



**Planning,
Industry &
Environment**

613-627 Pacific Highway, Chatswood – Gateway Determination Report (PP-2021- 2923)

Greater Sydney, Place and Infrastructure

September 2021



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: 613-627 Pacific Highway, Chatswood – Gateway Determination Report (PP-2021- 2923) Greater Sydney, Place and Infrastructure

Department reference number: IRF21/3278

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Glossary

Abbreviation	Reference
ADG	Apartment Design Guide
AHD	Australian Height Datum
CASA	Civil Aviation Safety Authority
CBD	Central Business District
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
DIRDC	Department of Infrastructure Regional Development and Cities
DSI	Detailed Site Investigation
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GTP	Green Travel Plan
HAZMAT	Hazardous materials
HCA	Heritage Conservation Area
HOB	Height of Buildings
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PANS-OPS	Procedures for Air Navigation Services – Aircraft Operations
PPA	Planning Proposal Authority
PSI	Preliminary Site Investigation
RL	Reduced Level
SACL	Sydney Airport Corporation Limited
SEPP	State Environmental Planning Policy
SP	Strata Plan
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

Summary

Local Government Area	Willoughby LGA
Planning Proposal Authority	Willoughby City Council
Planning Proposal Name	PP-2021-2923
Dwellings and Jobs	105 dwellings
LEP to be Amended	Willoughby Local Environmental Plan 2012
Address	613-627 Pacific Highway, Chatswood
Lot and SP	SP72449, Lot 1 DP540549 and Lot 1 DP80767
Date Received	23 July 2021
File Number	IRF21/3278
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 land at 613-627 Pacific Highway, Chatswood to:

- rezone from B5 Business Development to B4 Mixed Use;
- increase the maximum height of buildings from 20m to 90m; and
- increase the maximum floor space ratio (FSR) from 2.5:1 to 6:1 including a non-residential FSR of 1:1.

A concept design has been provided with the planning proposal depicting a 27 storey mixed use development comprising 105 residential apartments, 1,827m² of non-residential floor area for commercial/retail land uses and car parking at basement levels (**Figures 18-28**).

The planning proposal is accompanied by a draft site-specific DCP (**Attachment A4**). The planning proposal is also accompanied by a draft letter of offer for a voluntary planning Agreement (VPA) (**Attachment A5**). Discussions are yet to be held with Council concerning the details of the VPA.

1.2 Site description

The site is an irregular shaped block known as 613-627 Pacific Highway, Chatswood (**Figure 1 and Attachment B**) comprising three lots with a total area of approximately 1,827m². The site has frontages to the Pacific Highway to the west and a secondary frontage to Nelson Street to the south.

- 613 Pacific Highway is legally described as:
 - Lot 1 DP 540549 currently occupied by a single storey commercial premises used as a retail paint shop; and
 - Lot 1 DP 80767 currently used as a hardstand carpark.
- 621-627 Pacific Highway is legally described as SP72449 occupied by a four-storey residential flat building with retail uses on the ground floor and a two level basement carpark.

The site does not contain any heritage items, is not within a heritage conservation area (HCA) or close to any heritage items.



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



Figure 2: View of existing site from Pacific Highway looking north-east (source: Google Maps, overlay by DPIE)



Figure 3: Existing site from Nelson Street looking north (source: Google Maps).



Figure 4: Existing site from Pacific Highway looking south-east (source: Google Maps).



Figure 5: Rear carpark entrance of the existing residential flat building at 621-627 Pacific Highway from Hammond Lane (source: JMT Consulting)

1.3 Surrounding area

The site is located towards the southern end of the expanded Chatswood 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 600m to the east along with major shopping centres including Westfield and Chatswood Chase on the eastern side of the rail corridor (**Figure 6**).

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

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

To the north, the site at 629-639 Pacific Highway is currently occupied by a single storey business premises with vehicular access from the Pacific Highway and Hammond Lane and a two storey business premises with vehicular access from Gordon Avenue and Hammond Lane. This site is generally used for auto services.

This site is subject to a planning proposal to rezone the site from B5 Business Development to B4 Mixed Use, increase the maximum building height from 20m to 90m and increase the maximum FSR from 2.5:1 to 6:1. The concept scheme is for a mixed-use development comprising of a two-storey commercial / retail podium with a 25 storey residential tower above. A Gateway determination was issued for this site on 12 April 2021.

To the east, adjoining the site is a single storey residential dwelling fronting Nelson Street with residential flat buildings up to three storeys in height beyond and the North Shore rail corridor further east. This land is currently zoned R3 Medium Density Residential.

A planning proposal has been supported by Council for submission to the Department to seek Gateway determination for the 4,219m² site to the east at 9-11 Nelson Street. This planning proposal is in line with the Chatswood CBD Strategy and seeks to rezone to B4 Mixed Use, increase the maximum height of buildings to 90m with a maximum FSR of 6:1. The concept scheme indicates the provision of a two level podium with two residential towers above and able to facilitate approximately 258 new residential dwellings.

To the south, on the opposite side of the Nelson Street is the Sydney Metro Chatswood Dive Site bounded by the North Shore rail corridor, Mowbray Road and the Pacific Highway. The land fronting the Pacific Highway is zoned B5 Business Development with the remainder of the land to the south and south-east zoned SP2 Infrastructure (Electricity Transmission and Distribution).

The Chatswood CBD Strategy includes a B4 Mixed Use zone with a maximum height of 53m and FSR of 4.2:1 for the Metro Dive site. Mowbray Road is the southern boundary of the Chatswood CBD Strategy (**Figure 6**).

To the west is the Pacific Highway zoned SP2 infrastructure (Classified Road). On the opposite side of the Pacific Highway is land zoned B5 Business Development with small scale commercial premises. Development on this land can achieve a maximum height of buildings of 20m and a maximum FSR of 2.5:1 along the Pacific Highway.

The land on the western side of the Pacific Highway is not within the expanded CBD boundary.



Figure 6: Site context map - expanded Chatswood CBD with the site located in the south (source: Nearmap, overlay by DPIE)

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 HOB of 20m (**Figure 8**); and
- 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	Maximum 90m (191.64RL)	Maximum 90m
FSR	2.5:1	6:1 (including 1:1 of non-residential floor space)	6:1 (including 1:1 of non-residential floor space)
Active Street Frontage	N/A	Pacific Highway and Nelson Street	Consistent
Affordable Housing	N/A	4%	Consistent

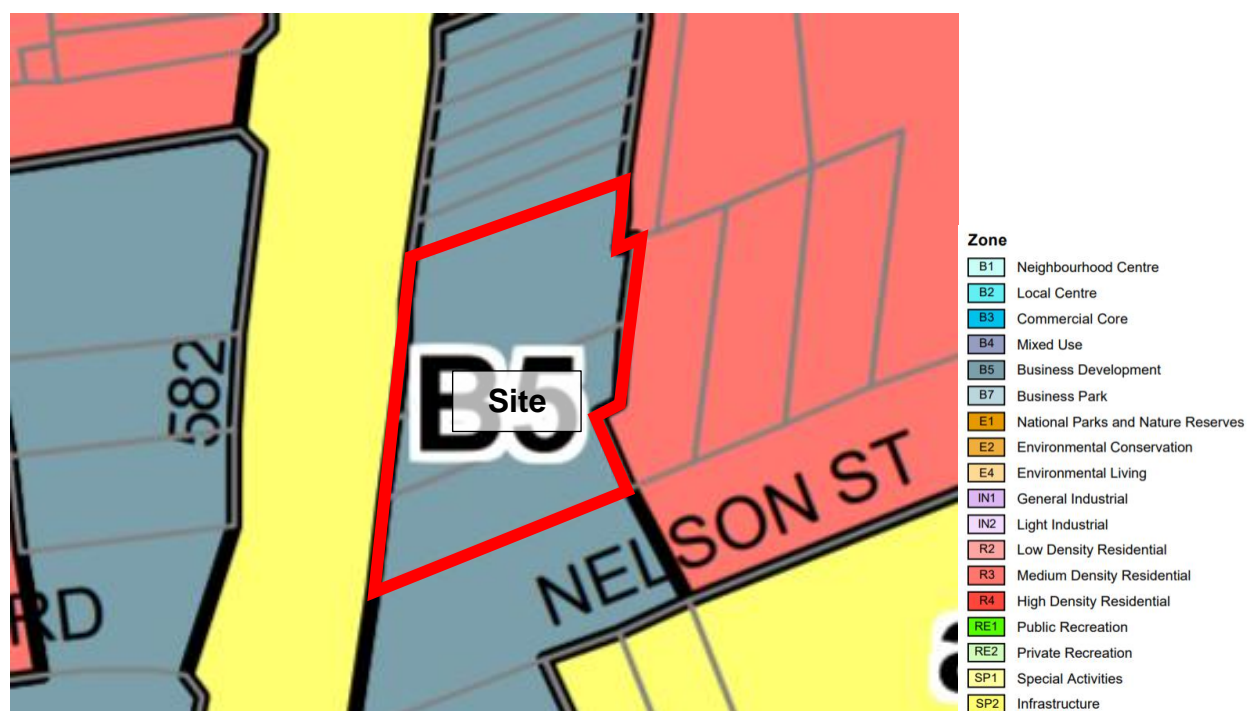


Figure 7: Existing Willoughby LEP 2012 Land zoning map LZN_004 (source: NSW Planning Portal)



Figure 8: Existing Willoughby LEP 2012 Maximum building height map HOB_004 (source: NSW Planning Portal)

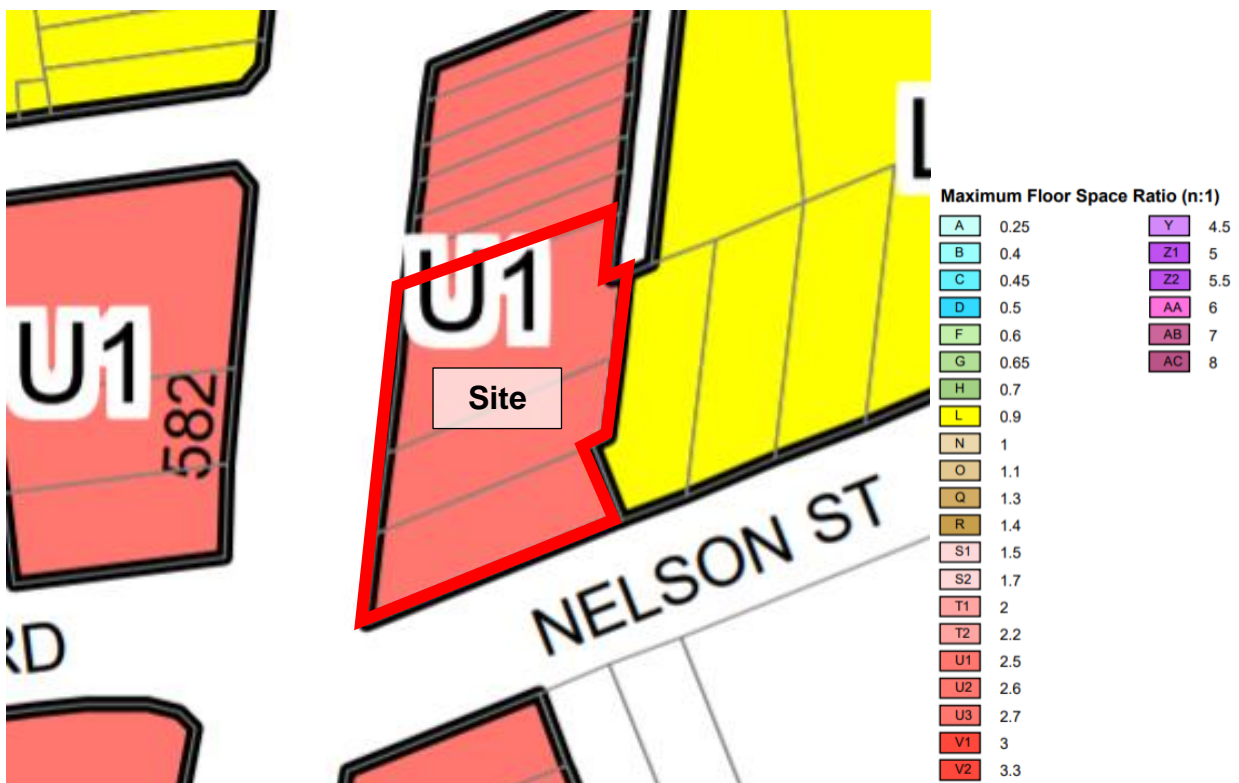


Figure 9: Existing Willoughby LEP 2012 Maximum FSR map FSR_004 (source: NSW Planning Portal)

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 residential accommodation and commercial floor space for small business or retail uses in a mixed-use 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; and
- there will be no additional overshadowing impact to Chatswood Mall/Victoria Avenue or Chatswood Oval between 12-2pm during midwinter 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; and
- the proposal will enable the delivery of additional residential accommodation and commercial floor space for small business or retail uses, supporting jobs growth in the Chatswood CBD within approximately 700m walking distance of the Chatswood transport interchange.

2. Background

The proposal was lodged with Council by Ethos Urban on behalf of the proponent Antaeus Group Pty Ltd.

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 24 February 2021, Council met with the proponent and provided advice to progress the planning proposal. The planning proposal was amended to address items such as detailed demonstration of the consistency with the relevant strategic plans, built form, setbacks and the public realm among others.

On 12 July 2021, 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 detailed assessment report (**Attachment F2a**) that the planning proposal is:

- to facilitate a mixed-use development including a commercial podium and residential tower above;
- generally consistent with the recommendations of the Chatswood CBD Strategy;
- referred to Council's Urban Design, Traffic, Engineering and Open Space sections who raised no issues;
- accompanied by a site-specific development control plan (DCP) (**Attachment A4**); and
- the subject of a letter of offer for a voluntary planning agreement (VPA) (**Attachment A5**).

3. Planning Proposal

3.1 Objectives or intended outcomes

The planning proposal intends to amend Willoughby LEP 2012 to facilitate a mixed use development in line with the Chatswood CBD Strategy (**Attachment H4**).

The intended outcome of this planning proposal is to enable the development of the site to accommodate a high-density mixed-use concept scheme comprising 2 podium levels of commercial uses and 25 levels of residential uses.

The proposed concept will provide approximately 105 new residential dwellings including a 4% affordable housing component.

3.2 Explanation of provisions

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

- rezoning the land from B5 Business Development to B4 Mixed Use;
- amending the maximum permitted building height from 12m to 90m;
- amending the maximum FSR from 2.5:1 to 6:1 including a non-residential FSR of 1:1;
- amending Part 6 Additional local provisions by adding a clause to refer to 'Minimum non-residential floor space'. (Noting that Council has added this as new clause 4.4B); and
- amend clause 6.8 Affordable housing.

Council's resolution has recommended further mapping and written amendments (**Attachment E and F1**) to the Willoughby LEP 2012 including:

- introduce clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' to require 17% of FSR to contain non-residential floor space;
- amend clause 5.6 Architectural roof features (2A) to indicate development is subject to clause 4.3 Height of buildings;
- amend clause 6.7 Active street frontages;
- amend the Special Provisions Map to apply:
 - clause 5.6 Architectural roof features;
 - clause 6.8 Affordable housing;
 - clause 6.23 Design excellence;
- amend the Active Street Frontages Map to include the Pacific Highway and Nelson Street and apply clause 6.7 Active street frontages;
- amend clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings to include development controls for shop top housing;
- amend clause 6.23 Design excellence for certain sites at Willoughby;
- introduce clause 6.25 Sun access to apply to land zoned B3 Commercial Core and B4 Mixed Use which will require no additional overshadowing on key sites in Chatswood CBD;
- amend the Lot Size Map to indicate a minimum lot size of 1,800m²; and

- amend Schedule 1 Additional permitted uses to add a new subclause 'Use of certain B4 land in Chatswood' which will require ground floor uses to be for non-residential purposes, a minimum 17% of the total FSR to be provided for non-residential uses and no residential dwellings are to be located on the ground floor.

The Department notes that as a result of planning proposals for other sites in the CBD and the draft Willoughby Comprehensive planning proposal, some of the clauses recommended by Council may be deleted or amended such as Clause 5.6 Architectural roof features.

Conditions will be attached to the Gateway determination to require that the planning proposal be updated to include the provisions to apply to the site, as stated in the Council resolution. The condition will also require Council to provide a plain English explanation for the introduction of new clauses including the Sun access provisions and the minimum non-residential which specifies a 17% FSR for non-residential uses.

The proposed provisions in the applicant's planning proposal are generally clear, concise and are consistent with the recommendations of the now finalised Chatswood CBD Strategy.

The planning proposal was accompanied by a site-specific development control plan (DCP) (**Attachment A4**) and a draft Letter of Offer (**Attachment A5**) outlining public benefits such as the provision and maintenance of a public through site link including landscaping and lighting.

3.3 Mapping

Draft LEP mapping is provided in the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012:

- an amended Land Zoning Map (sheet LZN_004) (**Figure 10**);
- an amended Maximum Height of Buildings Map (sheet HOB_004) (**Figure 11**); and
- a Maximum FSR Map (sheet FSR_004) (**Figure 12**); and
- a Special Provisions Area Map (sheet SPA_004) (**Figure 14**).

Draft maps have been also been submitted by Council (**Attachment E**) with the planning proposal.

The planning proposal will require updating prior to public exhibition to include:

- an amended Lot Size Map (LSZ_004) to indicate a minimum lot size of 1,800m² (**Figure 13**);
- an amended Active Street Frontages Map (ASF_004) by adding Pacific Highway and Nelson Street (**Figure 15**); and
- an amended Special Provisions Area Map to refer to the appropriate clause numbers, for example clause 6.8 Affordable Housing and 6.23 Design excellence.

The amended maps and provision of the additional maps will be included as a condition of the Gateway determination.

No changes are proposed to any other LEP maps.

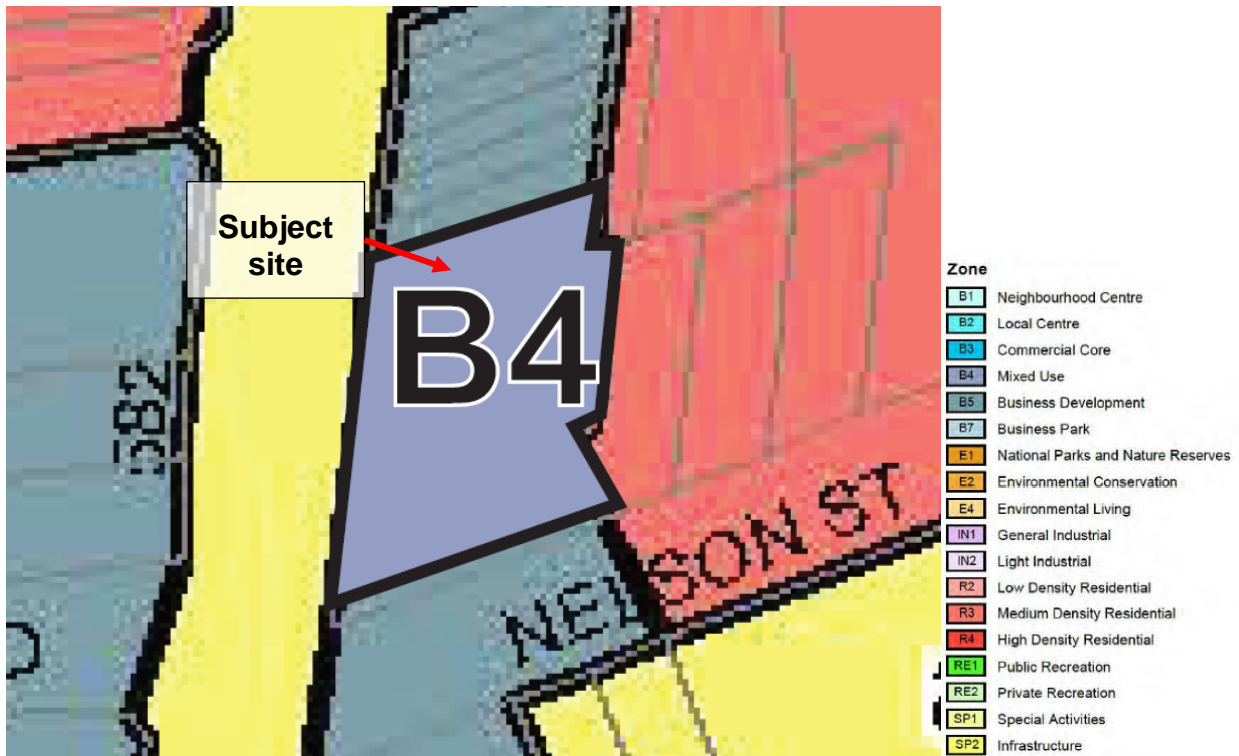


Figure 10: Draft proposed Willoughby LEP 2012 Maximum height of buildings map (source: Ethos Urban)

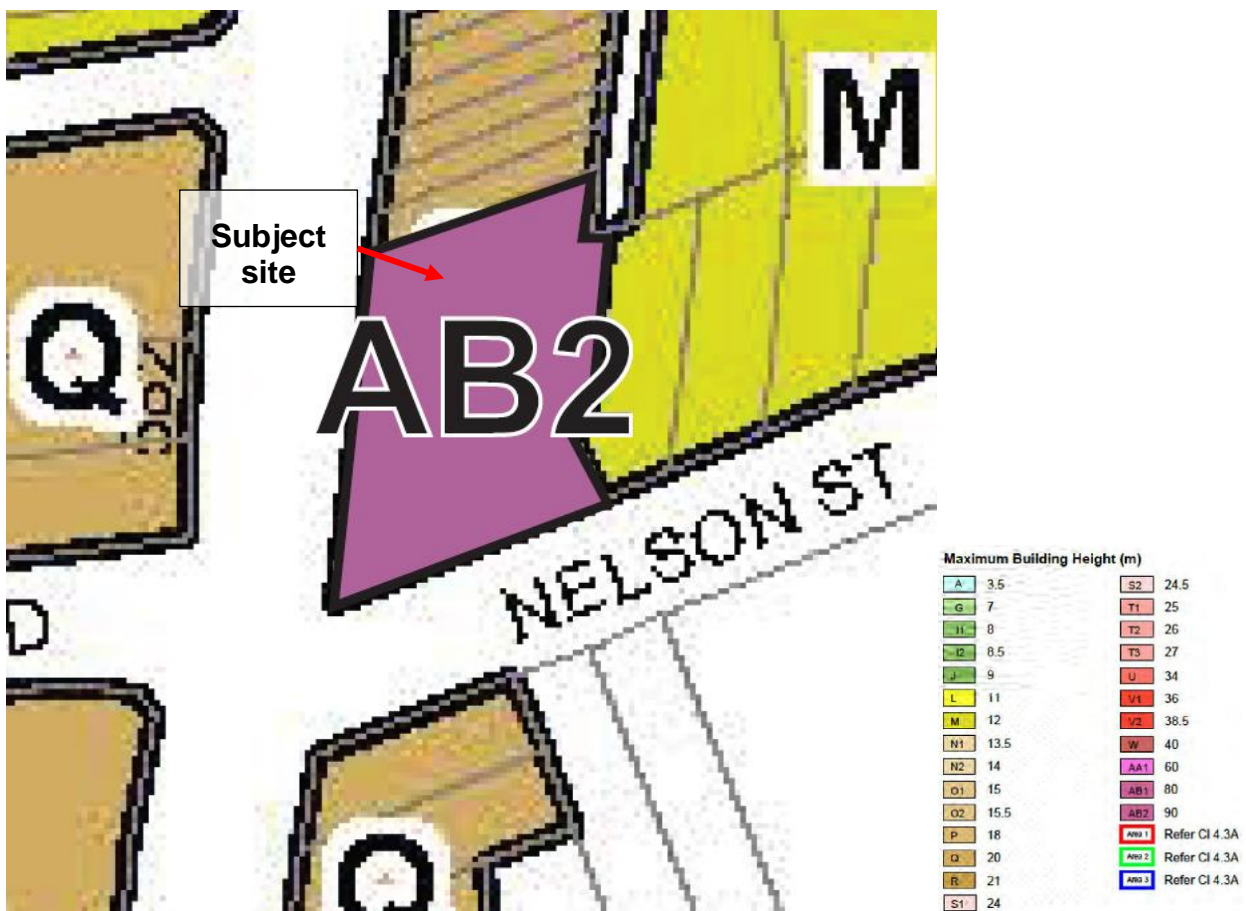


Figure 11: Draft proposed Willoughby LEP 2012 Maximum height of buildings map (source: Ethos Urban)

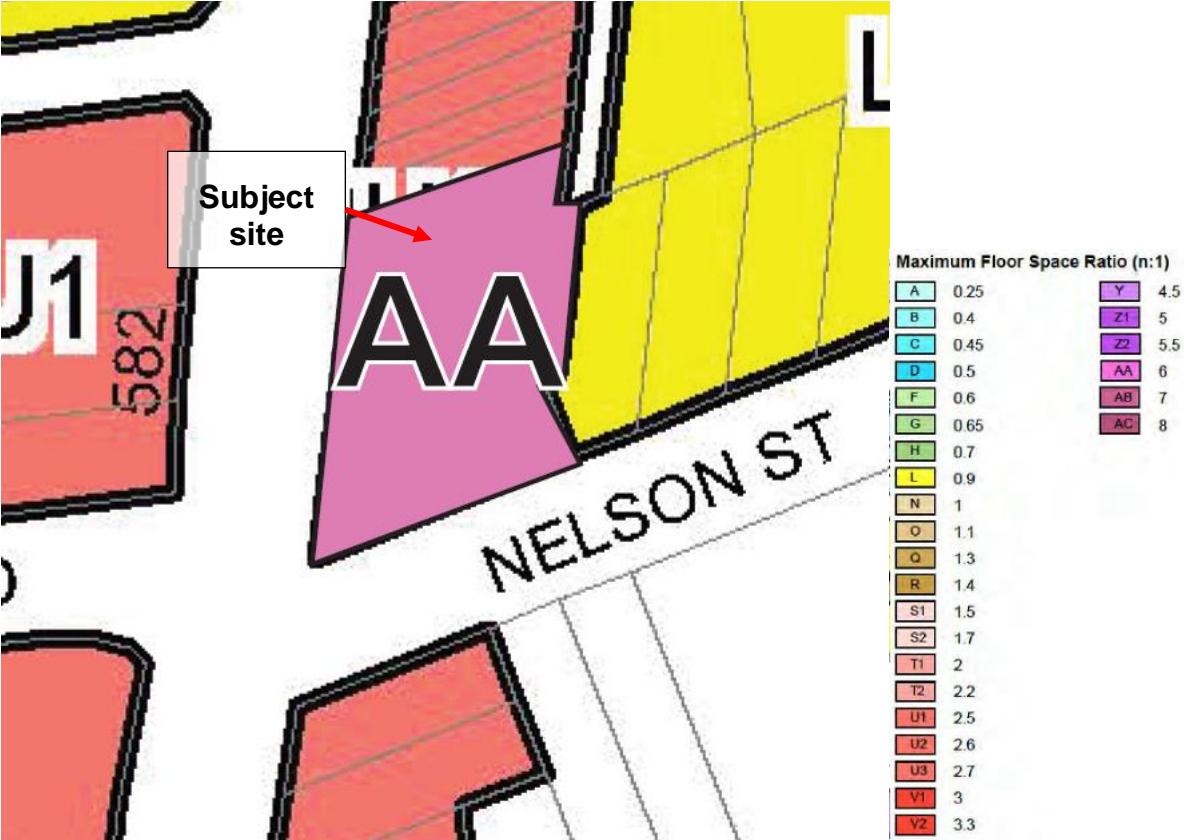


Figure 12: Draft Willoughby LEP 2012 Maximum FSR map (source: Ethos Urban)

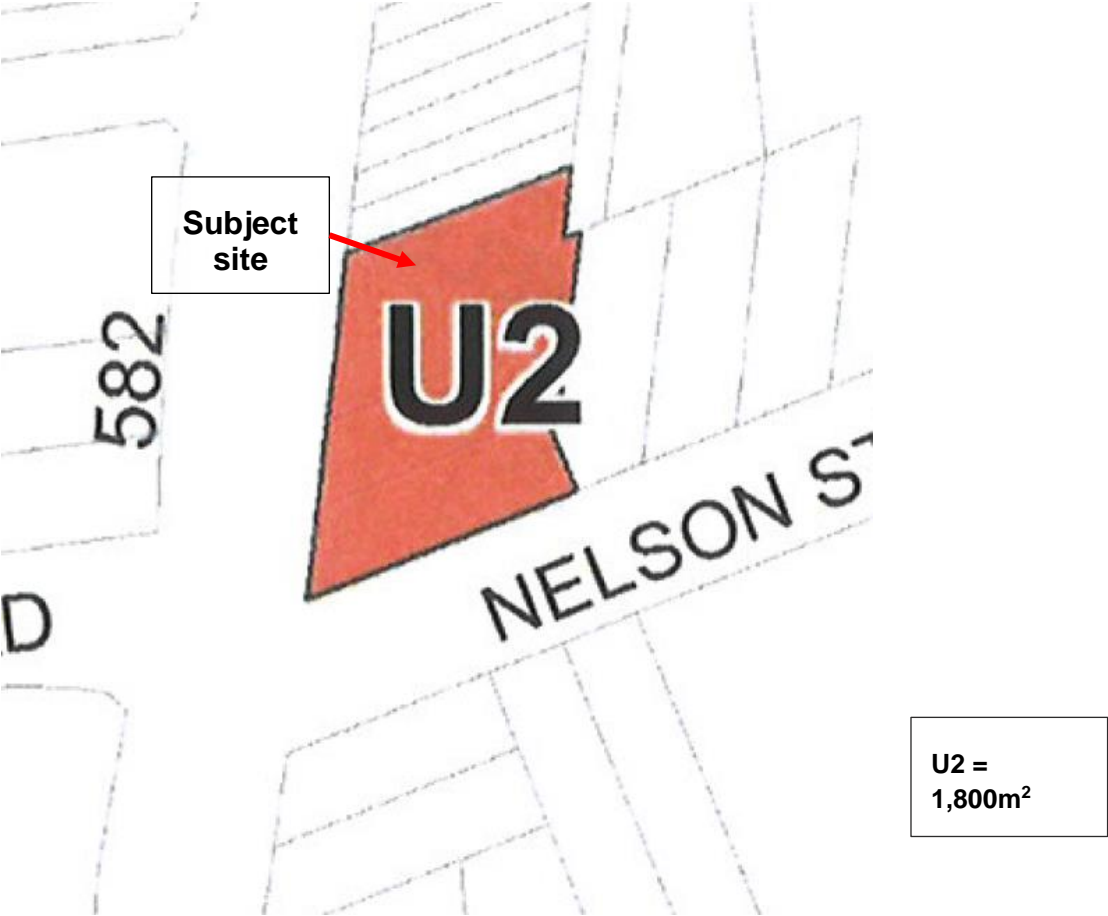


Figure 13: Draft proposed Willoughby LEP 2012 Lot Size map (source: Council)

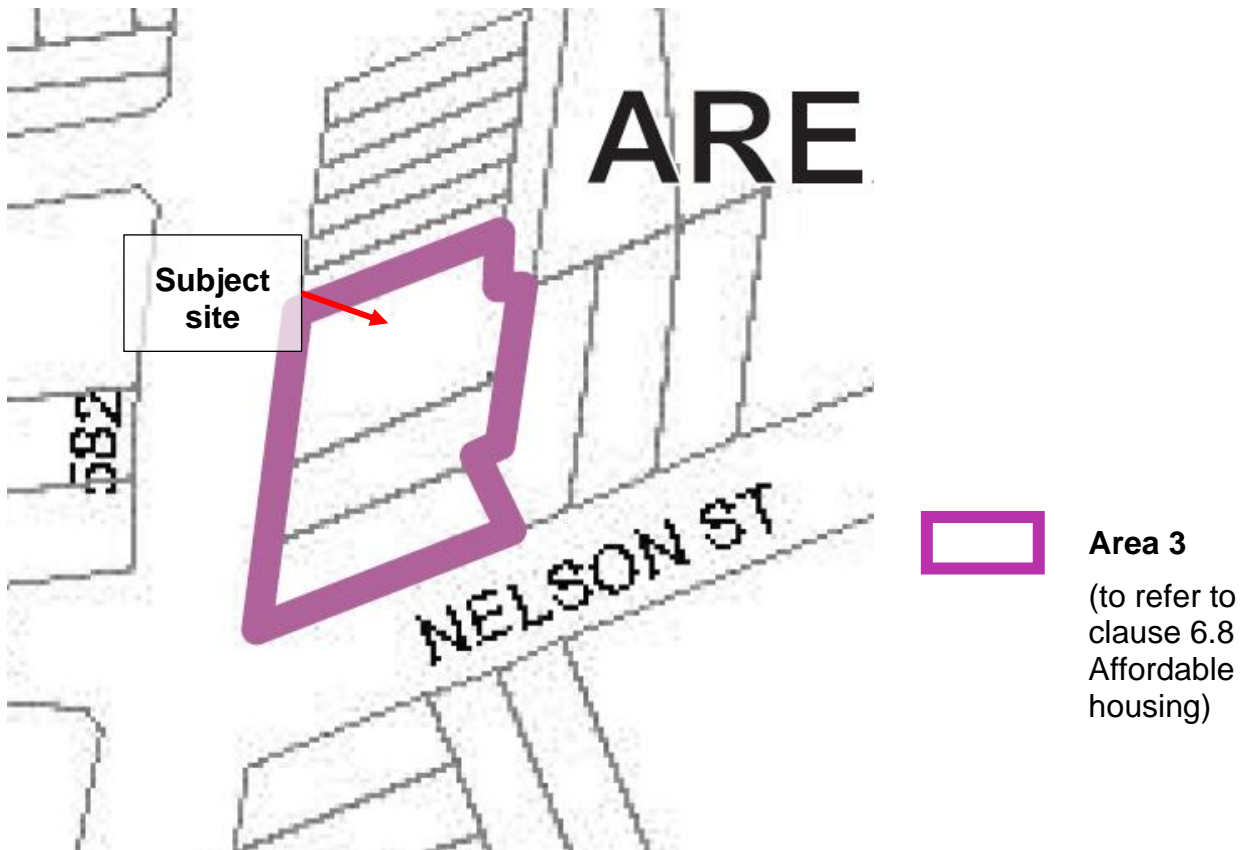


Figure 14: Draft proposed Willoughby LEP 2012 Special Provisions Map (source: Ethos Urban)

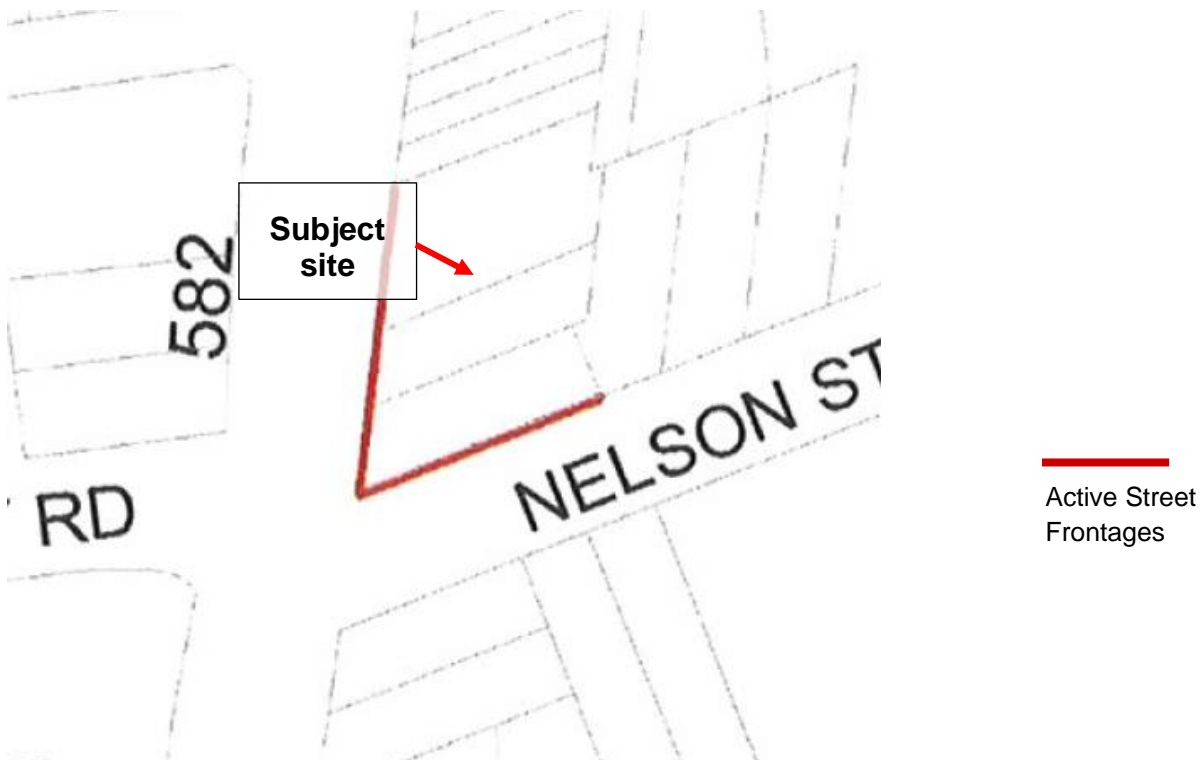


Figure 15: Draft proposed Willoughby LEP 2012 Active Street Frontages map (source: Council)

3.4 Concept Design

The Concept Design Report (**Attachment A2**) and Plans (**Attachment F6**) submitted with the documentation indicates that the proposal could potentially deliver a 27 storey mixed-

use development comprising of a residential tower with retail/commercial floor space at podium level over two (2) storeys with basement carparking.

The planning proposal states that it will:

- facilitate site amalgamation;
- provide a high-quality public domain; and
- provide upgraded, increased residential accommodation with retail/commercial floorspace in an area close to existing services and infrastructure including accessible public transport.

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

Drawings of the proposed concept design have been provided at **Figures 18-29**.

Table 2: Development summary of the concept design.

Area Detail		Proposed
Site area		1,827m ²
Zone		B4 Mixed Use
GFA	Commercial/retail	1,827m ²
	Residential	9,135m ² (approximately 105 residential dwellings)
	Total	10,962m²
FSR	Commercial	1:1
	Residential	5:1 (including 4% affordable housing)
	Total	6:1
Height		90m
Number of levels		27 (2 podium levels of non-residential and 25 levels residential)
Parking levels		4 levels <ul style="list-style-type: none"> • 122 residential spaces including visitors • bicycle and motorcycle parking and end of trip facilities
Solar access		70% during Winter Solstice
Cross ventilation		100%
Deep soil		11%
Communal open space		31.3%



Figure 18: Proposed concept development, view looking north-east to the corner of Pacific Highway and Nelson Street, Chatswood (source: Ethos Urban)

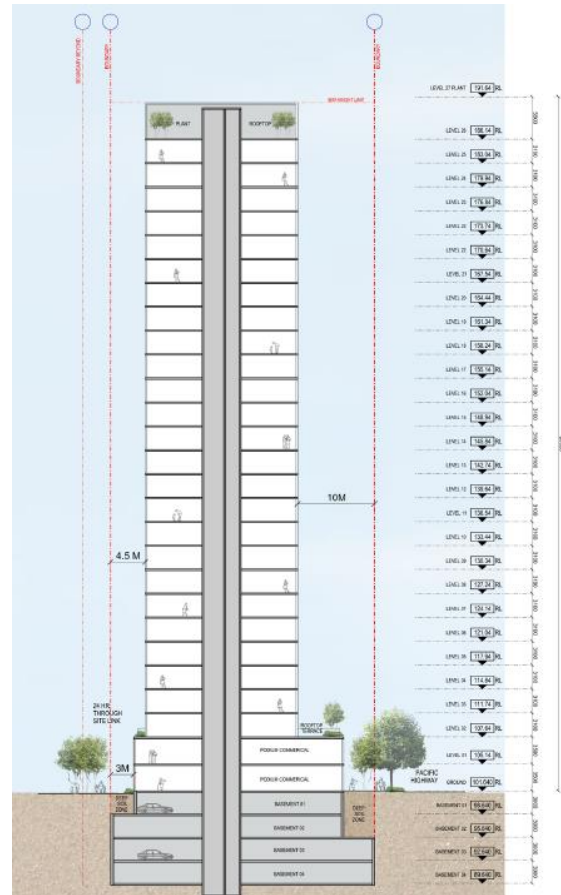


Figure 19: Proposed east-west section looking south (source: Ethos Urban)

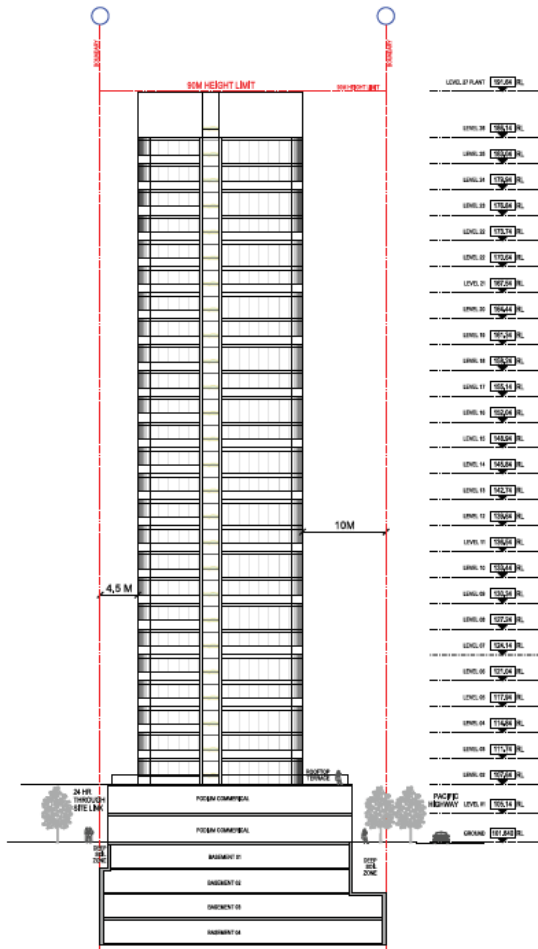


Figure 20: Proposed north elevation of the concept development from Day Street, Chatswood (source: Ethos Urban)

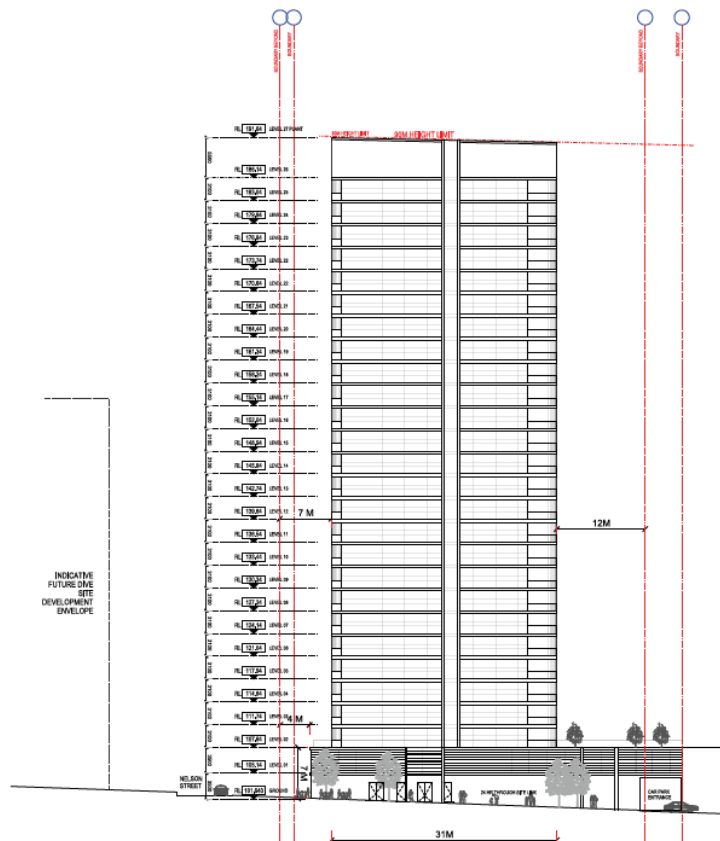


Figure 21: Proposed east elevation of the concept development (source: Ethos Urban)

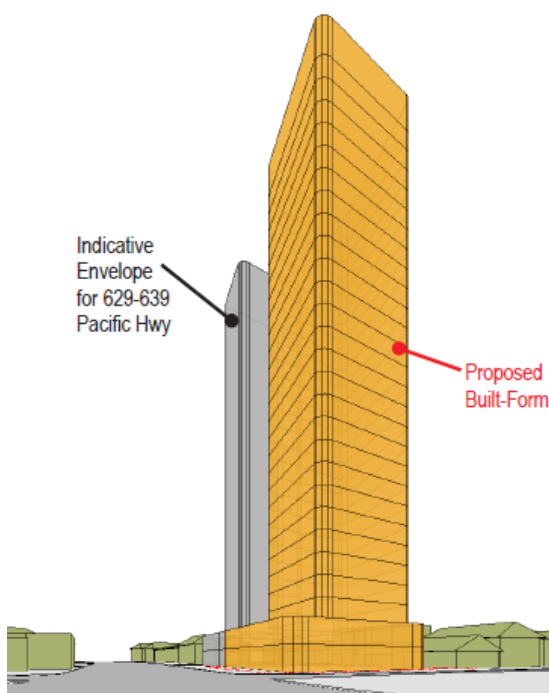


Figure 22: Proposed concept looking north along Pacific Highway (source: Ethos Urban)

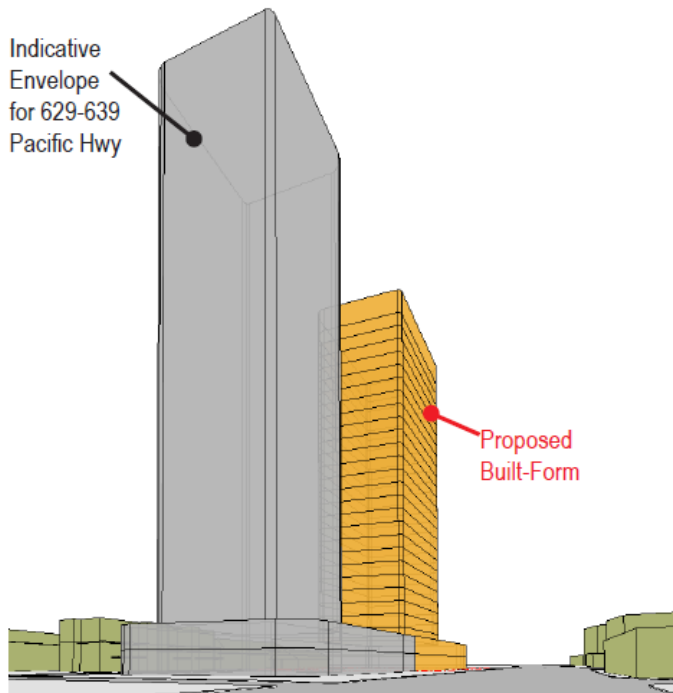


Figure 23: Proposed concept looking south along Pacific Highway (source: Ethos Urban)



Figure 24: Proposed ground floor plan and proposed public domain (source: Ethos Urban)

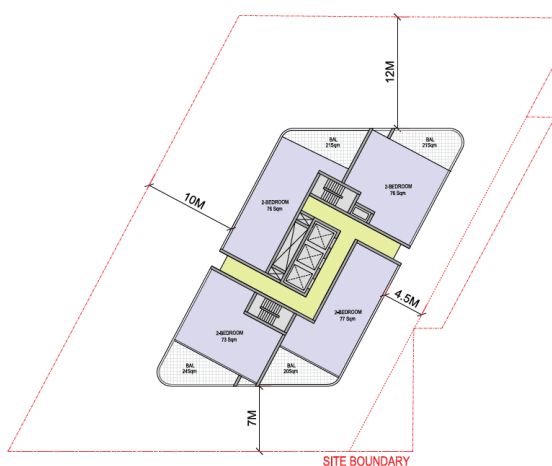


Figure 25: Proposed typical floor plan (source: Ethos Urban)

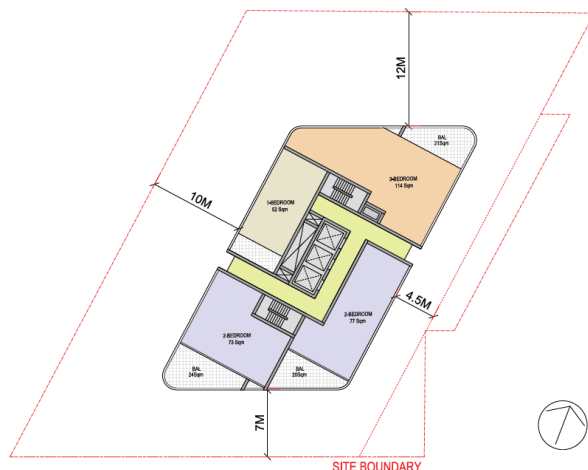


Figure 26: Proposed typical floor plan (source: Ethos Urban)

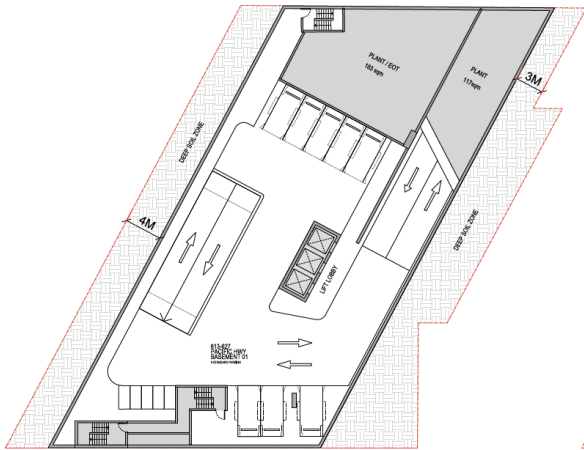


Figure 27: Proposed level 1 basement plan (source: Ethos Urban)

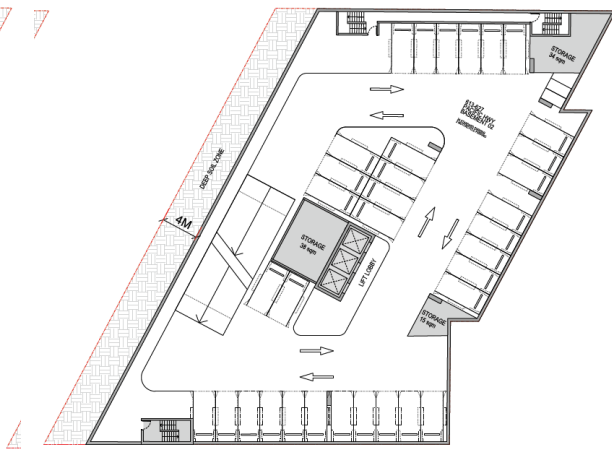


Figure 28: Proposed level 2 basement plan (source: Ethos Urban)

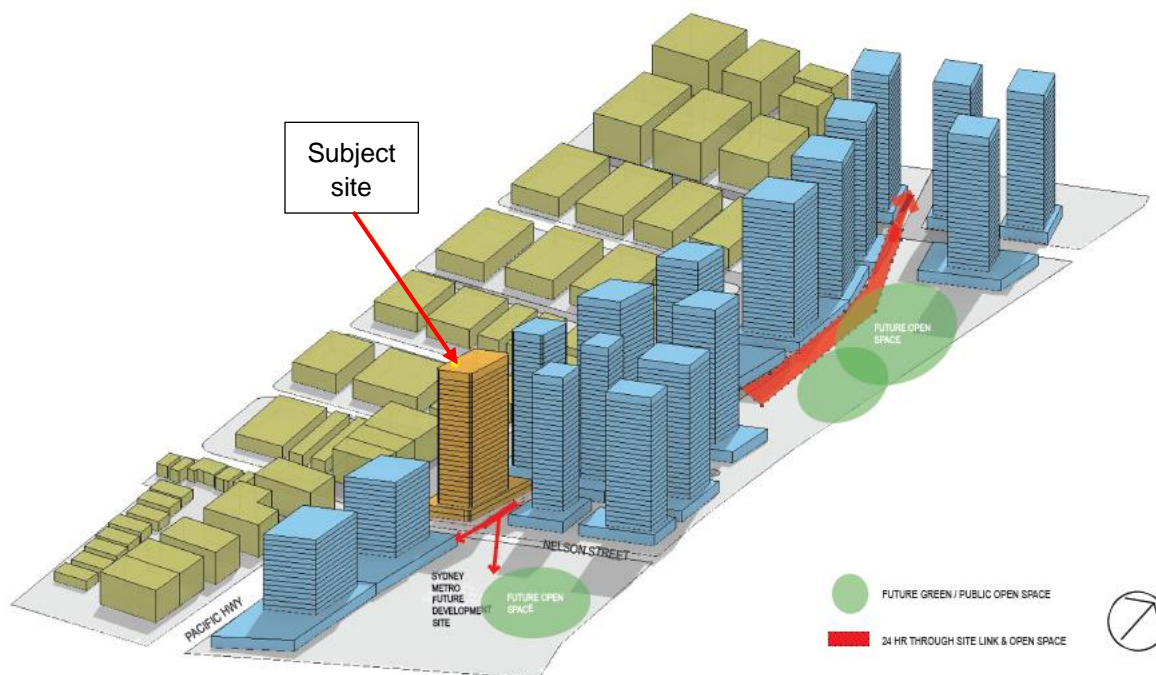


Figure 29: Proposed concept building envelope (north elevation) relative to the existing built environment to the west and proposed built environment as part of the Chatswood CBD east of the Pacific Highway (source: Ethos Urban)

4. Need for the planning proposal

The planning proposal is the result of the Chatswood CBD Strategy which has been endorsed by the Department (**Attachment H**) and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included in **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.

The Comprehensive LEP amendment proposes to rezone all land within the Chatswood CBD area consistent with the Strategy and is currently under assessment by the Department.

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. The Plan 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 650m walking distance of Chatswood train station, Metro and bus interchange. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles. A public through-site link will also be provided to increase pedestrian amenity.
A City of Great Places	The planning proposal seeks to enable the amalgamation of three lots. The public domain will be improved with landscaping and a through site link increasing connectivity to transport and public open space. The pedestrian amenity along the Pacific highway will also be improved.
A Well-Connected City	The site is located approximately 650m 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, St Leonards and Crows Nest. The location of the proposed concept development will maximise the use of public transport assets and reduce the need for additional infrastructure.
Jobs and Skills for the City	The planning proposal seeks to enable redevelopment to increase residential uses, commercial and retail floor space and employment. Increasing local housing and retail will support growth of Chatswood attracting international visitors and investment
A City in its Landscape	The planning proposal seeks to increase landscaping and public and pedestrian amenity. A

	through site link and will improve pedestrian amenity and connectivity.
A Collaborative City	The planning proposal is consistent with the endorsed Chatswood CBD Planning and Urban Design Strategy 2036.
Housing the City	<p>The concept development will facilitate the provision of high-density residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services including the Chatswood interchange.</p> <p>An affordable housing component of 4% will also create additional housing options in the Willoughby LGA.</p>

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 residential GFA would be approximately 9,135m² and a commercial/retail GFA of 1,827m² at the ground and level one. This would equate to approximately 10,962m² total GFA as outlined in **Table 2**. This is based on the proposed amendments and assuming the development is fully developed in accordance with the FSR amendment sought in the concept design.

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

The planning proposal will require updating to provide further explanation of the consistency of the planning proposal against the North District Plan.

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

District Plan Priority	Consistency
N1 Planning for a city supported by infrastructure	The proposal aligns with the forecast growth and will facilitate development within the Chatswood Strategic Centre close to existing services and infrastructure including the Chatswood Interchange.
N3 Providing services and social infrastructure to meet people's changing needs	The proposal states that the sites location will allow people to live closer to jobs, services and transport infrastructure in the Chatswood CBD. Pedestrian connectivity will be improved on and around the site.
N4 Fostering healthy, creative, culturally rich and socially connected community	The proposal states that it will encourage an active healthy lifestyle by delivering walkable streets with direct, accessible and safe pedestrian connections to schools, jobs, services, retail and recreational facilities in Chatswood. The through site link and landscaping along the Pacific Highway will provide increased pedestrian amenity and better connections to public open space, existing transport and other facilities.
N5 Providing housing supply, choice and affordability with access to jobs, services and public transport	The proposal will facilitate renewed development to provide high density residential housing in an accessible location. This will contribute to the assisting to achieve the housing target for the Willoughby LGA.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will provide upgraded and increased residential and commercial/retail floor space. This will include fine grain well-designed urban form including the provision of active street frontages within a strategic centre. The proposed concept development will provide increased landscaping along the Pacific Highway and a publicly accessible through site link. It will not impact upon any nearby heritage items or HCAs.
N8 Eastern Economic Corridor is better connected and more competitive	The planning proposal will facilitate high-density housing within the Chatswood CBD but outside the commercial core as part of the Eastern Economic Corridor. This will enable the delivery of housing targets while preserving space for employment growth.
N10 Growing investment, business opportunities and jobs in strategic centres	The proposal facilitates 1,827m ² of commercial/retail floorspace in a strategic centre close to existing services, facilities and public transport options.

District Plan Priority	Consistency
N12 Delivering integrated land use and transport planning and a 30-minute city	The site is within 650m of the Chatswood transport interchange creating efficient access to employment, services and community facilities.
N19 Increased urban tree canopy cover and delivering Green Grid connections	The redevelopment of the site intends to increase landscaping, tree canopy and deep soil areas.
N21 Reducing carbon emissions and managing energy water and waste efficiency	The planning proposal will unlock opportunities to achieve high quality design to improve energy, water and waste efficiency. The proximity to accessible public transport, encouraging active modes of transport, reducing reliance on private vehicles

5.3 Chatswood CBD Strategy

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

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Table 5** includes the Department's assessment of the proposal's consistency with these key elements. **Attachment F2** 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 expanded CBD boundary.
Land Use	Yes	The proposal is to be rezoned from B5 Business Development to B4 Mixed-Use consistent with the strategy. It will provide commercial/retail with residential uses above.
Removal of provisions for size of office and retail tenancies within B3 core	N/A	The site is proposed to be rezoned to B4 Mixed-use and is not within the B3 Commercial Core zone.
Serviced apartments to be removed as a permissible use within B3 core	N/A	The site is proposed to be rezoned to B4 Mixed-use and is not within the B3 Commercial Core zone. The concept does not propose serviced apartments.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	N/A	The proposed concept is seeking a commercial/retail component of 1:1 and a residential component of 5:1 with an overall FSR of 6:1, consistent with the Strategy. A draft VPA offer has been submitted for

		<p>the public benefits including the maintenance and management of a public through-site link.</p> <p>Council states that the proponent has agreed to a contributions scheme in addition to requirements under Section 7.12 of the EP&A Act.</p>
Design excellence required for all development above 35m	Yes	<p>Council requires all development above 35m to be subject to a design excellence process. This would be undertaken at DA stage.</p> <p>The concept proposal would be included on the Special Provisions Map as 'Area 8' subject to clause 6.23 Design Excellence.</p>
Higher building sustainability standards	Yes – capable at DA stage	<p>Could be determined at the DA stage. Recent changes to the National Building Code of Australia now requires improved performance of new buildings.</p> <p>The proposed DCP includes a requirement of a minimum 5-star Green Building Council of Australia rating.</p>
Base FSR	Yes	The site is to facilitate a maximum FSR of 6:1 including a non—residential FSR of 1:1.
Minimum site area	Yes	The amalgamated site is approximately 1,827m ² which is greater than the minimum site area requirement of 1,200m ² for sites within the B4 Mixed Use zone.
Maximum FSR	Yes	The proposal is for an amalgamated site for a mixed-use development with commercial/retail floor space and seeks a maximum overall FSR of 6:1.
Affordable Housing	Yes	It is proposed to provide 4% affordable housing consistent with Council's existing LEP and DCP requirements. The Special Provisions Map is proposed to be amended to apply Clause 6.8 Affordable Housing to the site.
Minimum commercial FSR in mixed use zones is to be 1:1	Yes	The proposed concept is seeking a retail/commercial component of 1:1 and a residential component of 5:1 with an overall FSR of 6:1. Council's resolution proposes to include provisions to require 17% of FSR to be non-residential floor space.
Maximum tower floor plate sizes	Yes	The concept scheme indicates a floorplate of 400m ² GFA which does not exceed the required 700m ² GFA for residential towers above podium level in the mixed-use zone.

Width of the side of each side of any tower to be minimised	Yes	The residential tower depicted in the concept plan is generally consistent with the slender tower objective and will minimise the impact on surrounding sites.
Tower separation	Yes	<p>The concept scheme indicates one slender tower with sufficient setbacks and separation from the neighbouring site at 629-639 Pacific Highway to achieve privacy, adequate natural ventilation, sun access and views.</p> <p>The concept development indicates an envelope that is capable of accommodating residential development consistent with SEPP 65 and the Apartment Design Guide (ADG).</p>
Sun access to key public spaces and conservation areas	Yes	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 southern edge of the expanded Chatswood CBD and is considered to comply with this solar access plane. Council's resolution proposes to introduce clause 6.25 Sun Access to protect public spaces in Chatswood CBD from additional overshadowing.
Building Heights	Yes	<p>The proposed maximum building height for the subject site is a maximum of 90m 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 any architectural features within the maximum height.
Links and open space	Yes – capable at DA stage	<p>A public through site link will be provided for pedestrians and cyclists. Communal open space is proposed on the podium rooftop and the rooftop.</p> <p>Landscaping will enhance street frontages and contribute to amenity, safety and passive surveillance.</p>
Publicly accessible open space and landscaping	Yes – capable at DA stage	<p>A public through site link will be provided for public access for pedestrians and cyclists.</p> <p>The proponent is prepared to enter into a VPA to fund public domain improvements including the management and maintenance of the through site link. Council recommends the inclusion of the airspace above the through site link in the Letter of Offer.</p>

		Council states that the proponent has agreed to a contributions scheme in addition to requirements under 7.12 contributions.
All roofs up to 30m from the ground are to be green roofs	Yes – capable at DA stage	The planning proposal states that the concept design includes a podium rooftop terrace contributing to active green spaces. A landscaped communal area is also proposed on the rooftop.
Soft landscaping is to apply to 20% of the site	Yes – capable at DA stage	The planning proposal will provide 26.2% of soft landscaping.
Roof top communal open space	Yes – capable at DA stage	The planning proposal states that the concept design includes a podium and rooftop terrace contributing to active green spaces.
Street wall heights and setbacks	Yes – capable at DA stage	<p>A zero-metre setback to the northern boundary is proposed for the podium, with a 12m setback above the street wall height.</p> <ul style="list-style-type: none"> • A varying setback between 4.5m-7.4m to the east is proposed for the full height of the building. • A zero-metre podium setback to Nelson Street to the south is proposed, with a 4.5m tower setback. • A podium setback of 4m to Pacific Highway to the west is proposed, with a 10m tower setback above the street wall height. <p>The tower is setback 12m from the shared boundary with 629-639 Pacific Highway in accordance with the ADG.</p> <p>The street wall heights are consistent with the Strategy with the exception of the street wall height at 7m to Nelson Street. Council state that they are supportive of this inconsistency.</p>
Active street frontages	Yes – capable at DA stage	The ground floor level of retail/commercial floorspace is proposed to provide the opportunity for active street frontages to Pacific Highway and Nelson Street.
Site isolation	Yes	<p>The amalgamated site will not result in the isolation of other sites. The site directly to the north at 629-639 Pacific Highway is currently subject to a planning proposal with the same proposed amendments of a HOB of 90m and an FSR of 6:1.</p> <p>Council states that the neighbouring site at 19 Nelson Street has the opportunity to amalgamate with 15 and 17 Nelson Street.</p>
Traffic and transport	Yes – capable at DA stage	Carparking rates for the commercial/retail component have been reduced in line with the Strategy and the proximity to existing public transport along Pacific

		<p>Highway to additional transport options approximately 600m from the site.</p> <p>The concept scheme includes four levels of parking at basement level for approximately 120 cars in addition to bicycle and motorcycle parking spaces.</p> <p>Vehicular access/egress will be limited to Hammond Lane. All commercial and residential is onsite and not on public streets. Entry and exit of vehicles will be in a forward direction.</p>
Loading dock and facilities at basement level	No	<p>The planning proposal indicates that the loading dock area is located at ground level due to restricted access and movement at basement level. The design is reliant on a mechanical solution such as a turntable.</p>

5.4 Willoughby Local Strategic Planning Statement

Council adopted the final Willoughby 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 was published by the Department on the NSW Planning Portal on 31 March 2020.

An assessment of the concept development against the priorities in the LSPS provided in the planning proposal states that it will:

- increase housing diversity for families, an aging population and key workers as it will provide an additional 105 residential apartments of varying size including a 4% affordable housing component;
- enhance walking and cycling connections with the reduction in vehicular crossovers and increased public amenity with upgrades to footpaths and landscaping;
- the through-site link will connect Nelson Street and Hammond Lane encouraging walking and cycling within the CBD;
- provide 1:1 commercial/retail floorspace assisting the economic development in Chatswood; and
- provide additional high quality, energy efficient residential dwellings close to the commercial core and accessible public transport reducing the reliance of private vehicle use.

Relevant to the subject site, the LSPS supports the delivery of the key elements of the Chatswood CBD Strategy which is the main driver for housing, jobs and investment in the Willoughby LGA.

An assessment of the proposal's consistency against the key elements of the Chatswood CBD Strategy is provided in **Table 5**.

5.5 Willoughby Local Housing Strategy

In May 2020, Council's LHS was finalised and forwarded to the Department for endorsement. The 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 (**Attachment H4**); and
- the local centres identified in Council's Local Centres Strategy.

Of relevance to the subject proposal, the site falls within the Chatswood CBD Strategy area. This area 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 and provide approximately 105 additional residential dwellings.

The planning proposal does not provide any discussion of the consistency with the LHS.

A Gateway condition is recommended to be included requiring the planning proposal to be updated to include an assessment of the consistency of the proposal with Council's endorsed LHS.

5.6 Willoughby Integrated Transport Strategy 2036

The Transport Strategy identifies the strategic direction of transport in the local area. The strategy focuses on an integrated approach which will enable an agile approach to future technology and innovation. The emphasis is on providing choices for the community with improved amenity.

The planning proposal states that it is consistent with the Transport Strategy as it will:

- provide residential and commercial uses within walking distance of the Chatswood Interchange, key services and infrastructure within the Chatswood CBD;
- encourage active transport with end of trip facilities at basement level including bicycle parking, lockers, showers and change rooms;
- include a publicly accessible through-site link connecting Hammond Land and Nelson Street with landscaping, seating and lighting providing increased passive surveillance near the building entrance; and
- provide reduced onsite carparking spaces to encourage active transport and discourage the use of private vehicles.

5.7 Local planning panel recommendation

On 29 June 2021, the Willoughby Local Planning Panel (LPP) (**Attachment G**) provided advice to Council on the planning proposal for the amalgamated site. The planning proposal sought to rezone the land, increase the maximum height of buildings and increase the maximum FSR to facilitate a mixed use development.

The panel stated that:

- consideration should be given to exploring public open space along Nelson Street towards the cul-de-sac at the eastern end;

- there should be one integrated design at the ground level for the entire site including the through site link, general open space and along the Pacific Highway;
- no opportunity be given to develop over the airspace above the through site link;
- design excellence is ensured for the development and tower form; and
- it supported the forwarding of the planning proposal to the Department for Gateway determination as it demonstrated strategic and site-specific merit.

5.8 Section 9.1 Ministerial Directions

The planning proposal is to be updated to ensure all of the relevant Section 9.1 Ministerial Directions are addressed and remove reference to repealed Directions. This will be included as a condition of the Gateway.

The consistency of the planning proposal with the relevant Section 9.1 Ministerial Directions is in **Table 6**.

Table 6: Summary of proposal's consistency with Section 9.1 Ministerial Directions

Directions	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	<p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment lands and support the viability of identified centres.</p> <p>The planning proposal seeks to rezone land primarily for residential uses to B4 Mixed Use to provide a mixed-use development encouraging the growth of retail, commercial and supporting services in a strategic centre.</p> <p>The planning proposal is considered consistent with this Direction</p>
2.6 Remediation of Contaminated Land	<p>This Direction was introduced on 17 April 2020 and 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.</p> <p>The planning proposal is accompanied by a Preliminary Site Investigation (Attachment A7). The report states that there is potential for site contamination and recommends a detailed site investigation (DSI) to establish if the site is suitable for the proposed development and if remediation is required. It also recommends a hazardous material survey (HAZMAT) be undertaken prior to the demolition of the existing buildings.</p> <p>The potential contamination is discussed further in Section 6.3 Environmental of this report.</p> <p>The planning proposal is considered consistent with this Direction. However, the planning proposal will require updating the address this Direction. This will be a condition of the Gateway.</p>

3.1 Residential Zones	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design. This direction applies to the planning proposal as the site is proposed to be rezoned to B4 Mixed Use to facilitate a significant increase in residential dwellings.</p> <p>The planning proposal is consistent with this Direction as it will broaden housing choice and increase supply in an established urban area, well serviced by public transport, local shops and existing infrastructure.</p> <p>The proposed concept design will be subject to Council's design excellence clause and will not reduce the permissible residential density of the land.</p> <p>The planning proposal is considered to be consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on cars.</p> <p>This direction applies to the planning proposal as the proposal seeks to rezone the land to B4 Mixed Use.</p> <p>As the proposal will encourage the delivery of increase housing within 600m of a major public transport interchange, reducing the reliance on private vehicles, it is considered to be consistent with this Direction.</p> <p>The traffic impact is discussed further in Section 6 of this report.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Direction 3.5 aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>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 12m to a maximum height of 90m consistent with the Strategy.</p> <p>The height sought in the planning proposal will not penetrate the PANS-OPS (Procedures for Air Navigation Services, Operations). The site is 101.64 RL (AHD) with the proposed development to a height of 191.64RL.</p> <p>In accordance with regulation 139.165 of the <i>Civil Aviation Safety Regulations 1998</i>, Civil Aviation Safety Authority (CASA) is to be notified of buildings or structures that will have a height of 100m or more above ground level. As such consultation will not be required with CASA.</p> <p>However, consultation will be required with the Commonwealth Department of Transport, Infrastructure, Regional Development and Communications, Sydney Airport Corporation Limited (SACL) and Air Services Australia and is included as a condition of the Gateway determination.</p> <p>Further approval of crane activity will be required as part of a future DA and prior to the commencement of construction work.</p> <p>The planning proposal will also require updating to address this Direction.</p>

4.1 Acid Sulfate Soils	<p>Direction 4.1 aims to prevent significant adverse environmental impacts from the use of land that is affected by acid sulfate soils.</p> <p>The site is subject to Class 5 acid sulfate 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.</p> <p>The proposal is considered consistent with this direction.</p>
6.2 Reserving Land for Public Purposes	<p>The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservation of the land when the land is no longer required for acquisition.</p> <p>The site is currently zoned B5 Business Development and to be rezoned to B4 Mixed Use. It is not to be acquired for public purposes (ie zoned RE1 Public Recreation) but to include a publicly accessible through-site link with a site-specific DCP.</p> <p>This Direction is not relevant to the planning proposal.</p>
6.3 Site Specific Provisions	<p>This direction aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The direction applies to the planning proposal as it 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.</p> <p>The planning proposal is considered consistent with this Direction.</p>

5.9 State Environmental Planning Policies (SEPPs)

The planning proposal is to be updated to ensure all of the relevant SEPPs are addressed and remove reference to repealed SEPPs. A list of all current SEPPs are available on the NSW Legislation website at <https://legislation.nsw.gov.au/browse/inforce#/epi/title/s>

The following provides a consistency of the planning proposal against the relevant SEPPs.

SEPP (Infrastructure) 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across the State and the potential impacts on the development in the vicinity of significant infrastructure.

The planning proposal is directly adjacent to the State classified Pacific Highway and near the North Shore rail corridor.

The proposed development will facilitate approximately 9,135m² of residential GFA with 1,827m² of non-residential GFA, and basement levels accommodating parking for approximately 120 cars. The planning proposal does not meet 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)).

The noise from the railway corridor and the Pacific Highway may have an impact of the proposed concept. While it is considered that the noise impact can be dealt with in the

detailed design phase as part of a future DA, a noise impact assessment is required to ensure that levels are not exceeded as outline in Clause 87(3) of the SEPP for residential development.

The planning proposal was accompanied by a Traffic and Parking Impact Assessment by JMT Consulting (**Attachment A6**) which considered that the traffic and transport impacts as a result of the concept development acceptable.

However, a Gateway condition is included to require the planning proposal be referred to the TfNSW for comment.

The traffic impact is discussed further in Section 6.5 Infrastructure of this report.

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 5.7.

The contamination impact is discussed further in Section 6.3 Environmental of this report.

SEPP 65 Design Quality of Residential Apartments

The aim of this policy is to improve the design quality of residential apartment development in NSW.

The Concept Design Report (**Attachment A2**) accompanying the planning proposal demonstrates that proposed concept achieves general compliance with this code in relation to site planning, overshadowing and building separation.

The maximum scale of development proposed for the site is consistent with the future desired character of the Chatswood CBD area. Further assessment against this policy can occur at a future DA stage.

SEPP (Affordable Rental Housing) 2009

The aim of this policy is to facilitate the effective delivery of new affordable rental housing. Clause 4.4(2A)(b) of Willoughby LEP 2012 allows for any part of the floor area of a building that is to be used for affordable housing, not be included within the overall GFA for the purposes of calculating FSR.

However, this clause is proposed to be amended as a result of the future Comprehensive LEP amendment to remove reference to 'affordable housing'. The amendment will require the floor space for affordable housing purposes to be part of the gross floor area of the building for determining the maximum floor space ratio.

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

The proposal is to provide 4% affordable housing within the total GFA of the development. Council has recommended that the Special Provisions Area Map be amended to apply clause 6.8 Affordable housing.

It is recommended that the planning proposal be updated to provide discussion on this SEPP and to include the proposed Special Provisions Map.

6. Site-specific Assessment

6.1 Built Form

Building height

The proposed height increase would facilitate a development that facilities a:

- a two-storey podium for non-residential uses with a residential tower above of approximately 25 storeys and a four level basement; and
- typical residential tower floor plate of approximately 369m² above.

The concept design (**Figures 18-27**) for the proposal identifies that the development could achieve a maximum height of 90m including lift overrun.

The proposed tower form is consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 30**).

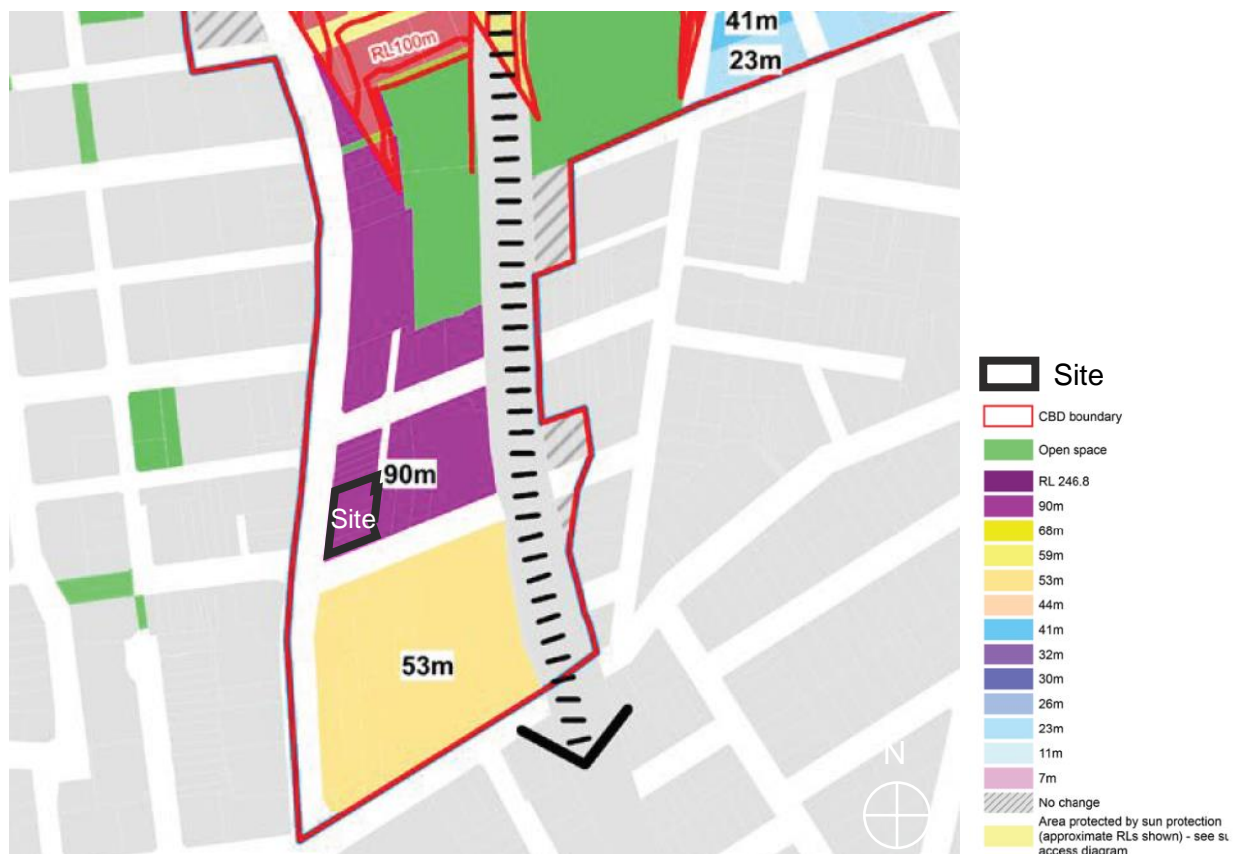


Figure 30: Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council)

Building separation, setbacks and street wall height

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 DA stage.

The Concept Design Report and Council's Detailed Assessment (**Attachment F2a**) indicate that the proposed street frontage heights and building setbacks are in accordance with the street frontage heights and building setbacks as outlined in the Chatswood CBD Strategy 2036 with the exception of the street wall height to Nelson Street. At 7m, this is

lower than required by the Strategy, however Council states that it is supportive of this inconsistency.

Council states in its Detailed Assessment that the concept is consistent with 'Key element 28' which requires all towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 of the setback to building height.

The proposed setbacks and street wall heights in the concept development are summarised in **Table 7** and shown in **Figures 31** and **32**.

Table 7: summary of setbacks and street wall heights

Boundary	Podium	Tower	Street Wall Height
Pacific Highway	4m	10m	7m
Nelson Street	4m	7m	7m
North boundary (629-639 Pacific Highway)	0m	12m	10m
Eastern boundary (part through-site link adjacent to 19 Nelson Street)	3m-7.4m	4.5m-8.9m	7m

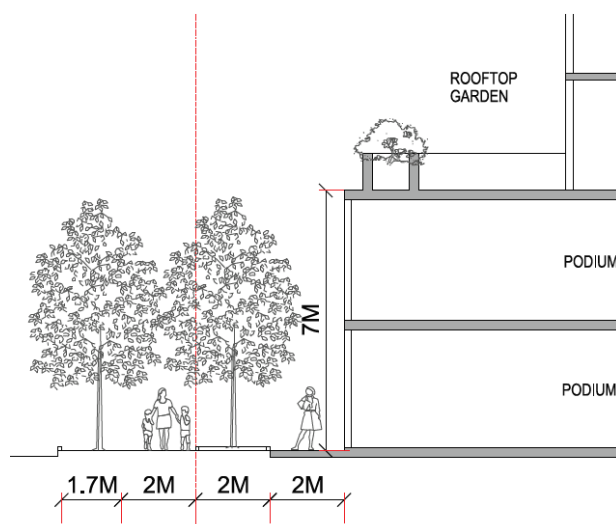


Figure 31: Indicative building setbacks to the Pacific Highway (source: GWYL Architecture)

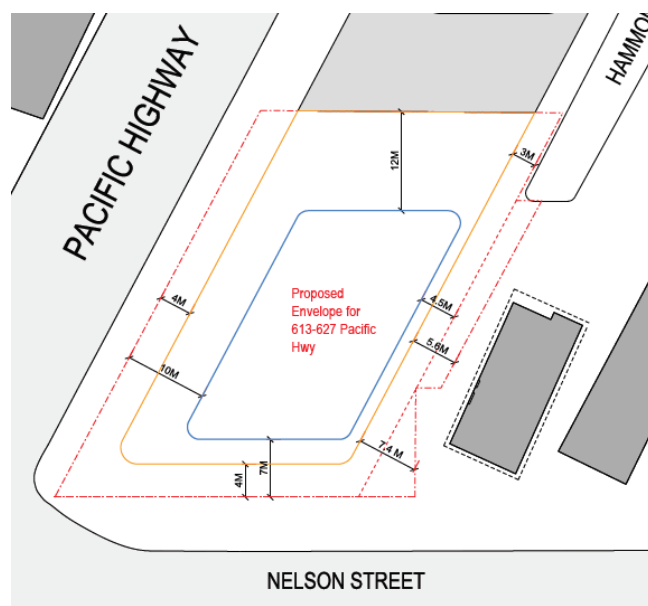


Figure 32: Indicative building setbacks – plan view (source: GWYL Architecture)

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 which seeks to protect the key public spaces as identified within the strategy (**Figure 33**). The Council resolution proposes to introduce clause 25 Sun Access as part of this planning proposal.

The subject site is in the southern area of the extended 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 in the Concept Design Report (**Figures 34-39 and Attachment A2**) which indicate the existing and potential extent of overshadowing to the surrounding areas.

Council's Detailed Assessment (Attachment F2a) indicates that;

- between 9am and 12pm there will be overshadowing to the properties on the western side of the Pacific Highway;
- at 12pm overshadowing occurs to the south along the Pacific Highway and the Sydney Metro Dive site;
- between 12pm and 3pm, overshadowing moves east across the Sydney Metro Dive site;
- the site at 19 Nelson Street will be impacted by overshadowing by 2pm (**Figures 37 to 39**); and
- the through site link on the eastern boundary is not overshadowed until 1pm.

The planning proposal indicates that the impact of overshadowing to the surrounding dwellings is minimal. Some overshadowing impacts as a result of the proposal are considered reasonable for a site located within the Chatswood CBD.



Figure 33: Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council, overlay by DPIE).

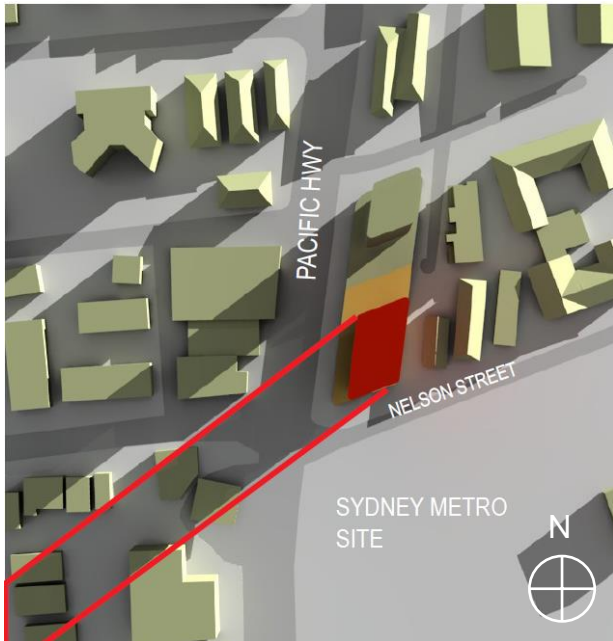


Figure 34: Proposed shadows June 21st 9am
(source: GWYL Architecture)

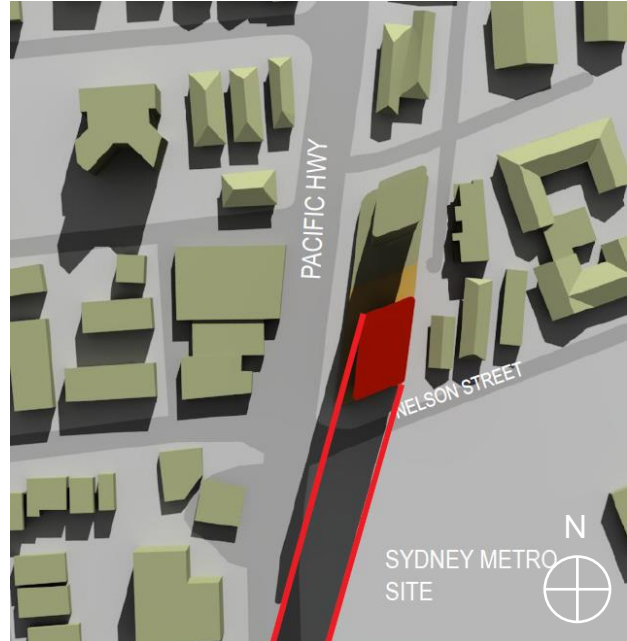


Figure 35: Proposed shadows June 21st 12pm
(source: GWYL Architecture)

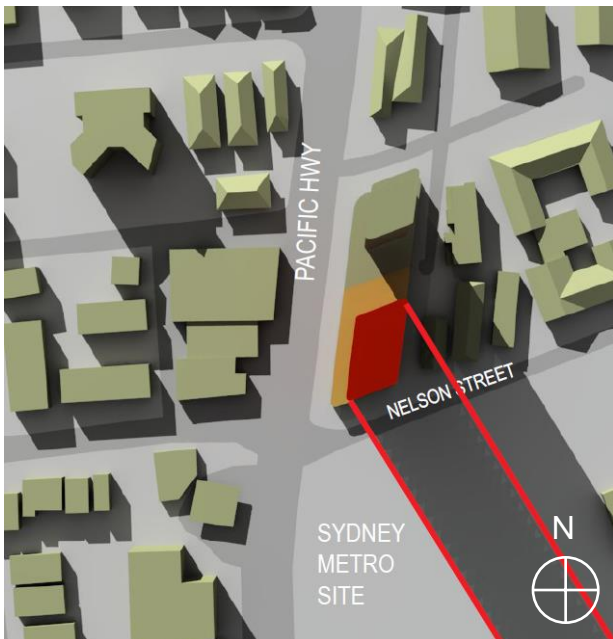


Figure 36: Proposed shadows June 21st 3pm
(source: GWYL Architecture)

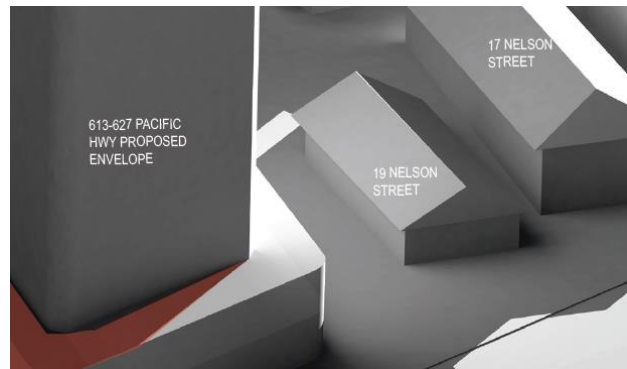


Figure 37: overshadowing at 9am of the adjacent residential dwellings at 17 and 19 Nelson Street
(source: JK Environmental)



Figure 38: overshadowing at 12pm of the adjacent residential dwellings at 17 and 19 Nelson Street (source: JK Environmental)

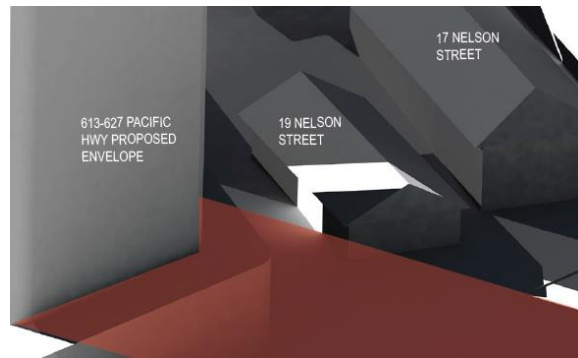


Figure 39: overshadowing at 3pm of the adjacent residential dwellings at 17 and 19 Nelson Street (source: JK Environmental)

View sharing and visual impact

The concept scheme indicates that the concept design maintains a reasonable level of view sharing for surrounding developments.

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 condition of the Gateway.

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.

The planning proposal presents a concept scheme that is compatible with the desired future character of the Chatswood CBD (**Figures 40 and 41**).

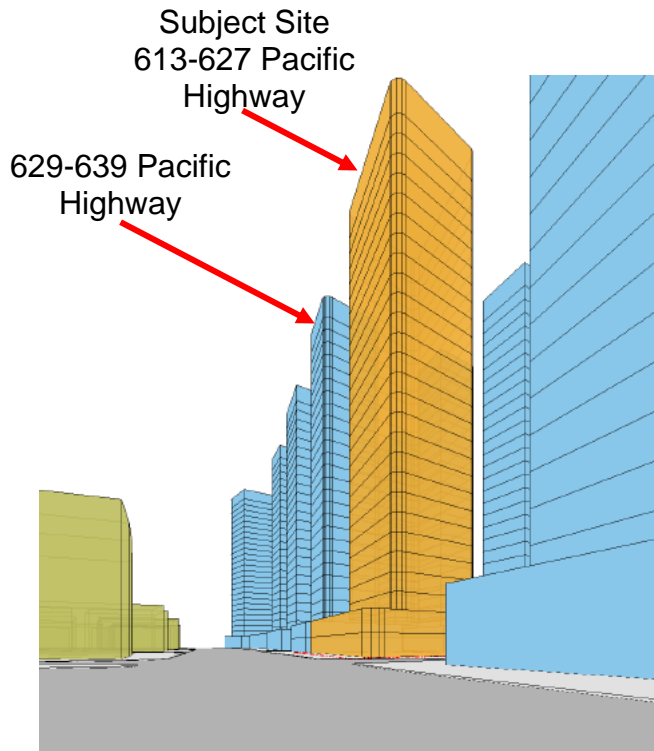


Figure 40: View of the concept scheme looking north along the Pacific Highway with the future proposed heights in line with the Chatswood CBD Strategy (source: GWYL Architecture)

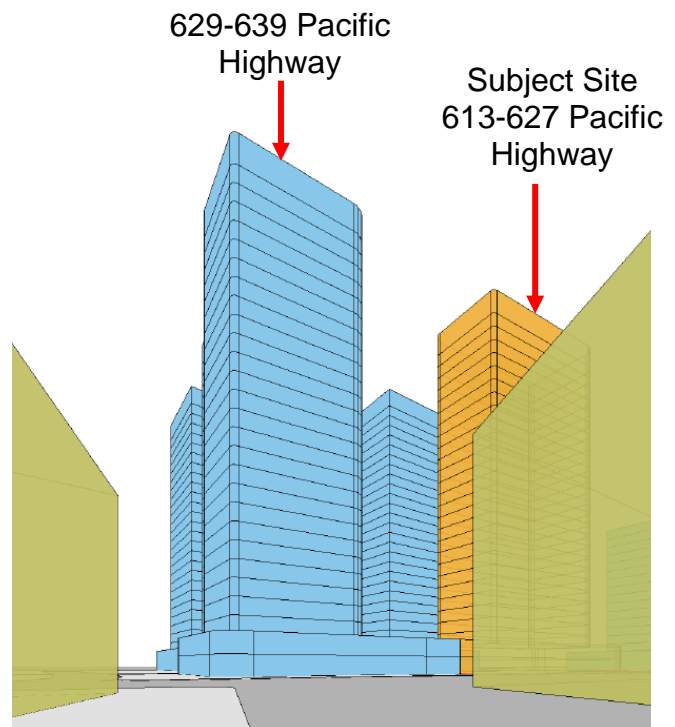


Figure 41: View of the concept scheme looking east along Fehon Road with the future proposed heights in line with the Chatswood CBD Strategy (source: GWYL Architecture)

Wind impact

The planning proposal was accompanied by a Wind Impact Assessment conducted by RWDI Consulting Engineers (**Attachment A8**). The concept design was assessed for the conditions on and around the proposed development.

The assessment noted that although the proposed development is taller than the surrounding existing buildings, it is not expected to result in wind speeds which exceed the safety criterion.

The assessment states that it is likely that the proposed development to the north at 629-639 Pacific Highway will have an impact on the rooftop garden at level two. This can be managed with the inclusion of design elements such as trellis.

The assessment states that:

- wind conditions at ground level around the perimeter are predicted to be comfortable;
- the retention of trees along the Pacific Highway and the southern entrance to the through site link will present a positive impact;
- awnings on the western side continuing to the south side will help to minimise any wind impacts to entrances along the Pacific Highway; and
- features such as landscaping, awnings.

6.2 Social

The indicative design shows that the development can deliver 105 residential apartments comprising of one, two and three bedrooms. Communal spaces are provided on the

podium level, a through-site link and the rooftop with spaces for social interaction. The provision of retail and other services at ground level would contribute to the activation of the area at ground level.

The planning proposal will have a positive impact contributing to the 30-minute city as outlined in the North District Plan with access to existing public transport and services.

Affordable Housing

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

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

While affordable housing is generally excluded for any floor space calculation, considering the extent of the proposed uplift above the existing base FSR for the site this outcome is still considered to generate a positive social benefit for the community. It will contribute towards the delivery of a minimum 4% affordable housing throughout the development in an area where there is a critical need for these housing options.

It is recommended that a proposed Special Provisions Area map be provided to indicate the site as requiring the application of the clause.

Public Amenity and Voluntary Planning Agreement

The proposed scheme intends to upgrade and activate the existing footpaths surrounding the site improving connectivity through the Chatswood CBD to nearby public spaces and the Chatswood interchange.

The proposed mixed use concept will create activity day and night and commercial/retail land uses at ground level will activate the street frontages and opportunities for social interaction.

The upgrade of a publicly accessible through-site link from Nelson Street to Hammond Lane will increase connectivity along with increased landscaping along the Pacific Highway and Nelson Street.

The proponent is willing to enter into formal discussions for the preparation of a voluntary planning agreement (VPA) for a range of public benefits and a letter of offer has been submitted with the planning proposal (**Attachment A5**). The benefits offered are for additional public domain works such as the right of way over the through-site link with maintenance and management, landscaping improvements and lighting.

The council report notes that the details of the VPA are yet to be discussed and Council has raised concerns in the restriction of the right-of way over the through site link is limited to only the ground level. Council is of the view the Letter of Offer should include the airspace above the link (**Attachment F2a**).

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 the exhibition that ended in mid-October 2020.

6.3 Environmental

The site has previously been developed for residential 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 improving the public domain and on the rooftop as part of any future development.

Contamination impact

The planning proposal was accompanied by a Preliminary Site Investigation (PSI), conducted by J K Environments, dated 12 March 2021 (**Attachment A7**).

The report states that the site is subject to a proposal for a scheme which will result in the demolition of existing residential buildings and the construction of a mixed-use development with basement parking with excavations approximately 12m below ground level, ground and podium level commercial/retail uses with a 25 storey residential tower above.

J K Environments identified potential contamination of concern at the site:

- imported fill for levelling;
- use of pesticides;
- existing and former building hazardous materials (HAZMAT);
- existing use as a paint store since 1988;
- existing and former petrol stations to the south, south-west and west due to their up-gradient location;
- former drycleaners 22m to the north;
- existing mechanics workshop to the north using fuels, oils and solvents

To better assess the potential contamination on the site, the report recommends:

- a DSI be undertaken to identify any site contamination and if remediation is required to establish if the site is suitable for the proposed use;
- a HAZMAT survey be undertaken prior to the demolition of the existing buildings; and
- following the demolition and removal of the hardstand an asbestos clearance should be obtained.

The report states that a review of Council and SafeWork NSW records relating to the site is underway and the results are yet to be received.

6.4 Economic

Employment

The planning proposal will facilitate 1,827m² of new commercial/retail floorspace on the subject site. It will contribute to the desirability to live and work in the Chatswood CBD in a location close to existing public transport, infrastructure and services.

This outcome has considerable benefit as it seeks to create additional jobs and residential accommodation, 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.

6.5 Infrastructure

Public transport

The site is well serviced with public transport infrastructure as it is within 650m 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 Pacific Highway is also located adjacent to the site with direct connection to the Sydney CBD and other major routes.

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 residential and employment floor space to provide opportunities to live and work in Chatswood close to accessible public transport and services.

Traffic and Transport

A traffic and parking impact assessment report, prepared by JMT Consulting, dated 31 March 2021 (**Attachment A6**) has been submitted with the planning proposal. The report provides an assessment of the potential transport impacts as a result of the proposed concept development.

The site is in close proximity to accessible transport options including the Chatswood interchange approximately 600m to the north of the site and includes services such as:

- the T1 North Shore, Northern and Western Line with regular connections to the Sydney CBD;
- bus services operate from the interchange and Anderson Street, Victoria Avenue and Pacific Highway;
- Sydney Metro Northwest with connections to the Sydney CBD and the north-west via Epping;
- Sydney Metro City and Southwest line currently under construction will provide further future connectivity to the Sydney CBD, Parramatta and Bankstown (**Figure 42**); and
- the Pacific Highway, a state classified road runs adjacent to the site to the west with connections to the Warringah Freeway and M1 Pacific Motorway.

The report states that traffic generated by the site has been calculated on the development yield associated with the concept plans prepared for the planning proposal and similar sites in the Chatswood CBD.

The report also considered feedback received from Council staff at a pre-lodgement meeting on 24 February 2021.

The report outlines that a compliant development application would generate a net maximum increase of 9 private vehicular trips in the AM peak period and 7 in the PM peak period (**Table 7**).

Table 7: Summary of the forecast traffic generation as a result of the proposed concept development

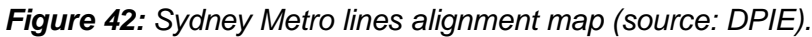
Use		Number	Rate per unit or 100m ² GFA		Vehicle Trips	
			AM Peak	PM Peak	AM Peak	PM Peak
Proposed uses	Residential	101	0.14	0.12	14	12
	Commercial	1,101m ² GFA	1.03	0.84	19	15
Exiting uses	Residential	18	0.4	0.4	-12	-12
	Commercial	884 GFA	1.03	0.84	-9	-7
Net trips generated					9	7

Vehicular access and egress are proposed via Hammond Lane with a single driveway. This will minimise conflicts with pedestrians and traffic flow along the Pacific Highway. The design requirements to meet the relevant standards will be detailed as part of a future DA.

The report states that based on the analysis, the existing traffic volumes near the site with the additional traffic generated by the 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.



The Traffic Impact Assessment (**Attachment A10**) stated that the proposed development would require a total of approximately 122 car parking spaces as outlined in **Table 8**. This is considered consistent with Council's DCP parking rates for residential uses and well below the rates for commercial/retail uses.

Table 8: Approximate onsite car parking

Council's DCP specifies the provision of bicycle and motor bike parking and end of journey facilities. The report indicates that 15 bicycle lockers, 15 bicycle parking rails/racks and approximately five motorcycle spaces will be provided. Final numbers can be determined as part of the DA stage.

Further modes of transport can also be considered in a Green travel Plan (GTP) as part of a future DA including car share arrangements.

The report states that detailed investigations were undertaken for the loading dock to be located within the basement. However, this option was determined to be unsuitable due to the constrained site footprint and the inability to achieve the height clearance and heavy vehicle turning circle.

The final design of the loading dock can be undertaken at the DA stage.

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.

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 will be required.

7. Consultation

7.1 Community

The planning proposal indicates that the planning proposal will undergo a 28-day public exhibition as part of the community consultation.

This timeframe is adequate for the purposes of this plan.

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 Regional Development and Cities (DIRDC);
- Civil Aviation Safety Authority (CASA);
- Airservices Australia; and
- Sydney Airport Corporation Limited (SACL).

8. Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by December 2021.

A condition is recommended to be attached to the Gateway that the planning proposal be amended to provide an updated timeline 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 three sites containing an existing residential building and commercial premises. The proposal will provide a total of approximately 10,962m² GFA with 9,135m² of residential floorspace equating to approximately 105 additional residential dwellings and approximately 1,827m² of non-residential 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 residential dwellings and commercial/retail floorspace, 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; and
- the increase in development controls is consistent with the desired character of the Chatswood CBD.

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

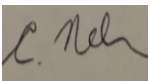
- the proposed maximum building height is consistent with the desired future maximum building heights as outlined in the Chatswood CBD Strategy;
- the proposed through site link, increased landscaping and setbacks and the addition of the Pacific Highway and Nelson Street as active street frontages will 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 residential dwellings and commercial/retail within 650m 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 proposal is to be updated to:
 - (a) include a project timeline based on the issuing of this Gateway determination;
 - (b) provide clarification on the number of dwellings and the approximate number of jobs that are expected to result from the planning proposal;
 - (c) provide existing mapping including:
 - i. Land zoning map;
 - ii. Maximum height of buildings map;
 - iii. Floor space ratio map;
 - iv. Active Street Frontages;
 - v. Special Provisions Map; and
 - vi. Lot Size Map;
 - (d) provide an amended proposed Special Provisions Area Map to refer:
 - i. Clause 5.6 Architectural roof;
 - ii. Clause 6.8 Affordable housing; and
 - iii. Clause 6.23 Design Excellence;
 - (e) provide amended proposed mapping relating to:
 - i. Lot Size Map to indicate a minimum lot size of 1,800m²; and
 - ii. Active Street Frontages Map to add the Pacific Highway and Nelson Street;
 - (f) include a proposed amendment to the following clauses:
 - i. Clause 5.6 Architectural roof features;
 - ii. Clause 6.7 Active street frontages; and
 - iii. Clause 6.10 Minimum lot sizes;
 - (g) Introduce the following clauses and provide a plain English explanation for the provisions:
 - i. clause 6.25 Sun access to apply to land zoned B3 Commercial Core and B4 Mixed Use zones; and
 - ii. clause 4.4B minimum non-residential floor space in the Mixed Use zone;
 - iii. amend Schedule 1 Additional permitted uses to add a new subclause 'Use of certain B4 land in Chatswood';
 - (h) address all of the relevant priorities relating to the North District Plan;
 - (i) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy;
 - (j) updated the table of SEPPs to:
 - i. remove reference to repealed SEPP No. 1 Development Standards;

- ii. remove the duplicate entry for SEPP (Affordable Rental Housing) on page 31;
 - iii. include an assessment of SEPP (Affordable Housing) 2009;
 - (k) include an assessment against the relevant Section 9.1 Ministerial Directions:
 - i. 2.6 Remediation of contaminated land;
 - ii. 3.5 Development Near Regulated Airports and Defence Airfields;
 - (l) remove reference to 7.1 Implementation of A Plan for Growing Sydney (revoked 2020);
 - (m) include an updated assessment of Section 9.1 Ministerial Direction 6.2 Reserving Land for Public Purposes as it does not apply to this land;
 - (n) provide a noise impact assessment to ensure levels comply with SEPP (Infrastructure) 2007 Clause 87(3) due to the site's proximity to the Pacific Highway and the North Shore rail corridor.
2. Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
 3. The planning proposal should be made available for community consultation for a minimum of 28 days.
 4. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Ausgrid;
 - Sydney Water;
 - Department of Infrastructure Regional Development and Cities (DIRDC).
 - Airservices Australia; and
 - Sydney Airport Corporation Limited (SACL).
 5. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
 6. 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

8 October 2021



Brendan Metcalfe
Director, North District

8 October 2021

Assessment officer: Christina Brooks
 Planning Officer, North District
 Phone: 9274 6045

Attachments

Attachment Gateway – Gateway Determination

Attachment Letter – Letter to Council

Attachment A – Amended planning proposal

- **A1** – Planning proposal application
- **A2** – Concept Design Report
- **A3** – Amended LEP Maps
- **A4** – Site-specific DCP
- **A5** – Draft Letter of Offer
- **A6** – Transport Impact Assessment
- **A7** – Preliminary site investigation
- **A8** – Wind Impact Assessment
- **A9** – Owners consent

Attachment B – Site map

Attachment C – Locality context map

Attachment D – Existing LEP maps

Attachment E – Proposed LEP maps

Attachment F – Council documents – meeting 12 July 2021

- **F1** – Council report
- **F2a** – Detailed assessment report
- **F2b** – Council assessment
- **F3** – Council resolution
- **F4** – Draft DCP provisions
- **F5** – Written amendments to the LEP
- **F6** – Concept plans, elevations

Attachment G – Willoughby Local Planning Panel comments

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