

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The site which is the subject of this Planning Proposal involves 3 Ellis Street, Chatswood.

The site is 808.6m², contains Strata Plan 2715 and is bounded by Ellis Street to the south, 88 Albert Avenue to the north, 84-86 Albert Avenue to the east and 7-13 Ellis Street to the west. Refer below to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains a three storey residential flat building, comprising 9 flats located above a ground level undercroft parking area.

Under *Willoughby Local Environmental Plan 2012*, the site is zoned R4 High Density Residential, with a maximum height of 34m and floor space ratio of 1.7:1. The site is not affected by road widening.

The Planning Proposal has been lodged by MPG AU Pty Ltd.

The Locality

The locality around the site on the western side of the North Shore Railway Line, extending west to the Pacific Highway is high density residential in character.

The site is adjoined to the east and northeast by an eight storey residential apartment building, located at 84-86 Albert Avenue. Directly to the east is the driveway access to 84-86 Albert Avenue, then the Frank Channon Walkway and the North Shore Rail Line. On the other side of the rail line is Chatswood Oval and Park.

To the south of the site, on the southern side of Ellis Street, is a single storey Scout building at 2 Ellis Street, adjoining the Frank Channon Walkway. To the southwest is a four storey apartment building at 4-6 Ellis Street and at 8 Ellis Street, an eight storey 1970's apartment building. Further to the south and southwest of the site is the Chatswood Croquet Club, comprising croquet greens and tennis courts.

To the west of the site is a 1970's eight storey apartment building at 7-13 Ellis Street and an associated private car park on the southwest corner of Ellis Street and Crispe Lane.

To the north of the site, at 88 Albert Avenue is a 1970's nine storey apartment building. Further to the north, on the northern side of Albert Avenue is the large Meriton high rise apartment building, located above a public car park. To the northwest of the site, at 96-100 Albert Avenue, is a 1970's eight storey apartment building located on the northeast corner of Albert Avenue and Crispe Lane.

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. 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 determined by sun access protection and floor space ratio of 2.5:1 subject to the satisfaction of other CBD Strategy requirements.

It should be noted that a larger, non-compliant Planning Proposal has been previously considered by Council on this site (lodged in 2018), proposing to:

- Retail R4 High Density Residential zoning.
- Increase the height to 49 metres.
- Increase the floor space ratio to 5.1:1.
- Provide no commercial component.

Following assessment, the Council did not support the Planning Proposal at the Council Meeting on 11 February 2019 and resolved:

"That Council:

- 1) *Not 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, as the Planning Proposal:*
 - i. *Is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.*
 - ii. *Is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.*
 - iii. *Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages employment within the Chatswood CBD."*

A Rezoning Review was subsequently lodged by the proponent, with the Sydney North Planning Panel concurring with Council's view and determining on 5 November 2019 that the Planning Proposal should not proceed to a Gateway Determination because the proposal had not demonstrated strategic merit.

A comparison between the previous proposal and the subject proposal is provided in the discussion section of this report.

Planning Proposal

The current Planning Proposal as amended seeks to:

- Change the zoning from R4 to B4 Mixed Use.
- Increase the height on the site to 44 metres.
- Increase the Floor Space Ratio on the site to 4.5:1.

The proposed amendments to *Willoughby Local Environmental Plan 2012* (WLEP 2012) are detailed in Table 1 below. It should be noted that the Planning Proposal contains two options for Council consideration and it is Option 1, as amended, that is recommended be supported and is the subject of this report. Option 2, with a floor space ratio of 4.8:1 and the supporting concept plans, is not recommended for support.

Table 1 – Summary of Planning Proposal Amendments

	3 Ellis Street	Compliance
Zoning		
Current WLEP 2012	R4 Medium Density	
Chatswood CBD Strategy	B4 Mixed Use	
Proposed in Planning Proposal	B4 Mixed Use	Yes
Height		
Current WLEP 2012	34 m	
Chatswood CBD Strategy	Solar Access Protection	
Proposed in Planning Proposal	44 m subject to solar access protection	Yes
Floor Space Ratio		
Current WLEP 2012	1.7:1	
Chatswood CBD Strategy	2.5:1	
Proposed in Planning Proposal	4.5:1	No Variation supported
Minimum Lot Size		
Current WLEP 2012		
Chatswood CBD Strategy	1,200m ²	
Proposed in Planning Proposal	800m ²	No Variation supported

Concept plans show the potential redevelopment of the site as follows (referred to in the Planning report as Option 1):

- Total height of 14 storeys (43.5m, RL 139.5m), containing:
 - Podium - 2 storeys non-residential.
 - Tower - 12 storeys of residential

- Total FSR of 4.5:1 (3,641m² GFA), containing:
 - 3.98:1 residential (3,221m² GFA) including affordable housing
 - 0.52:1 non-residential (420m² GFA)
- Total number of residential apartments: 30
- Residential unit mix:
 - One bedroom unit: 1
 - Two bedroom units: 18
 - Three bedroom units: 10
 - Four bedroom unit: 1
- Residential floor plates:
 - Level 2: 309m² GFA
 - Level 3 - 9: 299m² GFA
 - Level 10: 256m² GFA
 - Level 11: 230m² GFA
 - Level 12: 205m² GFA
 - Level 13: 65m² GFA
- Ground Level Setbacks
 - 2m setback to Ellis Street boundary (southern boundary).
 - 4.06m setback to rear boundary (northern boundary).
 - 0m setback to 84-86 Albert Avenue (eastern boundary).
 - 3m setback to 7-13 Ellis Street (western boundary).
- Tower setback above Podium
 - Additional 1m setback to southern boundary (Ellis Street)
Total tower setback 3m.
 - Level 1 (Podium) to Level 9 - Additional 5m setback to rear boundary (northern boundary).
Total tower setback 9.06m.
From Level 10 to Loft Level – 9.06m setback increased to 12.06m (for enclosed building).
 - Additional setback between 2.7m at front of building as it faces Ellis St and 0.9m at rear (level 2) – facing eastern boundary.
From Level 10 to Loft Level – 0.9m setback increased to 1.6m (for enclosed building).
 - No additional setback to 7-13 Ellis Street (western boundary)
Total tower setback 3m.
- Street wall height
 - Podium is 7.6m high facing Ellis Street.

Other Concept plan details:

- All vehicle access to site via one driveway from Ellis Street.
- All loading and garbage services at basement level (basement 1), utilising a vehicle turntable, with loading vehicles access / egress in a forward direction.
- Approximately 39 car spaces, located within 3 basement levels (making total of 4 basement levels).
 - Being 3 commercial, 31 residential, 3 visitors, 2 car share.
- Landscaping provided on part of Ellis St front boundary, rear boundary and western boundary with 7-13 Ellis Street.
- Landscaping provided at Podium level, and roof top.

- Deep soil planting provided along Ellis Street frontage and along western boundary with 7-13 Ellis Street.

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

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.
- Public art contribution in accordance with Council's Public Art Policy.
- Improvements to the public domain adjoining the site (Ellis Street).

Dedication of 4% affordable housing is also proposed in accordance with WLEP 2012.

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 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 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 Strategy dated September 2020, listed 1 to 35, with comments provided.

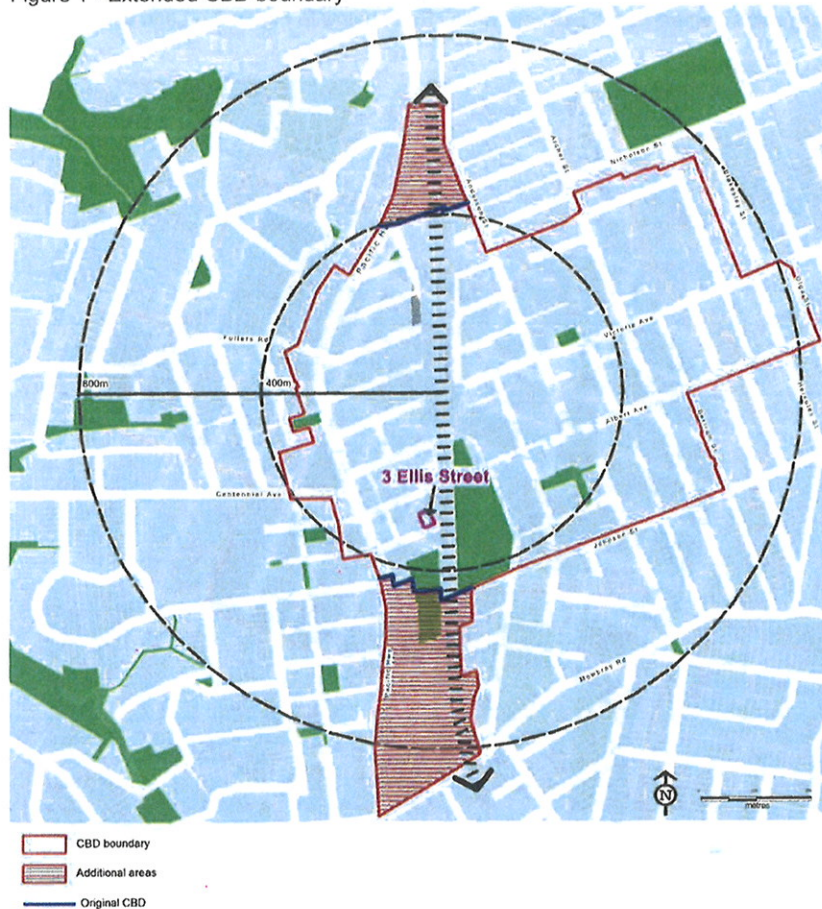
CBD Boundary

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.

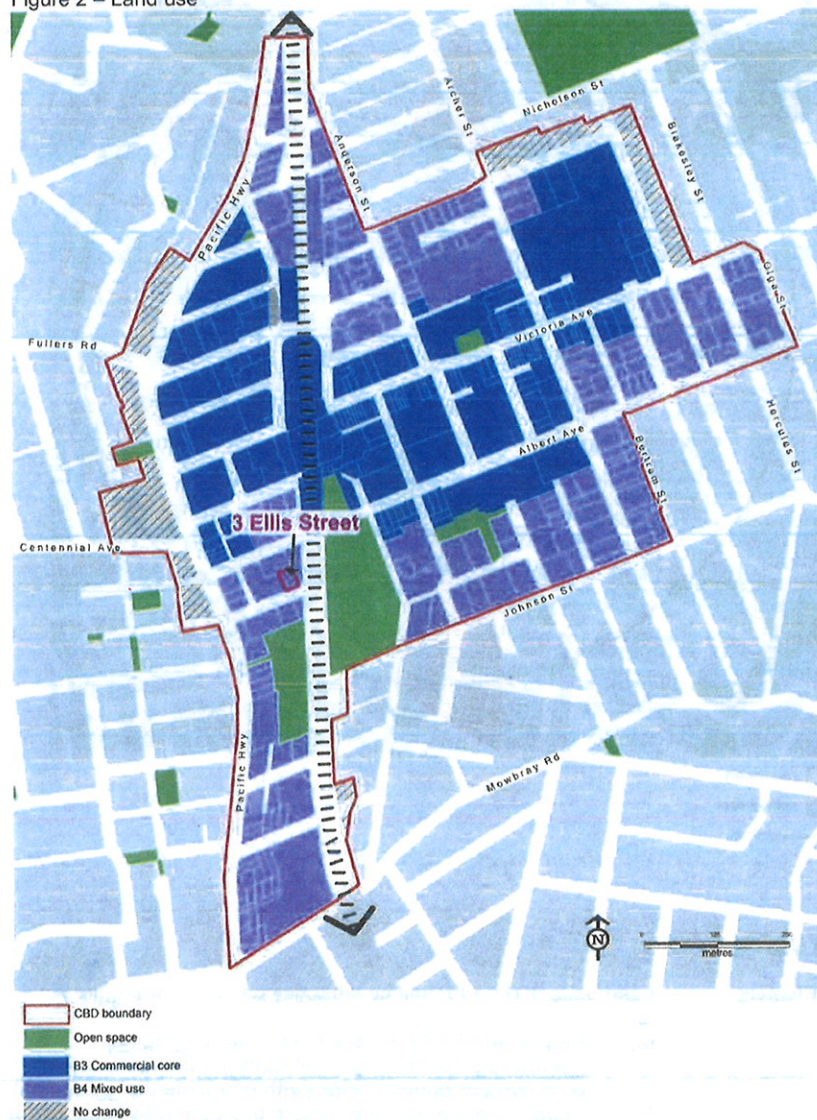
Land uses in the LEP will be amended as shown in Figure 2, to:

- (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
Consistent.

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 R4 High 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 and residential above. The commercial component is discussed further under Key Element 15 below.

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

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.

The proponent has agreed to a process in accordance with Council's Design Excellence Policy.

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 draft *Development Control Plan* provisions have been amended to include a requirement that a minimum 5 star GBCA building rating is expected. An assessment report is to be submitted 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
Consistent.

The proponent has advised:

"The architect for the design excellence process will be retained for the development application process, with the final form of the design prepared in consultation with Council and not adopted until endorsement by the Design Panel."

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)

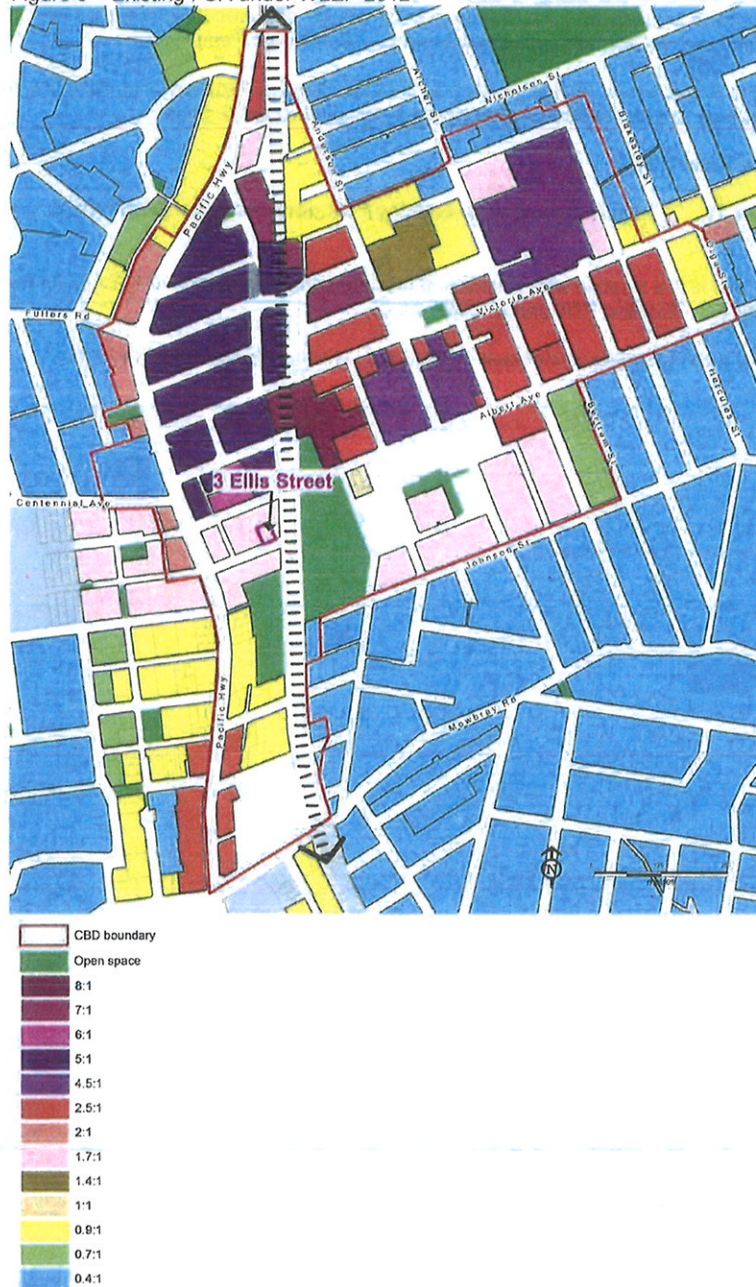
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

The subject site is in a location with an existing maximum floor space ratio of 1.7:1 as shown below in Figure 3 – Existing FSR under WLEP 2012.

The Planning proposal seeks to increase this to 4.5:1, 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

Not consistent but considered satisfactory in the circumstances of this case which are discussed below.

The subject site is 808.6m² and is significantly below the 1200m² for mixed use development involving residential land use. The request to vary this requirement is a major consideration in the assessment of this Planning Proposal.

Council expects under the CBD Strategy that sites are to be amalgamated to achieve the 1,200m² minimum lot size. The objective is to ensure a sufficient lot size to satisfactorily address the other Key Elements and facilitate redevelopment in an optimum manner as expected under the CBD Strategy which is intended to guide planning for the Chatswood CBD to 2036.

The proponent has put forward the following justification in regards why amalgamation would be difficult to achieve:

- Adjoining sites have been developed with 8 to 9 storey apartment buildings with FSR's ranging from 1.5:1 (No. 88), 1.6:1 (No. 96-100) and 1.7:1 (No. 84-86) and are effectively built to or close to the development capacity of those sites under the current maximum FSR (1.7:1).
- The Planning Proposal includes evidence that it has not been possible to consolidate the site with an adjoining site, in whole or in part, to achieve a development site area of at least 1,200m².
- It should be noted that adjoining sites all have an area of at least 1,200m². Accordingly, development of the site, as proposed, would not create any isolated development sites.

Council has requested that the proponent investigate the potential to share a single driveway access between the neighbouring site to the east at 84 Albert Avenue. The proponent has advised:

"Due to level differences and existing stormwater drainage infrastructure, including detention tanks, it is not possible to obtain access from a future basement at 3 Ellis Street to the existing driveway off Ellis Street, servicing the basement of 84-86 Albert Ave."

In response to Council officer concern with lot size, the proponent has put forward the following measures in regards the possible future removal of driveways at No. 84-86 and No. 88 Albert Avenue:

- The Planning Proposal includes breakout walls in the eastern and northern walls of the basement, with a right-of way in favour of No. 84-86 and No. 88 Albert Avenue,

providing legal access from Ellis Street along the driveway to the proposed breakout walls in the northeast corner of the uppermost basement.

- If 84-86, or 88 Albert Avenue are redeveloped, these properties will be able to obtain access through the basement of the future building on 3 Ellis Street, allowing removal of the driveway off Ellis Street that currently provides vehicular access to 84 Albert Avenue. Such an outcome not only facilitates a single shared vehicular access, but would significantly increase the extent of landscaped area that can be provided to the Ellis Street frontage of 84-86 Albert Avenue.

The above has been addressed in the draft DCP provisions.

The proponent concludes:

"Having regard to the circumstances of the case, it is considered reasonable to allow a variation to the CBD Strategy 1,200m² minimum development area requirement. A better planning outcome is achieved, and the proposal includes provision for future shared vehicular access, should adjoining sites be redeveloped in the longer term.

Precluding redevelopment of 3 Ellis Street would entrench an existing outdated low rise apartment building which presents poorly to Ellis Street and Frank Channon Walk and detracts from the desired future character of the Chatswood CBD, as envisaged in the CBD Strategy."

It is considered that supporting this Planning Proposal, with the lot size involved, is satisfactory in the circumstances of the case as follows:

- Height proposed (substantially less than the standard 90m proposed in the B4 Mixed Use zone under the CBD Strategy).
- Floor Space Ratio proposed (substantially less than the standard 6:1 proposed in the B4 Mixed Use zone under the CBD Strategy).
- Surrounding existing development.
- Evidence provided of attempts at negotiations with surrounding properties.
- Deep soil planting as per CBD Strategy.
- Greening at ground and upper levels as per CBD Strategy.
- Embellishment to public realm through the right-of-way proposed for the 2m front setback, and 3m wide setback along western boundary providing potential for a through block link in the future redevelopment of 88 Albert Avenue.
- Loading and garbage provision in Basement as per CBD Strategy.
- Breakout walls in the eastern and northern walls of the basement, with a right-of way in favour of No. 84-86 and No. 88 Albert Avenue.

On this basis support for this Planning Proposal does not set a precedent within the Chatswood CBD.

In draft Willoughby Local Environmental Plan 2020, the minimum lot size requirement is proposed to be 1,200m² in accordance with the CBD Strategy. However in response to the subject Planning Proposal and the site involved, it is proposed to introduce a site specific lot size requirement of 800m² on the Lot Size Map. On this particular site, therefore, the 800m² lot size requirement would apply.

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

Not consistent but considered satisfactory in the circumstances of this case which are discussed below.

The subject site is in a location with a proposed FSR of 2.5:1, as shown below in Figure 4 - Maximum Floor Space Ratio. The site is located in a particular area of the CBD that has a lower FSR and height due to potential impacts on sun access protection to key public space within close proximity to the south (being the Chatswood Croquet Club greens and grass tennis courts, as well as Chatswood Oval). Any Planning Proposal within this FSR area of 2.5:1 is required to either propose 2.5:1 or if a higher FSR is proposed, clearly establish that no increase in shadows to sun protected areas, as well as no other adverse impacts, will occur. It is noted that within close proximity further to the north and on the western side of Crispe Lane, FSR is 6:1.

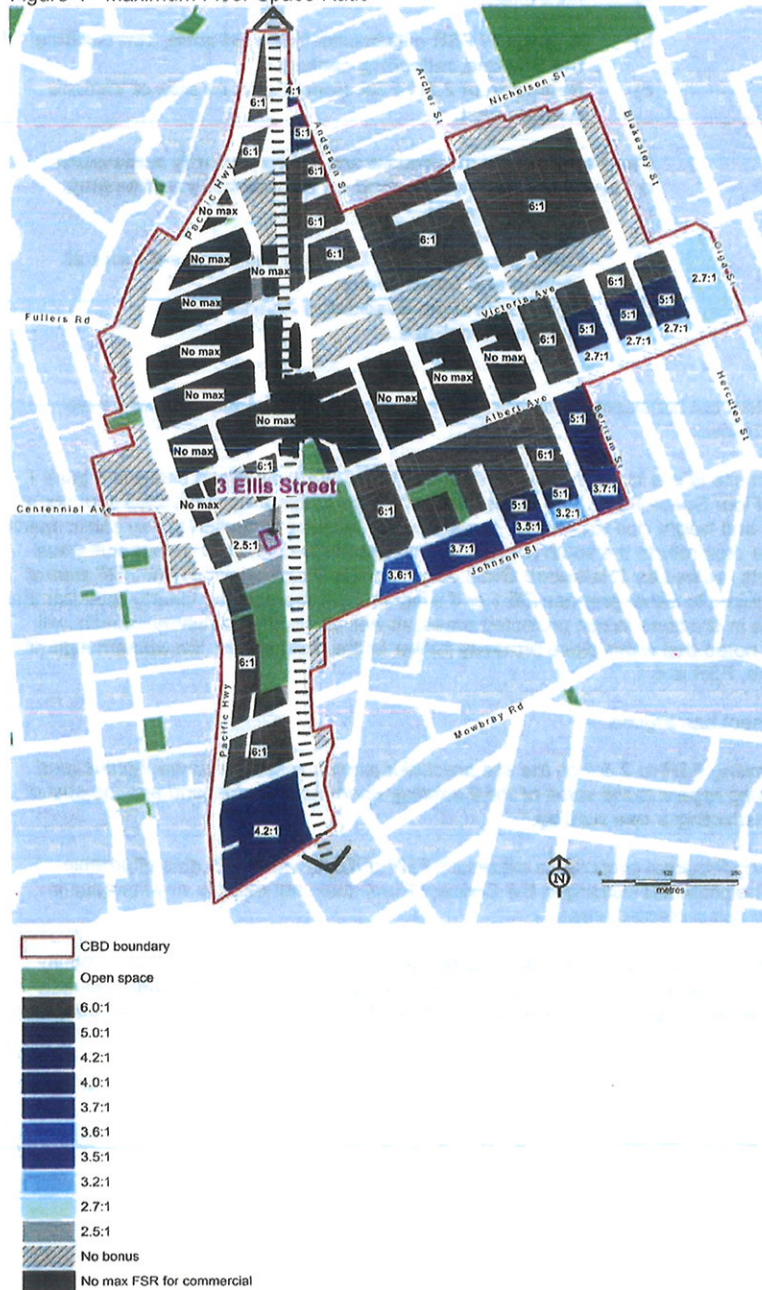
The proponent has argued:

"Limiting FSR to 2.5:1 on the site precludes economic redevelopment of the land, having regard to the value of the 9 existing apartments on the land and the cost of constructing a new building."

The Planning Proposal proposes a maximum FSR of 4.5:1, which includes affordable housing. The proposed building in the Concept Plans does not result in any increase in shadows to sun protected areas.

On the basis of no increase in shadows to sun protected areas, and acceptable amenity impacts to neighbouring properties and the public domain, it is considered reasonable to consider the Planning Proposal, and the requested FSR, in the circumstances of this case.

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 4.5:1 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 subject land is proposed to be zoned B4 Mixed Use with an FSR of 4.5:1.

The proponent has indicated that a non-residential component of 0.52:1 will be provided within the podium, moderated on the overall FSR proposed, and has shown this in the concept plans provided.

The proponent has also provided the following justification:

"A commercial FSR of 0.52:1 is appropriate given the location of the site on a cul-de-sac within a wholly residential area (currently zoned R4 – High Density Residential) and the desirability of providing a western side setback to minimize podium encroachment into the tree canopy of the existing large trees located close to the side boundary, on the neighbouring land to the west."

Where the FSR proposed is less than 6:1 the required proportion of non-residential floor space can be reduced in accordance with that proportion. An amendment is proposed to WLEP 2012 to this effect. This issue would be further considered at development application stage.

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.

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Comment

Consistent.

The tower above the podium shown in the Concept Plans contains a floor plate Gross Floor Area between 248m² and 310m², which is 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 residential tower form is broadly square in shape, although not bulky, with maximum dimensions of between 20m and 21m, with generally three units per level. 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.

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 south western part of the Chatswood CBD, just to the north of key public open spaces identified within the Chatswood CBD Strategy as requiring sun access protection, as shown below in Figure 5 - Sun Access Protection (being the Chatswood Croquet Club greens and grass tennis courts, as well as Chatswood Oval).

The Chatswood Croquet Club land is sun access protected between 12 noon and 2pm. Shadows from the proposal do not impact on land within the Chatswood Croquet Club until 12noon, with no impact after 1.45pm. The extent of shadow is confined to a small area in the north-east corner of the property. However, all the shadows cast by the proposal over the Croquet Club land are within the shadows cast by existing buildings located to the north and north-west of the Croquet Club land.

The Chatswood Oval land is sun access protected between 11am and 2pm. Shadows from the proposal begin to impact on Chatswood Oval from 2.15pm and by 3pm, shadows are cast over a limited area in the southwest portion of the Oval. These shadows occur after the sun protected hours of 11am to 2pm and all the shadows cast by the proposal over Chatswood Oval are entirely within the shadows cast by the existing high-rise towers located on the northern side of Albert Avenue.

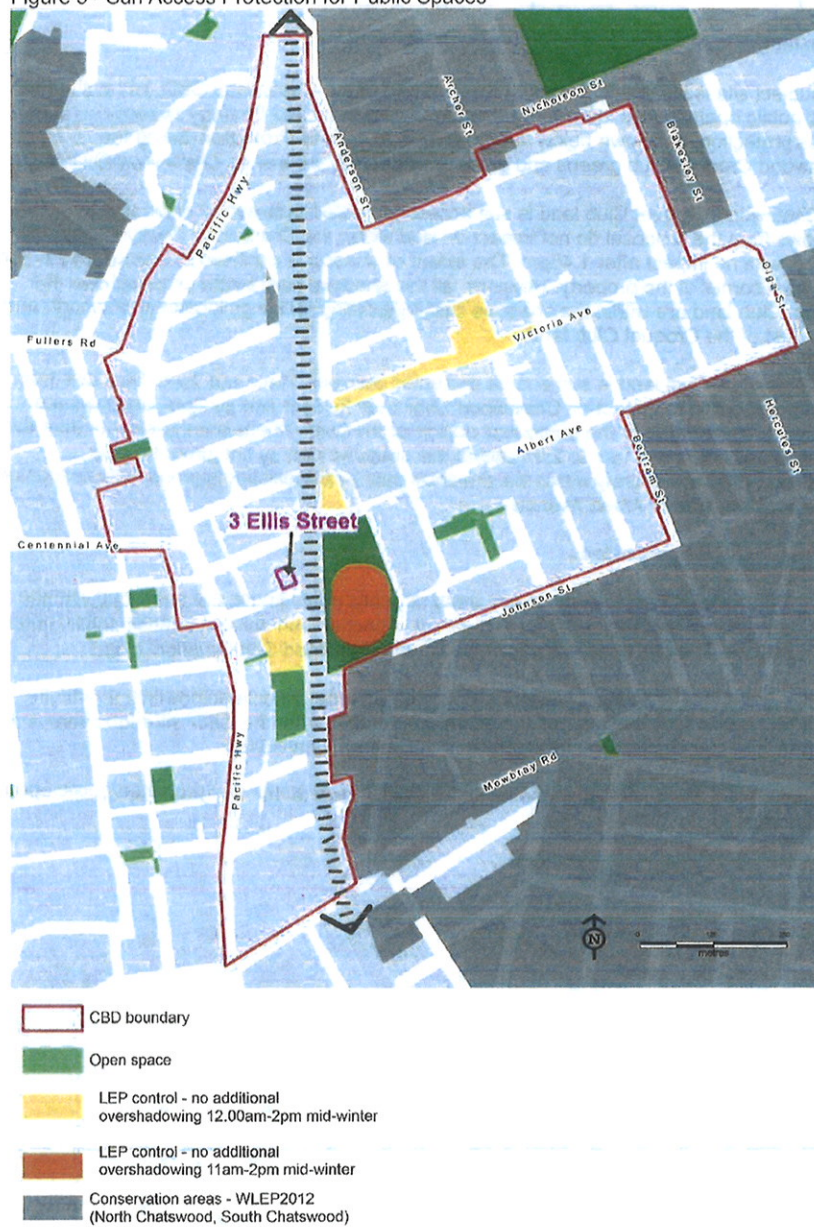
The proponent has concluded:

"All shadows cast towards these areas of public open space are contained with the shadows of existing buildings and do not impact on sun access to those public open spaces. The site does not adjoin the South Chatswood Conservation Area."

It is also noted that while the Chatswood Bowling Club and associated bowling greens are private recreation facilities and not sun access protected under the CBD Strategy, there is no additional shadow created by the proposal to this recreational space.

As noted above, there is no increase in mid-winter shadow to the sun protected public open space areas.

Figure 5 - Sun Access Protection for Public Spaces



Height is discussed further below.

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).

The subject site has varying RL height controls, between RL 125.4m and RL 132.8m along the Ellis Street frontage and between RL 141.8m and RL 149.4m along the rear boundary of the site, with approximately RL 140 in the middle of the site. RL 120m is located approximately in the middle of Ellis Street.

The RLs proposed are RL 134m (38.6m) at the south west highest corner of the building, with an increase to RL 136.3m (40.9m) at the south east highest corner of the building.

The RLs proposed are RL 136.3m (40.9m) at the north west highest corner of the building, with an increase to RL 139.5m (44m) at the north east highest corner of the building. The highest level of the proposed building, being the loft level, is located in the mid section, eastern side, of the site.

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

The objective behind solar access protection determining height of this site is to ensure there is no additional overshadowing to key public spaces to the south. In addition the height proposed has acceptable amenity impacts to neighbouring properties and the public domain.

The draft DCP provisions include the following:

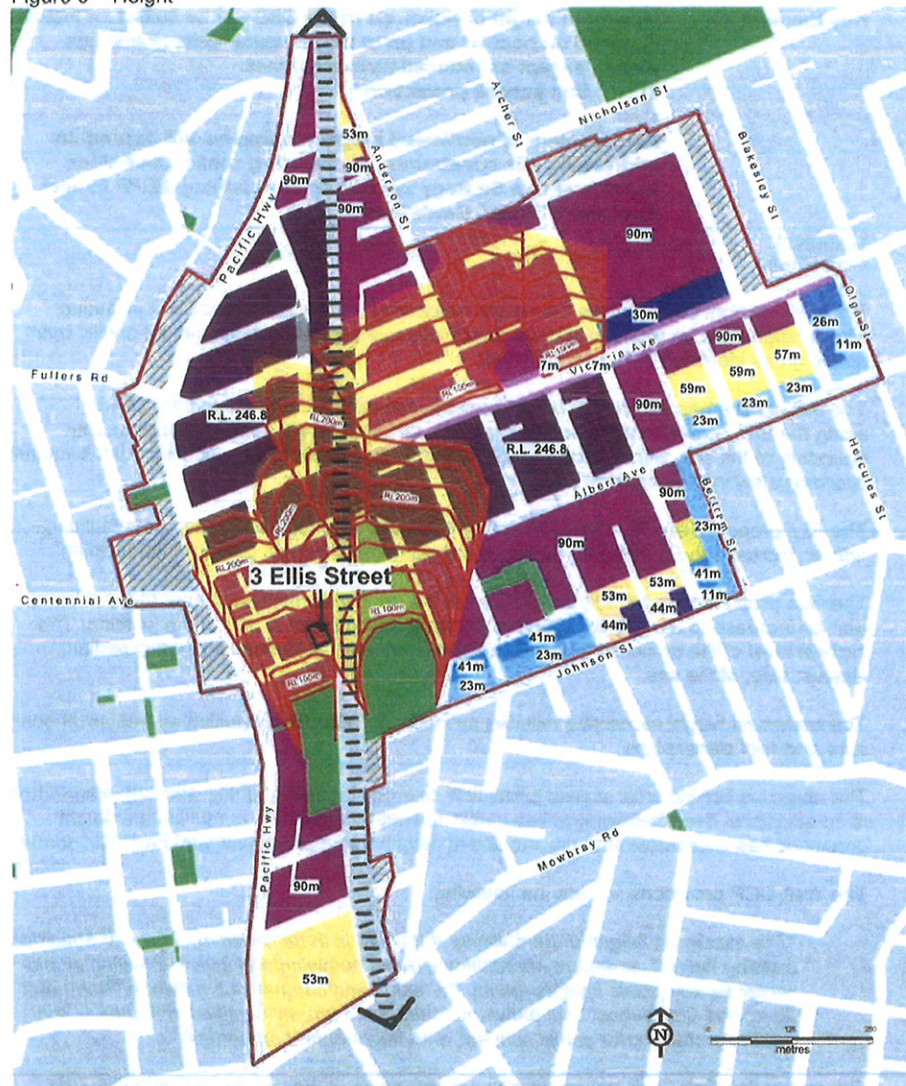
"The maximum height of the building at the site is to be based on Figure 3 "Maximum building height", to ensure no additional overshadowing and solar protection in mid-winter for key public spaces (being the tennis and croquet club between 12pm and 2pm, and Chatswood Oval between 11am and 2pm) as identified in Figure 4 'Sun access protection for public spaces', and neighbouring properties."

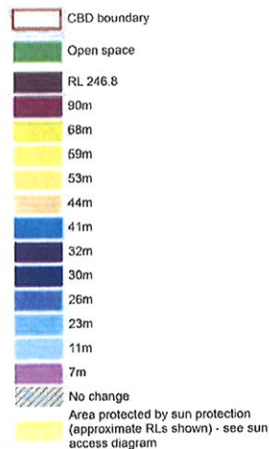
Figure 3 in the draft DCP provisions includes reference to the varying RL heights for the building proposed in the concept plans.

The height proposed of 44m subject solar access protection is satisfactory, having regard to the draft DCP provisions accompanying this Planning Proposal. In addition, prior to any public exhibition, concept plans are required to be provided that clearly show that at no point

the proposed mixed use building encroaches on the sun access protection plane determining height on this site.

Figure 6 – Height





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 44 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.

To address the provision of roof features within the maximum height, it is proposed to add Clause 5.6 'Architectural roof features', (2A) to WLEP 2012 as follows:

"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."

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.

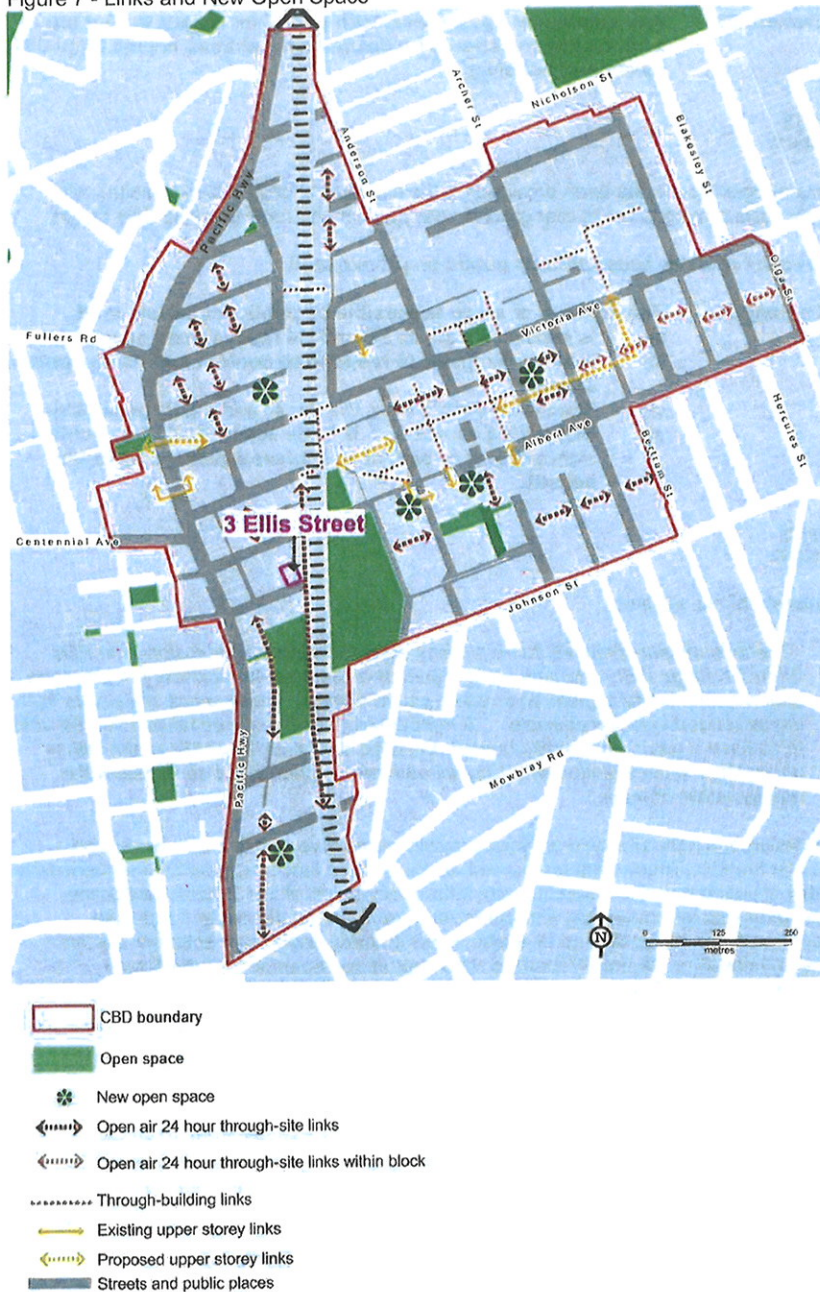
The subject land is not identified in Figure 7 of the CBD Strategy. It is also noted the site is located close to Frank Channon Walk, which includes a cycleway.

At the same time, new linkages may be sought where these are considered to be of public benefit. The 3m setback along the western boundary, as well as the 2m Ellis frontage are proposed as available for future public access and are considered to be of public benefit. It is noted the 3m setback, and future link through to Albert Avenue, will be reliant on the future redevelopment of 88 Albert Avenue. The 2m setback on Ellis Street has the potential to combine with a future setback when 84-86 Albert Avenue (Ellis Street frontage) is redeveloped to widen the public domain through to the Frank Channon Walk. These are addressed in the draft DCP provisions as follows:

"A public right of way is to be provided on the 3m setback along the western boundary, and the 2m Ellis's frontage."

This public access over the site, contributing to the provision of a future new mid block pedestrian link, and the future widened access to the Frank Channon Walk, is considered consistent with the objective of improved access in the Chatswood CBD and is an important reason behind Council supporting this Planning Proposal.

Figure 7 - Links and New Open Space



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 (220m² or 27.4% of the site), with particular regard being given to rear ground, rear podium and rooftop facing Ellis Street.

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 proponent has advised:

"The concept plan includes some publicly accessible open space along the Ellis Street frontage of the site and along a portion of the western boundary in locations that respond to site context and nearby public domain. These areas are visible from the street and easily accessible ... A right of way, or similar mechanism can be used to achieve a permanent public benefit. Detailed design of the public realm will be undertaken in consultation with Council and have regard to the context and the nearby public domain."

The provision of a right of way to achieve a public benefit over the 2 metre landscape setback on the Ellis Street frontage, as well as the 3 metre landscape setback to the western boundary is supported. It is noted that any future connection of the 3 metre landscape setback to the western boundary with Albert Avenue would be dependent on future development of 88 Albert Avenue. It is also noted that any future connection of the 2m landscape setback to the Frank Channon Walk would be dependent on the future redevelopment of 84-86 Albert Avenue.

The provision of two public right of ways is addressed in the draft DCP provisions.

The draft DCP provisions are also amended as follows:

- Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk
- Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting.

The Planning Proposal has satisfactorily addressed this Key Element.

Landscaping

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:

- Level 1 - presenting to part Ellis Street, eastern (side) and northern (rear) boundaries.
- Level 2 (Podium Level) - presenting to Ellis Street boundary.
- Level 10 and 11 - presenting to the north (rear).
- Loft (top floor) - presenting to Ellis Street.

It is noted that the Ellis Street frontage and eastern (side) boundary will be visible to the Frank Channon walk at different points. This is an important consideration for Council as it results in a green contribution on the proposed building visible from public spaces.

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.

It is also noted that 13% of the site area has been provided as deep soil planting – being the 2m frontage to Ellis Street and the 3m setback to the western boundary with 7-13 Ellis Street.

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.

Comment

Consistent.

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

Ground level setbacks are as follows:

- 2m setback to Ellis Street boundary (southern boundary).
- 4.06m setback to rear boundary (northern boundary).
- 0m setback to 84-86 Albert Avenue (eastern boundary).
- 3m setback to 7-13 Ellis Street (western boundary).

Ground level setbacks greater than the requirements in the Mixed Use frontage with Commercial Ground Floor Precinct have been provided and are encouraged on this site. Ground level setbacks greater than the requirements in the Mixed Use frontage with Commercial Ground Floor Precinct have been provided and are encouraged on this site. It is noted that in accordance with setbacks of 3m or more, deep soil planting has been provided. This has created a greater setback to the boundary with the existing residential flat building at 7-13 Ellis Street, the potential for a new pedestrian link, the opportunity for ground level landscaping and the minimizing of any impacts of the two large trees within the 7-13 Ellis Street site (along the boundary).

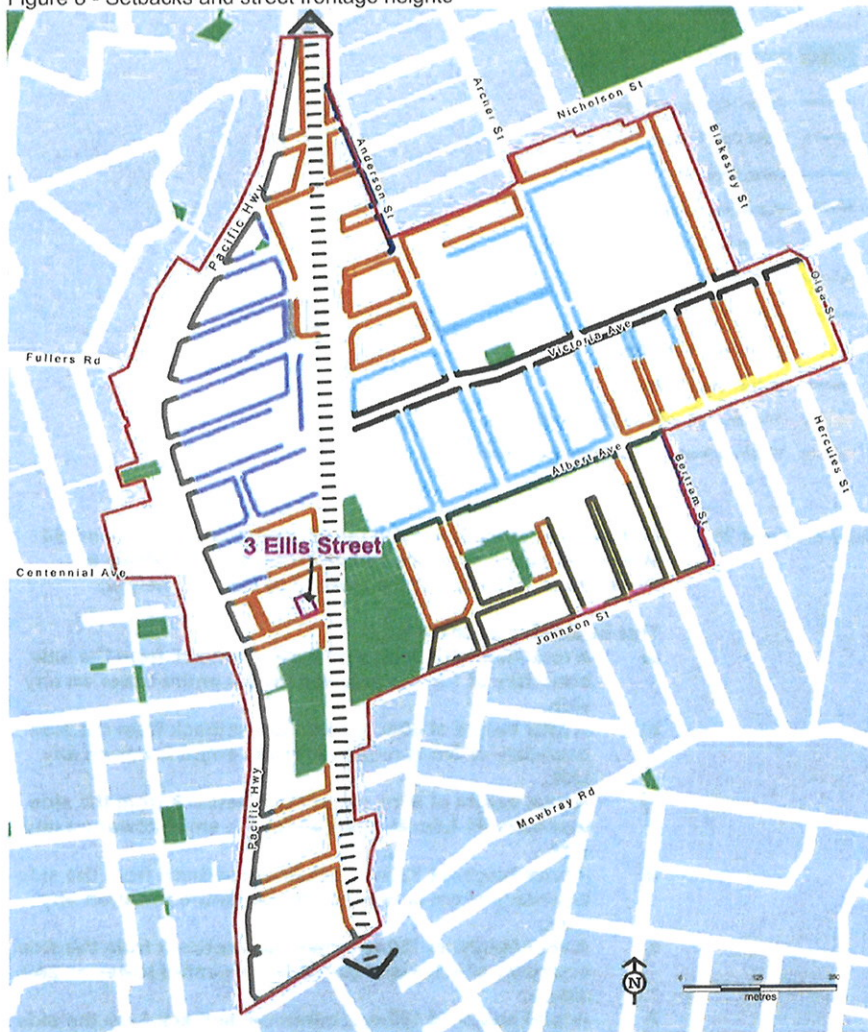
Tower setbacks above Podium are as follows:

- Additional 1m setback to southern boundary (Ellis Street)
Total tower setback 3m.
- Additional 5m setback to rear boundary (northern boundary).
Total tower setback 9.06m, rising to 12m above Level 9.
- Additional setback between 2.7m at front of building as it faces Ellis St and 0.6m at rear.
- No additional setback to 7-13 Ellis Street (western boundary)
Total tower setback 3m.

Podium street wall height is 7.6m facing Ellis Street, well below the 14m maximum.

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

Generally consistent – refer to discussion below.

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 44 metres requires a minimum 2.2 metre building setback from all boundaries for all towers above podiums.

The proponent has addressed this issue as follows:

"The proposed tower setback is readily compliant with the 1:20 setback ratio for the western side, northern rear and southern front boundaries of the site. Option 1 provides an average eastern side setback equating to a 1:20 ratio, with the northern portion of the tower slightly less than 1:20 and the southern portion of the tower slightly more than 1:20 to provide for articulation to the building, where it is readily seen from Frank Channon Walk."

This key Element is consistent with all tower setbacks. It should be noted that this is achieved on the eastern side setback by an 'average' approach, with the greater setback provided towards the street and western boundary. This is considered satisfactory in the circumstances of this case – being:

- The greater setbacks provided elsewhere on the site having positive outcomes.
- The adjacent property 84-86 Albert Avenue having an unusual shape, which has determined the existing development layout, with a driveway access located on the Ellis Street frontage and the residential flat building located on the more substantial part of the site being towards Albert Avenue.

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

An Apartment Design Guide (ADG) compliance table has been provided.

There are variations identified regarding building separation, however the supporting Planning Report concludes:

*"The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards.
Adequate tower building separation is provided to adjoining and adjacent sites.*

While the PP seeks concessions to numerical building separation controls to the eastern and western side boundaries, due to the relative narrowness of the site, the objectives of these numerical controls are achieved with respect to privacy, solar access, views and urban design."

It is considered that the Planning Proposal is satisfactory at this stage in the process for forwarding to DPIE for a Gateway Determination – however it should be noted that an amendment has been included in the draft DCP provisions by Council requiring:

- Adequate building separation to neighbouring properties.
- Building separation to neighbouring properties to be consistent with the Apartment Design Guidelines.

The Planning Proposal in regards *State Planning and Environmental Policy 65 Apartment Design Guidelines* will be further assessed following any exhibition of this Planning Proposal and at design excellence and development application stages.

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 an active street frontage to Ellis Street.

It is also noted that the building is close to, and will be visually prominent from Frank Channon Walk. The importance of any development on this site to the Frank Channon Walk has been emphasised to the proponent, who states in regards the design in the Concept Plans:

"The podium and tower have been designed to address both Ellis Street and Frank Channon Walk. A substantial area of glazing orientated to Ellis Street and Frank Channon Walk to present an active frontage. The entry to the basement has been recessed to minimize visual impact and landscaping, building articulation and architectural treatments designed to enhance the appearance of the building and create visual interest, as viewed from Ellis Street and Frank Channon Walk"

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.

The proponent states:

"Development of the site would not create any isolated development sites. Adjoining sites all have a site area of at least 1,200m². The site itself has been created as an isolated site.

Opportunities to share a single driveway access between the neighbouring site to the east at 84 Albert Avenue have been investigated. Due to level differences and existing stormwater drainage infrastructure, including detention tanks, it is not possible to obtain access from a future basement at 3 Ellis Street to the existing driveway off Ellis Street, servicing the basement of 84 Albert Avenue.

The PP includes breakout walls in the eastern and northern walls of the basement, with a right-of-way in favour of adjoining properties proposed to provide legal access

from Ellis Street along the driveway to a proposed breakout walls in the northeast corner of the uppermost basement. If 84 Albert Avenue is redeveloped, this property will be able to obtain access through the basement of the future building on 3 Ellis Street, allowing removal of the driveway off Ellis Street that currently provides vehicular access to 84-86 Albert Avenue. Such an outcome not only facilitates a single shared vehicular access, but significantly increases the extent of landscaped area that can be provided to the Ellis Street frontage of 84-86 Albert Avenue."

The above has been addressed in the subject of draft DCP provisions.

The Planning Proposal provides the capacity for the redevelopment of the subject site to be linked with the future redevelopment of neighbouring sites – both in regards issues of future vehicle access as well as through site links. It is considered that this Key Element has been given due consideration at Planning Proposal stage and will undergo further review at development application stage.

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.

Apart from the lift/stairs/services core and a plant room, all floor space at ground floor level is lettable commercial floor space, or the residential lobby. Garbage storage and the majority of plant room requirements and the like are located within the basement, which is provided with a driveway of complying gradient and sufficient basement height clearance and driveway width to accommodate vehicles up to a medium size truck (8.8m length).

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.

A small screened ground level substation kiosk is proposed fronting the fire stairs

The proponent has advised:

"Consultation with the electricity authority indicates it is not feasible to provide a substation in the basement ... The electricity authority has also indicated it would not agree to placement of a substation behind the front setback adjoining the driveway."

This matter will be further considered at exhibition stage, with consultation involving Ausgrid.

- 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 and parking Assessment, prepared by Transport and Traffic Planning Associates, 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.
- One vehicle entry / exit point via Ellis Street is proposed.
- All loading and car parking is accommodated off street.
- 2 car share spaces are proposed.

The draft DCP provisions have been amended to include reference to car share provision.

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

Comparison with Planning Proposal refused by Council on 11 February 2019 and Sydney North Planning Panel on 5/11/2019

Please refer to the Table below.

	Previous Planning Proposal (Not supported by Council 11/2/2019 and Sydney North Planning Panel on 5/11/2019)	CBD Strategy Compliance	Current Planning Proposal	CBD Strategy Compliance
Zoning	Retain R4 High Density Residential	No	B4 Mixed use	Yes
Height	49m	No	44m (in accordance with solar access protection)	Yes
FSR	5.1:1	No	4.5:1	No but satisfactory in the circumstances
Residential units	39		30	
Commercial Component	0	No	0.52:1	Yes
Minimum lot size	808.6m ²	No	808.6m ²	No but satisfactory in the circumstances
Setbacks		No		Yes
Ellis St (south) Ground L2-L14	0 3m		2m 3m	
Rear (north) Up to L9 L9-L15	9m 12m		9m 12m	
Side (east) L2-L9 L10-L15	Average 2.24m Average 2.29m		Average 1.7m Average 2.15m	
Side (west)	Average 1.97m		3m	

Street wall Height	Approximately 15m at Ellis Street boundary	No	2m setback then 7.6m	Yes
Deep soil Planting	None provided	No	Yes – 2m fronting Ellis St and 3m setback on western boundary	Yes
Public realm and potential new link	No public access or potential new link provided	No	Yes – 2m fronting Ellis St and 3m setback on western boundary	Yes
Ground level floor space	None provided (all allocated to loading, vehicle movement, garbage and services)	No	Yes	Yes
Loading	Ground level	No	Basement Level	Yes
Car spaces	50		39	Rates under review by Council
Active street frontage	None provided	No	Ellis Street	Yes

Having regard to the table, it is considered that the subject Planning Proposal provides an outcome generally consistent with the objectives of the CBD Strategy - notwithstanding FSR, height and minimum lot size which is discussed above in the report. This was not the case with the previous proposal presented to Council.

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*, noting Design Excellence requirements will be applied at development application stage.

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, part of 745 Pacific Highway and 8-14 Ellis Street are affected by overshadowing.
- At 10am and 11am, part of 8-14 Ellis Street and 4-6 Ellis Street are affected by overshadowing.
- At 12pm, part of 4-6 Ellis Street and 2 Ellis Street are affected by overshadowing.
- At 1pm, part of 2 Ellis Street and the Frank Channon Walk are affected by overshadowing.
- At 2pm, part of 2 Ellis Street, the Frank Channon Walk and the North Shore Rail Line are affected by overshadowing.
- At 3pm, part of 2 Ellis Street, the Frank Channon Walk, the North Shore Rail Line and Chatswood Park (Oval) are affected by overshadowing.

The proponent concludes:

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

Solar access in regards key public spaces has been discussed earlier in this report.

It is considered that the overshadowing from this Planning Proposal has been minimised through design 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 area 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 impacts to neighbouring properties, it is noted:

- Satisfactory building separation distance is provided to apartment buildings to the south, northeast and north of the site.

- While reduced building separation in the order of 9m to 10.5m is provided to the apartment building to the west, the western elevation of the concept residential tower has no windows to habitable rooms or balconies in this elevation, to address privacy impacts to No. 7-13 Ellis Street.
- Proposed boundary fencing and landscaping precludes overlooking to the west from the ground floor level commercial tenancy. The western first floor commercial tenancy has north facing glazing. Any potential west facing glazing could be designed with high sills and/or translucent glazing to prevent overlooking to the west.

With regard to view and visual impact, the proponent has submitted that:

- The proposed increase in density and building height does not materially impact on any existing significant views or outlook, compared to a building that has a height compliant with the existing 34m maximum building height control.
- Views impacted are primarily towards the backdrop of existing high-rise buildings to the north and north east.
- The upper 4 storeys of the east facing apartments at 7-13 Ellis Street currently enjoy easterly views towards Chatswood Oval across the western side boundary of the development site, over the existing 4 storey building on the site. These views are across a side boundary and the same level of view obstruction would occur if a height compliant building (i.e. 34m high) was developed on the site.
- The upper 4 storeys of the south and west facing apartments of 84-86 Albert Avenue currently enjoy south-westerly views towards Chatswood Croquet Club and Chatswood Bowling Club across the development site, also over the existing 4 storey building on the site. The same level of view obstruction would occur if a height compliant building (i.e. 34m high) was developed on the site.
- The overall level of view impact arising from the proposed increase in building height is considered acceptable within the high-rise CBD context of the locality.
- Visual impact arising from the increase in building height and density, within the building envelopes proposed, is acceptable having regard to the site's CBD context, the comparative view impacts associated with a new building under the current height control and having regard to proposed future planning controls for the locality.

The draft DCP provisions have been amended to require residential amenity to be in accordance with the Apartment Design Guidelines.

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 nor is it part of a heritage conservation area.

The Planning Proposal has been referred to the Heritage Section of Council who have concluded:

- The nearest heritage items are located north of Albert Avenue, being the Chatswood Public School and the former fire station building at 767 Pacific Highway, Chatswood. The subject land is outside the visual catchment of these heritage items and the proposed development will have minimal, if any impact on the heritage values of these structures or view lines to and from those buildings.
- The South Chatswood Heritage Conservation Area is located on the other side of the North Shore Rail Line, with the closest part of this conservation area to the subject site being Chatswood Park – and in particular the back of the two grand stands.

- It is considered that the proposal will have minimal impact on Chatswood Park.

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 for Gateway.

Development Control Plan provisions

The proponent has submitted site specific *Development Control Plan* provisions. The site specific *Development Control Plan* provisions have been assessed as satisfactory for this stage in the process, subject to the following amendments:

- a) Section 4 'Street Frontage Heights and Setbacks'
 - i. Add Performance Criteria 4 as follows:
"Adequate building separation to neighbouring properties must be provided."
 - ii. Add Control 2 as follows:
"Building separation to neighbouring properties is to be consistent with the Apartment Design Guidelines."
- b) Section 5 'Building Exterior'
 - i. Amend Performance Criteria 1 to read:
"Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area, including the Frank Channon Walk."
 - ii. Amend Controls 1 to read:
"Façade designs must be sensitive to the pedestrian environment in terms of wall height finishes and setbacks from planting."
 - iii. Amend Controls 2 to read:
"Extensive blank walls shall be avoided."
- c) Section 6 'Amenity'
 - i. Amend Control 3 to read:
"Residential amenity is to be in accordance with the Apartment Design Guidelines."
- d) Section 9 'Traffic and Transport'
 - i. Add Control 4:
"Two car share spaces are to be provided in Basement Level 2 close to lifts. Public access to be detailed at development application stage."
- e) Section 11 'Design Excellence and Building Sustainability'
 - i. Amend heading to read:
"Design Excellence"
- f) Add Section 15 'Sustainability'
 - i. Add Performance Criteria
"Achievement of design excellence shall include achievement of higher building sustainability standards."
 - ii. Add Control:
"A minimum 5 star GCBA building rating is expected. A report is to be submitted at development application stage."

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 in the circumstances of this case regarding FSR and minimum lot size variations to the CBD Strategy.

The proponent has submitted site specific Development Control Plan provisions. The site specific Development Control Plan provisions have been assessed as satisfactory for this stage in the process, subject to 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.