



**Planning,
Industry &
Environment**

58 Anderson Street, Chatswood – Gateway Determination Report

Greater Sydney, Place and Infrastructure

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Glossary

Abbreviation	Reference
ADG	Apartment Design Guide
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
DP	Deposited Plan
FSR	Floor Space Ratio
GFA	Gross Floor Area
HCA	Heritage Conservation Area
HOB	Height of Buildings
LEP	Local Environmental Plan
LHS	Local Housing Strategy
LSPS	Local Strategic Planning Statement
PPA	Planning Proposal Authority
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SNPP/Panel	Sydney North Planning Panel
SREP	Sydney Regional Environmental Plan
TfNSW	Transport for NSW
WLPP	Willoughby Local Planning Panel
VPA	Voluntary Planning Agreement

Summary

Local Government Area	Willoughby
Planning Proposal Authority	Willoughby City Council
Dwellings and Jobs	15 dwellings, 5-10 jobs
LEP to be Amended	Willoughby Local Environmental Plan 2012
Address	58 Anderson Street, Chatswood
Lot and DP	Lot 20 DP 1107551
Date Received	5 November 2020
File Number	IRF20/5870
Political Donations	There are no donations or gifts to disclose and a political donation disclosure is not required.
Lobbyist Code of Conduct	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. Introduction

1.1 Description of planning proposal

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

- rezoning the site from R2 Low Density Residential to B4 Mixed Use;
- increasing the maximum height of buildings (HOB) from 8.5m to 53m; and
- increasing the maximum floor space ratio (FSR) from 0.4:1 to 4:1 (including a 1:1 minimum commercial FSR).

A concept design has been provided with the planning proposal depicting a mixed-use development comprising of a three-storey podium with commercial/retail and residential uses and an 11-storey residential tower above including communal open space and lift overrun (**Figures 14-17** and **Attachment A1**).

The concept development could deliver approximately:

- 15 total dwellings including 4% as affordable housing; and
- 565m² of commercial/retail floor space supporting 5-10 jobs.

1.2 Site description

The site is located at 58 Anderson Street, Chatswood and is an isolated triangular shape with a total area of 565m². It comprises of one lot with a primary frontage of 55m to Anderson Street to the east and secondary frontage of 22m to Wilson Street to the south. To the west the site adjoins the railway corridor for the T1 North Shore and Western line, T9 Northern Line and the Sydney Metro North West (**Figure 1 and Attachment B**).

The site is currently occupied by a detached two-storey residential dwelling with an inground pool and shed (**Figures 2-4**) and vehicular access from Wilson Street.

The site does not contain any heritage items, significant trees and is not within a heritage conservation area (HCA). The North Chatswood HCA is located to the east, across Anderson Street.



Figure 1: Site map (source: Nearmap).



Figure 2: Existing site from Wilson Street looking north-east (source: Google Maps).

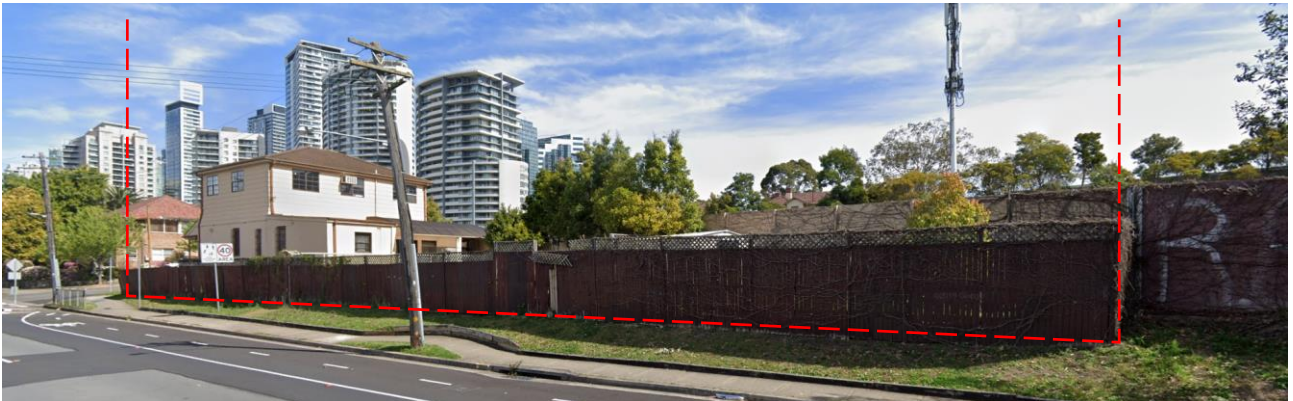


Figure 3: Existing site from Anderson Street looking south-west (source: Google Maps).



Figure 4: Expanded Chatswood CBD with the site located in the north- east (source: Nearmap, overlay by DPIE).

1.3 Surrounding area

The site is located within the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (Chatswood CBD Strategy (**Attachment H4**)) (**Figure 4 and Attachment C**). Chatswood train station is approximately 600m to the south of the site and the Pacific Highway is approximately 170m to the west. Bus stops are located along Anderson Street and on the Pacific Highway, 170m to the west of the site. Anderson Street provides access from north Chatswood to the Chatswood CBD centre.

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

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

To the north of the site is the railway corridor and Anderson Street with generally low density residential beyond characterised by detached federation style dwellings within the North Chatswood HCA.

To the east and north of the site across Anderson Street is land zoned R2 Low Density Residential which permits a maximum HOB of 8m (equivalent to two storeys) and an FSR of 0.4:1. This area also falls within the North Chatswood HCA.

To the south of the site, across Wilson Street is a two-storey residential dwelling with three storey flat buildings. The land is currently zoned R3 Medium Density Residential and permits a maximum HOB of 12m and a maximum FSR of 0.9. Wilson Street provides vehicle and pedestrian access over the railway corridor via a narrow bridge.

The land at 54-56 Anderson Street, Chatswood contains a three-storey residential flat building and a two-storey residential flat building. This land is the subject of a separate planning proposal currently with Council for assessment and seeks to rezone the site from R3 Medium Density Residential to B4 Mixed Use, increase the HOB to 90m (28 storeys) and increase the FSR from 0.9:1 to 6:1 with a minimum non-residential floor space of 0.925:1.

To the west of the site is the railway corridor zoned SP2 (Railway). Beyond, bordered by the Pacific Highway is a B5 Business Development zone with low scale commercial premises and a petrol station. South-west is an R4 High Density Residential zone containing two to four storey residential flat buildings of varying styles and ages.

The B5 Business Development zone permits a maximum HOB of 21m and a maximum FSR of 2.5:1. The R4 High Density Residential zone permits a maximum HOB of 24m and a maximum FSR of 1.5:1.

There is a minimum lot size required under the Willoughby LEP 2012 of 550m² for the site.

1.4 Current planning controls

Under the Willoughby LEP 2012 the site is subject to the following planning provisions:

- R2 Low Density Residential zone (**Figure 5**);
- maximum HOB of 8.5m (**Figure 6**);
- maximum FSR of 0.4:1 (**Figure 7**); and
- minimum lot size of 550m² (**Figure 8**).

The current LEP maps are also provided in **Attachment C**.

The site is adjacent to the North Chatswood HCA and several individual local heritage items (**Figure 9**). The planning proposal did not contain the relevant existing heritage map. The planning proposal will require updating to include the existing heritage map for clarity.

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

Table 1: Comparison between current and proposed planning provisions.

Control	Current	Proposed	Chatswood CBD Strategy
Zone	R2 Low Density Residential	B4 Mixed Use	B4 Mixed Use
Height	8.5m	53m	53m
FSR	0.4:1	4:1 (1:1 commercial)	4:1 (1:1 minimum commercial)
Affordable housing	N/A	4%, included in FSR calculation	4%, included in FSR calculation

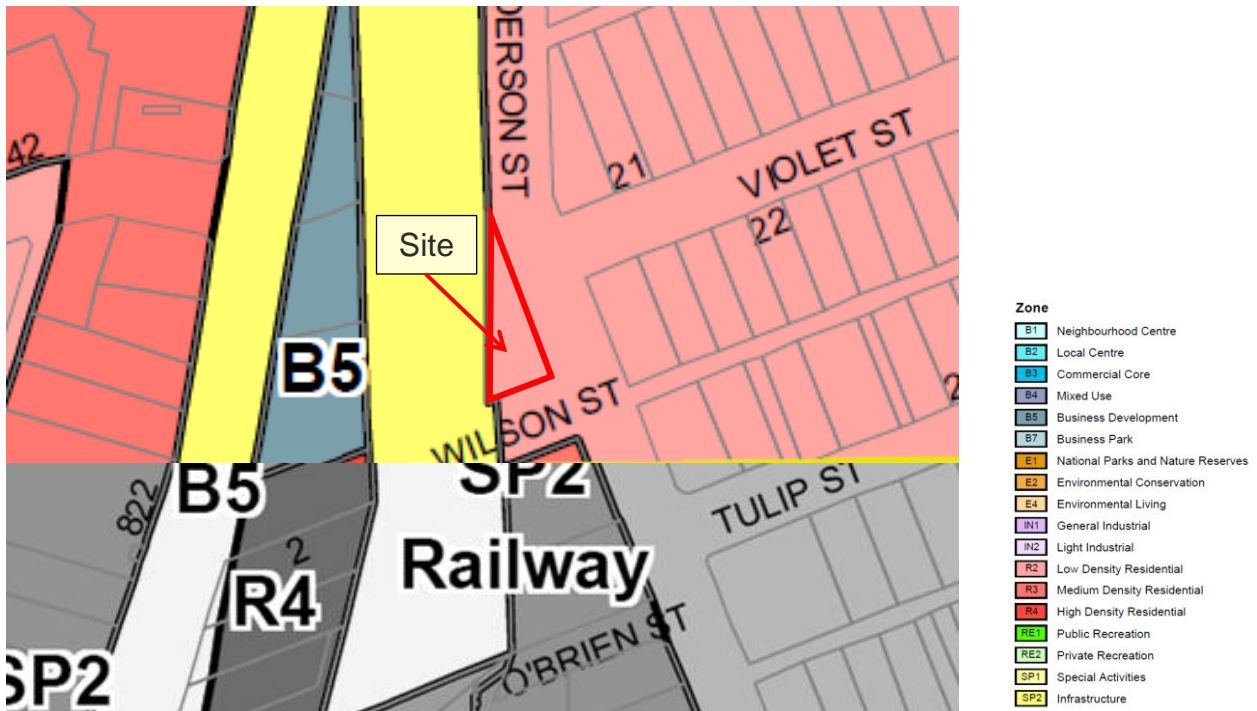


Figure 5: Willoughby LEP 2012 Land zoning maps 003 and 004 (source: DPIE).

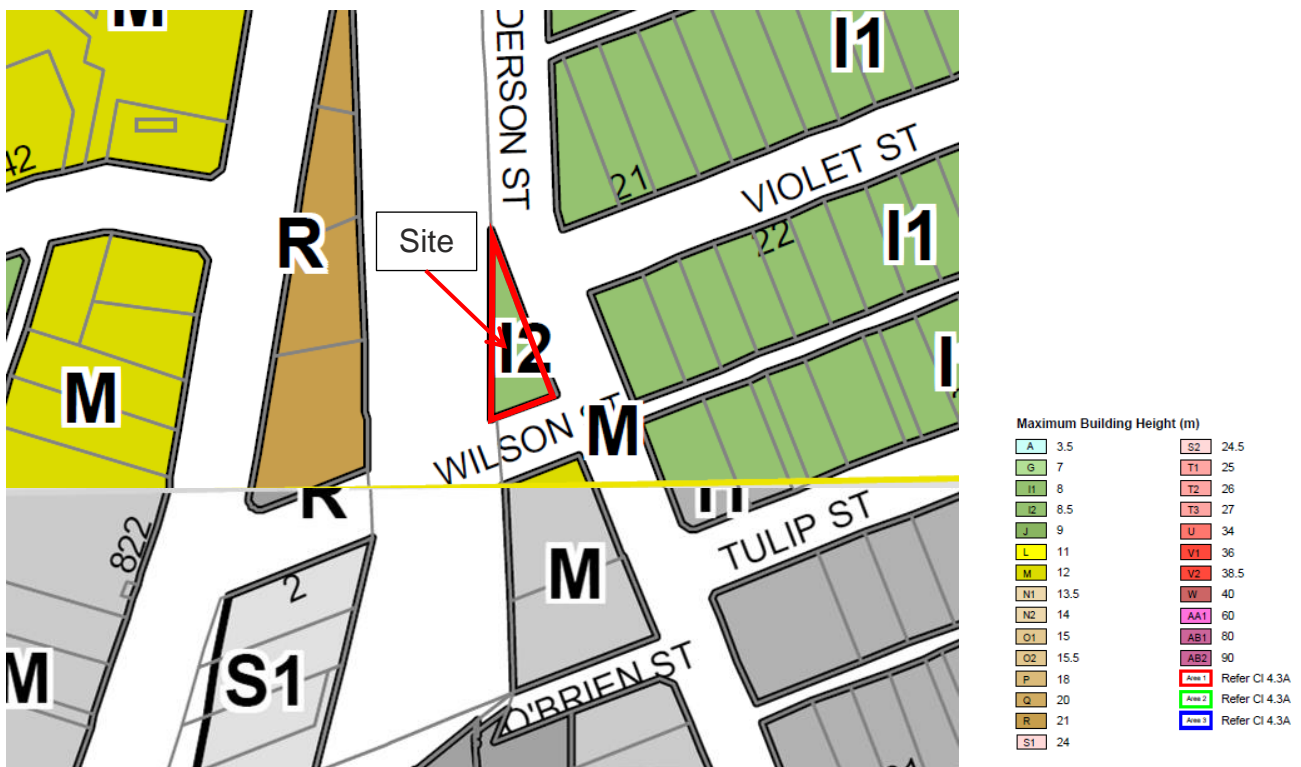


Figure 6: Willoughby LEP 2012 Maximum building height maps 003 and 004 (source: DPIE).

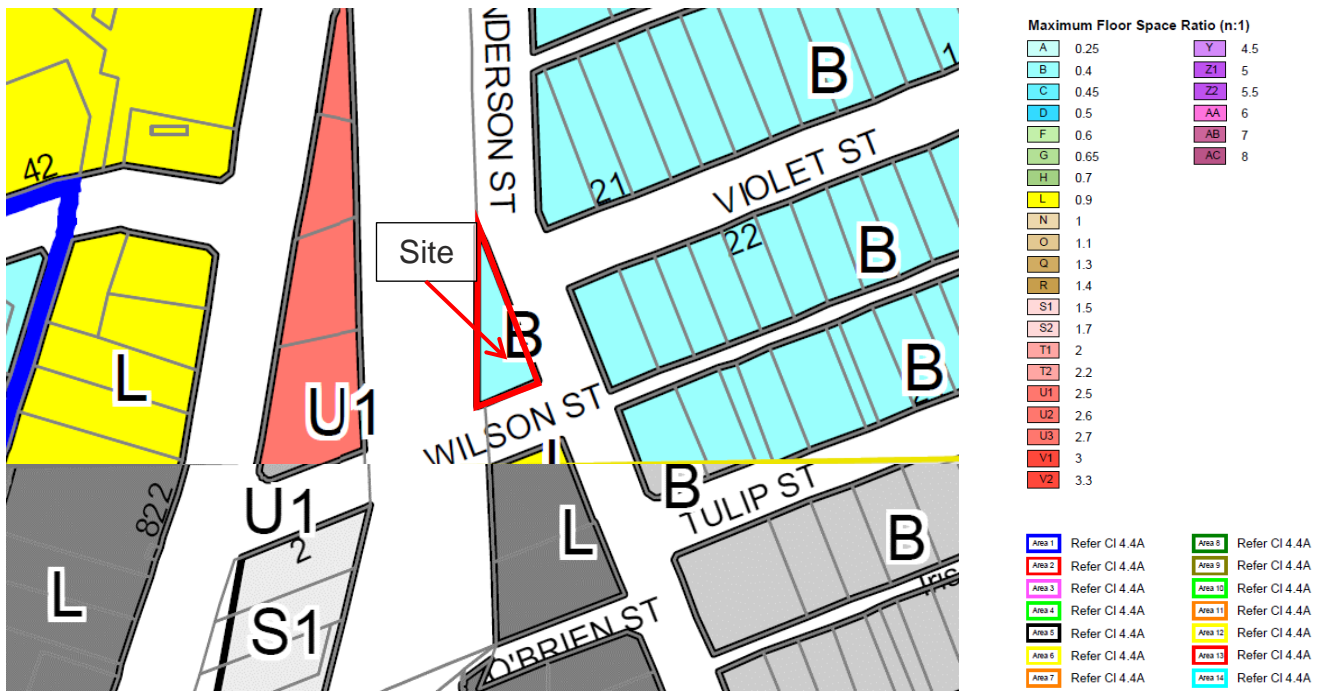


Figure 7: Willoughby LEP 2012 Maximum FSR maps 003 and 004 (source: DPIE).

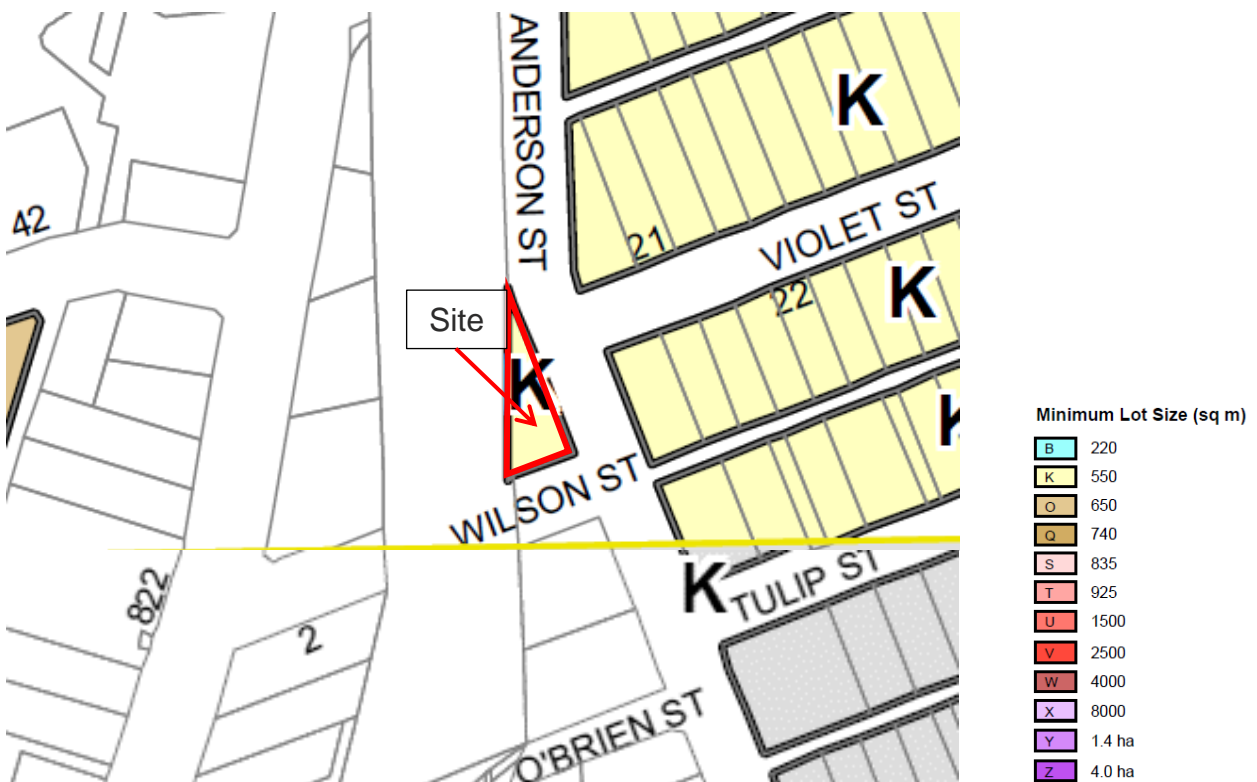


Figure 8: Willoughby LEP 2012 Lot size maps 003 and 004 (source: DPIE).



Figure 9: Willoughby LEP 2012 Heritage maps 003 and 004 (source: DPIE).

1.5 Summary of recommendation

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

- it is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location;
- it is consistent with most of the key elements of the now endorsed Chatswood CBD Strategy;
- the introduction a mixed-use development helps to service the daytime and night-time economies of the retail precinct and further activates the perimeter of the CBD core area;
- the proposal will not have any impact on potential overshadowing to Chatswood Mall/Victoria Avenue;
- the proposal will provide 15 dwellings and additional affordable housing within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan.

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

- the proposed maximum building height is consistent with the desired future maximum building heights and provides a transition from the Chatswood CBD to the low-density residential area to the north and east;
- it is considered that the proposal is capable of adequate building separation and solar access outcomes to existing and proposed future development;
- the proposal will enable the delivery of additional affordable housing and jobs growth in the Chatswood CBD; and

- the proposal will deliver a mix of uses on the site within 600m walking distance of the Chatswood transport interchange and CBD core.

2. Background

The planning proposal was prepared for Rayhoda Pty Ltd, who have an interest in the subject site on behalf of the owners.

The site is located within the Chatswood CBD and on the northern boundary of the extended northern area of the Chatswood CBD (**Figure 4**).

On 12 November 2018, Council noted in their detailed assessment presented at the Ordinary Meeting (**Attachment F – F2**) that the site is approximately 565m² well below the minimum site area of 1200m² as outlined in the Chatswood CBD Strategy (**Attachment H4**) for mixed developments.

The Chatswood CBD Strategy aims to provide a framework to guide future private and public development and growth for the CBD over the next 20 years. This strategy will enable exceptional design to provide a distinct, strong and vibrant centre and will inform changes to the Willoughby LEP and development control plan (DCP).

The proponent investigated a variety of massing and height options to achieve the recommendations of the Chatswood CBD Strategy. Council considered that the slender tower development would make a positive contribution to the Chatswood skyline in a prominent location and would be able to be consistent with the objectives of the Chatswood CBD Strategy.

The planning proposal was referred within Council for heritage, landscape, sustainability, engineering and traffic advice. No objections were raised with the planning proposal subject to amendments being included in the draft DCP provided (**Attachment A8**).

In August 2019, the Department wrote to Council that further work was required to address a number of issues particularly with the B4 Mixed Use zone within the Chatswood CBD boundary. As a consequence, the Department did not endorse the Chatswood CBD Strategy and returned several planning proposals to Council.

The planning proposal states that it was amended in respect to the HOB, FSR and setbacks to reflect the revised Chatswood CBD Strategy endorsed by the Department on 9 July 2020 and endorsed by Council in September 2020.

Additionally, the proponent has made a letter of offer (**Attachment A9**) for a voluntary planning agreement (VPA) and this is to be negotiated further with Council.

On 5 November 2020, Council forwarded the amended planning proposal to the Department for a Gateway determination (**Attachment F3**).

3. Planning Proposal

3.1 Objectives or intended outcomes

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

- to facilitate the redevelopment of the subject site by amending the zoning, height and FSR controls to facilitate mixed-use, consistent with the provisions of the Chatswood CBD Strategy;

- to provide a of new residential dwellings and non-residential floor space to support additional jobs in a highly accessible location approximately 500m from public transport; and
- to ensure that development is appropriate for the site and will not adversely impact on the amenity of the surrounding area.

The planning proposal is based on a concept scheme that provides 12 two-bedroom apartments and three four-bedroom apartments above a mixed-use podium.

The planning proposal contains objectives and intended outcomes that adequately explain the purpose of the proposal.

3.2 Explanation of provisions

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

- rezoning the land from R2 Low Density Residential to B4 Mixed Use;
- increasing the maximum permitted building height from 8.5m to 53m; and
- increasing the maximum FSR from 0.4:1 to 4:1; and
- modifying a provision within Clause 4.4A Exceptions to floor space ratio:
 - Development consent must not be granted for the purpose of erecting a building on land identified as 'Area 11' unless commercial floor space equating to at least 1:1 is included; and
- modifying the Special Provisions Area Map to show the site as Area 8 (architectural roof features), Area 9 (affordable housing), Area 11 (minimum commercial FSR) and Area 12 (design excellence); and
- replacing Clause 4.4 Floor space ratio (2A)(b) with the following:
 - any part of the building that:
 - is to be used for community facilities, or
 - is a heritage item, or
 - is to be used for affordable housing purposes if located within Area 3 of the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building; and
- including Clause 5.6 Architectural roof features (2A) as follows:
 - Despite subclause (2), development within Area 8 of the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3 Height of buildings; and
- replacing Clause 6.8 Affordable housing (2) with the following:
 - Development consent must not be granted to the erection of residential accommodation on land identified as Area 3 and Area 9 on the Special Provisions Area Map unless the consent authority has taken the following into consideration:
 - The Willoughby Affordable Housing Principles,

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

Note: the affordable housing principles are set out in Schedule 2 to State Environmental Planning Policy No.70 – Affordable Housing (Revised Schemes) may also apply to the development; and

- replacing Clause 6.8 Affordable housing (7) with the following:
 - In this clause:
Accountable total floor space means:
 - If in Area 3 of the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.
 - If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area for the building that is used for affordable housing; and
- including Clause 6.23 Minimum commercial floor space as follows:
 - Clause 6.23 Minimum commercial floor space within the Mixed Use zone
Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map; and
- including Clause 6.24 Design excellence as follows:
 - Clause 6.24 Design excellence
 - The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
 - This clause applies to development involving the erection a new building on land shown in Area 12 on the Special Provisions Area Map. and
 - Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

The proposed provisions are generally clear, concise and are consistent with the recommendations of the now finalised Chatswood CBD Strategy (**Attachment H4**) and Council's affordable housing and design excellence policies.

However, as Council's resolution includes several clauses (e.g. affordable housing, design excellence) which have been included within previous planning proposals which have already been exhibited (PP_2019_WILLO_001_00 and PP_2019_WILLO_002_00) it is recommended that these clauses be removed prior to public exhibition to avoid unnecessary duplication and confusion during exhibition.

It is noted that PP_2019_WILLO_002_00 was submitted back to the Department with a request that the plan be made on 24 September 2020 and includes both the affordable housing and design excellence clauses as sought under the subject planning proposal.

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

The planning proposal will also require updating to the following maps prior to public exhibition:

- 'Area Y' (53m) to be nominated on the height of building map;
- 'Area X' (4:1) to be nominated on the maximum FSR map;
- inclusion of the site on the Active Street Frontages Map;
- inclusion of the site on the Special Provisions Area Map:
 - 'Area 8' (Clause 5.6 Architectural roof features);
 - 'Area 9' (Clause 6.8 Affordable housing);
 - 'Area 11' (Clause 6.23 Minimum commercial FSR); and
 - 'Area 12' (Clause 6.24 Design excellence).

The planning proposal was accompanied by a draft DCP for the site outlining provisions for but not limited to setbacks, amenity, affordable housing, built form and open space (**Attachment A8**).

3.3 Mapping

Draft LEP mapping (**Attachment A10**) has been provided as part of the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012. The draft maps submitted include:

- an amended Land Zoning Map (sheet LZN_003) (**Figure 10**) indicating a zone of B4 Mixed Use;
- an amended Maximum HOB Map (sheet HOB_003) indicating a height of 53m (**Figure 11**); and
- an amended FSR Map (FSR_003) indicating an FSR of 4:1 (**Figure 12**).

The planning proposal will also require changes to the following LEP maps:

- Active Street Frontages Map; and
- Special Provisions Area Map.

Council supplied additional mapping to indicate the proposed changes (**Attachment E**). The maps will require updating prior to public exhibition to be consistent with Department standard as outlined in Section 3.2 above including the tiles to be displayed to indicate the applicable numerical standards for the land.

It is noted that maps 003 and 004 are both shown due to the subject site's proximity. The planning proposal, in section 4.5 Mapping refers to amendments to maps sheets 004.

The actual map sheets being amended are map sheets 003. This will require updating prior to public exhibition.

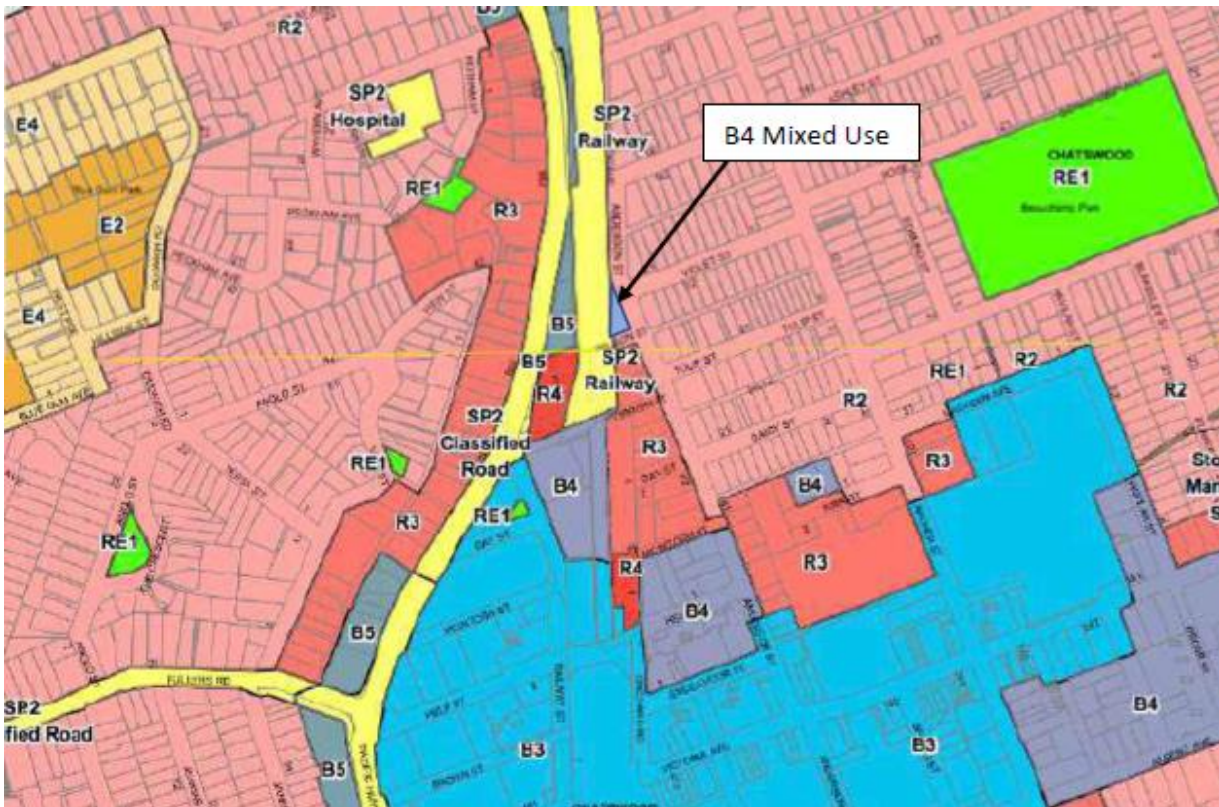


Figure 10: Draft Willoughby LEP 2012 Land Zone maps Sheet LZN_003 and LZN_004 (source: Parade Consulting)



Figure 11: Draft Willoughby LEP 2012 Maximum HOB maps Sheet HOB_003 and HOB_004 (source: Parade Consulting)



Figure 12: Draft Willoughby LEP 2012 FSR maps Sheet FSR_003 and FSR_004 (source: Parade Consulting)

3.4 Concept Design

The planning proposal and the Urban Design Assessment Report (**Attachment A2**) provided a concept design that indicates that the proposal could deliver a mixed-use development comprising a three-storey podium containing a mix of residential and commercial/retail a single residential tower above (**Figures 14-21**).

The planning proposal states that the concept development provides:

- a commercial floor space with an FSR of 1:1;
- a three-storey podium with communal open space and slender tower supporting communal open space at roof level consistent with new and proposed development in the vicinity;
- a podium with street-wall setbacks of 3m from the Anderson Street boundary and no setback from the Wilson Street boundary;
- a tower setback 30m from the nearest building to the south, across Wilson Street, built form setbacks of 4m from the Anderson Street boundary and 3m from the Wilson Street boundary;
- compliance with the Apartment Design Guide (ADG) with:
 - separation between the podium and tower components;
 - separation from any future neighbouring buildings to the south and west;
 - solar access and natural ventilation; and
- adequate solar access to properties in the vicinity and no additional overshadowing to Victoria Avenue.

An overview of the design concept including the proposed gross floor area (GFA) is provided in **Table 2**.

Table 2: Proposed GFA allocation of concept design.

Area Detail		Proposed
Site area		565m ²
Zone		B4 Mixed Use
GFA	Commercial	565m ²
	Residential	1695m ²
	Total	2,260m²
FSR	Commercial	1:1
	Residential	3:1
	Total	4:1
Height		53m
Number of levels		15
Parking levels		3 – 5

Drawings of the proposed concept development have been provided at **Figures 13-20** and in the Urban Design Report (**Attachment A1**).



Figure 13: Concept development – east elevation (from Anderson Street) (source: Drew Dickson Architects)



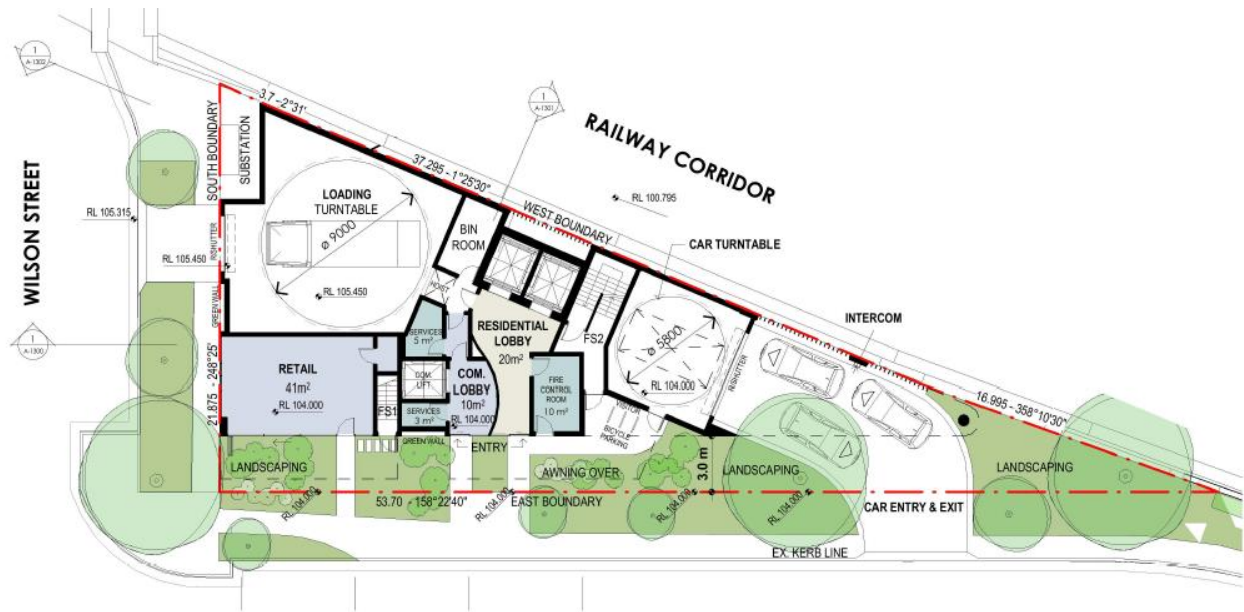
Figure 14: Concept development – east elevation (from Anderson Street) (source: Drew Dickson Architects)



Figure 15: Concept development, view looking north-west from Anderson Street with the proposed development at 54-56 Anderson Street left (source: Drew Dickson Architects)

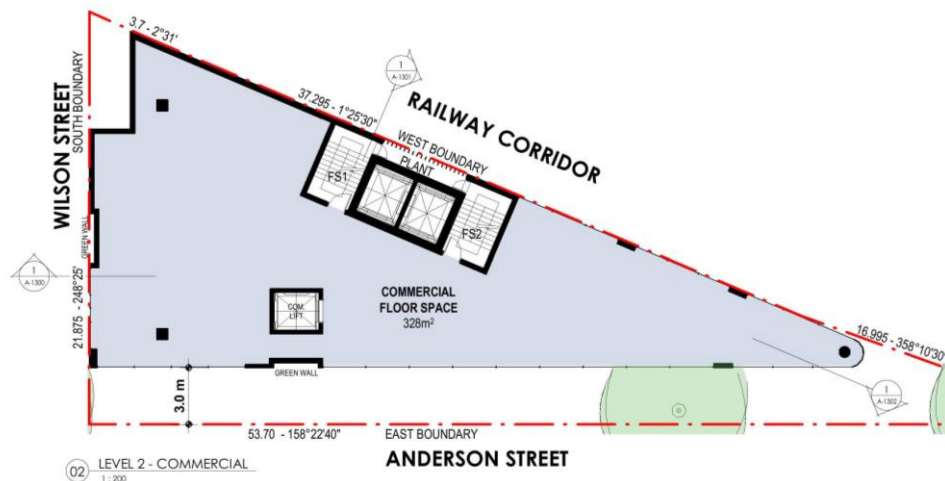


Figure 16: Concept development, view looking north-east along Wilson Street over rail corridor (source: Drew Dickson Architects)



ANDERSON STREET

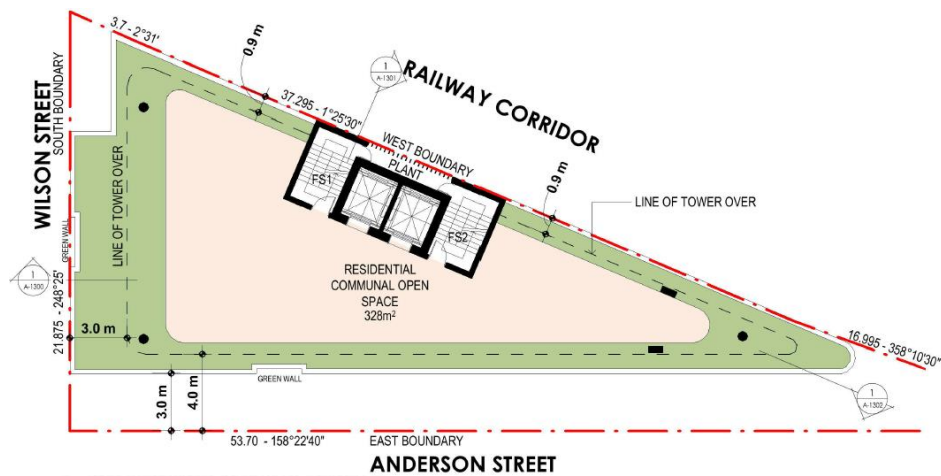
Figure 17: Ground floor plan (source: Drew Dickson Architects)



02 LEVEL 2 - COMMERCIAL

ANDERSON STREET

Figure 18: Commercial level two floor plan (source: Drew Dickson Architects)



ANDERSON STREET

Figure 19: Communal open space level three floor plan (source: Drew Dickson Architects)

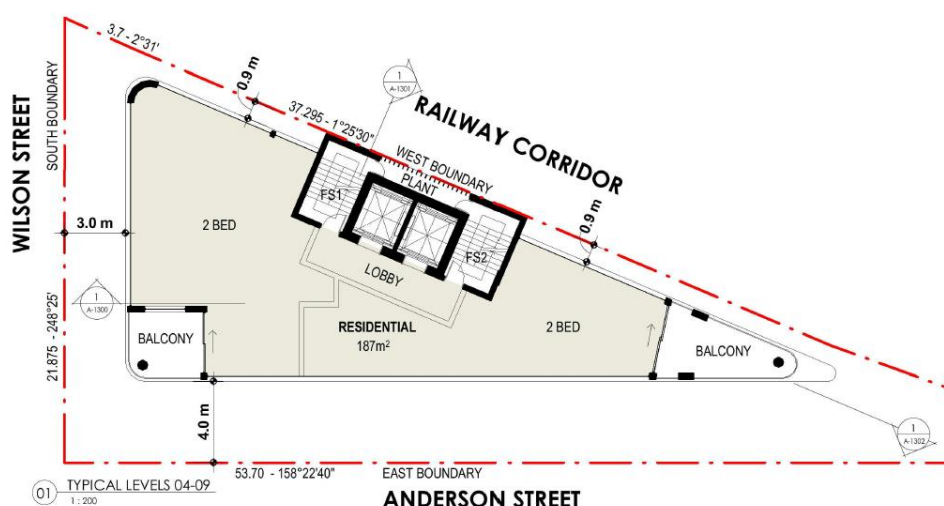


Figure 20: Residential tower levels four to nine floor plan with two-bedroom apartments (source: Drew Dickson Architects)

4. Need for the planning proposal

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

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

5. Strategic Assessment

5.1 Greater Sydney Region Plan

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

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

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

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

Region Plan Direction	Consistency
Housing the City	The planning proposal seeks to deliver 15 total dwellings in a highly accessible location.

Region Plan Direction	Consistency
A City of Great Places	The planning proposal would seek to enable redevelopment of the existing low-density residential dwellings and surrounding public domain at the gateway of the Chatswood CBD, a key strategic centre.
A Well-Connected City	The site is located approximately 600m from the Chatswood transport interchange which has been recently upgraded to now include the Sydney Metro. Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest.
Jobs and Skills for the City	The planning proposal seeks to enable the redevelopment of the site to provide approximately 5-10 new jobs on the site.
A City in its Landscape	The planning proposal seeks to enhance the quality of landscaping to improve the existing interface between the subject site, Anderson Street and the North Chatswood HCA.

5.2 North District Plan

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

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

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

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

The planning proposal (**Attachment A**) estimates that based on the concept, the current proposal includes a minimum commercial FSR of 1:1 with a GFA of 565m² with the capacity to deliver approximately 5-10 total jobs. This is assuming the site is fully developed in accordance with the maximum FSR and minimum commercial FSR sought by the proposal.

This translates to between approximately 0.2% - 0.3% of the low to high 2036 jobs targets set for Chatswood, established by the District Plan.

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

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

District Plan Priority	Consistency
N3 Providing services and social infrastructure to meet people's changing needs	By providing a land use mix that is co-located with a new retail shops and offices.
N5 Providing housing supply, choice and affordability, with access to jobs services and public transport	By providing additional dwellings including a 4% affordable housing component near the Chatswood transport interchange.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	By redeveloping aged housing stock and providing active street frontages within a strategic centre. The Development will have minimal impact upon nearby heritage items or HCAs.
N8 Eastern Economic Corridor is better connected and more competitive	By growing employment generating development in the Eastern Economic Corridor that is highly accessible to the well-connected Chatswood public transport interchange.
N10 Growing investment, business opportunities and jobs in strategic centres	By providing the opportunity to contribute between 0.2%-0.3% of the District Plan's 2036 job target for Chatswood as a key strategic centre.
N12 Delivering integrated land use and transport planning and a 30-minute city	By facilitating the delivery of a mix of land uses on a site that is within 600m of the Chatswood transport interchange.

5.3 Chatswood CBD Strategy

The now finalised and endorsed Chatswood CBD Strategy (**Attachment H4**) represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy has been designed to give strategic merit to site specific planning proposals and to align Council's strategic planning work in regard to its Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and comprehensive LEP amendment with the actions and priorities of the North District Plan.

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

Table 5: Summary of proposal's consistency with Chatswood CBD Strategy

Key Element	Consistent	Assessment of Consistency
CBD Boundary	Yes	Proposal is within existing CBD boundary falls within the proposed expanded B4 Mixed Use area.

Key Element	Consistent	Assessment of Consistency
Land Use	Yes	The proposal is to rezone land from R2 Low Density Residential to B4 Mixed Use zoning.
Removal of DCP provisions for size of office and retail tenancies within B3 core	N/A	Not relevant to subject site.
Serviced apartments to be removed as a permissible use within B3 core	N/A	Not relevant to subject site.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	<p>Council's proposed value capture scheme is not supported by the Department.</p> <p>Council has advised that they are no longer seeking to include value capture as a mechanism for development contributions.</p> <p>Council is currently exhibiting its revised contributions scheme.</p> <p>The proponent has included a letter of offer to enter into a Voluntary Planning Agreement (VPA) once Council finalises its contributions plan for the area.</p>
Design excellence required for all development above 35m	Yes	<p>Council would require all development above 35m to be subject to a design excellence process. This would be undertaken at DA stage.</p> <p>The proposal includes a design excellence clause and would be identified as 'Area 12' where the design excellence policy applies. This is consistent with Council's intended wording.</p> <p>Note: that this clause is intended to be implemented under PP_2019_WILLO_002_00 which has been submitted to the Department with a request that the plan be made.</p>
Higher building sustainability standards	Yes	This could be determined at the DA stage. Furthermore, recent changes to the National Building Code of Australia now require improved performance of new buildings such as may be constructed in accordance with the proposal.
Base FSR	Yes	The proposal would achieve an FSR above the minimum (base) recommended FSR of 0.4:1, being the existing FSR, for this site.

Key Element	Consistent	Assessment of Consistency
Minimum site area	No	<p>Site is approximately 565m² which is significantly below the minimum site area requirement of 1,200sqm for sites within the B4 Mixed Use areas.</p> <p>The strategy identified that this site was particularly challenging due to its size and location.</p> <p>Council states that the proposal was reasonable in the context of its small site area as it provides a unique opportunity to contribute to the Chatswood skyline in a prominent location, at the northernmost extremity of the proposed expanded CBD area.</p> <p>Council considers that it can be compliant with the objectives and recommended controls of the strategy.</p> <p>While it is recognised that Council's intention is for this to be a 'gateway' site to the wider Chatswood CBD, the Department raises questions, specifically with the commercial FSR and podium component as this appears to be awkwardly located on a site that does not seem to be large enough to adequately cater for efficient commercial development or access.</p> <p>It is noted that the Willoughby Local Planning Panel (WLPP) also raised concerns regarding the potential land use mix of this site.</p> <p>Therefore, despite the intention of the strategy to support a minimum 1:1 commercial requirement on this site, the Department recommended that Council further review this requirement prior to finalisation.</p>
Maximum FSR	Yes	<p>The site includes a maximum FSR of 4:1 which is consistent with the strategy.</p>
Affordable Housing	Yes	<p>The proposal seeks to include a local provision to ensure the site delivers a minimum of 4% affordable housing included within the total residential FSR component of 3:1.</p>

Key Element	Consistent	Assessment of Consistency
Minimum commercial FSR in mixed use zones is to be 1:1	Yes	The proposal includes a clause to ensure the delivery of a minimum commercial FSR of 1:1.
Maximum tower floor plate sizes	Yes	The proposed tower is below the maximum recommended floor plate size of 700m ² for residential development.
Width of the side of each side of any tower to be minimised	Yes	The sides of the tower have been minimised to ensure Council's goal of creating slender tower forms is achieved.
Tower separation	Yes	The proposal only includes a single residential tower which has a minimum separation of over 26m to the proposed neighbouring building at 56 Anderson Street to the south (Figure 23).
Sun access to key public spaces and conservation areas	Yes	<p>The proposal identifies a maximum building height of 53m to be applied to the site with the proposed concept plans including the lift overrun.</p> <p>The site is in the northern expanded area of the CBD and will not impact on the key areas requiring sun access protection in the strategy.</p>
Building Heights	Yes	The maximum building height for the subject site is 53m consistent with the strategy. Further assessment of overshadowing may occur following public exhibition and at the DA stage.
Lift over runs and architectural features integrated into building form	Yes – capable at DA stage	The proposed concept design integrates the lift over run and architectural features within the tower form.
Links and open space	Yes	<p>While the site itself is not subject to the provision of through site links as part of the strategy, the proposal intends to improve accessibility around the site by upgrading the surrounding footpaths and public domain.</p> <p>Activation at street level will contribute to the passive surveillance of the site and general area.</p>

Key Element	Consistent	Assessment of Consistency
Publicly accessible open space and landscaping	Yes – capable at DA stage	The proposed concept design includes widened footpaths and landscaping which could be delivered as part of a future DA or within a VPA.
All roofs up to 30m from the ground are to be green roofs	Yes	Detailed landscape drawings at a future DA stage would be able to consider and provide any desired planting requirements. The proposed concept identifies that the roof above the podium form is intended to be a green roof. The concept plans also indicate a communal garden at roof level.
Soft landscaping is to apply to 20% of the site	Yes – capable at DA stage	Able to be resolved through the submission of a landscape plan at DA Stage. The concept podium form for the proposal shows that there is capability to achieve this outcome.
Active street frontages	Yes	The concept plan shows commercial floor space at ground level with the opportunity for Wilson Street and Anderson Street to be identified as active street frontages. This can be addressed as part of the DCP provisions and design excellence process.
Roof top communal open space	Yes	Communal open space provided above the commercial/retail podium.
Street wall heights and setbacks	Yes – capable at DA stage	The strategy indicates a 11-12m street wall height with a minimum 3m and 4m setbacks above the street wall to the tower form above. As the site is isolated the setbacks of the podium to the Anderson and Wilson Street frontages are greater than anticipated enable better transition to the neighbouring residential areas.
Site isolation	Yes	The site is currently isolated, and this key element is not applicable to the planning proposal.

Key Element	Consistent	Assessment of Consistency
Traffic and transport	No	<p>The size of the site does not allow for servicing to be located at basement level. These facilities will be located at ground level with access off Wilson Street, utilising a turntable to enable trucks to exit in a forward direction.</p> <p>Car parking is to be located within the basement levels utilising a turntable and car stacker.</p> <p>Considering the size of the site, questions are raised as to whether a smaller or no commercial component should be considered noting difficulties in achieving an efficient podium form that can adequately achieve reasonable access and servicing requirements.</p> <p>A Gateway condition is recommended for Council to further consider whether a reduced or no commercial component is suitable in this location given the site constraints.</p> <p>Private vehicle parking requirements are consistent with the strategy including reduced onsite parking rates and a single entry and exit in a forward direction.</p> <p>Further consideration of the traffic impact will be required at the DA stage.</p>

5.4 Willoughby Local Strategic Planning Statement

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

The Greater Sydney Commission (GSC) endorsed the LSPS on 20 March 2020 and the Department published it on the NSW Planning Portal on 31 March 2020.

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

The planning proposal does not include any commentary on the LSPS. It is therefore recommended that prior to public exhibition the proposal be updated to specifically address and assess the proposal against all the relevant priorities and actions in the published LSPS.

5.5 Willoughby Local Housing Strategy

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

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

- existing R3 Medium Density Residential and R4 High Density Residential zones which have not been developed to their full potential;
- the proposed expanded B4 Mixed Use area of the Chatswood CBD as identified in the Chatswood CBD Strategy; and
- the local centres identified in Council's Local Centres Strategy.

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

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

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

5.6 Local planning panel (LLP) recommendation

On 7 November 2018, the Willoughby Local Planning Panel (**Attachment G**) reviewed the planning proposal for 58 Anderson Street, Chatswood that requested the site be rezoned to B4 Mixed Use, a HOB of 90m and an FSR of 6:1. In the Panel stated that:

- the site was located at the northern end of the expanded CBD;
- there were concerns with the size and dimension of the site and has not demonstrated that all functional requirements such as parking and servicing can be achieved to provide an attractive and active street frontage in a gateway location;
- due to the constrained conditions on the site, alternate uses and controls for the site need to be considered;
- the Council proceed with the planning proposal only if consistency is achieved with the CBD Strategy with planning outcomes such as design excellence, sustainability, minimum commercial component and affordable housing; and
- it was supportive of suitable arrangements such as a VPA for the provision of infrastructure to meet demand.

5.7 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

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

This direction applies to the planning proposal as the proposal seeks to change an existing B4 Mixed Use zone by including a minimum commercial FSR requirement.

It is recognised that the existing site currently does not have a commercial use and that the proposal would encourage more employment generating uses on site. The Department has however recommended that this be reviewed by Council following the Gateway determination and prior to finalisation.

The proposal is therefore considered consistent with this direction.

Direction 2.6 Remediation of Contaminated Land

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

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

To the Department's knowledge there is no reason to expect that the subject site is contaminated as it has been used for residential purposes for an extended period.

Should any land contamination be identified during the detailed development application stage, a preliminary site investigation would be required to be prepared to determine the extent of the contamination and methods to remediate the site.

The proposal is considered to achieve consistency with this direction.

Direction 3.1 Residential Zones

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

The proposal will increase the potential residential yield and broaden housing choice in a strategic location by rezoning land from R2 Low Density Residential to B4 Mixed Use zone where residential uses are permissible.

The proposal is considered to be consistent with this direction.

Direction 3.4 Integrating Land Use and Transport

The key objectives of this Direction aim to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts:

- improve active and public transport access to homes and jobs;
- increase transport choices and reduce car dependency;
- reduce travel demand;
- support the operation of public transport services; and
- provide for the efficient movement of freight.

This direction applies to the planning proposal as the proposal seeks to rezone the land from R2 Low Density Residential to B4 Mixed Use and increasing the overall density of the zone for both additional commercial and new residential purposes.

The site which the proposal relates is located approximately 600m from the Chatswood transport interchange which includes rail, metro and bus services connecting Chatswood to the local area and nearby strategic centres of Macquarie Park, St Leonards, North Sydney and the Sydney CBD.

As the proposal will encourage the delivery of increased job and housing growth near a major public transport interchange, it is considered to be consistent with this direction.

Direction 4.1 Acid Sulphate Soils

This Direction aims to prevent significant adverse environmental impacts from the use of land containing acid sulphate soils.

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

The proposal is considered consistent with this direction.

Direction 6.3 Site Specific Provisions

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

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

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

The planning proposal will be required to be updated to address this Direction in relation to the planning proposal.

5.8 State Environmental Planning Policies (SEPPs)

SEPP (Infrastructure) 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across the State.

The site is immediately adjacent to and within 25m of the T1 North Shore Rail Line corridor which is zoned SP2 Infrastructure (Railway).

The planning proposal would likely result in a development application where substantial excavation would be required below 2m for the basement parking, concurrence to the rail authority will be required as part of any DA.

This policy requires that the consent authority consider any likely adverse effects that may result from the rail corridor such as noise and vibration that is likely to occur. The planning proposal was accompanied by an Acoustic Report (**Attachment A6**) that states that any development will need to comply with the relevant State guidelines. This can occur as part of a future DA. The noise and vibration impact are discussed further in Section 6.1 Site-specific Assessment.

The proposed development is below the relevant size and capacity as specified in Schedule 3 of the policy requiring referral to Transport for NSW (TfNSW) (former RMS).

However, due to the proximity of the site to the rail corridor it is recommended that the planning proposal be referred to the TfNSW to provide commentary on any potential impact to rail infrastructure.

It is recommended that the information relevant to this policy be updated in the planning proposal.

SEPP (Affordable Rental Housing) 2009

Clause 4.4(2A)(b) of Willoughby LEP 2012 allows for any part of the floor area of a building that is to be used for affordable housing, not be included within the overall GFA for

the purposes of calculating FSR. This allows the developer to contribute towards the additional affordable housing. Under Willoughby LEP 2012 affordable housing is to be provided as part of the FSR calculation as shown in the Special Provisions Area Map.

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

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

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

It is recommended that the planning proposal be updated to address this policy and to include the relevant Special Provisions Map.

SEPP 55 Remediation of Land

The land has been used for residential purposes for an extended period and is therefore unlikely to be contaminated. Should a site contamination assessment be required, this would be conducted at development application stage.

SEPP 65 Design Quality of Residential Flat Building Development

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

A concept plan has been submitted having regard to the Apartment Design Guide (ADG) which provides detail on how residential development proposals can meet SEPP 65's design quality principles.

The planning proposal was accompanied by an Urban Design Assessment Report (**Attachment A2**), indicating that the proposed development can comply with this SEPP and the ADG. The concept demonstrates that it achieves general compliance with this code in relation to site planning, overshadowing and building separation.

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

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

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

Sydney Regional Environmental Plan (SREP) 2005

The key aim of this policy is to ensure the catchment, foreshores and waterways of Sydney Harbour are protected, and to promote a prosperous working harbour and public access.

The subject site is located within the Sydney Harbour Catchment but not in the Foreshore and Waterways area. The proposal does not include any provision that is contrary to the SREP.

6. Site-specific Assessment

6.1 Built Form

Building height

The proposed height increase would facilitate a development of approximately 15-storeys including a three-storey commercial/residential podium and a residential tower above with lift overrun. The proposed residential tower is consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 14-17**).

The proposal, at 53m will provide a transition at the northern edge of the Chatswood CBD to the low density residential to the north and east from the high density towards the centre of the Chatswood CBD to the south. The podium and tower configuration are in keeping with the desired future character of the CBD (**Figures 21-23 and 27**).



Figure 21: Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council).



Figure 22: Massing study – view to the south towards the Chatswood CBD (source: Drew Dickson Architects).

Building separation and setbacks

It is considered that the concept design demonstrates that sufficient building separation and setbacks can be achieved on the site as the closest potential tower development would be separated by a minimum of 26m, exceeding the ADG and the Chatswood CBD Strategy (**Figure 24 and Attachment H**). There are no anticipated adverse impacts that would result from the proposals separation as the site is isolated, bounded between two roads and the rail corridor

The planning proposal (**Attachment A**), concept design (**Attachment A1**) and supporting DCP (**Attachment A8**) details:

- no setback at street level to the Wilson Street frontage and a 3m setback to Anderson Street;
- a tower setback of 3m from Wilson Street and 4m from the Anderson Street boundary; and
- a proposed residential tower that can achieve compliance with the Apartment Design Guide.

It is also noted that under a future DA a Design Report will be required to be submitted to ensure that the subsequently development is consistent with SEPP 65.

It is unlikely that there will be any amenity impacts such as visual privacy and view loss due to the isolated locality of the site.

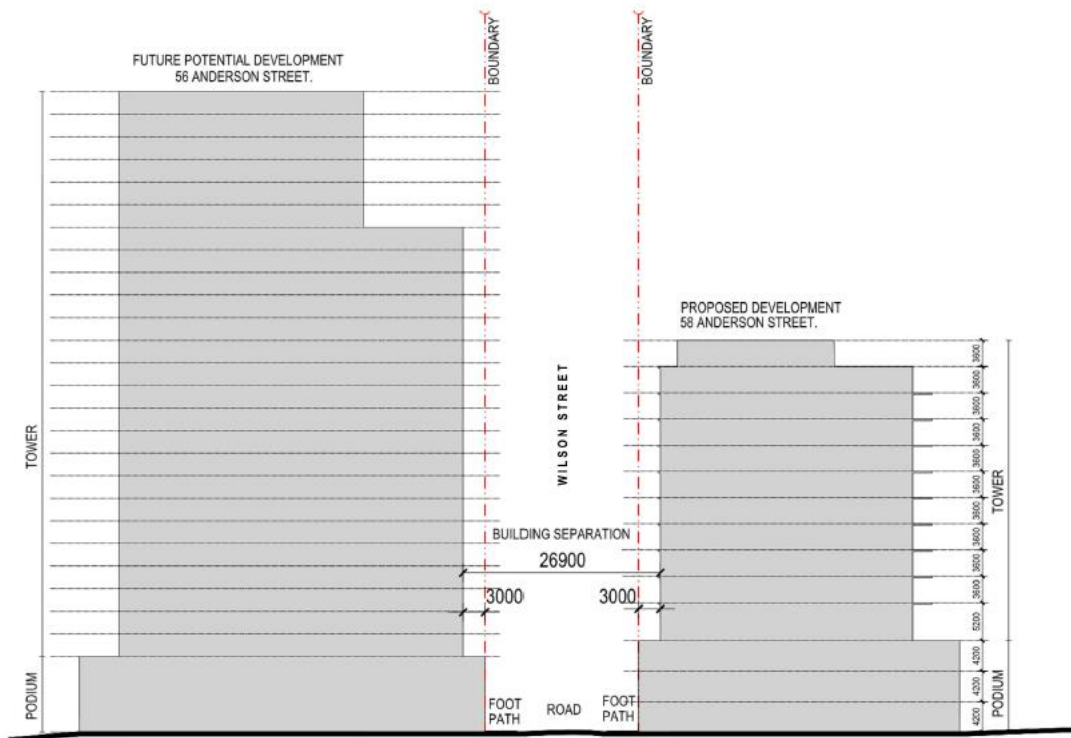


Figure 23: Massing study indicating separation from the proposed 90m residential tower at 56 Anderson Street (source: Drew Hickson Architects)

Solar access

The Urban Design Assessment Report (**Attachment A2**) states that the slender built form, small floorplate and site isolation will provide excellent amenity to residents. All tower apartments are capable of achieving excellent solar access and ventilation. Living rooms can be located in a north-easterly aspect, minimising the use artificial heating, ventilation and air conditioning (HVAC) and lighting.

This is consistent with the ADG of SEPP 65 and is considerable acceptable for the purposes of this planning proposal. Further assessment can take place as part of a detailed DA.

Overshadowing

The Chatswood CBD Strategy seeks to further refine protections from overshadowing with the inclusion of a solar access plan within its maximum height of buildings map which seeks to protect the key public spaces as identified within the strategy.

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

The planning proposal (**Attachment A**) and the Urban Design Assessment Report (**Attachment A2**) states that the proposal will not result in any additional overshadowing to Victoria Mall as the subject site is over 500m from that area.

The location of the proposed development will result in overshadowing mainly to the road and railway corridor. Between midday and 3pm there will be additional overshadowing to a small number of nearby dwellings. The residential flat buildings at 54-56 Anderson Street will be impacted by overshadowing from approximately 12pm until after 2pm. The local

heritage item at 20 Tulip Street (item I129) will not experience overshadowing until after 3pm during the winter solstice (**Figures 24-26**). The slender shape of the building will ensure a fast-moving shadow to minimise overshadowing to the surrounding developments, including the North Chatswood HCA to the north and east.

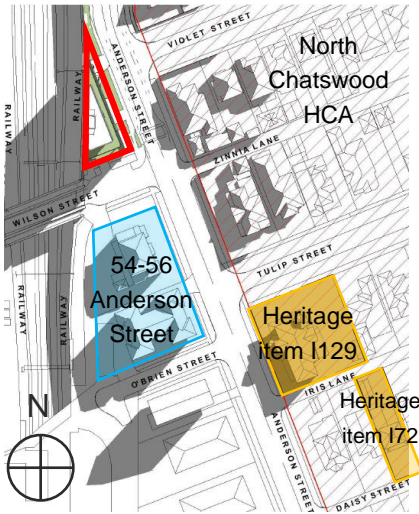


Figure 24: Overshadowing 9am
(source: Drew Hickson Architects, overlay by DPIE)

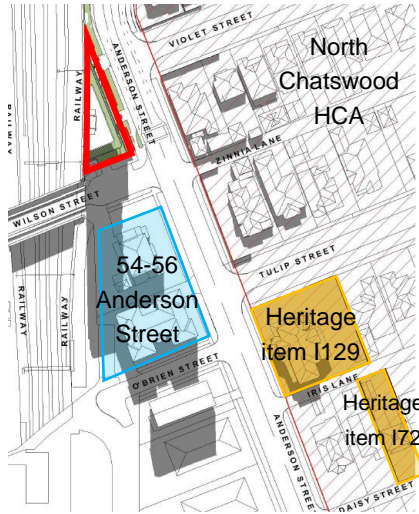


Figure 25: Overshadowing 12pm
(source: Drew Hickson Architects, overlay by DPIE)

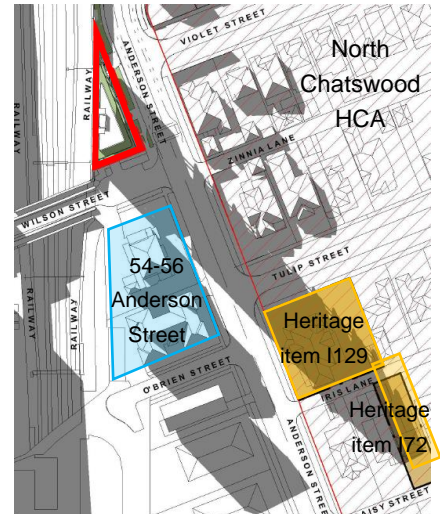


Figure 26: Overshadowing 3pm
(source: Drew Hickson Architects, overlay by DPIE)

View impact, transition and sharing

The View Impact and Transition Analysis (**Attachment A4**) stated that GMU with heritage consultants Weir Phillips conducted a site visit and with the HCA identified the following:

- the dwellings in Anderson Street generally are oriented with their side elevation to the street;
- the CBD is an existing prominent backdrop to the HCA; and
- the existing street trees create a partial screen to reduce the visual impact of the existing CBD.

The height of the building is 53m and provides a height transition to the low-density residential HCA to the north and east (**Figure 27**). The transition to heritage centres forms part of the framework of the Chatswood CBD Strategy 2036.

The planning proposal states that a slender angled tower above the podium and isolated land will increase separation between nearby high-density development enabling reasonable view sharing in comparison to the conventional built form. The nearby high-density developments will have similar district views to the subject site.

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

It is noted that the Visual Impact and Transition Analysis on page 19 shows the view impact of the proposed development on 25 Daisy Street, Chatswood not the local heritage item at 20 Tulip Street. The correct diagram is provided at **Figure 28**.



Figure 27: Transition of development in the CBD to low density residential (source: Drew Dickson Architects).

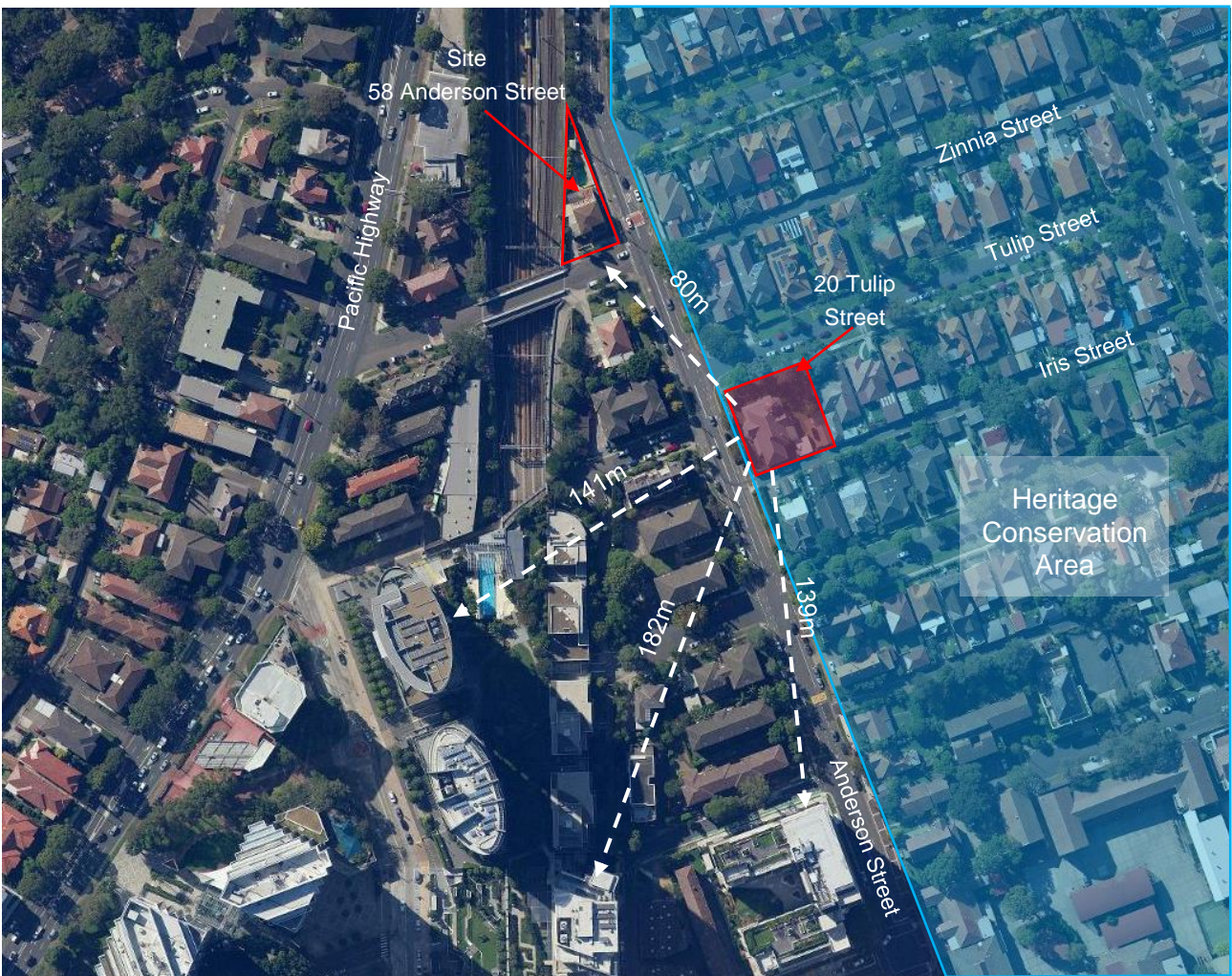


Figure 28: Proximity of the HCA and the local heritage item to the site and other high-density mixed-use developments in the Chatswood CBD (source: Drew Dickson Architects).

Traffic impact and parking

The planning proposal was accompanied by a Traffic Impact Assessment (TIA) prepared by Cardno, dated 2 November 2020 (**Attachment A3**). The TIA noted that the site was currently occupied by a single residential dwelling and the surrounding area currently consists of R2 Low Density and R3 Medium Density residential lots.

The report stated that the site is well serviced by public transport and within 600m walk to Chatswood interchange with bus and train station with a high frequency of services.

The development will provide commercial and retail with 15 residential apartments above with on-site basement carparking containing an automated car stacker for 18 vehicles and space for bicycle parking. The provision of car parking is adequate, and Council is supportive of the carparking rate below that specified in the Willoughby DCP 2016. All vehicles including servicing vehicles will utilise a turntable to be able to enter and exit in a forward direction (**Figures 17 and 29-31**).

The assessment of the proposal found that the traffic generation would be minimal with an expected maximum of seven trips during the AM peak and eight trips during the PM peak period (**Table 6**).

The report recommended that private vehicular access be provided from Anderson Street with a left in, left out configuration due to the proximity opposite an intersection. Servicing vehicle will enter via Wilson Street.

It is noted that the Department's Chatswood CBD Strategy endorsement requires Council to engage TfNSW to establish if the strategy can accommodate the proposed growth and if a Transport Management Action Plan (TMAP) is required for all areas outside the CBD core. This was included as a condition of the endorsed strategy to ensure that the Chatswood road network could handle the proposed growth and future capacity within the CBD.

This analysis has been completed by Arup in conjunction with TfNSW and finalised by TfNSW which Council has adopted. As part of the Gateway determination it is recommended that a condition to consult with TfNSW is included to ensure that the planning proposal is consistent with the wider Chatswood CBD context and this now completed traffic and transport analysis.

Table 6: trip generation as a result of the proposal

Land Use	Development	Traffic Generation	
		AM Peak	PM Peak
Residential	15 apartments	2	2
Commercial GFA	505m ²	5	4
Retail GFA	45m ²	0	2
Total		7	8



Figure 29: Proposed north-south section (source: Drew Dickson Architects)

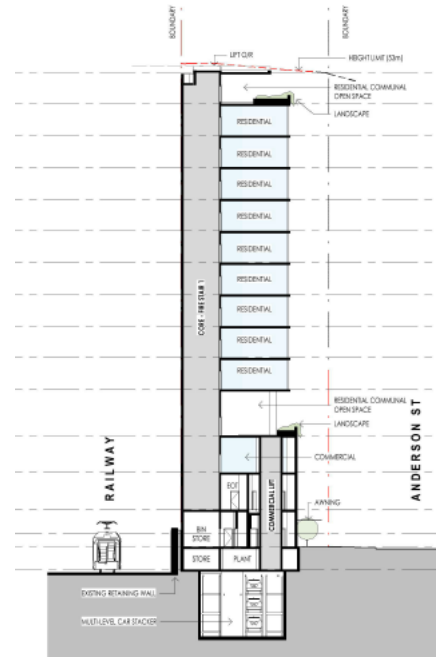


Figure 30: Proposed east-west section (source: Drew Dickson Architects)

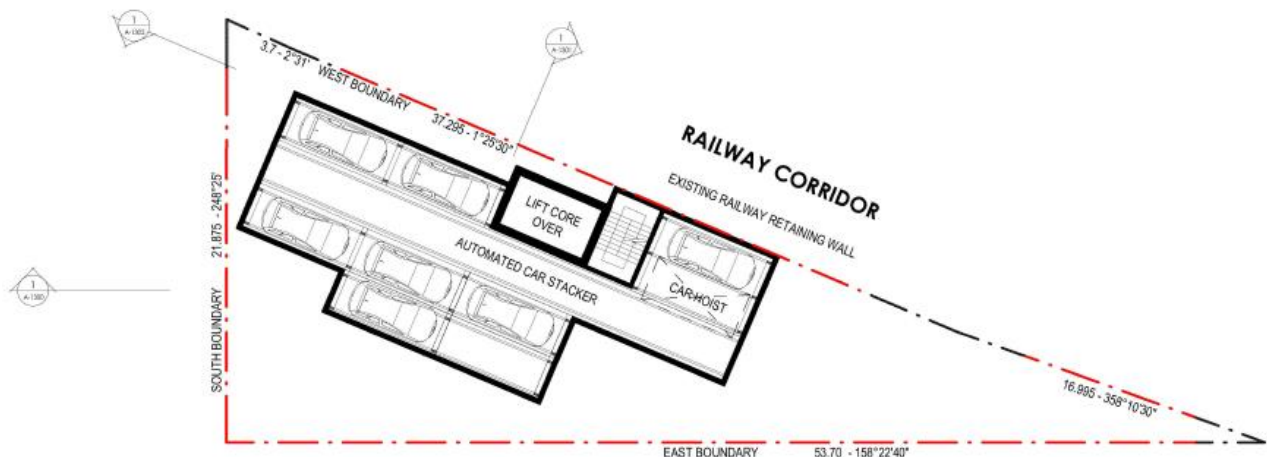


Figure 31: Proposed underground floor plan with car stacker (source: Drew Dickson Architects)

Wind impact

A Pedestrian and Wind Environment Report, undertaken by Windtech (**Attachment A5**) was submitted with the planning proposal. The report stated that the development incorporated several design features and wind mitigating strategies such as awnings, setbacks, landscaping, impermeable balustrades and rooftop canopy.

However, the preliminary assessment of the wind impact found that some outdoor trafficable areas remain exposed to adverse wind effects. This is a result of accelerated flows around building corners due to the isolated condition of the site and lack of shielding from other developments.

The report recommended treatment strategies such as dense foliating trees and landscaping to the frontage along Anderson Street and Wilson Street, a full height screen along the western perimeter and screening of outdoor trafficable areas among others.

This can be assessed further as part of the detailed design and it is expected that the wind conditions can be suitably managed and the outdoor areas around the development will be suitable for the intended use.

Site services

A Services Report by Cardno (Aust) Pty Ltd dated 30 September 2020 submitted with the planning proposal stated that the site can comply with the relevant standards in respect to mechanical, electrical, fire and hydraulic services (**Attachment A7**).

6.2 Social

Affordable housing

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

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

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

The indicative design shows that the development can deliver 12 two and three four-bedroom apartments. Communal spaces are provided on level four and the rooftop with indoor and outdoor spaces for social interaction. The provision of retail and other services at ground level that would contribute to the activation of the area at ground level.

Public amenity

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

Council is currently developing its Section 7.11 and 7.12 Contributions plans for the provision of social infrastructure within the Chatswood CBD which is expected to be adopted by Council following its recent exhibition that ended in mid-October 2020.

6.3 Environmental

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

The proposed concept intends to provide deep soil areas located in the 3m setbacks increasing amenity along Anderson Street (**Figure 32**). Green wall elements are to be provided on the eastern sides of walls adjacent to the rail corridor and planters along the street boundary separating an area that could potentially be utilised as a café with outdoor seating. Level four and the rooftop area will include landscaping.

Further assessment of the landscaping elements can be completed as part of future DA.

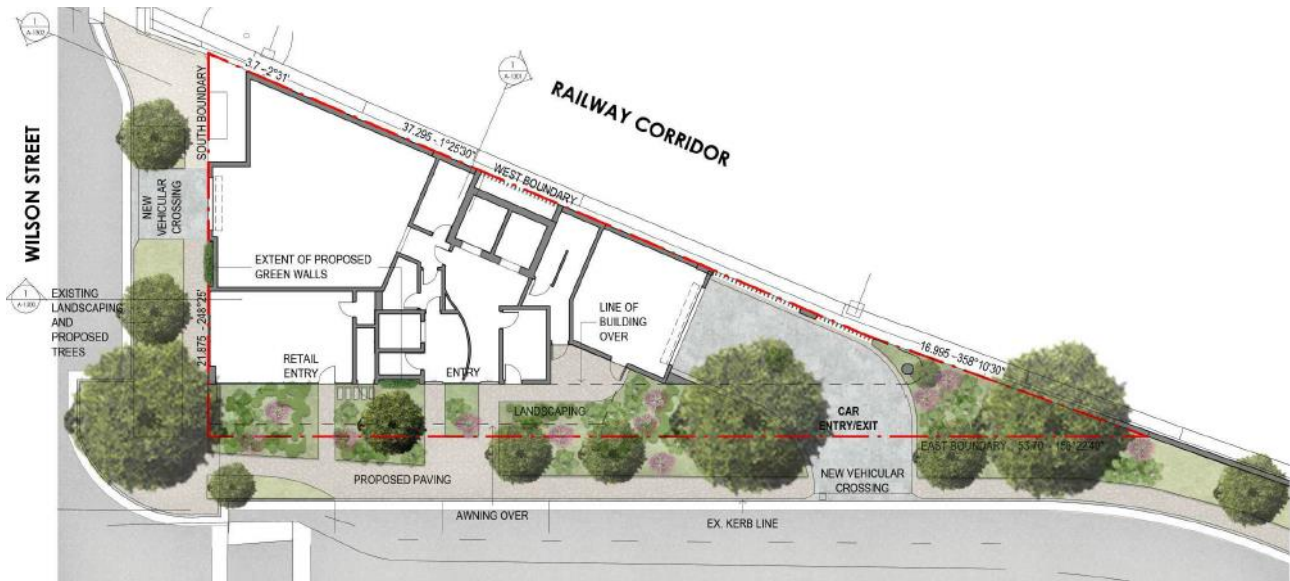


Figure 32: Landscaping plans, ground floor (source: Drew Dickson Architects)

6.4 Economic

Employment

A report by SGS Economics and Planning for 3-5 Help Street Chatswood, containing advice on the Chatswood CBD Mixed Use zone indicated the introduction of a 1:1 commercial area is unlikely to limit development feasibility. This would respond to future demand for floorspace for small scale offices and services to support the growing population in Chatswood.

The planning proposal would result in approximately 565m² of commercial/retail floorspace on the subject site supporting approximately 5-10 fulltime jobs which is a key outcome for Chatswood CBD and a key objective of the North District Plan.

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

The planning proposal will be required to be updated to refer to correct the employment and commercial floorspace figures on page 30.

It has also been conditioned that Council is to consider whether the commercial component for this proposal is necessary prior to finalisation due to the awkward podium form and access arrangements created by this requirement.

6.5 Infrastructure

Public transport

The site is well serviced with public transport infrastructure as it is within 600m walking distance of the Chatswood rail and bus interchange. Bus services run along the Pacific Highway approximately 170m from the site and along Anderson Street.

The upgrading of the interchange to now accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown, which is due to open in 2024.

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

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

Infrastructure and services

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

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

7. Consultation

7.1 Community

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

7.2 Agencies

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

- Transport for NSW;
- Ausgrid; and
- Sydney Water Corporation.

8. Timeframe

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

9. Local Plan Making Authority

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

10. Conclusion

The planning proposal seeks to redevelop an underutilised site containing a single detached dwelling for the purposes of a mixed-use development comprising 15

apartments, additional affordable housing and 565m² of commercial/retail floor space to potentially support 5-10 fulltime jobs.

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

- it is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth and increases residential capacity in an accessible location;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy;
- it provides a transition from the high-density area of the Chatswood CBD to the low-density residential areas to the north and east;
- the introduction a mixed-use development would help to service the daytime and night-time economies of the retail precinct and further activate the edge of the CBD;
- the overshadowing impact to the North Chatswood HCA will be minimal due to the slender built form of the residential tower; and
- the proposal will provide 15 additional two bedroom and four-bedroom dwellings including affordable housing within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan.

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

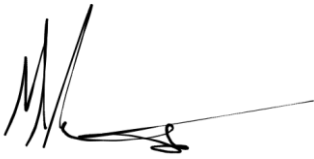
- the proposed maximum building height and is consistent with the maximum building heights and solar access planes for the Chatswood CBD;
- it is considered that the proposal is capable of adequate building separation and solar access outcomes to existing and proposed future development; and
- the proposal will enable the delivery of additional affordable housing and job growth in the Chatswood CBD.

11. Recommendation

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

1. Prior to community consultation the proposal is to be updated to include:
 - (a) a project timeline based on the issuing of this Gateway determination;
 - (b) existing maximum height of buildings, maximum floor space ratio and heritage maps;
 - (c) a proposed Active Street Frontages Map;
 - (d) a proposed Special Provisions Area Map to refer to the site as:
 - i. 'Area 8' to refer to Clause 5.6 Architectural roof features;
 - ii. 'Area 9' to refer to Clause 6.8 Affordable housing;
 - iii. "Area 11" to refer to Clause 6.23 Minimum commercial floor space within the Mixed-Use zone; and

- iv. 'Area 12' to refer to Clause 6.24 Design Excellence;
- (e) proposed mapping to show the site on the:
 - i. maximum HOB map as area 'Y';
 - ii. maximum FSR map as area 'X';
- (f) reference to map sheet 003 in lieu of map sheet 004 for the proposed maps;
- (g) removal of material discussing:
 - i. A Plan for Growing Sydney and Draft Greater Sydney Region Plan;
 - ii. Revised Draft North District Plan and refer to the North District Plan; and
 - iii. NSW Long Term Transport Master Plan 2012 and address the Future Transport Strategy 2056;
- (h) removal of Council material discussing clauses 6.24 and 6.8 relating to affordable housing and design excellence as planning proposal PP_2019_WILLO_002_00 includes these clauses and has been submitted to the Department for finalisation;
- (i) address consistency with the Willoughby Local Strategic Planning Statement and Local Housing Strategy;
- (j) address Ministerial Directions:
 - i. 2.3 Heritage Conservation;
 - ii. 2.6 Remediation of Contaminated Land; and
 - iii. 6.3 Site Specific Provisions;
- (k) address SEPP (Affordable Rental Housing) 2009;
- (l) a revised assessment against SEPP (Infrastructure) 2007 as the site is adjacent to railway corridor zoned SP2 Infrastructure (Railway);
2. Prior to finalisation Council is to consider whether the minimum 1:1 commercial FSR component for this site is necessary, given the significant constraints in achieving a reasonable podium and access arrangement due to the small lot size.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
 - Transport for NSW.
 - Ausgrid; and
 - Sydney Water.
5. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
6. Given the nature of the planning proposal and its general consistency with the Chatswood CBD Strategy, Council is authorised to be the local plan-making authority to make this plan.



Nick Armstrong
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22 Jan 2021

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Acting Director, North District

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Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Planning proposal

- **A1** – Concept plans
- **A2** – Urban Design Assessment report
- **A3** – Traffic Impact Assessment
- **A4** – Visual Impact and Transition Assessment
- **A5** – Pedestrian and Wind Assessment
- **A6** – Acoustics report
- **A7** – Services report
- **A8** – Draft DCP provisions
- **A9** – Letter of offer
- **A10** – Proposed amended LEP maps

Attachment B – Site map

Attachment C – Locality context map

Attachment D – Existing LEP maps

Attachment E – Proposed LEP maps

Attachment F – Council report and correspondence

- **F1** – Detailed assessment report
- **F2** – Council resolution 12 November 2018
- **F3** – Council letter requesting Gateway 5 November 2020

Attachment G – WLPP Record of Advice

Attachment H – Chatswood CBD Strategy

- **H1** – Chatswood CBD Strategy background summary
- **H2** – Department's partial endorsement letter
- **H3** – Department's full endorsement
- **H4** – Final Chatswood CBD Planning and Urban Design Strategy
- **H5** – Transport for NSW endorsed traffic study letter