

## ATTACHMENT 2

## DETAILED ASSESSMENT

## The Site

The site of this Planning Proposal comprises 815 Pacific Highway and 15 Help Street, Chatswood, being Lot 1 in DP 547585 and Lot1 in DP 731307, and is located within the Chatswood CBD.

The site has a total area of 3,520m<sup>2</sup>, bounded by McIntosh Street to the north, Help Street to the south, 11 Help Street to the east and the Pacific Highway to the west.

The site has an unusual shape, and comprises two existing blocks, with a frontage of approximately 36m to McIntosh Street, 85m to Help Street and 60m to Pacific Highway. Refer below to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains a commercial building on each site, of varying height.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned B3 Commercial Core with a floor space ratio of 5:1 over the whole site. Maximum height is 60m on 815 Pacific Highway and 90m on 15 Help Street. The site is not affected by road widening.

### Planning Proposal

The Planning Proposal submitted seeks to:

- Increase the height on the site to RL 246.8 metres, the maximum permitted on the site.
- Increase the Floor Space Ratio on the site to 17.2:1.
- Delete Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood'.

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

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
815 Pacific Highway and 15 Help Street	B3 Commercial Core	B3 Commercial Core	B3 Commercial Core	60m 815 Pacific Hwy, 90m 15 Help St	RL 246.8m (142.8m)	RL 246.8m	5:1	No max (17.2:1 proposed)	No max

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

- A total floor space ratio of 17.2:1 being a gross floor area of 60,524m<sup>2</sup>, being:
  - Commercial GFA 15.47:1 (57,457m<sup>2</sup>)
  - Retail GFA 0.87:1 (3,067m<sup>2</sup>)

The mixed Use development contains:

- commercial podium
  - two storeys to Pacific Highway including corners with McIntosh Street and Help Street
  - three storey podium to remainder of McIntosh Street and Help Street
- Above commercial podium, a 33 storey commercial tower.
- Commercial floor plates
  - Between 2,360m<sup>2</sup> and 690m<sup>2</sup>
  - Higher levels 690m<sup>2</sup>
- Ground Level Setbacks
  - 4m setback to Pacific Highway boundary and corners with McIntosh St and Help St.
  - No setback to remaining McIntosh and Help Street.
  - 3m setback to 11 Help St.
- Tower setback above Podium
  - Pacific Highway and corners - 6m setback above street wall, resulting in a total 10m setback to Pacific Highway and parts of McIntosh and Help Streets.
  - Remainder of McIntosh and Help Streets – 7.14m above street wall.
  - Setback from 11 Help Street – 7.14m (which includes 3m ground setback).

Other Concept plan details:

- All vehicle access to site via one driveway – McIntosh Street.

Consistent.

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

Figure 1 – CBD Boundary

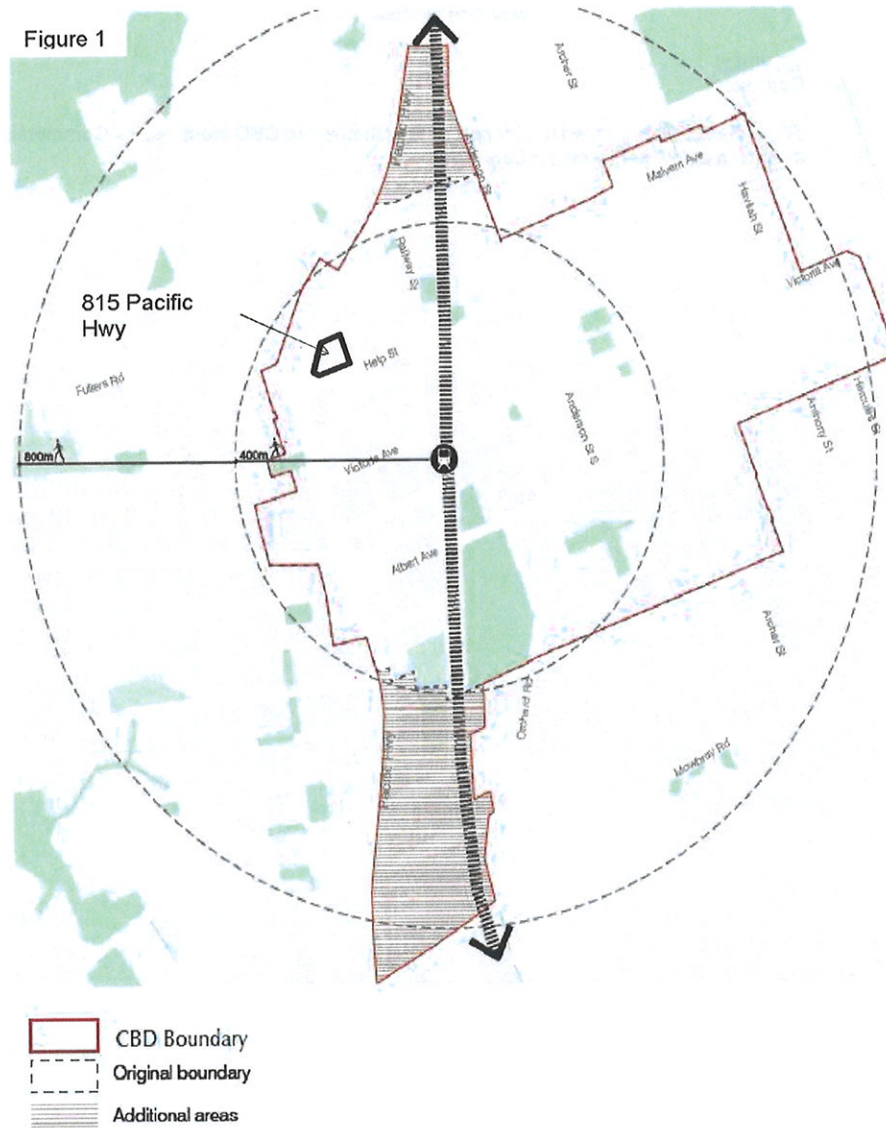
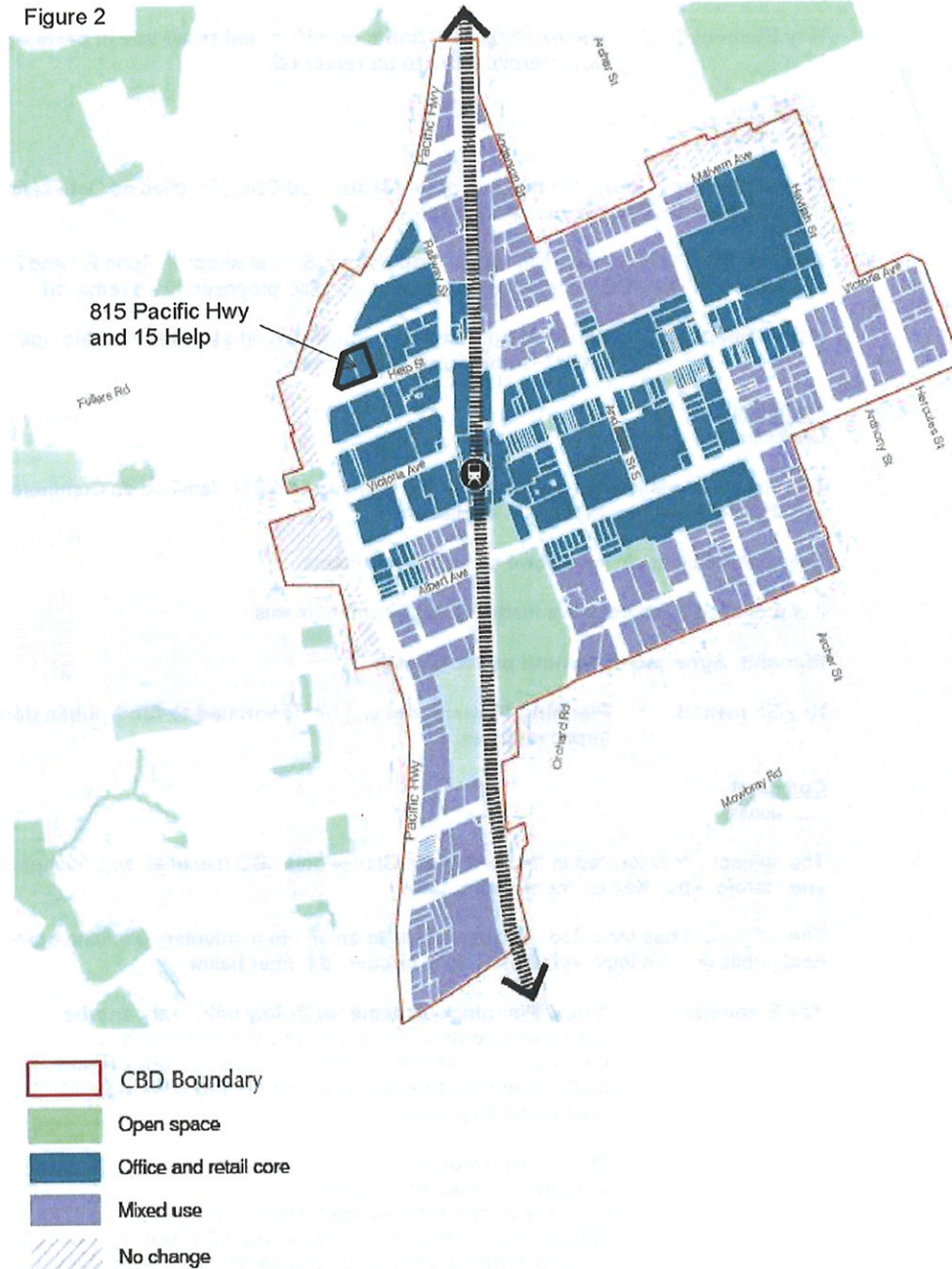




Figure 2 – Land use

Figure 2



- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.

Comment  
Consistent

The subject site is located in that part of the Chatswood CBD identified as Commercial Core, and the Planning Proposal involves a proposed commercial floor space ratio of 17.2:1.

The proponent has agreed to a contributions scheme based on increased commercial FSR above FSR of 10:1, in addition to requirements under Section 7.12 of the *Environmental Planning and Assessment Act 1979* and affordable housing contributions.

**Key Element 7.** All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.

Comment  
Consistent

The proponent has proposed in draft *Development Control Plan* provisions that public art is to be in accordance with Council's public art policy.

#### Design Excellence and Building Sustainability

**Key Element 8.** Design excellence is to be required for all developments based on the following process:  
a) A Design Review Panel for developments up to 35m high.  
b) Competitive designs for developments over 35m high.

Comment  
Consistent

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. This will be determined by Council's Design Excellence Policy.

A draft condition has been proposed for inclusion in any exhibition of *Willoughby Local Environmental Plan 2012* (draft Clause 6.24 'Design Excellence').

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

Comment  
Consistent

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

The proposed draft *Development Control Plan* provisions include a requirement that a *minimum 5 star GBCA building rating is expected. An assessment report is to be submitted at Development Application Stage.*

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

Figure 3 – Existing FSR under WLEP 2012

Figure 3

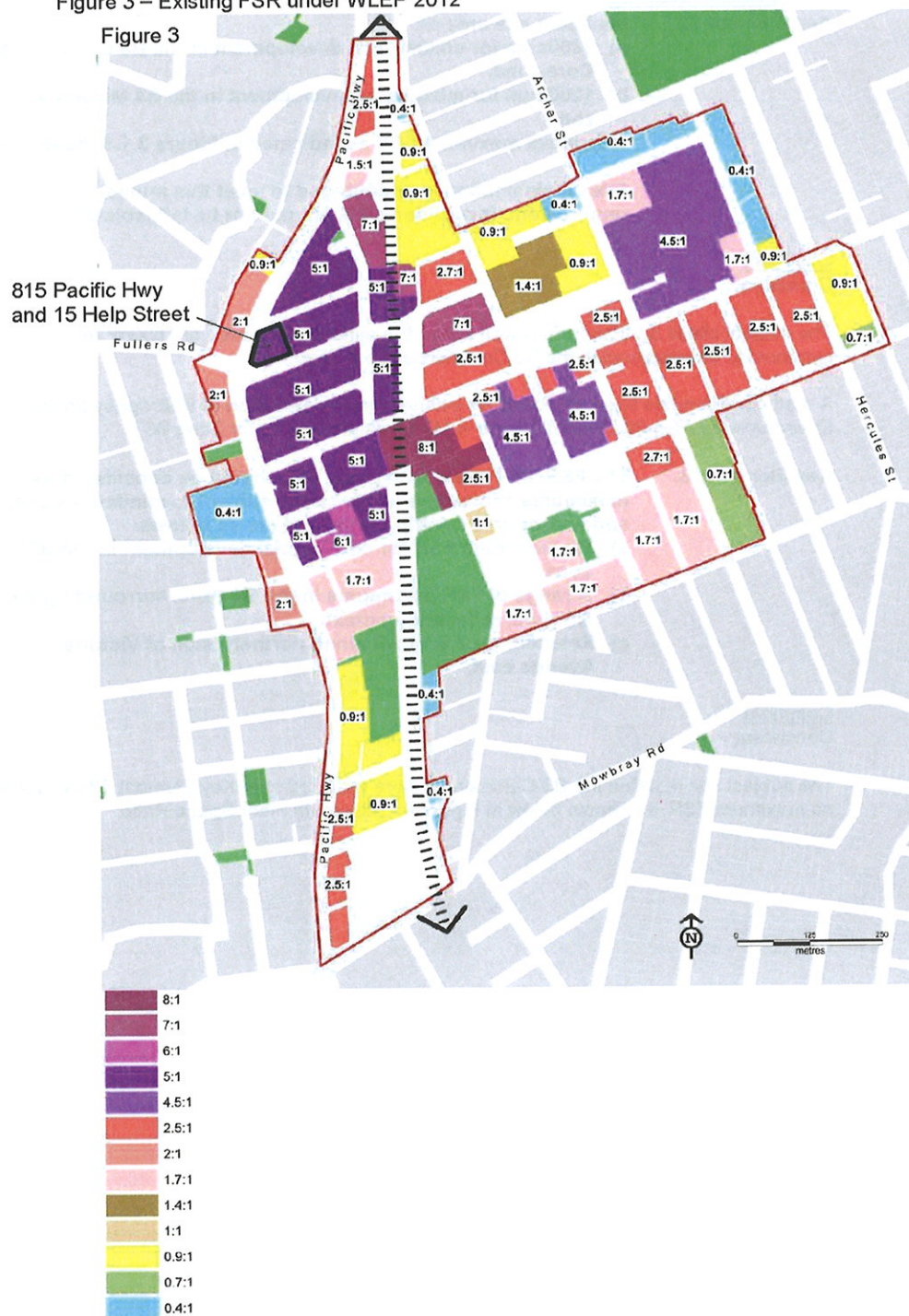
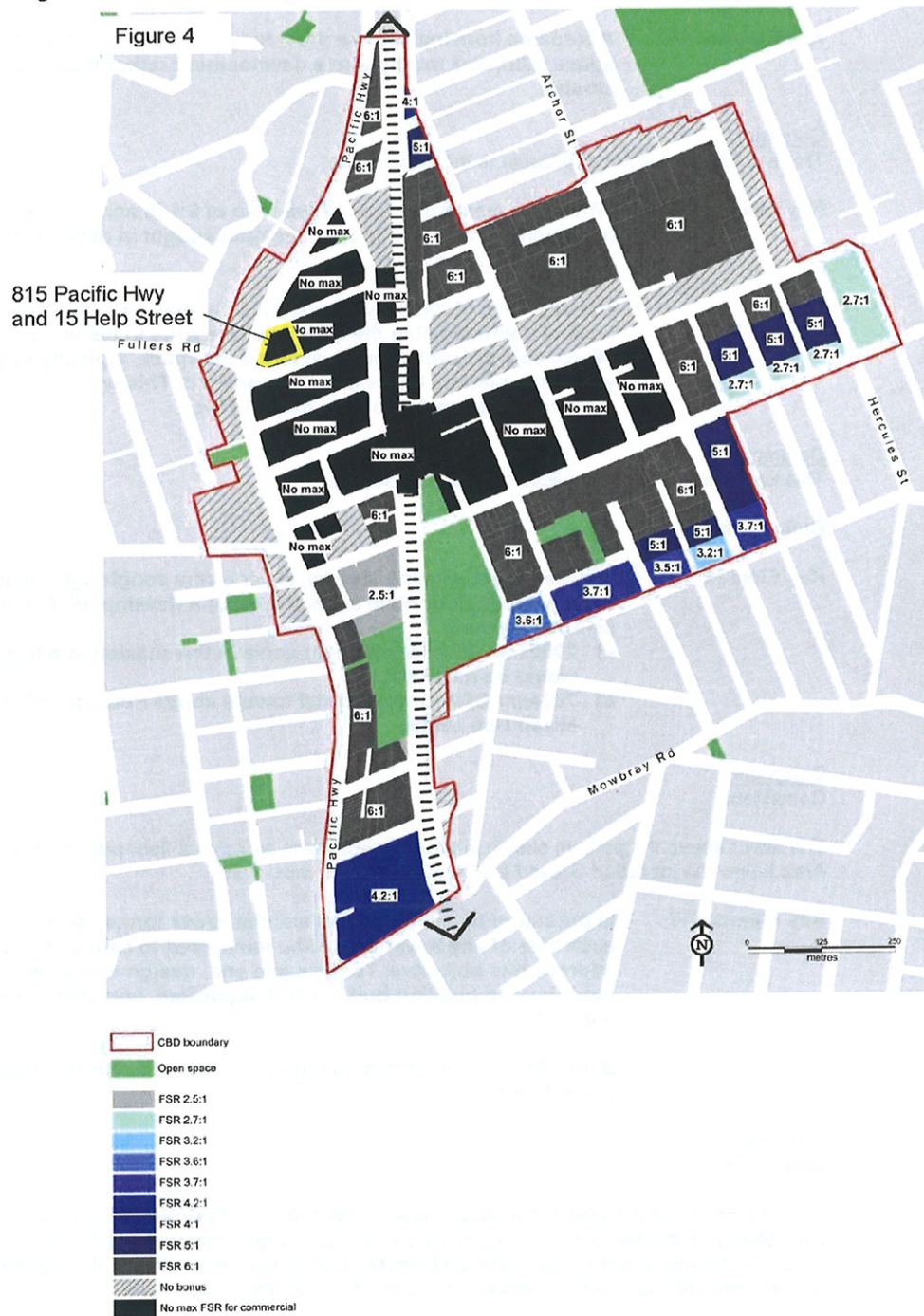




Figure 4 - Maximum Floor Space Ratio



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

Comment

This key Element is not applicable to the subject site.

**Sun Access to Key Public Spaces and adjacent conservation areas**

- Key Element 19.** The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm.
  - b) Concourse Open Space 12pm - 2pm.
  - c) Garden of Remembrance 12pm - 2pm.
  - d) Tennis and croquet club 12pm - 2pm.
  - e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).
- In addition,
- f) Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.

Comment

Consistent

The subject site is within the B3 Commercial Core, well north and west of any public open space area or conservation area identified within the Chatswood CBD as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection.



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

#### Building Heights

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

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

#### Comment Consistent

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

As a result of the site location, the maximum height of RL 246.8 metres is able to be achieved on the subject site.

The maximum height requested includes provision for lift overruns and roof plant rooms.

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

Comment  
Consistent

The tower has been designed to contain all roof top structures within the height maximum of RL 246.6 metres.

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

#### Links and Open Space

**Key Element 22.** The links and open space plan in Figure 3.1.7 (page 36) will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment  
Consistent

The site is subject to an identified proposed pedestrian link, as shown below in Figure 7 - Links and New Open Space – between 15 Help Street and 11 Help Street.

The Planning Proposal proposes a 3m wide through site link along the 15 Help Street boundary with 11 Help Street. It is anticipated that a future link will also be provided along the 11 Help Street boundary with 15 Help Street. This would provide a 6m pedestrian link.

The Planning Proposal is consistent with the Council objective of a shared path along the eastern side of the Pacific Highway. In this regard, within the 4m Ground Level setback to the Pacific Highway boundary, 1.5m is provided for the purposes of the future shared pathway. This would be added to the existing approximately 4m wide footpath and nature strip, to provide for:

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

This provision is supported by Council's Traffic Section.

**Key Element 23.** Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment  
Consistent

Communal open space has been provided on the site, with particular regard being given to the Level 2 terrace, Level 15 terrace and rooftop.

**Public realm or areas accessible by public on private land**

**Key Element 24.** Public realm or areas accessible by public on private land:  
a) Is expected from all B3 and B4 redeveloped sites.  
b) Is to be designed to respond to context and nearby public domain.  
c) Should be visible from the street and easily accessible.  
d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.

Comment  
Consistent

The Concept Plans show a through site link along the boundary with 11 Help Street. In addition public realm is provided on the Pacific Highway and corner frontages. Both areas are landscaped.

**Landscaping**

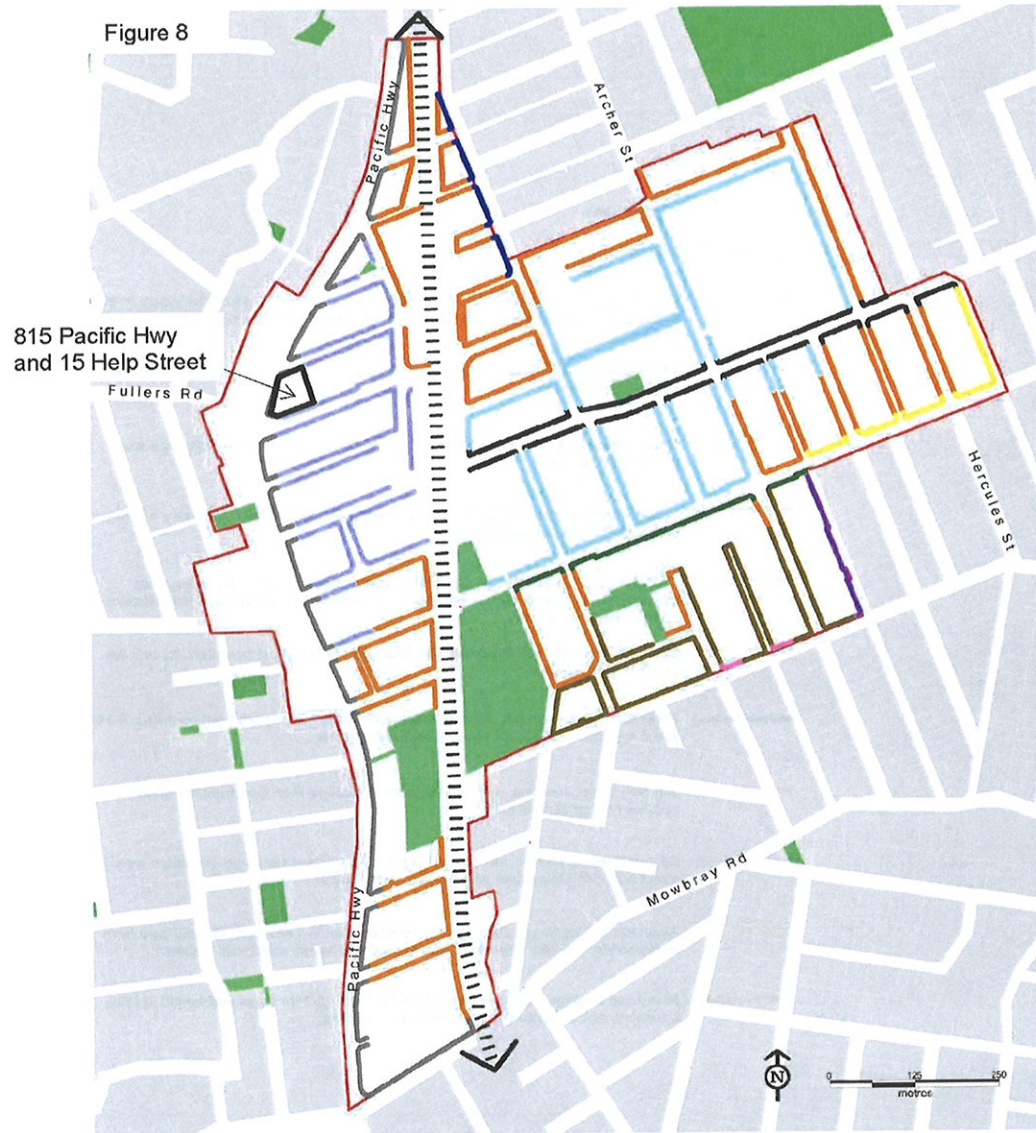
**Key Element 25** All roofs up to 30 metres from ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access.

Comment  
Consistent

Detailed plans have been provided showing green roofs at level 2 – presenting to Help Street and the proposed pedestrian link adjacent 11 Help Street.



Figure 8 – Setbacks and street frontage heights



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

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

**Key Element 28.** All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.

This means if a building is:

- e) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side.
- e) A total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side.
- f) A total height of 160m, a minimum setback from the side boundary of 8m is required for the entire tower on any side.

The required setback will vary depending on height and is not to be based on setback averages but the full setback.

Comment  
Consistent

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

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of RL 246.8 or 142.8 metres requires a minimum 7.14 metre building setback from all boundaries.

In addition to the setbacks in Key Element 27, additional setbacks have been provided to address Key Element 28.

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

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

Comment  
Consistent

The concept plans show a minimum of 6 metres from all boundaries for commercial uses above street wall height.

**Active Street Frontages**

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

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

- Key Element 35.** The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives consistent with Council's Integrated Transport Strategy. In addition, site specific traffic and transport issues are to be addressed as follows:
- a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry area into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas. Where possible, cars and service vehicle access should be separated.
  - b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.
  - c) All vehicles are to enter and exit a site in a forward direction. Physical solutions, rather than mechanical solutions are sought.
  - d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.
  - e) Car parking should be reduced consistent with the objectives of Council's Integrated Transport Strategy and in accordance with any future revised car parking rates in Councils DCP.
  - f) Other strategies for car parking reduction include reciprocal arrangements for sharing parking and car share.

Comment  
Consistent.

A Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering, has been submitted.

The Planning Proposal is considered to satisfactorily address this key Element for the purposes of Gateway consideration and exhibition:

- Vehicle entry points have been rationalised.
- A physical loading and garbage solution has been provided, with loading and garbage located within the basement accompanied by appropriate vehicle manoeuvring.
- All loading and car parking is accommodated off street.

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



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

#### Internal Referrals

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

It is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal to the Gateway.

#### Development Control Plan provisions

The proponent has submitted draft *Development Control Plan* provisions. The draft *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

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

#### Public Benefit

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

The Planning Proposal is accompanied by a Voluntary Planning Agreement Offer (contained in the Covering letter) as follows:

*"The proponent is willing to enter into more detailed discussions with Council for the preparation of a formal offer to Council to enter into a VPA. This process will be advanced at a later stage and will include consideration to a range of public benefits that could include further streetscape and public domain works in and around the site, or provision of a monetary contribution to Council."*

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

#### Department of Planning, Industry and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment (December 2018) '*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 Height of Buildings Map, Floor Space Ratio Map, Special Provisions Area Map and Active Street Frontages Map.