



IRF21/4825

## Gateway determination report – PP-2021-5704

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9-11 Nelson Street, Chatswood

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## Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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## Glossary

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

## Summary

Local Government Area	Willoughby LGA
Planning Proposal Authority	Willoughby City Council
Planning Proposal Name	PP-2021-5704
Dwellings and Jobs	258 dwellings, 64 jobs
LEP to be Amended	Willoughby Local Environmental Plan 2012
Address	9-11 Nelson Street, Chatswood
Lot and SP	SP 65120
Date Received	14 October 2021 Adequacy date: 10 November 2021
File Number	EF21/14057
Political Donations	There are no donations or gifts to disclose and a political donation disclosure is not required.
Lobbyist Code of Conduct	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. Introduction

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Willoughby LEP 2012 for land at 9-11 Nelson Street, Chatswood to:

- rezone from R3 Medium Density Residential to B4 Mixed Use;
- increase the maximum height of buildings from 12m to 90m; and
- increase the maximum floor space ratio (FSR) from 0.9:1 to 6:1.

A reference scheme has been provided with the planning proposal depicting a two-storey podium with two residential towers above of 25 storeys (90m in total) and 20 storeys (72m in total). The reference scheme shows a mixed-use development that includes the potential to integrate residential, commercial/retail land uses and car parking (**Figures 16-23**). The concept plan proposes 258 dwellings and 4,219m<sup>2</sup> of non-residential floor space comprising bulky goods retail use and retail uses. The concept provides an 18m separation distance between the towers.

The planning proposal is accompanied by a draft site-specific Development Control Plan (DCP) (**Attachment A9**) and draft Voluntary Planning Agreement (VPA) (**Attachment A11**).



## 1.2 Site description

The site is an irregular shaped block known as 9-11 Nelson Street, Chatswood (**Figure 1 and Attachment B**) comprising of one lot with a total area of approximately 4,219m<sup>2</sup> and legally described as SP 65120. The site has two street frontages, 54.88m to Nelson Street to the south, 47.96m to Gordon Street to the north with the pedestrian laneway known as Frank Channon Walk running along the eastern boundary. Nelson Street and Gordon Avenue are both no through roads, terminating at the junction of the North Shore rail line.

The topography falls approximately two metres from south to north and is relatively flat.

The site is currently occupied by a three storey residential apartment complex consisting of approximately 45 dwellings with two levels of underground parking and gardens (**Figures 1-4**). Vehicular entrance is via Nelson Street.

The site does not contain any heritage items and is not within a heritage conservation area (HCA). The South Chatswood HCA is located to the east of the North Shore rail corridor **Figure 9**.



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





**Figure 2:** Existing site at 9-11 Nelson Street looking north from Nelson Street (source: Google Maps)



**Figure 3:** Existing site at left looking north along the Frank Channon Walk with the rail corridor to the right (source: Urbis)



**Figure 4:** Existing site at right looking south with the Frank Channon Walk, pocket park and rail corridor left from Gordon Avenue (source: Urbis)

### 1.3 Surrounding area

The site is located towards the southern end of the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (Chatswood CBD Strategy) (**Attachment I4**). Chatswood Station and transport interchange is approximately 700m to the north along with major shopping centres including Westfield and Chatswood Chase on the east side of the rail corridor (**Figure 5**).

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 for trains every two minutes in each direction.

### North

On the opposite side of Gordon Avenue are residential flat buildings. The site at 1-3 Gordon Street contains a three-storey residential flat building. The site at 5-9 Gordon Street is currently the subject of a planning proposal to rezone the site from R3 Medium Density Residential to B4 Mixed Use, increase the maximum height of buildings from 12m to 90m and increase the FSR from 0.9:1 to 6:1. This will facilitate the provision of approximately 103 new dwellings and 1,522m<sup>2</sup> of commercial/retail floorspace.

### East

Bordering the site is the pedestrian Frank Channon Walk with the North Shore Rail corridor beyond. On the east side of the corridor is land zoned R2 Low Density Residential which permits a maximum HOB of 8m (equivalent to two storeys) and an FSR of 0.4:1. Part of this area falls within the South Chatswood HCA (**Figure 9**).

### South

On the opposite side of the Nelson Street is the Sydney Metro Chatswood Dive Site bounded by the North Shore rail corridor, Mowbray Road and the Pacific Highway and is zoned SP2 Infrastructure (Electricity Transmission and Distribution). The land fronting the Pacific Highway in this area is zoned B5 Business Development.

The proposed Willoughby Comprehensive LEP is to rezone the entire Metro Dive site land in line with the Chatswood CBD Strategy to B4 Mixed Use with a maximum height along the Pacific Highway to 20m and the remaining to 53m with an overall FSR of 4.2:1. Mowbray Road is the southern boundary of the Chatswood CBD Strategy (**Figure 5**).

### West

Adjoining the site are two three storey residential flat buildings and a single storey residential dwelling, all fronting Nelson Street beyond. This land is currently zoned R3 Medium Density Residential. The sites at 613-627 Pacific Highway and 629-639 Pacific Highway are the subject of two separate planning proposals, each to rezone the sites to B4 Mixed Use, increase the maximum heights to 90m and increase the maximum FSR to 6:1. These planning proposals are to facilitate approximately 101 and 81 new residential dwellings respectively.

The Pacific Highway is further 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. Development on this land can achieve a maximum height of buildings of 20m and a maximum FSR of 2.5:1 along the Pacific Highway.

The land on the western side of this part of the Pacific Highway is not within the expanded CBD boundary (**Figure 5**).





**Figure 5:** Site context map - expanded Chatswood CBD with the site located in the north (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:

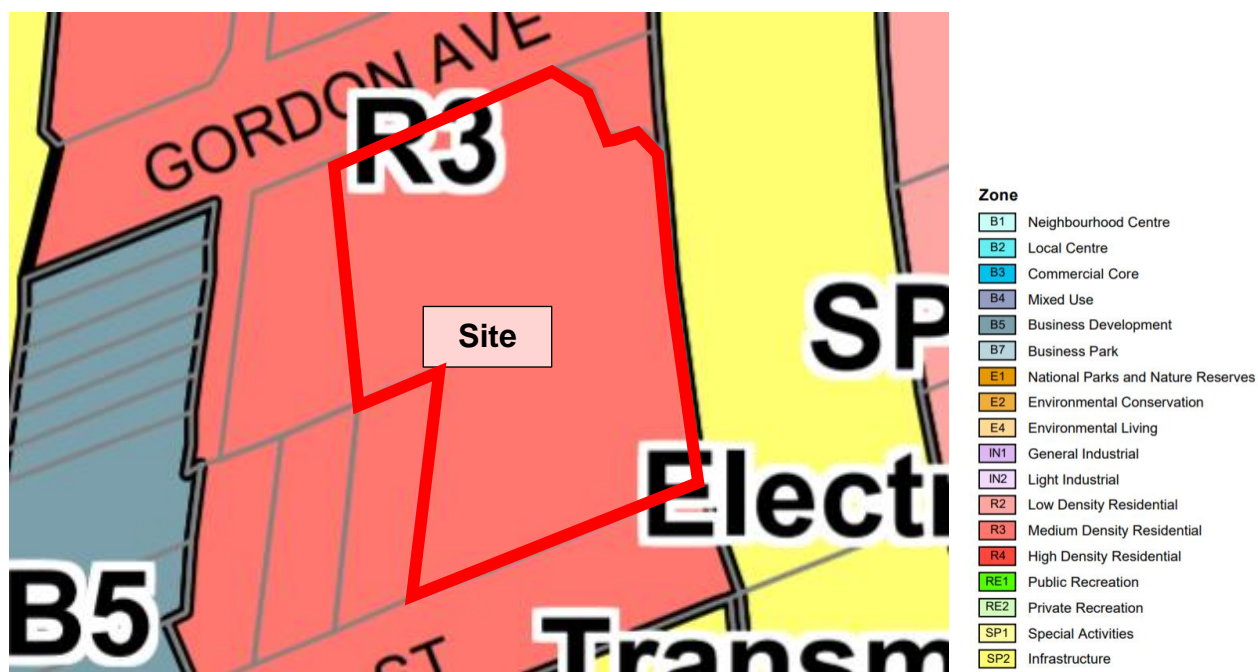
- R3 Medium Density Residential zoning (**Figure 6**);
- maximum HOB of 12m (**Figure 7**); and
- maximum FSR of 0.9:1 (**Figure 8**).

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>	R3 Medium Density Residential	B4 Mixed Use	B4 Mixed Use
<b>Height</b>	12m	Maximum 90m (RL 189.50m)	Maximum 90m
<b>FSR</b>	0.9:1	6:1 (including 1:1 of non-residential floor space)	6:1 (including 1:1 of non-residential floor space)

Control	Current	Proposed	CBD Strategy
Active Street Frontage	N/A	Nelson Street and Gordon Avenue	Consistent
Affordable Housing	N/A	4%	Consistent



**Figure 6:** Current Willoughby LEP 2012 Land zoning map LZN\_004 indicating a zone of R3 Medium Density Residential (source: NSW Planning Portal)

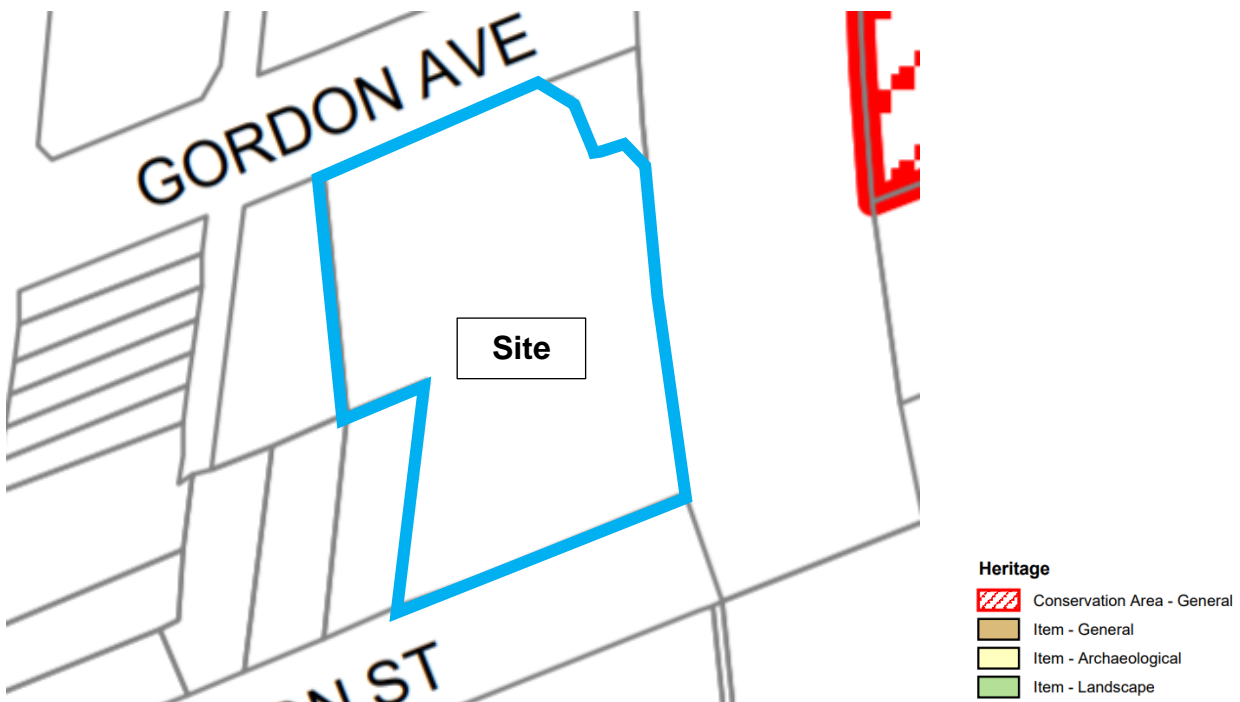


**Figure 7:** Current Willoughby LEP 2012 Maximum building height map HOB\_004 indicating a maximum height of 12m (source: NSW Planning Portal)





**Figure 8:** Current Willoughby LEP 2012 Maximum FSR map FSR\_004 indicating an FSR of 0.9:1 (source: NSW Planning Portal)



**Figure 9:** Current 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 business or retail uses in a mixed-use zone;
- the proposal will provide increased employment within the Chatswood CBD on a site that supports the 30-minute city outcomes sought by the North District Plan;
- it is consistent with the key elements of the endorsed Chatswood CBD Strategy;
- the proposal will not adversely impact on the South Chatswood HCA to the east of the site; and
- there will be no additional overshadowing impact to key open spaces such as Chatswood Mall/Victoria Avenue or Chatswood Oval between 12-2pm during midwinter as a result of the proposed development.

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

- the proposed maximum building height and is consistent with the desired future maximum building heights for the Chatswood CBD; and
- the proposal will enable the delivery of additional residential accommodation and commercial floor space for business or retail uses, supporting jobs growth in the Chatswood CBD within 700m walking distance of the Chatswood transport interchange.

However, the planning proposal will require updating to address the conditions of Gateway and submit updated documents, such as, but not limited to the Transport Impact Assessment.

## 2. Background

The proposal was prepared by Urbis on behalf of the Owners Corporation, Strata Plan 65120.

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

On 11 August 2020, an introductory presentation on the planning proposal was given to Willoughby Council with the design presentation on 5 November 2020 and pre-lodgement meeting on 9 December 2020.

The final planning proposal is a result of Council feedback during the preliminary consultation.

On 13 September 2021, Council, at its meeting, resolved to endorse the planning proposal for the site and forward the proposal to the Department for a Gateway determination (**Attachment F5**).

A revised planning proposal (**Attachment A**) was submitted on 10 November 2021 as requested by the Department to combine the Willoughby LEP amendments as outlined in the Council resolution of 13 September 2021 (**Attachment F5**).



## 3. Planning Proposal

### 3.1 Objectives or intended outcomes

The revised planning proposal (**Attachment A**) seeks to amend Willoughby LEP 2012 to facilitate a mixed use development consistent with the Chatswood CBD Strategy (**Attachment I4**).

The intended outcome of this planning proposal is to enable the development of the site to accommodate a high-density mixed-use scheme comprising of a two (2) level podium providing 4,219m<sup>2</sup> of commercial/retail uses with two residential towers above. The residential towers will be 25 storeys and 20 storeys accommodating a total of approximately 258 dwellings including a 4% affordable housing component.

It is recommended that prior to exhibition, the objectives and intended outcomes are updated to include in this section to state the number of residential dwellings, commercial /retail floorspace and jobs that can be facilitated as a result of the proposed changes to the planning controls.

### 3.2 Explanation of provisions

The revised planning proposal seeks to make the following amendments to the Willoughby LEP 2012:

- rezone the land from R3 Medium Density Residential to B4 Mixed Use;
- amend the maximum permitted building height from 12m to 90m; and
- amend the maximum FSR from 0.9:1 to 6:1 including a non-residential FSR of 1:1.

As recommended by Council's resolution, the following amendments to the Willoughby LEP 2012 (**Attachment E2** and **F4**) are also included:

- amend clause 5.6 Architectural roof features (2A) to indicate development is subject to clause 4.3 Height of buildings;
- amend clause 6.7 Active street frontages;
- amend clause 6.8 Affordable housing (to include in Area 3, 8 or 9 on the Special Provisions Map);
- amend clause 6.23 Design Excellence for certain sites at Willoughby;
- add Clause 6.25 Sun access to apply to land zoned B3 Commercial Core and B4 Mixed Use;
- amend Schedule 1 Additional permitted uses to add a new subclause 'Use of certain B4 land in Chatswood' to require non-residential uses to be located on the ground floor with 17% of the total FSR to be non-residential uses.

Council's resolution also recommended changes to add clause 4.4B Minimum non-residential floor space in the Mixed Use Zone to require 17% of FSR to contain non-residential floor space. A condition of the Gateway will be included to add this clause.

The revised planning proposal (November 2021) includes these recommended clauses as outlined in the Council resolution.

The Department notes that as a result of current planning proposals for other sites in the CBD and the revised draft Willoughby Comprehensive planning proposal, some of the

clauses recommended by Council may be deleted or amended such as Clause 5.6 Architectural roof features.

A condition will be added to require Council to provide a plain English explanation for the introduction of new clauses including the Sun access provisions and the minimum non-residential which specifies a 17% FSR for non-residential uses.

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

The planning proposal was accompanied by a draft site-specific DCP (**Attachment A9**), a draft Letter of Offer for a VPA (**Attachment A10**) outlining public benefits such as a monetary contribution for the purposes of community infrastructure and the dedication of an easement for public access.

The planning proposal is also accompanied by the draft VPA (**Attachment 11**). Council states that a VPA will be considered separately to the planning proposal.

### 3.3 Mapping

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

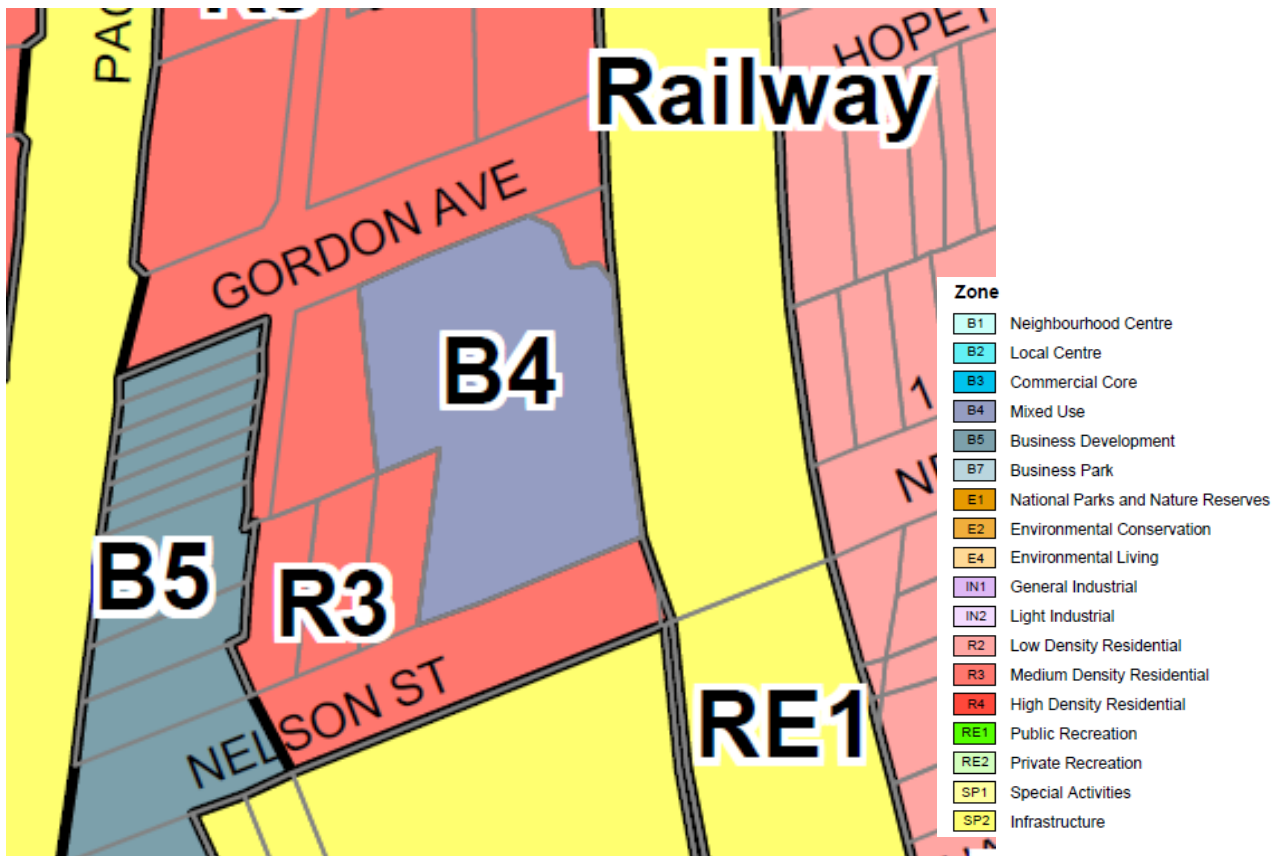
- an amended Land Zoning Map (sheet LZN\_004) (**Figure 10**);
- an amended Maximum Height of Buildings Map (sheet HOB\_004) (**Figure 11**); and
- a Maximum FSR Map (sheet FSR\_004) (**Figure 12**).

Draft maps have also been submitted by the proponent in addition to Council's (**Attachments E1 and E2**) with the revised planning proposal including:

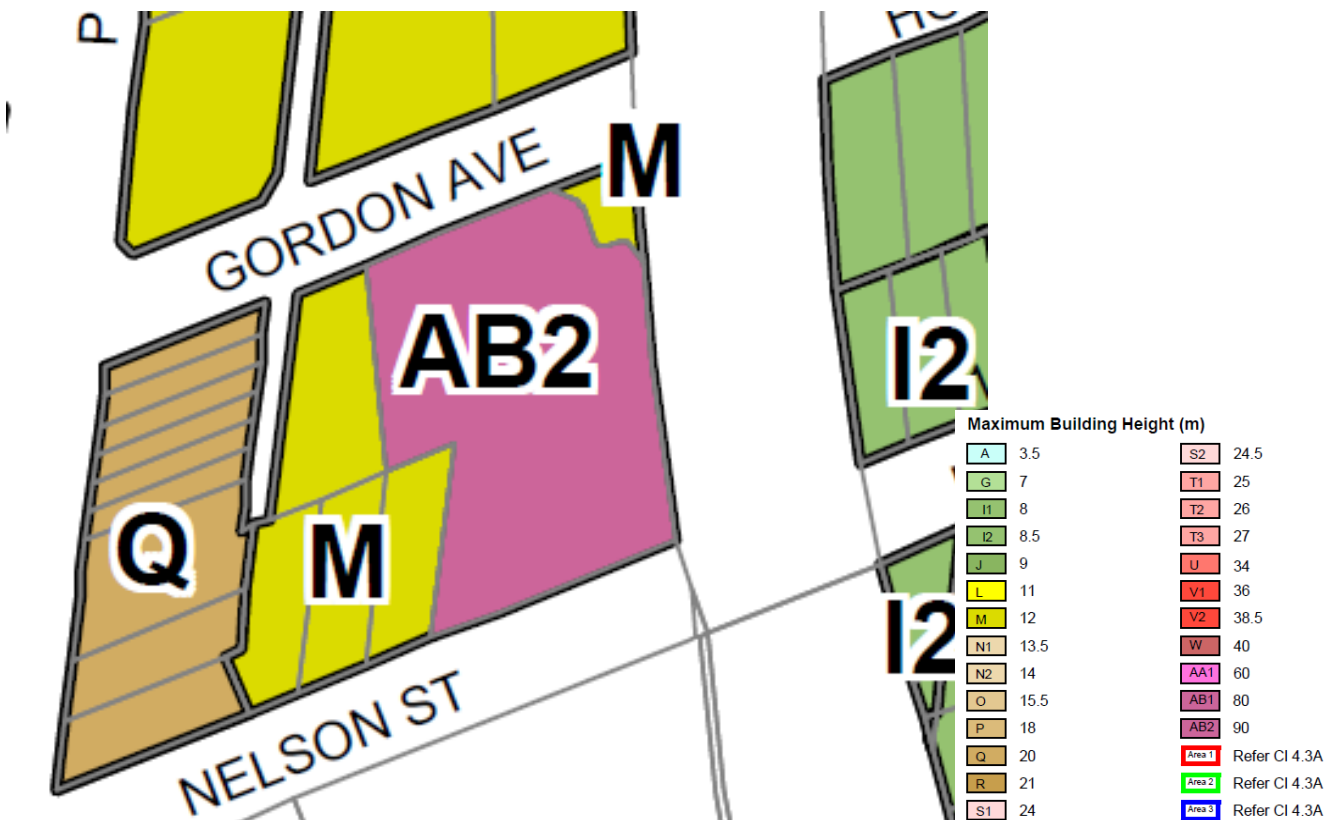
- an amended Lot Size Map to indicate a minimum lot size of 4,000m<sup>2</sup> (**Figure 13**).
- an amended Special Provisions Area Map (SPA\_004) (**Figure 14**) referring to the relevant 'Area' and clauses; and
- an amended Active Street Frontages Map (ASF\_004) by adding Nelson Street and Gordon Avenue (**Figure 15**).

No changes are proposed to any other LEP maps.

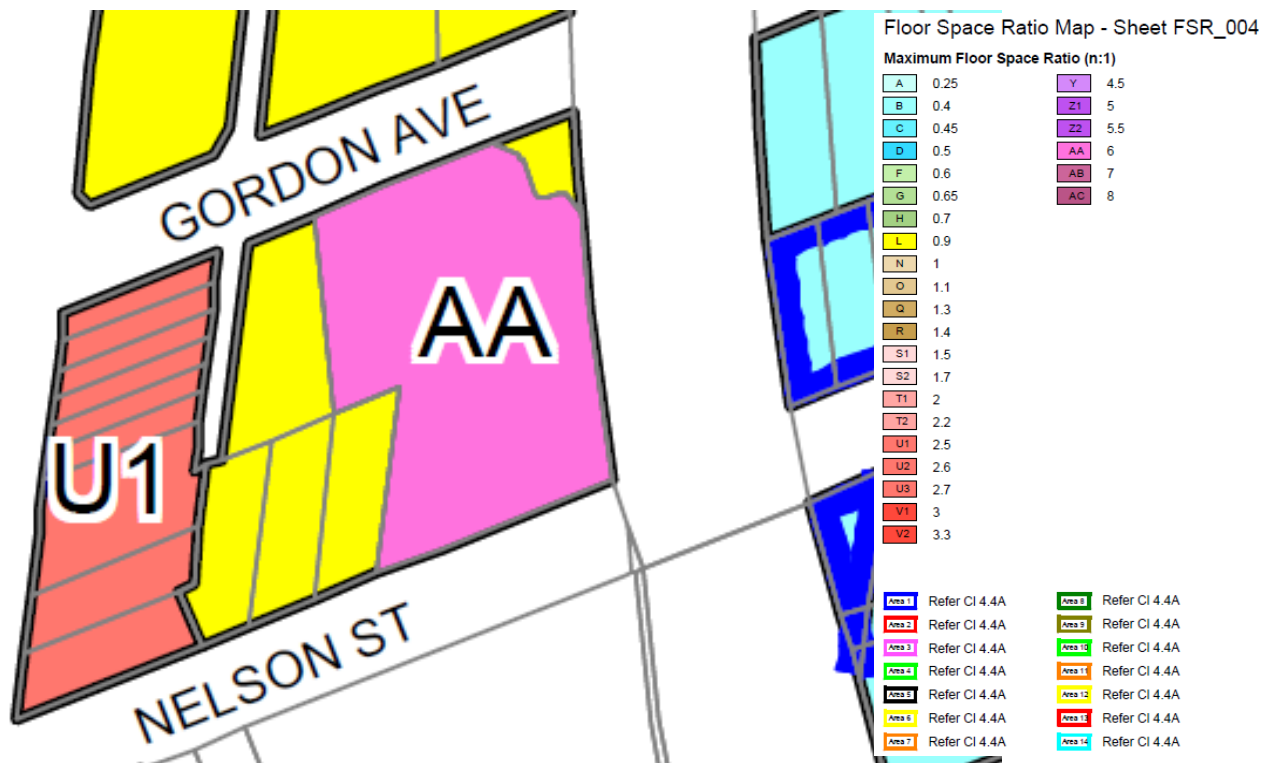
The Department notes that the current hard copy PDF maps have been retired as Council transitions to digital mapping to enable viewing on the NSW Planning Portal spatial viewer.



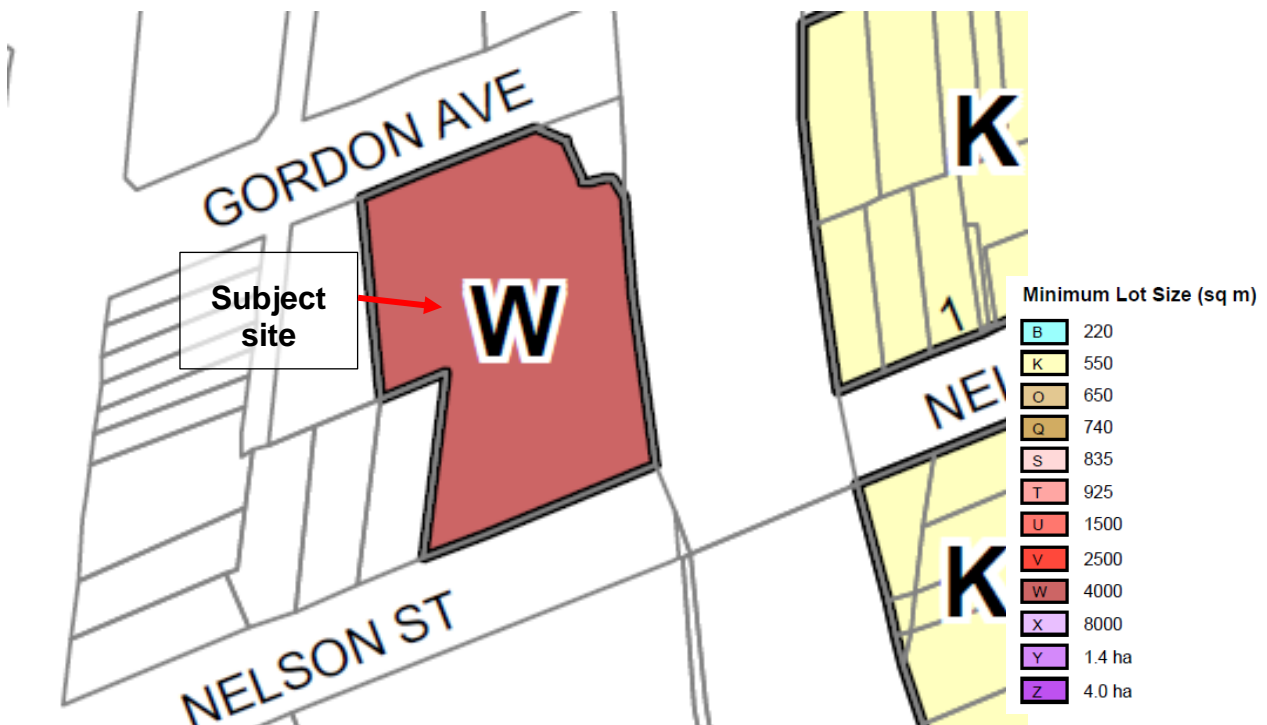
**Figure 10:** Draft proposed Willoughby LEP 2012 Land zoning map indicating a land zone of B4 Mixed Use (source: Urbis, Council)



**Figure 11:** Draft proposed Willoughby LEP 2012 Maximum height of buildings map indicating a maximum height of 90m (source: Urbis, Council)



**Figure 12:** Draft proposed Willoughby LEP 2012 Maximum FSR map indicating a maximum FSR of 6:1 (source: Urbis, Council)

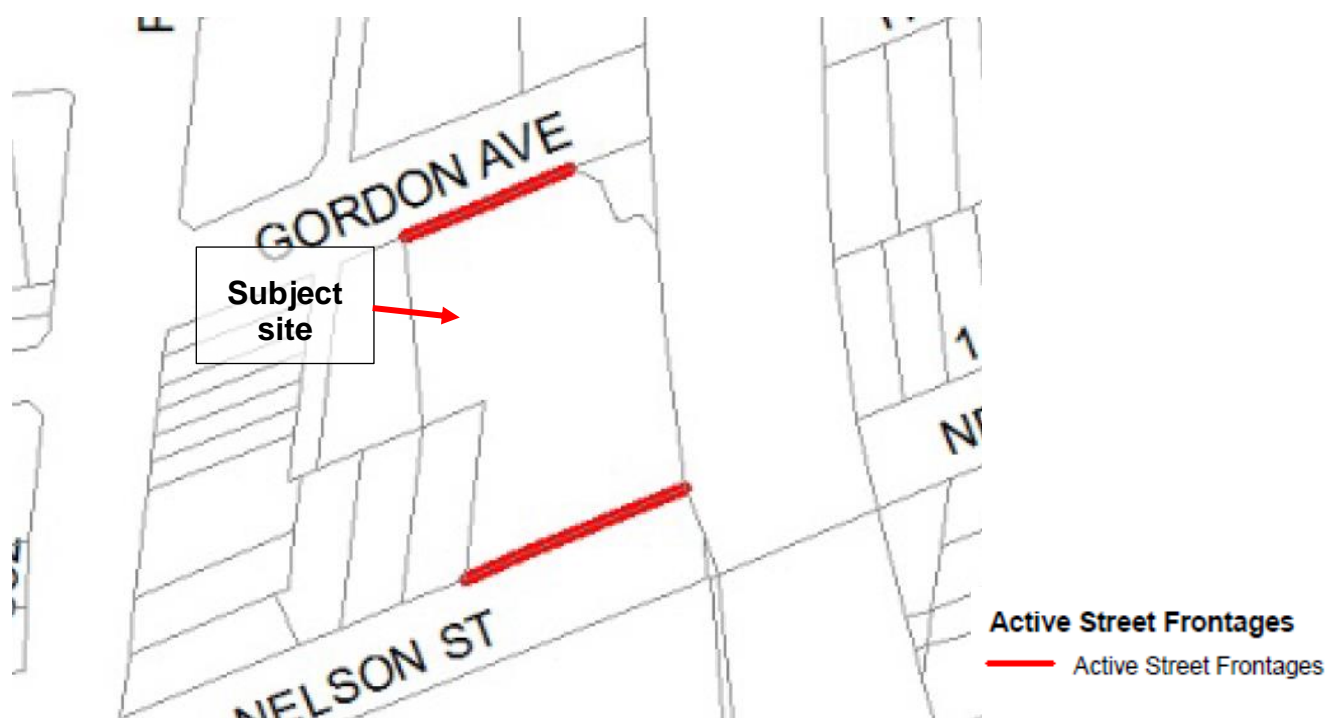


**Figure 13:** Draft proposed Willoughby LEP 2012 Lot Size map indicating a lot size of 4000m<sup>2</sup> (source: Council)





**Figure 14:** Draft proposed Willoughby LEP 2012 Special Provisions map referring to various LEP clauses (source: Urbis, Council)



**Figure 15:** Draft proposed Willoughby LEP 2012 Active Street Frontages map indicating Nelson Street and Gordon Avenue as active street frontages (source: Urbis, Council)

### 3.4 Concept Design

The Urban Context Report (**Attachment A4**) and Plans (**Attachment A3 and A5**) submitted with the documentation indicates that the proposal could potentially deliver a mixed-use development comprising two residential towers of 25 storeys and 20 storeys accommodating 258 dwellings and 4,219m<sup>2</sup> of retail/commercial and bulky goods retail floor space in the two podium levels.

The planning proposal states that it will:

- provide upgraded, increased residential accommodation with retail/commercial floorspace in an area close to existing services and infrastructure including accessible public transport; and
- not have significant adverse impacts on surrounding properties or public open space.

Drawings of the reference scheme have been provided at **Figures 16-23** and in the Urban Context Report (**Attachment A4**) and the Architectural Plans (**Attachment A5**). The development summary is provided in **Table 2**.

The planning proposal is accompanied by a draft DCP for the site (**Attachment A9**). The DCP is to provide guidelines for development and ensure the impact on the surrounding area including amenity and traffic are minimised. The planning proposal was also accompanied by a draft letter of offer (**Attachment A10**) and a draft VPA (**Attachment A11**) to provide public benefits such as payment of a monetary contribution and the provision of an easement for public access.

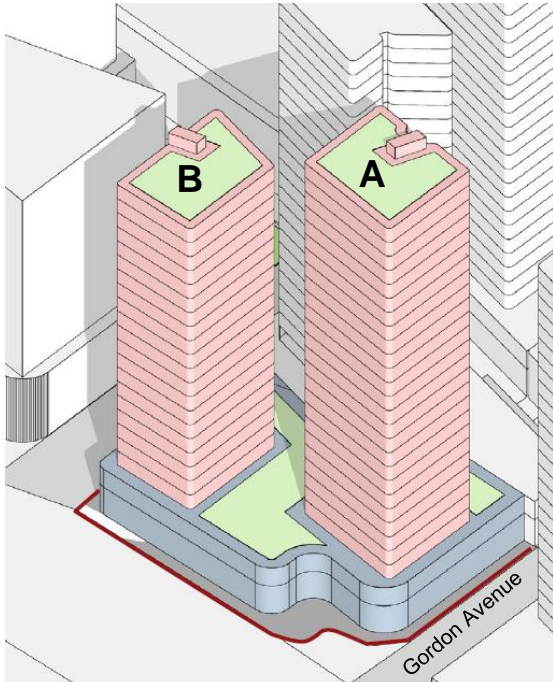
**Table 2:** Development summary of the concept design.

Area Detail		Proposed
Site area		4,219m <sup>2</sup>
Zone		B4 Mixed Use
GFA	Commercial	4,219m <sup>2</sup>
	Residential	21,287m <sup>2</sup> (258 residential dwellings)
	<b>Total</b>	<b>25,506m<sup>2</sup></b>
FSR	Commercial	1:1
	Residential	5:1 (including 4% affordable housing)
	<b>Total</b>	<b>6:1</b>
Height		<b>90m</b> (RL189.50)
Number of apartments/levels	Tower A	144 apartments – 25 levels (77.5m)
	Tower B	114 apartments - 20 levels (62m)
	Podium	2 levels
	<b>Total</b>	<b>258 apartments</b>
Parking	Residential	323 (including 65 visitors)
	Commercial	228
	<b>Total</b>	<b>551 spaces</b>
Bicycle		26 lockers plus 75 racks/cycle spaces
Solar access		77.5% during Winter Solstice
Communal open space		1,839m <sup>2</sup> (25%)





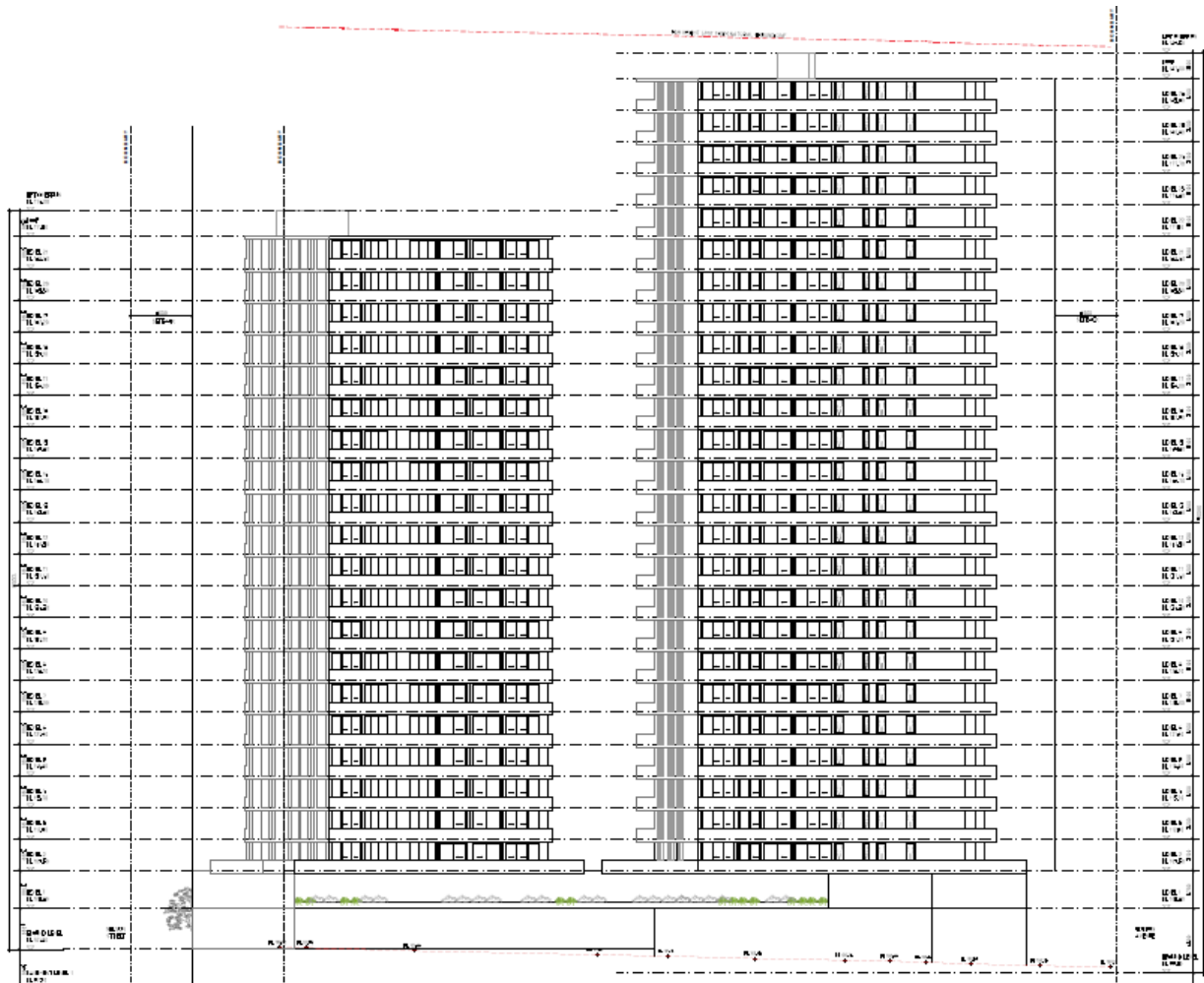
**Figures 16:** Proposed concept development, view looking south-west from Gordon Avenue, Chatswood (source: Urbis)



**Figure 17:** Reference scheme view to the south-west from Gordon Avenue, Chatswood (source: Urbis, overlay by the Department)

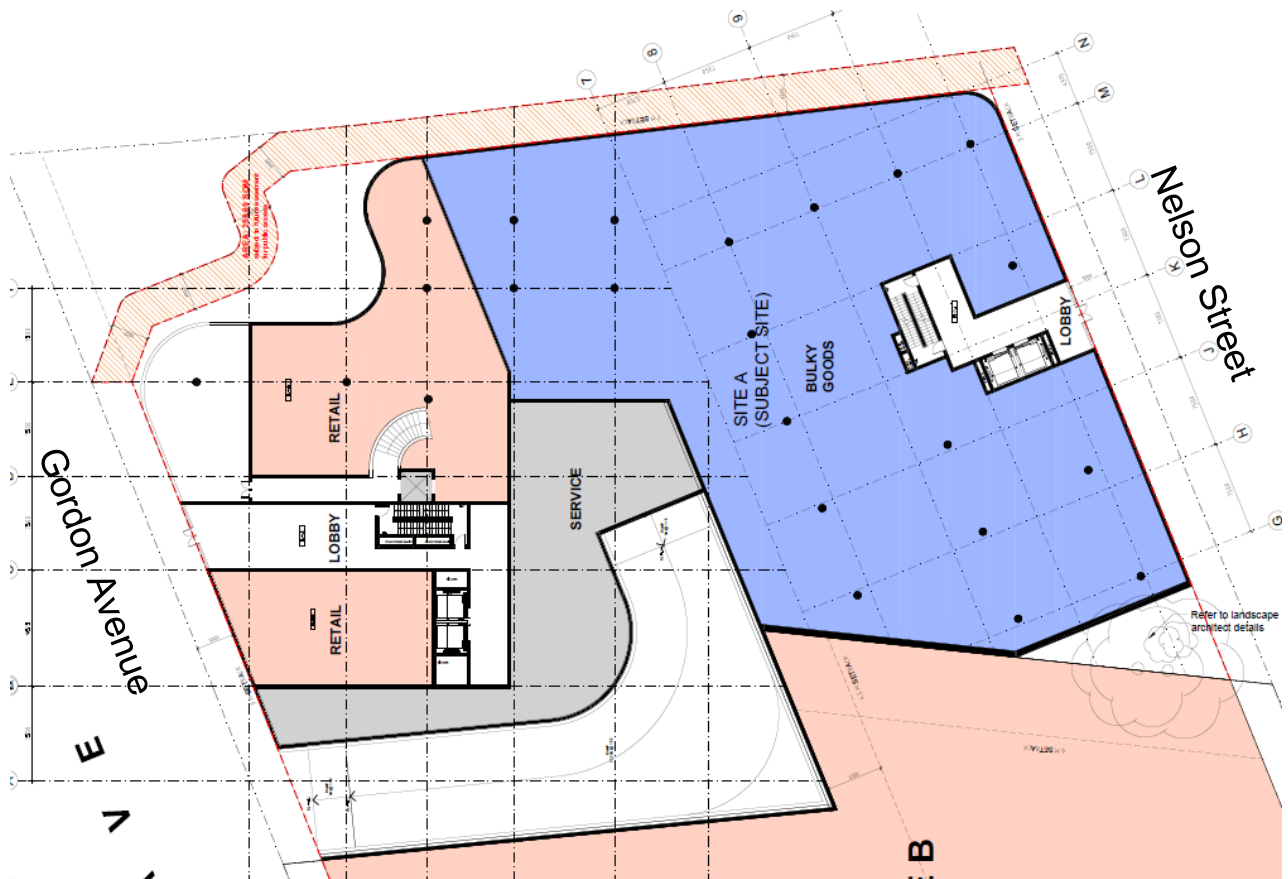


**Figure 18:** Reference scheme plan view. Tower A – proposed height of 25 storeys, Tower B – proposed height of 20 storeys (source: Urbis)



**Figure 19:** Reference scheme east elevation (facing the North Shore rail corridor) (source: PBD Architects)

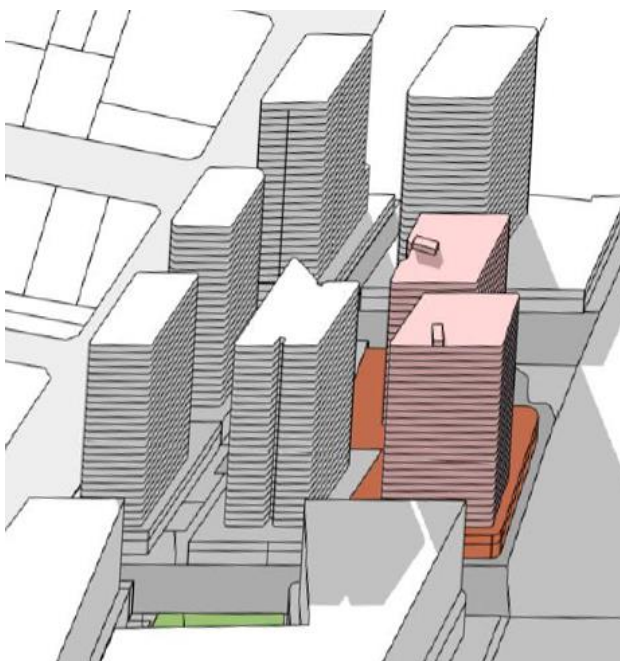




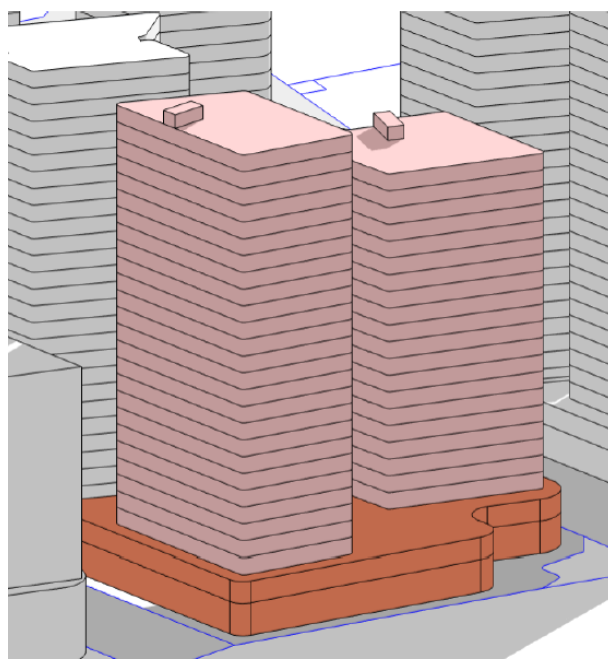
**Figure 20:** Proposed ground floor of the concept development (source: PBD Architects)



**Figure 21:** Proposed tower floor layout of the concept development (source: PBD Architects)



**Figure 22:** View to the north with the future character of the Chatswood CBD in the vicinity of the site (source: CPP)



**Figure 23:** View to the south west with the future character of the Chatswood CBD in the vicinity of the site (source: CPP)

## 4. Need for the planning proposal

The planning proposal seeks to implement the development uplift envisaged by the Chatswood CBD Strategy, which has been endorsed by the Department (**Attachment I4**) and finalised by Council. An assessment of the proposal's consistency with the strategy's key recommendations has been included in **Attachment H5**.

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

The Comprehensive LEP planning proposal proposes to rezone all land within the Chatswood CBD area to implement the Chatswood CBD Strategy, and was issued Gateway on 24 December 2021.

## 5. Strategic Assessment

### 5.1 Greater Sydney Region Plan

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

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

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

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

Region Plan Direction	Consistency
<b>A City for People</b>	<p>The planning proposal states that it is consistent with <i>Objective 7: Communities are healthy, resilient and socially connected</i>.</p> <p>The site is adjacent to the Frank Channon Walk with shared pedestrian and cycleway and within 700m walking distance of Chatswood interchange with train, Metro and bus services. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles.</p> <p>The non-residential uses such as café and specialty shops will activate the ground level including the pocket park to the north-east corner of the site increasing amenity and safety.</p>
<b>Housing the City</b>	<p>The planning proposal states that it is consistent with <i>Objective 10: Greater housing supply</i> and <i>Objective 11: Housing is more diverse and affordable</i>.</p> <p>The concept development will facilitate the provision of high-density residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services including the Chatswood interchange. The proposal will contribute to achieving the long-term housing supply targets by providing approximately 258 additional residential dwellings which is a significant increase to the existing conditions on the site.</p> <p>An affordable housing component of 4% within the development will also create additional housing options in the Willoughby LGA.</p>
<b>A Well-Connected City</b>	<p>The planning proposal states that it is consistent with <i>Objective 14: A Metropolis of Three Cities – integrating land use and transport creates walkable and 30-minute cities</i>.</p> <p>The site is located approximately 700m 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.</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, commercial and retail 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 will be approximately 21,287m<sup>2</sup> and a retail GFA of 4,219m<sup>2</sup> at the ground (podium) levels. This equates to approximately 25,506m<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 of 6:1 sought in the concept design.

Based on the above and subject to a future detailed design at the development application (DA) stage, it is considered that the proposal can deliver a development consistent with the North District Plan. **Table 4** outlines the relevant priorities of the 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 with the Chatswood Strategic Centre close to existing services and infrastructure including the Chatswood Interchange.
<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 high density residential housing in an accessible location. This will contribute to the assisting 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 provide upgraded and increased residential and commercial/retail floor space. This will include fine grain well-designed urban form including the provision of active street frontages within a strategic centre.</p> <p>The Heritage Impact Statement (<b>Attachment A15</b>) submitted with the planning proposal states that the proposed reference scheme will not impact upon any nearby heritage items or heritage conservation areas to the east of the rail corridor.</p>
<b>N12 Delivering integrated land use and transport planning and a 30-minute city</b>	The site is within 700m of the Chatswood transport interchange creating efficient access to employment, services and community facilities.

### 5.3 Chatswood CBD Strategy

The now finalised and endorsed Chatswood CBD Strategy (**Attachment I4**) 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. **Attachment H** includes the Department's assessment of the proposal's consistency with these key elements. **Attachment F2** contains Council detailed assessment and consistency with the Strategy.

## 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.

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 concept development against the priorities in the LSPS provided in **Table 5**.

**Table 5:** Consistency of planning proposal against the LSPS priorities.

District Plan Priority	Consistency
<b>Priority 1 - Increasing housing diversity to cater to families, the aging population, diverse household types and key workers</b>	<p>The site is within 'Focus area 2' in the B4 Mixed Use area surrounding the B3 Commercial Core with the potential yield up to 5000 dwellings with amended planning controls.</p> <p>The proposal can facilitate approximately 258 new residential dwellings with one two and three bedroom options and will include 4% of affordable housing. This will support a growing population and cater to the changing needs of the community.</p>
<b>Priority 3 - Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features</b>	<p>The site adjoins the Frank Channon Walk to the east which caters for cycling and pedestrian traffic. The planning proposal will enhance the interface to the walk by providing increased landscaping and a podium which overlooks the space increasing amenity and safety.</p> <p>The walk provides a direct connection to the Chatswood interchange, encouraging active transport and reduction on the reliance in private vehicles.</p>
<b>Priority 6 – Planning for local centre which are vibrant places that meet the everyday needs of the population</b>	<p>The proposal will provide upgraded and increased residential and commercial/retail floor space contributing to the vibrancy of Chatswood. It will provide increased residential accommodation options close to the commercial core for those who want to live and work locally.</p> <p>Non-residential uses at ground level will enhance the streetscape and public domain and active the area by day and night for future residents as well as those from the wider community.</p>

District Plan Priority	Consistency
<b>Priority 9 – Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor</b>	<p>The proposal will provide residential accommodation surrounding the commercial core, aligning with the Chatswood CBD Strategy which aims to protect the employment land within the Chatswood CBD.</p> <p>The proposed changes to the development controls will enable high-density residential in the B4 Mixed Use zone on Chatswood CBD fringe with easy access to existing employment, services and transport options.</p>

## 5.5 Willoughby Local Housing Strategy

In May 2020, Council's LHS was finalised and it was endorsed by the Department on 10 May 2021. 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 I4**); and
- the local centres identified in Council's Local Centres Strategy.

Of relevance to the subject proposal, is that the site falls within the expanded Chatswood CBD Strategy area and this mixed use 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 258 additional residential dwellings.

However, the LHS is not addressed within the planning proposal. A Gateway condition is recommended requiring the planning proposal to be updated to include an assessment of the consistency of the proposal with Council's endorsed LHS.

## 5.6 Local planning panel recommendation

On 17 August 2021, the Willoughby Local Planning Panel (LPP) (**Attachment G**) provided advice to Council on the planning proposal for the amalgamated site. The planning proposal sought to rezone the land, increase the maximum height of buildings and maximum FSR.

The panel stated that consideration should be given to:

- the preparation of an integrated public domain strategy for the precinct;
- the suitability of 'bulky goods retailing' in the non-residential floorspace; and
- the supposed benefits of Council taking ownership of the proposed 3m corridor adjoining the Frank Channon Walk.

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

## 5.7 Section 9.1 Ministerial Directions

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

An assessment of the planning proposal against the relevant 9.1 Ministerial Direction is outlined in **Table 5**.

**Table 5:** Assessment of the planning proposal against the relevant Section 9.1 Ministerial Directions

Directions	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	<p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment lands and support the viability of identified centres.</p> <p>The planning proposal seeks to rezone land for primarily residential uses to B4 Mixed Use to provide a mixed-use development and encourage the growth of retail, commercial and supporting services in a strategic centre.</p> <p>The planning proposal is considered consistent with this Direction</p>
2.3 Heritage Conservation	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance. This direction applies to the planning proposal as it is in the vicinity of locally listed heritage items and the North Chatswood HCA.</p> <p>The planning proposal is accompanied by a Heritage Impact Statement (HIS) (<b>Attachment A15</b>) that states there are no heritage items on the site and the site is not within an HCA.</p> <p>The HIS states that the proposal will have an acceptable impact on the heritage items and conservation areas in the vicinity.</p> <p>The heritage impact is discussed further in Section 6 of this report.</p> <p>The planning proposal is considered consistent with this Direction</p>
2.6 Remediation of Contaminated Land	<p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The planning proposal is accompanied by a Preliminary Site Investigation by Aargau's (<b>Attachment A12</b>). The report stated that contamination may be low.</p> <p>However, the report recommended that a Detailed Site Investigation (DSI) be carried out to determine the suitability of the site for the intended future use.</p> <p>The contamination impact is discussed further in Section 6 of this report.</p> <p>The planning proposal is considered consistent with this Direction. However, the planning proposal will require updating to address this Direction.</p>

Directions	Reasons for Consistency or Inconsistency
3.1 Residential Zones	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design. This direction applies as the site is proposed to be rezoned to B4 Mixed Use to facilitate a significant increase in residential dwellings.</p> <p>The planning proposal will broaden housing choice and increase supply in an established urban area, well serviced by public transport, local shops and existing infrastructure.</p> <p>The proposed concept design will be subject to Council's design excellence clause and will not reduce the permissible residential density of the land.</p> <p>The planning proposal is considered to be consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on cars.</p> <p>This direction applies to the planning proposal as the proposal seeks to rezone the land to B4 Mixed Use.</p> <p>As the proposal will encourage the delivery of increase housing within 700m of a major public transport interchange, reducing the reliance on private vehicles, it is considered to be consistent with this Direction.</p> <p>The traffic impact is discussed further in Section 6 of this report.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Direction 3.5 aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>The maximum height of buildings in the Chatswood CBD is partially based on the airspace limits as outlined in Key Element 20 of the Chatswood CBD Strategy. The planning proposal seeks to increase the maximum HOB from 12m to a maximum height of 90m consistent with the Strategy.</p> <p>The height sought in the planning proposal will not penetrate the PANS-OPS (Procedures for Air Navigation Services, Operations). The site is approximately 102AHD as indicated in the site survey (<b>Attachment A6</b>) with the proposed development to a height of RL189.50.</p> <p>In accordance with regulation 139.165 of the <i>Civil Aviation Safety Regulations 1998</i>, Civil Aviation Safety Authority (CASA) is to be notified of buildings or structures that will have a height of 100m or more above ground level. As such consultation will not be required with CASA.</p> <p>However, consultation will be required with the Commonwealth Department of Transport, Infrastructure, Regional Development and Communications, Sydney Airport Corporation Limited (SACL) and Air Services Australia and is included as a condition of the Gateway determination.</p> <p>Further approval of crane activity will be required as part of a future DA and prior to the commencement of construction work.</p> <p>The planning proposal will also require updating to address this Direction.</p>



Directions	Reasons for Consistency or Inconsistency
4.1 Acid Sulfate Soils	<p>Direction 4.1 aims to prevent significant adverse environmental impacts from the use of land that is affected by acid sulfate soils.</p> <p>The site is subject to Class 5 acid sulfate soils as indicated by the Willoughby LEP 2012. As a result, there is minimum risk of encountering acid sulfate soils under a future development application.</p> <p>The planning proposal refers to clause 6.1 Acid Sulfate Soils is identified as a Class 5 on the Acid Sulfate Soils Map.</p> <p>The proposal is considered consistent with this direction. However, the planning proposal will require updating to address this Direction.</p>
6.3 Site Specific Provisions	<p>This direction aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The direction applies to the planning proposal as it seeks to include site specific provisions as recommended by the Chatswood CBD Strategy such as design excellence. These requirements are not considered unnecessarily restrictive as they are reflective of the holistic strategy recommendations and will be implemented within future planning proposals and the wider comprehensive Willoughby LEP amendment.</p> <p>The planning proposal is considered consistent with this Direction. However, the planning proposal will require updating to address this Direction.</p>

## 5.8 State Environmental Planning Policies (SEPPs)

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 adjacent to and within 25m measured horizontally of the North Shore rail corridor zoned SP2 Infrastructure (Railway) to the east of the subject site. As the planning proposal would likely result in a development application where substantial excavation would be required below 2m for the basement parking, concurrence to the rail authority will be required as part of any DA.

The site may be affected by ground-borne noise and vibration from the rail corridor and the Pacific Highway.

The planning proposal was accompanied by a Noise and Vibration Impact Assessment (**Attachment A18**) that found noise from the railway corridor, Pacific Highway and general traffic noise may have an impact of the proposed concept.

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 outline in Clause 87(3) of the SEPP for residential development.

Additional discussion concerning the noise impact is in Section 6 of this report.

The proposed development will facilitate approximately 21,287m<sup>2</sup> of residential GFA and approximately 4,219m<sup>2</sup> of commercial/retail GFA, accommodating parking for approximately 551 vehicles.

The planning proposal meets the criteria as outlined in Schedule 3 Traffic-generating development to be referred to Roads and Maritime Services (now part of Transport for NSW (TfNSW)).

Access and egress are via Nelson Street for light vehicles and Gordon Avenue for heavy and commercial/retail traffic, both directly connecting to the State classified Pacific Highway which is zoned SP2 Infrastructure (Classified Road) and will also require referral to TfNSW.

The planning proposal was accompanied by a Traffic and Parking Impact Assessment by Urbis (**Attachment A14**) 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 Context Report (**Attachment A4**) accompanying the planning proposal demonstrates that proposed concept achieves general compliance with this code in relation to site planning, solar access 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.

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.

It is recommended that the planning proposal be updated to provide discussion on this SEPP and to include the Special Provisions Map identifying the relevant area. The planning proposal is recommended to be updated to address the SEPP (Housing) 2021 which replaces the Affordable Rental Housing SEPP.

## 6. Site-specific Assessment

### 6.1 Built Form

#### Building height

The proposed height increase would enable a development that facilities:

- a two-storey podium with two residential towers above of approximately 25 storeys (90m in total) for tower A and 20 storeys (72m in total) in height respectively; and
- a typical residential tower floor plate above of 555m<sup>2</sup> for tower A and 540m<sup>2</sup> for tower B.

The concept design (**Figures 16-23**) for the proposal identifies that the development could achieve a maximum height of 90m (RL189.5 m) 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 24**).



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

#### Building separation, setbacks and street wall height

The concept design demonstrates a 18m building separation assuming a habitable to non-habitable interface between Tower A and B and proposes setbacks can be achieved on the site under the proposed controls outlined in the Chatswood CBD Strategy, subject to a detailed design at DA stage (**Figure 25**).

The reference scheme in the concept design in the planning proposal and Council's Detailed Assessment (**Attachment F2**) states that:

- the proposed building setbacks are in accordance with the street frontage heights and building setbacks as outlined in the Chatswood CBD Strategy 2036;

- 3m setback at ground level to the Gordon Avenue boundary;
- 3m setback to the Nelson Street boundary; and
- 3m setback to the eastern boundary with the Frank Channon Walk.

For the podium, the concept shows:

- 3m setback to the northern boundary to Gordon Avenue;
- nil setback to the western boundary the adjacent property at 10 Gordon Avenue and 15 Nelson Street with the exception of a small triangle shaped portion of land to the Nelson Street frontage; and
- to the eastern boundary with Frank Channon Walk:
  - 3m ground level setback;
  - 3m additional landscape setback to the first floor;
- 3m setback to the southern boundary to Nelson Street;
- additional setback at ground level to the adjacent public park in the north-east corner at Gordon Avenue and the south-west corner facing Nelson Street.

For Tower A – setback above podium level:

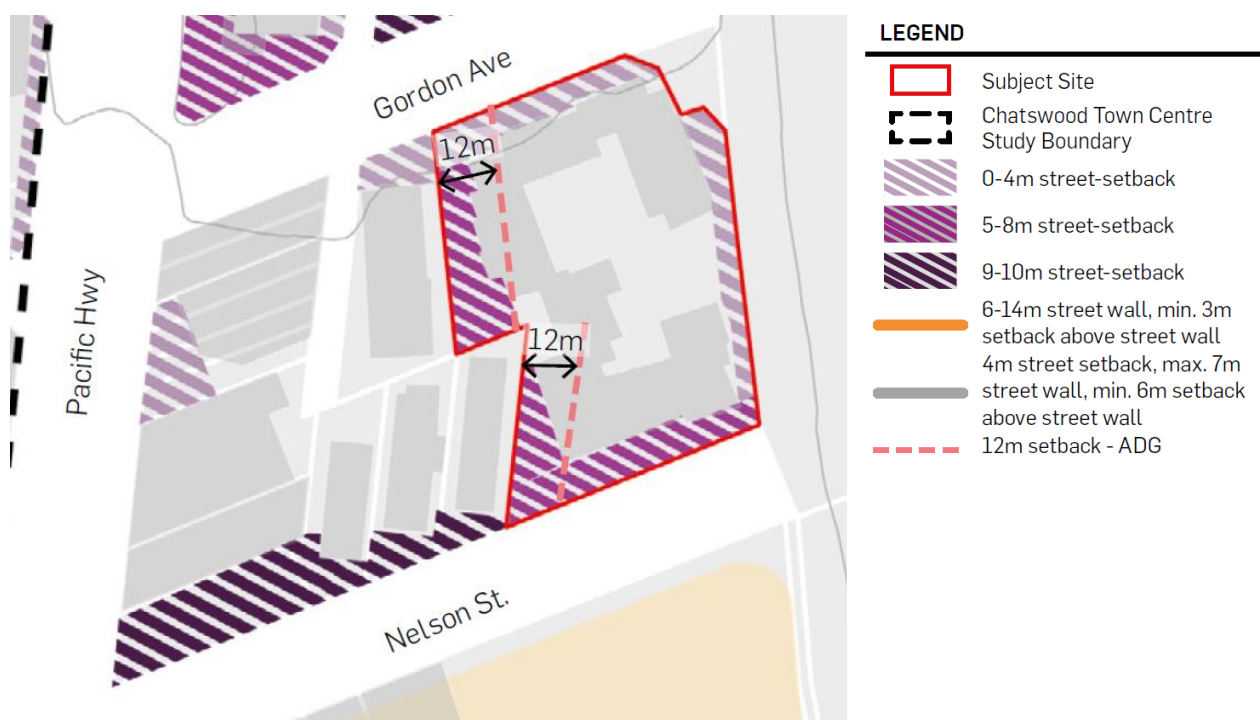
- 3m setback to the northern boundary at Gordon Avenue (total of 6m);
- 12m setback to the western boundary (total of 12m to neighbouring properties);
- 6m and approximately 12m setback to the eastern boundary to the Frank Channon Walk and public park on Gordon Avenue.

For Tower B – setback above podium level:

- 3m setback facing the southern boundary to Nelson Street (total of 6m);
- 12m setback facing to the western boundary (total of 12m to neighbouring properties);
- 6m setback to the eastern boundary to the Frank Channon Walk (total of 6m)

A street wall of between 6 to 14m will be provided at the front boundary compliant with the Chatswood CBD Strategy.





**Figure 25:** Building setbacks required in accordance with the Chatswood CBD Strategy (source: Urbis)

## Overshadowing

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

The Chatswood CBD Strategy seeks to further refine these protections with the inclusion of a solar access plan within its maximum height of buildings map (**Figure 24**) which seeks to protect the key public spaces as identified within the strategy (**Figure 26**).

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

The planning proposal states that properties on the south side of Nelson Street will be impacted by overshadowing. Potentially, some properties in the lower levels in any future development not being able to receive two hours of direct sunlight during mid-winter.

From 2pm the proposal casts shadows over the South Chatswood HCA to the east of the rail corridor. It is expected that these properties will still maintain at least three hours of solar access from the morning to the early afternoon.

Some apartments in any future development to the west of the subject site is unlikely to meet the requirements outlined in the Apartment Design Guide for solar access due to overshadowing. This would include the proposed developments at 613-627 Pacific Highway, Chatswood (PP-2021-2923) and 629-639 Pacific Highway (PP-2021-2470). Although this would be subject to more detailed assessment as part of any future development application and design excellence processes, it is recommended that the planning proposal be updated to provide additional detailed shadow diagrams to show the

full degree of overshadowing to the neighbouring properties including the future developments at 613-627 Pacific Highway and 629-639 Pacific Highway, South Chatswood HCA and Artarmon HCA.

Some overshadowing impacts as a result of the proposal are considered reasonable for a site located within the Chatswood CBD. Council states in its Detailed Assessment (**Attachment F2**) that shadow analysis supporting the concept plan show some impacts on surrounding properties as outlined in **Table 6**. Council's assessment states that the South Chatswood HCA will not be affected by overshadowing between 9am and 2pm. Also, the local heritage items on the Sydney Metro Dive site known as Mowbray House, 339 Mowbray Road is not affected by any overshadowing (**Figure 30**).

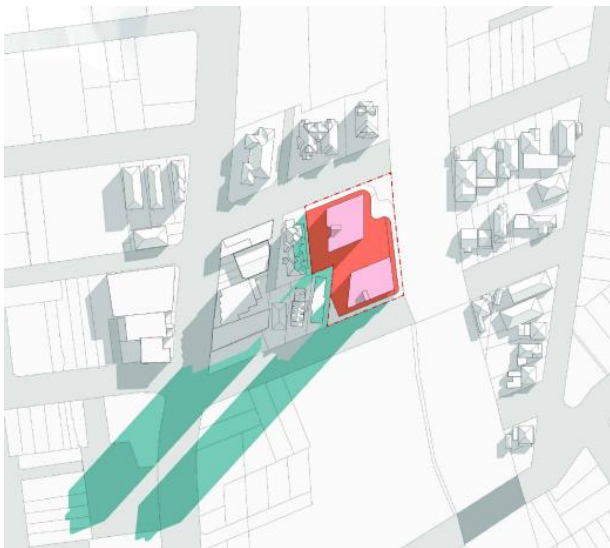
**Table 6:** Overshadowing impacts summary

Time	Property Affected by Overshadowing
9.00am	15-19 Nelson Street, part of Gordon Avenue part of 613-627 Pacific Highway, the north western corner of the Metro Dive site and land on the western side of the Pacific Highway between 552 and 572 Pacific Highway.
10.00am	15-19 Nelson Street, part of 10 Gordon Avenue and the mid-section of the Metro Dive site is affected by overshadowing. The western side of the Pacific Highway is no longer affected.
11.00am	15-17 Nelson Street and the mid-section of the Metro Dive site is affected by overshadowing.
12.00pm	The eastern part of the Metro Dive Site.
1.00pm	A small component of the Metro Dive site is affected (north east corner, and along eastern boundary), with overshadowing then falling on the North Shore Rail Line.
2.00pm	A very small portion of the South Chatswood Conservation Area is affected including Local Heritage Item I105 (2 Orchard Road) – with overshadowing ending at approximately where Orchard Road meets Mowbray Road.
3.00pm	South Chatswood Conservation Area including Local Heritage Item I95 (333 Mowbray Road) - ending approximately where Elizabeth Street meets Cambridge Road.

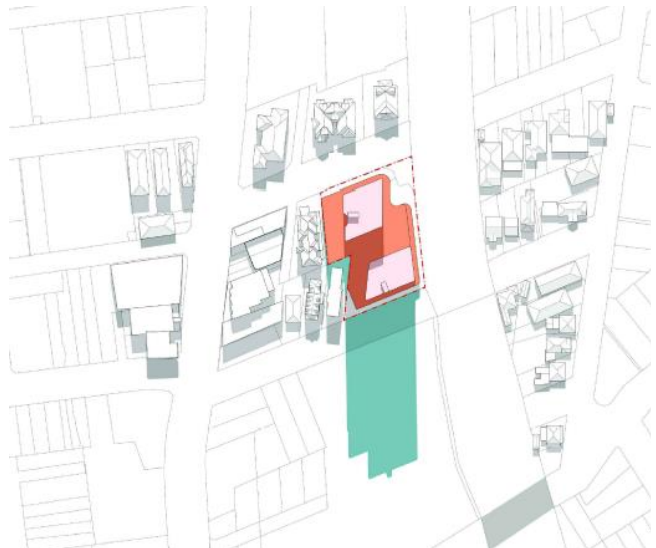
The proposal is supported by concept shadow diagrams in the Urban Context Report (**Attachment A4**). Shadow diagrams are shown in **Figures 27-29** which indicate the existing and potential extent of overshadowing to the surrounding areas including the South Chatswood HCA to the east and the Artarmon HCA to the south of the proposed development. **Attachment A5** also shows the cumulative overshadowing as a result of the overshadowing from the proposed development and future development to the west at 613-627 Pacific Highway, Chatswood and 629-639 Pacific Highway, Chatswood.



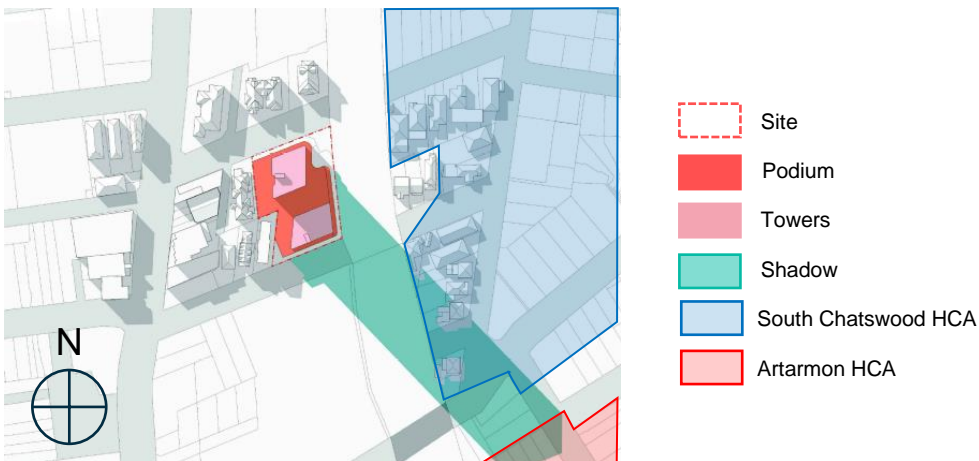
**Figure 26:** Proposed solar access protected areas under Chatswood CBD Strategy (source: Willoughby City Council, overlay by DPE).



**Figure 27:** Reference scheme proposed shadow impact by 9am (source: Urbis)



**Figure 28:** Reference scheme proposed shadow impact by 12pm (source: Urbis)



**Figure 29:** Reference scheme proposed shadow impact by 3pm (source: Urbis, overlay by the Department)



## Heritage impact

The site is in the vicinity of the South Chatswood HCA, the Artarmon HCA and other local heritage items.

The planning proposal was accompanied by a Heritage Impact Statement (HIS) conducted by Urbis (**Attachment A15**). The HIS was undertaken as the subject site is adjacent to the South Chatswood HCA containing locally listed heritage items. The site is in the vicinity of other local heritage items such as Mowbray House (**Figure 30**).

The HIS stated that the planning proposal is recommended for approval for a heritage perspective as:

- the proposal seeks to amend the planning controls on site and any future building works will be subject to DA;
- the site is not heritage listed and does not contain any built heritage of significance;
- the immediate locality is not defined by a consistent streetscape or setting;
- the reference scheme proposed on the subject site and will not adversely impact, dominate or overwhelm the any heritage items and HCAs in the vicinity;
- the reference scheme will be visible from the north of the heritage item known as Mowbray House. This item is already characterised by a high-density background and encircled by the Metro Dive site;
- the views associated with the South Chatswood HCA are not towards the proposed development to the west and is separated by the North Shore rail corridor.



**Figure 30:** Local heritage item, Mowbray House, Mowbray Road on the part of the land known as the Metro Dive site, south of the subject site (source: Google Maps)

## Noise impact

The planning proposal was accompanied by a Noise and Vibration Impact Assessment by White Noise Acoustics (**Attachment A18**). The report included an assessment of the existing environmental noise originating from traffic on the Pacific Highway as well as the North Shore rail corridor.

The assessment found any impacts in relation to environmental noise and vibration on the proposed development can be addressed through effective design in a future development phase to comply with the Environmental Protection Authority's (EPA) policy.



The assessment found that no additional acoustic treatment or vibration isolation is required to lessen any potential impact from the rail corridor to comply with the relevant standards and provide suitable amenity for future occupants of the site.

The potential noise impact is also addressed in Section 5.8 under SEPP (Infrastructure) 2007.

### **Wind impact**

The planning proposal was accompanied by a Wind Impact Assessment conducted by Cerma Peterka Petersen (CPP) (**Attachment A17**). The concept design was assessed on the local wind environment, in and around the site.

The assessment stated that the proposed development may cause wind speeds to increase and equally creating calmer conditions in others. The proposed development is not expected to have a significant effect on pedestrian amenity. Wind conditions and safety are classified as acceptable for standing and walking, similar to the current conditions on the site.

The report stated that it would be likely that localised mitigation measures would be required for long term stationary or outdoor dining activities.

CPP recommended wind tunnel testing to be undertaken in the detail design phase. The DCP includes a requirement for an assessment to be submitted at the DA stage to address and minimise any impacts.

### **Visual and view impact**

A Visual Assessment (**Attachment A16**) has been submitted with the planning proposal. The assessment states that the proposal will largely be visible in the background of the HCAs and heritage items but will not block public domain views to any scenic features.

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 more than 35m in height, any future development application would be required to progress through a design review panel. The panel could recommend refinements to the design to reduce amenity impacts where appropriate.

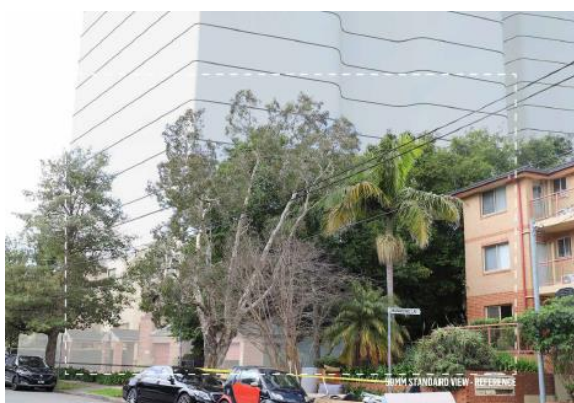
Images of the proposed visual impact of the reference scheme are in **Figures 31-34**.



**Figure 31:** View of the reference scheme looking approximately south-south-west from Chatswood Oval (source: Urbis)



**Figure 32:** View of the reference scheme looking approximately north-west from Mowbray Road (source: Urbis)



**Figure 33:** View of the reference scheme looking approximately south-east from the Gordon Avenue (source: Urbis)



**Figure 34:** View of the reference scheme looking north-west from the corner of Mowbray Road and Elizabeth Street (source: Urbis)

## 6.2 Social

The reference design shows that the development can deliver 258 residential apartments comprising of one, two and three bedrooms. Communal open spaces equate to approximately 42% or 1,762m<sup>2</sup> of the site and are largely proposed at podium level and roof top levels, with connections at ground level to the shared pedestrian Frank Channon Walk to the east (**Figures 35-38**).

The provision of retail and other services at ground level would contribute to the activation of the area at ground level. The close proximity to existing public transport, services and jobs will contribute to the 30-minute city.

### Affordable Housing

A 4% of GFA is to be dedicated to affordable housing distributed throughout the proposed development.

The revised planning proposal includes the proposed Special Provisions Area map to indicate the site as requiring the application of clause 6.8 Affordable housing.

## Public Amenity and Voluntary Planning Agreement

The reference scheme as shown in the Landscape Plans (**Attachment A7**) intends to upgrade and activate the existing footpaths and open space surrounding the site. This will improve connectivity through the Chatswood CBD to nearby public spaces and the Chatswood interchange.

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

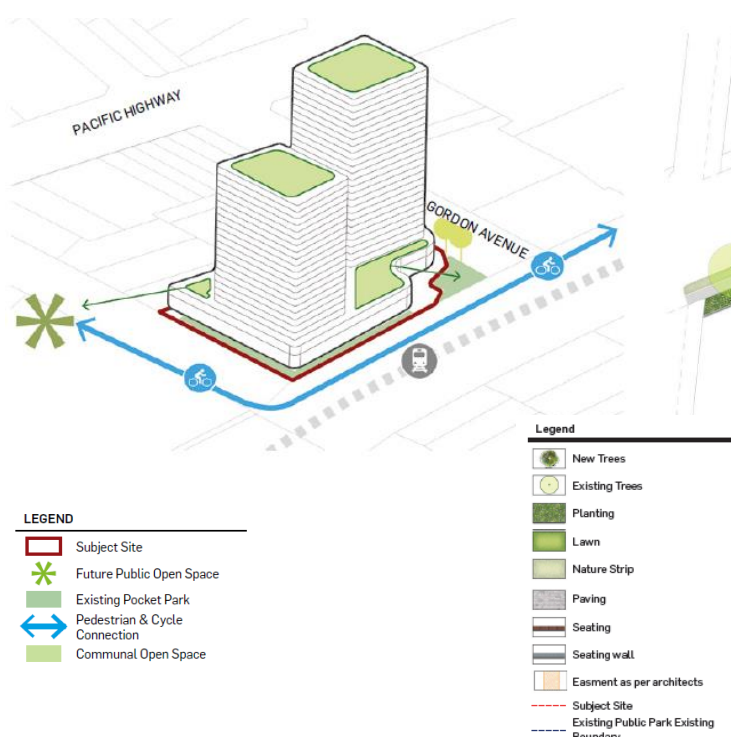
A letter of offer (**Attachment A10**) and a draft voluntary planning agreement (VPA) (**Attachment A11**) accompanied the planning proposal. Council states that a draft VPA for a range of public benefits is to be progressed separately to the planning proposal.

The benefits could be in the form of a monetary contribution to Council and the dedication of land for the purposes of an easement for public access along the eastern boundary adjacent to the Frank Channon Walk. The details of the VPA are yet to be finalised.

The planning proposal was referred to Council's Urban Design and Open Space Section and no objections were raised with the proposed concept design.

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 application of Section 7.11 and 7.12 contributions will be a separate issue to the VPA.



**Figure 35:** Reference scheme communal open space (source: Urbis)



**Figure 36:** Reference scheme ground floor landscaping plan (source: Urbis)





**Figure 37:** Reference scheme podium level landscaping plan (source: Urbis)



**Figure 38:** Reference scheme rooftop landscaping plan (source: Urbis)

## 6.3 Environmental

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

The proposed concept intends to provide increased setbacks with increased landscaping at ground level improving the public domain and rooftop as part of any future development.

### Contamination impact

The planning proposal was accompanied by a Preliminary Site Investigation (PSI), conducted by Aargus, dated 6 October 2020 (**Attachment A12**).

The findings of the assessment of the site indicate areas of concern with the importation of uncontrolled fill, the carpark areas which are potentially subject to leaks and spills and the past use of asbestos based materials.

The report states that based on the information gathered during the PSI, the site will be suitable for the proposed use. However, recommends a Detailed Site Investigation (DSI) to determine the extent of the contamination and if remediation and validation is required. This can occur as part of a future DA.

### Arboricultural Impact

The planning proposal was accompanied by an Arboricultural Impact Assessment by Peake Arboricultural (**Attachment A19**) was carried out to assess the potential impacts on the tree population on the existing site.

A total of 86 trees were assessed within and adjacent to the subject site. The street trees along Gordon Avenue and the Gordon Avenue pocket park are to be mostly retained. It is



proposed that 69 of medium to limited value trees are to be removed. The scheme is to have a minimum of 20% replacement canopy and soft landscaping at ground, podium and rooftop levels.

Protection and site supervision will be required for works within the tree protection zones of trees to be retained during any site works. Further assessment and recommendations will be required as part of a future DA and prior to construction.

## 6.4 Economic

### Employment

The planning proposal will facilitate 4,219m<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.

The increase in 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 and is also a key objective of the North District Plan.

It is noted that the concept plan indicates bulky goods retail to comprise 2,190 sqm of the 4,219sqm floor space for non-residential uses. Although this use is included in the indicative concept plan, this will be subject to development assessment and would need to be permissible in the B4 zone.

## 6.5 Infrastructure

### Public transport

The site is well serviced with public transport infrastructure as it is within 700m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to 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, due to open in 2024.

The Pacific Highway is also located approximately 70m 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 on existing and future transport capacity and services to support and encourage the use of public transport;
- maintain good accessibility to the station and the associated interchange; and
- facilitate development that will deliver increased residential and employment floor space to provide opportunities to live and work in Chatswood close to accessible public transport and services.

### Traffic and Transport

A traffic and parking impact assessment report, prepared by Urbis, dated 10 December 2020 (**Attachment A13**) was submitted with the planning proposal. The report provides an assessment of the potential transport impacts as a result of the proposed reference scheme.

The planning proposal was referred to Council's Traffic section and no objections were raised with the proposed concept design.

The site is in close proximity to accessible transport options including Artarmon Train Station approximately 800m to the south-east. The Chatswood interchange is approximately 700m to the north of the site and includes services such as:

- the T1 North Shore, Northern and Western Line with regular connections to the Sydney CBD;
- bus services operate from the interchange and Anderson Street, Victoria Avenue and Pacific Highway;
- Sydney Metro Northwest with connections to the Sydney CBD and the north-west via Epping; and
- Sydney Metro City and Southwest line currently under construction will provide further future connectivity to the Sydney CBD, Parramatta and Bankstown (**Figure 50**).

The report states that traffic volumes were synthesised on key roads in the vicinity due to the effects of the COVID-19 pandemic.

The report outlines that a compliant development application would generate a net maximum increase of 145 vehicular trips during the weekday peak period and 167 vehicular trips during the weekends (**Table 6**). However, it is considered that the report needs clarification as to the AM and PM peak trip numbers. A condition has been attached to require these updates be provided in the planning proposal.

**Table 6:** Summary of the forecast traffic generation as a result of the proposed concept development

Use	Number of dwellings/GFA	Rate per unit or 100m <sup>2</sup> GFA		Vehicle Peak Hour Traffic	
		Weekday	Weekend	Weekday	Weekend
Residential	258	0.14	0.31	36	80
Commercial	2,520m <sup>2</sup> GFA	2.7	3.9	51	74
Retail	450m <sup>2</sup> GFA	20 (per 1000m <sup>2</sup> )	38 (per 1000m <sup>2</sup> )	7	13
Gym	1,665m <sup>2</sup> GFA	3	N/A	51	N/A
<b>Net trips generated</b>				<b>145</b>	<b>167</b>
<b>Total trips generated per day during the AM and PM peak</b>				<b>290</b>	<b>334</b>

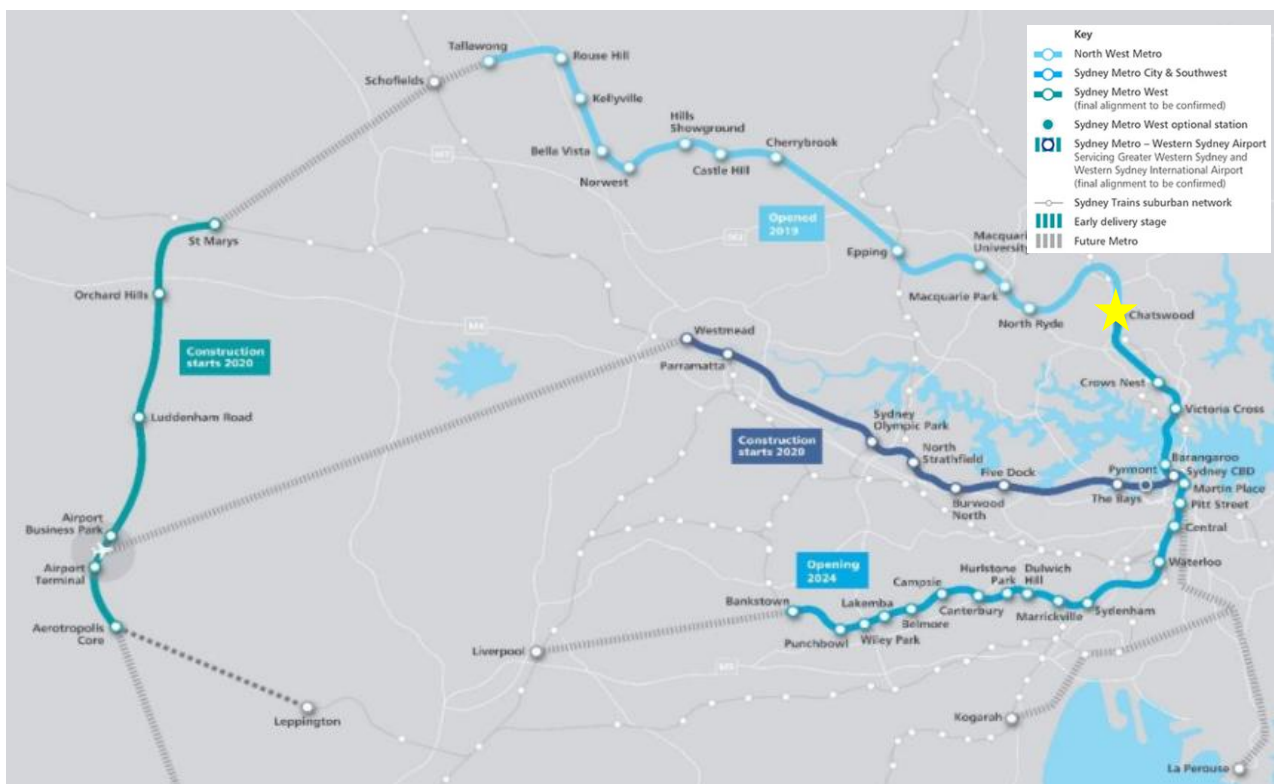
One two-way vehicular access and egress is proposed via Nelson. Basement loading and unloading facilities are proposed via Gordon Avenue. The design requirements to meet the relevant standards will be detailed as part of a future DA.

The report states that based on the analysis, the existing traffic volumes near the site with the additional traffic generated by the planning proposal is not expected to adversely compromise the safety or function of the surrounding road network.

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

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

The site is in the vicinity of paved pedestrian networks and on and off-road bicycle routes including a connection along the Frank Channon Walk to the Chatswood interchange.



**Figure 50:** Sydney Metro lines alignment map (source: DPE).

## Parking and access

The Traffic Impact Assessment (**Attachment A13**) stated that the proposed development will provide a total of 551 car parking spaces within the basement levels as outlined in **Table 7**. This is considered consistent with Council's DCP parking rates for residential and commercial/retail uses.

The main vehicular access is to be provided via Nelson Street with basement loading dock access for heavy vehicles such as garbage trucks provided via Gordon Avenue.

All vehicles are to enter and exit it a forward direction. All loading and unloading activities can take place at basement level. The design indicates the use of a turntable to enable large vehicles to exit via Gordon Avenue in a forward direction (**Figure 51**). The final design of the loading dock can be undertaken at the DA stage.

The parking rates are sufficient as the development is within approximately 700m walking distance of accessible public transport at the Chatswood interchange and satisfactory to meet the needs of future residents reducing the overflow to nearby residential streets.

Council's DCP specifies the provision of bicycle and motor bike parking and end of journey facilities. The report indicates that 26 bicycle lockers and 22 bicycle parking rails/racks will be provided for residents with an additional 20 racks and 7 lockers for retail uses. Final numbers will be determined as part of the DA stage.

In the response to further information (**Attachment A1**), Council raised concern with the 551 car spaces proposed.

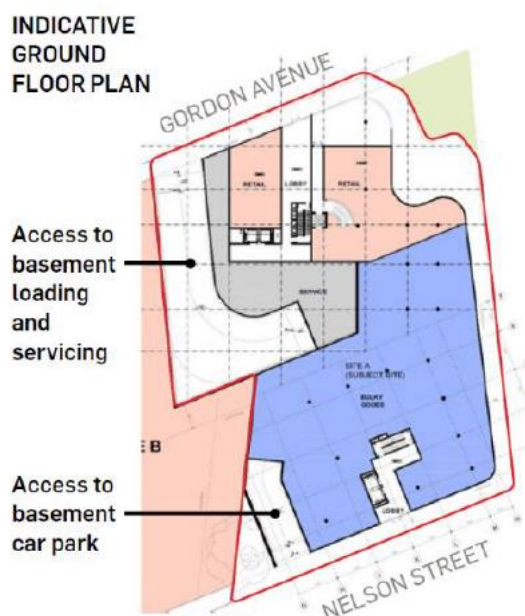
Council stated that car parking should be based on a general retail and commercial land use as well as residential. This will substantially reduce the car parking required on a site within the Chatswood CBD, close to major transport infrastructure.

Council's Detailed Assessment (**Attachment F2**) states that parking is to be provided for 257 vehicles but does not state that this is for the residential development or the entire reference scheme.

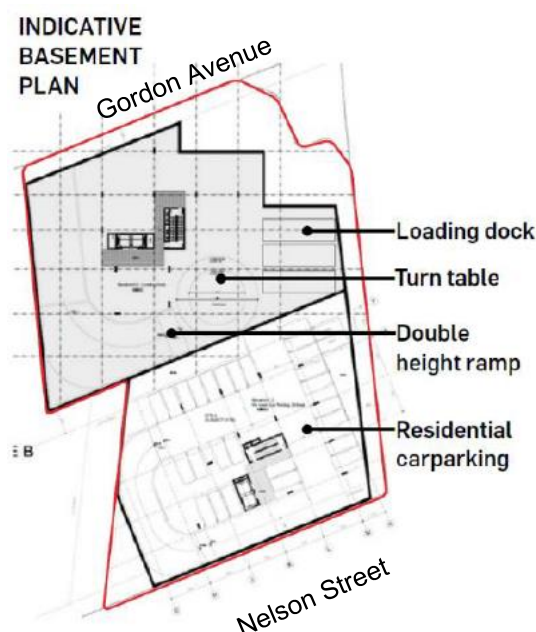
Additionally, Council has requested that the plans be amended to rationalise the vehicle entry points. As such one entry point should be provided via Gordon Avenue with separate driveways adjacent to each other.

The Department notes that the Traffic Impact Assessment is undated and referring to and indicating two entry/exit points. The Concept Plans contain updated diagrams (**Attachment A3** and **Figure 20**).

A condition will be included to provide the updated traffic assessment as referred to in the applicant's letter, Response to Further information (**Attachment A1**).



**Figure 51:** Access 1 for cars is via Nelson Street and commercial and access 2 is to facilitate large vehicles via Gordon Avenue (source: Urbis).



**Figure 52:** Basement layout indicating the mechanical turntable for large commercial vehicles (source: Urbis, overlay by the Department).



**Table 7:** Approximate onsite car parking

Land Use	Units/Scale (GFA)	Rate	Parking Provision
Residential	258	1 per unit (other than studios)	258
Visitor	N/A	1 per 4 dwellings	65
Commercial	2,520m <sup>2</sup>	1 per 77m <sup>2</sup> factory space 1 per 300m <sup>2</sup> warehouse space 6 per 100m <sup>2</sup> showroom space	150
Retail	450m <sup>2</sup>	1 per 25m <sup>2</sup>	18
Gym	1,665m <sup>2</sup>	3 per 85m <sup>2</sup> GFA	60
<b>Total</b>			<b>551</b>

## 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.

The traffic analysis indicates that the road network will not be adversely impacted and continue to operate similar to the existing conditions.

## 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 the following agencies be consulted on the planning proposal and given 21 days to comment for the purposes of this Gateway:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education;
- NSW Department of Health;
- Commonwealth Department of Transport, Infrastructure Regional Development and Communications (DTIRDC);
- 
- Sydney Airport Corporation Limited (SACL); and
- Air Services Australia.

## 8. Timeframe

The planning proposal provides an indicative project timeline with an anticipated completion date for the LEP amendment by May 2022.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 3 months; and
- reported to Council for a recommendation 9 months.

The planning proposal be amended to provide an updated timeline for completion. It is recommended that a 12 month timeframe is appropriate for this planning proposal from the date of the Gateway determination.

## 9. Local Plan Making Authority

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

## 10. Conclusion

The planning proposal seeks to redevelop a site containing existing residential buildings. The proposal will provide approximately 21,287m<sup>2</sup> of residential floor space equating to approximately 258 additional residential dwellings and approximately 4,219m<sup>2</sup> of commercial/retail floor space.

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

- it is generally consistent with the actions of the North District Plan for Chatswood by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage and promoting employment growth in an accessible location;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy; and

- the increase in development controls is consistent with the desired character of the Chatswood CBD.

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

- the proposed maximum building height is consistent with the desired future maximum building heights as outlined in the Chatswood CBD Strategy;
- the addition of Nelson Street and Gordon Avenue as active street frontages will increase connectivity and pedestrian amenity;
- the HIS has found that the concept design will have minimal impact on the South Chatswood HCA to the east across the North Shore rail corridor;
- the proposal will not overshadow key public open space between 12-2pm during midwinter; and
- the proposal will enable the delivery of an additional 258 residential dwellings and commercial/retail within 700m walking distance of public transport including Chatswood train station, North-West metro and the Chatswood bus interchange.

However, the planning proposal will require updating to address the Gateway determination conditions prior to public exhibition.

The Department notes that Council requested additional information on 29 April 2021. In a letter dated 23 June 2021 (**Attachment A1**), the applicant included a table of amended documents to support their response.

The updated documents are to be submitted, correctly dated, and all documents are to be identified as 'exhibition version'.

## 11. Recommendation

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

1. Prior to community consultation the proposal is to be updated to:
  - (a) provide a consolidated revised proposal to include the documents considered by Council at their meeting 13 September 2021 and the updated appendices listed in the response to Request for Additional Information letter dated 23 June 2021, ensuring that the file names for the documents are clearly labelled as 'revised', 'amended' or 'updated';
  - (b) include the figure for both the AM and PM peak times and in the supporting traffic report;
  - (c) add additional information in the objectives and intended outcomes to provide the number of jobs and dwellings as a result of the proposed increase to the planning controls;
  - (d) provide the existing Active Street Frontages, Special Provisions Map and Lot Size Map;
  - (e) prepare and include digital maps for exhibition in the spatial viewer;
  - (f) incorporate the proposed changes outlined in the Council resolution to apply clause 4.4B Minimum non-residential floor space in the Mixed Use Zone to permit a residential flat building in the B4 Mixed use zone in the Chatswood CBD if the

ground level is used for non-residential purposes and a minimum of 17% of the total FSR;

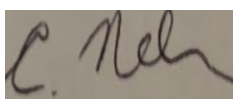
- (g) provide a plain English explanation in the planning proposal for the introduction of new clauses including the Sun access provisions and the minimum non-residential which specifies a 17% FSR for non-residential uses;
- (h) provide an assessment of the proposal against the relevant priorities and actions of the Council endorsed Willoughby Local Housing Strategy;
- (i) correct the Local Strategic Planning Statement 'Priority 2' – enhancing walking and cycling connections to Willoughby's urban area, local centres and landscape features to state 'Priority 3';
- (j) remove or update reference to clause 6.12 Size of shops in B3 and B4 in Chatswood as this clause is proposed to be removed in the Comprehensive LEP
- (k) provide additional detailed shadow diagrams to show the full degree of overshadowing to the neighbouring properties including the future developments at 613-627 Pacific Highway and 629-639 Pacific Highway, South Chatswood HCA and Artarmon HCA;
- (l) address all of the following relevant Section 9.1 Ministerial Directions:
  - i. 2.6 Remediation of Contaminated Land;
  - ii. 3.5 Development Near Regulated Airports and Defence Airfields;
  - iii. 4.1 Acid Sulfate Soils; and
  - iv. 6.3 Site Specific Provisions
- (m) remove reference to revoked Directions;
- (n) address SEPP (Housing) 2021 and remove reference to repealed SEPPs;
- (o) 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;
- (p) revise Table 4 Surrounding Planning Proposals on pages 18 and 19 to state the correct planning controls:
  - i. 54-56 Anderson Street, Chatswood; and
  - ii. 58 Anderson Street, Chatswood.
- (q) consultation is required with the Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC).
- (r) provide a revised project timeline based on the issuing of this Gateway determination.

2. Consultation is required with the following public authorities:

- Transport for NSW;
- Ausgrid;
- Sydney Water Corporation;
- Department Education;



- Department Health;
  - Sydney Airport Corporation Limited (SACL); and
  - Airservices Australia.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
  4. The planning proposal must be exhibited **3 months** from the date of the Gateway determination.
  5. The planning proposal must be reported to council for a final recommendation **6 months** from the date of the Gateway determination.
  6. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
  7. Given the nature of the planning proposal and its consistency with the Chatswood CBD Strategy, Council authorised to be the local plan-making authority to make this plan.



8/2/2022

Charlene Nelson  
Manager, Place and Infrastructure



28/2/2021

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

**Attachment A** – Revised planning proposal

- **A1** – Request for additional information response
- **A2** – Planning proposal submission
- **A3** – Concept plans

- **A4** – Urban context report June 2020
- **A5** – Plans, sections, elevations
- **A5a** – Amended architectural plans
- **A6** – Detailed site survey
- **A7** – Landscape plans
- **A8** – Indicative concept image
- **A9** – Draft DCP
- **A10** – Letter of offer
- **A11** – Draft VPA
- **A12** – Preliminary site investigation
- **A13** – Geotechnical study
- **A14** – Traffic impact assessment
- **A15** – Heritage Impact Statement
- **A16** – Visual assessment
- **A17** – Pedestrian wind assessment
- **A18** – Noise and vibration impact
- **A19** - Arboricultural impact assessment
- **A20** – Engagement strategy
- **A21** – Economic benefits report
- **A22** – Economic market assessment
- **A23** – Novation deed

**Attachment B** – Site map

**Attachment C** – Locality context map

**Attachment D** – Existing LEP maps

**Attachment E1** – Proposed LEP mapping amendments

**Attachment E2** – Amended LEP maps (Council)

**Attachment F** – Council documents

- **F1** – Council report
- **F2** – Detailed assessment report
- **F3** – Council assessment of the Department's guidelines
- **F4** - Written amendments to the LEP
- **F5** – Council resolution 13 September 2021

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

**Attachment H** – DPIE's assessment of the consistency of the planning proposal against the Chatswood CBD Strategy

**Attachment I – Chatswood CBD Strategy**

- **I1** – Chatswood CBD Strategy background summary
- **I2** – Department's partial endorsement letter
- **I3** – Department's full endorsement
- **I4** – Final Chatswood CBD Planning and Urban Design Strategy