

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-12 - Willoughby
DA Number	DA2018/158/A
LGA	Willoughby City Council
Proposed Development	S4.55 – change to built form of hotel and office development – modification to Conditions 1, 1A, 8, 10, 65, 71, 82, 102A and imposition of new Conditions 15B, 102B and 102C.
Street Address	475-501 Victoria Avenue, Chatswood
Applicant/Owner	Cromwell Diversified Property Trust/ Cromwell BT Pty Ltd
Date of DA lodgement	26 June 2019
Number of Submissions	Nil
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>SEPP (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development</i> • <i>SEPP 55 – Remediation of Land</i> • <i>SEPP (Vegetation in Non-Rural Areas) 2017</i> • <i>SEPP 64 – Advertising and Signage</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan</i> • <i>Chatswood CBD – Planning and Urban Design Strategy</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Assessment Report • Schedule of Conditions • Site Description and Aerial Photo • Controls, Referrals & Development Statistics • Section 4.55(2) Assessment • Section 4.15 (79c) Assessment • Notification Map
Report prepared by	Mark Bolduan (Development Planner)
Report date	03 December 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? **Yes**

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Have draft conditions been provided to the applicant for comment?

No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

SNPP NO: PPSSNH-12 - Willoughby
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 475-501 VICTORIA AVENUE, CHATSWOOD NSW 2067.
DA NO: DA-2018/158/A
PROPOSAL: SNPP - S4.55(2) MODIFICATION SEEKING INTERNAL AND EXTERNAL ALTERATIONS TO THE APPROVED HOTEL AND OFFICE DEVELOPMENT INCLUDING A STEPPED BUILT FORM TO THE WEST; ADDITIONAL THREE (3) LEVELS WITH NO OVERALL INCREASE IN THE HEIGHT; RELOCATION OF SWIMMING POOL AND RECONFIGURATION OF GROUND FLOOR LOBBY FOR THE HOTEL BUILDING. RECONFIGURATION OF OFFICE BUILDING WITH ADDITIONAL FLOOR SPACE WITH NO INCREASE IN HEIGHT.
RECOMMENDATION: APPROVAL/REFUSAL/DEFERMENT
ATTACHMENTS:

1. SCHEDULE OF CONDITIONS
2. SITE DESCRIPTION AND AERIAL PHOTO
3. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
4. SECTION 4.55(2) ASSESSMENT
5. SECTION 4.15 (79C) ASSESSMENT
6. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR (TEAM LEADER)
AUTHOR: Mark Bolduan - Development Assessment Officer - Consultant
DATE: 03-DEC-2019

1. PURPOSE OF REPORT

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

1. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) approve the modification to the development subject to the attached conditions and issue consent for the application DA-2018/158/A for S.4.55(2) modification seeking internal and external alterations to the approved hotel and office development including a stepped built form to the west; additional three levels with no overall increase in the height; relocation of swimming pool and reconfiguration of ground floor lobby for the hotel building. Reconfiguration of office building with additional floor space at 475-501 Victoria Avenue, Chatswood NSW 2067.

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

2. EXECUTIVE SUMMARY

The proposal seeks consent for amendments to the hotel and office building that were approved under Development Consent No 2018/158. The primary changes include a reconfiguration to the eastern side of the hotel to introduce a stepped built form; an increase in the number of storeys in the hotel, but with no increase in the height; an increase in the floor area of the top floor of the office building; and a modest reduction in the number of basement parking spaces.

The proposed modifications are considered to be of a relatively minor environmental impact and compliant with Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 (*EP& A Act*). The modified proposal is substantially the same development as the development for which consent was originally granted.

The application was on notification for public comment from 8 July 2019 to 29 July 2019 and **no** submissions were received.

Subject to Conditions, approval is recommended for the reasons set out in this report.

3. BACKGROUND

DA-2018/158 was approved by SNPP on 27 March 2019. The approved development comprised:

Office Building:

Demolition of the existing two storey commercial building and erection of a new four storey office building comprising office space and trafficable rooftop terrace at the Victoria Avenue frontage.

Hotel Building:

Demolition of an existing retail tenancy and erection of a 15-storey hotel development, comprising a two storey podium with 13-storey tower above at the Brown Street frontage as follows:

- Ground Level - Hotel lobby and reception on Brown Street frontage and through-block link; admin and staff office space; restaurant including outdoor dining area; lift access, plant area and amenities.
- Level 1 - Lap pool and gymnasium for hotel guests; three conference spaces; outdoor terrace; lift access, plant area and amenities.
- Levels 2-14 - 10 rooms and two suites on each level totalling 156 hotel rooms including six accessible rooms/suites.

Public Domain:

The public domain works included landscaping and refurbishment of through-site link with removal of 17 significant trees and replacement planting of five trees; new landscaped planters; new public furnishings and seating areas; new water features to mark the entrance from the through-site link to the hotel and installation of new public bicycle parking (14 spaces) and feature pavement treatment. In addition to the public domain works, a small 20m² retail tenancy/ 'coffee pod' with associated seating area was approved at the ground level on the Brown Street frontage.

Basement Car Park:

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

The approval included retention of the existing three-level basement car park accessed via Brown Street with alterations and additions comprising structural elements, services, and lift cores to reduce the existing 365 parking spaces to 291 spaces. In addition, Level 1 of the basement provided parking for 98 bicycles, change rooms (9 showers), and lockers (98 units).

4. DESCRIPTION OF PROPOSED MODIFICATION

Hotel

- Stepped built form, with increasing setbacks on the eastern side of the building at Levels 6, 10 and 14;
- An increase in number of levels from 15 to 18;
- A reduction in the floor to floor height from 3.6m to 3m on each floor;
- A reduction of 0.45m in the total building elevation from RL 167.48 to RL 167.03;
- A reconfiguration of the hotel rooms and increase in the total number of rooms from 156 to 159;
- New roof top recreation area (Level 18), with swimming pool (relocated from Level 1) bar and gym;
- Ground floor lobby reconfigured to include feature stair and void to Level 1.

Office

- Deletion of single storey extension on north-western corner and replacement with landscaping (giving effect to Condition 1A);
- Expansion of office space on rooftop (Level 4) and corresponding reduction in roof terrace area.

General

- An increase in the total GFA for the site from 36,556m² (FSR 6:1) to 37,149m² (FSR 6.15:1)
- A reduction in the overall site coverage from 74% to 72%;
- An increase in deep soil landscaping from 186m² to 306m²;
- Reduction in total car parking bays from 291 to 281;
- Deletion of Condition 71 and amendment of Conditions 10 and 65 (requiring reconstruction of road pavement, kerb and gutter);
- An amendment to Condition 82 to reflect the reduction in car parking spaces;
- Deletion of Condition 102A (which prohibits office use at the Ground Floor Victoria Avenue frontage in the south-west corner of the site).

5. CONCLUSION

Assessment has shown that likely adverse effects to the present and likely future amenity of the locality are not of such an extent as to warrant refusal.

The Section 4.55 (2) application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP* and other relevant codes and policies. Based on the assessment above, the proposed development is considered to be acceptable and approval is recommended.

ATTACHMENT 1:**SCHEDULE OF AMENDED CONDITIONS****Development Consent 2018/158 be modified as follows:****A. Modification to Description**

Demolition of existing two (2) storey commercial building and erection of a new five (5) storey commercial building comprising office space and trafficable roof top at Victoria Avenue frontage and demolition of existing retail tenancy and erection of eighteen (18) storey hotel at Brown Street frontage, refurbishment of existing through-site link, landscaping and associated works.

B. The following Conditions are modified to read as follows:**1. Approved Plan/Details**

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

Type	Plan No.	Revision / Issue No	Plan Date (as Amended/ Received on)	Prepared by
Architectural Plans – As amended to address Condition 1A	Q3294_DA0002	A	19.03.2018	Nettleton Tribe
	Q3294_DA0101	A	19.03.2018	
	Q3294_DA0102	A	19.03.2018	
	Q3294_DA0103	A	10.01.2019	
	Q3294_DA0105	A	13.11.2018	
	Q3294_DA0106	A	13.11.2018	
	Q3294_DA0107	A	19.03.2018	
	Q3294_DA0108	A	19.03.2018	
	Q3294_DA0109	A	13.11.2018	
	Q3294_DA0201	A	19.03.2018	
	Q3294_DA0202	A	19.03.2018	
	Q3294_DA1105	A	19.03.2018	
	Q3294_DA1106	A	19.03.2018	
	Q3294_DA1107	A	19.03.2018	
	Q3294_DA1108	A	19.03.2018	
	Q3294_DA1109	A	19.03.2018	
	Q3294_DA1115	A	19.03.2018	
	Q3294_DA1201	A	19.03.2018	
	Q3294_DA1202	A	19.03.2018	
	Q3294_DA1205	A	19.03.2018	
	Q3294_DA1206	A	19.03.2018	
	Q3294_DA1207	A	19.03.2018	
	Q3294_DA1208	A	19.03.2018	
	Q3294_DA1301	A	19.03.2018	
	Q3294_DA1302	A	19.03.2018	
	Q3294_DA1303	A	19.03.2018	

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Q3294_DA2101	A	19.03.2018	
	Q3294_DA2102	A	19.03.2018	
	Q3294_DA2103	A	19.03.2018	
	Q3294_DA2105	A	19.03.2018	
	Q3294_DA2106	A	19.03.2018	
	Q3294_DA2107	A	19.03.2018	
	Q3294_DA2108	A	19.03.2018	
	Q3294_DA2115	A	19.03.2018	
	Q3294_DA2201	A	19.03.2018	
	Q3294_DA2202	A	19.03.2018	
	Q3294_DA2205	A	19.03.2018	
	Q3294_DA2206	A	19.03.2018	
	Q3294_DA2207	A	19.03.2018	
	Q3294_DA2208	A	19.03.2018	
Landscape Plans – As amended to address Condition 1A	LD-DA100	2	15.05.2018	Scot Carver
	LD-DA110	2	14.05.2018	
	LD-DA111	2	14.05.2018	
	LD-DA112	1	16.03.2018	
	LD-DA120	2	14.05.2018	
	LD-DA121	1	16.03.2018	
	LD-DA200	1	16.03.2018	
	LD-DA201	1	16.03.2018	
	LD-DA202	2	15.05.2018	
Stormwater Plans – As amended to address Condition 1A	CV-0852	2	14.11.2018	Enstruct Group Pty Ltd
	CV-0200	5	16.11.2018	
	CV-0851	3	16.11.2018	
Hotel Operations Plan			March 2018	Michael Herman – TFE Hotels
Design Review Accessibility Report – Ref: AN17-210221			16.03.2018	Philip Chun
Acoustic Report – Ref: 36392-SYD-N			01.05.2018	Wood & Grieve Engineers
Arborist Report			10.03.2018	The Ents Tree Consultancy
Preliminary Pedestrian Wind Comfort Report – Ref: 1016623			09.04.2018	Cundall
Sustainability Report – Ref: SY172846-SER01			15.03.2018	Northrop

As modified by (DA-2017/257/A)

Type	Plan No.	Revision / Issue No	Plan Date (as Amended/ Received on)	Prepared by
Architectural Plans –As amended to address Condition 4A	Q3294_DA0002	A	19.03.2018	Nettleton Tribe
	Q3294_DA0101	A	19.03.2018	
	Q3294_DA0102	A	19.03.2018	
	Q3294_DA0103	A	10.01.2019	
	Q3294_DA0105	A	13.11.2018	
	Q3294_DA0106	A	13.11.2018	
	Q3294_DA0107	A	19.03.2018	
	Q3294_DA0108	A	19.03.2018	
	Q3294_DA0109	A	13.11.2018	

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Q3294_DA0201	A	19.03.2018
Q3294_DA0202	A	19.03.2018
Q3294_DA1105	A	19.03.2018
Q3294_DA1106	A	19.03.2018
Q3294_DA1107	A	19.03.2018
Q3294_DA1108	A	19.03.2018
Q3294_DA1109	A	19.03.2018
Q3294_DA1115	A	19.03.2018
Q3294_DA1201	A	19.03.2018
Q3294_DA1202	A	19.03.2018
Q3294_DA1205	A	19.03.2018
Q3294_DA1206	A	19.03.2018
Q3294_DA1207	A	19.03.2018
Q3294_DA1208	A	19.03.2018
Q3294_DA1301	A	19.03.2018
Q3294_DA1302	A	19.03.2018
Q3294_DA1303	A	19.03.2018
Q3294_DA2101	A	19.03.2018
Q3294_DA2102	A	19.03.2018
Q3294_DA2103	A	19.03.2018
Q3294_DA2105	A	19.03.2018
Q3294_DA2106	A	19.03.2018
Q3294_DA2107	A	19.03.2018
Q3294_DA2108	A	19.03.2018
Q3294_DA2115	A	19.03.2018
Q3294_DA2201	A	19.03.2018
Q3294_DA2202	A	19.03.2018
Q3294_DA2205	A	19.03.2018
Q3294_DA2206	A	19.03.2018
Q3294_DA2207	A	19.03.2018
Q3294_DA2208	A	19.03.2018
11020 DA0002	B	03.05.2019
11020 DA0152	B	03.05.2019
11020 DA0151	B	03.05.2019
11020 DA0150	B	03.05.2019
11020 DA0101	D	31.05.2019
11020 DA0102	D	31.05.2019
11020 DA0103	E	05.06.2019
11020 DA0105	D	31.05.2019
11020 DA0106	D	31.05.2019
11020 DA0107	D	31.05.2019
11020 DA0108	D	31.05.2019
11020 DA0109	D	31.05.2019
11020 DA0201	B	03.05.2019
11020 DA0202	B	03.05.2019

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

11020 DA1101	D	31.05.2019
11020 DA1102	C	31.05.2019
11020 DA1103	D	05.06.2019
11020 DA1105	D	31.05.2019
11020 DA1107	C	17.05.2019
11020 DA1108	C	17.05.2019
11020 DA1109	C	17.05.2019
11020 DA1110	C	17.05.2019
11020 DA1111	C	17.05.2019
11020 DA1112	C	17.05.2019
11020 DA1113	C	17.05.2019
11020 DA1114	C	17.05.2019
11020 DA1115	E	05.06.2019
11020 DA1116	D	31.05.2019
11020 DA1117	E	05.06.2019
11020 DA1201	C	17.05.2019
11020 DA1202	C	17.05.2019
11020 DA1205	C	17.05.2019
11020 DA1205A	C	17.05.2019
11020 DA1206	C	17.05.2019
11020 DA1206A	C	17.05.2019
11020 DA1207	C	17.05.2019
11020 DA1207A	C	17.05.2019
11020 DA1208	C	17.05.2019
11020 DA1208A	C	17.05.2019
11020 DA1301	C	17.05.2019
11020 DA1302	C	17.05.2019
11020 DA1303	B	03.05.2019
11020 DA2105	C	31.05.2019
11020 DA2106	C	31.05.2019
11020 DA2107	C	31.05.2019
11020 DA2108	C	31.05.2019
11020 DA2109	C	31.05.2019
11020 DA2115	C	31.05.2019
11020 DA2205	B	17.05.2019
11020 DA2206	B	17.05.2019
11020 DA2207	B	17.05.2019
11020 DA2208	B	17.05.2019
11020 DA2301	C	31.05.2019
11020 DA2302	C	31.05.2019
11020 DA2203	C	31.05.2019

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Landscape Plans —As amended to address Condition 4A	LD-DA100	2	15.05.2018	Scott Carver
	LD-DA110	2	14.05.2018	
	LD-DA111	2	14.05.2018	
	LD-DA112	4	16.03.2018	
	LD-DA120	2	14.05.2018	
	LD-DA121	4	16.03.2018	
	LD-DA200	4	16.03.2018	
	LD-DA201	4	16.03.2018	
	LD-DA202	2	15.05.2018	
	LD-DA100	3	06.06.2019	
	LD-DA111	3	24.05.2019	
	LD-DA112	2	24.05.2019	
	LD-DA130	1	24.05.2019	
	LD-DA150	1	24.05.2019	
	LD-DA200	2	06.06.2019	
	LD-DA201	2	24.05.2019	
	LD-DA202	3	24.05.2019	
	Stormwater Plans —As amended to address Condition 4A	CV-0852	2	
CV-0200		5	16.11.2018	
CV-0851		3	16.11.2018	
Hotel Operations Plan			March 2018	Michael Herman – TFE Hotels
Design Review Accessibility Report – Ref: AN17-210221			16.03.2018	Philip Chun
AN17-210221 Cromwell Chatswood Hotel DCS 190521			21.05.2019	Philip Chun
Acoustic Report – Ref: 36392-SYD-N			01.05.2018	Wood & Grieve Engineers
Acoustic Response – Ref 36392-1			30.05.2019	Wood & Grieve Engineers
Arborist Report			10.03.2018	The Ents Tree Consultancy
Preliminary Pedestrian Wind Comfort Report – Ref: 1016623			09.04.2018	Cundall
Wind Comfort Review - Ref Wind Comfort Review letter review DL			07.06.2019	Cundall
Sustainability Report – Ref: SY172846-SER01			15.03.2018	Northrop
Sustainability Review – Ref: SY172846-SL-01-1			22.05.2019	Northrop

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

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

8. Detailed Stormwater Management Plan (SWMP)

Prior to the issue of the relevant 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 Enstruct drawings CV-0200/5, CV-

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

0851/3 and CV-0852/2. The plans shall include an on-site detention tank with a minimum storage volume (below overflow) of 200m³ and stormwater quality improvement devices as per Enstruct's Stormwater Management Report Revision D dated August 2018. The stormwater plans shall be amended to incorporate the changes to the building layout pursuant to DA-2018/158/A, and ensure that all impervious areas drain to the OSD tank. 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)

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

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

- (a) Construction of full width footpath (max. 2.5% crossfall) using Council's standard CBD pavers for the full frontage of the development site in Brown Street and Victoria Avenue in accordance with Council's specification and Segmental Footpath Paving Code. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Brown Street and Victoria Avenue in accordance with Council's specifications and Standard Drawing SD105.

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

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

(Reason: Ensure compliance)

65. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Brown Street and Victoria Avenue with associated pavement restoration 0.6 metre wide in Victoria Avenue.

(Reason: Public amenity)

82. Car Spaces Allocation

The approved car spaces must be allocated as follows:

- a) A minimum of 281 car spaces are to be provided for the existing and proposed commercial/office/retail uses (inclusive of the hotel).

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

b) A minimum of 40 car spaces (excluding 2 pick-up and drop-off bays) of the total car parking spaces are to be allocated to the hotel development.

c) A minimum three courier spaces and seven accessible spaces shall be provided.

(Reason: Car parking management)

C. The following Conditions are to be deleted:

- Condition 71
- Condition 1A

D. The following Conditions are to be added:

15B MUSIC Model

The MUSIC model prepared for the site shall be updated to incorporate the changes to the architectural plans pursuant to DA-2018/158/A. The modelling shall ensure that the following annual average reductions in pollutant loads are achieved:

-	Gross Pollutants	90% reduction
-	Total Suspended Solids	80% reduction
-	Total Phosphorous	60% reduction
-	Total Nitrogen	45% reduction

A summary / brief report confirming that the targets are achieved shall be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.
(Reason: Ensure compliance)

102B. Noise Control – Use of Pool and Bar Area

Noise caused by the use of the pool and bar area, including music and any other activity, must comply with the following criteria:

- a) The L_{A10} noise level emitted shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 10:00pm when assessed at the boundary of any affected residence. The background noise level must be measured in the absence of noise emitted from the use.

(Reason: Amenity and environmental compliance)

102C. Use of Pool and Bar Area

The use of the pool and bar shall be restricted to the hours between 7:00am and 10:00pm, 7 days a week.

(Reason: Amenity and environmental compliance)

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

ATTACHMENT 2: SITE DESCRIPTION AND AERIAL PHOTO

The site is located at 475-501 Victoria Avenue within Chatswood the CBD. The subject site is rectangular in shape with a site area of approximately 6031m². The site is located on the northern side of Victoria Avenue and the southern side of Brown Street, Chatswood. The site accommodates 2 x 14 storey commercial towers with Tower 1 fronting Brown Street, and Tower 2 fronting Victoria Avenue. In addition, there is a two-storey commercial building fronting Victoria Avenue with two retail tenancies located at ground floor, currently occupied by Kwik Kopy and Vega Korean. Level 1 of this building is currently vacant.

The existing commercial towers provide a small footprint at the ground level with substantial area of open space, landscaped garden beds, and publicly accessible through-site pedestrian link connecting Victoria Avenue and Brown Street.

The site currently accommodates parking for 365 vehicles within three levels of basement for car park and loading/unloading beneath the existing buildings. Access to the carpark is via Brown Street, adjacent to the eastern boundary of the site.



Aerial photo of the development site and its surrounds (source: Council's Mapping)

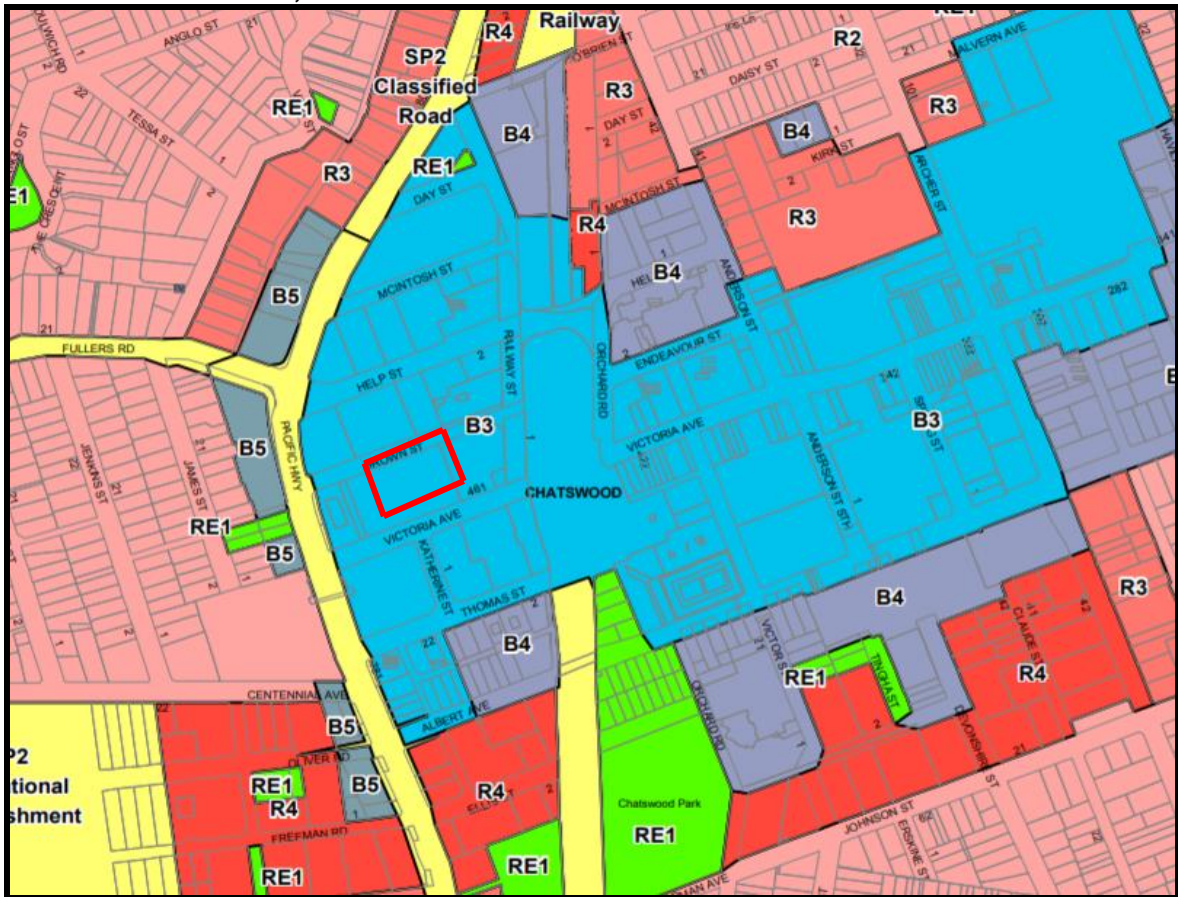
There are a number of significant trees existing on and around the site. In addition to the trees there are large garden beds and landscape areas which are well used and contribute to the public domain.

The site is well served by a range of efficient transport modes. Chatswood bus Interchange and Chatswood railway are within a walking distance from the subject site. Future upgrades from Sydney Metro will further improve the existing public transport accessibility to the site.

The site is zoned B3 Commercial Core under the provisions of the *Willoughby Local Environmental Plan 2012 (WLEP)*:

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.



Zoning Map extract from WLEP 2012 (Source: <https://www.legislation.nsw.gov.au>)

The site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. The site remains as B3 – Commercial Core with a maximum no maximum floor space for commercial development in the centre subject to satisfying a number of other standards.

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

ATTACHMENT 3: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls that may apply to the proposed modification:

- SEPP (Infrastructure) 2007 - Schedule 3 – Traffic Generating Development
- SEPP 55 – Remediation of Land
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP 64 (Advertising and Signage)
- Willoughby Local Environmental Plan 2012 (WLEP 2012)
- Willoughby Development Control Plan
- Chatswood CBD – Planning and Urban Design Strategy

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP 2007), the original DA was referred to RMS for comment. The proposed modification will not involve any greater traffic impacts than the approved development and the matter was therefore not referred to RMS.

State Environmental Planning Policy No. 55 - Remediation of Land

The proposed modification will not involve any significant excavation as it will not extend the already existing basement levels. The proposed modification will therefore not involve any breach of the State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposed modification will not involve any removal of trees and will not involve any breach of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

State Environmental Planning Policy 64 (Advertising and Signage)

The proposed modification will not involve any signage and will not involve any breach of the State Environmental Planning Policy 64 (Advertising and Signage).

Willoughby Local Environmental Plan 2012

	Approved (DA 2018/158)	Proposed modification	Standard	Compliance
Clause 4.4 FSR	6:06 (36,556m ²)	6.16:1 (37,149m ²)	5:1 (does not comply with Clause 4.4A(12) WLEP)	No – but satisfactory - see assessment below
Clause 4.3 Height	62.6m (hotel) 21.62m (office)	62.15m (hotel) 21.62m (office)	90m	Yes

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Clause 6.7 Active Street Frontage	Condition 102A prohibits office use and requires retail/business use at the Ground Floor Victoria Avenue frontage in the south-west corner of the site	Deletion of Condition 102A	Active street frontage required	No- see assessment below
---	---	-------------------------------	---------------------------------------	--------------------------------

Floor Space Ratio

The approved development allows a total FSR of 6.06:1 (GFA 36,556m²). The proposed modification will result in a total FSR of 6.16:1 (GFA 37,149m²). This is a further non-compliance with Clause 4.4 WLEP.

The development does not attract the bonus FSR (up to 10.5:1) referred to in Clause 4.4A(12) WLEP. That Clause requires (inter alia) a minimum 40% landscaping and maximum 60% site coverage. Neither the approved development nor the proposed modification achieve these required outcomes. The bonus FSR under Clause 4.4A(12) WLEP is therefore not available.

The objectives of Clause 4.4 are as follows:

- a) *to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,*
- b) *to limit traffic generation as a result of that development,*
- c) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- d) *to manage the bulk and scale of that development to suit the land use purpose and objectives of the zone,*
- e) *to permit higher density development at transport nodal points,*
- f) *to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,*
- g) *to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,*
- h) *to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,*
- i) *to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,*
- j) *to encourage the consolidation of certain land for redevelopment,*
- k) *to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.*

Notwithstanding the abovementioned non-compliance with Clause 4.4, the proposed modifications achieve the above objectives for the following reasons:

- The increase in GFA is partially caused by the increase in GFA of the hotel (413m²). The building envelope of the hotel will nonetheless be substantially reduced as a

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

result of the stepping pattern and increased setbacks on the eastern side of that building. The height of that building will also be reduced by 0.45m. The increase in GFA arises as a result of increasing the number of storeys and floor space within the built form. This is achieved by the reduction in floor to floor height by 0.6m from 3.6m to 3m on each floor.

- The reduction in the built form of the hotel will result in significant improvements to the light and views available to the existing office building to the south of the hotel.
- The modification of the hotel will therefore reduce the intensity of urban development at the site.
- The modification of the hotel will result in an increase in the total number of rooms from 156 to 159, but this will not result in any adverse impacts on the site, the surrounding B3 zone or traffic in the Chatswood CBD (given the reduction in parking places).
- The increase in GFA is also partially caused by the increase in GFA of the office building (194m²). This is a result of the expansion of office space on the rooftop (Level 4).
- This will result in the reduction in the roof terrace on Level 4. There is nothing in the WLEP requiring such a roof terrace.
- There will be no significant impact at street level, as the expanded floor space will be setback from building edges of lower levels.
- Shadow diagrams provided by the applicant indicate that the additional building mass on Level 4 of the office building will not cause additional overshadowing of any residence to the south at 1 Katherine Street between 9am and 3pm on 22 June.
- Furthermore, the proposed modification will not cause overshadowing of the Gardens of Remembrance, Chatswood Park and Oval, the Concourse public plaza areas and Victoria Walk in the period between 11.30 am and 2pm on 22 June (as required by Part E3 of the WDCP).
- Shadowing impacts caused by the proposed modification will therefore be acceptable.
- As with the hotel, the office building expansion will have an acceptable impact on the site, the surrounding B3 zone and traffic in the Chatswood CBD (given the reduction in parking places).

Clause 6.7 Active Street Frontage

Clause 6.7(3) states:

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

Clause 6.7(5) clarifies:

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

Clause 6.7(1) states:

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Condition 102A was imposed to require compliance with Clause 6.7 as follows:

102A Active Street Frontage

The Ground Floor Victoria Avenue frontage of the building in the south-western corner of the site is to be occupied for business or retail purposes .In this respect, use for the purposes of Office Premises is contrary to the Active Street frontage provisions and as such is not permissible.

(Reason:Ensure compliance)

The applicant has argued that Condition 102A should be deleted, on the basis that:

- Clause 6.7 does not prohibit an office use as such;
- The overall development includes activation by means of the through site pedestrian links;
- There is inadequate demand for retail uses at the site;
- Requiring business / retail use will result in vacancies, which will reduce street surveillance.

Council does not support the deletion of Condition 102A as this will create an undesirable precedent in the B3 zone. The applicant has not provided adequate evidence that a business or retail use will fail on the site, or that the site has characteristics which distinguish it from other sites within the B3 zone.

Willoughby Development Control Plan

	Approved (DA 2018/158)	Proposed modification	Control	Compliance
C.3 Sustainable Development	The approval included conditions implementing the measures detailed in the Sustainability Report and in the Preliminary Pedestrian Wind Comfort Report.	Wind Comfort Review confirms acceptability subject to inclusion of additional screening to southern boundary (see Landscape Plan)	Relevant Sustainability development criteria established in Part C.3. Sustainable Development includes microclimatic management	Yes

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Approved (DA 2018/158)	Proposed modification	Control	Compliance
C.5 Water Management	The relevant provisions of Part C.5 relating to water management, including water conservation and stormwater management, were considered and found to be satisfactory, subject to the imposition of conditions.	Council's development engineer has advised that the proposed modification will have a minor impact on stormwater drainage.	Stormwater Management and disposal in accordance with the Technical Standards contained in the WDCP	Yes, subject to amended Condition 8 (Detailed Stormwater Management Plan)
C.6 Access, Mobility and Adaptability	Conditions required implementation of recommendations in the Accessibility Report to achieve compliance with the relevant provisions of the Disability and Discrimination Act, Access to Premise Standards and the BCA.	8 rooms to be accessible out of 159 – can comply with Disability and Discrimination Act, Access to Premise Standards and the BCA.	Relevant accessibility provisions in WDCP	Yes
C.8 Waste Management	Conditions required management of waste.	No significant change	Waste minimisation principles and management of the operational waste in accordance with the WDCP	Yes
C.9 Preservation of Trees or Vegetation	Conditions required implementation of Landscape Plans and provision of canopy planting adjacent to the southern entry to the office building.	Minor reduction in roof top landscaping on office rooftop	To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including bushland, and landscape quality.	Yes (Council landscape officer has recommended approval)

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Approved (DA 2018/158)	Proposed modification	Control	Compliance
C.11 Safety by Design	Conditions required implementation of recommendations detailed in the CPTED Assessment Report and Hotel Operations Plan.	No significant change	WDCP provides that the following four crime principles will be considered in the assessment of DAs: <ul style="list-style-type: none"> ▪ Surveillance; ▪ Access control; ▪ Territorial reinforcement; and ▪ Space management 	Yes
E.1.1 Site Access and Car Parking	The DA maintains existing vehicular access to the car parking from Brown Street, which is a secondary street.	No change	Minimise access and deliveries from a primary street.	Yes
E.1.1 Interface with Street Fronts	The proposal includes active uses at the ground floor level and the existing site through links. The proposed office building provides large glazed areas.	No significant change	Ground level street frontages to be transparent to allow interaction with the public domain.	Yes (but see comments regarding street activation)
E.1.3 Design and Streetscape Qualities	Conditions required submission and implementation of Schedule of materials	Amended facades of hotel. Finishes, materials and colours are indicated on the elevations.	For developments in areas of established streetscape with consistent stylistic or architectural character the design of new buildings should be integrated into and not be in contrast with the existing streetscape.	Yes
E.1.5 Building Depth	Office Building: 18.8m Hotel Building: 17.17m	No change	Development should have a maximum depth of 20m.	Yes

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Approved (DA 2018/158)	Proposed modification	Control	Compliance
E.1.8 Privacy	Conditions required implementation of recommendations detailed in the Acoustic Report and restricting the use of rooftop terraces to 10pm. Visual privacy was considered satisfactory.	Outdoor pool and bar added to hotel roof. No significant change to visual privacy.	Development is to be designed and constructed for effective sound insulation and against road and rail traffic noise to maintain reasonable acoustic privacy for the development and surrounding properties. Minimise overlooking of living spaces.	Yes, subject to new Condition 15B regarding acoustic impacts.
E.1.9 Views and Vistas	DA allowed obstruction of views from existing East Office Tower 2 by the hotel.	Reduction in hotel building envelope, resulting in greater views from East Office Tower 2	WDCP provides that existing views and vistas from and to commercial/residential precinct should be maintained.	Yes
E.1.10 and E.3 Solar Access and Over-shadowing	Solar access to residents at Leura (809 – 811 Pacific Highway) maintained between 12pm and 3pm. No additional overshadowing impact on the key areas within Chatswood City Centre between 11.30am and 2pm mid winter.	No additional overshadowing of residents at Leura (809 – 811 Pacific Highway) between 12pm and 3pm or at 1 Katherine Street between 9am and 3pm on 22 June. No additional overshadowing on the key areas within Chatswood City Centre between 11.30am and 2pm mid winter	The north facing windows of living areas and the principal portion of the recreational open space of adjoining residential buildings should have at least 3 hours of sunlight between 9am and 3pm on June 22. In Chatswood City Centre any development shall not reduce the existing levels of sunlight access in the Gardens of Remembrance, Chatswood Park and Oval, the Concourse public plaza areas and Victoria Walk in the period between 11.30 am and 2pm in mid-winter.	Yes

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Approved (DA 2018/158)	Proposed modification	Control	Compliance
E.1.12 Reflectivity	Condition 6 requires that solar absorptance be minimised.	Condition 6 will remain in effect	The use of glass of more than 20% reflectivity or other highly reflective external materials and finish are not permitted. Mirrored glass is not to be used on building exteriors.	Yes
E.3 Site Coverage	The approved site coverage inclusive of the building overhang is 72% and excluding the building overhang is 41%.	No significant difference	Maximum site coverage in the office precinct is 60% for sites over 2,500m ²	Acceptable (consistent with approved non-compliance)
E.3 Setbacks (Internal)	Office Building (21.62m) setback 5.7m to 17.7m. The Hotel building (62.6m) provides 7.2m to 13.2.	Office Building (21.62m) provides 5.7m to 17.7m. The Hotel Building (62.15m) setback 7.2m to 13.2.	6m building separation for buildings over 14m in height and 12m for buildings over 30m in height	Acceptable (consistent with approved non-compliance).

REFERRALS

External Referrals

N/A

Internal Referrals

Traffic Section	Council's Traffic Section raises no objection to the proposed modification.
Environmental Unit	Council's Environmental Unit has recommended imposing Conditions 102B and 102C limiting the use of the hotel rooftop pool and bar to 7am to 10pm 7 days a week, and limiting the noise levels that emanate from that area during those hours.
Open Space/ Landscaping Division	Council's Open Space/ Landscaping Division raises no objection to the proposed modification.
Infrastructure Services	<p>Council's Infrastructure Services has made the following comments:</p> <p><i>The proposed changes to the building layout have a minor impact on stormwater drainage. The new roof area layouts will require changes to the connection of the roof drainage to the in-ground system. However, as the stormwater plans are conceptual at this stage, this level of detail can be catered for in the detailed design stage, and minor modifications to the existing conditions (detailed below) can address this.</i></p> <p><i>As a section of roof has been removed from one building, there is a potential impact on the water quality improvement system proposed. To ensure the</i></p>

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

required treatment levels are achieved, we propose imposing a condition to require the MUSIC model (used to assess the treatment measures) is amended to cater for the changes.

The changes to parking are to accommodate structure required for the buildings over. This was anticipated during the assessment of the original DA, and is acceptable.

The application is acceptable to this division, subject to the new or modified conditions proposed below.

The recommended conditions from Infrastructure Services are an amended Condition 8 in respect to the required stormwater management plan (to incorporate the changes to the building layout pursuant to DA-2018/158/A, and ensure that all impervious areas drain to the OSD tank); and a new Condition 15B requiring the preparation of a MUSIC model addressing reductions in pollutant loads.

ATTACHMENT 4: SECTION 4.55(2) ASSESSMENT

The proposal has been assessed by Council in accordance with the following provisions of Section 4.55(2) of the EP & Act.

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

The modified development will be substantially the same development as that initially approved in DA 2018/158 because:

- The modified development does not propose any change to the approved uses;
 - The modified development will be similar in scale, intensity and built form as the approved development;
 - The modified development will not cause greater adverse impacts on neighbours, in terms of overshadowing, views, privacy, wind, waste or traffic and parking, or the streetscape compared to the approved development;
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,*

Not relevant.

- (c) *it has notified the application in accordance with—*

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

The modification application was notified in accordance with the WDCP.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

No submissions were received.

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

ATTACHMENT 5: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	State Environmental Planning Policies (SEPP)	✓
	Regional Environmental Plans (REP)	✓
	Local Environmental Plans (LEP)	✓
	Comment: The proposed deletion of Condition 102A contravenes Clause 6.7 WLEP 2012. Subject to retention of Condition 102A, the proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs, REPs or development standards under WLEP 2012.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	Draft State Environmental Planning Policies (SEPP)	N/A
	Draft Regional Environmental Plans (REP)	N/A
	Draft Local Environmental Plans (LEP)	N/A
	Comment: There are no draft EPIs that apply to the subject land.	
(a)(iii)	Any development control plans	
	Willoughby Development Control Plan (WDCP)	✓
	Comment: Subject to conditions, the proposal achieves the objectives of the WDCP.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 92 EP&A Regulation-Demolition of a building to AS2061	N/A
	Clause 93 EP & A Regulation-Fire Safety Considerations	N/A
	Clause 94 EP & A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: There are no prescribed matters that affect the application.	
(b)	The likely impacts of the development	
	Context & setting	✓
	Access, transport & traffic, parking	✓
	Public domain	✓
	Utilities	✓
	Heritage (including cl 5.10 WLEP – Development near Heritage item/Conservation area)	✓
	Privacy	✓
	Views	✓
	Solar Access	✓
	Water and draining	✓
	Soils	✓
	Air & microclimate	✓
	Flora & fauna	✓
	Waste	✓
	Energy	✓
	Noise & vibration	✓
	Natural hazards	✓
	Safety, security crime prevention	✓
	Social impact in the locality	✓
	Economic impact in the locality	✓
	Site design and internal design	✓
	Construction	✓
	Cumulative impacts	✓

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	Comment: Subject to conditions, the proposal will not result in any significant adverse impacts on adjoining or nearby properties	
(c)	The suitability of the site for the development	
	Does the proposal fit in the locality?	✓
	Are the site attributes conducive to this development?	✓
	Comment: Subject to conditions, the proposal does not adversely alter the character of the locality or impact on the streetscape.	
(d)	Any submissions made in accordance with this Act or the regulations	
	Public submissions	✓
	Submissions from public authorities	✓
	Comment: No referrals were required to public authorities and no submissions were received.	
(e)	The public interest	
	Federal, State and Local Government interests and Community interests	✓
	Comment: Subject to conditions, the proposal will not compromise the character of the locality and therefore approval of the application is in the public interest.	

Specific Modifications to Consent Instrument

To reflect the proposed modifications to the hotel, office building and other ancillary matters, as assessed in Attachments 3, 4 and 5 above, it is necessary to modify the description of the development, the list of approved plans in Condition 1 and also Conditions 1A, 10, 65, 71, 82 and 102A of the approved DA.

The proposed modifications to these specific Conditions are assessed below and reflect the assessment of the proposal in Attachments 3, 4 and 5. New text is identified in red and deleted text in strikethrough.

Modification to Description

To reflect the amended design, it is necessary to modify the description in the development consent for DA 2018/158 as follows:

Demolition of existing two (2) storey commercial building and erection of a new ~~four (4)~~ five (5) storey commercial building comprising office space and trafficable roof top at Victoria Avenue frontage and demolition of existing retail tenancy and erection of ~~fifteen (15)~~ eighteen (18) storey hotel at Brown Street frontage, refurbishment of existing through-site link, landscaping and associated works.

Condition 1

The following amendments are required to give effect to the plan and ancillary documentation lodged with the Section 4.55 modification application.

Type	Plan No.	Revision / Issue No	Plan Date (as Amended/ Received on)	Prepared by
Architectural Plans —As amended to address Condition 1A	Q3294_DA0002	A	19.03.2018	Nettleton Tribe
	Q3294_DA0101	A	19.03.2018	
	Q3294_DA0102	A	19.03.2018	
	Q3294_DA0103	A	10.01.2019	
	Q3294_DA0105	A	13.11.2018	

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Q3294_DA0106	A	13.11.2018
Q3294_DA0107	A	19.03.2018
Q3294_DA0108	A	19.03.2018
Q3294_DA0109	A	13.11.2018
Q3294_DA0201	A	19.03.2018
Q3294_DA0202	A	19.03.2018
Q3294_DA1105	A	19.03.2018
Q3294_DA1106	A	19.03.2018
Q3294_DA1107	A	19.03.2018
Q3294_DA1108	A	19.03.2018
Q3294_DA1109	A	19.03.2018
Q3294_DA1115	A	19.03.2018
Q3294_DA1201	A	19.03.2018
Q3294_DA1202	A	19.03.2018
Q3294_DA1205	A	19.03.2018
Q3294_DA1206	A	19.03.2018
Q3294_DA1207	A	19.03.2018
Q3294_DA1208	A	19.03.2018
Q3294_DA1301	A	19.03.2018
Q3294_DA1302	A	19.03.2018
Q3294_DA1303	A	19.03.2018
Q3294_DA2101	A	19.03.2018
Q3294_DA2102	A	19.03.2018
Q3294_DA2103	A	19.03.2018
Q3294_DA2105	A	19.03.2018
Q3294_DA2106	A	19.03.2018
Q3294_DA2107	A	19.03.2018
Q3294_DA2108	A	19.03.2018
Q3294_DA2115	A	19.03.2018
Q3294_DA2201	A	19.03.2018
Q3294_DA2202	A	19.03.2018
Q3294_DA2205	A	19.03.2018
Q3294_DA2206	A	19.03.2018
Q3294_DA2207	A	19.03.2018
Q3294_DA2208	A	19.03.2018
11020 DA0002	B	03.05.2019
11020 DA0152	B	03.05.2019
11020 DA0151	B	03.05.2019
11020 DA0150	B	03.05.2019
11020 DA0101	D	31.05.2019
11020 DA0102	D	31.05.2019
11020 DA0103	E	05.06.2019
11020 DA0105	D	31.05.2019
11020 DA0106	D	31.05.2019
11020 DA0107	D	31.05.2019
11020 DA0108	D	31.05.2019

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

11020 DA0109	D	31.05.2019
11020 DA0201	B	03.05.2019
11020 DA0202	B	03.05.2019
11020 DA1101	D	31.05.2019
11020 DA1102	C	31.05.2019
11020 DA1103	D	05.06.2019
11020 DA1105	D	31.05.2019
11020 DA1107	C	17.05.2019
11020 DA1108	C	17.05.2019
11020 DA1109	C	17.05.2019
11020 DA1110	C	17.05.2019
11020 DA1111	C	17.05.2019
11020 DA1112	C	17.05.2019
11020 DA1113	C	17.05.2019
11020 DA1114	C	17.05.2019
11020 DA1115	E	05.06.2019
11020 DA1116	D	31.05.2019
11020 DA1117	E	05.06.2019
11020 DA1201	C	17.05.2019
11020 DA1202	C	17.05.2019
11020 DA1205	C	17.05.2019
11020 DA1205A	C	17.05.2019
11020 DA1206	C	17.05.2019
11020 DA1206A	C	17.05.2019
11020 DA1207	C	17.05.2019
11020 DA1207A	C	17.05.2019
11020 DA1208	C	17.05.2019
11020 DA1208A	C	17.05.2019
11020 DA1301	C	17.05.2019
11020 DA1302	C	17.05.2019
11020 DA1303	B	03.05.2019
11020 DA2105	C	31.05.2019
11020 DA2106	C	31.05.2019
11020 DA2107	C	31.05.2019
11020 DA2108	C	31.05.2019
11020 DA2109	C	31.05.2019
11020 DA2115	C	31.05.2019
11020 DA2205	B	17.05.2019
11020 DA2206	B	17.05.2019
11020 DA2207	B	17.05.2019
11020 DA2208	B	17.05.2019

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

	11020 DA2301	C	31.05.2019	
	11020 DA2302	C	31.05.2019	
	11020 DA2203	C	31.05.2019	
Landscape Plans —As amended to address Condition 1A	LD-DA100	2	15.05.2018	Scott Carver
	LD-DA110	2	14.05.2018	
	LD-DA111	2	14.05.2018	
	LD-DA112	4	16.03.2018	
	LD-DA120	2	14.05.2018	
	LD-DA121	4	16.03.2018	
	LD-DA200	4	16.03.2018	
	LD-DA201	4	16.03.2018	
	LD-DA202	2	15.05.2018	
	LD-DA100	3	06.06.2019	
	LD-DA111	3	24.05.2019	
	LD-DA112	2	24.05.2019	
	LD-DA130	1	24.05.2019	
	LD-DA150	1	24.05.2019	
	LD-DA200	2	06.06.2019	
LD-DA201	2	24.05.2019		
LD-DA202	3	24.05.2019		
Stormwater Plans —As amended to address Condition 1A	CV-0852	2	14.11.2018	Enstruct Group Pty Ltd
	CV-0200	5	16.11.2018	
	CV-0851	3	16.11.2018	
Hotel Operations Plan			March 2018	Michael Herman – TFE Hotels
Design Review Accessibility Report – Ref: AN17-210221			16.03.2018	Philip Chun
AN17-210221 Cromwell Chatswood Hotel DCS 190521			21.05.2019	Philip Chun
Acoustic Report – Ref: 36392-SYD-N			01.05.2018	Wood & Grieve Engineers
Acoustic Response – Ref 36392-1			30.05.2019	Wood & Grieve Engineers
Arborist Report			10.03.2018	The Ents Tree Consultancy
Preliminary Pedestrian Wind Comfort Report – Ref: 1016623			09.04.2018	Cundall
Wind Comfort Review - Ref Wind Comfort Review letter review DL			07.06.2019	Cundall
Sustainability Report – Ref: SY172846-SER01			15.03.2018	Northrop
Sustainability Review – Ref: SY172846-SL-01-1			22.05.2019	Northrop

Condition 1A

Condition 1A of the existing consent Conditions requires removal of the single storey element (north-west corner) of the office building and its replacement with deep soil landscaping. This building element appeared in the approved plans. In the Section 4.55 modification plans, the contents of Condition 1A have been given effect. That Condition is therefore now superfluous and can be deleted.

~~1A. Design Amendments~~

~~The single storey element (north west corner) of the proposed office building inclusive of the roof top terrace above it shall be deleted by pulling back the northern wall to be in line with the outer edge of the fire stairs and new office lobby area wall.~~

~~The proposal shall provide deep soil planting including canopy planting within the north western part of the proposed office building that is required to be deleted. Plans to be amended and approved by Council prior to the issue of the relevant Construction Certificate.
(Reason: Amenity)~~

Condition 10

Condition 10 refers to the requirement (in paragraph (c)) set out more fully in Condition 71 to reconstruct part of Victoria Avenue, regardless of whether or not it is damaged by the proposed works. As discussed below in respect to Condition 71, there is insufficient nexus between that Condition and the approved works. It is therefore proposed to delete Condition 71 and also paragraph (c) of Condition 10.

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

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

- (a) *Construction of full width footpath (max. 2.5% crossfall) using Council's standard CBD pavers for the full frontage of the development site in Brown Street and Victoria Avenue in accordance with Council's specification and Segmental Footpath Paving Code. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.*
- (b) *Reconstruction of existing kerb and gutter for the full frontage of the development site in Brown Street and Victoria Avenue in accordance with Council's specifications and Standard Drawing SD105.*
- (c) ~~*Reconstruction of 3m wide road pavement in Victoria Avenue for the full frontage of the new office building.*~~

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

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

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

Condition 65

Condition 65 also refers to the requirement set out more fully in Condition 71, in a similar way to Condition 10. For the same reasons, it is therefore proposed to delete the phrase in Condition 65 which refers to the requirement in Condition 71.

65. Construction of Kerb & Gutter

Prior to the issue of any Occupation Certificate, construct a new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site in Brown Street and Victoria Avenue with associated pavement restoration 0.6 metre wide in Victoria Avenue where half road reconstruction not required.

(Reason: Public amenity)

Condition 71

As stated above, Condition 71 requires the reconstruction of part of Victoria Avenue, regardless of whether or not it is damaged by the proposed works.

The existing Conditions 3, 24 and 70 requires that the road pavement is subject to a dilapidation report to be conducted prior to commencement of work, with any damage caused during the project to be repaired at the cost of the proponent or drawn against the damage deposit if required. As such, the requirement to reconstruct the road surface is unnecessary and in fact there is no nexus with the proposed development.

On the basis of the above, it is not considered necessary or appropriate for any restoration requirements to be applied in Condition 71. It is therefore proposed to delete Condition 71.

~~71. Reconstruct Pavement~~

~~Prior to the issue of any Occupation Certificate, a 3m wide road pavement including any necessary associated works adjoining to the full frontage of the new office building in Victoria Avenue shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 1x106 ESA.~~

~~(Reason: Ensure compliance)~~

Condition 82

Condition 82 imposes a minimum requirement for parking spaces. The application seeks to reduce this number to 281. There has been some disagreement previously between Council and the applicant as to whether the correct number of car parks was 285 or 291. Regardless, and as noted in Attachment 3, Council's Traffic Section raises no objection to the proposed reduction to 281.

Council's Traffic Section has recommended that the specific car spaces set aside for courier spaces and accessible spaces (as indicated on the plans) be conditioned in order to ensure compliance.

82. Car Spaces Allocation

The approved car spaces must be allocated as follows:

- a) *A minimum of ~~286~~ 281 car spaces are to be provided for the existing and proposed commercial/office/retail uses (inclusive of the hotel).*

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

- b) *A minimum of 40 car spaces (excluding 2 pick-up and drop-off bays) of the total car parking spaces are to be allocated to the hotel development.*
- c) *A minimum three courier spaces and seven accessible spaces shall be provided.*

(Reason: Car parking management)

Condition 102A

As discussed in relation to Clause 6.7 WLEP above (Attachment 3), Condition 102A was imposed by Council to ensure active street frontage:

102A Active Street Frontage

The Ground Floor Victoria Avenue frontage of the building in the south-western corner of the site is to be occupied for business or retail purposes. In this respect, use for the purposes of Office Premises is contrary to the Active Street frontage provisions and as such is not permissible.

(Reason: Ensure compliance)

For the reasons discussed above, Council does not support the deletion of Condition 102A as this will create an undesirable precedent in the B3 zone. The applicant has not provided adequate evidence that a business or retail use will fail on the site, or that the site has characteristics which distinguish it from other sites within the B3 zone.

It is therefore not proposed to delete or amend Condition 102A.

Other Conditions resulting from the proposed modification

The following Conditions require amendment or inclusion, not as a direct result of a request by the applicant, but as required by Council's referral officers in response to the proposed modification.

Condition 8

As noted in the discussion of referrals (Attachment 3), Council's Infrastructure Services has identified the need for the stormwater management plan to reflect the changes to the building layout caused by the current application. Condition 8 is therefore to be amended accordingly.

8. Detailed Stormwater Management Plan (SWMP)

*Prior to the issue of the relevant 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 Enstruct drawings CV-0200/5, CV-0851/3 and CV-0852/2. The plans shall include an on-site detention tank with a minimum storage volume (below overflow) of 200m³ and stormwater quality improvement devices as per Enstruct's Stormwater Management Report Revision D dated August 2018. **The stormwater plans shall be amended to incorporate the changes to the building layout pursuant to DA-2018/158/A, and ensure that all impervious areas drain to the OSD tank.** 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)

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.
Condition 15B

As noted in the discussion of referrals (Attachment 3), Council's Infrastructure Services has recommended that the MUSIC model (used to reduce pollutants) is updated to incorporate the changes to the built form resulting from the proposed modification.

15B MUSIC Model

The MUSIC model prepared for the site shall be updated to incorporate the changes to the architectural plans pursuant to DA-2018/158/A. The modelling shall ensure that the following annual average reductions in pollutant loads are achieved:

- Gross Pollutants 90% reduction
- Total Suspended Solids 80% reduction
- Total Phosphorous 60% reduction
- Total Nitrogen 45% reduction

A summary / brief report confirming that the targets are achieved shall be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate. (Reason: Ensure compliance)

Conditions 102B and 102C

The relocation of the swimming pool and bar to the open air hotel rooftop raises issues of the acoustic privacy of residential neighbours. Council's Environmental Unit has therefore recommended imposing the following Conditions on the use of the rooftop area.

102B. Noise Control – Use of Pool and Bar Area

Noise caused by the use of the pool and bar area, including music and any other activity, must comply with the following criteria:

- b) The L_{A10} noise level emitted shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 10:00pm when assessed at the boundary of any affected residence. The background noise level must be measured in the absence of noise emitted from the use.*

(Reason: Amenity and environmental compliance)

102C. Use of Pool and Bar Area

The use of the pool and bar shall be restricted to the hours between 7:00am and 10:00pm, 7 days a week.

(Reason: Amenity and environmental compliance)

SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.

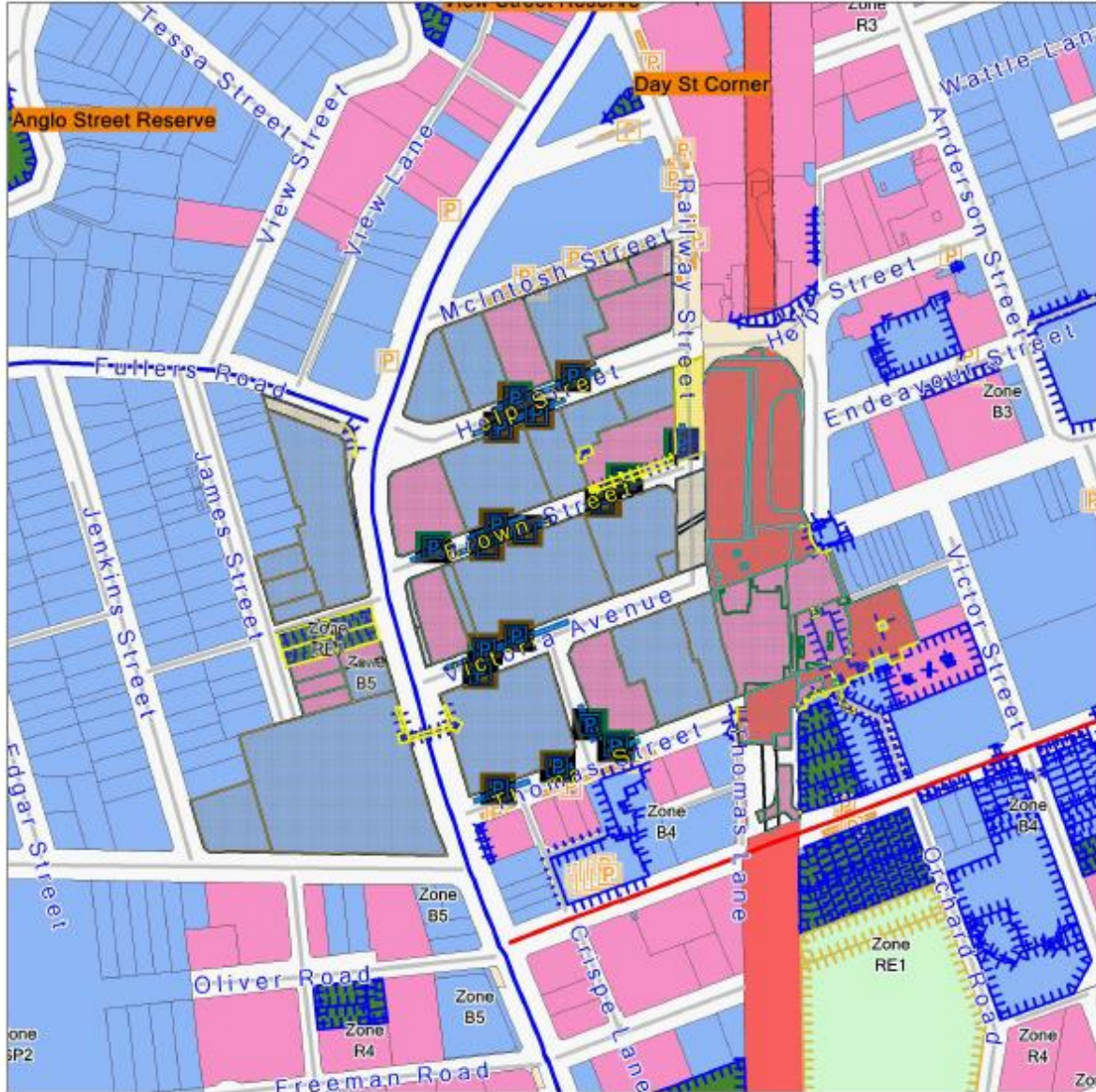
ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2018/158/A

At: 475-501 Victoria Avenue CHATSWOOD NSW 2067



SNPP REPORT

475-501 Victoria Avenue, CHATSWOOD NSW 2067.