

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

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

- 44 Anderson Street Chatswood, being SP 80201.
- 46 Anderson Street Chatswood, being SP 68797.
- 52 Anderson Street Chatswood, being SP 78790.

The site has a total area of 2,687m², bounded by Anderson Street to the east, O'Brien Street to the north, Day Street to the south and a public pathway (with a public right of way) and 1 Cambridge Lane to the west. Refer below to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains three residential flat buildings, each being three storeys.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned R3 Medium Density Residential, with a maximum height of 12m and floor space ratio of 0.9:1. The site is not affected by road widening.

The Planning Proposal has been lodged by Mecone for Chatswood Square Pty Ltd.

The Locality

Directly to the north of the site is O'Brien Street, and beyond that 54 Anderson Street, containing a residential flat building (which is the subject of a separate Planning Proposal with 56 Anderson Street).

Directly to the south of the site is Day Street and beyond that residential flat buildings.

Directly to the east of the site is the North Chatswood Conservation Area, containing single storey residential dwellings.

Directly to the west of the site is a public pathway, then a five storey residential flat building and beyond that the North Shore Rail Line.

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 *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
44-52 Anderson Street	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use	12 m	90 m	90 m	0.9:1	6:1	6:1

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

- Total height of 25 storeys (90m, RL 190.7m), containing:
 - Podium - 2 storeys commercial with 2 soho style units within Level 1 (the soho units are accessed from the commercial space below at Ground Level, and would operate as a 'live-work' arrangement).
 - Tower - 23 storeys of residential
- Total FSR of 6:1 (16,122m²), containing:
 - 5:1 residential (13,435m²) including affordable housing
 - 1:1 commercial (2,687m²)
- Total number of residential apartments: 156
- Residential unit mix:
 - One bedroom units: 17.9%
 - Two bedroom units: 61.5%
 - Three bedroom units: 20.5%
- Residential floor plates 585m²
- Ground Level Setbacks
 - 6m setback to Anderson Street boundary.
 - 1.15m setback to O'Brien Street boundary.
 - Nil setback to Day Street boundary.
 - 2m setback to rear pathway boundary.
- Tower setback above Podium
 - 6.4m setback to Anderson Street boundary (being a total setback of 12.4m from Anderson Street boundary when including 6m Ground setback).
 - 4.35m to O'Brien Street boundary (being a total setback of 5.5m from O'Brien Street boundary when including 1.15m Ground setback).
 - 4.5m to Day Street boundary (being a total setback of 4.5m from Day Street boundary when including Nil Ground setback)
 - 2m and then 7.6m to rear public pathway boundary (being a total setback of 11.6m from rear public pathway when including 2m Ground setback).

Other Concept plan details:

- All vehicle access to site via one driveway on Day Street.
- All loading at basement level, with loading vehicles access / egress in a forward direction.
- Approximately 188 car spaces, located within 4 basement levels.
- Landscaped public open space facing rear pathway – discussed below.
- Landscaping provided at Podium level, and roof top.
- Deep soil planting provided along Anderson Street frontage.

The Concept Plans are at **Attachment 4**. Accompanying the Planning Proposal are Draft *Development Control Plan* provisions (Refer to **Attachment 5**). A Heritage Impact Assessment has also been provided.

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

- A publicly accessible (via a right of way) 2m landscaped area along the western boundary, adjacent the public pathway.

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

- Provision of a monetary contribution in accordance with Council's Community Infrastructure Scheme at a fixed rate per m² of additional residential GFA.
- Dedication of 4% affordable housing.
- Public art contribution in accordance with Council's Public Art Policy.
- Improvements to the public domain adjoining the site via a 2m wide publicly accessible landscape area (via a right of way).

Council Officer's 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 to **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

This Planning Proposal involves the amalgamation of 3 sites located within the CBD identified in the Council endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy).

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

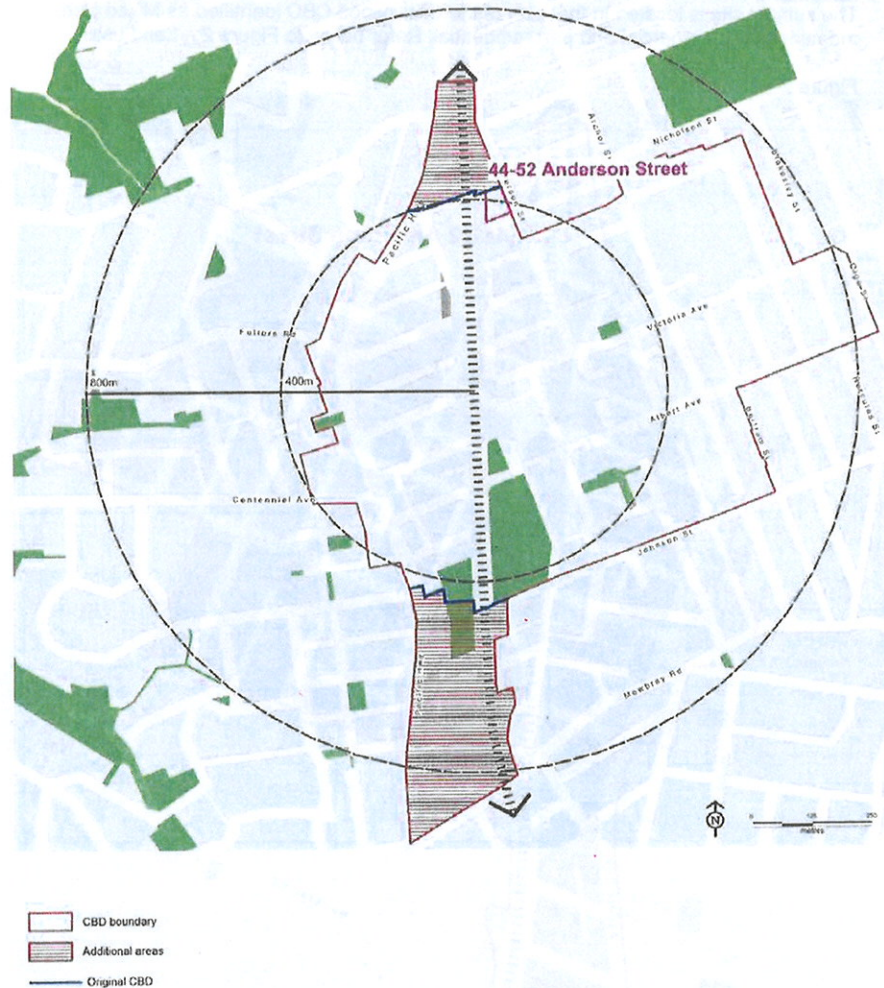
CBD Boundary

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 existing and the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown below in Figure 1.

Figure 1 - Extended CBD boundary



Land Use

Key Element 2.

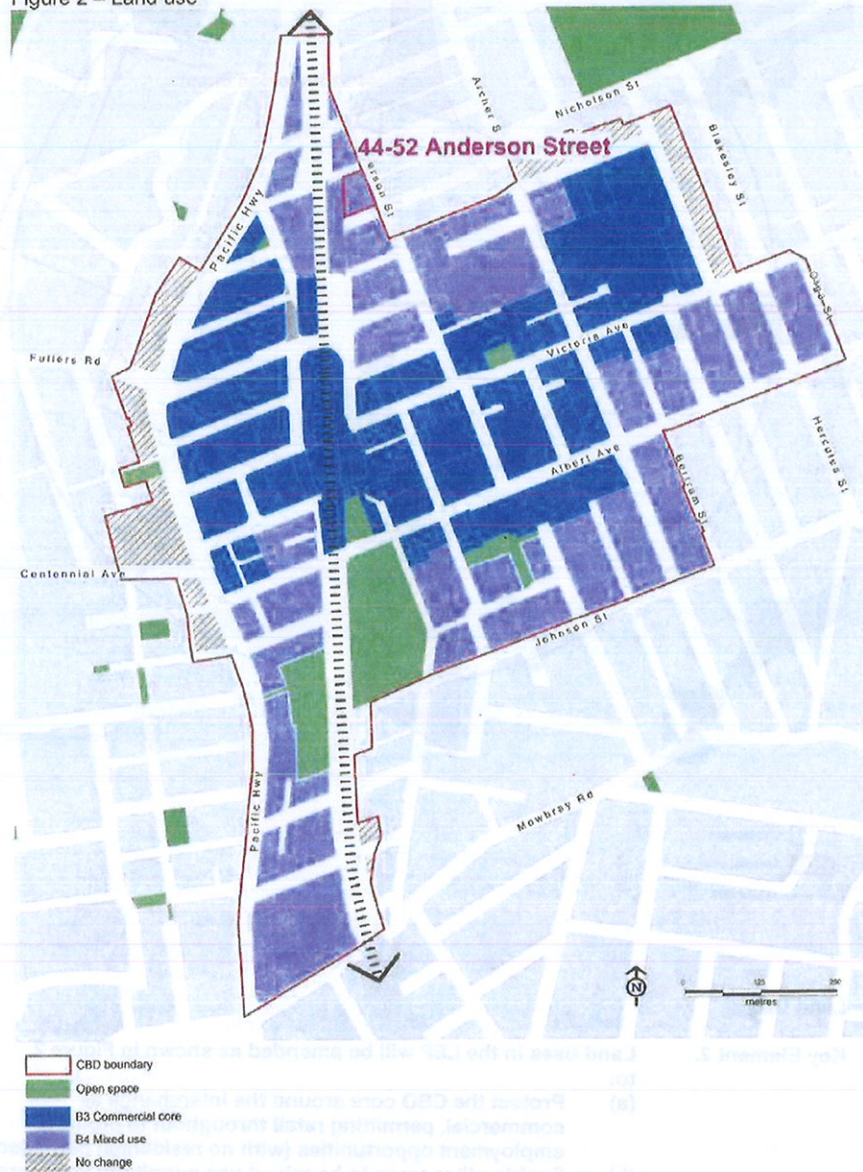
Land uses in the LEP will be amended as shown in Figure 2, to:

- Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
- 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 below to Figure 2 – Land use.

Figure 2 – Land use



The proponent has proposed the zoning for the site be changed from R3 medium Density Residential 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 *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition (the draft Clause 6.24 'Minimum commercial floor space within the Mixed Use zone' prepared by Council Officers).

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 *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)

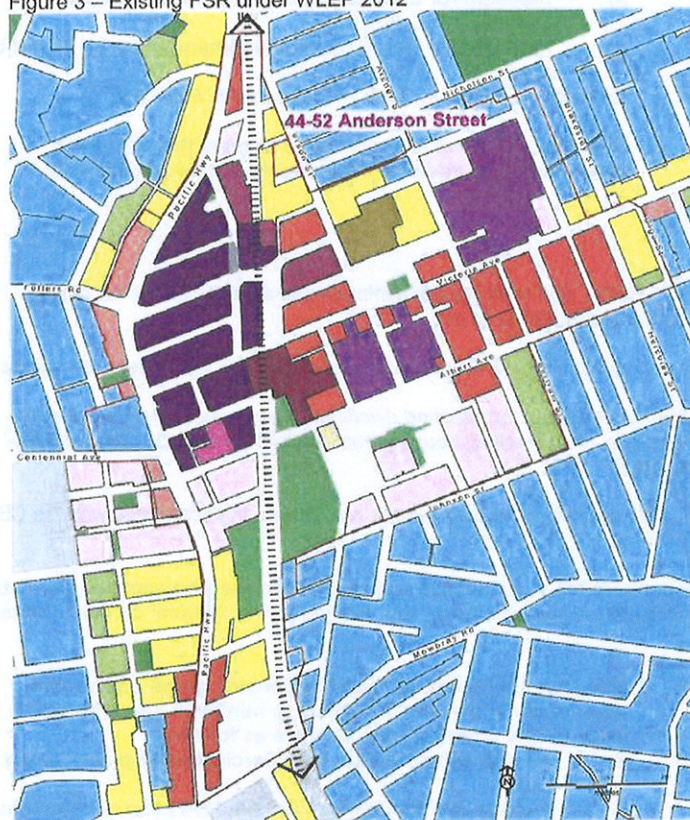
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

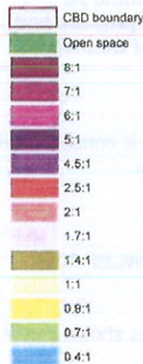
Comment

The subject site is in a location with a maximum floor space ratio of 0.9:1 as shown below 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:
- 1800sqm for commercial development in the B3 Commercial Core zone.
 - 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 2,687m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

It is proposed to amend WLEP 2012 Clause 6.10 to include shop top housing as follows:

"6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing"

The minimum lot size requirement is proposed to be 1,200m² in accordance with the CBD Strategy.

In addition, in response to the subject Planning Proposal and the amalgamated site involved, it is proposed to introduce a site specific lot size requirement of 2,500m² on the Lot Size Map.

- 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:
- No maximum FSR for commercial development in the B3 zone.
 - A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
 - 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:

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

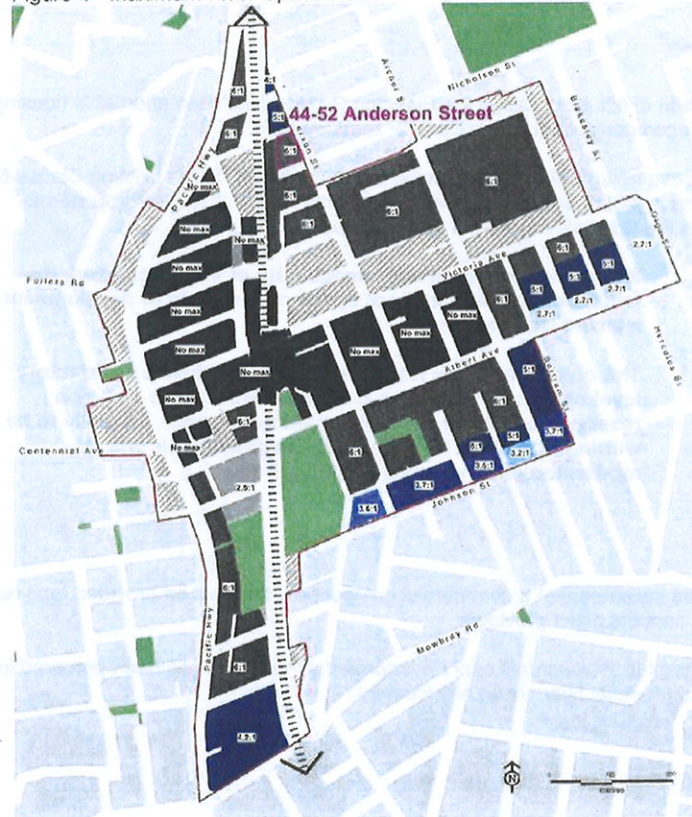
Comment

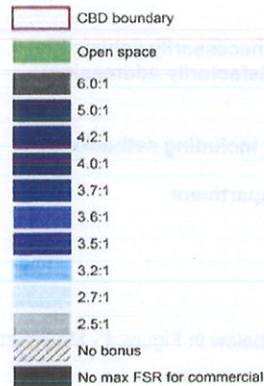
Consistent.

The subject site is in a location with an FSR of 6:1, as shown below 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 *Willoughby Local Environmental Plan 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 (585m²) 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 generally consistent with the slender tower objective and an appropriate response to the site.

In consideration of the east / west facades, the concept plans show building articulation involving splitting and rotating the tower form, as well as an open air lobby and garden treatment to Anderson Street. Such architectural design elements do not contribute to building bulk, but assist in minimization, and are supported in addressing this Key Element with particular regard to the interface with the North Chatswood Conservation Area.

It should be noted that setbacks consistent with, and in some cases greater than, the CBD Strategy setback requirements has assisted in satisfying the slender tower objective. Setbacks are discussed below.

- 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).

- In addition,
- f) 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 northern section of the Chatswood CBD, north of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection.

Figure 5 - Sun Access Protection for Public Spaces



- CBD boundary
- Open space
- LEP control - no additional overshadowing 12.00am-2pm mid-winter
- LEP control - no additional overshadowing 11am-2pm mid-winter
- Conservation areas - WLEP2012 (North Chatswood South Chatswood)

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.

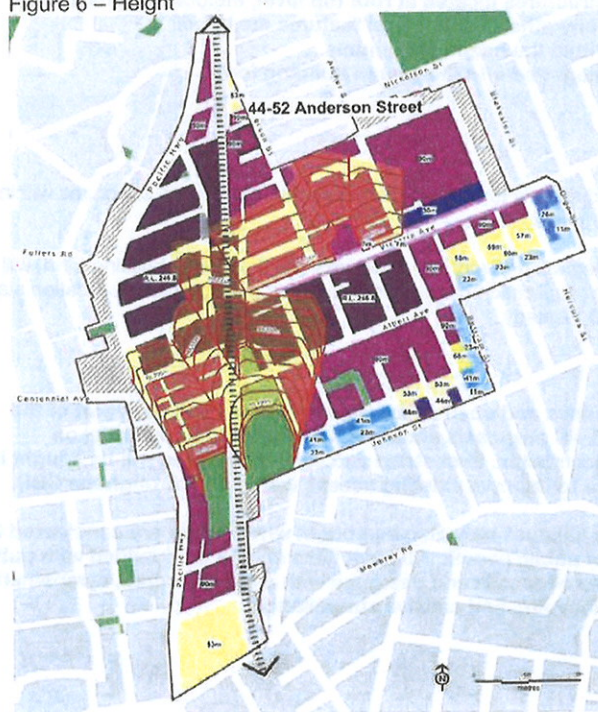
Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

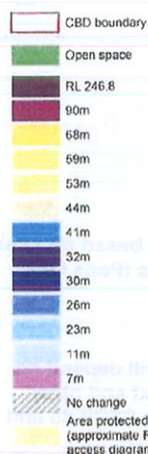
Comment

Consistent.

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

Figure 6 – Height





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.

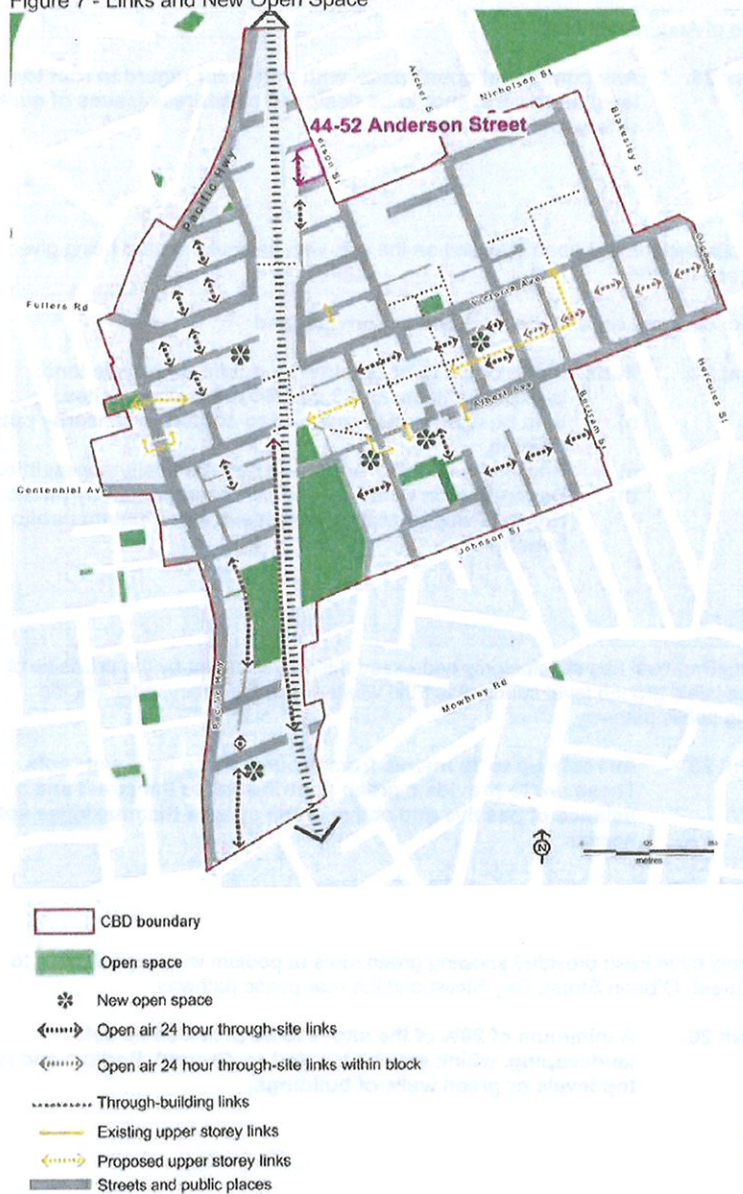
New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

Consistent.

The site is adjacent to an identified open air 24 hour pedestrian link, as shown below in Figure 7 - Links and Open Space – at the rear or western boundary of the site adjacent the existing public pathway.

Figure 7 - Links and New Open Space



The Planning Proposal proposes to embellish the existing pedestrian link (public pathway) by providing a publicly accessible (via a right of way) 2m landscaped area along the western boundary of 44-52 Anderson Street - adjacent the public pathway.

The Planning Proposal also proposes to accommodate the future cycleway along the western side of Anderson Street.

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 podium and rooftop.

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.

The Planning Proposal has satisfactorily addressed this Key Element by the provision of publicly accessible ground level space along the western site boundary, adjacent the neighbouring public pathway.

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 Anderson Street, O'Brien Street, Day Street and the rear public pathway.

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.

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. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.
- h) Anderson Street interface:
 - i. Minimum 3m setback at Ground Level from front boundary.
 - ii. 6-14m street wall height.
 - iii. Minimum 1m setback above street wall to tower.

Comment

Consistent.

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

It is noted that greater Ground setbacks are provided with:

- 6m setback to Anderson Street boundary.
- 1.15m setback to O'Brien Street boundary.
- 2m setback to rear pathway boundary.

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

- 6.4m setback above Podium facing Anderson Street (being a total setback of 12.4m from Anderson Street boundary when including Ground setback).
- 4.35m setback above Podium facing O'Brien Street (being a total setback of 5.5m from O'Brien Street boundary when including Ground setback).
- 4.5m setback above Podium facing Day Street (being a total setback of 4.5m from Day Street boundary when including Ground setback).
- 2m above Podium Level 1 and then 7.6m above Podium Level 2 facing rear pathway boundary (being a total setback of 11.6m from rear public pathway when including Ground setback).

Setbacks above minimum requirements are supported, having particular regard to the North Chatswood Conservation Area.

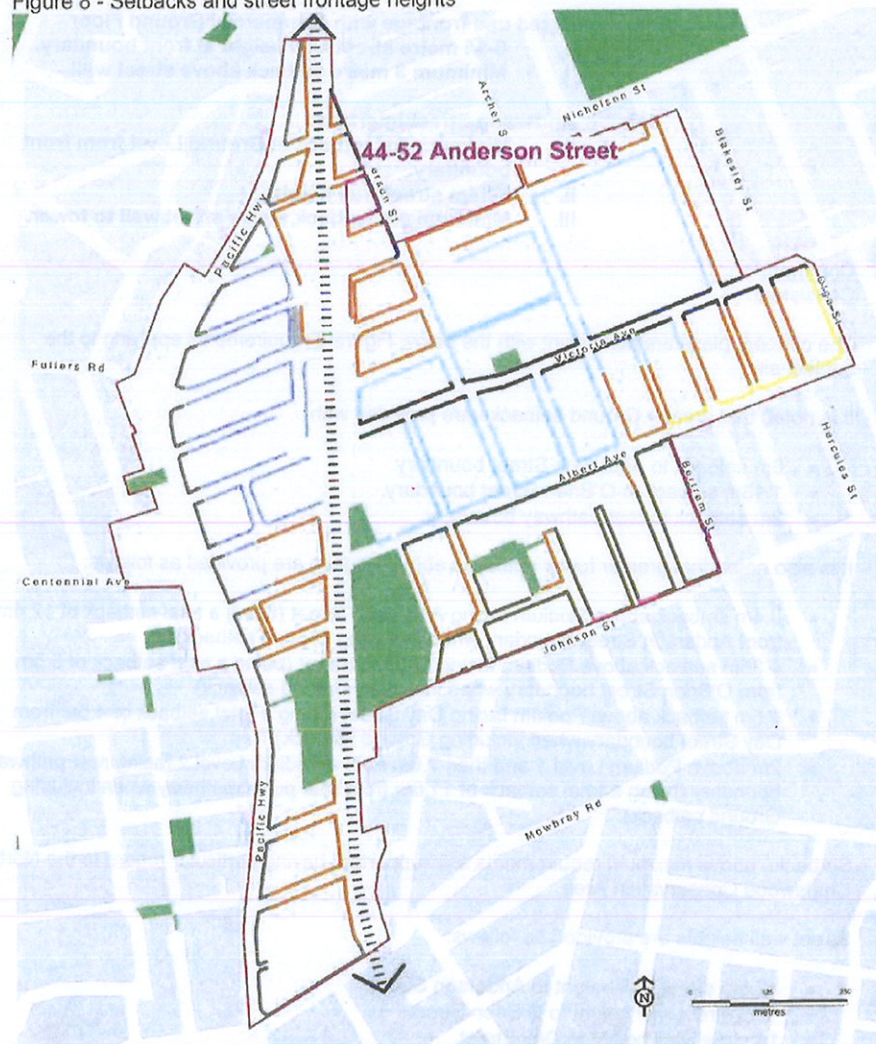
Street wall heights are provided as follows:












- 12.5m street wall height to Anderson Street.
- 10m street wall height to O'Brien Street.
- 14 street wall height to Day Street.
- 14m street wall height to rear pathway – noting that this is a sloping boundary so the majority of the wall is much less, and the street wall is broken by the First Level being setback 2m.

Street wall heights below the maximum requirements with particular regard to Anderson Street and O'Brien Street (and the North Chatswood Conservation Area interface), as well as the public pathway to the rear, are supported.

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

Figure 8 - Setbacks and street frontage heights



-  CBD boundary
-  Open space
-  Pacific Highway frontage
-  Office Core frontage
-  Urban Core
-  Victoria Avenue retail frontage
-  Albert Avenue South
-  Southern Precinct
-  Anderson Street Interface
-  Johnson Street interface
-  Bertam Street interface
-  Albert Avenue north and Olga Street interface
-  Mixed use frontage with commercial Ground Floor

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 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 O'Brien Street to the north, Day Street to the south, Anderson Street to the east and a public pathway to the west.

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 Anderson Street, O'Brien Street, Day Street and the rear public pathway.

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 block (with the public pathway to the west) of 2,687m².

- 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.

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 9 February 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 is located within the Basement levels.
- Vehicle entry points have been rationalised, with one access via Day Street.
- 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:

- At 9am and 10am, properties on the western side of the North Shore Rail Line, and the northern part of 1 Cambridge Lane, are affected by overshadowing.
- At 11am, properties on the western side of the North Shore Rail Line are no longer affected. The southern section of 1 Cambridge Lane is affected.
- At 12pm, overshadowing occurs to the south on 2 Day Street, 3 McIntosh Street, and the rear sections of 38-42 Anderson Street.
- At 1pm and 2pm, overshadowing occurs to the south on 38-42 Anderson Street, 2 McIntosh Street and 30 Anderson Street.
- Overshadowing to the south east of a corner of 43 Anderson Street (on the southern boundary of the North Chatswood Conservation Area) starts at 3pm. Other properties

- affected are 35 to 41 Anderson Street – this includes a portion of the front building section of St Pius X College.
- Victoria Avenue and the solar access protection between 12pm and 2pm is not affected.
 - The North Chatswood Conservation Area is not affected by overshadowing between 9am and 3pm.

The proponent concludes:

"The proposal mitigates the impact of overshadowing through tower setbacks and tower form."

It is considered that the overshadowing from this Planning Proposal has been minimised through design with particular regard to the North Chatswood Conservation Area and nearby schools, 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:

- To the north, on the other side of O'Brien Street, is 54 Anderson Street. The site 54-56 Anderson Street is the subject of a Planning Proposal to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).
- To the east is the low density residential North Chatswood Conservation Area and the Local Heritage Items at 20 Tulip Street and 21 Daisy Street. The setbacks provided in the concept plans to Anderson Street are 6m at Ground Level to the Podium, and then 6.4m above the Podium to the tower – resulting in an overall tower setback to Anderson Street of 12.4m. This setback is in excess of the CBD Strategy minimum and is considered to have appropriate regard to the low density residential North Chatswood Conservation Area.
- To the west is the public pathway and 1 Cambridge Lane. A 2m setback is provided at Ground Level, then a 2m step back above Podium Level 1, and then another 7.6m setback to the tower - resulting in an overall tower setback to the public pathway of 11.6m.
- To the south, on the other side of Day Street, is 2 Day Street and 42 Anderson Street - the site of residential flat buildings which are also within the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).

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 site is opposite, on the other side of the Anderson Street, the North Chatswood Conservation Area. In close proximity, there are also Local Heritage Items at 20 Tulip Street and 21 Daisy Street.

The Planning Proposal is supported by a Heritage Impact Statement prepared by Weir Phillips, who have concluded:

- *The impact of the transition to a tower form will be mitigated by the use of a podium level of appropriate height and the proposed articulated tower form to improve solar access to heritage items and relationship to the existing context.*
- *Proposed reference design will provide the opportunity to increase the performance of the building in relation to the public domain (in terms of streetscape presentation, light, views and connectivity) which will be improved when compared to the existing buildings ...*
- *No significant view corridors to or from the items or the HCA ... will be blocked, impeded or unreasonably disrupted by the proposed PP Reference Design.*
- *Introduction of podiums with lower street wall heights and greater on street setbacks to increase the separation and perceived massing of development directly adjacent to HCAs.*

The Planning Proposal has been referred to Council's Heritage Section, who have made the following comments:

"Potential impact on views are minor, as this site is located in close proximity to the rest of the Chatswood CBD, the topography of the area is relatively flat and no significant view corridors have been identified. As the HCA is located to the west of the subject site, most of the shadow cast from a tower will fall to the south, away from the North Chatswood HCA.

It is recommended that any future design details resulting from the changes to the LEP controls are designed with details to complement, fit in with, and break up any bulk and massing in order to lessen the impacts on the neighbouring HCA. Careful use of design elements to the podium, setbacks, articulation, and materials used should ensure any development is sympathetic to the surrounding development, and allows access to light.

In the context of the broader outcome of the CBD strategy, and with careful consideration of any proposed new development details to reduce and manage negative outcomes, the heritage impacts associated with the proposal are considered to be acceptable in this circumstance."

It is considered that this Planning Proposal has shown appropriate regard to the heritage interface with the North Chatswood Conservation Area and may be forwarded to the Gateway for subsequent public exhibition and further consideration as required.

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. The site specific *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of 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 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. It is also considered that this Planning Proposal is satisfactory with regard to the heritage interface with the North Chatswood Conservation Area.

The draft *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning, 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.