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Gateway determination report – PP-2021-2467

54-56 Anderson Street, Chatswood

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Table 1 Reports and plans supporting the proposal

Urban Design Report (Prepared by DEM)
Heritage Impact Assessment (Prepared by Kemp and Johnson Heritage)
Traffic Impact Assessment (Prepared by Varga Transport Planning)
Acoustic Assessment Report (Prepared by Resonate Acoustics)
Preliminary Wind Assessment (Prepared by Vipac)
Key Elements Assessment (Prepared by Develotek)

1 Summary

Table 1 Planning proposal details

LGA	Willoughby
PPA	Willoughby City Council
NAME	54-56 Anderson Street, Chatswood (114 homes 90 jobs)
NUMBER	PP-2021-2467
LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
ADDRESS	54-56 Anderson Street, Chatswood
DESCRIPTION	SP 30740 and SP 11846
RECEIVED	3/03/20213/03/2021
FILE NO.	IRF21/2300
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

2 Introduction

2.1 Description of planning proposal

The planning proposal seeks to amend the Willoughby Local Environmental Plan (LEP) 2012 for the subject site by:

- Rezoning the site from R4 High Density Residential to B4 Mixed Use;
- Increasing the maximum permitted building height from 12m to part 90m and part 53m;
- Increasing the floor space ratio (FSR) from 0.9:1 to 5:1; and
- Identifying the site on the Special Provisions Area Map to implement controls relating to affordable housing and design excellence.

A concept design has been prepared and accompanies the proposal, the concept depicts a 27-storey mixed use development comprising a part 12 and part 24 storey tower positioned above a 2-3 storey podium comprising commercial and retail uses.

If the concept development is realised it has the potential to deliver:

- 114 new residential dwellings including 4% affordable housing;
- 1773m² of commercial/retail floor space (approx. 90 FTE jobs); and
- 160 carparking spaces.

2.2 Site description and surrounding area

The planning proposal applies to land at 54-56 Anderson Street, Chatswood which is legally described as SP 30740 and SP 11846 (**Figure 1**). The site comprises a total site area of approximately 2,216m² and is primarily regular in shape, with the site narrowing towards its northern end as the western boundary runs parallel to the adjacent North Shore Railway Line.

The site has three road frontages. The primary frontage is to the east to Anderson Street. The site also has secondary frontages to O'Brien Street to the south and Wilson Street to the north.

The site is located approximately 550m north of the Chatswood Transport Interchange with excellent access to metro, rail and bus services (**Figure 2**).

The existing developments at the site comprise two separate residential flat buildings being two and three storeys respectively (**Figure 3-4**). The residential flat buildings are currently located on separate allotments and have separate vehicular access driveways from Wilson Street and O'Brien Street respectively.

East of the site on the opposite side of Anderson Street is the North Chatswood Heritage Conservation Area (HCA). The built form of the HCA is characterised as predominantly single storey detached Federation and Interwar residential developments.



Figure 1 Subject site (source: Nearmap)



Figure 2 Site context (source: Nearmap)



Figure 3 Existing development at 54 Anderson Street (Source: DPIE)



Figure 4 Existing development at 56 Anderson Street (Source: DPIE)

2.3 Objectives of planning proposal

The planning proposal seeks to amend the Willoughby Local Environmental Plan (LEP) 2012 to respond to the indicated changes under Council's Chatswood CBD Planning and Urban Design Strategy (Chatswood CBD Strategy).

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

The planning proposal states that its objectives are as follows:

- 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, access, heritage, viability, development trends and market expectations.
- The planning proposal would allow 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.
- Consolidating the existing allotments into one development site facilitates a coordinated and more efficient development of the site, a far superior outcome compared to piecemeal redevelopment of individual allotments. The consolidated site has more than sufficient area, as envisaged in the Chatswood CBD Strategy to accommodate a large scale high rise development and is nominated in the CBD Strategy as a redevelopment site. It is a commonly accepted town planning practice to allow increased development yield to encourage site consolidation for medium and higher density development.
- The form of the proposed tower envelope has been designed to minimise as far as possible increases in shadowing of existing high density residential properties to the southwest. The site to the south is likely to be redeveloped for high rise housing. Detailed tower design will ensure reasonable neighbour privacy is maintained.
- At ground level the streetscape will be maintained along the 3 street frontages of the site by provision of landscaping to street frontages and planting of additional street trees. There is potential for an east facing café, with outdoor seating, at ground floor level in the proposed podium for use by both future occupants of the building, local residents and persons using the existing walkway extending north to the western end of O'Brien Street.
- 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.

The objectives of this planning proposal are considered to be clear and are adequate for the purpose of public exhibition. It is noted that the planning proposal also includes a list of intended outcomes which assist with understanding the intent.

2.4 Explanation of provisions

The planning proposal seeks to amend the Willoughby LEP 2012 as follows:

- Rezoning the site from R4 High Density Residential to B4 Mixed Use;
- Increasing the maximum permitted building height from 12m to part 90m and part 53m;

- Increasing the floor space ratio (FSR) from 0.9:1 to 5:1; and
- Identifying the site on the Special Provisions Area Map as Areas 3 and 9 to implement controls relating to affordable housing and design excellence.

The following table provides a comparison of the existing controls, the proposed controls and the recommended controls under the Chatswood CBD Strategy.

Table 2 Current and proposed controls

Control	Current	Chatswood CBD Strategy	Proposed
Zone	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use
Maximum height of the building	12m	90m (54 Anderson Street) 53m (56 Anderson Street)	90m (54 Anderson Street) 53m (56 Anderson Street)
Floor space ratio	0.9:1	5:1	5:1

Although the planning proposal does not provide a clear explanation of provisions and conflicting information from previous versions of the proposal, the resubmission letter that accompanies the proposal contains a clear explanation of provisions. The planning proposal should be updated prior to public exhibition to include this information into the planning proposal document. This is reflected in the recommended conditions of the Gateway determination.

It is also noted that the Council resolution of June 2018 included references to an amendment to the Active Street Frontages Map. However, this amendment is no longer discussed in the resubmitted documentation. Should Council wish to proceed with the Active Street Frontages Map amendment the Department raises no objection to its inclusion prior to public exhibition.

2.5 Current Planning Controls

Under the Willoughby LEP 2012, the subject site is subject to the following controls:

- Zoned R3 Medium Density Residential (**Figure 5**);
- Maximum permitted building height of 12m (**Figure 6**); and
- Maximum FSR of 0.9:1 (**Figure 7**).

It is also noted that although the site does not contain any heritage items, nor is it located within a heritage conservation area (HCA), it is located opposite the North Chatswood HCA and near some associated heritage items. The heritage impact and context of the site is discussed in section 5.1 of this report and can be seen in **Figure 8**.

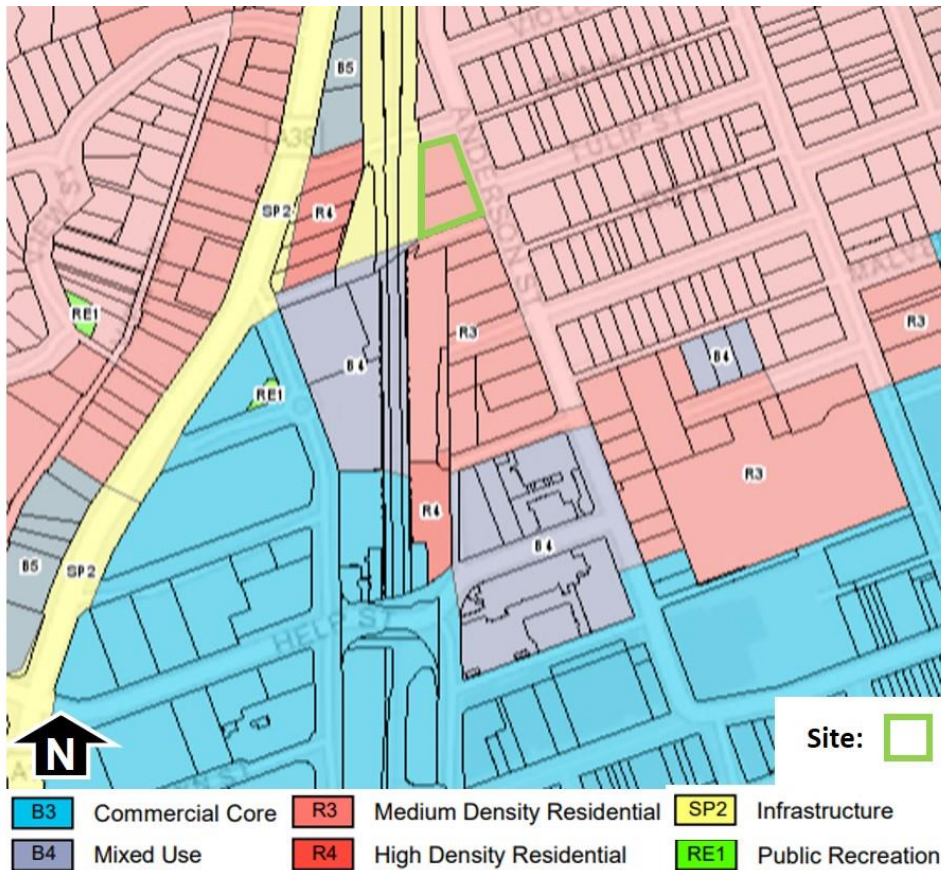


Figure 5 Current zoning map (Source: Willoughby LEP 2012)

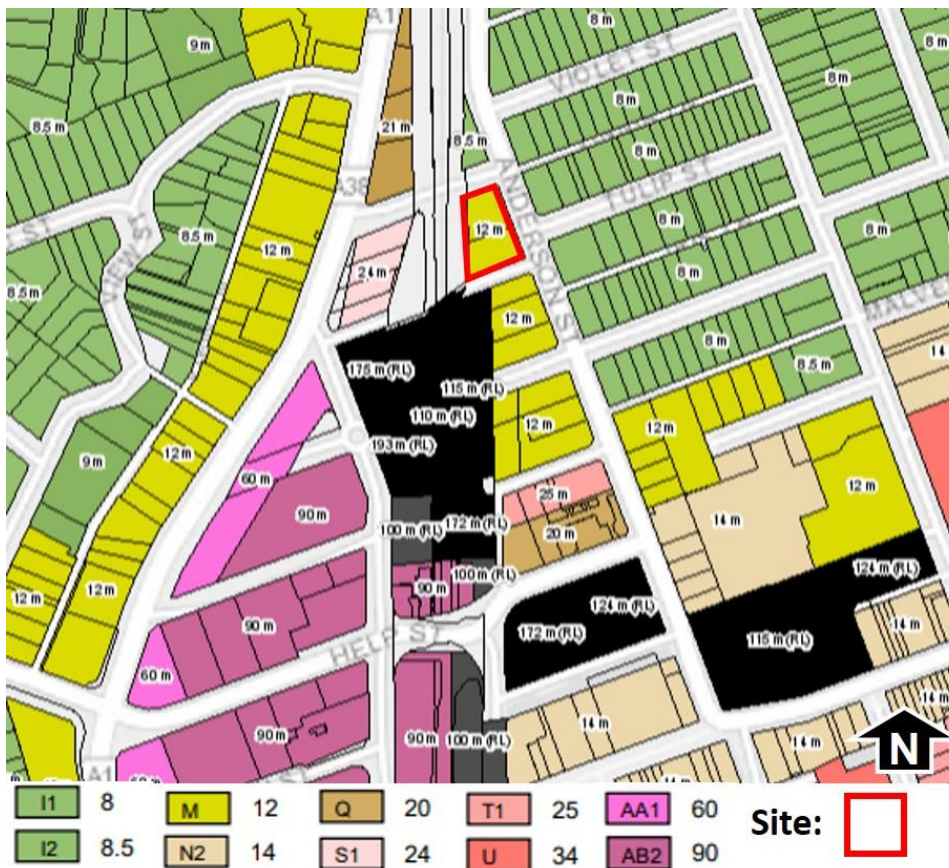


Figure 6 Current height of building map (Source Willoughby LEP 2012)

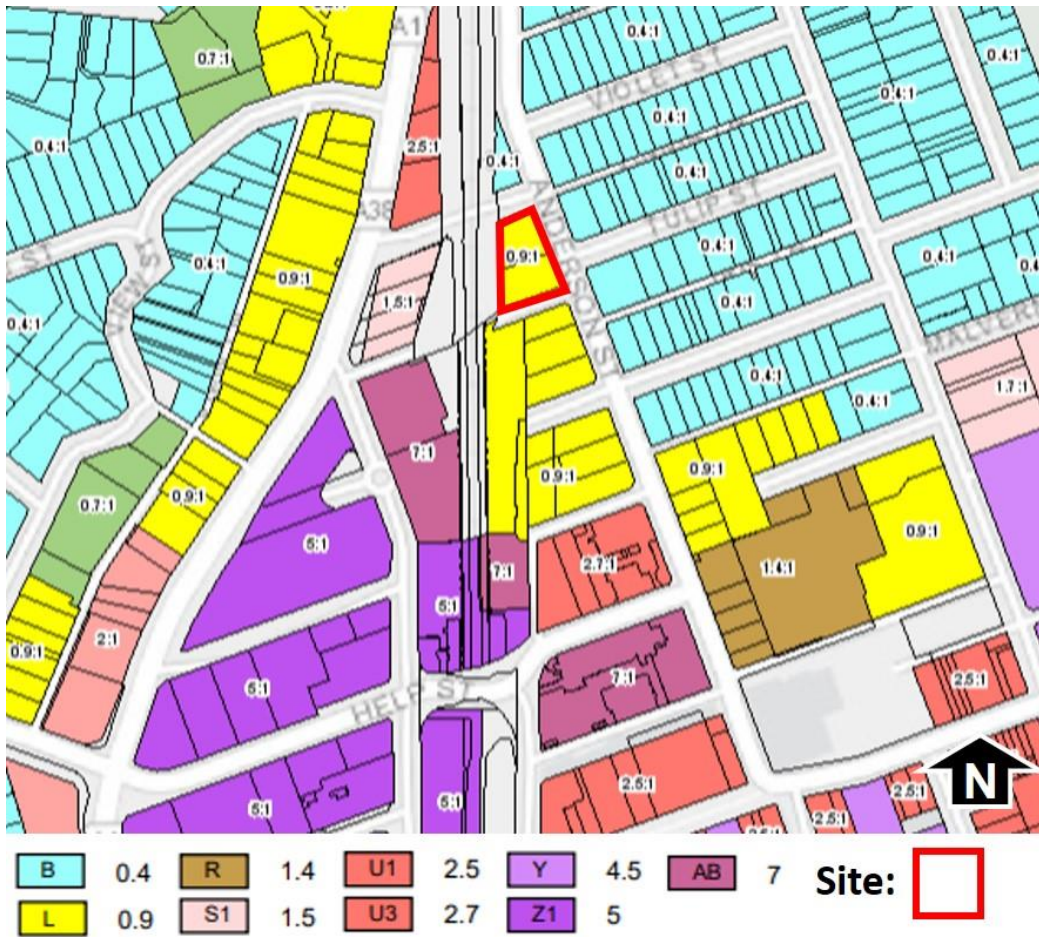


Figure 7 Current floor space ratio map (Source: Willoughby LEP 2012)

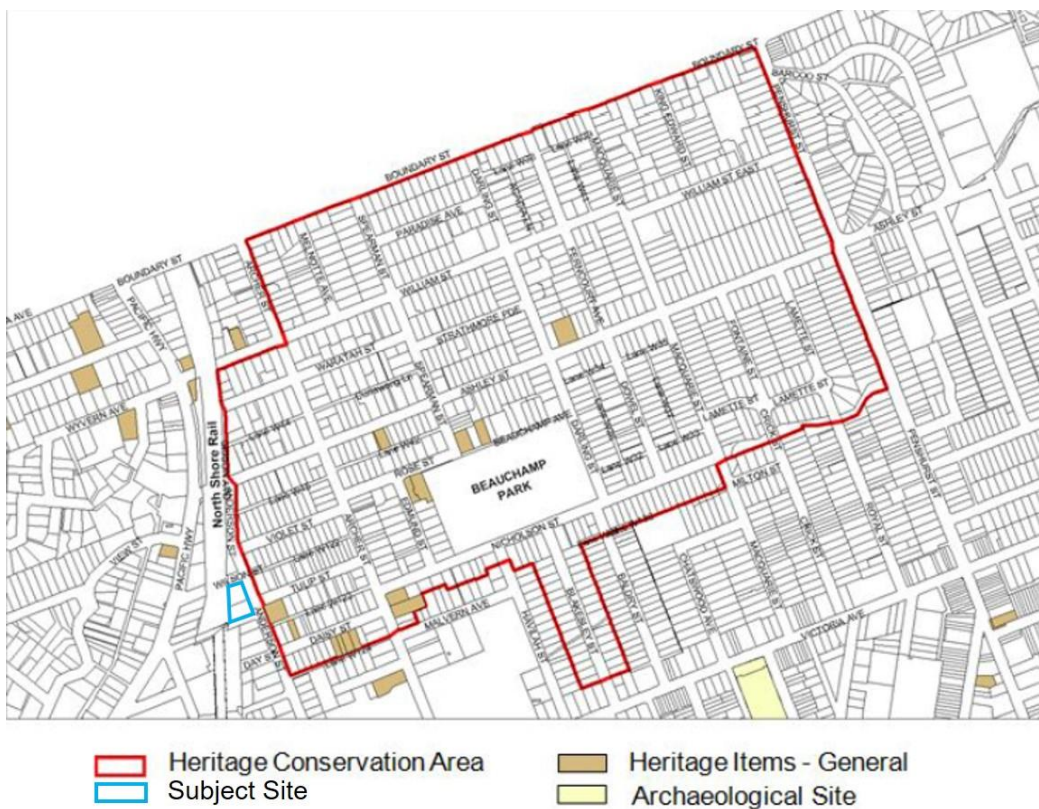


Figure 8: North Chatswood HCA Context and Extent (Source: Weir Phillips (overlay DPIE))

2.6 Mapping

The planning proposal does not include mapping showing the proposed changes to the Willoughby LEP 2012 maps.

However, it is noted that The proposal seeks to make the following mapping amendments to Sheet _003 and Sheet _004 of the Willoughby LEP 2012:

- Amending the Land Use Zoning Map to rezone the site from R3 Medium Density Residential to B4 Mixed Use;
- Amending the Floor Space Ratio Map to increase the FSR from 0.9:1 to 5:1;
- Amending the Maximum Height of Buildings Map to increase the maximum permitted building height from 12m to part 53m and part 90m; and
- Amending the Special Provisions Area Map to identify the site as Area X and X so as to apply the existing controls relating to affordable housing and design excellence.

Prior to community consultation the planning proposal is to be updated to include clear extracts of the proposed mapping amendments. This is reflected in the recommended conditions of the Gateway determination.

2.7 Concept Plan

The planning proposal is accompanied by an Urban Design Report prepared by DEM . The Urban Design Report contains a concept development to support the proposal which depicts a mixed use building comprising 114 apartments and a total of 1,773m² of commercial floor space.

The indicative built form includes a 2-3 storey commercial podium with a part 12 and part 24 storey residential tower above (total of 27 storeys). The redevelopment is likely to include 4 levels of basement parking for 160 carparking space with vehicular access from O'Brien Street.

Figure 10 provides an extract from the Urban Design Report demonstrating the proposed building envelope under the concept design.



Figure 9: Site Plan (Source: DEM).



Figure 10: Concept Building Envelope (Source: DEM)

The following table provides a breakdown of the proposed mix of uses and gross floor area (GFA):

Table 3 Land Use Breakdown

Land Use	Gross Floor Area
Residential	8,949m ²
Affordable Housing	358m ² (included in residential GFA)
Commercial	1,400m ²

Land Use	Gross Floor Area
Retail	373m ²
Total	11,080m² (5:1)

The concept design includes an appropriate mix of one, two and three bedroom apartments, **Figure 11** below portrays a typical residential floorplate from levels 5-16.

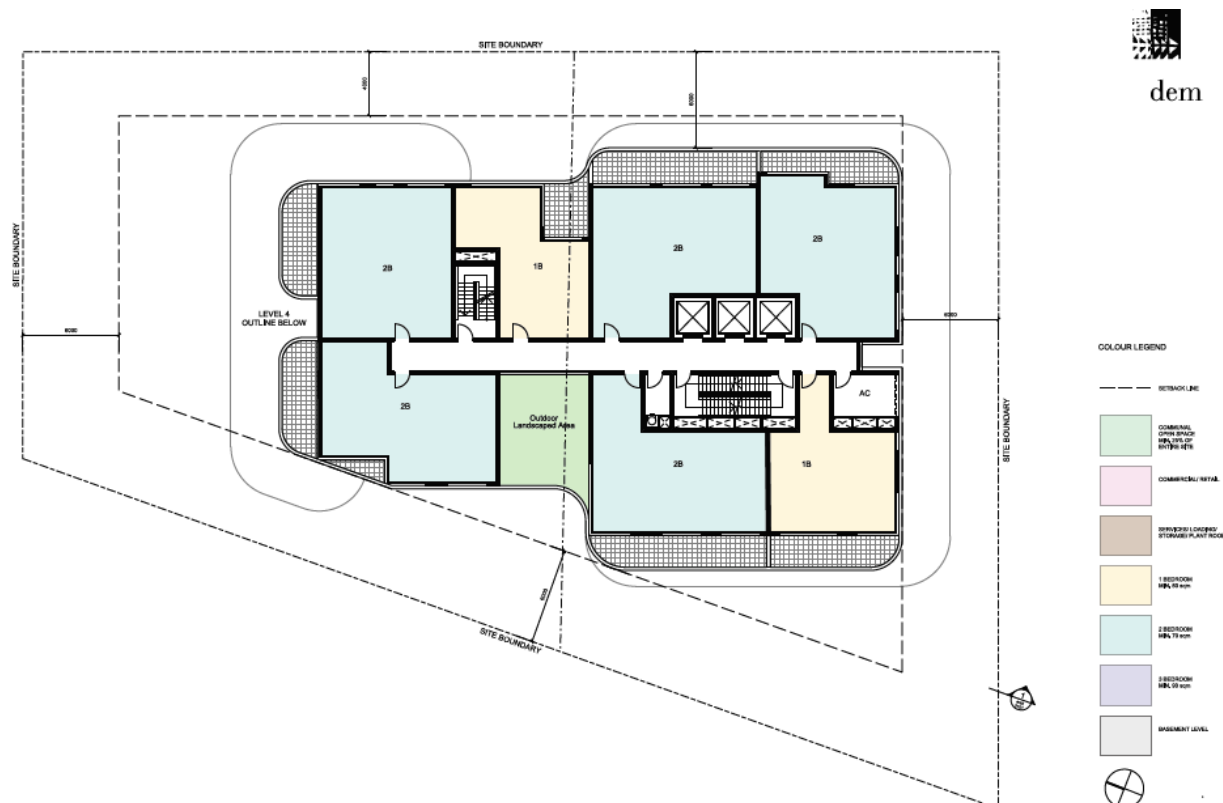


Figure 11: Typical floor plate mix levels 5-16 (Source: DEM)

3 Need for the planning proposal

The planning proposal seeks to respond to the changes proposed under Council's Chatswood CBD Planning and Urban Design Strategy (**Attachment K1**). The Chatswood CBD Strategy received full endorsement from the Department in August 2020. The planning proposal is considered to be consistent with the controls and other elements of the Chatswood CBD Strategy which is detailed in section 4.4 of this report.

The planning proposal is considered to be the best means of achieving its objectives and intended outcomes as the Chatswood CBD Strategy recommends significant uplift for the site which cannot be appropriately applied through a clause 4.6 variation.

4 Strategic assessment

4.1 North District Plan

The subject site falls within the North District of the Greater Sydney Region. The Greater Sydney Commission released the North District Plan on 18 March 2018. The North District Plan contains priorities and actions to guide planning in the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the North District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 4** includes an assessment of the planning proposal against relevant directions and actions.

The proposal aligns with the Chatswood CBD Planning and Urban Design Strategy which has been developed to achieve the North District Plan's actions to strengthen Chatswood through approaches that:

- (a) Protect and grow the commercial core.
- (b) Maximise the land use opportunities provided by Sydney Metro.
- (c) Promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering.
- (d) Enhance the role of the centre as a destination for cultural and leisure activities.
- (e) Promote and encourage connectivity, and upgrade and increase public open spaces.
- (f) Investigate interchange operations on both sides of the railway line to increase capacity and efficiency of modal changes.
- (g) Improve pedestrian connectivity between the eastern and western side of the rail line.

The proposal's consistency with the Chatswood CBD Strategy is discussed further in **Table 6**.

Table 4 District Plan assessment

District Plan Priorities	Consistency
N5: Providing housing supply, choice and affordability with access to jobs, services and public transport.	By providing approximately 114 new dwellings including a 4% affordable housing component within proximity of the Chatswood Transport Interchange with excellent access to jobs and services within the Chatswood CBD.
N6: Creating and renewing great places and local centres, and respecting the District's heritage.	The proposal seeks to redevelop aged housing stock and provide active street frontages within a strategic centre. The proposal is accompanied by a heritage impact statement and has included elements which are intended to be sympathetic of the surrounding heritage items and HCA.
N8: Eastern Economic Corridor is better connected and more competitive.	By growing employment generating development in the economic corridor that is highly accessible to the well connected Chatswood CBD. The proposal will also increase the residential population which will create induced demand for retail and generate economic activity.
N10: Growing investment, business opportunities and jobs in strategic centres.	The proposal will include approximately 1,700m ² of non-residential floor space for retail and commercial uses, expanding employment lands to the northern extent of the Chatswood CBD.
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 approximately 550m walking distance from the Chatswood Transport Interchange.

4.2 Willoughby Local Strategic Planning Statement

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

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

Relevant to the subject site, Council's LSPS supports the delivery of the key elements of the Chatswood CBD Planning and Urban Design Strategy as this is the key driver for housing, jobs and investment within the Willoughby LGA. An assessment of the proposal's consistency against the key elements of the strategy is provided under section 6.2 of this report.

The planning proposal provides commentary on its consistency with the Willoughby LSPS highlighting housing intensification principles contained within the LSPS. The proposal is generally consistent with the housing intensification principles as it is located within the Chatswood CBD which is identified to accommodate additional housing growth in the LSPS.

Table 5 Willoughby LSPS Assessment

LSPS Priorities	Consistency
Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers	The planning proposal is considered consistent with the priority as it seeks to deliver approximately 114 new residential dwellings with an appropriate mix of apartment sizes to cater for a broad range of the population.
Priority 2: Increasing the supply of affordable housing	The proposal actively supports the implementation of the priority as it seeks to deliver 373m ² of affordable housing, being 4% of its residential component.
Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features.	The proposal will create an extension of the existing north to south link between O'Brien Street and McIntosh Street, by providing a link between O'Brien Street and Wilson Street along its western frontage.
Priority 5: Respecting and enhancing heritage and local suburban character	The planning proposal has been designed with consideration of the nearby North Chatswood HCA and associated heritage items. The proposal seeks to implement a series of mitigation measures to ensure that future development of the site is respectful to the areas existing heritage.
Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor	The planning proposal actively seeks to implement the recommendations of the Chatswood CBD Strategy. The proposal will contribute to the growth and viability of the Chatswood CBD by providing new housing supply and employment opportunities at the periphery of the CBD.
Priority 17: Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth	The proposal will locate new residents and employment opportunities in proximity to existing infrastructure located in the Chatswood CBD. The proposal seeks to leverage off this infrastructure and ensure its efficient use.

4.3 Willoughby Local Housing Strategy

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

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

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

Of relevance to the subject proposal, the site falls within the Chatswood CBD Strategy area and is expected to deliver the majority of Council's future dwelling capacity. As such, the proposal is considered consistent with Council's LHS as it supports the delivery of the key elements of the Chatswood CBD Strategy and is located within its proposed expanded B4 Mixed Use area.

The Willoughby LHS describes a 6-10 year housing target for the LGA of 1600 dwellings from 2021-2026. The proposal is therefore considered to offer a sizeable contribution to the delivery of approximately 7.1% of this target.

4.4 Chatswood CBD Planning and Urban Design Strategy

The now finalised and endorsed Chatswood CBD Strategy represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy was intended to inform strategic merit assessments for site specific planning proposals and to align Council's strategic planning including its LSPS, LHS and comprehensive LEP amendment with the actions and priorities of the North District Plan.

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Table 6** includes the Department's assessment of the proposal's consistency with these key elements.

Table 6 Chatswood CBD planning assessment

Key Element	Consistent	Assessment of Consistency
CBD Boundary	Yes	The site falls within the proposed expanded B4 Mixed Use area.
Land Use	Yes	The proposal intends to rezone the site from R3 Medium Density Residential to B4 Mixed Use as recommended by the strategy.
Removal of DCP provisions for size of office and retail tenancies within B3 core	N/A	Not relevant to subject site as the site is not located within the B3 commercial core.
Serviced apartments to be removed as a permissible use within B3 core	N/A	Not relevant to subject site as the site is not located within the B3 commercial core.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	<p>The Council's proposed value capture scheme is not supported by the Department.</p> <p>Council has advised that they are no longer seeking to include value capture as a mechanism for development contributions.</p> <p>Council is currently considering the preparation of a 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 (Attachment G).</p>

Key Element	Consistent	Assessment of Consistency
Design excellence required for all development above 35m	Yes	<p>Council requires all development above 35m to be the subject of 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>Clause 6.23 design excellence clause was recently introduced under Willoughby LEP 2012 (Amendment No.15).</p>
Higher building sustainability standards	Yes	<p>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.</p>
Base FSR	Yes	<p>The proposal would achieve an FSR above 0.9:1 the minimum (base) for this site.</p>
Minimum site area	Yes	<p>The site comprises a total site area of approximately 2,216m² which is above the minimum site area requirements of 1,200m² for sites within the B4 Mixed Use zone.</p>
Maximum FSR	Yes	<p>The site includes a maximum FSR of 5:1 which is consistent with the strategy.</p>
Affordable Housing	Yes	<p>The proposal includes a local provision to ensure the site delivers a minimum of 4% affordable housing (358m²) included within the total residential component of 8,949m².</p>
Minimum commercial FSR in mixed use zones is to be 1:1	Yes	<p>The Chatswood CBD Strategy does not recommend a minimum non-residential FSR for site's with an FSR of 5:1.</p> <p>It should be noted that residential flat buildings are not permitted in the B4 zone, whilst shop top housing is a permitted use. This is considered an adequate measure to ensure the delivery of commercial floor space at the site.</p>

Key Element	Consistent	Assessment of Consistency
Maximum tower floor plate sizes	Yes	The proposed tower includes typical floorplates of 560m ² for lower levels and 300m ² for upper levels. The proposed floorplates are well 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	As outlined in the Key Elements Assessment accompanying the proposal (Attachment I) the 25 storey tower positioned above the podium has a width of 17.5m and 20m and a length of 27m, which as demonstrated in the urban design report, can achieve the desired outcome of slender tower form.
Tower separation	N/A	The element does not apply as the proposed development only includes a single residential tower and does not share a boundary with other sites identified for towers.
Sun access to key public spaces and conservation areas	Yes	The site is not affected by a sun access plane and is stated to have no shadow impacts on any solar access protected areas identified under the Chatswood CBD Strategy.
Building Heights	Yes	The proposal is consistent with the maximum building heights for the site under the Chatswood CBD Strategy. The Chatswood Strategy recommends a 90m height limit for 54 Anderson Street and 53m for 56 Anderson Street.
Lift over runs and architectural features integrated into building form	Yes – capable at DA stage	The concept design integrates the lift over run and architectural features within the maximum height limit.
Links and open space	Yes	While the site itself is not subject to the provision of through site links as part of the Chatswood CBD Strategy, the proposal intends to provide a through site link adjacent to the railway line between O'Brien Street and Wilson Street. This through site link will operate as an extension of the existing pedestrian connection between O'Brien Street and McIntosh Street.

Key Element	Consistent	Assessment of Consistency
Publicly accessible open space and landscaping	Yes – capable at DA stage	The concept plan includes an area of publicly accessible open space along the Anderson Street and Wilson Street frontage of the site, which will include some tree planting and other landscaping. Street trees are proposed along the Anderson Street frontage of the site to mitigate the change in scale between the heritage conservation area and the development.
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 rooftop terraces will be incorporated at levels 3 and 16 to provide for communal open space.
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 design demonstrates that publicly accessible space will be provided along the Wilson Street and Anderson Street frontage.
Roof top communal open space	Yes	Communal open space provided on levels 3 and 16.
Street wall heights and setbacks	Yes – capable at DA stage	The strategy indicates a 6-14m street wall height with a minimum 3m setback at ground level from the Anderson Street boundary. A 3m setback is also required above the podium to the tower form on three frontages, with a 1m setback required for the Anderson Street frontage. The concept includes a 3 storey (13m) podium which is compliant, and sufficient setbacks are provided at ground level and above the podium. The proposal is able to comply with all setbacks and street wall heights.

Key Element	Consistent	Assessment of Consistency
Active street frontages	Yes	<p>The proposed concept development depicts glass fronted residential and commercial lobbies on the ground floor to Anderson Street, Wilson Street and the Corner of O'Brien Street.</p> <p>As previously noted, the concept development also incorporates a landscaped buffer to the Anderson Street and Wilson Street frontages.</p> <p>The proposal is considered consistent with the Chatswood CBD Strategy as there are no blank walls facing Anderson and Wilson Streets.</p>
Site isolation	Yes	<p>The site is bounded by roads to three frontages and the railway to the western frontage. The site reads as an island site and will not isolate any future development in its surrounding area.</p>
Traffic and transport	Yes	<p>All access and parking requirements are consistent with the strategy including a single entry and exit in a forward direction from O'Brien Street, basement loading and parking requirements.</p>

4.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes – But Planning Proposal to be updated.	<p>The direction aims to encourage employment growth and protect industrial and employment lands.</p> <p>Although the planning proposal states that the direction is not applicable as the site is currently zoned for residential uses, the direction is applicable as the site is being rezoned to a business use.</p> <p>Despite this, the proposal is considered to be consistent with the direction as the proposal seeks to encourage more employment generating uses at a site which currently does not comprise any commercial uses. The proposal is anticipated to support</p>

		<p>the growth of the Chatswood strategic centre.</p> <p>The conditions of the Gateway determination require the planning proposal to be updated prior to exhibition to address the proposal's consistency with the direction.</p>
2.3 Heritage Conservation	Yes	<p>Although the site does not contain a heritage item and is not located within a Heritage Conservation Area (HCA), the site is located adjacent to the North Chatswood HCA to its east and south east and a local heritage item to the east being 20 Tulip Street, Chatswood.</p> <p>The planning proposal is accompanied by a Heritage Impact Assessment prepared by Kemp and Johnson Heritage Consultants.</p> <p>An assessment of environmental heritage impact is provided at section 5.1 of this report. The Department is satisfied that the proposal has adequately addressed potential heritage impacts and is therefore considered to be consistent with the direction.</p>
3.1 Residential Zones	Yes	<p>The direction is applicable as the site is currently zoned R3 Medium Density Residential and is to be rezoned to B4 Mixed Use which also permits significant residential development.</p> <p>The planning proposal is considered to be consistent with the direction as it seeks to broaden the choice and supply in a location with excellent access to existing infrastructure and services.</p>
3.4 Integrating Land Use and Transport	Yes	<p>The direction aims to ensure that urban structures, built forms, land use locations,</p>

		<p>development designs, subdivision and street layouts:</p> <ul style="list-style-type: none"> • Improve active and public transport access to homes and jobs. • Increase transport choices and reduce car dependency. • Reduce travel demand. • Support the operation of public transport services. • Provide for the efficient movement of freight. <p>The direction applies as the proposal seeks to alter a provision relating to urban land in proximity to public transport services.</p> <p>The proposal seeks to increase the overall density of the site for both additional residential and commercial uses. The site is located approximately 550m north 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.</p> <p>As the proposal will encourage the delivery of residential and jobs growth in proximity to a major public transport interchange and well services in the Chatswood CBD the proposal is considered to be consistent with the direction.</p>
6.3 Site Specific Provisions	Yes	<p>The direction aims to discourage the application of unnecessarily restrictive site-specific planning controls. The direction applies in this case as the proposal seeks to implement additional specific provisions.</p> <p>The proposal seeks to include site specific provisions recommended by the Chatswood CBD Strategy relating to the provision of affordable housing and design excellence. These requirements are not considered unnecessarily restrictive as they are reflective of the recommendations of an endorsed centre-wide strategy and will be implemented within future planning proposals and the wider comprehensive Willoughby LEP amendment. Therefore, the proposal is considered to be consistent with the direction.</p>

4.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed below.

SEPP No. 65 – Design Quality of Residential Apartment Development (Apartment Design Guide):

The Urban Design Report which accompanies the proposal prepared by DEM (**Attachment D**) contains a compliance schedule which demonstrates that the proposed development is capable of achieving compliance with all of the relevant requirements under SEPP 65. The proposal will be subject to formal consideration against the requirements of the SEPP should a future development application be lodged for the site.

5 Site-specific assessment

5.1 Environmental

Natural Environment

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.

Heritage Impacts

The site does not contain any local or state heritage items and is not located within a Heritage Conservation Area (HCA). However, the site is opposite the North Chatswood HCA and a local heritage item at 20 Tulip Street, Chatswood.

Local Heritage Item – ‘Wycliffe’ 20 Tulip Street, Chatswood:

20 Tulip Street, Chatswood comprises a detached Federation style house built in the 1904/05 known as ‘Wycliffe’. The site is considered to be of local heritage significance under the Willoughby LEP 2012 and is identified as Item I129.

The item is described as a substantial and finely detailed brick residence in the Federation Queen Anne style with a complex hipped and gabled slate roof with terracotta finals and ridge capping and tall elaborate chimneys and wrap around verandas.



Figure 13: ‘Wycliffe’ 20 Tulip Street, Chatswood (Source: Kemp and Johnson Heritage Consultants)

Heritage Conservation Area – North Chatswood (C10):

Figure 8 depicts the sites context in relation to the North Chatswood HCA and the extent of the HCA. The HCA is located to the east of Anderson Street and includes several heritage items throughout. The North Chatswood HCA is described as consisting of predominantly single storey detached housing in the Federation and Interwar bungalow styles. It also includes several Federation mansions, late Victorian housing and semi detached bungalows.

The Willoughby Development Control Plan (DCP) describes the North Chatswood HCA is a good example of early North Shore residential development as the housing stock describes the progressive overlays of development taking place over half a century. The HCA is considered to be of particular local historical and aesthetic significance for its relatively narrow streets with wide grassed verges.

Chatswood CBD Precinct Heritage Strategy (January 2020):

The planning proposal also seeks to respond to the recommendations of the Weir Phillips Heritage and Planning *Chatswood CBD Precinct Heritage Strategy* (Heritage Strategy) (**Attachment K2**). The Heritage Strategy was conducted following the Department’s partial endorsement of the Chatswood CBD Strategy which requested additional heritage analysis particularly around the boundary of the strategy area.

The Heritage Strategy considered the relationship between the proposed uplift on the western side of Anderson Street and the heritage character to its east. The Heritage Strategy recommended a reduction in height to the northern portion of the site which is reflected in the final Chatswood CBD Strategy. The Heritage Strategy also recommends the use of a 3-5 storey podium with a 3m tower

setback above for sites on the western side of Anderson Street and tree planting to partially screen development to reduce visual impacts particularly from more distant points in the HCA.

The Heritage Strategy includes the following sectional diagram to demonstrate the intended relationship between the western side of Anderson street and the heritage character to the east (Figure 14).

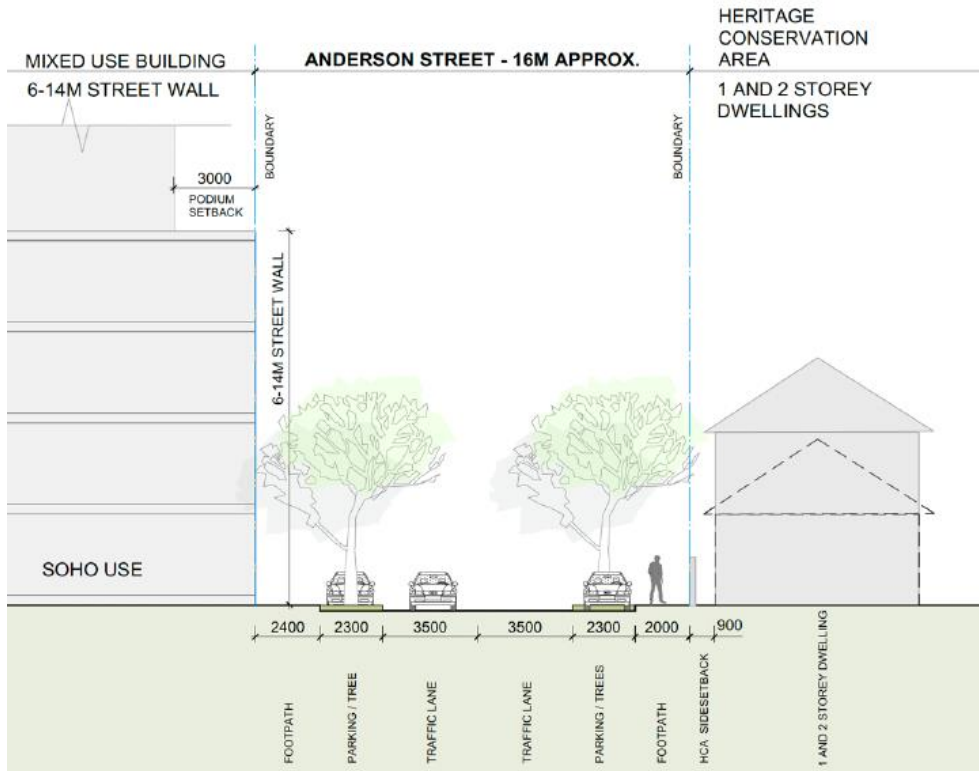


Figure 14: Sectional Diagram of Anderson Street showing the transition between potential development west of the HCA (Source: Weir Phillips Heritage Strategy)

Kemp and Johnson Heritage Impact Assessment (January 2021):

In order to appropriately assess the impact of the proposed development on the nearby HCA and local heritage item, the proponent has commissioned Kemp and Johnson Heritage Consultants to prepare a Heritage Impact Assessment (HIA) dated January 2021.

The HIA notes that the subject site is not located directly adjacent to the HCA and heritage item as it is separated by Anderson Street. The HIA also discusses the measures utilised to mitigate any potential impacts on the heritage significance of the item and HCA.

- The proposed concept utilises a 3 storey podium and setbacks to position the bulk of the development away from nearby heritage properties. The 3 storey podium also represents a smaller podium than the 5 storeys which was deemed appropriate under the Weir Phillips Heritage CBD Precinct Heritage Strategy dated January 2020, prior to revisions being made to the Chatswood CBD Strategy.
- The proposal includes a 4m landscaped setback to create a soft visual buffer between the proposed development and existing heritage at the ground level.
- The restriction of vehicular access to O'Brien Street reduces the potential impacts to the Anderson Street streetscape.

The HIA concedes that there will be a stark difference in built form between the existing heritage and proposed built form at the site. However, also notes that this stark difference in scale is already visually apparent between the nearby heritage and existing height and scale of the Chatswood CBD which already forms the view from the western edge of the HCA.

The HIA also notes that there are embossed street names located within the footpath outside the site on the Anderson Street frontage. The HIA recommends that as part of any future development consent for the site that a condition be imposed to protect these during the construction phase.

The Department notes the site's isolated nature with consideration of its three street frontages with its only other frontage to the North Shore Railway Line. The Department is supportive of the mitigation measures proposed including the implementation of a landscaped buffer and tower setbacks to the Anderson Street frontage.

It is also noted that the proposal responds to the Weir Phillips Heritage and Planning Chatswood CBD Precinct Heritage Study. The Department supports the approach undertaken to adopt the measures included within the Weir Phillips Heritage Strategy, particularly the inclusion of a 3 storey podium.

The Department is therefore satisfied that the proposal has appropriately considered the surrounding heritage items and HCA and has applied a range of adequate mitigation measures to minimise its potential impacts.

Acoustic Impacts

Although it is not anticipated that the development will have any unacceptable acoustic impacts on surrounding developments due to its isolated nature, any development at the site will need to be considerate of noise impacts deriving from the adjacent North Shore Railway.

The planning proposal notes that any future development application for the site will need to have consideration of the Department's *Development Near Rail Corridors and Busy Roads*. The planning proposal is accompanied by a Preliminary Acoustic Assessment prepared by Resonate Acoustics (**Attachment G**).

The Preliminary Acoustic Assessment includes the following recommendations:

- Proprietary single laminated glazing systems;
- Utilising winter gardens for western facing apartments;
- Deep void double glazing;
- Alternative means of ventilation to reduce the need to open windows; and
- Undertake additional acoustic modelling at the detailed design stage.

The Department is satisfied that due to the site's isolated nature it is unlikely to have any adverse acoustic impacts on existing surrounding developments. The Department also supports the inclusion of the mitigation measures recommended under the Preliminary Acoustic Assessment at the detailed design and development application stage. Further acoustic testing is likely to be carried out at development application stage when specific mitigation measures can be considered as part of the detailed design.

Wind Impact Assessment

The planning proposal is supported by a Preliminary Wind Impact Statement prepared by Vipac Engineers and Scientists (**Attachment H**).

The wind assessment notes that there is expected to be some adverse wind effects at the corners of Anderson Street and O'Brien Street and Anderson Street and Wilson Street. The wind assessment outlines that the features of the design such as setbacks counteract these impacts and ensure wind conditions will be within the appropriate criterion for walking.

The Preliminary Wind Assessment recommends the following mitigation measures:

- Ground floor:
 - 1.8m deep canopy at ground floor.

- 1.5m high landscaping fronting Wilson Street at ground floor.
- Rooftop gardens and terraces:
 - 1.4m-1.8m high balustrades around the perimeter.
 - Potential use of pergolas to ameliorate wind impacts.

The Preliminary Wind Assessment concludes that the proposed design in culmination with the recommended mitigation measures will generate wind conditions that fall within acceptable criterion. The Department is satisfied that the anticipated wind impacts are acceptable. However, it is noted that wind tunnel testing should be undertaken at the detailed design stage to ensure that appropriate mitigation measures are implemented as part of a potential future development application.

View and Visual Impacts

The proposal is not considered to have any major adverse visual or impacts on existing views. The location of the site on the periphery of the Chatswood CBD will allow for the proposed tower form to form part of the existing Chatswood skyline.

The proposal concedes that there may be a limited reduction in district views to the north and north east from existing high-rise developments in the Chatswood CBD that are located south of the site. The tower is only anticipated to occupy a small proportion of the district view available from the existing towers and is therefore considered to be acceptable.

Further visual analysis and view loss testing can be undertaken at post-exhibition stage depending on the nature of submissions received and again at the detailed design stage where more appropriate view preservation methods can be incorporated into the final building design as part of the potential future development application.

5.2 Social

Affordable Housing

Under clause 4.4(2A)(b) of Willoughby LEP 2012 any part of the floor area of a building that is to be used for affordable housing, is not calculated as overall gross floor area and does not contribute to FSR. This allows the developer to contribute towards any 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 identify the site as 'Area 9' within this clause to enable the delivery of additional affordable housing in accordance with clause 4.4 of the LEP, where any affordable housing floor area is included within the total FSR measurement.

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

5.3 Economic

Although it is noted that the proposal is not supported by an economic impact assessment, the proposal states that if realised it will enable the delivery of approximately 114 dwellings and 90 FTE jobs at the site. The site currently does not have any commercial opportunities.

The rezoning of the site to B4 Mixed Use seeks to create additional jobs, which is a key outcome for Chatswood CBD and a key objective of the North District Plan. The proposal will also ensure that the development can accommodate diverse forms of employment.

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

The planning proposal would result in a substantial increase to the current residential offering at the site. The provision of additional housing supply is also anticipated to have a positive impact on housing affordability within the area. The increased residential population at the periphery of the Chatswood CBD will also induce further demand for jobs and services and support the economic viability of the CBD.

5.4 Infrastructure

Public Transport

The site is well serviced with public transport infrastructure as it is within 550m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to now accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown. The extension 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.
- Enhance accessibility to Chatswood Station and the associated interchange.
- Facilitate development that will deliver housing and employment to provide opportunities to live and work in Chatswood strategic centre.

Traffic Generation

The planning proposal is supported by a Traffic and Parking Assessment prepared by Varga Traffic Planning Pty Ltd (**Attachment F**). The report concludes that the proposal will not have any unacceptable traffic or parking implications and that no road upgrades will be required as a result of the proposal.

It is acknowledged that the proposed increase in density will result in some additional traffic generation. The Traffic and Parking Assessment provides the following traffic projections:

Table 8 Traffic Generation

Component	AM Peak (VPH)	PM Peak (VPH)
Residential (114 dwellings)	21.7	17.1
Commercial (1,773m ²)	28.4	21.3
Total	50.1	38.4

The Traffic and Parking Assessment also notes that the final car parking numbers are not yet known (104-160 spaces). However, demonstrates that the required parking at the time of a future development application is capable of being accommodated within the proposed 4 storey basement.

It is noted that the Department's Chatswood CBD Strategy endorsement required Council to engage Transport for NSW to establish if the strategy can accommodate the proposed growth and whether a Transport Management Action Plan (TMAP) is required for all areas outside the CBD

core. This was included as a condition of the endorsed strategy to ensure that the Chatswood road network could handle the proposed growth and future capacity within the CBD.

This analysis has now been completed by Arup and as of 18 September 2020 and was endorsed by Transport for NSW confirming that the growth within the Chatswood CBD Strategy can be catered for.

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

6 Consultation

6.1 Community

The planning proposal does not propose a community consultation period.

A 28 day exhibition period is considered appropriate, and forms part of the conditions of the Gateway determination.

6.2 Agencies

Consultation is to be undertaken with the relevant public agencies and adjoining landowners as per statutory requirements. Consultation with the following agencies is recommended for the proposal:

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

7 Timeframe

It is noted that the proposal does not contain a project timeline. The recommended conditions of the Gateway determination require the proposal to be updated to include a project timeline as required by the Department's publication '*A guide to preparing planning proposals*'.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times while also factoring local government elections scheduled for September 2021 and the resulting caretaker period. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal responds to a Council led strategy endorsed by the Department, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

9 Assessment summary

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

- It is consistent with the actions of the North District Plan for the Chatswood Strategic Centre as it provides additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location.
- It is consistent with the key elements of the endorsed Chatswood CBD Strategy.
- The introduction of mixed uses to is an improvement above the existing R4 High Density Residential zoning and would not be out of character with the future development context and aspirations for the expanded Chatswood CBD.
- Introducing a genuine mixed-use development would help to service the daytime and night-time economies of the retail precinct and further activates the CBD core area.
- The proposal will provide 114 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:

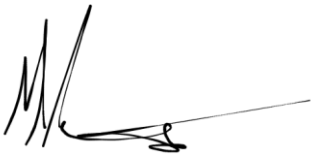
- The proposed built form controls are consistent with the desired future maximum building heights and FSRs for the Chatswood CBD.
- It is considered that the proposal is capable of adequate building separation and solar access outcomes to existing and proposed future development.
- The proposal will enable the delivery of additional affordable housing and job growth in the Chatswood CBD.
- The proposal will deliver a mix of uses on the site within 550m walking distance of the Chatswood transport interchange and CBD core.

10 Recommendation

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

1. The planning proposal is to be updated to:
 - Include a statement of consistency with section 9.1 Direction 1.1 Business and Industrial Zones, noting that the direction is applicable to the proposal.
 - Update the explanation of provisions to match the information contained in the accompanying resubmission letter.
 - Include extracts of the proposed LEP mapping amendments.
 - Include a project timeline as required by the Department's publication '*A guide to preparing planning proposals*'.
2. Prior to community consultation, the planning proposal is to be revised to address the requirements of condition 1 and be forwarded to the Department for review and approval.
3. Consultation is required with the following public authorities:
 - Transport for NSW.
 - Ausgrid.
 - Sydney Water Corporation.

- NSW Department of Education.
 - NSW Department of Health.
 - Sydney Airport Corporation.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited 6 months from the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be 12months from the date of the Gateway determination.
 8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



07/06/2021

Nick Armstrong
A/ Manager, North District



6/7/2021

(Signature)

(Date)

Eva Stanbury
Acting Director, North District

Assessment officer

Bailey Williams
Planning Officer, North District
8275 1306