

18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

18.1 629-639 PACIFIC HIGHWAY, CHATSWOOD - PLANNING PROPOSAL

ATTACHMENTS:

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"
4. PLANNING PROPOSAL CONCEPT PLANS
5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS
6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL PROVISIONS AREA MAPS

RESPONSIBLE OFFICER:

IAN ARNOTT - PLANNING MANAGER

AUTHOR:

CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY LINK:

6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS

MEETING DATE:

12 FEBRUARY 2018

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of the Planning Proposal for 629 – 639 Pacific Highway, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

2. OFFICER'S RECOMMENDATION

That Council:

- 1) Support for public exhibition the Planning Proposal, as modified by Council, and draft amendments to *Willoughby Local Environmental Plan 2012*:
 - a) To add Clause 4.4 (2D) as follows:

- 2D. Subclause (2A) (b) (i) does not apply to any land shown in Area 8 on the Special Provisions Area Map, with affordable housing here to be included in the gross floor area of the building for determining the maximum floor space ratio of the building.
- b) To add Clause 6.23 as follows:
- 6.23. Minimum commercial floor space within the Mixed Use zone
- Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1.
- c) To add Clause 6.24 as follows:
- 6.24 Design Excellence
- “(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building on land shown in Area 8 on the Special Provisions Area Map.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- d) To amend the Land Zoning Map (Sheet LZN_004) for 629 – 639 Pacific Highway, Chatswood, to B4 Mixed Use.
- e) To amend the Height of Buildings Map (Sheet HOB_004) for 629 – 639 Pacific Highway, Chatswood, to 90 metres.
- f) To amend the Floor Space Ratio Map (Sheet FSR_004) for 629 – 639 Pacific Highway, Chatswood, to 6:1 (including affordable housing).
- g) To amend the Special Provisions Area Map (Sheet SPA_004) to show 629 – 639 Pacific Highway, Chatswood, as Area 8.
- 2) Support for public exhibition the accompanying *Development Control Plan* provisions specific to 629 – 639 Pacific Highway, Chatswood, subject to the following amendments:
- a) In Section 8, an amalgamation plan be included, requiring 629 Pacific Highway and 639 Pacific Highway to be consolidated for redevelopment to occur.
- b) Amend Section 2 Building Form, A. Building Height and Floor Space Ratio, Performance Criteria, Point 1 to read:
1. Provide a slender tower building form.
- c) Delete Section 2 Building Form, A. Building Height and Floor Space Ratio, Performance Criteria, Point 5.

- d) Amend Section 2 Building Form, A. Building Height and Floor Space Ratio, Controls, Point 4 to read:
 - 4. Provide a maximum podium height of 8 metres addressing the Pacific Highway, Gordon Avenue and Hammond Lane.
- e) Amend Section 5 Car parking and Access, Part A Provision, Controls to add:
 - 3. Opportunities should be explored to reduce on-site car parking through the provision of shared residential visitor / commercial car parking and car share spaces.
- f) Amend Section 6 Design Excellence and Building Sustainability, Part B Sustainability Criteria, Performance Criteria, to add"
 - 6. A wind assessment is to be provided at Development Application stage.
- g) Amend Section 9 Substations to:
 - 9. Substations and Services
- h) Amend Section 9 Substations and Services, Controls, Point 1:
 - 1. Substations to be provided within buildings, not within the streets, open spaces or setbacks, and are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.
- i) Amend Section 10 Public Art, Controls, Point 1 to read:
 - 1. A development achieving an FSR uplift should contribute towards public art in accordance with Willoughby's Public Art Policy which may include public art being provided on the site or a monetary contribution for an installation elsewhere in the CBD.
- j) Delete Section 11 Affordable Housing, Controls, Point 2.
- k) Add Section 12 Overland Flooding
 - 12. Overland Flooding
 - Performance Criteria
 - 1. An overland flooding assessment is to be provided at Development Application stage.
- 3) Request the proponent provide a revised traffic report prior to public exhibition that:
 - a) Contains a high level assessment of trip distribution and mode choice.
 - b) Reconsiders retail trip generation, applying a first principles approach.

- 4) **Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*.**
- 5) **Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.**

3. BACKGROUND

The subject site is located within the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. The site has been recommended as a Mixed Use Zone with a maximum height of 90 metres and floor space ratio of 6:1 subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements.

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* in accordance with the *Chatswood CBD Planning and Urban Design Strategy* to rezone the site to B4 Mixed Use, allow a building height of up to 90 metres and a Floor Space Ratio up to 6:1 (including affordable housing) on the site. Supporting Development Control Plan provisions have also been provided.

4. DISCUSSION

The Planning Proposal is generally consistent with the recommendations of the *Chatswood CBD Planning and Urban Design Strategy* as endorsed by Council on 26 June 2017. This is discussed in the Detailed Assessment at Attachment 2. In addition the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' and is generally satisfactory (Refer to Attachment 3).

The above Council reports have considered the proponent's documentation supporting the Planning Proposal, including:

- Concept plans showing a conceptual redevelopment plan for the site (Refer to Attachment 4).
- *Draft Development Control Plan* provisions (Refer to Attachment 5).

The Planning Proposal has been referred to Planning and Urban Design as well as Traffic consultants to assist with assessment. No objections were raised by either to the Planning Proposal proceeding to Gateway and public exhibition.

The Planning and Urban Design Consultants concluded:

"The proposed controls can deliver an outcome in accordance with the Strategy, however further design development from the current plans will be required for any future Development Application at the site."

The Traffic Consultants advised that additional information is required prior to public exhibition as contained in the Recommendation above.

Some amendments have been proposed in the Recommendation to ensure the *Draft Development Control Plan* provisions are satisfactory for the purposes of public exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment

following public exhibition and may be the subject of further amendments. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared:

- Written amendments to *Willoughby Local Environmental Plan 2012* (Refer to Attachment 6).
- Mapping amendments to the Land Zoning, Height of Buildings, Floor Space Ratio and Special Provisions Area Maps (Refer to Attachment 7).
- Amendments to the proposed *Development Control Plan*. Provisions.

Although an offer to enter a voluntary planning agreement has been made, detailed discussions regarding an agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

5. CONCLUSION

The Planning Proposal is consistent with the strategic objectives of *A Plan for Growing Sydney*, the *Draft Greater Sydney Plan* and the *Revised Draft North District Plan*, as well as the *Chatswood CBD Planning and Urban Design Strategy*.

It is considered that the relevant requirements under Section 55 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition. This conclusion is subject to additional information being submitted prior to exhibition to address traffic issues.

It should be noted that following exhibition and further assessment, amendments may be required to supporting documentation such as the *Draft Development Control Plan* provisions provided by the proponent.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Link:	6.1.1 A Council that is open, accountable and represents its constituents
Business Plan Objectives, Outcomes/ Services	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> to accommodate future growth needs.
Policy	This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> , endorsed by Council on 26 June 2017. The Amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i> .
Consultation	Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017. This Planning Proposal would also be publicly exhibited following Gateway Determination.
Resource	Operating resources used to prepare report but additional consultant resources were required to undertake the urban design and traffic analysis (involving Architectus and ARUP).
Risk	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> objectives and accommodating future growth requirements.
Legal	The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> .
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	The work completed by Architectus and ARUP is within the allocated budget.

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The sites which are the subject of this Planning Proposal are as follows:

- 629 Pacific Highway, being Lots 11, 12, 13 and 14 in DP 4138, and developed as a single storey commercial building occupied by Midas.
- 639 Pacific Highway, being Lots 9 and 19 in DP 4138, and developed as a 2 storey commercial building occupied by Payless Tyres and Brakes.

The site has an area of 1,185m², with frontages of 36.4 metres to the Pacific Highway, 36.1 metres to Gordon Avenue and 37.9 metres to Hammond Lane. Vehicle access to the site is currently available from each frontage. Refer below to Figure A – Site Plan.

N and M Koudsy are the owners of 629 Pacific Highway and Valbert Holdings are the owners of 639 Pacific Highway. Both property owners have authorised DPG Project 23 Pty Ltd (Develotek) to lodge a Planning Proposal on these sites.

Figure A – Site Plan



The Locality

The subject land is located on the eastern side of the Pacific Highway on the corner of Gordon Avenue, approximately 700m south of Chatswood Railway Station and Transport Interchange and 250m north of Mowbray Road. The Frank Channon Walk, a pedestrian

walkway and cycleway to Chatswood CBD and Railway Station, is located near the site less than 100m to the east.

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 1960s, 1970s and 1980s.

The site is adjoined to the north by Gordon Avenue with 3 storey apartment buildings 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 with 3 storey apartment buildings located between Hammond Lane and Frank Channon Walk / North Shore railway line.

Background

The subject site is located within the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* (the Strategy) endorsed by Council on 26 June 2017. The Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

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

Planning Proposal

The Planning Proposal originally submitted sought to:

- Increase the height on the site to 90 metres.
- Increase the Floor Space Ratio on the site to 6:1.

It was proposed to achieve the above by inserting a Clause 6.23 into *Willoughby Local Environmental Plan 2012* to allow a building height of up to 90 metres and a Floor Space Ratio up to 6:1 (including affordable housing) on the site, subject to a minimum site area of 1,100m² and vehicular access from Hammond Lane.

Following discussion with Council, the Planning Proposal was amended in December 2017 as follows:

- Change the zoning on the site to B4 Mixed Use.
- Increase the height on the site to 90 metres.
- Increase the Floor Space Ratio on the site to 6:1.

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

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning		Height			Floor Space Ratio		
	WLEP	Proposed	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
629 Pacific Highway	B5 Business Development	B4 Mixed Use	20 m	90 m	90 m	2.5:1	6:1	6:1
639 Pacific Highway	B5 Business Development	B4 Mixed Use	20 m	90 m	90 m	2.5:1	6:1	6:1

The proposed development controls will provide approximately 7,110m² of floor space.

Concept plans provided in December 2017 show the potential redevelopment of the site as follows:

- A mixed use development involving a two storey podium, with a 25 storey residential tower above.
- A maximum height of 90 metres includes provision for roof top structures such as lift over run and roof plant room.
- A podium comprising 705m² of commercial / retail floor space, located on the ground and first floors.
- Approximately 6405m² of residential floor space, which includes 246m² of affordable housing, resulting in approximately 81 residential units.
- A residential unit mix focused on 1 and 2 bedrooms.
- A podium setback of 4 metres from the Pacific Highway and 3 metres from Hammond Lane. No setback is provided to Gordon Avenue and the southern boundary.
- A residential tower setback of:
 - 10 metres from the Pacific Highway (being the 4 metre ground level setback plus a 6 metre setback above podium).
 - 6 metres from Hammond Lane (being the 3 metre ground level setback plus a 3 metre setback above podium).
 - 3 metre setback above podium from Gordon Avenue.
 - 6 metre setback above podium from southern boundary.
- Tower floor plates of approximately 325m² (Gross Floor Area).
- All vehicle access via Hammond Lane. All existing vehicle ingress and egress to be removed.
- 5 levels of basement car parking containing approximately 102 car spaces.
- A garbage room and loading dock, containing a vehicle turn table, directly accessed from Hammond Lane.
- Landscaped communal open space located above the second storey of the podium and at roof top level of the tower.

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

A supporting letter from Ingham Planning dated 21 December 2017 states the proponent is prepared to enter into a Voluntary Planning Agreement based on an additional developer levy of 20% of the value uplift of floor space in excess of the base 2.5:1 floor space ratio. In addition, a contribution towards public art of \$10 per m² of additional residential floor space is proposed.

In terms of the implementation of this Planning Proposal, the introduction of Clause 6.23 as suggested by the proponent is not supported. Council Officers have considered the implementation issue, having regard to likely further proposed amendments under the overall *Chatswood CBD Planning and Urban Design Strategy* coming before Council, and have determined an appropriate process for these to occur until such time as a comprehensive *Willoughby Local Environmental Plan 2012* review may be undertaken. For the purposes of this report and any public notification, Council Officers have prepared:

- Written amendments to *Willoughby Local Environmental Plan 2012* (Refer to [Attachment 6](#)).
- Mapping amendments to the Land Zoning, Height of Buildings, Floor Space Ratio and Special Provisions Area Maps are at [Attachment 7](#).

Discussion

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

Planning and Urban Design Consultants have been engaged to undertake a thorough review of this site specific Planning Proposal against the Strategy, to assist Council's assessment and have concluded:

"The proposed controls can deliver an outcome in accordance with the Strategy, however further design development from the current plans will be required for any future development Application at the site."

The discussion of the Planning Proposal is based on the endorsed Strategy recommendations, listed as R1 to R26, with comments provided.

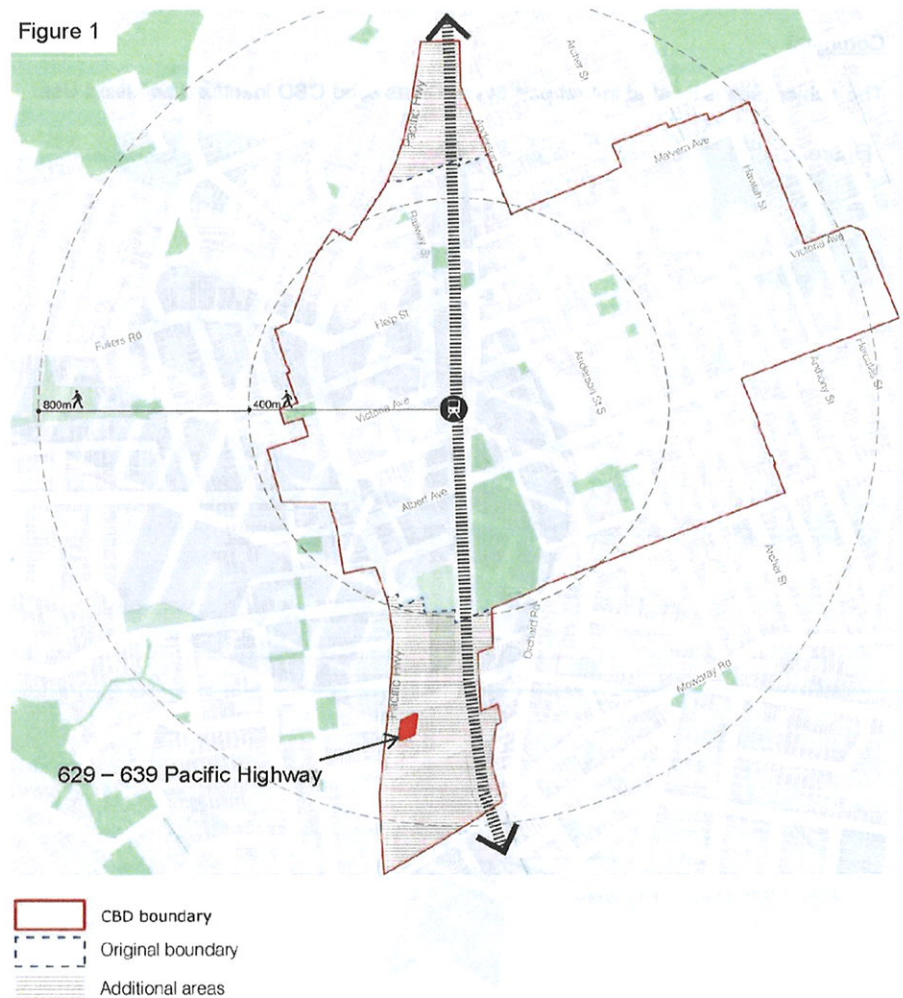
CBD Boundary

- R1. That the Chatswood CBD boundary should be extended to the north and south as per Figure 1 (Figure 6.2.1 in the Strategy).

Comment

The subject site is within the southern part of the Chatswood CBD extended under the Strategy as shown below in Figure 1.

Figure 1



On this basis the Planning Proposal is consistent with the Strategy.

Land Use

R2. That the land uses in the LEP should be amended based on Figure 2 (Figure 6.2.2 in the Strategy), to:

- i. Protect the commercial core east and west of railway as commercial-only but permitting retail uses throughout.
- ii. Rezone other areas beyond the B3 Commercial Core as B4 - Mixed Use.

The existing DCP limits on office and retail use in the Commercial Core should be removed.

The site is currently zoned as B5 – Business Development under Willoughby Local Environmental Plan 2012. Shop top housing is permitted in this zone.

The Planning and Urban Design Consultant has reviewed the use issue and concluded:

"It is suggested Council give consideration to a revised zoning at the site (such as the B4 Mixed Use zone) to further align with the newly expanded Chatswood CBD and the intent of the Strategy."

The proponent has proposed the zoning for the site be changed from B5 - Business Development to B4 Mixed Use to be consistent with the Strategy.

Regarding land use, the Planning Proposal is considered consistent with the Strategy.

In addition to the changes proposed by the proponent in this Planning Proposal, it is proposed to incorporate a minimum 1:1 commercial component. The Strategy seeks a meaningful commercial component in the Mixed Use zone, being 1:1. In this regard a written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition (the draft Clause 6.23 'Minimum commercial floor space within the Mixed Use zone' prepared by Council Officers).

This recommended control is considered consistent with the Strategy with regard to providing a meaningful commercial component within the Mixed use zone and providing a standardized approach which is also an objective of the Strategy.

It is noted that the Concept Plans show 705m² of commercial floor space, which is below the 1:1 commercial requirement of 1,185m² (being the site area) by 480m². Any variation to the 1:1 is to be assessed at development application stage.

- R3. Serviced apartments should be removed as a permissible use from the B3 Commercial Core.**

Comment

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

Value Uplift Sharing to Fund Public Domain

- R4. That existing FSR controls be simplified and retained as a 'base' FSR (Figure 3 below).**

Comment

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

The base FSR for this site is 2.5:1. The appropriateness of using the maximum floor space ratio on this site is discussed further below under R10 regarding maximum FSR and minimum site size.

- R5. That any increased FSR be associated with a contributions scheme to provide the public and social infrastructure in the Chatswood CBD necessary to support growth. The scheme would:**
- i. Apply to residential uses above the base FSR.
 - ii. Apply to commercial uses above 10:1 FSR.

- iii. Operate in addition to the existing Section 94A contributions and Affordable Housing contributions.
- iv. Contribute to public domain improvements in the CBD (including streets and parks) that would increase amenity and support growth.

Comment

The proponent has agreed to a contributions scheme based on increased residential FSR above the base FSR of 2.5:1, in addition to S.94A and affordable housing contributions.

Council is in the process of developing its contributions scheme. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on value uplift above the base FSR of between 45 and 50%. At present the proponent has offered a value uplift rate of 20%. This matter is to be further discussed following finalization of Council's contribution scheme.

Design Excellence and Building Sustainability

- R6. Design excellence is to be required for all developments exceeding the base FSR based on the following processes:**
- i. Competitive designs for developments over 35m high.
 - ii. Design Review Panel for developments up to 35m high.

Comment

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

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

- R7. To achieve design excellence, developments must achieve higher building sustainability standards.**

Comment

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. The proponent has provided *Development Control Plan* provisions addressing sustainability.

These higher building sustainability standards will be assessed to ensure the recommendation is satisfied at development application stage.

- R8. The Architects selected for design excellence schemes should be maintained through the DA process and only be substituted with agreement of Council.**

Comment

This recommendation has been included by the proponent as a control in the *Development Control Plan* provisions.

Floor Space Ratio (FSR)

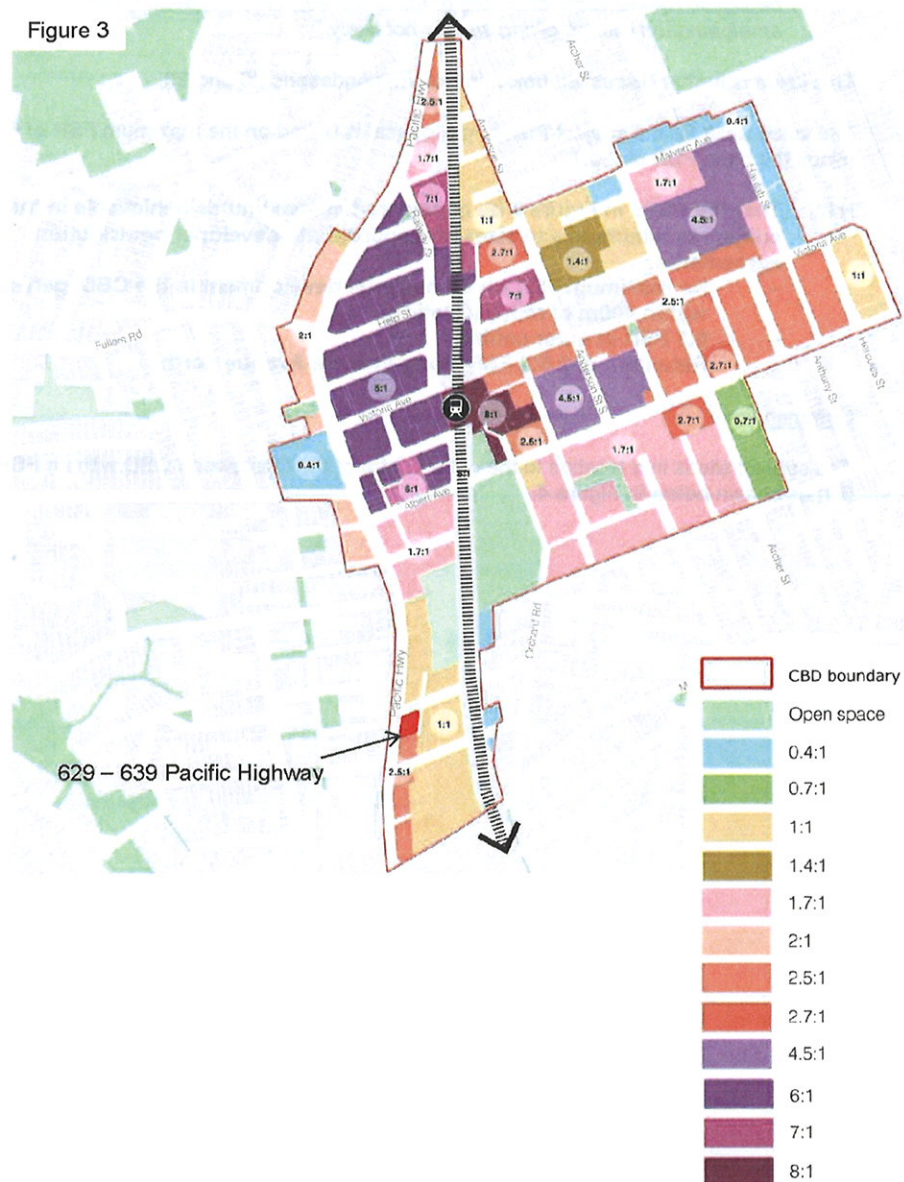
- R9. That simplified FSR controls for the CBD are agreed (Fig 3) providing a maximum base FSR which:**
- i. Is the maximum FSR for sites below the minimum site area;

- ii. Forms the base above which value uplift sharing applies.

Comment

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

Figure 3



The subject site is below the minimum site area of 1200m² for mixed development involving residential as outlined in Recommendation 23 below, by 15m².

The Planning and Urban Design Consultant has advised that:

"With regards to minimum site area, it is considered that the proposed variation is negligible (being 15m² or 0.75% of the site area), and that acquisition of, or amalgamation with adjoining sites is not likely."

This issue is further discussed below in Recommendations 20 and 23.

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

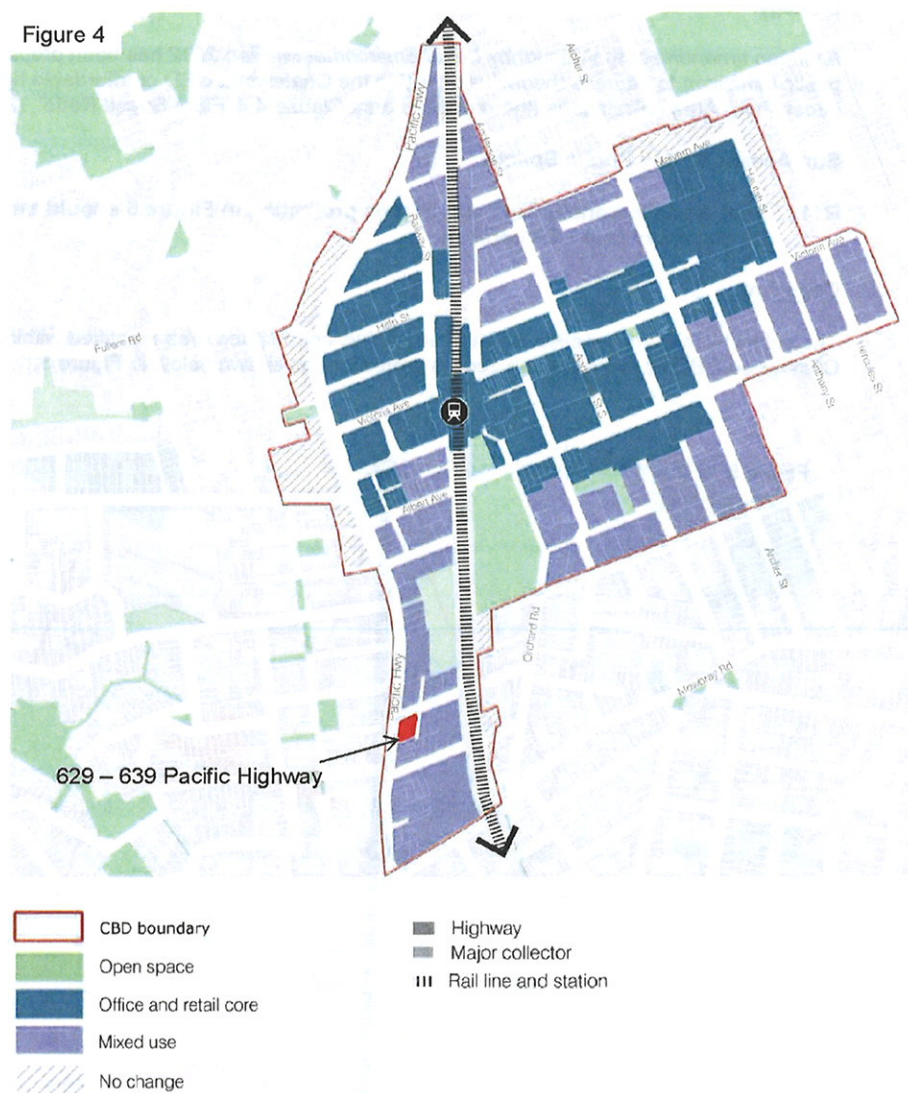
R10. That the FSRs in Figure 4 be considered as maximums achievable in the CBD, subject to minimum site sizes and appropriate developer contribution agreements.

- No maximum FSR for commercial development in the CBD, generally within 400m of railway station;
- 6:1 FSR in outer centre;
- Retention of 2.5:1 FSR along Victoria Avenue north

Comment

The subject site is in a location in the outer centre of the Chatswood CBD with an FSR of 6:1, as shown below in Figure 4.

Figure 4



The Planning Proposal proposes a maximum FSR of 6:1 and is therefore consistent with the Strategy.

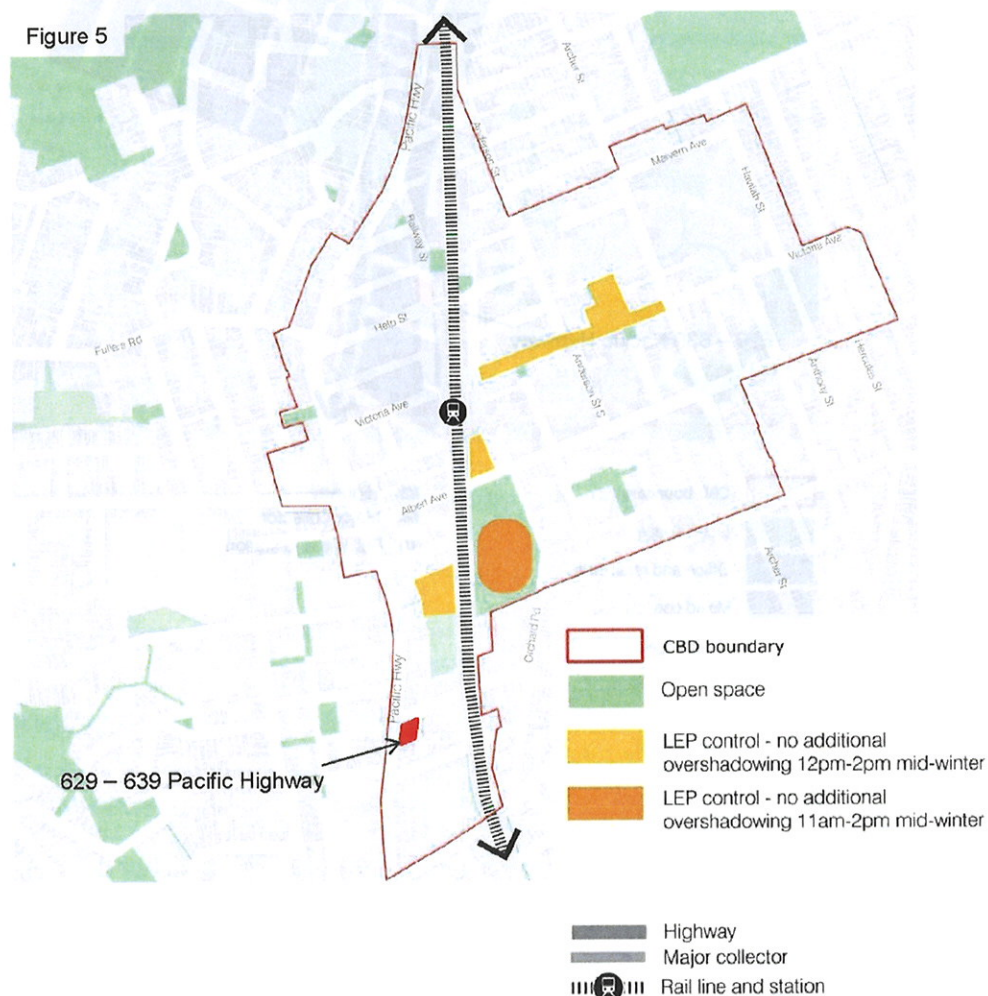
A written amendment to Willoughby *Local Environmental Plan 2012* has been prepared for public exhibition to address the inclusion within the Chatswood CBD of affordable housing in Gross Floor Area calculations (the proposed draft Clause 4.4 'Floor Space Ratio', (2) (D)).

Sun Access to Key Public Spaces

R11. That areas to benefit from sun access protection in Figure 5 should be incorporated into LEP controls.

Comment

The subject site is in a location south of any public open space area identified within the Chatswood CBD as requiring sun access protection, as shown below in Figure 5.



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

Heights

- R12. That height limits in the CBD should be based on Figure 6, including raising to the airspace limits for core areas, except where sun access protection applies.

Comment

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

Figure 6



- CBD boundary
- Existing boundary
- Open space
- RL246.8m (Limit by Pans-Ops plane)
- 90m
- 30m
- 7m
- Area protected by sun protection (approximate RLs shown) - see sun access diagram
- No change

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

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

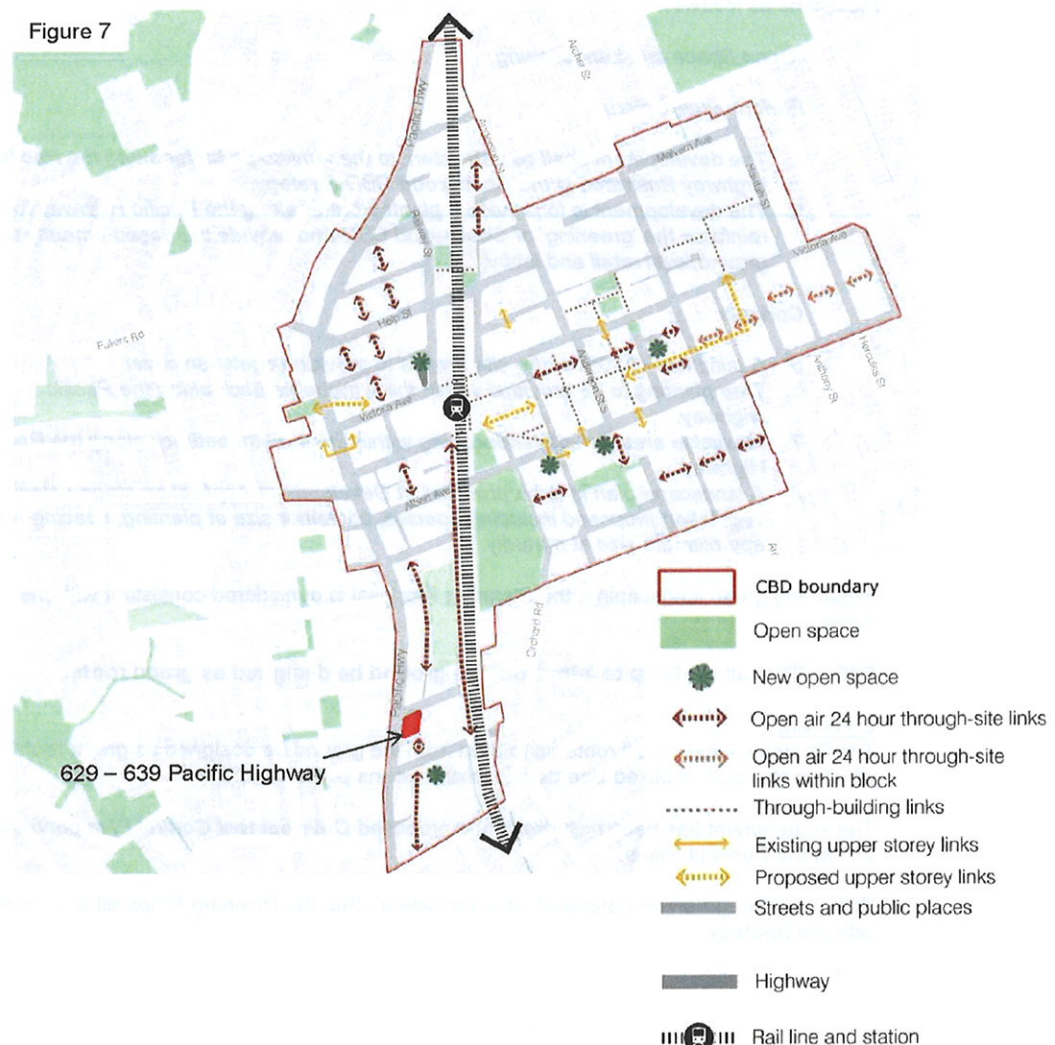
Links, Open Spaces and Landscaping

R13. That the links and open space structure in Figure 7 should form part of a revised DCP.

Comment

The subject site is not subject to any identified existing or proposed pedestrian or cycle linkages or open space, as shown below in Figure 7. However it should be noted that a pedestrian and cycle linkage is sought connecting Nelson Street (and the Metro Dive site) with Gordon Avenue via Hammond Lane to the immediate rear of the subject site.

Figure 7



The Planning Proposal does not preclude this linkage from being achieved.

Any development on the subject site should not adversely impact on the use of Hammond Lane as a pedestrian and cycle route. This issue will be further assessed at development application stage.

- R14. That publicly accessible space and green landscaping be required as part of all new development, subject to design principles.**

Comment

Public open space is provided within the 4 metre front setback along the Pacific Highway (being a mixture of soft landscaping and paved surfaces) and 3 metre setback in Hammond Lane (being a paved surface). Neither of these two spaces are to be fenced but rather open to public access. It is considered that this provision is consistent with the Strategy noting the size and location of this site.

The proponent has addressed green landscaping in the proposed *Development Control Plan* provisions as follows:

"Open Space and Landscaping

Performance Criteria

1. *The development shall be consistent to the landscape buffer along the Pacific Highway illustrated in the Chatswood CBD Strategy.*
2. *The development is to provide a planted buffer along the Pacific Highway to reinforce the 'greening' of Chatswood CBD and provide increased amenity to the ground level retail and lobby ...*

Controls

5. *A minimum of 20% of the site area is to provide vegetation cover.*
6. *Tree planting to be provided within the 4 metre setback along the Pacific Highway.*
7. *Maximise area for soft landscaping within the 4 metre setback along the Pacific Highway ...*
8. *A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size at maturity."*

Regarding green landscaping, the Planning Proposal is considered consistent with the Strategy.

- R15. That all roofs up to 30m from the ground be designed as green roofs.**

Comment

The Strategy seeks for all roofs up to 30m from the ground be designed as green roofs – which in the case of Mixed Use development means podium roof level.

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

With regard to green roof provision, it is considered that the Planning Proposal is consistent with the Strategy.

Street Frontage Heights

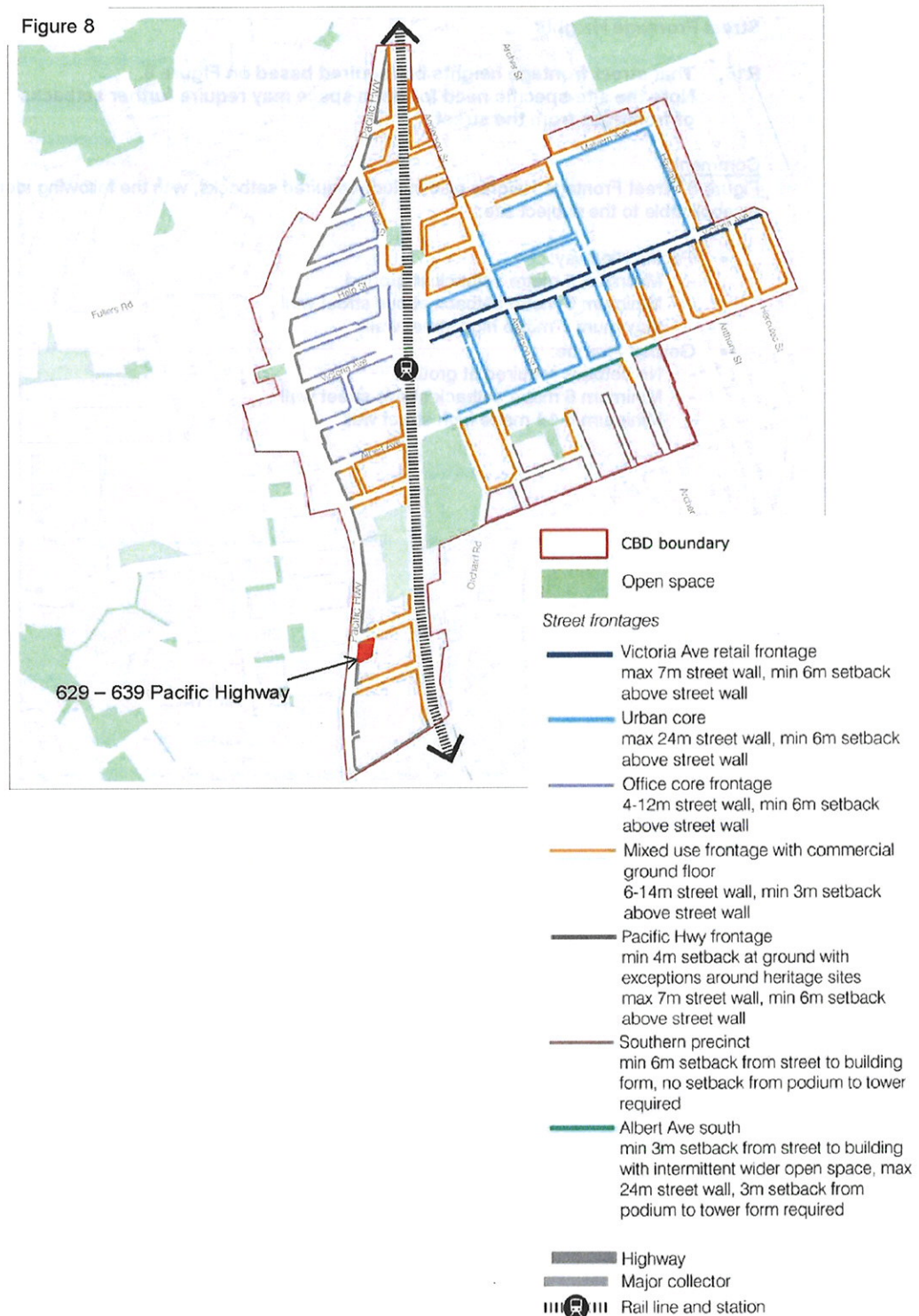
- R16. That street frontage heights be required based on Figure 8.**
Note the site-specific need for open space may require further setbacks of frontages from the street.

Comment

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

- Pacific Highway:
 - Minimum 4 metre setback at ground
 - Minimum 6 metre setback above street wall
 - Maximum 7 metre high street wall
- Gordon Avenue:
 - No setback required at ground
 - Minimum 6 metre setback above street wall
 - Minimum 6-14 metre high street wall

Figure 8



The December 2017 Concept Plans are consistent with the above Figure 8 requirements applying to the subject site, with one variation:

- The Podium street wall to the Pacific Highway and Gordon Avenue is identified as 7m and 6-14m respectively. The proponent has requested an 8m Podium street wall across the site, with the following justification:

"Commercial floor space is required to provide significantly higher floor to ceiling heights than is the case for residential floor space. A floor to ceiling height clearance of 4.2m is required for the ground floor and 3.6m for the first floor level, resulting in a minimum podium height of 7.8m. It is requested that Council allow for a maximum podium height of 8m to ensure appropriate floor to ceiling height clearances."

Based on the satisfactory addressing of setback requirements, the reduced impact of a two level Podium across the site and the importance of a viable commercial component of this mixed development, it is deemed reasonable to forward the Planning Proposal with this variation to the Gateway for further consideration.

The greening of the Pacific Highway is envisaged in the Strategy. The Concept Plans show the 4 metre setback at ground level along the Pacific Highway as having deep soil planting opportunities with the basement car park being set back to the depth of two levels.

No requirements were specified for Hammond Lane in the Strategy. The Planning and Urban Design Consultant has identified that careful consideration is required for the interface in Hammond Lane between the proposed development and the residential property on the other side of the laneway to ensure amenity outcomes. As noted above, a two level Podium across the site has been provided in the December 2017 concept plans.

With regard to street wall heights and setbacks, it is considered that the Planning Proposal is consistent with the Strategy.

- R17. That detailed controls for required active frontages be developed describing key streets where no blank walls, servicing and non-retail uses are permitted.**

Comment

The Concept Plans provided show commercial floor space at ground level with the opportunity for active street frontages to both the Pacific Highway and Gordon Avenue.

This issue will be further assessed at development application stage.

With regard to active frontages, it is considered that the Planning Proposal is consistent with the Strategy.

Further Built Form Controls

- R18. That building separation controls in the Apartment Design Guide are applied to residential uses and a minimum 6m from all boundaries are applied for commercial uses above street wall height.**

Comment

The Concept Plans show the required on-site setbacks under the Strategy. Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied.

There is no commercial development proposed above street wall height.

R19. That all buildings should be set back at a minimum 1:20 ratio of setback to building height from all boundaries and additional controls as identified in Fig 8.

Comment

As discussed above in Recommendation 16, setbacks have been provided consistent with the Strategy.

Recommendation 19 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires a minimum building setback from all boundaries. This has been provided.

With regard to Recommendation 19, it is considered that the Planning Proposal is consistent with the Strategy.

R20. That site isolation be discouraged but where unavoidable joined basements and zero-setback podiums should be provided.

Comment

As previously noted, the subject site is 15m² below the minimum site area identified in the Strategy. Potential amalgamation with adjoining sites is to the south, involving 621-627 Pacific Highway, as the site has three street frontages to the north, east and west. This neighbouring site is characterized by a 5 storey strata titled mixed use building built in 2004 and is approximately 845.5m².

The minor variation to the minimum site area is considered reasonable in this instance for the following reasons:

- The impact of the non-compliance on the proposed redevelopment of the subject site is negligible.
- 621-627 Pacific Highway has the potential to amalgamate in the future with neighbouring properties to the south that are within the Chatswood CBD boundary. 613 Pacific Highway is characterized by a single level commercial building with open car park and 19 Nelson Street by low density residential development. Amalgamation with either of these properties in the future would satisfy the 1200m² site area requirement. Concern is raised that if 621-627 was developed with the subject site, 613 Pacific Highway would be isolated preventing development in accordance with the Strategy.
- The Planning Proposal makes provision for satisfying Strategy Recommendation 20 by providing:
 - A zero Podium setback to 621-627 Pacific Highway to the south, being the only adjoining property boundary.
 - Potential basement driveway access to 621-627 Pacific Highway. The Concept plans show a 'break-out wall' on a basement level at 629-639 Pacific Highway which could connect with 621-627 Pacific Highway should this property be redeveloped.

With regard to the issue of site isolation, it is proposed that an amalgamation plan be included in the *Development Control Plan* provisions for the site.

With regard to future provision for sharing of vehicular access, the proponent has proposed a *Development Control Plan* provision.

- R21. That fine grain controls be applied, including retention of the traditional lot pattern along Victoria Ave east.

Comment

This recommendation is not applicable to the subject site.

- R22. That substations be provided within buildings, not within the streets open spaces or setbacks and substation enclosures be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.

Comment

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

"Substations to be provided within buildings, not within the streets, open spaces or setbacks."

The design of substation enclosures to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions is proposed to be addressed in amended *Development Control Plan* provisions.

- R23. That minimum site sizes of 1800sqm for office and 1200sqm for residential be achieved in order to pursue maximum FSR.

Comment

The minimum site size of 1800sm² for office applies to sites within the B3 Commercial Core zone where only commercial development is permitted (meaning no residential).

The 1200m² site size for residential development (meaning mixed development) has been addressed above in Recommendation 9 and 20.

With regard to Recommendation 20, it is considered that the Planning Proposal is consistent with the Strategy.

- R24. That there be a maximum tower size of 2000sqm GFA for office and 700sqm GFA for residential.

Comment

The residential tower shown in the Concept Plans contains a Gross Floor Area of 325m² and a Gross Building Area of 433m². This is well below the identified Gross Floor Area 700m² maximum.

With regard to maximum tower size, it is considered that the Planning Proposal is consistent with the Strategy.

- R25. That all developments in Chatswood CBD achieving FSR uplift contribute towards public art in accordance with Willoughby's Public Art Policy.

Comment

The *Development Control Plan* provisions proposed include the following regarding public art:

"A development achieving an FSR uplift through the Chatswood CBD Strategy should contribute public art in accordance with Willoughby's Public Art Policy which may include public art being provided on the site."

Council has yet to finalise a Public Art Policy, detailing an applicable rate and other relevant requirements such as appropriate locations. In regards the subject Planning Proposal, while the proponent has accepted that a public art contribution is to be paid there has not been any agreement reached with Council on the appropriate figure. Council has indicated that the provision of public art on-site is not necessarily appropriate on every site within the Chatswood CBD (including this site), and that Council would have a role to play in determining whether on-site provision, or a monetary contribution for public art, was appropriate.

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

With regard to public art, it is considered that the Planning Proposal is consistent with the Strategy.

- R26. That where commercial development is proposed on sites on less than the minimum 1800sqm increased height and FSR may be considered where design excellence is demonstrated and site consolidation cannot be achieved.**

Comment

Recommendation 26 applies to sites within the B3 Commercial Core zone where only commercial development is permitted (meaning no residential). Therefore Recommendation 26 is not relevant to this Planning Proposal.

- R27. Notwithstanding the above, the principles and process of establishing design excellence are to be incorporated in planning documents following from this strategy.**

Comment

The issue of design excellence is addressed above in Recommendation 6.

Other Issues to be addressed

Residential Interface

The Concept Plans show a loading dock directly accessed from Hammond Lane and next to the ingress/egress point to the Basement car parking area. There is concern regarding the loading dock and the impact this has on streetscape and amenity with regard to the residential flat building directly opposite at 10 Gordon Avenue. It should be noted that Hammond Lane is approximately 6 metres wide and the apartment building in question is located close to the Lane boundary.

Vehicle entry points should be rationalised in order to minimise the streetscape impact. It is noted however that there are practical issues with regard to the width of the site in locating loading dock facilities within the Basement. The proponent is encouraged to further minimise the scale and visual impact of the driveway entry point and loading dock at development application stage. Further consideration of impacts may occur following public exhibition and at development application stage.

Solar Access

With regard to the built form being the subject of the Concept Plans, the shadow analysis provided by the proponent for 21 June concludes:

- The narrow tower form creates a shadow that moves rapidly throughout the day.
- All units with a northern aspect will receive more than 2 hours sunlight in mid winter.
- Ground level public open space will receive a high level of sun light in mid winter.
- Podium and roof terrace open spaces will receive more than 2 hours sunlight in mid winter.

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

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

Privacy and general amenity

The Planning Report prepared by Ingham Planning, dated September 2017, states with regard to the Concept Plans provided:

"An adequate level of privacy is maintained commensurate with expectations of residential living in a high density urban environment."

It is noted that:

- To the north, the subject site is separated from 641-653 Pacific Highway by Gordon Avenue.
In addition the Concept Plans show the residential tower above setback 3 metres from the northern boundary (where the Podium is located).
- To the west, the subject site is separated from 586 Pacific Highway by the Pacific Highway (being 6 lanes).
In addition the Concept Plans shows the Podium setback 4 metres and the residential tower above 6 metres from the Pacific Highway boundary.
- To the south, the Concept Plans Podium abuts the boundary with 621-627 Pacific Highway. The residential tower is setback 6 metres from the southern boundary.
- To the east, the subject site is separated from 10 Gordon Avenue by Hammond Lane.
In addition the Concept Plans shows the Podium setback 3 metres and the residential tower above an additional 3 metres from the eastern boundary.

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

Traffic and Car Parking

A Traffic and Parking Assessment, prepared by Varga Traffic Planning Pty Ltd, has been submitted as part of the Planning Proposal.

Council engaged a Traffic Consultant to assess the traffic impacts of the Planning Proposal.

The Traffic Consultant concluded that a revised traffic report should be submitted for the public exhibition stage:

- 1) Containing a high level assessment of trip distribution and mode choice to provide a clearer picture of current travel trends and route choice (especially for residents within the area) in order to understand (if any) downstream traffic impacts.
- 2) Reconsidering retail trip generation and applying a first principles approach, based on the following reasonable assumptions:
 - Assumed 30%/ 70% split in retail/ commercial non-residential land use.
 - Provision of 13 retail parking spaces (outlined in planning proposal).
 - Retail parking bays turnover once per hour.
 - Retail parking is assumed to be 50% and 90% occupied during the AM and PM peak hour.
 - RMS trip rates used for commercial trip generation

This methodology would increase non-residential traffic which should be considered.

This requirement for a revised traffic report has been addressed in the Officer's Recommendation.

Internal Referrals

The Planning Proposal has been referred to the Environmental Health and Engineering sections of Council, as well as a Traffic Consultant.

No issues have been raised in objection to the Planning Proposal, however a number of issues were identified to be satisfactorily addressed by the proponent at development application stage:

Development Control Plan provisions

The proponent has submitted *Development Control Plan* provisions. Some amendments have been proposed as previously discussed in this report to ensure they are satisfactory for the purposes of public exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

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

Public Benefit

The proponent has provided a Letter of Offer showing an intention to enter into a Voluntary Planning Agreement. At this stage discussions regarding a Voluntary Planning Agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

However it should be noted that any Voluntary Planning Agreement with Council should exclude:

- Removal of existing vehicular access to the Pacific Highway.
- Provision of a footpath on western side of Hammond Lane providing opportunity for road widening.

- Provision of increased landscaped public domain fronting the site in Gordon Avenue and the Pacific Highway.
- The standard requirement of 4% affordable housing.

These matters represent requirements of any development on the subject site and should not be the subject of any Voluntary Planning Agreement offer. The closure of existing vehicle accessways not to be used in a development is standard practice. The provision of setbacks involves land that remains within the site boundary.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Clause 55(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal, which are addressed at Attachment 3.

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy*, it is proposed to consider requested amendments under this Planning Proposal in the form of written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying Land Zoning Map, Height of Buildings Map, Floor Space Ratio and Special Provisions Area Map. In addition *Draft Willoughby Development Control Plan* provisions are proposed.

The Planning Proposal is consistent with the strategic objectives of *A Plan for Growing Sydney*, the *Draft Greater Sydney Region Plan* and the *Draft North District Plan*, as well as the *Chatswood CBD Planning and Urban Design Strategy*.

It is considered necessary and reasonable to request amendments to the proposed *Development Control Plan* provisions, as well as additional information to address traffic issues, prior to exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 55 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway (subject to the provision of requested additional traffic information) and further consideration following public exhibition.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 3

**COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND
ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING
PROPOSALS'**

The Planning Proposal is considered to be generally in accordance with the requirements under Clause 55(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives submitted by the proponent in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* are as follows:

- a) Provide a floor space 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* endorsed by Council.
- b) Provide an increased floor space and building height that improves viability of redevelopment.
- 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 Planning and Urban Design Strategy*.
- e) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officer's have proposed that the outcome be achieved by preparing an amendment to *Willoughby Local Environmental Plan 2012*, which will include:

- (a) To add Clause 4.4 (2D) as follows:

- 2D. Subclause (2A) (b) (i) does not apply to any land shown in Area 8 on the Special Provisions Area Map, with affordable housing here to be taken as part of the gross floor area of the building for determining the maximum floor space ratio of the building.

- (b) To add Clause 6.23 as follows:

- 6.23. Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1.