

CBD will overshadow this building. The shadowing impact to these properties is therefore considered inevitable and acceptable.



Figure 10: Looking south from Albert Lane across the south western corner of the site toward the residential flat buildings on the across Albert Avenue facing the subject site. The building to the right of the picture behind the tree canopy is 96-100 Albert Avenue.

Chatswood Bowling Club and Chatswood Croquet and Tennis Centre

These facilities are located approximately 160 -200 metres to the south of the site. Chatswood Oval is situated further to the west on the other side of the North Shore railway line approximately 130 metres from the site.

The proponent has provided half hourly shadowing diagrams (mid-winter) that quantify the extent of shadowing impact on these open space areas. These diagrams indicate that the Croquet and Tennis Centre is already overshadowed at midday by a building to the north. The proposed development will not alter existing shadow impacts on any of the lawns until 1:30pm and will affect one of the three croquet greens until 3pm (a maximum of 1.5 hours). The Centre will continue to receive solar access in the morning. The Chatswood Bowling Club bowling greens located further to the south will not be overshadowed

The shadow diagrams also demonstrate that the shadows from the proposed development will cast shadows across Chatswood Oval after 2pm. From this time until after 3pm, two separate shadows cast by both towers will extend across the south-western portion of the Oval. The development will not impact on Chatswood Oval's solar access before 2pm.

The Department considers that this impact is acceptable as (a) the solar access is maintained to these spaces for the majority of the 9am-3pm mid-winter time period; and (b) the shadows that are cast for a period in the afternoon by the proposed development only cover a small portion of the open space areas at any one time during the 9am-3pm mid-winter time period.

No.12 Thomas Street

The building adjoining the subject site to the east, No.12 Thomas Street, is a seven storey commercial building. In response to the concerns expressed over the loss of solar access to this building, the proponent has provided elevational shadow diagrams as part of the PPR. This demonstrates that the western side of this building does not currently gain any direct sunlight access between 9am-3pm at mid-winter.



Figure 11: Looking from Thomas Street across the north eastern corner of the site at the northern and western elevations of the immediately adjoining commercial building No.12 Thomas Street.

This side of the building faces slightly south of due-west and therefore does not receive direct sunlight until after midday. During the afternoon it is already overshadowed by the existing towers on the north side of Thomas Street. The proposed development therefore will not increase shadowing to the building between 9am-3pm at mid-winter.

Notwithstanding the above, the proposed development will reduce the daylight access (i.e. diffused light from the sky) to the western facing windows of No 12 Thomas Street. The daylight access currently enjoyed by the tenants of this western side of the building is a result of the fact that the site is devoid of any substantial structures. Moreover, any development of the site that is in-keeping with the built form character of development within the Chatswood CBD would have an impact of this nature. The expectation that daylight access, whether this be direct solar access or diffused light from the sky would be preserved to a commercial premises within a CBD location is unreasonable given the scale of permissible development on the site. Furthermore daylight access will be retained at the northern and southern sides of the building.

View Impacts

The proponent provided an analysis of the view loss impacts of the proposal particularly in relation to views from the Bentleigh residential tower to the north of the site. This study establishes that the south facing apartments within the 23 storey Bentleigh residential tower

to the north of the site have substantial views back over the southern part of Chatswood, the north shore and city skyline beyond.

A consideration of the principles in the Land and Environment Court judgement "*Tenacity Consulting v Warringah Council (2004)*", provides a basis for the consideration and assessment of view impacts, view loss and view sharing, and the criteria adopted in the decision state as follows:

- (i) Assess what views are affected (i.e. whether or not they are iconic views, water views, obscured etc);
- (ii) From what part of the property are the views obtained;
- (iii) The extent of the impact; and
- (iv) The reasonableness of the proposal which is causing the impact.

(i) Views which are affected

Departmental Officers have visited the Bentleigh residential tower and have examined the southerly views enjoyed from two levels, one being the roof top level and the other being from level 19. These positions were provided with uninterrupted 180 degree views centred to the south containing views of Chatswood Oval in the foreground and distant views of the city skyline and elements such as the Harbour Bridge to the south. Other visible elements were the Sydney Harbour heads to the south-east, Anzac Bridge to the south-west and nearer by were large tracts of bushland to the south west and west (as part Lane Cove National Park).

(ii) From what part of the property are the views obtained

Views are enjoyed principally from balconies, living room spaces and also bedrooms within the apartments orientated to the south on the upper levels of the Bentleigh building.

(iii) Extent of impacts

The proposed residential tower is six storeys taller than the Bentleigh residential tower. The view impact analysis provided in the Proponent's PPR and on-site observations indicates that the proposal will impact upon southerly views to all upper levels of the building. In the main, the views directly south toward the city skyline and associated features such as the Harbour Bridge will be blocked by the proposed building. Existing easterly and westerly views enjoyed by apartments on the southern elevation of the Bentleigh residential tower will not be affected.

(iv) The reasonableness of the proposal which is causing the impact

The proponent argues that this impact is considered reasonable for the following reasons:

- The proposal retains 50% of the existing views obtained by the residents of the Bentleigh building and therefore can be considered as 'view sharing'.
- The Bentleigh residential tower is located within the centre of the Chatswood CBD and as such it is reasonable to expect that a higher density development will occur.
- The views obtained from the Bentleigh apartments are private views and not public views and therefore the benefit of providing new dwellings and employment opportunities within close proximity to public transport and other centre facilities is considered to outweigh the partial view loss impacts of the proposed development.

Further to the above it is noted that there are no specific aims or objectives in SREP 5, nor draft WLEP 2009 which seek to protect or preserve private views within the Business Commercial (SREP 5) or the Commercial Core (draft WLEP 2009) zones. Also draft WLEP 2009 prohibits residential development in the Commercial Core zone of the Chatswood CBD.

Draft WLEP 2009 sets aside a prescriptive height control for this site as part of a key development site in the Chatswood CBD and, rather it provides an FSR of 10.5:1 to set the allowable density of development of the site. The application complies with the overall FSR control which is the overall density control for the site under the draft LEP.

The Department considers that any development so modified to allow the views from the Bentleigh residential tower to be retained would severely limit the development potential of the site and would serve to impede the range of public benefits to be delivered as sought by draft WLEP 2009. This outcome is considered to be unsustainable and inequitable in terms of the strategic importance of this land and ability to contribute significantly to the achievement of a range of Metropolitan, Subregional Chatswood CBD planning objectives for economic growth, job creation and the growth of Chatswood as a major centre.

Privacy

The proposed residential tower is located adjacent to other residential uses to the north (the Bentleigh residential tower), the south-east and to the south on the opposite side of Albert Avenue. Other surrounding land uses are commercial and retail.

The proposed residential apartments do not directly face the residential units to the south-east. Residential development to the south of the site on the other side of Albert Avenue is set back from the proposed residential tower by 30 metres, well in excess of the separation controls set out by the RFDC. Privacy is therefore considered to be maintained to the nearby residences to the south east and also to the south.

The Department has also considered visual privacy between the proposed residential building and the nearby Bentleigh residential tower to the north. The two buildings are set apart by approximately 20 metres. This is not strictly compliant with the 24 metre building separation as set out by the RFDC. Each of the proposed units are however configured to have east or west facing balconies and living areas oriented away from the Bentleigh residential tower to the north. Throughout all levels of the proposed building, the northern elevation is provided with windows serving bedrooms only. It is therefore considered that the proposed design will maintain adequate privacy between the two residential towers.

State Environmental Planning Policy No.65 – Quality of Residential Flat Development

The proposal is generally consistent with the aims and objectives of State Environmental Planning Policy No.65 (SEPP 65) and the Residential Flat Design Code (the Code). A detailed assessment of the proposal against the provisions is provided in Appendix A.

The Department considers that despite some numerical non-compliances, the proposal will achieve the aims of SEPP 65 and will provide an acceptable level of internal amenity for residential occupants within a high density area. The key issues have been discussed in the PPR, including:

- **Natural Cross Ventilation** - the Code recommends that 60% of units should be naturally cross ventilated. Of the 202 apartments proposed, 104 (51.5%) are corner apartments and will be capable of being naturally cross ventilated. The proponent notes that an additional 42% of the other apartments are provided with windows facing two sides (i.e. both N and E facing windows) of the living areas which encourages internal airflow. The Department has reviewed the single aspect apartments and notes they are provided bedroom and living areas opening onto balconies and also are provided with large windows which will afford good natural ventilation to the proposed apartments.
- **Daylight Access** - the Code recommends that 70% of apartments are to receive at least 2 hours of sunlight to living spaces in midwinter between 9.00am and 3.00pm in dense urban areas. The proposal does not comply with this as 50% of the proposed units will receive more than 2 hours of direct solar access at mid-winter to the main living rooms of the apartments.

The proponent notes that 64% of units will receive over two hours of sunlight to the apartment when considering bedrooms as well as the main living areas. Further, 70% of the proposed units will receive in excess of one hour of sunlight at this time to the main living rooms and balconies.

The Department acknowledges that at higher densities, sunlight access is harder to achieve for all units and also that solar access to this site is constrained by shadowing from the tower buildings to the north of the site. The Department considers that the units will receive sufficient solar access given the site lies within a high density CBD environment.

- **Apartment Size** - The Code recommends the following internal and external apartment areas:

Apartment type	Internal area (req)	Proposed	External area (req)	Proposed
Studio	38.5m ²	37m ²	6m ²	0
One-bedroom	63.4m ²	63m ²	10m ²	6.5m ²
Two-bedroom	80-90m ²	78-103m ²	11-21m ²	6.5-19m ²
Three-bedroom	124m ²	99-149m ²	24m ²	15-25m ²

The proposed apartments are provided with a range of internal areas, some of which do not strictly comply with the recommendations of the RFDC. The Department considers that this non-compliance is marginal and acceptable as these apartments are provided with a good level of internal amenity via ventilation, 2.7 metre floor to ceiling heights and good daylight access.

The external areas of some apartments do not strictly comply with the above numerical requirements. The proponent reasons that this is acceptable given that 1,824m² of landscaped open space will be provided at the ground floor of the development. In addition recreation facilities will be provided for residents in the form of a gym, pool and outdoor terrace on Level 2 of the building. The Department considers that the points above are valid and non-compliances are minor. The provision of smaller external areas is typical of high density development (rather than medium density to which the same recommended sizes apply) within a CBD location.

- **Depth of apartments** – the Code recommends that single aspect apartments be limited in depth to 8 metres from a window and that a kitchen should be no more than 8 metres from a window. The proposed apartment depths are generally consistent with this requirement with the exception of the two south facing apartments (on each floor) which are between 8 and 10 metres deep from the back of the kitchen to the window. It is however noted that these apartments are corner apartments and therefore have a high level of internal amenity afforded by natural cross ventilation, a bright expansive outlook and large setbacks from the southern boundary of the site. It is considered that the non-compliance is minor and the reasoning provided by the proponent adequately addresses this aspect of the proposal.
- **Accessibility** – The Code recommends that barrier free access be provided to at least 20% of dwellings. Currently only 10% of the apartments are proposed to be adaptable to accommodate barrier free disabled access. This fails to meet the requirements of SEPP 65 and the Code. A condition is recommended that requires a minimum 20% of the units in the development be designed as capable of being adapted to accommodate disabled access.

On balance, the Department is satisfied that the proposal largely achieves the aims and objectives of SEPP 65 and the RFDC (subject to condition) and will provide an adequate level of amenity for future occupants of the building.

5.3. Car Parking, Traffic and Construction Impacts

On-Site parking

The table below summarises the proposed car parking against the requirements set by the Willoughby DCP in addition to the 250 spaces sought by the draft WLEP 2009. Notwithstanding the requirements of the DCP, Willoughby Council have submitted that the proposed development should provide reduced total of car parking spaces to that required by the DCP. This figure is also shown in the table below.

	Proposed	Required (DCP)	Required (Council)	Complies
Residential	192	256	211	No
Commercial	64	174	96	No
Retail	0	82		No
Public	250	250	250	Yes
Total	506	762	557	No

In addition to the above the proponent has sought to provide a monetary contribution in lieu of 50 on-site spaces in accordance with the Willoughby s94 Contributions Plan.

The proposed development has a shortfall of 256 on-site spaces when considered against the car parking demand envisaged by the DCP. The proponent maintains that this amount of car parking remains adequate in view of the following:

- The residential parking supply may be reduced as no parking will be provided for the affordable housing component of the development which consists of 8 x 2 bedroom units.
- The site's location in close proximity to excellent public transport services makes it suitable for reduced parking provision for the commercial component of the development (consistent with the DGRs and comments from NSW Transport and Infrastructure).
- A monetary contribution in lieu of 50 on-site spaces in accordance with the Willoughby s94 Contributions Plan will assist in satisfying car parking demand in the nearby area.

When compared to the number of spaces actually sought by Willoughby Council (557) the proposed figure of 506 in addition to the proposed contributions on lieu 50 spaces is 1 space short of the Council's submitted requirement. Therefore it is recommended that the monetary contribution be provided in lieu of 51 spaces (this being a contribution for one additional space than that proposed).

The Department is supportive of the reduced parking supply on site. The Director General's Requirements issued in respect of this project encouraged reduced car parking based on the accessibility of the site to public transport. In addition to the above reasons it is also noted that the car parking demand created by the development may be partially satisfied by the provision of 250 public car parking spaces on the site.

Traffic Generation and Local Road Network

The exhibited proposal provided a single vehicular access and exit point via Albert Avenue, with a left-in and left-out arrangement. The EA documents were accompanied by a Traffic and Parking Assessment (TAPA). As directed by the DGRs the TAPA considered the RTA/Council Traffic Study for the Chatswood CBD. This projected that additional traffic generation (i.e. additional to that of the existing car park) created by the development with this access arrangement will be comparable to future forecast traffic flows for the local road network as envisaged by the joint Council/RTA Traffic Study for the Chatswood CBD.

Despite this finding, concern was raised with the proposed single vehicular access and exit point on Albert Avenue. The proponent was requested to consider additional vehicle access points so as to alleviate any traffic impacts to Albert Avenue and the intersections along

Albert Avenue nearby the site. Also, turning left onto Albert Avenue would initially force all traffic exiting the site away from the Pacific Highway and associated arterial routes to the north and south. The proponent amended this aspect of the proposal in the PPR by providing an additional vehicular exit point from the basement car park to Thomas Street. This exit point is located on Thomas Street adjacent to the vehicular Right-of-way toward the north-eastern corner of the site.

The Department considers that the PPR response satisfactorily resolves the concern of traffic impacts to Albert Avenue as it will reduce the volume of traffic exiting the site eastward along Albert Avenue. Further, Thomas Street provides better access onto the main arterial north and south-bound routes on the Pacific Highway. This additional exit point is in-keeping with the request of the RTA and Willoughby City Council and is considered to resolve the issues raised by those agencies. With the additional vehicular exit point the Department considers that traffic flows generated by the proposed development will be acceptable.

To ensure that the adjoining vehicular exit ramp and the right-of-way on Thomas Street do not create any motorist confusion, a condition requiring the provision of clear traffic signage at these points is recommended.

Closure of Fleet Lane and Access to Properties

Several concerns were raised regarding vehicular access impacts to properties at the eastern and western end of Fleet Lane as a result of the required road closure of part of Fleet Lane. SREP 5 identifies that this portion of Fleet Lane is proposed to be closed. Willoughby City Council has also indicated they support closing this section of Fleet Lane in connection with the proposed development. The closure of this section of Fleet Lane may however create difficulty for vehicular access to properties at the eastern end of Fleet Lane once this section is closed, both (a) once the proposed development is completed and (b) during construction.

(a) Once the proposed development is completed.

Vehicular access to the eastern portion of Fleet Lane will be maintained via the proposed one-way right-of-way from Thomas Street. Once on Fleet Lane, vehicles would need to exit via Thomas Lane. Thomas Lane is however subject to restricted traffic conditions such that vehicles over 8.8 metres in length are prevented from using Thomas Lane.

(b) During the construction process (as proposed)

The proposed right-of-way running across the subject site may not immediately be constructed once Fleet Lane is closed. As such, access to properties on Fleet Lane may temporarily be impeded during construction. The proponent has addressed this issue in the PPR by providing a statement of commitment requiring a plan for the closure of Fleet Lane and development of the new vehicle access from Fleet Lane to Thomas Street be prepared and submitted to Council for approval. It is proposed that development of the redirected Fleet Lane access will form part of the early works on the site to ensure that the impacts on traffic and circulation in the area are limited.

Willoughby Council have acknowledged the access issue to properties along the east side of Fleet Lane arising from the road closure. Council have advised the Department that a Traffic Management Plan (TMP) is currently being prepared for the closure of Fleet Lane in consultation with adjoining owners and the RTA. This TMP will address the concerns raised in regards to the closure of Fleet Lane. In particular passenger and service vehicle access to and from adjoining sites, pedestrian access and circulation characteristics of the adjoining road network including Fleet Lane, Thomas Lane and Street. Further, the Council has provided a draft condition that provides detailed requirements for the submission and approval of a TMP prior to the commencement of work. This draft condition will be provided as a condition of consent to ensure safe and convenient access is maintained to affected properties as a result of the road closure and the development works.

Widening of Albert Avenue

Both the RTA and Council have sought a 1.5 metre wide road widening strip along its Albert Avenue frontage in order to accommodate the future widening of Albert Avenue. This is in association with the envisaged upgrade to the Albert Avenue and Pacific Highway intersection. The proponent argues that this requirement is not identified in any strategic Council documents (including the joint Council/RTA Chatswood CBD Traffic Study) however has agreed to a condition being imposed on any approval. Therefore it is recommended that a condition be imposed requiring that such a road widening strip to be accommodated on the site as described by the RTA.

Disabled Access to 12 Thomas Street

Currently the commercial building at No.12 Thomas Street provides disabled access via a concrete ramp along its western side fronting onto Fleet Lane. This ramp occupies the setback area between the building at No.12 Thomas Street and the subject site.

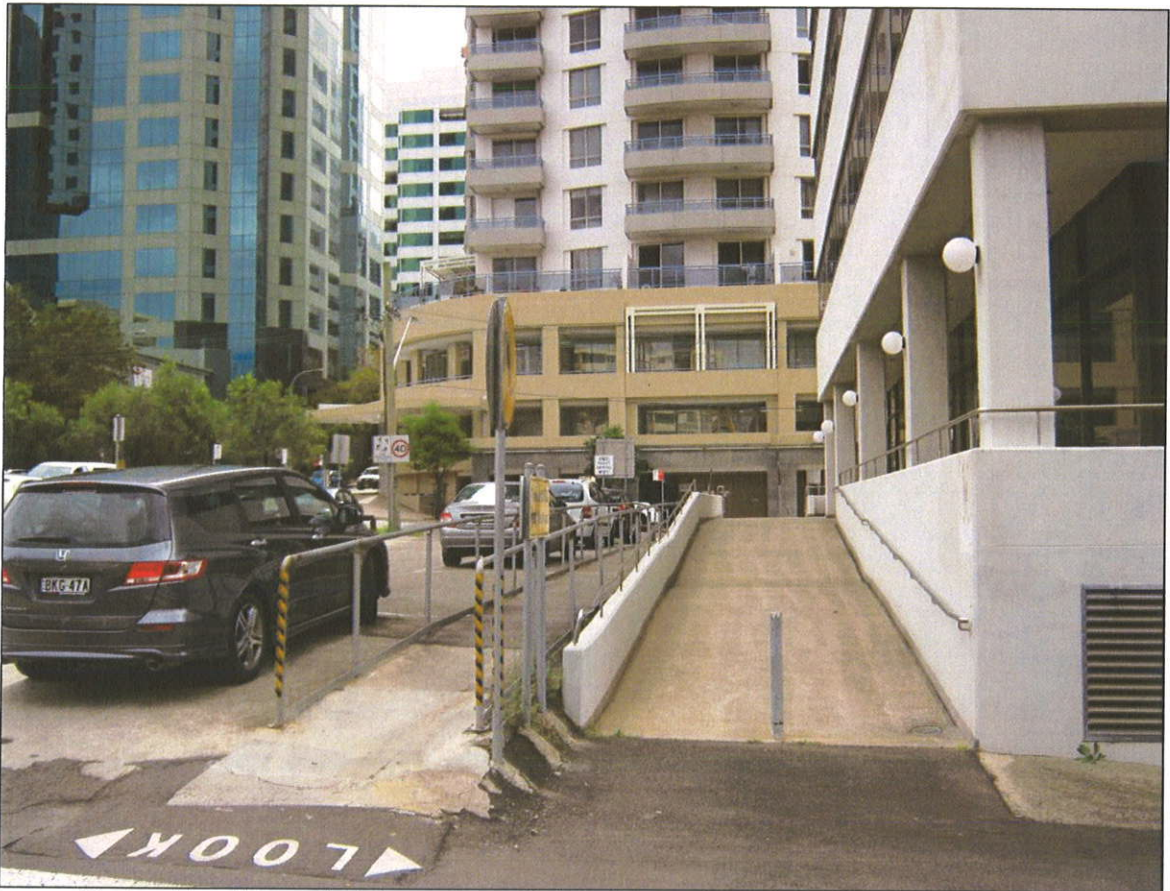


Figure 12: Looking from Fleet Lane toward the disabled access ramp that serves the eastern adjoining commercial building No.12 Thomas Street.

The proposed development will not alter the existing disabled access ramp on the western side of the building as this is wholly located on No.12 Thomas Street. It will however impact on the current ease of pedestrian access across the open car park on the subject site to this access point on Fleet Lane. The Department is aware of the concerns raised in this regard however considers that this ramp will remain unaffected and the expectation to rely upon the adjoining property for access is unsustainable and cannot justifiably be maintained at the expense of the reasonable development of the subject site.

5.4. Developer Contributions

The proponent seeks to provide a monetary contribution of 2% of the project's CIV (excluding the cost of constructing the public car parking spaces and the affordable housing units) plus

a contribution in lieu of the provision of 50 on-site parking spaces (as discussed above). This amount is sought in lieu of applying Council's current Section 94 contributions plans.

Willoughby Council have agreed to the contribution however do not support excluding the cost of constructing the public car parking spaces and the affordable housing units. The Department considers that a contribution of 2% of the project's CIV is reasonable as the proposed development will deliver tangible public benefits in the locality in the form of:

- Provision of a new public car park to accommodate 250 cars;
- Provision of public domain area including the creation of a pedestrian through site link between Albert Avenue and Thomas Street; and
- Provision of affordable housing units within the residential tower;

The Department considers that it is appropriate to incorporate the cost of the entire development (i.e. include the cost of constructing the public car parking spaces and the affordable housing units) in the calculation of this 2% contribution. This amount is already a reduced contribution (when compared to strict application of Council's Section 94 contributions scheme) that is justified on the basis of the delivery of the same public benefits.

6. RECOMMENDATION

The Department has assessed the merits of the proposal taking into consideration the issues raised in public submissions and is satisfied that the impacts have been addressed in the PPR, the Revised Statement of Commitments and recommended conditions. It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act.

The Department has determined that the proposed development is appropriate and fits within the context of the Chatswood CBD. The main amenity impacts that arising from the proposal are the overshadowing to the buildings on the southern side of Albert Avenue and nearby open space areas, and the loss of southerly views from the Bentleigh residential tower. However, the complete preservation of the solar access and views currently enjoyed is unsustainable having regard to the targets set for future economic and employment growth in the Chatswood CBD, and the impacts that result from the development standards prescribed by the planning regime put in place to achieve the key strategic growth outcomes.

In addition the closure of Fleet Lane will result in changes to access arrangements for those properties backing onto the eastern end of the lane way. This issue can be effectively managed and impacts mitigated with the imposition of appropriate conditions of approval including the need for a Traffic Management Plan and Construction Management Plan.

The public benefits that will be delivered by the proposed development are of merit and will enhance the vitality of this area of Chatswood which requires renewal. In summary these benefits include:

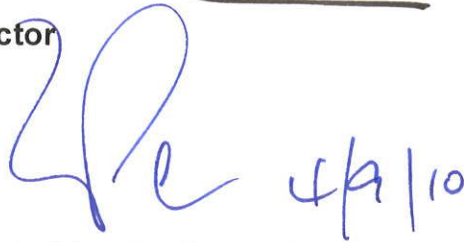
- Provision of a new public car park to accommodate 250 cars;
- Provision of public domain area including the creation of a pedestrian through site link between Albert Avenue and Thomas Street;
- Provision of affordable housing units within the residential tower;
- Realization of additional premium grade commercial floor space in the Chatswood CBD and associated jobs growth;
- Monetary contribution via s94 to the value of 2% of CIV and contribution for 51 off site car parking spaces;
- Greater housing supply within the Chatswood CBD and also in close proximity to public transport services of the Chatswood rail station and Chatswood Transport Interchange.
- Employment opportunities through the construction and operational phase of the development.

The proposal is therefore recommended for approval subject to conditions of approval.



Director

**Executive Director
Major Projects Assessment**



**Deputy Director-General
Development Assessment & Systems Performance**

Director-General

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3147

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3147

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at

<http://majorprojects.planning.nsw.gov.au/files/53933/Revised%20Preferred%20Project%20Report%20-%208%20July%202010.pdf>

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environment Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy - 65 – Design Quality of Residential Flat Development;
- Residential Flat Design Code;
- Sydney Regional Environmental Plan 5 – Chatswood Town Centre;
- Draft Willoughby Local Environmental Plan 2009;
- Willoughby Local Environment Plan 1995; and
- Willoughby Development Control Plan.

Other controls to be considered in the assessment of the proposal are:

- SEPP (Building Sustainability Index: BASIX) 2004; and
- State Environmental Planning Policy No.55 – Remediation of Land.

Development standards in Local Environmental Plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy - Major Development 2005

As discussed previously in Section 3.1, the former Minister form the opinion that the mixed use redevelopment of the subject site is a project to which Part 3A of the Act applies.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generation developments to be referred to the Roads and Traffic Authority. The Roads and Traffic Authority have provided comments on the proposed development which are provided in detail in Section 4.

SEPP Infrastructure also requires an acoustic assessment to be prepared for residential development within 60 metres of a rail corridor, and where residential development is likely to be adversely affected by noise from busy roads, such as the Pacific Highway. A Noise and Vibration report was submitted with the EA and the recommendations of this report have been incorporated into the draft Statement of Commitments.

State Environmental Planning Policy No.65 (SEPP 65) – Design Quality of Residential Flat Development

SEPP 65 seeks to improve the design quality of residential flat developments through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The proposed development is sited at the southern edge of the Chatswood CBD and is consistent in its form and function with the character of the Chatswood CBD.
Principle 2: Scale	The residential tower is in scale with the other major commercial and residential towers in the Chatswood CBD. The lower levels of the building provide an active interface with the ground level activity. The public plaza/through site link at the ground level is designed to be spacious yet proportionate to the expected level of pedestrian activity.
Principle 3: Built Form	The form of each the residential tower is typical of a high density residential development in a CBD location. The aesthetic of the building is typical of its function and provides a contemporary design that is in-keeping with the character of the CBD.
Principle 4: Density	The proposed residential density is considered appropriate in the context of the Chatswood CBD and location nearby Chatswood Railway Station and other services.
Principle 5: Resource, Energy and Water Efficiency	The proposal incorporates a number of measures to ensure the working sustainability of the development incorporating efficient use of natural ventilation and energy and water use. The proposal is BASIX compliant.
Principle 6: Landscape	The proposal consists of a central, communal open space area, as well as retained trees within perimeter planting. The ground level landscape treatment within the existing area will be improved when compared to the current car park environment and will enhance the usability of appearance of the pedestrian environment.
Principle 7: Amenity	The proposed units are provided with a reasonable amenity. Key issues such as access to sunlight, natural ventilation, visual and acoustic privacy, indoor and outdoor space, efficient layouts and ease of access for all age groups and degrees of mobility have been discussed in Section 5 of the report.
Principle 8: Safety and Security	Details on the measures to reduce risk and the CPTED principles have been applied through details set out in the EA including surveillance, access control and territorial reinforcement. Key safety and security measures are required via condition of approval.
Principle 9: Social Dimensions and Housing Affordability	A key aspect of this project is the provision of 8 units (level 3) as affordable housing. In addition to this a suitable mix of studio, 1, 2 and 3 bedrooms have been provided by the proposal.
Principle 10: Aesthetics	Articulation and modelling at the top of each building adds appropriate interest to the building facades and form. The materials selected provide a contrast between solid and glazed elements to define the framework of the building, to provide articulation of the bulk of the building and visual interest.

The Department considers the proposal displays an acceptable level of consistency with the Principles in SEPP 65.

Residential Flat Design Code (RFDC)

The proposal has been assessed against the primary development controls contained within the RFDC. Key non compliances with the RFDC relate to building separation, daylight access, apartment size and depth are discussed in detail in Section 5 of this report.

Sydney Regional Environmental Plan 5 – Chatswood Town Centre

Below is a table which details compliance with the main development controls under SREP 5:

	Control	Proposal	Compliance
Height			
Northern (residential)	RL 150 (50m above ground level)	RL 199.90 (98.5m)	No 49.9m above
Southern (commercial)	RL 130 (30m above ground level)	RL 197.20 (95.5m)	No 67.2m above
FSR Total	Max total 5.5:1	Total – 10.94:1 (47,600m ²)	No
Residential	Max Residential - 2.5:1	Residential 5.3:1, (22,910m ²)	No
	Max Commercial – 3:1	Com/Ret - 5.64:1, (24,380m ²)	No
Car Parking	Car parking station containing 200 spaces in addition to any car parking required	250 public parking	Yes

The proposed height and floor space has been assessed as reasonable in Section 5 of the report.

Draft Willoughby Local Environment Plan 2009

Below is a table which details compliance with the main development controls under Draft WLEP 2009.

	Control*	Proposal	Compliance
Height	N/A	Res - 100m (29 storeys + plant room)	N/A
		Com / Ret – 95.8m (21 storeys + plant room)	N/A
FSR	Total 10.5:1* (45,391m ²)	Total – 10.44:1 (45,151m ²)	Yes
	Shop top housing maximum 3:1	Shop top housing – 4.97:1, (21,494m ²)	No
	Other development 7.5:1	Comm & Retail – 5.47:1, (23,657m ²)	Yes

Car Parking	250 space public car park	250 space public car park	Yes
Landscape Space	2,000m ² minimum	1,824m ²	No
Minimum site area	4,000m ²	4,323m ²	Yes

*The controls provided in the above table are those set out by Clause 7.13 of draft WLEP 2009. This clause enables the consent authority to grant consent for development on the land in excess of the plan's control for floor space (Clause 4.4) and height (Clause 4.3) 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 2000m² for public use is provided and the site area exceeds 4000m². The Department considers that the proposal satisfies these requirements thereby enacting the floor space and height allowances in Clause 7.13.

Willoughby Local Environmental Plan 1995

The Willoughby Local Environmental Plan 1995 provides the general statutory framework for planning within the Willoughby LGA. While the WLEP 1995 applies to all land within the Willoughby LGA it only applies to the subject site to the extent that it amends SREP 5.

Willoughby Development Control Plan

Willoughby DCP contains site specific controls of the subject site and notes that it has been identified for development subject to the incorporation of a public car park. The site also has a gateway role for one of the western entry points into the CBD as well as being a fringe location.

There is general compliance with the siting controls provided in the DCP. The massing controls in the DCP are however provided in accordance with the SREP 5 height and floor space controls. The proposed development departs from these controls as it is reflective of the more contemporary site specific controls provided in draft WLEP 2009.

COMPLIANCE WITH OTHER CONTROLS

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated and, if so, whether the land will be remediated before the land is used for its intended purpose.

The site has historically been used for the purpose of a public car park with no evidence to suggest that the site may be contaminated.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP – BASIX 2004 aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006.

BASIX certificates have been submitted indicating that each building will satisfactorily meet the required targets with a 20% reduction in energy use (20% target), 41% reduction in potable water (40% target) and thermal comfort pass (target pass). A condition of approval is recommended which requires demonstration that these measures have been incorporated into the building works prior to issue of a Construction Certificate for the development.

APPENDIX E POLITICAL DONATION DISCLOSURES

See the Department's website at

[http://majorprojects.planning.nsw.gov.au/files/45322/Thomas%20Street%20Carpark
PDDS.pdf](http://majorprojects.planning.nsw.gov.au/files/45322/Thomas%20Street%20Carpark%20PDDS.pdf)

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL
