



**Planning,  
Industry &  
Environment**

## 3 Ellis Street, Chatswood – Gateway Determination Report

---

Greater Sydney, Place and Infrastructure

September 2021

Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: 3 Ellis Street, Chatswood – Gateway Determination Report Greater Sydney, Place and Infrastructure

Department reference number: IRF21/3593

---

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Contents

<b>Glossary .....</b>	<b>2</b>
<b>Summary .....</b>	<b>3</b>
<b>1. Introduction .....</b>	<b>3</b>
1.1 Description of planning proposal .....	3
1.2 Site description .....	4
1.3 Surrounding area .....	6
1.4 Current planning controls .....	8
1.5 Summary of recommendation .....	10
<b>2. Background .....</b>	<b>11</b>
<b>3. Planning Proposal .....</b>	<b>12</b>
3.1 Objectives or intended outcomes .....	12
3.2 Explanation of provisions .....	12
3.3 Mapping .....	13
3.4 Concept Design .....	16
<b>4. Need for the planning proposal .....</b>	<b>20</b>
<b>5. Strategic Assessment .....</b>	<b>21</b>
5.1 Greater Sydney Region Plan .....	21
5.2 North District Plan .....	22
5.3 Chatswood CBD Strategy .....	24
5.4 Willoughby Local Strategic Planning Statement .....	28
5.5 Willoughby Local Housing Strategy .....	29
5.6 Our Future Willoughby 2028 .....	30
5.7 Local planning panel recommendation .....	30
5.8 Section 9.1 Ministerial Directions .....	31
5.9 State Environmental Planning Policies (SEPPs) .....	33
<b>6. Site-specific Assessment .....</b>	<b>34</b>
6.1 Built Form .....	34
6.2 Social .....	40
6.3 Environmental .....	41
6.4 Economic .....	41
6.5 Infrastructure .....	41
<b>7. Consultation .....</b>	<b>44</b>
7.1 Community .....	44
7.2 Agencies .....	44
<b>8. Timeframe .....</b>	<b>45</b>
<b>9. Local Plan Making Authority .....</b>	<b>45</b>
<b>10. Conclusion .....</b>	<b>45</b>
<b>11. Recommendation .....</b>	<b>46</b>
<b>Attachments .....</b>	<b>48</b>

## Glossary

Abbreviation	Reference
ADG	Apartment Design Guide
AHD	Australian Height Datum
CBD	Central Business District
Council	Willoughby City Council
DA	Development Application
DCP	Development Control Plan
Department/DPIE	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
HOB	Height of Buildings
LEP	Local Environmental Plan
LGA	Local Government Area
LHS	Local Housing Strategy
LPP	Local Planning Panel
LSPS	Local Strategic Planning Statement
PPA	Planning Proposal Authority
PSI	Preliminary Site Investigation
RL	Reduced Level
SEPP	State Environmental Planning Policy
SP	Strata Plan
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

## Summary

<b>Local Government Area</b>	Willoughby LGA
<b>Planning Proposal Authority</b>	Willoughby City Council
<b>Planning Proposal Name</b>	PP-2021-4170
<b>Dwellings and Jobs</b>	30 dwellings
<b>LEP to be Amended</b>	Willoughby Local Environmental Plan 2012
<b>Address</b>	3 Ellis Street, Chatswood
<b>Lot and SP</b>	SP2715
<b>Date Received</b>	23 July 2021
<b>File Number</b>	IRF21/3593
<b>Political Donations</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>Lobbyist Code of Conduct</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. Introduction

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Willoughby LEP 2012 for land at 3 Ellis Street, Chatswood to:

- rezone from R4 High Density Residential to B4 Mixed Use;
- increase the maximum height of buildings from 34m to 44m; and
- increase the maximum floor space ratio (FSR) from 1.7:1 to 4.5:1.

A concept design has been provided with the planning proposal depicting a 14 storey mixed use development that includes the potential to integrate residential, commercial/retail land uses and car parking at basement levels (**Figures 17-25**). The proposal will provide a two storey commercial podium and a 12 storey residential tower comprising 30 dwellings.

The planning proposal is accompanied by a draft site-specific DCP (**Attachment A17**). The planning proposal states that a draft letter of offer for a voluntary planning Agreement (VPA) (**Attachment A16**) for public benefits such as contributions towards public works. Discussions are yet to be held with Council concerning the details of the VPA.

## 1.2 Site description

The site is a rectangular shaped block known as 3 Ellis Street, Chatswood (**Figure 1 and Attachment B**) comprising of a single lot with a total area of approximately 808.6m<sup>2</sup>. The site has a 24.38m frontage to Ellis Street and side boundaries of approximately 33.17m and 33.18m each. The site is legally known as SP2715 and currently contains a three-storey apartment building constructed in the 1960's with nine residential flats and parking by means of a ground level under-croft (**Figure 3**).

The site does not contain any heritage items, is not within a heritage conservation area (HCA). The South Chatswood HCA (**Figure 10**) is located to the east of the North Shore Rail corridor and contains local heritage items and key public open spaces as identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (Chatswood CBD Strategy) (**Figure 30**).



**Figure 1:** Site map (source: Nearmap, overlay by the Department)





**Figure 2:** View of locality (source: Google Maps, overlay by the Department)



**Figure 3:** View of existing site from Ellis Street looking north-west (source: Ingham Planning)





**Figure 4:** View of pedestrian access with connection to the Chatswood Interchange along Frank Channon Walk looking north (source: Ingham Planning, overlay by the Department)



**Figure 5:** Existing site from Ellis Street looking east (source: Google Maps, overlay by the Department).

### 1.3 Surrounding area

The site is located towards the southern end of the expanded Chatswood CBD boundary identified in the Chatswood CBD Strategy (**Attachment H4**). Chatswood Station and transport interchange is within 250m walking distance to the north along with major



shopping centres including Westfield and Chatswood Chase on the east side of the rail corridor (**Figure 6**).

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

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

Ellis Street is approximately 135m in length running approximately east-west terminating at the North Shore rail corridor (**Figures 1 to 3**).

To the north, the site at 88 Albert Avenue is currently occupied by a nine-storey apartment building.

To the north-east, adjoining the site is an eight-storey residential apartment building at 84-86 Albert Avenue. The Frank Channon Walkway with pedestrian access to the Chatswood interchange runs north-south along the east boundary of the site with the North Shore rail corridor further east.

To the south, on the opposite side of Ellis Street is the single storey scout's building at 2 Ellis Street. Buildings on the south side of Ellis Street are a four-storey apartment building and a 1970's eight storey residential flat building. Beyond is the Chatswood Bowling Club and the Chatswood Croquet Club with entries via Gordon Street and exit via Hammond Lane.

To the west on the corner of Crispin Lane are two eight-storey large residential flat developments known as 7-13 Ellis Street and 100 Albert Avenue.

Further west on land bound by Crispin Lane, Ellis Street and the Pacific Highway is the site known as 753 Pacific Highway and 15 Ellis Street Chatswood. A current planning proposal is to rezone the site from part R4 High Density Residential and part SP2 Infrastructure to B4 Mixed Use, increase of the maximum building height from 34m to 90m and an increase of the floor space ratio (FSR) control from 1.7:1 to 6:1. This is to facilitate a 17-storey mixed-use development comprising a 13-storey residential tower positioned above a four storey podium containing two storeys of commercial/retail uses and two storeys of residential uses.

The Pacific Highway is approximately 120m west and zoned SP2 infrastructure (Classified Road). On the opposite side of the Pacific Highway is land zoned B5 Business Development with small scale commercial premises.

The land to the western side of the Pacific Highway is not within the expanded CBD boundary except for a strip of land from Freeman Road in the south to an apartment complex at 766 Pacific Highway in the north (**Figure 6**).



**Figure 6:** Site context map - expanded Chatswood CBD with the site located to the west of the rail corridor in the south (source: Nearmap, overlay by the Department)

## 1.4 Current planning controls

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

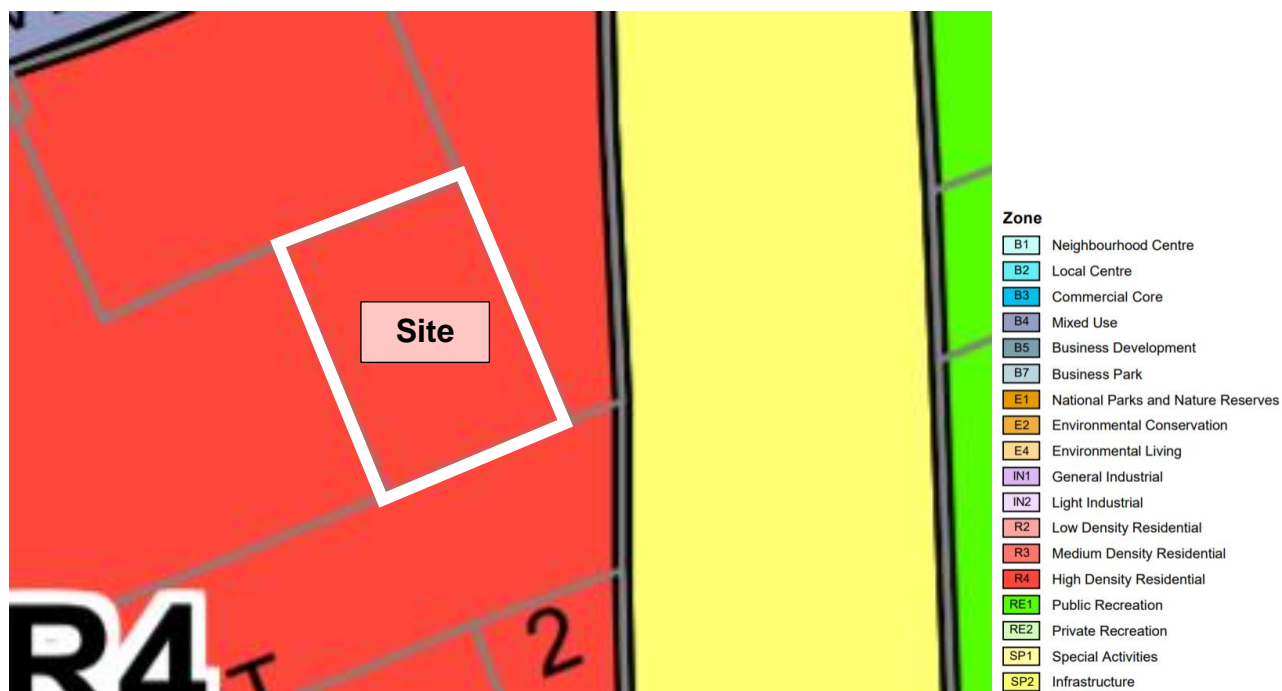
- R4 High Density Residential zoning (**Figure 7**);
- maximum HOB of 34m (**Figure 8**); and
- maximum FSR of 1.7:1 (**Figure 9**).

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

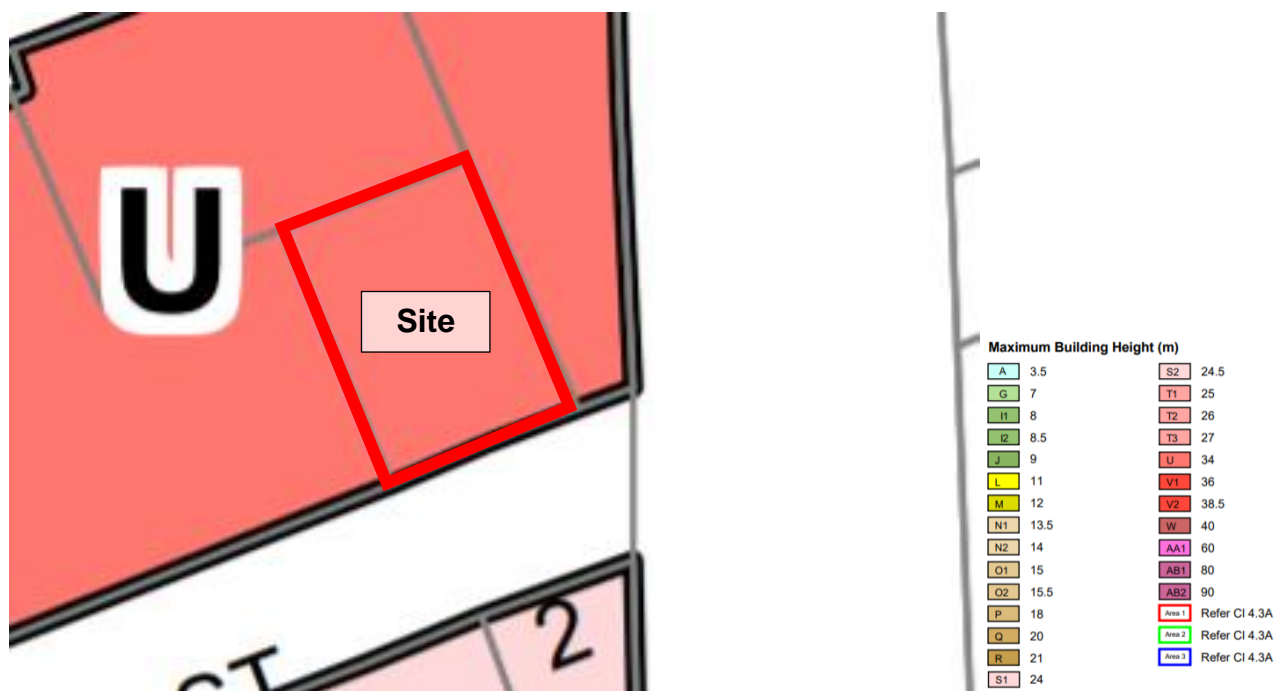
**Table 1:** Comparison between current and proposed planning provisions.

Control	Current	Proposed	CBD Strategy
<b>Zone</b>	R4 High Density	B4 Mixed Use	B4 Mixed Use
<b>Height</b>	34m (10-11 storeys)	Maximum 44m	Maximum 90m - Subject to solar access plane ( <b>Figure 27</b> )
<b>FSR</b>	1.7:1	4.5:1 (including 0.52:1 of non-residential floor space)	2.5:1
<b>Lot Size</b>	N/A	800m <sup>2</sup>	1,200m <sup>2</sup>

Control	Current	Proposed	CBD Strategy
Active Street Frontage	N/A	Ellis Street	Consistent
Affordable Housing	N/A	4% (130m <sup>2</sup> )	Consistent

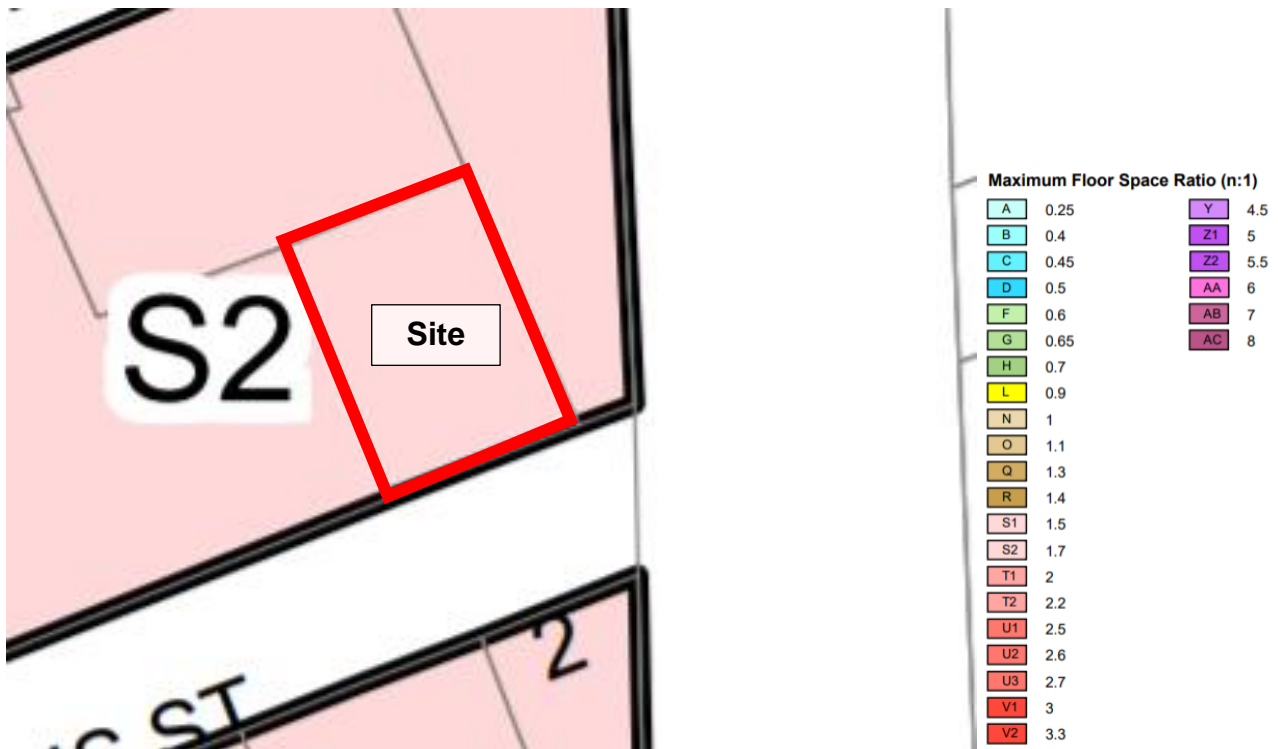


**Figure 7:** Existing Willoughby LEP 2012 Land zoning map LZN\_004 (zoned R4 High Density Residential) (source: NSW Planning Portal)



**Figure 8:** Existing Willoughby LEP 2012 Maximum building height map HOB\_004 (HOB of 34m) (source: NSW Planning Portal)





**Figure 9:** Existing Willoughby LEP 2012 Maximum FSR map FSR\_004 (FSR 1.7:1) (source: NSW Planning Portal)



**Figure 10:** Existing Willoughby LEP 2012 Heritage map HER\_004 (source: NSW Planning Portal)

## 1.5 Summary of recommendation

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

- it is consistent with the actions of the North District Plan for Chatswood by providing additional residential accommodation and commercial floor space for small business or retail uses in a mixed-use zone;
- the proposal will provide increased residential dwellings on the edge of the Chatswood CBD, preserving the B3 Commercial Core;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy; and
- reducing the height in the proposed development controls ensures that there will be no additional overshadowing impact to public open space such as Chatswood Oval or the Chatswood Croquet Club between 12-2pm during midwinter.

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

- the proposed maximum building height is consistent with the desired future maximum building heights for the Chatswood CBD; and
- the proposal will enable the delivery of additional residential accommodation and commercial floor space for small business or retail uses in the Chatswood CBD within approximately 250m walking distance of the Chatswood transport interchange.

## 2. Background

The background of the planning proposal is summarised in **Table 2**.

**Table 2:** Summary of the background of the planning proposal

Date	Comment
26 March 2018	<p>Pre-lodgement meeting, Council recommended that the concept be revised to reduce the proposed height of 46.9m and FSR of 4.9:1 and to amalgamate the site with neighbouring properties.</p> <p>Council raised several concerns with the proposed changes to the development controls, including:</p> <ul style="list-style-type: none"> <li>• inconsistency with the Willoughby LEP 2012 controls regarding height, FSR and minimum lot size for a residential flat building; and</li> <li>• inconsistency with the recommended changes under the Chatswood CBD Planning and Urban Design Strategy, including zoning, height and FSR.</li> </ul>
16 November 2018	<p>Planning proposal submitted to Council seeking to increase to the maximum building height from 34m to 49m and to the maximum FSR from 1.7:1 to 5.1:1, and a minimum lot size of 800m<sup>2</sup> instead of 1100m<sup>2</sup> for the development of a residential flat building on the site.</p>
30 January 2019	<p>Willoughby Local Planning Panel (LLP) considered the subject planning proposal and advised Council that it should not be forwarded to the Department as it failed to demonstrate strategic and site-specific merit.</p>
<b>11 February 2019</b>	<p>Council resolved to not support forwarding it to the Department for Gateway as it is a departure from the current planning controls, inconsistent with the Chatswood CBD Strategy and the objectives of the Greater Sydney Region Plan and the North District Plan.</p>

Date	Comment
15 February 2019	Council notified the proponent that it does not support the planning proposal.
28 March 2019	The rezoning review request was submitted to the Department.
<b>5 November 2019</b>	Rezoning review considered by the Sydney North Planning Panel (SNPP) who determined that it did not demonstrate strategic merit. The SNPP stated that the proposed height of 49m and FSR of 5.1:1 was inappropriate for a site of 800m <sup>2</sup> and would adversely impact on its surroundings.
8 July 2020	Pre-lodgement meeting with Council after revision of planning proposal ( <b>Attachment F1</b> ).
9 July 2020	The Chatswood CBD Planning and Urban Design Strategy 2036 fully endorsed by the Department.
27 May 2021	The LPP provided advice that planning proposal should be forwarded to the Department as it demonstrated strategic and site-specific merit.
15 June 2021	At their Ordinary Meeting, Council determined to not forward the planning proposal to the Department to rezone to B4 Mixed Use, increase the height to 44m, increase the FSR to 4.5:1 and amend various clauses. This was based on option 1 that was supported by Council Officers.
12 July 2021	At their Ordinary Meeting, Council considered a revised planning proposal and resolved to rescind the resolution of 15 June 2021. The planning proposal contained two options and Council resolved to support 'option 1' and forward the planning proposal to the Department ( <b>Attachments F2 and F3</b> ).

## 3. Planning Proposal

### 3.1 Objectives or intended outcomes

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

The proposed concept will provide approximately 30 new residential dwellings including a 4% affordable housing component and two levels of commercial floor space.

It is recommended that prior to exhibition, the proposal is to be updated to provide a plain English version of the objectives and intended outcomes including the number of dwellings proposed and the jobs created as a result of the planning proposal.

### 3.2 Explanation of provisions

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

- rezoning the land from R4 High Density Residential to B4 Mixed Use;
- amending the maximum building height from 34m to 44m; and
- amending the maximum FSR from 1.7:1 to 4.5:1;

Council recommended further mapping and written amendments (**Attachment E and F5**) to the Willoughby LEP 2012 including to:



- introduce clause 4.4B Minimum non-residential floor space in the Mixed Use Zone to contain a minimum non-residential floor space component to be calculated at 17% of FSR as indicated on the FSR map;
- amend clause 5.6 Architectural roof features (2A) to indicate development is subject to clause 4.3 Height of buildings;
- amend clause 6.7 Active street frontages and Active Street Frontages Map to include Ellis Street;
- amend clause 6.8 Affordable housing;
- amend clause 6.10 Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings to include development controls for shop top housing;
- amend clause 6.23 Design excellence for certain sites at Willoughby;
- introduce clause 6.25 Sun access to apply to land zoned B3 Commercial Core and B4 Mixed Use;
- amend the Special Provisions Area Map to apply clause 5.6 Architectural roof features, clause 6.8 Affordable housing and clause 6.23 Design excellence;
- amend the Lot Size Map to indicate a minimum lot size of 800m<sup>2</sup>; and
- amend Schedule 1 Additional permitted uses to add a new subclause 'Use of certain B4 land in Chatswood' which will require non-residential uses to be located on the ground floor and 17% of total FSR to be non-residential uses.

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

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

The planning proposal was accompanied by a draft site-specific development control plan (DCP) (**Attachment A17**) and a VPA letter of offer (**Attachment A16**).

### 3.3 Mapping

Draft LEP mapping will be required to be provided in the planning proposal to demonstrate the proposed changes to the Willoughby LEP 2012.

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

- an amended Land Zoning Map (sheet LZN\_004) (**Figure 11**);
- an amended Maximum Height of Buildings Map (sheet HOB\_004) (**Figure 12**); and
- a Maximum FSR Map (sheet FSR\_004) (**Figure 13**).
- an amended Lot Size Map (LSZ\_004) to indicate a minimum lot size of 800m<sup>2</sup> (**Figure 14**).
- an amended Special Provisions Area Map (SPA\_004) (**Figure 15**) referring to clause 5.6 Architectural roof features, clause 6.8 Affordable housing, clause 6.23 Design excellence; and
- an amended Active Street Frontages Map (ASF\_004) (**Figure 16**).

The additional maps to be included in the planning proposal will be a condition of the Gateway determination.

No changes are proposed to any other LEP maps.

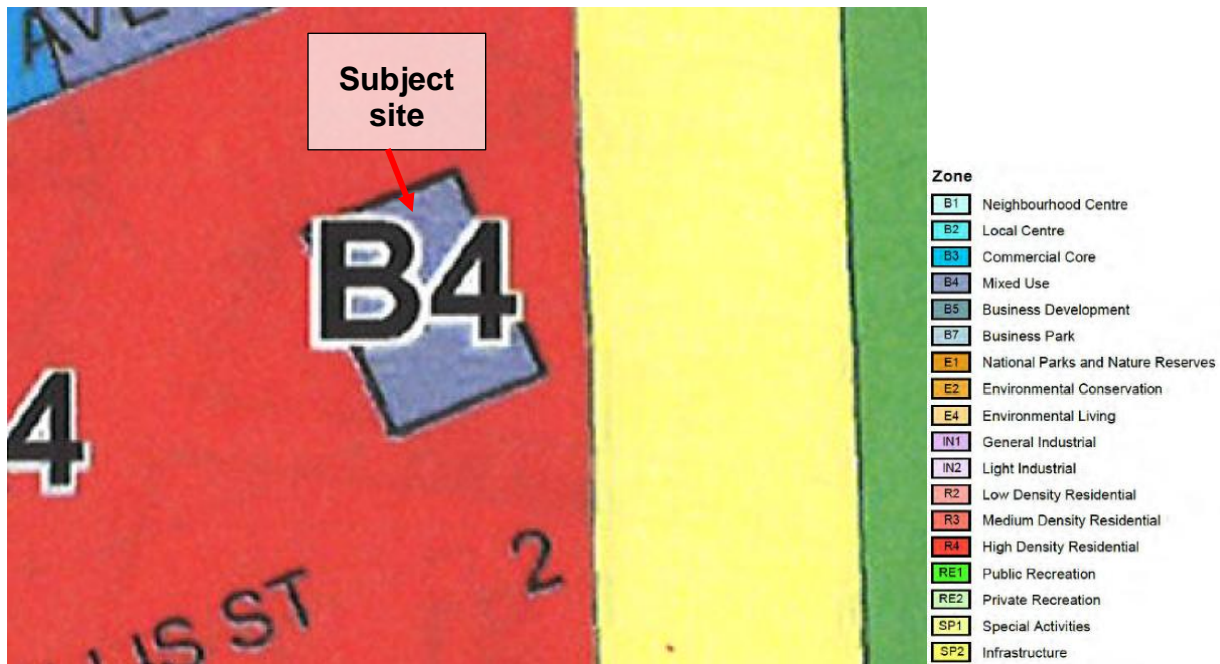


Figure 11: Draft extract Willoughby LEP 2012 Land zoning map (source: Council)

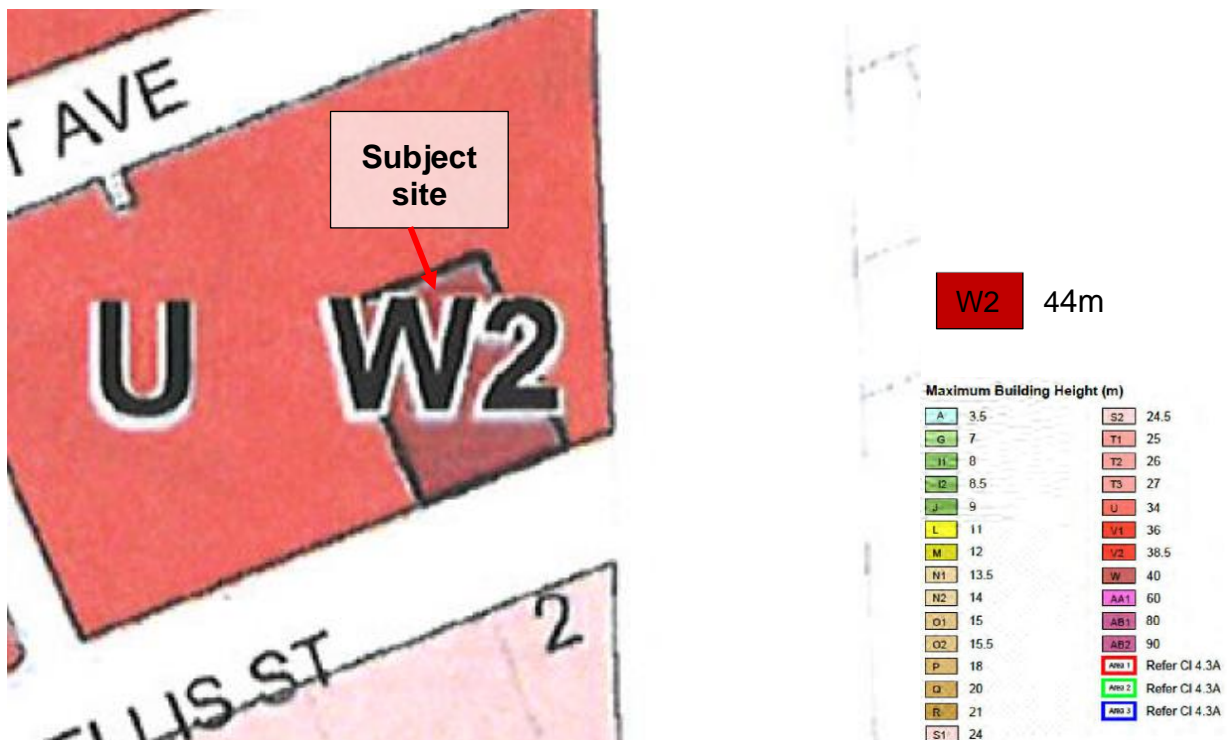


Figure 12: Draft extract Willoughby LEP 2012 Maximum height of buildings map (source: Ethos Urban)

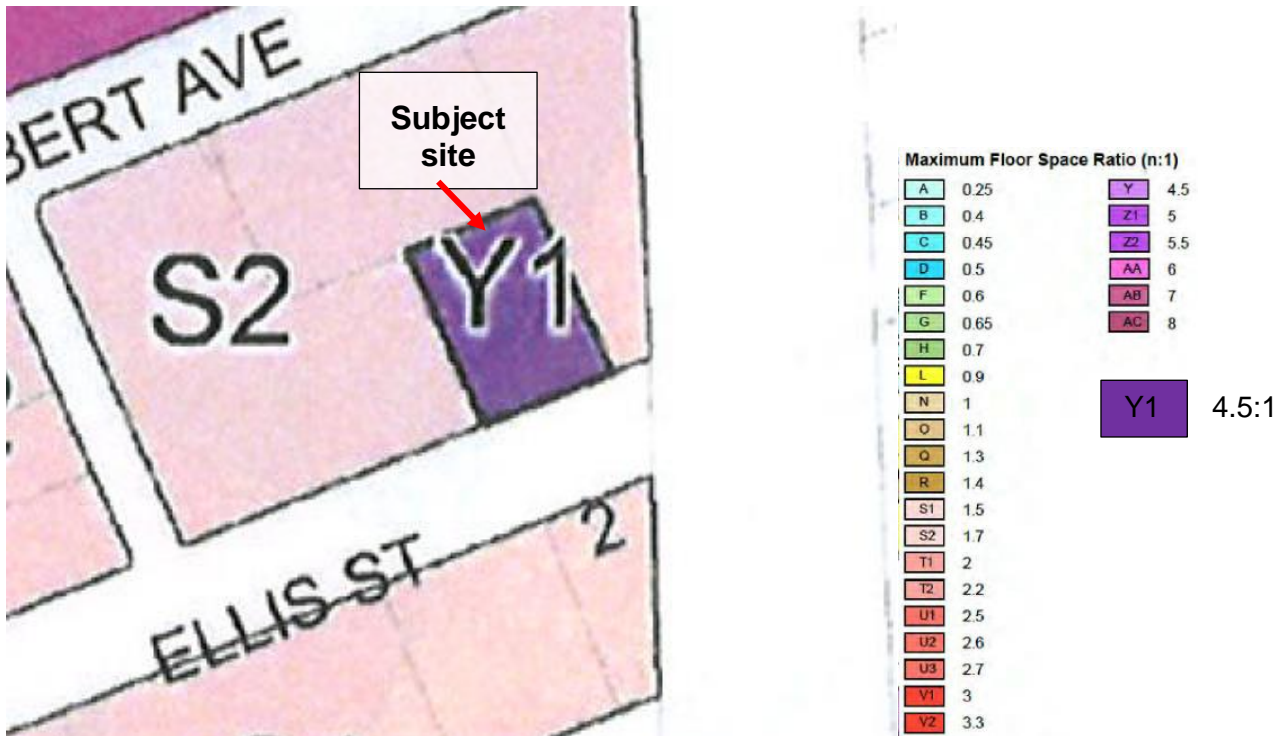


Figure 13: Draft Willoughby LEP 2012 Maximum FSR map (source: Council)

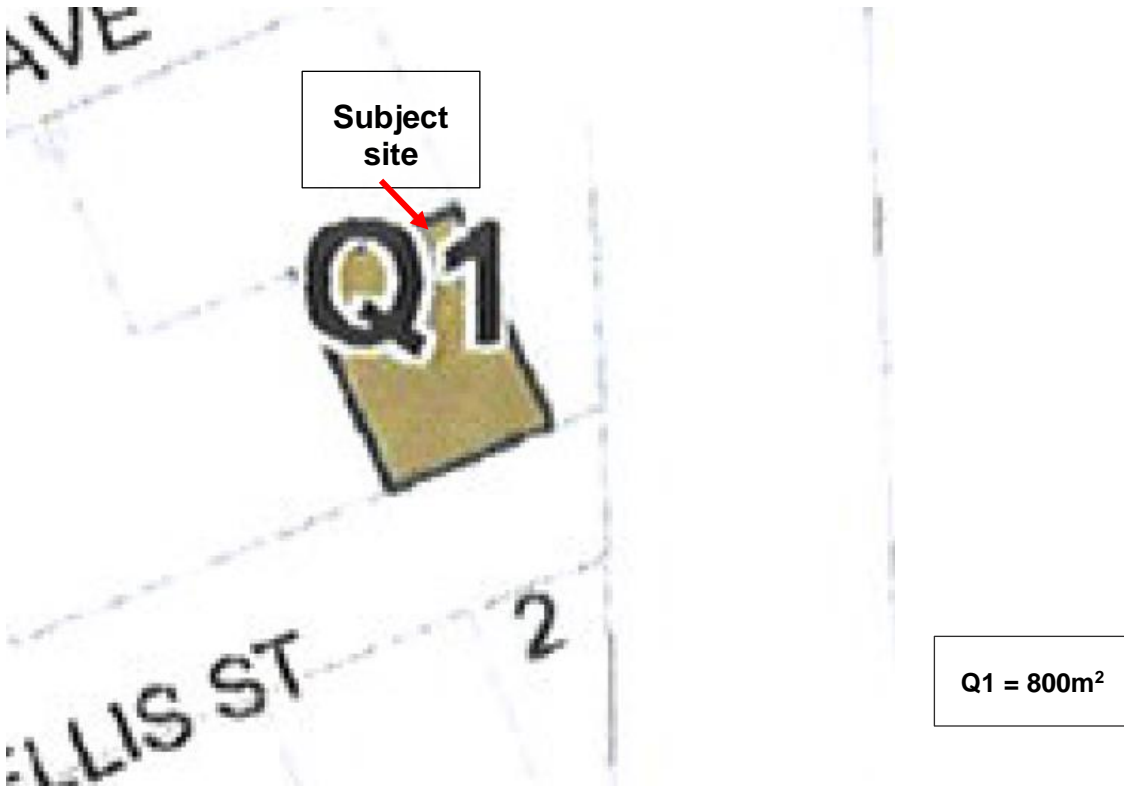
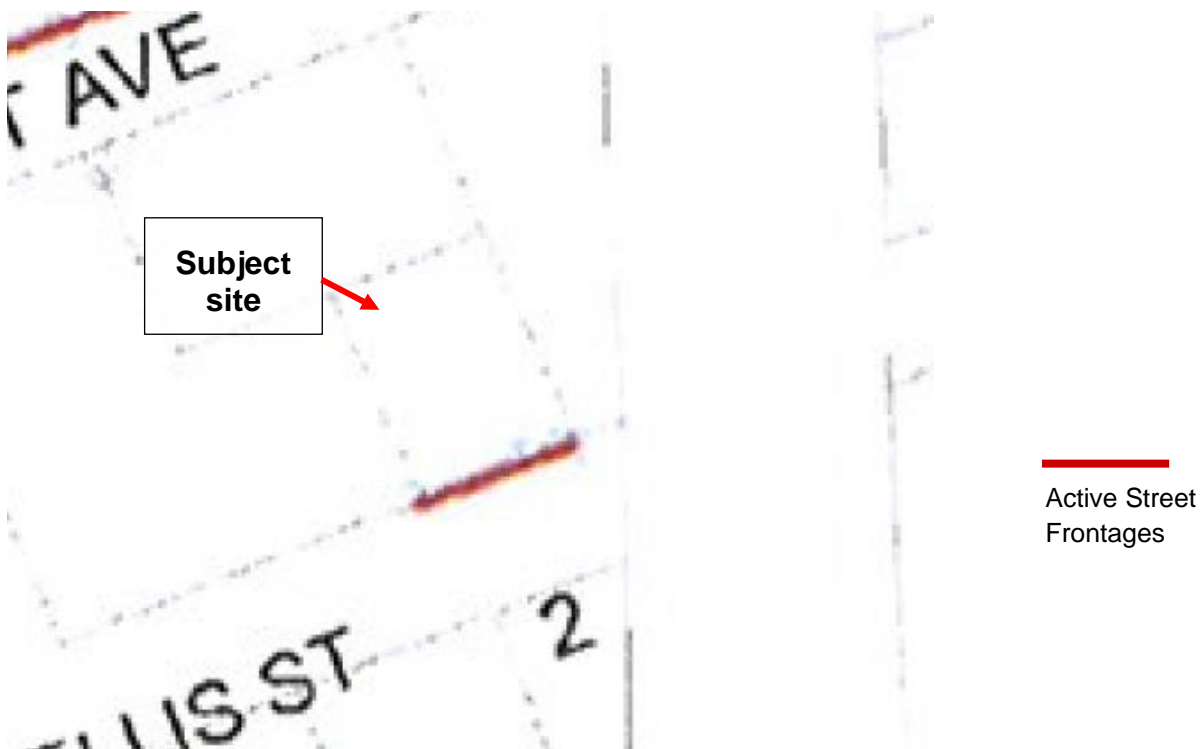


Figure 14: Draft Willoughby LEP 2012 Lot Size map (source: Council)





**Figure 15:** Draft extract Willoughby LEP 2012 Special Provisions Map (source: Council)



**Figure 16:** Draft Willoughby LEP 2012 Active Street Frontages map (source: Council)

### 3.4 Concept Design

The Concept Design Report (**Attachment A2**) and Plans (**Attachment F6**) submitted with the documentation indicates that the proposal could potentially deliver a 14 storey mixed-use development comprising of a 12 storey residential tower with a 2 storey podium retail/commercial floor space.

The planning proposal states that it will:

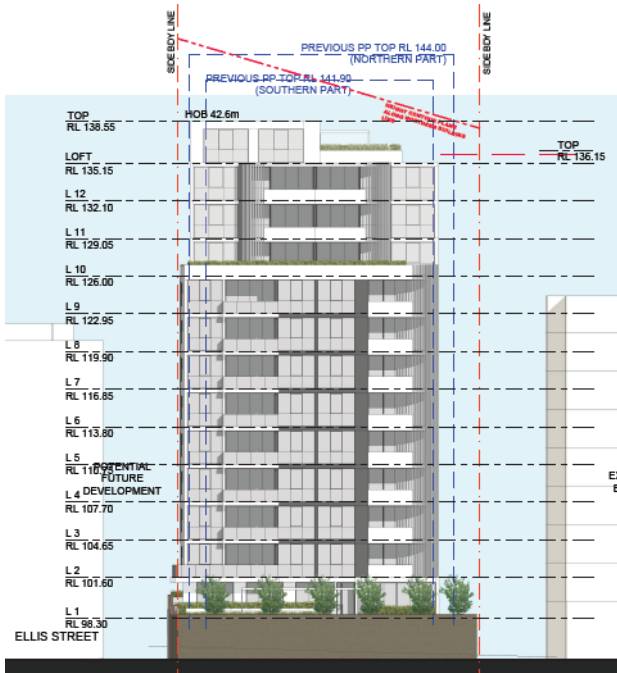
- provide an increased high-quality public domain; and
- provide upgraded, increased residential accommodation with retail/commercial floorspace in an area close to existing services and infrastructure including accessible public transport.

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

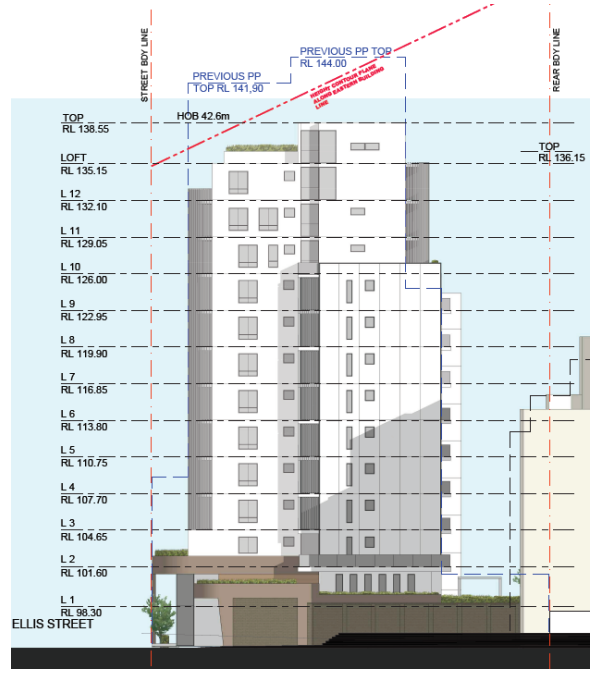
Drawings of the proposed concept design have been provided at **Figures 17-25**.

**Table 2:** Development summary of the proposed concept design.

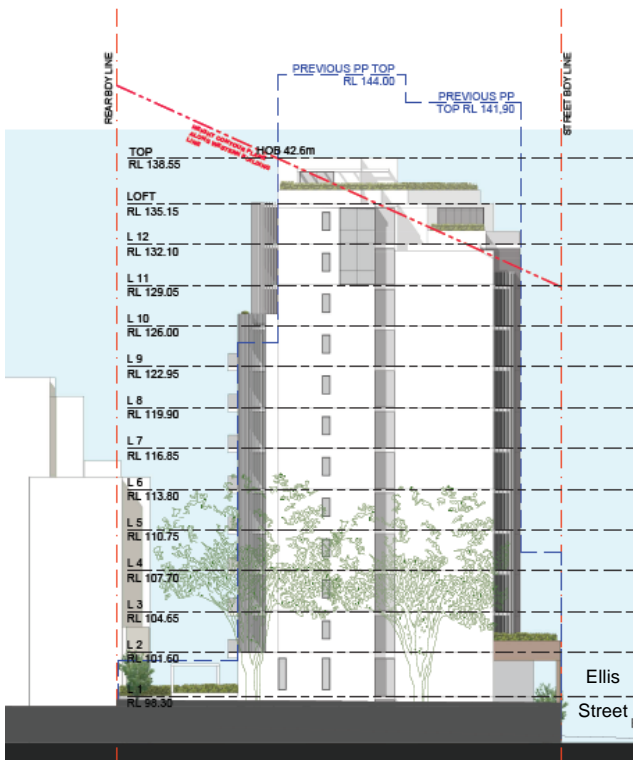
Area Detail		Proposed
Site area		808.6m <sup>2</sup>
Zone		B4 Mixed Use
GFA	Commercial/retail	420m <sup>2</sup>
	Residential	3,221m <sup>2</sup> (30 residential dwellings)
	<b>Total</b>	<b>3,641m<sup>2</sup></b>
FSR	Commercial	0.52:1
	Residential	3.98:1 (including affordable housing)
	<b>Total</b>	<b>4.5:1</b>
Height		44m (RL139.5)
Lot size		800m <sup>2</sup>
Number of levels		18 (2 podium levels of non-residential, 12 levels residential and 4 basement levels)
Parking levels		3 levels
		<ul style="list-style-type: none"> <li>• 31 residential spaces</li> <li>• 3 visitor's spaces</li> <li>• 3 commercial spaces</li> <li>• 2 car share spaces</li> </ul>
		Total 39 car spaces
Bicycle and motorcycle		<ul style="list-style-type: none"> <li>• 34 racks/cycle spaces</li> <li>• 4 motorcycle spaces</li> </ul>
Solar access		100% during Winter Solstice (minimum 2 hours)
Cross ventilation		100%
Deep soil		13%
Communal open space		27.2%



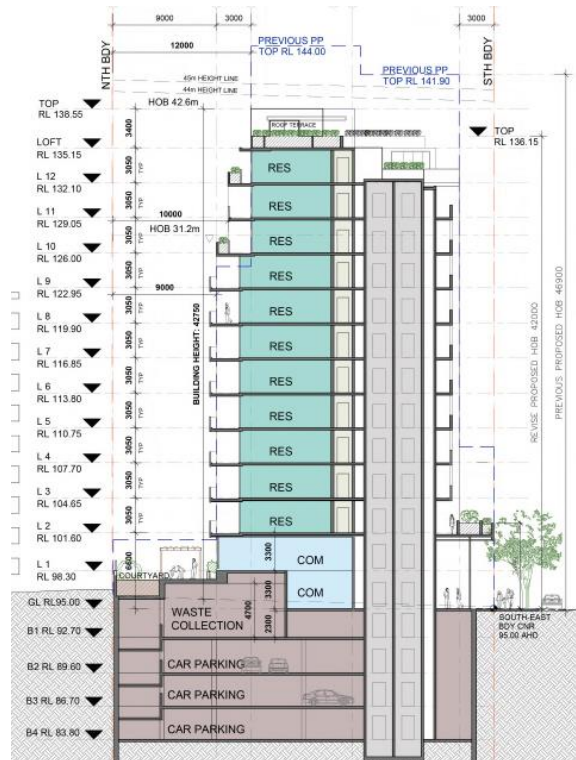
**Figure 17:** Proposed south elevation from Ellis Street, Chatswood (source: MGA Architects)



**Figure 18:** Proposed west elevation (source: MGA Architects)



**Figure 19:** Proposed east elevation (source: MGA Architects)

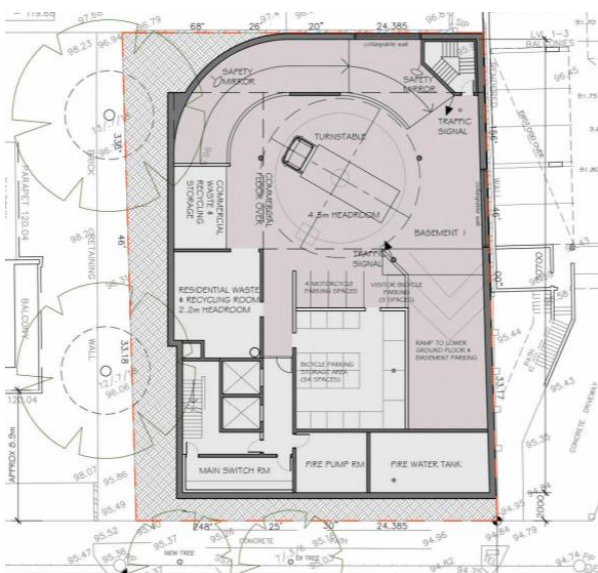


**Figure 20:** Proposed north-south section looking east (source: MGA Architects)





**Figure 21:** Proposed ground floor plan and proposed public domain (source: Stanisc Architects)



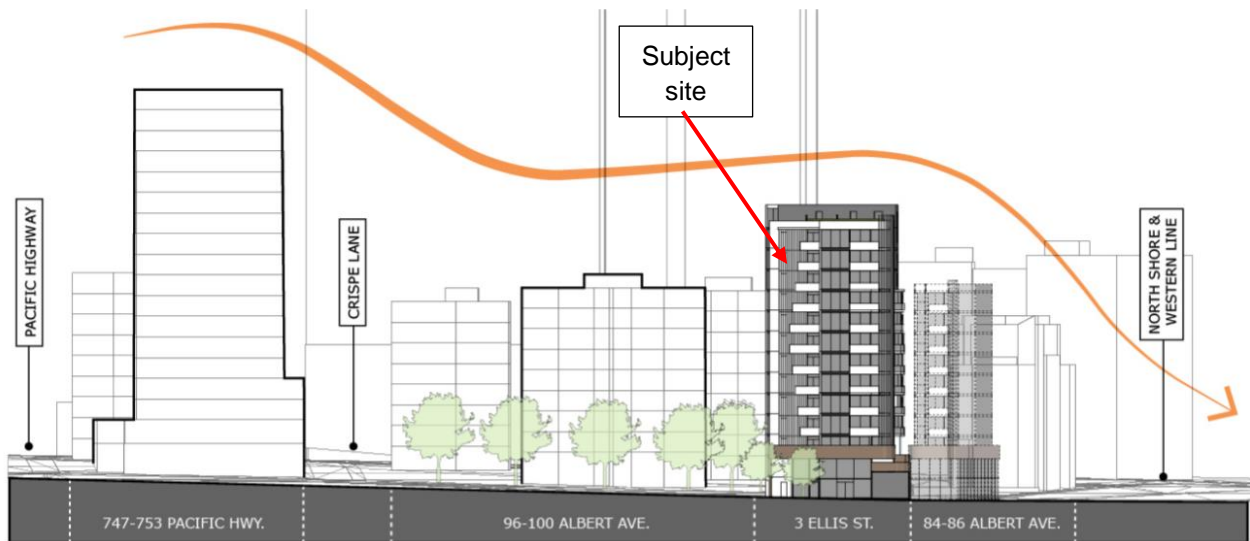
**Figure 22:** Proposed level 1 basement plan (source: Stanisc Architects)



**Figure 23:** Proposed loft floor plan (source: Stanisc Architects)



**Figure 24:** Concept of the proposal looking north-west from Ellis Street (source: Stanisic Architects)



**Figure 25:** Council's preferred 'Option 1' concept building envelope (north elevation) with 800m setback to Ellis Street and relative to the existing and proposed built environment in Chatswood (source: Stanisic Architects)

## 4. Need for the planning proposal

The planning proposal is the result of the Chatswood CBD Strategy which has been endorsed by the Department (**Attachment H4**) and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included in **Table 5** of this report.

Council's intention is for site-specific planning proposals to be prepared to support the strategy's recommendations prior to its Comprehensive LEP amendment.

The draft Comprehensive LEP amendment proposes to incorporate the rezoning all land within the Chatswood CBD area and is currently under assessment by the Department.

The site is located within the Chatswood CBD boundary and is able to increase height up to the sun access plan as indicated in the Chatswood CBD Strategy (**Figure 30**).

The planning proposal is the best means of varying the height and FSR to achieve the objectives and intended outcomes.

## 5. Strategic Assessment

### 5.1 Greater Sydney Region Plan

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

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

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

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

Region Plan Direction	Consistency
<b>A City for People</b>	The site is within 250m walking distance of Chatswood train station, Metro and bus interchange. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles. The site is approximately 10m from Frank Channon Walk with a direct connection through to the interchange.
<b>A City of Great Places</b>	The planning proposal would seek to redevelop a detracting building. The public domain will be improved with landscaping and the pedestrian amenity will be improved.
<b>A Well-Connected City</b>	The site is located approximately 250m from the Chatswood transport interchange which has been recently upgraded to now include the Sydney Metro. Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest. The location of the proposed concept development will maximise the use of public transport assets and reduce the need for additional infrastructure.
<b>Jobs and Skills for the City</b>	The planning proposal seeks to enable redevelopment to increase residential uses,



	commercial and retail floor space and employment. Increasing local housing and retail will support growth of Chatswood attracting international visitors and investment.
<b>A City in its Landscape</b>	The planning proposal seeks to increase landscaped setbacks and public and pedestrian amenity.
<b>A Collaborative City</b>	The planning proposal has been prepared in response to the endorsed Chatswood CBD Planning and Urban Design Strategy 2036.
<b>Housing the City</b>	<p>The concept development will facilitate the provision of new additional residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services including the Chatswood interchange.</p> <p>An affordable housing component will also create additional housing options in the Willoughby LGA.</p>

## 5.2 North District Plan

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

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

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

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

The planning proposal documentation (**Attachment A**) states that the residential GFA would be approximately 3,221m<sup>2</sup> and a commercial/retail GFA of 420m<sup>2</sup> at the ground and level one. This would equate to approximately 3,641m<sup>2</sup> total GFA as outlined in **Table 2**.

This is based on the proposed amendments and assuming the development is fully developed in accordance with the FSR amendment sought in the concept design.

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

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

District Plan Priority	Consistency
<b>N1 Planning for a city supported by infrastructure</b>	The proposal aligns with the forecast growth and will facilitate development within the Chatswood Strategic Centre close to existing services and infrastructure including the Chatswood Interchange.
<b>N3 Providing services and social infrastructure to meet people's changing needs</b>	The proposed change to the development controls will facilitate and increase in a variety of sizes of residential dwellings in an area that will allow people to live closer to jobs, services and transport infrastructure in the Chatswood CBD.
<b>N4 Fostering healthy, creative, culturally rich and socially connected community</b>	The proposed through site links will provide increased pedestrian amenity and better connections to public open space, existing transport and other facilities. This will encourage an active lifestyle by delivering walkable streets and connections to cycleways with direct, accessible, and safe pedestrian access to schools, jobs, services, retail and recreational facilities in Chatswood.
<b>N5 Providing housing supply, choice and affordability with access to jobs, services and public transport</b>	The proposal will facilitate renewed development to provide an increased variety of residential housing in an accessible location. This will help to achieve the housing target for the Willoughby LGA.
<b>N6 Creating and renewing great places and local centres, and respecting the District's heritage</b>	<p>The proposal will be provided upgraded and increased residential and commercial/retail floor space. This will include the provision of active street frontages within a strategic centre with increased landscaping.</p> <p>The proposed changes will not have an adverse impact on any heritage items or HCAs.</p>
<b>N8 Eastern Economic Corridor is better connected and more competitive</b>	<p>The planning proposal will facilitate new increased additional housing within the Chatswood CBD but outside the commercial core as part of the Eastern Economic Corridor.</p> <p>This will enable the delivery of housing targets while preserving space for employment growth.</p>
<b>N10 Growing investment, business opportunities and jobs in strategic centres</b>	The proposal facilitates 420m <sup>2</sup> of commercial/retail floorspace in a strategic centre close to existing services, facilities and public transport options.
<b>N12 Delivering integrated land use and transport planning and a 30-minute city</b>	The site is within 250m of the Chatswood transport interchange creating efficient access to employment, services and community facilities.

District Plan Priority	Consistency
<b>N19 Increased urban tree canopy cover and delivering Green Grid connections</b>	The redevelopment of the site intends to increase landscaping, tree canopy and deep soil areas.
<b>N21 Reducing carbon emissions and managing energy, water and waste efficiency</b>	<p>The proposed DCP includes a requirement of a minimum 5-star Green Building Council of Australia rating.</p> <p>The proximity to accessible public transport, encouraging active modes of transport will reduce reliance on private vehicles</p>

### 5.3 Chatswood CBD Strategy

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

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. **Table 5** includes the Department's assessment of the proposal's consistency with these key elements. **Attachment F2** contains Council comments and **Attachment A3** outlines the applicant's assessment of the planning proposal against the key elements.

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

Key Element	Consistent	Assessment of Consistency
CBD Boundary	Yes	Proposal is within the expanded CBD boundary.
Land Use	Yes	The proposal is to be rezoned from R4 High Density Residential zone to B4 Mixed-Use consistent with the strategy. It will provide commercial/retail with residential uses above.
Removal of provisions for size of office and retail tenancies within B3 core	N/A	The site is proposed to be rezoned to B4 Mixed-use and is not within the B3 Commercial Core zone.
Serviced apartments to be removed as a permissible use within B3 core	N/A	The site is proposed to be rezoned to B4 Mixed-use and is not within the B3 Commercial Core zone. The concept does not propose serviced apartments.
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	The proposed concept is seeking an overall FSR of 4.5:1. This site is identified in the Strategy to achieve an FSR of 2.5:1. This variation is supported by Council.



		<p>The draft DCP submitted with the planning proposal includes a requirement for the provision of public art. A VPA letter of offer submitted with the planning proposal outlines the applicant is willing to contribute to public works and other public benefits in accordance with Council's infrastructure scheme (CIS).</p>
Design excellence required for all development above 35m	Yes	<p>Council will require all development above 35m to be subject to a design excellence process. This would be undertaken at DA stage.</p> <p>The site is proposed to be included on the Special Provisions Map as subject to the Design Excellence provisions under clause 6.23</p>
Higher building sustainability standards	Yes – capable at DA stage	<p>Recent changes to the National Building Code of Australia now requires improved performance of new buildings.</p> <p>The proposed DCP includes a requirement of a minimum 5-star Green Building Council of Australia rating.</p>
Base FSR	No	<p>The site has an existing FSR of 1.7:1. It is proposed to provide a maximum FSR of 4.5:1 including a non—residential FSR of 0.52:1 which is above the recommendations in the Strategy of a maximum of 2.5:1.</p> <p>Council is supportive of this variation to allow development of the site, on the basis that it will not result in increased overshadowing to sun protected areas and will not create unacceptable amenity impacts on neighbouring properties or the public domain.</p>
Minimum site area	No	<p>The site is approximately 808.6m<sup>2</sup> which is less than the minimum site area requirement of 1,200m<sup>2</sup> for sites within the B4 Mixed Use zone.</p> <p>Council noted that the adjoining sites have an area of at least 1,200m<sup>2</sup> and amalgamation would be difficult to achieve. The site is isolated due to the development of 84-86 Albert Avenue. The proposed lot size would not result in the isolation of neighbouring sites. The proposal considers a future shared vehicular access that has been included in draft DCP provisions and may increase landscaped area to 84-86 Albert Avenue should this property be redeveloped.</p>
Maximum FSR	No	<p>The site is identified in the Strategy to achieve a maximum FSR of 2.5:1. The proposal is for a mixed-use development with commercial/retail floor space and seeks a maximum overall FSR of 4.5:1 with a</p>

		<p>non-residential area of 0.52:1. This will enable feasible development and will not result in increased overshadowing to sun protected areas.</p> <p>Council is supportive of this variation.</p>
Affordable Housing	Yes	<p>It is proposed to provide 4% affordable housing consistent with Council's existing LEP and DCP requirements within the maximum FSR. The site will be subject to Council's Affordable Housing Policy and identified on the Special Provisions Area Map.</p>
Minimum commercial FSR in mixed use zones is to be 1:1	No	<p>The proposed concept is seeking an overall FSR of 4.5:1 including a non-residential FSR of 0.52:1 (420m<sup>2</sup>).</p> <p>The Department's full endorsement (<b>Attachment H3</b>) recommended that Council should consider adopting a minimum non-residential FSR of less than 1:1 for any land in the B4 Mixed Use zone below a maximum FSR of 6:1.</p>
Maximum tower floor plate sizes	Yes	<p>The concept scheme indicates a maximum floorplate of 309m<sup>2</sup> GFA which does not exceed the required 700m<sup>2</sup> GFA for residential towers above podium level in the mixed-use zone.</p>
Width of the side of each side of any tower to be minimised	Yes	<p>The residential tower depicted in the concept plan are generally consistent with the slender tower objective.</p>
Tower separation	Yes	<p>The concept scheme indicates one slender tower with sufficient setbacks and separation to achieve privacy, adequate natural ventilation, sun access and views.</p>
Sun access to key public spaces and conservation areas	Yes	<p>The site is located in the south-west of the Chatswood CBD and to the north-west of key public open spaces identified in the Strategy as requiring sun protection. It is not able to achieve the 90m maximum height limit</p> <p>The Planning proposal notes that while the height extends above the sun access plane, there is no increase in mid-winter shadow to the sun protected public open space areas.</p> <p>The overshadowing will impact the Croquet Club from 12pm to 1.45pm but confined to a small area in the north-east corner. These shadows are within the existing shadows cast by existing buildings to the north and north-west of the Club.</p> <p>Overshadowing will impact Chatswood Oval from 2.15pm to 3pm and limited to the southwest portion of the Oval. This overshadowing is margin and after the sun protection timeframe as outlined in the</p>

		<p>Strategy. These shadows are entirely within the existing shadows of development on the north side of Albert Avenue.</p> <p>The concept will not result in an additional overshadowing of the Chatswood Bowling Club. This club is private recreation and does not have sun access protection under the Strategy</p>
Building Heights	Yes	The site is affected by the solar access protection controls. The proposed maximum building height for the subject site is to 44m consistent with the strategy. Council has required that prior to exhibition concept plans are required to be provide that clearly show that at no point the proposed mixed use building encroaches on the sun access protection place determining height on the site.
Lift over runs and architectural features integrated into building form	Yes – capable at DA stage	The proposed concept design integrates the lift over run and any architectural features within the maximum height.
Links and open space	Yes – capable at DA stage	The Strategy does not provide any recommendations for a through site link or open space on the site. The site is close to Frank Channon Walk which includes a walkway and cycleway with direct connection to the Chatswood Interchange.
Publicly accessible open space and landscaping	Yes – capable at DA stage	<p>The concept includes publicly accessible open space along the Ellis Street frontage and along a portion of the western boundary with increased landscaping.</p> <p>A right of way can be used to achieve a permanent public benefit in the future to Albert Avenue.</p> <p>The provision of two public right of ways is addressed in the draft DCP provisions.</p> <p>The proponent is prepared to enter into a VPA to fund public domain improvements including public works to part of Ellis Street. This will be in addition to any adopted section 7.11 or 7.12 contributions.</p>
All roofs up to 30m from the ground are to be green roofs	Yes – capable at DA stage	The planning proposal states that the concept design includes green roofs on level 1, podium level two, levels 10 and 11 and the top floor loft.
Soft landscaping is to apply to 20% of the site	Yes – capable at DA stage	Landscaping is to be provided above 20% of the site area. Landscaping is also provided on part of the Ellis Street, rear and western boundaries with 13% deep soil planting along Ellis Street and the western boundary.
Roof top and communal open space	Yes	The concept plans show landscaped open space at the rooftop. Communal open space will equate to approximately 215m <sup>2</sup> or at least 26.6% of the site.



Street wall heights and setbacks	Partially – capable at DA stage	<p>The concept provides:</p> <p>At ground level</p> <ul style="list-style-type: none"> <li>• 2m setback to the south (Ellis Street). The Strategy recommends a zero setback. However, as the footpath along Ellis Street is narrow, the increase will provide some public space.</li> <li>• 4.06m setback to the north;</li> <li>• zero setback to the east (84-86 Albert Avenue);</li> <li>• 3m setback to the west (7-13 Ellis Street).</li> </ul> <p>Tower setback above podium</p> <ul style="list-style-type: none"> <li>• 1m setback to the south (Ellis Street);</li> <li>• 5m to the north;</li> <li>• 2.7m</li> <li>• zero setback to the west (7-13 Ellis Street).</li> </ul> <p>A 7.6m podium street height is proposed.</p>
Active street frontages	Yes – capable at DA stage	The ground floor level of retail/commercial floorspace is proposed to provide the opportunity for active street frontages to Ellis Street.
Site isolation	Yes	The concept development would not result in the isolation of adjoining sites which have an area of at least 1200m <sup>2</sup> . The subject site is isolated and is unlikely to be amalgamated with the adjoining sites.
Traffic and transport	Yes – capable at DA stage	<p>The concept scheme includes four basement levels with three levels of private parking for approximately 39 cars in addition to bicycle and motorcycle parking spaces.</p> <p>Vehicular access/egress will be via Ellis Street. Entry and exit of private vehicles will be in a forward direction.</p> <p>The planning proposal indicates that the loading dock area is located at basement level. However, heavy vehicles will rely on a turntable to manoeuvre out of the site due to restricted access at basement level.</p>

## 5.4 Willoughby Local Strategic Planning Statement

Council adopted the final Willoughby LSPS at its meeting of 10 February 2020. The LSPS sets out the 20-year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future.

The Greater Sydney Commission (GSC) endorsed the LSPS on 20 March 2020 and the Department published it on the NSW Planning Portal on 31 March 2020.

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

- increase housing diversity for families, an aging population and key workers as it will provide an additional 30 residential apartments of varying size including a 4% affordable housing component;
- enhance walking and cycling connections and increased public amenity with upgrades to footpaths and landscaping;
- provide 0.52:1 commercial/retail floorspace assisting the economic development in Chatswood; and
- provide additional high quality, energy efficient residential dwellings close to the commercial core and accessible public transport reducing the reliance of private vehicle use.

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

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

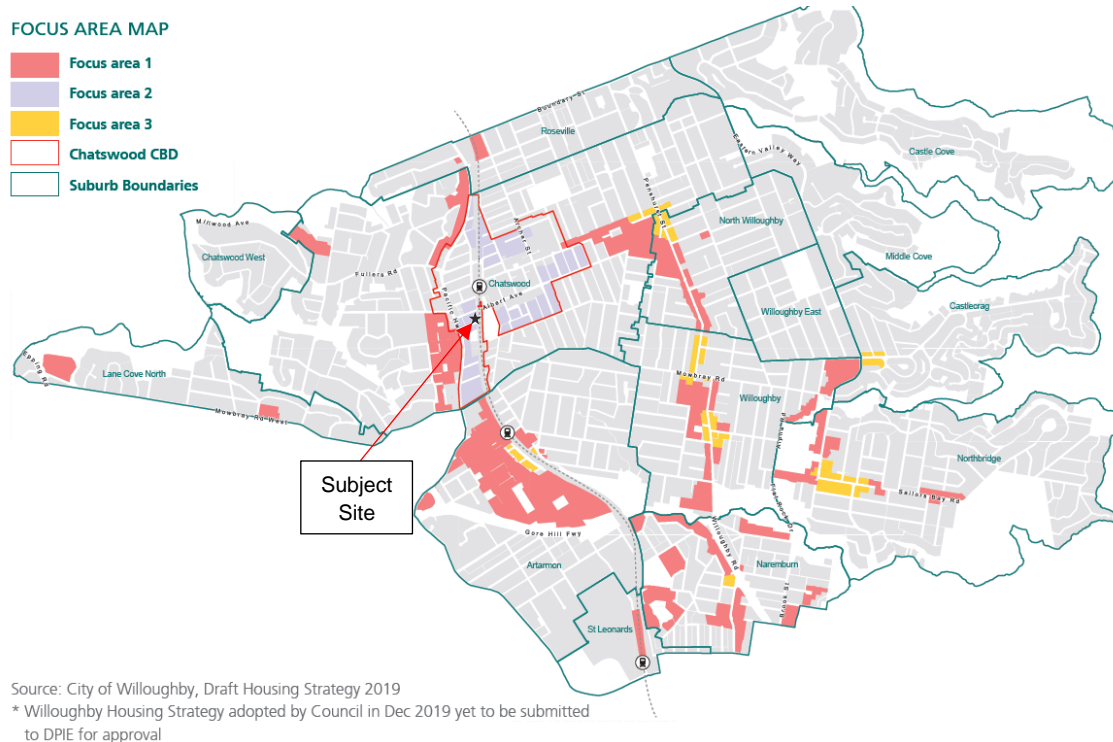
## 5.5 Willoughby Local Housing Strategy

In May 2020, Council's LHS was finalised and forwarded to the Department for endorsement. The LHS targets three growth/focus areas for the delivery of its housing supply over the next 20 years including:

- existing R3 Medium Density Residential and R4 High Density Residential zones which have not been developed to their full potential;
- the proposed expanded B4 Mixed Use area of the Chatswood CBD as identified in the Chatswood CBD Strategy (**Attachment H4**); and
- the local centres identified in Council's Local Centres Strategy.

Of relevance to the subject proposal, the site falls within the Chatswood CBD Strategy area and identified in the LHS as in 'Focus Area 2', the proposed B4 Mixed Use zone which surrounds the B3 Commercial Core (**Figure 26**). This area is expected to deliver the majority of Council's future dwelling capacity.

The proposal is consistent with Council's finalised LHS as it supports the delivery of the key elements of the Chatswood CBD Strategy and provide approximately 30 additional residential dwellings.



**Figure 26:** Draft Housing Strategy identifies three focus areas for new housing in the LGA. The subject site is located within 'Focus area 2' (Source: Council, overlay by DPIE)

## 5.6 Our Future Willoughby 2028

The planning proposal provides an assessment of the consistency of the proposed changes against the Willoughby Community Strategic Plan 2010-2025. This plan is no longer relevant and an assessment is more appropriate against the local plan, Our Future Willoughby 2028.

Our future Willoughby 2028 provides a long-term vision for the future of the Willoughby and used to inform Council's decision making and planning. The proposal is consistent with the plan as it provides residential dwellings and affordable housing close to existing infrastructure, facilities and services.

It will promote an active lifestyle by providing the opportunity for cycling and walking and enable people to live and work in the Chatswood CBD.

## 5.7 Local planning panel recommendation

On 27 May 2021, the Willoughby Local Planning Panel (LPP) (**Attachment G**) provided advice to Council on the planning proposal for the amalgamated site. The planning proposal sought to rezone the land, increase the height of buildings and FSR.

The panel considered the issues of:

- strategic framework compliance;
- consideration as the only isolated smaller lot, unlikely to set a precedent;
- connection to a pedestrian and cycle network;
- solar access protection of key spaces;
- provision of additional setbacks than normally required;
- the activation of Ellis Street; and

- sustainable design.

The majority of the LPP supported the forwarding of the planning proposal to the Department for Gateway determination as it demonstrated strategic and site-specific merit.

One LPP member determined that the planning proposal should not be forwarded to the Department due to the inconsistency with the Chatswood CBD Strategy.

## 5.8 Section 9.1 Ministerial Directions

The planning proposal is to be updated to ensure all of the relevant Section 9.1 Ministerial Directions are addressed and remove reference to revoked Directions.

### **Direction 2.3 Heritage conservation**

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance.

The site does not contain any heritage items and is not within a HCA (**Figure 10**).

The height of any proposed building is subject to Council's sun access protection to reduce the impact of overshadowing to the South Chatswood HCA on the eastern side of the North Shore rail corridor which includes key public open spaces such as Chatswood Oval (**Figure 30**).

### **Direction 2.6 Remediation of Contaminated Land**

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

The planning proposal does not address Direction 2.6 but does consider Clause 6 of the SEPP 55, which has been repealed and now forms part of Ministerial Direction 2.6 Remediation of Land. An assessment against the provisions of Direction 2.6 is required to be updated in the planning proposal.

To address SEPP 55, the planning proposal is accompanied by a Preliminary Site Investigation by Douglas Partners (**Attachment A13**). The report stated that there was no obvious staining or odour detected at surface level or in the investigation bores. The occurrence of fill may indicate the presence of hazardous building material.

The report states that based on the preliminary assessment results, the site is suitable for the intended use. The report recommends the incorporation of an unexpected finds protocol in the site's development as a precautionary measure.

The planning proposal is considered consistent with this Direction. However the planning proposal will need to be updated to include direction 2.6.

### **Direction 3.1 Residential Zones**

Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design. This direction applies to the planning proposal as the site is proposed to be rezoned to B4 Mixed Use to facilitate an increase in residential dwellings.

The planning proposal is consistent with this Direction as it will broaden housing choice and increase supply in an established urban area, well serviced by public transport, local shops and existing infrastructure.



The proposed concept design will be subject to Council's design excellence clause and will not reduce the permissible residential density of the land.

The planning proposal is considered to be consistent with this Direction.

### **Direction 3.4 Integrating Land Use and Transport**

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

- improve active and public transport access to homes and jobs;
- increase transport choices and reduce car dependency;
- reduce travel demand;
- support the operation of public transport services; and
- provide for the efficient movement of freight.

This direction applies to the planning proposal as the proposal seeks to rezone the land to B4 Mixed Use.

The proposal seeks to change the overall residential density on the land and provide new commercial/retail floorspace. The site is located approximately 250m from the Chatswood transport interchange which includes rail, metro and bus services connecting Chatswood to the local area and nearby strategic centres of Macquarie Park, St Leonards, North Sydney, and the Sydney CBD.

The proposal and the Traffic Impact Assessment (**Attachment A12**) states that the traffic generation as a result of the proposal is considered to be acceptable and will not have an adverse impact on the surrounding road network. The traffic impact is discussed further in Section 6 of this report.

As the proposal will encourage the delivery of increase housing close to a major public transport interchange, reducing the reliance on private vehicles, it is considered to be consistent with this Direction.

### **Direction 3.5 Development Near Licensed Aerodromes**

The planning proposal does not address Direction 3.5 Development Near Licensed Aerodromes. The planning proposal will need to be updated to address this direction.

### **Direction 4.1 Acid Sulfate Soils**

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

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

The proposal is considered consistent with this direction.

### Direction 6.3 Site Specific Provisions

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

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

The planning proposal is considered consistent with this Direction.

## 5.9 State Environmental Planning Policies (SEPPs)

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

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

### SEPP (Infrastructure) 2007

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

The proposal is less than 25m measured horizontally from the railway corridor to the east of the subject site and will require referral to TfNSW. The proposed development may be affected by ground-borne noise and vibration from the rail corridor.

The planning proposal refers to a Preliminary Acoustic Report (as Appendix G) that provides some recommendations to mitigating noise impacts.

It is recommended that a condition be attached to the Gateway to provide an assessment of the noise impact for the purposes of public exhibition with Council's preferred concept plan option 1.

The proposed development will facilitate approximately 3,221m<sup>2</sup> of residential GFA and approximately 420m<sup>2</sup> of commercial/retail GFA, accommodating parking for approximately 39 vehicles. Access and egress will be via Ellis Street.

The planning proposal does not meet the criteria as outlined in Schedule 3 Traffic-generating development to be referred to Roads and Maritime Services (now part of Transport for NSW (TfNSW)).

The planning proposal was accompanied by a Traffic and Parking Impact Assessment by TTPA (**Attachment A12**) which considered that the traffic and transport impacts as a result of the concept development acceptable.

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

The traffic impact is discussed further in Section 6 of this report.

### SEPP 55 Remediation of Land

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

Clause 6 of the SEPP has been repealed and now forms part of Ministerial Direction 2.6 Remediation of Land. An assessment against the provisions of Direction 2.6 is provided in Section 5.7.

## SEPP 65 Design Quality of Residential Apartments

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

The Urban Design Report (**Attachment A2**) and ADG Compliance Table (**Attachment A8**) accompanying the planning proposal demonstrates that proposed concept achieves general compliance with this code in relation to site planning, overshadowing and building separation.

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

## SEPP (Affordable Rental Housing) 2009

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

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

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

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

The planning proposal will require updating to provide discussion of the consistency of the against this SEPP and include the Special Provisions Map identifying the relevant area.

## 6. Site-specific Assessment

### 6.1 Built Form

#### Building height

The proposed height increase would allow a development that facilitates a:

- a two-storey podium with a residential tower above of approximately 12 storeys; and
- typical residential tower floor plate of approximately 309m<sup>2</sup> above.

The concept design (**Figures 17-25**) for the proposal identifies that the development could achieve a maximum height of 44m including lift overrun.

The proposed tower form is consistent with Council's desired maximum height of buildings for the site as recommended under the Chatswood CBD Strategy (**Figure 27**) subject to the solar access control (**Figure 30**).



**Figure 27:** Chatswood CBD Strategy proposed maximum height map (source: Willoughby City Council)

### Building separation, setbacks and street wall height

It is considered that sufficient building separation and setbacks can be achieved on the site under the proposed controls (**Figures 28 and 29**), subject to a detailed design at DA stage. The concept design in the planning proposal and Councils Detailed Assessment (**Attachment F2**) details that:

- at ground level setback:
  - 2m to the south to Ellis Street;
  - 4.06m to the northern, rear boundary;
  - zero setback to 84-86 Albert Avenue to the east; and
  - 3m to 7-13 Ellis Street to the west.
- tower setback above podium level:
  - 1m to the south to Ellis Street with a total setback of 3m;
  - 5m to the northern, rear boundary to levels 1 to level 9 with a total tower setback of 9.06m and level 10 to loft level;
  - 2.7m to the south the Ellis Street;
  - 0.9m to the to 84-86 Albert Avenue to the east;
  - Zero setback to 7-13 Ellis Street to the west.

For the street wall, the concept scheme indicates 7.6m street wall height to Ellis Street consistent with the Strategy.

The site is isolated and not likely to be amalgamated with the with the neighbouring sites.





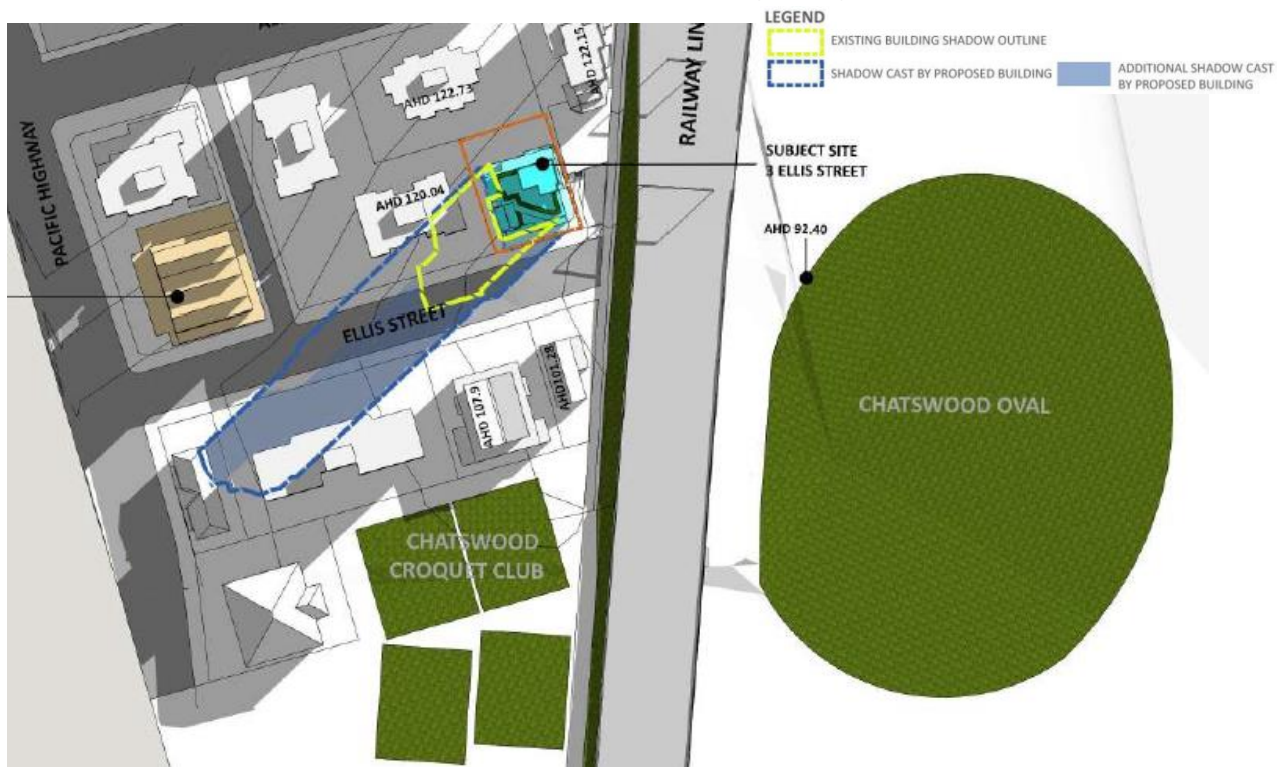
Council's resolution has required that prior to public exhibition, concept plans are to be provided that clearly show that at no point the proposed mixed use building encroaches on the sun access protection plane determining height on this site. Shadow diagrams of the proposed building envelope in comparison to existing shadows prepared by MGA Architects are shown in **Figures 30 to 32** and a complete set is available in **Attachment 10**.

Council has supported Revised 'Option 1' (**Figures 13 to 23** and **Attachment A4**) which was reviewed in the letter by GMU dated May 2021 (**Attachment A2a**) This demonstrates changes of an increased setback to the west that allows the predominant part of the upper building alignment to remain below the Sun access Protection Plane (**Attachment A11**).

Living Turf has also provided an analysis of shadowing on the Croquet club and Chatswood Oval Turf (**Attachment A9**) which advises that there will be a minor extent of shadow confined to a small non turf area in the north east corner of the club property between 12.30pm and 1.30pm. and that the area has shade cast from an existing boundary fence.

The analysis carried out demonstrates that:

- there will be no additional substantial overshadowing to Council's key public spaces;
- the residential apartments on the south side of Ellis Street will retain more than two hours of solar access during the mid-winter solstice;
- the apartments at 7-13 Ellis Street:
  - will receive additional overshadowing mid-winter up to 11am to the east elevation. However, most of the east elevation will retain at least two hours of solar access mid-winter; and
  - there will be no impact to the north facing living rooms and balconies.



**Figure 30:** Overshadowing 9am June 21 (source: MGA Architects).

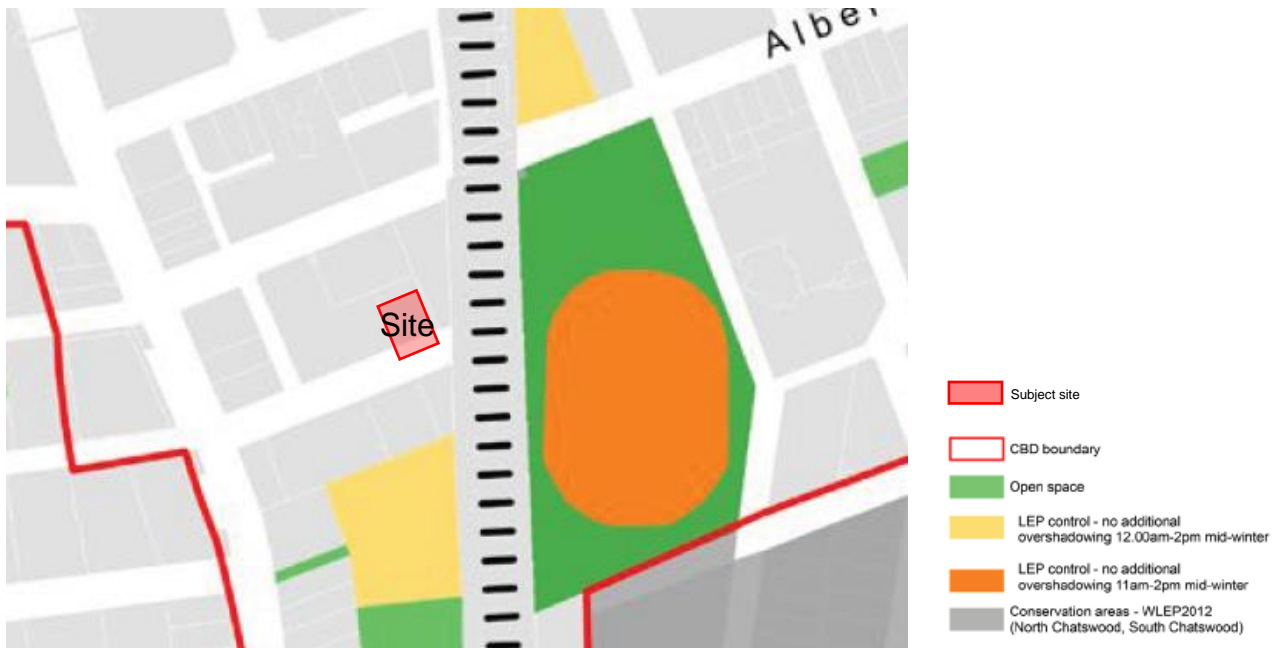


**Figure 31:** Overshadowing 12pm June 21 (source: MGA Architects).



**Figure 32:** Overshadowing 3pm June 21 (source: MGA Architects).





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

### View and visual impact

The proposal states that the proposed height and density on the site does will not result in any impact to significant views compared with the existing conditions.

The proposed changes will result in some view loss to the upper storeys of the adjacent residential flat building (RFB) at 7-13 Ellis Street towards Chatswood Oval. The RFB to the east of the site at 84-86 Albert Street will experience a loss of views towards the Chatswood Croquet Club and Chatswood Bowling Club.

While it is recognised that some views are likely to be lost as a result of a future development on site, the proposal is consistent with Council's desired uplift in this location.

The loss of regional and district views from existing development is considered inevitable within a regional strategic centre such as Chatswood that seeks uplift for both the height of buildings and maximum FSR.

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

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

### Wind impact

The planning proposal states that the wind impact resulting from a building less than 50m are minor. The podium levels will lessen any potential impacts at ground level that may result from the tower form.

A detailed wind impact assessment can be prepared as part of a future DA to ensure that the amenity at ground level, open spaces and footpaths is acceptable.



### **Heritage impact**

The site does not contain any heritage items and is not within a HCA.

The site is located to the west side of the North Shore railway corridor and the South Chatswood HCA which contains public open spaces such as Chatswood Oval (**Figure 10**).

Local heritage items such as the Chatswood Public School and former fire station both fronting the Pacific Highway will not be impacted by the proposed increase to the development controls on the site.

No Aboriginal cultural heritage would be impacted by the proposal.

### **Noise impact**

The site would be impacted by noise and vibration from the rail corridor. The planning proposal states that a preliminary acoustic assessment was carried out providing recommendations to mitigate any potential impacts.

Based on similar sites, the planning proposal states it will be possible to design a building to comply with the applicable noise and vibration standards. Recommendations were also provided to minimise any impacts from any future plant and equipment on neighbouring properties.

The noise impact is also addressed in section 5 SEPP (Infrastructure) 2007. The proposal is within 25m measured horizontally from the North Shore rail corridor to the east of the subject site and will require referral to TfNSW.

It is considered that these issues can be dealt with in the detailed design phase as part of a future DA to ensure that the noise levels are not exceeded as outlined in Clause 87(3) of the SEPP for residential development.

## **6.2 Social**

The indicative concept shows that the development can deliver 30 residential units comprising of one, two, three and four bedrooms. Communal spaces are provided on the podium level, setbacks to the public walkway to the west and the rooftop with indoor and outdoor spaces for social interaction. The provision of commercial/retail at ground level would contribute to the activation of the area at ground level.

### **Affordable Housing**

A 4% or approximately 130m<sup>2</sup> of GFA is to be dedicated to affordable housing within the proposed development. This is discussed further in Section 5.9.

It is recommended that a proposed Special Provisions Area map be provided to show the application of the affordable housing clause for the site as part of the total floor space for the proposal.

### **Public Amenity and Voluntary Planning Agreement**

The concept design of the proposal in the Urban Design Report (**Attachment A2**) intends to upgrade and activate the existing footpaths surrounding the site improving connectivity through to the Chatswood CBD to nearby public spaces and the Chatswood interchange.

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

A letter of offer to enter into a VPA (**Attachment A16**) was submitted with the planning proposal. The offer will contribute towards the provisions of upgrades in the form of public works to the frontage of the subject site. This will be in addition to Section 7.11 and 7.12 contributions.

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

The agreement on the terms of the VPA are to be further negotiated with Council.

## 6.3 Environmental

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

### Contamination impact

The planning proposal was accompanied by a Preliminary Site Investigation (PSI), conducted by Douglas Partners, dated December 2017 (**Attachment A13**).

Potential sources at the site consist of imported fill, hazardous building materials from the existing and former buildings on and off the site including the rail corridor.

The report states that 10 soil samples were analysed for a range of potential contaminants. The samples tested were found to be below the relevant criteria for health investigation.

Based on the results of the PSI, it is considered that the site is suitable for the proposed development. The report recommends that during construction, an unexpected find protocol be in place.

## 6.4 Economic

### Employment

The planning proposal will facilitate 420m<sup>2</sup> of new commercial/retail floorspace on the subject site. It will contribute to the desirability to live and work in the Chatswood CBD in a location close to existing public transport, infrastructure and services.

This outcome has considerable benefit as it seeks to create additional residential accommodation on the edge of the B3 Commercial Core, which is a key outcome for Chatswood CBD and a key objective of the North District Plan.

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

## 6.5 Infrastructure

### Public transport

The site is well serviced with public transport infrastructure as it is within 250m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to now accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when

the Metro network is extended to the Sydney CBD and Bankstown, which is due to open in 2024.

The Pacific Highway is also located approximately 120m driving to the west of the site with direct connection to the Sydney CBD and other major routes.

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

- rely upon existing and future transport capacity and services to support and encourage the use of public transport;
- maintain good accessibility to the station and the associated interchange; and
- facilitate development that will deliver increased residential floorspace to provide opportunities to live and work in Chatswood close to accessible public transport and services.

### **Traffic, Transport, Access and Parking**

A traffic, transport, access and parking impact assessment report, prepared by Transport and Traffic Planning Associates, dated May 2021 (**Attachment A12**) has been submitted with the planning proposal. The report provides an assessment of the potential transport impacts as a result of the proposed concept development.

The site is in close proximity to accessible transport options including the Chatswood interchange approximately 250m north of the site and the Pacific Highway approximately 120m west of the site and includes:

- the T1 North Shore, Northern and Western Line with regular connections to the Sydney CBD;
- bus services operating from the interchange and the Pacific Highway;
- Sydney Metro Northwest with connections to the Sydney CBD and the north-west via Epping; and
- Sydney Metro City and Southwest line currently under construction will provide further future connectivity to the Sydney CBD, Parramatta and Bankstown (**Figure 34**).

The report outlines that a compliant development application would generate a net maximum increase of five private vehicular trips in the AM peak period and four in the PM peak period (**Table 6**).

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

This analysis has been completed by Arup in conjunction with TfNSW and is currently with TfNSW for finalisation and adoption. As part of the Gateway determination it is recommended that a condition to consult with TfNSW is included to ensure that the planning proposal is consistent with the wider Chatswood CBD context and ongoing traffic and transport analysis.

Car parking is provided for a total of 39 spaces with 31 spaces, three visitors, three commercial/retail spaces and two car share spaces at basement level. Access and egress are proposed via Ellis Street.

**Table 6:** Summary of the forecast traffic generation as a result of the proposed changes to the site

Use	Number of apartments	Rate per unit or 100m <sup>2</sup> GFA		Vehicle Trips	
		AM Peak	PM Peak	AM Peak	PM Peak
Residential	30	0.14	0.12	6	5
Commercial	420m <sup>2</sup> GFA	1.03	0.84	1	1
Existing	9	0.4	0.4	2	2
<b>Net trips generated</b>				<b>5</b>	<b>4</b>

The site is in the vicinity of paved pedestrian networks and on and off-road bicycle routes including the Frank Channon Walkway with a direct connection to the Chatswood Interchange.

Council's DCP specifies the provision of bicycle and motor bike parking and end of journey facilities. Bicycle and motorcycle parking are provided at basement level with seven bicycle parking rails/racks and four motorcycle provided. Final numbers will be determined as part of the DA stage.

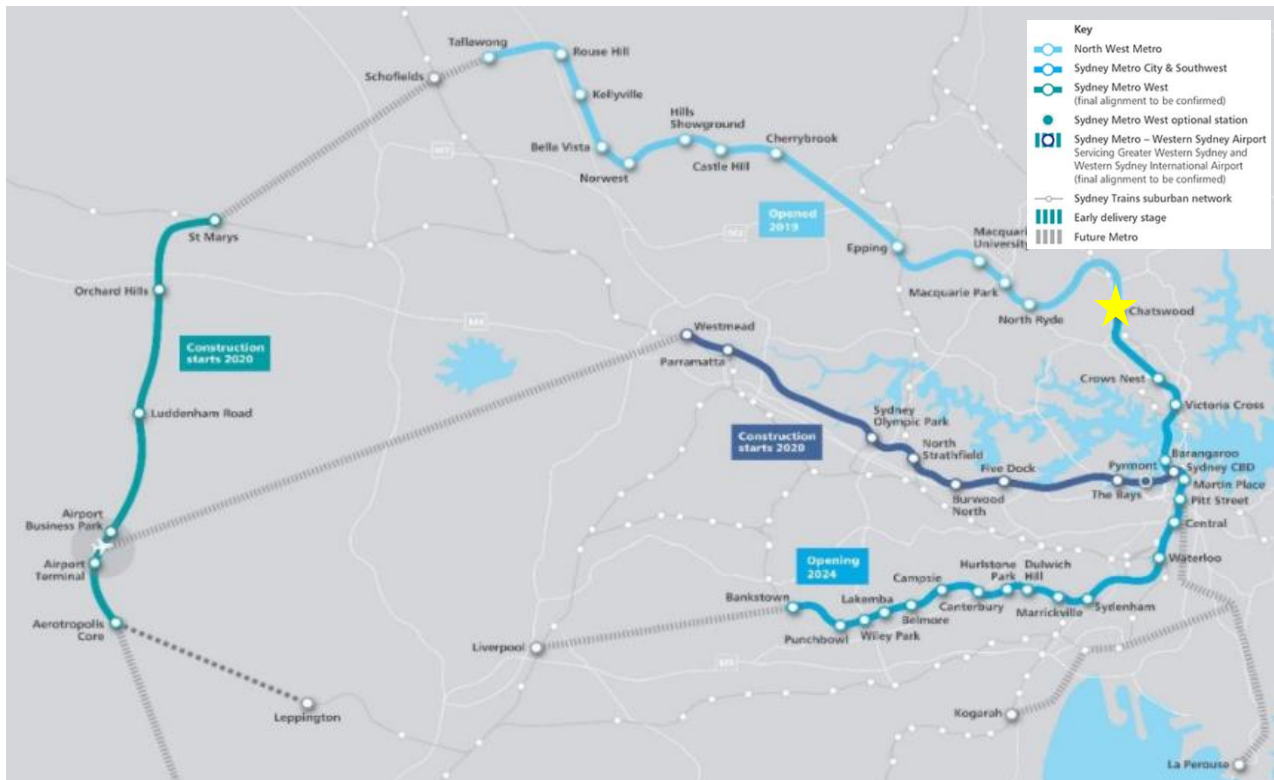
The report states that the concept includes an onsite loading dock located in the basement designed to comply with the objectives of the Chatswood CBD Strategy such as:

- all vehicles enter and exit the site in a forward direction;
- small service vehicles will be able to use the parking spaces;
- all loading and unloading are to occur onsite, at basement level and not on the public street; and

However, the design includes a mechanical device such as a turntable for vehicular manoeuvrability due to a restricted turning path for large vehicles such as garbage trucks (medium rigid vehicles – MRVs).

The report indicates that there would be no adverse impacts as a result of the proposed changes to the development controls including, access, circulation and servicing arrangements.





**Figure 34:** Sydney Metro lines alignment map (source: DPIE).

## Infrastructure and services

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

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

## 7. Consultation

### 7.1 Community

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

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

### 7.2 Agencies

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

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

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- Department of Education;
- Sydney Airport Corporation Limited; and
- Airservices Australia.

## 8. Timeframe

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

The planning proposal be amended to provide an updated timeline for completion. It is recommended that a 9 month timeframe is appropriate for this planning proposal.

## 9. Local Plan Making Authority

Council has requested to be authorised as plan making authority (**Attachment F3**).

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

## 10. Conclusion

The planning proposal seeks to redevelop a site containing an existing residential building constructed in the 1970s. The proposal will provide approximately 3,641m<sup>2</sup> of residential floor space equating to approximately 30 additional residential dwellings and approximately 420m<sup>2</sup> of retail floor space.

It is noted that Council has supported a preferred revised 'option 1' that contains a proposed FSR of 4.5:1 and height of 44m. Variations are sought to the Strategy controls for maximum FSR, minimum lot size and minimum non-residential FSR.

The increased FSR to 4.5:1 has been supported on the basis that no overshadowing to key public spaces will occur. The minimum lot size variation has been supported at 800m<sup>2</sup> instead of 1200m<sup>2</sup> as the site has demonstrated difficulty in amalgamating with neighbouring properties and consistency with other aspects of the Strategy.

The reduced non-residential FSR of 0.52:1 instead of 1:1 has been supported on the basis of a lower overall FSR of 4.5:1 instead of 6:1 FSR.

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

- it is consistent with the actions of the North District Plan for Chatswood by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy; and
- the increase in development controls is consistent with the desired character of the Chatswood CBD.

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

- the proposed maximum building height is consistent with the desired future maximum building heights as outlined in the Chatswood CBD Strategy;
- the proposed through site links, increased landscaping and setbacks and the addition of Ellis Street as an active street frontage will increase connectivity and pedestrian amenity;
- the proposed increase to the development controls on the site will have minimal impact on the South Chatswood HCA to the east across the North Shore rail corridor;
- the proposal will not substantially overshadow key public open space between 12-2pm during midwinter; and
- the proposal will enable the delivery of additional residential dwellings and commercial/retail within 250m walking distance of public transport including Chatswood train station, North-West metro and the Chatswood bus interchange.

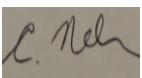
## 11. Recommendation

The Section 9.1 directions including 2.6 and 3.5 remains unresolved as they have not been addressed in the planning proposal and should be updated prior to exhibition.

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

1. Prior to community consultation the proposal is to be updated, and submitted to the Department for review and endorsement, to include:
  - (a) a project timeline based on the issuing of this Gateway determination;
  - (b) the changes outlined in Council's resolution and update the list of appendices to clearly indicate the documents for the preferred 'option 1', as supported by Council, including shadow diagrams and noise impact assessment;
  - (c) updated objectives and intended outcomes to:
    - i. provide a plain English explanation of the intend outcome to be achieved on the site as a result of the changes to the planning controls;
    - ii. number of additional residential dwellings; and
    - iii. number of jobs as a result of the proposal;
  - (d) existing mapping:
    - i. Active Street Frontages;
    - ii. Special Provisions Map; and
    - iii. Lot Size Map;
  - (e) proposed mapping to the Department's standard:
    - i. Height of Buildings Map;
    - ii. FSR Map;
    - iii. Lot Size Map to indicate a minimum lot size of 800m<sup>2</sup>;
    - iv. Active Street Frontages Map; and

- v. Special Provisions Area Map to indicate the application of architectural roof features, design excellence and affordable housing;
  - (f) remove the reference to Willoughby Community Strategic Plan 2010-2025 and provide an assessment of the consistency of the planning proposal against Our Future Willoughby 2028;
  - (g) include an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy and remove 'draft';
  - (h) ensure all of the relevant SEPPs are addressed and remove reference to repealed SEPPs;
  - (i) ensure all of the relevant Section 9.1 Ministerial Directions are addressed including Section 2.6 Remediation of Contaminated Land and 3.5 Development Near Licensed Aerodromes and remove reference to revoked directions:
    - i. 3.3 Home Occupations; and
    - ii. 7.1 Implementation of A Plan for Growing Sydney (revoked 2020) and provide additional assessment against 5.10 Implementation of Regional Plans.
  - (j) Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
  3. Consultation is required with the following public authorities:
    - Transport for NSW;
    - Ausgrid;
    - Sydney Water;
    - Department of Education;
    - Sydney Airport Corporation Limited; and
    - Air services Australia.
  4. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
  5. Given the nature of the planning proposal and that it is generally consistent with the Chatswood CBD Strategy, Council is authorised to be the local plan-making authority to make this plan.



**Charlene Nelson**  
Manager, Place and Infrastructure



**Brendan Metcalfe**  
Director, North District

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



## Attachments

**Attachment Gateway** – Gateway Determination

**Attachment Letter** – Letter to Council advising of decision

**Attachment A** – Amended planning proposal

- **A1** – Planning proposal application
- **A2** – Urban design report
- **A2a** – Urban Design Letter May 2021 GMU
- **A3** – Chatswood CBD Strategy 2036 Key Elements Assessment
- **A4** – Plans, sections, elevations revised October 2021
- **A5** – Site Survey
- **A6** – Concept of the proposed development
- **A7** – Landscape and public domain plan
- **A8** – ADG Compliance Table May 2021
- **A9** – Shade Assessment Report June 2021
- **A10** – Shadow diagrams
- **A11** – Sun protection plane diagram Oct 2021
- **A12** – Transport Report May 2021
- **A13** – Preliminary Site Investigation
- **A14** – Response to site amalgamation and lot size
- **A15a** – Offer to purchase 84-86 albert Avenue, Chatswood
- **A15b** – Response to offer – valuation 88 and 96 Albert Avenue
- **A16** – VPA letter of offer
- **A17** – Draft DCP May 2021
- **A18** – Strata feedback

**Attachment B** – Site map

**Attachment C** – Locality context map

**Attachment D** – Existing LEP maps

**Attachment E** – Proposed LEP maps

**Attachment F** – Council documents

- **F1** – Council pre-lodgement meeting notes July 2020
- **F2** – Detailed assessment report
- **F3** – Council resolution
- **F4** – Draft DCP provisions
- **F5** – Written amendments to the LEP
- **F6** – Notice of motion – Council meeting 12 July 2020

- **F7** – Concept plans

**Attachment G** – Willoughby Local Planning Panel minutes

**Attachment H** – Chatswood CBD Strategy

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