

ATTACHMENT 2

DETAILED ASSESSMENT REPORT

The Site

The overall site which is the subject of this Planning Proposal request involves:

- 3 Help Street (known as SP 134) and
- 5 Help Street (known as SP 52320)

The site has a 48m frontage to Help Street, 66m frontage to Cambridge Lane, 11m to McIntosh Street and a 61m shared boundary with 28 Anderson Street immediately adjacent to the east. Existing vehicular access to the site is from Help Street and McIntosh Street.. Refer to Figure A- Site Plan below. The site is irregular in shape and has a total land area of 2290m².

Figure A – Site Plan



The site contains three to four storey brick roof residential flat buildings.

Under the *Willoughby Local Environmental Plan 2012*, the site is zoned B4 Mixed Use, with a maximum floor space ratio of 2.7:1 and a maximum height of 25m in the northern section of the site and 20m in the southern section of the site.

The Help Street frontage of the site is identified on the Active Street Frontages Map of *Willoughby Local Environmental Plan 2012* (Clause 6.10).

The site does not contain any significant trees, other than a mature *Phoenix canariensis* (Canary Island Date Palm) at the Cambridge Lane and McIntosh Street corner.

The Planning Proposal has been lodged by Reza Vakili and associates.

The Locality

The site bounded by McIntosh Street to the north, Help Street to the South and Cambridge Lane to the west. Help Street is a key access route connecting the Chatswood CBD through both sides of the North Shore Rail Line.

Existing vehicle access to 3 Help Street is via Help Street, and to 5 Help Street via McIntosh Street.

Surrounding land uses include retail, commercial and high density residential. Low density residential development to the north east and the Chatswood Railway Station Interchange 100m (3 to 5 minute walk) is to the south.

Immediately adjacent to the east of the site is 1 Help Street, 28-36 Anderson Street and 2A McIntosh Street known as 'The Chatswood' (for which the proponent is also the main landholder). The site has recently been developed for mixed use development ranging from 7 to 12 storeys, incorporating 1339m² commercial floor space and 156 units. Further to the east is St Pius College and the Presbyterian Church on Anderson Street.

To the south east of the site on Help Street is the Regency twin towers mixed use development. To the west of the site are high rise residential and mixed use development including the Cambridge, Era, B2E and Epica buildings.

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

The site is identified under the CBD Strategy to potentially achieve a maximum 90m height and floor space ratio (FSR) of 6:1 which includes a commercial component of 1:1 FSR, subject to the satisfaction of other Strategy requirements.

PLANNING PROPOSAL

The Planning Proposal seeks to amend *Willoughby Local Environmental 2012* planning controls for 3-5 Help Street in the following manner:

- Increase the height to a maximum of 90m
- Increase the floor space ratio to 6:1

The proposed amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1: Summary of the Planning Proposal Amendments below:

Figure 1: Summary of Planning Proposal Amendments

| Property Site Address | Zoning | | | Height | | | Floor Space Ratio | | |
|--------------------------|--------------|--------------|--|--|----------|---|-------------------|-----------------------------------|-----------------------------------|
| | WLEP | Proposed | CBD Strategy | WLEP | Proposed | CBD Strategy | WLEP | Proposed | CBD Strategy |
| 3-5 Help Street | B4 Mixed Use | B4 Mixed Use | B4 Mixed Use Compliance: Yes | 25m (north section of site) 20m (south section of site) | 90m | Northern Section of Site: 90m Southern Section: subject to sun protection (Approx. RL 180-190m) Compliance: To be confirmed in amended plans (refer to Recommendation) | 2.7:1 | 5:1 Residential 1:1 Commercial | 6:1 Compliance: Yes |

Concept plans show the potential redevelopment of the site as follows:

- A total FSR of 6:1,
 - being 5:1(11450m²) residential including 4% affordable residential
 - and 1:1 (2290m²) commercial
- The scale of development as proposed would deliver 128 units.

The mixed use development contains:

- A two/three storey podium containing commercial floor space. A 26 storey residential tower above. Tower setbacks are of at least 6m to all site boundaries and include suitable building articulation, primarily incorporating balcony elements.
- Residential floor plates vary between 276.11m² and 520.44m² below the maximum CBD Strategy recommended 700m².
- Tower setbacks are of at least 6m to all site boundaries.
- A maximum street wall height of 13.4m above the lowest level of the footpath fronting Help Street.
- Commercial floor space is located on the Help Street and McIntosh Street frontages, and Cambridge Lane frontages.
- Five levels of basement with residential access via McIntosh Street and commercial accessed via Help Street.
- A loading area on the lower ground level, with loading vehicles able to enter and leave the site in a forward direction.
- 174 car parking spaces.
- A total of 160m² (7%) deep soil area is located along the site boundaries and podium.
- The top of the podium level has a landscaped area on all but the south western corner, part of which is intended as a children's playground.

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

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer with details to be worked out post Councils resolution and Gateway Determination.

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 regards amendments are proposed to *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 have been prepared to *Willoughby Local Environmental Plan 2012*, and in particular regarding the Land Zoning, Height of Buildings, Floor Space Ratio, Special Provisions Area and Active Street Frontages Maps (see Attachment 7).

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 Greater Sydney Commission, listed 1 to 35, with comments provided.

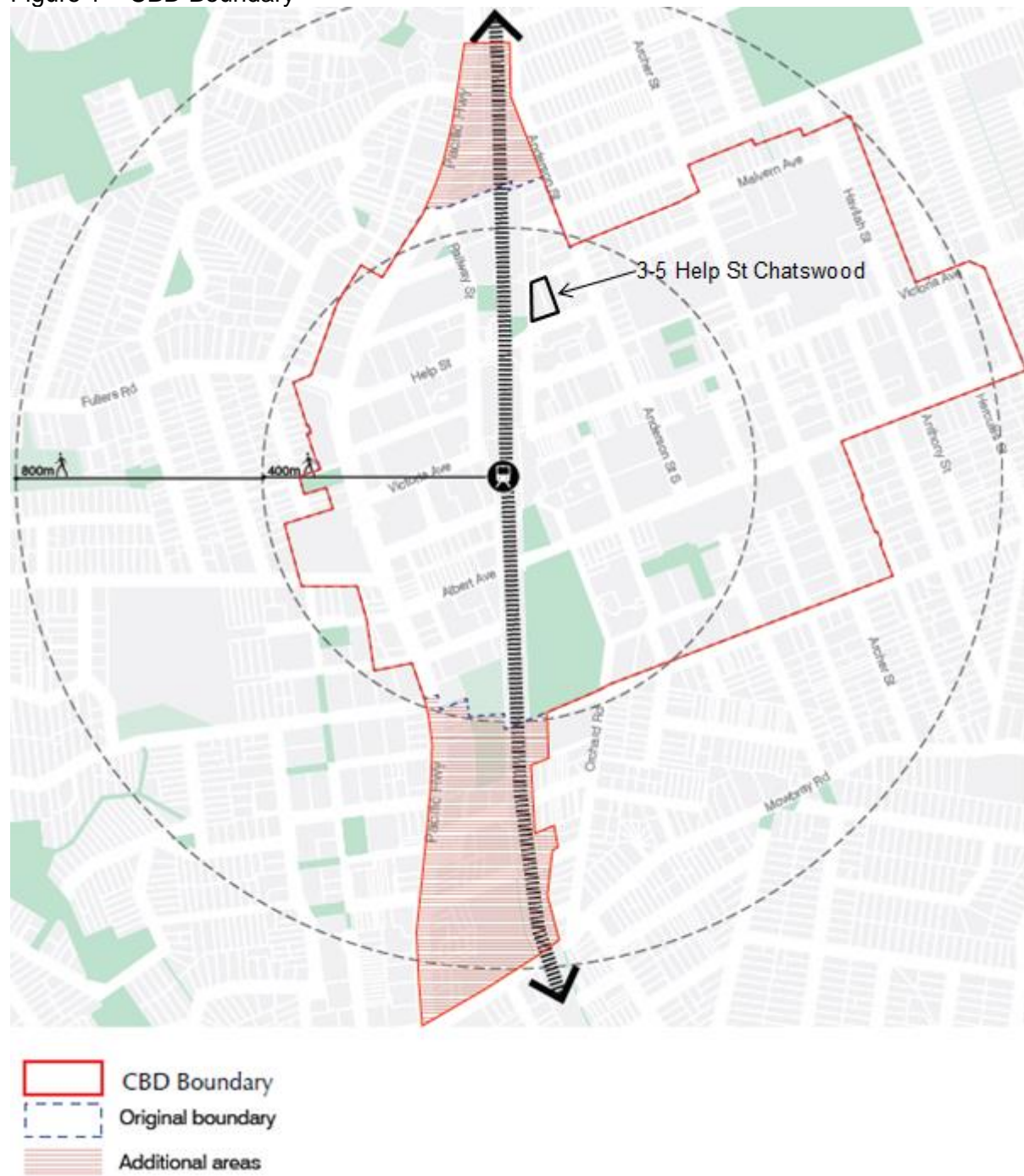
CBD Boundary

Key Element 1. **The Chatswood CBD boundary is expanded 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 expanded Chatswood CBD boundary proposed in the *Chatswood CBD Planning and Urban Design Strategy*, as shown below in Figure 1 – CBD Boundary.

Figure 1 – CBD Boundary



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

- 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.

Comments

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

Figure 2 – Land Use



The proponent has not proposed any change to the existing B4 Mixed Use zoning.

The Planning Proposal involves a Mixed Use development, with commercial development (retail and office that is two to three floors in total), and residential above. The commercial component is 1:1.

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*.

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

Under the Strategy, a base floor space ratio is established. The intention is that this base FSR is to be used instead of the maximum FSR in cases where other Strategy requirements cannot be met.

The base FSR for this site is 2.7:1. 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 is willing to agree to a contributions scheme based on increased residential FSR above the base FSR of 2.7:1, in addition to 7.12 of the *Environmental Planning and Assessment Act 1979* and the affordable housing provision in the *Willoughby Local Environmental Plan 2012*.

Council is in the process of developing its revised contributions scheme. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on 45-50% of the value uplift above the base FSR.

While this matter is to be further discussed between Council Officers and the proponent, particularly following finalization of Council's Planning agreement policy, 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 increased floor space ratio uplift 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. 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 is also in the process of developing a draft Design Excellence Policy, which may result in future refinements to the aforementioned draft Clause 6.24.

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. This is acknowledged by the proponent.

Following advice from Council's Sustainability section, it is proposed to add the following *Development Control Plan* provision:

Under Design excellence and building sustainability:

Add 8A "A minimum 5 star GBCA building rating is expected. A report is to be submitted at Development Application Stage."

Higher building sustainability standards will be assessed to ensure the Key Element is satisfied at development application stage.

With regard to Key Element 9, subject to the inclusion of the additional abovementioned *Development Control Plan* provision, 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 Key Element has been acknowledged by the proponent in their draft *Development Control Plan* for the site.

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

Floor Space Ratio (FSR)

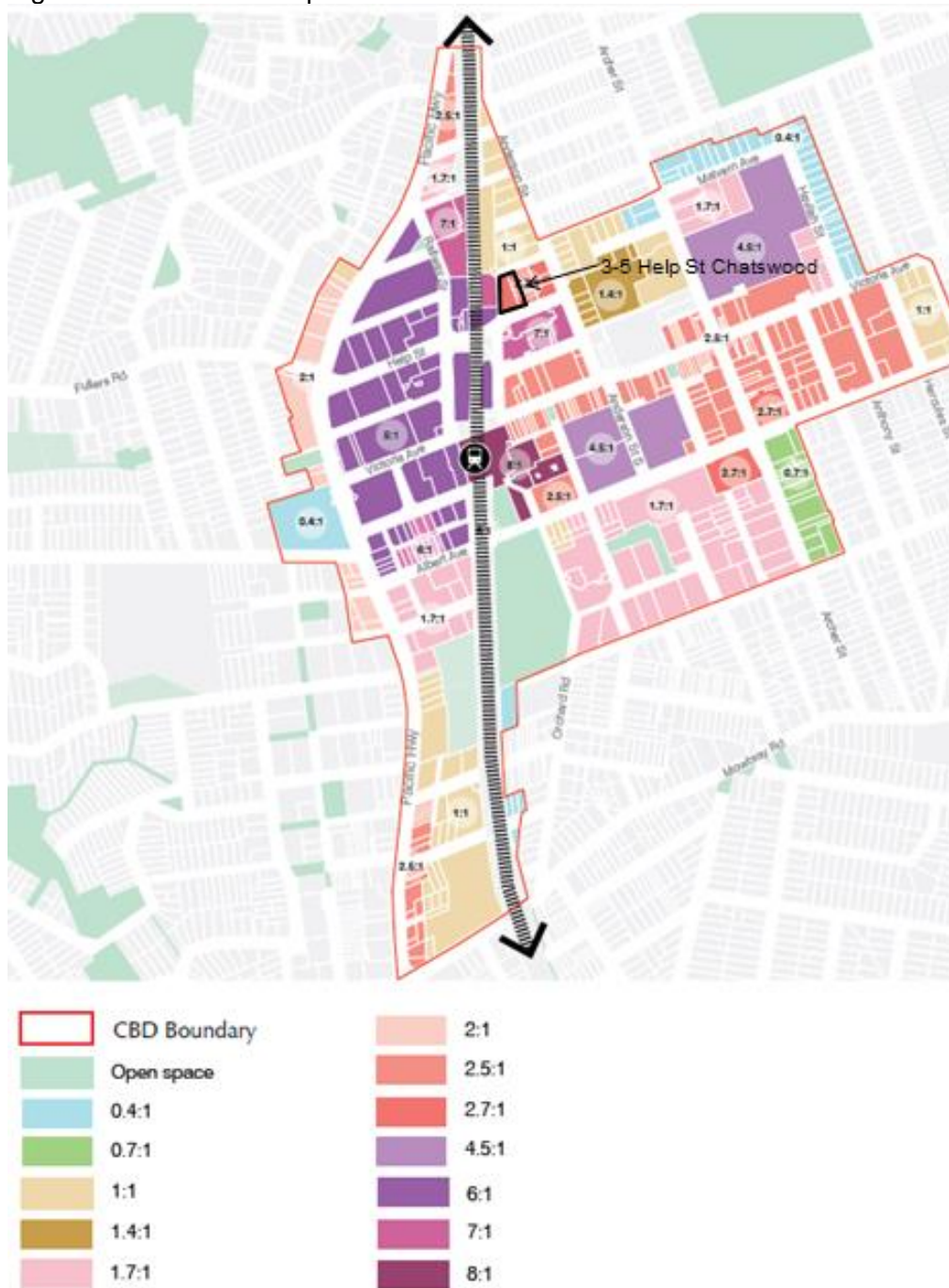
Key Element 11. Figure 3.1.3 shows a simplified FSR diagram to that in the existing LEP. It provides a maximum base FSR which:

- 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 2.7:1 as shown below in Figure 3 – Base Floor Space Ratio.

Figure 3 – Base Floor Space Ratio



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 2.7:1.

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.

The site is currently zoned B4 Mixed Use and has a site area of 2290m² exceeding the 1200m² minimum site size requirement for mixed use development.

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 the northern section of the Chatswood CBD, on the eastern side of the North Shore Rail Line, with an FSR of 6:1, as shown below in Figure 4 – Maximum Floor Space Ratio below.

Figure 4 – Maximum Floor Space Ratio



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

Therefore, 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 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*.

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

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 proponent has indicated that a commercial component of 1:1 will be provided, and has shown this in the Concept plans.

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 Concept plans propose a 26 storey residential tower above a commercial/retail podium with an FSR of 1:1. The residential floorplates are below the maximum 700m² for residential towers within the Mixed Use zone varying between 276m² and 520m².

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

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

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

Comment

The dimensions of the residential 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 to the Planning Proposal as there is only one residential tower proposed in the concept.

Sun access to key public spaces

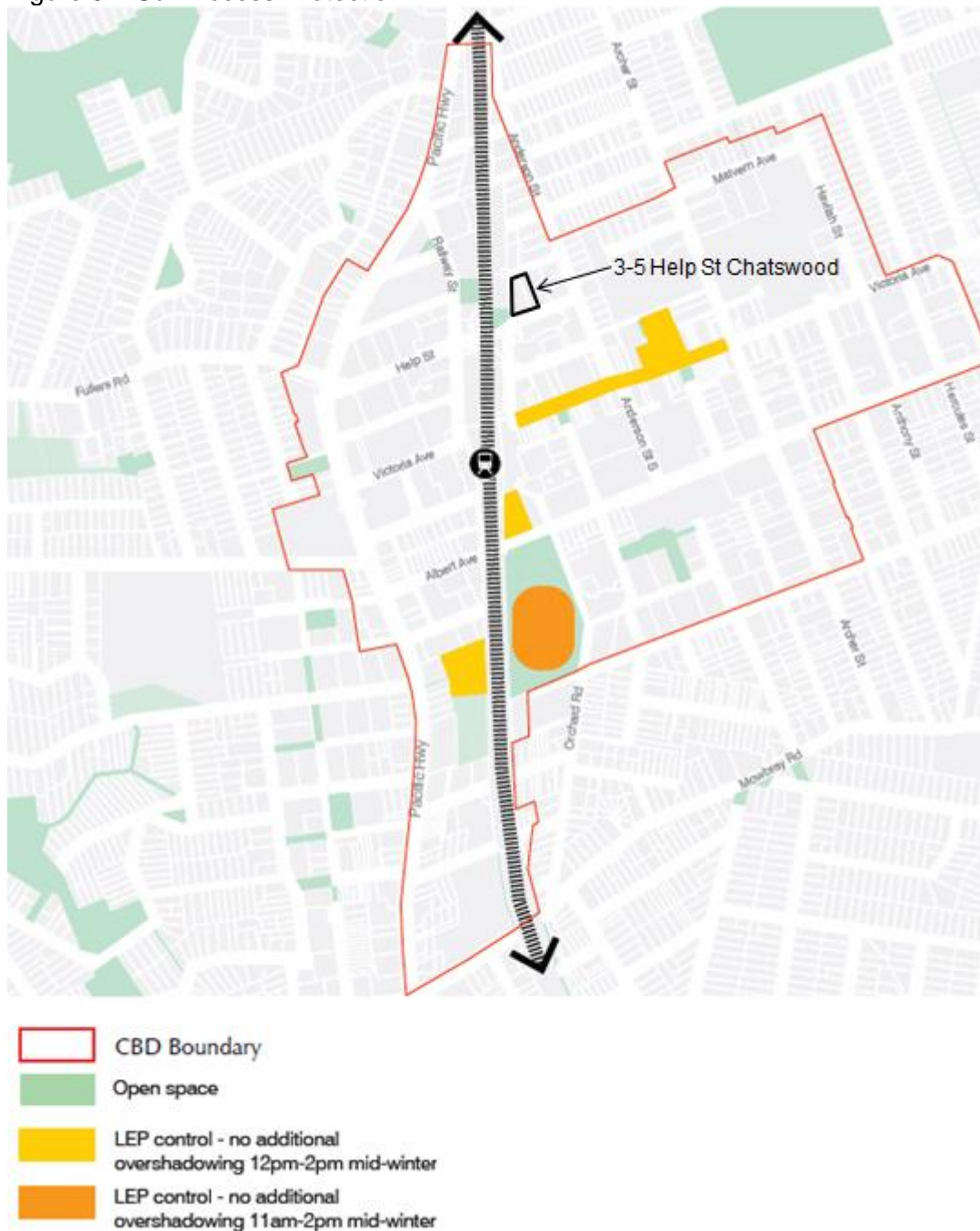
- Key Element 19.** **The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:**
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm**
 - b) Concourse Open Space 12pm - 2pm**
 - c) Garden of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

Comment

The site is located north of any public open space area identified within the Chatswood CBD as requiring sun access protection and is in a location that has the potential to impact sun access to Victoria Avenue (between the interchange and Archer Street) between 12-2pm in the winter solstice. Refer as shown below in Figure 5 - Sun Access Protection.

Concern exists with the impact of the heights that the Concept plans have on sun access for Victoria Avenue.

Figure 5 – Sun Access Protection



Refer to Key Element 20 for further discussion of height.

The following is recommended for the draft *Development Control Plan* in order to ensure protection of sun access to key public spaces.

Delete existing 14 and replace with:

“Maximum height of buildings in the CBD will be based on Figure 3.1.6 of the *Chatswood CBD Planning and Urban Design Strategy* up to the airspace limits (Pans-Ops plane) except as reduced further to meet: a) Sun access protection”

Figure 3.1.6 of the *Chatswood CBD Planning and Urban Design Strategy* is shown as figure 6 of this report below.

Add 14A:

“Figure 1 - Recommended Height” which will replicate what is shown regarding the subject site, in Key Element 20-21, Figure 3.1.6 of the *Chatswood CBD Planning and Urban Design Strategy* to 2036.” This is shown in figure 6 below.

Building Heights

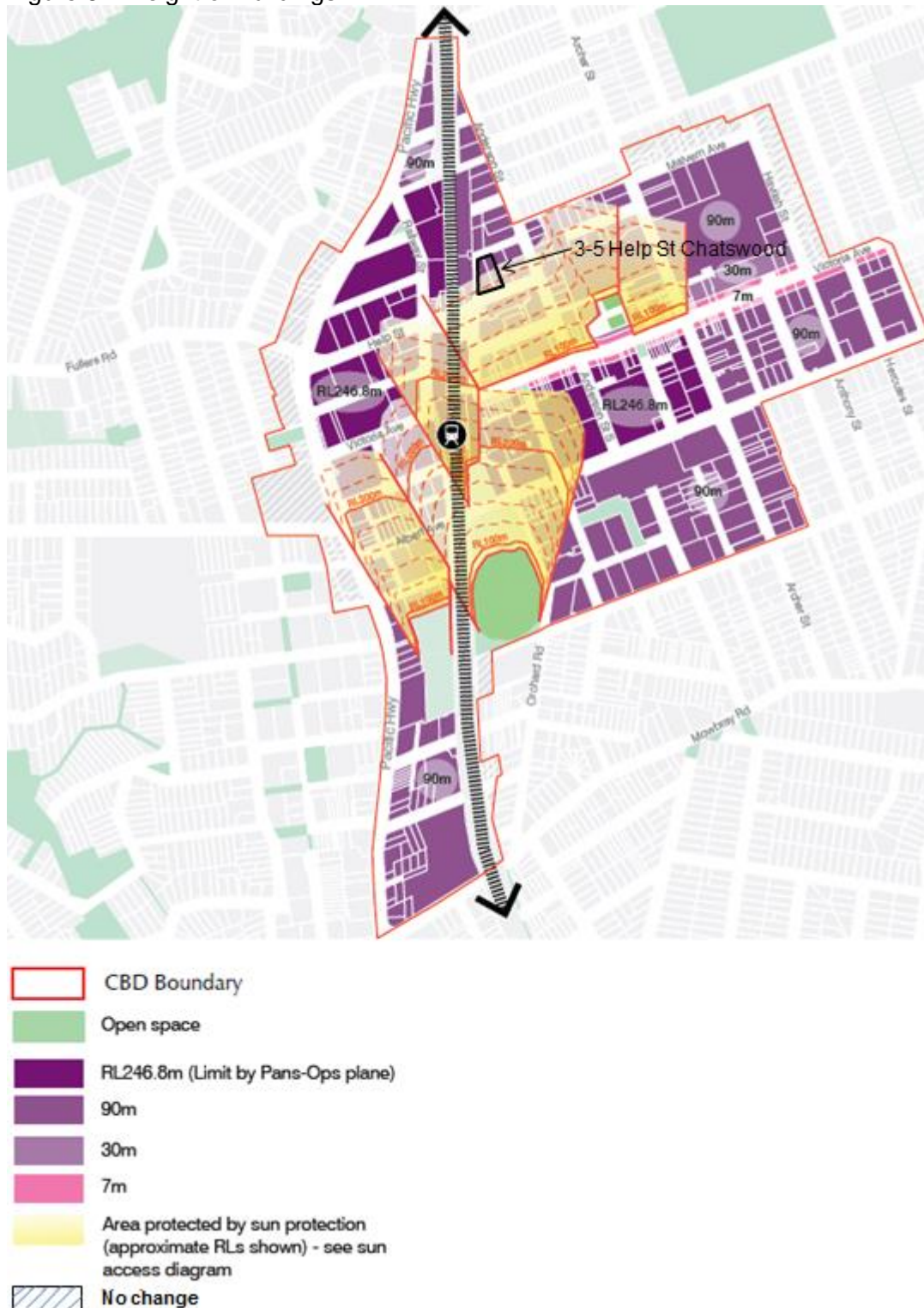
Key Element 20. Maximum height of buildings in the CBD will be based on Figure 3.1.6, up to the airspace limits (Pans Ops plane), except as reduced further to meet:
a) Sun access protection.

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 of Buildings



The Planning Proposal seeks a maximum height of 90m.

As discussed in Key Element 19 above, there is concern regarding whether the Planning Proposal is consistent with the height maximum due to a 90m maximum for the north of the site and a sun protection RL maximum for the south of the site.

It is unclear from the Concept plans submitted whether the height is in accordance with the height maximum for the sites. The Council Resolution recommends the submission of amended plans prior to referral to Gateway, showing compliance with the *Chatswood CBD and Urban Design Strategy* regarding height.

The recommendation to address this requires an updated Concept plan that confirms compliance with the 'Sun Access to Key Public Places - Key Element 19', and 'Building Heights - Key Element 20 and Key Element 21' of the *Chatswood CBD Planning and Urban Design Strategy*.

Amended Concept plans are required prior to gateway to ensure the Planning Proposal is consistent with Key Element 20 of 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 Concept plans show roof top structures above the height maximum of 90 metres.

As noted in Key Element 20, amended plans are to be provided showing compliance with the permitted height maximum. All rooftop structures are to be within the height maximum both in the north section of the site (with the 90m height maximum) and the southern section of the site (with the RL height maximum). As previously noted, the south half of the site is identified as a sun protection area.

The amended plans are to show integration of roof top structures into the overall building form. Assessment at development application stage will have regard to the *Chatswood CBD Planning and Urban Design Strategy*.

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

Links, open space and landscaping

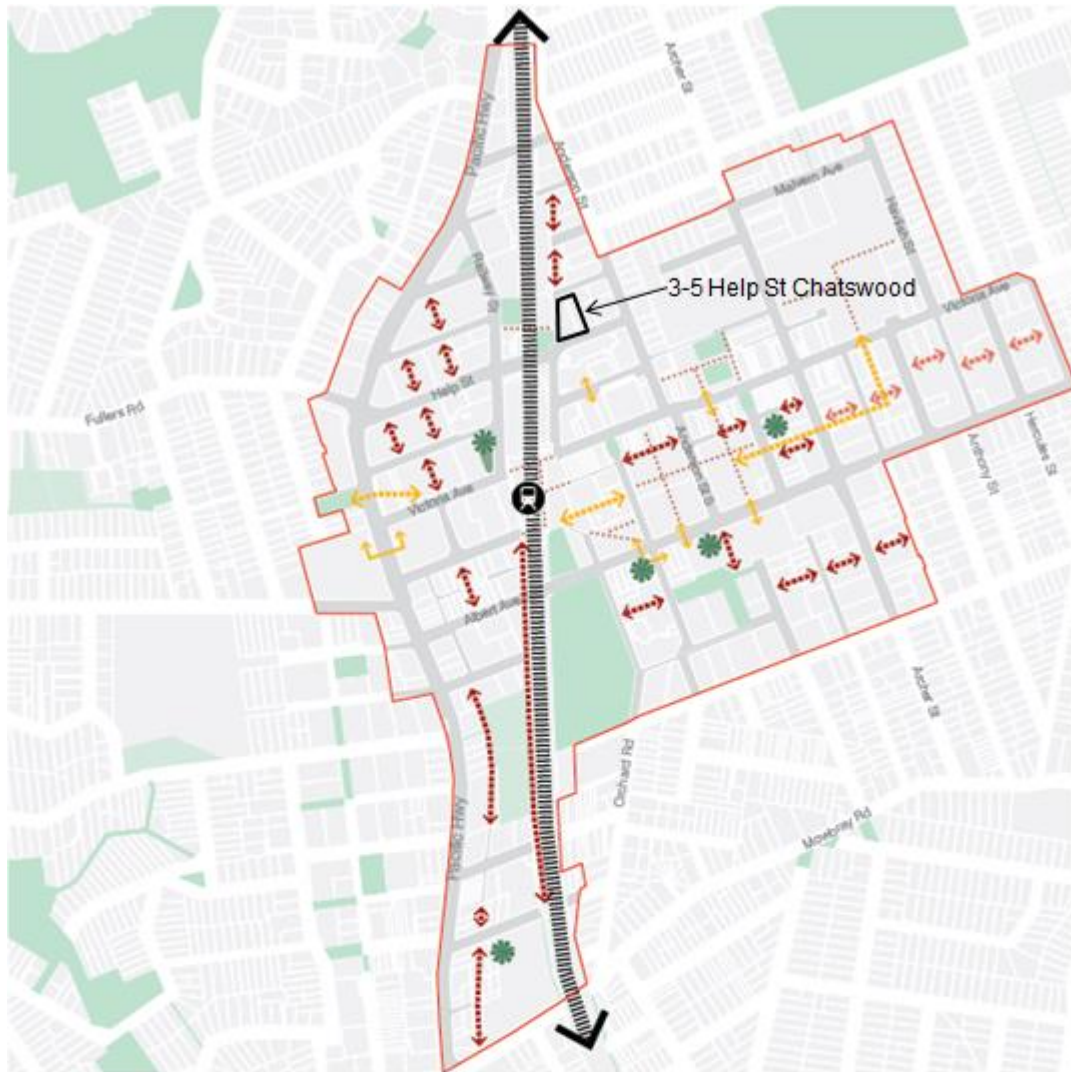
Key Element 22. The links and open space plan in Figure 3.1.7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites.

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

Comment

The subject site is not directly subject to any identified existing or proposed pedestrian or cycle linkages or open space, as shown below in Figure 7 - Links and New Open Space. However the linkages identified are somewhat indicative and it should be noted that pedestrian and cycle linkages are encouraged.

Figure 7- Links and New Open Space.



- CBD Boundary
- Open space
- New open space
- ↔ Open air 24 hour through-site links
- ↔ Open air 24 hour through-site links within block
- ⋯ Through-building links
- ↔ Existing upper storey links
- ⋯ Proposed upper storey links
- Streets and public places

It is noted Cambridge Lane serves an important shared zone, connecting to other shared zones to the north linking with the centre of the Chatswood CBD. This importance is considered in the *Development Control Plan* provided.

As part of these considerations, any widening along Cambridge Lane is encouraged. This can be demonstrated as part of the Concept Landscape Plan to be provided as noted in discussion of Key Element 23 below.

Subject to the above being satisfactorily addressed, 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

Public ground level accessible soft and hard landscaped areas are proposed for the setbacks of 3m from the Help Street, Cambridge Lane and McIntosh Street boundaries, as well as podium open space. Possible retention/re-use of the mature *Phoenix canariensis* (Canary Island Date Palm) at the Cambridge Lane/McIntosh Street corner is recommended.

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

To ensure compliance with 'Key Element 23– Links, Open Space and Landscaping' of the *Chatswood CBD Planning and Urban Design Strategy*, a Ground Floor Landscape Plan is required prior to exhibition of the Planning Proposal.

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.

Comments

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

The Concept plans show landscaping and green roofing provided at the Podium level.

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.

Comments

There is at least 300m² open spaces at ground level and at least 400m² for the podium level (which approximates to over 30% of the site) which provides for soft landscaping opportunities. All roofs are also shown to be green roofs in Concept plans.

The requirement for 20% of the total site area being provided as soft landscaping has been included in the proposed draft *Development Control Plan* provisions and in the Concept plans.

A landscape plan is also to be provided at Development Application stage.

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

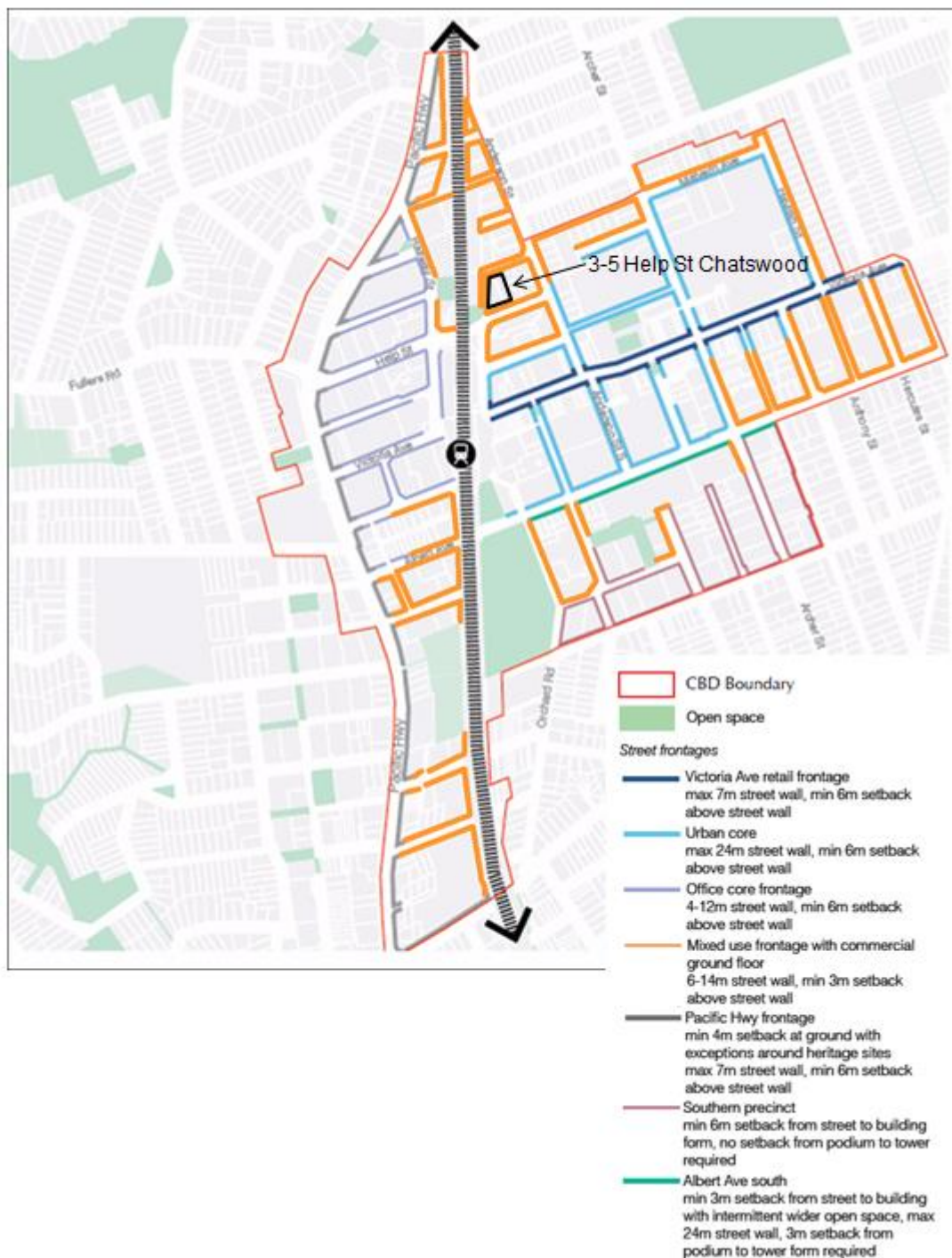
- i. 6-14 metre street wall height at front boundary.**
- ii. Minimum 3 metre setback above street wall**

Comment

Figure 8 - Street Frontage Heights and setbacks (see below) identifies the following applicable to the site:

- A mixed use frontage with commercial ground floor with:
 - 6m to 14m street wall,
 - minimum 3m setback above street wall

Figure 8 – Street Frontage setbacks



The Concept plans are consistent with the above Figure 8 requirements applying to the subject site.

These requirements have also been included in the draft *Development Control Plan* provisions and in the Concept plans.

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 set back 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 plans propose a 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*.

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

Comment

The Concept plans address the required setbacks to neighbouring properties outlined in this Key Element. It should be noted that the site is bounded by streets on 3 sides. The site to the east has blank facades which do not require setbacks in the Apartment Design Guide. There is some habitable space above this façade which will have to be considered with respect to the concept design.

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

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

Active street frontages

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

Comment

The recommended draft amendments to *Willoughby Local Environmental Plan 2012* include amending the Active Street Frontages Map to establish three activated site frontages.

The Concept plans provided show commercial / retail floor space at Ground Level with the opportunity for active street frontages at Help Street, McIntosh Street and Cambridge 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 recommended that the proponent show the capacity for vehicular access from 3-5 Help Street through to 1 Help Street basement

The draft *Development Control Plan* provisions include objectives and controls addressing site isolation as follows:

Further built form controls

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

Traffic and Transport

“34C) 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.”

With regard to Key Element 31, subject to draft DCP amendments, 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

All car parking for the site is located within the Basement levels. Due to the size and shape of the site some plant and services are located at ground level, such as the loading dock.

Significant and meaningful Ground Level floor space has been provided.

With regard to Key Element 33, and in the circumstances of this case, 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 to be provided within buildings, not within the streets, open spaces or setbacks, and not facing key active street frontages.”

It is proposed to amend this provision to add the following:

“ Substations are to 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*.

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

Consideration has been given to minimising vehicle impacts on the surrounding bicycle and pedestrian network. There is no vehicle access proposed onto Cambridge Lane. Heavier vehicles will be utilising Help Street, with smaller residential vehicles utilising McIntosh Street.

The number of vehicle entry points has been rationalised. All vehicles will enter and leave the site in a forward direction.

McIntosh Street is identified in the Willoughby Bike Plan as being the preferred east-west route in the vicinity of the site. Help Street is not identified as a preferred cycling route

The proponent has submitted an updated Traffic and Parking Assessment prepared by GTA Consultants.

It is recommended that the draft *Development Control Plan* provisions be subject to the following amendments under traffic and transport:

And under the traffic and transport section:

“Traffic shall be restricted to left in / left out on the Help Street entrance, 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.”

“Bicycle access/facilities and circulation along McIntosh Street shall be considered including ‘filling the gaps’ in the existing bicycle network across intersections.”

“The ability of all vehicles to safely access/egress the development via Help Street from the kerb lane will need to be confirmed through the use of turning path analysis/ assessment.”

With regard to Key Element 35 and subject to the proposed amendments to the draft *Development Control Plan* provisions, 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 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.

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.

Sun Access Protection and Overshadowing

Mid-winter shadow analysis shows the concept design is a fully compliant development envelope, with the increased extent of shadowing throughout the year consistent with that expected in a high density environment.

There is already an overshadowing circumstance occurring to the existing building at 28 Anderson Street however the built form scheme has attempted to address this by the shape of the building to minimise overshadowing of adjoining residential buildings. Further to the east across Anderson Street are the Administrative buildings of St Pius College. The

playground spaces of the College are already impacted by shadowing from the College buildings.

Initially, prior to Gateway, Council requires new shadow diagrams based on amended concept plans detailing compliant heights under the *Chatswood CBD Planning and Urban Design Strategy*.

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*.

REFERRALS

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

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

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 written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying, Height of Buildings Map, Floor Space Ratio, Special Provisions Area Map and Active Street Frontages Map. In addition *Draft Willoughby Development Control Plan* provisions are proposed.

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

However, amended Concept plans are sought to fully demonstrate compliance with height limits.

The subject site has been identified as a Mixed Use zone on the edge of the Chatswood CBD, permitting a component of commercial with residential above.

It is considered necessary and reasonable to request amendments to the proposed *Development Control Plan* provisions prior to exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

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.

Based on the above, it is recommended that once complete, 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.