

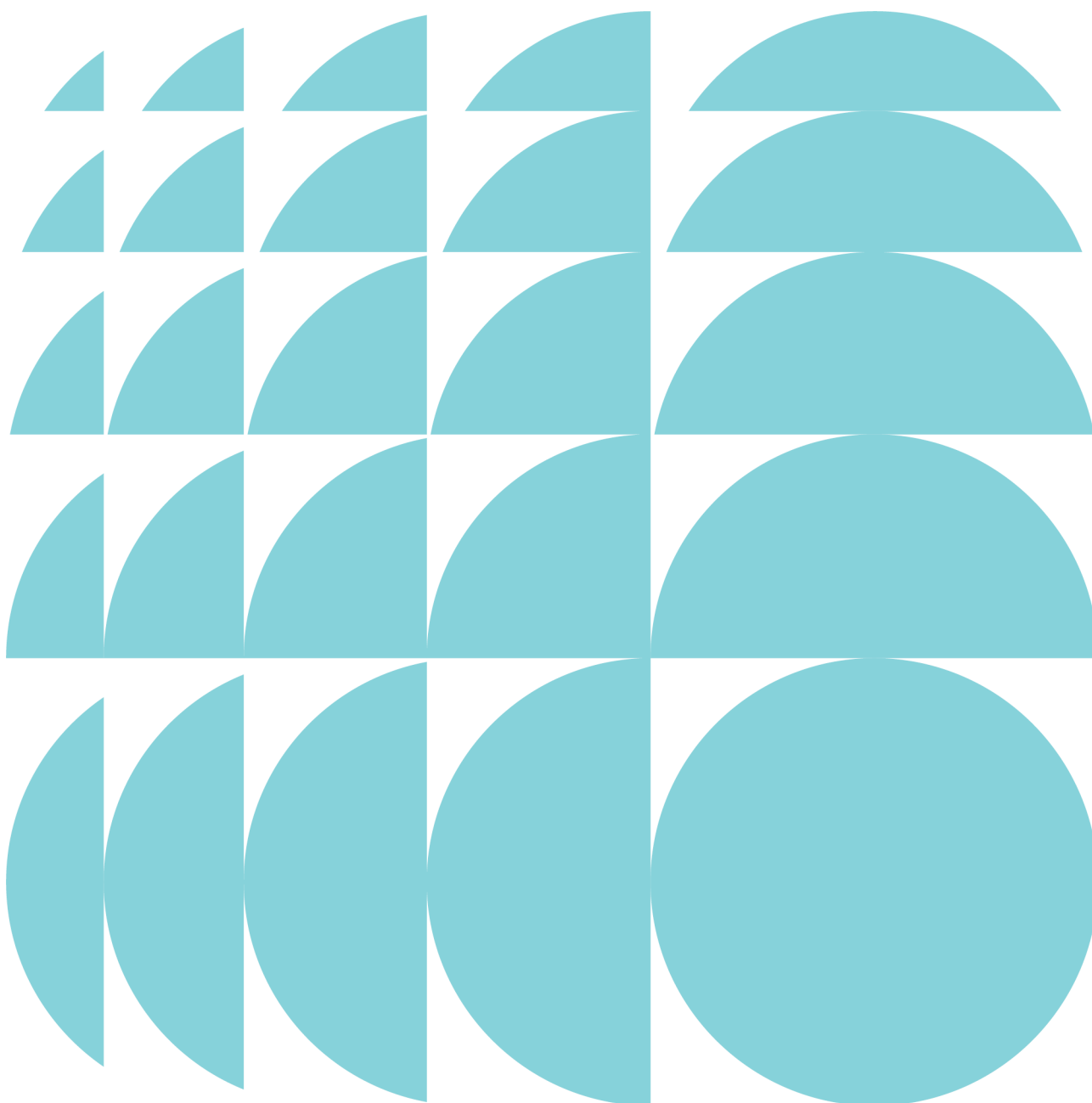
ETHOS URBAN

Planning Proposal

613-627 Pacific Highway, Chatswood
Amendment to Willoughby Local Environmental
Plan 2021

Submitted to Willoughby City Council
On behalf of Antaeus Group Pty Ltd

15 October 2021 | 2200687



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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	1 April 2021	SP	JM
2	15 October 2021	SP	JM

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1.0 Executive Summary

This report has been prepared by Ethos Urban on behalf of the Proponent Antaeus Group Pty Ltd (Antaeus), in support of a planning proposal to amend the *Willoughby Local Environmental Plan 2012* as it applies to 613-627 Pacific Highway, Chatswood NSW 2067. Specifically, this planning proposal seeks to:

- Rezone the site to B4 Mixed Use;
- Amend the maximum building height of 90m;
- Apply a maximum floor space ratio of 6:1; and
- Apply a non-residential floor space ratio of 1:1.

This planning proposal has been prepared to accordance with the objectives of the Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy). A concept design scheme has been prepared by GWYL Architecture to demonstrate the site's capacity to accommodate mixed use development that reflects the proposed amendments.

The concept provides:

- A 27-storey mixed use building comprising:
 - Approximately 105 residential apartments
 - Approximately 10,962m² of gross floor area incorporating:
 - Approximately 9,135m² of residential floor area; and
 - Approximately 1,827m² of non-residential floor area, including commercial and retail land uses.
- Pedestrian and cyclist through-site link connecting Hammond Lane to Nelson Street.
- Ground level loading dock and facilities access via Hammond Lane.
- Basement parking with vehicular access via Hammond Lane.
- Communal open space and landscaping on the podium level.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment.

The Site

The site is located within the expanded Chatswood CBD boundary. It is in a well serviced area suitable for a greater intensity of development. The site is approximately 1,827m² and currently accommodates commercial premises at 613 Pacific Highway and a mixed-use development at 627 Pacific Highway accommodating a ground floor commercial premises and apartments above. The site is:

- a short walk from:
 - Bus stops on Pacific Highway and Mowbray Road
 - The Chatswood commercial core and Transport Interchange (Railway, Metro and Bus) 650m.
- near district and metropolitan health care services – 4km from the St Leonards Health and Education Precinct
- under 30 minutes travel time on public transport to major existing and future employment centres in Sydney (Macquarie Park, North Sydney, and the Sydney CBD).
- subject to the *Willoughby Local Environmental Plan 2012* which zones the site B5 Business Development with a maximum building height of 20m and FSR of 2.5:1.

Further, the site is not burdened by any environmental constraints that would prevent or restrict its development.

Strategic Justification

- Being located within the expanded Chatswood CBD and near the Chatswood Transport Interchange, the proposal is situated on a strategic site that is well serviced with excellent transport connections, various employment opportunities and an abundance of social infrastructure and amenities, therefore making it an ideal site to redevelop into a mixed-use building with residential, commercial, and retail land-uses.
- The proposal is consistent with the aims and objectives of the Chatswood CBD Strategy which have been publicly exhibited and endorsed by Council. The following amendments to the Willoughby LEP 2012 are consistent with the CBD Strategy:
 - Rezone the site to B4 Mixed Use
 - Amend the maximum building height of 90m
 - Apply a maximum floor space ratio of 6:1
 - Apply a non-residential floor space ratio of 1:1
- The proposal will deliver a through site link along the eastern boundary of the site connecting Hammond Lane to Nelson Street, which will provide public benefit to the local community and enhance and improve the public domain.
- The analysis undertaken as part of this planning proposal demonstrates that future development will:
 - Maintain reasonable solar access, visual and acoustic privacy to the existing dwellings adjacent to the site.
 - Provide a high level of residential amenity for future occupants.
 - Result in a built form consistent with that anticipated by the CBD Strategy.
 - Not generate a significant increase in traffic generation around the site.
- The proposal includes a site-specific development control plan that will ensure the future built form remain consistent with the outcomes envisaged in the CBD Strategy.

Planning Process and Next Stages

It is requested that Council consider the proposed amendments to the *Willoughby Local Environmental Plan 2012* contained in this planning proposal and, if Council forms the view that there is strategic merit in proceeding with the recommended amendments, refer the proposal to the NSW Department of Planning, Industry and Environment's Gateway Determination Panel.

Following the issuing of a Gateway Determination, additional design and technical assessment can be prepared if required, in collaboration with Willoughby Council in order to support the final version of the planning proposal for public exhibition in order to obtain community and stakeholder input.

2.0 Introduction

This planning proposal report is submitted to Willoughby City Council (Council) on behalf of Antaeus Group Pty Ltd (Antaeus) in support of a planning proposal to amend the *Willoughby Local Environmental Plan 2012* (the Willoughby LEP 2012) as it applies to 613-627 Pacific Highway, Chatswood (the site).

The planning proposal is informed by the concept design scheme prepared by GWYL Architecture which demonstrates that the site's location and size is suitable for increased density without generating any unacceptable environmental impacts. Therefore, this planning proposal seeks to:

- Rezone the site to B4 Mixed Use Zone;
- Amend the maximum building height to 90 metres;
- Apply a maximum floor space ratio of 6:1; and
- Apply a non-residential floor space component of 1:1.

The planning proposal will facilitate the provision of approximately 101 additional dwellings in an appropriate location within walking distance of the Chatswood commercial core and Transport Interchange.

This planning proposal describes the site, the proposed amendments to the Willoughby LEP 2012 and provides an environmental assessment. The report should be read with reference to the Concept Design Report prepared by GWYL Architecture (**Appendix A**).

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. **Section 5.0** of this report sets out the strategic justification for the planning proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

2.1 Chatswood CBD Strategy

The Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy) establishes the planning framework to guide future private and public development and provide capacity for future growth in the Chatswood CBD to 2036. The Chatswood CBD Strategy has been developed over a 5 year period, and outlines a number of changes to the existing planning controls set out in the Willoughby LEP 2012 and Willoughby Development Control Plan 2006 (Willoughby DCP). With relevance to the subject site, these changes included (refer to **Figure 1**):

- Expanding the CBD boundary to the north and south of the existing CBD to provide opportunities for residential development.
- Rezoning land on the periphery of the CBD to B4 Mixed Use to enable the development of mixed use residential and commercial development.
- Increasing the permissible floor space ratio and height of building controls.

Rather than immediately seeking to implement the recommendations of the Chatswood CBD Strategy through a planning proposal, Council opted in mid-2017 to instead send the CBD Strategy to the Department of Planning, Industry and Environment and to the Greater Sydney Commission's North District Commissioner to seek their endorsement ahead of a planning proposal and DCP Amendment being prepared by Council. The Chatswood CBD Strategy was endorsed by DPIE in August 2020, and it was adopted by Council in September 2020.

The Chatswood CBD Strategy makes clear that site-specific planning proposals can be considered in lieu of waiting for Council to progress its own LEP and DCP Amendments to formalise the planning framework across the CBD. This provides a planning pathway for landowners within the CBD who have been awaiting the progression of the strategy since it was first flagged in 2016. Accordingly, this planning proposal has been prepared regarding the relevant objectives of the Chatswood CBD Strategy.

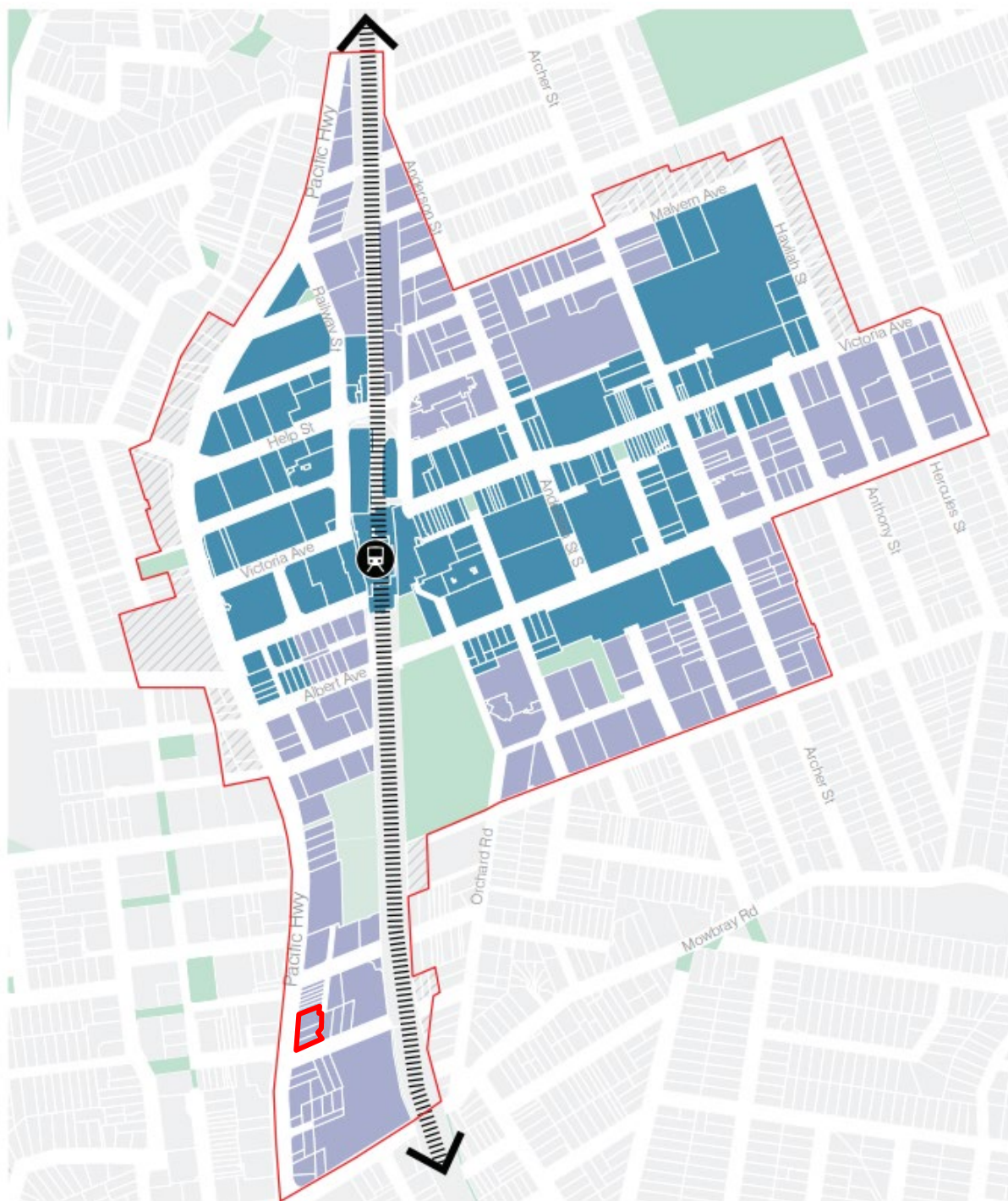


Figure 1 Chatswood CBD Boundaries

Source: Willoughby City Council

2.2 Pre-Lodgement Consultation

The Proponent attended a pre-lodgement meeting with Council on 24 February 2021. Council Officers provided written pre-lodgement advice (via email) on 15 March 2021. The pre-lodgement advice identified matters to be considered as part of the planning proposal. The Proponent has considered Council's comments and has incorporated them into the planning proposal. A summary of Council's comments and how each has been addressed is provided within **Table 1** below.

Table 1 Willoughby City Council pre-lodgement summary

Council Comment	Response
1. Relationship to strategic planning framework	
<p>The planning proposal will require justification with sufficient detail to demonstrate consistency with:</p> <ul style="list-style-type: none"> Greater Sydney Region Plan; North District Plan; Chatswood CBD Planning and Urban Design Strategy; and Integrated Transport Strategy. <p>Officer Comments:</p> <ul style="list-style-type: none"> The strategic merit in exploring a mixed-use development on site is recognised. The site is located close to public transport. Any variations to the CBD Strategy requirements are not encouraged. 	<p>Further detail is provided in Section 5.0 of this report. The planning proposal is consistent with the relevant strategic plans and does not propose any significant variations to the requirements of the CBD Strategy.</p>
2. CBD Boundary	
<p>Office Comments:</p> <ul style="list-style-type: none"> The site is located within the Chatswood CBD- in an expanded section of the Chatswood CBD under the CBD Strategy. 	<p>Noted.</p>
3. Land Use	
<p>Retail is proposed on the Ground Floor and commercial is proposed on Level 1.</p> <p>Officer Comments:</p> <ul style="list-style-type: none"> The proposal shows a commercial component (or non-residential component) of 0.57:1. This is not consistent with the CBD Strategy in regards to land use, where a 1:1 commercial (or non-residential) component is required. To achieve an FSR of 6:1 under the CBD Strategy, Council is seeking a 1:1 commercial (or non-residential) component on this site, noting it is located on the Pacific Highway and opposite the large Metro Dive site (to be redeveloped in the future under the CBD Strategy). The 1:1 floor space is to be clearly identified on plan (with calculations of areas, showing how 1:1 is achieved). It is requested that ground level floor space be maximised in achieving the 1:1 commercial (or non-residential) component. 	<p>The proposal has been amended to achieve the minimum 1:1 non-residential FSR outlined within the Chatswood CBD Strategy.</p>
4. Design	
<p>The site is located towards the southern end of the Chatswood CBD (as extended under the CBD Strategy)</p> <p>Officer Comments:</p> <ul style="list-style-type: none"> Council requests consideration of a transitional design approach regarding heights on this site and in regards to the surrounding context. It is noted that height and density in the CBD Strategy transitions from the subject site to the Dive Site (being the block bordered by Nelson Street, Pacific Highway, Mowbray Road and the North Shore Railway Line), with a height of 53m and FSR of 4.2:1. <ul style="list-style-type: none"> A transitional approach towards the edge of the CBD has been previously supported by DPIE in its consideration of the CBD Strategy. Council seeks a through site link and embellishment of public realm in regards the extension of Hammond Lane. This is discussed further below under public realm. The design is to have regard to Hammond Lane and the through site link/extension of Hammond Lane. An architectural design statement is to be provided at Planning Proposal stage - reflective of the comments in these Notes. Such a design statement is to explain, and where appropriate, assess: <ul style="list-style-type: none"> How the design addresses transition towards the southern boundary of the Chatswood CBD. How the design addresses the requested through site link and embellishment of public realm in regards the extension of Hammond Lane. 	<p>Transitional Design The planning proposal seeks a maximum building height of 90m which is consistent with the maximum height proposed under the Chatswood CBD Strategy for the site and the neighbouring sites immediately adjacent to the north and east. Further discussion is provided in Appendix A.</p> <p>Through Site Link The planning proposal provides a through site link along the eastern boundary of the site which will provide a pedestrian and bicycle connection between Hammond Lane and Nelson Street. The design and embellishment of the through site link will result in a high-quality environment.</p> <p>Architectural Design Statement</p>

Council Comment	Response
<ul style="list-style-type: none"> How the design addresses Hammond Lane. How the design has regard to: <ul style="list-style-type: none"> the South Chatswood Conservation Area (and any individual heritage items within) on the eastern side of the North Shore Rail Line within reasonable proximity. individual heritage items on the western side of the North Shore Rail Line within reasonable proximity (ie. 10 Moriarty Rd, the Dive site, Pacific Highway and Mowbray Road intersection). How the proposal makes a positive contribution to the Pacific Highway, Nelson Street, Hammond lane and the through site link / extension of Hammond lane. The appearance of each elevation in context. The design progression to final concept, with regard to the CBD Strategy. 	<p>A Concept Design Report has been prepared by GWYL Architecture and is included at Appendix A. The report addresses the matters raised by Council.</p>
5. Height, scale and form of development	
<p>Officer Comments:</p> <ul style="list-style-type: none"> The redevelopment vision within the CBD Strategy is the starting point for the design of Planning Proposals able to be supported by Council. The scale and form of new mixed use development should achieve the slender tower objective stipulated in the CBD Strategy. The maximum height and floor space contained in the CBD Strategy is not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of the Strategy in addition to compliance with SEPP 65 and the Apartment Design Guidelines (ADG). The requested height permitted should include lift over runs and any other structures at roof level such as roof features and structures required to facilitate roof top communal recreation areas (which are both encouraged). The slender tower objective will be assessed from all sides of any proposed residential tower. A floor plate size of approximately 400m² for the residential tower is consistent with the slender tower objective. Architectural solutions to minimize elevation width and mass are encouraged. Height on plans is requested to be shown in RLs, metres and storeys. 	<p>This planning proposal is consistent with the redevelopment vision outlined within the Chatswood CBD Strategy.</p> <p>A slender tower with a maximum floorplate of approx. 370m² is proposed.</p> <p>This planning proposal demonstrates the maximum height and FSR contained in the CBD Strategy can be achieved on this site.</p> <p>The requested 90m height limit includes roof features and structures.</p> <p>Architectural solutions will be subject to future design excellence and detailed development stages.</p> <p>The concept plans are dimensioned in accordance with Council's requirements.</p>
6. Setbacks and street wall heights	
<p>In regards CBD Strategy Key Element 27, the subject site is located within the Pacific Highway frontage precinct and Mixed Use Frontage with Commercial Ground Floor precinct.</p> <p>Officer Comments:</p> <ul style="list-style-type: none"> The minimum setback and street wall heights in these precincts are the starting point for design and are standard requirements for Planning Proposals seeking to utilize the CBD Strategy. Note: In regards the Pacific Highway frontage, it wraps around the corner with Nelson Street. The Pacific Highway/ Nelson Street corner is to be addressed under the Pacific Highway frontage precinct requirements. Council will seek satisfaction of minimum setbacks under the CBD Strategy and ADG, at all levels. This will include to Nelson Street and the boundary with 19 Nelson Street. In addition suitable setbacks and street wall heights should be provided to the through site link/extension of Hammond Lane encourage a sympathetic relationship between public realm and the redevelopment. Further to appropriate ground level setbacks on this site, additional setbacks to provide a through site link/extension of Hammond lane are encouraged and discussed below. With setbacks of 3m or more to boundaries, deep soil planting for trees is to be provided. This will impact basement design as basements should not intrude into setback areas. 	<p>The concept design is consistent with the minimum setback and street wall heights within the Pacific Highway frontage precinct and the Mixed Use Frontage with Commercial Ground Floor precinct as outlined within the Chatswood CBD Strategy.</p> <p>Refer to Section 4.0 of this report and the Concept Design Report attached at Appendix A.</p>

Council Comment	Response
<ul style="list-style-type: none"> Consistency with CBD Strategy Key Elements 27, 28 and 29 are requested to be shown on plans. 	
7. Public realm	
<p>Officer Comments:</p> <ul style="list-style-type: none"> Council seeks a meaningful response in the concept plans to CBD Strategy Key Element 24. Council considers the through site link/extension of Hammond Lane as an important consideration in regards any redevelopment of the subject site. Council seeks an enhancement of public realm on the subject site as part of the through site link/extension of Hammond Lane. In regards Planning Proposals located within the Chatswood CBD on the eastern side of the Pacific Highway, Council seeks a 3m shared path (which excludes utilities and any other obstruction). <ul style="list-style-type: none"> After the 1.5m grass verge, and 3m shared path along the Pacific Highway (which excludes utilities and any other obstruction), the remainder of the 4m front setback should be characterized by tree planting in accordance with the CBD Strategy. Any planting/ landscaping is not to interrupt use of the shared path. The proponent is requested to integrate the shared path into the design process and make it a feature for the site. The ground floor plan and any future landscape plan should reflect the above envisaged shared path for the Pacific Highway with all dimensions shown. Note this Pacific Highway setback is not considered the location for open air seating in association with cafe / restaurants. Anything of this nature should be designed for Nelson Street. Point 7 should be read having regard to Landscaping below. 	<p>A through site link is proposed. It has been designed accordingly to enhance the semi-public domain on site and provide public benefit.</p> <p>The Pacific Highway frontage has been designed to accord with the Council's requirements.</p>
8. Affordable housing	
<p>Officer Comments:</p> <ul style="list-style-type: none"> A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council's existing LEP and DCP requirements. Council requires commitment to CBD Strategy Key Element 14 at Planning Proposal stage – with this affordable housing being within the residential floor space proposed. Any additional affordable housing contribution is encouraged as part of an offer to enter a VPA. 	<p>Affordable housing will be provided throughout the future development in accordance with Council's LEP and DCP requirements.</p>
9. Landscaping	
<p>Officer Comments:</p> <ul style="list-style-type: none"> The CBD Strategy seeks to balance redevelopment with greening the Chatswood CBD, particularly in the B4 zone. Any Planning Proposal should demonstrate a minimum 20% of the site area provided as soft landscaping in accordance with the CBD Strategy. This should be shown on plan and maximized at Ground Level. Green areas on upper levels, and green walls, in particular facing public areas such as Pacific Highway, Nelson Street, and the through site link/extension of Hammond Lane are also supported. As noted above, deep soil planting for trees is to be provided for setbacks 3m or greater (this includes the Pacific Highway setback). Suitable planting is to be provided in deep soil areas. <ul style="list-style-type: none"> This will impact basement treatment in regards the Pacific Highway (where a ground level setback is required) and the through site link/extension of Hammond Lane where an opportunity exists to enhance this area with supporting ground level landscaping. Council is prepared to accept a basement on Basement Level 1 setback from relevant boundaries, then reverting to the boundary for basements further below. Green roofs are to be provided on roofs up to 30m. Trees outside of the subject site are to be retained and undamaged. Landscape concept plans are required at Planning Proposal stage to indicate consistency with Key Elements 25 and 26 (with calculations provided) and these Notes. 	<p>Soft Landscaping Area Concept Landscape Plans have been prepared by GWYL Architecture at Appendix A. These plans illustrate a total of 480sqm (26.2%) for soft landscaping, which is consistent with the Chatswood CBD Strategy.</p> <p>Deep Soil The Concept Landscape Plans include deep soil areas in accordance with the Council's requirements which will allow space for suitable planting.</p> <p>Trees outside the site The planning proposal does not propose to impact any trees outside the site.</p>
10. Access and Parking	

Council Comment	Response
<p>One vehicle entry point in and out to ground level loading and basement parking is shown from Hammond lane, servicing all cars and loading / unloading vehicles.</p> <p>Officer Comments:</p> <ul style="list-style-type: none"> • All loading and unloading must be accommodated within the site and not on Pacific Highway, Nelson Street or Hammond Lane. • A one vehicle entry point solution is consistent with the CBD Strategy and supported. Key Element 35 a) seeks for loading and servicing (minimum MRV) to be provided within basement levels. <ul style="list-style-type: none"> – This is Council's preference - It is requested you design accordingly. – A traffic report and turning circles in support of this basement solution should be provided within the Planning Proposal. • If an argument is to be put forward why loading in the basement is not possible or feasible on this particular site, plans, turning circles and supporting arguments will be required for Council to consider at Planning Proposal stage. Again this is not the preferred solution and would be reviewed. • Vehicles including trucks accessing the site should be able to enter and leave in a forward direction. A physical solution is sought. • A reduced car parking provision would be favoured. Car parking rates under consideration for the Chatswood CBD have been provided. • The proposal should include car share space(s) provision. • Provision of bicycle parking and end-of-trip facilities at least as per Council's existing controls in Chapter C4 of Willoughby DCP is encouraged. • The development should maximize the opportunities provided by the location of the site within close proximity to the Frank Channon Walk and the shared path for Pacific Highway. 	<p>A Transport Impact Assessment has been prepared by JMT Consulting (refer Appendix B). The Report has assessed the concept design regarding the matters identified by Council. Access and parking are discussed in further detail at Section 7.4.</p>
11. Floor Space at Ground Level	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • In accordance with Key Element 33, Council seeks to locate service functions such as loading and garbage in basement levels and maximize ground level floor space. It is requested you design accordingly. 	<p>The concept design maximises ground level floor space.</p>
12. Substation	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • The presence of any substation on any boundary is to be minimized. The CBD Strategy requires such services to be integrated into the building. 	<p>The concept design makes allowances for any substation to be integrated into the building.</p>
13. Design Excellence	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • Council seeks commitment to Key Elements 8, 9, and 10 at Planning Proposal stage, in particular a Design Excellence Competition. 	<p>A Design Excellence Competition will be undertaken prior to any future detailed development application.</p>
14. Street activation	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • Street activation is encouraged to Pacific Highway and Nelson Street. 	<p>The proposed non-residential land uses at ground level and the residential lobby on Nelson Street will maximise opportunities for street activation.</p>
15. Contamination Issues	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • The Planning Proposal will need to identify any contamination issues and proposed treatment. 	<p>A Preliminary Site Investigation has been prepared by JK Environments and is attached at Appendix D. The assessment recommends that a detailed site investigation is undertaken to determine whether any further action is required to make the site suitable for the proposed future uses. It is reasonable that this</p>

Council Comment	Response
	matter is addressed as part of any future detailed development application.
16. Public Art	
<p>Officer comments:</p> <ul style="list-style-type: none"> • A public art contribution will be required. In most cases this is to be put into a consolidated council public art fund, with locations and works to be identified by Council. • Council seeks commitment to public art in the Planning Proposal. 	The proponent is willing to enter into an appropriate agreement to contribute towards public art.
17. VPA	
<p>Officer Comments:</p> <ul style="list-style-type: none"> • Council encourages a voluntary planning agreement towards costs associated with providing infrastructure works within the Chatswood CBD, such as involving public domain, streetscape, recreation and parks - all to be determined by Council in line with a community infrastructure contributions schedule. • A Letter of Offer is required at Planning Proposal stage. 	A Letter of Offer is submitted as Appendix E .
18. Draft DCP Controls	
<p>Draft DCP controls based on the CBD Strategy 35 Key Elements are a standard requirement of Council for Planning Proposals in the Chatswood CBD seeking to utilize the CBD Strategy.</p> <p>Officer Comments:</p> <ul style="list-style-type: none"> • Although only at concept stage the comments raised in this document should be reflected in potential DCP controls to ensure the principles used in developing the concept design are enforceable should the Planning Proposal proceed. • Draft DCP provisions should be based on the Council DCP provisions example provided, with regard to headings, performance criteria and controls, not repeating LEP controls, concise clauses, specific figures/maps. • Note that WDCP will apply where issues are not covered in the site specific DCP provisions. 	A draft site-specific DCP is submitted as Appendix F . The draft DCP has been prepared using the Council's template.
19. Timing	
<ul style="list-style-type: none"> • It is understood that a Planning Proposal will be submitted in mid 2021. • Following Planning Proposal submission, comprehensive internal consultations will be undertaken, further meetings with the proponent may be required, as well as amendments as considered necessary, prior to the submission of a report to Council to determine whether the Planning Proposal should proceed to Gateway and exhibition. 	Noted.

3.0 The Site

3.1 Site Location and Context

The site is located at 613 and 621-627 Pacific Highway, Chatswood, within the expanded Chatswood CBD in the Willoughby Local Government Area (LGA). The site is bounded by Pacific Highway to the west with a primary frontage of approximately 55 metres, Nelson Street to the south with a frontage of 45 metres and Hammond Lane to the north-east.

The site is situated on the eastern side of the Pacific Highway on the corner of Nelson Street, approximately 700m from Chatswood Railway Station and Transport Interchange and approximately 200m north of Mowbray Road. The Frank Channon Walk, a pedestrian walkway and cycleway to Chatswood CBD and Railway Station, is located less than 100m to the east.

The Chatswood CBD is characterised by a mix of residential apartments, commercial offices, retail shops and restaurants with outdoor dining facilities. The main road corridors through the centre are the Pacific Highway, Mowbray Road, Victoria Road and Archer Street. Buildings along the major road corridors feature multi-storey residential and commercial buildings of various sizes, particularly along Pacific Highway.



 The Site

 NOT TO SCALE

Figure 2 Site Aerial

Source: Nearmap / Ethos Urban

3.2 Site Description

The site comprises of three separate allotments and is located on the corner of Pacific Highway and Nelson Street. Their legal description is detailed in **Table 2** below. The site has a combined area of approximately 1,827m² and is irregular in size. It currently accommodates a single storey 'Inspirations Paint' shop at 613 Pacific Highway and a residential strata building with a ground floor piano shop at 621-627 Pacific Highway. **Figure 2**Figure 3 provide images of the existing development on the site.

Table 2 Legal Property Description

Address	Legal Description	Owner
613 Pacific Highway	<ul style="list-style-type: none"> • Lot 1 DP 80767 • Lot 1 DP 540549 	Jiuland Pty Ltd ATF HJN Unit Trust
621-627 Pacific Highway	<ul style="list-style-type: none"> • Lot 1-19 SP 72449 	Multiple owners

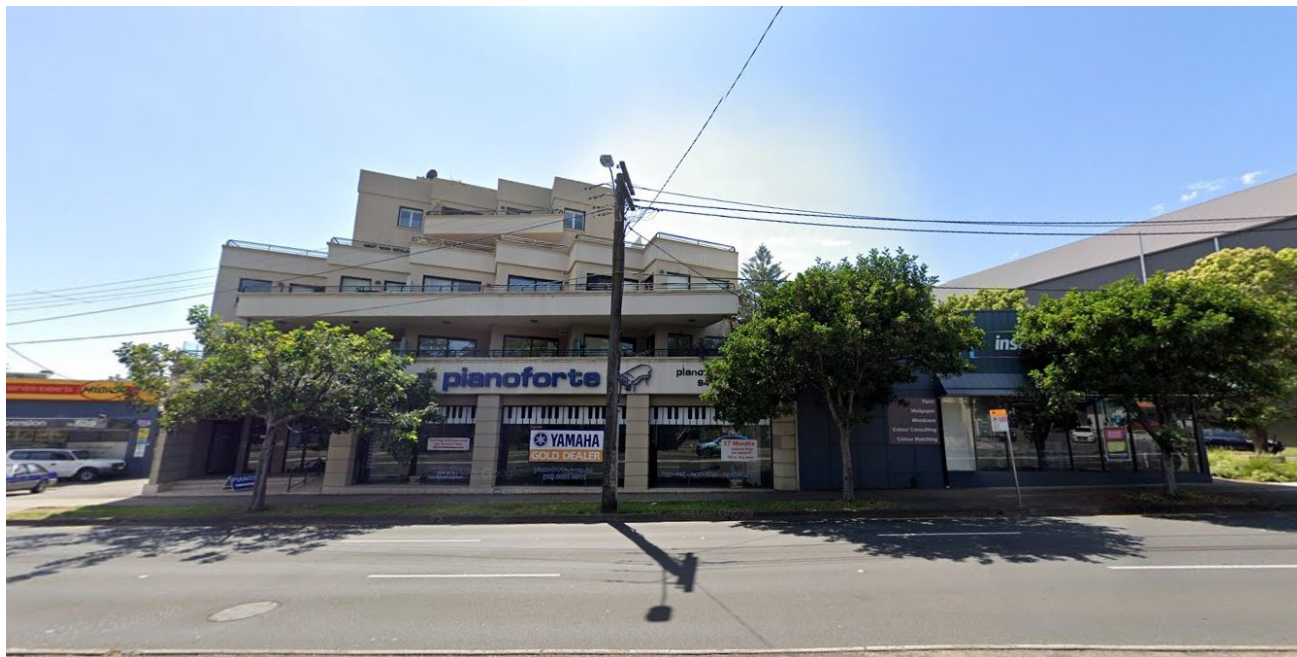


Figure 3 View of the site front Pacific Highway

Source: Google Maps



Figure 4 View of the site from Hammond Lane

Source: Google Maps

In summary, the site:

- Is not burdened by environmental constraints, including:
 - Heritage and conservation;
 - Critical Habitats;
 - Road widening, realignment or Council land acquisition;
 - Bushfire;
 - Acid Sulfate Soils; and
 - Flooding or overland flow.

3.3 Surrounding Development

The site is situated towards the southern end of the Chatswood CBD, which is characterised by a mix of residential apartments, commercial offices, retail shops and restaurants with outdoor dining facilities. The area surrounding the site contains a number of land uses that support the strategic merit of the planning proposal. Key locations and their distance from the site are outlined in **Table 3** below. Refer to **Figure 5-Figure 8** for images of the development surrounding the site.

Table 3 The site's distance from key locations in the surrounding area

Location	Travel distance from the site
Chatswood Public School	600m (8 minute walk)
Chatswood Park	650m (8 minute walk)
Chatswood Metro and Railway Station	700m (8 minute walk)
Westfield Chatswood	800m (10 minute walk)
Chatswood High School	850m (11 minute walk)
St Pius X College	1.2km (14 minute walk)
Mercy Catholic College	1.5km (19 minute walk)

North

Immediately north is 629-639 Pacific Highway. A planning proposal for 629-639 Pacific Highway seeking to rezone the site in a manner consistent with the CBD Strategy (i.e., B4 Zone; 90m height & 6:1 FSR) was supported by Council for public exhibition at the Ordinary Council Meeting held 12 February 2018. We understand that the planning proposal has not been placed on public exhibition and the current status of the planning proposal is unknown.

South

Immediately opposite to the south is the Sydney Metro Chatswood Dive Site. The CBD Strategy proposes the Dive Site is subject to the same B4 Mixed Use zoning as 613-627 Pacific Highway. The CBD Strategy proposes the Dive Site is subject to a maximum height of 53m and a maximum FSR of 4.2:1. Development further south sits outside the expanded Chatswood CBD boundary and includes the Sydney Water Chatswood Reservoir an Ausgrid Electricity Substation Building, and three to five storey medium density strata residential developments.

East

Immediately east of the site is a single low density dwelling with frontage to Nelson Street. Development further east and north east of the site comprises a collection of generally three storey medium density strata residential developments. Beyond this is the T1 North Shore & Western Line and T9 Northern Line. The land to the east is subject to the same maximum height (90m) and FSR (6:1) controls in the CBD Strategy.

West

Commercial development is located on the opposite side of the Pacific Highway. Mixed use developments with ground floor commercial and apartments above are located to the north west and south west along the Pacific Highway. The land on the western side of the Pacific Highway is not in the expanded CBD boundary.



Figure 5 Existing site to the north at 621-629 Pacific Highway



Figure 6 Existing Metro Dive Site to the south

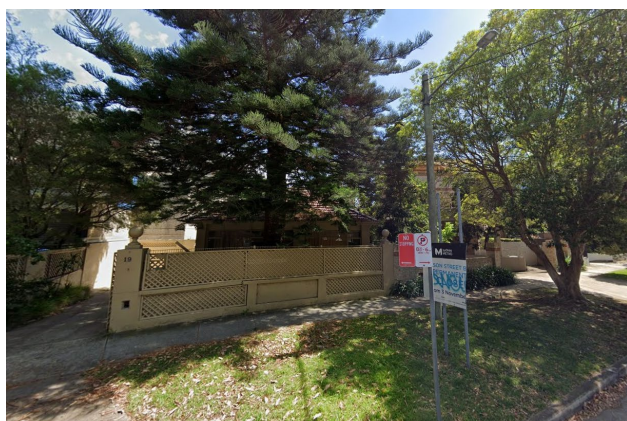


Figure 7 Existing residential dwelling to the east at 19 Nelson Street



Figure 8 Existing commercial development along Pacific Highway to the west of the site

3.4 Site Access and Transport Infrastructure

3.4.1 Public Transport

With the site being located within walking distance (approximately 700m) of the Chatswood Station, it is well-served with multiple public transport options, including train, metro, and bus services.

Chatswood Station is a major interchange, having one of the highest levels of rail and bus accessibility in the Sydney Metro Area. The station is on the T1 North Shore & Western Line, the T9 Northern Line, and the Metro North West Line, which offer services to Sydney CBD, North Shore, Parramatta, and Castle Hill via Macquarie Park.

The site is also walking distance to bus stops at Chatswood Station and along the Pacific Highway and Mowbray Road, which offer services to Frenchs Forest, Bondi Junction, Manly and St Leonards – among other locations. On key transport routes, bus services generally run every 10-20 minutes between 5am and midnight.

3.4.2 Surrounding road network

The Pacific Highway is an arterial road that runs from the Warringah Freeway, through Sydney's northern suburbs. At the site, the Pacific Highway carriageway accommodates three lanes in both directions.

Nelson Street is a two-way carriageway that runs east-west along the south of the site. The road is a no through road as it meets the railway tracks at the eastern end of the street.

Hammond Lane is a single lane road that runs north-south to the rear of the site. It connects with the Pacific Highway north of the site near the Chatswood Bowling Club at 655 Pacific Highway.

3.5 Current Planning Controls

The key planning controls that currently apply to the site under the Willoughby LEP 2012 are outlined in **Table 4** below.

Table 4 Current LEP Provisions

Consideration	Existing Controls
Clause 2.3 Land use zoning	<p>The site is zoned B5 Business Development which permits a range of non-residential uses such as:</p> <ul style="list-style-type: none"> • Centre-based child care facilities; • Garden centres; • Hotel or motel accommodation; • Neighbourhood shops; • Passenger transport facilities; • Respite day care centres; • Restaurants or cafes; • Specialised retail premises; • Vehicle sales or hire premises; and • Warehouse or distribution centres. <p>It also permits shop top housing. All other residential uses are prohibited.</p>
Clause 4.3 Building height	The maximum building height on the site is 20m above existing ground level.
Clause 4.4 Floor space ratio	The maximum floor space ratio on the site is 2.5:1.
Clause 5.10 Heritage Conservation	The site is not of any heritage significance, nor is it within a heritage conservation area. The Artarmon (C1) and South Chatswood (C11) Heritage Conservation areas are located beyond the railway line to the east of the site. There are no heritage items near the site.

4.0 Concept Design Scheme and Planning Proposal

This section of the report outlines the key features of the concept design prepared by GWYL Architecture to demonstrate an indicative built form that could be achieved under the proposed amendments to the Willoughby LEP 2012.

4.1 Concept Design Scheme

The intended outcome of this planning proposal is to enable the development of the site to accommodate a high-density mixed-use development comprising two (2) podium levels of commercial development, twenty-five (25) levels of residential development. Landscaped communal open space, basement parking and a through site link will also be provided on the site. The development design concept prepared by GWYL Architecture is attached at **Appendix A** and is summarised in **Table 5** below.

Table 5 Concept Design – Key Features

Element	Detail
Building Height	90m
Gross Floor Area	Residential – approximately 9,135m ² Non-residential – approximately 1,827m ² Total – approximately 10,962m ²
Floor Space Ratio	6:1
Setback to Pacific Highway	Podium – 4m Tower – 10m
Setback to Nelson Street	Podium – 4m Tower – 7m
Setback to Northern Boundary	Podium – 0m Tower – 12m
Setback to Eastern Boundary	Podium – 3m-7.4m Tower – 4.5m
Uses	Non-residential uses at ground and level one. Residential apartments from level two to level 26.
Dwellings	Approx. 105 apartments (mix of 1, 2 and 3 bedrooms)
Employment	Approx. 180 jobs
Vehicular Access	Access is via Hammond Lane.
Through Site Link	Publicly accessible through site link connecting Hammond Lane to Nelson Street
Communal open space	31.3%
Deep soil	11% (min. dimension >6m)
Soft Landscaping	480sqm (26.2%)

4.1.1 Built Form

The building comprises a 27-storey development consisting of two key components, a podium and a tower. Overall, the proposed building will comprise approximately 10,962m² of GFA, with a corresponding FSR of 6:1.

The podium includes two levels accommodating non-residential uses on the ground floor. The podium has been designed to activate and interact with the public domain. The 4m setback along the Pacific Highway and Nelson Street frontages will provide space to facilitate outdoor activity along street. The podium is setback a minimum 3m from the eastern boundary to accommodate a publicly accessible through site link. The residential lobby is proposed to be accessed via the through site link to increase activity and provide residents future relief from the Pacific Highway.

The tower is proposed to comprise 25 storeys of residential apartments. It has a slender built form and each floorplate is approximately 369m² which minimises the overall building bulk and prevents any building separation issues that may arise as a result of future development on adjoining sites. The tower will be setback 10m from the

Pacific Highway boundary, 12m from the northern boundary, a minimum 4.5m from the eastern boundary, and 7m from the Nelson Street boundary.

The concept design proposes 4 basement levels accommodating car parking, storage, and end of trip facilities.

4.1.2 Site Access and Parking

Car parking for residents, visitors and employees will be provided within the four basement levels. A loading dock will be proposed on the ground floor. Access to the car park and loading dock is proposed via Hammond Lane.

4.1.3 Landscape

An indicative Landscape Concept Design has been prepared by GWYL Architecture. The concept fulfils the vision to green the site and proposed communal areas on the ground floor and rooftop. Landscaped setbacks aim to soften the appearance of the built form and provide pleasant amenity for future residents and visitors.

The following figures illustrate the concept design. Further detail is provided in the architectural drawings at **Appendix A**.



Figure 9 Indicative Concept looking north from corner of Pacific Highway and Nelson Street

Source: GWYL Architecture

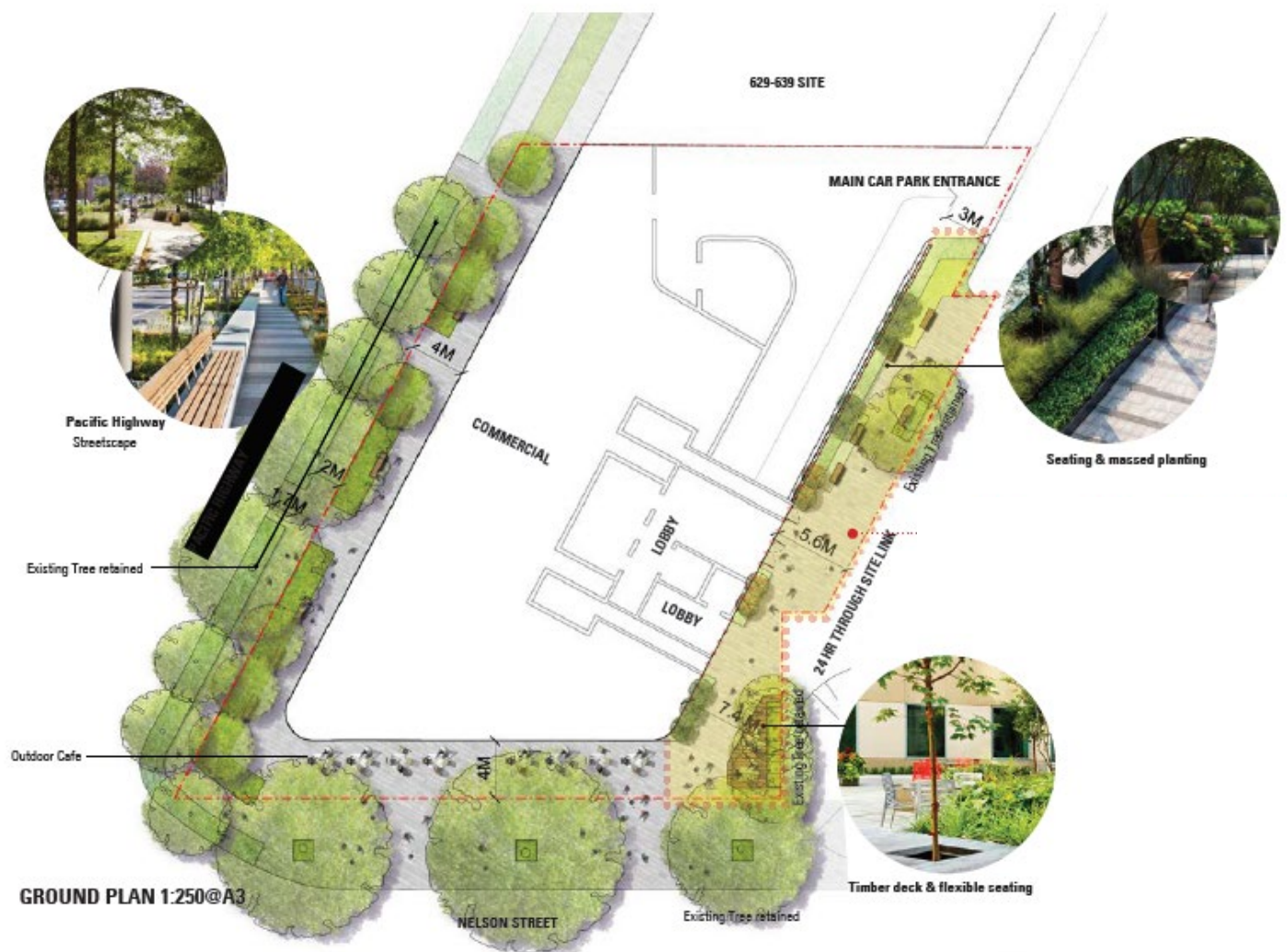


Figure 10 Indicative Ground Floor and Public Domain

Source: GWYL Architecture

4.2 Public Benefits

In association with the planning proposal for the site, the Proponent intends to offer to Council the following:

- A right of way over the through site link for 24 hours a day 7 days a week for the public, including pedestrians and cyclists. The right of way only applies to the ground level. The through site link is approximately 45m in length with ranging widths on private land and extends along the eastern boundary of the site from Nelson Street to Hammond Lane.
- Construction of all outdoor lighting for the through site link.
- Landscaping and improvements to the public domain on site.
- Provision of maintenance and management of the through site link.

4.3 Proposed Amendments to the Willoughby Local Environmental Plan 2012

To enable the site to facilitate the delivery of a development in accordance with the CBD Strategy, the following amendments are required to the Willoughby LEP 2012.

- Rezone the site to B4 Mixed Use

- Amend the maximum building height to 90 metres
- Amend the maximum floor space ratio to 6:1 for the site
- Amend the special provisions map to identify 613-627 Pacific Highway as “Area 8”
- Amend the lot size map to indicate a minimum lot size of 1,800m²
- Amend the Active Street Frontages map to include the site’s Pacific Highway and Nelson Street frontages
- Apply a minimum non-residential floor space ratio of 1:1 to the site under Clause 4.4B
- Apply Clause 5.6 Architectural Roof Features to the site
- Amend Clause 6.8(2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map
- Amend Clause 6.23(2) to include “Area 8” or “Area 12” on the Special Provisions Area Map
- Introduce Clause 6.25 Sun access to protect public space and heritage conservation areas from overshadowing
- Add the site to Schedule 1 Additional Permitted Uses to specify use of certain B4 zone in Chatswood and allow non-residential FSR in residential flat buildings.

4.4 Proposed Amendments to the Willoughby Development Control Plan

A draft site-specific DCP has been prepared in accordance with the Council’s site-specific DCP template (refer **Appendix F**). The draft DCP includes performance criteria and controls for the following considerations:

- Built Form
- Height of Building
- Street Frontage Heights and Setbacks
- Building Exterior
- Open Space and Landscaping
- Links
- Traffic and Transport
- Waste Management and Loading
- Design Excellence and Building Sustainability
- Public Art
- Services

5.0 Strategic Justification

In 2017, Council determined there was strategic merit to rezone the site to B4 Mixed Use with a maximum FSR of 6:1 and a maximum height of 90 metres. Council's decision was made, in part, as a response to the opening of the Metro Northwest in 2019 and the future opening of the Metro Southwest in 2024. Given the proximity of the site to existing and planned public transport options and Council's need to strengthen the Chatswood CBD with a diverse mix of residential and commercial uses, there is significant strategic merit to rezone the site.

5.1 Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (the Plan). The Plan presents a strategy for accommodating Sydney's future population growth for the next 20 years and identifies Chatswood as an area suitable for further urban renewal. The Plan sets out objectives that will guide Sydney's growth and the following discussion demonstrates how the planning proposal is consistent with the relevant strategic objectives.

Objective 10: Greater Housing Supply

The NSW Government forecasts that an additional 725,000 homes will be needed by 2036 to meet demand based on current population projections. This strong need is forecast to continue, and by 2056 it is anticipated that significant further housing supply will be required to meet Greater Sydney's continued strong population growth.

To facilitate greater housing supply, the Plan sets housing targets for each District. The North District, which includes Chatswood, is required to deliver a minimum of 25,950 homes in the five years between 2016 and 2021. Beyond this, the Plan sets a 20-year strategic housing target of 92,000 homes for the North District.

The Plan states that developers play an important role in supporting housing outcomes:

'The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply'.

As it will facilitate delivery of additional dwellings on a site that under current planning controls cannot feasibly deliver additional homes, the planning proposal promotes this objective.

Objective 11: Housing is more diverse and affordable

Greater Sydney has been measured as being one of the least affordable housing markets globally and is the least affordable Australian city. Factors that contribute to rental and purchasing affordability challenges include the limited availability of smaller dwellings to meet both the growing proportion of small households, as well as the growing distance between areas where housing is affordable and the location of employment and educational opportunities.

This planning proposal will deliver smaller homes in the form of apartments in the Chatswood CBD that provides job opportunities and access via public transport to other major employment nodes, such as North Sydney, Macquarie Park and the Sydney CBD.

Objective 12: Great places that bring people together

The architectural concept design developed by GWYL Architecture will facilitate a high-quality public domain and built form response to its context, as it will provide a contemporary urban response to the Pacific Highway. It will improve the pedestrian experience along the Pacific Highway and connect Hammond Lane to Nelson Street, via a through site link. The proposal will improve connectivity within the Chatswood CBD and facilitate an active interface between the built form and the public domain.

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

Under the Plan accommodating new homes needs to be linked to local infrastructure – both to optimise existing infrastructure and to maximise investment in new infrastructure.

In established parts of Greater Sydney such as Chatswood, urban renewal opportunities exist around regional transport and strategic centres, where links for walking and cycling promote a healthy lifestyle and contribute to liveability.

The proposal is consistent with this objective as it is located within a Strategic Centre within walking distance of the existing major government investment – the completed Metro Northwest and the Metro Southwest which is nearing completion.

Objective 22: Investment and business activity in centres

Chatswood is identified as a strategic centre and a major commercial precinct in Greater Sydney, where employment growth is the underlying economic goal. With this, commercial and retail land uses are necessary for the purposes of economic and employment uses and to manage the impact of residential developments in crowding out commercial activity. The plan outlines a need to create 817,000 jobs across Greater Sydney over the next 20 years to 2036.

The proposal is consistent with this objective as it will offer a range of employment opportunities through the provision of non-residential floor space at Ground Level and Level 1.

Summary

The planning proposal is consistent with the above objectives of the Greater Sydney Region Plan as it will deliver new homes and employment floor space within the Chatswood CBD, a short walk from shops, services, high frequency public transport via the Chatswood Railway and Metro Station.

5.2 North District Plan

Consistent with the Regional Plan, overall, the District Plan promotes three major housing themes:

- Greater housing supply;
- More diverse and affordable housing; and
- Better located and designed housing

Planning priority number 5 promotes this:

‘Providing housing supply, choice and affordability, with access to jobs, services and public transport’

The District Plan notes that more smaller homes, group homes and adaptable homes are required to meet changing population needs and diversity. New housing should also be provided in the right locations and of the right design, close to local infrastructure and contribute to safe and vibrant neighbourhoods.

Planning priority number 36 promotes this:

‘Provide access to jobs, goods and services by attracting significant investment and business activity in strategic centres provide job growth’

The proposal will provide employment opportunities through the provision of retail and commercial land uses as part of the development.

The proposal:

- Provides additional housing on a site that under current planning controls, cannot deliver housing in a location within the Chatswood CBD;
- Provides a greater diversity of housing in the form of one, two and three bedroom apartments;
- Is located within walking distance of Chatswood Station, which is a major transport interchange; and
- Is well designed and will contribute to the vitality of the Chatswood CBD.

On this basis, the proposal is consistent with the relevant planning priorities and actions of the District Plan.

The District Plan also contains specific actions for the Chatswood Strategic Centre. Relevant actions are:

- Protect and grow the commercial core;

- Promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering;
- Maximise the land use opportunities provided by Sydney Metro;
- Promote and encourage connectivity, and upgrade and increase public open spaces; and
- Improve pedestrian connectivity between the eastern and western side of the rail line.

By providing housing, employment floor space and new public links close to the Chatswood Metro Station, the commercial core and nearby employment nodes such as North Sydney and St Leonards, the planning proposal meets the above District Plan actions for the Chatswood Strategic Centre.

An assessment demonstrating consistency with all the relevant priorities is provided in **Table 6** below.

Table 6 Consistency with the North District Plan

Direction	Planning Priority/Actions	Assessment
A city supported by infrastructure	N1: Planning for a city supported by infrastructure.	The proposal will provide housing and employment in a strategic location that is close to public transport and health infrastructure.
A city for people	N3: Providing services and social infrastructure to meet people's changing needs.	The proposal will meet the needs of the community as it will provide excellent connectivity and accessibility to essential services and facilities, employment, public transport, and social amenities.
	N4: Fostering healthy, creative, culturally rich and socially connected communities.	Being in a location surrounded by an abundance of infrastructure and facilities, the proposal will encourage activity and healthy lifestyles.
Housing the city	N5: Providing housing supply, choice and affordability with access to jobs, services and public transport.	The proposal will facilitate approximately 105 dwellings of varying sizes, and affordable housing close to employment opportunities and high frequency public transport.
A city of great places	N6: Creating and renewing great places and local centres and respecting the Districts heritage.	The proposal will contribute to the renewal of the Chatswood CBD without generating any unreasonable impacts on the significance of the heritage integrity of the Chatswood conservation areas.
Jobs and skills for the city	N8: Eastern Economic Corridor is better connected and more competitive.	Chatswood is located within the Eastern Economic Corridor. The proposal will contribute to the economic growth of the corridor as it will deliver new housing and employment floor space in the Chatswood CBD.
	N10: Growing investment, business opportunities and jobs in strategic centres.	The proposal will provide approximately 180 operational jobs post completion and numerous employment opportunities during the construction phase.
	N13: Supporting growth of targeted industry sectors.	The proposal will facilitate a mixed use development that will provide employment floor space consistent with the Council's strategic direction.
A well-connected city	N12: Delivering integrated land use and transport planning and a 30-minute city.	The proposal is in the Chatswood CBD.
A city in its landscape	N17: Protecting and enhancing scenic and cultural landscapes.	The proposal will not result in any visual or view impacts and will enhance the streetscape with high-quality design and landscaping.
	N19: Increasing urban tree canopy cover and delivery Green Grid connections.	The proposal will improve landscaping, tree canopy and deep soil at the site.
	N20: Delivering high quality open space.	The proposal will deliver high quality open space through the development of a public through site link and improvements to the public domain, which will enhance overall amenity for the community.
An efficient city	N21: Reducing carbon emissions and managing energy, water and waste efficiently.	The proposal will be designed to accommodate sustainability initiatives and improve energy, water and waste efficiency.
A resilient city	N22: Adapting to the impacts of urban and natural hazards and climate change.	The proposal will facilitate a development that is designed to be protected from the impacts of flooding and climate change.

5.3 Willoughby Council Local Strategic Planning Statement

In March 2020, Willoughby City Council adopted their Local Strategic Planning Statement (LSPS) which guides land use in the Willoughby LGA to 2036. The LSPS outlines Council's strategic vision for the Chatswood CBD, including plans to further develop the Chatswood CBD as a mixed use residential and commercial hub. The following discussion demonstrates that the planning proposal is consistent with the Council's LSPS.

Priority 1 – Increasing housing diversity to cater to families, the aging population, diverse household types and key workers

The planning proposal will provide diverse housing in a location that Council have acknowledged is suitable high density residential development.

Priority 3 – Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features

Currently, the site does not make a positive contribution to the public domain along the Pacific Highway and Nelson Street. The planning proposal will facilitate the renewal of the site and significantly improve its relationship to the public domain by activating the Pacific Highway and Nelson Street corner with non-residential uses and by providing residential uses within walking distance of public transport links. Further, the planning proposal will provide a through site link connecting Nelson Street and Hammond Lane. Overall, this will encourage walking and cycling within the Chatswood CBD.

Priority 9 – Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridors

The planning proposal will support the achievement of the priority by providing approximately 1,827m² of employment floor space within the CBD. It will also facilitate additional housing which will support the vibrancy and vitality of the local day and night economy.

5.4 Chatswood CBD Planning and Urban Design Strategy 2036

The Chatswood CBD Planning and Urban Design Strategy aims to establish a strong framework to guide future private and public development and provide capacity for future growth in the Chatswood CBD to 2036. The Strategy is intended to be used to inform the assessment of planning proposals in the Chatswood CBD.

The planning proposal is consistent with the key elements identified in Section 3.1 'Key Elements of Future LEP and DCP Controls' of the Chatswood CBD Strategy as demonstrated in **Table 7** below.

Table 7 Summary of Compliance with Section 3.1 of Chatswood CBD Strategy

Element	Comment	Compliance
CBD Boundary		
1. The Chatswood CBD boundary is expanded to the north and south to accommodate future growth of the centre.	The site is located within the southern section of the expanded Chatswood CBD boundary.	✓
Land Use		
2. The site is recommended to be rezoned to B4 Mixed Use.	This planning proposal seeks to rezone the site from B5 Business Development to B4 Mixed Use, consistent with the strategy. The concept design proposes uses that are permissible within the B4 Mixed Use zone and will meet the objectives of the zone.	✓
3. The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.	Not Applicable.	N/A
4. Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.	Not Applicable.	N/A
Planning Agreements to Fund Public Domain		

Element	Comment	Compliance
5. Planning Agreements will be negotiated to fund public domain improvements.	A draft VPA letter of offer has been prepared as part of this planning proposal. Refer to Appendix E .	✓
6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.	Noted.	✓
7. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.	The Draft DCP accompanying this planning proposal includes a requirement that Public Art is to be included as part of the development, and integrated within the site.	✓
Design Excellence and Building Sustainability		
8. Design Excellence is to be required for all developments based on the following process: Competitive designs for developments over 35m high.	Future development will be subject to a competitive design process and the ongoing design excellence requirements.	✓
9. Achievement of design excellence will include achievement of higher building sustainability standards.	Noted.	✓
10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.	Noted.	✓
Floor Space Ratio (FSR)		
11. The site has an existing maximum FSR limit of 2.5:1.	The planning proposal seeks to increase the maximum FSR to 6:1 with a 1:1 non-residential FSR element.	✓
12. Minimum site area of: 1200sqm for mixed use development in the B4 Mixed Use. To achieve maximum FSR. Site amalgamation is encouraged to meet this minimum requirement. In addition, sites should not be left isolated. The objective of this Key Element is to enable a site to be redeveloped to achieve an optimum outcome as envisioned under the Strategy and detailed in other Key Elements. In particular, to enable: a. Provision of required setbacks to achieve slender towers and building separation whether on-site or with neighbouring sites. b. Provision of ground level public realm or areas accessible by public on private land. c. Appropriate vehicle entry/exit point. d. Provision of parking and loading in basement with adequate on-site manoeuvrability. e. Maximising commercial floor space and street activation at ground level. f. Maximising landscaping and deep soil planting.	The site area is 1,827m ² and will not result in the isolation of surrounding sites. The proposal will achieve: <ul style="list-style-type: none"> • A slender tower with appropriate building separation to neighbouring sites. • High quality ground level public realm, including a publicly accessible through site link. • Appropriate location of vehicle entry and exit via Hammond Lane. • Basement parking in accordance with the relevant Australian standards. • Ground floor non-residential floor space ensuring an active façade to Pacific Highway and Nelson Street. • Provision for high quality landscaping and appropriate areas of deep soil. It is noted that the proposed loading dock and facilities will be located at ground level due to restricted vehicle movement and access in the basement.	✓
13. The recommended FSR for the site is 6:1, which is considered as maximums achievable in the centre subject to minimum site area and appropriate contributions.	The concept plan is compliant with the maximum FSR of 6:1.	✓
14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.	The future development will accommodate affordable housing in accordance with the Council's requirements.	✓

Element	Comment	Compliance
15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.	The concept proposal is consistent with the non-residential FSR element and incorporates approximately 1,827m ² of commercial floor space which equates to an FSR of 1:1.	✓
Built Form		
16. In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than: 700sqm GFA for residential towers above Podium within Mixed Use zones.	The proposed floor plate of the tower is approximately 400m ² , which is significantly less than the maximum standard of 700sqm.	✓
17. The width of each side of any tower should be minimised to satisfactorily achieve slender tower forms.	The proposed concept plans have minimised the width of each side of the tower to ensure the bulk of the building is reduced. The slender tower form will minimise potential impacts on surrounding sites.	✓
18. If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this strategy, SEPP 65 and the ADG, to ensure that the slender tower form objective is achieved.	Not Applicable. The planning proposal includes one tower only.	N/A
Sun Access to Key Public Spaces and Adjacent Conservation Areas		
19. The sun access protection will be incorporated into LEP controls, to ensure no additional overshadowing and protection.	The proposal will not reduce solar access to key public open spaces in the CBD.	✓
Building Heights		
20. Maximum height of buildings for the site is recommended to be 90m, which is based on context and up to the airspace limits, except as reduced further to meet sun access protection. Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.	The proposal seeks to achieve the maximum height of 90m. The Concept Design Report (Appendix A) indicates that the design will achieve compliance with the ADG and achieve the SEPP 65 design principles.	✓
21. All structures located at roof top levels, including lift over runs and any other architectural features are to be: a. Within the height maximums. b. Integrated into the overall building form.	The concept design demonstrates that the plant can be accommodated within the 90m height limit.	✓
Links and Open Space		
22. The site is identified as having an open air 24 hour through site link. All links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.	A draft letter of offer accompanies this planning proposal at Appendix E , which outlines the dedication of land towards the creation of the through site link.	✓
23. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and visibility.	Communal open space is proposed on the podium rooftop. Detailed design will occur as part of the design excellence and development application process.	✓
Public Realm or Areas accessible by Public on Private land		
24. Public realm or areas accessible by public on private land: g. Is expected from all B3 and B4 redeveloped sites. h. Is to be designed to respond to context and nearby public domain.	The planning proposal provides a right of way over the proposed through site link which will allow public use for pedestrians and cyclists. The through site link is easily accessible and will be designed appropriately for the local context of the area.	✓

Element	Comment	Compliance
<ul style="list-style-type: none"> i. Should be visible from the street and easily accessible. j. Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit. 		
Landscaping		
25. All roofs up to 30 metres from the ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access.	The concept design includes a podium rooftop terrace, which will provide green contribution to the street and a balance of passive and active green spaces.	✓
26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.	The planning proposal provides 26.2% of soft landscaping.	✓
Setbacks and Street Frontage Heights		
<p>27. Setbacks and street frontage heights are to be provided based on the map, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3m or more, including the Pacific Highway, deep soil planting for street trees is to be provided.</p> <p>. Pacific Highway Frontage</p> <ul style="list-style-type: none"> i. Minimum 4 metre setback at Ground level from front boundary ii. Maximum 7 metre street wall height. iii. Minimum 6 metre setback above street wall to tower. 	<p>The concept design complies with the street and tower setbacks to the Pacific Highway.</p> <p>The Nelson Street podium setback is 4m from the site boundary and a tower setback of 7m from the boundary.</p> <p>The street wall height is proposed to be 7m which is consistent with the strategy as well as the planning proposal for 629-639 Pacific Highway.</p>	✓
<p>28. 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 ratio of the setback to building height.</p> <p>This means if a building is:</p> <ul style="list-style-type: none"> c. A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side. 	The proposed concept tower is setback a minimum of 4.5m from all boundaries.	✓
<p>29. Building separation to neighbouring buildings is to be:</p> <ul style="list-style-type: none"> a. In accordance with the Apartment Design Guide for residential uses. b. A minimum of 6 metres from all boundaries for commercial uses above street wall height. 	The tower is setback 12m from the shared boundary with 629-639 Pacific Highway in accordance with the ADG.	✓
Active Street Frontages		
30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations.	The proposal provides an active frontage to the Pacific Highway through the provision of ground level non-residential land use and appropriate landscaping and design.	✓
Further built form controls		
31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided to encourage future efficient sharing of infrastructure.	The concept design proposes a zero-setback podium to 629-639 Pacific Highway.	✓

Element	Comment	Compliance
Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.	Not applicable. The site is not located along Victoria Avenue.	N/A
33. Floor space at Ground Level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement Levels.	Floor space at ground level has been maximised.	✓
34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.	Any future substation location will be confirmed as part of the design excellence and development application process.	✓
Traffic and Transport		
35. The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives consistent with Council's Integrated Transport Strategy.	The concept design provides preliminary site access and basement plans. The concept plans will be refined to accord with the relevant Council requirements.	✓

5.5 Willoughby Integrated Transport Strategy 2036

The Willoughby Integrated Transport Strategy provides the overarching framework for transport planning and initiatives across the Willoughby local government area to 2036. The Strategy identifies the Chatswood CBD having proximity and good connections to strategic centres within Sydney. The Strategy identifies considerations to guide future transport planning in the Willoughby LGA. The planning proposal is consistent with the Strategy as it will:

- Provide residential and commercial uses within walking distance of the Chatswood Transport Interchange and other key services and infrastructure within the Chatswood CBD.
- Encourage active transport for short and medium distance trips. End of trip facilities will be provided in the basement levels for employees and include bicycle parking, lockers, showers and change rooms.
- Include a publicly accessible through-site link connecting Hammond Lane and Nelson Street. The design of the through site link (including lighting, landscaping, the provision of seating, and co-location with the building entrance) will provide a high degree of passive surveillance and safety.
- Restrict the number of car parking spaces on site to discourage encourage active transport and discourage private transport use.

5.6 Willoughby Housing Strategy 2036

The Willoughby Housing Strategy 2036 endorsed in December 2019, identifies housing targets within the area and how they will be delivered over the next 20 years. The Strategy states that 6,000-6,700 additional dwellings will be required to meet the forecasted population of 91,848 in the Willoughby LGA.

The Strategy accommodates three focus areas to meet the strategic directions to deliver the additional number of dwellings. As illustrated in **Figure 11** below, the proposed development is located in Focus Area 2, which includes the proposed B4 Mixed Use zone which surrounds B3 Commercial Core of the CBD as identified in the Chatswood CBD Strategy. The planning proposal will provide an approximate 105 apartments, which will contribute to the potential dwelling target envisaged under the Strategy. The proposal will accommodate for 4% affordable housing, which is in accordance with Council's existing requirements.

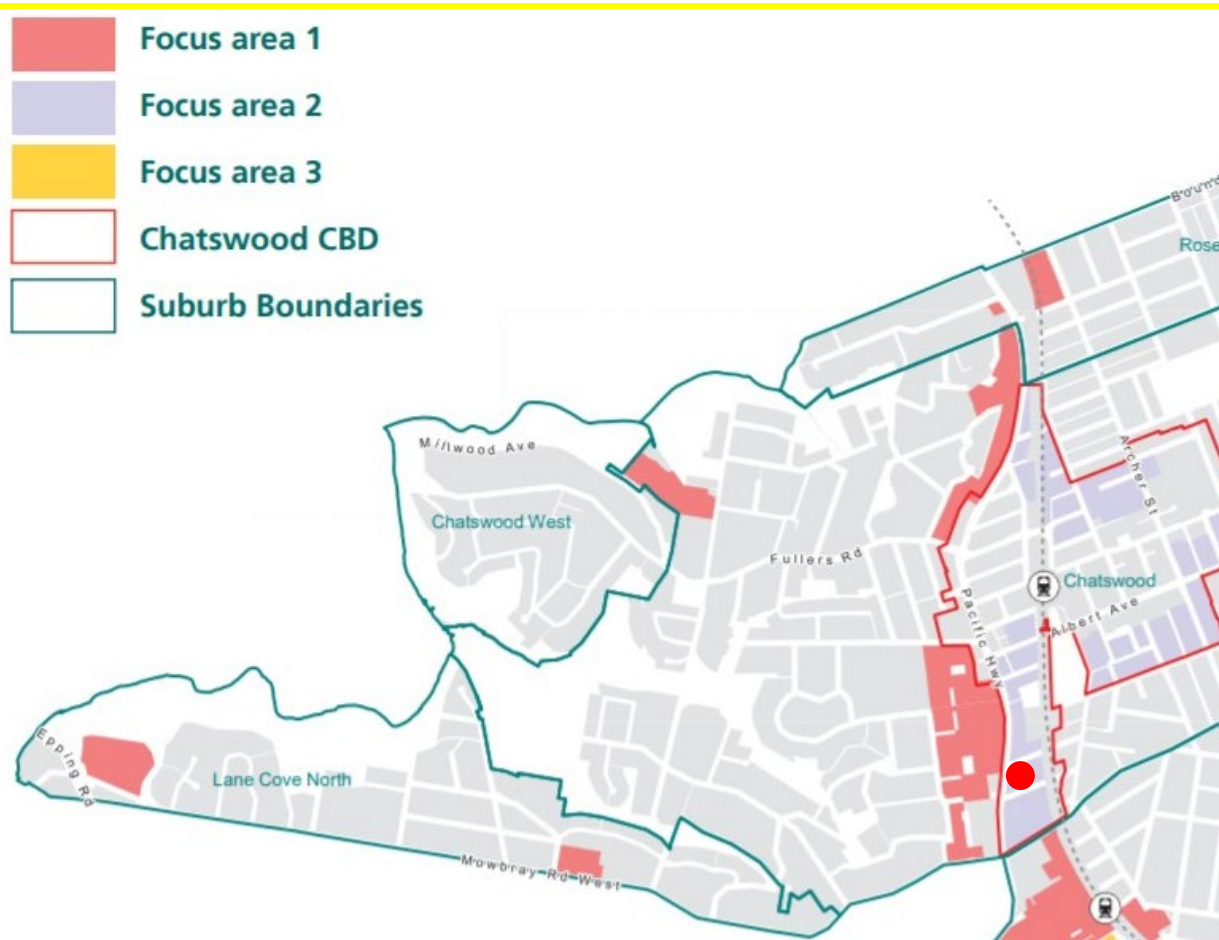


Figure 11 Focus Areas (approximate site location in red)

Source: Willoughby Housing Strategy 2036

5.7 Strategic and Site-Specific Merit Test

A Guide to Preparing Planning Proposals sets out that a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this planning proposal with the mandated assessment criteria is set out below.

a) Does the proposal have strategic merit?

Part 3 of *A Guide to Preparing Planning Proposals* establishes assessment criteria for determining if planning proposals have strategic merit:

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with a relevant local council strategy that has been endorsed by the Department; or
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The planning proposal meets the Strategic Merit Test for the following reasons:

- The Greater Sydney Region Plan and the North District Plan identify a need to increase housing supply in strategic centres close to transport and that the Greater Sydney Region required an additional 725,000 homes will be needed by 2036 to meet demand based on current population projections.

- The Chatswood CBD Strategy supports the rezoning of the site to B4 Mixed Use and a height limit of 90m and FSR of 6:1.

b) Does the proposal have site-specific merit?

Part 3 of *A Guide to Preparing Planning Proposals* establishes assessment criteria for determining if planning proposals have site-specific merit:

b) Does the proposal have site-specific merit, having regard to the following?

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The planning proposal has site-specific merit for the following reasons:

- There are no known environmental matters that would prevent the development of the site for higher density residential development.
- The planning proposal will facilitate a mixed use residential development whose form and scale will be compatible with the future mixed use residential land uses in the vicinity of the site.
- The site is in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.

Summary

This planning proposal achieves the assessment criteria, as it demonstrates both strategic merit and site-specific merit. Therefore, it is considered that this planning proposal meets the Strategic Merit Test.

6.0 State Legislation and Planning Policies

6.1 Environmental Planning and Assessment Act 1979

The EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EPA Reg.) set out amongst other things the:

- Requirements for rezoning land.
- Requirements regarding the preparation of a local environmental study as part of the rezoning process.
- Matters for consideration when determining a development application; and
- Approval permits and/or licenses required from other authorities under other legislation.

This planning proposal has been prepared in accordance with the requirements set out in Section 3.33 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

Section 9.1 Directions

Ministerial directions under Section 9.1 of the EP&A Act require councils to address a range of matters when seeking to rezone land. A summary assessment of the planning proposal against the Directions issued by the Minister under Section 9.1 of the EP&A Act is provided in **Table 8** below.

Table 8 Ministerial Directions

Ministerial Directions	Consistent			Comment
	YES	NO	N/A	
1. Employment and Resources				
1.1 Business and Industrial Zones		✓		While the planning proposal seeks a rezoning to facilitate a mixed-use development, it is nevertheless consistent with this direction in that it retains a zoning that permits all types of commercial premises with consent and proposes a minimum no-residential floor space of 1:1.
2. Environment and Heritage				
2.3 Heritage Conservation	✓			There are no heritage items on site and the site is not within proximity to heritage items or heritage conservations areas.
2.6 Remediation of Contaminated Land	✓			A Preliminary Site Investigation has been prepared by JK Environments at Appendix D , which concludes that the potential for contamination is low and would not preclude the proposed development. Notwithstanding, a detailed site investigation will be undertaken as part of the future development application stage.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The site is proposed to be rezoned B4 Mixed Use. The planning proposal is consistent with this direction as it seeks to increase the residential density on the site which will make better use of infrastructure and proximity to services. The planning proposal will also increase the choice of building and housing types, in an area that is located close to transport, open space, schools, services, and the Chatswood commercial core.
3.4 Integrating Land Use and Transport	✓			<p>The planning proposal will increase the opportunities to provide new housing to support the use of public transport and improve access to jobs and services by walking, cycling and public transport. The planning proposal is consistent with the objectives of the Ministerial Direction as it will:</p> <ul style="list-style-type: none">• improve access between housing, jobs and services by walking, cycling and public transport;• increase housing supply in an area well located to available alternative means of transport, and thereby reducing dependence on cars;• reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and• support the efficient and viable operation of the existing public buses transport services and road network.

Ministerial Directions	Consistent			Comment
	YES	NO	N/A	
3.5 Development near regulated airports and defence airfields.				The planning proposal facilitates a development with a maximum height of 90m which will not penetrate the Obstacle Limitation Surface (OLS).
4. Hazard and Risk				
4.1 Acid Sulphate Soils	✓			The site is identified as Class 5 Acid Sulphate Soils under the Willoughby LEP, however this proposal does not seek to amend these provisions. A Preliminary Site Investigation has been prepared by JK Environments at Appendix D which concludes that the potential contamination identified on the site will not preclude the proposed development. Further acid Sulphate soils investigation and analysis will be undertaken accordingly as part of any future development of the land in accordance with the requirements of the Willoughby LEP.
4.3 Flood Prone Land			✓	The site is not identified as being located on flood prone land.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This planning proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes			✓	This direction does not apply to the site.
6.3 Site Specific Provisions	✓			This planning proposal proposes site-specific provisions, without being unnecessarily restrictive. The proposal seeks to impose a site-specific provision requiring a portion of non-residential GFA. However, this control is common in LEPs and is consistent with the aims and vision of the Chatswood CBD Strategy and existing provisions in Willoughby LEP.

6.2 State Environmental Planning Policies

An assessment of the planning proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 9** below.

Table 9 Consistency with State Environmental Planning Policies

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP (State and Regional Development) 2011			✓	The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the relevant Sydney Planning Panel acting as the determining authority.
SEPP (Exempt and Complying Development Codes)	✓			Not relevant to proposed amendment.
SEPP No. 55 Remediation of Land			✓	A Preliminary Site Investigation has been undertaken by JK Environments (Appendix D) to determine the potential contamination on site. Based on the findings of the assessment, the report concludes that remediation is not required at this stage. Notwithstanding, contamination will be further addressed at the DA stage.
SEPP No. 64 Advertising and Signage	✓			Not relevant to the proposed amendment.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			Detailed compliance with SEPP 65 will be demonstrated in any future DA for any building facilitated by this planning proposal. Testing of SEPP 65 and the Apartment Design Guide (ADG) was conducted throughout the design of the indicative scheme which is capable of satisfying the requirements of the SEPP and associated ADG.

SEPP	Consistency			Comment
				An ADG Compliance Schedule has been provided as part of the Concept Design Report at Appendix A , which highlights that the design can achieve the solar access and natural ventilation requirements of the ADG. It is demonstrated that a high level of residential amenity can be achieved on the site under the planning proposal. Continued detailed compliance with SEPP 65 will be demonstrated at the time of future development applications.
SEPP No.70 Affordable Housing (Revised Schemes)	✓			The proposed development will provide 4% affordable housing and is consistent with the provisions of the SEPP.
SEPP (Affordable Rental Housing) 2009	✓			
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this planning proposal.
SEPP (Infrastructure) 2007	✓			SEPP (Infrastructure) will apply to any future development of the site facilitated by the planning proposal given the site's proximity to Pacific Highway.

7.0 Environmental Impacts

7.1 Impacts on Neighbouring Dwellings

7.1.1 Privacy and Overlooking

The proposed development will maintain appropriate separation distances for surrounding residential properties which would potentially be impacted by privacy. Specifically, the following CBD Strategy setbacks have been applied to the development to maintain visual privacy to neighbouring dwellings:

- A zero-metre setback to the northern boundary is proposed for the podium, with a 12m setback above the street wall height.
- 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.

Additionally, the through site link proposed along the eastern boundary of the site will be well designed and further separate the proposed building with the medium density residential dwellings to the east by creating a façade.

Adequate building separation and setbacks have been applied to minimise potential privacy and overlooking issues to surrounding sites. **Figure 12** below illustrates the proposed setbacks.

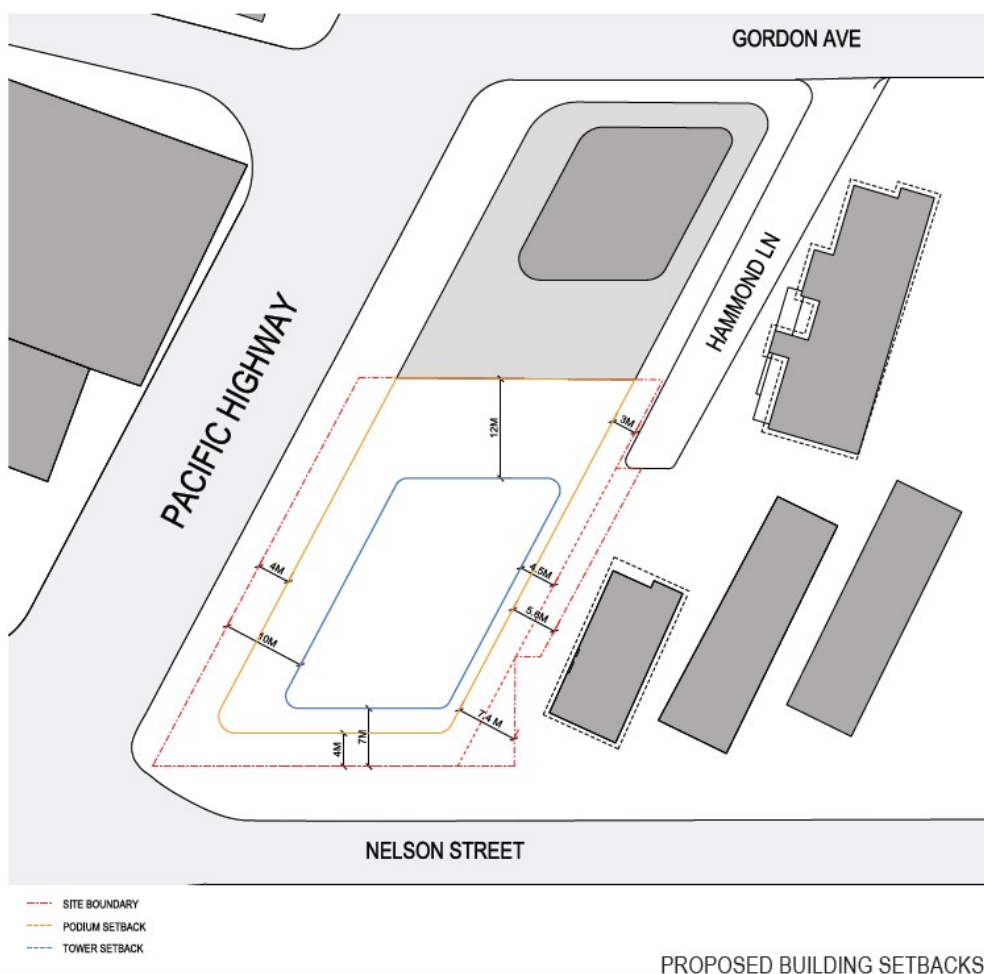


Figure 12 Proposed setbacks and building separation

Source: GWYL Architecture

7.1.2 Overshadowing

The Concept Design Report (**Appendix A**) provides a shadow analysis to illustrate the impact of overshadowing on adjoining residential properties and the surrounding area. The proposed development has been designed to minimise the impacts of overshadowing on the surrounding area and the shadow analysis demonstrates that the concept design maintains good levels of solar access to the surrounding dwellings. The existing dwellings to the east of the site will receive good solar access throughout the day and will only experience overshadowing from 2pm onwards. The commercial properties to the west of the site along Pacific Highway will receive minor additional overshadowing in the morning during the equinox and mid-winter.

7.1.3 Visual and View Impact

The concept has been designed to comply with the built form controls outlined in the CBD Strategy. Future detailed development will be subject to a design excellence process which will ensure the outcome is visually compatible with the surrounding area and won't result in any unreasonable visual impacts.

Additionally, the slender tower design will enhance the existing streetscape and skyline of Chatswood without resulting in adverse impacts to any significant view corridors surrounding the site. A View Impact Analysis is included at **Appendix I and J**, which further explore the view impacts on residential properties that are located within the sites locality.

7.1.4 Traffic and Parking

The planning proposal will accommodate all resident and visitor parking in basements on site. There will be no impact on the existing availability of on-street parking in the surrounding area. Traffic generation will be minor with 7-9 vehicle movements during the peak periods (refer to **Appendix B**).

7.2 Residential Amenity

The indicative concept design has been designed to meet the requirements of the Apartment Design Guide (ADG) and will achieve good levels of residential amenity for the future residents. Notably, the indicative design demonstrates that the site can accommodate high density residential that will provide:

- Apartments consistent with the ADG minimum size requirements.
- Balconies consistent with the ADG minimum size requirements.
- A minimum of 2 hour solar access is provided to at least 70% of the indicative dwellings on the site between 9am to 3pm;
- Natural cross ventilation to 100% of the indicative apartments.
- Separation distances between neighbouring buildings in accordance with the minimum requirements of the ADG and will provide adequate privacy for residents.
- Circulation cores service 4 apartments per level; and
- 572m² of communal open space (31.3% of the total site area) and 210m² of deep soil area (11% of the site area).

It is noted that the concept design prepared by GWYL is indicative for the purposes of understanding the opportunities on the site.

7.3 Noise Impacts

A Noise Impact Assessment has been prepared by Resonate (**Appendix H**) to ensure noise levels of the future development comply with Clause 87(3) of the SEPP (Infrastructure) 2007. Due to the proximity of the site to the North Shore railway line and the Pacific Highway, rail and road traffic noise may impact on the amenity of the residential apartments. The report outlines a number of acoustic design measures to be considered during the design and development application stage, including:

- *Proprietary single laminated glazing systems;*

- A 'winter garden' type strategy for the low-rise portion (or entire of the tower) depending on architectural strategy; and
- Deep void double glazed systems.

An Acoustic Report will be prepared for the future development application, which will provide a detailed assessment of the development.

7.4 Traffic and Transport

JMT Consulting have undertaken a Transport Impact Assessment for the planning proposal (**Appendix B**). The assessment considered the future development of the site as per the concept design scheme and as a complying development under the current controls. The key findings of the assessment are as follows:

- Vehicle access will be provided off Hammond Lane to minimise conflicts with pedestrians and general traffic along the Pacific Highway.
- The proposed loading dock is located on the ground level of the building, which will facilitate vehicle entry and exit in a forward direction without being reliant on a mechanical solution for loading and unloading.
- The proposal will provide 120 off-street parking bays which is consistent with the current Willoughby DCP parking rates for residential uses and significantly below the DCP rates for commercial and retail uses.
- The future development's proximity to various public transport facilities, including Chatswood Transport Interchange and nearby bus stops is not expected to generate significant traffic impacts.
- The potential increase in traffic from the planning proposal is an additional 9 vehicles in the AM peak hour and 7 vehicles in the PM peak hour. This increase in traffic has been considered as part of the broader Chatswood CBD strategic transport study which considered all potential new developments in the CBD. The study did not identify that the future development planned for the Chatswood CBD would have a detrimental impact on the road network.
- Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the Willoughby DCP.
- Travel demand management measures have also been suggested to improve the mode share of public transport and active transport. These items should be considered further at detailed design stage.

For these reasons, the planning proposal is considered suitable on traffic and parking grounds.

7.5 Wind Impacts

A Pedestrian Wind Assessment report was prepared by RWDI at **Appendix C** to assess the potential pedestrian wind conditions around the proposed development. The assessment was based on the local wind climate, the current proposed massing design of the proposed development, the existing surrounding buildings and wind tunnel testing of similar buildings.

The proposed development will be taller than its surroundings and therefore will be exposed to the prevailing winds from all directions at ground level. Additionally, the proposed development to the north of the site at 629-639 Pacific Highway will likely impact the rooftop garden at Level 2 due to funnelling. To alleviate potential wind impacts, the Assessment makes the following recommendations:

- Consideration will need to be made to ensure communal open space areas remain useable for occupants of the building; and
- Consideration for elements such as awnings or trellis, or landscape features such as porous screens of dense planters to help break up high speeds of wind.

These measures can be incorporated into the detailed design of the future development. Overall, the report concludes that the proposed development is not expected to result in wind speeds which will cause an exceedance of the wind safety criterion.

7.6 Contamination

A Preliminary Site Investigation was undertaken by JK Environments (**Appendix D**) to determine the potential risk for land contamination from past and current activities in accordance with the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*.

The report concludes:

“that the historical land uses and potential sources of contamination identified on the site would not preclude the proposed development.”

A detailed (Stage 2) site investigation will be undertaken as part of the development application stage to characterise the site contamination conditions and establish whether remediation is required.

7.7 Heritage Impacts and Urban Form Transition

The Council, as part of their response to the DPIE’s letter dated 9 August 2019 undertook further studies regarding:

“Built form analysis, a review of impacts and appropriate transition in terms of FSR and height in areas adjacent to heritage conservation areas and low density residential development.”

For context, the subject site is not identified as a heritage item, nor is it located within a heritage conservation area, and there are no heritage items in the immediate vicinity. The South Chatswood Heritage Conservation Area is located to the east of the site beyond the railway line.

An extract from the Council’s Detailed Report to the Updated Chatswood CBD Planning and Urban Design Strategy 2036 submitted for Agenda Item 15.17 at the Council Meeting held 14 September 2020 is reproduced below (emphasis added).

Issue 3 – Built form analysis, a review of impacts and appropriate transitions

The DPIE 9 August 2019 letter required additional work in regards the B4 Mixed Use zone to determine:

- *The proposed transition of FSR and built form from the mixed-use areas identified in the strategy to HCAs.*
- *Visual impacts to demonstrate how the future built form will look along major roads; and*
- *Potential amenity impacts (overshadowing) to the neighbouring low density and/or existing development in HCAs, particularly during midwinter*

GM Urban Design and Architecture (GMU) were engaged to undertake an independent study of the built form within the Strategy, having specific regard to DPIE’s request that building heights and FSRs for the land in the proposed mixed use zone be reviewed.

The following documentation has been prepared:

- *Chatswood Precinct Study, dated 29 January 2020, and Chatswood CBD Density Study, May 2020, prepared by GMU Design and Architecture (GMU). Both these documents are referred to as the GMU Study.*
- *Heritage Strategy Chatswood CBD Precinct, January 2020, prepared by Weir Phillips. This document is referred to as the Weir Phillips Report.*

The GMU study investigated how the proposed building heights and FSRs in the B4 Mixed Use zone related to the surrounding Heritage Conservation Areas (HCAs) and/or low density development. GMU conducted testing around the abovementioned three DPIE issues, had regard to the broader planning framework for the Chatswood CBD, the intent of the North District Plan for the locality by the Greater Sydney Commission (GSC) and the advice from the independent heritage consultant Weir Phillips.

In arriving at recommendations, GMU:

- *Conducted an extensive site visit of the Chatswood CBD, with a particular focus on the interface areas along the periphery of the CBD which border the HCAs and low density development.*

- Reviewed Council's previous studies and applicable controls, analysed the characteristics of the land holdings in the study area, and reviewed the correspondence between Council and DPIE.
- Investigated relevant literature as a theoretical basis for the analysis.
- Tested opportunity and amalgamated sites and created a compliant massing for each site that is consistent with Apartment Design Guidelines and applicable controls.
- Applied the proposed height, Floor Space Ratios (FSRs) floor plates and setbacks into a 3D massing form for each opportunity site as nominated in the Strategy.
- Conducted high level transition, visual impact and potential overshadowing testing based on a full scale 3D model of Chatswood.

Weir Phillips were engaged to provide independent recommendations for the heritage approach to interface areas. In doing so, the Weir Phillips report was prepared which analyses the existing and proposed built form controls and provides recommendations regarding the most appropriate response for planning controls for the periphery of the Chatswood CBD, particularly where the CBD has an interface with the various HCAs.

GMU concluded that the majority of the B4 Mixed Use zone built form which would occur from the realisation of the Strategy would result in acceptable urban design outcomes. Mitigation measures were identified to address the concerns raised by DPIE in relation to sites located within the Mixed Use zone interface areas. The mitigation measures in interface areas involve varied reductions in floor space and height, and in certain locations, changes to setbacks and street wall heights which are to provide appropriate transition, visual impact and overshadowing to heritage conservation areas and low density development outside the Strategy area.

The conclusions of the Weir Phillips report were consistent with the GMU Study.

The interface areas subject to change are:

- Anderson Street.
- Olga Street.
- Albert Street.
- Bertram Street.
- Johnson Street.
- **Pacific Highway (only the Metro Dive site on the corner of Mowbray Road).**

The changes involved varied reductions in FSR's and height in the abovementioned interface areas from what was previously proposed in the Strategy, and these are substantial in certain locations...**Outside of the identified interface areas, there are no changes proposed to the remainder of the B4 Mixed Use zone.**

The analysis undertaken by Weir Phillips and GMU concluded that the proposed 90m height limit and 6:1 FSR limit were appropriate for the B4 Mixed Use zone area that includes 613-629 Pacific Highway; and that due to the site's location, there was no requirement to reduce the height or FSR as there was sufficient separation to the HCAs and lower density residential. Therefore, the planning proposal will facilitate a built form outcome on a prominent corner site that is consistent with the heritage and urban form transition expectations for the site envisaged by the CBD Strategy.

7.8 Economic Impacts

The planning proposal will deliver positive economic impacts to Chatswood through the delivery of non-residential floor space and increased population. This will provide additional opportunities for residents of Chatswood and surrounding areas to work closer to home, supporting the Sydney Region Plan's target to increase proximity between homes and job and the designated role of Chatswood as a strategic centre.

7.9 Social Impacts

The fundamental strategic vision of the North District Plan is the creation of the '30-minute city' whereby residents live within 30 minutes travel of their place of work. The site is situated within Chatswood CBD and is located within walking distance to Chatswood Transport Interchange. The planning proposal will facilitate the provision of a range

of housing types in a suitable location. The planning proposal will have a positive social impact on the Willoughby LGA.

8.0 NSW Department of Planning and Environment Guidelines

8.1 Part 1 – The Intended Outcome

The intended outcome of this planning proposal is to amend the Willoughby LEP 2012 to enable the development of 613-627 Pacific Highway, Chatswood, for a 27 storey residential development with commercial uses on the ground floor along Pacific Highway and Nelson Street. The outcome is consistent with the CBD Strategy.

8.2 Part 2 – Explanation of Provisions

The intended outcome can be achieved by amending the Willoughby LEP 2012 as follows:

- Amend the Land Zoning Map (Sheet LZN_004) by rezoning the site to be B4 Mixed Use.
- Amend the Height of Building Map (Sheet HOB_004) by applying a height limit of 90 metres.
- Amend the Floor Space Ratio Map (Sheet FSR_004) by applying a floor space ratio of 6:1 to the site.
- Amend the Special Provisions Area Map (Sheet SPA_004) to identify 613-627 Pacific Highway as “Area 8”.
- Amend the Lot Size Map (Sheet LSZ_004) to indicate a minimum lot size of 1,800m².
- Amend the Active Street Frontages Map (Sheet SPA_004) to include Pacific Highway and Nelson Street.
- Add Clause 4.4B ‘Minimum non-residential floor space in the Mixed Use Zone’ as follows:

“4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Map”

- Add Clause 5.6 ‘Architectural Roof Features’, (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 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’ as follows:

“(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.

(2) This clause applies to land identified as “Active Street Frontages” on the Active Street Frontages Map

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies. Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the Maximum height of Clause 4.3

(4) Despite subclause (3), an active street frontage is not required for any building that is used for any of the following:

- (a) entrances and lobbies (including as part of mixed-use development);*
- (b) access for fire services;*
- (c) vehicular access.*

(5) In this clause, a building has an active street frontage if:

- (b) In the Zone B4 Mixed Use, all premises on the ground floor of the building face the street are used for the purposes of non-residential premises.”*

- Amend Clause 6.8 ‘Affordable Housing’ (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Map.
- Amend Clause 6.23 ‘Design Excellence’ (2) to include “Area 8” or “Area 12” on the Special Provisions Map.

- Add Clause 6.5 Sun Access to protect public space and heritage conservation areas from overshadowing as follows:

“6.25 Sun Access

(1) The objective of this clause is to:

- (a) Protect certain public space in Chatswood CBD from excessive overshadowing.
- (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access.

(2) The consent authority must not grant consent to development on land zoned B4 if the consent authority is satisfied that:

- (a) The development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
- (b) The development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9:00am and 3:00pm mid winter.”

- Add to Schedule 1 Additional Permitted Uses to permit non-residential FSR in residential flat buildings:

“75. Use of certain B4 land in Chatswood

(1) This clause applies to land zoned B4 in the Chatswood CBD.

(2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:

- (a) the ground level is used for non-residential purposes and
- (b) a minimum of 17% of the total FSR is provided for non-residential purposes, and
- (c) no residential dwelling is located at the ground floor.”

The proposed mapping changes are submitted as **Appendix G**.

8.3 Part 3 – Justification

8.3.1 Section A – The Need for a Planning Proposal

Q1 – Is the Planning Proposal a result of any strategic study or report?

The planning proposal specifically responds to the Chatswood CBD Planning and Urban Design Strategy 2036, a strategic document endorsed by DPIE in August 2020, that is intended to guide the future rezoning and redevelopment of the area.

The site’s location along the Pacific Highway clearly shows that the site has an important role to play in realising the role of Chatswood CBD as a future high-density mixed-use commercial and residential precinct. The planning proposal is in line with the vision and recommended outcomes identified in the Chatswood CBD Strategy as highlighted in **Section 5.4** of this report.

Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

The planning proposal is the best means of achieving the intended outcome – the current land use zoning, height and FSR controls prohibit the redevelopment of the site.

8.3.2 Section B – Relationship to the Strategy Planning Framework

Q3 – Will the planning proposal give effect to the objectives and actions of the application region, or district plan or strategy (including any exhibited draft plans and strategies)?

Yes – Refer to **Section 5.1 - 5.2**.

Assessment Criteria – Does the proposal have strategic and site-specific merit?

Yes – Refer to **Section 5.7**.

Q4 – Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The planning proposal will contribute to the achievement of the relevant Willoughby LSPS planning priorities. Refer to **Section 5.3**.

Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes – Refer to **Section 6.2**.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (S.91 directions)?

Yes – Refer to **Section 6.1**.

8.3.3 Section C – Environmental, Social and Economic Impacts

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not adversely affect critical habitat or threatened species, population or ecological communities in their habitats, as none have been identified on the site.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the planning proposal is provided at **Section 7.0**. No unacceptable impacts will result from the achievement of the intended outcome.

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

An assessment of the social impacts of the planning proposal is provided at **Section 7.9**. An assessment of the economic impacts of the planning proposal is provided at **Section 7.8**.

8.3.4 Section D – State and Commonwealth Interests

There is no significant Commonwealth or State Interests in the planning proposal other than the general objectives to achieve an appropriate planning and development outcome on the site that has considered the State's regional and subregional strategic planning framework as described in this report.

Q10 – Is there adequate public infrastructure for the Planning Proposal?

The site is located in close proximity to a number of public transport options as discussed in **Section 3.0**. This includes a number of train, metro and bus services. Additionally, the site is well serviced by social infrastructure in the form of local shops, schools, recreational and sporting facilities.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No formal consultation at the time of writing this planning proposal has been undertaken with Commonwealth or State authorities. Where necessary, consultation with relevant authorities will be undertaken with the initial Gateway determination.

8.4 Part 4 – Mapping

Maps of the proposed amendments to the Willoughby LEP zoning, height and FSR controls applying to the site are provided at **Appendix G**.

8.5 Part 5 – Community Consultation

It is proposed that in accordance with 'A guide to preparing local environmental plans' that the planning proposal undergo a 28-day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with the Council's notification requirements at which time the public and relevant authorities can make further comments on the redevelopment of the site.

8.6 Part 6 – Project Timeline

Table 10 below outlines the indicative project timeline for the planning proposal, which is proportionate to the nature and scale of the planning proposal.

Table 10 Project Timeline

Milestone	Date
Submission of the Planning Proposal	April 2021
Planning Proposal presented to Council	July 2021
Referral to Minister for Gateway Determination	August 2021
Gateway Determination Received	October 2021
Community Consultation	October-November 2021
Consideration of submissions	November 2021-January 2022
Consideration of Planning Proposal by Council	February 2022
Submission to DPIE to finalise LEP	March 2022
Anticipated date for publishing of the plan	April 2022

9.0 Conclusion

This planning proposal seeks amendments to Willoughby LEP 2012 zoning, maximum building height, floor space ratio, and non-residential floor space development standards for the subject site.

This planning proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.
- Being located within the Chatswood CBD and in close proximity to the Chatswood Transport Interchange, the proposal is situated on a strategic site that is well serviced with excellent transport connections, various employment opportunities and an abundance of social infrastructure and amenities, therefore making it an ideal site to redevelop into a mixed-use building with residential and non-residential land-uses.
- The proposal is consistent with the aims and objectives of the Chatswood CBD Strategy and proposes the following amendments to the Willoughby LEP 2012:
 - Rezone the site to B4 Mixed Use
 - Amend the maximum building height of 90m
 - Apply a maximum floor space ratio of 6:1
 - Apply a non-residential floor space component of 1:1
- The proposal will deliver a through site link connecting Hammond Lane to Nelson Street, which will provide public benefit to the local community by increasing pedestrian and bicycle connectivity in the area.
- The proposed building height and FSR are consistent with the urban form outcome contemplated by the CBD Strategy and the additional analysis undertaken by GMU and Weir Phillips; and as the site is not within any of the sensitive interface areas, the proposal will not have an adverse impact on the low density and heritage conservation areas near the CBD.
- The planning proposal will not create any unacceptable or unreasonable privacy or shadow impacts to surrounding properties.
- The planning proposal can meet the design criteria of the Apartment Design Guide.
- The planning proposal will not have any adverse impacts on the future operation of the surrounding road network.
- The planning proposal will deliver preferable outcomes when compared to development that complies with the current planning controls.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

In light of the above, we would have no hesitation in recommending that the planning proposal proceed through the Gateway to public exhibition.