



**Planning,  
Industry &  
Environment**

# 871-877 Pacific Highway, Chatswood – Gateway Determination Report

---

Greater Sydney, Place and Infrastructure

November 2020



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: 871-877 Pacific Highway, Chatswood – Gateway Determination Report Greater Sydney, Place and Infrastructure

Department reference number: IRF20/5316

---

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of **writing (April 2020)** and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Contents

<b>Glossary .....</b>	<b>2</b>
<b>Summary .....</b>	<b>3</b>
<b>1. Introduction .....</b>	<b>3</b>
1.1 Description of planning proposal .....	3
1.2 Site description .....	4
1.3 Surrounding area .....	6
1.4 Current planning controls .....	7
1.5 Summary of recommendation .....	10
<b>2. Background .....</b>	<b>10</b>
2.1 Original Planning Proposal .....	10
<b>3. Current Planning Proposal .....</b>	<b>11</b>
3.1 Objectives or intended outcomes .....	11
3.2 Explanation of provisions .....	12
3.3 Mapping .....	14
3.4 Concept Design .....	17
<b>4. Need for the planning proposal .....</b>	<b>20</b>
<b>5. Strategic Assessment .....</b>	<b>20</b>
5.1 Greater Sydney Region Plan .....	20
5.2 North District Plan .....	21
5.3 Chatswood CBD Strategy .....	22
5.4 Willoughby Local Strategic Planning Statement .....	26
5.5 Willoughby Local Housing Strategy .....	26
5.6 Section 9.1 Ministerial Directions .....	27
5.7 State Environmental Planning Policies (SEPPs) .....	29
<b>6. Site-specific Assessment .....</b>	<b>30</b>
6.1 Built Form .....	30
6.2 Social .....	33
6.3 Environmental .....	34
6.4 Economic .....	34
6.5 Infrastructure .....	35
<b>7. Consultation .....</b>	<b>36</b>
7.1 Community .....	36
7.2 Agencies .....	36
<b>8. Timeframe .....</b>	<b>36</b>
<b>9. Local Plan Making Authority .....</b>	<b>36</b>
<b>10. Conclusion .....</b>	<b>37</b>
<b>11. Recommendation .....</b>	<b>37</b>
<b>Attachments .....</b>	<b>39</b>

## Glossary

Abbreviation	Reference
ADG	Apartment Design Guide
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
DP	Deposited Plan
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
LHS	Local Housing Strategy
LSPS	Local Strategic Planning Statement
PANS-OPS	Procedures for Air Navigation Services – Aircraft Operations
PPA	Planning Proposal Authority
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SNPP/Panel	Sydney North Planning Panel

## Summary

<b>Local Government Area</b>	Willoughby
<b>Planning Proposal Authority</b>	Willoughby City Council
<b>Planning Proposal Name</b>	PP_2020_WILLO_003_00
<b>Dwellings and Jobs</b>	86 dwellings, 60 jobs
<b>LEP to be Amended</b>	Willoughby Local Environmental Plan 2012
<b>Address</b>	871-877 Pacific Highway, Chatswood
<b>Lot and DP</b>	SP 17870
<b>Date Received</b>	25 September 2020
<b>File Number</b>	IRF20/5316
<b>Political Donations</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>Lobbyist Code of Conduct</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. Introduction

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Willoughby LEP 2012 for the subject site by:

- Rezoning the site from B5 Business Development to B4 Mixed Use.
- Increasing the maximum permitted building height from 21m to 90m.
- Increasing the maximum floor space ratio (FSR) from 2.5:1 to 6:1.
- Including a minimum commercial FSR component of 1:1.

A concept design has been provided with the planning proposal for a mixed-use development comprising a two storey commercial/retail podium with 24 storey mixed-use tower above.

The concept development could deliver approximately:

- 86 new dwellings including 4% affordable housing
- 1,432sqm of commercial/retail floor space.
- 95 parking spaces.

## 1.2 Site description

Located at 871-877 Pacific Highway, Chatswood and legally described as Strata Plan 17870 the site has a total area of 1,432sqm. The site's primary frontage is 47.405m to the Pacific Highway, with a secondary frontage of 38.435m to Wilson Street (**Figure 1**). Vehicular access is currently obtained from the Pacific Highway.

The site contains three attached buildings (**Figures 2-4**), a 1 storey building fronting the Pacific Highway and two 2 storey brick buildings to the rear. The site is predominately flat with a slight from the centre of the site to the northern, southern and eastern boundaries.



**Figure 1:** Site map (source: Nearmap).





**Figure 2:** Existing site as viewed from the Pacific Highway looking north east (source: Google Maps).



**Figure 3:** Existing site as viewed from Pacific Highway looking south east (source: Google Maps).

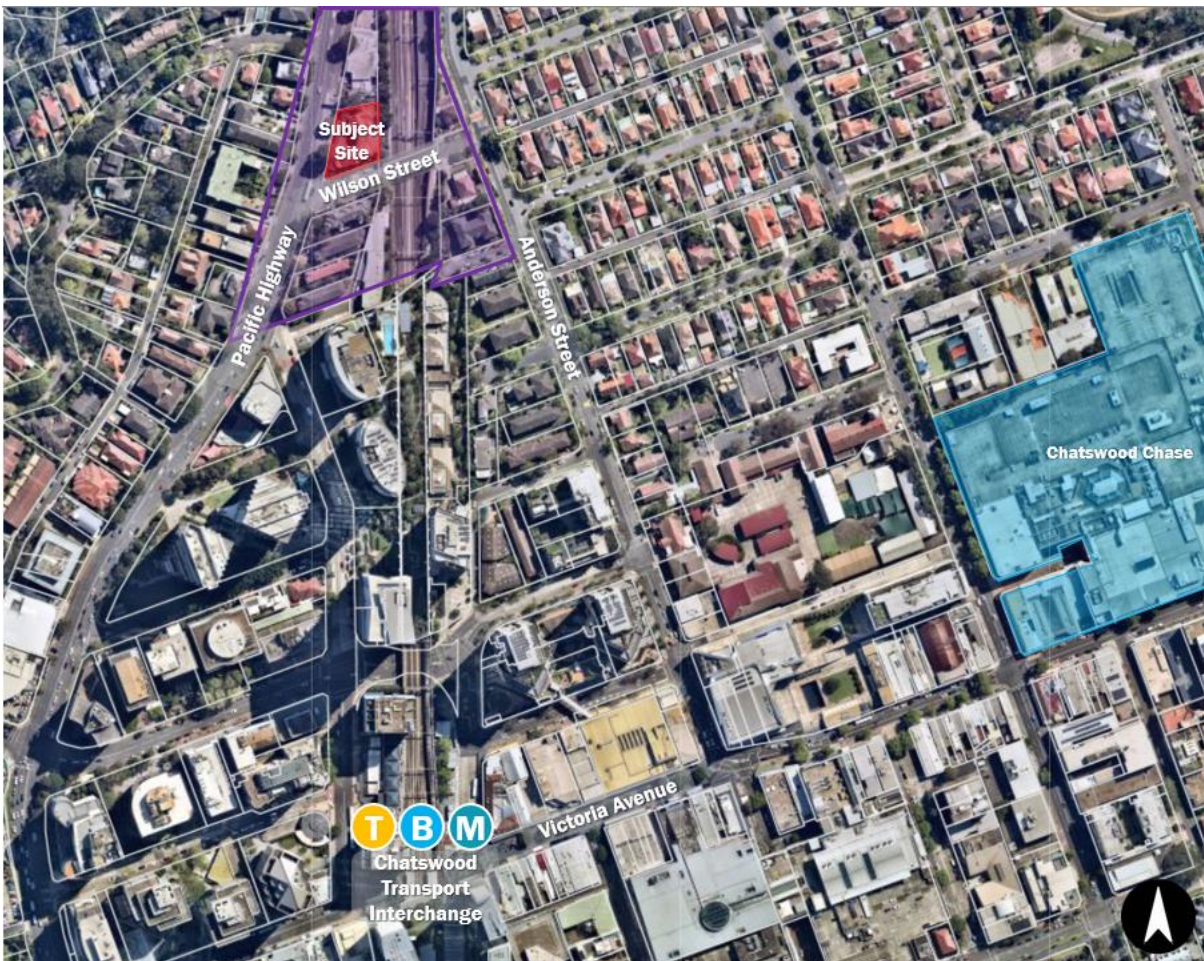




**Figure 4:** Existing site as viewed from Wilson Street looking north (source: Google Maps).

### 1.3 Surrounding area

The site is located within the expanded area of the Chatswood CBD which includes Chatswood Station and transport interchange and three major shopping centres including Westfield, Chatswood Chase and the Mandarin Centre (**Figure 5**).



**Figure 5:** Site context map – expanded Chatswood CBD area shown in purple (source: Nearmap).



Chatswood Station was upgraded in 2019 to include the new Sydney Metro network. The upgrade provided access to new trains operating between Rouse Hill and Chatswood, with trains running every four minutes at peak times. Chatswood Station is an integrated transport exchange and includes direct links to the strategic centres of Macquarie Park, North Sydney and the Sydney CBD.

The upgrades will also connect Chatswood to Sydney Metro City and South West. This network is due to be completed in 2024 and will provide an extension of Sydney Metro Northwest from Chatswood under Sydney Harbour, through new CBD stations and southwest Bankstown, with the capacity to provide trains every two minutes in each direction.

To the north of the site is a service station. To the south of the site is a four storey residential flat building. Further south of this building are additional residential flat buildings which increase in scale until the Chatswood CBD commercial core. To the east of the site is the T1 North Shore Rail Line. To the west of the site, opposite the Pacific Highway is a mix of residential development ranging in scale from single storey detached dwellings to eight storey residential flat buildings.

## 1.4 Current planning controls

Under the Willoughby LEP 2012 the following planning controls apply:

- A B5 Business Development zoning (**Figure 6**).
- A 21m maximum building height (**Figure 7**).
- A 2.5:1 maximum floor space ratio (FSR) (**Figure 8**).

The site is also 40m south east of local heritage item I108 and 70m west of the North Chatswood Heritage Conversation Area which is located over the railway line (**Figure 9**).

A comparison of the current and proposed controls has been provided at **Table 1**.

**Table 1:** Comparison between current and proposed planning provisions.

Control	Current	Proposed	CBD Strategy
<b>Zone</b>	B4 Business Development	B4 Mixed Use	B4 Mixed Use
<b>Height</b>	21m	90m	90m
<b>FSR</b>	2.5:1	6:1 (1:1 minimum commercial)	6:1 (1:1 minimum commercial)
<b>Affordable Housing</b>	No provisions for the site	4% included within FSR calculation	4% included within FSR calculation

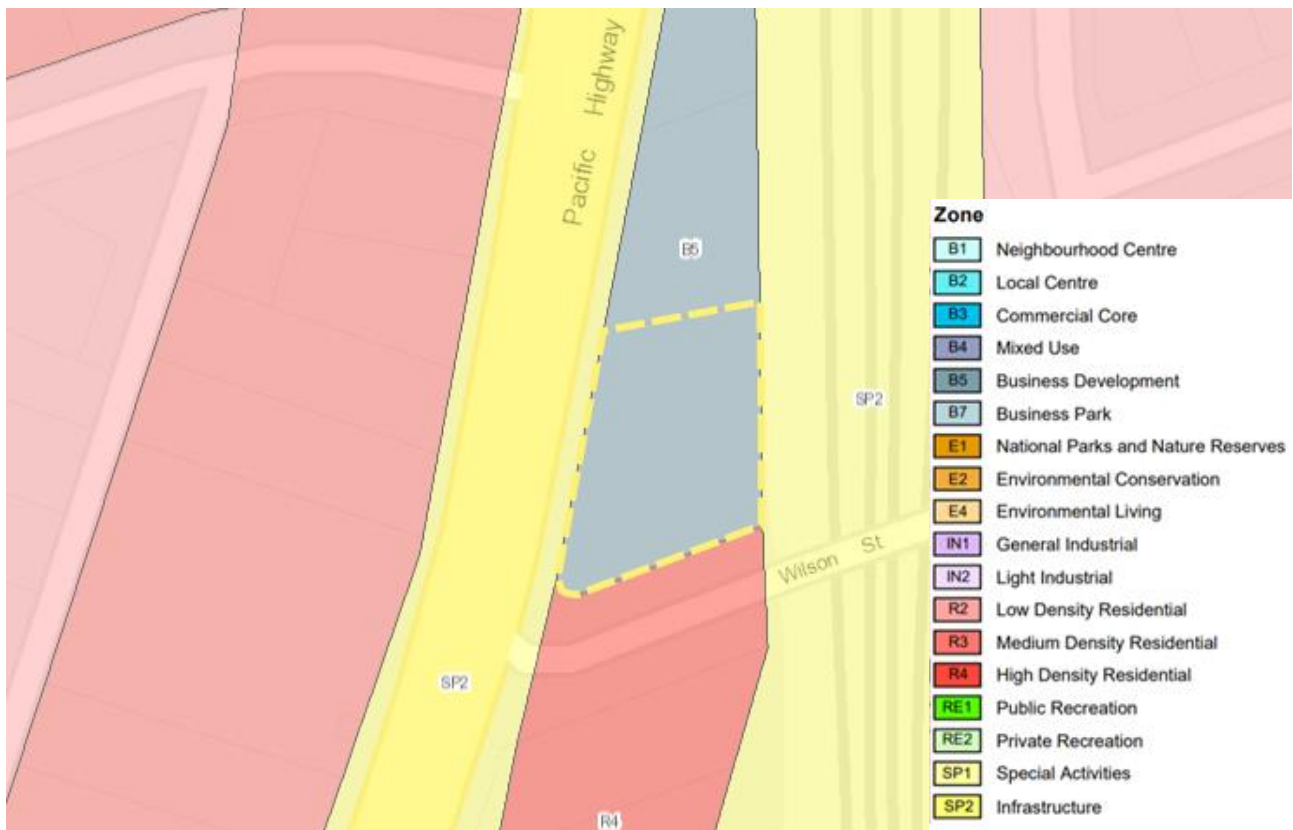


Figure 6: Willoughby LEP 2012 Land zoning map (source: DPIE).

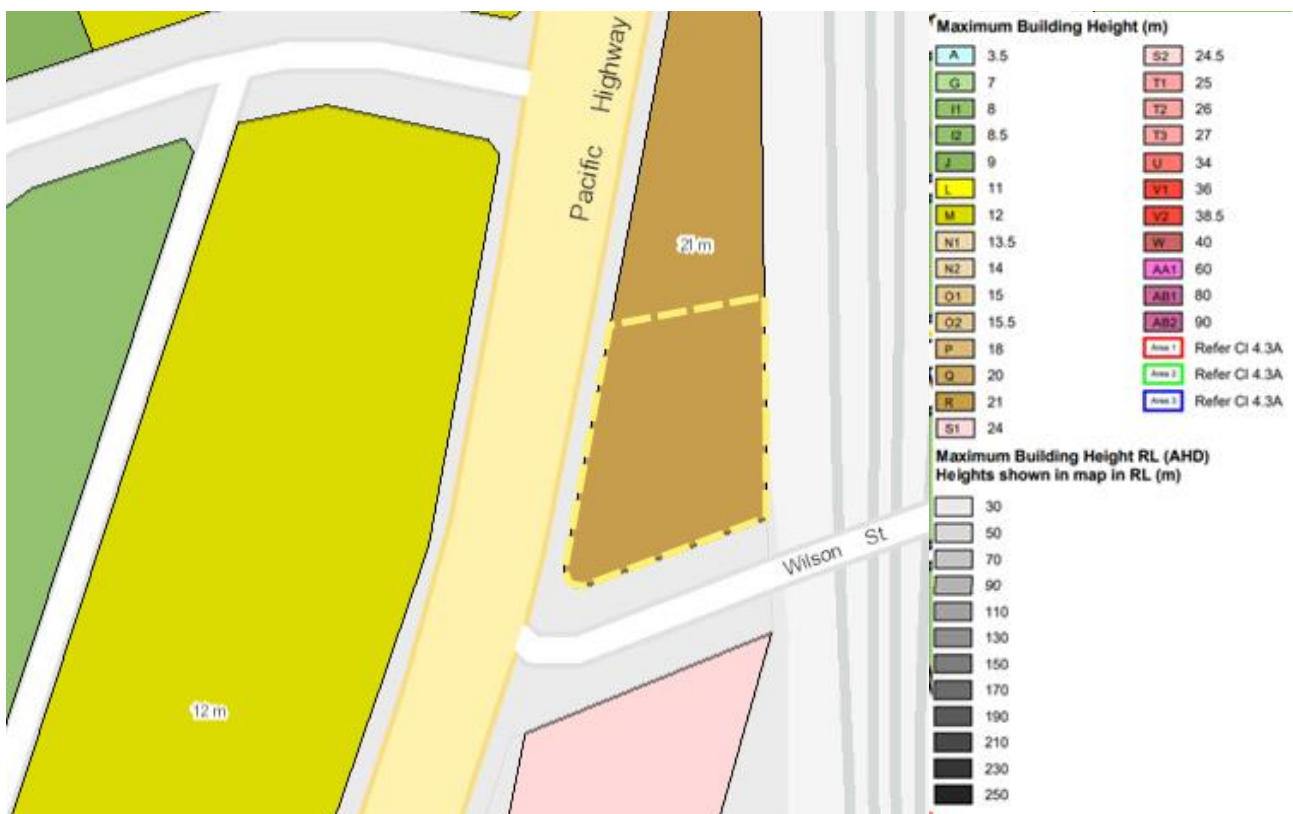
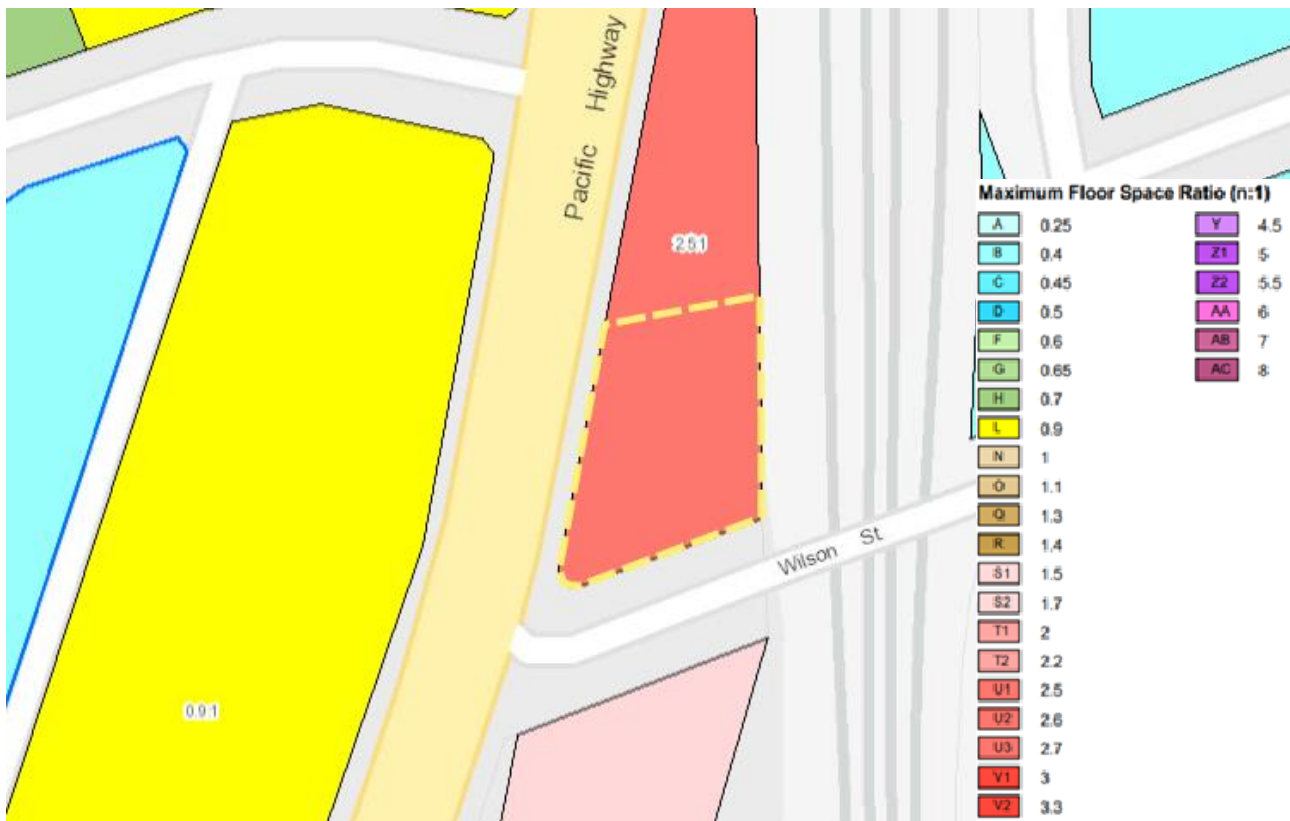


Figure 7: Willoughby LEP 2012 Maximum building height map (source: DPIE).



**Figure 8:** Willoughby LEP 2012 Maximum FSR map (source: DPIE).



**Figure 9:** Willoughby LEP 2012 Heritage map (source: DPIE).



## 1.5 Summary of recommendation

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic merit in issuing a Gateway determination as:

- It is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location.
- It is consistent with the key elements of the endorsed Chatswood CBD Strategy.
- The introduction of mixed uses to is an improvement above the existing underutilised B5 Business Development zoning and would not be out of character with the future development context and aspirations for the expanded Chatswood CBD.
- Introducing a genuine mixed-use development would help to service the daytime and night-time economies of the retail precinct and further activates the CBD core area.
- The proposal will provide 86 dwellings and additional affordable housing within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan.

The Department considers the proposal to have site-specific merit because:

- The proposed maximum building height and is consistent with the desired future maximum building heights and solar access planes for the Chatswood CBD.
- It is considered that the proposal is capable of adequate building separation and solar access outcomes to existing and proposed future development.
- The proposal will enable the delivery of additional affordable housing and job growth in the Chatswood CBD.
- The proposal will deliver a mix of uses on the site within 700m walking distance of the Chatswood transport interchange and CBD core.

## 2. Background

### 2.1 Original Planning Proposal

On 11 February 2019, Council resolved to support a planning proposal for the site to facilitate a mixed-use development. Specifically, the proposal sought to amend Willoughby LEP 2012 by:

- Increasing the maximum building height from 21m to 90m.
- Increasing the maximum FSR from 2.5:1 to 6:1.
- Modifying Clause 4.4(2A)(b) relating to FSR calculations for:
  - Any part of the floor area of a building that:
    - Is to be used for community facilities, or
    - Is a heritage item, or

- Is to be used for affordable housing purposes is 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 FSR of the building.

- Inclusion of Clause 5.6(2A) relating to architectural roof features for:
  - 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.
- Modifying clause 6.8 Affordable housing to include an additional area 'Area 9' where affordable housing is to be provided.
- Inclusion of Clause 6.23 requiring a minimum commercial FSR requirement of 1:1 on the subject site.
- Inclusion of a design excellence clause to adopt the Willoughby Design Excellence policy into the Willoughby LEP 2012.

On 9 August 2019, the planning proposal was returned to Council along with seven other planning proposals within the B4 Mixed Use areas of the Chatswood CBD Strategy as part of the Department's partial endorsement letter.

**Attachment G1** provides an overview and background of the Chatswood CBD Strategy endorsement process. **Attachments G2-4** include the finalised Chatswood CBD Strategy and the Department's partial and full endorsement letters.

## 3. Current Planning Proposal

### 3.1 Objectives or intended outcomes

The planning proposal identifies that it achieves the following objectives and intended outcomes:

- Provide increased housing supply outside of the Chatswood CBD commercial core, which responds to the needs of the local community.
- Enhance and activate the site by providing a mix of uses including retail and commercial space on the ground floor.
- Provide affordable housing in accordance with the Willoughby Affordable Housing Policy.
- Capitalise on opportunities within the site to provide an economic and orderly use of the land for a mixed-use development.
- Avoid the potential for isolation of the adjoining site by giving consideration for the development of both sites.
- Facilitate a high quality urban and architectural design that responds to adjoining land uses.
- Provide an opportunity to improve the presentation of the site to the public domain and enhance the streetscape in doing so.
- Minimise adverse impact on existing development.
- Ensure the future development and use of land is appropriate to minimise environmental risks and potential impacts on adjoining land uses.
- Satisfy state government objectives in The Greater Sydney Region Plan 'A Metropolis of Three Cities' as well as relevant Section 9.1 directions.

These objectives are considered to be clear and accurately describe the intent of the planning proposal and the consistency with its wider strategic context.

However, since the planning proposal has been resubmitted for Gateway determination, several strategies that directly impact the proposal have been finalised by Council including its:

- Chatswood CBD Strategy
- Local Strategic Planning Statement (LSPS)
- Local Housing Strategy (LHS)

Therefore, prior to exhibition it is recommended that the objectives of the proposal be updated to include its consistency with these key strategies.

## 3.2 Explanation of provisions

The proposal seeks to amend the Willoughby LEP 2012 for the site by:

- Increasing the maximum permitted building height from 21m to 90m.
- Increasing the maximum FSR from 2.5:1 to 6:1.
- Modifying a provision within Clause 4.4A Exceptions to floor space ratio:
  - Development consent must not be granted for the purpose of erecting a building on land identified as 'Area 11' unless commercial floor space equating to at least 1:1 is included.
- Modifying the Special Provisions Area Map to show the site as Area 8 (architectural roof features), Area 9 (affordable housing), Area 11 (minimum commercial FSR) and Area 12 (design excellence).
- Replacing Clause 4.4 Floor space ratio (2A)(b) with the following:
  - any part of the building that:
    - is to be used for community facilities, or
    - is a heritage item, or
    - is to be used for affordable housing purposes if located within Area 3 of 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.
- Including Clause 5.6 Architectural roof features (2A) as follows:
  - Despite subclause (2), development within Area 8 of the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3 Height of buildings.
- Replacing Clause 6.8 Affordable housing (2) with the following:
  - 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:
    - The Willoughby Affordable Housing Principles,



- The likely impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
- 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 are set out in Schedule 2 to State Environmental Planning Policy No.70 – Affordable Housing (Revised Schemes) may also apply to the development.*

- Replacing Clause 6.8 Affordable housing (7) with the following:
  - In this clause:  
Accountable total floor space means:
    - If in Area 3 of 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.
    - 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 for the building that is used for affordable housing.
- Including Clause 6.23 Minimum commercial floor space as follows:
  - Clause 6.23 Minimum commercial floor space within the Mixed Use zone  
Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.
- Including Clause 6.24 Design excellence as follows:
  - Clause 6.24 Design excellence
    - The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
    - This clause applies to development involving the erection a new building on land shown in Area 12 on the Special Provisions Area Map.
    - Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

The proposed provisions are generally clear, concise and are consistent with the recommendations of the now finalised Chatswood CBD Strategy and Council's affordable housing and design excellence policies.

However, as Council's resolution includes several clauses (e.g. affordable housing, design excellence) which have been included within previous planning proposals which have already been exhibited (PP\_2019\_WILLO\_001\_00 and PP\_2019\_WILLO\_002\_00) it is recommended that these clauses be removed prior to public exhibition to avoid unnecessary duplication and confusion during exhibition.

It is noted that PP\_2019\_WILLO\_002\_00 was submitted back to the Department with a request that the plan be made on 24 September 2020 and includes both the affordable housing and design excellence clauses as sought under the subject planning proposal.

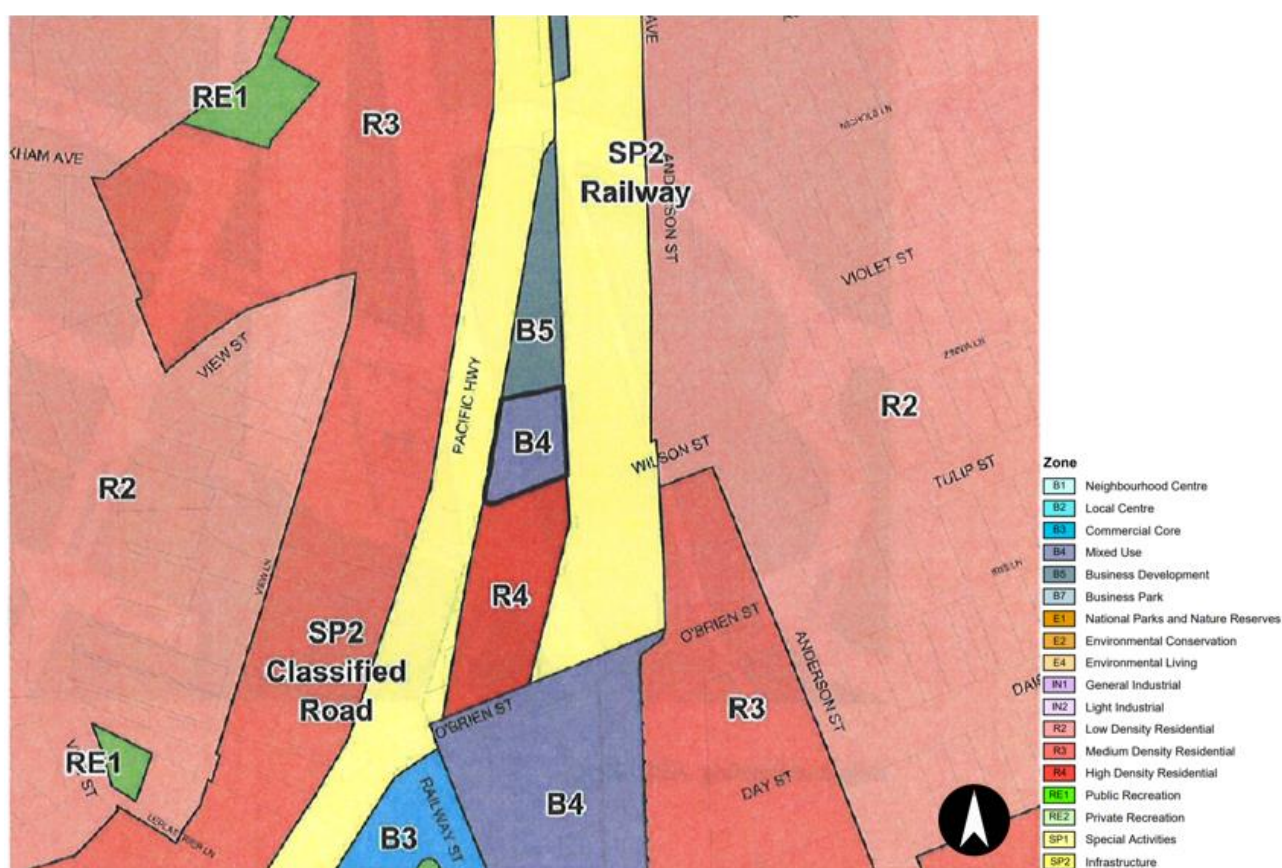
### 3.3 Mapping

Draft LEP mapping (**Attachment D**) has been provided as part of the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012. The draft maps submitted include:

- An amended Land Zoning Map (Sheets LZN\_003 and LZN\_004) showing the site as B4 Mixed Use (**Figure 10**).
- An amended Maximum Height of Buildings Map (sheets HOB\_003 and HOB\_004) showing the site as Area AB2 – 90m (**Figure 11**).
- An amended Maximum FSR Map (sheets FSR\_003 and FSR\_004) showing the site as Area AA – 6:1 (**Figure 12**).
- An amended Special Provisions Area map (sheets SPA\_003 and SPA\_004) showing the site as Area 8, Area 9, Area 11 and Area 12 (**Figure 13**).
- An amended Active Street Frontages Map (ASF\_003 and ASF\_004) showing the Pacific Highway and Wilson Street as active frontages (**Figure 14**).

No changes are proposed to any other LEP maps.

The maps submitted are considered appropriate for Gateway assessment and public exhibition. The maps will be required to be consistent with Department standard should the plan proceed to finalisation.



**Figure 10:** Draft Willoughby LEP 2012 Land Zoning map (source: Willoughby City Council).



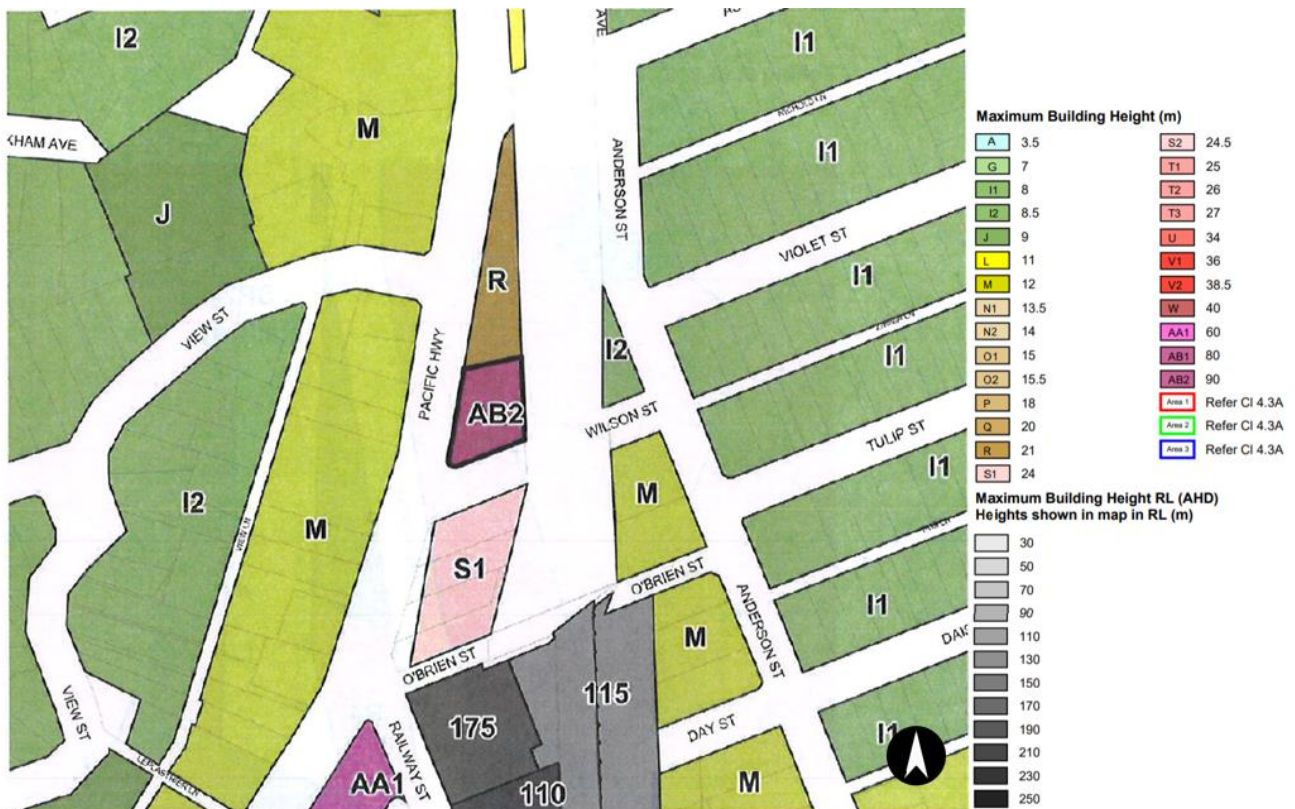
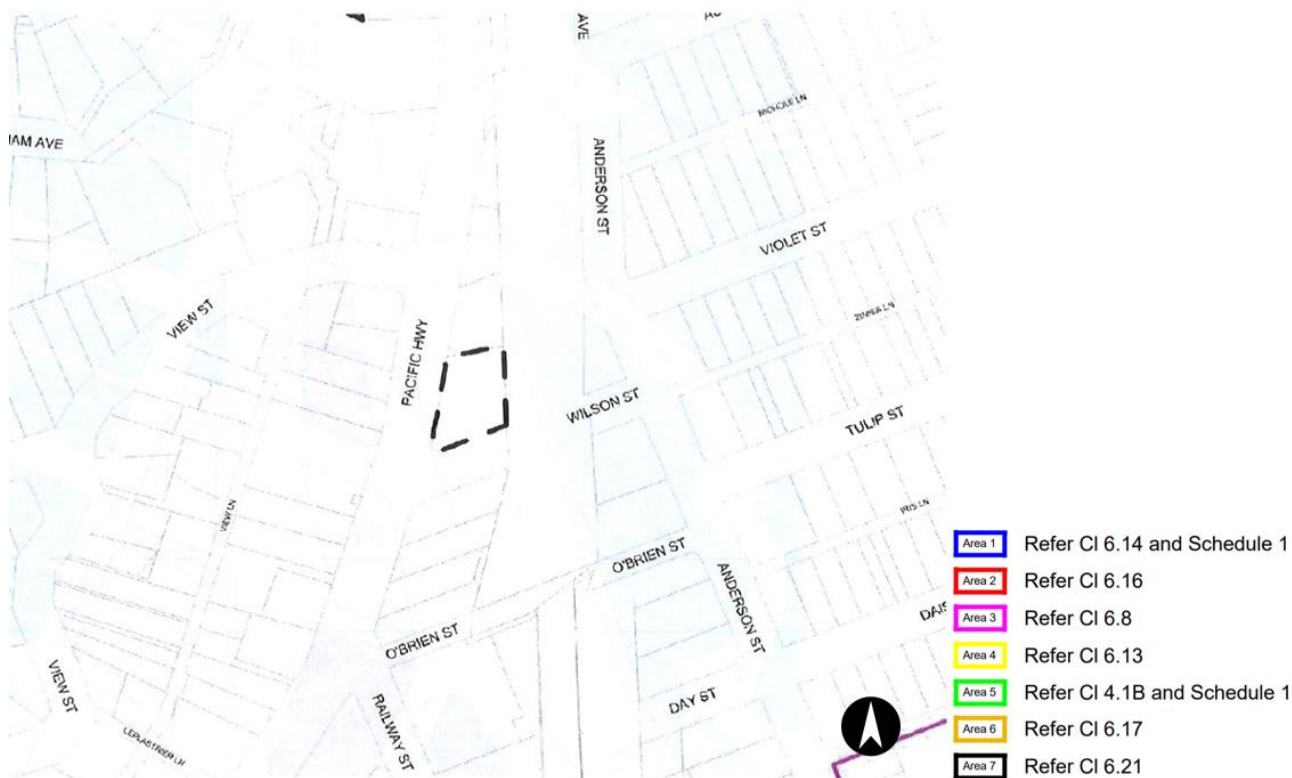


Figure 11: Draft Willoughby LEP 2012 Maximum height of buildings map (source: Willoughby City Council).



Figure 12: Draft Willoughby LEP 2012 Maximum FSR map (source: Willoughby City Council).





**Figure 13:** Draft Willoughby LEP 2012 Special Area Provisions map – site identified in dotted line as Areas 8, 9, 11 and 12 (source: Willoughby City Council).



**Figure 14:** Draft Willoughby LEP 2012 Active street frontages map (source: Willoughby City Council).

### 3.4 Concept Design

A concept design submitted with the documentation indicates that the proposal could potentially deliver a mixed-use development comprising a two storey commercial/retail podium with a single 24 storey mixed-use tower above.

The planning proposal states that the concept development could provide 86 dwellings and the delivery of 1,432sqm of commercial floor space.

The breakdown of GFA based on the type of land use has been provided in **Table 2**.

**Table 2:** Proposed GFA allocation of concept design.

Land use type	GFA
Commercial Office/Retail	1,432sqm
Residential	7,610sqm (including affordable housing)
<b>Total</b>	<b>8,592sqm</b>

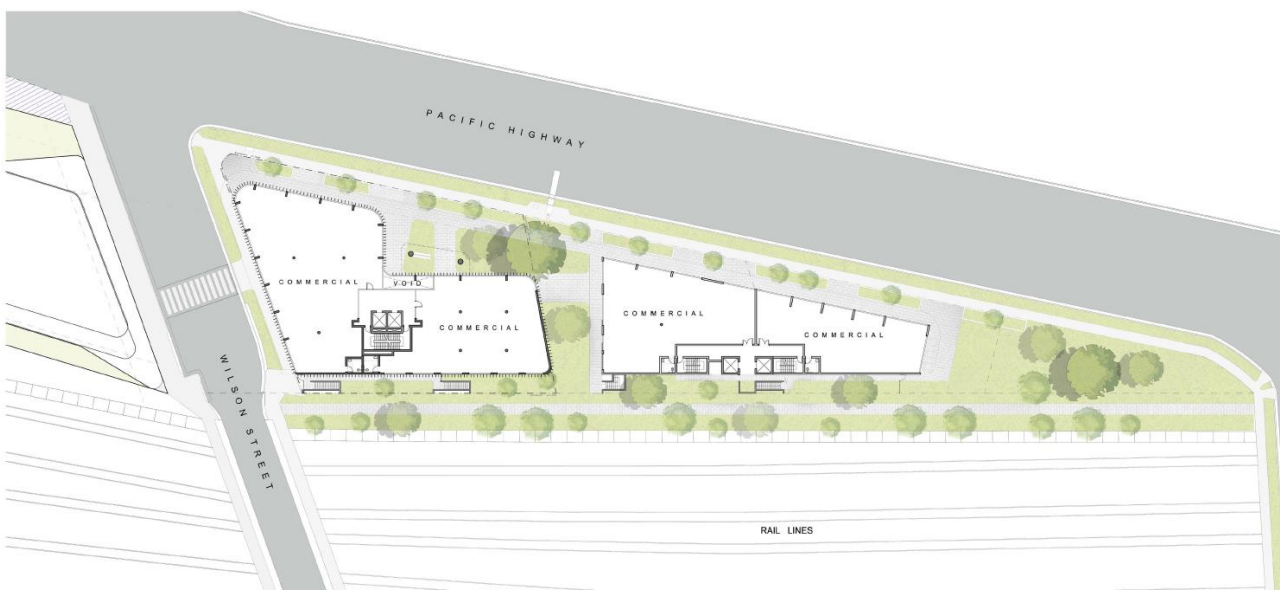
Drawings of the proposed concept development have been provided at **Figures 15-19** and at **(Attachment A3)**.



**Figure 15:** Proposed concept development plan (source: PBD Architects).



**Figure 16:** Proposed concept building envelope amongst likely future Chatswood skyline proposed by Chatswood CBD Strategy (source: PBD Architects).

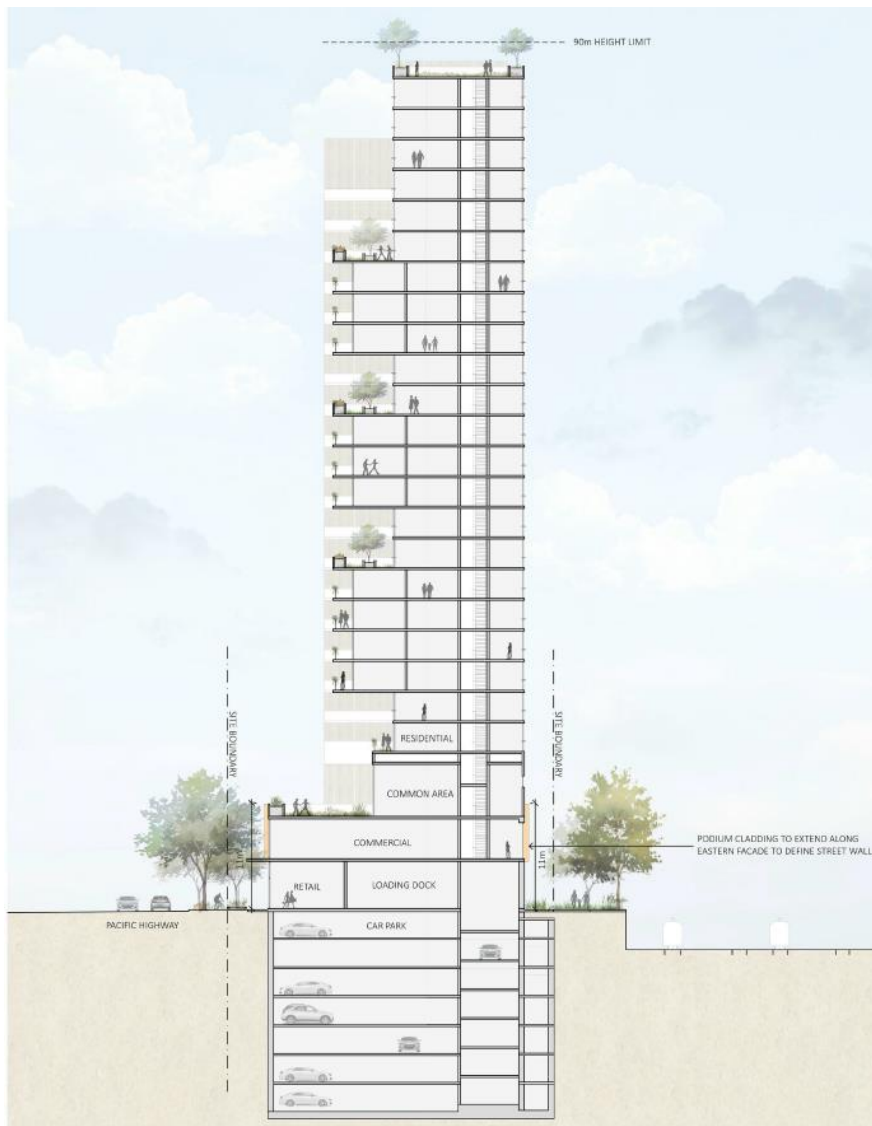


**Figure 17:** Proposed concept ground floor plan – note plan includes potential future redevelopment of neighbouring site to the north (source: PBD Architects).





**Figure 18:** Proposed concept tower floorplate above podium and higher-level floorplates – note plan includes potential future redevelopment of neighbouring site to the north (source: PBD Architects).



**Figure 19:** Proposed concept section plan (source: PBD Architects).

## 4. Need for the planning proposal

The planning proposal is the result of Council's Chatswood CBD Strategy which has been endorsed by the Department and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included within **Table 5** of this report.

Council's intention is for site-specific planning proposals to be prepared to support the strategy's recommendations prior to its comprehensive LEP amendment, which would rezone all land within the Chatswood CBD area and is likely being submitted to the Department for Gateway determination in late 2020.

## 5. Strategic Assessment

### 5.1 Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) Greater Sydney Region Plan – A Metropolis of Three Cities was released in March 2018 and provides a vision for the growth and development of Greater Sydney by instilling the idea of the 30 minute city where people live no further than 30 minutes from their jobs, education, health facilities, services and great places.

Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a strategic centre being a major commercial precinct.

The Greater Sydney Region Plan establishes a series of directions to ensure planning proposals are consistent with the intended vision of Sydney. Directions relevant to this planning proposal are included in **Table 3** below.

**Table 3:** Consistency of planning proposal with Greater Sydney Region Plan Directions.

Region Plan Direction	Consistency
<b>Housing the City</b>	The planning proposal seeks to deliver 86 total dwellings in a highly accessible location.
<b>A City of Great Places</b>	The planning proposal would seek to enable the redevelopment of aged commercial buildings at the gateway of the Chatswood CBD.
<b>A Well-Connected City</b>	The site is located approximately 700m from the Chatswood transport interchange which has been recently upgraded to now include the Sydney Metro. Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest.
<b>Jobs and Skills for the City</b>	The planning proposal seeks to enable the redevelopment of the site to provide approximately 60 new jobs on the site.
<b>A City in its Landscape</b>	The planning proposal seeks to enhance the quality of landscaping on site to provide a buffer to the railway line and the Pacific Highway.

## 5.2 North District Plan

The North District Plan reinforces the desire to strengthen and grow Chatswood as a strategic centre. Relevant to the site and proposal, the District Plan recommends the following actions for Chatswood:

- Maximise land-use opportunities provided by the Sydney Metro.
- Promote the role of the centre as a destination for cultural and leisure opportunities.
- Promote and encourage connectivity, and update and increase public open spaces.
- Investigate interchange options on both sides of the railway line to increase capacity and efficiency of modal changes.
- Improve pedestrian connectivity between the eastern and western side of the railway line.

The District Plan also sets a target increase of 6,300-8,300 jobs by 2036.

In relation to strategic centres, the District Plan states that housing contributes to a sense of vibrancy as long as this does not constrain the ongoing operation and expansion of commercial and retail activities.

The planning proposal documentation (**Attachment A**) has estimated that based on the concept for the current proposal, development in accordance with the proposal has the capacity to deliver around 60 total jobs.

This translates to between 0.95% - 0.72% of the low to high 2036 jobs targets set for Chatswood, established by the District Plan.

The floor area allocated to non-residential development would be at least 1,432sqm. This is based on the proposed amendments and assuming the development is fully developed in accordance with the maximum FSR and minimum commercial FSR sought by the proposal.

In relation to the commercial offering, the proposal states it will provide boutique commercial office suites and that this is consistent with the demand identified in the Council-commissioned report *Chatswood CBD Competitive and Comparative Analysis* by AEC. The report provides the following comments on boutique commercial office suites in mixed-use buildings:

- The market appeal of commercial floor space within mixed-use residential buildings is less likely to convey a corporate image that is typically sought on the western side of the rail line. Large corporate occupiers are unlikely to seek space within a mixed-use residential building unless the space is innovative in design and finish.
- Commercial tenancies within mixed-use residential buildings can be well sought after by small businesses, e.g. professional services offices (lawyer, accountant, tax advisor, etc.) and other businesses who respond to local population growth. However, it is not uncommon that commercial suites remain vacant long after completion due to isolation and poor amenity.
- Commercial occupiers are generally drawn to attractive buildings near the train station and retail core.
- Demand for retail and commercial floor space has strengthened commensurate with the growth of residential uses in Chatswood.



- Retail and commercial suites within a mixed-use development that is dominated by residential uses need careful planning and design and astute market positioning to be sustainable.

Based on the above and subject to a future detailed design at the development application stage, it is considered that the proposal can deliver a development that is consistent with the North District Plan. **Table 4** outlines the relevant priorities of the District plan and how the proposal demonstrates consistency with these priorities.

**Table 4:** Consistency of planning proposal with North District Plan priorities.

District Plan Priority	Consistency
<b>N3 Providing services and social infrastructure to meet people's changing needs</b>	By providing a land use mix that is co-located with a new retail shops and offices.
<b>N5 Providing housing supply, choice and affordability, with access to jobs services and public transport</b>	By providing 86 total dwellings which includes a 4% affordable housing component within proximity of the Chatswood transport interchange.
<b>N6 Creating and renewing great places and local centres, and respecting the District's heritage</b>	By redeveloping aged housing stock and providing active street frontages within a strategic centre.
<b>N8 Eastern Economic Corridor is better connected and more competitive</b>	By growing employment generating development in the economic corridor that is highly accessible to the well-connected Chatswood public transport interchange.
<b>N10 Growing investment, business opportunities and jobs in strategic centres</b>	By providing the opportunity to contribute between 0.95%-0.72% of the District Plan's 2036 job target for Chatswood as a key strategic centre.
<b>N12 Delivering integrated land use and transport planning and a 30-minute city</b>	By facilitating the delivery of a mix of land uses on a site that is within 700m walking distance of the Chatswood transport interchange.

## 5.3 Chatswood CBD Strategy

The now finalised and endorsed Chatswood CBD Strategy (**Attachment G4**) represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy has been designed to give strategic merit to site specific planning proposals and to align Council's strategic planning work regarding its LSPS, LHS and comprehensive LEP amendment with the actions and priorities of the North District Plan.

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Table 5** includes the Department's assessment of the proposal's consistency with these key elements.

**Table 5:** Summary of proposal's consistency with Chatswood CBD Planning and Urban Design Strategy.

Key Element	Consistent	Assessment of Consistency
CBD Boundary	Yes	The site falls within the proposed expanded B4 Mixed Use area.
Land Use	Yes	The proposal intends to rezone the site from B5 Business Development to B4 Mixed Use as recommended by the strategy.
Removal of DCP provisions for size of office and retail tenancies within B3 core	N/A	Not relevant to subject site.
Serviced apartments to be removed as a permissible use within B3 core	N/A	Not relevant to subject site.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	<p>The Council's proposed value capture scheme is not supported by the Department.</p> <p>Council has advised that they are no longer seeking to include value capture as a mechanism for development contributions.</p> <p>Council is currently exhibiting its revised contributions scheme.</p> <p>The proponent has included a letter of offer to enter into a Voluntary Planning Agreement (VPA) once Council finalises its contributions plan.</p>
Design excellence required for all development above 35m	Yes	<p>Council would require all development above 35m to be subject to a design excellence process. This would be undertaken at DA stage.</p> <p>The proposal includes a design excellence clause and would be identified as Area 12 where the design excellence policy applies. This is consistent with Council's intended wording.</p> <p>Note: This clause is intended to be implemented under PP_2019_WILLO_002_00 which has been submitted to the Department with a request that the plan be made.</p>
Higher building sustainability standards	Yes	This could be determined at the DA stage. Furthermore, recent changes to the National Building Code of Australia now require improved performance of new buildings such as may be constructed in accordance with the proposal.

Key Element	Consistent	Assessment of Consistency
Base FSR	Yes	The proposal would achieve an FSR above 2.5:1 the minimum (base) for this site.
Minimum site area	Yes	Site is approximately 1,432sqm which is above the minimum site area requirement of 1,200sqm for sites within the B4 Mixed Use areas.
Maximum FSR	Yes	The site includes a maximum FSR of 6:1 which is consistent with the strategy.
Affordable Housing	Yes	The proposal seeks to include a local provision to ensure the site delivers a minimum of 4% affordable housing included within the total residential FSR component of 5:1.
Minimum commercial FSR in mixed use zones is to be 1:1	Yes	The proposal includes a clause to ensure the delivery of a minimum commercial FSR of 1:1.
Maximum tower floor plate sizes	Yes	The proposed tower is proposed to range between 460-530sqm which is below the maximum recommended floor plate size of 700sqm for residential development.
Width of the side of each side of any tower to be minimised	Yes	The sides of the tower have been minimised to ensure Council's goal of creating slender tower forms.
Tower separation	N/A	The proposal only includes a single residential tower which has a minimum separation of 19m to the neighbouring building to the north.
Sun access to key public spaces and conservation areas	Yes	<p>The proposal identifies a maximum building height of 90m to be applied to the site with the proposed concept plans indicating that the development will sit under this height limit.</p> <p>The site is not affected by any solar access planes and will not cast any shadows to the key public spaces identified within the strategy.</p> <p>The development does begin to cast a shadow to the North Chatswood Heritage Conservation Area at 3pm during mid-winter, although does not affect this area prior to this time. This is considered consistent with the strategy's intent.</p>



Key Element	Consistent	Assessment of Consistency
Building Heights	Yes	The maximum building height for the subject site is 90m which the proposal is consistent with the strategy.
Lift over runs and architectural features integrated into building form	Yes – capable at DA stage	The proposed concept design integrates the lift over run and architectural features within the tower form.
Links and open space	Yes	While the site itself is not subject to the provision of through site links as part of the strategy, the proposal intends to improve accessibility around the site by upgrading the surrounding footpaths and public domain.
Publicly accessible open space and landscaping	Yes – capable at DA stage	The proposed concept design includes widened footpaths and landscaping with enhanced pedestrian access along the eastern boundary adjacent to the T1 North Shore rail line which could be delivered as part of a future DA or within a VPA.
All roofs up to 30m from the ground are to be green roofs	Yes	Detailed landscape drawings at a future DA stage would be able to consider and provide any desired planting requirements. The proposed concept identifies that the roof above the podium form is intended to be a green roof.
Soft landscaping is to apply to 20% of the site	Yes – capable at DA stage	Able to be resolved through the submission of a landscape plan at DA Stage. The concept podium form for the proposal shows that there is capability to achieve this outcome.
Roof top communal open space	Yes	Communal open space provided above the commercial/retail podium.
Street wall heights and setbacks	Yes – capable at DA stage	<p>The strategy indicates a 6-14m street wall height with a minimum 3m setback above the street wall to the tower form above along Wilson Street and a 7m street wall height with a 4m setback to the Pacific Highway with a further 6m setback above the podium to the tower.</p> <p>The proposal is able to comply with all setbacks and street wall heights.</p>

Key Element	Consistent	Assessment of Consistency
Active street frontages	Yes	The Pacific Highway and Wilson Street are both identified within the planning proposal as active street frontages. This is consistent with the strategy.
Site isolation	Yes	The site is not isolated and at 1,432sqm is well above minimum lot size of 1,200sqm for the B4 Mixed Use area.  The proposed concept plans also demonstrate how the neighbouring site to the north can be developed under a future proposal and potentially linked to the subject site.
Traffic and transport	Yes	All access and parking requirements are consistent with the strategy including a single entry and exit in a forward direction, basement loading and parking requirements.

## 5.4 Willoughby Local Strategic Planning Statement

On 10 February 2020, Council's Final Local Strategic Planning Statement (LSPS) was adopted at its meeting. The Willoughby LSPS sets out the 20-year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future.

On 20 March 2020, the LSPS was endorsed by the Greater Sydney Commission (GSC) and published to the planning portal on 31 March 2020.

Relevant to the subject site, Council's LSPS supports the delivery of the key elements of the Chatswood CBD Planning and Urban Design Strategy as this is the key driver for housing, jobs and investment within the Willoughby LGA. An assessment of the proposal's consistency against the key elements of the strategy is provided further within this report.

The planning proposal does not include any commentary on Council's now endorsed LSPS as it was prepared and supported by Council prior to its LSPS being finalised.

It is therefore recommended that prior to public exhibition the proposal be updated to address and assess the proposal against all the relevant priorities and actions of Council's Final LSPS.

## 5.5 Willoughby Local Housing Strategy

In May 2020, Council's Local Housing Strategy (LHS) was finalised and forwarded to the Department for endorsement.

Council's LHS targets three growth/focus areas for the delivery of its housing supply over the next 20 years including:

- Existing R3 Medium Density Residential and R4 High Density Residential zones which have not been developed to their full potential.

- The proposed expanded B4 Mixed Use area of the Chatswood CBD as identified in the Chatswood CBD Strategy.
- The local centres identified in Council's Local Centres Strategy.

Of relevance to the subject proposal, the site falls within the Chatswood CBD Strategy area and is expected to deliver the majority of Council's future dwelling capacity.

The proposal is consistent with Council's finalised LHS as it supports the delivery of the key elements of the Chatswood CBD Strategy, however the actions and priorities within the LHS are not addressed within the planning proposal as it was prepared prior to Council's LHS being finalised.

Therefore, a Gateway condition is recommended to be included which requires the planning proposal to be updated to include an assessment of the consistency of the proposal with Council's LHS.

## 5.6 Section 9.1 Ministerial Directions

### **Direction 1.1 Business and Industrial Zones**

Direction 1.1 aims to encourage employment growth and protect industrial and employment lands. This direction applies when land within an existing or proposed industrial or business zone is altered.

This direction applies to the planning proposal as the proposal seeks to alter the existing B5 Business Development zone by rezoning the land to B4 Mixed Use and including a minimum commercial FSR requirement.

It is recognised that the existing site currently does not have a commercial use and that the proposal would encourage more employment generating uses on site.

The proposal is therefore considered consistent with this direction.

### **Direction 2.6 Remediation of Contaminated Land**

Direction 2.6 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.

This direction applies as there is intent to carry out residential development on land where there is no knowledge of whether the land is contaminated.

Under a previous development application (DA-2015/133) a remediation action plan, detailed site investigation and hazardous building materials report were prepared to support the application. The reports confirmed that while some contaminants exist within the site and future remediation works will likely be required due to the proximity of the Shell service station directly north of the site, that the site was still suitable for development.

The current proposal is supported by a letter from Douglas Partners which confirms that the previous reports are still valid for the purposes of this planning proposal and that future testing can occur at the detailed design stage if required.

The proposal is considered to achieve consistency with this direction.



### **Direction 3.1 Residential Zones**

Direction 3.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.

This direction applies to the planning proposal as the proposal seeks to enable the provision of residential development.

The proposal will be increasing the potential residential yield in a strategic location in an existing B5 Business Zone while maintaining some commercial floor space to ensure valuable employment land is not lost.

The proposal is considered to be consistent with this direction.

### **Direction 3.4 Integrating Land Use and Transport**

Direction 3.4 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts:

- Improve active and public transport access to homes and jobs.
- Increase transport choices and reduce car dependency.
- Reduce travel demand.
- Support the operation of public transport services.
- Provide for the efficient movement of freight.

This direction applies to the planning proposal as the proposal seeks to alter a provision relating to urban land.

The proposal seeks to increase the overall density of the zone for both additional commercial and new residential purposes. The site which the proposal relates is located approximately 700m walking distance from the Chatswood transport interchange which includes rail, metro and bus services connecting Chatswood to the local area and nearby strategic centres of Macquarie Park, St Leonards, North Sydney and the Sydney CBD.

As the proposal will encourage the delivery of significant job and housing growth within close proximity to a major public transport interchange it is considered to be consistent with this direction.

### **Direction 3.5 Development Near Regulated Airports and Defence Airfields**

Direction 3.5 aims at ensuring the effective and safe operation of airports and to minimise the impact of aircraft on noise sensitive land.

The maximum height of the planning proposal falls below the Radar Terrain Clearance (RTCC) as prescribed by the PANS-OPS (Procedures for Air Navigation Services, Operations), which varies in Chatswood from 246.8m AHD to 300m AHD.

The proposed maximum building height as proposed falls well below this limit.

The proposal is considered consistent with this direction.

### **Direction 4.1 Acid Sulfate Soils**

Direction 4.1 aims to prevent significant adverse environmental impacts from the use of land that is affected by acid sulfate soils.

Site is subject to Class 5 acid sulphate soils as indicated by the Willoughby LEP 2012. As a result there is minimum risk of encountering acid sulfate soils under a future development application.

The proposal is considered consistent with this direction.

### **Direction 6.3 Site Specific Provisions**

This direction aims to discourage unnecessarily restrictive site-specific planning controls.

The direction applies to the planning proposal as it seeks to implement additional specific provisions.

The planning proposal seeks to include site specific provisions as recommended by the Chatswood CBD Strategy in relation to minimum commercial FSR, affordable housing and design excellence. These requirements are not considered unnecessarily restrictive as they are reflective of the holistic strategy recommendations and will be implemented within future planning proposals and the wider comprehensive Willoughby LEP amendment.

## **5.7 State Environmental Planning Policies (SEPPs)**

### **SEPP (Infrastructure) 2007**

The planning proposal would likely result in a development application where substantial excavation would be required for the basement parking. As the site is in proximity of the T1 North Shore Rail Line corridor, concurrence to the rail authority may be required with a resulting development application.

The planning proposal is recommended to be referred to the Department of Transport to provide commentary on any potential impact to rail infrastructure.

### **SEPP (Affordable Rental Housing) 2009**

Clause 4.4(2A)(b) of Willoughby LEP 2012 allows for any part of the floor area of a building that is to be used for affordable housing, not be included within the overall gross floor area for the purposes of calculating FSR. This allows the developer to contribute towards the additional affordable housing. Under Willoughby LEP 2012 affordable housing is to be provided in Area 3 as shown in the Special Provisions Area Map.

The proposal seeks to introduce a new area 'Area 9' within the existing affordable housing provisions of clause 6.8 which will include any additional residential floor space used for the purposes of affordable housing within the floor space ratio calculation and is consistent with the recommendations of the Chatswood CBD Strategy.

While affordable housing is generally provided and offered as a bonus floor space within Council's LEP, considering the substantial uplift that has been offered for the B4 Mixed Use sites within the strategy area, the inclusion of affordable housing within the FSR calculation is considered appropriate and can be successfully delivered in a future development.

Council has consistently supported the provision of affordable housing, in accessible locations where practical and this clause is considered to generate a positive social benefit for the community by contributing towards the delivery of affordable housing in area where there is critical need for more affordable housing and longer term options.

### **SEPP 65 Design Quality of Residential Flat Building Development**

SEPP 65 applies to the residential component of any future mixed-use building on the site.

A concept plan has been submitted having regard to the Apartment Design Guide (ADG) which provides detail on how residential development proposals can meet SEPP 65's design quality principles. The concept design achieves general compliance with this code in relation to site planning, overshadowing and building separation.

Part 2 of the ADG recommends developing the appropriate building height controls for a site, which include:

- Responding to the desired future scale and character of the street and local area.
- Considering the height of existing buildings that are unlikely to change (for example, a heritage item(s) or strata subdivided buildings).
- Providing adequate daylight and solar access to apartments within the development, but also adjoining properties and public domain.
- Providing architectural roof design and roof-top communal open spaces, where appropriate.

The maximum scale of development proposed for the site is consistent with adjoining sites to the south and west and the future intention of the surrounding Chatswood CBD area.

## 6. Site-specific Assessment

### 6.1 Built Form

#### **Building height**

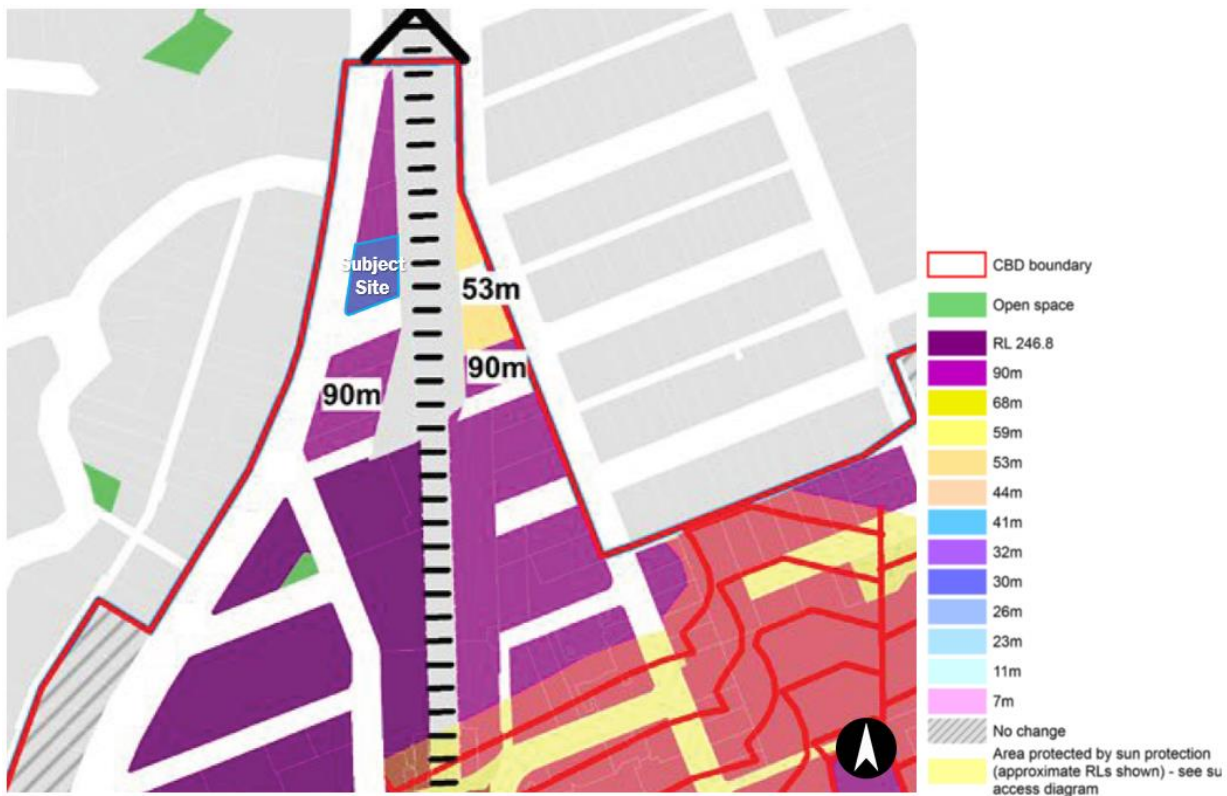
The proposed height increase would result in a concept development of approximately 26 storeys including a 2 storey commercial podium and 24 storey mixed use tower above.

The concept design (**Figures 15-19**) for the proposal identifies that the tower could achieve a maximum height of approx. RL 198m AHD.

The proposed tower is generally consistent with Council's desired maximum height of buildings for the site as recommended under the now final Chatswood CBD Strategy (**Figure 22**). The site is not subject to a solar access plane and is consistent with the desired future character of buildings within the expanded CBD area along the western side of the T1 North Shore Rail Line.

The slender building form ensures that the amenity of neighbouring properties including views and solar access are retained where possible. Considering the significant strategic importance of Chatswood as a regional centre, development of existing underutilised sites is inevitable where the uplift is considered appropriate.





**Figure 22:** Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council).

### Building separation and setbacks

It is considered that the concept design demonstrates that sufficient building separation and setbacks can be achieved on the site under the proposed controls, subject to a detailed design at development application stage. The concept design and supporting DCP details that:

- The proposed mixed-use tower is capable of achieving compliance with the Apartment Design Guide for all neighbouring developments.
- The tower setbacks above the commercial podium are proposed to be 10m and 6m from the Pacific Highway and Wilson Street, which are greater than the minimum recommended setbacks under the Chatswood CBD Strategy.

A SEPP 65 ADG compliance checklist has been submitted as part of the Urban Design Report prepared to support the proposal which demonstrates that the concept design submitted to support the proposal generally complies with all the relevant assessment criteria under the SEPP.

Any amenity impacts such as visual privacy and view loss can be appropriately addressed as part any future development application, although considering the site is located in a regionally significant growing centre it is likely that there will be unavoidable amenity impacts to neighbouring properties.

### Solar access

The proposal indicated that approximately 78% of apartments within a residential tower built in accordance with the concept would be capable of receiving a minimum of two hours of solar access to living areas in midwinter. This is consistent with Part 4A of the ADG of SEPP 65 and is considered acceptable for the purposes of this planning proposal.

## Overshadowing

Clause 4.3A(8) of the Willoughby LEP 2012 requires that development consent must not be granted for the erection of a building within 50m of the Victoria Avenue/Chatswood Mall if that development would cause increased overshadowing impact in midwinter between 12pm and 2pm.

The Chatswood CBD Strategy seeks to further refine these protections with the inclusion of a solar access plane within its maximum height of buildings map (**Figure 22**) which seeks to protect the key public spaces as identified within the strategy (**Figure 23**).

Although a supporting LEP clause has not been included within this proposal to support the intent of the strategy, it has been recommended as part of the Gateway conditions for PP\_2020\_WILLO\_002\_00.

The planning proposal is not affected by the solar access plane as indicated in the recommended height of buildings map under the Chatswood CBD Strategy and based on shadow diagrams submitted with the proposal (**Attachment A5**), will not impact upon any of Chatswood's key public spaces.

The shadow diagrams also indicated that due to the concept building's slender tower design, any shadow created by the concept design will be fast moving and will maintain reasonable solar access and amenity to existing and proposed future development as part of the Chatswood CBD Strategy.



**Figure 23:** Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council).

## **View sharing**

Any development on the site above the existing permitted building height would impact on the views currently obtained from the surrounding residential towers to the north, west and south of the site. The proposal states that the concept scheme has been designed to minimise impacts to views through the delivery of a slender tower form. While it is recognised that some views are likely to be lost as a result of a future development on site, the proposal is consistent with Council's desired uplift in this location.

The loss of regional and district views caused by the proposed future development, which from this site could potential include Manly, Ku-ring-gai, the Sydney CBD and the Blue Mountains, is considered inevitable within a regional strategic centre such as Chatswood that seeks uplift for both the height of buildings and maximum FSR. However, an assessment of the extent of view loss has yet to be carried out as part of the planning proposal.

Prior to exhibition, Council as the planning proposal authority should determine whether there are likely to be significant regional or district views lost as a result of the planning and proposal and whether a view loss analysis is to be prepared as part of the exhibition material. This is recommended to be included as a Gateway condition.

As the proposal would deliver a development in excess of 35m in height, any future development application would be required to progress through a design review panel which could recommend refinements to the design to reduce amenity impacts where appropriate.

## **Wind**

The proposal is supported by a wind environment statement can be achieved at all trafficable outdoor areas within the site as a result of the proposal development, subject to the inclusion of several design features including landscaping and awnings at podium level and impregnable balustrades for balconies within the mixed-use tower.

Wind tunnelling has been recommended to be undertaken at the detailed design stage to ensure any additional wind mitigation measures can be included as part of any design. This wind analysis is considered acceptable for the purposes of this planning proposal noting that additional testing will be completed during the detailed design stage.

## **Noise**

An acoustic assessment was prepared for the previous development application on site by Renzo Tonin and Associates, who have provided a further letter of support for the planning proposal confirming that the noise impacts remain the same to the subject site, being predominately generated by traffic from the Pacific Highway and the T1 North Shore Rail Line. The letter suggests that specific treatment requirements will be prepared during the detailed design stage, although there are no adverse impacts expected to be created by the proposal.

# **6.2 Social**

## **Affordable housing**

Under clause 4.4(2A)(b) of Willoughby LEP 2012 any part of the floor area of a building that is to be used for affordable housing, is not calculated as overall gross floor area and does not contribute to FSR. This allows the developer to contribute towards the additional affordable housing. Under Willoughby LEP 2012 affordable housing is to be provided in Area 3 as shown in the Special Provisions Area Map.

The proposal however seeks to include a new area 'Area 9' within this clause to enable the delivery of additional affordable housing in accordance with clause 4.4 of the LEP, where any affordable housing floor area is included within the total FSR measurement.

While generally affordable housing is excluded for any floor space calculation, considering the extent of the proposed uplift above the existing base FSR for the site this outcome is still considered to generate a positive social benefit for the community by contributing towards the delivery of affordable housing in area where there is critical need for more affordable housing options.

### **Public amenity**

The concept design of the proposal intends to improve and activate the existing footpaths surrounding the site to improve connectivity through the Chatswood CBD towards nearby public spaces and the Chatswood transport interchange.

Council is currently developing its Section 7.11 and 7.12 Contributions plans for the provision of social infrastructure within the Chatswood CBD which is expected to be adopted by Council following its recent exhibition that ended in mid-October.

The proposal is supported by a signed letter of offer to enter into a voluntary planning agreement (VPA) based on Council's previous value capture scheme which was not supported by the Department within its partial endorsement letter for the Chatswood CBD Strategy. A revised offer is likely to be submitted by the proponent prior to the proposal being placed on public exhibition.

## **6.3 Environmental**

The site has previously been developed for urban purposes. No known critical habitat or threatened species populations or ecological communities or their habitats would be adversely affected by the proposal.

As the proposed concept intends provide a minimum 20% soft landscaped area as part of any future development (ground and above podium level) this loss of landscaping is considered acceptable.

## **6.4 Economic**

### **Employment**

The proposal is not supported by an economic feasibility report, however the proposal states that it will enable the delivery of approximately 86 dwellings and 60 jobs within the site.

The planning proposal would result in a substantial increase to the current commercial offering on the subject site to align more closely with its current and proposed future use as a B4 Mixed Use zone as proposed within the Chatswood CBD Strategy.

This outcome has considerable benefit as it seeks to create additional jobs, which is a key outcome for Chatswood CBD and a key objective of the North District Plan. The proposal will also ensure that the development can accommodate diverse forms of employment by supporting both retail, office and business development.

The increase in opportunities for the provision of employment floorspace is considered to have positive economic impacts and support the key objective of the Chatswood CBD Strategy to deliver new jobs in a strategic location.



## 6.5 Infrastructure

### Public transport

The site is well serviced with public transport infrastructure as it is within 700m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to now accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown, which is due to open in 2024.

The planning proposal supports the principles of integrated land use and transport outcomes as it will:

- Rely upon existing and future transport capacity and services to support and encourage the use of public transport.
- Maintain good accessibility to the station and the associated interchange.
- Facilitate development that will deliver co-located housing and employment to provide opportunities to live and work in Chatswood.

### Traffic

A traffic impact assessment report, as prepared by Varga, has been submitted with the planning proposal and provides an assessment of the transport impacts resulting from the proposed concept development. The report has also considered the potential future redevelopment of the adjoining Shell service station site (879 Pacific Highway) as part of its assessment.

The report identifies that that based on Council's DCP guidelines and former Roads and Maritime Service's (RMS) Guide to Traffic Generating Developments:

- 135.7 car parking spaces (including visitor spaces) would be required to be provided on site with parking and loading bay access both via Wilson Street. The access arrangement is intended to serve both the subject site and any future development at 879 Pacific Highway.
- No indication has been given regarding the total bicycle parking requirements although the traffic report indicates that bicycle storage will be provided in accordance with Council's DCP rate for bicycle parking and storage.
- A maximum of 90 trips in the AM peak and 69 trips in the PM peak.

The number of parking spaces is based on the RMS guide as Council's DCP would require a higher provision of spaces at 172.7. The RMS guide is considered to be appropriate in the context of the site given its excellent accessibility to a major public transport node.

Based on the SIDRA analysis, the assessment finds that based on the existing traffic volumes near the site, the additional traffic generated by the amended planning proposal is not expected to compromise the safety or function of the surrounding road network. All surrounding intersections (Pacific Highway/Wilson Street and Anderson Street/Wilson Street/Zinnia Lane) would all continue to operate with a level of service 'A' indicating a good operation.

It is noted that the Department's Chatswood CBD Strategy endorsement required Council to engage Transport for NSW to establish if the strategy can accommodate the proposed growth and work out if a Transport Management Action Plan (TMAP) is required for all areas outside the CBD core. This was included as a condition of the endorsed strategy to

ensure that the Chatswood road network could handle the proposed growth and future capacity within the CBD.

This analysis has now been completed by Arup and as of 18 September 2020

**(Attachment G5)** has been endorsed by Transport for NSW confirming that the increased capacity within the Chatswood CBD Strategy can be catered for.

As part of the Gateway determination it is recommended that a condition to consult with Transport for NSW is included to ensure that the planning proposal is consistent with the endorsed strategic transport study.

### **Infrastructure and services**

Any future development may require utility services to be upgraded and/or augmented to enable the future residential population to be accommodated.

As the proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water, Ausgrid and the NSW Department of Education. These have been included as conditions.

## **7. Consultation**

### **7.1 Community**

The planning proposal has recommended a 28 day consultation. This is adequate for the purposes of this plan.

### **7.2 Agencies**

Consultation is to be undertaken with the relevant public agencies and adjoining landowners as per statutory requirements. It is recommended that consultation with the following agencies are recommended for the purposes of this Gateway:

- Transport for NSW.
- Ausgrid.
- Sydney Water Corporation.
- NSW Department of Education.
- NSW Department of Health.
- Sydney Airport Corporation.

## **8. Timeframe**

The planning proposal requires an updated timeframe given the report has not been updated since early 2019. It is recommended that a 12-month timeframe is appropriate for this planning proposal.

## **9. Local Plan Making Authority**

As the Chatswood CBD Strategy has been endorsed by the Department and the proposal is able to demonstrate consistency with all key elements of the strategy, Council is recommended to be the local plan making authority for this proposal.

## 10. Conclusion

The planning proposal seeks to redevelop the existing aged residential flat buildings for the purposes of a mixed-use development comprising 86 apartments including affordable housing and 1,432sqm of commercial floor space (60 jobs).

The Department has considered the submitted documentation as part of the proposal and concludes that there is sufficient strategic merit in issuing a Gateway determination as:

- It is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location.
- It is consistent with the key elements of the endorsed Chatswood CBD Strategy.
- The introduction of mixed uses to is considered to be an improvement above the existing underutilised B5 Business Development zoning and would not be out of character with the future development context and aspirations for the expanded Chatswood CBD.
- The introduction a genuine mixed-use development would helps to service the daytime and night-time economies of the retail precinct and further activates the CBD core area.
- The proposal will provide 86 dwellings and additional affordable housing within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan.

The Department considers the proposal to have site-specific merit because:

- The proposed maximum building height and is consistent with the desired future maximum building heights and solar access planes for the Chatswood CBD.
- It is considered that the proposal is capable of adequate building separation and solar access outcomes to existing and proposed future development.
- The proposal will enable the delivery of additional affordable housing and job growth in the Chatswood CBD.
- The proposal will deliver a mix of uses on the site within 700m walking distance of the Chatswood transport interchange and CBD core.

## 11. Recommendation

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the proposal is to be updated to include:
  - (a) An updated project timeline based on the issuing of this Gateway determination and the timeframe included.
  - (b) The objectives of the planning proposal are to be updated to include the proposals consistency with the Chatswood CBD Strategy, Local Strategic Planning Statement and Local Housing Strategy.

- (c) Removal of clauses 6.8 and 6.24 relating to affordable housing and design excellence as planning proposal PP\_2019\_WILLO\_002\_00 includes these clauses and has been submitted to the Department for finalisation.
  - (d) Include an assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby Local Strategic Planning Statement and the finalised Willoughby Local Housing Strategy.
  - (e) Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
- 2. The planning proposal should be made available for community consultation for a minimum of 28 days.
  - 3. Consultation is required with the following public authorities:
    - Transport for NSW.
    - Ausgrid.
    - Sydney Water.
    - NSW Department of Education.
    - NSW Department of Health.
    - Sydney Airport Corporation.
  - 4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
  - 5. Given the nature of the planning proposal and its consistency with the Chatswood CBD Strategy, Council authorised to be the local plan-making authority to make this plan.



**2 December 2020**

**Brendan Metcalfe**

**Acting Director, North District**

**Eastern Harbour City**

Assessment officer: Nick Armstrong

Acting Manager, North District

Phone: 8275 1219



## Attachments

**Attachment Gateway** – Gateway Determination

**Attachment Letter** – Letter to Council advising of decision

**Attachment A** – Planning proposal documentation

- **A1** – Planning proposal cover letter
- **A2** – Planning proposal report
- **A3** – Concept plans
- **A4** – Survey plan
- **A5** – Urban design report
- **A6** – Remediation action plan
- **A7** – Detailed site investigation
- **A8** – Hazardous materials report
- **A9** – Investigations letter
- **A10** – Traffic report and letters
- **A11** – Acoustic report and letter
- **A12** – Wind report
- **A13** – Draft VPA
- **A14** – Draft DCP

**Attachment B** – Site map

**Attachment C** – Locality context map

**Attachment D** – Existing LEP maps

**Attachment E** – Proposed LEP maps

**Attachment F** – Council correspondence

- **F1** – Council report
- **F2** – Detailed assessment report
- **F3** – Willoughby Local Planning Panel minutes
- **F4** – Council resolution

**Attachment G** – Chatswood CBD Strategy

- **G1** – Chatswood CBD Strategy background summary
- **G2** – Department's partial endorsement letter
- **G3** – Department's full endorsement
- **G4** – Final Chatswood CBD Planning and Urban Design Strategy
- **G5** – Transport for NSW endorsed traffic study letter