

18.3 1A-29 BOWEN STREET AND 6-18 MORIARTY ROAD, CHATSWOOD - PLANNING PROPOSAL

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. COUNCIL DETAILED ASSESSMENT3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S "A GUIDE TO PREPARING PLANNING PROPOSALS"4. PLANNING PROPOSAL CONCEPT PLANS5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 20127. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL PROVISIONS AREA MAPS8. WILLOUGHBY LOCAL PLANNING PANEL ADVICE
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	IAN SHILLINGTON – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	<p>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</p> <p>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</p>
MEETING DATE:	13 MAY 2019

1. PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal 2017/0005 for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

2. OFFICER'S RECOMMENDATION

That Council:

1. Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to Willoughby Local Environmental Plan 2012:
 - a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

- “(b) any part of the floor area of a building that:**
- i) is to be used for community facilities, or**
 - ii) is a heritage item, or**
 - iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”**

c) To replace Clause 6.8 ‘Affordable Housing’, (2) with the following:

- “(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:**
- (a) the Willoughby Affordable Housing Principles,**
 - (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,**
 - (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.**

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

d) To replace Clause 6.8 ‘Affordable Housing’, (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.**
 - b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.**
- e) To amend Clause 6.10 ‘Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings’ as follows:**
- i) Amend the heading to:**

“6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and shop top housing”

ii) Add to the table in Clause 2:		
“Column 1	Column 2	Column 3
Shop top housing Residential flat building	R4 High Density Residential shown In Area 13 of the Special Provisions Area Map	6,000 square metres”

f) To add Clause 6.24 as follows:

“6.24 Design excellence

- 1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- 2) This clause applies to the following development:
 - a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map,

Note.
In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).
- 3) Development consent must not be granted to development to which this clause applies unless:
 - a) Where a building will be >35m in height
 - i) an architectural design competition that is consistent with *Guidelines for Design Excellence Review and Competitions* has been held in relation to the development, and
 - ii) the design of the development is the winner of the architectural design competition, and
 - iii) the consent authority considers and acknowledges that the development exhibits design excellence.
 - b) Where a building will be up to 35m in height
 - i) The design is subject to review by a Design Excellence Review Panel, that is consistent with *Guidelines for Design Excellence Review and Competitions*, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority
 - ii) the consent authority considers and acknowledges that the development exhibits design excellence.
- 4) An architectural design competition is not required under subclause (3) if the Minister or their delegate is satisfied that:
 - (a) such a process would be unreasonable or unnecessary in the circumstances,
- 5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.
- 6) In this clause:

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches

Architectural Design Competition means a competitive process conducted in accordance with the Guidelines for Design Excellence Review and Competitions .

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood from R2 Low Density Residential to R4 High Density Residential and amend the adjacent roadway for Bowen Street from R2 Low Density Residential to R3 Medium Density Residential.
 - h) To amend the Height of Buildings Map (Sheet HOB_004) for 1A- 29 Bowen Street and 6-18 Moriarty Road, to 30 metres.
 - i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1A- 29 Bowen Street and 6-18 Moriarty Road, Chatswood to 2.5:1 (including affordable housing).
 - j) To amend the Special Provisions Area Map (Sheet SPA_004) to show 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood, as Area 9, Area 12 and Area 13.
 - k) To amend the Lot Size Map (Sheet LSZ_004) to remove lot size controls for the subject site.
2. Subject to 1. above, Council endorse for public exhibition the Planning Proposal as outlined in recommendation 1.
 3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:
 - i) Add to Design Excellence:

“Demonstration of adaptive reuse of the Heritage Items 8-10 Moriarty Road is to be shown in accordance with Council requirements as part of any development application”
 - ii) Add to Transport Considerations:

“Bicycle access/facilities and circulation along Bowen Street and Moriarty Road shall be encouraged, particularly in relation to providing future connectivity to the Pacific Highway, including ‘filling the gaps’ in the existing bicycle network across intersections”

“Left in/ left out restrictions for traffic linking Bowen St and Mowbray Road are to be provided”.

Remove control 2 outlined below:

“Future development must include provision to open the intersection of Bowen Street and Moriarty Road to one-way, south bound traffic.”

Remove control 6 and replace with:

“Car parking rates are to be in accordance with Council requirements, or requirements for a site within a railway precinct and major public transport corridor, or to standards in the *RMS Guide to Traffic Generating Development*, whichever is the lesser.”

iii) Changes to Environmental Considerations:

Remove control 1 as outlined below:

“New development is to minimise additional overshadowing of main open space or living rooms of residential properties during the mid-winter period where the shadows would reduce sunlight access to below 2 hours per day between 9am and 3 pm”.

Include additional control 4 as outlined below:

“A minimum GBCA 5 star green star rating for residential flat buildings is required for any proposed development for residential flat buildings”

- 4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.**
- 5. Prior to referral to Gateway, an updated Traffic and Transport Assessment is required that is supportive of basement access for residential parking purposes in relation to Australian Standards in line with recommended changes to Floor Space Ratio.**
- 6. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - a) To proceed as recommended.**
 - b) To proceed under controls proposed in the Planning Proposal provided.**
 - b) To not proceed with the Planning Proposal****
- 7. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.**
- 8. Delegate authority to the General Manager to make any amendments to the Planning Proposal which does not alter the policy intent.**

3. BACKGROUND

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* to change the zoning for the sites and adjacent roadway at Bowen Street from R2 Low Density Residential to R4 High Density Residential, allow a building height of up to 30 metres and a Floor Space Ratio up to 2.5:1 (including 7% residential GFA to be affordable housing).

The site is not located within an area identified for housing uplift in the *Draft Willoughby Housing Strategy 2018*. The Planning Proposal's current indication to seek uplift in floor space ratio from 0.4:1 to 2.5:1 however has been deemed suitable given the surrounding medium density built form and adjoining B5 Business Development zone, in addition to proximity to the expanded Chatswood CBD area. Although the current standard of floor space ratio in the R4 High Density Residential Development Zone under the *Willoughby Local Environmental Plan 2012* is generally 2:1, it is considered that the increased FSR at this location is justified given the adjoining commercial zone and its proximity to the expanded Chatswood CBD.

In summary Council officers have recommended a Floor Space Ratio of 2.5:1, with a 30 metre maximum height limit and a minimum lot size of 6000m² for redevelopment for residential flat buildings to ensure a residential flat building with an appropriate urban form is generated.

Figure 1 – Site Location Plan



4. DISCUSSION

The Planning Proposal as submitted is not strictly in line with Council’s *Draft Willoughby Housing Strategy*, being in an R2 Low Density Residential zone outside of a nominated strategic or local centre. However, it is located close to both Chatswood and Artarmon Stations and is located between land zoned B5 Business Development and R3 Medium Density Residential. As such, it offers an unusual opportunity to deliver housing in a highly accessible location, without impacting adjacent properties in terms of bulk and scale. This is discussed in the Detailed Assessment (Attachment 2).

In addition, the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment’s ‘*A Guide to Preparing Planning Proposals*’ and is generally satisfactory (refer to Attachment 3).

The Council reports have considered the proponent's documentation supporting the Planning Proposal, including concept plans showing a conceptual redevelopment plan for the site (refer to Attachment 4) and draft *Development Control Plan* provisions (refer to Attachment 5).

The Planning Proposal has been internally referred to Landscape, Heritage, Urban Design and Traffic Engineers to assist with assessment. No objections were raised to the Planning Proposal proceeding to Gateway and public exhibition.

The draft site specific *Development Control Plan* provisions will be the subject of a thorough assessment following public exhibition. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Willoughby Development Control Plan* will apply to the site.

Council Officers and the applicants have prepared:

- 1) Written amendments to *Willoughby Local Environmental Plan 2012* (Attachment 6)
- 2) Amendments to the draft site specific *Development Control Plan* provisions

Although an offer to enter a voluntary planning agreement has been made, detailed discussions regarding an agreement have not been held with Council officers. The offer includes a proposed 45% of the uplift value of the land following rezoning, in addition to 7% residential GFA to be affordable housing. Following further consideration of the proposed VPA, this matter will be separately reported to Council.

5. CONCLUSION

Under the proposed recommendations by Council Officers, the amended Planning Proposal will be consistent with the strategic objectives of the *Greater Sydney Region Plan* and *North District Plan* as well as the more detailed requirements of the *Willoughby Local Environmental Plan 2012*, and could contribute to housing supply planned for under the *Draft Willoughby Housing Strategy*.

Specifically, Council Officers' recommendations allow the Planning Proposal to be consistent with built form generated in R4 High Density Residential zones under the current *Willoughby Local Environmental Plan 2012*.

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 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. It should be noted that following exhibition and further assessment, amendments to supporting documentation may be required such as the draft *Development Control Plan* provisions provided by the proponent.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning 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 and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome:	3.5: Maintain quality of life by balancing population growth with the provision of assets and services.
Business Plan Objectives, Outcomes/ Services	5.1: Be honest, transparent and accountable in all that we do. To ensure this Planning Proposal is in line with Council strategies associated with housing and the current treatment of residential land use in the Willoughby Local Environmental Plan 2012. The Planning Proposal, which proposes residential land use uplift, is not directly informed by Willoughby's current draft planning strategies. However, they have been used to inform Council's decision making process. While this site is not included within the Chatswood CBD area, it is located in close proximity to the CBD boundary. The site is considered to be a zoning anomaly given its R2 Low Density Residential zone and adjoining B5 Business Development and R3 Medium Density Residential zones.
Policy	The draft Willoughby Housing Strategy and draft Willoughby Local Centres Strategy have recently been on exhibition by Council. Both strategies set out land use change for residential purposes. The strategies identify that housing targets under the North District Plan will potentially be achieved without the uplift proposed through additional sites such as this Planning Proposal. However it is noted that these strategies are not yet finalised and the potential housing yields may be subject to amendment following the public exhibition process. The Willoughby Local Planning Statement is under preparation which will set out high level aspirations for Willoughby's short and long term land use outcomes. The Planning Proposal will lead to amendments to the Willoughby Local Environmental Plan 2012 and the Willoughby Development Control Plan.
Consultation	This Planning Proposal has not been publicly exhibited and is recommended for future public exhibition following Gateway consideration.

Resource	No additional operating resources were used to prepare this report beyond budget.
Risk	The Planning Proposal provides a change in land use that is generally consistent with the adjoining commercial and the surrounding context and other High Density Residential development in the wider Willoughby LGA.
Legal	The Planning Proposal is consistent with the endorsed Council's Community Strategy Plan, <i>Our Future Willoughby 2028</i> .
Legislation	Under Environmental Planning and Assessment Act 1979 provisions.
Budget/Financial	Nil

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The subject site of the Planning Proposal is 1A-29 Bowen Street and 6-18 Moriarty Road Chatswood.

The site has an area of 6716m² and encompasses 22 individual lots. The site is currently occupied by several single storey residential dwellings as well as two 2 storey houses located at 6-10 Moriarty Road, of which 8-10 Moriarty Road has a local heritage listing under schedule 5 of the *Willoughby Local Environmental Plan 2012*.

Existing controls under the *Willoughby Local Environmental Plan 2012* indicate that the lots are currently zoned R2 Low Density Residential and have a floor space ratio of 0.4:1, with a maximum height limit of 8.5 metres and a minimum subdivision lot size of 550m².

The Locality

The site is located 800m from the Chatswood CBD, which offers a variety of employment, retail, dining and leisure options. The area is well serviced by a range of public transport options including the North Shore Rail Line. Additionally the area is serviced by buses and the future Sydney Metro line. Within proximity to the site are three to eight storey apartment buildings and several pocket parks and nature reserves along with Chatswood Public Primary and High Schools.

The Pacific Highway is located in close proximity to the east of the site as well as the expanded Chatswood CBD boundary, with potential maximum building heights of 90m. Bordering the site are three 6 storey shop-top housing developments, with the property at 544 Pacific Highway being recently constructed. The metro construction (dive) site lies to the east across the Pacific Highway.

Directly to the south of the subject site is 1 Bowen Street, a three storey residential flat building. Further south is Mowbray Road and the Chatswood South Uniting Church, a State Heritage item. Immediately to the south east is the Great Northern Hotel which is a local Heritage item.

Background

The Planning Proposal was originally submitted in 2017 with a change in land use from R2 Low Density Residential zoning to R4 High Density Residential zoning, and an increase in FSR from 0.4:1 to 3.4:1. Furthermore the proposal indicated the removal of Local Heritage items at 8-10 Moriarty Road.

Council provided feedback indicating the FSR was excessive given that the immediate context of lower density building forms would be substantially impacted with regards to amenity, overshadowing and privacy. Council also stated that the heritage items should be retained as part of any Proposal.

In line with initial Council feedback regarding the Proposal, the proponent reduced the FSR to 2.85:1 and included the retention of the heritage item on the site as part of an amended Planning Proposal received on the 3 September 2018.

In light of further Council feedback, the proponent provided further amendments on 21 January 2019. They have included providing design excellence DCP controls that include controls to ensure the retention of the heritage value of the existing terrace houses on the site. The R4 High Density Residential zoning is also proposed to extend to the roadway of Bowen Street to provide clarity for the zoning map under the *Willoughby Local Environmental Plan 2012*. However Council is proposing to rezone Bowen Street to R3 Medium Density Residential, consistent with existing zone for Bowen Street to the south.

As a result of further assessment and in light of the recently exhibited *Draft Willoughby Housing Strategy and Draft Willoughby Local Centres Strategy*, indicating that this site is not key to ensure housing targets are met under the *North District Plan*, Council has indicated that an FSR of 2.85:1 should be reduced.

The applicant has now submitted revised building massing and height plans that present a proposal to address Council's concerns. The applicant has also agreed to provide 7% of the residential gross floor area (GFA) being affordable housing. The revised proposal includes a total of 187 units with a FSR of 2.5:1 and height limit of 30m.

It is considered that the proposed FSR of 2.5:1 for the Planning Proposal is reasonable, given the site adjoins an existing commercial zone and is in close proximity to the revised Chatswood CBD boundary.

The 2.5:1 FSR will also be more suitable in the context of the site, allowing an appropriate management of heights and density with adjoining uses, with the Pacific Highway sites to the east having an FSR of 2.5:1 and the sites to the west and south at Bowen Street having an FSR of 0.9:1.

The maximum height limit of the building has also been recommended to be reduced to 30 metres (ie up to 9 storeys). The sites to the east of the Planning Proposal sites have a height limit of 20 metres and to the north, south and west, the height limit is 12m. This will allow a building form that is complementary to the surrounding buildings and will take into account the fact that the broader area is undergoing significant growth and change. It is noted that under the adopted Chatswood CBD Planning and Urban Design Strategy land to the east of the Pacific Highway is proposed to have building heights up to 90m.

It is also noted that the proponent intends to provide for 7% of the residential floorspace being affordable housing units, which is consistent with the aspirations of Council's *Community Strategic Plan – Our Future Willoughby 2028*.

It is also recommended that a special provision for a minimum lot size for the site of 6000m² be included. This will ensure that any development application proposed for the site that is for a residential flat building will include all of the lots considered in the Planning Proposal to avoid site fragmentation and isolation.

Planning Proposal

The proposal identifies the following amendments to the *Willoughby Local Environmental Plan 2012*:

- Amend the land use zone for the site from R2 Low Density Residential to R4 High Density Residential
- Amend the land use zone for the adjoining roadway in Bowen Street from R2 Low Density Residential to R3 Medium Density Residential
- Amend the maximum floor space ratio (FSR) control for the site from 0.4:1 to 2.5:1

- Amend the maximum height of buildings control from 8.5 metres to 30 metres
- Amend the minimum subdivision lot size from 550m² to 6,000 square metres by removing the site from the lot size map and inserting an additional clause under Clause 6.10 (refer Area 13).
- Amend the Special Provisions Area map to include this site in Area 9 (affordable housing and Area 12 (design excellence).
- Amend Clause 6.8(2) to include Area 9 on the Special Provisions Area Map
- Amend Clause 6.8 (7) 'Affordable Housing' to include reference to Area 3 and Area 9.
- Include the proposed Design Excellence Clause (Clause 6.24)

The concept scheme that is provided with the Planning Proposal indicates that the following built form will be generated in line with these amended controls:

- Two separate towers with heights between 6-9 storey (30 metres maximum)
- A total Gross Floor Area of 16,714m²
- 187 new apartments (39 one bedroom, 129 two bedroom and 19 three bedroom units)
- Retention of the Local Heritage Items at 8-10 Moriarty Road
- 269 car parking spaces
- 2722m² of communal open space (including both ground floor and rooftop communal open space).
- Providing left in/ left out restrictions for traffic linking Bowen St and Mowbray Road to facilitate increased traffic volumes.

Table 1 – Summary of Planning Proposal Amendments

	Zoning			Height			Floor Space Ratio			Minimum lot size		
	WLEP	Proposed	Recommended	WLEP	Proposed	Recommended	WLEP	Proposed	Recommended	WLEP	Proposed	Recommended
1A-29 Bowen and 6-18 Moriarty Road	R2 Low Density Residential	R4 High Density Residential	R4 High Density Residential	8.5m	30m	30m	0.4:1	2.5:1	2.5:1	550m ²	N/A	6000m ²
Adjoining Road – Bowen Street	R2 Low Density Residential	R4 High Density Residential	R3 Medium Density Residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Discussion

Strategic Context

With respect to strategic planning controls, the proposal has been assessed in line with the following strategies outlined below:

Willoughby Housing Position Statement

The current proposal has been assessed in line with the Willoughby Housing Position Statement 2017. Since then the *Draft Willoughby Housing Strategy*, which reflects the Position Statement, has been prepared and endorsed for exhibition by Council and has recently been on public exhibition.

The Planning Proposal will be assessed in line with the updated endorsed strategy, however the Proposal document itself notes a number of underlying broad principles founded on the base position statement. These include:

- Provide sufficient and well-designed housing for the next 20 years;
- Provide for a mix of housing types to suit various community needs including affordable housing;
- Focus new housing growth in larger centres and areas of medium and high density with access to public transport to protect lower density neighbourhoods;
- Promote community health and wellbeing by locating new housing within walkable access (400m) to transport and other local services and amenities; and
- Respect and promote the heritage and environmental qualities of the Council area in planning for new housing.

The following principles outlined below were included in the *Housing Position's* statement in order to identify areas as having potential for increased housing density:

- *Offer a variety of housing types*
- *Located close to public transport, including train stations and major bus routes.*
- *Heritage significance is not compromised.*
- *The scenic qualities and ecological values of environmentally sensitive natural areas, including foreshores and bushland, are maintained.*
- *An intensification not to occur in areas of bushfire risk.*
- *The capacity of existing infrastructure is considered. The majority of new development should occur in locations that are in close proximity to adequate educational, transport, health, social, cultural and employment services. New residential development needs to be adequately serviced by infrastructure. The adequacy of existing water supply, stormwater, drainage, open space and community facilities are important considerations in permitting additional development to take place.*
- *Impacts of development on traffic movements and arterial road networks, and the improvement of public transport services need to be considered.*
- *Where possible, new pedestrian and cycling linkages will be required to increase accessibility both for prospective residents and residents of surrounding properties.*
- *Any additional density will be provided near existing business centres to support local business as recommended in the Willoughby City Strategy*
- *Increase in population to be matched by social planning considerations for increased child care, open space, schools, youth services and improved infrastructure.*
- *Quality of existing housing stock*

The proposal is considered to be consistent with the above principles.

Draft Willoughby Housing Strategy

The vision of the *Draft Housing Strategy* echoes the *Community Strategic Plan – Our Future Willoughby 2028* and is as follows:

- *We are a City that is safe, engaging, vibrant and supported by great urban design.*
- *Our City has lively village centres and a strong Central Business District (CBD) that we will celebrate and promote.*
- *Our community will have access to spaces that promote a healthy and active lifestyle.*

In order to fulfil this vision, consideration for active transport connectivity, end of trip facilities and design excellence will be incorporated as conditions as part of the Planning Proposal and draft DCP provisions.

The Proposal's concept design proposes that a mix of housing types will be provided on the site. In total, according to concept designing, 39 one- bedroom, 129 two-bedroom and 19 three-bedroom units will be provided by the Planning Proposal.

These will both contribute to achieving a more diverse housing mix and will contribute to provision of the supply of dwellings proposed in the draft *Housing Strategy*. The provision of the proposed 7% affordable housing units (measured in GFA) will also assist with housing affordability in the Willoughby area.

The proposed provision of 7% affordable housing units is in excess of the requirement under the WLEP 2012 (ie 4%), and is in line with the Willoughby Community Strategic Plan which aims to increase this proportion towards 7-10% to align with a target included in the North District Plan. This can be considered as part of VPA negotiations.

There is also a requirement in the Willoughby DCP for adaptable housing as per the Housing Strategy. In line with this and a proposed design excellence requirement, it is expected that higher thresholds for adaptive housing will be achieved through the development application process.

The site is also in close walkable proximity to Chatswood CBD and Artarmon local centre which have good access to transport and other infrastructure and is therefore considered appropriate for residential uplift.

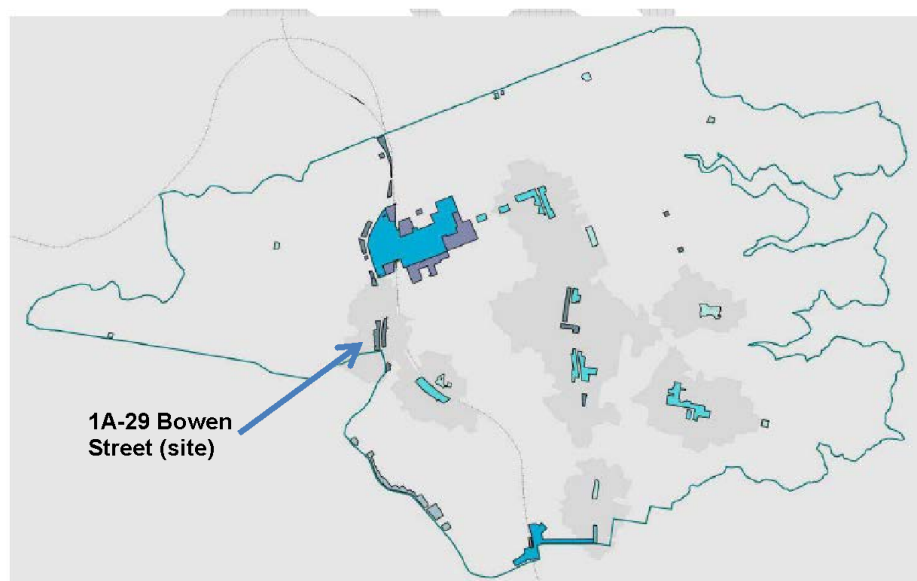


Image 1: From Draft Willoughby Housing Strategy 2018, showing in grey areas with 400m proximity to both bus and commercial areas. The subject site lies within this area.

The Proposal can also assist in contributing to local infrastructure through negotiation by a planning agreement. This could relate to works in the public domain such as active transport linkages and road upgrading.

The site is also within 200m of open space in Chatswood and proposes its own communal open space in terms of draft Development Control Plan provisions.

Willoughby Council Draft Local Centres Strategy

The adjoining B5 Business Development zone to the east of the site on the Pacific Highway is identified as a centre containing commercial activity, with a moderate level of retail activity present on an annual basis, according to SGS reporting on Willoughby's commercial activity. This area has not been identified as a designated local centre for precinct scale strategic planning and urban design revitalisation as part of the draft Strategy.

The B5 Business Development site is part of an identified commercial area adjoining the proposed expanded Chatswood CBD and with good access to major roadways. Therefore an increase in development in this adjoining R2 Low Density Residential area is considered appropriate.

The site in question is also underutilised and can be identified as a LEP anomaly, being a remnant area of R2 Low Density Residential zone currently surrounded by medium density residential to the west, south and north and commercial land use to the east as part of the Business Development zone.

While the site is not currently identified as an area of priority under the *Local Centres Strategy*, the site adjoins R3 Medium Density land and also B5 Business Development zone that adjoins the expanded Chatswood CBD area. Therefore the FSR in the proposal is

considered to be appropriate to provide for housing that will have an acceptable impact on adjacent properties through an FSR of 2.5:1.

A design excellence clause is proposed in the LEP and accompanying special area map designation is recommended for the site to ensure that any redevelopment will consider the immediate local context to fulfil the wider obligations of the *Local Centres Strategy*, and to recognise while this is not identified as a local centre, it is adjacent to commercial zoned land and there is very good access to and from the site.

Chatswood CBD Planning and Urban Design Strategy

The Planning Proposal sites are not within the boundary of the extended CBD in the *Chatswood CBD Planning and Urban Design Strategy*. The edge of the expanded CBD boundary however is in close proximity to the site on the east of the Pacific Highway. This proximity to future built forms of up to 90m with a mixed use and adjoining medium density zoning provides a level of strategic justification to provide change to the R2 Low Density zoning on the Planning Proposal site.

North District Plan and Greater Sydney Region Plan

A detailed analysis of the Planning Proposal's consistency with State Government strategic planning documents is provided in Attachment 3. The recommended altered Planning Proposal is considered consistent with the *North District Plan* and *Greater Sydney Region Plan*.

Apartment Design Guide

The concept massing provided is consistent with the Apartment Design Guide and demonstrates an appropriate massing and height. Impacts on adjacent sites are well considered with the significant increase in floor space ratio. The proposed DCP provisions are provided to ensure a minimum quality of design is achieved in any future development application.

The recommended lowering of FSR and maximum height, as well as a requirement for design excellence will further ensure that consistency with the Apartment Design Guide are achieved.

The applicants have stated that the amended concept scheme will comply with controls prescribed in the Apartment Design Guide. This can be verified at development application stage.

Heritage Policy Considerations

The Planning Proposal includes two locally listed heritage items at 8-10 Moriarty Road. These items are attached dwellings that have particularly significant terrace and street elevations. The items have had extensive interior renovations according to Proposal reports. The Planning Proposal intends to retain these items through protections in the draft site specific DCP and the items will remain protected as locally listed heritage items under Schedule 5 of the WLEP 2012. The retention of the listing and the form of the items is supported.

Immediately to the south east is the Great Northern Hotel which is a Local Heritage Item.

Further south is Mowbray Road and the Chatswood South Uniting Church, a State Heritage Item.

A comprehensive Heritage Report provided by the proponent indicates that no negative impacts will occur on either of these properties should the concept scheme indicated in the Planning Proposal be achieved.

Council's Heritage Architect has assessed the Heritage Report and agrees with the conclusions that the proposal will have minimal heritage impact on the adjoining and nearby heritage items.

Design Excellence and Building Sustainability

One of the core outcomes of *Our Future Willoughby 2028* is a city that is green (outcome 1), connected and inclusive (outcome 2) and accountable (outcome 5).

Underneath these core objectives there is a series of measures that could be engaged with by ensuring a level of sustainability measures and imperatives are incorporated into Planning Proposals of this type. Such elements that may be affected by incorporating ecologically sustainable development principles into this Proposal include:

- 1.4 Reduction in greenhouse gas emissions by the Willoughby community (through encouraging active transport and green building design)
- 1.5 Reducing energy, water and resource waste
- 2.1 Enhance transport choices and connections throughout the city
- 2.4 Reduce parking and traffic congestion
- 5.1 Be honest, transparent and accountable in everything that we do (in response to challenging issues surrounding climate change and sustainability)

Council's support for climate change mitigation and sustainable decision making across more areas of governance is also reflected in the 'Willoughby City Council sustainability Action Plan 2014-18'.

Council specifies a number of approaches in the *Chatswood CBD Planning and Urban Design Strategy* that could be used as part of this proposal. Proposed additions and conditions as part of the Proposal include:

- Requirement for Design Excellence
- Requirement for a minimum of 5 star Greenstar rating for any new residential flat building development on the sites.

In order to maintain consistency for a 5-star Greenstar minimum for large scale development, as well as longer term efficiency and environmental benefits of the Greenstar scheme, these controls are recommended. Additional considerations for providing solar panels and the like may be considered in the design excellence provisions.

It is therefore recommended to add a requirement in the Development Control Plan to require a minimum of 5 star Green star as part of any residential flat building redevelopment for the site.

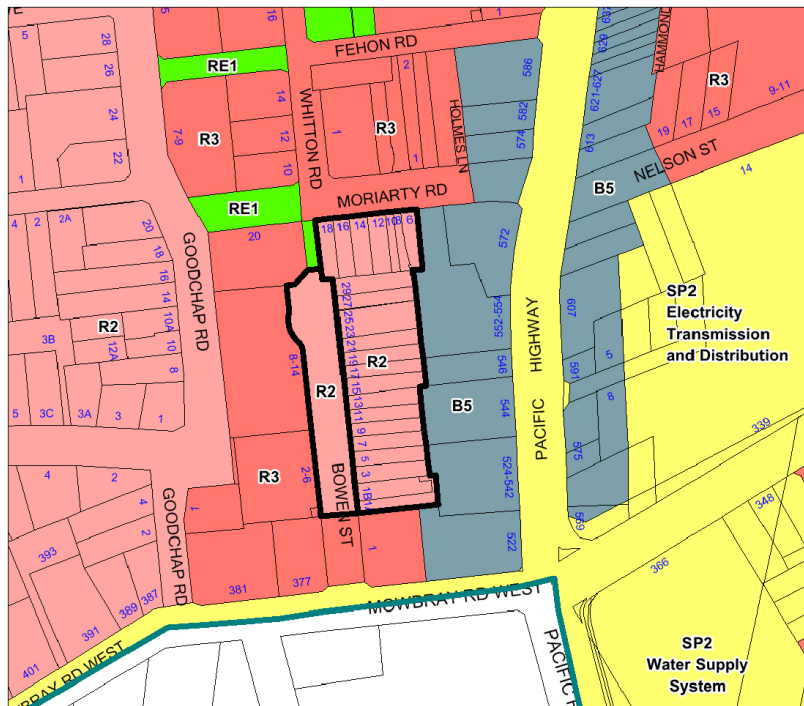
Contamination

The site immediately adjacent to the North east at 572 Pacific Highway is currently a petrol station. A preliminary site contamination report has identified that the Proposal site is

appropriate for residential development. As part of any development application, a stage two site contamination report (and remediation if required) will have to be conducted to account for any potential ground contamination on the site.

Floor Space Ratio and height limit

The floor space ratio and height limits in the Proposal are 2.5:1 with a 30 metre height limit. This has potential to generate an urban form and bulk and scale that could be suitable in the context of the surrounding commercial area to the east, the medium density residential to the west and the medium density residential development to the south.



R2 R2 Low Density Residential Zoning

Image 2: LEP zoning map showing subject site and existing zoning.

Overshadowing

The proposed massing generates possible increased overshadowing for communal open space and adjacent properties. It is considered that this issue has been satisfactorily addressed in the recommended Planning Proposal, subject to further detailed consideration at development application stage.

An amended Urban Design Report has been provided in March 2019 demonstrating that overshadowing impacts are minimised in light of a recommended FSR of 2.5:1 and a

maximum height limit of 30 metres. The additional shadow information provided shows that additional shadow cast by the recommended built form will have limited impact on the communal open space and surrounding residential context. However at the winter solstice the upper level unit at 1 Bowen Street retains solar access to more than 50% of the area at 9am and after 2pm, while the lower level unit will not receive any sunlight during the day on winter solstice.

The report on the proposed development also had the following findings on winter solstice:

- Residential buildings along the Pacific Highway will retain existing solar access between 9am to 1:45pm.
- Residential buildings on the western side of Bowen Street are self-shadowing from 12pm. Recommended built form shadow impact to these buildings is moving fast between 9-10am. 2-6 Bowen Street will receive full sun after 9.15am, and there would be no additional shadow impacts to the buildings after 9.45am.

Currently, in the Department of Planning *Apartment Design Guide* and the *Willoughby Development Control Plan*, there is guidance that states that any new development generally must not reduce solar access by more than 20%.

In order to ensure that solar access and overshadowing controls are satisfactorily addressed, the proposal will be assessed at development application stage to ensure consistency with WDCP provisions.





Images 1A and 1B: 2-6 Bowen Street taken at 11:45am in summer, showing self-shadowing due to built form and surrounding vegetation.



Image 2: 524 Pacific Highway as viewed from Bowen Street facing eastward at 11:45 in summer, indicating that sun exposure will occur in the afternoon for Apartments on this site.

Minimum Lot Size

The planning proposal seeks removal of minimum lot size and dual occupancy provisions on the site.

The R4 High Density Residential zone will not permit dwellings and dual occupancies on the site. Also, in order to maximise the development outcomes on the site, a minimum lot size of 6000m² is recommended for the sites in line with any development proposal for residential flat buildings. This provision would restrict future subdivision for the proposed R4 High Density Residential zoning which has a total area of 6716m².

Traffic and Transport

The Planning Proposal sites are in close proximity to bus routes, are 800m from Chatswood Train Station and roughly 600m from Artarmon Station. The subject site will also be in close proximity to the future Sydney Metro line which will have an interchange at Chatswood.

Active transport facilities are indicated to be provided in the *Development Control Plan* provided by the proponent.

There is also indirect health benefits provided by active transport capability to and from the site including close access to a planned Pacific Highway bicycle route, as well as local street frontages at Bowen and Moriarty streets that offer safe active transport opportunities close to Chatswood CBD and Artarmon. This may also be considered as part of any VPA negotiations.

In terms of transport via road, the current Planning Proposal states that the intersection between Bowen Street and Moriarty Road will be opened up to left in/left out traffic flows to provide for increased levels of traffic. This has been supported internally by Council's Traffic and Transport team. Council Traffic and Transport officers however do not support the proposed opening of the intersection of Bowen Street and Moriarty Road to one-way, south bound traffic.

Possibility for basement accessibility through the subject site to 1 Bowen Street has also been provided in the Development Control Plan to mitigate site isolation potential borne by the Planning Proposal.

It is also proposed that the DCP incorporate these considerations into the transport section through encouraging active transport linkage to and from the subject sites.

Furthermore, it is recommended that an updated Traffic and Transport study be provided following consideration by Council and prior to being sent for gateway determination.

Drainage and flooding

No flooding issues have been identified for the site. Stormwater issues will need to be considered at development application stage. Stormwater will need to be controlled by on site detention and water quality systems in accordance with DCP requirements. Stormwater will also be required to be connected to underground storm water systems. Council systems will require to be extended to provide the necessary connection.

Development Control Plan provisions

The proponent has submitted draft site specific *Development Control Plan* provisions as part of the Planning Proposal to reinforce urban design considerations, site amalgamation requirements, setbacks, solar access and overshadowing, open space and also to address access, parking and transport management.

A number of these provisions are proposed to be removed as it is considered these provisions are already addressed adequately as general WDCP provisions.

As raised in the report recommendations, other amendments are requested to the Development Control Plan with regards to transport and environmental considerations prior to Gateway Determination.

Consideration of the Proposal

The *Draft Housing Strategy* does indicate that residential development targets in the *North District Plan* can be potentially reached through the controls recommended for areas in the *Chatswood CBD Planning and Urban Design Strategy*, the *Draft Willoughby Local Centres Strategy* and the potential development increase in the existing medium and high density residential zones (R3 and R4) that have not been fully built out. Although this current Planning Proposal does not fall into any of these defined areas, the site could be considered to be unique due to the site location and adjoining zonings.

It is considered that the FSR and height limits proposed for the site will generate an appropriate urban form in a unique area that adjoins priority areas for residential uplift under Council's current policy framework.

The typical treatment for R4 High Density Residential in the Willoughby LGA is 2:1 under the *Willoughby Local Environmental Plan 2012*. However under the wider local context for high density residential development, an FSR of 2.5:1 is considered to be appropriate for this site. This would be consistent with similar development controls for R4 High Density Residential zoning under the *Willoughby Local Environmental Plan 2012*.

It is noted that the applicant has noted that there are existing high density residential flat buildings in the vicinity at 5-7 and 8-12 Sutherland Road Chatswood that are up to 30m in height (9 storeys). The proposed building height is also comparable to high density residential development in other areas such as Artarmon (36m).

It is considered therefore that the proposal is consistent with the *Draft Willoughby Housing Strategy 2018*, which aims to enact the housing targets of the *North District Plan*.

Other Issues to be addressed

Public Benefit

The proponent has indicated that as part of any Planning Proposal a Voluntary Planning Agreement (VPA) will be negotiated with Council.

It is envisaged that as part of this planning agreement, value capture, transport accessibility funding and other public benefits may be included in the proposed VPA. It is intended that the draft VPA will be put to Council in a separate report and exhibited concurrently with the Planning Proposal.

Furthermore, the Planning Proposal will provide a significant level of affordable housing, with a minimum of 7% of residential GFA being proposed as part of a VPA for the development (an additional 3% on top of the required 4% contribution).

Further consideration must be given to the fact that Council has indicated moving towards a 7-10% affordable housing target for new residential flat building development as stated in the *Draft Willoughby Housing Strategy*, in line with the *North District Plan's* affordable housing targets of 7-10% for new high density residential development.

It is recommended to place this site on the affordable housing special areas map (area 9), which specifies that the total residential GFA is to include the affordable housing component (Clause 6.8).

Even though not considered in Council's current policy framework, considerations for a contribution to public art that aligns with Councils *Public Art Policy* may be looked at as part of any VPA negotiations due to the large scale of the Proposal.

Referrals

Internal referrals regarding the proposal were sought for the following:

- Engineering (for flooding/ stormwater and geotechnical potential issues arising)
- Traffic and Transport (proximity to highway and interchange and potential contributions offered by imposing agreement requirements to upgrade any necessary infrastructure to accommodate growth).
- Sustainability/ environment (for active transport and sustainability, contamination)
- Urban Design (design issues indicated in massing)
- Landscape architect (for landscaped area)
- Heritage impact

Council's environment team is supportive of the design excellence and building sustainability conditions proposed as it will help fulfil Council's sustainability outcomes and targets. They are also supportive of the proposed electric charging stations and cycleway links.

Council's Environmental Health Officer has commented that if this development were to proceed it would be anticipated that a Stage 2 – Detailed site investigation, would be undertaken to identify all issues raised in the Preliminary Site Investigation that has been prepared. This would consider the type, extent and level of contamination with an assessment of the impact these contaminants would have on the local ecological environment, public health and other building structures.

Council's sustainability, urban design, landscape and heritage officers have responded and are generally supportive of the Proposal.

Council's Traffic and Transport Team Leader does not support the proposed new shared zone in Bowen Street incorporating a new one-way southbound traffic route linking Moriarty Road with Bowen Street due to the following:

- Likely increase in traffic flow in Bowen Street, particularly during the weekday morning and afternoon peak periods, impacting on local residential safety and amenity for all road users in Bowen Street. Bowen Street is part of Council's bicycle network providing a shared path and on-road route between Moriarty Road and Mowbray Road West.
- It is considered that the proposed new southbound connection in Bowen Street at Moriarty Road will be an attractive alternate route to Goodchap Road. The attractiveness of this new link will likely increase traffic flow in Bowen Street, particularly during the weekday morning and afternoon peak periods, impacting on the operational performance of the intersection of Bowen Street and Mowbray Road West. The new additional left turn movements from Bowen Street into Mowbray Road West will lead to increased congestion and queuing in Mowbray Road West. The eastbound queues in Mowbray Road West during the existing weekday peak periods can extend to the Beaconsfield Road/ Ralston Street intersection (and in some cases further west).

- The proposed new southbound connection in Bowen Street at Moriarty Road will also increase traffic flows in Sutherland Street and Whitton Road, both local roads with narrow carriageways leading to safety and amenity issues.
- The introduction of a complex intersection design at the intersection of Bowen Street and Moriarty Road

The proposed left in/ left out in Bowen Street at Mowbray Road West is supported, with options including an island treatment or the provision of a central concrete median in Mowbray Road West. The preference is for a central concrete median in Mowbray Road West.

Other traffic and transport comments are provided below:

- There is no objections to driveways in Moriarty Road and Bowen Street.
- The driveways should be designed to Australian Standards
- The proposal to reduce the number of car parking spaces for the residential units in the development is acceptable due to its proximity to good public transport i.e. Chatswood and Artarmon Rail Stations and bus services along Mowbray Road and Pacific Highway.
- The proposal must provide visitor parking due to the high competition for existing on-street parking in Moriarty Road and Bowen Street. The number of spaces should meet Council's requirements.
- The proposed on-site loading bays and access for 8.8 metre medium rigid trucks is supported and should be designed to meet the Australian Standard.
- The development must provide on-site bicycle capacity / facilities. The bicycle facilities must be conveniently located in close proximity to lifts and driveways.
- The upgrade of the footpaths along the boundary of the development in Moriarty Road and Bowen Street is supported.

Potential additional traffic/ transport improvements that also could be considered as part of the development include:

- Improvements to the shared path in Moriarty Road linking Moriarty Road and Bowen Street
- Provision of a shared path in Mowbray Road West, north side of road, between Bowen Street and shared path to Helen Street (through the parklands behind the Church).
- The provision of a pedestrian refuge in Bowen Street at Mowbray Road West to assist pedestrian movement along Mowbray Road West, north side of road. This could be incorporated into the central left in/ left out island (if this is the chosen treatment).
- The provision of local area traffic management (LATM) measures such as raised thresholds and other treatments in Bowen Street and Moriarty Road to enhance parking and ensure a slow speed calmed road environment.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be in accordance with the requirements under Clause 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal, which are addressed at Attachment 3.

Community Notification

As is normal Council practice, no formal public community consultation has been undertaken to date with regard to this Planning Proposal. The community will be consulted as part of the formal notification period as part of a standard condition of a Gateway Determination by the Department of Planning and Environment, acting as a delegate to the Greater Sydney Commission.

Conclusion

The Planning Proposal is considered to be consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*. The Planning Proposal is therefore supported on the basis of land use and strategic planning.

Based on the above, it is recommended that public exhibition of this Planning Proposal should occur with the amendments recommended by Council Officers, and that it should be forwarded to the Department of Planning and Environment, for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT 3

COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives submitted by the proponent in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* are as follows:

The site will achieve the following key planning objectives:

- Consistency with State Government Policy to encourage growth within walking distance of existing centres and public transport accessible areas
- Consistency with State Government Housing Targets
- Sound planning practice and sustainable transport focused development
- A high quality residential development that the proponent is committed to developing
- Appropriate built form in a transitional location that is visible from the Pacific Highway
- Landscape opportunities for well-considered landscape areas, communal open space and deep soil planting
- Improved vehicle access and circulation within the local and State road network.

Council has recommended a change of controls as proposed in the Planning Proposal. These are considered to be consistent with the existing Council policies for high density residential land use under the current *Willoughby Local Environmental Plan 2012*, the *Draft Willoughby Housing Strategy* and taking into account the surrounding built form context. These provisions are listed below.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officers have proposed that the most suitable outcome for the sites be achieved by requiring that the Planning Proposal request be consistent with the following amendments to *Willoughby Local Environmental Plan 2012*, which will include:

- a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

- i) is to be used for community facilities, or
- ii) is a heritage item, or
- iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map

is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."

c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

"(2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" and "Area 9" on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development."

d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

"(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.

e) To amend Clause 6.10 'Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings' as follows:

i) Amend the heading to:

"6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and shop top housing"

ii) Add to the table in Clause 2:

Column 1	Column 2	Column 3
Shop top housing Residential flat building	R4 High Density Residential shown In Area 13 of the Special Provisions Area Map	6,000 square metres"

f) To add Clause 6.24 as follows:

“6.24 Design excellence

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

2) This clause applies to the following development:

a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map,

Note.

In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).

3) Development consent must not be granted to development to which this clause applies unless:

a) Where a building will be >35m in height

i) an architectural design competition that is consistent with Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and

ii) the design of the development is the winner of the architectural design competition, and

iii) the consent authority considers and acknowledges that the development exhibits design excellence.

b) Where a building will be up to 35m in height

i) The design is subject to review by a Design Excellence Review Panel, that is consistent with Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority

ii) the consent authority considers and acknowledges that the development exhibits design excellence.

4) An architectural design competition is not required under subclause

(3) if the Minister or their delegate is satisfied that:

(a) such a process would be unreasonable or unnecessary in the circumstances,

5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.

6) In this clause:

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches

Architectural Design Competition means a competitive process conducted in accordance with the *Guidelines for Design Excellence Review and Competitions*

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood from R2 Low Density Residential to R4 High Density Residential and amend the adjacent roadway for Bowen Street from R2 Low Density Residential to R3 Medium Density Residential.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 1A- 29 Bowen Street and 6-18, to 30 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1A- 29 Bowen Street and 6-18, Chatswood to 2.5:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show Bowen Street and 6-18, Chatswood, as Area 9, and Area 12 and Area 13.
- k) To amend the Lot Size Map (Sheet LSZ_004) to remove lot size controls for the subject site.

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Draft Willoughby Housing Strategy*, *Draft Willoughby Local Centres Strategy* and the *Chatswood CBD Planning and Urban Design Strategy*, it is proposed to consider requested amendments under this Planning Proposal in the form of amendments to the written instrument and relevant maps.

The Planning Proposal is accompanied by draft *Development Control Plan* provisions specific to 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood for public exhibition.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

1) Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of any Strategic Study or report. Analysis supporting the application has been provided with the Planning Proposal.

2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best way to achieve the intended outcomes of the increased development proposed for the site.

Section B - Relationship to strategic planning framework

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

The Planning Proposal as recommended by Council Officers is consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, and would support the housing supply sought by the *Draft Willoughby Housing Strategy*.

The *Greater Sydney Region Plan* and the *North District Plan* were released by the Greater Sydney Commission in March 2018. The *Greater Sydney Region Plan* will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The *Greater Sydney Region Plan* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Delivering a metropolis of three cities will be guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents.

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor.

The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth and land use and infrastructure planning. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor. Chatswood is earmarked as a centre for jobs, retailing and services growth along with additional residential development in adjacent and nearby areas. The Planning Proposal site is located in close proximity and a walkable distance to the Chatswood CBD and is therefore considered suitable for substantial residential uplift.

This Planning Proposal provides housing in close proximity to the economic core of Chatswood with good access to it by walking or cycling, or by public transport. This includes the future Sydney Metro Station at Chatswood.

With regard to providing for housing in the Willoughby Local Government Area, three areas of focus have been identified to fulfil housing targets under the *North District Plan 2018*.

These are:

- Focus area 1 to be on existing medium and high density zones, (R3 and R4) that have not as yet been developed to the full potential of the zone.
- Focus area 2 to be on the proposed B4 Mixed Use zone which surround the B3 Commercial Core of the Central Business District as identified in The Chatswood CBD Planning and Urban Design Strategy to 2036.

- Focus area 3 in the local centres identified in Draft Local Centres Strategy.

The Planning Proposal site is not located in any of these 3 areas. However, the general principles of a mix of housing types, affordable housing provision, location of growth close to commercial centres and infrastructure services, sound urban design including retention of a Local Heritage terrace housing result in the Planning Proposal meeting the general principles of the *Draft Willoughby Housing Strategy*.

A change of density to 2.5:1 floor space ratio, as well as a 30m height limit and minimum lot size of 6000m² will establish a built form that is considered reasonable given the medium density surroundings and adjoining commercial zone.

The amended Planning Proposal including the recommended changes to FSR, maximum height and minimum lot size will ensure that it is consistent with the above strategies.

The Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*' establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

Comment: The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and *North District Plan* released March 2018.

- Consistent with a relevant local council Strategy that has been endorsed by the Department;

Comment: The *Draft Willoughby Housing Strategy* was endorsed by Council for exhibition on the 26th November 2018. The Planning Proposal is generally consistent with the general principles of housing growth described in the *Draft Willoughby Housing Strategy*.

These policies are discussed in the Council Detailed Assessment (Attachment 2).

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Comment: It is considered that the Planning Proposal is consistent with the Sydney Metro Northwest, Sydney City and Southwest planned transport infrastructure. The site for the proposal is in close proximity to the Metro Station at Chatswood.

Investment in local schools is planned by NSW Department of Education and ongoing collaboration is planned to address this issue in response to growth in and around Chatswood.

b) Does the proposal have site-specific merit, having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards).

Comment: The Planning Proposal site is immediately adjacent to a service station to the north east. A preliminary site contamination study has been conducted that states that the Planning Proposal site is considered suitable for high density residential purposes, subject to a detailed contamination assessment and any subsequent remediation (if required) being undertaken at development application stage.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

Comment: The amended controls in the Planning Proposal recommended by Council will ensure that the Planning Proposal is suitable in the context of the existing and future uses in the vicinity of the Proposal.

Significant development uplift is envisaged to the east under the *Chatswood CBD Planning and Urban Design Strategy*. The site also adjoins commercial land to the east and medium density land to the north and west.

- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Comment: This issue is discussed in the Council Detailed Assessment under Public Benefit (Attachment 2).

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Our Future Willoughby 2028 (June 2018) is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The following objectives apply to this Planning Proposal:

1. A City that is green
 - 1.1 Create and enhance green spaces.
 - 1.2 Promote sustainable lifestyles and practices.
 - 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
 - 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
 - 1.5 Reduce carbon and greenhouse gas emissions.
2. A city that is connected and inclusive

- 2.1 Enhance transport choices and connections throughout the City.
- 2.4 Reduce parking and traffic congestion.
- 2.7 Promote accessible services for the community
- 3. A city that is liveable
 - 3.5 Maintain quality of life by balancing population growth with the provision of assets and services.
- 4. A city that is prosperous and vibrant
 - 4.1 Facilitate the development of all businesses.
- 5. A City that is effective and accountable
 - 5.1 Be honest, transparent and accountable in all that we do.

The Planning Proposal is consistent with the above applicable objectives.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are applicable, with comment provided.

SEPP Title	Comment
<i>SEPP 55- Remediation of Land</i>	The proponent has undertaken a preliminary site contamination analysis and has identified that the site would be suitable for the proposed use, subject to a more detailed site contamination study (and remediation if required) being undertaken as part of any development application for the site.
<i>SEPP (BASIX) 2004</i>	This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future development application for redeveloping the site.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
<i>SEPP 65 – Design Quality of Residential Flat Development</i>	This SEPP will apply to the proposed residential development on site. The proposed concept plan is considered broadly consistent with the SEPP. Consistency with the <i>SEPP 65 Apartment Design Guide (ADG)</i> will be considered in detail at development application stage.
<i>SEPP (Affordable Rental Housing) 2009</i>	The Planning Proposal provides for 7% affordable housing and is consistent with the SEPP.

SEPP 2007 (Infrastructure)	The Planning Proposal provides for housing and jobs close to public transport and general infrastructure provision and is consistent with the SEPP.
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6) Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)

The *Section 117 Directions* issued to councils under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979* require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant *Section 117 Directions* in this instance.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	<p>The site contains a Local Heritage Item at 8-10 Moriarty Road. It is proposed to retain these items and incorporate them in the future development.</p> <p>Adjacent to the south east is the Great Northern Hotel which is a Local Heritage Item. Further south is Mowbray Road and the Chatswood South Uniting Church, a State Heritage Item.</p> <p>The proposal will not impact upon these nearby items.</p>

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is located within an R2 Low Density Residential zone and contains residential land uses. The Proposal indicates a change of zone to R4 High Density Residential, providing an increased mix and number of dwellings in an area close to key infrastructure.
3.3 Home Occupations	Yes	Yes	Home occupations will continue to be permissible development on

			the site.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is well located close to public transport linkages and employment.

6. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister.

7. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> , and <i>North District Plan</i> released March 2018, as discussed above.

Section C- Environmental, social and economic impact

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

The subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

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

The following environmental impacts of the proposal and their proposed management are discussed in the Council Detailed Assessment, with reference to different Strategies applicable where appropriate (refer Attachment 2):

- Land use
- Contamination
- Flooding and drainage
- Heritage
- Public domain
- Floor space ratio
- Design excellence
- Building sustainability
- Building Height

- Links, open space and landscaping
- Street frontage heights
- Setbacks
- Building separation
- Minimum site area
- Other issues including solar access, privacy and general amenity, traffic and car parking
- Public Benefit

9) Has the planning proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has adequately addressed social and economic effects. It should be noted that the Planning Proposal includes affordable housing provision (7% of total housing provision as measured in residential GFA).

10) Is there adequate public infrastructure for the planning proposal?

The subject site is located within an existing medium density residential area located close to a major public transport corridor (ie Pacific Highway), serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange. There is also a strong potential for active transport linkages due to the location of Bowen and Moriarty Streets and the site's close proximity to both Chatswood and Artarmon. Appropriate upgrades to active transport linkages could be incorporated as a condition of future development of the site.

Investment in local schools is planned by NSW Department of Education and ongoing collaboration is planned to address this issue in response to growth in and around Chatswood.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not notified any public authorities at this stage. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPPING

This Planning Proposal as proposed involves amending *Willoughby Local Environmental Plan 2012 (LEP)* maps as follows:

- To amend the Land Use Zoning Map (Sheet LZN_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood from R2 Low Density Residential to R4 High Density Residential and amend the adjacent roadway for Bowen Street from R2 Low Density Residential to R3 Medium Density Residential.
- To amend the Height of Buildings Map (Sheet HOB_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood, to 30 metres.

- To amend the Floor Space Ratio Map (Sheet FSR_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood to 2.5:1.
- To amend the Special Provisions Area Map (Sheet SPA_004) to show 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood as Area 9, Area 12 and Area 13.
- To amend the Lot Size Map (Sheet LSZ_004) to remove lot size controls for the subject site.

PART 5 – COMMUNITY CONSULTATION

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning and Infrastructure 'Gateway' process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment's Gateway Determination requirements and should include the Draft *Willoughby Local Environmental Plan 2012* Amendment (written instrument and mapping) and the *Draft Development Control Plan* provisions as amended by Council. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	May 2019
Planning Proposal submitted to Gateway	July 2019
Gateway Determination received by Council	September 2019
Community Consultation (28 days)	October 2019
Outcomes of Community Consultation presented to Council	November 2019
Planning Proposal submitted to Department requesting notification on Government website	December 2019

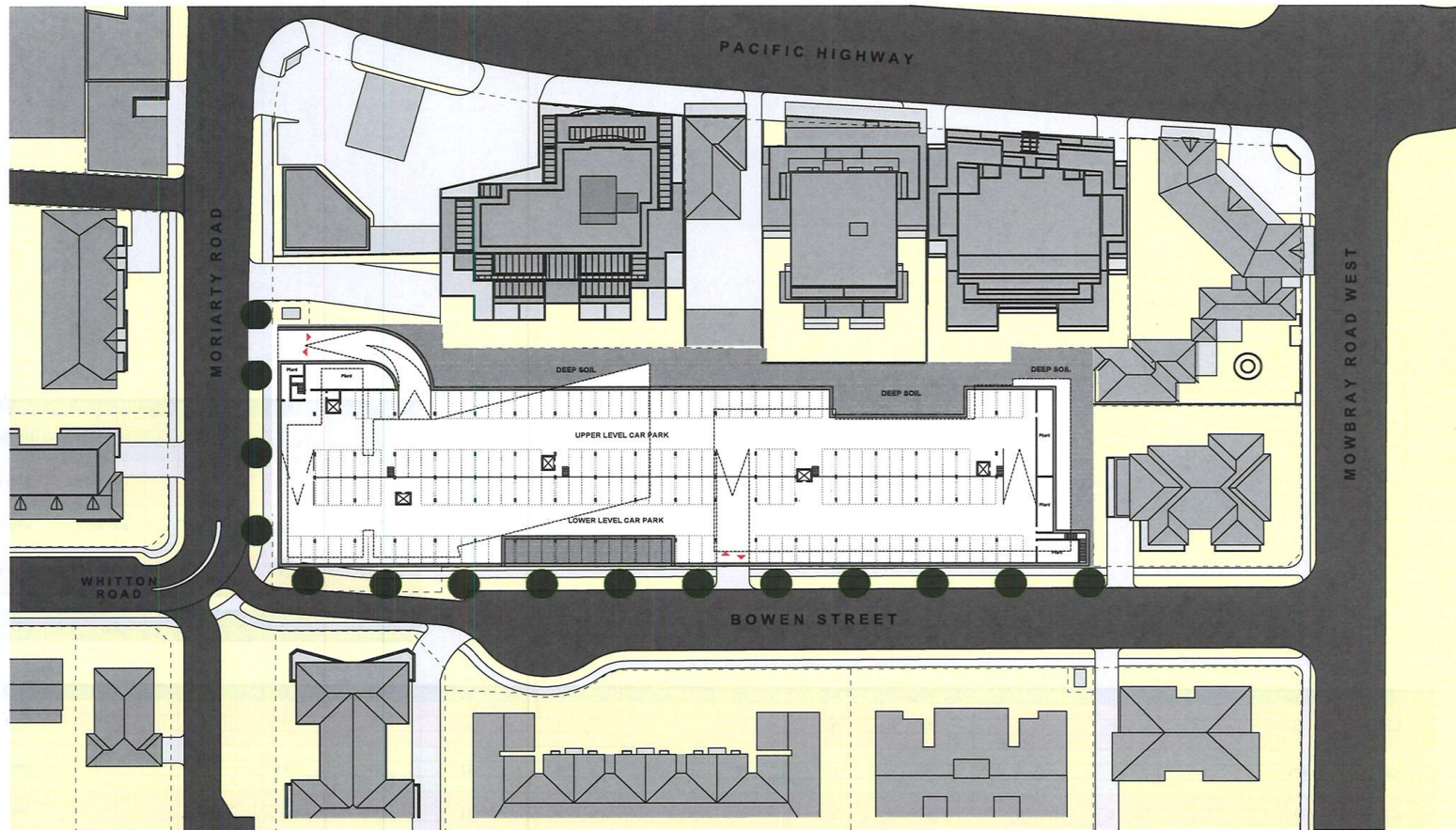
ATTACHMENT 4

Bowen St, Chatswood
Unit Mix

PBD | ARCHITECTS

Unit	Building A					Building B					Heritage Terraces			Total	Unit Mix %
	Ground	Level 1-3	Level 4 -5	Level 6-8	Sub-Total	Ground	Level 1-2	Level 3 -5	Level 6-7	Sub-Total	GROUND+L1	LEVEL 2	Sub-Total		
1 Bed	1	6	6	6	19	4	6	9	0	19	0	1	1	39	21%
2 Bed	9	30	18	18	75	9	20	24	0	53	0	1	1	129	69%
3 Bed	2	3	0	0	5	1	2	3	6	12	2	0	2	19	10%
Total	12	39	24	24	99	14	28	36	6	84				187	100%

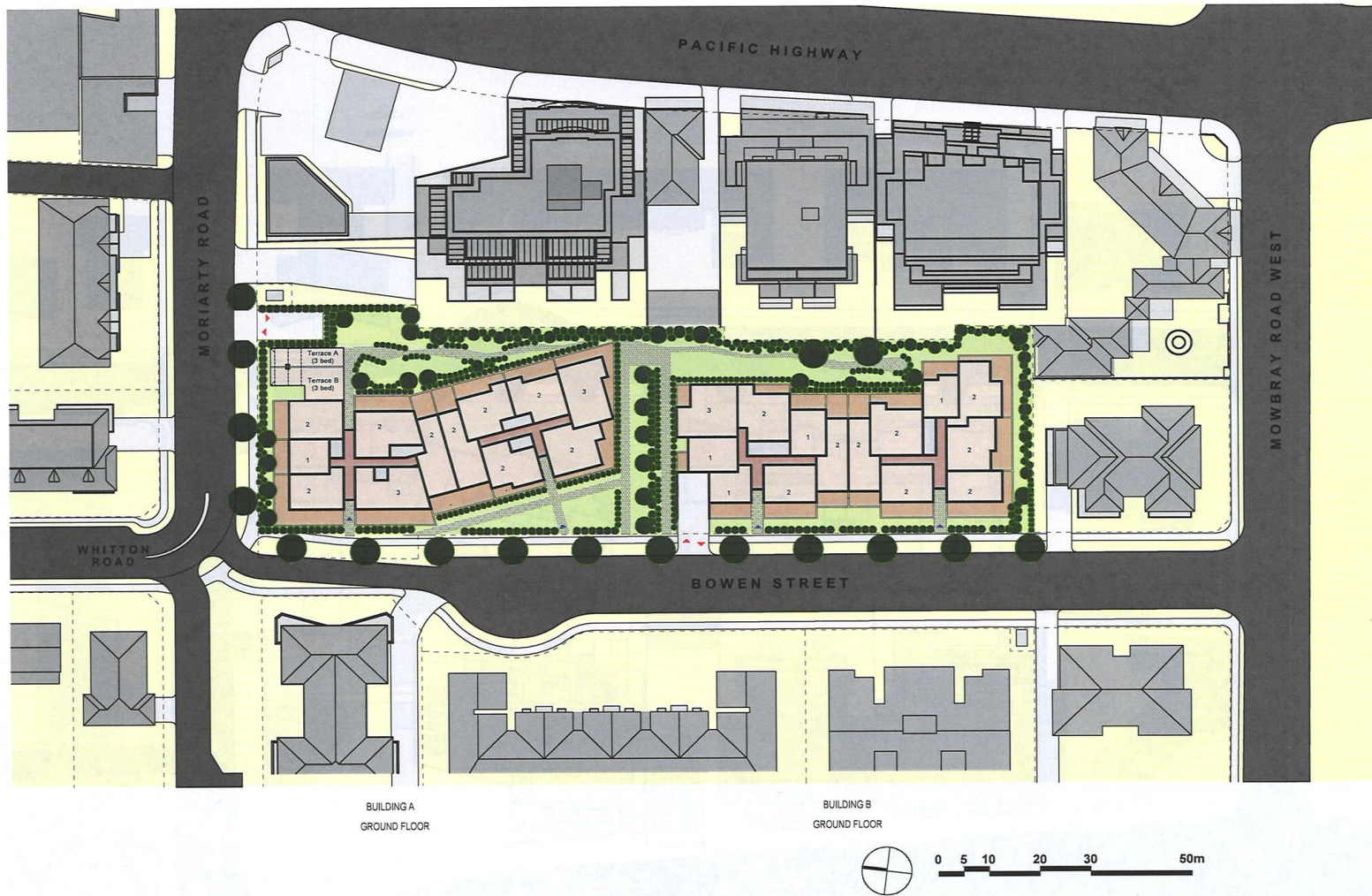
CAR PARKING REQUIREMENTS				
	Rate	No. of Units	Required	Proposed
1 Bed	1 per unit	39	39	
2 Bed	1.2 per unit	129	155	
3 Bed	1.5 per unit	19	29	
Visitor	1 per 4 units	187	47	
Total			269	ACHIEVABLE

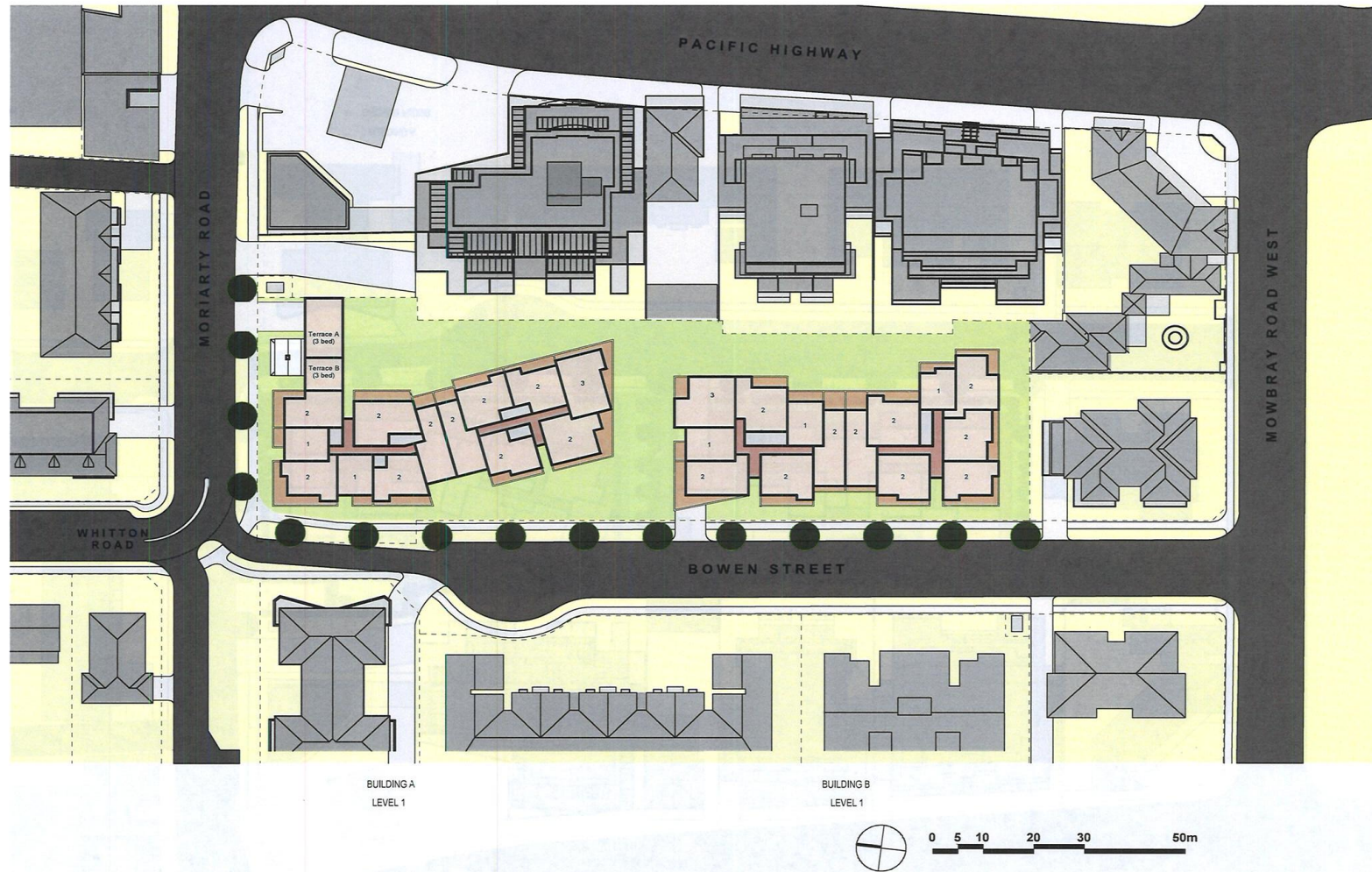


SITE AREA	6716 SQM
DEEP SOIL REQUIRED	15% OF SITE AREA = 1007 SQM
TOTAL	= 1225 SQM (18.2% OF SITE AREA)

INDICATIVE TYPICAL BASEMENT

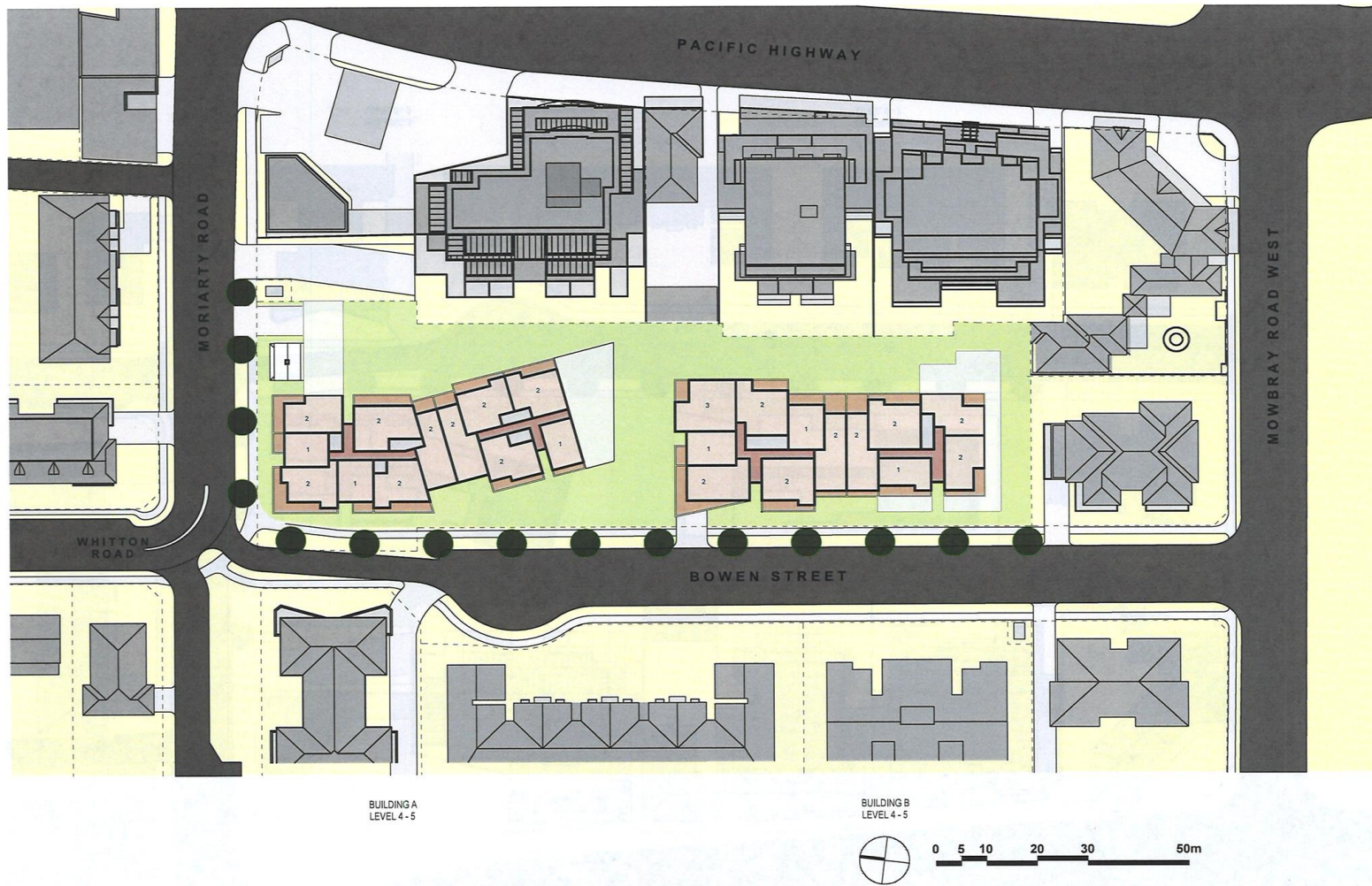


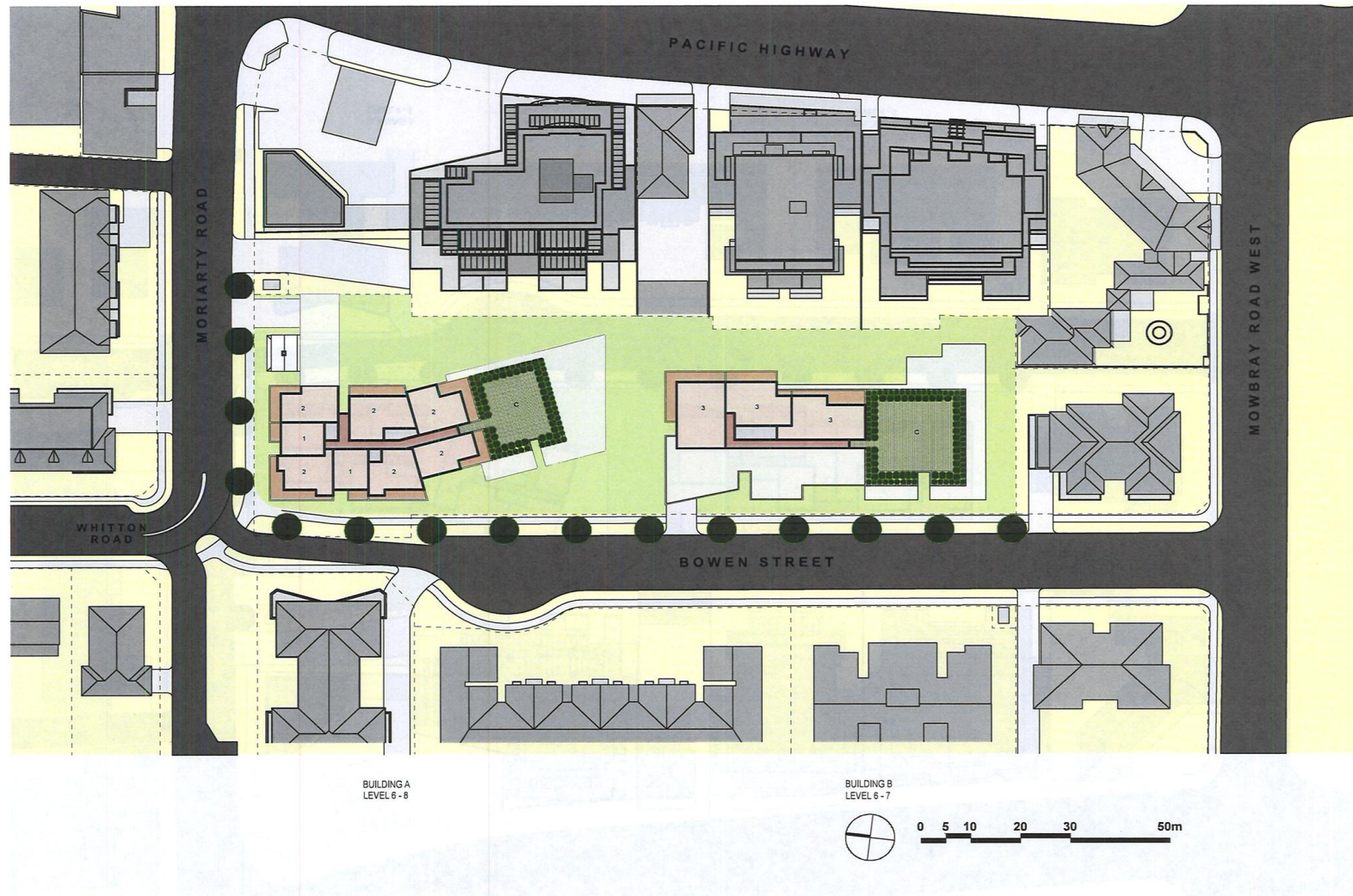






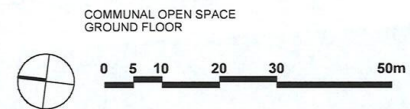


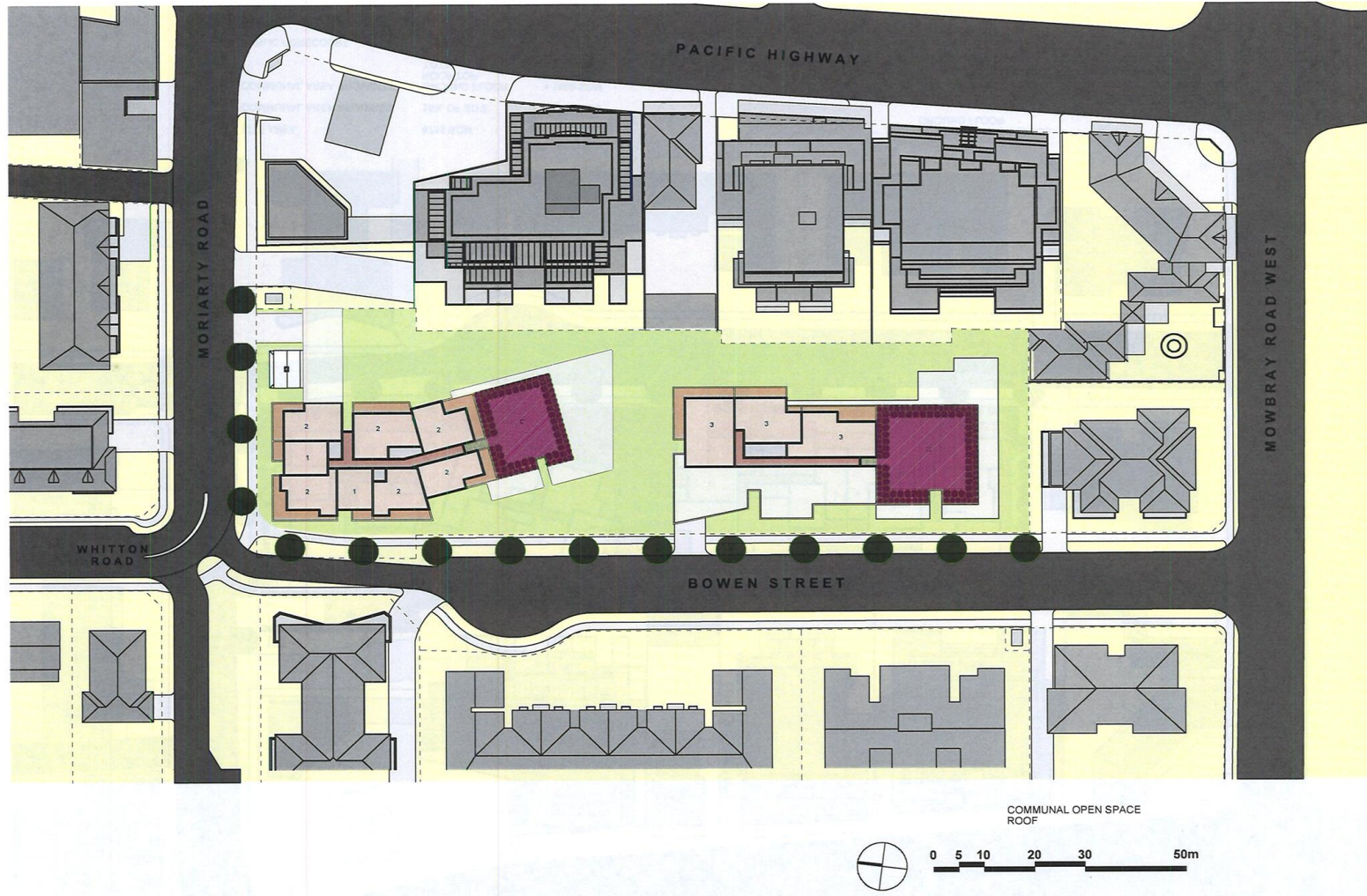


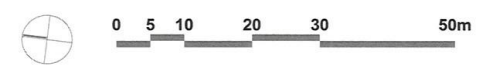
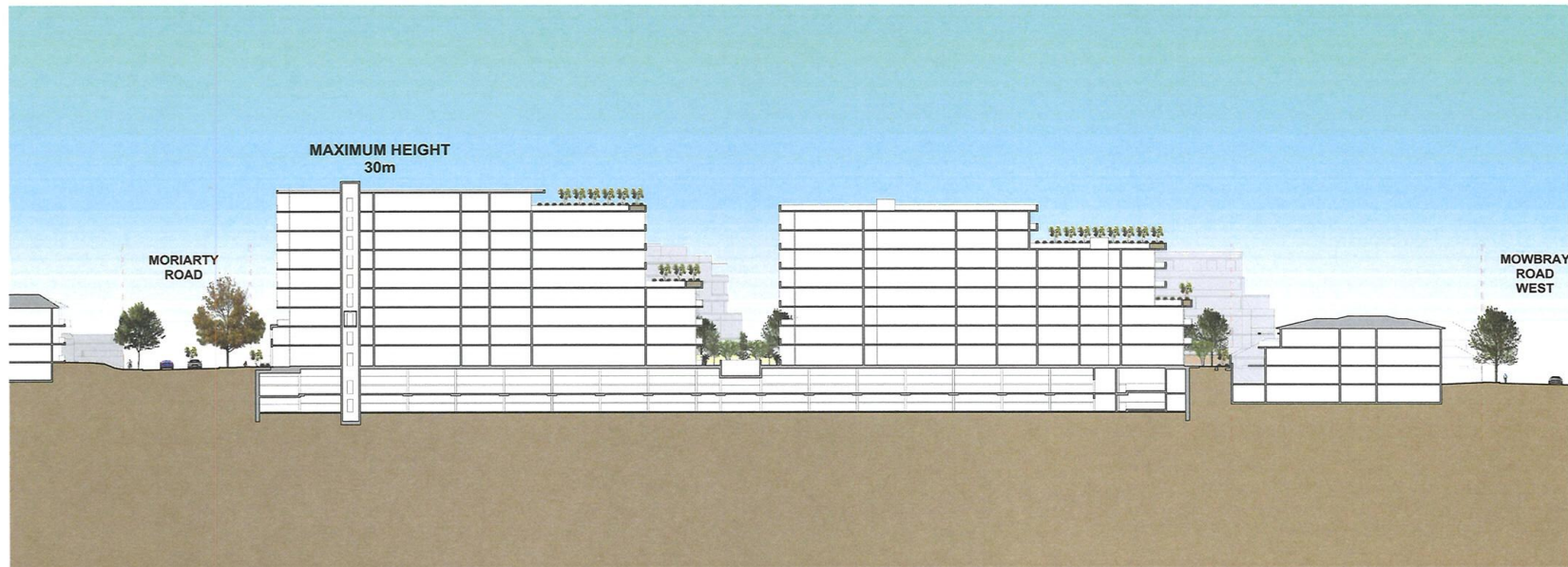




SITE AREA	6716 SQM	
COMMUNAL AREA REQUIRED	25% OF SITE	= 1680 SQM
COMMUNAL AREA PROVIDED	GROUND FLOOR	= 1909 SQM
	ROOF TOP	= 700 SQM
	TOTAL	= 2609 SQM
PUBLIC FORECOURT	310 SQM	







1A-29 BOWEN STREET & 6-18 MORIARTY ROAD, CHATSWOOD

PROPOSED SITE-SPECIFIC DCP PROVISIONS

To further guide the design of new development within the site, and to provide greater certainty regarding the future design outcome for the site, a site-specific development control plan (DCP) will be prepared to support the draft LEP amendment. Proposed DCP Controls in the general accepted format of the Willoughby DCP 2006 are outlined in the following sections.

General Provisions

The aims and objectives of the DCP site specific provisions are to:

- a) Ensure that the site is amalgamated so as to enable the substantial redevelopment of the site for medium to high density residential development;
- b) Ensure that the development is complementary to the scale and character of development in the area;
- c) Encourage energy efficient design and development
- d) To encourage high quality built form outcomes and achieve design excellence;
- e) Indicate the location of vehicle access points to the site and the general location of parking areas;
- f) Mitigate impact of traffic generation from the development on surrounding road network;
- g) Control adverse environmental impacts such as wind and shadows from any development of the site; and
- h) Ensure the heritage listed terrace pair located at 8-10 Moriarty Road is sympathetically incorporated in the redevelopment.

Specific Provisions

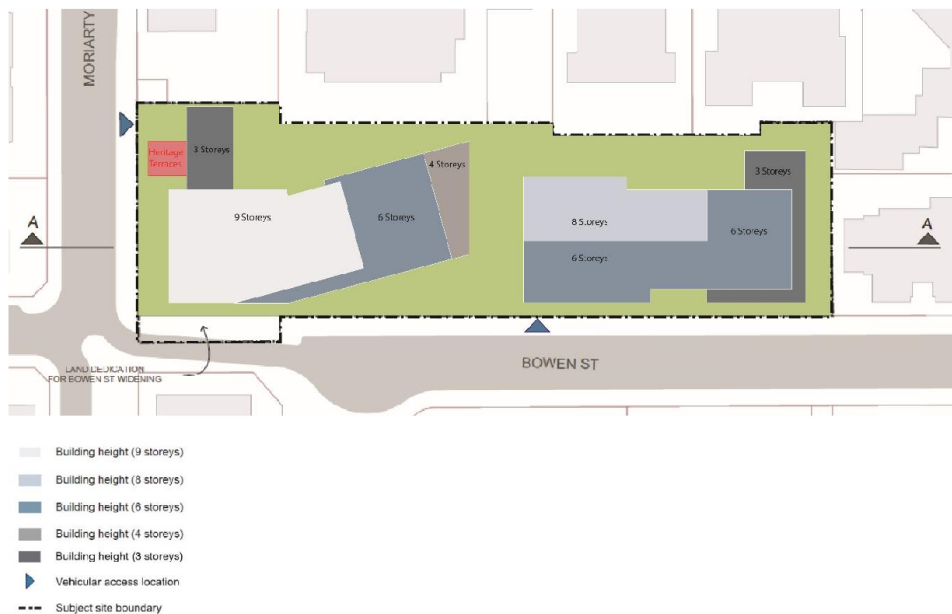


Figure 1 – Building Envelope Plan

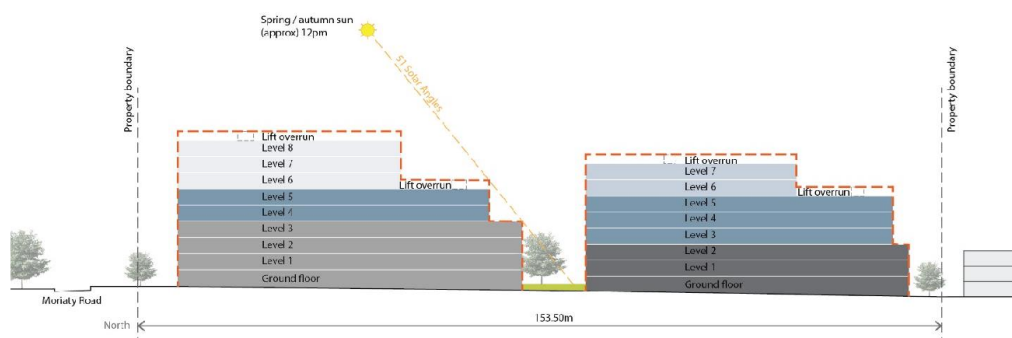


Figure 2 – Indicative Building Envelope Section

A – Height

Objectives

- a) To achieve an appropriate height transition across the site responding to the existing and future desired context; and
- b) To provide various height controls that maintain sunlight access into nearby residential development and enhance solar access through the site.

Controls

- 1. The height of buildings in storeys are to be in accordance with the *Building Envelope Plan*.
- 2. The tallest form of the development is to be positioned at the north of the site to reduce solar impacts on the public domain and surrounding residential buildings and provide a transition in scale to The Great Northern Hotel heritage item.

B – Design Excellence

Objectives

- a) To encourage innovative, high quality architectural design; and
- b) To achieve long term durability of design and finish.

Controls

- 1. Before granting development consent for the erection of a new building development, the Council must consider the quality of the architectural design and the achievement of design excellence.
- 2. In considering the quality of the architectural design, the Council must consider feedback received from a Design Review Panel for developments up to 35m high.
- 3. Achievement of design excellence will include achievement of higher building sustainability standards.
- 4. Any amelioration measures for environmental impacts such as architectural elements and landscaping are integrated into the design to achieve an overall high standard of design quality.

C – Setbacks and Streetscape

Objectives

- a) To ensure future development recognises the existing streetscape and contributes to the public domain; and
- b) To ensure residential development proposed on the site is consistent with the design criteria contained within the Apartment Design Guide.

Controls

1. A minimum 3m setback from any street frontage is required.
2. Design of the development is not to read as a single mass when viewed from Bowen Street.
3. The design of the development façades is to create a visually interesting form incorporating recesses and projecting elements.
4. The minimum rear setback from the site boundary is 3m.
5. New building envelopes proposed behind the existing heritage items at 8-10 Moriarty Road must not be positioned less than 1m from the principle building form of the heritage terrace, or less than a 9m setback from Moriarty Road.
6. New development on the site fronting Moriarty Road should have two storey podium expression in the building façade (in line with the height of the existing heritage items at 8-10 Moriarty Road).

D – Open Space and Landscaping*Objectives*

- a) Landscaping is to soften and complement the development; and
- b) Landscaping at street level shall improve the amenity and appearance of the pedestrian environment and public domain.

Controls

1. The planting to the setback areas is to maintain clear sight lines between the entrances and the street and within the planted areas.
2. Open space within front setback areas are to present useable and accessible open space that improves the public domain.
3. Additional street tree planting will be required for new development. The location and species of new planting will be nominated by Council as part of any development consent.
4. Landscaped areas are to be adequately irrigated and drained.
5. The redevelopment of the site is to provide the inclusion of soft landscaping.
6. Variation to the maximum site coverage and recreational open space requirements within Part D2 of the Willoughby DCP 2006 can be considered provided communal open space proposed exceeds 25% of the site area, and a minimum 10% of deep soil area is maintained across the site.

E – Access, Parking, and Transport*Objectives*

- a) The development shall meet Council's car parking requirements;
- b) The number of vehicle access points to the development are minimised;
- c) Traffic generated from the proposed development should be mitigated;
- d) Vehicular access points are designed to minimise their impact on pedestrians and the flow of traffic; and
- e) Vehicular access points should be unobtrusive in the streetscape but ensure visibility for motorists and approaching pedestrians.

Controls

1. Proposed vehicular access points are to be limited to no more than one ingress/egress per street frontage.
2. Future development must include provision to open the intersection of Bowen Street and Moriarty to one-way, south bound traffic.

3. Future development of the site must ensure that measures are put in place so that **development** will have no significant impact on the efficiency and operation of the existing surrounding **road** network.
4. Active transport facilities including resident and visitor bicycle parking are to be provided.
5. Electric car charge points are to be provided within any basement car park.
6. Based on the car parking requirements for a site within a railway precinct and major public transport corridor, the following car parking requirements are relevant to the site:
 - 1 space per 1 & 2-bedroom apartment
 - 1.25 spaces per 3 (+)-bedroom apartment
 - 0.25 spaces per unit for visitors

F – Environmental Considerations

Objectives

- a) The design of new development shall minimise the overshadowing impact on adjoining development;
- b) The shape, location and **height** of buildings should be designed to satisfy wind criteria for public safety and comfort at ground level;

Controls

1. New development is to minimise additional overshadowing of or main private open space or living rooms of residential properties during the mid-winter period where the shadows would reduce sunlight access to below 2 hours per day between 9am and 3pm.
2. Any wind amelioration measures shall be integrated into the overall architectural or landscape design of a site.
3. Development is encouraged to exceed the minimum requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

G – Allotment Size and Consolidation

Objectives

- a) Allotments should be amalgamated to ensure that sufficient site area is available to achieve the stated development potential, adequate provision for landscaping, and to avoid isolating any allotments subject to this section of the DCP from future redevelopment; and
- b) **Development** on any residual **allotment** can be satisfactorily achieved by having regard to efficient **solar access** design.

Controls

1. New development on the site will be required to consolidate all affected allotments.
2. A development application for the substantial redevelopment of fewer than all of the allotments the subject of this section of the DCP, must be accompanied by evidence that consolidation of all allotments has been reasonably attempted.
3. Any basement car parking proposed on the site is to make provision for shared access, with necessary easement(s) on title in accordance with Section 88B of the *NSW Conveyancing Act 1919*, appropriate circulation paths, and siting of breakthrough walls to allow a shared/integrated basement with 1 Bowen Street.

H – Heritage

Objectives

- a) To ensure the heritage listed terrace pair at 8-10 Moriarty Road is sympathetically incorporated in the redevelopment, and the heritage significance of the terrace pair is retained.

- b) To mitigate impacts of the proposed development to proximate heritage items including the Great Northern Hotel at 522 Pacific Highway.

Controls

1. New building additions to the south of the existing heritage listed terrace pair at 8-10 Moriarty Road are to be generally consistent with the built form illustrated within the *Building Envelope Plan*.
2. A development application for the redevelopment of the site is to include consideration to further modulation/ articulation of new development in response to the siting of the heritage item.
3. Detailed design of podium elements to specifically respond to the bulk, materiality and street wall height of the heritage item.
4. The redevelopment of the site is to retain the heritage values of the Local Heritage Items at 8-10 Moriarty Road.

ATTACHMENT 6: PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012

a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

- i) is to be used for community facilities, or
- ii) is a heritage item, or
- iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”

b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

- (a) the Willoughby Affordable Housing Principles,
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.

Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”

d) To replace Clause 6.8 'Affordable Housing', (7) with the following:

“(7) In this clause:

accountable total floor space means:

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.

- e) To amend Clause 6.10 'Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings' as follows:
- i) Amend the heading to:
- "6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and shop top housing"
- ii) Add to the table in Clause 2:
- | "Column 1 | Column 2 | Column 3 |
|---|---|----------------------------|
| Shop top housing
Residential flat building | R4 High Density
Residential shown
In Area 13 of the
Special Provisions
Area Map | 6,000
square
metres" |
- f) To add Clause 6.24 as follows:
- "6.24 Design excellence
- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- 2) This clause applies to the following development:
- a) development that is the erection of a new building on land covered by the Design Excellence Policy, and shown in Area 12 on the Special Provisions Area Map,
- Note.
- In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 96 (3) of the Act).
- 3) Development consent must not be granted to development to which this clause applies unless:
- a) Where a building will be >35m in height
- i) an architectural design competition that is consistent with Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and
- ii) the design of the development is the winner of the architectural design competition, and
- iii) the consent authority considers and acknowledges that the development exhibits design excellence.
- b) Where a building will be up to 35m in height
- i) The design is subject to review by a Design Excellence Review Panel, that is consistent with Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority
- ii) the consent authority considers and acknowledges that the development exhibits design excellence.
- 4) An architectural design competition is not required under subclause (3) if the Minister or their delegate is satisfied that:
- (a) such a process would be unreasonable or unnecessary in the circumstances,

5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration the results of the architectural design competition.

6) In this clause:

Design Excellence is a process and an outcome achieved through the comparative evaluation of different design approaches

Architectural Design Competition means a competitive process conducted in accordance with the *Guidelines for Design Excellence Review and Competitions*

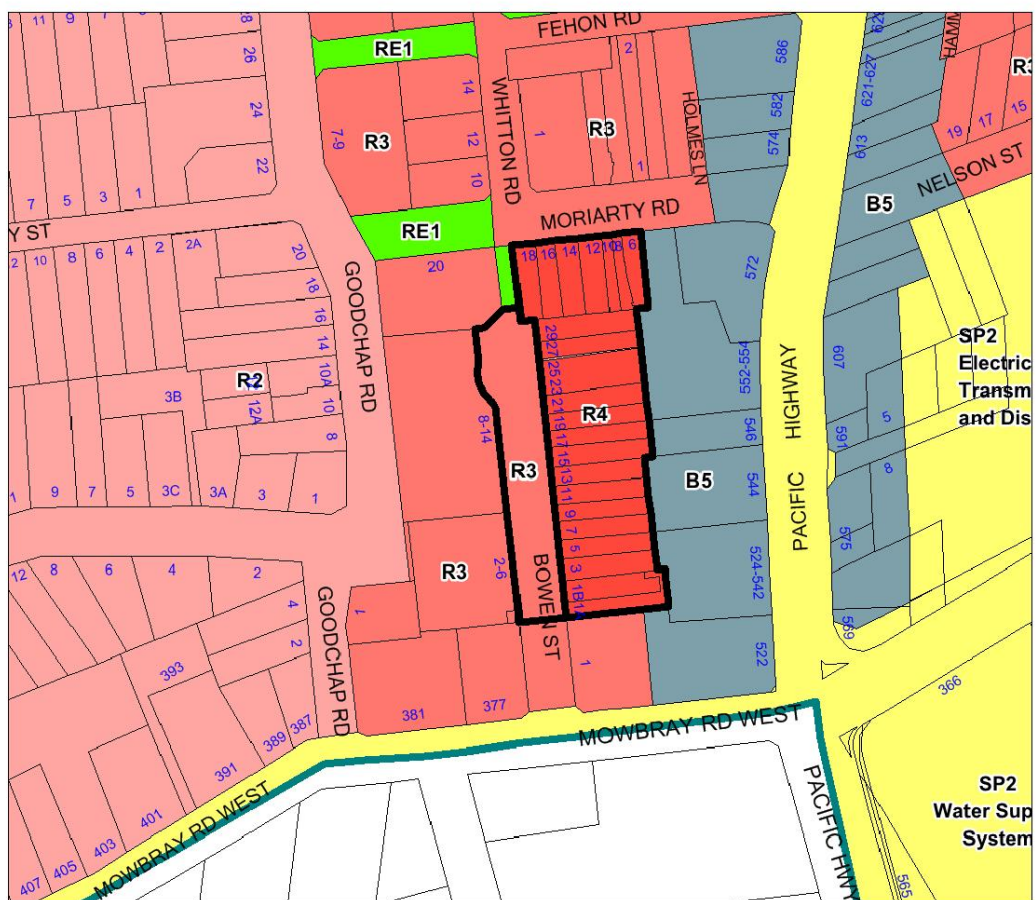
Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Secretary).

Guidelines for Design Excellence Review and Competitions means the Government Architects Design Excellence Competition Guidelines or, Guidelines endorsed by the NSW Government Architects Office (Secretary).

Design Excellence Policy means the Willoughby City Council Design Excellence Policy

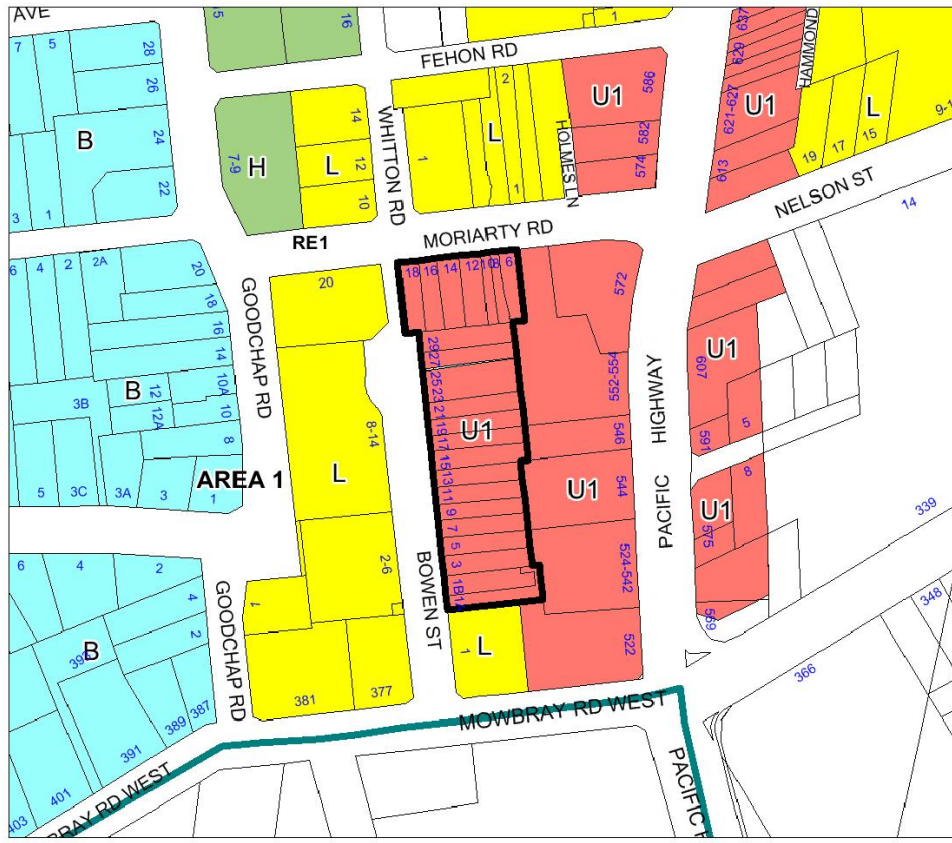
- g) To amend the Land Use Zoning Map (Sheet LZN_004) for 1A-29 Bowen Street and 6-18 Moriarty Road, Chatswood from R2 Low Density Residential to R4 High Density Residential and amend the adjacent roadway for Bowen Street from R2 Low Density Residential to R3 Medium Density Residential.
- h) To amend the Height of Buildings Map (Sheet HOB_004) for 1A- 29 Bowen Street and 6-18, to 30 metres.
- i) To amend the Floor Space Ratio Map (Sheet FSR_004) for 1A- 29 Bowen Street and 6-18, Chatswood to 2.5:1.
- j) To amend the Special Provisions Area Map (Sheet SPA_004) to show Bowen Street and 6-18, Chatswood, as Area 9, and Area 12 and Area 13.
- k) To amend the Lot Size Map (Sheet LSZ_004) to remove lot size controls for the subject site.

**ATTACHMENT 7: PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO AND SPECIAL
PROVISIONS AREA MAPS**



- R4 R4 High Density Residential Zoning
- R3 R3 Medium Density Residential

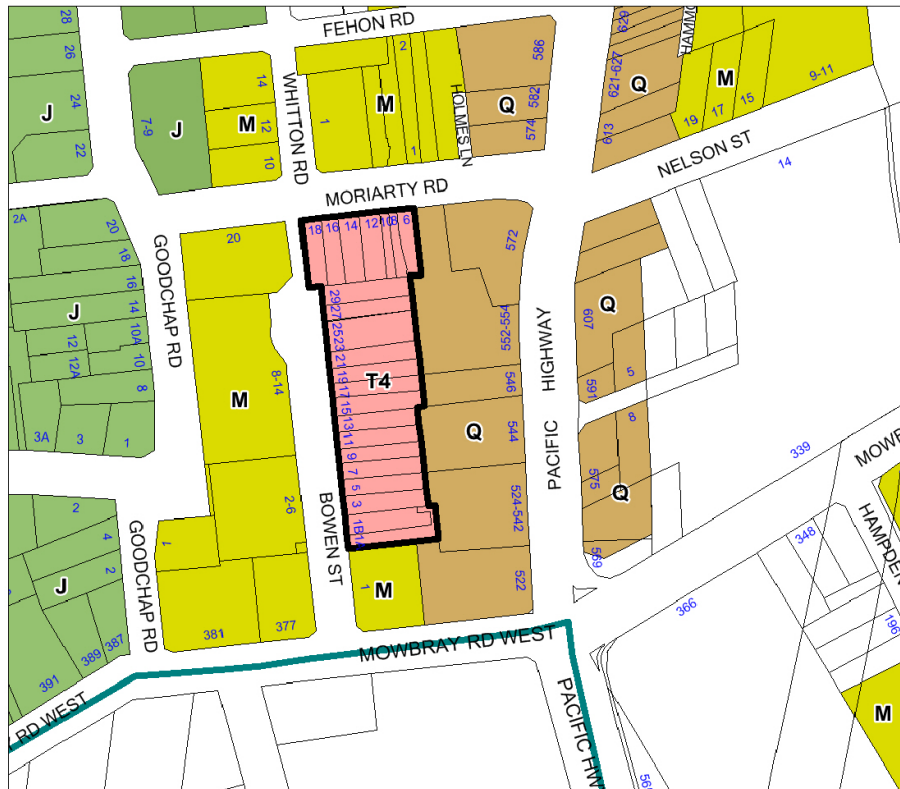
Proposed WLEP Land Zone Map



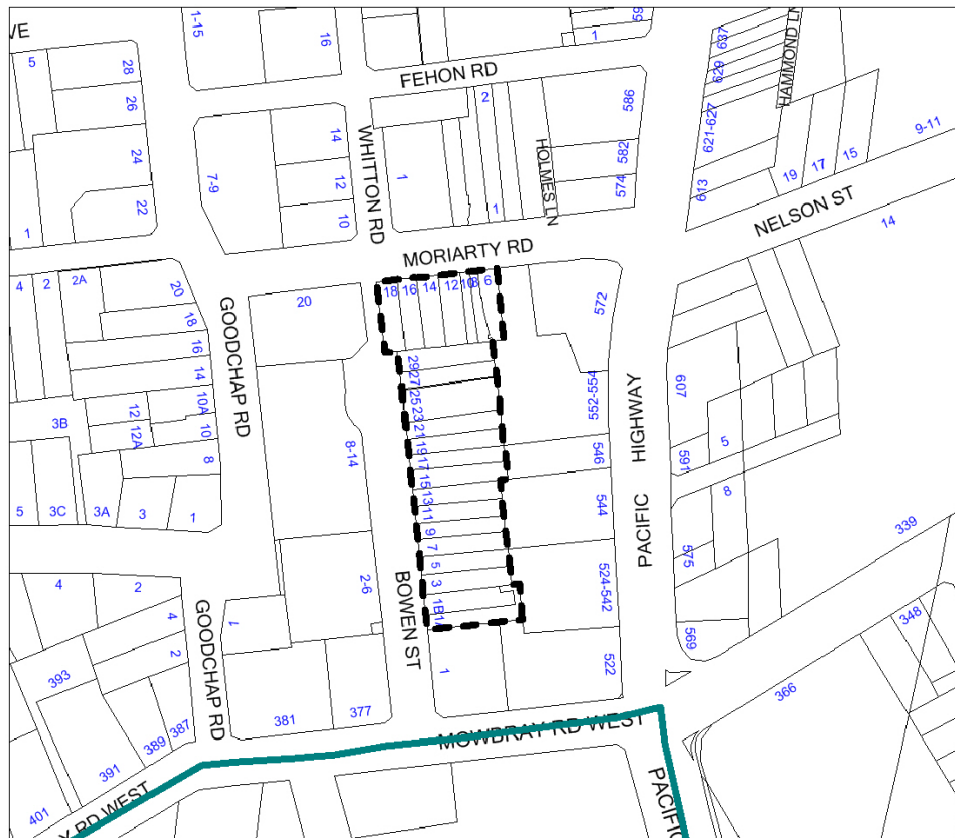
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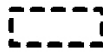
Proposed Floor Space Ratio Map

Proposed Height of Buildings Map



T4 T4 (30m)



 Site identified by dotted line (Area 9, Area 12 and Area 13)
Refer CLxxx

Proposed Special Provisions Area Map

ATTACHMENT 8



WILLOUGHBY
Local
Planning
Panel

**PLANNING PROPOSAL
RECORD OF ADVICE**

DATE OF ADVICE	30 April 2019
PANEL MEMBERS	Penny Holloway (Chair), James Harrison, Gary Shiels and Robert Freestone.
DECLARATIONS OF INTEREST	Nil

Closed meeting held at Willoughby City Council on 30 April 2019.

PLANNING PROPOSAL

The proposal **PP-2017/5** seeks an amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 1A to 29 Bowen Street and 6 to 18 Moriarty Road, Chatswood NSW 2067, that allow for a rezoning to Rezoning of properties at 1A to 29 Bowen Street and 6 to 18 Moriarty Road Chatswood from R2 to R4.

PANEL DISCUSSION

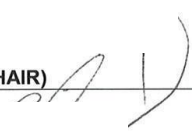

The Panel agreed that an uplift in the zoning in the subject area is appropriate, however there are some reservations whether the R4 zone is appropriate with a height limit of 30 metres and an FSR of 2.5:1. The concept plan and the draft DCP do not support the argument for an FSR of 2.5:1 for the following reasons:

- the massing, scale and lack of separation in the proposed built form;
- the extensive building footprint and inadequate landscape space;
- the potential to overshadow adjoining properties;
- the hard edge presentation to Moriarty Road and the northern part of Bowen St which is 9 storeys;
- the lack of substance and clarity in the proposed *DCP*;
- the impact on the heritage items (8 and 10 Moriarty Road);
- the relationship to the property at 1 Bowen St and
- the lack of resolution in traffic and parking.

PANEL ADVICE

The Panel supports the Planning Proposal being forwarded to the DP&E for a Gateway consideration subject to an amendment of FSR to 2:1 to create a more disaggregated built form.

Prior to exhibition, amended concept plans that reflect the 2:1 FSR and a more comprehensive *DCP* should be provided that articulates the built form, the relationship to the streetscape and addresses the points outlined in the Panel discussion.

PANEL MEMBERS	
PENNY HOLLOWAY (CHAIR) 	JAMES HARRISON
GARY SHIELS 	ROBERT FREESTONE

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