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14 December 2018

Mr Peter Debnam  
Chair - Sydney North Planning Panel

By email: [kim.holt@planning.nsw.gov.au](mailto:kim.holt@planning.nsw.gov.au)

Dear Mr Debnam,

## **345 VICTORIA AVENUE, 12-14 MALVERN AVENUE AND 5-7 HAVILAH STREET, CHATSWOOD NSW 2067 - AMENDMENTS TO DRAFT CONDITIONS**

On behalf of Vicinity Centres (the applicant) we have reviewed the draft conditions issued in respect of DA 2017/503 for the demolition of 2 commercial buildings, reconstruction and expansion of Chatswood Chase Shopping Centre.

This letter requests that certain changes to the Draft Conditions be considered by the Sydney North Planning Panel in the determination of this regionally significant Development Application.

The proposed condition amendments pertain to

- Deferred commencement conditions,
- Stormwater and flooding conditions, and
- General condition wording changes.

This letter includes our proposed amendments to the draft conditions in **red**. Deleted components are shown in ~~strike through~~. The particulars of our reasoning for each proposed amendment are set out below the relevant condition.

Our proposed changes to the draft conditions are supported by supplementary correspondence from:

- **Appendix A** – CJ Arms – Review of Proposed Flooding and Stormwater Conditions
- **Appendix B** - Make Architects - Amended Architectural Drawings
- **Appendix C** – - GTA Consultants – Review of Proposed Transport Conditions (Transport)



We trust that our proposed amendments will be considered favourably in the determination of the subject Development Application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "JParker", written in a cursive style.

Jacqueline Parker  
Director

## Schedule 1 - Deferred Commencement

### 1. Malvern Avenue and Havilah Street Elevations (Move to 'Schedule 2 – Prior to Construction Certificate')

~~Submit to Willoughby City Council for approval~~ *Prior to the issue of a Construction Certificate, detailed elevation plans for the Malvern Avenue and Havilah Street frontages elevations are to be submitted for approval by the Planning and Infrastructure Director, Willoughby City Council. The plans shall, which demonstrate details of detail building materials, colours, finishes, fenestration, proportion of building elements, and scale of development and articulation which is well articulated. These details are to demonstrate to the Director of Planning's satisfaction that the scale and rhythm of building elements on the facades reduces the overall visual impact of the building when viewed from the adjoining residential areas. 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).

#### Particulars:

- We request that this Condition be reworded to provide greater clarity around what is required.
- We request that this 'design development' condition be moved to the main consent to be satisfied prior to the issue of a 'Construction Certificate.'

### 2. Awnings (move to 'Schedule 2 – Prior to Construction Certificate')

~~Submit to Willoughby City Council for approval~~ *Detailed plans and elevations of the awnings to be provided. The awnings are which to comply with Council's plans and policies. These plans are to be submitted for the approval of the Planning and Infrastructure Director at Willoughby Council, prior to the issue of a Construction Certificate.'*

(Reason: Compliance).

#### Particulars:

- Contradicts condition 3(g) which states that no awnings are approved as part of this application and that they are to be deleted from the plans.
- Contradicts page 6 of the SNPP report which states that it is the applicant's intention that detailed design of awnings will be addressed in later DA.
- Notwithstanding the above, the condition is 'design development' and should not be included in deferred commencement.

### 3. Landscape (move to 'Schedule 2 – Prior to Construction Certificate')

*Prior to the issue of a Construction Certificate submit to the Director of Planning at Willoughby 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.*
- 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.*

*Written evidence of Council's approval is to be provided to the Certifying Authority.*

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

#### **Particulars:**

#### **Lat27 Response:**

- The Landscape Architect has confirmed that the above details can be confirmed in plans which can be provided for the Panel's information within the meeting. These plans can be revised / updated and issued to Council to satisfy this condition if required.
  - **Condition 3(a)** Concept plans have been submitted to Council. Further detail considered through design development of the project.
  - **Condition 3(b)** Concept plans have been submitted to Council. Planting lists are provided within the landscape concept report. Further detail can be considered through design development.
  - **Condition 3(c)** Tree species along with screening shrubs, small shrubs and groundcover species have been selected within the plant palette submitted with the concept plans. These species along Havilah Street and Malvern Ave entries have been selected to ensure a green screen is nominated along this façade. Trees species have been selected with consideration of the scale of the building. Planting soil depths vary, with a combination of areas with access to natural ground and podium planting areas nominated. Further detail considered through design development.
  - **Condition 3(d)** Species selected are a reflection of the native species of Ku-ring-gai Chase applicable across the project as a whole. This is reflected in the planting palette submitted with the concept drawings. Further detail considered through design development.
  - **Condition 3(e)** Concept plans submitted. Further detail can be provided in the detailed plans to be provided.
  - **Condition 3(f)** Concept plans submitted. The entries are key welcoming zones for the development and Vicinity's intention is to ensure a high quality landscape at these entry points. Further detail considered through design development of the project which indicates planting densities and pot sizes.
  - **Condition 3(g)** The number of proposed trees exceeds the two to one requirement throughout the overall development. Tree planting has been maximised to provide increased public amenity, improved shading at gathering nodes, incorporating green roof

space to an otherwise reflective roof top in turn decreasing the heat island effect and overall, providing a community approach to the development.

- We request that this Condition 3 be moved to Schedule 2 to be satisfied prior to the issue of a Construction Certificate.

#### 4. Signage (re-word and move to 'Schedule 2 – Consent Identification)

~~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)~~

*Only the signage zones indicated on the submitted plans are approved as part of this application. Details of all signage, including a signage strategy are to be subject to separate approval.*

*(reason: Compliance)*

##### Particulars:

- No detailed signage was sought as part of the application.
- Deferred Commencement Condition 4 contradicts Consent Condition 3(f) which states that no signage is approved as part of this application and is to be deleted from the plans.
- Deferred Commencement Condition 4 contradicts page 6 of the SNPP report which states that all signage will be addressed in later DAs.
- The imposition of this deferred commencement condition is not necessary. The condition should be deleted and the wording of condition 3(f) amended to retain the signage zones indicated on the plans.
- The applicant contends that it is reasonable that the proposed signage zones can be retained on the approved DA plans with details of the signage provided in subsequent DAs.

#### 5. Demolition plans (Move to prior to Construction Certificate)

*Submit to Willoughby City Council for approval full demolition plans, clearly indicating the areas of the existing buildings on site to be demolished prior to the issue of the relevant Construction Certificate.*

*Written evidence of Councils approval is to be provided to the Certifying Authority prior to the commencement of demolition other than such approved under a Complying Development Consent (CDC).*

*(Reason: Compliance)*

##### Particulars:

- Imposing demolition plans as a deferred commencement Condition 5 is onerous and is not acceptable to the applicant as it will unnecessarily delay activation of the consent and the ability to commence works on site.
- We contend that is standard practice for any conditions relating to demolition be included within the main consent to be provided to the Certifying Authority prior to the issue of a CC.

#### 6. Flooding (Delete or amend and move to prior to Construction Certificate)

A review of the Stormwater and Flooding Conditions has been provided by CJ Arms at **Appendix A.**

~~a) Flood Protection Measures [delete]~~

~~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)~~

**Particulars:**

**CJ Arms – Consulting Engineers have advised:**

- This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the basement areas currently occurs through the Victoria Avenue entrance in a storm event in the existing building as previously approved in 2007.
- Council previously advised that it **would not be feasible to prevent water ingress** in this location due to the subsequent impact on surrounding properties. The flood modelling confirms that if we prevent flood waters from entering the basement, the surrounding flood level increases and this has a detrimental impact on the surrounding area.
- We would advise given previous discussions with Council regarding the civil design strategy that overland flow be stored in the basement in the event of a large storm that this condition be removed.

~~b) Flood Mitigation Measures [delete]~~

~~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)~~

**Particulars:**

**CJ Arms – Consulting Engineers have advised**

- Flood mitigation measures have been previously submitted to Council. Refer CJ Arms 'Flood Modelling Report' submitted to Council on 17/09/2018. We believe this satisfies this condition.
- As this condition has been satisfied we recommend that Deferred Commencement Condition 6(b) be deleted.

~~c) Flood Mitigation Assessment~~

~~Prior to the issue of the relevant Construction Certificate 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 up to 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.~~

**Written evidence of Councils approval is to be provided to Certifying Authority.**

(Reason: Managing flood risk)

#### **CJ Arms – Consulting Engineers have advised**

- A flood mitigation assessment has been previously submitted to Council. Refer CJ Arms 'Flood Modelling Report' submitted to Council on 17/09/2018. We have not submitted 1 in 200, 1 in 500, 1 in 1000 and 1 in 2000 AEP flood events. These can be done but are all well above the planning requirement that considers flows up to and including 1 in 100 events. The inclusion of a freeboard allowance is generally used to accommodate these greater events. We have looked at the impact of climate change and impact this will have on the storm events and flooding.
- The flood evacuation plan will consider what would happen in events greater than 1 in 100 year and provisions will be made in this document for these events.
- There have been no prior discussions with Council regarding the PMF and we would view this requirement as excessive. There is no requirement with Council's DCP for assessments of the PMF, refer extract:

*'The FDM defined flood prone lands as lands affected by the Probable Maximum Flood (PMF), which is the largest flood that could physically occur in a location of interest. From the perspective of an urban council, it is not feasible or economically desirable to alienate land from development within the PMF.'*

*The Flood Planning Levels adopted for this policy is generally the 1% Annual Exceedance Probability (AEP) event, which is also sometimes loosely known as the 1 in 100 years Average Recurrence Interval (ARI) flood plus a freeboard. This freeboard is dependent upon the type of development, location, land usage, continuing risk, etc.'*

- We recommend that requirements of the PMF are removed from this condition
- d) **Stormwater Management Plans – Water Quality and On Site Detention**

**Submit to Council prior to the issue of the relevant Construction Certificate** 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:*

- 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".*
- 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)*

*Written evidence of Councils approval is to be provided to Certifying Authority.*

#### **Particulars**

##### **CJ Arms – Consulting Engineers have advised**

- CJ Arms confirms that they have complied with the above conditions within their submitted Stormwater Management Plans and design.
- We contend that it is standard practice for any conditions relating to Stormwater Management and design be included within the main consent.
- Deferred Commencement Condition 6 (d) should be moved to the main part of the consent conditions and be reworded so that these details are provided to the Council prior to the issue of a Construction Certificate.



## SCHEDULE 2

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate. **Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate**

Amend the following conditions to require their completion prior to the 'issue of the first construction certificate'

Conditions: **4, 20, 27**

Amend the following conditions to read 'issue of the relevant construction certificate'

Conditions: **8, 12 (if retained), 14, 15, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35.**

### 3. Amendments (Amended)

*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 **so that the portion of the building on the eastern elevation fronting Havilah Street which includes the proposed co-working spaces** complies with the **34m** maximum building height 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 **6am to Midnight 6pm**, 7 days per week excepting the following:
  - (i) The operating hours of outdoor areas of any premises (including retail or outdoor recreation areas) facing Havilah Street **at Level 00** are to be restricted to 7am to 6pm. Windows and doors of any such premises must be closed between 6pm and 7am.
  - (ii) Collection and delivery of goods and materials from and to the premises shall not take place between 10pm and 7am.

*Plans detailing these amendments are required to be shown on the Construction Certificate plans.  
(Reason: Ensure compliance)*

## Particulars

- **Condition 3 (a)** should be refined provided as a 'deferred commencement condition' for these reasons:
  - The proposed wording is uncertain and should not be included in the main body of the consent in its current form. Amended wording for the condition has been provided above.
  - Consent cannot be granted for exceedance in height without a clause 4.6 variation request.
  - Amended plans accompany this submission at **Appendix B** which demonstrate compliance with the 34m height limit.
  - In the event that the Panel accepts and approves the plans this Deferred Commencement Condition is not required. Otherwise plans can be submitted to Council for review and confirmation of compliance in order to fulfil the requirements of the Deferred Commencement Condition.
- **Condition 3 (b)** should be deleted. GTA have confirmed in **Attachment 3** that the quantum of additional motorcycle parking provided within the DA (32 additional spaces) is in accordance with the DCP rates applied to the additional car parking provision and is appropriate given site observations and existing demand.
- **Condition 3 (c)** should be deleted. GTA have confirmed in **Attachment 3** accessible parking has been provided to meet the requirements of the Building Code of Australia (BCA) and is acceptable for these reasons:
  - The BCA is widely referenced as an accurate source of accessible parking rates for a range of land uses.
  - The provision of 52 accessible parking spaces exceeds the BCA requirement.
  - There will be a range of accessible parking spaces available for use throughout the car parking areas.
  - The quantum of accessible parking included as part of the DA is appropriate.
- **Condition 3 (d)** should be deleted. GTA modelled scenarios both with and without parking on the southern side of Malvern Avenue and concluded:
  - The metrics show that retaining this parking results in a significant reduction in average speed for vehicles associated with the centre.
  - Queuing internal to the centre also increases while the operation of the Archer Street/ Malvern Avenue signalised intersection (especially in the Saturday model) declines.
  - The minor modifications to parking along Malvern Avenue which included removal of three parking spaces on the northern side (between 9am and 6pm weekdays and 9am and 3pm weekends) and three spaces on the southern side (between 4pm and 7pm weekdays and 11am and 3pm weekends) would not significantly impact the continued operation of the commercial properties fronting Malvern Avenue nor the school set-down/ pick-up periods.

- Overall, the removal of parking during peak hours will improve the function of Malvern Avenue for all users, including the school.
- **Condition 3 (e)** should be deleted. GTA note at **Appendix C** that the provision of a total of 799 bicycle racks and lockers is excessive.
  - The Transport Impact Assessment notes that the number of bicycle spaces (322 additional comprising 81 lockers and 241 racks) represents a significant proportional increase over existing facilities. When combined with the existing 58 spaces, the post development provision is 380 spaces
  - The transport assessment also referenced travel mode surveys completed at the centre which confirmed zero existing travel by bicycle and that demand for bicycle facilities by both customers and staff is low.
  - GTA confirm that the number of spaces being provided is sufficient to accommodate any expected increased demand for cycling.
  - GTA notes that provision of 799 bicycle racks and lockers would result in a significant surplus and underutilisation.
- **Condition 3 (f)** should be deleted as it is inconsistent with the recommended deferred commencement condition requiring signage details to be provided prior to activation of the consent.
  - The assessment report and the conditions are contradictory and provide no valid planning reason for the deletion of the proposed signage zones.
  - The application is for signage zones only and as such, unless there is a valid planning reason as to why these should not be approved it is our opinion that these zones can be approved with details of the signage to be provided as part of a subsequent detailed signage application.
  - A new condition relating to Signage has been is provided for the Panel's consideration at Schedule 1 - Deferred Commencement Condition 4.
- **Condition 3 (g)** should be deleted as it is inconsistent with Deferred Commencement Condition 2.
- **Condition 3 (h)** should be amended as it is inconsistent with the hours of operation specified on page 72 of the assessment report – 6am – 10pm.
  - Notwithstanding the inconsistency, we maintain that the proposed hours of operation be approved 6am to Midnight, consistent with the parameters of the Development Application for these reasons:
    - The NIA did not raise any concerns in relation to noise emissions from internal areas of the proposed building.
    - The NIA has proposed specific recommendations to ensure that noise emissions from outdoor areas remain within the nominated criteria for residential receivers. These recommendations can be included in Condition 130.

- Tenancies within the centre such as Coles currently trade from 6am to midnight. Any reduction in hours is not an acceptable outcome for key tenants of the Centre.
  - Council noted in a discussion on 13 December that they were not prepared to approve hours of operation to Midnight due to the lack of detail around the noise generated by the proposed plant areas.
  - Operation until midnight is core to the purpose of providing an enlivened entertainment and restaurant precinct within the centre which will enhance the night time economy in Chatswood CBD.
  - In our opinion noise impacts from the proposed plant areas are adequately dealt with in **Conditions 128-131** of the consent. No valid planning reason has been provided to justify restricting the operation of the centre to 7am – 10pm.
- **Condition 3 (i)** should be deleted and combined with 3(h). It should only retain the requirement for the outdoor area at Level 00 fronting Havilah Street to be restricted to 7am to 6pm, noting that the Noise Impact Assessment states:
    - Outdoor areas at L4 will not be occupied after midnight and amplified music will not be played after 10pm.
    - No significant noise impact is expected from playing activities on the tennis courts.

## **~~12. Detailed Stormwater Management Plan (SWMP) (delete)~~**

~~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)~~

### **Particulars:**

- **Condition 12** duplicates Deferred Commencement **Condition 6(d)**.
- We are of the opinion that it is reasonable for this condition to be consolidated with the more detailed deferred commencement condition. That condition should be included in the main consent to be satisfied prior to the issue of a Construction Certificate.

## **13. Basement Pumpout Drainage System (Amended)**

*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)

#### Particulars

##### CJ Arms – Consulting Engineers have advised:

- This condition contradicts previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a 1 in 100yr storm event.
- It has previously been discussed with Council that providing a pump with a design capacity equivalent to the 1 in 100 year ARI is not physically possible.
- Council previously advised that it would not be physically feasible to provide pumps to cater for the Q100 storm event, given the high inflow rate.
- We believe pumps are required (these are currently are used by Vicinity) but given the extraordinary circumstance, the pump out rate should be such that water can be removed from the basement in an acceptable period.
- We recommend the removal of conditions 13a) and 13d) as they cannot be physically provided.

#### 14. Overland Flow/Flood Level (Amended)

~~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 **relevant** 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)

#### Particulars:

##### CJ Arms – Consulting Engineers have advised:

- This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a storm event. Council previously advised that it would not be feasible to prevent water ingress in this location due to the subsequent impact on surrounding properties.
- We would advise that the first paragraph of this condition be removed given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm.

### **18. ~~Flood Affected Development (delete)~~**

~~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)~~

#### **Particulars:**

- **Condition 18** should be deleted as it is a duplication of Deferred Commencement Condition 6.

### **33. Disabled Parking Provision (deleted)**

Disabled parking wayfinding and **number of** parking spaces must be provided on-site in accordance with **the Australian Standards**. ~~WDGP~~. 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)

#### **Particulars**

- In terms of the number of spaces being provided, accessible parking will be provided in accordance with the BCA/Australian Standards. GTA have confirmed that this is acceptable.

### **34. Bicycle Facilities (amended)**

Bicycle wayfinding, storage and end of trip facilities must be provided on-site in accordance with WDGP.

~~The~~ **Bicycle** storage and end of trip facilities must be **provided for employees and** located in a convenient and secure location in as close proximity to the retail areas as possible. Separate **bicycle storage** facilities must **also** be provided for use by ~~employees and~~ visitors to the Chatswood Chase development.

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

#### **Particulars**

- Amend to clarify that end of trip facilities will be provided for employees only and not visitors to the centre.

#### **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.***

#### **45. ~~Application for Vehicle crossing (delete)~~**

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

~~(Reason: Protection of public asset)~~

#### **Particulars**

- Duplicates **Condition 42**

#### **DURING DEMOLITION, EXCAVATION AND CONSTRUCTION**

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

#### **48. Hours of Work - General**

~~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)~~



*All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out:*

- (a) between 7:00am and 5:00pm, Mondays to Fridays inclusive; and*
- (b) between 7:00am and 12 noon, Saturdays; and*
- (c) no works is to be undertaken on Sundays and public holidays*
- (d) works may be undertaken outside of these hours where:*
  - (i) the delivery of materials is required outside of these hours by NSW Police or other authority(s);*
  - (j) it is required in an emergency to avoid loss of life, damage to property and/or to prevent environmental harm; and*
  - (k) variation is approved in advance in writing by Council*

#### *Hours of Work - Extended*

*Internal works may be undertaken outside of the approved hours are outlined in Condition 48, only after the completion of the external shell and the sealing of the entire floor (whether by permanent or appropriate temporary materials as defined by an acoustic engineer), during the following hours:*

- (a) between 5:00pm and 7:00am, Mondays to Fridays inclusive; and*
- (b) between 5:00pm Fridays and 7:00am, Saturdays; and*
- (c) no works is to be undertaken externally without the prior consent of Council;*
- (d) no material delivery or removal of waste must take place during the extended hours*
- (e) approval is not given for the use of any high noise intrusive plant and equipment other than hand operated power tools.*

#### **Particulars**

- We proposed that this condition be replaced with the standard approach to construction hours for state significant development. This will allow for internal works outside of approved hours without the requirement for a separate section 4.55 modification application.

### **86 Traffic Works – construction (Amend and move to Prior to Occupation)**

*Prior to ~~the issue of the relevant~~ occupation ~~certificate~~, the construction of the traffic management works, approved in accordance with condition ~~222-28~~ (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)*

#### Particulars

- Amend wording, remove irrelevant text.
- Wrong section of consent. Condition 86 should be moved to 'Prior to Occupation'.

#### **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

***The following conditions of consent must be complied with prior to the issue of an ~~an~~ the relevant occupation certificate. (amend)***

Amend the following conditions to read the 'issue of the final occupation certificate':

***Conditions 92- 103, 106-110, 111, 113, 126, 129, 130***

Amend the following conditions to read 'issue of the relevant occupation certificate':

***Conditions 89, 90, 104, 112, 114 -121, 124, 125, 127, 130-133***

#### **88. Access for the Disabled - Disability Discrimination Act (Amend)**

*The building/development must comply with the requirements of the Disability Discrimination Act Access to Premises Standard (2010).*

*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)*

#### Particulars

- Amend to reflect the correct reference to the Act and relevant technical standard.

#### **~~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)*~~

#### Particulars

##### **CJ Arms has advised:**

- This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a storm event. Council previously advised that it would not be feasible to prevent water ingress in this location due to the subsequent impact on surrounding properties.
- We would advise given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm that this condition is removed.

### 130. Acoustic Works – Report (Amend)

Prior to the issue of ~~any~~ **the relevant** 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 Leq85 dB(A).
- (d) Maximum allowable sound power levels for the two new cooling towers cooling fans shall be limited to Leq85 dB(A) for the cooling fan on top of the tower and to Leq75 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.
- (g) **Speakers playing amplified music on L4 should be located away from the edges of the building or directional speakers facing away from the edge of the building should be used. The number of speakers is limited to maximum 2 speakers per L4 outdoor area. Note we have assumed noise emissions from speakers to be max. 85dBA at 1m.**
- (h) **Min 2.4m high solid barriers to surround all outdoor areas except for the Southern side of L04 and L03. Barriers are an option to achieve compliance with the evening and night time requirements which would not be required if outdoor areas are not intended to be occupied during these times.**

(Reason: Amenity, environmental compliance and health)

#### Particulars

- **Condition** should be amended so that it allows for multiple occupation certificates.
- **Condition** should be amended so that it reflects all recommendations of the Noise Impact Assessment.

## **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.*

### **~~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)*

#### **Particulars**

- This condition is vague, is at odds with the existing situation and does not provide any certainty.
- The condition Contradicts requirements for no adverse impacts external to the site.

#### **CJ Arms – Consulting Engineers have advised:**

- This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Overland flow into the basement areas currently occurs through the Victoria Avenue entrance in a storm event.
- We would advise given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm that this condition be removed.

### **~~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)*

#### **Particulars**

- Delete Condition 145, duplicates 144.

### **~~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)*

#### **Particulars**

- Delete Condition 147, duplicates 146.

## **APPENDIX A – REVIEW OF PROPOSED FLOODING AND STORMWATER CONDITIONS**

## MEMORANDUM

Attention:	Libby Walsh	Copy to:	CA, VR, DW, JP
Company:	Vicinity	Date:	12/12/2018
From:	Will Barlow	Sent Via:	Email
Project:	<b>Chatswood Chase</b>	#Pages:	7
Subject:	<b>DA Flooding Conditions Review</b>	Reference:	14291 MM12

Libby,

Outlined below is CJ Arms assessment of the proposed conditions for the Chatswood Chase Shopping Centre redevelopment. Please review and advise of any queries.

### Consent Conditions

As discussed with Urbis we believe the following consent conditions 6a), 6b), 6c) and 6d) should all be reallocated to be addressed prior to the issue of a construction certificate, not under the conditions of consent. Many of these relate specifically to construction level details of which cannot be finalised until the design is further developed.

#### 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)

CJA Response:

This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the basement areas currently occurs through the Victoria Avenue entrance in a storm event.

Council previously advised that it would not be feasible to prevent water ingress in this location due to the subsequent impact on surrounding properties. The flood modelling confirms that if we prevent flood waters from entering the basement, the surrounding flood level increases and this has a detrimental impact on the surrounding area.

**We would advise given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm that this condition be removed.**

## 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)

CJA Response:

This has been previously submitted to Council. Refer CJ Arms 'Flood Modelling Report' submitted to Council on 17/09/2018. We believe this satisfies this condition.

## 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)

CJA Response:

This has been previously submitted to Council. Refer CJ Arms 'Flood Modelling Report' submitted to Council on 17/09/2018. We have not submitted 1 in 200, 1 in 500, 1 in 1000 and 1 in 2000 AEP flood events. These can be done but are all well above the planning requirement that considers flows up to and including 1 in 100 events. The inclusion of a freeboard allowance is generally used to accommodate these greater events. We have looked at the impact of climate change and impact this will have on the storm events and flooding.

The flood evacuation plan will consider what would happen in events greater than 1 in 100 year and provisions will be made in this document for these events.

There have been no prior discussions with Council regarding the PMF and we would view this requirement as excessive. There is no requirement with Council's DCP for assessments of the PMF, refer extract:

*'The FDM defined flood prone lands as lands affected by the Probable Maximum Flood (PMF), which is the largest flood that could physically occur in a location of interest. From the perspective of an urban council, it is not feasible or economically desirable to alienate land from development within the PMF.'*

*The Flood Planning Levels adopted for this policy is generally the 1% Annual Exceedance Probability (AEP) event, which is also sometimes loosely known as the 1 in 100 years Average Recurrence Interval (ARI) flood plus a freeboard. This freeboard is dependent upon the type of development, location, land usage, continuing risk, etc.'*

As such we recommend that requirements of the PMF are removed from this condition.

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)

CJA Response

No objections (we have complied with these conditions)



### **Prior to Issue of Construction Certificate**

#### **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)

CJA response:

This condition contradicts previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a 1 in 100yr storm event.

It has previously been discussed with Council that providing a pump with a design capacity equivalent to the 1 in 100 year ARI is not physically possible.

Council previously advised that it would not be physically feasible to provide pumps to cater for the Q100 storm event, given the high inflow rate.

We believe pumps are required, (and currently are used by Vicinity), but given the extraordinary circumstance, the pump out rate should be such that water can be removed from the basement in an acceptable period.

**We recommend the removal of conditions 13a) and 13d) as they cannot be physically provided.**



**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)

CJA Response:

This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a storm event. Council previously advised that it would not be feasible to prevent water ingress in this location due to the subsequent impact on surrounding properties.

We would advise given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm that the first paragraph of this condition is removed.

**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)

CJA response:

We do not believe Council intend to take ownership of both the OSD and Rainwater Reuse Tanks. These will be owned and operated by Vicinity

First paragraph should be reworded as follows:

*'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 **downstream of the legal point of discharge**'*

## **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)

CJA response:

This condition is contrary to previous discussions with Council as well as what was submitted in CJ Arms 'Flood Modelling Report' to Council on 17/09/2018. Water ingress into the Basement areas currently occurs through the Victoria Avenue entrance in a storm event. Council previously advised that it would not be feasible to prevent water ingress in this location due to the subsequent impact on surrounding properties.

**We would advise given previous discussions with Council regarding the design strategy to store overland flow in the event of a large storm that this condition is removed.**

## **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)

CJA Response:

No objections

## 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)

CJA Response:

No objections

Regards,



Will Barlow

*CJ Arms & Associates*

## **APPENDIX B – AMENDED ARCHITECTURAL PLANS**





A Precast concrete facade



B Precast concrete facade with open louvre pattern



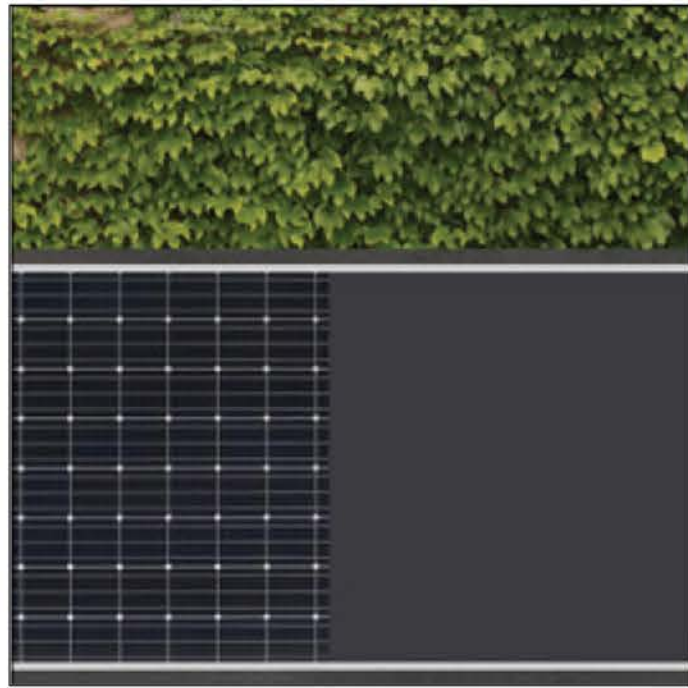
C Precast concrete facade with ribbed texture profile



D Glazed facade to circulation areas



E Glazed shopfront with steel frames



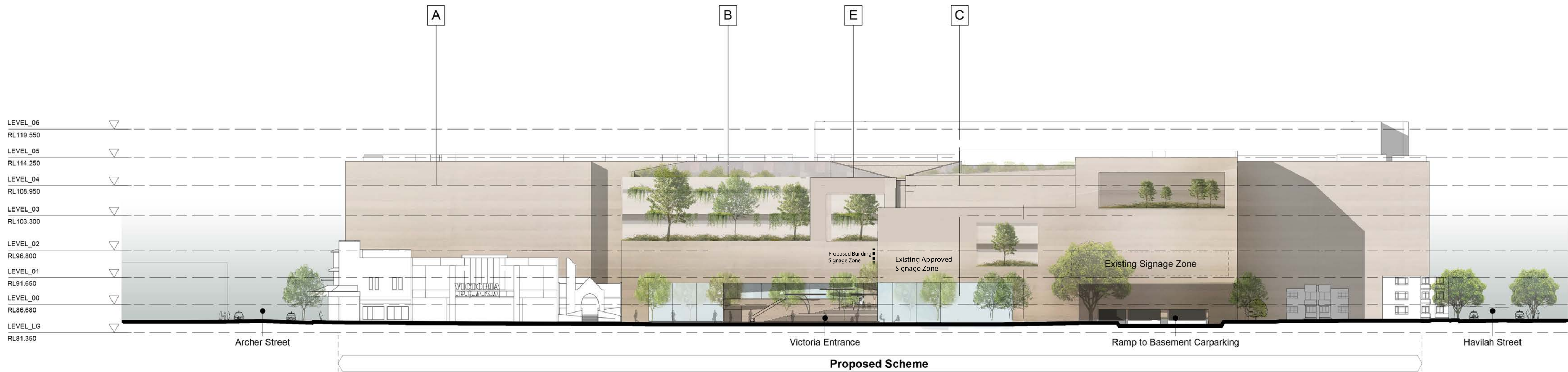
F Partially open facade with areas of photovoltaics



G Metal awnings

- General Notes
1. Dimensions are in millimetres unless stated otherwise.
  2. Levels are in metres above Australian Height Datum unless stated otherwise.
  3. Dimensions govern. Do not scale off drawing.
  4. Design drawings are based on 3rd party information. All dimensions to be verified on site before proceeding.
  5. All discrepancies to be notified in writing to Make (AU) Limited.
  6. Make (AU) Limited is the owner of the copyright for these drawings and designs. They must not be used, reproduced or copied without the prior written consent of the company.
  7. These drawings and areas have been prepared for our client, Vicinity Centres, and are approximate only and have been measured from preliminary drawings. Construction tolerances, workmanship and design by others may affect the stated areas and dimensions. The building may present anomalies in relation to surveyed/drawn plans that may also affect the stated areas. All of these factors should be considered before making any decisions on the basis of these predictions, to project viability, pre-letting, lease agreements or otherwise, and should include due allowance for the increases and decreases inherent in the design development and construction processes.
  8. Areas to be verified by surveyor.
  9. Please refer to Landscape Architects drawings for landscaped areas.

Nominated Architect  
Simon Lincoln NSWARB 10236  
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00	27.07.18	For information	JC
01	01.08.18	For information	JC
02	06.08.18	For information	JC
03	12.11.18	For information	JC
04	14.11.18	For information	JC
05	30.11.18	For information	JC
06	12.12.18	For information	JC
REV	Date	Reason For Issue	Chk

DRAWING STATUS

**make**

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Sydney, NSW 2000

tel +61 (0) 283 168 950

info@makearchitects.com  
www.makearchitects.com

Client

Vicinity Centres



Site Plan

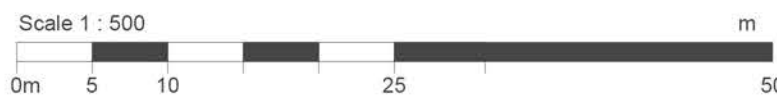
Project

**Chatswood Chase**

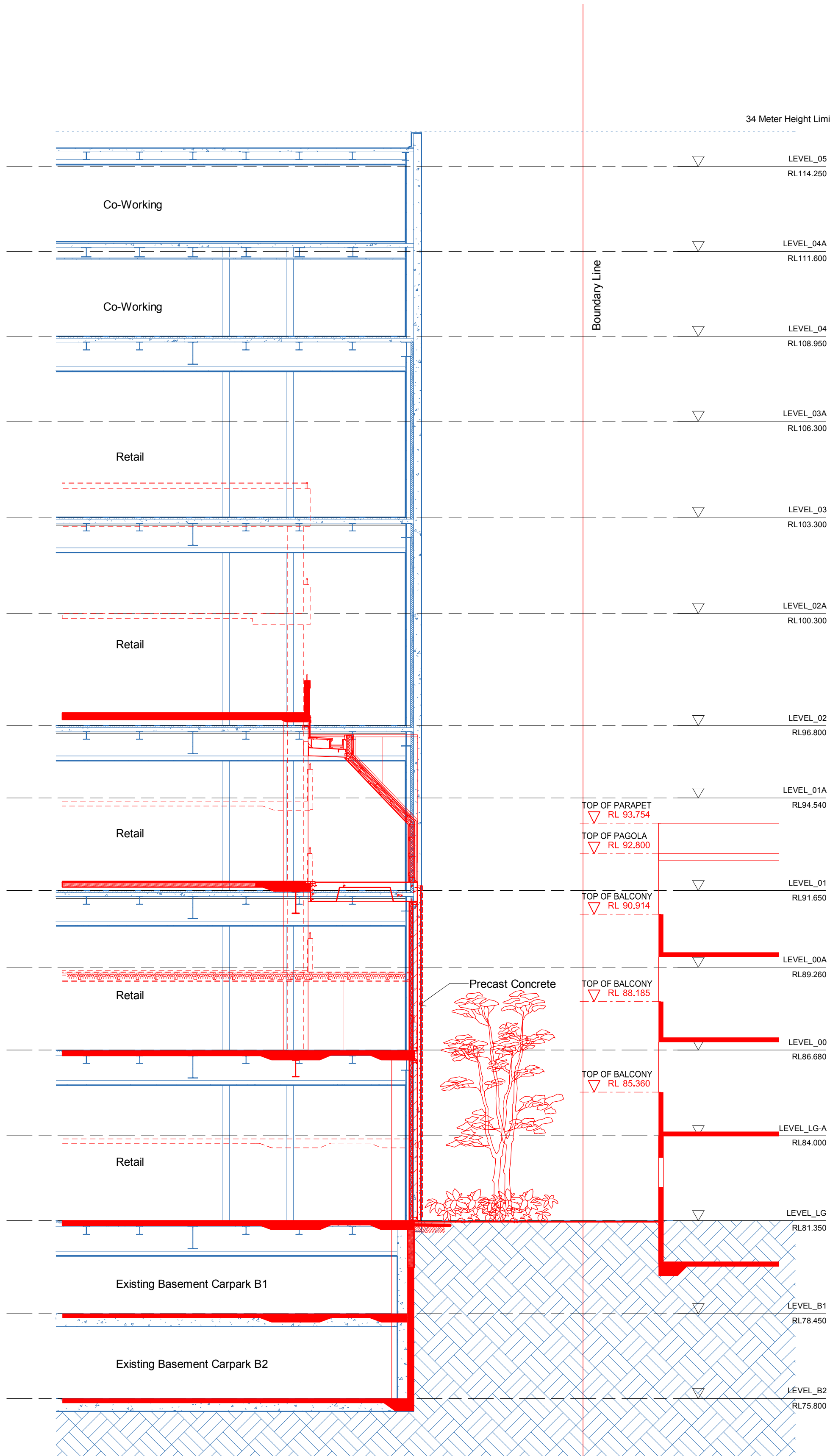
Drawing Title

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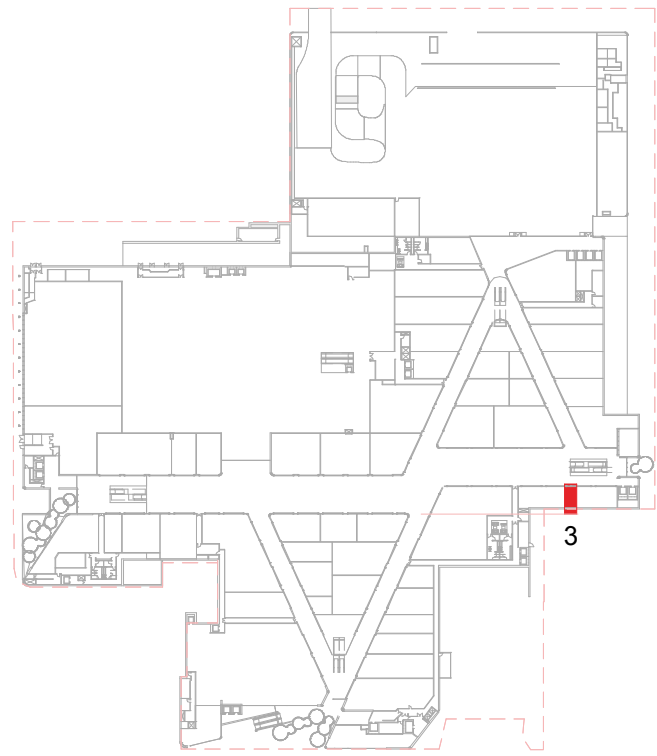
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Project No. 1506	Rev No. 06
Drawing No. DA2202	







03 Section 03 - Eastern Boundary Condition  
1 : 100



- General Notes
1. Dimensions are in millimetres unless stated otherwise.
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8. Areas to be verified by surveyor.

9. Please refer to Landscape Architects drawings for landscaped areas.

Nominated Architect  
Simon Lincoln NSWARB 10236  
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- Proposed  
Existing

00	27.07.18	For information	JC
01	31.07.18	For information	JC
02	12.12.18	For Information	JC
REV	Date	Reason For Issue	Chk

DRAWING STATUS

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info@makearchitects.com  
www.makearchitects.com

Client

Vicinity Centres

Project

**Chatswood Chase**

Drawing Title

**Wall Sections**

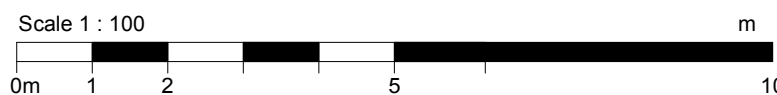
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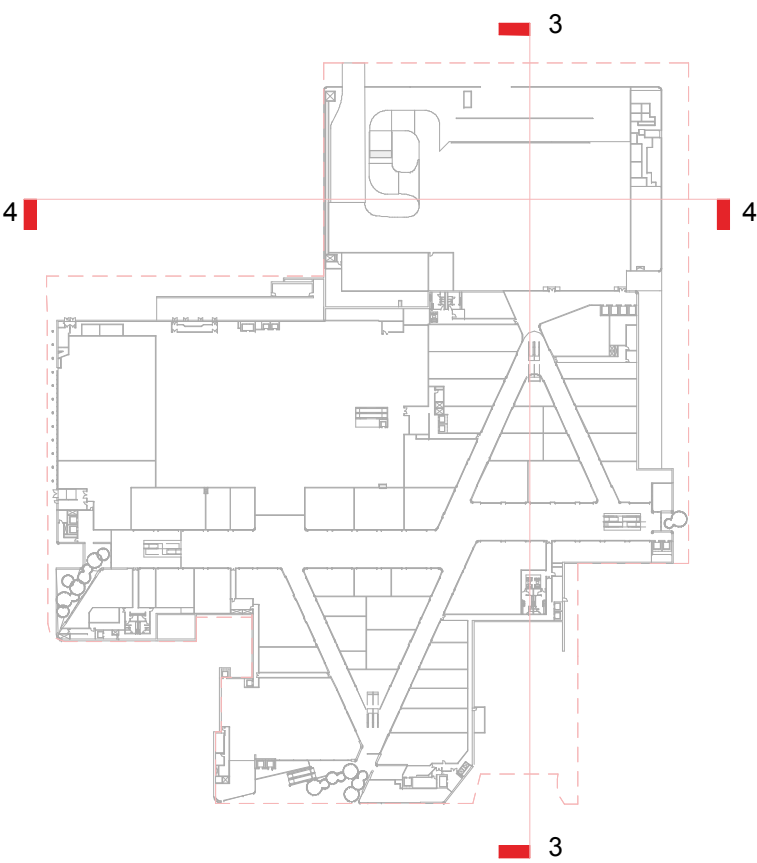
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05/25/18

Project No.  
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Rev No.  
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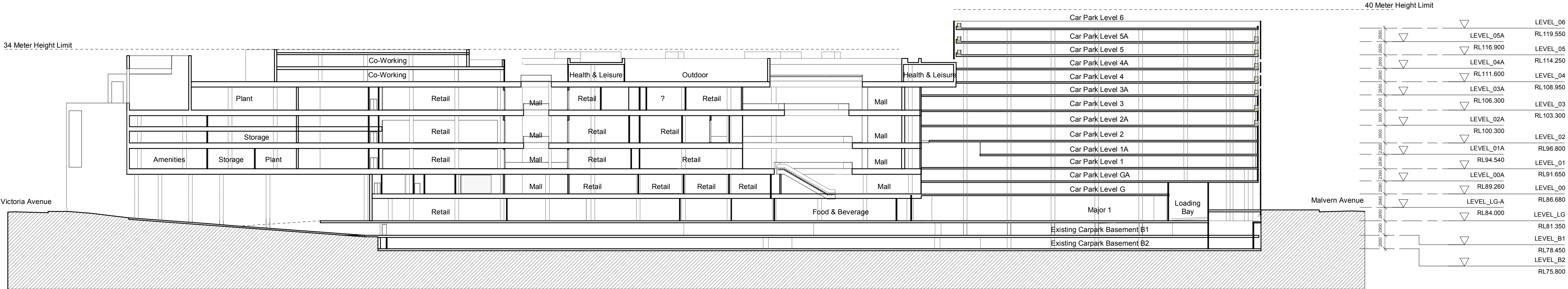
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- General Notes
1. Dimensions are in millimetres unless stated otherwise.
  2. Levels are in metres above Australian Height Datum unless stated otherwise.
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  9. Please refer to Landscape Architects drawings for landscaped areas.

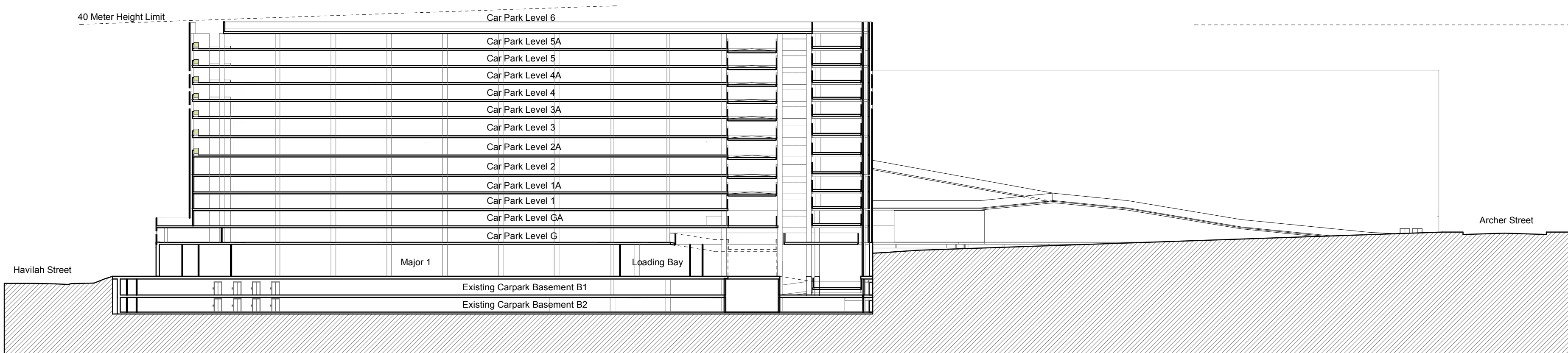
Nominated Architect  
Simon Lincoln NSWARB 10236  
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LEVEL_05A	RL116.900
LEVEL_05	RL114.250
LEVEL_04A	RL111.600
LEVEL_04	RL108.950
LEVEL_03A	RL106.300
LEVEL_03	RL103.300
LEVEL_02A	RL100.300
LEVEL_02	RL96.800
LEVEL_01A	RL94.540
LEVEL_01	RL91.650
LEVEL_00A	RL89.260
LEVEL_00	RL86.680
LEVEL_1G-A	RL84.000
LEVEL_1G	RL81.350
LEVEL_B1	RL78.450
LEVEL_B2	RL75.800

## 1 Section 3-3

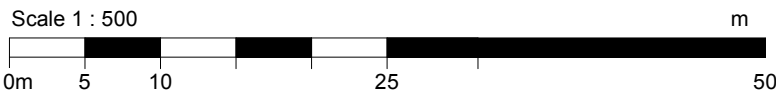
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LEVEL_03	RL103.300
LEVEL_02A	RL100.300
LEVEL_02CP	RL97.300
LEVEL_01A	RL94.540
LEVEL_01CP	RL91.910
LEVEL_00A	RL89.260
LEVEL_00CP	RL86.650
LEVEL_1G-A	RL84.000
LEVEL_1G	RL81.350
LEVEL_B1	RL78.450
LEVEL_B2	RL75.800

## 2 Section 4-4

1 : 500



00	31.07.18	For information	JC
01	23.11.18	For Information	JC
02	12.12.18	For Information	JC
REV	Date	Reason For Issue	Chk

### DRAWING STATUS

**make**

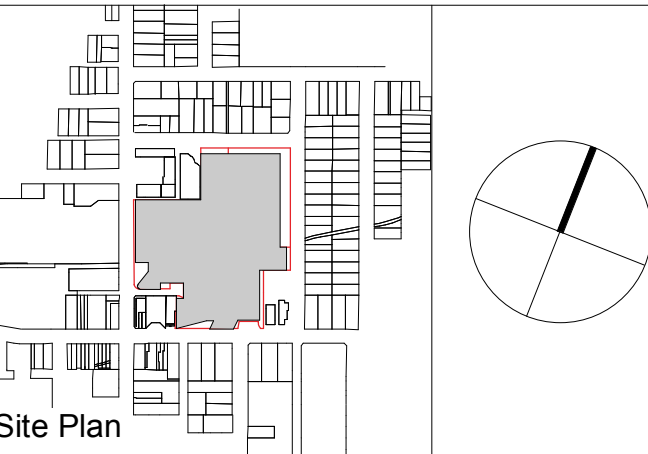
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Client

Vicinity Centres



Site Plan

Project

Chatswood Chase

Drawing Title

Proposed Sections

Scale at A1  
As indicated

Date  
04/16/18

Project No.

1506

Rev No.

02

Drawing No.

DA2301

## **APPENDIX C – REVIEW OF TRANSPORT CONDITIONS**



## Transport Engineering

REF: N1583900

DATE: 13 December 2018

Urbis  
Tower 2, Level 23, Darling Park  
201 Sussex Street  
Sydney NSW 2000

**Attention: Jacqueline Parker**

Dear Jacqueline,

**RE: DA-2017/503 — 345 VICTORIA AVENUE, 12-14 MALVERN AVENUE AND 5-7 HAVILAH STREET  
CHATSWOOD – DEFERRED COMMENCEMENT CONDITIONS**

GTA Consultants response to specific traffic, transport and parking matters contained in Willoughby Council Deferred Commencement Conditions, DA-2017/503 for Chatswood Chase.

### ***PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***

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

1. Amendments

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

- 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.

**GTA Response:**

Given a range of factors including our assessment of existing usage rates for the various users of Chatswood Chase, travel mode share for Chatswood generally and allowing for a future shift in travel behaviour, we request select modifications to the above conditions of consent.

b) The transport assessment applied the WDCP rates for motorcycle parking to the additional parking provision. Such an approach is both robust and appropriate given site observations of existing demand, together with GTA's knowledge of motorcycle use in large retail shopping centres. The increase in the rate of provision will also be able to accommodate any such increase in future demand. We request that this condition be amended to reflect the quantum of motorcycle parking included as part of the DA.

c) The transport assessment referenced the WDCP accessible parking requirement and the Building Code of Australia (BCA). The BCA is widely referenced as an accurate source of accessible parking rates for a range land uses. The provision of 52 accessible parking spaces exceeds the BCA requirement and considers both the type and scale of the site together with existing demand. With these accessible spaces located close to centre

accesses and lifts, there will be a range of accessible parking spaces available for use throughout the car parking areas. We request that this condition be amended to reflect the quantum of accessible parking included as part of the DA.

d) the AIMSUN model has been run for two post development scenarios on Malvern Avenue; one with and one without parking on the southern side of Malvern Avenue.

The metrics show that retaining this parking results in a significant reduction in average speed for vehicles associated with the centre. Queuing internal to the centre also increases while the operation of the Archer Street/ Malvern Avenue signalised intersection (especially in the Saturday model) declines.

In order to facilitate the safe and efficient movement of vehicles in and out of the centre and to minimise impacts on Archer Street traffic more broadly, the transport assessment recommended minor modifications to parking on Malvern Avenue. This included the removal of three parking spaces on the northern side (between 9am and 6pm weekdays and 9am and 3pm weekends) and three spaces on the southern side (between 4pm and 7pm weekdays and 11am and 3pm weekends). These periods would not significantly impact the continued operation of the commercial properties fronting Malvern Avenue nor the school set-down/ pick-up periods.

Overall, the removal of parking during peak hours will improve the function of Malvern Avenue for all users, including the school.

e) Provision of 799 bicycle racks and lockers is excessive. The transport assessment included a detailed assessment of existing bicycle facilities and corresponding usage, with an average of 10 per cent demand across the existing 58 bicycle racks. This included zero demand by staff. The proposal includes provision of an additional 322 bicycle racks and lockers and represents a significant proportional increase over existing facilities. When combined with the existing 58 spaces, the post development provision is 380 spaces.

The transport assessment also referenced travel mode surveys completed at the centre which confirmed zero existing travel by bicycle. Clearly demand for bicycle facilities by both customers and staff is low. Accounting for a five per cent increase in travel by bicycle, demand would amount to less than 180 users which represents 47 per cent of the proposed provision. Even accounting for a significant shift in usage rates that would also rely on a corresponding shift in travel mode share for Chatswood more broadly, the proposal far exceeds likely and aspirational future demand. Clearly, provision of 799 bicycle racks and lockers would result in a significant surplus and underutilisation.

We request that this condition be amended to reflect the quantum of bicycle facilities included as part of the DA.

## 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.*

**GTA Response:**

These intersection treatments and pedestrian facilities form part of the existing Victoria Avenue/ Neridah Street/ centre access signalised intersection layout. Given that the AIMSUN model has also been supported by Roads and Maritime and Council we request that this condition be removed.

***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.*

**GTA Response:**

The majority of these intersection treatments and pedestrian facilities form part of the existing Archer Street/ centre access layout. These arrangements will be retained noting agreement to the following:

- extend the existing Archer Street concrete median as specified
- reinstate a no right turn sign on the east side of Archer Street facing northbound traffic
- provide left only signs as specified facing traffic existing the site.

Yours sincerely

**GTA CONSULTANTS**

**Rhys Hazell**  
**Associate Director**