



# **PLANNING PROPOSAL REPORT**

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

### **629-639 Pacific Highway, Chatswood**

**DEVELOTEK PROPERTY GROUP**

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# 1. INTRODUCTION

This Planning Justification Report has been prepared to support a Planning Proposal for land at Chatswood described as Lots 9 to 14, DP 4138, No's 629-639 Pacific Highway, Chatswood. This Report is an updated version of the original report dated September 2017, in order to include an additional building envelope option, being the building envelope option preferred by Willoughby Council, providing for a 2 storey high podium with a minimum tower setback of 10m to the Pacific Highway.

The subject land is located on the eastern side of the Pacific Highway, approximately 700m south of Chatswood Railway Station and Transport Interchange.

The subject land is a parallelogram shaped corner allotment, currently containing a single storey commercial building used by Payless Tyres and Brakes. The site has an area of 1,185m<sup>2</sup>, with a frontage of 37.9m to the Pacific Highway and 36.1m to Gordon Avenue. The site has a 36.4m rear boundary to Hammond Lane, which extends south off Gordon Avenue.

The site is currently zoned B5 Business Development pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 2.5:1 and a maximum building height of 20m. The B5 zone provides for commercial and related business uses, neighbourhood shops, hotels, restaurants, childcare centres and a range of other non-residential land uses. Residential land uses are limited to shop-top housing.

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 currently permitted maximum FSR of 2.5:1. The Chatswood CBD Strategy has recently received conditional endorsement from the NSW Department of Planning Infrastructure and Environment (DPI&E).

The Planning Proposal seeks amendment of WLEP 2012 to allow increased development density on the site, in accordance with the proposed development density recommended in the adopted Chatswood 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 90m, subject to provision of public benefits in the form of affordable housing and additional developer levies for floor space exceeding the current FSR of 2.5:1.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade to public domain, provision of public art in accordance with Council’s public art policy and additional contributions as specified in Council’s Draft *Community Infrastructure Contribution Schedule Policy*,

This report has been prepared in accordance with the *Department of Planning Infrastructure & 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 mixed-use building of up to 27 storeys, 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 27 storey mixed use building, comprising a 25 storey residential tower located above a 2 storey podium, containing some 705m<sup>2</sup> of retail/commercial uses on the ground floor and first floor levels. A total residential floor space of some 6,405m<sup>2</sup> (including 246m<sup>2</sup> of affordable housing is proposed within the building). There is potential to increase the extent of commercial/retail floor space by increasing the height of the podium to 3 storeys and reducing the residential tower from 25 storeys to 24 storeys.

WLEP 2012 allows affordable housing floor space to be excluded from the calculation of assessable FSR. Council has advised that proponents seeking to take advantage of the building height and floor space bonuses proposed for the Chatswood CBD, including the expanded boundaries of the Chatswood CBD, as proposed in the Chatswood CBD Strategy, must provide the affordable housing within the 6:1 FSR limit, rather than as floor space above this 6:1 FSR limit.

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 Chatswood 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.

A 3D schematic view of the curved tower building envelope option is shown below, in **Figure 1A**, looking southeast from the Pacific Highway, near the intersection of the Highway and Gordon Avenue. The curved tower envelope is designed to respond to the corner location. This option also includes a 3 storey podium accommodating additional commercial floor space.

**Figure 1A - 3D View of the Curved Building Envelope Looking South East**



**Figure 1B**, below is a 3D schematic view of the Council's preferred building envelope, which provides for a 2 storey, rather than 3 storey high podium, with a more conventional tower form without curves and providing for a 10m tower setback to the Pacific Highway.

**Figure 1B - 3D View of the Preferred Building Envelope Looking South East**



**Figure 1C** below shows a potential concept for the podium, as viewed looking south-east from the corner of the Pacific Highway and Gordon Avenue. This concept design is generally applicable to both the curved tower option and the Council preferred building envelope option and illustrates how emphasis can be given to the corner location and the architectural form of the commercial component on the ground and first floor levels can be distinguished from the residential component above.

**Figure 1C - Podium Concept, Corner View, Pacific Highway/Gordon Avenue**



Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. Gazettal of the proposed increase in building height and FSR controls will enable economic use of the land and its development to an appropriate height and density, commensurate with its accessibility to the nearby Chatswood CBD, proximity to high frequency public transport services and its Highway corridor location. Such an outcome is consistent with current strategic planning policies, which seek to increase development density on the eastern side of the Pacific Highway, near the Chatswood CBD, railway station and transport interchange.

The Planning Proposal has been amended to include reference to the Council's preferred building envelope, which provides for a maximum 2 storey podium height and a minimum 10m tower setback to the Pacific Highway. Proceeding to Gateway is conditional upon this option being included as the preferred building envelope for the Planning Proposal.

**Figure 1D**, below shows an aerial view of the proposed indicative curved tower form, looking north towards the Chatswood CBD. The Council's preferred building envelope is more rectangular in shape but would not appear markedly different from the curved tower form, at the viewing distance and angle shown in the aerial view below.

**Figure 1D – Aerial View of the Indicative Curved Tower Form**



The curved tower option is retained as one of the range of building envelope options identified and assessed in the urban design analysis. Design concept plans of the preferred building envelope and the curved tower option and an urban design analysis of the various building envelope options are attached at **Appendix B**.

## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site and Locality

The subject land is described as Lots 9 to 14 DP 4138 DP 4138, No's 629- 639 Pacific Highway, Chatswood. The subject land is located on the eastern side of the Pacific Highway (southeast corner of Gordon Avenue), approximately 700m south of Chatswood Railway Station and Transport Interchange and 250m north of Mowbray Road (see **Figure 2 – Location**, below). A pedestrian walkway and cycleway to Chatswood CBD and Railway Station is located near the site, less than 100m to the east.

**Figure 2 Location**



The site is parallelogram shaped corner allotment, with a gentle slope to the southwest and contains a part one part two storey commercial building used by Payless Tyres and Brakes as a vehicle service workshop. Existing buildings on the site have no heritage significance, and also have minimal, if any, architectural merit.

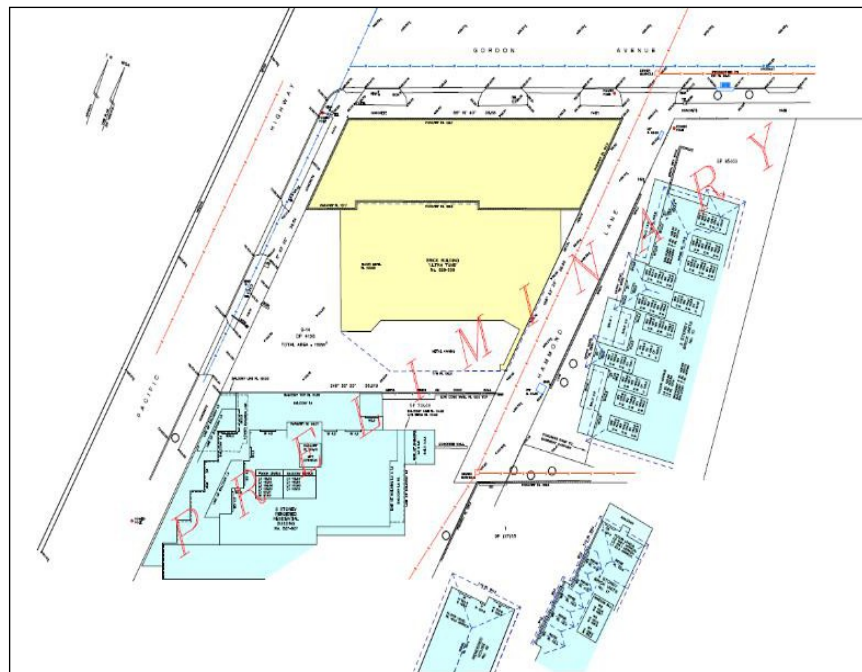
The site has an area of 1,185m<sup>2</sup>, with frontages of 36.4m to the Pacific Highway and 36.1m to Gordon Avenue and a 37.9m rear boundary to Hammond Lane, which extends south off Gordon Avenue. There are no trees or watercourses on, or adjoining the site. Vehicular access to the site is currently available off both the Pacific Highway and Hammond Lane at the rear.

Existing buildings cover approximately 80% of the site, with the balance comprising concrete driveway and parking.

The site was originally used for residential purposes, before being redeveloped for a commercial use. There is unlikely to be any major land contamination but given this existing commercial use and the proposed change back to a primarily residential use, the Planning Proposal is accompanied by a Phase 1 Land Contamination Assessment.

A plan of the site is shown in **Figure 3**, below. Existing buildings on the site are shown coloured yellow. Buildings on neighbouring sites are shown coloured blue. A site survey is attached at **Appendix A**. **Figure 4**, further below is a view of the site looking southeast from the Pacific Highway.

**Figure 3 – Site Plan**



**Figure 4 – View of the Site Looking Southeast 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 locality around the site is characterised by a corridor of predominantly commercial development extending south, either side of the Pacific Highway, between Gordon Avenue and Nelson Street on the eastern side of the Highway and from Moriarty Street to Mowbray Road on the western side of the Highway. Within this commercial corridor are some mixed-use developments such as the 5 storey building adjoining the site to the south, at 621-627 Pacific Highway.

Medium density residential development predominates to the northwest, north, east and southeast of the site. This residential development is typically of a 3 storey scale, mainly developed in the 1960's, 1970's and 1980's.

The site is adjoined to the north by Gordon Avenue and further north, 3 storey apartment buildings are located on the northern side of Gordon Avenue.

To the south of the site, is a 5 storey mixed use building comprising ground floor commercial (piano business) and 4 levels of apartments above. This building has a 3 storey podium with a 3 storey high blank masonry wall extending along the northern boundary, adjoining the Planning Proposal site. Further to the south are commercial buildings extending south to Nelson Street.

To the east of the site is Hammond Lane and further east, 3 storey apartment buildings extending east to a walkway/cycleway and the North Shore railway line.

To the west of the site is the Pacific Highway and further west, 2 storey commercial buildings located on the western side of the Highway, extending south from Fehon Road to Moriarty Road. A service station is located further south, on the northwest corner of Moriarty Road and the Pacific Highway.

Photographs of existing development on the site are shown in **Photos 1 to 3**, below. Photo views of development adjoining and near the site are shown in **Photos 4 to 7**.



**Photo 1**

View of the site looking east from the Pacific Highway. The site currently has vehicular access to the Highway.



**Photo 2**

View looking southwest from Gordon Avenue, showing the Gordon Avenue frontage of the site and the adjoining Hammond Lane on the eastern side of the site. This Lane currently provides parking on the western side, leaving space for traffic lane for entering and existing vehicles.



**Photo 3**

View looking south from Hammond Lane showing the rear eastern elevation of the existing building on the site and at left the western elevation of the adjacent 3 storey apartment building at No. 10 Gordon Avenue. The site has vehicular access to Hammond Lane and this Lane also provides vehicular access to 621- 627 Pacific Highway.



#### **Photo 4**

View of the existing Pacific Highway streetscape, east side, extending south of the site. This photo shows the existing 5 storey mixed use building at 621 to the south of the site 5 storey mixed use building at 621-627 Pacific Highway and at right the existing single storey paint retailer at the corner of Nelson Street.



#### **Photo 5**

View looking southeast from Gordon Avenue of Hammond Lane and at left the existing 3 storey apartment building with basement parking, located at No. 10 Gordon Avenue, to the east of the development site.



#### **Photo 6**

View looking northwest from Gordon Avenue of the existing apartment building on the northeast corner of Gordon Avenue and the Pacific Highway, located to the north, opposite the development site. This building has garaging partly below ground level, with 3 storeys of apartments above.



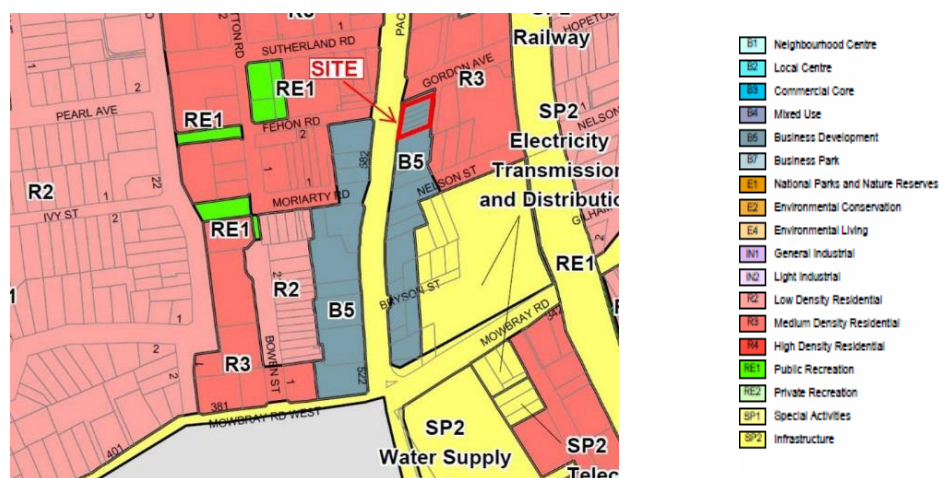
#### **Photo 7**

View of the existing Pacific Highway streetscape, west side, located opposite the development site and extending south towards Mowbray Road. Some sites between Moriarty Road and Mowbray Road have been redeveloped for 5-6 storey mixed use buildings.

## 2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. The site is zoned B5 Business Development. This B5 zone extends south to Mowbray Road along the eastern side of the Highway. An R3 Medium Density Residential Zone extends around the site to the east and north. A B5 Zone extends south along the western side of the Pacific Highway, between Moriarty Road and Mowbray Road. The zoning of the site (edged in red) and locality is shown in **Figure 6 – Zoning**, below.

**Figure 6 - Zoning Willoughby LEP 2012**



The B5 Zone is intended to provide for a mix of business and warehouse uses and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of centres, provided that their access needs and the traffic generated does not interfere with the safety and efficiency of the road network.

A broad range of non-residential land uses is permitted, including bulky goods premises, child care centres, commercial premises, educational facilities, garden, hardware and building supplies, hospitals, hotels, motels, neighbourhood shops, restaurants, cafes, service stations, vehicle sales and warehouses.

The B5 Zone is not specifically aimed at providing for residential development and the only form of residential accommodation permitted is shop-top housing. In recent years, a number of commercial properties in the locality have been redeveloped for mixed use buildings containing business/retail floor space at ground floor level with 3 or 4 levels of shop-top apartment above.

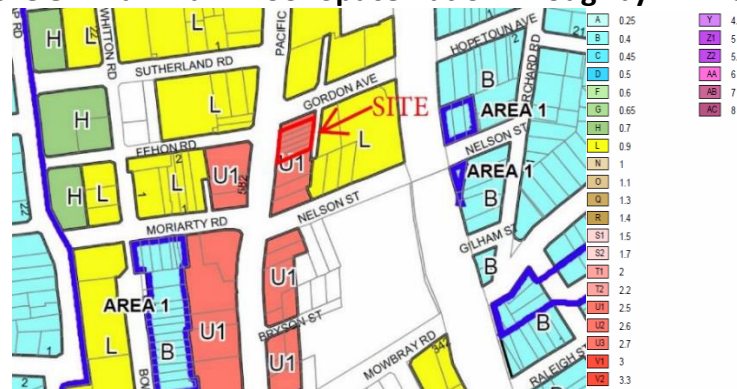
The Planning Proposal does not seek or require any change to the existing zoning of the land, nor is any change to the range of permitted uses proposed. The Chatswood CBD Strategy proposes that in the future the subject land and other nearby land on the eastern side of the Pacific Highway, will be zoned B4 Mixed Use, providing a greater emphasis on residential development above ground level business/retail land uses.

The Planning Proposal requests inclusion of an incentives clause to allow increased building height and FSR, subject to site consolidation forming a development parcel of at least 1,100m<sup>2</sup> and provision of public benefits in the form of affordable housing and additional developer levies. 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**



As shown above, the WLEP 2012 currently provides for a maximum FSR of 2.5:1 and maximum building height of 20m (6 storeys) on the subject land. The Chatswood CBD Strategy proposes to allow additional FSR, up to 6:1 and additional building height, up to 90m, subject to provision of public benefits in exchange for increased floor space and building height.

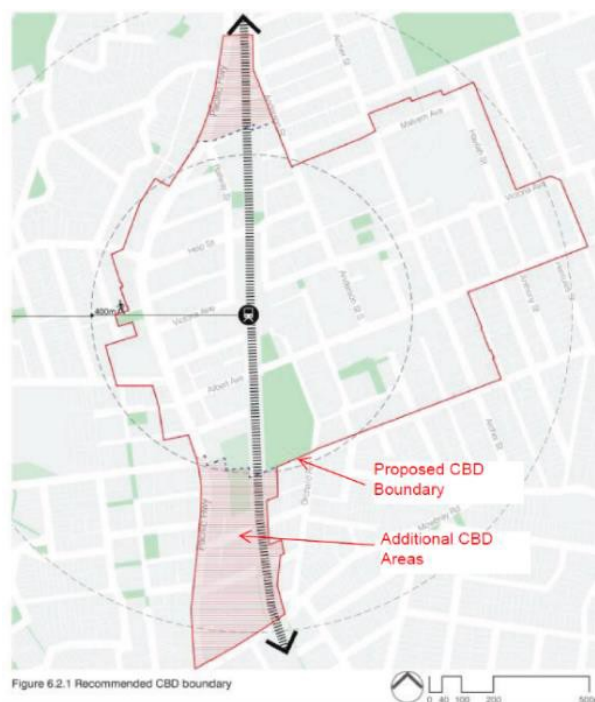
WLEP 2012 allows a floor space bonus where projects are subject to a design excellence process. The LEP also allows for exclusion of affordable housing from the calculation of assessable gross floor area, where it can be demonstrated that the affordable housing component does not materially contribute to the overall bulk and scale of the development. Council has advised that this exclusion will not be allowed for development seeking to take advantage of the FSR and building height bonuses proposed in the Chatswood CBD Strategy.

### 2.3 Proposed Planning Controls – Chatswood CBD Strategy

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) adopted by Council and recently endorsed by DPI&E, 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 Chatswood CBD Strategy in accordance with DPI&E's conditional endorsement.

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 new CBD. The areas of expansion to the existing CBD boundary are shown coloured light red. The subject land is located within the southern CBD expansion area.

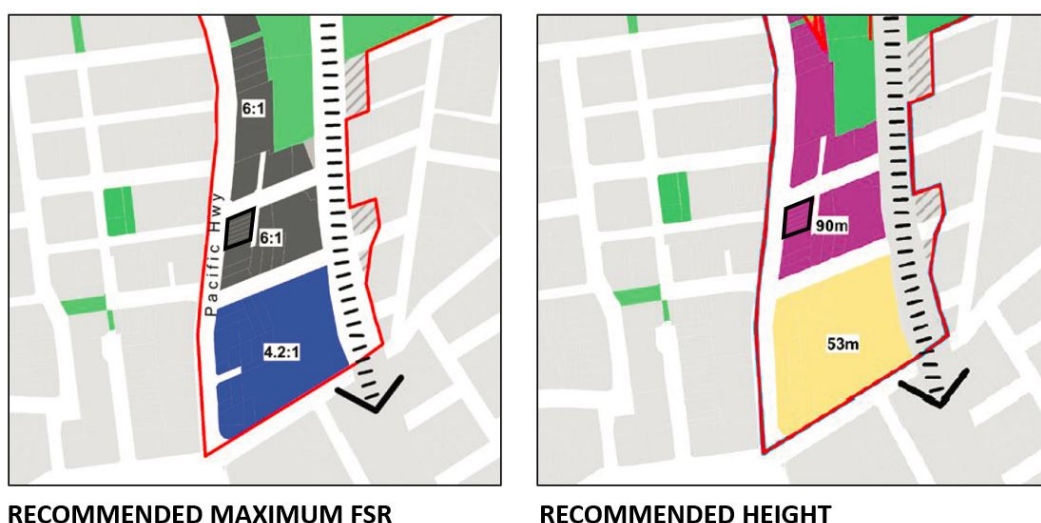
**Figure 9 - Chatswood CBD Strategy Chatswood CBD Boundary**



As detailed in Section 2.2 the subject land is currently permitted to be developed to a maximum building height of 20m and maximum FSR of 2.5:1. The proposed planning controls retain the existing maximum building height and FSR controls, but with potential to achieve up to an additional 70m of building height and an additional 4.5:1 FSR. This bonus potentially allows the site to be developed to a maximum building height of 90m and maximum FSR of 6:1 (including any affordable housing).

**Figure 10**, below is a copy of the bonus FSR and Building Height Maps from the CBD Strategy.

**Figure 10 – Chatswood CBD Strategy Map Extracts of Bonus FSR and Building Height**



With respect to land use, the CBD Strategy recommends that land not currently designated as open space, which is located outside the CBD, including the subject land be zoned B4 Mixed Use. When this zoning is implemented the zoning of the subject land will change from B5 Business Development to B4 Mixed Use.

The CBD Strategy proposes a minimum site size 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 1,185m<sup>2</sup>, which is marginally (some 1.25%) less than the recommended minimum site area. Such a minor departure from recommended minimum site area does not prejudice development of the site in the manner anticipated by the CBD Strategy.

Council in adopting the CBD Strategy has also indicated that minimum site size will be applied with some flexibility, particularly where it is not feasible to increase site area by including an adjoining site.

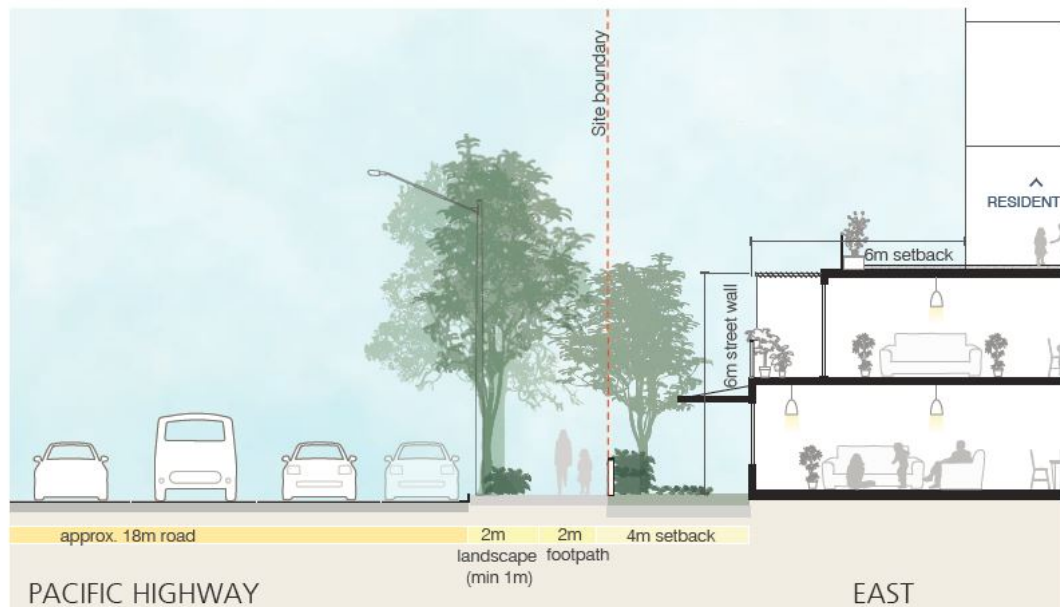
The subject land is adjoined on 3 sides by public roads. The adjoining property to the south at 621-727 Pacific Highway contains a modern 5 storey strata titled mixed use building and it would be extremely unlikely to get agreement to amalgamate that property with the development site. In any case, should such amalgamation prove to be possible, it would create an isolated undersized allotment to the south of No. 621-627.

The corner allotment property to the south of No. 621-627 is adjoined on 2 sides by public roads and on its eastern side by the proposed extension of Hammond Lane. Accordingly, this property can only be redeveloped in accordance with the density and height bonus, if it is amalgamated with No. 621-627 Pacific Highway.

The CBD Strategy includes sun access protection to nominated areas of public open space and Victoria Avenue. The subject land is located to the south of the nominated areas and will have no shadow impact on those public spaces.

The CBD Strategy includes a requirement to provide a 4m front setback to the Pacific Highway (east side), measured from the front boundary of the site, for the podium of proposed buildings, with a further 6m front setback required for the tower above. This is illustrated in **Figure 11**, below, which is a copy of Figure 2.2.4 from the CBD Strategy.

**Figure 11 – CBD Strategy Pacific Highway East Front Setbacks**



**Figure 2.2.4 Proposed landscape buffer on Pacific Highway - within mixed use zone**

Figure 10 of the CBD Strategy sets out required street frontage heights and prescribes a 7m high street wall for the podium. This equates to a 2 storey high podium. Zero side and rear setbacks are permitted for the podium to the side and rear boundaries of the site. **Figure 12** below, is an extract from Figure 10 of the CBD Strategy showing street frontage heights for the subject land and nearby land in the southern sector of the expanded CBD boundaries.

**Figure 12 – CBD Strategy Map Extract Street Frontage Heights**



As noted above the tower building component above the podium is required to have a 10m setback to the Pacific Highway front boundary of the site. A minimum 3m tower setback is prescribed for the Gordon Avenue and Hammond Lane frontages of the site. Above a height of 60m, tower setbacks to Gordon Avenue and Hammond Lane are to be increased by a further 3m. Setbacks to the southern side boundary are not prescribed, but rather, building separation standards contained in the SEPP 65 Apartment Design Guide (ADG) are applied.

Willoughby LEP 2012 allows a density bonus where a proposed development proceeds through a design excellence process. This will not apply to developments seeking to take advantage of the height and FSR bonuses provided for in the CBD Strategy. The Strategy specifies that all developments exceeding the base FSR and with a height of more than 35 metres must go through a design excellence process, with no further height or FSR bonuses available. To achieve design excellence, developments must achieve higher building sustainability standards and be endorsed by a Design Review Panel.

Implementation of the CBD Strategy will include a contribution mechanism to fund public domain and public and social infrastructure improvements. In addition to the usual Section 94A Developer Contribution (now Section 7.12 under the recent amended Environmental Planning and Assessment Act), a contribution is also required towards public art.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade to public domain, Provision of public art in accordance with Council’s public art policy and payment of additional contributions in accordance with Council’s Community Infrastructure Contribution scheme.

While the CBD Strategy states that the FSR bonus should be considered as the maximum achievable, it does not make reference to the existing Willoughby LEP 2012 provisions that allow affordable housing floor space to be excluded from FSR calculations if such floor space does not materially add to perceived building bulk and scale. Council has advised in Pre-Lodgement consultations that affordable housing will have to be provided within the allowable bonus FSR. The Planning Proposal concept plans for Council’s preferred envelope provides for 246m<sup>2</sup> of affordable housing within, rather than in addition to, the maximum 6:1 FSR proposed for the site.

The CBD Strategy Study 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 outside the centre of the CBD. The property to the south is identified as a constrained site, due to the presence of strata titling, creating a large number of landowners.

The Planning Proposal is not impacted by any of the conditions imposed by DPI&E’s recent conditional endorsement of the Chatswood CBD Strategy. The subject land is not located at an interface with any heritage conservation areas.

The building envelope in the Planning Proposal has been designed having regard to the proposed new planning controls contained in the CBD Strategy. Some variations to setbacks and podium height are sought to provide for a future built form that responds to site circumstances. The concept plans for the Planning Proposal are evaluated against the CBD Strategy planning controls in Section 3.5 of the Planning Proposal Report.

### **3. THE PLANNING PROPOSAL**

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

The Planning Proposal seeks to amend WLEP 2012 to include redevelopment incentives for the subject land parcels, designed to encourage site consolidation and redevelopment in accordance with the development outcomes envisaged in the CBD Strategy and subject to provision of public benefits in the form of affordable housing and additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from 2.5:1 to 6:1 (including affordable housing) and maximum building height to be increased from 20m (6 storeys) to 90m.

The proposed Council preferred building envelope allows for a 2 storey podium, with a 25 storey residential apartment tower above. The podium is to comprise 705m<sup>2</sup> of commercial/retail floor space on the ground floor and first floor levels of the podium, with residential floor space (including 246m<sup>2</sup> of affordable housing) provided in the 25 storey residential tower above. Commercial floor space can be increased, if required, by allowing a 3 storey podium, with a 24 storey residential tower above.

The building envelope is capable of accommodating at least 7,110m<sup>2</sup> of floor space, including 246m<sup>2</sup> affordable housing. .

The Planning Proposal is proposed to be implemented by way of introduction of an additional site specific subclause relating to maximum building height and FSR, where the above minimum development area and public benefits are made available for each site. A new clause 6.23 is proposed to be inserted into WLEP 2012 to allow a building height of up to 90 metres 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> and vehicular access being restricted to Hammond Lane.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land. With respect to the podium, these controls would include a minimum podium setback of 4m to the Pacific Highway, 2m to Gordon Avenue and zero setback to the southern side boundary.

Setback controls for the tower to the Pacific Highway would require a minimum setback of 10m. A minimum tower setback of 6m would be required to Hammond Lane and 3m to Gordon Avenue. With respect to Gordon Avenue, a minimum tower setback of 7.5m is proposed. A southern side minimum tower setback of 6m is proposed.

Proposed residential tower setbacks to the eastern and southern site boundaries would also be generally in accordance with the SEPP 65 Apartment Design Guide (ADG), with reduced southern side setback facilitated by inclusion of privacy protection measures.

### **3.2 The 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 Chatswood CBD Strategy.
- (e) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.
- (f) Provide 246m<sup>2</sup> of affordable housing on a site that currently is not required to provide affordable housing.
- (g) Provide for developer levies, in addition to Council's 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) Improve pedestrian amenity and safety by way of providing a footpath on the western side of Hammond Lane, which is capable of being extended through to Nelson Street, when properties to the south are redeveloped.
- (i) Remove an existing development that does not make a positive contribution to the character and amenity of the area.

### **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 Chatswood CBD Strategy. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic and access, viability, development trends and market expectations.

The existing 1950's commercial building is outdated and does not enhance the streetscape or character of the locality. The existing vehicle servicing use of the site is not compatible with the residential character and amenity adjacent to the site to the east and north. Removal of this existing development is a positive amenity outcome.

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 allow the existing vehicular access to the Pacific Highway to be removed, as all vehicular access will be off Hammond Lane. As a consequence, there will be less disruption to traffic flows on the southbound lanes of the Pacific Highway.

The narrow form of the proposed tower envelope has been designed to minimise shadowing of residential properties to the south and southeast. Detailed tower design will ensure reasonable neighbour privacy is maintained.

The Pacific Highway and Gordon Avenue frontages of the site will be enhanced by the provision of landscaping and street trees. There is potential for a north facing café fronting Gordon Avenue with outdoor seating, for use by local residents and workers.

By including substantial public benefits in the Planning Proposal, such as affordable housing 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) and include the following.

#### **(a) Voluntary Planning Agreement (VPA)**

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 residential floor space. This levy is in addition to Council's Section 7.12 levies and applies to the residential component of the building. The amount payable per square metre of additional residential floor space will be specified in Council's proposed *Community Infrastructure Contribution Schedule Policy*.

The site is currently permitted to have a maximum FSR of 2.5:1, which equates to 2,713m<sup>2</sup> of assessable gross floor area (GFA). The proposed development (excluding 246m<sup>2</sup> of affordable housing) will have a "private" residential floor area of up to 6,159m<sup>2</sup>, or an increase of up to 3,197m<sup>2</sup> above an FSR of 2.5:1, after excluding 705m<sup>2</sup> of commercial floor space and 246m<sup>2</sup> of affordable housing floor space from the existing base FSR of 2.5:1.

The Draft VPA provides for additional contributions in accordance with Council's *Community Infrastructure Contribution Scheme* (CIS). The contribution is to be used by Council towards funding existing and proposed infrastructure and community facilities in the area. The proponent will contribute towards the delivery of public art as part of the design excellence process and in accordance with Council's Public Art Policy.

#### **(b) Provision of Affordable Housing**

The Planning Proposal includes provision of 4% of residential floor space within the proposed development site for affordable housing on this site.

Based on “private” housing floor space of 6,159m<sup>2</sup>, 4% of this floor space equates to a requirement to provide 246m<sup>2</sup> of 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.

There are other public benefits arising from the Planning Proposal that are additional to affordable housing and additional developer levies. Those benefits include removal of existing vehicular access to the Pacific Highway, provision of a footpath on the western side of the existing Hammond Lane road carriageway and increased area of landscaped public domain fronting the site in Gordon Avenue and the Pacific Highway. The proposal will also generate more than double the Section 7.12 levies to Council, compared with a development that has a maximum FSR of 2.5:1.

### **3.5 Concept Plans and 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.

Building envelope and concept plans for the proposed redevelopment of the subject land have been prepared, illustrating both the curved tower form (variable Highway setback) with 3 storey podium and the more rectangular tower form preferred by Council with a 10m Highway tower setback and 2 storey podium are attached at **Appendix B**, and includes an urban design analysis outlining how the building envelope options were developed.

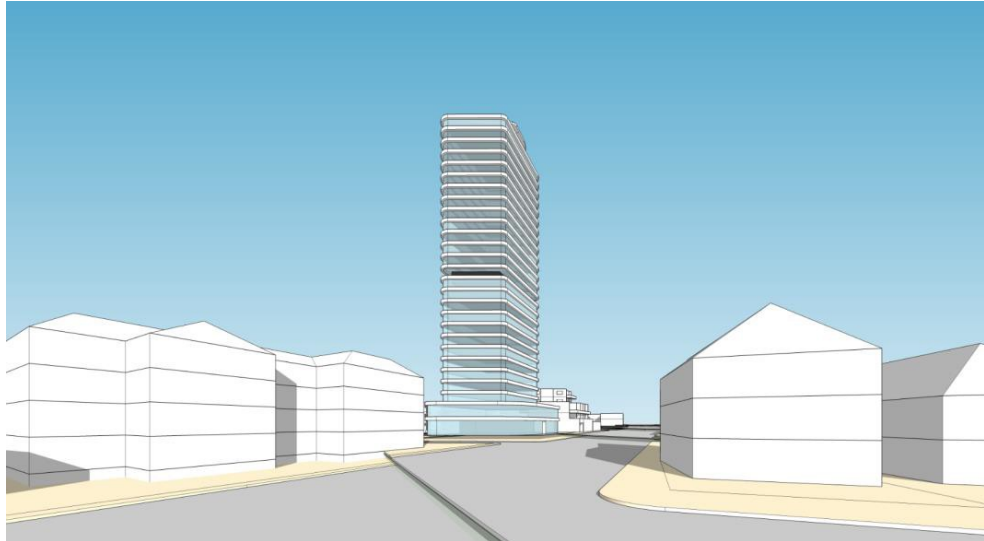
Council’s preferred building envelope, adopted for the Gateway process, provides for redevelopment of the site in the form of a mixed-use building of up to 27 storeys, comprising a 2 storey commercial/retail podium and a 25 storey residential tower above. 5 levels of basement parking are provided below the podium, with access off Hammond Lane.

The building envelope preferred by Council and proposed for Gateway, is capable of accommodating a total assessable gross floor area at least 7,110m<sup>2</sup> comprising 81 apartments (depending on unit mix), within the tower and 705m<sup>2</sup> of commercial/retail floor space, within the 2 storey podium. The ground floor level is proposed to contain 2 shops, a residential lobby, mail room, services and plant rooms, garbage room, loading dock, lifts and stairs. Level 1 of the podium provides office space. The basement levels provide space for at least 120 car spaces.

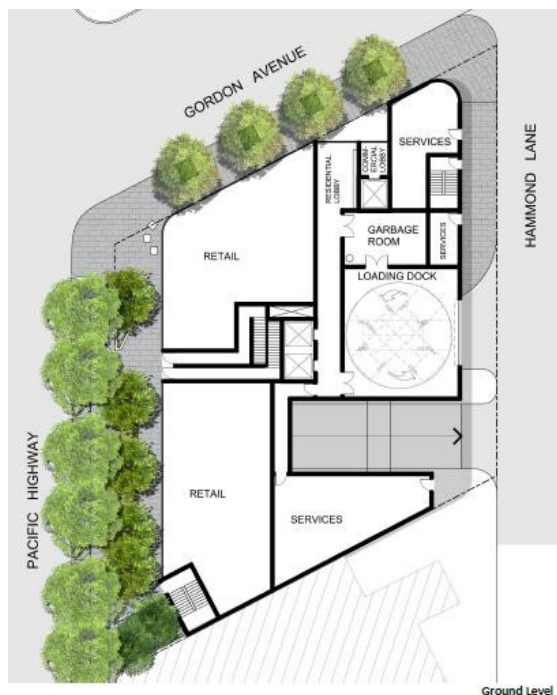
Apartment mix is focused on 1 and 2 bedroom units, as market analysis indicates that in this location, there is more limited demand for 3 bedroom units.

A 3D view of the preferred building envelope, looking southeast from the Pacific Highway is shown in **Figure 13**, below. This option adopts a more rectangular shape with a podium height (2 storeys) and a tower Highway setback (10m) which is fully compliant with the development controls recommended in the Chatswood CBD Strategy.

**Figure 13 - 3D View of the Proposed Building Envelope Looking South East**

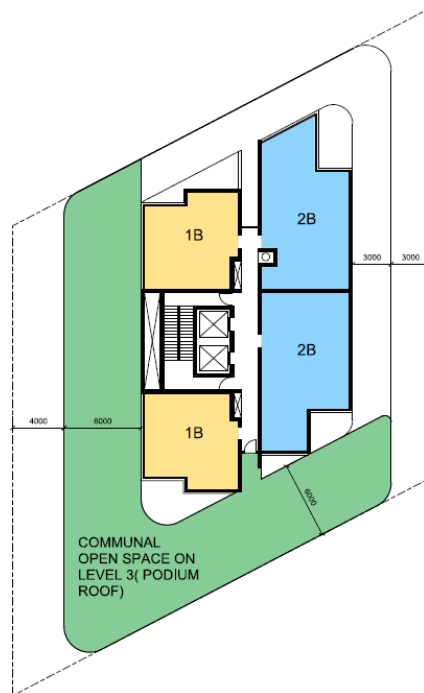


**Figure 14**, below shows the indicative layout proposed for the ground floor level in the Council's preferred building envelope option.



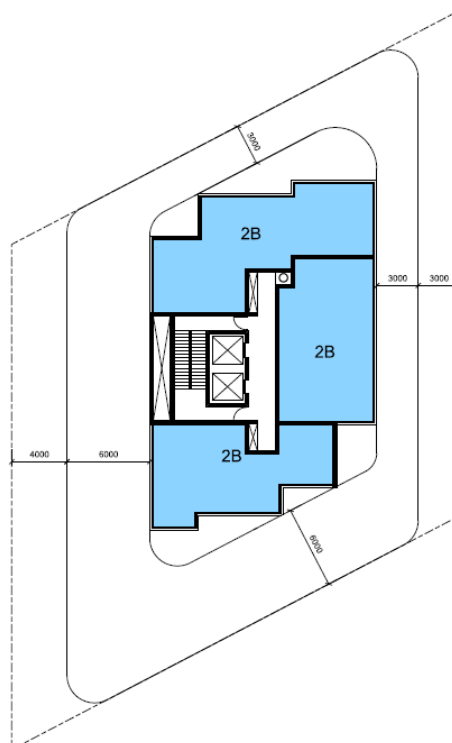
**Figure 14  
Indicative ground  
floor layout  
(Preferred Option)**

A typical tower floorplate for Levels 3 to 13 in the Council's preferred building envelope option accommodating 4 units per level is illustrated below, in **Figure 15**. Communal open space is provided on the roof of the podium.



**Figure 15**  
**Typical Tower Floor**  
**Plate Levels 3 to 13**  
**(Preferred Option)**

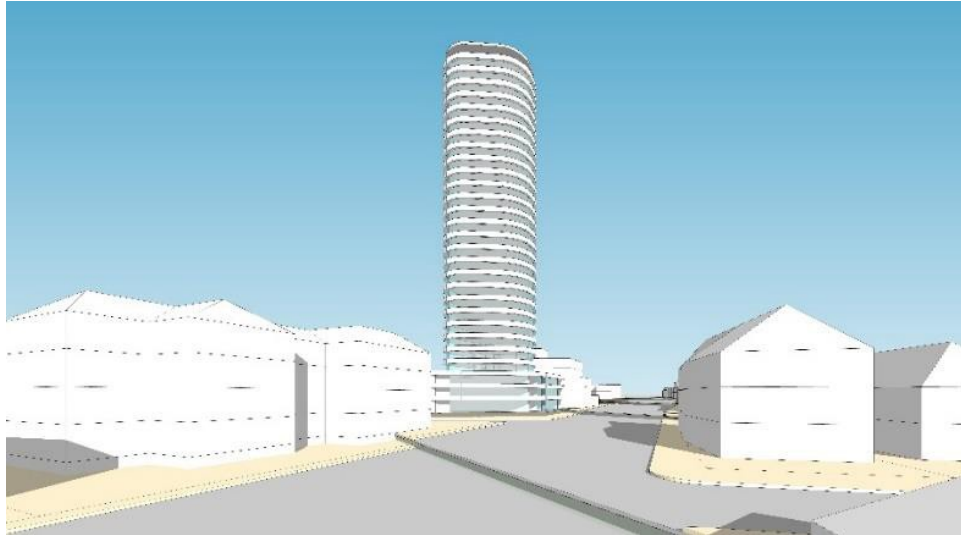
Tower floor plate reduces in size above the Plant Level (Level 14), with levels 15 to 25 accommodating 3 units on each level and Levels 26 and 27 accommodating 2 units on each level. A typical tower floorplate for Levels 15 to 25 is shown below, in **Figure 16**.



**Figure 16**  
**Typical Tower Floor**  
**Plate Levels 15 to 25**  
**(Preferred Option)**

The alternative option proposes a 3 storey podium and a curved slim tower shape, with reduced tower setback to the Pacific Highway. This tower option provides a minimum tower setback of 7.5m and an average tower setback of 9m to the Pacific Highway. The curved tower shape provides architectural interest and emphasises the corner location but can only be achieved with reduced tower setbacks to the Highway. A 3D image of the curved tower form with a 3 storey podium tower, as viewed looking northeast from the Pacific Highway, is shown below in **Figure 17**.

**Figure 17 - 3D View of the Curved Building Envelope Looking North East**



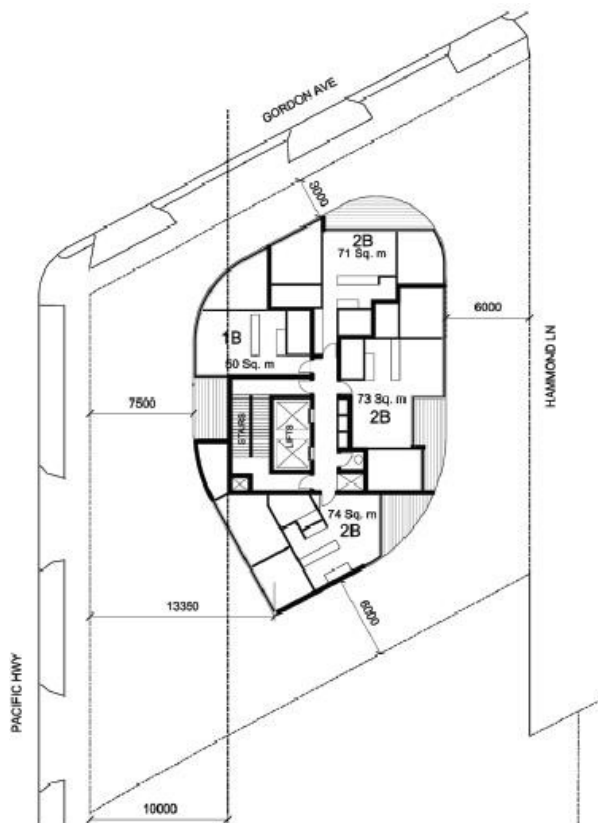
**Figure 18**, below shows the indicative layout proposed for the ground floor level in the 3 storey podium with curved tower option.



**Figure 18**  
**Indicative ground**  
**floor layout**  
**(Curved Tower Option)**

The podium concept is similar in both options. The podium of the building is setback 4m from the Pacific Highway and 3m from Hammond Lane, with a zero side setback to the southern side boundary. The setback to the Highway provides more than 140m<sup>2</sup> of semi-public space, including landscaping and space for street trees. A 3m wide footpath is provided within the site, on the western side of Hammond Lane. The curved tower concept provides an extra storey in the podium, providing an additional office level and includes a 2m setback to Gordon Avenue.

In the curved tower option, tower setbacks are variable, due to the curved shape, as illustrated in the typical tower floor plan, illustrated below, in Figure 19. Tower floor plates in the vicinity of 350m<sup>2</sup> are proposed in this option. While this is a relatively modest floor plate size, a larger floor plate would result in inadequate street setbacks and increased shadow impact on residential properties to the south and southeast.



**Figure 19**  
**Typical 350m<sup>2</sup>**  
**Tower Floor Plate**  
**(Curved Tower Option)**  
(

In the above option, a minimum tower setback of 7.5m is proposed to the Pacific Highway, with an average setback of 9m. This compares to the CBD Strategy minimum 10m Highway tower setback preferred by Council. The curved tower form has benefits in terms of providing architectural interest and emphasising the corner location but requires a reduction in tower setback to the Pacific Highway to provide a viable floor plate size.

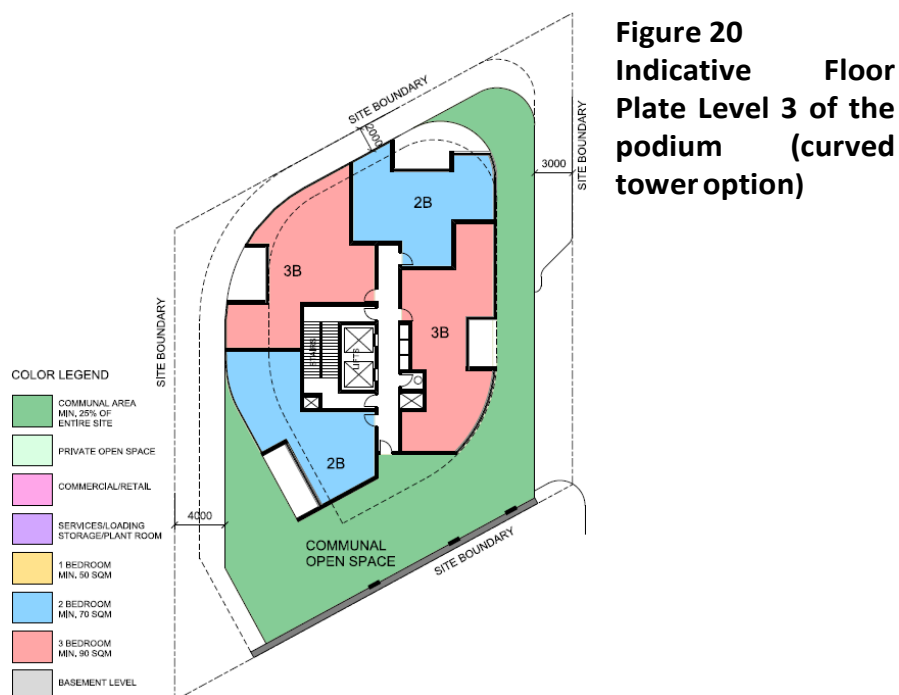
The curved tower option provides the same 3m tower setback to Gordon Avenue, as is proposed in the Council's preferred building envelope. The curved tower option provides a tower setback of at least 6m to Hammond Lane, increasing with the curve of the building. The Council's preferred building envelope provides a consistent 6m setback to Hammond Lane.

The curved tower option provides a minimum southern side tower setback of 6m increasing on either side of the tower with the curve of the building. The preferred building envelope provides a consistent 6m setback to the southern site boundary.

Given the modest floor plate sizes in the tower for both options, and in order to maintain a streamlined tower form, increased tower setbacks above a height of 60m are not proposed, nor considered necessary.

The proposed 4m setback of the podium to the Pacific Highway in both options, in conjunction with the existing 3.5m wide footpath reserve provides more than adequate area for street trees and associated landscaping. A generous deep soil area is achieved by setting back the uppermost level of the basement car park, by 4m to the Highway frontage.

Landscaped communal open space is proposed on the roof top level and above the podium in both options. The rooftop level includes wind mitigation measures to optimise comfort for users. Figure 20 below, shows the residential level of the podium (shown as Level 3 on the plan) for the curved tower option. This residential level is adjoined to the east and south by communal open space. The eastern portion of this communal open space obtains morning sun, while the southwest portion obtains afternoon sun.



## 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 DPI&E. The CBD Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries. These new boundaries extend to the north and south of the existing CBD, along the eastern side of the Pacific Highway, north to Wilson Street and south to Mowbray Road.

The subject land is located within the proposed expanded CBD boundaries to the south and is identified for an increase in maximum building height up to 90m 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 (WLSPS).

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 (NDP).

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 NDP expects the Willoughby LGA accommodate 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 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 a Voluntary Planning Agreement (VPA) providing for payment of additional developer levies to Council and also includes affordable housing on the site..

The requested increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains an outdated single storey commercial building that does not contribute positively to the modern high density contemporary urban character of the near Chatswood CBD.

**4.2 Section B – 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 Strategy 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 – 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 Planning Proposal 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?

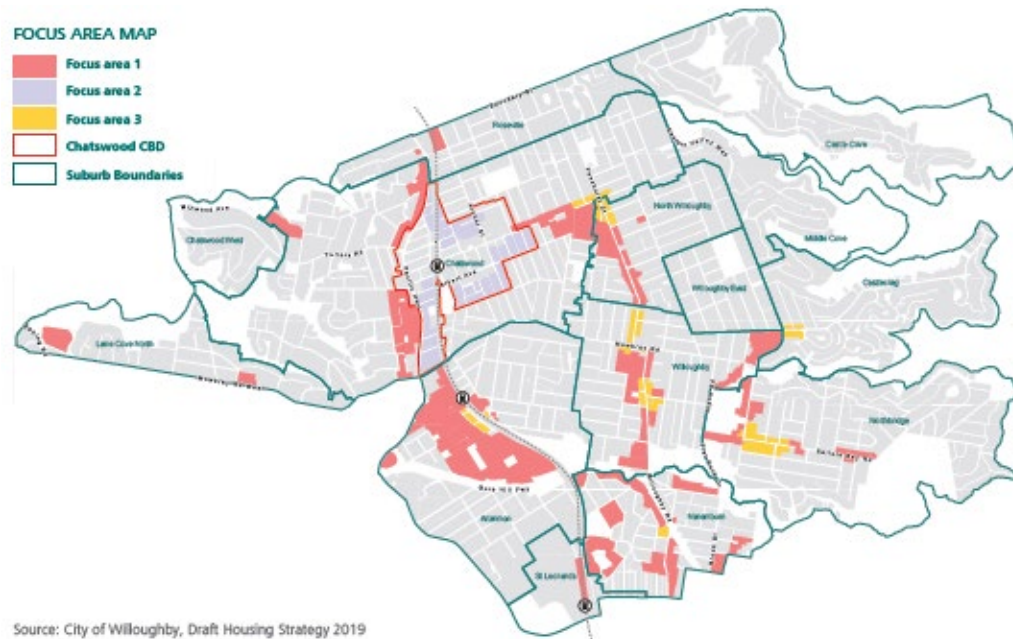
*Willoughby Local Strategic Planning Statement*

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 for higher density housing. The Focus Area Map in the WLSPS is reproduced in Figure 21, on Page 34..

**Figure21 – 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 southern Chatswood CBD expansion area identified to accommodate increased housing density within a proposed B4 Mixed 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 first floor in a format suitable for commercial uses seeking a more affordable city edge location. The proposed 705m<sup>2</sup> commercial floor space is likely to provide space for up to 35 jobs, a modest increase on existing employment on the site. 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 up-zonings 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
<p><b>SEPP 55 – Remediation of Contaminated Land</b></p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.</p>	<p>The site is currently used for tyre and brake service and other vehicular related uses. There is unlikely to be any major land contamination issues. There may be some potential hazardous building materials existing buildings.</p> <p>The Planning Proposal is accompanied by a Stage 1 land contamination assessment which includes recommendations on further investigations following demolition of existing buildings. There is no evidence of any contamination hazard that would preclude allowing increased development density on the subject land. Council can require submission of a more detailed contamination assessment with any future Development Application (DA) for redeveloping the site.</p>

<p><b>SEPP (BASIX) 2004</b></p> <p>Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption</p>	<p>This SEPP will apply to future proposed dwellings/apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site</p>
<p><b>SEPP 65 – Design Quality of Residential Flat Development</b></p> <p>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.</p>	<p>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 Code and full compliance with the primary design standards.</p>
	<p>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.</p> <p>86.4% of apartments achieve natural cross ventilation and 86.4% of apartments achieve 2 hours mid-winter solar access.</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 design principles and criteria, relevant to the proposed building envelope is included in <b>Appendix B</b>.</p>

#### *Regional Environmental Plans*

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

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

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

<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
<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.	YES – the proposal will not materially reduce the extent of business/commercial floor space permitted on the site under its B5 Business Development Zone. The proposal will increase the number of jobs that can be accommodated on the site. The B5 Zone will be retained but with increased residential density, 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 (Items I96 and I147) of at least 100m, located to the south and southeast of the site.
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable

<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
<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.	Not Applicable (the site is not within a Residential Zone) The site adjoins a medium density residential zone to the east and north that has been identified for a significant increase in building height and density. The proposal provides 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 in a location which is within convenient 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
<b>5.2 Sydney Drinking Water Catchment</b>	Not Applicable

<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not Applicable
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not Applicable
<b>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</b>	Not Applicable
<b>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</b>	Not Applicable
<b>5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</b>	Not Applicable
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	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 following table.

<b>Criteria</b>	<b>Consistency</b>
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 will not result in a loss of employment lands, as the zoning continues to allow for employment activities on the site.
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the Draft Inner North Subregion Strategy. The subject land 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 Subregion 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 convenient 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 density residential and mixed-use zones, which 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 – Traffic, Transport, Environmental, Urban Design, Economic and Social Impact

#### 4.3.1 Traffic and Transport Considerations

The Planning Proposal is accompanied by a Traffic Transport and Parking Report prepared by Varga Traffic planning addressing local traffic, public transport, cycling and pedestrian movement and car parking demand. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading. A copy of this report is attached at **Appendix C**. The recent ARUP Chatswood CBD Traffic Study also confirms that traffic arising from planned increased development densities in the Chatswood CBD can be satisfactorily accommodated within the existing road network.

The proposal will result in a modest increase in peak hour traffic compared to a mixed-use development currently permitted at an FSR of 2.5:1, with the same amount of commercial/retail floor space (705m<sup>2</sup>).

If the 2.5:1 FSR currently permitted on the site were to be developed solely for business purposes, the proposal would result in a reduction in traffic generation compared to a commercial building with no residential at an FSR of 2.5:1.

No road improvements are required because of the proposal and the projected additional traffic flows will not have any adverse effects on the operational performance of the Pacific Highway and Gordon Avenue. A footpath will be provided on the western side of Hammond Lane.

The traffic consultant confirms that vehicular access off Hammond Lane, as proposed, is appropriate and suitably designed required car parking, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards and SEPP 65 can be provided in basement parking levels. Basement design allows for extension of the driveway into the neighbouring site to the south, in the event that property is redeveloped for a high-rise mixed-use building.

#### **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. There are no trees on, or adjoining the site, and no vegetation will require removal.

##### **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 and the like.

There is some potential for land contamination due to the use of the site for vehicular related purposes, although such contamination is unlikely to be significant. There is also likely to be some hazardous building materials in the existing buildings and if there has previously been filling of the site, such fill may contain contaminants.

The Planning Proposal is accompanied by a Stage 1 land contamination assessment prepared by Douglas Partners (copy attached at **Appendix D**). This assessment concludes that the site can be made suitable for the proposed mixed- use development, following further intrusive investigation of the site.

Douglas Partners recommend that prior to demolition of existing buildings a hazardous building materials assessment 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).

Following demolition of existing buildings, Douglas Partners recommend intrusive soil and groundwater investigations and provisional waste classification at the time of excavation and/or stockpiling, prior to off-site disposal. It is also recommended that an additional *in ground* assessment of the soils, using test pits, prior to commencement of excavation, but after demolition of buildings, be carried out as additional contamination concerns (e.g. asbestos) may arise following demolition and so that previously inaccessible area of the site can be assessed.

There is no evidence of any contamination hazard, which would preclude allowing increased development density on the subject land. Council can require submission of further detailed contamination assessment and if necessary, a remediation action plan (RAP) with any future Development Application (DA) for redeveloping the site. DA consent conditions can then be imposed to require the further investigations recommended by Douglas Partners and implementation of those investigations, prior to construction works commencing on the site. This will ensure that the site is in a suitable condition for future residential use.

#### *Acoustic Environment/Impacts*

Future residential development on the site would be impacted by road and rail noise as the site adjoins a busy highway and is close to the 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. These recommendations include the following:

- *Proprietary single laminated glazing systems.*
- *A “winter garden” type strategy for the low-rise portion (or the entire tower) depending on architectural strategy.*
- *Deep void double glazed systems.*
- *Provision of alternative means of ventilation to minimise the need for opening windows.*
- *Undertake acoustical modelling at the detailed design stage.*

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 high noise exposure locations such as at the ground floor level, or on the western side 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. The site is separated from neighbouring residential flat buildings by public roads, but adjoins a mixed use building immediately to the south, which contains 3 levels of apartments above a ground floor business premises.

The first 2 levels of these apartments have a solid masonry wall along the common boundary with the development site and would not be materially impacted by any noise emissions from the site.

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 in a judicious manner. Other measures include using larger fans at lower speed, variable speed drives and use of barriers, internally lined ducts and bends, external duct and equipment wrapping and use of silencers.

A copy of the preliminary acoustic assessment report prepared by Resonate Acoustics is attached at **Appendix F**.

### *Shadow Impacts*

Shadow diagrams have been prepared by DEM, illustrating the shadow impact of a fully compliant development envelope and with the curved development 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 curved tower building envelope in comparison to existing shadows and shadows cast by a building envelope with fully compliant setbacks.

There will be a minor increase in overshadowing to the existing north facing private open space/balconies of the 5-storey mixed use building to the south between 10am and 11am. However, the extent of additional overshadowing is not materially different to the shadows that would be cast by a 20m building developed on the site that is compliant with the current planning controls. Importantly the subject private open space/balconies will continue to receive at least 2 hours mid-winter solar access.

There will be a minor increase in overshadowing to the existing east facing private open space/balconies on Level 4 of the 5-storey mixed use building to the south between 11am and 12 noon.

However, the extent of additional overshadowing to the east facing private open space/balconies is not materially different to the shadows that would be cast by a 20m building developed on the site that is compliant with the current planning controls. Importantly the subject private open space/balconies will continue to receive well in excess of 2 hours mid-winter solar access

The only other area of shadow impact is in the afternoon to the west facing elevation of No. 10 Gordon Avenue, between the hours 12.30pm and 2.30pm, primarily to the existing rearmost ground floor unit that faces west to Hammond Lane. However, the extent of increased overshadowing will not be materially different to the shadows cast by a 20m building developed on the site that is compliant with the current planning controls.

West facing apartments at No. 10 Gordon Avenue will continue to receive at least 2 hours solar access in mid- winter.

#### *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 at least 24 metres is provided to existing or future residential development to the north and west of the site and the additional built form is above the existing 20m height limit, where views will be over the top of existing buildings.

Privacy of the first 3 storeys of the mixed-use building to the south at 621-627 Pacific Highway is maintained by the existing masonry wall along the northern side of this property and the 3-storey masonry boundary wall for the podium of the proposed tower.

Above the 2 storey podium proposed apartments provide a 6m side setback, which includes landscaping on the podium to prevent direct views into the north facing windows and terraces of the 4<sup>th</sup> and 5<sup>th</sup> storeys of No. 621-627. Windows of habitable rooms (other than bathrooms and the like) and adjoining balconies in the proposed tower can be orientated away from the northern elevation windows and terraces of No. 621-627 and where necessary, include privacy screens.

To the east, the development site interfaces to a 3-storey residential flat building at No. 10 Gordon Avenue, located on the eastern side of Hammond Lane. Hammond Lane has a width of 6.3m and the existing residential flat building at No. 10 Gordon Avenue is located close to Hammond Lane frontage of the site.

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 proposed podium provides a setback of 6.15m to the centreline of Hammond Lane and there complies with the separation distance principles of the ADG.

In terms of measuring separation distance between the proposed podium and the actual location of the western elevation of No. 10 Gordon Avenue, a separation distance of between 10.3m and 14.9m and an average separation distance of at least 12.5m.

No windows, balconies or terraces are proposed in the ground floor eastern elevation of the proposed podium. Windows and balconies in the eastern elevation of the first and second storeys of the podium.

Where they are located less than 12m from the western elevation of No. 10 Gordon Avenue (i.e. the northern portion of the western elevation) can be orientated away from No. 10 and/or include privacy screens.

The 4<sup>th</sup> storey of the proposed building, as envisaged in the curved tower option (or the 3<sup>rd</sup> storey in the Council's preferred option), comprises the ground floor of the residential tower component and provides a separation distance of more than 12m to the existing residential flat building (RFB) at No. 10 Gordon Avenue.

Above the proposed 4<sup>th</sup> storey (or 3<sup>rd</sup> storey in the Council's preferred option), the proposed tower component extends well above the height of the existing RFB at No. 10 and in such circumstances, views are over the roof of No. 10, rather than directly across to the west facing windows and balconies of No. 10.

Any future high-rise redevelopment of No. 10 Gordon Avenue would have to provide at least 50% of the ADG separation distance within the site of No. 10. This setback, in combination with a suitably privacy sensitive design, would ensure a satisfactory privacy interface between the 2 towers.

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, apart from northerly views from No. 621-627 Pacific Highway. Existing development in the locality ranges from 1 to 5 storeys and there are no important or iconic views available over the site from neighbouring properties in the locality, to the north, west or east of the site.

Existing north facing apartments and the associated northern terrace at No. 621- 627 Pacific Highway currently have northerly views towards the Chatswood CBD skyline, predominantly over the central and eastern portions of the southern side boundary of the development site, which currently contains a single storey building.

A view impact analysis of the proposed tower with respect to view impacts on No. 621-627 Pacific Highway is included at **Appendix B**.

Current planning controls would allow the subject land to be developed with a new mixed-use building with a height of at least 5 storeys, in similar form to the existing building at No. 621-627 Pacific Highway. Such a building would obstruct northerly views from No. 621-627 to a similar and perhaps greater extent, as the taller building envisaged in the Planning Proposal. It is likely that a 20m high building on the development site would have setbacks to the front and rear boundaries that are less than the proposed tower and would therefore obstruct a greater percentage of the existing view.

It should be noted that the proposal complies with view sharing principles, as views across a side boundary are given limited weight, particularly where such views are across the central portion of the side boundary, where a building may be expected to be located, due to the need to provide front and rear setbacks above podium height. Furthermore, as noted above, the proposed building, though significantly taller than is currently permitted, would have the same, or even less impact on the subject northerly views, as a building that is fully compliant with the current planning controls.

Visual impact arising from the increase in building height and density, within the building envelopes proposed, is acceptable in the context of view impacts associated with a new building under the current controls and having regard to proposed future planning controls for the locality, which envisage tall residential towers constructed above 2 storey podiums. This is illustrated in the view of the proposed development in its future context.

### *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 draws the following conclusions:

- *With the proposed design, adjacent footpaths would be expected to have wind levels within walking comfort criterion.*
- *The wind conditions near the main entrance areas would be expected to be within the criterion for standing comfort.*
- *With the proposed design and recommended control measures, the wind conditions in the podium roof terrace areas would be expected to be within the criterion for walking.*

The proposal includes options for mitigating wind impacts on the roof terrace to ensure reasonable user comfort at most times. Anticipated wind impacts are substantially the same for both the proponent's preferred building envelope, and Council's preferred building envelope.

A detailed wind impact assessment would be prepared, as part of the preparation of architectural plans for the future tower building to be constructed within the proposed building envelope.

#### *Heritage Impact*

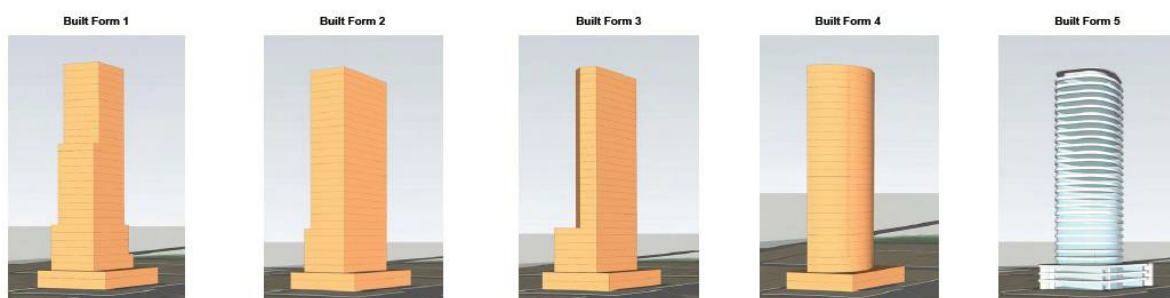
The subject land is not located within a heritage conservation area and there are no heritage items on or near the site. The nearest heritage items (Items I96 and I97) are located at least 100m from the site, to the southwest and south. The proposal has minimal if any impact on the heritage values of these item or view lines to and from those items. There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

#### **4.3.4 Urban Design Considerations**

The Planning Proposal is accompanied by an Urban Design Report prepared by DEM 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. The urban design analysis also includes an assessment against the design principles and criteria of SEPP 65 and the associated Apartment Design Guide (ADG) and development yield, as well as Draft DCP provisions setting parameters for the proposed building envelope. A copy of DEM's report is attached at **Appendix B**

The urban design analysis includes exploration of several potential building envelopes options, as illustrated in **Figure 22**, below..

**Figure 22 – Assessed Potential Building Envelope Options**

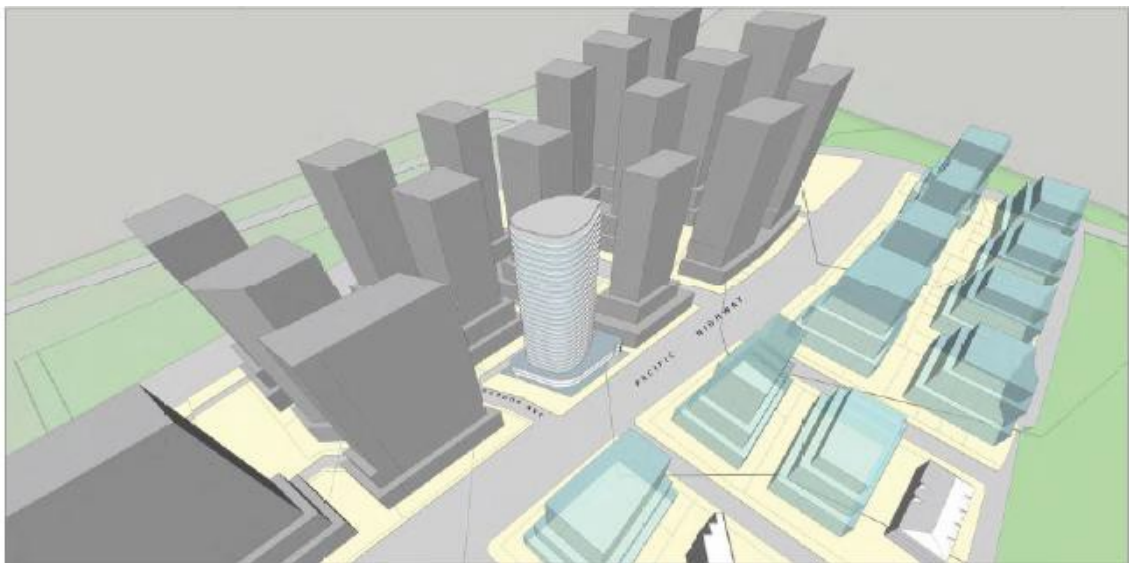


The curved building form option (Built Form 5) recommended by DEM responds to the corner gateway context of the site and the desirable goal of minimising shadow impacts to residential development to the south and east of the site.

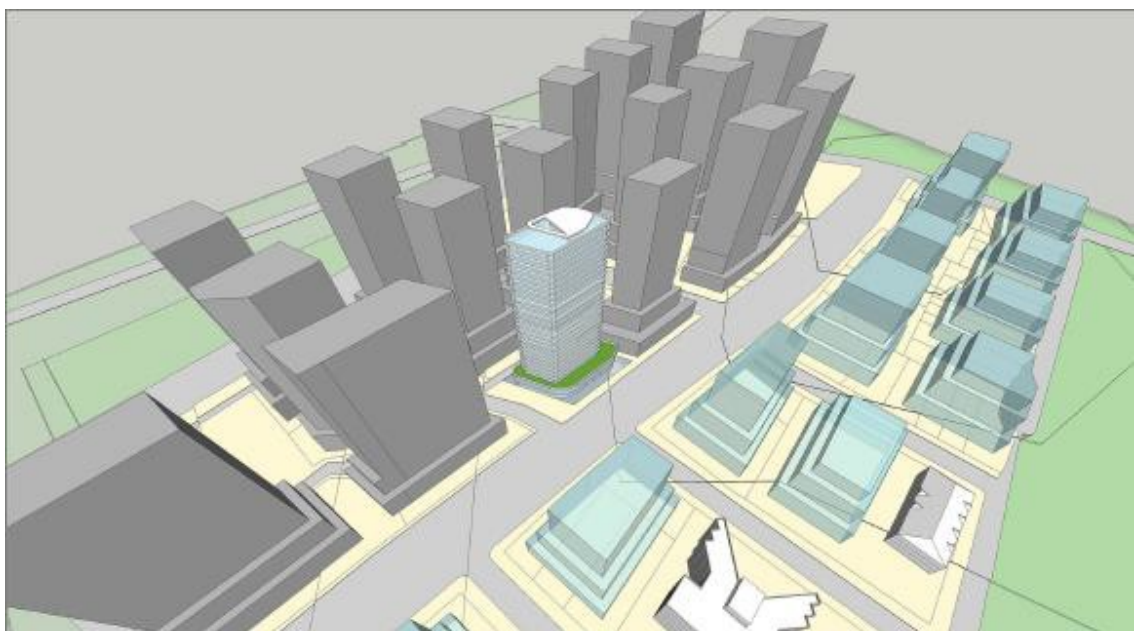
**Figure 23**, below is an extract from the Urban Design Report showing 3D view of the preferred curved tower form within the future context of the site, whereby tower buildings (shown in dark grey) of up to 90m will be constructed on the eastern side of the Pacific Highway.

**Figure 24** further below, illustrates the Proponent's preferred building envelope comprising a curved building envelope. **Figure 24**, further below, illustrates the Council's preferred building envelope, comprising a 2 storey podium with a fully compliant 10m tower setback to the Pacific Highway.

**Figure 23 – Proponent's preferred building envelope (curved tower form with 3 storey podium) within the future context**



**Figure 24 – Council's preferred building envelope (10m tower setback to the Highway and 2 storey podium) within the future context**



A 3 storey podium aligns with the height of the northern windowless masonry wall of the existing adjoining building to the south. A 2 storey podium, while lower, would include landscaping along the southern side of the podium to screen the upper level of the masonry wall in the northern elevation to the south.

The curved tower form does offer some urban design benefits over the preferred rectangular tower form, as outlined in DEM's urban design report attached at **Appendix B**. However, the curved tower form does not provide a building setback to the Pacific Highway that is compliant with the minimum 10m tower setback recommended in the Chatswood CBD Strategy and adopted by Council.

The design of future towers in the locality will need to be carefully considered in order to avoid creating a repetitive box like built form, as illustrated by the grey coloured building envelopes in **Figure 23 and 24**, which apply the adopted Chatswood CBD Strategy planning controls in the same manner to all sites.

#### **4.3.5 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 employment for a similar number of workers as are currently employed on the subject land.

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.

#### **4.3.6 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.

Increased residential population will increase demand for a range of public services and facilities, such as schools, child care, 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 locality within which the proposed development is located has convenient access to education and health facilities. A high school and primary school are within 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 3kms 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 intersections. The proposal does not require vehicular access from the Pacific Highway and will provide adequate on-site parking to meet parking demand.

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.

Additional rail services to and from Chatswood Station will soon be available with the completion of the northwest rail link with further service augmentation occurring in the future when the planned metro rail link is completed to the Sydney CBD and 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 as an existing medium density residential area, which is planned to be developed for high density housing.

Public exhibition will allow a final decision to be made on the preferred building, having regard to feedback from public submissions.

## 5. CONCLUSION

This Planning Proposal seeks amendment of Willoughby LEP 2012 for 629-639 Pacific Highway, Chatswood to 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 of up to 90m and a maximum floor space ratio of up to 6:1 (including affordable housing). Utilisation of bonus floor space is subject to site amalgamation creating a site of not less than 1,100m<sup>2</sup> and a Voluntary Planning Agreement including provision of affordable housing equating to 4% of "private" residential floor space and payment of a developer levy (additional to Council's standard section 7.12 charges) that is consistent with Council's *Community Infrastructure Contribution Schedule Policy*.

This Planning Proposal Report has demonstrated that the subject land, if developed as a single parcel of more than 1,100m<sup>2</sup>, can be suitably developed within the B5 zoned land to a maximum assessable FSR of at least 6:1 and maximum building height of 90m.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located within walking distance of the Chatswood City Centre and transport interchange. The site is within a locality that has been identified by Council as being appropriate for high-rise mixed-use development and is proposed in a manner that is generally consistent with the development controls proposed in the endorsed Chatswood CBD Planning and Urban Design Strategy. The Planning Proposal is not affected by any of the conditions imposed by DPI&E in its recent conditional endorsement of the Chatswood CBD Planning Strategy

The Planning Proposal identifies 2 potential mixed-use building envelopes, either of which would result in an appropriate redevelopment of the site, generally in the form anticipated by the Chatswood CBD Strategy. The proponent's preferred option of a 3 storey podium with curved tower form allows for additional commercial floor space in the podium and a tower form that provides for a distinctive urban form, well suited to a corner location.

The Council's preferred option provides an increased tower setback to the Highway and a 2 storey podium height, achieving strict numerical compliance with the recommendations of the CBD Strategy, with respect to Highway setback and podium height. A final decision on which of these 2 options is most appropriate can be made after public exhibition.

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