



PLANNING PROPOSAL REPORT

Draft Amendment to Willoughby Local Environmental Plan 2012

**654-666 Pacific Highway, 2A Oliver Road
& 1 Freeman Road, Chatswood**

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This Planning Justification Report has been prepared to support a Planning Proposal for land at Chatswood described as Lot 1 DP 1068007 No. 654-656 Pacific Highway, Lot 1 DP 121830 No. 658-666 Pacific Highway, Lot 1 DP 839309 No. 1 Freeman Road and Lot 2 DP 839309 No. 2A Oliver Road, Chatswood. The property is a corner site of some 2,856m, with 3 road frontages and contains 2 commercial buildings (1 x single storey and 1 x part 1, part 2 storey) fronting the Pacific Highway and at the rear, 2 single storey dwellings, 1 fronting Oliver Road (No 2A) and 1 fronting Freeman Road (No. 1).

The site is predominantly zoned B5 Business Development under Willoughby Local Environmental Plan 2012 (WLEP 2012). A narrow corridor of land along the Pacific Highway frontage of the site is zoned SP2 Infrastructure for future road widening of the Pacific Highway. WLEP 2012 prescribes a maximum floor space ratio (FSR) of 2:1 and a maximum building height of 18 metres for that portion of the subject land zoned B5.

The Planning Proposal seeks amendment of WLEP 2012 to allow increased floor space ratio and building height, where land is consolidated into a development site of at least 2,000m². It is proposed that an “incentives” clause encouraging site consolidation be inserted into WLEP 2012, with wording similar to the existing clause 6.13 of the LEP. Such a clause would allow an increase in height of buildings and floor space ratio of WLEP 2012 to enable the site to be redeveloped up to a maximum building height of 24 metres and maximum FSR of 3.2:1.

This report has been prepared in accordance with the Department of Planning and Infrastructure Guidelines for Preparing Planning Proposals. It considers the planning implications of a draft amendment to WLEP 2012. The report also outlines the form of building envelope drawings and how it is envisaged that the land, after gazettal of the Planning Proposal, will be developed for a part 7, part 8 storey mixed use building in a manner that maintains acceptable neighbor amenity and is consistent with the desired future character of the locality.

A concept plan for redevelopment of the site in the form of a 7- 8 storey mixed use building is attached at **Appendix B**. This concept plan is intended to illustrate how the site could be suitably developed at the proposed additional density and building height. In the event that the Planning Proposal proceeds, a separate development application would subsequently be submitted to Council

Council’s support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. Gazettal of the proposed increase in building height and FSR controls will enable economic use of the land and its development to an appropriate height and density, commensurate with its location adjoining the Chatswood CBD and proximate to the Chatswood Railway Station and transport interchange. Such an outcome is consistent with current planning policies which seek to increase development density in locations accessible to town centres with high quality frequent public transport services.

The Planning Proposal not only provides for a more viable development of the site, but also includes public benefits such as siting development clear of areas required for future road widening and payment of an affordable housing levy to Council, which would otherwise not be payable if the site is developed in accordance with the current planning controls.

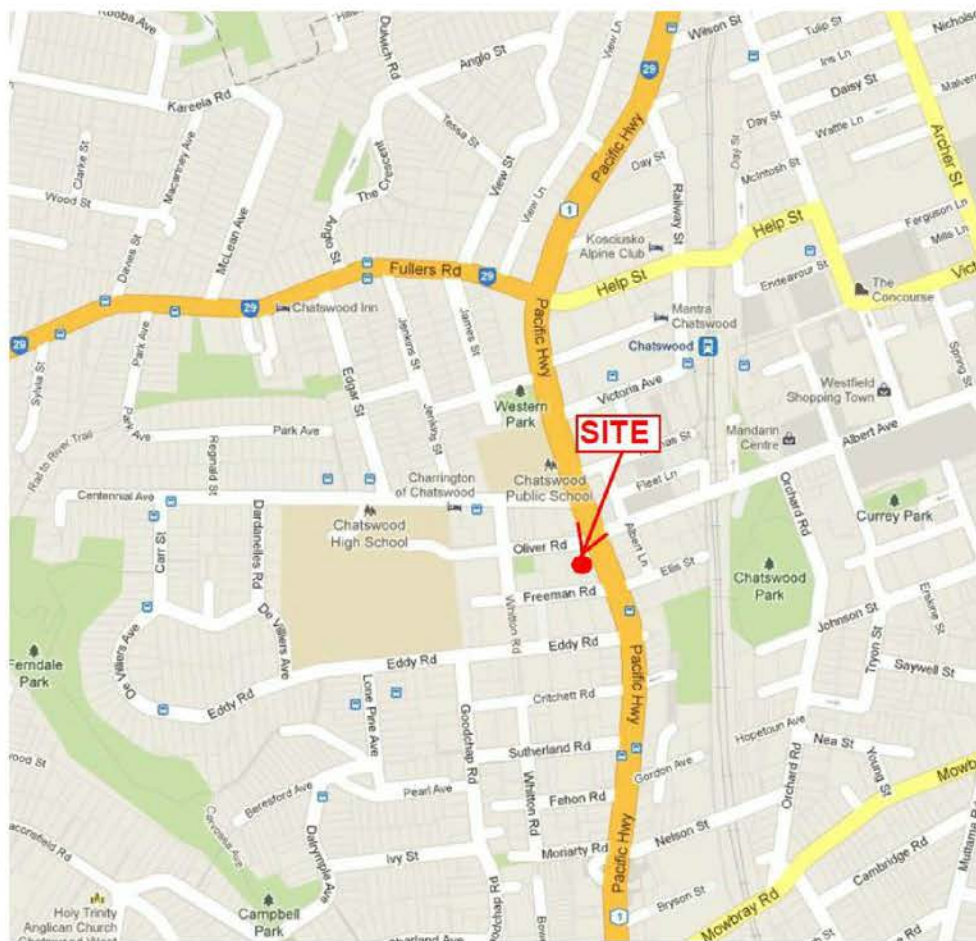
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The Site, Locality & Planning Controls

2.1 The Site and Locality

The subject land comprises Lot 1 DP 1068007 No. 654-656 Pacific Highway, Lot 1 DP 121830 No. 658-666 Pacific Highway, Lot 1 DP 839309 No. 1 Freeman Road and Lot 2 DP 839309 No. 2A Oliver Road, Chatswood. The site has a total area of 2,856m² and is located on the western side of the Pacific Highway, adjoining the Chatswood CBD, some 300m southwest of the main entry to Chatswood Railway Station (see **Figure 1 – Location**, below).

Figure 1 Location



The subject land is a corner site, with 3 road frontages and is proposed to be consolidated into a single development site. The site has a frontage (excluding splays) of 57.93 metres to the Pacific Highway, 35.745 metres to Oliver Road, 52.789 metres to Freeman Road and a 60.964 metre long rear western boundary. A site survey is attached at **Appendix A**.

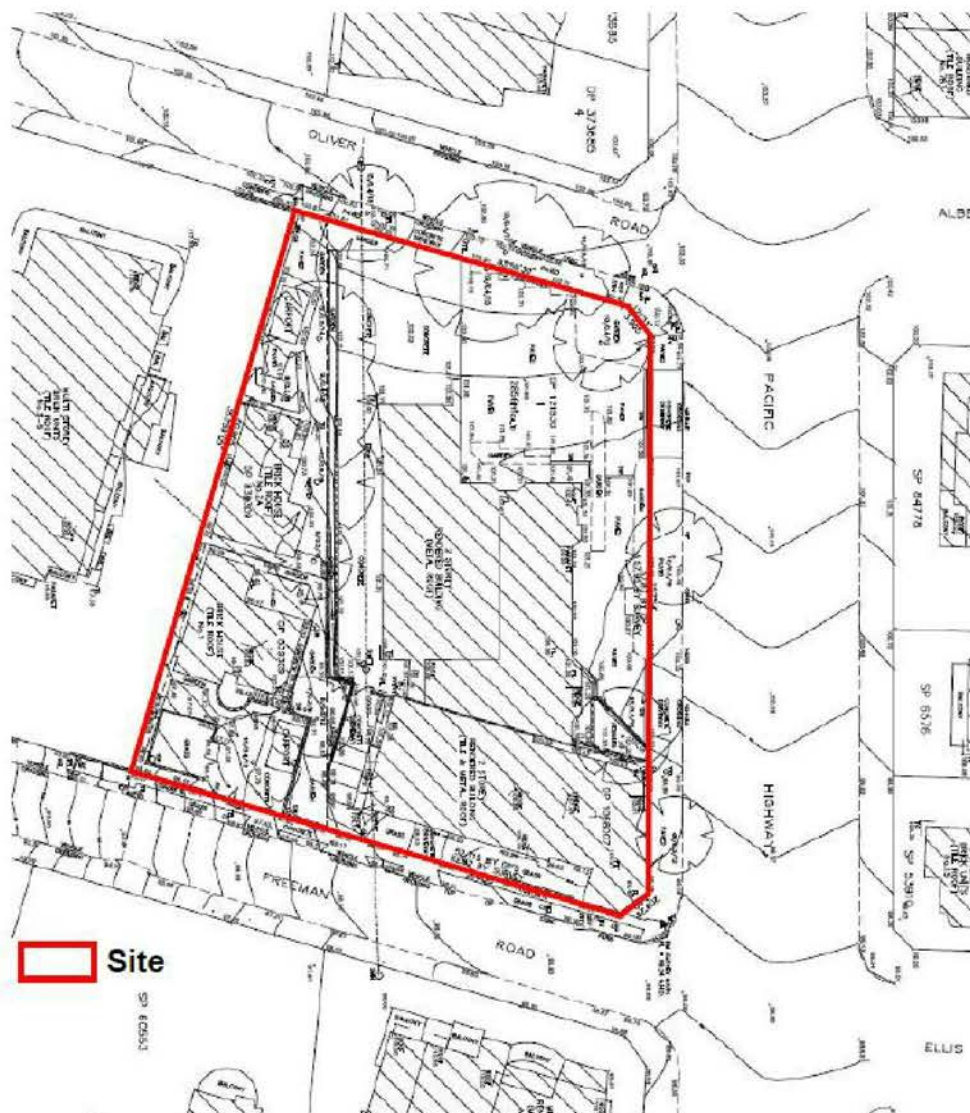
The eastern portion of the site, fronting the Pacific Highway, contains commercial uses (see Photos 1 and 2). At the corner of Pacific Highway and Freeman Road is a single storey commercial building used for the sale of fireplaces. Further to the north, extending towards Oliver Road is a part one, part two storey commercial building used for display and sale of tiles. A car park for this business is located at the corner of Pacific Highway and Oliver Road.

The western rear portion of the site contains 2 single detached brick and tile dwellings and associated car ports (see Photos 3 and 4). The northern dwelling, fronts Oliver Road and the southern dwelling fronts Freeman Road.

Existing buildings have no heritage significance. There are a number of large trees scattered around the site, predominantly along the eastern side boundary of No. 2A Oliver Road and within the footpath reserves of Oliver Road and the Pacific Highway.

The front portion of the site has a generally gentle slope from the northeast corner to the south west corner. The rear residential portion of the site has more pronounced slope down from the Oliver Road frontage to the southwest corner. There are no watercourses on or near the site. A plan of the site is shown in **Figure 2**, below.

Figure 2 – Site Plan



An aerial view of the site and locality is shown in **Figure 3** below. Nearby Chatswood Railway station is shown in the top left hand corner of the aerial view.

Figure 3 Aerial Photo of Site and Locality



Photographs of existing development on the site are shown in **Photos 1 to 5**.



Photo 1

View to the site looking southwest from the Pacific Highway (corner Oliver Road), of the existing part one and part two storey commercial building fronting the Pacific Highway, in the northeast existing portion of the site. This building is used for display and sale of tiles.



Photo 2

View of the site, looking northwest from the Pacific Highway, (corner Freeman Road), of the existing single storey building fronting the Pacific Highway in the southeast portion of the site. This building is used for display and sale of fireplaces.



Photo 3

View of the site looking northeast from Freeman Road, showing the southern side elevation of the existing commercial building located at 654-656 Pacific Highway (corner Freeman Road). Vehicular access to this building is obtained from Freeman Road. The proposed development is to provide a vehicular access in a similar location.



Photo 4

View of the site, looking northwest, from Freeman Road showing the existing single storey dwelling and carport in the southwest corner of the site, at No. 1 Freeman Road. The Freeman Road frontage of the existing apartment building adjoining the western boundary of the site is shown at left.



Photo 5

View of the site looking south, from Oliver Road, showing the existing single storey dwelling and carport on the site, at No. 2A Oliver Road in the northwest corner of the site. The eastern elevation of the existing apartment building adjoining the western boundary of the site is shown at right.

The locality comprises medium and high density residential development to the east, west, northwest, southwest, south and southeast of the site. Low rise commercial development is located to the north and northeast of the site. The nature of existing development adjoining and near the site is shown in the following **Photos 6 to 10**.



Photo 6

View of existing development on the western side of the Pacific Highway, extending south from the site. The existing 7 storey apartment building shown in the photo is located at 640-650 Pacific Highway, on the southern side of Freeman Road, to the south of the site. Lower rise apartment buildings are located further to the south.



Photo 7

View of existing development fronting the Pacific Highway, north of the site. Commercial uses predominate in this view. Commercial development nearest the site is two storeys however, nearby further to the northeast there is a significant increase in building height to more than 15 storeys. The existing car dealership site (shown at left in the photo) can be redeveloped to a height of up to 18 metres (6 storeys).



Photo 8

View of existing development opposite the site on the eastern side of the Pacific Highway. The modern white and grey high rise apartment building is 9 storeys. This apartment building and the older style brick and tile 3 storey apartment building, shown at left, are located within an area where buildings up to 34 metres in height are permitted.



Photo 9

View of the existing 7 storey apartment building adjoining the western boundary of the site, as seen looking south from Oliver Road. This development extends south from Oliver Road to Freeman Road and its address is 3-5 Freeman Road. A maximum building height of 24m applies to this site and to residential land to the west and south.



Photo 10

View of existing medium and higher density residential development located on the southern side of Freeman Road, opposite the site. A 24m maximum height limit applies to these sites. Redevelopment of sites to this higher yield is unlikely on many sites where newer development of more than 3 storeys has been constructed over the last 20 to 25 years.

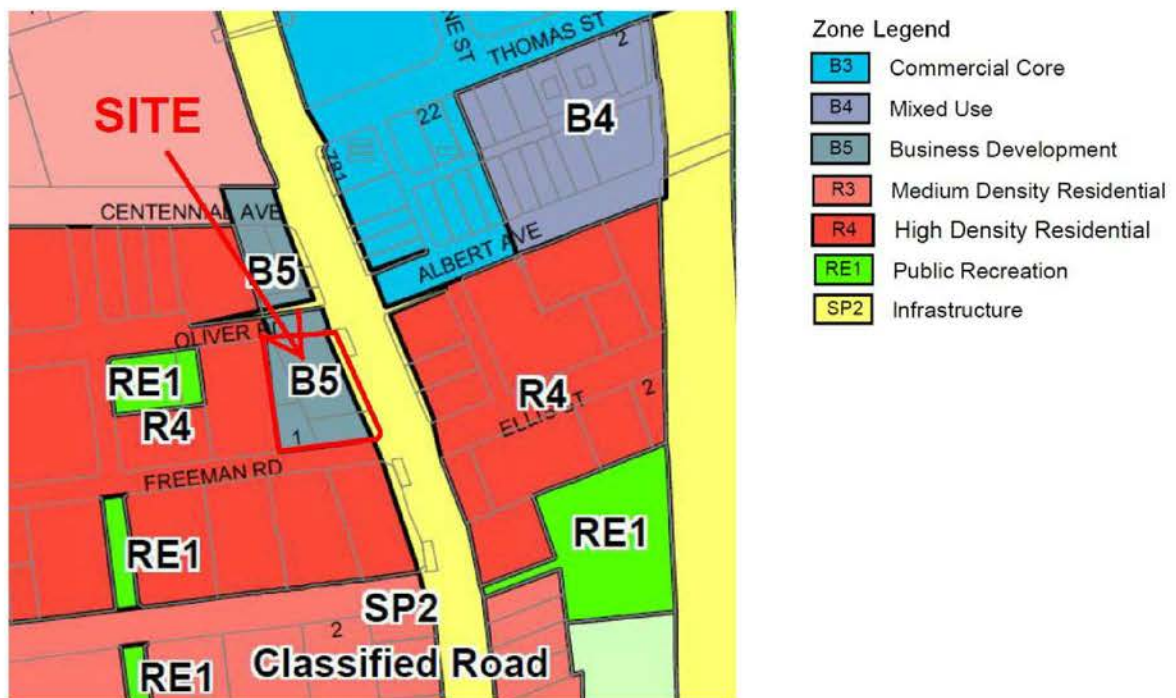
2.2 Willoughby LEP 2012 Planning Controls

More than 90% (2,608.2m²) of site is zoned B5 Business Development under Willoughby LEP 2012 (WLEP 2012). A narrow corridor of land of some 247.8m²) along the Pacific Highway frontage of the site is zoned SP2 Infrastructure for future road widening of the Pacific Highway (see **Figure 5 – Zoning** on page). The boundaries of the B5 Zone generally correspond to sites currently used for “large floor area” commercial purposes such as car dealerships and bulky goods outlets, extending along the Pacific Highway near the CBD Core, which is zoned B3 Commercial Core.

The B5 Zone aims to provide for a mix of business and warehouse uses, bulky goods premises that require large floor area. The access needs and traffic generation of such uses should not interfere with the safety and efficiency of the road network. Other permitted uses include child care centres, garden and hardware supplies, neighbourhood shops, hotels, motels, restaurants and cafes, shop top housing and vehicles sales/hire.

Future development in the B5 Zone may be expected to be either wholly commercial in character or comprise mixed use developments with ground floor commercial uses and multi-level shop-top housing above. The Planning Proposal does not seek any change to existing zonings, nor is any change to the range of permitted uses proposed. The proposed development envisages construction of ground floor and lower ground floor commercial floor space and bulky goods retailing and/or neighbourhood shops, or car sales, with up to 6 storeys of shop-top housing above.

Figure 4 Zoning Willoughby LEP 2012



The Planning Proposal requests inclusion of an incentives clause to allow increased building height and FSR, subject to site consolidation forming a development parcel of at least 2,000m². The existing building height and FSR controls for the subject land and adjoining land, as contained in WLEP 2012 are shown in **Figures 5 and 6**.

Figure 5 Maximum Building Height Willoughby LEP 2012

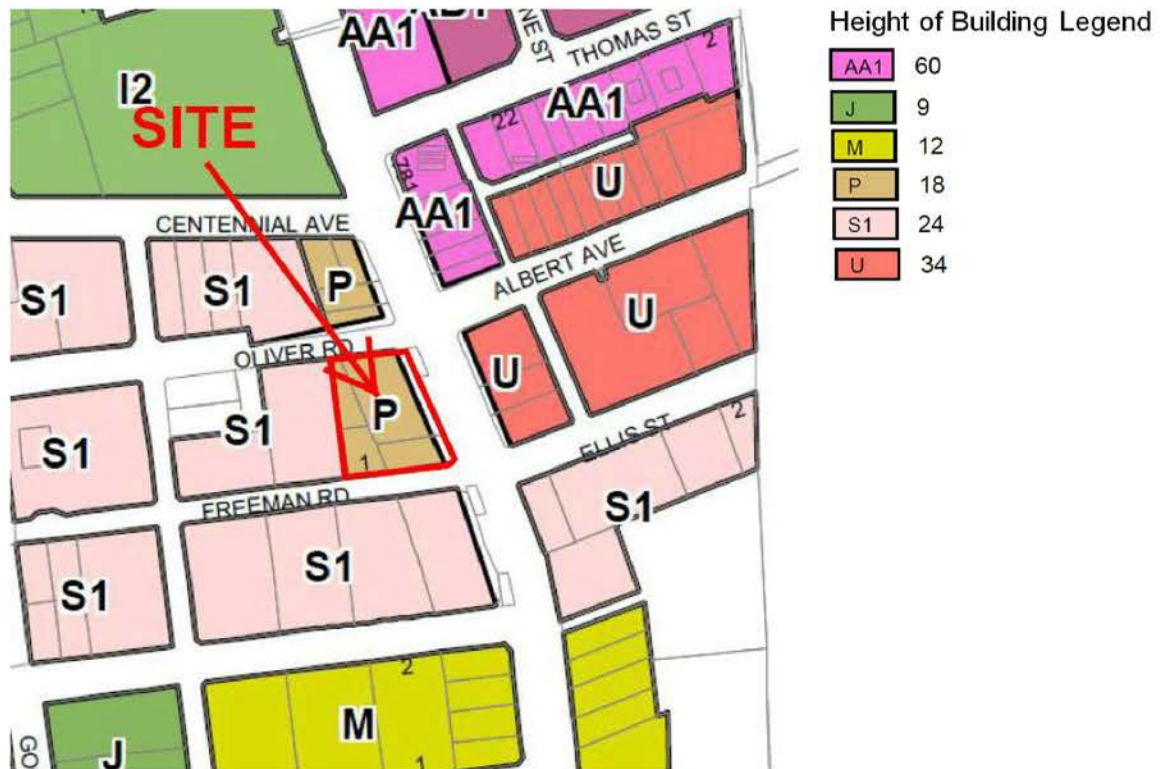
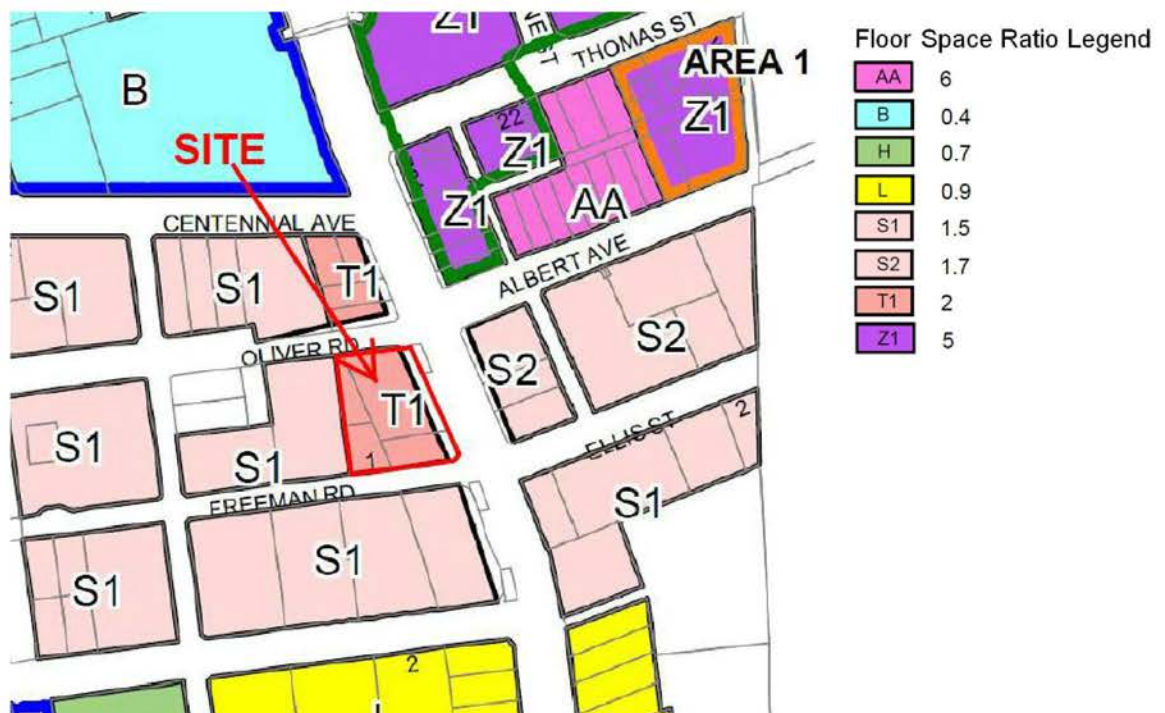


Figure 6 Maximum Floor Space Ratio Willoughby LEP 2012



- 3.1 The Planning Proposal seeks to amend WLEP 2012 to include redevelopment incentives for the subject land, designed to encourage site consolidation. Such an outcome facilitates creation of a larger development site more suitable to accommodating the higher density mixed use development envisaged in the B5 Zone.

The proposed incentives provide for increase FSR from 2:1 to 3.2:1 and an increase in maximum building height from 18 metres to 24 metres (8 storeys), where a development site of at least 2,000m² is created by consolidation of existing allotments within the subject land, as envisaged in Part I.6 of the Willoughby DCP.

The Planning Proposal is proposed to be implemented by way of introduction of an additional subclause relating to maximum building height and FSR, where a minimum site area of 2,000m² is achieved. A subclause 6.13A is proposed to be inserted into WLEP 2012 to allow a building height of up to 24m (8 Storeys), plus lift overruns and architectural features up to 26m height, and additional FSR up to 3.2:1 on the 2,608m² B5 zoned portion of the site, where site area within the B5 Zone is at least 2,000m².

3.2 Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

- (a) Provide a floor space and building height yield that provides a suitable transition between higher density development to the east and lower density development to the west.
- (b) Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, due to larger than average site area.
- (c) Encourage consolidation of existing allotments, 3 of which are relatively small in area, in terms of permitted higher density development, to facilitate enhanced urban design and development outcomes on larger development parcels, more appropriate in area zoned for high density mixed use development.
- (d) Ensure that environmental and amenity impacts associated with increased development yield on a development parcel of more than 2,000m² are not materially increased.
- (e) Enable more economic and efficient use of land and additional affordable housing adjoining a large Town Centre and major bus/rail interchange, generally compatible with the high density urban environment of the locality.

3.3 Intended outcomes

The preparation of the Planning Proposal and a potential building envelope has been informed by a detailed analysis of the site's development constraints and opportunities. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic and access, road widening, viability and market expectations.

3.4 Site Context and Potential Future High Density Residential Development

A DA for future high density mixed use development of the site will be separately prepared and lodged with Council, following exhibition of the Planning Proposal and its referral to the Minister for Planning for gazettal.

A building envelope and concept plans for a mixed use building of up to 8 storeys has been prepared. A comparison building envelope for a 6 storey mixed use building complying with the existing maximum 2:1 FSR and 18m building height development controls has also been prepared. These building envelopes enable testing of increased development yields on the site, based on its relatively large area. Larger sites are able to more efficiently accommodate new development and enhance able to accommodate more floor space per unit of area, compared to smaller sites.

The building envelope drawings are conceptual only and are not intended to represent the final form of development on the site. Building envelope drawings have been prepared for a “complying” scheme with an FSR of 2:1 and 18 metre maximum building height, as provided for in the existing WLEP 2012 and a “proposed” scheme, which complies with the 3.2:1 FSR and 24 maximum building height contemplated in the Planning Proposal. A 24m height limit applies to the land adjoining the site to the west.

If the site is redeveloped in accordance with the existing development controls, generally along existing property boundaries, with some adjustment to provide more functional site configuration, without incentives to encourage site amalgamation, the outcome is two development sites, each of around 1,300m².

After allowing for road widening, building setbacks to roads and property boundaries and building separation standards required under the SEPP 65 Residential Flat Design Code, resulting development would comprise a single storey podium and 2 narrow 5 storey residential “towers”. Developable area/floor space is significantly constrained due to the need to provide between 18m and 24m building separation between the 2 towers.

In the scenario where site amalgamation occurs it is possible to construct a single tower and podium building on the site. However, such a building under the current development controls, limited to a maximum height of 18 metres and FSR of 2:1 would not optimize efficient redevelopment of the land. In other words it would constitute an underdevelopment of a strategically located site. Either building height would be reduced below the maximum 18m permitted or setbacks to roads and boundaries would be far greater than is envisaged under the relevant development controls.

Amalgamating all 4 existing allotments enables a larger single building to be efficiently constructed on the site, which more appropriately reflects the intrinsic development potential of the site. Such a building would comprise a single storey podium (2 storeys at the rear due to the slope of the land), with a residential tower extending up to 6 above the podium. Despite such a building being larger and taller than a “complying” building (18m high with an FSR of 2:1), overall bulk and scale remains compatible with site’s existing context and the permitted building heights for future development in the locality. The additional 2 storeys can be accommodated without significant visual or other amenity impact, or material change to built form character. This is illustrated in the two building envelope drawings shown in **Figures 7 and 8**.

Figure 7: Complying Scheme – Existing WLEP 2012 Controls - Height (18m) & FSR (2:1)



Figure 8: Planning Proposal Scheme with Increased Building Height (24m) & FSR (3.2:1)



The current planning controls for the site, under Willoughby LEP 2012 enable the subject land to be redeveloped for a mixed use development. Non-residential floor space such as commercial, neighbourhood shops or bulky goods are required at ground floor level and shop-top housing is permitted above this non-residential floor level. Due to the slope of the site a non-residential lower ground floor level in the rear portion of the site would also be included. On this basis a “complying” development on the B5 zoned land could achieve a non-residential GFA of 1,716m² and a residential GFA of 3,500m² (44 apartments).

The Planning Proposal provides for an increase in FSR from 2:1 to 3.2:1 to provide 2,345m² of non-residential GFA, 6,000m² of residential GFA (69 apartments). The proportion of non-residential to residential floor space is decreased from 32.9% to 28.1% to improve viability. However, the higher density option still retains the ground and lower ground floor in a non-residential use permitted under the B5 Zone.

A more intensive redevelopment of the site as envisaged in the Planning Proposal, particularly an increased apartment yield improves viability of redevelopment. This improved viability is achieved with minimal increase in environmental or amenity impacts. Perceived building bulk and scale is not materially changed, having regard to the context of the site, both as currently exists and as envisaged in the future under the WLEP 2012 development controls.

The additional floor space is primarily accommodated within 2 additional floor levels, together with a slightly larger floor plate. The resulting higher density built form is of similar character to a “complying” scheme, but in a taller building form. The primary issue is the ability of the site to accommodate a taller building, some 2 storeys higher than permitted under the current planning controls. In this regard one must consider not only the height of existing buildings in the locality but also the heights of future buildings developed in accordance with the WLEP 2012 development controls.

Residential land opposite the site to the east is permitted to be developed up to a height of 34m. Adjoining residential land to the northwest, south and west is provided with a building height limit of 24m, while the subject land, which fronts onto the Pacific Highway, is provided with a reduced height limit of 18 metres. The outcome of these controls is that development on the subject land constructed to an 18m height would be somewhat discordant with future development around the site. This is illustrated in **Figure 9** on page 14. Allowing the site to be developed to a height of up to 24m commensurate with the prevailing height limit on the western side of the Pacific Highway provides for a more suitable transition in building heights from east to west.

The tallest component of the proposed development is located in the northeast corner adjacent to the intersection of the Pacific Highway and Oliver Road. This strategy provides the building with a strong identity at this prominent location, emphasising the corner location, consistent with good urban design practice. Building height steps down towards the building’s southern end, as shown in **Figure 10** on page 14.

The proposed eastern and western elevations of the building adopt a curved form at the northern end in response to the narrowing of the site and to provide increased solar access and a more interesting architectural form. An important advantage of this design is that it facilitates increased setback to the rear boundary at the northern end of the site to ensure minimal impact on solar access to and views from the adjoining apartment building to the west.

The following cross sections (east to west and south to north) illustrate the height of the proposed development in relation to adjoining buildings and the currently permitted maximum building heights allowed on those sites.

Figure 9 - East to West Building Height Cross-Section

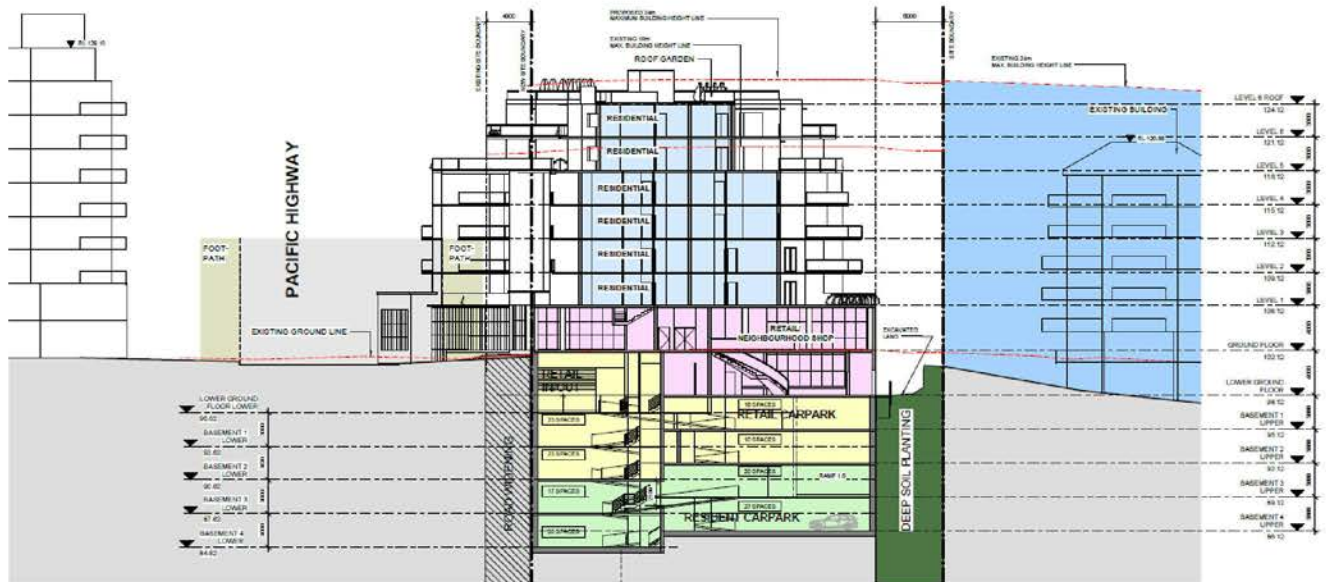
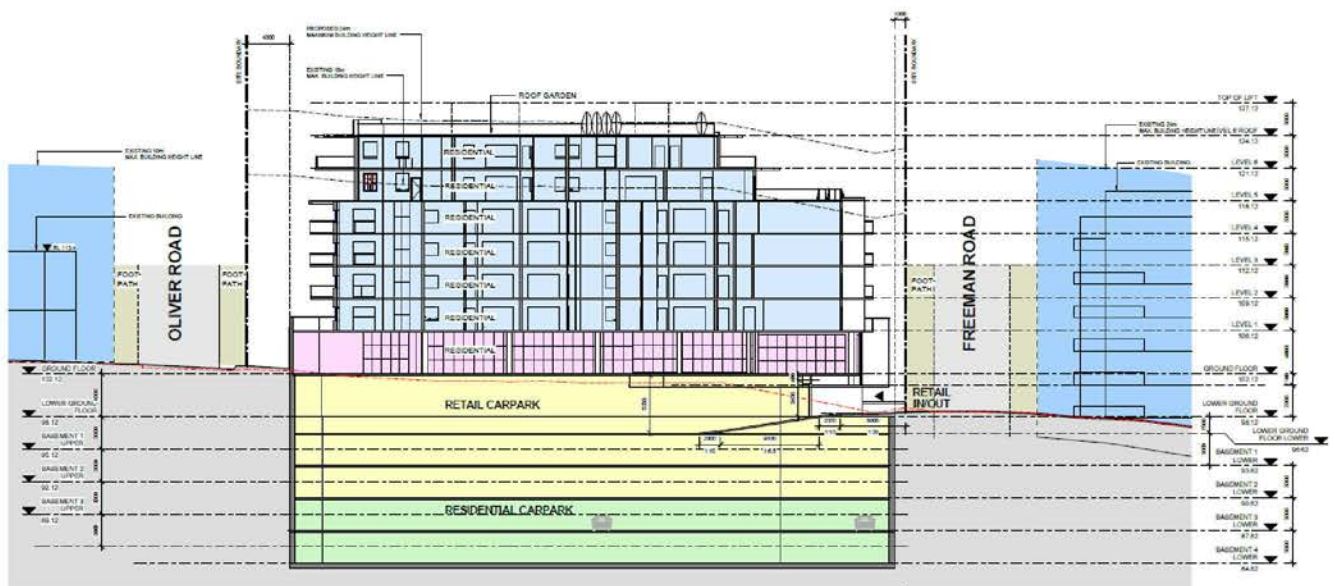


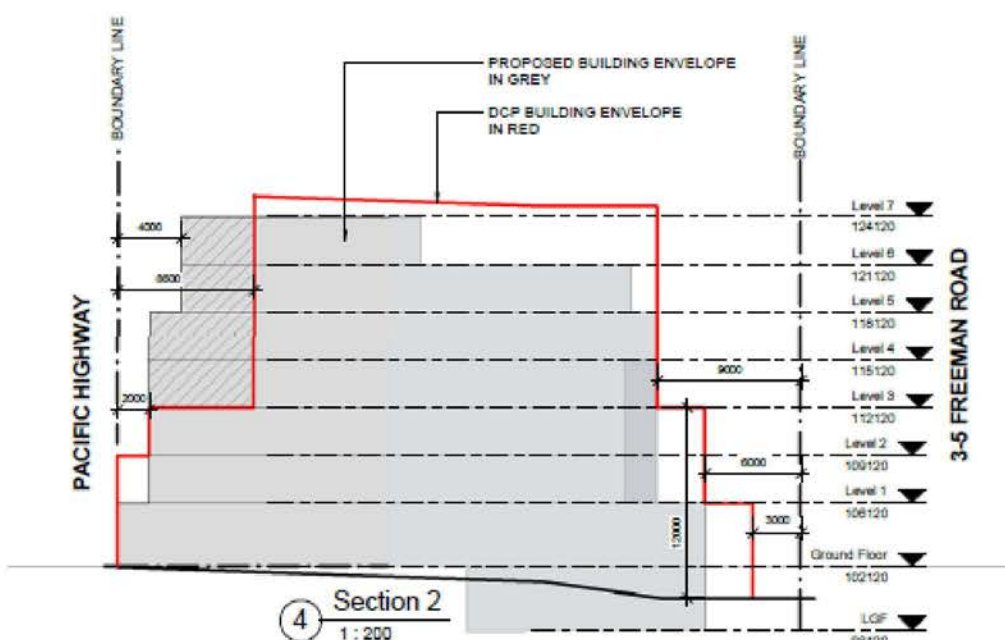
Figure 10 – North to South Building Height Cross-Section



Care has been taken in the design of the proposed development to ensure that the requested additional floor space and building height does not impact on the amenity of neighbouring residential buildings. A 6m wide deep soil zone is provided along the western boundary enabling planting of trees and shrubs that assist in maintaining privacy and an attractive outlook between apartments on the subject land and the adjoining land to the west.

Figure 11, below shows a comparison between the proposed minimum front and rear setbacks and the minimum front and rear setbacks required in the Willoughby DCP (WDCP). Proposed rear setbacks at the lower levels are significantly greater than required by the DCP, in order to provide a more generous landscaped deep soil area at ground level and space for tree canopy. Rear setbacks are fully compliant and comply with the building separation standards of the SEPP 65 Residential Flat Design Code (RFDC). Due to road widening some concession is sought for Highway front setbacks for Levels 3 to 7, as shown cross hatched in **Figure 11**, below.

Figure 11 Front & Rear Setback comparison with Willoughby DCP Setbacks



The proposed mixed use building has been designed to substantially comply with the design rules of thumb recommended in the SEPP 65 Residential Flat Design Code. There is full compliance with the primary design standards relating to solar access (70% of apartments), single aspect apartments (not more than 10% south facing), cross-ventilation (60% of apartments), naturally ventilated kitchens (25% of kitchens) and building separation. A SEPP 65 RFDC Compliance Table is attached at **Appendix E**.

Building separation between habitable rooms up to and including the 4th storey at the rear are well in excess of the minimum 12m required by the Code. At the 5th storey and above building separation exceeds the minimum 24m required by the Code. Some flexibility is proposed with respect to 18m maximum building depth for the western central portion of the building (Levels 2 to 4) due to the site having 3 road frontages and effectively 3 front elevations. Building depth is substantially compliant with the 20m maximum building depth standard permitted under the WDCP. A WDCP Compliance Table for the proposal is attached at **Appendix F**.

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any Strategic Study or report?

No.

The Planning Proposal arises from an analysis of the site context, redevelopment advantages associated with larger sites consideration of existing planning controls and the objectives of those controls. The planning strategy underlying WLEP 2012 is to concentrate higher density development in and adjoining the Chatswood City Centre so that existing low density housing areas can be retained substantially as they currently exist. This approach is also consistent with the Sydney Metropolitan Strategy and the Draft Inner North Subregion Strategy.

The Draft Inner North Subregion Strategy aims to increase densities in Centres, particularly in those centres near public transport and facilitate redevelopment of existing apartment sites that are capable of accommodating increased density. The Draft Strategy requires that the Willoughby LGA accommodate at least 6,800 additional dwellings by 2031.

WLEP 2012 allows building heights of up to 24m to the west and south of the site and 34 metres to the east of the site. There are no particular features of the site that would require a maximum building height lower than is the case with the adjoining land to the west and south. A sensitively designed and located taller building up to 24 metres in height is compatible with maximum building heights on adjoining land to the west and south and allows for a height transition from taller buildings of up to 34m permitted on land to the east.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested variation to maximum building height and FSR is greater than could reasonably be considered under the development standards variation clause in WLEP 2012.

4.1.3 Is there a net community benefit?

Yes. The subject site is capable of providing additional housing opportunities in a convenient location adjacent to shops, services and high frequency public transport. Increased development yield will result in payment of additional Section 94 infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

The existing site is not designated as a site where affordable housing requirements apply. The provision of increased building height, FSR and apartment density will result in the site being included for levying of affordable housing contributions, or alternatively provision of affordable housing on the site.

The requested modest increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains buildings that do not contribute positively to the modern high density urban character of the adjacent Chatswood CBD. Encouraging redevelopment will enable removal of encroachments into areas of the site designated for future road widening, thus facilitating such road widening when it is required by Roads and Maritime Services and Council.

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies)?

The Sydney Metropolitan Plan 2036 and the Draft Inner North Subregion Strategy provide direction for future planning and development in the Willoughby local government area. The vision for Sydney 2036 is a Sydney that will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

Key Metro Strategy outcomes relevant to the Planning Proposal include improved housing choice and affordability, encourage employment and services to be located in centres accessible to public transport and locate at least 70% of new housing within existing urban areas.

The Planning Proposal is consistent with the objectives of the Sydney Metropolitan Plan 2036 by encouraging new housing within an established urban area in a location adjoining a large town centre and directly accessible to public transport and services, on a site capable of accommodating high density housing.

The Draft Inner North Subregion Strategy requires that Willoughby accommodate an additional 6,800 dwellings by 2031. These additional dwellings are to be primarily located within and adjoining the City Centre and in relatively limited areas within and adjoining existing suburban centres.

The Planning Proposal is consistent with the Sydney Metropolitan Strategy 2036 and the Draft Inner North Subregion Strategy.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Willoughby's Community Strategic Plan is the Draft Willoughby City Strategy, which identifies Willoughby as *"the vital hub of the region, where residential, cultural, economic and environmental interests are respected and balanced, and our communities enjoy a diversity of lifestyles."* The Strategy sets out key strategic directions for the next 15 years which are based on the principles of sustainability and social justice.

Strategic directions relate to community and cultural life, natural environment, homes, infrastructure, economic activity and governance. Strategic directions of particular relevance to the Planning Proposal are directions relating to homes, infrastructure and economic activity.

In relation to homes, the goal is to provide housing that is liveable and sustainable and enhances urban character. Emphasis is placed on affordability and housing choice to meet changing demographics. The form of mixed use development envisaged in the Planning Proposal has an emphasis on providing well designed apartment living with a focus on affordability and meeting the needs of smaller households such as singles and couples and the retired.

The emphasis on 1 and 2 bedroom apartments at modest prices addresses strong unmet market demand for such housing in the Chatswood area. A major proportion of new apartment developments in Chatswood have been targeted at the higher price range, whereas the proposal will incorporate apartments offered primarily at the lower middle and middle price range.

Due to the relative low returns currently available for commercial floor space fronting the Pacific Highway, the provision of a larger proportion of residential floor space enhances the viability of the project, facilitating development of commercial floor space at the ground and lower ground floor. Such an outcome is consistent with the objective of protecting employment areas and providing opportunities for local employment.

The siting of the building facilitates planned future widening of the Pacific Highway and Oliver Road. This will assist in achieving the infrastructure objective of facilitating improvements to road infrastructure to reduce road congestion. The siting of the proposal within easy walking distance to the Chatswood Transport Interchange contributes to achieving the objective of reducing car dependency.

The proposal provides for more than 2,000m² of affordable commercial floor space in a configuration that is ideally suited to small businesses seeking a location in Chatswood. The proposal constitutes a significant investment in the local economy and the Chatswood centre, a key objective of Council's strategic direction relating to Economic Activity.

The Planning Proposal is consistent with the vision and strategic directions of Draft Willoughby City Strategy and will assist in achieving the relevant objectives of the City Strategy.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

The only State Environmental Planning Policies (SEPPs) relevant to this planning proposal are SEPP 55, SEPP (BASIX) 2004 and SEPP 65:

SEPP	Consistency
SEPP 55 – Remediation of Contaminated Land This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.	The site has been used for residential and bulky goods retail purposes for many years and therefore potential for existence of contaminated soils is unlikely. There may be some potential asbestos hazard arising from demolition of existing buildings. There is no evidence of any contamination hazard that would preclude allowing increased development density on the subject land. Council can require submission of detailed contamination assessment with any future Development Application (DA) for redeveloping the site.

SEPP	Consistency
SEPP (BASIX) 2004 Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.	This SEPP will apply to future proposed dwellings/apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.
SEPP 65 – Design Quality of Residential Flat Development This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.	This SEPP will apply to the proposed residential component of the future mixed use building. The concept plan has been prepared having regard to the SEPP 65 Residential Flat Design Code (RFDC) and achieves general compliance with this Code and full compliance with the primary design standards. A SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site. A SEPP 65 RFDC Compliance Table is attached at Appendix E .

Regional Environmental Plans

No Regional Environmental Plans (REP's) are applicable to the site.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal has been assessed having regard for the Section 117 Directions [issued to Councils under s117(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act)], relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	YES – the proposal will not reduce the extent of business/commercial floor space permitted on the site under its B5 Business Development Zone. The B5 Zone will be retained but with increased residential density, an outcome that supports the viability of the adjoining Chatswood City Centre.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.	Not Applicable (The site and adjoining lands are not identified as environmentally sensitive).

DIRECTION	CONSISTENCY Yes/No or Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not Applicable (The site and adjoining lands are not identified as containing any items, areas, objects or places of environmental heritage or indigenous heritage significance). There is substantial separation distance to the nearest heritage item (former Chatswood fire station).
2.4 Recreation Vehicle Areas	Not Applicable
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones The objectives of Direction 3.1 are: To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services. To minimise the impact of residential development on the environment and resource lands.	Not Applicable (the site is not within a Residential Zone)
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	YES – home occupations will continue to be permissible development on the site. No changes are proposed to the Willoughby LEP 2012 B5 Zone land use table applicable to the site.
3.4 Integrating Land Use & Transport The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing in a location which adjoins a city centre offering employment and services, including high frequency public transport services offering excellent access to jobs and services in major employment centres such as the Sydney CBD and North Sydney CBD and other nearby employment centres such as Macquarie Park, St Leonards and the Artarmon Industrial Area.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4 HAZARD AND RISK	
4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable

DIRECTION	CONSISTENCY Yes/No or Not Applicable
4.3 Flood Prone Land	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies The objective of this Direction is to ensure that draft LEPs are consistent with the nominated regional strategies.	YES
5.2 Sydney Drinking Water Catchment	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
6.2 Reserving Land for Public Purposes	Not Applicable (no land is proposed to be reserved for public purposes – the existing land reservation for Pacific Highway road widening is retained within an SP2 Infrastructure Zone)
6.3 Site Specific Provisions The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.	YES – the proposal seeks to reduce the level of restriction of height and FSR controls. Indeed the opposite is the case, with increased development density proposed, primarily on the basis of providing a larger development site. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative elevations and floor plans are included in order to objectively assess the implications of allowing increased building height and FSR.

DIRECTION	CONSISTENCY Yes/No or Not Applicable
7. METROPOLITAN PLANNING	
7.1 Implementation of the Metropolitan Plan for Sydney 2036 The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036	YES – the proposal is consistent with the implementation of the Metropolitan Plan for Sydney 2036. The Proposal is also consistent with the Draft Metropolitan Strategy For Sydney 2031. Both Strategies identify Chatswood as an important Major Centre that forms part of the Global Economic Corridor.

Department of Planning's Criteria for Spot Rezoning

This planning proposal has been assessed having regard for the Department of Planning's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP. This LEP Amendment request is assessed against these criteria in the table below.

Criteria	Consistency
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will facilitate permanent employment generating activity by providing ground level floor space for future commercial/retail activities. The proposal will not reduce employment potential on the site and will not result in a loss of employment lands.
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the Draft Inner North Subregion Strategy. The subject land adjoins an important metropolitan regional city centre and public transport interchange (Chatswood) is located within Pacific Highway corridor. The proposal will not adversely impact on Chatswood City Centre or the Pacific Highway corridor. By facilitating future road widening, there is potential to reduce traffic congestion in the Pacific Highway corridor in this locality.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	The Planning Proposal will support the objectives of the Sydney Metropolitan Strategy 2036 and the Draft Inner North Subregion Strategy, with respect to the relevant objectives in those strategies. It is also consistent with the relevant s117 directions as noted above.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy?	No, the site adjoins the Chatswood CBD which is identified as a Major Centre and is in a location that is close to a transport hub/interchange in the Chatswood City Centre.
Will the LEP deal with a deferred matter in an existing LEP?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. There are no other proposals in the locality that we are aware of that propose site specific increases in building height and density that are dependent on consolidating sites to form larger more efficient development parcels.

Criteria	Consistency
Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners?	No. The circumstances applying to this site are relatively unique within the locality in that there are few sites in the B5 Zone adjacent to the Chatswood CBD that can be readily amalgamated to provide development area of more than 2,000m ² . The site is also surrounded on 3 sides by land that is provided with maximum building heights substantially higher than the maximum height permitted for the subject land.
Will the LEP be compatible / complementary with surrounding land uses?	Yes. As detailed in the Planning Proposal Report, the site is adjoined by high density residential and mixed use zones on all 4 sides. The interface to the medium density zone to the west will be "protected" by providing a generous deep soil area and stepping back upper levels of the building to provide a generous separation distance to minimise shadow, view and privacy impacts.

4.3 Environmental, Social and Economic Impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats. Therefore the proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities or habitats

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Willoughby LEP 2012 has identified the site as being suitable for high rise mixed use development. The subject land is free of development hazards such as flooding, bush fire, land contamination, acid sulphate soils, land slip, mine subsidence and the like. A small number of trees within the site will be removed, with suitable replacement tree planting provided along the western boundary. Most of the more significant trees are located within the existing footpath reserve or within areas Council has proposed for road widening.

The site adjoins a busy Highway, but is not exposed to significant rail noise due to separation distance from the railway and the noise dampening effect of intervening buildings. Increased residential development yield will be located within the proposed additional two storeys and is hence less exposed to traffic noise compared to lower floor levels.

Acoustic Impacts

The subject land is located within a relatively noisy environment, primarily due to road traffic noise generated from the adjoining Pacific Highway. Noise attenuation measures will need to be incorporated into the design of future residential building above the podium, to reduce noise levels within apartments to not more than 30dBA. This will be necessary whether or not the Planning Proposal proceeds.

The proposed increase in density and building height does not exacerbate existing noise levels experienced or require additional noise attenuation measures compared to those that would be required for a development constructed in accordance with the WLEP 2012 FSR and building height controls.

Most of the additional development yield will be accommodated in the additional 2 storeys proposed. Lower residential level facing the Pacific Highway is provided with a deep area of terrace and potential for sliding noise screens across balconies. Windows facing the Highway can be provided with double glazing. An acoustic assessment would be provided with any future DA and recommended noise attenuation measures incorporated into construction plans.

Development of the site at the higher density proposed, will not result in adverse noise impacts on neighbouring residential development. The site is separated from neighbouring residential development on 3 side by public roads. Generous separation distances are proposed to the apartment building located to the west of the site, to minimise acoustic impacts.

Traffic Impacts

The Planning Proposal is accompanied by a Traffic and Parking Assessment Report assessing the traffic and parking requirements and impacts arising from development of the site at an increased density, as envisaged in the Planning Proposal. A copy of this Report, prepared by Transport and Traffic Planning Associates is attached at **Appendix D**.

The Traffic and Parking Report compares 2 development scenarios, one based on the current controls in the WLEP (2:1 FSR) and one based on the controls envisaged in the Planning Proposal (3.2:1 FSR). The first scenario (2:1 FSR) provides for 44 apartments and 1,716m² of commercial/retail floor space. The second scenario (3.2:1 FSR) provides for 69 apartments and 2,345m² of commercial/retail floor space. Vehicular access in both scenarios is via two driveways extending north off Freeman Road.

The Traffic and Parking Report indicates that *“the development outcome under the FSR 3.2:1 as compared to the FSR 2:1 will only result in some 7 vtpm additional in the morning peak and 19 vtpm in the afternoon peak.”* Such a minor traffic generation impact will have *“no perceptible impact on the access road system and would not have any “measureable” impact on the operation of the intersections on the highway”*.

Figure 5 of the Traffic and Transport Report demonstrates that there are several route options for driving to and from the site, enabling vehicle trips to be distributed across several routes. Existing intersections with the Pacific Highway are at times congested, but generally operate at satisfactory levels. There is no requirement to upgrade roads or intersections as a consequence of the future development of the site either at the current density permitted or at the proposed increased density.

The Traffic and Parking Report confirms that adequate parking can be provided in the basement levels. The proposed layout of the basement levels can comply with the design requirements of AS 2890.1, particularly in relation to ramps, aisles, bays and manoeuvring areas. Provision is made for service vehicles and deliveries and vehicular circulation and the proposed access driveways from Freeman Road are satisfactory.

Shadow Impacts

Shadow diagrams have been prepared by MGA Architects, illustrating the shadow impact of a “complying” development envelope (FSR 2:1 and building height of 18m) with a development envelope at higher density as envisaged in the Planning Proposal (FSR 3.2:1 and building height of up to 24m). These shadow diagrams also include shadows cast by existing buildings and are attached at **Appendix C**.

The shadow diagrams illustrate, in black on the diagrams, the increased extent of shadowing arising from the taller larger building envelopes capable of accommodating the requested increase in building height and FSR. The shadow diagrams also identify shadows cast by existing buildings in blue and shadows cast by a complying development in light grey.

The extent of increased mid-winter shadow cast beyond the site boundaries is relatively minor and predominantly confined to the period before 10am and after 2pm. The impacts of additional mid-winter shadowing, after allowing for shadows cast by existing buildings and a complying building of up to 18m on the subject land are summarised as follows.

- 9am No shadowing of sensitive areas – additional shadows confined to Freeman Road and a limited portion of the front yards of the apartment developments to the west and southwest.
- 10am No shadowing of sensitive areas – additional shadows confined to the deck above the car park entrance of the building to the west and a small portion of the front yard of that property and limited portions of the front yard of the 2 apartment developments to the southwest.
- 11am No shadowing of sensitive areas – additional shadows confined to limited portions of the front yards of the apartment building to the southwest and the apartment building to the south.
- 12pm No shadowing of sensitive areas – additional shadows similar to 11am above.
- 1pm Minimal shadowing of sensitive areas – additional shadows confined to a minor portion of the front yards of the apartment developments to the southwest and south. Some shadowing of north facing ground floor elevation of the apartment building to the south.
- 2pm Minor shadowing of sensitive areas – additional shadows confined to the north facing first floor and second floor elevations of the apartment building to the south.
- 3pm Modest shadowing of sensitive areas – additional shadows confined to the Pacific Highway and the north facing 3rd and 4th floor levels of the apartment building to the south.

The proposed 2 additional floor levels do not cast any additional shadows to any of the apartments or their adjoining private open space located to the west at No. 3-5 Freeman Road. These apartments continue to receive at least 2 hours mid-winter solar access. This level of solar access is acceptable in a dense urban environment.

Apartments in the apartment building to the south that are impacted by additional shadowing from the additional 2 storeys currently enjoy a high level of solar access throughout the day. They will continue to enjoy more than 3 hours mid-winter solar access, with no shadowing up until 12pm.

Privacy Impacts

Development of the site at the higher density proposed, will not result in adverse privacy impacts on neighbouring residential development. The site is separated from neighbouring residential development on 3 sides by public roads and will have no privacy impacts on apartment buildings located on the northern side of Oliver Road, the southern side of Freeman Road or the eastern side of the Pacific Highway.

Potential privacy impacts to the existing apartments to the west have been addressed by providing separation distances fully compliant with minimum separation distance recommended in the SEPP 65 Residential Flat Design Code. The Code separation distances are designed to ensure satisfactory privacy outcomes. There is also an opportunity to install planter boxes to west facing balconies to further enhance privacy.

The Code prescribes a minimum separation distance of 12m for the first 4 storeys (that is up to a height of 12m) between habitable rooms/balconies of on the subject land and habitable rooms/balconies of the apartment in the building to the west. The proposal provides a separation distance of at least 15.7m and generally more than 18m to these apartments, up to a height of 12m. Above 12m, a minimum separation distance of 18m is required. The proposal provides a minimum separation distance of more than 18 metres, with greater separation distances provided in the northern portion of the building.

A 6m wide deep soil zone is provided along the western boundary to accommodate common area open space and screen planting comprising trees and large shrubs. At upper levels privacy is further enhanced by increased building setback to the western boundary. An adequate level of privacy is maintained commensurate with expectations of residential living in a high density urban environment.

View and Visual Impact

The proposed increase in density and building height does not adversely impact on any existing significant views or outlook. There are no important or iconic views available over the site. The proposed additional 2 storeys will modestly reduce the extent of skyline views from surrounding properties.

The curving of the western elevation of the northern portion of the building not only facilitates solar access to No. 3-5 Freeman Road, but maintains a view corridor to the northeast from this building. A building constructed on the subject land to a height of 18 metres, as permitted by the current planning controls would effectively preclude easterly views from all levels of the apartment building to the west. The additional 2 storeys therefore have a minimal impact on future easterly views from 3-5 Freeman Road or northerly views from the apartment building to the south or from the high rise apartment building at the corner of Albert Street and the Pacific Highway.

Visual impact arising from the proposed increase in building height and density, within the building envelopes proposed, is acceptable in the context of the site and only marginally greater than a complying 6 storey building envelope, due to increased building setback at upper levels. The 3D views shown in Figure 7 and 8 demonstrate that the additional height and density can be accommodated on the site without resulting in unreasonable bulk and scale.

Heritage Impact

There are no heritage items on or adjoin the site. The nearest heritage items are the Old Fire Station at 767 Pacific Highway and Chatswood primary School located at the corner of the Pacific Highway and Centennial Avenue. The development of the site as envisaged at the increased height of 24m would not fall within the visual catchment of Chatswood Primary School.

The proposal is visible from the existing Old Fire Station building, however, given the established high rise context and separation distance, the development of the subject land to an additional 2 storeys would have minimal if any impact on the heritage values of the Old Fire Station building.

4.3.3 How has the planning proposal adequately addressed any social and economic effects?

Social Issues

The proposal will not result in any adverse social impacts. The provision of additional apartment living opportunities in a similar form to that envisaged in the existing WLEP 2012 planning controls will maintain the character and social fabric of the neighbourhood generally as envisaged in the planning controls for the locality.

The provision of additional affordable apartments within easy walking distance of Chatswood Railway Station, bus interchange and Chatswood City Centre shops and services is considered to have a positive social impact in the locality. Increased pedestrian traffic associated with a modest increase in density will assist in creating more vitality and improving public safety along the western edge of the Chatswood CBD.

Economic Issues

A modest increase in building height and increased FSR to 3.2:1 on this large site, with an increased proportion of residential floor space facilitates redevelopment of the site. This is consistent with an important objective of the *Environmental Planning and Assessment Act*, which is to promote the orderly and efficient development of land.

Increased population on a site adjoin the Chatswood CBD will increase use of existing public transport and increase spending within the CBD, contributing positively to the economic performance and viability of existing and future businesses in the CBD.

The proposal creates modern purpose designed commercial floor space suitable for small business. Such an outcome enhances Chatswood as a location for business premises and promotes additional job creation in the Chatswood CBD.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

Services (Water, Sewer and Drainage)

The site is located within an existing developed area that is well catered for in terms of infrastructure. We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary.

Roads, Traffic and Transport

Traffic generation has been considered in Section 4.3.2. The proposed increase in density will result in a modest and acceptable level of traffic generation on the local road network and on the Pacific Highway and associated intersections. The proposal locates all development clear of areas of the site required for future road widening of the Pacific Highway and Oliver Road.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

4.5 Community Consultation

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties.

5

Conclusion

This Planning Proposal seeks amendment of Willoughby LEP 2012 to introduce an incentives clause applicable to the subject land to encourage amalgamation of existing allotments by allowing for an increase in maximum FSR and building height, where a development site area of at least 2,000m² is created. Where such a development site can be created, it is proposed that maximum FSR be increased from 2:1 to 3.2:1 and maximum building height increased from 18m to 24m (plus 2m for lift overruns and architectural features) for the land subject to this Planning Proposal.

This Planning Proposal Report has demonstrated that the subject land, if developed as a single parcel of more than 2,000m², as envisaged in the WDCP, can be suitably developed within the B5 zoned land to a maximum FSR of 3.2:1 and maximum building height of 24m (8 storeys). Redevelopment of the subject land at the requested higher density does not materially impact on the amenity or character of the locality, to any greater extent than is envisaged in the existing planning controls applying to the site and locality, as contained within Willoughby LEP 2012.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located adjacent to the Chatswood City Centre and transport interchange, in a locality that is appropriate for high rise mixed use development.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.