

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

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

- 613 Pacific Highway, being Lot 1 DP 80767 and Lot 1 DP 540549.
- 621-627 Pacific Highway, being Lot 1-19 SP 72449.

The site has a total area of approximately 1,827m², bounded by Pacific Highway to the west, 629-639 Pacific Highway to the north, Nelson Street to the south and Hammond Lane and 19 Nelson Street to the east. The site has an irregular shape, with regard to the eastern boundary. Refer to Figure A – Site Plan.

Figure A – Site Plan



The site currently accommodates commercial premises at 613 Pacific Highway and a mixed-use development at 627 Pacific Highway accommodating a ground floor commercial premises and apartments above.

Under *Willoughby Local Environmental Plan 2012* (referred to in this report as WLEP 2012), the site is zoned B5 Business Development, with a maximum height of 20m and floor space ratio of 2.5:1. The site is not affected by road widening.

The Planning Proposal has been lodged by Antaeus Group Pty Ltd.

The Locality

Commercial development is located on the opposite side of the Pacific Highway.

Immediately north is 629-639 Pacific Highway. A Planning Proposal for 629-639 Pacific Highway seeking to rezone the site in a manner consistent with *the Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy), to a B4 Mixed Use Zone, with a 90m height and 6:1 FSR, has been supported by Council for referral to Gateway. A Gateway Determination was issued on 12 April 2021.

Immediately across Nelson Street to the south is the Sydney Metro Chatswood Dive Site.

Immediately east of the site is Hammond lane and a single low density dwelling with frontage to Nelson Street (No. 19). Development further east and north east of the site comprises a collection of generally three storey medium density strata residential developments. A Planning Proposal in accordance with the CBD Strategy has been lodged at 9-11 Nelson Street and is currently under assessment by Council.

Background

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore rail line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

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

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning to B4 Mixed Use
- Increase the height on the site to 90 metres.
- Increase the Floor Space Ratio on the site to 6:1.

The proposed amendments to WLEP 2012 are detailed in Table 1.

Table 1 – Summary of Planning Proposal Amendments

	613, 627-629 Pacific Highway	Compliance
Zoning		
Current WLEP 2012	B5 Business Development	
Chatswood CBD Strategy	B4 Mixed Use	
Proposed in Planning Proposal	B4 Mixed use	Yes
Height		
Current WLEP 2012	20m	
Chatswood CBD Strategy	90m	
Proposed in Planning Proposal	90m	Yes
Floor Space Ratio		
Current WLEP 2012	2.5:1	
Chatswood CBD Strategy	6:1	
Proposed in Planning Proposal	6:1	Yes

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

- Total height of 27 storeys (90m, RL 191.64m), containing:
 - Podium - 2 storeys commercial
 - Tower - 25 storeys of residential
- Total FSR of 6:1 (10,962m²), containing:
 - 5:1 residential (9,135m²) including affordable housing
 - 1:1 commercial (1,827m²)
- Total number of residential apartments: Approximately 105
- Unit mix:
 - 1 bedroom: 29%
 - 2 bedroom: 56%
 - 3 bedroom: 15%
- Residential floor plates approximately 365m²
 - 4 units per floor.

- Ground Level Setbacks
 - 4m setback to Pacific Highway boundary.
 - 4m to Nelson Street boundary.
 - Nil setback to 629-639 Pacific Highway.
 - 3m to 7.4m setback to 19 Nelson Street boundary (due to irregular eastern boundary).
- Tower setback above Podium
 - A further 6m setback to Pacific Highway boundary (being a total setback of 10m from the Pacific Highway boundary when including 4m Ground setback).
 - A further 3m setback to Nelson Street boundary. (being a total setback of 7m from the Nelson Street boundary when including 4m Ground setback).
 - 12m to 629-639 Pacific Highway boundary. (being a total setback of 12m from the 629-639 Pacific Highway boundary when including Nil Ground setback)
 - A further 1.5m setback to the proposed through site link. (being a total setback of 4.5m to 8.9m to 19 Nelson Street boundary (due to irregular eastern boundary)).
- Street wall heights
 - 7m to Pacific Highway.
 - 7m to Nelson Street.
 - Along proposed through site link, between 7m (at Nelson Street end) and approximately 10m (at 629-639 Pacific Highway end).

Other Concept plan details:

- All vehicle access to site via Hammond Lane.
- All loading / garbage removal / servicing at basement level, with loading vehicles access / egress in a forward direction (physical solution provided).
- Approximately 122 car spaces, located within 4 basement levels.
- Landscaping provided at Ground Level and Podium Level.
- Deep soil planting provided along Pacific Highway frontage and to through site link along eastern boundary.

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

The Planning Proposal involves the provision of public access onto the site, with specific reference to:

- A publicly accessible (via a right of way) 24 hour through site link along eastern boundary.

The Planning Proposal is accompanied by a Voluntary Planning Agreement Letter of Offer as follows:

- A right of way over the through site link for 24 hours a day 7 days a week for the public, including pedestrians and cyclists. The right of way only applies to the ground level. The through site link is approximately 45m in length with ranging widths (3m to 7.4m) and extends along the eastern boundary of the site from Nelson Street to Hammond Lane.
- Construction of all outdoor lighting for the through site link.
- Landscaping and improvements to the public domain on site.

- Provision of maintenance and management of the through site link.

It is assumed that the right of way covering ground level only is to ensure basement car park extending to the eastern boundary at basement level 2. Concern is raised with any intrusion above the public right of way at ground level from above. It is proposed to address this in the Council Resolution.

Council Officers have considered the implementation of this Planning Proposal, having regard to likely further proposed amendments under the overall *Chatswood CBD Planning and Urban Design Strategy 2036*. In this regards written amendments are proposed to *Willoughby Local Environmental Plan 2012* and are included in the Council recommendation (Refer **Attachment 6**).

For the purposes of this report and any public notification, site mapping amendments have also been prepared to *Willoughby Local Environmental Plan 2012*, and in particular regarding the Land Zoning, Height of Buildings, Floor Space Ratio, Special Provisions Area, Active Street Frontages and Lot Size Maps (see **Attachment 7**).

Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the CBD Strategy dated September 2020, listed 1 to 35, with comments provided.

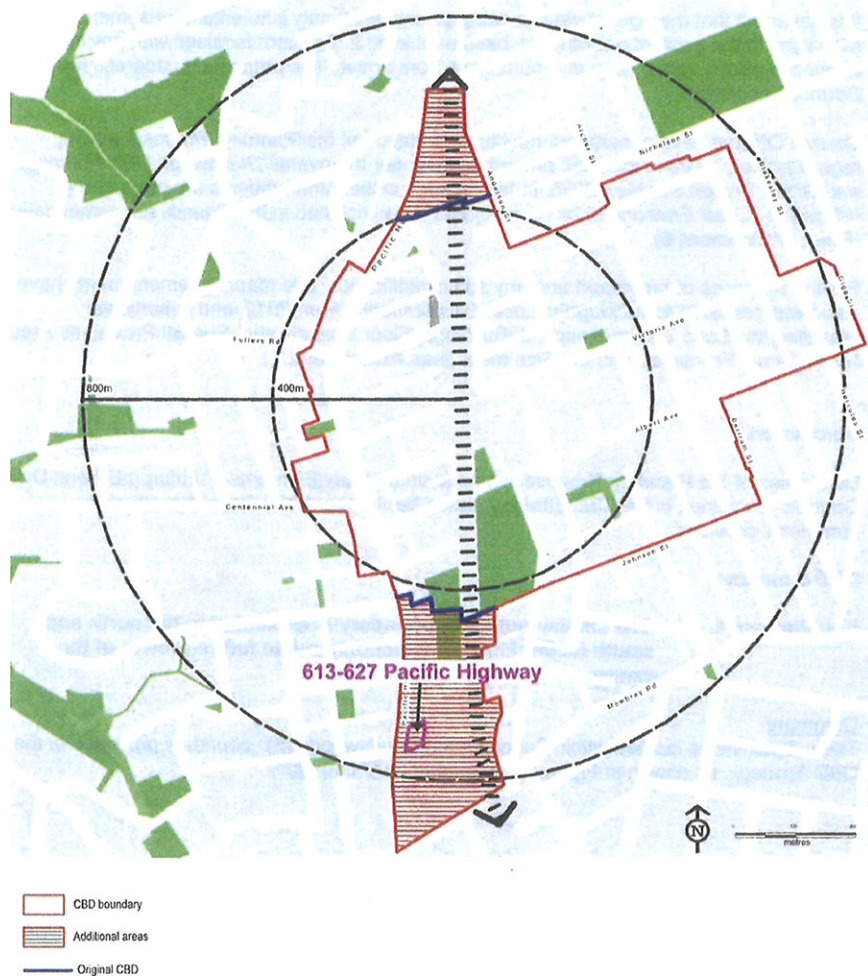
CBD Boundary

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

Comment

The subject site is located within the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown in Figure 1 - Extended CBD boundary.

Figure 1 - Extended CBD boundary



Land Use

Key Element 2.

Land uses in the LEP will be amended as shown in Figure 2, to:

- (a) **Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).**
- (b) **Enable other areas to be mixed use permitting commercial and residential.**

Comment

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

Figure 2 – Land use



The proponent has proposed the zoning for the site be changed from B5 Business Development to B4 Mixed Use which is consistent with the CBD Strategy.

The Planning Proposal involves a Mixed Use development, with commercial development on the Ground and First Floor (1:1), and residential on part of the First Floor and above (5:1).

Regarding land use, the Planning Proposal is considered consistent with the CBD Strategy.

In addition to the changes proposed by the proponent in this Planning Proposal, it is proposed to incorporate a minimum 1:1 commercial component. The CBD Strategy seeks a meaningful commercial component in the Mixed Use zone, being 1:1.

In this regard a written amendment to WLEP 2012 has been prepared.

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

Comment

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

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

Comment

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

Planning Agreements to fund public domain

Key Element 5. Planning Agreements will be negotiated to fund public domain improvements.

Comment

Consistent

The subject site is located within the Chatswood CBD and therefore this Key Element is applicable.

The proponent has indicated a preparedness to enter into a voluntary planning agreement to fund public domain improvements. This is discussed further below.

Key Element 6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- a) Apply to residential uses.
- b) Apply to commercial uses above 10:1 FSR.
- c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan

(WLEP).

- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.

Comment
Consistent

The proponent has agreed to a contributions scheme based on increased residential floor space, in addition to requirements under Section 7.12 of the *Environmental Planning and Assessment Act 1979* and affordable housing contributions.

Key Element 7. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.

Comment
Consistent

The proponent has proposed that public art is to be in accordance with Council's public art policy.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments based on the following process:
a) A Design Review Panel for developments up to 35m high.
b) Competitive designs for developments over 35m high.

Comment
Consistent

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 under existing WLEP 2012 Clause 6.23 Design Excellence at certain sites. In this regard the subject site is to be included as Area 8 on the Special Provisions Area Map.

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

Comment
Consistent

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. This is acknowledged by the proponent.

The proposed draft *Development Control Plan* provisions include a requirement that a minimum 5 star GBCA building rating is expected. An assessment report is to be submitted at Development Application Stage.

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

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

Comment

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the CBD Strategy and will be further considered at design excellence stage.

Floor Space Ratio (FSR)

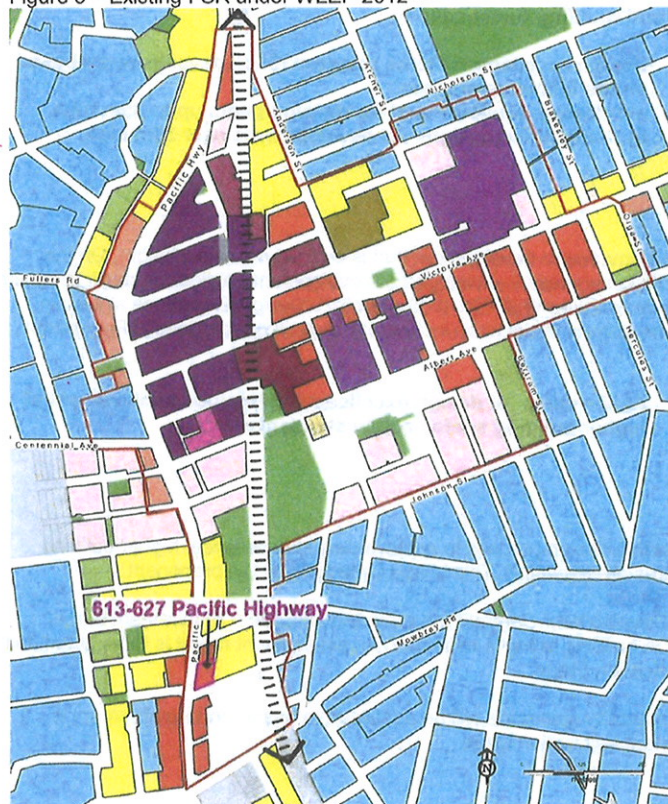
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

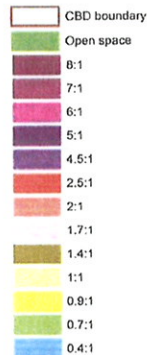
Comment

The subject site is in a location with a maximum floor space ratio of 2.5:1 as shown in Figure 3 – Existing FSR under WLEP 2012.

The Planning proposal seeks to increase this to 6:1, which is discussed below in Key Element 12.

Figure 3 – Existing FSR under WLEP 2012



**Key Element 12.**

Minimum site area of:

- a) 1800sqm for commercial development in the B3 Commercial Core zone.
- b) 1200sqm for mixed use development in the B4 Mixed Use zone.

to achieve maximum FSR as indicated in Figure 4.

Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment

Consistent.

The subject site is 1,827m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

In response to the subject Planning Proposal and the amalgamated site involved, it is proposed to introduce a site specific lot size requirement of 1,800m² on the Lot Size Map, which would be the applicable lot size control for this site.

Key Element 13.

The FSRs in Figure 4 should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:

- a) No maximum FSR for commercial development in the B3 zone.
- b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
- c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on satisfactorily addressing:

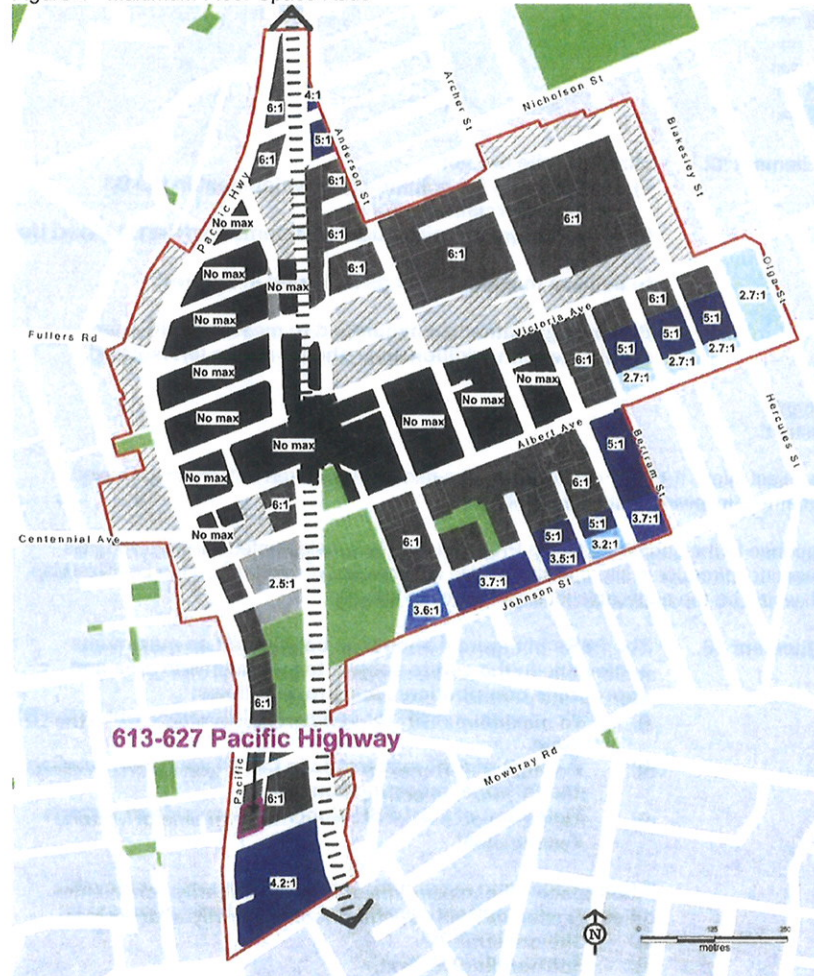
- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

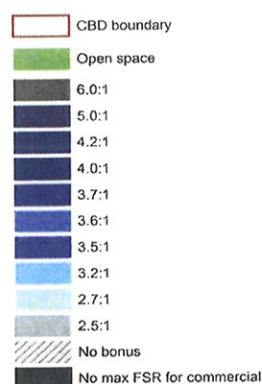
Comment
Consistent.

The subject site is in a location with an FSR of 6:1, as shown in Figure 4 - Maximum Floor Space Ratio.

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

Figure 4 - Maximum Floor Space Ratio





Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

Comment
Consistent.

The floor space ratio of 6:1 proposed in the Planning Proposal includes affordable housing, to be provided in accordance with Council's DCP requirements.

To achieve the above in regards implementation under WLEP 2012, the existing Clause 6.8 Affordable Housing is proposed to be amended to include Area 8. It is also proposed to identify the site on the Specials Provisions Area Map as Area 8.

Key Element 15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.

The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

Comment
Consistent.

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

A written amendment to WLEP 2012 has been prepared in regards the 1:1 commercial floor space requirement.

Built Form

- Key Element 16.** In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:
- a) 2000sqm GFA for office (to achieve this maximum a large site would be required).
 - b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment
Consistent.

The tower above the podium shown in the Concept Plans contains a floor plate Gross Floor Area (approximately 365m²) below the identified Gross Floor Area maximum of 700m².

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

Setbacks are considered an important part of achieving slender tower forms.

Comment
Consistent.

The dimensions of the residential tower shown in the Concept Plans are considered consistent with the slender tower objective and an appropriate response to the site.

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

Comment
This Planning Proposal is accompanied by concept plans that propose one residential tower on the site.

Sun Access to Key Public Spaces

- Key Element 19.** The sun access protection in Figure 5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm.
 - b) Concourse Open Space 12pm - 2pm.
 - c) Garden of Remembrance 12pm - 2pm.
 - d) Tennis and croquet club 12pm - 2pm.

- e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).
- f) In addition, Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.

Comment
Consistent.

The subject site is located in the southern section of the Chatswood CBD, south of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown in Figure 5 - Sun Access Protection. In addition the site is west of, and does not impact, the South Chatswood Conservation Area.

Figure 5 - Sun Access Protection for Public Spaces



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Building Heights

Key Element 20. Maximum height of buildings in the CBD will be based on Figure 6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:

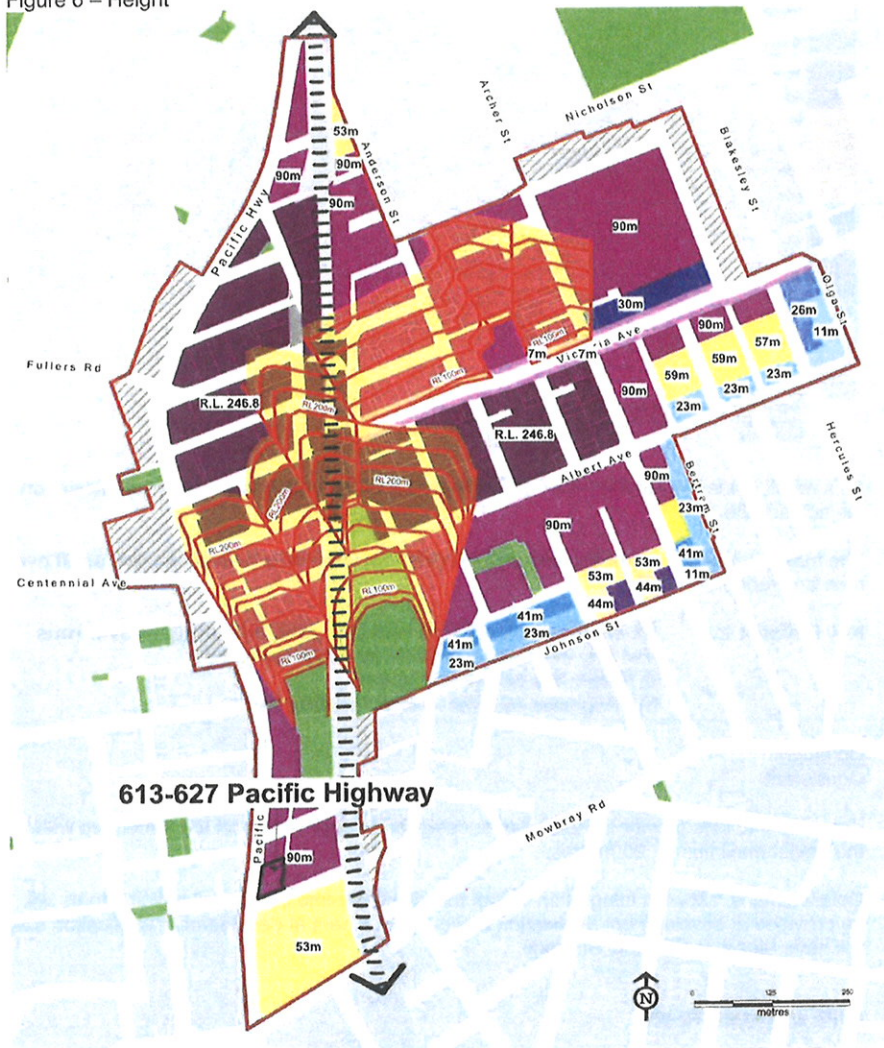
a) Sun access protection.

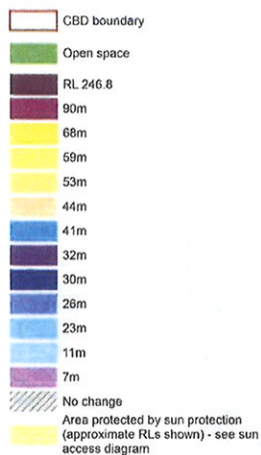
Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

Comment
Consistent.

Figure 6 – Height shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5.

Figure 6 – Height





As a result of the site location, the maximum height of 90 metres is able to be achieved on the subject site.

The maximum height requested includes provision for affordable housing as well as lift over runs and roof plant rooms.

Key Element 21. All structures located at roof top level, including lift over runs and any other architectural features are to be:

- Within the height maximums.
- Integrated into the overall building form.

Comment
Consistent.

The concept plans provided show a tower designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form, will be provided at development application stage. Assessment at development application stage will have regard to the CBD Strategy.

Links and Open Space

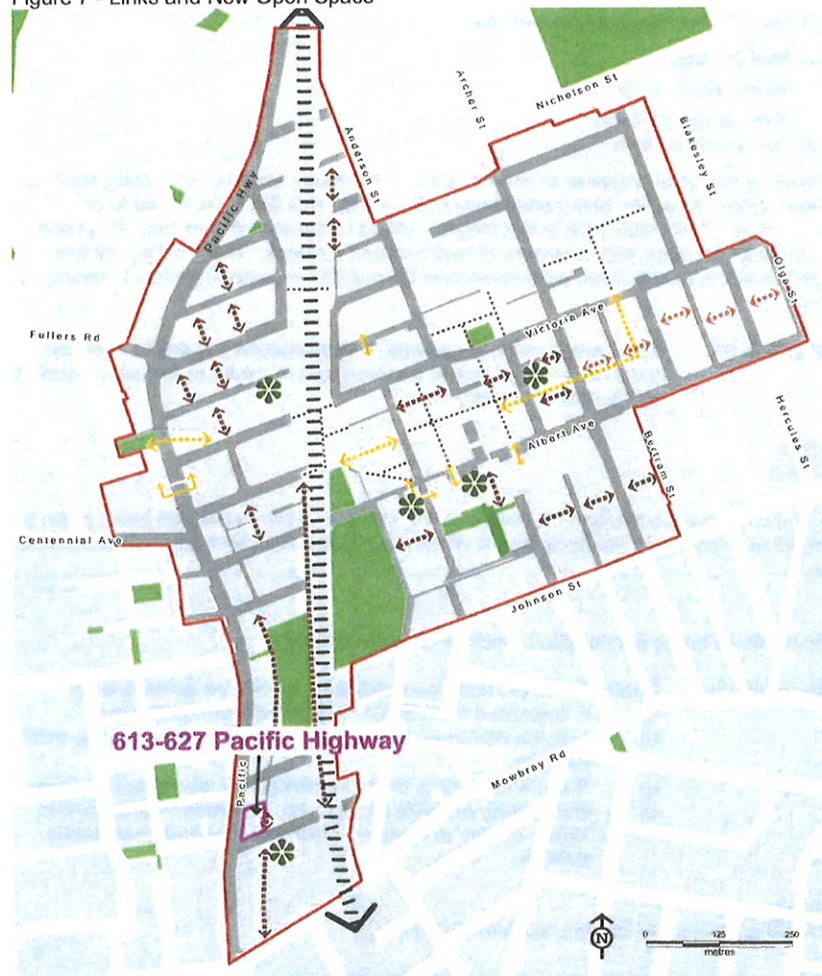
Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.










New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment
Consistent.

The site is identified as subject to the provision of a 24 hour through site link, as shown in Figure 7 - Links and Open Space, connecting Hammond Lane and Nelson Street.

Figure 7 - Links and New Open Space



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

The Planning Proposal proposes to provide a 24 hour through site link connecting Hammond Lane and Nelson Street for both pedestrians and cyclists. This link is proposed to be between 3m and 7.4m wide (due to the irregular shape of the eastern site boundary) and approximately 45m long, with a mixture of hard and soft surfaces. The provision of this through site link is an important consideration in Council officer support for this Planning Proposal.

Key Element 23. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment

Consistent.

Communal open space has been provided on the site, with particular regard being given to the ground and podium (total being 36.2% of the site – being both hard and soft landscaped areas).

Public realm or areas accessible by public on private land

Key Element 24. Public realm or areas accessible by public on private land:

- a) Is expected from all B3 and B4 redeveloped sites.
- b) Is to be designed to respond to context and nearby public domain.
- c) Should be visible from the street and easily accessible.
- d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.

Comment

Consistent subject to the Officers recommendation.

Council is seeking a meaningful response to this Key Element.

Concern is raised in the restriction of the right of way over the through site link to ground level only. The Officers recommendation includes the following:

"The Letter of Offer for a public right of way over the through site link for 24 hours a day 7 days a week is to apply to ground level and the airspace above."

Subject to the above, it is considered that the Planning Proposal has satisfactorily addressed this key Element.

Key Element 25. All roofs up to 30 metres from ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access.

Comment
Consistent.

Concept plans have been provided showing green roofs at podium level – presenting to Pacific Highway, Nelson Street, Hammond Lane and the proposed through site link.

Key Element 26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment
Consistent.

Soft landscaping has been provided above 20% of the site area.

A total of 26.2% is provided (480m²), being 130m² at Ground Level and 350m² at Podium Level.

It is noted that deep soil has been provided to 210m² or 11% of the site area (areas with a minimum width of 3m), with particular regard to the Pacific Highway setback (Basement Levels 1 and 2 setback from this area) and through site link (Basement Level 1 setback from this area).

Setbacks and street frontage heights

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 8, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial ground floor:
 - i. 6-14m street wall height at front boundary.
 - ii. Minimum 3m setback above street wall to tower.
- e) Pacific Highway frontage
 - i. Minimum 4 metre setback at Ground level from front boundary (with exception of heritage sites).
 - ii. Maximum 7 metre street wall height.
 - iii. Minimum 6 metre setback above street wall to tower.

Comment
Consistent.

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

The following Ground setbacks are provided:

- 4m setback to Pacific Highway boundary – which is consistent with CBD Strategy.
- 4m setback to Nelson Street boundary – which is greater than CBD Strategy.
- 3m to 7.4m setback to Hammond Lane and 19 Nelson Street boundary.
- No setback to 629-639 Pacific Highway.

It is also noted that greater tower setbacks above Podium are provided as follows:

- 6m setback above Podium facing Pacific Highway
(being a total setback of 10m from Pacific Highway boundary when including Ground setback).
- 3m setback above Podium facing Nelson Street
(being a total setback of 7m from Nelson Street boundary when including Ground setback).
- 1.5m setback above Podium facing Hammond Lane and 19 Nelson Street
(being a total setback of between 4.5m and 8.9m from Hammond Lane and 19 Nelson Street when including Ground setback).
- 12m above Podium from 629 – 639 Pacific Highway
(being a total setback of 12m when including Ground setback).

Setbacks above minimum requirements are supported, and are considered important in minimising impacts, maximising opportunities and amenity and establishing public benefits.

Street wall heights are provided as follows:

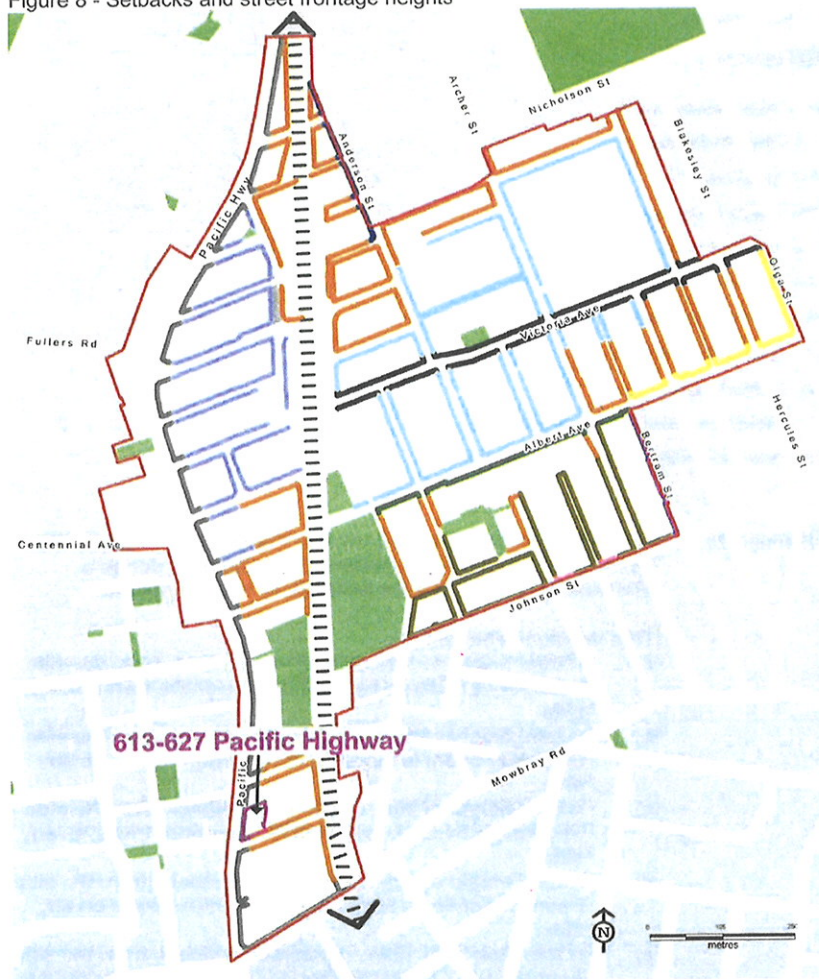
- 7m to Pacific Highway – which is consistent with the CBD Strategy.
- 7m to Nelson Street – which is lower than the CBD Strategy.
- Along proposed through site link, between 7m (at Nelson Street end) and approximately 10m (at 629-639 Pacific Highway end).

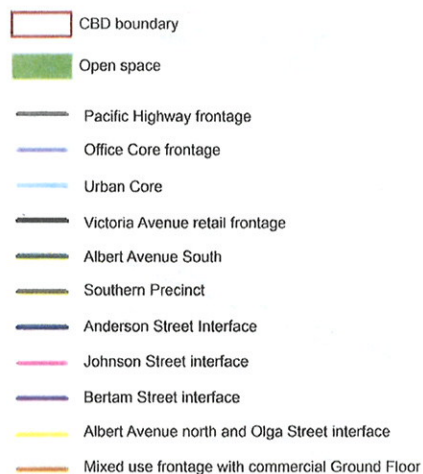
Street wall height below the maximum requirements with regard to Nelson Street (and the lower height of 53m and floor space ratio of 4.2:1 at the metro Dive site), is supported.

Minimising street wall heights to the through site link is also supported.

These requirements have also been included in the proposed *Development Control Plan* provisions.

Figure 8 - Setbacks and street frontage heights





Key Element 28. All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.

This means if a building is:

- a) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side.
- e) A total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side.
- f) A total height of 160m, a minimum setback from the side boundary of 8m is required for the entire tower on any side.

The required setback will vary depending on height and is not to be based on setback averages but the full setback.

Comment
Consistent.

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires a minimum 4.5 metre building setback from all boundaries for all towers above podiums.

As discussed above in Key Element 27, tower setbacks have been provided consistent with the CBD Strategy.

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

Comment

The Concept Plans address the required setbacks to neighbouring properties as outlined in this Key Element.

As previously noted, the site is bounded by Pacific Highway to the west, Nelson Street to the south, Hammond Lane and a proposed through site link to the east. To the north, the proposed tower is setback 12m from the boundary with 629-639 Pacific Highway.

Any exhibition plans following Gateway should confirm that building separation controls in *State Planning and Environmental Policy 65 Apartment Design Guidelines* have been satisfied.

Active Street Frontages

- Key Element 30.** **At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations.**

Comment

Consistent.

The Concept Plans provided show commercial floor space at Ground Level with the opportunity for active street frontages to the Pacific Highway, Nelson Street and the proposed through site link.

This issue will be further assessed at development application stage.

Further Built Form Controls

- Key Element 31.** **Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.**

Comment

Consistent.

This Key Element is satisfactorily addressed as the Planning Proposal involves a site of 1,827m². It is noted that the site to the north, 629-639 Pacific Highway is the subject of a separate Planning Proposal lodged with Council.

The neighbouring site of 19 Nelson Street has the opportunity to amalgamate with 17 and 15 Nelson Street.

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

Comment

This Key Element is not applicable to the subject site.

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

Comment

Consistent.

All car parking and loading as well as garbage provision for the site is located within the Basement levels. Ground Level floor space has been maximised.

Significant and meaningful Ground Level floor space has been provided.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

Comment

Consistent.

The proponent has indicated that substations will be within the building.

Key Element 35. The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach.
In addition, site specific traffic and transport issues are to be addressed as follows:

- a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.
- b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.
- c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.
- d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.

- e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Comment

Consistent.

A Traffic Impact Assessment, prepared by JMT Consulting and dated 25 May 2021, has been submitted.

The Planning Proposal is considered to satisfactorily address this key Element for the purposes of Gateway consideration and exhibition:

- All car parking and loading as well as garbage provision for the site are located within the Basement levels.
- Vehicle entry points have been rationalised, with one access via Hammond Lane.
- All loading and car parking is accommodated off street.

Full traffic consideration of this Planning Proposal will be required at development application stage.

Other Issues to be addressed

Good Design Outcomes

The Government Architect NSW issued *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW* (2017). This document lists the following seven objectives to define the key considerations in the design of the built environment:

- 1) Better fit – contextual, local and of its place.
- 2) Better performance – sustainable, adaptable and durable.
- 3) Better for community – inclusive, connected and diverse.
- 4) Better for people – safe, comfortable and liveable.
- 5) Better for working – functional, efficient and fit for purpose.
- 6) Better value – creating and adding value.
- 7) Better look and feel – engaging, inviting and attractive.

The document states that “*achieving these objectives will ensure our cities and towns, our public realm, our landscapes, our buildings and our public domain will be healthy, responsive, integrated, equitable, and resilient.*”

It is considered that the subject Planning Proposal and Concept Plans have had regard to, and are consistent with, *Delivering Better Placed – An Integrated Design Policy for the Built Environment of NSW*.

Solar Access

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

- Between 9am and 12 noon, overshadowing impacts on properties on the western side of the Pacific Highway. The overshadowing moves around to the east to no longer impact the western side of the Pacific Highway by 12 noon.
- At 12pm, overshadowing occurs to the south on the Pacific Highway and the Sydney Metro Dive site.
- Between 12 noon and 3pm, overshadowing moves across the Sydney Metro Dive site to the east. By 3pm the overshadowing occurs in the middle / to rear part of the Sydney Metro Dive site. 19 Nelson Street will be impacted from 2pm.
- The proposed through site link (on the eastern site boundary) is not impacted by overshadowing until 1pm.

The proponent concludes:

"The existing dwellings to the east of the site will receive good solar access throughout the day and will only experience overshadowing from 2pm onwards. The commercial properties to the west of the site along Pacific Highway will receive minor additional overshadowing in the morning during the equinox and mid-winter."

It is considered that the overshadowing from this Planning Proposal has been minimised through design with particular regard to CBD Strategy setbacks, tower floor plate size of 365m² and satisfactorily addressing the slender tower objective - and is reasonable for a site located within the Chatswood CBD. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key public space requiring sun access protection in the CBD Strategy, or the South Chatswood Conservation Area.

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

Privacy and general amenity

With regard to privacy and general amenity impacts to neighbouring properties, it is noted that:

- The site is bounded by the Pacific Highway to the west and Nelson Street to the south.
- To the east the site abuts Hammond Lane and the proposed on-site through site link between 3m and 7.4m wide at ground level and 4.5m and 8.9m at tower level. The site at 19 Nelson Street is within the Chatswood CBD, and able to redevelop in the future in accordance with the CBD Strategy (provided amalgamation occurs with 15 and 17 Nelson Street). As already noted further east, at 9-11 Nelson Street, a Planning Proposal has already been lodged with Council.
- To the north (at 629-639 Pacific Highway), as already noted, a Planning Proposal has been lodged with Council for a redevelopment in accordance with the CBD Strategy.

Further consideration of amenity impacts such as privacy may occur following public exhibition and at development application stage.

Heritage

The site does not contain a Local Heritage Item or is part of a heritage conservation area.

The nearest Local Heritage Items are 10 Moriarty Road (95m away), 339 Mowbray Road on the far side of the Sydney Metro Dive site (117m away) and The Great Northern Hotel (175m away). The South Chatswood Conservation Area is 155m away, in the other side of the North Shore Rail Line.

There are not considered to be any adverse heritage impacts as a result of the Planning Proposal.

Other Internal Referrals

The Planning Proposal has also been referred to the Urban Design, Traffic, Engineering and Open Space sections of Council, and no objections have been raised.

It is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal to the Gateway.

Development Control Plan provisions

The proponent has submitted site specific *Development Control Plan* provisions, which are satisfactory.

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 has indicated an intention to enter into a Voluntary Planning Agreement.

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(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment (December 2018) '*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 2036*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

- Written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying Land Zoning Map, Height of Buildings Map, Floor Space Ratio, Special Provisions Area Map, Active Street Frontages Map and Lot Size Map.
- Draft *Willoughby Development Control Plan* provisions.

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*. The subject site has been identified as within the B4 Mixed Use zone, permitting mixed use development.

The draft *Development Control Plan* provisions are satisfactory.

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

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning, Industry 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, Industry and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.