

*View 3: above**View 4: above*

2.2 Preferred Project Report

Following exhibition, the proponent submitted a PPR providing the following key changes:

- Inclusion of additional vehicle exit at the Thomas Street frontage with associated changes to the layout of the basement level 1 and reduction of retail floor space;
- Amendments to the commercial and residential loading docks arrangement in basement level 1;
- Amendments to the eastern and western façades at levels 3-18 at of the residential tower. Angled privacy screens have also been provided;
- Substitution of two studio apartments and two 1-bedroom apartments with two 2-bedroom apartments per floor on levels 3-5 resulting overall reduction in the number of proposed units to 202; and
- The following parking provided on the site:
 - 192 residential spaces;
 - 64 commercial spaces;
 - 250 public parking spaces;
 - **Total 506 spaces.**

The table below details the key components of the project as amended by the PPR

Key Project Components

Development Criteria	Proposed		
Building Height (storeys)	Residential tower – 29 storey plus plant room above Commercial tower – 21 storey plus plant room above		
Building Height (RL)*	Residential tower – RL 199.90 (approx. 98.5m) or RL201.40 measured to top of lift motor room Commercial tower – RL197.20 (approximately 95.8m)		
Gross Floor Area (GFA)		SREP 5 definition	Standard Template definition
	Residential	22,910	21,494
	Commercial/Retail	24,380	23,477
	Total	47,290	44,971
FSR		SREP 5 definition	Standard Template definition
	Residential	5.3:1	4.97:1
	Commercial/Retail	5.64:1	5.43:1
	Total	10.94:1	10.40:1
Unit Mix	<ul style="list-style-type: none"> • 10 studio apartments (5%) • 10 one bed apartments (5%) • 2 one bed + study apartments (1%) • 146 two bed apartments (72%) • 34 three bed apartments (17%) • 202 total apartments 		

2.3 Project Need and Justification

NSW State Plan

The NSW State Plan 2010 aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport. The proposal is consistent with the NSW State Plan 2010 priorities, including:

- *Increase the number of jobs closer to home* - The proposal will provide an additional 200 jobs once constructed within the Willoughby LGA and increase the number of dwellings within the Chatswood CBD and associated transport facilities, jobs and services.
- *Grow cities and centres as functional and attractive places to live, work and visit* - The proposed design of the building will complement the character of the Chatswood CBD locality and contribute to the area development by providing an attractive place to live.
- *Increase business investment and support jobs* - The proposal provides a **\$147,000,000** investment into the region that will assist in providing additional employment during construction and operation.

Sydney Metropolitan Strategy “City of Cities”

The Sydney Metropolitan Strategy identifies the Willoughby City Council area and Chatswood CBD in the Inner North Subregion. The development of the Thomas Street Car Park site will support and promote the core directives of the Metropolitan Strategy through the provision of jobs and new dwellings. The Strategy is currently under review. The Strategy review discussion paper sets housing and employment targets for the Sydney region at 770,000 additional dwellings and 760,000 new jobs by 2036.

The development of the Thomas Street Car Park site for the purpose of commercial floor area and residential dwellings will help meet these targets set by the NSW State Government to ensure the economic growth of the Sydney metropolitan region.

Draft Inner North Subregional Strategy

The Draft Inner North Subregional Strategy has identified Chatswood as a Major Centre within the Inner North subregion which forms part of the Global Economic Corridor extending from North Sydney through to Macquarie Park. The key directions for the Draft Inner North Subregional Strategy include strengthening the Global Economic Corridor – within which Chatswood is an identified major centre. The Draft Inner North Subregional Strategy currently sets an employment capacity target of 7,300 additional jobs being provided in Chatswood by 2031. The commercial and retail component of this development will contribute to this target with an approximate facilitation of 1000 jobs (assuming 25m² floor space/commercial employee). Further it will create appropriate housing densities within close proximity to the Chatswood CBD and also in close proximity to public transport services of the Chatswood Rail Station and Chatswood Transport Interchange. The proposal will also help Willoughby LGA achieve their dwelling target of an additional 6,800 dwellings by 2031.

Sydney Regional Environment Plan No.5 - Chatswood Town Centre

The Sydney Regional Environmental Plan No.5 - Chatswood Town Centre (SREP 5) was gazetted in 1983 and since this time it has been the principal planning instrument which has established the zoning and development control framework for the creation of the Chatswood CBD. SREP 5 has facilitated the development of Chatswood Town Centre as a major subregional centre, significantly improving employment and commercial opportunities. SREP No. 5 aims to consolidate the zone as Chatswood's main office core, accommodate service retailers to cater for the local office needs, to permit high density residential uses and to provide a balance between office parking and demand. The commercial floor space with high density residential accommodation along with the associated retail space and car parking will promote the objectives of SREP 5 as they apply to the role of this site within the Chatswood CBD.

Draft Willoughby Local Environmental Plan 2009

Willoughby City Council is in the process of preparing the draft Willoughby Local Environmental Plan 2009 (draft WLEP 2009) that is consistent with the Standard Instrument LEP format. The draft WLEP 2009 and other supporting documents were exhibited from 25 March to 20 May 2010. When adopted, it will replace both WLEP 1995 and SREP 5 as the main planning instrument for the whole of the Willoughby LGA. The draft WLEP 2009 was preceded and underpinned by the following two reports:

- Draft Chatswood City Centre Strategic Plan Background Report.
- Draft Chatswood City Centre Vision and Strategic Plan.

The Draft Chatswood City Centre Vision and Strategic Plan identifies the corner of the Pacific Highway and Albert Avenue as a 'Gateway' at the south-western corner of the Chatswood CBD.

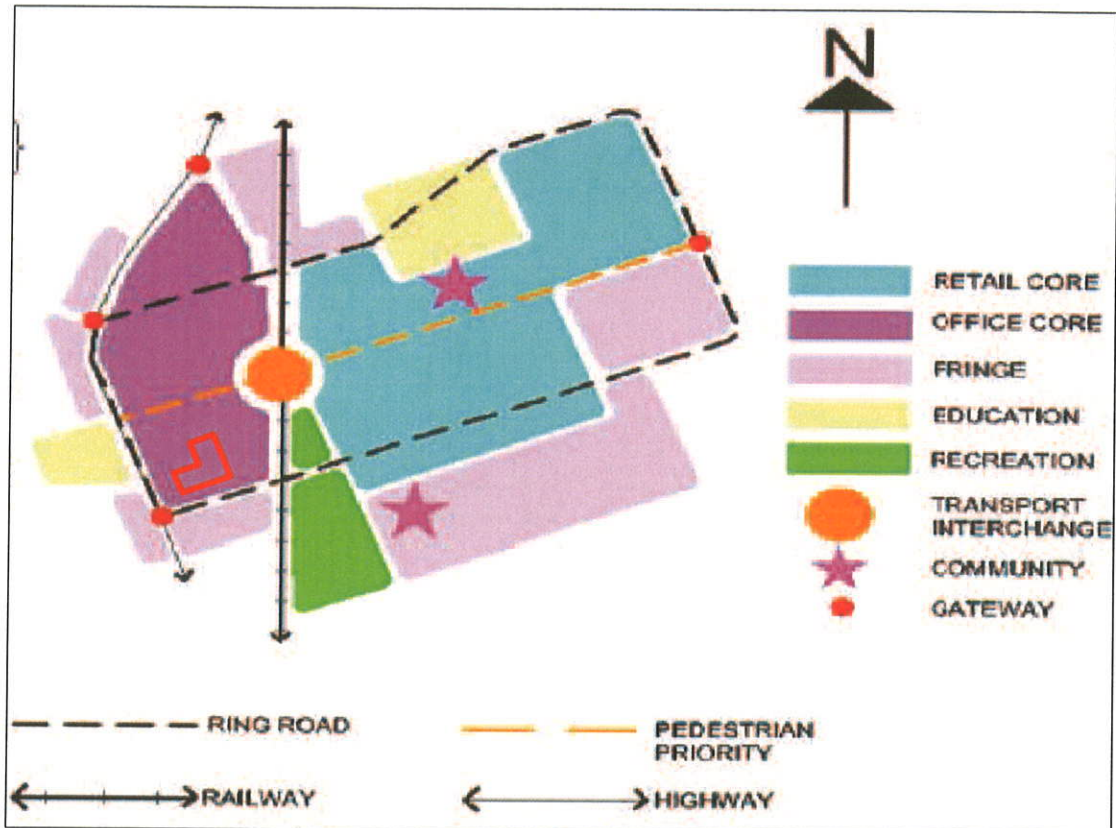


Figure 5: Chatswood CBD concept map extracted from Draft Chatswood City Centre Vision and Strategic Plan. The site is shown outlined in red, adjacent to the identified gateway location.

The draft WLEP 2009 identifies a number of Special Provisions Areas, for which site specific controls have been drafted. These site specific controls give an understanding of the future strategic directions for various key development sites within the LGA.

The Thomas Street Car Park site is identified as being part of Special Provisions Area 11 (as shown below). Special Area 11 forms the south western corner of the Chatswood CBD. In addition to the Thomas Street Car Park and a section of Fleet Lane, it comprises four properties to the west of the site which currently accommodate 2 to 3 storey commercial and retail premises and are separated from the subject site by Albert Lane.

Draft WLEP 2009 provides a specific set of development standards and planning outcome/public benefit requirements for the development of land within Special Area 11. The provisions permit development on the land in excess of the plan's controls for floor space (Maximum 5.5:1) and height (up to 60 metres) provided that:

- a 250 car space public car park is provided;
- floor space ratio of shop top housing is limited to 3:1;
- the floor space of all other development is limited to 7.5:1 (making a total floor space ratio of 10.5:1);
- landscape space of 2,000m² for public use is provided; and
- the site area exceeds 4,000m².

The special provisions for Special Area 11 give a clear understanding of the strategic intentions for the Thomas Street Car Park site which is considered to be a key development site in the context of the Chatswood CBD. The Department considers that the draft WLEP 2009 controls, which are based on contemporary studies and strategic planning documents, provide a more accurate reflection of the current planning objectives, strategic intentions and desired future character for the site, as compared to SREP 5, gazetted in 1983.

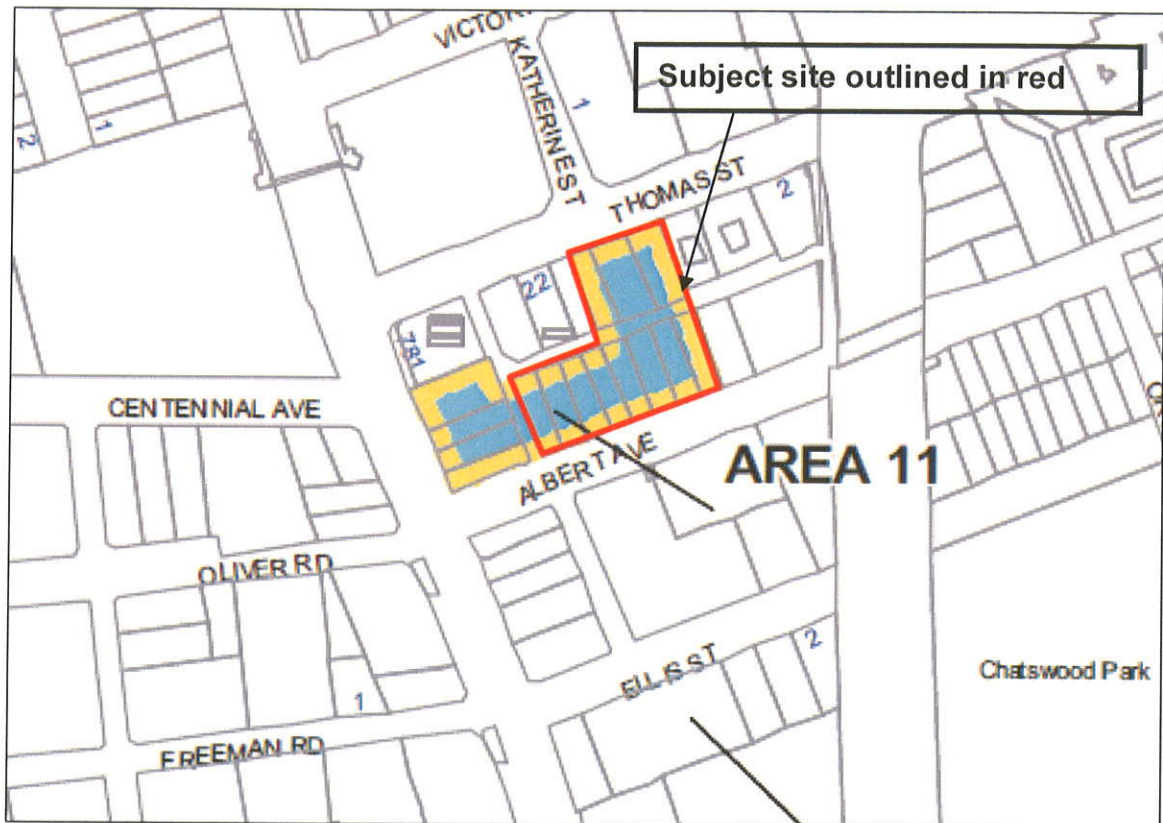


Figure 6: The subject site forms part of the Special Provisions Area 11 as set out by draft WLEP 2009. This also shows the western extent of the identified area not included as part of the subject site (extracted from draft WLEP 2009).

3. STATUTORY CONTEXT

3.1. Major Project

The proposal is a major project under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for the purpose of a residential, commercial or retail project with a capital investment value of more than \$50 million and is of importance in achieving State or regional planning objectives as required under clause 13 of Schedule 1 of State Environmental Planning Policy (Major Projects) 2005 (as in force at the time). Therefore the Minister for Planning is the approval authority.

3.2. Permissibility

The subject site is currently identified by the following:

- Sydney REP No.5 (Chatswood Town Centre) - Zone 3(c2) – Business Commercial, which permits commercial premises, residential flat buildings along with refreshment rooms and a range of shops.
- Draft Willoughby LEP 2009 - which proposes to split the subject land across two zones:
 - the eastern portion of the site (where the residential tower is located) - B4 (Mixed Use) zone, which permits the proposed shop top housing and retail premises;
 - the south-western portion (where the commercial tower is located) - B3 (Commercial Core), which permits the proposed office and retail premises.

3.3. Environmental Planning Instruments

The Department's consideration of relevant SEPPs and EPIs is provided in Appendix D.

3.4. Objects of the EP&A Act

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

Precautionary Principle – It is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has historically been used for a car park. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity.

Inter-Generational Principle – The proposal represents a sustainable use of the site as the redevelopment will utilise existing transport infrastructure and make more efficient use of the site. The redevelopment of this site will also have positive social, economic and environmental impacts.

Biodiversity Principle – Following an assessment of the Proponent's EA and PPR it is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site has been extensively developed for some time and contains a low level of environmental sensitivity. There is little to no natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.

Valuation Principle – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate measures to mitigate adverse environmental effects and maximise energy efficiency through design. A 5 star NABERS rating is targeted for the commercial tower and the residential tower is designed to comply with BASIX. The above measures will be included in the total cost of the project, and considering greenhouse gas emissions linked to environmental performance, accessibility and travel the proposal is considered to be acceptable.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75J of the Act, the Director-General is required to make the EA of a project publicly available for at least 30 days. After accepting the EA, the Department undertook the following actions:

- Made the EA publicly available from **13 January 2010 to 26 February 2010**:
 - on the Department of Planning's website;
 - at the Department of Planning's Information Centre; and
 - at the Willoughby City Council Help and Service Centre and Chatswood Library.
- Notified local landowners and residents about the proposal (and the exhibition period);
- Notified relevant state government authorities and Willoughby City Council; and
- Placed advertisements in the Sydney Morning Herald, Daily Telegraph and the North Shore Times newspapers.

The Department received 40 submissions during the exhibition of the EA – 5 submissions from public authorities and 35 submissions from the general public (including those prepared by consultants on behalf of the public). A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Willoughby City Council, Roads and Traffic Authority, NSW Transport and Infrastructure and Sydney Water raised concerns with the proposal. The Department of Environment, Climate Change and Water raised no concerns.

Roads and Traffic Authority (RTA) & Sydney Regional Development Advisory Committee (SRDAC) does not object to the proposal however raises the following issues:

- Concerns are raised over the single access point for vehicles on Albert Avenue. Options for additional driveway entry and exit points via Albert Lane, Fleet Lane and/or to Thomas Street should be considered.
- The introduction of a median strip on Albert Avenue is essential to enforce a left in/left out arrangement.
- A loading area that is separated from the car park must be considered. It is not appropriate to use the intended parking bay on the Albert Avenue frontage for loading and unloading.
- The Chatswood Traffic Study identifies the need to upgrade the Pacific Highway/Albert Avenue intersection. To facilitate this there will be a need to widen Albert Avenue. Therefore a widening strip of a minimum of 1.5 metres along the site's Albert Avenue frontage would need to be provided.
- Given that the proposed development will impact upon traffic conditions in Thomas Lane and will benefit from the reopening of Thomas Lane to regular traffic, a contribution toward the cost of works which may be required in Thomas Lane should be sought from the developer.
- Caged cycle parking and showers should be provided for the general public.
- Current facilities for car share vehicles in the public car park will be lost.
- Conditions were provided relating to design and construction standards, traffic management and the provision of a Green Travel Plan, which are included as recommended conditions of approval.

NSW Transport and Infrastructure (NSWTI) does not object to the proposal however raises the following issues:

- A greater attempt should be made to encourage the use of public transport with walking and cycling,
- Recommends a condition of consent that a Workplace Travel Plan (WTP) and Travel Access Guide (TAG) be prepared'
- Proposed parking provision of 506 spaces is too high and unjustified.
- The opportunity for car sharing schemes should be considered.
- The rate of cycle parking should be specified and visitor bicycle parking should be provided at ground level.
- A further submission in response to the PPR raised issues consistent to those already raised.

Sydney Water Corporation does not object to the proposal however raises the issue that the Department should ensure that the proposed development as a whole meets the 1997 NSW Environmental Protection Authority guidelines.

Department of Environment, Climate Change and Water (DECCW) raised no objections to the proposal

Willoughby City Council: provided three submissions in respect of the proposal. The Council do not oppose the proposal however have raised the following points and issues:

First submission:

- Amendments Sought:
 - An additional vehicular exit to Thomas Street from the car park.
 - Revision of the eastern residential façade to take account of the likely redevelopment of the adjoining site to the east.
 - Providing an additional car parking level.
 - Redesign of the loading area.
 - Amended plans reconcile all architectural, hydraulic engineering and landscaping plans.
- Further assessment consideration be given to the following points:
 - A condition be imposed on the consent that allows residents who do not need a car space to use the space(s) for car sharing and car pooling in such a way that can be expanded in the future.
 - Proper cumulative traffic studies be undertaken for the block surrounding the site,
 - Further information regarding justification for exceedence of the current development controls in particular of the height and consequent overshadowing that is detrimental to the use of the Chatswood Oval and the sporting facilities south of Ellis Street.
 - Additional disabled car spaces to be provided in accordance with the relevant standards.
 - Environmental sustainability measures to be specified in the application drawings and as commitments in any consent.
 - An archaeological assessment of the site be undertaken if required.

• **Second submission:**

- The closure of Fleet Lane may create access difficulties to properties at the eastern end of Fleet Lane.
- Council is currently preparing a Traffic Management Plan (TMP) in consultation with adjoining property owners and the RTA which facilitates the planned closure of the part of Fleet Lane required to be closed by the proposed development. This addresses pre and post construction periods together with a construction plan.
- Provided a consent condition relating to provision of TMP.

• **Third submission:**

- Key points provided (additional to those already provided) in response to the PPR:

- The draft WLEP 2009 was based on strategic planning studies that identified this site as part of a 'gateway' to Chatswood. The requirement of 2000m² of public open space on the site is a drafting error and should be 1000m².
- Council's DCP requires 50% of the apartments to be adaptable.
- Payment of development contributions should be required prior to Construction Certificate for any above ground development

4.3. Public Submissions

All 35 submissions received raised a number of concerns,

Built form:

- Overdevelopment of the site.
- Non-compliance with the existing mass form and height provided in SREP 5 (Chatswood Town Centre) and Willoughby DCP.
- Visual impacts due to size and bulk.
- Setback to the eastern site boundary.
- Non-compliance with the proposed FSR (residential component).

Environmental/Amenity Impacts:

- Acoustic and visual privacy impacts
- Loss of daylight to eastern adjoining commercial building (No.12 Thomas Street).
- View loss.
- Overshadowing.
- Wind impacts.
- Daylight access and cross ventilation.

Traffic and parking & construction related impacts:

- Infrastructure constraints and traffic congestion.
- Shortfall of on-site car parking / lack of disabled parking spaces.
- Only one entry/exit point onto Albert Avenue for 506 car parking spaces.
- Traffic conflict between service/garbage trucks and other cars accessing the site.
- Road closure of Fleet Lane.
- Lack of sustainable travel plan and facilities to increase non-car mode share for travel.
- Construction impacts / loss of public parking during construction.
- Excavation methodology information and dilapidation report / photographic survey needs to be provided.

Other:

- Re-development potential of the properties at 763-769 Pacific Highway (directly to the west of the subject site).
- Floor space ratio of future development at Nos. 20, 22 & 24 Thomas Street should be able to match the proposed development.

Department comment: These points are discussed under the relevant headings in the key issues section of this report.

- The development should comply with the existing controls or wait for a formal amendment to the LEP.
- The proposal could not be reasonably approved under SREP 5 and that is why Council has prepared the draft LEP to vary the height and FSR. This draft LEP has not been placed on public exhibition and should be given no weight.

Department comment: Following the authorisation by the Department to exhibit the draft WLEP 2009 Willoughby City Council exhibited this and other background documents from

Thursday 25 March to Thursday 20 May 2010. It is considered reasonable to consider the draft WLEP 2009 in the assessment of this project.

- 4% of apartments being allocated as affordable housing is inadequate.

Department comment: The allocation of 4% of the apartments as affordable housing is in accordance with the requirements of Willoughby LEP 1995.

- Conflict of interest for Willoughby City Council as holding an interest in the subject site and preparing draft LEP controls for its re-development.

Department comment: This application is being independently assessed by the Department.

- The development is not in the community interest
- There is no justification for so much office space.

Department comment: The development of the Thomas Street Car Park site chiefly for the purpose of commercial floor area and residential dwellings will help meet these targets set by the NSW State Government to ensure the economic growth of the Sydney metropolitan region.

4.4. Proponent's Response to Submissions

Following exhibition of the Environmental Assessment (EA), the Department advised the Proponent of a number of issues relating to the EA. The main issues raised by the Department related to the proposed built form, compliance with SEPP 65 / Residential Flat Design Code (RFDC) and traffic / parking.

The proponent provided a response to the issues raised in submissions (above). The response included a PPR which provided amendments as described in Section 2.2 and provided:

- Further shadowing analysis in respect of the buildings on the south side of Albert Avenue and adjoining to the east on Thomas Street;
- Further view impact analysis in respect of the view enjoyed by the northern adjoining Bentleigh residential building;
- Further analysis of compliance with SEPP 65 and the RFDC; and
- A revised statement of commitments to address issues raised in submissions.

The Department has considered the response provided by the proponent in the PPR and considers that the proponent has adequately addressed the issues raised and has included relevant conditions within the recommended conditions of approval.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Built Form
- Environmental Impacts and Residential Amenity
- Car Parking, Traffic and Construction Impacts

5.1. Built Form

Height and relationship to CBD and surrounding locality

The height of the proposed residential tower in the northern portion of the site is RL 199.9 (98.5m in height) which is 49.9 metres above the allowable height limit set by SREP 5 (RL 150). The height of the proposed commercial tower located on the southern portion of the site is RL 197.2 (95.5m) which is 67.2 metres above the height limit set by SREP 5 (RL 130).

However, in accordance with the definition provided in draft WLEP 2009 the proposed residential tower will have a maximum height of approximately 100 metres or RL 201.4 and the commercial tower will have a maximum height of approximately 96 metres or RL 197.20. The draft WLEP 2009 sets a maximum height limit of 34 metres to the southern portion of the site and a maximum height limit of 60 metres to the northern portion of the site and therefore the proposed heights are inconsistent with these controls.

Notwithstanding the above, the special provisions of the draft WLEP 2009 sets aside the height requirements elsewhere provided in the LEP (rather it relies on the prescribed FSR to control height) should the development achieve certain planning outcomes on this site. These planning outcomes relate to:

- providing a minimum site area of 4,000m²;
- 250 public car parking spaces;
- 2,000m² of landscaped space available for use by the public; and
- a total FSR not exceeding 10.5:1 (of which a maximum 3.0:1 may be provided as shop top housing and 7.5:1 other uses).

The development meets the specific requirements of the clause with respect to minimum site area (being 4,323m²) and providing 250 public car parking spaces. The overall FSR is within the total allowable FSR maximum of 10.5:1. The landscaped space is considered to be adequate as assessed below. The Department considers that the development satisfies the intentions of the special provisions clause of the draft LEP which sets aside any prescribed height controls for the development of the site.

The proponent has addressed the merits of the proposed height of the building by submitting a comparative height study. These diagrams illustrate how the proposed towers relate to the Chatswood CBD skyline. This study notes that the proposed development is lower than the Chatswood Transport Precinct Project (CTPP) residential towers which were approved over Chatswood rail station. The height study images below detail the location and form of the proposed development in relation to the existing CBD context.

The Department has analysed the southern elevation height study and considers that the tall mixed use towers to the north, north west and north east provide a height backdrop to the proposed development site which will ensure that the height of the proposed new towers does not contrast against the established Chatswood CBD skyline, particularly when viewed from the Pacific Highway and the residential area to the south.

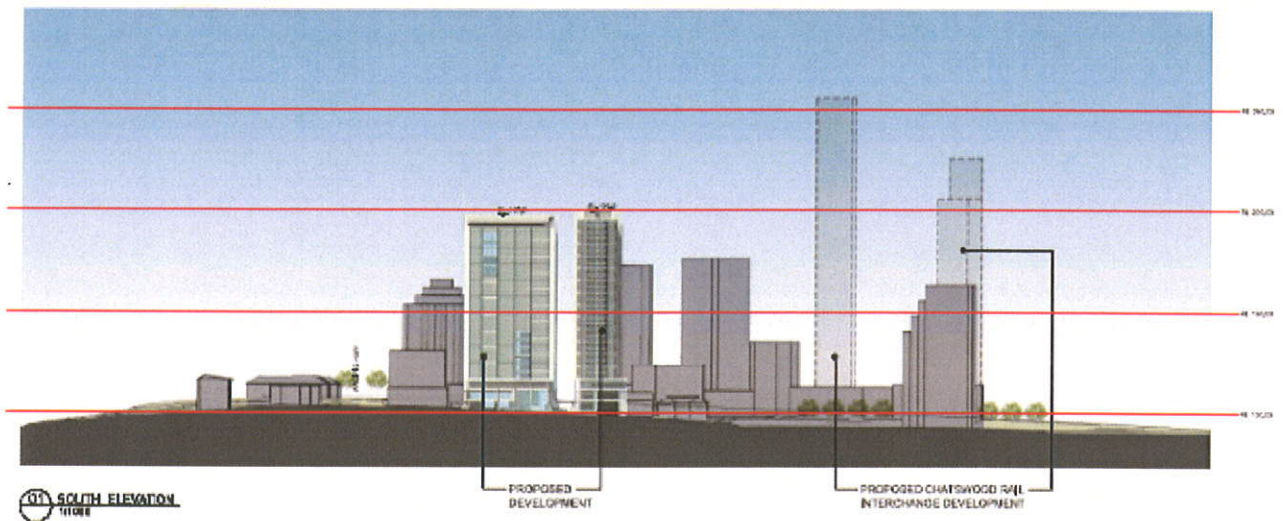


Figure 8: Height study showing the profile of the Chatswood CBD skyline from the south showing the proposed development and the approved CTPP towers (extracted from EA).

The Department has analysed the western elevation height study and considers that the proposed towers will provide a bookend to the southern end of the Chatswood CBD. This area is identified by Willoughby City Council as a gateway area to the southern end of the Chatswood CBD. Furthermore, the proposed new towers will soften the impact of the taller CTPP towers on the residential areas to the south and south-west (once built).

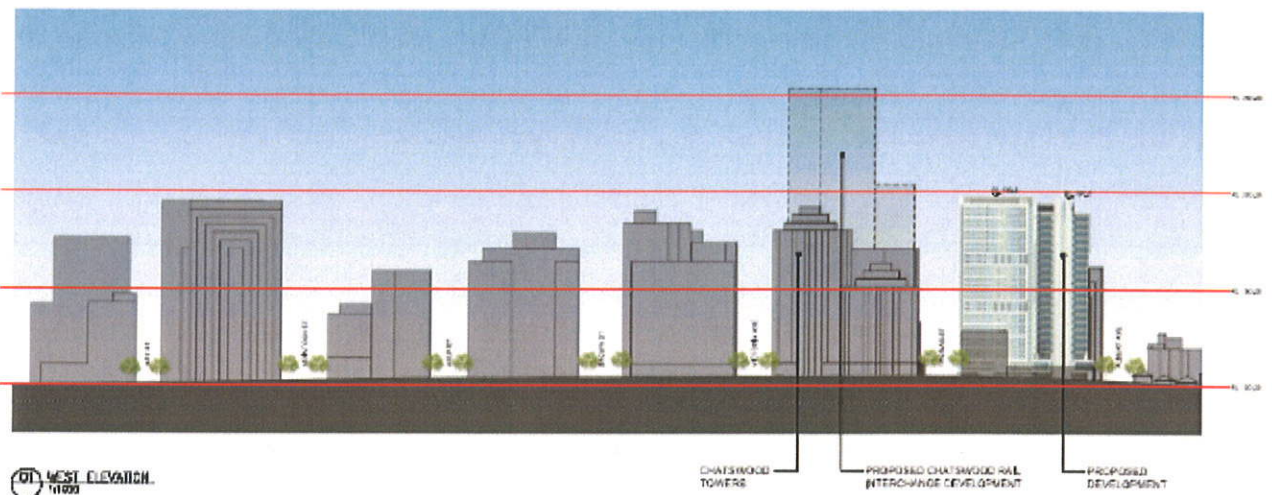


Figure 9: Height study showing the profile of the Chatswood CBD skyline from the west showing the proposed development and the approved CTPP towers (extracted from EA)

In view of the above skyline and envelope profile it is considered that the proposed tower buildings will maintain and complement the Chatswood CBD environment which is characterised by high density commercial and residential towers. The Department considers that introduction of tall, iconic buildings at the boundary of the Chatswood CBD would be therefore appropriate.

Setback from Eastern boundary

The podium of the proposed residential tower is to be setback 4.5 metres (levels 1&2) and 3 metres (level 3). Above this level the setback is reduced to 2.5 metres from the eastern site boundary. The adjoining site to the east, No.12 Thomas Street accommodates a commercial building setback approximately 3 metres from the common (western) boundary with the subject site. They provide for 7.5 metres of separation at the lower levels and 5.5 between the upper levels.

In response to the concerns raised in public submissions regarding the inadequate separation between these buildings and resultant acoustic and visual privacy impacts, the proponent has amended the design of the eastern elevation by reducing the number of east facing apartments from six down to four and have added privacy screens on the balconies of the east facing apartments on levels 3 to 5. Noting that the proposed level 5 is consistent with the height of the neighbouring building to the east, the Department considers that this satisfactorily resolves the issue of the commercial amenity of the adjoining building (overshadowing is discussed below).

In response to concerns raised by Council and the Department regarding the impacts of future development on the eastern adjoining sites at Nos. 4-12 Thomas Street, the proponent provided the following points in relation to this property:

- Draft WLEP 2009 allows for heights of up to 60 metres and total FSR of 5:1 for future development;
- In order to achieve a 60 metre height, the three sites would need to be amalgamated; and,
- Redevelopment of these sites is unlikely in the near future given the scale of the existing development on these sites.

The Department considers that should amalgamation occur at 4-12 Thomas Street, the site area of 1993m² would enable a design which would maintain separation between the buildings (above the podium level) to maintain solar access to the proposed residential apartments. In addition, the proponent has provided privacy screens on the balconies of the eastern facing apartments up to level 18. This ensures the future privacy of these apartments should the adjoining site ever be developed to a 60 metre height. Further, any redevelopment of this site is notional so only limited weight can be given to this matter. The Department therefore considers the above reasoning provides sufficient justification for the proposed setback to the eastern site boundary.

Floor Space Ratio/Mix

Under SREP 5 a maximum FSR of 5.5:1 applies to the site, of which up to 2.5:1 may be residential GFA. The draft WLEP 2009 however sets a maximum FSR of 10.5:1 with maximum residential FSR being 3:1. The proponent argues that draft WLEP 2009 represents Council's desired future character of the area. Therefore, the non-compliance with the current FSR control provided by SREP 5 is considered acceptable as the proposal will comply with the overall density control for the site under the Council's draft LEP.

The Department considers that the controls contained within the draft WLEP 2009 are reasonable in this urban context. They are based on contemporary studies and strategic planning that provides a more accurate reflection of the desired future character for the site, in line with strategic planning objectives such as increasing density within identified centres close to public transport, as compared to SREP 5, gazetted in 1983. The proposed FSR of 10.40:1 is therefore considered to be acceptable.

Of the total floor space proposed, an FSR of 4.97:1 is provided as residential and 5.43:1 is provided as commercial/retail. The proponent argues that the variation of the floor space mix to the requirements of draft WLEP 2009 is sought on the basis that Willoughby City Council had previously confirmed that this floor space mix was supported and was formalised into the minutes of Council's resolution of the meeting 24 August 2009. On this basis, the proponent has progressed the design of this development with this floor space mix.

The Department's assessment is that the floor space mix is acceptable as the development is consistent with the Sydney Metropolitan Strategy and the Draft Inner North Subregional Strategy in view of the following:

- More than half of the proposed floor space will be non-residential and the opportunity for substantial commercial floor space in the Chatswood CBD is realised on the site.

- The residential development supports the objectives of the Sydney Metropolitan Strategy and the draft Inner North Sub-regional Strategy in that allows for greater housing supply within close proximity to the Chatswood CBD and also in close proximity to public transport services of the Chatswood Rail Station and Chatswood Transport Interchange.
- The form of the proposed residential tower and the housing density is consistent with a number of other residential towers in the Chatswood CBD, including the Bentleigh Residential Tower on the north side of Thomas Street.

Landscaped Area/Public Domain

The draft WLEP 2009 requires that a landscaped area of 2000m² be provided on site for public use. Willoughby Council has confirmed that this figure is a drafting error in the draft WLEP 2009 and should in fact read to be only 1000m². This figure is however yet to be formally amended. As such, the 2000m² as provided in the draft WLEP is given consideration for the purposes of this assessment. The project features a public plaza and north-south through-site link at the street level with a landscaped area provided has an area of 1824m² (1,294m² excluding the southern street frontage).

The proponent has reasoned that the potential benefit provided by the publicly accessible open space on the site is not only related to the quantity but also the quality of open space provided. The proponent has outlined the following benefits provided by the landscaped space:

- Greater connectivity of the southern residential area to the Chatswood CBD;
- Activation of the area with the provision of ground floor retail uses;
- Disabled access through the site;
- Provision of a broad grassed lawn for passive recreation purposes of both local residents and employees in the Chatswood CBD;
- Repaving and improvement of Council's footpaths; and
- Provision of new leisure opportunities on what is currently an under-utilised site.



Figure 7: Perspective looking south through the proposed through site link which will be activated at the ground level by retail uses (extracted from EA).

The Department considers with the proposed public domain/ landscaped area acceptable for the following reasons:

- The design analysis of the plaza and through site link has also considered the orientation of the space to sun and wind, and the character and context of the space relative to the Chatswood CBD and adjoining area.
- The 1824m² provided is within 10% of the amount sought in the control. This is a minor numerical disparity which is not a critical consideration in the adequacy of this space. Rather the quality and usability of the open space are of more importance.
- The subject site currently provides an informal pedestrian link across the open car park and Fleet Lane between Albert Avenue and the CBD/Chatswood Station-Interchange. The north-south orientation of the plaza / through-site link will allow for this informal pedestrian link use to be maintained within a formally designed, well activated and improved pedestrian environment.

Future development of adjoining sites

The subject site is adjoined by smaller sites to the east and the west. Each of these sites, if amalgamated with other adjoining sites would form larger parcels of land that may be collectively redeveloped. Those parcels in particular are Nos. 763-781 Pacific Highway, Nos. 4-12 Thomas Street, Nos.20-24 Thomas Street and Nos.73-77 Albert Avenue. The draft WLEP 2009 has set development standards including height and floor space limits for these sites which will inform the extent to which development may be carried out.

It is understood that Willoughby City Council has received submissions as part of the exhibition of draft WLEP 2009 from adjoining landholders. These submissions seek that the development standards for these sites be reviewed having regard to the development of the subject site. Whilst the draft WLEP 2009 is substantially progressed, the Council will review these submissions prior to finalising the draft WLEP 2009.

5.2. Environmental Impacts and Residential Amenity

Overshadowing

Overshadowing created by the proposed development has been considered in the following three particular areas. These areas are:

- The residential properties opposite the site on the southern side of Albert Avenue.
- The open space areas nearby the site, namely Chatswood Oval, Chatswood Bowling Club and Chatswood Croquet and Tennis Centre.
- The adjoining commercial building to the east at No.12 Thomas Street.

The residential properties on the southern side of Albert Avenue

These residences will be most affected by the overshadowing created by the proposed development. These properties accommodate residential flat buildings ranging in height between 7-9 storeys. The shadow analysis provided by the proponent demonstrates each of these properties will be provided with 3 hours of sunlight between 9am-3pm at mid winter as required under SEPP 65, except for No.96 -100 Albert Avenue. At mid-winter the northern facing windows of this building will receive direct sunlight until 10:30am and remain in shadow for the rest of the day.

The proponent has reasoned that whilst this is slightly less than the 2 hours (between 9am-3pm) required by SEPP 65 this property is directly south of the Chatswood CBD which is projected to grow in height and density. In such environments it is hard to achieve compliance with the SEPP 65 rule of thumb. It is further noted that two hours of sunlight will be achieved at March/September 21 (equinox).

In addition to the above the Department notes that No.96-100 Albert Avenue is fronted by a dense tree canopy which would substantially reduce solar access to the building throughout the day. The Department accepts the reasoning above as it considers that any development of this site of a scale and a nature that is consistent with the character of the Chatswood