



**Planning,
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Environment**

815 Pacific Highway and 15 Help Street, 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 | 7 |
| 1.4 Current planning controls | 8 |
| 1.5 Summary of recommendation | 12 |
| 2. Background | 13 |
| 3. Planning Proposal | 13 |
| 3.1 Objectives or intended outcomes | 13 |
| 3.2 Explanation of provisions | 13 |
| 3.3 Mapping | 15 |
| 3.4 Concept Design | 18 |
| 4. Need for the planning proposal | 22 |
| 5. Strategic Assessment | 22 |
| 5.1 Greater Sydney Region Plan | 22 |
| 5.2 North District Plan | 23 |
| 5.3 Chatswood CBD Strategy | 25 |
| 5.4 Willoughby Local Strategic Planning Statement | 29 |
| 5.5 Local planning panel recommendation | 29 |
| 5.6 Section 9.1 Ministerial Directions | 30 |
| 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 | 37 |
| 7. Consultation | 39 |
| 7.1 Community | 39 |
| 7.2 Agencies | 40 |
| 8. Timeframe | 40 |
| 9. Local Plan Making Authority | 40 |
| 10. Conclusion | 40 |
| 11. Recommendation | 41 |
| Attachments | 44 |

Glossary

| Abbreviation | Reference |
|-----------------|--|
| 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 |
| HOB | Height of Buildings |
| LEP | Local Environmental Plan |
| LSPS | Local Strategic Planning Statement |
| PANS-OPS | Procedures for Air Navigation Services – Aircraft Operations |
| PPA | Planning Proposal Authority |
| SEPP | State Environmental Planning Policy |
| SREP | Sydney Regional Environmental Plan |
| TfNSW | Transport for NSW |
| VPA | Voluntary Planning Agreement |

Summary

| | |
|------------------------------------|--|
| Local Government Area | Willoughby |
| Planning Proposal Authority | Willoughby City Council |
| Planning Proposal Name | PP-2021-2473 |
| Dwellings and Jobs | 60,524 sqm commercial/retail GFA |
| LEP to be Amended | Willoughby Local Environmental Plan 2012 |
| Address | 815 Pacific Highway and 15 Help Street, Chatswood |
| Lot and DP | Lot 1 DP 547585 and Lot 1 DP 731307 |
| Date Received | 16 November 2020 |
| File Number | IRF21/274 |
| 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 to increase the development potential over an amalgamated site at 815 Pacific Highway and 15 Help Street by:

- increasing the maximum permitted building height, from 60m at 815 Pacific Highway and 90m at 15 Help Street, to 142.8m (RL246.8m) across the site;
- amending the floor space ratio (FSR) map to apply a base FSR of 5.0:1 with no maximum FSR; and
- removing the restriction of 100 sqm on gross floor area of a shop under Clause 6.12 in Zone B3 and Zone B4 in Chatswood.

There is no change to the current B3 Commercial Core zoning under Willoughby LEP 2012.

Council's resolution of 9 November 2020 supports the planning proposal and requires further amendments to Willoughby LEP 2012 to include written and mapping amendments as follows:

- amend the Land Use Table for the B3 Commercial Core to prohibit serviced apartments;
- add a provision relating to minimum lot size for land in the B3 Commercial Core Zone in Chatswood CBD (Clause 4.1D) and amend the Lot Size Map to apply to the site;
- add a Clause 5.6 Architectural roof features (2A) to require that development identified on the Special Provisions Area Map may only be carried out in accordance with the maximum height of clause 4.3.
- amend Clause 6.7 Active Street Frontages to identify where a building has an active street frontage in zone B3 Commercial Core and in B1, B2, B4, B5 and B7.
- amend the Active Street Frontages Map to include the Pacific Highway and McIntosh Street;
- repeal Clause 6.12 Size of shops in Zone B3 and B4 in Chatswood;
- add Clause 6.24 Design excellence to include a design competition process and design excellence provisions in the LEP; and amend the Special Provisions Area Map to identify the site as an Area to which design excellence clause will apply.

These provisions are discussed in more detail in **Section 3.2 Explanation of Provisions**.

A concept design has been provided with the planning proposal depicting a development that includes the potential to integrate commercial and/or retail land uses, office floor space and car parking (**Figures 17-23**).

The proposal considers it provides the opportunity to establish a gateway landmark building at the western end of the CBD, to deliver a single 35 storey tower, facilitated by site amalgamation and provide high quality improvements to the public domain, a high-quality commercial development with increased employment opportunities and the inclusion of new commercial and retail land uses. It proposes 3,067 sqm retail GFA, 57,457 sqm commercial GFA, with a total FSR of 17.2:1 and 327 parking spaces.

1.2 Site description

The site is an irregular shaped corner location and known as 815 Pacific Highway and 15 Help Street, Chatswood (**Figure 1** and **Attachment B**) comprising two lots with a total area of approximately 3,520m². The site has frontages of approximately 60m to the Pacific Highway, 85m to Help Street and 36m to McIntosh Street.

The site is currently occupied by two buildings (**Figures 1-4**):

- 815 Pacific Highway is legally described as Lot 1 DP 547585. This lot is approximately 1,657m² and contains a 14-storey building with a nettable lease area of approximately 7,116m² including a rooftop restaurant. Parking is provided for 104 cars in a two-level basement; and
- 15 Help Street is legally known as Lot 1 DP 731307 approximately 1,863m² and currently occupied by a nine-level commercial office building with retail at ground level and an underground carpark.

The site does not contain any heritage items, significant trees and is not within or near a heritage conservation area (HCA). The site is approximately 150m from the Blue Gum HCA (C2) to the north-west.

Council states in their Detailed Assessment (**Attachment F2**) that the land directly bordering the Pacific Highway to the west of the site is not subject to land acquisition for road widening.



Figure 1: Site map (source: Nearmap, overlay by DPIE)



Figure 2: Aerial of existing site at 815 Pacific Highway and 15 Help Street (source: a+ Design Group, overlay by DPIE)

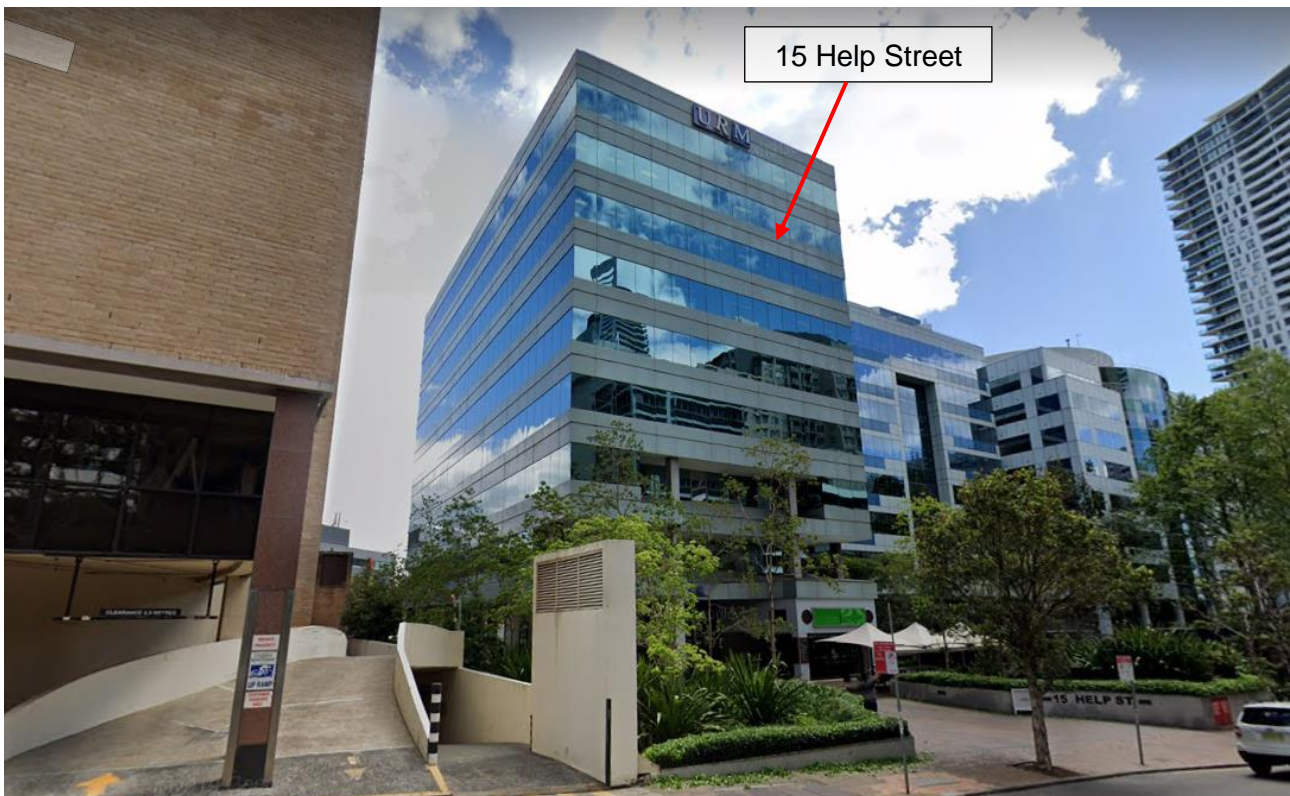


Figure 3: Existing site at 15 Help Street with 815 Pacific Highway left looking north (source: Google Maps, overlay by DPIE).

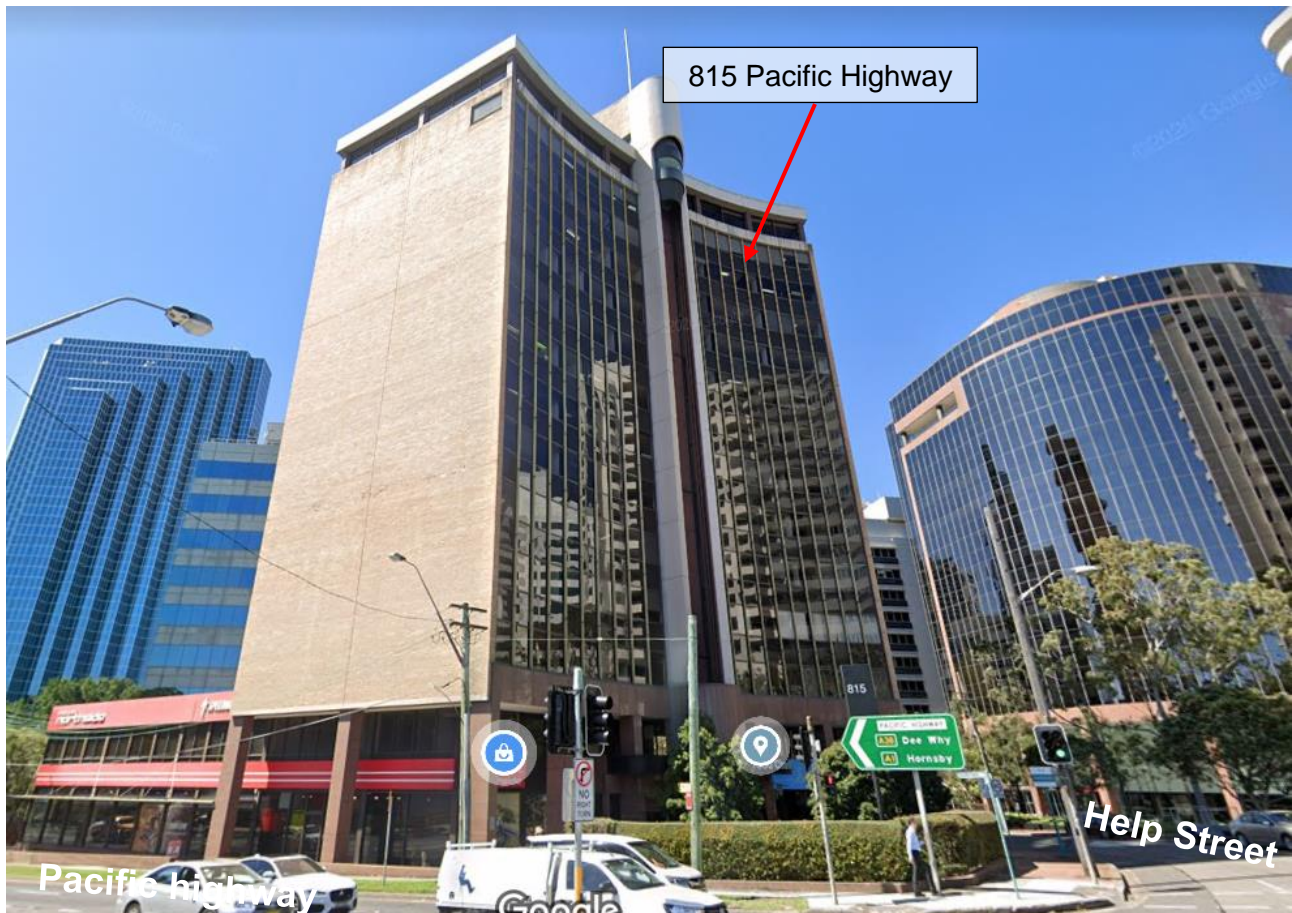


Figure 4: Existing site at 815 Pacific Highway from Pacific Highway looking north-east (source: Google Maps, overlay by DPIE).

1.3 Surrounding area

The site is located on the western edge of the expanded Chatswood Central Business District (CBD) boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (Chatswood CBD Strategy (**Attachment H4**)). Chatswood Station and transport interchange is approximately 250m to the east with three major shopping centres including Westfield and Chatswood Chase on the east side of the rail corridor (**Figure 5** and **Attachment C**).

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

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

To the north and west of the site, on the opposite side of the Pacific Highway is land zoned B5 Business Development with two and four storey commercial buildings containing car dealerships. The 'Zenith Towers' are located on the north side of McIntosh Street and comprises of two 24 floor commercial towers on land zoned B3 Commercial Core. The Pacific Highway is zoned SP2 Infrastructure (Classified Road).

To the east is land zoned B3 Commercial Core. The adjacent site at 11 Help Street is an eight-storey commercial office building with a secondary frontage to McIntosh Street. Various other commercial buildings are beyond.

To the south of the site on the opposite side of Help Street is land zoned B3 Commercial Core. Directly opposite 815 Pacific Highway is a building known as ‘High Park tower’, 14 Brown Street, containing approximately 302 residential apartments and non-residential uses at ground level. At 12 Help Street is a 14-storey commercial development known as ‘Solitaire’ with an on-site café. Adjacent to 12 Help Street is 10 Help Street containing a 13-storey building known as ‘Regus’ containing serviced office spaces.

Generally, the land bordering the east side of the Pacific Highway is zoned B3 Commercial Core and has a maximum permitted HOB of 60m with 90m permissible beyond (**Figure 6**). The land to the west, directly across the Pacific Highway has a maximum permissible height of 12m with mainly low density residential beyond (**Figure 7**).



Figure 5: Site context map - expanded Chatswood CBD with the site located in the west (source: Nearmap, overlay by DPIE)

1.4 Current planning controls

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

- B3 Commercial Core zoning (**Figure 6**).
- maximum HOB of part 60m and part 90m (**Figure 7**).
- maximum FSR of 5.0:1 (**Figure 8**).

- minimum lot size of 2500m² (**Figure 9**); and
- Help Street is identified as an active street frontage (**Figure 10**).

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 | | B3 Commercial Core | B3 Commercial Core | B3 Commercial Core |
| Height | 815 Pacific Highway | 60m | 142.8m (RL246.8m) amalgamated site | RL246.8m |
| | 15 Help Street | 90m | | |
| FSR | | 5.0:1 | No maximum FSR (17.2:1 in proposed) | No maximum FSR (2000m ² and greater) |
| Lot Size Map | | 2,500m ² identified as 'Area V' | 1,800m ² | 1,800m ² |
| Active Street Frontage | | Help Street | Help Street, McIntosh Street and Pacific Highway | Consistent |
| Special Provisions | | N/A | Area 8 Architectural roof features and Area 12 Design excellence | Consistent |

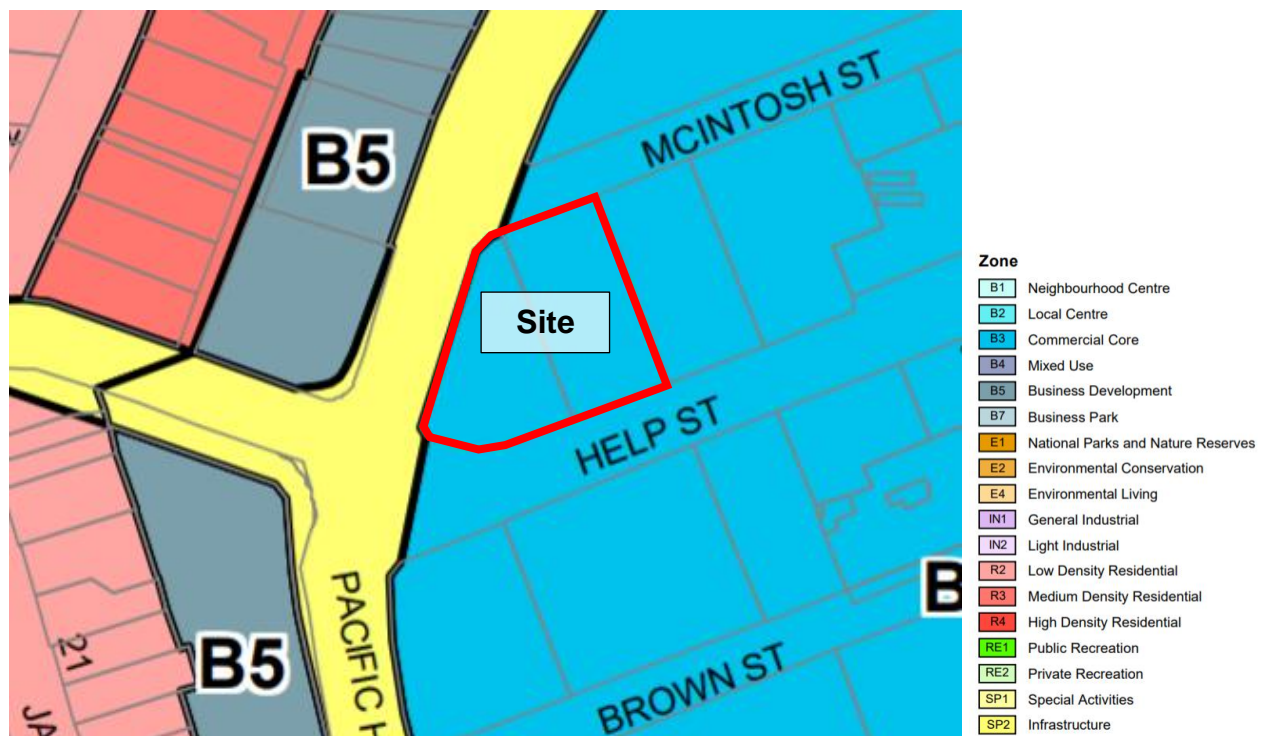


Figure 6: Willoughby LEP 2012 Land zoning map LZN_004 (source: NSW Legislation)

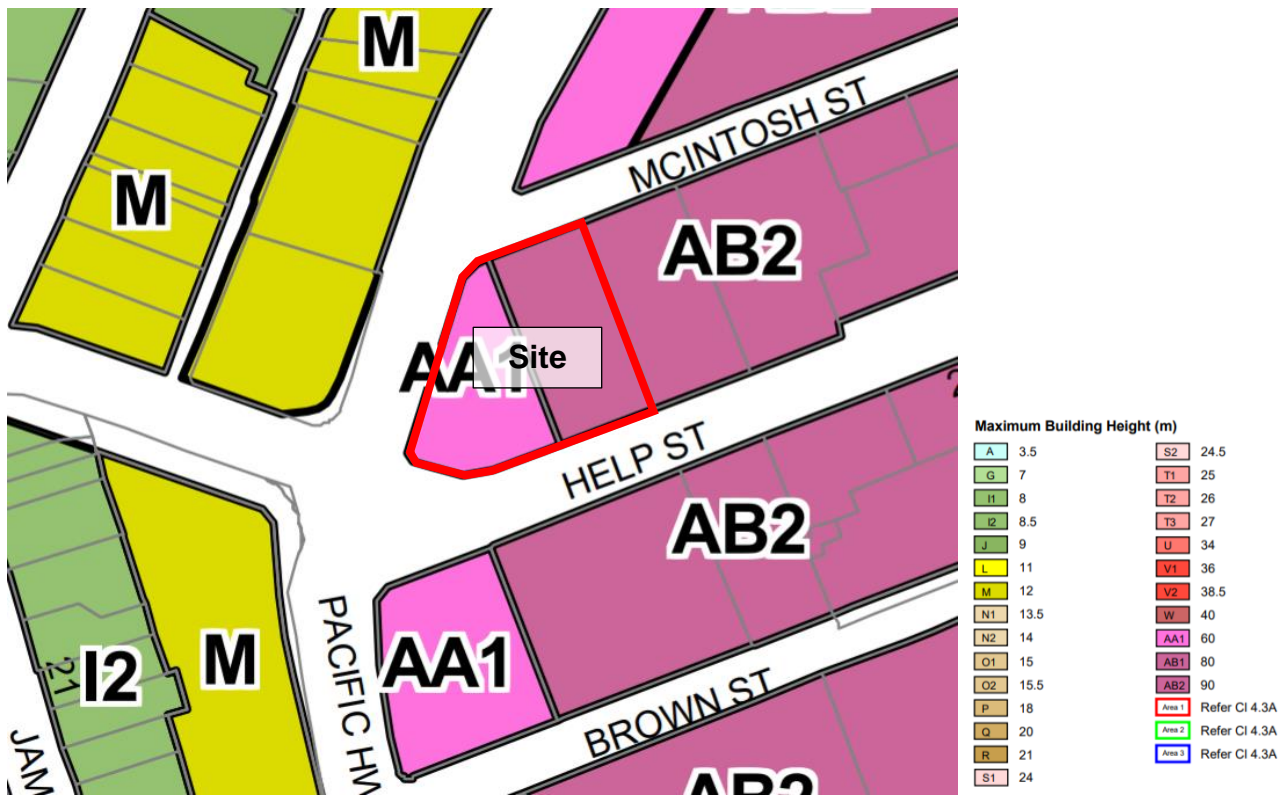


Figure 7: Willoughby LEP 2012 Maximum building height map HOB_004 (source: NSW Legislation)

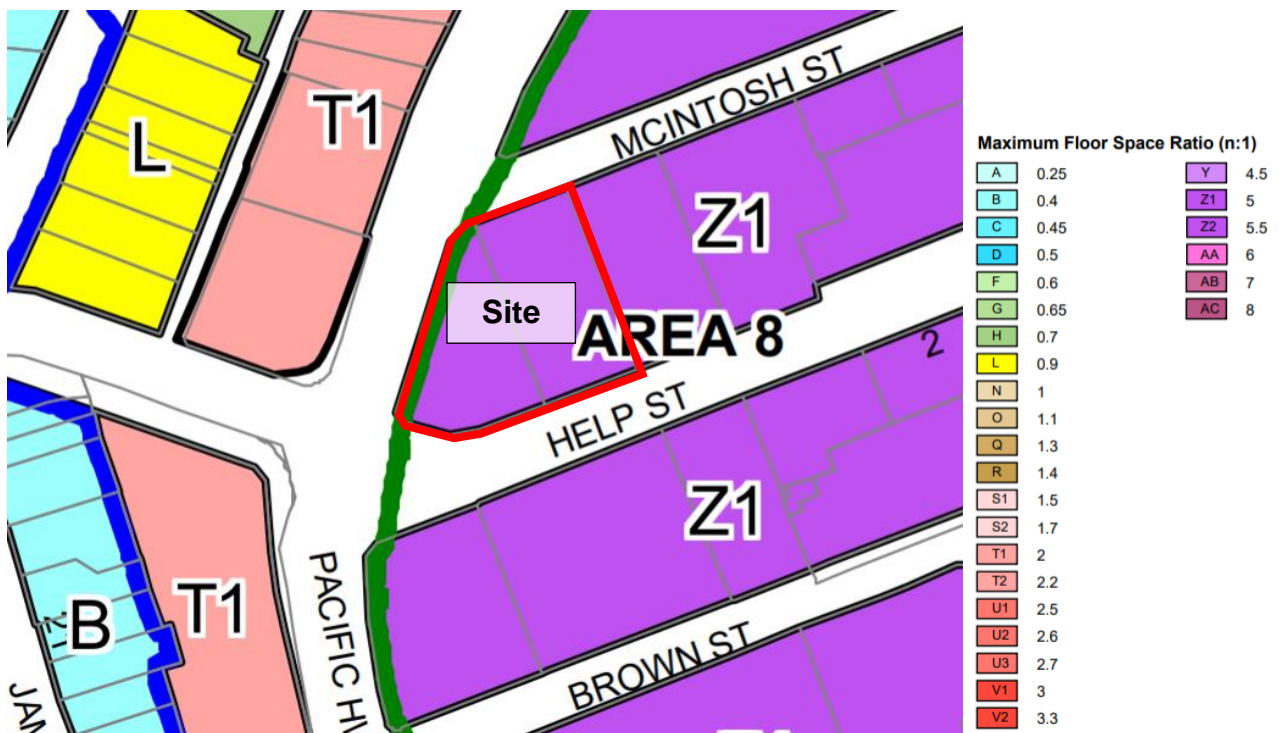


Figure 8: Willoughby LEP 2012 Maximum FSR map FSR_004 (source: NSW Legislation)

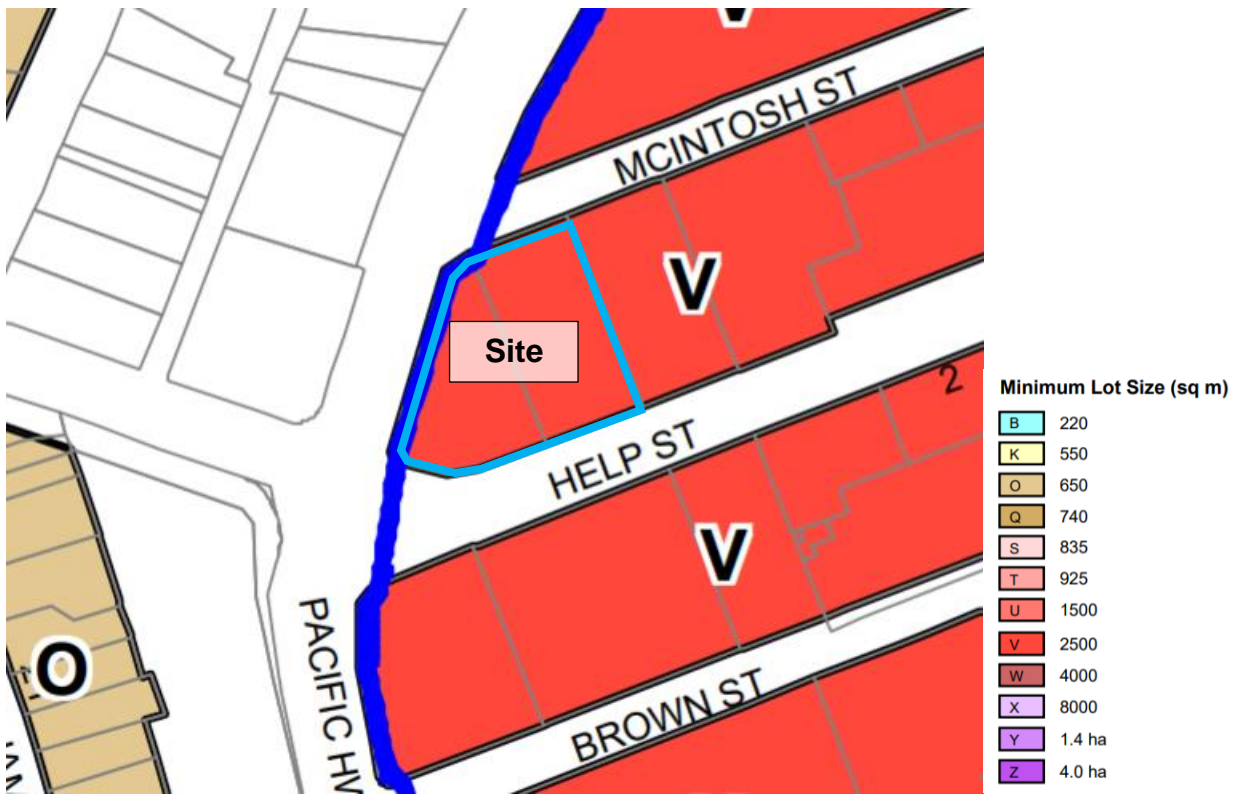


Figure 9: Willoughby LEP 2012 Lot size map LSZ_004 (source: NSW Legislation)

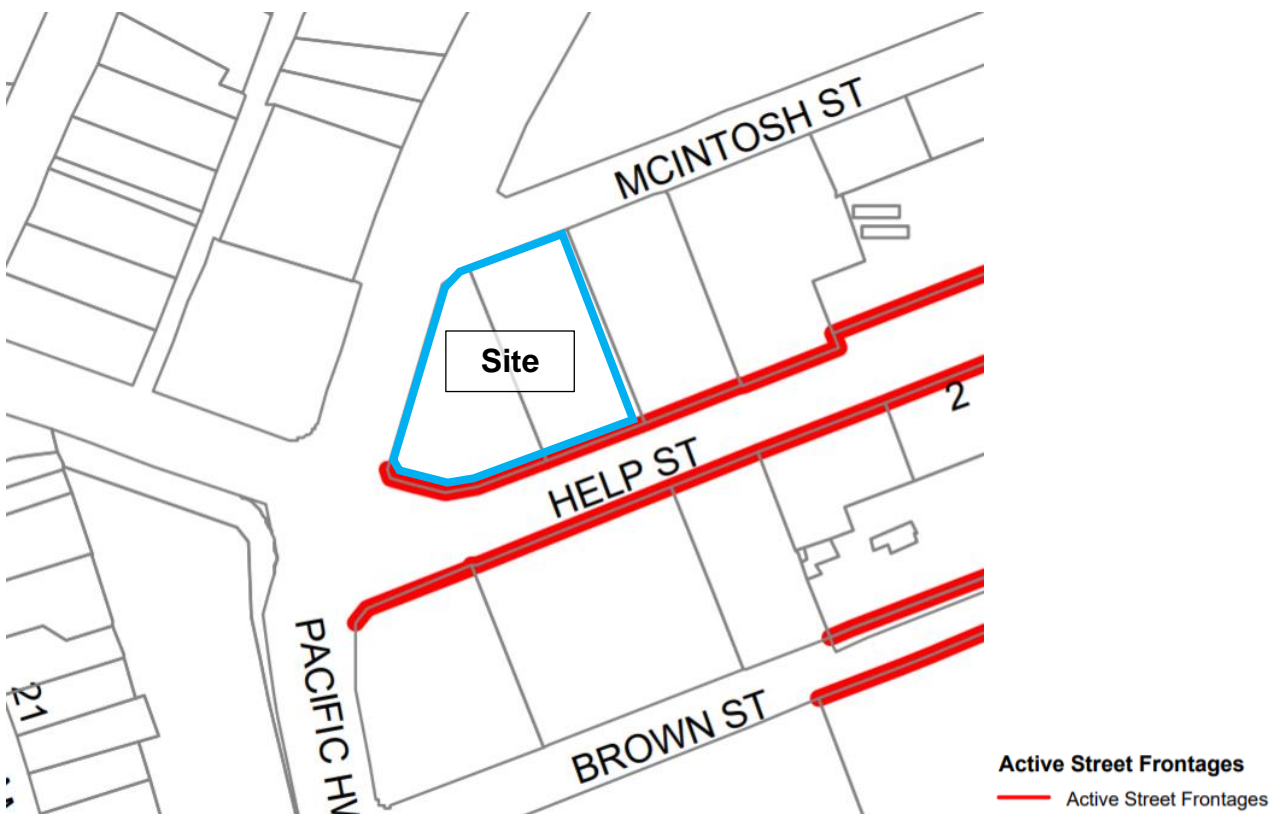


Figure 10: Willoughby LEP 2012 Active street frontages map ASF_004 (source: NSW Legislation)

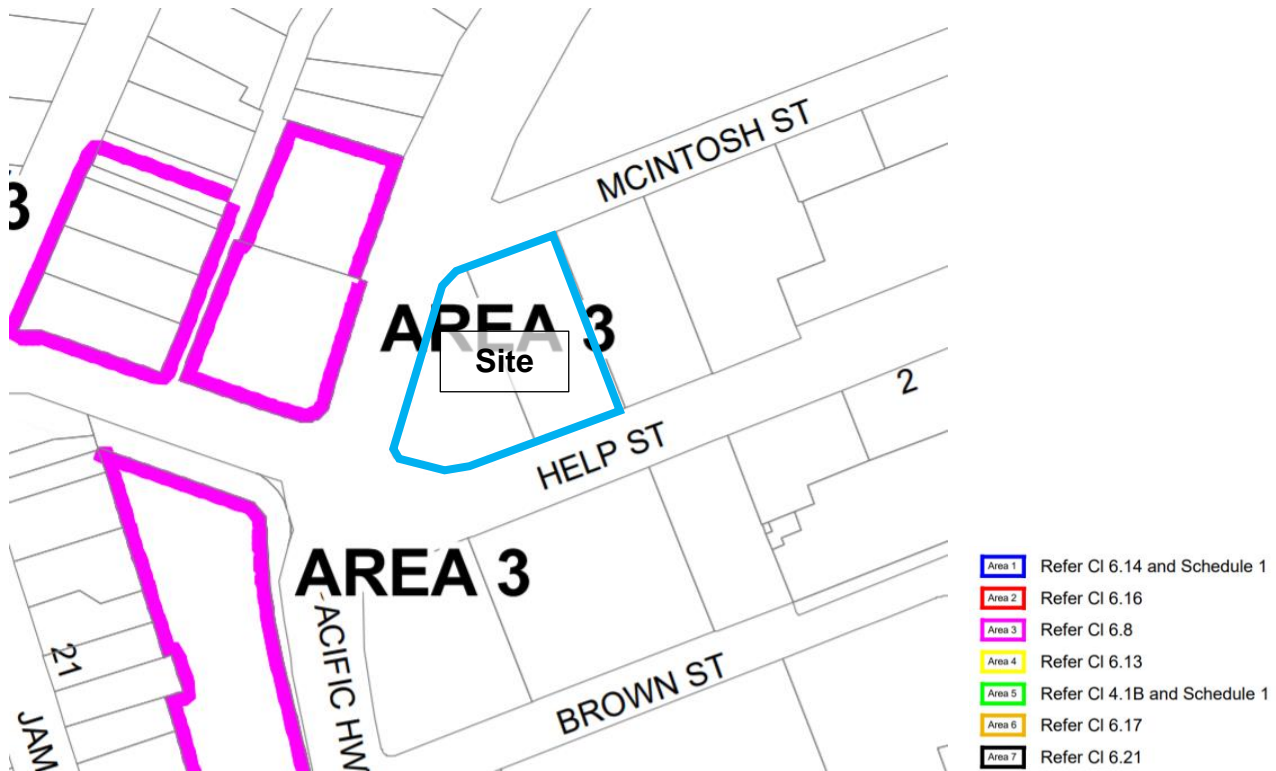


Figure 11: Willoughby LEP 2012 Special Provisions Area map SPA_004 (source: NSW Legislation)

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 promoting employment growth within an existing commercial zone;
- the proposal will provide increased employment within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan;
- it is consistent with the key elements of the endorsed Chatswood CBD Strategy;
- commercial uses on the site is consistent with the existing zoning; and
- there will be no additional overshadowing impact to Chatswood Mall/Victoria Avenue or Chatswood Oval between 12-2pm during mid-winter as a result of the proposed development.

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

- the proposed maximum building height and is consistent with the desired future maximum building heights for the Chatswood CBD Strategy; and
- the proposal will enable the delivery of additional commercial floor space with retail at ground level, supporting job growth in the Chatswood CBD within 250m walking distance of the Chatswood transport interchange.

2. Background

The proposal is within the Chatswood CBD boundary, identified in the Chatswood CBD Strategy 2036 endorsed by Council on 26 June 2017 and the Department on 9 July 2020.

On 9 November 2020, Council, at its meeting, resolved to endorse a planning proposal for the amalgamated site and forward the proposal to the Department for a Gateway determination (**Attachment F3**).

Council stated in its report (**Attachment F1**) that the planning proposal was:

- to facilitate commercial development with retail at ground level;
- generally consistent with the recommendations of the Chatswood CBD Strategy; and
- referred internally for urban design, landscape, sustainability and traffic advice and no objections were raised by these sections of Council.

3. Planning Proposal

3.1 Objectives or intended outcomes

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

- enable building height and density greater than the current development standards applicable for the site;
- will be a catalyst to urban renewal; and
- increase employment opportunities by increasing commercial and retail space in close proximity to existing public transport, town centres and housing.

While this is considered to be clear, it is recommended that a condition require prior to exhibition, the planning proposal is to be updated to include additional objectives and outcomes which include but are not limited to:

- consistency with the Chatswood CBD Strategy;
- consistency with Willoughby Council's endorsed Local Strategic Planning Statement (LSPS);
- consistency with the character of the adjoining area;
- Chatswood's significance as a Strategic Centre in the North District Plan; and
- how the proposal will facilitate the delivery of a development to help Council achieve its medium and long term jobs targets including an estimate of jobs proposed.

3.2 Explanation of provisions

The planning proposal seeks to amend the Willoughby LEP 2012 for the site to facilitate the development of a commercial tower on the site by:

- amending the maximum permitted building height to 142.8m (RL246.8m) for:
 - 815 Pacific Highway from 60m; and
 - 15 Help Street, Chatswood from 90m.

- amending the maximum floor space ratio (FSR) of 5.0:1 to no maximum FSR applicable;
- removes the applicability of Clause 6.12 Size of shops in Zone B3 and Zone B4 in Chatswood that limits GFA of a shop to 100 sqm, to the subject site.

Council has forwarded the planning proposal with its resolution of 9 November 2020, to make additional amendments to the planning proposal to include:

- amending the Land Use Table for the B3 Commercial Core as follows:
 - delete serviced apartments as permitted with consent; and
 - insert serviced apartments as prohibited;
- adding Clause 4.1D Minimum lot size for Zone B3:
 - the objective of this clause is to ensure a site is of sufficient size to achieve and optimum development outcome in the Chatswood CBD.
 - this clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area 'X' on the Lot Size Map;
- amending Clause 5.6 Architectural roof features to add (2A) as follows:
 - (2A) Despite subclause (2), development within Area 'X' on the Special Provisions Area Maps may only be carried out in accordance with the maximum height of Clause 4.3;
- amending Clause 6.7 Active Street Frontages to amend (5) to:
 - in this clause a building has an active street frontage if:
 - in Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises;
 - in the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purpose of commercial premises;
- repeal Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood'
- adding Clause 6.24 Design excellence to apply to development involving the erection of a new building on land shown in Area 12 of the Special Provisions Map.

The proposal will also require mapping amendments under Willoughby LEP 2012 to

- amend the Lot Size Map to identify the site as an area yet to be nominated by Council;
- amend the Special Provisions Area Map to identify the site as an area yet to be nominated by Council; and
- amend the Active Street Frontages Map to include the Pacific Highway and McIntosh Street to identify the site as an area yet to be nominated by Council.

All references to Area 'X' are to be updated with the relevant correct alphabetical identifier.

The planning proposal (PP_2019_WILLO_002_00) for land at 1-31 Walter Street and 452-462 Willoughby Road, Willoughby was notified on 5 March 2021 as Amendment No. 15 to

Willoughby LEP 2012 and introduced the design excellence clause as sought under the subject planning proposal. It is recommended that this matter be removed from the proposal prior to public exhibition, as Design Excellence provisions (Clause 6.23) are now in the LEP. The Special Provisions Area Map will still be required to be updated to identify the site as Area 12 so that it will be subject to the design excellence provisions.

The proposed site-specific provisions are generally clear, concise and are consistent with the recommendations of the now finalised Chatswood CBD Strategy.

The planning proposal will need to be updated to reflect the additional provisions as recommended by Council in its resolution of 9 November 2020. It is noted that many of the additional provisions added in the Council resolution also form part of its comprehensive LEP amendment which will implement the Chatswood CDB Strategy, which is currently under consideration for Gateway determination.

In particular, some of the proposed Council amendments will implement the wider proposed changes under the Chatswood CBD Strategy including:

- prohibiting serviced apartments in the B3 zone;
- adding a minimum lot size of 1,800 sqm for the B3 zone;
- ensuring architectural roof features are incorporated into the maximum building height;
- amending the active street frontage clause to specify active street frontages for B3 are all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises; and for Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, are all premises on the ground floor of the building facing the street are used for the purpose of commercial premises; and
- repeal Clause 6.12 which sets a maximum size of 100 sqm GFA for shops in Zone B3 and Zone B4 in Chatswood.

The planning proposal was accompanied by an amended draft development control plan (DCP) (**Attachment F7**).

The proponent has also indicated in the planning proposal that they are willing to enter into discussions with Council concerning a voluntary planning Agreement (VPA) (**Attachment A1**) for a range of public benefits.

3.3 Mapping

Draft LEP mapping was not provided in the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012. Draft maps have been submitted by Council (**Attachment E**) with the planning proposal. However, the planning proposal will require updating prior to public exhibition to include:

- an amended Maximum Height of Buildings Map (sheet HOB_004) (**Figure 12**);
- an amended Maximum FSR Map (sheet FSR_004) (**Figure 13**);
- an amended Lot Size Map (sheet LSZ_004) (**Figure 14**);
- an amended Special Provisions Area Map (SPA_004) (**Figure 15**); and
- an amended Active Street Frontages Map (ASF_004) by adding McIntosh Street and Pacific Highway (**Figure 16**).

All maps are to be updated to replace reference to 'Area X' with the nominated numerical or alphabetical identifier to indicate the applicable development controls in the relevant LEP clause, for example 'Area 8' (Clause 5.6 Architectural roof features) or 'Area 12' (Clause 6.23 Design excellence).

No changes are proposed to any other LEP maps.

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

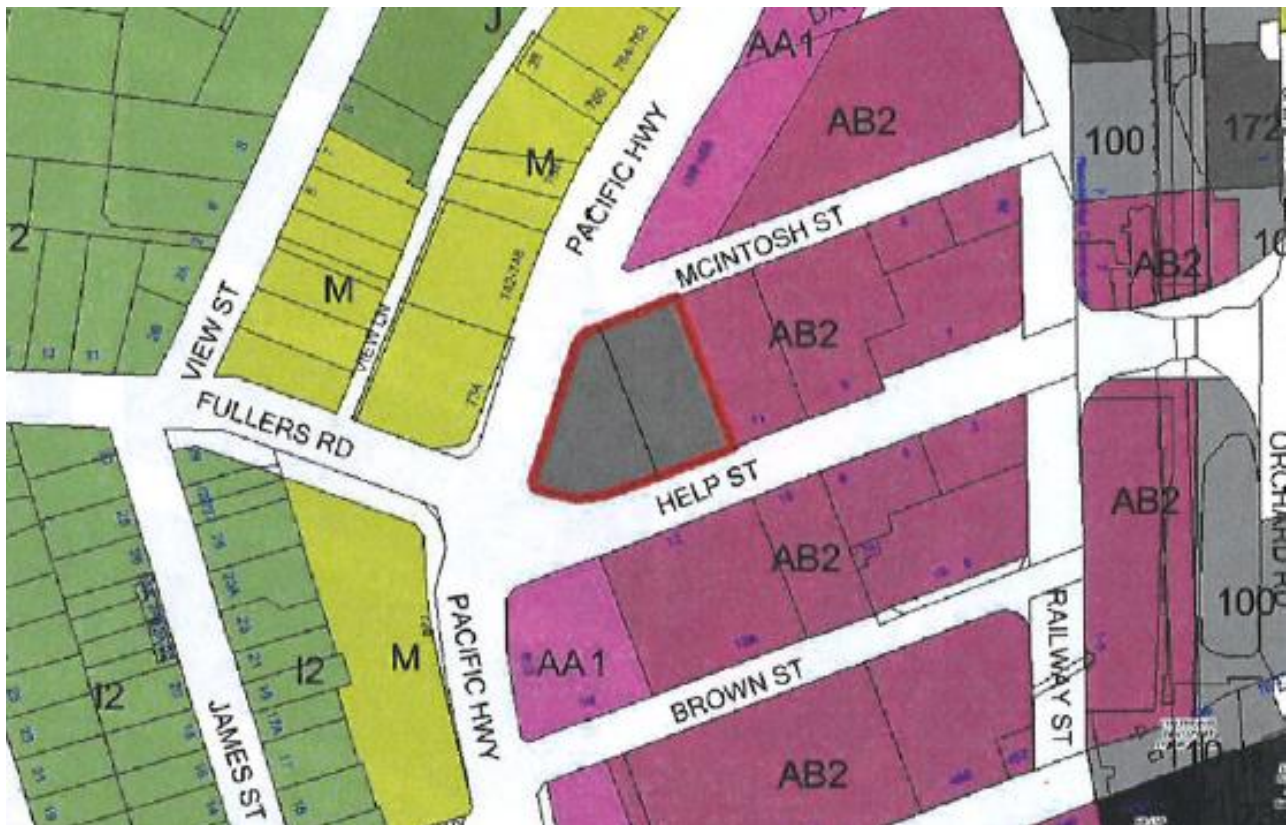


Figure 12: Draft Willoughby LEP 2012 Maximum height of buildings map (source: Council)

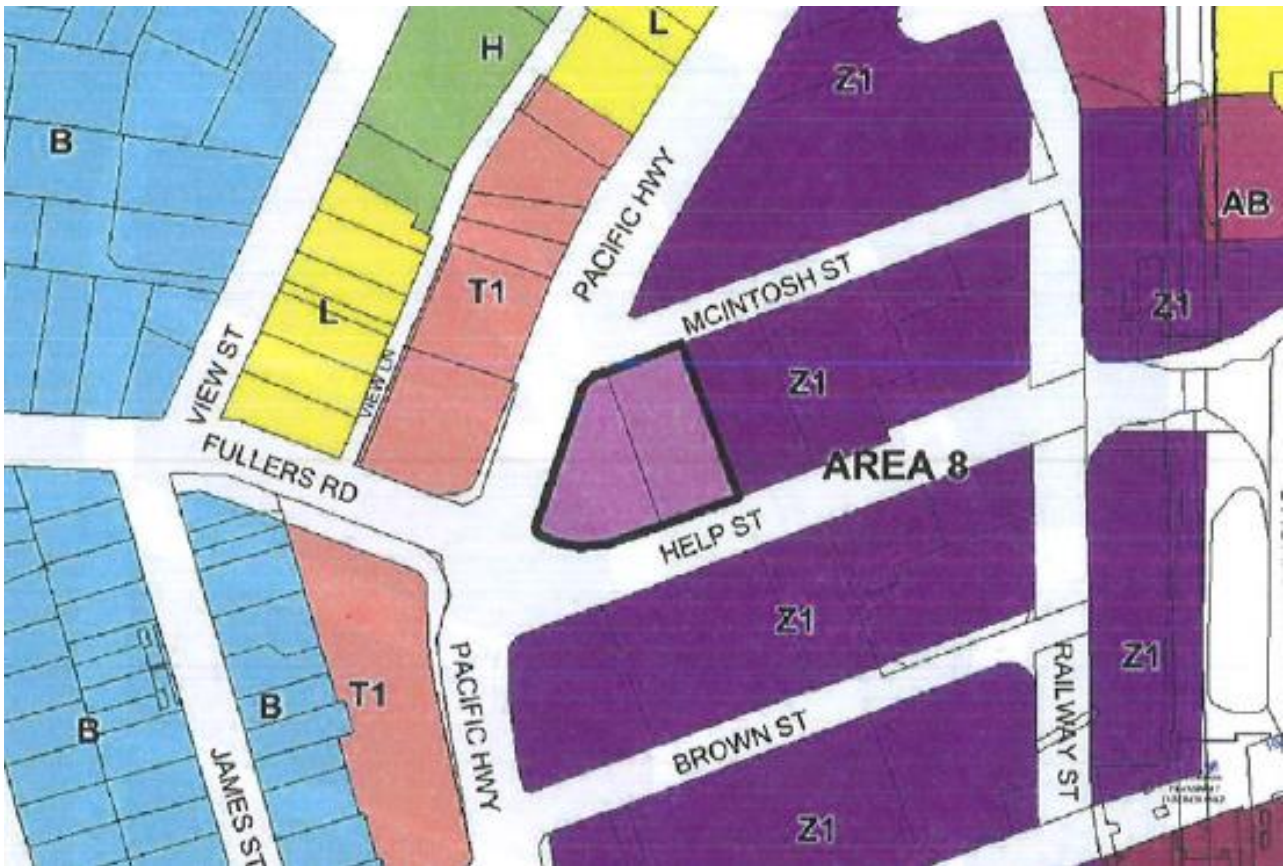


Figure 13: Draft Willoughby LEP 2012 Maximum FSR map (source: Council)



Figure 14: Draft Willoughby LEP 2012 Lot Size map (source: Council)



Figure 15: Draft Willoughby LEP 2012 Special Area Provisions map (source: Council)



Figure 16: Draft Willoughby LEP 2012 Active street frontages map (source: Council)

3.4 Concept Design

Plans (**Attachment A2**) and the Urban Design Analysis (**Attachment A3**) submitted with the documentation indicates that the proposal could potentially deliver a commercial tower

development that will facilitate an increase in employment floor space and retail floor space.

The planning proposal states that it will:

- facilitate site amalgamation;
- provide a high-quality public domain; and
- provide upgraded, high-quality commercial floorspace in close proximity to existing services and infrastructure including accessible public transport.

The development summary is provided in **Table 2**.

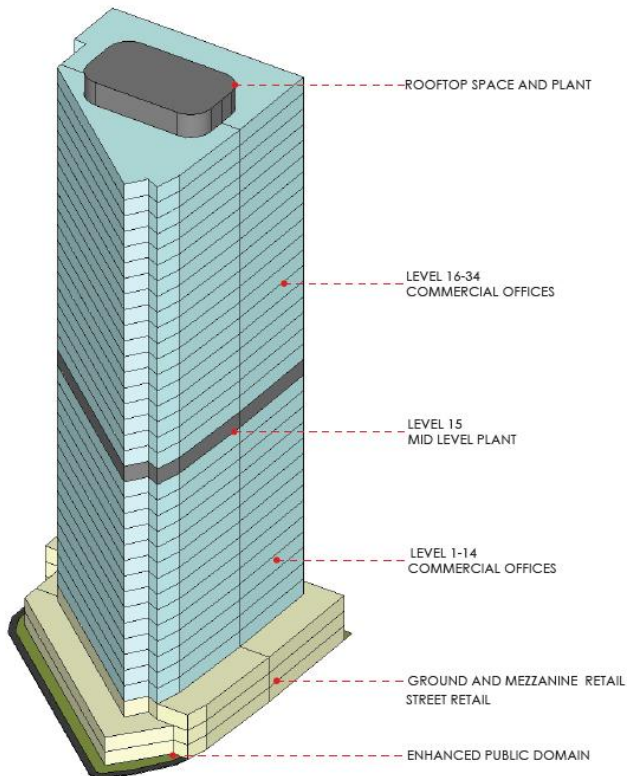
Table 2: Development summary of the concept design.

| Development Summary | GFA | FSR |
|---------------------|----------------------------|----------------|
| Retail | 3,067m² | 0.87:1 |
| Commercial | 57,457m² | 15.47:1 |
| Total | 60,524m² | 17.2:1 |

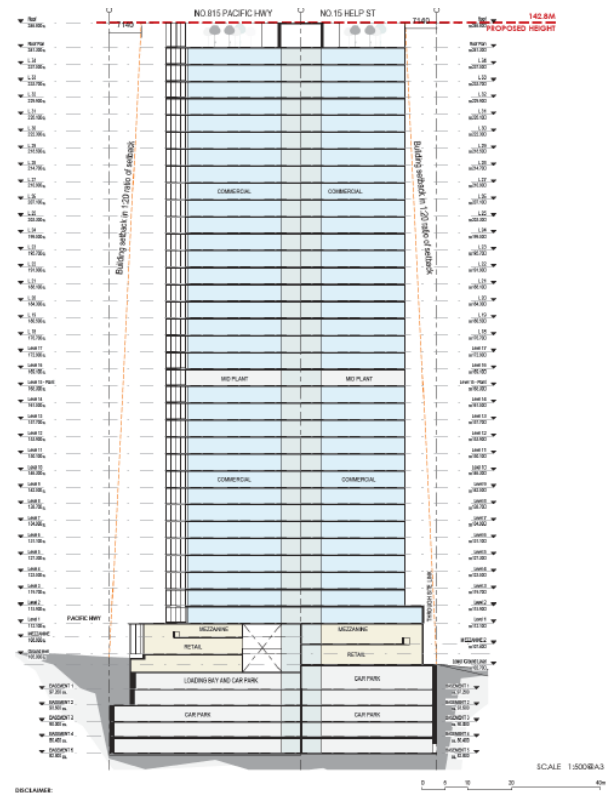
Drawings of the proposed concept development have been provided at **Figures 17-23** and in the planning proposal (**Attachment A**) and the Urban Design Analysis (**Attachment A3**).



Figures 17: Proposed concept development, view from the south-west of the Pacific Highway, Chatswood (source: a+ Design Group, overlay by DPIE)



Figures 18: Proposed concept development, view from the south-west of the Pacific Highway, Chatswood (source: a+ Design Group)



Figures 19: Proposed east-west section of the concept development (source: a+ Design Group)

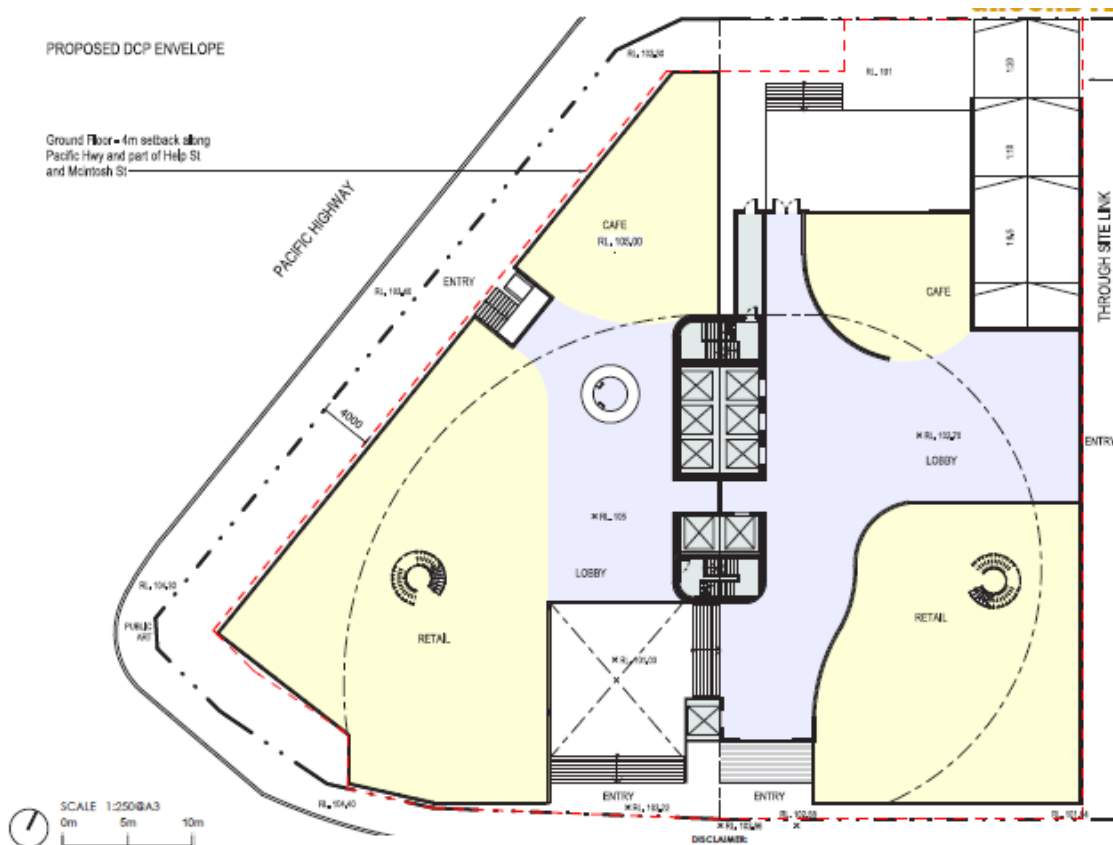


Figure 20: Proposed ground floor plan (source: a+ Design Group)

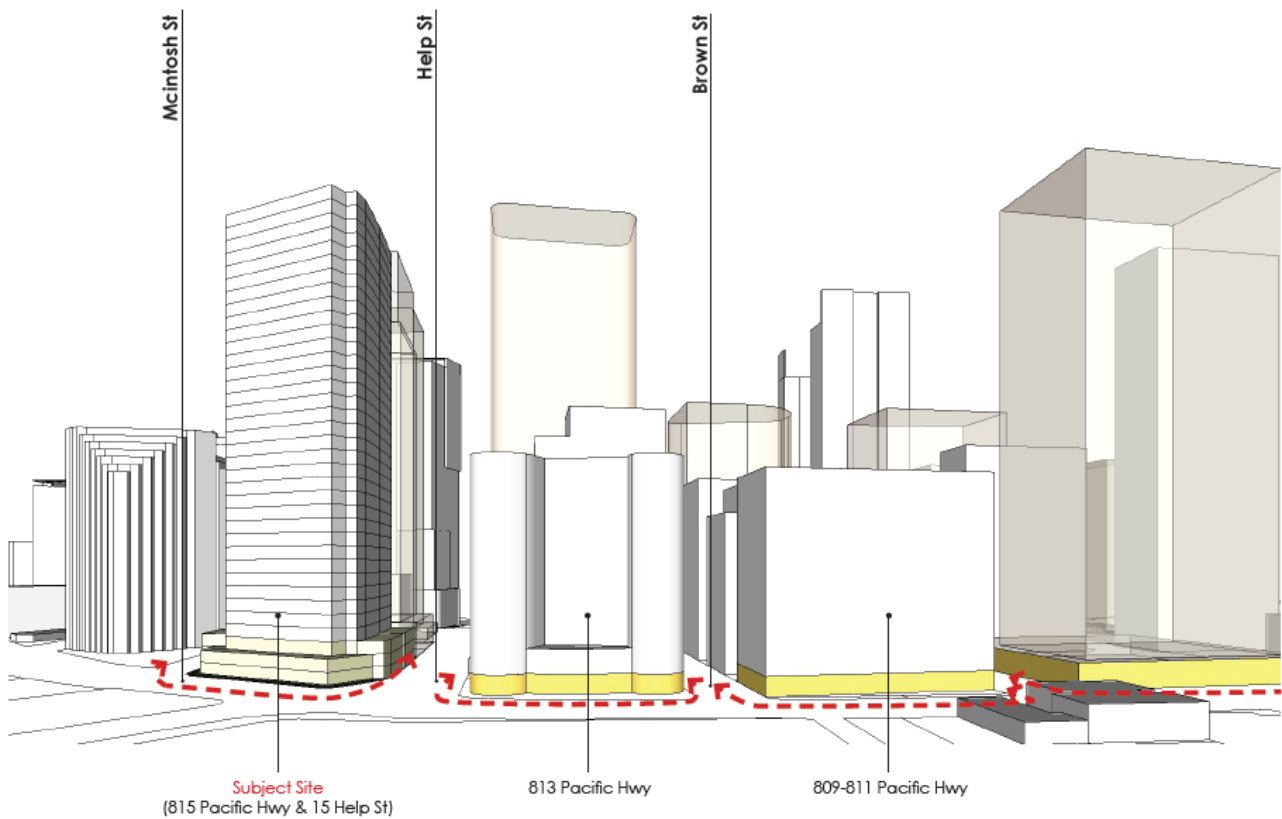


Figure 21: Proposed concept building envelope relative to the existing and proposed built environment in the Chatswood Commercial core (source: a+ Design Group)

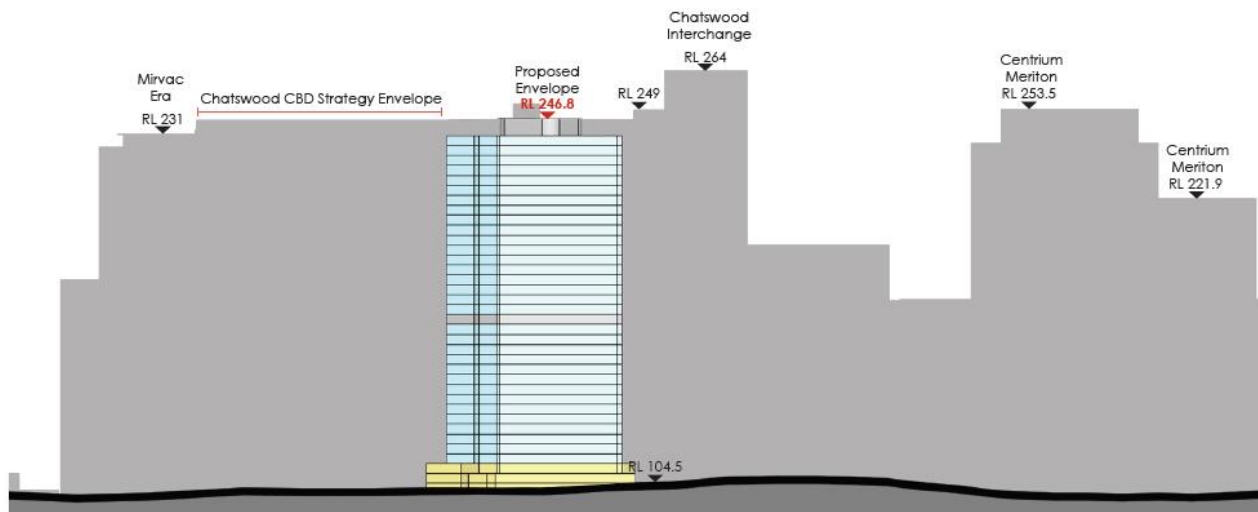


Figure 22: Proposed concept building envelope (west elevation) relative to the existing and proposed built environment in Chatswood and the Chatswood CBD Strategy envelope (source: a+ Design Group)

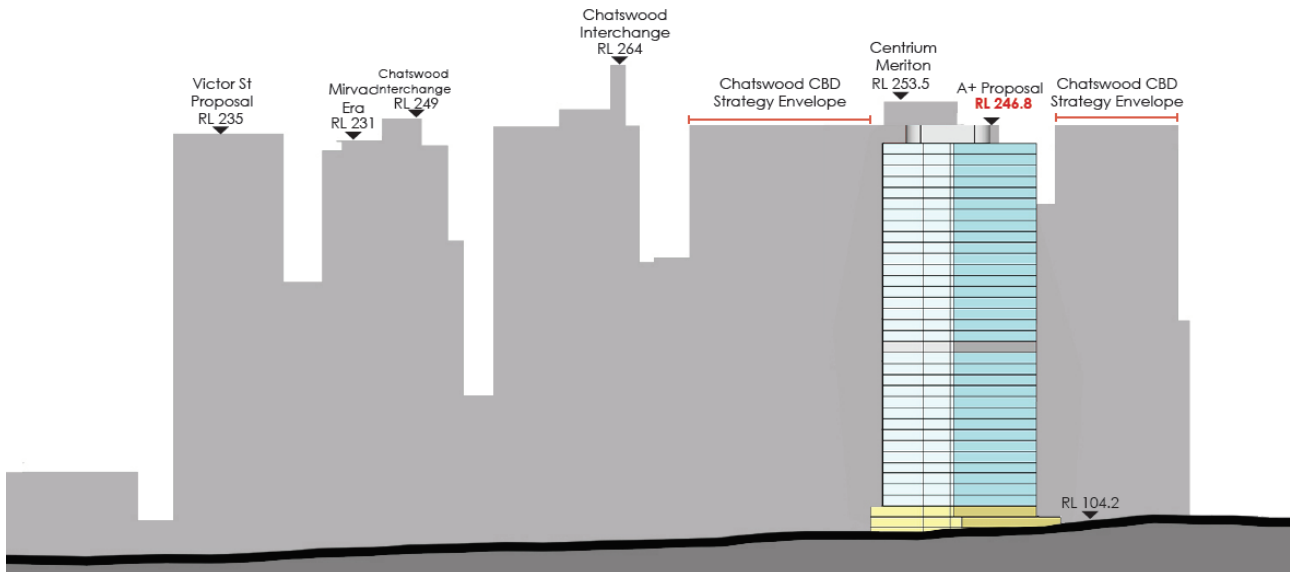


Figure 23: Proposed concept building envelope (north elevation) relative to the existing and proposed built environment in Chatswood and the Chatswood CBD Strategy envelope (source: a+ Design Group)

4. Need for the planning proposal

The planning proposal is the result of Council's Chatswood CBD Strategy which has been endorsed by the Department (**Attachment H3**) and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included in **Table 4** 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 has recently been submitted to the Department for Gateway to rezone all land within the Chatswood CBD area.

5. Strategic Assessment

5.1 Greater Sydney Region Plan

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

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

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

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

| Region Plan Direction | Consistency |
|-------------------------------------|--|
| A City for People | The site is within 250m walking distance of Chatswood train station, Metro and bus interchange. The proposed increase in commercial and retail activity will make the existing public transport. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles. |
| A City of Great Places | The planning proposal would seek to enable the amalgamation of two sites and redevelopment of the existing commercial buildings. The public domain is proposed to be improved with landscaping and a through site link and increase connectivity to transport and public open space. |
| A Well-Connected City | The site is located approximately 250m 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 redevelopment to increase commercial and retail floor space and employment. The upgraded commercial offering will enhance the appeal of Chatswood as a place for businesses and contribute to Chatswood as a competitive strategic centre. |
| A City in its Landscape | The planning proposal seeks to enhance the quality of landscaping to improve the existing interface between the subject site and enhance the connectivity to public open space. |

5.2 North District Plan

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

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

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

In relation to strategic centres, the District Plan states that employment growth is the principle underlying economic goal for strategic centres. The proposed development will facilitate high-quality, increased commercial and retail floor space close to existing and proposed residential dwellings, services and infrastructure such as Chatswood train station and the new Metro station.

The planning proposal documentation (**Attachment A**) states that the commercial GFA would be approximately 57,457m² and the retail GFA at ground level would equate to approximately 3,067m². This is based on the proposed amendments and assuming the development is fully developed in accordance with the FSR amendment sought by the proposal.

The planning proposal to provide upgraded and increased commercial and retail floor space is consistent with the recommendations in the Council-commissioned report *Chatswood CBD Competitive and Comparative Analysis* by AEC (**Attachment A7**).

The report states that:

- residential uses should be prohibited from the B3 Commercial Core zone;
- the recent sale of two prominent A-grade office buildings signals the market's confidence in investment returns in Chatswood;
- an ability for Chatswood to renew (upgrade and refurbishment of existing stock) is critical for market perception and appeal;
- renewal (whether refurbishment/upgrade of space or public spaces) of sites in strategic locations has flow-on impacts for the entire commercial office precinct, increasing its desirability and appeal;
- large corporate occupiers are unlikely to seek space within a mixed-use residential buildings;
- commercial occupiers are generally drawn to attractive buildings near the train station and retail core; and
- demand for retail and commercial floor space has strengthened commensurate with the growth of residential uses in Chatswood.

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

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

| District Plan Priority | Consistency |
|--|---|
| N3 Providing services and social infrastructure to meet people's changing needs | The proposal will provide increased and upgraded commercial space and increased retail floorspace including communal open space. The pedestrian domain will be enhanced to promote connectivity to public open space and transport connections. |

| District Plan Priority | Consistency |
|--|--|
| N6 Creating and renewing great places and local centres, and respecting the District's heritage | The proposal will be provided upgraded and increased commercial and retail floor space including the provision of active street frontages within a strategic centre. The Development will not impact upon any nearby heritage items or heritage conservation areas. |
| N8 Eastern Economic Corridor is better connected and more competitive | Renewing and growing commercial and retail floorspace will provide employment generating development in the Eastern Economic Corridor that is highly accessible and well-connected with the Chatswood public transport interchange. The proposal presents the opportunity to provide high quality office and retail space increasing the desirability of Chatswood for business. |
| N10 Growing investment, business opportunities and jobs in strategic centres | The provision of increased commercial and retail floorspace will contribute to the District Plan's 2036 job target for the key strategic centre of Chatswood. The proposal will strengthen the growth of the commercial core. |
| N12 Delivering integrated land use and transport planning and a 30-minute city | The site is within 250m of the Chatswood transport interchange creating efficient access to employment, services and community facilities. |

5.3 Chatswood CBD Strategy

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

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Table 5** includes the Department's assessment of the proposal's consistency with these key elements. **Attachment F1** contains Council comments and consistency with the Strategy.

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 existing CBD boundary. |
| Land Use | Yes | The proposal maintains the existing B3 Commercial Core zoning and will only accommodate commercial and retail activities. |

| Key Element | Consistent | Assessment of Consistency |
|--|------------|---|
| Removal of provisions for size of office and retail tenancies within B3 core | Yes | The proposal seeks to remove the maximum 100m ² GFA currently applicable to the B3 Commercial Core zone for retail. |
| Serviced apartments to be removed as a permissible use within B3 core | Yes | The proposal is to facilitate commercial and retail space. Serviced apartments are to be removed as a permitted land use in 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 exhibiting its revised contributions scheme.</p> <p>The proponent has included a letter of offer to enter into a Voluntary Planning Agreement (VPA) once Council finalises its contributions plan.</p> |
| Design excellence required for all development above 35m | Yes | <p>Council would require all development above 35m to be subject to a design excellence process. This would be undertaken at DA stage.</p> <p>The proposal will be subject to the design excellence provisions as it will be identified as Area 12 where the design excellence policy applies.</p> <p>Note: This clause has been implemented under PP_2019_WILLO_002_00 (Amendment No.15) which has been notified on 5 March 2021.</p> |
| Higher building sustainability standards | Yes | This could be determined at the DA stage. Furthermore, recent changes to the National Building Code of Australia now require improved performance of new buildings such as may be constructed in accordance with the proposal. |
| Base FSR | Yes | The site is to continue to be for commercial uses and documentation for the amalgamated site indicates that no maximum FSR would apply. |
| Minimum site area | Yes | The amalgamated site is approximately 3,520m ² which is greater than the minimum site area requirement of 1,800m ² for sites within the B3 Commercial Core zone. |
| Maximum FSR | Yes | The proposal is for an amalgamated site for a commercial development with retail at ground level and seeks no applicable maximum FSR. |

| Key Element | Consistent | Assessment of Consistency |
|---|---------------------------|--|
| Affordable Housing | N/A | The proposal is for a commercial development with retail at ground level and does not include residential land uses. |
| Minimum commercial FSR in mixed use zones is to be 1:1 | N/A | The proposal is for a commercial development with retail at ground level in the B3 Commercial Core zone. |
| Maximum tower floor plate sizes | Mostly | Level 1 at 2360m ² exceeds the maximum recommended floor plate size of 2,000m ² for commercial 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 | Yes | The proposal only includes a single slender form containing commercial and retail uses with the recommended setbacks from the podium and boundaries. |
| Sun access to key public spaces and conservation areas | Yes | <p>The proposal identifies a maximum building height of 142.8m (RL246.8m) to be applied to the site.</p> <p>The proposed development will not have any additional impact upon sun access to key public places including Victoria Avenue, Concourse Open Space, Garden of Remembrance, Tennis and Croquet Club and Chatswood Oval. The proposed development is located on the western side of the Chatswood commercial core is considered to comply with this solar access plane.</p> |
| Building Heights | Yes | <p>The maximum building height for the subject site is RL246.8m which equates to 142.8m consistent with the strategy.</p> <p>The site is not affected by the solar access protection controls.</p> |
| 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 – capable at DA stage | A 3m wide through site link is proposed along the boundary with 11 Help Street with the intention of an additional 3m (6m in total) if 11 Help Street is redeveloped. The proposal intends to improve accessibility around the site by upgrading the surrounding footpaths and public domain. |

| Key Element | Consistent | Assessment of Consistency |
|---|---------------------------|--|
| Publicly accessible open space and landscaping | Yes – capable at DA stage | The proposed concept design includes widened footpaths, a publicly accessible through site link 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 – capable at DA stage | 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 level in the tower is intended to be a green roof. |
| Soft landscaping is to apply to 20% of the site | Yes – capable at DA stage | The concept plans indicate a 3m through site link adjoining the boundary of 11 Help Street and landscaped areas to adjoining roads including the Pacific Highway and corner frontages. |
| Roof top communal open space | Yes – capable at DA stage | Detailed plans have been provided showing green roofs with communal open space at level 2 and 15 terrace and the rooftop. |
| Street wall heights and setbacks | Yes – capable at DA stage | <p>As the proposed height is 142.8m (RL246.8), the strategy requires a minimum 7.14m setback from all boundaries.</p> <p>The proposal includes a max street wall height of 7m to Pacific Highway, Help Street and McIntosh Street and 12m to the land adjoining 11 Help Street to the east.</p> <p>The setback at street level from the Pacific Highway including the corners of McIntosh Street and Help Street are indicated as 4m. No setbacks fronting McIntosh Street and Help Street and 3m to the adjoining land to the east at 11 Help Street.</p> <p>The tower above podium is proposed to be setback 6m to the Pacific Highway including the corners at McIntosh Street and Help Street (total of 10m to the Pacific Highway including the corners at McIntosh Street and Help Street), 7.14m fronting McIntosh Street and Help Street above the street wall; and 7.14m to the adjoining land to the east at 11 Help Street (including a 3m ground setback).</p> |
| Active street frontages | Yes | Help Street is currently identified as an active street frontage. The Pacific Highway, and McIntosh Street are proposed to be added as active street frontages. |
| Site isolation | Yes | The amalgamated site is not isolated and at approximately 3,520m ² is well above minimum lot size of 1,800m ² required for the B3 Commercial Core zone. |

| Key Element | Consistent | Assessment of Consistency |
|-----------------------|---------------------------|---|
| Traffic and transport | Yes – capable at DA stage | All access and parking requirements are consistent with the strategy including a single entry and exit in a forward direction and off-street 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 commentary on the LSPS. 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 the published LSPS.

5.5 Local planning panel recommendation

On 27 October 2020, the Willoughby Local Planning Panel (WLPP) (**Attachment G**) provided advice to Council on the original planning proposal which included site specific provisions for the amalgamated site. The planning proposal sought to rezone the land, increase the height of buildings and FSR and removal of the 100m² restriction on retail floorspace in the west side of the Chatswood CBD core.

The panel stated that:

- it supported the forwarding of the planning proposal to the Department for Gateway determination as it demonstrated site and strategic merit;
- Council investigate provisions within the LEP to guarantee the commencement of construction of a new building after the demolition of previous buildings; and
- an historical record be made of the existing building at 815 Pacific Highway, Chatswood to recognise its contribution to the development of the Chatswood CBD.

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.

The planning proposal seeks to maintain the current B3 Commercial Core zone and increases the available commercial and retail floor space.

The proposal is therefore considered consistent with this Direction.

Direction 2.6 Remediation of Contaminated Land

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

The land is not to be rezoned and will not accommodate residential uses. The site was previously residential and commercial uses and is unlikely to have activities carried out as outlined in Table 1 of the *Contaminated Land Management Act 1997* such as agricultural or service stations.

However, should any land contamination be identified during the detailed DA stage, a preliminary site investigation will be required to be prepared to determine the extent of the contamination and methods to remediate the site.

The planning proposal will be required to be updated to address the consistency 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; and
- 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 on the land for additional commercial and new retail purposes. The site is located approximately 250m 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 growth near 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 buildings in the Chatswood CBD is partially based on the airspace limits as outlined in Key Element 20 of the Chatswood CBD Strategy. The planning proposal seeks to increase the maximum HOB from 60m at 815 Pacific Highway and from 90m at 15 Help Street to a maximum height of 142.8m (RL246.8m). The heights sought in the planning proposal are up to the limits for the Radar Terrain Clearance (RTCC) as prescribed by the PANS-OPS (Procedures for Air Navigation Services, Operations). This varies in Chatswood from RL 246.8m AHD to RL 300m AHD.

Consultation will be required with the Department of Infrastructure Regional Development and Cities (DIRDC), Civil Aviation Safety Authority (CASA), Air Services Australia and Sydney Airport Corporation Limited (SACL) and is included as a condition of the Gateway determination.

Further approval of crane activity will be required as part of a future DA and prior to the commencement of construction work.

The planning proposal will require updating to correct the name and further address this Direction.

The proposal is considered inconsistent with this direction.

Direction 4.1 Acid Sulfate Soils

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

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

The proposal is considered consistent with this direction.

Direction 6.3 Site Specific Provisions

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

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

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

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

5.7 State Environmental Planning Policies (SEPPs)

SEPP (Infrastructure) 2007

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

The planning proposal is directly adjacent to the State classified Pacific Highway.

The proposed development will facilitate approximately 60,524m² of commercial and retail GFA, accommodating parking for approximately 327 cars. The planning proposal meets the criteria as outlined in Schedule 3 Traffic-generating development to be referred to Roads and Maritime Services (now part of Transport for NSW (TfNSW)).

Access and egress are via McIntosh Street which directly connects to the State classified Pacific Highway which is zoned SP2 Infrastructure (Classified Road) which also requires referral to TfNSW.

The planning proposal was accompanied by a Traffic and Parking Impact Assessment (**Attachment A5**) which shows that the vehicular access and egress via McIntosh Street will not interfere with the efficient and ongoing operation of the Pacific Highway.

The traffic impact is discussed further in Section 5.6 Infrastructure.

A Gateway condition is included to require the planning proposal be referred to the TfNSW for comment.

SEPP 55 Remediation of Land

The overarching objective of this SEPP is to provide a State-wide approach for the remediation of land to reduce the risk of harm to human health and the environment.

Clause 6 of the SEPP has been repealed and now forms part of Ministerial Direction 2.6 Remediation of Land. An assessment against the provisions of Direction 2.6 is provided in Section 5.6 above.

The land has been used for commercial purposes for an extended period and is therefore unlikely to be contaminated. Should a site contamination assessment be required, this can be conducted at the DA stage.

6. Site-specific Assessment

6.1 Built Form

Building height

The proposed height increase would facilitate a development including:

- a two- storey commercial podium fronting the Pacific Highway including the corners at McIntosh Street and Help Street;
- a three-storey commercial podium fronting McIntosh Street and Help Street; and
- a commercial tower of approximately 33 storeys above.

The concept design (**Figures 17-23**) for the proposal identifies that the development could achieve a maximum height of 142.8m (RL246.8m).

The proposed commercial tower is consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 24**).

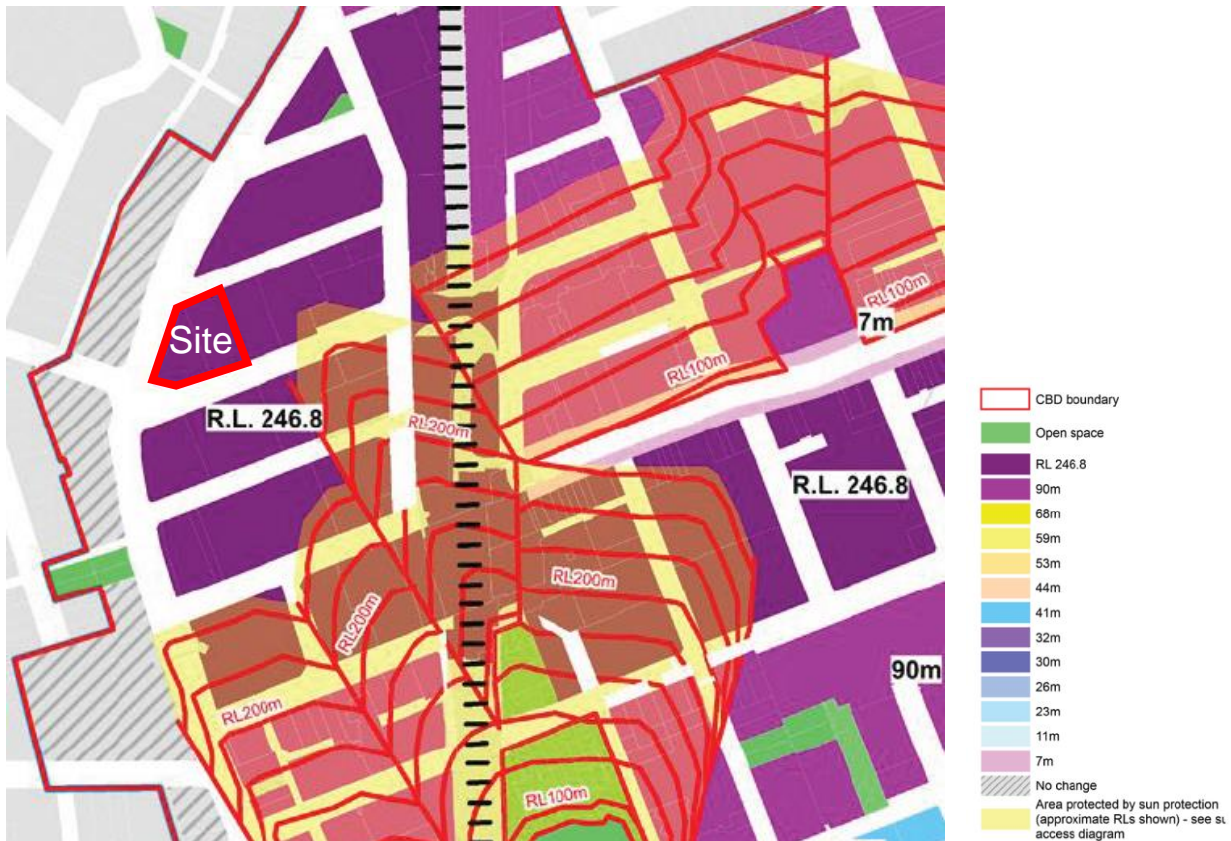


Figure 24: Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council)

Building separation, setbacks

It is considered that the concept design demonstrates that sufficient building separation and setbacks can be achieved on the site under the proposed controls, subject to a detailed design at development application stage. The concept design in the planning proposal and Council's Detailed Assessment (**Attachment F1**) details that:

- the proposed building setbacks (**Figure 25**) are in accordance with the street frontage heights and building setbacks as outlined in the Chatswood CBD Strategy 2036;
 - ground level:
 - 4m to the Pacific Highway including the corners at McIntosh Street and Help Street;
 - no setbacks fronting McIntosh Street and Help Street;
 - 3m to the adjoining land to the east at 11 Help Street;
 - tower above podium:
 - 6m to the Pacific Highway including the corners at McIntosh Street and Help Street (total of 10m to the Pacific Highway including the corners at McIntosh Street and Help Street);
 - 7.14m fronting McIntosh Street and Help Street above the street wall; and
 - 7.14m to the adjoining land to the east at 11 Help Street (including a 3m ground setback).

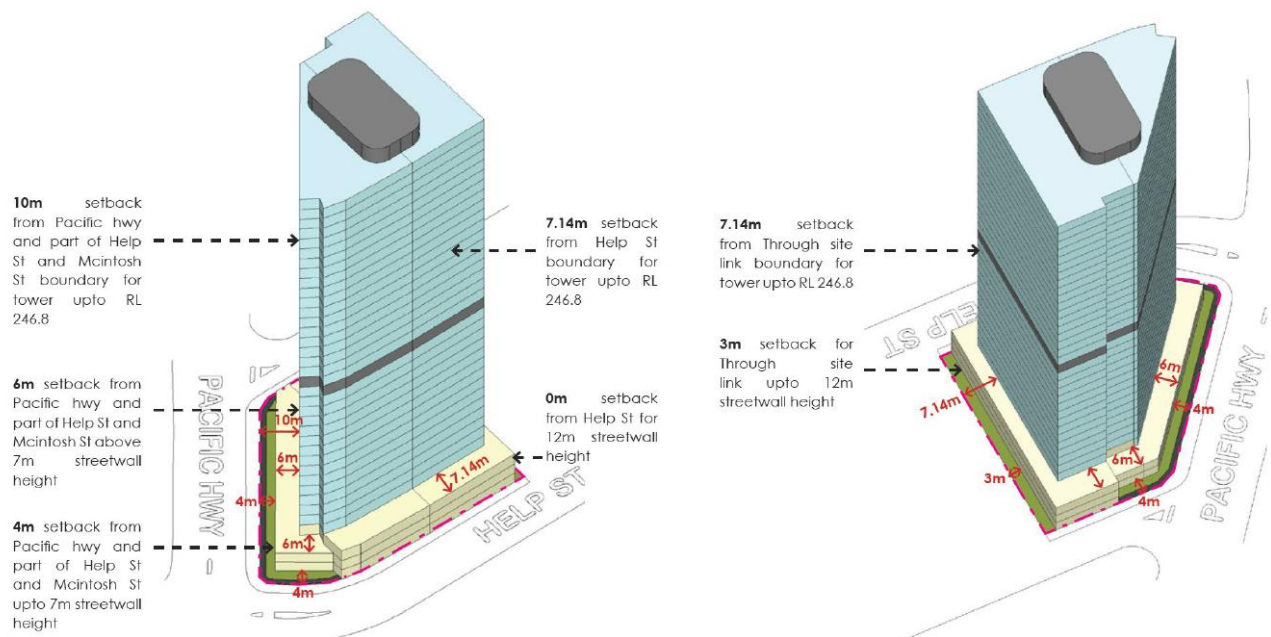


Figure 25: Proposed setbacks in the concept design (source: a+ Design Group)

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 plan within its maximum height of buildings map (**Figure 24**) which seeks to protect the key public spaces as identified within the strategy (**Figure 26**).

The subject site is on the west perimeter of the Chatswood CBD. As such the proposal will not have any overshadowing impact to key public spaces. This includes Victoria Avenue and the Garden of Remembrance between the hours of 12pm and 2pm in mid-winter and Chatswood Oval between the hours of 11am and 2pm in mid-winter.

The proposal is supported by concept shadow diagrams (**Figures 27-32** and **Attachment A4**) which indicate the existing and potential extent of overshadowing to the surrounding areas.



Figure 26: Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council, overlay by DPIE).



Figure 27: Existing shadows 12pm mid-winter (source: a+ Design Group)



Figure 28: Proposed shadows 12pm mid-winter (source: a+ Design Group)



Figure 29: Proposed shadows with Chatswood CDB envelope 12pm mid-winter (source: a+ Design Group)



Figure 30: Existing shadows 2pm mid-winter (source: a+ Design Group)



Figure 31: Proposed shadows 2pm mid-winter (source: a+ Design Group)



Figure 32: Proposed shadows with Chatswood CDB envelope 2pm mid-winter (source: a+ Design Group)

LEGEND

Chatswood Public School
 Existing Building on Subject Site
 Proposed on Subject Site
 Chatswood Strategy Potential Envelope

Existing Shadow
 Proposed Shadow
 Additional Shadow compared to Chatswood Potential Envelope

Subject Site (815 Pacific Hwy and 15 Help St)
 School Open Spaces
 Chatswood School

View sharing

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.

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.

6.2 Social

Public amenity

The concept design of the proposal intends to upgrade and activate the existing footpaths surrounding the site improving connectivity through the Chatswood CBD to nearby public spaces and the Chatswood transport interchange. The provision of a publicly accessible through site link from Help Street to McIntosh Street will also increase connectivity (**Figure 33**).

The planning proposal states that the proponent is willing to enter into formal discussions with Council for the preparation of a voluntary planning agreement (VPA) (**Attachment A5**) for a range of public benefits. The benefits could be in the form of additional public domain works or a monetary contribution to Council.

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.



Figure 33: Proposed landscaping and public domain improvements (source: a+ Design Group)

6.3 Environmental

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

The proposed concept intends provide increased setbacks with landscaping at ground level (**Figure 33**) improving the public domain and on the rooftop as part of any future development.

6.4 Economic

Employment

The planning proposal will facilitate an increased and upgraded commercial and retail offering on the subject site. It will contribute to the desirability of the Chatswood CBD as a commercial destination.

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 increase in opportunities for the provision of employment floorspace is considered to have positive economic impacts. It supports the key objective of the Chatswood CBD Strategy to deliver new jobs in a strategic location. It is recommended the planning proposal be updated to estimate the number of jobs the development will provide.

6.5 Infrastructure

Public transport

The site is well serviced with public transport infrastructure as it is within 250m 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; and
- facilitate development that will deliver increased employment floor space to provide opportunities to live and work in Chatswood close to accessible public transport and services.

Traffic

A traffic and parking impact assessment report, prepared by McLaren Traffic Engineering, dated 11 September 2020 (**Attachment A5**) has been submitted with the planning proposal. It provides an assessment of the potential transport impacts as a result of the proposed concept development.

The report states that a compliant development application would generate a net maximum of 547 movements in the AM peak hour and 468 trips in the PM peak hour.

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

It is noted that the Department's Chatswood CBD Strategy endorsement requires Council to engage TfNSW to establish if the strategy can accommodate the proposed growth and 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 TfNSW and is currently with TfNSW for finalisation and adoption. As part of the Gateway determination it is recommended that a condition to consult with TfNSW is included to ensure that the planning proposal is consistent with the wider Chatswood CBD context and ongoing traffic and transport analysis.

Parking and access

The traffic and parking impact assessment (**Attachment A5**) stated that a parking rate of 1 space per 200m² is appropriate. This rate is based on Council's DCP car parking requirements for office/business premises in Chatswood CBD and the proposed amalgamated site with access only via McIntosh Street.

As such, the proposed development would require a total of 327 car parking spaces as outlined in **Table 6**. This is considered to be sufficient as the development is within approximately 250m walking distance of accessible public transport at Chatswood train station and the Chatswood bus interchange.

Disabled parking is to be included in the total car parking rate and the provision and design of the spaces can be undertaken as part of a future DA.

Table 6: Council DCP car parking requirements

| Land Use | Scale (GFA) | Rate | Parking Provision |
|--------------|------------------------------|-------------------------|-------------------|
| Commercial | 57,457m ² | 1 per 110m ² | 287.3 |
| Retail | 2,755 m ² | 1 per 25m ² | 34.4 |
| Restaurant | 312m ² (10 staff) | 1 per 2 employees | 5 |
| Total | | | 327 |

Council's DCP specifies the provision of bicycle and motor bike parking and end of journey facilities. The report indicates that 103 bicycle lockers for staff, 43 bicycle parking rails/racks for visitors and 13-14 motorcycle spaces will be required.

The elimination of the any current vehicular access via Help Street will increase pedestrian amenity and safety and improve the traffic flow long the high-volume Help Street corridor.

Infrastructure and services

Any future development may require utility services to be upgraded and/or augmented to support the increased commercial and retail uses, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water and Ausgrid. These have been included as conditions.

The site is well serviced by public transport, including existing heavy rail, Metro and bus services to various local and metropolitan locations. No additional public transport services would be required.

7. Consultation

7.1 Community

The planning proposal did not provide a timeframe for community consultation.

The Department recommends a 28-day consultation. This is adequate for the purposes of this plan. The planning proposal will require updating to include a timeframe for community consultation.

7.2 Agencies

The planning proposal states that consultation with public authorities will be undertaken according to the Gateway determination requirements.

The Department recommends that 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;
- Department of Infrastructure, Transport, Regional Development and Cities (DITRDC);
- Civil Aviation Safety Authority (CASA);
- Air Services Australia; and
- Sydney Airport Corporation Limited (SACL).

8. Timeframe

The planning proposal states that the project timeline is a matter for Council to determine and as such was not included.

The planning proposal is to be amended to provide a timeframe for completion. 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 and amalgamate two sites containing existing commercial buildings. The proposal will increase the commercial floor space offering and provide approximately 57,457m² of commercial floor space and approximately 3,067m² of retail 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 facilitating additional commercial development capacity, maximising public transport patronage and promoting employment growth in an accessible location;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy;
- the increase in development controls is consistent with the desired character of the B3 Commercial Core; and

- the proposal will provide upgraded and increased commercial and retail floor space 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 and is consistent with the desired future maximum building heights as outlined in the Chatswood CBD;
- the through site link, increased landscaping and setbacks and the additional of the Pacific Highway and McIntosh Street as active street frontages will increase connectivity and pedestrian amenity;
- the proposal will not overshadow key public open space between 12-2pm during midwinter; and
- the proposal will enable the delivery of additional jobs growth within 250m walking distance of public transport including Chatswood train station, North-West metro and the Chatswood bus interchange.

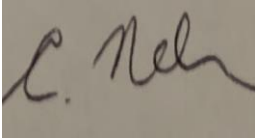
11. Recommendation

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 planning proposal is to be updated as follows:
 - (a) In the objectives and intended outcomes section provide additional information regarding:
 - i. consistency with the Chatswood CBD Strategy, including the proposed amendments to the B3 Commercial Core land use table and repeal of clause 6.12;
 - ii. consistency with Willoughby Council's endorsed Local Strategic Planning Statement (LSPS);
 - iii. consistency with the character of the adjoining area;
 - iv. Chatswood's significance as a Strategic Centre in the North District Plan; and
 - v. how the proposal will facilitate the delivery of a development to help Council achieve its medium and long term jobs targets and provide an estimate of employment/jobs to be provided.
 - (b) provide a plain English explanation for the proposed controls to apply to the site rather than specific clauses.
 - (c) remove the introduction of design excellence clause as this LEP amendment has 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.
 - (d) amend the Special Provisions Map to:
 - i. include the site and all corresponding clauses that will apply to it ('Area 8'- Architectural roof features and 'Area 12'- Design Excellence); and

- ii. for the purposes of exhibition, the legend should reference the proposed control that would apply, not only the specified clause.
 - (e) existing Active Street Frontages and Special Provisions Maps;
 - (f) amend mapping to refer to the relevant area and replace 'Area X' with the intended nominated alphabetical indicator on the:
 - i. maximum HOB;
 - ii. maximum FSR map; and
 - iii. lot size LZS map;
 - (g) update all references to refer to the North District Plan, not the draft plan and to address all the relevant priorities;
 - (h) include an assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby Local Strategic Planning Statement;
 - (i) provide an updated assessment against s.9.1 Ministerial Directions:
 - i. 2.6 Remediation of Contaminated Land;
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields including the revision of the name of the Direction; and
 - iii. 6.3 Site Specific Provisions;
 - (j) a revised assessment of SEPP (Infrastructure) 2007 as the site is adjacent to the State classified Pacific Highway zoned SP2 Infrastructure (Classified Road);
 - (k) update Willoughby LEP 2012 Clause 4.3A(8) is to be updated to be consistent with the recommendations of the now finalised Chatswood CBD Strategy regarding solar access protection to key public open spaces during 12pm-2pm during mid-winter; and
 - (l) a project timeline based on the issuing of 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;
 - Ausgrid;
 - Sydney Water;
 - Department of Infrastructure Regional Development and Cities (DIRDC).
 - Civil Aviation Safety Authority (CASA);
 - Air Services Australia and
 - Sydney Airport Corporation Limited (SACL).
4. The time frame 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.



Charlene Nelson
Manager, Place and Infrastructure



Brendan Metcalfe
Director, North District

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Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council advising of decision

Attachment A – Amended planning proposal

- **A1** – Planning proposal cover letter
- **A2** – Plans
- **A3** – Urban Design Analysis
- **A4** – Shadow analysis
- **A5** – Traffic report
- **A6** – Covering letter to Council and VPA offer
- **A7** – Market feasibility report

Attachment B – Site map

Attachment C – Locality context map

Attachment D – Existing LEP maps

Attachment E – Proposed LEP maps

Attachment F – Council documents

- **F1** – Council report
- **F2** – Detailed assessment report
- **F3** – Council resolution
- **F4** – Council assessment
- **F5** – Implications
- **F6** – Draft DCP provisions
- **F7** – Amended draft DCP provisions
- **F8** – Written amendments to the LEP

Attachment G – Willoughby Local Planning Panel minutes

Attachment H – Chatswood CBD Strategy

- **H1** – Chatswood CBD Strategy background summary
- **H2** – Department's partial endorsement letter
- **H3** – Department's full endorsement
- **H4** – Final Chatswood CBD Planning and Urban Design Strategy