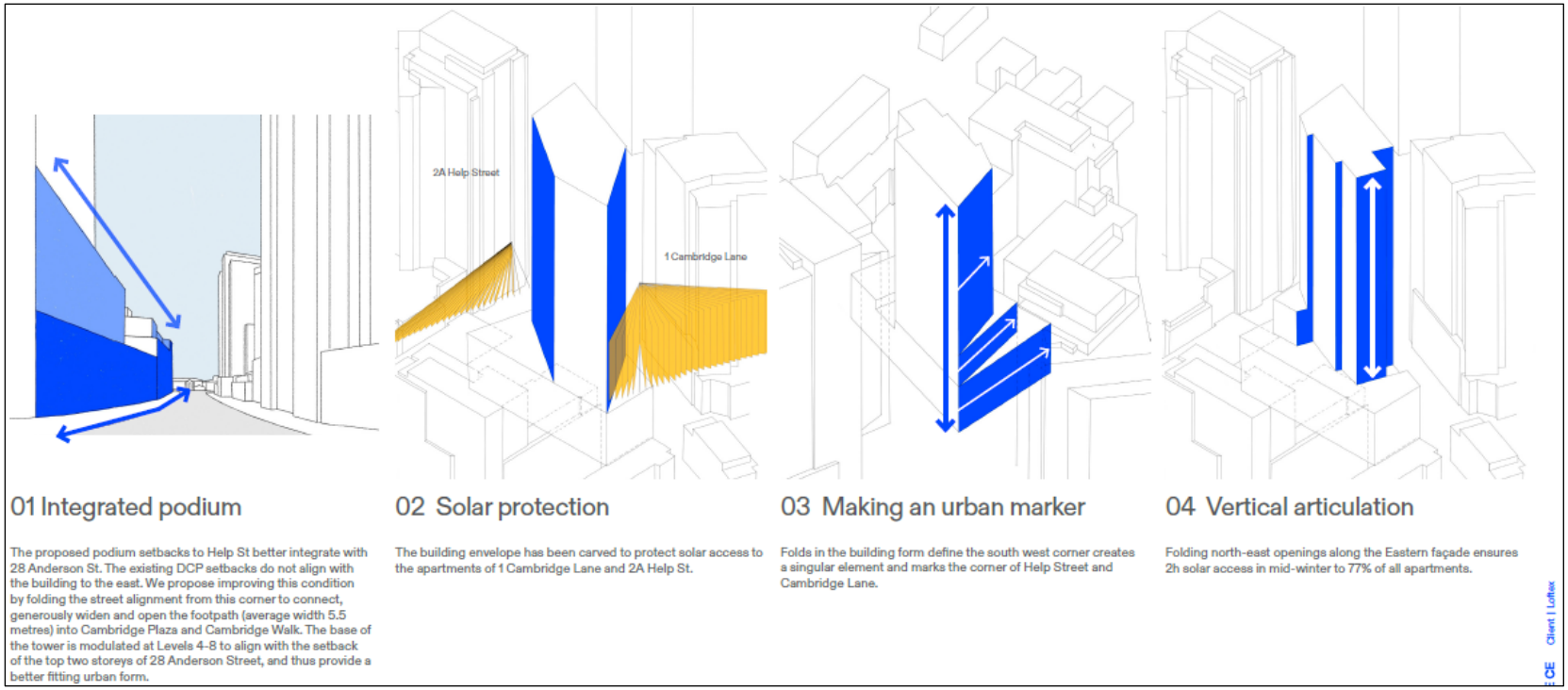
Public Submissions

The applicant has reviewed the public submissions on the DA. As requested by Council, responses to key matters raised in submissions have been provided below.

Solar/overshadowing impacts to surrounding properties

Concerns were raised from residents of 1 Cambridge Lane (residential tower located immediately to the west across Cambridge Lane) and 2A Help Street (residential tower development located to the south across Help Street) regarding overshadowing impacts as a result of the proposed development and impacts to solar access to apartments within the neighbouring developments.

The design competition winning proposal has been designed with due consideration of neighbouring developments and the need to retain reasonable levels of solar access. The Urban Design Report provided as part of the DA lodgement package discusses how the building envelope has been carved to protect solar access to the apartments of 1 Cambridge Lane and 2A Help St (see extract below).



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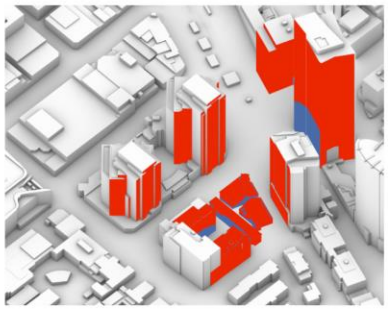
The Urban Design Report also includes impact assessment diagrams with respect to solar access and overshadowing (pg. 64-69). This included a solar analysis and sun eye view diagrams to demonstrate that the proposed building form retains the required solar access to surrounding buildings consistent with the ADG.

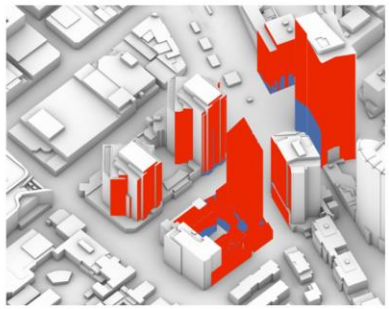
This has been supplemented with further ladybug study drawings (attached) and extracted below.

Impact Assessment

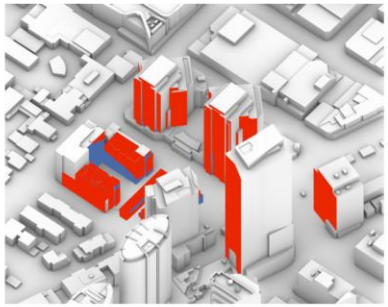
SEPP65 Solar Analysis June 21



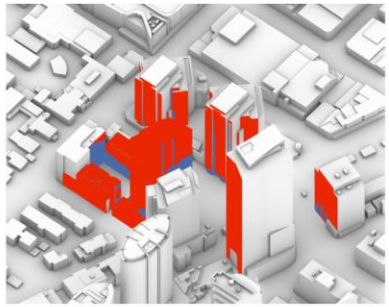
North-East
Existing condition



North-East
Proposed condition



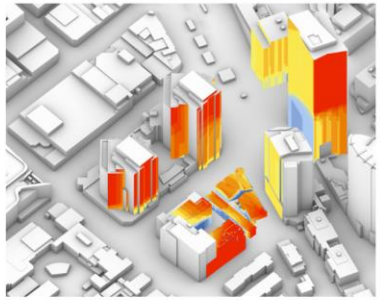
North-West
Existing condition



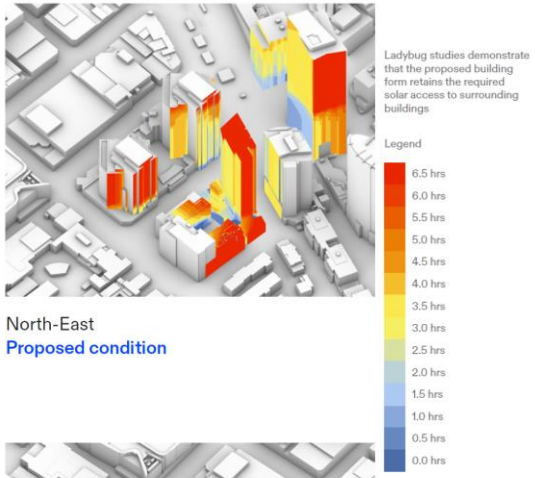
North-West
Proposed condition

Impact Assessment

SEPP65 Solar Analysis June 21



North-East
Existing condition



North-East
Proposed condition

North-West
Existing condition

North-West
Proposed condition

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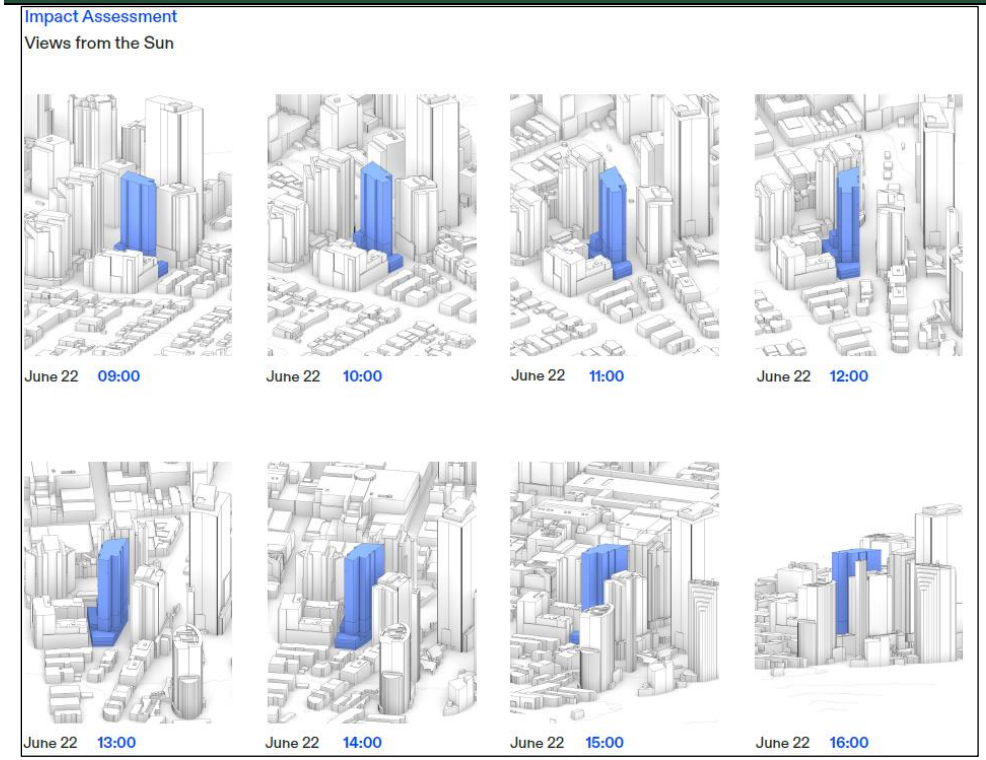

The studies demonstrate that adequate solar access is still retained to 1 Cambridge Lane and 2A Help Street to satisfy ADG requirements for solar access to apartments.

The sun eye diagrams also show that for 2A Help Street, 50% of the communal open space for this development would receive minimum 2 hours solar access in midwinter.

Traffic Impacts

The amended scheme includes an updated Traffic Report addressing traffic impacts associated with the revised dwelling mix. The updated traffic report reaffirms that traffic impacts will be acceptable, and the proposed development is supportable on traffic planning grounds.

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Building Separation

The proposal addresses the issue of building separation to Cambridge Lane within the urban design report and discussion in the SEE. We note submissions that raise issues with building separation, appear to incorrectly interpret and apply the ADG building separation provisions in Part 2F to DAs. The ADG clearly states in the "how to use this guide" on pg. 10, and reiterates at the beginning of each applicable part, that Part 2 "*provides tools to support the strategic planning process when preparing planning controls*" and that Parts 3 and 4 are "*to be used during the design process and in the preparation and assessment of development applications."*

The NSW Land & Environment Court in *Hillcrest Rose Bay Pty Ltd v Woollahra Municipal Council [2021]* has reaffirmed that DCP setback controls take precedence where visual privacy matters in Part 3F can be otherwise addressed (we also note greater than DCP minimum setbacks have already been provided). Namely, the apartments on the western elevations have been designed with angled windows and screens, along with orientation of primary spaces away from the west, so as to mitigate any privacy impacts from reduced separation distances. This is also the case for the eastern elevations, where possible apartment living rooms and balconies are primarily oriented to the north and south. Direct lines of sight are minimised through the use of offset windows, angled blades and building orientation.

View Impacts

We note some submissions also raise concerns with loss of district views from the 1 Cambridge Lane apartments.

The site is within a dense urban environment and went through a site-specific planning proposal with site-specific DCP. The tower is set well within the LEP/DCP envelope, and as demonstrated in the Urban Design Report, went through a rigorous assessment of the surrounding context which has shaped the design of the building to retain reasonable solar access to not only to 1 Cambridge Lane, but the apartment development at 2A Help Street to the south.

The suggestion in a submission for complete reorientation and shifting of the tower to the northeast fails to appreciate the inadvertent adverse impacts (e.g. overshadowing) this would generate to other surrounding developments such as 2A Help Street. The design of the development achieves a suitable balance of solar access and view-sharing. It cannot be reasonably expected that every surrounding apartment would be unaffected by upzoning and high-rise redevelopment in the dense, urban Chatswood CBD built environment.

Furthermore, Chatswood CBD has been the subject of several years of strategic planning and subsequent rezoning to facilitate high-density mixed-use development within the centre. Through the strategic planning process, Council would have considered the potential impacts of additional density on adjoining constrained sites, including the site-specific planning proposal for the subject site.

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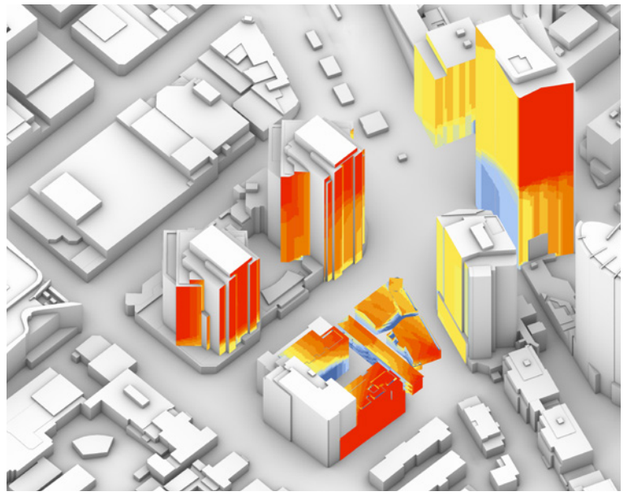
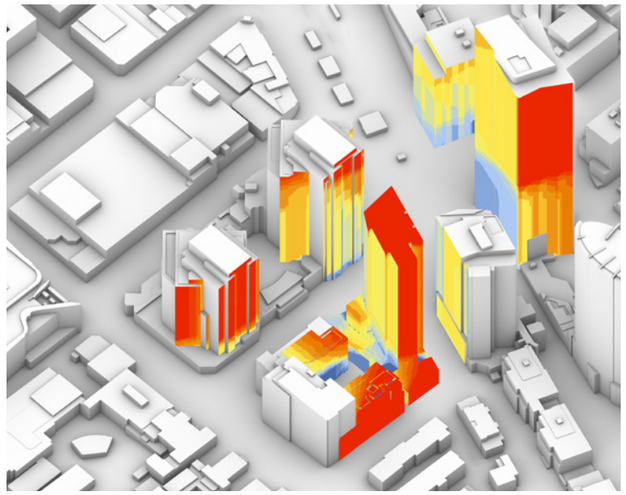


North-East
Existing condition

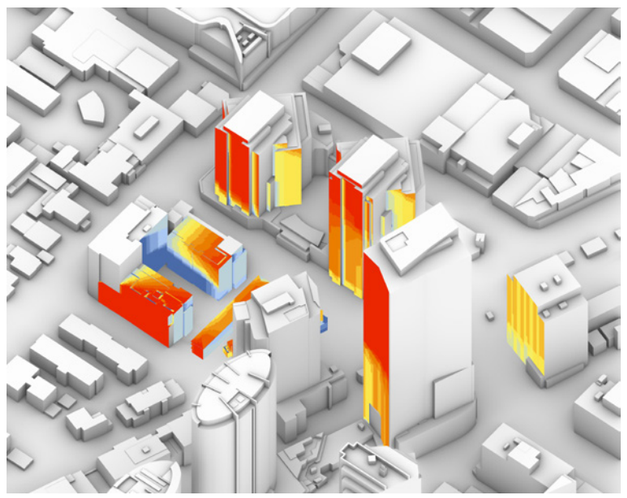


North-East
Proposed condition

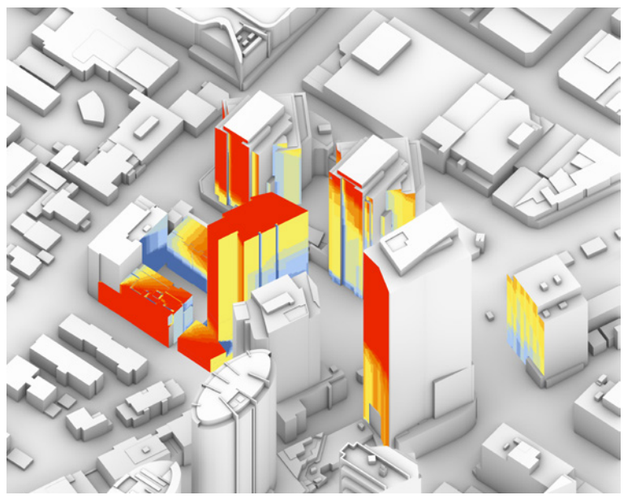
Ladybug studies demonstrate that the proposed building form retains the required solar access to surrounding buildings

Legend

- 6.5 hrs
- 6.0 hrs
- 5.5 hrs
- 5.0 hrs
- 4.5 hrs
- 4.0 hrs
- 3.5 hrs
- 3.0 hrs
- 2.5 hrs
- 2.0 hrs
- 1.5 hrs
- 1.0 hrs
- 0.5 hrs
- 0.0 hrs



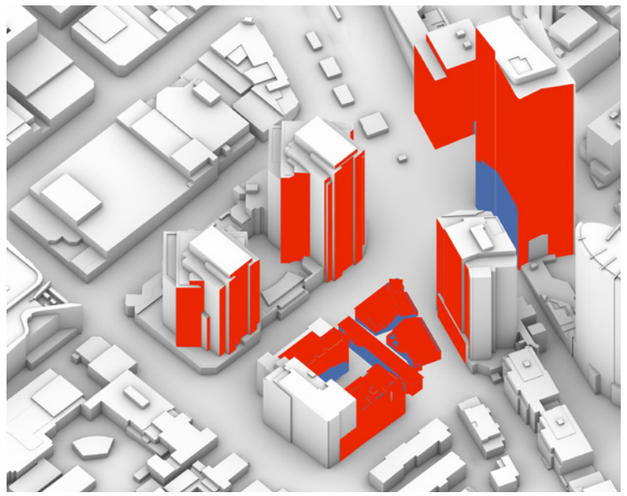
North-West
Existing condition



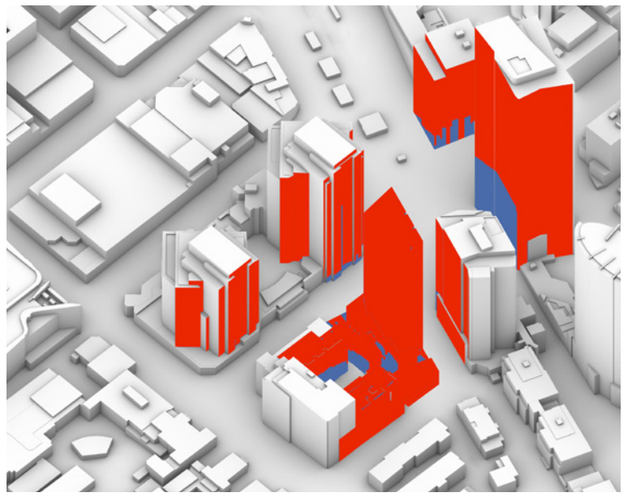
North-West
Proposed condition

Impact Assessment

SEPP65 Solar Analysis June 21



North-East
Existing condition



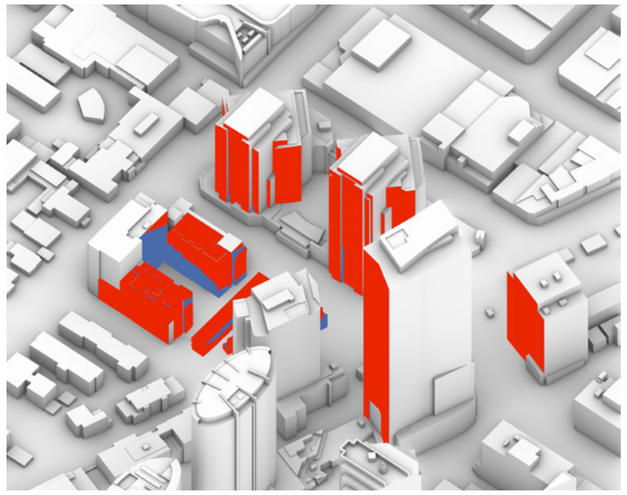
North-East
Proposed condition

Ladybug studies demonstrate that the proposed building form retains the required solar access to surrounding buildings

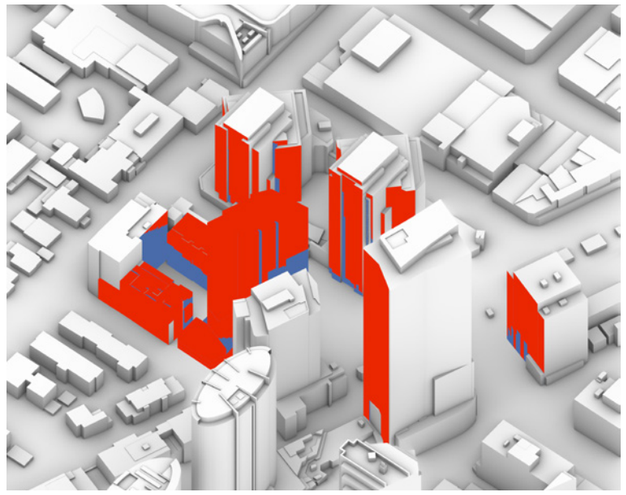
Legend

more than 2.0 hrs

less than 2.0 hrs



North-West
Existing condition



North-West
Proposed condition