

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

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19 February 2020

Mr Peter Debnam
Chair
Sydney North Planning Panel
Via email: kim.holt@planning.nsw.gov.au

Dear Peter and Panel Members,

DA 2019/200 - LATE SUBMISSION RESPONSE

The below presents the proponent's response to three submissions received over the past 3 days in relation to DA 2019/200 for Chatswood Chase Shopping Centre. We appreciate the opportunity to respond to these matters and trust that our position will be considered in the Panel's deliberation on this application.

I note that the application before the panel was the subject of two rounds of public notification, each for a duration of three weeks, during the following dates:

- 1 – 22 August 2019; and
- 8 – 29 November 2019

The issues raised below did not inform submissions during the notification period.

Each of the issues raised in the late submissions are addressed in turn below. Sequential numbering has been used across all submissions for clarity and ease of reference in discussion.

Late Submission no. 1 – Friday 14 February 2020

Issues raised in this submission are addressed below:

Issue 1

Is there anything that can be done to reduce the overall height at this western boundary (the rear of 1-3 Havilah St facing Chase), and/or can the applicant consider installation of a reflector style section of roof similar to what is there now at the upper level? (please refer attached). The only source of natural light for the entire 12 units at the rear of our block is at this western boundary, a consolation today is this sloping colourbond roof and the light this allows into the lots (please refer attached). If the applicant can consider this if there is any possibility of incorporating into the plans at the upper levels this would improve solar access for all these units. With the current plans solar access at this boundary is likely to very small if not nil.

Proponent Response:

The amended scheme seeks to reduce the approved building height and massing at this location from:

- **Parapet** - RL114.1 to RL104.5 – a reduction of 9.6m.
- **Office Roof** (setback 3.75m from parapet and 6.4m from boundary)– RL 114.1 to RL 110.13 – a reduction of 4m.

The attached diagram shows how the light penetration into the rear of 1-3 Havilah Street is improved from that approved in January 2019.

There are no specific setback provisions that apply to a site such as Chatswood Chase. Further, the partially endorsed Chatswood CBD Strategy provides for a planning framework that promotes commercial development on this entire block, and the removal of the B4 zoning such to discourage residential accommodation on this land.

It is our view that the proposed design improves the light penetration to the rear of 1-3 Havilah from that already approved and able to be built. Council has not raised a requirement for design refinement at this location, and the proposal responds to the overall objective for this entire street block which is for the delivery of commercial development to achieve employment targets.

Issue 2

Replanting some of the trees in this boundary, at least at the southwestern corner to link up with the trees bordering 341 Victoria Ave. We understand some of the trees at the northern end will go due to the proposed stormwater works, but to the south of this (from approximately the midpoint of our building southwards) can the applicant consider replanting the same or similar as what is at the 341 Victoria Ave boundary? This would keep a consistent line of the same type of tree and provide screening from the loading dock and the massing impact of the new structure for most of our building, where the Applicant is able to do so away from the new stormwater infrastructure.

Proponent's Response

Tree planting is not possible in this location due to the required culvert location below. Sydney Water requires that the culvert width contain no plantings.

Issue 3

Ventilation noise: Today there is a noise issue with very large ventilators that turn on throughout the night, which has been disruptive to all residents at the rear. Can the location and operation of these please be reconsidered in the new design to minimize noise to neighbours.

Proponent Response

These extractor fans are part of the existing base building and serve the lower ground floor restaurants. This is not proposed to be changed as part of the approved DA nor this subject Amending DA.

However Vicinity is happy to enter into a discussion with the neighbour on this issue to see if this can be resolved.

Late Submission no. 2 – Monday 17 February 2020

Issues raised in this submission are addressed below:

Issue 4

Light from commercial office at night: The approved trading hours is from 6:00am to 12:00am 7 days a week. The concern is that the light from the commercial office will cause 'light pollution' affecting the dark and tranquil ambient of the residential neighborhood.

Proponent's Response

The likely operating hours of the commercial office will be 8am-6pm, being regular commercial office hours. The extended hours are sought to enable late night work on an as-needs basis. Sensor lights will be installed to the office tenancies to limit energy use and associate light spill outside of core office hours, and so will only allow lighting of office segments when someone is occupying the space. This is consistent with standard office lighting arrangements.

The location and operation of a commercial office on this site is wholly consistent with the current planning framework and further encouraged by Council's CBD Strategy. The express intent of the Strategy is to locate the CBD edge hard up against the residential edge, as is the case along Havilah Street. Indeed the Strategy seeks a 90m height limit and FSR of 6:1 on this site for commercial core purposes. Indeed Council is extremely supportive of the introduction of office space onto this site as a way to bolster the economic position of Chatswood and support the mixed use synergies at the eastern end of the CBD.

We note that the interface of commercial buildings and residential is an existing situation throughout the CBD.

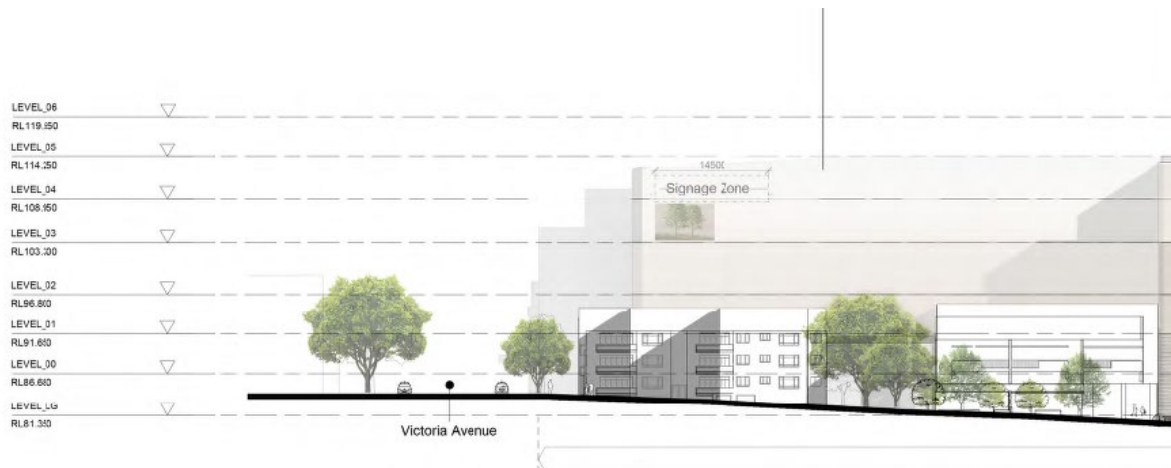
The relative height of the office tenancy, at Levels 3 to 5, will be at a minimum approximately 20m above the height of the residential dwellings across the road and approximately 10m above the dwellings at 1-3 Havilah to the immediate south. The trees and vegetation in the setback area to Havilah Street will provide some screening, to assist in the mitigating of any light impacts to the low density residential across the street.

Issue 5

*Signage: There will be a signage zone (9.2*6.495) at the corner of Havilah Street and Victoria Avenue, which seems to be unnecessarily huge. Please kindly consider the harmony of this design with the rest of the neighbourhood. Again, the light from the signage in the evening and at night will be very glaring impacting the residential neighbourhood.*

Proponent's Response

Due to changes to the façade the proposed signage zone has been reduced in its lateral extent from that approved by DA 2017/503 (14.5m to 9.2m). The content and appearance of the sign, including illumination, is not the subject of this application and therefore that detail will be addressed when a signage proposal is considered by Council in due course.



Plan Extract from Approved DA 2017/503



Plan Extract from Proposed DA 2019/200

Issue 6

Solar access: My neighbors facing Chatswood Chase relies heavily on the sunlight from the west. Please consider the impact of the increase in height over the 34m on the Havilah Street side such that the current level of solar access would not be impacted.

Proponent's Response

The increase in building height above the 34m occurs to the north of 1-3 Havilah Street. The design of the upper extent of this building form is stepped back from the approved building extent via DA 2017/503. Diagrams provided with the application and 4.6 Variation demonstrate that direct solar

access to 1-3 Havilah Street is improved at the summer solstice and is maintained the same as that deemed acceptable and approved by DA 2017/503 at the winter solstice.

To the west of 1-3 Havilah Street, the building height has been decreased by an effective 9.6m from the approved massing in DA 2017/503 which will further increase light penetration to the rear of these properties.

Issue 7

Retained structure strengthening: 1-3 Havilah will be affected on the side by the demolishing of 5-7 Havilah and now at the back due to the change of the retained structure strengthening to the East side of Chatswood Chase. I am concerned that such extent of additional strengthening work might affect the foundation/structural safety of 1-3 Havilah Street.

Proponent's Response

A condition was placed on the original consent 2017/503 and is retained as a recommended condition for DA 2019/200 requiring the undertaking of dilapidation studies / reports and rectification where damage results. Refer Condition 43 (adjoining properties) and Condition 48 (Council property / relevant to road condition).

Late Submission no. 3 – Tuesday 19 February 2020

One issue was raised in this submission

Issue 8

This submission is supplementary to Late Submission no. 1 (above) and seeks the removal of structure at the rear of 1-3 Havilah Street to retain the existing building alignment in that location. The extent of structure sought for removal is shown below.



Proponent's Response

This late request to alter the design of the building at this location was received 24 hours before the panel meeting, notwithstanding that the application has been through two rounds of public notification. Vicinity cannot commit to a redesign or removal of this extent of building at such a late stage – for reasons relating to structure, services and internal layout.

It is also noted that Council has not raised issue with this interface condition.

The concerns driving the request to redesign this part of the building relate to solar access / light penetration to the rear of 1-3 Havilah Street.

As noted in response to Late Submission No. 1 (above) the previous consent DA 2017/503 approved a parapet height in this location that is an apparent 9.6m higher than what is now currently proposed. Diagrams produced by the design team show that there will be an increased aperture between the buildings which will result in improved light exposure to the rear of 1-3 Havilah Street than that which has been already approved. Reducing the height of the overall structure provides a demonstrably improved increase in light access to the rear of 1-3 Havilah Street.

If the panel is of the opinion that light access to this space can be improved by the removal of the planter box above the parapet at Level 3 (planter box has current max height of RL 104.5) then Vicinity is happy for this to be removed by condition of consent.



The proponent team is happy to discuss these issues in greater detail at our meeting this afternoon.

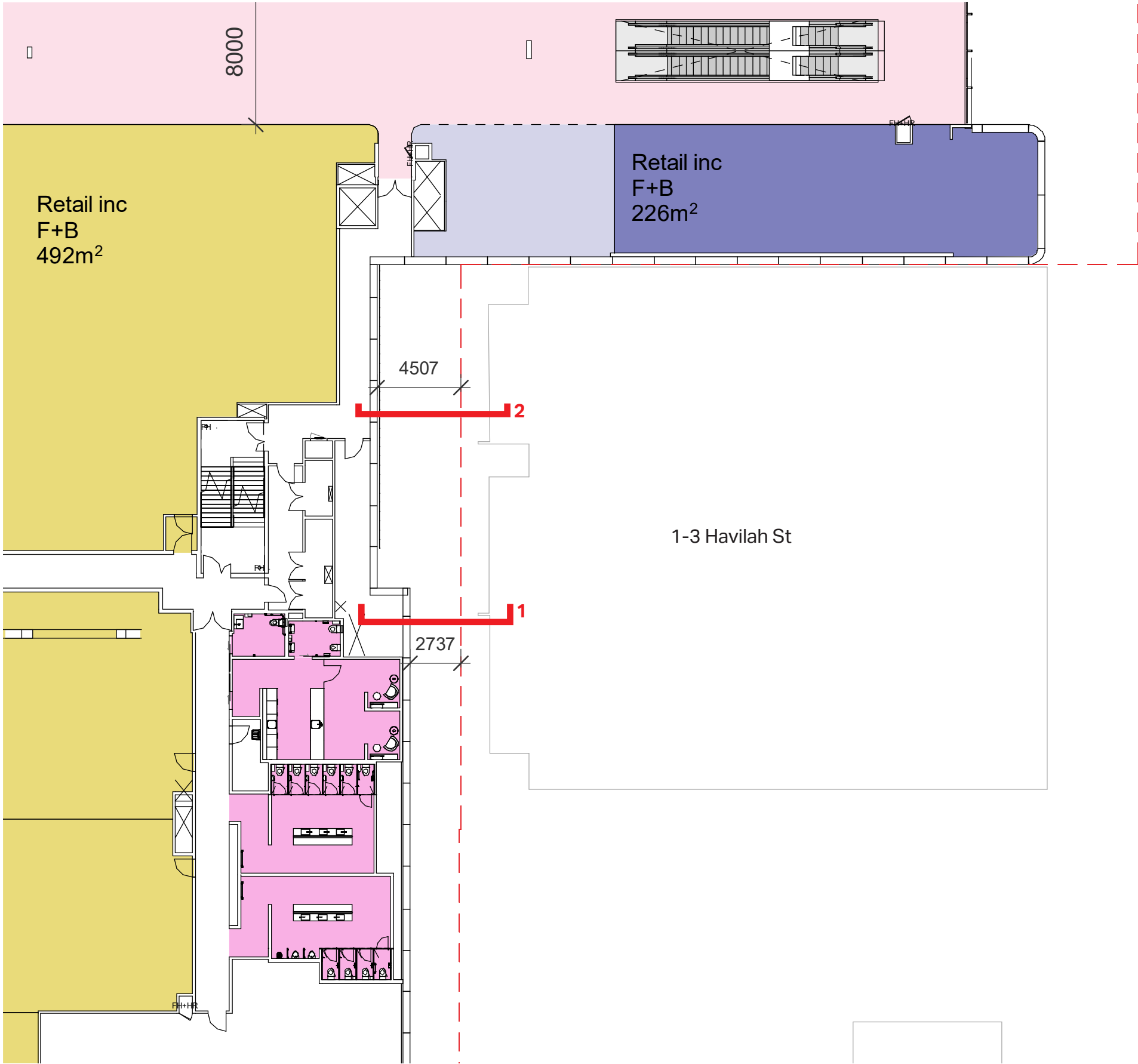
Yours sincerely,

A handwritten signature in black ink, appearing to read "JParker". The signature is fluid and cursive, with a large initial "J" and "P".

Jacqueline Parker
Director
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Boundary with 1-3 Havilah St

Plan



Boundary with 1-3 Havilah St

Comparison Sections

