

18 December 2018

Mr Peter Debnam  
Chair  
Sydney North Planning Panel  
c/o The Secretariat  
enquiry@planningpanels.nsw.gov.au

Dear Mr Debnam,

**Re: Chatswood Chase – 345 Victoria Ave, 12-14 Malvern AVE & 5-7 HAVILAH STREET, CHATSWOOD – DEVELOPMENT APPLICATION NO. 2017/503**

I write in advance of the scheduled Sydney North Panel meeting relating to the above matter. Vicinity Centres seeks to make Panel members aware of the existing flood scenario affecting the site and the lengths we have gone to, to seek a resolution of this matter with Council's engineers for the purposes of the current development application. This matter will be addressed in detail in our presentation to the Panel on Wednesday 19<sup>th</sup> December.

## Existing Scenario

- The 1 in 100 year flood event generates such overland flow along Victoria Avenue that it currently results in inundation of the basement levels B1 and B2 of Chatswood Chase Shopping Centre. This scenario is consistent with current approvals on the site. Currently, approximately 150mm of flood storage for the purposes of a 100 year event is provided across each of the two basement levels, detaining flood waters that would otherwise impact downstream properties.
- Chatswood Chase has an existing flood risk management plan which is implemented in the case of likely or actual site inundation, to protect against risk to life and property. This is a commercial risk which is borne by Vicinity Centres despite being generated by flood conditions outside the subject site.

## The Proposal

- The proposal being considered by the Panel does not seek to change the current situation. No works are proposed to the Victoria Avenue car park entry, where the flood overspill occurs. The development proposal itself does not worsen or change the existing flood condition in the public domain. The flood condition within the basement continues to result from deficient storage and flood management by Council within the public street network.
- Following submission of detailed flood analysis in September 2018, Vicinity has sought on numerous and regular (fortnightly) occasions to meet with Council's engineers, and its consulting engineer, to seek a resolution on this matter. None of the requests by Vicinity were responded to by Council and no meetings were held until Monday 17<sup>th</sup> December (yesterday).
- In that last-minute meeting on 17<sup>th</sup> December, Council advised that
  - it will not allow prevention of the 100 year storm inundation into the basement car park (through mechanisms such as flood gates) as this will affect downstream properties;

- it requires Vicinity to continue to make provision for flood storage on site up to the 100 year event, however that water capacity (equivalent to approximately 7,500-8,000m<sup>3</sup>) needs to be tanked. This new tanking accommodation is a significant cost impost on the proposal and is caused by an externality to the site.
- Vicinity must prevent any further inundation of the basements for all flood events above the 100 year event to the PMF, but without affecting downstream properties. It is noted the PMF is not defined, and for this reason it is not a planning assessment consideration.
- In our view, Council's flooding requirements do not reasonably relate to the proposal as no change in the external flood scenario arises from the current development application. As such, there is no power under the EP&A Act to impose such onerous, unreasonable and open-ended conditions on this application to address all flood events over the 100 year ARI.
- I reiterate that Vicinity has consistently sought to work with Council to address the existing flood conditions, and that Vicinity is happy to continue to provide flood storage to provide for a 1 in 100 year event, at its own commercial risk. However, any changes to on-site flood storage from the existing situation or any works to prevent or manage flood levels up to the PMF are onerous, unreasonable and outside the scope of what can reasonably be required of this proposal. In our opinion, along with our attempts to resolve this issue with Council, Vicinity has more than adequately addressed these issues in the Statement of Environmental Effects (including the Addendum) and also the very detailed technical reports prepared by CJ Arms & Associates.

Essentially, resolution of the proposed flooding management strategy is at an impasse, Council has not responded to our approaches to discuss and resolve this issue during the assessment period, and we seek the Panel's independent determination on the reasonableness of these requirements in light of the information which has been provided by Vicinity in support of the development application.

I look forward to discussing this matter with you and the Panel members on Wednesday 19 December 2018.

Yours sincerely,



**David Waldren**  
National Head of Design  
Vicinity Centres

CC            cc Willoughby City Council  
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