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Major Projects Assessment
Department of Planning, Housing and Infrastructure

Attention: Judith Elijah
Via the Planning Portal

Sir/Madam,

Submission on behalf of the Owners' Corporations of 'Metro Residences' – 'Metro View' (SP 88677) at 69 Albert St, 'Metro Spire' (SP 88678) at 1 Post Office Lane and 'Metro Grand' (SP 88679) at 438 Victoria Avenue, Chatswood – SSD-63324208 410-416 Victoria Avenue, Chatswood – Construction of a build to rent (BTR) development with ground and first floor retail premises, 260 BTR units, communal facilities and 3 levels of basement

We act on behalf of the Owners' Corporations of 'Metro Residences', being 'Metro View' (SP 88677) at 69 Albert St, 'Metro Spire' (SP 88678) at 1 Post Office Lane and 'Metro Grand' (SP 88679) at 438 Victoria Avenue, Chatswood.

'Metro Residences' comprises 3 residential towers situated over a 5 level podium containing Chatswood Train/Metro Station/concourse to the west of the SSD site (**Location Plan** below):

- Metro View at 69 Albert St, containing 27 storeys over the podium and 147 residential units;
- Metro Spire at 1 Post Office Lane, containing 38 storeys over the podium and 145 residential units; and
- Metro Grand at 438 Victoria Avenue, containing 40 storeys over the podium and 260 residential units.

Our clients have requested that we review the documentation for the above SSD application and, if warranted, make a submission on their behalf.

In summary, based on our review of the SSD documentation, our clients have the following objections and submissions on the SSD proposal:

- **Overshadowing and loss of solar access** - the proposed SSD will result in additional overshadowing of Metro View to the extent that the east-facing units in that building will have access to less than 2 hours solar access to private open space/living areas and therefore does not meet the criteria in the ADG (3B-2 and 4A-1). This will result in a significant loss of amenity to these units which currently receive solar access throughout the morning at midwinter. The proposed tower requires amendment to address this impact and ensure compliance and the maintenance of the amenity of the affected units. In addition, more detailed assessment of this issue is required taking into account the unit layout of the building rather than on the basis of "facades" as contained in the SSD documentation. Overshadowing and loss of solar access also affects other units in Metro View and units in Metro Spire;
- **Loss of views** - the proposed SSD will result in a loss of views from both Metro Spire (easterly views) and Metro View (north-easterly views) resulting in a significant loss of amenity to units in both buildings. The assessment of the proposed SSD discounts the value of these views

which is partly derived from their uninterrupted, wide nature (rather than to 'iconic' elements). Again, the assessment of this issue apparently addresses the whole façade facing the SSD site rather than the effect on the different units within our clients' buildings, taking into account the variety of layouts and aspects. More detailed assessment of this issue is required for a proper assessment of the proposed SSD;

- **Tower bulk, scale and setbacks** – the overshadowing impact of the proposal on Metro View demonstrates that the proposed tower has an excessive bulk and insufficient setbacks to protect the amenity of surrounding properties. To address the above matters, and the loss of solar access to units in Metro View, in particular, the design of the tower requires amendment through additional setbacks and/or slimmer form so that 2 hours solar access to all units in our clients' buildings is able to be demonstrably achieved;
- **Traffic generation** – our clients are very concerned regarding traffic generated by the proposed development, taking into account the high levels of road congestion already affecting Chatswood CBD and streets around the SSD site which they use to access their dwellings. In this regard, it is considered that the traffic generation of the proposed SSD is underestimated in the submitted documentation as it has not included other types of vehicle trips (other than car driver/passenger and motorbike rider) likely to arise as a result of the development, even taking into account the SSD site's proximity to public transport services. This would include, for example, traffic movements for taxis, Ubers, removalists, drop offs and pick ups, visitors etc which could be expected to be significant given the number of units proposed, together with retail-related movements, including for deliveries etc. It is submitted that this issue should be further considered by the applicant so that the impact of the proposal on the surrounding street network may be properly assessed and mitigated where required;
- **Operational Management Plan** – a "Plan of Operation and Management" is relied on in Appendix E to the EIS as a mitigation measure for the proposed SSD to address such matters as complaint procedures and noise/use of outdoor areas, as well as tenant issues. However, that Plan does not form part of the SSD submission (nor is it referred to in the EIS itself). Given the potential for the on-going operation of the building to result in adverse impacts in relation to the above matters, that Plan should be required to be provided now to allow for its proper review and assessment to ensure its provisions are adequate;
- **On-going management** – related to the above, our clients are very concerned to ensure that there are appropriate measures in place for the proper on-going management of the building in relation to noise and other potential disturbance to their properties as well as proper management of traffic movements in Post Office Lane to ensure pedestrian access and safety is maintained at all times. The Department should impose appropriate conditions on any consent to ensure that these matters are properly addressed; and
- **Construction impacts** - our clients are very concerned to ensure that potential impacts on the amenity of their properties are minimised during the demolition and construction processes, including in relation to traffic control and maintenance of access in Post Office Lane, hours of work, noise, vibration, dust, effective contact and liaison/complaint procedures. The site and construction activities require proper management to ensure that the assumptions made in the EIS and related documentation regarding such impacts are able to be achieved. The Department should impose appropriate conditions on any consent to ensure that these matters are appropriately addressed.

These matters are discussed further below.

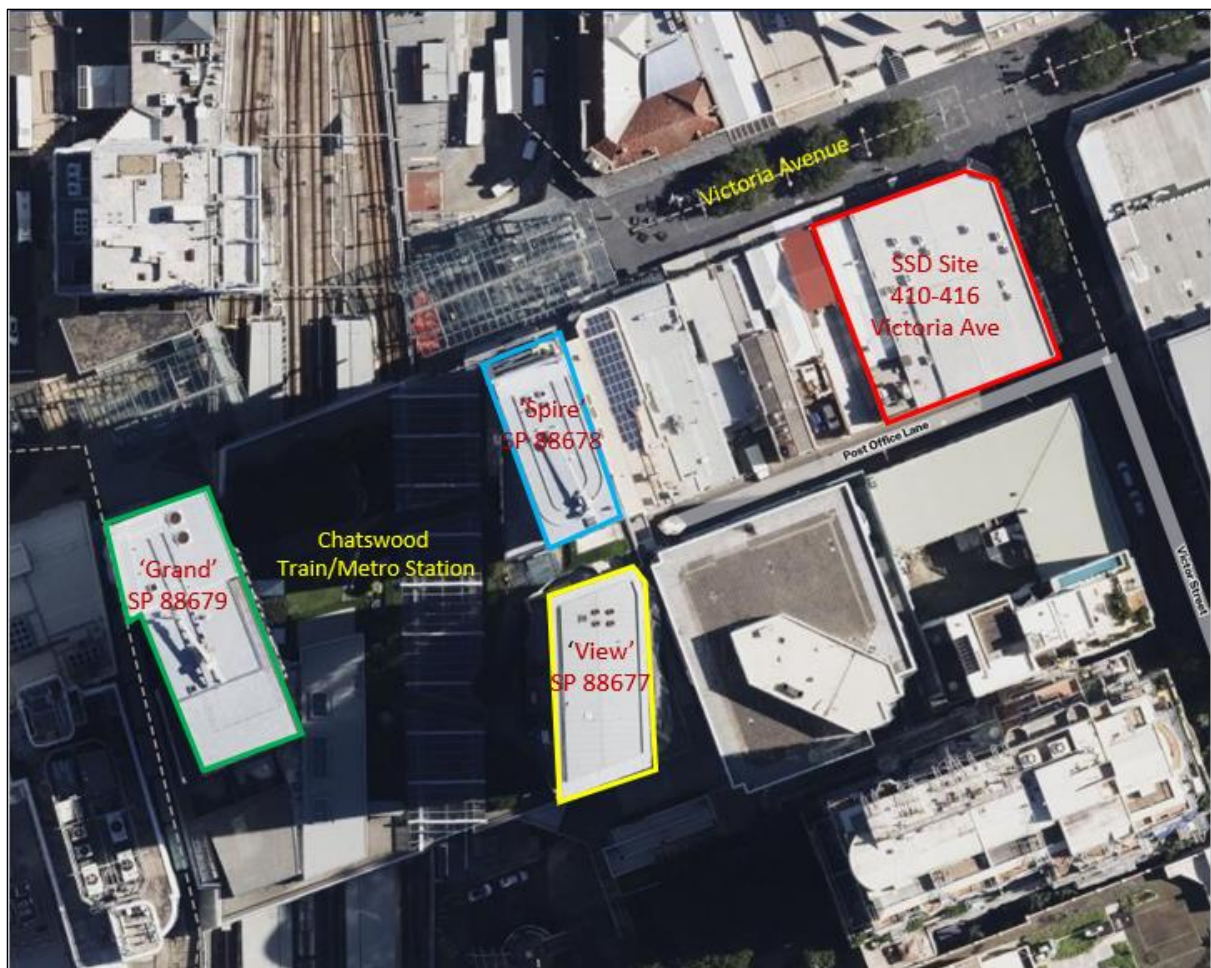
Metro Residences (SP 88677, SP 88678 and SP 88679) and the Surrounding Area

The Metro Residences comprises 3 residential towers situated over a 5 level podium containing Chatswood Train/Metro Station and concourse (see **Location Plan**). The three towers are as follows:

- Metro View at 69 Albert St, containing 27 storeys over the podium and 147 residential units;
- Metro Spire at 1 Post Office Lane, containing 38 storeys over the podium and 145 residential units; and
- Metro Grand at 438 Victoria Avenue, containing 40 storeys over the podium and 260 residential units.

The three towers are situated to the west and south-west of the SSD site (see **Location Plan**). Metro View and Metro Spire are located at the western end of Post Office Lane. Metro Spire extends between Post Office Lane and Victoria Avenue. Metro View extends south of Post Office Lane. Metro Grand is located on the western side of Chatswood Train/Metro Station.

Metro Spire is separated from the SSD site by some 46m along Victoria Avenue, Metro View by some 49m and Metro Grand by some 110m.



Location Plan

(Source: portal.spatial.nsw.gov.au/explorer)

The relationship between the sites is also shown in **Figure 1** below.



Figure 1: Photo from Victoria Ave, showing the SSD site in the foreground and the Metro Residences towers to the west
(Source: Google)

The Proposed Development

The submitted EIS indicates that the SSD proposal comprises the redevelopment of the site for the purposes of built-to-rent (BTR) shop top housing with Ground and Level 1 retail, basement parking and communal recreation areas, including:

- Demolition and site preparation;
- Construction and use of a 46 storey (RL 246.8m) BTR shop top housing development with:
 - Ground and Level 1 retail premises and residential lobbies;
 - Residential amenities;
 - 260 BTR dwellings:
 - 115 studio – 44%
 - 79 x 1 bed – 30%
 - 63 x 2 bed – 24%
 - 3 x 3 bed – 1%

- Landscaping on Levels 2, 6 and 23;
- Construction of 3 basement levels, comprising 9 x carshare spaces, 1 x motor cycle space, 52 x bike spaces, loading facilities, plant and associated basement uses;
- Vehicle access via Post Office Lane via 2 x car lifts and a separate loading dock; and
- Services and infrastructure.

It is noted that, while 'Appendix E – Consolidated Mitigation Measures' to the EIS refers to the preparation of a 'Plan of Operation and Management', no such Plan is submitted with the SSD submission.

Objections and Submissions on the Proposed Development

As noted above, our clients object to the proposed SSD on a number of grounds, detailed further below.

Overshadowing and Loss of Solar Access

The proposal will result in additional overshadowing of Metro Spire and Metro View as shown in the midwinter shadow diagrams and 'Sun Eye View' diagrams from the EIS (p. 93)/architectural plans (see **Figures 2** and **3**).



Figure 2: Extracts from SSD Shadow Diagrams
(Source: SSD plans; annotated by DC)

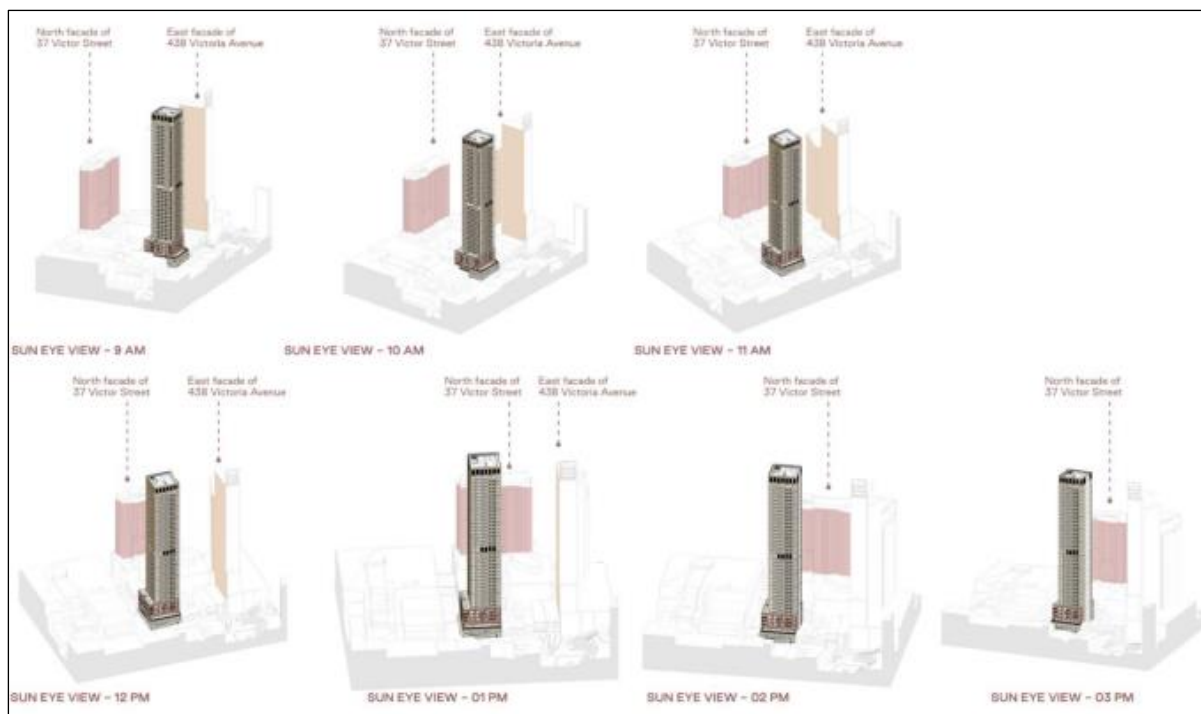


Figure 3: SSD Sun Eye View Diagrams

(Source: SSD plans/EIS)

Impact on Metro View

The proposed SSD will have a significant adverse impact on the level of solar access achieved to the south-east-facing units in Metro View. The level of impact is such that these units will not achieve 2 hours solar access in accordance with the criteria under the ADG.

In this regard, it is noted that the assessment undertaken in the EIS and associated SSD documentation focusses on the overshadowing impact/level of solar access to the "façades" of the neighbouring buildings rather than the impact of the proposal taking into account the unit layout of the building and the location of living areas/private open space as specified in the ADG. In addition, it appears to treat the Metro View and Metro Spire buildings as one development (438 Victoria Avenue as shown in **Figure 3** above) which is not the case. This approach generalises and understates the impact of the proposal on individual units in the neighbouring buildings. This is particularly the case as each floor of the building contains several units so that solar access that may be achieved to part of a façade does not necessarily benefit all units (see further below).

As shown above, at 9am and 10am, the proposal will overshadow most of the eastern façade of Metro View. At 9am, solar access is retained only to the SE corner of the building. At 10am, solar access is retained to the northern elevation/NE corner. This level of impact represents a significant and marked reduction in solar access to these units compared with the existing situation.

At 11am, the diagrams show there is no direct impact on Metro View and solar access is achieved to the eastern façade.

However, at 12 noon, due to the angle of the façade, the diagrams show that solar access would not be achieved to the south-east-facing units in Metro View.

Accordingly, the proposal will reduce the solar access of south-east-facing units in View such that they would not achieve the required 2 hours at mid-winter to living rooms/private open space. The 'as built' plans of Metro View indicate that there are units with living rooms and private open space at Levels 5-31 which would be adversely affected by this loss (see **Figure 4**). This will result in a significant loss of amenity to these units which currently achieve 2+ hours solar access throughout the morning.



Figure 4: Extracts from 'As Built' Plans of Metro View showing units layout in eastern side of Levels 5-31
(Source: client)

It is submitted that the proposed development should be amended through provision of greater setbacks to the proposed tower to reduce its bulk so that the south-east-facing units in View achieve the minimum 2 hours solar access to living rooms/private open space. In addition, the assessment of compliance and impact should be revised and based on the actual unit layout within each of the buildings rather than on the basis of 'facades'. Without such an assessment the conclusions reached in the submitted SSD documentation cannot be relied upon.

Metro Spire

As shown in the diagrams above, at 9am, the proposal will overshadow the SE corner of Metro Spire. By 10am, Metro Spire is not overshadowed. This overshadowing would affect the SE corner living rooms/wintergardens of units at each level of the building but is considered minor.

Loss of Views

The proposal will result in a loss of views from both Metro Spire and Metro View. The EIS contains diagrams showing "View Impact" (noting the heading "Metro Grand" below should be "Metro Spire") (see **Figure 5**).

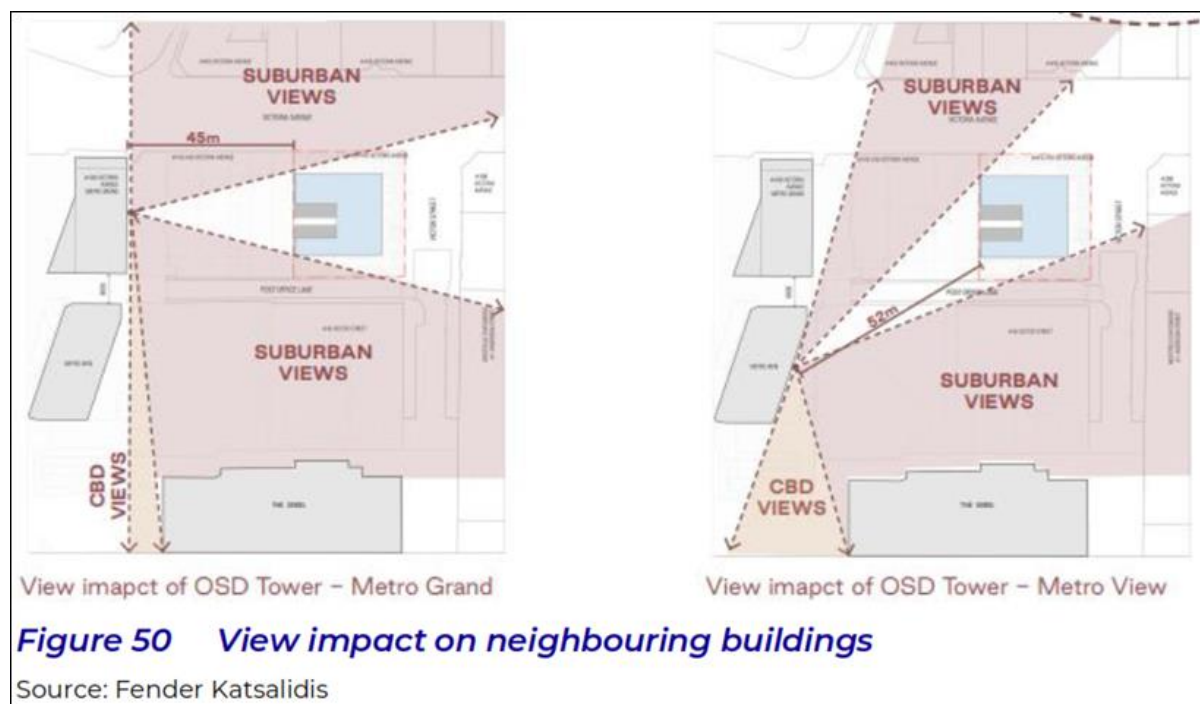


Figure 5: EIS View Impact Diagram

(Source: EIS, p. 97)

The EIS acknowledges that the Metro Spire and Metro View have “expansive suburban” views which will be impacted by the proposed SSD, however, concludes that the impact is “acceptable” on the basis of the portion of view affected and the dense CBD context (p. 98). The EIS also indicates that the views affected are not ‘iconic’ or ‘highly valuable’ in the context of *Tenacity*.

The assessment of views in the SSD documentation is refuted on a similar basis to that undertaken in relation to overshadowing and loss of solar access noted above, in that the assessment is highly generalised and makes no attempt to assess the impact on particular units, taking into account varying layouts and outlooks. This is illustrated by the diagrams in **Figure 5** above, which depict the view from a single point in the centre of each building façade.

In particular, it is noted that very few units have the full width of view described/illustrated in the EIS and SSD documentation. Arguably only the units at the two top floors of Metro Spire have that view as they occupy the whole level. At the lower levels of Metro Spire and Metro View, the easterly/north-easterly views vary according to unit layout. In this regard, the units most affected by the proposal will be the single aspect easterly facing units in Metro Spire at the lower levels – Levels 11-20 – which directly face the SSD site.

Apart from the units at the lowest levels of Metro Spire (Levels 5-10) which have opaque glass to the eastern façade, all east-facing units in Metro Spire will be affected by a loss of views/outlook to the east resulting in a loss of amenity to numerous dwellings. From Metro View, the units in the north-eastern part of the building at all levels will be most affected.

In addition, the view impact assessment in the EIS underplays or discounts the value of the existing views to the amenity of the units within Metro Spire and Metro View. This value is partially derived from their expansive, uninterrupted nature, albeit that they are over a suburban context without ‘iconic elements’. As a result, the assessment underplays the impact of the proposed SSD on the existing views and the amenity of the units in our clients’ buildings. Based on the diagrams above, the impact of the proposed development would be to remove the central portion of the existing wide view, which is considered to be a significant impact as it would fundamentally change the nature of the existing view from the affected units and reduce their amenity.

It is submitted that more detailed assessment of this issue is required which properly takes into account the unit layout of our clients' buildings rather than the generalised approach taken in the EIS and SSD documentation. This will enable a proper assessment of the view impact of the proposed SSD.

Tower Bulk, Scale and Setbacks

The overshadowing impact of the proposal on Metro View, in particular, discussed above demonstrates that the proposed tower has an excessive bulk and insufficient setbacks to protect the amenity of surrounding properties.

The performance of the tower in this regard undermines the assessment of the proposed SSD in the submitted SSD documentation which argues against increased setbacks with building height in accordance with the ADG.

To address the overshadowing and view impacts, and the loss of solar access to units in Metro View, in particular, the design of the tower requires amendment through additional setbacks and/or slimmer form so that 2 hours solar access to all units in accordance with the criteria in the ADG is able to be demonstrably achieved.

Traffic generation

Our clients are very concerned regarding traffic generated by the proposed development, taking into account the high levels of road congestion already affecting Chatswood CBD and streets around the SSD site which they use to access their dwellings. They are already adversely affected by traffic congestion in Albert Avenue, for example, and object to further traffic which would exacerbate this situation.

It is considered that the traffic generation of the proposed SSD is underestimated in the submitted documentation as it has not included other types of vehicle trips (other than car driver/passenger and motorbike rider) likely to arise as a result of the development, even taking into account the SSD site's proximity to public transport services. This would include, for example, traffic movements for taxis, Ubers, removalists, drop offs and pick ups, visitors etc which could be expected to be significant given the number of units proposed, together with retail-related movements, including for deliveries etc. It is submitted that this issue should be further considered by the applicant so that the impact of the proposal on the surrounding street network may be properly assessed and mitigated where required.

Operations and On-going Management

Our clients are very concerned to ensure that there are appropriate measures in place for the proper-ongoing management of the proposed SSD, in the event that it is approved, in relation to noise and other potential disturbance to their properties as well as proper management of traffic movements in Post Office Lane to ensure pedestrian access and safety is maintained at all times. Post Office Lane is an important thoroughfare in Chatswood CBD generally as it provides pedestrian access to Chatswood Station/concourse, as well as to our clients' buildings (the entry to Metro Spire, in particular, is very close to the western end of Post Office Lane). It is submitted that the Department should impose appropriate conditions on any consent to ensure that these matters are properly addressed.

In this regard, the SSD submission relies on a "Plan of Operation and Management" as a mitigation measure for the proposed SSD to address such matters as complaint procedures and noise/use of outdoor areas, as well as tenant issues. However, that Plan does not form part of the SSD submission (nor is it referred to in the EIS itself but only in Appendix E).

Given the potential for the on-going operation of the proposed SSD to result in adverse impacts in relation to the above matters, that Plan should be required to be provided now to allow for its proper review and assessment to ensure its provisions are adequate.

Construction impacts

Our clients are very concerned to ensure that potential impacts on the amenity of their properties are minimised during the demolition and construction phases, in the event that the SSD is approved, including traffic control and maintenance of access in Post Office Lane, hours of work, noise, vibration, dust, and effective contact and liaison/complaint procedures. The SSD site and construction activities require proper management to ensure that the assumptions made in the EIS and related documentation regarding such impacts are able to be achieved (noting that the submitted Noise Report concludes that noise impacts on our clients' buildings are within the applicable criteria/levels).

It is submitted that the Department should impose appropriate conditions on any consent to ensure that these matters are addressed and that measures/requirements are appropriately implemented, monitored and managed throughout the demolition/construction process.

Summary

In summary, our clients have the following objections and submissions on the proposed SSD:

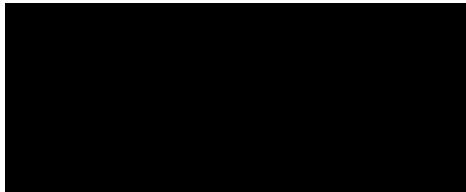
- **Overshadowing and loss of solar access** - the proposed SSD will result in additional and unacceptable overshadowing of Metro View such that east-facing units in that building will have access to less than 2 hours solar access to private open space/living areas and therefore does not meet the criteria in the ADG (3B-2 and 4A-1). This will result in a significant loss of amenity to these units which currently receive solar access throughout the morning (2+ hours). Amendment of the proposed tower is required to ensure compliance with ADG criteria and more detailed assessment of this issue is required taking into account the unit layout of the building rather than on the basis of "facades";
- **Loss of views** - the proposed SSD will result in a loss of views from both Metro Spire (easterly views) and Metro View (north-easterly views) resulting in a significant loss of amenity to units in both buildings. The assessment discounts the value of these views which is partly derived from their uninterrupted, wide nature. Again, the assessment of this issue apparently addresses the whole façade facing the SSD site rather than the effect on the different units within the buildings, taking into account the variety of layouts and aspects. More detailed assessment of this issue is required;
- **Tower bulk, scale and setbacks** – the overshadowing impact of the proposal on Metro View demonstrates that the proposed tower has an excessive bulk and insufficient setbacks to protect the amenity of surrounding properties. The design of the tower requires amendment through additional setbacks and/or slimmer form so that 2 hours solar access to all surrounding units in compliance with the ADG criteria is able to be demonstrably achieved;
- **Traffic generation** – additional traffic generated by the proposed SSD has the potential to further exacerbate congested traffic conditions in the streets surrounding the SSD site which already adversely affect our clients. It is submitted that the traffic generation of the proposed SSD is underestimated in the SSD submission. It should be further considered by the applicant to take into account other types of trips that may be generated by the proposal so that the impact of the proposal on the surrounding street network may be properly assessed and mitigated where required;
- **On-going management and Operations** – it is submitted that the "Plan of Operation and Management" relied upon in the EIS should be required to be provided now to allow for its proper review and assessment to ensure its provisions for complaint procedures and noise/use of outdoor areas, as well as tenant issues are adequate. In addition, the Department should impose appropriate conditions on any consent to ensure that there are appropriate measures in place for the proper-ongoing management of the building in relation to noise and other potential disturbance to their properties as well as proper management of traffic movements in Post Office Lane to ensure pedestrian access and safety is maintained at all times; and

- **Construction impacts** - it is submitted that, in the event the SSD is approved, the Department should impose appropriate conditions on any consent to ensure that potential impacts on the amenity of our clients' properties during the demolition and construction processes are minimised, including measures to address and manage traffic control and maintenance of access in Post Office Lane, hours of work, noise, vibration, dust, effective contact and clear liaison/complaint procedures.

Should you have any questions, please do not hesitate to contact the writer to discuss.

Yours Faithfully,

DESIGN COLLABORATIVE PTY LTD



James Lidis
Managing Director