



**Parade
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**PLANNING
URBAN FUTURES**

**Planning
Proposal
Final
Consolidated
Report**

01 March 2021

**3-5 Help Street
Chatswood**

**Amendment to
Willoughby LEP 2012**

Submitted to
City of
Willoughby
on Behalf of
H & J Vakili

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0 PREFACE

0.1 Introduction

This Consolidated Planning Proposal Report, for the site known as 3-5 Help Street Chatswood, is submitted to the Willoughby City Council (WCC) to support a Planning Proposal to amend the Willoughby Local Environmental Plan 2012 (WLEP 2012).

This consolidated report has been prepared on behalf of H & J Vakili Pty Ltd, and R Vakili, whom together have an interest in the subject site, and the key objectives of the report are to demonstrate the strategic planning merit of accommodating a responsive higher density development in the form of a tall slender building on the site, to evaluate the impact of additional building height and density on the site, and to assess the relevant environmental, social and economic impacts of the proposal in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This consolidated report has been prepared in response to the recommendations endorsed by Willoughby City Council (WCC) at that Council Meeting held on Monday 11th of February 2019 and correspondence sent by the Department of Planning, Industry and Environment (PIE) to the WCC on the 9th of July 2020 which containing several recommendations for amendments to the Chatswood CBD Strategy. Where each of these recommendations are material to this planning proposal they have been dealt with individually in the body of this report.

The report is accompanied by a range of plans and supporting documents prepared by specialist consultants to provide a comprehensive analysis of the issues raised by both Council's and DPIE's recommendations. These address the key issues and impacts associated with the proposal and can be found as separate attachments to this consolidated report. These include:

- Indicative Design Concepts (KannFinch/DDA Architects) (Appendix A)
- Concept Landscape Plan (KannFinch/DDA Architects) (also contained in Appendix A)
- Site Survey (John Walton) (Appendix B)
- Transport Impact Assessment (GTA Consultants) (Appendix C)
- Market Appraisal and Feasibility Analysis (AEC Group) (Appendix D)
- Amended LEP and Height Maps (Ethos Urban) (Appendices E1 and E2)
- Arborist Report (Advanced Arborist Reporting) (Appendix F)
- Preliminary View Sharing Report (Urbis) (Appendix H)

0.2 How to Read this Consolidated Report

This consolidated report consists of the amalgamation of all three of the previous reports, those being: the original Planning Proposal Submission prepared by Ethos Urban dated 15th of December 2017, the First Addendum Report dated 18th of June 2018, and the Second Addendum Report dated 8th of March 2019. We have also included our letters of undertaking regarding our intent to enter into a Planning Agreement with Council which will apply to the subject site – dated 13th of December 2018 and 11th of January 2021.

Each of these previously submitted reports have been reconsolidated into one comprehensive report. Each section of the report contains its own explanatory notes regarding the issues raised by Council which are then addressed in each corresponding section of the report. The report has been consolidated into this single report in consecutive dated order to provide clarity with regards when during the process each set of issues were raised, and how these issues have subsequently been addressed by our proposal. In this regard - superseded drawings have not been reproduced as part of this consolidated report, instead we have only presented the final revised drawings resultant at the culmination of the planning process. This helps to ensure clarity regarding the agreed design presented in this proposal.

0.3 Addressing issues raised by the Departmental correspondence of 9th July and 24th November 2020

Our Planning Proposal for this site was previously endorsed by full Council on the 11th of February 2019 and is consistent with Council's CBD Strategy (including its proposed amendments).

We offer the following information demonstrating our Proposal's consistency with the CBD strategy, including its proposed amendments:

1. Upon completion of the current Traffic and Transport study being undertaken by TNSW, any recommendations that are to be incorporated into the CBD Strategy will also be retrospectively incorporated into our Proposal, and will be implemented at the appropriate stage of the development assessment process, and no later than during the final DA submission stage for development.
2. Our Planning Proposal is for a site that will be subject to the overall 6:1 FSR and achieves the currently required 1:1 FSR for the commercial component. Should Council reduce this minimum requirement below 1:1 our proposal will remain compliant as it already satisfies the current higher minimum requirement.
3. Our Planning Proposal will not be impacted by the likely adoption of the built form mitigation recommendations contained within the GMU Chatswood Precinct Urban Design Study as the subject site of our proposal has not been identified in the recommendations as one of those where the maximum permissible height should be lowered to below the proposed 90m. Accordingly, the recommended FSR will not need to be reduced below 6:1 and our Planning Proposal would remain compliant.
4. The subject site of our Planning Proposal is at 3-5 Help Street – with a combined site area of 2290m². This is well above the required minimum of 1200m² and should continue to be suitably large enough to meet the CBD Strategy's objectives should Council decide to raise the minimum site area requirements.
5. Our Planning Proposal specifically addresses and satisfies the requirements of the Chatswood CBD Strategy with regards to both a) minimum deep soil area retention on site with corresponding landscaping, and b) provision for increasing both pedestrian and cycling movement through the CBD.
6. The site of our Planning Proposal is not adjacent to the heritage precincts considered by the recommendations contained in the Weir Phillips Chatswood Precinct Heritage Review. Our proposal would not be impacted by the implementation of the recommendations in that report should they be incorporated into the CBD strategy.

Additionally, we undertake that, any changes to Council's Planning Agreement Policy that require further consideration and agreement regarding our site and its corresponding Planning Proposal - will be satisfied as we progress forwards through the planning process. Accordingly, we are willing to work with Council collaboratively to achieve agreement regarding any contributions required by either WCC and/or the DPIE. Furthermore, the consolidated Planning Proposal has been updated in accordance with the Department's conditions outlined in their Gateway Determination Letter dated 24th November 2020.

0.4 Statement of Support

This consolidated Planning Proposal Report has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It has also been prepared in accordance with Willoughby City Council's Chatswood CBD Strategy 2036.

The entire Planning Proposal provides a comprehensive justification of the proposed amendment to the WLEP, and is considered justified for the following reasons:

The consolidated Planning Proposal report documents how we have integrated the environmental, social, and economic analysis undertaken for the site which has led to our design for an optimal built form within the proposed constraints of land use, height, density, and amenity.

A redevelopment of the site could provide significant public benefits as outlined within the primary report. These benefits include:

- Delivery of a new landmark building providing boutique grade retail floor space which will support Chatswood's economic position and attract national and international business and capital;
- Delivery of an iconic building that does not result in additional overshadowing on Victoria Avenue Mall and limits new shadowing to those areas where shadows are predominantly already cast by existing development, whilst ensuring that a high level of amenity is maintained;
- Delivery of a building which provides enhanced amenity to occupants, maximises views, and provides a new striking addition to Chatswood's CBD skyline;
- Delivery of a building with activated street frontages;
- Delivery of a building with a substantial commercial floorspace component of 1:1;
- Delivery of a building with communal space, including a communal playground area.

Overall, it is considered that the Planning Proposal will help to achieve a range of positive benefits, and it is requested that the proposed amendments to the WLEP2012 continue to enjoy the full support of Willoughby City Council, and that the Planning Proposal is enabled to proceed to Public Exhibition, then Final Council endorsement, and ultimately, Departmental Approval and Parliamentary Gazettal, under Section 56 of the EP&A Act by January 2022.

Matt Hurst BTP
Director - Planning and Infrastructure
Parade Consulting
March 2021

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Appendix A	Indicative Design Concepts and Concept Landscape Plan (KannFinch/DDA Architects)
Appendix B	Site Survey (John Walton)
Appendix C	Transport Impact Assessment (GTA Consultants)
Appendix D	Market Appraisable and Feasibility Analysis (AEC Group)
Appendix E1 and E2	Amended LEP and Height Maps (Ethos Urban)
Appendix F	Arborist Report (Advanced Arborist Reporting)
Appendix G	Proposed DCP Amendment (Parade Consulting)
Appendix H	Preliminary View Sharing Report (Urbis)

This Document has been updated where required to reflect changes in the evolved planning requirements for the site and to ensure corresponding suitability for resubmission in January 2021. These changes have been made by Parade Consulting and authorised by the client Hassan Vakili. These updates are mostly to the FSR and design drawings. Some quoted sections of the document relating to the original justification for the previous 7:1 FSR remain as they cannot be removed without significantly compromising the structure of now superseded supporting documents. It is highlighted that the updated Planning Proposal only proposes 6:1 FSR.

1.0 Introduction

This report was originally prepared by Ethos Urban on behalf of H&J Vakili/ 3-5 Help Pty Ltd in support of a Planning Proposal to amend the *Willoughby Local Environmental Plan 2012* (the WLEP 2012) related to 3-5 Help Street, Chatswood (the site). The current version of the report has been continuously updated since December 2017 by Parade Consulting Pty Ltd, although large sections of the original may remain.

The site is currently occupied by two residential buildings of up to three storeys in height. The existing buildings represent an underutilisation of the site given its prominent location within Chatswood CBD, within 400 metres of Chatswood Railway Station.

The Planning Proposal is a result of the findings of the *Chatswood CBD Planning and Urban Design Strategy* (the CBD Strategy) which identifies the site as being suitable for increased densities to support the future growth of Chatswood CBD. The Planning Proposal seeks to amend core development standards within the WLEP 2012 to facilitate a development concept that is generally compliant with the findings of the CBD Strategy though provided additional merit-based justification for some additional density.

Should the WLEP 2012 be amended as envisaged by this Planning Proposal, a redevelopment of the site would be facilitated to provide for a mixed-use scheme incorporating a four-storey commercial and residential podium and a 24-storey residential tower (28 storeys overall). To facilitate the development concept, the Planning Proposal seeks to amend the maximum „Height of buildings“ and „Floor space ratio“ development standards of the WLEP 2012, as follows:

- Increase the maximum building height from part 20 and part 25 metres to 90 metres; and
- Increase the mapped maximum floor space ratio from 2.7:1 to 6:1 (including a minimum 1:1 commercial floor space).

The key objective of this report is to demonstrate the strategic planning merit of accommodating a higher density development on the site in the form of a tall slender mixed-use building, also to evaluate the impact of additional building height and density, and to assess the relevant environmental, social, and economic impacts of the proposal in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This Planning Proposal describes the site, details the proposed amendments, and provides justification for the rezoning. This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's „*A Guide to Preparing Planning Proposals*“.

This Planning Proposal is generally consistent with relevant guiding strategic documents, State Environmental Planning Policies, and relevant Section 117 Ministerial Directions.

1.1 Pre-lodgement Consultation

A pre-planning proposal meeting was held with Council on 21 July 2017. A summary response to Council's comments is provided at **Table 1** below.

Table 1 – Council Comments

Key Issues	Response
Relationship to strategic planning framework	Assessment of key strategic plans is provided at Section 5.1 and 5.2.
Mixed Use	Commercial floor space has been provided on the Ground floor and a minimum non-residential FSR is proposed. The Planning Proposal is largely consistent with the CBD Strategy – this is further discussed at Section 5.1.
Scale and Form of Development	The Planning Proposal would facilitate a tower, including lift overrun and plant, which remains below the 90m height control recommended by the CBD Strategy. As shown in the reference design provided within the Architectural Plans (Appendix A) a slim tower with a 530m ² floor plate can be accommodated on the site. This is smaller than the 700m ² floorplate recommended by CBD Strategy. FSR is discussed further at Section 5.1.
Setbacks at Ground level and upper levels	The reference design provided at Appendix A demonstrated that a future development of the site in line with the proposed modifications to the WLEP 2012 would be able to comply with all setbacks and separation distances required by the Apartment Design Guide and relevant CBD Development Control Plans.
Access and Parking	Assessment of traffic and parking is provided at Section 5.3. A development of the site as envisaged by the Planning Proposal would not generate adverse traffic impacts on the local street network.
Usability of roof open space	A reference design has been provided as Appendix A that demonstrates that the podium roof facilitated by the Planning Proposal would be usable and would be able to provide future residents with external amenity, including landscaped areas and a pool deck with discrete seating.
Landscaping	The reference design provided as Appendix A illustrates that deep soil and soft landscaping on the podium roof can be provided in a manner consistent with requirements of the CBD Strategy objective of greening the CBD.
Affordable Housing	The development concept includes provision of 4% affordable housing throughout the development.
Value Uplift	The applicant is prepared to enter into a VPA to allow the uplift in density on the site.
Public Art	A contribution toward public art will be made in line with Council policy at the detailed DA stage.
Draft DCP Controls	The reference design outlined in Appendix A has been designed to comply with relevant DCP controls identified by the CBD Strategy. Refer to Section 4.6.
Timing	Council's comments are noted. The Planning Proposal will be reviewed and exhibited in line with existing policies.

2.0 The Site

2.1 Site Description

This Planning Proposal applies to land located at 3 – 5 Help Street in Chatswood Central Business District (CBD) (the site). The site comprises two parcels of land legally described as Strata Plan 134 and Strata Plan 52320. The site has an area of approximately 2,290m² and is irregular in shape.

The site is located approximately 8km north-west of Sydney CBD in the Chatswood CBD, in the Willoughby Local Government Area (LGA) as shown at **Figure 1**. Chatswood CBD is a densely populated area in New South Wales and is one of Sydney's major commercial and retail centres. The centre provides a variety of facilities ranging from a major shopping centre (Westfield), specialty shops, street front retail, commercial offices, private health and medical services, community facilities and residential accommodation. The site is within the Chatswood CBD northern edge and is approximately within 200m from Chatswood Railway Station.

The site has a 48-metre frontage to Help Street to the south, a 66m frontage to Cambridge Lane to the west, an 11-metre frontage to McIntosh Street to the north and shares a 61-metre boundary with development to the east (28 Anderson Street).

A survey has been prepared by John Walton and is provided at **Appendix B**. An aerial photograph of the site is provided at **Figure 2** below.

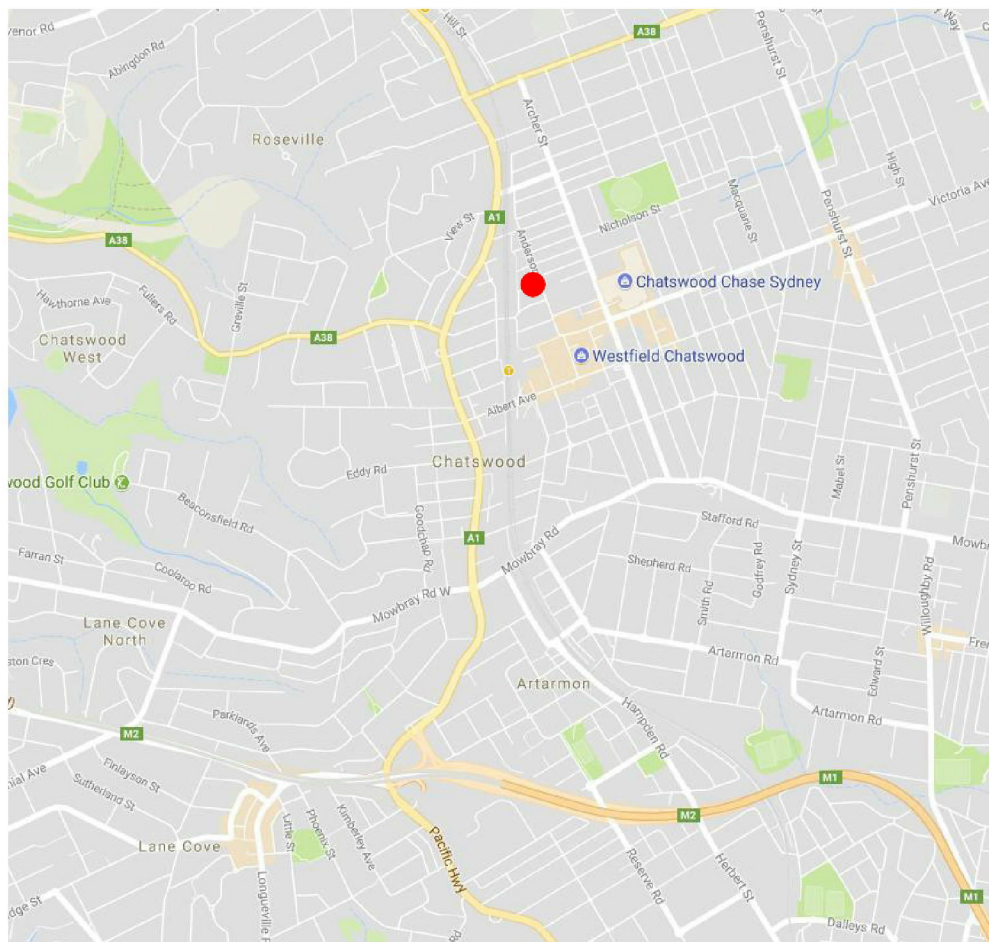


Figure 1 – Site context map

Source: Google maps

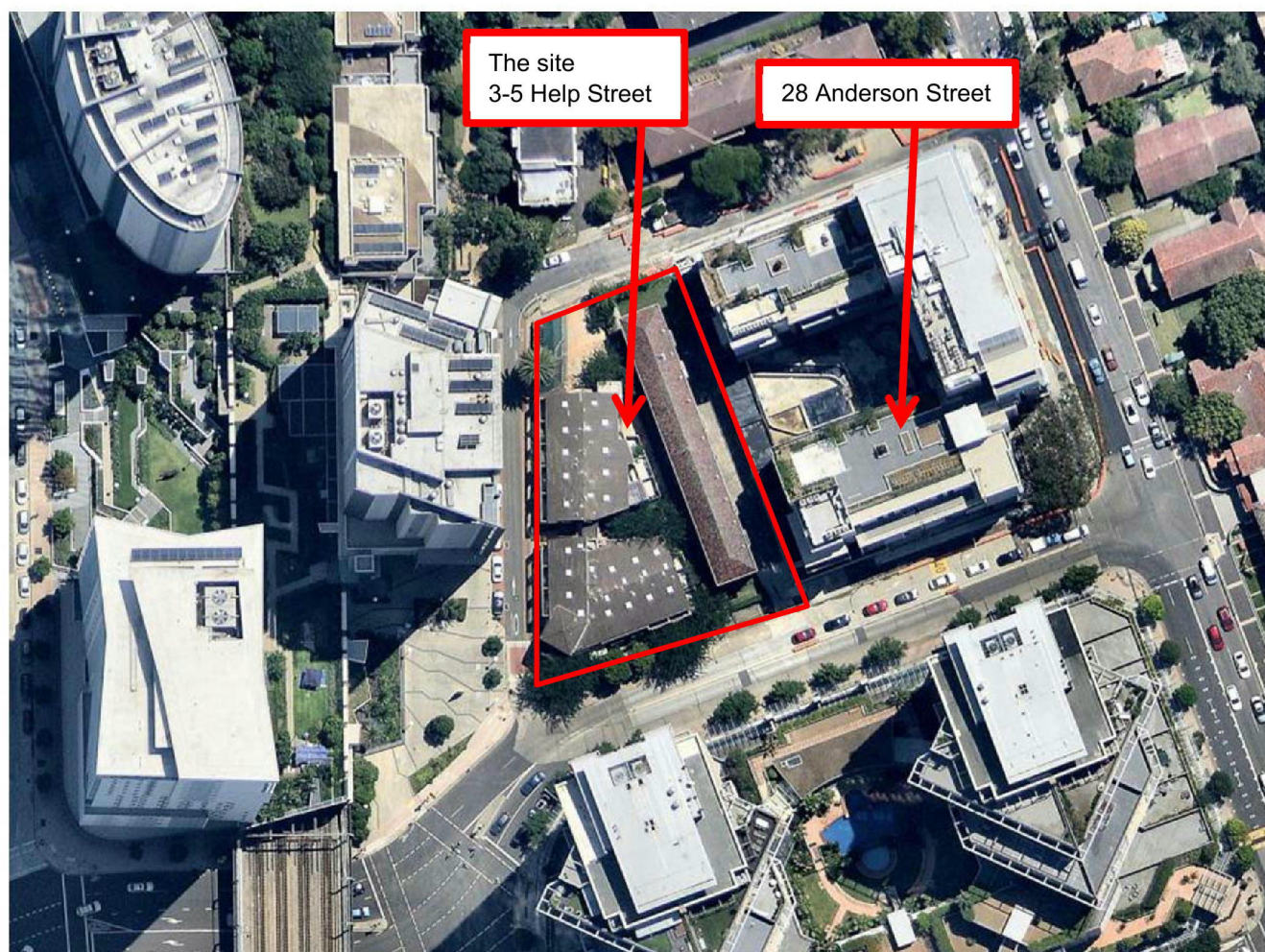


Figure 2 – Aerial Image

Source: Nearmap

Key Planning Controls

The *Willoughby Local Environmental Plan 2012* is the primary environmental planning instrument applying to the site. This Planning Proposal seeks to amend the height and FSR controls that currently apply to the site to facilitate a feasible future mixed-use redevelopment. The key current planning controls that apply to the site are summarised in **Table 2** below.

Table 2 - Key Planning Controls

Control	LEP
Zone	B4 Mixed Use
Building Height	20 metres in the southern part of the site; and 25 metres in the northern part of the site
Floor Space Ratio	2.7:1 (up to 4:1 subject to Clause 4.4A (see below))
Clause 4.4A (19)	The maximum floor space ratio for a building on land identified as "Area 14" on the Floor Space Ratio Map may exceed 2.7:1 if: (a) the site area exceeds 2,200 square metres, and (b) the floor space ratio will not exceed 4:1, and (c) the floor space ratio of any shop top housing will not exceed 2:1.

Existing Development

The site currently accommodates two separate three (3) storeys residential flat buildings, which were constructed in the 1960s and 1970s. These buildings comprise 57 units, along with their associated parking. Despite the properties being subject to a Strata title, the majority of the properties are controlled by the proponent of this Planning Proposal, which represents an opportunity for the site to be redeveloped.

The existing apartment buildings relate poorly to the surrounding context of modern mix-use high rise developments, resulting in limited amenity and contemporary functionality and offer no street activation. A photograph of 3 and 5 Help Street is shown at **Figure 3** and **Figure 4** respectively.

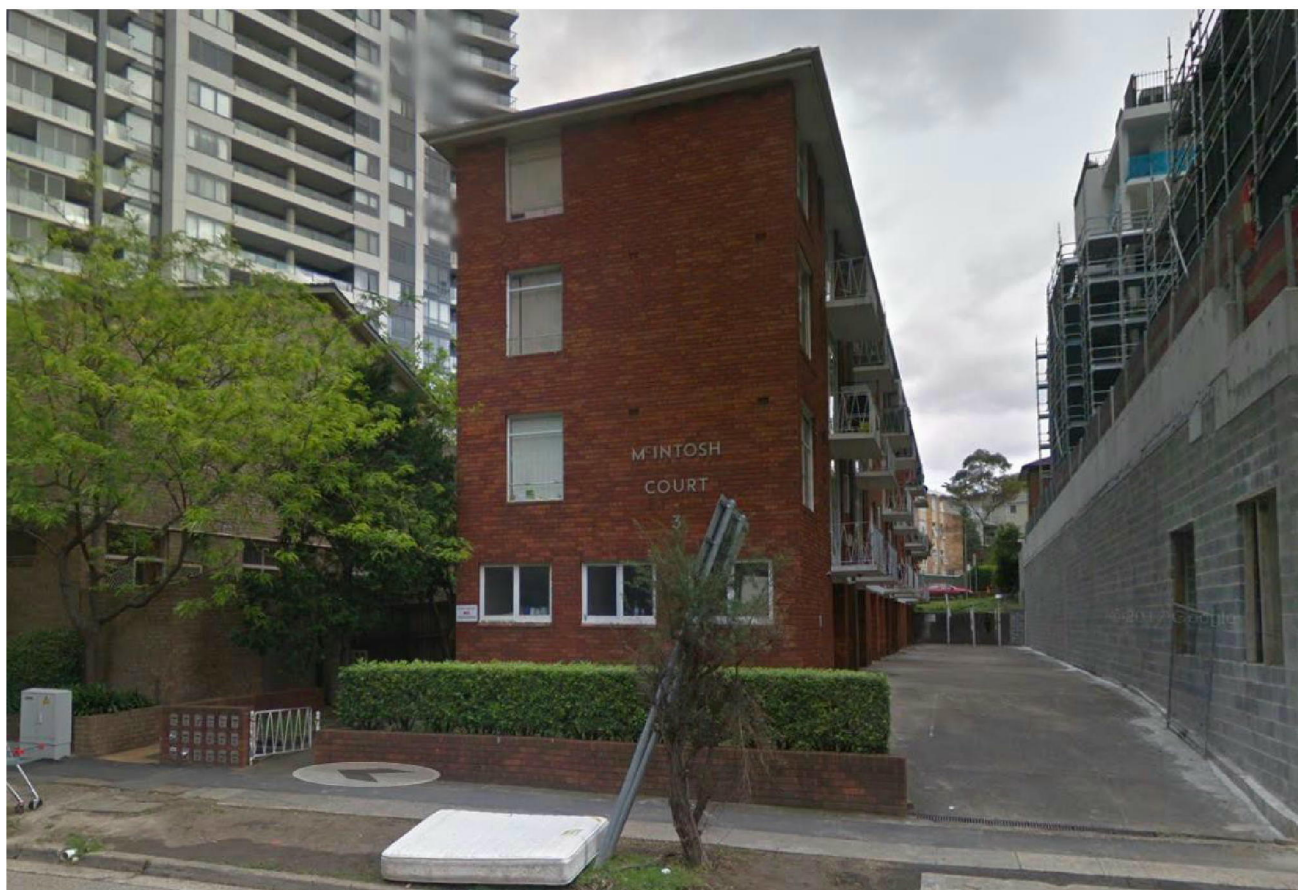


Figure 3 – 3 Help Street

Source: Nearmap

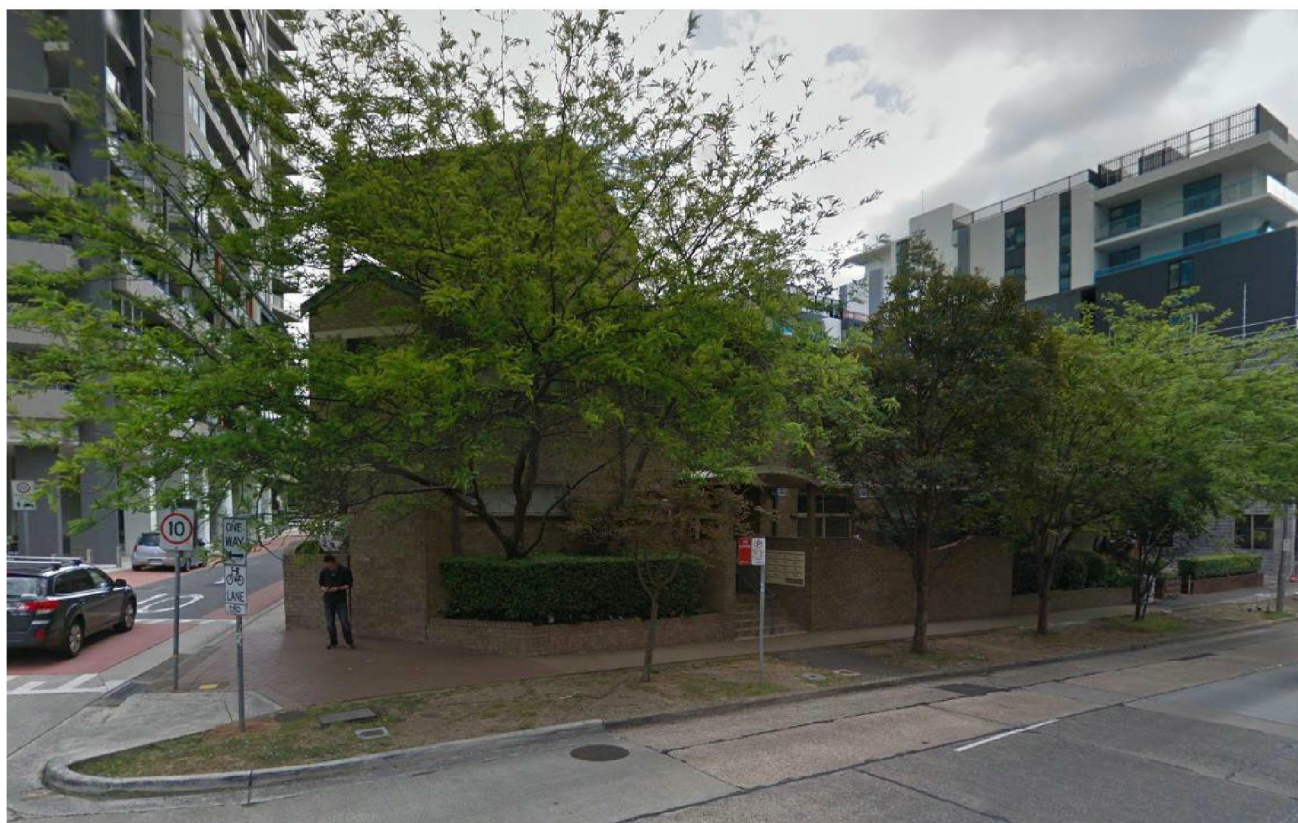


Figure 4 – 5 Help Street

Source: Nearmap

Topography

The site has a fall of approximately four metres from north to south with an elevation of RL 91.48m at the south-east corner and an elevation of RL 95.45 m at the north-east corner.

Heritage

The site is not listed as an item of heritage significance and is not located within a heritage conservation area under Schedule 5 of WLEP 2012 (refer to **Figure 5**).

There are several items of local heritage significance in the surrounding area including:

- 455 Victoria Street – Orchard Tavern, approximately 144 metres to the south;
- 94A Archer Street – Our Lady Dolours Church, approximately 260 metres to the east; and
- 4-8 Daisy Street – residential houses, approximately 180 metres north east.

The North Chatswood Heritage Conservation Area is located approximately 170 metres north east of the site, as shown at **Figure 5**.

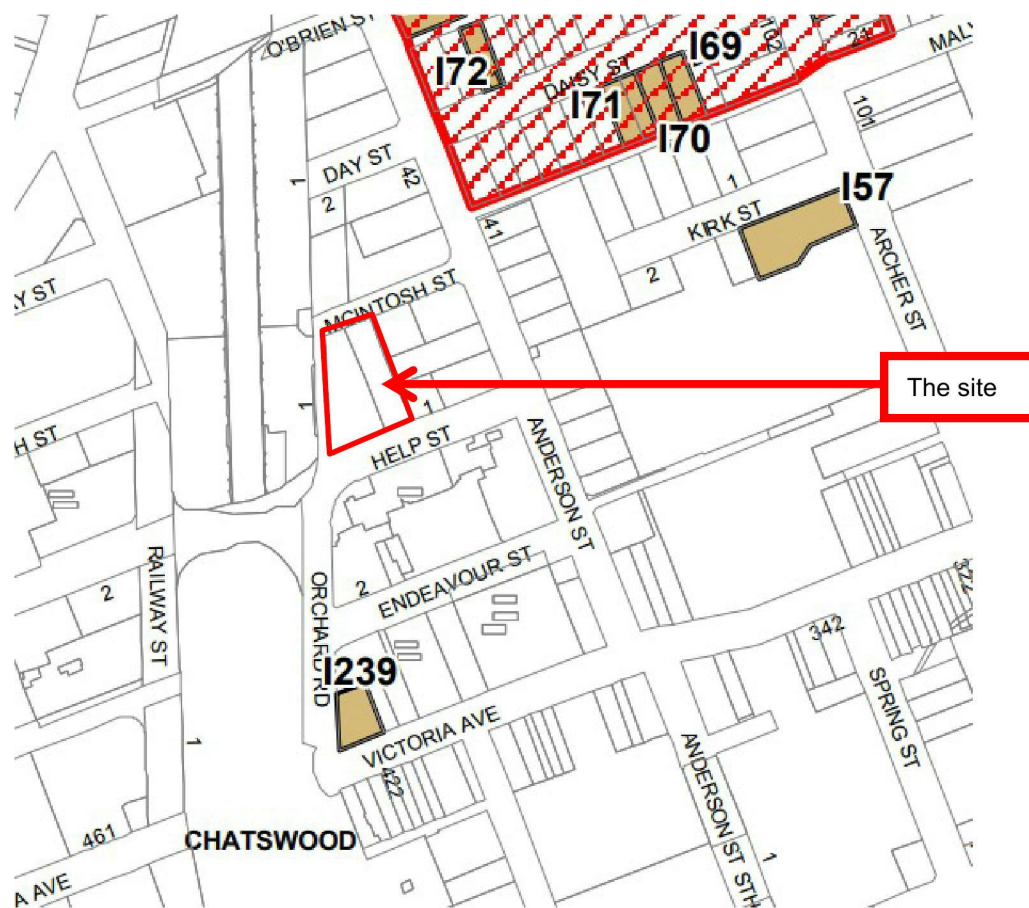


Figure 5 – Heritage Map

Source: Willoughby LEP 2012

Vegetation

Whilst the site is largely developed, there are several trees and shrubs scattered across 5 Help Street. 3 Help Street is largely cleared of vegetation with limited hedging along Help Street.

Flooding

The site is not identified as being flood affected by WLEP2012 or Council's online mapping tool.

Contamination

The site has a historic residential use, and it is considered unlikely to be contaminated. An assessment of contamination consistent with the requirements of SEPP 55 would be undertaken at the appropriate DA stage.

Access/driveways

Pedestrians can access the site from Chatswood Railway Station, which is 200 metres south of the site via Orchard Road. The site is well connected to the surrounding road network, being located on Help Street providing connections east-west of the railway line to the Pacific Highway in the west and Anderson Street in the east.

Vehicular access to 3 Help Street is made from an existing crossover at Help Street. Access to 5 Help Street is made from McIntosh Street.

2.2 Surrounding Development

The height, bulk, and scale of existing buildings at the site are significantly lower than other existing and recently approved buildings in the CBD. The land uses and development adjoining and surrounding the site are described below.

North

Existing developments to the north of the site include:

- Three (3) storey walk-up residential flat buildings that were built during the 1960s and 1970s.
- Situated to the north west of the site are the B2E Apartments at Day Street. B2E was completed in 2003 and is a low-rise complex of four buildings linked together. There are 64 residential apartments in total on this site.

South

Existing developments to the south of the site include:

- An existing mixed-use development that provides commercial, retail, and residential uses and is referred to as Regency Towers. The development includes two residential towers. On the Orchard Road side to the west is Tower A at 28 storeys and on the Anderson Street side to the east is Tower B at 19 storeys.
- Further south is Victoria Avenue and the Mall, Westfield Chatswood shopping centre, and the public transport interchange.

The block immediately to the south of the site has a maximum permissible FSR of 7:1.

East

Existing developments to the east of the site include:

- Mixed-use development of 28 Anderson Street;
- The Presbyterian Church, St Pius College, and associated dwellings; and
- To the north east of the site, the existing development consists of medium density residential buildings.

West

Several high-rise buildings are located to the west of the site including:

- Situated on Cambridge Lane is a high-density residential development, known as the 'Cambridge Apartments', which are approximately 72 metres tall (25 Storeys);
- The ERA residential tower situated at 7 Railway Street is approximately 135 metres tall (43 Storeys);
- Situated along the railway corridor at 9 Railway St are the EPICA Apartments with a height of 32 Storeys and at 11 Railway St, the Altura Apartments at 25 Storeys; and
- Chatswood CBD (further to the west) is occupied by a range of business, retail, and office premises. The

block immediately to the west of the site has a maximum permissible FSR of 7:1.

3.0 Development Concept

This Planning Proposal is seeking to amend the height of buildings and floor space ratio development standards within the WLEP 2012 as they apply to the site. An indicative development concept (reference design) has been developed by Kann Finch, and is detailed in **Appendix A**.

3.1 Urban Design Principles

The urban design principles that underpin this Planning Proposal are as follows:

- facilitate a mixed-use tower that responds to the location of the site and the neighbouring properties;
- no additional overshadowing to Victoria Avenue; and
- facilitate development on a strategic site in the Chatswood CBD within walking distance of the railway station.
- Provide a mix of non-residential (podium) and residential development;
- Shape the building to minimise overshadowing of adjoining apartment buildings;
- Set up an envelope that allows design excellence to be further explored in the detailed DA stage.

3.2 Proposed Development

To facilitate the above design principles and test the site's capacity, Kann Finch has prepared an indicative development concept as detailed at **Appendix A**. The reference design provides a building on the site that:

- Provides a maximum building height of 90 metres; and
- Provides a building with a total FSR of 6:1 (including a minimum 1:1 commercial FSR).

A numeric overview of the development concept the Planning Proposal would facilitate is provided at **Table 3**.

Table 3 – Numerical Overview

Aspect	Development Concept
Site Area	2,290m ²
Gross Floor Area	
– Commercial	2,290m ²
– Residential	11,450m ²
– Total	13,740m ²
Floor Space Ratio	
– Commercial	1:1
– Residential	5:1
– Total	6:1
Height	90m

3.3 Height

It is proposed to amend WLEP 2012, as it applies to the site, to increase the maximum „height of buildings“ development standard to 90 metres. This is in line with the CBD Strategy (refer to **Section 5.1**). The indicative height of the development concept is illustrated at **Appendix A** is 28 storeys.

3.4 FSR

It is proposed to amend WLEP 2012 to amend the maximum „floor space ratio“ development standard to 7:1. The Planning Proposal seeks to require a minimum 1:1 FSR for commercial floor space for any development on site. The indicative built form delivered by a FSR of 7:1 (including 1:1 commercial floor space) is illustrated by the development concept at **Appendix A**.



Figure 6 - 3D Model of the development concept

Source: Kann Finch

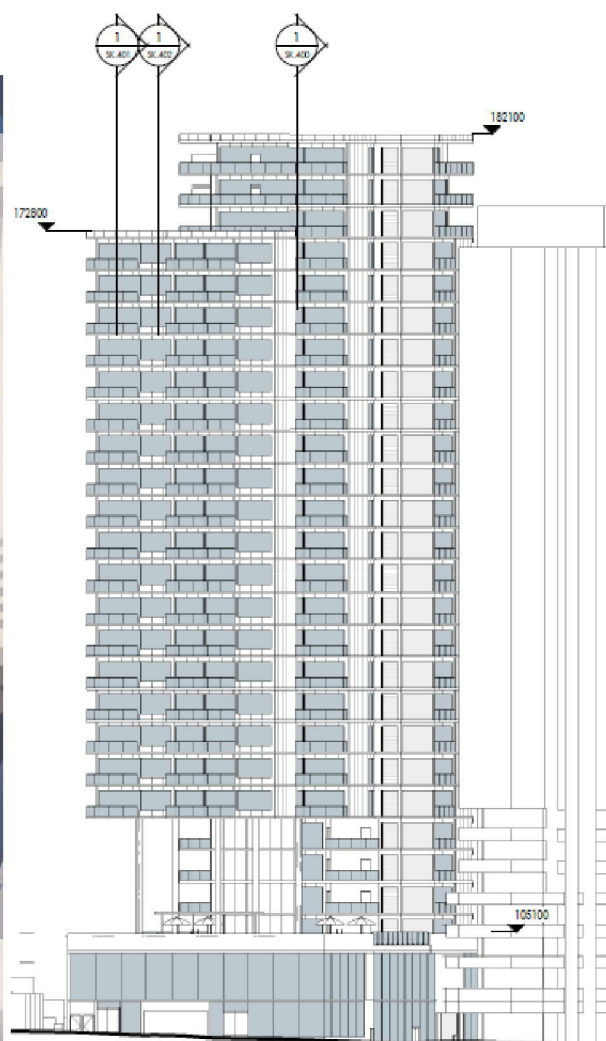


Figure 7 - Development Concept elevation view from McIntosh Street

Source: Kann Finch

3.5 Car Parking

A future development at the site would be able to accommodate car parking in accordance with the current requirements of the Willoughby DCP. Due to the central CBD location of the site, it may be appropriate to explore reduced car parking rates at the DA Stage. A traffic and transport report has been prepared by GTA Consultants and is provided as **Appendix C**.

4.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and „*A Guide to Preparing Planning Proposals*“ prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- The objectives and intended outcomes of the amendment to the WLEP 2012;
- Explanation of provisions;
- Justification, including:
 - Relationship to strategic planning frameworks;
 - Environmental, social, and economic impact;
 - State and Commonwealth interests;
- Maps; and
- Community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 6** of this report.

4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the redevelopment of land at 3-5 Help Street, Chatswood in a manner generally consistent with the provisions of the Chatswood CBD Strategy and the Willoughby Local Strategic Planning Statement - which designate the site for mixed uses, and also in accordance with the Willoughby Local Housing Strategy.

The intended outcome of the Planning Proposal is to amend the height and FSR controls of the WLEP 2012 to support mixed use development on the site as detailed in **Section 3.0**.

4.2 Explanation of Provisions

The Planning Proposal incorporates several amendments to the WLEP 2012 as it relates to the site. These amendments are summarised in **Table 4**.

Table 4 – Summary of Proposed Amendments to Willoughby LEP

	Existing	Proposed
Land Use Zone	B4 Mixed Use	B4 Mixed Use
Building Height	20 metres in the southern part of the site; and 25 metres in the northern part of the site	90 metres
Floor Space Ratio	2.7:1	6:1 (including at least 1:1 commercial)
Clause 4.4A (19)	The maximum floor space ratio for a building on land identified as “Area 14” on the Floor Space Ratio Map may exceed 2.7:1 if: (a) the site area exceeds 2,200 square metres, and (b) the floor space ratio will not exceed 4:1, and (c) the floor space ratio of any shop top housing will not exceed 2:1.	Development consent must not be granted for the purpose of erecting a building on land identified as “Area 14” unless commercial floor space equating to at least 1:1 is included.

4.3 Height of Buildings

It is proposed to increase the maximum building height from 20m in the southern part of the site and 25m in the northern part of the site to 90m across the entire site by amending the Height of Buildings Map.

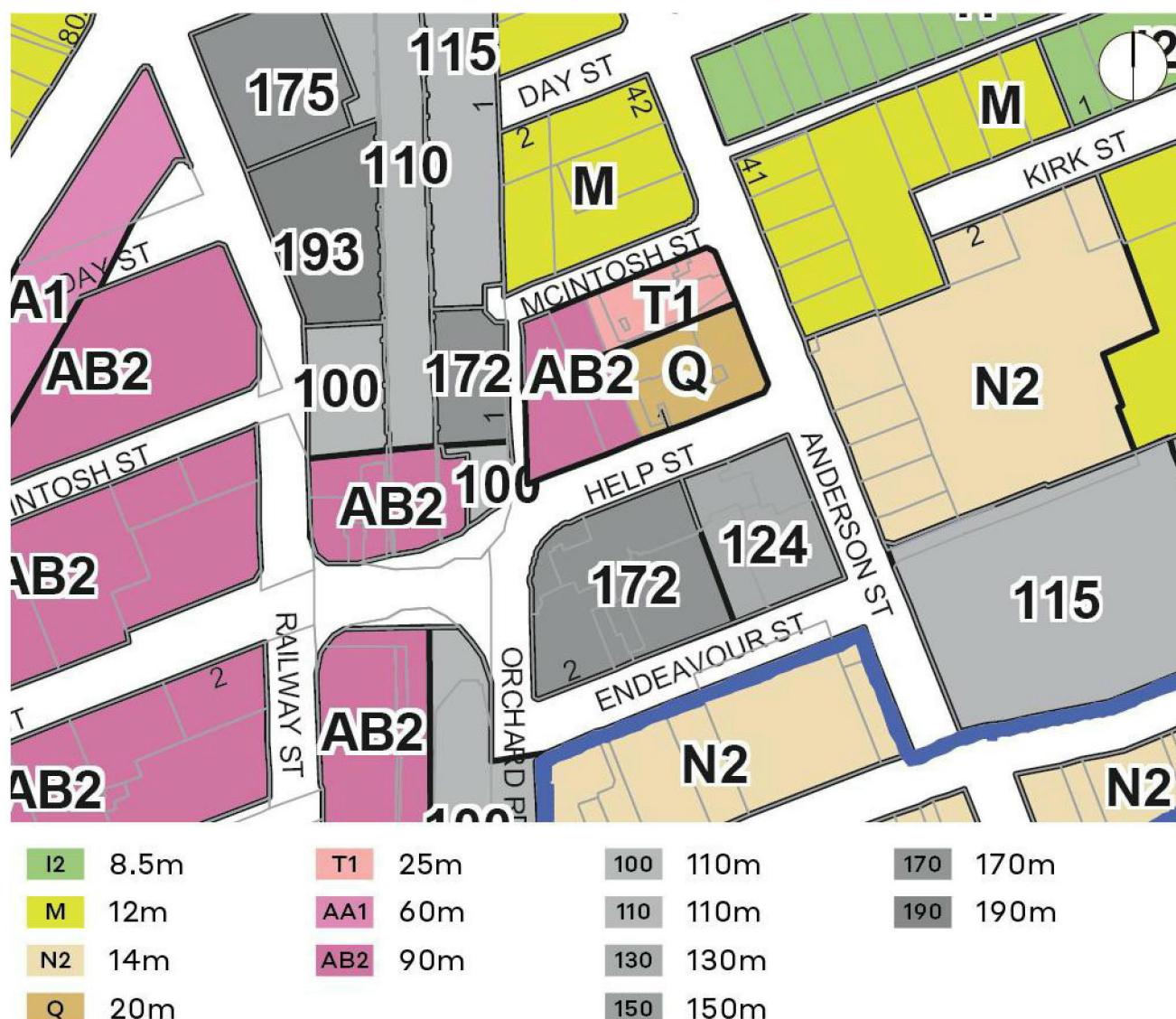


Figure 8 – Proposed Amendment to the Maximum Building Height

Source: Ethos Urban

4.3.1 Solar Access

It is also proposed that Clause 4.3A(8) of the Willoughby LEP be amended to be consistent with the Chatswood CBD Strategy for the ongoing protection of Solar access to Key Public open spaces between 12pm and 2pm during mid-winter.

4.4 Floor Space Ratio

It is proposed to increase the maximum floor space ratio (FSR) from 2.7:1 to 6:1 by amending the Floor Space Ratio Map as shown below.

It is also proposed to amend Clause 4.4A (19) as follows:

Delete

(19) The maximum floor space ratio for a building on land identified as “Area 14” on the Floor Space Ratio Map may exceed 2.7:1 if:

(a) the site area exceeds 2,200 square metres, and (b) the floor space ratio will not exceed 4:1, and (c) the floor space ratio of any shop top housing will not exceed 2:1.

Insert

(19) Development consent must not be granted for the purpose of erecting a building on land identified as “Area 14” unless commercial floor space equating to at least 1:1 is included.

Area 14 of the Floor Space Ratio Map will be amended to align with the change to Clause 4.4A. (Refer to Figure 9).

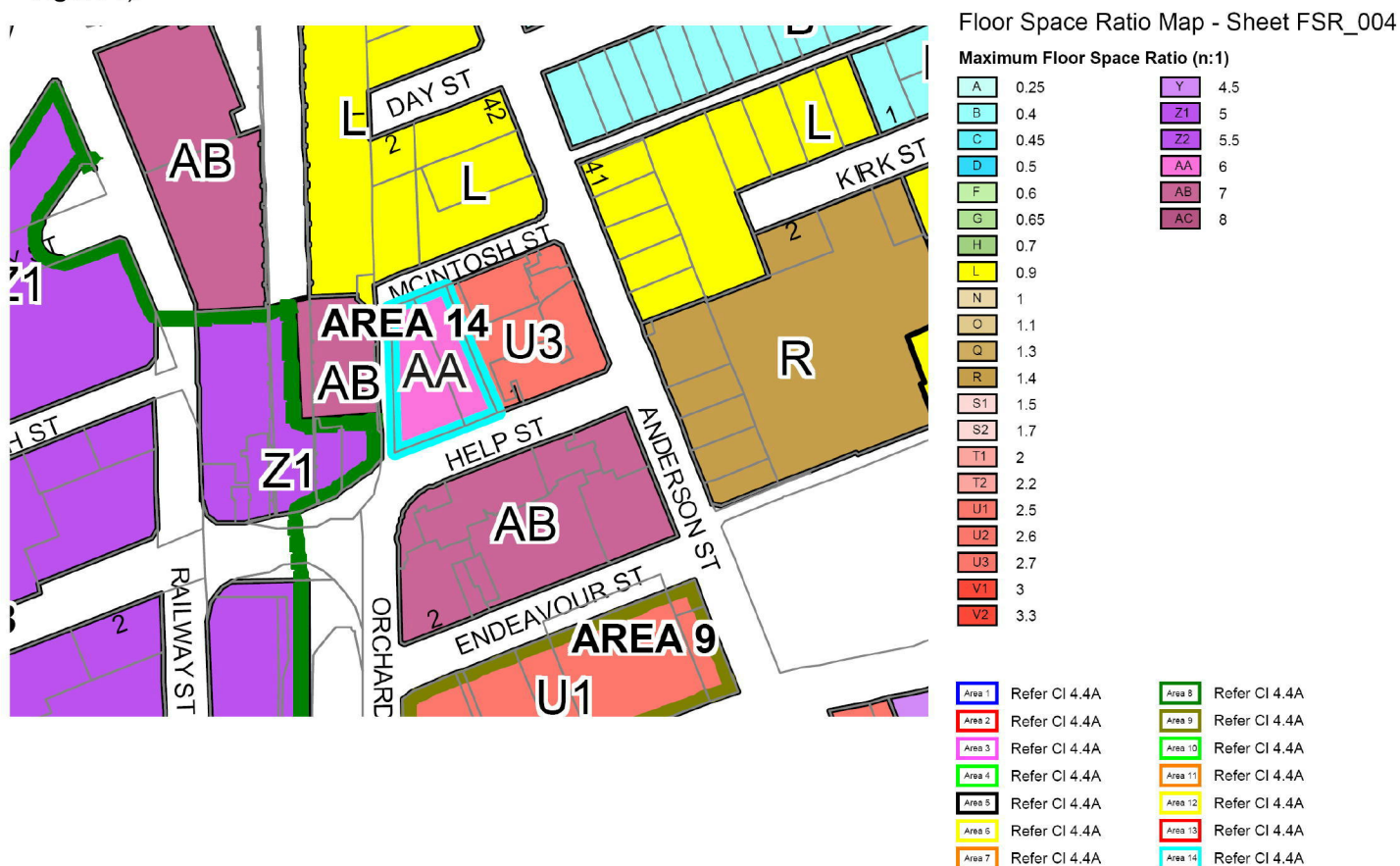


Figure 9 – Proposed Amendment to the Maximum Floor Space Ratio

Source: Parade Consulting

4.5 Mapping

This Planning Proposal seeks to amend the following maps of the WLEP 2012:

- Height of Buildings Map - Sheet HOB_004; and
- Floor Space Ratio Map - Sheet FSR_004.

The proposed maps are included at **Appendix E**.

4.6 DCP Controls

Council's CBD Strategy envisaged a new CBD DCP, which will be developed by Council. A specific DCP has been developed for the site, and has been included with the Appendices to this report.

5.0 Strategic Justification

5.1 The Need for a Planning Proposal

Q1 – Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal is the result of the CBD Strategy, which was publicly exhibited during the first quarter of 2017. The CBD Strategy is intended to establish a framework to guide growth and development in the CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient, and vibrant centre for Chatswood. As outlined in the following section, the development concept is a direct result of the findings of the CBD Strategy.

The CBD Strategy anticipates significant growth for the Chatswood CBD over the next 30 years including the need for an additional:

- 501,750m² residential Gross Floor Area.
- 297,500m² office Gross Floor Area
- 136,200m² other commercial Gross Floor Area.

A future development of the site, such as that facilitated by this Planning Proposal, would contribute an additional 13,7400m² floor area in total including 2,290m² commercial floor area and 11,450m² residential floor area, contributing to the delivery of the above CBD growth and providing a vibrant residential population to partake in services of the CBD for one of the few sites identified for mixed use and capable of redevelopment (due to the ownership of the existing strata arrangements).

To accommodate and shape this growth the following key outcomes are recommended by the CBD Strategy:

- Delivery of floor space (residential and non-residential) which is appropriate to the projected requirements within the future Chatswood CBD;
- Chatswood's future as an employment centre is protected, by provided a development outside of the commercial core with some non-residential uses, whilst allowing capacity for residential growth;
- Good sun access to key public spaces and adjoining residential properties;
- High quality built outcomes will be achieved through a design excellence process; and
- Tower developments are encouraged to be slim and well separated.

The development concept is consistent with the above key outcomes recommended by the CBD Strategy.

The CBD Strategy identifies the site as an “opportunity site with strata” as shown at **Figure 10** below. It is located in the outer centre of Chatswood CBD, adjacent to the office and retail core where mixed uses are encouraged.

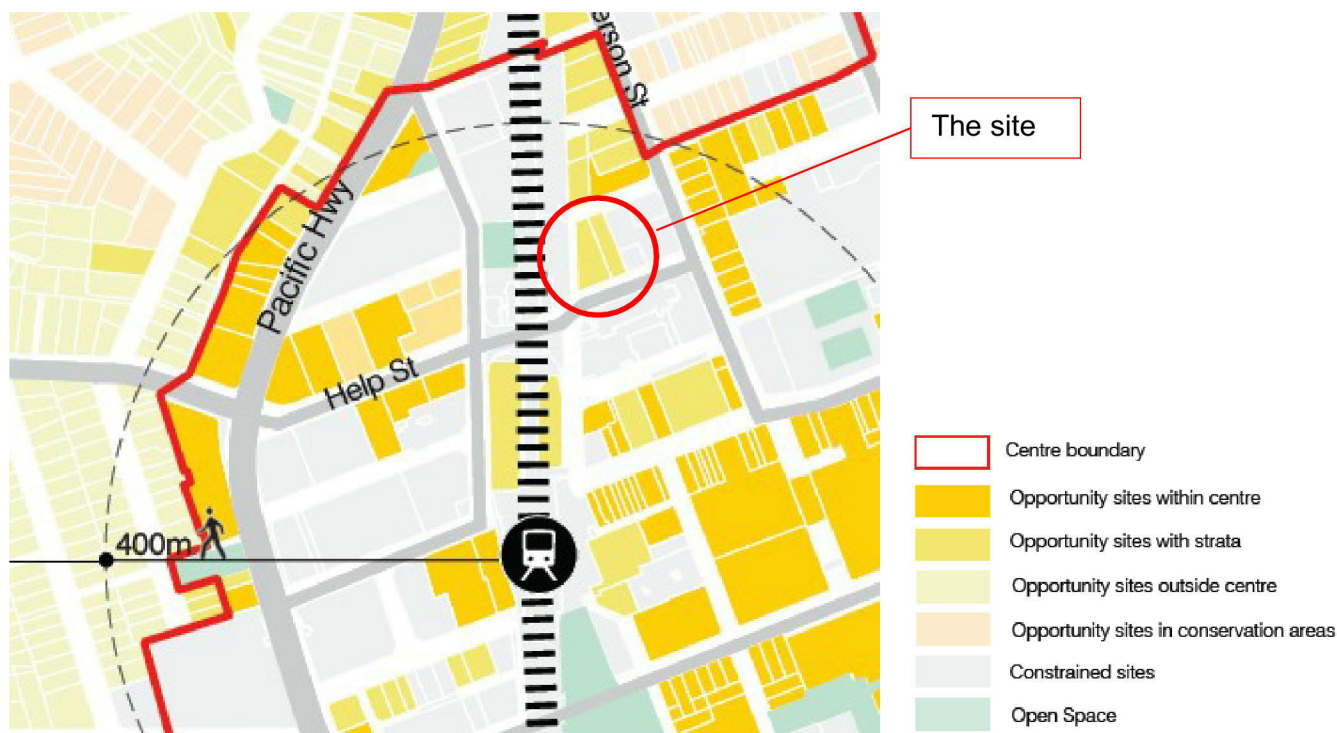


Figure 10 – Opportunity sites map.

Source: Chatswood CBD Planning and Urban Design Strategy

The development concept (as outlined at **Section 3.0**), which can only be facilitated by this Planning Proposal, is consistent with the key planning considerations for the future, including:

- Encouraging smaller office uses in mixed use buildings which form a vital part of the overall office mix in the CBD;
- Delivery of residential uses that will contribute to the activity of Chatswood CBD to the benefit of office and retail uses;
- Providing integral residential uses ensure Chatswood remains a mixed-use centre, providing jobs closer to homes;
- Contributing capacity for residential growth without affecting the viability of Chatswood's office core;
- Delivery of high architectural quality;
- Contribution to the centre through developer contributions contributing funding to new open space, streetscape, and public domain improvements.

The development concept is also largely consistent with the recommended LEP and DCP controls for the site within the CBD Strategy (other than a merit-based justification for further FSR on a well-located site). A summary assessment is provided at **Table 5** below.

Table 5 - Consistency with Strategy recommended LEP controls.

	Recommended Control	This Planning Proposal
Land Use	Mixed Use	No change to the applicable zone of the site is proposed. The site would retain its current zone (B4 Mixed Use).
Height	90m	90m
	Approximately RL190 sun access plane to Victoria Avenue	RL185
Floor Space Ratio	6:1	6:1 (including minimum 1:1 commercial floor space). Refer below for further discussion.

Floor Space Ratio

Development that would be facilitated by this Planning Proposal is largely consistent with findings of the CBD Strategy as it would provide a slim mixed-use building on an opportunity site, within 400 metres of Chatswood Railway Station. The Planning Proposal seeks that an FSR of 6:1 apply to the site; this is compliant with the relevant recommended of CBD Strategy. This FSR is considered appropriate for the following reasons:

- The feasibility analysis undertaken by AEC (refer below) shows that it is not feasible to redevelop the site under the controls recommended by the Strategy. The FSR threshold required for feasible development is inversely related to the minimum non-residential FSR required. AEC found that to deliver a 1:1 commercial component a total FSR of at least 6.5:1 would be required for the development to be feasible.
- Proposed uplift of the site is strategically justified by seeking to increase housing and jobs within walking 200m walking distance of the Chatswood Railway Station, consistent with the relevant actions and directions of A Plan for Growing Sydney and the North District Plan.
- The site can accommodate a built form of 6:1 FSR without causing additional environmental impacts to the locality in terms of overshadowing or traffic generation. A slim tower floor plate below the recommendations of the strategy can be provided without adverse impacts and incorporating the additional floor space.
- The proposed FSR is consistent with the FSR permitted on surrounding sites, being 6:1.

These justifications are explored in more detail below.

Market Feasibility Analysis

To accompany this Planning Proposal AEC Group undertook a market appraisal and feasibility analysis (**Appendix D**) of the Chatswood residential and commercial market to:

- Determine the nature of demand from commercial occupiers (in particular boutique operators outside the main commercial core) within Chatswood and ascertain the type of commercial floor space that would be sustainable on the site;
- Understand if development of the site under existing and proposed planning controls is feasible given the high cost of consolidating the two residential strata buildings;
- Determine the quantity of additional density required for development to be commercially viable.

The report found commercial office vacancy rates have fallen in the last six months and that there is demand for smaller commercial suites (less than 300m²) in the Chatswood market. Commercial office spaces in mixed use buildings are well regarded by smaller professionals who do not require a corporate location and that benefit from co-locating retail and residential uses. This Planning Proposal includes a provision to require commercial uses to be provided on the site at a density of at least 1:1. As such, future development of the site in line with this Planning Proposal would facilitate range of commercial suite sizes between 175m² to 887m² with larger floor plates capable of being broken into smaller or larger tenancies as required to appeal to the commercial sector.

Market conditions indicate there is strong demand for residential development in Chatswood, with a particular focus of high-density apartment living in the CBD, close to amenities and high frequency public transport. Current demand is expected to continue and grow in the short to medium term. The development concept will contribute to residential growth and development of the northern CBD fringe, complimenting surrounding land uses and is located on a mixed-use site which will not undermine the main commercial core.

Feasibility modelling for the site was undertaken by AEC, the findings of the report are as follows:

- Current planning controls (FSR 2.7:1) are not feasible given the cost to consolidate two strata unit blocks for development.
- To provide for non-residential (commercial) of FSR 2:1, a total FSR in the order of 7.4:1 is required for feasible development.
- If a commercial FSR of 1:1 were provided, a total FSR of at least 6.5:1 is required for feasible development.
- The FSR threshold required for feasible development is inversely related to the minimum non-residential FSR required.

The analysis indicates that redevelopment of the site (including 1:1 commercial floor space) is marginally feasible should the site achieve a 6:1 FSR as recommended by the CBD Strategy. Accordingly, the development concept **should** seek approval for a 7:1 FSR which is considered an appropriate density for the CBD location. Notwithstanding the marginal feasibility, this Planning Proposal proposes only 6:1 FSR for the site. The environmental assessment at Section 5.3 demonstrates the site can accommodate the additional density and the development concept is capable of appropriately managing any environmental impact.

Suitability of Built Form

A comprehensive evaluation of the site's physical and strategic attributes has been undertaken to assess the appropriateness of a future development delivered in accordance with an LEP modified in accordance with this Planning Proposal. The site can achieve an appropriate massing, bulk, and height, which is responsive to the CBD context. The Planning Proposal retains the CBD Strategy's recommended height limit of 90m, which assists in maintaining amenity to surrounding buildings and solar access to Victoria Avenue.

An assessment of the environmental impacts of the development concept is provided at Section 5.3 including assessment of traffic generation and overshadowing. The assessment demonstrates that a building of 7:1 FSR would not result in adverse impact to adjoining development or the locality. Accordingly considering the location of the building within the CBD, proximity to the Railway Station and lack of environmental impact the potential for 7:1 FSR could be considered appropriate. This Planning Proposal proposes only 6:1 FSR for the site.

28 Anderson Street

An assessment of the FSR sought by the Planning Proposal for the site, along with the (as constructed) development outcomes for 28 Anderson Street is provided at **Table 6** below. A comparison provides the recommended FSR within the CBD Strategy for these sites and demonstrates that when 3-5 Help Street and 28 Anderson Street are considered as a single site the combined developments would achieve an overall FSR of 5.2:1, which is less than the 6:1 recommended by CBD Strategy. **Table 6** demonstrates that the additional 2,290m² sought by the planning proposal is more than offset by 6,712m² underdevelopment of 28 Anderson Street.

Table 6 – Floor Space Ratio comparison

	28 Anderson Street	3-5 Help Street	28 Anderson Street + 3-5 Help Street
Area	3,356m ²	2,290m ²	5,646m ²
Recommended Strategy FSR	6:1	6:1	6:1
Recommended Strategy GFA	20,136m ²	13,740m ²	33,876m ²
FSR	4:1 (constructed)	7:1 (considered)	5.2:1 (Combined)
GFA	13,424m ²	16,030m ²	29,454m ²
Variation from Strategy	- 6,712m ²	+ 2,290m ²	- 4,422m ²

Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes. The Planning Proposal is the best means to achieve the objectives and intended outcomes described in Section 3 of this report for the following reasons:

- The current WLEP 2012's *Height of Building Map* and *Floor Space Ratio Map* would need to be amended to permit the height and floor space proposed.
- The extent in numeric variation from the current built form controls could not reasonably be achieved through the use of Clause 4.6 – Exceptions to Development Standards.
- A site-specific request for a 6:1 FSR is required to justify additional density (and assess no adverse environmental impacts) separate to the overall findings of the draft CBD Strategy.

Given that the WLEP 2012 came into effect on 31 January 2013 there are no alternative options available to avoid a standalone Planning Proposal. This Planning Proposal could accompany the draft CBD Strategy; however, it proposes a minor deviation from the strategy which requires a site specific justification.

5.2 Relationship with the Strategic Planning Framework

5.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is consistent with the objectives and directions and actions of the Greater Sydney Region Plan.

Greater Sydney Region Plan

The Greater Sydney Region Plan identifies a metropolitan priority for the 30-minute city where people can access jobs and services within 30 minutes. The Planning Proposal will facilitate housing and jobs near high frequency public transport consistent with this priority.

The plan provides guidance for investigating urban renewal corridors which includes considering accessibility to regional high frequency transport and a catchment within walking distance of centres with regional transport. The Planning Proposal is consistent with this criterion.

The Planning Proposal will facilitate housing and jobs in the Chatswood Strategic Centre, close to services and frequent transport infrastructure which will contribute to the realisation of the 30-minute city. The Planning Proposal is consistent with the following objectives:

- Objective 10 – Greater Housing Supply
- Objective 11 – Housing is more diverse and affordable
- Objective 12 – Great places that bring people together
- Objective 14 - A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities

NSW Long Term Transport Master Plan 2012

The NSW Long Term Transport Master Plan 2012 has the aim of better integrating land use and transport. A Plan for Growing Sydney has been prepared to integrate with the Long-Term Transport Master Plan.

The Planning Proposal will serve the objectives of the Transport Plan by locating both residential and employment generating uses close to an existing railway station. This will promote the use of public transport and reduce reliance on private motor vehicles.

North District Plan

The North District is expected to grow significantly, and the North District Plan highlights the need more housing choice, including more compact and diverse housing with an anticipated need for an additional 1,250 homes by 2021. The Planning Proposal is therefore consistent with Liveability Priority 1 which aims to deliver the North Districts five-year housing target.

The Chatswood Strategic Centre will also grow with an additional 6,300 – 8,300 jobs expected to be accommodated by the Centre by 2036. The Planning Proposal includes a minimum provision of 1:1 FSR for commercial floor space which equates to 2,290m² of commercial GFA and approximately 114 jobs.

The Planning Proposal is consistent with Productivity Priority 2: Manage growth and change in strategic centres as it will:

- deliver on the Chatswood strategic centre's job targets;
- promote the use of walking, cycling and integrated public transport solutions by locating housing and jobs close to high frequency transport and provision of bicycle parking on-site; and
- manage the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre.

Chatswood CBD Planning and Urban Design Strategy

Willoughby City Council prepared a Planning and Urban Design Study of the Chatswood CBD, supported by transport and traffic advice from Arup and economic advice from BIS Shrapnel. The purpose of CBD Strategy is to establish a strong framework to guide all future private and public development in the Centre over the next 20 years and to achieve exceptional design and a distinctive, resilient, and vibrant centre for Chatswood.

The study focuses on the land 800m from Chatswood Railway Station. It anticipates growth for the Chatswood CBD over the next 30 years based on statistics from the Department of Planning and Environment, the Bureau of Transport Statistics and BIS-Shrapnel. The study recommends controls to achieve the objectives for the Chatswood CBD including:

- Delivery of floor space which is appropriate to the projected requirements within the future Chatswood CBD;
- Chatswood's future as an employment centre is protected whilst allowing capacity for residential growth;
- Good sun access to key public spaces;
- Retaining Chatswood CBD as the focus of Chatswood;
- Capturing the value of uplift in development capacity for Council to be able to deliver required improvements to the public realm for a major and attractive residential and commercial centre;
- High quality-built outcomes are achieved through a design excellence process; and
- Tower developments are encouraged to be slim and well separated.

As outlined at Section 5.1 the Planning Proposal is largely consistent with the objectives and recommendations of CBD Strategy.

5.2.2 Q4 – Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

Willoughby City Council has prepared both a Local Strategic Planning Statement and a Local Housing Strategy that reinforce the key local matters relevant to the Chatswood CBD Strategy. The proposal has been assessed against each of these plans in Table 7A on the following pages.

Council's strategic plan and long-term vision guide the future growth of the city. The City Strategy includes key *strategic directions* which relate to community and cultural life, natural environment, housing, infrastructure, economic activity, and governance. The objectives relating to housing and economic activity are of most relevance to the proposal.

- **Housing** – The Strategies seeks to promote housing choice, quality living amenity for residents and protection of local character. The Planning Proposal responds positively to these objectives by enabling housing diversity of apartment types, sizes at various price-points designed in accordance with the guidance of the Development Control Plans (DCPs). The potential adverse impacts of the proposed uplift in height and density are limited and the development concept demonstrates the ability to preserve the local character of Chatswood CBD and surrounding residential amenity.
- **Economic Activity** – The Strategies aim to promote growth for local business, support of centres and engagement with business. The provision of commercial floor space and housing on the site will allow for the comprehensive redevelopment of the site and inclusion of commercial floor space for the first time on the site. The proposal will provide for an additional 114 jobs.

Table 7A – Consistency with the Willoughby Local Planning Statement and Local Housing Strategy

Policy Area and Priority	Consistency			Comment
	Yes	No	N/A	
Housing the city				
Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers	✓			The addition of 1, 2 and 3 bed units will help to contribute to a more diverse unit housing stock for Willoughby. Additional units will diversify housing which is dominated by houses.
1.2 Review planning controls in the Chatswood CBD and in local centres to facilitate delivery of an increased number of medium and high-density dwellings, increasing dwelling diversity in the LGA.	✓			This document represents a review of the current planning Controls.
1.4 Assess any proposals for increased housing density against the <i>Willoughby Housing Strategy</i> .	✓			This proposal for increased density has been assessed against the Willoughby Housing Strategy
1.5 Ensure that planning controls create dwellings of universal design that are suitable for the changing needs of the community, including smaller and accessible dwellings for the aging population and family-friendly medium and high-density dwellings for new families moving to the area.	✓			This proposal includes a range of dwelling sizes all are fully accessible.
1.6 Ensure higher sustainability and resilience targets for all new dwellings in Willoughby City in order to lower life cycle costs for new residents.	✓			Sustainability principles are included in the design requirements for the new dwellings that will be facilitated by this proposal.
Priority 2: Increasing the supply of affordable housing.	✓			The proposal includes an affordable housing component.
2.2 Seek opportunities to deliver increased public benefit through affordable housing when increases in density are sought in major proposals.	✓			This proposal includes an affordable housing component.
2.5 Focus affordable housing delivery along potential eastern public transport routes and the Metro and North Shore Railway Line.	✓			This proposal is located close to the Chatswood railway station.
A city for people				
Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features	✓			The proposal includes a landscape management plan which will enhance the appearance of the local landscape, provision for cycling on the adjacent road network is included
3.1 Develop both east-west and north-south routes in the LGA as green links for walking and cycling consistent with green grid priority corridors identified in the <i>Greater Sydney Region Plan</i> and <i>North District Plan</i> .	✓			This proposal acknowledges these strategic policies and will work with Council to accommodate their implementation through footpath and on street cycleway provisions past the site.
3.2 Expand the bicycle network as planned in the <i>Willoughby Bike Plan</i> .	✓			This proposal acknowledges this plan and will work with Council to accommodate its implementation through footpath and on street cycleway provisions past the site
Priority 4: Ensuring that social infrastructure caters to the population's changing needs and is accessible to foster healthy and connected communities	✓			A community garden and pool are included on the podium level.
4.4 Pursue opportunities in new developments to increase public open space areas.	✓			The proposal includes open space at the podium level that may include some element of community access, A component of the Cycle parking will also have public access.
A city of great places				
Priority 5: Respecting and enhancing heritage and local suburban character			✓	The site is not heritage listed and is not adjacent to any heritage sites or in a heritage precinct.
Priority 6: Planning for local centres which are vibrant places that meet the everyday needs of the population	✓			The inclusion of 1:1 FSR commercial component will help to add vibrancy and provide more opportunities for commercial development that meets the needs of the local people.
6.1 Review planning controls in local centres to encourage site amalgamation and development.	✓			This proposal represents a review of the relevant planning control, and includes site amalgamation

Policy Area and Priority	Consistency			Comment
	Yes	No	N/A	
A well-connected city				
Priority 7: Developing Chatswood's role as a true transport hub for Willoughby City and the North Shore			✓	The proposal does not contribute directly to the role of Chatswood as a Transport Hub, but does rely on it being one, enhancing the density of the node.
Priority 8: Connecting Willoughby's network of centres with each other and to Greater Sydney by mass transit		✓		The proposal does not contribute positively or negatively towards this priority.
Jobs and skills for the city				
Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor	✓			The inclusion of 1:1 FSR commercial component will help Chatswood to become a key commercial centre.
9.1 Promote office growth in the commercial core and a diverse mix of uses.	✓			This proposal includes a commercial component with an FSR of 1:1
9.4 Develop and promote Chatswood's distinct role in the Eastern Economic Corridor.	✓			This proposal contributes positively towards this action.
9.5 Seek contributions to public and social infrastructure to improve the amenity and services in the Chatswood CBD.	✓			This proposal is required to contribute to Councils contributions plan in accordance with the Planning Agreement in place between the Proponent and Council
Priority 10: Protecting the role of Willoughby's industrial lands as urban service hubs for the Lower North Shore		✓		The proposal does not contribute positively or negatively towards this priority.
Priority 11: Supporting St Leonards to develop as a commercial and health and education precinct			✓	Not applicable at this location
A city in its landscape				
Priority 12: Enhancing the health of Willoughby's waterways		✓		The proposal does not contribute positively or negatively towards this priority.
Priority 13: Protecting Willoughby's bushland and biodiversity			✓	Not applicable at this location
Priority 14: Increasing Willoughby's tree canopy coverage	✓			The proposal will add to Chatswood tree canopy in accordance with the proposal's landscape plan
14.3 Protect existing trees in the LGA through planning controls, and require large developments to retain existing trees and plant mature trees where appropriate.	✓			The proposal includes a Landscape Plan which includes the planning of mature trees at both podium level and in the deep soil component of the site.
14.4 Encourage green roofs or green nature walls and green buildings, particularly in the Chatswood CBD and St Leonards.	✓			This proposal includes green roofs at podium level and on the tower rooftop, and also includes a green wall component on the eastern facade.
An efficient city				
Priority 15: Improving the efficiency of Willoughby's built environment	✓			The proposal requires a building of the highest energy efficacy rating be developed on the site.
15.1 Develop Chatswood as a low-energy, low-carbon, low-water use centre, particularly through proposed major developments.	✓			This proposal includes provision to implement the latest BASIX standards.
15.4 Manage street and off-street parking to encourage public transport use and car sharing and limit growth in travel by private vehicles.	✓			Private parking has been limited in the proposal.
15.6 Advocate for increased energy and water efficiency standards for new buildings including Green Star Certification and the BASIX standards.	✓			This proposal includes provision to implement the latest BASIX standards.
15.7 Encourage the use of cool building materials in any new development to reduce the urban heat island effect, and where appropriate integrate water features both natural and man-made into urban design.	✓			This proposal includes provision to implement the latest BASIX standards, building materials will also be focused on achieving this Action, the green wall will also incorporate water recycling.
15.8 Review Willoughby Council's Development Control Plan to update sustainable development requirements for the entire LGA.	✓			This proposal includes a review of Council's DCP to ensure the inclusion of sustainability principles in building design.
15.10 Require increased energy and water efficiency in major development proposals where increases in density or yield are sought.	✓			The Building design includes with this proposal encourages this action.

Policy Area and Priority	Consistency			Comment
	Yes	No	N/A	
A resilient City				
Priority 16: Increasing resilience to climate change, extreme weather and other shocks and stresses	✓			The provision of high-density energy efficient housing, and co-located commercial development, will help to contribute towards a sustainable and resilient lifestyle for residents.
16.5 Continue to ensure that new residential development is targeted away from parts of the Council at risk from natural hazards including bushfire and flooding.	✓			This proposal will facilitate new residential development on a site that is not directly impacted by bushfires or flooding
A City supported by infrastructure				
Priority 17: Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth	✓			The proposal will enhance some of the local infrastructure through the provision of contributions in accordance with the Community Infrastructure Contributions Plan.
17.4 Require major development to share any value uplift from changes in development rights to deliver a community benefit through improved local infrastructure.	✓			This proposal includes a Planning agreement with Council that will contribute to Council's Community Infrastructure strategy.
17.5 Focus future development and density in places where infrastructure is available, which is expected to be along the major public transport corridors.	✓			This proposal will facilitate increased density in close proximity to the existing railway station and transport interchange, and other community infrastructure in the CBD
Priority 18: Leveraging planned major infrastructure investments and projects to support growth	✓			The proposal will leverage higher density development opportunities from the provision of Chatswood becoming a major transport hub.
18.5 Review current planning objectives and frameworks in response to major infrastructure announcements and construction.	✓			This proposal represents a review of the local planning objectives and will positively respond to this priority through this action
A Collaborative City				
Priority 19: Working with other organisations to provide required infrastructure		✓		The proposal does not contribute positively or negatively towards this priority.
Priority 20: Co-ordinating economic development for Chatswood and St Leonards			✓	Not applicable at this location
Policy Area and Priority	Consistency			Comment
	Yes	No	N/A	
Willoughby Local Housing Strategy				
Increase housing supply in accordance with the Northern District Plan and Forecast Requirements	✓			The proposal contributes towards an increase in the housing supply and aligns with the objectives and goals of the Northern District Plan's housing needs forecasts.
Contributes towards a diversity of housing stock	✓			The addition of 1, 2 and 3 bed units will help to contribute to a more diverse unit housing stock for Willoughby. Additional units will diversify housing which is dominated by houses.
Contributes affordable housing options for the community.	✓			The proposal includes an affordable housing component.

5.2.3 Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 7B** below.

Table 7B – Consistency with State Environmental Planning Policies

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP (State and Regional Development) 2011			✓	The future development of the site is likely to be deemed as „regional development“ (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the Northern Planning Panel acting as the determining authority.
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed WLEP 2012 amendment
SEPP (Exempt and Complying Development Codes) 2008			✓	Not relevant to proposed WLEP 2012 amendment. May apply to future development on the sites.
SE PP (Housing for Seniors or People with a Disability) 2004			✓	Not relevant to proposed WLEP 2012 amendment.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Infrastructure) 2007	✓			The future development is likely to be considered traffic generating development under the relevant thresholds of Schedule 3 and referral to RMS would be required.
SEPP No. 55 Remediation of Land	✓			A contamination study has not been commissioned at this early stage of planning. This can be undertaken if required by the Gateway Determination, though the site has been used for residential uses for some time and as such is considered at low risk of contamination
SEPP No. 64 Advertising and Signage			✓	Not relevant to the proposed WLEP 2012 amendment.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			Nothing within this amendment will prevent a future DA's ability to comply with SEPP 65. The indicative development concept prepared by Kann Finch Architects complies with key SEPP 65 and ADG principles.
Urban Renewal 2010			✓	The site is not located within a potential precinct as identified by the SEPP.
Sydney Harbour Catchment SREP	✓			The site is located within the Sydney Harbour Catchment area associated with the SREP. Future development would be consistent with the aims and planning principles related to the Sydney Harbour Catchment

5.2.4 Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes.

An assessment of the Planning Proposal against applicable Section 117 Directions is set out in **Table 8** below.

Table 8 – Consistency with Section 117 Directions

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			While the Planning Proposal does not seek to amend the B4 Mixed Use zoning, the Planning Proposal will facilitate a mixed-use development consistent with this direction in that it retains a zoning that permits all types of commercial premises with consent.
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	Not applicable
2.3 Heritage Conservation			✓	Not applicable
2.4 Recreational Vehicle Area			✓	Not applicable
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The proposed amendment would see the delivery of new dwellings that are located close to public transport, employment opportunities and day to day services. The proposal will therefore make more efficient use of this infrastructure and will reduce the consumption of land for housing and associated urban development on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The Planning Proposal, through unlocking the development potential of the site, will concentrate critical mass to support public transport, and improve access to housing and jobs and services by walking, cycling and public transport. Considering this it is expected that the proposal will reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car.

Direction	Consistency		N/A	Comment
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
4. Hazard and Risk				
4.1 Acid Sulphate Soil	✓			The WLEP 2012 contains acid sulphate soils provisions and this proposal does not seek to amend them. Acid sulphate soils investigations and analysis will accordingly be undertaken as part of any future development of the land in accordance with the requirements of the WLEP 2012.
4.2 Mine Subsidence and Unstable Land			✓	Not applicable
4.3 Flood Prone Land			✓	Not applicable
4.4 Planning for Bushfire Protection			✓	Not applicable
5. Regional Planning				
5.2 Sydney Drinking Water Catchment			✓	Not applicable
5.10 Implementation of Regional Plans	✓			As outlined at Section 5.2 the Planning Proposal is consistent with A Plan for Growing Sydney.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation, or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter, or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision			✓	Not applicable
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			As discussed in Section 5.2 above, the Planning Proposal provides a range of new job opportunities, housing and increased high quality commercial floor space which is consistent with the priorities of A Plan for Growing Sydney.

5.3 Environmental, Social and Economic Impacts

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or other habitats, given the site's urban location. These matters can be appropriately considered at the Development Application stage, if relevant.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The remaining development controls under the WLEP 2012 and DCP provide appropriate guidance to ensure that a high-quality development outcome is achieved for any future development of the site and environmental impacts will be assessed in detail in a future development application. Notwithstanding this, an assessment is undertaken below of the potential environmental impacts of the proposed WLEP 2012 amendment.

Shadowing

Kann Finch have undertaken a shadow study of the building envelope provided by the reference scheme (refer to **Figure 11** to **Figure 13**). The shadow diagrams demonstrate that during mid-winter the development concept would generate some minor overshadowing of adjoining properties. However, this impact is considered appropriate in the context of the CBD and as there remains significant solar access for most of the day.

The building has been designed to provide a slim profile that is oriented to narrow from north to south so as to minimise the shadow cast. This will allow solar access to be maintained to surrounding buildings and the shadow diagrams show that in mid-winter the slim shadow will move fast from west to east as the sun tracks across the sky (refer to **Figure 11** to **Figure 13**). This will allow all surrounding buildings to maintain a minimum 2 hours solar access mid-winter as required by the ADG.

The shadow studies show that Victoria Avenue would not be additionally overshadowed by a future building on the site during the critical lunchtime period, between 12.00pm and 2.00pm. The shadow diagrams show that Victoria Avenue, between the interchange and Anderson Street is overshadowed by surrounding development and the development concept would not further increase shadowing compared to the existing situation.

As outlined at **Table 5** the planning proposal is consistent with the recommended height control of maximum building height of 90m and the recommended sun access plane to Victoria Avenue which recommends a maximum RL190m for the site. The indicative development concept as detailed at **Appendix A** shows the development concept has a maximum building height of RL185m.



Figure 11 – 9am mid-winter

Source: Kann Finch

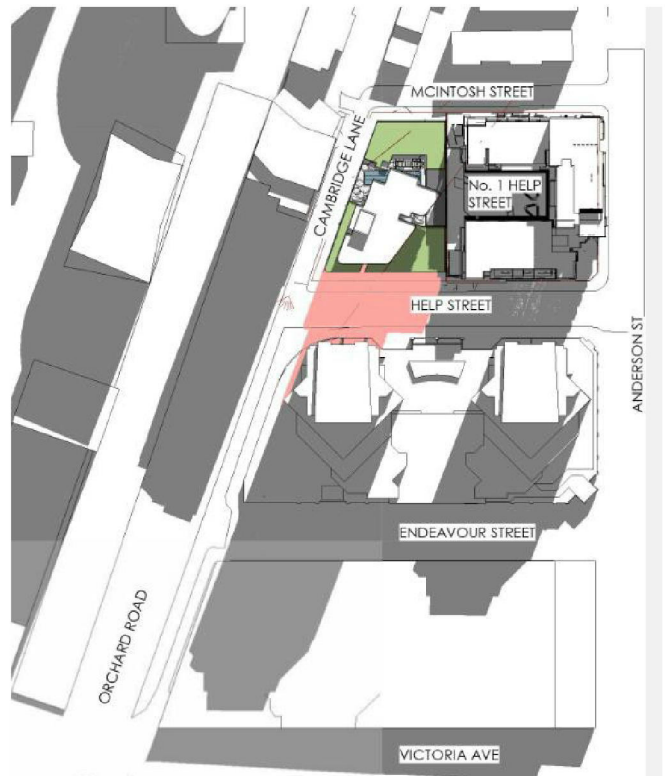


Figure 12 – 12pm mid-winter

Source: Kann Finch

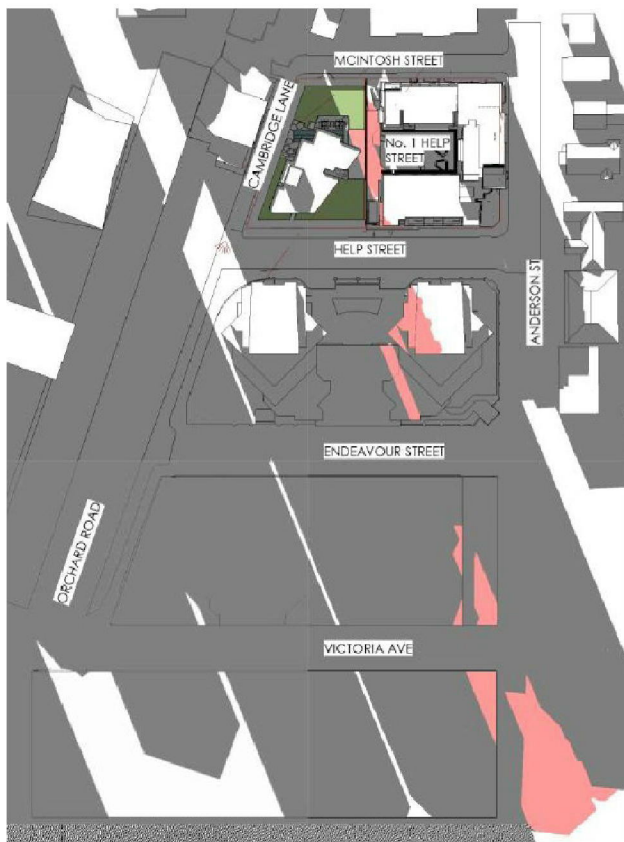


Figure 13 – 3pm – mid-winter

Source: Kann Finch

Built Form

The architectural plans at Appendix A show the additional 7:1 density proposed by the reference scheme is capable of compliance with the requirements of SEPP65 and the ADG. The reference scheme also demonstrates compliance with the podium and tower setback recommendations of the CBD strategy. The development concept accordingly incorporates:

- A podium with setbacks of 3m from the street boundary;
- A tower with setbacks of 6m from the street boundary;
- Compliant separation between the podium and tower components and neighbouring buildings to the north, south, east and west that meet ADG guidelines;
- Slim floorplates that are below the CBD Strategy recommendations;
- Floorplates that are capable of compliance with the requirements of the ADG, including solar access and natural ventilation;
- No additional overshadowing to Victoria Avenue;
- Adequate solar access to adjoining properties;
- A sound and feasible commercial component of 1:1 FSR;

The existing strata titled development is an opportunity site capable of redevelopment due to the majority of the site being in single ownership. The site is within 200 metres of the Chatswood Railway Station and represents a rare opportunity to redevelop the site for a true transit-oriented development.

Traffic and Parking

A Transport and Traffic Assessment has been prepared by GTA Consultants (**Appendix C**) to assess the impacts of the proposal on the site and review the preferred design concepts. The results show that the site is capable of accommodating development that satisfies DCP requirements for car parking, motorcycle, and bicycle parking.

Traffic Generation

The development concept would generate 38 vehicle movements peak hour, with 380 vehicle movements generated over the entire day.

The following intersections were modelled for peak AM and MP traffic movements generated by the concept development:

- Orchard Road/Help Street
- Anderson Street/Help Street
- Anderson Street/McIntosh Street

The modelling results demonstrate the development concept would continue to operate at the same (acceptable) level of service as existing with no change to the average delay in seconds and only a minor increase to the 95th percentile queues predicted.

The post development assessment of McIntosh Street and Cambridge Lane shows these streets would operate within their daily volume threshold as shown at **Table 9** below.

Table 9 – McIntosh Street and Cambridge Lane capacity assessment

	Daily Capacity/threshold	Existing	Additional	Post Development	Threshold
McIntosh Street	2,000 to 3,000	700	+210	910	Y
Cambridge Lane AM Peak	100vph	67vph	+20vph	89vph	Y
Cambridge Lane PM Peak	100vph	49vph	+22vph	71vph	Y
Cambridge Lane Daily	1,000vpd	701vpd	+210vpd	910vpd	Y

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal will have a positive economic impact by increasing flexibility of future use of the site to reflect changing economic and market demands. A market assessment of residential and office development has been undertaken by AEC Group (**Appendix D**) that has found:

- there is significant demand for residential apartment development in Chatswood CBD, close to high frequency transport; and
- there is a demand for boutique commercial suites in mixed use buildings.

The Planning Proposal will contribute to delivery of housing in a strategic location that has been found to be a suitable location for increased densities by the CBD Strategy.

It will have a positive economic impact on the locality by redeveloping an underutilised site that will incorporate employment generating uses. Construction of the development concept will create construction jobs with additional multiplier effect economic benefit to the local economy.

The proposal is unlikely to have any negative social impacts, as the proposal will only facilitate the provision of additional compatible uses within the area. Accordingly, the proposal would result in increased residential populations activating the area, adding to the vibrancy of Chatswood CBD.

5.4 State and Commonwealth Interests**Q10 – Is there adequate public infrastructure for the Planning Proposal?**

The site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the DA to determine whether any upgrade of existing facilities is required.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

5.5 Community Consultation

Confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

6.0 Council Consultation

6.1 Introduction

This section of the report has been prepared in response to several queries and comments raised by Council Staff regarding the proposed Concept development that has been prepared to support the Planning Proposal. These queries are contained in Table 1 on the following page, and have been converted into a checklist shown as Appendix A. Each of these queries is dealt with individually in this section of the report.

6.2 Consultation

Council notified our project team of preliminary feedback, which formed several queries and comments relating to the proposed Concept Design prepared in support of the Planning Proposal, on 26 April 2018. A summary of Council's queries and comments are provided in **Table 1** below:

Table 1 – Queries Raised in Preliminary Feedback from Council

Council Feedback	Date Received	Addressed in this Addendum
1. Podium Height of between 6 to 14m.	26/04/2018	yes
2. 1:1 FSR for Commercial component.	26/04/2018	Yes
3. 2 lifts servicing the residential required.	26/04/2018	Yes
4. Green roof at podium level.	26/04/2018	Yes
5. Document the garbage requirements of the development.	26/04/2018	Yes
6. Help Street is the point of entry and exit (not Cambridge Lane).	26/04/2018	Yes
7. There should be no vehicles waiting on Help Street.	26/04/2018	Yes
8. Allow for the commercial activity to front Cambridge Lane.	26/04/2018	Yes
9. Cambridge Lane to be an active street shared zone.	26/04/2018	Yes
10. Document how the separation of garbage and couriers/deliveries will be managed.	26/04/2018	Yes
11. Separation, designation and security of resident, employee, visitor, and customer parking within the car park needs to be clarified.	26/04/2018	Yes
12. Servicing should be able to accommodate at a minimum MRV trucks	26/04/2018	Yes
13. Disabled parking should be provided in close proximity to lifts.	26/04/2018	Yes
14. Undertake turning path analysis for both access and egress points.	26/04/2018	Yes
15. Two-way access to the site needs to be achieved for residents/commercial parking.	26/04/2018	Yes
16. Vehicular access should be left-in and left-out.		Yes
17. All car parking designs must satisfy Australian Standards.	26/04/2018	Yes
18. Bicycle parking designs must satisfy Australian Standards.	26/04/2018	Yes
19. There should be no need for a turntable.	26/04/2018	Yes
20. Bike rider showers and lockers to be adjacent to bicycle racks/storage.	26/04/2018	Yes
21. Any design amendments would require an updated Traffic Report.	26/04/2018	Yes
22. Contaminated sight investigations would be required to be submitted at Development Application stage.	26/04/2018	Acknowledged
23. Due to the proximity of the North Shore Rail Line the site will require a noise and vibration assessment completed to accompany any Development Application.	26/04/2018	Acknowledged
24. A detailed Wind Impact Assessment including model testing in a wind tunnel should accompany any Development Application for the site.	26/04/2018	Acknowledged
25. Any Development Proposal should address the interface with the streetscape and surrounding development regarding landscape elements.	26/04/2018	Acknowledged

Council Feedback	Date Received	Addressed in this Addendum
26. Landscaping elements should achieve the intent of the greening strategy and benefits of visual, wind and heat amelioration.	26/04/2018	Yes
27. Relatively high winds to the podium levels may be experienced.	26/04/2018	Yes
28. Provision of planter boxes to balconies.	26/04/2018	Yes
29. Undergrounding of power should form part of any proposal to enable provision of tall canopy trees.	26/04/2018	Acknowledged
30. Enhancement of the green corridor opportunities through the CBD.	26/04/2018	Acknowledged
31. Further design development to follow the Government Architect Draft Greener Places Guideline.	26/04/2018	Acknowledged
<p>32. Attention to the ‘fine grain’ detail at ground level promoted by the Chatswood CBD Planning & Urban Design Strategy would include however not be limited to:</p> <ul style="list-style-type: none"> a) treatment of /interface with Cambridge Lane and adjoining plaza open space opposite the site b) Continuation of landscape treatments established by the development to the east along Help Street. c) Possible retention/re-use of the mature <i>Phoenix canariensis</i> (Canary Island Date Palm) at the Cambridge lane/McIntosh St corner d) Being a mixed-use proposal, with the predominant use being residential, perimeter greening and space creation should be more reflective of the image of a residential setting rather than residential use in a commercial setting. That is less use of hard elements and development of more biophilic concepts. 	26/04/2018	Acknowledged

6.3 Queries and Comments raised by Willoughby Council Planners

This section is a summary of the responses prepared by our team of consultants' in response to the queries and comments raised by Council as relates to the Concept Design supporting the Planning Proposal. Each of these have been addressed independently and have been summarised here. For more detailed information regarding each issue, where applicable, please refer to the referenced consultants reports in the Appendices.

6.4 Podium Height of between 6 to 14m

The podium height of the revised design is now a maximum of 13.4m above the lowest level of the footpath fronting Help Street.

6.5 1:1 FSR for Commercial component

The FSR for the commercial component is now 1.1 to 1.

6.6 Two Lifts minimum required to service the Residential Tower

The residential component of the building will be serviced by 3 lifts.

6.7 Green roof at podium level

The Top of the Podium level has a landscaped area on all but the south western corner. Part of this space will be dedicated for a children's adventure playground and outdoor bar-b-que area. (Please refer to: Plan – A3 – Rev G – PP004 – Level 02 & 03 to 05 Plan – 3-5 Help Street Chatswood).

6.8 Garbage requirements of the development

Garbage requirements for the building have been addressed with the provision of a sizable garbage bin room on the ground floor. Pedestrian access to the Garbage Bin collection dock is via a door in the residential lobby. Commercial garbage cleaning contractors will also have access to this lobby from the commercial lobby.

6.9 Help Street is the point of entry and exit (not Cambridge Lane)

Help street is now the point of entry for all deliveries, garbage collection and bicycle access. Access to and from the Residential and Commercial car park is now via a two-way ramp accessing Macintosh Street.

6.10 There should be no vehicles waiting on Help Street

The use of the truck dock by delivery and garbage vehicles only should ensure that queuing to leave or enter the driveway is momentary at worst. Vehicles leaving the driveway will be expected to depart to the left only, facilitated by any vehicle arriving simultaneously which can then immediately enter once the departing vehicle has departed to the left.

6.11 Allow for the Commercial activity to front Cambridge Lane.

Commercial activity front Cambridge Lane with three commercial/retail premises potentially opening to Cambridge Lane, one of which has the corner position with Help Street, another has a corner position with Macintosh Street. Together these 3 premises total just over 500 square meters of floor space.

6.12 Cambridge Lane to be an active street shared zone.

The commercial/retail premises fronting to Cambridge Lane should facilitate the activation of the streetscape, including footpath seating associated with cafés or restaurants.

6.13 Separation of garbage and couriers/deliveries.

Some of the visitor spaces on the first basement floor of the carpark will be allocated for courier deliveries beside the commercial lift. Larger bulkier deliveries will be via the loading dock lower level near the rear of the dock away from the garbage truck turning area.

6.14 Separation and security of resident, employee, visitor, and customer parking. The upper level of the carpark will be for commercial employees, visitors, and customers only. The lower levels will be gated and accessed via the residential key card. The front gates will be key card and intercom controlled.

6.15 Docks to accommodate at a minimum MRV/trucks.

The design of the loading and garbage dock can accommodate an LRV, or one SRV and one MRV simultaneously.

6.16 Disabled parking near lifts.

Parking for the disabled has been accommodated on each floor of the car parking basements. Several parking spots in immediate proximity to the lifts are available on each floor to accommodate this purpose.

6.17 Undertake turning path analysis for both access and egress points.

Turning path analysis for the loading docks has been undertaken and can be reviewed in appendix C of the associated Traffic Impact Assessment report. Access into and out of the carpark driveway is via a conventional driveway fronting Macintosh Street with more than sufficient turning width to accommodate the vehicles using the carpark as they turn to and from the street (Please refer to: Plan – A3 – Rev G – PP003 – Ground Floor and Level 01 Plan – 3-5 Help Street Chatswood.)

6.18 Two-way access to the site needs to be achieved for residents/commercial parking

Car Parking access has been converted to a two-lane two-way access via Macintosh Street with queuing for 3 departing cars inside the property boundary whilst cars arrive. (Please refer to Plan – A3 – Rev G – PP003 – Ground Floor and Level 01 Plan – 3-5 Help Street Chatswood.)

6.19 Vehicular access should be left-in and left-out.

Vehicle access for truck using the dock is left-in and left-out. Access to the carpark is right-in and right-out due to the one-way arrangement of Macintosh Street and the orientation of the site fronting Macintosh Street making this arrangement a necessity.

6.20 All car parking designs must satisfy Australian Standards

All Car parking designs have been designed in accordance with the required relevant Australian Standards.

6.21 Bicycle parking designs must satisfy Australian Standards

The design of the Bike Parking basement can comfortably comply with the relevant Australian Standards. (Please refer to Plan – A3 – Rev G – PP002 – Basement and Lower Ground Plan – 3-5 Help Street Chatswood.)

6.22 No need for a turntable

Although the site is very constrained in terms of available area for turning large vehicles the loading dock has been designed such that there is no need for a turntable.

6.23 [Bike rider showers and lockers to be adjacent to bicycle racks/storage.](#)

The Bike Club Basement parking area has a Bike Change room, lockers, and shower immediately adjacent to the lockable bike park area. Access to the Bike Club for residents, commercial tenants and cleaning staff is by security pass only. The Bike Club Basement can be seen on the Lower Ground Floor Plan. (Please refer to Plan – A3 – Rev G – PP002 – Basement and Lower Ground Plan – 3-5 Help Street Chatswood.)

6.24 [Provide a revised Traffic Report.](#)

Please refer to the associated Revised Traffic Impact Assessment prepared by GTA Consultants Report. (refer to Appendix C)

6.25 [Contaminated sight investigations at Development Application stage.](#)

We acknowledge that a Contaminated Site Investigation Report will need to be prepared and submitted as part of any subsequent Development Application for the site.

6.26 [North Shore Rail Line proximity noise and vibration at DA stage.](#)

We acknowledge that a Noise and Vibration Study and Report will need to be prepared as part of any subsequent Development Application given the proximity of the site to the North Shore Rail Line.

6.27 [Detailed Wind assessment at Development Application stage.](#)

We acknowledge that a detailed Wind Impact Assessment, including model testing in a wind tunnel, should accompany any Development Application for the site.

6.28 [Streetscape treatments integration with surrounding developments.](#)

We acknowledge that any Development Proposal should address the interface with the streetscape and surrounding development regarding landscape elements. These details will be provided as part of any subsequent Development Application for the site.

6.29 [Landscaping should be in accordance with Council's Greening Strategy](#) Landscaping elements should achieve the intent of the greening strategy and provide the benefits of visual, wind, and heat amelioration. These details will be provided as part of any subsequent Development Application for the site.

6.30 [Relatively high winds to the podium levels will require considered planting.](#) Planting on the podium levels will take account of the results of the wind modelling and any planting strategy will take account of the effect these winds will have on proposed planting suitability. These details will be provided as part of any subsequent Development Application for the site.

6.31 [Provision of planter boxes to balconies.](#)

The balconies will be designed to (hold unclimbable) planter boxes to enhance the greening of the façades.

6.32 [Undergrounding of power to enable provision of tall canopy trees.](#)

We acknowledge that the proposed undergrounding of power lines should form part of any Development proposal to enable provision of tall canopy trees.

6.33 [Enhancement of the green corridor opportunities through the CBD.](#)

Any subsequent Development Application for the site will take into consideration that the green corridors through the CBD should be enhanced by the proposed landscaping elements of the proposal.

6.34 Government Architect’s Draft Greener Places Guidelines.

Further design development will follow the Government Architect’s Draft Greener Places Guidelines.

6.35 Attention to the “fine grain” details of the Planning Strategy

We acknowledge that any Development Application for the Site must pay attention to the ‘fine grain’ detail at ground level promoted by the Chatswood CBD Planning & Urban Design Strategy, and would include, however not be limited to:

- a) treatment of /interface with Cambridge Lane and adjoining plaza open space opposite the site,
- b) Continuation of landscape treatments established by the development to the east along Help Street
- c) Possible retention/(probable) re-use of the mature *Phoenix canariensis* (Canary Island Date Palm) at the Cambridge lane/McIntosh St corner in the deep soil area proposed on the eastern site of the site
- d) Being a mixed-use proposal, with the predominant use being residential, perimeter greening and space creation should be more reflective of the image of a residential setting rather than residential use in a commercial setting. That is less use of hard elements and development of more biophilic concepts.

We undertake to ensure that these considerations will be incorporated into subsequent DA level designs for the site.

7.0 Council Endorsement and Recommendations

7.1 Introduction

This 2nd Planning Proposal Addendum Report, for the site known as 3-5 Help Street Chatswood, is submitted to the City of Willoughby Council (Council) to support a Planning Proposal to amend the Willoughby Local Environmental Plan 2012 (WLEP 2012).

This 2nd addendum report has been prepared on behalf of H & J Vakili Pty Ltd, and R Vakili, whom together have an interest in the subject site, and the key objectives of the report are to demonstrate the strategic planning merit of accommodating a responsive higher density development in the form of a tall slender building on the site, to evaluate the impact of additional building height and density on the site, and to assess the relevant environmental, social and economic impacts of the proposal in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This section of the report has been prepared in response to the recommendations endorsed by Willoughby City Council at that Council Meeting held on Monday 7th of February 2019. These recommendations requiring action are contained in Table 1 on the following page. Each of these recommendations is dealt with individually in the body of this section of the report.

7.2 Consultation

Council notified our project team of the endorsed recommendations requiring action via emailed letter on Thursday Afternoon, 21st of February 2019. A summary of Council's recommendations requiring action is provided in **Table 1** below:

Table 1 – Recommendations requiring Action from Council.

Council Recommendations	Date Received	Addressed in this Addendum
3a) Number all draft DCP Objectives	21/02/2019	yes
3b) Under Design excellence and Building Sustainability - Section 5 of the draft DCP, add Section 5A	21/02/2019	Yes
3c) Under Built Form in Section 9 of the draft DCP, replace section 9	21/02/2019	Yes
3d) Under Building Heights in section 14 of the draft DCP, replace Section 14, and add Section 14A	21/02/2019	Yes
3e) Under Links, Open Space and Landscaping, amend Section 28	21/02/2019	Yes
3f) Under Street Frontage, Heights, and Setbacks, add Section 29C	21/02/2019	Yes
3g) Under Further Built Form Controls, add to Section 33	21/02/2019	Yes
3h) Under Traffic and Transport, add three subsections	21/02/2019	Yes
4. Provide an updated Letter of Offer to enter into a Planning Agreement	21/02/2019	Yes
5. Update the Concept Plans to demonstrate Compliance with Key Elements 19 and 20	21/02/2019	Yes
6. Prepare a Concept Landscape Plan for Council demonstrating compliance with Key Elements 22, 23, 24, 25, and 26.	21/02/2019	Yes

7.3 Proponents Responses to the Council Recommendations

This section provides a summary of the responses prepared by our team of consultants' in response to the Council recommendations listed in the table above. This summary lists where the more detailed response can be found.

7.4 Council Recommendation 3(a) through 3(h)

The response to these recommendations involved making minor amendments to the Proposed DCP Amendment documentation prepared in support of our proposal. These changes have all been incorporated into the latest version Proposed DCP Amendment document sent to Council by email on Monday the 25th of February 2019.

7.5 Council Recommendation 4

The response to this recommendation involved providing Council with an updated Letter of Offer from the proponent to enter into a Planning Agreement with Council. The latest version of this letter was sent to Council by email on the 25th of February 2019 and is attached below.

7.6 Council Recommendation 5

The response to this recommendation involved updating the Concept Plans supporting the Planning proposal to demonstrate compliance with Key elements 19 and 20 of Council's Strategy. Namely the 90m height limit and the Solar Access Plan for Victoria Avenue. These updated plans, showing both the compliance with the height limit at several sections through the concept design and revised shadow diagrams showing where new shadows are cast – all clear of Victoria Avenue, were submitted to Council via email on the 25th of February 2019.

7.7 Council Recommendation 6

The response to this recommendation involved preparing revised landscape plans for the revised proposal, and an assessment of the existing Palm Tree located near the corner of Macintosh Street and Cambridge Lane. Compliance with Key Elements 22, 23, 24, 25 and 26 were required. A revised Landscape Plan was submitted to Council by email on Wednesday the 6th of March 2019.

- With regards to KE22, Council's strategy does not propose or require any new linkages through the site, however, the open space components of this proposal are adjacent to those on the adjacent site.
- With regards to KE23, the revised Landscape Plan proposes the installation of new street trees as part of completing the proposed development.
- With regards to KE24, the proposal incorporates a green roof on top of the podium with a mix of passive and active green space, which is mostly not overshadowed from the north by the proposed tower in the concept design for this proposal.
- With regards to KE25, the proposed Landscape plan demonstrates that over 20% of the site area has been provided as green space, mostly at podium rooftop level, but also in the deep soil component, and with planting in the street setback.
- With regards to KE26, the proposed landscape plan demonstrates that the rooftop level open space will satisfy safety requirements with edge planting, and with un-mountable barriers, whilst also incorporating high quality design, with regards layout, configuration, and materials, as well as usability and utility.

In addition to the revised landscape plan, an Arborist's report, specifically addressing the condition of the existing palm tree located on the corner of the site and the likely viability of relocating it elsewhere, was submitted to Council via email on Wednesday the 6th of March 2019. This report is included in the appendices.

8.0 Conclusion

This Planning Proposal report has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal provides a comprehensive justification of the proposed amendment to WLEP, and seeks an amendment to the height and FSR controls of the WLEP 2012 to support mixed use development at 3-5 Help Street, Chatswood.

The Planning Proposal report has documented and integrated the environmental, social, and economic analysis undertaken to select the most optimal built form for the site within the proposed constraints of land use, height, density, and built form.

This Planning Proposal is considered justified for the following reasons:

- The proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land.
- The proposal is consistent with the metropolitan, sub-regional and regional strategic planning framework which places a strong emphasis on achieving efficient use of existing urban areas which already enjoy access to existing infrastructure and services.
- The proposal is consistent with the applicable SEPPs and Section 117 Directions.
- The proposal is largely consistent with findings of the CBD Strategy.
- The proposal will respond to market and investor demand for residential and commercial office space in Chatswood by introducing new planning controls that will stimulate investment and renewal within the centre.
- The proposal would introduce high quality boutique commercial office space to the site for the first time, replacing the ageing residential buildings existing on the site, with a substantial commercial floorspace component of 1:1.
- The proposal provides the potential for an iconic, high quality, mixed use development, with improved street activation on a strategically significant site, in a highly prominent location within Chatswood CBD.
- The proposal does not result in additional overshadowing on Victoria Avenue Mall and limits new shadowing to those areas where shadows are predominantly already cast by existing development, ensuring that a high level of amenity is maintained.
- The proposal will not generate any quantifiable adverse impacts on the operation of the surrounding road network.
- The proposal is located on a site capable of redevelopment due to its location within 200m of the station, and therefore represents a rare opportunity.
- The proposal has no adverse environmental impacts from the height or FSR proposed.
- The proposal will complement the FSR of the area, and will match the neighbouring sites with an FSR of 6:1 as compared to similar or higher in the surrounding area.
- The proposal will incorporate communal space within the building, including a communal playground area.
- The proposal will contribute towards the vibrancy and revitalisation of Chatswood with activated street frontages.

Considering the above, we would have no hesitation in recommending that the Planning Proposal proceed through Gateway to public exhibition under Section 56 of the EP&A Act.

9.0 References

Dr. Hawkeswood, Trevor J. - Arborist
Arboricultural Impact Statement for a Phoenix canariensis palm at 5 Help Street, Chatswood,
March 2019

Ethos Urban
Planning Proposal for 3-5 Help Street Chatswood
December 2017

KannFinch/DDA Architects
Indicative Design Concepts – 3-5 Help Street Chatswood
June 2018 and November 2020

GTA Traffic Engineers
Traffic Impact Assessment for 3-5 Help Street Concept Design
June 2018

Greater Sydney Commission
Greater Sydney Region Plan – Our Greater Sydney 2056
March 2018

Greater Sydney Commission
North District Plan
March 2018

NSW Government
A Plan for Growing
Sydney December 2014

NSW Government
Department of Planning and Environment
Apartment Design Guide
July 2015

Willoughby City Council and Architectus
Chatswood CBD Planning and Urban Design Strategy
September 2020

Willoughby City Council
Willoughby Development Control Plan 2016

Willoughby City Council
Willoughby Local Environmental Plan 2012

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PO Box 239,
POTTS POINT NSW 1335.

13/12/2018
Our Ref: C:\Parade\Vakili Projects\3-5 Help
Your Ref:



ATTENTION: 1) Craig O'Brien & Philip Adams
Willoughby City Council PO Box
57
Chatswood NSW 2057

**Subject: Letter of Offer to enter into a Planning
Agreement in support of the Planning Proposal for
3-5 Help Street Chatswood**

Dear Willoughby City Council,

We are the site owners and proponents for the Planning Proposal to rezone 3-5 Help Street Chatswood.

We wish to formally offer to enter into a Planning Agreement with Willoughby City Council regarding the value uplift and subsequent contributions that will likely result from the successful rezoning of our site.

We understand that this letter forms the basis for further negotiation regarding the Planning Proposal process.

We look forwards to jointly developing an agreeable Planning Agreement as part of progressing the Proposal.

Should you have any questions or wish to commence discussions regarding this offer, please contact myself on the number below or our Planning and Project Manager – Matt Hurst on 0419 306916.

With Best Regards

H & J Vakili Site
Owner
3-5 Help Street
Chatswood NSW

Prepared by Parade Consulting On
behalf of
H & J Vakili (P'shp)

15 February 2019

Parade Consulting
PO Box 239
Potts Point NSW 1335
ATT: Matt Hurst

RE: Planning Proposal 2017/8
3-5 Help Street, Chatswood

Dear Mr Hurst

I am writing to advise that at its meeting of 11 February 2019, Council passed a resolution with regard to Planning Proposal 2017/8 for 3-5 Help Street, Chatswood.

A copy of this Council resolution is attached for your reference.

Note that this Council resolution remains a draft until the Minutes of the Council Meeting are confirmed at the following Council Meeting, which is to be held on 26 February 2019.

It is advised that you refer to the 26 February 2019 Council Meeting Minutes for confirmation of the previous Minutes and the particular Council resolution.

Subject to confirmation of the Council resolution as detailed above, it is requested that you update or provide additional information to address Council resolution Points 3, 4, 5 and 6. This information is required by Council prior to the matter being referred to the Gateway for determination.

Should you have any queries regarding this matter please contact Strategic Planner Craig O'Brien on 9777 7647.

Yours faithfully



Norma Shankie-Williams
Strategic Planning Team Leader

18.3 3 - 5 HELP STREET, CHATSWOOD - PLANNING PROPOSAL**ATTACHMENTS:**

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

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: EMMA BROWN - STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 3.5 - MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES

5.1 - BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE:



11 FEBRUARY 2019

PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2018/0008 for 3 - 5 Help Street, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

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

Procedural Motion

That Matt Hurst, Parade Consulting Pty Ltd address the meeting.

- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.
 - e) To add Clause 6.23 as follows:

"6.23 Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map."
 - ~~f) To add Clause 6.24 as follows: This clause has been deleted.~~

~~"6.24 Design Excellence~~

 - ~~(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.~~
 - ~~(2) This clause applies to development involving the erection of a new building on land shown in Area 12 on the Special Provisions Area Map.~~
 - ~~(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence."~~
 - g) To amend the Height of Buildings Map (Sheet HOB_004) for 3- 5 Help Street, Chatswood, to 90 metres.
 - h) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3- 5 Help Street, Chatswood, to 6:1.
 - i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 3 Help Street & 5 Help Street, Chatswood, as Area 8, Area 9, Area 11, and Area 12.
 - j) To amend the Active Street Frontages Map (Sheet ASF_004) to show 3- 5 Help Street, Chatswood to include the Help Street, McIntosh Street, and the Cambridge Lane frontages.
2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.
3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Number all objectives
 - b) Under 'Design excellence and building sustainability':
 - i). Add **SA**: "A minimum 5 star **GBCA** building rating is expected. A report is to be submitted at Development Application Stage."
 - c) Under 'Built Form':

4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.
5. Prior to referral to Gateway, updated Concept Plans are to be submitted to Council demonstrating 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*.
6. Prior to referral to Gateway, a Concept Landscape Plan is to be submitted to Council demonstrating compliance with 'Key Element 22 - Links, Open Space and Landscaping' of the *Chatswood CBD Planning and Urban Design Strategy*.
7. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.
 - b) To not proceed with the Planning Proposal.
8. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
9. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR CAMPBELL

CARRIED

The motion on being put to the meeting was carried to become the resolution of Council.

Voting

For the Resolution: Councillors Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon, Wright and Zhu.

Against: Councillor Saville

Absent: Councillor Giles-Gidney, Rutherford, Fernandez.

Councillor Fernandez declared a non-pecuniary significant interest in Item 18.3 and withdrew from the meeting taking no part in the discussion or voting on this topic.

Due to Item 18.3: 3-5 Help Street, Chatswood - Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

Former Deputy Mayor Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.