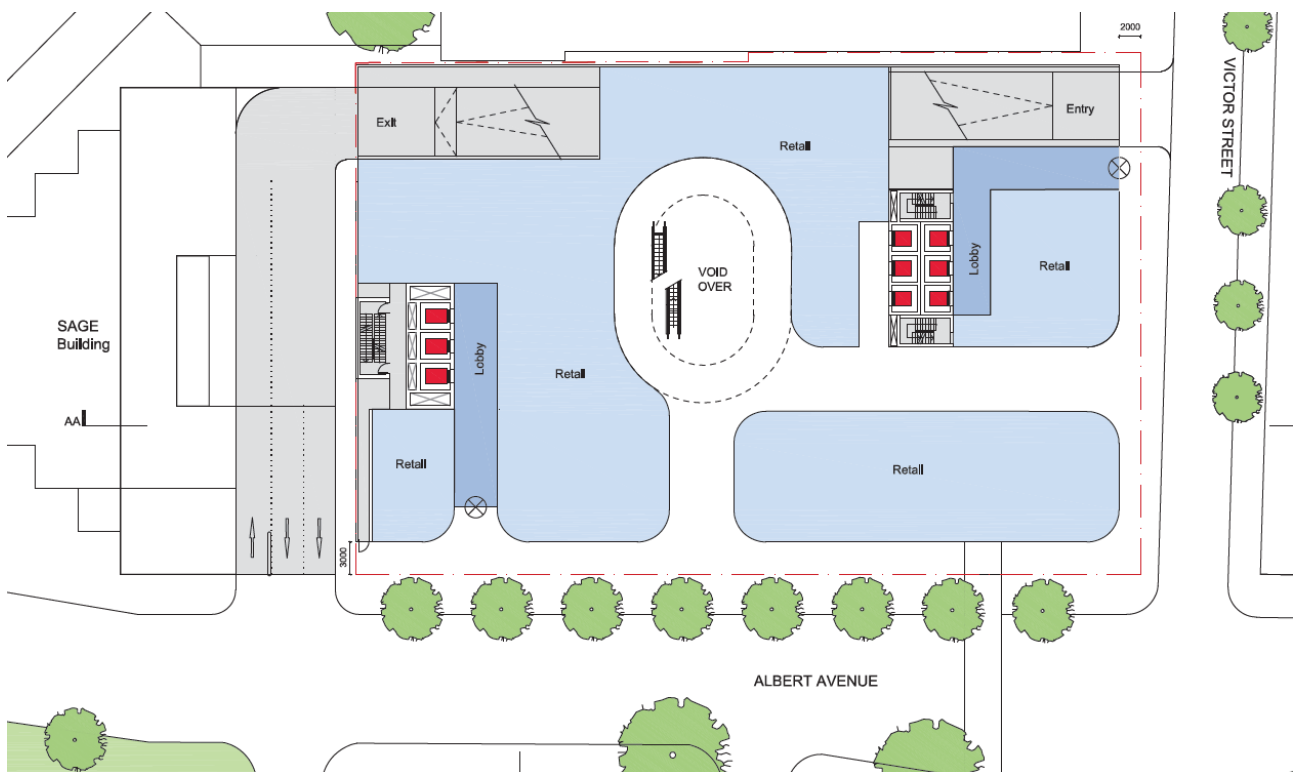
In regards Key Element 33, Council seeks floor space at ground level to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response

Council's response is noted, floor space at ground level will be maximised as part of the proposal. This requirement can be included in any design brief required as part of the design excellence process and implemented during subsequent development applications.

The concept design has demonstrated that floor space has been maximised with supported servicing functions located on basement levels. Further to this, entry and exit points are removed from key activated frontages. The ground level also provides an activated public domain linking both the Victor Street and Albert Avenue through site links flanked by retail that invites the public into the space with further connectivity to Chatswood Station in accordance with the CBD Strategy. This is demonstrated in Figure 9 below.

Figure 9 Ground Floor Concept Design



Source: Bates Smart

Council Comment – Key Element 34

Key Element 34 states:

"Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages."

This is a matter that Council seeks to have addressed, consistent with the Strategy. In this regard Council seeks substations (services) to be addressed in draft DCP provisions consistent with the Strategy and Council's standard site specific DCP template approach.

Proponent Response Key Element 34 This requirement can be included in any design brief required as part of the design excellence process and implemented through subsequent development applications.

15) Traffic and Transport

Council Comment – Key Element 35

Key Element 35 states:

"The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives consistent with Council's Integrated Transport Strategy ..."

The Council vision for Victor Street is to encourage pedestrian usage and manage vehicle impacts. This is consistent with the site's location close to the Chatswood Transport Interchange. It is acknowledged that the Council vision is required to be balanced with vehicle requirements for existing development and the vehicle requirements for future developments. A Planning Proposal (PP 2016/7/A, dated 25 September 2020) has already been submitted on a different site in Victor Street, being 45 Victor Street (the old Post Office site) and 410–416 Victoria Avenue — yet to be determined. Analysis of traffic implications should have regard to this Planning Proposal. Concern is also raised with SIDRA analysis dated April 2016.

With regard to optimum development outcomes in Victor Street, Council is seeking loading / servicing and car parking solutions to minimise streetscape impact — and seeks a consistent approach whether Council or DPIE is the Planning Proposal authority.

Proponent Response

The updated TIA considers the Arup Future Conditions Transport Study prepared in 2020. This assessed the future traffic and transport (active and public) network impacts of forecasted employment and dwellings documented in the CBD Strategy. The study tested 2026 and 2036 design years using TfNSW strategic modelling.

Arup predict that an additional 677 residents and 30 fewer employees in 2026 based on the TfNSW Strategic and CBD Strategy forecasts. By 2036, the population in the travel zone is predicted to increase by 1,907 residents and 290 employees.

GTA Consultants confirm that the redevelopment of the Mandarin Centre and nearby former Post Office site, specifically the residential component of these two developments, will generate between 40 and 60 vehicle movements per hour during the critical weekday PM and Saturday lunchtime periods. This equates to only up to one additional vehicle every minute.

The Arup study also suggests traffic conditions will improve in the Chatswood CBD area compared to historic conditions, although it is not possible to understand forecast volumes during the weekday PM peak hour.

Therefore, GTA consultants confirm that such additional traffic volumes generated by the Planning Proposal, specifically 20-30 vehicle movements per hour, is not expected to compromise the safety and operation of the surrounding road network.

The concept design indicates vehicle entry from Victor Street and exit from Orchard Road. In consultation with TfNSW and Council, a number of alternate vehicle access options to the site were identified and are summarised in Table 4.2 of the updated TIA. It is noted that intersection modelling has also previously been completed for each vehicle access option. This indicated that adequate capacity exists to accommodate the additional traffic under each option without unreasonably impacting on the operation of the Albert Avenue corridor.

The preferred access option provides a balanced traffic movement outcome and supports Council's vision for Victor Street to encourage pedestrian usage and manage vehicle impacts.

Key Element 35 a) states:

"Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry area into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas. Where possible, cars and service vehicle access should be separated."

Council is prepared to consider entry via Victor Street, and exit via Orchard Road, provided the detail of the Basement arrangement is satisfactory to accommodate residential and commercial vehicles, as well as loading/unloading and servicing vehicles. It is noted that cars and service vehicles are proposed to be separated on Basement Level 1.

Proponent Response

GTA Consultants in the updated TIA confirm that the indicative design with separate entry and egress ramps can generally accommodate the swept path requirements of an MRV. This will be further developed in the design excellence brief and at the DA stage to confirm the egress through the Sentral Building.

GTA consultants provide recommendations for the basement area including a booking system which will be necessary for the shared loading area, where residential and commercial demand is scheduled outside of peak retail demand. GTA Consultants conclude that this is a workable and efficient solution given residential and commercial typically have lower demand for loading/ unloading activities.

Key Element 35 c) states:

"All vehicles are to enter and exit a site in a forward direction. Physical solutions, rather than mechanical solutions are sought."

It is understood that plans at this stage are conceptual in nature and it is accepted that detailed plans and solutions will be provided at DA stage, however Council is seeking a concept design that shows all on-site vehicle manoeuvrability including loading and servicing accommodated satisfactorily, without having adverse impacts on Victor Street, Orchard Road, as well as Albert Avenue. Under no circumstances are vehicles stopping on surrounding streets permitted.

A physical solution is supported in regards vehicle manoeuvring for loading/ unloading and service vehicles. Notwithstanding this support, concern is raised with the layout shown on Basement Level 1. The arrangement shown involves questionable manoeuvrability and suggests potential conflict between loading and servicing vehicles and other vehicles either accessing the lower Basement car park levels or seeking to exit the site via Orchard Road. A rethink of the Basement 1 Level is considered reasonable and justified at Planning Proposal stage (and not put off to DA stage), due to the important location of this site within the Chatswood CBD and its relationship with the surrounding road network.

In the interests of assisting the proponent, concept plans are requested showing:

- Within the basement, a separate commercial loading / garbage area and a separate residential loading / garbage area. It is noted that a supermarket and child care / education facility, in addition to other retail uses, and commercial and residential uses are proposed.*
- Loading provision based on the maximum vehicle size required for the uses identified in the Planning Proposal, with particular regard to the supermarket, residential loading/unloading requirements and servicing vehicles.*
- Child care / education facility vehicle movement provision, with particular requirements such as drop off and pick up addressed. Plans and turning circles for a minimum medium rigid vehicle (or large if required) are requested for consideration, including entering and exiting the site, with particular regard to trucks exiting via Orchard Road.*

Key Element 35 d) states:

"All commercial and residential loading and unloading is required to occur on-site and not in public streets."

The request for additional information above is consistent with this Key Element. Council seeks the optimum outcome envisaged in the Strategy on this important site within the Chatswood CBD.

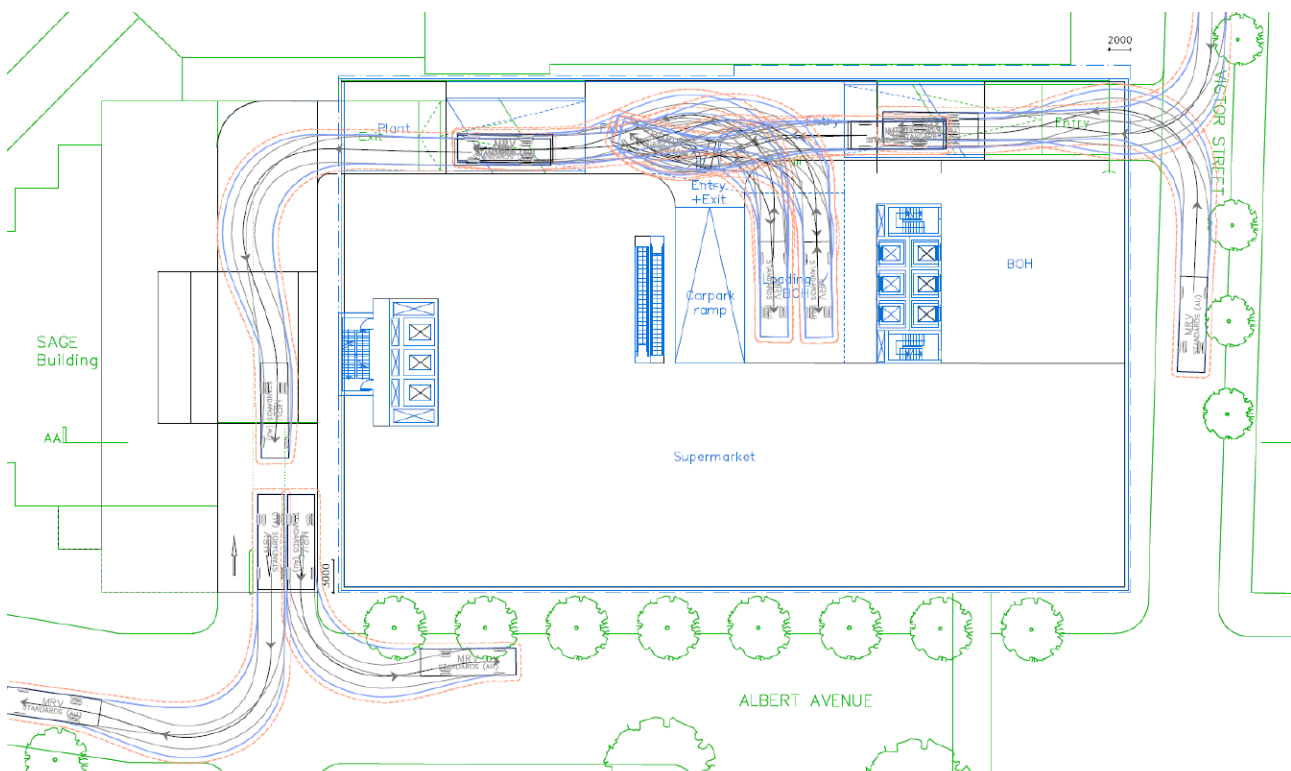
Proponent Response

GTA Consultants confirm that a loading facility will be provided on basement level 1, which can accommodate two 8.8 metre MRVs. Refuse will be collected by a private contractor within the site.

The indicative design with separate entry and egress ramps can generally accommodate the swept path requirements of an MRV. This will be further developed at the DA stage to confirm the egress through the Sentral Building.

The car park layout and site access provisions will be designed in accordance with the requirements of the Willoughby City Council's DCP 2006 and the Australian Standard for Off Street Car Parking (AS2890.1:2004 and AS2890.6:2009). This requirement can be included in the design excellence brief. The swept path diagram is illustrated in Figure 10 below.

Figure 10 Loading Access Swept Paths



Source: GTA Consultants

Key Elements 35 e) and f) state:

Further reduction in car parking provision will have a positive impact on traffic volumes associated with this Planning Proposal, and therefore both Victor Street and Orchard Road. Other matters where further detail is requested:

- *Motorcycle / bicycle parking spaces and end-of-trip facilities.*

Council would be interested to hear from the proponent if it would be possible to include a substantive end of trip cycle facility, serving the Chatswood CBD, as part of the proposal.

- *Green Travel Plan (GTP)*

- *Car share and electric vehicle (EV) spaces*

The following traffic and transport related amendments are requested to the Concept Plans:

- *Reconsideration of Basement Level 1:*
 - *retaining a physical solution*
 - *enabling loading vehicles and garbage / servicing vehicles to enter and leave the site in a forward direction*
 - *showing no interference with internal traffic flows*
- *Car parking provision based on the abovementioned car parking rates.*
- *At the corner of Albert Avenue and Victor Street, a splay is to be provided that complies with the swept turning path of a minimum medium rigid vehicle (MRV).*

Proponent Response

The Planning Proposal has reduced car parking on site to 439 spaces compared to the previous 546 spaces. GTA Consultants confirm that on-site car parking supply is generally sufficient to cater for the anticipated peak daytime car parking demands generated by the concept design and can be accommodated on site.

The amended TIA outlines that DCP 2006 suggests that the Planning Proposal incorporate 41 bicycle lockers for residents/employees and 87 bicycle rails for visitors. The 41 bicycle lockers could be accommodated as bicycle racks within a secure cage facility to improve space efficiency and usage. Further details can be provided during the design excellence process.

Furthermore, WDCP 2006 requires motorcycle parking to be provided at the rate of one space per 25 car parking spaces. Given the car parking requirements outlined above, the planning proposal is required to provide some 18 motorcycle parking spaces based on the above maximum car parking provision. GTA Consultants confirm that these will be able to be accommodated within the basement car parking levels.

A summary of a Green Travel Plan is provided in the amended TIA. This will be expanded and implemented at DA stage. The TIA outlines that the Green Travel Plan will seek to:

- advise all users on the wider travel choices available to them and encourage use of sustainable travel modes.
- aim to reduce congestion on the surrounding Chatswood CBD road network by causing a mode shift away from private vehicles, or at the very least encourage higher vehicle occupancy to reduce private vehicle trips.
- identify any wayfinding and public transport information (such as screens with ‘next train/ bus’ times) that would be beneficial for the Mandarin Centre’s interface with the adjacent public transport, walking and cycling networks.

The TIA also provides site specific measures for the future development and suggests local car share initiatives.

As demonstrated above the loading and servicing arrangement for a MRV has been provided in the updated TIA. This demonstrates that appropriate loading and manoeuvrability arrangements can be accommodated on the site.

2.2.2. Transport for NSW Submission

The following items were provided in the Transport for NSW submission.

Matter	Response
<i>The subject proposal is accompanied by a transport impact assessment addendum to support the proposed</i>	The updated TIA considers the Arup Future Conditions transport study prepared in

<p><i>amendment to the planning controls. It is noted that the addendum makes reference to a mesoscopic model that was prepared for a development application for another site and which is stated that the mesoscopic model included travel demand assumptions of an anticipated redevelopment at the subject site. It is however not evident whether the mesoscopic model included the broader CBD land use assumptions proposed in the Strategy. On this note it is considered that the addendum does not adequately present the subject proposal in the context of the cumulative impact resulting from the development uplifts as envisaged in the Strategy.</i></p>	<p>2020. This assessed the future traffic and transport (active and public) network impacts of forecasted employment and dwellings documented in the CBD Strategy. The study tested 2026 and 2036 design years using TfNSW strategic modelling.</p> <p>Arup predict that an additional 677 residents and 30 fewer employees is predicted in 2026 based on the TfNSW Strategic and CBD Strategy forecasts. By 2036, the population in the travel zone is predicted to increase by 1,907 residents and 290 employees.</p> <p>GTA Consultants confirm that the redevelopment of the Mandarin Centre and nearby former Post Office site (were this to be redeveloped as a residential tower,) specifically the residential component of these two developments, will generate between 40 and 60 vehicle movements per hour during the critical weekday PM and Saturday lunchtime periods. This equates to only up to one additional vehicle every minute.</p> <p>The Arup study also suggests traffic conditions will improve in the Chatswood CBD area compared to historic conditions, although it is not possible to understand forecast volumes during the weekday PM peak hour.</p> <p>Therefore, GTA consultants confirm that such additional traffic volumes generated by the Planning Proposal (20-30 vehicle movements per hour) is not expected to compromise the safety and operation of the surrounding road network.</p>
<p><i>The Transport Impact Assessment should be reviewed to present the transport impact of the subject proposal in the context of cumulative impact resulting from the development uplifts as envisaged in the Strategy. Subject to the availability and agreement by Council, it is recommended that the output of the Study should be referenced such that deviations from the Strategy's land use assumptions as proposed by the subject proposal can be assessed in a consistent manner;</i></p>	<p>This has been undertaken in the amended TIA. Please refer to response above.</p>
<p><i>List of actions have been identified to support the Transport Strategic Directions of the Willoughby City Council</i></p>	<p>The car parking has been lowered to 439 car parking spaces. GTA Consultants</p>

<p><i>Integrated Transport Strategy (WCCITS). Action No. 54 states that “Continue the revision of Part C.4 ‘Transport Requirements for Development of Council’s Development Control Plan (DCP) to reduce car parking rates for new developments close to railway stations...”. In the event that the subject proposal is approved prior to the aforesaid reduction of DCP car parking rates to be undertaken by Council, it is recommended that a site-specific clause of capped car parking rates, consistent with Council’s endorsed rates, should be included to the proposed amendments to the Willoughby Local Environmental Plan 2012 of which the subject proposal is seeking</i></p>	<p>outline the following considerations which should be noted with respect to future parking supply:</p> <ul style="list-style-type: none"> • The existing Mandarin Centre car parking (303 spaces) forms part of an overall retail parking supply of close to 6,000 parking spaces. Reducing this retail car parking to 43 spaces could place pressure on other facilities in the short to medium term, with potential unintended traffic congestion consequences. • Adopting the TfNSW residential parking rates, as previously proposed, still results in a lower car parking provision than the proposed Council rates and should continue to be adopted. • The residential visitor parking rate proposed by Council is lower than the respective TfNSW rate and reflects contemporary requirements. As such, this should be adopted in conjunction with the TfNSW residential parking rates. • A reduction in commercial (tenant) parking is consistent with contemporary tenant requirements and directly assists with reducing traffic generation. <p>On this basis, the proponent proposes a maximum parking provision of 106 residential and visitor parking spaces and 333 retail, commercial and childcare spaces. This results in a maximum of 439 spaces.</p>
<p><i>Consideration should be given to preparing a site-specific Development Control Plan outlining access issues, (as detailed in Attachment A), to be addressed during the preparation of any development application for the site.</i></p>	<p>These requirements can be included in the design excellence brief and implemented during DA stage. Sufficient detail has been provided for the Planning Proposal stage.</p>
<p><i>The matters in relation to the design elements of proposed vehicle access points and service vehicle provisions are identified below:</i></p> <ul style="list-style-type: none"> • <i>Vehicle Access Points:</i> <p><i>Existing vehicle access points, on both Victor Street and at this intersection of Albert Avenue/Orchard Road associated with 65 Albert Avenue Chatswood, should be wide enough to allow for the size of vehicles anticipated to use the site to enter and exit safely.</i></p>	<p>GTA Consultants have confirmed that the car park layout and site access provisions should be designed in accordance with the requirements of the Willoughby City Council’s DCP 2006 and the Australian Standard for Off Street Car Parking (AS2890.1:2004 and AS2890.6:2009). Appropriate provisions relating access and upgrades can be included in design excellence brief and implemented at subsequent DA phase.</p>

- *Service Vehicles:*

Service vehicle parking for building maintenance, garbage collection and removalists should be adequately provided and accommodated on site.

- *Transport for NSW Requirements at the intersection of Albert Avenue/Orchard Street*

The proposed access arrangement may require changes at the signalised intersection of Albert Avenue/Orchard Road. Any such changes would require approval from TfNSW in accordance with Section 87 of the Roads Act 1993.

Recommendation

It is suggested that a site-specific DCP be prepared to include the aforementioned requirements, which would help manage any impact to the surrounding road network.

3. CONCLUSION

The Planning Proposal seeks an amendment to the Willoughby LEP 2012. The amendment will allow for a high-density mixed-use development at the Mandarin Centre, 65 Albert Avenue, Chatswood.

It is noted that the proponent initiated the planning proposal at the behest of Council in 2012. It was also Council's recommendation to do a mixed-use development at the time.

Over 8 long years despite many hurdles the owners and their team of consultants have persevered because of their consistent strong belief that the much-needed redevelopment of this strategic site generates significant benefits to Chatswood CBD and the broader Willoughby LGA. Council, DPIE and the SNPP on various occasions have recognised the enormous employment, economic and social benefits offered by the proposed LEP amendment, located in very close proximity to the new Sydney Metro. During this time, the proponent has continued to actively engage with all stakeholders at a huge financial cost whilst the ongoing COVID-19 crisis has added further financial strain.

This subsequent RtS has clarified and responded to matters raised by community submissions, Council and TfNSW. It is reiterated that the amendments to the Willoughby Local Environmental Plan 2012, represents the most appropriate development outcome for the site and surrounding context, proposing a mixed use development with a mix of commercial, retail, residential and community uses, in close proximity to jobs and well serviced by public transport.

Specifically, the Planning Proposal achieves the following outcomes and should be supported by the SNPP:

- The Planning Proposal 'gives effect' to the Greater Sydney Region Plan and North District Plan to provide additional jobs and residential accommodation in highly accessible Strategic Centre which promotes the 30min city, productivity, and housing targets.
- The concept design ensures that the specific constraints of the site are recognised including protecting views and visual privacy from the Sebel to the north.
- The proposal will ensure no additional overshadowing to Chatswood Oval, through appropriate LEP clauses.
- The residential floor space will assist with growing the Chatswood Strategic Centre by providing additional housing stock to accommodate future workers expected in the area, consistent with the Housing Strategy. The provision for affordable housing of 4% of GFA is consistent with the WLEP 2012.
- The proposal will deliver a much-needed upgrade to the Mandarin retail shopping centre, providing new employment opportunities within a refreshed retail offering.
- The proposal will provide significant commercial office floor space consistent with the objectives of the CBD Strategy and North District Plan which aims to protect and grown the commercial core of Chatswood.

Overall, the Planning Proposal achieves a balanced outcome, including mitigating view and environmental impacts to neighbouring properties, providing public domain improvements and open space for the community, whilst also supporting Chatswood's commercial future by introducing significant commercial uplift on the site in conjunction with retail and housing land uses.

The Mandarin Centre owners are experienced property owners and developers with a track record of delivering high quality outcomes over many years. Despite the many frustrating barriers presented to the project since it was first supported by Council and the Department in 2014, the owners are committed to advancing this project to DA phase as quickly as possible and seek the Department's support to enable that. The proponent therefore requests that the DPIE to do what they can to advance this proposal to LEP finalisation with a timeframe of 6 months and the DA assessment process to overlap with the finalisation of the amended LEP.

DISCLAIMER

This report is dated 15 February 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Mandarin Developments & Blue Papaya (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

**REVISED PLANNING PROPOSAL
REPORT**

APPENDIX B

TRAFFIC AND TRANSPORT IMPACT STATEMENT

APPENDIX C

PRELIMINARY WIND ASSESSMENT

