



PLANNING PROPOSAL REPORT

Draft Amendment to Willoughby Local Environmental Plan 2012

5-9 Gordon Avenue, Chatswood

DPG PROJECT 32 PTY LTD

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Appendices

Appendix A –	Site Survey Plan
Appendix B –	Urban Design Report - Design Concept Plans, 3D Envelopes, Shadow Diagrams, Floor Space Schedule, Urban Design Analysis, Preliminary SEPP 65 Apartment Design Guide Assessment prepared by WMK Architecture.
Appendix C –	Traffic Impact Assessment prepared by Varga Traffic Planning.
Appendix D –	Planning Proposal Acoustic Review Report prepared by Resonate Acoustics
Appendix E –	Wind Impact Assessment prepared by Cermak Peterka Petersen
Appendix F –	Desktop Flood Study prepared by SGC Engineers
Appendix G –	Preliminary Site Contamination Assessment prepared by Douglas Partners
Appendix H –	Site Specific Draft DCP Provisions prepared by WMK Architecture

1. INTRODUCTION

This Planning Justification Report has been prepared to support a Planning Proposal for land at Chatswood described as Strata Plan 57091, No's 5-9 Gordon Avenue, Chatswood. This Report is an updated version of the original report dated March 2018, submitted for the original Planning Proposal for the subject land, submitted to Council in 2018. The subject land is located on the northern side of Gordon Avenue, between the Pacific Highway and the North shore rail line, approximately 650m south of Chatswood Railway Station and Transport Interchange.

The subject land is a generally rhomboid shaped corner allotment and currently contains a 3 storey apartment building with basement car parking. The site has an area of 1,522m², with a frontage of 42.92m to Gordon Avenue and frontage of 48.625m to Hammond Lane. The eastern side boundary has a length of 39.745m and the rear northern boundary has a length of 35.82 m.

The site is currently zoned R3 Medium Density Residential pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 0.9:1 and a maximum building height of 12m. The R3 primarily provides for medium density housing including residential flat buildings, attached dwellings and multi dwelling housing. A limited range of non-residential uses such as neighbourhood shops, places of public worship and child care centres are also permitted.

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) has identified land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density, with a maximum FSR of 6:1 and maximum building height of 90m, subject to provision of public benefit for any floor space above the currently permitted maximum FSR of 0.9:1.

The Planning Proposal seeks amendment of WLEP 2012 to allow increased development density on the site, in accordance with the proposed development density recommended in the CBD Strategy. The Planning Proposal seeks an amendment of the WLEP 2012 to include site specific special provisions for the subject land that allow for an FSR of up to 6:1 and building height of up to 90m, subject to provision of public benefits in the form of affordable housing and additional developer levies for residential floor space exceeding the existing FSR of 0.9:1 under WLEP 2012.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade to public domain, provision of public art in accordance with Council’s public art policy and additional contribution to Council's Draft *Community Infrastructure Contribution Schedule Policy*.

This report has been prepared in accordance with the *Department of Planning and Infrastructure Guide for Preparing Planning Proposals*. It considers the site and strategic planning context, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

The Planning Proposal Report also outlines the form of building envelope drawings and how it is envisaged that the land, after gazettal of the Planning Proposal, will be developed for a 27 storey mixed use building with roof feature in a manner that is consistent with the desired future character for the locality, as outlined in the Chatswood CBD Strategy.

A concept plan for redevelopment of the site in the form of a 27 storey mixed use building with roof feature, comprising a 25 storey residential tower located above a 2 storey, 7.8m high podium, which contains 545m² of retail on the ground floor and 977m² of commercial floorspace at first floor level. Commercial/retail floor space equates to an FSR of 1:1. A total residential floor space of some 7610m² (including 293m² of affordable housing) is proposed within the tower.

WLEP 2012 allows affordable housing floor space to be excluded from the calculation of assessable FSR. Council has advised that proponents seeking to take advantage of the building height and floor space bonuses proposed for the Chatswood CBD, included the expanded boundaries of the Chatswood CBD, as proposed in the Chatswood CBD Strategy, must provide the affordable housing within the 6:1 FSR limit, rather than as floor space above this 6:1 FSR limit.

The concept plans are intended to illustrate how the site can be suitably developed at the proposed additional density and building height, in accordance with the setback controls proposed in the Chatswood CBD Strategy. In the event the Planning Proposal proceeds, a separate development application would be submitted to Council for the proposed building. Design of the tower would be the subject of a design excellence process.

A 3D schematic view of the proposed building envelope in the existing context is shown below, in **Figure 1**, looking northeast from the Gordon Avenue, near the intersection of the Pacific Highway and Gordon Avenue.

Figure 1 - 3D View of the Proposed Building Envelope Looking North East



Figure 1A below shows a potential concept for the podium, as viewed looking northeast from Gordon Avenue. This concept design illustrates how emphasis can be given to the corner location with Hammond Lane and how the architectural form of the commercial/retail component in the 2 podium levels can be distinguished from the residential component above.

Figure 1A - Podium Concept, Corner View Gordon Avenue Looking Northeast



Figure 1B, below shows an aerial view of the proposed indicative tower form, looking northeast towards the Chatswood CBD.

Figure 1B – Aerial View of the Proposed Indicative Tower Form



Council's support is sought for the Planning Proposal to proceed through the gateway process and subsequent public exhibition. Gazettal of the proposed increase in building height and FSR controls will enable economic use of the land and its development to an appropriate height and density, commensurate with its accessibility to the nearby Chatswood CBD, proximity to high frequency public transport services and its Highway corridor location. Such an outcome is consistent with current strategic planning policies, which seek to increase development density on the eastern side of the Pacific Highway, near the Chatswood CBD, railway station and transport interchange.

Design concept plans and urban design analysis are attached at **Appendix B**.

THE SITE, LOCALITY AND PLANNING CONTROLS

2.1 The Site and Locality

The subject land is described as Strata Plan 57091, No's 5-9 Gordon Avenue, Chatswood. The subject land is located on the eastern side of the Pacific Highway (northeast corner of Gordon Avenue and Hammond Lane), approximately 650m south of Chatswood Railway Station and Transport Interchange and 300m north of Mowbray Road (see **Figure 2 – Location**, below). A pedestrian walkway and cycleway to Chatswood CBD and Railway Station is located near the site, less than 35m to the east.

Figure 2 Location



The site is a generally rhomboid shaped corner allotment, with a very gentle slope down to the north and contains a 3 storey 1980's brick and tile apartment building, comprising 12 apartments, with basement car parking. The existing building, while of modest architectural merit, has no heritage significance.

The site has an area of 1,522m², with frontages of 42.92m to Gordon Avenue, an eastern side boundary of 39.745m and a northern rear boundary of 35.82m. There are no watercourses on, or, adjoining the site. Existing landscaping primarily comprises shrubs, small trees and ground cover. There are several small to medium sized street trees fronting the site in Gordon Avenue.

Vehicular access to the site is provided off Gordon Avenue, in the southwest corner of the site, adjacent to Hammond Lane.

A plan of the site is shown in **Figure 3**, below. Existing buildings on the site are shown coloured yellow. Buildings on neighbouring sites are shown coloured blue. A site survey is attached at **Appendix A**.

Figure 3 – Site Plan

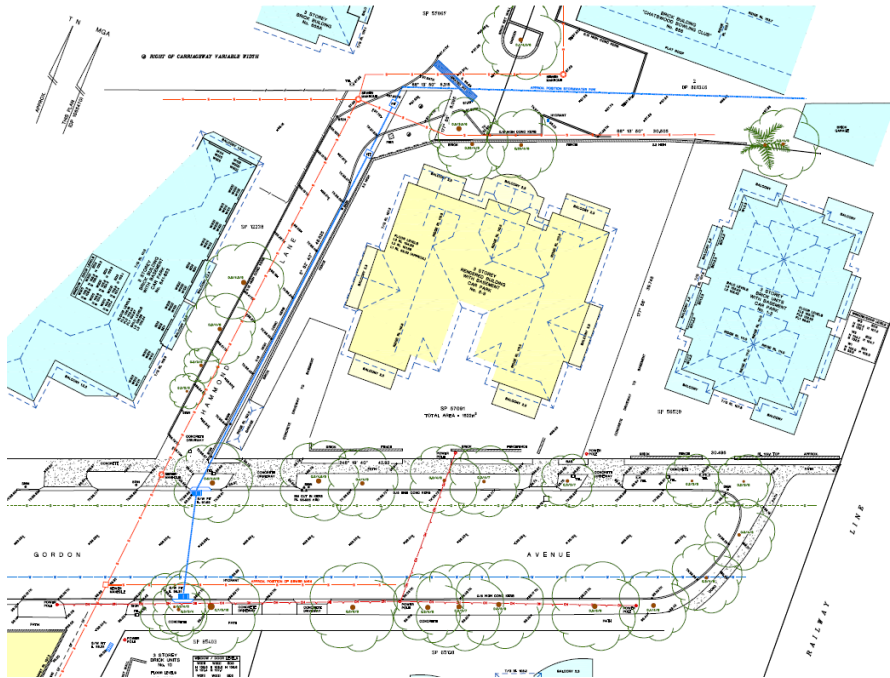


Photo 1, below is a view of the site looking northeast from Gordon Avenue, towards the Chatswood CBD. The existing vehicular entrance is shown at left foreground in the photo. Existing street trees screen most of the front facade of the building, as viewed from Gordon Avenue.

Photo 1 – View of the Site Looking Northeast from Gordon Avenue



Photo 2 below, shows a view of the rear of the site and rear northern elevation of the existing apartment building, looking southeast from Hammond Lane, adjacent to the Chatswood Bowling Club, which is located to the north of the site.

Photo 2 – View of the Rear of the Site Looking Southeast from Hammond Lane



An aerial view of the site and locality is shown in **Figure 4** below.

Figure 4 Aerial View of Site and Locality



The locality around the site primarily comprises low rise medium density housing, with 3 storey residential flat buildings predominating. Commercial and mixed-use development of between 1 and 6 storeys is located to the southwest of the site along both sides of the Pacific Highway, south of Gordon Avenue.

To the north of the site is the Chatswood Bowling Club and associated bowling greens and car parking, off Hammond Lane. **Photo 3** below, is a view of the Bowling Club, to the rear of the site, looking northeast from Hammond Lane.

Photo 3 – Chatswood Bowling Club, Looking Northeast from Hammond Lane



To the east of the site, at No. 1-3 Gordon Avenue, is a 3 storey residential flat building with basement car parking (see **Photo 4**, below). This property has been purchased by the State Rail Authority. Further to the east is a walkway/cycleway, extending north-south along the eastern side of the North Shore Railway Line, providing a convenient pedestrian and cycle access to the Chatswood CBD.

Photo 4 – Apartment Building at 1-3 Gordon Avenue, Looking Northeast



Photo 5 below, shows a view looking east from Gordon Avenue of the Gordon Avenue cul-de-sac head and the small pocket park located at the eastern end of Gordon Avenue, adjacent to the existing walkway/cycleway that extends north-south along the western side of the railway line. **Photo 6**, further below, shows a view of this walkway/cycleway, looking north from the eastern end of Gordon Avenue. This walkway/cycleway is located just 40m to the east of the site.

Photo 5 – View Looking East of the Eastern End of Gordon Avenue



Photo 6 – View of the Walkway/Cycleway Adjoining the North Shore Rail Line



To the west of the site is a 3 storey apartment building, No. 653 Pacific Highway, located between Hammond Lane and the Pacific Highway. A view of this property, looking northwest from Gordon Avenue, is shown in **Photo 7**, below. Further to the west, on the western side of the Pacific Highway are low rise small scale residential flat buildings.

Photo 7 – Apartment Building at 653 Pacific Highway, Looking Northwest



To the south of the site, on the southern side of Gordon Avenue, are 3 storey residential flat buildings located at No. 2 Gordon Avenue (see **Photo 8** below) and No's 4-10 Gordon Avenue (see **Photo 9** on the following page).

Photo 8 – Apartment Building at No. 2 Gordon Avenue, Looking South



Photo 9 – Apartment Building at 4-10 Gordon Avenue, Looking Southeast



Photo 10 below, is a view of the Gordon Avenue frontage of the existing single storey Payless Tyre and Brakes vehicle service workshop, 629-639 Pacific Highway, located to the southwest of the site on the southern side of Gordon Avenue, between the Pacific Highway and Hammond Lane. This site is the subject of a recently submitted Planning Proposal for a 28 storey mixed use building.

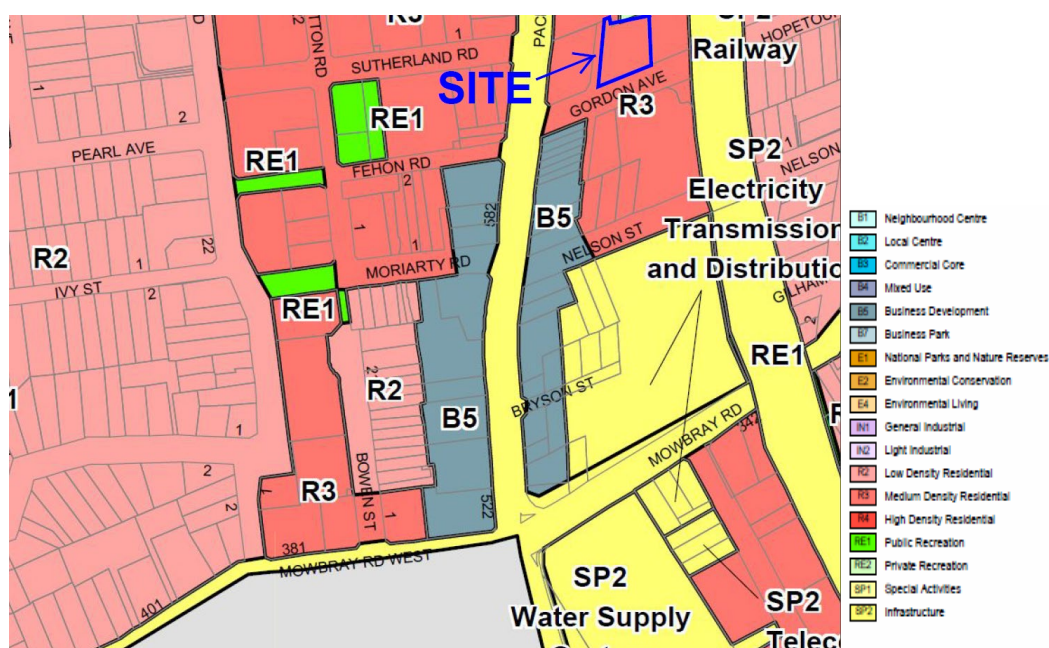
Photo 10 – View of Payless Tyres and Brakes Building, Looking Southwest



2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. The site is zoned R3 Medium Density Residential. This R3 zone extends east and west of the south and on the southern side Gordon Avenue, between the railway line and Hammond Lane. A B5 Zone extends along the eastern and western sides of the Pacific Highway, south of Gordon Avenue. The Chatswood Bowling Club, to the north of the site is zoned RE2 Private Recreation. The zoning of the site (edged in blue) and locality is shown in **Figure 6 – Zoning**, below.

Figure 6 - Zoning Willoughby LEP 2012



The R3 Zone is designed to provide for low rise medium density housing primarily in the form of residential flat buildings, attached dwellings and multi dwelling housing. Only a limited range of non-residential uses are permitted, such as childcare centres, community facilities, neighbourhood shops and places of public worship. Shop-top housing is not identified as a permissible use.

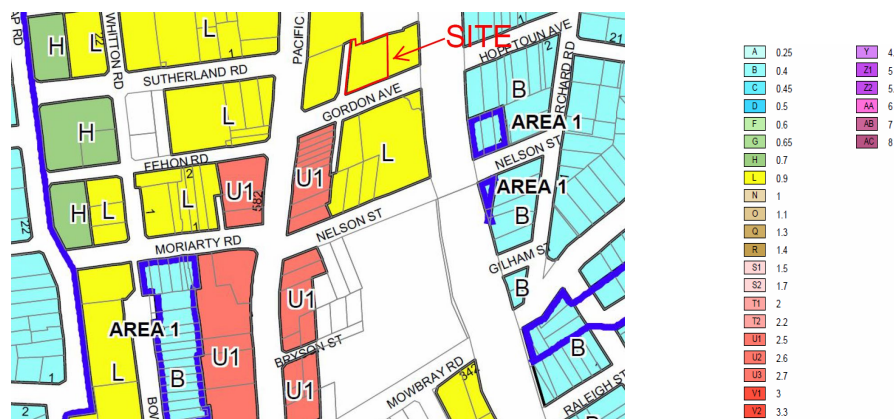
The Planning Proposal includes a change in zoning of the land to B4 Mixed Use so that shop-top housing and a broader range of retail and other commercial uses will be permissible land uses on the site. This change in zoning is consistent with the Chatswood CBD Strategy, which recommends that the subject land and other nearby land in the R3 Zone, be zoned B4 Mixed Use. The B4 Zone will ensure that retail and/or commercial premises are located on the ground and first floor levels of future buildings.

The Planning Proposal requests inclusion of an incentives clause to allow increased building height and FSR, subject to the provision of public benefits in the form of affordable housing and additional developer levies. The existing building height and FSR controls for the subject land (edged in red) and adjoining land, as contained in WLEP 2012 are shown in **Figures 7 and 8**, below.

Figure 7 - Maximum Building Height Willoughby LEP 2012



Figure 8 - Maximum Floor Space Ratio Willoughby LEP 2012



As shown above, the WLEP 2012 currently provides for a maximum FSR of 0.9:1 and maximum building height of 12m (4 storeys) on the subject land. The Chatswood CBD Strategy proposes to allow additional FSR, up to 6:1 and additional building height, up to 90m, subject to provision of public benefits in exchange for increased floor space and building height.

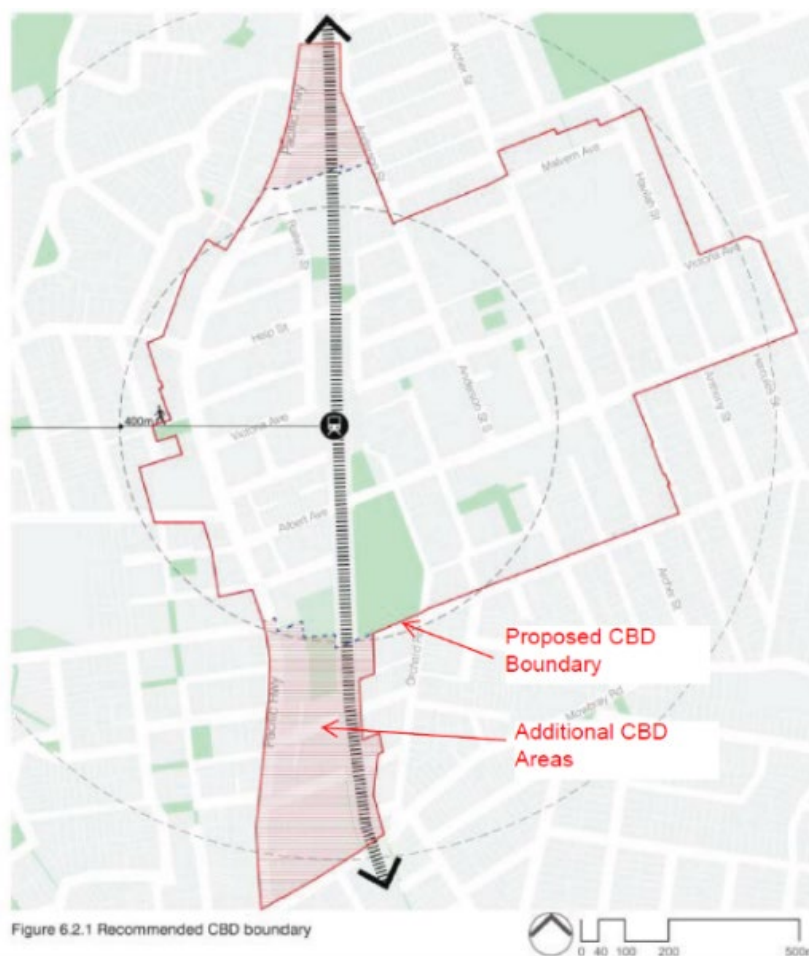
WLEP 2012 allows a floor space bonus where projects are subject to a design excellence process. The LEP also allows for exclusion of affordable housing from the calculation of assessable gross floor area, where it can be demonstrated that the affordable housing component does not material contribute to the overall bulk and scale of the development. Council has advised that a design excellence bonus will not apply, and affordable housing floor space must be included with the maximum 6:1 FSR, for development seeking to take advantage of the FSR and building height bonuses proposed in the Chatswood CBD Strategy.

2.3 Proposed Planning Controls – Chatswood CBD Strategy

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) recently adopted by Council and recently endorsed by the NSW Department of Planning Infrastructure & Environment (DPI&E), proposes to introduce new planning controls for the Chatswood CBD and within areas recommended for expansion of the Chatswood CBD. Council will soon commence preparation of an amending Local Environmental Plan to implement the Chatswood CBD Strategy in accordance with DPI&E's conditional endorsement.

The CBD Strategy identifies land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density, by way of a building height and floor space bonus, subject to minimum site area criteria and provision of public benefit. **Figure 9**, below, is a copy of Figure 2.3 from the CBD Strategy showing the new CBD boundary that has now been endorsed by Council. The areas of expansion to the existing CBD boundary are shown coloured light red. The subject land is located within the southern CBD expansion area.

Figure 9 - Chatswood CBD Strategy Chatswood CBD Boundary



As detailed in Section 2.2 the subject land is currently permitted to be developed to a maximum building height of 12m and maximum FSR of 0.9:1. The proposed planning controls retain the existing maximum building height and FSR controls, as base height and FSR, but with potential to achieve up to an additional 78m of building height and an additional 5.1:1 FSR. This bonus potentially allows the site to be developed to a maximum building height of 90m and maximum FSR of 6:1 (including any affordable housing).

Figure 10 below, is a copy of the bonus FSR and Building Height Maps from the CBD Strategy.

Figure 10 - Chatswood CBD Strategy Map Extracts of Bonus FSR & Building Height



With respect to land use, the CBD Strategy recommends that land not currently designated as open space, which is located outside the CBD, including the subject land be zoned B4 Mixed Use. When this zoning is implemented the zoning of the subject land will change from R3 Medium Density Residential to B4 Mixed Use.

The CBD Strategy proposes a minimum site size of 1,200m² for residential development that proposes to take advantage of the bonus height and FSR provisions. The subject land has an area of 1,522m², which is at least 25% larger than the minimum area required.

Figure 10 of the CBD Strategy sets out required street frontage heights. Figure 10 prescribes a mixed-use frontage with commercial on the ground floor for the site. A street wall height of between 6m to 14m, with zero setbacks permitted for the podium. Above the podium level a minimum setback of 3m applies to Gordon Avenue. Tower setbacks above podium to other boundaries of the site to the west, east and north are required to comply with the building separation/setback requirements of the SEPP 65 Apartment Design Guide (ADG) and would range from 6m up to 12m, based on a 50/50 sharing between adjoining sites.

Figure 12, on the following page, is an extract from Figure 10 of the CBD Strategy showing street frontage heights for the subject land (6-14m) and nearby land in the southern sector of the expanded CBD boundaries.

Figure 12 – CBD Strategy Map Extract Street Frontage Heights



Figure 13, below is a copy of Figure 3.5.4, which illustrates a typical street section for the mixed-use zone where commercial is required at least at ground floor level, as is the case with the subject land. Figure 3.5.4 allows for either residential or commercial at first floor level. The proposal provides commercial at first floor level.

Figure 13 – CBD Strategy Extract Illustrative Typical Street Section

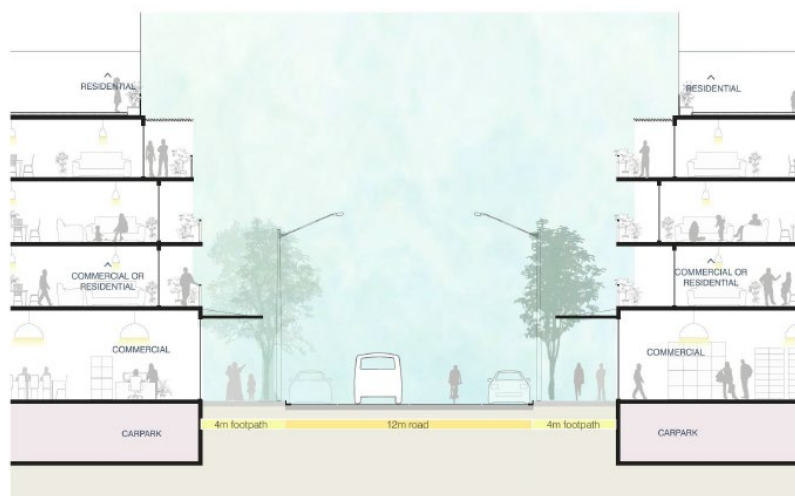


Figure 3.5.4 Typical section of mixed use zone - commercial ground floor

Willoughby LEP 2012 allows a density bonus where a proposed development goes through a design excellence process. This density bonus will not apply to developments seeking to take advantage of the height and FSR bonuses provided for the CBD Strategy.

The Strategy specifies that all developments exceeding the base FSR and with a height of more than 35 metres, must go through a design excellence process, with no further height or FSR bonuses available. To achieve design excellence, development must achieve higher building sustainability standards and be endorsed by a Design Review Panel.

The CBD Strategy Study includes a map of opportunity sites, which identifies sites that may be available for development at the greater densities envisaged in the bonus height and FSR controls. The subject land is identified as an opportunity site (under existing strata title) outside the centre of the CBD.

Figure 5.2.1 of the CBD Strategy Study shows an indicative amalgamation pattern. An extract from Figure 5.2.1 of the CBD Strategy for the subject land and nearby land in the southern sector of the expanded CBD boundaries is shown at **Figure 14**, below. The subject land, together with the residential flat building site to the east, is identified as development parcel “a5”.

Figure 14 – CBD Strategy Study Indicative Site Amalgamation



The adjoining property to the east, located at 1-3 Gordon Avenue comprises a 1980's 3 storey residential flat building that is strata titled into multiple separate ownerships and has recently been purchased by RailCorp. We understand RailCorp proposes to demolish the existing building. In this context it would be difficult to get RailCorp agreement to amalgamate that property with the development site.

1-3 Gordon Avenue has an area of 1,113m², some 87m² (7%) less than the recommended minimum development area of 1,200m². Council has advised that the minimum development area standard would be applied where properties are marginally less than the recommended minimum. On this basis the proposed redevelopment of 5-9 Gordon Avenue would not result in 1-3 Gordon Avenue becoming an isolated development site that could not be redeveloped in accordance with the CBD Strategy.

The Planning Proposal includes concept plans showing how 1-3 Gordon Avenue can be suitably redeveloped in accordance with the CBD Strategy.

All developments within the new CBD boundaries that take advantage of bonus FSR are required to contribute towards public art in accordance with Willoughby's Public Art Policy.

The CBD Strategy envisages that all developments in the proposed B4 Mixed Use Zone will contain a podium that contains commercial floor space. A prescribed minimum commercial floor space is not recommended, but rather assessed on merit having regard to location. In locations within and adjoining the core area of the CBD and along major transport corridors, the ratio of commercial to residential floor space is likely to be higher, with the podium containing at least 2 storeys of commercial floor space.

In the case of sites located in the outer areas of the CBD, without "exposure" to a major road, as is the case with the subject land, the CBD Strategy envisages a reduced extent of commercial floor space. Rather than require 2 storeys of commercial, in such cases the CBD Strategy notes that *"outer areas should generally be mixed use with ground floor commercial required and upper floor commercial encouraged"*. The CBD Strategy further notes that *"appropriate controls should encourage these however not require them where they will not be viable."*

The subject land is located in a cul-de-sac, towards the outer edge of the new boundaries Chatswood CBD and has no direct frontage or exposure to a busy road. In such circumstances, even a minor amount of commercial floor space is likely to be unviable. It should be further noted that the applicable street section (see **Figure 13**) requires commercial floor space at ground floor level and indicates commercial floor space at first floor level as being optional. The proposal includes retail floor space at the ground floor level and commercial at first floor level, within the 2 storey podium.

With regard to tower form, the CBD Strategy advocates development of slim, tall well separated tower forms with floor plates that do not exceed a gross floor area (GFA) of 700m². Willoughby LEP 2012 excludes the thickness of external walls, balcony areas and areas occupied by common vertical circulation such as lifts and stairs from the calculation of GFA.

Implementation of the CBD Strategy will include a contribution mechanism to fund public domain and public and social infrastructure improvements. In addition to the usual Section 7.11 and 7.12 Developer Contributions.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade to public domain, provision of public art in accordance with Council’s public art policy and payment of additional contributions in accordance with Council's Community Infrastructure Contribution Scheme.

While the CBD Strategy states that the FSR bonus should be considered as the maximum achievable, it does not reference the existing Willoughby LEP 2012 provisions, which allow affordable housing floor space to be excluded from FSR calculations, if such floor space does not materially add to perceived building bulk and scale. Council has advised in Pre-Lodgement consultations that affordable housing will have to be provided within the allowable bonus FSR. The Planning Proposal provides for 311m² of affordable housing within, rather than in addition to, the maximum 6:1 FSR proposed for the site.

The Planning Proposal is not impacted by any of the conditions imposed by DPI&E’s recent conditional endorsement of the Chatswood CBD Strategy. The subject land is not located at an interface with and heritage conservation areas.

The building envelope in the Planning Proposal has been designed having regard to the proposed new planning controls in the CBD Strategy. The concept plans for the Planning Proposal are evaluated against the CBD Strategy planning controls in Section 3.5 of the Planning Proposal Report.

3. THE PLANNING PROPOSAL

3.1 The Planning Proposal – Amendment to Willoughby LEP 2012

The Planning Proposal seeks to amend WLEP 2012 to include redevelopment incentives for the subject land to facilitate redevelopment in accordance with the development outcomes envisaged in the CBD Strategy and subject to provision of public benefits in the form of affordable housing and additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from 0.9:1 to 6:1 (including affordable housing) and maximum building height to be increased from 12m (4 storeys) to 90m (maximum of 29 storeys).

The proposed building envelope allows for a 2 storey 7.8m high podium, with a 25 storey tower above. The podium is to contain 545m² of retail floor space on the ground floor and 977m² of commercial floor space on the first-floor level of the podium. The podium provides higher floor to ceiling heights to satisfactorily accommodate retail and commercial uses. All residential floor space is provided in the 25 storey tower above the podium. The tower includes 1 storey of common facilities for residents at the base on the tower (Building Level 2), above the podium. These facilities are surrounded by common open space on the roof of the podium.

The building envelope is capable of accommodating at least 9,200m² of floor space, including affordable housing. A total assessable GFA of 9,132m² is proposed, based on an FSR of 6:1 on a site of 1,522m². Commercial/retail floor space of 1,522m² and residential floor space of 7,610m² are proposed. Residential floor space will comprise 7,317m² of private housing and 293m² of affordable housing, to be dedicated to Council, or a nominated community housing authority.

The Planning Proposal is proposed to be implemented by way of introduction of an additional subclause within WLEP 2012 relating to maximum building height and FSR and includes identification of the site within the LEP as an affordable housing site. A new clause 6.23 is proposed to be inserted into WLEP 2012 to allow a building height of up to 90 metres (28 Storeys) and FSR up to 6:1 (including affordable housing) on the site.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land.

With respect to the podium, these setback controls would include a minimum setback of 3m to Gordon Avenue, 3m to Hammond Lane and 9m to the eastern side boundary and 3m to the northern rear boundary. Setback controls proposed for the tower are 6m to Gordon Avenue, 6m to the northern rear boundary and 9m to Hammond Lane and the eastern side boundary.

3.2 The Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

- (a) Provide a floor space and building height yield that is commensurate with the site's location within convenient walking distance of the Chatswood CBD and transport interchange and in a manner consistent with the maximum development density and building height recommended in the Chatswood CBD Planning and Urban Design Strategy.
- (b) Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, arising from current planning strategies.
- (c) Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the Chatswood CBD Strategy.
- (d) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.
- (e) Provide 311m² of affordable housing on a site that currently is not required to provide affordable housing.
- (f) Provide for developer levies, in addition to Council's Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- (g) Improve pedestrian amenity and safety by way of providing a wider footpath on the northern side of Gordon Avenue fronting the site and provide a 1200mm wide footpath on the eastern side of Hammond Lane.
- (h) Remove an existing low-rise medium density housing development that is not compatible with the desired future mixed-use high-rise character planned for the area.

3.3 Intended Outcomes

The preparation of the Planning Proposal and potential building envelopes has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the Chatswood CBD Strategy. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic and access, viability, development trends and market expectations.

The Planning Proposal would allow viable redevelopment of the subject land to provide for high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing more apartments suitable for downsizers has a positive outcome by increasing the supply of house available for families seeking a house and garden lifestyle.

The residential tower design facilitates district views for occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.

The slim form of the proposed tower envelope has been designed to minimise shadowing of residential properties to the south. Detailed tower design will ensure reasonable neighbour privacy is maintained.

By including substantial public benefits in the Planning Proposal, such as affordable housing and additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. These benefits include a Voluntary Planning Agreement (VPA) providing for additional developer levies, and designation of the subject land in WLEP 2012, as a site where Council's affordable housing provisions apply.

(a) Voluntary Planning Agreement (VPA)

The CBD Strategy proposes that where approval is sought for additional floor space and building height, beyond that provided for in the current planning controls, an additional developer levy is payable for each additional square metre of residential floor space. This levy is in addition to Council's standard Section 7.12 levies and applies to the residential component of the building. The amount payable per square metre of additional residential floor space will be specified in Council's proposed *Community Infrastructure Contribution Scheme*

The subject land is currently permitted to have a maximum FSR of 0.9:1 which equates to 1,370m² of assessable GFA. The proposed development (excluding 293m² of affordable housing floor space) will have an assessable residential GFA of up to 7,317m, or an increase of up to 6,240m² above existing FSR of 0.9:1.

The Draft VPA proposes additional contribution to Council's *Community Infrastructure Contribution Scheme* (CIS). The contribution is used by Council towards funding existing and proposed infrastructure and community facilities in the area. The proponent will also contribute towards the delivery of public art as part of the design excellence process in accordance with Council's Public Art Policy.

(b) Provision of Affordable Housing

The Planning Proposal includes provision of 4% of residential floor space within the proposed development site for affordable housing on this site. Based on “private” housing floor space of 7,610m², 4% of this floor space equates to a requirement to provide 293m² of affordable housing floor space in the building, to be provided to the Council or a nominated community housing organisation, in accordance with Council’s affordable housing policy. This affordable housing allocation would be implemented by including the subject land within the WLEP 2012 Special Provisions Map, as a site to which Council’s affordable housing policy applies, requiring provision of affordable housing equivalent to 4% of proposed residential floor space.

There are other public benefits arising from the Planning Proposal that are additional to affordable housing and additional developer levies. These benefits include provision of a footpath on the eastern side of the Hammond Lane frontage of the site. Currently Hammond Lane does not have a footpath and pedestrians must walk on the road carriageway.

Gordon Avenue connects nearby to the east, with the walkway/cycleway that extends along the western side of the railway line, providing direct access to the Chatswood CBD for pedestrians and cyclists. Proposed widening of the existing relatively narrow footpath on the northern side of Gordon Avenue will enhance the pedestrian connection along Gordon Avenue to the walkway/cycleway

The proposal will also generate more than 5 times the amount of Section 7.12 levies to Council, compared with a development that has a maximum FSR of 0.9:1, as currently applies.

3.5 Concept Plans and Proposed Development

A DA for future high-density mixed-use development of the site will be separately prepared and lodged with Council, following exhibition of the Planning Proposal and its referral to the Minister for Planning for gazettal.

A building envelope and concept plans for the proposed redevelopment of the subject land has been prepared. A copy of the Concept Plans is attached at **Appendix B** and includes an urban design analysis.

The concept plans provide for redevelopment of the site in the form of a 27 storey mixed use building with roof feature, comprising a 25 storey tower located above a 2 storey podium. The podium contains entry lobbies and commercial/retail floorspace, with residential apartments in the tower, contained within the 25 storeys tower and communal facilities at level 2. 5 levels of basement parking for at least 128 car spaces are provided below the podium, with access off Hammond Lane, in the northwest corner of the site.

The proposed building envelope can accommodate a total assessable gross floor area at least 9,200m², comprising 103 apartments (depending on unit mix), and 1,522m² of commercial and retail floor space. The ground floor level is proposed to contain 2 retail tenancies (545m²), a residential lobby, mail room, services and plant rooms, garbage room, loading dock, lifts and stairs. Level 1 of the podium provides 977m² of floor space for commercial office tenancies.

Apartment mix is primarily focused on 1 and 2 bedroom units, as market analysis indicates that in this location, there is more limited demand for 3 bedroom units. A tall slim tower form is proposed to optimise building separation and solar access and provide view corridors. A 3D image of the proposed tower, as viewed looking northeast from Gordon Avenue is shown below in **Figure 15**.

Figure 15 - 3D View of the Proposed Building Envelope Looking North East



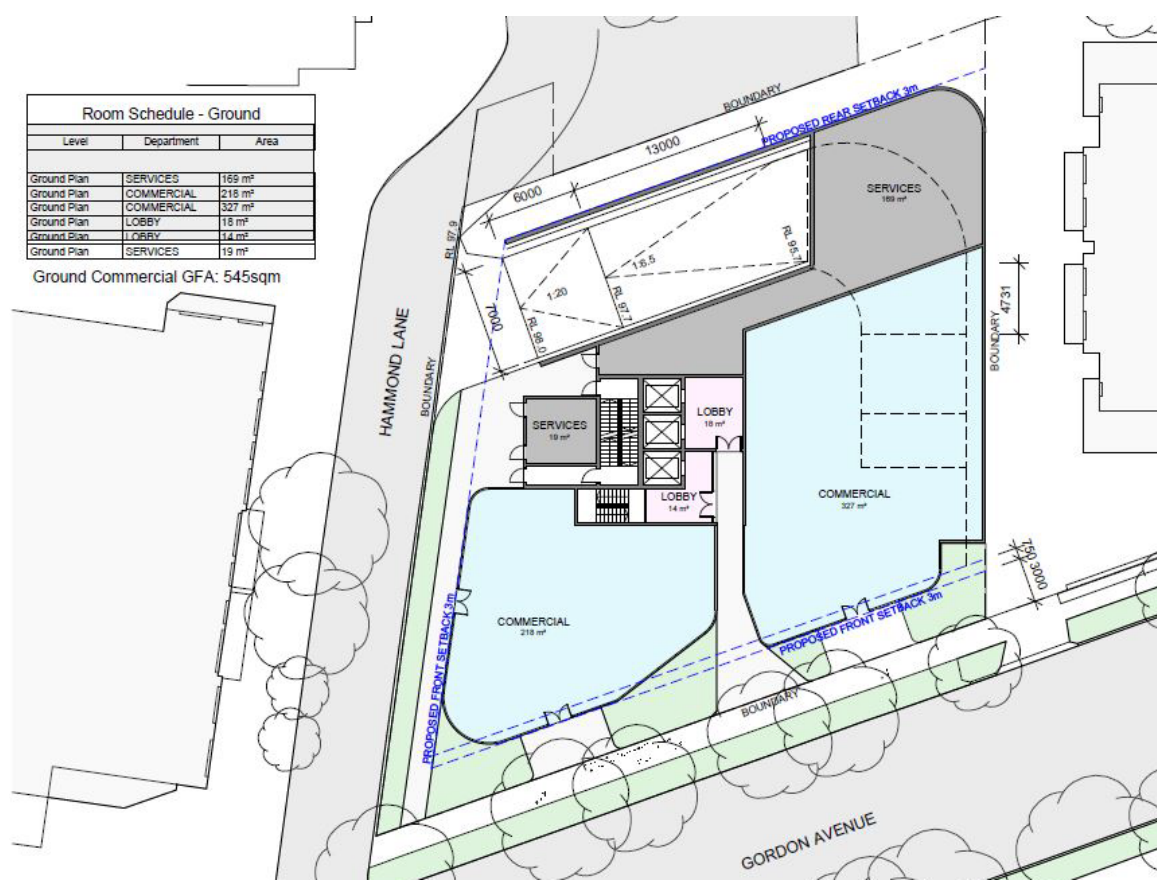
The podium of the building includes setbacks of 3m to Gordon Avenue and 3m to Hammond Lane to provide for footpath widening on the northern side of Gordon Avenue and provision of a footpath on the eastern side of Hammond and space for landscaping. While zero podium setbacks are permitted to the eastern and northern side boundaries, the proposal includes a 3m landscaped setback to these boundaries to enhance presentation to the apartment to the east (1-3 Gordon Avenue) and the bowling club to the north.

An active street frontage to Gordon Avenue is proposed, comprising 2 retail tenancies, separated by the residential entry lobby. There is potential for one or both these tenancies to be used as a café or restaurant, including outdoor seating within a widened footpath reserve. Services and loading and vehicular access are confined to the rear portion of the building. The proposed 3m podium setback to Hammond Lane provides space for landscaping and a 1500mm wide footpath along the Hammond Lane frontage of the site.

The basement levels are setback between 1.5m and 3m to the site boundaries to provide for a deep soil area of more than 300m2 (20% of site area) around the building.

Figure 16 below, shows the indicative layout proposed for the ground floor level.

Figure 16 – Indicative Ground Floor layout



Both levels within the 2 storey are provided with higher floor to ceiling height clearances to facilitate their functional use for retail and commercial purposes. Accordingly, a podium height of at least 7.8m is required.

Tower setbacks of 6m are proposed to Gordon Avenue and 6m the northern rear boundary. 9m tower setbacks are proposed to Hammond Lane and the eastern side boundary. The roof of the podium, including the 6m high lowest floor level of the tower are proposed to be utilised for common open space and communal facilities on Level 2 of the building. This is illustrated in **Figure 17**, on Page 27.

Figure 17 - Common open space & communal facilities on the lowest tower level



Tower floor plate is modest in size, not more than 400m² GFA, as illustrated in below, in **Figure 18**. The narrow 16m to 19m tower width maximises solar access to properties on the southern side of Gordon Avenue and provides a tower floor plate capable of accommodating up to 5 apartments per floor level, in the tower.

Figure 18 - Typical 400m² (GFA) Tower Floor Plate Levels 3-17



The Planning Proposal is accompanied by indicative plans for potential high-rise mixed-use redevelopment of the adjoining site to the east, at 1-3 Gordon Avenue. A tower on this site is likely to orientate apartments to the north, east and south to take advantage of views. Accordingly, the western elevation of the tower is likely to comprise primarily non-habitable floor space. Any windows in the western elevation would be high sill or translucent glass and generally limited to service rooms such as bathrooms. In such circumstances a separation distance of 18m between the proposed towers is considered both reasonable and appropriate.

Figure 19 - Indicative Tower Floor Plate for Redevelopment of 1-3 Gordon Avenue



4. JUSTIFICATION OF THE PLANNING PROPOSAL

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any Strategic Study or report?

Yes.

The Planning Proposal arises from the adoption by Council of the Chatswood CBD Planning and Urban Design Strategy and its subsequent recent endorsement by DPI&E. The CBD Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries. These new boundaries extend to the north and south of the existing CBD, along the eastern side of the Pacific Highway, north to Wilson Street and south to Mowbray Road.

The subject land is located within the proposed expanded CBD boundaries to the south and is identified for an increase in maximum building height up to 90m and increase in floor space ratio (FSR) up to 6:1. These increased densities are intended to accommodate anticipated demand for additional housing in the Willoughby Local Government Area (LGA) as envisaged in the Sydney Metropolitan Strategy – A Plan for Growing Sydney and the North District Plan and Council's Local Strategic Planning Statement (WLSPS).

The proposed new development controls, as recommended in the Chatswood CBD Planning and Urban Design Strategy, relevant to the subject land are detailed in Section 2.3 of this Planning Proposal Report. Preparation of an amending LEP will soon commence to facilitate introduction of the recommended new development controls.

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Council's current planning strategy for accommodating existing and future housing demand, as outlined in the Willoughby LSPS and Draft Housing Strategy, is to concentrate higher density development in and adjoining the Chatswood City Centre and other larger centres and transport corridors, so that existing low density suburban housing areas can be retained substantially as they currently exist. This approach is also consistent with the Sydney Metropolitan Strategy and the North District Plan (NDP).

The North District Plan aims to increase densities along transport corridors and in centres, particularly in those centres near public transport and facilitate redevelopment of existing apartment sites that are capable of accommodating increased density. The NDP expects the Willoughby LGA accommodate more than 6,000 additional dwellings by 2036.

The Planning Proposal is also justified by an analysis of the site's context and redevelopment advantages associated with larger sites of more than 1,000m². Such sites are capable of suitably accommodating increased building heights and densities.

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

Yes – there is no better way. The requested variation to maximum building height and FSR is greater than could reasonably be considered under the development standards variation clause in WLEP 2012. The proposal is consistent with the development controls proposed in the adopted Chatswood CBD Strategy. There is no material advantage in deferring redevelopment of the site for 2 or more years, while awaiting the introduction of the proposed new planning controls.

4.1.3 Is there a net community benefit?

Yes. The subject site is capable of providing additional housing opportunities in a convenient location within walking distance of shops, services and high frequency public transport. Increased development yield will result in payment of additional Section 7.12 infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

The Planning Proposal includes identification of the subject land as an affordable housing site in WLEP 2012, with 4% of residential floor space provided to Council or Council approved housing provider as affordable housing. The Planning Proposal is accompanied by a letter of offer for a Voluntary Planning Agreement (VPA) providing for payment of additional developer levies to Council.

The requested increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains a low rise 3 storey apartment building that would not contribute positively to the modern high density contemporary urban character planned for the expanded Chatswood CBD.

4.2 **Section B – Strategic Planning Context**

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

A Plan for Growing Sydney 2014

The Sydney Metropolitan Plan – A Plan for Growing Sydney 2014 (the Metro Plan) was released in 2014 and provides high level strategic direction for the Sydney Metropolitan Area. The metro Strategy recognises Sydney as a global city and provides a framework for the planning and development of Sydney through to 2036.

The Metro Plan provides key directions and actions to guide Sydney's productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space. Chatswood is nominated as one of Sydney's strategic centres under the Metro Plan and the Chatswood CBD is identified for growth in mixed use development including offices, retail, services and housing.

With respect to housing, the goal of the Metro Plan is to provide homes that meet our needs and lifestyles, accelerate urban renewal and housing supply and provide homes close to jobs. In particular *“The Plan's focus is on providing more housing, with a greater choice of dwelling types in well-serviced locations.”* The Plan argues that *“Residents should be able to age at home, if they wish, live close to families and friends, and travel easily to work, education and social activities.”*

The Metro Plan identifies a number of directions and actions that are directly relevant to the Planning Proposal for the subject land, as set out below.

- *Accelerate housing supply and local housing choices.*
- *Accelerate new housing in designated infill areas (established urban areas).*
- *Undertake urban renewal in transport corridors which are being transformed by investment around strategic centres.*
- *Plan for a range of housing types.*
- *Deliver more opportunities for affordable housing.*

The Planning Proposal is consistent with the aims and objectives of the Metro Plan for Sydney and with the directions and actions in the Plan relating to housing. The Planning Proposal provides increased housing supply and choice within an established urban area and transport corridor in a location near an important strategic centre. The proposal is also part of an urban renewal process that provides an opportunity for delivery additional affordable housing.

Greater Sydney Region Plan – A Metropolis of 3 Cities

The Greater Sydney Region Plan – A Metropolis of 3 Cities (GSRP), prepared by the Greater Sydney Commission in 2017 and adopted in 2018, is essentially a review and update of the Sydney Metropolitan Plan – A Plan for Growing Sydney and updates and strengthens the directions identified in the Sydney Metropolitan Plan.

The GSRP aims to transform Sydney into a metropolis of some 8 million people by 2056 comprising 3 connected cities comprising the Western Parkland City, the Central City and the Eastern Harbour City. Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a Strategic Centre.

The 4 key themes of the GSRP are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. With respect to housing, the GSRP advocates a greater housing supply, which is more diverse and affordable and is in the right location.

In the Eastern Harbour City the provision of additional housing is proposed to occur by way of a process of urban renewal, with increased densities focused in locations close to employment and with good quality public transport and accessibility to infrastructure and services.

The proposed increase in commercial and residential density in a location within the Chatswood CBD and close to employment, services and the Chatswood Transport Interchange is consistent with the GSRP.

The GSRP is to be implemented through District Plans prepared for each area of Sydney. The City of Willoughby is identified as being located within the North District of the Eastern Harbour City

North District – Connecting Communities

The North District Plan – Connecting Communities (NDP), introduced in 2018, applies to the northern suburbs of Sydney, including Chatswood and highlights the important economic role that Strategic centres such as Chatswood play in supporting the growth of Sydney as a global city. The NDP provides the district strategic planning direction for the North District through to 2056.

With respect to housing, the NDP focuses on increasing housing supply, choice and affordability with access to jobs, services and public transport and seeks to achieve more housing in the right locations, including opportunities for urban renewal. The Planning Proposal is closely aligned with this important planning objective.

The North District Plan estimates the number of jobs in Chatswood will increase from 24,700 to between 31,000 and 33,000 by 2036. Chatswood is recognised as not only being a significant commercial centre, it also incorporates high density residential, high profile retail and entertainment facilities and is an important civic and cultural centre. The North District Plan identifies the following policy directions for Chatswood:

- *maximise the land use opportunities provide by the Sydney Metro;*
- *provide height and floor space ratio incentives as part of the planning controls;*
- *promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering;*
- *enhance the role of the centre as a destination for cultural and leisure activities;*
- *promote and encourage connectivity and upgrade and increase public open spaces.*

The North District Plan sets a target of 25,950 additional dwellings by 2021, with 92,000 additional dwellings are expected to be required in the North District within the next 20 years The Willoughby Local Government Area (LGA) is expected to deliver a 5 year housing target of 1,250 additional dwellings by 2021.

Over a 20 year time frame, it is expected that at least 6,000 to 6,700 additional dwellings will be required by 2036 to meet anticipated population growth of some 13,200 persons in the Willoughby LGA.

With respect to Willoughby, the North District Plan places emphasis on urban renewal in locations that have regard to the capacity of existing and proposed infrastructure. Opportunities around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability area advocated. The Planning Proposal directly aligns with this planning principle.

Council is required to investigate areas for additional housing capacity and identify opportunities to address demand and diversity in and around local centres and infill areas. This work has commenced with the preparation of the Council's Draft Housing Strategy and adoption Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

The Planning Proposal is consistent with the North District Plan and will assist in meeting the housing supply targets in this District Plan in a manner that is consistent with Council's Draft Housing Strategy, Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

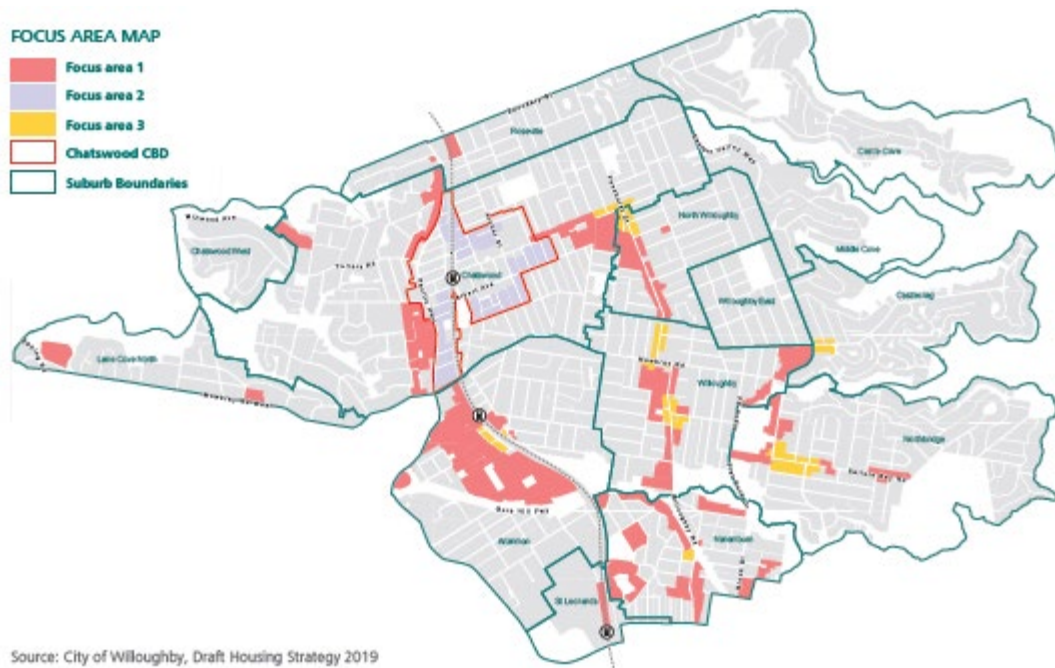
Willoughby Local Strategic Planning Statement

Willoughby Local Strategic Planning Statement March 2020 (WLSPS) sets out a 20 year vision for the Willoughby Local Government Area (LGA) and includes priorities and actions for land use planning that have a focus on local place values. Section 6.1 of the LSPS relates to Housing the City

With respect to housing the WLSPS places priority on increasing housing diversity to cater for families, the ageing population, diverse households and key workers and increase the supply of affordable housing.

WLSPS aims to direct increased housing density to the "right location" and identifies 3 focus areas for new housing located within walkable distance of strategic and local centres. A substantial portion of the Chatswood CBD, including the subject land is identified as a focus for higher density housing. The Focus Area Map in the WLSPS is reproduced below in **Figure 23**, on the following page.

Figure 20 – WLSPS Focus Area Map



WLSPS establishes housing intensification principles to guide increased housing density in the right locations, as set out below.

- Near local centres, schools, open space and community facilities
- With walking distance of high quality and frequent public transport
- Free from the natural hazards of bushfire and flooding
- Highly walkable, with high amenity walking and cycling routes nearby
- Outside of heritage areas/Environmental Living (E4) areas and areas with a uniform and highly valued suburban character.

The subject land complies with all the above requirements for increased housing density and is located within the southern Chatswood CBD expansion area identified to accommodate increased housing density within a proposed B4 Mixed Use Zone.

Willoughby Community Strategic Plan 2010-2025

Willoughby's Community Strategic Plan 2010-2025 identifies Willoughby as *"the vital hub of the region, where residential, cultural, economic and environmental interests are respected and balanced, and our communities enjoy a diversity of lifestyles."* The Strategy sets out key strategic directions for the next 12 years which are based on the principles of sustainability and social justice.

Strategic directions relate to community and cultural life, natural environment, homes, infrastructure, economic activity and governance. Strategic directions of particular relevance to the Planning Proposal are directions relating to homes, infrastructure and economic activity.

In relation to homes, the goals are to meet the demand and government requirements for additional housing in a manner that protects local residential amenity and character and satisfies the needs of an ageing population. Emphasis is placed on affordability and housing choice to meet changing demographics and provide new housing in locations accessible to public transport and services.

The form of apartment development envisaged in the Planning Proposal has an emphasis on providing well designed high density living with a focus on affordability and meeting the needs of smaller households such as singles and couples and the retired, particularly those seeking to downsize. Provision of lifts and adaptable housing, adjacent to high frequency bus services is well suited to the needs of aging in place.

The proposed broad mix of apartment sizes will appeal to a broad range of apartment purchasers from investors and those seeking an affordable entry into the housing market to persons seeking a prestige large apartment located in the upper half of the building, offering expansive district views.

In recognition of the mixed-use zoning, commercial floor space is proposed on the ground floor and western portion of the first floor in a format suitable for commercial uses seeking a more affordable city edge location. There are currently no employment land uses on the site. The proposed 1,021m² commercial floor space is likely to provide space for up to 50 jobs. Such an outcome is consistent with the objective of protecting employment areas and providing opportunities for local employment.

The siting of the proposal within easy walking distance to the Chatswood Transport Interchange and retail and other services within the Chatswood CBD contributes to achieving the objective of reducing car dependency.

The proposal provides for affordable commercial floor space in a configuration that is ideally suited to small businesses seeking a location adjoining the Chatswood CBD Core and close to public transport. The proposal constitutes a significant investment in the local economy and the Chatswood centre, a key objective of Council's strategic direction relating to Economic Activity.

The Planning Proposal is consistent with the vision and strategic directions of the Willoughby City Strategy 2013-2029 and will assist in achieving the relevant objectives of the City Strategy.

Willoughby Draft Housing Strategy 2019

As noted in consideration of the strategic planning framework, Willoughby City Council has prepared and exhibited a Draft Housing Strategy, which aim to address the future housing needs of the Willoughby LGA, as outlined in the North District Plan (NDP).

The Draft Housing Strategy aims to ensure there will be sufficient housing supply and mix of housing to meet housing requirements as anticipated in the NDP.

Increased housing density is to be focussed in larger centres and locations within walkable distance of transport and other services. It is also proposed to increase the supply of affordable housing. The Strategy is designed to protect existing low-density housing areas, including the many heritage conservation areas from increased density to maintain the character of those areas and in the interests of housing choice and diversity.

The Draft Strategy proposed that additional housing would be located within identified local centres and on the edge of Chatswood CBD as part of mixed-use developments, as recommended in the Chatswood CBD Planning and Urban Design Strategy to 2036. New up-zonings are to include provision for affordable housing.

The Planning Proposal is consistent with the objectives of the Willoughby Draft Housing Strategy and the site is within the proposed mixed-use area located on the edge of the Chatswood CBD. Increased housing density on the subject land is therefore, consistent with Council's Draft Housing Strategy.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

The State Environmental Planning Policies (SEPPs) relevant to a consideration of the subject Planning Proposal are identified and addressed below.

SEPP	Consistency
<p>SEPP 55 – Remediation of Contaminated Land</p> <p>This SEPP aims to promote the remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.</p>	<p>The site is zoned residential and has a long history of residential use and is not identified as potentially contaminated. The site is suitable for the proposed high-density mixed-use development. A preliminary land contamination assessment, which confirms site suitability, is attached at Appendix G.</p>
<p>SEPP (BASIX) 2004</p> <p>Building Sustainability Index designed to encourage improved environmental performance and reduced energy consumption.</p>	<p>This SEPP will apply to future proposed dwellings/apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.</p>
<p>SEPP 65 – Design Quality of Residential Flat Development</p> <p>This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and</p>	<p>This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and full compliance with the primary design standards.</p>

SEPP	Consistency
the needs of a wide range of people.	<p>Adequate tower building separation is provided to adjoining and adjacent sites. All apartments will comply with minimum floor areas and other design criteria specified in the ADG.</p> <p>More than 75% of apartments achieve natural cross ventilation and at least 75% of apartments achieve 2 hours mid-winter solar access.</p> <p>A SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site. A SEPP 65 ADG assessment relating to design principles and criteria, relevant to the proposed building envelope is included in Appendix B.</p>
<p>SEPP (Exempt and Complying Codes) 2008</p> <p>This SEPP provides planning provisions relating to exempt and complying development.</p>	<p>The Planning Proposal does not contain any provisions that would vary or conflict with the application of the Codes SEPP 2008.</p>
<p>SEPP (Affordable Rental Housing) 2009</p> <p>This SEPP aims to facilitate the retention of existing affordable rental housing and the effective delivery of new affordable rental housing.</p>	<p>The Planning Proposal does not result in removal of any affordable housing and will provide at least 311m2 of affordable housing. The Planning Proposal is consistent with the Affordable Housing SEPP 2009.</p>
<p>SEPP (Infrastructure) 2007</p> <p>This SEPP aims to facilitate the effective delivery of infrastructure across the State.</p>	<p>The Planning Proposal provides additional housing and jobs close to services and infrastructure and includes monetary contributions towards the funding of additional infrastructure. The Planning Proposal is consistent with SEPP Infrastructure 2007.</p>

Regional Environmental Plans

No Regional Environmental Plans (REP's) are applicable to the site.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal has been assessed having regard for the Section 117 Directions [issued to Councils under s117(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act)], relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Not Applicable - The site is zoned residential. The proposed B4 Mixed Use Zone will increase the amount of employment land and employment opportunities, an outcome that supports the objectives of the Chatswood CBD Planning and Urban Design Strategy.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.	Not Applicable (The site and adjoining lands are not identified as environmentally sensitive).
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not Applicable (The site and adjoining lands are not identified as containing any items, areas, objects or places of environmental heritage or indigenous heritage significance). There are no heritage items nearby or within 100m of the site.
2.4 Recreation Vehicle Areas	Not Applicable
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones The objectives of Direction 3.1 are: To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services.	YES – The site is located within an R3 Medium Density Residential Zone. The proposed rezoning to B4 Mixed Use will maintain high density housing opportunities for the site, in the form of shop top housing apartments. The increased residential density provides a mix of apartment sizes that will provide for existing and future housing needs and increased housing

DIRECTION	CONSISTENCY Yes/No or Not Applicable
To minimise the impact of residential development on the environment and resource lands.	choice. The Planning Proposal makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	YES – home occupations will continue to be permissible development on the site under the proposed B4 Zone.
3.4 Integrating Land Use & Transport The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of a city centre offering employment and services, including high frequency public transport services and excellent access to jobs and services in the Chatswood CBD and by way of high frequency public transport, to other major employment centres such as the Sydney CBD and North Sydney CBD and other nearby employment centres such as Macquarie Park, St Leonards and the Artarmon Industrial Area.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4 HAZARD AND RISK	
4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies The objective of this Direction is to ensure that draft LEPs are consistent with the nominated regional strategies.	YES
5.2 Sydney Drinking Water Catchment	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable

DIRECTION	CONSISTENCY Yes/No or Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
6.2 Reserving Land for Public Purposes	Not Applicable (no land is proposed to be reserved for public purposes)
6.3 Site Specific Provisions The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.	YES – the proposal seeks to reduce the level of restriction of height and FSR controls. Indeed, the opposite is the case, with increased development density proposed, primarily on the basis of providing public benefits and consistency with Council's planning strategy for the Chatswood CBD. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative plans of a potential future mixed-use podium and tower building are included in order to objectively assess the implications of allowing increased building height and FSR.
7. METROPOLITAN PLANNING	
7.1 Implementation of the Metropolitan Plan – A Plan for Growing Sydney 2014 The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan – A Plan for Growing Sydney 2014	YES – the proposal is consistent with the implementation of the Metropolitan Plan – A Plan for Growing Sydney 2014 as detailed in Section 4.2 of this Planning Proposal Report.

Department of Planning's Criteria for Spot Rezoning

This planning proposal has been assessed having regard for the Department of Planning's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP. This LEP Amendment request is assessed against these criteria in the following table.

Criteria	Consistency
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will facilitate permanent employment generating activity by providing ground floor level floor space for future commercial/retail activities. The proposal will increase employment potential on the site and will not result in a loss of employment lands, as the site is currently not zoned for employment purposes and the proposed B4 Zone will allow for employment activities on the site.
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the North District Plan. The subject land is located within 800m of an important metropolitan regional city centre and public transport interchange (Chatswood) and is located adjacent to the Pacific Highway transport corridor. The proposal will not adversely impact on Chatswood City Centre or the Pacific Highway corridor.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	The Planning Proposal will support the objectives of the Sydney Metropolitan Strategy – A Plan for Growing Sydney 2014 and the North District Plan, with respect to the relevant objectives in those strategies. It is also consistent with the relevant s117 directions as noted above.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy?	No, the site is located close to the Chatswood CBD which is identified as a Strategic Centre and is in a location that is within convenient walking distance to a transport hub/interchange in the Chatswood CBD. The site is located adjacent to the Pacific Highway Transport Corridor but does not require direct access onto this Highway.
Will the LEP deal with a deferred matter in an existing LEP?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The cumulative effects of increased building heights and densities in the locality have been considered in the Chatswood CBD Urban Design and Planning Strategy. Increased employment opportunities are planned for Chatswood and major enhancements to public transport to and from Chatswood are being implemented over the next 10 years to cope with increased residential densities. The Council is also proposing to improve local infrastructure, public open and community facilities, by utilising additional developer levies arising from higher density development.
Is the LEP likely to create a precedent, or create or change in the expectations	No. The subject land is located within an area identified in the Chatswood CBD Planning and Urban Design Strategy for increased development density

Criteria	Consistency
of the landowner or other landowners?	and building height. Accordingly, the proposal does not create a precedent for increased development density and building height in locations not identified in the Strategy for such development.
Will the LEP be compatible / complementary with surrounding land uses?	Yes. As detailed in the Planning Proposal Report, the site is located within a medium density residential zone, which has been identified for increased development density and building height. The proposed tower envelope has been designed to maintain reasonable neighbour residential amenity (privacy, outlook and solar access), pending redevelopment of those sites in accordance with the proposed planning controls.

4.3 Section C – Traffic, Transport, Environmental, Urban Design, Economic and Social Impact

4.3.1 Traffic and Transport Considerations

The Planning Proposal is accompanied by a Traffic Transport and Parking Report prepared by Varga Traffic planning addressing local traffic, public transport, cycling and pedestrian movement and car parking demand. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading. A copy of this report is attached at **Appendix C**. The recent ARUP Chatswood CBD Traffic Study also confirms that traffic arising from planned increased development densities can be satisfactorily accommodated within the existing road network.

The proposal will result in an increase in peak hour traffic compared to the existing 15 apartments on the site. The traffic assessment indicates a net increase of 27.9 vehicles per hour (vph) in the morning peak hour and 19.7vph in the afternoon peak hour and concludes that such increase is minimal and within the capacity of the existing road network, including the intersection of Gordon Avenue and the Pacific Highway.

No road improvements are required because of the proposal and the projected additional traffic flows will not have any adverse effects on the operational performance of the Pacific Highway and Gordon Avenue.

The traffic consultant confirms that vehicular access off Hammond Lane, as proposed, is appropriate and suitably designed required car parking, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards and SEPP 65 can be provided in basement parking levels. A 1500mm wide footpath will be provided on the eastern side of Hammond Lane. Currently there is no separate footpath in Hammond Lane, with the road pavement shared by both vehicles and pedestrians.

The traffic assessment indicates that Council's DCP would require a total of 145 off-street car parking spaces and notes that as the site is within 800m of a railway station in the Sydney metropolitan area, SEPP 65 allows reduced residential parking provision, in accordance with the RMS *Guidelines*. The RMS *Guidelines* would require a total of 129 car spaces. If the draft Council and TfNSW parking rates applied to the site, the development will require 98 off street parking spaces. The proposed basement car parking levels can accommodate at least 130 car spaces.

Whilst the number of parking spaces to be provided as part of the planning proposal is not yet confirmed, it is clear that the above parking requirements can be satisfied within the basement parking area proposed on the subject site.

The Planning Proposal includes provision for potential future vehicular access through the uppermost basement level to the northwest corner of the neighbouring property to the east at 1-3 Gordon Avenue. In the event 1-3 Gordon Avenue is redeveloped in accordance with the Chatswood CBD Strategy, it will be possible for that site to obtain vehicular access off Hammond Lane, rather than Gordon Avenue.

4.3.2 Environmental Considerations

4.3.2(a) 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 site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats. Therefore, the proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities or habitats. There are no trees on, or adjoining the site, and no vegetation will require removal.

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

Site Suitability

The Chatswood CBD Urban Design and Planning Strategy has identified the site as being suitable for high-rise mixed-use development. The subject land is free of development hazards such as bush fire, acid sulphate soils, land slip, mine subsidence and land contamination and the like. T

There is minor overland flooding risk from the Pacific highway, west of the site. Floor levels will be raised at least 500mm above the flood level (see the Desktop Flood Study attached at **Appendix F**).

Acoustic Environment/Impacts

Future residential development on the site may be impacted to some extent by noise impacts from trains on the nearby North Shore Railway Line and to a lesser extent by noise from heavy vehicles from the Pacific Highway, to the east of the site. The NSW Planning *Development Near Rail Corridors and Busy Roads* applies to the site.

The Planning Proposal is accompanied by a preliminary acoustic assessment prepared by Resonate that identifies the existing acoustic environment and includes recommendations to minimise noise intrusion. These recommendations include the following:

- *Glazing should achieve a targeted internal design level (35 dB(A)) in bedrooms and living areas.*
- *Design to incorporate noise attenuation measures such as standard float or proprietary laminated glazing systems, winter gardens and double glazed systems.*
- *Use of alternative means of fresh air ventilation (e.g. air conditioning) for residential spaces on noise-affected facades (windows may need to remain closed to ensure internal design sound levels can be met).*
- *Suitable design of mechanical services such as selecting the quietest plant, judicious location and orientation, use larger slower speed fans, provide barriers, internal lined ducts and bends, external duct and equipment wrapping, silencers.*

Suitable noise attenuation measures will need to be incorporated into the design and construction of the future building. Resonate recommend that acoustical modelling be undertaken at the detailed design stage.

Resonate notes that the site is located in excess of 30m from the North Shore Railway Line and would unlikely be subject to material rail-induced ground borne noise and vibration. Nevertheless, Resonate recommends prior to the preparation of detailed design plans, a vibration survey be conducted on site to confirm whether further consideration of rail induced vibration is required.

Development of the site at the higher density proposed, will not result in any material adverse noise impact on neighbouring residential development. The site is separated from the neighbouring residential flat buildings to the west and south by public roads (Hammond Lane and Gordon Avenue) and adjoins a residential flat building immediately to the east, at 1-3 Gordon Avenue, which contains 3 levels of apartments above a basement car park. The proposed podium provides a solid masonry wall, setback behind a 3m wide strip at the interface to No. 1-3 Gordon Avenue. Privacy/noise attenuation screens can be provided on the eastern side of the common open space area located on top of the podium.

There is potential for mechanical services to generate noise that may impact on residential amenity. The preliminary acoustic assessment recommends that mechanical plant be of a type that generates low noise and be located and orientated in a judicious manner. Other measures include using larger fans at lower speed, variable speed drives

and use of barriers, internally lined ducts and bends, external duct and equipment wrapping and use of silencers.

A copy of the preliminary acoustic assessment report prepared by Resonate Acoustics is attached at **Appendix D**.

Shadow Impacts

Shadow diagrams have been prepared by WMK, illustrating the shadow impact of the proposed building envelope and alternative building envelopes. These shadow diagrams also include shadows cast by existing buildings and are included at **Appendix B**. The shadow diagrams illustrate that the proposed tall slim tower option results in less shadow impact compared with a lower tower form with larger tower floor plates.

There will be an increase in mid-winter shadows cast over existing residential apartment buildings located on the southern side of Gordon Avenue. The north facing apartments to the south will however, continue to receive at least 2 hours mid-winter solar access between the hours 9am to 3pm, as the narrow shadow line moves across individual windows and balconies in the northern elevations of those buildings, generally within half an hour.

There will be a minor increase in mid-winter shadows cast in the morning to eastern elevation of the existing apartment building to the west of the site, in mid-winter up to 9.30am. East facing living room windows and balconies in this building will continue to receive at least 2 hours mid-winter solar access between 9am and 3pm.

There will be a minor increase in mid-winter shadows cast in the afternoon to western elevation of the existing apartment building to the east of the site, in mid-winter after 2.30pm. West facing living room windows and balconies in this building will continue to receive at least 2 hours mid-winter solar access between 9am and 3pm.

Privacy Impacts

Development of the site at the higher density proposed, will not result in adverse privacy impacts on neighbouring residential development. Non-residential land uses are located to the north of the site and the site is separated from neighbouring residential development to the west and south by Hammond Lane and Gordon Avenue.

The ADG prescribes a minimum separation distance of 12m for the first 4-storeys (that is up to a height of 12m) between habitable rooms/balconies of on the subject land and habitable rooms/balconies of neighbouring apartment buildings.

Separation distance increases to 18m for the 5th to 8th storeys and 24m above the 8th storey. Typically, ADG separation distances are split 50/50 between adjoining development sites.

The proposed building envelope provides significant building separation distance of more than 24 metres to apartment buildings to the south of the site, to ensure

adequate privacy for residents of those buildings. A complying building separation distance is also provided to the apartment building to the west of the site, on the western side of Hammond Lane, at 641-653 Pacific Highway.

The proposed 2 podium floor levels achieve a separation distance of at least 12m and the 3rd and 4th storeys of the proposed building envelope achieve at least 16m. A 1500mm privacy screen/planter box can be provided along the western side of the common open space area on the podium. Any future tower on the site to the west would have to provide a setback of at least 12m to the centreline of Hammond Lane (as is provided for in the Planning Proposal site), resulting in a future separation distance of at least 24m above the 4th storey level.

The adjoining 3 storey residential flat building immediately to the east, at 1-3 Gordon Avenue, provides a side setback of between 5m and 6m. However, no privacy impacts are created as the eastern wall of the podium is a solid masonry wall with no windows or balconies. A 1500mm high privacy screen/planter box can be provided on the eastern side of the common open space area located on top of the podium. The 3rd and 4th storeys of the proposed building envelope provide a complying building separation to the east of at least 14m, well in excess of the minimum 12m required.

In the event 1-3 Gordon Avenue is redeveloped to provide a high rise residential tower on the site, such a tower development would be required to provide a western tower side setback of at least 9m, increasing to 12m where there are unscreened balconies or living room/bedroom windows facing west.

The tower building envelope for the Planning Proposal provides a 9m minimum side setback to the shared common side boundary with No. 1-3 Gordon Avenue, resulting in a future tower building separation of between 18m and 21m. The proposed future tower at 5-9 Gordon Avenue can include privacy screens on the eastern sides of balconies and utilise high sill windows in the eastern elevation of any living rooms or bedrooms. A building separation distance of at least 18m, in combination with such privacy protection measures ensures adequate privacy between apartments, in the context of a high-density urban environment.

Overall, an adequate level of residential privacy is maintained commensurate with expectations of residential living in a high-density urban environment.

View and Visual Impact

The proposed increase in density and building height does not adversely impact on any existing significant views or outlook from existing development to the west, east and north of the site.

There will be some reduction in existing Chatswood CBD skyline views from the north facing windows and balconies of the 2 existing apartment buildings located to the south and southeast of the site on the southern side of Gordon Avenue. A view impact analysis with respect to these properties is included at **Appendix B**.

The relatively narrow width of the proposed tower allows for view corridors to be maintained towards the Chatswood CBD on the eastern on western sides of the tower. The tower itself and future towers along Gordon Avenue will become part of the CBD skyline.

Visual and view impacts arising from the increase in building height and density, within the building envelopes proposed, are acceptable in the context of view impacts associated with a new having regard to proposed future planning controls for the locality, which envisage tall residential towers constructed above 2 storey podiums. In this context, reasonable view sharing is maintained.

Wind Impact

Tall tower buildings have potential to create adverse wind impacts at ground level. The Planning Proposal is accompanied by a preliminary wind impact assessment, a copy of which is attached at **Appendix E**. This preliminary assessment prepared by Cermak Peterka Petersen (CPP) draws the following conclusions:

- *Being larger than the surrounding structures, the proposed development will have some impact on the local wind environment, though any changes are not expected to be significant from the perspective of pedestrian comfort r safety.*
- *Wind conditions around the development are expected to be classified as suitable for pedestrian standing or walking activities from a Lawson comfort perspective and pass the distress criterion.*
- *Wind-tunnel testing during the detailed design stage is needed to confirm qualitative assessment provided herein, and quantify the wind conditions in and around the development.*

The preliminary wind impact assessment includes options for mitigating wind impact, such as the use of awnings that extend further out from the building façade, use of vertical slightly porous screens, sealing the lift lobby and use of sliding or revolving doors at development entries.

A detailed wind impact assessment would be prepared, as part of the preparation of architectural plans for a future tower building, to be constructed within the proposed building envelope.

Local Overland Flooding Impact

The subject land is subject to minor local flooding, being located within an overland flow path with flooding depths of up to 0.2m. A desktop study prepared by SGC Engineers providing, an analysis of overland flows that could potentially affect the proposed development site is attached at **Appendix F**. This study indicates that the site is more likely to be classified as being in the medium/low risk category and the development is appropriate in this case.

The desktop study recommends that prior to DA submission., further flood modelling is required to determine the 100yr flood level and associated flood planning levels for habitable areas within the building.

SGC Engineers advise that proposed building floor levels will be set 500mm above the 100yr flood level and the crest to the basement will be 300mm above the 100-yr flood level, as per Willoughby DCP Attachment 27 – 10.5 & 10.6.

Heritage Impact

The subject land is not located within or near a heritage conservation area and there are no heritage items on or near the site. The nearest heritage items are located more than 100m from the site. The proposal would have minimal impact on any heritage items in the locality. There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

4.3.4 Urban Design Considerations

The Planning Proposal is accompanied by an Urban Design Report prepared by WMK addressing urban design issues such as the existing and future site and development context, development yield, building mass and floor plates, height and FSR, building setbacks, streetscape views, shadow and view impacts, sustainability, landscape concepts and design excellence process.

The Urban Design Report includes a building envelope for a potential future high rise mixed-use building on the adjoining 1,119m² site to the east, located at 1-3 Gordon Avenue. The building envelope plan for 1-3 Gordon Avenue, demonstrates how this site can be separately redeveloped to an FSR of up to 6:1 in accordance with the Chatswood CBD Strategy development controls and SEPP 65 ADG design guidelines.

The urban design analysis also includes an assessment of the preferred building envelope against the design principles and criteria of SEPP 65 and the associated Apartment Design Guide (ADG) and development yield, as well as comprehensive Draft DCP provisions setting parameters for the proposed building envelope. A copy of WMK's report is attached at **Appendix B**. The urban design analysis includes exploration of 3 potential building envelopes options, as illustrated in **Figure 21** below,

Figure 21 – Assessed Potential Building Envelope Options



Option 1 is a scheme with compliant setbacks, but which has a podium that provides zero side setbacks, as permitted by the proposed planning controls and maximises the tower floor plate size. Above the 4th storey of the building, tower floor plate size is less than the 700m² maximum GFA permitted in the proposed planning controls. Option 1 provides a 13 storey tower above a 2 storey podium for an overall building height of approximately 47m.

Option 2 seeks to take advantage of the allowable maximum 90m building height by increasing the height of the tower to 29 storeys, above a 2 storey podium. Compared to Option 1, Option 2 achieves a building form more in keeping with the CBD Strategy, which advocates development of tall slim towers. However, achieving a building height of 28 storeys requires a significantly reduced tower floor plate size (GFA 302m²). This floor plate size is some 25% less than the minimum 400m² GFA recommended in the CBD Strategy.

Option 3 is the preferred building envelope and also provides for a slim tall building form, but with a more viable floorplate size of approximately 400m² GFA. Option 3 includes common open space and communal facilities as a separate floor level, above the podium and proposes a lower tower height of 28 storeys compared to 29 storeys for Option 2. Lower tower height facilitates provision of a 6m high floor level (Level 2 of the building) comprising common open space and communal facilities and a roof plant level and an architectural roof feature, below the 90m height limit.

Figure 22 below, is an extract from the Urban Design Report showing 3D view of the Option 3 building envelope within the future high-rise context.

Figure 22 – Preferred building envelope within the future context



4.3.5 Economic Considerations

The proposed increase in development density aligns with the recommendations of the Chatswood CBD Planning and Urban Design Strategy and is consistent with an important objective of the *Environmental Planning and Assessment Act*, which is to promote the orderly and efficient development of land.

Businesses occupying the proposed commercial/retail floor space will provide ongoing employment, whereas no such employment opportunities are available under the current residential use of the land. The proposal will also result in creation of more than 100 construction related jobs during the construction phase and over the life of the development create employment opportunities relating to building services and maintenance.

Increased population on a site, close to the Chatswood CBD, will increase use of existing public transport and increase spending within the CBD, contributing positively to the economic performance and viability of existing and future businesses in the CBD.

4.3.6 Social Considerations

The proposal will not result in any adverse social impacts. The provision of additional apartment living opportunities, as envisaged in Council's Housing Strategy and the Chatswood CBD Planning and Urban Design Strategy will contribute positively towards the social fabric of the local community and viability of local services such as retailing and public transport.

The provision of additional apartments within convenient 650m² walking distance of Chatswood Railway Station, bus interchange and Chatswood City Centre shops and services is considered to have a positive social impact in the locality.

Increasing housing supply in such locations contributes positively to housing affordability and encourages “downsizing” where by low occupancy single dwellings occupied by older residents can be made available for purchase by families, as older residents are able to move into more suitable accommodation, without their local area.

Increased residential population will increase demand for a range of public services and facilities, such as schools, childcare, health services, community services, recreational facilities and open space. Additional developer contributions and future rating income will assist in funding augmentation of local services. Stamp duty from property sales will assist in funding State Government social infrastructure.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

Site Services (Water, Sewer and Drainage)

The site is located within an existing developed area that is well catered for in terms of service infrastructure. We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges and headworks payments.

Education and Health Services

The locality within which the proposed development is located has convenient access to education and health facilities. A high school and primary school are within walking distance of the site, to the north on the western side of the Pacific Highway. Private hospital services are available in the nearby Chatswood CBD and a major public and private hospital is located less than 3kms to the south at Royal North Shore Hospital.

Roads, Traffic and Transport

Traffic generation has been considered in Section 4.3.1. The proposed increase in density will result in a modest and acceptable level of traffic generation on the local road network and on the Pacific Highway and associated intersections. The proposal does not require vehicular access from the Pacific Highway or Gordon Avenue, and will provide adequate on-site parking to meet parking demand.

The site adjoins existing high frequency bus services, via existing nearby bus stops on the Pacific Highway. The site is within convenient walking distance of Chatswood Railway Station and bus interchange. Additional rail services to and from Chatswood Station will soon be available with the completion of the northwest rail link with further service augmentation occurring in the future when the planned metro rail link is completed to the Sydney CBD and Bankstown.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway Determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

4.5 Community Consultation

The proponent has undertaken consultation with Willoughby City Council, as part of the preparation of the Planning Proposal. Council has also undertaken an extensive community consultation process as part of the preparation and subsequent adoption of the Chatswood CBD Planning and Urban Design Strategy. This Strategy recommended bonus building height and FSR provisions for land within and near the Chatswood CBD, including the subject land and received broad community support for its objectives of focusing increased development density in and near the Chatswood CBD so that existing low-density suburbs could be maintained substantially intact.

Under the Gateway process the level of community consultation is tailored for each planning proposal by the initial Gateway determination.

The proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site as an existing medium density residential area, which is planned to be developed for high density housing.

5. CONCLUSION

This Planning Proposal seeks amendment of Willoughby LEP 2012 to rezone the subject land at 5-9 Gordon Avenue, Chatswood to B4 Mixed Use and introduce a new sub-clause allowing for bonus building height and floor space, subject to provision of public benefits, such as affordable housing, provision of a footpath adjoining Hammond Lane and a share of value capture, as envisaged for the site and locality in Council's Chatswood CBD Planning and Urban Design Strategy.

The requested subclause would allow for a maximum building height of up to 90m and a maximum floor space ratio of up to 6:1 (including affordable housing). Utilisation of bonus floor space is subject to inclusion of the site as an affordable housing site in the Willoughby LEP and a Voluntary Planning Agreement, which include payment of a developer levy (additional to Council's standard section 7.12 charges) that is consistent with Council's *Community Infrastructure Contribution Schedule Policy*.

This Planning Proposal Report has demonstrated that the subject land is capable of successfully accommodating a podium and tower building envelope extending to a height of up to 90m, with an FSR of up to 6:1. The proposed building envelope provides for a tall slim tower form and is consistent with the development objectives and controls recommended in the Chatswood CBD Strategy.

The proposed building envelope provides appropriate setbacks and building separation, generally in accordance with the expectations of the Chatswood CBD Strategy and the SEPP 65 ADG.

The concept plans demonstrate that the future built form can provide a high level of amenity for future occupants, that is not only compatible with the desired future character of the area, but also maintains satisfactory amenity for existing residents in the locality.

Proposed building form and setbacks, including the provision of potential for vehicular access through the site from Hammond Lane to 1-3 Gordon Avenue, ensures this adjoining property can also be suitably redeveloped in accordance with the planning controls recommended in the Chatswood CBD Strategy.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located within walking distance of the Chatswood City Centre and transport interchange. The site is within a locality that has been identified by Council as being appropriate for high-rise mixed-use development and is proposed to be developed in a manner that is generally consistent with the development controls proposed in the endorsed Chatswood CBD Planning and Urban Design Strategy. The Planning Proposal is not affected by any of the conditions imposed by DPI&E in its recent conditional endorsement of the Chatswood CBD Strategy.

The Planning Proposal addresses the potential for future redevelopment of the adjoining property to the east, in accordance with the increased development potential made possible by the Chatswood CBD Strategy. The Planning Proposal demonstrates that this adjoining site can be suitably developed and includes potential for a future basement vehicular connection to this site from the subject land at 5-9 Gordon Avenue.

It is recommended that the Planning Proposal proceed through the Gateway determination process and be placed on public exhibition.