

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The total site area is 1150m² and contains, at 753 Pacific Highway a three storey residential flat building and at 15 Ellis Street a part three part four storey residential flat building (SP 6576 and SP 53910 respectively). Currently there are 14 residential units with vehicular access to garages from the rear on Crispe Lane.

Figure A – Site Plan



The site is currently within an R4 High Density Residential Zone which allows for development to a maximum FSR of 1.7:1 and 34m height. The *Chatswood CBD Planning and Urban Design Strategy* recommends the site for B4 Mixed Use Zone with a maximum height of 90m and floor space ratio (FSR) of 6:1, subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements. The Chatswood Railway Interchange is approximately 250m from the site.

The Locality

To the east across Crispe Lane are two x eight storey residential flat buildings. On 13 April 2015, Council supported the amendment to the *Willoughby Local Environmental Plan 2012* for the site immediately opposite the subject site on the western side of the Pacific Highway being 654 – 666 Pacific Highway, 1 Freeman Road and 2A Oliver Road, Chatswood, and give effect to a Planning Proposal to increase in height of buildings and floor space ratio for the site to enable the site to be redeveloped up to a maximum building height of RL 137.8 for

Tower A and RL128.8 for Tower B, with a maximum FSR of 2.96:1 (excluding affordable housing). A draft VPA providing for a 4 metre wide strip of land along Oliver Road and a 1 metre wide strip of land along Freeman Road was to be consistent with the Planning Proposal dedicated to Council for local road widening. A development application (DA-2016/18) was supported by the JRPP for shop top housing with basement car parking.

Immediately adjacent to the north is a nine storey residential flat building located at the intersection of the Pacific Highway and Albert Avenue, further north are low rise commercial uses and to the northeast high rise mixed use development.

The site is not listed as a heritage item or within a conservation area and does not contain any protected or significant trees.

Background

The site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017.

The Strategy recommends that the site zoning allow for B4 Mixed Use with the opportunity of a maximum 90m height (subject to solar access provisions) and a maximum 6:1 FSR. Being within a CBD location, a proposal must also include commercial/retail podium activation of the streetscape. A minimum FSR component of 1:1 and 4% affordable housing (available to low-middle income earners) must be included in the maximum FSR sought. It is noted that not all sites will be able to achieve the maximum development controls as the concepts are also subject to the satisfaction of the other built form requirements of the Strategy such as setbacks, separation, street activation, traffic and adherence to sun access planes.

On 26 October 2018, an amended Planning Proposal with indicative concept plans prepared by Architecture Urbania and Traffic Report prepared by Transport & Traffic Planning Associates was submitted. The proposal seeks to rezone the site to B4 Mixed Use Zone with a 53.5m maximum Building Height and Floor Space Ratio up to 5.75:1 (including 4% affordable housing and commercial/retail podium with FSR 1:1).

Draft site specific Development Control Plan provisions and a letter of offer to enter a Planning Agreement with Council in relation to the provision of public benefits accompany the Planning Proposal.

The details of the VPA will be subject to a separate and detailed negotiation and reported separately to Council.

Planning Proposal

The Planning Proposal request seeks to:

- Rezone 753 Pacific Highway and 15 Ellis Street, Chatswood from R4 High Density Residential to B4 Mixed Use
- Increase the height to 90m
- Increase the Floor Space Ratio on the site to 6:1 including 1:1 commercial and 4% affordable GFA

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

Table 1: Summary of the Planning Proposal Amendments

Property	Zoning		Height			Floor Space Ratio		
	LEP	Proposed	CBD Strategy	LEP	Proposed	CBD Strategy	LEP	Proposed
753 Pacific Highway & 15 Ellis Street	R4 High Density Residential	B4 Mixed Use	B4 Mixed Use	34m 11 storeys	90 m 18 storeys	90 m	1.7 :1	5:1 Residential 1:1 Commercial
								6:1 minimum commercial of 1:1

DISCUSSION

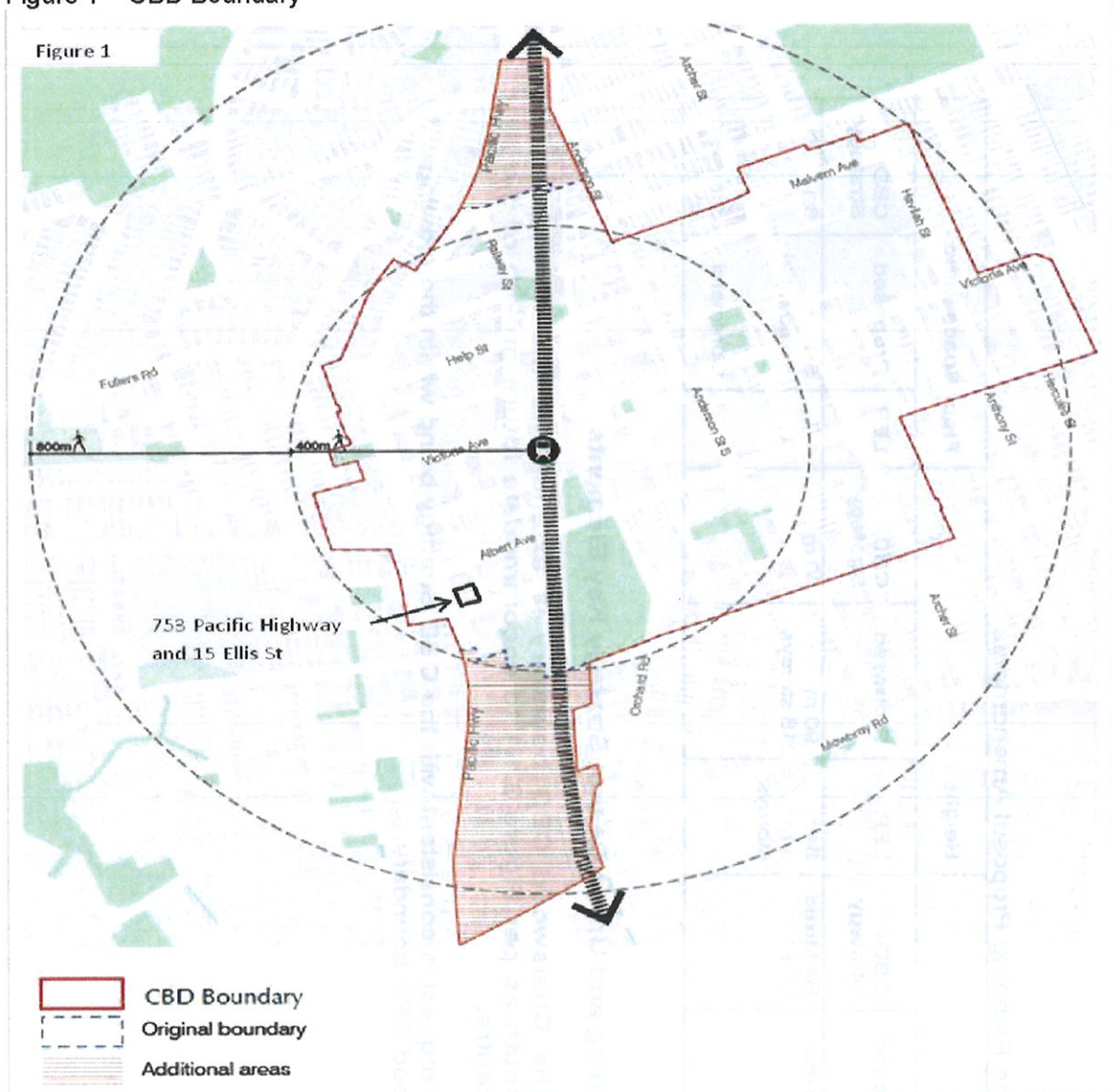
Chatswood CBD Planning and Urban Design Strategy Key Elements

Key Element 1. The Chatswood CBD boundary is extended to the north and south as per Figure 3.1.1 to accommodate future growth of the centre.

Comment

The Planning Proposal request is consistent with the CBD Strategy being within the existing and expanded Chatswood CBD boundary.

Figure 1 – CBD Boundary



With regard to Key Element 1, it is considered that the Planning Proposal is consistent with the Chatswood CBD Planning and Urban Design Strategy.

Land Use

- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 3.1.2, to:
- Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
 - Enable other areas to be mixed use permitting commercial and residential.

Comment

The site is zoned R4 High Density Residential under *Willoughby Local Environmental Plan 2012*. The subject site is located in that part of the Chatswood CBD identified as B4 Mixed Use, meaning part commercial and part residential.

The Planning Proposal requested B4 Mixed Use Zone requires a 1:1 commercial component under the Strategy within a podium providing sufficient commercial activation. The proposed residential component addresses the *North District Plan* expected housing delivery in that the proposal will assist in meeting the housing supply targets in a location identified as B4 Mixed Use in the *Chatswood CBD Planning and Urban Design Strategy*.

Regarding land use, the Planning Proposal is considered consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

In this regard a written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition (the draft Clause 6.23 'Minimum commercial floor space within the Mixed Use zone' prepared by Council Officers).

With regard to Key Element 2, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

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

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

Comment

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

Value Uplift Sharing to Fund Public Domain

Key Element 5. The existing FSR controls are to be simplified and be retained as a 'base' FSR (Figure 3.1.3).

Comment

The *Chatswood CBD Planning and Urban Design Strategy* base FSR for this site is 1.7:1 and recommended uplift is 6:1, however where a proposal cannot meet other Strategy requirements, the base FSR will still apply.

The concept proposal addresses the Key Elements of the Strategy resulting in an overall reduced height of 53.5m and FSR maximum FSR of 5.75:1 including a 4.75:1 residential component.

The intention is that this base FSR is to be used instead of the maximum FSR in cases where other Strategy requirements cannot be met.

This will be the basis for VPA negotiation.

The appropriateness of using the maximum floor space ratio on this site is discussed further below under Key Element 11 and 12 regarding maximum FSR and minimum site size.

With regard to Key Element 5, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 6. Increased FSR between the base FSR and the maximum FSR is to be linked to a contributions scheme that will provide the public

and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- a) Apply to residential uses above the base FSR
- b) Apply to commercial uses above 10:1 FSR
- c) Operate in addition to the existing Section 94A contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.
- e) Apply a Value Uplift Sharing rate identified in Council's Voluntary Planning Agreement (VPA) Policy.

Comment

The Planning Proposal requests a maximum FSR of 5.75:1 consistent with the Strategy recommended maximum of 6:1 for the site. It is recommended that in order to ensure simplicity of controls, a maximum 6:1 FSR be applied to the site.

A written amendment to Willoughby *Local Environmental Plan 2012* has previously been prepared for public exhibition to address the inclusion within the Chatswood CBD of affordable housing in Gross Floor Area calculations.

The proponent is willing to agree to a contributions scheme based on increased residential FSR above the base FSR of 1.7:1, in addition to S.94A and the affordable housing provision. Council is in the process of revising its planning agreements policy. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on 45% of the value uplift above the base FSR. This matter is to be further discussed following finalisation of Council's contribution scheme.

With regard to Key Element 6, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 7. All developments in Chatswood Centre achieving a FSR uplift through this strategy should contribute public art in accordance with Council's Public Art Policy, which is separate to the value uplift contributions scheme above.

Comment

All developments within the expanded CBD intending to take advantage of bonus FSR are to contribute towards public art in accordance with Willoughby's Public Art Policy. With regard to public art, it is considered that the Planning Proposal is consistent with the Strategy as the proponents proposed in an initial letter of offer dated 28 November 2017 including \$10 per m² of uplift floor space excluding affordable housing and above the base FSR 1.7:1 towards public art within the public domain.

Council has yet to finalise a Public Art Policy, detailing an applicable rate and other relevant requirements such as appropriate locations. In regards the subject Planning Proposal, while the proponent has accepted that a public art contribution is to be paid there has not been any agreement reached with Council on the appropriate figure.

While this matter is to be further discussed between Council Officers and the proponent, the Planning Proposal may be forwarded to the Gateway for consideration.

With regard to Key Element 7, it is considered that the Planning Proposal is consistent with

the *Chatswood CBD Planning and Urban Design Strategy*.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments exceeding the base FSR, based on the following process:

- a) A Design Review Panel for developments up to 35m high.
- b) Competitive designs for developments over 35m high.

Comment

The Planning Proposal enables a development that is over 35m in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence. Council is yet to establish a formal process with regard to design excellence, and further detail is anticipated following public exhibition. It is considered that this outstanding issue does not prevent the subject Planning Proposal being forwarded to the Gateway for determination.

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

"6.24 Design Excellence

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) *This clause applies to development involving the erection of a new building on land shown in Area 11 on the Special Provisions Area Map.*
- (3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence."*

With regard to Key Element 8, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected.

Section 3 of the draft site specific *Development Control Plan* provisions submitted by the proponent addresses sustainability in the following manner:

"Building design shall be subject to a design excellence process in accordance with Council's Design Excellence Policy and will include a competitive design process. Architects for design excellence should be maintained through the development application process and can only be substituted with written agreement of Council.

Achievement of design excellence will include achievement of higher building sustainability standards. A minimum of 5 stars GBCA building rating is expected for all new buildings. A report is to be submitted at Development Application stage.

A SEPP 65 – Design Quality of Residential Flat Development report is to be provided at Development Application stage. Detailed acoustic and wind assessments shall also be provided at Development Application stage.”

These proposed DCP provisions seek to ensure that higher building sustainability standards are achieved consistent with the objectives of the Strategy.

With regard to Key Element 9, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

The draft DCP provisions as outlined under Key Element 9 recommend that the architects selected for design excellence schemes be maintained through the DA process and only be substituted with agreement of Council.

With regard to Key Element 10, the proposed Draft *Development Control Plan* provisions are consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Floor Space Ratio (FSR)

Key Element 11. Figure 3.1.3 shows a simplified FSR diagram to that in the existing LEP. It provides a maximum base FSR which:
a) Is the maximum FSR for sites below the minimum site areas identified in Point 12 below.
b) Forms the base above which value uplift sharing and design excellence applies.

Comment

The site is in a location with a maximum base FSR of 1.7:1.

The value uplift for the subject Planning Proposal is based on the maximum FSR minus the base FSR of 1.7:1.

This issue is further discussed below in Key Element 12.

Key Element 12. Minimum site area of:
a) 1800sqm for commercial development in the B3 Commercial Core zone
b) 1200sqm for mixed use development in the B4 Mixed Use zone to achieve maximum FSR as indicated in Figure 3.1.4. Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment

The site maximum base floor space ratio is 1.7:1. The site area of 1150m² is below the minimum site area of 1200m² for mixed use development incorporating residential to achieve the maximum FSR. Assessment of the proposal for the site has resolved that in this circumstance uplift is reasonable noting the adjoining development to the north limits opportunity for site amalgamation.

The proposal will achieve an orderly and economic outcome for the site consistent with the objectives of the *Chatswood CBD Planning and Urban Design Strategy*.

With regard to Key Element 12, it is considered that the Planning Proposal is consistent with

the *Chatswood CBD Planning and Urban Design Strategy*.

- Key Element 13.** The FSRs in Figure 3.1.4, should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:
- a) No maximum FSR for commercial development in the centre,
 - b) 6:1 FSR in outer centre.
 - c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and the associated Apartment Design Guidelines.

Comment

The Planning Proposal seeks a maximum FSR of 5.75:1 (including 1:1 commercial/retail within a podium) consistent with the *Chatswood CBD Planning and Urban Design Strategy* apart from achieving the minimum site area of 1200m² required.

With regard to Key Element 13, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

The floor space ratio proposed in the Planning Proposal includes affordable housing. With regard to Key Element 14, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

The recommendation proposes written amendments to *Willoughby Local Environmental Plan 2012* to address affordable housing provision on the site and the inclusion of affordable housing in Gross Floor Area calculations (Clause 4.4, (2A), 'Floor Space ratio', and Clause 6.8 (2) and (7) 'Affordable Housing'.

Assessment of affordable housing provision at development application stage will have regard to Section G.4 'Affordable Housing' of the *Development Control Plan*, which requires affordable housing to be distributed throughout a development.

With regard to Key Element 14, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

- Key Element 15.** The minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1 in order to deliver a reasonable amount of employment floorspace.

Comment

The proposal seeks a commercial FSR component of 1:1 to contribute to activating the ground level of the mixed use development. The recommendation incorporates a written amendment to *Willoughby Local Environmental Plan 2012* that requires the provision of a minimum commercial floor space component of 1:1 on the subject site (Clause 6.23).

With regard to Key Element 15, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Built Form

- Key Element 16.** In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:
- a) 2000sqm GFA for office and
 - b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment

The Strategy recommends a 700m² maximum floor plate size for residential towers. This floor plate size restriction does not apply to the podium, which is commercial.

The 18 storey tower proposes a commercial/retail podium with an FSR of 1:1.

Residential floorplates are below the maximum recommended 700m². Level 2 of the tower has a floor plate of 514m², reducing to 443m² for Level 3, 399m² for Level 4, 366m² for Levels 5 to 14 and 337m² for Level 15. The penthouse Level 17 floorplate is 190m² and the level above provides communal facilities with a floor plate of only 57m².

It is recommended the draft *Development Control Plan* provisions include the standard 700m² maximum floor plate requirement as specified in the *Chatswood CBD Planning and Urban Design Strategy*.

With regard to Key Element 16 and the maximum residential tower size, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

The length of the tower has maximum frontages of approximately 30m to the east and west and 36m to the north and south presenting as a slender tower as viewed from all angles minimising shadow in order that surrounding residential amenity and private and public open space areas are protected at the winter solstice. The dimensions of the residential tower are considered consistent with the slender tower objective and an appropriate response to the site.

With regard to Key Element 17, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

Key Element 18 does not apply to the Planning Proposal.

Sun access to key public spaces

- Key Element 19.** The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm
 - b) Concourse Open Space 12pm - 2pm
 - c) Garden of Remembrance 12pm - 2pm
 - d) Tennis and croquet club 12pm - 2pm
 - e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park)

Comment

The site is located north east of the Chatswood Tennis and Croquet Club identified within the Chatswood CBD as requiring sun access protection. The reduction in height from the initial concept of 90m to 53.5m will ensure there is no impact and the critical sunlight to the limited CBD open space is protected and the concept scheme built form ensures sun access is protected to existing key public open space, including Chatswood Croquet Club.

Although, for the purpose of simplicity of controls the 90m height limit is proposed it is also recommended to include a draft amendment to the *Willoughby Local Environmental Plan 2012* to add Clause 4.3A (9) to read as follows:

"4.3A (9) Development consent must not be granted to the erection of a building on the land at 753 Pacific Highway and/or 15 Ellis Street, Chatswood if the development would cause increased overshadowing impacts on the Chatswood Tennis and Croquet Club at mid winter between 12pm - 2pm."

This clause is consistent with the *Chatswood CBD Planning and Urban Design Strategy* and the draft site specific *Development Control Plan* provisions for sun access to key public spaces and building height.

With regard to Key Element 19, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Building Heights

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

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

Comment

The Planning Proposal provides for a maximum height of 90m.

Building height is required to step down to the southeast, to ensure sun access protection for the open space area within the nearby croquet and tennis club at mid-winter between 12pm and 2pm. Building height shall also have regard to surrounding context and planned future context and minimise overshadowing of neighbouring properties.

Refer to Council Officers recommendation for written amendments to the WLEP which require sun protection (Clause 4.3A (9)).

With regard to Key Element 20, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

Provision for roof top structures such as lift over run and roof plant room and landscaped accessible communal open space do not exceed the height maximum, in the concept plans submitted.

Refer to the Council Officers recommendation for written amendments to *Willoughby Local Environmental Plan 2012* that require architectural roof features on the subject site to be within the height maximum (Clause 5.6).

With regard to Key Element 21, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Links, open space and landscaping

- Key Element 22.** The links and open space plan in Figure 3.1.7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites.

Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

The subject site is not directly subject to any identified existing or proposed pedestrian or cycle linkages or open space. However the submitted draft site specific *Development Control Plan* provisions include objectives and controls to address the requirement for a green grid, shared zone and pedestrianised connectivity to the CBD. This includes provision of a landscaped setback to the Pacific Highway, a publicly accessible plaza area and an active frontage to the Highway and Ellis Street.

The Pacific Highway frontage is to include suitable landscaping and include a deep soil zone and street trees to achieve an attractive, permeable street frontage and a safe, legible access to the building. A landscaped area equating to at least 20% of the site area shall be provided within the development. The soft landscaped area may be located on ground, podium and roof top levels or green walls of buildings.

With regard to Key Element 22, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

- Key Element 23.** Publicly accessible open space and green landscaping such as street trees will be required by all development, subject to design principles.

Comment

The draft site specific *Development Control Plan* provisions includes objectives and controls to ensure public accessible open space and green landscaping are incorporated into the site design.

Proposed green landscaping is consistent with the Strategy noting the size and location of this site and will contribute to the green grid. The soft landscaping will enhance the interface with the adjacent residential buildings. Council's Landscape officer reviewed the proposal and made no objections in principle.

With regard to Key Element 23, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 24. All roofs up to 30 metres from ground to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.

Comment

The mixed use concept requires a podium green roof level. The proposed podium roof in the concept design is accessible from a lift and designed for different usage and visual interest from levels above. It incorporates soft and hard paved recreational areas and provides a balance of passive and active green spaces that maximise solar access. Passive surveillance of the common area from adjacent internal living areas or pathways is encouraged providing for active and passive recreation needs of all residents. Landscaping is to give preference to species with low water needs, including native plant species, and trees and shrubs are to be selected and located to manage sun and wind impacts.

With regard to Key Element 24, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 25. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment

Section 10 of the draft site specific *Development Control Plan* provisions submitted by the proponent addresses links, open space and landscaping in the following manner:

"Open space at ground level should be utilised as publicly accessible open space and a landscaped area equating to at least 20% of the site area shall be provided within the development."

With regard to Key Element 25, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 26. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment

Communal accessible open space within the site of the mixed use concept includes a podium green roof level. The concept design is accessible from a lift and designed for different usage and visual interest from levels above. It incorporates soft and hard paved recreational areas and provides a balance of passive and active green spaces that maximise solar access.

Passive surveillance of the common area from adjacent internal living areas or pathways is encouraged providing for active and passive recreation needs of all residents and the podium level provides ample opportunity for passive overlooking of the public domain.

With regard to Key Element 26, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Street Frontage Heights and Setbacks

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 3.1.8, which reflect requirements for different parts of the Chatswood CBD.

With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall
- e) Pacific Highway frontage
 - i. Minimum 4 metre setback at Ground level from front boundary (with exception of heritage sites).
 - ii. Maximum 7 metre street wall height.
 - iii. Minimum 6 metre setback above street wall.

Comment

Buildings are to maximise active frontages at ground level to the Pacific Highway and Ellis Street. Blank walls are to be minimised and located away from key street locations.

The site has three street frontages to the Pacific Highway, Ellis Street and Crispe Lane. The proposal has a maximum height of 53.5m. Conceptual redevelopment includes a two storey podium with a maximum height of 8m above the lowest level of the footpath (4.2m ground floor, 3.6m first floor level). In this instance 0.2m is a reasonable variation to the *Chatswood CBD Planning and Urban Design Strategy* recommended street wall height and will not be discernible from the streetscape and or impact upon usability of the commercial spaces.

The building podium shall be limited to a maximum 2 storeys fronting the Pacific Highway, with a maximum height of 8m and setback a minimum of 4m to the Pacific Highway frontage of the site, after road widening. A zero setback for the podium is permitted to the Ellis Street and Crispe Lane street frontages of the site. The podium to the Ellis Street and Crispe Lane frontages may be developed to a height of between 7m and 14m. Above the podium, the tower shall provide a minimum setback of 10m to the Pacific Highway frontage, after road widening and a minimum 3m setback to the Ellis Street and Crispe Lane frontages of the site.

The greening of the Pacific Highway and Ellis Street frontages will be achieved with deep soil planting opportunities.

Residential tower setbacks are compliant with all street frontages and also comply with street frontage height requirements specified in the CBD Strategy for Ellis Street and Crispe Lane.

Separation distances are provided to existing or future residential development to the south and east of the site.

With regard to Key Element 27, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Key Element 28. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height (e.g. 3m setback for a 60m building, and 6m setback for a 120m building).

Comment

In accordance with the Strategy, the site requires a minimum residential tower setback of 10m to the Pacific Highway frontage (12m when including SP2 Zoned land) and 3m to Ellis Street and Crispe Lane.

The proposed height of 53.5m as shown in the concept design requires a minimum building setback of 3m from all boundaries.

It is proposed to add this *Chatswood CBD Planning and Urban Design Strategy* requirement to the draft Development Control Plan provisions.

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

Comment

The concept plans show the required on-site setbacks under the *Chatswood CBD Planning and Urban Design Strategy*. Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied. No commercial component is proposed above street wall height.

The slender residential tower setbacks and separation will achieve optimal privacy and amenity for residents including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook. A reasonable level of views will be maintained for surrounding buildings.

A *SEPP 65 – Design Quality of Residential Flat Development* report is to be provided at Development Application stage.

With regard to Key Element 29, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Active street frontages

- Key Element 30.** At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Blank walls are to be minimised and located away from key street locations.

Comment

The recommended draft amendments to *Willoughby Local Environmental Plan 2012* include amending the Active Street Frontages Map to include 753 Pacific Highway & 15 Ellis Street, Chatswood.

Buildings are to maximise active frontages at ground level to the Pacific Highway and Ellis Street. Blank walls are to be minimised and located away from key street locations. Service structures external to the building and driveways shall not be located within the building setbacks to the Pacific Highway or Ellis Street.

With regard to Key Element 30, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Further built form controls

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

Comment

Key Element 31 does not apply to the Planning Proposal.

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

Comment

Key Element 32 does not apply to the Planning Proposal.

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

Comment

The concept plans provided are consistent with the *Chatswood CBD Planning and Urban Design Strategy* in that the commercial floor space at ground level has opportunity for active street frontages to both the Pacific Highway and Ellis Street. Supporting services are located at basement level accessed at the rear on Crispe Lane.

With regard to Key Element 33, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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

Comment

The location of substations within buildings is included in the draft *Development Control Plan* provisions.

With regard to Key Element 34, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Traffic and Transport

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

a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.

b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.

c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.

d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.

e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Comment

Proposed traffic arrangements consider public domain and the broader traffic network with vehicle entry points rationalized as much as possible in order to minimize streetscape impact.

Vehicular access to the site will be limited to Crispe Lane and designed so that all vehicles can enter and leave the site in a forward direction. The existing two-way flow can be maintained even with provision of the suggested marked bicycle lane on the western side.

There are a number of options available to provide a "traffic calmed environment" for pedestrians in Ellis Street which will be further analysed at Development Application stage.

Basement car parking shall be provided in accordance with Council's parking requirements.

The loading bay design can provide sufficient capacity for the peak demand for all potential users for the on-site land uses including couriers, removalists, waste removal etc. The loading bay design can provide sufficient capacity for the peak demand for all potential users for the on-site land uses including couriers, removalists, waste removal etc.

Two feasible options are identified for satisfactory access provision for Heavy Rigid Vehicles:

- Option 1: Forward ingress from Ellis Street through the existing driveway, ground level loading dock and forward egress to Crispe Lane.
- Option 2: Forward ingress from Crispe Lane into site, reverse into ground level loading dock and forward egress to Crispe Lane.

Parking can be provided to comply with Council's Development Control Plan and AS2890 series design criteria. The vehicle access, circulation and servicing arrangements indicated in the concept plans are suitable and appropriate for a mixed use development.

With regard to Key Element 35, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Other Issues to be addressed

Good Design Outcomes

The Government Architect NSW issued *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW* (2017). This document lists the following seven objectives to define the key considerations in the design of the built environment:

- 1) Better fit – contextual, local and of its place.
- 2) Better performance – sustainable, adaptable and durable.
- 3) Better for community – inclusive, connected and diverse.
- 4) Better for people – safe, comfortable and liveable.
- 5) Better for working – functional, efficient and fit for purpose.
- 6) Better value – creating and adding value.
- 7) Better look and feel – engaging, inviting and attractive.

The document states that "*achieving these objectives will ensure our cities and towns, our public realm, our landscapes, our buildings and our public domain will be healthy, responsive, integrated, equitable, and resilient.*"

It is considered that the subject Planning Proposal and Concept Plans have had regard to, and are consistent with, *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW*.

Development Control Plan provisions

Draft site specific *Development Control Plan* provisions have been submitted and are appropriate for the purposes of exhibition. Further consideration will occur following public exhibition which may require further amendments. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

Public Benefit

The proponent is prepared to provide a draft formal Letter of Offer showing an intention to enter into a Voluntary Planning Agreement and any necessary supporting information required by Councils policy, as part of the Gateway Planning Proposal process.

The proponents proposed, in an initial letter of offer dated 28 November 2017 as follows:

- \$10 per m² of uplift floor space excluding affordable housing and above the base FSR 1.7:1 towards public art within the public domain.
- \$180 per m² of uplift floor space excluding affordable housing and above the base FSR 1.7:1 towards public infrastructure.
- The land zoned SP2 Infrastructure along the Pacific Highway frontage dedicated to Council or RMS at no cost.
- Sustainability Measures Site Specific Clause as follows
 "in the case of development that is BASIX affected development – the development:
 - (i) exceeds the BASIX commitment for water for the development by not less than 5% of the water target score, and*
 - (ii) Exceeds the BASIX commitment for energy for the development by not less than 5% of the energy target score."*

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

Referrals

The Planning Proposal has been referred to the Council Heritage, Traffic, Urban Design, Landscape and Environmental Health sections of Council. No issues have been raised in objection to the Planning Proposal which is generally consistent with the CBD Strategy recommended controls.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) *A Guide to Preparing Planning Proposals*. This document establishes six parts for consideration of a Planning Proposal, which are addressed at Attachment 3.

CONCLUSION

The Planning Proposal is consistent with the strategic objectives of *A Metropolis of Three Cities Greater Sydney Region Plan* and the *North District Plan*, as well as the more detailed requirements of the *Chatswood CBD Planning and Urban Design Strategy*. Part of the vision for Greater Sydney as *A Metropolis of Three Cities* seeks to deliver a more productive region. This is to be achieved by driving opportunities for investment, business and jobs growth; and creating housing choice and a more accessible walkable city.

It is considered that the relevant requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

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

