

18.4 5-9 GORDON AVENUE, CHATSWOOD - PLANNING PROPOSAL**ATTACHMENTS:**

- 1. IMPLICATIONS**
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- 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"**
- 4. PLANNING PROPOSAL CONCEPT PLANS**
- 5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS**
- 6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012**
- 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGE MAPS**
- 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: PHILIP ADAMS- STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES
5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 11 FEBRUARY 2019

1. PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2018/0003 for 5-9 Gordon Avenue, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. 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*, with the following amendments to Willoughby Local Environmental Plan 2012:**
 - a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:**

“(b) any part of the floor area of a building that:

- i) is to be used for community facilities, or
- ii) is a heritage item, or
- iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

b) To add Clause 5.6 ‘Architectural roof features’, (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

c) To replace Clause 6.8 ‘Affordable Housing’, (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

d) To replace Clause 6.8 ‘Affordable Housing’, (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.

- e) To add Clause 6.23 as follows:
“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”
- f) To add Clause 6.24 as follows:
“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 12 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.”
- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 5-9 Gordon Avenue, Chatswood, to B4 Mixed Use.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 5-9 Gordon Avenue, Chatswood to 6:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11 and Area 12.
- k) To amend the Active Street Frontages Map (Sheet ASF_004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.
2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.
3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Section 2.0 ‘Built Form’:
- i) Add to Controls 2:
“The maximum tower floor plate that applies to this site for residential towers above a podium is 700m².”
- ii) Add Controls 2 “2. The building layout is to be in accordance with Figure 1.”
- iii) Relocate Figure 1 from Section 4, ‘Minimum Building Setbacks’, so that it becomes Controls 2, Figure 1

- b) **Section 4.0 ‘Street Frontage Heights and Setbacks’:**
 - i) **Amend Control 1 to state ‘Figure 2 – Street Frontage Heights and Setbacks’ instead of ‘Figure 1’.**
 - ii) **Add after Controls 2, Figure 2 which is the figure from Key Element 27 Street Frontage Heights and Setbacks in the *Chatswood CBD Planning and Urban Design Strategy*.**
 - c) **Section 8.0 ‘Traffic and Transport’:**
 - i) **Add “A pedestrian footpath for Hammond Lane is to be provided in accordance with Objective 22 of the *Chatswood CBD Planning and Urban Design Strategy 2036*.”**
 - ii) **Add Controls 12, “The width and layout driveway on Hammond Lane, ramp and aisleways supporting the car park shall accommodate concurrent two way flows for service vehicles and satisfy AUS Standards.”**
 - iii) **Remove from 8.0 (6) the following words: “Further detail shall be provided at the DA stage”.**
 - d) **Section 9A Design Excellence:**
 - i) **Remove Control 1 and replace with:
With “Design Excellence is to be undertaken in accordance with requirements of the *Chatswood CBD Planning and Urban Design Strategy*.”**
4. **Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.**
5. **Prior to referral to Gateway, an updated Traffic and Transport Statement is required that is supportive of basement access for both commercial and residential parking purposes in relation to Australian Standards.**
6. **Prior to referral Gateway, updated concept plans are to be provided demonstrating consistency with Key Element 27 of the *Chatswood CBD Planning and Urban Design Strategy*, regarding deep soil plating for street trees within setbacks of 3m or more and the deep soil requirements in the Department of Planning’s *Apartment Design Guide*. Particular mention is made to the Hammond Lane setback.**
7. **Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:**
- a) **To proceed as recommended.**
 - b) **To not proceed with the Planning Proposal**

8. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.

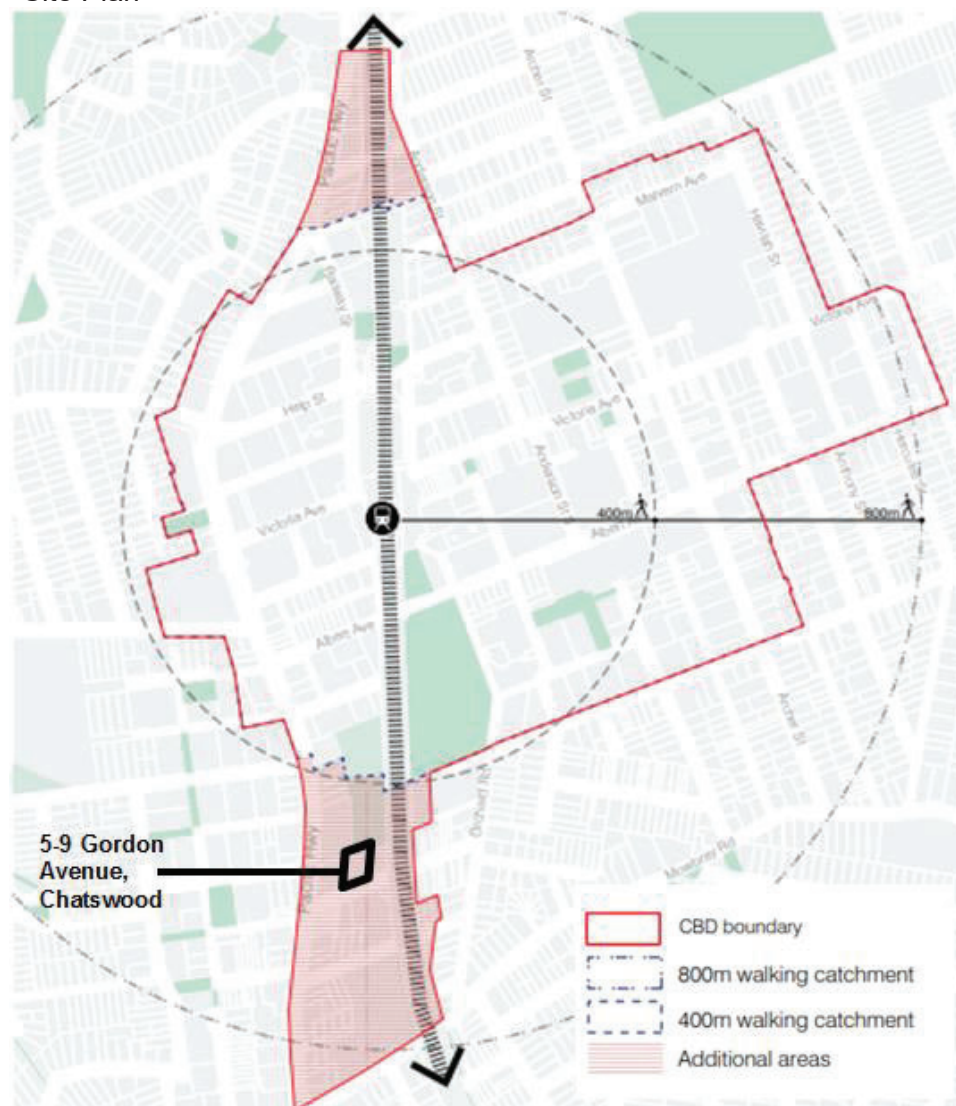
9. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent.

3. 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 site has been recommended as a Mixed Use Zone with a maximum height of 90m and floor space ratio of 6:1 subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements.

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* in accordance with the *Chatswood CBD Planning & Urban Design Strategy* to rezone the site to B4 Mixed Use, allow a building height of up to 90 metres and a Floor Space Ratio up to 6:1 (with 4% of residential floor space being affordable housing), including a commercial podium on the site. Supporting draft Development Control provisions have also been provided.

Figure 1 – Site Plan



4. DISCUSSION

The Planning Proposal is generally consistent with the recommendations of the *Chatswood CBD Planning and Urban Design Strategy* as endorsed by Council on 26 June 2017. This is discussed in the Detailed Assessment (Attachment 2).

In addition, the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's *'A Guide to Preparing Planning Proposals'* and is generally satisfactory (refer to Attachment 3).

The above Council reports have considered the proponent's documentation supporting the Planning Proposal, including concept plans showing a conceptual redevelopment plan for the site (refer to Attachment 4) and draft *Development Control Plan* provisions (refer to Attachment 5).

The Planning Proposal has been internally referred to Landscape, Urban Design and Traffic Engineers to assist with assessment. No objections were raised to the Planning Proposal proceeding to Gateway and public exhibition.

The draft site specific *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Willoughby Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared:

- 1) Written amendments to Willoughby *Local Environmental Plan 2012* (Attachment 6)
- 2) Amendments to the draft site specific *Development Control Plan* provisions

Although an offer to enter a voluntary planning agreement has been made, detailed discussions regarding an agreement have not been held with Council officers. Once such discussions have occurred, this matter will be separately reported to Council.

5. CONCLUSION

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan* and *North District Plan* as well as the more detailed requirements of the *Chatswood CBD Planning and Urban Design Strategy*.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's *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. It should be noted that following exhibition and further assessment, amendments to supporting documentation may be required such as the draft *Development Control Plan* provisions provided by the proponent.

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.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.5 – Maintain quality of life by balancing population growth with the provision of assets and services 5.1: Be honest, transparent and accountable in all that we do.
Business Plan Objectives, Outcomes/ Services	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> to accommodate future growth needs.
Policy	This Planning Proposal is generally consistent with the <i>Chatswood CBD Planning and Urban Design Strategy</i> , endorsed by Council on 26 June 2017. The Amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i> .
Consultation	Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017. This Planning Proposal would also be publicly exhibited following Gateway Determination.
Resource	No additional operating resources were used to prepare this report beyond budget.
Risk	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> objectives and accommodating future growth requirements.
Legal	Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i> , which would provide the basis for future development application assessment. In addition <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment. The Planning Proposal is accompanied by an offer for a voluntary planning agreement involving value uplift to provide for demands on Council services and infrastructure – which will be separately negotiated.
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	Nil

ATTACHMENT 2

DETAILED ASSESSMENT

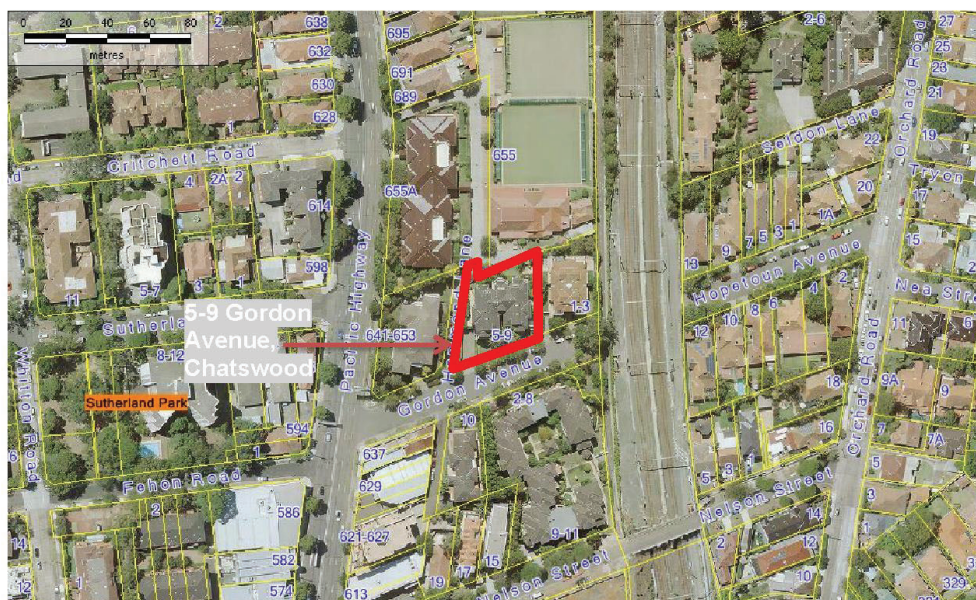
The Site

The site which is the subject of this Planning Proposal is 5-9 Gordon Avenue (known as SP 57091), containing 15 strata apartments.

The site is irregular in shape and has a total land area of 1522m² with a frontage of 42.92m to Gordon Avenue and a frontage of 48.625m to Hammond Lane. The eastern side boundary has a length of 39.745m and the rear northern boundary has a length of 35.82m.

The site is presently zoned R3 Medium Density Residential with a maximum floor space ratio of 0.9:1 and a maximum building height of 12 metres.

Figure A - Site Plan



The Locality

To the north of the site is the Chatswood Bowling Club, associated bowling greens and car parking accessed off Hammond Lane.

To the east of the site, at 1-3 Gordon Avenue is a 3 storey residential flat building. Further to the east is a walkway/ cycleway, extending north-south along the eastern side of the North Shore Railway Line, providing pedestrian and cycle access to the Chatswood CBD.

To the west of the site is a 3 storey apartment building, No 653 Pacific Highway, located between Hammond Lane and the Pacific Highway. Further to the west, on the western side of the Pacific Highway are low rise small scale residential flat buildings.

To the south of the site, on the southern side of Gordon Avenue are 3 storey residential flat buildings at 2 Gordon Avenue and 4-10 Gordon Avenue.

To the south west of the site there is a Payless Tyre and Brakes vehicle service workshop, 629-639 Pacific Highway. Planning Proposal 2017/0003 for 629-639 Pacific Highway has been referred to the Department of Planning and Environment for Gateway Determination and exhibition following Council consideration at its meeting dated 12 February 2018

The property lies in close proximity to Chatswood station, Chatswood park and Westfield to the north and the Pacific Highway to the west.

BACKGROUND

The subject 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 *Chatswood CBD Planning and Urban Design Strategy* is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years. Its purpose is to achieve exceptional design and a distinctive, resilient and vibrant Chatswood CBD.

The site has been recommended as a mixed use Zone with a maximum height of 90 metres and a floor space ratio of 6:1, subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* elements.

PLANNING PROPOSAL

The Planning Proposal seeks to amend the *Willoughby Local Environmental Plan 2012* in accordance with the *Chatswood CBD Planning and Urban Design Strategy* by amending the following at 5-9 Gordon Avenue:

- Increase the height to a maximum of 90m.
- Increase the Floor Space Ratio to 6:1.
- Rezone the site from R3 Medium Density Residential to B4 Mixed Use.

Conceptual redevelopment of the site includes:

- A 27 storey tower comprised of 5:1 (7610m²) residential including 4% affordable housing GFA the residential component.
- A two storey commercial with 1:1 (1522m²) podium with a maximum height of 8-9m.
- Residential floor plates are 400m² at their largest, well below the 700m² required in the strategy.
- The tower setbacks are of at least 6m to all site boundaries.
- Street setbacks of 3m for Gordon Avenue and Hammond Lane.
- Basement parking for vehicles. Vehicle rates are consistent with RMS rates and Council DCP.
- Separated residential and commercial access from Hammond Lane. Setbacks proposed for the closest residential towers to the east are 5-6 metres at 1-3 Gordon Avenue.
- The loading area is provided on the basement level.
- A total of 151m² to 221m² deep soil area.

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

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer involving a 25% value uplift of the development yield. Council has indicated a position of 45% in preliminary negotiations.

The proponent is prepared to provide public art on the site.

Council Officers have considered the implementation of this Planning Proposal, having regard to likely further proposed amendments under the overall *Chatswood CBD Planning*

and Urban Design Strategy, and have determined an appropriate process for these to occur until such time as a comprehensive *Willoughby Local Environmental Plan 2012* review may be undertaken. In this regard, amendments are proposed to the *Willoughby Local Environmental Plan 2012* and are included in the Council recommendation (Refer to Attachment 6).

For the purposes of this report and any public notification, site mapping amendments to *Willoughby Local Environmental Plan 2012* have been prepared. Land Zoning, Height of Building, Floor Space Ratio, Special Provisions Area and Active Street Frontages maps (see Attachment 7) have been prepared. A summary of the amendments is shown in table 1- Summary of Planning Proposal amendments over the page.

Table 1 – Summary of Planning Proposal Amendments

Property Site Address	Zoning			Height			Floor Space Ratio		
	LEP	Proposed	CBD Strategy	LEP	Proposed	CBD Strategy	LEP	Proposed	CBD Strategy
5-9 Gordon Avenue	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use Consistent: Yes	12m	90m	90m Consistent: Yes	0.9:1	6:1 5:1 Residential 1:1 Commercial	6:1 5:1 Residential 1:1 Commercial Consistent: Yes

DISCUSSION

This Planning Proposal involves a site located within the CBD identified in the Council endorsed *Chatswood CBD Planning and Urban Design Strategy*.

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the *Chatswood CBD Planning and Urban Design Strategy* dated January 2018 as presented to the Department of Planning and Environment and the Greater Sydney Commission, listed 1 to 35 with comments provided.

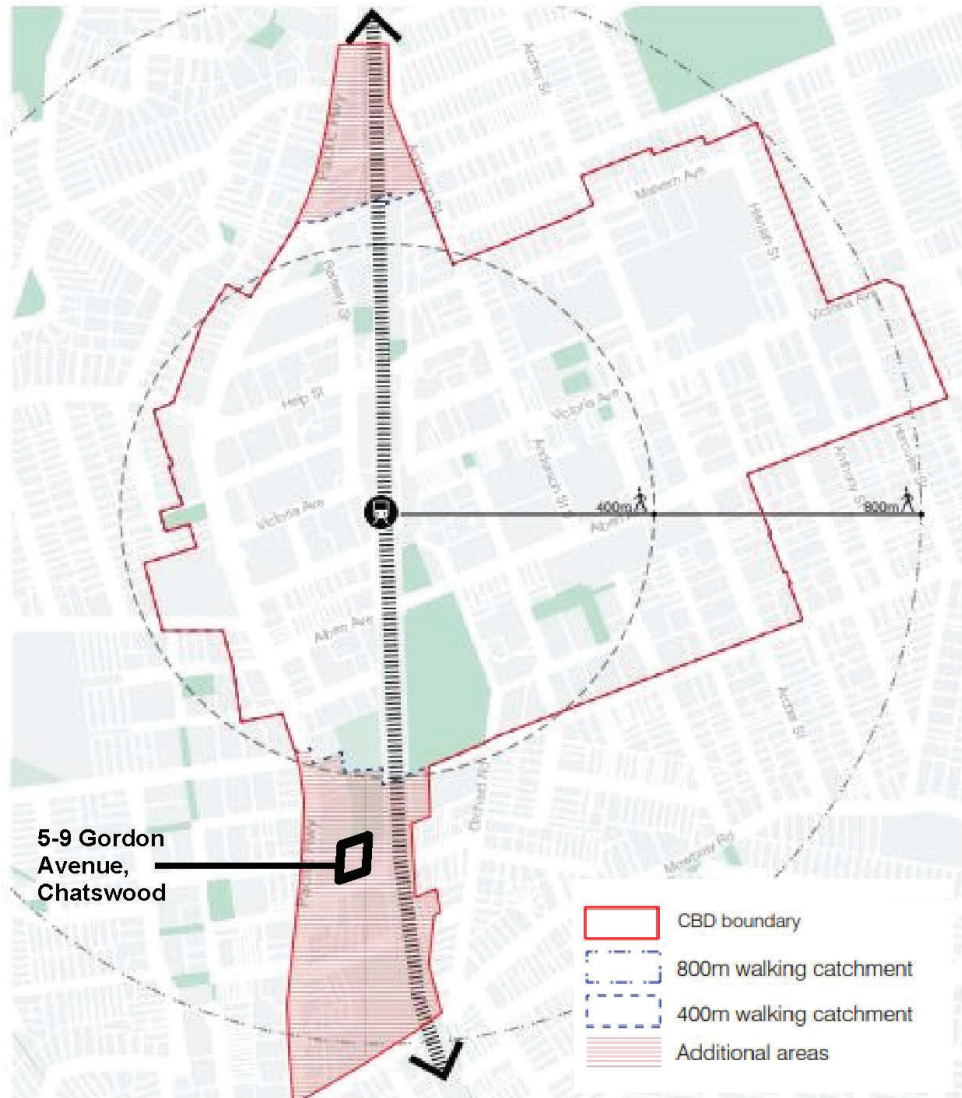
Chatswood CBD Planning and Urban Design Strategy Key Elements

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 expanded Chatswood CBD Boundary, as shown in Figure 1 below.

Figure 1 – Site within the expanded Chatswood 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:

- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).

- (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

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

The proponent has proposed the zoning for the site to be changed from R3 Medium Density Residential to be consistent with the *Chatswood CBD Planning and Urban Design Strategy*. The Planning Proposal involves a Mixed Use development, with commercial development (retail and office) on the Ground and First Floor (two floors in total), and residential above.

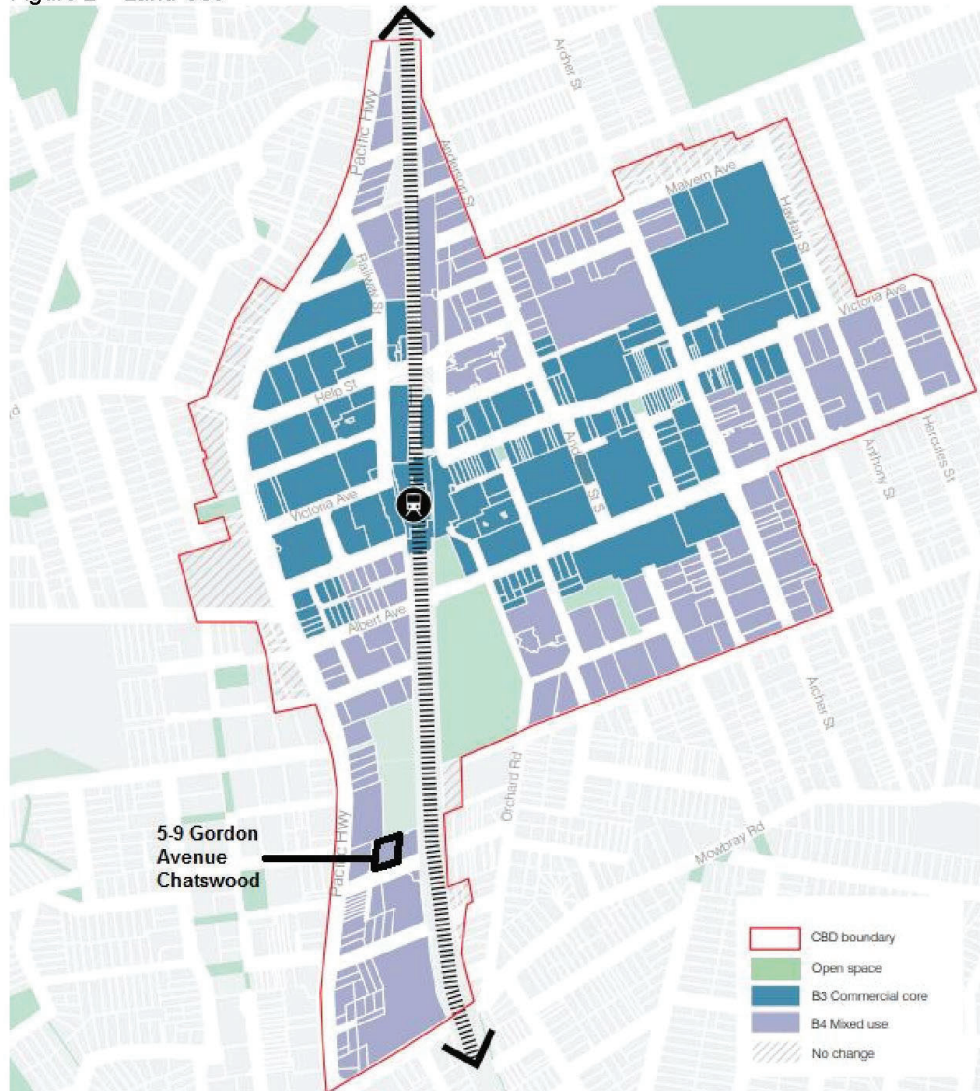
Regarding land use, the Planning Proposal is considered consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

In addition to the changes proposed by the proponent in this Planning Proposal, it is proposed to incorporate a minimum 1:1 commercial component. The *Chatswood CBD Planning and Urban Design Strategy* seeks a meaningful commercial component in the Mixed Use zone, being 1:1.

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*.

Figure 2 – Land Use



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 Strategy base FSR for this site is 0.9:1 and recommended uplift is 6:1. Where a Proposal cannot meet other Strategy requirements, the base FSR will still apply.

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.

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:

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

Comment

The proponent has agreed to a contributions scheme under section 7.12 of the *Environmental Planning and Assessment Act 1979* based on increased residential FSR above the base FSR of 0.9:1, in addition to the affordable housing provision.

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. The proponent's initial indication is 25%.

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.

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

Council has yet to finalise a Public Art Policy, detailing an applicable rate and other relevant requirements such as appropriate locations.

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.

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 involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence.

Council is yet to establish an appropriate 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').

Council also recommends the removal of design excellence detailing in the draft DCP due to a slight error in how design excellence is applied to buildings over 35m, and that it is replaced with a clause that states that any design excellence process will be consistent with the *CBD Strategy*.

With regard to this, Key Element 8 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.

The proposed draft DCP provisions seek to ensure that higher building sustainability standards are achieved consistent with the objectives of the Strategy through a commitment to a minimum of 5 star Greenstar rating for any development.

This is also achieved through the proponent providing consideration for active transport and electric recharging bays as part of car parking in the draft DCP, stating:

"Opportunities to be explored to provide charging stations for electric vehicles as part of car parking at the Development Application stage."

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

This recommendation has been acknowledged by the proponent.

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Floor Space Ratio (FSR)

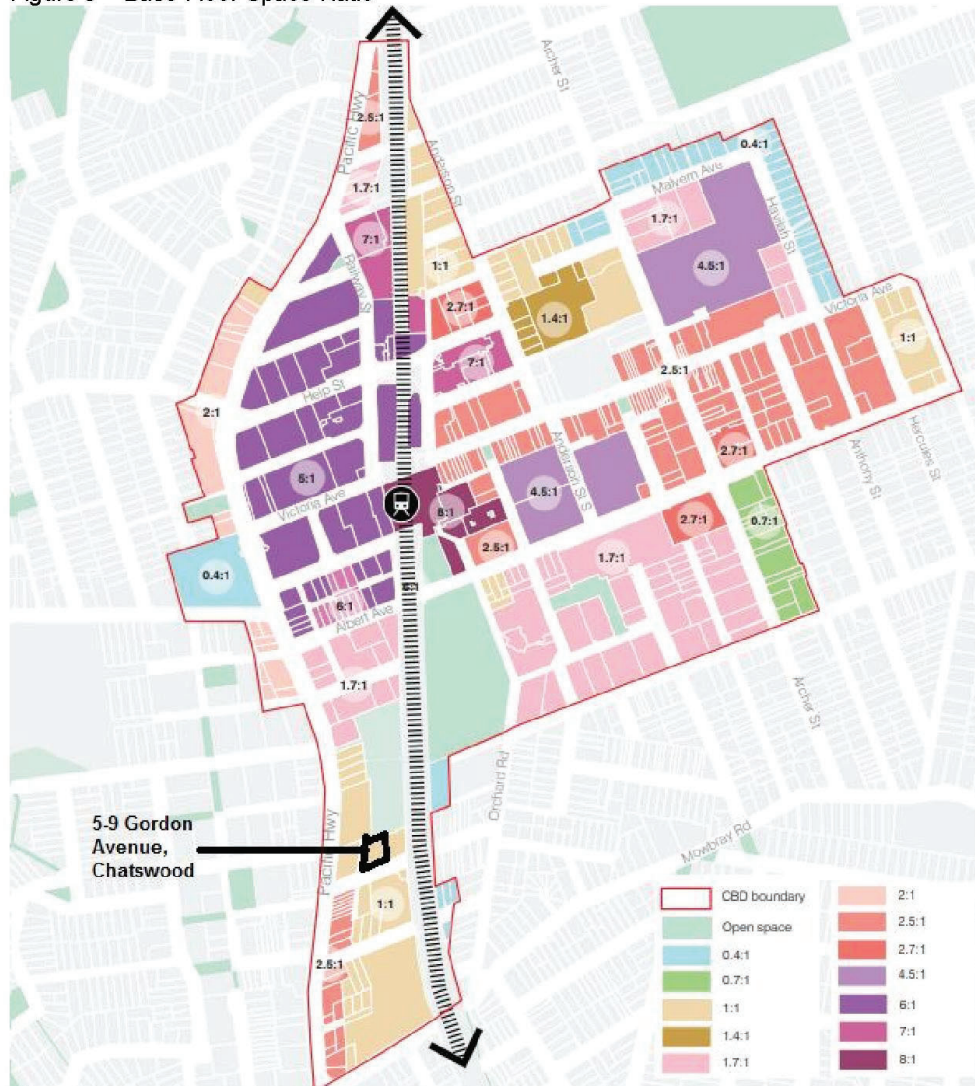
Key Element 11. Figure 3.1.3 shows a simplified FSR diagram to that in the existing LEP. It provides a maximum base FSR which:

- 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 1:1, as shown below in Figure 3- Base Floor Space Ratio.

Figure 3 – Base Floor Space Ratio



The value uplift for the subject Planning Proposal is based on the maximum FSR of 6:1 minus the base FSR of 1:1. 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 is 1522m², exceeding the 1200m² minimum site area for mixed use development involving residential land use.

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:

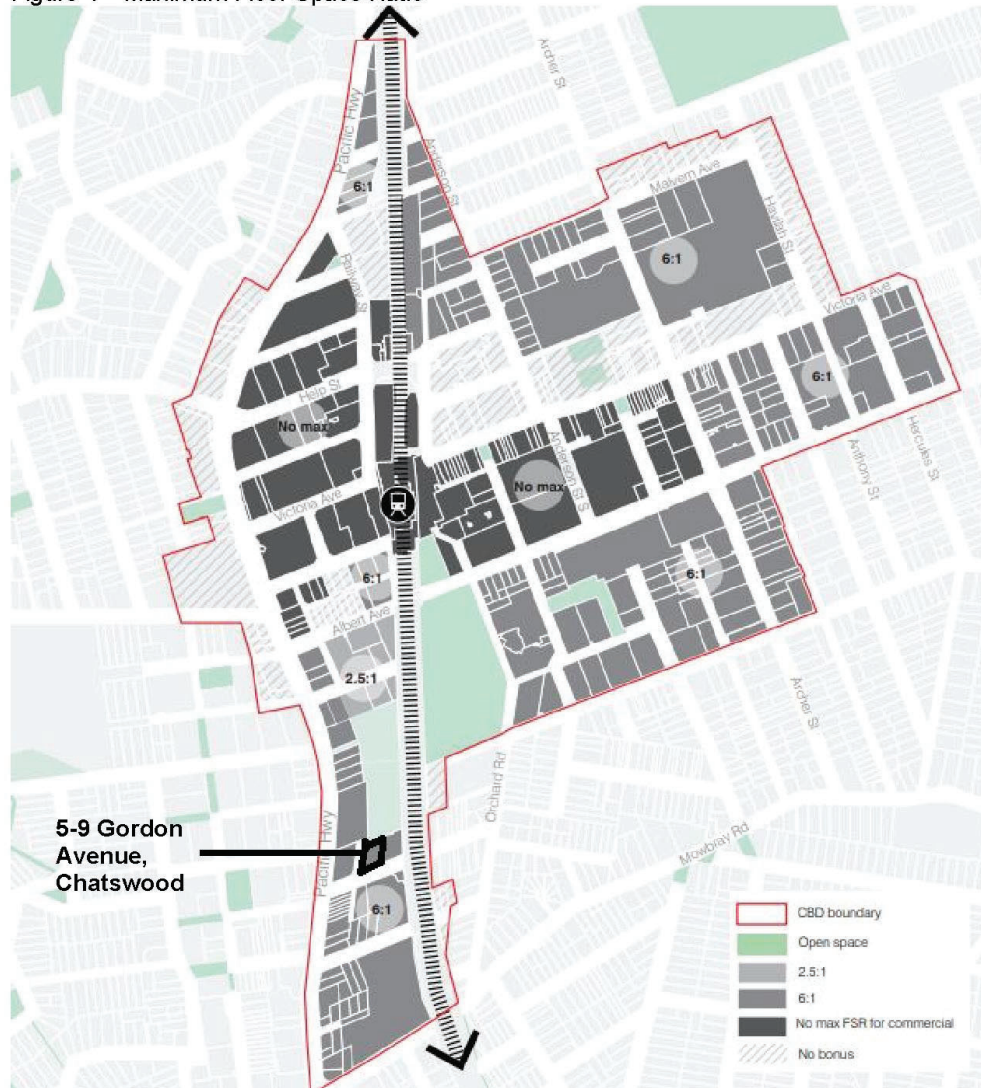
- a) No maximum FSR for commercial development in the centre,
- b) 6:1 FSR in outer centre.
- c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

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 subject site is in a location towards the southern edge of the Chatswood CBD (referred to in Key Element 13b) above as the outer centre with an FSR of 6:1, as shown below in Figure 4- Maximum Floor Space Ratio.

Figure 4 – Maximum Floor Space Ratio



The Planning Proposal proposes a maximum FSR of 6:1, which includes affordable housing.

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

As noted above in Key Element 13, the floor space ratio proposed in the Planning Proposal includes affordable housing.

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').

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 floor space.

Comment

The *Chatswood CBD Planning and Urban Design Strategy* seeks a meaningful commercial component in the Mixed Use zone, being 1:1. In this regard a written amendment to the *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').

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 tower above the podium shown in the concept plans proposes floorplates of 400m² as a maximum, well below the 700m² maximum for residential towers.

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 dimensions of the tower shown in the concept plans 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 in this case as there is only one residential tower proposed in the concept plans.

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)

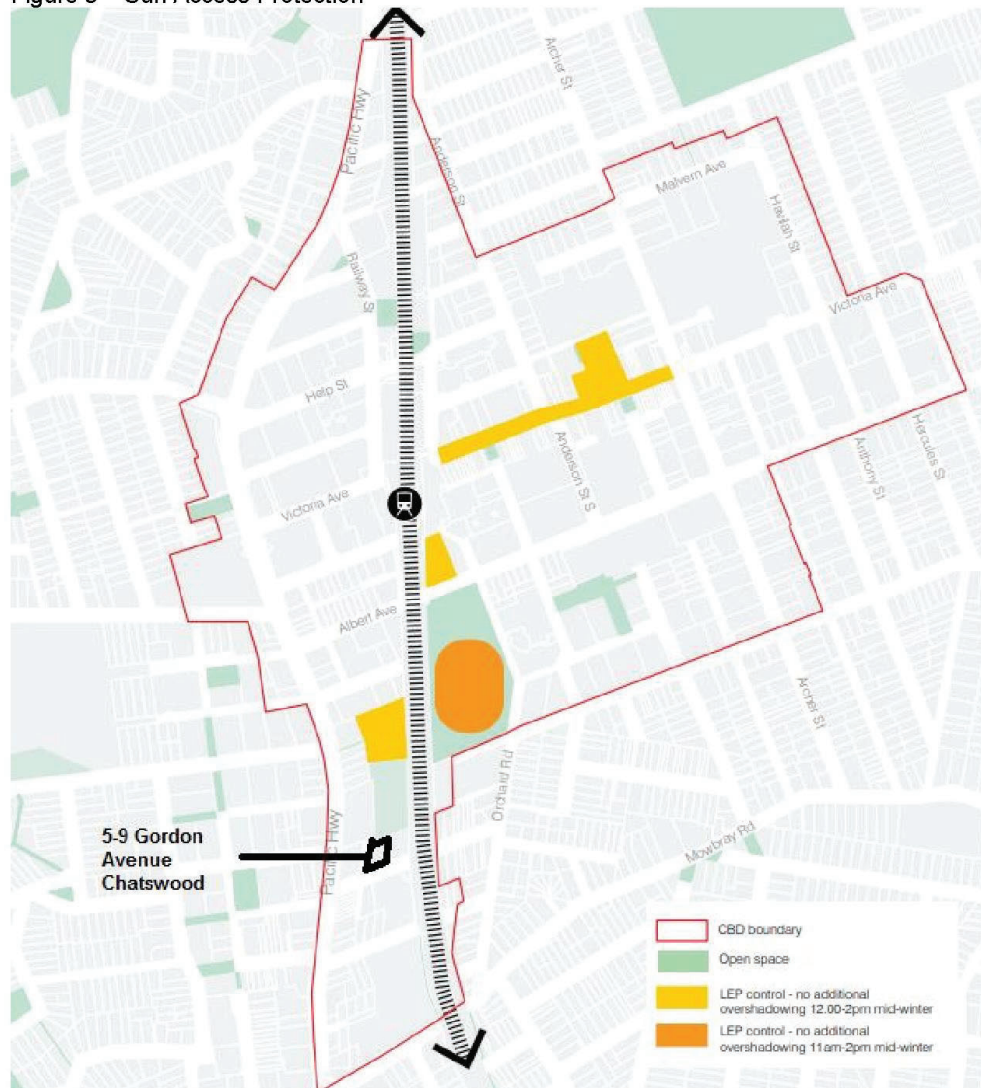
Comment

The site is located south of key public open space areas identified within the Chatswood CBD requiring sun access protection, as shown below in Figure 5- Sun Access Protection.

As a result of the site location, development on the subject site does not impact sun access protection to the public open spaces identified.

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

Figure 5 – Sun Access Protection



Building Heights

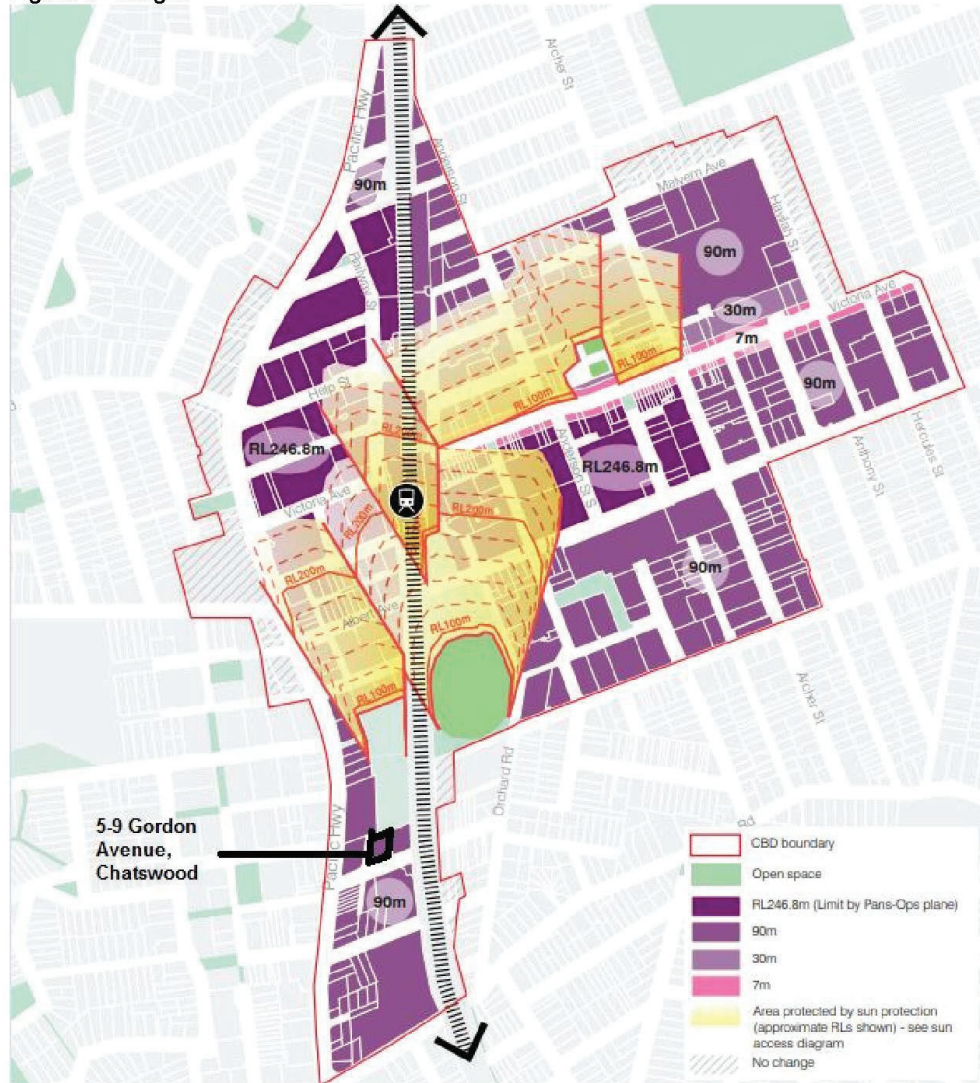
Key Element 20. Maximum height of buildings in the CBD will be based on Figure 3.1.6, up to the airspace limits (Pans Ops plane), except as reduced further to meet:
 a) Sun access protection.

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

Figure 6 – Height below shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5 (above).

Figure 6 - Height



As a result of the site location, the maximum height of 90 metres is able to be achieved on the subject site.

The Planning Proposal provides for a maximum height of 90 metres and is therefore consistent with the Strategy. The maximum height requested includes provision for affordable housing as well as lift over runs and roof plant rooms.

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

The tower has been designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form, will be provided at development application stage. Assessment at development application stage will have regard to the *Chatswood CBD Planning and Urban Design Strategy*.

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.

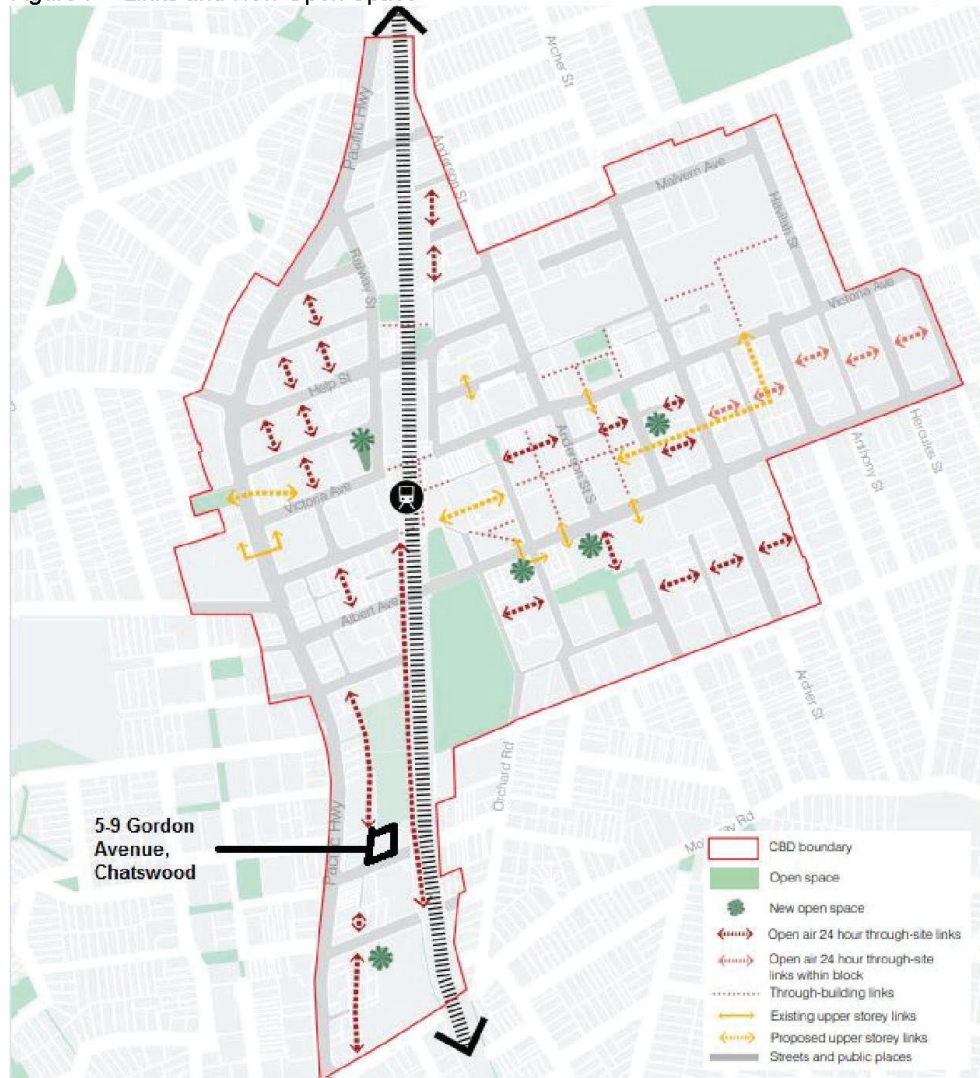
Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic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

Comment

The site connects with identified existing or proposed pedestrian or cycle linkages at Hammond Lane. A new pedestrian footpath for Hammond Lane has been indicated in landscape concept planning in the Planning Proposal. There are extensive setbacks offered for both Gordon Avenue and Hammond Lane and Gordon Avenues footpath is indicated to be widened, with potential for an active transport linkage.

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

Figure 7 – Links and New Open Space



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

Setbacks of 3m from the Gordon Avenue and Hammond Lane boundaries are proposed.

Public ground level accessible soft and hard landscaped areas are proposed for the podium open space on level 2 above the commercial land use component proposed.

The draft *Development Control Plan* provisions include 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. The soft landscaping will enhance the interface with the adjacent residential buildings.

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 Strategy seeks for all roofs up to 30m from the ground be designed as green roofs.

The Concept Plans show landscaping provided at Podium level, and around the communal area on Level 8. It is noted that all of Level 8 is designated as communal area. Both the Podium Level and level 8 will be provided with from the west in the afternoon.

This Key Element has also been addressed in the draft *Development Control Plan* provisions.

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

Concept plans indicate that landscaping requirements for soft landscaping are fulfilled by both street setback landscaping.

A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size of maturity. Plant material selected needs to be tolerant of such wind and indication of wind effects on proposed species should be provided to ensure that all proposed landscape areas can accommodate adequate tree, shrub and groundcover planting.

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

Detailed plans, showing all aspects of communal open space including any at roof top level on towers, will be provided at development application stage. Assessment at development application stage will have regard to the *Chatswood CBD Planning and Urban Design Strategy*.

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.

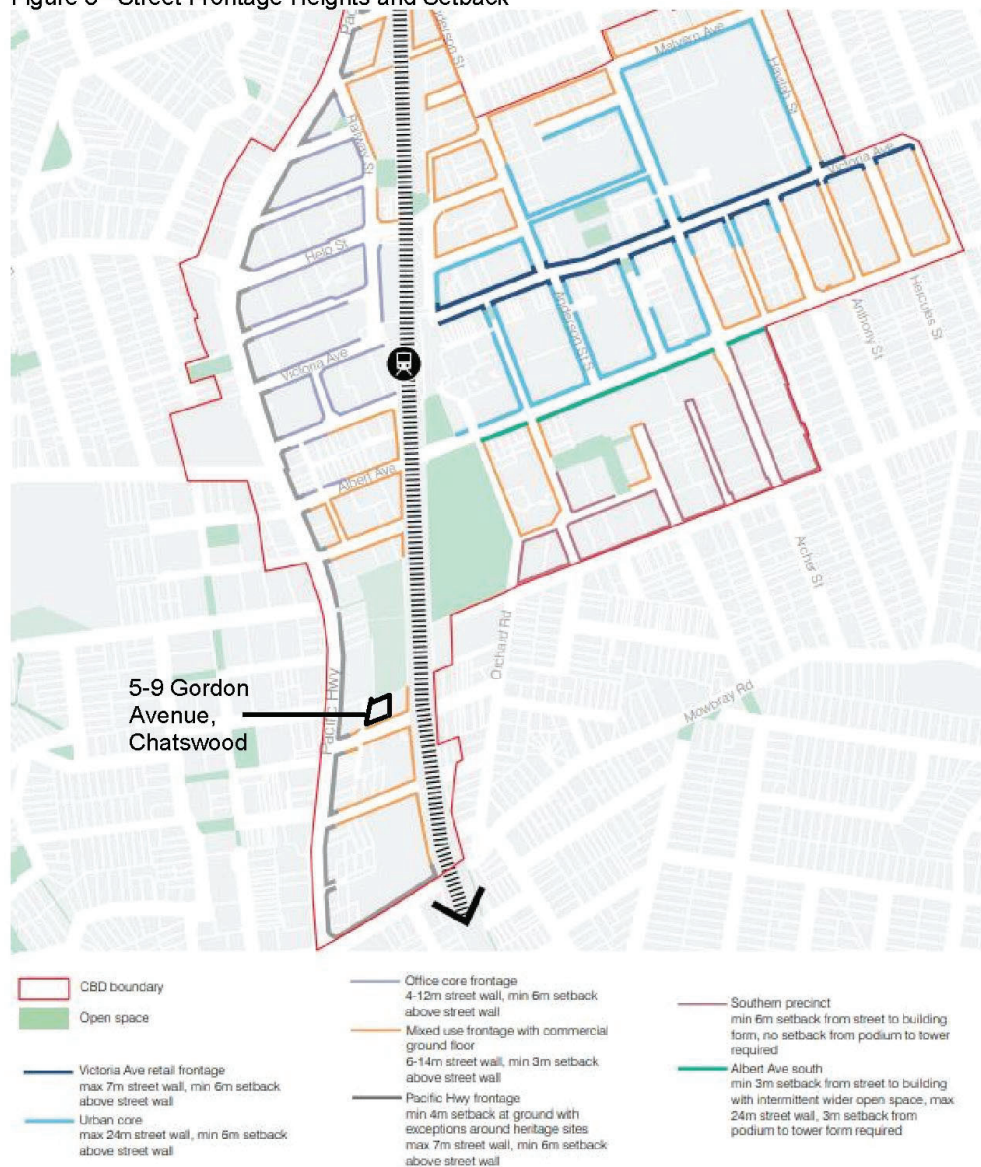
- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.

Comment

A mixed use frontage with commercial ground floor is required to have a 6m to 14m street wall, height and a minimum 3m setback above street wall, as shown in Figure 8 – Street Frontage Height and Setbacks below.

The Concept is consistent with the Strategy with 3m to 4m podium setbacks and 6m tower setbacks.

Figure 8– Street Frontage Heights and Setback



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

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires 1:20 ratio or 4.5m setback from all boundaries with a minimum 3m setback above street wall. The concept proposes a 8-9m high commercial podium with minimum 3m setbacks from the street boundaries and a slender residential tower form above with 6m setbacks from street boundaries.

With regard to Key Element 28, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy* in respect to street frontage setbacks.

- 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

Building separation to neighbouring buildings is to be in accordance with the Apartment Design Guide for residential uses and a minimum of 6 metres from all boundaries for commercial uses above street wall height.

Furthermore, a SEPP 65 – Design Quality of Residential Flat Development report will be required at Development Application stage. Concern is raised with the relationship of the proposed concept development to the neighbouring site to the east as well as private open spaces to the north.

With regard to Key Element 29, it is considered that the Planning Proposal is generally consistent with the *Chatswood CBD Planning and Urban Design Strategy*, with considerations that can be addressed at the Development Application phase.

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 Concept Plans provided show commercial / retail floor space at Ground Level with the opportunity for active street frontages to Gordon Avenue and Hammond Lane.

This issue will be further assessed at development application stage.

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

It is noted that the site to the east at 1-3 Gordon Avenue is approximately 1125m². This is below the required 1200m² for redevelopment under the Strategy. It is considered reasonable in this case to support the Planning Proposal at 5-9 Gordon Avenue, for the reasons outlined below.

1-3 Gordon Avenue is bounded to the north by the Chatswood Bowling Club, to the east by Frank Channon Walk, to the west by the subject site and Hammond Lane and to the South is Gordon Avenue.

The proponent has provided concept plans that show how the redevelopment of 5-9 Gordon Avenue can be incorporated with any future redevelopment of 1-3 Gordon Avenue. A zero podium setback on the eastern edge of the site has been provided to enable a joint built form for any future redevelopment of 1-3 Gordon Avenue.

The draft site specific *Development Control Plan* provisions include objectives and controls addressing site isolation with a specific requirement to consider adjoining basement access to 1-3 Gordon Avenue for both commercial and residential purposes.

In line with these amendments and regarding Key Element 31, it is considered that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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 commercial floor space at ground level has opportunity for active street frontages to both Gordon Avenue and Hammond Lane. Supporting services are located at basement level accessed from the west frontage to minimise streetscape impact. This has been addressed in draft site specific *Development Control Plan* provisions and the Concept Plans.

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 draft *Development Control Plan* provisions proposed include the following regarding substations:

"Substations shall be provided within buildings, not within the streets, open spaces or setbacks, and shall be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions".

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

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

End of trip facilities are to be provided for bicycles, and there is an indication for cycling facilities and widening to be provided for the Gordon Avenue footpath, to facilitate access to the Frank Channon Walkway running parallel to the train line 50m east of the site and the Pacific Highway/ Hammond Lane access. This is consistent with the CBD objectives under Key Element 22 above.

A footpath has been proposed for Hammond Lane to facilitate pedestrian and vehicle separation, with Hammond Lane proposed to be widened to 6m to facilitate two way flows to and from the site, and to provide a pronounced separation of flows between the development site and the Bowling club traffic flow to the north.

The road widening for Hammond Lane from 5.2 to 6m is incorporated into setback considerations for the laneway.

Included as part of facilitating traffic flow at Hammond Lane is a draft DCP provision that requires clear signage to the site and bowling club.

On 20 July 2018, the proponent submitted an updated Traffic and Parking Assessment prepared by GTA as well as draft *Development Control Plan* provisions to explore traffic impacts on site.

An updated statement from the Proponents Traffic engineers is to be received by Council indicating support for an alternate ramp to allow for basement commercial and residential access through the site to 1-3 Gordon Avenue.

Vehicular entry points have been rationalised and the concept plans addressed the CBD Strategy Travel Demand Management approach seeking to modify travel decisions to achieve a more desirable transport, social, economic and environmental objectives.

DCP controls that encourage electrification of vehicles as part of car parking are also provided. The draft DCP states:

“Opportunities to be explored to provide charging stations for electric vehicles as part of car parking at the Development Application stage.”

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*.

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 an initial letter of offer however 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 Traffic and Urban Design teams. No issues have been raised in objection to the Planning Proposal, which is generally consistent with the CBD Strategy recommended controls.

The Proposal has been supported by:

- Traffic and Transport
- Urban Design
- Landscape
- Environment

Subject to additional information being provided as outlined above and in the Council resolution, it is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal for Gateway determination.

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's (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 (subject to the provision of requested additional/updated traffic information) 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.

ATTACHMENT 3

COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'

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:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives submitted by the proponent in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* are as follows:

- a) Provide a floor space and building height yield that is commensurate with the sites location within convenient walking distance of the Chatswood CBD and transport interchange and in a manner consistent with the maximum development density and building height recommended in the *Chatswood CBD Planning and Urban Design Strategy*.
- b) Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, arising from current planning strategies
- c) Ensure that environmental and amenity impacts associated with an increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the Chatswood CBD Strategy.
- d) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.
- e) Provide 296m² of affordable housing on a site that is currently not required to provide affordable housing.
- f) Provide for developer levies, in addition to Councils Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- g) Improve pedestrian amenity and safety by way of providing a wider footpath on the northern side of Gordon Avenue fronting the site and provide a 1200mm wide footpath on the eastern side of Hammond Lane.
- h) Remove an existing low rise medium density housing development that is not compatible with the desired future mixed use high rise character planned for the area.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officers have proposed that the outcome be achieved by requiring that the Planning Proposal request be consistent with the following amendments to *Willoughby Local Environmental Plan 2012*, which will include:

1. To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

- a) any part of the floor area of a building that:
 - (i) is to be used for community facilities, or
 - (ii) is a heritage item, or

(iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

b) To add Clause 5.6 ‘Architectural roof features’, (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

2. To replace Clause 6.8 ‘Affordable Housing’, (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

3. To replace Clause 6.8 ‘Affordable Housing’, (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.

4. To add Clause 6.23 as follows:

“6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”

5. To add Clause 6.24 as follows:

“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.”

6. To amend the Land Use Zoning Map (Sheet LZN_004) for 5-9 Gordon Avenue, Chatswood, to ‘B4 Mixed Use’.
7. To amend the Height of Buildings Map (Sheet HOB_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.
8. To amend the Floor Space Ratio Map (Sheet FSR_004) for 5-9 Gordon Avenue, Chatswood to 6:1.
9. To amend the Special Provisions Area Map (Sheet SPA_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11.
10. To amend the Active Street Frontages Map (Sheet ASF_ 004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy*, it is proposed to consider requested amendments under this Planning Proposal in the form of amendments to the written instrument and relevant maps.

The Planning Proposal is accompanied by *Draft Development Control Plan* provisions specific to 5-9 Gordon Avenue, Chatswood for public exhibition.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

- 1) Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal arises from the endorsement by Council of the *Chatswood CBD Planning and Urban Design Strategy*, which recommends land use, increased building height and development density for land within the Chatswood CBD and the expanded CBD boundaries.

The subject site is located within the expanded CBD boundaries and is identified as mixed use, with an increase in maximum building height to 90 metres and increase in floor space ratio up to 6:1 subject to satisfaction of other Strategy requirements.

The *Chatswood CBD Planning and Urban Design Strategy* has increased the CBD boundaries to include this location because it is close to the Chatswood City Centre and has good access to local services and a large array of transport options, including road, rail, bus and walking/cycling.

The increased commercial and residential density is intended to accommodate anticipated demand for employment and housing in the Willoughby Local Government Area.

Analysis supporting the application has been provided with the Planning Proposal.

2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes discussed above.

It is considered that this Planning Proposal may be assessed following Council endorsement of the Strategy and prior to formal amendments to *Willoughby Local Environmental Plan 2012* which may take two to three years to finalise.

Section B - Relationship to strategic planning framework

3) Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the strategic objectives of the *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*.

The *Greater Sydney Region Plan* and the *North District Plan* were released by the Greater Sydney Commission in March 2018. The *Greater Sydney Region Plan* will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The *Greater Sydney Region Plan* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Delivering a metropolis of three cities will be guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents.

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor.

The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth and land use and infrastructure planning. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor. Chatswood is earmarked as a centre that should be attracting significant investment and business activity in strategic centres to provide jobs growth; creating conditions for residential development within strategic centres but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

The *Chatswood CBD Planning and Urban Design Strategy* provides a response to the above strategic plans and a detailed analysis of how the Planning Proposal responds to this Strategy can be found at 'Attachment 2 Detailed Assessment'.

The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and *North District Plan* released March 2018 for the following reasons:

- The proposal provides a 6:1 FSR (including 4% affordable housing and 1:1 commercial floor space).
- The commercial component supports and strengthens the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services. The proposal will also provide more employment opportunities to local residents.
- The proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the Strategy.
- The additional housing is provided in a location close to existing and proposed transport and urban services infrastructure.
- The additional housing is in a location that is a walkable or cyclable distance to the Chatswood CBD centre.
- There is good access to active transport through Frank Channon walk and proposed infrastructure upgrades to active transport linkage offered in the Proposal.

The Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*' establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

Comment: The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and the *North District Plan* released March 2018.

- Consistent with a relevant local council Strategy that has been endorsed by the Department;

Comment: The *Chatswood CBD Planning and Urban Design Strategy* was endorsed by Council on 26 June 2017 and has been forwarded to the Department of Planning and Environment for endorsement. Written support for the CBD Strategy from the Greater Sydney Commission was received in June 2018.

The Planning Proposal is considered consistent with the CBD Strategy. This is discussed in the Council Detailed Assessment (Attachment 2).

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Comment: It is considered that the Planning Proposal is consistent with the Sydney Metro Northwest, Sydney City and Southwest planned transport infrastructure.

b) Does the proposal have site-specific merit, having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards).

Comment: Not applicable.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

Comment: The planning controls proposed are consistent with the *Chatswood CBD Planning and Urban Design Strategy* and the envisaged future development for the locality which is within the expanded Chatswood CBD boundaries.

- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Comment: This issue is discussed in the Council Detailed Assessment under Public Benefit (Attachment 2).

4) Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Our Future Willoughby 2028 is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

Our Future Willoughby 2028 sets out five broad outcomes, with the relevant outcomes regarding this Planning Proposal being 'A City that is Liveable,' and 'A City that is prosperous and vibrant.'

1. A City that is green

- 1.1 Create and enhance green spaces.
 - 1.2 Promote sustainable lifestyles and practices.
 - 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
 - 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
 - 1.5 Reduce carbon and greenhouse gas emissions.
2. A city that is connected and inclusive
- 2.1 Enhance transport choices and connections throughout the City.
 - 2.2 Reduce parking and traffic congestion.
 - 2.3 Promote accessible services for the community
3. A city that is liveable
- 3.5 Maintain quality of life by balancing population growth with the provision of assets and services.
4. A city that is prosperous and vibrant
- 4.1 Facilitate the development of all businesses.
5. A City that is effective and accountable
- 5.1 Be honest, transparent and accountable in all that we do.

The Planning Proposal is consistent with all of the above applicable objectives.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are applicable, with comment provided.

SEPP Title	Comment
<i>SEPP 55 – Remediation of Contaminated Land</i>	A preliminary contamination report has been conducted that has indicated the site is suitable for redevelopment for high density mixed use.
<i>SEPP (BASIX) 2004</i>	This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future development application for redeveloping the site.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The Planning Proposal does not contain provisions that contradict the application of the SEPP.

SEPP 65 – Design Quality of Residential Flat Development	This SEPP will apply to the proposed residential component of the future mixed use building. The concept plan has been submitted having regard to the <i>SEPP 65 Apartment Design Guide</i> (ADG) and achieves general compliance with this Code. Refer to Supporting Council report for discussion.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal will be required to provides for affordable housing and is consistent with the SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal provides for housing and jobs close to a commuter hub and is consistent with the SEPP.

6) Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 directions)

The *Local Planning Directions* issued to councils under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires that a Planning Proposal does not conflict with the Directions. The following is a summary of the Planning Proposal against the relevant *Section 117 Directions* in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation within a B4 Mixed Use Zone. Although the proponent report states this is not applicable, the mixed use land use and location is generally consistent with this direction.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is within a B4 Mixed Use Zone. The proposal does not include rezoning as residential use is permissible within the existing zone. The proposed rezoning will maintain high density housing opportunities for the site and will increase the amount and variety of housing in an appropriate location close to existing and future infrastructure.

Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will continue to be permissible development on the site.

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	Yes	The site is well located close to public transport linkages and employment.

5. REGIONAL PLANNING

Direction	Relevant?	Consistent?	Comment
5.1 Implementation of Regional Strategies	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> , and <i>North District Plan</i> released March 2018, as discussed above.

6. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister.

7. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of <i>A Plan for Growing Sydney</i>	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> , and <i>North District Plan</i> released March 2018, as discussed above.

Section C- Environmental, social and economic impact

- 7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

- 8) Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The following environmental impacts of the proposal and their proposed management are discussed in the Council Detailed Assessment (Attachment 2):

- Consistency with the *Chatswood CBD Planning and Urban Design Strategy*, as endorsed by Council. In this regard the following issues have been addressed:
 - CBD boundary
 - Land use
 - Public domain
 - Floor space ratio
 - Design excellence
 - Building sustainability
 - Height
 - Links, open space and landscaping
 - Street frontage heights
 - Setbacks
 - Building separation
 - Site isolation
 - Substations
 - Minimum site area
 - Maximum residential tower size
 - Public art
- Other issues including solar access, privacy and general amenity, traffic and car parking
- Public Benefit

9) Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has adequately addressed social and economic effects. It should be noted that the Planning Proposal includes 4% affordable housing provision.

10) Is there adequate public infrastructure for the Planning Proposal?

The subject site is located within an existing mixed use area located on a major transport corridor, serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange. In addition transport capacity will be improved following completion of the Metro development.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPPING

This Planning Proposal as proposed involves amending *Willoughby Local Environmental Plan 2012* maps as follows:

1. To amend the Land Use Zoning Map (Sheet LZN_004) for 5-9 Gordon Avenue, Chatswood, to 'B4 Mixed Use'.
2. To amend the Height of Buildings Map (Sheet HOB_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.
3. To amend the Floor Space Ratio Map (Sheet FSR_004) for 5-9 Gordon Avenue, Chatswood to 6:1.
4. To amend the Special Provisions Area Map (Sheet SPA_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11 and Area 12.
5. To amend the Active Street Frontages Map (Sheet ASF_ 004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.

PART 5 – COMMUNITY CONSULTATION

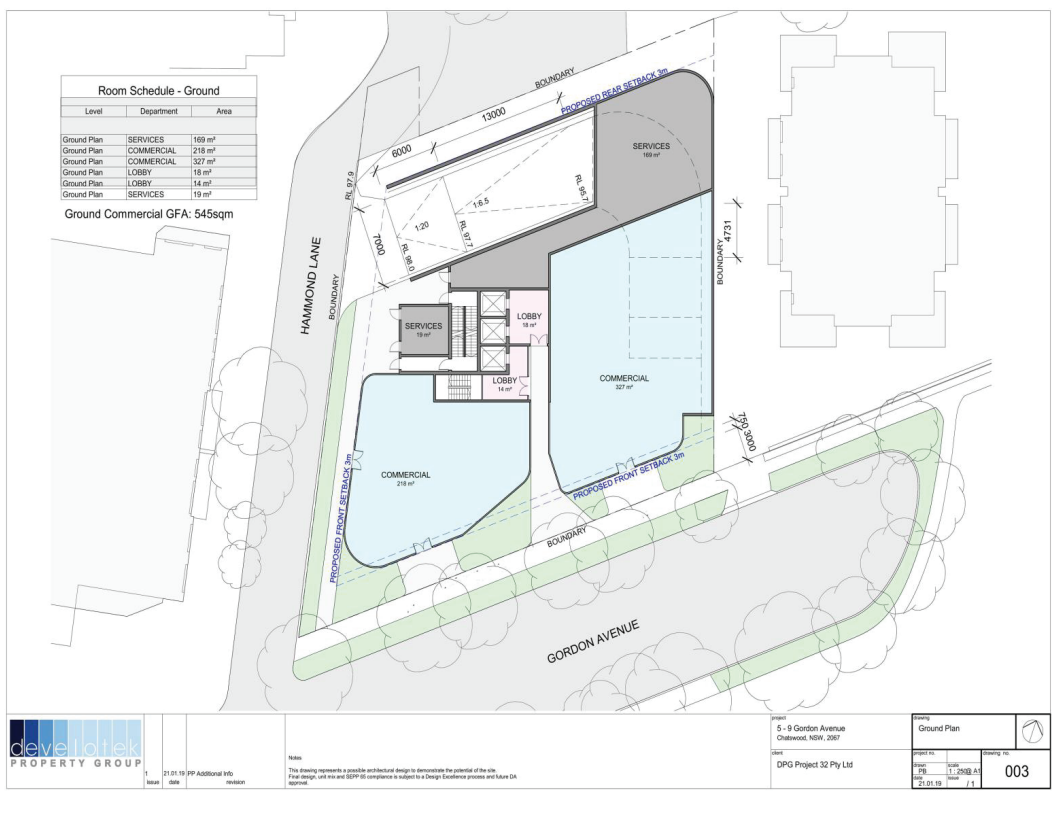
Should Council support the Planning Proposal for public exhibition, it will proceed to the Planning and Infrastructure 'Gateway' process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment's Gateway Determination requirements and should include the *Draft Willoughby Local Environmental Plan 2012 Amendment* (written instrument and mapping) and the *Draft Development Control Plan* provisions as amended by Council. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

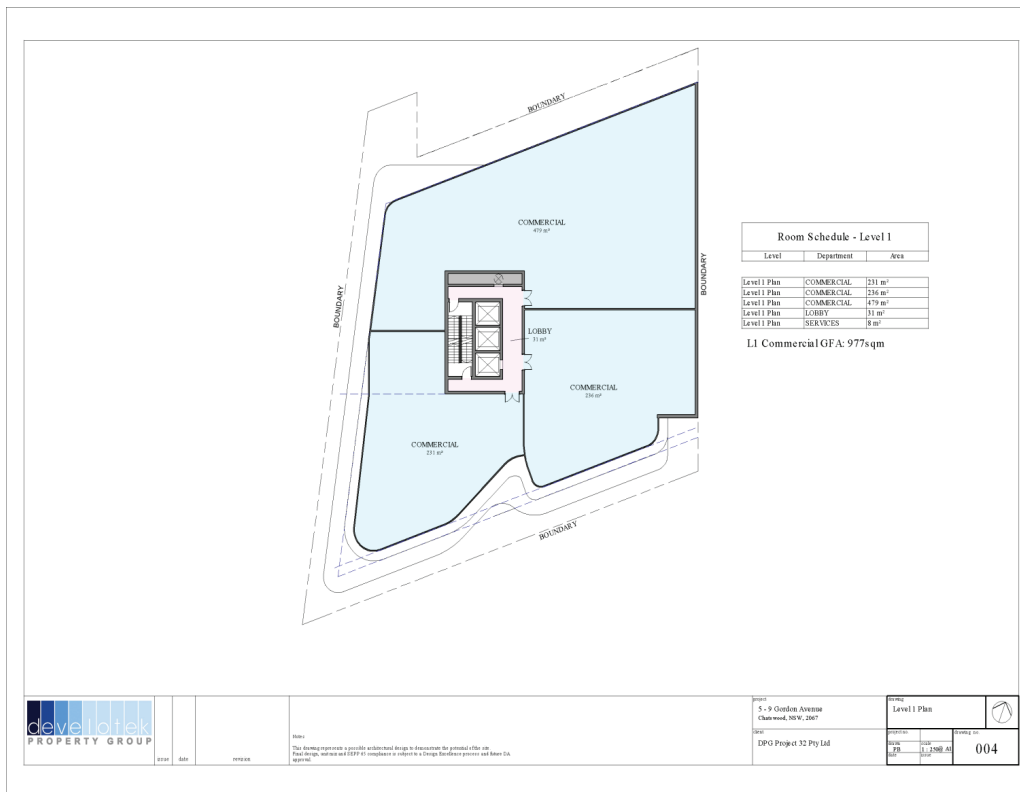
PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	February 2019
Planning Proposal submitted to Gateway	March 2019
Gateway Determination received by Council	May 2019
Community Consultation (28 days)	July 2019
Outcomes of Community Consultation presented to Council	September 2019
Planning Proposal submitted to Department requesting notification on Government website	November 2019





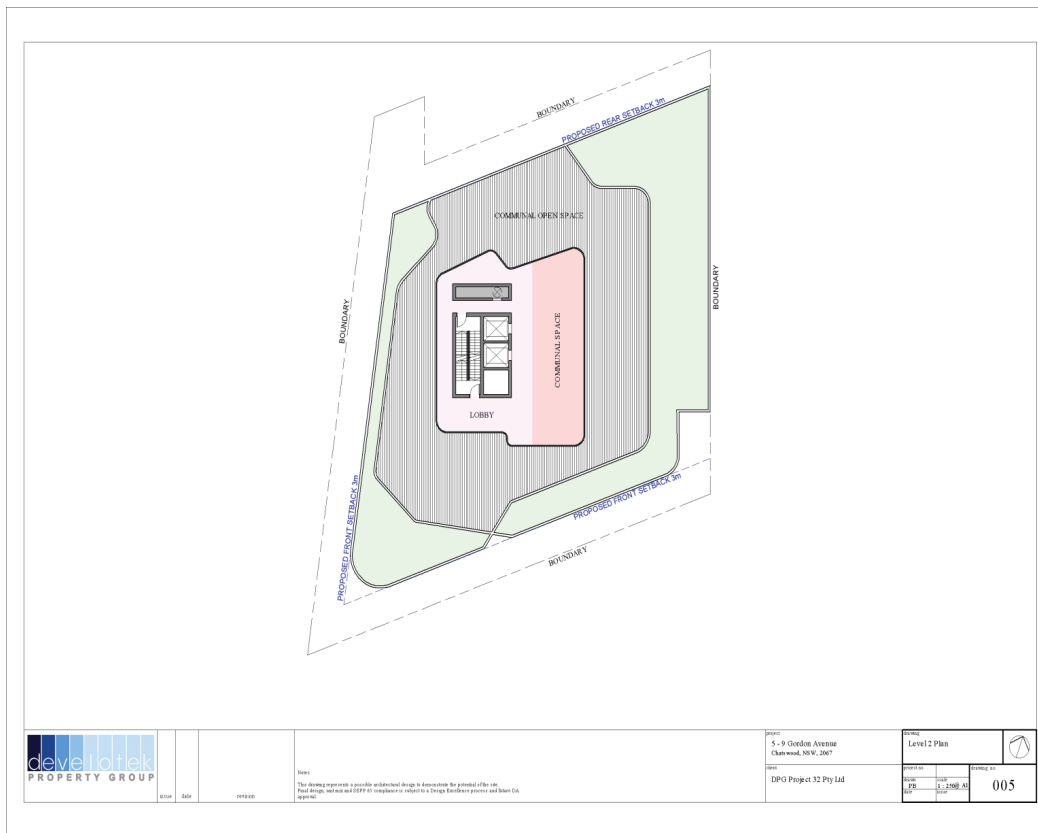




DATE	DATE	REVISION

Note:
This drawing represents a possible architectural design to demonstrate the proposed site use.
This drawing, whether used for any purpose, is subject to change without notice and does not
represent any contract or agreement.

PROJECT	5-9 Gordon Avenue Chatswood, NSW, 2067	LEVEL	Level 1 Plan	
CLIENT	DPG Project 32 Pty Ltd	DATE	11/2/2019	
SCALE	1:100	PROJECT NO.	004	





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Notes:
This drawing represents a possible architectural design for information. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.

Project:
5-9 Gordon Avenue
Chatswood, NSW, 2067

Phase:
Level 13 - Level 13 Plan



Scale:
1:1000

Sheet No:
006



develotek
PROPERTY GROUP

07/18 6/18 07/18/19

Note:
This drawing represents a possible architectural design for information only. It is not intended to be used for construction. All dimensions and levels are subject to a Design Reference point and Base DA (if any).

Project:
5 - 9 Gordon Avenue
Chatswood, NSW, 2067

Client:
DPO Project 32 Pty Ltd

Drawing No:	007
Scale:	1:200
Date:	11/2/19



	02/18	001	000000	<p>Notes:</p> <p>This drawing represents a conceptual architectural design for information purposes only. It is not intended for construction. Final design, construction and EPPF is subject to a Design Development process and final DA approval.</p>	<p>Project:</p> <p>5-9 Gordon Avenue Chatswood, NSW, 2067</p> <p>Client:</p> <p>DPG Project 52 Pty Ltd</p>	<p>Level 22 - Level 233</p>	
	<p>Scale:</p> <p>1:100</p>	<p>Date:</p> <p>11/02/2018</p>	<p>Drawn by:</p> <p>008</p>				





DATE	DATE	DATE
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Notes:
 This drawing represents a possible architectural design to illustrate the proposed site use.
 Final design, subject to EPC 3211 conditions to obtain a change of land use permit and EPC 3211 approval.

Project:
 5-9 Gordon Avenue
 Chatswood, NSW, 2067

Sheet:	Level 27 Plan	
Scale:	1:250	
Drawn by:	1/2/2018 AJ	010

Building Envelope | Proposed Option 2

Planning Controls

- FSR 61
- Building Height: 29 storeys (under 90m)
- Mixed use:
 - G1: Retail/Commercial
 - L01: Residential/Commercial
 - L02-29: Residential
- Communal open space at L02
- Site setbacks: refer to indicative floor plans

Design Principles

- Building envelope based on utilizing maximised building height of 90m*
- Floor plate size based on max FSR 61*
- Activated Gordon Ave. and part of Hammond Lane frontage with retail/commercial use at the podium level, residential tower above
- Basement car park/deliveries/waste collection off Hammond Lane
- Hammond Lane proposed to be widened to accommodate two way traffic
- Improvement to Public Domain in Gordon Ave. and Hammond Lane

Pros

- Elegant tower form of slender proportion
- Adequate urban response to public domain and human scale by creating two storey-high podium and recessed tower form above
- Excellent view opportunities in current urban context maximised due to full utilisation of permissible* height limit
- Additional podium setback to Gordon Ave. enables outdoor seating and better activation.
- Additional podium setback to Hammond Lane delivers strategic pedestrian connection, vehicular access and improved activation of corner.
- Reduces vehicular crossings on Gordon Ave.

Cons

- Inefficient floor plate allowing only for 2-3 units per floor
- Taller tower casting longer shadows, however not compromising ADG compliance to existing units
- View opportunities would be reduced when all neighbouring sites are developed with high-rise density
- Angular floor plate is not practical for high quality apartment layouts
- Small floor plate results in proportionally higher area dedicated to core & services

Summary

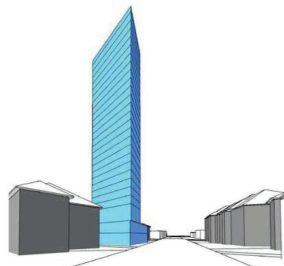
Option 2 maximises building height achieving permissible limit of 90m. Distribution of allowable GFA across all floors would not be economical resulting only in 2-3 units per floor.

Building form appears elegantly slender with attractive overall proportions. Generous tower setbacks create sufficient space that could be utilised as communal open space, landscaped area on top of the podium.

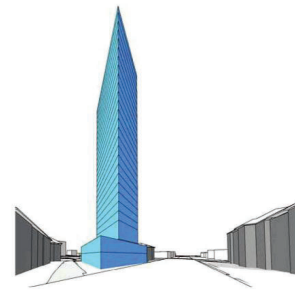
While the form is visually very slender, this proposal is not viable due to the angular geometry of the site and resulting small floor plate.



Hammond Lane towards Gordon Ave.



Gordon Ave. towards Train Line



Corner of Gordon Ave. & Hammond Lane



5-9 Gordon Avenue, Chatswood

28

Design | Landscape Concept



Ground Floor plan @ 1:250

WMK 5-9 Gordon Avenue, Chatswood



50

Design | Landscape Concept



Level 02 Floor plan @ 1:250



5-9 Gordon Avenue, Chatswood



51

ATTACHMENT 5

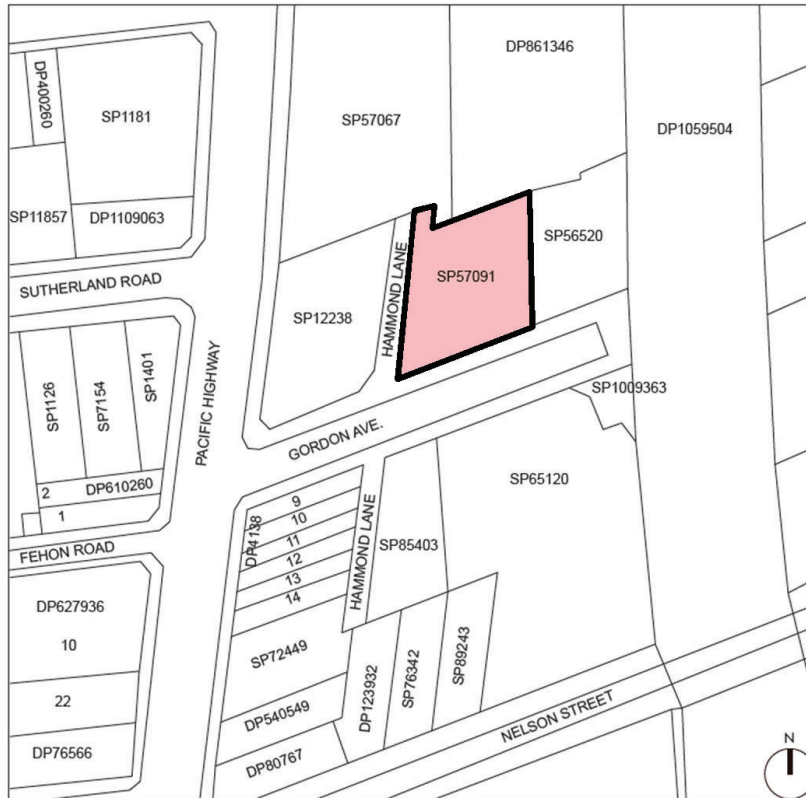
Draft Site Specific Development Control Plan

for
5-9 Gordon Avenue
Chatswood

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

1.0 GENERAL

These controls apply to land at 5-9 Gordon Avenue, Chatswood NSW (SP57091).



Objectives:

1. Provide a mixed commercial and residential development within the southern precinct of Chatswood CBD.
2. Develop the site within the CBD without impacting the viability of adjoining lots for future development.
3. Ensure the building form and articulation addresses the corner of Gordon Avenue and Hammond Lane.
4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
5. Minimise traffic impacts from redevelopment of the site.
6. Provide landscaping that enhances the setting of the building as well as the amenity of the development and the amenity of neighbouring properties.
7. Provide a landscaped public domain that encourages active modes of transport.

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

2.0 BUILT FORM

Performance Criteria

The built forms of new development shall:

1. Achieve slender tower building form.
2. Ensure visual and acoustic privacy, natural ventilation, sun access, and views.
3. Provide suitable areas for communal open spaces, deep soil zones and landscaping.
4. Minimise overshadowing of adjoining properties

Controls

1. The two storey Podium shall incorporate retail / commercial uses.

3.0 BUILDING HEIGHTS

Performance Criteria

The built forms of new development shall:

1. Provide an appropriately scaled transition of building heights between adjoining buildings and sites.
2. Minimize overshadowing of adjoining properties and the adjacent open space/ public realm areas.

Controls

1. The maximum building height is to include any lift overrun and roof plant room.
2. Provide a maximum podium height of 8m addressing Gordon Avenue and Hammond Lane

4.0 STREET FRONTAGE HEIGHTS AND SETBACKS

Performance Criteria

Setbacks shall:

1. Contribute to landscape at street level and publicly accessible open space
2. Minimise the effects of adverse wind conditions at street level.
3. Provide for suitable building separation to existing and future development

Controls

1. Building street frontage heights and setbacks are to be in accordance with Figure 1 "Minimum Building Setbacks" below.
2. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height (eg. 3m setback for a 60m building, 4.5m setback for a 90m building)

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

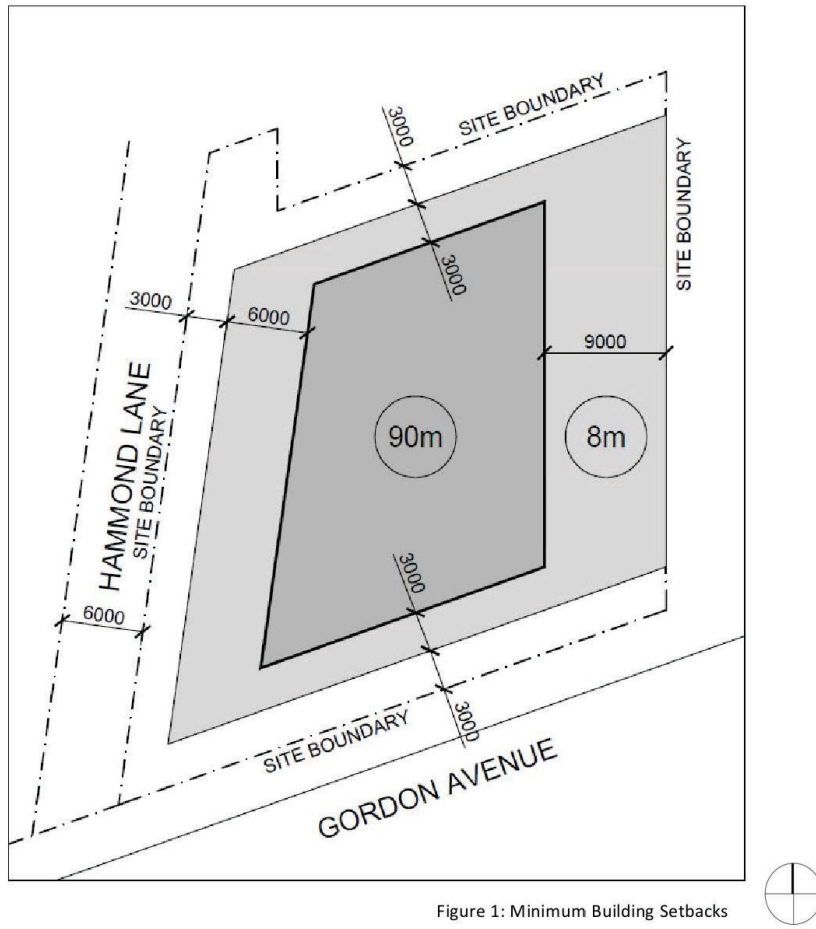


Figure 1: Minimum Building Setbacks

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

5.0 BUILDING EXTERIOR

A. Facades

Performance Criteria

1. Building facades shall complement the character of the area and contribute to creating attractive pedestrian environments and streetscapes.
2. Facade design to encourage active street frontages to Gordon Avenue and Hammond Lane.

Controls

1. Glazing is to be set back from the structure and modulated.
2. Façades are to be articulated and shall incorporate recesses and projecting elements.
3. Extensive blank walls shall be avoided at street level.

B. Roofscapes

Performance Criteria

3. Roofscapes of buildings on the site shall provide positive visual contribution to the built environment.

Controls

1. Roof design shall provide "sculptured forms".
2. Flat roof areas shall incorporate useable outdoor recreation space.
3. All rooftop lift overruns or exposed structures are to be integrated with the building.
4. 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.

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

6.0 OPEN SPACE AND LANDSCAPING

Performance Criteria

1. The development shall provide deep soil planting.
2. Green roofs and usable rooftop areas shall be provided.

Controls

1. Landscaped green roofs shall be provided on roofs up to 30m in height from ground.
2. A minimum of 20% of the site area shall be provided with vegetation cover.
3. A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size of maturity.
4. Communal open space shall be provided at podium level or roof level with appropriate planting treatment to soften the appearance of the building in the streetscape
5. Communal open spaces shall include children's play spaces / equipment within the communal space areas which may include however not be limited to directly accessible outdoor shared spaces with passive surveillance and intergenerational recreation opportunities.

7.0 ACTIVE STREET FRONTAGES

Controls

1. Buildings shall maximise active frontages at ground level.
2. Blank walls shall be minimised and located away from key street locations

8.0 TRAFFIC AND TRANSPORT

Performance Criteria

1. The number of vehicle access points to the development shall be minimised.
2. The development shall encourage sustainable forms of transport to and from the site.

Controls

1. The development shall meet Council's car parking requirements.
2. Opportunities shall be explored to reduce on-site car parking through the provision of shared residential visitor / commercial car parking and car share spaces.
3. All car parking shall be located below ground level.
4. All vehicles are to enter and exit the site in a forward direction.
5. All vehicle access points for the development are to occur via Hammond Lane.
6. Vehicular access for cars and commercial / delivery vehicles shall be provided to future development of 1-3 Gordon Avenue via right of way provisions at basement level. Further detail shall be provided at DA stage.
7. Clear signage shall be provided at the interface of Hammond Lane (public road) and the ingress / egress to the bowling club / residential development to ensure all traffic from 5-9 Gordon Ave enters and exits the site as intended.
8. Car park and loading dock driveway, aisle and car parking areas are designed to the satisfaction of Australian Standards, Austroad Guidelines and Council.

Draft Site Specific DCP Controls
5-9 Gordon Avenue Chatswood

9. Bicycle parking and end of trip facilities shall be provided to DCP requirements and in a convenient location close to lifts and access points.
10. Disabled parking shall be provided to DCP requirements and in a convenient location close to lifts.
11. Opportunities to be explored to provide charging stations for electric vehicles as part of car parking at the Development Application stage.

9.0 DESIGN EXCELLENCE AND BUILDING SUSTAINABILITY

A. Design Excellence

Controls

1. Design excellence and building sustainability is to be required for all developments exceeding the base FSR and with a height greater than 35m.
2. The Architect for the design excellence scheme shall be maintained through the DA process and can only be substituted with agreement of Council.

B. Sustainability Criteria

Performance Criteria

1. A minimum of 5 stars GBCA building rating is expected for all new buildings. A report shall be submitted at Development Application stage.
2. A SEPP 65 – Design Quality of Residential Flat Development report shall be provided at Development Application stage.
3. A detailed contamination assessment shall be provided at Development Application stage in accordance with SEPP 55 – Remediation of Contaminated Land.
4. A detailed acoustic assessment is to be provided at Development Application stage.
5. A detailed wind assessment is to be provided at Development Application stage.
6. A detailed geotechnical assessment is to be provided at Development Application stage.
7. An overland flooding assessment is to be provided at Development Application stage.

10.0 SITE ISOLATION

Controls

1. Site isolation is to be discouraged

11.0 SUBSTATIONS

Controls

1. Substations shall be provided within buildings, not within the streets, open spaces or setbacks, and shall be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.

12.0 PUBLIC ART

Controls

1. A development achieving an FSR uplift shall contribute towards public art in accordance with Willoughby's Public Art Policy which may include public art being provided on the site or a monetary contribution for an installation elsewhere in the CBD, to be decided by Council.

ATTACHMENT 6

Written Amendments to Willoughby Local Environmental Plan 2012

a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

- i) is to be used for community facilities, or
- ii) is a heritage item, or
- iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:

accountable total floor space means:

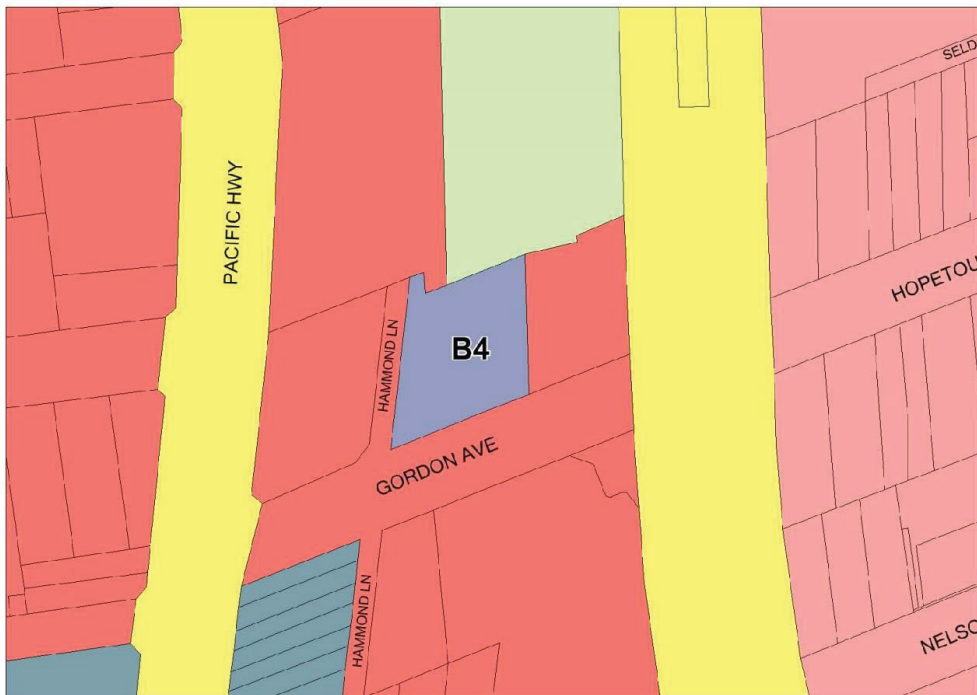
- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.

- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.
- e) To add Clause 6.23 as follows:
 - “6.23 Minimum commercial floor space within the Mixed Use zone
 - Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”
- f) To add Clause 6.24 as follows:
 - “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 12 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.”
- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 5-9 Gordon Avenue, Chatswood, to B4 Mixed Use.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 5-9 Gordon Avenue, Chatswood to 6:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11 and Area 12.
- k) To amend the Active Street Frontages Map (Sheet ASF_ 004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.

**Proposed Willoughby Local Environmental Plan 2012
Mapping Amendments
5-9 Gordon Avenue, Chatswood**

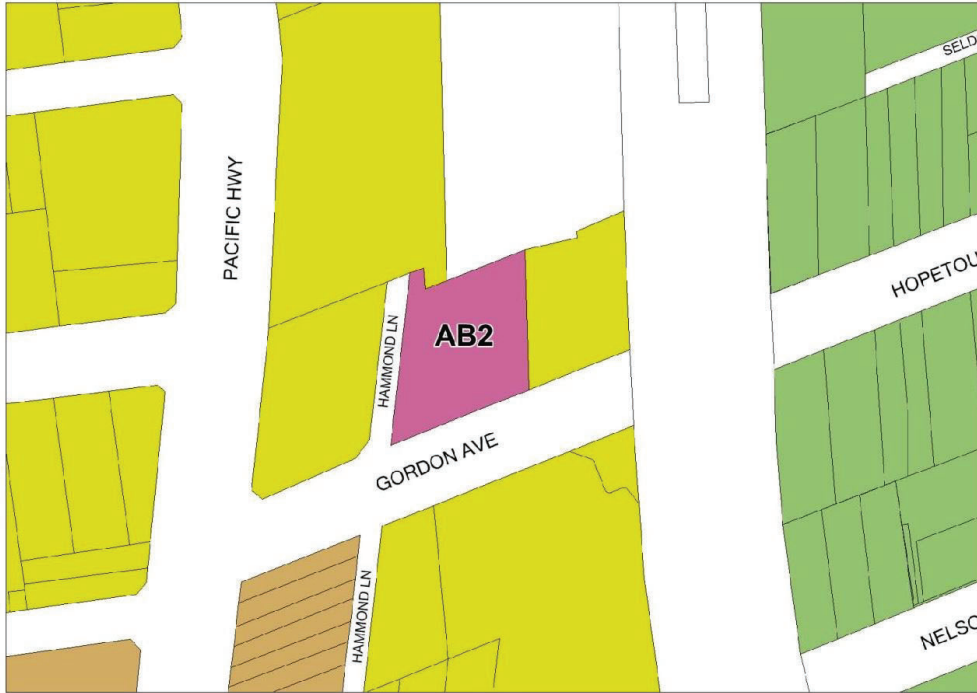
- (1) Land Zoning Map
- (2) Height of Building Map
- (3) Floor Space Ratio Map
- (4) Special Provisions Area Map
- (5) Active Street Frontage Map

Zoning Map



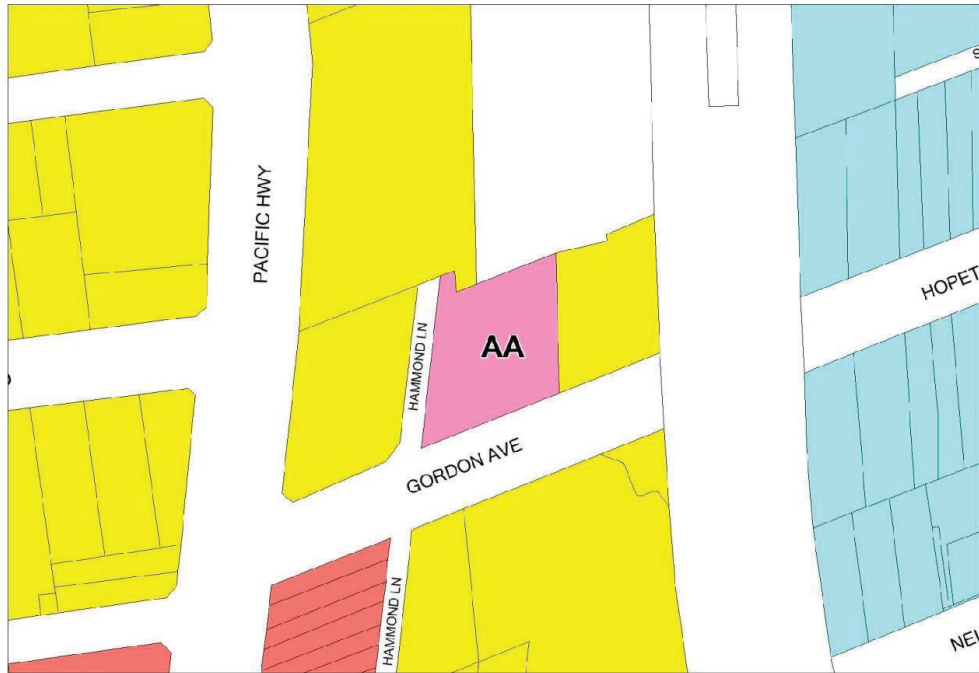
Zoning: B4 Mixed Use

Height of Building Map



Height of Building: AB2 (90m)

Floor Space Ratio Map



Floor Space Ratio: AA (6:1)

Special Provisions Area Map



Site identified by dotted line (Area 8, Area 9, Area 11, Area 12)

Active Street Frontage Map



Active Street Frontage for Gordon Avenue and Hammond Lane

- Note: For clarity purposes, only subject shown

Subject Site Map



 Subject Site



WILLOUGHBY
Local
Planning
Panel

**PLANNING PROPOSAL
RECORD OF ADVICE**

DATE OF ADVICE	30 January 2019
PANEL MEMBERS	Abigail Goldberg (Chair), Trevor Bly, John McInerney and Philippa Hayes.
DECLARATIONS OF INTEREST	Nil

Closed meeting held at Willoughby City Council on 30 January 2019.

PLANNING PROPOSAL

The proposal PP-2018/3 seeks an amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 5-9 Gordon Avenue Chatswood, that allow for a rezoning to the land to B4 mixed use, with an allowable FSR of up to 6:1 and building height up to 90m.





PANEL DISCUSSION

The Panel considered a number of issues including:

- compliance with the strategic framework,
- connection to a wider pedestrian and cycle network including the Frank Channon walk,
- the potential for overshadowing of properties to the south of the site,
- the importance of a sustainable design that addresses BASIX 35 as well as the GBCA 5 Star,
- vehicular accessibility of the site, particularly in relation to Hammond Lane, which is to be widened,
- the relationship of the adjoining site, currently owned by the NSW Government,
- the adequacy of the percentage of affordable housing to be provided,
- the potential for improvements to the public domain in Gordon Avenue.

PANEL ADVICE

The Panel advises it is satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having demonstrated strategic and site specific merit.

PANEL MEMBERS	
 ABIGAIL GOLDBERG (CHAIR)	 JOHN MCINERNEY
 TREVOR BLY	 PHILIPPA HAYES

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