

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-76
DA Number	2017/181/F
LGA	Willoughby City Council
Proposed Development	S4.55(2) modification seeking internal and external alterations to the approved mixed use building including lift access to the roof top level communal open space and modification to Condition 25 relating to number of adaptable units.
Street Address	989-1015 Pacific Highway, Roseville
Applicant/Owner	KECO City Developments Pty Ltd
Date of DA lodgement	2 March 2020
Number of Submissions	0
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value of original DA: >20 Million
List of all relevant s4.15(1)(a) matters	<i>SEPP(65) Design Quality of Residential Apartment Development and ADG SEPP(Basix) SEPP (Infrastructure) SREP (Sydney Harbour Catchment). SEPP 55 – Land Remediation Willoughby Local Environmental Plan 2012 Willoughby Development Control Plan 2016</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Schedule of Amended Conditions 2. Site Description and History 3. Controls, Referrals and Development Statistics Table 4. Assessment of Height and FSR Breaches 5. Considerations under s.4.55(2) of EP&A Act - other modifications 6. Considerations under s.4.15 of EP&A Act 7. Notification Map
Report prepared by	Mark Bolduan – Senior Development Planner
Report date	24 July 2020

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

SNPP NO: PPSSNH-76
COUNCIL WILLOUGHBY CITY COUNCIL
ADDRESS: 989-1015 PACIFIC HIGHWAY, ROSEVILLE NSW 2069.
DA NO: DA-2017/181/F
PROPOSAL: S4.55(2) MODIFICATION SEEKING INTERNAL AND EXTERNAL ALTERATIONS TO THE APPROVED MIXED USE DEVELOPMENT INCLUDING LIFT ACCESS TO THE ROOF TOP COMMUNAL OPEN SPACE AND MODIFICATION TO CONDITION 25 RELATING TO ADAPTABLE UNITS
RECOMMENDATION: APPROVAL
ATTACHMENTS:

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. ASSESSMENT OF VARIATION OF BUILDING HEIGHT AND FLOOR SPACE RATIO DEVELOPMENT STANDARDS
4. SECTION 4.55 ASSESSMENT
5. SECTION 4.15 ASSESSMENT
6. SCHEDULE OF CONDITIONS
7. NOTIFICATION MAP

RESPONSIBLE OFFICER: RITU SHANKAR- TEAM LEADER
AUTHOR: MARK BOLDUAN - (SENIOR DEVELOPMENT PLANNER)
DATE: 24-JUL-2020

1. PURPOSE OF REPORT

The current Section 4.55(2) modification application is reported to Sydney North Planning Panel (SNPP) for determination as the original application determined by the SNPP met the relevant criteria to be considered a regional development under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

1. OFFICER'S RECOMMENDATION

THAT the Sydney North Planning Panel (SNPP):

2.1. Support exceedance to the floor space ratio standard contained in Clause 4.4 of *Willoughby Local Environmental Plan 2012 (WLEP)* for the following reasons:

- The development's additional breach of the floor space ratio development standard contained in the WLEP results predominantly from internal redesign of units and use of previously empty internal risers. These changes will not be visible from the exterior of the building.
- The only external modifications to the building will be modest and will have no significant, adverse impact on neighbours, the streetscape or the bulk and scale of the building.

- The amended proposal meets the relevant objectives of the floor space ratio development standard and the B5 Business Development zone.
- 2.2 Support exceedance to the building height standard contained in Clause 4.3 of WLEP for the following reasons:**
- The only additional breach of the building height development standard contained in the WLEP will be significantly lower than the approved building height.
 - The breach will have no significant, adverse impact on neighbours, the streetscape or the bulk and scale of the building.
 - The amended proposal meets the relevant objectives of the building height ratio development standard and the B5 Business Development zone.
- 2.3. Approve Development Application DA-2017/181/F for modification of the original proposal to include internal & external reconfiguration, change in layout of apartments, car parking and associated works at 989-1015 Pacific Highway, Roseville, subject to conditions contained in Attachment 1, for the following reasons:**
- 2.3.1 The development as modified remains substantially the same development as originally approved.**
- 2.3.2 The development's additional breaches of the building height and floor space ratio development standards contained in the WLEP are minor in nature and are not considered to cause additional impacts to the surrounding properties and the locality.**
- 2.3.3 The overall bulk and scale of the development, as viewed from the public domain and the surrounding developments remains relatively unchanged.**

2. BACKGROUND AND RELEVANT HISTORY

Previous Applications and approvals

Deferred Commencement Consent DA-2017/181 was granted by the SNPP on 20 December 2017 for the adaptive reuse of a heritage building, construction of a mixed use building consisting of part six and part seven storeys, 117 residential apartments, four new commercial tenancies, carparking and associated works.

DA-2017/181/A was submitted on 15 October 2018 and subsequently approved for an extension of time of an additional 12 months to satisfy the Schedule 1 conditions of Deferred Commencement consent. The deferred commencement conditions were met and the consent was made operative on 2 July 2019.

On 16 November 2018 Council received DA-2017/181/B for internal and external amendments and provision of a lift access to the rooftop communal area. The lift access was proposed at the southern end of the building, closer to the site where Seymours Service Station (local heritage item) is located. Council was not supportive of the proposal as it was considered to have an adverse impact on the heritage significance of the Seymours Service Station. The subject application was subsequently withdrawn.

On 15 February 2019 Council received DA-2017/181/C for internal and external amendments and a centrally located lift access to the roof top level communal open space. A 1.8m high glass balustrade on top of the planter box wall along the western elevation (Pacific Highway) and southern (Seymours) elevation as previously proposed was replaced with 1.2m high palisade fence above 0.5m high planter box to minimise visual impacts. The glass balustrade was setback from the building edge. This modification was approved by the SNPP on 20 November 2019.

On 16 December 2019 Council received DA-2017/181/D for modification of Condition 77 by extension of hours of construction works to Monday to Fridays 7am to 6pm and Saturdays 7am to 4pm. This modification was approved by Council on 25 February 2020.

On 15 January 2020 Council received DA-2017/181/E for reconfiguration of apartment layouts to meet adaptable dwelling provisions, amalgamation of units and other general design development changes. This application was withdrawn on 23 January 2020.

Current Application

The subject application was notified in accordance with the *Willoughby Community Participation Plan* for a 21 day period from 12 March to 2 April 2019. No submissions were received. A brief was provided to the SNPP on 1 July 2020. The SNPP briefing took place on 8 July 2020.

At the SNPP briefing Council advised that:

- Council had no major objections to the proposed modification, subject to clarification of engineering issues related to the amended sewer line and connection point and clarification of the break down of the proposed GFA increase.
- There had been no objections to this application received by Council.
- Council therefore intended to request an electronic determination as soon as possible after the Panel briefing (subject to finalisation of the assessment).

Subsequent to the Panel briefing, the applicant lodged amended modification plans which had the effect of:

- Deleting a proposed increase in car parking spaces and retaining the approved car parking spaces (although with a different configuration);
- Deleting a proposed adjustment to the building setback from Pacific Highway at Ground Floor level. The approved setback will therefore remain in place.
- Deleting proposed changes to the layout of Commercial Units 1 and 2, which had the effect of blocking Council's stormwater easement. The approved stormwater flow path between of Commercial Units 1 and 2 will remain in place.
- Retaining the approved sewer line.
- Deletion of a proposed vehicle turntable at the rear of the Ground Floor Level;

The final form of the current modification application is explained in Section 3 below.

3. THE PROPOSAL

The proposed modifications are:

- Internal reconfiguration and redesign of units to allow for 50 percent of total dwellings to be adaptable in accordance with Condition 25 of the consent;
- Reduction of the total number of apartments from 117 to 112;
- The GFA will increase by 333m² from 11,417m² to 11,750m². This increase primarily results from redesign of units and use of previously empty risers.
- The only changes to the approved building envelope are a small increase to the areas of the northern bedrooms of Units 102, 202, 302, 402, 502 and 602;
- Minor changes to roof top structures, including rooftop solar panels and a higher southern lift overrun. The central lift overrun and stairwell will change from scissor stairs to singular stairs but there will be no change to the approved building envelope of that lift overrun and stairwell;
- Redesign of some building services, rationalisation of service areas and deletion of redundant service risers;
- Reconfiguration of internal stairwells;
- Reconfiguration of car parking spaces (no increase in numbers).

4. DISCUSSION

The referrals, relevant controls and development statistics that apply to the subject land are provided in **Attachment 2**.

Due to the modest changes to the approved building envelope, the proposed modification does not require a detailed assessment under *SEPP 65 - Design Quality of Residential Flat Development* principles and the *Apartment Design Guide* or *SEPP (Infrastructure) 2007*.

Council's heritage officer has advised that there are no adverse impacts on the former Seymours Service Station, which is an item (I109) of local heritage significance in Schedule 5 of WLEP 2012.

The modification will increase the existing breaches of the floor space ratio and building height development standards. However these increases will not cause adverse impacts on neighbours or the streetscape.

5. CONCLUSION

The modification application DA-2017/181/F is substantially the same development for which consent was originally granted and has been assessed in accordance with the provisions of Sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*, *Willoughby Local Environmental Plan 2012*, *Willoughby Development Control Plan*, and other relevant codes and policies.

The proposal will not result in any adverse impacts on the amenity or character of its surroundings. As such, the approved development subject to the proposed modifications will continue to provide an acceptable planning outcome for the site. Approval of the modification application is recommended.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The site is located at 989-1015 Pacific Highway, Roseville in close proximity to the Willoughby LGA's northern boundary with the Ku-Ring-Gai LGA.



Figure 1: The site and the surrounds

The site comprises a number of parcels of land and is legally described as:

Lot 3 DP128375
Lot 1 DP531547
Lot 19 DP135079
Lot 10 DP8089
Lot 11 DP1107397; and
Lot 1 DP34636

The site has area of 4,477,6m². It is irregular in shape and is relatively flat overall, dipping slightly towards the centre of the site. It has a dual street frontage to the Pacific Highway and William Street.



Figure 2: Zoning Map

Currently, the site is primarily vacant; with the exception of the previous Seymours Service Station, a heritage listed building on the corner of William Street. The site is burdened by

Council's stormwater easement which runs east-west through the site. The site is impacted by flooding. The site has direct access from Pacific Highway as well as through a right of carriageway over State Rail land accessed off William Street.



Figure 3: Seymours Service Station (Heritage Building)



Figure 4: Subject site as viewed from Pacific Highway



Figure 5: Right of Way as viewed from William Street



Figure 6: Bridge abutment to the east of Right of Way

A service station and a Railcorp maintenance office are located immediately north of the site with frontage to Boundary Street. Medium and high density residential flat buildings are located further north and north east of the site beyond Boundary Street. The Roseville town centre and railway station is approximately 450m north of the site.



Figure 7: Residential flat buildings on the northern side of Boundary Street

A car sales yard is located immediately opposite the site on William Street adjacent to Pacific Highway and the T1 North Shore railway line. Residential flat buildings are located along Pacific Highway towards Chatswood CBD.

The T1 North Shore railway line is immediately east of the site with low density dwellings located beyond. The Lexus car dealership, residential flat buildings and detached dwellings are located immediately west of the site fronting Pacific Highway.

ATTACHMENT 2: CONTROLS, REFERRALS & DEVELOPMENT STATISTICS

Controls and Classification	
<i>Willoughby Local Environmental Plan 2012 (WLEP 2012)</i>	
Zoning	B5 – Business Development
Primary Development Standards	<ul style="list-style-type: none"> Floor Space Ratio – 2.5:1 Height of Building – 20m
Other specific WLEP 2012 requirements	<ul style="list-style-type: none"> Clause 5.9 – Preservation of trees or vegetation Clause 5.10 – Local Heritage Item (Seymour Station) and Heritage Conservation – Site is in vicinity of two heritage conservation areas to the east (the North Chatswood) and west (the Wyvern/ Findlay) Conservation Areas Clause 6.3 – Flood Planning
Applicable DCP	<i>Willoughby Development Control Plan (WDCP)</i>
Applicable SEPPs	<ul style="list-style-type: none"> SEPP (infrastructure) <ul style="list-style-type: none"> Clause 85 - Development adjacent to rail corridors Clause 86 - Excavation in or adjacent to rail corridors Clause 101 - Development with frontage to a classified road Clause 102 - Impact of road noise on non-road development Clause 104 & Schedule 3 - Traffic Generating Development SEPP 55 – Remediation of Land SEPP (BASIX) SEPP 65 – Design qualities of residential apartment developments & Apartment Design Guide SREP (Sydney Harbour Catchment) 2005
Other approvals	<ul style="list-style-type: none"> S138(2) Roads Act 1993 – Classified Road
Developer's Contributions	a. 7.11/7.12 (S94): Not applicable.
Referrals	
Heritage Architect	<p>Council's Heritage Architect raises no objections and notes the following:</p> <p><i>The proposed modification of consent relate to changes to the apartments and no change is proposed to the heritage item (Seymours garage) – Item I109 in Schedule 5 of the Willoughby Local Environmental Plan 2012. It is considered that the proposed modifications will not have an adverse impact upon the heritage significance of the Seymours garage to the south of the site. No heritage objection is raised to the proposed modifications</i></p>
Building Services	No objections, no further conditions
Engineering Officer	No objections, subject to condition requiring that any amendment to the sewer line must not adversely impact the layout of car spaces or Council's stormwater easement (agreed to by applicant).
Traffic Officer	No objections, no further conditions

Development statistics				
	Proposed	Approved	Standard	Compliance
Site Area	4,477.6m ² – No change			
Willoughby Local Environmental Plan 2012				
Cl. 4.3 - Height of Buildings	27m (southern lift overrun) 27.4m (solar panels)	29m at the maximum	20m	Acceptable (1.6m - 2m lower than approved northern lift overrun and no significant, adverse impacts) – See Attachment 4
Cl. 4.4 - Floor Space Ratio	2.62:1 (11,750m²)	2.55:1 (11,417m²)	2.5:1 (11,194m²)	Acceptable (no significant, adverse impacts) – See Attachment 4
Cl. 5.10 - Heritage Conservation	Retention of Seymours Service Station	Retention of existing heritage building - Seymours Service Station	Conserve the heritage significance of heritage items	No change (Council heritage officer has raised no objection to the application)
Cl. 6.2 - Earthworks	Revised Site Investigation and Geotechnical Analysis is not required	Stage 1 and Stage 2 Site Investigation and Geotechnical Analysis provided.	No detrimental impact on heritage item and future use of the land	No change
Cl. 6.3 - Flood Planning	No change to approved GFL at 97.2	Finished floor levels at 97.2 which is 1m above 1% AEP flood level of 96.2	Flood Planning level applicable	Acceptable (no change)
Willoughby Development Control Plan 2006				
Part E – Commercial / Shop top Housing				
E.1.1 - Frontage	>27m No significant changes to the approved access and parking for deliveries, residential and commercial car parking	>27m Deliveries, waste management and residential car parking from William Street Commercial car parking via Pacific Hwy	27m for building >11m Deliveries, waste management and car parking from a secondary street	Acceptable (no significant change)
E.1.2 - Density use and height	No significant change	<30% (residential vehicular access via William Street only) One level of commercial floor space	Max 30% of the street frontage is to be used for vehicular and pedestrian access. >60% gross floor space at street level is to be used for retail or business premises.	Acceptable (no significant change)

	Proposed	Approved	Standards	Compliance
E.1.3 - Design and Streetscape	The minor expansion of Units on the north-western corner of the approved building will not add significantly to building mass and bulk.	Podium level height consistent with wall height of Seymours Service Station. Glazed building façade for podium/commercial level. Modulated façade with pockets of communal open space on podium level with residential towers above break the mass. Street facing balconies on Pacific Highway	Reinforce parapet height & street alignment Façade solid: void (60:40)	Acceptable (minor change only)
E.1.4 - Setbacks	Other than minor adjustments to Units on the north-western corner of the approved building (within the approved building envelope), the amended proposal maintains the approved setbacks.	Min. 9m to northern side boundary	Front setbacks to reinforce streetscape character Staggered side and rear setbacks	Acceptable (no significant change)
E.1.5 - Building depth	The amended proposal maintains the approved building depth	20-26m except along the northern side for level 2 and above	20m max.	Acceptable (no change)
E.1.6 – Landscaping	The amended proposal maintains the approved landscaping	Min. 0.4m along part of rear boundary >20% of podium and roof top open space provided as vegetated area	3m along rear boundary 20% of podium and 20% of roof top open space as vegetated area	Acceptable (no change)
E.1.7 Private Open Space	Only balcony changes (Units 102, 202, 302, 402, 502 and 602) all result in compliant balconies	All comply with the exception of 1 bedroom apartments which have balconies with minimum area of 8m ² .	1 bedroom & 2 bedroom: 10m ² 3 bedroom: 15 m ² 2m width (min)	Yes
Communal Open Space	The quantum of communal open space remains unchanged	1470m ² in podium and 396m ² in roof top areas.	1470m ² min 5m wide 3 hours solar access	Acceptable (no change)
E.1.12 Reflectivity	No change	Condition included in original consent	To avoid glare to adjoining buildings, passing motorist & pedestrians	Acceptable (no change)
E.9 Site Specific Lot Consolidation Plan	No change	Not consolidated as Railcorp wishes to retain the site	To be consolidated with No. 2 Boundary Street	Acceptable (no change)

Part C – General Requirements				
C.4 - Car Parking	No changes are proposed to the approved number of car parking spaces. Conditions requiring compliance with Australian Standards remain unchanged.			
C.6 - Adaptable Housing	Adaptable = 56 (50% of total 112 units)	Adaptable = 46 Capable of being adaptable = 13 Total = 59 units	50% of 112 Units = 56 units	Yes subject to existing conditions requiring compliance with AS
Adaptable Car spaces	14 spaces	16 adaptable spaces including 1 visitor	14 spaces	No change.
C.8 - Waste Management	No changes are proposed to the approved waste and recycling collection via right of way accessed from William Street			

ATTACHMENT 3: ASSESSMENT OF VARIATION OF BUILDING HEIGHT AND FLOOR SPACE RATIO DEVELOPMENT STANDARDS

Clause 4.3 Height of Buildings

The current proposal includes two features which exceed the WLEP 2012 building height development standard of 20m:

- The proposed roof top solar panels will attain a height of 27.4m above existing ground level.
- The proposed southern lift overrun will attain a height of 27m above existing ground level.

The above additions are indicated in the following extracts from the architectural plans.

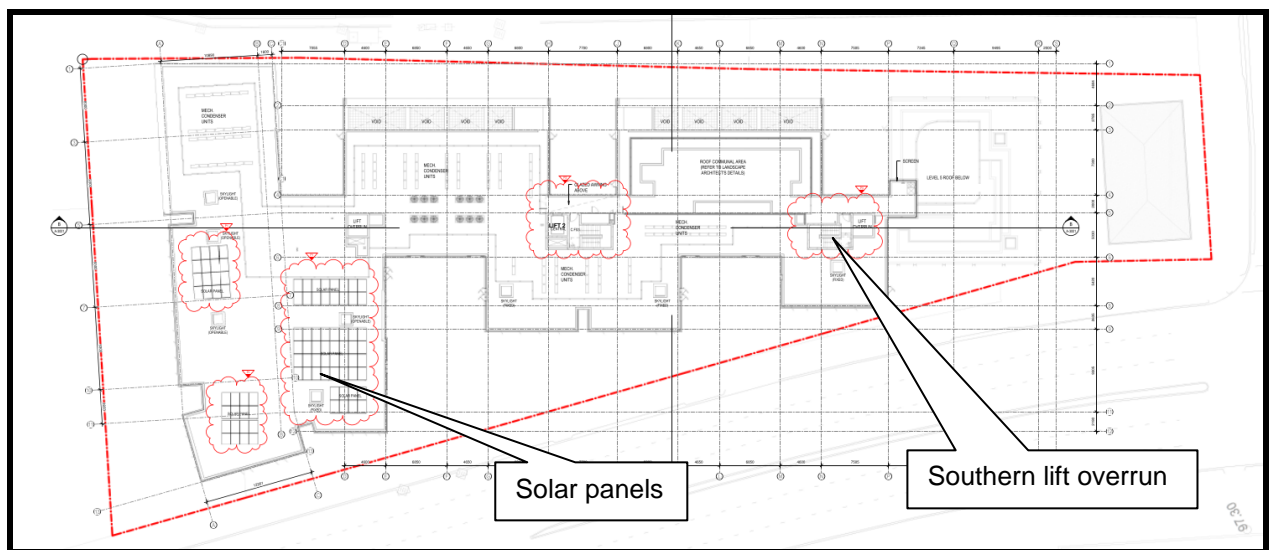


Figure 1: Extract from Roof plan

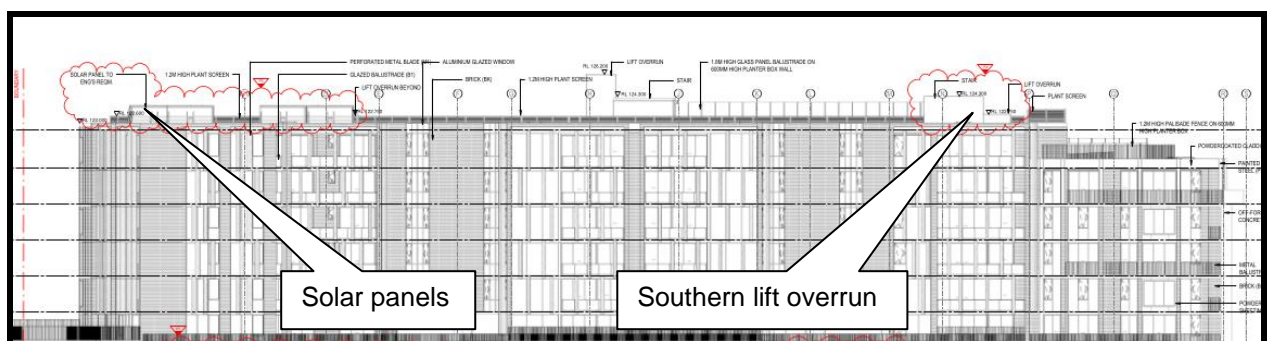


Figure 2: Extract from Western Elevation plan

A modification application submitted under the Section 4.55 of the *Environmental Planning and Assessment Act 1979* is not required to be accompanied by a Clause 4.6 request for variation. Notwithstanding, the exceedance of the height is assessed against the objectives of Clause 4.3 Height of Buildings to ensure the objectives are met.

Clause 4.3 Objectives

- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,*

The proposed roof top additions will attain a maximum height 1.6m-2.0m lower than the highest point of the approved building (central lift overrun). The solar panels will extend 0.9m above the nearby approved plant screen. The southern lift overrun will extend 0.5m above the nearby glass balustrade. The footprint of these additions will be relatively modest. The visual impact from street level will be minor and will not significantly affect the perceived bulk and scale of the overall building.

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

When considered in light of the approved building envelope, and the modest scope of the proposed modifications, the roof top additions will not cause any significant, adverse impacts on neighbours in terms of view loss, privacy, overshadowing or visual intrusion.

- (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,*

The proposed roof top additions will be modest in scope and will have a minor visual impact when viewed from surrounding areas.

- (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,*

The proposed roof top additions will be modest in scope and will have no significant, adverse impact on views.

- (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,*

The proposed roof top additions will be consistent in size and impact with the approved building.

- (f) to use maximum height limits to assist in responding to the current and desired future character of the locality,*

Due to the minor incremental change and absence of impacts resulting from the proposed roof top additions, those additions will be consistent with the current and desired future character of the locality, as represented by the existing approval.

- (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,*

The site is not located within the Chatswood CBD.

- (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.*

Given that the proposed roof top additions will attain a maximum height 1.6m-2.0m lower than the highest point of the approved building (central lift overrun), those additions are consistent with the transition in building scale represented by the existing approval.

Clause 4.4 Floor Space Ratio

The FSR will increase as follows.

	Approval	Proposed modification	Proposed Increase from approval	Clause 4.4 standard	Extent of breach with Clause 4.4
FSR	2.55:1	2.62:1	0.07:1	2:5:1	0.12:1
GFA	11,417m ²	11,750m ²	333m ²	11,194m ²	556m ²

The proposed increase primarily results from redesign of units and use of previously empty risers. The only changes to the approved building envelope are a small increase to the areas of the northern bedrooms of Units 102, 202, 302, 402, 502 and 602, situated on the north-western corner of the approved building. The example of Unit 102 is indicated in the diagrams below. The first diagram shows the approved terrace and Bedroom 2 of Unit 102. The second diagram shows the proposed reduction of the terrace area and corresponding increase of Bedroom 2.

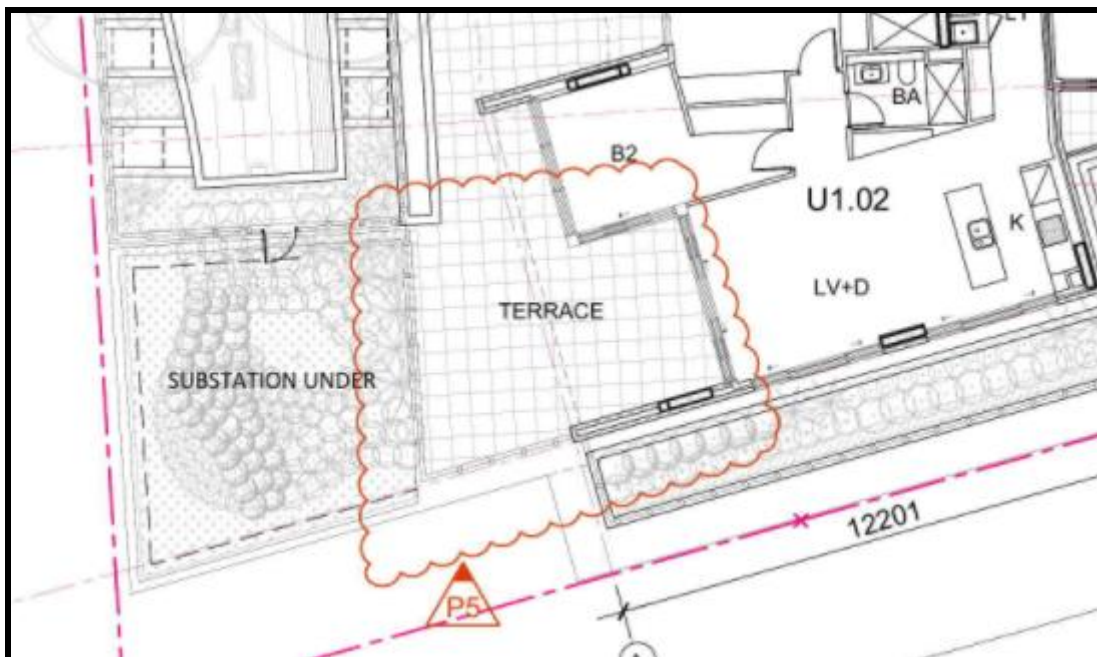


Figure 3: Extract from approved DA-2017/181/C plans

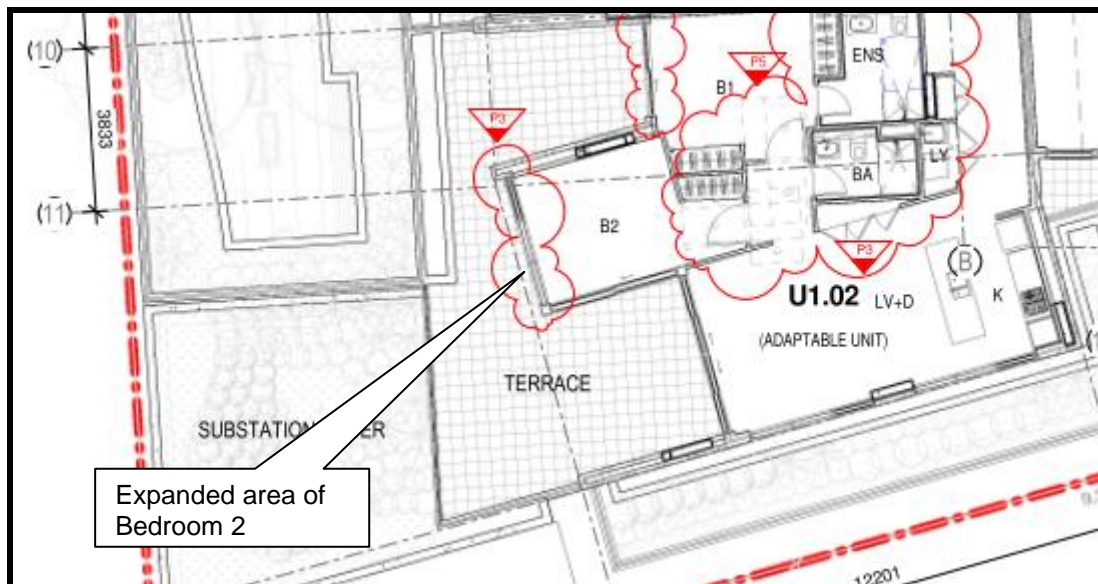


Figure 4: Extract from current application plans

The northern wall of Bedroom 2 is to be stepped out by approximately 0.8m. Bedroom 2 will therefore increase in size by approximately 2.6m². This increase of Unit 102 will be repeated across Units 202, 302, 402, 502 and 602. The total GFA increase will therefore be 15.6m². This will all take place within the broader approved building envelope.

The exceedance of the FSR standard is assessed against the objectives of Clause 4.4 Floor Space Ratio to ensure the objectives are met.

Clause 4.4 Objectives

- (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,*

For the reasons set out above, the proposed modifications will result in a minor adjustment to the approved building envelope. The small increase to the GFA will have no significant impact on the matching of the development with the environmental capacity of the land. The amended proposal will comply with the objectives, for the reasons set out below.

- (b) *to limit traffic generation as a result of that development,*

The proposal involves no increase in car parking spaces from the approved development, and therefore no increase in traffic generation.

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

The small changes to the approved building envelope will not cause significant impacts on views, loss of privacy, overshadowing or visual intrusion compared to the approved development.

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

The small increase to the areas of the northern bedrooms of Units 102, 202, 302, 402, 502 and 602 will not significantly change the bulk and scale of the approved development.

(e) to permit higher density development at transport nodal points,

The development will continue to permit higher density development at nearby transport nodal points.

(f) to allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood,

Not applicable as the site is not located in the Chatswood CBD.

(g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,

Not applicable as the site is not located in the Chatswood CBD.

(h) to provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,

Not applicable as the site is not located in the Chatswood CBD.

(i) to achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas,

The small changes to the approved building envelope are consistent with the transition in building scale represented by the existing approval.

(j) to encourage the consolidation of certain land for redevelopment,

Not applicable.

(k) to encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.

Not applicable.

Based on the above considerations, the exceedance of the Floor Space Ratio development standard is acceptable. Exceedance of the standard is considered to be in the interests of the public given that the relevant objectives of the zone and standard are met by the proposal, subject to the recommended conditions, despite its numerical non-compliance with the development standard.

Zone B5 - Business Development

Objectives of zone

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*

- *To accommodate businesses, provided that their access needs and the traffic generated does not interfere with the safety and efficiency of the road network*

The amended proposal will continue to provide business uses and additional housing as anticipated by the zoning of the land.

ATTACHMENT 4: SECTION 4.55 ASSESSMENT

The application has been assessed under the provisions of S.4.55(2) – *Other modifications of the Environmental Planning and Assessment Act*.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)	<i>It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	✓
	Comments: The proposed modifications generally fall within the approved building footprint and present minimal changes to the built form. The proposal, as modified remains substantially the same development as the development for which the consent was originally granted.	
(b)	<i>It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	N/A
	Comments: The original application was referred to Roads and Maritime Services for consideration due to the proposed driveway from Pacific Highway which is a classified road. No changes are proposed as such to the originally approved vehicular access and the parking. Accordingly, the amended proposal is not required to be referred to RMS for comments.	
(c)	<i>it has notified the application in accordance with:</i> <i>(i) the regulations, if the regulations so require, or</i> <i>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i>	✓
	Comments: The modification application was notified in accordance with the requirements of the <i>Willoughby Development Control Plan (WDCP)</i> for a 21 day period from 26 February to 19 March 2019.	
(d)	<i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	✓
	Comments: No submissions were received.	

ATTACHMENT 5: SECTION 4.15 (79C) ASSESSMENT

Matters for Consideration Under S4.15 EP&A Act
Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	✓
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	✓
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<p>Comment: The modified proposal does not contravene any relevant matters for consideration under the provisions of any SEPPs or REPs.</p> <p>The subject land is zoned B5 – Business Development. Commercial premises and shop-top housing remains permissible in the B5 Business Development zone. The proposed mixed-use development will continue to assist in revitalising the existing commercial area and provide additional residential accommodation.</p> <p>The exceedance of Height of Buildings development standard under <i>WLEP 2012</i> is supported on merit.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	Comment: There are no draft SEPPs, or any draft items under the <i>WLEP 2012</i> that apply to the subject land.	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	
	Comment: The proposal generally remains consistent with the relevant provisions of the WDCP.	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	N/A
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
	Comment: There are no prescribed matters that affect the modification application.	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	✓
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	✓
	<ul style="list-style-type: none"> Views 	✓
	<ul style="list-style-type: none"> Solar Access 	✓
	<ul style="list-style-type: none"> Water and draining 	✓
	<ul style="list-style-type: none"> Soils 	N/A
	<ul style="list-style-type: none"> Air & microclimate 	N/A
	<ul style="list-style-type: none"> Flora & fauna 	N/A
	<ul style="list-style-type: none"> Waste 	✓

Matters for Consideration Under S4.15 EP&A Act
Satisfactory ✓ Unsatisfactory ✖ Not Relevant N/A

	<ul style="list-style-type: none"> • Energy 	✓
	<ul style="list-style-type: none"> • Noise & vibration 	✓
	<ul style="list-style-type: none"> • Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> • Social impact in the locality 	✓
	<ul style="list-style-type: none"> • Economic impact in the locality 	✓
	<ul style="list-style-type: none"> • Site design and internal design 	✓
	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓
	Comment: The modified proposal will not result in any significant adverse impacts on adjoining or nearby properties or impact on the streetscape.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> • Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> • Are the site attributes conducive to this development? 	✓
	Comment: The amended proposal continues to retain the existing heritage building and remains in keeping with future desired character of the locality.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> • Public submissions 	✓
	<ul style="list-style-type: none"> • Submissions from public authorities 	✓
	Comment: No referrals were required to public authorities and no submissions were received.	
(e)	The public interest	
	<ul style="list-style-type: none"> • Federal, State and Local Government interests and Community interests 	✓
	Comment: The amended proposal will not compromise future desired character of the locality and continue to provide additional housing and therefore the proposed development is in the public interest.	

ATTACHMENT 6: SCHEDULE OF AMENDED CONDITIONS

DA-2017/181 as modified by DA-2017/181/A, DA-2017/181/C and DA-2017/181/D is further modified as follows:

A. The following condition is amended to read as follows:

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by/for
Architectural Plans	A-1000	E	27.09.2018	Keco City Development Group
	A-1001	G	15.03.2019	
	A-1002	H	15.03.2019	
	A-1003	H	15.03.2019	
	SK-01	H	15.03.2019	
	SK-02	G	15.03.2019	
	SK-03	F	15.03.2019	
	SK-04	F	15.03.2019	
	AR-B-02	D	10.11.2017	BVN
	AR-B-03	E	10.11.2017	
	AR-B-04	D	10.11.2017	
	AR-B-05	E	10.11.2017	
	AR-B-06	D	20.10.2017	
	AR-B-07	D	20.10.2017	
	AR-B-08	D	20.10.2017	
	AR-B-12	B	10.11.2017	
	AR-B-13	D	10.11.2017	
	AR-C-XO-01	D	10.11.2017	
	AR-C-XX-02	E	10.11.2017	
	AR-D-XX-01	D	10.11.2017	
Landscaped Plans (Project Ref: SS17-3476)	100 to 103 501 & 502	G	16.11.2017	Site Image Landscape Architects
Stormwater Plans	C01.01	I	08.01.2019	Northrop
	C02.01	H	08.01.2019	
	C03.01 & C03.02	G	08.01.2019	
	C04.01	S	21.03.2019	
	C04.02	O	15.03.2019	
	C04.06	L	21.03.2019	
	C05.01	L	15.03.2019	
	C07.01 & C07.02	J	08.01.2019	

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by/for
	C07.03	D	08.01.2019	
	C07.04	R	21.03.2019	
	C07.05	K	21.03.2019	
	C08.01	L	08.01.2019	

As modified by DA-2017/181/C:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by/for
Architectural Plans	DA-1004	A	06.09.2018	Keco City Development Group
	DA-1005	A	06.09.2018	
	DA-1006	A	06.09.2018	
	DA-1007	A	06.09.2018	
	DA-1008	A	06.09.2018	
	DA-1009	C	21.01.2019	
	DA-1010	B	05.12.2018	
	DA-2000	C	21.01.2019	
	DA-2001	C	21.01.2019	
	DA-3000	C	21.01.2019	

As modified by DA-2017/181/F:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural Plans	19005 / A-1000	G	06.02.2020	Marchese partners
	19005 / A-1001	K	06.02.2020	
	19005 / A-1003	-	06.02.2020	
	A-1100	A	25.02.2020	
	A-2000	D	20.07.2020	
	19005 / A-1004	-	12.12.2019	H3 Architects
	19005 / A-1005	-	12.12.2019	
	19005 / A-1006	-	12.12.2019	
	19005 / A-1007	-	12.12.2019	
	19005 / A-1008	-	12.12.2019	
	19005 / A-1009	-	12.12.2019	
	19005 / A-1010	-	12.12.2019	
	19005 / A-2001	-	12.12.2019	
	19005 / A-2002	-	12.12.2019	
	19005 / A-2003	-	12.12.2019	
	19005 / A-3000	-	12.12.2019	
	19005 / A-3001	-	12.12.2019	
	19005/A-5000	-	12.12.2019	
	19005/A-5001	-	12.12.2019	
	19005/A-5002	-	12.12.2019	
	19005/A-5003	-	12.12.2019	

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
	19005/A-5004	-	12.12.2019	
	19005/A-5005	-	12.12.2019	
	19005/A-5006	-	12.12.2019	
	19005/A-5007	-	12.12.2019	

B. The following Conditions are amended to read as follows:

2. Amended Plans

Prior to the issue of the Construction Certificate, the proposal is to be amended in the following manner:

- (a) The balconies associated with Units 1.16 and 1.17 on the Podium/Level 01 shall be reduced in size to provide a minimum 3.5m setback from the podium edge for soft landscaping.
- (b) Any amendment to the sewer line must not:
 - (i) cause the layout, headroom or any other aspect of car parking spaces to contravene the requirements of AS/NZS 2890.1 and AS/NZS2890.6; or
 - (ii) intrude into Council's stormwater drainage easement.

Plans detailing these amendments are required to be shown on all Construction Certificate plans.

(Reason: Landscape Amenity)

25. Adaptable Units

Fifty six (56) adaptable residential units are to be provided (at a rate of 50% of total units) by the development in accordance with the requirements of Part C.6 of the Willoughby Development Control Plan and generally in accordance with the architectural plans *prepared by H3 Architects dated 12 December 2019 and Access Report prepared by Access-I Pty Ltd dated 17 December 2019*. Each adaptable unit is to be nominated on the Construction Certificate drawings and is to be provided with a car space or a disabled car spaces where required under the Willoughby Development Control Plan Part C.6 – Access, Mobility and Adaptability.

(Reason: Access, Mobility and Adaptability)

C. Compliance with all other conditions of the Development Consent DA-2017/181, as modified by Development Consent DA-2017/181/A, DA-2017/181/C and DA-2017/181/D.

