



IRF 22/1695

Gateway determination report – PP-2021-6560

849-859 Pacific Highway and 2-8 Wilson Street,
Chatswood

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A1 - Final revised Planning Proposal 22 March 2022
Attachment A2 – Site Survey
Attachment A3 - updated VPA Letter of Offer
Attachment A4 - Site Specific DCP - as amended 4 May 2022 following Council Resolution 26 April 2022
Attachment A5 - Urban Design Report
Attachment A6 - Summary Table - following Council Resolution 26 April 2022
Attachment A7 – Plans, elevations and sections - following Council Resolution 26 April 2022
Attachment A8 - Updated Traffic Report - following Council Resolution 26 April 2022
Attachment A9 - Preliminary Site Investigation (Contamination) – from previous planning proposal
Attachment A10 - Geotechnical & Hazard Report
Attachment A11 - Wind Impact Assessment
Attachment A12 - Acoustic Assessment
Attachment A13 - Proposed Mapping
Attachment A16 – Contamination Report – 8 Wilson Street (1 O'Brien Street – Lot 1 DP1189541)
Attachment B - Council Reports, Resolution and Proposed Mapping
Attachment C – Willoughby Local Planning Panel Advice
Attachment D – SNPP - Record of decision - RR-2021-85 - 849-859 Pacific Highway and 2 Wilson Street
Attachment E – DPE - Assessment against the Chatswood CBD Strategy
Attachment F – Chatswood CBD Strategy
Attachment G – Letter from Transport Holdings Assets Enterprises

Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Willoughby
PPA	Willoughby City Council
NAME	Mixed Use Development at 849, 853 and 859 Pacific Highway, 2 Wilson Street and 8 Wilson Street, Chatswood (also known as Lot 1 O'Brien Street) (247 dwellings, 40 jobs)
NUMBER	PP-2021-6560
LEP TO BE AMENDED	Willoughby Local Environmental Plan 2012
ADDRESS	849, 853 and 859 Pacific Highway, 2 Wilson Street and 8 Wilson Street, Chatswood
DESCRIPTION	SP1496, SP60178, SP10110, SP52947 and Lot 1 DP1189541 (Lot 1 O'Brien Street Chatswood)
RECEIVED	4/05/2022
FILE NO.	IRF22/1695
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A1**) prepared by Gyde Consulting seeks to amend the Willoughby LEP 2012 for land at 849, 853 and 859 Pacific Highway, 2 Wilson Street and 8 Wilson Street, Chatswood (**Figures 1 to 3**) to facilitate a mixed use development on a consolidated site and to implement the Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy) (**Attachment F**).

The intended outcome of this planning proposal is to enable the amalgamation and redevelopment of the site to accommodate a mixed-use scheme comprising a total of 25,762m² gross floor area (GFA). This will include 4,294m² commercial/retail floorspace at 2 podium levels and 21,470m² residential floorspace, facilitating 247 residential dwellings in two towers above.

The planning proposal does not make amendments to the land zoned SP2 Infrastructure (Classified Road) along the western frontage of the Pacific Highway (**Figure 3**) and does not include this land within the site area. The proposal includes 8 Wilson Street, Chatswood (also known as Lot 1 O'Brien Street Chatswood) which is currently zoned SP2 Infrastructure – Railway and runs adjacent to the North Shore line rail corridor (**Figure 3**). The planning proposal notes this land is unrelated to the SP2 Classified Road at the western frontage of the site.

The concept proposes to deliver 4% (approximately 10) of the residential dwellings as affordable housing. The proposal includes 260 parking spaces for the use of future residents and visitors to the commercial/retail areas. The proposed increase in the development standards will accommodate approximately 40 jobs.

The objectives of the planning proposal are to:

- provide development in line with the relevant local and state strategic plans;
- provide one consolidated development site within close proximity to the Chatswood CBD with good access to services, employment and public transport;
- avoid site isolation by consolidating surplus land;
- provide increased residential development in an area that will preserve the commercial core;
- provide development compatible with the future desired character of the Chatswood CBD; and
- achieve high benchmarks in sustainability and contribute to and enhance the pedestrian amenity and streetscape.

The existing and proposed planning controls are summarised in **Table 3**.

The objectives of this planning proposal are generally clear and adequate. However, it is recommended that prior to exhibition, the planning proposal be updated to confirm the number of jobs created as a result of the increase to the development standards on the site and to also be clear that the land reserved for widening is not included within the boundaries of the site area in the planning proposal.

The planning proposal is accompanied by an updated draft voluntary planning agreement (VPA) (**Attachment A3**) outlining a number of proposed public benefits and an updated draft site-specific Development Control Plan (DCP) (**Attachment A4**) to guide development.

1.3 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal seeks to amend the Willoughby LEP 2012 to rezone the amalgamated site to B4 Mixed Use, apply a maximum height of buildings (HOB) to 90m, apply a maximum FSR of 6:1, apply a maximum lot size and amend various clauses. The current and proposed controls are summarised in **Table 3**.

Table 3 Current and proposed controls

Control	Current		Proposed
	8 Wilson Street (also known as 1 O'Brien Street)	849-859 Pacific Highway and 2 Wilson Street	
Zone	Part SP2 Infrastructure (Railway) Part B4 Mixed Use	R4 High Density Residential	B4 Mixed Use
Maximum height of buildings	N/A	24m	90m

Control	Current		Proposed
	8 Wilson Street (also known as 1 O'Brien Street)	849-859 Pacific Highway and 2 Wilson Street	
Floor space ratio	N/A	1.5:1	6:1 (including 5:1 residential and 1:1 commercial/retail floorspace)
Minimum lot size	N/A	3,000m ² Clause 6.10(4)(f) Minimum lot sizes for certain residential accommodation Lot 5, DP 4139, Lot 1, DP 960977, Lot 2, DP 1002202 and Lot 1, DP 843241	4,000m ²
Special Provisions	N/A	N/A	<ul style="list-style-type: none"> • Clause 6.8 Affordable housing and identify the site as 'Area 9' • Clause 6.23 Design excellence at certain sites at Willoughby and identify the site as 'Area 12' • Clause 6.25 Shop top housing at certain sites at Chatswood (to require a minimum 1:1 non-residential FSR)
Active Street Frontages	N/A	N/A	O'Brien Street, Pacific Highway and Wilson Street
Number of dwellings	N/A - commercial facility	37	247
Number of jobs	To be confirmed	N/A	40

1.4 Site description and surrounding area

The site is an irregular shaped block known as 849, 853 and 859 Pacific Highway and 2 and 8 Wilson Street, Chatswood comprising of 5 lots amalgamated with a total area of approximately 4,294m² consisting of 2749m² for the land at 849, 853 and 859 and 2 Wilson Street, Chatswood and 1,545m² for the Transport Asset Holdings Enterprises' (TAHE) land at 8 Wilson Street, Chatswood.

The land at 8 Wilson Street is surplus to the needs of the landholder, Transport Asset Holdings Entity (TAHE) and contains a commercial building currently used by 'Sunnyfield Enterprises'. It contains a 6m wide easement along the rail corridor.

The site has street frontages to O'Brien Street to the south, Pacific Highway to the west, Wilson Street to the North. To the east is the North Shore rail corridor ((**Figures 3**).

The site does not contain any heritage items and is not within a heritage conservation area (HCA). The existing development on the site is summarised in **Table 4** and shown in **Figures 4 to 6**.

The site is located within the expanded Chatswood CBD boundary identified in the Chatswood CBD Strategy (**Attachment F** and **Figure 2**). Chatswood train station is approximately 350m to the south of the site with bus stops located at the front of the site along the Pacific Highway.

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

The upgrades will connect Chatswood to Sydney Metro City and South West. This network is due to be completed in 2024 and will provide an extension of Sydney Metro Northwest from Chatswood under Sydney Harbour, through new CBD stations and southwest to Bankstown.

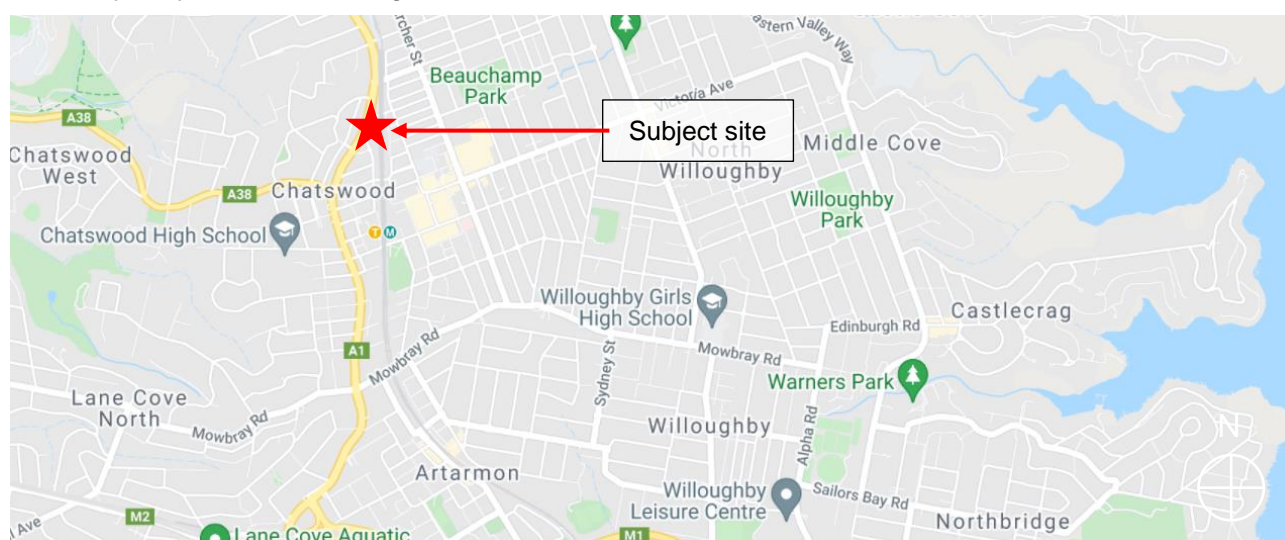


Figure 1: Locality map (source: Nearmap, overlay by the Department)



Figure 2: Site context map – expanded Chatswood CBD with the site located in the north (source: Nearmap, overlay by the Department)



Figure 3: Site – 5 lots including the TAHE land to the east and excluding the land reservation acquisition to the west along the Pacific Highway (source: Nearmap, overlay by the Department)



Figure 4: View east of part of the existing site along O'Brien Street towards the 'Sunnyfield' facility with the RFB at 849 Pacific Highway left (source: Google Maps)



Figure 5: View south-east of part of the existing site along Wilson Street with the RFB at 2 Wilson Street (source: Google Maps)



Figure 6: View south-east of part of the existing site along Pacific Highway (source: Google Maps)

Table 4 Existing development on the site

Address	Lot Number	Existing Development	Zone	Lot Size
8 Wilson Street (also known as 1 O'Brien Street)	Lot 1 DP1189541	Single storey development used for commercial packing solutions uses by 'Sunnyfield Enterprises' accessed off O'Brien Street.	Part SP2 Infrastructure (Railway) and part B4 Mixed Use	1,545m ²
2 Wilson Street	SP52947	4 storey residential flat building fronting Wilson Street with 14 residential dwellings and single basement carpark off Wilson Street.	R4 High Density Residential	2,749m ²
849 Pacific Highway	SP1496	3 storey residential flat building fronting the Pacific Highway with 9 residential dwellings and a ground floor garage parking accessed off the Pacific Highway.	R4 High Density Residential	
853 Pacific Highway	SP60178	3 storey residential flat building fronting the Pacific Highway with 6 residential dwellings and ground floor parking accessed off O'Brien Street.	R4 High Density Residential	
859 Pacific Highway	SP10110	4 storey residential flat building fronting O'Brien Street with 8 residential dwellings and under croft parking accessed off O'Brien Street.	R4 High Density Residential	
Total amalgamated lot size				4,294m ²

To the North

Adjoining the site to the north is land zoned SP2 Infrastructure (Classified Road) reserved for road widening (**Figure 3**) to the Pacific Highway and does not form part of the planning proposal.

To the north of the site across Wilson Street is a site known as 871-877 Pacific Highway, Chatswood currently containing commercial development of 1 to 2 storeys. This site has been approved to be rezoned from B5 Business Development to B4 Mixed Use, achieve a maximum height of buildings of 90m and a maximum FSR of 6:1. The changes to the planning controls on this site will facilitate a podium supporting 4,294m² commercial floorspace with a 24 storey single tower above with 86 residential dwellings.

To the East

To the east of the site is the North Shore rail corridor zoned SP2 Infrastructure (Railway). Beyond the rail corridor is a site known as 54-56 Anderson Street, Chatswood currently containing a 2 storey and a 3 storey residential flat building (RFB).

A planning proposal was notified on 25 June 2022 to rezone the site from R4 High Density Residential to B4 Mixed Use, achieve a maximum height of buildings of part 90m and part 53m and a maximum FSR of 5:1. The changes to the planning controls on this site will facilitate a 2-3 storey podium supporting 1773m² of commercial floorspace with a part 12 storey and part 24 storey tower above with 114 residential dwellings.

To the South

To the south, in Railway Street, is the existing mixed use 25 storey elliptical 'Altura' building containing 137 residential apartments and further south is the near identical 32 storey 'Epica' building containing 221 residential apartments.

To the south-east across the intersection of O'Brien Street and Railway Street is the site known as 845 Pacific Highway, Chatswood. This site contains a 7 Storey commercial building and a carwash.

This site has been the subject of a planning proposal to increase the maximum height of buildings from 60m to RL246.8, increase the maximum FSR from 5:1 to 22.7:1 to facilitate a commercial building supporting 39,937m² GFA of commercial floorspace and 477.06m². However, the planning proposal was not supported by Council as it was not consistent with the relevant key elements of the Chatswood CBD Strategy.

To the West

To the west across the Pacific Highway is a mix of residential development ranging in scale from single storey detached dwellings to eight storey residential flat buildings. This land is not identified for change under the Chatswood CBD Strategy.

1.5 Mapping

It should be noted that the Willoughby LGA transitioned to digital mapping. This replaced the hardcopy PDFs with all maps now available on the NSW Planning Portal. Any draft mapping for pending amendments to the LEP will be available on the NSW Spatial Viewer.

Under the Willoughby LEP 2012 the site is subject to the following current mapping provisions as outlined in **Table 3**:

- R4 High Density Residential, SP2 Infrastructure (Railway) and B4 Mixed Use (**Figure 7**):
 - For the R4 High Density Residential zone:
 - maximum HOB of 24m (**Figure 9**);
 - FSR of 1.5:1 (**Figure 11**);

- For the SP2 Infrastructure (Railway) zone;
 - no maximum HOB or FSR applicable (**Figures 9 and 11**); and
- For the B4 Mixed Use zone;
 - no maximum HOB or FSR applicable (**Figures 9 and 11**)

The planning proposal includes mapping showing the proposed changes to the Willoughby LEP 2012 maps, which are suitable for community consultation (**Figures 8, 10, 12 and 14 and Attachments A13**).

However, the proposed mapping will require to be consistent with Council's resolution (**Attachment B4**) and proposed changes to the LEP (**Attachment B5**) and Gateway conditions will be included to update or provide a:

- Special Provisions Area map (**Attachment A13d**) to indicate the site will be subject to:
 - clause 6.8 Affordable housing and identify the site as 'Area 9' and remove reference to 'Area 3';
 - clause 6.23 Design excellence at certain sites at Willoughby and identify the site as 'Area 12'; and
 - clause 6.25 Shop top housing at certain sites at Chatswood (to require a minimum 1:1 non-residential FSR).
- Lot Size Map to indicate a minimum lot size of 4,000m²; and
- Active Street Frontages Map to include O'Brien Street, Pacific Highway and Wilson Street.

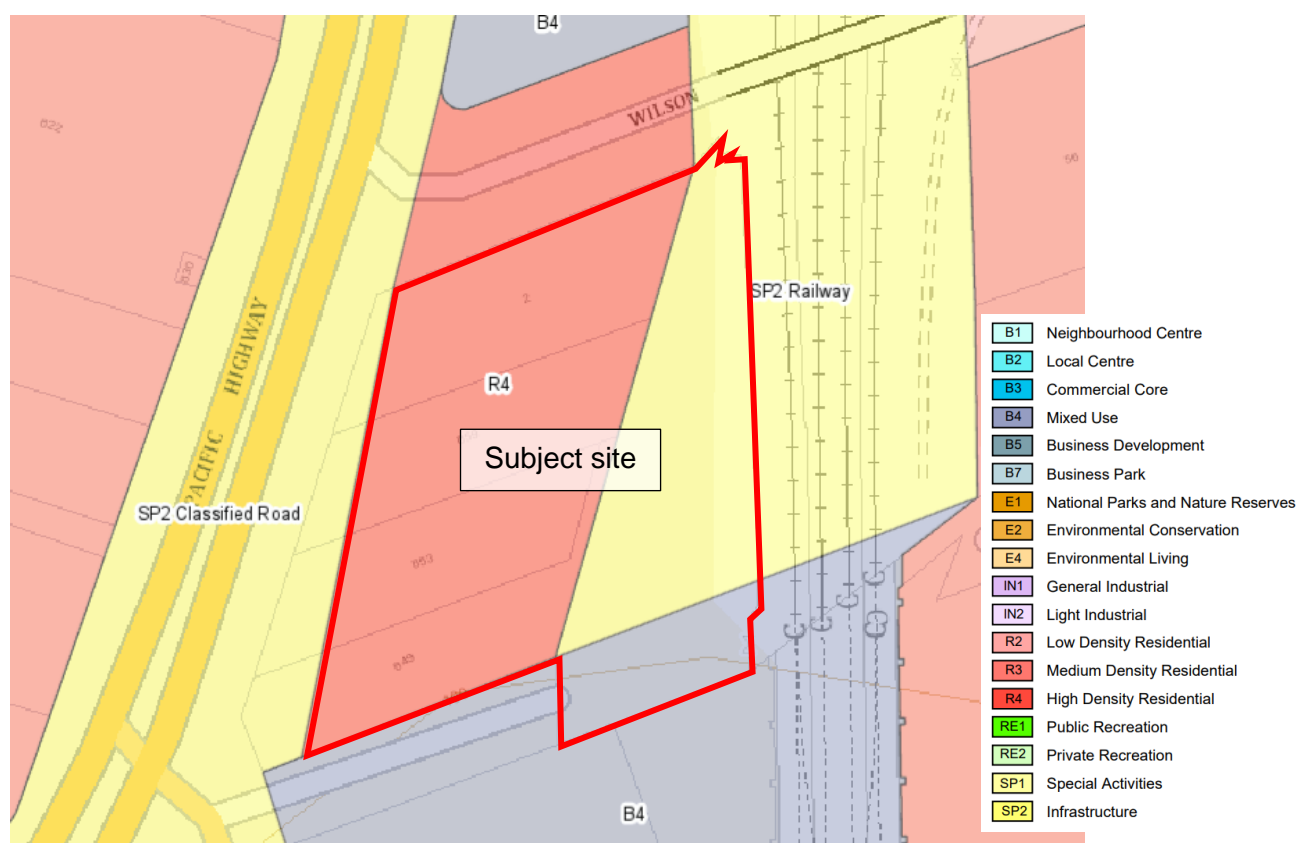


Figure 7: Current zoning map (source: Planning Portal, overlay by the Department)

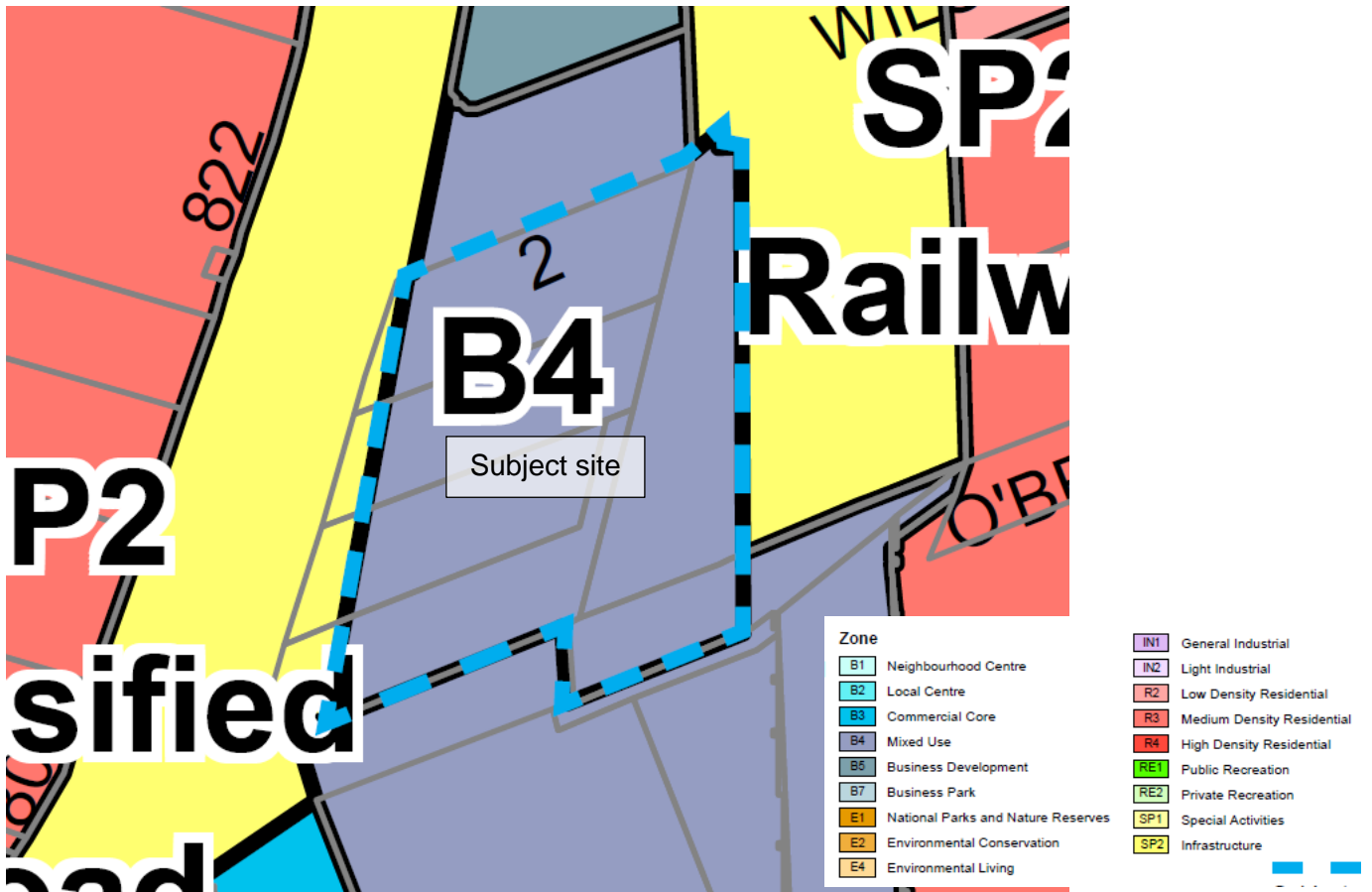


Figure 8: Proposed zoning map (source: Gyde)

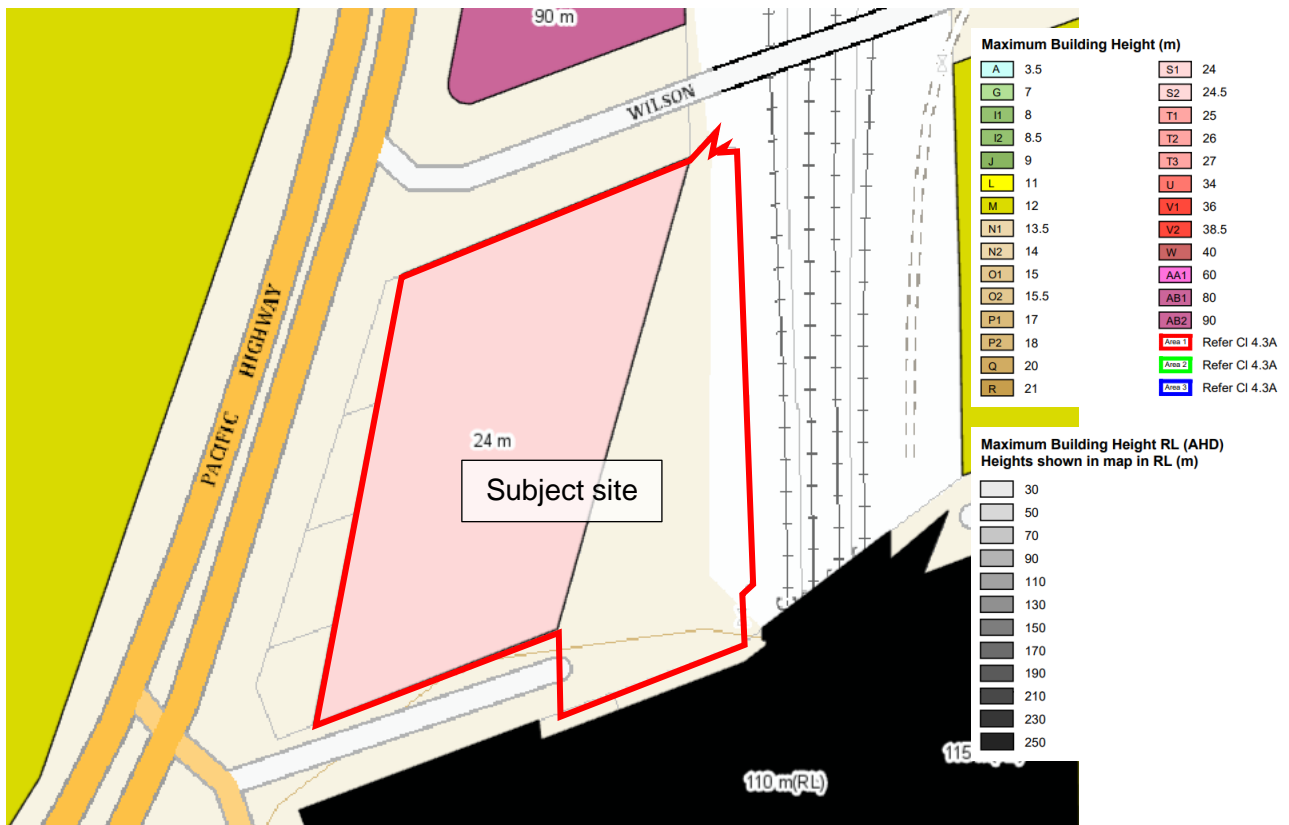


Figure 9: Current height of building map (source: Planning Portal, overlay by the Department)

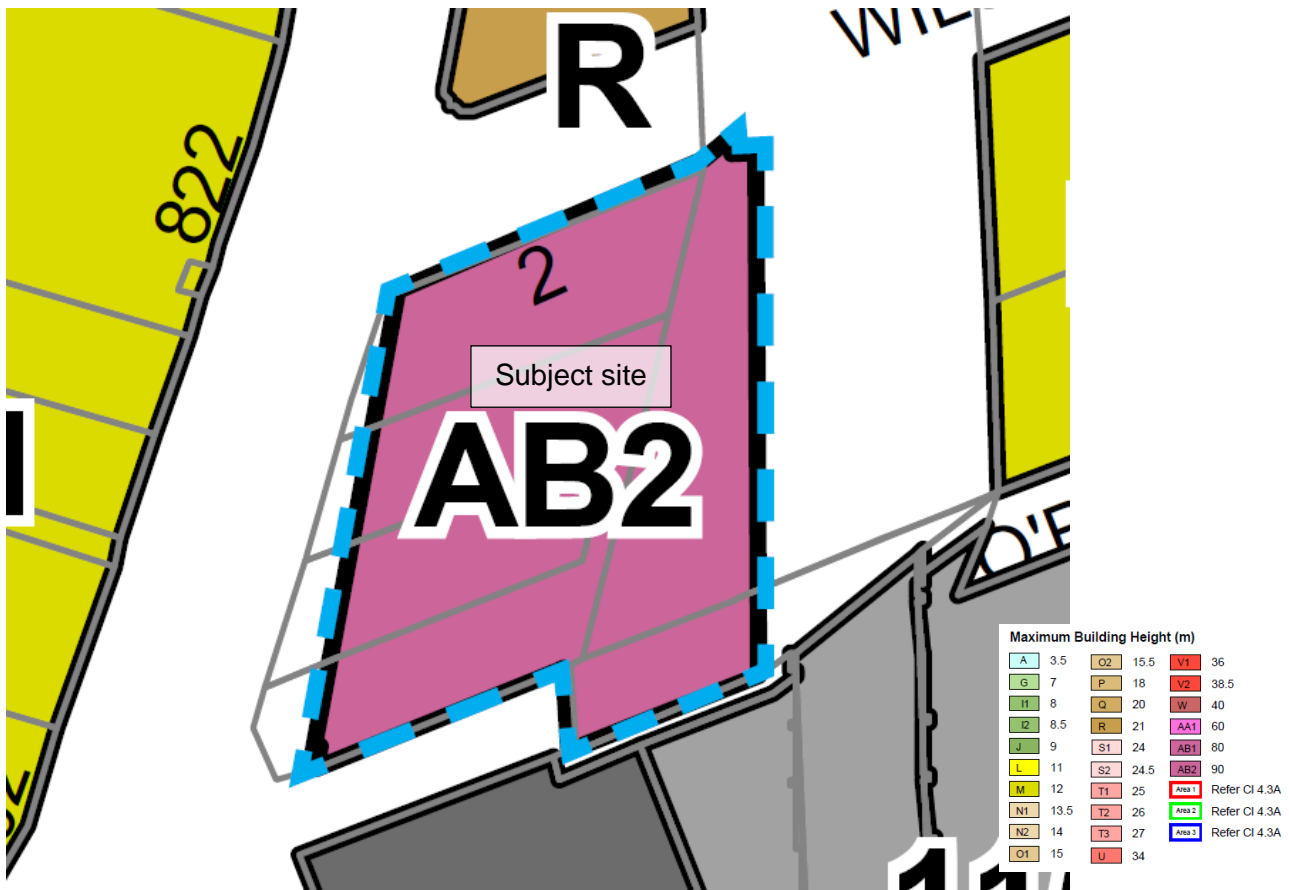


Figure 10: Proposed height of building map (source: Gyde)

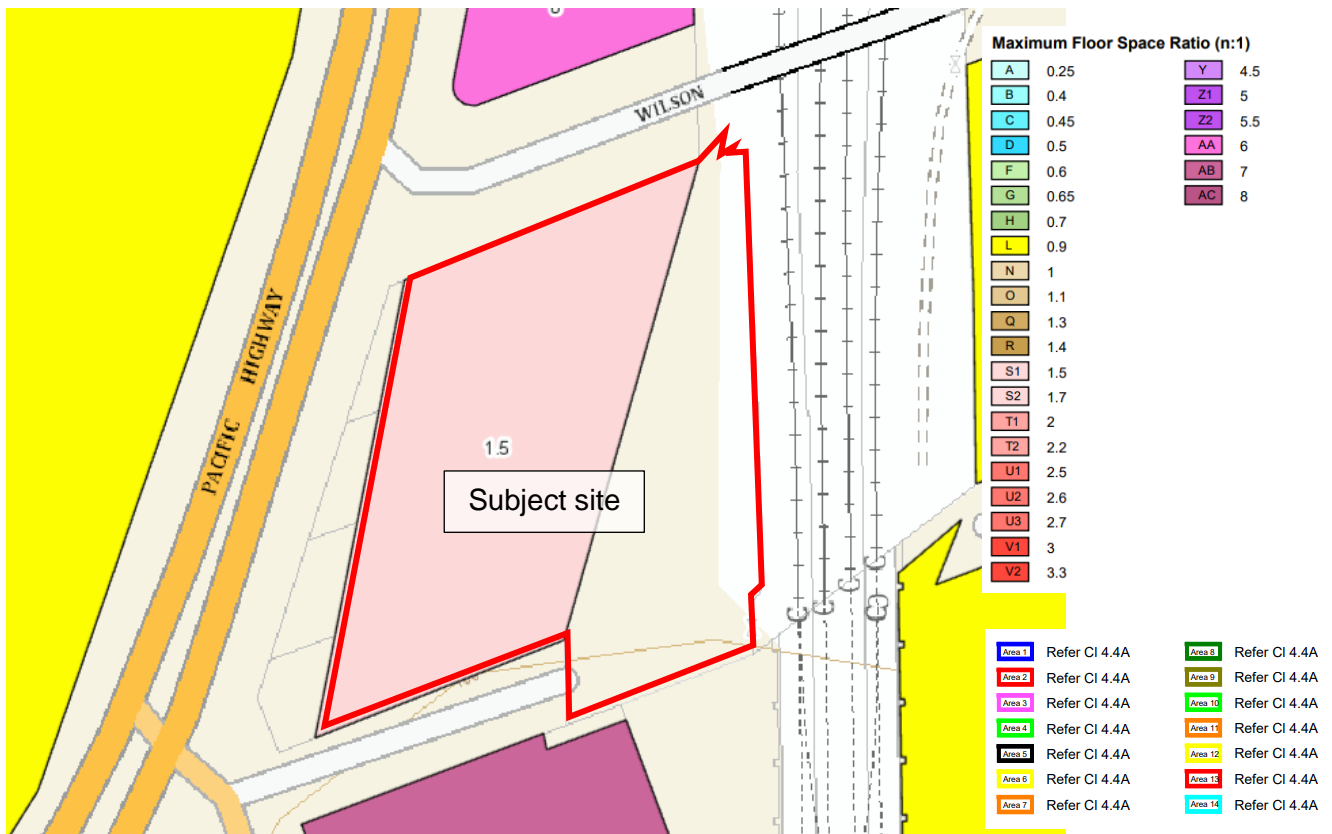


Figure 11: Current floor space ratio map (source: Planning Portal, overlay by the Department)

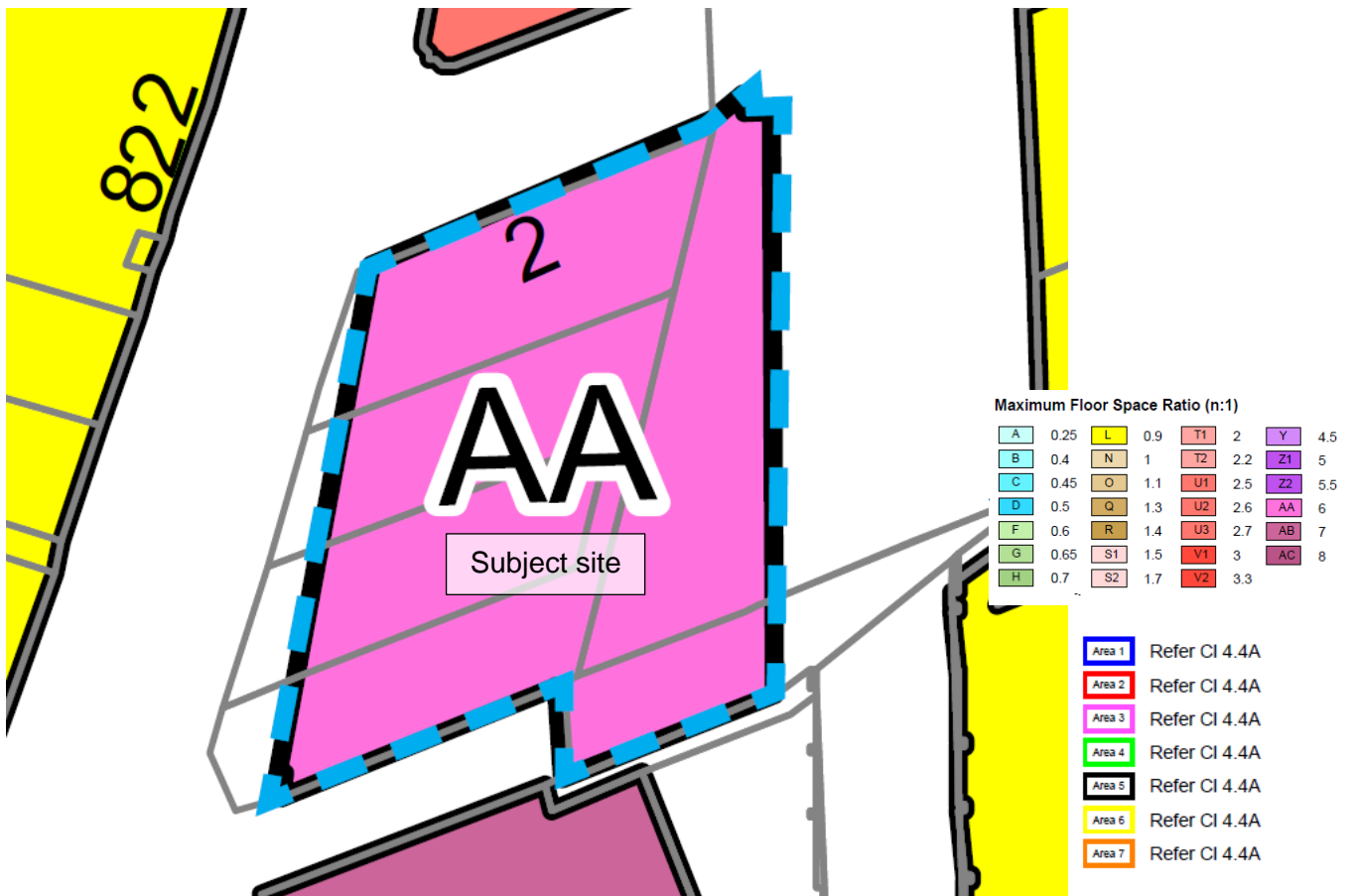


Figure 12: Proposed FSR map (source: Gyde)

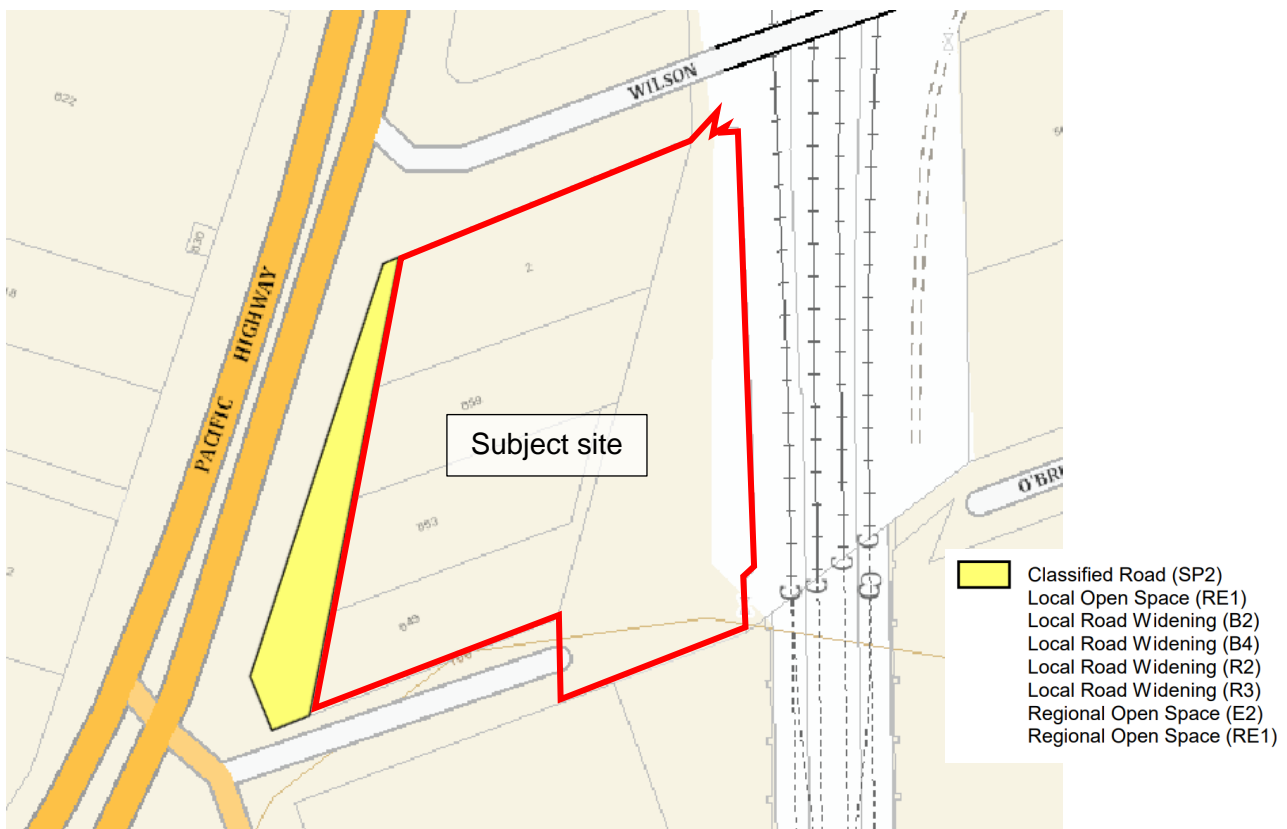


Figure 13: Current Land Reservation Acquisition Map – no change proposed (source: Planning Portal, overlay by the Department)

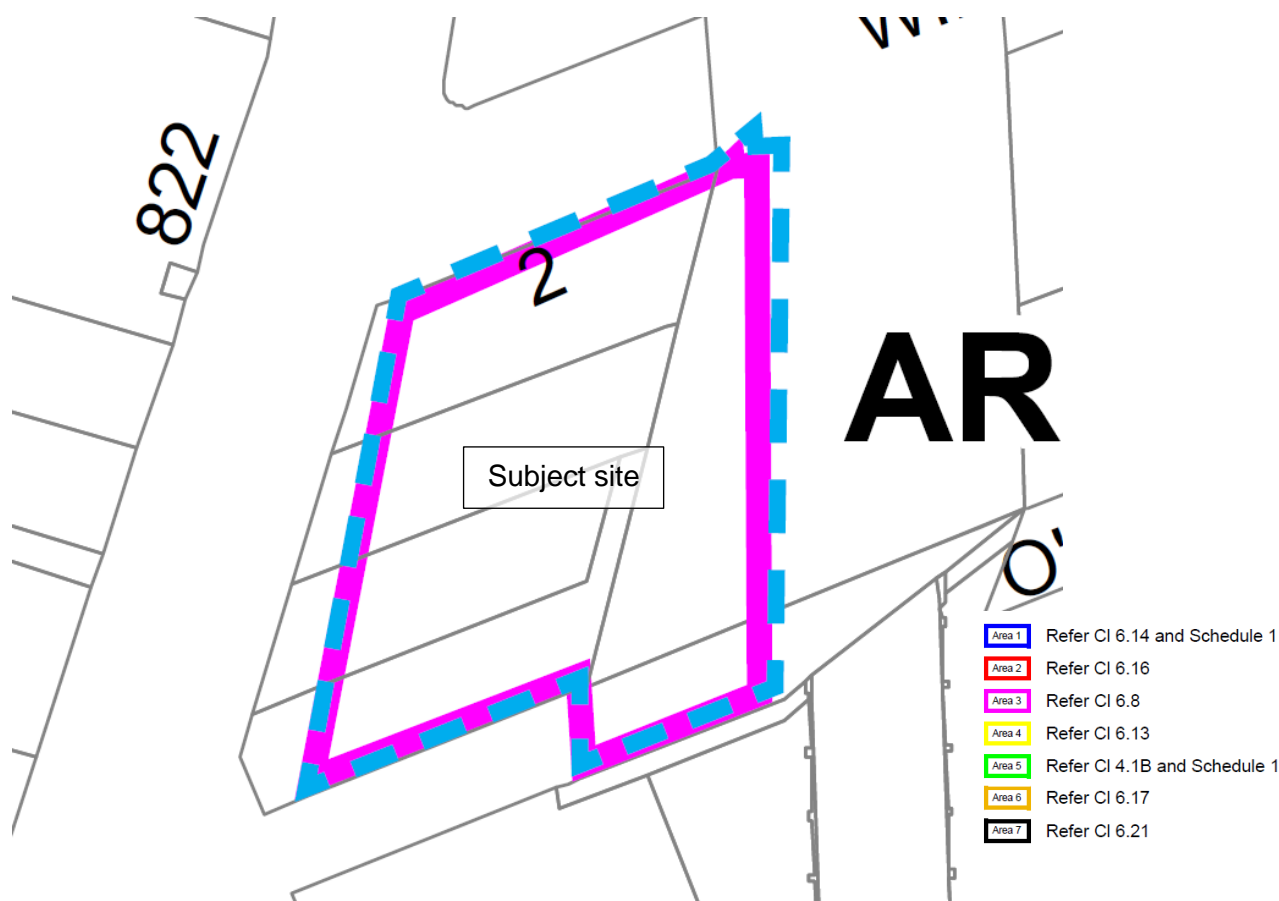


Figure 14: Proposed Special Provisions Area (SPA) map (source: Gyde)

1.6 Background

The proposal is within the expanded Chatswood CBD boundary, identified in the Chatswood CBD Strategy 2036 endorsed by Council on 26 June 2017 and the Department on 9 July 2020 (**Figure 2** and **Attachment F**).

The Chatswood CBD Strategy is discussed further in section 3.3 of this report, in Council's Detailed Assessment (**Attachment B2**) and an assessment by the Department in (**Attachment E**).

The background to the planning proposal is summarised in **Table 5**.

Table 5 Background of previous planning proposal on the site

Date	Comment
November 2020	<p>Planning Proposal for 849,853 & 859 Pacific Highway and 2 Wilson St Chatswood was lodged with Council.</p> <p>In the planning proposal, the applicant considered the FSR of 6:1 to apply to the whole site including the SP2 Infrastructure (Classified Road) land.</p> <p>Council stated that the land dedicated for acquisition should not be included and therefore the FSR in the B4 Mixed Use zone is 7.05:1 which is inconsistent with the Chatswood CBD Strategy.</p>
17 March 2021	Rezoning Review request submitted.

Date	Comment
29 September 2021	<p>Sydney North Planning Panel (SNPP) did not support the planning proposal (Attachment D).</p> <p>The SNPP considered the inclusion of the SP2 Infrastructure (Classified Road) land reserved for road widening to the Pacific Highway to the west of the site in the calculation of the FSR for the site was a departure from current planning controls in the LEP.</p> <p>In their determination, the SNPP suggested that the applicant should work with Council to progress a planning proposal for the amalgamated site.</p>
2 November 2021	<p>TAHE advises that the land at 8 Wilson Street is surplus to their requirements. Council's documents indicate that an easement applies to 8 Wilson Street and is to remain with the site (Attachment B8).</p>
27 May 2022	<p>Letter from TAHE requesting that the land be removed from the proposed minimum Lot Size map requiring 4,000m². This is requested because should the agreement between the parties may not proceed, the surplus land may result a development that is unfeasible.</p>

2 Need for the planning proposal

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

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

The draft Comprehensive LEP amendment proposes to rezone all land within the Chatswood CBD area to implement the Chatswood CBD Strategy. Public exhibition of the Comprehensive LEP and the draft DCP is underway until 7 June 2022.

Changes to the land at 8 Wilson Street, Chatswood was not identified in the Chatswood CBD Strategy for change. It was not known that the land was surplus to TAHE's needs at that time. The inclusion of this land in the planning proposal will avoid the isolation of this land and proposes to rezone the site consistent with adjoining land.

The proposal is the best means of achieving the intended outcomes as the changes as a result of the Comprehensive LEP amendment will not be finalised until at least mid-2023.

The Comprehensive LEP amendment is discussed further in section 3.6.

3 Strategic assessment

3.1 Greater Sydney Region Plan

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

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

The Greater Sydney Region Plan establishes a series of Directions to ensure planning proposals are consistent with the intended vision of Sydney.

Table 6 provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 6 Consistency of the planning proposal against the Greater Sydney Region Plan Directions

Region Plan Direction	Consistency
A City for People	<p>The site is within 350m walking distance of Chatswood interchange with train, Metro and bus services. The proposal will increase the ability to live and work in Chatswood and reduce the reliance on private vehicles.</p> <p>The non-residential uses such as café and specialty shops will activate the ground level increasing amenity and safety.</p>
Housing the City	<p>The concept development will facilitate the provision of high-density residential dwellings with a range of dwelling sizes to meet the needs of the community in an area close to existing infrastructure and services including the Chatswood interchange. The proposal will contribute to achieving the long-term housing supply targets by providing approximately 247 additional residential dwellings which is a significant increase to the existing conditions on the site.</p> <p>An affordable housing component of 4% within the development will also create additional housing options in the Willoughby LGA.</p>
A Well-Connected City	<p>The site is located approximately 350m from the Chatswood transport interchange which has been recently upgraded to now include the Sydney Metro. Chatswood is well-connected to the neighbouring strategic centres of Macquarie Park and St Leonards and Crows Nest.</p> <p>The location of the proposed concept development will maximise the use of public transport assets.</p>
Jobs and Skills for the City	<p>The planning proposal seeks to enable redevelopment to increase residential uses and will provide new commercial and retail floor space and employment.</p> <p>The site is close to existing employment opportunities and existing transport to other strategic centres.</p>
A City in its Landscape	<p>The planning proposal seeks provide landscaping along the North Shore rail corridor and to the street along the Pacific Highway, O'Brien Street and Wilson Street improving pedestrian amenity, safety and local connectivity.</p>

3.2 North District Plan

The site is within the North District and the GCC released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

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

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

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the North District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Table 7 includes an assessment of the planning proposal against relevant directions and actions.

Table 7 District Plan assessment

District Plan Priority	Consistency
N1 Planning for a city supported by infrastructure	The proposal aligns with the forecast growth and will facilitate development within the Chatswood Strategic Centre close to existing services and infrastructure including the Chatswood Interchange.
N4 Fostering healthy, creative, culturally rich and socially connected community	The planning proposal states that it will create a framework to deliver a unique building, that activates the ground floor plane and enhances connectivity from the site to the Chatswood CBD and Chatswood Rail and Metro Interchange.
N5 Providing housing supply, choice and affordability with access to jobs, services and public transport	The proposal will facilitate renewed development to provide high density residential housing adjacent to the commercial core of Chatswood and within walking distance existing public transport to other strategic centres and the Sydney CBD.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>The proposal will provide upgraded and increased residential and commercial/retail floor space. This will include the provision of active street frontages within a strategic centre.</p> <p>The site is on the north side of the expanded Chatswood CBD and will not overshadow any key public open spaces. The slender tower form will minimise bulk and is consistent with the future desire character of the Chatswood CBD fringe.</p>
N10 Growing investment, business opportunities and jobs in strategic centres	<p>The proposal will provide 4,294m² of new commercial/retail floorspace, contributing to employment targets in the LGA.</p> <p>The rezoning to B4 Mixed Use will provide increase residential dwellings while protecting employment land in the commercial core.</p>
N12 Delivering integrated land use and transport planning and a 30-minute city	The site is within 350m walking distance of the Chatswood Interchange creating efficient access to employment, services and community facilities.

District Plan Priority	Consistency
	The site is located adjacent to bus services along the Pacific Highway south to Chatswood Interchange and north to locations such as Macquarie University.
N20 Delivering high quality open space	A 4m setback is proposed to the Pacific Highway with a deep soil area at the intersection of O'Brien Street and the Pacific Highway. (This excludes the land zoned SP2 Infrastructure (Classified Road) reserved for the purposes of road widening along the Pacific Highway).

3.3 Willoughby Local Strategic Planning Statement

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

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

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

An assessment of the concept development against the priorities in the LSPS provided in **Table 8**.

Table 8 Consistency of the planning proposal against the LSPS priorities

District Plan Priority	Consistency
Priority 1 - Increasing housing diversity to cater to families, the aging population, diverse household types and key workers	<p>The site is within 'Focus area 2' in the B4 Mixed Use area surrounding the B3 Commercial Core with the potential yield up to 5000 dwellings with amended planning controls.</p> <p>The proposal can facilitate approximately 247 new residential dwellings with one two and three bedroom options and will include 4% of the yield of affordable housing. This will support a growing population and cater to the changing needs of the community.</p>
Priority 3 - Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features	<p>The site is within 350m of the Chatswood interchange, encouraging active transport and reduction on the reliance in private vehicles.</p> <p>Increased landscaping and setbacks will increase pedestrian and cycling amenity and connections to transport, employment and services.</p>

District Plan Priority	Consistency
Priority 6 – Planning for local centre which are vibrant places that meet the everyday needs of the population	<p>The proposal will provide upgraded and increased residential and commercial/retail floor space contributing to the vibrancy of Chatswood. It will provide increased residential accommodation options close to the commercial core for those who want to live and work locally.</p> <p>Non-residential uses at ground level will enhance the streetscape and public domain and active the area by day and night for future residents as well as those from the wider community.</p>
Priority 9 – Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor	<p>The proposal will provide residential accommodation surrounding the commercial core, aligning with the Chatswood CBD Strategy which aims to protect the employment land within the Chatswood CBD.</p> <p>The proposed changes to the development controls will enable high-density residential in the B4 Mixed Use zone on Chatswood CBD fringe with easy access to existing employment, services and transport options.</p>

3.4 Willoughby Local Housing Strategy

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

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

Of relevance to the subject proposal, is that the site falls within the expanded Chatswood CBD Strategy area (**Figure 2**) and this mixed use area is expected to deliver the majority of Council's future dwelling capacity.

The proposal is consistent with Council's finalised LHS as it supports the delivery of the key elements of the Chatswood CBD Strategy and provides approximately 247 additional residential dwellings.

3.5 Chatswood CBD Strategy

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

The strategy includes a series of 'key elements' to guide the assessment of planning proposals and development against the intention and goals of the strategy. The planning proposal is considered to be consistent with the relevant key elements.

It should be noted that the land zoned SP2 Infrastructure (Railway) to the east was not identified in the Chatswood CBD Strategy for change (**Figure 15**) as at the time it was not identified as surplus to the needs of TAHE. Council's assessment report notes that as it is the intention of TAHE to divest itself of Lot 1 DP 1189541, it is considered reasonable and appropriate to zone the land the adjacent zone under the CBD Strategy being B4 Mixed Use and this is consistent with the small portion of the lot already zoned B4 Mixed Use. The proposed height and FSR are also considered appropriate to adopt the adjacent height and FSR controls under the Strategy of 90m and 6:1.

Attachment B2 contains Council detailed assessment and consistency with the Strategy and **Attachment F** includes the Department's assessment of the proposal's consistency with the key elements.

The land to the east, at 8 Wilson Street, has a total land size of approximately 1,545m². This site meets the minimum lot size of 1,200m² for a mixed use development as recommended in the Chatswood CBD Planning and Urban Design Strategy 2036 (**Attachment F4**).

Council's resolution of 26 April 2022 (**Attachment B4**) included an amendment to the Lot Size Map to require a minimum lot size of 4,000m² for the entire amalgamated site.

On 27 May 2022, TAHE wrote to the Department requesting that this minimum lot size be removed from the proposed Lot Size Map. There is concern that if negotiations for an amalgamated site do not proceed, the TAHE will be left undevelopable and isolated if the entire amalgamated site is identified on the minimum Lot Size Map requiring 4,000m² (**Attachment G**).

It is noted that the amalgamated site has a total area of approximately 4,294 m² consisting of 2749m² for the land at 849, 853 and 859 and 2 Wilson Street, Chatswood and 1,545 m² for the Transport Asset Holdings Enterprises' (TAHE) land at 8 Wilson Street, Chatswood. Both sites meet the minimum lot size of 1,200m² for a mixed use development as recommended in the Chatswood CBD Planning and Urban Design Strategy 2036.

However, it is council's view that the amalgamated site should have a minimum lot size of 4,000m² as required by Council's resolution. Council has consistently applied the minimum lot size presented in the planning proposals even if they are above 1200m². Council seeks larger amalgamated sites to satisfactorily address the 35 Key elements of the Strategy, as they are concerned that smaller isolated sites may be constrained and this could lead to future variations. Council can consider this issue further following exhibition.

3.6 Draft Comprehensive Willoughby LEP Review

The draft Comprehensive Willoughby LEP was issued a Gateway determination on 24 December 2021 and commenced exhibition on 15 March 2022. The draft LEP was exhibited for 3 months until 17 June 2022.

The draft LEP is a review of the current LEP controls and seeks to implement local strategic planning studies including the Chatswood CBD Strategy.

Regarding the site at 849, 853 and 859 Pacific Highway and 2 Wilson Street, the draft Comprehensive LEP provides the following controls:

- rezone the site from R4 to B4;
- increase the HOB from 24m to 90m; and
- increase the FSR from 1.5:1 to 6:1.

The land determined to be surplus to TAHE needs at 8 Wilson Street was not identified for change and remained zoned part SP2 Infrastructure and part B4 Mixed Use with no HOB or FSR applicable (**Figure 15**).

A condition will be included in the Gateway to require the planning proposal to be updated to provide discussion on the draft Comprehensive LEP.

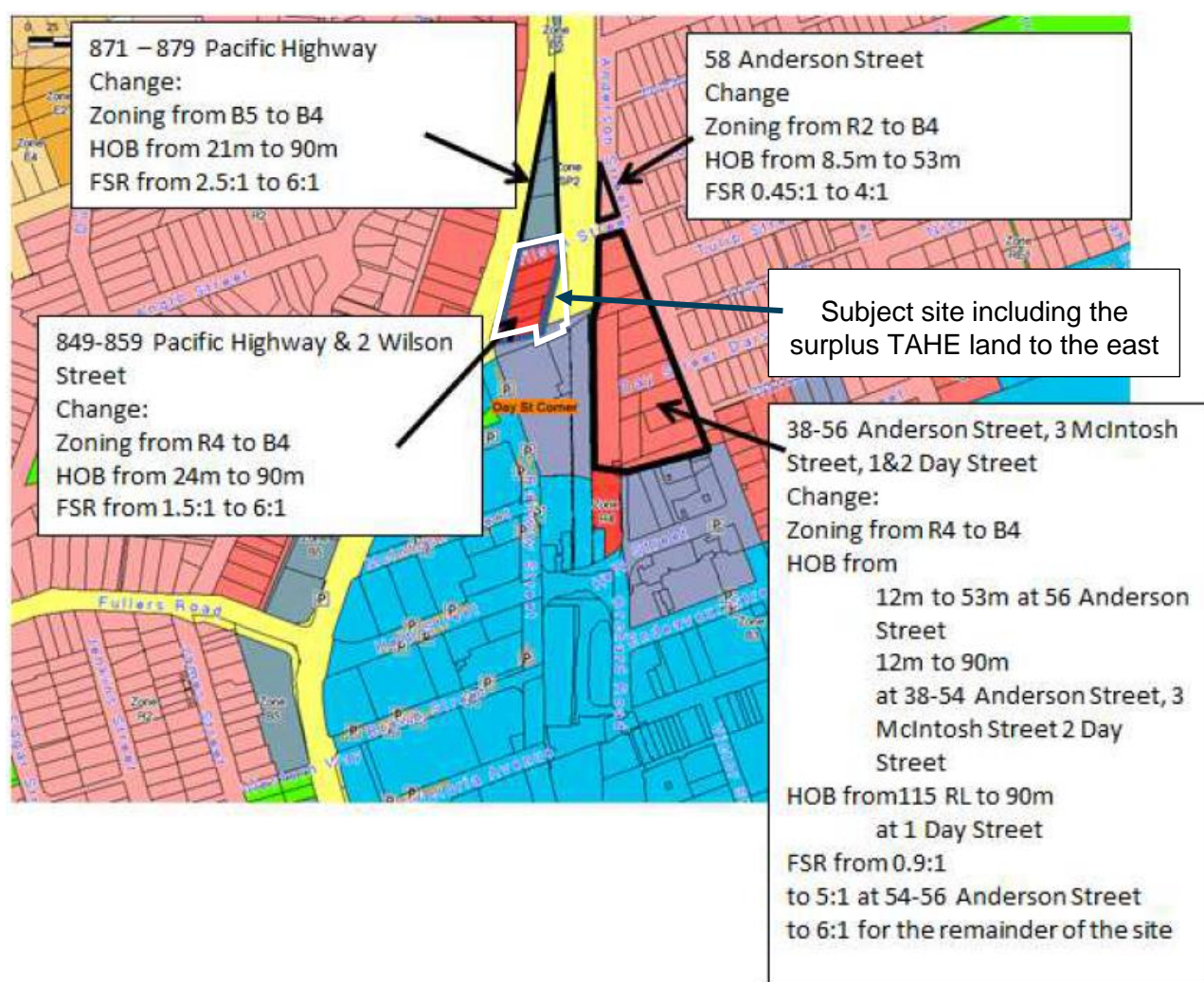


Figure 15: Proposed changes to the site as indicated in the Comprehensive LEP Review (source: Council)

3.7 Local planning panel (LPP) recommendation

The LPP considered the planning proposal at their meeting on 5 April 2022 (**Attachment C**).

The LPP considered a number of issues including:

- the potential relocation of the Sunnyfield facility;
- traffic and the intersection of Railway Street and Pacific Highway;
- the provision of open space; and
- the compliance with the strategic framework.

The LPP supported the recommendations of Council officers (**Attachment B**) and determined that the planning proposal demonstrated strategic and site-specific merit and should be forwarded to the Department for Gateway.

3.8 Section 9.1 Ministerial Directions

On 1 March 2022, the Section 9.1 Ministerial Directions were renumbered and ordered into thematic framework focus areas.

The planning proposal will require updating to refer to the new numbering, remove any revoked Directions and with regard to any updated information contained within the Directions. This will be a condition of the Gateway determination.

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 9**.

Table 9 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Planning Systems – Place Based		
1.1 Implementation of Regional Plans (previously 5.10)	Yes	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, Directions and actions contained in Regional Plans.</p> <p>The planning proposal includes an outline of consistency against the objectives of the Greater Sydney Region Plan.</p> <p>The assessment of the planning proposal is in Table 6.</p>
1.3 Approval and Referral Requirements (previously 6.1)	Yes	<p>The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal does not state any agencies for the referral for comment on the planning proposal.</p> <p>Referral to the appropriate agencies for comment will be a condition of the Gateway determination.</p>
1.4 Site Specific Provisions (previously 6.3)	Yes	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. This includes not imposing any development standards or requirements in addition to those already contained in the principle environmental planning instrument being amended.</p> <p>The proposal intends to introduce site specific provisions in clause 6.8 Affordable housing, clause 6.23 Design excellence at certain sites at Willoughby and 6.25 Shop top housing at certain sites at Chatswood. These provisions are not restrictive and the intention is to amend provisions in the current LEP.</p>
Biodiversity and Conservation		
3.2 Heritage Conservation (previously 2.3)	No	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage and indigenous significance.</p>

		<p>The heritage conservation areas of Chatswood are sufficiently distant from the site.</p> <p>The proposed increase to the planning controls on the site does impact on the North Chatswood HCA from about 2.30pm. Further discussion in the planning proposal will be required to address this.</p>
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Resilience and Hazards

4.1 Flooding (previously 4.3)	Not Applicable	<p>The objective of this Direction is to ensure the proposal corresponds with flood hazards and includes consideration of the potential flood impacts both on and off the site.</p> <p>The site is not identified as flood prone land. However, any future development will need to consider Council's LEP clause 5.21 Flood planning.</p>
4.4 Remediation of Contaminated Land (previously 2.6)	No	<p>This Direction was introduced on 17 April 2020 and aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>A preliminary site investigation (PSI) (Attachment A9) was not submitted with the updated planning proposal. However, a PSI was submitted with the previous planning proposal that was the subject of a rezoning review. The PSI will need to be exhibited with the planning proposal.</p> <p>The planning proposal notes that the overall potential for contamination on the site was low and can be made suitable for the intended residential use.</p> <p>The TAHE owned land to the east at 8 Wilson Street was not included in the original PSI. A site investigation was submitted providing an assessment of the potential contamination on this lot (Attachment A16). The combined Detailed Environmental and Geotechnical Site Investigation, dated March 2021, concluded further investigation and remediation would be required however this could not be fully determined due to the constraints of the existing buildings.</p> <p>Clause 6 of the SEPP 55 has been repealed and now forms part of Ministerial Direction 4.4 Remediation of Contaminated Land. This Direction will be required to be addressed in addition to SEPP (Resilience and Hazards) 2021.</p> <p>The contamination impact is discussed further in section 4.1. The planning proposal will be required</p>

		to be updated to address this direction with regard to the amalgamated site.
4.5 Acid Sulphate Soils (previously 4.1)	Yes	<p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The Geotechnical Study (Attachment A10) submitted with the proposal confirms that the site is in a 'class 5' acid sulphate soil area and not with 500m of any other class. Future development on the site is not likely to cause any environmental damage.</p>

Transport and Infrastructure

5.1 Integrating Land Use and Transport (previously 3.4)	Yes	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport and reducing dependency on private vehicles.</p> <p>The planning proposal intends to increase the planning controls on the site to facilitate 247 new residential dwelling close to existing and proposed public transport.</p> <p>The planning proposal is consistent with this Direction.</p>
5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5)	No	<p>This Direction aims at ensuring the effective and safe operation of airports and to ensure development is not adversely affected by aircraft noise.</p> <p>This Direction has not been addressed in the planning proposal.</p> <p>The maximum height of the planning proposal falls below the Radar Terrain Clearance (RTCC) as prescribed by the PANS-OPS (Procedures for Air Navigation Services, Operations), which varies in Chatswood from 246.8m AHD to 300m AHD.</p> <p>AHD level on this site is approximately 106m. The maximum HOB is proposed to be 90m with the total AHD after construction being approximately 194m well below the limit.</p> <p>However, consultation will be required with the Commonwealth Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC), Sydney Airport Corporation Limited (SACL) and Air Services Australia and is included as a condition of the Gateway determination.</p>

		Further approval of crane activity will be required as part of a future DA and prior to the commencement of construction work.
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Housing

6.1 Residential Zones (previously 3.1)	Yes	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The existing site contains 37 strata plan dwellings. The proposal will rezone the site to B4 Mixed Use to facilitate redevelopment to provide 247 residential dwellings in an urban area located close to existing and proposed services and public transport.</p>
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Industry and Employment

7.1 Business and Industrial Zones (previously 1.1)	No	<p>This Direction refers to retaining areas and locations of existing business and industrial zones and not reducing the total potential floor space area for employment uses in business zones, or for industrial uses in industrial zones.</p> <p>The site is to be rezoned from R4 High Density Residential to B4 Mixed Use. The current development on the site is for residential purposes. The proposed increase to the development standards on the site will facilitate 4,294m² of retail/commercial floorspace with a minimum non-residential FSR of 1:1.</p> <p>The land determined to be surplus to TAHE's needs is currently zoned part SP2 Infrastructure (Railway) and part B4 Mixed Use. The part of the site zoned B4 Mixed Use is being used for employment purposes. The planning proposal does not provide any discussion on the existing employment floorspace and further justification will need to be provided for the inconsistency with this Direction.</p>
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3.9 State environmental planning policies (SEPPs)

On 1 March 2022, the Department consolidated 45 SEPPs and deemed SEPPs into 11 new thematic SEPPs. The 45 SEPPs were consequently repealed. The provisions contained in the repealed SEPPs have been carried over into the new SEPPs as 'chapters'.

The SEPP consolidation does not substantially change the effect of the repealed SEPPs.

However, any redundant or outdated provisions of the repealed SEPPs have not been carried over to the new consolidated SEPPs.

The consistency of the planning proposal with the SEPPs as discussed in **Table 10**.

Table 10 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	On 1 March 2022, 11 SEPPs relating to biodiversity and conservation were consolidated into one SEPP. The consolidated SEPP aims to reserve, conserve and manage NSW's natural environment and heritage.	Yes	<p>The site is within an existing urbanised area of Greater Sydney and not zoned as a conservation area or contain any flora and/or fauna that would require the application of this SEPP.</p> <p>The entire Willoughby LGA is identified as being within the Sydney Harbour Catchment Area. However, the planning proposal is unlikely to have any adverse effect on the water quality of Sydney Harbour or the District's waterways.</p> <p>The proposed changes to the planning controls will not impact on any heritage items or HCAs identified in this SEPP.</p>
SEPP (Resilience and Hazards) 2021	On 1 March 2022, 3 SEPPs relating to resilience and hazards were consolidated into one SEPP. The consolidated SEPP aims to manage risks and build resilience in the face of hazards.	No	<p>The site is not identified as being within coastal use area in the map associated with SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018).</p> <p>The proposed changes to the development controls will facilitate a residential flat building and any hazardous or offensive development is not proposed.</p> <p>A PSI (Attachment A9) submitted with the previous planning proposal indicating that the overall potential for contamination was low and the site is suitable for the intended use.</p> <p>A Combined Detailed Environmental and Geotechnical Site Investigation (Attachment A16) was submitted for the TAHE site at 8 Wilson Street (1 O'Brien Street) noting further investigation is required.</p> <p>Clause 6 of the former SEPP 55 has been transferred to Ministerial Direction 4.4</p>

			<p>Remediation of Contaminated Land (former Ministerial Direction 2.6).</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>
SEPP (Transport and Infrastructure) 2021	On 1 March 2022, 3 SEPPs relating to transport and infrastructure were consolidated into one SEPP. The consolidated SEPP aims to provide well-designed and located transport and infrastructure integrated with land use.	Yes	<p>The planning proposal was accompanied by a Traffic Report (Attachment A8) that indicates that the development will not have a significant impact on the surrounding road network.</p> <p>However, a Gateway condition is proposed to consult with Transport for NSW (TfNSW) (Sydney Trains) as the site is adjacent to the North Shore rail corridor, the State aerial road, the Pacific Highway and reaches the threshold for traffic generation volumes for concurrence with TfNSW.</p> <p>The traffic impact is discussed further in section 4.1.</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>
SEPP (Housing) 2021	On 26 November 2021, 5 SEPPs were consolidated into one SEPP. The consolidated SEPP aims to deliver a sufficient supply of safe, diverse and affordable housing.	Yes	<p>The proposed changes to the development controls on the site will facilitate 247 new residential dwellings with a mix of 1, 2 and 3 bedroom apartments within close proximity to public transport nodes.</p> <p>4% of the total number of dwellings is to be dedicated to Council for the purposes of affordable housing.</p> <p>The planning proposal will require updating to address this SEPP and remove reference to the repealed SEPPs.</p>
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	Yes	<p>Development applications (DAs) for all future residential development will need to comply with the targets established under BASIX.</p> <p>The reference scheme has been designed to comply with any future BASIX compliance. Further consideration of this SEPP can occur at a future DA stage.</p>
SEPP 65 - Design Quality of	The aim of this policy is to improve the design quality	Yes	The proposal states that it is generally consistent with the principles of this SEPP.

Residential Apartment Development	of residential apartment development in NSW.	<p>A revised concept design has been submitted which has regard to the principles of SEPP 65. Any future development application for residential flat buildings, shop top housing or mixed-use development with a residential component will be required to have regard to SEPP 65 and the ADG.</p> <p>The consistency can be further assessed as part of a future DA.</p>
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3.10 Other Environmental Planning Instruments (EPIs)

3.10.1 Standard Instrument - Employment Zones Reform

The Department is currently undertaking a suite of reforms which includes the delivery of a simplified employment zones framework that will support jobs growth and productivity.

A key outcome will be to ensure employment zones provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The existing Business (B) and Industrial (IN) zones are intended to be replaced with five new employment zones and three supporting zones under Standard Instrument Principal Local Environmental Plan (2006) (SI LEP) (**Table 11**). The implementation of the new employment zones is proposed to be finalised mid-2022.

This framework intends to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose;
- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt; and
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

The changes will apply to the site as the land is proposed to be rezoned B4 Mixed Use. It is proposed that B4 Mixed Use zone will be changed to MU1 Mixed Use in the translation of the employment zones.

A condition will be included in the Gateway determination to amend the planning proposal to include information regarding the translation of the B4 Mixed Use zone to the MU1 Mixed Use.

Further information on the proposed changes to the employment zones is available at <https://www.planning.nsw.gov.au/Employment-Zones-Reform>.

Table 11: Proposed changes to the employment zones

Existing zone	Direct translation zone
B1 Neighbourhood Centre	E1 – Local centre
B2 Local Centre	E1 – Local centre

Existing zone	Direct translation zone
B3 Commercial Core	E2 – Commercial centre
B4 Mixed Use	MU1 – Mixed use
B5 Business Development	E3 – Productivity support
B6 Enterprise Corridor	E3 – Productivity support
B7 Business Park	E3 – Productivity support
B8 Metropolitan Centre	Contact the employment zones reform team
IN1 General Industrial	E4 – General Industrial
IN2 Light Industrial	E4 – General Industrial
IN3 Heavy Industrial	E5 – Heavy Industrial
IN4 Working Waterfront	W4 – Working Waterfront

4 Site-specific assessment

4.1 Environmental

The site is within an established urban environment with no known critical habitats, threatened species or ecological communities. The following provides an assessment of the potential environmental impacts associated with the proposal.

Geotechnical Impact

A Geotechnical Study (**Attachment A10**) undertaken by Douglas Partners dated 29 September 2020 was submitted with the planning proposal.

Concurrence will be required with TfNSW as the site is directly adjacent to and within 25m of the North Shore rail corridor zoned SP2 Infrastructure (Railway) and the State aerial Pacific Highway zoned SP2 Infrastructure (Classified Road).

The planning proposal would likely result in a DA where substantial excavation would be required below 2m for the basement parking. The rail corridor retaining walls, North Shore tunnel, rail tracks and Wilson Street bridge footings will require accurate survey and assessment of likely ground movements as a result of the future construction.

The planning proposal would also likely result in a DA where substantial excavation would be required at least 3m below ground level adjacent to the State aerial road, the Pacific Highway.

Any proposed development would need to comply with the requirements of SEPP (Transport and Infrastructure) 2021.

Traffic Transport and Parking Impact

An updated Traffic Impact Assessment (TIA) (**Attachment A8**) dated 27 April 2022 was conducted by Stantec and submitted with the amended planning proposal. The assessment was undertaken

on a proposal with 27 levels incorporating 4,294m² of commercial/retail GFA at the podium levels and 247 residential apartments above. Parking is provided for 260 cars in 4 basement levels and up to one 8.8m medium rigid vehicles (MRV) for deliveries and removalists with access from O'Brien Street.

The TIA notes that the Chatswood CBD Strategy emphasises Travel Demand Management for the future of the Chatswood CBD to reduce the adverse impacts of increased density.

The site is adjacent to the Pacific Highway which is classified as a State arterial road. To the north is Wilson Street and to the south is O'Brien Street, classified as local roads. O'Brien Street is a cul-de-sac which provides loading bay access to 'Altura' at 11 Railway Street. All roads have either no parking or restricted parking.

The site is well serviced by transport options being approximately 350m to the north of the Chatswood Interchange with the North Shore and Western Lines and Sydney Metro Northwest services. The Sydney Metro is proposed to be extended with the Sydney Metro City and Southwest providing services to Bankstown due to be completed in 2024.

The Chatswood Interchange functions as a main interchange with at least 20 separate bus routes. Bus services also are adjacent to the site on the Pacific Highway with services south to the interchange and north to localities such as Macquarie University.

Traffic Impact

The TIA acknowledges that due to COVID, traffic conditions are reduced and therefore, historical traffic data for typical volumes in 2019 was utilised from Transport for NSW (TfNSW).

It is estimated that the current conditions on the site at 849-859 Pacific Highway and 2 Wilson Street which consists of 4 RFBs containing 37 apartments generates a maximum 7 vehicle trips in any peak hour. The surplus land TAHE land at 8 Wilson Street, Chatswood would generate minimal peak hour traffic.

With the proposed reduced parking provisions in the concept scheme, it is expected that there would be a net increase of between 44 and 59 vehicle trips in any peak hour (**Table 12**).

The TIA finds that the proposed concept would be an improvement with the existing access arrangements by consolidating 5 existing access driveways to a single point of entry.

The traffic generation as a result of the changes to the planning controls would have a minor impact on the surrounding road network. The TIA states that the proposal can be supported from a traffic and transport perspective.

The planning proposal was referred to Council's Traffic section who raised not objections.

Further consideration of the proposed traffic conditions will be required at the DA stage.

Use	Size	Traffic Generation Rate		Traffic Generation Estimate	
		AM peak hour	PM peak hour	AM peak hour	PM peak hour
Proposed residential apartments	247	0.19 trips per dwelling	0.15 trips per dwelling	47	37
Commercial/retail	4,294m ² GFA 38 spaces	0.49 trips per dwelling	0.33 trips per dwelling	19	13
Total				66	50

Use	Size	Traffic Generation Rate		Traffic Generation Estimate	
		AM peak hour	PM peak hour	AM peak hour	PM peak hour
Existing residential apartments	37	7	7	7	6
Total				59	44

Parking Impact

Due to its location close to accessible public transport, the parking rates are reduced for residential uses in line with the TfNSW rates for high-density development in CBDs. **Table 13** outlines the rates compared to the rates in the current Willoughby DCP.

In addition to the provision of parking, the proposed concept is anticipated to include basement parking for 2 motorbikes and 50 bicycles with end of journey facilities.

The TIA states that a single loading bay for deliveries and removalist is adequate for the proposed concept and small delivery vehicles could utilise short stay parking on the north side of O'Brien Street.

SEPP (Transport and Infrastructure) 2021 specifies that a development with access to a road that connects within 90m to a classified road and contains 75 or more dwellings will require referral to TfNSW. Referral to TfNSW will be a condition of the Gateway determination.

Further assessment of the parking and access requirements can be undertaken as a result of a future detail design stage.

Table 13: Comparison of parking rates and final parking rate applied to the site

Use		Apartment/ Floor Area	WDCP Parking Rates	Number of Spaces	TfNSW Parking Rates in CBDs	Final Proposed Number of Spaces
Residential	1 bedroom	66	1 space per apartment	66	0.4 space per apartment	26
	2 bedrooms	113	1 space per apartment	113	0.7 space per apartment	79
	3 bedrooms	68	1.25 spaces per apartment	85	1.20 spaces per apartment	82
	Visitor	61	1 space per 4 apartments	61	1 space per 7 apartments	35
	Subtotal			325		222
Commercial		4,294m ² GFA 4,085m ² NLA	1 space per 110m ² NLA	38		38

Use	Apartment/ Floor Area	WDCP Parking Rates	Number of Spaces	TfNSW Parking Rates in CBDs	Final Proposed Number of Spaces
Total			363		260

Contamination Impact

Contamination is addressed in the planning proposal but was not accompanied by a PSI. A PSI was submitted with the previous planning proposal that did not include the surplus TAHE land at 8 Wilson Street, Chatswood. This previous PSI was undertaken by Douglas Partners and dated 29 September 2020 (**Attachment A9**).

The PSI stated that the site has been used for residential purposes since at least 1930 and that the potential sources of contamination could be present from demolition of previous buildings and sheds and imported fill to form and level the site. Potential contamination from demolition is likely have been limited to surface soils.

It is recommended that soil sampling be undertaken post-demolition when the soil at the site is more accessible.

The report recommended that prior to demolition a hazardous building materials survey be completed for the site, with a particular focus on the apartment buildings at 849 and 859 Pacific Highway which were constructed in the 1960s.

The report concluded that the site at 849 – 859 Pacific Highway and 2 Wilson Street, Chatswood can be made suitable for the intended proposed development. The contamination report will be required to be exhibited with the planning proposal.

A Combined Detailed Environmental and Geotechnical Site Investigation (**Attachment A16**) was submitted for the surplus TAHE land at 8 Wilson Street (1 O'Brien Street) providing an assessment of the conditions on the site which is adjacent to the North shore rail corridor. The investigation could not assess all of the conditions on the site due to the existing buildings. The report recommends that prior to any development for residential uses which would disturb the existing building footprint further investigation is required. A remediation strategy would be required to remove and assess any risk.

Overshadowing Impact

The Urban Design Report (**Attachment A5**) states that given the location with the rail corridor to the east and three street frontages, there is no significant overshadowing of this site or adjacent sites (**Figures 16 to 18**).

However, the overshadowing does impact on a small section of the North Chatswood HCA to the east of the site between 2pm and 3pm. This will be required to be addressed in the planning proposal (**Figure 19**).

Council's Detailed Assessment (**Attachment B2**) provides an overview of the impact of the overshadowing on the surrounding development:

- 9am – properties to the south-west towards Tower B of the Zenith Centre;
- 10am - properties to the south-west towards Tower A of the Zenith Centre and partially to 11 Railway Street;
- 11am – properties to the south including 11 and part of 9 Railway Street;

- 12pm – properties to the south including 9 and 11 Railway Street;
- 1pm – part of 11 Railway Street's pool and open space over the North Shore rail corridor and 1 Day Street;
- 2pm - 11 Railway Street's pool and open space over the North Shore rail corridor, 1 Day Street, part of 44-52 Anderson Street, part of 38-42 Anderson Street, 3 McIntosh Street and 2 Day Street; and
- 3pm - 11 Railway Street's pool and open space over the North Shore rail corridor, 44-52 Anderson Street, 38-42 Anderson Street, 37, 39 and 43 Anderson Street and 9A Wattle Lane.

Overshadowing does not affect the areas identifies as key public open space in the Chatswood CBD Strategy. Council considers that the overshadowing resulting from the concept scheme is reasonable for a site within the Chatswood CBD.



Figure 16: Shadow diagram 21 June 9am (source: PBD)



Figure 17: Shadow diagram 21 June 12pm (source: PBD)

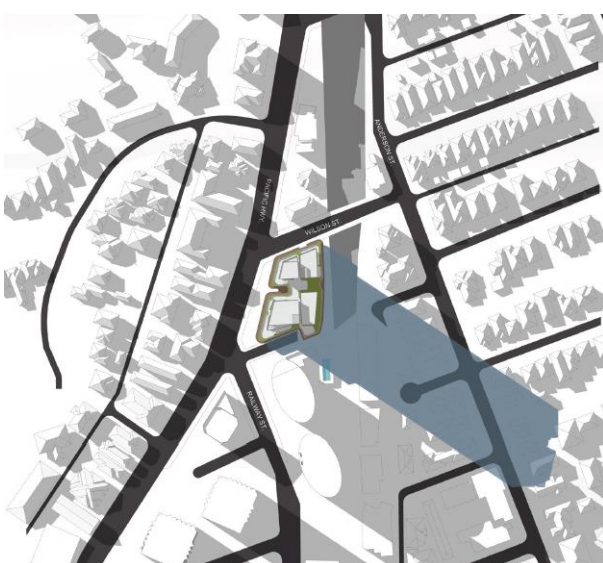


Figure 18: Shadow diagram 21 June 3pm (source: PBD)

- Existing shadows
- Overshadowing as a result of the proposed increase to the development standards

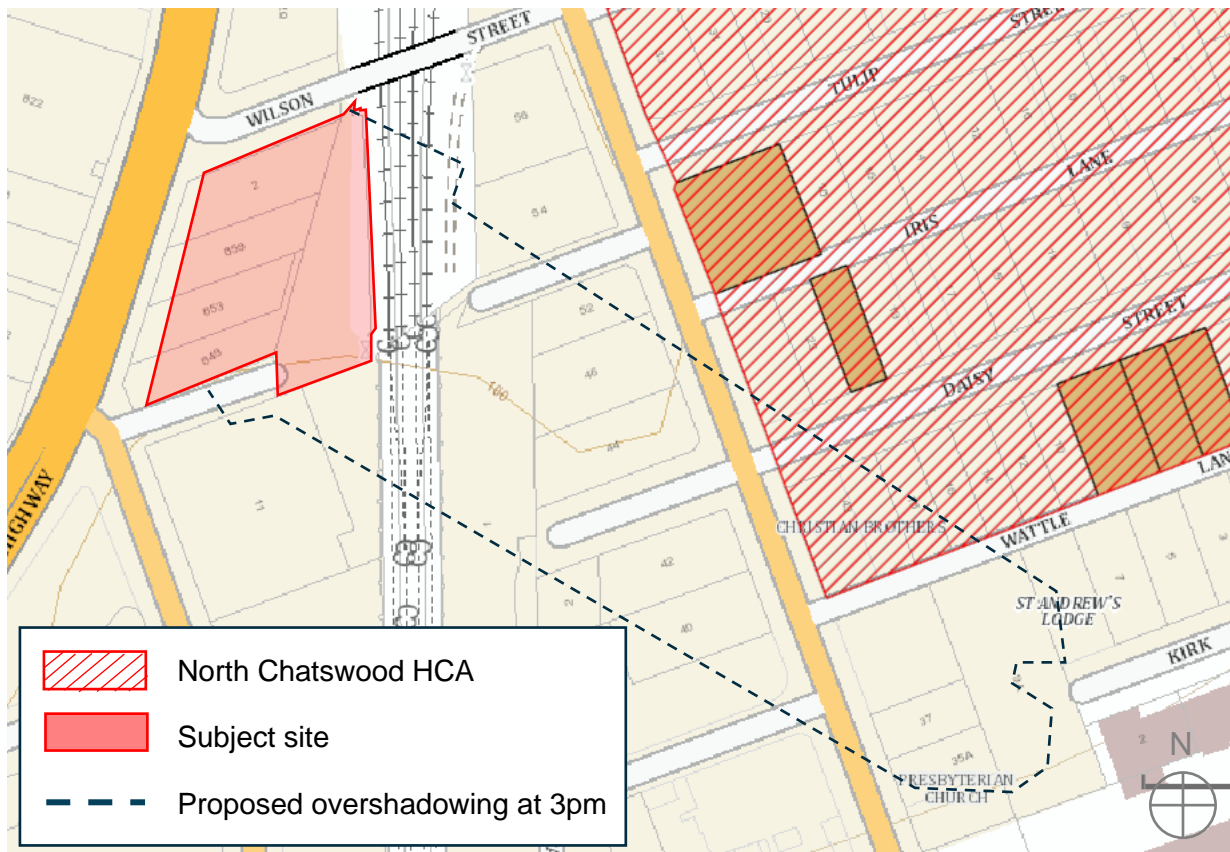


Figure 19: Approximate shadow diagram 21 June 3pm and locality of the North Chatswood HCA (source: NSW Planning Portal, overlay by the Department)

Wind Impact

A Wind Impact Assessment was submitted with the planning proposal undertaken by Vlpac and dated 19 October 2021 (**Attachment A11**). The report assessed on the local wind environment, in and around the site and based on similar situations in Sydney.

The assessment indicated that the proposed development would present some changes to the existing wind conditions. However, these would not exceed the recommended comfort criteria at ground level or on the communal terraces on level 2.

Some apartment balconies from level 22 to 26 would expect elevated wind conditions and should incorporate wind mitigation features such as louvres and education of occupants about the safety of lightweight furniture.

The assessment recommends that a scaled wind tunnel study be undertaken during the detailed design phase to verify predictions and determine any necessary controls.

Acoustic Impact

An Acoustic Assessment was submitted with the planning proposal undertaken by Renzo Tonin and Associates and dated 19 October 2021 (**Attachment A12**). The study examined the effects of external noise intrusion onto the proposed concept scheme from road traffic noise and rail noise.

The report noted that the proposed concept consists of two 27 storey residential towers with ground and first floor podium space and underground parking.

The North Shore rail corridor is approximately 10m from the eastern boundary of the site with the entry to the rail corridor tunnel. The boundary to the west of the site is adjacent to the Pacific Highway.

The report concluded that to achieve a satisfactory environment consistent with the intended quality of the building and relevant standards, the external noise intrusion into any future development could be mitigated with appropriate controls incorporated into the building design.

Further assessment of the acoustic requirements can be undertaken at the detailed design phase.

Built Form and Visual Impact

The concept design indicates that the increase to the planning controls will facilitate a building to reach a maximum height of 90m (27 storeys) consisting of 2 podium levels with 4,294m² of commercial/retail floorspace and 2 residential towers (Tower A – south and Tower B – north) above with a total of 247 residential dwellings (**Figures 20 to 26**).

The concept is consistent with the recommended controls in the Chatswood CBD Strategy.

An Urban Design Report (**Attachment A5**) was submitted with the planning proposal containing an analysis of the urban context, planning objectives and the concept scheme.

The land reserved for road widening to the Pacific Highway is not included in the planning proposal (**Figure 20**). Council's assessment report notes that the rear ground setback to the North Shore Rail line is in accordance with an easement along that boundary benefiting TAHE.

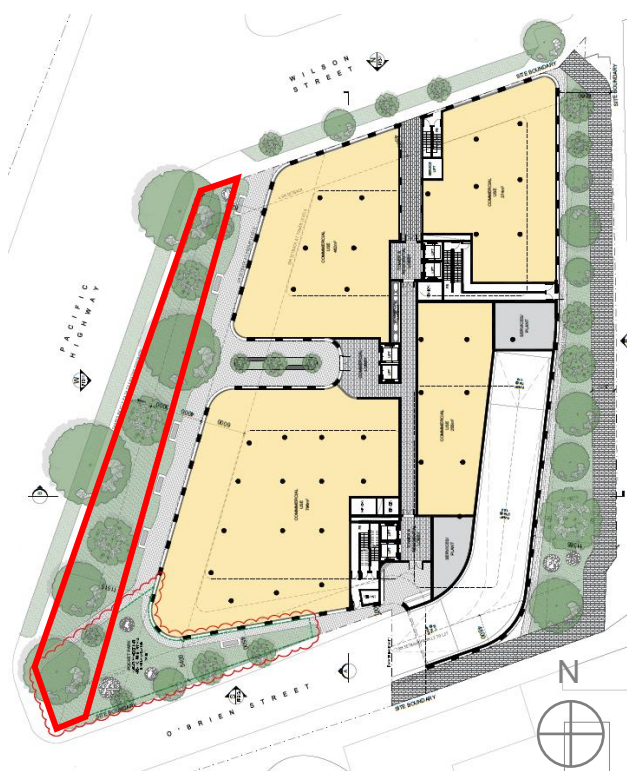


Figure 20: Ground floor plan, the land outlined in red is reserved for road widening and does not form part of the planning proposal (source: PBD, overlay by the Department)



Figure 21: Levels 9-26 with Tower A to the south and Tower B to the north (source: PBD)



Figure 22: North elevation (Wilson Street) (source: PBD)

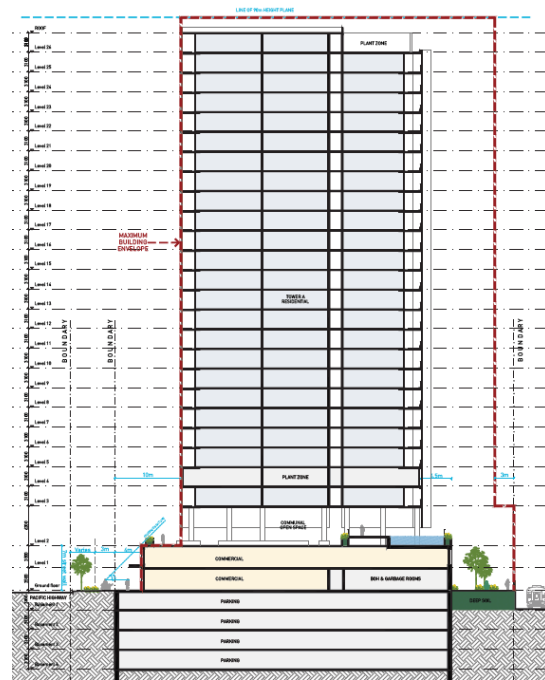


Figure 23: East west section (source: PBD)



Figure 24: West elevation (Pacific Highway) (source: PBD)



Figure 25: Concept scheme looking north along the Pacific Highway (source: PBD)



Figure 26: Concept at ground level along the Pacific Highway (source: PBD)



Figure 27: Indicative Concept plan (source: Gyde planning proposal)

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 13 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The renewal of the site will provide upgrades to the public domain and increase amenity in the area and also contribute to safety and social interaction for residents, workers and visitors. The letter of offer for a VPA (Attachment A3) includes a monetary contribution for public benefits such as the upgrade of footpaths and landscaping.</p> <p>The amended planning proposal will facilitate the renewal of a site in the immediate proximity of existing and proposed public transport at the Chatswood Interchange with connections to other strategic centres and beyond and existing services.</p> <p>The concept shows a concept that can deliver 247 residential apartments comprising of one, two and three bedrooms with communal open spaces within the development. Commercial/retail floorspace at ground level will contribute to the activation of the area.</p> <p>The site is to be included on the Special Provisions Area map to indicate that 4% of GFA is to be dedicated to affordable housing which equates to approximately 10 residential units spread throughout the proposed development.</p>
Economic	<p>The proposal will facilitate 4,294m² of new commercial/retail floorspace. It will contribute to the ability to live and work in the Chatswood CBD in a location close to existing public transport, infrastructure and services.</p> <p>The planning proposal states that the construction of the project will deliver a significant amount of temporary construction jobs. The proposal does not indicate how many jobs will be created as a result of the increase to the planning standards on the site. This will be included as a Gateway condition.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 14 Infrastructure assessment

Infrastructure	Assessment
Public transport	<p>The site is in accessible location well-connected to proposed and existing road and rail infrastructure. The site is well serviced with public transport infrastructure as it is within 350m walking distance of the Chatswood rail and bus interchange. The upgrading of the interchange to accommodate the Sydney Metro has further enhanced Chatswood's status as a strategic centre and key public transport interchange. This will continue to improve when the Metro network is extended to the Sydney CBD and Bankstown, due to open in 2024.</p> <p>No further public transport infrastructure will be required to support the proposed increase in development on the site.</p>

Utilities	<p>The site is within an established urban area.</p> <p>Further assessment of the site can be undertaken as part of a future DA. However, a Gateway condition will be included to refer the planning proposal to the relevant utility providers.</p>
VPA	<p>A letter of offer to enter in to a VPA (Attachment B2) was submitted with the planning proposal. The offer includes a monetary contribution only and will be in addition to any section 7.11, 7.12 and 7.24 contributions and affordable housing contributions.</p> <p>The VPA is generally supported by Council officers and will contribute to public domain improvements including streets and parks.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The planning proposal does not recommend consultation with public authorities. This will be undertaken according to the Gateway determination requirements.

The Department recommends that consultation is to be undertaken with the relevant public agencies and adjoining landowners as per statutory requirements.

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

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

6 Timeframe

The planning proposal does not provide a timeframe for completion. Council proposes a 12 month time frame to complete the LEP by April 2023.

The Department recommends a time frame of 10 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also

includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. As such, from the date of the Gateway determination, the planning proposal must be:

- exhibited within 3 months; and
- reported to Council for a recommendation 7 months.

It is recommended that a 10 month timeframe is appropriate for this planning proposal from the date of the Gateway determination.

The planning proposal will require updating to include a project timeline based on the date of the Gateway determination.

7 Local plan-making authority

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

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the Local Housing Strategy and Local Strategic Planning Statement;
- it is generally consistent with the actions of the North District Plan for Chatswood by facilitating additional residential dwellings and commercial/retail floorspace, maximising public transport patronage and promoting employment growth in an accessible location;
- it is generally consistent with the key elements of the endorsed Chatswood CBD Strategy; and
- the increase in development controls is consistent with the desired character of the Chatswood CBD.

Based on the assessment outlined in this report, the proposal must be updated before community consultation to:

- confirm the number of jobs that will be created as a result of the increase to the planning controls on the entire amalgamated site;
- indicate that the surplus TAHE land at 8 Wilson Street:
 - is zoned part SP2 Infrastructure (Railway) and part B4 Mixed Use and only part of the land will be rezoned;
 - provide discussion on the current land use on this site;
- specify that the SP2 (Classified Road) zoned land along the Pacific Highway boundary does not form part of the proposal.
- include the following mapping:
 - proposed Lot Size map to indicate a minimum lot size of 4,000m² and remove reference for the proposed mapping to require a minimum lot size of 1,200m²;
 - proposed Special Provisions Area map to indicate that the site will be subject to:
 - clause 6.23 Design excellence at certain at Willoughby;
 - clause 6.25 Shop top housing at certain sites at Chatswood; and
 - clause 6.8 Affordable housing 'Area 9';

- proposed Active Street Frontage map to include Wilson Street, Pacific Highway and O'Brien Street;
- refer to the revised numbering of all of the 9.1 Ministerial Directions and include an explanation of consistency against the following:
 - 3.2 Heritage Conservation as the shadow diagrams indicate that the North Chatswood HCA will be impacted from about 2:30pm;
 - 4.4 Remediation of Contaminated Land;
 - 5.3 Development Near Regulated Airports and Defence Airfields and correct the wording of the Direction; and
 - 7.1 Business and Industrial Zones as the surplus TAHE land at 8 Wilson Street is part zoned B4 Mixed Use and the planning proposal will displace a facility utilised for employment purposes;
- refer to the consolidated SEPPs;
- include discussion on site and its relationship to the draft exhibited Comprehensive LEP review;
- include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
 - the amendment or introduction of a local provision; and
 - Schedule 1 Additional Permitted Uses.
- provide a project timeline based on the date of the Gateway determination.

9 Recommendation

It is recommended the delegate of the Minister:

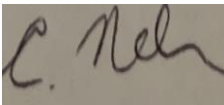
- Note that the consistency with section 9.1 Directions 3.2 Heritage Conservation, 4.4 Remediation of Contaminated Land; 5.3 Development Near Regulated Airports and Defence Airfields and 7.1 Business and Industrial Zones is unresolved and will require justification.

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

1. The planning proposal is to be updated to:
 - (a) confirm the number of jobs as a result of the proposed increase to the planning controls;
 - (b) ensure the planning proposal does not refer to the SP2 Infrastructure (Classified Road) as being part of the planning proposal;
 - (c) indicate that the surplus TAHE land at 8 Wilson Street:
 - is zoned part SP2 Infrastructure (Railway) and part B4 Mixed Use; and
 - provide discussion on the current land uses on this site;
 - (d) provide the proposed:
 - Lot Size Map to indicate a minimum lot size of 4,000m² and remove reference to a lot size of 1,200m²;

- Special Provisions Area Map to indicate that the site will be subject to:
 - clause 6.23 Design excellence at certain at Willoughby;
 - clause 6.25 Shop top housing at certain sites at Chatswood; and
 - clause 6.8 Affordable housing as 'Area 9' and remove reference to 'Area 3' in the submitted SPA extract;
 - Active Street Frontages to show Wilson Street, Pacific Highway and O'Brien Street;
- (e) refer to the revised numbering of all of the 9.1 Ministerial Directions and include an explanation of consistency against the following;
- 3.2 Heritage Conservation as the shadow diagrams indicate that the North Chatswood HCA will be impacted from about 2:30pm;
 - 4.4 Remediation of Contaminated Land for the amalgamated site;
 - 5.3 Development Near Regulated Airports and Defence Airfields and correct the wording of the Direction; and
 - 7.1 Business and Industrial Zones as the surplus TAHE land at 8 Wilson Street is part zoned B4 Mixed Use;
- (f) refer to the consolidated SEPPs and include further discussion in;
- SEPP (Housing) 2021;
 - SEPP (Transport and Infrastructure) 2021;
 - SEPP (Biodiversity and Conservation) 2021; and
 - SEPP (Resilience and Hazards) 2021;
- (g) provide discussion on the relationship of the draft exhibited Comprehensive LEP review and the planning proposal including the surplus TAHE land;
- (h) include an advisory note referencing the Employment Zones Reform Framework and noting the proposed translation of employment zones as it relates to the proposed amendments. Include a table within the planning proposal that clearly demonstrates the information required in the table template for changes within an industrial or business zone for each of the following options:
- the amendment or introduction of a local provision; and
 - Schedule 1 Additional Permitted Uses.
- (i) Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.
- (j) provide a revised project timeline based on the issuing of this Gateway determination.
2. Prior to community consultation, consultation is required with the following public authorities:
- Commonwealth Department of Transport, Infrastructure Regional Development and Communications (DTIRDC).
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2.
4. Consultation is required with the following public authorities:
- Transport for NSW including Sydney Trains;

- Ausgrid;
 - Sydney Water Corporation;
 - Department Education;
 - Department Health – Northern Sydney Local Health District;
 - Sydney Airport Corporation Limited (SACL); and
 - Airservices Australia.
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
 6. The planning proposal should be exhibited **3 months** from the date of the Gateway determination.
 7. The planning proposal should be reported to council for a final recommendation **7 months** from the date of the Gateway determination.
 8. The timeframe for completing the LEP is to be **10 months** from the date of the Gateway determination.
 9. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



13.07.2022

Charlene Nelson
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28 July 2022
Brendan Metcalfe
Director, Metro Central and North District

Assessment officer

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