

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-424
DA Number	DA-2023/237
LGA	Willoughby City Council
Proposed Development	Demolition of existing structures and construction of a 27- storey mixed use development with a 3-level basement, associated site landscaping and public domain works. The building consists of a 2 storey podium with retail/commercial floor space at the ground and first floor levels, and two residential apartment towers above comprising 193 apartments and communal facilities. The application is identified as nominated integrated development requiring approval from Water NSW pursuant to s90 of the Water Management Act 2000.
Street Address	9-11 Nelson Street, CHATSWOOD NSW 2067
Applicant/Owner	Andrew Hobbs (Urbis)/ 9-11 Nelson St Pty Ltd
Date of DA lodgement	05 September 2023
Number of Submissions	5 submissions (including one letter of support)
Recommendation	Refusal
Regional Development Criteria (Schedule 6 of the SEPP (Planning System) 2021	Schedule 6 of the SEPP (Planning Systems) 2021: CIV > \$30M
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021, Chapter 4</i> • <i>Willoughby Local Environmental Plan 2012</i> • <i>Willoughby Development Control Plan 2023</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Reasons for Refusal • Survey • Architectural plans • Clause 4.6 to vary building height • Clause 4.6 to vary active street frontage • Landscape Plans • Statement of Environmental effects
Report prepared by	Akshay Bishnoi – Senior Development Assessment Officer
Report date	17/07/2025

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? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **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 NO: PPSSNH-424
COUNCIL: WILLOUGHBY CITY COUNCIL
ADDRESS: 9-11 NELSON STREET, CHATSWOOD NSW 2067.
DA NO: DA-2023/237
PROPOSAL: INTEGRATED DEVELOPMENT - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF 27 STOREY MIXED-USE DEVELOPMENT, BASEMENT CARPARKING, TWO STOREY COMMERCIAL PODIUM, 2 RESIDENTIAL TOWERS CONSISTING OF 193 APARTMENTS, COMMUNAL OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS. THE APPLICATION IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM WATER NSW PURSUANT TO S90 OF THE WATER MANAGEMENT ACT 2000.
RECOMMENDATION: REFUSAL
ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. CLAUSE 4.6 ASSESSMENT – HEIGHT
5. CLAUSE 4.6 ASSESSMENT – ACTIVE STREET FRONTAGE
6. SECTION 4.15 (79C) ASSESSMENT
7. REASONS FOR REFUSAL
8. NOTIFICATION MAP
9. ARCHITECTURAL PLANS

RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AUTHOR: AKSHAY BISHNOI - SENIOR DEVELOPMENT ASSESSMENT OFFICER
DATE: 17/07/2025

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.

2. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP) refuse the development for the reasons outlined in Attachment 7, for the application DA-2023/237 for INTEGRATED DEVELOPMENT - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF 27 STOREY MIXED-USE DEVELOPMENT, BASEMENT CARPARKING, TWO STOREY COMMERCIAL PODIUM, 2 RESIDENTIAL TOWERS CONSISTING OF 193

APARTMENTS, COMMUNAL OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS at 9-11 Nelson Street, CHATSWOOD NSW 2067.

3. DESCRIPTION OF PROPOSAL

The development application proposes the following:

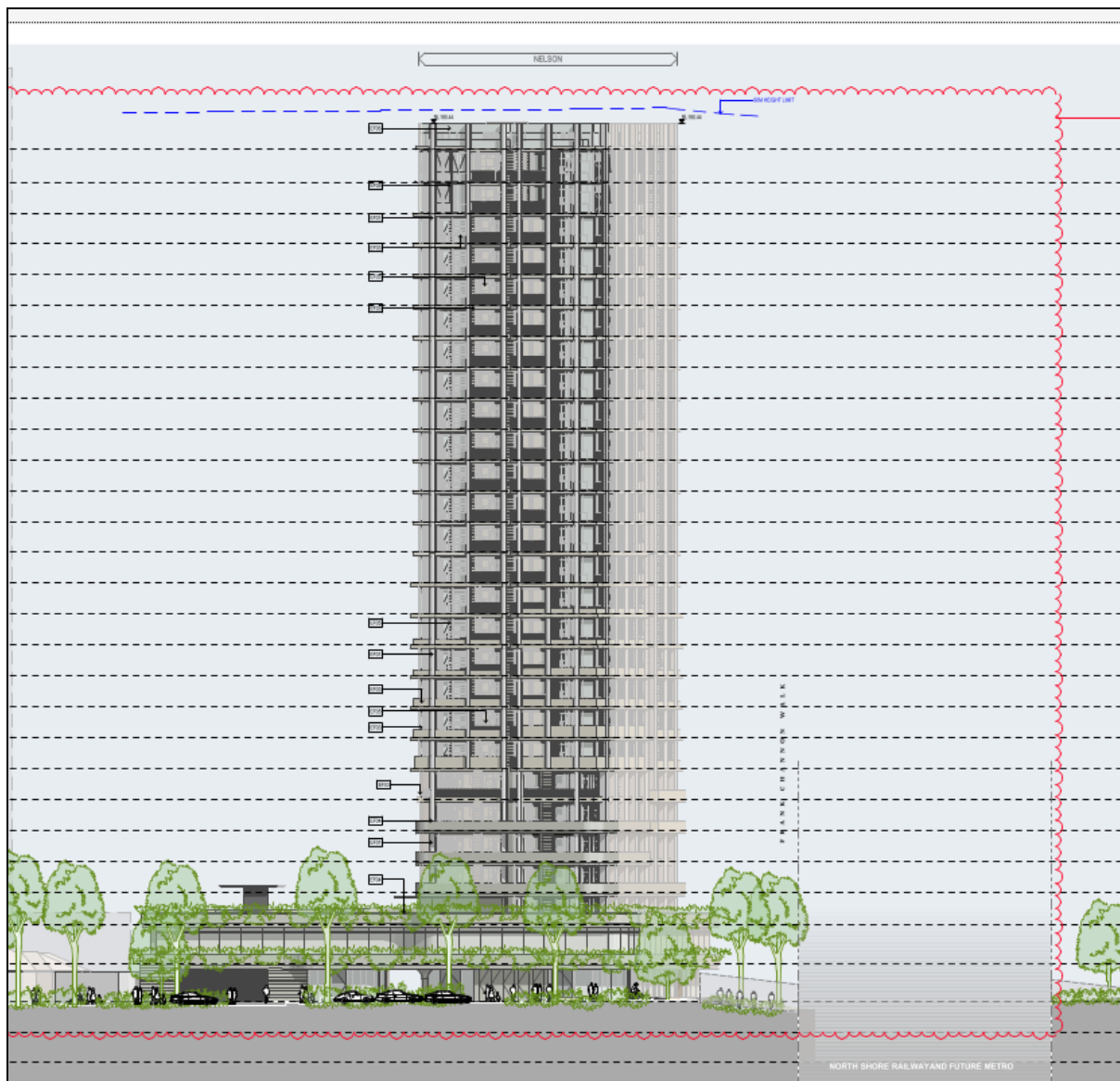
- a) Demolition of all existing buildings and structures, and excavation for three basement levels for parking, loading and servicing, storage, and associated plant, services and utilities.;
- b) Construction of 27 storey shop top housing development comprising 2 storeys of commercial/retail use, and two residential towers comprising 25 levels containing 193 residential apartments, adopting the following mix:
 - Two-storey non-residential podium:
 - Ground floor: seven retail tenancies
 - First Floor: 2 large Commercial tenancies
 - Two 25 storey residential towers comprising 193 dwellings (including 9 affordable housing units) and communal facilities including, gym and yoga studio in the southern tower and outdoor lounge, cinema, kitchen and sporting area provided in northern tower.
 - Steam room, sauna, pool, sunken pool cabanas and BBQ facilities provided surrounding the 25m x 5m pool on level 2.
 - Unit mix:
 - 2 bedroom – 137 units
 - 3 bedroom – 56 units
- c) Basement parking (3 levels) comprising 250 car spaces (inclusive of 25 accessible spaces), 11 motorcycle spaces, 193 bicycle spaces and two spaces for loading/service vehicles.
- d) Landscaping and associated works, including removal of 78 trees.
- e) Delivery of a 3m wide publicly accessible easement along the eastern boundary of the site.

On 28 March 2025, the proposal was amended in the following manner:

- To include a future basement connection to the neighbouring site at 15-19 Nelson Street.
- Revised basement layout to achieve a compliant number of car parking spaces.

Note:

The difference between the originally notified plans and the latest version submitted on 28/03/2025 is minor. As mentioned above, the amendments primarily relate to the reconfiguration of parking layout at the basement levels with no changes to the building height and gross floor area. As a result, the impacts from the revised architectural plans are considered similar to the originally notified plans and do not give rise to any new issue that would necessitate re-notification.



Proposed Nelson Street Elevation



Proposed Gordon Ave Elevation

4. BACKGROUND

A planning proposal to rezone the site for uplift in accordance with the Chatswood CBD Strategy 2036 was approved and gazetted on 18 November 2022. The planning proposal included the following key amendments to the Willoughby Local Environmental Plan 2012 (WLEP 2012):

- Rezone the site from R3 Medium Density Residential to B4 Mixed Use
- Maximum FSR of 6:1
- Height of Buildings 90m
- A minimum commercial FSR component of 1:1
- Active Street Frontage to include Gordon Avenue and Hammond Lane Frontages
- 4% of the residential floor space as affordable housing units

On 21 April 2023, the scheme presented by DKO architect exhibited the design excellence, with jury requesting further refinements from DKO architects prior to the lodgement of a DA.

A pre-da meeting was held on 24 May 2023.

The application was lodged on 05 September 2023.

The application was notified from 26 September to 25 October 2023.

On 1 November 2023, additional information requested from Sydney Trains, Sydney Metro and Water NSW were forwarded to the applicant.

On 7 November 2023, the applicant responded to the Sydney Trains and Metro Additional information requests.

On 8 November 2023, Sydney North Planning Panel held a kick-off briefing. The following issues were discussed:

- *Design of the development does not appear to be consistent with the design presented to the Jury during the Design Excellence Competition Process.*
- *Non-compliance with Height of Building Development Standard.*
- *Non-compliance with FSR development standard. Approximately, 95 car parking spaces are in excess of Council's maximum car parking requirement, has not been included in the GFA calculation.*
- *Sydney Trains has requested additional information, a response from the applicant is outstanding to date.*
- *Ground water and dewatering details for Water NSW to satisfy requirements for GTA's. Water NSW has requested additional information, which is outstanding to date;*
- *The proposal does not provide shared vehicular access with the adjoining immediately to the west, which is contrary to the WDCP2023.*
- *Individual Unit Owner's consent*
- *Pad-mount Substation requirement/location*
- *Vehicle access and manoeuvring issues*
- *A revised Statement of environmental Effects addressing all relevant sections of Part F of the WDCP 2023.*
- *Contamination issues (DSI has raised some environmental issues with the site, requires a RAP to be submitted)*
- *Non-compliance with Council's Adaptable Housing Requirement*

On 08 December 2024, a request for additional information was sent to the applicant in respect to:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Waste Management and collection,
- Owners Consent
- Non-compliance with Building Height
- Gross Floor Area
- Urban Design
- Environmental Health Issues: 24x7 operation of retail tenancies, Contamination and mechanical ventilation associated with café/restaurant tenancies;
- Deep Soil
- Dedication of affordable housing units
- Adaptable housing
- Wind Tunnel Assessment
- Compliance with Part F and L of the WDCP
- Substation requirement
- Traffic
- Water NSW request for further information

On 10 January 2024 Sydney Metro requested further information.

On 9 February 2023, the applicant partly responded to RFI and provided revised architectural plans and documents.

On 03 April 2024, Sydney North Planning Panel held an assessment briefing. The following issues were discussed:

- *The applicant proposes approximately 93 car parking spaces in excess of the Council's **maximum** car parking requirement, which is not supported by Council. The parking rates adopted in WDCP is aligned with WCC Integrated Transport Strategy, which identifies travel demand management (TDM) as an effective and achievable approach to manage congestion. The vicinity of the maximum parking rates are located within well connected shared path network, where walking and cycling to Chatswood Interchange is feasible (Note: The interchange has buses, Heavy Rail and the new Metro). Bus network along Pacific Highway further complements the transport mode choice. It is crucial that Council consistently adopts and defends the parking rates in Chatswood CBD. This is essential for the sustainability of traffic operations based on the above.*
- *A clause 4.6 variation statement has now been provided justifying the breach of the FSR standard due to 93 car parking spaces being in excess of Council's maximum car parking requirement. The non-compliance with the FSR development standard is not supported, as the excess spaces will result in traffic generation, negatively affecting the sustainability of traffic operation within the Chatswood CBD area.*
- *Additionally, the revised plans remain unclear regarding the excessive mezzanine level floor plan and its purpose.*
- *Building height has been reduced to achieve a more compliant development. The revised architectural plans, particularly plan DA-301, revision C, depicts a non-compliance greater than 400mm, which is inconsistent with the exceedance indicated in the applicant's revised CI 4.6.*
- *Sydney Trains and Sydney Metro's review of the revised material are outstanding to date.*
- *Ground water and dewatering details for Water NSW to satisfy requirements for GTA's. Water NSW requested additional information on 06/11/2023, which is outstanding to date;*

- *The applicant's response does not provide shared vehicular access with the adjoining immediately to the west, which is contrary to the WDCP2023. Consolidation is required to maximise streetscape activation and to ensure the viability of adjoining properties for future development.*
- *Individual Unit Owner's consents are still outstanding*
- *Pad-mount Substations appears to have zones of exclusion encroaching into Commercial space. No details have been provided whether the walls surrounding the substations are blast proof walls.*
- *Wind Assessment - Wind Tunnel testing is required to quantify the wind conditions around the site and to develop any specific mitigation measures.*
- *Public Domain Works along Frank Shannon Walk are not consistent with the VPA*

On 8 April 2024, Water NSW issued intention to refuse General Terms of Approval (GTA) requesting a response by 6 May 2024.

On 11 April 2024, the applicant responded to the Water NSW RFI.

On 20 June 2023, the Water NSW issued a General Terms of approval (GTA) for a tanked basement design.

A meeting was scheduled for 29 May 2024 at the applicant's request to discuss the proposed reduction in car parking spaces to comply with the WDCP, as well as the potential consolidation of the basement with the adjoining site to the west at 15–19 Nelson Street. However, the meeting was cancelled on 28 May 2024 due to ongoing discussions between the adjoining landowners aimed at finalising a commercial agreement.

Since the applicant's cancellation request, Council has made several attempts to contact the applicant via email and phone to discuss these issues; however, no formal response has been received.

On 24 October 2024, Council issued another RFI including the following issues:

- Vehicle access and parking,
- Stormwater water management and flooding,
- Waste Management and collection,
- Owners Consent from individual Unit Owners
- Non-compliance with Building Height
- Gross Floor Area resulting from the non-compliant car park
- Urban Design
- Environmental Health Issues: 24x7 operation of retails tenancies, Contamination and mechanical ventilation associated with café/restaurant tenancies;
- Deep Soil
- Adaptable housing
- Wind Tunnel Assessment
- In consistency with Part F the WDCP
- Sydney metro RFI
- Public Domain Works and inconsistency with the executed VPA.

In addition to the above, and given the number of issues raised (also outlined in the assessment briefing report issued on 3 April 2024), the applicant was advised to consider withdrawing the application. This would allow time to resolve key matters, particularly issues relating to owner's consent, car parking, and other concerns previously identified.

On 6 November 2024, the Sydney North Planning Panel held a further assessment briefing. At this meeting, the Panel was briefed on the lack of communication from the applicant and the number of unresolved issues.

On 5 February 2025, the Sydney North Planning Panel held another briefing to receive an update on communication with the applicant. The applicant attended this meeting and requested additional time to address the issues raised by Council.

On 28 March 2025, the applicant submitted a response to the RFI dated 24 October 2024, including amended plans and revised documentation. However, the matters of owner's consent, as well as responses to Sydney Trains and Sydney Metro, remained outstanding.

On 2 April 2025, the Sydney North Planning Panel held a fourth assessment briefing to consider the applicant's latest submission. The Panel was advised that a response had been received; however, the issues relating to owner's consent and the RFIs from Sydney Metro and Sydney Trains had still not been addressed.

These issues remain outstanding to date.

5. DISCUSSION

Briefly summarise next steps and information which leads to the recommendation. Identify significant matters which impact on the decision. Support info to round out this commentary is to be placed in **Attachment 1**. Use numbered bullets to outline points.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

Key Issues

- **Individual Unit Owner's Consents**

The application was lodged on 5 September 2023 with consent provided by the Strata Company (Owners Corporation), but without the written consent of individual unit owners. The applicant was advised on 9 November 2023 that, for the purposes of the Environmental Planning and Assessment Act 1979, the "owner" in the context of lodging a development application includes both the Owners Corporation and each individual unit owner. As such, written consent from all individual unit owners is required before the application can be determined, particularly where an approval is sought.

To date, the applicant has not provided the required consent from all individual owners of the site. Accordingly, in accordance with the Environmental Planning and Assessment Regulation 2021, the application is considered invalid.

- **Concurrences from Sydney Metro and Sydney Trains**

The proposal involves excavation to a depth greater than 2m below the existing ground level on land located within 25m (measured horizontally) of the Sydney Metro and Sydney Trains corridors. Both Sydney Trains and Sydney Metro have reviewed the application and have not granted concurrence. The agencies requested additional information, which has not been provided.

The applicant has verbally advised that they are in direct contact with the agencies and are working to resolve the issues raised. However, no concurrence has been received from either agency. The most recent RFI was issued on 10 January 2024, and the matters remain unresolved 17 months later. There is no certainty as to when these matters will be adequately addressed by the applicant, or whether the agencies will ultimately grant

concurrence for the development.

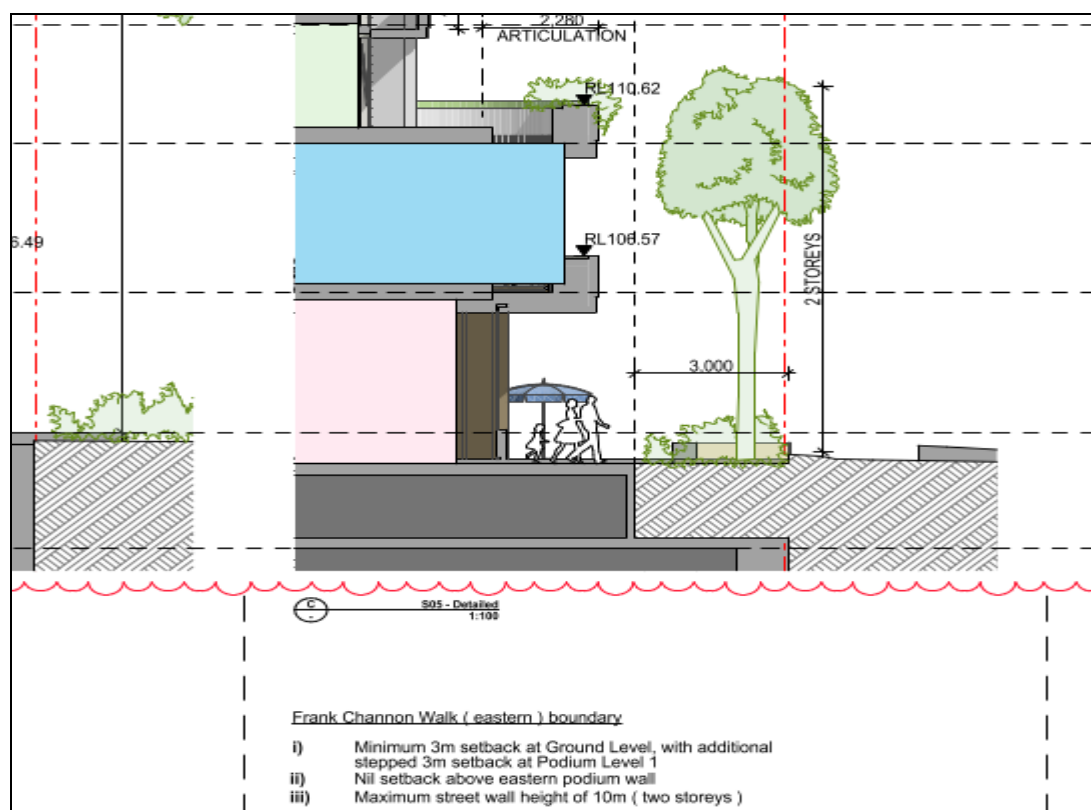
The applicant has been given ample time to resolve these issues; however, they remain outstanding. In view of the above, and pursuant to Clause 2.99(3), development consent cannot be granted without the concurrences from Sydney Metro and Sydney Trains. **Accordingly, the proposal is recommended for refusal.**

- **Public Access easement (inconsistency)**

The site-specific DCP requires a 3m wide public access easement along the eastern boundary, intended to provide unimpeded public access through this area. While the applicant has acknowledged the rights of way, an issue has been identified with the proposed public access along the eastern boundary.

Although all podium-level structures are set back from this area, the space is obstructed by steps, large planter boxes containing trees, and bicycle parking, rendering it unsuitable for its intended access function. While the required width is nominally provided, the design fails to deliver a usable space for pedestrian movement. As illustrated in the extract below, the majority of the right of way is occupied by a planter box, significantly limiting pedestrian access.

Moreover, the applicant has not demonstrated that the right of way is accessible to all potential users, including people using wheelchairs. Additionally, the proposal does not comply with the provisions of the executed Voluntary Planning Agreement (VPA), particularly Schedules 5 and 6, which in line with the WDCP requirement.





Extract of Level 2 plan showing public access easement location along the eastern boundary.

- **Car Parking non-compliance**

The proposal, as originally lodged, included 95 car parking spaces in excess of the requirements under the WDCP. Following the issuance of multiple RFIs, the proposal was amended on 28 March 2025 to address car parking compliance. In their submission, the applicant states that the amended proposal complies with Council's car parking requirements. However, no supporting documentation or detailed justification has been provided to demonstrate how compliance is achieved.

An assessment of the amended plans submitted on 28 March 2025 found the proposal to be unsatisfactory. It is important to note that the car parking rates outlined in Part F of the WDCP 2023 are maximum allowable rates. The amended proposal includes car parking spaces in excess of these requirements, specifically:

- A surplus of 9 retail/commercial spaces, and
- 88 accessible car parking spaces associated with residential use.

These changes reflect minimal alterations from the original submission in terms of overall car parking provision.

The proposed car parking rates for both residential and commercial components are not supported.

Breakdown of Proposed Car and Bicycle Parking:

Ground Floor:

- 24 bicycle spaces

Basement 1:

- End-of-trip facility
- 87 bicycle spaces
- 30 commercial/retail employee spaces
- 10 commercial/retail visitor spaces
- 9 residential accessible spaces

Basement 2:

- 40 residential accessible spaces
- 17 residential visitor spaces
- 4 residential standard spaces
- 57 bicycle spaces

Basement 3:

- 39 residential accessible spaces
- 7 residential standard spaces
- 79 bicycle spaces

Retail/Commercial Uses:

Proposed:

A total of 40 car parking spaces are proposed for non-residential use, including 10 visitor spaces.

Required:

The amended plans do not specify the exact use of non-residential floor areas. Based on the Statement of Environmental Effects, it is assumed that the ground floor is for retail use and the first floor for business/commercial use.

Accordingly, the following car parking is required under WDCP 2023:

- Retail (Ground Floor): 24 spaces
- Business (Upper Floor): 7 spaces

Total required: 31 spaces

This results in a surplus of 9 spaces.

Residential Use:

Proposed:

- 99 residential spaces (including 88 accessible)
- 17 visitor spaces

Total: 116 spaces

Required (Maximum under WDCP 2023):

- 97 residential spaces (including 22 accessible)
- 28 visitor spaces

Total: 125 spaces

While the overall number of residential car spaces is below the WDCP maximum, the proposal includes an excessive number of accessible spaces, 66 more than required, equating to approximately four times the WDCP minimum. Accessible spaces are approximately twice the size of standard bays, resulting in an expanded basement footprint

with no demonstrated justification. This also has a direct impact on the deep soil zone provisions applicable to the development.

The applicant has not provided a justification for the proposed variation in car parking. Their submission merely claimed compliance with WDCP requirements, without acknowledging the excess in car parking or providing any supporting analysis.

Council's Traffic and Transport team does not support the proposal. Key concerns include:

- The applicant now claims compliance with the Chatswood CBD parking rates under WDCP 2023 by reducing the number of on-site car parking spaces.
- However, it appears this was achieved primarily by converting regular bays to accessible/adaptable bays rather than reducing the basement footprint or reconfiguring the layout.
- This approach raises concerns regarding the long-term integrity of parking supply, as adaptable spaces could be converted back to regular spaces after occupation, effectively undermining the intent of the WDCP to limit vehicle reliance in the CBD.
- Council previously requested that a vehicle detection system be installed to manage conflicts between B99 vehicles and waste trucks on the ramp.
- The applicant notes this may be addressed via future condition but has not demonstrated technical feasibility or provided revised drawings showing this integration.
- Trip generation rates rely on low-end RMS values and do not reflect the true scale of the proposed 193-unit mixed-use development with commercial and retail components.
- No SIDRA or network-level assessment is included, despite expected peak-hour vehicle movements exceeding 40–50 trips.
- This raises questions about cumulative impacts, especially considering multiple surrounding developments with similar intensities.
- The site sits within Chatswood South, which is bounded by Albert Avenue, Mowbray Road, and Pacific Highway.
- This area has limited street capacity, constrained entry/exit points, and high volumes of pedestrian and cyclist traffic due to shared paths linking to Chatswood CBD and the Interchange.
- Given the strategic emphasis on sustainable transport and mode shift in this precinct, Council maintains a strong position on adhering to the maximum allowable parking rates under WDCP 2023 to limit vehicle reliance and congestion.

In view of the above, the proposal is not supported as it fails to comply with the requirements of Part F of WDCP 2023 and does not provide adequate justification or supporting documentation for the proposed variation.

- **Deep Soil**

The proposal does not provide adequate deep soil zones in accordance with the requirements of the site-specific WDCP and the Apartment Design Guide (ADG). Although the applicant's submission identifies 96.12m² of deep soil representing only 2.3% of the total site area (4,183m²), these areas are significantly constrained. The areas nominated as deep soil are located within a public access easement required under both the site-specific WDCP and the Voluntary Planning Agreement (VPA), rendering them unsuitable for genuine deep soil planting.

A key contributing factor to the lack of compliant deep soil area is the extensive basement footprint. The basement occupies a substantial portion of the site and has been enlarged to accommodate car parking significantly above the rates permitted under the WDCP. This

overprovision of parking has directly limited the ability to provide meaningful deep soil landscaping and has compromised the site's capacity to meet key landscape requirements.

As a result, the proposal fails to satisfy deep soil and landscape requirements under both the ADG and the site-specific WDCP. It also offers little to no meaningful landscaping along the street frontages. Council's Landscape Section has reviewed the proposal and does not support it in its current form.

- **24x7 use of the ground floor retail premises**

The applicant's Statement of Environmental Effects indicates that the ground floor is intended to accommodate six cafe and restaurant tenancies, with proposed operating hours of 24 hours a day, 7 days a week. Council's Environmental Health Officer has reviewed the proposal, including the proposed operational hours, and does not support the 24/7 operation of the ground floor retail tenancies.

Even if a future acoustic assessment were to demonstrate compliance with relevant noise criteria, people-generated noise is inherently difficult to manage. Experience has shown that such noise may remain audible, particularly during early morning hours, even where it does not meet the definition of "offensive noise." The proposed continuous operation is considered inappropriate in this context.

The subject site is not located within a designated entertainment precinct, and there is a high likelihood of amenity impacts on nearby residential land uses, including dwellings located above the commercial tenancies and in surrounding properties.

Furthermore, the proposed 24/7 operation of cafes and restaurants warrants a comprehensive assessment, which cannot be adequately undertaken based on the limited information provided with the current application.

- **Waste management and Collection**

In the latest WDCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.

- The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems.
- The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles.
- All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings.

Following the revision of plans (March 2025), there are still some items that require clarification, particularly:

1. **HRV access:** access for a 10.5m garbage truck is acknowledged. However, WDCP 2023 requires access for a 12.5m space, for which the parking / loading space is required to be a minimum of 12.5m. Please confirm there is sufficient space for Council's waste HRV (12.5m) to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements.

- The waste RFI response refers to the traffic report.
 - The traffic reports states an MRV.
 - The traffic plan does not mark the 2m rear clearance for loading behind the truck.
 - It is not clear that there is a 1.5m aisle width (NSROC, 2018, Table 8) to wheel the bins besides the truck in the loading bay from the bin room doors.
 - Traffic should assess this further related to traffic.
2. **Waste and recycling cupboard:** the waste chute hopper should be located in a waste cupboard, which also has space for any bulky cardboard waste and additional bins. This is required in the case of a broken recycling chute and to future proof the development in the case of food organics collection. The waste response RFI appears to argue why this is not necessary, rather than accommodating the requirement due to the development design limitations.
3. **Organics generation rates and bin numbers:** The WDCP 2023 generation rates for the organics bins were not used (120L/hh/wk) to calculated estimated generation and organics stream bin numbers. Since the previous referral Council has considered developments for NSW EPA (2019) Better practice guide for resource recovery in residential developments (Table F2) generation rates. This still requires more than the 10L/unit proposed in this application (waste plan, Rev G, Table 2). The minimum requirement that would be accepted using NSW EPA (2019) is:
- Studio, 1-bed or 2-bed unit: 25L/unit/week (based on SEE, Section 4.1; 137 apartments);
 - 3+ bed unit: 50L/unit/week. (based on SEE, Section 4.1; 56 apartments)

This would require 6,225L/week or 26 x 240L bins.

4. **Residential bin storage areas:** Council did require a minimum of 125m² of residential bin storage space at the collection loading bay. However, if the number of organics bins are reduced to the NSW (2019) rates above, then Council requires 86m². The space provided is 80m² for 1,100L bins and 7m² for organics bins (240L) which overall is satisfactory, but.
- The architectural drawings only show 24x1,100L bins, but the site requires 35x1,100L bins at any one time in the collection holding room, plus the organics bins or in another collection holding room). This may be due to the shape limitation in the design.
 - The organics bin room needs to be ~15m² for 26 x 240L bins. The organics bins should be bin in one room for collection. Residents can access that room for bin use. It is unclear how residents would safely and efficiently access that room next to the truck loading bay in the location proposed.

Additional item observed:

5. **Door widths:** doors should be 2.5m (2,500mm) wide as in the DCP (e.g., NSROC 2018, Table and Section 3.12). The waste plan (Rev G) states 1,500mm, although the architectural drawings appear to be larger.

6. CONCLUSION

The Development Application DA-2023/237 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is not acceptable in the particular location, for the reasons included in Attachment 7.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

Site & surrounds

The subject land is described as Strata Plan 65120, known as 9-11 Nelson Street, Chatswood. The site is a generally irregular shaped allotment, with an approximate fall of 3m from south to north and contains a 3 storey brick and tile apartment building, comprising 45 apartments, with 2 levels of basement car parking and central communal gardens.



Figure 1: Locality Photo of site

Bounded by Gordon Avenue to the north (47.96m), Nelson Street to the South (54.88m), Frank Shannon Walk to the east (80m) and featuring residential flat buildings to the west at 10 Gordon Avenue and 15 Nelson Street.

The Frank Channon Walk, which runs along the eastern boundary of the site, is a pedestrian walkway and cycleway to Chatswood CBD and Railway/Metro Station. The site is located approximately 600m from the Chatswood Railway Station and Transport Interchange and within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy). This area is part of the southern CBD extension.

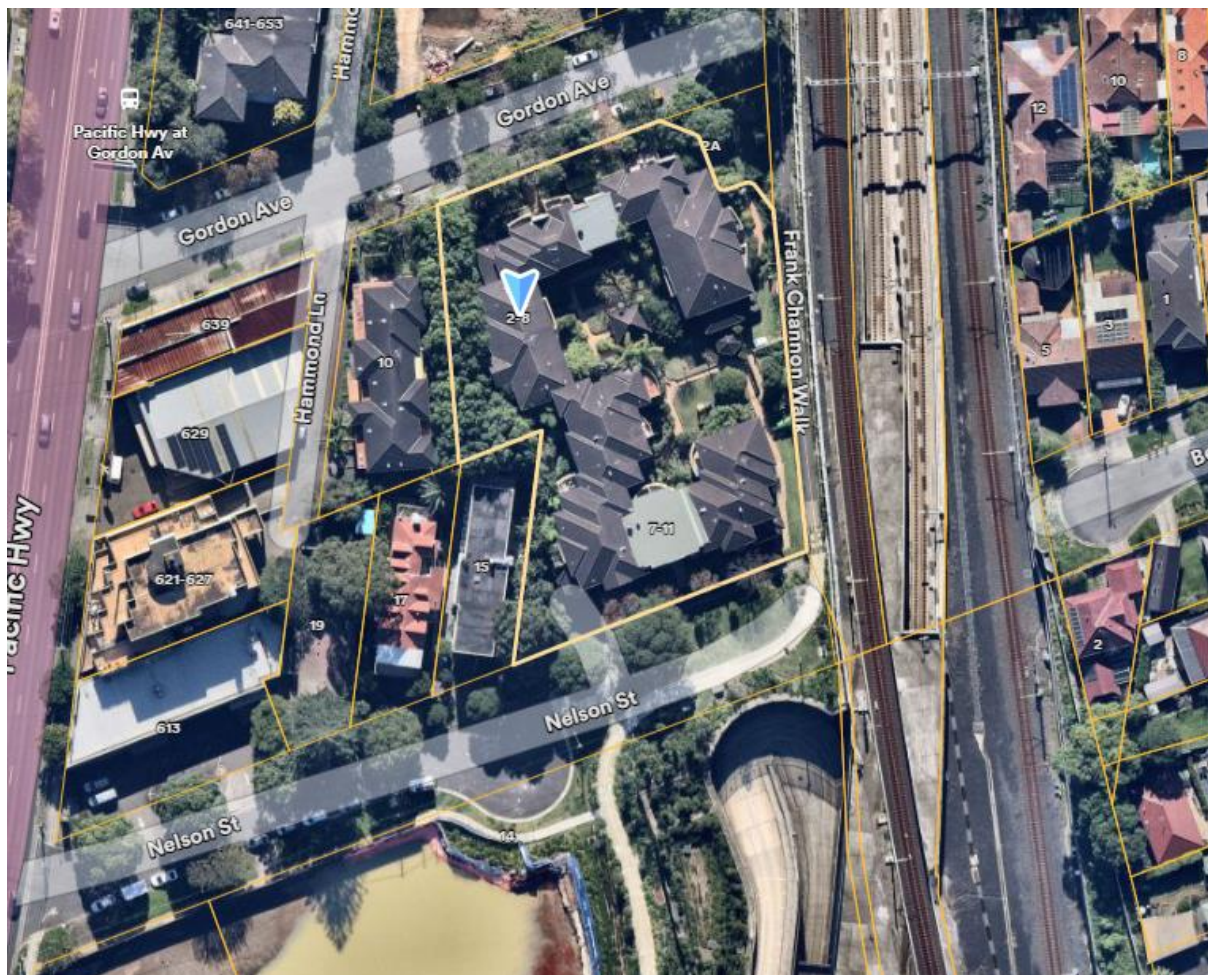


Figure 2: Aerial Photo of site



Figure 3: Photo from Nelson Street of site, looking north.

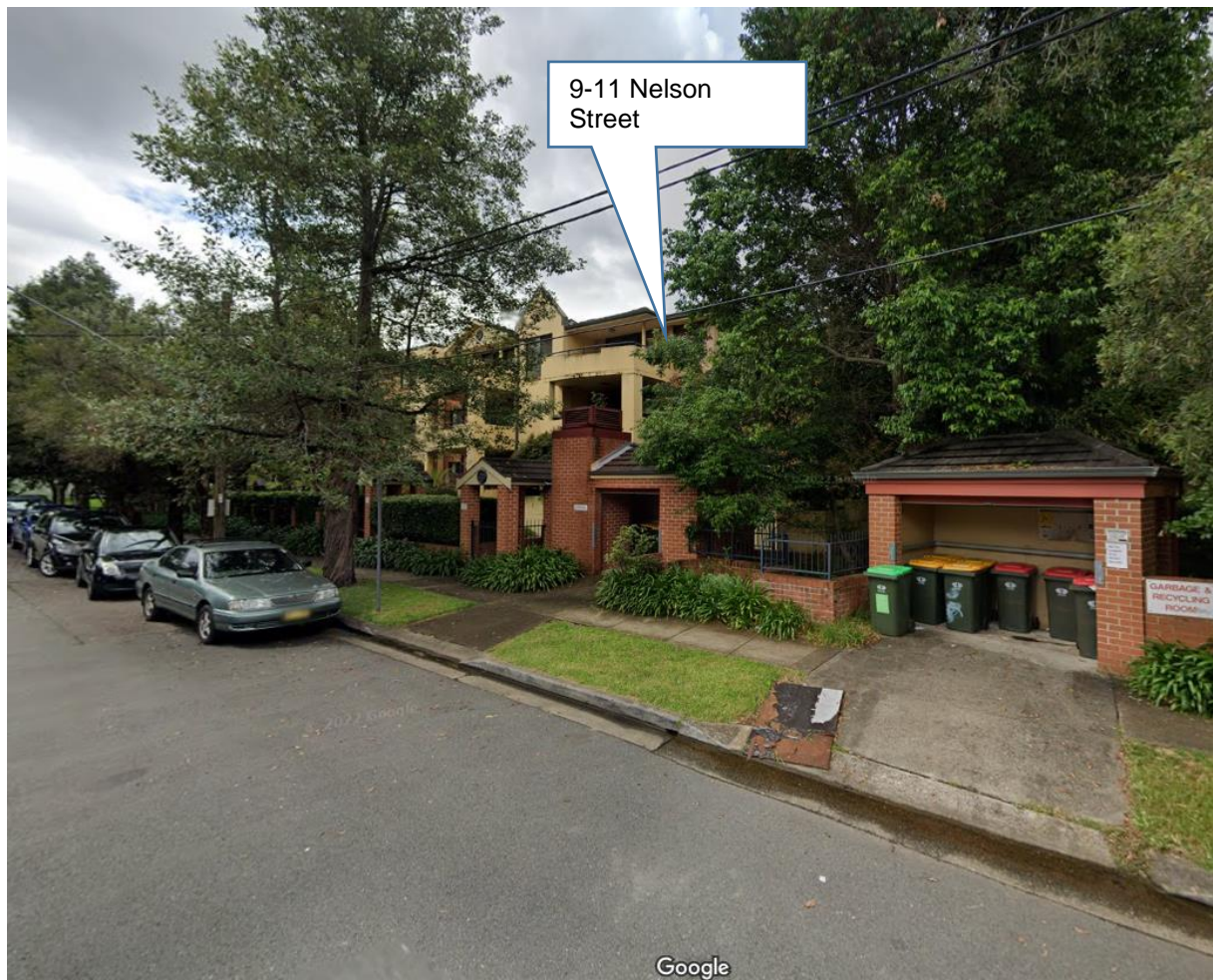


Figure 4: Photo from Gordon Avenue of the site, looking south-east



Figure 5: East of the site.

Relevant Site History

The site has been subject to a DA and planning proposal as follows;

- DA-1980's – Three storey residential flat building.
- PP-2021-5704 – Amend Height map (to allow 90m), FSR map (to allow 6:1) and land use change from R3 to B4/ MU1

The southern CBD area of Chatswood is under a transition stage where developers are capitalising on the recent uplift that has been approved through planning proposals and *LEP* amendments. Below is a rough capture of the surrounding area. Red showing current sites under DA assessment for mixed use development and blue site which have had planning proposals and discussions with Council on future lodgements.

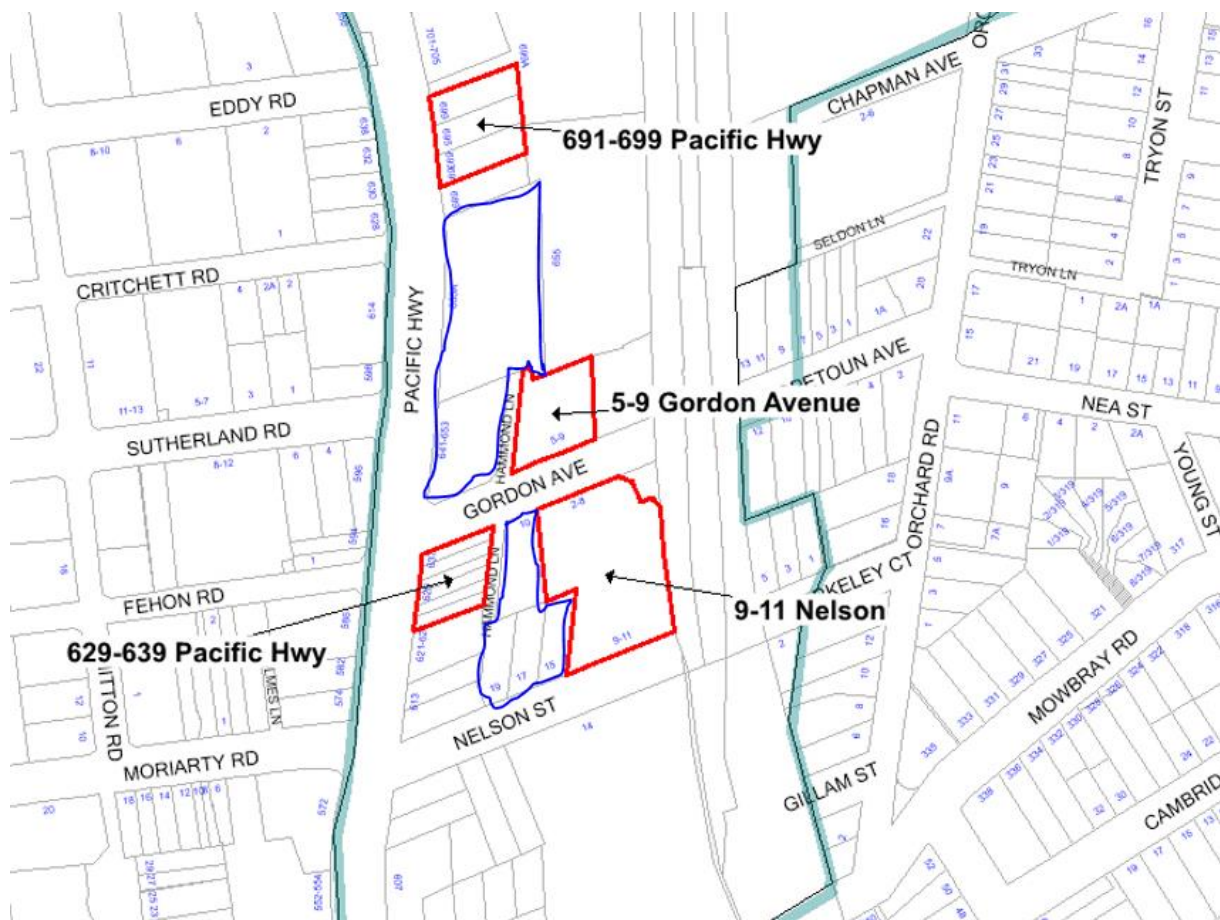


Figure 6: Areas of development activity in the site context. Red current DA's under assessment. Blue recent PP's approved and with development discussions happening with Council.

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

<i>Willoughby Local Environmental Plan 2012 (amendment 34) applicable on 06/07/2023</i>	
Zoning: HOB: FSR:	MU1 Mixed Use 90M 6:1
Existing Use Rights	No
Additional Permitted Use	Yes, Shop-top housing with at least 17% of the building's GFA used for non-residential purposes.
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	YES
Foreshore Building Line	No
Adjacent to classified road	YES – within 50m of Pacific Highway
Road/lane widening	No
BASIX <i>SEPP</i>	YES
Infrastructure <i>SEPP</i> - Rail	YES (Sydney Metro and Sydney Trains)
Infrastructure <i>SEPP</i> - Road	YES – Traffic generating (50+ carparks)
Coastal Management <i>SEPP</i>	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
Other relevant <i>SEPPS</i>	<i>SEPP</i> (Resilience and Hazards) 2021 <i>SEPP</i> (Transport & Infrastructure) 2021 <i>SEPP</i> (Biodiversity and Conservation) 2021, <i>SEPP</i> (Housing) 2021 <i>SEPP</i> (Industry & Employment) 2021
Relevant <i>DCPs</i> policies and resolutions	<i>WDCP</i>

State Environment Planning Policy (Resilience and Hazards) 2021

Chapter 5 of *Resilience and Hazards SEPP* aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

The application accompanies a Detailed Site Investigation report prepared by Aargus Pty Ltd, Ref no. ES8912/2, Dated 29 June 2023. The report concludes that potential risks to human health exist in soils. Based on DSI findings, remediation of soils will be required to make the land suitable for the proposed development.

The application also included a Remediation Action Plan (RAP) prepared by Aargus Pty Ltd, Ref no. ES8912/9, Dated 20 December 2023. Council's Environmental Health section has reviewed the RAP and raised no issues with the proposed development subject to conditions of consent.

The application is therefore acceptable with regard to the relevant consideration of SEPP (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 (Infrastructure)

The subject site adjoins a rail corridor to the east and a classified road to the west (50m). The following clauses have been considered during the assessment of this proposal.

2.99 Excavation in, above, below or adjacent to rail corridors

(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—

- (a) within, below or above a rail corridor, or*
- (b) within 25m (measured horizontally) of a rail corridor, or*
- (c) within 25m (measured horizontally) of the ground directly below a rail corridor, or*
- (d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

(2) Before determining a development application for development to which this section applies, the consent authority must—

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) take into consideration—*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.

(4) In deciding whether to provide concurrence, the rail authority must take into account—

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on—*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

(5) The consent authority may grant consent to development to which this section applies without the concurrence of the rail authority concerned if—

- (a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or*
- (b) in any other case, 21 days have passed since the consent authority gave notice under subsection (2)(a) and the rail authority has not granted or refused to grant*

concurrence.

The proposal involves excavation to a depth greater than 2 metres below the existing ground level on land located within 25M (measured horizontally) of the Sydney Metro and Sydney Trains corridors. Both Sydney Trains and Sydney Metro have reviewed the application and have not granted concurrence. The agencies requested additional information, which has not been provided.

The applicant has verbally advised that they are in direct contact with the agencies and are working to resolve the issues raised. However, no concurrence has been received from either agency. The most recent RFI was issued on 10 January 2024, and the matters remain unresolved 17 months later. There is no certainty as to when these matters will be adequately addressed by the applicant, or whether the agencies will ultimately grant concurrence for the development.

The applicant has been given ample time to resolve these issues; however, they remain outstanding. In view of the above, and pursuant to Clause 2.99(3), development consent cannot be granted without the concurrences from Sydney Metro and Sydney Trains. **Accordingly, the proposal is recommended for refusal.**

2.100 Impact of rail noise or vibration on non-rail development

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
 - (a) *Residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

2.120 Impact of road noise or vibration on non-road development

- (4) *This section applies to development for any of the following purposes that on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by rail noise or vibration—*
 - (a) *Residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*

- (d) *an educational establishment or child care centre.*
- (5) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this clause and published in the Gazette.*
- (6) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Comment: In response to the above Sections 2.100 and 2.120, the applicant submitted an Acoustic Report prepared by Renzo Tonin & Associates, Ref. TN283-01F02 DA Acoustic Report (r2), dated 14/07/2023. The report recommended a variety of acoustic treatments to comply with the *SEPP*. The acoustic assessment and recommendations were reviewed by Council's Environmental Health Department and found to be satisfactory. Conditions of consent can be included should the application be approved, ensuring that the recommendations of the acoustic report will be implemented during the construction.

Given the above it is considered that the subject proposal meets the relevant objectives and regulations of Sections 2.100 and 2.120, subject to conditions of consent.

2.122 Traffic-generating development

The proposal is considered as a traffic generating development in accordance with Schedule 3 of the *SEPP* (Transport and Infrastructure) 2021. The development is identified as having access to Pacific Highway within 90m and will result in 50 or more vehicles per hour. Accordingly, the proposal was referred to TfNSW for comments. While the state agency did not raise any concerns with the development, it appears that the agency considered only the impacts of the development in isolation, rather than the cumulative traffic impact of the subject and other developments under assessment in the vicinity and associated traffic generation.

The proposal, as originally lodged, included 95 car parking spaces in excess of the requirements under the WDCP. Following the issuance of multiple RFIs, the proposal was amended on 28 March 2025 to address car parking compliance.

Council's Traffic and Transport section has assessed the amended proposal and advised that, while it appears to address the numerical compliance, the total number of parking spaces has not been reduced. Instead, the amendment converts regular bays into accessible/adaptable bays without reducing the basement footprint. This approach raises concerns regarding the long-term integrity of the parking supply, as adaptable spaces may be converted back to regular spaces after occupation, thereby undermining the intent of the DCP to limit car dependency within the CBD.

Accordingly, the proposal is not considered acceptable with respect to Section 2.122 of the *SEPP* (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Housing) 2021

The SEPP 65 (Design Quality of Residential apartment Development) 2002 was repealed by section 3 of the State Environmental Planning Policy amendment (Housing) 2023 with effect from 14 December 2023. However, this did not specify the application of the Apartment Design Guide and there was no savings or transitional provisions preserving the operation of SEPP 65, for pending applications, beyond its repeal on 14/12/2023.

On 15 March 2024, the NSW Government published the *State Environmental Planning Policy Amendment (Housing) 2024*. This document revised the transitional provision set out in section 8(1) of Schedule 7A of the Housing SEPP. Which clarified that the new Chapter 4 *State Environmental Planning Policy (Housing) 2021*, would apply to any application or modification application, including those lodged before 14/12/2023. This provision is specified in Subclause (2A), Clause 8 of Schedule 7A of the Housing SEPP.

The proposal therefore, has been assessed under Chapter 4 of the *SEPP (Housing) 2021*.

State Environmental Planning Policy (Housing) 2021 – Chapter 4: Design Quality of Residential Apartment Development		
145	<p><i>Referral to design review panel for development applications:</i></p> <p><i>(1) This section applies to a development application for residential apartment development, other than State significant development.</i></p> <p><i>(2) Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i></p> <p><i>(3) This section does not apply if—</i></p> <p><i>(a) a design review panel has not been constituted for the local government area in which the development will be carried out, or</i></p> <p><i>(b) a competitive design process has been held.</i></p> <p><i>(4) In this section—competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</i></p>	<p>Pursuant to subclause (3), this clause does not apply to the development. The submitted design is the result of a design competition held from September to December 2022. Council's Urban designer has reviewed the design subject to this application against the jury's recommendations and raised no issues.</p>
147	<p><i>Determination of development applications and modification applications for residential apartment development:</i></p> <p><i>(1) Development consent must</i></p>	<p>Noted.</p>

	<p><i>not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p><i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i></p> <p><i>(b) the Apartment Design Guide,</i></p> <p><i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p> <p><i>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</i></p> <p><i><u>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</u></i></p> <p><i>(4) Subsection (1)(c) does not apply to State significant development.</i></p>	
148	<p>Standards that cannot be used to refuse consent:</p> <ul style="list-style-type: none"> • Parking provision that complies with ADG, • Internal area of apartments that comply with ADG, • Ceiling heights that comply with ADG. 	Noted. Assessment under <i>the WDCP 2023</i> reflects this limitation.
149	<p>DCPs cannot be inconsistent with Apartment Design Guide (ADG)</p> <p>Provisions in <i>DCP</i> of no effect in respect to:</p> <ul style="list-style-type: none"> • Visual privacy • Solar and daylight access • Common circulation and spaces • Apartment size and layout • Ceiling heights 	Noted. Assessment under <i>WDCP 2023</i> reflects this limitation.

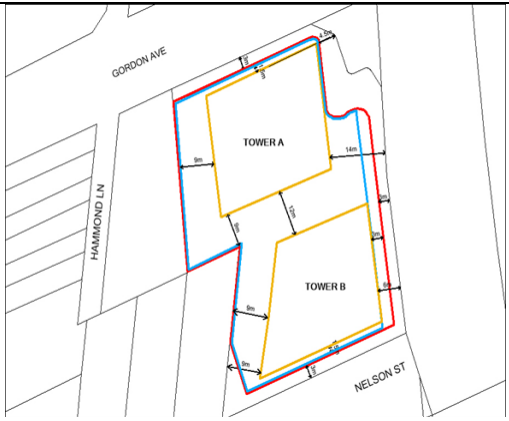
	<ul style="list-style-type: none"> • Private open space and balconies • Natural ventilation • Storage 	
Schedule 9 – Design quality principles		
1	Context and neighbourhood character	The height and scale is reasonably consistent with adjoining development and aligns with the future growth plans for the area.
2	Built Form and Scale	The proposal responds appropriately to the desired future character, and is satisfactorily modulated in form, comprised of suitable materials, defines the public domain and provides good internal residential amenity.
3	Density	<p>The quantum of the development is dissected into high amenity residential units that serve to meet the housing demand. The non-residential floor space suitably addresses Chatswood's identity as a Strategic Centre within the Sydney metropolitan area with an economic role and contributes to achieve the jobs target in the North District Plan.</p> <p>The unit breakdown in the proposal is:</p> <p>137 x 2 bed (71%) 56 x 3 bed (29%) Total = 193 units</p> <p>The proposal primarily consists of 2 and 3 bedroom units which is representative of an emerging market who seek to live in larger units to cater for changing lifestyle and needs, downsizers who wish to welcome visitors and family and entertain. It complies with the ADG requirements and its objectives. The density of the proposal is satisfactory.</p>
4	Sustainability	The applicant advises that the proposal incorporates a number of principles of sustainability, including natural ventilation to the majority of apartments, maximizing direct sun to apartments whilst utilising shading devices where required and landscaping throughout the proposal. BASIX targets are achieved.
5	Landscape	The proposal fails to provide for meaningful deep soil zones. While the applicant's submission indicate 96.12m ² being only 2.3% of the site, there is nil deep soil areas proposed. The areas shown as deep soil zones on the deep soil calculation plans are impeded by a public access easement required under the VPA. Leaving nil deep soil areas on a site with 4,183m ² site area. The proposal is not acceptable from landscape perspective.
6	Amenity	The proposed design will provide adequate levels of internal amenity for future occupants with good orientation and cross flow to units.

		<p>Room sizes are in accordance, and sometimes greater, than ADG recommended room sizes and compliant amounts of storage has been provided, split between car park and apartment area.</p> <p>The proposed development will provide setbacks within development that provide suitable separation between the proposed units catering for their sunlight and privacy needs. Accessible path of travel is provided for all floors of residential areas.</p>
7	Safety	<p>The design of the development provides casual surveillance to the street frontage. Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night.</p> <p>The basement car park will have intercom system and security doors restricting access to resident and visitor parking spaces and suitable lighting will be provided within the basement.</p> <p>Additionally, the proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.</p>
8	Housing Diversity and Social Interaction	Development offers an acceptable mix of apartment types. The size of apartments are well in excess of the minimum size requirements to enhance the enjoyment and practicality for occupants.
9	Aesthetics	The proposal is considered to be satisfactory with regards to this principle as it achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials. The proposal is supported by Council's Urban Designer as noted in the referrals section of this report.

Apartment Design Guidelines

Required	Proposed	Complies
PART 02 DEVELOPING THE CONTROLS		
2A Primary Controls		
Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of than area and manages impacts on surrounding development	<p>The primary development controls of the development are discussed in detail below.</p> <p>Generally, the proposed development is well suited to the location and provides a good design outcome.</p>	Yes
2B Building Envelope		
Establishes the appropriate scale of the	The Willoughby LEP 2012 and	Yes

development including the allowable bulk, height and location of a development on a site.	<p>Willoughby DCP 2023 outline the height and density controls for the site, as well as specific building envelope controls applicable to the subject site.</p> <p>The proposal exceeds the maximum height limit set out in the Willoughby LEP 2012. However, this non-compliance has been assessed in this report alongside the applicant's written request to vary the height standard. Despite other issues identified in this assessment, the proposal is considered acceptable and is deemed to achieve compliance with the objectives of the height standard.</p>	
2C Building Height		
Where a floor space ratio (FSR) is defined, test height controls against it to ensure a good fit	Willoughby LEP 2012 sets height controls consistent with the FSR controls in the LEP. The proposed minor variation to the height control is assessed later in this report but is considered to be able to be supported.	Yes
2D Floor space ratio		
The GFA should fit comfortably within the building envelope that also needs to account for building elements and service areas that are not included in the GFA definition and to allow for building articulation.	The proposal complies with the maximum permissible GFA under <i>Willoughby LEP 2012, except for the GFA within the basement.</i>	Yes
2E Building Depth		
Use a range of appropriate maximum apartment depths of 12-18 metres.	The proposal does not have any apartments exceeding the 18m requirement.	Yes
2F Building Separation		
<p>Design and test building separation controls in plan and section. Minimum separation distances for buildings are:</p> <ul style="list-style-type: none"> - Up to 4 storeys approximately 6-12m - Up to 8 storeys approximately 9-18m - 9 storeys and above approximately 12-24m <p>Demonstrate that daylight access, urban form and visual and acoustic privacy are satisfactorily achieved.</p> <p>Aims</p> <ul style="list-style-type: none"> • ensure that new development is 	<p>Building separations in accordance with ADG are generally achieved. Notwithstanding, the proposal generally complies with the site specific setback requirements contained in the <i>WDGP</i>, which requires the setbacks as per the extract below.</p>	Considered satisfactory

<p>scaled to support the desired future character with appropriate massing and spaces between buildings</p> <ul style="list-style-type: none"> • assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook • provide suitable areas for communal open spaces, deep soil zones and landscaping. 	 <p>Any potential privacy impacts are discussed further in this report under Part 3F-1 of the ADG</p>	
2G Street Setbacks		
<p>Street setbacks should be consistent with existing setback patterns in the street or setbacks that achieve the desired future character of the area. In conjunction with height controls, consider secondary upper level setbacks to:</p> <ul style="list-style-type: none"> - Reinforce the desired scale of buildings at the street frontage; - Minimise overshadowing of the street and other buildings. 	<p>The setbacks to the streets are generally in accordance with the streetscape and the <i>WDCP</i>, except at the basement level.</p>	<p>Yes</p>
2H Side and Rear Setbacks		
<p>Setbacks vary according to the building's context and type.</p> <p>Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas or main streets.</p>	<p>As discussed above, the proposal has been designed to comply with the site specific setback requirements contained in the <i>WDCP</i>.</p>	<p>Yes</p>

Requirement	Proposed	Complies
PART 03: SITING THE DEVELOPMENT		
3A Site Analysis		
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site and their relationship to the surrounding context.</p>	<p>The <i>Statement of Environmental Effects</i> documents how the proposal responds to the site's location and local context in relation to surrounding development, Chatswood CBD, Interchange and proximity to commercial centres. The proposal responds appropriately to the site and its surrounds, except for the proposed excessive car parking spaces.</p>	<p>Yes</p>

Requirement	Proposed	Complies
3B Orientation		
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during winter.</p>	<p>The orientation of the proposed buildings and internal spaces in relation to the site and street is satisfactory. The orientation of the residential floor plates allows for majority of units receiving adequate solar access between 9am to 3pm.</p>	Yes
3C Public Domain Interface		
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The interface of the development contributes to the quality and character of the street.</p>	Yes
3D Communal and Public Open Space		
<p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June 	<p>The ADG requires a minimum of 1,045.75m² of communal open space, which is 25% of the site. The communal open space areas are arranged as follows: <u>communal open space</u> on Level 2 as: 1,632.84m²</p> <p>A total of 1632.84m² is provided, which equates to 39% of the site area and is adequate for the purposes of communal open space.</p> <p>The principal useable part of the communal open space is the provided at Level 2, where sufficient solar access is achieved, as per the submitted COS Solar calculation plan. However, it noted that the applicant's submission does not consider the recently approved development which can impact the solar access to the proposed Communal Open Space, particularly the mixed used development approved at 5-9 Gordon Avenue, Chatswood.</p>	Yes, considered Acceptable.
3E Deep Soil Zone		
<p>Deep soil zones provide for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p>Minimum 7% of the site area to be deep soil; 15% desirable for sites above 1500m².</p>	<p>The site has a total area of 4,183m². The ADG requires a minimum of 7% deep soil landscaping, which equates to 292.81m² for this site. The proposal does not provide adequate deep soil areas. The applicant has provided misleading information, indicating a provision of 96.12m² of deep soil, which is incorrect.</p> <p>The majority of the site is occupied</p>	No

Requirement	Proposed	Complies												
	by the basement footprint and hardstand works at ground level, leaving only approximately 96m ² of deep soil landscaping. This area is further constrained by a public access easement required under the VPA. As such, the proposal is not considered to provide an adequate deep soil zone in accordance with the ADG requirements.													
3F Visual Privacy														
<p><u>Objective 3F-1: Design Criteria 1.</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The proposal generally complies with the building separation requirements to the west and within the development achieving a minimum required building separation distance.</p> <p>Important to note that the proposal aligns more closely with the site specific controls in the <i>WDCP 2023</i>.</p>	Yes
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
3G Pedestrian access and entries														
<p>Building entries and pedestrian access connects to and addresses public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>The building addresses the public domain on both Gordon Ave and Nelson Street with the residential lobby to the northern tower is accessed via Gordon Ave and for southern tower via Nelson Street. Commercial lobbies accessed via both street frontage and a through site link proposed connecting Nelson and Gordon Ave.</p> <p>The entry ways into the development are clearly visible from the public domain.</p>	Yes												
3H Vehicle Access														
<p>Vehicle access points to achieve safety, minimise conflicts between pedestrians and vehicles create high quality streetscape.</p>	<p>Vehicular access to site is proposed from the north-west corner of the site from Gordon Ave. The vehicular access point is designed to minimise the potential for traffic and pedestrian conflict.</p>	Yes												

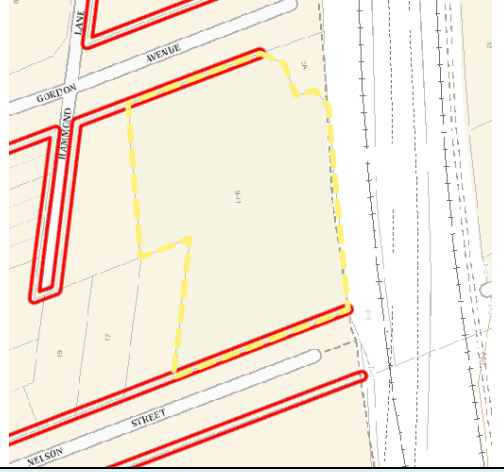
Requirement	Proposed	Complies
3J Bicycle and Car Parking		
<p><u>Objective 3J-1: Design Criteria 1.</u> The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street. Parking and access safe and secure. Visual and environmental impacts of ground level and basement car parks minimised.</p>	<p>In their latest submission, the applicant stated that the amended proposal complies with Council's car parking requirements. However, no supporting details or specific documentation were provided to demonstrate how compliance is achieved.</p> <p>Upon assessment of the amended plans submitted on 28 March 2025, the proposal was found to be unsatisfactory. Refer to the detailed assessment under the WDCP section.</p>	No
PART 04: DESIGNING THE BUILDING		
4A Solar and Daylight Access*		
<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm mid-winter.</p> <p>Daylight is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months.</p>	<p>The Architectural drawings prepared by DKO, indicates that 167 out of 193 units will receive a minimum of 2 hours of direct sunlight between 9am to 3pm at mid-winter. This equates to 86.5% of the units.</p> <p>4 out 193 units will not receive the minimum required 2 hours of solar access.</p> <p>22/193 will receive no direct sun between 9am and 3pm in mid-winter, equating to 11.4%.</p>	Yes
4B Natural Ventilation*		
<p>All habitable rooms are naturally ventilated.</p> <p>The layout and design of single aspect</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only in any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Each residential unit in the building has a corner aspect, providing natural cross ventilation.</p> <p>100% of apartments are naturally cross ventilated for the first 9 levels.</p> <p>The cross over depth does not exceed 18m</p>	Yes

Requirement	Proposed	Complies												
4C Ceiling Heights*														
<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p>Ceiling height increases the sense of space in apartments and provides well-proportioned rooms.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>A minimum floor to floor height of 2.7m has been adopted for the entire residential component of the development.</p> <p>The non-residential comprises a floor to floor height of ranging between 3.4 to 4m, which comply with the minimum 3.3m required for ground and first floor in mixed use development.</p>	Yes
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4D Apartment Size and Layout														
<p>Objective 4D-1: Design Criteria 1.</p> <p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bedrooms increase the minimum internal area by 5m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Achieved. All units are larger than ADG requirements.</p>	Yes		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Every habitable room contains a window in an external wall with a minimum glass area that is greater than 10%.</p>	Yes												
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p>	<p>Habitable rooms are generally limited to 2.5 x the ceiling height.</p>	Yes												
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Kitchens of all units are less than 8m from a window.</p>	Yes												

Requirement	Proposed	Complies															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Bedrooms are of sufficient size.	Yes															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)																	
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	Sufficient widths are provided to living rooms/dining rooms.	Yes															
4E Private Open Space and Balconies*																	
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m. Private open space and balcony design maximises safety	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	All apartments provide the minimum required balcony areas and depths. In some cases it also exceeds the minimum areas. Compliance with NCC required.	Yes
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
4F Common Circulation and Spaces*																	
Objective 4F-1: Design Criteria 1 The maximum number of apartments off a circulation core on a single level is eight.	No more than 8 units are served from each circulation core (3 max).	Yes															
Objective 4F-2: Common circulation spaces promote safety and provide for social interaction between residents	The proposal's common circulation spaces adequately promote safety and interaction.																
4G Storage*																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment Additional storage is conveniently located, accessible and nominated for individual apartments	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Achieved. All units have capability for adequate storage spaces located within the apartments. Additional storage has also been provided on basement levels. These spaces are secure and have convenient access.	Yes					
Dwelling type	Storage size volume																
Studio apartments	4m ³																
1 bedroom apartments	6m ³																
2 bedroom apartments	8m ³																
3+ bedroom apartments	10m ³																

Requirement	Proposed	Complies
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments.	The Internal layouts generally place less noise sensitive areas adjacent the lift and common central corridor, and quieter areas next to and above each other. The application was also supported by an acoustic report which recommend additional design treatments to minimise any potential noise impacts within the development. As a result, any noise impacts are mitigated either through the layout configuration or the recommended acoustic treatments.	Yes
4K Apartment Mix		
A range of apartment types and sizes are provided to cater for different household types now and in the future. The apartment mix is distributed to suitable locations within buildings.	137 x 2 bed (71%) 56 x 3 bed (29%) Total = 193 units 83 units are adaptable units and 9 units are nominated for affordable housing.	Yes
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.	NA	
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area.	Facades are satisfactorily articulated to provide visual interest, using various means to visually modulate the building in both the vertical and horizontal planes.	Yes
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street.	The top floor of the building is stepped in centrally providing private roof terraces for the penthouse located below and integrated well into the building design.	Yes
4O Landscape Design		
Landscape Design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	The proposed landscaping scheme is not supported as it fails to provide deep soil areas in accordance with the ADG and WDCP. Deep soil zones are essential for supporting mature tree growth and ensuring long-term sustainability of the landscaping. To achieve a viable and sustainable landscape design that enhances the site's interface and contributes to the visual quality and amenity of the public domain,	Yes

Requirement	Proposed	Complies
	deferred commencement condition has been recommended, requiring improvements to the deep soil areas.	
4P Planting on Structures		
<p>Appropriate soil profiles are provided.</p> <p>Plant growth is optimised with appropriate selection and maintenance.</p> <p>Planting on structures contributes to the quality and amenity of communal and public open space.</p>	A variety of on structure planting has been proposed, which is considered acceptable.	Yes
4Q Universal Design		
<p>Universal design features are included in apartment design to promote flexible housing for all community members.</p> <p>A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>A Disability Access Report provided by Inclusive Access (Ref: P000833 dated 21/08/2023) demonstrates options and flexibility of use in the development. Additionally the proposal, as amended, includes the following:</p> <ul style="list-style-type: none"> - 83 of 193 units (43%) are adaptable - 83 adaptable units also meets the spatial requirements for silver liveable apartments (>20%) which satisfies the ADG requirement. 	Yes
4R Adaptive Reuse		
<p>Additions that complement the existing character, siting, scale, proportion, pattern, form and detailing</p> <p>Use of contemporary and complementary materials, finishes, textures and colours</p> <p>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved.</p> <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered.</p>	<p>A Disability Access Report provided by Inclusive Access (Ref: P000833 dated 21/08/2023) demonstrates options and flexibility of use in the development. Additionally the proposal, as amended, includes the following:</p> <p>83 of 193 units (43%) are adaptable 83 adaptable units also meets the spatial requirements for silver liveable apartments (>20%) which satisfies the ADG requirement.</p>	Yes
4S Mixed Use		
<p>Mixed use developments positively contribute to the public domain:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level 	The proposal is considered to be satisfying the active street frontage (cl 6.7 <i>WLEP</i>) requirements. The active street frontage map is shown below, where the site is identified in yellow rectangle, and active street frontage with double red lines.	Yes

Requirement	Proposed	Complies
<p>residential entries are separated from commercial entries and directly accessible from the street</p> <p>commercial service areas are separated from residential components</p> <p>residential car parking and communal facilities are separated or secured</p>		
4T Awnings and Signage		
<p>Awnings are well located and complement and integrate with the building design.</p> <p>Signage responds to context and desired streetscape character.</p>	<p>Awnings are appropriately located on both street frontages and are well-integrated with the overall building design.</p>	Yes
4U Energy Efficiency		
<p>Adequate natural light is provided to habitable rooms</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>Passive solar design aspects used</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>The BASIX assessment accompanying the application demonstrates that the proposal has been designed for optimal energy efficiency.</p> <p>Further, improved landscaping requested under the deferred commencement condition will provide effective and efficient natural solutions to reduce heat and provide relaxed amenities for all visitors and residents.</p> <p>Development is well naturally ventilated except for the basement and non-residential use, which may require alternative means of ventilation.</p>	Yes
4V Water Management		
<p>Water sensitive urban design systems proposed</p> <p>Detention tanks should be located under paved areas, driveways or in basement car parks</p>	<p>This proposal is accompanied by a drainage design.</p>	Yes
4W Waste Management		
<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park</p>	<p>A Waste Management Plan has been submitted. Council's Waste team has reviewed the proposal and advised that several matters remain unresolved, and as such, the proposal cannot be supported in its</p>	No

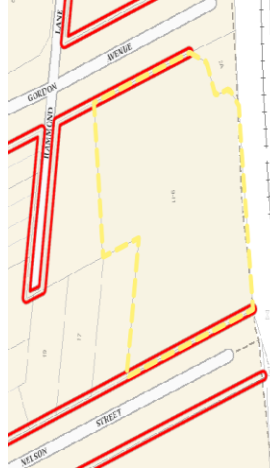
Requirement	Proposed	Complies
<p>All dwellings should have a waste and recycling cupboard</p> <p>Communal waste and recycling rooms are in convenient and accessible locations</p> <p>residential waste and recycling storage areas and access should be separate and secure from other uses</p>	<p>current form.</p> <p>Refer to the referrals section for more details.</p>	

Willoughby Local Environmental Plan 2012 (amendment 34)
Site Area - 4183m²

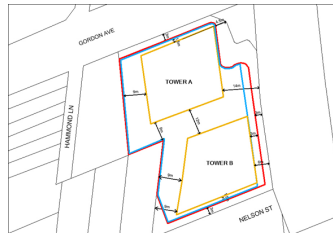
WLEP Control		Proposed	Standard	Compliance
Land Use Table - MU1 Mixed use		The proposed exceedance in the car parking number is not considered to consistent with the objectives of the zone.	The proposed development satisfies the objectives of the MU1- Mixed Use zone.	No
CI 4.3	Height	<p>Tower B is contained within the maximum permissible height limit.</p> <p>Tower A has a minor non-compliance with the lift overrun exceeding the limit by a maximum of 400mm. Notwithstanding the variation, the refusal does not hinge on this matter.</p>	90m	No, refer to clause 4.6 assessment
CI 4.4	FSR	<p>5.99:1</p> <p>GFA proposed 25,088m²</p> <p>Residential – 20,820m²</p> <p>Commercial – 4,268m²</p> <p>While the above-ground built form achieves a compliant GFA, this does not account for the additional GFA generated by the provision of car parking spaces in excess of the requirements under the WDCP. The proposal includes 88 accessible car parking spaces, exceeding the WDCP requirement by 66 spaces. This results in a substantially larger basement footprint. In accordance with the definition of GFA under the WLEP, any car parking provided above the requirements of the consent authority is to be included in the GFA calculation.</p> <p>Note: When this additional</p>	<p>6:1</p> <p>Maximum permissible GFA = 25,098m²</p>	No.

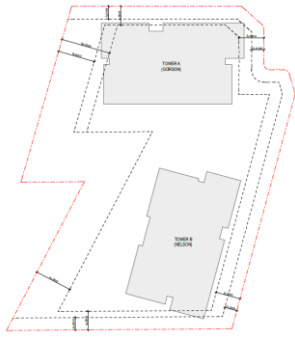
		parking is included in the GFA calculation, as required by the GFA definition, it results in a non-compliance with the FSR standard. The applicant has not submitted a Clause 4.6 written request to justify the breach, which is attributed to the excess car parking.		
CI 4.6	Exceptions to development standards	The proposal is seeking variation to the development standards for Height and Active Street Frontage	N/A	Refer to the cl 4.6 assessment under attachments 4 and 5.
CI 6.2	Earthworks	<p>The proposal involves excavation to accommodate the construction of proposed basement levels.</p> <p>The proposal is supported by a Geotechnical Investigation Report (Ref: GS8912-1B), prepared by Aargus Pty Ltd and dated 7 August 2023.</p> <p>The Report recommends undertaking dilapidation surveys of the neighbouring properties prior to the commencement of any excavation works.</p>	<p><i>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of</i></p>	Yes, subject to condition requiring dilapidation survey requirements

			<p><i>disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	
CI 6.3	Urban Heat	<p>The development fails to accommodate adequate tree canopy and deep soil zones to achieve urban cooling benefits.</p> <p>Additionally, it proposes removal of several trees and fails to provide for compensatory planting.</p> <p>For more details please refer to the discussion under <i>DCP</i>.</p>	<p><i>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</i></p> <p><i>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</i></p> <p><i>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</i></p> <p><i>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</i></p> <p><i>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</i></p> <p><i>(f) the building is designed to achieve high passive thermal performance.</i></p>	No

CI 6.7	Active Street Frontage	<p>The site generally satisfies the active street frontage requirements as required by cl 6.7 WLEP except for the part where the substation is proposed.</p> <p>A substation chamber is proposed in the south-west corner at the street level, while it is enclosed it does not satisfy the requirement of CI6.7 (4). The applicant submitted a cl4.6 statement seeking variation this requirement. Notwithstanding the variation, the refusal does not hinge on this matter.</p>	<p>The northern and southern boundaries, fronting Gordon Avenue and Nelson Street respectively, are affected by active street frontage control as shown in the map:</p> 	<p>No, refer to clause 4.6 assessment in Attachment 4.</p>
CI 6.8	Affordable Housing	<p>4% of GFA (residential part) dedicated as affordable housing, which equates to 832.8m².</p> <p>The residential units 03.03, 03.04, 03.06, 04.03, 04.04, 04.06, 05.03, 05.04 and 05.06 located on Levels 3, 4, 5 and respectively, are to be dedicated, which equate to 699m², which does not fully satisfy the requirement.</p> <p>The shortfall of 133.8m² can be addressed through a monetary contribution condition to satisfy the requirements of CI6.8 of the WLEP</p>	<p>The site is mapped as Area 9. A 4% of the residential GFA to be dedicated as affordable housing.</p>	<p>Can comply with condition</p>
CI 6.16	Minimum lot sizes for commercial and mixed use development in Chatswood CBD	<p>The site has an area of 4183m², which complies with this clause.</p>	<p>Minimum 1200m² in Zone MU1</p>	<p>Yes</p>
CI 6.23	Design Excellence	<p>Proposal has been awarded Design Excellence.</p>	<p>Affected by design excellence (Area 12).</p>	<p>Yes</p>
CI 6.25	Shop top housing in Zone MU1	<p>Approximately 4268m² (17.01%) of the GFA is to be allocated for non-residential purposes.</p>	<p>Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is</p>	<p>Yes</p>


			satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.	
--	--	--	---	--

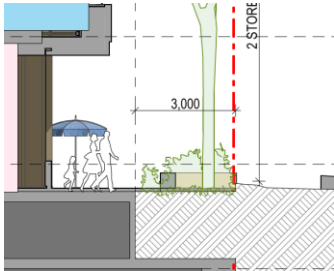
Willoughby Development Control Plan 2023(WDCP)				
Part L Site Specific Controls – 13.1.14 – 9-11 Nelson Street, Chatswood				
Objectives				
<ol style="list-style-type: none"> 1. <i>Provide guidelines for a mixed use development on the site.</i> 2. <i>Provide a development that ensures the viability of adjoining and surrounding sites for future development.</i> 3. <i>Minimise traffic impacts on the surrounding road network</i> 4. <i>Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.</i> 5. <i>Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.</i> 6. <i>Achieves architectural and urban design excellence.</i> 7. <i>Maximise activation to Gordon Avenue and Nelson Street.</i> 				
Description	Clause	Proposed	Controls	Compliance
Built form	13.1.14.2	<p>The proposal complies with the maximum floor plate requirement of 700m² from above the podium level.</p> <p>The proposed design has been scrutinised by the Design Excellence Jury and found to be achieving urban design excellence.</p> <p>The building layout is generally in accordance with the figure 43.</p>	<p>The maximum tower floor plate that applies to this site for residential towers above a podium is 700m²</p> <p>The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised</p> <p>The building layout is to be in accordance with Figure 43</p> 	Yes
Height	13.1.14.3	<p>The proposal seeks a minor variation to the maximum building height control. No part of the roof except the lift over run of Tower A protrude above the maximum building height.</p>	<p>The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.</p> <p>All roof top lift over runs or exposed structures are to</p>	No, refer to the clause 4.6 assessment

			<p>be integrated with the building.</p> <p>Flat roof areas shall incorporate useable outdoor recreation space where suitable, within the maximum building height.</p>	
Setbacks and Street Frontage Heights	13.1.14.4	<p>The proposal generally complies with the building setback and wall height requirements, except for the residential towers above the podium level. The towers, particularly the balconies, appear to encroach into the required street setbacks. A DCP setback plan (above podium level) is provided below, illustrating these minor encroachments.</p>  <p>Notwithstanding the non-compliance, the proposal is considered acceptable, as the encroachments appear to result from the building's orientation, which provides improved solar access to the southern tower. Additionally, the proposed design has been reviewed by the Design Excellence Jury and was found to achieve urban design excellence. Given the extent and nature of the non-compliance, strict adherence to the tower setback requirements is not considered reasonable in this instance.</p> <p>The encroachments do not result in any adverse</p>	<p>1. The building setbacks are to be in accordance with Map 5 (Setbacks and street frontage heights). Setbacks are as follows:</p> <p>a) Nelson Street frontage:</p> <ul style="list-style-type: none"> i) Minimum 3m setback at Ground Level ii) Minimum 1.5m setback above street wall iii) Maximum street wall height of 8m (two storeys). <p>b) Gordon Avenue frontage:</p> <ul style="list-style-type: none"> i) Minimum 3m setback at Ground Level ii) Minimum 1.5m setback above street wall iii) Maximum street wall height of 10m (two storeys). <p>c) Frank Channon Walk (eastern) boundary (from Nelson Street to Gordon Avenue)</p> <ul style="list-style-type: none"> i) Minimum 3m setback at Ground Level, with additional stepped 3m setback at Podium Level 1 ii) Nil setback above eastern podium wall iii) Maximum street wall height of 10m (two storeys). <p>d) Western boundary with adjoining property</p> <ul style="list-style-type: none"> i) Nil setback at Ground Level ii) Minimum 9m setback to tower <p>2. Balconies are not to encroach into setbacks.</p> <p>3. In addition to Control 1:</p> <ul style="list-style-type: none"> a) Setbacks may be greater 	<p>No</p>

		amenity or visual impacts. The proposal features a well-articulated façade with recesses that effectively minimise the visual impact of the towers.	and street wall heights may be lower. b) Additional ground level setbacks are sought that contribute to public realm.	
Building Exterior	13.1.14.5	The facades of the proposal are sufficiently articulated and incorporate recesses and projecting elements.	<p>Facades are to be articulated and should incorporate recesses and projecting elements that do not encroach into required setbacks.</p> <p>Extensive blank walls shall be avoided at street level</p>	Yes
Amenity	13.1.14.6	A pedestrian wind assessment, prepared by CPP Wind Engineering Consultants, reference no. CPP21154_9-11 Nelson Street_REP_PW_R02, dated 26 March 2025, was submitted with the application. The report indicates that the proposal has generally been designed to mitigate wind affect, however, there are areas that are likely to be exposed to stronger winds. The report recommends treatment strategies to minimise any potential wind affect. Should the application be approved, a condition requiring the recommendations of the report to be implemented in the building design.	<p>A Wind Assessment shall be submitted at Development Application Stage.</p> <p>A detailed Acoustic Assessment shall be submitted at Development Application Stage.</p> <p>Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.</p>	Yes
Open Space and Landscaping	13.1.14.7	<p>Open spaces at the ground level are proposed to be utilised as publicly accessible open space. A condition of consent can be imposed, requiring formalisation of the public access areas to be reflected on the property title, should the application be approved.</p> <p>The WDCP requires deep soil planting within the 3-metre setbacks to Gordon Avenue, Nelson Street, and Frank Channon Walk; however, this requirement is not achieved. The proposal also fails to</p>	<p>1. Open space at ground level shall be utilised as publicly accessible open space.</p> <p>2. Large canopy tree planting must be provided along the Gordon Avenue and Nelson Street frontages within the 3m setback area.</p>	No

		<p>comply with the ADG, which requires a minimum of 292.81m² of deep soil area (with a minimum width of 6m). The development only provides 96.12m² of deep soil, with a maximum width of 1.81 metres.</p> <p>Furthermore, the areas identified as deep soil on the applicant's plans are impeded by a public access easement required under the VPA, effectively resulting in no usable deep soil areas on the 4,183m² site. As such, the proposal is not supported with respect to the landscape design, including deep soil provisions.</p> <p>The development also fails to provide adequate landscape areas in accordance with the relevant controls, with little to no meaningful landscaping along the street frontages.</p> <p>In addition, the proposal involves the removal of 78 trees but fails to provide compensatory tree planting in accordance with Part G of the WDCP.</p>	<p>3. All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximize solar access.</p> <p>4. A minimum of 2 hours of sun access is to be provided to the public open space on the site.</p> <p>5. Public domain improvements shall be provided to all street frontages, and the Frank Channon Walk and the pocket park at the end of Gordon Avenue frontages, to Council requirements.</p> <p>6. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.</p> <p>7. Deep soil planting is to be provided within the 3m setbacks to Gordon Avenue, Nelson Street and the Frank Channon Walk. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.</p> <p>8. A Landscape Plan is to be provided at Development Application stage detailing all public domain at ground level, street tree planting, planting and space allocation at podium and roof top levels. This is to include species, container size at planting, spacing and approximate size at maturity.</p>	
--	--	--	---	--

		<p>This requirement can be condition should the application be approved.</p>	<p>9. Street tree planting is at the cost of the proponent, with location and species to be determined in consultation with Council at Development Application stage.</p> <p>10. All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.</p>	
Links	13.1.4.8	<p>The proposed development includes the identified through-site links along all frontages in line with the WDCP and acknowledge that they will be subject to provision of public rights of way.</p>  <p>While the rights of way have been acknowledged, an issue has been identified with the public right of way proposed along the eastern boundary. Although the required width is indicated, the proposal fails to provide a usable space for public access. As shown in</p>	<p>1. The development is to incorporate publicly accessible through site links and open space in accordance with Map 4 below.</p> <p>2. Through site links and open space in addition to Map 4 is required on a site by site basis.</p> <p>3. Public rights of way are to be provided on:</p> <ul style="list-style-type: none"> • The 3m setback to Gordon Avenue. • The 3m setback to Nelson Street. • The 3m setback along the eastern boundary (from Gordon Avenue to Nelson Street) – adjacent the Frank Channon Walk and the pocket park at the end of Gordon Avenue. <p>4. All publicly accessible open space and links are to be the responsibility of the relevant ownership entity,</p>	Yes

		<p>the extract below, the majority of the right of way is occupied by a planter box accommodating a tree, leaving very limited space for pedestrian movement.</p> <p>Furthermore, the applicant has not demonstrated that this right of way is suitable for all potential users, including people using wheelchairs. As such, the proposal does not achieve consistency with the executed Voluntary Planning Agreement (VPA), particularly Schedules 5 and 6.</p>  <p>Section of the proposed ROW along easter boundary.</p>	with formal public access to be created over these areas.	
Active Street Frontage	13.1.4.9	<p>The site generally satisfies the active street frontage requirements as required by cl 6.7 WLEP except for the part where the substation is proposed.</p> <p>A substation chamber is proposed in the south-west corner at the street level, while it is enclosed it does not satisfy the requirement of Cl6.7 (4). The applicant submitted a cl4.6 statement seeking variation this requirement. Notwithstanding the variation, the refusal does not hinge on this matter.</p>	<p>At ground level buildings are to maximise active frontages to Gordon Avenue and Hammond Lane.</p> <p>A building has an active street frontage if all premises on the ground floor of the building facing the street(s) are used for the purpose of commercial premises or non-residential purposes and provide elements of visual interest when viewed from the street.</p>	No, considered acceptable
Traffic and transport	13.1.14.10	<p>1.The proposal, as amended, make provision for a breakthrough for shared basement access at basement level 1.</p>	<p>1. Vehicle and loading access is to be reviewed and master planned in conjunction with the adjoining land at 10 Gordon Avenue and 15-19 Nelson Street. One vehicle and loading point in Gordon Avenue is preferred for the</p>	No, refer to the discussion at the end of the table.

		<p>The loading facilities are located below ground and are positioned so that loading and servicing areas are not visible from public domain.</p> <p>While the applicant states that the amended proposal is compliant with the WDCP parking, it does not include strategies to reduce car parking demand. Instead with excessive 88 accessible car parking spaces, it is likely that car parking number can be increased for private benefit.</p> <p>Additionally, the proposal does not comply with Controls 5 (a) and 5 (f) of this section.</p> <p>The proposal includes car parking in excess of the requirements specified under Part F of the <i>WDCP 2023</i>. Refer to the assessment under Part F.</p>	<p>block bounded by Nelson Street, Gordon Avenue, Hammond Lane and the Frank Channon Walk, via a consolidated basement.</p> <p>2. Vehicle access and egress is to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape.</p> <p>3. All car parking and loading facilities are to be located below ground level.</p> <p>4. Other strategies for car parking reduction, such as reciprocal arrangements for sharing parking and car share, are to be included in any future Development Application.</p> <p>5. The following is to be provided in any future development application:</p> <p>a) 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.</p> <p>b) A minimum of 1 secure bicycle parking space per apartment.</p> <p>c) A minimum of 1 secure bicycle space per 100m² of commercial/retail floor space.</p> <p>d) Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.</p> <p>e) A bicycle rack within the site boundary for use by retail customers.</p> <p>f) A minimum of three (3) freight and service vehicle spaces within the basement, in addition to the one (1) Medium Rigid</p>	
--	--	--	---	--

			<p>Vehicle (MRV) space proposed within the loading dock.</p> <p>g) A Green Travel Plan.</p> <p>h) Updated traffic analysis and modelling.</p>	
Waste Management, Loading and Services	13.1.14.11	<p>Waste management Plan has been submitted. Council's Waste department has reviewed the development and advised that the there are several matters which remain unresolved to date.</p>	<p>All loading and unloading services are required to occur at basement level on-site.</p> <p>Other supporting functions such as garbage rooms, plant and other services are to be located in Basement levels.</p> <p>A Waste Management Plan shall be submitted at the Development Application stage.</p> <p>Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.</p>	No
Design Excellence	13.1.14.12	<p>The proposal has been awarded design excellence.</p>	<p>All developments that have a height of 35m or more are subject to a competitive design process.</p> <p>The competitive design process must be undertaken in accordance with the Willoughby Design Excellence Policy and Willoughby Design Excellence Guidelines.</p>	Yes
Public Art	13.1.14.13	<p>A condition requiring, a Public Art Strategy/plan to be prepared and submitted to Council's Urban Designer for approval, can be recommended, should this application be approved.</p>	<p>Public Art is to be provided in accordance with Council's Public Art Policy.</p>	Yes, subject to condition of consent.
Building Sustainability	13.1.14.14	<p>Conditions can be proposed to capture building sustainability requirements.</p>	<p>A minimum of 5 stars GBCA building rating is expected. A higher rating is encouraged.</p>	Yes

			An assessment report is to be submitted at Development Application stage.	
Parking – Commercial	Part F	<p>No details have been provided on the amended plans regarding the potential use of the non-residential spaces. Given the details provided in the Statement of environmental effects, it is taken to have the ground floor being for retails uses and first floor for business uses.</p> <p>Retail GFA = 1670m² Office/business = 4417m²</p> <p>A total of 40 car parking spaces are proposed for non-residential component, including 10 visitors space.</p> <p>Motorbike – nil motorbike spaces</p> <p>Bicycle – adequate bicycle parking is proposed for both the retail and commercial uses. 24 Bicycle spaces are proposed on the ground floor just for the retails users.</p> <p>Separate End of trip facilities for male and female including a minimum of one accessible toilets and two showers, and common accessible shower and toilet facilities.</p>	<p>Car (maximum):</p> <p>1 Space per 70m² Retail = 23.8 1 Space per 400m² Office = 11.04</p> <p>Total: 34.84 = 35 (rounded up)</p> <p>Motorbike: 1 space per 20 car parks = 2 1 Visitor per 10 spaces = 1</p> <p>Bicycle lockers – 1 space per 10 car parking spaces or minimum of 2 Total = 2</p> <p>End-of-trip facilities: One shower/ 5 bicycle parking. One change room per shower and two personal lockers per bicycle space</p>	<p>No, the proposal fails to comply with the maximum car parking rates for the commercial component, and no motorbike parking spaces are proposed. Refer to the discussion at the end of the table.</p>
Parking Res	Part F	<p>Car Parking Spaces- 99 (including 88 accessible spaces) 17 Visitors spaces</p> <p>Nil parking for Motorbike</p>	<p>Max – 0.5 Space per dwelling – MAX – 97 residential spaces (including 22 accessible parking spaces); - 28 visitors spaces</p> <p>Motorbike – 1 space per 20 car parks</p>	<p>No, the proposal fails to comply with the maximum car parking rates for the residential use. Please refer to the discussion at the end of</p>

			1 Visitor per 10 spaces	the table.
Electric Vehicle Charging	Part F	A condition can be recommended to require charging stations to be provided in accordance with the NCC.	All garages and car spaces allocated to an individual residential apartment must make provision for: • Level 2: single or 3-phase electric vehicle supply equipment with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan (Future Transport 2056) from Transport for NSW, which provides faster, more secure charging.	Yes, can comply with condition
Accessible Car Parking	Part F	Required – 20.75 accessible spaces and 1 visitor Total = 22 (rounded up) Proposed – 88 spaces The proposal has a surplus of 66 spaces	1 space/4 accessible or adaptable units + 1 visitor space for developments comprising 50 or more car parking spaces	No, refer to discussion at the end of the table.
Waste and Recycling	Part D	Waste management Plan has been submitted. Council's Waste department has reviewed the development and advised that there are several matters which remain unresolved to date.	Provision for On-site waste management and collection. Waste minimisation principles and management of the operational waste in accordance with the <i>WDCP 2023</i> .	Yes
Safer by Design	Part D	The design of the development provides casual surveillance to the street frontage. Suitable street and ground level lighting will be provided within the development to maximise surveillance opportunities at night. Additionally, the proposal was referred to NSW Police for comments, who raised no issues subject to recommending design treatment options required in line with Crime Prevention Through Environmental Design (CPTED) principles.	Requires design that allows people To see what others are doing in public and common spaces Access control – physical and symbolic barriers that can be used to attract, channel or restrict the movement of people; Territorial reinforcement clear design cues on who is to use space and what it is used for; and Space management ensuring that space is appropriately utilised and well cared for.	Generally considered satisfactory. Requirements from NSW Police can be conditioned.

Undergrounding of services	Part D	Condition can be applied for undergrounding	All services are to be located undergrounded	Yes
Access and Mobility	Part D	A Disability Access Report provided by Inclusive Access (Ref: P000833 dated 21/08/2023) demonstrates options and flexibility of use in the development	Details are to be submitted with the development application to demonstrate the development will comply with the Disability (Access to Premises – Building) Standards 2010 under <i>Disability Discrimination Act 1992</i>	Yes
Adaptable Housing	Part B	Required 97 units. Proposed 83 Units	50% of units must be provided as adaptable dwellings for mixed use and shop top housing development	No
Stormwater management	Part I	OSD and stormwater treatments, gravity disposal	OSD to ensure pre-development flows, gravity discharge of stormwater	Satisfactory, subject to conditions.
Vegetation Management	Part G	<p>The proposal involves removal of 78 trees. Council's Landscaping section has reviewed the proposal including relevant documentation and advised:</p> <p><i>The Addendum Arborist's report identifies that 78 trees are required to be removed to accommodate the proposed works. The trees are indicates to be located within the subject site, on Council land and on adjoining residential land.</i></p> <p><i>The Report notes that 13 of the trees are exempt species. No objections are raised to removal of exempt species within the site.</i></p> <p><i>Under WDCP, it is noted that if Council grants approval, trees approved for removal are to be replaced at a rate of 3:1.</i></p> <p><i>If approved, the proposal will result in removal of 65 non-exempt trees. Replacement at a rate of 3:1 would require 195</i></p>	<p>To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including bushland, and landscape quality.</p> <p>Replacement trees at a rate of 3:1</p>	No.

		<p><i>trees to be provided.</i></p> <p><i>The Landscape Plans indicate that 85 trees are to be planted, including on podium and roof top levels and within the site and road reserve and adjoining public reserve.</i></p> <p><i>This would result in a shortfall of 110 trees.</i></p> <p><i>The Landscape Plans indicate planting of large trees (Lophostemon conferta) in the required 3m public access easement on the eastern side of the site. Whilst provision of tall trees is supported, the trees are proposed to be planted in 1.7m wide raised planters over/adjacent to basement. The growth such trees in the proposed planters not considered viable due to insufficient soil volume and restrictions on development of roots capable of stabilising and supporting the trees. The only viable trees will be those located in the public domain, with the site itself in the eastern frontage providing little by way of soft landscape or deep soil in a space dominated by hard surface.</i></p> <p><i>The publicly accessible easement is indicated to contain stairs, contrary to the provision of equal access in the through route.</i></p> <p><i>In consideration of the above, the proposal is not supported with regard to landscape issues.</i></p>		

Variation to Car parking under Part F:

In their most recent submission, the applicant states that the amended proposal complies with Council's car parking requirements. However, no supporting documentation or detailed justification has been provided to demonstrate how compliance is achieved.

An assessment of the amended plans submitted on 28 March 2025 found the proposal to be unsatisfactory. It is important to note that the car parking rates outlined in Part F of the WDCP 2023 are maximum allowable rates. The amended proposal includes car parking spaces in excess of these requirements, specifically:

- A surplus of 9 retail/commercial spaces, and
- 88 accessible car parking spaces associated with residential use.

These changes reflect minimal alterations from the original submission in terms of overall car parking provision.

The proposed car parking rates for both residential and commercial components are not supported.

Breakdown of Proposed Car and Bicycle Parking:

Ground Floor:

- 24 bicycle spaces

Basement 1:

- End-of-trip facility
- 87 bicycle spaces
- 30 commercial/retail employee spaces
- 10 commercial/retail visitor spaces
- 9 residential accessible spaces

Basement 2:

- 40 residential accessible spaces
- 17 residential visitor spaces
- 4 residential standard spaces
- 57 bicycle spaces

Basement 3:

- 39 residential accessible spaces
- 7 residential standard spaces
- 79 bicycle spaces

Retail/Commercial Uses:

Proposed:

A total of 40 car parking spaces are proposed for non-residential use, including 10 visitor spaces.

Required:

The amended plans do not specify the exact use of non-residential floor areas. Based on the Statement of Environmental Effects, it is assumed that the ground floor is for retail use and the first floor for business/commercial use.

Accordingly, the following car parking is required under WDCP 2023:

- Retail (Ground Floor): 24 spaces
- Business (Upper Floor): 7 spaces

Total required: 31 spaces

This results in a surplus of 9 spaces.

Residential Use:

Proposed:

- 99 residential spaces (including 88 accessible)
- 17 visitor spaces

Total: 116 spaces

Required (Maximum under WDCP 2023):

- 97 residential spaces (including 22 accessible)
- 28 visitor spaces

Total: 125 spaces

While the overall number of residential car spaces is below the WDCP maximum, the proposal includes an excessive number of accessible spaces, 66 more than required, equating to approximately four times the WDCP minimum. Accessible spaces are approximately twice the size of standard bays, resulting in an expanded basement footprint with no demonstrated justification. This also has a direct impact on the deep soil zone provisions applicable to the development.

The applicant has not provided a justification for the proposed variation in car parking. Their submission merely claim compliance with WDCP requirements, without acknowledging the excess in car parking or providing any supporting analysis.

Council's Traffic and Transport team does not support the proposal. Key concerns include:

- *The applicant now claims compliance with the Chatswood CBD parking rates under WDCP 2023 by reducing the number of on-site car parking spaces.*
- *However, it appears this was achieved primarily by converting regular bays to accessible/adaptable bays rather than reducing the basement footprint or reconfiguring the layout.*
- *This approach raises concerns regarding the long-term integrity of parking supply, as adaptable spaces could be converted back to regular spaces after occupation, effectively undermining the intent of the DCP to limit vehicle reliance in the CBD.*
- *Council previously requested that a **vehicle detection system** be installed to manage conflicts between B99 vehicles and waste trucks on the ramp.*
- *The applicant notes this may be addressed via future condition but has not demonstrated **technical feasibility or provided revised drawings** showing this integration.*
- *Trip generation rates rely on low-end RMS values and do not reflect the true scale of the proposed 193-unit mixed-use development with commercial and retail components.*
- *No SIDRA or network-level assessment is included, despite expected peak-hour vehicle movements exceeding 40–50 trips.*
- *This raises questions about **cumulative impacts**, especially considering multiple surrounding developments with similar intensities.*
- *The site sits within **Chatswood South**, which is bounded by **Albert Avenue, Mowbray Road, and Pacific Highway**.*
- *This area has **limited street capacity**, constrained entry/exit points, and high volumes of pedestrian and cyclist traffic due to shared paths linking to Chatswood CBD and the Interchange.*
- *Given the strategic emphasis on sustainable transport and mode shift in this precinct, **Council maintains a strong position** on adhering to the **maximum allowable parking rates** under WDCP 2023 to limit vehicle reliance and congestion.*

In view of the above, the proposal is not supported as it fails to comply with the requirements of Part F of WDCP 2023 and does not provide adequate justification or supporting documentation for the proposed variation.

Referrals

Internal Referrals

Building services	No objection subject to conditions of consent
Engineering	<p><i>We have reviewed the revised plans, and many of the previously raised issues have been resolved.</i></p> <p><i>Stormwater Management</i></p> <p><i>The revised plans are generally compliant and details have been provided to confirm areas draining to the OSD system and that the water quality treatment system is compliant. However, the plans have not demonstrated that the outlet of the OSD system is above the downstream 1%AEP water level. The report details that the 1%AEP water level in Gordon Avenue (the point at which the site drainage system connects to the Council system) is 99.00m. While the tank outlet is at this level, friction in the pipe network results in the 1%AEP water level at the tank being approximately RL 99.80m, which is above the tank outlet level and will potentially impact the operation of the tank. We have included conditions that require that the tank outlet is above this water level, with information to be submitted to Council to confirm that this is achieved.</i></p> <p><i>To prevent stormwater flows from the street from draining to the basement, Technical Standard 2 requires that basement access has a crest at the PMF level or the 1%AEP water level + 500mm, whichever is higher. The civil report details that the PMF level is RL 99.10m and the 1%AEP flood level is 99.00m, which would require a crest level of 99.50m. As the overland flow path is not major, the required freeboard for the 1%AEP may be able to be reduced to 300mm.</i></p> <p><i>Vehicle Access and Parking</i></p> <p><i>The accessible / adaptable parking spaces have all been modified, such that they comply with AS 2890.6 as required by Council.</i></p> <p><i>The vehicle access has been modified, so the Porte Cochere connects to the main vehicle entry, with vehicle movements clearly defined.</i></p> <p><i>Aisle widths are generally compliant. We have proposed conditions to ensure that column locations do not impact widths, as an additional 300mm width is required where a wall or structure is adjacent to the aisle.</i></p> <p><i>Swept path diagrams have been provided for some of the spaces where access is restricted, and the diagrams have indicated that access is available to these spaces.</i></p> <p><i>Swept path diagrams have been provided for Council's waste vehicle. The vehicle is not able to pass a passenger vehicle on all points of the entry ramp. As this size vehicle will have limited movements to the site, provided a management system is provided, such as signals, the potential conflict can be managed. Appropriate conditions are proposed around this issue.</i></p>
Environmental Health	<p><i>The SEE states that the ground floor level is envisaged to comprise of 6 tenancies of cafés and restaurants and that they are proposed to operate 24 hours a day, 7 days a week (Page 31). 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. People noise is difficult to control, even with the best conditions of consent and a management plan. Noise from patrons may 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 and there would be potential impacts on residential landuse nearby, both above the commercial retail level and in surrounding properties.</i></p>

Waste	<p>In the latest DCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.</p> <ul style="list-style-type: none"> • The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems. • The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles. • All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings. <p>Items that were resolved by the RFI dated 6 March 2025 were:</p> <ul style="list-style-type: none"> • <u>Collection frequency:</u> the current service offered by Council for high-rise developments is a maximum twice weekly general waste collection, weekly recycling collection and weekly garden organics collection. <ul style="list-style-type: none"> ○ The waste plan Rev E proposed twice weekly recycling which should be amended. ○ The waste plan Rev G now proposes once weekly recycling. • <u>Bulky waste:</u> Council requires 42m² of storage space for 193 households. <ul style="list-style-type: none"> ○ The waste plan Rev E proposed 32m². ○ The waste plan Rev G now proposes 42m². • <u>Charity waste / other recycling:</u> 6m² for the storage of charity waste and other recycling. This should be close to the bulky waste storage area. This is now included in the waste plan Rev G. • <u>Demolition and construction waste plan:</u> this waste plan is provided and is acceptable. • <u>Commercial waste:</u> the expected generation rate for commercial general waste is different to Council's expected generation and therefore, the number of bins required varies slightly, but it does not seem to present a bin storage area space issue. Also, commercial waste can be collected more frequently to enable fewer bins to be required. <p>Following the revision of plans, there are still some items that require clarification, particularly:</p> <ol style="list-style-type: none"> 6. <u>HRV access:</u> access for a 10.5m garbage truck is acknowledged. However, WDCP 2023 requires access for a 12.5m space, for which the parking / loading space is required to be a minimum of 12.5m. Please confirm there is sufficient space for Council's waste HRV (12.5m) to service the bins at the allocated collection point and that this does not impede pedestrian or other vehicle movements. <ul style="list-style-type: none"> ○ The waste RFI response refers to the traffic report. ○ The traffic reports states an MRV. ○ The traffic plan does not mark the 2m rear clearance for loading behind the truck. ○ It is not clear that there is a 1.5m aisle width (NSROC, 2018, Table 8) to wheel the bins besides the truck in the loading bay from the bin room
-------	---

	<p>doors.</p> <ul style="list-style-type: none"> ○ Traffic should assess this further related to traffic. <p>7. <u>Waste and recycling cupboard:</u> the waste chute hopper should be located in a waste cupboard, which also has space for any bulky cardboard waste and additional bins. This is required in the case of a broken recycling chute and to future proof the development in the case of food organics collection. The waste response RFI appears to argue why this is not necessary, rather than accommodating the requirement due to the development design limitations.</p> <p>8. <u>Organics generation rates and bin numbers:</u> The WDCP 2023 generation rates for the organics bins were not used (120L/hh/wk) to calculated estimated generation and organics stream bin numbers. Since the previous referral Council has considered developments for NSW EPA (2019) Better practice guide for resource recovery in residential developments (Table F2) generation rates. This still requires more than the 10L/unit proposed in this application (waste plan, Rev G, Table 2). The minimum requirement that would be accepted using NSW EPA (2019) is:</p> <ul style="list-style-type: none"> ○ Studio, 1-bed or 2-bed unit: 25L/unit/week (based on SEE, Section 4.1; 137 apartments); ○ 3+ bed unit: 50L/unit/week. (based on SEE, Section 4.1; 56 apartments) <p>This would require 6,225L/week or 26 x 240L bins.</p> <p>9. <u>Residential bin storage areas:</u> Council did require a minimum of 125m² of residential bin storage space at the collection loading bay. However, if the number of organics bins are reduced to the NSW (2019) rates above, then Council requires 86m². The space provided is 80m² for 1,100L bins and 7m² for organics bins (240L) which overall is satisfactory, but.</p> <ul style="list-style-type: none"> ○ The architectural drawings only show 24x1,100L bins, but the site requires 35x1,100L bins at any one time in the collection holding room, plus the organics bins or in another collection holding room). This may be due to the shape limitation in the design. ○ The organics bin room needs to be ~15m² for 26 x 240L bins. The organics bins should be bin in one room for collection. Residents can access that room for bin use. It is unclear how residents would safely and efficiently access that room next to the truck loading bay in the location proposed. <p>Additional item observed:</p> <p>10. <u>Door widths:</u> doors should be 2.5m (2,500mm) wide as in the DCP (e.g., NSROC 2018, Table and Section 3.12). The waste plan (Rev G) states 1,500mm, although the architectural drawings appear to the larger.</p>
Landscape	<p>The application seeks consent for: Demolition of existing structures, construction of 27 storey mixed-use development, basement carparking, two storey commercial podium, 2 residential towers consisting of 193 apartments, communal open space, landscaping and associated works.</p> <p>The Arborist Report prepared by Peake Arboriculture, Addendum Arborist's Report prepared by H2O Consulting Group and Landscape Plans prepared by Land and Form are noted.</p> <p>The Addendum Arborist's report identifies that 78 trees are required to be removed to accommodate the proposed works. The trees are indicates to be located within the subject</p>

	<p>site, on Council land and on adjoining residential land.</p> <p>The Report notes that 13 of the trees are exempt species. No objections are raised to removal of exempt species within the site.</p> <p>Under WDCP, it is noted that if Council grants approval, trees approved for removal are to be replaced at a rate of 3:1.</p> <p>If approved, the proposal will result in removal of 65 non-exempt trees. Replacement at a rate of 3:1 would require 195 trees to be provided.</p> <p>The Landscape Plans indicate that 85 trees are to be planted, including on podium and roof top levels and within the site and road reserve and adjoining public reserve.</p> <p>This would result in a shortfall of 110 trees.</p> <p>Whilst the DCP provides an offset payment mechanism for trees not able to be accommodated on the site, which could be included as a condition of consent, the applicant should be made aware that under the current listed schedule of fees and charges, the offset payment for 110 trees would be in the vicinity of \$265 000.</p> <p>The Landscape Plans indicate planting of large trees (<i>Lophostemon conferta</i>) in the required 3m public access easement on the eastern side of the site. Whilst provision of tall trees is supported, the trees are proposed to be planted in 1.7m wide raised planters over/adjacent to basement. The growth such trees in the proposed planters not considered viable due to insufficient soil volume and restrictions on development of roots capable of stabilising and supporting the trees. The only viable trees will be those located in the public domain, with the site itself in the eastern frontage providing little by way of soft landscape or deep soil in a space dominated by hard surface.</p> <p>The publicly accessible easement is indicated to contain stairs, contrary to the provision of equal access in the through route.</p> <p>In consideration of the above, the proposal is not supported with regard to landscape issues.</p>
Traffic and Transport	<p>Recommended Refusal</p> <ul style="list-style-type: none"> • The applicant now claims compliance with the Chatswood CBD parking rates under WDCP 2023 by reducing the number of on-site car parking spaces. • However, it appears this was achieved primarily by converting regular bays to accessible/adaptable bays rather than reducing the basement footprint or reconfiguring the layout. • This approach raises concerns regarding the long-term integrity of parking supply, as adaptable spaces could be converted back to regular spaces after occupation, effectively undermining the intent of the DCP to limit vehicle reliance in the CBD. • Council previously requested that a vehicle detection system be installed to manage conflicts between B99 vehicles and waste trucks on the ramp. • The applicant notes this may be addressed via future condition but has not demonstrated technical feasibility or provided revised drawings showing this integration. • Trip generation rates rely on low-end RMS values and do not reflect the true scale of the proposed 193-unit mixed-use development with commercial and retail components. • No SIDRA or network-level assessment is included, despite expected peak-hour vehicle movements exceeding 40–50 trips. • This raises questions about cumulative impacts, especially considering multiple

	<p>surrounding developments with similar intensities.</p> <ul style="list-style-type: none">The site sits within Chatswood South, which is bounded by Albert Avenue, Mowbray Road, and Pacific Highway.This area has limited street capacity, constrained entry/exit points, and high volumes of pedestrian and cyclist traffic due to shared paths linking to Chatswood CBD and the Interchange.Given the strategic emphasis on sustainable transport and mode shift in this precinct, Council maintains a strong position on adhering to the maximum allowable parking rates under WDCP 2023 to limit vehicle reliance and congestion.																																																																						
Contributions Officer	<p>Proposed Development involves:</p> <ol style="list-style-type: none">Demolition of existing non-residential structuresconstruction of a Mixed Use development comprising 193 residential or work/live units containing:<ul style="list-style-type: none">2-storey non-residential podium levelsResidential tower above comprising: <table><tr><th># of bedroom units</th><th>Quantity</th><th>Notes</th></tr><tr><td>studio</td><td>0</td><td></td></tr><tr><td>1-bedroom</td><td>0</td><td></td></tr><tr><td>2-bedroom</td><td>137</td><td>Includes AH dwellings in North tower: units 03.03, 03.04, 04.03, 04.04, 05.03, 05.04; South Tower: units 03.06, 04.06, 05.06</td></tr><tr><td>3-bedroom</td><td>56</td><td></td></tr><tr><td>Total</td><td>193</td><td></td></tr></table> <p>The proposed development contains commercial, retail and residential uses and is therefore considered a mixed use development (i.e. a development comprising 2 or more different land uses).</p> <p>In accordance with CI 2.5 and Table 1 of the <i>Willoughby Local Infrastructure Contribution Plan 2019</i>, “where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a s7.11 contribution or a s7.12 levy will be imposed. The contribution method which produces the greater amount will be the method used for that application.” The subject development falls under this scenario, as such will be subject to either s7.11 or s7.12, whichever yields the greater amount. This calculation is demonstrated below:</p> <table><tr><th colspan="2">S7.11 Calculation</th><th>Qty</th><th colspan="2">Proposal - Calculation</th></tr><tr><th colspan="2">Dwellings / Residents Proposed</th><th></th><th>dwelling rate</th><th>Contributions (\$)</th></tr><tr><td>Studio or 1-bedroom dwelling</td><td>0</td><td></td><td>x \$11,045.36</td><td>0</td></tr><tr><td>2-bedroom dwelling</td><td>137</td><td></td><td>x \$15,544.10</td><td>\$2,129,541.70</td></tr><tr><td>3-or more bedroom dwelling</td><td>56</td><td></td><td>x \$20,000</td><td>\$1,120,000.00</td></tr><tr><td>Subtotal</td><td>193</td><td></td><td></td><td>\$3,249,541.70</td></tr><tr><td colspan="3">AH dedication req'd under WLEP CI 6.8 - Area 1 (4%) CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH). Hence exemption has been taken into account for the nominated 9 AH 2-bedroom dwellings</td><td></td><td>Exempt from contribution</td></tr><tr><td>Less Deduct 9 x 2-bedroom AH dwelling</td><td>- 9</td><td></td><td>x \$15,544.10</td><td>\$139,896.90</td></tr><tr><td>(i.e. \$3,249,541.70 minus \$139,896.90)</td><td>184</td><td></td><td></td><td>\$3,109,644.80</td></tr><tr><td colspan="5">Subtotal</td></tr></table> <p>In accordance with CI 2.9.1 of WLIC Plan, the following credits are given for this development:</p> <table><tr><th>Credits for demolishing existing structures</th><th>Credits - Calculation</th></tr></table>	# of bedroom units	Quantity	Notes	studio	0		1-bedroom	0		2-bedroom	137	Includes AH dwellings in North tower: units 03.03, 03.04, 04.03, 04.04, 05.03, 05.04; South Tower: units 03.06, 04.06, 05.06	3-bedroom	56		Total	193		S7.11 Calculation		Qty	Proposal - Calculation		Dwellings / Residents Proposed			dwelling rate	Contributions (\$)	Studio or 1-bedroom dwelling	0		x \$11,045.36	0	2-bedroom dwelling	137		x \$15,544.10	\$2,129,541.70	3-or more bedroom dwelling	56		x \$20,000	\$1,120,000.00	Subtotal	193			\$3,249,541.70	AH dedication req'd under WLEP CI 6.8 - Area 1 (4%) CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH). Hence exemption has been taken into account for the nominated 9 AH 2-bedroom dwellings				Exempt from contribution	Less Deduct 9 x 2-bedroom AH dwelling	- 9		x \$15,544.10	\$139,896.90	(i.e. \$3,249,541.70 minus \$139,896.90)	184			\$3,109,644.80	Subtotal					Credits for demolishing existing structures	Credits - Calculation
# of bedroom units	Quantity	Notes																																																																					
studio	0																																																																						
1-bedroom	0																																																																						
2-bedroom	137	Includes AH dwellings in North tower: units 03.03, 03.04, 04.03, 04.04, 05.03, 05.04; South Tower: units 03.06, 04.06, 05.06																																																																					
3-bedroom	56																																																																						
Total	193																																																																						
S7.11 Calculation		Qty	Proposal - Calculation																																																																				
Dwellings / Residents Proposed			dwelling rate	Contributions (\$)																																																																			
Studio or 1-bedroom dwelling	0		x \$11,045.36	0																																																																			
2-bedroom dwelling	137		x \$15,544.10	\$2,129,541.70																																																																			
3-or more bedroom dwelling	56		x \$20,000	\$1,120,000.00																																																																			
Subtotal	193			\$3,249,541.70																																																																			
AH dedication req'd under WLEP CI 6.8 - Area 1 (4%) CI 2.6 of WLIC Plan states that development contribution <u>does not</u> apply to Affordable Housing (AH). Hence exemption has been taken into account for the nominated 9 AH 2-bedroom dwellings				Exempt from contribution																																																																			
Less Deduct 9 x 2-bedroom AH dwelling	- 9		x \$15,544.10	\$139,896.90																																																																			
(i.e. \$3,249,541.70 minus \$139,896.90)	184			\$3,109,644.80																																																																			
Subtotal																																																																							
Credits for demolishing existing structures	Credits - Calculation																																																																						

		dwelling rate	Contributions (\$)
existing 1-bedrooms units	4	x \$11,045.36	\$44,181.44
existing 2-bedrooms units	39	x \$15,544.10	\$606,219.90
existing 3-bedrooms units	2	x \$20,000	\$40,000.00
(assumption: based on dwelling sizes provided by realestate.com.au) – Less dwellings	- 45	Less total	\$690,401.34
Credits only given to the existing residential units. NO credits are given to the existing non-residential building at 8 Wilson St as proposed non-residential area is greater than existing non-residential area.			
s7.11 yield amount (with credits given): (i.e. \$3,109,644.80 minus \$690,401.34)	139	Total: \$2,419,243.46	

Compared with...

If s7.12 Contribution Calculation

Construction Cost without accounting AH related cost only:
Based on:

- Construction cost (excl GST): \$155,766,683

- Construction costs without AH cost (excl GST): \$152,500,431.86

Note: Council's QS cost form was only signed off by a Construction Project Manager, not a qualified QS. Given the unqualified sign-off, PM cost is not clearly shown whether it's inclusive or exclusive. Assumption is made without discounting PM cost. (ie. PM cost is included).

Assumption: Deducted AH costs of \$3,266,251.14 - based on residential unit cost of \$3,898/m² obtained from Council's Cost Estimate form and the floor area of 837.93m² based on the permitted developable residential area of \$20,915m², obtained from P.41 of SEE dated 24/08/2023.

(note: site is located marginally outside the Contribution Plan's CBD boundary. Not relying on CBD Strategy's CBD boundary) Location:

Applicable %:

S7.12 yielding amount based on costs of works (\$167,750,475.05 x 1%):

As demonstrated above, \$2,419,243.46 of s7.11 contribution applies to this development because it yields greater amount than s7.12 contribution. If there are any changes to the development statistics before finalising the consent, please let me know.

Note: for the spreadsheet of s7.11 / s7.12 calculations, see ECM Doc Set #: 7231104

Insert condition D03.003A as per below:

Insert prior to issue of Construction Certificate	
s7.11 Contribution	
Prior to the issue of the Construction Certificate, a monetary contribution is to be paid to in accordance with section 7.11 of Environmental Planning and Assessment Act, 1979 in the amount of \$2,419,243.46 for the purposes of the Local Infrastructure identified in the Willoughby Local Infrastructure Contributions Plan.	
Active transport and public domain facilities	\$103,174.94
Open space and recreation facilities	\$1,896,244.67
Plan administration	\$35,752.94
Recoupment - community facilities	\$364,681.71
Recoupment - open space and recreation	\$19,389.20
Total	\$2,419,243.46
Indexation	
The monetary contribution must be indexed between the date of this Development Consent and the date of payment in accordance with the following formula:	
SCo x CPIp ÷ CPIc	

	<p>Where:</p> <p>\$C_O = the contribution amount shown in this Development Consent expressed in dollars</p> <p>CPI_P = the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics (ABS) at the quarter immediately prior to the date of payment</p> <p>CPI_C = the Consumer Price Index (All Groups Index) for Sydney as published by the ABS at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution</p> <p>Deferred payments of contributions will not be accepted.</p> <p>Prior to payment Council can provide the value of the indexed levy.</p> <p>Copies of the <i>Willoughby Local Infrastructure Contributions Plan</i> are available for inspection online at www.willoughby.nsw.gov.au (Reason: Statutory requirement)</p> <p><u>Planning Agreement</u></p> <p><u>Insert condition D03.999 - Planning Agreement obligations to meet prior to issue of CC</u></p> <p><u>Insert prior to issue of Construction Certificate</u></p> <p><u>Planning Agreement</u></p> <p>Prior to the issue of <u>first</u> Construction Certificate, the obligation under the Planning Agreement executed on 20 October 2022 relating to this development, that is, the 2nd instalment is to be satisfied at the timing and at the CPI adjusted contribution \$ amount required under Column 1, Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment. (Reason: Ensure compliance)</p> <p><u>Insert condition D07.999 - Planning Agreement obligations to meet prior to issue of OC</u></p> <p><u>Insert prior to issue of Occupation Certificate or prior to registration of a Strata Plan</u></p> <p><u>Planning Agreement</u></p> <p>Prior to the issue of <u>first</u> Occupation Certificate or prior to registration of a Strata Plan, the obligation under the Planning Agreement executed on 20 October 2022 relating to this development, that is, the 2nd and 3rd instalments have been satisfied at the timing and at the CPI adjusted contribution \$ amount required under Column 1, Schedule 2 of the Planning Agreement. Contact Council for an indexation (CPI) adjustment at the time of payment.</p> <p>Prior to the issue of <u>first</u> Occupation Certificate, the registration of Public Access Easement as per item B referenced under Columns 1 & 3, Schedule 2 of the Planning Agreement is also required to be satisfied. (Reason: Ensure compliance)</p> <p><u>Housing Productivity Contribution (HPC)</u></p> <p>Additionally, I have considered whether HPC applies to this DA. Since the DA was lodged on 5 September 2023, before the HPC commencement date, 1 Oct 2023, HPC <u>doesn't apply</u> to this DA.</p>
Urban Design	<i>Design Excellence Clause 6.23 Addressed, no Integrity review required.</i>

External Referrals

NSW Police	Recommended conditions of consent
Ausgrid	Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
Water NSW	GTA's have been provided subject to a number of conditions which can be

(Integrated Referral)	issued should an approval is granted.
TfNSW	TfNSW has reviewed the material and advises that the proposed development will have a negligible impact on the surrounding classified road network. As such, TfNSW has no further comment.
Sydney Airport	Conditions recommended
Sydney Metro	Outstanding. Requested additional information.
Sydney Trains	Outstanding. Requested additional information.

ATTACHMENT: 3 - SUBMISSIONS TABLE

Neighbour Notification

Owners of adjoining properties were notified of the proposal and four (4) submissions by way of objection were received as follows,

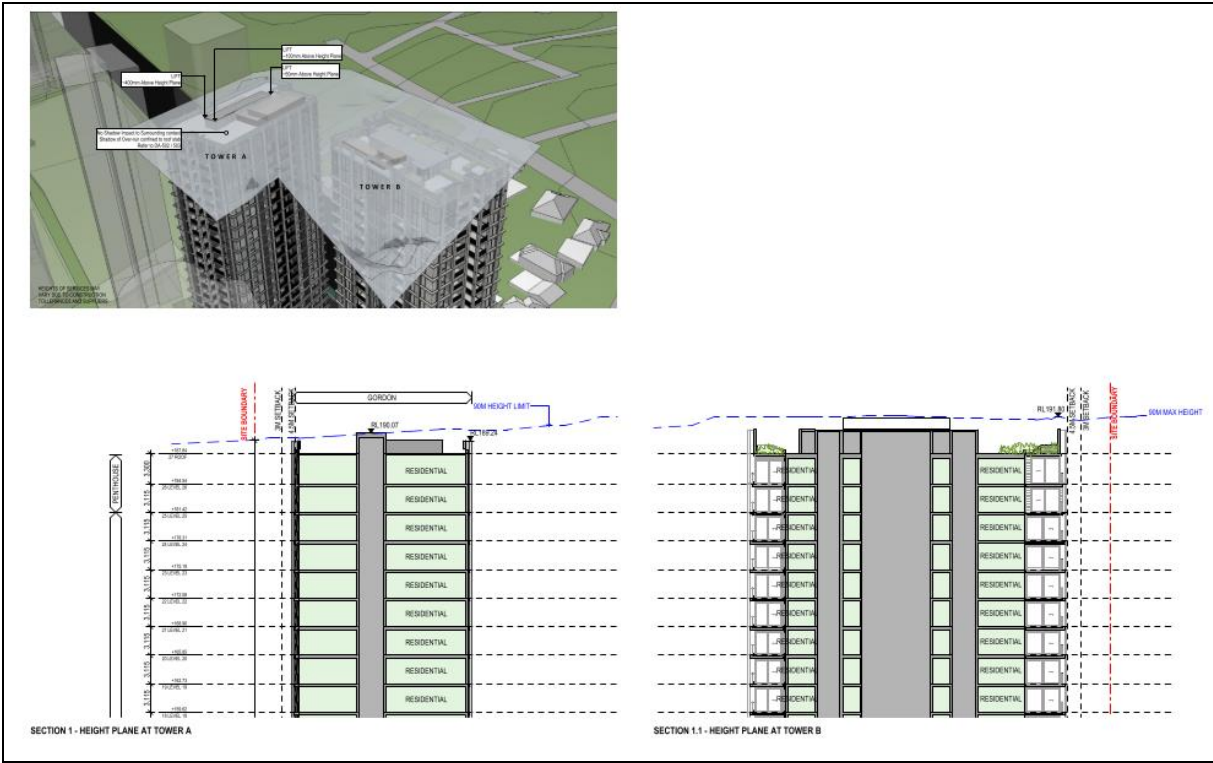
Property	Issues raised	Response
6 Orchard Road Chatswood	<i>Probably most of the 197 apartments will own a vehicle. When leaving the building, all vehicles proceeding to the east, north or west must turn left into Mowbray Road. To then go north they will have to turn left again into Orchard Road. Traffic Heading west would likely entre Orchard Rd. to do a U-turn to get back into Mowbray rd. It is likely other high-rise apartments will be proposed for the eastern side of the pacific highway. Just north of this proposal. The traffic congestion will worsen.</i>	Concerns regarding traffic congestion resulting from the proposal have been considered, including the proposed number of car parking spaces. The proposal is recommended for refusal, with one of the reasons being the non-compliance with Council's car parking requirements.
3 Berkeley Court, Chatswood	<ul style="list-style-type: none"> Views to the West 	<ul style="list-style-type: none"> There are no known significant views across the site to the west, which will be impacted as result of the subject development.
	<ul style="list-style-type: none"> Overshadowing impacts 	<ul style="list-style-type: none"> Based on the submitted shadow diagrams, the proposal will not result in any additional overshadowing of 3 Berkeley Court. Wind impacts associated with the proposal have been considered. The applicant has submitted both qualitative and quantitative wind assessments. These reports do not identify any significant wind impacts on the surrounding area or on the development itself, provided that certain recommended design measures are implemented.
	<ul style="list-style-type: none"> Wind impacts 	
	<ul style="list-style-type: none"> <i>Over Development resulting in traffic issues and impacting the existing infrastructure</i> 	<ul style="list-style-type: none"> The proposal is not supported due to the excessive number of car parking spaces proposed and the associated traffic impacts on the surrounding street network.

Property	Issues raised	Response
8 Sutherland Road, Chatswood (1 st submission)	<ul style="list-style-type: none"> <i>The proposal exceeds the maximum building height (90m)</i> <i>The proposal is out of character</i> <i>Noise associated with demolition and construction works</i> 	<ul style="list-style-type: none"> The proposal includes a minor breach of the height limit, specifically associated with the lift overrun of Tower A. The proposed height is considered acceptable, refer to Attachment 4 for further details. The proposal is generally consistent with the Chatswood CBD Strategy and the relevant zone objectives, except for the issues identified in this report. Noise impacts during the construction phase are expected to be appropriately managed through the implementation of a Demolition and Construction Management Plan, should the proposal be approved.
8 Sutherland Road, Chatswood (2 nd submission)	<ul style="list-style-type: none"> Views to the West Traffic congestion on surrounding streets 	<ul style="list-style-type: none"> There are no known significant views across the site to the west, which will be impacted as result of the subject development. Concerns relating to traffic congestion resulting from the proposal have been considered, particularly in relation to the number of car parking spaces proposed. The proposal is recommended for refusal, with one of the key reasons being the non-compliance with Council's car parking requirements.

ATTACHMENT 4: CLAUSE 4.6 ASSESSMENT – BUILDING HEIGHT

Description of non-compliance

Development Standard	Height Standard	Proposed Height	%Variation
CI 4.3 Height of buildings	90m	90.4m indicated by the applicant.	0.36% 0.4m over the standard



Key points of the applicant’s submission:

- i) The proposed development facilitates the mixed-use development of the site consistent with the vision of PP-2021-5704. The development is consistent with the desired built form and land use outcomes at the site and will integrate well into the southern area of the Chatswood CBD. The extremely minor variation to the building height is driven by the necessity to deliver minimum standards on apartment levels, while also achieving flexible, attractive and feasible non-residential tenancies within the podium.
- ii) The Strict compliance with the development control does not promote any identifiable public benefit. Strict compliance with clause 4.3 of the WLEP 2012 would contradict the objective of all levels of government to aid in the facilitation of housing supply within accessible and well serviced locations, through not only reducing the number of dwellings proposed, but by directly increasing the commerciality of the remaining dwellings within the proposed development.

Objectives of Clause 4.6

- 4.6 (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

CI 4.6 Criteria	Response
4.6(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	The development standard is not expressly excluded from the operation of this clause.
4.6 (3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i>	
a) <i>Has the applicant's submission demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and</i>	The applicant has provided a written request that seeks to justify the contravention of the development standard on the basis that compliance is unreasonable and unnecessary in the circumstances of this case.
b) <i>Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the non-compliance?</i>	The applicant's written request has sought to demonstrate sufficient environmental planning grounds.
4.6(4) <i>Development consent must not be granted for development that contravenes a development standard unless:</i>	
a) i) <i>Has the applicant's written request adequately addressed the matters required to be demonstrated in subclause 3</i>	The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the non-compliance
ii) <i>Is the proposed development in the public interest because it is consistent with:</i>	
• <i>objectives of the particular development standard</i>	Yes, see assessment below
• <i>objectives for the development within the zone in which the development is proposed to be carried</i>	Yes, see assessment below

Consistency with the objectives of the Height of Buildings development standard:

Consistency of the proposed development with the height of building standard's objectives is discussed below:

Height of Building Development Standard Objectives	Response
a) <i>to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,</i>	The proposed height of the building is compatible with the bulk and scale of the developments within the CBD area, and consistent with the streetscape. The proposed variation in height is minor, and considering the site is surrounded by several significantly taller buildings in the CBD area, the impact of this variation is minimal. Therefore, the 0.4m variation will not alter the proposed development's context within the streetscape. Additionally, the portion of the lift which breaches the height limit set back from the building façades,

Height of Building Development Standard Objectives	Response
	which helps reduce impacts on the streetscape.
a) <i>to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i>	The proposed development does affect any significant or iconic views currently obtained through the site. The impacts on privacy or visual intrusion are considered to be consistent with a compliant height proposal. Overshadowing impacts from the additional height are considered to be minor and do not unreasonably affect the adjoining properties.
b) <i>to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,</i>	It is considered that the architectural design will provide a positive impact on the visual amenity of this redeveloping mixed use area.
c) <i>to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,</i>	There are no significant views from adjacent development or public open spaces near or around the site.
d) <i>to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,</i>	While the assessment report raises issues regarding the allowable FSR under the WLEP and the required landscaped area under the ADG (SEPP Housing 2021), the building height, although it exceeds the maximum permissible height over part of the footprint is considered to be reasonably consistent with the redevelopment potential of the land.
e) <i>to use maximum height limits to assist in responding to the current and desired future character of the locality,</i>	The proposed height is considered to be sufficiently consistent with the existing building heights on adjoining sites and with the existing and desired future character of the locality.
f) <i>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</i>	The proposed height does not impact on the primacy of Chatswood City Centre.
g) <i>to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.</i>	The proposed height is consistent with the building scale envisaged for the CBD area.

Consistency with the objectives of the MU1 Mixed-Use Zone:

Consistency of the proposed development with the Zone's objectives is discussed below:

Zone Objective	Response
To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.	The proposal is for a mixed use development with two levels of retail/commercial use with residential apartments above. The proposal aligns with the

Zone Objective	Response
	mixed use nature of the land and supports the generation of employment opportunity through its non-residential uses.
To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	The proposal adequately addresses both street frontages and provide activation through the retail floor space at the ground floor. Additionally, the site is highly accessible, as it is in close proximity to Chatswood train and metro stations, as well as major arterial road such as the Pacific Highway. The development includes bicycle parking and end-of-trip facilities which can encourage a shift towards walking, cycling, and the use of public and shared transportation.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed uses within the development are adequately separated, with non-residential components limited to the podium and residential use situated in the towers above, including the associated communal spaces. The proposal therefore is considered of a type that minimise conflict between the land uses.
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	The proposed ground floor will be used for retail with the first floor being utilised as office space, aligning with this objective.
To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.	The subject site is located within the central periphery of the Chatswood CBD, and is proposed for a mixed use development. The development includes 2 levels of retail/ commercial space and 193 residential apartments, all contributing positively to the city centre of Chatswood.

Clause 4.6 4) b) The Concurrence of the Secretary has been obtained

Based on the above considerations, the proposed variation to the development standard is acceptable. Variation of the standard is considered to be in public interest given that the relevant objectives of the zone and standard are met by the proposal despite its numerical non-compliance with the development standard.

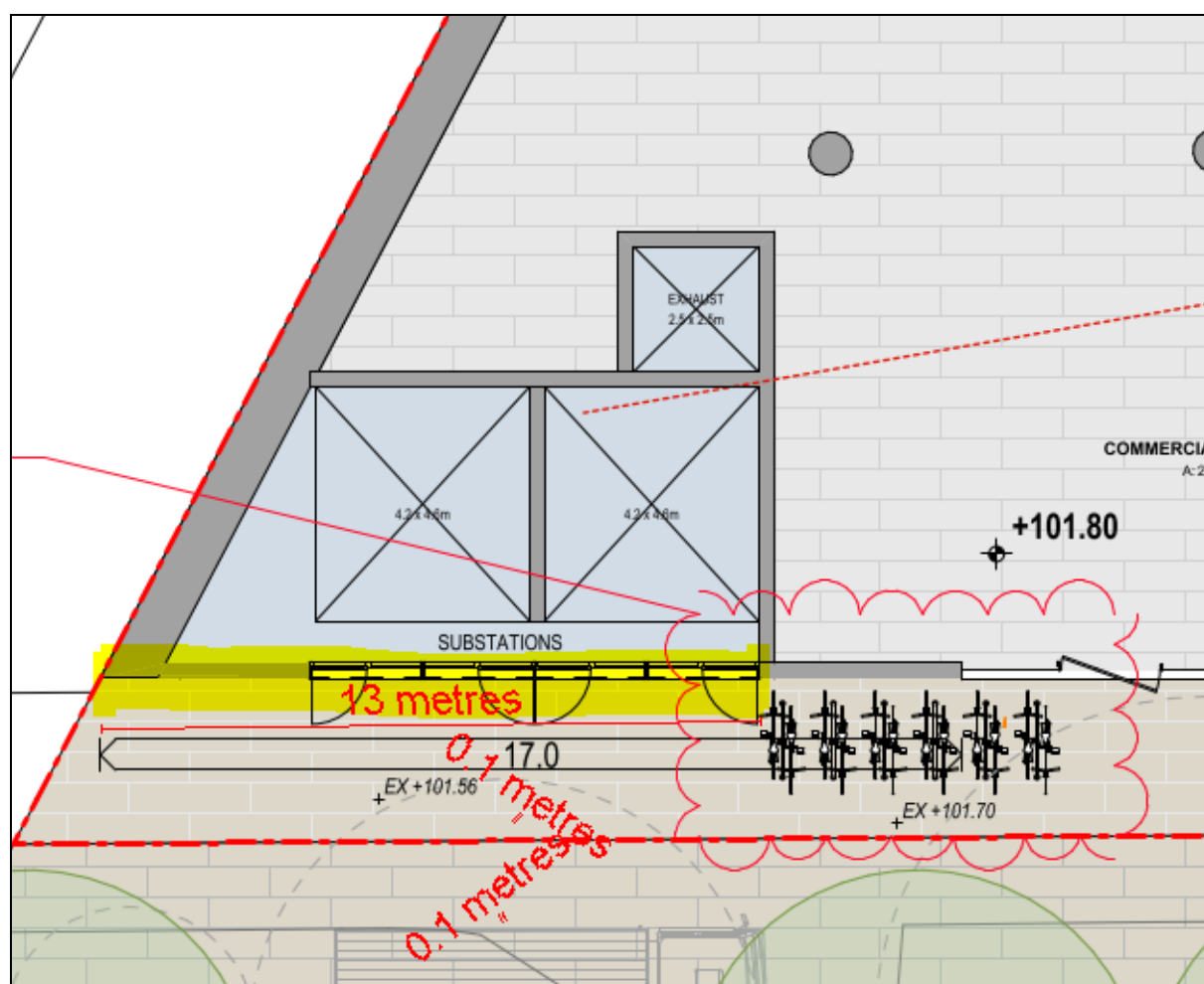
The variation is not considered to raise any matter of regional and state significance, and concurrence of the Secretary in approving this variation can be assumed.

ATTACHMENT 5: CLAUSE 4.6 ASSESSMENT – ACTIVE STREET FRONTAGE

Description of non-compliance

Development Standard	Standard	Proposed	%Variation
CI 6.7 Active Street Frontage	Active Street frontage to Both Nelson Street and Gordon Ave	The proposal generally achieves the active street frontage requirement, except for a 13m portion of the building fronting Nelson Street, which is not consistent with the requirements of Clause 6.7 of the WLEP.	A 13m portion of the 48m long façade along Nelson Street does not comply with the active street frontage requirement, equating to a 27% non-compliance.

All ground floor premises facing the street are to be used for commercial premises, with the exception of the vehicular access, fire booster, entrances and lobbies, substation. All of these are dispensations under cl 6.7 (4) accept the substation.



Extract of the Ground Floor Plan showing the portion of the building that does not comply with the active street frontage requirement.

Key points of the applicant's submission:

- i) *The need to vary the active street frontages map is driven by the need to locate certain services required by the National Construction Code (NCC), Ausgrid as the electricity provider to the site, New South Wales Fire on a frontage of the site. The WLEP 2012 specifies active street frontages along both Nelson Street and Gordon Avenue, however regard must be given to designing the building to meet other statutory obligations reasonably expected in a development of this nature. As such, this request seeks to vary the requirements of clause 6.7 of the Willoughby LEP 2012.*
- ii) *The active street frontages as proposed do not hinder the proposals consistency with the zoning objectives or the active street frontage objectives.*
- iii) *The substations are required to be installed in accordance with the Ausgrid Network Standard NS113, which dictates that they are to be positioned with direct access to the street frontage, with direct louvre access to the street and service vehicles. Arguably there are no environmental impacts that result from the locating of the substations in the south-west corner of the development.*

Objectives of Clause 4.6

4.6 (1) The objectives of this clause are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

CI 4.6 Criteria	Response
4.6(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	The development standard is not expressly excluded from the operation of this clause.
4.6 (3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i>	
c) <i>Has the applicant's submission demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and</i>	The applicant has provided a written request that seeks to justify the contravention of the development standard on the basis that compliance is unreasonable and unnecessary in the circumstances of this case.
d) <i>Has the applicant's submission demonstrated that there are sufficient environmental planning grounds to justify the non-compliance?</i>	The applicant's written request has sought to demonstrate sufficient environmental planning grounds.
4.6(4) <i>Development consent must not be granted for development that contravenes a development standard unless:</i>	
b) i) <i>Has the applicant's written request adequately addressed the matters required to be demonstrated in subclause 3</i>	The applicant's written request has adequately demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the non-compliance

ii) Is the proposed development in the public interest because it is consistent with:	
<ul style="list-style-type: none"> objectives of the particular development standard 	Yes, see assessment below
<ul style="list-style-type: none"> objectives for the development within the zone in which the development is proposed to be carried 	Yes, see assessment below

Consistency with the objectives of the Active Street Frontage development standard:

Consistency of the proposed development with the height of building standard's objectives is discussed below:

Active Street Frontage Development Standard Objectives	Response
<p><i>The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support and Zone MU1 Mixed Use.</i></p>	<p>It is noted from the applicant's submission that the substations required to service the site are to be installed on Nelson Street frontage are in accordance with Ausgrid Network Standard NS113, which requires that transformers be located with direct access from the street frontage and have direct louvre access to the outside. The proposal satisfies this requirement along the remaining frontage of the building on Nelson Street and Gordon Avenue.</p> <p>It is also noted that, while there is no requirement under this clause to provide an active street frontage along the eastern boundary adjoining Frank Shannon Walk, the proposal nonetheless provides an active frontage that attracts pedestrian traffic across the entire site.</p> <p>Additionally, the Nelson Street frontage, subject to the identified breach, includes a combination of commercial premises, a residential lobby, and a through-site link, all of which positively contribute to the objectives of the standard by encouraging pedestrian activity.</p> <p>Despite other issues raised in this report, the breach of the active street frontage requirement is considered acceptable.</p>

Consistency with the objectives of the MU1 Mixed-Use Zone:

Consistency of the proposed development with the Zone's objectives is discussed below:

Zone Objective	Response
To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.	The proposal is for a mixed use development with two levels of retail/commercial use with residential apartments above. The proposal aligns with the mixed use nature of the land and supports the generation of employment opportunity through its non-residential uses.

Zone Objective	Response
To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.	The proposal adequately addresses both street frontages and provide activation through the retail/ commercial floor space at the ground floor. Additionally, the site is highly accessible, as it is in close proximity to Chatswood train and metro stations, as well as major arterial road such as the Pacific Highway. The development includes bicycle parking and end-of-trip facilities which can encourage a shift towards walking, cycling, and the use of public and shared transportation.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed uses within the development are adequately separated, with non-residential components limited to the podium and residential use situated in the towers above, including the associated communal spaces. The proposal therefore is considered of a type that minimise conflict between the land uses.
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	The proposed ground floor will be used for retail with the first floor being utilised as office space, aligning with this objective.
To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.	The subject site is located within the central periphery of the Chatswood CBD, and is proposed for a mixed use development. The development includes 2 levels of retail/ commercial space and 193 residential apartments, all contributing positively to the city centre of Chatswood.

Clause 4.6 4) b) The Concurrence of the Secretary has been obtained

Based on the above considerations, the proposed variation to the development standard is acceptable. Variation of the standard is considered to be in public interest given that the relevant objectives of the zone and standard are met by the proposal despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Secretary in approving this variation can be assumed.

ATTACHMENT 6: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Unsatisfactory x and Not Relevant N/A

(a)(i)	The provisions of any <i>environmental planning instrument (EPI)</i>	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	X
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	X
	Comment: The proposal fails to satisfy the requirements of the SEPP(Transport and Infrastructure) 2021	
(a)(ii)	The provision of any draft <i>environmental planning instrument (EPI)</i>	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft EPIs that applies to the development	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	X
	Comment: The proposal is unsatisfactory having regard to the DCP due to a number of departures.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: Conditions of consent will ensure the proposal satisfies the requirements of the regulations.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	X
	<ul style="list-style-type: none"> Servicing, loading/unloading 	X
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	✓
	<ul style="list-style-type: none"> Air & microclimate 	✓
	<ul style="list-style-type: none"> Flora & fauna 	✓
	<ul style="list-style-type: none"> Waste 	X
	<ul style="list-style-type: none"> Energy 	✓
	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Unsatisfactory x and Not Relevant N/A

	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓
	Comment: Impacts arise from the DCP departures.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> • Does the proposal fit in the locality? 	X
	<ul style="list-style-type: none"> • Are the site attributes conducive to this development? 	X
	Comment: The proposal is unsatisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> • Public submissions 	✓
	<ul style="list-style-type: none"> • Submissions from public authorities 	✓
	Comment: Public submissions have been considered as part of the overall assessment of the application. Concurrence from Sydney metro and Sydney Trains have not been received	
(e)	The public interest	
	<ul style="list-style-type: none"> • Federal, State and Local Government interests and Community interests 	✓
	Comment: The proposal is unsatisfactorily in the public interest, as it satisfies the objectives of the Chatswood CBD Strategy, WLEP and WDCP.	

ATTACHMENT 7: REASONS FOR REFUSAL

1. The application should be refused as it fails to provide all required owner's consents. The application was lodged with consent provided by the Strata Company (Owners Corporation), but without the written consent of individual unit owners. Without all the required owner's consents the application is invalid in accordance with Clause 23 of the Environmental Planning and Assessment Regulation 2021. The Development Application, therefore is invalid and must be refused.
2. The application must be refused as the applicant has failed to address issues raised by Sydney Metro and obtain concurrence. Therefore, pursuant to Clause 2.99(3) of State Environment Planning Policy (Transport and Infrastructure) 2021, development consent cannot be granted without the concurrences from Sydney Metro.
3. The application must be refused as the applicant has failed to address issues raised by Sydney Trains and obtain concurrence. Therefore, pursuant to Clause 2.99(3) of State Environment Planning Policy (Transport and Infrastructure) 2021, development consent cannot be granted without the concurrences from Sydney Trains.
4. The application should be refused as it fails to comply with the minimum deep soil and landscaping requirements set out in both the Apartment Design Guide (ADG) and Parts L and G of the Willoughby Development Control Plan (DCP). The proposal does not provide adequate deep soil zones capable of supporting substantial vegetation and tree planting, which undermines the achievement of landscape quality, urban ecology, and residential amenity objectives intended by the ADG and DCP controls.
5. The application should be refused as it fails to address Clause 6.3(2)(e) of the Willoughby Local Environmental Plan 2012 (WLEP 2012), which requires development to provide sufficient tree canopy, open space and deep soil zones to support urban cooling and environmental sustainability. The proposal does not demonstrate how it accommodates these elements, and therefore fails to meet the objectives of the clause.
6. The application breaches the Floor Space Ratio (FSR) development standard in Clause 4.4 of the WLEP 2012 due to the inclusion of excess car parking that exceeds the maximum permitted under Part F of the WDCP. This contravention has not been acknowledged or justified by a written request in accordance with Clause 4.6 of the WLEP 2012. In the absence of a valid Clause 4.6 variation request, the consent authority has no power to approve the development, and consent cannot be granted.
7. The proposal exceeds the maximum car parking provisions under Part F of the WDCP 2023. Specifically, the non-residential component includes a surplus of 9 car parking spaces, and the residential component includes 88 accessible car parking spaces, which exceeds the required number (22 spaces). This overprovision of car parking:
 - Contributes to a breach of the Floor Space Ratio (FSR) development standard, which has not been justified by a Clause 4.6 request
 - Results in a larger basement footprint, adversely impacting compliance with deep soil zone and landscaping requirements

Accordingly, the proposal is inconsistent with Council's strategic objectives for sustainable transport, environmental performance, and urban design.

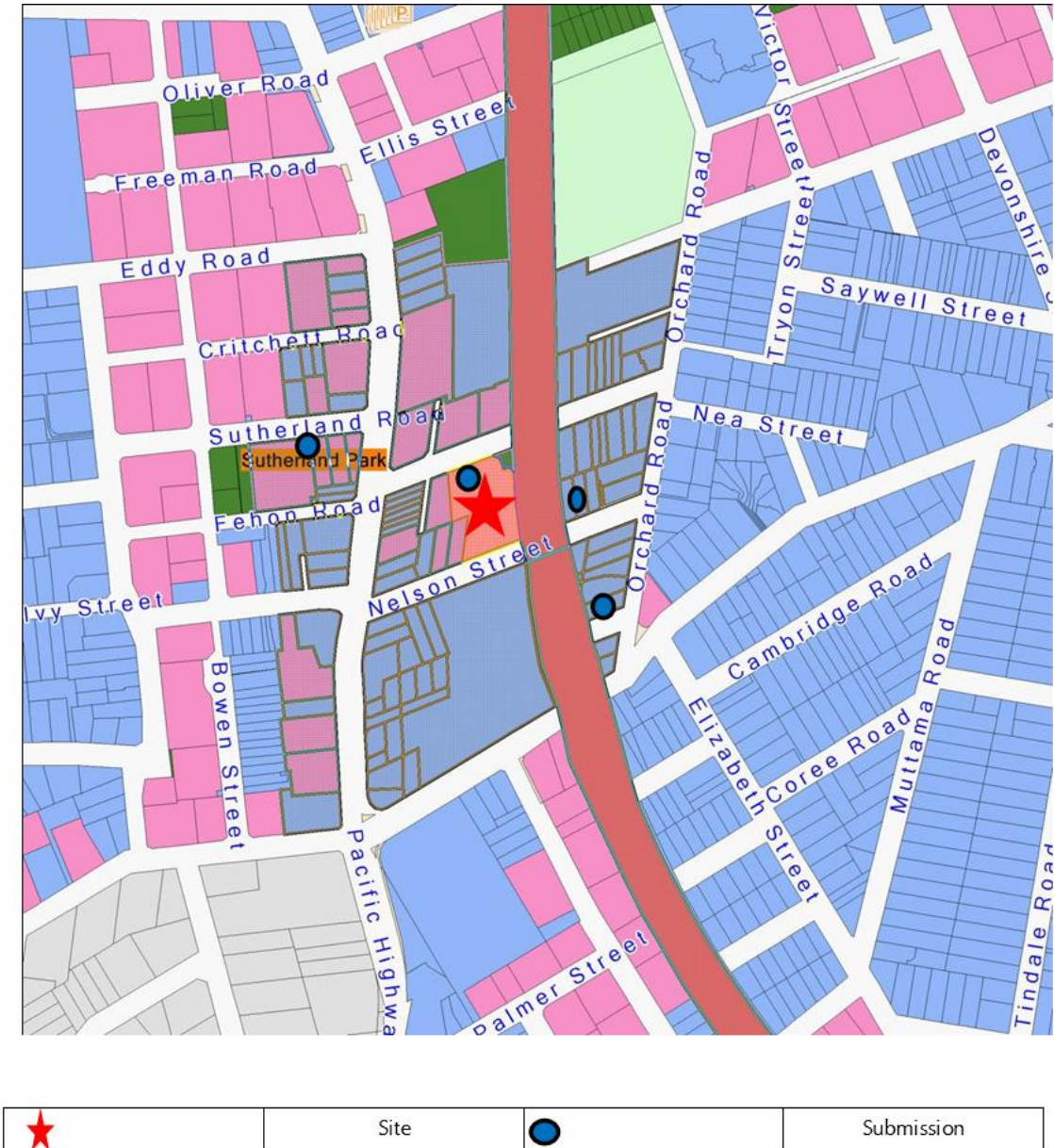
8. The proposal fails to satisfy and adequately address the waste management and collection requirements of the WDCP 2023 and the guidelines of the North Sydney Regional Organisation of Councils (NSROC). In particular, the proposal does not demonstrate compliance in relation to:

- Access for Council's waste collection vehicles
- Adequate and functional storage areas for general, recycling, and organic waste
- Provision of sufficient bin numbers
- Compliance with required door widths and circulation spaces

As such, the waste management arrangements are unsatisfactory and would result in operational and amenity impacts inconsistent with Council's standards.

9. Having regard to the extent of non-compliance with key development controls and the resulting environmental impacts, the site is considered not suitable for the proposed development. The development does not achieve an acceptable planning outcome in accordance with the aims of the WLEP 2012 and the WDCP 2023.
10. Having regard to the assessment and reasons outlined above, it is considered approval of the development would not be in the public interest.

ATTACHMENT 8: NOTIFICATION MAP



ATTACHMENT 9: ARCHITECTURAL PLANS