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9 February 2024

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Dear Akshay,

RESPONSE TO REQUEST FOR INFORMATION - 9-11 NELSON STREET, CHATSWOOD - DA-2023/237

1. INTRODUCTION

This letter has been prepared by Urbis Ltd on behalf of 9-11 Nelson Street Pty Ltd (the Applicant) and relates to Development Application (D/2023/237) at 9-11 Nelson Street, Chatswood.

The purpose of this letter and the supporting documentation is to provide a comprehensive response to the Request for Information (**RFI**) letter provided by Willoughby City Council (Council) on 8 December 2023 and Water NSW on 6 November 2023. We note that ongoing discussions are continuing directly with Sydney Trains and Sydney Metro to resolve items raised to date. We also note that at the time of preparing and submitting this response, Council's Landscape Team are yet to provide comments on the application. These matters have not been included or discussed in this response and will continue to be dealt with separately.

1.1. CONSULTANT INPUTS

A comprehensive suite of amended documentation has been prepared in response to Council's feedback. These consultant inputs are listed in **Table 1** below.

Table 1 Supporting Documentation

Document	Author	Appendix
Amended Architectural Plans & Response to Urban Design Comments	DKO	Appendix A
Amended Landscape Plans	Land and Form	Appendix B
Amended Traffic Impact Assessment	JMT Consulting	Appendix C
Clause 4.6 Variation Request	Urbis	Appendix D

Document	Author	Appendix
Legal Advice	Mills Oakley	Appendix E
Remediation Action Plan	Aargus	Appendix F
Amended Stormwater Plans	Northrop	Appendix G
Amended Stormwater Report	Northrop	Appendix H
Qualitative Wind Assessment	CPP	Appendix I
Infrastructure Report	ADP	Appendix J

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2. RESPONSE TO WILLOUGHBY CITY COUNCIL

Table 2 Willoughby City Council Feedback and Project Team Response

Council Comment	Project Team Response
1. <u>Development Engineering</u>	
<u>Vehicle access and parking</u> *The information submitted has not demonstrated compliance with Part F of the Willoughby DCP and the requirements of AS/NZS 2890.1, AS 2890.2 and AS 2890.6. The following items need to be addressed:* ▪ *The swept path diagrams are not clear and do not demonstrate compliance. Revised diagrams are to be provided, in which the background structure and the swept path and manoeuvring zone are able to be clearly seen. The following diagrams are to be provided:* - *The entry and exit paths for the 12.5m waste vehicle, from Gordon Avenue to the loading bay.* - *The entry and exit paths for a SRV plus a B99 vehicle from Gordon Avenue to the loading bay. It must be clear that the "car" is a B99.* - *The entry and exit paths on all circulation aisles for the B99 + B85 vehicles. This is to extend from the loading bay to the lowest basement level.* - *The entry and exit paths for the largest vehicle using the Porte Cochere. As a minimum, this must be a B99 vehicle.*	Swept path analysis is provided in Appendix A of the amended TIA as requested by Council, including: ▪ 10.5m Council waste collection vehicle from the Gordon Street driveway through to the loading bay. ▪ SRV passing a B99 vehicle. ▪ A B99 vehicle passing a B85 vehicle on the main entry ramp and through to the lower basement levels. ▪ A B99 vehicle using the porte-cochere.

Council Comment	Project Team Response
Details are to be provided as to how potential conflicts will be managed on the entry ramp when vehicles larger than an SRV, including Council's waste vehicle, are using the ramp. *If any form of traffic signal system is proposed, details are required on possible delays and impacts on the adjacent road network. A car must be able to pass the waste vehicle at the vehicle crossing and for the first 6m within the site, to minimise vehicles waiting in the road or needed to reverse back over the footpath into the road to avoid a vehicle travelling in the opposite direction.*	In accordance with Council's requirement a car can pass the 10.5m Council waste vehicle for the first 6m within the site. The design makes provision for an SRV to pass a B99 vehicle on the main entry ramp through to the loading dock – accounting for the vast majority of instances where a heavy vehicle will be passing a passenger car. Given the infrequency of vehicles larger than a SRV using the ramp (once per week on average) there is no formal traffic light control system proposed. Instead, convex mirrors are to be installed on the corner of the ramp to provide visibility to drivers travelling in either direction. It should be noted that there is no Australian Standard requirement nor Willoughby Council control, where in the instances of heavy vehicle movements are very low, must accommodate simultaneous passing of heavy and light vehicles at all times.
The vehicle crossing/ driveway adjacent to the western boundary has not been set back 1.2m from the side boundary as required by Clause 4.2.i of Part F of the WDCP.	The plans have been amended to show the driveway set back 1.2m from the boundary in accordance with Council's feedback.
The sight triangles for the vehicle crossing required by Clause 3.3 of AS/NZS 2890.1 must be able to be achieved on site, with no reliance on clear zones being maintained on the adjacent property. We note that there is an existing garbage store on the adjacent site that is located within the sight triangles shown, and as such the triangles shown on the plans do not comply with the requirements of the standard.	The amended design makes provision for the driver sight triangles wholly within the subject site as per Council's feedback.

Council Comment	Project Team Response
The layout of the exit from the Porte Cochere is not acceptable, as traffic paths are not clear and it creates confusion. From the current design, it looks as if the exit from the drop off zone has an exit to the roadway to the east of the main entry ramp. This will have exiting vehicles on the right hand / wrong side of the main access ramp, which is not acceptable, due to the possible conflict with entering vehicles and confusion to drivers not familiar with the area. *Either the drop off zone is to have a completely separate exit from the main entry with a minimum 1.2m separation between the two crossings (not preferred) or it is to connect to the main access route, with vehicles leaving using the main vehicle crossing for the site. The layout of this area must be clear to all users with possible conflicts minimised.*	The porte-cochere configuration has been amended in response to Council's feedback which reduces vehicle conflict points and driveway crossover widths. The amended design includes: ▪ Entry for vehicles to the porte-cochere at the western end of Gordon Avenue – combined with the entry point for vehicles accessing the basement. Therefore, there will be a singular point of entry for all vehicles accessing the site and the previous conflict identified by Council is eliminated. ▪ Reducing the width of the exit driveway crossover at the eastern end of Gordon Avenue to approximately 3m. ▪ Introduction of bollards to separate the porte-cochere from the adjacent footpath.
There does not appear to be any separation between the drop off zone at the port cochere and the adjacent footpath. This creates s possible pedestrian / vehicle conflict, with vehicles able to drive on the footpath. Details are to be provided to detail how this separation will be achieved and how vehicle access to the footpath will be prevented.	The amended plans now show an altered pavement design complemented with bollards to physically separate the porte-cochere from the adjacent footpath on Gordon Avenue.
The width of the vehicle crossings are to be minimised, subject to being of sufficient width for the swept paths of the design vehicles. For the Porte Cochere entry, this must be in the vicinity of 3-3.5m. Diagrams are to be provided to show that vehicles are contained within the crossing and that the width is minimised.	Based on the swept path analysis undertaken, the exit driveway at the eastern end of Gordon Avenue has been narrowed from 6m down to approximately 3.5m. The width of the driveway crossover at the western end of Gordon Avenue has also narrowed compared to that presented in the DA submitted plans.

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No details have been provided of the required connection for vehicles to the neighbouring property from the base of the access ramp.	As detailed in the amended TIA, the provision of a shared driveway with the neighbouring property is not supported. Further justification for the use of individual driveways serving both properties is provided in separate correspondence to Council.
Confirmation is required that all C/R labelled parking spaces are for all day use by employees. If not, they are to be designed for Class 2 use, with a minimum width of 2.5m.	The commercial and retail parking spaces are to be used by staff only and not available to the general public. Therefore, these spaces can be designed as Class 1 spaces with a 2.4m width.
Accessible parking spaces do not all comply with AS 2890.6, as required by Part F of the WDCP. Columns are located in non-compliant locations in the shared zone and many of the spaces shown as accessible do not have the required shared zone. Please note that spaces for adaptable units required to be accessible must comply with AS2890.6 and not the adaptable housing standard. The shared zone must not extend into parking spaces, as occurs at Basement 03. Columns must be of a size and position to comply with the requirements of AS 2890.6.	All accessible car parking spaces have been signed off as acceptable by the access consultant Inclusive Places. Of relevance is their feedback stated below: *"15 of the 25 spaces allocated to Adaptable apartments are shown to have dimensions of 3.8m wide x 5.4m long and no shared area, which is consistent with the minimum dimensions specified for adaptable housing under AS4299-1995. The other 10 Adaptable apartments will be allocated parking spaces designed generally in accordance with AS2890.6-2009, which is the standard referenced in the Willoughby DCP. Either option is considered to be appropriate for Adaptable housing and in our experience, both designs are applied to Adaptable housing on a regular basis. Notably, the BCA does not require Class 2 dwellings to be allocated car parking spaces, therefore AS2890.6 is not called up by the BCA for the Adaptable dwellings. In contrast, the accessible non-residential parking spaces have dimensions per AS2890.6-2009 as required under the BCA.""*

Council Comment	Project Team Response
At Basement 01, the C/R spaces have blind aisles that exceed the lengths allowed by AS/NZS 2890.1. Details are to be provided on how this will be managed, to allow vehicles to turn around or if they are assigned to a particular unit.	The commercial and retail parking spaces are to be used by staff only and not available to the general public. Therefore, the requirements for blind aisles that apply to public car parking areas are not relevant in this instance – all car parking spaces will be allocated to staff.
At Basement 02, it is not clear that the spaces in the north-west corner comply. The aisle width opposite the end spaces is less than 6.1m (width required where there is a structure on one side) and for the two spaces at the end, it is not clear how the vehicles can turn around and leave in a forward direction. For these two spaces swept path diagrams are required.	The design has been amended to provide the required 6.1m aisle width in this location. Vehicles are to reverse into the two parking bays at the end of the aisle. Given this is a residential car park located in the Chatswood CBD with very low turnover, this arrangement is considered acceptable. There is no requirement in the Australian Standards or other document that prohibits or limits the extent of reversing by residential vehicles in a basement car park, particularly one they are very familiar with.
All bicycle rails are to be located within the site boundaries and not in the road reserve.	The amended plans show all bicycle rails relocated to within the site boundary in accordance with Council's feedback.
Longitudinal sections are to be provided for all vehicle crossings, on each side of the crossing. They are to extend from the centreline of the road to a minimum of 6m within the site. They are to be prepared by a civil engineering and shall include both existing and proposed levels and proposed grades and must include the actual road crossfall and not an assumed value. The sections are to demonstrate that a B99 vehicle does not scrape and that grades comply with the requirements for an MRV.	Sectional drawings added to Northrop documentation.
Stormwater management	

Council Comment	Project Team Response
The information submitted has not demonstrated compliance with Part I of the Willoughby DCP and Technical Standard 1. The following items have been identified as issues to be addressed: ▪ *A Hydraulic Grade Line (HGL) analysis has not been provided to demonstrate that the outlet of the OSD tank is above the downstream water level in the 1%AEP storm event. The analysis is to be taken from the proposed connection point to the Council system in Gordon Avenue and extend to the tank outlet. The adopted downstream water level is to be the 1%AEP water level at the Council pit, as detailed in the flood report. A longitudinal section is to be provided to show the HGL level.*	OSD documentation updated within the stormwater plans and report prepared by Northrop. The OSD tank is above the downstream water level in the 1%AEP storm event.
▪ *A copy of Council's onsite stormwater detention system design checklist, available in Appendix 5 of Technical Standard 1, is to be provided for the OSD system. The checklist is to be completed by the design engineer.*	The checklist has been included in the amended Stormwater Report.
▪ *No catchment plan has been provided to confirm which areas drain to the tank and which areas bypass the tank. In accordance with Clause 6.2.c of Technical Standard 1, calculations are to be provided to confirm that the outflow from the OSD tank has been reduced by the bypass 1%AEP flow and if the bypass area exceeds 5% a Drains model is to be provided.*	The catchment plan has been included in the report.
▪ *The proposed High Early Discharge (HED) chamber is to be deleted, as this is not permitted by Council and the design PSD detailed in Technical Standard 1 is based on no HED chamber.*	HED chamber has been deleted. Updated design is included in the amended Stormwater Plans.

Council Comment	Project Team Response
▪ *No details of the MUSIC modelling have been provided. A summary is to be provided for the modelling, which includes details of parameters used for nodes, including treatment nodes, and a catchment plan, identifying the area of each node used in the model.*	A MUSIC catchment plan and details of the parameters nodes have been included in the Stormwater Report.
Public domain ▪ *All bicycle rails provided for the development need to be located within the site boundaries and not in the road reserve. Revised plans are to be submitted showing the proposed new location for the bicycle rails.*	Bicycle rails have been moved within site boundaries on the amended architectural plans.
▪ *The plans detail hardstand area within the new public open space at the end of Nelson St. Details are to be provided to demonstrate that it is not possible to locate the hardstand on the road and not within the new open space.*	This application relates to land within the bounds of 9-11 Nelson St only. Plans for the use/redevelopment of the end of Nelson St have been included based of plans provided to the applicant to date, however noting these pans are not final.
2. Waste Management and Collection	
Council requires a residential bin storage area of 124.9m2 for bin storage; any equipment such as chute discharge and compactors would need additional space: ▪ *WMP mentions an approximate residential waste area of >40 m^2, a chute discharge room (Core B) with additional storage space for 14 x 1,100L recycling bins at >67m2 and a bulky waste area of >4m^2 to 40m^2.*	Elephants Foot Operational Waste Management Plan (OWMP) Report No. 4943 Rev E has been updated so it is based on the DCP 2023 including NSROC (2018). Refer to pages 7, 8 and 19 of the OWMP for updated calculations and estimated waste room sizes. Please note that the previous report (Rev D) had weekly collection whereas twice weekly collection of residential waste is proposed in this report (Rev E).

Council Comment	Project Team Response
▪ *The architectural drawings show a residential bin storage area of 74m^2, including the space required for the linear track system and, a bulky waste area of 1.6m x 5.0m (or 8m^2).* ▪ *Please clarify the size of the bin storage area, excluding the space required for the linear track, to confirm enough space is provided to store all required bins.* ▪ *Please also ensure the areas provided are consistent between the architectural drawings and the WMP.*	Please refer to updated architect plans, as Basement 01 waste areas have changed to suite the new generation rates. Refer to pages 19 of the OWMP and the Basement 01 of the Architect Plan. Refer to page 19 of the OWMP for commercial and residential bin storage areas, noting that there are also some residential bins stored in Chute Discharge Room Core B. Calculations for these bin numbers can be found on pages 7, 8 and 11.
According to DCP (2023), Council requires 63.3m2 for commercial waste and recycling bins. The WMP mentions an approximate area of >44 m^2. Details of the size are not presented in the architectural plans. Please clarify the commercial bin storage area in the architectural drawings and the WMP.	According to our calculations for waste on this development, based on 3 x weekly collections for waste (general and food) and 2 x weekly collections for recycling (commingled and paper/cardboard), the estimated commercial bin room size was approximately 44m2. This number factors in an additional 60% of bin GFA for manoeuvrability. The Commercial Bin Room is currently shown as 54m2 in the architect plans, which is more than the estimated area required.
Generation rates should be calculated against Council's published benchmark rates (see DCP, 2023 and NSROC, 2018). Appropriate bin sizes and collection frequency should be allocated based on the estimated generation rates. For residential units, the collection service provider is Council. The bin numbers and sizes would be fixed but collection frequency could be increased (for a fee) to achieve higher capacity. *For residential bins:*	Elephants Foot Operational Waste Management Plan Report No. 4943 Rev E has been updated so it is based on the DCP 2023 including NSROC (2018). Refer to page 7, 8, 11 and 12 in the OWMP (Rev E) which show calculations based on the NSROC document. The previous OWMP (Rev D) used lower generation rates, but this has been amended now.

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▪ *The WMP proposes 9 x 1,100L bins collected twice per week (waste) and 18 x 1,100L bins collected once per week (recycling). This provides insufficient capacity for the expected waste generation rates.* ▪ *Cardboard disposal is not sufficiently addressed in the WMP. It is also important to consider how the proposed development intends to achieve cardboard recovery.*	Refer to page 11 and 12 in the OWMP which shows that cardboard recycling has been accounted for. Unfortunately, it challenging to separate cardboard using just a chute system as they will typically be cut up into smaller pieces. Large pieces of cardboard can be taken down to the 240L recycling bin near the lifts, but residents will have to be willing to take it down.
For commercial bins: *Clarification should be sought around the possible tenancies and more specific area allocation of retail type. This would allow for the recalculation of proposed retail waste generation rates.* *It may be considered that up to 25 x 1,100L waste bins and 6 x 1,100L recycling bins, collected three times per week will be required.*	Refer to pages 11, 12 and 19 in the OWMP. Retail tenancies change over-time and the method of accounting for this is to divide the generation rate by 3 different types (Food Retail Other, Restaurant and Retail: Other non-food). The restaurant generation rate is one of the highest generation rates, so will help to account for future possibilities and ensure there is enough space in the commercial bin room.
A number of other items require clarification including: *a) The bin room condition: please clarify the aesthetics, sizes, such as door widths and heights and infrastructure such as ventilation and bin washing amenities, particularly in the architectural plans. The Operational WMP refers to requirements but this is not sufficiently indicated on the architectural drawings or specific to the proposed development.* *b) Collection procedure: please provide further details in the architectural plans to indicate Council's HRV will be accommodated for onsite collection within the*	The doors to waste rooms are either roller garage or double doors. Taps can be found (as indicated in architect plan) in Chute Discharge Room Core B and the Commercial Bin Room. All doors have been recommended at 1500mm minimum (page 20 in OWMP) to account for the large bins and bulky waste. As demonstrated in the swept path analysis included in the original traffic impact assessment and provided as Appendix A of this document, the design makes provision for a 10.5m long Council waste collection vehicle to enter and exit the loading dock in a forwards direction. Waste vehicles enter the site from Gordon Avenue and travel down the ramp where they reverse into the

Council Comment	Project Team Response
development and confirm how the loading area will be clear for Council. The OWMP does note an HRV access is required. *c) The bin room security: please clarify details about authorized persons to access the bin room.* *d) Section 6.5.5 in the WMP refers to a central food waste area. Please provide further details on this process.*	designated waste vehicle parking bay. Exit is via a single turning manoeuvre back up the ramp onto Gordon Avenue. Noted. Residents will dispose of waste down chutes (no need to access chute discharge rooms). All bin rooms enclosed with doors (garage doors that can be locked). However, residents will have access to the Bulky Waste room as detailed in report. Refer to page 12. Food waste bins have been provided in the commercial bin room. However, when the building is functional, the building manager can change the bin size to suit actual amount of food waste being produced.
3. Owner's Consent	
Consent of each individual unit owner and Owners Corporation are required. For the strata titles, consent must be stamped with the common seal of the owners corporation and signed by the Chairman of the Owners Corporation or the appointed managing agent. *If the owner is a company, a separate letter is to be provided stating acknowledgement and consent to this application. This letter is to be signed by an authorised director in accordance with the Company's Memorandum and Articles of Association.*	9-11 Nelson Street Pty Ltd is engaging with all owners of the site and will provide owners consent for all properties prior to determination.
4. Building Height	
The proposed breach to the development standard of Height of Buildings (Cl 4.3) is not supported by Council. The submitted Clause 4.6 variation statement	The proposed building height has been amended so that there is no building height exceedance on the southern tower and the building height exceedance

Council Comment	Project Team Response
is unsatisfactory, as it fails to adequately address the matters required to be addressed under Cl4.6(3) of the LEP. The written request does not adequately demonstrate that compliance with the standard is unreasonable or unnecessary; and Council is not satisfied that there are sufficient environmental planning grounds to justify the contravention of the Building Height standard. *The grounds listed in the applicant's written request justifying the breach such as constructability, build quality and amenity are not sufficient. These can also be achieved by a compliant proposal and there appears to be no relevant benefit to the design quality and amenity that is achieved by the breach, apart from private benefit. Additionally, lack of, or minimal, amenity impacts is useful for gaining approval of a compliant proposal but is not sufficient to justify the extent of the breach proposed. It is therefore recommended that the proposal is amended so that it does not exceed the maximum building height control under the WLEP 2012.*	has been reduced to a maximum of 400mm in the northern tower. This exceedance is associated with the centralised lift overrun and will not create any adverse amenity or visual impacts. All GFA is located below the maximum height limit for the site. The clause 4.6 variation request for height has been amended to reflect this amendment.
5. Gross Floor Area	
The following matters need to be addressed regarding GFA: ▪ *As per the definition of GFA, "car parking to meet any requirements of the consent authority (including access to that car parking)". That is, only parking that meets the requirements is excluded - parking in excess of the requirement is not excluded. As calculated, approximately 95.8 car parking spaces are in excess of Council maximum car parking requirement. The excess spaces needs to be included in the GFA calculation.*	A Clause 4.6 variation request for FSR has been prepared in relation to 92.8 spaces in excess of Council's maximum requirement including access to those spaces, noting that 3 proposed car spaces have now been converted to car share bays. The variation request demonstrates the impacts associated with the additional car space GFA are acceptable and there are sufficient environmental planning grounds to permit the variation in this instance.

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▪ *The end-of-trip facilities on Basement Level 1 are not excluded from gross floor area pursuant to Willoughby LEP 2012 and need to be included in the GFA calculation.*	The legal advice prepared by Mills Oakley confirms that the Basement Level 1 end-of-trip facilities are correctly excluded from the calculation of GFA pursuant to the WLEP 2012.
▪ *Mezzanine level to be included in GFA Calculation as per the definition of GFA in the WLEP. Any area of the Mezzanine level which is excluded from the GFA calculation (as per the definition) needs to be clearly identified on the floor plan for its purpose.*	The proposed mezzanine level is plant space and is therefore excluded from the GFA calculation.
▪ *The horizontal means of egresses need to be included in the GFA calculation particularly, the areas adjacent to lift cores on Ground floor and first floor levels, Residential Lobby on the ground floor (northern tower). Exclusions apply to "any area for common vertical circulation, such as lifts and stairs" not horizontal corridors.*	The previous architectural drawings were missing a riser. The plans have been amended to include a riser and this space is therefore not included in the GFA calculation.
▪ *The applicant to clarify as to why the atrium/ common corridor/ through link should be not included in the GFA. The architectural plans need to clearly identify all enclosed sides/gates linking the atrium.*	The area as shown in red will form a laneway, or 'common corridor', being an area of horizontal circulation from which commercial tenancies, lift access services are accessed. Part of the space includes a large open air "cut out" for landscaping that exposes the area to the weather. Additionally, the corridor will not be enclosed, rather will have lockable steel gates at each end to be used only during the night-time period. Floor space ratio is an inexact measure of a building's volume because it excludes all the volumes of all areas identified in the definition of GFA (d-j). When considering the phrase 'measured from the internal face of external

Council Comment	Project Team Response
	walls', it is important to note that there is no definition of 'external wall' in the Willoughby LEP 2012. In the case of *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243* (**HPG Mosman**), Commissioner O'Neill made the following judgements which are relevant considerations in calculating GFA: *"The definition of "external wall" in the NCC is "an outer wall of a building which is not a common wall" (Sch 3 to Vol 1 of the NCC). I adopt this meaning of "external wall" as the ordinary meaning of the term in the absence of a definition of the phrase in LEP 2012. Although the definitions of the NCC are not referenced by LEP 2012 or by the EPA Act, the Building Code of Australia (Vols 1 and 2 of the NCC) is referred to by Pt 6 of the EPA Act. An outer wall of a building is either the façade that forms the building envelope or an external wall that is the threshold between an internal room and an external space.* *… The test is not the "prospect of rain entering the breezeway" or whether the external space is identified as a breezeway or a corridor (at [36]).* *… I understand the Council's cynicism in relation to the practice of creating horizontal circulation spaces in multi-residential developments which are external spaces by dint of the deletion of a window in an opening or an open ended corridor, in order that the spaces do not contribute to the calculation of the GFA, however, the calculation of GFA has to be consistent with the LEP definition. The definition of GFA should be clarified or amended so that common horizontal circulation in multi-residential developments, such as corridors or breezeways, is explicitly included in the definition of GFA."*

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	While it is acknowledged there have been subsequent decisions by the court which has considered the reference to an 'outer wall' heights exceeding 1.4m *(C & J Corporation Pty Ltd v Canterbury-Bankstown Council [2020] NSWLEC 1431)*, it is apparent the test as it relates to calculating GFA is in fact whether or not a space is "*enclosed on all sides by external walls or common walls"* (HPG Mosman). As the area shown in red in **Figure 9** below is not to be enclosed with external or common walls on all sides, this space is therefore proposed to be excluded from the GFA definition. Accordingly, we seek Council's confirmation of acceptance of this calculation approach.
6. Urban Design	
The design submitted is currently inconsistent with the competition awarded design. As the submitted architectural plans indicate the floorplan in the DA is not that considered and awarded by the Design Excellence Jury. The response provided by DKO Architects: ▪ *Includes a floor plan (identified as the Awarded scheme)* ▪ *This floorplan is not the same floorplan reviewed and considered by the Design Excellence Jury.* *DKO Architecture are to replace the floor plan with the floorplan from the scheme submitted to and reviewed by the Jury* *The floor plan for the northern tower submitted in the DA requires significantly more clarification regarding how it:*	Refer to response package prepared by DKO at **Appendix A.**

Council Comment	Project Team Response
- *Responds to the Design Excellence Juries Competition Report Comments* - *How the (significant) changes made improve upon the selected and awarded scheme* - *This resubmission/clarification may be undertaken in a revised and augmented report.* *Following review of this response we will determine if a Design Excellence Integrity Review is required to determine if the scheme still satisfies the intent of the Design Excellence Jury Report for the awarded scheme*	
Council's Urban Designer also notes that the Competition Brief included the following: ▪ *'Consolidation of a vehicle access location within the development to maximise streetscape activation. Please refer to the objectives of the site specific DCP, which requires that development ensures the viability of adjoining and surrounding sites for future development'* *In this regard, should the item not be satisfied, then the selected competition willing scheme has not fully addressed the design objectives identified in the Competition Brief.*	Refer to response package prepared by DKO at **Appendix A.**
7. Environmental Health	
The Detailed Site Investigation recommends that a Remedial Action Plan (RAP) be prepared to detail how the Chromium that exceeds the Health	A Remedial Action Plan has been prepared by Aargus. The RAP concludes that the site will be rendered suitable for redevelopment into a new mixed use development with three basement levels and deep soil landscaping area

Council Comment	Project Team Response
Investigation Level (HIL) at an identified hotspot located at BH13 will be remediated so that the land is rendered suitable for the proposed mixed use. *Council requires this information so that the remediation method can be approved and included in any consent conditions. There would be no reason why this additional information could not be supplied prior to determination.* *A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified contaminated land consultant that complies with the EPA's 'Consultants Reporting on Contaminated Land – Contaminated Land Guidelines' (2020) and other relevant guidelines. The RAP shall address any findings/recommendations in the Detailed Site Investigation (DSI) for the site. It shall clearly state proposed clean-up objectives, and demonstrate how the site can be made suitable for the proposed use.*	subject to the implementation of remediation and validation works in accordance with the RAP.
The SEE states that the ground floor level is envisaged to comprise of 6 tenancies of cafés and restaurants and on Page 31 states that they are proposed to operate 24 hours a day, 7 days a week. The Safe City Unit does not support this proposed 24/7 operation, even if a future acoustic assessment states that the predicted noise emissions will comply. Noise can still be audible even if it is not considered to be offensive, and it is considered inappropriate at the early hours of the morning. The development site is not located within an approved entertainment district with no residential land use nearby.	This RFI response confirms that the hours of operation for the ground level food and drink premises will be from 7am to 10pm, 7 days per week.
Submit a plan indicating how the proposed café/restaurant tenancies will be mechanically ventilated such that cooking odours and vapours shall be exhausted through the building to the roof in compliance with Australian	The commercial kitchen will discharge horizontally at 3m above the thoroughfare. The cooking odour and vapours will be removed by an adequate

Council Comment	Project Team Response
Standard AS1668 and without causing an odour nuisance to pedestrians, occupiers of commercial or residential units or other properties.	filtration unit (see preliminary selection and certificate attached for reference) which is in line with AS1668.2 C3.10.3. The kitchen hoods and filtration units can be allowed for as a ceiling void of 1000 mm has been confirmed previously.
8. Deep Soil	
The WDCP requires that deep soil planting be provided within the 3m setbacks to Gordon Avenue, Nelson Street, and the Frank Channon Walk, but this is not achieved. The total deep soil provision does not comply with the ADG, where 292.81m2 (minimum 6m wide) is required. The proposal only provides 96.12m2 of deep soil area with a maximum width of 1.81m. The applicant must provide the required minimum deep soil area and also address Clause 6.3 of the WLEP. The deep soil areas shall meet the definition of deep soil zone under Clause 6.3 of the WLEP.	The site-specific provisions for setbacks are established by the site specific DCP, where setbacks are only required to 'contribute to ground level deep soil areas'. The objective of the DCP does not prescribe that setbacks must provide deep soil planting. In addition to this, clause 6.7 of the WLEP requires active frontages are provided along Gordon Street and Nelson Avenue frontages. To provide deep soil planting, typically reserved for mature trees, would directly contradict the ability to deliver active frontages, not to mention would provide safety and security concerns from CPTED perspective. Therefore a balanced approach to planting has been included on the ground plane of the proposal to balance the needs of the development with the surrounding context. Clause 6.3 has been appropriately addressed by virtue of the significant planting and tree cover proposed by the development, while delivering an envisaged land use and built form outcome consistent with the relevant planning controls for the site. The design of the proposal has sought to deliver an inviting public domain, while ensuring that adequate shade and protection for the community is provided.

Council Comment	Project Team Response
9. Dedication of Units for the purpose of Affordable Housing	
As indicated in the pre-lodgement advice, the site is located within Area 9, therefore 4% of the gross floor area of the part of the development used for residential accommodation is to be dedicated in favour of Council, free of cost, as affordable housing, comprised of one or more complete units with each dwelling having a gross floor area of at least 50 square metres. *The units to be dedicated to Council as affordable housing are to be clearly detailed on the architectural plans. The area of the units being dedicated needs to be equate to 4% x GFA of the part of the development used for residential accommodation.*	Noted and included on architectural plans.
10. Adaptable Housing	
The applicant must achieve full compliance with adaptable housing requirement specified under Section 4.3.3, Part B of the WDCP. Specifically, at least 50% of the apartments must be adaptable. The provision of Silver liveable Housing in lieu of the adaptable housing requirement is not supported. However, Council can consider LHA Platinum level housing as an alternative to the adaptable housing requirement.	The plans have been amended to increase the number of adaptable apartments to 43% of the residential component of the development. Refer to updated architectural plans prepared by DKO.
11. Wind Tunnel Assessment (Quantitative)	
As recommended in the qualitative wind assessment prepared by CPP Wind Engineering Consultants, dated, 04/08/2023 a Wind Tunnel testing is required	A revised assessment has been provided by CPP Wind Engineering Consultants. The report concludes that wind-tunnel testing be conducted in a

Council Comment	Project Team Response
to quantify the wind conditions around the site and to develop any specific mitigation measures.	detailed design phase post DA consent, to quantify the wind conditions around the site and to verify the wind mitigation measures that have been incorporated into the design. The applicant would be happy to accept a condition of consent noting the requirement for testing to occur prior to the relevant CC being issued.
12. Demonstrate compliance with Parts F and L of the WDCP	
Part F of the WDCP also applies to the development. The applicant is required to address all relevant sections of Part F of the WDCP including but not limited to; maximum car parking rates, motorcycle parking, bicycle parking and end-of-trip facilities, electric vehicle charging and car share spaces.	Noted, this has been captured in the revised TIA.
In addition to the above, the applicant must also address the following site specific controls outlined in the Part L of the WDCP: ▪ *Car parking provision based on reduced car parking rates, consistent with the requirements for new developments in the Chatswood CBD as supported by Transport for NSW.* ▪ *A minimum of 1 secure bicycle parking space per apartment.* ▪ *A minimum of 1 secure bicycle space per 100m² of commercial/retail floor space.* ▪ *Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.*	As above.

Council Comment	Project Team Response
▪ *A bicycle rack within the site boundary for use by retail customers.* ▪ *A minimum of three (3) freight and service vehicle spaces within the basement, in addition to the one (1) Medium Rigid Vehicle (MRV) space proposed within the loading dock.*	
13. Substation Requirement	
The applicant to assess whether the available electricity services to the site are adequate for the proposed development or if a substation would be required. To ensure an adequate connection, the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. *If an electrical substation is required for the proposed development, the applicant must clearly identify the appropriate location of the substation on the architectural plans, including details such as the type and size of the substation, and zones of exclusions as per Ausgrid guidelines.*	Subject to the electrical building service proposed maximum demand calculation, two 1000kVA standard chamber type substations will be required to supply the new development load. Each 1000kVA standard chamber substation has a supply capacity of 1400A, therefore two standard chamber substations will have a supply capacity of 2800A. Ausgrid offer has been received. Each standard chamber substation has internal dimensions of 4.2m (length) x 4.6m (width) x 3.2m (height) and a cable pit depth of 0.7m.
14. Traffic	
▪ *What will be the impact on the road network from traffic generated by the development?* ▪ *Check parking provision. Providing more parking spaces than required would likely impact the road network in the area.*	Refer to separate correspondence justifying the proposed level of car parking. It is important to recognise that the quantum of car parking proposed for the site under the DA is significantly reduced in comparison to that contemplated and approved at the time of the site specific Planning Proposal. Over 550 parking spaces were envisaged at the time of the Planning Proposal, with this figure reducing to approximately 300 spaces under the DA. This represents

Council Comment	Project Team Response
	more than a 45% reduction in on-site car parking when compared to that considered under the Planning Proposal. The Planning Proposal, including the associated traffic impact assessment and associated 551 car parking spaces, was endorsed by Willoughby City Council and Transport for NSW. Therefore it can be applied that a scheme with 300 parking spaces would continue to remain acceptable from a traffic impact perspective and indeed result in significantly fewer impacts on the surrounding road network.
▪ *If required, what measures are being undertaken to cater for the increase in traffic as a result of the development?* ▪ *Mitigation measures should be provided in the TIA based on the performance results.*	The traffic impacts associated with the proposal were considered in detail at the time of the Planning Proposal for the site. These impacts were considered acceptable by both Council and TfNSW. The expected traffic generation arising from the current proposal is considerably less than that envisaged at the time of the Planning Proposal submission and approval for the site. Over 140 peak hour traffic movements were modelled at the time of the Planning Proposal and considered acceptable by Council. In contrast the current DA forecasts approximately 40 traffic movements in peak hours – more than a 70% reduction. This confirms that the Development Application will not result in any additional impacts on the surrounding road network compared with that contemplated at the time of the (now approved) Planning Proposal.
▪ *Is the developer proposing any changes on public roads or are there changes required that require separate approval by the Traffic Committee?*	The design of the ground floor and public domain at the eastern end of Nelson Street is coordinated with future works by Sydney Metro – including the provision of a cul-de-sac.

Council Comment	Project Team Response
▪ *Eastern end of Nelson Street needs to tie in with Sydney Metro's cul-de-sac design. Proposed drawings require revision to reflect this.* ▪ *Proposed connection of cycle way/ shared path needs to be provided at the frontage of Nelson Street and Gordon Avenue to link with Frank Channon Walk and shown in detailed drawings. The path will also provide connection to future shared path along Pacific Highway.*	There is no requirement to deliver a cycleway or shared path along the frontage of the site on Nelson Street and Gordon Avenue. This has not been identified in the site specific DCP, design competition nor Planning Proposal phase. The current Willoughby Council bike plan does not indicate any form of cycleway along either Nelson Street or Gordon Avenue. Should Council be of the view to introduce a shared path then this would be at their discretion, with the design not precluding the introduction (by Council) of relevant signage and line-marking on either Nelson Street or Gordon Avenue to facilitate the introduction of a shared pathway.
▪ *Is there sufficient on-site parking, including loading bays and disabled spaces provided in accordance with Council's DCP requirements?* ▪ *Parking provision – The parking provision is to comply with the WDCP requirements. Current provision exceeds the WDCP parking rates. Please revise accordingly.* ▪ *EV charging space – It is encouraged that the development to provide EV charging points that comply with the requirements of Part F, Section 4.5 and 5.6 of the WDCP.* ▪ *Car Chare space – Provision of Car Share spaces are to be complied according to Section 5.7 under Part F of the WDCP.* ▪ *Disabled parking – Total number of disabled parking lots is to be tabled in the report.*	As detailed previously and extensively in a separate submission the proposed level of car parking is considered suitable and represents a significant reduction from the 551 spaces envisaged at the time of the Planning Proposal. All parking spaces will be 'EV Ready' in accordance with the relevant requirements of the NCC. No formal requirement is in place for EV charging points in Council's controls. The amended scheme includes three car share spaces in the basement of the building. A total of 28 accessible parking spaces are provided, comprising of 25 spaces for residents of adaptable units, 1 space for residential visitors and 2 for the commercial / retail uses.

Council Comment	Project Team Response
▪ *Does the design of parking modules, circulation roadways and ramps meet the requirements of AS2890.1:2004? If not, provide details.* ▪ *The shared driveway access to basement parking should be established. The constraints mentioned in report are anticipated to be mitigated by exploring further engineering solutions.* ▪ *Traffic team does not support separate access driveway with adjoining development. Please explore further in design to provide shared access driveway with adjacent development.*	As detailed in the transport impact assessment the provision of a shared driveway with the neighbouring property is not supported. Further justification for the use of individual driveways serving both properties is provided in separate correspondence to Council.
▪ *Do the location and design of access driveways and queuing areas meet the requirements of AS2890.1:2004? If not, provide details.* ▪ *It is to confirm vehicles would have adequate line of sight while exiting the parking access, i.e. visibility not impeded by building facade, tree, landscape vegetation, planter boxes, and etc. It is to check if the visibility is adequate to sight pedestrian/ cyclists prior entering the footpath crossover.* ▪ *Signage is to be provided at and entry/exit points of the carpark access and porte-cochere to guide the directions of vehicular movements.*	A 2.5m by 2.0m sight triangle as required under AS2890.1 is provided as part of the design to provide suitable visibility for drivers to view oncoming pedestrians on Gordon Avenue. Signage can be included in the locations nominated by Council. This will be detailed as part of the detailed design drawing package to be developed prior to the commencement of construction
▪ *Is a construction management plan required, showing details of truck routes and movements?* ▪ *Yes – a Construction Traffic Management Plan (CTMP) would be required for demolition, excavation and construction phases.*	Noted and agreed – a CTMP will be prepared prior to the commencement of construction subject to review and approval by Council. The requirement to prepare this CTMP will be reinforced through a suitability worded consent condition.

Council Comment	Project Team Response
15. Water NSW RFI	
Water NSW has reviewed the information provided with the development application and requested additional information/ clarification through. The formal RFI Issued on the portal, dated 06 November 2023 is outstanding to date.	The Water NSW RFI is being addressed under separate cover.

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3. RESPONSE TO WATER NSW

Table 3 Water NSW Feedback and Project Team Response

Water NSW Comment	Project Team Response
DPE will require additional modelled data to support a hydro-geological review and assessment of the proposed drained basement design. The Geotech report will need to be updated accordingly. For details of the additional data requirements for DPE to assess drained basement scenarios , please refer to Table 1 Modelling Inputs in the attachment.	
All Reports need to be written to the minimum requirements for building site groundwater investigations and reporting.	

4. CONCLUSION

This letter and the accompanying documentation have been prepared in response to the matters raised by Willoughby City Council and Water NSW.

We trust that the information contained within this letter and the supporting suite of documentation adequately responds to the matters raised by Council and will enable the assessment to be finalised, with a favourable determination of the DA.

Should you wish to discuss further, please do not hesitate to contact the undersigned.

Kind regards,

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