

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH002
DA Number	2017/503
LGA	WILLOUGHBY
Proposed Development	DEMOLITION OF 2 COMMERCIAL BUILDINGS, RECONSTRUCTION AND EXPANSION OF CHATSWOOD CHASE SHOPPING CENTRE.
Street Address	345 Victoria Avenue, 12-14 Malvern Avenue and 5-7 Havilah Street, CHATSWOOD NSW 2067
Applicant/Owner	Vicinity Centres PM Pty Limited
Date of DA lodgement	21-DEC-2017
Number of Submissions	17
Recommendation	DEFERRED COMMENCEMENT APPROVAL
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	YES
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> relevant environmental planning instruments relevant development control plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> plans
Report prepared by	MARK BOLDUAN
Report date	7/12/2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

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SNPP NO: 2018SNH002
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 345 Victoria Avenue, 12-14 Malvern Avenue and 5-7 Havilah Street, CHATSWOOD NSW 2067
DA NO: DA-2017/503

ATTACHMENTS:

1. SCHEDULE OF CONDITIONS
2. SITE DESCRIPTION AND AERIAL PHOTO
3. CONTROLS, REFERRALS AND DEVELOPMENT STATISTICS
4. SUBMISSIONS TABLE
5. SECTION 4.15 ASSESSMENT
6. NOTIFICATION MAP
7. ARCHITECTURAL PLANS

DATE: 07-DEC-2018

RECOMMENDATION: DEFERRED COMMENCEMENT APPROVAL

LOCATION: 345 VICTORIA AVENUE, 12-14 MALVERN AVENUE AND 5-7 HAVILAH STREET, CHATSWOOD NSW 2067

OWNER: OWNERS CORP STRATA PLAN 36362 AND CC NO 1 PTY LTD AND CC NO 2 PTY LTD

APPLICANT: VICINITY CENTRES PM PTY LIMITED

PROPOSAL: DEMOLITION OF 2 COMMERCIAL BUILDINGS, RECONSTRUCTION AND EXPANSION OF CHATSWOOD CHASE SHOPPING CENTRE.

DATE OF LODGEMENT: 21-DEC-2017

REPORTING OFFICER: MARK BOLDUAN

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. It has a capital investment value (CIV) of over \$30 million and therefore Sydney North Planning Panel is the determination authority.

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2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approve the development subject to the attached conditions and issue 'Deferred Commencement' consent for the application DA 2017/503 for the 'demolition of two commercial buildings, reconstruction and expansion of Chatswood Chase Shopping Centre' at 343 Victoria Avenue, 5-7 Havilah Street and 12-14 Malvern Avenue, Chatswood.

3. BACKGROUND

Introduction

Chatswood Chase Shopping Centre (CCSC) has operated on the site since 1983. In 2007, the owner of CCSC obtained development consent (Major Project No 06 0301) for a major upgrade and this was carried out in 2009. The applicant has recently acquired the properties at 12-14 Malvern Avenue and 5-7 Havilah Street in order to carry out a further major upgrade and expansion of the shopping centre.

Willoughby LEP 2012 amendment

A Planning Proposal was lodged by Urbis (on behalf of Vicinity Centres, the applicant in the current DA) in July 2016 (the Planning Proposal). The objectives of the Planning Proposal were expressed by the applicant to be to:

- *Align the height and FSR controls of 12-14 Malvern Avenue and 5-7 Havilah Street with those currently applying to the Chatswood Chase site;*
- *Increase the building height applying to the northern portion of the greater site area of Chatswood Chase (fronting Malvern Avenue and part of Havilah Street).*

On 22 September 2017, the Planning Proposal achieved the above objectives and resulted in an amendment to the *Willoughby LEP 2012 (WLEP 2012)* as set out in Table 1 below:

Property	Zoning		Height		Floor space ratio	
	Pre – amend-ment	Post – amend-ment	Pre – amend-ment	Post – amend-ment	Pre – amend-ment	Post – amend-ment
12-14 Malvern Ave	B3 Commercial Core	No change	14m	40m	1.7:1	4.5:1
5-7 Havilah Street	B4 Mixed Use	No change	14m	34m	1.7:1	4.5:1
345 Victoria Ave	B3 Commercial Core	No change	34m	40m (fronting Malvern Avenue)	4.5:1	4.5:1 (no change)

Table1: Amendments to WLEP 2012 resulting from the Planning Proposal

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The proposed amendments to the WLEP 2012 were put forward with the express purpose of enabling the subsequent lodgement of a development application for the future expansion of the Chatswood Chase Shopping Centre over all three properties.

It should also be noted that, subsequent to the above amendment, in January 2018, Council approved the commencement of the *Chatswood CBD Planning and Urban Design Strategy to 2036*. That Strategy envisages a further uplift in the density controls applicable to the site (see discussion in Attachment 5).

DA 2017/503 – History

The current DA was lodged in December 2017. The originally proposed GFA was 109,959m², an addition of 36,301m from the existing Shopping Centre. The car spaces were to be increased by 880 to 3,321 car spaces.

On 27 March and 4 May 2018, Council requested further information regarding the proposal, including requests from RMS. The information requested concerned justification for the additional parking for cars; more motorcycle and bicycle parking; stormwater plans; a flood risk management plan; more details in the architectural plans; assessment of noise associated with vehicle access; and further traffic modelling.

In August 2018, an amended scheme was lodged by the applicant. Changes were made to the elevations. The GFA was increased from 109,959m² to 131,671m² and the car parking reduced from 3,321 to 3,224 spaces. Various other supporting documentation was lodged in response to Council's requests.

In further discussions, Council requested various amendments to the plans. The applicant lodged a further set of amended architectural plans in November 2018. These plans were again the subject of further requests for clarification and additional information, which has been partially provided.

Proposed Development

The proposed development now involves the following.

Demolition

The existing commercial buildings at 5-7 Havilah Street and 12-14 Malvern Avenue will be demolished. The majority of the existing Chatswood Chase building will also be demolished, although some existing building fabric will remain in place up to the existing Level 2A. The proposal is therefore categorised as alterations and additions to the existing building, rather than a new development.

Excavation

The properties at 5-7 Havilah Street and 12-14 Malvern Avenue will be excavated for the purposes of the expanded basement parking and storage areas.

Excavation within 12-14 Malvern Avenue will be to a depth of approximately 10m on the street (northern) frontage, reducing to approximately 7m below the existing car park (on the southern side) on that property.

Excavation within 5-7 Havilah Street will be to a depth of approximately 4m below the existing ground level on that property.

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Proposed shopping centre

The proposed development will incorporate:

- Two levels of basement parking;
- Six levels of mixed retail, including a supermarket, discount department store, a further multi-level department store and food and beverage outlets;
- Cinema, entertainment and leisure areas;
- 'Co-working' commercial spaces;
- Rooftop, landscaped recreational areas;
- Thirteen additional levels of above ground parking in the north-eastern part of the site.

Gross floor area allocation

The gross floor area (GFA) of the proposal will total 131,671m², which will be comprised as set out in Table 2 below.

Level	Mixed retail (speciality retail, food and beverage)	Major retail	Other (cinema, entertainment and leisure, co-working)	Common areas (mall)	Total
Basement 2	365m ²	-	-	-	365m ²
Lower Ground	8,059m ²	11,173m ²	-	5,266m ²	24,498m ²
Ground	12,052m ²	5,213m ²	-	5,322m ²	22,587m ²
Level 1	9,576m ²	6,354m ²	-	6,229m ²	22,159m ²
Level 2	9,915m ²	5,841m ²	-	5,590m ²	21,346m ²
Level 3	8,521m ²	-	6,876m ²	5,281m ²	20,678m ²
Level 4	3,076m ²	-	4,786m ²	10,456m ²	18,318m ²
Level 4A	-	-	1,720m ²	-	1,720m ²
Total	51,564m²	28,581m²	13,382m²	38,144m²	131,671m²

Table 2: proposed development - GFA Schedule

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Vehicle parking

The proposal will provide vehicle parking as set out in Table 3 below.

Car Park Level	Car spaces	Motorcycle spaces	Bicycle spaces
Basement B2	536	19	
Basement B1	570	15	322
Level G	76		
Level GA	184		
Level 1	180		
Level 1A	154		
Level 2	186		
Level 2A	181		
Level 3	172		
Level 3A	186		
Level 4	157		
Level 4A	157		
Level 5	152		
Level 5A	152		
Level 6	181		
Total	3,224	34	322

Table 3: Parking provision by Level

Materials

The facades of the proposed development will be comprised of:

- Precast concrete;
- Street level fenestration on the Archer Street and Victoria Avenue elevations;
- Additional glazed facades to circulation areas at higher levels on the Archer Street and Havilah Street elevations;
- Eastern facade of Car Park Levels 5 to 6 (north-eastern corner of the site) will be fitted with a trellis-type material. This will facilitate the growth of screening vegetation at those Levels, in conjunction with adjacent planter boxes.

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- The northern facade of Car Park Levels 5 to 6 (north-eastern corner of the site) will be comprised of photovoltaic cells.

Signage

The proposal includes signage areas on each elevation. The applicant's expressed intention has been to lodge later DA(s) for specific signage as the development proceeds. However, given the significant number of matters still requiring clarification in the current DA, Council proposes to delete the signage zones from the current DA, so that all signage issues can be addressed together in those later DAs. Council therefore proposes to impose the following Condition 2(f):

No signage is approved as part of this application and is to be deleted from the plans.

A 'Deferred Commencement' Condition is also to be imposed as follows:

*Submit to Willoughby City Council for approval detailed plans and elevations of the signage to be provided. The signage is to comply with Council's plans and policies.
(Reason: Compliance)*

Landscaping

The Arborist Report dated 13 December 2017 and prepared by Naturally Trees (Arborist Report) states that the proposal will involve:

- The removal of 14 existing, high category trees and 53 low category trees.
- The disturbance of a further 38 existing, high category trees, which will be retained but which will need protection during construction works.
- 51 further low category trees being successfully retained subject to tree protection measures.

The proposal also involves the planting of new vegetation as follows:

- At ground level, along the Havilah Street and Malvern Avenue frontages
- Additional, predominantly roof top landscaping at various levels at the Victoria Avenue frontage. These outdoor landscaped areas are as follows:

Roof top landscaping will also be provided within the built form as follows.

Level	Area of outdoor landscaping
Ground Floor	45m ²
Level 1	70m ²
Level 2	335m ²
Level 3	1,165m ²
Level 4	3050m ²
Total	4,665m²

Table 4: Outdoor landscaping provision by Level

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Access

Pedestrian access is provided at street level on the Archer Street, Victoria Avenue and Havilah Street frontages.

Pedestrian access is by means of:

- Entrance from Archer Street to Lower Ground Level;
- Entrance from Havilah Street to Lower Ground Level;
- Stairs and escalator from Victoria Avenue to Ground Floor Level.

All retail Levels are accessible by stairs, lifts and escalators. All parking Levels are accessed by stairs and lifts and most are also serviced by escalators.

Vehicle access is by means of:

- Two way ramp leading from Victoria Avenue down to Basement Level B1;
- Two way ramp leading from Malvern Avenue down to Basement Level B1;
- Vehicle access from Malvern Avenue to loading dock at Level LG;
- Further two way ramp leading from Malvern Avenue up to Ground Floor Level;
- Two way ramp leading from Archer Street to Levels 1 and 3.

Awnings

The applicant has advised that the design of the awnings has not yet been finalised. The applicant therefore requests that awnings be the subject of a separate application. Council therefore proposes to impose a "Deferred Commencement" Condition requiring that the applicant submit to Willoughby City Council for approval detailed plans and elevations of the awnings to be provided. The awnings are to comply with Council's plans and policies.

Hours of Operation

The Statement of Environmental Effects dated 7 August 2018 requests hours of operation to be 6am to 12am, seven days per week, including use and access for all car park areas.

DA 2018/368

The applicant has lodged DA 2018/368 in support of the current DA 2017/503. The purpose of DA 2018/368 is to facilitate continued customer access to the existing David Jones tenancy during the construction process resulting from DA 2017/503. Development consent is sought from Council for interim changes to existing tenancies, and an access way from the street to the David Jones tenancy inside the Shopping Centre.

DA 2018/368 remains pending approval until DA 2017/503 has been determined.

4. DISCUSSION

The referrals, relevant controls and development statistics that apply to the subject land are provided in **Attachment 3**.

4.1 WLEP 2012 - Heritage

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The site is not immediately adjacent to any heritage item or heritage conservation area. However, the North Chatswood Heritage Conservation Area applies to areas to the east and north at a distance of approximately 55m from the site. The Heritage Conservation Area does not apply to the properties immediately facing the Chatswood Chase site.

The following Local Heritage Items listed in the WLEP 2012 are located in the site vicinity:

Heritage Item No	Address	Heritage details
58	105 Archer Street	house (including original interiors)
59	107 Archer Street	house (including original interiors)
133	256 Victoria Avenue	Community Hospital.

Table 5: Heritage items in the site vicinity

A Heritage Impact Assessment dated 2 August 2018 was lodged with the amended DA. Council's Heritage officer has assessed this document and advises that the proposal is unlikely to have any impact on the nearby heritage items or the heritage conservation area.

4.4 Willoughby Local Environmental Plan 2012 (WLEP 2012)

Main Development Standards:

Willoughby Local Environmental Plan 2012				
Cl. 4.3	Height of Buildings	Partially >34m	34m - southern part 345 Victoria Avenue and 5-7 Havilah Street (see Figure 4 below)	Yes, subject to Condition requiring compliance with height standard
		40m	40m – northern part 345 Victoria Avenue and 12-14 Malvern Avenue (see Figure 4 below)	Yes
Cl. 4.4	Floor Space Ratio	4.5:1 (175,743m ²)	3.37:1 (131,671m ²)	Yes

Table 6: Main development standards applicable to the site

Further discussion of the above standards is set out in Attachment 5.

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4.5 Neighbour Notification

Owners of adjoining properties were notified of the proposal as originally lodged in December 2017 and an amended version lodged in August 2018. The relevant notification periods for these two sets of DA documents were from 9 January 2018 to 5 February 2018; and from 20 August 2018 to 10 September 2018 respectively.

A total of 17 submissions were received. The issues of concern raised in these submissions relate to:

- Overshadowing
- Air quality and noise pollution
- Privacy
- Traffic
- Bulk and scale
- Construction related issues
- Economic issues
- Façade issues
- Safety

Further discussion of the issues raised in the submissions is provided in **Attachment 4**.

4.6 Deferred Commencement

Some aspects of the proposal require further detail. A 12 month period is proposed from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the following issues:

- Urban design – northern and eastern elevations
- Awnings
- Landscaping
- Signage
- Demolition

A detailed assessment of the proposed development in accordance with 'The Matters for Consideration' under Section 4.15 of the *Environmental Planning & Assessment Act 1979* is provided in **Attachment 5**.

5. CONCLUSION

The application has been assessed in accordance with Section 4.55 of the *Environmental Planning & Assessment Act 1979*. It is considered that the proposed development is in keeping with the future desired character envisaged for the subject site, subject to conditions.

Subject to conditions, the proposal will result in acceptable impacts on the amenity and character of its surroundings.

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As such, the development will provide an acceptable planning outcome for the site. Approval is recommended, subject to conditions.

Attachment 1: CONDITIONS

SCHEDULE 1

CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT

In accordance with Section 4.16(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the applicant in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the date of the 'deferred commencement' notice to lodge plans and evidence that satisfactorily address the required amendments/detail. If not, then the 'deferred commencement' will lapse and a new development application will be required.
(Reason: Ensure compliance).

1. Malvern Avenue and Havilah Street Elevations

Submit to Willoughby City Council for approval detailed elevation plans for the Malvern Avenue and Havilah Street elevations, which demonstrate materials, colours, finishes, fenestration, proportion of building elements and scale of development which is well articulated. The scale and rhythm of building elements on the facades should reduce the impact of building bulk as experienced in adjoining low density residential areas.

(Reason: To add visual interest and increase consistency with the low scale, fine grain pattern of development in adjoining low density residential areas).

2. Awnings

Submit to Willoughby City Council for approval detailed plans and elevations of the awnings to be provided. The awnings are to comply with Council's plans and policies.
(Reason: Compliance)

3. Landscape

Submit to Willoughby City Council for approval:

- a) Detailed Landscape Plans.
- b) Details are to be provided addressing proposed tree, shrub and groundcover planting to all garden areas and planter boxes fronting Victoria Avenue, Havilah Street, Malvern Avenue and Archer Street and any landscape works proposed within the adjoining road reserves.
- c) Species selected are to ensure inclusion of trees along the Havilah Street and Malvern Avenue ground level frontages commensurate with the proposed building height.

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- d) Plans are to provide a minimum 70% native species selection to ground level frontage locations.
- e) Details are to be provided indicating proposed planting densities and pot sizes and planter dimensions.
- f) Plant densities and pot sizes and planter dimensions are to ensure that there is sufficient planting to achieve a high quality landscape setting within and fronting the streetscape.
- g) Replacement trees are to be provided at a minimum rate of two new trees for each tree required to be removed as a consequence of the approved works.

(Reason: To integrate the proposal into the streetscape and maintain local environmental amenity).

4. Signage

Submit to Willoughby City Council for approval detailed plans and elevations of the signage to be provided. The signage is to comply with Council's plans and policies.

(Reason: Compliance)

5. Demolition plans

Submit to Willoughby City Council for approval full demolition plans, clearly indicating the areas of the existing buildings on site to be demolished.

(Reason: Compliance)

6. Flooding

a) Flood Protection Measures

The applicant must develop and submit to Council measures designed by qualified a Civil engineer experienced in Flood analysis which are to be incorporated into the redevelopment of Chatswood Chase to prevent the ingress of overland flow into the carpark areas (existing and proposed) for all storm events up to the Probable Maximum Flood (PMF).

(Reason: Prevent property damage)

b) Flood Mitigation Measures

The applicant must develop measures designed which are to be incorporated into the redevelopment of Chatswood Chase to prevent any adverse flooding conditions being experienced in areas external to the site for all storm events up to the 1% Annual Exceedance Probability (AEP). A Flood Report prepared by a qualified Civil engineer experienced in Flood Analysis incorporating blockage factors to the trunk drainage system must be adopted as per Council's DCP and Technical Standards No.3 shall be submitted to Council.

(Reason: Managing flood risk)

c) Flood Mitigation Assessment

The applicant is to demonstrate to the satisfaction of Council that the proposed redevelopment of Chatswood Chase will not increase the risk of life in areas external to the site for storm events between the 1% Annual Exceedance Probability (AEP) and the Probable Maximum Flood (PMF). The assessment is to be carried out by a qualified civil engineer for the 0.5%, 0.2%, 0.1% and 0.05% AEP flood event, as well as the PMF and submitted to Council for assessment.

(Reason: Managing flood risk)

d) Stormwater Management Plans – Water Quality and On Site Detention

Submit revised stormwater management plans complying with Part C.5 of the Willoughby DCP and referenced Technical Standards. The stormwater management system shall incorporate “water quality” and “on-site detention (OSD)” systems designed in accordance with Part C.5 of the Willoughby DCP and with Technical Standard No. 1 “On Site Detention” and Technical Standard No. 5 “Water Quality”.

Regarding the on-site detention (OSD) system, the plans shall also comply with the following:

- (a) The OSD system must be located in an area where it can be readily accessible for maintenance purposes, with an access pit located directly over the outlet. Access grates shall be in accordance with Council’s policy. Attention is also drawn to the provisions of AS 2865 -“Safe Working in Confined Spaces”.
- (b) Storage volume and the Permissible Site Discharge rates (PSD) shall be calculated from Table 1 and Table 2 of Council’s Technical Standard No.1 – On-Site Detention.
- (c) Demonstrate that the detention storage and orifice outlet are above the 1% AEP HGL level at the point of connection to the receiving stormwater drainage system.
- (d) Details of an overflow spillway from the OSD storage with an overland flow path to Archer Street together with calculations demonstrating that the overflow elements can cope with the 1% AEP storm event in accordance with Council’s policy.
- (e) Freeboard to floor levels adjacent to the OSD storage and the spillway shall be observed.
- (f) Minimum of two (2) sections / elevations showing the OSD structure/basin including the trash rack, step irons if deeper than 1.2m and orifice plates. The sections shall include surface and design RLs for the tank orifice plate, and outlet pipe at the point of connection to Council’s system.

Council’s Standard Design Certificates and QA Checklists issued by a qualified and experienced civil engineer certifying that the design of the OSD and water quality system are in accordance with Council policies and specifications AS3500.3 – *Plumbing and Drainage Code*, BCA and the above requirements shall be submitted.

(Reason: Ensure Compliance)

SCHEDULE 2**CONSENT IDENTIFICATION**

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Description	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architecture	DA2007	Level B2	02	31.07.18	Make Architects
	DA2008	Level B1	03	02.08.18	
	DA2009	Level LG	02	12.11.18	
	DA2009A	Level LGA	02	31.07.18	
	DA2010	Level 00	03	12.11.18	
	DA2010A	Level 00A	02	12.11.18	
	DA2011	Level 01	02	12.11.18	
	DA2011A	Level 01A	02	12.11.18	
	DA2012	Level 02	02	12.11.18	
	DA2012A	Level 02A	02	12.11.18	
	DA2013	Level 03	02	12.11.18	
	DA2013A	Level 03A	01	27.07.18	
	DA2014	Level 04	02	12.11.18	
	DA2014A	Level 04A	01	27.07.18	
	DA2015	Level 05	02	12.11.18	
	DA2015A	Level 05A	01	27.07.18	
	DA2016	Level 06	01	27.07.18	
	DA2200	Elevation – East	02	12.11.18	
	DA2201	Elevation –West	02	12.11.18	
	DA2202	Elevation–South	04	12.11.18	
	DA2203	Elevation– North	03	12.11.18	
	DA2260	Wall Sections	01	23.11.18	
	DA2261	Wall Sections	01	31.07.18	
	DA2262	Wall Sections	02	23.11.18	
	DA2263	Wall Sections	00	27.07.18	
	DA2300	Sections	01	23.11.18	
	DA2301	Sections	01	23.11.18	
	DA2302	Sections	01	23.11.18	
	DA2303	Sections	00	31.07.18	
	DA2304	Sections	01	23.11.18	
	DA2305	Sections	00	31.07.18	
Waste Management Plan				31 July 2018	Compass Project Management
Arboricultural Impact				13 December	Naturally Trees

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Appraisal and Method Statement				2017	
Sustainability Score card				31 July 2018	Compass Project Management
Noise Impact Assessment				2 August 2018	Norman Disney and Young

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are "Exempt Development" as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. Shopping Trolley Management

A Shopping Trolley Management Plan (plan) should be prepared and submitted to Council for approval. The Plan shall detail the nature of operations, storage, use and collection of shopping trolleys within the site. The Plan should include details of the measures and management strategies to ensure that shopping trolleys do not leave the site, incorporating physical constraints, signage and enforcement methods by the owner/operator of the supermarket, liquor outlet and individual shop owners.
(Reason: Public safety, amenity and customer service)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

3. Amendments

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- a) The proposed development shall be modified to comply with the maximum building heights above existing ground level prescribed by Clause 4.3 WLEP 2012. 'Existing ground level' is to be regarded as being equivalent to the natural ground level indicated on the survey plans, rather than being measured from the existing basement level.
- b) The proposed development is to include 128 motorcycle spaces.
- c) A minimum of 97 car spaces must be accessible in accordance with Clause C6.2.2 WDCP.
- d) There will be no change to the existing on-street car spaces on Malvern Avenue.
- e) The proposed development is to include 204 bicycle lockers (or secure equivalent) and 595 bicycle racks.

- f) No signage is approved as part of this application and is to be deleted from the plans.
- g) No awnings are approved as part of this application and are to be deleted from the plans.
- h) The operating hours of the proposed development (including deliveries) are to be restricted to 7am to 6pm, 7 days per week.
- i) The operating hours of outdoor areas of any premises (including retail or outdoor recreation areas) facing Havilah Street are to be restricted to 7am to 6pm. Windows and doors of any such premises must be closed between 6pm and 7am.

Plans detailing these amendments are required to be shown on the Construction Certificate plans.

(Reason: Ensure compliance)

4. Fixed Development Consent Levies

Prior to the issue of the Construction Certificate, a monetary contribution of \$11,419,870.59 (subject to indexing as outlined below) is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.

This contribution is based on 3% of the estimated total development cost of \$380,662,353 at 30 November 2018 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development contribution payable

ODC = the original development contribution determined by the Council as a percentage of the cost as set down in this contributions plan

CP2 = the quarterly Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) immediately prior to the date of payment

CP1 = the quarterly Consumer Price Index, All Groups, Sydney as published by the ABS immediately prior to the date of imposition of the condition requiring payment of the contribution.

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at

www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

5. Services - Energy

The applicant should consult with AUSGRID to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate.

In the event of the energy provider / Ausgrid requires such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.

(Reason: Compliance)

6. Payment of Additional Fees

Prior to the issue of the Construction Certificate, an additional fee of \$137059.44 shall be paid to Council based on an amended estimated cost of \$403,512,000.

(Reason: Compliance)

7. Building Plan Approval – Sydney Water

Due to the proximity of the proposed development to Sydney Water assets, prior to the issue of the Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Any changes required by Sydney Water must be incorporated in the Construction Certificate plans.

(Reason: Compliance)

8. Damage Deposit

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$800,000** (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$165** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

9. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

10. Stormwater Conveyed to Council's Drainage System

Stormwater runoff from the site shall be collected and conveyed to Council's underground drainage system in accordance with Council's specifications. A grated drainage pit (min. 1200mm x 1200mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's underground drainage system. All drainage works shall comply with the requirements described in Part C.5 of Council's DCP and Technical Standards. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site shall be shown on the Construction Certificate plans.

(Reason: Stormwater control)

11. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration prior to the issue of the Construction Certificate.

(Reason: Prevent property damage)

12. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the Construction Certificate, submit to the Certifying Authority for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the stormwater management plans.

All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

13. Basement Pumpout Drainage System

Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- (b) The design capacity of each pump shall be based on the flowrate generated from the 1 in 100 year ARI storm event of the area draining into the system.
- (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

14. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that all basement carparking areas (existing and proposed) shall be protected from the ingress of overland flow for all storm events up to the probable maximum Flood (PMF).

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.

All Flood mitigation measures designed by a qualified civil engineer, required under Schedule 1 of this consent shall form part of any construction certificate issued.

(Reason: Prevent property damage)

15. Construction Management Plan (CMP)

Prior to the issue of the Construction Certificate, submit, for approval by the Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
 - (b) Parking for construction vehicles
 - (c) Locations of site office, accommodation and the storage of major materials related to the project
 - (d) Protection of adjoining properties, pedestrians, vehicles and public assets
 - (e) Location and extent of proposed builder's hoarding and Work Zones
 - (f) Tree protection management measures for all protected and retained trees.
- (Reason: Compliance)

16. Road Pavement – Engineering Details

The applicant shall submit, for approval by Council as the road authority, prior to issue of the Construction Certificate, full engineering design plans and specifications prepared by a suitably qualified and experienced civil engineer for the reconstruction of half of the road pavement and any associated works fronting the subject site.

The required plans must be designed in accordance with Council's Specifications (AUS-SPEC). Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road.

(Reason: Protection of public asset)

17. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) Construction of 1.5 metres wide concrete footpath (max. 2.5% crossfall) for the full frontage of the development site in Havilah Street and Malvern Avenue in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Reconstruction of the footpath in Archer Street and Victoria Avenue with CBD pavement is required. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter and associated half road reconstruction for the full frontage of the development site in Havilah Street and Malvern Avenue, Archer Street and Victoria Avenue in accordance with Council's specifications and Standard Drawing SD105.
- (c) Construction of vehicular crossings. Longitudinal sections along both edges of the vehicular crossings commencing at the road centre line and incorporating Council's standard layback at a scale of 1:20. The longitudinal sections shall extend a minimum of 4m inside the property.
- (d) Works associated with any modifications and/or relocation to the Council's/Sydney Water's stormwater drainage systems.
- (e) Engineering details including long section and cross sections at 5 metres interval shall be provided relating to works associated with any overland flow conveyance through the site, without entering the basement carparking areas.

- (f) The construction of all Traffic Management Works as required by other conditions.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

18. Flood Affected Development

The development site subject of this consent is affected by overland flooding as detailed in the revised flood report prepared by C.J Arms.

Based on the flood information obtained from Council, a Flood Risk Management Report prepared by a qualified civil engineer experienced in flood analysis and management and complying with the requirements in Part C.5 of the Willoughby DCP and Technical Standard No. 3, "Floodplain Management" and the NSW Government's Floodplain Development Manual 2005, shall be submitted with the application for Construction Certificate. All measures contained in the report shall form part of any Construction Certificate issued.

(Reason: Managing Flood Risk)

19. Vehicle Access – Engineer's Certification

The Applicant shall submit, for approval by the Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions comply with AS 2890.1 and 2890.2 and will not result in the scraping of the underside of cars.
- b) That a maximum gradient of 5% is provided for the first 6 metres from the property's front boundary to the basement. All driveway grades shall comply AS2890.1, AS2890.2 and AS2890.5.
- c) That the proposed vehicular path and parking arrangements comply in full with AS2890.1, AS2890.2 and AS2890.5 in terms of minimum dimensions provided,
- d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.4 of AS2890.6.
- f) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent to all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

- g) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the access area and the path to and from this area.
- h) Simultaneous manoeuvring of B99 and B85 within the parking isles and at internal ramps and ramp ends including clearance for each vehicle in accordance with AS2890.1 is complied with.
- i) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure Compliance)

20. Geotechnical Report

Prior to issue of any Construction Certificate, the applicant shall submit, for approval by the Certifying Authority, geotechnical report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety, excavation support etc. A copy of the geotechnical report shall be submitted to Council for record purposes.

(Reason: Safety & Amenity)

21. Sight Lines

In order to ensure adequate sight distances for pedestrians and traffic in the frontage road, the boundary fence shall be designed and constructed by 2m x 2.5m splays on both sides of the driveway exit on both sides of the exit driveways to comply with section 3.2.4 of AS2890.1 - 2004. Details demonstrating compliance are to be submitted with the construction certificate application.

(Reason: Pedestrian safety)

22. Tree Protection Plan

- i) Submit to the accredited certifier a Tree Protection Plan drawing for approval prior to issue of a construction certificate.
- ii) The Tree Protection Plan is to be prepared by a qualified Arborist with minimum qualification AQF Level 5.
- iii) Tree Protection Plan drawing shall address tree protection and management of all trees (including those on adjoining properties) in accordance with AS 4970-2009 'Protection of trees on development sites' and clearly mark tree protection zones as well as tree protection measures and fencing.

(Reason: Tree protection)

23. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided. These shall be designed in accordance with the provisions of:

- (a) The National Construction Code:
 - (i) AS1668.1, AS1668.2 and AS3666.1 as applicable; and/or
 - (ii) Alternative solution using an appropriate assessment method

Details of all mechanical ventilation and exhaust systems, and certification provided by an appropriately qualified person verifying compliance with these requirements, shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: Health and compliance)

24. Hazardous Building Material Assessment

A hazardous building material assessment shall be undertaken by an appropriate qualified person and is to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The assessment shall identify any likely hazardous materials within any structure to be demolished and provide procedures on how to handle and dispose of such materials.

(Reason: Environmental protection/public health and safety)

25. Internal Noise Levels Commercial

To minimise noise intrusion from any external noise source on the commercial component of the development, the building shall be designed and constructed to comply with the requirements of Australian Standard AS2107-2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors.

Certification from an appropriately qualified acoustic consultant that the building has been designed to meet this criteria shall be submitted to the Certifying authority prior to issue of the Construction Certificate.

(Reason: Amenity, environmental compliance and health)

26. Noise Mechanical Services

To minimise the impact of noise onto residential receivers, all mechanical services shall be designed and installed to ensure ambient noise levels are maintained. Details of the proposed equipment, siting and any attenuation required shall accompany the application for Construction Certificate.

(Reason: Amenity, environmental compliance and health)

27. Construction Traffic Management Plan

Prior to issue of the Construction Certificate, a detailed Construction Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- (a) Be prepared by a RMS accredited consultant.
- (b) Be in accordance with the current version of AS1742.3 and its associated handbook; and the RMS's Traffic Control at work site manual.
- (c) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- (d) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- (e) Confine temporary road closures to weekends and off-peak hour times and

shall be the subject of approval from Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

28. Traffic Work

Prior to issue of the Construction Certificate, detailed design plans, road safety audits and a review of environmental factors (REF) must be submitted for consideration by the Local Traffic Committee and final approval by Council to carry out the following works:

Victoria Avenue, Neridah Street and Chatswood Chase Car Park entry and exit, Chatswood

To manage all traffic and bicycle movements into and out of the Chatswood Chase car park entry and exit from Victoria Avenue and Neridah Street and pedestrian movements along Victoria Avenue, on the northern footpath, a new road way to/ from the car park entry and exit connecting to the intersection Victoria Avenue and Neridah Street will be implemented to:

- Interface with and be controlled by the existing traffic control signals so that all vehicle, bicycle and pedestrian movements will be under the control of traffic control signals.
- Provide pedestrian traffic control facilities across the full width of the new road way along the northern footpath on Victoria Avenue.
- Provide Full-time No Right Turn restrictions for all traffic exiting the car park so that all traffic must either turn left into Victoria Avenue or travel south into Neridah Street.
- Provide an overall intersection level of service performance no worse than the existing operation at all times.
- All other necessary traffic signal, road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.

Car park ingress and egress road way connecting to Archer Street, east side of road, between Mills Lane and Malvern Avenue

Provision of a new road way to/ from the car park connecting to Archer Street. The new road way will:

- Ensure slow speed entry and exit movements by all motor vehicles
- Traffic movements are left turn entry and left turn exit only.
- Provide priority to pedestrians and satisfactory driver and pedestrian sight distance to support pedestrian safety and amenity.
- Provide a new concrete median island in Archer Street across the entry and exit roadway and extend 10 metres north and south of the northern and southern road boundaries respectively.
- Provide full-time No Right Turn sign in Archer Street, east side of road, facing traffic travelling in a northbound direction

- Provide full time All Traffic Left signs in the road way, facing traffic travelling in a westbound direction and in Archer Street, west side of road, facing traffic travelling in a westbound direction.
- All other necessary road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.

(Reason: Public safety and amenity)

29. Design Standards for Traffic Management Works

The following road and traffic design, road safety assessment and environmental assessment standards will be applied:

- (a) All road and traffic management works shall be designed to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies and practices.
- (b) All road safety investigations, assessments and audits for the traffic management works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies and practices.
- (c) All environmental investigations, assessments and audits for the road and traffic management works shall be undertaken to the satisfaction of Willoughby City Council and in accordance with and meet the appropriate Australian Standards, Austroads guidelines, RMS Technical Directions and Council policies
- (d) All road and traffic design, road safety assessment and environmental assessment shall be provided at no cost to Willoughby City Council.

(Reason: Public safety and amenity)

30. Management plan for delivery and service vehicles entering and exiting the Chatswood Chase Development

The maximum length of all delivery and service vehicles is 19.5m.

Prior to issue of the Construction Certificate, the applicant must submit a management plan to ensure all delivery and service vehicles use Boundary Street to approach the subject site. The plan shall include details of the following traffic movement for all delivery and service vehicles:

Malvern Street

- Entry into the loading dock area shall be from Archer Street, left into Malvern Avenue Street and right into the loading dock.
- Exit from the loading dock area shall be left into Malvern Avenue, Street, right into Archer Street and right or left into Boundary Street.
- No delivery or service vehicles are permitted to enter or exit the car parking areas.

Mills Lane

- Entry into the loading dock area shall be from Archer Street, left into Mills Lane into the loading dock.
- Exit from the loading dock area shall be right into Archer Street and right or left into Boundary Street.

Victoria Avenue

- Entry into the loading dock area shall be from Penshurst Street and Victoria Avenue only. The approach route must be from Penshurst Street then into Victoria Avenue, travelling westbound, then right using the traffic control signals at the intersection at the intersection of Victoria Avenue, Neridah Street and roadway leading to the Chatswood Chase car park and loading dock, then into the loading dock.
- Exit from the loading dock area shall be to Penshurst Street via Victoria Avenue only. Exit from the loading dock area must be left into Victoria Avenue, using the traffic control signals at the intersection at the intersection of Victoria Avenue, Neridah Street and roadway leading to the Chatswood Chase car park and loading dock, travelling eastbound, to Penshurst Street and right or left into Penshurst Street only.

(Reason: road safety and amenity)

31. Parking Management Guidance and Information System (PMGIS)

Prior to the issue of the Construction Certificate, the detailed design of a Parking Management Guidance and Information System (PMGIS) shall be provided to Council for approval. The PMGIS must be implemented at all driveways and within all car parking levels.

Detailed design of the PMGIS shall include, but is not limited to, the technology, software, devices and operation/management/maintenance/upgrade plan to support the continuous operation of the PMGIS for the development.

As a minimum The PMGIS shall achieve the following objectives:

- (a) manage queues at the ingress driveways so that no queues occur on the local road network;
- (b) guide drivers to available car parking spaces;
- (c) inform road users of the number of spaces available on each level of the car parking area;
- (d) direct drivers to the correct parking location within the car park for short stay (for pre-arranged goods pick up) and medium stay (for in-store shopping) needs as well as disabled and other specific parking areas in a safe, direct and efficient manner; and,
- (e) include appropriate measures to ensure all vehicles entering and exiting the site give way to pedestrians on the footpath across the driveways.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the Chatswood Chase development car park)

32. Car Park and Loading dock driveways

Detailed designs of all the driveways must be provided for Council approval. The following minimum design arrangements must be adopted:

- (a) Separate entry and exit driveways separated by a central concrete median is to be provided on Victoria Avenue, Archer Street and Malvern Avenue for the general traffic and bicycle parking areas. Driveway design must meet Australian Standards, Austroads Guidelines and Council policies and practices.
 - (b) The loading dock driveway on Mills Lane and Malvern Avenue must meet Australian Standards, Austroads Guidelines and Council policies and practices.
- (Reason: Road safety and traffic efficiency)

33. Disabled Parking Provision

Disabled parking wayfinding and parking spaces must be provided on-site in accordance with WDCP. The parking spaces must be located in a convenient and secure location in as close proximity to the retail areas and internal pedestrian facilities such as lifts, escalators and ramps as possible.

The design of the disabled parking spaces must be to the satisfaction of Council and meet Australian Standards, Austroads guidelines and RMS technical directions and guidelines.

(Reason: Support mobility impaired users access in the Chatswood Chase development)

34. Bicycle Facilities

Bicycle wayfinding, storage and end of trip facilities must be provided on-site in accordance with WDCP. The storage and end of trip facilities must be located in a convenient and secure location in as close proximity to the retail areas as possible. Separate facilities must be provided for use by employees and visitors to the Chatswood Chase development.

(Reason: Support active transport use to the Chatswood Chase development)

35. Parking Management Guidance and Information System (PMGIS)

Prior to the issue of the Construction Certificate, a Loading Dock Management Plan and detailed design of a Guidance and Information System (LDGIS) shall be provided to Council for approval. The Management Plan and LDGIS must be implemented at all loading docks driveways and within all loading docks.

The Management Plan and detailed design of LDGIS shall include, but is not limited to, the technology, software, devices and operation/management/maintenance/upgrade plan to support the continuous operation of the LDGIS for the development.

As a minimum the management plan and LDGIS shall achieve the following objectives:

- (a) Ensure compliance with the Council approved hours of operation of the loading dock and servicing arrangements
- (b) manage queues at the ingress driveways so that no queues occur on the local road network;
- (c) guide drivers to available parking spaces;

- (d) inform drivers of the number of spaces available at each loading dock area;
- (e) direct drivers to the correct parking location within the loading dock; and,
- (f) include appropriate measures to ensure all vehicles entering and exiting the site give way to pedestrians on the footpath across the driveways.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the Chatswood Chase development loading docks)

PRIOR TO COMMENCEMENT

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

36. Building Site Hoarding

Prior to the commencement of work, a hoarding, complying with StateCover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site), building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.

(Reason: Safety)

37. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority prior to commencement of work. The site management plan shall include the following measures as applicable.

- (a) Details and contact telephone numbers of the owner, builder and developer;
- (b) Location and construction details of protective fencing to the perimeter of the site;
- (c) Location of site storage areas, sheds and equipment;
- (d) Location of stored building materials for construction;
- (e) Provisions for public safety;
- (f) Dust control measures;
- (g) Site access location and construction;
- (h) Details of methods of disposal of demolition materials;
- (i) Protective measures for tree preservation;
- (j) Provisions for temporary sanitary facilities;
- (k) Location and size of waste containers and bulk bins;
- (l) Soil and Water Management Plans (SWMP); comprising a site plan indicating

the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;

- (m) Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request. (Reason: Environment protection, public health and safety)

38. Dilapidation Report of Adjoining Properties

Prior to commencement of work, submit a photographic survey and report of the adjoining properties 1-3 Havilah Street, 339 Victoria Avenue, 341 Victoria Avenue, 305 Victoria Avenue, 309 Victoria Avenue, 375 Victoria Avenue, 377 Victoria Avenue, 379 Victoria Avenue, 99-101 Archer Street and 16-18 Malvern Avenue to the Certifying Authority and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the Certifying Authority, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made.

(Reason: Protection of adjoining owners)

39. Public Risk Insurance Policy

The Public Risk Insurance Policy held by excavator must not be less than \$10 million and must contain a clause indemnifying Council against any claims in respect of the excavation works. A copy of this policy is to be submitted to Council.

(Reason: Limit liability)

40. Ventilation Plans and Details

Plans and specifications of mechanical ventilation, air conditioning systems and any associated pollution control equipment are to be submitted and approved by the Certifying Authority prior to commencement of work.

(Reason: Ensure compliance)

41. Geotechnical Report

The site and adjoining sites (including the road reserve or other public space) are to be inspected by an independent Geotechnical Engineer and a comprehensive report shall be submitted to the accredited certifier prior to commencement of work indicating how the work is to be undertaken with safety, and identifying the stages at which the engineers' personal supervision is to occur during the works.

(Reason: Protection of adjoining properties)

42. Application for vehicle crossings

Prior to commencement of work, the applicant must submit an application with fees to Council for the construction of any concrete vehicular crossings.
(Reason: Protection of public asset)

43. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifying Authority prior to commencement of work.
(Reason: Protection of Council's infrastructure)

44. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RMS. A separate written application to work outside normal hours must be submitted for approval.
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.

- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

45. Application for Vehicle crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

46. Project Arborist

- i) A Project Arborist is to be appointed prior to commencement of works on site
- ii) The Project Arborist is to have a minimum qualification AQF Level 5
- iii) The Project Arborist is to oversee and authorise all tree protection works detailed in the approved Tree Protection Plan and relevant conditions of consent
- iv) The Project Arborist is to certify
 - a) that all tree protection measures have been installed prior to commencement of works and
 - b) that all tree protection measures and remediation works have been complied with prior to issue an Occupation Certificate

(Reason: Safety, environmental protection, landscape amenity)

47. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

48. Parking Management Guidance and Information System – construction, commissioning and operation

Prior to occupation, the Parking Management Guidance and Information System (PMGIS) must be implemented and operational.

The applicant shall provide Council, free of charge, the car parking occupancy data. This data will be used by Council as part of its Travel Demand Strategy.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the development car parking areas)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

49. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979* must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.

(Reason: Ensure compliance and amenity)

50. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. All parts of the fence, including the fencing blocks shall be located wholly within the property boundaries.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

51. Provide Erosion and Sediment Control

Where work involves excavation or stockpiling of raw or loose materials, erosion and sediment control devices shall be provided wholly within the site whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system

natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the *Protection of Environment Operations Act 1997* and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

52. Suitable Screens

In the event of likely emission of dust, noise, waste water or other matter, suitable screens shall be erected during demolition and building work to prevent their emission from the site.

(Reason: Maintain amenity to adjoining properties)

53. Suitable Barricades

Suitable barricades shall be erected during building works on Councils footpath and where directed by the Certifying Authority and/or Council to protect pedestrians using the footpath.

(Reason: Public safety)

54. Demolition Work AS 2601-2001

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

(Reason: Safety)

55. Silencing Devices

Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, excavation, earth works and the erection of the structure.

(Reason: Maintain amenity to adjoining properties)

56. Suitable Footpath Crossing Provided

Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area at all times.

(Reason: Protection of public safety)

57. Access to Site

During Demolition, Excavation and Construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.

(Reason: Environmental protection)

58. Wash Down and Shaker Areas

During Demolition, Excavation and Construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

(Reason: Environmental protection)

59. Rock Hammering/Sawing

Having regard to the residential nature of surrounding area rock sawing is to be used in preference to rock hammering during the excavation/construction phase of the development.

(Reason: Amenity)

60. Asbestos Sign to be Erected

On sites involving demolition or alterations and additions to building where asbestos cement is being repaired, removed or disposed of a standard commercially manufactured sign not less than 400mm x 300mm containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" is to be erected in a prominent visible position on the site. The sign is to be erected prior to the commencement of works and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility.

(Reason: Public Health and safety/Ensure compliance)

61. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

62. Asbestos Removal and Disposal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (*National Occupational Health and Safety Commission 2012 (1994)*).

Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

63. Survey Certificate

Certification of the following shall be submitted to the Certifying Authority by a registered surveyor:

- (a) Prior to the construction of footings or first completed floor slab (i.e. prior to

pouring of concrete) showing the area of the land, building under construction and boundary setbacks;

- (b) At each level indicating the level of that floor to Australian Height Datum;
- (c) Upon completion of the roof framing, before the roofing is laid, indicating the ridge height to Australian Height Datum;
- (d) At roof slab level indicating the level of that slab to Australian Height Datum;
- (e) At completion indicating the relation of the building and any projections to the boundaries, and that the building has been erected to the levels approved in the Development Application.

(Reason: Ensure compliance)

64. Road and Footpath

Council's footpath, nature strip or roadway shall not be damaged and shall be kept clear at all times. The public footway must not be obstructed at any time unless written approval has been granted by Council and the footway including any footpath shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Maintain public safety)

65. No Storage or Parking on Footway/Nature Strip

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

Further, the parking of motor vehicles on footpaths, nature strips and cross overs and unloading vehicles while double parked or otherwise unsafely parked is not permitted. All vehicles are required to be parked legally and safely

(Reason: Safety)

66. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

67. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

68. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/after hours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

69. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.

(Reason: Protection of public assets)

70. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

71. Footings Near Easement

All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement. Footings must extend to at least 100mm below the invert of the Council's pipe unless the footings are to be placed on competent bedrock.

(Reason: Protection of public asset)

72. Structures to Clear of Council's Drainage Infrastructure

It is the full responsibility of the Applicant and their contractors to:

- (a) Ascertain the exact location of the Council drainage infrastructure traversing the site in the vicinity of the works; and

- (b) Take full measures to protect the in-ground Council drainage system, and
- (c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

All proposed structures and construction activities shall be located clear of Council drainage pipes, drainage easements, watercourses and/or trunk overland flow paths on the site. Trunk or dedicated overland flow paths shall not be impeded or diverted by fill or structures unless otherwise approved by Council. In the event of a Council drainage pipeline being uncovered during construction, all work in the vicinity of the area shall cease and the Certifying Authority and Council shall be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

(Reason: Protection of public assets)

73. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

74. Public Tree Protection

Unless identified by the development consent, no tree roots over 50mm diameter are to be damaged or cut and all structures are to be bridged over such roots.

Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Open Space section and resolve the matter to Council's satisfaction.

(Reason: Tree management)

75. Storage of Materials on Council Land Prohibited

The dumping or storage of building materials, spoil, vegetation, green waste, or any other material in the Council reserve is prohibited.

(Reason: Safety, environmental protection)

76. Tree Trunk, Branch and Root Protection

- (a) Retain and protect the following trees and vegetation throughout the demolition and construction period: All trees not indicated for removal on the approved plans unless exempt under relevant planning instruments or legislation.
- (b) The above trees must be clearly marked and protection devices in place to prevent soil compaction and machinery damage.
- (c) Tree protection measures must comply with AS 4970-2009 Protection of trees on development sites with particular reference to Section 4 Tree Protection Measures.
- (d) Tree protection measures in accordance with iii) above are to be certified by the Project Arborist prior to commencement of works.
- (e) Tree roots greater than 50mm diameter are not to be removed unless

approved by The Project Arborist on site.

- (f) All structures are to bridge roots unless directed by The Project Arborist on site.

(Reason: Tree management)

77. Waste Classification – Excavation Materials

All materials excavated and removed from the site (fill or natural) shall be classified in accordance with the *Environment Protection Authority* (EPA) Waste Classification Guidelines prior to being disposed of to a NSW approved landfill or to a recipient site.

(Reason: Environment and health protection)

78. Hazardous Materials – Clearance Certificate

Following completion of the removal of any identified hazardous material associated with demolition works, a clearance certificate shall be issued by an appropriately qualified occupational hygienist and submitted to the Certifying Authority. The clearance certificate shall verify that the site is free from any hazardous materials from the demolished buildings.

(Reason: Health and safety)

79. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.

(Reason: Environment & Health Protection)

80. Importation of Fill

Any material to be imported onto the site for levelling, construction or engineering purposes must satisfy the Office of Environment & Heritage (OEH) requirements for *virgin excavated natural material* (VENM), or *excavated natural material* (ENM). The determination of VENM or ENM must be made by suitable qualified consultant. Pre-certification of the imported material shall be made and details made available to Council upon request.

(Reason: Environment & Health Protection)

81. Dust Control

The following measures must be taken to control the emission of dust:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) Any existing accumulation of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.

- (c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
- (d) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

(Reason: Amenity)

82. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction. Where noise levels may be exceeded appropriate measures to control excessive noise shall be implemented immediately.

(Reason: Amenity)

83. De-watering of Construction Site

All water removed from the site and dispensed into Councils stormwater system shall meet criteria set by ANZECC (2000) Guidelines prior to water leaving the site.

Council shall be notified prior to any de-watering/ pumping out of the site.

Certification from a NATA accredited lab showing water meeting ANZECC (2000) Guidelines criteria shall be made available to Council officers upon request.

(Reason: Environment compliance)

84. Loading and Unloading During Construction

The following requirements apply:

- (a) All loading and unloading associated with construction must be accommodated on site.
- (b) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (c) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (d) In addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) If a Works Zone is warranted an application must be made to Council prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the

progress of the construction activities.

- (f) Application for a Works Zone must be submitted to Council a minimum 8 weeks prior to being required. Works application form is available on the City's Website.

(Reason: Public safety and amenity)

85. Load Dock Management Guidance and Information System – construction, commissioning and operation

Prior to occupation, the Loading Dock Management Guidance and Information System (PMGIS) must be implemented and operational.

(Reason: Safe and efficient movement of drivers entering, circulating within and leaving the development loading dock areas)

86. Traffic Works – construction

Prior to occupation, the construction of the traffic management works, approved in accordance with condition ??? (**insert relevant condition number**), must be completed to Council's satisfaction. All road and traffic management works must be constructed at no cost to Willoughby City Council.

(Reason: Ensure local road works are completed to Council's satisfaction)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

87. Section 73 Compliance Certificate - Sydney Water

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained prior to the issue of a Final Occupation Certificate. An application must be made either directly to Sydney Water or through Sydney Water accredited Water Service Coordinator.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time.

For details go to [visit www.sydneypwater.com.au](http://www.sydneypwater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92._

The Section 73 Certificate must be submitted to the Certifying Authority.

(Reason: Ensure statutory compliance)

88. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.

(Reason: Access and egress)

89. Registration of Plan of Consolidation

Prior to the issue of any Occupation Certificate, all individual allotments involved in the development site shall be consolidated into a single allotment and evidence of the registration of the plan of consolidation to be submitted to Council.

(Reason: Ensure compliance)

90. Safer by Design

Prior to the issue of any Occupation Certificate and to minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- A. New constructions or buildings should not create opportunities or spaces where groups can congregate in concealed areas underneath or outside. Pedestrian exit and entry points encourage more pedestrian traffic and will bring natural surveillance to that area.
- B. Surrounding shrubs and gardens should be maintained to reduce opportunity for concealment. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
- C. Appropriate signage should be erected inside and around the location to warn of security treatments in place e.g. "This site is under 24 hour video surveillance"
- D. An electronic surveillance system should be included to provide maximum surveillance of the area including entry/exit points. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.
- E. All CCTV cameras installed should be of a good resolution and accompanied with good lighting.
- F. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
- G. The CCTV footage should also cover any car parking spaces. "Park Smarter" sign age should be displayed within this area to warn/educate motorists to secure their vehicles and not leave valuable items visible in their cars. The car park will also need to have adequate lighting.
- H. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.

This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.

Lighting in and around the area should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.

- I. Lighting around the building should be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
- J. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards- Lock Sets AS:4145.
- K. Windows should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- L. An emergency control and evacuation plan should be implemented within the building. Management and staff should be trained in the execution of the plan in emergency situations.
- M. Any wheelchair access points should at no time be blocked nor impede access to anyone with a disability.
- N. Fire exits should be monitored to ensure they are not left ajar outside business hours and become access points for break and enter offences.
- O. The ceiling and vertical structures of the basement parking area shall be painted white (or equivalent) in order to ensure good visibility, surveillance and less reliance on artificial lighting lux levels.
- P. The means to isolate the residential and commercial components of the building shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- Q. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

(Reason: NSW Police recommendations, safety and surveillance, amenity)

91. Services - Electricity Supply and Telecommunication Mains

All existing and proposed overhead electricity supply and telecommunication mains and other overhead services around the perimeter of the site shall be relocated underground to the satisfaction of the relevant utility provider and Willoughby City Council at the full cost of the applicant.

(Reason: Compliance)

92. Temporary Ground Anchors – Destressing

Prior to the issue of any Occupation Certificate, all damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.

(Reason: Destressing of ground anchors)

93. CCTV Report of Council/Sydney Water Pipe System After Work

Prior to the issue of any Occupation Certificate, a qualified practitioner, with qualifications/training in accordance with Water Services Association of Australia WSA05-2013 Conduit Inspection Reporting Code of Australia Version 3.1, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council and/or Sydney Water drainage pipeline system after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- (c) Distance from the manholes shall be accurately measured and displayed on the video.
- (d) All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- (e) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.

(Reason: Ensure compliance and protection of public asset)

94. Inspection of Drainage Connection to Council's Drainage Line

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.
(Reason: Ensure compliance)

95. On-site Water Management System

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of via a 1400m³ on-site stormwater detention system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC).
(Reason: Prevent nuisance flooding)

96. Rainwater Re-use – Major

Prior to the issue of any Occupation Certificate, the applicant shall supply and install rainwater re-use tanks with a minimum storage volume of 200m³ in accordance with the stormwater management plans, Sydney Water's requirements and Council's DCP and Technical Standards. The rainwater reuse system shall be connected to supply non-potable use including, but not limited to laundry, toilet flushing and landscape irrigation. The rainwater tank shall be located behind the front alignment of the building to which the tank is connected.
(Reason: Ensure compliance and conserve natural resources)

97. Sign for Rainwater Retention and Reuse System

Prior to the issue of any Occupation Certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the rainwater tank.

The wording for the plaque shall state *"This is the Rainwater Retention and Reuse System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.
(Reason: Prevent unlawful alteration)

98. Sign for On-site Detention System

Prior to the issue of any Occupation Certificate, an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the On-site Detention System.

The wording for the plaque shall state *"This is the On-site Detention System required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

99. Confined Space Sign

Prior to the issue of any Occupation Certificate, securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the on-site detention tank and rainwater retention tank.

(Reason: Safe access to tank)

100. Certification of OSD

Prior to the issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.2.

(Reason: Legal requirement)

101. Certification of Rainwater Reuse System

Prior to the issue of any Occupation Certificate and upon completion of the Rainwater Retention and Reuse System, a licensed plumber shall certify that the rainwater retention and reuse system has been constructed in accordance with the approved stormwater management plans and that the as-built system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. All plumbing/drainage works shall be carried out which comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.

(Reason: Record of works)

102. Certification of the Basement Pumpout Drainage System

Prior to the issue of any Occupation Certificate and upon completion of the pump-out system, the following shall be submitted to the Certifying Authority.

- (a) A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.
- (b) Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- (c) Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure compliance)

103. Works-As-Executed Plans - OSD

Prior to the issue of any Occupation Certificate and upon completion of the OSD System, the following shall be submitted to the Certifying Authority:

- (a) Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
 - (b) Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.
- (Reason: Record of works)

104. Works-As-Executed Plans – Rainwater Reuse

Prior to the issue of any Occupation Certificate and upon completion of the Rainwater Re-use System, the following shall be submitted to the Certifying Authority:

- (a) Work-as-executed plans based on the approved stormwater plans from a registered surveyor to verify that the volume of storage, invert levels of inlet, overflow pipes and discharge outlet are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
 - (b) Plumber's certification that the Rainwater Re-use system has been fitted with proprietary first flush device and connected to non-potable use including toilet flushing, laundry and landscape irrigation. The Certificate shall detail the number and type of fixtures connected to the tank. All works completed shall comply with the current plumbing requirements of Sydney Water and the National Construction Code Volume 3.
- (Reason: Record of works)

105. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built stormwater management system (OSD and Rainwater Reuse Tanks). The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the on-site detention tank and rainwater retention tank, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

106. Documentary Evidence of Positive Covenant, Engineers Certificate

Prior to the issue of any Occupation Certificate, the following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- (a) Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- (b) Certification from a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.
- (c) Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

107. Certification – Structures / Excavations near Council's Easements

A Structural Engineer with Chartered status shall certify that all footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100mm below the invert of the Council's pipe unless the footings are placed on competent bedrock. All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes shall be constructed outside of Council's easement.

Certification is to be provided to the Certifying Authority, and a copy provided to Council, prior to issue of any Occupation Certificate.

(Reason: Protection of public asset)

108. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct new kerb and gutter together with associated road pavement reconstruction in accordance with Council's specification for the full frontage of the development site in Havilah Street, Archer Street, Victoria Avenue and Malvern Avenue.

(Reason: Public amenity)

109. Reconstruct Pavement

Prior to the issue of any Occupation Certificate, half road pavement including any necessary associated works adjoining to the full frontage of the development site in Havilah Street, Archer Street, Victoria Avenue and Malvern Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 5 x 10⁶ ESA.

(Reason: Ensure compliance)

110. Paving Bricks

Prior to the issue of any Occupation Certificate, construct a full width footpath in approved paving bricks for the full frontage of the streets, Archer Street and Victoria Avenue, adjoining to the site in accordance with Willoughby City Council's Segmental Footpath Paving Code. Permission must be obtained from Council's Infrastructure

Services Division and the Police Department prior to the opening and closure of the footpath and road pavement for construction works.
(Reason: Public amenity)

111. Concrete Footpath

Prior to the issue of any Occupation Certificate, construct a:

- (a) 1.5m wide concrete footpath (maximum 2.5% crossfall) for the full frontage of the development site in Havilah Street and Malvern Avenue.

All works shall be carried out in accordance with Council's standard specifications and drawings. All grass verges within the nature strip must be adjusted so that a maximum crossfall of 5% is provided.
(Reason: Public amenity)

112. Vehicular Crossing

The construction of vehicular crossings as part of the traffic management works to the satisfaction of Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

The footpath section which forms part of the proposed crossing shall have a maximum crossfall of 2.5%.

All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

113. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

114. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, traffic management works, drainage works and/or any necessary associated works on the road reserve shall be

completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the *Roads Act 1993*, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes.

A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Ensure compliance)

115. Performance Bond

Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of **\$400,000** against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the *Roads Act 1993*. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

(Reason: Ensure compliance and specification)

116. Turfing of Nature Strip

Prior to the issue of any Occupation Certificate and in the event of damages to the grass verge during works, trim the strip of land between the property boundary and the road, spread topsoil on top of the trimmed surface and lay approved turfing on the prepared surfaces. The turf shall be protected from vehicular traffic and kept watered until established.

(Reason: Public amenity)

117. Construction of Flood Mitigation Works

Prior to the issue of any Occupation Certificate, all Flood Mitigation Measures works which are to be incorporated into the redevelopment of Chatswood Chase which prevent the ingress of overland flow into the carpark areas (existing and proposed) for all storm events up to Probable Maximum Flood (PMF) shall be completed in accordance with the approved drawings under Schedule 1 of this consent, Council's standard drawings, conditions and specification (AUS-SPEC).

(Reason: Ensure compliance)

118. Certification of Flood Mitigation Works

Prior to issue of any Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built flood mitigation works have been constructed in accordance with the approved plans and complies with Council's DCP and Technical Standards.

(Reason: Ensure compliance)

119. Works-As-Executed Plans – Flood Mitigation Works

Prior to issue of any Occupation Certificate and upon completion of the Flood Mitigation Works, the following shall be submitted to the Principal Certifying Authority with a copy to Council:

- (a) Work-as-Executed plans based on the approved flood mitigation works drawings from a registered surveyor to verify that all as-built details which are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- (b) Civil Engineer's certification for satisfactory completion of the flood mitigation works.

(Reason: Record of works)

120. Flood Risk Management Plan

Prior to issue of any Occupation Certificate and upon completion of all flood mitigation works, the applicant must submit to the Principal Certifying Authority, a copy of flood risk management plan for future implementation.

(Reason: Managing flood risk)

121. Inspection of Drainage Works outside of Property and Connection to Council' Drainage Line

Prior to the issue of any Occupation Certificate, inspection of drainage works within the easement, and connection to the existing Council's pipeline/pit shall be carried out by Council's Engineer.

A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

122. Sight Triangles

As per AS 2890.1 - 2004 and in order to ensure adequate sight distances for pedestrians and traffic in the frontage road, sight triangles of 2m x 2.5m shall be provided on each side of all proposed vehicular crossings.

(Reason: Pedestrian safety)

123. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access car park and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed car park complies with the approved Construction Certificate plans,
- b) That a maximum gradient of 5% has been provided for the first 6 metres from the property boundary to the basement.

- c) All driveway grades comply with with AS 2890.1, AS 2890.2 and AS 2890.6
 - d) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - e) All parking spaces are open type with no partitions.
 - f) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004, AS 2890.2 – 2004 and AS 2890.6 in terms of minimum dimensions provided,
 - g) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with AS 2890.1 and Section 2.4 of AS2890.6.
 - h) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
 - i) Aisle widths throughout basements complies with AS2890.1
 - j) That the headroom clearance has been provided for the access and loading area for the largest vehicle accessing the site and complies with AS2890.2.
 - k) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
 - l) Simultaneous manoeuvring of the B99 and B85 vehicles at ramps and ramp ends including clearance for each vehicle as per AS 2890 is catered for.
 - m) Access and manoeuvrability of the largest vehicle accessing the site and compliance with AS 2890 and simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS 2890.1 and AS 2890.2 is achieved.
- (Reason: Ensure Compliance)

124. Construction of Traffic Management Works

Prior to the issue of any Occupation Certificate, all Traffic Management Works shall be completed in accordance with the drawings approved under Section 138 of the Roads Act, Council's standard drawings, consent conditions and specification (AUS-SPEC).

(Reason: Ensure compliance)

125. Public Tree Maintenance

Prior to the issue of any Occupation Certificate, the applicants arborist or landscape designer is to certify that:

- (a) All trees on public land have been adequately maintained, that there has been no net deterioration in health and condition, and that any remedial work complies with AS 4970-2009 "Protection of trees on development sites" and AS 4373 - 2007 "Pruning of Amenity Trees".
- (b) All new and replacement public trees are of the required species, container size, planting locations, planting standards, and have been grown and supplied from a recognised nursery complying to NATSPEC 2 Guide,

“Specifying Trees”, 2003.

(Reason: Tree management, public asset management)

126. Completion of Landscape Works

Prior to the issue of any Occupation Certificate, the approved landscape works shall be consistent with the approved design, completed to a professional standard, consistent with industry best practice and published standards.

(Reason: Landscape amenity)

127. Contamination/Remediation – Site Validation Report

Prior to the issue of any Occupation Certificate, a Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:

- (a) Environment Protection Authority (EPA) ‘Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites’; and
- (b) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Certifying Authority and a copy to Council for its records for review and concurrence after the completion of all remediation works.

(Reason: Environmental protection, public health and safety)

128. Sound Level Output Certification

The sound level output from the equipment installed for the operation of the building shall not exceed 5dBA above the ambient background noise level measured at the boundaries of the property in accordance with the current Environment Protection Authority (EPA) guidelines for noise assessment. Certification of the level of sound output is to be provided by an appropriately qualified acoustical Consultant to the Certifying Authority prior to issue of the Final Occupation Certificate.

(Reason: Amenity)

129. Acoustic Treatment – Certification

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the acoustic treatment of the building complies with the construction details approved and the relevant design noise criteria.

(Reason: Amenity, environmental compliance and health)

130. Acoustic Works – Report

Prior to the issue of any Occupation Certificate, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the acoustic report by Norman Disney & Young dated 2 August 2018.

This includes but is not limited to;

- (a) Restriction of vehicle delivery hours between 22:00 and 7:00 to avoid sleep disturbance to residential receivers along Victoria Avenue, Malvern Avenue and Archer Streets Chatswood.
- (b) Maintain existing barriers around Coles condenser (roof) and replacing existing louvres of the Coles plant room (Lower Ground Level)) with acoustic louvres with a higher sound isolation performance. A detailed assessment will need to be carried out during detailed design stage to determine the minimum mitigation measures required to reduce noise emissions to the boundary.
- (c) Maximum allowable sound power levels for each of the new car park exhaust fans shall be limited to $L_{eq}85$ dB(A).
- (d) Maximum allowable sound power levels for the two new cooling towers cooling fans shall be limited to $L_{eq}85$ dB(A) for the cooling fan on top of the tower and to $L_{eq}75$ dB(A) for the cooling fan on the sides at the bottom of the tower.
- (e) Where additional mechanical equipment is required to be added on site, it should be reviewed by a qualified acoustic consultant to ensure noise compliance is achieved.
- (f) Installation of acoustic screening on the façade facing Havilah Street & Malvern Avenue, Chatswood which is to extend up to the underside of the Level 3A floor.

(Reason: Amenity, environmental compliance and health)

131. Noise Emission – Equipment

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity, environmental compliance and health)

132. Certification – Ventilation

Prior to the issue of any Occupation Certificate, certification shall be provided from a suitably qualified mechanical engineer certifying that all work associated with the installation of the mechanical and/or natural ventilation systems has been carried out in accordance with the relevant Australian Standards and or alternative solution.

(Reason: Amenity, environmental compliance and health)

133. Trade Waste Permit / Consent

Prior to the issue of any Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifying Authority. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Environmental compliance and health)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

134. Separate Development Consent - Various

The fit out, use and occupation of the commercial tenancies shall be the subject of separate applications, in accordance with applicable legislation, zoning permissibility and this consent.

(Reason: Ensure compliance)

135. Erection Wholly within the Boundaries

All works (with the exception of any works approved under S138 of the *Roads Act 1993*) including footings, shall be erected wholly within the boundaries of the property.

(Reason: Ensure compliance)

136. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

137. Loading and Unloading

In perpetuity, loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in adjoining streets or from any appurtenant right of way.

(Reason: Access and amenity)

138. Analysis of Outlet Condition

All storage outlet pipes from the OSD tank shall be above the 1 in 100 year ARI level.

(Reason: Maintain designed discharge)

139. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B99 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and AS2890.2 and Council's standard specification.

(Reason: Vehicular access)

140. Underground Utility Services

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

141. Road Closure

Any closure (full or partial) of a public road is strictly prohibited without the approval of Council.

(Reason: Public protection)

142. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

143. Overland Flow

The applicant's attention is drawn to potential overland flow from the upstream catchment as identified in the revised flood report prepared by C.J Arms & Associates. Appropriate measures where required shall be implemented to ensure overland flow does not enter the building including the basement carparking areas (existing and proposed).

(Reason: Protection of building)

144. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

145. Trees on Adjoining Properties

No approval is given for the removal or pruning of trees on the nature strip, adjoining reserves, or neighbouring private land.

(Reason: Environmental protection)

146. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give

rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

147. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: Amenity)

148. Collection/Delivery Services

To minimise the noise impact of the development on the surrounding environment, the collection and delivery of goods and materials from and to the premises shall not take place between the hours of 22:00 – 7:00.

(Reason: Amenity)

149. Public Spa/Splash Pools

The spa/splash pool shall be installed maintained and operated in accordance with the provisions of AS 2610, Part 1 - Spa Pools Part 1 Public Spas including the provision of all safety notices, signs, rules and markings contained in Clause 2.19 of the standard and in accordance with NSW Health Public Swimming Pool and Spa Pool Advisory Document.

(Reason: Health and amenity)

150. Mechanical Ventilation Systems Comprising Water Cooling

Mechanical ventilation systems comprising water cooling, and/or evaporative cooling systems shall be registered with Council on completion of the installation in accordance with the requirements of the *Public Health Act 2010* and *Public Health Regulation 2012*.

(Reason: Health protection)

151. Stormwater Drainage Management

Upon commencement of the use and in perpetuity, the site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the *Protection of the Environment Operations Act 1997* and any current Environment Protection Authority (EPA) requirements or guidelines.

Ensure that stormwater drains in or near the property carry clean rainwater only. Any other liquids or solids are considered a pollutant. Do not allow any wash water, food stuffs, grease, litter or other pollutants from business operations to get into the stormwater drains. Drains must be free of litter, leaves or any other foreign matter at all times.

(Reason: Environmental protection)

152. Mechanical Ventilation – Provisions for Future Use of Commercial/Retail Tenancy

The base building design shall include provisions for the installation of mechanical ventilation to any commercial/retail tenancy where it may be approved to be used as a food premises or any other use which requires mechanical ventilation. The provisions shall allow any mechanical ventilation system installed to discharge vertically and comply with the requirements of the National Construction Code and any relevant Australian Standard.

(Reason: Amenity/Ensure compliance)

153. Hand Wash Basin/s – Food Premises

A dedicated hand wash basin/s shall be located in each area where contamination of the hands is likely to occur and must be within 5m from any place where food handlers are handling food. The hand wash basin shall be of a suitable size (500mm x 400mm), fixed to the wall at bench height and accessible at all times. The basin shall be supplied with hot and cold water under pressure through an approved hands free mixing device which can be adjusted to enable the hands to be washed under hot water. A supply of liquid soap and paper towels is to be provided adjacent to the hand wash basin.

(Reason: Health & Compliance)

154. Walls – Solid Construction – Food Premises

All tenancy perimeter walls and internal walls including partition walls shall be solid construction. The walls are to be constructed in masonry, brickwork or other approved method with all voids filled with a suitable material.

(Reason: Health & Compliance)

155. Floor, Wall & Ceiling Finishes – Food Premises

All finishes shall comply with AS4674-2004 *Table 3.1, Table 3.2 and Table 3.3*. All finishes must be able to be effectively cleaned, be unable to absorb grease, food particles or water and must be unable to provide harbourage for pests.

(Reason: Health & Compliance)

156. Waste Materials

In perpetuity, no waste materials are to be stored outside the approved waste storage area at any time. The garbage receptacles are not to be used for the disposal of any type of liquid waste.

(Reason: Health and amenity)

157. Refuse Collection Point

A suitable refuse collection point, adjacent to the garbage room(s), must be provided within the building envelope. The loading operation, including the movement of garbage receptacle must take place on a level surface away from gradients and vehicle ramps. No waste/recycling is to be placed on the public footpaths, roadways, plazas, reserves or building colonnade areas, at any time. All garbage receptacles must be returned to the garbage storage area within the property after the bins are serviced.

(Reason: Health and amenity)

158. Removal of Trade Waste

The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.

(Reason: Health and amenity)

PREScribed CONDITIONS

The following conditions are prescribed by Section 4.17 of the Environmental Planning & Assessment Act for developments involving building work.

159. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

160. Support for Neighbouring Buildings

- (a) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the building, structure or work from possible damage from the excavation, and
 - (ii) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

161. Construction Certificate Required

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

162. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

163. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

SNPP REPORT

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067

Attachment 2: SITE DESCRIPTION AND AERIAL PHOTO

Site description and dimensions

The subject site consists of the properties at 345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street Chatswood (the site). The legal property description of the site is Lot 10 DP 1143909 (345 Victoria Avenue), Lot 2 DP 785149 (5-7 Havilah Street) and SP36362 (12-14 Malvern Avenue).

The site is irregular in shape, has a total area of 39,054m² and has four main street frontages. The southern frontage to Victoria Avenue is approximately 120m, the western frontage to Archer Street is approximately 119m, the northern frontage to Malvern Avenue is approximately 121m and the eastern frontage to Havilah Street is approximately 167m in length.

The site is indicated in the following aerial photograph



Figure 1: Aerial photograph of subject site

Topography

In broad terms, the site drops by approximately 4m in the eastern part of the site (at Havilah Street) and rises toward the western, northern and southern boundaries.

SNPP REPORT

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067

Existing structures

345 Victoria Avenue

Currently occupying the property at 345 Victoria Avenue is CCSC, a major regional shopping centre. The shopping centre consists of four levels of mixed retail, including three major retail tenants. Approximately 2,500 car spaces are provided over nine parking levels (both underground and above ground). Pedestrian access is situated at the Victoria, Havilah and Archer Street frontages.

5-7 Havilah Street

The property at 5-7 Havilah Street is occupied by a low rise commercial building with a landscaped front setback area.

12-14 Malvern Avenue

The property at 12-14 Malvern Avenue is occupied by a low rise commercial building with a large, open, lightly landscaped front setback area.

SITE CONTEXT

Chatswood is identified in the *Greater Sydney Region Plan – A Metropolis of Three Cities, 2018* and the *North District Plan, 2018* as a major asset in the Eastern Economic Corridor; and one of nine main commercial office precincts in Greater Sydney; and a strategic centre in the Eastern Harbour City. Chatswood is a commercial, retail, transport and residential hub for the North Shore of Sydney.

The Chatswood CBD straddles either side of the North Shore Railway Line. The majority of the area to the east of the Railway Line is retail and commercial in nature, being predominantly zoned B3 Commercial Core.

The site is located at the eastern end of the B3 Zone. CCSC is one of the largest individual shopping centres in this wider commercial area, the other being Westfield Chatswood. These two major centres are situated amongst a number of other smaller shops, commercial buildings and shopping arcades.

Neighbouring properties

The neighbouring properties can be located on Figure 1 above.

365 Victoria Avenue

This property is occupied by a small, one to two storey brick church building, known as Chatswood Church of Christ. The building abuts the western edge of the existing CCSC building.

SNPP REPORT

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067



Photograph 1: Chatswood Church of Christ, 365 Victoria Avenue

369- 379 Victoria Avenue

These properties, which comprise the remainder of the properties between the Chatswood Church of Christ and the intersection with Archer Street, are occupied by two to three commercial buildings, with a variety of retail, food outlet and business services. This includes Chatswood Plaza, a small shopping centre containing a variety of small retail outlets.



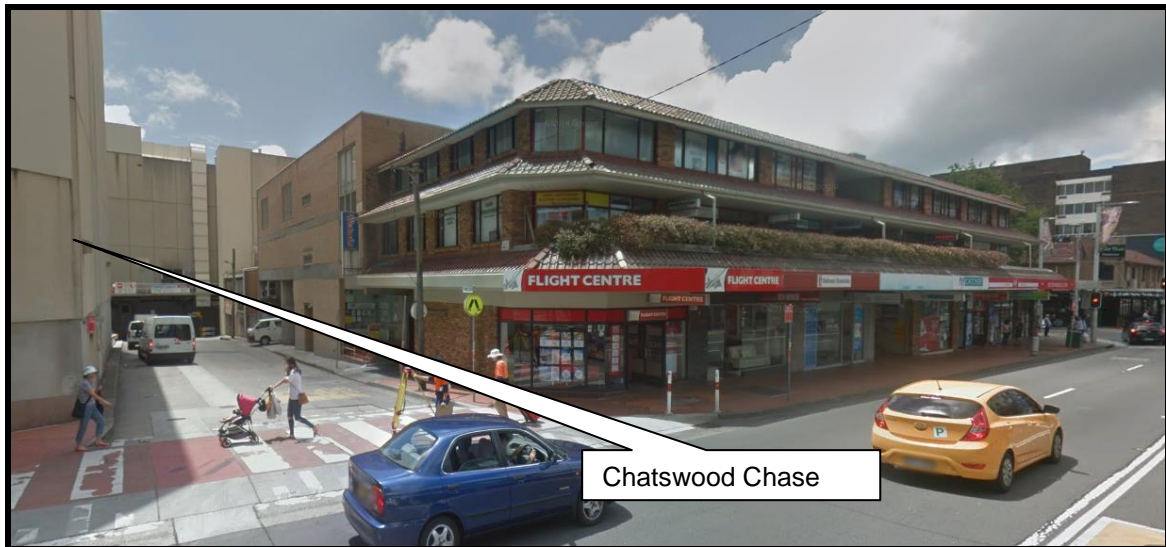
Photograph 2: Mixed commercial uses at 369- 379 Victoria Avenue (from intersection of Archer Street and Victoria Avenue)

SNPP REPORT

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Mills Lane

This laneway services the rear of the properties at 365 to 379 Victoria Avenue and also provides access for service vehicles from Archer Street to CCSC delivery bays.



Photograph 3: Mills Lane from Archer Street

99-101 Archer Street

This property is situated adjacent to the north-western corner of CCSC, at the intersection of Archer Street and Malvern Avenue. This property is occupied by Mercy Catholic College. The College is comprised of a variety of one to three storey brick buildings and open recreational space



Photograph 4: Mercy Catholic College from the intersection of Archer Street and Malvern Avenue

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16-18 Malvern Avenue

This property is occupied by a two storey commercial building with a large, open, lightly landscaped front setback area.



Photograph 5: 16-18 Malvern Avenue

341 Victoria Avenue

This property is occupied by a two storey, brick building with a pitched, tiled roof. The building is being used for commercial and health services facilities.

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Photograph 6: 341 Victoria Avenue

339 Victoria Avenue

This property, situated on the corner of Victoria Avenue and Havilah Street, is occupied by a three storey brick, residential apartment building with a flat roof. Garages are located at ground level. The building is surrounded by hard stand and landscaped areas.



Photograph 7: 339 Victoria Avenue (viewed from Havilah Street)

1-3 Havilah Street

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This property is occupied by a three storey, masonry, residential building with a flat roof. Car parking is provided underground with vehicle access from Havilah Street via two large garage doors. The front setback contains some modest landscaping.



Photograph 8: 1-3 Havilah Street

Wider Context

The site is located on the eastern edge of the B3 Commercial Core zone. The properties on the eastern side of Havilah Street and the northern side of Malvern Avenue are zoned R2 Low Density Residential. The site therefore interfaces with this low density residential area, as illustrated in the zoning map at Figure 3 below. It can be seen that Havilah Street and Malvern Avenue currently provide a transition from the Chatswood Commercial Core to the low density suburban areas in the surrounding district.

The properties on the eastern side of Havilah Street and the northern side of Malvern Avenue reflect the current R2 zoning. Those properties are occupied by detached, one and two storey dwelling houses in a landscaped setting.

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Photograph 9: Malvern Avenue (facing east)



Photograph 10: Havilah Street (facing north)

Flooding

The *Scott's Creek Flood Study* prepared for Council by Lyall & Associates Consulting Engineers in March 2008 notes that the site is located within the upper part of the Scotts Creek Catchment. The Catchment area at the site is approximately 1.5km² and is bound by

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Pacific Highway to the west, Mowbray Road to the south and Ashley Street to the north. The Catchment generally falls to the east, with much of the upstream stormwater converging on the site and Havilah Street.

A Sydney stormwater culvert runs from Victoria Avenue, then north-east under 5-7 Havilah Street where it meets a pipe alignment in Havilah Street before combining into a closed concrete box culvert that continues downstream. This stormwater system is illustrated in Figure 2 below.

The site is therefore vulnerable to flooding. Severe flooding events, when the water depth in Victoria Avenue reaches a threshold of approximately 250mm, may cause overrun of the stormwater drainage system into Chatswood Chase basement parking, causing danger to human life and property.

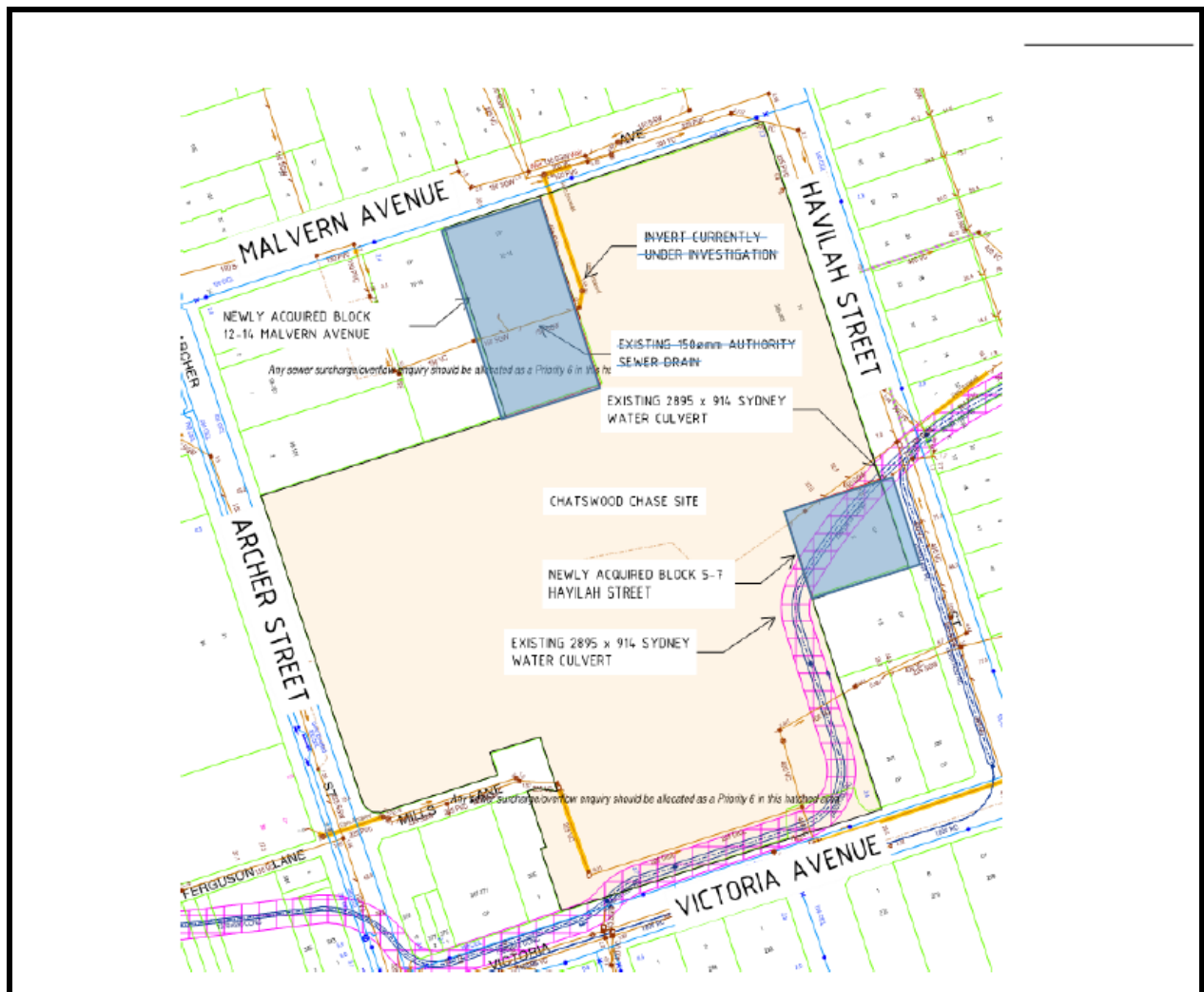


Figure 2: Existing main drainage plan (extract from Flooding Report dated 14 September 2018 and prepared by CJ Arms & Associates)

Attachment 3: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls and Classification	
<i>Willoughby Local Environmental Plan 2012</i>	
Zoning	B3 Commercial Core and B4 Mixed Use (see Figure 3 below)
Primary Development Standards	<ul style="list-style-type: none"> • Floor Space Ratio – 4.5:1 • Height of Building – maximum 34m /40m (see Figure 4 below)
Other specific WLEP 2012 requirements	<ul style="list-style-type: none"> • Clause 5.9 – Preservation of trees or vegetation • Clause 5.10 – Local Heritage Items and heritage conservation area • Clause 6.3 – Flood Planning • Clause 6.7 – Active Street Frontages
Applicable DCP	Willoughby Development Control Plan (WDGP)
Applicable SEPPs	<ul style="list-style-type: none"> • <i>SEPP (Infrastructure) 2007</i> <ul style="list-style-type: none"> - <i>Clause 104 - Traffic Generating Development</i> • <i>SEPP 55 – Remediation of Land</i> • <i>SEPP 64 – N/A (signage deleted)</i> • <i>SREP (Sydney Harbour Catchment) 2005</i>
Developer's Contributions	<ul style="list-style-type: none"> a. S94A/s94: Yes. Chatswood CBD S94A applies. a. Applicable rate (%): 3% b. The cost of development: \$380,662,353.00 c. Date of accepted cost of development: 30 November 2018 d. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$11,424,126

Table 7: Applicable controls and classification

Referrals	
<u>Internal</u>	
Building Services	No objection subject to Schedule “2” conditions
Development Engineers	Satisfactory subject to Schedule “1” conditions
Traffic Engineers	Satisfactory subject to Schedule “2” conditions
Environmental Health	No objection subject to Schedule “2” conditions
Landscape Officer	Satisfactory subject to Schedule “1” conditions
Waste Coordinator	Satisfactory subject to Schedule “2” conditions
Urban Design	Satisfactory subject to Schedule “1” conditions

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Heritage	No objection
<u>External</u>	
Roads and Maritime Services	No objection
Flood Consultant	Satisfactory subject to Schedule "1" conditions
Police	Satisfactory subject to Schedule "2" conditions

Table 8: Referral Responses

Development Statistics

Willoughby Local Environmental Plan 2012				
Cl. 4.3	Height of Buildings	Partially >34m	34m - southern part 345 Victoria Avenue and 5-7 Havilah Street (see Figure 4 below)	Yes, subject to Condition requiring compliance with height standard
		40m	40m – northern part 345 Victoria Avenue and 12-14 Malvern Avenue (see Figure 4 below)	Yes
Cl. 4.4	Floor Space Ratio	4.5:1 (175,743m ²)	3.37:1 (131,671m ²)	Yes

Table 9: Compliance with main WLEP 2012 development standards

Attachment 4: SUBMISSIONS TABLE

Owners of adjoining properties were notified of the proposal as originally lodged in December 2017 and an amended version lodged in August 2018. The relevant notification periods for these two sets of DA documents were from 9 January 2018 to 5 February 2018; and from 20 August 2018 to 10 September 2018 respectively. A total of 17 submissions were received from the following addresses:

- 2 Havilah Street, Chatswood
- Suite 22, 1-3 Havilah Street, Chatswood
- 7/341 Victoria Avenue, Chatswood
- Level 30, 85 Castlereagh Street, Sydney
- 50 Nicholson Street, Chatswood
- Suite 3, Malvern Court, 16-18 Malvern Avenue, Chatswood
- 11 Malvern Avenue, Chatswood
- Suite 12, Malvern Court, 16-18 Malvern Avenue, Chatswood
- Suite 6, Malvern Court, 16-18 Malvern Avenue, Chatswood
- 101 Archer Street, Chatswood

The submissions raised the following concerns which are summarised under respective headings in the table below:

Overshadowing:

- *Many of the businesses occupying 16-18 Malvern Avenue, the rear courtyard and the pathway accessing that courtyard face are oriented to the east. The sunshine of 16-18 Malvern Avenue will therefore be substantially affected by the proposed building.*
- *The car park should be set back from the boundary with 16-18 Malvern Avenue in order to allow sunlight into that property.*
- *The proposal will cause overshadowing of front yards and/or private open spaces of properties on the eastern side of Havilah Street.*
- *Possible loss of sunlight to the unit at 7/341 Victoria Avenue.*

Comment:

- The east facing businesses at 16-18 Malvern Avenue will be almost entirely overshadowed. However, Part E1.10 WDCP does not provide protection to the sunlight of commercial areas.
- Part E1.10 WDCP requires the north facing windows of living areas and the principal portion of the recreational open space of adjoining residential buildings should have at least 3 hours of sunlight between 9am and 3pm on June 22. The proposal will cause overshadowing of front yards of properties on the eastern side of Havilah Street subsequent to 12.00pm, but no overshadowing of the north facing windows of living areas or private open space prior to 3pm.
- North facing windows of the residential apartment building at 341 Victoria Avenue will receive sunlight between 9am and 12pm on 22 June. There will be additional overshadowing in the afternoon. Nonetheless, given that the north

facing windows receive the minimum sunlight required by Part E1.10 WDCP, this is considered to be acceptable. The rear yard will be overshadowed and receive less than 3 hours sunlight on 22 June, but this area is used as a hardstand car park rather than recreational area, and in the particular circumstances, this is considered to be acceptable.

Air quality and noise pollution:

- *Air and noise pollution at The Oral Surgery Day Centre (a licenced hospital) at 16-18 Malvern Avenue caused by the 10 storey car park. Building debris and fine dust may impact on the high filtration air conditioning.*
- *The ambient noise level and air quality of east-facing businesses occupying 16-18 Malvern Avenue, the rear courtyard and the pathway accessing that courtyard face will be substantially affected by the proposed building.*
- *The noise of the two way ramp adjacent to 16-18 Malvern Avenue has not been addressed and will adversely impact on that property.*
- *Conditions are needed to address noise during the construction process.*
- *The acoustic privacy for residents along Havilah St will be adversely affected by the proposed new terrace dining/cafe development on 5-7 Havilah Street.*
- *The proposal should have a greater setback from Havilah Street and reduction in the scale of the outdoor terrace and more landscaping/trees to provide more acoustic barrier in relation to properties on the eastern side of Havilah Street.*
- *The raised height of the structure adjacent to 341 Victoria Avenue will funnel pollution from vehicles queuing at boom gates toward that property. Noise from traffic may increase due to the increased size of the shopping centre.*

Comment:

- The proposed Conditions 37, 50, 52 and 81 require suppression of dust and protection of air quality during the construction process.
- Condition 82 will mitigate noise and vibration during construction.
- Subsequent to construction, the acoustic privacy of 16-18 Malvern Avenue will be protected by solid concrete walls adjacent to both the eastern and southern boundaries of that property.
- Council's environmental officer has not raised any objection to the proposal on the basis of noise generated by the two way ramp adjacent to 16-18 Malvern Avenue.
- Condition 2(h) will restrict the opening hours of the Shopping Centre to 7am to 10pm. Traffic noise related to the Shopping Centre will therefore be restricted to those hours.
- Condition 2(i) will restrict the operating hours of outdoor areas of any premises (including retail or outdoor recreation areas) facing Havilah Street to 7am to 6pm. Windows and doors of any such premises must be closed between 6pm and 7am. Subject to Condition 2(i) and Condition 2(h) restricting the opening hours of the Shopping Centre to 7am to 10pm, the acoustic impact on neighbours in Havilah Street is considered to be acceptable.
- It will therefore be unnecessary to require a further setback in order to protect the acoustic privacy of residents in Havilah Street.
- Furthermore, Condition 130 will require the installation of acoustic screening on the façades facing Malvern Avenue and Havilah Street, up to the underside of Level 3A.
- Council's environmental officer has not raised any objection to the proposal on the basis of noise or air quality at 341 Victoria Avenue.

Privacy

- *The privacy of east facing businesses, the rear courtyard and the pathway accessing that courtyard at 16-18 Malvern Avenue will be substantially affected by the proposed building.*
- *The visual privacy for residents along Havilah St will be adversely affected by the proposed new terrace dining/cafe development on 5-7 Havilah Street.*
- *The proposal should have a greater setback from Havilah Street and reduction in the scale of the outdoor terrace and more landscaping/trees to provide better visual privacy in relation to properties on the eastern side of Havilah Street.*

Comment:

- The visual privacy of 16-18 Malvern Avenue will be protected by solid concrete walls adjacent to both the eastern and southern boundaries of that property.
- Condition 2(i) will restrict the operating hours of outdoor areas of any premises (including retail or outdoor recreation areas) facing Havilah Street to 7am to 6pm. Windows and doors of any such premises must be closed between 6pm and 7am.
- It will therefore be unnecessary to require a further setback in order to protect the visual privacy of residents in Havilah Street.

Traffic

- *No consideration has been given to patient access to 16-18 Malvern Avenue during demolition and construction.*
- *The proposal will result in additional traffic in Malvern Avenue. This will have safety concerns for pedestrians and for users of the driveway of 16-18 Malvern Avenue.*
- *The removal of parking spots (including disabled parking spots) will adversely impact the businesses in Malvern Avenue.*
- *The loading dock at Malvern Avenue should be restricted to 7am to 7pm.*
- *Impact on adjacent street traffic congestion, road safety for pedestrians crossing a residential street, and even more pressure and strain on street parking on Havilah Street. This will worsen with increased demand for more parking. The proposed increase in the number of car park spaces within the shopping centre will further increase the traffic volume and congestion of cars around the adjacent streets, including residential areas in Havilah Street and Beauchamp Park and children's playground.*

Comment:

- Condition No 27 requires that a Construction Traffic Management Plan be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval.
- Council's traffic officer has not advised that there are any safety concerns for pedestrians and for users of the driveway of 16-18 Malvern Avenue arising out of the projected extra traffic in Malvern Avenue.
- Condition 2(d) clarifies that the existing parking spaces (including disabled parking) on Malvern Avenue will be retained.
- Council's environmental officer has recommended that the hours for delivery

<p>vehicles should be 7am to 10pm. It is therefore proposed to allow the loading dock at Malvern Avenue to operate during those hours.</p> <ul style="list-style-type: none">▪ Neither Council's traffic officer nor the RMS have indicated that the local road network will be congested to an unacceptable degree.
<p><u>Bulk and scale</u></p> <ul style="list-style-type: none">▪ <i>There is an abrupt change in bulk and scale from 16-18 Malvern Avenue.</i>▪ <i>Photomontages do not accurately show the true height and scale of the proposed building.</i>▪ <i>There is no setback from the boundary with 16-18 Malvern Avenue. The proposed building should be setback to reduce bulk and scale.</i> <p>Comment:</p> <ul style="list-style-type: none">▪ 16-18 Malvern Road and the site are both zoned B3 Commercial Core. Council's Urban Design officer has not identified the change in bulk and scale or the setback between these two properties as inappropriate.
<p><u>Construction related issues</u></p> <ul style="list-style-type: none">▪ <i>It is unlikely that the Strata Owners of 16-18 Malvern Avenue will permit any overhang of construction scaffolding or construction cranes encroaching on their air space.</i>▪ <i>A dilapidation report should be undertaken in respect to the adjacent units at 1-3 Havilah Street.</i> <p>Comment:</p> <ul style="list-style-type: none">▪ Condition 27 requires a Construction Management Plan to be approved by Council prior to commencement of works. That Plan will need to demonstrate that all works can take place within the perimeters of the site.▪ Condition 38 requires that dilapidation reports be undertaken in respect to the neighbouring properties, including 1-3 Havilah Street, prior to commencement of works.
<p><u>Economic issues</u></p> <ul style="list-style-type: none">▪ <i>The Economic Impact Assessment takes no consideration of the businesses of adjoining properties and residents.</i> <p>Comment:</p> <ul style="list-style-type: none">▪ Conditions will be imposed protecting existing on-street parking, and minimising impacts on neighbouring businesses in terms of noise and dust. The advice received from Council's traffic engineer is that the traffic impacts on the surrounding road network will be acceptable.▪ It is therefore considered that the impact on nearby businesses has been adequately addressed.
<p><u>Façade issues</u></p> <ul style="list-style-type: none">▪ <i>The precast concrete façade treatment will reflect heat to 16-18 Malvern Avenue.</i>▪ <i>The façade facing 16-18 Malvern Avenue should be softened with landscaping</i>

and different materials.

- *The Malvern Avenue parking lot should be enclosed and painted a light colour.*

Comment:

- Council's Urban Design officer has raised no objection to the presentation of the proposed elevations to the commercial premises at 16-18 Malvern Avenue.
- Council's environmental officer has raised no objection to the precast concrete façade treatment on the basis of heat reflection to 16-18 Malvern Avenue.

Safety

- *Enclosure of the carpark levels with open mesh or similar materials should be considered to prevent people throwing objects to the street or the neighbouring property at 16-18 Malvern Avenue to ensure safety of the pedestrians and occupants.*

Comment:

- Neither the police CPTED recommendations nor Council's environmental officer have raised an objection to the proposal on the basis of safety from objects being thrown from the car park levels. It is also noted that no car park levels open toward 16-18 Malvern Avenue.

Table 10: Submissions and comments

Attachment 5: SECTION 4.15 ASSESSMENT

The application has been assessed under the provisions of Clause 4.15 of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 EP&A Act

Satisfactory ✓(subject to conditions) Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	WLEP 2012: <i>Zoning:</i> The subject land is zoned B3 Commercial Core and B4 Mixed Use. The proposed uses are permissible in these zones. The proposed development development will enhance the commercial function of the Chatswood CBD.	
	<i>Development Standards:</i> Subject to Conditions, the development exceeds the Height of Building and Floor Space Ratio development standards as provided in the Development Statistic Table in Attachment 3 of this report.	
	SEPP (Infrastructure): Clause 104 of the SEPP (<i>Infrastructure</i>) is applicable. The proposal has been referred to Roads and Maritime Services (RMS) for comments. No objections have been raised to the proposal subject to conditions.	
	SEPP 55: A preliminary site assessment report has also been submitted in respect to SEPP 55 , and is considered satisfactory by Council's Environmental Health Officer subject to recommended conditions of consent.	
	SREP (Sydney Harbour Catchment): There is no specific matter contained in SREP (Sydney Harbour Catchment) that applies to the proposed development.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft SEPPs that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	
	Comment: The proposed development has been assessed against the relevant requirements of the WDCP, and is considered satisfactory. Specific non-compliances are identified and addressed in this Attachment 5 .	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓

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Matters for Consideration Under S.4.15 EP&A Act

Satisfactory ✓ (subject to conditions) Unsatisfactory ✗ Not Relevant N/A

	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	✓
	Comment: Subject to conditions (including deferred commencement conditions), it is considered that the proposed development will not have any significant or unreasonable impacts on the adjoining or nearby residents	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: Subject to conditions (including deferred commencement conditions), the proposal is in keeping with future desired character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	✓
	<ul style="list-style-type: none"> Submissions from public authorities 	✓
	Comment: Seventeen (17) submissions were received. Specific issues of concern raised in public submissions regarding the proposal are addressed in Attachment 4 .	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: Subject to conditions (including deferred commencement conditions), the proposed development will not compromise future desired character of the locality and provide additional housing and therefore the proposed development is in the public interest.	

COUNCIL POLICIES

Chatswood CBD Planning and Urban Design Strategy to 2036

The Chatswood CBD Planning and Urban Design Strategy to 2036 (the CBD Strategy) was released by Council in January 2018 in order to guide the future development of Chatswood and future amendments to the WLEP 2012 and the WDCP 2006.

Clause 1.2 Vision, Principles and Guiding Concepts of the CBD Strategy states that the overarching vision for the CBD is to be 'confident, fine grain and green' (p10).

Comment: The issue of whether the proposal is 'fine grain' is addressed in Council's Urban Design officer's referral response. It is noted that the expression 'fine grain' is highly subjective.

In respect to the Victoria Street elevation:

While not perceived as "fine grain" (ie consisting of a variety of small scale element), the building façade and elevation does provide an appropriate level of variety, visual interest, and diversity as well as physical interaction, to the Victoria Street elevation.

In respect to the Archer Street elevation:

The proposed building elevation above the active frontage, ... is similar to existing streets within the Chatswood CBD, such as South Anderson St.

The building elevation will be softened by existing large trees, noting that these landscape elements sit within the Archer St road reservation, and are not part of the Chatswood Chase property.

However, as noted below, the elevations to Havilah Street and Malvern Avenue are largely blank walls with very little articulation and cannot be described as fine grain, under any reasonable definition.

Principle 3 (Diverse mix of uses) (at p10) states that retail, in addition to other uses, will continue to be supported in Chatswood.

Comment: The proposal gives effect to this Principle by allowing upgrade and expansion of a major retail centre.

Principle 7 emphasises the importance of green space in the CBD, at both ground level and on roof tops.

Comment: The proposal provides a significant roof top landscaping scheme which will assist the Shopping Centre to present green space to Victoria Avenue.

The CBD Strategy (at p8) refers to the target of 6,300-8,300 additional jobs in the CBD by 2036. As part of that goal, the CBD Strategy proposes an uplift in building density in various sites.

Comment: The Economic Impact Analysis provided with the DA states that the proposal will result in 347 direct jobs during construction and 1,995 jobs during operation. The proposal will therefore contribute to achieving the employment targets in the CBD Strategy.

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Clause 3.1 Key Elements of Future LEP and DCP Controls of the CBD Strategy (at p34) proposes the following building envelope controls for the site:

- Maximum FSR of 6:1 and maximum height of 90m for 12-14 Malvern Avenue, 5-7 Havilah Street and the majority of 345 Victoria Avenue;
- Maximum FSR of 2.5:1 and maximum height of 30m for a small area fronting Victoria Avenue.

Comment: The proposed development will have a height and FSR well within the above proposed standards (see assessment of development standards below).

Clause 3.1 states that the street frontage at Victoria Avenue is to have a maximum 7m street wall height at the front boundary and minimum 6m setback above the street wall. The other three frontages are to have a maximum 24m street wall height at the front boundary and 6m setback above the street wall.

Comment: The Victoria Avenue elevation makes some reference to the reduced height at the street frontage, with its progressive stepping back of levels from the street (see Western Elevation Plan DA2201). The other elevations do not step back.

Street frontages are to be active. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active street frontages. Blank walls are to be minimised and located away from key street locations.

Comment: As noted above, Council's Urban design officer has advised:

The singular building expression in the form and character adopted by the Architect presents a highly unsympathetic building expression to Havilah Street and Malvern Avenue.

The Havilah Street and Malvern Avenue building elevations represent highly internalized building with an unacceptable, abrupt interface with the adjacent low scape streetscape environment.

The proposal therefore satisfies the CBD Strategy, other than the treatment of the Havilah Street and Malvern Avenue elevations. It is therefore proposed to impose a Deferred Commencement Condition requiring the applicant submit to Willoughby City Council for approval detailed elevation plans for the Malvern Avenue and Havilah Street facades.

STATE ENVIRONMENTAL PLANNING POLICIES

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the entire Willoughby City Council area. The SEPP focuses primarily on the foreshores and waterways, but also includes provisions to protect the hydrological catchment to maintain water quality, and the natural qualities and assets. The site is not identified:

- (a) within the Foreshores and Waterways Area;
- (b) as a strategic foreshore site;
- (c) as a heritage item (not listed on "Schedule 4 Heritage Items" of the Harbour SEPP)
- (d) within the wetlands protection area;

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Therefore only Part 1 of the SEPP is applicable. Part 1 identifies the aims of the SEPP from (a) to (h) and principles to be adopted in order to achieve those aims. The aims set out in Part 1 of the deemed Harbour SEPP have been considered and the application is consistent with those aims.

State Environmental Planning Policy No 55- Remediation of Land

The DA was accompanied by a Preliminary Site (Contamination) Investigation Summary dated 4 December 2017 (the Contamination Report) prepared by Douglas and Partners.

The Contamination Report states (page 2):

The field and laboratory results indicated generally low levels of contamination which is consistent with the low risk indicated by the reviewed desktop information. Given this, the proposed development, which will involve bulk excavation and/or construction of concrete slabs across the site's footprints, and the use of the site for commercial purposes (ie shopping centre), it is considered that the site can be made suitable for the proposed development.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the DA must be referred to the RMS as 'traffic generating development'.

The DA has been referred to the RMS, which has provided its response in a letter dated 22 October 2018. RMS advised that it had no objection to the proposal as it is unlikely to generate significantly greater traffic on the classified road network.

WILLOUGHBY LEP 2012

Zoning

As noted above, the site is zoned B3 Commercial Core and B4 Mixed Use, as illustrated in Figure 3 below (light blue denotes B3 Zone and dark blue denotes B4 Zone).

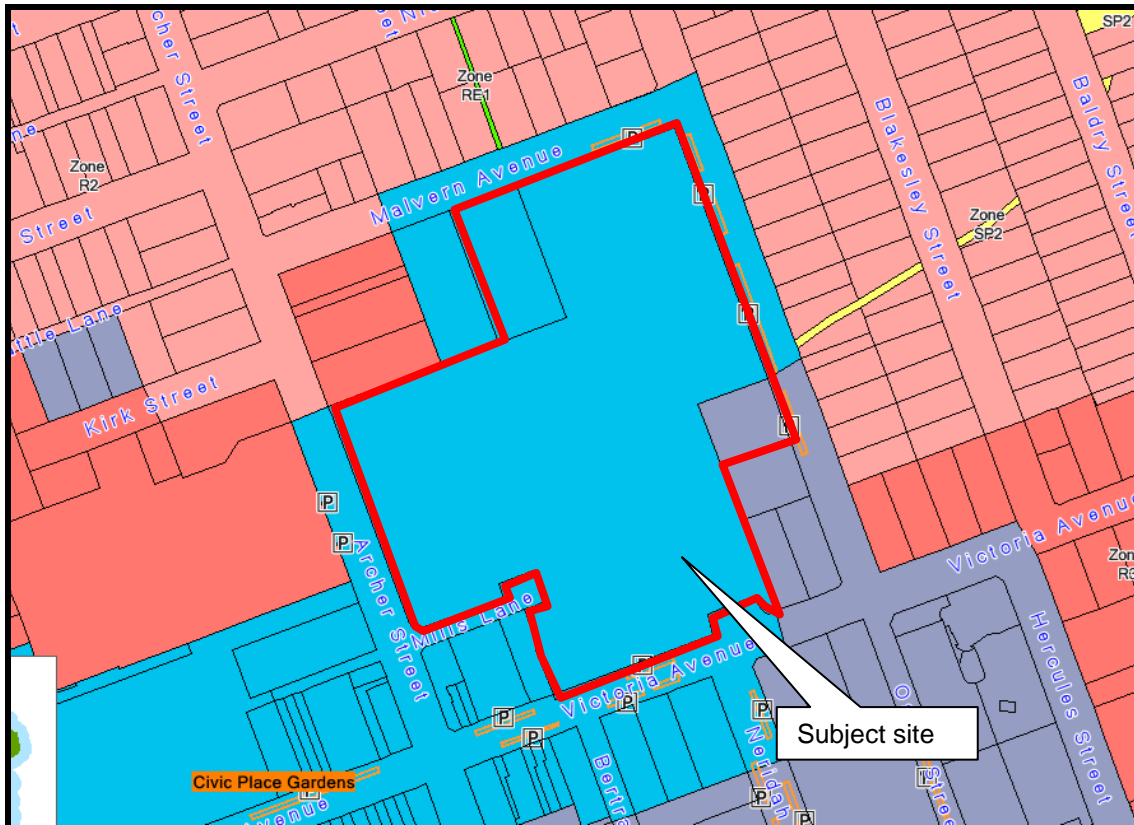


Figure 3: Zoning of land within and in the vicinity of the site (extract from WLEP zoning map)

Zoning - permissibility

The permissibility of the various uses proposed within these zones is assessed as follows.

- *Shops, department stores, supermarkets and food and beverage outlets*

The above proposed uses come within the definition of 'retail premises', which are defined as:

A building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) (Repealed)*
- (b) cellar door premises,*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*

- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

The mall areas, vehicle parking, amenities, loading docks, vertical circulation and access areas are all ancillary to the retail premises and therefore form part of the retail premises.

- **Cinema**

The cinema comes within the definition of 'entertainment facility', which is:

A theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

- **Entertainment and leisure areas**

These uses are not well defined in the DA. They could possibly come within the scope of 'entertainment facility' noted above. If these areas are used for sporting facilities, they will come within the definition of 'recreation facility (indoor)', which is

a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

- **Outdoor recreation areas**

Levels 1, 2, 3 and 4 contain roof top outdoor recreation areas. These areas may come within the definition of 'recreation area', which is

A place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Alternatively, any of the roof top outdoor recreation areas used for more active, sporting activities will come within the definition of 'recreation facility (outdoor)', which is

A building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green,

outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

- *Co-working areas*

Levels 4 and 4A contain 'co-working areas'. It is not clear whether users of these areas can meet their clients within these areas. Depending on the answer to that question, these spaces will either come within the definition of 'office premises', or business premises'.

'Office premises' are defined as:

A building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

'Business premises' are defined as

A building or place at or on which:

- 1. an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like,*

but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

In summary, all of the above uses ('retail premises', 'entertainment facility' and 'recreation facility (indoor)', 'recreation area', 'office premises' and 'business premises') are permissible in both the B3 and B4 zones.

It should be noted that the entertainment and leisure areas on Levels 3 and 4 cannot be used for an amusement centre, which is:

A building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or*
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.*

An amusement centre is prohibited in both the B3 and B4 zones.

- *Solar Panels*

Photovoltaic (PV) solar panels are proposed on the elevation(s) of the Levels 5 to 6 carpark.

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Clause 34(7) of the State Environmental Planning Policy (Infrastructure) 2007 states that development for the purposes of a solar energy system (such as PV cells) may be carried out on any land with development consent. The proposed installation of these PV cells is therefore permissible with consent.

Zone objectives

The proposal satisfies the objectives of the B3 Zone as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

Comment: The proposal will achieve this objective by allowing upgrade and expansion of a major retail centre.

- *To encourage appropriate employment opportunities in accessible locations.*

Comment: The Economic Impact Analysis provided with the DA states that the proposal will result in 347 direct jobs during construction and 1,995 jobs during operation. The site is accessible by significant public transport (rail and bus).

- *To maximise public transport patronage and encourage walking and cycling.*

Comment: The site's proximity to public transport in Chatswood will encourage use of public transport by employees and shoppers. The proposal also includes 322 bicycle spaces and this will encourage cycling (although Condition 2(e) requires this number to be increased to 799 spaces in order to comply with the WDCP). The location of the site means employees and shoppers will be able to walk to other retail, commercial and transport destinations within the Chatswood CBD.

The proposal satisfies the objectives of the B4 Zone as follows:

- *To provide a mixture of compatible land uses.*

The proposed development will result in a wide range of retail premises (including food and beverage), entertainment facilities, recreation facilities, office premises / business premises and a solar energy system. The co-location of these uses will enable more multi-purpose trips. The proposed uses are compatible with each other and with other diverse uses across the retail and commercial areas of the Chatswood CBD.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The site's proximity to public transport in Chatswood will encourage use of public transport by employees and shoppers. The provision of bicycle spaces will encourage cycling. The location of the site means employees and shoppers will be able to walk to other retail, commercial and transport destinations within the Chatswood CBD.

- *To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping, business and recreational services that contribute to the vitality of the centre, without undermining its commercial role.*

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The proposal does not include any residential component. The proposal will encourage public transport (for the reasons listed above) and a range of retail and recreational uses. The inclusion of office co-working will add to the commercial role of the Chatswood CBD.

WLEP 2012 Development Standards

The proposal complies with the WLEP 2012 development standards as follows:

	Standard	Proposed	Complies
Clause 4.3 Height of Buildings	34m – southern part 345 Victoria Avenue and 5-7 Havilah Street	Approximately 34.25m	Yes (subject to condition requiring that the maximum height of any part of the proposed building shall comply with the maximum building heights above existing ground level prescribed by Clause 4.3 WLEP 2012)
	40m – northern part 345 Victoria Avenue and 12-14 Malvern Avenue	Approximately 40m	Yes (subject to condition requiring that the maximum height of any part of the proposed building shall comply with the maximum building heights above existing ground level prescribed by Clause 4.3 WLEP 2012)
Clause 4.4 Floor Space Ratio (Site area - 39,054m ²)	4.5:1 (175,743m ²)	3.37:1 (131,671m ²)	Yes

Table 11: Compliance with WLEP 2012 development standards

Clause 4.3 Height of Buildings

The following extract of the WLEP 2012 Height of Buildings map (Figure 4 below) indicates that the areas of the site which have a maximum height of 34m and the areas have a maximum height of 40m.

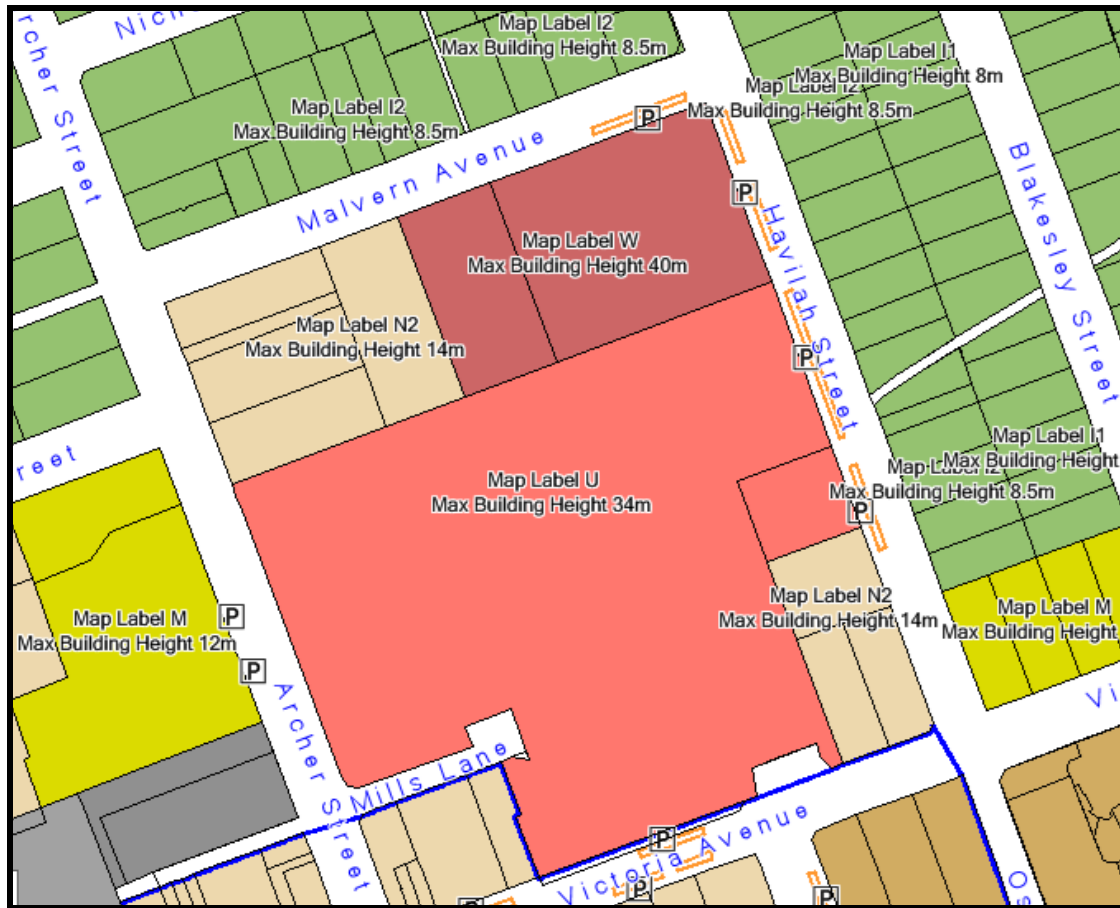


Figure 4: Maximum height development standard within the site (extract from WLEP Height of Building map)

The eastern elevation plan (DA 2200) indicates that, in that part of the site with an existing ground level of RL 80.00 (see surveys), the building attains an elevation of RL 114.25. That is a building height of 34.25m. Furthermore, there are small projections above RL 114.25. This is a non-compliance with Clause 4.3.

Figure 4 also indicates the northern areas of the site that have a maximum building height standard of 40m. The eastern elevation plan (DA 2200) indicates that, in that part of the site with an existing ground level of RL 81.50 (see surveys), the building attains an elevation of approximately 121.5m. That is a height of 40m, which complies with Clause 4.3.

It is therefore proposed to impose a condition as follows:

The proposed development shall be modified to comply with the maximum building heights above existing ground level prescribed by Clause 4.3 WLEP 2012. 'Existing ground level' is to be regarded as being equivalent to the natural ground level indicated on the survey plans, rather than being measured from the existing basement level.

Clause 5.10 Heritage Conservation

Clause 5.10 (5) states that:

The consent authority may, before granting consent to any development...

(a) On land on which a heritage item is located, or

- (b) On land that is within a heritage conservation area, or*
- (c) On land that is within the vicinity of land referred to in paragraph (a) or (b)*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

A Heritage Impact Assessment dated 2 August 2018 was lodged with the amended DA. Council's Heritage officer has assessed this document and advises that the proposal is unlikely to have any impact on the nearby heritage items or the heritage conservation area.

Clause 6.3 Flood Planning

Council's development engineer has reviewed the proposal and noted the potential of flooding of the basement car parks. It is therefore proposed to impose the following Conditions requiring flood mitigation measures:

- *Condition 13 – Basement Pumpout Drainage System*
- *Condition 14- Overland Flow/Flood Level*
- *Condition 18 - Flood Affected Development*
- *Condition 117 - Construction of Flood Mitigation Works*
- *Condition 118 – Certification of Flood Mitigation Works*
- *Condition 119 – Works-As-Executed Plans – Flood Mitigation Works*
- *Condition 120 - Flood Risk Management Plan*

Clause 6.5 Signage

The application has included areas designated as signage, with the specific signage to be the subject of subsequent applications.

Due to the number of other issues in this DA to be resolved, it is proposed to leave the issue of signage entirely to one side in this DA. It is therefore proposed to impose a "Deferred Commencement' Condition requiring submission and approval by Council of signage details.

Clause 6.7 Active Street Frontages

Clause 6.7 applies to land identified as 'active street frontage' on the WLEP Active Street Frontages map. The Victoria Avenue and Archer Street frontages are indicated as 'active street frontages'.

Clause 6.7 relevantly states:

(3) Development consent must not be granted to the erection of a building, or change of use of a building, on land to which this Clause applies unless the consent authority is satisfied the building will have an active street frontage after its erection or use."

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

- (a) entrances and lobbies (including as part of mixed use development),*
- (b) access for fire services,*

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(c) vehicular access.

(5) In this Clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

On the Archer Street (western) frontage, the Ground Floor Level is predominantly glazed. The relevant floor space immediately behind this glazing is designated as 'retail'. Some frontage immediately to the north and south of the Archer Street pedestrian entrance is not glazed. However, this area corresponds to stairwells and lift wells, meter room and other amenities. This is considered analogous to the exceptions referred to in sub-clause (4) and therefore satisfactory.

On the Victoria Avenue (southern) frontage, the Ground Floor Level is also predominantly glazed. The main areas not glazed are the pedestrian and vehicle access ways. This is allowed as an exception by sub-clause (4).

The proposal therefore complies with Clause 6.7 of the WLEP.

Willoughby DCP 2006

Part C3 Sustainable Development

Part C3 Sustainable Development contains requirements for retail development over 200m². In order to fulfil the sustainability requirements of the WDCP, an application must include a completed Sustainability Scorecard, which includes mandatory and optional measures addressing sustainable development.

A minimum credit score of 20 is required for large retail facilities over 1000m². The Sustainability Scorecard dated 31 July 2018 and lodged with the DA has a total credit score of 32.

The proposal therefore satisfies Part C3 WDCP.

Part C4 – Transport Requirements for Development

Part C.4.2.B states:

Where development comprises an extension/ modification to an existing development, Council will generally only require that additional parking to be provided to cater for additional demands arising from increases in floor space or change of use.

The above guideline is qualified by the word 'generally', which allows for some discretion. In the current DA, the existing retail premises are being predominantly demolished and the Shopping Centre is being essentially reimagined. It is therefore more meaningful to assess the parking provision as if it were a new development.

The proposal complies with Council's car parking rates in Part C.4.2 as follows:

Use	Area allocated (NLA)	DCP requirement	Proposal
Shop	85,277m ² x 85% = 72,485m ²	1 space /25m ² =2,899 spaces	

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Supermarket	3,883m ² (Level LG); 606m ² (L00); 220m ² (L5) Total = 4,709m ²	6 spaces /100m ² =282 spaces	
Office / business	3,476m ²	1/110m ² =32 spaces	
Total spaces		3,213 spaces	3,224

Table 12: Compliance with car parking rates

The proposed car parking therefore exceeds the DCP requirement by 11 spaces and this is considered acceptable.

Clause C4.4B WDCP states that motorcycle parking is required at the rate of 1 space per 25 car spaces. As 3,213 car spaces are required, 128 motor cycle spaces are required. The proposal includes 34 motorcycle spaces, which is a shortfall of 94 spaces. It is therefore proposed to impose a condition on any consent as follows:

The proposed development is to include 128 motorcycle spaces.

Clause C4.4C WDCP states that bicycle parking is required as follows:

Use	DCP Requirement - Bicycle lockers	DCP Requirement - Bicycle racks	Total DCP Requirement (Lockers and racks)	Proposed (lockers and racks)
Retail	1/450m ² (198)	1/150m ² (594)	792	
Office / business	1/600m ² (6)	1/2,500m ² (1)	7	
Total	204	595	799	322

Table 13: Compliance with bicycle parking rates

It is therefore proposed to impose Condition 2(e) as follows:

The proposed development is to include 204 bicycle lockers (or secure equivalent) and 595 bicycle racks.

Part C4.1 A Parking and Traffic Studies requires lodgement of a *parking and traffic impact study which assesses the impact of development on the surrounding arterial and local road network.*

The Transport Impact Assessment dated 3 August 2018 and prepared by GTA Consultants states:

Aimsun modelling for the road network in the Chatswood CBD indicates that the additional traffic generated by the proposed development could not be expected to unreasonably compromise the operation or function of the surrounding road network, noting that the

additional traffic generated is very small in the context of the total traffic carried by the modelled network.

Traffic and parking studies must be provided for applications required to be referred to the Roads and Traffic Authority under State Environmental Planning Policy (Infrastructure) 2007. The application was referred to the RMS, which responded in a letter dated 22 October 2018 and stated:

Roads and Maritime has reviewed the submitted application and has since liaised with GTA consultants to resolve traffic matters through ongoing traffic modelling reviews and raises no objections to the development proposal as it is unlikely to generate significant traffic on the classified road network.

Council's Traffic and Transport officer has advised as follows:

I wish to confirm that I do not support a few of the proposed changes in the GTA Traffic Impact Assessment:

1. *Removal of street parking in Malvern Avenue, Chatswood – no evidence to demonstrate why this is necessary and street parking is highly valued by the community. My position is to wait and see, monitor and adjust post commissioning.*

Comment: It is proposed to impose the following Condition 2(d):

There will be no change to the existing on-street car spaces on Malvern Avenue.

3. *Design of access road via Victoria Avenue (opposite Neridah Ave) – I have taken the opportunity to revise the intersection design to improve pedestrian safety and amenity. I have not considered the site constraints and performance impacts so the changes will need to be modelled using the appropriate model i.e. SIDRA and designed using appropriate data i.e. engineering survey.*

Comment: It is proposed to impose Condition 28 which will include the following provision:

Prior to issue of the Construction Certificate, detailed design plans, road safety audits and a review of environmental factors (REF) must be submitted for consideration by the Local Traffic Committee and final approval by Council to carry out the following works:

Victoria Avenue, Neridah Street and Chatswood Chase Car Park entry and exit, Chatswood

To manage all traffic and bicycle movements into and out of the Chatswood Chase car park entry and exit from Victoria Avenue and Neridah Street and pedestrian movements along Victoria Avenue, on the northern footpath, a new road way to/ from the car park entry and exit connecting to the intersection Victoria Avenue and Neridah Street will be implemented to:

- *Interface with and be controlled by the existing traffic control signals so that all vehicle, bicycle and pedestrian movements will be under the control of traffic control signals.*
- *Provide pedestrian traffic control facilities across the full width of the new road way along the northern footpath on Victoria Avenue.*

- *Provide Full-time No Right Turn restrictions for all traffic exiting the car park so that all traffic must either turn left into Victoria Avenue or travel south into Neridah Street.*
 - *Provide an overall intersection level of service performance no worse than the existing operation at all times.*
 - *All other necessary traffic signal, road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.*
4. *Modifying the car park access arrangements via Archer Street to make (it) a 'speedier entry/ exit'. This design increases safety risks for pedestrians at this conflict point. My view is that the Archer Street entry/ exit should be that Victoria Avenue and Malvern Avenue are the primary car park access points and Archer Street is a low priority facility. Therefore the design should reflect this lower order and maximise safety of pedestrians over cars.*

Comment: It is proposed to impose Condition 28 which will include the following provisions:

Car park ingress and egress road way connecting to Archer Street, east side of road, between Mills Lane and Malvern Avenue

Provision of a new road way to/ from the car park connecting to Archer Street. The new road way will:

- *Ensure slow speed entry and exit movements by all motor vehicles*
- *Traffic movements are left turn entry and left turn exit only.*
- *Provide priority to pedestrians and satisfactory driver and pedestrian sight distance to support pedestrian safety and amenity.*
- *Provide a new concrete median island in Archer Street across the entry and exit roadway and extend 10 metres north and south of the northern and southern road boundaries respectively.*
- *Provide full-time No Right Turn sign in Archer Street, east side of road, facing traffic travelling in a northbound direction*
- *Provide full time All Traffic Left signs in the road way, facing traffic travelling in a westbound direction and in Archer Street, west side of road, facing traffic travelling in a westbound direction.*
- *All other necessary road work and traffic facility works will also need to be undertaken as part of the changes at this intersection.*

Subject to Conditions, the impact of the proposed development on the surrounding arterial and local road network will be satisfactory.

Part C5 Water Management

A Flood Modelling Report dated 14 September 2018 has been prepared by CJ Arms & Associates and lodged by the applicant. The Flood Report reviews the impact of the proposal on flooding of the site.

The Flood Report notes:

The in-ground stormwater drainage system is unable to cope with the larger storm events and as a result of this, overland flow in excess of the drainage capacity inundates the surrounding streets of the shopping centre immediately upstream and downstream of the

site. This causes the basement of the shopping centre to flood. This overland flow continues past the shopping centre and affects many downstream residential properties.

The results of this assessment indicate that the redevelopment of the shopping centre will have no effect on the surrounding properties and that the centre will need to manage the flood waters entering the basement currently affecting the site.

The Flood Report concludes (p40) that flooding of the basement has a high probability of occurring in a major storm event. It then makes a number of recommendations for reducing the flooding.

See the assessment under Clause 6.3 Flood Planning above for a reference to the conditions requiring flood mitigation works.

Part C6 Access, Mobility and Adaptability

Part C6.2.1 requires that all developments will be required to comply with the accessibility requirements of the Building Code of Australia and the Disability (Access to Premises-Buildings) Standards 2010.

The Access Review dated 1 August 2018 and prepared by Morris Goding Accessibility Consulting on behalf of the applicant (the Access Report) states (p 16):

The proposed drawings indicate that accessibility requirements, pertaining to external site linkages, building access, common access areas, sanitary facilities, and parking can be achieved and all missing details can be amended at (design development) stage.

This requirement is given effect in Condition 88.

C6.2.2 requires that 3% of all parking spaces be accessible spaces in accordance with the design requirements of AS/NZS 2890.6. Given that 3,224 spaces are proposed, this means that 97 spaces must be accessible. Only 52 spaces are indicated in the DA plans as being accessible. It is therefore proposed to impose Condition 2(c) as follows:

A minimum of 97 car spaces must be accessible in accordance with Clause C6.2.2 WDCP.

C8 Waste Management

The Operational Waste Management Plan dated 31 July 2018 prepared by Compass Project Management on behalf of the applicant (Waste Management Plan) states (in the Introduction) that it excludes waste management for major tenants, which have *their own waste management and recycling strategies, including cardboard and paper compactus, co-mingling and plastic recycling.*

Material Segregation Hubs (waste hubs) are currently located across the site in order to facilitate the segregation of recoverable materials, including co-mingled recyclables, soft plastics, paper products (non-cardboard) and organics. In the proposed development, there will be 15 waste hubs located on four levels. The sorted materials are then transported to the Materials Recovery Facility (MRF) on the Lower Ground Floor, near the Malvern Avenue loading bay entrance.

Tenant staff are responsible for the segregation and transportation of the waste from their tenancy to the closest waste hub. Centre management staff are responsible for the

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transportation of segregated waste from various hubs to the MRF within the Malvern Avenue loading dock.

The Waste Management Plan states that the MRF has recently been installed into the centre. Council's Resource Recover officer has confirmed that this is correct.

The Waste Management Plan contains no information about transport of waste from the site to a licensed facility off - site. It is therefore proposed to impose Condition 158 which states:

*The building/business owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage shall be placed on the public footpaths, roadways, plazas, reserves at any time.
(Reason: Health and amenity)*

Subject to Conditions, Council's Resource Recovery Officer has no objections to the proposal.

Part C9 Preservation of Trees or Vegetation

The objectives of Part C9 are:

- *To minimise unnecessary damage to or removal of trees and bushland;*
- *To conserve trees and bushland of ecological, heritage, aesthetic, botanic and cultural significance;*
- *To encourage the planting of trees that are appropriate for site conditions;*
- *To encourage the planting of local native species where appropriate;*
- *To facilitate the removal of noxious weeds, undesirable trees and inappropriate plantings;*
- *To provide for no net loss over time of tree cover and bushland in Willoughby City.*

The Arboricultural Impact Appraisal and Method Statement dated 13 December 2017 (Arborist Report), prepared by Naturally Trees on behalf of the applicant, notes (at p 7) that the proposal will involve:

- The removal of 14 existing, high category trees and 53 low category trees.
- The disturbance of a further 38 existing, high category trees, which will be retained but which will need protection during construction works.
- 51 further low category trees being successfully retained subject to tree protection measures.

Council's Landscape officer has noted that the landscape plans are conceptual in nature and lack detail of proposed plantings, for example, species, specimen size, specific locations, etc.

It is therefore proposed to impose a "Deferred Commencement' Condition requiring submission and approval by Council of detailed landscape plans.

C11 Safety by Design

In accordance with Part C11 WDCP the application was referred to Chatswood Police for a formal Crime Risk assessment. Chatswood Police provided recommended a number of

Crime Prevention Through Environmental Design (CPTED) conditions. These have been included in Condition 90.

Part E1.1 Frontages

Part E1.1 contains the following requirements for the frontages of commercial development

Site access

3. *Site vehicular access for deliveries, waste management and car parking is to be from a secondary street where the alternative is available to minimise disruption to the primary street frontage.*

The proposed access to three frontages is satisfactory because:

- It is consistent with the current CCSC; and
 - Dividing traffic on a site as large as the subject site is necessary to facilitate traffic flow and prevent congestion.
4. *Where no alternative street frontage is available, the entry to the building shall be designed to give priority to pedestrians by maintaining a constant grade for the footpath crossing for pedestrians. Before the exit from the site, speed bumps and or warning signs to give way to pedestrians shall be provided. The vehicle crossing area of the footpath shall be identified by pavement blending with the footpath treatment as required by Council's Engineering Services.*

Council's Traffic and Transport officer has recommended the amendments to improve pedestrian safety and amenity at the Victoria Avenue and Archer Street vehicle access points (see Part C4 – Transport Requirements for Development above for further details).

5. *The entry portal for a driveway is to be minimised in width to no more than 5 metres in order to minimise the disruption to the physical appearance of the streetscape. The head clearance of the entry portal shall be no more than 2.4 metres except where the portal is also an entry to the loading dock in which case the head clearance shall be a minimum of 3.6 metres.*

The driveway widths are appropriate for a large site used for commercial purposes and accommodating 3,224 car spaces.

6. *Ancillary car parking must be provided at and/or below ground level.*

Parking is provided both underground and above ground. This is appropriate in this case, given the provision of 3,224 car spaces.

7. *Vehicular movements for loading and unloading and customer car parking should be separated where possible to avoid conflict and congestion.*

Loading vehicle movements are separated as much as possible from customer vehicles, with loading vehicles to use a separate laneway (Mill Lane), a separate entrance on Malvern Avenue. There is limited sharing of the laneway at the Victoria Avenue entrance. This is the same as the current situation and is considered acceptable.

Interface with Street Fronts

11. *The ground level frontages shall be transparent to allow interaction with the public domain by observation of activity and/or products displayed internally.*

Only the Victoria Avenue and Archer Street frontages are glazed. This is considered to be satisfactory. See Clause 6.7 WLEP 2012 Active Street Frontages above.

E1.3 Design and Streetscape Design Qualities

Part E1.3 contains the following requirements for the treatment of facades.

Façade Treatment

The façades of development are a major contributing element to visual impact:

- *Materials, colours, finishes, fenestration, proportion of building elements and scale of a new development should add interest to façades and should blend with the existing shop fronts;*

Comment: As noted above, Council's Urban Design officer has advised:

The singular building expression in the form and character adopted by the Architect presents a highly unsympathetic building expression to Havilah Street and Malvern Avenue.

The Havilah Street and Malvern Avenue building elevations represent highly internalized building with an unacceptable, abrupt interface with the adjacent low scale streetscape environment.

- *Establish well proportioned scale and rhythm of building elements within the streetscape to reduce the impact of building bulk.*

Comment: The Malvern Avenue (northern) and Havilah Street (eastern) elevations interface with the R2 low density residential areas on the opposite side of those respective streets. This zone interface creates a need for greater sensitivity of façade treatment than might otherwise be the case (*Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* at 25). The proposed elevations are dominated by concrete walls extending to 34 or 40m with little articulation. These present to the streetscape in a dominant manner inconsistent with the low scale, fine grain nature of the dwelling houses immediately across the street.

It is also noted that due to the presence of the underground basement levels, there is limited deep soil in the Havilah Street setback to facilitate large canopy trees which could serve to screen the building.

- *Large unbroken expanses of wall are unacceptable;*

Comment: The abovementioned walls are inadequately articulated and contain large unbroken expanses of concrete.

- *The façade treatment should reflect the activities carried out within the building whilst respecting the mass, scale, and proportions of existing adjoining buildings;*

Comment: As stated above, the northern and eastern elevations present to the streetscape in a dominant manner inconsistent with the low scale, fine grain nature of the dwelling houses immediately across the street.

- *Plant, equipment and machinery used should be located and planned within the building or be screened from the public domain and any residential property;*

Comment: Plant and machinery are either located indoors or on the roof top and are therefore screened from the public domain and any residential property.

- *In large developments, the design of service and vehicle manoeuvring areas should not detrimentally affect the continuity of the building façade; and*

Comment: The service and vehicle manoeuvring areas on the northern, southern and eastern facades are acceptable for the following reasons:

- Malvern Avenue (northern) - The two car park entries and one loading entry all have a height of approximately 3m and a width of 7m. Given the width of the façade at Malvern Avenue of approximately 110m and the height of approximately 38m, and the lack of features on that façade, these openings are modest and do not interrupt the continuity of the façade.
- Victoria Avenue (southern) – The vehicle ramp to basement and loading bay is matched in height and breadth by the ‘gap’ created for the pedestrian entrance further to the west. This creates a consistent rhythm in the façade.
- Archer Street (western) – the service vehicles access the loading bays on Mill Lane and are setback from the Archer Street frontage. This reduces any disruption to the eastern façade. The access ramp further to the north has a width of approximately 7m. Given the width of the façade at Archer Street of approximately 120m and the height of approximately 29m, and the lack of features on that façade above Ground Floor Level, this ramp is modest and does not interrupt the continuity of the façade.
- *Particular attention should be given to the balance between the amount of solid walls and openings in the shop front façade and between horizontal and vertical elements to achieve visual interest at all levels.*

Comment: As stated above, the northern and eastern elevations present to the streetscape in a dominant manner inconsistent with the low scale, fine grain nature of the dwelling houses immediately across the street.

For the above reasons, it is proposed to impose a ‘Deferred Commencement Condition’ requiring the applicant to:

Submit to Willoughby City Council for approval detailed elevation plans for the Malvern Avenue and Havilah Street elevations, which demonstrate materials, colours, finishes, fenestration, proportion of building elements and scale of development which is well articulated. The scale and rhythm of building elements on the facades should reduce the impact of building bulk as experienced in adjoining low density residential areas.

(Reason: To add visual interest and increase consistency with the low scale, fine grain pattern of development in adjoining low density residential areas).

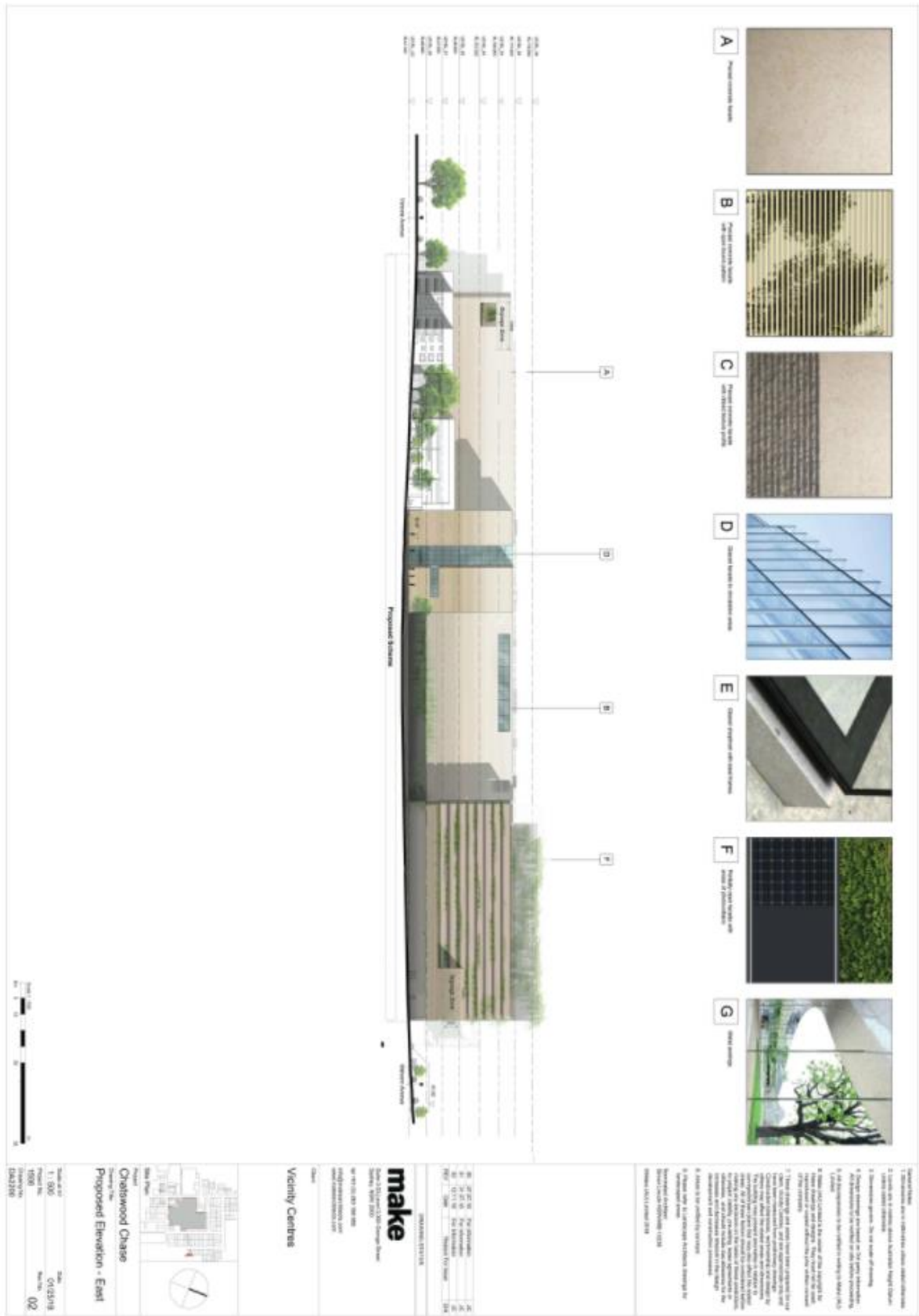
SNPP REPORT

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067

ATTACHMENT 6: NOTIFICATION MAP

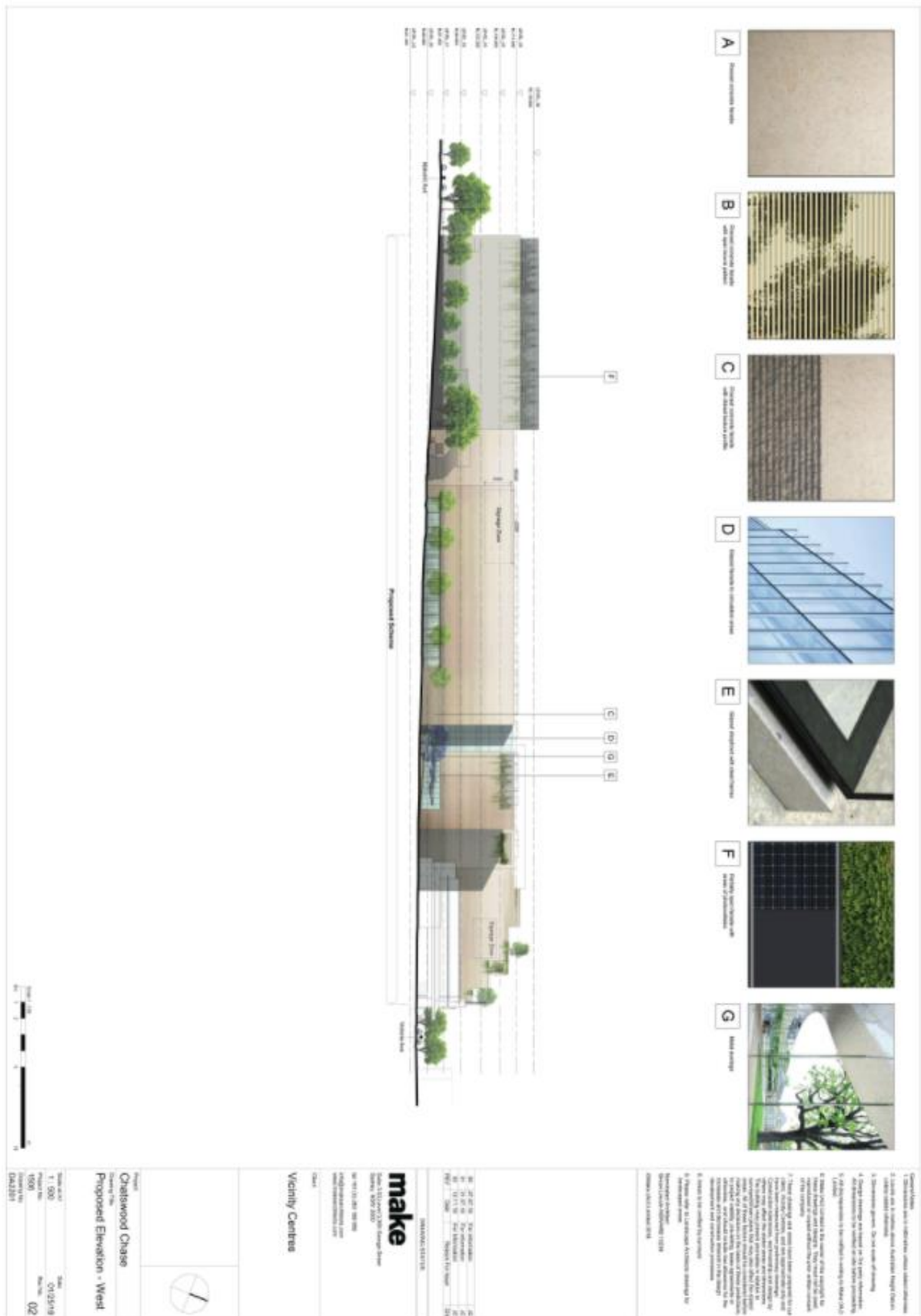


ATTACHMENT 7: ARCHITECTUAL PLANS



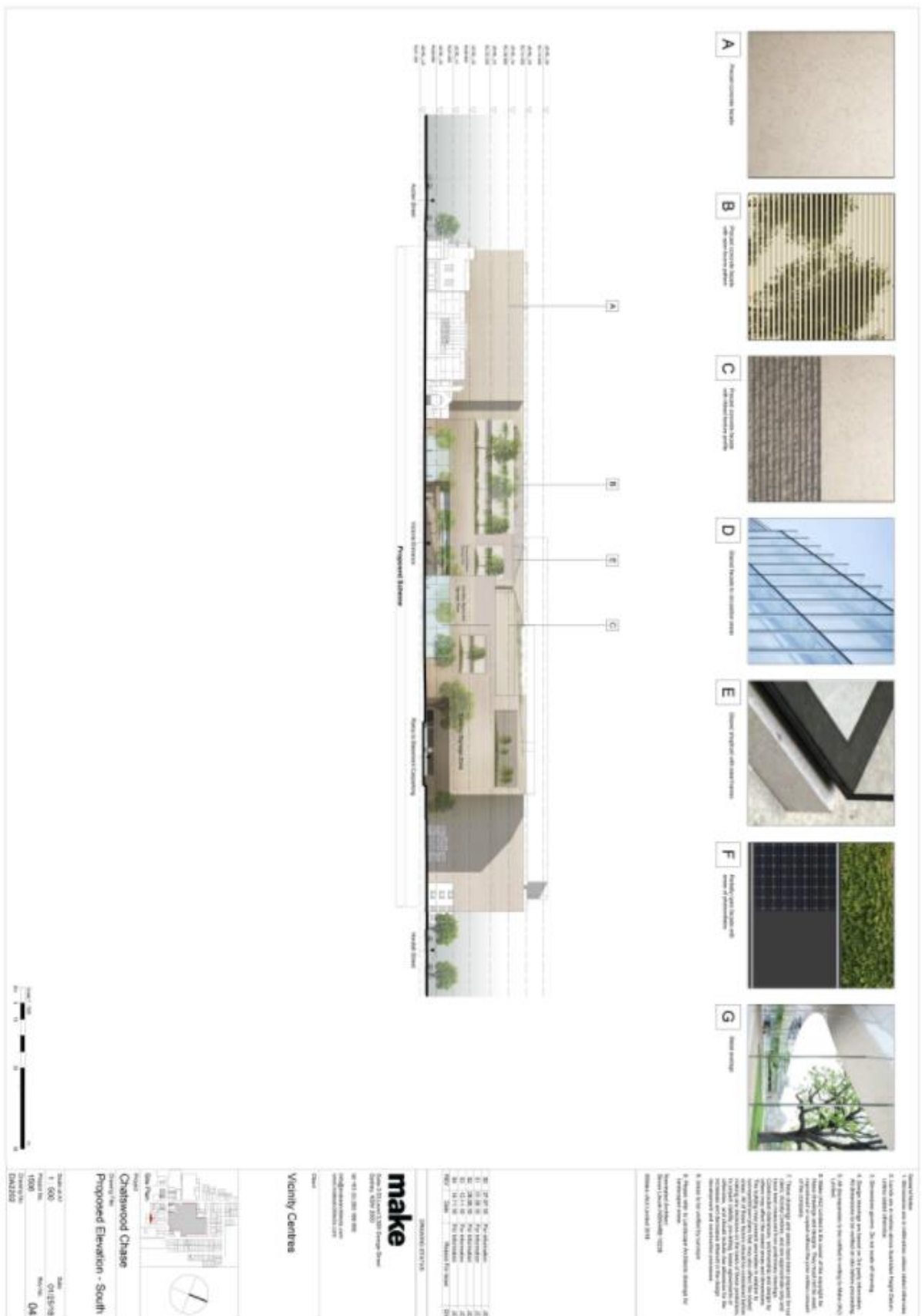
Eastern Elevation Plan DA 2200

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067



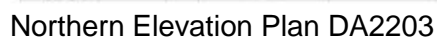
Western Elevation Plan DA2201

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067



Southern Elevation Plan DA2202

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havelah Street, CHATSWOOD NSW 2067



SNPP REPORT

345 Victoria Avenue, 12-14 Malvern Avenue and 5 Havilah Street, CHATSWOOD NSW 2067

See link below for the full set of architectural plans:

<https://share.willoughby.nsw.gov.au/owncloud/public.php?service=files&t=35b85b0f8d6ad99a8c64d5b697ceee17>