



**Planning,
Industry &
Environment**

629-639 Pacific Highway, Chatswood – Gateway Determination Report

Greater Sydney, Place and Infrastructure

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Contents

Glossary	2
Summary	3
1. Introduction	3
1.1 Description of planning proposal	3
1.2 Site description	4
1.3 Surrounding area	6
1.4 Current planning controls	8
1.5 Summary of recommendation	10
2. Background	11
3. Planning Proposal	11
3.1 Objectives or intended outcomes	11
3.2 Explanation of provisions	12
3.3 Mapping	14
3.4 Concept Design	17
4. Need for the planning proposal	20
5. Strategic Assessment	20
5.1 Greater Sydney Region Plan	20
5.2 North District Plan	21
5.3 Chatswood CBD Strategy	22
5.4 Willoughby Local Strategic Planning Statement	27
5.5 Willoughby Local Housing Strategy	28
5.6 Section 9.1 Ministerial Directions	28
5.7 State Environmental Planning Policies (SEPPs)	31
6. Site-specific Assessment	32
6.1 Built Form	32
6.2 Social	36
6.3 Environmental	37
6.4 Economic	37
6.5 Infrastructure	38
7. Consultation	39
7.1 Community	39
7.2 Agencies	39
8. Timeframe	39
9. Local Plan Making Authority	39
10. Conclusion	40
11. Recommendation	41
Attachments	43

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
LEP	Local Environmental Plan
LHS	Local Housing Strategy
LSPS	Local Strategic Planning Statement
PANS-OPS	Procedures for Air Navigation Services – Aircraft Operations
PPA	Planning Proposal Authority
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
SNPP/Panel	Sydney North Planning Panel

Summary

Local Government Area	Willoughby
Planning Proposal Authority	Willoughby City Council
Planning Proposal Name	PP-2021-2470
Dwellings and Jobs	81 dwellings, 35 jobs
LEP to be Amended	Willoughby Local Environmental Plan 2012
Address	629-639 Pacific Highway, Chatswood
Lot and DP	Lots 9 to 14, Deposited Plan 4138
Date Received	9 October 2020
File Number	IRF21/378
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 B5 Business Development to B4 Mixed Use;
- increasing the maximum building height from 20m to 90m;
- increasing the maximum FSR from 2.5:1 to 6:1 (including affordable housing);
- including a minimum commercial FSR component of 1:1;
- including a minimum subdivision lot size provision;
- including a Design Excellence clause; and
- amending the Special Provisions Area Map to include the site for affordable housing and design excellence.

A concept design has been provided with the planning proposal depicting a mixed-use development comprising of a two-storey commercial / retail podium with a 25 storey residential tower above.

The concept development proposes:

- 1,172 sqm of retail / commercial uses.
- 6,405sqm of residential floorspace (approximately 81 dwellings), including 246sqm as affordable housing.

1.2 Site description

The site is located at 629-639 Pacific Highway, Chatswood (**Figure 1**) and has a total area of 1,185sqm comprising six lots with frontages of 36.4m and 36.1m along the Pacific Highway and Gordon Avenue and a secondary frontage of 37.9m to Hammond Lane. Vehicular access to the site is currently obtained from all three street frontages.

The site is currently occupied by two existing buildings (**Figures 2-4**):

- A one storey business premises for auto services – with vehicular access from the Pacific Highway and Hammond Lane.
- A two storey business premises for auto services – with vehicular access from Gordon Avenue and Hammond Lane.

The site is generally flat, with a fall of approximately 1m from the south-west to north-east.



Figure 1: Site map (source: Nearmap).

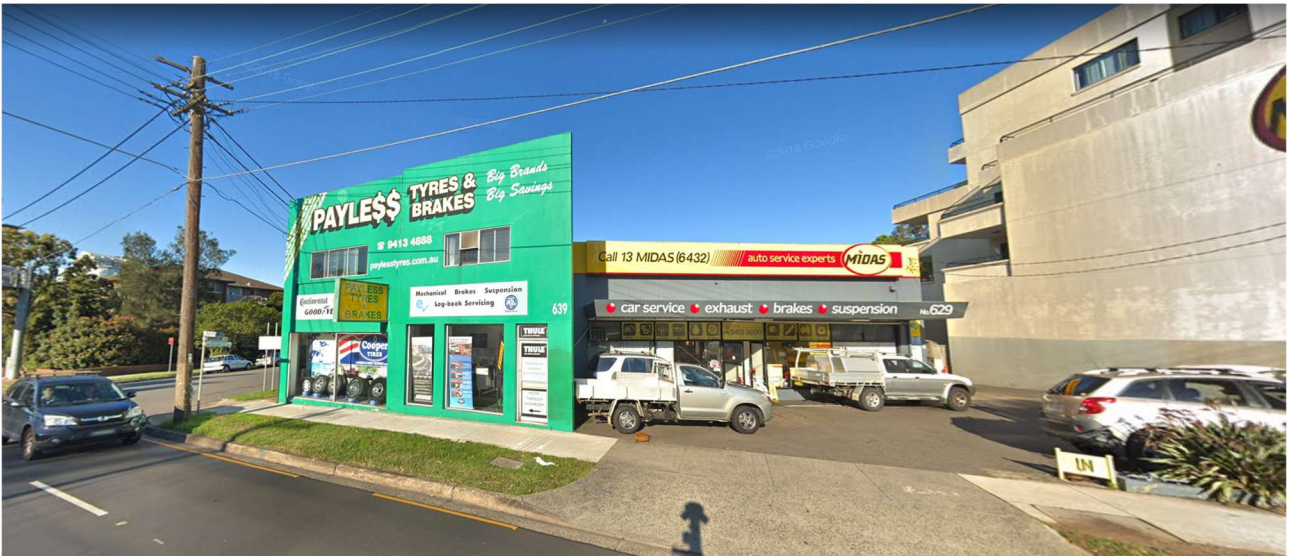


Figure 2: Existing site as viewed from Pacific Highway looking east (source: Google Maps).

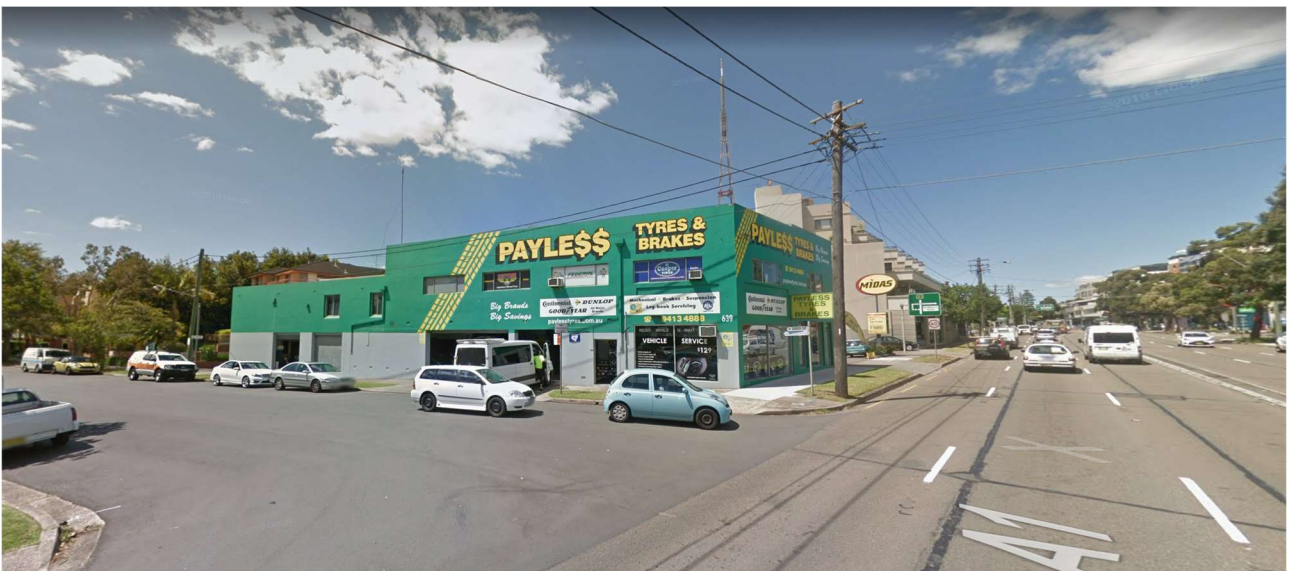


Figure 3: Existing site as viewed from the corner of Gordon Avenue and Pacific Highway looking south-east (source: Google Maps).

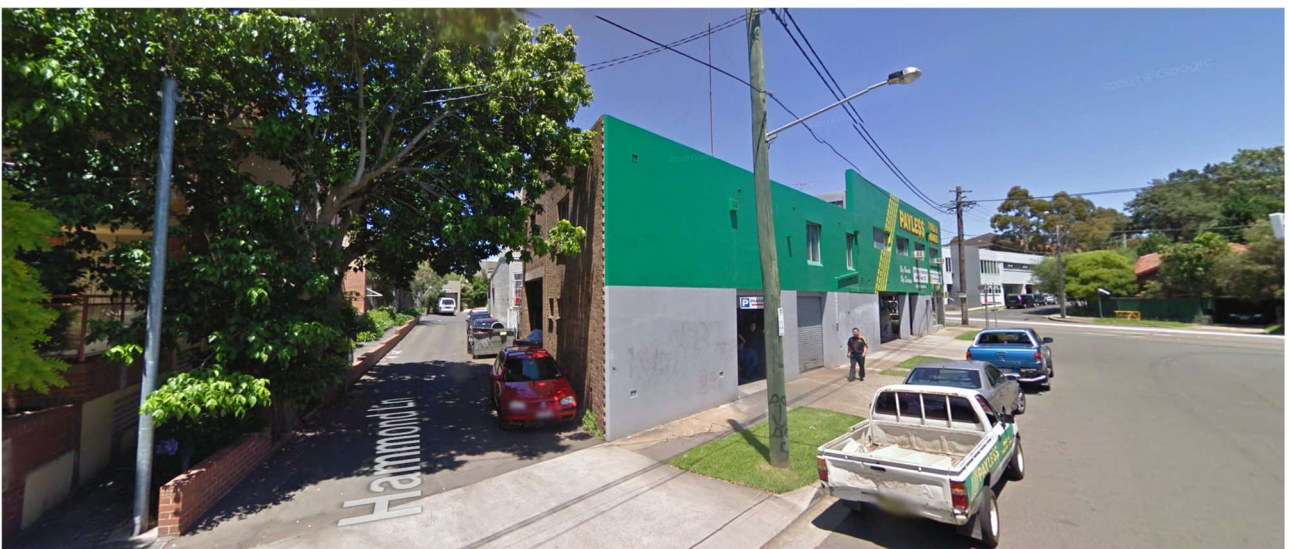


Figure 4: Existing site as viewed from the corner of Gordon Avenue and Hammond Lane looking south-west (source: Google Maps).

1.3 Surrounding area

To the north of the site, on the opposite side of Gordon Avenue, is a part three / four storey residential flat building.

To the east of the site, on the opposite side of Hammond Lane, is a three-storey residential flat building.

To the south of the site is an adjacent five storey shop top housing development.

To the west of the site, opposite the Pacific Highway, is an existing two storey commercial building hosting a car dealership.

Adjoining development is largely characterised by medium density residential development to the north and east. The site adjoins land zoned R3 Medium Density Residential to the north and east, which permits a maximum building height of 12m (equivalent to three storeys) and an FSR of 0.9:1.

The site adjoins other B5 Business Development zoned land to the south, which permits a maximum building height of 20m (equivalent to five storeys) and an FSR of 2.5:1.

The site adjoins land zoned SP2 Classified Road to the west along the route of the Pacific Highway. On the opposite side of the Pacific Highway, the land is zoned B5 Business Development with a permitted maximum building height of 20m (equivalent to five storeys) and an FSR of 2.5:1.

There is no minimum lot size required under the Willoughby LEP 2012 for the site. No heritage items under Willoughby LEP 2012 are located on the site or its immediate surrounds.

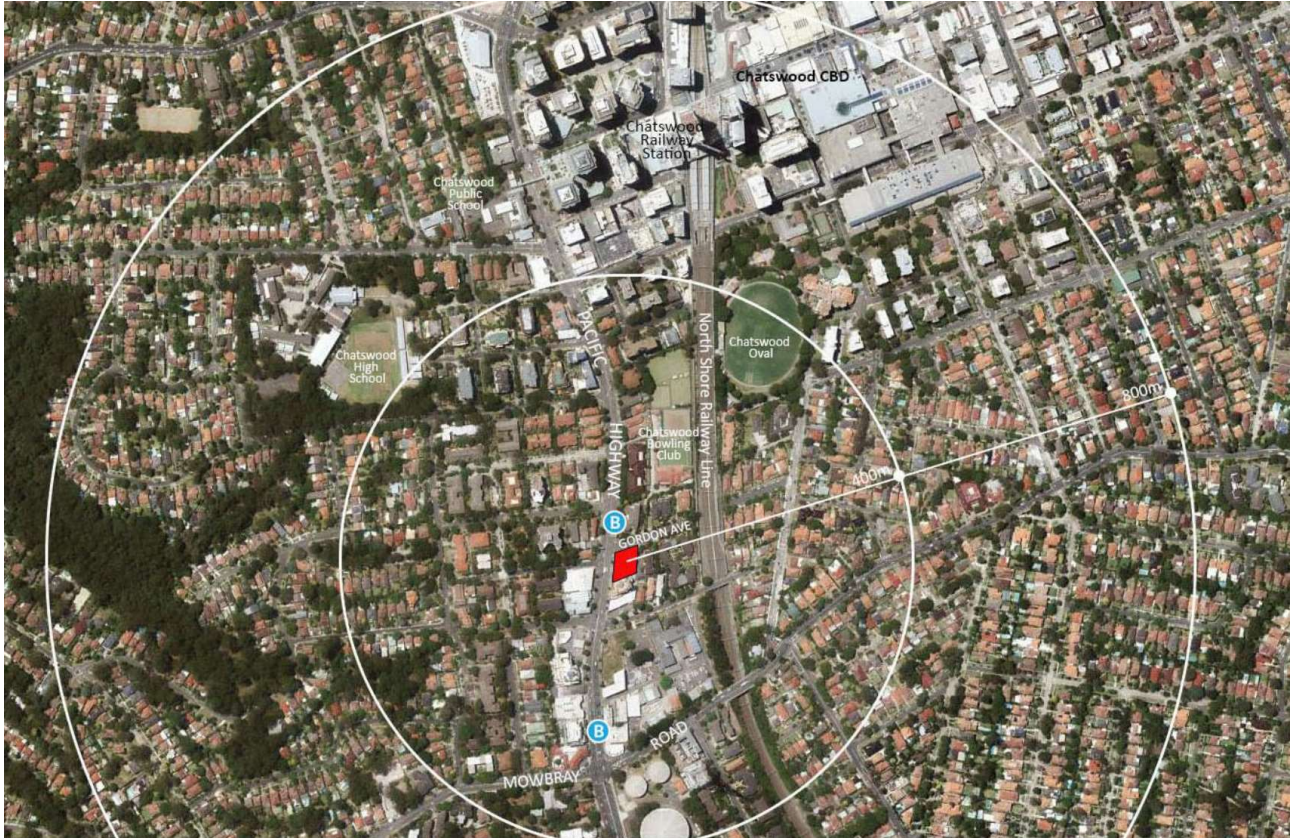


Figure 5: Site context map (source: DEM).

Chatswood CBD

The site is located approximately 500m south-west of Chatswood Station and transport interchange, which 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 interchange 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.

The site is noted to be located within the southern extension of the Chatswood CBD as identified by Willoughby City Council's Chatswood CBD Strategy and is identified as mixed use (**Figure 6**). The Chatswood CBD Strategy aims to provide capacity for future growth within the Chatswood CBD by reinforcing office growth within the commercial core and supporting residential uses around the periphery of the CBD. Refer to **Section 5.3** of this report for further discussion relating to the Chatswood CBD Strategy.

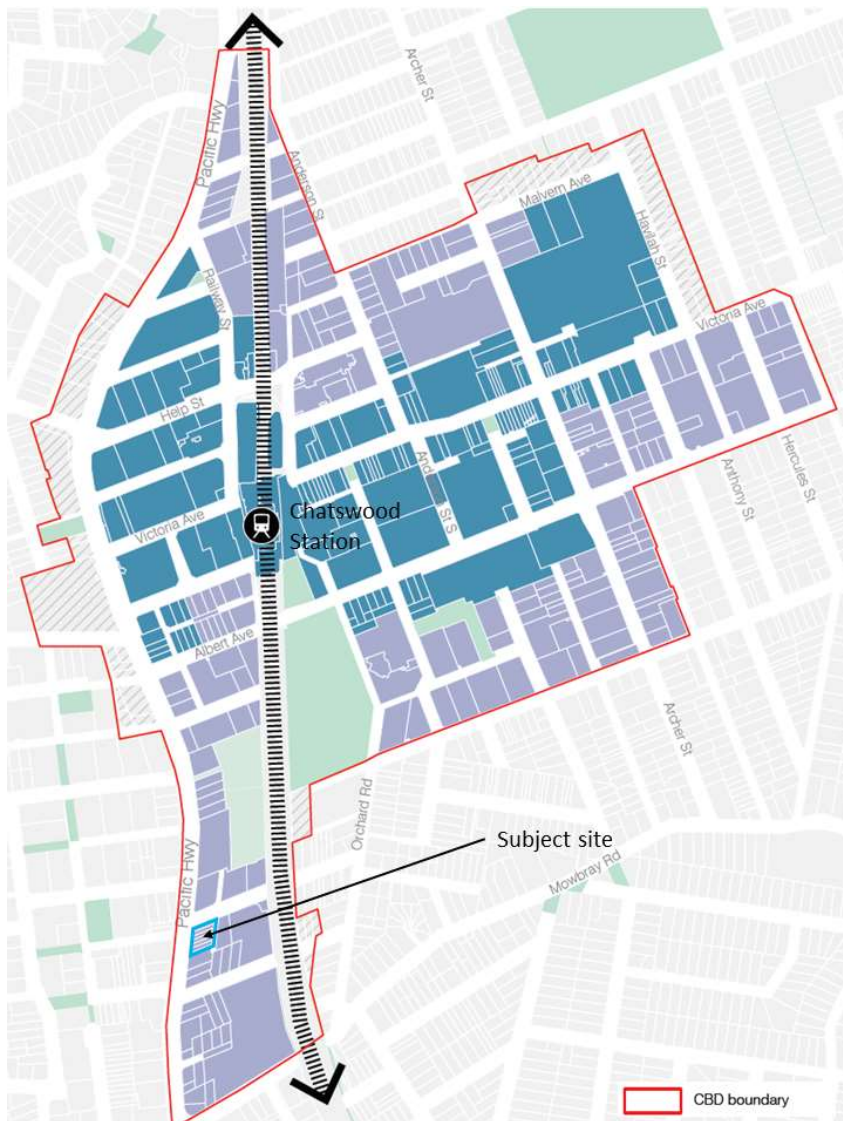


Figure 6: Chatswood CBD context map (source: Willoughby City Council).

1.4 Current planning controls

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

- B5 Business Development zoning (**Figure 7**).
- maximum building height of 20m (**Figure 8**).
- maximum FSR of 2.5:1 (**Figure 9**).

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

Table 1: Comparison between current and proposed planning provisions.

Control	Current	Proposed	CBD Strategy
Zone	B5 Business Development	B4 Mixed Use	B4 Mixed Use
Height	20m	90m	90m
FSR	2.5:1	6:1 (1:1 minimum commercial)	6:1 (1:1 minimum commercial)
Affordable housing	No provisions for the site	4%, included in max FSR calculation	4% included in max FSR calculation

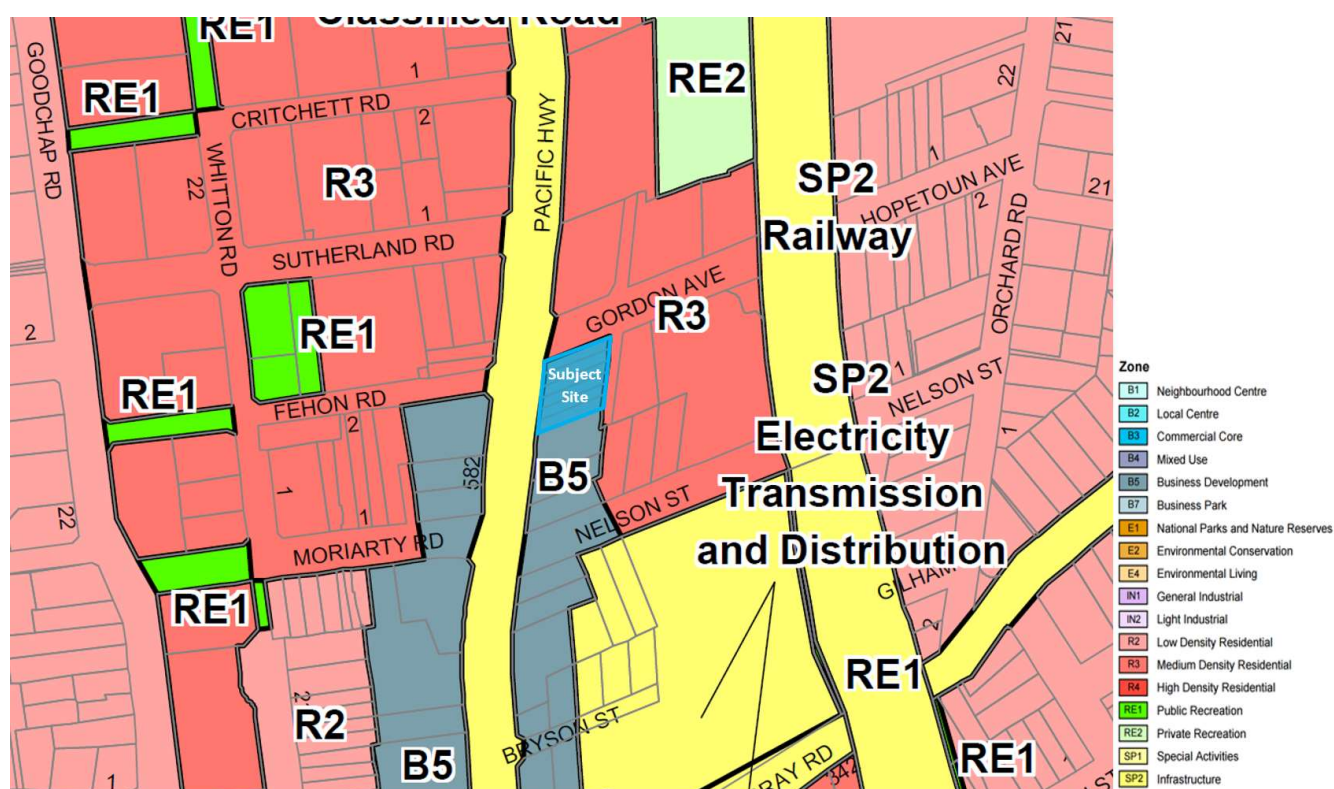


Figure 7: Willoughby LEP 2012 Land zoning map (source: DPIE).



Figure 8: Willoughby LEP 2012 Maximum building height map (source: DPIE).

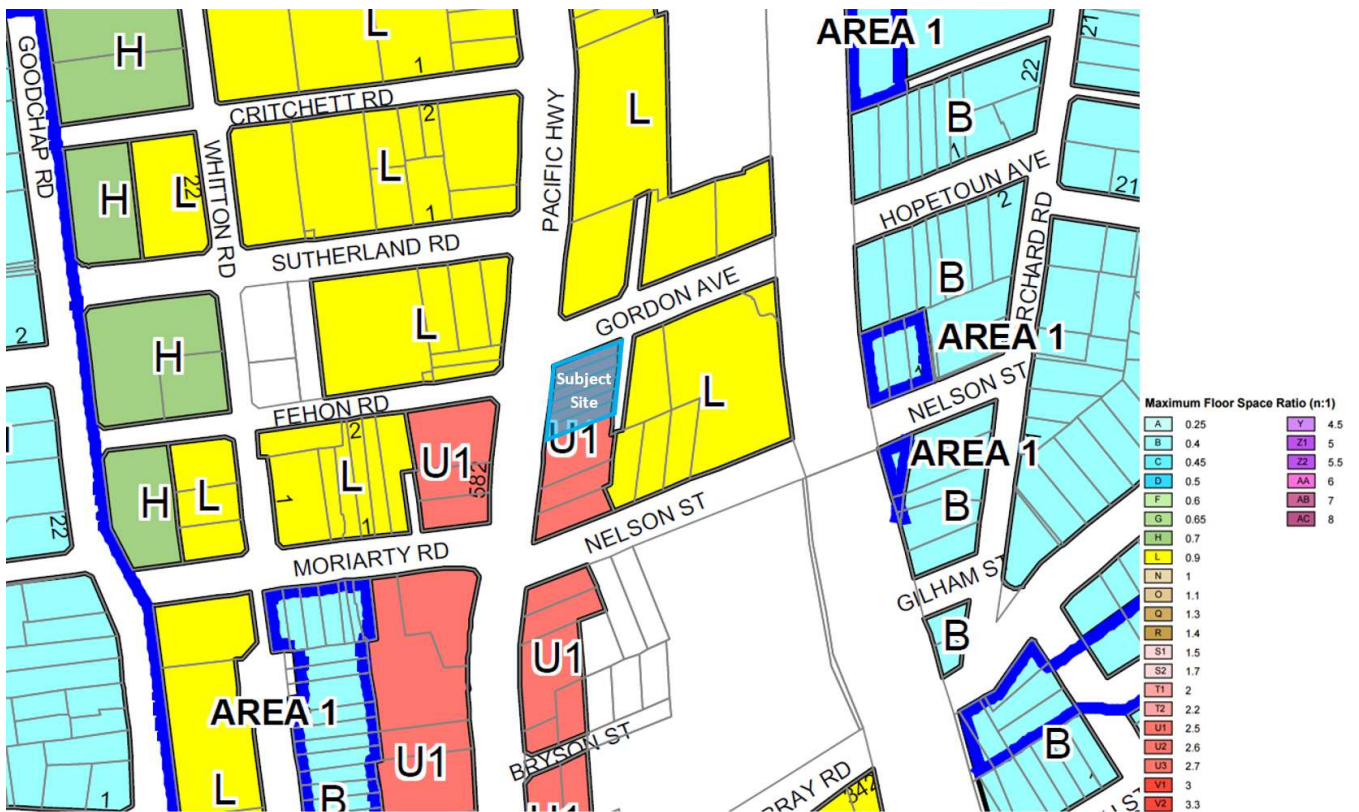


Figure 9: Willoughby LEP 2012 Maximum FSR map (source: DPIE).



Figure 10: Willoughby LEP 2012 Heritage map (source: DPIE).

1.5 Summary of recommendation

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

- It is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location.
- It is consistent with the key elements of the endorsed Chatswood CBD Strategy.
- The introduction of 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 81 dwellings including affordable housing within the Chatswood CBD on a site that ascribes to 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 solar access planes for the Chatswood CBD.
- It is considered that the proposal is capable of adequate building separation, amenity and solar access outcomes to existing and proposed future development near the site.
- 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 500m walking distance of the Chatswood transport interchange and CBD core.

2. Background

On 12 February 2018, Council at its meeting resolved to support the planning proposal for the subject site to facilitate a mixed-use development (**Attachment F3**). The planning proposal was subsequently submitted to the Department for Gateway Determination.

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

On 30 March 2020, Council submitted the Chatswood CBD Strategy supplementary package to the Department for review. The package was developed in response to the Department's partial endorsement conditions with the intention of allowing the Department to issue its full endorsement of the strategy.

On 9 July 2020, the Department issued its full endorsement of the Chatswood CBD strategy (**Attachment G3**) subject to recommendations for Council to consider in its preparation of its final strategy.

On 14 September 2020, Council adopted its final Chatswood CBD Strategy (**Attachment G4**) following amendments to the original strategy as recommended by the Department. The final strategy proposed no changes to the subject site from the original strategy.

The planning proposal was subsequently submitted to the Department on 13 October 2020 (**Attachment A1**) with additional supplementary material to demonstrate consistency with the adopted Chatswood CBD Strategy. This included reference to Council's preferred building envelope providing a maximum 2 storey podium height and a minimum 10m tower setback to the Pacific Highway.

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

Refer to **Section 3.3** of this Report for further explanation of the proposed provisions.

3. Planning Proposal

3.1 Objectives or intended outcomes

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

- Provide a floor space and building height yield that is commensurate with the site's strategic location along the Pacific Highway corridor, accessible to the Chatswood CBD and transport interchange, and in a manner consistent with the maximum development density and building height recommended in the Chatswood CBD Planning and Urban Design Strategy.
- Provide an increased floor space and building height that improves viability of redevelopment and reflects enhanced site capability for accommodating higher density development, arising from site consolidation and current planning strategies.

- Encourage consolidation of existing allotments to facilitate enhanced urban design and development outcomes on larger development parcels.
- Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the Chatswood CBD Strategy.
- Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.
- Provide 246m² of affordable housing on a site that currently is not required to provide affordable housing.
- Provide for developer levies, in addition to Council's Section 7.12 levies, to assist with funding of infrastructure and community facilities and services required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- Improve pedestrian amenity and safety by way of providing a footpath on the western side of Hammond Lane, which is capable of being extended through to Nelson Street, when properties to the south are redeveloped.
- Remove an existing development that does not make a positive contribution to the character and amenity of the area.

While these objectives are considered clear, it is recommended that a condition be attached to the Gateway to require the objectives be updated to include consistency with Council's Local Strategic Planning Statement (LSPS) and draft Local Housing Strategy (LHS), which have since been finalised since Council originally considered this proposal.

3.2 Explanation of provisions

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

- Rezoning the site from B5 Business Development to B4 Mixed Use;
- Increasing the maximum building height from 20m to 90m;
- Increasing the maximum FSR from 2.5:1 to 6:1;
- Amending the Special Provisions Area Map to identify the site will be subject to affordable housing provisions included in the total GFA of the building (Area 9), require a minimum non-commercial FSR (Area 11) and design excellence provisions (Area 12);
- Including a provision to require the calculation of affordable housing is to be included the gross floor area of the building when determining FSR, as described:
 - Clause 4.4 (2D) Floor space ratio Subclause (2A)(b)(i) does not apply to any land shown in Area 8 on the Special Provisions Area Map, with affordable housing here to be included in the gross floor area of the building for determining the maximum floor space ratio of the building.
- Including a provision (Clause 6.23) to require a minimum commercial floor space within a B4 mixed-use zone to be 1:1 as described:
 - Clause 6.23 Minimum commercial floor space within the Mixed Use zone as follows:
 - Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1.

- Including a provision (Clause 6.24) for a design excellence process as described:
 - Clause 6.24 Design excellence as follows:
 - 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 8 on the Special Provisions Area Map;
 - Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence; and
- The introduction of a site specific clause requiring the amalgamation of the existing allotments to form a development site of at least 1,100 sqm and vehicular access being restricted to Hammond Lane.

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

It is recognised that many of the planning proposals submitted to implement the Chatswood CBD Strategy propose to include similar clauses related to affordable housing, minimum commercial floor space and design excellence.

Recent updates have been made to the Willoughby LEP 2012 as follows:

- The proposed design excellence provisions have recently been inserted into the Willoughby LEP 2012 through Amendment No. 15 that was notified on 5 March 2021. This was a site specific LEP relating to land at 1-31 Walter Street and 452-462 Willoughby Street, Willoughby however introduced the design excellence clause as part of the planning proposal. The relevant clause is Clause 6.23 of the LEP - Design Excellence Provisions is in the LEP.
- Amendment No.15 made amendments to Clause 6.8 of the Willoughby LEP 2012 to provide for affordable housing to be included in the gross floor area used for residential accommodation to be identified as 'Area 9' on the Special Provisions Area Map.

A condition has been attached to the Gateway to require the planning proposal to be updated to remove the insertion of the design excellence clause as an objective of the subject planning proposal, prior to public exhibition. However, the Special Provisions Area map will still be required to be amended to identify the site, in order for the design excellence provisions (Area 12) to apply to the site.

A condition has been attached to the Gateway to require the planning proposal to be updated to remove the amendment of clause 4.4 as an objective of the subject planning proposal, prior to public exhibition, as the amendment to Clause 6.8 has been made. However, the Special Provisions Area map will still be required to be amended to identify the site, in order for the affordable housing provisions (Area 9) to apply to the site.

With regard to the proposed minimum lot size provision, it is noted that the Planning Proposal proposes a site specific provision to allow a minimum of 1,100sqm for the site and refers to an incentives clause for uplift, although the Chatswood CBD Strategy includes a minimum lot size requirement of 1,200sqm for sites zoned B4 Mixed Use.

To address this discrepancy in the planning proposal and to enable Council to consider the most appropriate minimum lot size for the site, a Gateway condition is recommended to

remove the incentives clause and require clarification of the minimum lot size control, prior to exhibition.

Conditions are also recommended to be included as follows:

- The planning proposal be updated to provide a plain English explanation for the proposed controls.
- The Special Provisions Area Map be updated to include the site for the corresponding Area for which provisions will apply (ie. 'Area 9'- Affordable Housing, 'Area 11'- Minimum Commercial Floor space and 'Area 12'- Design Excellence). For the purposes of exhibition, the legend should also indicate/reference the proposed control, and not only the specified clause.
- Any reference in the planning proposal to Design Excellence Provisions should refer to Clause 6.23 Design excellence in the LEP.

3.3 Mapping

Draft LEP mapping (**Attachment E**) 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_004) showing the site as B4 Mixed Use (**Figure 11**).
- An amended Maximum Height of Buildings Map (sheet HOB_004) showing the site as Area AB2 – 90m (**Figure 12**).
- An amended Maximum FSR Map (sheet FSR_004) showing the site as Area AA – 6:1 (**Figure 13**).
- An amended Special Provisions Area map (SPA_004) showing the site as 'Area 8' (**Figure 14**).

No changes are proposed to any other LEP maps. The maps submitted are considered appropriate for Gateway assessment and public exhibition. As previously noted, previous planning proposals within the Chatswood CBD that have proposed similar provisions relating to affordable housing, design excellence and minimum commercial FSR in accordance with the Chatswood CBD Strategy have updated references to site specific 'Areas' under the Special Provisions Map.

A Gateway condition is recommended to update the references on the Special Provisions Area Map prior to exhibition, to include the site and all corresponding clauses that will apply to it (eg. 'Area 9'- Affordable Housing, 'Area 11'- Minimum Commercial Floor space and 'Area 12'- Design Excellence). For the purposes of exhibition, the legend should reference the proposed control that would apply, and not only the specified clause.

The maps will be required to be consistent with Department standard should the plan proceed to finalisation.

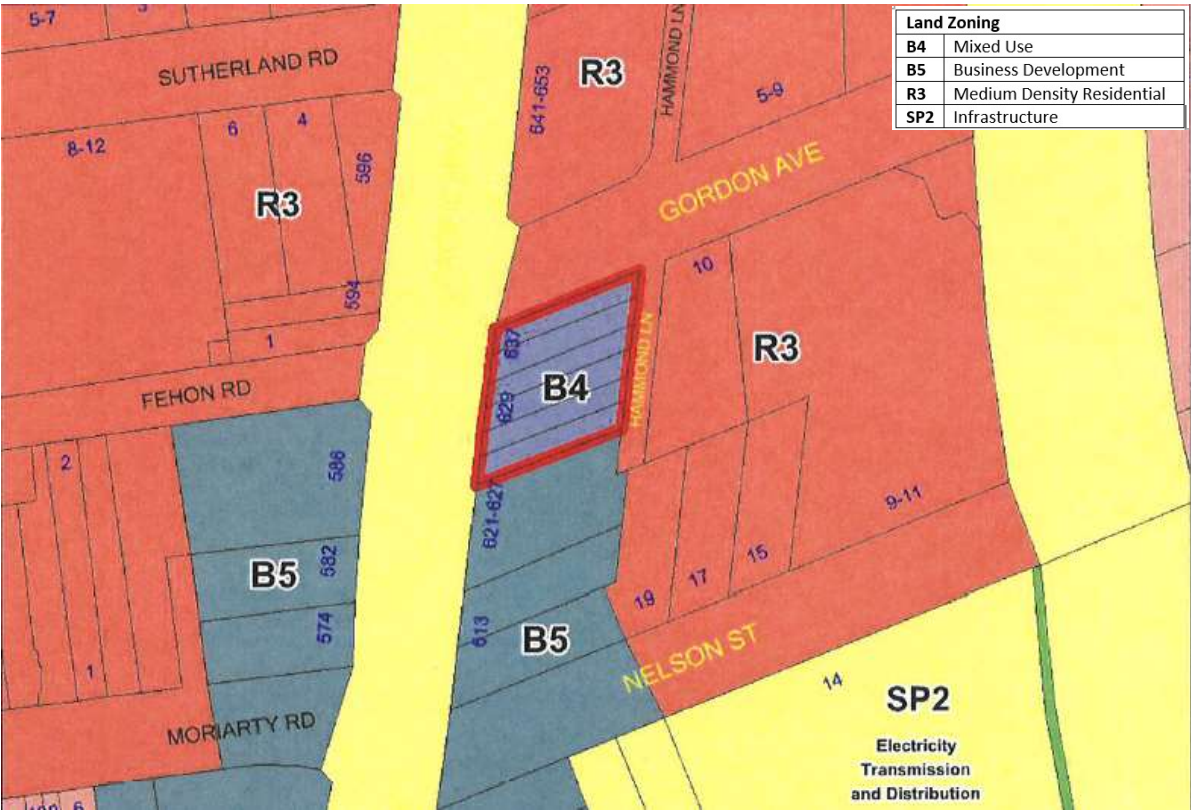


Figure 11: Draft Willoughby LEP 2012 Land zoning map (source: Willoughby City Council).

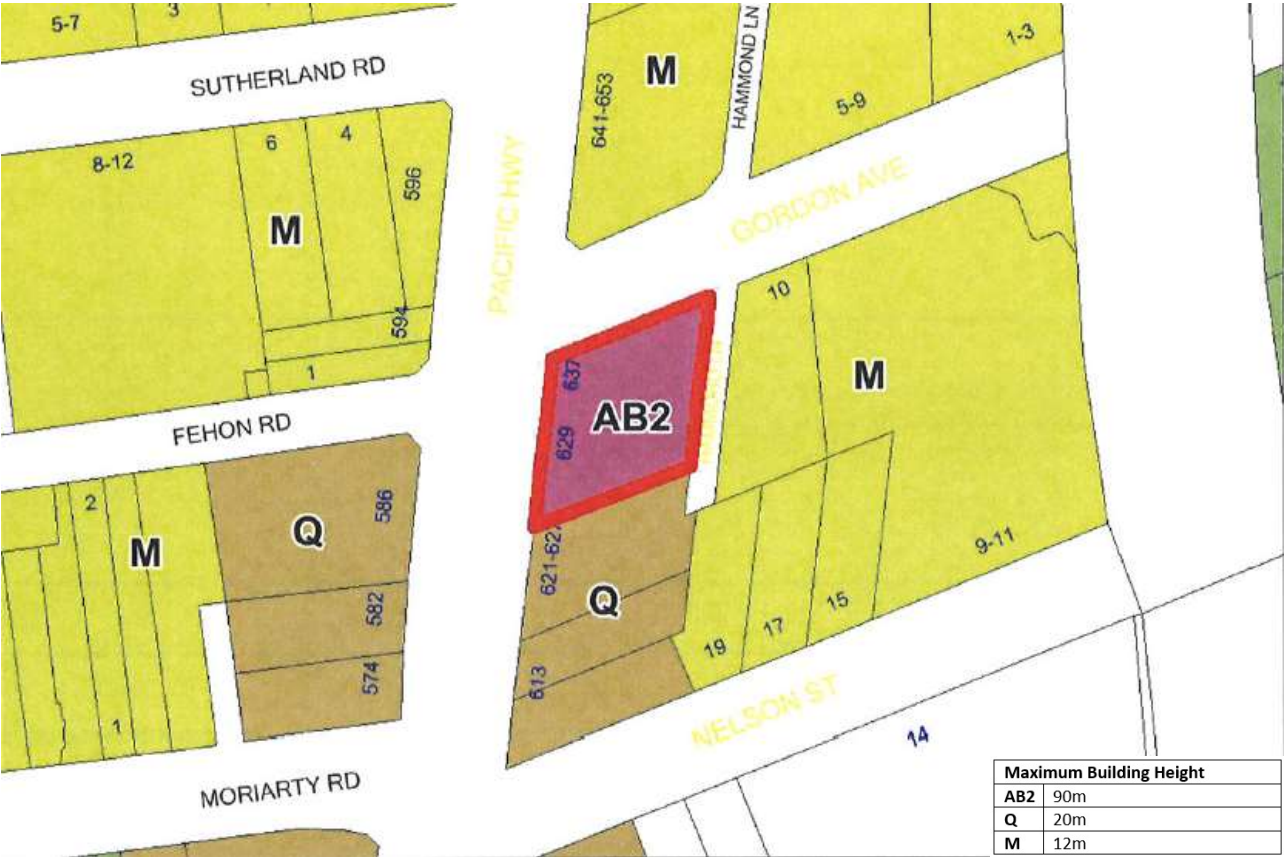


Figure 12: Draft Willoughby LEP 2012 Maximum height of buildings map (source: Willoughby City Council).

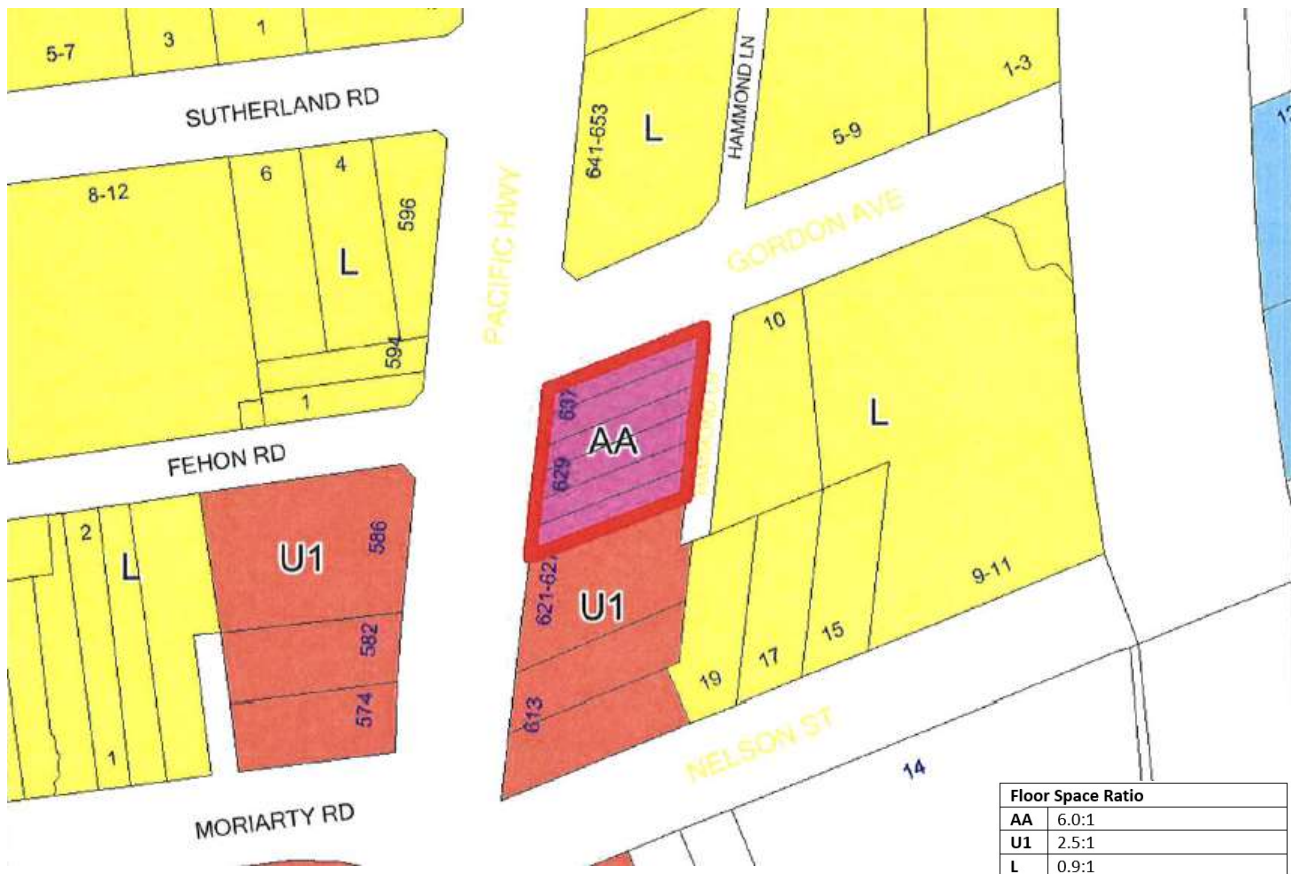


Figure 13: Draft Willoughby LEP 2012 Maximum FSR map (source: Willoughby City Council).



Figure 14: Draft Willoughby LEP 2012 Special Area Provisions map – Note: blue outline indicates Area 8 (source: Willoughby City Council).

3.4 Concept Design

A concept design submitted with the documentation indicates that the proposal could potentially deliver a mixed-use development comprising a two-storey commercial/retail podium a single 25 storey residential tower above (**Figures 15-19**).

The planning proposal states that the concept development could provide 81 dwellings and the delivery of 35 jobs.

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

Table 2: Proposed GFA allocation of concept design.

Land use type	GFA
Commercial Office/Retail	705sqm
Residential	6,405sqm (including 246sqm affordable housing)
Total	7,110sqm

It is noted the concept design has since been updated to achieve a higher commercial/retail GFA (1,172sqm) to better align with the 1:1 minimum non-residential FSR provision proposed. The proposal will provide 347 sqm on ground floor and 825 sqm on Level 1 which equates to 0.99:1.

Drawings of the proposed concept development have been provided at **Figures 15-19** and at **Attachment A6**.

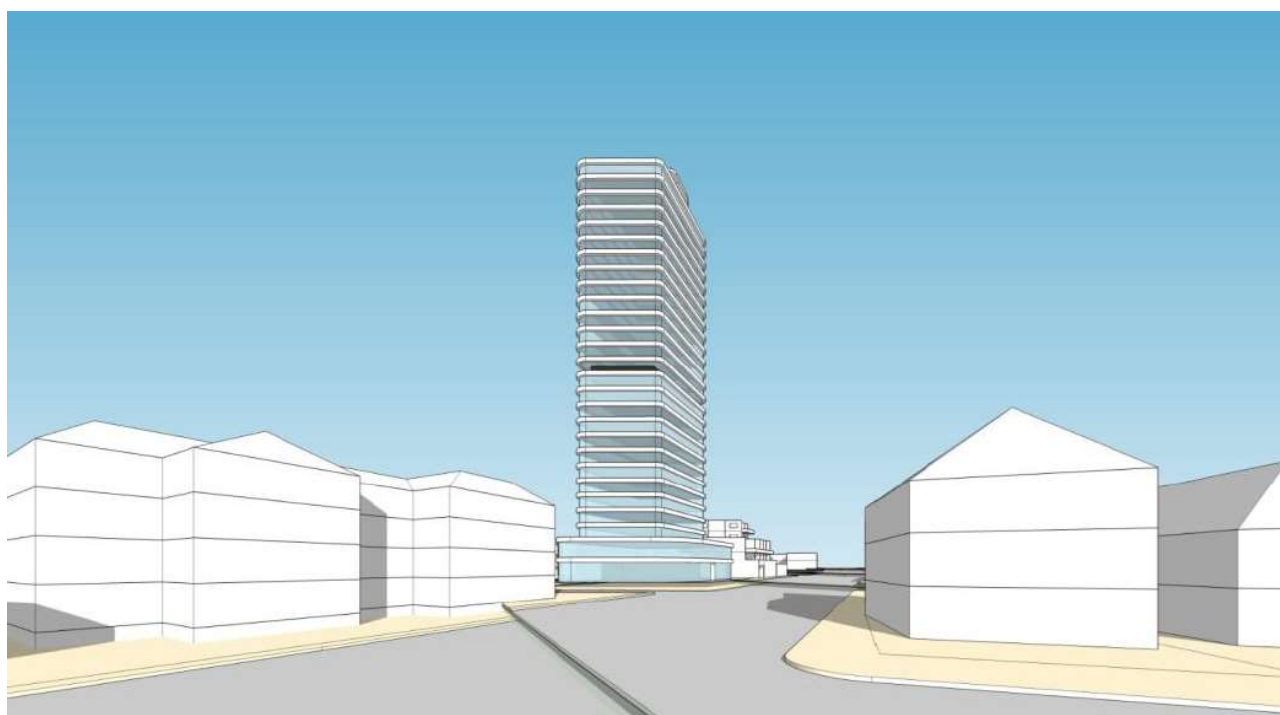


Figure 15: Proposed concept development plan, looking south-east (source: DEM).

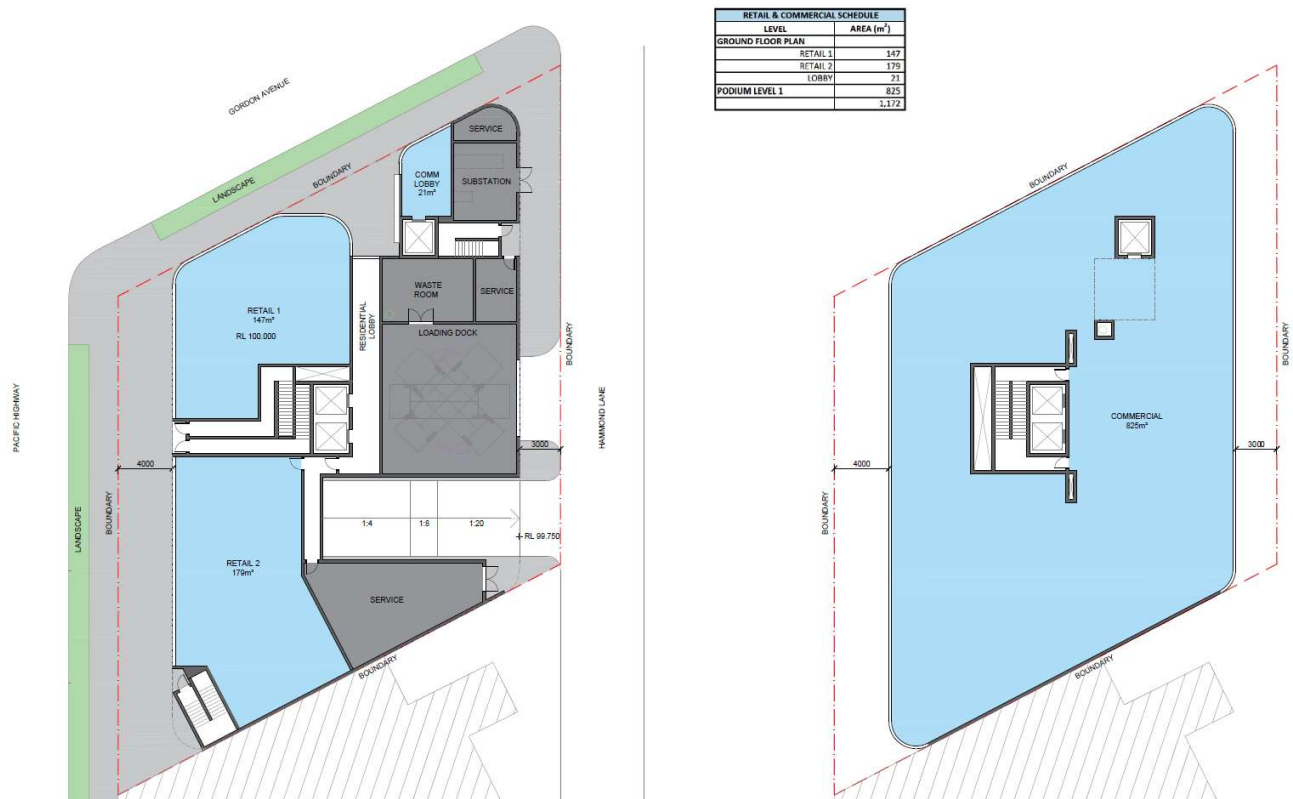


Figure 16: Indicative ground and first floors (podium) showing updated commercial/retail GFA of 1,172sqm (source: DEM).

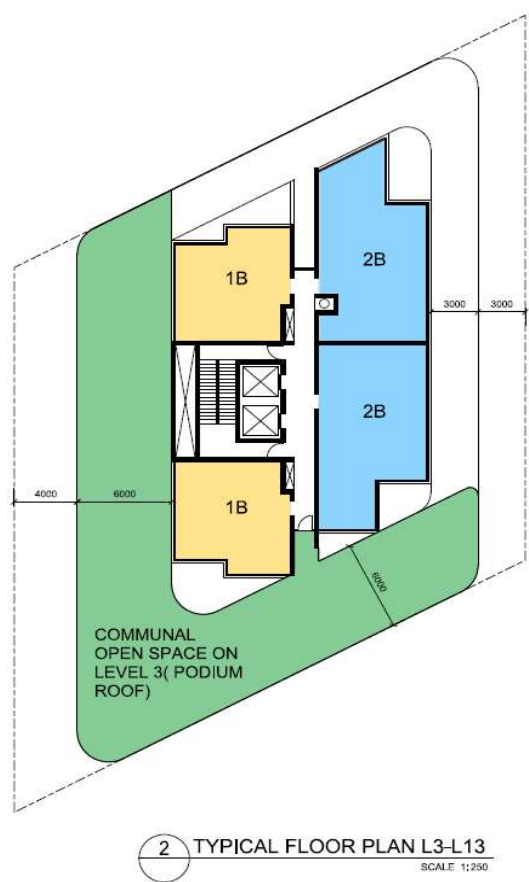


Figure 17: Indicative communal open space area atop the podium (source: DEM).

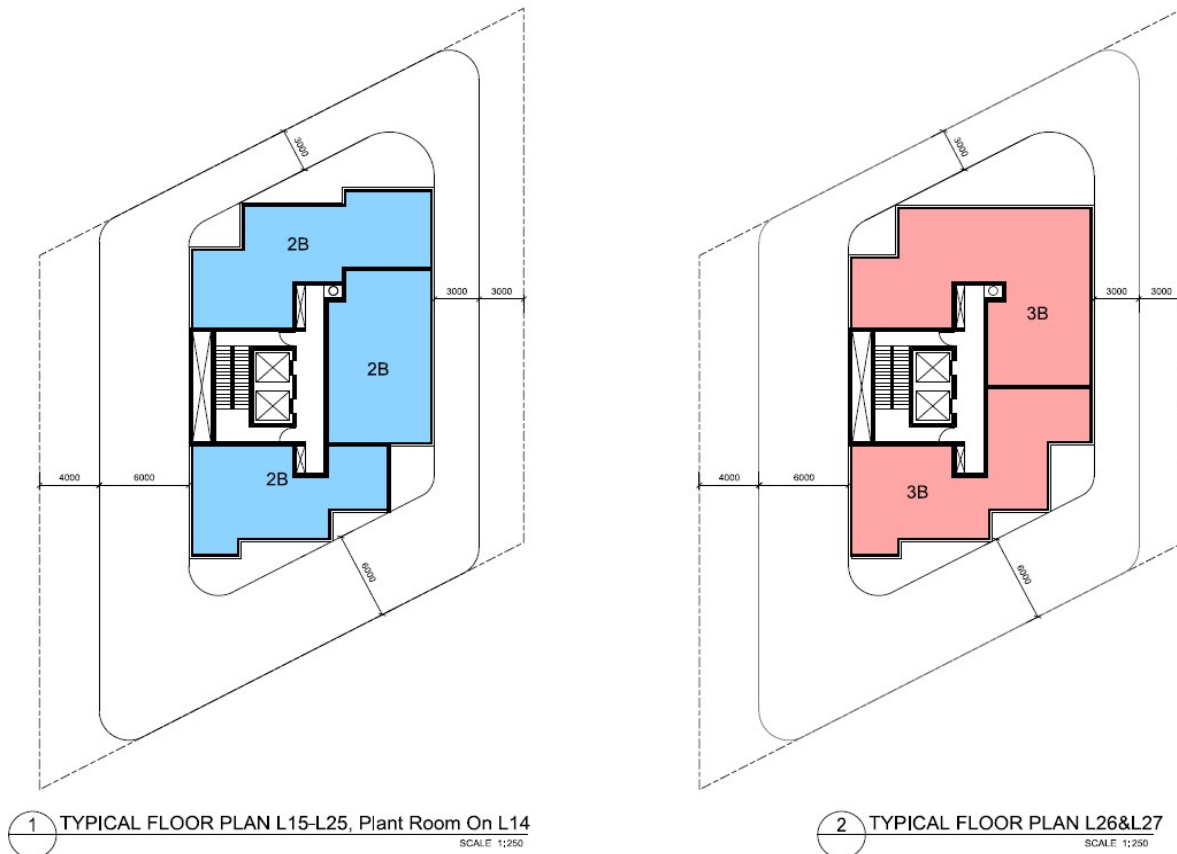


Figure 18: Indicative tower floor plans (source: DEM).

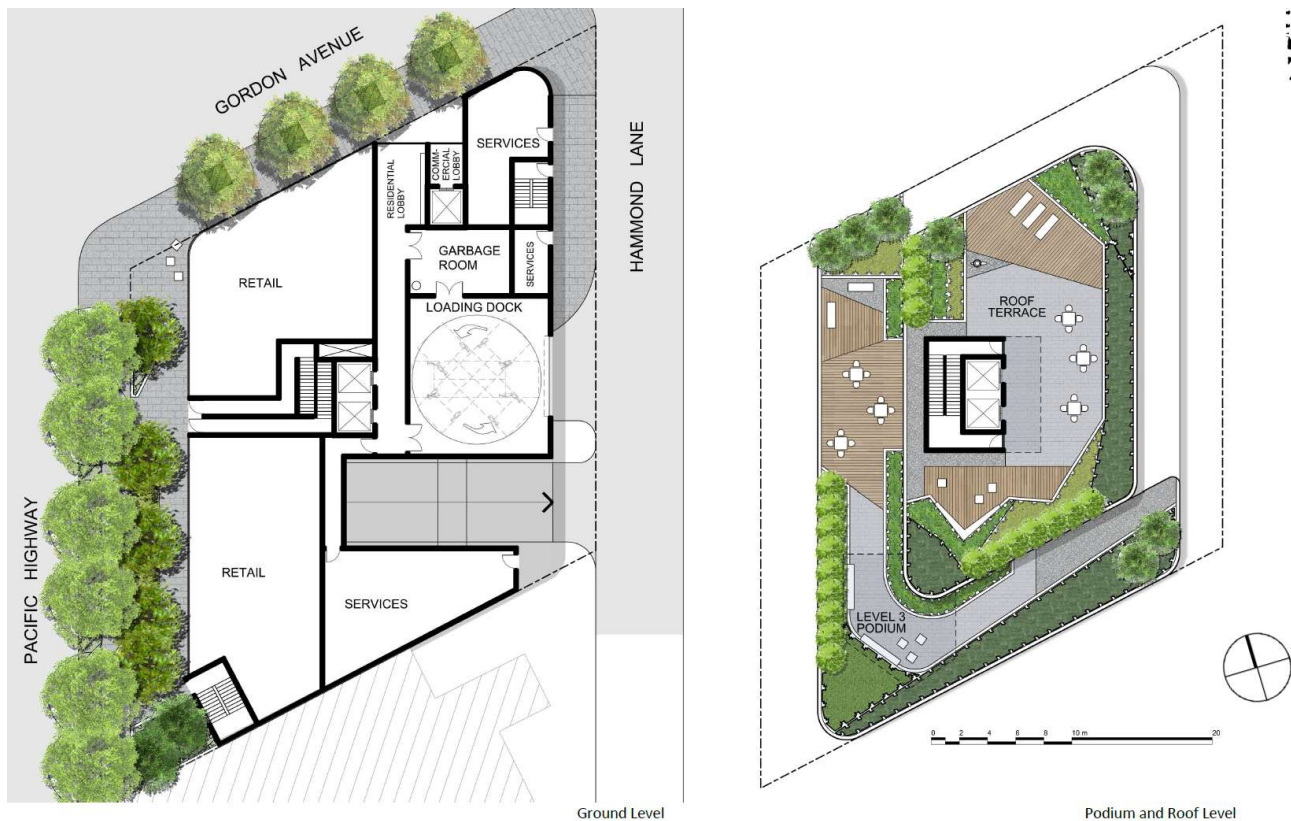


Figure 19: Illustrative landscape concept (source: DEM).

4. Need for the planning proposal

The planning proposal is the result of Council's Chatswood CBD Strategy (**Attachment G4**) 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 to implement the Chatswood CBD Strategy.

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. The Greater Sydney Region Plan superseded Sydney's previous metropolitan plan, A Plan for Growing Sydney.

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 a total of 81 dwellings in a highly accessible location.
A City of Great Places	The planning proposal would seek to enable the redevelopment of aged commercial buildings at the gateway of the Chatswood CBD.
A Well-Connected City	The site is located approximately 500m walking distance 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 35 new jobs on the site.

Region Plan Direction	Consistency
A City in its Landscape	The planning proposal seeks to enhance the quality of landscaping on site including an above podium communal open space and improved public domain to the Pacific Highway, Hammond Lane and Gordon Avenue.

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:

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

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

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

The planning proposal documentation (**Attachment A**) estimates that based on the concept for the current proposal, development in accordance with the proposal has the capacity to deliver around 35 total jobs. This translates to between 0.4% - 0.6% of the low to high 2036 jobs targets set for Chatswood, established by the District Plan.

It is noted this estimate is based on the original Reference Design of 705sqm non-residential floorspace (refer to **Attachment A6**). The amended Reference Design, prepared in response to the Department's condition of endorsement of the Chatswood CBD Strategy, provides non-residential floorspace of 1,172sqm (refer to **Attachment A6**). This assumes the development is fully developed in accordance with the maximum FSR and minimum commercial FSR of 1:1 sought by the proposal. To this note, it is recommended the planning proposal report be updated to refer to the updated Reference Design that accommodates 1,172sqm non-residential floorspace.

In relation to the commercial and retail offering, the proposal states it will provide floor space within the two-storey podium in a format for commercial uses seeking a more affordable location adjoining the Chatswood CBD Core and close to public transport.

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's intention for Chatswood to grow as a commercial centre. **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 new retail shops and offices.
N5 Providing housing supply, choice and affordability, with access to jobs services and public transport	By providing 81 additional dwellings including a 4% affordable housing component within proximity of the Chatswood transport interchange.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	By redeveloping aged commercial buildings at the gateway of the Chatswood CBD. The Development will not impact upon any nearby heritage items or heritage conservation areas.
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 0.4%-0.6% 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 500m of the Chatswood transport interchange.

5.3 Chatswood CBD Strategy

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

It is recommended prior to public exhibition the planning proposal report be updated to note the Chatswood CBD Strategy's status as endorsed by the Department and adopted by Council.

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

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

Key Element	Consistent	Assessment of Consistency
CBD Boundary	Yes	Proposal is within the proposed expanded B4 Mixed Use area and CBD boundary.
Land Use	Yes	The proposal intends to rezone the land from B5 Business Development to B4 Mixed Use.

Key Element	Consistent	Assessment of Consistency
Removal of DCP provisions for size of office and retail tenancies within B3 core	N/A	Not relevant to subject site.
Serviced apartments to be removed as a permissible use within B3 core	N/A	Not relevant to subject site.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	<p>The Council's proposed value capture scheme is not supported by the Department.</p> <p>Council has advised that they are no longer seeking to include value capture as a mechanism for development contributions.</p> <p>Council has recently exhibited its revised contributions scheme and is currently considering submissions received.</p> <p>The proponent has included a letter of offer to enter into a Voluntary Planning Agreement (VPA) once Council finalises its contributions plan.</p>
Public Art	Yes	The Planning Proposal notes that public art will be delivered in accordance with Council's public art policy and additional contributions as specified in Council's revised contributions scheme.
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: The Design Excellence clause has recently been inserted into the Willoughby LEP through Amendment No. 15. The proposal will be required to be updated to remove references to introducing the clause and update the mapping to identify the clause will apply to the site.</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 to be constructed in accordance with the proposal.

Key Element	Consistent	Assessment of Consistency
Base FSR	Yes	The proposal would achieve an FSR above 2.5:1 the minimum (base) for this site.
Minimum site area	See comment	<p>The site is approximately 1,185sqm which, falls below the 1,200sqm site area recommended by the Chatswood CBD Strategy for sites within the B4 Mixed Use areas (approximately 1.25% less).</p> <p>Concept plans of a potential future development on this site have been provided within the proposal demonstrating that a development on this site could still maintain consistency with the majority of the Chatswood CBD Strategy key elements.</p> <p>Council will consider the suitability of an 1,100 sqm site area for this site given its constraints.</p>
Maximum FSR	Yes	The site includes a maximum FSR of 6:1 which is consistent with the strategy.
Affordable Housing	Yes	The proposal seeks to include a local provision to ensure the site delivers a minimum of 4% affordable housing included within the total residential FSR component of 5:1.
Minimum commercial FSR in mixed use zones is to be 1:1	See comment	The proposal includes a clause to ensure the delivery of a minimum commercial FSR of 1:1. The proposal includes a concept that proposes 0.99:1 non-residential FSR.
Maximum tower floor plate sizes	Yes	The proposed tower is below the maximum recommended floor plate size of 700sqm for residential development.
Width of the side of each side of any tower to be minimised	Yes	The sides of the tower have been minimised to ensure Council's goal of creating slender tower forms.

Tower separation	See comment	<p>It is noted the Chatswood CBD Strategy (page 39, Attachment G4) requires building separation to <i>neighbouring</i> buildings to be in accordance with the ADG for residential uses.</p> <p>Part 2F Building Separation and Part 3F Visual Privacy of the ADG provides minimum building separation that increases in proportion to building height to achieve amenity and privacy for residents and a desirable urban form. The site is subject to the following minimum building separation distances:</p> <ul style="list-style-type: none"> • Up to 4 storeys <ul style="list-style-type: none"> - 12m between habitable rooms - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms • 5 to 8 storeys <ul style="list-style-type: none"> - 18m between habitable rooms - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms • 9 storeys and above <ul style="list-style-type: none"> - 24m between habitable rooms - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms <p>The proposal includes a single residential tower which has a minimum separation of 24m to the future residential development to the north and west, and 12m to the neighbouring development to the east. These are considered sufficient.</p> <p>However, the tower setback to the southern boundary is 6m which will not meet the above ADG separation distances between habitable rooms/balconies above 5 storeys to existing and future residential development at 621-627 Pacific Highway.</p> <p>Given the blanket 6m tower setback to the southern boundary is at the lower end of the range of recommended separation distances in the ADG, it is recommended the planning proposal be updated to further consider amenity and privacy impacts to existing and future residential development adjacent to the south.</p>
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Key Element	Consistent	Assessment of Consistency
Sun access to key public spaces and conservation areas	Yes	<p>No key public open spaces identified within the strategy will be impacted by this proposal in regard to solar access.</p> <p>The concept shadow diagrams prepared to support the proposal indicate that the shadow cast between 9am to 3pm on 21 June would not reach beyond the railway corridor located to the east and therefore no additional shadowing impacts to the South Chatswood Heritage Conservation Area will occur.</p>
Building Heights	Yes	The maximum building height for the subject site is 90m which the proposal is consistent with the strategy.
Lift over runs and architectural features integrated into building form	Yes – capable at DA stage	The proposed concept design integrates the lift over run and architectural features within the tower form.
Links and open space	Yes	While the site itself is not subject to the provision of through site links as part of the strategy, the proposal will not impede public access to the nearby links of Hammond Lane or the nearby cycle and pedestrian walkway.
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 and includes communal recreational areas.
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 draft DCP for the site includes this requirement for future detailed DAs. The concept podium form for the proposal shows that there is capability to achieve this outcome.
Roof top communal open space	Yes	Communal open space provided above the commercial/retail podium.

Key Element	Consistent	Assessment of Consistency
Street wall heights and setbacks	Yes – capable at DA stage	<p>The strategy indicates a 6-14m street wall height along Gordon Avenue and Hammond Lane with a minimum 3m setback above the street wall to the tower form above. For the Pacific Highway frontage, the strategy indicated a 4m ground setback, 7m street wall height and 6m setback above the street wall to the tower form above.</p> <p>The proposal includes a maximum podium street wall height of 2 storeys and will be capable of meeting the street wall height requirements. The concept plan indicates the required setbacks can be adopted in future development.</p>
Active street frontages	Yes	Gordon Avenue is identified as mixed use frontage with commercial ground floor. The proposal includes commercial uses and entries along the frontages of both Gordon Avenue and the Pacific Highway.
Site isolation	Yes	<p>The site is not isolated and at 1,185sqm is only marginally under the minimum lot size of 1,200sqm for the B4 Mixed Use area.</p> <p>The proposal recognises that further lot amalgamation with the neighbouring site to the south (621-627 Pacific Highway) would satisfy the 1,200sqm site area requirement, however, it would isolate and preventing the development to the 613 Pacific Highway site (981sqm) adjacent south, in accordance with the Strategy.</p> <p>The proposal has considered in its Concept Plan the possibility of a shared basement access with 621-627 Pacific Highway should this site be redeveloped.</p>
Traffic and transport	Yes	All access and parking requirements are consistent with the strategy including a single entry and exit in a forward direction, basement loading and parking requirements.

5.4 Willoughby Local Strategic Planning Statement

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 Planning and Urban Design 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 Council's now endorsed LSPS as it was prepared and supported by Council prior to its LSPS being finalised.

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

5.5 Willoughby Local Housing Strategy

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

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

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

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

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

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

5.6 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

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

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

It is recognised that the proposal includes a minimum commercial FSR requirement of 1:1, though the existing controls under Willoughby LEP 2012 allows for business / warehouse uses up to an FSR of 2.5:1. The proposal notes that despite the reduction in potential employment floorspace on the site, the proposal will increase the number of jobs that can

be accommodated on the site. It is recommended the planning proposal be updated to clarify the potential number of jobs generated under the existing controls compared to what would be expected under the planning proposal.

Importantly, the planning proposal is consistent with the Chatswood CBD Strategy which was endorsed by the Department on 9 July 2020 (**Attachment G3**) and adopted by Council on 14 September 2020.

The proposal is therefore considered consistent with the objectives of this direction.

It is noted the Planning Proposal report incorrectly notes the B5 zone will be retained as part of the proposal on pages 38 and 39. It is recommended these references are removed prior to exhibition.

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.

The proposal is supported by a preliminary site investigation (PSI) that confirms the site has been used for primarily commercial uses over the last 100 years (including laundry / dry cleaner and motor mechanics) and is considered to have moderate to high potential for contamination impact. The PSI notes that the site can be made suitable for residential / mixed uses following further intrusive investigation at the site at the detailed DA stage, including a hazardous building assessment, an intrusive soil and groundwater investigation, waste classification procedures and acid sulfate soil assessment.

Should any land contamination be identified during the detailed development application stage, groundwater testing and preparation of a remediation action plan or extent of the contamination and methods to remediate the site are recommended.

It is noted that the proposal incorrectly refers to SEPP 55 Remediation of Land as opposed to the current s9.1 direction. While the proposal is considered to achieve consistency with this direction, it is recommended that the proposal be updated to correctly address Direction 2.6.

Direction 3.1 Residential Zones

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

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

The proposal will be increasing the potential residential yield in a strategic location in an existing zone where residential uses are permissible. The proposal is considered to be consistent with this direction.

Direction 3.4 Integrating Land Use and Transport

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

- Improve active and public transport access to homes and jobs.

- Increase transport choices and reduce car dependency.
- Reduce travel demand.
- Support the operation of public transport services.
- Provide for the efficient movement of freight.

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

The proposal seeks to increase the overall density of the zone for both additional commercial and new residential purposes. The site which the proposal relates is located approximately 500m from the Chatswood transport interchange which includes rail, metro and bus services connecting Chatswood to the local area and nearby strategic centres of Macquarie Park, St Leonards, North Sydney and the Sydney CBD.

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

Direction 3.5 Development Near Regulated Airports and Defence Airfields

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

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

The proposal has considered the direction is not applicable and does not include an assessment against the direction. For the proposal to be considered consistent with this direction it is recommended that the planning proposal be updated to include an assessment against this direction. A condition will require the planning proposal should be updated to address this direction.

Direction 4.1 Acid Sulfate Soils

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

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

While the proposal is recognised to have a minimum risk in encountering acid sulphate soils, the proposal report does not address this direction. For the proposal to be considered consistent with this direction it is recommended that the report be updated to include an assessment against 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 which only apply to the subject site.

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 in addition to the specific height of buildings, FSR and zoning requirements included within the strategy.

These requirements are not considered unnecessarily restrictive as they are reflective of the holistic strategy recommendations which are currently being prepared through site specific planning proposals and will be implemented at a wider level within Council's future planning comprehensive LEP amendment. This arrangement is considered acceptable.

5.7 State Environmental Planning Policies (SEPPs)

SEPP (Infrastructure) 2007

The planning proposal would likely result in a development application where substantial excavation would be required for the basement parking. As the site is in proximity of the T1 North Shore Rail Line corridor (which includes the Sydney Metro Chatswood drive site) and is adjacent to the Pacific Highway, concurrence to the rail authority and RMS may be required with a resulting development application.

The planning proposal is recommended to be referred to the Transport for NSW (TfNSW) to provide commentary on any potential impact to rail infrastructure, and RMS to provide commentary on potential impacts to the Pacific Highway and its operation.

SEPP (Affordable Rental Housing) 2009

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

The proposal will be subject to proposed affordable housing provisions which have already been exhibited under PP_2019_WILLO_001_00 and PP_2019_WILLO_002_00. The proposed affordable housing provisions under Clause 6.8 is to introduce a new area 'Area 9' which will include any additional residential floor space used for the purposes of affordable housing within the floor space ratio calculation. These provisions are consistent with the recommendations of the Chatswood CBD Strategy.

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

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

SEPP 55 Remediation of Land

The land has been used for commercial purposes for an extended period and has the potential for some extent of contamination.

The PSI prepared for the site notes that the site can be made suitable for residential / mixed uses following further intrusive investigation at the site at the detailed DA stage, including a hazardous building assessment, an intrusive soil and groundwater investigation, waste classification procedures and acid sulfate soil assessment.

Should any land contamination be identified during the detailed development application stage, groundwater testing and preparation of a remediation action plan or extent of the contamination and methods to remediate the site are recommended.

SEPP 65 Design Quality of Residential Flat Building Development

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

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

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

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

6. Site-specific Assessment

6.1 Built Form

Building height

The proposed height increase would facilitate a concept development of approximately 27 storeys including a two-storey commercial podium and residential tower above.

The concept design (**Figures 15-19**) for the proposal identifies that the residential tower could achieve a maximum height of up to 90m.

The proposed residential tower is generally consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 20**). The site is not subject to a solar access plane and is consistent with the desired future character of buildings within the expanded CBD area along the western side of the T1 North Shore Rail Line.

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

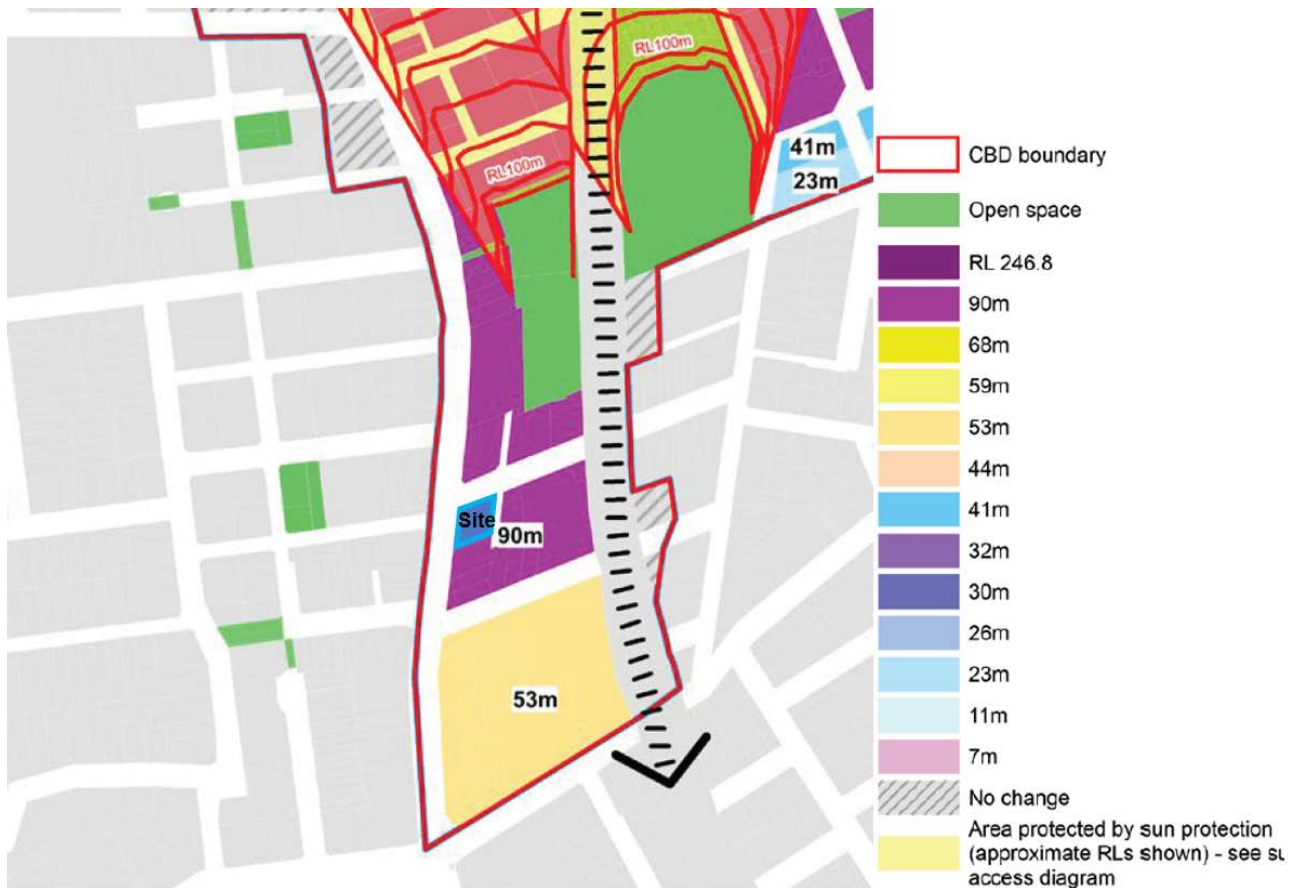


Figure 20: Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council).

Building separation and setbacks

Chatswood CBD Strategy

The proposal meets the Chatswood CBD Strategy's setback requirements along the Pacific Highway and Gordon Avenue frontages.

It is noted the Chatswood CBD Strategy (page 39, **Attachment G4**) requires building separation to neighbouring buildings to be in accordance with the ADG for residential uses.

Apartment Design Guide (ADG)

The following minimum ADG separation distances apply to the proposed residential tower on the site and existing/future residential developments on neighbouring sites:

- **Up to 4 storeys**
 - 12m between habitable rooms
 - 9m between habitable and non-habitable rooms
 - 6m between non-habitable rooms
- **5 to 8 storeys**
 - 18m between habitable rooms
 - 12m between habitable and non-habitable rooms
 - 9m between non-habitable rooms
- **9 storeys and above**
 - 24m between habitable rooms

- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

The concept design proposes a minimum separation of 24m to the future residential development to the north and west, and 12m to the neighbouring development to the east which are considered sufficient.

However, the tower setback to the southern boundary is 6m which may not enable an equitable share of ADG separation between habitable rooms/balconies to future residential development greater than 5 storeys at 621-627 Pacific Highway.

Further, the proposed 6m setback may have adverse amenity and privacy impacts to the existing shop top housing development at 621-627 Pacific Highway, given that there are balconies and windows that face north onto the site above the second floor (**Figure 21**).

Given the blanket 6m tower setback to the southern boundary is at the lower end of the range of recommended separation distances in the ADG, it is recommended the planning proposal be updated to further consider amenity and privacy impacts to existing and future residential development adjacent to the south.



Figure 21: Adjacent existing development to the south, with balconies and windows to habitable rooms in close proximity to the southern lot boundary (source: Google street view).

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

Solar access

The proposal indicated that approximately 86% of apartments within a residential tower built in accordance with the proposal would be capable of receiving a minimum of two hours of solar access to living areas in midwinter. This is consistent with Part 4A of the

ADG of SEPP 65 and is considerable acceptable for the purposes of this planning proposal.

Overshadowing

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

The Chatswood CBD Strategy seeks to further refine these protections with the inclusion of a solar access plane within its maximum height of buildings map (**Figure 20**) which seeks to protect the key public spaces as identified within the strategy (**Figure 21**). Although a supporting LEP clause has not been included within this proposal to support the intent of the strategy, it has been recommended as part of the Gateway conditions for PP_2020_WILLO_002_00.

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

The shadow diagrams also indicated that due to the concept building's slender tower design, any shadow created by the concept design will be fast moving and will maintain reasonable solar access and amenity to existing and proposed future development as part of the Chatswood CBD Strategy. The shadow diagrams indicate the shadow cast between 9am to 3pm on 21 June would not reach beyond the railway corridor located to the east and therefore no additional overshadowing impacts to the South Chatswood Heritage Conservation Area will occur.



Figure 22: Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council).

View sharing

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

The loss of regional and district views from existing development is considered inevitable within a regional strategic centre such as Chatswood that seeks uplift for both the height of buildings and maximum FSR. However, an assessment of the extent of view loss has yet to be carried out as part of the planning proposal.

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

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

Noise

An acoustic assessment (**Attachment A8**) prepared by Resonate in support of the planning proposal has indicated that as the site is nearby the Pacific Highway and the T1 North Shore Rail Line, specific acoustic treatments for the glazing to ensure appropriate internal noise amenity can be achieved.

The report identifies that specific treatment requirements will be further considered during the detailed design stage as part of a development, although there are no adverse impacts expected to be created by the proposal.

Wind

The proposal is supported by a wind impact statement (**Attachment A9**) prepared by Vipac Engineers and Scientists, which notes that the proposal is not expected to have wind levels exceeding the recommended comfort criteria for pedestrians at street level. The wind impact statement recognises that south-western corner of the podium roof terrace would be expected to have some exceedance of the walking criterion, though subject to the inclusion of increased balustrade heights and pergola structures, it is expected that these wind impacts could be mitigated to an acceptable level.

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

6.2 Social

Affordable housing

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

The proposal will be subject to proposed affordable housing provisions which have already been exhibited under PP_2019_WILLO_001_00 and PP_2019_WILLO_002_00. The proposed affordable housing provisions under Clause 6.8 is to introduce a new area 'Area 9' which will include any additional residential floor space used for the purposes of affordable housing within the floor space ratio calculation. These provisions are consistent with the recommendations of the Chatswood CBD Strategy.

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

Public amenity

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

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

The proposal is supported by a signed letter of offer (**Attachment A11**) to enter into a voluntary planning agreement (VPA) based on Council's previous value capture scheme which was not supported by the Department within its partial endorsement letter for the Chatswood CBD Strategy. A revised offer is likely to be submitted by the proponent prior to the proposal being placed on public exhibition.

6.3 Environmental

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

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

6.4 Economic

Employment

The proposal is not supported by an economic feasibility report, however the proposal states that it will enable the delivery of approximately 81 dwellings and 35 jobs within the site.

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

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

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

6.5 Infrastructure

Public transport

The site is well serviced with public transport infrastructure as it is within 500m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to now accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown, which is due to open in 2024.

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

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

Traffic

A traffic impact assessment report (**Attachment A7**), as prepared by Varga Traffic Planning, has been submitted with the planning proposal and provides an assessment of the transport impacts resulting from the proposed concept development.

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

- 65 car parking spaces (including visitor spaces) and 4 motorcycle spaces would be required to be provided on site with access via Hammond Lane.
- 16 bicycle spaces/lockers will be provided.
- A maximum of 33.2 vehicle trips per hour in the AM peak and 37.1 vehicle trips per hour in the PM peak.

The number of parking spaces is based on the RMS guide as Council's DCP would require a higher provision of spaces at 79. The RMS guide is considered to be appropriate in the context of the site given its excellent accessibility to a major public transport node.

Based on the SIDRA analysis, the assessment finds that based on the existing traffic volumes near the site, the additional traffic generated by the amended planning proposal is not expected to compromise the safety or function of the surrounding road network.

All surrounding intersections (Pacific Highway and Gordon Avenue) would continue to operate with a level of service A during the peak commuter periods.

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

This analysis has been completed by Arup in conjunction with Transport for NSW and is currently with Transport for NSW for finalisation and adoption. 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 wider Chatswood CBD context and ongoing traffic and transport analysis.

Infrastructure and services

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

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

7. Consultation

7.1 Community

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

7.2 Agencies

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

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

8. Timeframe

The planning proposal requires an updated timeframe given the report has not been updated since early 2018. It is recommended that a 9-month timeframe is appropriate for this planning proposal.

9. Local Plan Making Authority

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

10. Conclusion

The planning proposal seeks to redevelop the existing aged commercial buildings for the purposes of a mixed-use development comprising 81 apartments, additional affordable housing and 1,172 sqm of commercial floor space.

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

- It is consistent with the actions of the North District Plan for Chatswood by providing additional commercial development capacity, maximises public transport patronage, promotes employment growth within an existing commercial zone and increases residential capacity in an accessible location.
- It is consistent with the key elements of the endorsed Chatswood CBD Strategy.
- The introduction of 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 81 dwellings including affordable housing within the Chatswood CBD on a site that ascribes to the 30-minute city outcomes sought by the North District Plan.

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

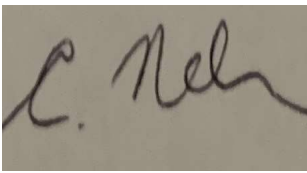
- The proposed maximum building height is consistent with the desired future maximum building heights and solar access planes for the Chatswood CBD.
- It is considered that the proposal is capable of adequate building separation, amenity and solar access outcomes to existing and proposed future development near the site.
- 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 500m walking distance of the Chatswood transport interchange and CBD core.

11. Recommendation

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

1. Prior to community consultation the proposal is to be updated as follows:
 - (a) to provide a plain English explanation for the proposed controls to apply rather than specific clauses.
 - (b) provide clarification as to the minimum lot size provision to apply for the site
 - (c) remove references to the B5 zone being retained as part of the proposal
 - (d) removal of the introduction of design excellence clause and the amendment of affordable housing clause as these LEP amendments have recently been made. Any reference in the planning proposal to Design Excellence Provisions should refer to Clause 6.23 Design excellence which has been inserted in the LEP.
 - (e) the Special Provisions Map (Sheet SPA_004) should include the site for the corresponding Area for which provisions will apply (ie. 'Area 9'- Affordable Housing, 'Area 11'- Minimum Commercial Floor space and 'Area 12'- Design Excellence). For the purposes of exhibition, the legend should also indicate/reference the proposed control to apply rather than the specified clause.
 - (f) The objectives of the planning proposal are to be updated to include the proposals consistency with the Willoughby Council's Local Strategic Planning Statement and draft Local Housing Strategy.
 - (g) Note the Chatswood CBD Strategy's status as endorsed by the Department and adopted by Council.
 - (h) include an assessment against the following s9.1 Ministerial directions:
 - i. 2.6 Remediation of contaminated land
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields
 - iii. 4.1 Acid sulfate soils.
 - (i) delete references to revoked directions:
 - i. 3.3 Home Occupations
 - ii. 7.1 Implementation of A Plan for Growing Sydney.
 - (j) Provide an estimated number of jobs based on the updated concept plan
 - (k) Address the ADG building separation, amenity and privacy impacts to existing and future residential development adjacent to the south
 - (l) Include an updated project timeline based on this Gateway determination
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Transport for NSW.
 - Roads and Maritime Services.
 - Ausgrid.

- Sydney Water.
 - NSW Department of Education.
 - NSW Department of Health.
4. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.
 5. Given the nature of the planning proposal and its consistency with the Chatswood CBD Strategy, Council authorised to be the local plan-making authority to make this plan.



12 April 2021

Charlene Nelson

Manager, Place and Infrastructure



12 April 2021

Brendan Metcalfe

Director, North District

Assessment officer: Geoff Kwok

Planning Officer, North District

Phone: 8275 1472

Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Planning proposal documentation

- **A1** – Council’s planning proposal resubmission letter
- **A1a** - Planning proposal cover letter
- **A2** – Returning of planning proposal to Department for Gateway
- **A3** – Planning proposal report
- **A4** – Draft DCP
- **A5** – Urban design report
- **A6** – Concept plans
- **A7** – Traffic report
- **A8** – Acoustic report
- **A9** – Wind impact assessment
- **A10** – Phase 1 land contamination report
- **A11** – Draft VPA
- **A12** – Site Survey
- **A13** – Chatswood CBD Strategy Key Element Assessment
- **A14** – Proposed written LEP amendments

Attachment B – Site map

Attachment C – Locality context map

Attachment D – Existing LEP maps

Attachment E – Proposed LEP maps

Attachment F – Council correspondence

- **F1** – Council report
- **F2** – Detailed assessment report
- **F3** – Council resolution

Attachment G – Chatswood CBD Strategy

- **G1** – Chatswood CBD Strategy background summary
- **G2** – Department’s partial endorsement letter
- **G3** – Department’s full endorsement
- **G4** – Final Chatswood CBD Planning and Urban Design Strategy