



# **PLANNING PROPOSAL REPORT**

## **Draft Amendment to Willoughby Local Environmental Plan 2012**

### **753 Pacific Highway and 15 Ellis Street, Chatswood**

**ELLIS STREET DEVELOPMENT PTY LTD**

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<b>Appendix A –</b>	Site Survey Plan prepared by Peak Surveying Services
<b>Appendix B –</b>	Design Concept Plans, 3D Envelopes, CGI's, Shadow Diagrams and Floor Space Schedule, Urban Design Analysis, Draft DCP Provisions and SEPP 65 ADG Report prepared by Architecture Urbaniea.
<b>Appendix C –</b>	Traffic Impact Assessment prepared by The Transport Planning Partnership (TPPP)
<b>Appendix D -</b>	Preliminary Acoustic Report prepared by Renzo Tonin & Associates
<b>Appendix E -</b>	Preliminary Wind Impact Assessment Report prepared by Windtech
<b>Appendix F</b>	Chatswood CBD Strategy Key Elements Assessment prepared by Ingham Planning Pty Ltd
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# 1. INTRODUCTION

This Planning Justification Report has been prepared to support a Planning Proposal for land at Chatswood described as SP6576, No. 753 Pacific Highway, Chatswood and SP53910 No. 15 Ellis Street, Chatswood. The subject land is located on the eastern side of the Pacific Highway, some 250m southwest from the Chatswood Railway Station and Transport Interchange.

The subject land is a rectangular shaped corner allotment, with an area of 1,211m<sup>2</sup> and currently contains two residential flat buildings, one of 3 storeys and one of 3 storeys with an attic level. The site has a 30.76m frontage to the Pacific Highway, 33.22m to Ellis Street and 32.275m to Crispe Lane, excluding splay corners, with a northern side boundary of 36.575m.

Most of the site is currently zoned R4 High Density Residential pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 1.7:1 and a maximum building height of 34m for that part of the site within the R4 Zone. The R4 zone provides for housing within a high-density environment, such as residential flat buildings and permits a limited range of non-residential land uses, such as childcare centres, community facilities, neighbourhood shops, and places of public worship. Shop-top housing is not permitted.

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) has identified land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density, with a maximum FSR of 6:1 and maximum building height of 90m, subject to provision of public benefit for any floor space above the base FSR specified in the CBD Strategy, in this case 1.7:1.

The Planning Proposal seeks amendment of WLEP 2012 to rezone that portion of the site currently zoned R4 High Density residential to B4 Mixed Use and allow increased development density on the site, in accordance with the proposed development density recommended in the CBD Strategy. The Planning Proposal seeks an amendment of the WLEP 2012 to include site specific special provisions for the subject land that allow for an FSR of up to 6:1 and building height of up to RL 159.2 (59.62m), subject to provision of public benefits in the form of affordable housing and additional developer levies for floor space exceeding the current FSR of 1.7:1.

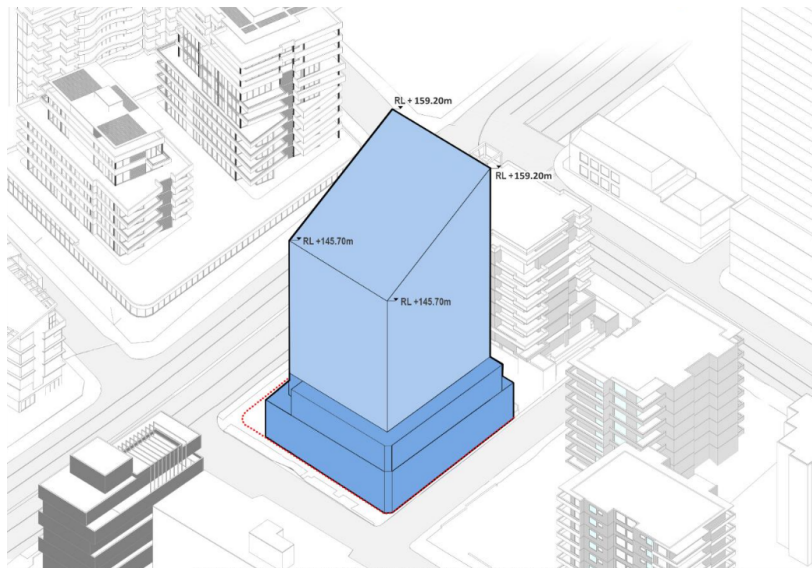
The proposal includes a range of public benefits provided at no cost to Council, by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of total residential floor space, dedication of land for the widening of the footpath reserve fronting the site and payment of an additional developer levy per square metre of additional floor space (excluding affordable housing floor space), above an FSR of 1.7:1 for upgrading infrastructure and new community facilities and services, in accordance with Council's proposed Community Infrastructure Scheme (CIS).

This report has been prepared in accordance with the Department of Planning Industry & Environment Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal. The Planning Proposal 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 17 storey mixed use building (plus rooftop plant level) in a manner that is consistent with the desired future character for the locality, as outlined in the Chatswood CBD Strategy.

A concept plan for redevelopment of the site in the form of a 17 storey mixed use building, comprising a 13 storey residential tower (including Level 16 communal facilities) located above a 4 storey podium, containing ground floor and Level 1 retail/commercial uses and 2 residential levels above. The concept plans include basement parking and provide for 6,678m<sup>2</sup> of floor space, including 4% of residential floor space as affordable housing and 1,113m<sup>2</sup> of commercial floor space.

The concept plans are intended to illustrate how the site can be suitably developed at the proposed additional density and building height, in accordance with the setback controls proposed in the CBD Strategy. In the event that the Planning Proposal proceeds, a separate development application would be submitted to Council for the proposed building. Design of the tower would be the subject of a design excellence process.

An aerial schematic view of the proposed site specific DCP building envelope in its existing context, looking northwest in its existing context is shown below. The upper portion of the tower slopes back from Ellis Street at an angle to respond to the sun access plane that applies to the nearby tennis and croquet courts facility, located to the southeast of the site, at the rear of 701 Pacific Highway, Chatswood.



**Figure 1**

**Aerial View of the  
Proposed  
Building Envelope**

Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. Gazettal of the requested change in zoning to B4 Mixed Use and introduction of bonus building height and FSR, will enable economic use of the land and its development to an appropriate height and density, commensurate with development yield anticipated in the Chatswood CBD Strategy and the proximity of the site to the Chatswood CBD and associated services, including high frequency public transport services.

Such an outcome is consistent with current planning policies proposed in the Chatswood CBD Strategy, which seek to increase development density on the eastern side of the Pacific Highway, near the Chatswood CBD, railway station and transport interchange.

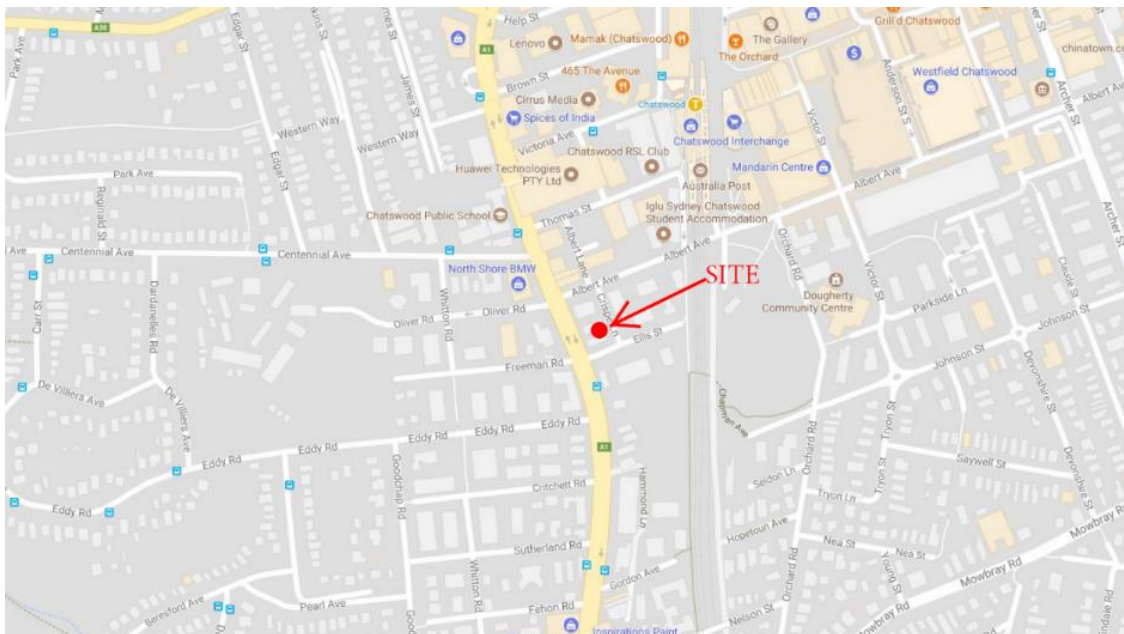
Design concept plans and urban design analysis are attached at **Appendix B**.

## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site and Locality

The subject land is described as Strata Plan 6576, No. 753 Pacific Highway, Chatswood and Strata Plan 53910, No. 15 Ellis Street, Chatswood. The subject land is located on the northeast corner of the Pacific Highway and Ellis Street, 250m southwest of Chatswood Railway Station and Transport Interchange (see **Figure 2 – Location**, below). A pedestrian walkway and cycleway to Chatswood CBD and Railway Station is located near the site, approximately 110m to the east, adjoining the North Shore Railway line.

**Figure 2 Location**



The site is a rectangular shaped corner allotment of 1,211m<sup>2</sup>, with frontages of 30.76m to the Pacific Highway, 33.2m to Ellis Street and 32.275m to Crispe Lane, excluding splay corners, with a northern side boundary of 36.575m. The site has a gentle slope to the southeast. There are no watercourses on or near the site. There are a number of trees on the site, predominantly within No. 15 Ellis Street and there are 2 relatively large street trees fronting the site in Ellis Street.

No. 753 Pacific Highway contains a circa 1960's 3 storey apartment building, constructed with brick walls and a tile roof. No. 15 Ellis Street contains a circa 1940's 3 storey apartment building, with a 4<sup>th</sup> level in the form of an attic. This building also has brick walls and a tile roof. The existing buildings accommodate a total of 14 apartments. Neither one of these buildings have any heritage value. Vehicular access to the site is currently available from the rear off Crispe Lane, providing access to existing garages and carports.

A plan of the site is shown below in **Figure 3**. A site survey is attached at **Appendix A**.



**LEGEND**

- ELECTRICAL POLE
- TELSTRA PIT
- GAS TAP/VALVE
- GAS METER
- HYDRANT
- WATER METER
- BOUNDARY TRAP
- TELSTRA PILLAR
- STOP VALVE
- SEWER MAN-HOLE
- ELECTRICAL PILLAR BOX
- SIGNPOST
- WATER TAP/VALVE
- UNKNOWN PIT
- SPRINKLER CONTROL VALVE

**Figure 4 – View of the Site Looking East from the Pacific Highway**



An aerial view of the site and locality is shown in **Figure 5** below.

**Figure 5 Aerial View of Site and Locality**



The site is adjoined to the north by a contemporary 9 storey residential apartment building, located on the southeast corner of the Pacific Highway and Albert Avenue. Further to the north is low rise commercial development and to the northeast, a new high rise mixed use building.

To the south of the site, on the southern side of Ellis Street, is a two-storey brick and tile circa 1940's apartment building, which has been approved for redevelopment to provide a new 6 storey apartment building. To the east of this site, at 8-14 Ellis Street, is an 8 storey 1970's medium rise apartment building. Further to the south are low rise medium density residential buildings. To the southeast is an area of open space containing tennis courts and croquet lawns.

To the east of the site is Crispe Lane and further east, on the eastern side of Crispe Lane, are 2 x 8 storey 1970's apartment buildings.

To the west of the site is the Pacific Highway and on the western side of the Highway 2 commercial buildings (1-2 storeys) on sites that are proposed to be redeveloped for 2 high rise residential towers above a commercial podium. Further west and southwest, are medium rise apartment buildings.



Photographs of existing development on the site, and on nearby properties are shown in **Photos 1 to 9**, below.



**Photo 1**

View of the site, at right, looking north from the Pacific Highway, towards existing high-rise development in the Chatswood CBD.



**Photo 2**

View of the site, at right in the photo, looking northeast from the corner of the Pacific Highway and Ellis Street. At left in the photo is the existing 9 storey apartment building located at 755 Pacific Highway.



**Photo 3**

View, looking southeast from the Pacific Highway, showing the existing 9 storey apartment building at 755 Pacific Highway, which adjoins the development site to the north. This apartment building is located on the southeast corner of the Pacific Highway and Albert Avenue.





**Photo 4**

View looking northwest, from Ellis Street, opposite Crispe Lane, showing the southeast portion of the site (15 Ellis Street), existing garaging off Ellis Street and the 2 existing large street trees fronting the site in Ellis Street.



**Photo 5**

View looking northwest from Crispe Lane (southern end), showing the Crispe lane frontage of the site. Garaging, carports and open car spaces are located along the Crispe Lane frontage of the site and dominate the streetscape in this location.



**Photo 6**

View looking southwest from Crispe Lane (opposite the rear of No. 755 Pacific Highway), showing the existing 3 storey apartment building on the northern portion of the site and the adjoining driveway to the basement carpark of No. 755 Pacific Highway.



**Photo 7**

View looking northwest from Crisp Lane of existing 8 storey 1960's/1970's 8 storey apartment buildings located on the eastern side of Crisp Lane. At right in the photo is No. 7-13 Ellis Street and associated open ground level carpark, located opposite the development site, to the east.



**Photo 8**

View looking southwest, of existing apartment buildings located on the southern side of Ellis Street, opposite the development site. .

Development consent has been issued to demolish the existing 2 storey flats (shown at right) and construct a new 6 storey apartment building on this site at 743 Pacific Highway.



**Photo 9**

View looking southwest, of the existing Pacific Highway streetscape, on the western side of the Pacific Highway. Development consent has been issued to demolish the 2 existing buildings (shown at centre and right in the photo) and construct 2 new high rise residential towers above a commercial podium.

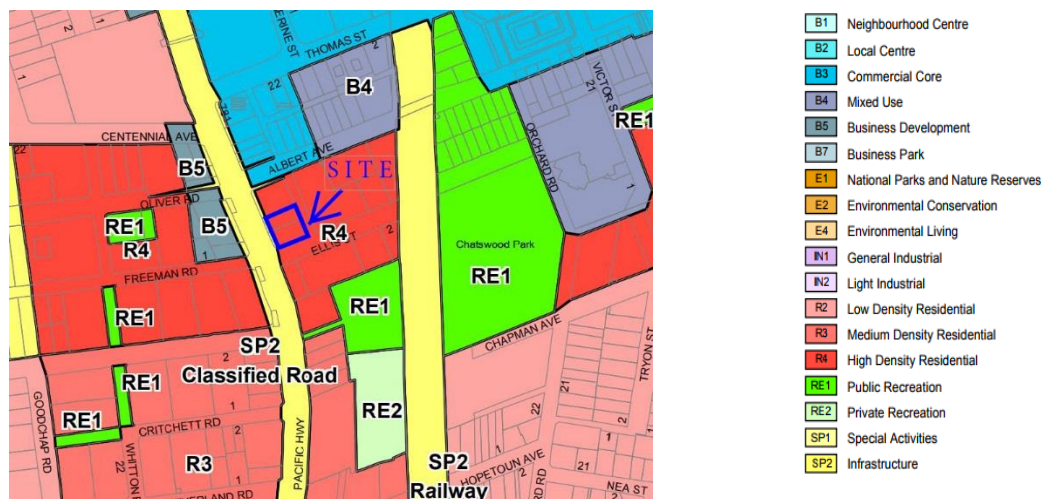


## 2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. Approximately 92% (1,113m<sup>2</sup>) of the site is zoned R4 High Density Residential. A narrow strip of land (98m<sup>2</sup>) approximately 3m wide, fronting the Pacific Highway frontage of the site is zoned SP2 Infrastructure – Classified Road intended for future road widening of the Highway, although such widening is no longer required by Roads & Maritime Services (RMS), being the designated acquisition authority.

The R4 Zone extends around the site on 3 sides, north to Albert Avenue, east to the railway line and south to the croquet/tennis facility, zoned RE1. Opposite the site to the west and northwest, on the western side of the Highway is a B5 Business Development, which is adjoined to the west and south by the R4 Zone. The zoning of the site (edged in blue) and the locality is shown in **Figure 6 – Zoning**, below.

**Figure 6 - Zoning Willoughby LEP 2012**



The R4 Zone provides for housing within a high-density environment, such as residential flat buildings and shop-top housing and permits only a very limited range of non-residential land uses, such as childcare centres, community facilities and places of public worship. Increased density is required to minimise impacts on the efficiency and safety of the road network and innovative design is encouraged to facilitate a comfortable and sustainable living environment.

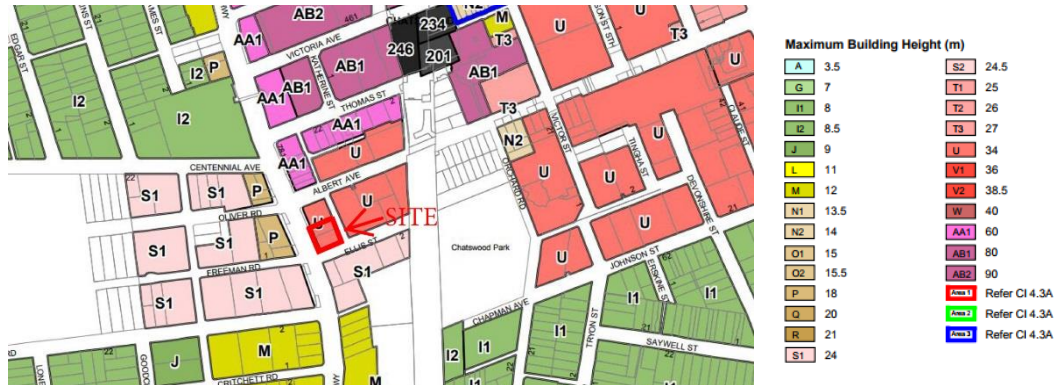
The proponent has undertaken consultation with Transport for NSW (TfNSW) regarding the SP2 – Infrastructure Zone that extends north-south across the frontage of the site to a depth of approximately 3m. At the time Willoughby LEP 2012 was prepared RMS intended to widen the Pacific Highway in this location. RMS has advised by letter dated 17 June 2019 that road widening is no longer proceeding and that the SP2 Infrastructure Zone within the site is no longer required for Highway widening. The recently completed Chatswood CBD Traffic Study has also confirmed that widening of the Pacific Highway in this location is no longer necessary.

Notwithstanding that the SP2 Zone over the western portion of the land is surplus to road widening requirements, this strip of land will be transferred to Council in accordance with Council's endorsed planning agreement policy.

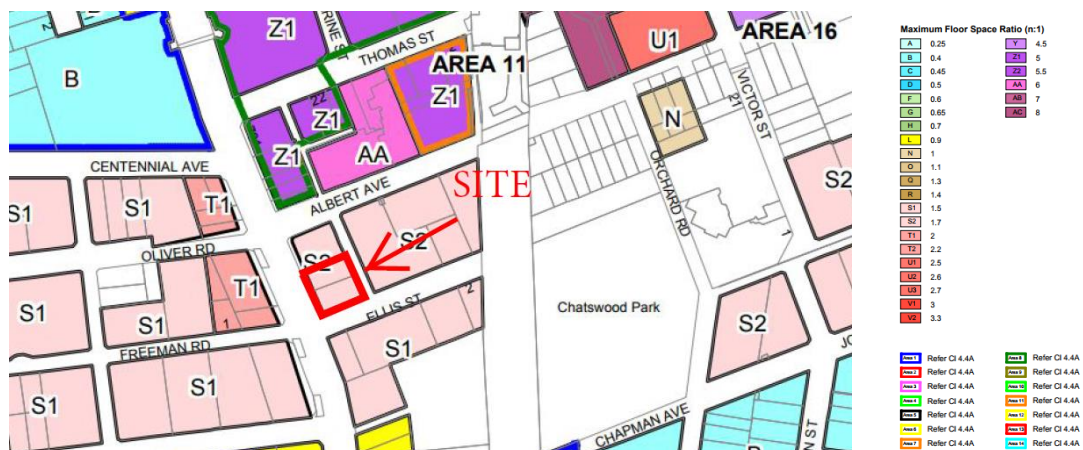


The existing building height and FSR controls for the subject land (edged in red) and adjoining land, as contained in WLEP 2012 are shown in **Figures 7 and 8**, below.

**Figure 7 - Maximum Building Height Willoughby LEP 2012**



**Figure 8 - Maximum Floor Space Ratio Willoughby LEP 2012**



The Planning Proposal includes re-zoning the R4 High Density Residential zoned land to B4 Mixed Use, as recommended for the site, in the Chatswood CBD Strategy, which aims to encourage mixed use development, including additional commercial floor space in residential precincts adjoining the Chatswood CBD core. Unlike the R4 Zone, the B4 zone allows business and retail premises at ground floor level.

The Planning Proposal also requests inclusion of an incentives clause to allow increased building height up to RL 159.2 (maximum 56.62m) and FSR up to 6:1, subject to site consolidation forming a development parcel of at least 1,100m<sup>2</sup>, provision of public benefits in the form of land dedication to Council along the Highway frontage of the site, provision of affordable housing and payment of additional developer levies.

As shown above, the WLEP 2012 currently provides for a maximum FSR of 1.7:1 and maximum building height of 34m (10-11 storeys) on the subject land. The recently endorsed CBD Strategy proposes to allow additional FSR, up to 6:1 and additional building height, subject to compliance with a sun access plane. The additional development yield is subject to provision of public benefits in exchange for increased floor space and building height.

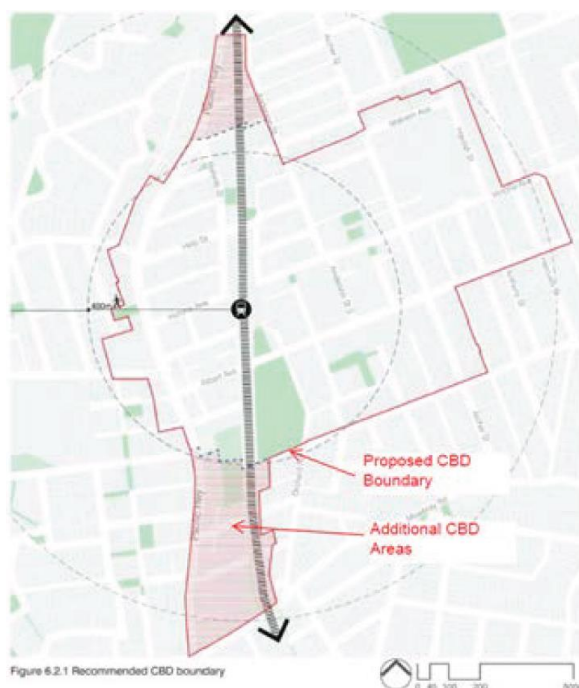
WLEP 2012 allows a floor space bonus where projects are subject to a design excellence process. The LEP also allows for exclusion of affordable housing from the calculation of assessable gross floor area, where it can be demonstrated that the affordable housing component does not material contribute to the overall bulk and scale of the development. Council has indicated that design excellence height and floor space bonus will not apply to developments in the Chatswood CBD, which take up the height and floor space bonus allowed for in the CBD Strategy and such developments must also include affordable housing floor space within the maximum 6:1 FSR allowed for in the CBD Strategy.

### 2.3 Proposed Planning Controls – Chatswood CBD Planning and Urban Design Strategy

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) recently adopted by Council, proposes to introduce new planning controls for the Chatswood CBD and within areas recommended for expansion of the Chatswood CBD. Council will soon commence preparation of an amending Local Environmental plan to implement the recommendations of the CBD Strategy as amended in accordance with the recommendations of NSW DPI&E in issuing its recent endorsement of the CBD Strategy.

The CBD Strategy identifies land on the eastern side of the Pacific Highway extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density by way of a building height and floor space bonus, subject to minimum site area criteria and provision of public benefit.

**Figure 9**, below, is a copy of Figure 2.3 from the CBD Strategy showing the existing and extended CBD boundary that has now been endorsed by Council. The areas of expansion to the existing CBD boundary are shown coloured light red. The subject land is located within the existing CBD boundary, a short distance to the north of the proposed southern extension to the CBD.



**Figure 9**

**Chatswood CBD  
Strategy Chatswood  
CBD Boundary**

As detailed in Section 2.2, the site is currently permitted to be developed to a maximum building height of 34m and maximum FSR of 1.7:1. The proposed planning controls retain the existing maximum building height and FSR controls, but with potential to achieve a height of up to RL 159.2 (maximum 59.62m) and an additional 4.3:1 FSR. This bonus potentially allows the site to be developed to a maximum FSR of 6:1 (including any affordable housing).

**Figure 10**, below is a copy extract of the bonus FSR and Building Height Maps from the CBD Strategy, showing the location of the subject land, within those maps.

**Figure 10 - Chatswood CBD Strategy Map Extracts of Bonus FSR And Building Height**



Maximum building height is defined by a sun access plane designed to prevent any reduction in mid-winter solar access to the public open space located nearby to the southeast of the site, at the rear of 701 Pacific Highway, Chatswood. This area of public open space is currently used by the Chatswood Croquet Club and is proposed to be “sun access protected” between the hours 12noon to 2pm. **Figure 11**, below is an extract from the CBD Strategy showing the sun access building height plane over the subject land and neighbouring properties.

**Figure 11 - Chatswood CBD Strategy Sun Access Maximum Building Heights**

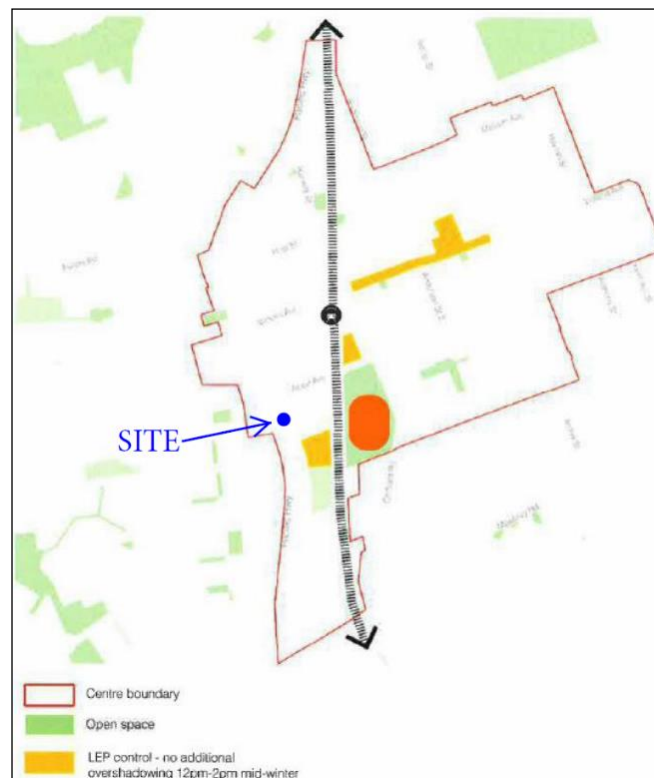




The proposed sun access plane primarily affects the eastern and southern portions of the subject land. A maximum RL of 159.2 (maximum height of 59.62m) applies in the northwest corner of the site, extending down to RL 145.7 (maximum height of 47.27m) in the southeast corner of the site.

**Figure 12**, below shows in yellow the key public spaces that are sun access protected. It should be noted that the area shown green to the south, is the Chatswood Bowling Club and associated bowling greens, which is zoned RE2 Private Recreation and is not sun access protected.

**Figure 12 Chatswood CBD Strategy Sun Access to Key Public Spaces**



The proponent has undertaken a detailed shadow impact assessment to determine a site specific DCP building envelope that ensures there is no additional shadows created to the nominated public spaces during the solar access protected hours of 11am to 2pm in mid-winter. This analysis indicates that some generally minor encroachment above the sun access plane shown in the CBD Strategy is possible, without increasing shadow impacts during 11am to 2pm in mid-winter. The refined sun access plane provides for a maximum RL of 159.2 (maximum 59.62m) along the northern tower elevation and RL 145.7 (maximum 47.27m) along the southern elevation of the tower.

The proposed concept scheme provides for a tower that steps down evenly across the site, from north to south, with a maximum RL of 155.9m along the north elevation, RL 150.4 through the central portion of the tower then down and RL 144.29 along the southern elevation of the tower. This avoids creating complex, unworkable floor plates that would result from providing a tower envelope that replicates the sun access plane heights across the site, which vary both from north to south and east to west.

The CBD Strategy proposes a minimum site area of 1,200m<sup>2</sup> for residential development that proposes to take advantage of the bonus height and FSR provisions. The subject land has an area of 1,211m<sup>2</sup> and is therefore compliant..

The subject land is adjoined on 3 sides by public roads. The adjoining property to the north contains a contemporary strata-titled 9 storey apartment tower. Accordingly, it would not be feasible both in terms of acquisition cost and getting agreement from a large number of strata lot, owners to amalgamate the subject land with the site to the north.

The CBD Strategy includes a map of opportunity sites, which identifies sites that may be available for development at the greater densities envisaged in the bonus height and FSR controls. The subject land is identified as an opportunity site (under existing strata title) within the centre of the CBD. The property to the north, containing a 9 storey apartment building is identified as a constrained site, due to the extent of high building value on the land, its relatively recent construction and its strata subdivision into a large number of separately owned strata lots.

Figure 5.2.1 of the CBD Strategy Study Report shows an indicative amalgamation pattern. The 2 subject properties No. 753 Pacific Highway and 15 Ellis Street, which comprise the development site, are identified as development site “w13” for amalgamation to facilitate redevelopment in accordance with the CBD Strategy. **Figure 13**, below, is an extract from Figure 5.2.1 of the CBD Strategy Study Report showing the pattern of amalgamation sites, including the subject land, located within central sector of the CBD.

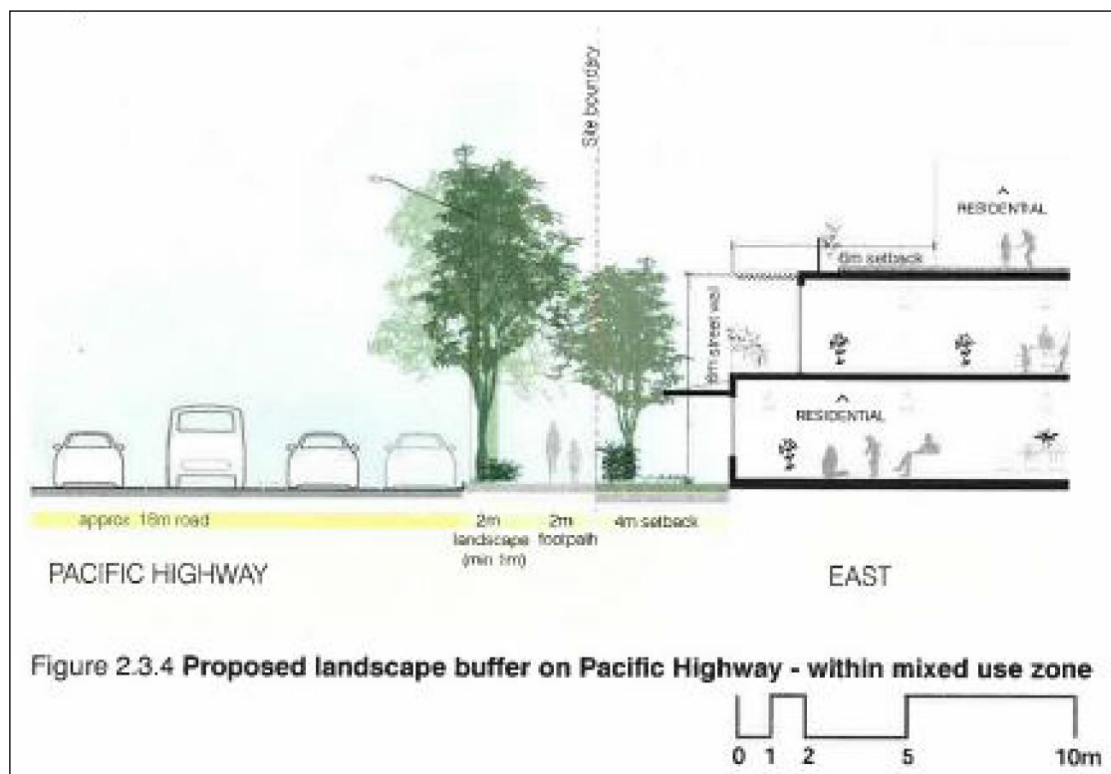
**Figure 13 – CBD Strategy Study Potential Site Amalgamation**



The CBD Strategy envisages that all developments in the proposed B4 Mixed Use Zone will contain a podium, typically of 2 to 4 storeys. The CBD Strategy recommends that commercial floor space equating to an FSR of at least 1:1 should be provided within the podium. The proposal provides for a complying 1,131m<sup>2</sup> of commercial floor space, equating to an FSR of 1:1, within the ground and first-floor levels of the podium.

The CBD Strategy provides guidelines in relation to setbacks to public roads. In the case of development fronting the Pacific Highway, the Chatswood CBD Strategy recommends a 4m landscaped front setback to the podium and a 10m front setback for the residential tower component above. This is illustrated in **Figure 14**, below.

**Figure 14 – Chatswood CBD Strategy Pacific Highway Building Setbacks**



The Planning Proposal provides for a compliant 10m tower setback to the Pacific Highway frontage of the site. A podium setback of 7m is proposed to the Highway frontage, which is 3m greater than the 4m prescribed in the CBD Strategy. The additional 3m setback within the Highway frontage of the site is to be dedicated to Council, either for a slip lane or a cycleway, or alternatively a widened public footpath reserve. The balance of the setback (4m) remaining within the site will be created as a landscaped plaza area, fronting the podium.

The residential building to the north is substantial in scale, strata titled and of relatively recent construction. Demolition in this building in the foreseeable future is highly unlikely. This residential tower provides a front setback to the Highway of approximately 7m, with a limited podium element provided, at a setback of approximately 5.5m to the Highway frontage.



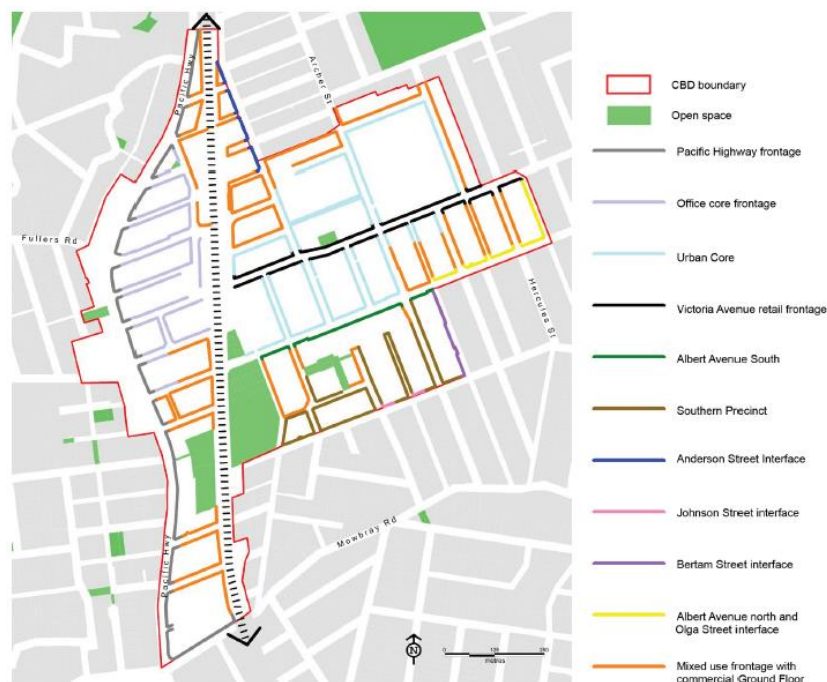
It should also be noted that the above Chatswood CBD Strategy setback diagram indicates residential floor space on the ground floor level and given Highway noise impacts, a 4m setback may be warranted in situations where residential floor space is proposed at ground level. The Planning Proposal provides commercial/retail floor space at ground and first floor levels with a setback of 7m, to the existing Highway frontage. The residential levels 2 and 3 in the podium provide a 7m setback to the Pacific Highway frontage. After dedication of the 3m wide strip of land along the frontage of the site, the podium setback will be 4m to the Pacific Highway.

From an urban design point of view, an optimal outcome would be achieved if the podium and tower of the proposed development were generally aligned with the podium and tower of the existing residential tower to the north. However, this is not possible due to the need to provide increased setbacks to the Pacific Highway to comply with the CBD Strategy.

The proposed podium Highway setback of 7m is some 1.5m greater than for the podium of the building to the north. The proposed Highway tower setback of 10m is some 3m greater than the tower of the building to the north and will be consistent with a future mixed use tower to the south at 745 Pacific Highway includes a 10m tower setback control to the Pacific Highway, as prescribed in the Chatswood CBD Strategy. .

Figure 10 of the Chatswood CBD Strategy sets out required street frontage heights and associated setbacks and is reproduced below, as **Figure 15**.

**Figure 15 – Chatswood CBD Strategy Map Extract Street Frontage Heights**



The Street Frontage Height Map prescribes a 6m to 14m high street wall (2 to 4 storeys), with a minimum 4m front setback for the podium to the Pacific Highway frontage, including short “returns” around the northeast corner and southwest corner of the site. These “returns” are also required to have a 4m boundary setback. The tower element above podium is required to have an additional 6m front setback to the Pacific Highway, providing an overall 10m minimum tower setback to the Highway frontage.

The podium, to a permitted height of between 6m to 14m is to be in the form of a street wall building with a minimum 4m setback to the Highway frontage (after dedication of a 3m strip of land along this frontage of the site) with a zero setback permitted to other property boundaries. The Street Frontage Map indicates a 4m setback return at the southwest corner of the Pacific Highway and Ellis Street and a similar setback return at the northwest corner of the Pacific Highway and Albert Avenue.

Above the podium, the tower element is required to have a minimum 3m front setback to Crispe Lane and Ellis Street up to a height of 60m. The proposed building does not exceed a height of 60m. The northern elevation of the proposed residential tower is required to provide building separation in accordance with the requirements of the SEPP 65 Apartment Design Guide (ADG).

The ADG building separation requirements are split equally between adjoining sites to determine the recommend side or rear setback. For habitable rooms and balconies, a 6m setback applies up to the 4<sup>th</sup> storey, 9m for the 5<sup>th</sup> to 8<sup>th</sup> storeys and 12m above the 8<sup>th</sup> storey. Reduced side and rear setbacks are permitted where the interface is between habitable rooms/balconies and non-habitable rooms/balconies, or where appropriate privacy protection measures are provided.

The building envelope in the concept scheme has been designed having regard to the proposed new planning controls contained in the CBD Strategy. Some variations to ADG setbacks, are sought to provide a future built form that responds to site circumstances and provides adequate floor plate sizes for the upper half of the proposed residential tower.

The table below, in **Figure 16**, summarises proposed setbacks in the concept scheme, compared with fully numerically compliant building separation. Setbacks to the Pacific Highway are shown in relation to the existing western boundary of the site.

**Figure 16 – Table of Complying and Proposed Building Setbacks**

Level	West Pacific Highway		North Neighbour		East Crispe Lane		South Ellis Sttreet	
	Complying	Proposed	Complying	Proposed	Complying	Proposed	Complying	Proposed
Ground floor & Level 1	7m	7m	0m	1m and 0m	0m	1m	0m (4m in SW corner)	0m
Levels 2 & 3	7m	7m	0m	6m	0m	3m	0m	0m
Levels 4 to 17	10m	10m	9-12m	6-8m	3m	3m	3m	3m

As noted in the table above, the CBD Strategy proposes a 4m podium setback to the Pacific Highway with such setback turning around into Ellis Street for a short distance. Given that a 10m setback is proposed to the existing Pacific Highway frontage, a 4m setback to Ellis Street in the southwest corner is considered unnecessary. Privacy protection measures are proposed for the northern elevation of the tower, wherever habitable room/balcony setbacks are less than the minimum recommended in the ADG.

The CBD Strategy includes 35 Key Elements designed to guide future development within the Chatswood CBD. The applicable Key Elements are identified and addressed in the Key Elements Assessment attached at **Appendix F**. The Planning Proposal is substantially compliant with the applicable Key Elements.

### 3. THE PLANNING PROPOSAL

#### 3.1 The Planning Proposal – Amendment to Willoughby LEP 2012

The Planning Proposal seeks to amend WLEP 2012 to rezone the subject land from R4 High Density Residential to B4 Mixed Use and include redevelopment incentives for the subject land parcels, designed to encourage site consolidation and redevelopment in accordance with the development outcomes envisaged in the Chatswood CBD Strategy and subject to provision of public benefits in the form of affordable housing, road widening and additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from 1.7:1 to 6:1 (including affordable housing) and maximum building height to be increased from 34m (10 storeys) to a maximum of 59.62m (17 storeys), equating to RL 159.2. The Planning Proposal seeks to amend WLEP 2012 to re-zone the whole of subject land to B4 Mixed Use. The proposed building envelope can accommodate 7,266m<sup>2</sup> of floor space within a 4 storey podium and 13 storey residential apartment tower above, with rooftop plant level.

The concept scheme includes 1,113m<sup>2</sup> of commercial/retail floor space and supporting storage and services space on the ground and first floor levels of the podium. A residential lobby/communal space and residential waste storage area and totaling is also provided on the ground floor. The balance of the building, comprising the 3<sup>rd</sup> and 4<sup>th</sup> storeys of the podium and the 13 storey tower will contain residential floor space, with a total assessable GFA of 5,565m<sup>2</sup>, including affordable housing, equating to 4% of total private residential floor space.

The provision of additional building height and FSR is proposed to be implemented by way of introduction of a new LEP sub-clause for the site, relating to maximum building height and FSR, where a minimum development area of 1,100m<sup>2</sup> is provided and public benefits are made available. A new clause is proposed to be inserted into WLEP 2012 to allow a building height of up to RL 159.2, which equates to a maximum height of 59.62m and FSR up to 6:1 (including affordable housing) on the site, subject to amalgamation of existing allotments to form a development site of at least 1,100m<sup>2</sup>, with no vehicular access permitted to the Pacific Highway.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land. These controls would include a minimum podium setback of 7m to the Pacific Highway (before dedication of a 3m wide strip of land along the Pacific Highway frontage) for the podium and zero side setbacks to Ellis Street, Crispe Lane and the northern side boundary for the podium, with a setback of at least 3m to Crispe Lane and 6m to the northern side boundary for the 3<sup>rd</sup> and 4<sup>th</sup> storeys of the podium. .

A tower envelope setback of 10m to the Pacific Highway is proposed, with a minimum tower side setback of 3m to Ellis Street and Crispe Lane. At the uppermost levels tower envelope setback to Crispe Lane is increased to between 6m and 13m to reduce shadow impacts.

The concept scheme provides a northern side setback of 6m to the lift/stair core of the tower envelope above and 8m to the habitable rooms/balconies in the northern elevation. The northern side boundary adjoins a contemporary 9 storey apartment building that is unlikely to be demolished and developed in the foreseeable future. In addition to a building separation of at least 16m to 17m, privacy will be enhanced by providing raised window sills, translucent glass and privacy screens to habitable spaces on the northern elevation of the tower to maximise privacy between the 2 buildings.



### 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 is commensurate with the site's strategic location along the Pacific Highway corridor, accessible to the Chatswood CBD and transport interchange and in a manner consistent with the maximum development density and building height recommended in the Chatswood CBD Planning and Urban Design Strategy.
- (b) Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, arising from site consolidation and current planning strategies.
- (c) Encourage consolidation of existing allotments to facilitate enhanced urban design and development outcomes on larger development parcels.
- (d) Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the CBD Strategy.
- (e) Enable more economic and efficient use of land in a location that is highly accessible to retail, public transport and other services.
- (f) Provide affordable housing on a site that currently is not required to provide affordable housing.
- (g) Provide for developer levies, in addition to Council's standard Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- (h) Maintain reasonable solar access between the hours 12 noon to 2pm, to the croquet and tennis court facility located nearby to the southeast of the site.
- (i) Remove an existing development that does not make a positive contribution to the character and amenity of the area.
- (j) Increase the amount of public domain and contribute to the landscaped character of the Chatswood CBD.
- (k) Provide enhanced opportunities for walking and cycling.
- (l) Achieve design excellence and high building sustainability standards.

### 3.3 Intended outcomes

The preparation of the Planning Proposal and potential building envelopes has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the CBD Strategy. This analysis has included site context, topography, aspect, solar access to public open space, relationship to neighbouring development, traffic and access, viability, development trends and market expectations.

The existing outdated apartment buildings do not enhance the streetscape or character of the locality, or suitably reflect the locational context adjoining contemporary high-rise development in the CBD. Removal of this existing low-rise development and its replacement with higher density mixed use development is consistent with the objectives of the Chatswood CBD Strategy.

The Planning Proposal would allow viable redevelopment of the subject land to provide for high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of house available for families seeking a house and garden lifestyle.

The residential tower design facilitates district views for occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.

Consolidating the existing allotments into one development site facilitates a coordinated and more efficient development of the site, a far superior outcome compared to piecemeal redevelopment of individual allotments.

The consolidated site has sufficient area, as envisaged in the Chatswood CBD Strategy to accommodate a large-scale high-rise development. It is a commonly accepted town planning practice to allow increased development yield to encourage site consolidation for medium and higher density development.

The Planning Proposal will facilitate future proposed widening of the Pacific Highway, hence improving traffic flows along this busy highway corridor. Proposed landscaping, including street trees, to the Highway frontage will provide a suitable interface between the Highway and the podium of the proposed building.

The form of the proposed tower envelope has been designed to maintain reasonable solar access to residential properties to the south and southeast.

The extent of shadows will not extend materially into the croquet and tennis court facility compared to shadows cast by existing buildings in the locality and having regard to shadows cast by existing large trees, located within the croquet and tennis court facility.

Detailed tower design will ensure reasonable neighbour privacy is maintained. The introduction of a taller building will impact on views from the more elevated apartments of neighbouring residential properties. However, reasonable view sharing is maintained having regard to the context of the site within a high-rise CBD location that has been specifically planned to accommodate increased building heights and densities.

By including substantial public benefits in the Planning Proposal, such as affordable housing, footpath widening to the Pacific Highway and additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

### 3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. These benefits are to be included in a Voluntary Planning Agreement (VPA), as well as the site being designated in WLEP 2012 for affordable housing. The public benefits are summarised as follows.

#### (a) Payment of Additional Developer Levies

The CBD Strategy proposes that where approval is sought for additional floor space and building height, beyond that provided for in the current planning controls, an additional developer levy is payable for each additional square metre of floor space above the base FSR. This levy is in addition to Council's standard \$7.12 levies.

The subject land is currently permitted to have a maximum FSR of 1.7:1, which is the designated base FSR and equates to 2,059m<sup>2</sup> of assessable residential GFA. The proposed development (excluding commercial floor space) will have an assessable residential gross floor area of up to 6,035m<sup>2</sup>, or an increase of up to 3,966m<sup>2</sup> above an FSR of 1.7:1.

The VPA Letter of Offer proposes payment of an additional developer levy in accordance with Council's yet to be finalized contributions policy for additional floor space. For example, a rate of \$180 per square metre of additional floor space (excluding 4% affordable housing floor space) in excess, of an FSR of 1.7:1 would yield an additional levy of up to \$673,740 payable to Council for the additional floor space. This cash contribution can be used by Council towards funding existing and proposed infrastructure and, community facilities. A further contribution \$10 per additional square metre (\$37,430 in total) is proposed for public art on the site and in the area.

#### (b) Provision of Affordable Housing

The Planning Proposal includes provision of 4% of residential floor space within the proposed development for affordable housing on the site. This is to be achieved by identifying the site as an affordable housing site, within WLEP 2012, as a consequence of being eligible for increased development yield. Accordingly, the proposal will include affordable housing floor space in the building, to be provided to the Council or a nominated community housing organisation, in accordance with Council's Affordable Housing Policy.

In addition to the above, the proposal will also generate more than treble the Section 7.11 levies to Council, compared with a development that has a maximum FSR of 1.7:1. A copy of the Letter of Offer, with respect to the VPA, is attached at **Appendix G**.



### 3.5 Building Envelope and Concept Plans of Proposed 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.

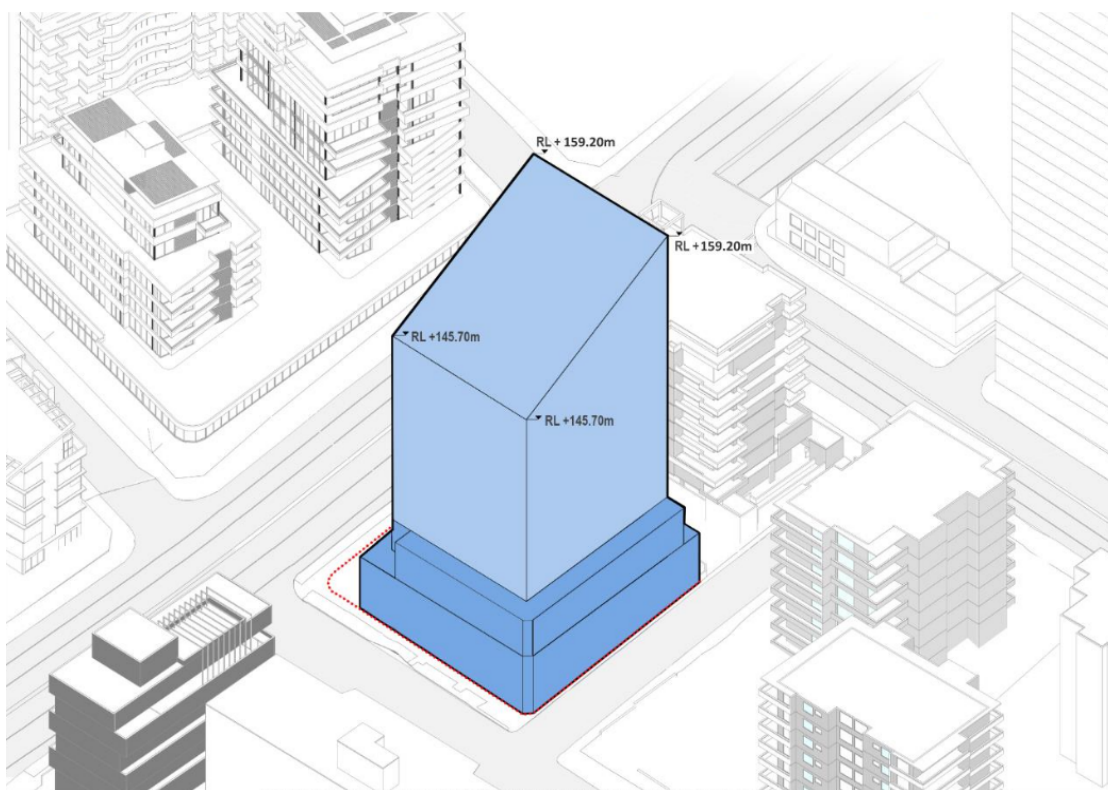
A building envelope and concept plans for the proposed redevelopment of the subject land has been prepared. A copy of the Concept Plans is attached at **Appendix B** and includes a design analysis and shadow impact assessment.

The concept plans provide for redevelopment of the site in the form of a high-rise mixed-use building, comprising basement car parking, a mixed use 4 storey podium and a 13 storey residential tower above. The building envelope accommodates a compliant maximum FSR of 6:1 and with a maximum building height of up to 59.62m is substantially less than the 90m maximum building height envisaged for most of the B4 Mixed use Zone. Maximum building height for the site in the CBD Strategy is prescribed by a sun access plane.

#### 3.5.1 Proposed Building Envelope

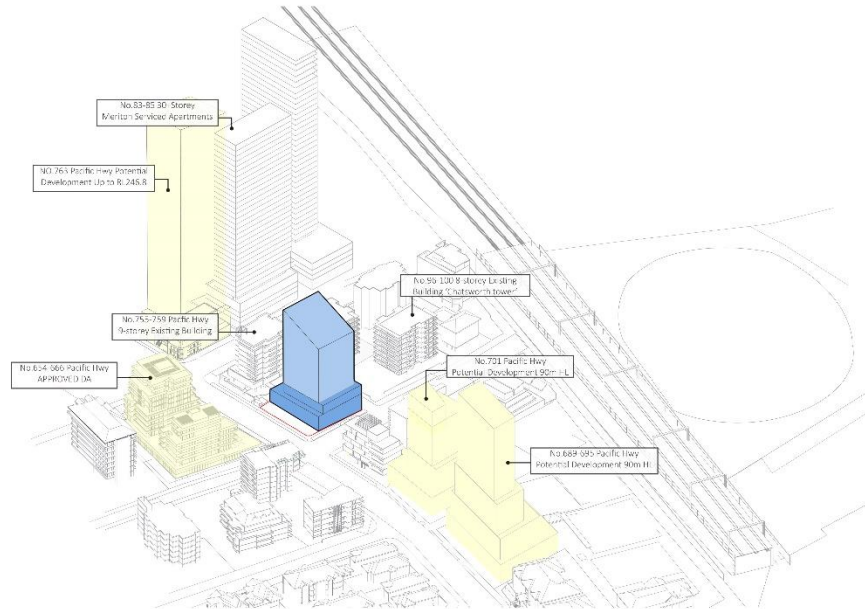
The proposed building envelope shown in **Figure 17** below, has been created on the basis of the recommended heights and setbacks included in the Chatswood CBD Strategy, with heights refined following a detailed solar access study for the site. marginally encroaches into the sun access plane. The solar access study demonstrates that the proposed envelope does not increase over shadowing to the nominated public open space areas, during the designated sun protected hours in mid-winter and therefore achieves the objectives of the sun access plane.

**Figure 17 – Proposed Building Envelope**



**Figure 18**, below, shows the preferred building envelope option in its future context. This option has no reduction in solar access to the sun protected area of the public open space to the southeast of the site, as proposed shadows are contained within existing shadows.

**Figure 18 - Preferred Building Envelope Scheme**



The preferred building envelope option proposes a 4 storey podium, with a setback to the current Pacific Highway frontage of 7m and a 10m Highway setback for the tower element. Limiting maximum building height to an RL of 159.2 (maximum 59.62m) along the northern elevation in combination with stepping down the height of the tower from north to south ensures there is no additional shadows cast into the “protected” sun access area of the public open space to the southeast, currently used for croquet greens and tennis courts, during the nominated sun protected hours of 12 noon to 2pm. This is illustrated by the orange line shown in the shadow diagrams set out below in **Figures 19A to 19C**.

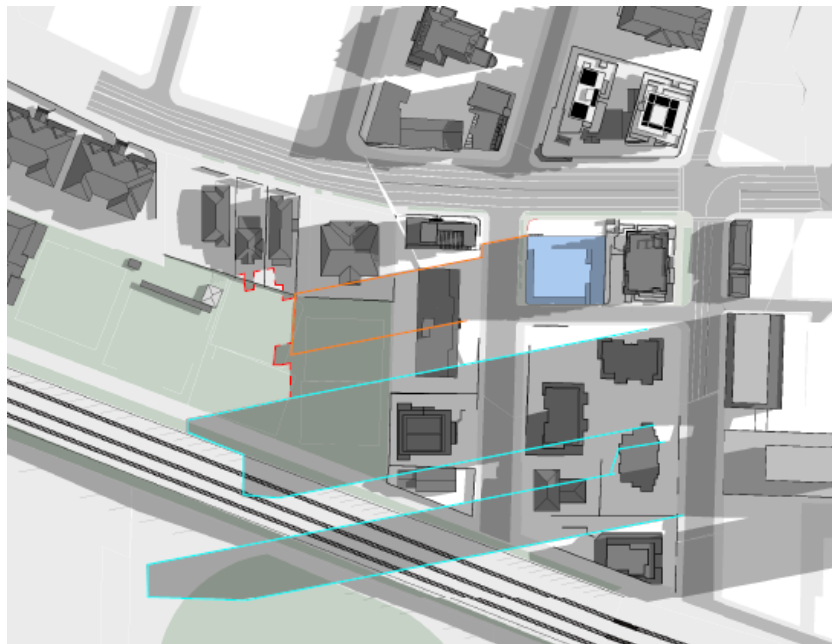
**Figure 19A – Mid-winter Shadow Diagram at 12 Noon**



**Figure 19B – Mid-winter Shadow Diagram at 1pm**



**Figure 19C – Mid-winter Shadow Diagram at 2pm**



The preferred building envelope proposes a 4 storey high podium extending up to a maximum height of 14m, in accordance with the maximum podium height permitted for the site. The 7m podium setback to the Pacific Highway is split into 2 areas. The 3m wide area adjoining the existing Highway frontage of the site is to be transferred to Council for road or footpath widening and/or a cycleway. The balance of the setback (4m) is proposed as landscaped open space in the form of a publicly accessible plaza area.



The 4m setback area complies with the Chatswood CBD Strategy recommendation that a 4m landscaped front setback be provided to the podium along the Pacific highway frontage. and a 10m front setback for the residential tower component above. The CBD Strategy proposes a zero side setback for the podium to the site's northern side boundary, Crispe Lane and Ellis Street, with a setback indentation to Ellis Street of 4m in the southwest corner of the site.

Proposed podium setbacks generally accord with the setbacks recommended in the CBD Strategy. At ground level there is a 1m setback to Crispe lane to provide some landscaping to the eastern wall of the delivery bay. A 1m landscaped setback is also provided for a portion of the northern side boundary alongside the driveway. Levels 2 and 3 of the podium are residential and include street setbacks to provide for balconies and a 6m northern wall side boundary setback to ensure adequate separation between habitable rooms/balconies located in the southern elevation of the apartment building to the north.

An indented 4m setback to Ellis Street in the southeast corner is not considered appropriate due to the substantial 7m front setback to the Pacific Highway frontage of the site and the architectural and urban design benefits of maintaining a consistent building setback in the southwest corner (see 3D CGI view in **Figure 20**).

With respect to setbacks to the Pacific Highway, the CBD Strategy indicates that a 10m tower setback is required to the Pacific Highway. The Planning Proposal provides a tower envelope with a 10m front setback to the Pacific Highway, which will remain in its existing location now that widening of the Highway in this location is no longer proceeding. This 10m setback is also at least 3m greater than the Pacific Highway tower setback of the adjoining 9 storey apartment building to the north and consistent with the 10m front setback of future mixed use tower to the Pacific highway, south of the site, as required by the CBD Strategy. .

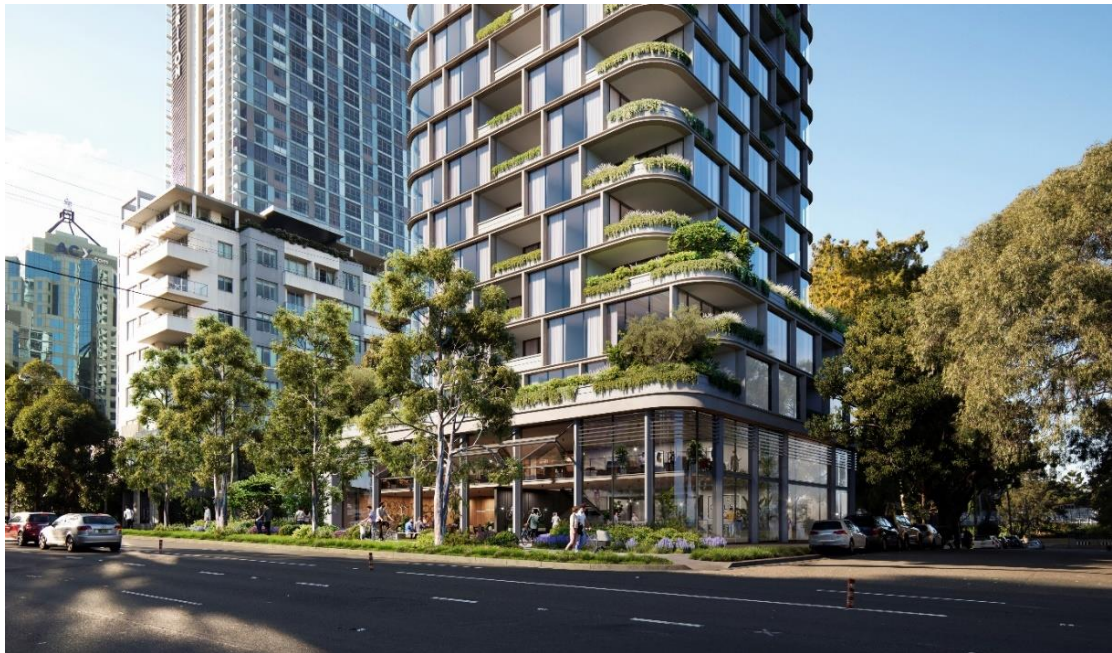
The CBD Strategy requires that residential towers above podium provide a setback ratio of 1:20, requiring a street setback of 3m for a tower that extends to a height of 60m. The proposed 13 storey residential tower above the podium extends to a height of 59.62m and provides a complying 3m setback to Crispe Lane and Ellis Street. Above the commercial levels of the podium, a tower setback of 6m is provided to the northern boundary.

With respect to the northern side boundary the CBD Strategy requires that tower building separation/setbacks comply with the SEPP 65 Apartment Design Guide. The future apartments will be required to provide window and balcony separation in accordance with the ADG and incorporate privacy protection measures such as planter boxes and privacy screens where a lesser separation distance is proposed. Northern side setback is considered in more detail in the description of the concept design.

### 3.5.2 Concept Plans

The proponent has prepared concept plans showing how a future mixed-use building could be accommodated within the proposed building envelope. **Figure 20**, on the following page shows a 3D CGI view of the reference design, as seen looking northeast from the Pacific Highway towards, at left in the view, the Meriton Tower and the existing 9 storey residential located to the north of the site. .

**Figure 20 - 3D CGI View of Indicative Building Form Looking North East**

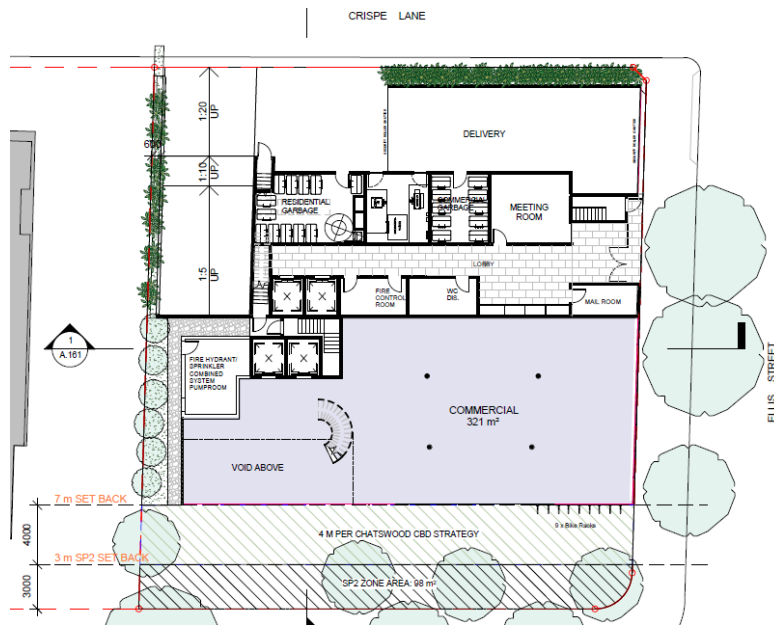


The concept plans illustrate how the proposed building envelope is capable of accommodating a total assessable GFA at least 6,678m<sup>2</sup>, including 4% affordable housing. The residential floor space of 5,565m<sup>2</sup> can accommodate 55 apartments, a lobby, communal facilities and residential waste storage. The ground floor level is proposed to contain retail/commercial floor space tenancies, a residential lobby, services and plant rooms, garbage room, lifts and stairs. A larger area of commercial floor space is proposed for the second storey of the podium, which could be subdivided into smaller tenancies. Levels 2 and 3 of the podium comprise residential floor space.

Multi-level basement car parking levels will be provided to accommodate the parking needs of the development. This basement will be accessed off Crispe Lane, adjoining the northern boundary of the site and includes 52 resident car spaces, 4 commercial tenant car spaces and 6 visitor car spaces. The various levels of the podium and tower concept design are set out in more detail below.

The ground floor level, as shown in **Figure 21** on page 27, provides a 7 metre setback to the Pacific Highway (before footpath dedication widening of 3m) and a publicly accessible plaza of approximately 123m<sup>2</sup>, located along the frontage of the site to the Pacific Highway. This space can include seating, street trees and other landscaping as envisaged in the Chatswood CBD Strategy. Additional common open space can be provided above the podium and within a roof top terrace.

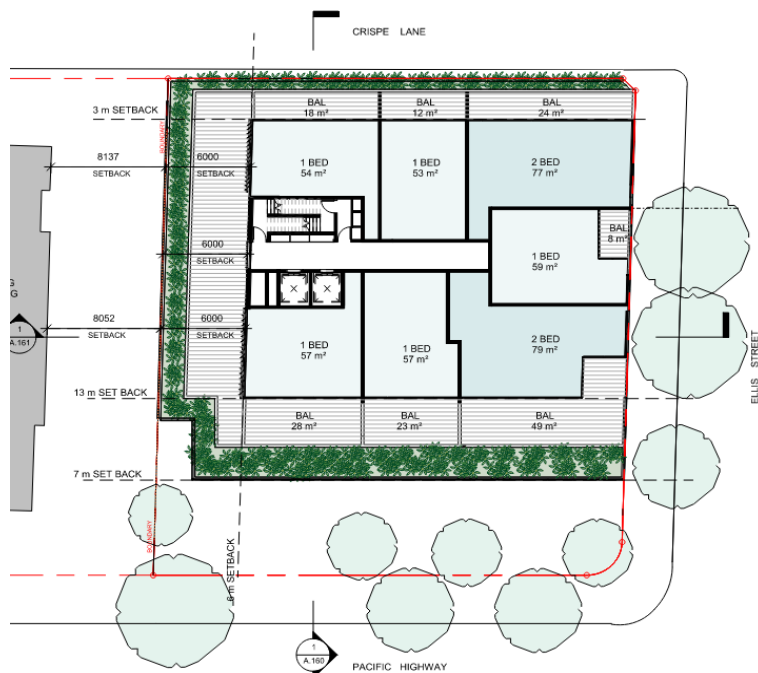
**Figure 21 - Indicative Ground Floor Plan**



The ground floor and Level 1 of the podium level provide a 7 metre setback to the Pacific Highway (before footpath widening of 3m). Levels 2 & 3 of the podium also provides a 7m setback to the Highway and a generous 6m to 8m setback to the northern side boundary. The uppermost basement level is setback to provide an increased area of deep soil fronting the site.

Level 1 of the podium is exclusively commercial floor space accommodating a large commercial tenancy of 792m², which can be subdivided into smaller tenancies or connected by internal staircase to the ground floor tenancy, to provide some 1,113m² of commercial floorspace. Levels 2 and 3 of the podium comprise residential apartments (7 on Level 2 and 5 on Level 3), as shown below in **Figure 22**.

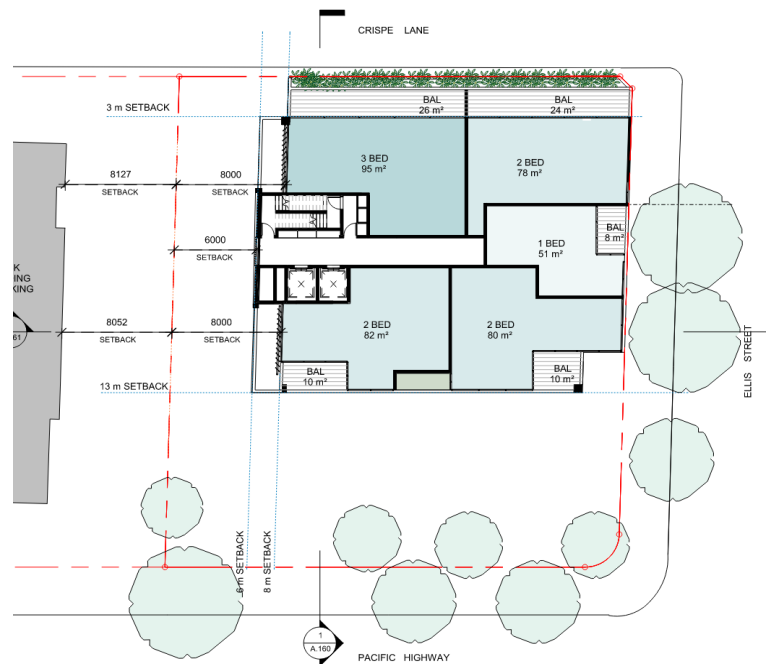
**Figure 22 – Indicative Podium Residential Level 2**





**Figure 23** below, shows the Level 3 apartments within the podium, which occupy a reduced floorplate compared to Level 2 below, due to increased setback to the northern side boundary.

**Figure 23 – Indicative Podium Residential Level 3**



The typical tower floorplate is shown in **Figure 24** below, which shows the tower floorplate for Levels 5 to 13 Building Levels 5 to 13 with setbacks of 3m to Ellis Street and Crispe Lane, 6m to 8m to the northern side boundary and 10m to the Pacific Highway (before footpath widening). Levels 14 to 16 have significantly reduced floor plates due to increased setback to Ellis Street to minimize shadow impacts.

**Figure 24 – Indicative Building Levels 5 to 13**

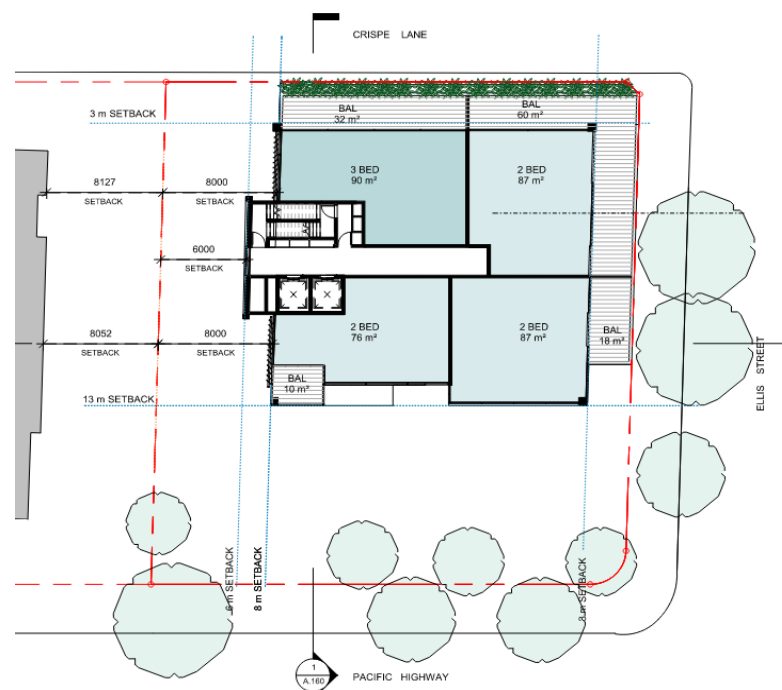


Figure 25 below, shows the communal facilities of Level 16.

**Figure 25 – Indicative Communal Facilities Level 16**

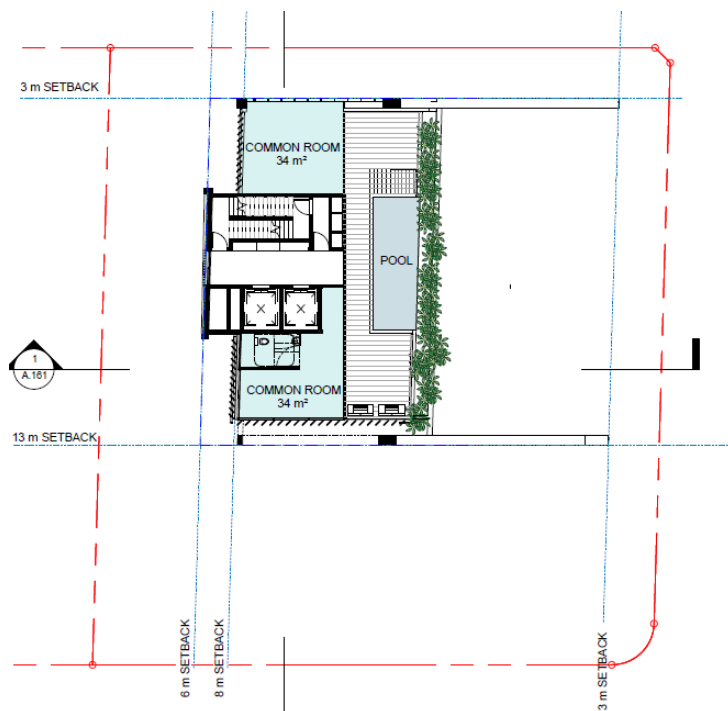
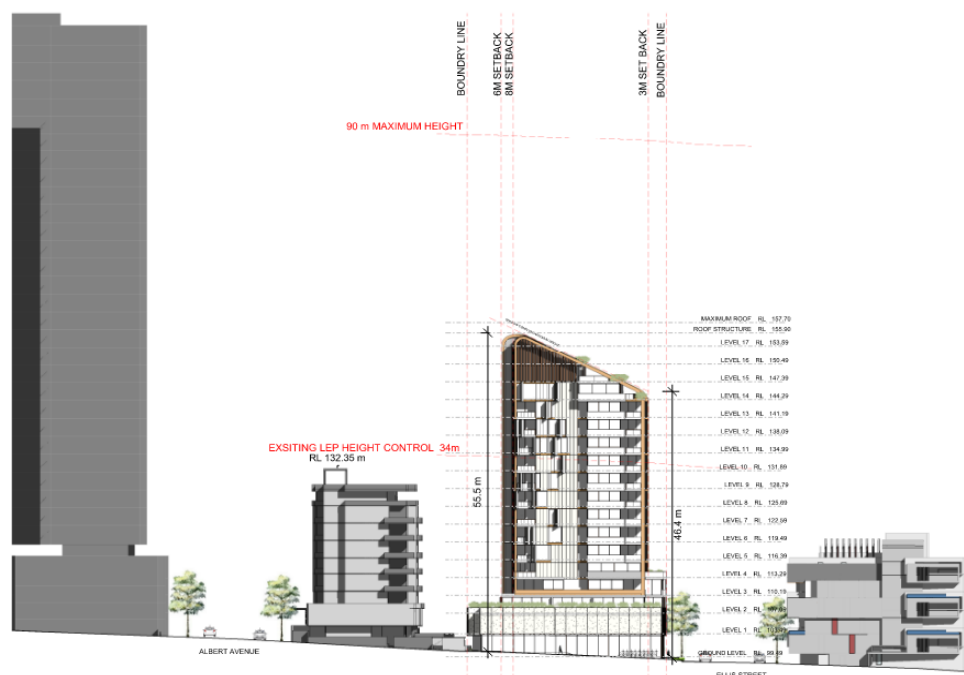


Figure 26 below, shows the how the building form in the concept plans would present to the Pacific Highway alongside neighbouring buildings. This view also illustrates how tower height tapers down to the south to ensure that shadows cast remain with the existing shadows cast by neighbouring buildings, such as the high-rise Meriton Tower, shown at left in the diagram.

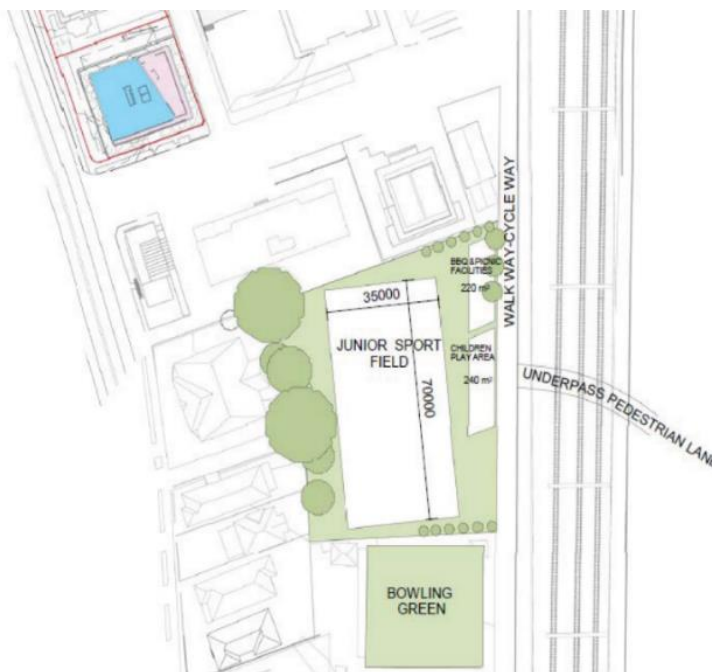
**Figure 26 – Concept Plan Pacific Highway Elevation**



Council has indicated that in the future the public open space area currently occupied by the Croquet Club may be converted to a public park, given that there is a limited supply of public parks within and adjoining the Chatswood CBD and that demand for such facilities, will increase, due to increased density. There is certainly an undersupply of junior sports fields and children's playgrounds.

Redevelopment of the croquet greens and tennis courts would likely include a landscaped buffer to the residential land to the west and north, with noisier activities such as a children's playground and BBQ/picnic facilities, together with any amenities buildings, located on the eastern side, adjoining the public walkway, with maximum separation to residential development. The existing large trees along the western side of the croquet site, would likely be retained within a corridor of landscaping along the western edge of any future public park.

A concept plan showing how a public park and junior sports field could be developed within the existing croquet and tennis court land is shown below in **Figure 26**.



**Figure 26**  
Indicative Plan of a  
Potential Public Park  
to the Southeast at  
the rear of 701 Pacific  
Highway.

There is potential for the additional developer levies generated by the Planning Proposal to assist with funding to create a wider range of recreational facilities within the above public open space area.



## 4. JUSTIFICATION OF THE PLANNING PROPOSAL

### 4.1 Section A – Need for the Planning Proposal

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

Yes.

The Planning Proposal arises from the adoption by Council of the Chatswood CBD Planning and Urban Design Strategy and its subsequent recent endorsement by NSW DPI&E. This Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries.

The subject land is located within the existing and proposed CBD boundaries and is identified for an increase in maximum building height and increase in floor space ratio (FSR) up to 6:1. These increased densities are intended to accommodate anticipated demand for additional housing in the Willoughby Local Government Area (LGA) as envisaged in the Sydney Metropolitan Strategy – A Plan for Growing Sydney, the North District Plan and Council's Local Strategic Planning Statement (WLSPPS).

The proposed new development controls, as recommended in the Chatswood CBD Planning and Urban Design Strategy, relevant to the subject land are detailed in Section 2.3 of this Planning Proposal Report. Preparation of an amending LEP will soon commence to facilitate introduction of the recommended new development controls.

Council's current planning strategy for accommodating existing and future housing demand, as outlined in the Willoughby LSPS and the Draft Housing Strategy, is to concentrate higher density development in and adjoining the Chatswood City Centre and other larger centres and transport corridors, so that existing low density suburban housing areas can be retained substantially as they currently exist. This approach is also consistent with the Sydney Metropolitan Strategy and the North District Plan.

The North District Plan aims to increase densities along transport corridors and in centres, particularly in those centres near public transport and facilitate redevelopment of existing apartment sites that are capable of accommodating increased density. The North District Plan expects the Willoughby LGA to provide more than 6,000 additional dwellings by 2036.

The Planning Proposal is also justified by an analysis of the site's context and redevelopment advantages associated with larger sites of more than 1,000m<sup>2</sup>. Such sites are capable of accommodating increased building heights and densities.

#### 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.

There is no material advantage in deferring redevelopment of the site for 2 or more years, while awaiting the introduction of the proposed new planning controls.

#### 4.1.3 Is there a net community benefit?

Yes. The subject site is capable of providing additional housing opportunities in a convenient location within easy walking distance of shops, services and high frequency public transport. Increased development yield will result in payment of additional Section 7.12 infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

The Planning Proposal includes affordable housing and a Voluntary Planning Agreement (VPA) providing for the payment of additional developer levies to Council, effectively as a “profit share” in exchange for increased building height and density.

The requested increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains outdated, low-rise apartment buildings that do not contribute positively to the modern high density contemporary urban character of the near Chatswood CBD.

## 4.2 Strategic Planning Context

#### 4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

*A Plan for Growing Sydney 2014*

The Sydney Metropolitan Plan – A Plan for Growing Sydney 2014 (the Metro Plan) was released in 2014 and provides high level strategic direction for the Sydney Metropolitan Area. The Metro Plan recognises Sydney as a global city and provides a framework for the planning and development of Sydney through to 2036.

The Metro Plan provides key directions and actions to guide Sydney’s productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space. Chatswood is nominated as one of Sydney’s strategic centres under the Metro Plan and the Chatswood CBD is identified for growth in mixed use development including offices, retail, services and housing.

With respect to housing, the goal of the Metro Plan is to provide homes that meet our needs and lifestyles, accelerate urban renewal and housing supply and provide homes close to jobs. In particular *“The Plan’s focus is on providing more housing, with a greater choice of dwelling types in well-serviced locations.”* The Plan argues that *“Residents should be able to age at home, if they wish, live close to families and friends, and travel easily to work, education and social activities.”*

The Metro Plan identifies a number of directions and actions that are directly relevant to the Planning Proposal for the subject land, as set out below.

- *Accelerate housing supply and local housing choices.*
- *Accelerate new housing in designated infill areas (established urban areas).*

- Undertake urban renewal in transport corridors which are being transformed by investment around strategic centres.
- Plan for a range of housing types.
- Deliver more opportunities for affordable housing.

The Planning Proposal is consistent with the aims and objectives of the Metro Plan for Sydney and with the directions and actions in the Plan relating to housing. The Planning Proposal provides increased housing supply and choice within an established urban area and transport corridor in a location near an important strategic centre. The proposal is also part of an urban renewal process that provides an opportunity for delivery additional affordable housing.

#### *Greater Sydney Region Plan – A Metropolis of 3 Cities*

The Greater Sydney Region Plan – A Metropolis of 3 Cities (GSRP), prepared by the Greater Sydney Commission in 2017 and adopted in 2018, is essentially a review and update of the Sydney Metropolitan Plan – A Plan for Growing Sydney and updates and strengthens the directions identified in the Sydney Metropolitan Plan.

The GSRP aims to transform Sydney into a metropolis of some 8 million people by 2056 comprising 3 connected cities comprising the Western Parkland City, the Central City and the Eastern Harbour City. Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a Strategic Centre.

The 4 key themes of the GSRP are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. With respect to housing, the GSRP advocates a greater housing supply, which is more diverse and affordable and is in the right location. In the Eastern Harbour City the provision of additional housing is proposed to occur by way of a process of urban renewal, with increased densities focused in locations close to employment and with good quality public transport and accessibility to infrastructure and services.

The proposed increase in commercial and residential density in a location within the Chatswood CBD and close to employment, services and the Chatswood Transport Interchange is consistent with the GSRP.

The GSRP is to be implemented through District Plans prepared for each area of Sydney. The City of Willoughby is identified as being located within the North District of the Eastern Harbour City

#### *North District Plan – Connecting Communities*

The North District Plan – Connecting Communities (NDP), introduced in 2018, applies to the northern suburbs of Sydney, including Chatswood and highlights the important economic role that Strategic centres such as Chatswood play in supporting the growth of Sydney as a global city. The NDP provides the district strategic planning direction for the North District through to 2056.

With respect to housing, the NDP focuses on increasing housing supply, choice and affordability with access to jobs, services and public transport and seeks to achieve more housing in the right locations, including opportunities for urban renewal. The Planning Proposal is closely aligned with this important planning objective.

The North District Plan estimates the number of jobs in Chatswood will increase from 24,700 to between 31,000 and 33,000 by 2036. Chatswood is recognised as not only being a significant commercial centre, it also incorporates high density residential, high profile retail and entertainment facilities and is an important civic and cultural centre. The North District Plan identifies the following policy directions for Chatswood:

- *maximise the land use opportunities provide by the Sydney Metro;*
- *provide height and floor space ratio incentives as part of the planning controls;*
- *promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering;*
- *enhance the role of the centre as a destination for cultural and leisure activities;*
- *promote and encourage connectivity and upgrade and increase public open spaces.*

The North District Plan sets a target of 25,950 additional dwellings by 2021, with 92,000 additional dwellings are expected to be required in the North District within the next 20 years. The Willoughby Local Government Area (LGA) is expected to deliver a 5 year housing target of 1,250 additional dwellings by 2021. Over a 20 year time frame, it is expected that at least 6,000 to 6,700 additional dwellings will be required by 2036 to meet anticipated population growth of some 13,200 persons in the Willoughby LGA.

With respect to Willoughby, the North District Plan places emphasis on urban renewal in locations that have regard to the capacity of existing and proposed infrastructure. Opportunities around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability area advocated. The PP for 3 Ellis Street directly aligns with this planning principle.

Council is required to investigate areas for additional housing capacity and identify opportunities to address demand and diversity in and around local centres and infill areas. This work has commenced with the preparation of the Council's Draft Housing Strategy and adoption Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

The Planning Proposal is consistent with the North District Plan and will assist in meeting the housing supply targets in this District Plan in a manner that is consistent with Council's Draft Housing Strategy, Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

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

##### *Willoughby Local Strategic Planning Statement*

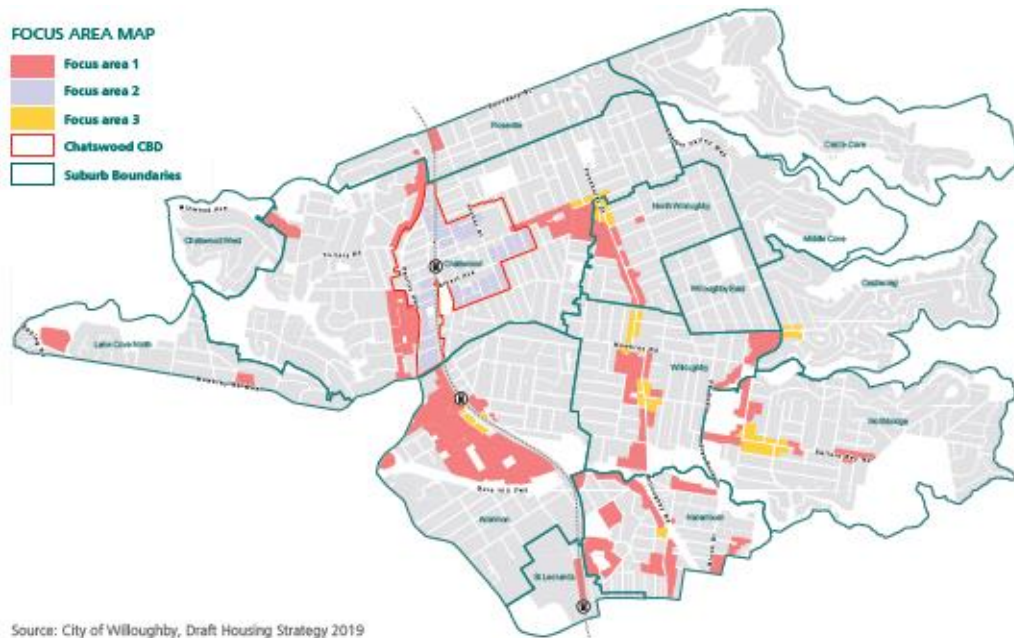
Willoughby Local Strategic Planning Statement March 2020 (WLSPS) sets out a 20 year vision for the Willoughby Local Government Area (LGA) and includes priorities and actions for land use planning that have a focus on local place values. Section 6.1 of the LSPS relates to Housing the City

With respect to housing the WLSPS places priority on increasing housing diversity to cater for families, the ageing population, diverse households and key workers and increase the supply of affordable housing.



WLSPS aims to direct increased housing density to the “right location” and identifies 3 focus areas for new housing located within walkable distance of strategic and local centres. . A substantial portion of the Chatswood CBD, including the subject land is identified as a focus area for higher density housing. The Focus Area Map in the WLSPS is reproduced below in **Figure 23**, below.

**Figure23 – WLSPS Focus Area Map**



WLSPS establishes housing intensification principles to guide increased housing density in the right locations, as set out below.

- Near local centres, schools, open space and community facilities
- With walking distance of high quality and frequent public transport
- Free from the natural hazards of bushfire and flooding
- Highly walkable, with high amenity walking and cycling routes nearby
- Outside of heritage areas/Environmental Living (E4) areas and areas with a uniform and highly valued suburban character.

The subject land complies with all the above requirements for increased housing density and is located within the edge area of the Chatswood CBD identified to accommodate increased housing density within a B4 Mix-use Zone.

*Willoughby Community Strategic Plan 2010-2025*

Willoughby’s Community Strategic Plan 2010-2025 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 12 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 goals are to meet the demand and government requirements for additional housing in a manner that protects local residential amenity and character and satisfies the needs of an ageing population. Emphasis is placed on affordability and housing choice to meet changing demographics and provide new housing in locations accessible to public transport and services.

The form of apartment development envisaged in the Planning Proposal has an emphasis on providing well designed high density living with a focus on affordability and meeting the needs of smaller households such as singles and couples and the retired, particularly those seeking to downsize. Provision of lifts and adaptable housing, adjacent to high frequency bus services is well suited to the needs of aging in place.

The proposed broad mix of apartment sizes will appeal to a broad range of apartment purchasers from investors and those seeking an affordable entry into the housing market to persons seeking a prestige large apartment located in the upper half of the building, offering expansive district views.

In recognition of the mixed-use zoning, commercial floor space is proposed on the ground floor and western portion of the first floor in a format suitable for commercial uses seeking a more affordable city edge location. There are currently no employment land uses on the site. The proposed 1,113m<sup>2</sup> commercial floor space is likely to provide space for up to 55 jobs. Such an outcome is consistent with the objective of protecting employment areas and providing opportunities for local employment.

The siting of the proposal within easy walking distance to the Chatswood Transport Interchange and retail and other services within the Chatswood CBD contributes to achieving the objective of reducing car dependency.

The proposal provides for affordable commercial floor space in a configuration that is ideally suited to small businesses seeking a location adjoining the Chatswood CBD Core and close to public transport. 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 the Willoughby City Strategy 2013-2029 and will assist in achieving the relevant objectives of the City Strategy.

#### *Willoughby Draft Housing Strategy 2019*

As noted in consideration of the strategic planning framework, Willoughby City Council has prepared and exhibited a Draft Housing Strategy, which aim to address the future housing needs of the Willoughby LGA, as outlined in the North District Plan (NDP).

The Draft Housing Strategy aims to ensure there will be sufficient housing supply and mix of housing to meet housing requirements as anticipated in the NDP. Increased housing density is to be focussed in larger centres and locations within walkable distance of transport and other services. It is also proposed to increase the supply of affordable housing. The Strategy is designed to protect existing low-density housing areas, including the many heritage conservation areas from increased density to maintain the character of those areas and in the interests of housing choice and diversity.

The Draft Strategy proposed that additional housing would be located within identified local centres and on the edge of Chatswood CBD as part of mixed-use developments, as recommended in the Chatswood CBD Planning and Urban Design Strategy to 2036. New upzonings are to include provision for affordable housing.

The Planning Proposal is consistent with the objectives of the Willoughby Draft Housing Strategy and the site is within the proposed mixed-use area located on the edge of the Chatswood CBD. Increased housing density on the subject land is therefore, consistent with Council's Draft Housing 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
<b>SEPP 55 – Remediation of Contaminated Land</b>  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 a long history of residential use and is not the subject of land contamination risk. A risk assessment under SEPP 55 is not considered necessary. Demolition waste would be managed in accordance with Australian Standards to ensure safe management and disposal of any potentially contaminated demolition waste. This would be dealt with at the development application stage.
<b>SEPP (BASIX) 2004</b>  Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.	This SEPP will apply to future proposed apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.
<b>SEPP 65 – Design Quality of Residential Flat Development</b>  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 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards.  Adequate tower building separation is provided to adjoining and adjacent sites. All apartments will comply with minimum floor areas and other design criteria specified in the ADG. More than 90% of apartments

	<p>achieve natural cross ventilation. Due to the significant shadow impact of the Meriton building to the northeast it is not possible to achieve 2 hours mid-winter solar access to at least 70% of apartments. At least 82% can achieve a minimum of 1.5 hours of mid-winter solar access, with at least 60% achieving a minimum of 2 hours. In excess of 70% of apartments will receive at least 2 hours mid-winter solar access during the hours 8am to 4pm.</p> <p>A SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site. A SEPP 65 ADG assessment relating to primary design principles and criteria, relevant to the proposed building envelope is included in <b>Appendix B</b>.</p>
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### 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)?

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>1. EMPLOYMENT AND RESOURCES</b>	
<b>1.1 Business and Industrial Zones</b> 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.	Not Applicable – 92% of the site is zoned residential. The proposed B4 Mixed Use Zone will increase the amount of employment land and employment opportunities, an outcome that supports the objectives of the Chatswood CBD Planning and Urban Design Strategy.
<b>1.2 Rural Zones</b>	Not Applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not Applicable
<b>1.4 Oyster Aquaculture</b>	Not Applicable
<b>1.5 Rural Lands</b>	Not Applicable
<b>2. ENVIRONMENT AND HERITAGE</b>	
<b>2.1 Environment Protection Zones</b> 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).
<b>2.2 Coastal Protection</b>	Not Applicable
<b>2.3 Heritage Conservation</b> 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 items, which are located north of Albert Avenue (Chatswood Public School and the former fire station building at 767 Pacific Highway).



<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<b>3.1 Residential Zones</b> 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.	YES - The site is located within an R4 High Density Residential Zone. The proposed rezoning to B4 Mixed Use will maintain high density housing opportunities for the site, in the form of shop-top housing apartments. The increased residential density provides for a broad mix of apartments sizes that will provide for existing and future housing needs. The proposal provides significant increased housing choice, makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable
<b>3.3 Home Occupations</b> 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.
<b>3.4 Integrating Land Use &amp; Transport</b>  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 and employment in a location which is within easy walking distance of a city centre offering employment and services, including high frequency public transport services and excellent access to jobs and services in the Chatswood CBD and by way of high frequency public transport, to other 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.
<b>3.5 Development Near Licensed Aerodromes</b>	Not Applicable
<b>3.6 Shooting Ranges</b>	Not Applicable
<b>4 HAZARD AND RISK</b>	
<b>4.1 Acid Sulfate Soils</b>	Not Applicable
<b>4.2 Mine Subsidence and Unstable Land</b>	Not Applicable
<b>4.3 Flood Prone Land</b>	Not Applicable
<b>4.4 Planning for Bushfire Protection</b>	Not Applicable
<b>5. REGIONAL PLANNING</b>	
<b>5.1 Implementation of Regional Strategies</b> The objective of this Direction is to ensure that draft LEPs are consistent with the nominated regional strategies.	YES

DIRECTION	CONSISTENCY Yes/No or Not Applicable
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
<b>6. LOCAL PLAN MAKING</b>	
<b>6.1 Approval and Referral Requirements</b> 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.
<b>6.2 Reserving Land for Public Purposes</b>	Not Applicable (no land is proposed to be reserved for public purposes)
<b>6.3 Site Specific Provisions</b> 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 and public benefits. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative plans of a potential future mixed-use podium and tower building are included in order to objectively assess the implications of allowing increased building height and FSR.
<b>7. METROPOLITAN PLANNING</b>	
<b>7.1 Implementation of the Metropolitan Plan – A Plan for Growing Sydney 2014</b> 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 – A Plan for Growing Sydney 2014	YES – the proposal is consistent with the implementation of the Metropolitan Plan – A Plan for Growing Sydney 2014 as detailed in Section 4.2 of this Planning Proposal Report.

#### 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 and first floor level floor space for future commercial/retail activities. The proposal will increase employment potential on the site and increase the area of employment lands, as the proposed B4 zoning will allow for employment activities on the site, currently not permitted.
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 North District Plan. The subject land is located within 800m of an important metropolitan regional city centre and public transport interchange (Chatswood) and is located within Pacific Highway transport corridor. The proposal will not adversely impact on Chatswood City Centre or the Pacific Highway corridor.
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 – A Plan for Growing Sydney 2014 and the Draft North District Plan, 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 is located close to the Chatswood CBD which is identified as a Strategic Centre and is in a location that is within easy walking distance to a transport hub/interchange in the Chatswood CBD.
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. The cumulative effects of increased building heights and densities in the locality have been considered in the Chatswood CBD Urban Design and Planning Strategy. Increased employment opportunities are planned for Chatswood and major enhancements to public transport to and from Chatswood are being implemented over the next 10 years to cope with increased residential densities. The Council is also proposing to improve local infrastructure, public open and community facilities, by utilising additional developer levies arising from higher density development.
Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners?	No. The subject land is located within an area identified in the Chatswood CBD Planning and Urban Design Strategy for increased development density and building height. Accordingly, the proposal does not create a precedent for increased development density and building height in locations not identified in the Strategy for such development.
Will the LEP be compatible / complementary with surrounding land uses?	Yes. As detailed in the Planning Proposal Report, the site is adjoined by medium and high density residential land uses. These sites have also have been identified for increased development density and building height. The proposed tower envelope has been designed to maintain reasonable neighbour residential amenity (privacy, outlook and solar access), pending redevelopment of those sites in accordance with the proposed planning controls.

## 4.3 Section C – Environmental, Social and Economic Impact

### 4.3.1 Traffic and Transport Considerations

The Planning Proposal is accompanied by a Traffic Impact Assessment Report prepared by The Transport Planning Partnership (TTPP), addressing local traffic, public transport, cycling and pedestrian movement and car parking demand (copy attached at **Appendix C**). This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity and adequate off-street parking can be provided.

The proposal will result in a modest increase in peak hour traffic of around 15 vehicle trips per hour, above current trip generation of the existing low rise medium density development on the site. No road improvements are required as a result of the proposal and the projected additional traffic flows will not have any adverse effects on the operational performance of intersections adjoining and near the site. The proposal includes dedication of land for future widening of the Pacific Highway.

The traffic consultant confirms that vehicular access off Crispe Lane, as proposed, is appropriate and suitably designed required car parking, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards, SEPP 65 and Council's proposed reduced car parking rates for development in the Chatswood CBD Strategy area. Required car parking is to be can be provided in 4 basement parking levels capable of accommodating 52 resident car spaces, 4 commercial car spaces and 6 visitor car spaces. The concept plan provides for a ground level loading bay off Crispe Lane, enabling trucks to enter and leave in a forward direction.

### 4.3.2 Environmental Considerations

#### 4.3.2(a) 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. A small number of existing trees and domestic scale landscaping will be removed.

Replacement tree planting and landscaping is proposed, generally in accordance with the landscape concept plan, a copy of which is attached at **Appendix G**.

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

##### *Site Suitability*

The Chatswood CBD Urban Design and Planning Strategy 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, acid sulphate soils, land slip, mine subsidence, land contamination and the like.



Prior to demolition of existing buildings a hazardous building materials assessment would be undertaken and any hazardous material such as asbestos, be managed and removed in accordance with *National Code of Practice; How to Safely Remove Asbestos* (Safe Work Australia 2016). This is a matter which is more appropriately addressed at the development application stage.

#### *Acoustic Environment/Impacts*

Future residential development on the site would be impacted by road noise as the site adjoins a busy Pacific Highway. There is also potential for some incursion of train noise from the nearby North Shore Railway Line. The NSW Planning *Development Near Rail Corridors and Busy Roads* applies to the site.

The Planning Proposal is accompanied by a preliminary acoustic assessment that identifies the existing acoustic environment and includes recommendations to minimise noise intrusion.

The Acoustic Report, at Table 5, sets out recommendations with respect to glazing for the west, north and south facing glazing of the building. This includes laminated glazing and wintergardens, or where no wintergardens are proposed, the use of double glazing. On the eastern elevation, where noise intrusion is less of an issue, laminated glazing is considered to be sufficient.

Noise intrusion associated with open windows is recognised as an issue. The Acoustic Report recommends that an appropriate ventilation system be installed so that windows can be kept closed when noise levels are high.

Suitable noise attenuation measures will need to be incorporated into the design and construction of the future building, to reduce noise levels within apartments to not more than 30dBA. No residential uses are proposed at very high noise exposure locations such as at the ground floor level, or first floor level of the podium, fronting the Pacific Highway.

Development of the site at the higher density proposed, will not result in any material adverse noise impact on neighbouring residential development. There is potential for mechanical services to generate noise that may impact on residential amenity. The preliminary acoustic assessment recommends that mechanical plant be of a type that generates low noise and be located and orientated to minimise potential for noise impact and include noise attenuation measures such as vibration isolators, acoustic louvres/shields, partial or full enclosure, silencers and acoustically lined and lagged ductwork.

Acoustic modelling and more detailed acoustic assessment and noise attenuation solutions would be undertaken at the development application stage, in conjunction with the design of the building that is to be developed within the proposed building envelope.

A copy of the preliminary acoustic assessment report prepared by Renzo Tonin Associates is attached at **Appendix D**.

### *Shadow Impacts*

Shadow diagrams have been prepared by Architecture Urbania, illustrating the shadow impact of the preferred building envelope envisaged in the Planning Proposal. These shadow diagrams also include shadows cast by existing buildings and are included at **Appendix B**.

The shadow diagrams illustrate the increased extent of shadowing arising from the proposed building envelope in comparison to existing shadows. The shadow diagrams also include more detailed shadow impact assessment in the solar access protected public open space to the southeast of the site, comprising the Croquet Club greens and tennis courts. There will be no increase in overshadowing of these public spaces during the mid-winter sun protected hours of noon to 2pm.

There will be an increase in overshadowing to the existing north facing private open space/balconies and living rooms of the apartment buildings directly to the south of the subject land. Shadow impacts are predominantly confined to the middle of the day and early afternoon. However, these north-facing elevations will continue to receive at least 2 hours and for the most part at least 3 hours mid-winter solar access.

### *Privacy Impacts*

Development of the site at the higher density proposed, will not result in adverse privacy impacts on neighbouring residential development. Significant building separation distance of more than 24 metres is provided to existing or future high rise residential development to the south, east and west of the site and the additional built form that is above the existing 34m height limit, is where views will be over the top of existing buildings.

The ADG 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 east. Typically, ADG separation distances are split 50/50 between adjoining development sites.

The ground and first floor levels of the podium in the concept scheme are non-residential and have solid masonry walls on the northern side. The residential 3<sup>rd</sup> and 4<sup>th</sup> storeys of the podium provide a 6m northern side boundary, which complies with the ADG for levels up to the 4<sup>th</sup> storey.

The ADG prescribes a minimum separation distance of between 6m and 9m for floor levels above the 4<sup>th</sup> storey (Level 4), up to the 8<sup>th</sup> storey (Level 7), where the interface is to the habitable rooms of an adjoining building. The non-habitable areas of Levels 4 to 7 of the concept scheme, comprising the lift and stair core provides a compliant 6m minimum northern side setback. The habitable rooms/balconies provide an 8m northern side setback, which is marginally non-compliant with the ADG. However, an adequate separation distance of 16m to 17m is provided and windows are provided with translucent glass and/or privacy screens and the northern side on any balconies will also be provided with privacy screens.

Above the 8<sup>th</sup> storey, the ADG prescribes a 9m to 12m boundary setback (18m to 24m building separation), where the interface is to the habitable rooms of an adjoining building.

Above the 8<sup>th</sup> storey (i.e. from Level 8 upwards) the concept scheme provides a minimum northern side setback of 6m is proposed to the lift/stair core. The habitable rooms/balconies provide an 8m northern side setback, which is non-compliant with the ADG. However, an adequate separation distance of 16m to 17m is provided and windows are provided with translucent glass and/or privacy screens and the northern side on any balconies will also be provided with privacy screens.

Above Level 12 of the concept scheme tower, privacy impacts to the north are minimal, as the northerly view is over the roof of the apartment building to the north. In such circumstances a boundary setback of 8m for habitable rooms is considered reasonable. The extent of any numerical northern side setback ADG non-compliance is essentially confined to 3 storeys of the tower, being Levels 8 to 11 and proposed privacy measures ensure the 3m numerical non-compliance does not result in any privacy impact.

Increasing the setback of these 3 floor levels would result in Levels 12 and above overhanging, creating an undesirable building form. The alternative of increasing northern setback of the whole of the tower, above Level 7, to 12m would have a significant adverse impact on floor plate size, for no material urban design or amenity gain.

The northern elevation above Level 7 can be carefully designed to maintain neighbour privacy, with a northern setback, as proposed, of 8m. 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, compared to a building with a height of 34m, similar to the apartment building to the north and as currently permitted by WLEP 2012.

The southern elevation of the building to the north currently has views over the site, towards the North Sydney and Sydney City skylines to the southeast. These views are across a side boundary and arise because the existing buildings on the development site are low rise, extending to a height more than 20m lower than the currently permitted maximum building height of 34m. Given this context and the CBD location, it is not feasible or reasonable to preclude redevelopment of the site to a height that does not exceed the height of the existing buildings on the site.

The northern elevations of apartment buildings to the south of the development site currently enjoy views of the Chatswood CBD skyline. The proposed development will have minimal impact on these city skyline views and will in fact be subsumed into the city skyline view.

The proposal complies with view sharing principles and view impacts are minimal compared to view impacts that would arise from redeveloping the site to a building height of 34m, as permitted under the current planning controls.

Visual impact arising from the increase in building height and density, within the building envelopes proposed, is acceptable having regard to the site's CBD context, the comparative view impacts associated with a new building under the current height control and having regard to proposed future planning controls for the locality, which envisage tall residential towers constructed above 2 to 4 storey podiums.

#### *Wind Impact*

Tall tower buildings have potential to create adverse wind impacts at ground level. The Planning Proposal is accompanied by a preliminary wind impact assessment, a copy of which is attached at **Appendix E**. This preliminary assessment includes in-principle recommendations and conclusions, as follows:

*“The pedestrian footpath areas along Crispe Lane are expected to benefit from the shielding provided by the surrounding built-up building forms. Furthermore, the ground level areas will benefit from the tiered setback design of the development, which will disrupt the winds captured and down washed by the tower. However, the pedestrian footpath areas along the Pacific Highway and Ellis Street have the potential to be exposed to the prevailing southerly and westerly winds due to the orientation of the streetscape. These prevailing winds have the potential to be captured by the development façade, side streamed along the footpath areas and may result in accelerated flows at the corner of Ellis Street and Pacific Highway. For ground level areas in-principle treatments are recommended as follows:*

- *Awning along the Pacific Highway and Ellis Street frontages.*
- *Retention of existing and proposed trees/landscaping plan*

*The recommended trees should be of a dense evergreen species capable of growing to a height of at least 3-5m with a minimum of a 3m wide canopy.*

*A number of private balconies from Levels 1-12 benefit from the recessed design into the tower form. It is recommended to retain the landscaping along the eastern boundary balconies on Levels 1 and 2. Similarly, it is recommended to retain landscaping around the Level 3 perimeter. The proposed shrubs should be of an evergreen density foliage species and capable of growing to a height of at least 1m above a 0.5m planter box. It is recommended that a full height blade wall between the balcony areas on the western aspect of Level 3.*

*The corner balconies on Levels 4-13 are exposed to the prevailing winds from the southerly, westerly and north-easterly directions. It is recommended that full height screen/louvres should be included along the shorter southern and western edges of these corners to mitigate any adverse wind effects within these areas.*

*Similarly the east-west balconies on the southern side of Levels 14 and 15 are exposed to the southerly winds potentially accelerating around the corner of the development. It is recommended that impermeable balustrades be incorporated along the perimeter of all the private balcony areas.”*

Wind testing and more detailed wind impact assessment would be undertaken in conjunction with building design, at the development application stage



### *Heritage Impact*

The subject land is not located within a heritage conservation area and there are no heritage items on or near the site. The nearest heritage items are located north of Albert Avenue, being the Chatswood public School and the former fire station building at 767 Pacific Highway, Chatswood.

The proposal would have minimal if any impact on the heritage values of these structures or view lines to and from those buildings. There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

### **4.3.3 Urban Design Considerations**

The Planning Proposal is accompanied by an Architecture and Urban Design Report prepared by Architecture Urbania, addressing urban design issues such as the existing and future site and development context, development yield, building mass and floor plates, height and FSR, building setbacks, streetscape views, shadow and view impacts, sustainability, landscape concepts and design excellence process.

A copy of Architecture Urbania's report is attached at **Appendix B**. This urban design analysis includes exploration of building envelope options. The preferred building envelope extends to a height of 17 storeys, stepping down in height to the south, with a 10m tower setback to the Pacific Highway and 6m to 8m tower setback to the northern boundary.

The preferred building envelope has viable floor plate areas, without having any material impact on solar access between the nominated hours 12noon to 2pm in the public open space area to the south east of the site. This is achieved by providing a substantial eastern side setback and angling the eastern elevation to optimize solar access to the subject public open space, before 2pm.

Podium and tower setbacks to the Pacific Highway are designed to be compatible with the Highway setbacks of the existing 9 storey apartment building to the north, to ensure a consistent streetscape building alignment.

The ground floor plan provides a generous area of landscaped public domain fronting the Pacific Highway. Additional common area open space is provided on Level 16, where all residents can have access to district views.

The urban design analysis also includes an assessment against the design principles and criteria of SEPP 65 and the associated Apartment Design Guide (ADG). Apart, from internal solar access, the proposed development substantially complies with the primary controls of the ADG.

Due to the significant overshadowing of the site in the morning by the nearby Meriton high-rise building to the northeast of the site, on the northern side of Albert Avenue, it is not possible to achieve a minimum of 2 hours mid-winter solar access to at least 70% of units between the hours 9am to 3pm in mid-winter. If the shadows cast from the upper levels of the Meriton building are excluded, the proposal would achieve solar access compliance, as east facing units in the lower portion of the proposed building would achieve 2 hours solar access..

If solar access is assessed within the extended hours 8am to 4pm in mid-winter, more than 70% of apartments achieve 2 hours solar access. Given the CBD high rise context of the site and the development of the Meriton site, notwithstanding its significant shadow impacts, it is considered that a reasonable level of solar access will be provided.

At least 89% of apartments will receive a minimum of 1 hour of mid-winter solar access, with at least 60% achieving 2 hours solar access and more than 70% achieve 2 hours solar access if measured between 8am and 4pm mid-winter.

#### **4.3.4 Economic Considerations**

The proposed increase in development density aligns with the recommendations of the Chatswood CBD Planning and Urban Design Strategy and is consistent with an important objective of the *Environmental Planning and Assessment Act*, which is to promote the orderly and efficient development of land.

Businesses occupying the proposed commercial floor space will provide ongoing office and retail/office employment for at least 50 people. The proposal will also result in creation of more than 100 construction related jobs during the construction phase and over the life of the development create employment opportunities relating to building services and maintenance.

Increased population on a site in close proximity to 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.

#### **4.3.5 Social Considerations**

The proposal will not result in any adverse social impacts. The provision of additional apartment living opportunities, as envisaged in Council's Housing Strategy and the Chatswood CBD Planning and Urban Design Strategy will contribute positively towards the social fabric of the local community and viability of local services such as retailing and public transport.

The provision of additional 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. Increasing housing supply in such locations contributes positively to housing affordability and encourages "downsizing" where by low occupancy single dwellings occupied by older residents can be made available for purchase by families, as older residents are able to move into more suitable accommodation, without their local area. Provision of affordable housing is also a positive social outcome.

Increased residential population will increase demand for a range of public services and facilities, such as schools, childcare, health services, community services, recreational facilities and open space. Additional developer contributions and future rating income will assist in funding augmentation of local services. Stamp duty from property sales will assist in funding State Government social infrastructure.

#### **4.4 State and Commonwealth Interests**

##### **4.4.1 Is there adequate public infrastructure for the planning proposal?**

###### *Site Services (Water, Sewer and Drainage)*

The site is located within an existing developed area that is well catered for in terms of service infrastructure. We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges.

###### *Education and Health Services*

The area within which the proposed development is located has convenient access to education and health facilities. A high school and primary school are within close walking distance of the site, to the north on the western side of the Pacific Highway. Private hospital services are available in the nearby Chatswood CBD and a major public and private hospital is located less than 4kms to the south at Royal North Shore Hospital.

###### *Roads, Traffic and Transport*

Traffic generation has been considered in Section 4.3.1. 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 and nearby intersections. The proposal does not require vehicular access from the Pacific Highway and will provide adequate on-site parking to meet parking demand.

The recently completed Chatswood CBD Traffic Study has indicated that traffic generation arising from planned future development in the Chatswood CBD can be accommodated within the existing road network and widening of the Pacific Highway is not necessary.

The site adjoins existing high frequency bus services, via existing nearby bus stops on the Pacific Highway. The site is within convenient walking distance of Chatswood Railway Station and Transport Interchange.

Additional rail services to and from Chatswood Station will soon be available with the completion of the extension of the northwest rail link to the Sydney CBD and thereafter to Bankstown.

##### **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

The proponent has undertaken consultation with Willoughby City Council, as part of the preparation of the Planning Proposal. Council has also undertaken an extensive community consultation process as part of the preparation and subsequent adoption of the Chatswood CBD Planning and Urban Design Strategy. This Strategy recommended bonus building height and FSR provisions for land within and near the Chatswood CBD, including the subject land and received broad community support for its objectives of focusing increased development density in and near the Chatswood CBD so that existing low-density suburbs could be maintained substantially intact.

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, having regard to the context of the site, adjoining a major CBD within an existing high density residential area, which is planned to be developed for significantly increased density comprising high rise towers up to 90 metres in height.

## 5 Conclusion

This Planning Proposal seeks amendment of Willoughby LEP 2012 to rezone the subject land from SP2 – Infrastructure and R4 Residential High Density to B4 Mixed Use and introduce a new sub-clause allowing for bonus building height and floor space, subject to site amalgamation and public benefits, as envisaged for the site and locality in Council’s Chatswood CBD Planning and Urban Design Strategy.

The requested subclause would allow for a maximum building height to RL 159.2 (17 storeys, tapering down in height to the south) and a maximum floor space ratio of up to 6:1 (including affordable housing), with commercial floor space provided within the ground and first-floor levels of the podium.

Utilisation of bonus floor space is proposed to be subject to site amalgamation, designation of the site within WLEP 2012 as an affordable housing site and a Voluntary Planning Agreement providing for dedication of land for future widening of the footpath on the eastern side of the Pacific Highway, payment of a developer levy (additional to Council’s standard section 7.11 charges) in accordance with Council’s proposed contributions policy for each additional square meter of residential floor space (excluding affordable housing), above an FSR of 1.7:1 and public art in accordance with Council’s public art policy.

This Planning Proposal Report has demonstrated that the subject land, if developed as a single amalgamated parcel can be suitably developed to an assessable FSR of up to 6:1 and maximum building height of RL 159.2 (maximum 59.62m above existing ground level), within the recommended building envelope. The upper portion of the tower has been designed to ensure there is no increased overshadowing on the sun protected public open space to the southeast, during the nominated hours of 12noon to 2pm, mid-winter.



Having regard to the site circumstances, including the sun access plane and privacy protection measures proposed for habitable rooms/balconies in northern elevation, some flexibility with respect to ADG recommended side setbacks to the northern side boundary is reasonable and will not create a precedent for future development to the north of Albert Avenue, or south of the site, along the Pacific Highway.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located adjoining the Chatswood City Centre and transport interchange, in a locality that is appropriate for high rise mixed use development and in a manner that is generally consistent with the objectives and development controls proposed in the recently endorsed Chatswood CBD Planning and Urban Design Strategy.

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