



## **PLANNING PROPOSAL REPORT**

### **Draft Amendment to Willoughby Local Environmental Plan 2012**

#### **3 Ellis Street, Chatswood**



**Prepared for  
MPG AU PTY Ltd**

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# 1. EXECUTIVE SUMMARY AND INTRODUCTION

## 1.1 Executive Summary

This Planning Proposal has been prepared by Ingham Planning Pty Ltd for MPG AU Pty Ltd in relation to the land located at 3 Ellis Street, Chatswood. The Planning Proposal satisfies the requirements of Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and has been prepared in accordance with the NSW Department of Planning, Industry and Environment's (DPIE's) A Guide to Preparing Planning Proposals (2018).

### Subject Site

The subject site is located at 3 Ellis Street, Chatswood described as SP2715 with an area of 808.6 m<sup>2</sup> and currently contains a 3 storey residential flat building, comprising 9 flats located above a ground level under-croft parking area. The subject land is located on the northern side of Ellis Street at its eastern end, adjacent Frank Channon Walk and the north Shore railway Line. The site is a short 200m walk north to the Chatswood Railway Station and Transport Interchange.

### Overview of the proposal

The Planning Proposal has been prepared under the Chatswood CBD Planning and Urban Design Strategy 2036, which has been endorsed by the Department of Planning, Industry and Environment (DPIE). The Planning Proposal seeks to make the following amendments to Willoughby Local Environmental Plan 2012:

- Amend the Land Zoning to **B4 Mixed Use**;
- Amend the maximum **Floor Space Ratio (FSR)** development standard to **4.5:1**; and
- Amend the maximum **Height of Buildings** development standard to **44m**.
- Amend **Clause 5.6 Architectural roof features (2A)** to indicate development is subject to clause 4.3 Height of buildings;
- Amend **Clause 6.7 Active street frontages** and Active Street Frontages Map to include Ellis Street;
- Amend **Clause 6.8 Affordable housing**;
- Amend **Clause 6.10 Minimum lot sizes** for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings to include development controls for shop top housing;
- Amend **Clause 6.23 Design excellence** for certain sites at Willoughby;
- Introduce **Clause 6.25 Sun access** to apply to land zoned B3 Commercial Core and B4 Mixed Use;
- Amend the **Special Provisions Area Map** to apply Clause 5.6 Architectural roof features, Clause 6.8 Affordable housing and Clause 6.23 Design Excellence;
- Amend the **Lot Size Map** to indicate a minimum lot size of 800m<sup>2</sup>; and
- Amend Schedule 1 Additional permitted uses to add a new subclause 'Use of certain B4 land in Chatswood' which will require non-residential uses to be located on the ground floor and 17% of total FSR to be non-residential uses.

A draft Site-Specific Development Control Plan (DCP) also accompanies the Planning Proposal to provide certainty that a suitable development outcome is achievable at the detailed Development Application phase.

#### *Intent of the Planning Proposal*

The Planning Proposal will enable the subject land to be redeveloped for a mixed-use building of up to 14 storeys, developed in accordance with the proposed amendments to WLEP 2021 and the Site Specific DCP.

The Planning Proposal is accompanied by an indicative Preferred Scheme which reflects the Proponent's vision for the site as facilitated by the LEP amendments. The indicative scheme demonstrates that the Planning Proposal is capable of delivering a slender tower containing a mixed-use development with residential apartments and commercial/retail uses.

The development facilitated by the Planning Proposal includes a 2 storey podium comprising commercial and residential lobbies and 420m<sup>2</sup> commercial floor space for potential small businesses, retail uses and start-ups within the Precinct which can generate approximately 42 employment opportunities. A 12 storey residential tower above the podium provides for 30 high quality contemporary apartments, with a mix of unit sizes, including 1, 2 and 3 bedroom apartments.

A key objective of the indicative Preferred Scheme is to provide for a high-quality public domain along Ellis Street, with an attractive presentation to Frank Channon Walk, a strategic and well-used pedestrian and cycleway link to the Chatswood CBD. Below at **Figure 1A** is a view of the indicative preferred scheme looking northwest from the nearby Frank Channon Walk. The ground floor commercial space could potentially be used as a café, drawing on pedestrians and cyclists who use Frank Channon Walk, as well as local residents.

**Figure 1A – View of Indicative Preferred Scheme looking northwest from Frank Channon Walk**



### Strategic Merit

The development facilitated by the proposed LEP amendments has strategic merits in that it will:

- The proposal facilitates the redevelopment of the site which is consistent with the objectives of the current Planning Proposal by Willoughby Council, as well as the direction of the Metropolitan Strategy: A Plan for Growing Sydney and the North District Plan;
- The Planning Proposal directly implements the key elements under the endorsed Chatswood CBD Planning and Urban Design Strategy 2036, which guides the future developments in Chatswood CBD over the next 20 years;
- The Planning Proposal allows for a mixed used development which will continue to support the growth of Chatswood. The proposal enables the delivery of high-density housing within Chatswood CBD but outside of the commercial core centre, the proposal will deliver housing targets but also preserve space in the strategic centre for employment growth;
- The proposal allows for a mixed-use development on the site, which creates additional housing stock and employment growth in close proximity to transport, services, jobs and assists in achieving the housing target for Willoughby LGA; and
- The proposal enables more economic and efficient use of land and inclusion of additional affordable housing accessible to public transport and other services.

### Site Specific Merit

The reference design that accompanies the Planning Proposal demonstrates the site specific merits of the Planning Proposal. The Planning Proposal demonstrates site specific merit as it:

- Facilitates an envelope with capacity to support a slender tower built form;
- Increases the site's capacity to accommodate housing targets and employment growth;
- Will not increase shadowing to key public open space between 12-2pm during midwinter;
- Will capitalise on the site's excellent access to existing and planned transport infrastructure;
- Provides a bulk and scale commensurate with planned future surrounding developments;
- Is capable to meet building separation to neighbouring buildings and other relevant design guidelines under the Apartment Design Guide;
- Provides an active street frontage to Ellis Street and improved pedestrian connectivity on and around the site;
- Provides a landscaped plaza area along the street frontages of the site; and
- Will have acceptable environmental impacts as evidenced by supporting consultant reports.

### Conclusion

The proposal is consistent with the aims and objectives of relevant strategic and statutory plans and policies, and the Chatswood CBD Strategy. The proposal also satisfies the Strategic Merit and Site-Specific Merit tests and has been supported on the basis that no increased overshadowing to key public spaces will occur. It has also been demonstrated that amalgamation with neighbouring properties is not feasible.

The proposal has been the subject of a Gateway process and has been approved under this process by NSW DPI&E to proceed for exhibition. The Planning Proposal has been amended so that it is consistent with the conditions contained in the recently issued Gateway Determination and public exhibition may now proceed.



## 1.2 Introduction

This Planning Justification Report has been prepared to support a Planning Proposal (PP) for land at Chatswood described as SP2715, No. 3 Ellis Street, Chatswood. The subject land is located on the northern side of Ellis Street at its eastern end, adjacent Frank Channon Walk and the north Shore railway Line. The site is a short 200m walk north to the Chatswood Railway Station and Transport Interchange.

The subject land is a rectangular shaped allotment, with an area of 808.6m<sup>2</sup> and currently contains a 3 storey residential flat building, comprising 9 flats located above a ground level under-croft parking area. The site has a 24.38m frontage to Ellis Street and a depth of between 33.17m and 33.18m and a rear boundary of 24.38m.

The site is currently zoned R4 High Density Residential pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 1.7:1 and a maximum building height of 34m. The R4 zone provides for housing within a high-density environment, such as residential flat buildings and permits a limited range of non-residential land uses, such as childcare centres, community facilities, neighbourhood shops, and places of public worship. Shop-top housing is not permitted.

The endorsed Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) has identified land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density. In the case of the subject land and adjoining sites a maximum FSR of 2.5:1 is proposed with maximum building height prescribed by a sun access plane allowing a building height of between 29.9m (southwest corner) and 53.4m (northeast corner).

The Planning Proposal seeks amendment of WLEP 2012 to rezone the subject land to B4 Mixed Use, as recommended in the Chatswood CBD Planning Strategy and allow increased development density on the site, with a floor space ratio of up to 4.5:1 and maximum building height of 44m, stepping down in height to the Ellis Street frontage of the site. The Planning Proposal seeks an amendment of the WLEP 2012 to include site specific special provisions for the subject land that allow for the requested increased FSR and building height, as well as included the site in WLEP 2012, whereby 4% of residential floor space is allocated for affordable rental housing.

The proposal includes a Voluntary Planning Agreement (VPA) providing for payment of an additional developer levy for community infrastructure and facilities in accordance with Council's Community Infrastructure Contribution Scheme (CIS) for residential floor space (excluding affordable housing floor space) and provision for public art in accordance with Council's Public Art Policy.

This report has been prepared in accordance with the Department of Planning and Infrastructure Guide for Preparing Planning Proposals. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal. The final Planning Proposal has been developed after consultation with Council in March 2020 and May 2020, followed by a formal Pre-Lodgment Meeting in early July 2020 and requirements specified in the Gateway Determination issued on 26 October 2021.

The Planning Proposal Report also outlines the form of building envelope drawings and how it is envisaged that the land, after gazettal of the Planning Proposal, will be developed for a 14 storey, mixed-use building, in a manner that is consistent with the desired future character for the locality, as outlined in the Chatswood CBD Planning Strategy.

A reference design for redevelopment of the site in the form of a 3 level basement car park providing 39 car spaces, 2 storey commercial podium (420m<sup>2</sup> of non-residential floor space) and a residential lobby, above which is a 12 storey residential tower containing 30 apartments.

The reference design is intended to illustrate how the site can be suitably developed at the proposed additional density and building height, in accordance with the setback controls proposed in the CBD Strategy. The reference design is proposed to be part of the design brief for a subsequent design excellence process to be undertaken after adoption and gazettal of the PP. Following completion of the design excellence process, a development application would be submitted to Council for the proposed development.

A 3D view of the building concept illustrated in the reference design, as viewed looking northwest is shown below in **Figure 1B**. The building steps down in height generally in accordance with the sun access plane and is designed to present an active frontage to Ellis Street and Frank Channon Walk.

**Figure 1B – 3D View of Proposed Building Concept**



Council's support is sought for the Planning Proposal to proceed through the Gateway process and subsequent public exhibition. Gazettal of the requested change in zoning to B4 Mixed Use and introduction of bonus building height and FSR, will enable economically feasible redevelopment of this strategically located site, to an appropriate height and density, commensurate with the future character of the Chatswood CBD as anticipated in the Chatswood CBD Planning Strategy.

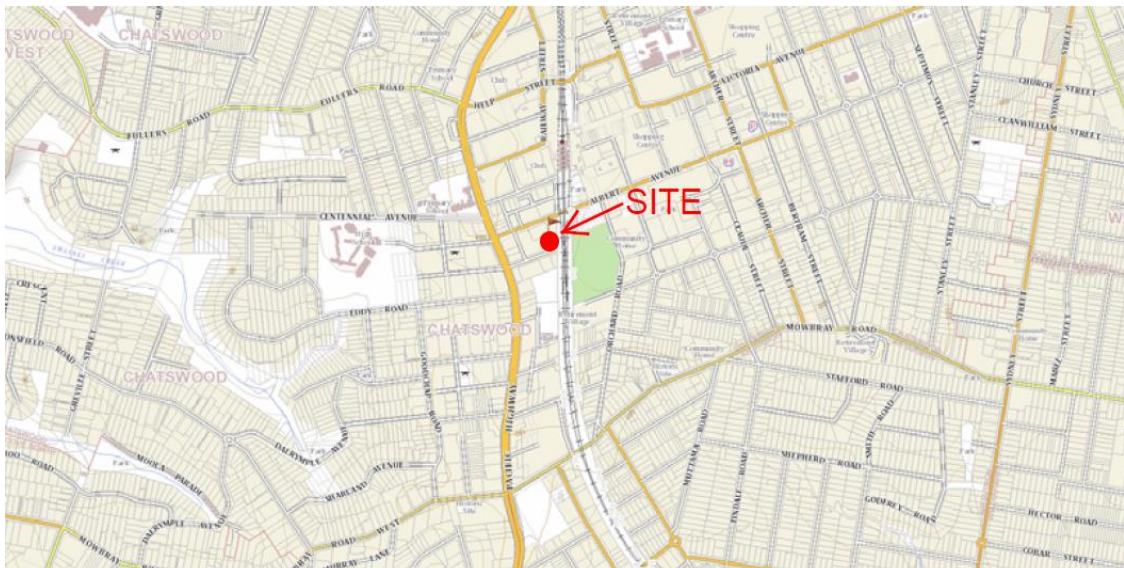
Such an outcome is consistent with current planning policies proposed in the Chatswood CBD Strategy, which seek to increase development density on the eastern side of the Pacific Highway, near the Chatswood CBD, railway station and transport interchange. Design concept plans and urban design analysis are attached at **Appendices B & C**.

## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site and Locality

The subject land is described as Strata Plan 2715, No 3 Ellis Street, Chatswood. The subject land is located on the northern side of Ellis Street at its eastern end, adjacent Frank Channon Walk and the north Shore railway Line. The site is a short 250m walk north to the Chatswood Railway Station and Transport Interchange. The location of the site is shown in **Figure 2**, below.

**Figure 2 Location**



The site is a rectangular shaped allotment, with an area of 808.6m<sup>2</sup> and currently contains a 3 residential flat building, comprising 9 flats located above a ground level under-croft parking area. The site has a 24.38m frontage to Ellis Street and a depth of between 33.17m and 33.18m and a rear boundary of 24.38m. There are no heritage items on or near the site and the immediate locality west of the railway line is characterised by predominantly medium rise apartment buildings, mostly developed in the 1960's and 1970's.

The site has a gentle slope down to the southeast corner, fronting Ellis Street. There are no watercourses on or near the site. There is a medium sized tree in the front yard of the site that is in very poor condition and is to be removed. There are no other trees on the site, with landscaping limited to areas of lawn and a few small shrubs. Hard paved areas and the undercroft parking area dominate the view of the site from Ellis Street.

The existing 1960's 3 level brick and tile apartment building on the site is showing signs of its age and compromises the quality of the visual outlook from Ellis Street and Frank Channon Walk. Driveways extend north off Ellis Street along the eastern and western sides of the site.

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



Figure 3 – Site Plan

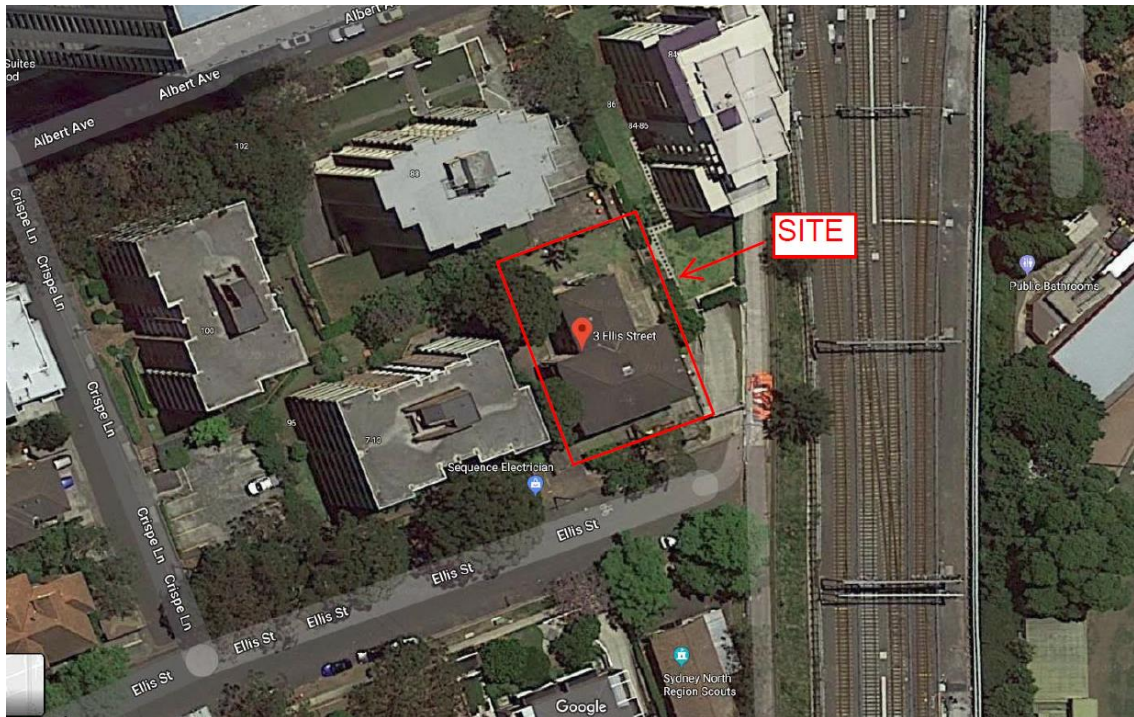


Figure 4 – View of the Site Looking Northwest from Ellis Street



An aerial view of the site and locality is shown in **Figure 5** below.

**Figure 5 Aerial View of Site and 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, containing medium and high-rise residential apartment buildings, located immediately to the south of the Chatswood CBD core.

The site is adjoined to the east and northeast by a contemporary 8 storey residential apartment building, located at 84-86 Albert Avenue. Further to the east is the Frank Channon Walkway and the North Shore Rail Line. Further east is Chatswood Oval and grandstand.

To the south of the site, on the southern side of Ellis Street, is a singled storey scout's building at 2 Ellis Street, adjoining the Frank Channon Walkway. To the southwest is a contemporary 4 storey apartment building at 4-6 Ellis Street and at 8 Ellis Street, a large 8 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 8 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 9 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 8 storey apartment building located on the northeast corner of Albert Avenue and Crispe Lane.



Photographs of existing development on the site, and on nearby properties are shown in **Photos 1 to 9**, below.



**Photo 1**

View of the rear of 84-86 Albert Avenue, which adjoins the development site to the east. This view looking north from Ellis Street shows existing driveways in the foreground to No. 3 Ellis St., at left and No. 84-86 Albert Ave., at right. The existing nearby high-rise development in the core area of the Chatswood CBD, is shown in the background..



**Photo 2**

View of the eastern elevation of the existing southern 8 storey apartment building at 96-100 Albert Avenue. Looking southwest from the rear yard of the development site. the 2 large trees are located within 96-100 Albert



**Photo 3**

View, looking west, of the rear yard of the development site. At right in the photo, is the southern elevation of the 9 storey apartment building at No. 88 Albert Avenue. The proposed common open space for the development site generally coincides with the location of the existing rear yard in the development





**Photo 4**

View looking northwest, from Ellis Street towards the development site, of the existing streetscape of Ellis Street (northern side). The 2 x 8 storey residential towers, north tower at left (96-100 Albert Avenue) and south tower at centre (7-13 Ellis Street) are shown in the foreground.



**Photo 5**

View the development site (east side), the 8 storey residential tower at 84-86 Albert Avenue and Frank Channon Walkway, looking north from this Walkway, at the eastern end of Ellis Street. There is potential to upgrade the public domain at the eastern end of Ellis Street.



**Photo 6**

View of the development site looking south from Albert Avenue. The 8 storey residential tower at 84-86 Albert Avenue is shown at left. The 9 storey residential tower at 88 Albert Avenue is shown at right. The northern elevation of the proposed building will enjoy northerly views and solar access between these 2 existing apartment buildings.





**Photo 7**

View looking north from Crisp Lane (corner of Ellis Street) of the existing 8 storey apartment buildings located at 7-13 Ellis Street (at right) and 96-100 Albert Avenue (at left). To the north of these 1970's residential towers, on the northern side of Albert Avenue is the large high rise Meriton residential tower, located above a public car park.



**Photo 8**

View looking southwest, of existing low and medium rise apartment buildings located on the southern side of Ellis Street, to the west of the development site. . Development consent has been issued to demolish the existing 2 storey flats (shown at right) and construct a new 6 storey apartment building on this site at 743 Pacific Highway.



**Photo 9**

View looking south, of the existing streetscape on the southern side of Ellis Street (eastern end), opposite the development site. The single storey building is a scout's facility. Further to the south is a croquet club and tennis courts. Frank Channon Walkway and the north Shore rail Line are shown at left.

## 2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. The site is zoned R4 High Density Residential. The R4 Zone extends around the site on all sides, east to Frank Channon Walk and the North Shore Rail Line, north to Albert Avenue, west to the Pacific Highway, south to the Chatswood Croquet club facilities, and east to the railway line. The croquet/tennis facility is zoned RE1. The zoning of the site (edged in blue) and the locality is shown in **Figure 6 – Zoning**, below.

**Figure 6 - Zoning Willoughby LEP 2012**



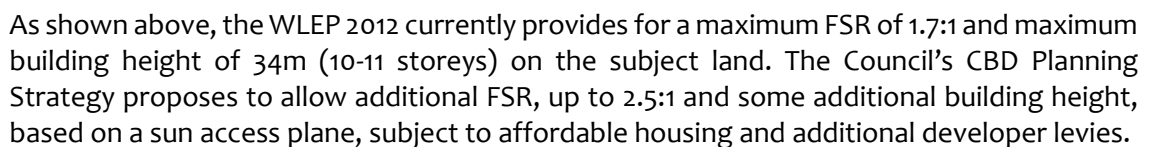
The R4 Zone provides for housing within a high-density environment, such as residential flat buildings and shop-top housing and permits only a very limited range of non-residential land uses, such as childcare centres, community facilities and places of public worship. Increased density is required to minimise impacts on the efficiency and safety of the road network and innovative design is encouraged to facilitate a comfortable and sustainable living environment.

The Planning Proposal includes re-zoning of the subject land to B4 Mixed Use, as recommended for the site, in the Chatswood CBD Strategy, which aims to encourage mixed use development, including additional commercial floor space in residential precincts adjoining the Chatswood CBD core. Unlike the R4 Zone, the B4 zone allows business and retail premises at ground floor level.

The Planning Proposal also requests inclusion of an incentives clause to allow increased building height (up to 44m) and FSR (up to 4.5:1), subject to provision of public benefits in the form of additional developer levies relating to value uplift and designation of the site within WLEP 2012 for affordable housing (4% of residential floor space).



**Figure 7 - Maximum Building Height Willoughby LEP 2012**

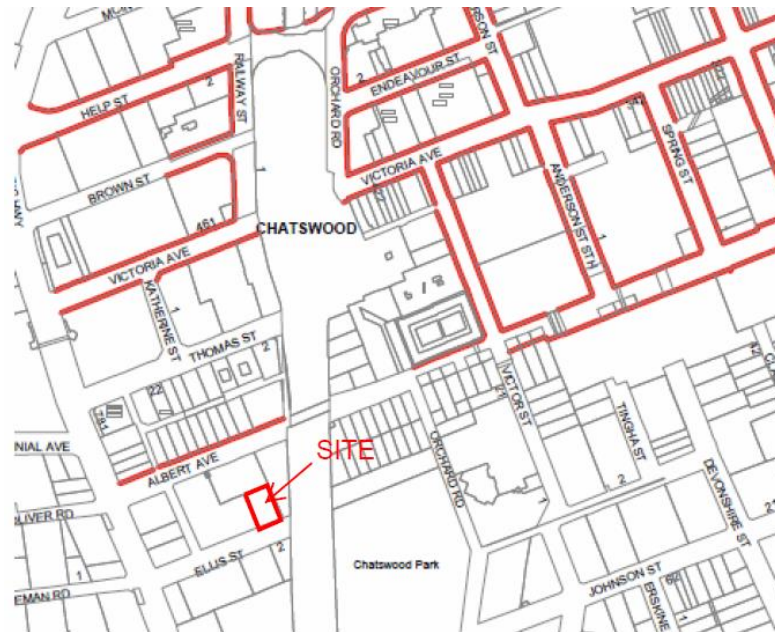


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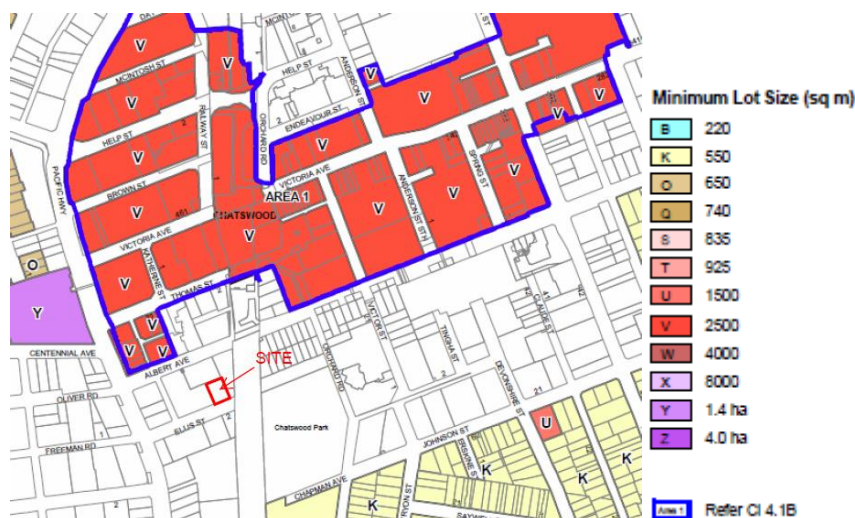
Willoughby LEP 2012 includes an Active Street Frontages Map that designates by a red line those road frontages where buildings are required to have active street frontages, as outlined in clause 6.7 of the LEP. An extract of the existing LEP Active Street Frontages Map for the Chatswood CBD area is shown below in **Figure 8A**. The subject land is not identified as requiring an active street frontage. It is proposed to include the Ellis Street frontage of the subject land on this Map as requiring an active street frontage.

**Figure 8A – WLEP 2012 Active Street Frontages Map Chatswood CBD**



Willoughby LEP 2012 includes a Lot Size Map that specifies minimum lot sizes for certain land within the Willoughby LGA. An extract of the existing LEP Lot Size Map for the Chatswood CBD area is shown below in **Figure 8B**. A minimum lot size is not prescribed for the subject land on this Map. It is proposed to include the subject land on this Map with a minimum lot size of 800m<sup>2</sup> prescribed.

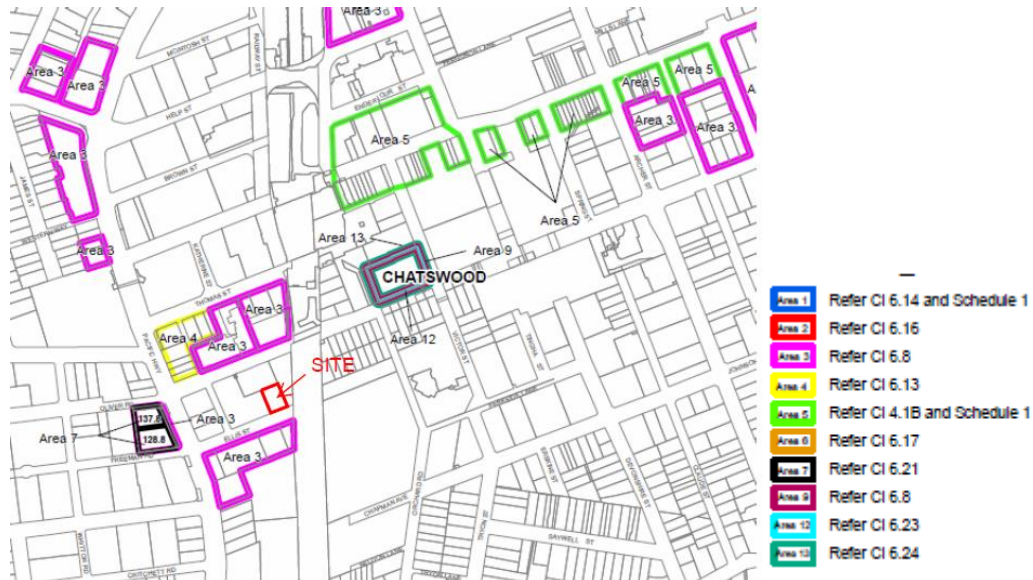
**Figure 8B – WLEP 2012 Minimum Lot Size Map Chatswood CBD**





Willoughby LEP 2012 includes a Special Provision Map which identifies various areas where special provisions apply. An extract of the existing LEP Special Provisions Map for the Chatswood CBD area is shown below in **Figure 8C**. The subject land is currently not identified as a site where special provisions apply. It is proposed to include the subject land on this Map, as an area where special provisions will apply.

**Figure 8C – WLEP 2012 Special Provisions Map Chatswood CBD**



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

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) adopted by Council, proposes to introduce new planning controls for the Chatswood CBD and within areas recommended for expansion of the Chatswood CBD. The CBD Strategy received endorsement from the Greater Sydney Commission in early 2020 and in early July 2020 received endorsement from the NSW Department of Planning Industry and Environment (DPI&E). Council will now commence preparation of a new LEP for the Chatswood CBD.

In offering its full endorsement of the CBD Strategy, DPI&E congratulated Council on the development of a comprehensive strategy that provides a platform for the growth, development and management of the Chatswood CBD for the next 20 years and offered 6 recommendations to be considered as part of Council’s finalisation of the CBD Strategy, prior to preparation of an amending Local Environmental Plan for the Chatswood CBD. The included 6 recommendations are reproduced and addressed as set out below.

1. Council in collaboration with Arup and Transport for NSW is to continue to progress its traffic and transport study. Any recommendations of this study are to be finalised prior to and incorporated within any amended or final Chatswood CBD Strategy.

Initial findings of the traffic and transport study indicate the implementation of transport improvements such as North Connex and the extension of the Metro Line to the Sydney CBD and beyond, the road system will be able to accommodate traffic generation likely to arise from new development anticipated under the CBD Strategy.

It is also recommended that off-street parking requirements currently applicable in Council's DCP be reduced to lessen reliance on private motor cars and encourage use of public transport, readily available within the Chatswood CBD. Parking for the proposed PP is based on the lower off-street parking rates currently under consideration by Council.

2. *Council should consider adopting a minimum non-residential FSR of less than 1:1 for any land within the proposed B4 Mixed use area below a maximum FSR of 6:1.*

The subject land is proposed to be zoned B4 Mixed Use, with an FSR of less than 6:1. Accordingly the proposed non-residential FSR of 0.52:1 is consistent with recommendation 2.

3. *Council is to implement the built form mitigation recommendations contained within GMU's Chatswood Precinct Urban Design Study in any amended or final Chatswood CBD Strategy. However, for any land where the maximum building height is reduced below 90m, a reduction in maximum FSR below 6:1 should also be proposed.*

The PP is for a building height of less than 90m and provides for an FSR of 4.8:1 which is materially less than 6:1. Recommendation 3 primarily relates to reduced building height and FSR on sites adjacent to heritage conservation areas (HCA). The subject land is not adjacent to an HCA. Increased FSR on the site will go some way towards compensating for the reduced development yield on sites adjacent to HCA's.

4. *Council should consider if the current lot size of 1200m<sup>2</sup> for the B4 Mixed use areas is sufficient to ensure a balanced delivery of the desired built form uplift and an improved public realm.*

This recommendation is not applicable to the PP for 3 Ellis Street, as the site is an isolated development site with an area of less than 1,200m<sup>2</sup> and it is not feasible to consolidate the site with any adjoining land, as detailed elsewhere in this PP Report. The adjoining sites have areas in excess of 1,200m<sup>2</sup>.

5. *Council should continue the progression of its public realm strategy, which should be integrated within the Chatswood CBD Strategy where practical.*

The proposal includes a plaza area fronting the site and upgrading of the public realm frontage of the site and a contribution towards public art.

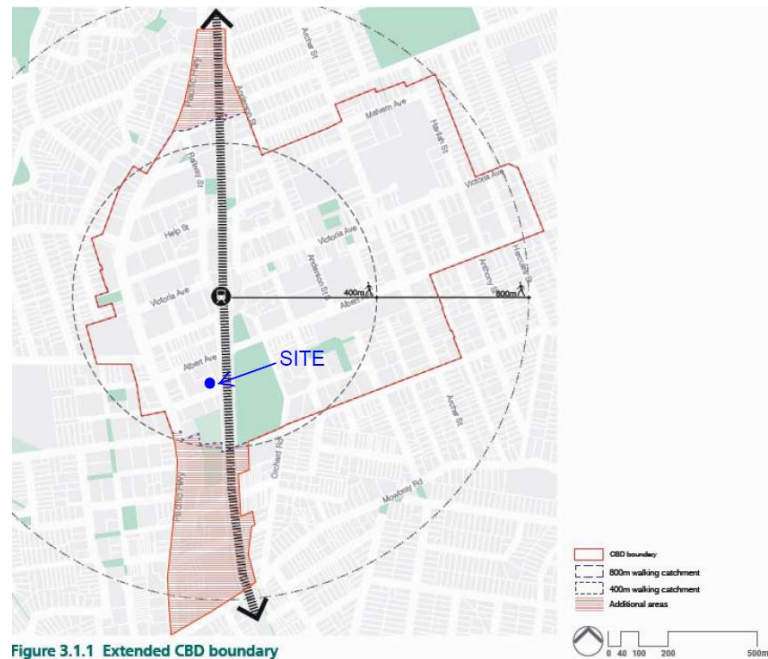
6. *Council should implement the heritage interface recommendations contained within Weir Phillips' Chatswood precinct Heritage Review report into any amended or final Chatswood CBD Strategy.*

This recommendation is not applicable. The subject land is not a heritage interface site.

The CBD Strategy identifies land on the eastern side of the Pacific Highway extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density by way of a building height and floor space bonus, subject to minimum site area criteria and provision of public benefit.

**Figure 9**, below, is a copy of Figure 3.1.1 from the CBD Strategy showing the existing and extended CBD boundary that has been endorsed by Council. The areas of expansion to the existing CBD boundary are shown coloured light red. The subject land is located within the existing CBD boundary, a short distance to the north of the proposed southern extension to the CBD.

**Figure 9 – Chatswood CBD Strategy Chatswood CBD Boundary**



As detailed in Section 2.2, the subject land is currently permitted to be developed to a maximum building height of 34m and maximum FSR of 1.7:1. The proposed planning controls retain the existing maximum building height and FSR controls, but with potential to achieve additional building height up to the sun access plan and additional FSR up to 2.5:1. **Figure 10**, below is a copy extract of the FSR and Building Height Maps from the CBD Strategy, showing the location of the subject land, within those maps.

**Figure 10 - Chatswood CBD Strategy Map Extracts Maximum FSR And Maximum Building Height**



While there is a nominal maximum building height of 90m for the subject land, the site is also affected by a sun access plane that constrains building height, where building height may potentially impact on mid-winter solar access to Chatswood Oval between the hours 11am to 2pm and the public open space located nearby to the south of the site. This area of public open space is currently used by the Chatswood Croquet Club and is proposed to be “sun access protected” between the hours 12noon to 2pm.

**Figure 11** below, is an extract from the CBD Strategy showing the sun access building height plane over the subject land and neighbouring properties. The proposed sun access plane primarily affects the subject land, where height is limited to between RL 127 and RL 134.5 along Ellis Street and between RL 142.5 and RL 150 along the rear boundary of the site.

**Figure 11 - Chatswood CBD Strategy Recommended Sun Access Maximum Building Height**



**Figure 12** below, shows in yellow the key public spaces that are sun access protected. It should be noted that the area shown green further to the south, is the Chatswood Bowling Club and associated bowling greens, which is zoned RE2 Private Recreation and is not sun access protected.

**Figure 12 Chatswood CBD Strategy Sun Access to Key Public Spaces**





Strict application of the sun access controls recommended in the Chatswood CBD Strategy would require that any proposed tower on the site have a maximum building height well below the typical maximum height of 90m applying outside the sun access plane, reducing to only 36m along the southern frontage of the site.

The proposed development area within the subject land is currently zoned R4 High Density Residential. The CBD Strategy recommends that land zoned R4 within the CBD, including the subject land, be zoned B4 Mixed Use. Accordingly, the Planning Proposal seeks rezoning of that part of the subject land zoned R4, to B4 Mixed Use so that the zoning of the site will be consistent with the zoning recommended in the CBD Strategy.

The CBD Strategy proposes a minimum site area of 1,200m<sup>2</sup> for residential development that proposes to take advantage of the bonus height and FSR provisions. The subject land has an area of 808.6m<sup>2</sup> and is therefore not compliant. However, the approval of the development of 84-86 Albert Avenue, resulted in the site becoming an isolated development site of less than 1,200m<sup>2</sup>, as illustrated in **Figure 13** on Page 15.

It has not been possible to consolidate the site with an adjoining site. The PP demonstrates that notwithstanding the minimum site area non-compliance, the site can be suitably redeveloped and includes potential for basement driveway connections to potential future development on sites to the north and east.

The Chatswood CBD Planning and Urban Design Study included an investigation of the existing pattern of development, which identified sites with potential for amalgamation, sites constrained for future development, and isolated smaller sites where potential for consolidation with adjoining land was not possible or highly unlikely. **Figure 13**, below, is an extract from the CBD Planning and Urban Design Study showing the pattern of amalgamation sites, including the subject land, located within central sector of the CBD. The subject land, coloured pink, is identified as an isolated site. It should be noted that development of the subject land does not result in the creation of any isolated development sites on adjoining land. All the adjoining land parcels have an area of at least 1,200m<sup>2</sup>.

**Figure 13 – CBD Planning & Design Study - Potential Site Amalgamation**



On paper, there is potential for the subject land to be consolidated with 1 or more of 3 adjoining sites, being 84-86 Albert Avenue to the east, 88 Albert Avenue to the north or 7-13 Ellis Street to the west. Each of these properties contains a substantial apartment building of 8 or 9 storeys and is fully developed under the current maximum FSR control of 1.7:1. No. 84-86 Albert Avenue. The other 2 properties are developed to an FSR of 1.6:1. The increase in FSR to 2.5:1 proposed in the CBD Strategy is insufficient to facilitate a redevelopment of any of the 3 properties adjoining the development site, in the foreseeable future. Accordingly, the subject land remains as an isolated development site.

Consideration has been given to a long-term scenario where by 1 or more of the adjoining properties is eventually redeveloped. The concept plans provide for the driveway access to the basement on the development site to be extended to the east and/or north via “break-out” walls to enable future development on those sites to utilise the proposed driveway access within the development site. A right-of-way over this driveway would be established in favour of both 84-86 Albert Avenue and 88 Albert Avenue.

The proponent has undertaken investigations to assess the potential for a driveway access to be provided within the development site, extending to the existing basement level of No. 84-86 Albert Avenue, so that both sites would only require a single access off Ellis Street. These investigations indicate that level differences, an existing large stormwater detention tank and a major structural beam make it impractical to provide such access, without a major reconstruction of the southern portion of No. 84-86 Albert Avenue.

Notwithstanding the significant structural and cost issues associated with the above option, if a substantial number of additional apartments could be constructed in the southern portion of 84-86 Albert Avenue, it may be viable to fund a shared vehicular access, utilising the proposed driveway for the development site, 3 Ellis Street.

The CBD Strategy proposes to increase the maximum FSR for 84-86 Albert Avenue from 1.7:1 to 2.5:1. This would allow almost 1,000m<sup>2</sup> of additional residential floor space on this property, which could be accommodated in the southern portion of the property, if the existing driveway is removed and the detention facility relocated/redesigned.

The concept plans for the PP include potential for a slim 9 storey mixed-use tower to be constructed within the southern portion of 84-86 Albert Avenue, adjoining, and complementing the proposed mixed-use tower on the development site. This concept is illustrated in **Figure 14** on the following Page 19 (potential 9 storey tower shown at right in the diagram) and would include a new driveway connection to the uppermost basement level on the development site and an additional basement level within the southern portion of 84-86 Albert Avenue.

Having regard to the circumstances of the case, it is considered reasonable to allow a variation to the CBD Strategy 1,200m<sup>2</sup> 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.

**Figure 14 – Potential Southern Tower for 84-86 Albert Avenue**



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. The CBD Strategy proposes the subject land and the immediate locality south of Albert Avenue and west of the railway line will have a maximum FSR of 2.5:1, compared to the typical 6:1 maximum FSR applying to the proposed B4 Mixed use Zone. The 2.5:1 maximum FSR reflects building height constraints imposed by the sun access plane, which is designed to maintain solar access to nearby public open space located within Chatswood Oval and Chatswood Croquet Club.

The PP Concept Plans have been prepared having regard to the sun access plane, accurate shadow impact studies and development of appropriate building setbacks and separation to neighbouring buildings. This process has been outlined in detail in the Urban Design Report, which establishes a building envelope designed to meet the development objectives of the CBD Strategy. This exercise has demonstrated that the building envelope can accommodate an FSR of up to 4.5:1 within an appropriate building form that does not adversely impact on solar access to the nominated public open space areas.

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, which must provide at least 20% (FSR 0.5:1) as commercial floor space, limiting residential yield to a maximum of 18 apartments. The site is not in a location where there is a high demand for commercial floor space, hence such floorspace is unlikely to yield a return on investment and provision of 2 basement service and parking levels, imposed a significant cost on a development of such modest scale.

Allowing an FSR of up to 4.5:1 for the subject land facilitates construction of 30 apartments generating sufficient return to meet site purchase and development costs, including provision of 4% affordable housing and value uplift levies, with sufficient return on investment to enable the project to proceed. The additional FSR does not result in a development form that conflicts with the objectives of the CBD Strategy, nor create any adverse environmental or amenity impacts.



The CBD Strategy envisages that new development will provide building separation in accordance with the SEPP 65 Apartment Design Guide. 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. This is addressed in detail in the Urban Design Report accompanying the PP.

The PP achieves general compliance with the tower building setback controls of the CBD Strategy, which require a building setback to all boundaries, equating to a ratio of 1m of setback to every 20m of building height. Full compliance is achieved to the southern, western, and northern boundaries of the site.

A variation is sought with respect to the eastern side boundary where the adjoining apartment building at 84-86 Albert Avenue is offset to the north of the building proposed for the development site, so that the interface to the east is to the landscaped front setback and driveway of No. 84-86 Albert Avenue. Applying an average side setback to the eastern boundary in circumstances where the site is relatively narrow, facilitates building articulation to the eastern elevation.

As noted above, the averaging approach allows for increased building articulation to the eastern elevation and achieves the objectives of the setback control. Such an outcome also assists the enhancement of building presentation and visual interest to Frank Channon Walk.

The Chatswood CBD Strategy sets out required street frontage heights and associated setbacks, as shown for the site and locality below, in **Figure 15**. A mixed-use frontage with ground floor commercial in street wall form with street frontage height of between 6m and 14m, with minimum tower front setback of 3m is required for the site.

**Figure 15 – Chatswood CBD Strategy Map Extract Street Frontage Heights**



The proposed tower component of the building will have a complying front setback of 3m. The 2 storey commercial podium has a complying height but provides a 2m front setback to Ellis Street and 3m to the western side boundary, rather than a street wall form.

The CBD Strategy anticipates that the podium be constructed to the street frontage across the whole width of the site in the form of a street wall building. As noted above, the PP proposes a 2m podium front setback to Ellis Street, due to the relative narrowness of the existing footpath in Ellis Street. The additional front setback provides for some public space and landscaping along the frontage of the site and additional space to accommodate street tree canopy. The 3m podium (and basement) setback to the western side boundary facilitates retention of 2 large trees within the neighbouring property, located close to the common shared side boundary.

The Concept Plans achieve the objectives of the CBD Strategy with respect to presenting an active street frontage and human scale at street level, with the visual impact of driveways minimized.

The Concept Plans suitably respond to the visual prominence of the site, as viewed from Frank Channon Walk, a well utilized pedestrian and cycleway link from the south to the Chatswood CBD. The attractive presentation of the proposed development, as envisaged in the Concept plans, is illustrated in the 3D CGI shown below in **Figure 16**.

**Figure 16 – CGI of Development Concept as viewed from Frank Channon Walk**



The CBD Strategy includes 35 Key Elements designed to guide future development within the Chatswood CBD. The applicable Key Elements are identified and addressed in the Key Elements Assessment attached at **Appendix E**. The requested variations with respect to minimum site area, FSR, maximum building height and eastern tower side setback, as outlined above arise from the particular circumstances of the site, achieve the objectives of the applicable Key Elements and are considered worthy of support.

### 3. THE PLANNING PROPOSAL

#### 3.1 The Planning Proposal – Amendment to Willoughby LEP 2012

The Planning Proposal seeks to amend WLEP 2012 to rezone the subject land at 3 Ellis Street, Chatswood from R4 High Density Residential to B4 Mixed Use and include development incentives for the subject land to facilitate redevelopment of the site for the purposes of a prestige high-rise mixed-use building, to replace the existing outdated 3 storey apartment building with undercoft ground level car parking. parcels, designed to encourage site consolidation and redevelopment in accordance with the development outcomes envisaged in the Chatswood CBD Strategy and subject to provision of public benefits in the form of affordable housing, road widening and additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from 1.7:1 to a maximum of 4.5:1 (including affordable housing) and building height to be increased from 34m to a maximum of 44m. The requested increase in FSR and building height will enable viable redevelopment of the land in a form commensurate with the objectives of the CBD Strategy and the desired future character for the CBD. The PP includes provision of public benefits including affordable housing and additional developer contributions arising from value uplift, made possible by permitting additional development yield.

Endorsement of the Planning Proposal seeks to amend WLEP 2012 will enable the land to be rezoned to B4 Mixed-Use, as anticipated by the CBD Strategy and provide for a building envelope capable of accommodating up to 3,700m<sup>2</sup> of assessable gross floor area (GFA) within a podium and slim tower building form comprising a 3 levels of basement parking, a 2 storey commercial podium, with a 12 storey residential tower above.

The 2 storey podium is to comprise at least 420m<sup>2</sup> of commercial/retail floor space over 2 levels, and a separate ground floor residential lobby. An area of deep soil common open space is provided at the rear and western sides of the podium. Additional residential common open space is provided above the podium at the rear. The 12 storey residential tower above contains up to 30 units. The 3 basement levels include a truck bay, waste storage, plant, bicycle parking and car parking for 39 cars, including 3 commercial parking spaces. The residential GFA of 3,221m<sup>2</sup> includes 124m<sup>2</sup> of affordable housing, equating to 4% of total private residential floor space (3,097m<sup>2</sup>).

The provision of additional building height up to 44m and FSR up to 4.5:1 is proposed to be implemented by way of introduction of a new LEP sub-clause for the site, relating to maximum building height and FSR, where public benefits are made available. A minimum non-residential FSR of 0.5:1 is provided within the total FSR of up to 1.7:1. A base FSR of 1.7:1 and base maximum building height of 34m would remain, so that the additional height and FSR is only achieved by way of a Voluntary Planning Agreement, provision of a minimum site area of 800m<sup>2</sup>, inclusion of the site as an affordable housing site I WLEP 2012 and undertaking of a design excellence process.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land. These controls would include a minimum podium setback of 2m to Ellis Street and 3m to the western side boundary. Minimum tower building setbacks of 3m to Ellis Street and the western side boundary and 9m to the northern side boundary would apply, with an average tower building setback of 3m to the eastern side boundary applying in accordance with the Concept Plan.



### 3.2 Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

- (a) Provide a floor space and building height yield that is commensurate with the site's location adjacent to the CBD Core and close to the Chatswood CBD and transport interchange and in a manner consistent with the desired future character for the Chatswood CBD.
- (b) Provide an increased floor space and building height that enables a viable redevelopment of the site and additional housing and employment.
- (c) Facilitate removal of an existing outdated apartment building on an underdeveloped site and its replacement with a prestige high-rise mixed-use building the provides for improved urban design and development outcomes, including an active street frontage and enhanced presentation to Frank Channon Walk.
- (d) Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the CBD Strategy.
- (e) Enable more economic and efficient use of land in a location that is highly accessible to retail, public transport and other services.
- (f) Provide affordable housing on a site that currently is not required to provide affordable housing.
- (g) Provide for developer levies, in addition to Council's Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- (h) Maintain existing mid-winter solar access to sun-protected public open space areas.
- (i) Maintain reasonable neighbour amenity with respect to privacy, solar access and views commensurate with community standards in a high-density area.

### 3.3 Intended outcomes

The preparation of the Planning Proposal and potential building envelope has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the CBD Strategy. This analysis has included site context, topography, aspect, solar access to public open space, relationship to neighbouring development, traffic and access, viability, development trends and market expectations.

The existing outdated apartment building does not enhance the streetscape or character of the locality, or suitably reflect the locational context adjoining existing and planned high-rise development in the CBD. Removal of the existing 1970's 3 level apartment building with undercroft parking and its replacement with higher density mixed use development is consistent with the objectives of the Chatswood CBD Strategy.

Implementation of the Planning Proposal will allow the number of apartments accommodated on the site to increase by 21, from 9 up to 30. In addition to a substantial number of construction jobs, the Planning Proposal will provide 42 ongoing jobs on the site.

The Planning Proposal would allow viable redevelopment of the subject land to provide for high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of house available for families seeking a house and garden lifestyle.

The residential tower design facilitates district views for most occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.

Including potential driveway connections to neighbouring sites to the north and east creates potential for a future reduction in the number of driveways and improves the potential for future redevelopment of those adjoining sites.

The Planning Proposal provides an opportunity to enhance the public domain at the eastern end of Ellis Street, including the possibility of widening the footpath on the northern side of Ellis Street and the creation of a shared zone and improved pedestrian environment.

The form of the proposed tower envelope has been designed to maintain solar access to sun protected public open spaces and reasonable solar access to nearby residential properties.

The extent of shadowing will not increase to Chatswood Oval or the croquet and tennis court facilities, during the nominated hours for solar access for those public spaces, beyond those shadows cast by existing buildings in the locality.

Detailed tower design will ensure reasonable neighbour privacy is maintained. The introduction of a taller building will impact to some extent on views from the more elevated apartments of neighbouring residential properties. However, reasonable view sharing is maintained having regard to the context of the site within a high-rise CBD location that has been specifically planned to accommodate increased building heights and densities.

By including substantial public benefits in the Planning Proposal, such as affordable housing and additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

The requested changes to the existing Willoughby LEP 2021 planning controls applicable to the site will enable the above outcomes to be achieved. The proposed LEP amendments for the site are summarized as follows:

- Amend the maximum building height to 44m
- Amend the maximum floor space ratio to 4.5:1
- Amend the Special Provisions Map to identify 1-3 Ellis Street as “Area 8”
- Amend the lot size map to indicate a minimum lot size of 800m<sup>2</sup>

- Amend the Active Street Frontages Map to include the site's Ellis Street frontage as an active frontage
- Apply a minimum non-residential floor space ratio of 0.5:1 to the site under clause 4.4B
- Apply clause 5.6 Architectural Roof Features to the site.
- Amend clause 6.8(2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Map.
- Amend clause 6.23(2) to include "Area 8 or Area 12" on the Special Provisions Map
- Introduce clause 6.5 Sun access to protect public open space and heritage conservation areas from overshadowing.
- Add the site to Schedule 1 Additional Permitted Uses to specify use of certain B4 zoned land in Chatswood and allow non-residential FSR in residential flat buildings.

The above amendments to Willoughby LEP 2021 are to be supported by an amendment of the Willoughby Development Control Plan (WDCP) to include site specific DCP development controls, as outlined in the Site Specific Draft DCP Provisions attached at **Appendix I**.

### 3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. These benefits are to be included in a Voluntary Planning Agreement (VPA), as well as the site being designated in WLEP 2012 for affordable housing. The public benefits are summarised as follows.

#### (a) Voluntary Planning Agreement (VPA) Additional Developer Levies

The CBD Strategy proposes that where approval is sought for additional floor space and building height, beyond that provided for in the current planning controls, an additional developer levy is payable for value uplift. This levy is in addition to Council's standard s7.12 levies and applies to the residential component of the building. The amount payable per square metre will be specified in Council's proposed Community Infrastructure Contributions Scheme (CIS)

The subject land is currently permitted to have a maximum FSR of 1.7:1, which yields an assessable residential gross floor area (GFA) of up to 1,375m<sup>2</sup>. The proposed development (excluding 124m<sup>2</sup> of affordable housing and commercial floor space etc) will have an assessable residential (private) gross floor area of up to 3,097m<sup>2</sup>, or an increase of up to 1,722m<sup>2</sup> above an FSR of 1.7:1.

The VPA Letter of Offer proposes an additional developer contribution to Council's CIS. The contribution is used by Council towards funding infrastructure and community facilities identified for the area in the CIS.

The proponent will also contribute towards the delivery of public art as part of the design excellence process in accordance with Council's Public Art Policy.

#### (b) Provision of Affordable Housing

The Planning Proposal includes provision of 4% of residential floor space within the proposed development for affordable housing on the site. This is to be achieved by identifying the site as an affordable housing site, within WLEP 2012, as a site deemed eligible for increased development yield.



Accordingly, the proposal will include 124m<sup>2</sup> of residential floor space in the building, to be provided to the Council or a nominated community housing organisation, in accordance with Council's Affordable Housing Policy.

In addition to the above, the proposal will also generate more than double the Section 7.12 levies to Council, compared with a development that has a maximum FSR of 1.7:1. A copy of the Letter of Offer, with respect to the VPA, is attached at **Appendix J**.

### 3.5 Concept Plans of Proposed Development

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

Urban design analysis, including shadow impact assessment and the development of an appropriate building envelope for the site is contained in the Urban Design Report prepared by GMU and attached at **Appendix B**.

Concept plans in the form of a reference design, together with a development schedule for the proposed redevelopment of the subject land, have been prepared by MGA and are attached at **Appendix B**. The concept plans provide for redevelopment of the site in the form of a high-rise mixed-use building, comprising basement car parking, a 2 storey commercial podium, including separate residential lobby and a 12 storey residential tower above. This is illustrated in **Figure 17**, below.

**Figure 17 – Proposed Mixed-Use Building Concept**



The Concept Plan illustrates a building form that is fully compliant with the 1:20 tower building setback ratio, subject to applying the setback ratio as an average setback to the eastern side boundary.

While the height of the building extends above the sun access plane, there is no increase in mid-winter shadow to the sun protected public open space areas comprising Chatswood Oval and the Chatswood Croquet Club greens and tennis courts, as demonstrated in the shadow impact assessment contained in the urban Design Report. It should be noted that the Chatswood Bowling Club and associated bowling greens is a private recreation facility and is not sun access protected. Notwithstanding this, there is no additional shadow created to this facility.

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, as illustrated in the CGI view below, at **Figure 18**.

**Figure 18 – CGI View – Building presentation to Ellis Street & Frank Channon Walk**



The proposed podium is setback 3m from the western side boundary to provide a deep soil area of 105m<sup>2</sup> (13% of site area) along this boundary, which ensures there is no material impact on the 2 adjoining large trees, within 7-13 Ellis Street. Common open space is provided at the rear of the site, at both ground level and above the podium, with a northerly aspect to maximise solar access.

The 5.5m wide access driveway extends north from the southeast corner of the site to the basement parking levels. The uppermost basement level contains a truck bay with turntable, plant rooms and waste storage. The 2 parking levels in the basement provide for 39 car spaces and resident storage. 1 resident car space is provided for each of the 1, 2 and 3 bedroom units, 2 for the 4 bedroom unit, 3 car spaces for the commercial tenancies and 5 car spaces are provided on a shared basis for visitor and commercial tenancy customer parking, 1 of which could be a car share space, if required.

The 2m podium front setback allows some landscaped open space along the frontage of the site to provide a more generous public domain, compensating for the relatively narrow public footpath fronting the site. The podium front setback also allows more space for street tree canopy, with 2 large street trees proposed, west of the driveway entrance.

The podium includes 2 levels of commercial floor space, comprising 1 small suite at each level, north of the lift/stair core and a large 2 level commercial tenancy within the eastern side of the podium, adjoining the residential lobby. 2 lifts are provided to service the 12 storey residential tower.

Concept plans of the ground floor and level 1 of the podium are reproduced below in **Figures 19 and 20.**

**Figure 19 – Concept Plan Design Ground Floor Plan**





**Figure 20 – Concept Plan Design Level 1 Plan**



The 12 storey residential tower contains 30 apartments, comprising 1 x 1 bedroom unit, 18 x 2 bedroom units, 10 x 3 bedroom units and 1 x 4 bedroom unit. Residential tower floor plates are of modest size facilitating a slim tower form and provide for 3 apartments on each level up to Level 12, comprising a mix of predominantly 2 and 3 bedroom apartments.

Level 11 contains 2 x double storey 3 bedroom apartments, with 1 x 3 storey 4 bedroom apartment in the northeast corner of the building. The southeast corner, along the southern side, contains the lower level of the double storey apartments. Above Level 12, a loft level contains the living area for the 3 storey apartment and a private roof terrace. All units receive at least 2 hours solar access in midwinter and all units are cross-ventilated.

**Figure 21** below, shows a typical floor plan for Levels 3 to 9, which provides for an average eastern building setback equating to a setback to height ratio of at least 20:1.

**Figure 21 Concept Plan Design Residential Levels 3 to 9**



## 4. JUSTIFICATION OF THE PLANNING PROPOSAL

### 4.1 Section A – Need for the Planning Proposal

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

Yes.

The Planning Proposal arises from the adoption by Council of the Chatswood CBD Planning and Urban Design Strategy. This Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries.

The subject land is located within the existing and proposed CBD boundaries and is identified for an increase in maximum building height up to the nominated sun access plane (between 29.9m and 53.4m) and an increase in floor space ratio (FSR) up to 2.5:1. Increased development densities and building heights in the CBD are intended to accommodate anticipated demand for additional housing in the Willoughby Local Government Area (LGA) as envisaged in the Greater Sydney Region Plan – A Metropolis of 3 Cities Plan for Growing and the North District Plan (2018).

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

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

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

The Planning Proposal is also justified by an analysis of the site's context, location, constraints and opportunities.

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

Yes – there is no better way. The requested variation to maximum building height and FSR is greater than could reasonably be considered under the development standards variation clause in WLEP 2012.

#### 4.1.3 Is there a net community benefit?

Yes. The subject site is capable of providing additional housing opportunities in a convenient location within easy walking distance of shops, services and high frequency public transport. Increased development yield will result in payment of additional Section 7.12 infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

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

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

## 4.2 **Strategic Planning Context**

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

*A Plan for Growing Sydney 2014*

The Sydney Metropolitan Plan – A Plan for Growing Sydney 2014 (the Metro Plan) was released in 2014 and provides high level strategic planning direction for the Sydney Metropolitan Area. The Metro Plan recognises Sydney as a global city and provides a framework for the development of Sydney through to 2036.

The Metro Plan provides key directions and actions to guide Sydney's productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space. Chatswood is nominated as one of Sydney's strategic centres under the Metro Plan and the Chatswood CBD is identified for growth in mixed use development including offices, retail, services and housing.

A Plan for Growing Sydney has since been replaced by *The Greater Sydney Region Plan – A Metropolis of 3 Cities* and is no longer relevant to a strategic assessment of the Planning Proposal.

*Greater Sydney Region Plan – A Metropolis of 3 Cities*

The Greater Sydney Region Plan – A Metropolis of 3 Cities (GSRP), prepared by the Greater Sydney Commission in 2017 and adopted in 2018, is essentially a review and update of the Sydney Metropolitan Plan – A Plan for Growing Sydney and replaces that Plan with respect to strategic planning for the Greater Sydney Region.



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

The 4 key themes of the GSRP are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. With respect to housing, the GSRP advocates a greater housing supply, which is more diverse and affordable and is in the right location. In the Eastern Harbour City the provision of additional housing is proposed to occur by way of a process of urban renewal, with increased densities focused in locations close to employment and with good quality public transport and accessibility to infrastructure and services.

The Planning Proposal supports a number of the planning objectives of the GSRP including Objective 11 – Greater housing supply, Objective 11 – Housing is more diverse and affordable, Objective 12 – Great places that bring people together, Objective 14 – Integrated land use and transport creates walkable and 20 minute cities, and Objective 22 – Investment and business activity in centres.

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

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

#### *North District Plan Connecting Communities*

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

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

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

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

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

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

With respect to Willoughby, the North District Plan places emphasis on urban renewal in locations that have regard to the capacity of existing and proposed infrastructure. Opportunities around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability area advocated. The PP for 3 Ellis Street directly aligns with this planning principle.

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

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

The following table provides an assessment of the Planning Proposal with respect to consistency with the Directions and applicable Planning Priorities/Actions of the North District Plan.

North District Plan Consistency Assessment Table

DIRECTION	PLANNING PRIORITY/ACTION	ASSESSMENT
A city supported by infrastructure	N1 – Planning for a city supported by infrastructure.	The proposal includes significant developer contributions towards the provision of new infrastructure identified by Council as being necessary to service increased demand arising from anticipated new development in the Chatswood CBD.
A city for people	N3- Providing services and social infrastructure to meet people's changing needs.	Proposed commercial floor space will create opportunities for additional services for the Willoughby community. Proposed developer contributions will enable funding of enhanced social infrastructure. Increased residential population in the Chatswood CBD will contribute to creating a city for people.

	N4 – Fostering healthy, creative, culturally rich and socially connected communities.	The site is strategically located close to cultural, recreational, retail, transport, entertainment, dining, employment and other facilities that foster healthy, creative, culturally rich and socially connected communities.
Housing the city	N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.	The proposal will provide 30 dwellings comprising a mix of apartment sizes, including 4% affordable housing, in a location within easy walking distance of jobs, services and public transport.
A city of great places	N6 – Creating and renewing great places and local centres and respecting District heritage.	The proposal contributes to urban renewal in Chatswood by replacing an existing outdated low-rise apartment building that detracts from the desired future character of the Chatswood CBD.
Jobs and skills for the city	<p>N8 – Eastern economic corridor is better connected and more competitive.</p> <p>N10 – Growing investment, business opportunities and jobs in strategic centres.</p> <p>N13 – Supporting growth of targeted industry sectors.</p>	<p>The Chatswood CBD is a major centre within the Eastern economic corridor. Providing new opportunities for housing and employment will contribute to economic growth in the corridor in a well-connected location.</p> <p>The proposal represents a major investment in the Chatswood CBD and provides for an additional 42 jobs and new business opportunities within the proposed commercial floor space.</p> <p>The proposal supports the objective of creating the growth of mixed-use development adjoining the commercial core of the Chatswood CBD and the expansion of commercial floor space.</p>
A well-connected city	N12 – Delivering integrated land use and transport planning and a 30 minute city.	The subject land is strategically located within the Chatswood CBD within easy walking distance of Chatswood Railway Station and Transport Interchange.
A city in its landscape	N17 – Protecting and enhancing scenic and cultural landscapes.	The site is located within a treed landscape close to Chatswood Oval and the croquet club. The scenic qualities and streetscape of the locality will be improved by replacement of an existing outdated and unattractive building. Reasonable view sharing is achieved.



An efficient city	N21 – Reducing carbon emissions and managing energy, water and waste efficiently.	The future building will be designed to optimise energy, water and waste efficiency. The sites location within easy walking distance of public transport, services and employment reduces car dependency and the extent of private vehicle trips, thereby reducing carbon emissions.
A resilient city	N22 – Adapting to the impacts of urban and natural hazards and climate change.	The future building can be designed to address any impacts from overland flow and the impacts of climate change, with respect to increasing temperatures, changes in rainfall and weather conditions.

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

##### *Chatswood CBD Planning and Urban Design Strategy 2036*

The Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy) provides a planning framework for the future development of the Chatswood CBD and is designed to accommodate future growth within the Chatswood CBD and proposes increased building heights to encourage new higher density development in the CBD.

The Chatswood CBD Strategy has informed the preparation of the Council's Draft CBD Planning Proposal and is also used to inform and assess site specific Planning Proposals for land within the Chatswood CBD, such as the subject land at 1-3 Ellis Street. The planning provisions of the Chatswood CBD Strategy are considered in relation to the Planning Proposal for the subject land in Section 2.3 of this Planning Proposal Report

The Chatswood CBD Strategy requires that Planning Proposal be consistent with the Key Elements in Section 3.1 of the Strategy relating to future LEP and DCP controls. An assessment of the Planning Proposal against the Strategy Key Elements is attached at **Appendix E**. This assessment demonstrates that the Planning Proposal is substantially consistent with the applicable Key Elements, apart from minimum development site area.

The subject land has an area of 810m<sup>2</sup>, some 390m<sup>2</sup> less than the recommended minimum development site area in the Chatswood CBD Strategy. As noted in Section 2.3 of this Planning Proposal Report, the subject land is an isolated development that is not feasibly able to be consolidated with an adjoining site. The Site Specific DCP includes provision for future basement vehicular access to existing sites to the north and east, should those sites be redeveloped in the future. As outlined in Section 2.3 a reduced minimum development site area is considered reasonable for the subject land, having regard to site circumstances.

##### *Willoughby Local Strategic Planning Statement*

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

WLSPS aims to direct increased housing density to the “right location” and identifies 3 focus areas for new housing located within walkable distance of strategic and local centres. A substantial portion of the Chatswood CBD, including the subject land is identified as a focus for higher density housing. The Focus Area Map in the WLSPS is reproduced below in **Figure 23**, below.

### Figure23 – WLSPS Focus Area Map



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

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

The subject land complies with all the above requirements for increased housing density and is located within the edge area of the Chatswood CBD identified to accommodate increased housing density within a B4 Mix-use Zone.

## *Our Future Willoughby 2028*

Willoughby's Community Strategic Plan *Our Future Willoughby 2028* provides the community's long-term vision and priorities for the future of the City of Willoughby. This recently adopted Community Strategic Plan provides a vision for Willoughby which envisages a City that is green, connected and inclusive, liveable, prosperous, vibrant, effective and accountable. Elements of the Community Strategic Plan that are supported by the Planning Proposal include:

- Increase in the number of journeys to work that do not use a motor vehicle
- Increase in people living and working in the Willoughby LGA
- Increased housing and employment accessible to high frequency train and bus services and promote a walkable town centre
- Providing housing supply, choice and affordability with access to jobs, services and public transport
- Contributing to urban renewal and housing supply
- Growing investment, business opportunities and jobs in strategic centres

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

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

In recognition of the mixed-use zoning, commercial floor space is proposed on the ground floor and western portion of the first floor in a format suitable for commercial uses seeking a more affordable city edge location. There are currently no employment land uses on the site. The proposed 420m<sup>2</sup> commercial floor space is likely to provide space for up to 42 ongoing jobs. Such an outcome is consistent with the objective of providing increased employment in strategic centres.

The siting of the proposal within easy walking distance to the Chatswood Transport Interchange and retail and other services within the Chatswood CBD contributes to achieving the objective of reducing car dependency and increased active transport, such as walking and cycling.

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

The Planning Proposal is consistent with the vision and outcomes of *Our Future Willoughby 2028*.



### *Willoughby Housing Strategy 2036*

As noted in consideration of the strategic planning framework, Willoughby City Council has prepared, exhibited and in December 2019, adopted the Willoughby Housing Strategy 2036, which addresses the future housing needs of the Willoughby LGA, as outlined in the North District Plan (NDP).

The Willoughby Housing Strategy aims to ensure there will be sufficient housing supply and mix of housing to meet housing requirements as anticipated in the NDP. Increased housing density is to be focussed in larger centres and locations within walkable distance of transport and other services. It is also proposed to increase the supply of affordable housing. The Strategy is designed to protect existing low-density housing areas, including the many heritage conservation areas from increased density to maintain the character of those areas and in the interests of housing choice and diversity.

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

Consistent with the Willoughby Local Strategic Planning Statement, the Housing Strategy focus increased housing densities into 3 focus areas, as shown on the map at **Figure 23**. The subject land is located within Focus Area 2 (coloured purple on the map), which comprises the Chatswood CBD, as defined in the Chatswood CBD Strategy. Focus Area 2 includes the proposed B4 Mixed-Use Zone that is planned to extend around the CBD Commercial Core.

The Planning Proposal is consistent with the objectives of the Willoughby Housing Strategy and the site is within the proposed mixed-use area located on the edge of the Chatswood CBD Core. Increased housing density on the subject land, in the form of 30 new apartments, compared to the existing 9 outdated apartments and provision of additional affordable housing (4% of residential floor space) is consistent with Council's Housing Strategy.

### *Willoughby Integrated Transport Strategy 2036*

The Willoughby Integrated Transport Strategy 2036 adopted by Council in August 2020 is designed to provide an “*overarching framework for transport planning and initiatives across the Willoughby local government area to 2036.*” The Strategy aims to achieve 5 key transport outcomes relating to matters such as sustainability/promotion of walking and cycling, efficient local and regional connectivity accessible to all, contribute to vibrant, liveable and safe places, support the local economy, efficiently manage congestion and parking demand, embrace smart technology and respond to community needs.

The Planning Proposal is consistent with the Willoughby Integrated Transport Strategy 2036 in that it will:

- Provide increased housing density and additional employment in close proximity to Chatswood Railway Station and Transport Interchange.
- Its location within easy walking and cycling distance of a wide range of services, retail and employment area will encourage active transport and reduced car dependency.

- Adopts reduced on-street parking rates to minimise reliance on private motor vehicles and traffic generation.

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

##### *State Environmental Planning Policies*

The only State Environmental Planning Policies (SEPPs) relevant to this planning proposal are SEPP 55 Remediation of Land, SEPP (BASIX) 2004, SEPP 65 Design Quality of Residential Apartment Development, SEPP (Infrastructure) 2007, SEPP (Affordable Rental Housing) 2009 and SEPP No. 70 Affordable Housing (Revised Schemes).

SEPP	Consistency
<b>SEPP 55 – Remediation of Contaminated Land</b>  This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.	The site has a long history of residential use and is not the subject of land contamination risk. A preliminary risk assessment under SEPP 55 is included. Demolition waste would be managed in accordance with Australian Standards to ensure safe management and disposal of any potentially contaminated demolition waste. This would be dealt with at the development application stage.
<b>SEPP (BASIX) 2004</b>  Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.	This SEPP will apply to future proposed apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.
<b>SEPP 65 – Design Quality of Residential Flat Development</b>  This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.	This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards.  Adequate tower building separation is provided to adjoining and adjacent sites. All apartments will comply with minimum floor areas and other design criteria specified in the ADG. All apartments are provided with cross-ventilation and at least 2 hours mid-winter solar access.  A SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site. A SEPP 65 ADG assessment relating to primary design principles is included in the Urban Design Report ( <b>Appendix C</b> ). An ADG Compliance table is attached at <b>Appendix D</b> and indicates an acceptable level of compliance can be achieved.
<b>SEPP (Infrastructure) 2007</b>  This SEPP includes provisions relating to traffic generation and development near railway lines and major roads.	The traffic generating provision of SEPP Infrastructure 2007 will need to be considered in the assessment of a future DA. No direct vehicular access is proposed to any highway, arterial or sub-arterial road. The future development will include measures to minimise noise incursion from the adjoining railway line.

SEPP	Consistency
<b>SEPP (Affordable Rental Housing) 2009</b>  This SEPP aims to encourage the provision of affordable housing and includes measures to minimise loss of existing affordable housing.	The existing development does not provide rental housing for those on low income and is not precluded from demolition by SEPP ARH 2009. 4% of residential floor space will be provided as affordable housing. The Planning Proposal is consistent with SEPP ARH 2009.
<b>SEPP NO. 70 – Affordable Housing</b>  This SEPP identifies there is a need for affordable housing and sets out requirements with respect to the imposition of conditions relating to the provision of affordable housing.	The Planning Proposal provides for 4% of residential floor space to be provided and is therefore consistent with SEPP No. 70.

#### *Regional Environmental Plans*

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

#### 4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>1. EMPLOYMENT AND RESOURCES</b>	
<b>1.1 Business and Industrial Zones</b> The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Not Applicable – the site is zoned residential. The proposed B4 Mixed Use Zone will increase the amount of employment land and employment opportunities, an outcome that supports the objectives of the Chatswood CBD Planning and Urban Design Strategy.
<b>1.2 Rural Zones</b>	Not Applicable
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	Not Applicable
<b>1.4 Oyster Aquaculture</b>	Not Applicable
<b>1.5 Rural Lands</b>	Not Applicable
<b>2. ENVIRONMENT AND HERITAGE</b>	
<b>2.1 Environment Protection Zones</b> The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.	Not Applicable (The site and adjoining lands are not identified as environmentally sensitive).
<b>2.2 Coastal Protection</b>	Not Applicable
<b>2.3 Heritage Conservation</b> The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not Applicable (The site and adjoining lands are not identified as containing any items, areas, objects or places of environmental heritage or indigenous heritage significance). There is substantial separation distance to



<b>DIRECTION</b>	<b>CONSISTENCY Yes/No or Not Applicable</b>
	the nearest heritage items, which are located north of Albert Avenue (Chatswood Public School and the former fire station building at 767 Pacific Highway)
<b>2.4 Recreation Vehicle Areas</b>	Not Applicable
<b>2.6 Remediation of Contaminated Land</b>	The subject land has had a long history of residential use and has not been identified as potentially contaminated land, nor have any activities been conducted on the site that would potentially result in land contamination. A preliminary contamination assessment is attached at <b>Appendix L</b> and confirms the land is suitable for residential use.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<b>3.1 Residential Zones</b> The objectives of Direction 3.1 are:  To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services. To minimise the impact of residential development on the environment and resource lands.	YES - The site is located within an R4 High Density Residential Zone. The proposed rezoning to B4 Mixed Use will maintain high density housing opportunities for the site, in the form of shop-top housing apartments. The increased residential density provides for a broad mix of apartments sizes that will provide for existing and future housing needs. The proposal provides significant increased housing choice, makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not Applicable
<b>3.4 Integrating Land Use &amp; Transport</b>  The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing and employment in a location which is within easy walking distance of a city centre offering employment and services, including high frequency public transport services and excellent access to jobs and services in the Chatswood CBD and by way of high frequency public transport, to other major employment centres such as the Sydney CBD and North Sydney CBD and other nearby employment centres such as Macquarie Park, St Leonards and the Artarmon Industrial Area.
<b>3.5 Development Near Licensed Aerodromes</b>	Proposed maximum building height does not penetrate into the Obstacle Limitation Surface.
<b>3.6 Shooting Ranges</b>	Not Applicable
<b>4 HAZARD AND RISK</b>	
<b>4.1 Acid Sulfate Soils</b>	Not Applicable
<b>4.2 Mine Subsidence and Unstable Land</b>	Not Applicable
<b>4.3 Flood Prone Land</b>	Not Applicable. The site is not flood prone land.
<b>4.4 Planning for Bushfire Protection</b>	Not Applicable

DIRECTION	CONSISTENCY Yes/No or Not Applicable
<b>5. REGIONAL PLANNING</b>	
<b>5.1 Implementation of Regional Strategies</b> The objective of this Direction is to ensure that draft LEPs are consistent with the nominated regional strategies.	YES. The Planning Proposal is consistent with the Greater Sydney Region Plan and the North District Plan.
<b>5.2 Sydney Drinking Water Catchment</b>	Not Applicable
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not Applicable
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	Not Applicable
<b>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)</b>	Not Applicable
<b>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</b>	Not Applicable
<b>5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</b>	Not Applicable
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	Not Applicable
<b>6. LOCAL PLAN MAKING</b>	
<b>6.1 Approval and Referral Requirements</b> The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DAs to a Minister or Public Authority and does not identify any development as designated.
<b>6.2 Reserving Land for Public Purposes</b>	Not Applicable (no land is proposed to be reserved for public purposes)
<b>6.3 Site Specific Provisions</b> The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.	YES – the proposal seeks to reduce the level of restriction of height and FSR controls. Indeed, the opposite is the case, with increased development density proposed. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative plans of a potential future mixed-use podium and tower building are included in order to objectively assess the implications of allowing increased building height and FSR.

#### *Department of Planning's Criteria for Spot Re-zonings*

This planning proposal has been assessed having regard to NSW DPI&E's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP.

This Pro-forma has effectively been replaced by DPI&E's guidelines for Planning Proposals. Nevertheless, the PP requesting amendment of WLEP 2012 is assessed against the Pro-Forma criteria in the following table.

Criteria	Consistency
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will facilitate permanent employment generating activity by providing ground and first floor level floor space for future commercial/retail activities. The proposal will increase employment potential on the site and increase the area of employment lands, as the proposed B4 zoning will allow for employment activities on the site, currently not permitted.
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the North District Plan.  The subject land adjoins the CBD of an important metropolitan regional city centre approximately 250m from a major and public transport interchange (Chatswood) and is located close to the Pacific Highway transport corridor. The proposal will not adversely impact on Chatswood City Centre or the Pacific Highway.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	The Planning Proposal will support the objectives of the Greater Sydney Region Plan – A Metropolis of 3 Cities and the North District Plan, with respect to the relevant objectives in those strategies. It is also consistent with the relevant s117 directions as noted above.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy?	No, the site is located within the Chatswood CBD which is identified as a Strategic Centre and is in a location that is within easy walking distance to a transport hub/interchange in the Chatswood CBD.
Will the LEP deal with a deferred matter in an existing LEP?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The cumulative effects of increased building heights and densities in the locality have been considered in the Chatswood CBD Urban Design and Planning Strategy. Increased employment opportunities are planned for Chatswood and major enhancements to public transport to and from Chatswood are being implemented over the next 10 years to cope with increased residential densities. The Council is also proposing to improve local infrastructure, public open and community facilities, by utilising additional developer levies arising from higher density development.
Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners?	No. The subject land is located within an area identified in the Chatswood CBD Planning and Urban Design Strategy for increased development density and building height. Accordingly, the proposal does not create a precedent for increased development density and building height in locations not identified in the Strategy for such development.
Will the LEP be compatible / complementary with surrounding land uses?	Yes. As detailed in the Planning Proposal Report, the site is adjoined by high-density residential land uses comprising apartment buildings more than double the height of the existing building on the development site and which are of a height that is compatible with the proposed 14 storey mixed-use building. Those sites have also been identified for increased development density and building height. The proposed tower envelope has been designed to maintain reasonable neighbour residential amenity (privacy, outlook and solar access).

*A Guide to Preparing Planning Proposals* requires that a Planning Proposal demonstrate that it has both strategic and site-specific merit.

With respect to strategic merit the PP is to be consistent with the relevant strategic plans, including the Greater Sydney Region Plan, District Plans, Local Strategic Plans and the like. As addressed in Section 4.2 of this Report, the Planning Proposals achieves a high degree of consistency with the applicable strategic planning documents.

With respect to site-specific merit, it should be demonstrated that the Planning Proposal has had regard to the nominated criteria such as the natural environment (including significant environmental values, resources and hazards), existing uses, approved uses, likely future uses of land in the vicinity, services and infrastructure and financial arrangements for infrastructure. As demonstrated elsewhere in this Report, the proposal has site-specific merit and suitably addresses the site-specific merit criteria.

### **4.3 Section C – Environmental, Social and Economic Impact**

#### **4.3.1 Traffic and Transport Considerations**

The Planning Proposal is accompanied by a Traffic Impact Assessment Report prepared by Traffic & Transport Planning Associates, addressing local traffic, public transport, cycling and pedestrian movement and car parking demand (copy attached at **Appendix F**). This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity and adequate off-street parking can be provided.

The proposal will result in a minor increase in peak hour traffic above current trip generation of the existing low-rise medium density development on the site. No road improvements are required, as a result of the proposal, and the projected additional traffic flows will not have any adverse effects on the operational performance of intersections adjoining and near the site.

In terms of cumulative traffic impacts with the Chatswood CBD as a whole, arising from planned increased development densities, the soon to be opened North Connex and the projected opening of the metro Line extension to the Sydney CBD within the next few years, will reduce vehicular traffic flows in and around the Chatswood CBD, creating capacity to accommodate increased local traffic at peak times.

The traffic consultant confirms that vehicular access off Ellis Street, as proposed, is appropriate and suitably designed driveways and access ramps, as well as required car parking, motorcycle and bicycle parking in accordance with the requirements of Council and Australian Standards can be provided in basement parking levels. The concept plan provides for a basement truck bay, with turntable, enabling trucks to enter and leave in a forward direction.

SEPP 65 and the WDCP require the provision of a minimum of 34 car spaces. The proposal provides for a readily compliant 39 car spaces. The additional 5 car spaces arise from the provision of 1 car space for the 1 bedroom unit (the DCP specifies a minimum of 0.5 car spaces per 1 bedroom unit), 2 car spaces for the 4 bedroom unit, additional visitor car spaces that can be shared with customers of the commercial tenancies and provision of 1 car space for each of the commercial tenants. There is potential for 1 of the visitor parking spaces to be used as a car share parking space.



#### 4.3.2 Environmental Considerations

4.3.2(a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats. Therefore, the proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities or habitats. 1 tree in poor condition and of modest size will be removed. Existing shrubs, also proposed for removal, have minimal habitat value.

Replacement tree planting and landscaping is proposed, generally in accordance with the landscape concept plan, a copy of which is attached at **Appendix H**.

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

*Site Suitability*

The subject land is free of development hazards such as flooding, bush fire, acid sulphate soils, land slip, mine subsidence, land contamination and the like. A preliminary geotechnical and contamination assessment is attached at **Appendix L**. The land is suitable for residential use.

All necessary urban services are available to the land and the site is close to public transport, retail and other services. The site is appropriately located for mixed-use development and the Concept Plans demonstrate that the subject land can be suitably developed for a high-rise mixed-use building in the form proposed.

Prior to demolition of existing buildings, a hazardous building materials assessment would be undertaken and any hazardous material such as asbestos, be managed and removed in accordance with *National Code of Practice; How to Safely Remove Asbestos* (Safe Work Australia 2016). This is a matter which is more appropriately addressed at the development application stage.

*Acoustic Environment/Impacts*

Future residential development on the site would be impacted by train noise and vibration, as the site is close to the North Shore Railway Line. The NSW Planning *Development Near Rail Corridors and Busy Roads* applies to the site.

The Planning Proposal is accompanied by a preliminary acoustic assessment that identifies the existing acoustic environment and includes recommendations to minimise noise intrusion. Recommendations are also included in relation to mitigating noise impacts from future plant and equipment required for the proposed development.

The Preliminary Acoustic Report (attached at **Appendix G**) identifies noise and vibration impacts from the rail line and sets out recommendations for mitigating those impacts. The Report also confirms that based on noise and vibration measurements from similar sites it will be possible to design the building in a manner that ensures compliance with the applicable acoustic and vibration standards.

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

Development of the site at the higher density proposed, will not result in any material adverse noise impact on neighbouring residential development. The preliminary acoustic assessment identifies that required mechanical services have the potential to impact on acoustic amenity. Mechanical services can be located and designed to ensure no unacceptable noise impact on neighbouring residential properties.

The preliminary acoustic assessment recommends that mechanical plant be of a type that generates low noise and be located and orientated to minimise potential for noise impact and include noise attenuation measures such as vibration isolators, acoustic louvres/shields, partial or full enclosure, silencers and acoustically lined and lagged ductwork.

Acoustic modelling and more detailed vibration and acoustic assessment and attenuation solutions would be undertaken at the development application stage, in conjunction with the design of the building that is to be developed within the proposed building envelope.

A copy of the preliminary acoustic assessment report prepared by Renzo Tonin Associates is attached at **Appendix G**.

#### *Shadow Impacts*

Shadow diagrams have been prepared by MGA Architects illustrating the shadow impact of the preferred building form envisaged in the Planning Proposal. These shadow diagrams also include shadows cast by existing buildings.

The shadow diagrams illustrate the increased extent of shadowing arising from the proposed building envelope in comparison to existing shadows. The shadow diagrams also include more detailed shadow impact assessment in the solar access protected public open space are to the south southeast of the site.

This analysis demonstrates that there will be no additional shadows cast over the solar access protected areas of public open space. Existing residential apartments on the southern side of Ellis Street will retain more than 2 hours mid-winter solar access.

The eastern elevation of No. 7-13 Ellis Street will experience overshadowing from the proposed building in the morning in mid-winter up until around 10am for the northern half of the eastern elevation and up to 11am for the southern half of the eastern elevation. Most of the eastern elevation will retain at least 2 hours solar access in mid-winter.

It should be noted that Council's DCP in relation to shop top housing limits solar access assessment to north facing living rooms and balconies. This is typical of planning controls relating to solar access in a high-density CBD context, which place predominant weight on solar access to north facing living rooms and associated private open space. The proposed building will have no shadow impact on the north facing living rooms and balconies of the apartment building at 7-13 Ellis Street.

### *Privacy Impacts*

Development of the site at the higher density proposed, will not result in adverse privacy impacts on neighbouring residential development.

Significant building separation distance 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 proposed residential tower has no windows to habitable rooms or balconies in this elevation, thus ensuring no 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.

### *View and Visual Impact*

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 building to the north and northeast.

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 Planning Proposal is accompanied by a View Sharing Analysis, attached at **Appendix O**. This analysis indicates that 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. The proposal complies with view sharing principles and view impacts are minimal compared to view impacts that would arise from redeveloping the site to a building height of 34m, as permitted under the current planning controls.

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.

### *Wind Impact*

Tall tower buildings have potential to create adverse wind impacts at ground level. Wind impacts are relatively modest for buildings of less than 50m in height and the provision of a podium assists in mitigating any potential wind impacts at ground level that might be generated by the residential tower. A preliminary wind impact assessment is attached at **Appendix P**. This assessment confirms that the future building can be designed to ensure wind impacts are suitably mitigated to provide a satisfactory wind environment within the development and the public domain and adjoining land.

A detailed wind impact assessment would be prepared as part of the Development Application and the building designed to ensure wind impacts are sufficiently mitigated to ensure acceptable amenity at ground level, in common open space areas and footpaths fronting the site.

### *Heritage Impact*

The subject land is not located within a heritage conservation area and there are no heritage items on or near the site.

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.

There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

## **4.3.3 Urban Design Considerations**

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

A copy of GMU's report and letter are attached at **Appendix C**.

The urban design analysis includes the rationale and justification of the proposed building envelope and confirms that additional building height and FSR can be satisfactorily accommodated on the site. The analysis also addresses how an additional mixed-use building could be successfully accommodated in the southern portion of the adjoining site at 84-86 Albert Avenue to take advantage of the additional FSR proposed in the CBD Strategy.

The preferred building envelope has viable floor plate area allowing for 3 apartments per level and provides for a slim tower form. Building height has been determined by undertaking an accurate shadow impact assessment to ensure that there is no increase beyond existing shadows cast over the sun protected public open space areas in mid-winter. This analysis informs maximum building height and prescribes a built form that steps down in height from north to south,



Podium setback to the west responds to the need to provide deep soil area and tree canopy space on the western side to ensure no material adverse impact on the neighbouring established large trees. While the proposed planning controls envisage a zero setback to the street frontage, the proposed 2m podium setback responds to the limited footpath width in Ellis Street, facilitating a more generous public domain fronting the site and sufficient space for large street trees.

The urban design analysis also includes an assessment against the design principles of SEPP 65 and finds that the proposal accords with those principles. The proposal has also been assessed against the associated design criteria of Apartment Design Guide (ADG) and demonstrates a high level of compliance. Solar access and cross ventilation are well in excess of ADG minimum requirements.

Where building separation is less than recommended in the ADG, appropriate privacy protection measures have been implemented. The ADG Compliance table indicates FSR and density exceed the current development controls. However, the PP is proposing an increase in FSR and building height and the reference design complies with the maximum FSR and building height controls proposed in the PP.

#### **4.3.4 Economic Considerations**

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

Businesses occupying the proposed commercial floor space will provide ongoing office and retail/office employment for at least 20 people. The proposal will also result in creation of more than 60 construction related jobs during the construction phase and over the life of the development create employment opportunities relating to building services and maintenance.

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

#### **4.3.5 Social Considerations**

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

The provision of additional apartments within easy walking distance of Chatswood Railway Station, bus interchange, Chatswood City Centre shops and services and Frank Channon Walk is considered to have a positive social impact in the locality.

Increasing housing supply in such locations contributes positively to housing affordability and encourages “downsizing” whereby low occupancy single dwellings occupied by older residents can be made available for purchase by families, as older residents are able to move into more suitable accommodation, without their local area. Provision of affordable housing equating to 4% of residential floor space is also a positive social outcome.

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

#### **4.4 State and Commonwealth Interests**

##### **4.4.1 Is there adequate public infrastructure for the planning proposal?**

###### *Site Services (Water, Sewer and Drainage)*

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

###### *Education and Health Services*

The area within which the proposed development is located has convenient access to education and health facilities. A high school and primary school are within close walking distance of the site, to the north on the western side of the Pacific Highway.

Private hospital services are available in the nearby Chatswood CBD and a major public and private hospital is located less than 4kms to the south at Royal North Shore Hospital.

###### *Roads, Traffic and Transport*

Traffic generation has been considered in Section 4.3.1. The proposed increase in density will result in a modest and acceptable level of traffic generation on the local road network and on the Pacific Highway and associated and nearby intersections. The proposal does not require vehicular access from the Pacific Highway and will provide adequate on-site parking to meet parking demand.

The site adjoins existing high frequency bus services, via existing nearby bus stops on the Pacific Highway. The site is within convenient walking distance of Chatswood Railway Station and Transport Interchange.

Additional rail services to and from Chatswood Station will soon be available with the completion of the second stage of the Northwest rail link to the Sydney CBD, with further service augmentation occurring in the future when the planned final stage of the metro rail link is extended to Bankstown. The soon to be opened North Connex will reduce traffic congestion on the Pacific Highway, through Chatswood.

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

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

#### 4.5 **Community Consultation**

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

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination. The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site, adjoining a major CBD within an existing high density residential area, which is planned to be developed for increased density comprising high-rise mixed use towers.

#### 4.6 **Issue of Gateway Determination and Planning Proposal Timeline**

##### 4.6.1 Issue of Gateway Determination

The NSW Department of Planning Industry & Environment (DPI&E) by correspondence dated 26 October 2021 has issued a Gateway Determination to allow the Planning Proposal to proceed to public exhibition, subject to the requirements specified in the Gateway Determination. The proponent's Planning Proposal Report has been revised to address the changes and additional information required in the Gateway Determination. The Planning Proposal is to be exhibited for a minimum of 28 days.

##### 4.6.2 Planning Proposal Timeline

The table below outlines the indicative timeline for the processing of the Planning Proposal, from the date of submission in July 2020.

ACTION	DATE
Submission of the Planning Proposal	July 2020
Planning Proposal presented to Council Meeting	June 2021
Planning Proposal referred to NSW DPI&E for Gateway Determination	July 2021

Gateway Determination issued by NSW DPI&E	October 2021
Exhibition of Planning Proposal	November 2021
Review and Assessment of submission to the Exhibition of the Planning Proposal	December 2021 to January 2022
Report on Exhibition & Submissions to the Planning Proposal presented to Council Meeting	February 2022
Planning Proposal forwarded to NSW DPI&E for finalisation	March 2022
Gazettal of Planning Proposal amending the Willoughby LEP	April 2022

#### 4.7 Willoughby Council Consultation

The Planning Proposal and reference design have been prepared and revised after initial consultation with Willoughby Council officers on 25<sup>th</sup> March 2020 and 22<sup>nd</sup> May 2020, culminating in a Pre-Lodgement Meeting held with Council officers on 8<sup>th</sup> July 2020. Council recognised there was strategic merit in exploring a mixed-use development on the site, given its proximity to the Chatswood Transport Interchange 150m to the north, subject to ensuring that the relatively small size of the site does not compromise the balanced delivery of the desired built form uplift and an improved public realm.

The Planning Proposal addresses the matters raised in Council's Pre-Lodgement Meeting Notes, as set out in this PP Report and associated supporting reports, including the urban design report and reference design. The following response is provided to the Key Issues raised by Council.

##### 1. *Relationship to strategic planning framework*

The PP includes an assessment of the proposal in terms of the existing strategic planning framework, including consistency with directions from DPI&E in its endorsement of the CBD Strategy. The site circumstances are relatively unique, and the PP demonstrates that the design suitably responds to the site area constraint.

##### 2. *Mixed use*

The PP provides for commercial floor space on the ground floor and level 1, as required. While commercial FSR proposed (0.52:1) is less than 1:1, it is noted that DPI&E recommends a commercial FSR of less than 1:1 for sites with building heights of less than 90m and FSR's less than 6:1, as is the case with the subject land. Further, a reduced commercial FSR is reasonable having regard to the location of the site at the end of a cul-de-sac within a locality that is entirely residential in character and unlikely to change to a mixed-use character in the foreseeable future.



### 3. Design

The Urban Design Report includes an Architectural Design Statement that explains how the design has been developed and the way in which the design presents an attractive appearance to the 3 primary elevations clearly visible from the public domain. The Urban Design Report also suitably addresses floor space, lot size and setbacks and demonstrates how the proposal makes a positive contribution to Ellis Street, Frank Channon Walk and Chatswood Park.

### 4. Scale and Form of Development

The proposed tower occupies a relatively small footprint, around 60% of the maximum prescribed in the CBD Strategy and at the height proposed results in a slender tower form. Scale and height have been determined by way of an urban design analysis, rather than achievement of any specific FSR. The Urban Design Report demonstrates that the requested increase in height, density and scale meets the objectives of the CBD Strategy, SEPP 65 and the Apartment Design guide. There is no increase in overshadowing of key public spaces.

### 5. Setbacks at Ground Level and upper levels

The Urban Design Report contains a detailed response to the constraints of the relatively small lot size (808.6m<sup>2</sup>) and has informed preparation of a Reference Design that achieves adequate building separation, a functional podium and tower building form and suitable setbacks to property boundaries generally in accordance with the height to setback ratios recommended in the CBD Strategy.

The Urban Design Report includes analysis of and justification for using a setback averaging approach for the eastern elevation. The eastern elevation interfaces to an area of common open space on the adjoining land, rather than a building and the averaging approach optimises tower articulation in the southeast corner of the tower to promote visual interest, as viewed from Frank Channon Walk.

### 6. Site amalgamation and lot size

The PP includes supporting material at **Appendix N**, relating to attempts that have been made to consolidate the site, difficulties associated with existing fragmented ownership and limited development opportunities of adjoining sites, due to the scale of investment currently on those neighbouring sites.

The PP provides for potential basement vehicular connections to the north and east in the event, in the longer term, these sites may be redeveloped. The eastern basement breakout wall offers potential connection to 84-86 Albert Avenue so that the existing driveway to Ellis Street from this site can be removed in the future and an attractive active street frontage provided in this location.

### 7. Affordable Housing

The proposal includes affordable housing equating to the required 4% of the residential floor space that is to be developed for private sale. Affordable housing will be suitably distributed over different floor levels.

## *8. Landscaping*

The Reference design provides for more than 20% of site area as soft landscaping and includes deep soil areas suitable for more substantial planting, including 2 large street trees proposed within Ellis Street. Planting is also proposed above the podium to enhance appearance as viewed from Ellis Street and Frank Channon Walk. The PP achieves Council's objectives for greening the city.

## *9. Access and Parking*

The Reference Design includes provision for truck loading and access within the uppermost basement level. Truck loading, access traffic management within the basement is addressed in detail in the proponent's Traffic Impact Assessment. The Traffic Impact Assessment Report notes that Council is considering reducing car parking rates, compared to those currently prescribed in Council's DCP and endorses those reduced rates for the PP, given its proximity to the Chatswood Transport Interchange.

An additional basement car park level can be provided if Council decides to retain its existing DCP parking rates for the Chatswood CBD. The basement includes required bicycle parking and end of trip facilities. As it is a secured car park it is not possible to provide a car share space in the basement car park. A car share space can be provided in the upper level of the basement car park or in Ellis Street, fronting the site.

## *10. Substation*

The PP includes an alternative option for the substation that provides increased front setback and screening, integrating the substation into the design of the building.

## *11. Design Excellence*

The proponent notes Council's view that a Design Excellence Competition would be required for a PP of the proposed scale on the subject land.

## *12. Street Activation*

A retail and/or café tenancy is proposed for the Ellis Street frontage at ground floor level, orientated towards Ellis Street and Frank Channon Walk, to ensure suitable street activation.

## *13. Contamination Issues*

The site has a long history of residential use and is not affected by land contamination to an extent that would preclude its redeveloped as proposed in this PP. A preliminary land contamination assessment is included at **Appendix L**.

#### *14. Public Art*

Provision will be made for public art in accordance with Council's Public Art Policy.

#### *15. VPA*

The PP includes a letter of offer to enter into a Voluntary Planning Agreement (VPA) for payment of a contribution towards infrastructure works within the Chatswood CBD in accordance with Council's Community Infrastructure Contributions Scheme.

#### *16. Public Domain*

The proponent acknowledges that the proximity of the site to Frank Channon Walk is an important consideration and positive feature for redevelopment of 3 Ellis Street. The proponent notes that Council is prepared to consider enhancement of Ellis Street and has included some concept sketches for consideration by Council.

#### *17. Draft DCP Controls*

The Draft DCP has been prepared having regard to the CBD Strategy 35 Key Elements and Council's Pre-Lodgement Notes. The proponent is prepared to undertake further development of the Draft DCP in consultation with Council.

#### *18. Timing*

The PP was lodged in October 2020. The proponent notes that the PP will be subject to comprehensive internal consultations and undertaken revisions of the final form of the PP in response to council feedback. Further consultation was undertaken with Council in April 2021 and additional adjustments made to the PP in May 2021 and the PP presented to a Council Meeting in June 2021, where it was endorsed for submission to NSW DPI&E for Gateway determination to allow public exhibition.

This Planning Proposal seeks amendment of Willoughby LEP 2012 to rezone the subject land from R4 Residential High Density to B4 Mixed Use and introduce a new sub-clause allowing for bonus building height and floor space, subject to public benefits, such as provision of affordable housing and payment of additional developer levies in accordance with Council's Community Infrastructure Contributions Scheme.

The requested subclause to WLEP 2012 would allow for a maximum building height of up to 44m and a maximum floor space ratio of up to 4.5:1 (including affordable housing and a minimum non-residential FSR of 0.5:1).

The PP also provides for WLEP 2012 to be amended to rezone the site to B4 Mixed-Use and designate the site for 4% affordable housing, consistent with the recommendations of the Chatswood CBD Strategy.

This Planning Proposal Report has demonstrated that the subject land can be suitably developed up to an FSR of 4.5:1 with a building height of up to 44m, stepping down in height from north to south. The building envelope has been designed to ensure there is no increases in shadows cast over sun protected areas of public open space identified in the CBD Strategy.

The concept design responds to the site context and site area constraints and optimises presentation to Ellis Street and Frank Channon Walk and provides for enhancement of the public domain and improved urban design outcomes. The proposal will not create any isolated development sites, as all neighbouring properties have an area of at least 1,200m<sup>2</sup>.

The site itself is identified as an isolated site, resulting from the redevelopment of 84-86 Albert Avenue. It is not possible to consolidate 3 Ellis Street with adjoining land to create a development site of at least 1,200m<sup>2</sup> due to the extent of improvements and fragmented ownership of the adjoining properties.

In the longer term there may be potential for further development of those neighbouring sites. The PP includes the option of driveway connections to properties to the north and east and also demonstrates how additional development could be accommodated on the southern portion of No. 84-86 Albert Avenue, utilising the driveway through the subject land, by way of a proposed right-of-way and break-out wall.

Without additional FSR and building height, redevelopment of the subject land is not economically feasible. A better planning outcome is achieved by encouraging redevelopment of the site, given that the existing outdated early 1970's walk-up flats are inconsistent with the desired future character of the CBD and presents poorly to the primary southern pedestrian gateway to the Chatswood CBD.

The Reference Design has been prepared in response to a detailed urban design analysis informing the development of a suitable building envelope for the site. The Reference Design presents a high-quality building form, with ample building articulation and street activation, together with a high level of amenity and slim tower form compatible with the existing and desired future character of the locality.



The Planning Proposal will facilitate the orderly and economic use of a land parcel that is strategically located close to the Chatswood City Centre and transport interchange, in a locality that is appropriate for high-rise mixed-use development and in a manner that is generally consistent with the planning objectives of the Chatswood CBD Planning and Urban Design Strategy. The PP adopts Council's preferred option that provides for an average 3m setback to the eastern side boundary.

The Planning Proposal has been the subject of a Gateway process and has been approved under this process by NSW DPI&E to proceed for exhibition. The Planning Proposal has been amended so that it is consistent with the conditions contained in the recently issued Gateway Determination and public exhibition may now proceed.