



PLANNING PROPOSAL REPORT

Draft Amendment to Willoughby Local Environmental Plan 2012

54 & 56 Anderson Street, Chatswood

DPG PROJECT 18 PTY LTD

Prepared By

INGHAM PLANNING Pty Ltd

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Table of Contents

| | | |
|-----------|--|-----------|
| 1. | INTRODUCTION | 2 |
| 2. | THE SITE, LOCALITY AND PLANNING CONTROLS | 5 |
| 2.1 | The Site and locality | 5 |
| 2.2 | Planning Controls Willoughby LEP 2012 | 10 |
| 2.3 | Proposed Planning Controls – Chatswood CBD Strategy | 12 |
| 3. | THE PLANNING PROPOSAL | 17 |
| 3.1 | The Planning Proposal - Amendment to Willoughby LEP 2012 | 17 |
| 3.2 | The Planning Proposal Objectives | 18 |
| 3.3 | Intended Outcomes | 19 |
| 3.4 | Public Benefits | 20 |
| 3.5 | Concept Plans and Proposed Development | 21 |
| 4. | JUSTIFICATION OF THE PLANNING PROPOSAL (to be completed) | 24 |
| 4.1 | Section A - Need for the Planning Proposal | 24 |
| 4.2 | Section B - Strategic Planning Context | 25 |
| 4.3 | Section C - Traffic, Transport, Environmental, Urban Design, Economic and Social Impact | 35 |
| 4.4 | State and Commonwealth Interests | 40 |
| 4.5 | Community Consultation | 41 |
| 5. | CONCLUSION | 41 |

APPENDICES

| | |
|-------------------|---|
| Appendix A | Site Survey Plan |
| Appendix B | Urban Design Report - Design Concept Plans, 3D Envelopes, Shadow Diagrams, Floor Space Schedule, Urban Design Analysis, Draft DCP Controls and Preliminary SEPP 65/Apartment Design Guide Assessment Appendix prepared by DEM. |
| Appendix C | Traffic Impact Assessment dated November 2017 prepared by Varga Traffic Planning. |
| Appendix D | Heritage Impact Assessment dated November 2017 prepared by Paul Davies Pty Ltd. |
| Appendix E | Acoustic Assessment Report dated November 2017 prepared by Resonate Acoustics. |
| Appendix F | Wind Impact Assessment dated November 2017 prepared by VIPAC. |
| Appendix G | Key Elements Assessment prepared by Develotek |

1. INTRODUCTION

This Planning Justification Report has been prepared on behalf of DPG Project 18 Pty Ltd to support a Planning Proposal for land at Chatswood described as Strata Plans 30740 & 11846 No's 54 & 56 Anderson Street, Chatswood. The subject land is located on the western side of Anderson Street, between O'Brien Street and Wilson Street, approximately 550m north of Chatswood Railway Station and Transport Interchange.

The subject land is a broadly rectangular in shaped, narrowing at the northern end, due to the angled rear boundary to the North Shore Railway located in a cutting adjoining the site. The site currently contains 2 residential flat buildings, each on a separate lot. The site has an area of 2,216m², with frontages to Anderson Street, O'Brien Street and Wilson Street. The rear western boundary adjoins the railway line.

The site is currently zoned R3 Medium Density Residential, pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 0.9:1 and a maximum building height of 12m. The R3 zone provides primarily for medium density housing with only a very limited range of non-residential uses permitted such as child care centres, community facilities, neighbourhood shops and places of public worship.

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) has identified land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, north to the northern side of Wilson Street, including the subject land, for increased development density, with a maximum FSR of 5:1 and maximum building height of between 53m and 90m, subject to provision of public benefit for any floor space above the currently permitted maximum FSR of 0.9:1.

The Planning Proposal seeks amendment of WLEP 2012 to allow increased development density on the site, in accordance with the proposed development density recommended in the CBD Strategy. The Planning Proposal seeks an amendment of the WLEP 2012 to include site specific special provisions for the subject land that allow for an FSR of up to 5:1 and building height of up to 90m, subject to provision of public benefits in the form of affordable housing and additional developer levies for residential floor space exceeding an FSR of 0.9:1.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of "private" residential floor space, upgrade of the public domain, public pedestrian access along the western boundary of the site, provision of public art in accordance with Council's public art policy and additional contributions in accordance with Council's Draft *Community Infrastructure Contribution Schedule Policy*.

This report has been prepared in accordance with the Department of Planning and Infrastructure Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

The Planning Proposal Report also outlines the form of building envelope drawings and how it is envisaged that the land, after gazettal of the Planning Proposal, will be developed for a part 27 storey and part 16 storey mixed use building (including a communal floor level) in a manner that is consistent with the desired future character for the locality, as outlined in the CBD Strategy.

A concept plan for redevelopment of the site is included with the Planning Proposal. The concept plan provides for a 2-3 storey commercial podium, with a residential tower above. The residential tower steps down in height to the north, with the southern taller portion of the tower extending up to a height of 24 storeys above the podium and the northern lower portion of the tower extending up to a height of 12 storeys above podium, with a communal open space area above comprising a 13th storey. The podium is proposed to accommodate cafes and retail uses at ground floor level, with 1-2 levels of offices above.

A 3D schematic view of the proposed building envelope is shown below in **Figure 1A**, looking southwest from a viewing point above Anderson Street. Stepping the tower height down at the northern end reduces perceived building bulk and reduces overshadowing of residential apartment buildings near the site to the southwest.

Figure 1A - 3D View of the Proposed Building Envelope



Figure 5.9.1 Building Envelope

The building envelope can accommodate an assessable gross floor area (GFA) of up to 11,500m² of floor space. The Planning Proposal provides for a total assessable gross floor area of 11,080m² comprising 1,773m² of retail/commercial floor space and 9,307m² of residential floor space. The residential floor space includes 358m² of affordable housing in the tower, equating to 4% of the proposed 8,949m² of residential floor space to be sold at market rates.

Figure 1B, below shows the proposed podium, landscaping and streetscape to Anderson Street and Wilson Street, as viewed looking west from Anderson Street.

Figure 1B – View of the Proposed Podium from Anderson Street



The concept plans are intended to illustrate how the site can be suitably developed at the proposed additional density and building height, generally in accordance with the setback controls proposed in the CBD Strategy. In the event the Planning Proposal proceeds, a separate development application would be submitted to Council for the proposed building. Design of the building would be the subject of a design excellence process.

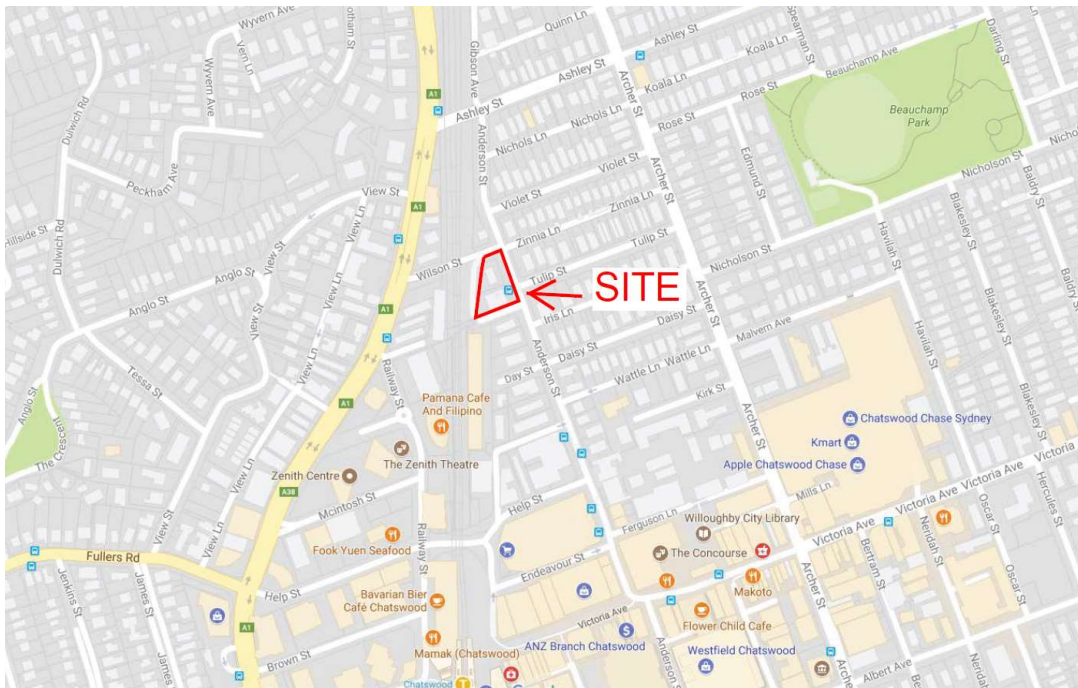
Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. Gazettal of the proposed increase in building height and FSR controls will enable economic use of the land and its development to an appropriate height and density, commensurate with its accessibility to the nearby Chatswood CBD and proximity to high frequency public transport services. Such an outcome is consistent with current strategic planning policies which seek to increase development density within and near the Chatswood CBD, railway station and transport interchange. Design concept plans and urban design analysis are attached at **Appendix B**.

2. THE SITE, LOCALITY AND PLANNING CONTROLS

2.1 The Site and Locality

The subject land is described as Strata Plans 30740 & 11846, No. 54-56 Anderson Street, Chatswood. The subject land is located on the western side of Anderson Street, between O'Brien Street and Wilson Street, approximately 550m north of the Chatswood Railway Station and Transport Interchange (see **Figure 2 – Location**, below).

Figure 2 Location



The site is a broadly rectangular in shaped, narrowing at the northern end, due to the angled rear boundary to the North Shore Railway located in a cutting adjoining the site. The site has an area of 2,216m², with a frontage of 60.95m to Anderson Street, 47.29m to O'Brien Street and 25.42m to Wilson Street. The rear boundary adjoining the railway line has a length of 64.745m.

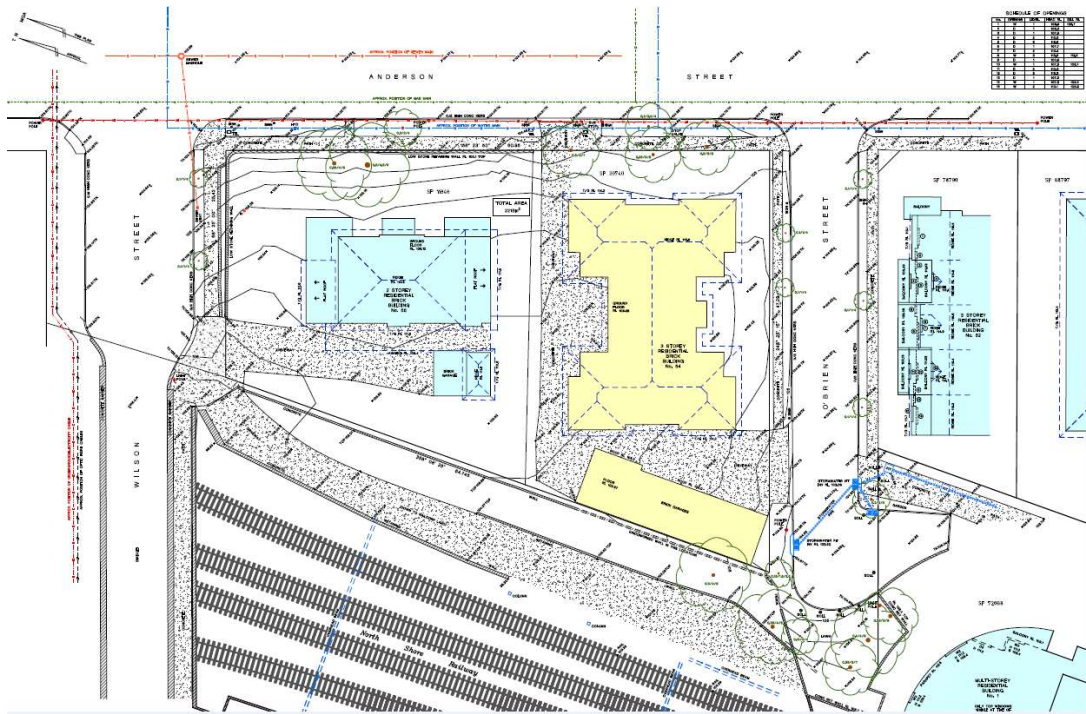
The contains two 1960's residential flat buildings, one of 3 storeys (No. 54 Anderson Street) and one of 2 storeys (56 Anderson Street). Each of the residential flat buildings is on separate allotments, with separate vehicular access driveways. Neither of these buildings has any heritage value or architectural merit.

The site is almost flat, sloping very gently south from the northwest corner (RL 106.14) to the O'Brien Street frontage (RL 104.81 up to RL 105.23). T

There are no watercourses on or near the site. There are several small to medium sized trees located within the Anderson Street front setback and footpath reserve, none of which are of high significance.

A plan of the site is shown in **Figure 3**, below. A site survey is attached at **Appendix A**.

Figure 3 – Site Plan



Photos 1A and 1B, below are a view of the site looking southwest from Anderson Street, near the corner of Wilson Street, showing the existing buildings on the site.

Photos 1A and 1B – View of the Site Looking Southwest from Anderson Street



Further photographs of existing development on the site are shown in **Photos 2 to 4**, below.



Photo 2

View looking east from the Wilson Street bridge, looking across the railway line to the existing 2 storey apartment building in the northern portion of the site (56 Anderson Street). The location of the railway line within a cutting mitigates rail noise impacts to some extent. A State Rail service road extends south along the western boundary of the site down to rail track level.



Photo 3

View looking southwest from Anderson Street, of the existing 3 storey apartment building located on the southern portion of the site – 54 Anderson Street. An existing bus stop is located adjacent to the site serving northbound buses, with a bus top located opposite the site on the western side of Anderson Street serving southbound buses.



Photo 4

View looking northeast from the western end of O'Brien Street, showing the O'Brien Street frontage of the site and the existing 3 storey apartment building at 54 Anderson Street and the driveway entry to this site. At left is a row of garages for these units.

The locality around the site to the east, south and southwest is residential in character, with low density detached one and two storey single dwellings located to the north, east and southeast of the site. This residential area is identified as a Heritage Conservation Area. Low rise 3 storeys residential flat buildings predominate to the south and west of the site, with high rise apartment buildings located further to the southeast of the site.

Existing apartment building sites to the south are included with the subject land, within the extended CBD area, where increased building height and density will apply. Accordingly, in the future these sites will be redeveloped for high-rise mixed-use development in a similar form to the proposed redevelopment of 54-56 Anderson Street.

An aerial view of the site and locality is shown in **Figure 4** below.

Figure 4 – Aerial View of the Site and Locality



To the north of the site is Wilson Street and on the northern side of Wilson Street, a 2 storey single detached dwelling. To the northwest of the site, on the western side of the North Shore railway line is a vacant low rise commercial building, approved for redevelopment comprising an 8 storey apartment building. To the northeast of the site, on the eastern side of Andersons Street are single storey detached single dwellings.

To the west of the site is the North Shore Railway line. On the western side of the railway line is a 4 storey apartment building fronting Wilson Street and to the south of this residential property is Sunnyfield Disability Services.

To the south of the site is O'Brien Street. Further to the south on the southern side of O'Brien Street are 2 and 3 storey apartment buildings. At the western end of O'Brien Street is a walkway extending south to the high-rise residential development located off McIntosh Street. High rise, primarily residential towers are also located to the southwest of the site, on the western side of the railway line. To the southeast of the site, on the eastern side of Anderson Street are predominantly single storey detached dwellings.

To the east of the site, on the eastern side of Anderson Street, is a Heritage Conservation Area, comprising predominantly single storey detached dwellings, including the heritage item located at No 20 Tulip Street (southeast corner of Anderson Street). The following photos 5 to 8 show existing development adjacent and near the site.



Photo 5

View looking southeast from the site, of the existing single storey dwelling at 20 Tulip St. located on the south east corner of Tulip St. and Anderson St. This dwelling is a heritage item (Item I129). A Heritage Conservation Area is located on the eastern side of Anderson St., extending north from Malvern Ave.



Photo 6

View looking northeast from Anderson St., adjoining the site, of the existing single storey dwelling located to the east of the site at No. 33 Tulip St. (northeast corner of Tulip St. and Anderson St). This building is not a heritage item.



Photo 7

View looking northwest from the Wilson Street road bridge, adjacent to the northwest corner of the site, showing the existing 2 storey dwelling located to the north of the site at 58 Anderson Street (northwest corner of Anderson St. and Wilson St).



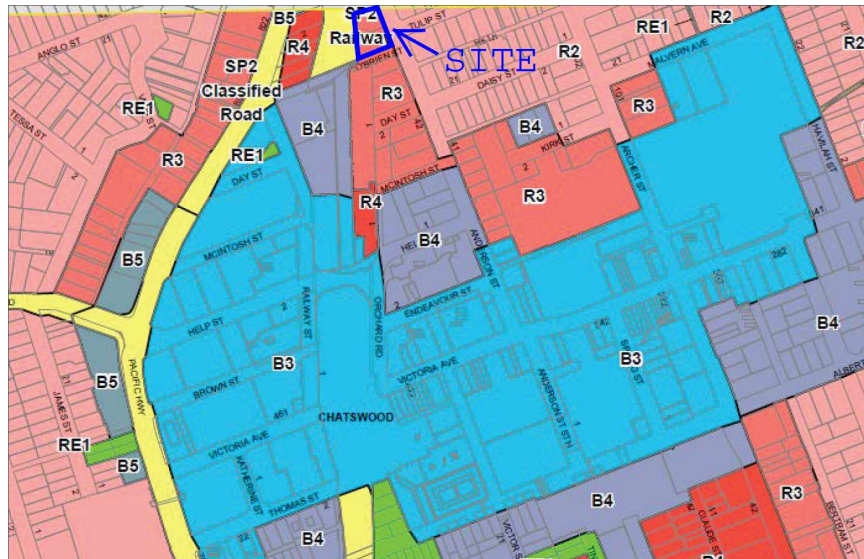
Photo 8

View looking southwest from Anderson Street, eastern side, opposite O'Brien Street showing the existing 3 storey apartment building at 52 Anderson Street, located on the southern side of O'Brien Street. Further to the west are nearby high-rise mixed use buildings located in the northwest sector of the Chatswood CBD.

2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. The site is zoned R3 Medium Density Residential. The R3 zone extends south from Wilson Street to McIntosh Street, between the North Shore Railway line and Anderson Street. An R2 Low Density Residential Zone is located to the east of the site and a B4 Mixed Use Zone is located to the west of the site. The zoning of the site (edged in red) and locality is shown in **Figure 5 – Zoning**, below.

Figure 5 Zoning Willoughby LEP 2012

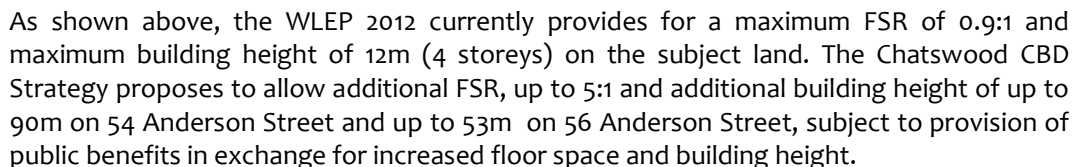


The R3 Zone is intended to provide for the housing needs of the community in a variety of housing types, within a medium density environment. Forms of permitted residential development include attached dwellings, multi-dwelling housing, seniors housing residential flat buildings and boarding houses. Only a limited range of non-residential uses such as child care centres, community facilities, neighbourhood shops and places of public worship are permitted.

The Planning Proposal seeks approval to change the zoning of the subject land from R3 Medium Density Residential to B4 Mixed Use, in accordance with the zoning recommended in the Chatswood CBD Strategy. The B4 zone allows a broader range of non-residential uses, including commercial premises (offices and the like), shops, cafes and restaurants. The B4 zone also allows shop top housing above ground floor business or retail premises, but does not allow residential flat buildings.

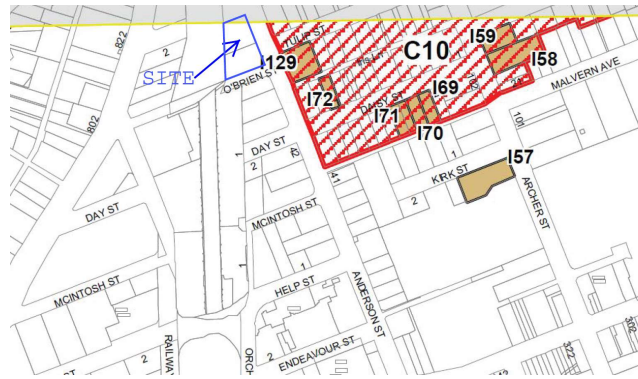
The Planning Proposal requests inclusion of an incentives clause to allow increased building height and FSR, subject to site consolidation forming a development parcel of at least 2,000m² and provision of public benefits in the form of affordable housing and additional developer levies.

Figure 6 - Maximum Building Height Willoughby LEP 2012



The subject land does not contain any heritage items, nor is the site located within a Heritage Conservation Area (HCA). A HCA is located to the east of the site, on the eastern side of Anderson Street and a Heritage item (I129) is located nearby at 20 Tulip Street (southeast corner of Anderson Street). The HCA, identified with red cross-hatching, and nearby heritage items, identified in light brown, are shown in the extract of the WLEP 2012 Heritage Map in **Figure 8** on Page 12.

Figure 8 - Extract from the WLEP 2012 Heritage Map



2.3 Proposed Planning Controls – Chatswood CBD Planning and Urban Design Strategy

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) adopted by Council and recently endorsed by the NSW Department of Planning Industry & Environment (DPI&E), proposes to introduce new planning controls for the Chatswood CBD and within areas recommended for expansion of the Chatswood CBD. Council has commenced preparation of an amending Local Environmental Plan to implement the recommendations of the CBD Strategy, as conditionally endorsed by DPI&E

The CBD Strategy identifies land on the northern edge of the CBD, east of the Pacific Highway, extending east to Anderson Street, including the subject land, for increased development density, by way of a building height and floor space bonus, subject to minimum site area criteria and provision of public benefit. **Figure 9**, below, is a copy of Figure 2.3 from the CBD Strategy showing the new CBD boundary that has now been endorsed by Council. The areas of expansion to the existing CBD boundary to the north and south are shown coloured light red.

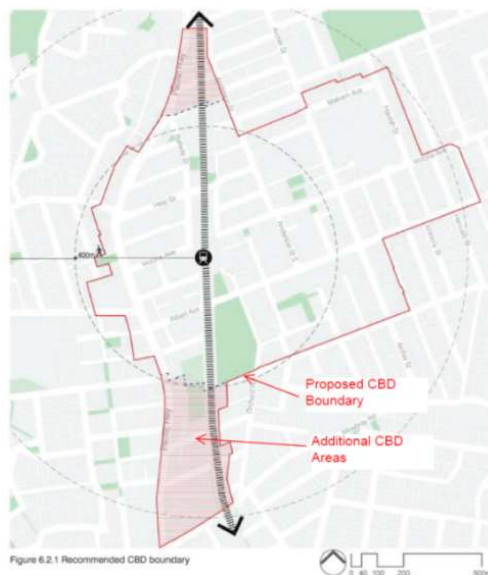


Figure 9

**Chatswood CBD
Strategy Chatswood
CBD Boundary**

As detailed in Section 2.2 the subject land is currently permitted to be developed to a maximum building height of 12m and maximum FSR of 0.9:1. The proposed CBD planning controls retain the existing maximum building height and FSR controls, as base height and FSR, but with potential to achieve up to an additional 41m/78m of building height and an additional FSR of 4.1:1. This bonus potentially allows the site to be developed to a maximum height of between 53m and 90m and maximum FSR of 5:1 (including any affordable housing). **Figure 10** below, is a map extract of bonus FSR and Building Height Maps from the CBD Strategy.

Figure 10 Chatswood CBD Strategy Map Extracts of Bonus FSR & Building Height

Recommended Maximum FSR



Recommended Maximum Building Height



With respect to land use, the CBD Strategy recommends that land not currently designated as open space, which is located outside the CBD, including the subject land be zoned B4 Mixed Use. When this zoning is implemented the zoning of the subject land will change from R3 Medium Density Residential to B4 Mixed Use.

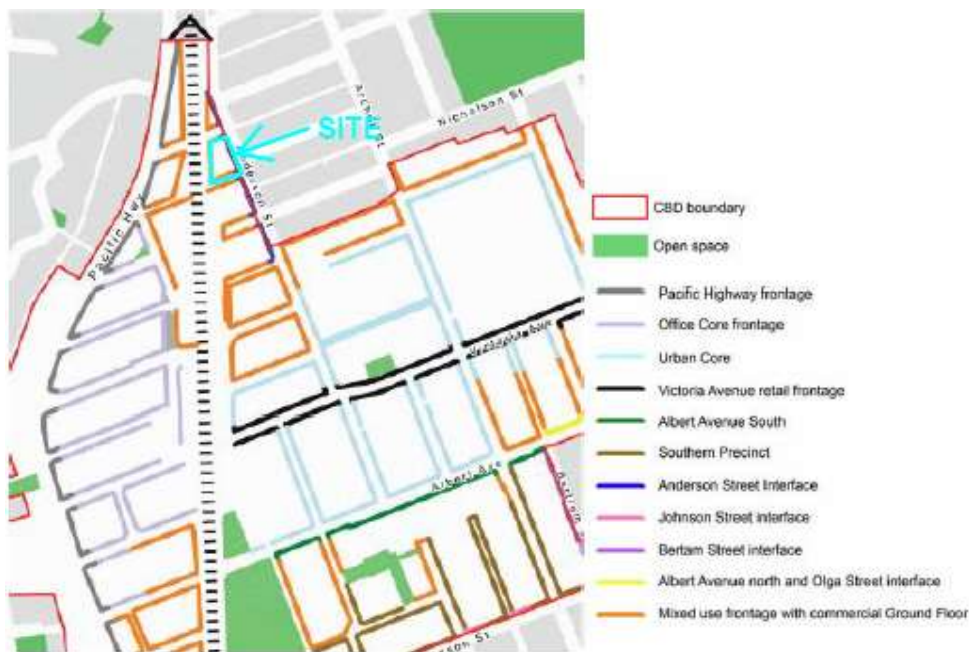
The CBD Strategy proposes a minimum site size of 1,200m² for residential development that proposes to take advantage of the bonus height and FSR provisions. The subject land has an area of 2,216m², significantly greater than the recommended minimum site area.

Figure 3.1.8 of the CBD Strategy sets out required street frontage heights and allows a zero setback for the podium, except for the Anderson Street frontage, where a minimum 3m podium setback is required. The tower above podium must provide a 4m setback to Anderson Street and at least 3m to other site boundaries. A street wall height of between 6m and 14m applies for the podium. Any tower elements must be setback from all boundaries a minimum of 1:20 ratio of the tower setback to building height. For example, a tower extending to a height of 90m must provide a setback of at least 4.5m to all boundaries. provide. A mixed-use frontage is required, with residential also permitted at ground floor level.

Ground level apartments do not fit within the definition of shop top housing. Accordingly, it would be necessary to allow residential flat buildings as an additional permitted use in the proposed B4 zoning for the site, if this option is pursued. The Planning Proposal does not include any residential apartments at ground floor level and would therefore be permissible development within the proposed B4 Mixed Use Zone.

Figure 11, below is an extract from Figure 3.1.8 of the CBD Strategy showing street frontage heights for the subject land (6-14m) and nearby land in the eastern sector of the CBD.

Figure 11 – CBD Strategy Map Extract Street Frontage Heights



Recommended Street Frontage Heights

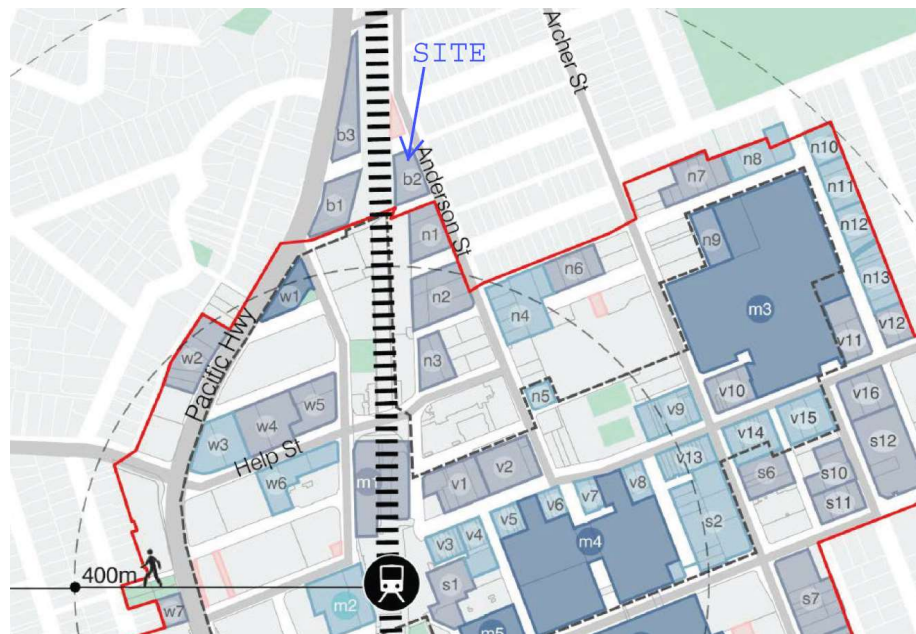
Willoughby LEP 2012 allows a density bonus where a proposed development goes through a design excellence process. This density bonus will not apply to developments seeking to take advantage of the height and FSR bonuses provided for in the CBD Strategy. The Strategy specifies that all developments exceeding the base FSR and with a height of more than 35 metres must go through a design excellence process, with no further height or FSR bonuses available. To achieve design excellence, developments must achieve higher building sustainability standards and be endorsed by a Design Review Panel.

The CBD Strategy Study includes a map of opportunity sites, which identifies sites that may be available for development at the greater densities envisaged in the bonus height and FSR controls.

The subject land is identified as an opportunity site (under existing strata title) outside the centre of the CBD. The property to the north, on the northern side of Wilson Street is identified as an isolated constrained site, due to its small size (less than 600m²) and hence not suitable for increased development potential.

Figure 5.2.1 of the CBD Strategy Study shows an indicative amalgamation pattern. The 2 properties No's 54 and 56 Anderson Street, which comprise the development site, are identified as development site "b2" for amalgamation to facilitate redevelopment in accordance with the CBD Strategy. **Figure 12**, below, is an extract from Figure 5.2.1 of the CBD Strategy showing the pattern of amalgamation sites (including the subject land) located within the northern sector of the CBD and the proposed northern expansion.

Figure 12 – CBD Strategy Study Indicative Site Amalgamation



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

The CBD Strategy envisages that all developments in the B4 Mixed Use Zone will contain a podium that contains commercial development to provide for employment floor space. A prescribed minimum commercial floor space is not recommended where maximum FSR is 5:1.

In the case of sites located in the outer areas of the CBD, as is the case with the subject land, the CBD Strategy allows for residential uses at ground floor level and with respect to commercial floor space states that *“outer areas of the centre should generally be mixed use with ground floor commercial required and upper floor commercial encouraged.”* The CBD Strategy further notes that *“appropriate controls should encourage these however not require them where they will not be viable.”*

The Planning Proposal provides for commercial floor space in the 2-3 storey podium, comprising 1,773m² (FSR 0.8:1).

With regard to tower form, the CBD Strategy proposes slim, tall well separated tower forms with residential floorplates that do not exceed a gross floor area (GFA) of 700m². Willoughby LEP 2012 excludes the thickness of external walls, balconies and common vertical circulation lifts and stairs from the calculation of GFA.

Implementation of the CBD Strategy will include a contribution mechanism to fund public domain and public and social infrastructure improvements, in addition to the usual Section 7.11 and 7.12 Developer Contributions.

The proposal includes a range of public benefits by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade of the public domain, public pedestrian access along western side of the site, provision of public art in accordance with Council’s public art policy and payment of additional contributions in accordance with Council’s Community Infrastructure Contribution Scheme.

While the CBD Strategy states that the FSR bonus should be considered as the maximum achievable, it does not reference the existing Willoughby LEP 2012 provisions, which allow affordable housing to be excluded from FSR calculations, if such floor space does not materially add to perceived building bulk and scale, Council has advised that Planning Proposals seeking to take advantage of the bonus FSR must include affordable housing within the maximum 5:1 FSR for the site. The Planning Proposal includes 358m² of affordable housing floor space within the proposed maximum FSR of 5:1.

The building envelope in the Planning Proposal has been designed having regard to the proposed new planning controls contained in the CBD Strategy and includes additional volume to allow for building articulation for the final building design. The concept plans for the Planning Proposal are evaluated against the CBD Strategy planning controls in Section 3.5 of the Planning Proposal Report.

3. THE PLANNING PROPOSAL

3.1 The Planning Proposal – Amendment to Willoughby LEP 2012

The Planning Proposal seeks to amend WLEP 2012 to rezone the subject land from R3 Medium Density Residential to B4 Mixed Use and include redevelopment incentives for the subject land parcels, designed to encourage site consolidation and redevelopment in accordance with the development outcomes envisaged in the CBD Strategy and subject to provision of public benefits in the form of affordable housing and additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from an FSR of 0.9:1 to a maximum of 5:1 (including affordable housing) and maximum building height increased from 12m (4 storeys) up to a maximum of 90m (27 storeys).

The proposed building envelope allows for a 2-3 storey podium comprising 1,773m² of commercial/retail floor space, , with a residential tower above (part 24 storeys including a communal floor level comprising the 13th storey and part of 12 storeys with a communal open space area above, aligned with the 13th storey)). A residential floor space of 9,307m², including 358m² of affordable housing floor space is proposed in the tower component.

The proposed building envelope is capable of accommodating at least 11,500m² of floor space, including affordable housing. Based on a site area of 2,216m² and an FSR of 5:1, an assessable gross floor area of 11,080m² is proposed (including 358m² of affordable housing).

The Planning Proposal is proposed to be implemented by way of an amendment of the LEP zoning map and introduction of an additional subclause relating to maximum building height and FSR, where the above minimum development area and public benefits are made available. A new clause 6.23 is proposed to be inserted into WLEP 2012 to allow an FSR of up to 5:1 (including affordable housing) and building height of up to 90 metres on 54 Anderson Street and 53m on 56 Anderson Street, subject to amalgamation of existing allotments to form a development site of at least 2,000m² and vehicular access being restricted to O'Brien Street.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land. With respect to the proposed building, these controls would include a minimum podium setback of 3m and minimum tower setback of 6m to all 4 boundaries of the development site. As the site does not have a shared boundary with any other residential development site building setbacks recommended in the SEPP 65 Apartment Design Guide (ADG) are not applicable. The tower component of the building, above 4th storey level provides at least 24m building separation to existing and future residential development on neighbouring sites.

The urban design analysis, attached at **Appendix B** includes diagrams illustrating proposed DCP controls prescribing the building envelope, setbacks, height, land uses and location of vehicular access.

3.2 The Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

Provide a floor space and building height yield that is commensurate with the site's strategic location near the Chatswood CBD and within convenient walking distance of the Chatswood transport interchange, in a manner consistent with the maximum development density and building height recommended in the Chatswood CBD Planning and Urban Design Strategy.

Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, arising from site consolidation and current planning strategies.

Encourage consolidation of existing allotments to facilitate enhanced urban design and development outcomes on larger development parcels.

Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality, the adjacent Heritage Conservation Area and likely future redevelopment of neighbouring properties to the south in accordance with the Chatswood CBD Strategy.

Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.

Provide affordable housing on a site that currently is not required to provide affordable housing.

Provide for developer levies, in addition to Council's Section 7.11 and 7.12 levies, to assist with funding of infrastructure, community facilities and services and public art required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.

Improve pedestrian connectivity by providing a publically accessible north-south pedestrian link to Wilson Street, adjoining the North Shore railway line on the western side of the site and a widened, landscaped footpath in Anderson Street.

Remove existing outdated low rise medium density residential development that is of little architectural merit and which does not contribute positively to the desired future character of the Chatswood CBD.

3.3 Intended Outcomes

- (a) The preparation of the Planning Proposal and potential building envelopes has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the Chatswood CBD Strategy. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic, access, heritage, viability, development trends and market expectations.
- (b) The Planning Proposal would allow redevelopment of the subject land to provide for high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize.
- (c) Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of house available for families seeking a house and garden lifestyle.
- (d) The residential tower design facilitates district views for occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.
- (e) Consolidating the existing allotments into one development site facilitates a coordinated and more efficient development of the site, a far superior outcome compared to piecemeal redevelopment of individual allotments. The consolidated site has more than sufficient area, as envisaged in the Chatswood CBD Strategy to accommodate a large scale high rise development and is nominated in the CBD Strategy as a redevelopment site. It is a commonly accepted town planning practice to allow increased development yield to encourage site consolidation for medium and higher density development.
- (f) The form of the proposed tower envelope has been designed to minimise as far as possible increases in shadowing of existing high density residential properties to the southwest. The site to the south is likely to be redeveloped for high rise housing. Detailed tower design will ensure reasonable neighbour privacy is maintained.
- (g) At ground level the streetscape will be maintained along the 3 street frontages of the site by provision of landscaping to street frontages and planting of additional street trees. There is potential for an east facing café, with outdoor seating, at ground floor level in the proposed podium for use by both future occupants of the building, local residents and persons using the existing walkway extending north to the western end of O'Brien Street.
- (h) By including substantial public benefits in the Planning Proposal, such as affordable housing and additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. These benefits include a Voluntary Planning Agreement (VPA) providing for additional developer levies and designation of the subject land in WLEP 2012, as a site where Council's Affordable housing provisions apply.

(a) Voluntary Planning Agreement

The CBD Strategy proposes that where approval is sought for additional floor space and building height, beyond that provided for in the current planning controls, an additional developer levy is payable for each additional square metre of residential floor space. This levy is in addition to Council's standard 7.12 levies and applies to the residential component of the building. The amount payable per square metre of additional residential floor space will be specified in Council's proposed *Community Infrastructure Contribution Scheme* (CIS).

The subject land is currently permitted to have a maximum FSR of 0.9:1, which equates to 1,994.4m² of assessable GFA. The proposed development (excluding 358m² of affordable housing floor space) will have an assessable residential GFA of up to 8,949m², or an increase of up to 6,955m² above existing FSR of 0.9:1.

The Draft VPA proposes payment of additional developer contributions to Council's CIS, to be used by Council towards funding infrastructure and community facilities in the area. The proponent will also contribute towards the delivery of public art as part of the design excellence process in accordance with Council's Public Art Policy.

(b) Provision of Affordable Housing

The Planning Proposal includes provision of 4% of residential floor space within the proposed residential tower for affordable housing on this site. This equates floor space of some 358m² of residential floor space and is to be provided to the Council or a nominated community housing organisation, in accordance with Council's affordable housing policy. This affordable housing allocation would be implemented by including the subject land with the WLEP Special Provisions Map, as a site to which Council's affordable housing policy applies, requiring provision of affordable housing equivalent to 4% of residential floor space.

There are other public benefits arising from the Planning Proposal that are additional to the above benefits included in the proposed VPA. Those benefits include a publicly accessible pathway through the western portion of the site, adjoining the railway land and potential for widening the Anderson Street footpath, arising from providing a landscaped podium setback of at least 3m to the Anderson Street front boundary. This setback will allow for planting of more substantial street trees and improved pedestrian amenity and connectivity to residential areas to the north and northeast. Developer contributions will be more 400% greater than currently apply.

3.5 Concept Plans for Proposed Development

A DA for future high density mixed use development of the site will be separately prepared and lodged with Council, following exhibition of the Planning Proposal and its referral to the Minister for Planning for gazettal.

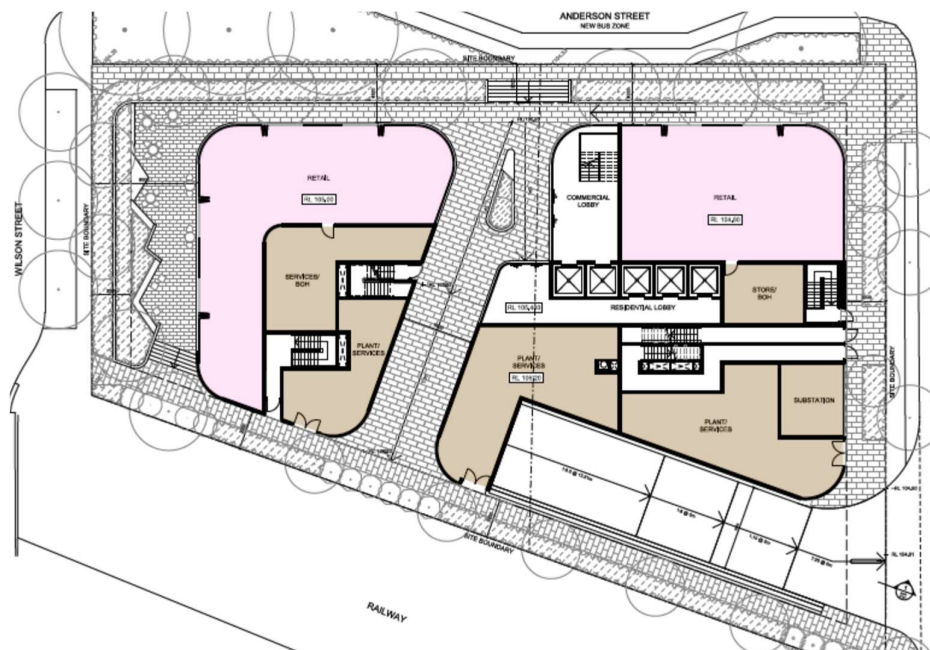
A building envelope and concept plan for the proposed redevelopment of the subject land has been prepared. This envelope and concept plan has been informed by an urban design analysis and evaluation of alternative development forms. A copy of the Concept Plans is included in the urban design report attached at **Appendix B**.

The preferred concept plan provides for redevelopment of the site in the form of a 2-3 storey podium and a 12-24 storey residential tower above. The taller component of the tower is located within the southern portion of the height, with tower height stepping down by 12 storeys in the northern portion of the site. Up to 4 levels of basement parking (for up to 160 car spaces) are proposed below the podium, with access off O'Brien Street.

The proposed building envelope is capable of accommodating a total assessable gross floor area of up to 11,500m², accommodating 114 apartments in the proposed tower, comprising a mix of 1, 2 and 3 bedroom apartments, with a total GFA of 9,307m². A total of 1,773m² of commercial floor space is proposed within the 2-3 storey podium.

The ground floor (Level 1) includes 2 commercial tenancies suitable for retail or café/restaurant use and a landscaped plaza fronting Anderson Street and connecting to the walkway on the western side of the site. Residential and commercial lobbies, plant rooms and substation are also proposed at ground level, with vehicular access off O'Brien Street. All street frontages are landscaped. **Figure 13**, below shows an indicative plan of the ground floor level and the public domain.

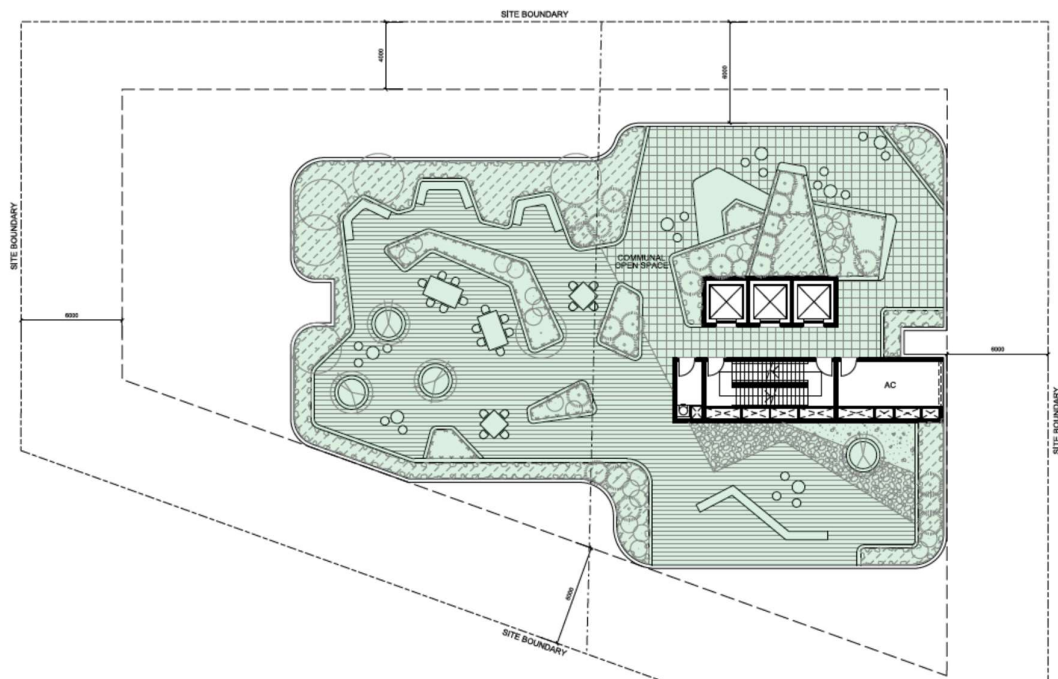
Figure 13 – Indicative Ground Level Plan (Level 1) and Public Domain



The podium front wall provides compliant setbacks to Anderson Street (4m), Wilson Street (6m) and O'Brien Street (3m). There is an opportunity to provide an awning to the Anderson and Wilson Street frontage of the building. The street setbacks facilitate additional pedestrian space and for provision of landscaping, including substantial trees to provide enhanced pedestrian amenity and streetscape, as viewed from street level.

A compliant 3m podium setback (minimum 3m) is proposed to the western rear boundary, adjoining the railway line. This setback provided space for landscaping and a publicly accessible pathway extending north to Wilson Street from near the existing pathway that extends to the cul-de-sac head of O'Brien Street. A communal area is provided as Level 4 above the podium (Levels 1 to 3), forming the base of the residential tower. An indicative plan of this Level 4 communal space is shown below in **Figure 14**.

Figure 14 – Indicative Floorplate Communal Area – level 4

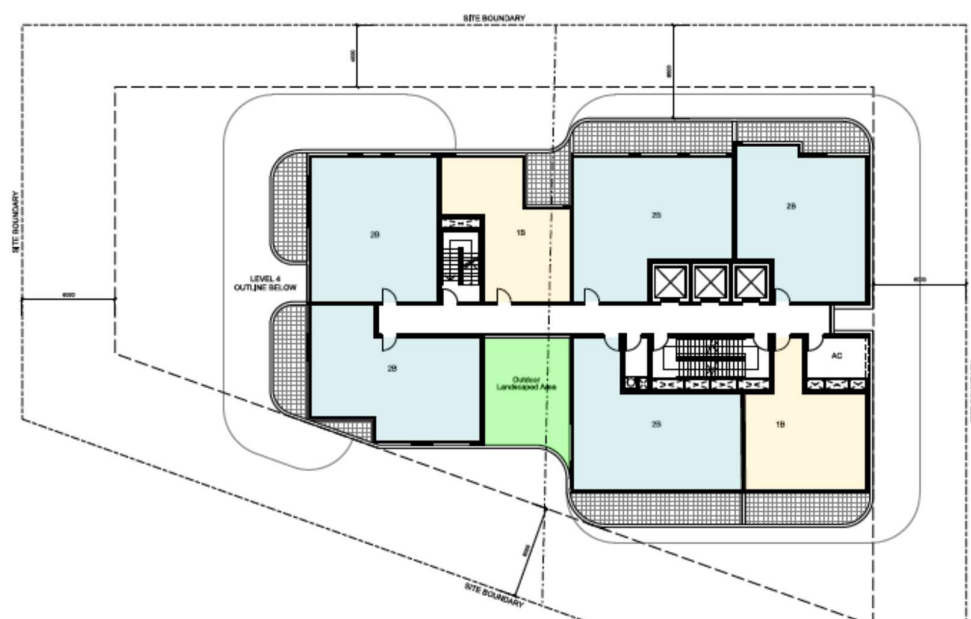


The tower element of the building has compliant setbacks of at least 6m to all site boundaries and includes suitable building articulation, including generous balcony elements within the building form. The potential to provide wintergardens to balconies on the western side of the tower mitigates noise impacts from the adjacent railway line.

Significantly increased tower setback is provided to Anderson street, for the most part in excess of 8m and up to 25m to optimise separation distance to the low density residential area, opposite the site, on the eastern side of Anderson Street. Proposed apartments are primarily orientated to the east and north and will enjoy panoramic district views.

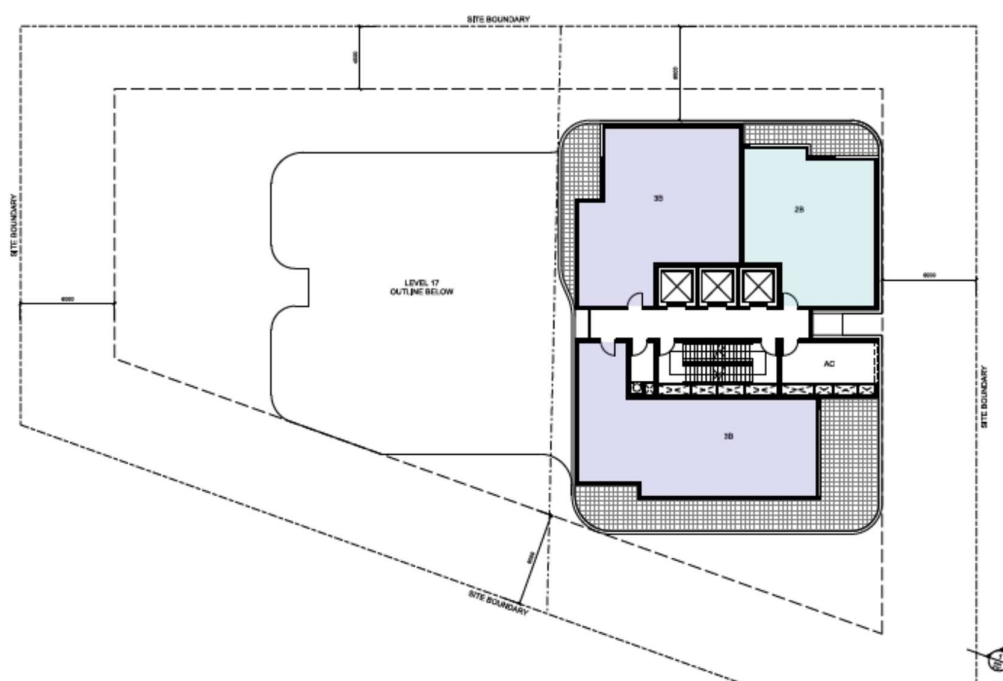
The larger tower floor plate (lower 12 storeys of the tower) has a complying building area of 660m² on each level and is capable of efficiently accommodating 7 apartments per level. **Figure 15**, on Page 23, is an indicative floorplate of the lower tower levels (Levels 5 to 17).

Figure 15 – Indicative Floorplate for Tower Levels 5 to 17



A reduced tower floorplate of 380m² gross building area on each level is proposed above Level 17 in the tower, facilitating an 10 storey step down in building height to the north and Tower Levels 18 to 27 are capable of accommodating 3 apartments on each level, again primarily with eastern/northern aspects. **Figure 16**, below shows the indicative floor plan for Level 18 to 27.

Figure 16 – Indicative Floorplate for Tower Level 18 to 27



4. JUSTIFICATION OF THE PLANNING PROPOSAL

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any Strategic Study or report?

Yes.

The Planning Proposal arises from the adoption by Council of the Chatswood CBD Planning and Urban Design Strategy and its subsequent conditional endorsement by DPI&E. The Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries. These new boundaries extend to the north and south of the existing CBD, along the eastern side of the Pacific Highway, north to Wilson Street and south to Mowbray Road.

The subject land is located within the proposed expanded CBD boundaries and is identified for an increase in maximum building height up to 53m/90m and increased maximum floor space ratio (FSR) to 5:1. These increased densities are intended to accommodate anticipated demand for additional housing in the Willoughby Local Government Area (LGA) as envisaged in the Sydney Metropolitan Strategy – A Plan for Growing Sydney, the North District Plan and Council's Local Strategic Planning Statement (WLSPS).

The proposed new development controls, as recommended in the Chatswood CBD Planning and Urban Design Strategy, relevant to the subject land are detailed in Section 2.3 of this Planning Proposal Report. Preparation of an amending LEP has commenced to facilitate introduction of the recommended new development controls.

Council's current planning strategy for accommodating existing and future housing demand, as outlined in the Willoughby LSPS and Draft Housing Strategy, is to concentrate higher density development in and adjoining the Chatswood City Centre and other larger centres and transport corridors, so that existing low density suburban housing areas can be retained substantially as they currently exist. This approach is also consistent with the Sydney Metropolitan Strategy and the North District Plan. (NDP).

The North District Plan aims to increase densities along transport corridors and in centres, particularly in those centres near public transport and facilitate redevelopment of existing apartment sites that can accommodate increased density. The District Plan expects the Willoughby LGA to accommodate more than 6,000 additional dwellings by 2036.

The Planning Proposal is also justified by an analysis of the site's context and redevelopment advantages associated with larger sites of more than 1,200m². Such sites can accommodate increased building heights and densities.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested variation to maximum building height and FSR is greater than could reasonably be considered under the development standards variation clause in WLEP 2012. There is no material advantage in deferring redevelopment of the site for 2 or more years, while awaiting the introduction of the proposed new planning controls.

4.1.3 Is there a net community benefit?

Yes. The subject site is capable of providing additional housing opportunities in a convenient location within walking distance of shops, services and high frequency public transport. Increased development yield will result in payment of additional infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

The Planning Proposal includes identification of the subject land as an affordable housing site in WLEP 2012, with 4% of residential floor space provided to Council or a Council approved housing provider as affordable housing. The Planning Proposal is accompanied by a letter of offer for a Voluntary Planning Agreement (VPA) providing for payment of additional developer levies to Council.

The requested increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains 2 outdated low rise apartment buildings that do not contribute positively to the modern high density contemporary urban character of the near Chatswood CBD.

4.2 Section B – Strategic Planning Context

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of 3 Cities

The Greater Sydney Region Plan – A Metropolis of 3 Cities (GSRP), prepared by the Greater Sydney Commission in 2017 and adopted in 2018, is essentially a review and update of the Sydney Metropolitan Plan – A Plan for Growing Sydney and updates and strengthens the directions identified in the Sydney Metropolitan Plan.

The GSRP aims to transform Sydney into a metropolis of some 8 million people by 2056 comprising 3 connected cities comprising the Western Parkland City, the Central City and the Eastern Harbour City. Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a Strategic Centre.

The 4 key themes of the GSRP are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. With respect to housing, the GSRP advocates a greater housing supply, which is more diverse and affordable and is in the right location.

In the Eastern Harbour City, the provision of additional housing is proposed to occur by way of a process of urban renewal, with increased densities focused in locations close to employment and with good quality public transport and accessibility to infrastructure and services.

The proposed increase in commercial and residential density in a location within the Chatswood CBD and close to employment, services and the Chatswood Transport Interchange is consistent with the GSRP.

The GSRP is to be implemented through District Plans prepared for each area of Sydney. The City of Willoughby is identified as being located within the North District of the Eastern Harbour City

North District Plan – Connecting Communities

The North District Plan – Connecting Communities (NDP), introduced in 2018, applies to the northern suburbs of Sydney, including Chatswood and highlights the important economic role that Strategic centres such as Chatswood play in supporting the growth of Sydney as a global city. The NDP provides the district strategic planning direction for the North District through to 2056.

With respect to housing, the NDP focuses on increasing housing supply, choice and affordability with access to jobs, services and public transport and seeks to achieve more housing in the right locations, including opportunities for urban renewal. The Planning Proposal is closely aligned with this important planning objective.

The North District Plan estimates the number of jobs in Chatswood will increase from 24,700 to between 31,000 and 33,000 by 2036. Chatswood is recognised as not only being a significant commercial centre, it also incorporates high density residential, high profile retail and entertainment facilities and is an important civic and cultural centre. The North District Plan identifies the following policy directions for Chatswood:

- *maximise the land use opportunities provide by the Sydney Metro;*
- *provide height and floor space ratio incentives as part of the planning controls;*
- *promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering;*
- *enhance the role of the centre as a destination for cultural and leisure activities;*
- *promote and encourage connectivity and upgrade and increase public open spaces.*

The North District Plan sets a target of 25,950 additional dwellings by 2021, with 92,000 additional dwellings are expected to be required in the North District within the next 20 years The Willoughby Local Government Area (LGA) is expected to deliver a 5 year housing target of 1,250 additional dwellings by 2021.

Over a 20 year time frame, it is expected that at least 6,000 to 6,700 additional dwellings will be required by 2036 to meet anticipated population growth of some 13,200 persons in the Willoughby LGA.

With respect to Willoughby, the North District Plan places emphasis on urban renewal in locations that have regard to the capacity of existing and proposed infrastructure. Opportunities around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability area advocated. The Planning Proposal directly aligns with this planning principle.

Council is required to investigate areas for additional housing capacity and identify opportunities to address demand and diversity in and around local centres and infill areas. This work has commenced with the preparation of the Council's Draft Housing Strategy and adoption Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

The Planning Proposal is consistent with the North District Plan and will assist in meeting the housing supply targets in this District Plan in a manner that is consistent with Council's Draft Housing Strategy, Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Willoughby Local Strategic Planning Statement

Willoughby Local Strategic Planning Statement March 2020 (WLSPS) sets out a 20 year vision for the Willoughby Local Government Area (LGA) and includes priorities and actions for land use planning that have a focus on local place values. Section 6.1 of the LSPS relates to housing the City.

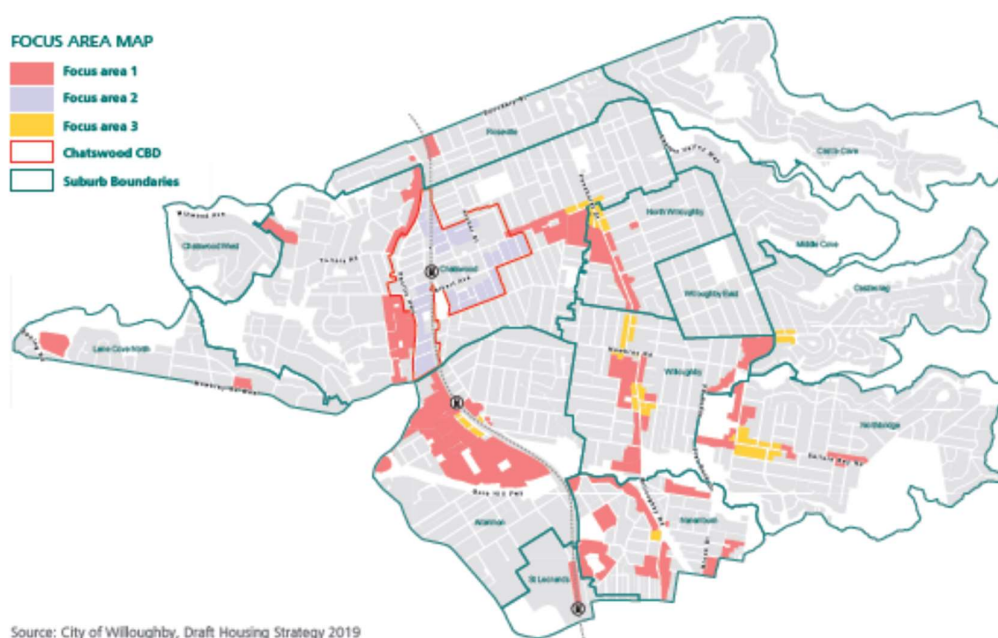
With respect to housing the WLSPS places priority on increasing housing diversity to cater for families, the ageing population, diverse households and key workers and increase the supply of affordable housing.

WLSPS aims to direct increased housing density to the "right location" and identifies 3 focus areas for new housing located within walkable distance of strategic and local centres. A substantial portion of the Chatswood CBD, including the subject land is identified as a focus for higher density housing. The Focus Area Map in the WLSPS is reproduced in **Figure 17** on Page 28.

WLSPS establishes housing intensification principles to guide increased housing density in the right locations, as set out below.

- Near local centres, schools, open space and community facilities
- With walking distance of high quality and frequent public transport
- Free from the natural hazards of bushfire and flooding
- Highly walkable, with high amenity walking and cycling routes nearby
- Outside of heritage areas/Environmental Living (E4) areas and areas with a uniform and highly valued suburban character.

Figure 17 – WLSPS Focus Area Map



The subject land complies with all the above requirements for increased housing density and is located within the northern Chatswood CBD expansion area identified to accommodate increased housing density within a proposed B4 Mixed Use Zone.

Willoughby Community Strategic Plan 2010-2025

Willoughby's Community Strategic Plan 2010-2025 identifies Willoughby as “the vital hub of the region, where residential, cultural, economic and environmental interests are respected and balanced, and our communities enjoy a diversity of lifestyles.” The Strategy sets out key strategic directions for the next 12 years which are based on the principles of sustainability and social justice.

Strategic directions relate to community and cultural life, natural environment, homes, infrastructure, economic activity and governance. Strategic directions of particular relevance to the Planning Proposal are directions relating to homes, infrastructure and economic activity.

In relation to homes, the goals are to meet the demand and government requirements for additional housing in a manner that protects local residential amenity and character and satisfies the needs of an ageing population. Emphasis is placed on affordability and housing choice to meet changing demographics and provide new housing in locations accessible to public transport and services.

The form of apartment development envisaged in the Planning Proposal has an emphasis on providing well designed high density living with a focus on affordability and meeting the needs of smaller households such as singles and couples and the retired, particularly those seeking to downsize. Provision of lifts and adaptable housing, adjacent to high frequency bus services is well suited to the needs of aging in place.

The proposed broad mix of apartment sizes will appeal to a broad range of apartment purchasers from investors and those seeking an affordable entry into the housing market to persons seeking a prestige large apartment located in the upper half of the building, offering expansive district views.

In recognition of the mixed-use zoning, commercial floor space is proposed on the ground floor and western portion of the first floor in a format suitable for commercial uses seeking a more affordable city edge location. There are currently no employment land uses on the site. Proposed commercial floor space is likely to provide space for up to 90 jobs. Such an outcome is consistent with the objective of protecting employment areas and providing opportunities for local employment.

The siting of the proposal within walking distance to the Chatswood Transport Interchange and retail and other services within the Chatswood CBD contributes to achieving the objective of reducing car dependency.

The proposal provides for affordable commercial floor space in a configuration that is ideally suited to small and medium sized businesses seeking affordable space in a location near the Chatswood CBD Core and close to public transport. The proposal constitutes a significant investment in the local economy and the Chatswood centre, a key objective of Council's strategic direction relating to Economic Activity.

The Planning Proposal is consistent with the vision and strategic directions of the Willoughby City Strategy 2013-2029 and will assist in achieving the relevant objectives of the City Strategy.

Willoughby Draft Housing Strategy 2019

As noted in consideration of the strategic planning framework, Willoughby City Council has prepared and exhibited a Draft Housing Strategy, which aim to address the future housing needs of the Willoughby LGA, as outlined in the North District Plan (NDP).

The Draft Housing Strategy aims to ensure there will be sufficient housing supply and mix of housing to meet housing requirements as anticipated in the NDP.

Increased housing density is to be focussed in larger centres and locations within walkable distance of transport and other services. It is also proposed to increase the supply of affordable housing. The Strategy is designed to protect existing low-density housing areas, including the many heritage conservation areas from increased density to maintain the character of those areas and in the interests of housing choice and diversity.

The Draft Strategy proposed that additional housing would be located within identified local centres and on the edge of Chatswood CBD as part of mixed-use developments, as recommended in the Chatswood CBD Planning and Urban Design Strategy to 2036. New up-zonings are to include provision for affordable housing.

The Planning Proposal is consistent with the objectives of the Willoughby Draft Housing Strategy and the site is within the proposed mixed-use area located on the northern edge of the Chatswood CBD. Increased housing density on the subject land, is therefore, consistent with Council's Draft Housing Strategy.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

| SEPP | Consistency |
|--|--|
| <p>SEPP 55 – Remediation of Contaminated Land</p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.</p> | <p>The site has had a long history of residential use and has not been identified as potentially contaminated. The site is suitable for the proposed mixed use and a contamination assessment is not necessary for a Planning Proposal.</p> |
| <p>SEPP (BASIX) 2004</p> <p>Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.</p> | <p>This SEPP will apply to future proposed dwellings/apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.</p> |
| <p>SEPP 65 – Design Quality of Residential Flat Development</p> <p>This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.</p> | <p>This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Code and full compliance with the primary design standards.</p> <p>Adequate tower building separation is provided to adjoining and adjacent sites. All apartments will comply with minimum floor areas and other design criteria specified in the ADG.</p> <p>A SEPP 65 ADG assessment relating to design principles and criteria, relevant to the proposed building envelope is included in Appendix B.</p> |
| | <p>Over 80% of apartments achieve natural cross ventilation and 100% of apartments achieve 2 hours mid-winter solar access. A further, more detailed SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site</p> |

Regional Environmental Plans

No Regional Environmental Plans (REP's) are applicable to the site.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

This planning proposal has been assessed having regard for the Section 9.1 Directions [issued to Councils under s9.1(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act)], relevant to this planning proposal. The findings were as follows:

| DIRECTION | CONSISTENCY Yes/No or Not Applicable |
|--|---|
| 1. EMPLOYMENT AND RESOURCES | |
| 1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. | Not Applicable – the site is zoned residential. The proposed B4 Mixed Use will increase the amount of employment land and employment opportunities, an outcome that supports the objectives off the Chatswood CBD Planning and Urban Design Strategy. |
| 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 Environment Protection Zones The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas. | Not Applicable (The site and adjoining lands are not identified as environmentally sensitive). |
| 2.2 Coastal Protection | Not Applicable |
| 2.3 Heritage Conservation The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | YES – While the site does not contain any heritage items and is not located in a Heritage Conservation Area (HCA), the site is located opposite an HCA and there is a heritage item nearby. The proposal will not unreasonable impact on the heritage values of the HCA and nearby heritage items, as detailed in the Heritage Impact Assessment, attached at Appendix D . |
| 2.4 Recreation Vehicle Areas | Not Applicable |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Not Applicable |
| 2.6 Remediation of Contaminated Land | The subject land has a long history of residential use and is not identified as a site that is likely to contain contamination. |
| 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT | |
| 3.1 Residential Zones The objectives of Direction 3.1 are: | YES – The site is located within an R3 Medium Density Residential Zone. The proposed rezoning to B4 Mixed Use |

| DIRECTION | CONSISTENCY Yes/No or Not Applicable |
|---|---|
| <p>To encourage a variety and choice of housing types to provide for existing and future housing needs;</p> <p>To make efficient use of existing infrastructure and services.</p> <p>To minimise the impact of residential development on the environment and resource lands.</p> | <p>will maintain high density housing opportunities for the site, in the form of shop top housing apartments.</p> <p>The increased residential density provides a mix of apartment sizes that will provide for existing and future housing needs.</p> <p>The proposal provides increased housing choice, makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates | Not Applicable |
| 3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. | YES – home occupations will continue to be permissible development on the site under the proposed B4 Zone |
| 3.4 Integrating Land Use & Transport The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport. | YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of a city centre offering employment and services, including high frequency public transport services and excellent access to jobs and services in the Chatswood CBD and by way of high frequency public transport, to other major employment centres such as the Sydney CBD and North Sydney CBD and other nearby employment centres such as Macquarie Park, St Leonards and the Artarmon Industrial Area. |
| 3.5 Development Near Regulated Airports and Defence Airfields | Not Applicable |
| 3.6 Shooting Ranges | Not Applicable |
| 3.7 Reduction in non-hosted short term rental accommodation period | Not Applicable |
| 4 HAZARD AND RISK | |
| 4.1 Acid Sulfate Soils | Not Applicable |
| 4.2 Mine Subsidence and Unstable Land | Not Applicable |
| 4.3 Flood Prone Land | Not Applicable – site is not subject to flooding. |
| 4.4 Planning for Bushfire Protection | Not Applicable |
| 5. REGIONAL PLANNING | |
| 5.1 Implementation of Regional Strategies (revoked on 17 October 2017).. | Not Applicable. S |
| 5.2 Sydney Drinking Water Catchment | Not Applicable |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | Not Applicable |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not Applicable |

| DIRECTION | CONSISTENCY Yes/No or Not Applicable |
|---|--|
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | Not Applicable |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1 | Not Applicable |
| 5.7 Central Coast (Revoked 10 July 2008). | Not Applicable |
| 5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018) | Not Applicable |
| 5.9 North West Rail Link Corridor Strategy | The proposal is consistent with the North West Corridor Strategy |
| 5.10 Implementation of Regional Plans | Not Applicable |
| 5.11 Development of Aboriginal Land Council land | Not Applicable |
| 6. LOCAL PLAN MAKING | |
| 6.1 Approval and Referral Requirements The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | YES- the proposal does not include requirements for concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated. |
| 6.2 Reserving Land for Public Purposes | Not Applicable (no land is proposed to be reserved for public purposes) |
| 6.3 Site Specific Provisions The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. | YES – the proposal seeks to reduce the level of restriction of height and FSR controls. Indeed, the opposite is the case, with increased development density proposed, primarily on the basis of providing a larger development site and public benefits. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative plans of a potential future mixed-use podium and tower building are included, in order to objectively assess the implications of allowing increased building height and FSR. |
| 7. METROPOLITAN PLANNING | |
| 7.1 Implementation of the Greater Sydney Region Plan – A Metropolis of 3 Cities (Replaces A Plan for Growing Sydney) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Greater Sydney Region Plan – A Metropolis of 3 Cities 2017. | YES – the proposal is consistent with the implementation of the Greater Sydney Region Plan – A Metropolis of 3 Cities 2017, as detailed in Section 4.2 of this Planning Proposal Report. The Chatswood CBD Strategy has also been endorsed by the Greater Sydney Commission. The PP is also consistent with A Plan for growing Sydney 2014. |

Department of Planning's Criteria for Spot Rezoning

This planning proposal has been assessed having regard for the Department of Planning's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP. This LEP Amendment request is assessed against these criteria in the table below.

| Criteria | Consistency |
|--|---|
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? | The proposal will facilitate permanent employment generating activity by providing 2,050m ² of floor space for future commercial/retail activities. The proposal will substantially increase employment potential on the site, which is currently used only for residential purposes, and increase the area of employment lands, as the proposed B4 zoning will allow for employment activities on the site currently not permitted. |
| Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)? | As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the North District Plan. The subject land is located within 800m of an important metropolitan regional city centre and public transport interchange (Chatswood) and is located within Pacific Highway transport corridor. The proposal will not adversely impact on Chatswood City Centre or any strategic corridors. |
| Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions? | The Planning Proposal will support the objectives of the Sydney Metropolitan Strategy – A Plan for Growing Sydney 2014 and the North District Plan, with respect to the relevant objectives in those strategies. It is also consistent with the relevant s117 directions as noted above. |
| Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy? | No, the site is located near the Chatswood CBD which is identified as a Strategic Centre and is in a location that is within convenient walking distance to a transport hub/interchange in the Chatswood CBD. |
| Will the LEP deal with a deferred matter in an existing LEP? | No. |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? | Yes. The cumulative effects of increased building heights and densities in the locality have been considered in the Chatswood CBD Urban Design and Planning Strategy. Increased employment opportunities are planned for Chatswood and major enhancements to public transport to and from Chatswood are being implemented over the next 10 years to cope with increased residential densities. The Council is also proposing to improve local infrastructure, public open and community facilities, by utilising additional developer levies arising from higher density development. |
| Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners? | No. The subject land is located within an area identified in the Chatswood CBD Planning and Urban Design Strategy for increased development density and building height. Accordingly, the proposal does not create a precedent for increased development density and building height in locations not identified in the Strategy for such development. |
| Will the LEP be compatible / complementary with surrounding land uses? | Yes. As detailed in the Planning Proposal Report, the site is adjoined by residential of varying densities and there are nearby, business and mixed-use zones. |

| Criteria | Consistency |
|----------|---|
| | The proposal is compatible with the desired future character of the locality, which has been identified for increased development density and building height. The proposed tower envelope has been designed to maintain reasonable neighbour residential amenity (privacy, outlook and solar access). With respect to shadow impacts, the low-rise apartment building to the south will in the future be redeveloped with a high-rise mixed-use tower with greater building separation than is currently the case. Tower height steps down at the interface to existing low density residential development to the north of the site and substantial tower setbacks are provided to the low density residential area to the east.. |

4.3 Section C – Traffic, Transport, Environmental, Urban Design, Economic and Social Impact

4.3.1 Traffic and Transport Considerations

The Planning Proposal is accompanied by a Traffic Transport and Parking Report prepared by Varga Traffic planning addressing local traffic, public transport, cycling and pedestrian movement and car parking demand. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading. A copy of this report is attached at **Appendix C**.

The proposal will result in an increase in peak hour traffic compared to the existing low density on the site, but the level of increased traffic is within the capacity of the local road system and intersections in the locality. Vehicular access is proposed off O'Brien Street, which is a short cul-de-sac carrying minimal traffic volumes.

No road improvements are required because of the proposal and adequate off-street parking for up to 138 vehicles can be provided within the proposed 4 basement car parking levels. Given accessibility to public transport, reduced parking provision (3 basement levels) is an option. A TMAP is not required, as the proposal is not a major traffic generator.

The traffic consultant confirms that vehicular access off O'Brien Street, as proposed, is appropriate and suitably designed required car parking, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards and SEPP 65 can be provided in basement parking levels. A basement loading dock is provided with turning space to ensure trucks can enter and leave the site in a forward direction.

4.3.2 Environmental Considerations

4.3.2(a) 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 site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats. Therefore, the proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities or habitats. There are no trees on, or adjoining the site, and no vegetation will require removal.

4.3.2(b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Site Suitability

The Chatswood CBD Urban Design and Planning Strategy identifies the site as being suitable for high-rise mixed use development. The subject land is free of development hazards such as flooding, bush fire, acid sulphate soils, land slip, land contamination, mine subsidence and the like.

Acoustic Environment/Impacts

The subject land adjoins the North Shore railway line on its western side, which creates potential for adverse noise impacts on west facing apartments. The NSW Planning Development Near Rail Corridors and Busy Roads applies to the site. The Planning Proposal is accompanied by a preliminary acoustic assessment that identifies the acoustic environment and includes recommendations to minimise noise intrusion. These recommendations include the following:

- *Proprietary single laminated glazing systems.*
- *A “winter garden” type strategy for apartments facing towards the railway line.*
- *Deep void double glazed systems.*
- *Provision of alternative means of ventilation to minimise the need for opening windows.*
- *Undertake acoustical modelling at the detailed design stage.*

Suitable noise attenuation measures will need to be incorporated into the design and construction of the future building, to reduce noise levels within apartments to not more than 30dBA.

Development of the site at the higher density proposed will not result in any material adverse noise impact on neighbouring residential development. The site is separated from neighbouring residential development by roads on 3 sides and the North Shore Railway Line on the western side.

There is potential for mechanical services to generate noise that may impact on residential amenity within the site. The preliminary acoustic assessment recommends that mechanical plant be of a type that generates low noise and be located and orientated in a judicious manner. Other measures include using larger fans at lower speed, variable speed drives and use of barriers, internally lined ducts and bends, external duct and equipment wrapping and use of silencers.

A copy of the preliminary acoustic assessment report prepared by Resonate Acoustics is attached at **Appendix E**.

Shadow Impacts

Shadow diagrams have been prepared by DEM, illustrating the shadow impact of a fully compliant development envelope and the preferred envelope. These shadow diagrams also include shadows cast by existing buildings and are included at **Appendix B**.

The shadow diagrams illustrate the increased extent of shadowing arising from the proposed building envelope and alternative building envelopes. The preferred building envelope minimises the increase in overshadowing on properties to the southeast and southwest of the site. Dwellings in the HCA to the east will continue to receive at least 3 hours mid-winter solar access.

While the east facing apartments of the 3 storey apartment building to the south of the site will readily retain 2 hours or greater mid-winter solar access, it is impossible to avoid significant overshadowing of the western half of this building, even with a significantly lower building height. The apartments in this portion of the building will have mid-winter solar access reduced to less than 2 hours.

Given the low-rise apartment site to the south is also identified for much higher density housing, with buildings up to 90m in height, this site will likely be redeveloped in the not too distant future. A residential tower can be readily designed on this site with more than 70% of apartments receiving at least 2 hours mid-winter solar access.

Privacy Impacts

Development of the site at the higher density proposed, will not result in adverse privacy impacts on neighbouring residential development. Significant building separation distance of at least 24 metres is provided to existing or future residential development to the north, east and west of the site.

The closest residential property is located to the south of the site, on the southern side of O'Brien Street. A separation distance of approximately 22m is provided to this existing 3 storey apartment building. This is well in excess of SEPP 65 ADG separation distances to a 3 storey residential building and is sufficient separation distance to ensure reasonable neighbour privacy in a high density context. Redevelopment of that site will include a 4.5m to 6m northern setback, providing for a future separation distance of 24m.

An adequate level of privacy is maintained commensurate with expectations of residential living in a high-density urban environment.

View and Visual Impact

The proposed increase in density and building height does not adversely impact on any existing significant views or outlook from low and medium rise development around the site. The proposed tower building will become part of the Chatswood CBD skyline and properties to the north, northwest and northeast of the site will retain most of their CBD skyline. From these vantage points, the proposed tower itself will become part of the CBD skyline view and CBD view corridors will remain to the east and west of the proposed building.

There will be a limited and acceptable reduction in district views to the north and northeast from existing high-rise developments within the Chatswood CBD located to the south and southwest of the site. The proposed tower will occupy only a small percentage of the total district view available from these existing towers.

The proposal achieves compliance with view sharing principles having regard to the site's high-rise CBD context.

Wind Impact

Tall tower buildings have potential to create adverse wind impacts at ground level. The Planning Proposal is accompanied by a preliminary wind impact assessment, a copy of which is attached at **Appendix E**. This preliminary assessment draws the following conclusions:

- *The wind conditions along the pedestrian level foot path areas are expected to have wind levels within the criteria for walking.*
- *The development is expected to generate wind conditions at the ground level building entrance within the criterion for standing criterion*
- *The wind conditions at the podium roof garden and roof terraces are expected to be within the recommended criterion for walking, with 1.4m high balustrades.*
- *Wind conditions on apartment balconies are expected to be within recommended criterion for walking.*

A detailed wind impact assessment would be included in the preparation of architectural plans for the future tower building to be constructed within the building envelope.

Heritage Impact

The subject land does not contain any heritage items, nor are there any heritage items adjoining the site. The site is located adjacent to a Heritage Conservation Area located on the eastern side of Anderson Street and heritage item (I129 – single storey dwelling) is located nearby at 20 Tulip Street (southeast corner of Anderson Street). Another heritage item (Item I72) is also located nearby, to the southeast of Item I129)

A Heritage Impact Assessment is attached at **Appendix D**. This assessment confirms that the proposal has an acceptable impact on the heritage values of the adjacent Conservation Area and nearby heritage items. There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

4.3.3 Urban Design Considerations

The Planning Proposal is accompanied by an Urban Design Report prepared by DEM addressing urban design issues such as the existing and future site and development context, development yield, building mass and floor plates, height and FSR, building setbacks, streetscape views, shadow and view impacts, sustainability, landscape concepts and design excellence process.

The urban design analysis indicates that the proposed building envelope responds to the constraints and opportunities of the site and the existing and planned future context. The urban design analysis includes an exploration of several potential building envelopes.

The site is of insufficient east-west or north-south dimension to provide for 2 completely separated towers. The only feasible development option is for a single tower building, with a slim northern and southern elevation and longer eastern and western elevations. Tower floor plate does not exceed the recommend maximum 700m² GFA.

The western and eastern elevations of the primary portion of the tower (Tower Levels 1 to 12) are marginally longer than is typically the case with a slim-line residential tower. The perceived bulk of these elevations is reduced by articulation of the elevations and in particular, by stepping down building height by 11 storeys for the northern portion of the tower and providing substantial tower setback to Anderson Street.

The urban design report also assesses the proposal against the design principles and criteria of SEPP 65 and the associated Apartment Design Guide (ADG) and indicates the design principles are achieved and there is a satisfactory level of compliance with the ADG design criteria. The design performs very well in terms of natural cross ventilation and solar access.

A copy of DEM's report is attached at **Appendix B**

4.3.4 Economic Considerations

The proposed increase in development density aligns with the recommendations of the Chatswood CBD Planning and Urban Design Strategy and is consistent with an important objective of the *Environmental Planning and Assessment Act*, which is to promote the orderly and efficient development of land.

Businesses occupying the proposed commercial floor space will provide ongoing employment for at least 90 persons, on a site that currently has no permanent jobs on site. The proposal will also result in creation of more than 140 construction related jobs during the construction phase and over the life of the development create employment opportunities relating to building services and maintenance.

Increased population on a site in close proximity to the Chatswood CBD will increase use of existing public transport and increase spending within the CBD, contributing positively to the economic performance and viability of existing and future businesses in the CBD.

4.3.5 Social Considerations

The proposal will not result in any adverse social impacts. The provision of additional apartment living opportunities, as envisaged in Council's Housing Strategy and the Chatswood CBD Planning and Urban Design Strategy will contribute positively towards the social fabric of the local community and viability of local services such as retailing and public transport.

The provision of additional apartments within convenient walking distance of Chatswood Railway Station, bus interchange and Chatswood City Centre shops and services is considered to have a positive social impact in the locality. Increasing housing supply in such locations contributes positively to housing affordability and encourages "downsizing" where by low occupancy single dwellings occupied by older residents can be made available for purchase by families, as older residents are able to move into more suitable accommodation, without their local area.

Increased residential population will increase demand for a range of public services and facilities, such as schools, child care, health services, community services, recreational facilities and open space. Additional developer contributions and future rating income will assist in funding augmentation of local services. Stamp duty from property sales will assist in funding State Government social infrastructure.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

Site Services (Water, Sewer and Drainage)

The site is located within an existing developed area that is well catered for in terms of service infrastructure. We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges.

Education and Health Services

The locality within which the proposed development is located has convenient access to education and health facilities. A high school, primary school, private hospital and medical services are within walking distance of the site, to the south within the Chatswood CBD. A major public and private hospital is located less than 6kms to the south at Royal North Shore Hospital.

Roads, Traffic and Transport

Traffic generation has been considered in Section 4.3.1. The proposed increase in density will result in a modest and acceptable level of traffic generation on the local road network and nearby intersections.

The site is located within convenient walking distance of bus and train services available at the Chatswood Railway Station and Transport Interchange, to the south of the site. Additional rail services to and from Chatswood Station will soon be available with the completion of the northwest rail link with further service augmentation occurring in the future when the planned metro rail link is completed to the Sydney CBD and Bankstown.

Proposed basement excavation is setback between 3m and 6m from the site's western boundary to the railway corridor land and can be engineered in a manner that will not impact on the stability of the embankment. State Rail will be consulted as part of the preparation of DA plans and State Rail requirements considered in the design.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

4.5 Community Consultation

The proponent has undertaken consultation with Willoughby City Council, as part of the preparation of the Planning Proposal. Council has also undertaken an extensive community consultation process as part of the preparation and subsequent adoption of the Chatswood CBD Planning and Urban Design Strategy. This Strategy recommended bonus building height and FSR provisions for land within and near the Chatswood CBD, including the subject land and received broad community support for its objectives of focusing increased development density in and near the Chatswood CBD so that existing low-density suburbs could be maintained substantially intact.

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site as an existing medium density residential area, which is planned to be developed for high density housing.

4 CONCLUSION

This Planning Proposal seeks amendment of Willoughby LEP 2012 to rezone the subject land to B4 Mixed Use and introduce a new sub-clause allowing for bonus building height and floor space, subject to site amalgamation and public benefits, as envisaged for the site and locality in Council's Chatswood CBD Planning and Urban Design Strategy.

The requested subclause would allow for a maximum building height of up to 90m on 54 Anderson Street and up to 53m on 56 Anderson Street and a maximum floor space ratio of up to 5:1 (including affordable housing). Utilisation of bonus floor space is subject to site amalgamation creating a site of not less than 2,000m², inclusion of the site as an affordable housing site in the Willoughby LEP, provision of public art and a Voluntary Planning Agreement to include payment of a developer levy (additional to Council's standard Section 7.12 charges) that is consistent with Council's *Community Infrastructure Schedule policy*.

This Planning Proposal Report has demonstrated that the subject land, if developed as a single parcel of more than 2,000m², can be suitably developed to an assessable FSR of at least 5:1 and maximum building height of between 53m (16 storeys) and 90m (27 storeys). The proposed building envelope provides for a stepped slim tower building form. Consistent with the recommended height controls and with the development objectives and controls recommended in the Chatswood CBD Strategy.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located adjacent to the Chatswood City Centre, in a locality that has been identified for high-rise mixed use development and in a manner that is generally consistent with the development controls proposed in the Chatswood CBD Planning and Urban Design Strategy.

The proposed building envelope provides appropriate setbacks and building separation, generally in accordance with the expectations of the Chatswood CBD Strategy and the SEPP 65 ADG.

The concept plans demonstrate that the future built form can provide a high level of amenity for future occupants, that is not only compatible with the desired future character of the area, but also maintains satisfactory amenity for existing residents in the locality.

The Planning Proposal is consistent with the conditions imposed by DPI&E in its recent conditional endorsement of the Chatswood CBD Strategy, and in particular adopts the reduced FSR of 5:1 for the site and reduced building height (53m) for the northern half of the site, comprising 56 Anderson Street. In addition, the presentation to Anderson Street has been designed to accord with the recommendations relating to providing a suitable interface to the Heritage Conservation Area (HCA) located on the eastern side of Anderson Street and will maintain at least 3 hours mid-winter solar access to residential properties in this HCA.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.