

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The overall site which is the subject of this Planning Proposal involves:

- 871-877 Pacific Highway, Chatswood, being SP 17870.

The site has a total area of 1,432m², bounded by 879 Pacific Highway to the north, Wilson Street to the south, the North Shore Train Line to the east and the Pacific Highway to the west. The site has a frontage of 47.405m to Pacific Highway and 38.435m to Wilson Street. Refer below to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains three buildings, being one and two storeys in height.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned B5 Business Development, with a maximum height of 21m and floor space ratio of 2.5:1. The site is not affected by road widening.

The Planning Proposal has been lodged by Megland Group Pty Ltd, the owner of the site, care of PBD Architects.

The Locality

Directly to the north of the site, at 879 Pacific Highway, is a Shell Service Station.

Directly to the south of the site is Wilson Street, and then on the opposite side of the street, a four storey residential flat building at 2 Wilson Street. Approximately 800m further to the south is the Chatswood Railway Station and Bus Interchange.

Directly to the east of the site is the North Shore Train Line, which is located below street level and separated from the site by vegetation and a concrete embankment.

Directly to the west of the site is the Pacific Highway (currently six lanes). On the opposite side of the Pacific Highway are a mixture of three and two storey residential flat buildings.

Background

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. It should be noted that:

- The site is part of a block bounded by the Pacific Highway, North Shore Train Line, Ashley Street and Wilson Street, located on the edge of the identified Chatswood CBD boundary under the *Chatswood CBD Planning and Urban Design Strategy*.
- The site is part of the extended Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy*.

The *Chatswood CBD Planning and Urban Design Strategy* is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

The site has been recommended as a Mixed Use Zone with a maximum height of 90 metres and floor space ratio of 6:1 subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements.

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning to B4 Mixed Use
- Increase the height on the site to 90 metres.
- Increase the Floor Space Ratio on the site to 6:1.
- Require a minimum commercial floor space of 1:1.

The proposed amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
871-877 Pacific Highway	B5 Business Development	B4 Mixed Use	B4 Mixed Use	21 m	90 m	90 m	2.5:1	6:1	6:1

Concept plans show the potential redevelopment of the site as follows:

- A total floor space ratio of 6:1 being a gross floor area of 8,592m² (including 4% or 286.4m² affordable housing)
- Total retail / commercial gross floor area: 1,432m².
- Total residential floor space: 7,160m² (including 286.4m² affordable housing).
- The scale of the development as proposed would deliver approximately 86 residential units (with an estimated 4 units being for affordable housing).

The mixed Use development contains:

- Two storey commercial podium
- Above commercial podium, a 24 storey tower above, containing:
 - 1 storey of commercial
 - 23 storeys of residential
- Residential floor plates between 300m² and 368m²
- Ground Level Setbacks
 - 4m setback to Pacific Highway boundary.
 - 0m setback to Wilson Street.
 - 3m setback to 879 Pacific Highway (northern boundary).
 - 3m setback to rear / railway line boundary.
- Tower setback above Podium
 - 10m setback to Pacific Highway.
 - Between 4.5m and 5.5m to boundary with North Shore rail Line.
- Residential unit mix:
 - One bedroom units: 24%
 - Two bedroom units: 62%
 - Three bedroom units: 14%

Other Concept plan details:

- All vehicle access to site via one driveway
- All loading at Ground level, with loading vehicles access / egress in a forward direction.
- Approximately 95 car spaces, located within 5 basement levels.
 - Residential: 72 (including 12 visitor spaces)
 - Commercial and retail: 23
- Landscaped public open space fronting Pacific Highway.
- Landscaping is also provided at Podium level, and around the communal area on Level 8.
- Deep soil planting provided along Pacific Highway frontage.
- Potential integration of ground level landscape plaza and basement car park with adjoining site at 879 Pacific Highway.

The Concept Plans are at Attachment 4. Accompanying the Planning Proposal are draft *Development Control Plan* provisions (Refer to Attachment 5).

The Planning Proposal involves the provision of public access onto the site, with specific reference to:

- 1.5m within the 4m Ground Level setback, for the purposes of a future shared pathway along the Pacific Highway.
- A publicly accessible landscaped area on the Pacific Highway frontage.

The proponent is also prepared to provide public art on the site.

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer as follows:

- Total of 45% value uplift of the development yield of the site which includes but is not limited to the following items:
 - Approx. 10% of the site area (fronting the Pacific Highway) to be allocated for landscaped public open space.

Council Officer's have considered the implementation of this Planning Proposal, having regard to likely further proposed amendments under the overall *Chatswood CBD Planning and Urban Design Strategy*, and have determined an appropriate process for these to occur until such time as a comprehensive *Willoughby Local Environmental Plan 2012* review may be undertaken. In this regards amendments are proposed to *Willoughby Local Environmental Plan 2012* and are included in the Council recommendation (Refer to Attachment 6).

For the purposes of this report and any public notification, site mapping amendments have been prepared to *Willoughby Local Environmental Plan 2012*, and in particular regarding the Land Zoning, Height of Buildings, Floor Space Ratio, Special Provisions Area and Active Street Frontages Maps (see Attachment 7).

Discussion

This Planning Proposal involves a site located within the CBD identified in the Council endorsed *Chatswood CBD Planning and Urban Design Strategy*.

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the *Chatswood CBD Planning and Urban Design Strategy* dated January 2018 as presented to the Department of Planning and Environment and Greater Sydney Commission, listed 1 to 35, with comments provided.

CBD Boundary

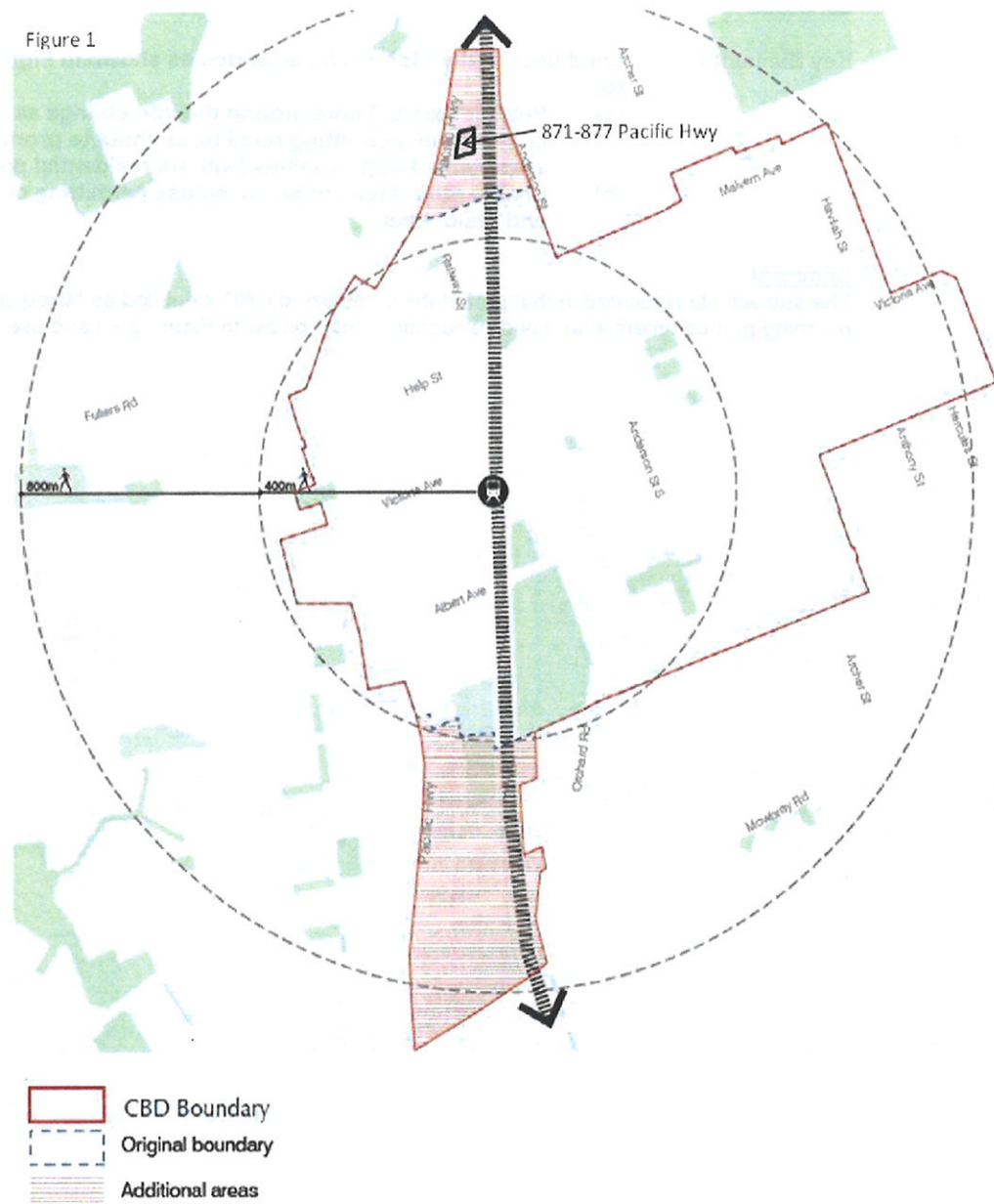
- Key Element 1.** The Chatswood CBD boundary is expanded to the north and south as per Figure 3.1.1. to accommodate future growth of the centre.

Comment

The subject site is not located within the existing Chatswood CBD boundary.

The subject site is located within the expanded Chatswood CBD boundary proposed in the *Chatswood CBD Planning and Urban Design Strategy*, as shown below in Figure 1 – CBD Boundary.

Figure 1 – CBD Boundary



With regard to Key Element 1, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Land Use

- Key Element 2. Land uses in the LEP will be amended as shown in Figure 3.1.2, to:
- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
 - (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

The subject site is located in that part of the Chatswood CBD identified as Mixed Use, meaning part commercial and part residential. Refer below to Figure 2 – Land use.

Figure 2 – Land use

Figure 2



The proponent has proposed the zoning for the site be changed from B5 Business Development to B4 Mixed Use to be consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

The Planning Proposal involves a Mixed Use development, with commercial development (retail and office) on the Ground, First Floor and Second Floors (three floors in total), and residential above.

Regarding land use, the Planning Proposal is considered consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

In addition to the changes proposed by the proponent in this Planning Proposal, it is proposed to incorporate a minimum 1:1 commercial component. The *Chatswood CBD Planning and Urban Design Strategy* seeks a meaningful commercial component in the Mixed Use zone, being 1:1.

In this regard a written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition (the draft Clause 6.23 'Minimum commercial floor space within the Mixed Use zone' prepared by Council Officers).

With regard to Key Element 2, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 3. **The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.**

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Key Element 4. **Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.**

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Value Uplift Sharing to Fund Public Domain

Key Element 5. **The existing FSR controls are to be simplified and be retained as a 'base' FSR (Figure 3.1.3).**

Comment

Under the Strategy, a base floor space ratio is established. The intention is that this base FSR is to be used instead of the maximum FSR in cases where other Strategy requirements cannot be met.

The base FSR for this site is 2.5:1. The appropriateness of using the maximum floor space ratio on this site is discussed further below under Key Element 11 and 12 regarding maximum FSR and minimum site size.

Key Element 6. **Increased FSR between the base FSR and the maximum FSR is to be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.**

The scheme would:

- a) Apply to residential uses above base FSR
- b) Apply to commercial uses above 10:1 FSR
- c) Operate in addition to any adopted Section 94 or 94A contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.
- e) Apply a Value Uplifting Sharing rate identified in Council's Voluntary Planning Agreement (VPA) Policy.

Comment

The proponent has agreed to a contributions scheme based on increased residential FSR above the base FSR of 2.5:1, in addition to requirements under Section 7.12 of the *Environmental Planning and Assessment Act 1979* and affordable housing contributions.

Council is in the process of developing its contributions scheme. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on value uplift above the base FSR of between 45 and 50%. At present the proponent has offered a value uplift rate of 45%, dependent on negotiations that acknowledge other proposed public benefits. This matter is to be further discussed following finalization of Council's contribution scheme.

Key Element 7. All developments in Chatswood Centre achieving a FSR uplift through this strategy should contribute public art in accordance with Council's Public Art Policy, which is separate to the value uplift contributions scheme above.

Comment

The proponent has proposed in draft *Development Control Plan* provisions that public art is to be:

- included as part of the development, and integrated within the site.
- In accordance with Council's public art policy.

Council has yet to finalise a Public Art Policy, detailing an applicable rate and other relevant requirements such as appropriate locations. In regards the subject Planning Proposal, while the proponent has accepted that a public art contribution is to be paid there has not been any agreement reached with Council on the appropriate figure, whether this site is an appropriate location for public art or whether the contribution should be used for public art on a site considered more appropriate.

While this matter is to be further discussed between Council Officers and the proponent, the Planning Proposal may be forwarded to the Gateway for consideration.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments exceeding the base FSR, based on the following process:

- a) A Design Review Panel for developments up to 35m high.
- b) Competitive designs for developments over 35m high.

Comment

The Planning Proposal involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence.

Council is yet to establish an appropriate process with regard to design excellence, and further detail is anticipated following public exhibition. It is considered that this outstanding issue does not prevent the subject Planning Proposal being forwarded to the Gateway for determination.

A draft condition has been proposed for inclusion in any exhibition of *Willoughby Local Environmental Plan 2012* (draft Clause 6.24 'Design Excellence'). Council is also in the process of developing a draft Design Excellence Policy, which may result in future refinements to the aforementioned draft Clause 6.24.

With regard to Key Element 8, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 9. Achievement of design excellence will include achievement of higher building sustainability standards.

Comment

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. This is acknowledged by the proponent.

Following advice from Council's Sustainability section, it is proposed to add the following *Development Control Plan* provision:

"13. Sustainability

Performance Criteria

1. *Achievement of design excellence shall include achievement of higher building sustainability standards.*

Controls

1. *A minimum 5 star GBCA building rating is expected. A report is to be submitted at Development Application Stage."*

Higher building sustainability standards will be assessed to ensure the Key Element is satisfied at development application stage.

With regard to Key Element 9, subject to the inclusion of the additional abovementioned *Development Control Plan* provision, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

Comment

This recommendation has been acknowledged by the proponent.

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Floor Space Ratio (FSR)

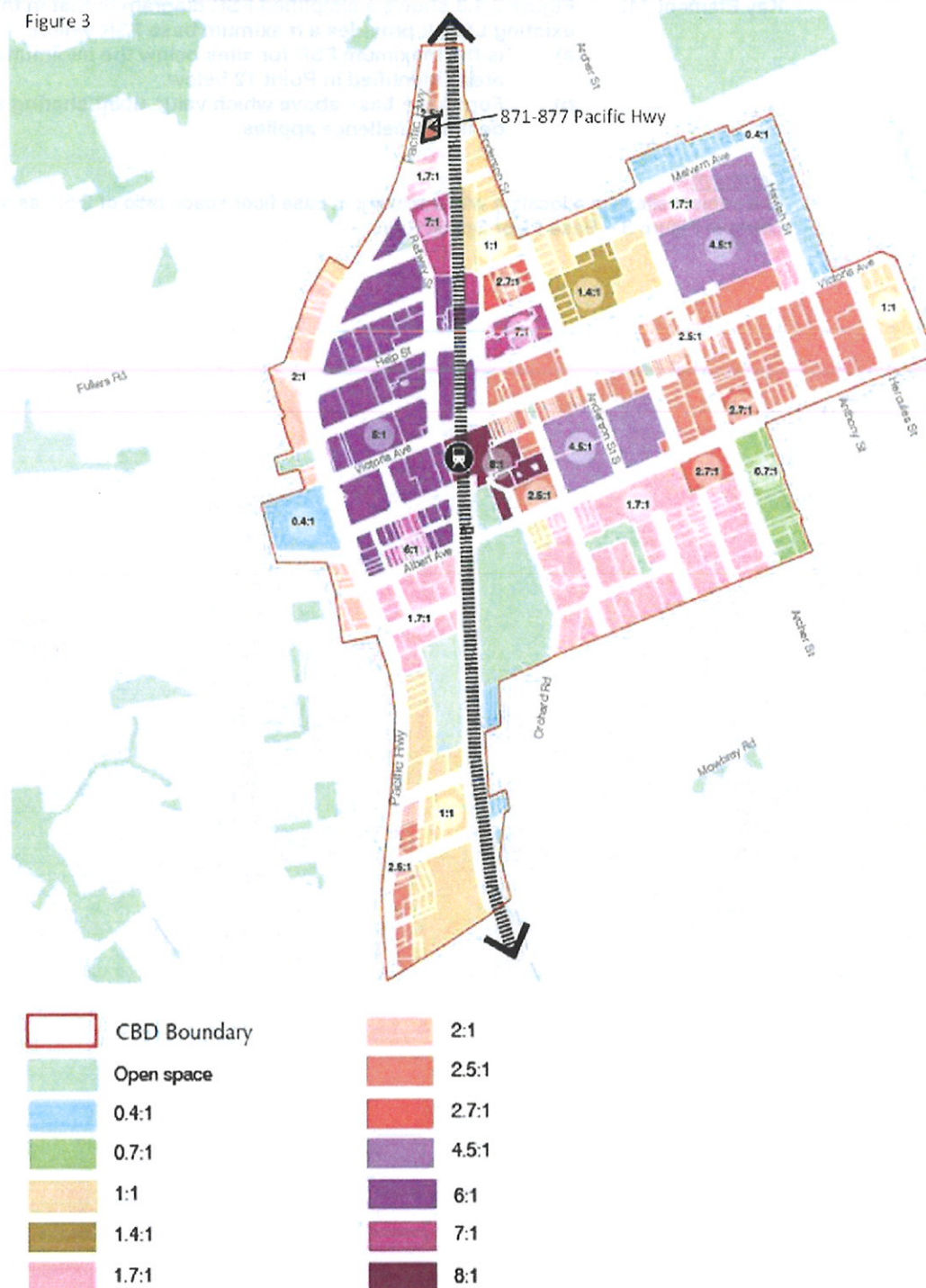
- Key Element 11.** Figure 3.1.3 shows a simplified FSR diagram to that in the existing LEP. It provides a maximum base FSR which:
- a) Is the maximum FSR for sites below the minimum site areas identified in Point 12 below.
 - b) Forms the base above which value uplift sharing and design excellence applies.

Comment

The subject site is in a location with a maximum base floor space ratio of 2.5:1 as shown below in Figure 3 – Base Floor Space Ratio.

Figure 3 – Base Floor Space Ratio

Figure 3



This issue is further discussed below in Key Element 12.

The value uplift for the subject Planning Proposal is based on the maximum FSR of 6:1 minus the base FSR of 2.5:1.

- Key Element 12.** Minimum site area of:
- a) 1800sqm for commercial development in the B3 Commercial Core zone
 - b) 1200sqm for mixed use development in the B4 Mixed Use zone

to achieve maximum FSR as indicated in Figure 3.1.4. Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment

The subject site is 1,432m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

With regard to Key Element 12, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

- Key Element 13.** The FSRs in Figure 3.1.4, should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:
- a) No maximum FSR for commercial development in the centre,
 - b) 6:1 FSR in outer centre.
 - c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

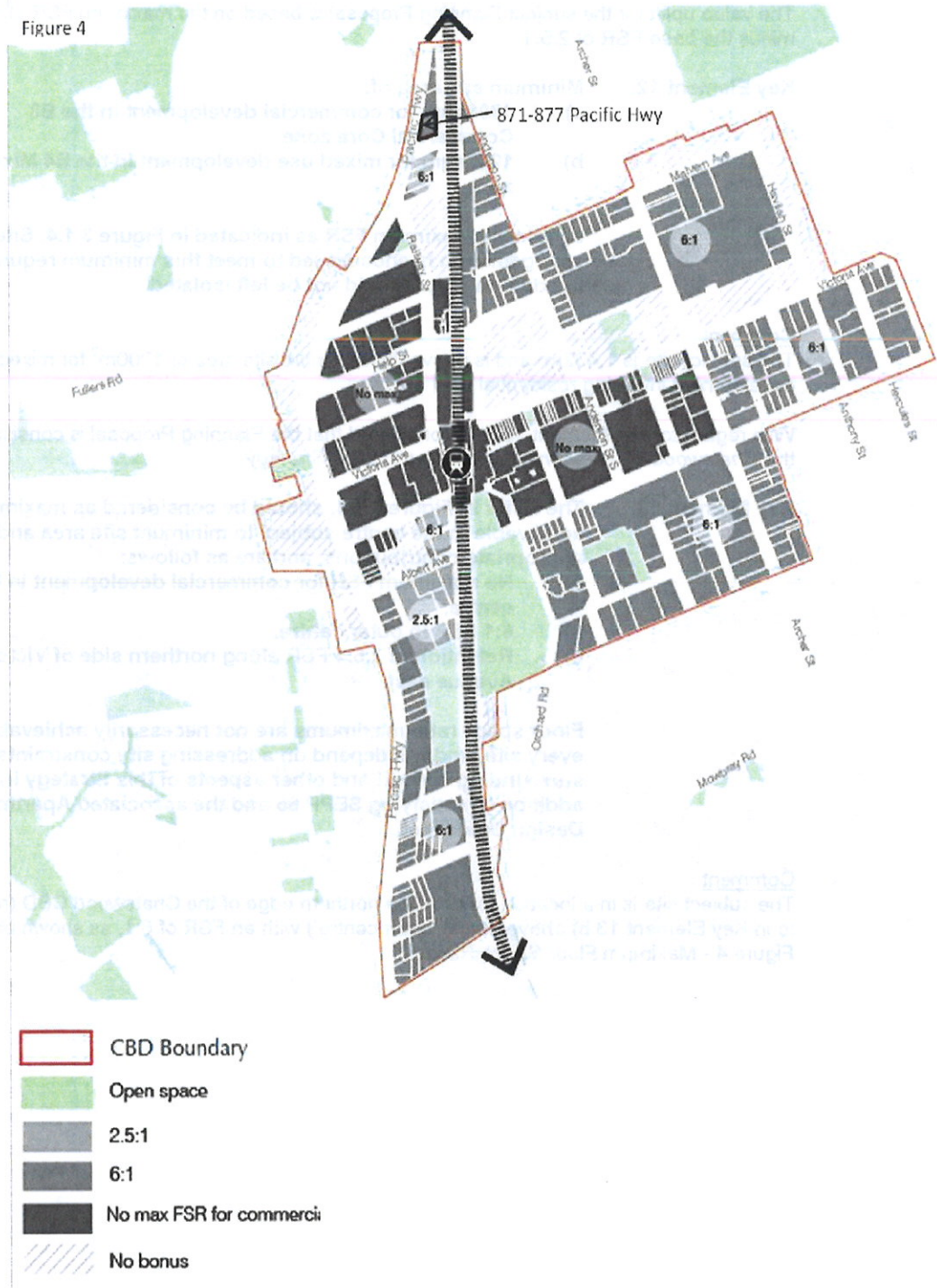
Floor space ratio maximums are not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and the associated Apartment Design Guidelines.

Comment

The subject site is in a location towards the northern edge of the Chatswood CBD (referred to in Key Element 13 b) above as the 'outer centre') with an FSR of 6:1, as shown below in Figure 4 - Maximum Floor Space Ratio.

Figure 4 - Maximum Floor Space Ratio

Figure 4



The Planning Proposal proposes a maximum FSR of 6:1, which includes affordable housing, and is therefore consistent with the Strategy.

With regard to Key Element 13, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

Comment

As noted in Key Element 13, the floor space ratio of 6:1 proposed in the Planning Proposal includes affordable housing.

With regard to Key Element 14, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition to address the inclusion within the Chatswood CBD of affordable housing in Gross Floor Area calculations.

Key Element 15. The minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1 in order to deliver a reasonable amount of employment floorspace.

Comment

The proponent has indicated that a commercial component of 1:1 will be provided, and has shown this in the concept plans provided.

With regard to Key Element 15, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Built Form

Key Element 16. In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:

- a) 2000sqm GFA for office and
- b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment

The tower above the podium shown in the Concept Plans, involving one level of commercial and 23 levels of residential, contains a floor plate Gross Floor Area well below the identified Gross Floor Area of 700m² maximum.

With regard to Key Element 16 and the maximum tower size, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 17. In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective.

To the same end, design elements that contribute to building bulk are not supported, and should be minimised.

Comment

The dimensions of the residential tower shown in the Concept Plans are considered consistent with the slender tower objective and an appropriate response to the site.

With regard to Key Element 17, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 18. If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding lifts and services.

Comment

This Planning Proposal is accompanied by concept plans that propose one residential tower on the site.

With regard to Key Element 18, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Sun Access to Key Public Spaces

Key Element 19. The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:

- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm.
- b) Concourse Open Space 12pm - 2pm.
- c) Garden of Remembrance 12pm - 2pm.
- d) Tennis and croquet club 12pm - 2pm.
- e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).

Comment

The subject site is in a location on the northern edge of the expanded Chatswood CBD, well north of any public open space area identified within the Chatswood CBD as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection.

Figure 5 - Sun Access Protection



As a result of the site location, development on the subject site does not impact on sun access protection to the public open space areas identified.

With regard to Key Element 19, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Building Heights

Key Element 20. Maximum height of buildings in the CBD will be based on Figure 3.1.6, up to the airspace limits (Pans Ops plane), except as reduced further to meet:
a) Sun access protection.

Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

Comment

Figure 6 – Height below shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5 (above).

Figure 6 – Height

Figure 6



As a result of the site location, the maximum height of 90 metres is able to be achieved on the subject site.

The Planning Proposal provides for a maximum height of 90 metres and is therefore consistent with the Strategy. The maximum height requested includes provision for affordable housing as well as lift overruns and roof plant rooms.

With regard to Key Element 20, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 21. All structures located at roof top level, including lift overruns and any other architectural features are to be:
a) Within the height maximums.
b) Integrated into the overall building form.

Comment

The tower has been designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form, will be provided at development application stage. Assessment at development application stage will have regard to the *Chatswood CBD Planning and Urban Design Strategy*.

With regard to Key Element 21, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Links, Open Spaces and Landscaping

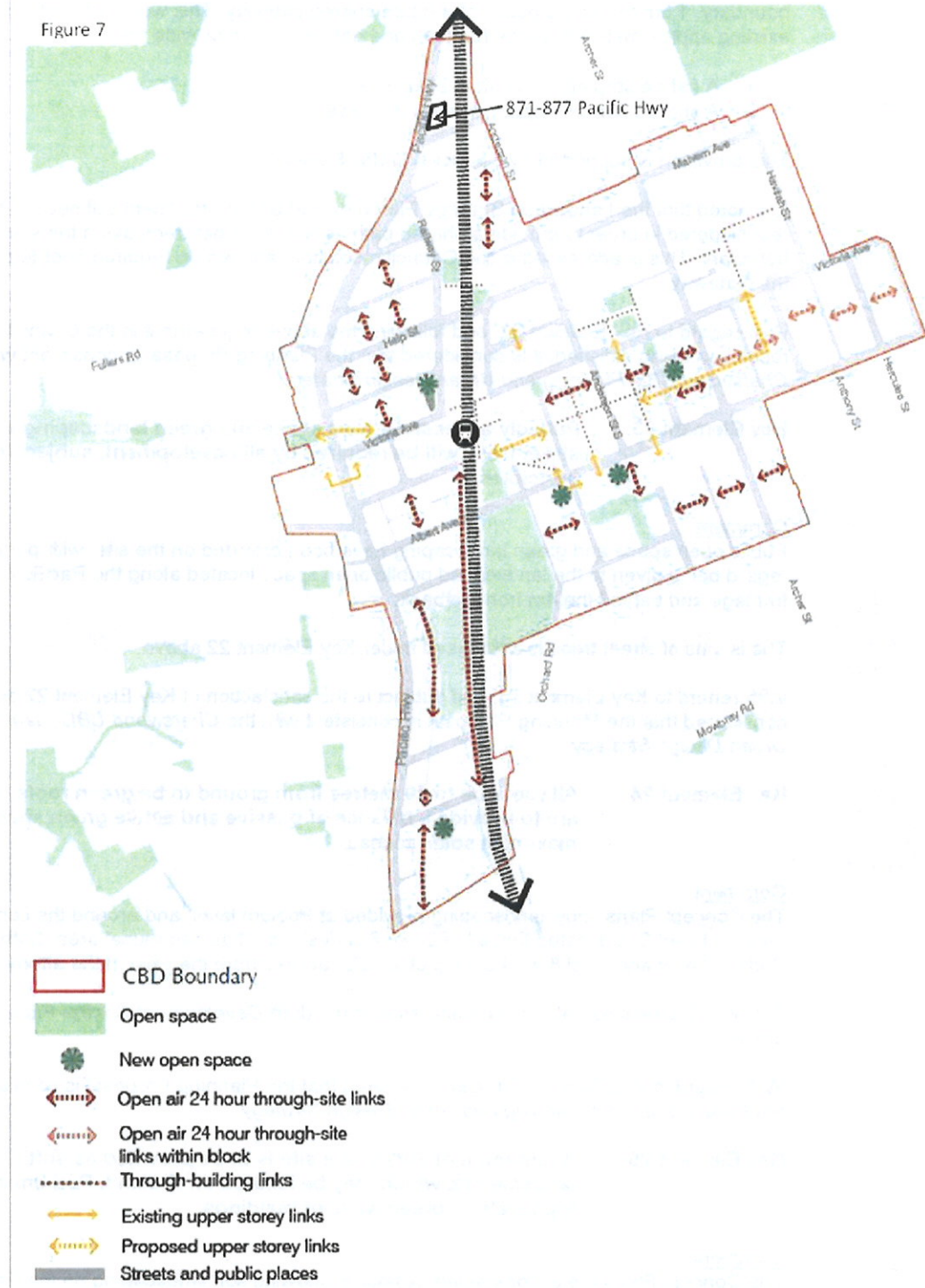
Key Element 22. The links and open space plan in Figure 3.1.7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites.

Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

The subject site is not directly subject to any identified existing or proposed pedestrian or cycle linkages or open space, as shown below in Figure 7 - Links and New Open Space. However the linkages identified are somewhat indicative and it should be noted that pedestrian and cycle linkages are encouraged.

Figure 7 - Links and New Open Space



The Planning Proposal proposes within the 4m Ground Level setback to the Pacific Highway boundary, 1.5m for the purposes of a future shared pathway. This would be added to the existing approximately 4m wide footpath and nature strip, to provide for:

- A nature strip approximately 2.5m wide.
- A shared pathway approximately 3m wide.

This provision is supported by Council's Traffic Section.

It is noted that the Landscape Strategy Plan provided by the proponent will need to be reconsidered in order to provide a shared path as well as street trees along the site boundary. This is addressed in the Council resolution, and will be required prior to referral to the Gateway.

With regard to Key Element 22, and following the above requirement in the Council resolution being satisfied, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 23. Publicly accessible open space and green landscaping such as street trees will be required by all development, subject to design principles.

Comment

Public open space and green landscaping have been provided on the site, with particular regard being given to the landscaped public open space located along the Pacific Highway frontage and behind the 4m front setback.

The issues of street trees is addressed under Key Element 22 above.

With regard to Key Element 23, and subject to the satisfaction of Key Element 22 above, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 24. All roofs up to 30 metres from ground to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.

Comment

The Concept Plans show landscaping provided at Podium level, and around the communal area on Level 8. It is noted that all of Level 8 is designated as communal area. Both the Podium Level and level 8 will be subject to solar access from the west in the afternoon.

This Key Element has also been addressed in the draft *Development Control Plan* provisions.

With regard to Key Element 24, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 25. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment

The Concept Plans are accompanied by figures showing soft landscaping on the Ground Floor as 325m², the Podium Level as 230m² and Level 8 as 170m².

This requirement has also been included in the proposed draft *Development Control Plan* provisions and in the Concept Plans.

With regard to Key Element 25, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 26. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment

Detailed plans, showing all aspects of communal open space including any at roof top level on towers, will be provided at development application stage. Assessment at development application stage will have regard to the *Chatswood CBD Planning and Urban Design Strategy*.

With regard to Key Element 26, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Street Frontage Heights and Setbacks

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 3.1.8, which reflect requirements for different parts of the Chatswood CBD.

With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- a) Victoria Avenue retail frontage
 - i. Maximum of 7 metre street wall height at front boundary.
 - ii. Minimum 6 metre setback above street wall
- b) Urban Core
 - i. Maximum 24 metre street wall height at front boundary.
 - ii. Minimum 6 metre setback above street wall.
- c) Office core frontage
 - i. 4-12 metre street wall height at front boundary.
 - ii. Minimum 6 metre setback above street wall.
- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.
- e) Pacific Highway frontage
 - i. Minimum 4 metre setback at Ground level from front boundary (with exception of heritage sites).
 - ii. Maximum 7 metre street wall height.
 - iii. Minimum 6 metre setback above street wall.
- f) Southern Precinct
 - i. Minimum 6 metre setback at Ground level from front boundary.
 - ii. No setback from Podium to tower.
- g) Albert Avenue South
 - i. Minimum 3 metre setback at Ground level from front boundary, with intermittent wider open space.
 - ii. Maximum 24 metre street wall height.

iii. 3 metre setback from Podium to tower form.

Comment

Figure 8 - Street Frontage Heights and Setbacks also include required setbacks, with the following identified as applicable to the subject site:

- Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.
- Pacific Highway frontage
 - i. Minimum 4 metre setback at Ground level from front boundary (with exception of heritage sites).
 - ii. Maximum 7 metre street wall height.
 - iii. Minimum 6 metre setback above street wall.

Figure 8 - Street Frontage Heights and Setbacks



The concept plans are consistent with the above Figure 8 requirements applying to the subject site.

These requirements have also been included in the proposed *Development Control Plan* provisions and in the Concept Plans.

With regard to Key Element 27, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 28. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height (e.g. 3m setback for a 60m building, and 6m setback for a 120m building).

Comment

As discussed above in Key Element 27, setbacks have been provided consistent with the Strategy.

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires a minimum 4.5 metre building setback from all boundaries.

In addition to the setbacks in Key Element 27, additional setbacks have been provided to address Key Element 28, with particular regard to the rear / railway line boundary.

With regard to Key Element 28, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 29. Building separation to neighbouring buildings is to be:

- a) In accordance with the Apartment Design Guide for residential uses.
- b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

The Concept Plans address the required setbacks to neighbouring properties as outlined in this Key Element.

As previously noted, the site is bounded by Wilson Street to the south, the North Shore Train Line to the east and the Pacific Highway to the west. Above street wall height, a 6m setback is provided between the commercial Level 2 being part of the tower and the northern boundary (879 Pacific Highway).

Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied.

With regard to Key Element 29, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Active Street Frontages

Key Element 30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages.

Blank walls are to be minimised and located away from key street locations.

Comment

The Concept Plans provided show commercial / retail floor space at Ground Level with the opportunity for active street frontages to the Pacific Highway, more than half of the Wilson Street frontage and around the on-site landscaped public open space.

This issue will be further assessed at development application stage.

With regard to Key Element 30, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Further Built Form Controls

Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.

Comment

The issue of site isolation has been satisfactorily addressed in this Planning Proposal by:

- Providing a Basement car park that has the capacity to connect with the neighbouring site to the north at 879 Pacific Highway.

The proponent has included draft *Development Control Plan* provisions for the site in this regard.

Loading issues remain for 879 Pacific Highway and are yet to be resolved to the satisfaction of Council.

With regard to Key Element 31, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy* and may proceed to Gateway. Any outstanding loading issues at 879 Pacific Highway are to be considered in any future planning proposal for that site.

Key Element 32. Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.

Comment

This Key Element is not applicable to the subject site.

Key Element 33. Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.

Comment

All car parking for the site is located within the Basement levels. Due to the size and shape of the site some plant and services are located at ground level, such as the loading dock.

Significant and meaningful Ground Level floor space has been provided.

With regard to Key Element 33, and in the circumstances of this case, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

Comment

The draft *Development Control Plan* provisions proposed include the following regarding substations:

"Substations to be provided within buildings, not within the streets, open spaces or setbacks, and not facing key active street frontages."

It is proposed to amend this provision to add the following:

"Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions."

With regard to Key Element 34 and the above amendment, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 35. The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach.
In addition, site specific traffic and transport issues are to be addressed as follows:

- a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.
- b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.
- c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.
- d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.
- e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Comment

A Traffic and Parking Assessment, prepared by Varga Traffic Planning Pty Ltd, has been submitted.

Full traffic consideration of this Planning Proposal will be required at development application stage.

Concern has been raised by Council's Traffic Section in regards:

- The capacity and functionality of the vehicle access / egress and loading / unloading arrangement for the proposal development, and the potential use of the aforementioned by the neighbouring site at 879 Pacific Highway. Full management details are to be provided, including on-site physical measures that may be needed to be introduced.
- Sight lines and safety for vehicles leaving the property and turning right towards the Pacific Highway. Specifically the concern regards vehicles on Wilson Street travelling over the railway bridge towards the Pacific Highway that may be obscured by railway related infrastructure such as solid walls.

It is proposed that these concerns be addressed in the Council resolution by the provision of additional information.

Subject to the provision of the required additional information, the Planning Proposal is considered to satisfactorily address this key Element for the purposes of Gateway consideration and exhibition.

With regard to Key Element 35, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Other Issues to be addressed

Good Design Outcomes

The Government Architect NSW issued *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW* (2017). This document lists the following seven objectives to define the key considerations in the design of the built environment:

- 1) Better fit – contextual, local and of its place.
- 2) Better performance – sustainable, adaptable and durable.
- 3) Better for community – inclusive, connected and diverse.
- 4) Better for people – safe, comfortable and liveable.
- 5) Better for working – functional, efficient and fit for purpose.
- 6) Better value – creating and adding value.
- 7) Better look and feel – engaging, inviting and attractive.

The document states that “*achieving these objectives will ensure our cities and towns, our public realm, our landscapes, our buildings and our public domain will be healthy, responsive, integrated, equitable, and resilient.*”

It is considered that the subject Planning Proposal and Concept Plans have had regard to, and are consistent with, *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW*.

Solar Access

With regard to the built form being the subject of the Concept Plans, and impacts on surrounding properties, the shadow analysis provided by the proponent for 9am to 3pm, 21 June concludes:

- The narrow tower form creates a shadow that moves rapidly throughout the day.
- At 9am, properties on the western side of the Pacific Highway are affected by overshadowing.

- By 10am, properties on the western side of the Pacific Highway are no longer affected. Between 10am and 12 noon, properties to the south are affected. The overshadowing occurs on the western side of the North Shore Rail Line, with the furthest affected property to the south being 11 Railway Street. The properties to the south are identified under the *Chatswood CBD Planning and Urban Design Strategy* as within the Chatswood CBD with the same Mixed Use zoning, 90m height and 6:1 floor space control as the subject site.
- At 1pm, overshadowing occurs on the North Shore Rail Line.
- At 2pm, overshadowing occurs on the eastern side of the North Shore Rail Line, generally affecting properties between O'Brien and Day Streets. This land is identified under the *Chatswood CBD Planning and Urban Design Strategy* as within the Chatswood CBD with the same Mixed Use zoning, 90m height and 6:1 floor space control as the subject site.
- At 3pm, overshadowing crosses Anderson Street. This land is outside the Chatswood CBD and is low density residential and part of the North Chatswood Conservation Area.

Properties to the south are the most affected. The Planning Report has addressed this impact as follows:

"The sites maintain solar access during the early morning or afternoon depending on their location."

The on-site proposed Ground Level landscaped public open space fronting the Pacific Highway is overshadowed at 9am, then otherwise generally unaffected.

The Planning Report states that in regard to podium level open space:

"Residential communal area achieves more than 2 hours direct sun light."

Further consideration of overshadowing may occur following public exhibition and at development application stage.

It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area requiring sun access protection in the *Chatswood CBD Planning and Urban Design Strategy*.

Privacy and general amenity

With regard to privacy and general amenity impacts to neighbouring properties, it is noted that:

- To the north, the subject site adjoins 879 Pacific Highway. This land is the only property directly abutting the subject site and is identified as Mixed Use with a height of 90m and floor space ratio of 6:1 under the *Chatswood CBD Planning and Urban Design Strategy*. The proponent has shown how this property may be reasonably developed, with particular regard to addressing setbacks, privacy and general amenity.
- To the east is the North Shore Rail Line.
- To the west is the Pacific Highway.
- To the south is Wilson Street. As previously noted, setbacks to Wilson Street are as envisioned under the *Chatswood CBD Planning and Urban Design Strategy*. Development on the other side of Wilson Street is also identified as Mixed Use with a

height of 90m and floor space ratio of 6:1 under the *Chatswood CBD Planning and Urban Design Strategy*.

Further consideration of amenity impacts such as privacy may occur following public exhibition and at development application stage.

Heritage

The site does not contain a Local Heritage Item nor is it part of a heritage conservation area.

A Local Heritage Item, being a boarding house, is located on the other side of the Pacific Highway at 850 Pacific Highway (Reference in *Willoughby Local Environmental Plan 2012*: I108). On the other side of the railway line, is the North Chatswood Conservation Area.

The Planning Proposal is considered reasonable and expected development under the *Chatswood CBD Planning and Urban Design Strategy* and is considered to not have any significant adverse impacts on any heritage item or conservation area in the general vicinity.

Contamination

The site is adjacent to a service station to the north.

A detailed site investigation (contamination) was undertaken by Douglas Partners in 2015. A cover letter has been provided by Douglas Partners stating that the conclusions of the 2015 report are unchanged with regard to the subject Planning Proposal. A Hazmat Report and a Remediation Action Plan accompanies the Planning Proposal, and the issue of contamination will be required to be further addressed at development application stage.

Internal Referrals

The Planning Proposal has been referred to the Urban Design, Traffic and Open Space sections of Council.

Subject to additional information being provided as outlined above and in the Council resolution, it is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal to the Gateway.

Development Control Plan provisions

The proponent has submitted *Development Control Plan* provisions. Some amendments have been proposed to ensure the provisions are consistent with the general Council approach to Development Control Plan provisions within the Chatswood CBD and satisfactory for the purposes of public exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

Public Benefit

The proponent has indicated an intention to enter into a Voluntary Planning Agreement.

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer as follows:

- Total of 45% value uplift of the development yield of the site which includes but is not limited to the following items:
 - Approx. 10% of the site area (fronting the Pacific Highway) to be allocated for landscaped public open space.

At this stage discussions regarding a Voluntary Planning Agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal, which are addressed at Attachment 3.

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

- Written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying Land Zoning Map, Height of Buildings Map, Floor Space Ratio, Special Provisions Area Map and Active Street Frontages Map.
- Draft *Willoughby Development Control Plan* provisions.

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, as well as the *Chatswood CBD Planning and Urban Design Strategy*. The subject site has been identified as a Mixed Use zone on the edge of the Chatswood CBD, permitting a component of commercial with residential above.

It is considered necessary and reasonable to request amendments to the proposed *Development Control Plan* provisions prior to exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.