

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	Attachment 1 – SNPP Record of Deferral dated 19 December 2018 Attachment 2 – Rhelm Independent Hydraulic Review Attachment 3- Council 03 April 2019 draft conditions Attachment 4 – Urbis letter dated 11 April 2019
Report prepared by	MARK BOLDUAN
Report date	17/04/2019

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?

N/A

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?

N/A

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?

Yes

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

SUPPLEMENTARY SNPP REPORT

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

SNPP NO: 2018SNH002
COUNCIL WILLOUGHBY CITY COUNCIL
ADDRESS: 345 VICTORIA AVENUE, 12-14 MALVERN AVENUE
AND 5 HAVILAH STREET, CHATSWOOD NSW 2067
DA NO: DA-2017/503
PROPOSAL: DEMOLITION OF 2 COMMERCIAL BUILDINGS,
RECONSTRUCTION AND EXPANSION OF CHATSWOOD
CHASE SHOPPING CENTRE.
ATTACHMENTS: 1. SNPP RECORD OF DEFERRAL DATED 19
DECEMBER 2018
2. RHELM INDEPENDENT HYDRAULIC REVIEW
3. DRAFT COUNCIL CONDITIONS
4. URBIS LETTER DATED 11 APRIL 2019 AND
ATTACHMENTS
RESPONSIBLE OFFICER: RITU SHANKAR (TEAM LEADER)
AUTHOR: MARK BOLDUAN (DEVELOPMENT CONSULTANT)
DATE: 17-APR-2019

LOCATION: 345 VICTORIA AVENUE, 12-14 MALVERN AVENUE AND
5 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
DATE OF LODGEMENT: 21-DEC-2017

1. PURPOSE OF REPORT

The purpose of this report is to:

- Advise the Sydney North Planning Panel (SNPP) of the progress of matters required to be negotiated pursuant to the Record of Deferral dated 19 December 2018; and
- Set out the matters still not agreed with the applicant.

2. BACKGROUND

The subject Development Application was originally considered at the SNPP public meeting on 19 December 2018. SNPP ordered the parties to:

- Seek agreement regarding outstanding issues of disagreement; and

- Engage an independent hydraulic expert to undertake peer review of flood conditions and to assist the parties toward agreement.

Council was then to submit a revised set of agreed conditions. SNPP would then determine the DA by electronic means. SNPP requested that the revised conditions be lodged by 31 January 2019. A copy of the SNPP Record of Deferral dated 19 December 2018 is attached (Attachment 1).

As the date of this report, some issues have been resolved with the applicant and others remain outstanding, as set out below.

3. FLOOD CONDITIONS

On 10 January 2019, Council and the applicant agreed to appoint Rhelm as independent flood expert.

Between 23 January 2019 and 1 March 2019, a series of meetings, on-site inspections, teleconferences and emails between Rhelm, Council, Council's external flood consultant (Scott Button of Lyall and Associates), the applicant and the applicant's external flood consultant (Vince Russo of CJ Arms) followed. At the end of this process, the parties were substantially in agreement about proposed flood measures.

On 8 March 2019, Rhelm sent a final Independent Hydraulic Review dated March 2019 (the Rhelm Report), including recommended flood conditions, to all parties. A copy of the Rhelm Report is attached (Attachment 2). The flood conditions recommended by Rhelm are contained at pages 52-55. A summary of the key features of the flood management concept is set out on page 51 of the Rhelm Report as follows:

- *Flood gates on the car park entry to the B1 and B2 levels – these gates activate after the 1%AEP flood event flows to allow flow depths of less than 0.2 m into the basement and minimise flood impacts on adjacent properties, in accordance with Council's requirement to consider impacts up to the 1%AEP event. Actions within a Flood Emergency Response Plan will seek the safe evacuation of any persons within the basement when flood flows enter the basement.*
- *A formal flood diversion channel/conduit that will convey flows through the proposed building to discharge to Havilah Street – this channel/conduit will operate in events greater than a 1%AEP flood event (when the flood gates activate) and up to the 0.05%AEP (1 in 2000 year event)*
- *For events greater than the 0.05%AEP, a wall along the channel will overtop and flood flows in excess of the diversion will enter the carpark up to a depth of approximately 0.6 m in B2. Actions within a Flood Emergency Response Plan will seek the safe evacuation of any persons within the basement in this extreme situation.*
- *Other modifications to related facilities including:*
 - *Mills Lane – flood protection works will be required to prevent ingress of flood flows via the Mills Lane loading dock.*
 - *Energy dissipation works at the outlet of the flood diversion conduit to Havilah Street*

- *Modification of stair access to the Victoria Avenue loading dock.*

The Rhelm conditions appeared to incorporate most of Council's requests and Council was satisfied with those conditions. Subsequent to 8 March 2019, a delay ensued because of the need to address the issue of ensuring acceptable pump out of floodwater without adding pollution to stormwater. This was not considered in the Rhelm draft conditions. Council referred this matter to its external flood consultant. On 3 April 2019, Council engineers provided an updated set of draft conditions which incorporated the Rhelm conditions and also those pertaining to the issue of pump out of floodwater. A consolidated set of amended conditions were sent to the applicant on the same day (Attachment 3).

On 11 April 2019, the applicant's planner sent a letter to Council, which contained its comments on the draft conditions and included a letter from Rhelm dated 9 April 2019 (Attachment 4). The applicant suggested amendments to Council's proposed conditions pertaining to the issue of pump out of floodwater.

The pump out solution drafted by Council's engineers required at least two submersible type pumps with associated sump and holding tank. A treatment system is required (but not specified) to ensure the quality of the water being pumped from the basements to stormwater (Scotts Creek). Rhelm has recommended using a portable treatment system that can be deployed by a suitable contractor to allow for treatment of water entering the stormwater system. Rhelm argues that holding tanks and permanent pumps would therefore not be required.

Council's engineers are currently formulating a response to those suggestions in consultation with Rhelm.

4. LANDSCAPE PLANS

On 15 March 2019, the applicant lodged an amended landscape plan with a new planting palette. Council's landscape officer has confirmed that these amended plans are acceptable. The amended landscape plans will therefore part of the schedule of approved plans and the former condition requiring lodgement of further landscape plans will be deleted.

5. SIGNAGE

Council has agreed that the signage zones indicated on the elevations will remain in place and that specific signage will be the subject of a separate DA. The former condition requiring lodgement of signage plans as part of the current DA will therefore be deleted.

The issue of the elevations is subject to SNPP's requirements for a redesign, as discussed below.

6. DEMOLITION PLANS

On 21 January 2019, the applicant lodged amended demolition plans. These amended plans are acceptable. The amended demolition plans will therefore part of the schedule of approved plans and the former condition requiring lodgement of plans will be deleted.

7. ELEVATIONS

In the Record of Deferral dated 19 December 2018, SNPP specifically required the applicant to attempt to resolve the concerns of Council related to the proposed elevations. These concerns were focussed on the lack of articulation, particularly on the northern and eastern elevations.

SUPPLEMENTARY SNPP REPORT

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

The applicant has attended further meetings with Council to discuss Council's requirements for the elevations. Various designs have been considered.

Council's Urban Design officer agreed to the applicant's proposed design on the northern and eastern elevations, but not the multi-level car park on the north-eastern corner of the development. These different areas are indicated in the extracts below.

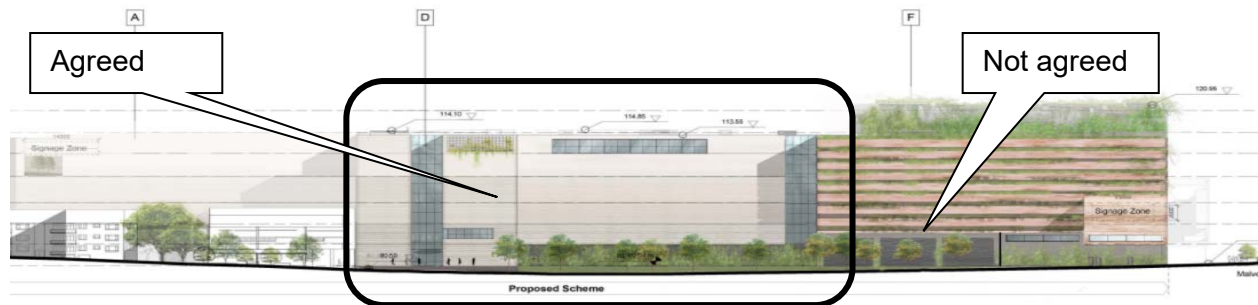


Figure 1: Eastern elevation

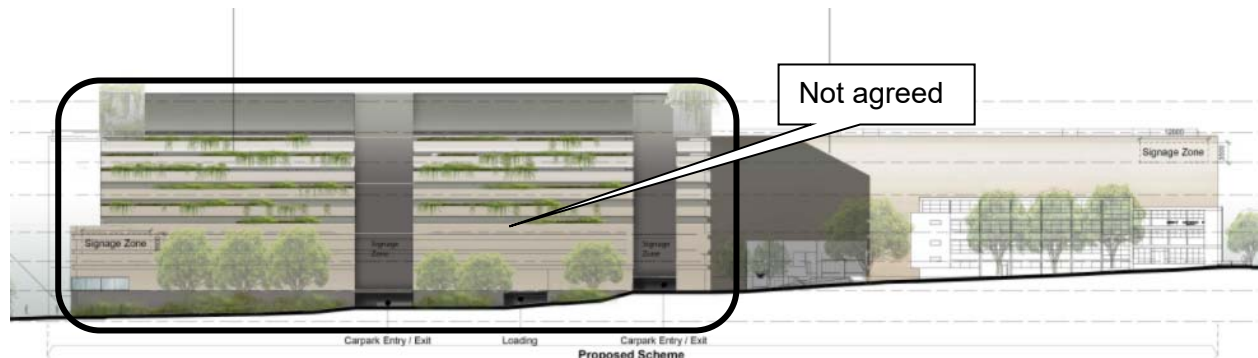


Figure 2: Northern elevation

The materials agreed to are shown in the photographs below. The lower levels will present with a split face precast textured material (see Photograph 1 below). This will grade up to a smoother finish at higher levels (see Photograph 2 below).

Notwithstanding the above, at the SNPP briefing on 3 April 2019, SNPP expressed its dissatisfaction with the direction being taken with the above elevations and set down a new meeting date for 30 April 2019 to further consider the matter.



Photograph 1 – lower levels



Photograph 2 – upper levels

In respect to the car park elevations, a number of proposals have been put forward by the applicant. The applicant has emphasised its intention to reference the 'Ku-ring-gai National Park' theme in the design. Council's Urban Design officer has provided suggestions about how to achieve this. However, the designs that have been suggested do not acceptably reference the Ku-ring-gai landscape and are not sufficiently varied.

8. AWNINGS

The applicant has provided some conceptual diagrams of the awnings to be provided. The discussions between Council and the applicant have focussed on the amount of coverage to be provided by the awnings. Council desires to ensure that the awnings will provide consistent coverage so as to enable pedestrians to remain dry during rain. Final plans indicating sufficient coverage have not yet been provided or agreed to.

9. PARKING

Condition 4 of the draft conditions contained in the Council's original report to the SNPP stated:

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

- a)
- 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)

In its letter dated 11 April 2019, the applicant has requested that this be amended to:

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

- a)
- b) *The proposed development is to include 32 additional motorcycle spaces.*
- c) *A minimum of 52 car spaces must be accessible in accordance with Clause C6.2.2 WDCP.*
- d)

A letter of support dated 11 April 2019 from GTA Consultants was provided (included in Attachment 4).

This is still being considered by Council.