

## SNPP SUPPLEMENTARY MEMORANDUM

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475-501 Victoria Avenue, CHATSWOOD NSW 2067.

**SNPP NO:** PPSSNH-12 - Willoughby

**COUNCIL** WILLOUGHBY CITY COUNCIL

**ADDRESS:** 475-501 VICTORIA AVENUE, CHATSWOOD NSW 2067.

**DA NO:** DA-2018/158/A

**PROPOSAL:** SNPP - S4.55(2) MODIFICATION SEEKING INTERNAL AND EXTERNAL ALTERATIONS TO THE APPROVED HOTEL AND OFFICE DEVELOPMENT INCLUDING A STEPPED BUILT FORM TO THE WEST; ADDITIONAL THREE (3) LEVELS WITH NO OVERALL INCREASE IN THE HEIGHT; RELOCATION OF SWIMMING POOL AND RECONFIGURATION OF GROUND FLOOR LOBBY FOR THE HOTEL BUILDING. RECONFIGURATION OF OFFICE BUILDING WITH ADDITIONAL FLOOR SPACE WITH NO INCREASE IN HEIGHT.

**RECOMMENDATION:** APPROVAL

**ATTACHMENTS:**

- A. APPLICANT'S CORRESPONDENCE REGARDING CONDITION 102A (ACTIVE STREET FRONTAGE)
- B. SUBMISSION FROM OWNER OF UNIT 46, 809-811 PACIFIC HWYWAY, CHATSWOOD

**RESPONSIBLE OFFICER:** RITU SHANKAR (TEAM LEADER)

**AUTHOR:** MARK BOLDUAN (DEVELOPMENT ASSESSMENT OFFICER – CONSULTANT)

**DATE:** 16-DECEMBER-2019

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### 1. PURPOSE OF MEMORANDUM

This memorandum is supplementary to the Council report dated 3 December 2019 and assesses further information provided to Council, namely:

- Applicant's submission dated 10 December 2019 regarding Condition 102A (Active Street frontage);
- Submission dated 13 December 2019 from owner of Unit 46, 809-811 Pacific Highway, Chatswood.

#### **Applicant's submission regarding Condition 102A (Active Street frontage)**

In the current Section 4.55 application, the applicant has sought deletion of Condition 102A of the approved DA-2018/158, which reads as follows:

##### **102A. Active Street Frontage**

*The Ground Floor Victoria Avenue frontage of the building in the south-western corner of the site is to be occupied for business or retail purposes. In this respect, use for the purposes of Office Premises is contrary to the Active Street frontage provisions and as such not permissible. (Reason: Ensure compliance)*

In its submission dated 10 December 2019, the applicant's planner has provided the following documents to Council in support of the proposal to delete Condition 102A:

1. Retail viability investigation of the Chatswood CBD west side.

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2. Pedestrian Movement Analysis
3. Examples of existing frontages in Chatswood
4. A photomontage of an office facade at the site
5. A photomontage of a cafe facade at the site

The applicant's argument can be summarised as follows:

- Clause 6.7 WLEP (Active Street Frontages) does not prohibit office uses in active street frontage areas. The development can therefore achieve active street activation with an office use.
- The objective of Clause 6.7 is to promote uses that attract pedestrian traffic along (in this case) Victoria Avenue.
- That objective will not be achieved in this case by requiring a retail or business use. A survey of potential retailer interest in the site has indicated little interest. The Pedestrian Movement Analysis has revealed that there is substantially less pedestrian traffic on the northern side of Victoria Avenue (adjacent to the site) compared to the southern side. It is argued that due to the lack of demand for retail or business use, requiring such uses will in fact result in vacancies which will in turn result in less street surveillance.

### Assessment

- Compliance with Clause 6.7 WLEP can be achieved with business uses, not just retail uses.
- The applicant's supporting information does not adequately explain or demonstrate why business uses are not viable on the site, but is instead focussed on retail.
- The definition of business uses is wide and it is anticipated that it will be viable to find a business tenant at street level.
- Active street frontages are one of 35 key elements listed in the Chatswood CBD Strategy. This has been endorsed by the Department of Planning. Maintaining active street uses therefore remains a priority in the western part of the Chatswood CBD (including the site).
- The applicant has therefore not adequately demonstrated why an office use at ground level is necessary, will provide an acceptable active street frontage, or why Condition 102A should be deleted.
- For these reasons, it is recommended that Condition 102A be retained.

### Submission from owner of Unit 46, 809-811 Pacific Highway, Chatswood (Leura)

The objector lodged an objection to the original DA on the basis that the office building would adversely impact solar access and privacy. Concerns were also raised about noise from the rooftop terrace areas.

Council's assessment indicated that there would be no additional overshadowing from the proposed office building, that the distance from the Leura building was sufficient to ensure reasonable privacy, and that conditions regulating the hours of use of the rooftop terrace would adequately address acoustic concerns.

The objectors have lodged an objection to the current modification application on the following grounds

1. The proposed modification will be very apparent from their unit.
2. Council should defer determination until it has considered what the appropriate heights for the office building should be and also until the height of the approved development in relation to their unit has been confirmed. It should be noted that a question has been raised about whether DA diagrams lodged with the original DA were inaccurate as to the relationship between the (now approved) office building and the residences at 809-811 Pacific Highway, Chatswood. This matter is being clarified with the applicant.

### Assessment

Regardless of whether or not the DA diagrams lodged with the original DA were inaccurate as to the relationship between the (now approved) office building and the residences at 809-811 Pacific Highway, Chatswood, the current modification application will still have an acceptable impact on all units at 809-811 Pacific Highway in terms of visual mass, overshadowing and privacy, for the following reasons:

- The expanded Level 4 of the office building will still be setback from balconies of 809-811 Pacific Highway by approximately 13m, as illustrated in the following extract from the s4.55 plans (southern elevation). Notwithstanding that Level 4 will be approximately 10m closer to the building at 809-811 Pacific Highway, this is an acceptable building separation in a built up area and any visual massing will therefore be considered reasonable.



*Figure 1: Proposed modification (southern elevation)*

- The shadow diagrams indicate that the proposed expansion of Level 4 of the office building will cause no additional overshadowing of the residences at 809-811 Pacific Highway compared to what is already existing or approved.
- While Level 4 will include west facing windows under the proposed modification, those windows will still be setback from balconies of 809-811 Pacific Highway by

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approximately 13m (see above) and privacy impacts are therefore considered reasonable.

- In summary, it is considered that the proposed modification satisfactorily addresses the concerns raised by the objectors.