



# PLANNING PROPOSAL

9-11 Nelson Street,  
Chatswood

Prepared for  
**THE OWNERS CORPORATION, STRATA PLAN 65120**  
November 2021



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Stephen White
Senior Consultant	Sarah Noone Andrew Hobbs
Project Code	P0026170
Report Number	Final V3

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# EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Urbis Pty Ltd of on behalf The Owners Corporation, Strata Plan 65120. This application seeks proposed amendments to Willoughby Local Environmental Plan 2012 in relation to the site at 9-11 Nelson Street, Chatswood.

The objective of this Planning Proposal is to facilitate the future redevelopment of the site for a mixed-use development with a maximum building height of 90m and a maximum FSR of 6:1 to align with the recommendations of the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy).

The Planning Proposal seeks to achieve the desired outcome by:

- Amending the land use zoning control applicable to the site under WLEP from R2 Low Density Residential to B4 Mixed Use.
- Amending the maximum height control from 12m to 90m.
- Amending the maximum Floor Space Ratio (FSR) control from 0.9:1 to 6:1.

The Greater Sydney Region Plan, *A Metropolis of Three Cities* is built on a vision where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This proposal presents an excellent opportunity to deliver on this vision, by locating increased residential accommodation and introduction of employment-generating floor space within walking distance of Artarmon Railway Station, Chatswood Railway and Metro Station and Chatswood CBD.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department of Planning, Industry and Environment (DPIE) guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

## BACKGROUND

The following pre-lodgement discussions were held with Willoughby Council prior to lodging the Planning Proposal.

- Introductory presentation to Willoughby Council, 11<sup>th</sup> August 2020
- Design presentation to Willoughby Council, 5<sup>th</sup> November 2020
- Formal pre-lodgement meeting, 9<sup>th</sup> December 2020

Council issued formal pre-Planning Proposal notes on 23<sup>rd</sup> December 2020. Issues raised during preliminary consultation have been considered and addressed in the final concept design and documentation submitted with this Planning Proposal request.

## SITE CONTEXT

The Planning Proposal request applies to the land at 9-11 Nelson Street, Chatswood within Willoughby Local Government Area (LGA).

The site is approximately 700m south of Chatswood CBD and located on the eastern side of the Pacific Highway and the western side of the Northern rail line.

The site has an area of 4,219sqm and currently contains a three-storey residential complex, containing 45 units under a Strata Plan (65120). It contains communal gardens and open space which connect to the pedestrian and cycle right-of-way on the eastern boundary of the site.

The site has dual street frontage to Nelson Street and Gordon Avenue. Nelson Street and Gordon Avenue are both no-through roads, with the vehicular bridge connecting Nelson Street to Berkeley Court to the east recently removed to allow for Sydney Metro works on the rail line.

The site and locality have good access to existing and planned transport infrastructure including the Northwest Metro Service at Chatswood Station and the future Metro City and Southwest service also operating from Chatswood Station from 2024.

The site is also serviced by the Pacific Highway, 100m to the west, which is a major north-south arterial road that connects Sydney's north western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

## PLANNING CONTEXT

The site is currently zoned R3 Medium Density Residential in accordance with *Willoughby Local Environmental Plan 2012*.

The core local planning controls prescribe a maximum height of 12m and a maximum floor space ratio of 0.9:1.

The site does not contain any items which are listed as containing local or state heritage significance, nor is the site located within a heritage conservation area. The Chatswood South Heritage Conservation Area is located to the east of the site across the rail line and has been considered as part of this proposal. Additionally, it is assumed this area was considered in the preparation of the CBD Strategy.

The proposed LEP amendments to the land use zoning, height of buildings and floor space ratio controls that apply to the site have been prepared in consideration of the planning objectives, priorities and actions in relevant strategic planning policies including:

- *Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Our Greater Sydney 2056: North City District Plan*
- *Willoughby Local Strategic Planning Statement*
- *Chatswood CBD Planning and Urban Design Strategy 2036*

The proposal demonstrates a high level of compliance and consistency with these strategic policies as discussed throughout this report.

Importantly, the Planning Proposal will contribute to protecting employment land within Chatswood CBD Commercial Core as sought by the Willoughby Local Strategic Planning Statement and the CBD Strategy. This will be achieved by enabling increased residential density within the CBD fringe, supported by non-residential uses in mixed use developments concentrating commercial office development within the CBD Commercial Core.

## PLANNING PROPOSAL

This request has prepared in accordance with DPIE guidelines and is considered appropriate for the following reasons:

- The proposal supports the key objectives of the CBD Strategy by facilitating increased residential density within the CBD fringe to allow commercial floor space to be concentrated within the Chatswood CBD Commercial Core.
- The proposal will help deliver the long-term aspiration of the Greater Sydney Region Plan and the North City District Plan of delivering a 30-minute city. This will be delivered through the delivery of a mixed use development on the site and capitalising on the State Government's investment into the public transport network through locating residential and employment generating floor space near the Sydney Metro services at Chatswood Station.
- The proposal also supports active transport use, having direct access to the shared pedestrian and cycle path to the east of the site and by improving the interface between this link and the site.
- Retail floor space at ground level which will support cafes, speciality shops and bulky good stores. This will activate the surrounding public domain including the pocket park and shared cycle path contributing to a sense of place and activity day and night.
- The proposed amendments can be accommodated without generating significant adverse impacts on neighbouring properties or public open space, particularly when considering the surrounding character anticipated by the CBD Strategy.

Accordingly, it is recommended the Planning Proposal is endorsed by Council to enable a gateway determination by the Department of Planning, Industry and Environment.

# 1. INTRODUCTION

## 1.1. PROJECT OBJECTIVES

This Planning Proposal has been prepared by Urbis Pty Ltd on behalf of The Owners Corporation, Strata Plan 65120 (**the Applicant**) in support of a proposed amendment to the Willoughby Local Environmental Plan 2012 (**WLEP**) in relation to the site at 9-11 Nelson Street, Chatswood (**the Site**).

The objective of the Planning Proposal is to facilitate the construction of a new mixed-use development that will provide 4,219sqm of commercial floor space, approximately 258 residential apartments and 1,839sqm of open space within the Chatswood CBD fringe.

The Planning Proposal seeks to achieve the desired outcome by:

- Amending the land use zoning control applicable to the site under WLEP from R2 Low Density Residential to B4 Mixed Use.
- Amending the maximum building height control from 12m to 90m.
- Amending the maximum Floor Space Ratio (**FSR**) control from 0.9:1 to 6:1.
- Additionally, this Planning Proposal seeks to make a number of administrative updates that align with Council's direction.

The proposed amendments to the WLEP are consistent with the built form recommendations of the CBD Strategy.

The Planning Proposal is accompanied by a draft site-specific Development Control Plan (**draft DCP**) to guide the future development of the site.

This Planning Proposal and supporting documents has been prepared to demonstrate the strategic planning merit of the proposed mixed-use development, to evaluate the impact of additional building height and density on the site, and to assess the relevant environmental, social and economic impacts of the proposal.

The Planning Proposal is consistent with the strategic objectives of *A Metropolis of Three Cities – Greater Sydney Region Plan (Regional Plan)*, the *North District Plan (District Plan)* and the *Willoughby Local Strategic Planning Statement (LSPS)*.

The Planning Proposal supports the Regional Plan and North District Plan by increasing the availability of residential accommodation with good access to public transport, jobs, education and services, which ultimately aligns with the vision of the Region Plan to create a 30-minute city. The proposal also provides more local employment opportunities, both during construction and once operational.

Based on the assessment presented in this Planning Proposal and supporting documents, the Applicant requests that Council endorse the Planning Proposal and forward it to the Department of Planning, Industry and Environment (**DPIE**) for a Gateway Determination under section 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.

## 1.2. PROJECT HISTORY

The following pre-lodgement discussions were held with Willoughby Council prior to lodging the Planning Proposal.

- Introductory meeting and presentation to Willoughby Council officers, 11<sup>th</sup> August 2020
- Design presentation to Willoughby Council officers, 5<sup>th</sup> November 2020
- Formal pre-lodgement meeting, 9 December 2020

Council issued formal pre-Planning Proposal notes on 23<sup>rd</sup> December 2020. Issues raised during preliminary consultation have been considered and addressed in the final concept design and documentation submitted with this Planning Proposal request.

A response to the issues raised in the pre-Planning Proposal notes is also provided in the table below.

Table 1 Pre-lodgement meeting summary

Item	Response
<p><b>1. Relationship to Strategic Planning Framework</b></p>	<p>Part 9.2 of this report demonstrates the proposal's consistency with the following strategic documents:</p> <ul style="list-style-type: none"> <li>▪ <i>Greater Sydney Region Plan</i></li> <li>▪ <i>North District Plan</i></li> <li>▪ <i>Willoughby Local Strategic Planning Statement</i></li> <li>▪ <i>Chatswood CBD Planning and Urban Design Strategy</i></li> <li>▪ <i>Integrated Transport Strategy</i></li> </ul>
<p><b>2. Mixed Use</b></p>	<p>The podium arrangement in the proposed reference scheme has been amended to move loading facilities into the basement levels. While the indicative uses including Bulky Goods, Gym, Small Retail/F&amp;B/Speciality Retail remain, it is acknowledged that these uses will not be approved as part of the Planning Proposal and that further assessment of appropriate uses will be undertaken for DA stage.</p>
<p><b>3. Design</b></p>	<p>The reference scheme has been amended to locate the taller residential tower towards the north of the site and the lower residential tower towards the south of the site to create a building height transition towards the Sydney Metro Dive site across Nelson Street to the south.</p> <p>A Concept Landscape Strategy (<b>Appendix D</b>) has been prepared by Urbis which demonstrates ground level and public domain enhancements.</p> <p>A landscaped linear park is proposed along the eastern boundary of the site to enhance the pedestrian and cyclist experience within the shared path link east of the site.</p> <p>Publicly accessible activated open space associated with the ground level potential food and beverage use is proposed adjacent to the pocket park.</p> <p>The Concept Landscape Strategy recognises the opportunity to enhance the pocket park as part of a future DA.</p> <p>The pre-lodgement comments requested an architectural design statement to be prepared. The Urban Design Report provided at <b>Appendix B</b> addresses each of the matters listed in the comments that were requested to be included in a design statement.</p>
<p><b>4. Height, Scale and Form of Development</b></p>	<p>The two-tower option is presented as the reference scheme for the purposes of assessing potential impacts associated with the proposal. The alternate single-tower scheme is included in the Urban Design Report (<b>Appendix B</b>) to demonstrate how Council's</p>

Item	Response
	<p>desired height and FSR could be achieved on the site in an alternative form, albeit with a tower floorplate non-compliance.</p> <p>Notwithstanding the above, this proposal does not seek consent for either scheme but simply the LEP amendments to facilitate a high-density mixed-use development on the site, which will be subject to a future detailed development application.</p>
<p><b>5. Setbacks at Ground Level and Upper Levels</b></p>	<p>The proposed reference scheme meets the minimum setbacks under the CBD Strategy and the separation distances under the ADG.</p> <p>Greater setbacks are provided to the park to the north-east of the site for public seating and outdoor dining opportunities.</p> <p>Setbacks to Frank Cannon Walk allow for trees and shrub planting as demonstrated in the Concept Landscape Strategy (<b>Appendix D</b>)</p>
<p><b>6. Public Domain</b></p>	<p>The high-quality public domain response is demonstrated in the Urban Design Report (<b>Appendix B</b>) and the Concept Landscape Strategy (<b>Appendix D</b>)</p>
<p><b>7. Affordable Housing</b></p>	<p>A minimum of 4% affordable housing will be provided throughout the development. Affordable apartments will be nominated at DA stage.</p>
<p><b>8. Landscaping</b></p>	<p>The reference scheme achieves compliance with the minimum 20% soft landscaping requirement at ground, podium and rooftop levels.</p> <p>A Concept Landscape Strategy accompanies the Planning Proposal at <b>Appendix D</b>.</p>
<p><b>9. Access and Parking</b></p>	<p>The proposed reference scheme has been amended to locate the loading facilities within the basement levels to achieve compliance with Key Element 35a of the CBD Strategy.</p> <p>The proposed access arrangement allows all vehicles to enter and exit the site in a forward direction.</p> <p>The Traffic Impact Assessment (<b>Appendix N</b>) has been prepared based on current parking rates and demonstrates that the proposed LEP can facilitate a development on the site that complies with the current parking requirements and traffic impacts will be negligible.</p> <p>This can therefore be considered to represent a worst-case scenario as traffic generation will be less with future rates where less parking is encouraged.</p> <p>The future DA will be assessed against the parking rates that are in force at that time.</p> <p>The proposed basement arrangement can accommodate end of trip facilities.</p>

Item	Response
10. Floor Space at Ground Level	Loading facilities have been relocated to the basement levels to maximise non-residential floor space at ground floor.
11. Substation	Details of any substation will be provided at DA stage
12. Design Excellence	The Applicant is committed to achieving design excellence on the site and acknowledges that a Design Excellence Competition will be required prior to DA stage.
13. Street Activation	The proposed non-residential floor space at ground level will facilitate street activation. Suitable uses for the non-residential component of the proposal will be further investigated at DA stage.
14. Contamination Issues	Contamination issues are addressed in the Preliminary Site Investigation (Contamination) Report provided at <b>Appendix L</b> .
15. Public Art	It is acknowledged that a public art contribution will be required
16. VPA	Following a Gateway determination, it is anticipated that the Applicant and Council will enter into discussions regarding a VPA to facilitate the delivery of public benefits that may include provisions for affordable housing and community infrastructure contributions consistent with the expectations of CBD Strategy.
17. Draft DCP Controls	A draft site-specific DCP accompanies this Planning Proposal and is provided at <b>Appendix E</b> .

### 1.3. REPORT STRUCTURE

The Planning Proposal request has been prepared in accordance with Section 3.33 of the EP&A Act and the Department of Planning, Industry and Environment guidelines *‘Planning Proposals: A guide to preparing planning proposals’* dated December 2018.

The relevant sections of the report are listed below:

- **Section 2:** detailed description of the site, the existing development and local and regional context.
- **Section 3:** current statutory planning framework relevant to the site, including the State and local planning controls and development contributions.
- **Section 4:** State and local strategic planning policies relevant to the site and the Planning Proposal.
- **Section 5:** key features of the indicative development concept plan associated with the requested Planning Proposal.
- **Sections 6-12:** comprehensive description and assessment of the requested Planning Proposal in accordance with the DPIE guidelines.
- **Section 13:** conclusion and justification.

## 1.4. SUPPORTING DOCUMENTATION

This Planning Proposal is accompanied by the following supporting plans and reports.

Table 2 Supporting Documentation

<b>Document Title</b>	<b>Prepared by</b>	<b>Location</b>
Survey Plan	Project Surveyors	<b>Appendix A</b>
Urban Design Report	Urbis	<b>Appendix B</b>
Architectural Plans (including sections, elevations and a solar analysis)	PBD Architects	<b>Appendix C</b>
Landscape Strategy	Urbis	<b>Appendix D</b>
Draft Site-Specific Development Control Plan	Urbis	<b>Appendix E</b>
Heritage Impact Statement	Urbis	<b>Appendix F</b>
Noise and Vibration Impact Assessment	White Noise Acoustics	<b>Appendix G</b>
Arboricultural Impact Assessment	Peake Arboriculture	<b>Appendix H</b>
Engagement Report	Urbis	<b>Appendix I</b>
Economic Market Assessment	Urbis	<b>Appendix J</b>
Geotechnical Report	Aargus	<b>Appendix K</b>
Preliminary Site Investigation (Contamination)	Aargus	<b>Appendix L</b>
Transport and Traffic Assessment	Urbis	<b>Appendix M</b>
Visual Assessment	Urbis	<b>Appendix N</b>
Wind Report	CPP Wind Engineering & Air Quality Consultants	<b>Appendix O</b>

## 2. SITE CONTEXT

### 2.1. SITE DESCRIPTION

The site is located at 9-11 Nelson Street, Chatswood and is within the Willoughby Local Government Area (LGA). The site is located on the northern side of Nelson Street, between the T1 North Shore Line railway corridor to the east and Pacific Highway to the west.

The site is broadly regular in shape with street frontages to Nelson Street and Gordon Avenue. Side boundaries to the east and west are obliquely angled. A pedestrian and cycle right-of-way runs along the eastern boundary of the site.

Nelson Street and Gordon Avenue are both no-through roads, with the vehicular bridge connecting Nelson Street to Berkeley Court to the east recently removed to allow for Sydney Metro works on the rail line.

Figure 1 Aerial photograph



Source: Urbis

The key features of the site are summarised in the following table.

Table 3 Site Description

Feature	Description
Street Address	9-11 Nelson Street, Chatswood
Legal Description	SP65120
Site Area	4,219m <sup>2</sup>
Site Dimensions	Nelson St frontage: 54.88m

Feature	Description
	Gordon Ave frontage: 47.96m Depth: approximately 80m
Site Topography	Relatively flat, with a fall of approximately 2m from south to north.
Vegetation	63 mature trees of medium retention value.

## 2.2. EXISTING DEVELOPMENT

Existing development on the site and neighbouring sites is shown in the following photographs.

Figure 2 Existing Development



Picture 1 Existing development as viewed from Nelson Street.



Picture 2 Vehicular entrance on Nelson Street.



Picture 3 Existing development as viewed from Gordon Avenue.



Picture 4 Pocket park at the north eastern corner of the site at the end of Gordon Avenue



Picture 5 Shared path to the east of the site, looking north.



Picture 6 Looking west on Nelson Street, with Sydney Metro site to the south.



Picture 7 Commercial development on the corner of Gordon Avenue and Pacific Highway



Picture 8 Pacific Highway to the west of the site, between Gordon Avenue and Nelson Street

Source: Urbis

The site currently accommodates a three-storey residential flat building containing 45 units, two levels of basement car parking and central communal gardens.

Vehicle access to the basement is currently located on Nelson Street, while waste collection is from waste storage areas located on the Gordon Avenue frontage. Pedestrian access to the existing development is on both frontages.

There is dense established vegetation located along the western and southern boundaries, with additional mature street trees along both road frontages.

## 2.3. LOCALITY CONTEXT

The site is located to the south of the Chatswood CBD, within the extended CBD boundary as identified in the CBD Strategy.

The CBD includes a vibrant mix of offices, major retail facilities and high-density residential accommodation. A modern rail and bus interchange is centrally located providing direct connections to the Sydney CBD, other Strategic centres and residential areas, across Sydney. Connectivity has been heightened by the opening of the Metro Northwest in 2019 with a new platform at Chatswood Station and will be further improved by the opening of the Metro City and Southwest in 2024.

The immediate surrounds of the site are predominantly characterised by low to medium density residential development with commercial uses fronting the Pacific Highway, 100m to the west of the site.

The immediately surrounding development includes:

- **North:** Three-storey residential flat development addressed to Gordon Avenue
- **East:** T1 North Shore Line railway corridor
- **South:** Sydney Metro dive site.
- **West:** Three-storey residential flat development addressed to Nelson Street and low-rise commercial development addressed to Pacific Highway.

Figure 3 Location Plan



Source: Urbis

## 2.4. TRANSPORT CONTEXT

The subject site is located within 800m of Chatswood Railway/Metro Station and Bus Interchange to the north and Artarmon Train Station to the south.

The site is within 10 minutes' walk of Chatswood CBD as well as cafes, retail uses and other services along Pacific Highway.

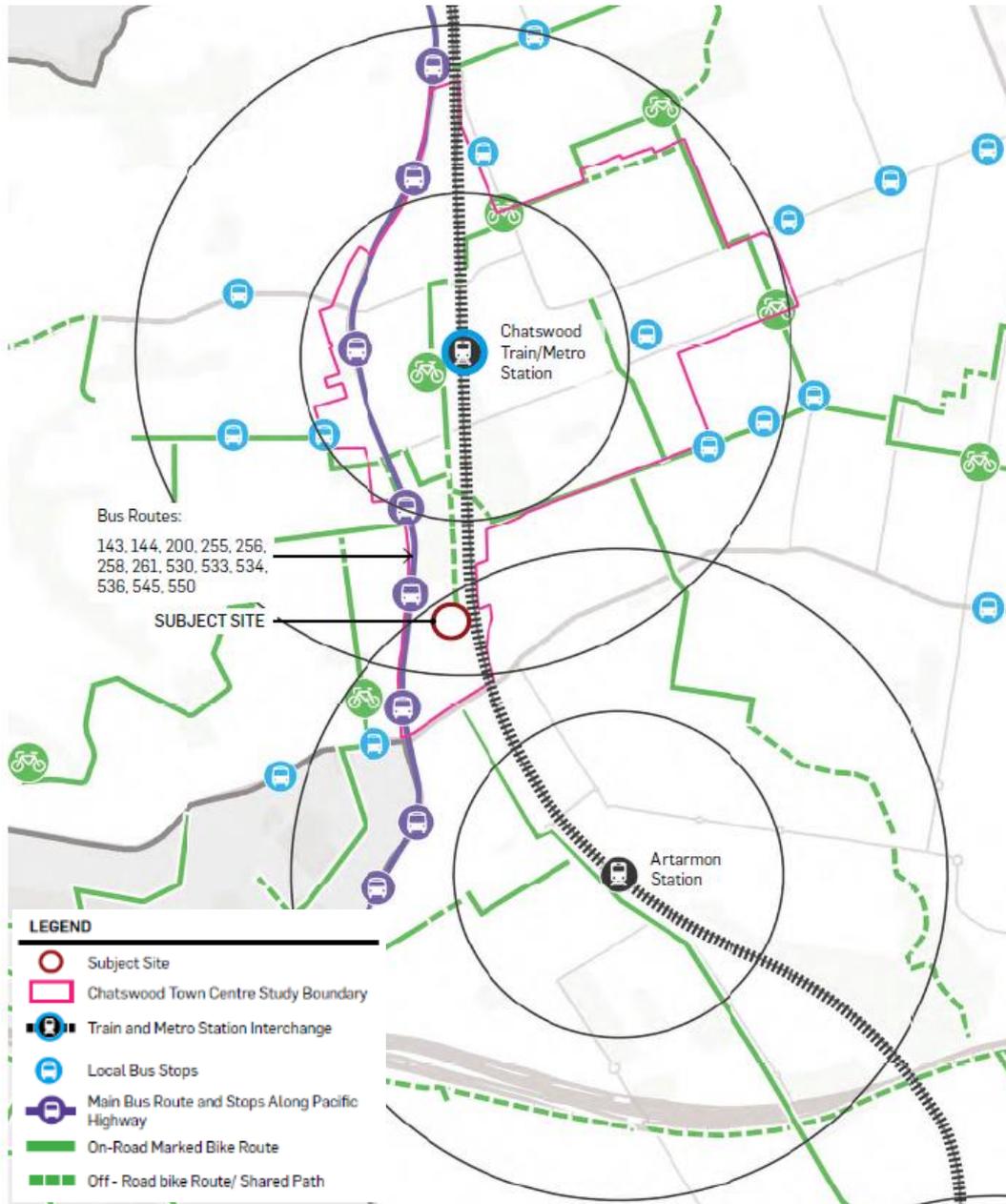
The Pacific Highway to the west of the site is a major north-south arterial road that connects Sydney's north western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

Abundant bus services along Pacific Highway gives the site broader connection within Willoughby LGA.

The site has direct access to the local cycle network, connecting to open spaces, Chatswood CBD and train stations at St Leonards, Artarmon and Chatswood.

As such, the site is highly accessible and therefore suitable for additional residential accommodation.

Figure 4 Public Transport Context Map



Source: Urbis

## 2.5. SURROUNDING PLANNING PROPOSALS

A number of Planning Proposals have been submitted to Willoughby Council seeking uplift on sites within the Chatswood CBD and extended CBD boundary in line with the recommended land use and LEP controls within the CBD Strategy. A summary of the applications in the immediate vicinity of the site is provided in the table below:

Table 4 Surrounding Planning Proposals

Address	Zoning	Height	FSR	Status
629 Pacific Highway, Chatswood	Existing: B5 Business Development Proposed: B4 Mixed Use	Existing: 20m Proposed: 90m	Existing: 2.5:1 Proposed: 6:1	Endorsed by Council at meeting on 12 <sup>th</sup> February 2018

<b>Address</b>	<b>Zoning</b>	<b>Height</b>	<b>FSR</b>	<b>Status</b>
5-9 Gordon Avenue, Chatswood	Existing: R3 Medium Density Residential Proposed: B4 Mixed Use	Existing: 12m Proposed: 90m	Existing: 0.9:1 Proposed: 6:1	Endorsed by Council at meeting on 11 <sup>th</sup> February 2019.
753 Pacific Highway & 15 Ellis Street	Existing: R4 High Density Residential Proposed: B4 Mixed Use	Existing: 34m Proposed: 90m	Existing: 1.7:1 Proposed: 6:1	Endorsed by Council at meeting on 12 November 2018.
3-5 Help Street	Existing: B4 Mixed Use Proposed: No change	Existing: 20m & 25m Proposed: 90m	Existing 2.7:1 Proposed: 6:1	Endorsed by Council at meeting on 11 February 2018.
54-56 Anderson Street	Existing: R3 Medium Density Residential Proposed: B4 Mixed Use	Existing: 12m Proposed: 90m	Existing 0.9:1 Proposed: 6:1	Endorsed by Council at meeting on 25 June 2018.
58 Anderson Street	Existing: R2 Low Density Residential Proposed: B4 Mixed Use	Existing: 8.5m Proposed: 90m	Existing 0.4:1 Proposed: 6:1	Endorsed by Council at meeting on 12 November 2018.
871-877 Pacific Highway	Existing: B5 Business Development Proposed: B4 Mixed Use	Existing: 21m Proposed: 90m	Existing 2.5:1 Proposed: 6:1	Endorsed by Council at meeting on 11 February 2019.
845 Pacific Highway	Existing: B3 Commercial Core Proposed: No change	Existing: 60m Proposed: RL246.8	Existing 5:1 Proposed: 22.7:1	Recently Lodged

## 3. STATUTORY CONTEXT

### 3.1. WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012

*Willoughby Local Environment Plan 2012* (the **LEP**) is the principle environmental planning instrument applying to the site and guiding development within the Willoughby LGA.

#### 3.1.1. Land Use Zoning

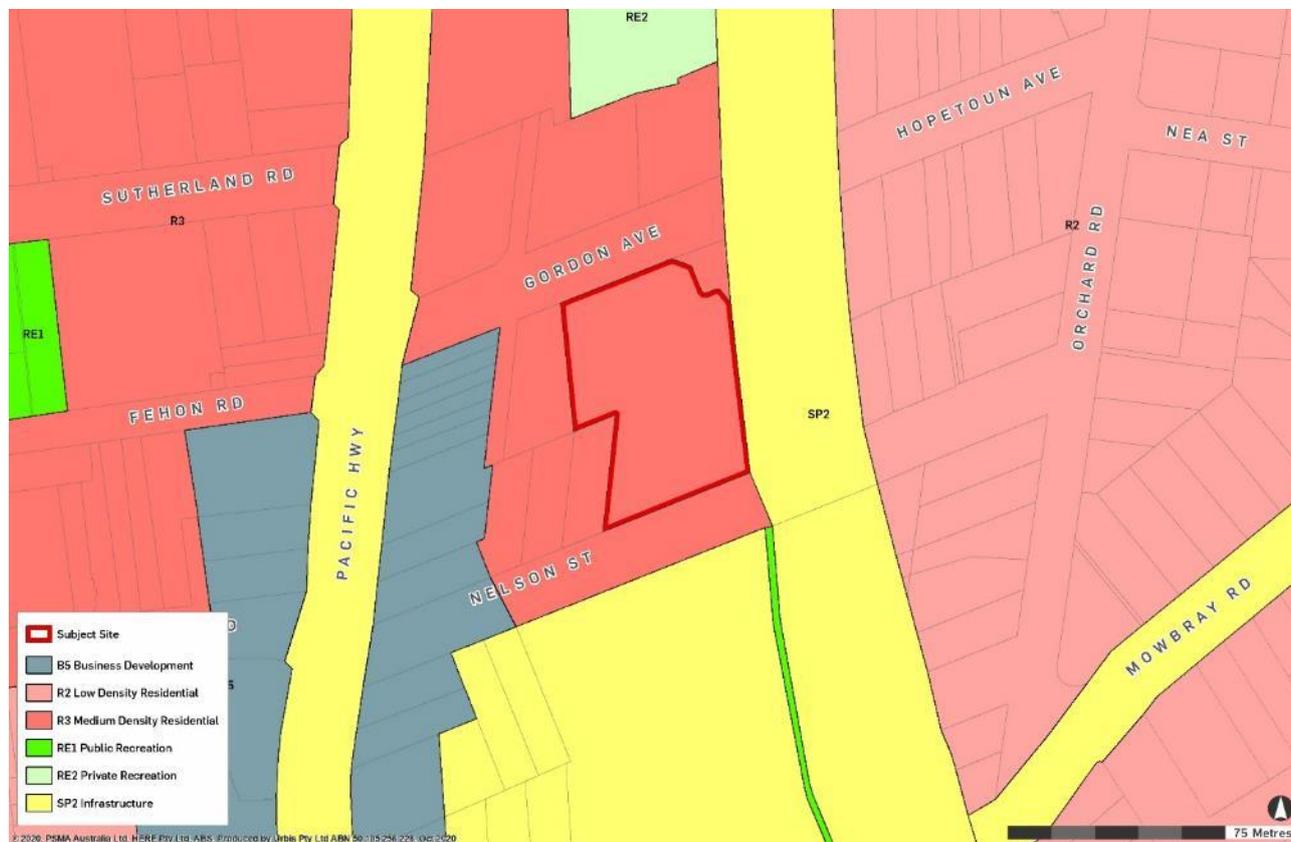
The site is zoned R2 Low Density Residential in accordance with WLEP 2012. The relevant zone objectives include:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To accommodate development that is compatible with the scale and character of the surrounding residential development.
- To retain and enhance residential amenity, including views, solar access, aural and visual privacy, and landscape quality.
- To retain the heritage values of particular localities and places.
- To encourage self-sufficiency with respect to energy and food supply.

The following development is permitted with development consent in the R2 Low Density zone:

*Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Tank-based aquaculture.*

Figure 5 Land use zoning map



Source: WLEP 2012/Urbis

### 3.1.2. Building Height

The site has a maximum building height of 12 metres in accordance with clause 4.3 and as shown in **Figure 6** below.

Figure 6 Height of building map



Source: WLEP 2012/Urbis

### 3.1.3. Floor Space Ratio

The site has a maximum floor space ratio (FSR) of 0.9:1 in accordance with clause 4.4 and as shown in **Figure 7** below.

Figure 7 Floor Space Ratio map



Source: WLEP 2012/Urbis

### 3.1.4. Heritage Conservation

The site is not identified as a local heritage item, nor is it located within a heritage conservation area (HCA). However, there are several local heritage items and a HCA within the locality as listed below and shown in Figure 8.

- South Chatswood conservation area (C11) to the east of the site across rail line.
- Heritage-listed house (I94) at 321 Mowbray Road, to the east of the site across rail line.
- Heritage-listed house (I95) at 333 Mowbray Road, to the east of the site across rail line.
- Heritage-listed house (I105) at 2 Orchard Road, to the south-east of the site across rail line.
- Heritage-listed house (I147) at 8-10 Moriarty Road, to the south-west of the site.

Figure 8 Heritage map



Source: WLEP 2012/Urbis

### 3.1.5. Any other relevant clauses

#### Part 6 Additional Local Provisions

WLEP 2012 provides additional local provisions relating to certain types of development and other site-specific development provisions.

- **Clause 6.1 Acid Sulfate Soils**
  - The site is identified as Class 5 on the Acid Sulfate Soils Map, however the site is located more than 500m from adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum.
- **Clause 6.12 Size of shops in Zone B3 and Zone B4 in Chatswood**
  - This clause requires development for the purpose of a shop on land zoned B3 Commercial Core and B4 Mixed Use on the western side of the North Shore Rail Line in Chatswood to have a maximum gross floor area (GFA) which does not exceed 100sqm. This Planning Proposal seeks to rezone the

site from R3 Medium Density Residential to B4 Mixed Use, therefore this clause will apply to any future development application.

### **3.2. WILLOUGHBY DEVELOPMENT CONTROL PLAN 2006**

Willoughby Development Control Plan 2006 (**WDCP**) provides the detailed development controls which apply to land across the Willoughby LGA. The key sections of the WDCP which are relevant to the site and the requested Planning Proposal are:

- Part C – General Development Guidelines
- Part E – Specific Controls for Commercial and Shop Top Housing Development

As part of this Proposal, a site specific DCP will be prepared to guide the future development of the site and the design excellence process. Once adopted, it is expected that the site specific DCP will be incorporated into the WDCP.

### **3.3. PLANNING AGREEMENTS & DEVELOPER CONTRIBUTIONS**

Willoughby Local Infrastructure Contributions Plan 2019 applies to the proposed development. As the proposal seeks consent for both residential, and non-residential land uses, both Section 7.11 (residential) and Section 7.12 (non-residential) contributions will apply to the proposal.

Additionally, under Section 7.4 of the EP&A Act, an Applicant may enter into a Voluntary Planning Agreement (**VPA**) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that the Applicant and Council will enter into discussions regarding a VPA to facilitate the delivery of public benefits that may include provisions for affordable housing and community infrastructure contributions consistent with the expectations of CBD Strategy.

## 4. STRATEGIC CONTEXT

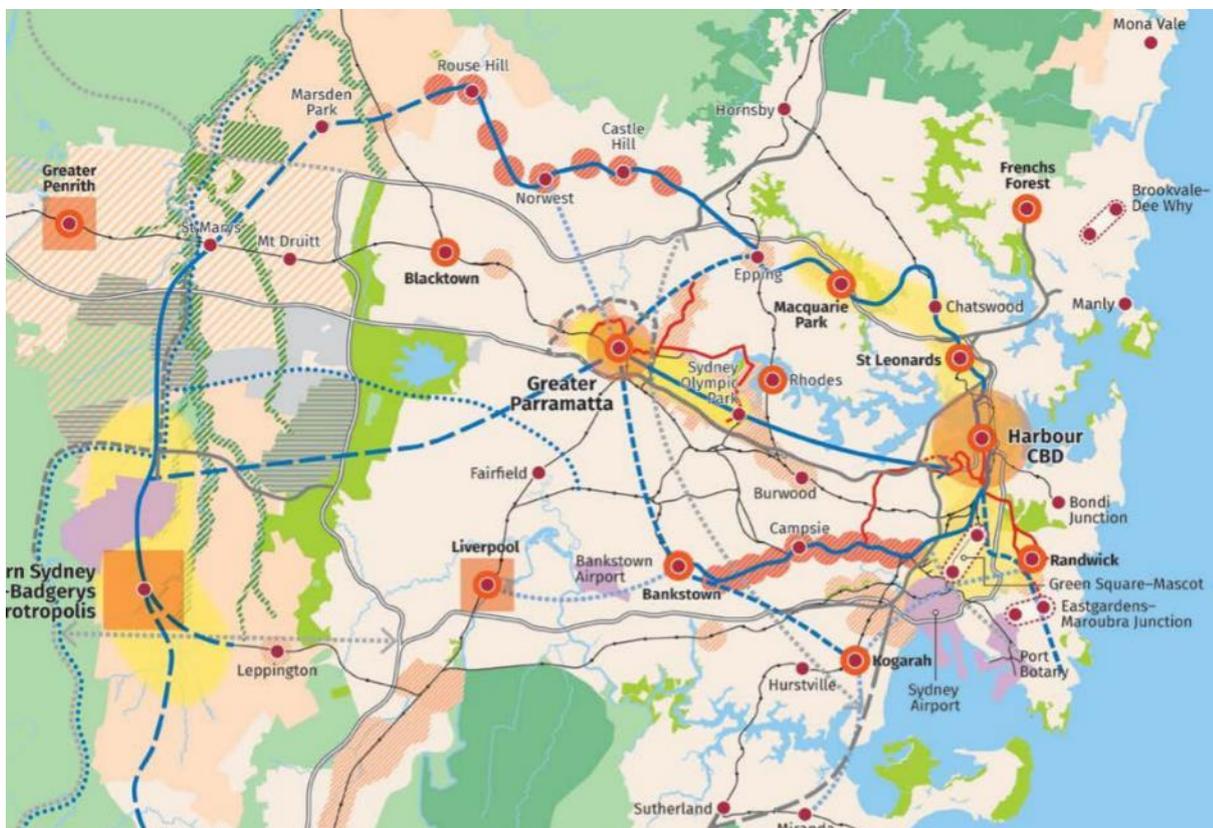
This section of the report identifies the relevant State and local strategic planning policies which are relevant to the site and the proposed Willoughby LEP 2012 amendment. It outlines the key objectives, planning priorities and actions required to deliver the vision for the Greater Sydney Region, the north city district and the Willoughby local government area.

A detailed assessment of the consistency of the proposal with the State and local strategic planning policies is provided within **Section 6**.

### 4.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (**Region Plan**) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities – the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

Figure 9 Greater Sydney Region Plan



Source: Greater Sydney Commission

The Region Plan is built on a vision of a 30-minute city, “where most residents live within 30 minutes of their jobs, education and health facilities, services and great places”.

To achieve the 30-minute city vision, the GSC divides greater Sydney into three geographic areas:

- The Western Parkland City
- The Central River City
- The Eastern Harbour City

The subject site is within the Eastern Harbour City. The Plan seeks to foster productivity, liveability and sustainability, to be achieved through the ‘30-minute city’ model by which more than 60% of people live within 30 minutes of jobs, education, health facilities and services.

The Eastern Harbour City has significant rail projects underway to increase its global competitiveness, boost business to business connections and attract skilled workers with faster commuting times.

The following objectives of the Region Plan are relevant to and support the Planning Proposal:

- *Objective 7 – Communities are healthy, resilient, and socially connected.*
- *Objective 10 – Greater housing supply.*
- *Objective 11 – Housing is more diverse and affordable.*
- *Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.*

An assessment of the proposed LEP amendments against each of the above objectives is provided in **Section 9.2** of this report.

## **4.2. OUR GREATER SYDNEY 2056: NORTH CITY DISTRICT PLAN**

The North City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The following District Plan priorities have been identified as supporting the proposed uplift sought at the site:

- *Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.*
- *Planning Priority N6 – Creating and renewing great places and local centres and respecting the District's heritage.*

An assessment of the proposed LEP amendments against each of the above Planning Priorities is provided in **Section 6.3** of this report.

## **4.3. WILLOUGHBY LOCAL STRATEGIC PLANNING STATEMENT**

Willoughby Local Strategic Planning Statement (**LSPS**) outlines the vision for land use planning over the next 20 years to manage the growth and change of Willoughby. The LSPS sets out:

- The 20-year vision for land use in the local area.
- The special character and values that are to be preserved.
- Shared community values and how council will manage growth and change.

The LSPS acts as a unifying document implementing actions in the Region and District Plans and the council's own priorities in the community strategic plan it prepared under the Local Government Act 1993. The LSPS will identify growth opportunities and shape future amendments to the LEP and DCPs.

There are four defining themes in the draft LSPS, being: Liveable, Sustainable, Productive, and Collaborative. Under these theme's, the following key directions and council priorities seek outcomes which are supported by the proposed uplift sought at the site.

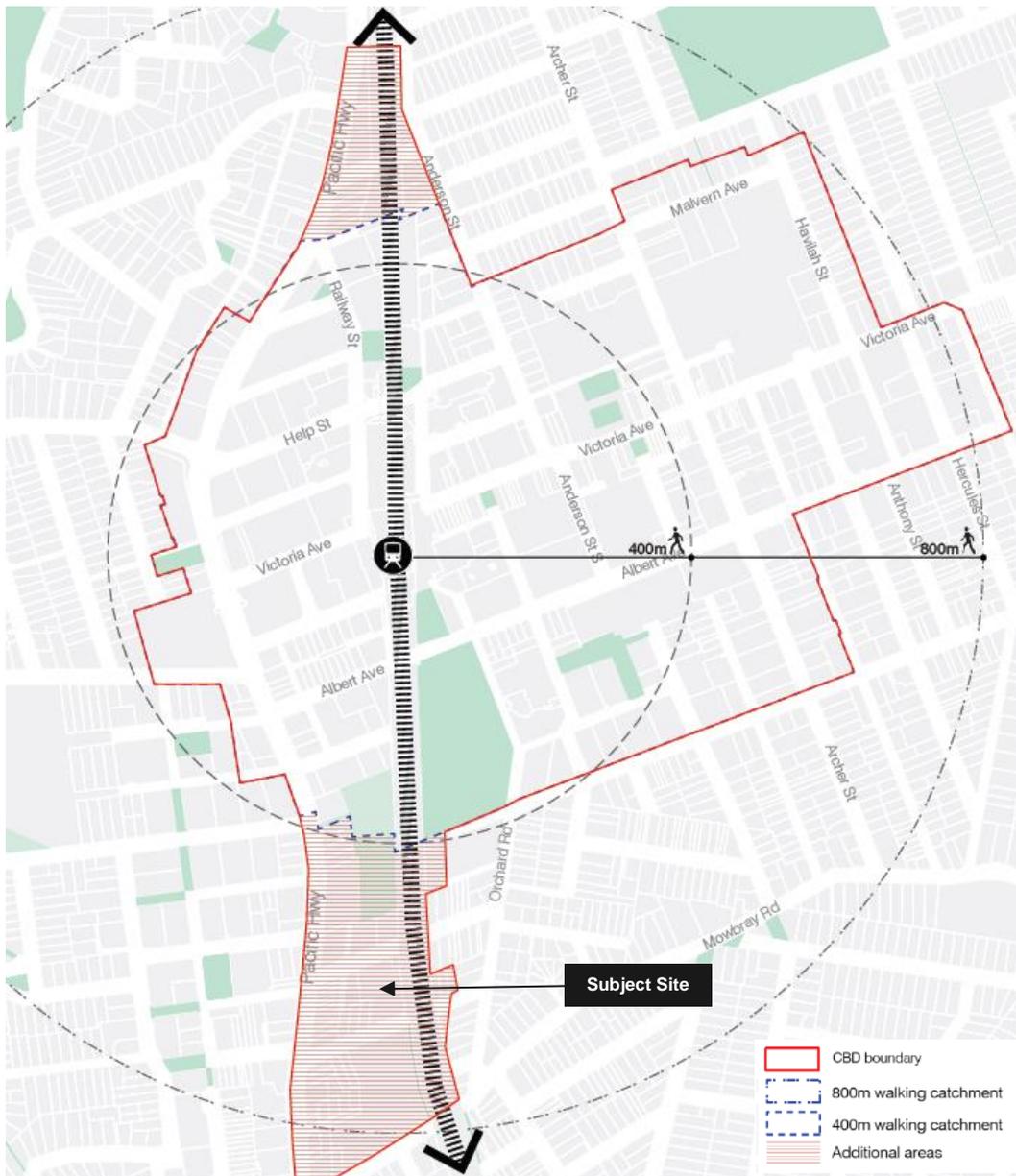
- Increase housing diversity to cater for families, the ageing population, diverse household types and key workers – a baseline target identified in the plan is to deliver 6,700 new dwellings by 2036 in line with the draft housing strategy.
- Enhancing walking and cycling connections, Willoughby's urban areas, local centres and landscape features. The Planning Proposal seeks to enhance and improve the pedestrian corridor located between the site and the railway corridor.

- Connecting Willoughby's network of centres with each other and with Greater Sydney by mass transit. As a target, the plan sets to increase dwellings located within the eastern public transport corridor by 2026, with further increase by 2036.
- Developing Chatswood as a key commercial centre and integral part of the Eastern Economic Corridor. The plan critically seeks to retain a share of the North District jobs as employment in the district grows.

## 4.4. CHATSWOOD CBD PLANNING & URBAN DESIGN STRATEGY 2036

The Chatswood CBD Planning and Urban Design Strategy 2036 (CBD Strategy) has been endorsed by Willoughby Council and applies to the site. The site is located within the extended Chatswood CBD boundary, as nominated by the CBD Strategy:

Figure 10 Chatswood CBD Strategy – Extended CBD Boundary



Source: Willoughby Council

The following summary of the Strategy is provided outlining proposed controls as they relate to the site. Specifically, these controls inform the uplift sought under this Planning Proposal.

- Site is zoned B4 mixed use.
- A non-residential FSR minimum of 1:1 is required in the B4 zone.

- A maximum floor plate of 700sqm GFA for residential towers above podium in mixed use zones.
- On-site residential towers to comply with setbacks and separation as specified by the CBD Strategy and the ADG.
- Towers are not to be linked above podium level.
- Maximum height limit on the site is 90m (including architectural features and lift overruns etc).
- A through site link is to connect from Nelson Street through to Hammond Lane to the west of the site (does not form part of the site).
- A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.
- Mixed use frontage with commercial ground floor require the following setbacks.
- 6-14 metre street wall height at front boundary.
- Minimum 3 metre setback above street wall.
- Site isolation is discouraged and where unavoidable, joined basements and zero setback podiums should be provided.
- Future detailed design would need to demonstrate design excellence on all developments exceeding the base FSR, via a DRP for development up to 35m and design comp for developments over 35m.
- 1,200sqm minimum site area for mixed use developments in the B4 mixed use zone (the site is approximately 4,219 sqm).

An assessment of the reference scheme against the Key Elements of the CBD Strategy is provided in **Section 9** of this report.

# 5. INDICATIVE CONCEPT

## 5.1. OVERVIEW

This Planning Proposal seeks to enable the redevelopment of the site to support a high-density mixed-use development that responds to the site's strategic location and context and aligns with the CBD Strategy.

The planning proposal seeks to achieve this outcome through amendments to the WLEP 2012 to allow for the following:

- Amending the land use zoning control applicable to the site under WLEP 2012 from R2 Low Density Residential to B4 Mixed Use.
- Amending the maximum height control from 12m to 90m.
- Amending the maximum FSR control from 0.9:1 to 6:1.

The LEP amendments above will facilitate the delivery of the concept building illustrated in the accompanying Urban Design Report prepared by Urbis.

A number of built form options were tested in order to determine the optimum outcome for the site that is suitable for its context and aligns with the recommendations of the CBD Strategy as well as the requirements of the Apartment Design Guide (**ADG**).

A two-tower Reference Scheme is presented in the Urban Design Report as being the option that is most consistent with the CBD Strategy. The reference scheme is described in detail in the following sections of this report.

It is worth noting that the Urban Design Report also outlines a single-tower 'Alternate Scheme' which illustrates that there are other ways upon which future development could conceivably be achieved under the proposed LEP controls which have been informed by the CBD Strategy. The urban design analysis illustrates there are some positives and some inconsistencies with the CBD Strategy in the alternate scheme. For completeness of assessment the work is incorporated in the Urban Design Report.

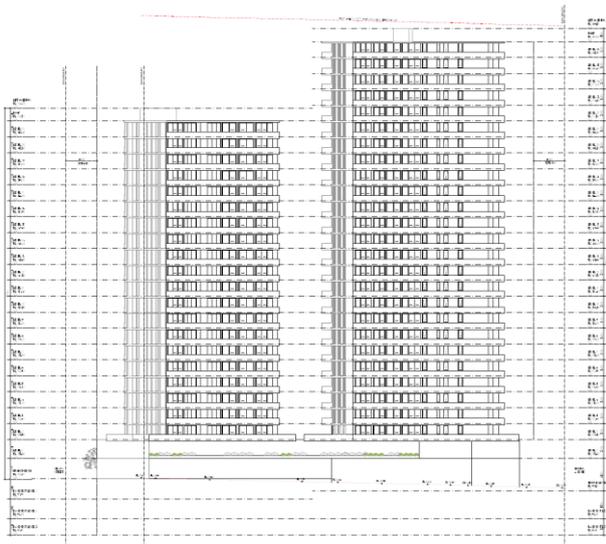
In summary, the reference scheme comprises the following key components:

- Two-storey podium indicatively comprising the following uses:
  - Bulky Goods Retail Use
  - Gym
  - Small Retail/Café/Speciality Use
- Two residential towers above, comprising 25 and 20 storeys with a maximum height of 90m.
- Indicative yield of 258 apartments.
- 1,839sqm of communal open space above podium and on tower rooftops.
- Activated interface with Nelson Street, Gordon Avenue and the pedestrian/cycle path to the east.

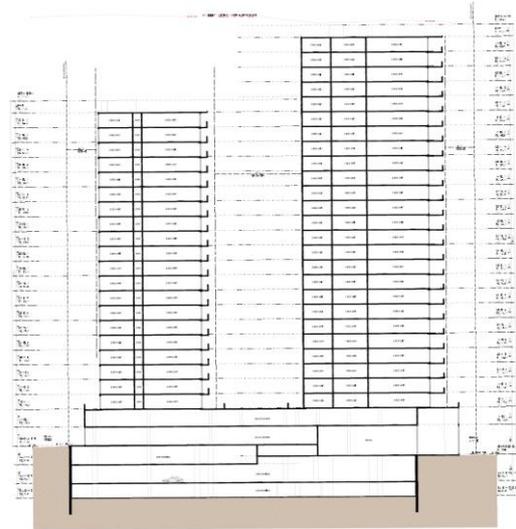
Indicative elevations and sections have been prepared by PBD Architects to support this proposal, and are included in Figure 11 below.

The following sections demonstrate that the proposed land use, height and FSR sought under this Planning Proposal can be accommodated on the site within a built form that is consistent with the CBD Strategy and does not significantly impact surrounding development, heritage view corridors or the road network and is therefore suitable for the site.

Figure 11 Elevations and Sections



Source: PBD Architects



Source: PBD Architects

## 5.2. LAND USES & DISTRIBUTION

The mix of land uses proposed within the reference scheme include:

- Two podium levels of commercial uses including bulky goods, indoor recreation (gym) and retail uses.
- Residential apartments in a tower form above podium

The above land uses have been informed by the recommended zoning for the site as nominated by the CBD Strategy, and the Economic Market Assessment prepared for this Planning Proposal, provided at **Appendix J**.

In order to identify the most appropriate non-residential land uses, the Economic Assessment identified a shortlist of suitable land uses that are permissible in the B4 Mixed Use zone under Willoughby LEP 2012. An assessment of the uses that could realistically attract tenants and customers at the site was undertaken, with a rating assigned to these uses based on 'location success drivers'.

The accompanying Urban Design Report tested three different combinations of non-residential land uses with variable floor space ratios, based on the land use recommendations in the Economic Market Gap Assessment.

The preferred podium arrangement demonstrated in **Figure 11** below satisfies the CBD Strategy's requirement for minimum 1:1 non-residential use in mixed use developments and provides active frontages in locations required by the CBD Strategy, i.e., Nelson Street, Gordon Avenue and the shared pedestrian/cycling link to the east.

The preferred podium arrangement offers a mix of land uses to contribute to the vibrancy of the local area.

Figure 12 Podium land uses



Source: Urbis

The proposed land uses are distributed as follows:

Table 5 Land use distribution

Land Use	GFA Distribution
<b>Commercial Podium</b>	
Bulky Goods Retail	2,190 sqm
Gym	1,610 sqm
Small Retail/Café/Speciality	419 sqm
<b>Total</b>	<b>4,219 sqm (1:1 FSR)</b>
<b>Residential Apartments (towers)</b>	<b>21,287 sqm (5:1 FSR)</b>
<b>Total GFA/FSR</b>	<b>25,506 sqm (6:1 FSR)</b>

### 5.3. BUILT FORM & SITE LAYOUT

The proposed built form presented in the reference scheme has evolved in response to the opportunities and constraints of the site. The design objectives behind the proposed built form include:

- To create slender tower forms and a stepped building height profile
- To minimise overshadowing and visual impacts to surrounding development and open spaces.

- To maximise solar access to proposed residential units and communal open space.
- To realise the development potential of the site.
- To create an appropriate height transition between the site and the Sydney Metro Dive site to the south.

Figure 13 Reference scheme built form



Source: Urbis

The massing of the built form has been split into two towers of varying heights above a two-storey podium in response to the irregular boundary of the site.

The northern tower proposes a height of 25 storeys above podium (90m in total) while the southern tower proposes a height of 20 storeys above podium (72m in total). The two towers have an 18m separation distance assuming a habitable to non-habitable interface between Tower A and B which complies with the separation distance objectives of the ADG.

The two-tower built form allows the development to achieve compliance with the maximum 700 sqm floor plate control required by the CBD Strategy. In this regard, Tower A proposes a floor plate of 555sqm while Tower B proposes 540sqm.

The total GFA of 21,287sqm within the residential tower component of the reference scheme enables the delivery of 258 x one, two and three bedroom apartments.

First level apartments will have access to private courtyards on the podium rooftop, while the remainder of the podium rooftop and tower rooftops will be dedicated to communal open space.

The proposed maximum height of 90m and maximum FSR of 6:1 align with the recommended controls within the CBD Strategy.

## 5.4. LANDSCAPING & PUBLIC DOMAIN

A Concept Landscape Strategy has been prepared by Urbis for the reference scheme and is provided at **Appendix D**.

The landscape strategy demonstrates the high-quality landscape outcome that can be achieved on the site, both at ground level and above-ground level on the podium and rooftop terraces. It seeks to retain the established green streetscape character of the locality by retaining as many mature trees around the site as possible and providing green edges around the perimeter of the site at ground level.

The landscape strategy recognises the opportunity to upgrade the pocket park at the north-east corner of the site to a more meaningful place activated by the ground level retail proposed in the reference scheme. Planting along the eastern boundary adjacent to the shared path will provide a pleasant setting for users of the path.

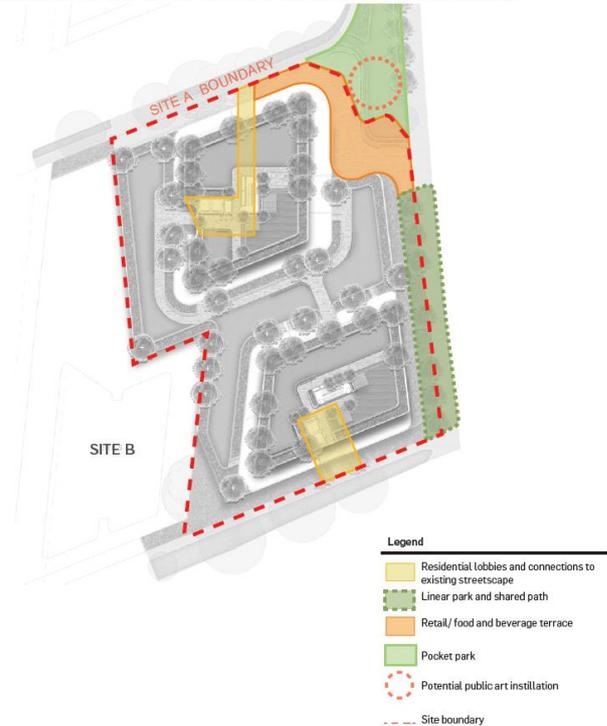
Importantly, it is noted that a 3m wide easement for public access is proposed along the eastern boundary of the site. This easement will be to aid in providing for an enhanced public realm, and is reflected on the landscape and architectural plans.

Figure 14 Concept Landscape Strategy

### 1. GREENING THE SITE



### 2. ACTIVATE THE SITE WITH SERIES OF DESTINATIONS



Source: Urbis

Screen planting, communal lawns, seating and BBQ facilities are proposed for the podium and rooftops to create social spaces for residents to meet whilst retaining privacy to the podium-level apartments.

An Arboricultural Impact Assessment has been prepared by Peake Arboriculture and is provided at **Appendix H**.

The report identifies 86 mature trees on the site, all of which have been assigned a low, low-medium or medium retention value.

The reference scheme presented in the Urban Context report requires 66 trees to be removed and retains 20 trees. Street trees along Gordon Avenue and within the Gordon Avenue pocket park can be predominantly retained.

Replacement of tree canopy and soft landscaping is proposed to be a minimum of 20% of the site at ground level, podium and tower rooftops.

The future detailed DA will be accompanied by a comprehensive Arboricultural Impact Assessment to assess the impact of the future development on the existing trees and provide tree protection measures where necessary. A detailed justification for any tree removal will also be provided.

## **5.5. TRANSPORT & ACCESS**

The reference scheme proposes basement parking facilities, loading and servicing. Servicing and loading access is proposed from Gordon Avenue while residential vehicle access is proposed from Nelson Street. This split strategy reduces traffic impacts on both streets.

## 6. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act 1979 (EP&A Act)*, and the Department of Planning, Industry and Environment guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the Planning Proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following chapters.

# 7. PART 1 – OBJECTIVES & INTENDED OUTCOMES

## 7.1. OBJECTIVES & INTENDED OUTCOMES

The primary objective of the Planning Proposal is to amend the land use zoning, height of building and FSR development standards under Willoughby LEP 2012 to align with the strategic policy and development direction established in Council's adopted Chatswood CBD Strategy. Additionally, this Planning Proposal seeks to make a number of administrative updates that align with Council's direction. This will facilitate the orderly and economic redevelopment of the site to accommodate a high-quality mixed-use commercial and residential development as envisioned CBD Strategy, the Region Plan and the District Plan.

The intended outcomes of the requested amendments include:

- Establishing statutory and non-statutory controls that will facilitate a compatible mix of land uses that contribute to the creation of a vibrant and active community enabling a 30-minute city.
- To ensure that the new planning controls guide the future redevelopment to positively enhance the sites immediate public domain, including increased landscaping and active ground level uses to the street and pedestrian pathway link.
- The future development will positively contribute to the desired urban forms in the southern CBD precinct, in a manner that responds to the known future context.

## 8. PART 2 - EXPLANATION OF PROVISIONS

### 8.1. LAND TO WHICH THIS PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at 9-11 Nelson Street, Chatswood. The landholding is legally described as SP65120.

### 8.2. PROPOSED LEP AMENDMENTS

The objectives and intended outcomes of the proposal will be achieved through the following changes to the Willoughby LEP 2012:

- **To add Clause 5.6 ‘Architectural roof features’, (2A) as follows:**

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”

- **To amend Clause 6.7 ‘Active street frontages’ as follows:**

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

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

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

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

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

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

a) In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

b) In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of non-residential premises.”

- **To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.**

- **To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.**

- **To add Clause 6.25 as follows:**

“6.25 Sun access

(1) The objective of this clause is to:

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

(2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that:

(a) the development will result in additional overshadowing in mid-winter between 12 noon and 2pm, on: Victoria Avenue between the interchange and Archer Street Concourse Open Space Garden of Remembrance Tennis and croquet club.

(b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid-winter.

▪ **Add to Schedule 1 Additional Permitted Uses:**

“75. Use of certain B4 land in Chatswood

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

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

(a) the ground level is used for non-residential purposes and

(b) A minimum of 17% of the total FSR is provided for non-residential purposes and

(c) No residential dwelling is located at the ground floor.”

- **To amend the Land Zoning Map (Sheet LZN\_004) for 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.**
- **To amend the Height of Buildings Map (Sheet HOB\_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.**
- **To amend the Floor Space Ratio Map (Sheet FSR\_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).**
- **To amend the Special Provisions Area Map (Sheet SPA\_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.**
- **To amend the Active Street Frontages Map (Sheet ASF\_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.**
- **To amend the Lot Size Map (Sheet LSZ\_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000sq metres.**

## 9. PART 3 - JUSTIFICATION

### 9.1. NEED FOR THE PLANNING PROPOSAL

**Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

**Yes** – the Planning Proposal has been prepared in accordance with the Willoughby LSPS which was significantly supported by the CBD Strategy. The CBD Strategy was partially endorsed by the DPIE in August 2019 in relation to the CBD Core Area and fully endorsed in July 2020 for the extended CBD area.

An assessment of the Planning Proposal against the relevant provisions of the LSPS and CBD Strategy is provided under **Section B** below.

**Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

**Yes** – the current LEP controls for the site do not allow for the level of development uplift envisaged by the CBD Strategy. It is considered that an LEP amendment via a Planning Proposal is the best means of achieving the objectives and intended outcomes of the CBD Strategy.

Without amending the statutory planning controls that apply to the site, the potential of the site cannot be realised which will inhibit the key objectives of the CBD Strategy.

### 9.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

**Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

**Yes** – the Planning Proposal is consistent with the provisions of the relevant regional and district planning policies and strategies outlined in **Section 4** and assessed in the following table.

Table 6 Relationship to Strategic Planning Framework

Strategic Plan	Consistency
<p><i>Greater Sydney Region Plan: A Metropolis of Three Cities</i></p>	<p><b>Objective 7 – Communities are healthy, resilient, and socially connected.</b></p> <p>Mixed-use neighbourhoods close to centres and public transport improve the opportunity for people to walk and cycle to schools, local shops and services. Enhancing the safety, convenience and accessibility of walking and cycling trips has many benefits including healthier people, more successful businesses and centres, and reduced traffic congestion.</p> <p>The proposal will contribute to the delivery of healthy, safe and inclusive places for people of all ages by contributing to walkable places at a human scale with active street life. The proposal will further prioritise opportunities for people to walk, cycle and use public transport.</p> <p>The site's direct access to the shared cycle and pedestrian path connecting north and south, along with the proximity to Chatswood CBD and train station, will encourage active transport use. An improved interface between the site and the shared path will further support this.</p>

Strategic Plan	Consistency
	<p>Non-residential uses at ground level such as cafes, speciality shops and the like will activate the site and surrounding public domain including the pocket park to the north-east of the site, contributing to a sense of place and activity day and night.</p> <p><b>Objective 10 – Greater housing supply.</b></p> <p>The proposal will facilitate the delivery of approximately 270 residential units on the site, a significant increase from the 35 units. The proposal will support Greater Sydney’s growing population contributing to a more liveable neighbourhood.</p> <p>The proposed residential component can accommodate a range of housing types to provide for the needs of the community at different stages of life.</p> <p>The Eastern City has a short-term housing supply target of 46,660 dwellings and a long-term target to 2036 of 157,500. The proposal will contribute to achieving these targets.</p> <p><b>Objective 11 – Housing is more diverse and affordable.</b></p> <p>The future development will provide a range of accommodation options to support a range of household structures, including 1, 2 and 3 bedroom apartments as well as affordable housing options.</p> <p><b>Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</b></p> <p>Creating mixed use opportunities within proximity to a major transport interchange supports the desired integrated land use and transport model. Therefore, the Planning Proposal supports this objective.</p>
<p><i>Our Greater Sydney 2056: North City District Plan</i></p>	<p><b>Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.</b></p> <p>The reference scheme facilitates the delivery of 270 residential units in a location with excellent access to jobs, services and public transport. The reference scheme has potential to accommodate both affordable and market rate accommodation choices to support the needs of the community at different stages of life.</p> <p>The site is located 700m from Chatswood CBD which contains a growing range of job opportunities and services as well public transport options. Introduction of non-residential uses on the site will further enhance access to jobs and services for residents on the site and within the locality.</p> <p>Direct access to the shared pedestrian and cycle path to the east also encourages active transport uses and reduces reliance on private car ownership.</p> <p><b>Planning Priority N6 – Creating and renewing great places and local centres and respecting the District’s heritage.</b></p>

Strategic Plan	Consistency
	<p>The proposed LEP amendments will facilitate the delivery of a high-quality mixed use development with active uses a ground level that would have the benefit of revitalising the site and surrounding public domain and contributing to a sense of place and activity day and night.</p> <p>The proposal will not unreasonably impact the heritage significance of the Chatswood South Heritage Conservation Area to the east.</p> <p><b>Planning Priority N12 - Delivering integrated land use and transport planning and a 30-minute city.</b></p> <p>Creating mixed use opportunities within proximity to a major transport interchange supports the desired integrated land use and transport model. Therefore, the Planning Proposal supports this objective.</p>

**Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

**Yes** – the Planning Proposal is consistent with the provisions of the Willoughby LSPS, the Willoughby Integrated Transport Strategy and the CBD Strategy and the Integrated Transport Strategy.

The Planning Proposal is consistent with the following planning priorities contained in the LSPS:

Table 7 Consistency with Willoughby LSPS

Planning Priority	Consistency
<p><i>Priority 1 – Increasing housing diversity to cater to families, the aging population, diverse household types and key workers</i></p>	<p>The proposal will facilitate the delivery of approximately 270 residential units on the site, an increase from 35 units existing on the site. The proposal will therefore support Greater Sydney’s growing population and will contribute to a more liveable neighbourhood.</p> <p>The proposed residential component can accommodate a range of housing types to provide for the needs of the community at different stages of life including key workers.</p> <p>The future development will provide a range of accommodation options to support a range of household structures, including 1, 2 and 3 bedroom apartments as well as affordable housing options.</p>
<p><i>Priority 2 – Enhancing walking and cycling connections to Willoughby’s urban areas, local centres and landscape features</i></p>	<p>The site has direct access to the existing shared pedestrian and cycle path along its eastern boundary. The proposal seeks to enhance the interface between the path and new development on the site through the provision of active uses at podium level that overlook the path and providing an enhanced landscape setback.</p> <p>The shared path represents an important connection to Chatswood CBD and to planned open space on the southern side of Nelson Street and Chatswood Park to the north east of the site.</p> <p>Access to this path will encourage passive transport use amongst residents of the future development and will reduce reliance on private car ownership.</p>

<b>Planning Priority</b>	<b>Consistency</b>
<i>Priority 6 – Planning for local centres which are vibrant places that meet the everyday needs of the population.</i>	<p>The proposed mixed use development will contribute to the vibrancy of Chatswood local centre as an extension of the CBD through the provision of increased high-quality residential development that will serve the housing needs of the growing population and provide accommodation options for those working in Chatswood Commercial Core as well as key workers who want to live in the locality.</p> <p>Non-residential uses at ground level will contribute to an enhanced streetscape and public domain, contributing to a sense of place and activity day and night. The non-residential uses will also provide for the needs of the future residents on the site as well as the wider locality.</p>
<i>Priority 9 – Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.</i>	<p>The proposal specifically addresses this priority by facilitating a development that directly aligns with the recommendations of the Chatswood CBD Strategy.</p> <p>The proposed land zoning amendment will contribute to protecting employment land within Chatswood CBD by allowing high density residential development to be developed within the CBD fringe where it will have excellent access to employment options, services and public transport, and concentrating commercial development within the CBD Commercial Core.</p>

The Planning Proposal is consistent with Willoughby Integrated Transport Strategy 2036 (**WITS**) as follows:

Table 8 Consistency with WITS

<b>Strategic Direction</b>	<b>Response</b>
ITS 1 – Transport system will be sustainable and promote greater levels of walking and cycling.	The site's location in easy walking distance to Chatswood transport interchange as well as bus services on Pacific Highway, encourages greater levels of walking and cycling to these transport services. This is further facilitated by the shared path along the eastern boundary of the site which connects the site directly with the Chatswood transport interchange.
ITS 3 – Transport system will contribute to the development of vibrant, liveable and safe places	Increased levels of walking and cycling from the site to transport services will contribute to the vibrancy and safety of this part of Chatswood.

An assessment against the 35 Key Elements of the CBD Strategy is provided in **Table 8** below.

Table 9 Consistency with Chatswood CBD Strategy

<b>Key Element</b>	<b>Consistency</b>	<b>Consistent</b>
1. CBD Boundary	The site is within the southern portion of the extended CBD boundary.	Yes
2. Land Use (a) CBD Commercial Core – Commercial, Retail.	The proposal will enable the development of a mixed-use development with podium level commercial and retail uses, and a residential tower above.	Yes

Key Element	Consistency	Consistent
(b) All other areas – Mixed Use		
3. DCP limits on office and retail in parts of the commercial core to be removed	Not applicable to the subject site.	Yes
4. Serviced apartments to be removed as permissible from the B3 Commercial Core zone.	Not applicable to the subject site.	Yes
5. Planning Agreements will be negotiated to fund public domain improvements	Following a Gateway determination, the Applicant and Council will enter into discussions regarding a VPA to facilitate the delivery of public benefits commensurate with the degree of built form uplift associated with the Planning Proposal.	Yes
6. New Planning Agreements Policy will apply and be linked to a contributions scheme.	Noted.	Yes
7. Redevelopment in Chatswood CBD should contribute to public art.	Noted and can be coordinated as part of any future DA in accordance with Council's Public Art Policy.	Yes
8. Design excellence including competitive designs required for developments over 35m.	Noted and can be coordinated as part of any future detailed DA.	Yes
9. Achievement of design excellence includes higher building sustainability standards.	Noted. To be addressed as part of future detailed DA for the site.	Yes
10. The Architects for design excellence schemes should be maintained through the DA process.	Noted.	Yes
11. Site has an existing FSR of 0.9:1	Noted.	N/A
12. Minimum site area of 1,200sqm required for mixed use development in	The site has an area of 4,219sqm, thereby exceeding the minimum site area required to achieve an FSR of 6:1.	Yes

Key Element	Consistency	Consistent
B4 zone to achieve 6:1 FSR.		
13. A range of maximum FSRs apply to the B4 zone reflecting context.	Noted.	N/A
14. Affordable housing to be provided within the max FSR throughout a development.	Noted. Can be further developed as part of the future detailed DA.	Yes
15. Where maximum FSR of 6:1 is achieved, minimum non-residential FSR of 1:1 required in B4 zone. Moderated depending on overall FSR.	The proposed reference scheme achieves a minimum 1:1 non-residential floor space within the podium levels.	Yes
16. Maximum floor plate at each level – 700sqm GFA for residential towers above podium in B4 zones.	The reference scheme proposes tower floor plate GFAs of 555sqm and 540sqm respectively for Tower A and Tower B.	Yes
17. Minimise tower widths and reduce elements that contribute to building bulk.	Slender tower forms are proposed.	Yes
18. Sufficient separation to be provided between towers if more than one proposed. Avoid two towers being read as one. No linking of towers above podium permitted.	The reference scheme provides an 18m separation distance between Tower A and Tower B which complies with ADG objectives.  The two towers have different heights and are articulated to avoid being read as one.  No linking above the podium is proposed.	Yes
19. Solar access to South Chatswood Conservation Area will be provided for a minimum 3 hours between 9am – 3pm.	The accompanying shadow diagrams demonstrate that the reference scheme will not overshadow the South Chatswood Conservation Area between 9am and 2pm.  The slender tower forms ensure that any overshadowing after 2pm will move quickly.	Yes
20. Maximum building height 90m.	Tower A has a maximum height of 90m.	Yes
21. Rooftop elements including lift overruns to be within maximum height and	Noted.	Yes

Key Element	Consistency	Consistent
integrated into building form.		
22. Links and open space to be provided in accordance with Figure 3.1.7.	The open-air shared link to the east of the site identified in Figure 3.1.7 will be maintained and enhanced by an improved interface between the redeveloped site and shared path.	Yes
23. Communal open space including on roof tops should be safe, usable and high quality.	The reference scheme incorporates communal open space on the podium and tower rooftops that is capable of being high quality, safe and useable.	Yes
24. Publicly accessible open space expected from all redeveloped sites.	The concept landscape strategy proposes a publicly accessible activated terrace associated with a potential food and beverage use at the north-east corner of the site overlooking the Gordon Avenue pocket park.	Yes
25. Roofs up to 30m from ground are to be green roofs with a balance of passive and active green spaces.	The reference scheme incorporates green roofs on podium and tower levels which are capable of integrating passive and active green spaces.	Yes
26. Minimum 20% of site is to be provided as soft landscaping to be located on Ground, Podium and roof levels or green walls.	The reference scheme proposes 1,839 sqm (44%) of soft landscaping at ground, podium, and tower rooftop level.	Yes
27. The following setbacks and street frontage heights are required:  (i) 6-14m high street wall at front boundary  (ii) Min 3m setback above street wall to tower	The reference scheme incorporates compliant setbacks.	Yes
28. For a 90m height limit, minimum side setback of 4.5m is required.	A side setback greater than 4.5m is proposed in the reference scheme.	Yes
29. Building separation to neighbouring buildings to comply with ADG.	Tower A and B are located 12m from the western side boundary, ensuring that ADG compliance can be achieved.	Yes
30. Active frontages to be maximised at ground level, particularly in B3 zone. Blank walls should be	Blank walls will be minimised as part of the design. Active edges are provided primarily along the eastern	Yes

Key Element	Consistency	Consistent
minimised and located away from key street locations.	property boundary to align with the pedestrian link connecting north and south.	
31. Site isolation discouraged. Where unavoidable, joined basements and zero set-back podiums to be provided.	The site analysis has considered future adjoining amalgamations that would be required to occur for site to capitalise on the strategic direction for increased density. As illustrated in the work, the proposal will not result in site isolation and has been designed to consider the future use of sites to the west.	Yes
32. Maintain traditional lot pattern along Victoria Ave.	N/A	N/A
33. Floor space at ground level to be maximised. Car parking, loading, plant and services to be provided in basements.	The floorspace at ground level has been maximised. The reference scheme provides loading and servicing facilities in the basement levels, consistent with requirements.	Yes
34. Substation to be provided within buildings.	Noted, to be design and incorporated as part of the future detailed DA for the site.	Yes
35. Site specific traffic and transport issues to be addressed include vehicle entry points, vehicles to enter and leave in a forward direction, loading to occur on-site, reduced car parking supported.	The proposal has considered the need to design safe and effective vehicle movements to accommodate the future use of the building. This includes suitable service vehicle and residential vehicle ingress and egress, along with a compliant number of car parking spaces which can, if supported as part of a future detailed DA, be reduced to support reduced private vehicle ownership.	Yes

**Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?***

**Yes** – the Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) as identified and discussed in the following table.

Table 10 Consistency with SEPPs

SEPP	Consistency
State Environmental Planning Policy No. 55 – Remediation of Land	<p>SEPP 55 provides the planning framework for the management of contaminated land in NSW.</p> <p>Given that the site is currently zoned R3 Medium Density Residential and contains medium density residential development, a Preliminary Site Investigation (<b>PSI</b>) was undertaken by Aargus to determine the potential for onsite contamination. The PSI Report is provided at <b>Appendix L</b>.</p> <p>The report has found that, for the purpose of this Planning Proposal, any contaminants that may be present on the site, particularly in the</p>

SEPP	Consistency
	<p>basement from vehicle parking, are of low significance in terms of risk to human and environmental receptors. The report concludes that the Planning Proposal is supportable</p>
<p>State Environmental Planning Policy (Infrastructure) 2007</p>	<p>The SEPP Infrastructure provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.</p> <p>A Noise and Vibration Assessment (<b>Appendix G</b>) has been undertaken in accordance with the requirements of SEPP Infrastructure due to the site's location adjacent to the northern rail line and Metro line to the east and Pacific Highway to the west. The assessment demonstrates that the proposed height and density can be accommodated on the site and any future development suitably treated to mitigate road and rail acoustic and vibration impacts.</p> <p>Due to the extent of car parking proposed on site as part of the reference scheme, and the site's proximity to the Pacific Highway, the proposed development can be considered Traffic-generating development under Schedule 3 of SEPP Infrastructure and the future DA will likely be referred to Transport for NSW for comment.</p>
<p>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings</p>	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The Reference Scheme has been designed and assessed against SEPP 65 and the accompanying ADG.</p> <p>Based on the preliminary assessment, the following ADG requirements have guided the reference scheme concept envelope development and architectural floorplan layout test fit) and we advise the concept is capable of achieving the following key design objectives:</p> <ul style="list-style-type: none"> <li>▪ Building separation</li> <li>▪ Communal open space area</li> <li>▪ Deep soil zones</li> <li>▪ Vehicle access</li> <li>▪ Solar access</li> <li>▪ Natural ventilation</li> <li>▪ Ceiling heights</li> <li>▪ Apartment size and layout</li> <li>▪ Private open space</li> <li>▪ Common circulation</li> <li>▪ Storage</li> </ul>

<b>SEPP</b>	<b>Consistency</b>
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The Indicative Concept Design has been designed with building massing and orientation that would facilitate future BASIX compliance, which will be documented in any future DA.</p>

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

**Yes** – the Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in the following table.

Table 11 Consistency with Section 9.1 Directions

<b>Direction</b>	<b>Consistency</b>
<b><i>Employment and Resources</i></b>	
1.1 Business and Industrial Zones	<p>The proposed B4 Mixed Use land zoning will allow for employment growth in an appropriate location, in proximity to public transport. The proposed land zoning amendment will also contribute to protecting employment land within Chatswood CBD as sought by the CBD Strategy and the LSPS.</p> <p>This will be achieved by allowing high density residential development in the CBD fringe and concentrating commercial development within the CBD core.</p>
1.2 Rural Zones	Not relevant to subject proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Not relevant to subject proposal.
1.4 Oyster Aquaculture	Not relevant to subject proposal.
1.5 Rural Lands	Not relevant to subject proposal.
<b><i>2. Environment and Heritage</i></b>	
2.1 Environment Protection Zones	Not relevant to subject proposal.
2.2 Coastal Management	Not relevant to subject proposal.
2.3 Heritage Conservation	<p>The site is not identified as containing any heritage items and is not located in a heritage conservation area. It is however located in proximity to the Chatswood South Heritage Conservation Area to the east.</p>

Direction	Consistency
	The supporting documentation demonstrates that the proposed Planning Proposal will not have a significant impact on the HCA, particularly in regard to visual and overshadowing impacts.
2.4 Recreation Vehicle Areas	Not relevant to subject proposal.
2.5 Application for E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant to subject proposal.
2.6 Remediation of Contaminated Land	Not relevant to subject proposal.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	<p>The proposed LEP amendments encourage a variety and choice of housing types to provide for the existing and future housing needs.</p> <p>Additional residential density will be suitably located to take advantage of existing infrastructure including the rail and Metro line adjacent to the site.</p> <p>Future residential accommodation can be provided on the site without significantly impacting the land or neighbouring development.</p>
3.2 Caravan Parks and Manufactured Home Estates	Not relevant to subject proposal.
3.3 Home Occupations	Not relevant to subject proposal.
3.4 Integrating Land Use and Transport	<p>The planning proposal is consistent with the intent of the direction as it will enable a form of development that will:</p> <p>Improve access to housing, jobs and services by walking, cycling and catching public transport.</p> <p>Increase the choice of available transport whilst reducing dependence on private vehicles.</p> <p>Support the efficient and viable operation of public transport services.</p> <p>Positively respond to the delivery of jobs within proximity and ease of access to high frequency public transport.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Not relevant to subject proposal.
3.6 Shooting Ranges	Not relevant to subject proposal.

<b>Direction</b>	<b>Consistency</b>
3.7 Reduction in non-hosted short-term rental accommodation period	Not relevant to subject proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Not relevant to subject proposal.
4.2 Mine Subsidence and Unstable Land	Not relevant to subject proposal.
4.3 Flood Prone Land	Not relevant to subject proposal.
4.4 Planning for Bushfire Protection	Not relevant to subject proposal.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Not relevant to subject proposal.
5.2 Sydney Drinking Water Catchments	Not relevant to subject proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant to subject proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant to subject proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not relevant to subject proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Not relevant to subject proposal.
5.7 Central Coast (Revoked 10 July 2008)	Not relevant to subject proposal.
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not relevant to subject proposal.
5.9 North West Rail Link Corridor Strategy	Not relevant to subject proposal.
5.10 Implementation of Regional Plans	This Planning Proposal achieves the overall intent of the Greater Sydney Region Plan and the North City District Plan, and does not

<b>Direction</b>	<b>Consistency</b>
	undermine the achievements of their vision, land use strategy, goals, directions and actions.
5.11 Development of Aboriginal Land Council land	Not relevant to subject proposal.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	This is an administrative requirement for the PPA.
6.2 Reserving Land for Public Purposes	Not relevant to subject proposal.
6.3 Site Specific Provisions	A draft site specific DCP accompanies this Planning Proposal at <b>Appendix E</b> .
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	A Plan for Growing Sydney has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities.  This planning proposal is consistent with the Region Plan, as discussed previously.
7.2 Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019)	Not relevant to subject proposal.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not relevant to subject proposal.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant to subject proposal.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant to subject proposal.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant to subject proposal.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant to subject proposal.
7.8 Implementation of the Western Sydney Aerotropolis Plan	Not relevant to subject proposal.

Direction	Consistency
7.9 Implementation of Bayside West Precincts 2036 Plan	Not relevant to subject proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant to subject proposal.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant to subject proposal.
7.12 Implementation of Greater Macarthur 2040	Not relevant to subject proposal.
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not relevant to subject proposal.

### 9.3. ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACT

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

**No** – no sensitive flora or fauna will be adversely affected as a result of this Planning Proposal. This is because the site is largely clear of any significant vegetation and is located in a highly urbanised area.

**Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The site is free of major environmental constraints. The assessment below considers relevant potential environmental impacts associated with the future development of the site. As outlined in the assessment there are no likely impacts that cannot be suitably mitigated through detailed design development.

#### 9.3.1. Heritage Impact

A Heritage Impact Statement (HIS) has been prepared (**Appendix F**) to determine the potential heritage impact of the Planning Proposal on vicinity heritage items and conservation areas.

The subject site is not listed as a heritage item under Willoughby LEP 2012 and it is not located within a HCA. It is, however located within the broader proximity of heritage items and conservation areas.

The accompanying HIS provides a detailed description of the site history all vicinity heritage items, and a detailed heritage impact assessment of the Planning Proposal.

The proposal has been assessed to have an acceptable impact on the heritage items and conservation areas in the broader locality of the subject site for the following reasons:

- No physical changes are proposed as part of this Planning Proposal. The Planning Proposal seeks to amend the underlying planning controls of the site to facilitate future built form changes. The future built works will be subject to future development applications.
- The subject site is not a listed heritage item and does not contain any elements of built heritage significance. All historic improvements on the subject site were demolished in the late twentieth century and the whole of the site was redeveloped between 1986 and 1991 with the existing high-density residential development. The site was cleared of historic improvements entirely and excavated to provide the existing basement carparking and residential development. The existing improvements are not

required to be retained on heritage grounds. The potential future demolition of the existing site improvements in line with the amended planning controls and reference scheme herein, will have no adverse heritage impact.

- The immediate locality is characterised by various uses and built form including density and is not defined by a consistent streetscape or setting. From a heritage perspective, the Planning Proposal and the potential future built outcome will not impact any significant streetscapes in the vicinity.
- The nearest heritage items and heritage conservation areas are substantially distanced from the subject site. The future development that may be facilitated by this Planning Proposal in line with the reference scheme reviewed herein, will be consistent with the uplift in density planned for the site by Council throughout the immediate locality and will not adversely impact, dominate or overwhelm the scale of vicinity heritage items.
- The existing curtilages of all vicinity heritage items and conservation areas will be retained, including all landscaping and significant trees. No changes to the existing heritage listings under Schedule 5 of the WLEP2012 are proposed under this Planning Proposal.
- The future built form (in line with the reference scheme) will be visible in northern facing views towards the Mowbray House heritage item to the south. However, these views are already characterised by high density background development, and the reference scheme bulk and scale is consistent with this urban character and will not have a cumulative adverse impact on the significance of the heritage item. It is noted that the Mowbray House heritage item is encircled by the existing metro development and already sits within a highly modified visual catchment.
- Significant views associated with the C11 South Chatswood Heritage Conservation Area and inward facing and do not face towards the west towards the subject site, which is physically separated from the conservation area by a railway line. The Planning Proposal and the potential future built outcome will not have an adverse impact on existing significant views within the conservation area.

## 9.3.2. Environmental Amenity

### Overshadowing

The proposal has carefully considered the site's context which includes low density residential development within Chatswood South Heritage Conservation Area (HCA) to the east, existing medium density development to the north, and future high-density mixed-use development to the south and west.

In this regard, shadow diagrams have been prepared (**Appendix B**) which demonstrate that while sites to the south are most impacted, the proposed reference scheme will not overshadow these sites for more than one hour on June 21<sup>st</sup>. The proposed residential towers are generally north-south orientated with slender forms to create fast moving shadows and therefore facilitate compliance with the solar access requirements of the ADG in regard to overshadowing.

Shadows over the Chatswood South HCA are from 2pm onwards, therefore the locations impacted will receive at least 3 hours solar access during the morning and early afternoon and will thus achieve solar requirements for residential uses.

Despite extensive urban design analysis and concept enveloping testing, it is unavoidable that surrounding areas will receive shadow impacts. There is potential that future development to the immediate south, particularly residential uses at lower levels and the future park on the southern side of Nelson Street will have a limitations to achieve solar access during mid-winter impact due to future high density development on adjacent sites to the west, in combination with the subject proposal. This however this is considered to be reasonable in the circumstance that the wider area has been identified to transition to a higher density environment commensurate with the level of uplift anticipated by CBD Strategy. The

It is considered that relocating the planned park to the north-eastern corner of the southern site (339 Mowbray Road) would assist in facilitating good solar access to that future public area. We recommend Council make representations to the state government in this regard during the early site planning phase of that site.

### Solar Access (apartments and open space)

The proposed reference scheme achieves overall compliance with the minimum solar access requirements of the ADG which include:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter
- A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm in mid-winter

In this regard, an overall total of 77.5% of apartments receive a minimum of 2 hours direct sunlight on June 21<sup>st</sup>.

Tower by tower, 87.5% of apartments in the northern Tower A achieve 2 hours direct solar access on June 21<sup>st</sup>, while 64.9% of apartments in the southern Tower B achieves 2 hours direct solar access.

A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm on June 21<sup>st</sup>, complying with the ADG requirements.

Figure 15 Solar Access to residential units

**77.5%**

of apartments across the two towers achieve at least 2 hours solar access in mid-winter.

**TOWER A LEVEL 2 - 20  
TOWER B LEVEL 2 - 15**

**TOWER A LEVEL 21 - 26  
TOWER B LEVEL 16 - 21**



Table 13 Reference Scheme - Solar Access to Residential Units

		ACHIEVES ≥2 HOURS	% OF TOTAL
TOWER A	Level 2 - 19	90	
	Level 20	6	
	Level 21 - 26	30	
	<b>SUB-TOTAL</b>	126	87.5%
TOWER B	Level 2 - 15	56	
	Level 16-21	18	
	<b>SUB-TOTAL</b>	74	64.9%
<b>TOTAL</b>		200	77.5%

Source: Urbis

The above arrangement demonstrates that solar access to the southern tower is slightly impacted by locating the taller tower to the north.

If the towers were flipped to locate the shorter tower to the north and the taller tower to the south, both towers would achieve compliance with the minimum ADG requirement. Notwithstanding this, we have however balanced the reference scheme building profile with other considerations in terms of achieving a stepped tower form to the south which will achieve a more appropriate building height transition to the future development on the land to the south. Furthermore, through further detailed architectural design, the

southern tower could well achieve solar compliance. So on balance, the current reference scheme is preferred, however it is clear that the proposed built form controls for the site have sufficient flexibility to enable future building envelope refinement, as or if required.

In terms of solar access to communal open space, the proposal satisfies the ADG as outlined below:

- Communal open space has a minimum area equal to 25% of the site.
- Development achieves a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

In this regard, the reference scheme proposes a total communal open space area of 1,839sqm including podium and tower rooftop areas which equates to 44% of the site. Of this area, 58% achieves at least 2 hours solar access at mid-winter.

## Noise and Vibration

An Acoustic and Vibration Assessment has been prepared by White Noise Consultants (**Appendix G**) due to the site's location adjacent to the northern rail and Metro line to the east and the Pacific Highway to the west.

The report includes an assessment of existing environmental noise including road traffic noise and train noise as well as vibration impacts from train pass byes. An additional assessment of the potential for future noise and vibration impacts from the future Chatswood to Sydenham metro line has also been undertaken.

The report includes recommended acoustic construction materials for the building's façade, including external windows, to ensure that future internal noise levels comply with the relevant noise levels of the Australian Standard AS2107:2016, *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)* and the EPA's *Development Near Rail Corridor and Busy Roads – Interim Guideline*.

The report concludes that by incorporating the recommended construction materials into the design of any future development on the site will ensure that the required internal noise levels will be achieved.

The vibration assessment has confirmed that vibration isolation is not required to ensure all vibration requirements of the *Development Near Rail Corridor and Busy Roads – Interim Guideline* are achieved.

Potential noise generated on the site has been assessed and it is found that the future design and treatment of all building services associated with a mixed use development can be acoustically treated to ensure all noise emissions from the future development can comply with the EPA criteria.

Overall, it is demonstrated that the site is suitable for the height and density of development proposed from an acoustic and vibration perspective and any future development can be designed to mitigate acoustic and vibration impacts.

It is anticipated that a detailed Acoustic and Vibration Assessment will be required to accompany the future development application stage and inform the detailed architectural design.

## Wind Impacts

A preliminary review of the reference scheme was undertaken by CPP Wind Engineering and Air Quality Consultants to provide a qualitative assessment of the impact of the proposal on the wind conditions in surrounding areas.

The effect of the wind activity was examined for the three predominant wind direction for the Sydney region; north-east, south, and west. The analysis of the wind effects relating to the reference scheme was carried out in the context of the local wind climate, building morphology and land topography.

The assessment concluded the following:

- The addition of the proposed development may cause wind speeds in some areas to increase, while creating calmer conditions in others. On average and for the majority of locations in the vicinity, the pedestrian level wind environment is expected to remain similar to the existing.
- From a pedestrian comfort perspective, the wind environment around the proposed development site is likely to be classified as acceptable for pedestrian standing or walking. These pedestrian comfort levels would be suitable for public accessways, and for stationary short-term exposure activities.
- Localised mitigation measures are recommended if calmer areas are desired for particular locations. All locations in the public domain are expected to satisfy the safety/distress criterion.

- Within the development, some locations may experience higher wind velocities at times including the podium roof and in particular the space between the towers. Appropriate mitigation measures can be recommended at DA stage when the design has been developed.

A provision has been included in the Draft Site-Specific DCP that requires all major development applications on the site to be accompanied by a quantitative wind effects report to determine any requirement for wind mitigation measures.

### **9.3.3. Traffic and Access**

A Transport and Traffic Assessment has been undertaken by Urbis to assess the impacts of the reference scheme on the existing road and public transport network. The parking provision proposed in the reference scheme has also been assessed against Council's DCP parking rates.

#### **Traffic Generation**

Based on the planned future residential, retail and other commercial uses, the proposal is expected to generate a total of 145 trips at peak hour on weekdays and 167 trips at peak hour on weekends. These additional traffic movements have been assessed to have a negligible impact on the local road network.

This is supported by Pacific Highway (southbound) experiencing a negative traffic growth rate in the last year which is potentially due to an increase in train use.

Given the proximity of the site to existing and active transport corridors such as Chatswood Station (including the metro line), bus stops along Pacific Highway and the pedestrian and cycle path along the eastern boundary of the site, it is anticipated that many residents will utilise active and public transport to access employment, amenities and services at Chatswood rather than drive.

The Transport and Traffic Assessment confirms that the existing public transport network can accommodate the likely demand generated from the reference scheme.

#### **Parking**

Part C.4 of the Willoughby DCP 2006 sets out the maximum car parking requirements for different land uses.

The reference scheme generates a total parking requirement of 551 spaces. As the DCP parking requirements are maximum rates, the site is capable of accommodating a suitable degree of on-site parking reflective of its accessible location and which will not exceed 551 spaces.

The Transport and Traffic Assessment concludes that the reference scheme can accommodate the off-street parking requirements stipulated by the DCP on the site.

#### **Access**

The reference scheme has been amended to locate all parking, servicing and loading within the basement levels to maximise employment-generating floor space at ground level.

Servicing and loading access is proposed from Gordon Avenue while residential vehicle access is proposed from Nelson Street. This split strategy reduces traffic impacts on both streets.

The proposed loading and servicing arrangement satisfies the CBD Strategy and is demonstrated in the image below.

Figure 16 Proposed Access Strategy



Source: Urbis

### 9.3.4. View Context and Impact

A Visual Assessment has been prepared by Urbis to assess the visual effects associated with the Proposal and is provided at **Appendix N**.

The visual context immediately surrounding the site predominantly includes three-storey residential development that is characterised by Post-War and late 20th Century era residential flat buildings.

The wider visual catchment to the north includes tall tower forms along the south edge of the Chatswood CBD and isolated tall towers west of the Pacific Highway.

The visual context to the east includes low density residential development much of which is included in the South Chatswood Heritage Conservation Area.

Figure 17 Visual Assessment Simulations



Picture 9 North-west edge of Chatswood Oval



Picture 10 Gordon Avenue



Picture 11 Looking north-east from Mowbray Road

Source: Urbis



Picture 12 Looking west from South Chatswood Conservation Area

The main findings of the Visual Assessment include:

- The site has a potentially large visual catchment, however visual effects of the proposed development will be predominantly restricted to the closest locations and adjacent roads including Nelson Street and Gordon Avenue.
- The upper part of the tower form proposed would be visible from distant locations predominantly to the north, west and east and will be visible in the context of the Chatswood skyline that is characterised by towers.
- The built form proposed in the Reference Design is compatible with the cluster of towers that currently exist in the wider visual context and others that are approved and are under construction. In this regard the height and form of the tower proposed reflects and is highly compatible with the desired future character for this part of Chatswood.
- High-sensitivity viewing locations such as high-use reserves and parks are not located within the immediate context of the subject site.
- The built form proposed provides the potential for a high-quality development and amenity that would enhance the adjoining streetscape and visually extend the Chatswood CBD skyline
- Views from low and mid-level locations in neighbouring residential flat buildings in Nelson are unlikely to be significantly affected by potential view loss.
- Views from upper floors at 5-7 and 8-12 Sutherland Road apartments may be affected by some potential view loss in south-easterly views, which in our opinion would be likely to be rated as minor to moderate if assessed against the Tenacity Planning Principle.

- The height sought by the Planning Proposal will predominantly block views of areas of open sky and not to any significant views or buildings.

Based on the analysis carried out in the Visual Assessment, the Planning Proposal and subsequent development on the site can be supported on visual impacts grounds.

### 9.3.5. Solar Impacts

A detailed solar analysis has been prepared by PBD Architects and supports this Planning Proposal. Specifically, the plans have been prepared to reflect shadows resulting from the proposal every 1 hour period between 9am and 3pm on 21 June for both the existing situation and the future fully developed scenario.

#### **Q9. *Has the planning proposal adequately addressed any social and economic effects?***

**Yes** – the economic and social benefits associated with the planning proposal are summarised below:

- **Facilitates the renewal of a significant site:** The large site area of 4,219sqm, has significant development potential given its ideal location within the CBD fringe in proximity to public transport links and services within Chatswood CBD core.
- **Creates significant indirect and direct construction and ongoing jobs:** The proposal will create up to 4.81 direct and indirect jobs for every \$1 million spent per year during the construction period while the proposal will generate approximately 64 ongoing jobs within the non-residential component. Construction of the proposed development will generate approximately \$753,000 in Gross Value Add per annum for the NSW economy for each \$1 million spent during the construction period.
- **Provide jobs for residents of Willoughby LGA:** The development will deliver jobs to Willoughby LGA resident workers who currently have to leave the LGA for work, making a significant, positive contribution to employment retention within the LGA.
- **Improves the number and quality of residential accommodation on the site:** Residential accommodation would achieve compliance with the objectives of the ADG, thereby ensuring quality accommodation options are available to provide for the existing and future housing needs.
- **Improves public domain interface and ground floor activation,** thereby revitalising this part of Chatswood: The inclusion of retail floor space at ground level, which would support cafes, speciality shops and the like, would have the benefit of activating the site and surrounding public domain including the pocket park, contributing to a sense of place and activity day and night.

## 9.4. STATE & COMMONWEALTH INTERESTS

#### **Q10. *Is there adequate public infrastructure for the planning proposal?***

- The Planning Proposal leverages its location in proximity to the existing Chatswood and Artarmon train station, and future Metro Station, at Chatswood. These stations will provide higher frequency metro transport to move more people more quickly. As envisioned by the CBD Strategy, the future redevelopment of this site has the potential to enhance walking and cycle connections between the stations.
- Capacity exists within the road network to support new development as proposed. The traffic analysis indicates that the potential increase in traffic is negligible and is not envisaged to adversely impact the existing intersection performances. Due to the small increase in development traffic, it is expected that surrounding key roads will continue to operate in the same way.
- The site is serviced by existing utility services and is located to allow residents and workers to capitalise on the existing and planned infrastructure and services within the area.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation with State or Commonwealth authorities has been carried out to date on the subject planning proposal. It is expected that this consultation will be carried out in accordance with any Gateway Determination.

The Gateway Determination will advise the public authorities to be consulted as part of the planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period. In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days.

The RPA must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of A guide to preparing local environmental plans.

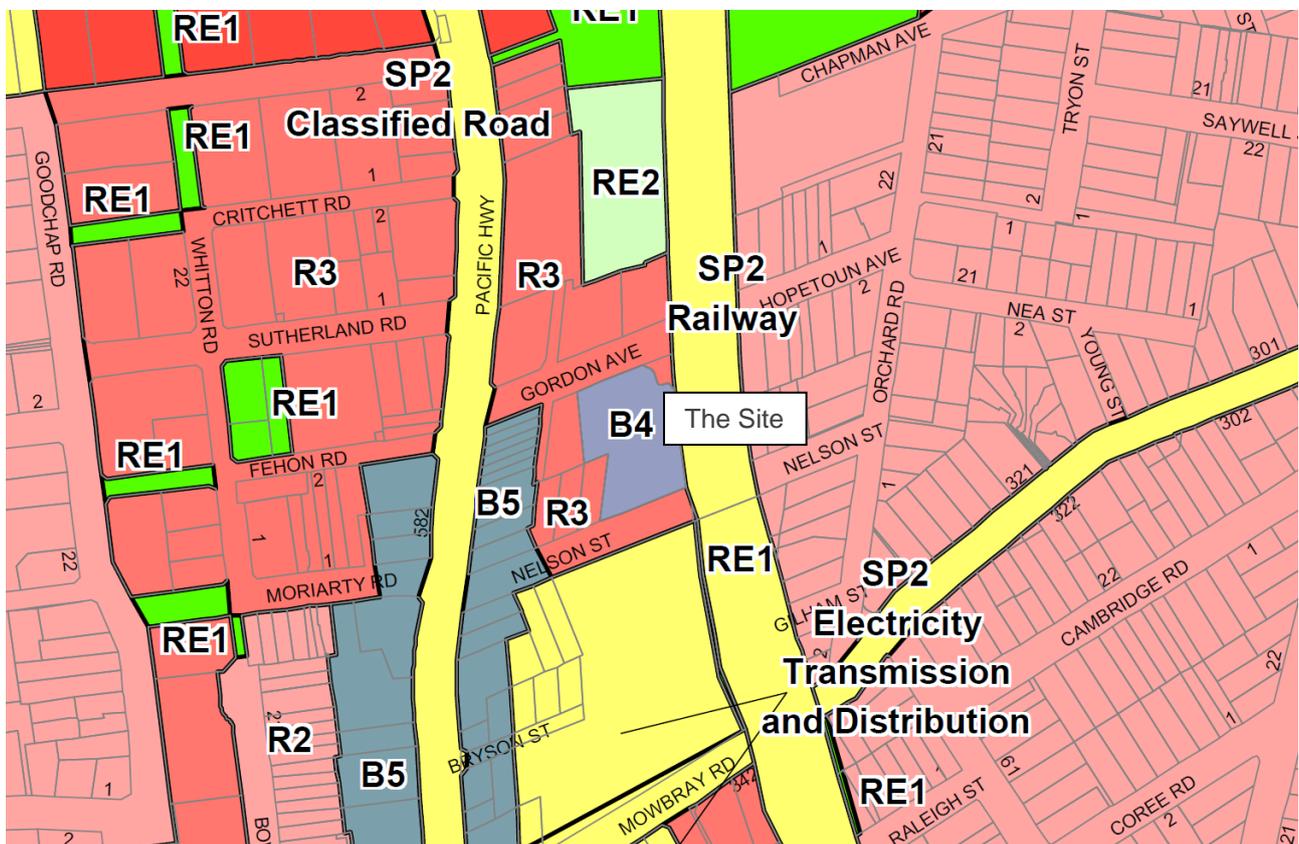
# 10. PART 4 - MAPPING

The Planning Proposal seeks to amend the following WLEP 2012 Maps:

- Land Zoning Map Sheet LZN\_004
- Height of Buildings Map Sheet HOB\_004
- Floor Space Ratio Map Sheet FSR\_004
- Provisions Area Map (Sheet SPA\_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
- Active Street Frontages Map (Sheet ASF\_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.
- Lot Size Map (Sheet LSZ\_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000sq metres.

Snips of the amended LEP maps per Council's resolution are provided in the figures below. These maps have been included at Appendix P at Council's request.

Figure 18 Proposed Land Zoning Map



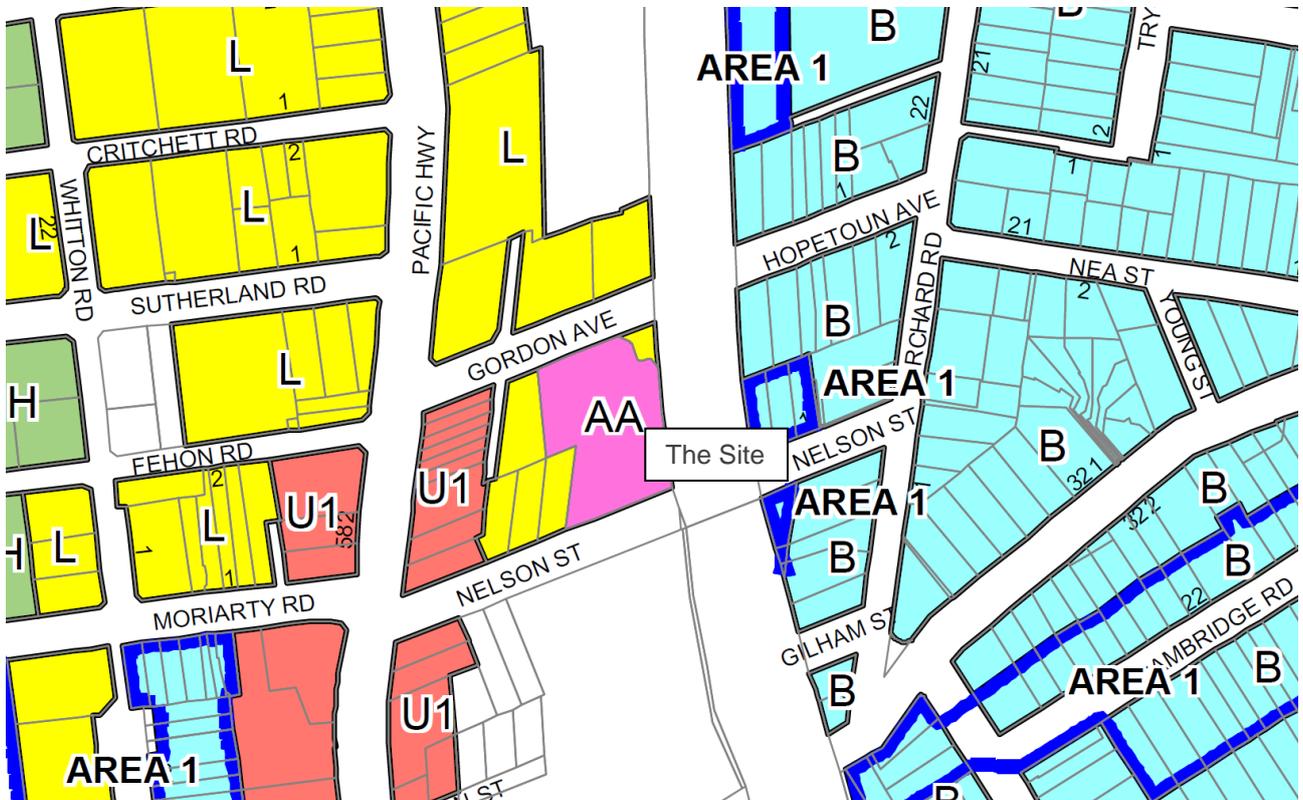
Source: Urbis

Figure 19 Proposed Height of Building Map



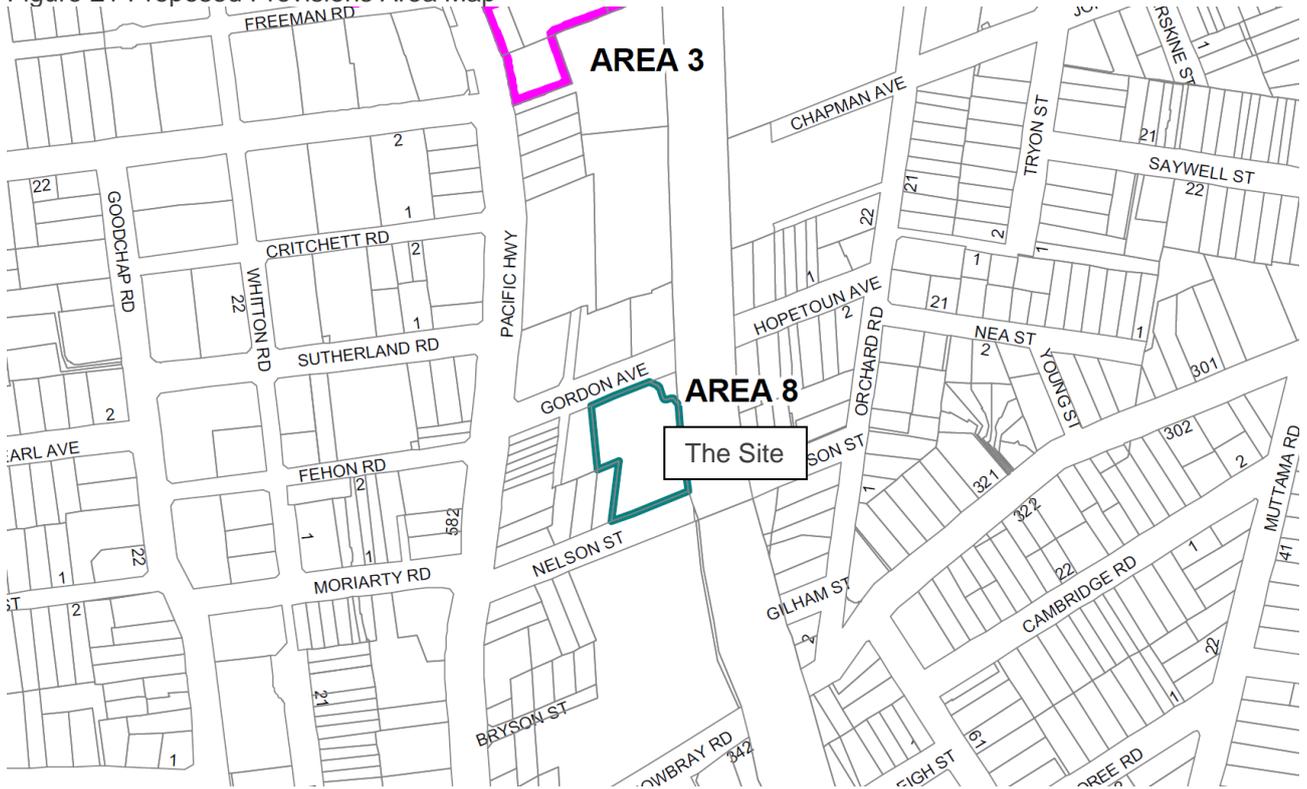
Source: Urbis

Figure 20 Proposed Floor Space Ratio Map



Source: Urbis

Figure 21 Proposed Provisions Area Map



Source: Urbis

Figure 22 Proposed Active Frontages Map



Source: Urbis

Figure 23 Proposed Lot Size Map



# 11. PART 5 - COMMUNITY CONSULTATION

Section 3.34 of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority to consult with the community in accordance with the gateway determination.

It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of *A Guide to Preparing Local Environmental Plans*. It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the Willoughby Council website.
- Written correspondence to adjoining and surrounding landowners.

As part of the consultation process, the proponent will review all submissions, discuss with Council and DPIE as required, and provide written comments in response to assist in the assessment of the Planning Proposal.

## 11.1.1. Stakeholder Identification and Analysis

Open and transparent engagement with key stakeholders including the local community, surrounding residents and government agencies will contribute to the successful management of the Planning Proposal and reduce project risk.

Taking a strategic and proactive approach to engagement will be necessary to ensure that the project is positioned effectively, and stakeholder opportunities and risks are managed.

Key stakeholders that will be notified of the Planning Proposal were Willoughby Council, nearby neighbours and Artarmon/ St Leonards Chamber of Commerce.

## 11.1.2. Level of Engagement

Urbis' method for engagement works in line with the International Association of Public Participation's (IAP2) Public Participation spectrum and utilises the participation principles of the IAP2 Spectrum of Public Participation. The engagement process for this project will utilise the 'Inform' level of the Spectrum.

Figure 24 IAP2 Public Participation Spectrum

	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
<b>GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
<b>PROMISE</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

The Engagement and Communications Strategy Report is provided at **Appendix I**.

To date, the following consultation has been undertaken:

- Letterbox drop with written information about the proposal, distributed to nearby neighbours.
- Email Chamber of Commerce and nearby neighbours with information about the proposal.

- Establish and monitor a dedicated enquiry phone line and email inbox for community enquiries.

To date, no enquiries have been received.

## 12. PART 6 - PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the DPIE guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the DPIE.

Table 12 Anticipated Project Timeline

<b>Process</b>	<b>Indicative Timeframe</b>
Amended Planning Proposal submitted to Willoughby Council	March 2021
Local Planning Panel recommend the Planning Proposal be submitted to DPIE for Gateway Determination	August 2021
DPIE issue Gateway Determination	October 2021
Applicant response to matters in Gateway Determination (e.g., updated reports)	December 2021
Public exhibition and agency consultation	4 weeks
Post exhibition review of submissions	6 weeks
Submission to DPIE for finalisation	March 2022
Legal drafting of LEP	April 2022
Gazettal of LEP	May 2022

## 13. CONCLUSION

This Planning Proposal seeks to amend the Willoughby LEP 2012 to establish planning controls that would enable a high-density mixed-use development at 9-11 Nelson Street, Chatswood.

This report has set out the justification for the proposed LEP amendments in accordance with the DPIE guidelines for Planning Proposals.

The proposal is supported by an Urban Design Report, reference scheme and architectural plans that have analysed the site and site context to demonstrate the proposal's suitability for its locality.

The proposal is also supported by a range of technical documents that provide further technical support for the proposed LEP amendments.

Overall, it is considered that the proposed LEP amendments will enable an appropriate development outcome for the following reasons:

- The proposal supports the key objectives of the CBD Strategy by facilitating increased residential density within the CBD fringe to allow commercial floor space to be concentrated within the Chatswood CBD Commercial Core.
- The proposal will help deliver the long-term aspiration of the Greater Sydney Region Plan and the North City District Plan of delivering a 30-minute city. This will be delivered through the delivery of a mixed use development on the site and capitalising on the State Government's investment into the public transport network through locating residential and employment generating floor space near the Sydney Metro services at Chatswood Station.
- The proposal also supports active transport use, having direct access to the shared pedestrian and cycle path to the east of the site and by improving the interface between this link and the site.
- Retail floor space at ground level which will support cafes, speciality shops and bulky good stores. This will activate the surrounding public domain including the pocket park and shared cycle path contributing to a sense of place and activity day and night.
- The proposed amendments can be accommodated without generating significant adverse impacts on neighbouring properties or public open space, particularly when considering the surrounding character anticipated by the CBD Strategy.

Accordingly, it is recommended the Planning Proposal is endorsed by Council to enable a gateway determination by the Department of Planning, Industry and Environment.

# DISCLAIMER

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

# APPENDIX A

# SURVEY PLAN

# APPENDIX B

# URBAN DESIGN REPORT

**APPENDIX C**

**ARCHITECTURAL PLANS**

# APPENDIX D

# LANDSCAPE STRATEGY

**APPENDIX E**

**DRAFT SITE-SPECIFIC DEVELOPMENT  
CONTROL PLAN**

# APPENDIX F

# HERITAGE IMPACT STATEMENT

# **APPENDIX G**

# **NOISE & VIBRATION ASSESSMENT**

**APPENDIX H**

**ARBORICULTURAL IMPACT  
ASSESSMENT**

# **APPENDIX I**

# **ENGAGEMENT REPORT**

**APPENDIX J**

**ECONOMIC MARKET ASSESSMENT**

**APPENDIX K**

**GEOTECHNICAL REPORT**

**APPENDIX L**

**PRELIMINARY SITE INVESTIGATION  
(CONTAMINATION)**

**APPENDIX M**

**TRAFFIC IMPACT ASSESSMENT**

**APPENDIX N**

**VISUAL ASSESSMENT**

# APPENDIX O

# WIND ASSESSMENT

# APPENDIX P

# UPDATED LEP MAPS

