

PLANNING & INFRASTRUCTURE DIRECTORATE

15.10 PLANNING PROPOSAL - 849, 853, 859 PACIFIC HIGHWAY 2 WILSON STREET AND LOT 1 DP 1189541 CHATSWOOD

ATTACHMENTS:

- 2. COUNCIL DETAILED ASSESSMENT**
- 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'LOCAL ENVIRONMENTAL PLAN MAKING GUIDELINE'**
- 4. PLANNING PROPOSAL CONCEPT PLANS**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA, ACTIVE STREET FRONTAGES AND LOT SIZE MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 5 APRIL 2022**

ATTACHMENT 2 - COUNCIL DETAILED ASSESSMENT

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

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

- 849 Pacific Highway Chatswood, being SP 1496.
- 853 Pacific Highway Chatswood, being SP 60178.
- 859 Pacific Highway Chatswood, being SP 10110.
- 2 Wilson Street Chatswood, being SP 52947.
- Lot 1 DP 1189541 (end of O'Brien Street)

The site has a total area of 4,751m², bounded by Pacific Highway to the west, North Shore Rail Line to the east (owned by Transport Asset Holding Entity of NSW, and known as TAHE), Wilson Street to the north and O'Brien Street to the south. Refer below to Figure 1 – Location Plan.

Figure 1 – Location Plan



Existing development on the site is as follows:

- 849 Pacific Highway comprises a three-storey residential flat building (9 units).
- 853 Pacific Highway comprises a three-storey residential flat building (6 units).
- 859 Pacific Highway comprises a four-storey residential flat building (8 units).
- 2 Wilson Street comprises a four-storey residential flat building (14 units).
- Lot 1 DP 1189541, comprising a two storey building occupied by Sunnyfield Enterprises for an industrial use, and owned by Transport Asset Holding Entity of NSW (TAHE).
This lot is burdened by an easement benefitting TAHE that runs along the boundary with the North Shore Rail Line.

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned:

- SP2 Infrastructure (Classified Road) along the Pacific Highway frontage (457m² – to be confirmed with Transport for NSW),
- R4 High Density Residential (2,696m²),
- In regards Lot 1 DP 1189541 (1,585m²) - a small part at the end of O'Brien Street zoned B4 Mixed Use and the majority zoned SP2 Infrastructure (Railway).

Over the entire Lot 1 DP 1189541, there is no identified height and FSR. Over the R4 High Density Residential land, height is 24 metres and FSR 1.5:1.

The site area, excluding the SP2 Classified Road land adjacent the Pacific Highway is 4,294m².

The Planning Proposal has been lodged by 853 Pacific Highway Pty Ltd as trustee for 2017 PHC Unit Trust.

The Locality

To the west of the site is the Pacific Highway. On the other side of the Pacific Highway are medium density residential flat buildings.

To the east of the site is the North Shore Rail Line.

To the north of the site, on the opposite side of Wilson Street, are three connected buildings known as 871-877 Pacific Highway. A Planning Proposal has been lodged, forwarded to DPE and given a Gateway Determination in regards redeveloping this site in accordance with the CBD Strategy. This Planning proposal was supported by Council for finalisation at the Council Meeting of 2 March 2022.

To the south of the site, along Railway Street, are a number of tall residential tower buildings up to 105m in height with commercial tenancies at the lower levels.

Background

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore rail line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD 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 (with the exception of that part of the site zoned SP2 Infrastructure (Classified Road) adjacent the Pacific Highway) has been recommended as a B4 Mixed Use Zone with a maximum height of 90 metres and floor space ratio of 6:1 subject to the satisfaction of other *CBD Strategy* requirements. The intention of the CBD Strategy is that it works with existing requirements under WLEP 2012 such as road widening.

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning from SP2 Infrastructure (Railway) and R4 High Density Residential to B4 Mixed Use with the exception of the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway
- Increase the height on the site to 90 metres, with the exception of the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway.
- Increase the Floor Space Ratio on the site to 6:1, with the exception of the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway.
- Add a minimum non-residential floor space of 1:1.

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

Table 1 – Summary of Planning Proposal Amendments

	849, 853, 859 Pacific Highway, 2 Wilson Street and Lot 1 DP 1189541	Compliance
Zoning		
Current WLEP 2012	SP2 Infrastructure (Classified Road) along Pacific Highway frontage, then R4 High Density Residential Note: Lot 1 DP 1189541 being a small section B4 Mixed Use and the majority SP2 Infrastructure (Railway)	
Chatswood CBD Strategy	B4 Mixed use SP2 Infrastructure (Classified Road) along Pacific Highway frontage continues to apply Lot 1 DP 1189541 being unzoned	
Proposed in Planning Proposal	B4 Mixed use SP2 Infrastructure (Classified Road) along Pacific Highway frontage	Yes
Floor Space Ratio		
Current WLEP 2012	1.5:1 (over R4 zone)	

Chatswood CBD Strategy	No control over SP2 Infrastructure (Classified Road) and SP2 Infrastructure (Railway) and B4 zone covering a small section of Lot 1 DP 1189541	
Proposed in Planning Proposal	6:1 (over B4 zone) No control over SP2 and B4 zone covering a small section of Lot 1 DP 1189541 6:1 (over B4 zone and SP2 land Lot 1 DP 1189541). NOTE: The 6:1 does not apply to the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway.	Yes – discussed in detail below under Land Use Key Element 2.
Height		
Current WLEP 2012	24m (over R4 zone) No control over SP2 and B4 land	
Chatswood CBD Strategy	90m (over R4 zone) No control over SP2 and B4 land	
Proposed in Planning Proposal	90m (over B4 zone and SP2 land covering Lot 1 DP 1189541). NOTE: The 90m does not apply to the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway.	Yes – discussed in detail below under Land Use Key Element 2.

The recommended controls in the CBD Strategy are not intended to override the road widening requirements identified in WLEP 2012.

Concept plans show the potential redevelopment of the entire site (excluding the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway) as follows:

- Total height of 27 storeys (90m), containing:
 - Podium - 2 storeys commercial
 - Podium roof – recreational level
 - Two towers - 24 storeys of residential.
- Total FSR of 6:1 (25,764m²), containing:
 - 5:1 residential (21,470m²) including affordable housing
 - 1:1 commercial (4,294m²)
- Total number of residential apartments: 247
- Residential floor plates
 - South tower (Tower A): 592m²
 - North Tower (Tower B) 353m²

- Ground Level Setbacks (Note the front boundary excludes land identified for road widening)
 - 4m setback to Pacific Highway (west) boundary – after road widening.
 - Nil to Wilson Street (north) boundary.
 - Pocket park on O'Brien Street / Pacific Highway corner (south).
Varied setback on O'Brien Street, reducing from 5.4m down towards vehicle entry point at the end of O'Brien Street.
 - Varied setback to North Shore Rail Line (east) of between 11.365m (towards the O'Brien Street end) and 6.88m (towards the Wilson Street end).
The rear setback to the North Shore Rail Line is in accordance with the easement benefitting TAHE.
- Tower setback above Podium
 - 6m setback to Pacific Highway (west) boundary
(being a total setback of 10m from Pacific Highway boundary when including 4m Ground setback – after road widening).
 - 4.5m to Wilson Street (north) boundary
(being a total setback of 4.5m from the Wilson Street boundary when including the ground setback).
 - varied setbacks to O'Brien Street (south) boundary – minimum 4.5m tower setback provided.
 - 4.5m setback to rear (east) boundary.
(being a total setback of between 11m and 18m when including ground setback).

Other Concept plan details:

- Podium / Level 2 – Proposed as communal open space.
- All vehicle access to site via one driveway on O'Brien Street.
- All loading at basement level, with loading vehicles access / egress in a forward direction via a physical solution.
- Approximately 260 car spaces within basement levels.
- Deep soil planting provided along part of the Pacific Highway frontage.

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

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

- Payment of a monetary contribution comprising the CIC payable under Council's Planning Agreements Policy.

Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the Strategy dated September 2020, listed 1 to 35, with comments provided.

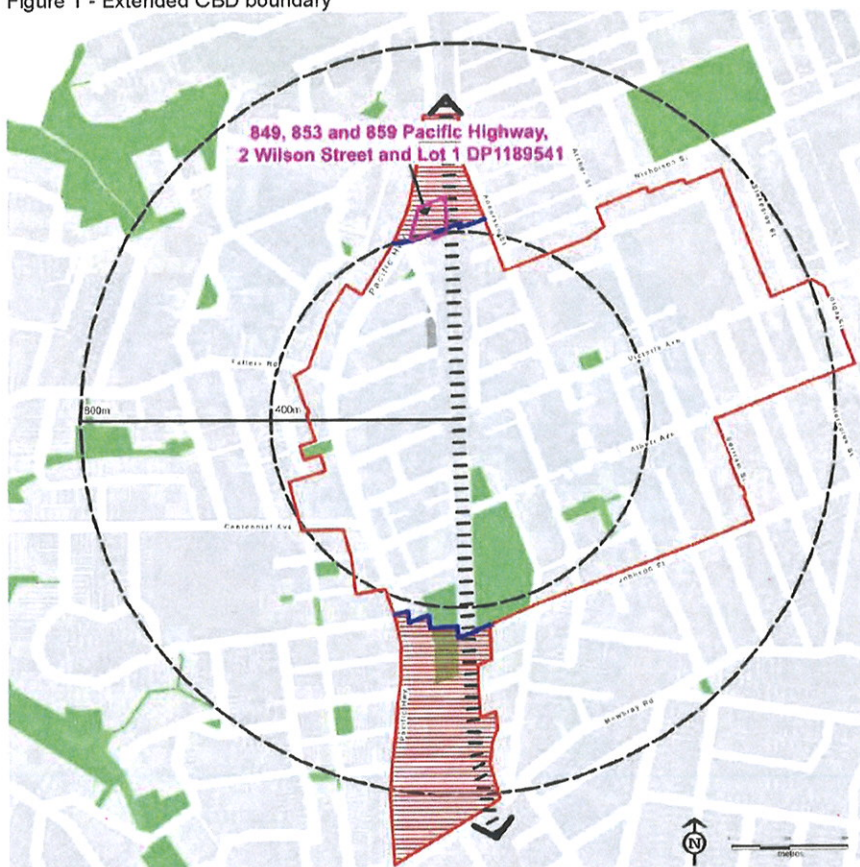
CBD Boundary

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

Comment

The subject site is located within the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown below in Figure 1.

Figure 1 - Extended CBD boundary

Land Use**Key Element 2.**

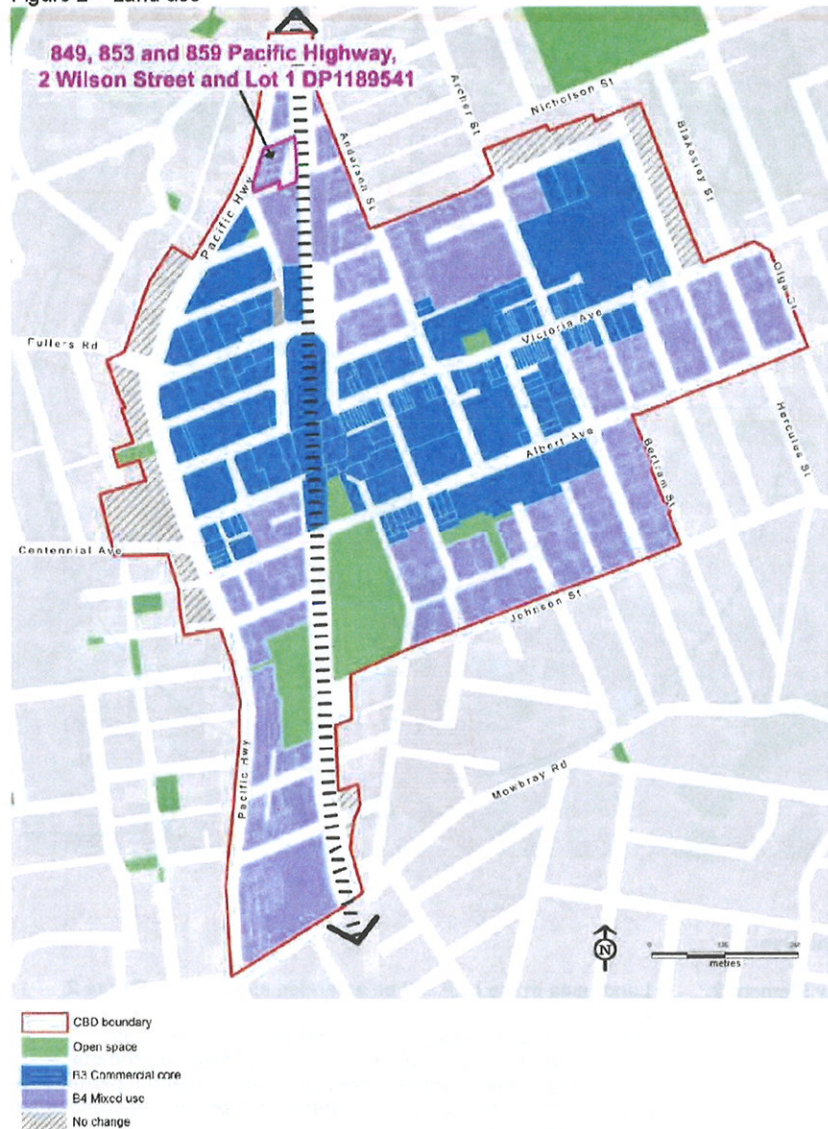
Land uses in the LEP will be amended as shown in Figure 2, to:

- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
- (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

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

Figure 2 – Land use



The proponent has proposed the zoning for the site be changed from R4 High Density Residential to B4 Mixed Use which is consistent with the CBD Strategy.

A large part of the Lot 1 DP 1189541 part of the site is zoned SP2 Infrastructure (Railway) under WLEP 2012 and is unzoned under the CBD Strategy. A small portion of Lot 1 DP 1189541, near O'Brien Street, is already zoned B4 Mixed Use.

The site was not included in B4 land under the CBD Strategy because it was owned by TAHE and adjacent the North Shore Rail Line. As it is the intention of TAHE to divest itself of Lot 1 DP 1189541, it is considered reasonable and appropriate to zone the land the adjacent zone under the CBD Strategy, being B4 Mixed Use. This is also consistent with the small portion of Lot 1 DP 1189541 already zoned B4 Mixed Use.

The concept plans propose a Mixed Use development, with commercial development on the Ground and First Floor (1:1), and residential on part of the First Floor and above (5:1), with the exception of the SP2 Infrastructure (Classified Road) zoned land adjacent the Pacific Highway.

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

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

Comment

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

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

Comment

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

Planning Agreements to fund public domain

Key Element 5. Planning Agreements will be negotiated to fund public domain improvements.

Comment

The proponent has put forward a Letter of Offer in regards a voluntary planning agreement that is generally supported by Council officers. Further discussed below.

Key Element 6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- a) Apply to residential uses.
- b) Apply to commercial uses above 10:1 FSR.
- c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and

support residential and commercial uses.

Comment

The Planning Proposal is accompanied by a Letter of Offer involving payment of a monetary contribution comprising the CIC payable under Council's Planning Agreements Policy.

Affordable housing and Section 7.12 contributions have also been identified however it should be noted that these are standard requirements and expected as part of any redevelopment.

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

Comment

The draft DCP provisions state that "Public Art is to be provided in accordance with Council's Public Art Policy."

However concern is raised that the Planning report refers to "public art onsite will be considered at the competitive process stage and DA stage."

The intention of a public art contribution is that it is up to Council where that money is to be spent – not the proponent and not necessarily on-site. This does not stop a proponent addressing public art on-site separately to Council.

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 under existing WLEP 2012 Clause 6.23 Design Excellence at certain sites. In this regard the subject site is to be included on the Special Provisions Area Map.

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 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.

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

Comment

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the CBD Strategy and will be further considered at design excellence stage.

Floor Space Ratio (FSR)

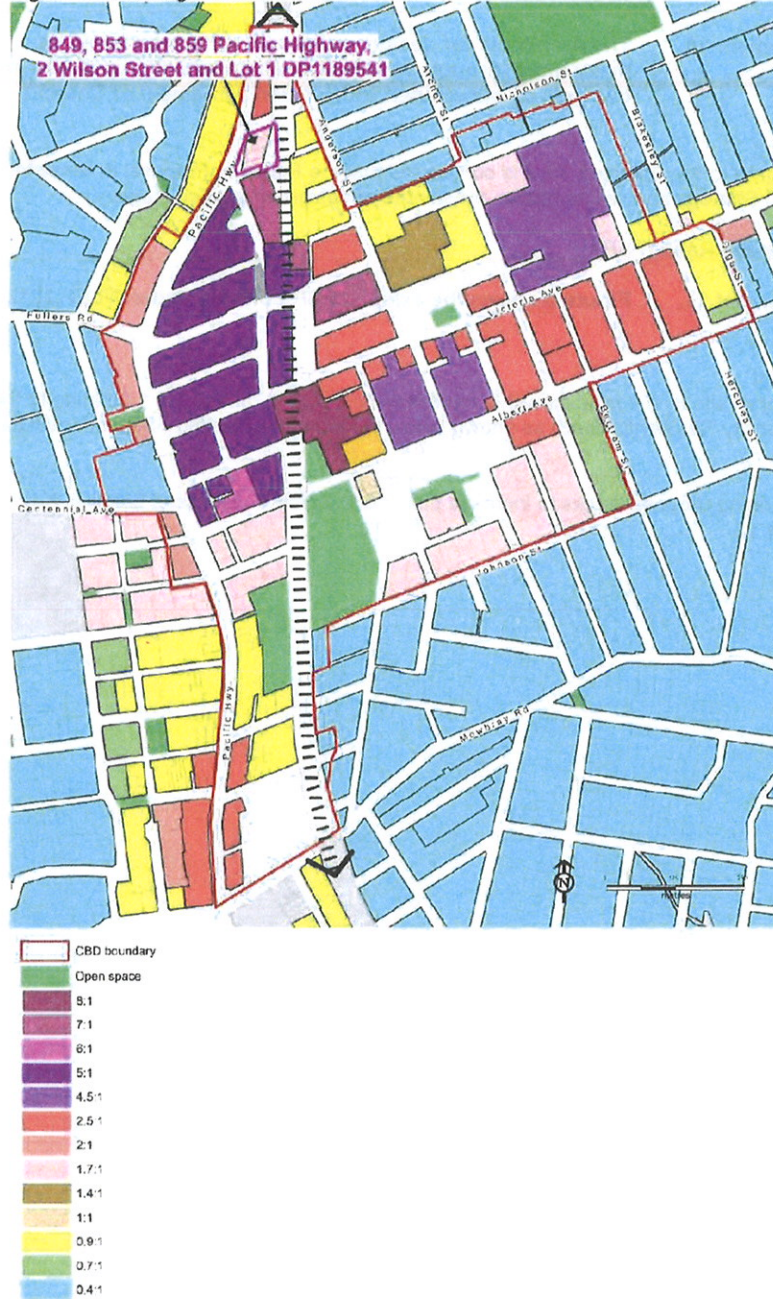
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

The subject site is in a location with a maximum floor space ratio of 1.5:1 (relating to the R4 High Density Residential land) as shown below in Figure 3 – Existing FSR under WLEP 2012.

The Planning proposal seeks to increase this to 6:1, which is discussed below in Key Element 12.

Figure 3 – Existing FSR under WLEP 2012



- Key Element 12. Minimum site area of:
- a) 1800sqm for commercial development in the B3 Commercial Core zone.
 - b) 1200sqm for mixed use development in the B4 Mixed Use zone.
- to achieve maximum FSR as indicated in Figure 4.

Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment

The subject site is 4,294m², after road widening, and is above the minimum site area of 1200m² for mixed development involving residential land use.

In response to the subject Planning Proposal and the amalgamated site involved, it is proposed to introduce a site specific lot size requirement of 4,000m² on the Lot Size Map.

- Key Element 13. The FSRs in Figure 4 should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:
- a) No maximum FSR for commercial development in the B3 zone.
 - b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
 - c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on satisfactorily addressing:

- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

Comment

Consistent.

It should be noted the FSR does not apply to the road widening area.

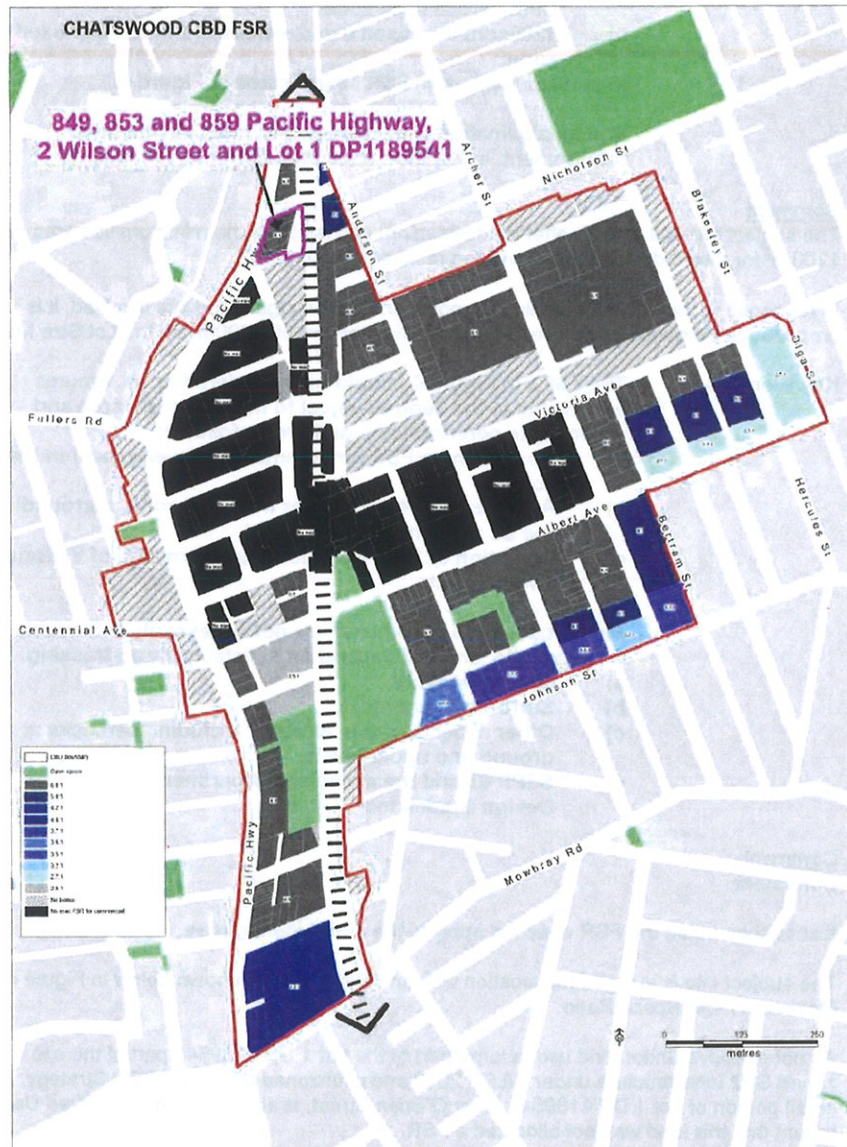
The subject site is in a general location with an FSR of 6:1, as shown below in Figure 4 - Maximum Floor Space Ratio.

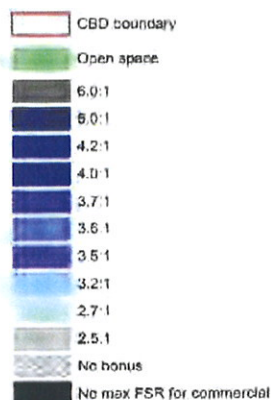
As noted above under land use, a large part of the Lot 1 DP 1189541 part of the site is zoned SP2 Infrastructure under WLEP 2012 and is unzoned under the CBD Strategy. A small portion of Lot 1 DP 1189541, near O'Brien Street, is already zoned B4 Mixed Use. This meant that this land was not allocated a FSR.

Having confirmation that TAHE intends to divest itself of this land, it is considered reasonable and appropriate to zone the land the adjacent FSR under the CBD Strategy, being 6:1.

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

Figure 4 - Maximum Floor Space Ratio





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

Comment
Consistent.

The floor space ratio of 6:1 proposed in the Planning Proposal includes affordable housing, to be provided in accordance with Council's DCP requirements.

To achieve the above in regards implementation under WLEP 2012, the site is to be included on the Specials Provisions Area Map.

Key Element 15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.

The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

Comment
Consistent.

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

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared in regards the 1:1 commercial floor space requirement.

Built Form

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

- a) 2000sqm GFA for office (to achieve this maximum a large site would be required).
- b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment
Consistent.

The towers above the podium shown in the Concept Plans contain a floor plate Gross Floor Area of:

- South tower: 592m²
- North Tower 353m²

This is below the identified Gross Floor Area maximum of 700m².

Key Element 17. In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised.

Setbacks are considered an important part of achieving slender tower forms.

Comment
Consistent.

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

It should be noted that setbacks consistent with, and in some cases greater than, CBD Strategy requirements have been provided.

Consistency with the CBD Strategy setback requirements has assisted in satisfying the slender tower objective. Setbacks are discussed below.

Building articulation and appropriate architectural design responses will be further explored at design excellence stage.

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
Two towers are proposed in the concept plans.

The Planning Proposal is consistent with regard to this Key Element.

The proponent has stated:

"The indicative concept scheme illustrates compliance with this can be achieved based on the proposed built form controls. This clause has been incorporated into the site specific DCP."

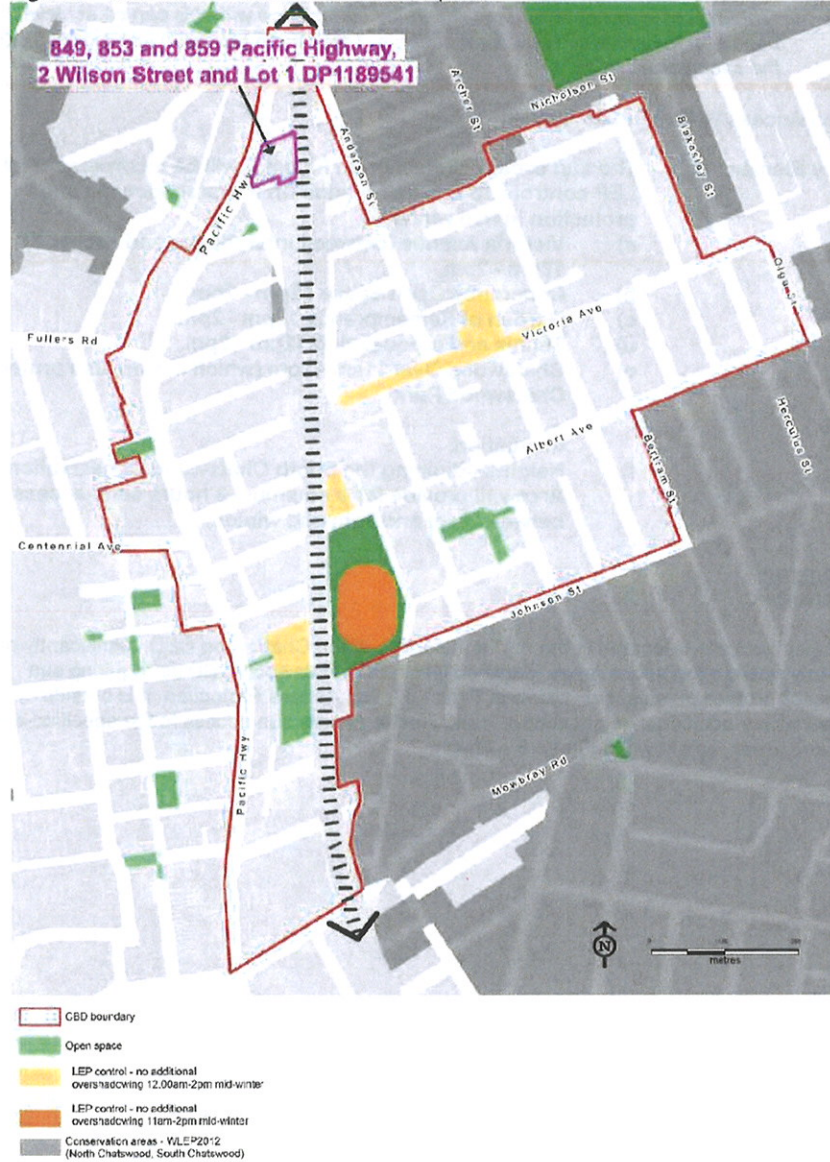
Sun Access to Key Public Spaces

- Key Element 19. The sun access protection in Figure 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).
 - f) In addition, 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 located in the northern section of the Chatswood CBD, significantly north of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection. It is outside of the area where additional height control is required to ensure sun access to the specified open space areas, as shown in Figure 6 – Height.

Figure 5 - Sun Access Protection for Public Spaces



Building Heights

Key Element 20.

Maximum height of buildings in the CBD will be based on Figure 6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:

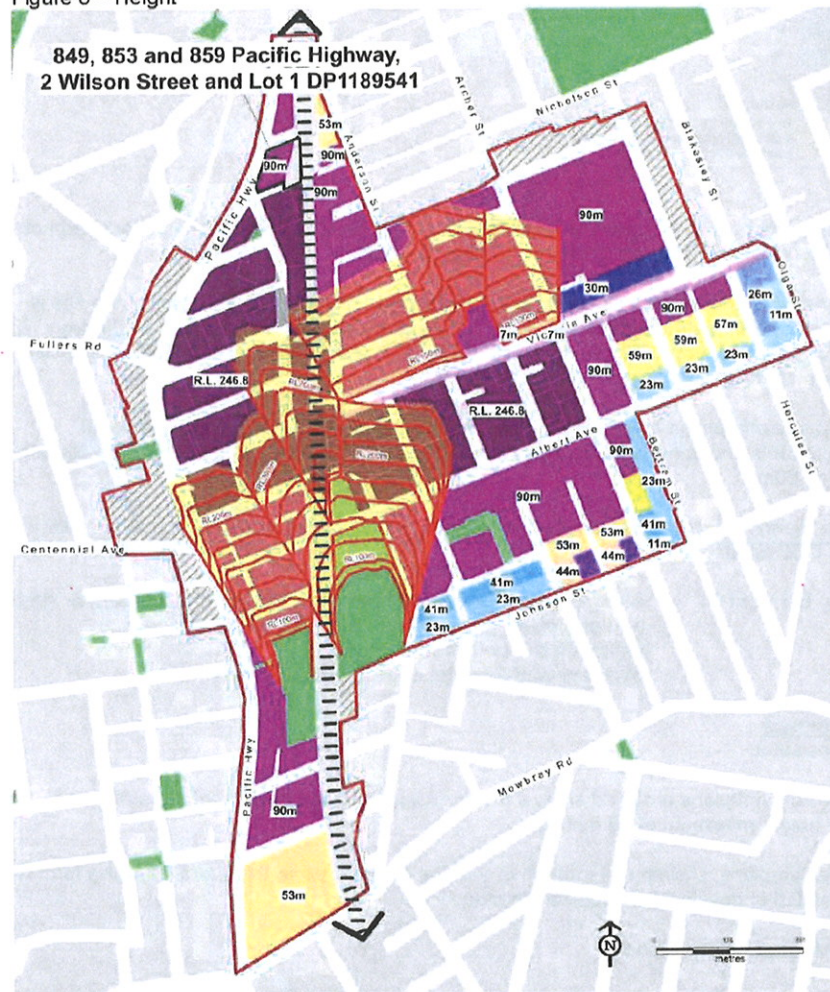
- Sun access protection.

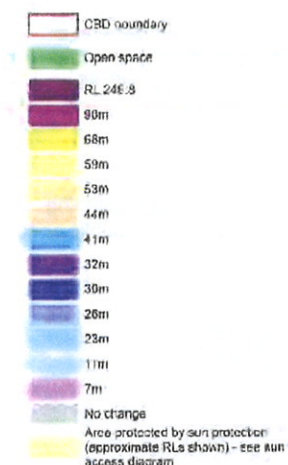
Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

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).

Figure 6 – Height





The subject site is in a general location with a height maximum of 90m. It should be noted the height does not apply to the road widening area.

As noted above under land use, a large part of the Lot 1 DP 1189541 part of the site is zoned SP2 Infrastructure under WLEP 2012 and is unzoned under the CBD Strategy. A small portion of Lot 1 DP 1189541, near O'Brien Street, is already zoned B4 Mixed Use. This meant that this land was not allocated a height.

Having confirmation that TAHE intends to divest itself of this land, it is considered reasonable and appropriate to zone the land the adjacent height under the CBD Strategy, being 90m.

The Planning Proposal proposes a maximum height of 90m, and is therefore consistent with the CBD Strategy.

Key Element 21. All structures located at roof top level, including lift over runs and any other architectural features are to be:

- Within the height maximums.
- Integrated into the overall building form.

Comment

Consistent.

The concept plans provided show a tower designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form will be provided at development application stage.

Links and Open Space

Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on

adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

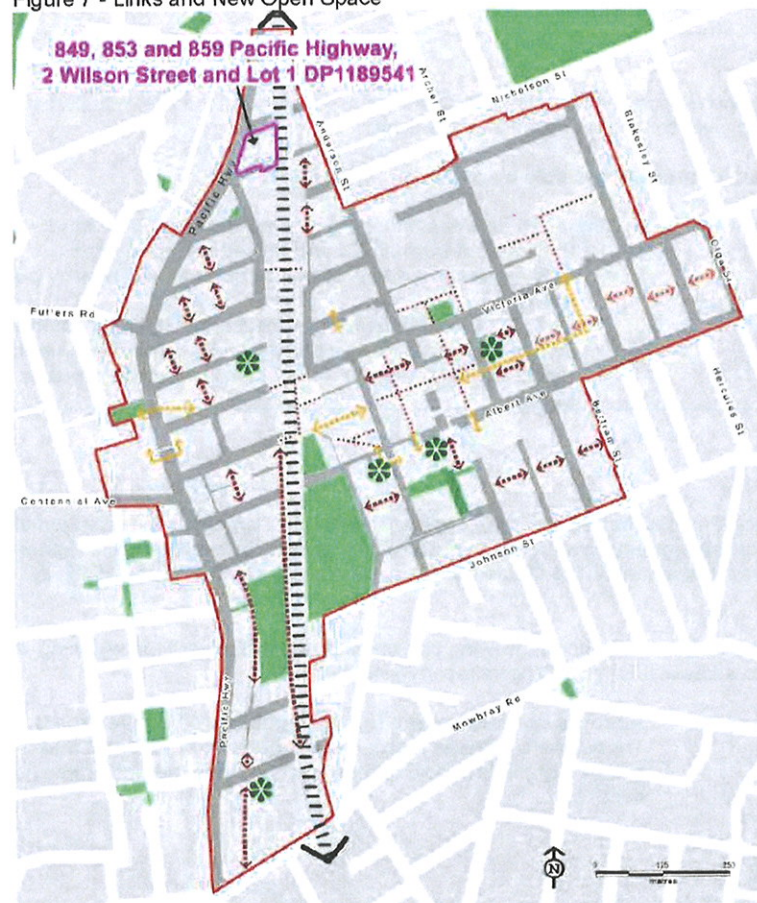
New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

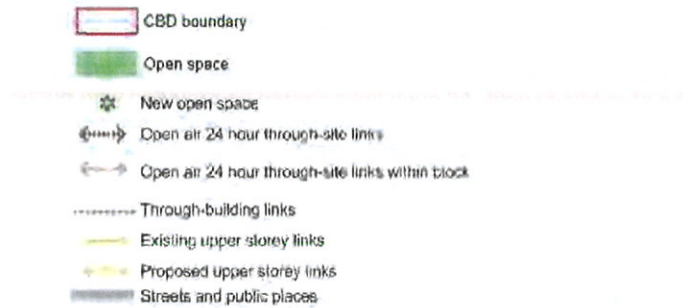
Comment
Consistent.

The Proposal provides:

- A publicly accessible pocket park on the Pacific Highway / O'Brien Street corner.
- A publicly accessible setback along O'Brien Street
- A publicly accessible setback along Pacific Highway for the creation of a shared pedestrian and cycle pathway.

Figure 7 - Links and New Open Space





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 within concept plans on the site, with particular regard being given to the rear setback and podium.

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 Planning Proposal has satisfactorily addressed this Key Element by the provision of publicly accessible ground level space in the form of a pocket park at the Pacific Highway / O'Brien Street corner, within the O'Brien Street setback and along the Pacific Highway setback.

The pocket park has been shown involving part of the site identified for road widening. It is proposed to address this in the Officers recommendation.

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.

Concept plans have been provided showing green roofs at podium level – presenting to Pacific Highway, O'Brien Street, Wilson Street and the rear setback to the North Shore Rail Line.

Key Element 26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment
Consistent.

Soft landscaping has been provided above 20% of the site area.

Setbacks and street frontage heights

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 8, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.
- e) Pacific Highway frontage:
 - i. Minimum 4m setback at Ground Level from front boundary.
 - ii. Maximum 7m street wall height.
 - iii. Minimum 6m setback above street wall to tower.

Comment
Consistent.

The concept plans are consistent with the below Figure 8 requirements applying to the subject site. For the purpose of this Key Element, the Mixed use frontage applies to O'Brien and Wilson Street.

It should be noted that deep soil planting has not been provided below basement level 1 in regards the Pacific Highway 4m ground setback. It is proposed to address this in the Officers recommendation.

Additional ground setbacks are provided to O'Brien Street.

The rear ground setback to the North Shore Rail Line is in accordance with an easement along that boundary benefitting TAHE.

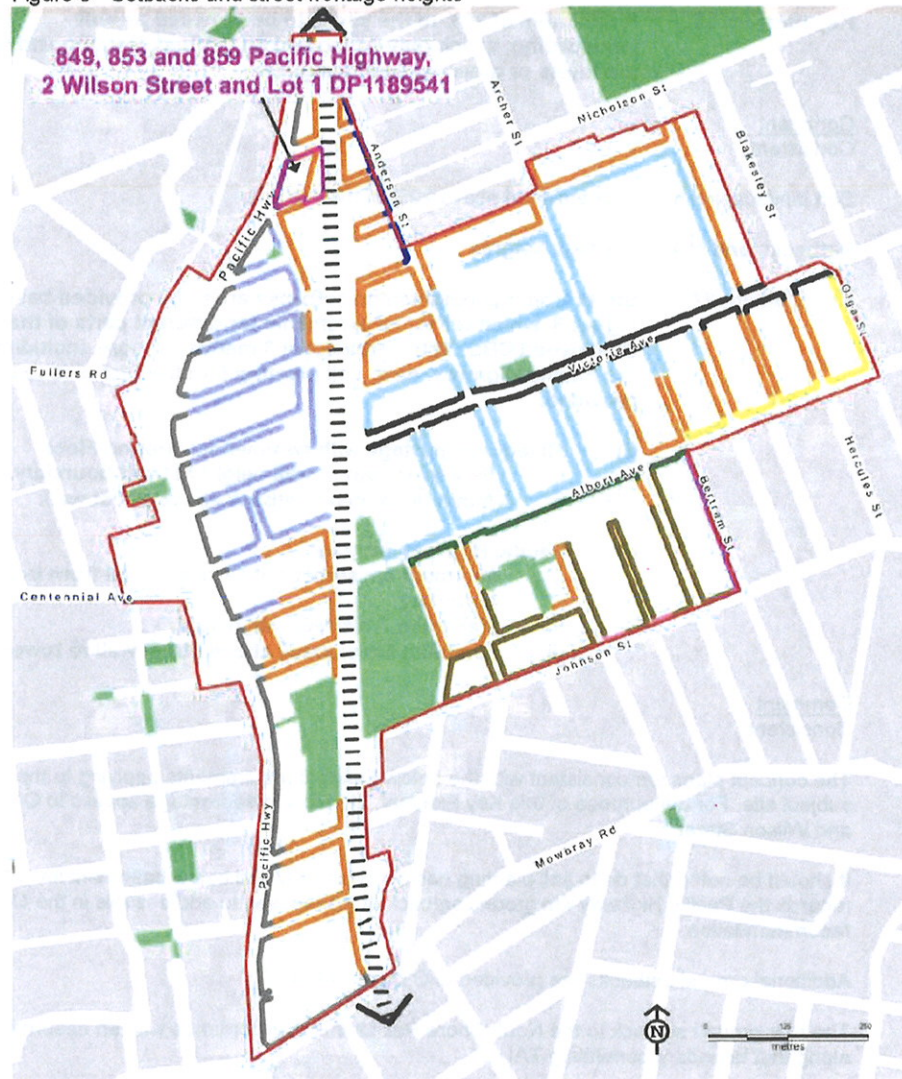
Additional tower setbacks above Podium are provided to O'Brien Street.

Setbacks above minimum requirements are supported and encouraged where possible.

A 7m / two storey street wall is provided to all elevations. A street wall height below the maximum to O'Brien Street and Wilson Street, as well as to the open space to the rear, is supported.

These requirements have also been included in the proposed Development Control Plan provisions.

Figure 8 - Setbacks and street frontage heights





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:

- a) 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.

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

Tower setbacks have been provided consistent with the Strategy.

- Key Element 29.** Building separation to neighbouring buildings is to be:
- a) In accordance with the Apartment Design Guide for residential uses.
 - b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

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

As previously noted, the site is one block, bounded by Pacific Highway, O'Brien Street, Wilson Street, and the North Shore Rail Line.

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

Active Street Frontages

- Key Element 30.** At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations.

Comment

Consistent.

The Concept Plans provided show commercial floor space at Ground Level with the opportunity for active street frontages to Pacific Highway, O'Brien Street and Wilson Street.

This issue will be further assessed at development application stage.

Further Built Form Controls

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

Comment

Consistent.

This Key Element is satisfactorily addressed as the Planning Proposal involves a block. No site is isolated as a result of this Planning Proposal.

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

Comment

Not applicable.

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

Comment
Consistent.

All car parking and loading as well as garbage provision for the site is shown in the concept plans as located within the Basement levels.

Significant and meaningful Ground Level floor space has been provided.

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

Comment
Consistent.

This Key Element is addressed in the draft DCP provisions for the site.

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

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

Comment
Consistent.

Note that a Transport Impact Assessment, prepared by GTA Consultants and dated 19 October 2021, has been submitted with the initial Planning Proposal submission. Additional information has been submitted in the Gyde Planning Report dated 22 March 2022. The Officers recommendation requires the GTA Transport Impact Assessment Report to be

updated to reflect the Gyde Planning Report dated 22 March 2022, prior to referral of the Planning proposal to DPE and subsequent exhibition.

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, with one access via O'Brien Street.
- All car parking and loading as well as garbage provision for the site is located within the Basement levels.
- A physical solution is provided for vehicles to leave the basement in a forward direction. This is the desired solution on any site of this size and configuration.
- All loading and car parking is accommodated off street.

A total of 260 car spaces are proposed in the concept plans. The proponent has indicated that parking is in accordance with RMS requirements for Residential Flat Buildings in Metropolitan Regional (CBD) Centres.

Reduced car parking rates are encouraged by Council, and Council currently has a draft DCP on public exhibition with revised car parking rates. Car parking is satisfactory for the purposes of Gateway consideration and public exhibition. It should be noted however that car parking will be further reviewed post exhibition.

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

Other Issues to be addressed

Solar Access

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

- At 9am, properties to the south west, in the direction and ending at Tower B Zenith Centre, are affected by additional overshadowing. Overshadowing does not cross to the western side of the Pacific Highway.
- At 10am, properties to the south west, in the direction and ending at Tower A Zenith Centre, are affected by additional overshadowing. This partially affects 11 Railway Street.
- At 11am, properties to the south are affected by additional overshadowing, including 11 Railway Street and part of 9 Railway Street.
- At 12pm, additional overshadowing occurs to 11 and 9 Railway Street, pool and part of the open space area over the North Shore Rail Line.
- At 1pm, additional overshadowing occurs to part of 11 Railway Street, pool and open space over the North Shore Rail Line, and 1 Day Street
- At 2pm, additional overshadowing occurs to pool and open space over the North Shore Rail Line, 1 Day Street, part of the block 44-52 Anderson Street, part of the block 38-42 Anderson Street, 3 McIntosh Street and 2 Day Street.
- At 3pm, additional overshadowing occurs to part of pool and open space over North Shore Rail Line, majority of the block 44-52 Anderson Street, majority of the block 38-42 Anderson Street, 37, 39 and 43 Anderson Street, and 9A Wattle Lane.

The following conclusions can be made:

- Solar access is maintained to properties on the western side of the Pacific Highway all day in mid winter.
- Properties to the east of the subject site are not affected until after 1pm.
- Properties to the south of the subject site maintain solar access during the early morning or afternoon depending on location.

It is considered that the overshadowing from this Planning Proposal is reasonable for a site located within the Chatswood CBD. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area public space requiring sun access protection in the CBD Strategy.

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

Privacy and general amenity

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

- To the north, on the other side of Wilson Street, is 871-877 Pacific Highway. The site 871-877 Pacific Highway is the subject of a Planning Proposal to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1) – supported for finalization at the Council Meeting 2 March 2022.
- To the east is the North Shore Rail Line, and beyond that 54-56 Anderson Street. The site 54-56 Anderson Street is the subject of a Planning Proposal to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 53m/90m and floor space ratio of 5:1).
- To the west is the Pacific Highway, six lanes in width, with medium density residential flat building opposite.
- To the south, on the other side of O'Brien Street, is 11 Railway Street, characterized by an existing high rise development, and within the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).

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

Other Internal Referrals

The Planning Proposal has also been referred to the Urban Design, Traffic, Engineering and Open Space sections of Council, and no objections have been raised.

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 site specific Development Control Plan provisions. The site specific Development Control Plan provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of 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.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (December 2021) *Local Environmental Plan Making Guideline*. Refer to 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 2036*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

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

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*. The front section of the subject site has been identified as within the B4 Mixed Use zone, permitting mixed use development (with the exception of the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway). The rear section (Lot 1 DP 1189541) was not identified for change under the CBD Strategy as it was zoned SP2 Infrastructure (Railway) and owned by TAHE. However following correspondence from TAHE that this land is surplus to requirements, it is considered reasonable and appropriate to consider the appropriate zoning as B4 Mixed Use (same as the block), with the accompanying height and FSR.

The draft Development Control Plan provisions are satisfactory for the purposes of public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's (December 2021) *Local Environmental Plan Making Guideline* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

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