

Panel Reference	PPSSNH-433
DA Number	DA-2023/256
LGA	Willoughby
Proposed Development	Demolition of existing structures and construction of shop top housing development comprising 53 residential units; 5 level basement with 42 car parking spaces, strata subdivision, landscaping and associated works, Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).
Street Address	629-639 Pacific Highway, Chatswood
Applicant/Owner	Polytec Australia Four Pty Ltd
Date of DA lodgement	21 September 2023
Number of Submissions	Five (5)
Recommendation	Refusal
Regional Development Criteria - Schedule 6 of the SEPP (Planning Systems) 2021	Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (BASIX) 2004 • SEPP No 65 - Design Quality of Residential Apartment Development and NSW Apartment Design Guide (ADG) • Willoughby Local Environmental Plan 2012 • Willoughby Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Assessment Report • Schedule of Conditions • Site Description and Aerial Photo • Notification, Controls, Developer Contributions and Referrals • Submissions Table • Section 4.15 (79c) Assessment • Notification Map
Report prepared by	Peter Wells – Consultant Planner
Date of report	18 June 2025

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?
Yes

Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
<input type="checkbox"/> <i>e.g. Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, Clause 4.6(4) WLEP</i>	
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not Applicable
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	
Have draft conditions been provided to the applicant for comment where applicable?	Yes
<i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

SNPP NO:	PPSSNH-433
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	629-639 PACIFIC HIGHWAY, CHATSWOOD NSW 2067
DA NO:	DA-2023/256
PROPOSAL:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF SHOP TOP HOUSING DEVELOPMENT COMPRISING 53 RESIDENTIAL UNITS; 5 LEVEL BASEMENT WITH 42 CAR PARKING SPACES, STRATA SUBDIVISION, LANDSCAPING AND ASSOCIATED WORKS, NOMINATED INTEGRATED DEVELOPMENT - WATER MANAGEMENT ACT 2000 S90 (WATERNSW).
RECOMMENDATION:	REFUSAL
ATTACHMENTS:	<ol style="list-style-type: none"> 1. SITE DESCRIPTION AND AERIAL PHOTO 2. NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS 3. ASSESSMENT OF SEPP 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT) 4. ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP 5. SUBMISSIONS TABLE 6. SECTION 4.15 (79C) ASSESSMENT 7. REASONS FOR REFUSAL 8. DRAFT CONDITIONS OF CONSENT 9. NOTIFICATION MAP 10. ARCHITECTURAL, LANDSCAPE AND STORMWATER PLANS (UPLOADED SEPARATELY TO THE PORTAL) 11. CLAUSE 4.6 – FSR (UPLOADED SEPARATELY TO THE PORTAL) 12. ATTACHMENT 12: CLAUSE 4.6 – MINIMUM SITE AREA (UPLOADED SEPARATELY TO THE PORTAL) 13. CLAUSE 4.6 – NON-RESIDENTIAL FSR (UPLOADED SEPARATELY TO THE PORTAL)
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
DATE:	18-JUN-2025

EXECUTIVE SUMMARY

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 6 of the SEPP (Planning Systems) 2021. It has a capital investment value (CIV) of over \$30 million (\$43,695,454.55) and therefore Sydney North Planning Panel is the determination authority.

2. OFFICER'S RECOMMENDATION

2.1 THAT the Sydney North Planning Panel (SNPP) refuse development application DA-2023/256 for the reasons provided in the Schedule, relating to:

Demolition of existing structures and construction of shop top housing development comprising 53 residential units; 5 level basement with 42 car parking spaces, strata subdivision, landscaping and associated works, nominated integrated development - water management act 2000 s90 (waterNSW).

at 629-639 Pacific Highway, Chatswood NSW 2067, for the following summary of reasons:

- a) The proposal is inconsistent with the strategic planning framework applicable to the site with regards to minimum non-residential area, where the clause 4.6 request is not well-founded.
- b) The proposal exceeds the maximum floor space ratio standard, where the clause 4.6 request is not well-founded.
- c) The design excellence requirements pertaining to Willoughby LEP have not been satisfied, particularly with regards to the outdoor cafeteria area fronting Hammond Lane.
- d) The landscaping arrangement and built structure fronting Hammond Lane does not comply with Willoughby DCP.
- e) The proposal is not a suitable one for the site.

3.0 DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The development application proposes the following (a detailed breakdown of the proposal is at Section 3.2 of this report):

The proposal is for the construction of a 27-storey shop top housing development, involving:

- Demolition of existing structures
- Part 2, part 3-storey podium with ground floor retail premises, first floor commercial premises, second floor plant, and residential communal open space.
- Construction of 53 residential units;
- 5 level basement with 42 car parking spaces.
- Strata subdivision.

The proposal is Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).



Image 1: Pacific Highway view taken from the fly-through (source: PBP Architects)



Image 2: Hammond Lane view taken from the fly-through (source: PBP Architects)



Image 2: North-western view taken from the fly-through
(source: PBP Architects)



Image 3: South-eastern view taken from the fly-through
(source: PBP Architects)



Image 4: View from Pacific Highway (source: PBP Architects)

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement Level 4 (FFL RL 83.68) Drawing DA101 Issue 03	<ul style="list-style-type: none"> • 17 car parking spaces (residential), inclusive of <ul style="list-style-type: none"> - 5 x accessible spaces • Private storage areas • 15 x bicycle parking (residential) • Lifts and stairs • Vehicular ramp to upper basement levels
Basement Level 3 (FFL RL 86.68) Drawing DA-102 Issue 03	<ul style="list-style-type: none"> • 14 car parking spaces (residential), inclusive of <ul style="list-style-type: none"> - 3 accessible spaces - 4 x visitor spaces • Private storage areas • 23 x bicycle parking (residential) • 1 x motorbike parking • Lifts and stairs • Vehicular ramp to upper basement levels
Basement Level 2 (FFL RL 89.68) Drawing DA-103 Issue 03	<ul style="list-style-type: none"> • 11 car parking spaces, inclusive of <ul style="list-style-type: none"> - 7 retail spaces (incl. 1 x accessible) - 4 x visitor spaces (residential) • End-of-trip facilities • Storage areas (commercial) • 8 x bicycle parking (commercial) • 1 x motorbike parking • Unisex disabled toilet • Bulky waste 20m2 • Plant • Lifts and stairs
Basement Level 1 (FFL RL 94.38) Drawing DA-104 Issue 03	<ul style="list-style-type: none"> • Loading bay 10.5m long (2m service zone at rear not shown) • Bin holding room (residential) • Bin holding room (commercial) • Residential FOGO bin room (residential) • Bulky waste 20m2 • Plant room and services • Lifts and stairs
Basement Mezzanine Drawing DA-105 Issue 03	<ul style="list-style-type: none"> • Vehicular ramp to upper basement levels

Ground Level (FFL RL 99.33, 99.68) Drawing DA-106 Issue 04	<ul style="list-style-type: none"> • 2 x retail area (one described as “cafeteria”) • Commercial lobby • Residential lobby • Substation • Landscaping • (Note: 3m wide right-of-way to allow publicly accessible through-site link along the eastern boundary adjacent to Hammond Lane <u>not provided</u>, instead pccupaied by “café outdoor seating”)
Level 1 (FFL RL 106.40) Drawing DA-107 Issue 04	<ul style="list-style-type: none"> • Commercial tenancies x 4 • Sanitary facilities • Lifts and stairs
Level 2 (FFL RL 110.0) Drawing DA-108 Issue 04	<ul style="list-style-type: none"> • Communal open space (residential) • 1 x 1-bed unit • Plant • Lifts and stairs
Level 3 (FFL RL 113.13) Drawing DA-109 Issue 04	<ul style="list-style-type: none"> • 1 x 1-bed unit, 2 x 2-bed units • Communal terrace (13m2) • Lifts and stairs
Level 4 – 9 Drawing DA-110 Issue 04	<ul style="list-style-type: none"> • 3 x 2-bed units • Lifts and stairs
Level 10 Drawing DA-111 Issue 04	<ul style="list-style-type: none"> • 2 x 3-bed units • Lifts and stairs
Level 11 – 19 Drawing DA-112 Issue 04	<ul style="list-style-type: none"> • 2 x 3-bed units • Lifts and stairs
Level 20 – 21 Drawing DA-113 Issue 04	<ul style="list-style-type: none"> • 1 x 2-bed unit, 1 x 3-bed unit • Lifts and stairs
Level 22 and 24 Drawing DA-114 Issue 04	<ul style="list-style-type: none"> • 2 x 3-bed unit • Lifts and stairs
Level 23 and 25 Drawing DA-115 Issue 04	<ul style="list-style-type: none"> • 1 x 3-bed unit and upstairs to 3-bed unit at Level 22/24. • Lifts and stairs
Level 26 Drawing DA-116 Issue 04	<ul style="list-style-type: none"> • 1 x 3-bed unit • Lifts and stairs
Roof Plan Drawing DA-117 Issue 03 (roof RL 188.25. Lift overrun RL 190.05)	<ul style="list-style-type: none"> • Solar panels • Acoustic screen

3.3 Demolition

All existing buildings and outbuildings are to be demolished.

3.4 Excavation and Basement Carpark

The proposed basement carparking requires excavation to a depth of around 20m. WaterNSW has issued General Terms of Approval.

4.0 BACKGROUND

On 21 September 2023, the subject Development Application DA-2023/256 was submitted on the NSW Planning Portal.

Between 11 October and 1 November 2023, the Development Application was notified in accordance with Council's Community Participation Plan.

Council received a total of five (5) individual submissions. The issues raised in the submissions are summarised as follows:

- (a) Building separation and privacy
- (b) Overshadowing
- (c) Vehicle and loading access
- (d) Excess in parking (adds to traffic congestion)
- (e) Traffic (congestion to Gordon Avenue/Pacific Highway intersection)
- (f) Development is out of character
- (g) View impacts
- (h) Devalue surrounding properties
- (i) Excessive height.

The Development Application was referred to the following external bodies:

- (a) Ausgrid;
- (b) Sydney Airport;
- (c) Transport for NSW;
- (d) NSW Police Force; and

- (e) Water NSW.

On 28 February 2024, the Sydney North Planning Panel conducted a "kick-off briefing", attended by representatives of the Applicant and Council. The principal issues identified at that time were:

- (a) Traffic
- (b) Waste
- (c) Urban design

The applicant amended the drawings on 28 January 2025 to reduce the parking provision from 66 to 42, which numerically complies.

On 28 February 2025 Council wrote to the applicant requiring a compliant DCP setback from Hammond Lane (3m required, nil provided), and clarification on FSR, carparking, waste, vehicle and loading access, and a response to public submissions. On 4 June 2025 the applicant responded advising that the non-compliant setback from Hammond Lane would remain for structural design reasons, and that the neighbours concerns around privacy, separation and solar access is addressed by the current scheme.

The public submissions are discussed in Attachment 5 of this report.

Precinct DCP

The Council Meeting of 25 March 2024 approved this Precinct DCP applying to the eastern side of Pacific Highway, between Gordon Avenue and Ellis Street, Chatswood (being 641-653, 655A, 689, 691-693, 695, 699, 701-705 and 745 Pacific Highway). These controls are now in force and form part of Willoughby DCP as Part L 13.1.17.



Image 5: The subject site (blue triangle) and its relationship with the through site links identified by WDCP 2023 Part L 13.1.12 which relates to 629-637 Pacific Highway Chatswood.

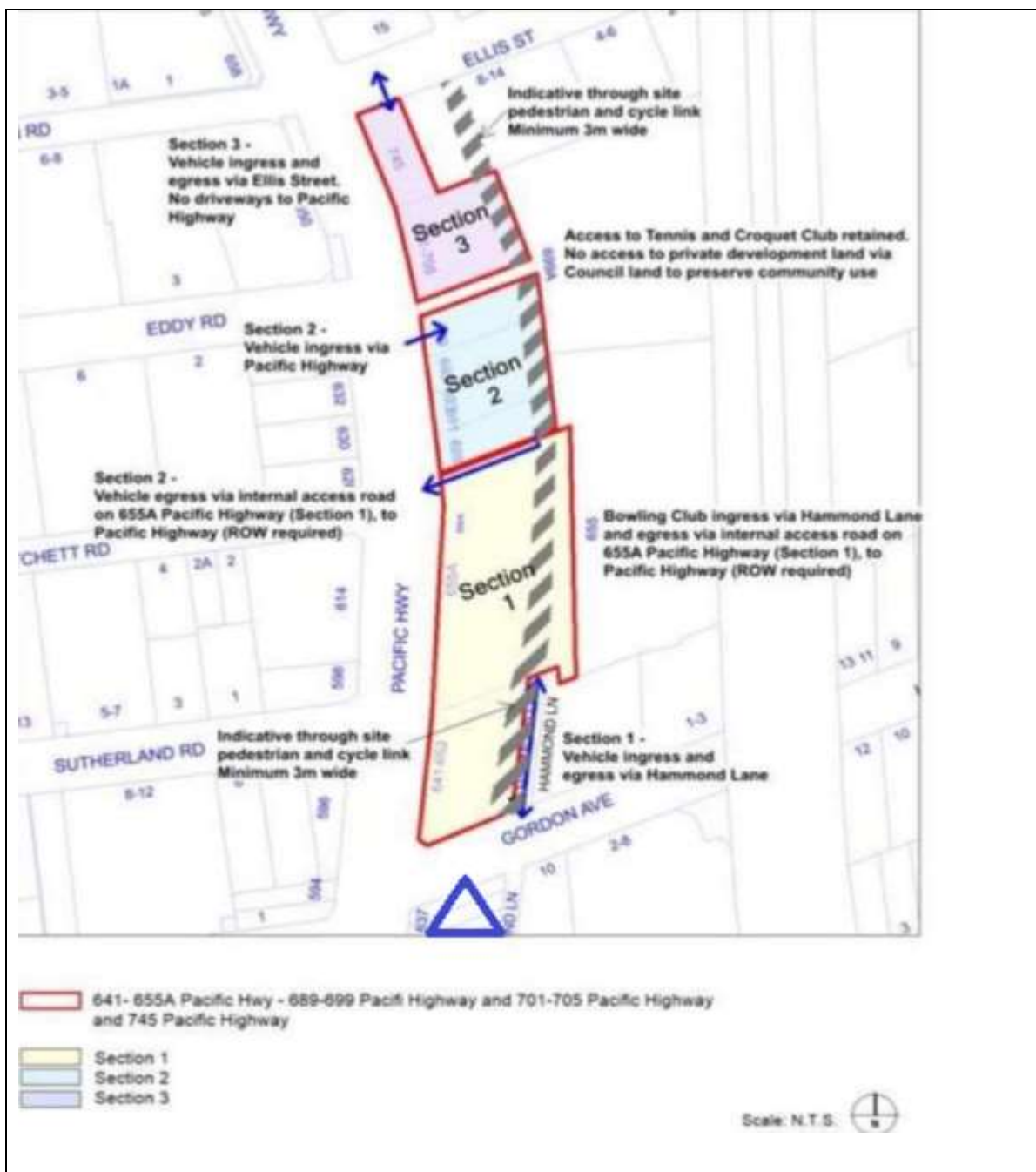


Image 6: The Precinct DCP subject site (blue triangle) and its relationship with the through site links to the north of the site, together with image 5 demonstrating the strategic importance of the through site links in this area. The 3m setback from Hammond Lane is supposed to serve as a through site link to enhance this connectivity.

5.0 DISCUSSION

A “Café outdoor seating” area is located at a zero setback from Hammond Lane, failing to comply with the WDCP and thwarting Council’s strategic vision for a through site link. The applicant claims this element is necessary for structural reasons, and suggests deleting it would mean the basement would bulge towards Pacific Highway, diminishing the deep soil required to beautify that primary frontage.

The proposal is considered unsatisfactory in the circumstances of the case.

The site description and aerial photo are in **Attachment 1**.

The assessment of controls, developer contribution and referrals are in **Attachment 2**.

The assessment of the proposal under ADG is in **Attachment 3**.

The assessment of the proposal under other SEPPs, WLEP, DCP is in **Attachment 4**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 5**.

The assessment of the proposal under Section 4.15 EPAA is in **Attachment 6**.

The reasons for refusal are in **Attachment 7**.

The draft conditions of consent, if the Panel is of a mind to approve, is in **Attachment 8**.

A Notification Map is contained in **Attachment 9**.

6.0 CONCLUSION

The Development Application DA-2023/256 has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP 2023, and other relevant codes and policies. The proposal is not supported and is recommended for refusal for the reasons provided in **Attachment 7**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The Site is located on the eastern side of the Pacific Highway, between Gordon Avenue and Nelson Street. It is comprised of Lots 9-14 in DP 4138.



Image 7: The subject site outlined in yellow (source: Sixmaps)

The Site is a parallelogram in shape, with an area of 1,185 square metres. It is subject to a fall of approximately 1.2 metres towards the east, at an average gradient of 3%.

The following existing development comprises a tyre and brake shop and service retail and service (Payless Tyres and Brakes and car service premise).

ATTACHMENT 2: NOTIFICATION, DEVELOPMENT CONTROLS, DEVELOPER CONTRIBUTION & REFERRALS

Neighbour Notification

Between 11 October and 1 November 2023, the Development Application was notified in accordance with Council's Community Participation Plan.

Council received a total of five (5) individual submissions. The issues raised in the submissions are summarised as follows:

The issues detailed within the submissions are addressed in **Attachment 5** of this report.

Controls and Classification summary

WLEP 2012 Zoning (Amendment 29) ¹ :	MU1 Mixed use
FSR	6:1
Building height	90m
Active Street frontage (cl 6.7)	Yes, affects all frontages Pacific Highway, Gordon Avenue and Hammond Lane
Affordable housing (cl 6.8)	4%
Design excellence (cl 6.23)	Yes
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 minimum 17% of GFA to be used for non-residential purposes.
Existing Use Rights	No
Heritage Conservation Area (HCA)	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Flood related planning control	No

Foreshore Building Line	No
Adjacent to classified road	Yes
Road/lane widening	No – there is a WDCP 2023 Part L 13.1.12 requirement for a right of way over Hammond Land and Pacific Highway, but not widening under WLEP cl 5.1A
BASIX SEPP	Yes
Infrastructure SEPP - Rail	No
Infrastructure SEPP - Road	Yes (Concurrence received from TfNSW)
Coastal Management SEPP	No
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Other relevant SEPPS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Housing) 2021 Chapter 4 Design of residential apartment development • Apartment Design Guide (ADG)
Relevant DCPs policies and resolutions	WDCP

¹ These are the controls that applied on the date of lodgement of the DA on 21 September 2023.

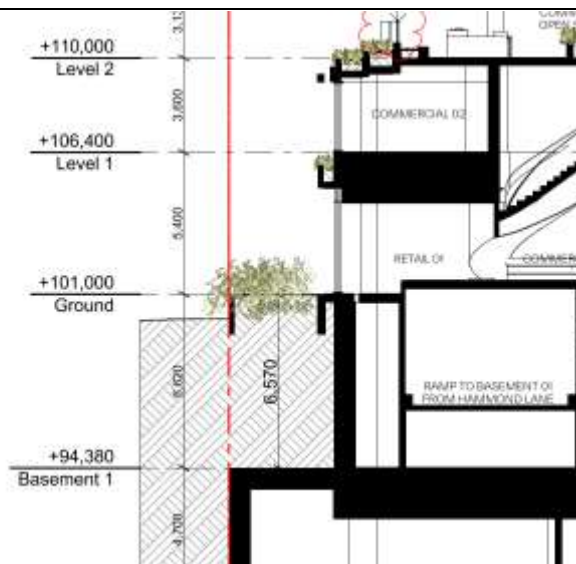
Assessment Comments from Referral Bodies

Internal Council Referrals	
Urban Design Specialist	<p>There are several elements that this site will need to resolve/clarify/consider prior to further consideration:</p> <ul style="list-style-type: none"> • Access to/from adjacent sites <ul style="list-style-type: none"> ○ Potentially including access across the laneway. ○ Access to site to the south • Potential soil depth planting to the area of encroachment <ul style="list-style-type: none"> ○ No sections shown • WIK/offer regarding loss of deep soil planting area • Off-set deep soil equivalent' planting to other 'public domain' areas. <p>I suggest that we meet with all 3 parties that have frontage to the laneway together to seek a viable outcome.</p> <p>There may be potential to remove all vehicular access from the lane if we can get all agreement.</p>
Environmental Health	<p>This application was supported by a Detailed Site Investigation report prepared by EI Australia Pty Ltd, Ref. E26117.E02_Rev2, dated 25 October 2023. The report concluded that the site is suitable for the proposed development without the need for further investigation or remediation (conditions provided)</p>
Engineering	<p>We have reviewed the revised plans, and the traffic related issues have been addressed.</p> <p>The HGL analysis has not demonstrated that the outlet of the OSD system is above the downstream 1% AEP water level. We have analysed this pipe, and determined that if the outlet / base of tank is at a level of 99.20m, the outlet will be above the downstream water level. Our conditions will include this requirement, with an option to have lower if it can be demonstrated to Council that the outlet is above the downstream water level.</p> <p>As the works will impact the public domain, we have conditioned that the developer undertake works, including replacement of footpaths, replacement of kerb and gutter in Gordon Avenue, reconstruction of half width pavement in Gordon Avenue and full width pavement in Hammond Lane. Full width reconstruction is required</p>

	<p>in Hammond Lane, as all vehicle access will be via the laneway, which was not constructed for this level of traffic. In addition to the above works, any vehicle crossings along Pacific Highway need to be removed and kerb and gutter reinstated.</p> <p>We have no objections to the application, subject to the conditions below (conditions provided).</p>	
Waste	<p>In the latest DCP (2023), Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.</p> <p>A number of items were requested for clarification and an RFI response was received dated 11 November 2024 along with a revised OWMP (Rev J) and C&D WMP (Rev B). Following receipt of those documents, the current status of the items that required clarification is assessed below.</p>	
	<u>Issue raised</u>	<u>Status</u> 29 January 2025
	<ul style="list-style-type: none"> • <u>On-site collection with HRV:</u> it is acknowledged that the plans provide a loading bay on the ground floor, however, the size of this loading area is not provided. It is unclear if this space fits Council's waste collection HRV (10.5m long). Please provide swept path analysis to show Council's waste collection vehicle is accommodated at the site. 	<p><u>Partially resolved</u></p> <p>A loading bay is shown for the at 10.5m long and there appears to be some rear clearance for loading. It would be preferable if the Applicant could show the 2m rear clearance, but it appears feasible (Basement 1 plan, Issue 04).</p>
	<ul style="list-style-type: none"> • <u>Waste collection frequency:</u> Council's on-site collection service is as follows: general waste – twice per week; recycling and organics waste – once per week. This requires an administration correction in the OWMP and will change the number of general waste bins. 	<p><u>Resolved</u></p> <p>(OWMP, Rev J, Table 1)</p>

	<ul style="list-style-type: none"> • <u>Recycling bin size:</u> it is Council's preference for the development to match the general waste and recycling bin sizes, for this development, both the waste and recycling bins should be 1,100L. 	<u>Resolved</u> (OWMP, Rev J, Table 1)
	<ul style="list-style-type: none"> • <u>Bulky waste location:</u> please consider the location of the bulky waste storage, which is currently on B2, while the loading bay is on B1. Bulky waste must be presented 2m from the waste collection area. It may not be suitable for caretakers to move bulky waste from B2 to B1 given the typical size and weight of residential bulky waste. Please provide a suitable procedure for this to take place, or consider moving the bulky waste storage area. 	<u>Resolved</u> (Basement 1 plan, Issue 04).
	<ul style="list-style-type: none"> • <u>Amenities and conditions illustration:</u> Please provide further information and details such as hot and cold water taps and drainage in the architectural plans for all waste areas (including waste cupboards, chute and bin storage areas). 	<u>Resolved</u> (Basement 1 plan, Issue 04 and RFI response 11/11/24).
	<ul style="list-style-type: none"> • <u>Internal waste storage:</u> please allocate space within each dwelling's kitchen to accommodate the storage of garbage, recycling and organics for at least two days. 	<u>Resolved</u> (the architectural plans for each residential unit show kitchen waste storage)
	<ul style="list-style-type: none"> • <u>Construction and demolition waste:</u> please provide a Construction and Demolition Waste Management Plan that includes the following details: 	<u>Partially resolved</u> (C&D WMP, Rev B).
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ An estimate of the types and expected volumes (m³) of waste to be generated during demolition, along with the anticipated percentage of waste that will be reused or recycled. 	C&D WMP, Rev B, Tables 3-4
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ An estimate of the types and expected volumes (m³) of waste to be generated during construction, including the anticipated percentage of waste that will be reused or recycled. 	C&D WMP, Rev B, Tables 5-6
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Designated landfill and recycling facilities for each waste type, to ensure compliance with licensing requirements and operational activities. 	Resolve with condition

	<ul style="list-style-type: none"> Plans indicating the location of onsite waste facilities during both the demolition and construction phases, including vehicle access routes. 	Resolve with condition
	<ul style="list-style-type: none"> Details on asbestos disposal quantities, management practices, disposal methods, and, if applicable, an asbestos clearance certificate. 	Resolve with condition
	<ul style="list-style-type: none"> <u>Organics estimated generation:</u> the OWMP uses the NSW EPA (2019) benchmark but applies it incorrectly (it should be applied based on the number of bedrooms in each unit). This should be updated in the OWMP; however, an acceptable number of organics bins are still proposed. 	<u>Resolved</u> (OWMP, Rev J, Table 2)
	<p>The following additional comment was made on the previous referral:</p> <ul style="list-style-type: none"> <u>Commercial component:</u> the waste management for the commercial component of the development appears to comply with Council requirements. <p>The proposal appears to be satisfactory with conditions, except for clarification of the rear clearance of 2m for loading the Council collection truck with residential bin contents and bulky waste. The loading bay would need to be available for the waste truck, which could also be a condition.</p>	
Landscaping	<p><u>Deep soil</u></p> <p>The proposal does not meet the DCP controls for deep soil as the basement extends to all boundaries at the lower basement level.</p> <p>The Basement 1 does not extend to the boundary on the Pacific Highway Frontage, providing a soil depth of 5.6m - 6m is provided. Whilst this depth is considered suitable to support the proposed trees (<i>Waterhousia floribunda</i> “Green Avenue”, Weeping Lilly Pilly), the intent of the deep soil zone is to provide a wider deep soil zone for larger street trees.</p> <p><i>Section showing Basement 2 and below extending to the boundary on the Pacific Highway side.</i></p>	



Willoughby DCP Part L 13.1.12 – Clause 7 Open Space and Landscaping

Control 7. Deep soil planting is to be provided within the 4m setback to Pacific Highway. Deep soil plantings include trees and shrubs, and are to be unimpeded by buildings or structures below ground.

Raised planters to Pacific Highway frontage

The initial RFI comments from landscape required the raised planter beds within the Pacific Highway frontage setback to be at ground level and the walls removed. The amended Landscape Plans (Rev C) show the walls, however reduced to be at ground level at the

Southern end rising to 220mm high at the northern end.

The Architectural Plans show raised walls on the plans and in sections. The Architectural Plans should be amended to be consistent with the Landscape Plans.

Tree planting

What are the controls?

Street tree planting and public domain

The plans provide limited detail for the public domain spaces to the Pacific Highway and Gordon Avenue frontages.

The landscape plans indicate the Council verge to be paved with two 1m wide strips of garden bed to be planted with grasses and provides 4 new street trees on Gordon Avenue. *Plantanus acerifolia* (London Plane) is proposed. This species does not align with Council's Street Tree Masterplan. The London Plane trees are to substituted for *Tristaniopsis laurina* 'Luscious' (Water Gum). The nature strip planting shall have a minimum width of 1.5m from the back of the kerb.

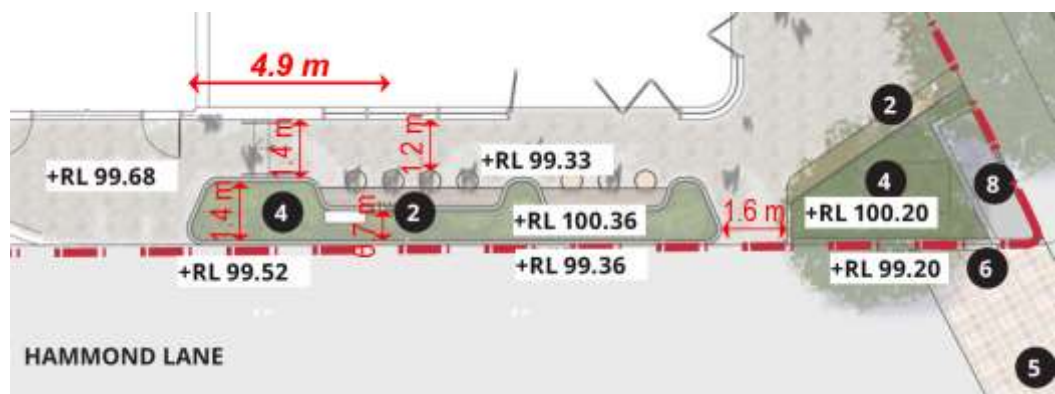
The redundant driveway crossings and 2 new street trees are to be planted along the Pacific Highway of the following species; *Eucalyptus paniculata* (Grey Ironbark). Turf to be provided between the back of the kerb and the footpath.

Through site link

A publicly accessible through site link is provided along the Hammond Lane setback. The DCP performance criteria for links states that “publicly accessible open space is to include green landscaping.”

The basement structure extends to the site boundary of Hammond Lane with no soil depth for planting provided. The raised planter structure provides greening to the through site link. The raised planter with built-in bench table and, indicatively with, fixed stools would provide a clear pedestrian access pathway of 1.2m. Minimum clear pathway free of structures should be 1.5m.

The planter width was increased to allow for more meaningful planting. The planting area width varies from 0.7m to 1.4m. This should not be reduced to less than 0.7m at any point. The areas of 1.4m width will need to be reduced, to minimum of 1.2m, to allow for a minimum footpath width of 1.5m.



The through site link path should not include steps. The stairs located in the pathway should be removed and ramped for accessible access.

The raised planter and hydrant booster structure at the corner of Hammond Lane and Gordon Avenue block the visual link to the through site link pathway.

The planter should be redesigned to better direct pedestrian access when approaching along Hammond Lane from the northern side of Gordon Avenue. The hydrant booster structure should be moved to the west.

The application could be supported by landscape subject to the issues regarding the through site link above being addressed and the technically non-compliant deep soil being acceptable by planning.

Traffic

I've reviewed the parking and traffic aspects of DA-2023/256.

- The proposal includes 53 residential units and 915 m² of non-residential floor space (581 m² office, 218 m² retail, 116 m² restaurant).
- Under the Chatswood CBD DCP (Part F), the maximum parking requirement is 43 spaces (35 for residential incl. visitors, 8 for commercial).
- The development proposes 42 car spaces, which is within acceptable range and consistent with the DCP intent to limit traffic generation in the CBD.
- Given the site's close proximity to Chatswood Metro and train stations, and with access via established shared paths off Pacific Highway, the under-provision of parking is preferred to limit traffic generation within the area and supports mode shift objectives.

	<ul style="list-style-type: none"> The left-in/left-out access arrangement on Pacific Highway is enforced by the central median, which effectively channels vehicle movements and reduces potential for conflict. Motorcycle parking (3 provided) and bicycle parking (49 provided) both satisfy minimum requirements. <p>However, I recommend the applicant be requested to submit a SIDRA analysis of the intersection of Pacific Highway and Gordon Avenue to assess the queuing lengths and intersection performance during peak hours to assess operational impacts.</p>																																																										
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Trapeze. (Existing area not provided by DA checklist; approximate measurement only and have applied an 80% space efficiency)		proposed non-resi. area is greater than existing non-resi.: 869.6 – 1,185 = - 98 m²
Proposed area provided by drawings DA000, DA001 (dated 14/09/2023) & DA503 (dated 29/7/2024) Area Schedules.	1,185m²	
s7.11 yield amount (no credits given):	TOTAL	\$901,927.36

Compared with...

If s7.12 Contribution Calculation	
Construction Cost without accounting Professional fees and Affordable Housing related cost: Based on: <ul style="list-style-type: none">- Construction costs (excl GST): \$33,817,503- Construction costs without Prof cost, AH costs (excl GST): \$33,320,790.60 Note: Deducted AH costs of \$496,712.40 - based on Residential unit cost of \$2,306/m² obtained from Council's Cost Estimate form and floor area of 215.4m² obtained from Plan DA109, Level 3, Rev 04, dated 25/10/2024 - Units 301 (80.38m²), 302 (78.99m²) & 303 (56.03m²)	Construction Cost (incl GST)
	\$36,652,869.66
Location (note: site is located slightly outside the Contribution Plan's CBD boundary. Not relying on CBD Strategy's CBD boundary)	Non-CBD
Applicable %	1%
S7.12 yielding amount based on costs of works (\$36,652,869.66 x 1%):	\$366,528.70

As demonstrated above, \$901,927.36 of s7.11 contribution applies to this development because it yields greater amount than s7.12 contribution. If there are any changes to the development statistics before finalising the consent, please let me know.

(conditions provided).

External Referrals	
WaterNSW	GTAs issued.
TfNSW	Reference is made to Council's referral regarding the abovementioned application which was referred to Transport for NSW (TfNSW for comment in accordance with clause 2.119 and 2.122 of the <i>State Environment Planning Policy (Transport and Infrastructure) 2021</i> and for concurrence in accordance with section 138 of the <i>Roads Act 1993</i> .
Ausgrid	Standard conditions of approval regarding: Ausgrid Underground Cables are in the vicinity of the development Ausgrid Overhead Powerlines are in the vicinity of the development

Sydney Airport	Proposed development is less than 100m above the ground. Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
NSW Police	Acceptable. A number of Crime Prevention Through Environmental Design (CPTED) treatment options (16 in total) suggested in order to reduce opportunities of crime. These are included in the conditions of consent should the Panel be of a mind to approve.

ATTACHMENT 3: ASSESSMENT UNDER SEPP 65

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) – is applicable to this application pursuant to SEPP (Housing) 2021 Schedule 7A (8), which saves this DA from the Housing SEPP Chapter 4 because it is a development application made, but not determined, on or before 14 December 2023 (lodged 21 September 2023).

In determining a development application for residential flat development, a consent authority is to consider:

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

The following table outlines how the proposal satisfies the design quality principles of SEPP 65 and objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). Overall, the proposal satisfies the provisions of the ADG.

ADG Objective	Proposal	Satisfied
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The proposal provides 301m2 communal open space at Level 2. This provision is equal to 25% of the total site area. At least 36% of the useable part receives 50% direct sunlight for two or more hours on 21 June.	Yes
Design criteria 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).		
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Nil. (Basement 1 provides deep soil zone which equates to approx. 30m2 at minimum 3m width)	No

<p>Design criteria</p> <p>Deep soil zones minimum 7% or 10% if possible.</p> <p>$7\% \times 1185 = 82.95\text{m}^2$</p> <p>Minimum widths to be greater than 3m to be counted.</p>		
<p>Objective 3F-1</p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Objective 3F-2</p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	Above 4 storeys is 6m	No

<p>Objective 3J-1</p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p>	42 car spaces complies (WDCP 2023 is the lower of RMS and DCP)	Yes
<p>Objective 4A-1 Solar Access</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>	Residential apartments receive 2 hours direct sunlight in mid-winter. The proposal is designed to optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and open spaces	Yes
<p>Objective 4B-3 Natural Cross Ventilation</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>	An acceptable number of apartments achieve natural cross ventilation. Some alternative means required to satisfy acoustic requirements.	Yes
<p>Objective 4C-1 Floor to Ceiling Heights</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Design criteria</p> <p>The minimum ceiling heights proposed are:</p> <ul style="list-style-type: none"> ▪ 2.7 m for habitable rooms; and ▪ 2.4 m for non-habitable rooms. 	3.13m floor to floor height proposed for residential floors.	Yes

Objective 4D-1 Minimum Apartment Sizes <i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>	The proposal is consistent with ADG requirements for the minimum size of rooms.	Yes
4E Private open space and balconies <i>Minimum area Minimum depth 1 bedroom apartments 8m² (2m depth) 2 bedroom apartments 10m² (2m depth) 3+ bedroom apartments 12m² (2.4m depth)</i>	The proposal is consistent with ADG requirements for the size and depth of balconies.	Yes
4F Common circulation and spaces 1. <i>The maximum number of apartments off a circulation core on a single level is eight</i> 2. <i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</i>	Satisfied	Yes
Objective 4G-1 Storage 1 <i>bedroom apartments 6m³</i> 2 <i>bedroom apartments 8m³</i> 3 <i>bedroom apartments 10m³</i>	Satisfied	Yes
4H Acoustic privacy <i>Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout</i> <i>Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments</i>	Satisfied	Yes
4J Noise and Pollution <i>Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</i> <i>Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i>	Satisfied	Yes

4K Apartment mix <i>Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future</i> <i>Objective 4K-2 The apartment mix is distributed to suitable locations within the building</i>	Satisfied	Yes
4M Facades <i>Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area</i> <i>Objective 4M-2 Building functions are expressed by the facade</i>	Satisfied	Yes
4N Roof design <i>Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street</i> <i>Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised</i>	Satisfied	Yes
4O Landscape design <i>Objective 4O-1 Landscape design is viable and sustainable</i> <i>Objective 4O-2 Landscape design contributes to the streetscape and amenity</i>	Satisfied Not satisfied	Yes North-eastern corner at ground level does not satisfy the objectives for Hammond Lane shared zone
4P Planting on structures <i>Objective 4P-1 Appropriate soil profiles are provided</i> <i>Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance</i> <i>Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces</i>	Satisfied Satisfied Not satisfied	Yes Yes Soil depth not confirmed on Hammond Lane
4Q Universal design <i>Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members</i> <i>Objective 4Q-2 A variety of apartments with adaptable designs are provided</i> <i>Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs</i>	11 apartments capable of achieving silver level (20%)	Yes

ATTACHMENT 4: ASSESSMENT UNDER OTHER SEPPs, WLEP, WDCP

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This application was supported by a Detailed Site Investigation report prepared by EI Australia Pty Ltd, Ref. E26117.E02_Rev2, dated 25 October 2023. The report concluded that the site is suitable for the proposed development without the need for further investigation or remediation.

4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate effective delivery of infrastructure by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and prescribing consultation requirements for certain development.

The following assessment is undertaken under the relevant provisions of the SEPP:

Provision	Assessment
CI 2.119 Development with frontage to classified road	The site fronts Pacific Highway, which is a classified road. The proposal has an acceptable impact on the effective and ongoing operation of the Pacific Highway. TfNSW concurrence received.
CI 2.120 Impact of road noise or vibration on non-road development	Satisfied confirmed by Acoustic Report (Ref: P00737, dated 11.9.2023 by E-Lab Consulting).
CI 1.122 Traffic-generating development	TfNSW concurrence received.

4.3 WLEP 2012

This table below address the relevant clauses of the (then Draft), now finalised Amended WLEP applicable to the assessment of the proposed development.

Controls and Compliance

WLEP	Standard	Complies
CI 4.4 FSR	6:1	No, 6.29:1 (total 7,449m ² exceeds by 339m ²)
CI 4.3 Building height	90m	Yes, 90m
CI 5.21 Flood planning	Certain considerations	Satisfactory
CI 6.2 Earthworks	Certain considerations	Satisfactory
CI 6.3 Urban heat	Certain considerations	Satisfactory
Active Street frontage (cl 6.7)	Yes, affects all frontages Pacific Highway, Gordon Avenue and Hammond Lane	Satisfactory
Affordable housing (cl 6.8)	4%	Yes – 3 units 301, 302 and 303 are nominated as affordable housing (236.9m ²)
CI 6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD	1,200m ²	No, site is 1,185m ² (CI 4.6)
Design excellence (cl 6.23)	Required pursuant to cl 6.23	No – Hammond Lane “café outdoor seating” roof structure and columns were not included in the design

		excellence competition.
Shop top housing at certain sites at Chatswood (cl 6.25)	cl 6.25 minimum 17% of GFA to be used for non- residential purposes.	

[1] Minimum Site Area - clause 4.6 request

Clause 6.16 (3) sets a minimum lot size of 1,200m² for development for the purposes of mixed-use development on land zoned. The subject site has an area of 1185m², and the extent of variation amounts to 15m² and represents a 1.26 % variation from the development standard.

The Chatswood CBD Strategy contains the objectives of the minimum site area (the LEP clause does not contain objectives). The Strategy objectives are:

- a) Provision of required setbacks to achieve slender towers and building separation whether on-site or with neighbouring sites
- b) Provision of ground level public realm or areas accessible by public on private land
- c) Appropriate vehicle entry / exit point
- d) Provision of parking and loading in basement with adequate on-site manoeuvrability
- e) Maximising commercial floor space and street activation at ground level
- f) Maximising landscaping and deep soil planting.

The Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (unreasonable or unnecessary in the circumstances of the case, sufficient environmental planning grounds, and public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone). Note the date of lodgement of this DA (21.9.2023) and that this DA is saved from the changes to clause 4.6 around public interest.

The applicant's (summarised) argument and assessment planner's commentary under each one is as follows:

Unreasonable or unnecessary (using Wehbe 1)

Willoughby City Council

FSR - substantial compliance is still achieved with the overall gross floor area permitted on the site. The built form is therefore consistent with that anticipated maximum FSR under the current planning controls notwithstanding the proposed minimum site area variation.

Assessment planner's comments: The total FSR exceeds the standard, at 6.29:1 (exceedance 339m² which equates to 5%), so this argument gets limited traction.

Site isolation - the proposal does not create any isolated development sites if developed in its own right. In the future, No. 621-627 Pacific Highway property could amalgamate with the property on the northeast corner of the Pacific Highway and Nelson Street (613 Pacific Highway) and would have an area in excess of 1,200m².

Assessment planner's comments: The non-compliance does not trigger site isolation issues.

Setbacks - Notwithstanding the shortfall in the site area, the proposed development substantially complies with the setback and separation requirements contained in the Site specific DCP and ADG. The podium and tower are carefully massed, to break up the buildings bulk and scale. Importantly, the variation to the minimum site area development standard does not result in any unreasonable concentration of scale or bulk and does not result in any unreasonable impacts to residential amenity, solar access, views, or privacy.

Assessment planner's comments: As regards the ADG, it could likely be demonstrated that the south-facing screens result in a satisfactory privacy outcome to 627 Pacific Highway, notwithstanding above 4 storeys has a 6m (in lieu of 9m) setback from the southern boundary – but this setback does satisfy the DCP setback requirement.

Provision of ground level public realm or areas accessible by public on private land - Footpaths are located on Pacific Highway, and Gordon Avenue frontages and provide direct pedestrian access to the site from major destinations within Chatswood CBD. These spaces provide generous, attractive, desirable, and accessible retail and commercial floor space that are accessible from the public domain.

Assessment planner's comments: The ground level setbacks do not numerically comply with the Gordon Avenue (3m) setback and Hammond Lane (3m) setback; however, subject to urban design scrutiny in relation to the Hammond Lane setback, delivers a satisfactory footprint subject to the applicant's acceptable of right-of-way conditions for all frontages.

To ensure appropriate vehicle entry / exit points - all vehicles will access the site from Hammond Lane via Gordon Avenue. To ensure the provision of parking and loading in basement with adequate on-site manoeuvrability - the site access into the basement car park and loading dock

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from Hammond Lane will be wide enough to accommodate two-way flow between an entering and exiting B99 vehicle.

Assessment planner's comments: Site access is satisfactory subject to the Hammond Lane interface being at grade and level to ensure DDA compliance within the future shared zone in Hammond Lane.

To ensure that commercial floor space and street activation at ground level is maximized - the proposal will provide generous levels of commercial floor space with a total of 1185m² within the two-storey podium of the development.... a reasonable amount of floor space is delivered.

Assessment planner's comments: Unsatisfactory. The non-residential floor space is calculated to be 997.5m² (total GFA 7,449m²) which equates to 13.4% where the minimum required is 17% (see Clause 4.6 for this departure).

To maximising landscaping and deep soil planting - landscaping and Deep soil planting has been provided in accordance with the ADG and site specific DCP provisions.

Assessment planner's comments: There is no deep soil in strict numerical terms. Basement 1 provides deep soil zone which equates to approx. 30m² at minimum 3m width.

Environmental Planning Grounds

The applicant relies on the following grounds (summarised):

- Despite the shortfall in site area, the proposal provides a built form and massing which is considered to positively contribute to the quality and transitioning identity of the locality and is compatible with adjoining development. The built form is therefore consistent with that anticipated under the current planning controls notwithstanding the proposed minimum site area variation.
- A Design Excellence Competition was undertaken for the development. The current design is based on the concept that was selected and was deemed to be an outcome that represented the highest quality of architectural, urban and landscape design for the redevelopment of the site.
- The proposed development promotes the orderly and economic use and development of land for the eastern portion of Pacific Highway between Gordon Avenue and Nelson Street, by allowing for future site amalgamation (See Basement 2 Plan breakthrough panel).
- The proposed development optimises the provision of commercial floor space within the constraints of the site. Despite the variation, the retail tenancies on ground level have been orientated to address the street frontages of the Pacific Highway, Gordon Avenue and Hammond Lane, facilitating street activation and social interaction between the residents and the local community.
- The proposal does not create any isolated development sites if developed in its own right.

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- The proposed development achieves the aims, design quality principles and design objectives contained within State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide.

Assessment planner's comments:

Some arguments such as the non-residential GFA and overall FSR cannot be relied upon, whereas others such as setbacks and site isolation are more compelling. The design excellence scrutiny did not include the Hammond Lane outdoor cafeteria element, which relates to the provision of ground level public realm and needs to be resolved.

Public interest

Whilst the applicant argues the contrary, the failure to deliver sufficient non-residential floor space competes against the zoned objective to encourage a diversity of business, retail, and office land uses that generate employment opportunities. Otherwise it supports the zone objectives. There are no objectives of the standard so this is difficult to comment on – however, using the Key Element 12 (FSR) within the Chatswood CBD Strategy the proposal is reasonably placed.

Conclusion

On balance the clause 4.6 request (in conjunction with the scheme) needs finessing but in principle a variation has prospects for success.

[2] Floor Space Ratio - clause 4.6 request

Clause 4.4 sets a maximum FSR of 6:1. The applicant's clause 4.6 request says the FSR is 7421.1 m² (311.1m² above the standard) and is "attributed to an additional 24 carparking spaces". Since the clause 4.6 was written the scheme has reduced its parking provision from 66 spaces to 42, complying numerically with the requirements. Still, calculations undertaken by the assessment planner equate to 7,449m² or 339m² in excess of the standard.

The applicant's (summarised) argument and assessment planner's commentary under each one is as follows:

Unreasonable or unnecessary (using 'Wehbe 1')

The applicant uses the following arguments that the departure satisfies these objectives of the standard:

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- a) to limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land and
- (b) to limit traffic generation as a result of that development,

The carparking for the proposed development under the scheme was based on the RMS rates (which were applicable at the time) and despite this, the Design Excellence Jury members endorsed the design as delivering an optimum outcome that did not result in any unreasonable impacts upon the surrounding locality.

Assessment planner's comments:

The clause 4.6 is geared around parking, which compromises its effectiveness and functionality from the start. It is dubious to declare where non-compliant GFA is – perhaps unless it sits outside a numerically compliant building envelope. The parking complies and does not trigger a GFA departure in any event.

- (c) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion.

Assessment planner's comments:

This is a stronger point as the proposal generally satisfies (except the Hammond Lane and Gordon Avenue frontages) the building envelope controls. The applicant was requested to model shadow impacts to the adjoining 613-627 Pacific Highway however, no detail has been submitted. Views has not been canvassed with rigour. Privacy can likely be satisfied with the provision of 1:20 scale detail and blade walls on west-facing balconies demonstrating that privacy objectives are satisfied.

- (d) bulk and scale of that development to suit the land use purpose and objectives of the zone

The applicant says the proposal has “substantial compliance with the FSR development standard”.

Assessment planner's comments:

The departure is calculated to be different to the applicant's figure and not related to parking. Whilst the massing of the proposal is generally satisfactory, the extensive plant areas at Level 2 should be investigated to determine if the scheme accurately reflects the 'true' GFA.

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(e) and

(f)

The applicant speaks to the benefits of the development overall but the departure of the FSR is lost in this appraisal.

(g) n/a

(h) The applicant says Design Excellence Competition was undertaken but this process did not scrutinise the Hammond Lane element.

(i) This scheme does not compete against this objective.

(j) This scheme does not compete against this objective.

(k) This scheme does not compete against this objective.

(l)

Environmental Planning Grounds

The applicant relies on the following grounds (summarised):

- The proposed building complies with the maximum 90m building height that applies to the site as well as the setbacks prescribed under the ADG & DCP.
- A Design Excellence Competition was undertaken for the development.
- The proposed development is compatible with adjoining commercial, retail, and residential development, is highly articulated and features a mix of materials, colours and landscaping which make it visually sympathetic to neighbouring buildings.
- The additional car parking spaces do not result in any adverse impact to the surrounding road network.
- The proposed development achieves the aims, design quality principles and design objectives contained within State Environmental Planning Policy No 65.

Assessment planner's comments:

There no utility in the argument about car parking spaces. The Design Excellence process did not capture the

Public interest

There are more arguments about the overall merits of the application than compliance with objectives or how exceeding the standard achieves those standards.

Conclusion

On balance the clause 4.6 request is not worthy of support.

[3] Minimum non-res GFA - clause 4.6 request

Clause 6.25 of the WLEP prescribes a minimum non-residential floor space ratio of 17% of the gross floor area of the building. The applicant says in the clause 4.6 request that the minimum non-residential floor area requirement for the development equates to 1,261.6m² (in conjunction with a clause 4.6 for overall FSR). As the GFA is calculated (by Council) to be 7,449m² the minimum non-res GFA is 1,266.33m². The proposal provides 1,185m² resulting in a variation amounting to 81.33m², representing a 6.4% variation from development standard.

The Chatswood CBD Strategy contains the objectives of the minimum site area (the LEP clause does not contain objectives). The Strategy objectives are:

Unreasonable and unnecessary

Clause 6.25 does not include objectives for the non-residential floor space development standard. Notwithstanding, the intent of Clause 6.25 is set out in the Chatswood CBD Strategy prepared by Willoughby City Council. The applicant acknowledges that the Chatswood CBD Strategy seeks to increase non-residential floor space within the Chatswood CBD to promote employment growth of the Strategic centre. The applicant states that the Chatswood CBD Strategy initially proposed a minimum non-residential floor space ratio of 1:1 to be provided in the podium levels of a mixed-use development seeking to achieve a maximum overall 6:1 FSR, but that this was subsequently moderated to 17%. The applicant flags that the CBD Strategy seeks minimum non-res GFA "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" (applicant emphasis).

The applicant relies on an assumed underlying objectives of this clause are as follows:

The objective of this key element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone (now MU1-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 (pg 33 Chatswood CBD Strategy).

The applicant says the site is constrained as follows:

- An undersized allotment that constrains achieving compliance with controls that are fundamentally based on a site area minimum of 1200m².
- Active Street frontage requirements,
- Street frontage wall height and setback and separation controls under the ADG & DCP,

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- requirements for the provision of internal waste truck collection,
- requirements relating to substations, fire egress and building services.

In addition, the applicant says:

- The planning proposal and concept scheme that was developed throughout the design excellence competition was based on a non-residential floor space requirement recommended under the Chatswood CBD strategy of 1:1.
- No habitable residential floorspace is proposed within the building podium. Level 1 of the proposed development has been dedicated as 100% commercial floorspace, providing flexibility for a variety of employment uses.
- Despite the variation, the proposed non-residential floor space facilitates the provision of commercially attractive and flexible floorplates that are suited to a wider range of businesses, and which make the development itself economically feasible when compared with other permissible land uses.
- The retail tenancies on ground level have been orientated to address the street frontages of the Pacific Highway, Gordon Avenue and Hammond Lane.
- The proposal achieves a sustainable balance between commercial, retail, residential, education, cultural and other uses to ensure on-going vibrancy (p.g 6 Chatswood CBD Strategy).
- The proposal ensures Chatswood's future as an Employment Centre is protected whilst allowing capacity for strong residential growth at the edge of the CBD (pg. 11 Chatswood CBD Strategy).
- The proposal delivers sufficient floorspace appropriate to the projected growth requirements for Chatswood CBD (pg. 11 Chatswood CBD Strategy).

Assessment Planner's commentary:

At Level 2 the plant area equates to around 87m² which would satisfy the 81.33m² shortfall. Adding unit 201 (1-bed) to the plant area equates to around 233m². Either scenario would enable the achievement of the minimum non-res GFA requirement whilst maintaining the podium arrangement. The clause 4.6 request relies on the argument that what is provided is enough – there are no supporting reports to justify this position, so has not substantiated that the objectives have actually been achieved.

Environmental Planning Grounds

The applicant relies on the following grounds (summarised):

- The proposal will provide a suitable level of employment floor space.
- the extent of variation is numerically small, being a variation of just 6% (approximately 76.6m²).
- A Design Excellence Competition was undertaken for the development. The commercial floor space proposed under the scheme was endorsed as delivering a reasonable amount of employment floor space in accordance with the objective of Clause 6.25 of the WLEP.

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- The proposed development optimises the provision of employment floor space within the constraints of the site.
- Despite the variation, the retail tenancies on ground level have been orientated to address the street frontages of the Pacific Highway, Gordon Avenue and Hammond Lane, facilitating street activation and social interaction between the residents and the local community. Accordingly, the objective achieves objective 1.3 (g) of the EP&A Act, “to promote good design and amenity in the built environment”.
- The proposed amount of non-residential floor space development is compatible with adjoining commercial, retail, and residential development.
- The proposed variation to the non-residential floor space standard, does not affect the proposal’s ability to provide a substantially conforming mixed-use development.
- Strict compliance with the non-residential floor space standard would result in a poorer design and would necessitate the following:
 1. The reduction or reallocation of residential floor space or space dedicated to ancillary services to the provision of non-residential floor space which would undermine the overall building design or the high-quality residential apartment designs within the tower component (i.e. top of podium), or
 2. The removal of desirable communal open space and landscaping that currently ensures exceptional amenity to residents and users of the commercial and retail spaces, or
 3. Increases to setbacks and floor plates that are fundamental to the overall design.
 4. Compromising the on-street waste collection and reduction of the ground level loading bay.
- The proposal represents a significant opportunity for renewal of the southernmost (extended) edge of the Chatswood CBD.
- The proposed non-residential floor space still represents significant contribution to employment floor space in the mixed-use area, which will support the economic growth and reinforce the commercial role of the Chatswood CBD core.
- The extent of variation is considered minor and will be largely imperceptible both practically and in providing contemporary and functional commercial space and quantitatively in the context of providing commercial floor space across the wider Chatswood CBD locality.

Assessment planner’s comments:

The arguments do not providing sufficient information that warrants departure from the minimum non-residential GFA control.

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Public interest

It has not been adequately demonstrated that the departure satisfies the public interest.

Conclusion

On balance the clause 4.6 request is not worthy of support.

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4.4 Assessment under Willoughby Development Control Plan (WDCP)

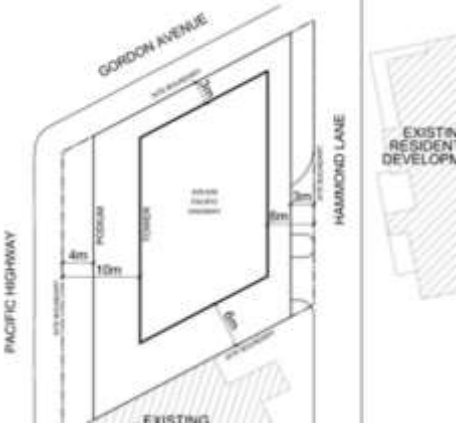
Part B

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Provision	Control	Proposed	Complies
4.3.1 Lot size	1800m2 (cl 6.10 WLEP)	1885m2	No (see clause 4.6)
4.3.2 Street frontage	27m	36.55m	Yes
4.3.3 Adaptable housing, access, and mobility	50% of units to be adaptable	50% achieved	Yes
4.3.4 Energy efficiency	To satisfy Part J	Satisfied	Yes
4.3.5 Bicycle and car parking	To satisfy Part F	Satisfied	Yes
4.3.7 Urban heat	SRI minimum of 64	Condition	Yes
4.3.8 Waste management	Various	Satisfactory	Yes
4.3.10 Utility structures	Substations to be suitably screened	Condition	Yes
4.3.11 Undergrounding of services	Undergrounding	Condition	Yes
4.4 Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments			
4.4.1 Site coverage	Maximum 20%	Does not comply	Satisfactory in the circumstances of the case
4.4.2 Building height	WLEP clause 4.3A 90m	Complies	Yes
4.4.3 Floor space ratio	WLEP clause 4.4 6:1	6.29:1	No (Clause 4.6)
4.4.4 Setbacks	See Part L - Site Specific 13.1.12 629-637	-	Partial compliance

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4.4.5 Open space	ADG Part 3D Communal open space and Part 3E Deep soil prevails Notwithstanding, DCP requires minimum 35% (414.75m2) soft landscaped area	532.2m2 (see drawing DA560 issue 01)	No
Part D – Commercial Development	Parts 6.1 to 6.4 inclusive - refer to Part L		
Part F – Parking	0.5 space per studio and 1, 2, 3 or more bedroom units; 1 visitor space per 7 dwellings	42 spaces complies	Yes
Motorcycle parking rates		3 spaces complies	Yes
Requirements for bicycle parking and end-of-trip facilities		Complies	Yes
Accessible car parking requirements	1 space/4 accessible or adaptable units	8 x accessible spaces complies	Yes
Part L - Site Specific 13.1.12 629-637 Pacific Highway Chatswood			
Built Form	The maximum tower floor plate 700m2 .	340m2 complies	Yes
Height of Building			Yes

			
<p>Setbacks and Street Frontage Heights</p> <p>Pacific Highway frontage</p> <p>i) Minimum 4m setback at Ground Level ii) Minimum 6m setback above street wall iii) Maximum street wall height of 7m or two storeys.</p>	<p>i) 4m ground ii) 6m above street wall iii) 10m</p>	<p>i) satisfactory ii) satisfactory iii) 10m satisfactory as 2 storeys</p>	<p>Yes</p>
<p>Gordon Avenue frontage:</p> <p>i) Nil setback at Ground Level ii) Minimum 3m setback above street wall iii) Maximum street wall height of 6-14m (two to four storeys).</p>	<p>i) nil ground ii) >3m above street wall iii) 2 storeys</p>	<p>satisfactory</p>	<p>Yes</p>
<p>Hammond Lane frontage</p> <p>i) Minimum 3m setback at Ground Level ii) Minimum 6m setback above street wall iii) Maximum street wall height of 6-14m (two to four storeys).</p>	<p>i) nil unsatisfactory ii) 6m iii) 3 storeys</p>	<p>Partial compliance</p>	<p>No (Hammond Lane at ground floor level)</p>

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<p>Southern boundary with adjoining property</p> <p>i) Nil setback at Ground Level ii) Minimum 6m setback above street wall</p>	<p>i) Nil setback ii) 6m above street wall (2-storey street wall to Pacific Highway and 3 – storey street wall to Hammond Lane)</p>	<p>Additional information required solar access to 627 Pacific Highway - Unresolved</p>	<p>No</p>
<p>Building Exterior</p>	<p>Facades sufficiently articulated</p>	<p>satisfactory</p>	<p>Yes</p>
<p>Amenity</p>	<p>Visual privacy of adjoining residential units to be confirmed.</p> <p>Pedestrian amenity surrounding the site to be confirmed regarding outdoor cafeteria area</p>	<p>Additional information required - Unresolved</p>	<p>No</p>
<p>Open Space and Landscaping</p>	<p>-</p>	<p>Additional information required</p>	<p>Unresolved</p>
<p>Links</p>	<p>Public ROW required within 3m setback to Hammond Lane</p>	<p>Subject to design excellence</p>	<p>Unresolved</p>
<p>Active Street Frontages</p>		<p>satisfactory</p>	<p>Yes</p>
<p>Traffic and Transport</p>			

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Waste Management, Loading and Services		satisfactory	Yes
Design Excellence		Subject to design excellence jury comments regarding the outdoor cafeteria fronting Hammond Lane	Unresolved
Public Art		Condition	Yes
Building Sustainability	<p>Note: this DA is saved from SEPP Sustainable Buildings) 2022 pursuant to savings provisions.</p> <p>ESD report and Green Star report provided</p>	satisfactory	Yes

ATTACHMENT 5: SUBMISSIONS TABLE

Five (5) submissions were received. Properties and issues raised are shown below.

613 & 621-627 Pacific Highway	
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<p>Building Separation and Visual Privacy</p>	<p>The submitter says: “It is acknowledged that the southern façade includes privacy screens to mitigate overlooking to 613-627 Pacific Highway. However, to ensure visual privacy is maintained to the future residents at 613-627 Pacific Highway, it is requested that the proposed privacy screens are extended around the south-western corner for a minimum of 1 metre along the Pacific Highway elevation on the balconies with an outlook to 613-627 Pacific Highway”.</p> <p>Assessment Planner Response The applicant considered these concerns and confirmed in its letter of 4 June 2025 that it considered privacy satisfactory. Details of the privacy screens (say, 1:20 scale) would assist in the assessment of ADG Part 3F.</p>
<p>Overshadowing</p>	<p>The submitter requests that the solar access analysis and shadow diagrams are updated to include an analysis of the impacts to the indicative residential tower used in the 612-627 Pacific Highway planning proposal. It is requested that the analysis illustrates the shadow impact at 30-minute intervals between 9am – 3pm on 21 June. We can provide the digital model of the indicative design to assist if required.</p> <p>Assessment Planner Response The applicant’s letter of 4 June 2025 includes a notional shadow diagram that indicates it is highly likely that units in a future building at 613-627 Pacific Highway will receive adequate solar access pursuant to the ADG. .</p>

<p>Vehicle and Loading Access</p>	<p>Requests that the proposed loading and access arrangements are amended to comply with the site-specific development control as follows:</p> <p>“Vehicle and loading access is to be reviewed and master planned in conjunction with the adjoining site at 613-627 Pacific Highway, Chatswood. One vehicle and loading point in Hammond Lane is preferred for the accessing and servicing of 629-637 Pacific Highway and 613-627 Pacific Highway, via a consolidated basement”.</p> <p>Assessment Planner Response</p> <p>The applicant’s letter of 4 June says:</p> <p>“The report also confirmed that independent vehicular access off Hammond Lane, as is proposed under the current DA, was appropriate and suitably designed. The planning proposal became Amendment 29 to the Willoughby LEP 2012 and was made (finalised) on 7 October 2022.</p> <p>A Design Excellence Competition was undertaken in accordance with Clause 6.23 of the WLEP. The purpose of the competition was to select the highest quality of architectural, urban and landscape design outcome for the redevelopment of the site in accordance with the Design Excellence Strategy, the WLEP and development controls contained in the applicable planning framework. The Design Excellence Jury unanimously agreed that the scheme prepared by PBD best demonstrated the ability to achieve design excellence. The current design before Council which includes an independent access arrangement reflects this scheme”.</p> <p>The applicant also says:</p> <ul style="list-style-type: none">• “In relation to the abovementioned control, under the NSW planning framework, there is no power available by which a person can be compelled to sell their property to a private developer, nor is there any power for a private developer to force an unwilling landowner to be part of a future joint Development application.• The applicant has made reasonable efforts towards investigating a single access point via a consolidated basement and undertaken enquiries and offers towards this aim. <p>The applicant’s letter of 4 June says included a letter of offer was made in November 2024 where “the proposal was ultimately rejected due to commercial reasons and dissatisfaction with settlement terms”.</p> <p>Whilst amalgamation would likely result in a superior planning outcome, the absence of formalisation of the process means this DA must be considered on its merits.</p>
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Chatswood West Ward Progress Association	
Traffic Impact	
	<p>The Association says “.. the more cars that are accommodated in the development, the greater the contribution to CBD traffic congestion”.</p> <p>The association also says: “... in excess of 600 residents’ cars, plus service vehicles will access the Pacific Highway via Gordon Ave - an enormous increase over present traffic. In response to our query to Council as to whether the Gordon Ave/Pacific Highway intersection can handle this volume of traffic...”</p> <p>Assessment Planner Response</p> <p>The applicant has reduced the parking provision to comply with Willoughby DCP.</p> <p>Regarding the traffic impacts Council’s Senior Transport Engineer says:</p> <ul style="list-style-type: none"> • The development proposes 42 car spaces, which is within acceptable range and consistent with the DCP intent to limit traffic generation in the CBD. • Given the site’s close proximity to Chatswood Metro and train stations, and with access via established shared paths off Pacific Highway, the under-provision of parking is preferred to limit traffic generation within the area and supports mode shift objectives. • The left-in/left-out access arrangement on Pacific Highway is enforced by the central median, which effectively channels vehicle movements and reduces potential for conflict. <p>However, I recommend the applicant be requested to submit a SIDRA analysis of the intersection of Pacific Highway and Gordon Avenue to assess the queuing lengths and intersection performance during peak hours to assess operational impacts.</p>
Affordable housing	<p>The Progress Association could not find mention of the provision of affordable housing in the application documents.</p> <p>Assessment Planner Response</p> <p>Affordable housing has been provided as 3 units 301, 302 and 303 are nominated as affordable housing (236.9m2).</p>

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<p>Address not provided and 8 Sutherland Rd Chatswood</p>	<p>Out of character Overshadowing block views Traffic (8 Sutherland Rd Chatswood only)</p> <p>Assessment Planner Response Out of character – the proposal largely satisfies the LEP and DCP provisions and occupies an acceptable building envelope that aligns with the Chatswood CBD Strategy. Overshadowing – The details supplied by the applicant (although not refined) indicate that shadow impacts are highly acceptable given the proposal’s acceptable building envelope . Block views – the proposal has not provided a view analysis of the project. Traffic (8 Sutherland Rd Chatswood only) – As described above, Council Seniors Transport Engineer recommends the applicant submits a SIDRA analysis of the intersection of Pacific Highway and Gordon Avenue to assess the queuing lengths and intersection performance during peak hours to assess operational impacts.</p>
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ATTACHMENT 6: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.79C EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<input type="checkbox"/> State Environmental Planning Policies (SEPP)	✗
	<input type="checkbox"/> Local Environmental Plans (LEP)	✗
	<input type="checkbox"/> Comment: The proposal is not satisfactory having regard to the SEPPs and LEP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<input type="checkbox"/> Draft State Environmental Planning Policies (SEPP)	N/A
	<input type="checkbox"/> Draft Local Environmental Plans (LEP)	N/A
	Comment:	
(a)(iii)	Any development control plans	
	<input type="checkbox"/> Development control plans (DCPs)	✗
	Comment: The proposal is not satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 61 (prev 92) EP&A Regulation-Demolition	✓
	Clause 62 (prev 93) EP&A Regulation-Fire Safety Considerations	✓
	Clause 64 (prev 94) EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: The classification of the proposal in NCC terms changes with the proposed evolution of the scheme (stages 1 and 2).	
(b)	The likely impacts of the development	
	<input type="checkbox"/> Context & setting	✓
	<input type="checkbox"/> Access, transport & traffic, parking	✓
	<input type="checkbox"/> Servicing, loading/unloading	✓
	<input type="checkbox"/> Public domain	✓
	<input type="checkbox"/> Utilities	✓
	<input type="checkbox"/> Heritage	✓
	<input type="checkbox"/> Privacy	✓
	<input type="checkbox"/> Views	✗
	<input type="checkbox"/> Solar Access	✗
	<input type="checkbox"/> Water and draining	✓

Matters for Consideration Under S.79C EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ Not Relevant N/A

	<input type="checkbox"/> Soils	✓
	<input type="checkbox"/> Air & microclimate	✓
	<input type="checkbox"/> Flora & fauna	✓
	<input type="checkbox"/> Waste	✓
	<input type="checkbox"/> Energy	✓
	<input type="checkbox"/> Noise & vibration	✓
	<input type="checkbox"/> Natural hazards	✓
	<input type="checkbox"/> Safety, security crime prevention	✓
	<input type="checkbox"/> Social impact in the locality	✓
	<input type="checkbox"/> Economic impact in the locality	✓
	<input type="checkbox"/> Site design and internal design	✓
	<input type="checkbox"/> Construction	✓

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	<input type="checkbox"/> Cumulative impacts	✓
	Comment: The above matters have ben considered.	
(c)	The suitability of the site for the development	
	<input type="checkbox"/> Does the proposal fit in the locality?	✗
	<input type="checkbox"/> Are the site attributes conducive to this development?	✗
	Comment: The proposal is not satisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<input type="checkbox"/> Public submissions	✗
	<input type="checkbox"/> Submissions from public authorities	✗
	Comment: The proposal is not satisfactory having regard to the submissions made.	
(e)	The public interest	
	<input type="checkbox"/> Federal, State and Local Government interests and Community interests	✗
	Comment: The proposal does not satisfy public interest considerations.	

ATTACHMENT 7: REASONS FOR REFUSAL

It is recommended the development application be refused for the following reasons:

1. The proposal does not satisfy Willoughby Local Environmental Plan (WLEP) clause 6.23 design excellence- in that it has not been confirmed whether the proposed outdoor cafeteria exhibits design excellence.
2. The Clause 4.6 Request relating to overall floor space ratio (WLEP, clause 4.4) is not well founded.
3. The Clause 4.6 Request relating to minimum non-residential floor space (WLEP, clause 6.25) is not well founded.
4. The Clause 4.6 Request relating to minimum site area (WLEP, clause 6.16) is not well founded.
5. It has not been demonstrated that the proposal has acceptable impacts on the adjoining property (621-627 Pacific Highway, Chatswood) with regards to privacy and overshadowing.
6. The landscaping arrangement in conjunction with the outdoor cafeteria area does not comply with the Willoughby Development Control Plan 2023 (WDCP) Part L 13.1.12 subpart 8.
7. A view analysis has not been undertaken pursuant to WDCP and Environmental Planning & Assessment Act s4.15 (1) (b).
8. The Development Application is not in the public interest, having regard to the matters raised by submissions.

ATTACHMENT 8: DRAFT CONDITIONS OF CONSENT

It is recommended the development application be approved subject to the conditions in Attachment 8 uploaded separately to the portal.

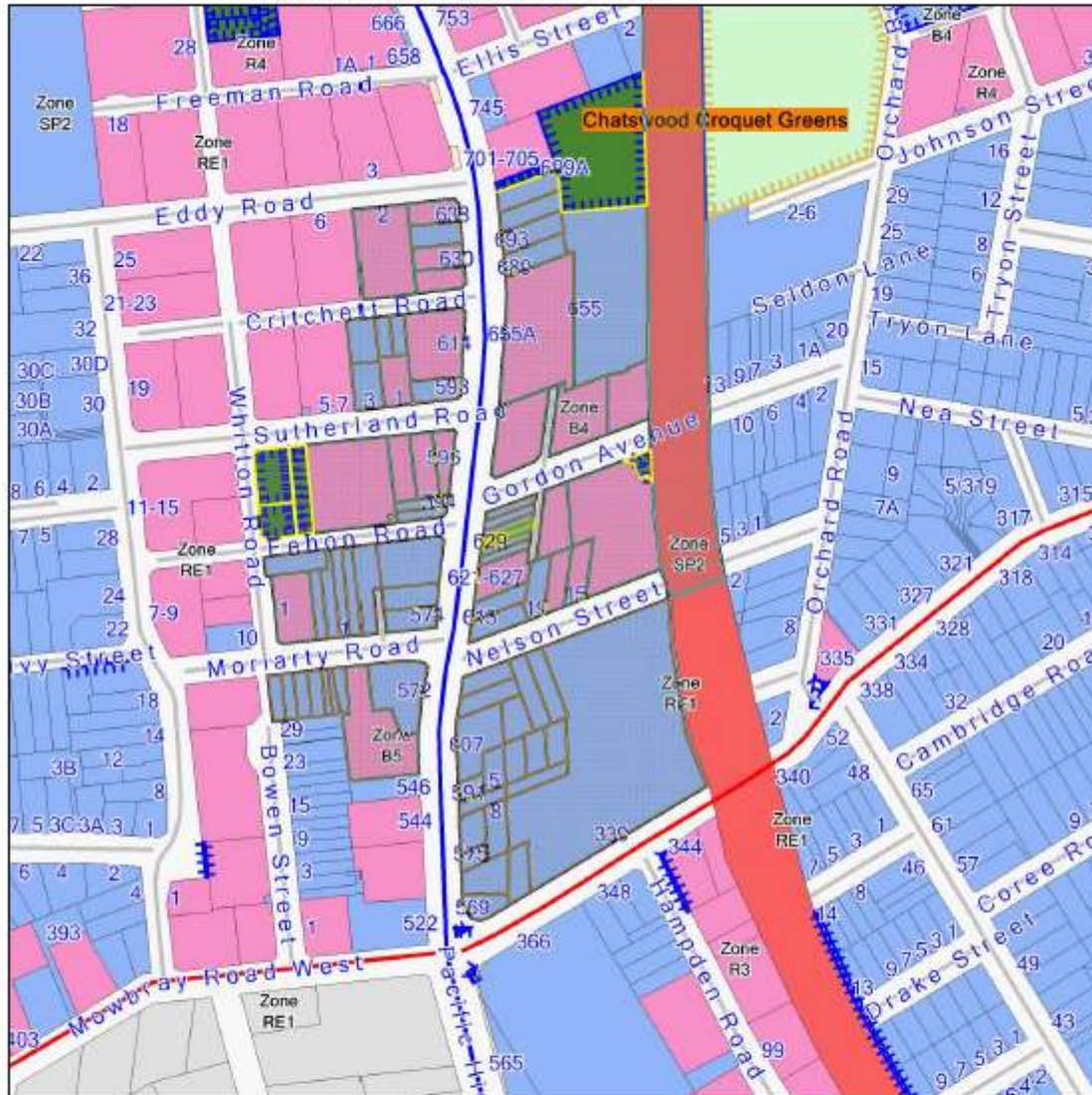
ATTACHMENT 9: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2023/256

At: 629-639 Pacific Highway, CHATSWOOD



Comments:

Created on : Thursday, 5 October 2023

Created by : DR

Caveat

The information represented in this map has been provided in good faith. Detailed records relating to this Development Application are recorded in Council's "Pathway" software application and this data should be seen as Council's official source of information relating to this Development Application.

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ATTACHMENT 10: ARCHITECTURAL PLANS (ATTACHED SEPARATELY ON PORTAL)

ATTACHMENT 11: CLAUSE 4.6 – FSR (ATTACHED SEPARATELY ON PORTAL)

ATTACHMENT 12: CLAUSE 4.6 – MINIMUM SITE AREA (ATTACHED SEPARATELY ON PORTAL)

ATTACHMENT 13: CLAUSE 4.6 – NON-RESIDENTIAL FSR (ATTACHED SEPARATELY ON PORTAL)