

DETAILED ASSESSMENT

The Site

The overall site which is the subject of this Planning Proposal involves one large lot being 4,219m² and legally known as SP 65120, bounded by Nelson Street to the south, Gordon Avenue to the north, the Frank Channon Walk and a small public park to the east and 10 Gordon Avenue and 15 Nelson Street to the west. Further west is the North Shore Rail Line. The eastern and western boundaries of the site reflect an irregular shape.

Refer to Figure A – Site Plan.

Figure A – Site Plan



The site currently contains a three storey residential flat building complex, containing 45 residential units.

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

The Planning Proposal has been lodged by Urbis.

The Locality

Directly to the north of the site is Gordon Avenue (being a no-through road), where three storey residential flat buildings are located on the northern side of the street. This area is part of the extended Chatswood CBD under the CBD Strategy. A Planning Proposal has been considered by Council at 5-9 Gordon Avenue and been progressed to DPIE where a Gateway Determination has been granted. This Planning proposal has been publicly exhibited and will be reported back to Council for further consideration.

Directly to the south of the site is Nelson Street (being a no-through road), with the Metro Dive site located on the southern side of the street. This area is part of the extended Chatswood CBD under the CBD Strategy.

Directly to the west of the site is three storey residential development, then Hampden Lane, and low rise commercial development fronting the Pacific Highway (with the exception of 621-627 Pacific Highway which involves a shop top mixed use development). This area is part of the extended Chatswood CBD under the CBD Strategy. Planning Proposals have been considered by Council at 629-639 Pacific Highway and 613-627 Pacific Highway and been progressed to DPIE. A Gateway Determination has been granted regarding the 629-639 Pacific Highway Planning Proposal. A Gateway Determination is pending on the 613-627 Pacific Highway Planning Proposal.

Directly to the east of the site is the Frank Channon Walk (a shared pedestrian and bicycle path owned by State Rail). To the north east, where the site and Frank Channon Walk meet, is a small public park. Adjacent the Frank Channon Walk is the North Shore Rail Line and further beyond that the South Chatswood Conservation Area, containing single storey residential dwellings.

Background

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

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

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

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning from R3 Medium Density Residential to B4 Mixed Use
- Increase the height on the site to 90 metres.

- Increase the Floor Space Ratio on the site to 6:1.

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

Table 1 – Summary of Planning Proposal Amendments

Property	Zoning			Height			Floor Space Ratio		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
9-11 Nelson Street	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use	12 m	90 m	90 m	0.9:1	6:1	6:1

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

- Two storey Podium containing retail and bulky goods (10m high)
- Two residential towers:
 - Tower A (facing Gordon Avenue)
 - 25 storeys (27 storeys total, RL 189.5m, 90m)
 - Number of residential units: 144
 - Residential unit mix:
 - One bedroom units: 31%
 - Two bedroom units: 61%
 - Three bedroom units: 8%
 - Residential floor plates 555m²
 - Tower B (facing Nelson Street)
 - 20 storeys (22 storeys total, RL 174m, 72.2m)
 - Number of residential units: 114
 - Residential unit mix:
 - One bedroom units: 31%
 - Two bedroom units: 59%
 - Three bedroom units: 10%
 - Residential floor plates 540m²
- Total FSR of 5.96:1 (25,147m²), containing:
 - 4.96:1 residential (20,928m²) including affordable housing – total units 258
 - 1:1 commercial (4,219m²)
- Podium Setbacks
 - 3m setback to northern boundary with Gordon Avenue.
 - Nil setback to western boundary with 10 Gordon Avenue and 15 Nelson Street (with exception of small triangle shaped portion of land on Nelson Street frontage adjacent 15 Nelson Street).
 - Ground level 3m setback to eastern boundary with Frank Channon Walk. First Floor additional 3m landscape setback to eastern boundary with Frank Channon Walk
 - 3m setback to southern boundary with Nelson Street.
 - Additional setback at ground level provided adjacent public park in north east corner of site and in south west corner of site facing Nelson Street.
- Tower setbacks above Podium (two towers)

Tower A

- 3m setback above Podium facing Gordon Avenue (northern) boundary. (being a total setback of 6m from Gordon Avenue boundary when including 3m Ground setback).
- 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m and small triangular shaped portion of land on Nelson Street Ground setback).
- Between 6m and approximately 12m setback above Podium facing eastern boundary with Frank Channon Walk and public park. (being a total setback of between 6m and approximately 18m from the eastern boundary when including, at various points, between a 3m and greater ground level setback, and a 3m Podium 1 setback).

Tower B

- 3m setback above Podium facing Nelson Street (southern) boundary. (being a total setback of 6m from Nelson Street boundary when including 3m Ground setback).
 - 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m Ground setback).
 - 6m setback above Podium facing eastern boundary with Frank Channon Walk. (being a total setback of 6m when including the 3m ground setback and the 3m Podium 1 setback).
- 18m separation between Tower A and Tower B (12m to balconies).
 - Street wall heights are proposed between 6-14m.

Other Concept plan details:

- All vehicle movements, including loading and servicing, to be via Gordon Avenue.
- All loading at basement level, with loading vehicles access / egress in a forward direction.
- Approximately 257 car spaces, located within 3 basement levels.
- Landscaped publicly accessible open space facing public park and Frank Channon walk – discussed below.
- Landscaping provided at Level 1 Podium setback, Podium level, and roof top.
- Deep soil planting provided in Ground level setbacks along eastern boundary with public park and Frank Channon Walk, and also in triangular shaped land adjacent 15 Nelson Street.

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

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

- An easement for public access 3m wide and landscaped, along the eastern boundary, adjacent the public park and Frank Channon Walk.

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

- Provision of a monetary contribution in accordance with Council's Community Infrastructure Scheme.
- Easement for public access in favour of Council.

A draft VPA will be progressed separately for Council's determination.

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

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

Discussion

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

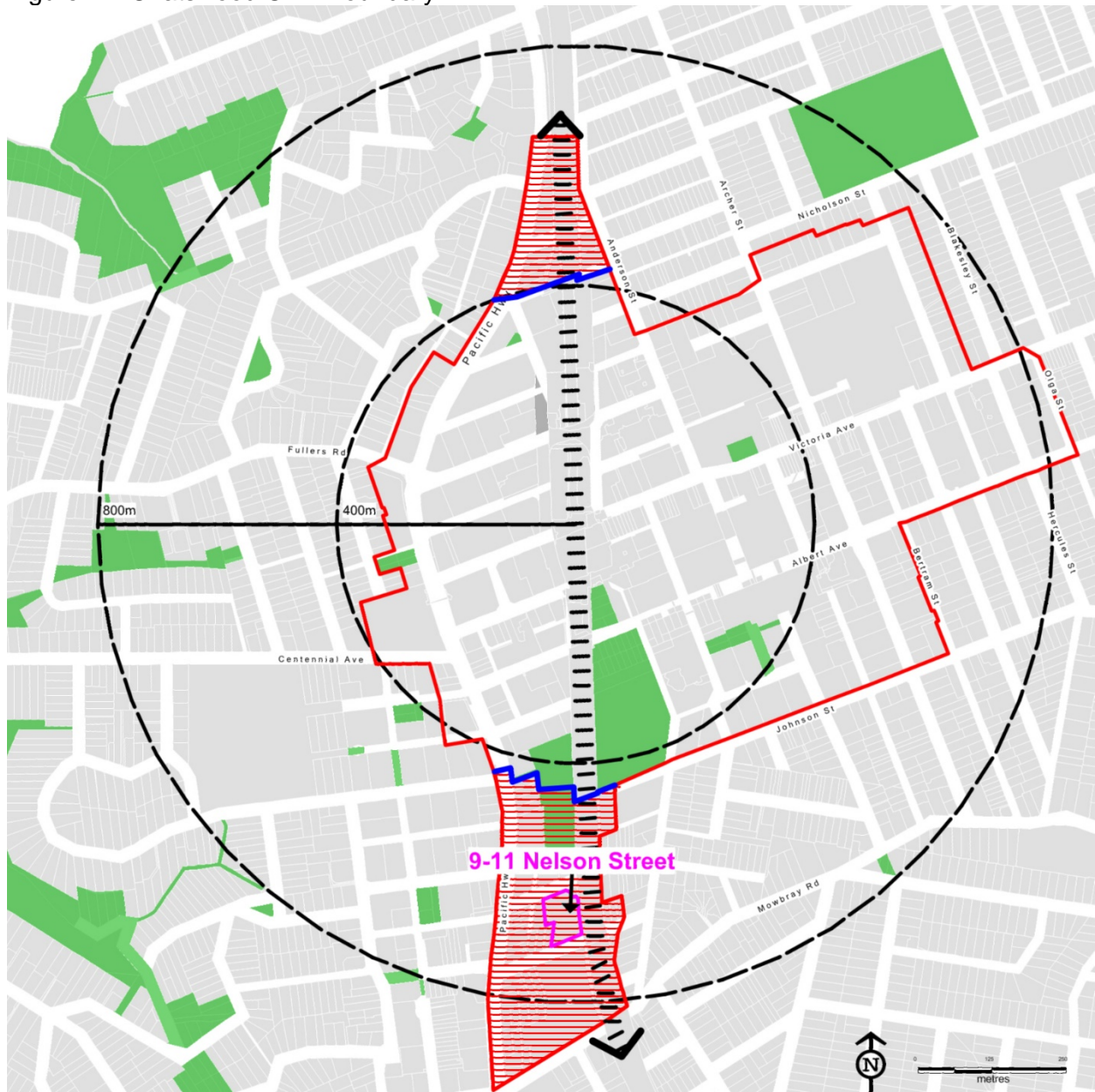
CBD Boundary

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

Comment

The subject site is located within the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown in Figure 1 – Chatswood CBD Boundary

Figure 1 – Chatswood CBD Boundary



- CBD boundary
- Additional areas
- Original CBD

Land Use

Key Element 2.

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

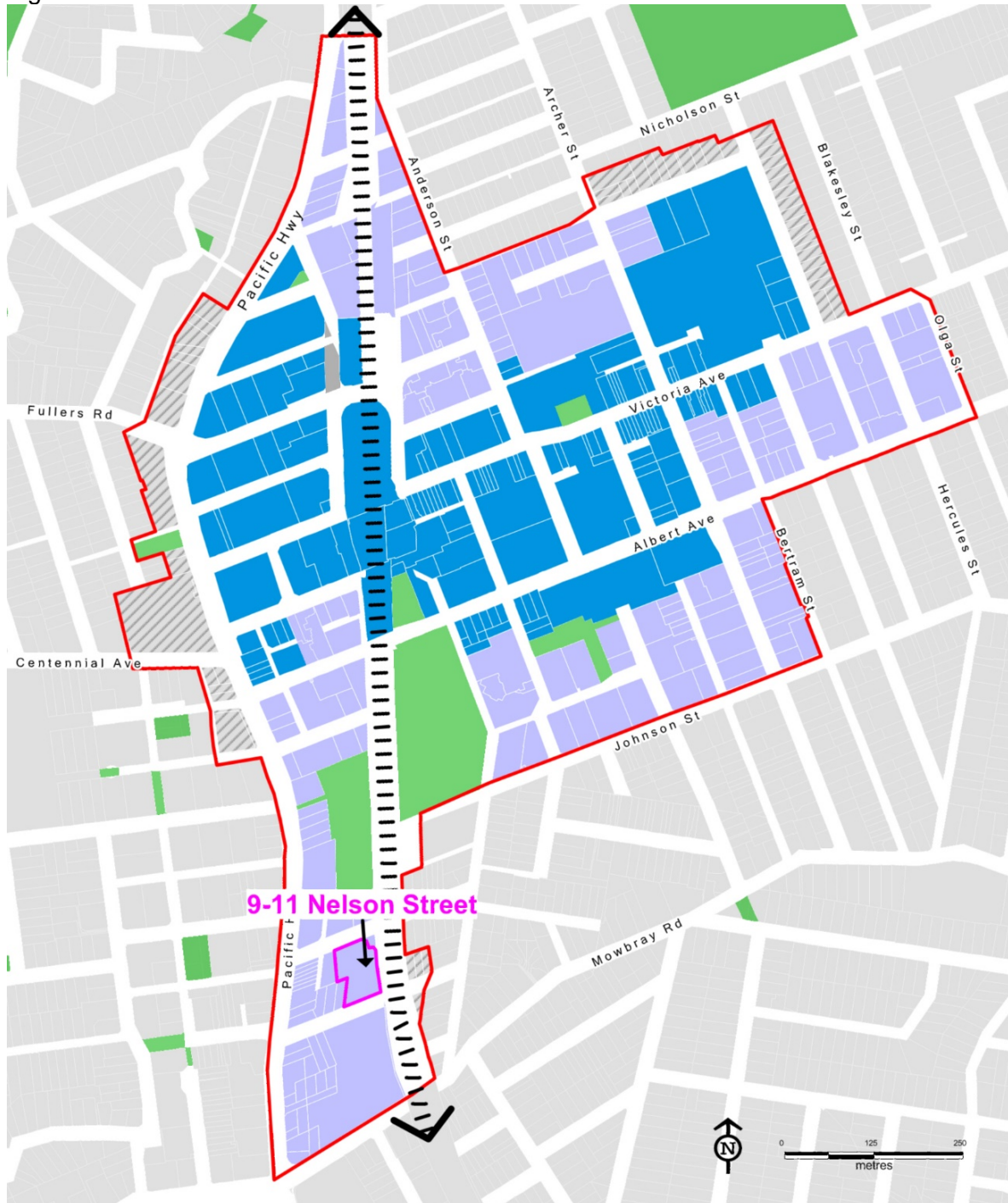
- (a) **Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).**

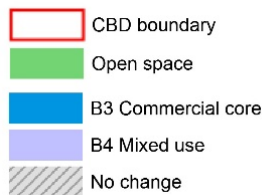
- (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

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

Figure 2 – Land Use





The proponent has proposed the zoning for the site be changed from R3 Medium Density Residential to B4 Mixed Use which is consistent with the CBD Strategy.

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

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

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared for public exhibition to address the commercial component requirement in the B4 Mixed Use zone (Clause 4.4B).

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

Comment

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

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

Comment

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

Planning Agreements to fund public domain

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

Comment

Consistent

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

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

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

The scheme would:
a) Apply to residential uses.

- b) Apply to commercial uses above 10:1 FSR.
- c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.

Comment

Consistent

The proponent has submitted a Letter of Offer that proposes:

- A monetary contribution for community infrastructure.
- Dedication and registration of an easement for public access 3 metres wide in favour of Council along the eastern boundary of the site adjacent the Frank Channon Walk and public park.

The above offer is in addition to requirements under Section 7.11, 7.12 and 7.24 of the *Environmental Planning and Assessment Act 1979* and affordable housing contributions.

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

Comment

Consistent

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

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments based on the following process:

- a) A Design Review Panel for developments up to 35m high.
- b) Competitive designs for developments over 35m high.

Comment

Consistent

The Planning Proposal involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence under existing WLEP 2012 Clause 6.23 Design Excellence at certain sites. In this regard the subject site is to be included as Area 8 on the Special Provisions Area Map.

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

Comment

Consistent

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

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

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

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

Comment

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

Floor Space Ratio (FSR)

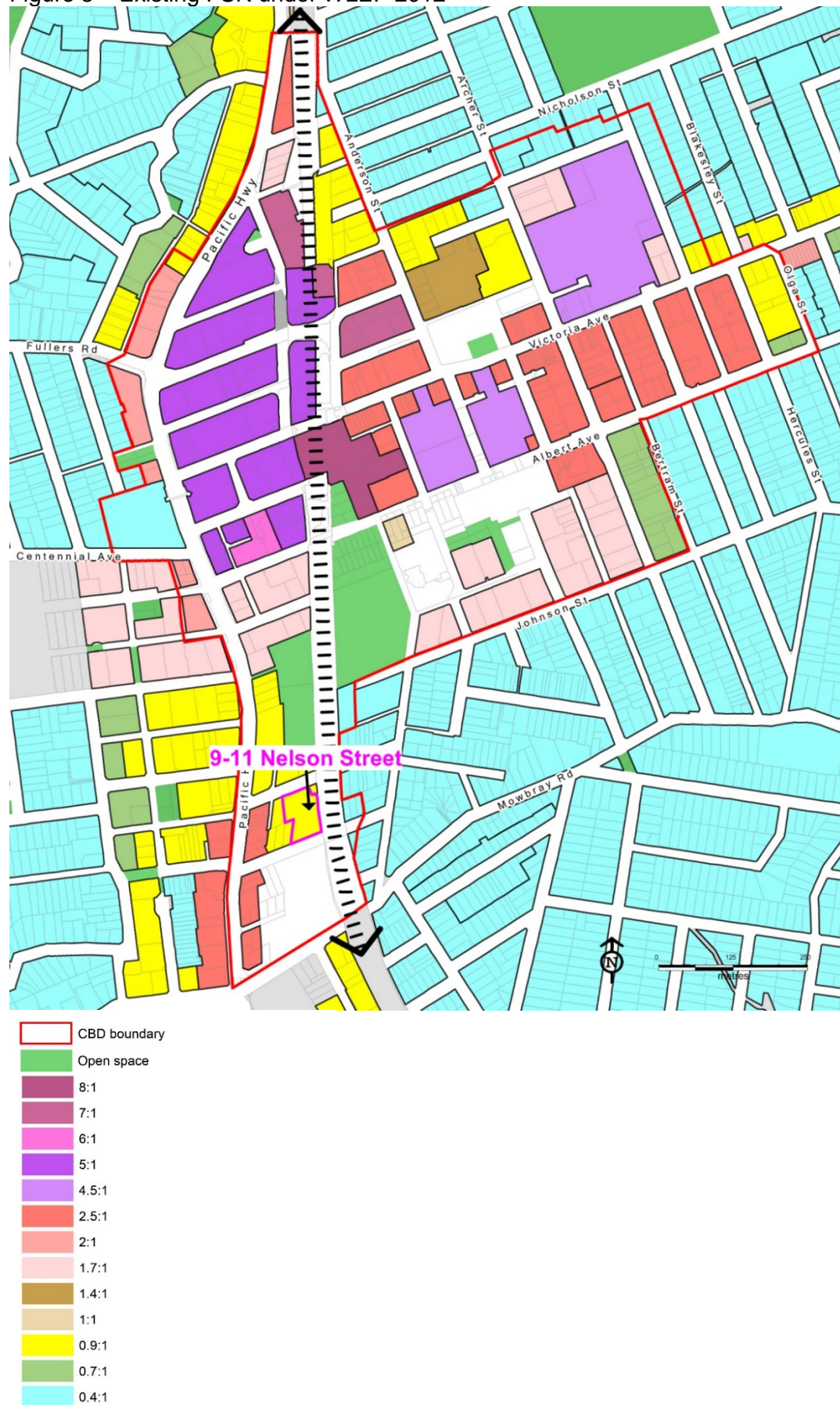
Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

The subject site is in a location with a maximum floor space ratio of 0.9:1 as shown below in Figure 3 – Existing FSR under WLEP 2012.

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

Figure 3 – Existing FSR under WLEP 2012



- Key Element 12.** **Minimum site area of:**
- a) **1800sqm for commercial development in the B3 Commercial Core zone.**
 - b) **1200sqm for mixed use development in the B4 Mixed Use zone.**
- to achieve maximum FSR as indicated in Figure 4.**

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

Comment
Consistent.

The subject site is 4,219m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

In response to the subject Planning Proposal and the large site involved, it is proposed to introduce a site specific lot size requirement of 4,000m² on the Lot Size Map.

- Key Element 13.** **The FSRs in Figure 4 should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:**
- a) **No maximum FSR for commercial development in the B3 zone.**
 - b) **A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.**
 - c) **Retention of 2.5:1 FSR along northern side of Victoria Avenue east.**

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

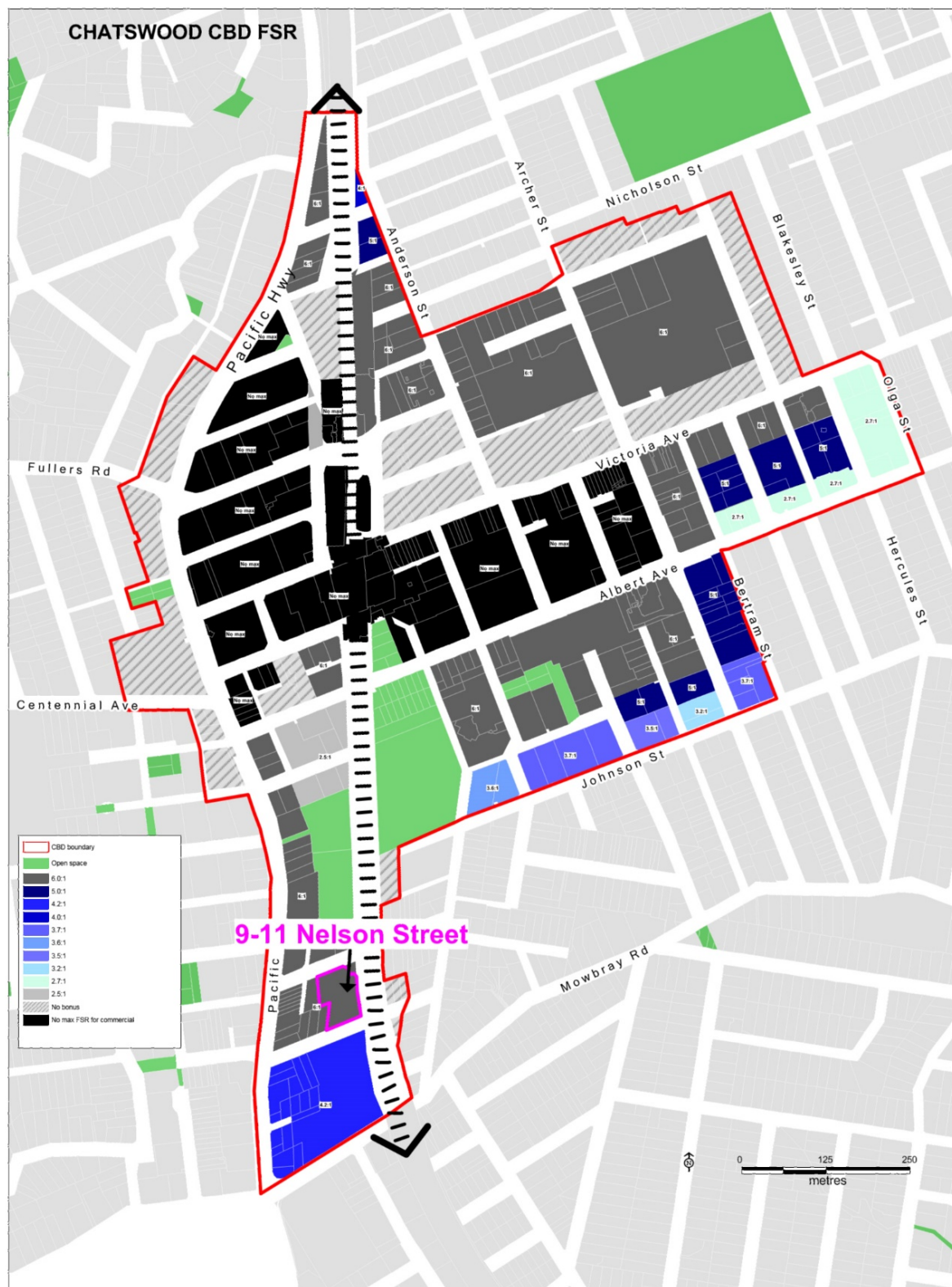
- a) **Site constraints,**
- b) **Surrounding context,**
- c) **Other aspects of this Strategy including setbacks at ground and upper levels,**
- d) **SEPP 65 and the associated Apartment Design Guidelines.**

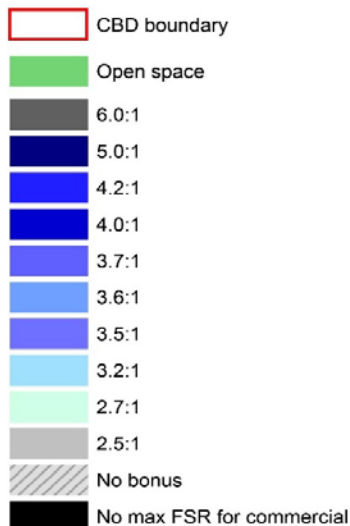
Comment
Consistent.

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

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

Figure 4 - Floor Space Ratio





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

Comment
Consistent.

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

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

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

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

Comment
Consistent.

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

A written amendment to *Willoughby Local Environmental Plan 2012* has been prepared in regards the 1:1 commercial floor space requirement.

Built Form

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

Comment

Consistent.

The two towers above the podium shown in the Concept Plans contain a floor plate Gross Floor Area of 555m² (Tower A) and 540m² (Tower B), both below the identified Gross Floor Area maximum of 700m².

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

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

Comment

Consistent.

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

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

The slender tower objective is an important consideration on this site, have regard to the visibility of any development to the South Chatswood Conservation Area located on the eastern side of the North Shore Rail Line.

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

Comment

This Planning Proposal is accompanied by concept plans that propose two residential towers on the site.

An appropriate response is proposed with 18m separation provided (12m to balconies).

This issue will be further examined at development application stage.

Sun Access to Key Public Spaces

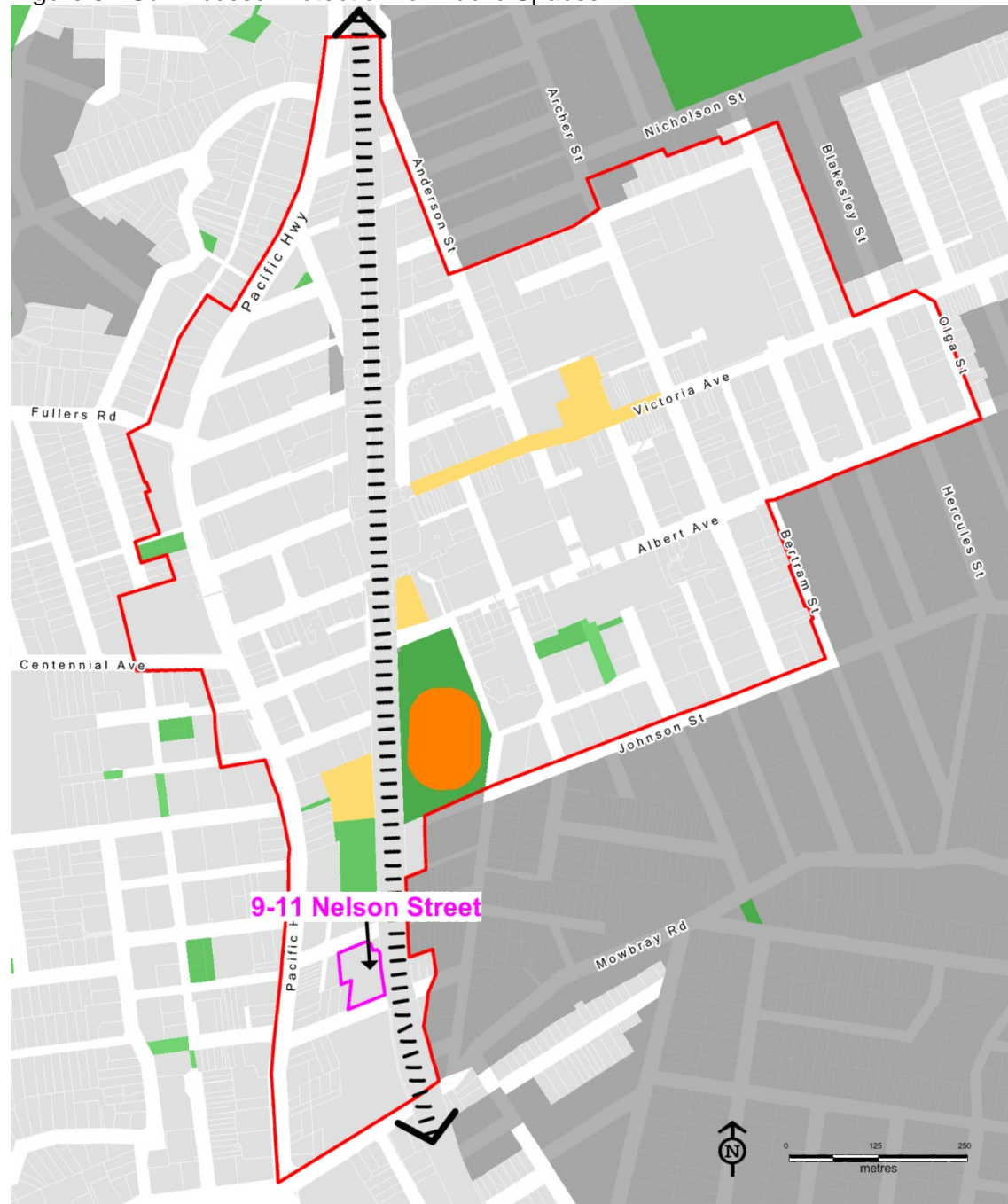
- Key Element 19.** **The sun access protection in Figure 5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:**
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm.**
 - b) Concourse Open Space 12pm - 2pm.**
 - c) Garden of Remembrance 12pm - 2pm.**
 - d) Tennis and croquet club 12pm - 2pm.**
 - e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).**
- In addition,**
- f) Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.**

Comment
Consistent.

The subject site is located in the southern section of the Chatswood CBD, south of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown in Figure 5 - Sun Access Protection.

Overshadowing analysis has been provided that shows overshadowing from the proposed concept development on the site starting to impact the South Chatswood Conservation Area after 2pm. The 3 hour solar access objective for the South Chatswood Conservation Area between 9am and 3pm mid winter is achieved for the sites impacted by overshadowing.

Figure 5 - Sun Access Protection for Public Spaces



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

Building Heights

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

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

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

[illegible]



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

It is noted that the two proposed towers have different heights that step down towards Nelson Street and the Metro Dive site, which is located on the boundary of the Chatswood CBD and has a maximum floor space ratio of 4.2:1 and height of 53m. This transitional approach to height on the site, in regards the two towers, and the relationship with the Metro Dive site, is supported.

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

Notwithstanding the above, a full set of elevations and sections is requested in the Officer's recommendation prior to referral to DPIE for a Gateway Determination.

Key Element 21. All structures located at roof top level, including lift over runs and any other architectural features are to be:
a) Within the height maximums.
b) Integrated into the overall building form.

Comment
 Consistent.

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

Detailed plans, showing integration of roof top structures into the overall building form, will be provided at development application stage. Assessment at development application stage will have regard to WLEP 2012 and site specific draft DCP provisions.

Links and Open Space

Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on

adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

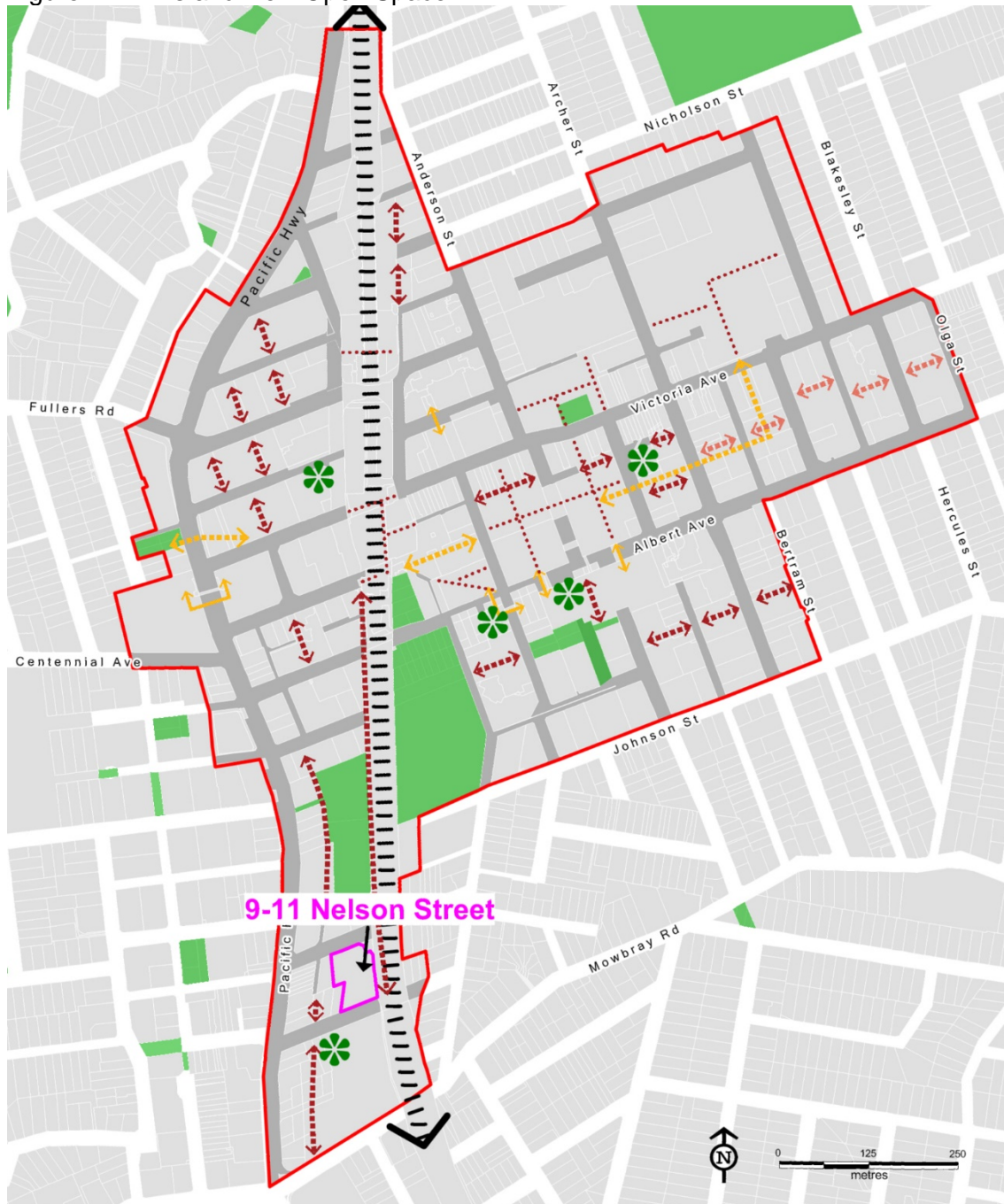
New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

Consistent.

The site is adjacent to an identified open air 24 hour pedestrian / cycle link (the Frank Channon Walk), as shown in Figure 7 - Links and Open Space – along the eastern boundary of the site. Also the site is adjacent an existing public park to the north east which also backs onto the Frank Channon Walk.

Figure 7 - Links and New Open Space



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

The Planning Proposal proposes to embellish the existing public park and pedestrian / cycle link (the Frank Channon Walk) by dedicating an easement for public access 3m wide for landscaping along the eastern boundary of the site – from Nelson Street through to Gordon Avenue – following the irregular property boundary.

The Planning Proposal satisfactorily addresses this Key Element with regard to the public park and the Frank Channon Walk.

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

Comment
Consistent.

Communal open space has been provided on the site, at ground, podium and rooftop.

Public realm or areas accessible by public on private land

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

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

Comment
Consistent.

The Planning Proposal has satisfactorily addressed this Key Element by the provision of a public easement 3m wide for landscaping purposes along the eastern site boundary, adjacent to the neighbouring public park and the Frank Channon Walk. As per the Key Element, such public realm provision is expected under the CBD Strategy as part of future redevelopment.

A landscape plan is requested in the Officer's recommendation clearly showing the proposed 3m easement along the eastern boundary, as well as all other setback dimensions, prior to the Planning Proposal proceeding to DPIE for a Gateway Determination.

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

Comment
Consistent.

Concept plans have been provided showing green roofs at podium level – presenting to Nelson Street, Gordon Avenue, the public park and the Frank Channon Walk.

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

Comment
Consistent.

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

Setbacks and street frontage heights

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

- d) Mixed use frontage with commercial Ground Floor**
 - i. 6-14 metre street wall height at front boundary.**
 - ii. Minimum 3 metre setback above street wall.**

Comment
Consistent.

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

It is noted that greater Ground setbacks are provided with:

- 3m setback to Gordon Avenue boundary.
- 3m setback to Nelson Street boundary.
- 3m setback to eastern boundary with the Frank Channon Walk.

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

- Tower setbacks above Podium (two towers)

Tower A

- 3m setback above Podium facing Gordon Avenue (northern) boundary. (being a total setback of 6m from Gordon Avenue boundary when including 3m Ground setback).
- 12m setback above Podium facing western boundary. (being a total setback of 12m from western boundary when including 0m and small triangular shaped portion of land on Nelson Street Ground setback).
- Between 6m and approximately 12m setback above Podium facing eastern boundary with Frank Channon Walk and public park – due to irregular eastern boundary. (being a total setback of between 6m and approximately 18m from the eastern boundary when including, at various points, between a 3m and greater ground level setback, and a 3m Podium 1 setback).

Tower B

- 3m setback above Podium facing Nelson Street (southern) boundary. (being a total setback of 6m from Nelson Street boundary when

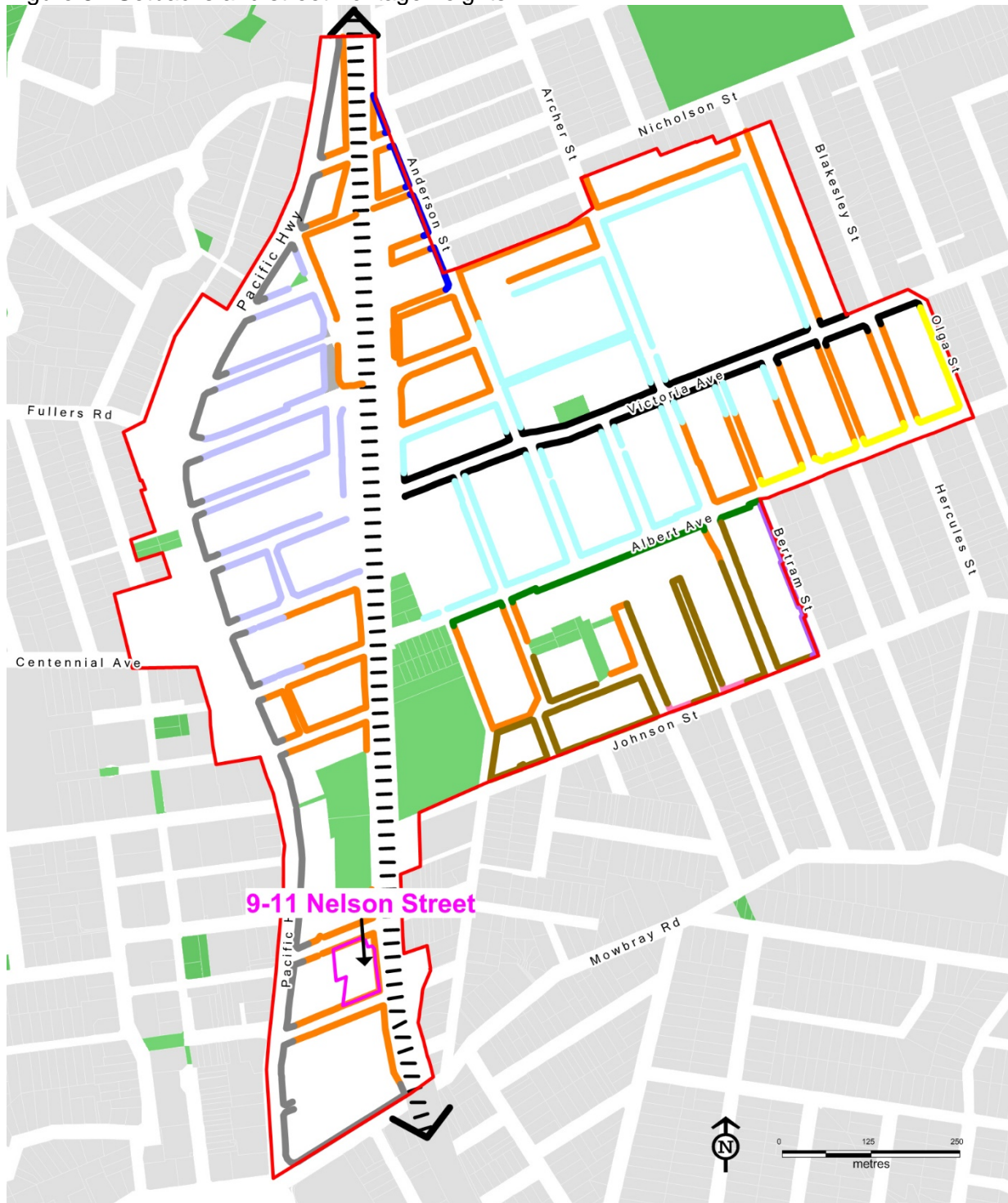
- including 3m Ground setback).
- 12m setback above Podium facing western boundary.
(being a total setback of 12m from western boundary when including 0m Ground setback).
- 6m setback above Podium facing eastern boundary with Frank Channon Walk.
(being a total setback of 6m when including the 3m ground setback and the 3m Podium 1 setback).

Setbacks above minimum requirements are encouraged and supported, noting the location of this site away from the centre and towards the southern boundary of the Chatswood CBD.

Street wall heights are proposed to be within the 6-14m CBD Strategy requirement.

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

Figure 8 - Setbacks and street frontage heights





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

This means if a building is:

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

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

Comment
Consistent.

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

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

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

Comment

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

As previously noted, the site is bounded by Gordon Avenue to the north, Nelson Street to the south, a public park, the Frank Channon Walk and the North Shore Rail Line to the east. The tower component is setback a minimum of 12m from the western boundary and neighbouring residential properties.

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

Active Street Frontages

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

Comment

Consistent.

The Concept Plans provided show commercial floor space at Ground Level with the opportunity for active street frontages to Gordon Avenue, Nelson Street and the public park.

This issue will be further assessed at development application stage.

Further Built Form Controls

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

Comment

Consistent.

This Key Element is satisfactorily addressed as the Planning Proposal involves a site of 4,219m².

In regards the neighbouring land to the west, the potential exists for amalgamated sites to be over the 1,200m² minimum lot size.

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

Comment

This Key Element is not applicable to the subject site.

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

Comment

Consistent.

All car parking and loading as well as garbage provision for the site is located within the Basement levels.

Significant and meaningful Ground Level floor space has been provided.

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

Comment

Consistent.

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

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

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

Comment
Consistent.

A Transport and Traffic Assessment, prepared by Urbis, has been submitted.

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

- All car parking and loading as well as garbage provision for the site is located within the Basement levels.
- Vehicle entry points have been rationalised, with one access via Gordon Avenue.
- All loading and car parking is accommodated off street.
- Loading in the Basement is able to accommodate MRV and HRV vehicles.

A physical solution to vehicle manoeuvring on the site is the preferred Council outcome.

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

Other Issues to be addressed

Good Design Outcomes

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

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

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

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

Solar Access

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

- At 9am, 15 – 19 Nelson Street, part of 10 Gordon Avenue, part of 613 - 627 Pacific Highway, the north western corner of the Metro Dive site, and land on the western side of the Pacific Highway between 552 and 572 Pacific Highway, is affected by overshadowing.

- At 10am, 15 – 19 Nelson Street, part of 10 Gordon Avenue and the mid section of the Metro Dive site is affected by overshadowing. The western side of the Pacific Highway is no longer affected.
- At 11am, 15-17 Nelson Street and the mid section of the Metro Dive site is affected by overshadowing.
- At 12 noon, the eastern part of the Metro Dive Site is affected by overshadowing.
- At 1pm a small component of the Metro Dive site is affected (north east corner, and along eastern boundary), with overshadowing then falling on the North Shore Rail Line.
- The South Chatswood Conservation Area is not affected by overshadowing between 9am and 2pm. After 2pm, a very small portion of the South Chatswood Conservation Area is affected including Local Heritage Item I105 (2 Orchard Road) – with overshadowing ending at approximately where Orchard Road meets Mowbray Road.
- At 3pm, overshadowing extends further into the South Chatswood Conservation Area including Local Heritage Item I95 (333 Mowbray Road) - ending approximately where Elizabeth Street meets Cambridge Road.

It should be noted that the Local Heritage Item on the Sydney Metro Dive site (I96, 339 Mowbray Road) is not affected by overshadowing at any point.

The proponent concludes:

- The proposed towers are predominantly north-south orientated with slender tower forms to create relatively fast moving shadows.
- The Sydney Metro Dive site will be the most impacted by the proposed development, being within the CBD Strategy.
- Solar amenity outcomes for future residential towers to the west of the subject site will be subject to future site specific investigations.

It is considered that the overshadowing from this Planning Proposal is reasonable for a site located within the Chatswood CBD. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key public space requiring sun access protection in the CBD Strategy, and has minimal impact on the South Chatswood Conservation Area. Notwithstanding this conclusion, additional shadow diagrams are requested in the Officer's recommendation as part of the Planning Proposal to be referred to DPIE for a Gateway Determination.

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

Privacy and general amenity

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

- To the north, on the other side of Gordon Avenue, is 1-3 and 5-9 Gordon Avenue. The site 5-9 Gordon Avenue is the subject of a Planning Proposal to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).
- To the east is the public park and Frank Channon Walk, then the North Shore Rail Line.
- To the west is 10 Gordon Avenue and 15, 17, 19 Nelson Street. These sites are also subject to the CBD Strategy.

Further to the west are submitted Planning Proposals on 613-627 Pacific Highway and 629-639 Pacific Highway to redevelop in accordance with the CBD Strategy (as Mixed Use with a height of 90m and floor space ratio of 6:1).

- To the south, on the other side of Nelson Street, is the Metro Dive site also part of the CBD Strategy. No plans for the Metro Dive site have been progressed for consideration at the same time as this subject Planning Proposal.

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

Heritage

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

The site is opposite, on the other side of the Frank Channon Walk and North Shore Rail Line, the South Chatswood Conservation Area.

The Planning Proposal is supported by a Heritage Impact Statement prepared by Urbis.

It is considered that this Planning Proposal has shown appropriate consideration of the South Chatswood Conservation Area, having regard to setbacks along the eastern boundary at Ground Level and Podium Level 1, and may be forwarded to the Gateway for subsequent public exhibition and further consideration as required.

Other Internal Referrals

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

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

Development Control Plan provisions

The proponent has submitted site specific *Development Control Plan* provisions. The site specific *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of amendments.

It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

Public Benefit

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

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

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment (December 2018) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning

Proposal, which are addressed at Attachment 3.

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy 2036*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

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

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

The draft *Development Control Plan* provisions are satisfactory for the purposes of public exhibition and may be the subject of further amendments.

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

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