



Photo 8: View east of local heritage item I129 dwelling at 20 Tulip Street named 'Wycliffe' built c.1904-1905.



Photo 9: View south east of Anderson Street streetscape

Details of the Planning Proposal

The Planning Proposal request seeks to amend the Willoughby LEP 2012 to rezone and amalgamate 54 – 56 Anderson Street, Chatswood (SP 11846, SP 30740) from R3 Medium Density Residential to B4 Mixed Use Development to facilitate a mixed use development comprising:

- Maximum FSR of 6:1 including a commercial/retail three storey podium component with an FSR of 0.925:1
- Maximum 90m height limit including provision for roof top structures such as lift over run and roof plant room.
- Provision of 4% affordable housing and additional developer levies for floor space exceeding the current FSR of 0.9:1.
- The proposed development controls will provide approximately 13296m² of floor space.

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

Property	Zoning		Height			Floor Space Ratio		
	WLEP	Proposed	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strateg
54 Anderson St	R3 Medium Density Residential	B4 Mixed Use	12m (4 storeys)	90 m	90 m	0.9:1	6:1	6:1
56 Anderson St	R3 Medium Density Residential	B4 Mixed Use	12m (4 storeys)	90 m	90 m	0.9:1	6:1	6:1

Table 1: Summary of the Planning Proposal request for 54 – 56 Anderson Street

Accompanying the Planning Proposal are Draft *Development Control Plan* provisions and a supporting letter from Ingham Planning dated 29 November 2017 stating that the proponent is prepared to enter into a Voluntary Planning Agreement with Council in relation to the provision of public benefits in conjunction with the Planning Proposal as follows:

- A publically accessible pathway extending north to Wilson Street from O'Brien Street at the western rear boundary, extending the existing linkage from McIntosh Street.
- A landscape plaza area fronting Anderson Street and connecting to the western boundary walkway.
- The draft VPA offer has yet to be fully negotiated in line with Council's future Planning Agreements Policy which has offered:
 - A value uplift sharing to fund public domain purposes representing an additional developer contribution of 20% of the value uplift for floor space in excess of the base FSR of 0.9:1, retail/commercial and affordable housing floor space.
 - The provision to provide public art contribution based on \$10 per/m² of additional residential floor space, excluding affordable housing floor space.

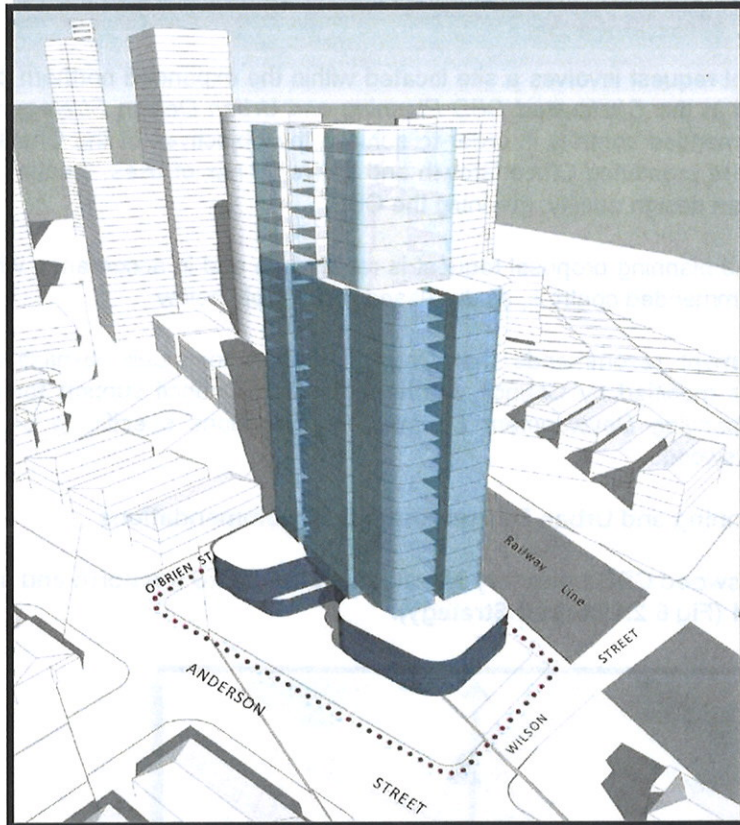
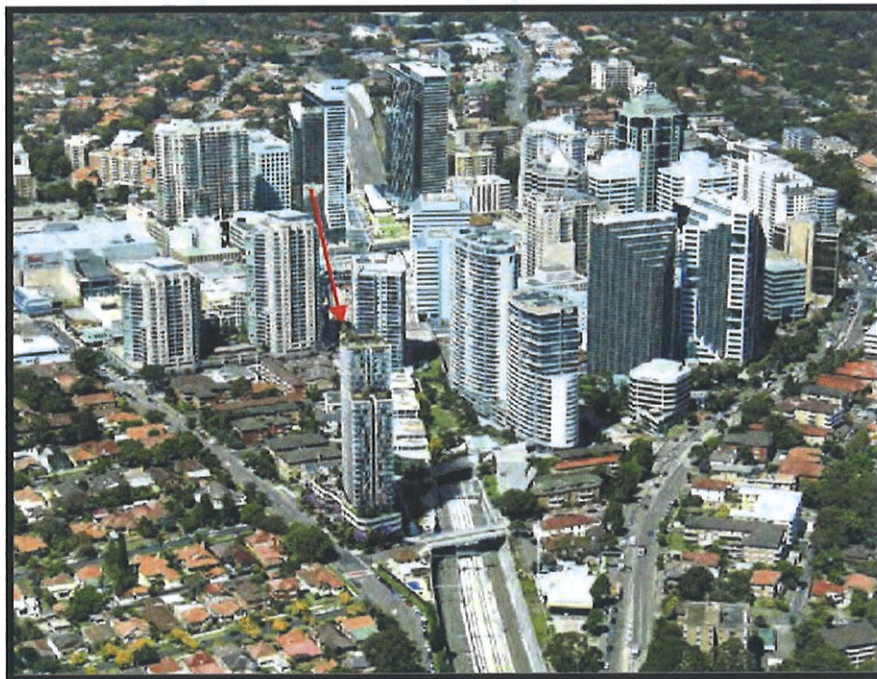


Figure 2: Built Form preferred option 4 from Urban Design Study prepared by Dem (Aust. Pty Ltd) dated November 2017



3D Photomontage 1: Aerial view south west of the proposed tower
Source: Heritage Impact Statement prepared by Paul Davies Pty Ltd

Discussion

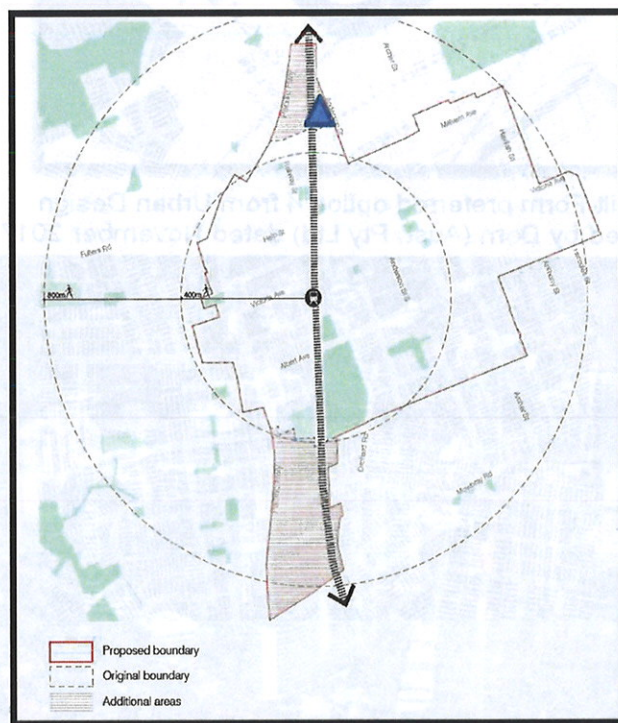
This Planning Proposal request involves a site located within the expanded northern part of the CBD, as identified in the *Chatswood CBD Planning and Urban Design Strategy* which has developed recommended controls in order to achieve the objectives of the Chatswood CBD. The objectives are promoting Office Growth and a diverse mix of uses; creating great public spaces and urban design quality; greening the CBD.

It is considered that the planning proposal request is reasonable and in accordance with the relevant Strategy recommended controls, as discussed in the table below.

This detailed assessment recommends that Council support for public exhibition the Planning Proposal, as modified by Council. Furthermore, that Council support for public exhibition the accompanying *Development Control Plan* provisions specific to 54 – 56 Anderson Street, Chatswood.

Chatswood CBD Planning and Urban Design Strategy Recommendations

- R1. That the Chatswood CBD boundary should be extended to the north and south as per Figure1 (Fig 6.2.1 in draft Strategy).



Map 1: The site indicated by ▲ shown within the expanded CBD Boundary

Source: Chatswood CBD Planning and Urban Design Strategy Figure 3 Recommended CBD boundary

Comments

The planning proposal request is consistent with the CBD Strategy being within the northern most part of the proposed expanded Chatswood CBD Strategy.

- R2. That the land uses in the LEP should be amended to:**
- i. Protect the commercial core east and west of railway as commercial-only but permitting retail uses throughout.**
 - ii. Rezone other areas beyond the B3 Commercial Core as B4 - Mixed Use.**
- The existing DCP limits on office and retail use in the Commercial Core should be removed.**

Comments

The site is zoned is R3 Medium Density Residential under Willoughby Local Environmental Plan 2012. The Planning Proposal requested B4 Mixed Use Zone requires a 1:1 commercial component under the Strategy. The proposal includes a commercial/retail FSR 0.925:1 component within a three storey commercial/retail podium. In this instance there is a reasonable justification for the minor 0.075:1 deviation as the development is consistent with the Strategy vision as well as the North District Plan expected housing delivery in that the proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the Strategy as well as provide sufficient commercial activation.

The Planning Proposal is also considered consistent with *A Metropolis of Three Cities Greater Sydney Region Plan* and the *North District Plan* providing additional housing in a location close to existing and proposed transport and urban services infrastructure.

- R4. Existing FSR be retained as a 'base' FSR (Figure 3) where participating in the value uplift scheme.**

Comments

The base FSR for this site is 1:1. Where a proposal cannot meet other Strategy requirements, the base FSR applies not the maximum FSR which in this circumstance is 6:1.

- R5. Increased FSR be associated with a contributions scheme to provide the public and social infrastructure in the Chatswood CBD necessary to support growth. The scheme would:**
- 1. Apply to residential uses above the base FSR.**
 - 2. Apply to commercial uses above 10:1 FSR.**
 - 3. Operate in addition to the existing Section 94A contributions and Affordable Housing contributions.**
 - 4. Contribute to public domain improvements in the CBD (including streets and parks) that would increase amenity and support growth**

Comments

The Planning Proposal requests a maximum FSR of 6:1 consistent with the Strategy. A written amendment to Willoughby *Local Environmental Plan 2012* has previously been prepared for public exhibition to address the inclusion within the Chatswood CBD of affordable housing in Gross Floor Area calculations (the proposed draft Clause 4.4 'Floor Space Ratio', (2) (D)).

The appropriateness of using the maximum floor space ratio on this site is reasonable given the proponent is willing to agree to a contributions scheme based on increased residential FSR above the base FSR of 1:1, in addition to S.94A and affordable housing contributions.

Council is in the process of developing its contributions scheme. The proponent has been advised that contributions under this scheme are envisaged by Council to be based on value

uplift above the base FSR of between 45% and 50%. At present the proponent has offered a value uplift rate of 20%.

This matter is to be further discussed following finalisation of Council's contribution scheme.

R6. Design excellence is to be required for all developments exceeding the base FSR based on the following processes:

- i. Competitive designs for developments over 35m high.
- ii. Design Review Panel for developments up to 35m high.

Comments

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

Council is yet to establish a formal process with regard to design excellence, and further detail is anticipated following public exhibition. It is considered that this outstanding issue does not prevent the subject Planning Proposal being forwarded to the Gateway for determination.

R7. To achieve design excellence, developments must achieve higher building sustainability standards.

Comments

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. The proponent has provided *Development Control Plan* provisions addressing sustainability. These higher building sustainability standards will be assessed to ensure the recommendation is satisfied at development application stage.

R8. The Architects selected for design excellence schemes should be maintained through the DA process and only be substituted with agreement of Council.

Comments

It is recommended that the architects selected for design excellence schemes should be maintained through the DA process and only be substituted with agreement of Council and that this be included by the proponent as a control in the Draft *Development Control Plan* provisions for 54-56 Anderson Street in order to be consistent with WLEP Clause 6.24 which reads:

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) *This clause applies to development involving the erection of a new building on land shown in Area 8 on the Special Provisions Area Map.*
- (3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*

R9. That simplified FSR controls for the CBD are agreed (Fig 3) providing a maximum base FSR which:

- i. Is the maximum FSR for sites below the minimum site area.
- ii. Forms the base above which value uplift sharing applies.

Comments

The site is in a location with a maximum base floor space ratio of 1:1. The site area is 2216m² exceeding the minimum site area of 1200m² for residential be achieved in order to pursue maximum FSR. The value uplift for the subject Planning Proposal is based on the maximum FSR of 6:1 minus the base FSR of 1:1.

R10. That FSR be considered as maximums achievable in the CBD, subject to minimum site sizes and appropriate developer contribution agreements.

- No maximum FSR for commercial development in the CBD, generally within 400m of railway station.
- 6:1 FSR in outer centre.
- Retention of 2.5:1 FSR along Victoria Avenue north.

Comments

The site is within the northern edge of the outer centre. The Planning Proposal requests a maximum FSR of 6:1 consistent with the Strategy. A written amendment to *Willoughby Local Environmental Plan 2012* has previously been prepared for public exhibition to address the inclusion within the Chatswood CBD of affordable housing in Gross Floor Area calculations (the proposed draft Clause 4.4 'Floor Space Ratio', (2) (D)). (Attachment 6)

R11. That areas to benefit from sun access protection in Figure 5 should be incorporated into LEP controls.

Comments

The site is located north of any public open space area identified within the Chatswood CBD as requiring sun access protection, subsequently there is no impact.

***R12. That height limits in the CBD should be based on Figure 6, including raising to the airspace limits for core areas, except where sun access protection applies and in particular ensuring no additional overshadowing of Currey Park and Chatswood Park between 10:00am and 2:00pm mid-winter which in turn also protects Chatswood Oval.**

Comments

The planning proposal indicative concept plans prepared by Architecture Urbaneia, dated 30 November 2017 include a mixed use development with a maximum height of 90m including provision for roof top structures such as lift over run and roof plant room. The maximum height requested includes provision for affordable housing.

The scheme comprises a 25 storey residential tower (148 units) with the northern portion being 18 storeys (11246m², including 433m² affordable). A three storey commercial/retail podium component with an FSR of 0.925:1 (2050m²) is proposed. The maximum typical floor plates are 530m² with a reduced typical floorplate of 340m² above level 18 (facilitating a 7 storey stepping down in building height to the north and providing space for common open roof terrace area). This is below the identified floorplate GFA maximum of 700m². Landscaped accessible communal open space is shown located above the second storey of the podium and at roof top level of the tower.

The development concept scheme built form ensures existing key public spaces sun access is protected.

R13. That the links and open space structure should form part of a revised DCP.

Comments

A through site link connecting O'Brien Street to Wilson Street adjacent to the railway line is proposed thereby providing an extension to the existing link connection between McIntosh Street and O'Brien Street. This link connects through the centre of the site providing access to the building lobbies and a connection from Anderson Street to the pedestrian link adjacent to the railway line. The Planning Proposal provides an opportunity for linking the local green grid. Any development on the site should not adversely impact on access through the site. This issue will be further assessed at development application stage.

R14. That publicly accessible space and green landscaping be required as part of all new development, subject to design principles.

Comments

Public ground level accessible soft and hard landscaped areas are proposed for the podium open space setbacks of 3m from Anderson, O'Brien and Wilson Street and 3.995m to the railway line to the west of the site. The green landscaping is consistent with the Strategy noting the size and location of this site. A centralised pedestrian through site landscaped plaza will contribute to the local green grid. The soft landscaping will enhance the interface with adjoining residential areas.

It is highly recommended in high density environments that any new mixed use development include children's play spaces/equipment within the communal space areas which may include however not be limited to directly accessible outdoor shared spaces with passive surveillance and intergenerational recreation opportunities. It is recommended the proponent consider including an objective to reflect this in the draft site specific DCP provisions.

Council Landscape officer reviewed the proposal and made no objections in principle to the proposal in particular that undergrounding of power should allow for provision of tall canopy trees along the street frontage as part of any development. The proponent has addressed green landscaping in the proposed draft *Development Control Plan* provisions stating inter alia:

1.0 Objectives

- 7. To provide landscaping that enhances the setting of the building as well as the amenity of the development and the amenity of neighbouring properties.*

2.0 Controls

- 6. A minimum of 20% of the site area is to provide vegetation cover.*
7. Buffer planting incorporating trees and groundcovers is to be provided along the western boundary of the site adjacent to the railway line. Planting is not to impact upon clear sightlines along the adjoining pedestrian footpath.
8. Soft landscaping is to be incorporated along the Anderson Street frontage opposite the heritage conservation area.
11. A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size at maturity.

R15. That all roofs up to 30m from the ground be designed as green roofs.

Comments

In this mixed use development this requirement means a podium roof level. In this instance the proposed second level podium roof is accessible from a lift and designed for different

usage and visual interest from levels above with soft and hard paved and passive recreational areas.

- R16. That street frontage heights be required based on Figure 8.**
Note the site-specific need for open space may require further setbacks of frontages from the street.

Comments

A mixed use frontage with commercial ground floor is required to have a 6m-14m street wall, minimum 3m setback above street wall. With regard to street wall heights and setbacks, it is considered that the Planning Proposal is consistent with the Strategy. The greening of the Anderson Road frontage will be achieved with deep soil planting opportunities. The remaining three frontages to Wilson and O'Brien should also be carefully considered to ensure privacy and amenity is addressed, with judicious use of landscaping.

- R17. Detailed controls for required active frontages describing key streets where no blank walls, servicing and no-retail uses are permitted.**

Comments

The concept plans provided are consistent with the Strategy in that the commercial floor space at ground level has opportunity for active street frontages to all four frontages (ie. site perimeter). This issue will be further assessed at development application stage.

- R18. That building separation controls in the Apartment Design Guide are applied to residential uses and a minimum 6m from all boundaries are applied for commercial uses above street wall height.**

Comments

The concept plans show the required on-site setbacks under the Strategy. Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied. No commercial component is proposed above street wall height. The residential tower has setbacks of 6m from the Anderson Street, 6m-21m from Wilson Street, 6m-18m from O'Brien Street, 6m-18m from the railway line to the west of the site.

- R19. That all buildings should be set back at a minimum 1:20 ratio of setback to building height from all boundaries and additional controls as identified in Fig 8.**

Comments

A mixed use frontage with commercial ground floor is required to have a 6m-14m street wall, minimum 3m setback above street wall. This is a general requirement for all new development within the Chatswood CBD. The proposed height of 90m requires a minimum building setback of 3m from all boundaries. The proposal complies with building setbacks consistent with the controls of the Strategy with compliant podium and tower setbacks as follows:

Podium Ground Floor

- 3m from Anderson Street, O'Brien Street, Wilson Street and the railway line to the west of the site at ground level.

First and Second Floors

- 3m from O'Brien Street, Wilson Street and the western railway line and 3.95m from Anderson Street at first and second floors.

Residential Tower

- 6m from the Anderson Street
- 6m to 21m from Wilson Street
- 6m to 18m from O'Brien Street
- 6m to 18m from the railway line to the west of the site

The greening of Anderson Road frontage will be achieved with deep soil planting opportunities. The remaining three frontages to Wilson and O'Brien Street should also be carefully considered to ensure privacy and amenity is addressed.

R20. That site isolation is discouraged but where unavoidable joined basements and zero-setback podiums should be provided.

Comments

The site is identified as an opportunity site under existing strata title outside the centre of the CBD. To the north on the northern side of Wilson Street is 58 Anderson Street which is identified as an isolated constrained site, due to its small size and not suitable for increased development potential being less than 600m². The proposed amalgamation of 54 and 56 Anderson Street will restrict vehicular access from O'Brien Street.

***R22. That substations be provided within buildings, not within the streets open spaces or setbacks and substation enclosures be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.**

Comments

The design of any substation enclosures to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions is to be addressed in amended *Development Control Plan* provisions in order that substations to be provided within buildings, not within the streets, open spaces or setbacks, and are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.

R23. Minimum site size for 1800sqm for office and 1200sqm for residential to achieve maximum FSR.

Comments

The minimum site size of 1800m² for office applies to sites within the B3 Commercial Core zone where only commercial development is permitted (meaning no residential). The site is currently zoned R3 Medium Density Residential the proposed zoning is B4 Mixed Use Development. The 1200m² site size for residential development (meaning mixed development) is met. The site is in a location with a maximum base floor space ratio of 1:1. The site area is 2216m² exceeding the minimum site area of 1200m² for residential in order to pursue maximum FSR. The Planning Proposal is consistent with the Strategy.

R24. Maximum tower size of 2000sqm GFA for office and 700sqm GFA for residential.

Comments

The tower proposes a three storey commercial/retail podium with an FSR of 0.925:1 (2050m²) and a 25 storey residential tower (148 units) of which the northern portion being 18

storeys (11246m², including 433m² affordable). The maximum typical floor plates are 530m² with a reduced typical floorplate of 340m² above level 18 (facilitating a 7 storey stepping down in building height to the north and providing space for common open roof terrace area). This is well below the identified 700m² maximum.

- R25. That all developments in Chatswood CBD achieving FSR uplift contribute towards public art in accordance with Willoughby's Public Art Policy.**

Comments

All developments within the new CBD intending to take advantage of bonus FSR are to contribute towards public art in accordance with Willoughby's Public Art Policy. With regard to public art, it is considered that the Planning Proposal is consistent with the Strategy. Council has yet to finalise a Public Art Policy, detailing an applicable rate and other relevant requirements such as appropriate locations. In regards the subject Planning Proposal, while the proponent has accepted that a public art contribution is to be paid there has not been any agreement reached with Council on the appropriate figure.

Council has indicated that the provision of public art on-site is not necessarily appropriate on every site within the Chatswood CBD, and that Council would have a role to play in determining whether on-site provision, or a monetary contribution for public art, was appropriate. While this matter is to be further discussed between Council Officers and the proponent, the Planning Proposal may be forwarded to the Gateway for consideration.

- R27. Notwithstanding the above, the principles and process of establishing design excellence are to be incorporated in planning documents following from this strategy.**

Comments

The Planning Proposal involves a development that is over 35m in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence. Council is yet to establish an appropriate process with regard to design excellence, and further detail is anticipated following public exhibition. It is considered that this outstanding issue does not prevent the subject Planning Proposal being forwarded to the Gateway for determination

REFERRALS

The Planning Proposal has been referred to the Council Heritage, Traffic, Landscape and Environmental Health sections of Council. No issues have been raised in objection to the Planning Proposal which is generally consistent with the CBD Strategy recommended controls. Suitable recommendations have been made, as discussed below.

ISSUES

Heritage

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 local heritage item located at 20 Tulip Street (southern corner of Anderson Street). A Heritage Impact Statement, Paul Davies Pty Ltd dated November 2017 was submitted with the planning proposal request supporting the proposal. The report recommended protecting the embossed street names in the Anderson Street footpath outside the site adding that they should be protected during construction phase.

The CBD Strategy advises that although *the Chatswood CBD is bound closely by Heritage Conservation Areas to the north and south. It is also, however, a strategic centre for Sydney and should be compared with other dense urban areas in it addresses transition to these areas. Particularly where close to the centre, relatively sharp transitions can be appropriate, however these should be clearly defined and allow for a legible centre. Where building heights do transition, podium forms can also be used effectively to relate to the scale of smaller items.*

The proposal is considered consistent with the CBD Strategy in that it is a development designed to take into account the heritage context, mitigating visual impacts via 4m landscaped setbacks and 3m setbacks to the three storey podium and 6m to the tower frontage of Anderson Street. The Council heritage officer made no objections to the proposal.

Residential Interface

The concept plans show a loading dock directly accessed from O'Brien Street and next to the ingress/egress point to the basement car parking area. There is concern regarding the loading dock and the impact this has on streetscape and amenity with regard to the residential flat building directly opposite. It should be noted that the street is sufficiently wide enough to ensure that the apartment buildings are an adequate distance so as not to be impacted by servicing and vehicles entering and existing the building.

Vehicle entry points will be rationalised in the architectural drawings in order to minimise the streetscape impact. It is noted however that there are practical issues with regard to the width of the site in locating loading dock facilities within the basement. The proponent is encouraged to further minimise the scale and visual impact of the driveway entry point and loading dock at development application stage. Further consideration of impacts may occur following public exhibition and at development application stage.

The residential tower element of the development typically provides for 510m² gross floor areas capable of efficiently accommodating seven units per level. The tower setbacks are of at least 6m to all site boundaries and include suitable building articulation, primarily incorporating balcony elements and three "slots" within the building form. The potential to provide wintergardens to the western side will mitigate noise impact from the railway line.

The Anderson Street setback from 8m to 25m will optimise separation distance to the low density residential area opposite the site on the eastern side of Anderson Street. The proposed units are primarily orientated to the east and north to enjoy panoramic view corridors.

Wind

The Apartment Design Guide (ADG) requires 60% of apartments in a development to be capable of natural cross ventilation, which is achieved by apartments having more than one aspect with direct exposure to the prevailing winds, or windows located in significantly different pressure regions, rather than relying on purely wind driven air.

Tall tower buildings inevitably will create adverse ground level increased wind impact. The preliminary wind assessment report prepared by Vipac dated November 2017 submitted with this planning proposal concludes that the impact will retain suitable levels of comfortability at both ground pedestrian environments as well as private and communal podium and tower open space areas. Suitable protection measures will be integrated into the detailed

architectural design at development application stage in order that ventilation and minimum impact benchmarks for protection under various wind attack angles.

Council's landscape officer advised that the wind report indicates relatively high winds to the podium levels may be experienced. Clearly plant material selected needs to be tolerant of such wind and indication of wind effects on proposed species should be provided to ensure that all proposed landscape areas can accommodate adequate tree, shrub and groundcover planting.

Should the planning proposal proceed, a wind impact assessment is to be submitted at Development Application stage.

A minimum 5 star GBCA rating for this building should be expected to create a healthier place for the residents and community, plus save money for the ongoing maintenance on the building all whilst minimising the environmental footprint.

Acoustic Impact

The site is immediate adjacent to the North Shore railway line on the western boundary. The proposal will be designed at Development Application stage in order to mitigate noise impact in accordance with state controls for *Development Near Rail Corridors and Busy Roads*. The proposal can include appropriate winter gardens, with deep void double glazing, and alternative means of ventilation to minimise openings.

The acoustic assessment report prepared by Resonate dated November 2017 submitted with this planning proposal is to be updated to be consistent with the final architectural design and resubmitted more appropriately at Development Application Stage as required under the SEPP (Infrastructure) 2007.

Cooling Towers

If the proposal requires a regulated cooling system, the design of the proposed system to be installed must be submitted at Development Application stage and registered with Willoughby Council. The system must be installed, operated and maintained in accordance with the Public Health Act 2010 Public Health Regulation 2012 and Australian Standard 3666 series.

Solar Access

The site is exposed to high levels of sunlight from the north, east and west. The concept shadow analysis provided by the proponent for mid-winter concludes the proposal is a fully compliant development envelope.

The shadow diagrams show the increased extent of shadowing arising from the proposed envelope. Whilst the east facing units of the three storey building the south will remain 2 hours solar access on midwinter, the western half of the building will have some additional shadow cast, which would still be the case if a lower tower were proposed.

The amount of solar access is still reasonable throughout the year expected in a high density environment. The narrow tower form creates a shadow that moves rapidly throughout the day with 100% of the units receiving the minimum 2 hours solar access during 9am and 3pm on the winter solstice. Units with a northern aspect will receive more than 2 hours sunlight in mid-winter, ground level public open space will receive a high level of sun light in mid-winter

and podium and roof terrace open spaces will receive more than 2 hours sunlight in mid winter.

Further consideration of overshadowing may occur following public exhibition and at development application stage. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area requiring sun access protection in the *Chatswood CBD Planning and Urban Design Strategy*.

Privacy and Amenity

The Planning Report prepared by Ingham Planning, dated November 2017 states that an adequate level of privacy at neighbouring residential development will be maintained as there is a separation distance for at least 24 metre 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 in the southern side of O'Brien Street.

A separation distance of 22m is provided to the three storey flat building in excess of SEPP 65 ADG required distance of 12m-24m in a high density context. Redevelopment potential of the three storey flat building site would include a 6 metre northern setback increasing the future separation to 24m.

Subsequently, it is considered that a suitable level of privacy and amenity will be maintained for a high density environment. Further consideration of environmental impact such as privacy and amenity by way of overlooking may occur following public exhibition and at development application stage.

Views

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

Open Space/Landscape

Council's Landscape officer reviewed the proposed scheme and advised suitable measures to improve the design and development of vegetation on and around the site. Existing or typical dominant plant/tree species in Anderson Street include *Pyrus calleryana* 'Chanticleer' (Ornamental Pear), *Tristanopsis laurina* (Water Gum).

The Strategy aims to establish a local green grid with both vertical and horizontal improvements. Where considered suitable, the proposal should include green walls and an extensively soft landscaped podium, this is intended to establish a healthy green expanded CBD which responds well to its surrounding lower density residential development and heritage conservation areas. The landscape design can also assist in establishing a noise buffer from the vehicular traffic Anderson Street.

A detailed landscape plan will be required to be submitted establishing a species palette suited to the site specific environmental conditions which may include shrubs able to withhold high levels of wind, and mature street trees. A range of visual, aesthetic, environmental, benefits for the community should be achieved for the site and surrounds.

The key objectives for landscaping are:

- Maintain and promote formal character and consistency in plantations using select deciduous and evergreen broad leaf species and cultivars.
- Landscaping is to give preference to species with low water needs, including native plant species, and trees and shrubs are to be selected and located to manage sun and wind impacts.
- Select species for high tolerance to urban spaces (i.e. hard paved surfaces, micro climatic extremes, pollutants, etc.)
- Protect and maintain the integrity and intactness of mature single species avenues of high visual and environmental integrity.
- Enhance micro climatic conditions and seasonal variation (e.g. maximise shade in summer, sun in winter) and provide seasonal colour and texture consistent with highly urbanised precinct.

It is recommended that the proponent should make reference to, and contribute to the principles outlined in the Government Architect Draft Greener Places Guideline.

Communal Spaces & Children's Play Areas

It is highly recommend in high density environments that any new mixed use development include children's play spaces/equipment within the communal space areas which may include however not be limited to directly accessible outdoor shared spaces with passive surveillance and intergenerational recreation opportunities. It is recommended the proponent consider including an objective to reflect this in the draft site specific DCP provisions.

Traffic and Parking

Existing vehicular access to the site is from O'Brien Street, Anderson Street and Wilson Street. Anderson Street is a major road providing access from north Chatswood to the heart of the CBD and connects directly to Victoria Avenue. Access to the site from the Pacific Highway and across the railway line is via a signalised intersection at Ashley Street and a left-in/left-out intersection at Wilson Street. O'Brien Street forms a cul-de-sac at the railway line.

The existing pedestrian footpaths are located on both sides of all roads adjoining the site and provide direct pedestrian access to major destinations within the Chatswood CBD. A pedestrian walkway also extends from the western end of O'Brien Street to Help Street alongside the Pacific Place apartments. The walkway provides a direct pedestrian friendly connection to Chatswood CBD and transport interchange. There are also bus stops along Anderson Street and 150m to the west on the Pacific Highway.

A Traffic and Parking Assessment, prepared by Varga Traffic Planning Pty Ltd, dated November 2017 has been submitted as part of the Planning Proposal. The assessment concluded the following:

- Vehicular access to the site is proposed to remain from O'Brien Street to a five level basement parking and serving area and no road improvements are proposed.
- Five levels of basement parking with end-of-journey bicycle facilities, storage, plant room, services/loading area with turn-table, garbage room and loading dock, containing a vehicle turn table are proposed directly accessed from O'Brien Street.
- The expected vehicular movements on and around the site are considered reasonable and in accordance with the relevant standards expected for a high density mixed use development.

- The proposal will result in an increased peak hour traffic which the local road and intersections are capable of absorbing.

Council Traffic & Transport Team Leader supported the Planning Proposal and made the recommendations to improve the traffic and access on and around the site to reduce impact upon the locality.

The Traffic and Parking Assessment, prepared by Varga Traffic Planning Pty Ltd, dated November 2017 should be updated to reflect the final architectural design provided at Development Application stage including reference to the concerns raised by Council Traffic and Transport Team Leader including:

- Pedestrian access and circulation.
- Bicycle access/facilities and circulation along Anderson Street.
- Traffic and service vehicle access and circulation.

Development Control Plan provisions

The proponent has submitted draft *Development Control Plan* provisions. Refer to **Attachment 5**. Suitable amendments are recommended to the draft DCP provisions, as previously discussed in this report to ensure they are satisfactory for the purposes of public exhibition.

The following modifications are recommended to the submitted draft *Development Control Plan* provisions as follows:

Control 11 be modified to read:

11. A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size at maturity. ***Undergrounding of power should form part of any proposal to enable provision of tall canopy trees along the street frontages as part of public benefit.***

Control 14 be inserted to read:

- 14. Request that the wind assessment prepared by Vipac dated November 2017 submitted with this planning proposal request is to be updated to be consistent with the final architectural design provided at Development Application stage.***

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

Public Benefit

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

The components proposed in the VPA offer are as follows:

- The provision of providing a publicly accessible pathway extending north to Wilson Street from O'Brien Street at the western rear boundary, extending the existing linkage from McIntosh Street.
- The provision of a landscape plaza area fronting Anderson Street and connecting to the western boundary walkway.
- The provision of value uplift sharing to fund public domain purposes. This represents an additional developer contribution of 20% of the value uplift for floor space in excess of the base FSR of 1:1, retail/commercial and affordable housing floor space.
- The provision to provide public art contribution based on \$10/m² of the total residential floor space, excluding affordable housing.

At this stage discussions regarding a Voluntary Planning Agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

Department of Planning and Environment Requirements

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

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy*, it is proposed to consider requested amendments under this Planning Proposal in the form of written amendments to *Willoughby Local Environmental Plan 2012* and *Draft Willoughby Development Control Plan* provisions are proposed (**Attachment 5**).

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

It is considered necessary and reasonable to request amendments to the proposed *Development Control Plan* provisions, as well as additional information to address the issues as discussed above, prior to exhibition. The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway (subject to the provision of requested additional/updated traffic information) and further consideration following public exhibition.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 3

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

The Planning Proposal is considered to be generally in accordance with the requirements Under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) 'A Guide to Preparing Planning Proposals'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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

- a) Provide a floor space yield that is commensurate with the site's strategic location along the Pacific Highway corridor, accessible to the Chatswood CBD and transport interchange and in a manner consistent with the maximum development density and building height recommended in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council.
- b) Provide an increased floor space and building height that improves viability of redevelopment.
- c) Encourage consolidation of existing allotments to facilitate enhanced urban design and development outcomes on larger development parcels.
- d) 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 and likely future redevelopment of neighbouring properties in accordance with the *Chatswood CBD Planning and Urban Design Strategy*.
- e) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.

PART 2 – EXPLANATION OF PROVISIONS

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

- (a) Clause 4.4 (2D) as follows:

- 2D. Subclause (2A) (b) (i) does not apply to any land shown in Area 8 on the Special Provisions Area Map, with affordable housing here to be taken as part of the gross floor area of the building for determining the maximum floor space ratio of the building.

- (b) Clause 6.23 as follows:

- 6.23. Minimum commercial floor space within the Mixed Use zone

Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1.

- (c) Clause 6.24 as follows:

- 6.24 Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building on land shown in Area 8 on the Special Provisions Area Map.
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

(d) To amend the Land Zoning Map (Sheet LZN_003, Sheet LZN_004) for 54 – 56 Anderson Street, Chatswood, to B4 Mixed Use.

(e) To amend the Height of Buildings Map (Sheet HOB_003, Sheet HOB_004) for 54 – 56 Anderson Street, Chatswood, to 90 metres.

(f) To amend the Floor Space Ratio Map (Sheet FSR_003, Sheet FSR_004) for 54 – 56 Anderson Street, Chatswood, to 6:1 (including affordable housing).

(g) To amend the Special Provisions Area Map (Sheet SPA_003, Sheet SPA_004) to show 54 – 56 Anderson Street, Chatswood, as Area 8.

(h) To amend the Active Street Frontages Map (Sheet ASF_003, ASF_004) to show 54 – 56 Anderson Street, Chatswood to include the Anderson Street frontage.

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

Accompanying the Planning Proposal are *Draft Development Control Plan* provisions, with some amendments recommended by Council.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

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

The Planning Proposal arises from the endorsement by Council of the *Chatswood CBD Planning and Urban Design Strategy*, which recommends land use, increased building height and development density for land within the Chatswood CBD and the expanded CBD boundary. The subject site is located within the proposed expanded CBD boundary and is identified as mixed use, with an increase in maximum building height to 90 metres and increase in floor space ratio up to 6:1 subject to satisfaction of other Strategy requirements.

The *Chatswood CBD Planning and Urban Design Strategy* has increased the CBD boundary to include this location because it is close to the Chatswood City Centre, with significant transport infrastructure and urban services.

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

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

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

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

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

Section B - Relationship to strategic planning framework

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

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

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

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

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor. The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth and land use and infrastructure planning. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and is the 6th largest office market in Greater Sydney. Chatswood is earmarked as a centre that should be attracting significant investment and business activity in strategic centres to provide jobs growth; creating conditions the conditions for residential development within strategic centres but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

The *Chatswood CBD Planning and Urban Design Strategy* providing a response to the above strategic plans.

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

- The proposal provides 0.925:1 commercial floor space at an amount generally envisioned under the *Chatswood CBD Planning and Urban Design Strategy* (though not at the preferred amount of 1:1). The minor variation is discussed in the Council Detailed Assessment and although located at the northern edge of the Chatswood CBD, the commercial component supports and strengthens the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services. The proposal will also provide more employment opportunities to local residents.
- The proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the Strategy.
- The additional housing is provided in a location close to existing and proposed transport and urban services infrastructure.
- The additional housing is in a location that is a walkable or cyclable distance to the Chatswood CBD centre.

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

Assessment Criteria

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

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

Comment: The Planning Proposal is considered consistent with *A Metropolis of Three Cities Greater Sydney Region Plan* and *North District Plan* released March 2018.

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

Comment: The *Chatswood CBD Planning and Urban Design Strategy* was endorsed by Council on 26 June 2017. Council is preparing to forward the Strategy to the Department of Planning and Environment for endorsement.

The Planning Proposal is considered consistent with the endorsed *Chatswood CBD Planning and Urban Design Strategy*. This is discussed in the Council Detailed Assessment.

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

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

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

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

Comment: Not applicable.

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

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

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

Comment: This issue is discussed in the Council Detailed Assessment under Public Benefit.

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

The *Willoughby City Strategy 2013-2029* is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The *Willoughby City Strategy 2013-2029* sets out six broad themes, with the relevant themes regarding this Planning Proposal being 'Housing,' with the sub-theme of 'Housing choice, quality and character,' and 'Economic Activity', with the sub-theme being 'Sustainable Business Activity.'

i) The goal of the sub-theme 'Housing choice, quality and character' is:

"To be a place with housing that is liveable, sustainable and enhances urban character."

The following relevant strategies are identified:

3.1.1 Plan for housing choice

- b) Investigate changing demographics of the Willoughby area and review planning controls to encourage new housing types to meet community and intergenerational needs.
- a) Facilitate, provide and advocate for affordable housing.
- b) Protect important employment areas (industrial, commercial land) from incursion by residential development and other uses that affect the long term integrity of those areas.