

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The subject land is a small triangular shaped site with a total area of 565m², bounded by Anderson Street to the east, Wilson Street to the south and the North Shore Railway Line to the west. The site does not share a boundary with a neighbouring residential or commercial property boundary.

Figure A – Site Plan



Under *Willoughby Local Environmental Plan 2012*, the site is zoned R2 Low Density Residential which allows for development to a maximum FSR of 0.4:1 and 8.5m height. The site contains a two storey residential brick and timber dwelling circa 1960s with associated parking and vehicular access on Wilson Street. A pool and shed are located in the northern rear courtyard area.

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

The subject Planning Proposal has been lodged by the owner of the site, Reza Vakili.

The Locality

To the north (along the eastern side of the North Shore Rail Line) and east (along the eastern side of Anderson Street) of the site is the North Chatswood Heritage Conservation Area, comprising predominantly single storey detached dwellings, including a local heritage item at 20 Tulip Street (southern corner of Anderson Street).

To the west, across the railway line, is a mixture of commercial and residential buildings.

The land immediately south of the site at 54 and 56 Anderson Street contains a residential dwelling and two storey residential flat building respectively, which has been the subject of a Planning Proposal based on the *Chatswood CBD Planning and Urban Design Strategy* that the Council has supported for referral to the Gateway for determination and public exhibition.

The site is located 600m from the Chatswood Railway Station. Bus stops are also located along Anderson Street and 170m to the west on the Pacific Highway. Anderson Street is a major road providing access from north Chatswood to the heart of the CBD and connects directly to Victoria Avenue.

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. This area is part of the northern CBD extension, with the subject site located on the CBD boundary.

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 and to achieve exceptional design and a distinctive, resilient and vibrant centre.

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

It is noted that not all sites will be able to achieve the maximum development controls as the concepts are also subject to the satisfaction of the other built form requirements of the Strategy such as setbacks, separation, street activation, traffic and adherence to sun access planes.

Planning Proposal

The Planning Proposal seeks to:

- Rezone 58 Anderson Street from R2 Medium Density Residential to B4 Mixed Use
- Increase the Maximum Height to 90m
- Increase the Floor Space Ratio on the site to 6:1 (including 1:1 commercial and 4% affordable GFA)

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

Table 1: Summary of the Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	LEP	Proposed	CBD Strategy	LEP	Proposed	CBD Strategy	LEP	Proposed	CBD Strategy
58 Anderson Street	R2 Low Density Residential	B4 Mixed Use	B4 Mixed Use	8.5m Approx. 2 storeys	90 m	90 m	0.4 :1	5:1 Residential 1:1 Commercial	6:1 minimum commercial of 1:1

The concept plans provided in July 2018 show the potential redevelopment of the site as follows:

- A 24 storey residential tower above a two storey with mezzanine commercial/retail podium.
 - Total number of storeys approximately 27/28.
- A total floor space of 6:1 being a gross floor area of 3314m² (including 4% affordable housing and 1:1 commercial)
 - Total retail / commercial gross floor area: 506m²
 - Total residential floor space: 2808m²
- Residential tower floor plates are approximately 103m².
- The scale of the development and site constraints such as shape would deliver approximately 23 residential apartments.
- The following setbacks are provided:
 - 3m ground level setbacks from Anderson Street and Wilson Street.
 - 6m setback of residential tower (being 3m at ground level and 3m at podium level) from Anderson Street and Wilson Street.
 - Nil to 1.5m setback of podium and residential tower from railway line to west of site.
- Parking for vehicles in 3 to 5 basement levels.
 - Basement parking is proposed by stacked parking involving a mechanical vehicle stacker.
- Servicing vehicular access is via Wilson Street.
 - A ground level vehicle turntable is proposed to enable vehicles to leave in a forward direction.
- Residential vehicle ingress and egress is via Anderson Street.
- Internal and external communal spaces are landscaped and include a communal dedicated children play ground area.

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

A letter of offer to enter a Planning Agreement with Council in relation to the provision of public benefits has been submitted however the details will be subject to a separate and detailed negotiation to address Council requirements.

The proponent has been advised that a share of value uplift is envisaged by Council based on uplift above the base FSR of 45%. This matter is subject to further discussion.

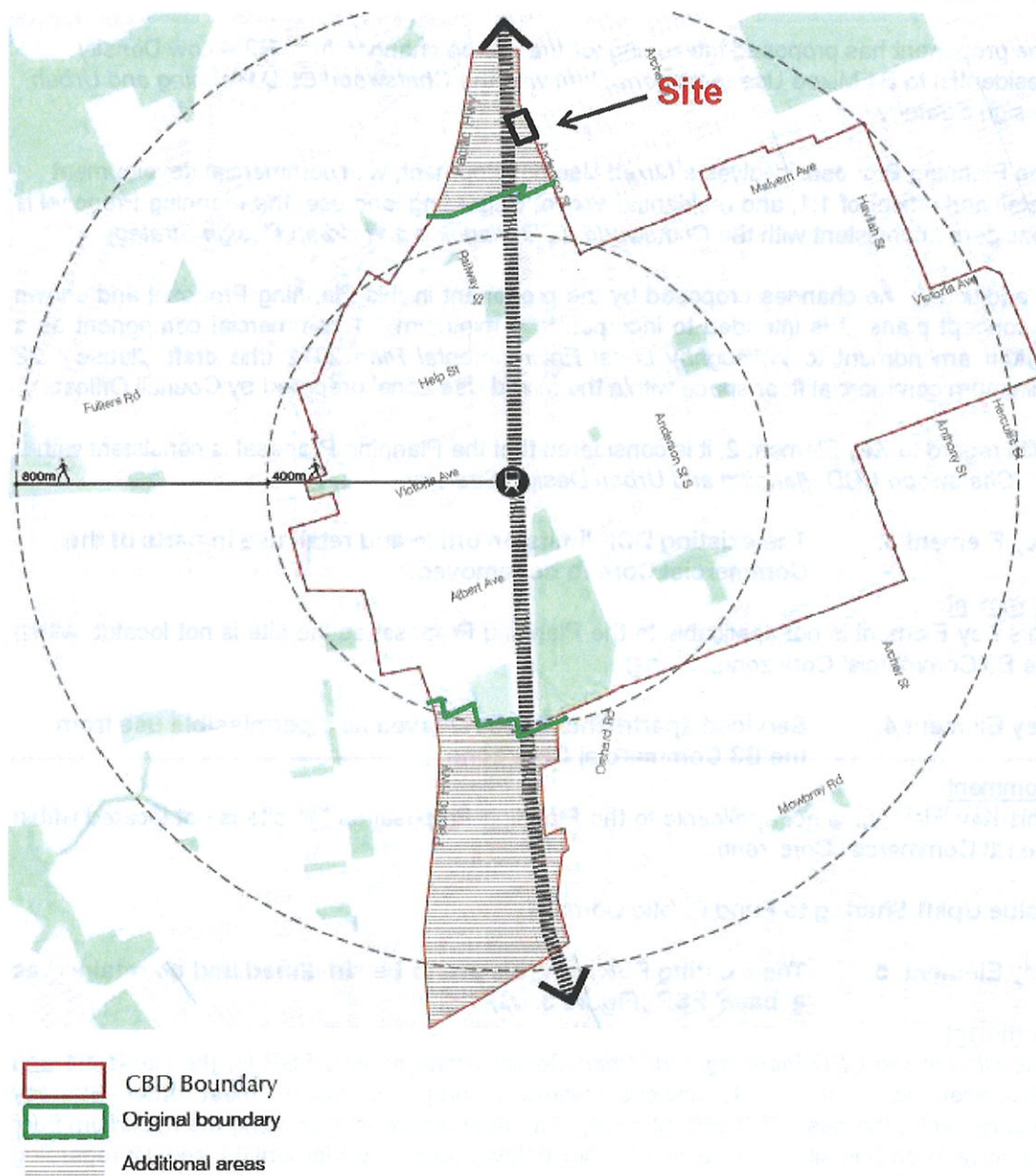
DISCUSSION

Chatswood CBD Planning and Urban Design Strategy Key Elements

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

Comment

The subject site is located within the northern extension to the Chatswood CBD boundary, as shown below in Figure 1 – CBD Boundary.



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

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 that part of the Chatswood CBD identified as Mixed Use, meaning part commercial and part residential.

The proponent has proposed the zoning for the site be changed from R2 – Low Density Residential to B4 Mixed Use 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) of 1:1, 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 and shown in concept plans, it is intended to incorporate a minimum 1:1 commercial component as a written amendment to *Willoughby Local Environmental Plan 2012* (the draft Clause 6.23 'Minimum commercial floor space within the Mixed Use zone' prepared by Council Officers).

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

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

Comment

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

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

Comment

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

Value Uplift Sharing to Fund Public Domain

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

Comment

The *Chatswood CBD Planning and Urban Design Strategy* base FSR for the site is 1:1 and recommended uplift is 6:1, however 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:

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

Comment

The proponent is willing to agree to a contributions scheme based on increased residential FSR above the base FSR of 1:1, in addition to S.94A and the affordable housing provision and towards public art within the public domain.

Council is in the process of developing its contributions scheme regarding value uplift sharing. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on value uplift above the base FSR of between 45% and 50%. At present the proponent has offered a value uplift rate of 45%, dependent on negotiations that acknowledge other proposed public benefits. An updated Letter of Offer to enter into a Planning Agreement is required in the Council Officers recommendation. This matter is to be further discussed following finalization of Council's planning agreement policy.

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

All developments within the expanded CBD intending to take advantage of bonus FSR are to contribute towards public art in accordance with Willoughby's Public Art Policy.

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

In regards the subject Planning Proposal, while the proponent has accepted that a public art contribution is to be paid there has not been any agreement reached with Council on the appropriate figure. While this matter is to be further discussed between Council Officers and the proponent, the Planning Proposal may be forwarded to the Gateway for consideration.

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').

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

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

Comment

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. The draft site specific *Development Control Plan* provisions address sustainability. These higher building sustainability standards will be assessed to ensure the recommendation is satisfied at 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 included by the proponent as a control in the *Development Control Plan* provisions.

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 subject site is in a location with a maximum base floor space ratio of 1:1.

This issue is further discussed below in Key Element 12.

The value uplift for the subject Planning Proposal is based on the maximum FSR of 6:1 minus the base FSR of 1:1.

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 565m², being significantly below the minimum site area of 1200m² for mixed development involving residential. In order for sites to achieve the maximum FSR, it should be ensured that a workable floorplate and a well separated slender tower can be developed.

The *Chatswood CBD Planning and Urban Design Strategy* identifies the site as being particularly challenging due to its size and isolation. Notwithstanding the small site size, the proposed scheme addresses the objectives of the Strategy. The podium setbacks proposed are 3m from Anderson Street, Wilson Street and nil - 1.5m to the boundary of the western railway line (suitable in this circumstance where a nil setback would be permissible).

The proponent investigated a variety of massing and height options to achieve the recommended FSR which can result in a workable floorplate for which Council sought independent urban design advice.

The proposal was considered to be a reasonable development due to the special circumstances noting the merits including that there is a unique opportunity to provide an extremely slender tower on the site. It would positively contribute to the Chatswood skyline in a prominent location being the northern most gateway site and would be able to be compliant with the objectives and recommended controls of the *Chatswood CBD Planning and Urban Design Strategy*.

The proponent has submitted draft site specific DCP Provisions addressing the other Key Elements of the Strategy. With regard to Key Element 12, it is considered that the Planning Proposal is consistent with the objectives of the *Chatswood CBD Planning and Urban Design Strategy* despite the limited site area.

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

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

Comment

The Planning Proposal proposes a maximum FSR of 6:1, which includes 4% affordable housing, and is therefore consistent with the Strategy.

The proposed FSR is supported, despite the variation in site area, given:

- The site is located on a corner with no directly adjoining neighbours as the lot is bound by two streets and the railway line and well separated from other development.

- There is a unique opportunity to provide an extremely slender tower on the site which can positively contribute to the Chatswood skyline in a prominent location being the northern most gateway site.
- The proponent investigated a variety of massing and height options to achieve the recommended FSR which can result in a workable floorplate.
- The Planning Proposal is otherwise able to be compliant with the Strategy.
- The development outcome would be suitable for both the site and surrounds.

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 in Key Element 13, the floor space ratio of 6:1 proposed in the Planning Proposal includes 4% 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*.

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 are recommended (Clause 4.4 (2A), 'Floor Space ratio', and Clause 6.8 (2) and (7), 'Affordable Housing').

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

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

Comment

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

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 proposes floorplates well below the 700m² maximum for residential towers. This floor plate size restriction does not apply to the podium, which is commercial. All tower floor plates readily comply and are modest in size averaging 103m². It is recommended draft *Development Control Plan* provisions include the standard 700m² maximum floor plate

requirement as specified in the *Chatswood CBD Planning and Urban Design Strategy*, acknowledging that the maximum is not achievable on the site.

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 concept plans present a well separated and extremely slender tower on the site, containing both commercial and residential components of floor space. The dimensions of the tower are considered consistent with the slender tower objective and an appropriate response to the site. The slender residential tower setbacks and separation will achieve privacy and amenity for residents including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.

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

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

Comment

Key Element 18 does not apply to the Planning Proposal.

Sun access to key public spaces

Key Element 19. The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:

- a) Victoria Avenue (between interchange and Archer St) 12pm – 2pm
- b) Concourse Open Space 12pm - 2pm
- c) Garden of Remembrance 12pm - 2pm
- d) Tennis and croquet club 12pm - 2pm
- e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park)

Comment

The site is located significantly further north of any public open space area identified within the Chatswood CBD as requiring sun access protection, and as such, there is no impact on the areas 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*.

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

As a result of the site location in the northern expanded area of the CBD, the maximum height of 90 metres is able to be achieved on the subject site. The maximum height requested includes provision for affordable housing as well as lift over runs and roof plant rooms. Further consideration of overshadowing may occur following public exhibition and at development application stage. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area requiring sun access protection in the *Chatswood CBD Planning and Urban Design Strategy*.

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

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

Comment

Provision for roof top structures such as lift over run and roof plant room and landscaped accessible communal open space, as shown in the concept plans submitted, do not exceed the height maximum. Detailed plans, showing integration of roof top structures into the overall building form, will be required at development application stage. The recommendation for written amendments to *Willoughby Local Environmental Plan 2012* requires architectural roof features on the subject site to be within the height maximum (Clause 5.6).

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 itself is not directly subject to any identified existing or proposed pedestrian or cycle linkages or open space under the *Chatswood CBD Planning and Urban Design Strategy*.

The provision for landscaped setbacks and deep soil zones with street trees help to achieve an attractive, permeable street frontage and a safe, legible access to the building as well as activation of the ground level to the frontages which contributes to passive surveillance of the site and surrounds.

The site is well connected to the centre of the CBD for pedestrians being immediately north across Wilson Street from 54-56 Anderson Street and will have direct access to the proposed through site link (part of planning proposal PP-2017/0006 endorsed by Council on 25 June 2018). This link will connect both sites to the existing link connection between McIntosh Street and O'Brien Street, and through to the Chatswood Interchange. The Planning Proposal will subsequently have an exceptional pedestrianised connectivity to the CBD.

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

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

Comment

A section on 'Links, open space and landscaping' has been provided by the proponent in the draft *Development Control Plan* provisions.

Council Landscape officer reviewed the proposal and made no objections in principle to the proposal recognising that the site is quite constrained in terms of size and shape. Of particular importance is that undergrounding of power should allow for provision of tall canopy trees along the street frontage and within the site as part of any development. It is recommended that the proponent further address green landscaping and details of streetscape treatments could be refined at DA stage.

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 – which in the case of Mixed Use development means podium roof level.

This requirement has been included in the proposed *Development Control Plan* provisions and in the Concept Plans regarding the podium roof level.

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

This requirement has been included in the proposed *Development Control Plan* provisions and in the Concept Plans.

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 a tower/s, will be provided at development application stage.

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, minimum 3m setback above street wall.

Setbacks are as follows:

Podium Ground Floor

- 3m from Anderson Street, Wilson Street
- Nil setback to the railway line to the west.

Podium

- 3m from Wilson Street and Anderson Street and 1.5m to the boundary of the western railway line (suitable in this circumstance where nil setback would be permissible).

Residential Tower

- 6m from the Anderson Street
- 6m from Wilson Street
- 1.5m from the railway line to the west of the site.

As the site is isolated and at the northern extremity of the CBD area, the setbacks of the podium to the Anderson and Wilson Street frontages are greater than anticipated by the controls (3m instead of zero). This is appropriate in the location to enable better transition to the neighbouring residential area including increased opportunity for wider pedestrian areas and increased planting within the road reserve and setbacks.

A reduced setback of the tower to the railway is appropriate to enable the increased setbacks to Anderson Street.

With regard to Key Element 27, it is considered that site specific controls regarding setbacks be applied consistent with the concept plans submitted to enable appropriate transition to the neighbouring residential area.

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

The built form proposes a three storey with mezzanine commercial podium with slender residential tower form above. The 6metre setback of the proposed tower to Anderson and Wilson satisfy the 4.5metre requirement for a 90metre tower. However the same setback to

the railway cannot be achieved having regard to the constrained nature of the site. A reduced setback in this location is acceptable as the railway serves to provide the desired separation from any future towers west of the railway line.

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. Variation to the setback to the railway is considered reasonable in this instance, which is in draft *Development Control Plan* provisions.

Key Element 29. Building separation to neighbouring buildings is to be:

- a) In accordance with the Apartment Design Guide for residential uses.
- b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

A suitable 6:1 density will achieve setback minimums for both the podium and the tower incorporating 3m podium setbacks to street boundaries and a tower with setbacks of 6m setbacks street boundaries.

Apartment Design Guide separation distances between the podium and the tower components as well as neighbouring buildings to the north, south, east and west have been addressed. Slim floorplates are proposed consistent with the CBD Strategy vision in order to achieve ADG requirements for solar access and natural ventilation to the site and adequate solar access to neighbouring buildings.

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

With regard to Key Element 29, it is considered that concept plans are consistent with the *Chatswood CBD Planning and Urban Design Strategy* and no additional *Willoughby Local Environmental Plan 2012* or *Development Control Plan* provisions are considered necessary at this stage.

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 floor space at ground level with the opportunity for active street frontages primarily to Anderson Street. In addition draft *Development Control Plan* provisions limit vehicle entry points to two, with one for service vehicles on Wilson Street and one for residential vehicles on Anderson Street.

The recommended draft amendments to *Willoughby Local Environmental Plan 2012* include amending the Active Street Frontages Map to include both site frontages at Wilson Street and Anderson Street. In addition this desired outcome has been addressed in the draft *Development Control Plan* provisions.

This issue will be further assessed following the exhibition and design excellence process, and 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

Key Element 31 does not apply to the Planning Proposal.

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

Comment

Key Element 32 does not apply to the Planning Proposal.

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

Comment

The unique shape and size of this site makes provision of all services as well as car parking within basement levels unable to be achieved. Services such as loading vehicles would require turning circles that are beyond site capacity when car parking provision is also considered. It is noted that all car parking has been proposed within basement levels, floor space has been provided at ground level, active street frontages have been provided in the concept plans primarily to Anderson Street and deep soil planting areas have been provided along boundaries.

With regard to Key Element 33, it is considered that the Planning Proposal is consistent with the objectives of 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 *Development Control Plan* provisions proposed include the following regarding substations:

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

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

Vehicular access to the site is limited to Anderson Street for residential and Wilson Street for commercial. All vehicles will enter and leave the site in a forward direction.

The layout of the basement parking will require compliance with AS 2890.1 and any future Development Application would also require provision of a Construction Management Plan (including Traffic Management Plan during construction) noting the constraints of the road network in the vicinity which may also have an impact upon stormwater network and flooding.

An updated Traffic and Parking Assessment prepared by GTA was submitted on 26 October 2018. 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 objective which includes a reduced parking rate on site using RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Draft site specific *Development Control Plan* provisions have been provided (refer to Attachment 5). It is proposed to add the following which have been included in the recommendation:

- "Traffic shall be restricted to left in / left out on the Anderson Street and the Wilson Street entrances, to be facilitated by the introduction of a median strip and constructed at the cost of the proponent and involving consultation with Councils Traffic Section.
- Improvements to bicycle facilities and access along Anderson Street, including 'Filling the Gaps' in the existing bicycle lanes across intersections and widening of Anderson Street to support provision of acceptable widths for kerbside parking, bicycle lanes and travel lanes, is to be addressed to the satisfaction of Council's Traffic Section and included in any development application."

Full traffic consideration of this Planning Proposal will be required at 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*.

Heritage

To the east of the site, on the eastern side of Anderson Street, is the North Chatswood Heritage Conservation Area comprising predominantly single storey detached dwellings, including the local heritage item located at 20 Tulip Street (southern corner of Anderson Street).

The Planning Proposal has been referred to Council's Heritage section, which have advised:

- “From a heritage perspective the height and form of the residential tower is not an issue. Numerous tall buildings within this vicinity will provide a backdrop of modern buildings. Development of this site would be consistent with this situation.”
- “The significant issue to be considered is the streetscape within Anderson Street and the transition from the Conservation Area to the commercial core, as experienced at ground level.”
- “The amended plans illustrate that a building can be designed for this site that will be able to provide a 3 metre ground level building setback. While the submitted plans do not illustrate significant tree planting the extent of the basement setback and ground level setback includes deep soil capable of supporting trees.

In relation to heritage considerations the amended plans show that tree planting would be possible to form a visual screen at ground level along Anderson Street so that the visual impact on the North Chatswood Heritage Conservation Area can be mitigated at ground level.”

It is also noted that the residential tower component of the development is setback 6m from Anderson Street.

The *Chatswood CBD Planning and Urban Design Strategy* considered the impact of development on heritage items or conservation areas outside the Chatswood CBD

boundary. Emphasis is placed on design solutions within sites rather than extensively stepped building heights transitioning to heritage items from the Chatswood CBD.

The proposal is considered consistent with the *Chatswood CBD Planning and Urban Design Strategy* in that it is a development designed to take into account the heritage context, mitigating visual impacts via 3m landscaped setbacks to the podium and 6m to the tower frontage of Anderson Street.

Acoustic and Wind Impact

The site is immediately adjacent to the North Shore railway line on the western boundary. The proposal will be required to be designed to mitigate noise impact in accordance with state controls for *Development Near Rail Corridors and Busy Roads*.

Renzo Tonin & Associates Acoustic Assessment, dated 25 May 2018 assessed noise and vibration impacts on the site from road and rail and potential noise impacts from mechanical plant and equipment serving the site. The assessment concludes ground-borne rail noise within the proposed residential building due to train pass-bys exceed the criteria stipulated in the Department of Planning publication "*Development Near Rail Corridors & Busy Roads – Interim Guideline 2008*".

A Wind Impact Assessment has been submitted at Planning Proposal stage.

Acoustic and wind impacts are considered to have been satisfactorily considered at this stage of in the Planning Proposal process. Further consideration of these matters will occur at development application stage.

Views

A reasonable level of views will be maintained for surrounding towers to the south and west. The increase in density and building height does not impact upon significant view corridors from the low or medium rise developments within the immediate locality. North and north eastern district views from high rise within the CBD should remain at an acceptable level to promote the sharing of views. The proposed units are primarily orientated to the east and north to enjoy panoramic view corridors. The development will not result in any discernible additional impacts to key view corridors from the public domain.

Solar Access

With regard to the built form being the subject of the Concept Plans, and impacts on surrounding properties, the shadow analysis provided by the proponent for 9am to 3pm, 21 June concludes:

- The narrow tower form creates a shadow that moves rapidly throughout the day.
- Between 9 and 12 noon, generally land to the west is affected. This land is identified under the *Chatswood CBD Planning and Urban Design Strategy* as generally within the Chatswood CBD.
- Between 12 noon and 2pm, generally land to the south is affected. This land is identified under the *Chatswood CBD Planning and Urban Design Strategy* as within the Chatswood CBD.
- By 3pm, land to the east, being a section of the conservation area, is affected. This land is outside the Chatswood CBD and is low density residential.

It is considered that the overshadowing impacts arising from this Planning Proposal are reasonable for a site located within the Chatswood CBD under the *Chatswood CBD Planning and Urban Design Strategy*. The residential tower is considered to be consistent with the slender tower objective, with floor plates of 103m² being well below the 700m² maximum control as stated in the *Chatswood CBD Planning and Urban Design Strategy*.

It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area requiring sun access protection in the *Chatswood CBD Planning and Urban Design Strategy*,

Further consideration of overshadowing may occur following public exhibition and at development application stage.

Development Control Plan provisions

Draft *Development Control Plan* provisions have been submitted and will be the subject of further assessment following public exhibition. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

Public Benefit

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

The proponent has submitted 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 Heritage, Traffic, Landscape and Environmental Health sections of Council. Urban design advice has also been obtained.

No issues have been raised in objection to the Planning Proposal which is generally consistent with the Chatswood CBD Planning and Urban Design Strategy recommended objectives and controls.

Department of Planning and Environment Requirements

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

Conclusion

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

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

