



Willoughby City Council

ORDINARY COUNCIL

ATTACHMENT BOOKLET 2

12 DECEMBER 2022

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PLANNING & INFRASTRUCTURE DIRECTORATE

12.10 PLANNING PROPOSAL 10 GORDON AVENUE AND 15-19 NELSON STREET, CHATSWOOD

DETAILED ASSESSMENT

The Site

The overall site which is the subject of this Planning Proposal involves:

- 10 Gordon Avenue Chatswood, being SP 85403.
- 15 Nelson Street Chatswood, being SP 89243.
- 17 Nelson Street Chatswood, being SP 76342.
- 19 Nelson Street Chatswood, being Lot 1 DP 1237932.

The site has a total area of 2,542.7m², bounded by 9-11 Nelson Street to the east, Hammond Lane and 613-627 Pacific Highway to the west, Gordon Avenue to the north and Nelson Street to the south. Refer below to **Figure 1 – Location Plan**.

Figure 1 – Location Plan



Existing development on the site is as follows:

- 10 Gordon Avenue comprises a three-storey residential flat building.

- 15 Nelson Street Chatswood comprises a three-storey residential flat building.
- 17 Nelson Street comprises a three-storey residential flat building.
- 19 Nelson Street comprises a single storey dwelling.

Under *Willoughby Local Environmental Plan 2012* (WLEP 2012) the site is zoned R3 Medium Density Residential, with a maximum height of 12m and maximum floor space ratio of 0.9:1.

The Planning Proposal has been lodged by DPG Project 19, DPG Project 21, DPG Project 24 and DPG Project 26.

The Locality

To the west of the site are properties 613-627 Pacific Highway and 629-637 Pacific Highway, both the subject of Planning Proposals responding to the CBD Strategy supported by Council.

To the east of the site is 9-11 Nelson Street which has also been the subject of a Planning Proposal responding to the CBD Strategy supported by Council.

To the north of the site, on the opposite side of Gordon Avenue, is 5-9 Gordon Avenue, which was a Planning Proposal responding to the CBD Strategy, supported by Council and finalised with DPE. Also to the north, a Planning Proposal has been lodged on 641-655A Pacific Highway, currently under assessment.

To the south of the site, is the Sydney Metro Dive site.

Background

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning and Environment (DPE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore Rail Line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

The site has been recommended as a B4 Mixed Use Zone with a maximum height of 90 metres and floor space ratio of 6:1 subject to the satisfaction of other *CBD Strategy* requirements.

Planning Proposal

The Planning Proposal submitted seeks to:

- Change the zoning from R3 Medium Density Residential to B4 Mixed Use
- Increase the maximum height of buildings control from 12m to 90 metres
- Increase the maximum Floor Space Ratio control from 0.9:1 to 6:1
- Apply a minimum non-residential floor space requirement equating to 17% of total assessable GFA on the site.

The proposed amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

Table 1 – Summary of Planning Proposal Amendments

	10 Gordon Avenue, 15 – 19 Nelson Street Chatswood	Compliance
Zoning		
Current WLEP 2012	R3 Medium Density Residential	
Chatswood CBD Strategy	B4 Mixed use	
Proposed in Planning Proposal	B4 Mixed use	Yes
Floor Space Ratio		
Current WLEP 2012	0.9:1	
Chatswood CBD Strategy	6:1	
Proposed in Planning Proposal	6:1	Yes
Height		
Current WLEP 2012	12m	
Chatswood CBD Strategy	90m	
Proposed in Planning Proposal	90m	Yes

Concept plans show the potential redevelopment of the entire site (excluding the SP2 Infrastructure (Classified Road) zoned land fronting the Pacific Highway) as follows:

- Total height of 27 storeys (90m), containing:
 - Podium - 2 storeys retail and commercial
 - One tower - 25 storeys of residential.
- Total FSR of 6:1 (15,000m²), containing:
 - 5:1 residential (12,713m²) including affordable housing
 - 1:1 commercial and retail (2,543m²)
- Total number of residential apartments: 142
- Residential floor plate: 480m² at lower levels, and 460m² from Level 20.
- Ground Level Setbacks
 - Approx. 12m setback to Gordon Avenue (northern boundary).
 - 3m setback to Nelson Street (southern boundary).

- 3m setback to Hammond lane, increasing to 6.4m to boundary with 613-627 Pacific Highway (western boundary).
- Nil setback to 9-11 Nelson Street (eastern boundary).
- Tower setback above Podium
 - 26m setback to Gordon Avenue (northern boundary).
(being a total setback of approx. 38m from Gordon Avenue when including 12m ground level setback).
 - 4m to Nelson Street (southern boundary)
(being a total setback of 7m including the 3m setback at ground).
 - 2.6m to Hammond Lane and boundary with 613-627 Pacific Highway (western boundary)
(being between 5.6m and 9m including the 3m to 6.4m setback at ground).
 - 9m setback to 9-11 Nelson Street (eastern boundary).
(being a total setback of 9m).
- Note: The site is irregular in shape. With particular regard to the eastern boundary, where it steps in at approx. the mid-point, at no point is the tower including balconies closer than 4.5m from any site boundary.

Other Concept plan details:

- The 12m setback to Gordon Avenue (northern boundary) provides for an approx. 180m² publicly accessible pocket park.
- A through site link is provided in regards the setback to Hammond Lane and 613-627 Pacific Highway (between 3m and 6.4m).
- Podium / Level 2 – Proposed as communal open space.
- All vehicle access to site via one driveway on Gordon Avenue, located at 9-11 Nelson Street.
- All loading at lower ground level, with loading vehicles access / egress in a forward direction via a physical solution.
- Approximately 176 car spaces within basement levels, noting that the proposal agrees with the reduced parking rates for developments in the Chatswood CBD.
- Deep soil planting provided in Gordon Avenue setback, Nelson Street setback and 3.4 setback to 613-627 Pacific Highway.

The Concept Plans are at **Attachment 4**. Accompanying the Planning Proposal are Draft *Development Control Plan* provisions (Refer to **Attachment 5**).

In regards vehicle access, the proponent has requested a two stage solution:

“with interim access via Hammond Lane in case there are major delays to the development of 9-11 Nelson. The intention is for the interim Hammond Lane access to be discontinued and substituted with a retail frontage thereafter, and the access located on 9-11 Nelson Street to be utilised.”

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement Letter of Offer as follows:

- Payment of a monetary contribution comprising the CIC payable under Council’s Planning Agreements Policy.

Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the Strategy dated September 2020, listed 1 to 35, with comments provided.

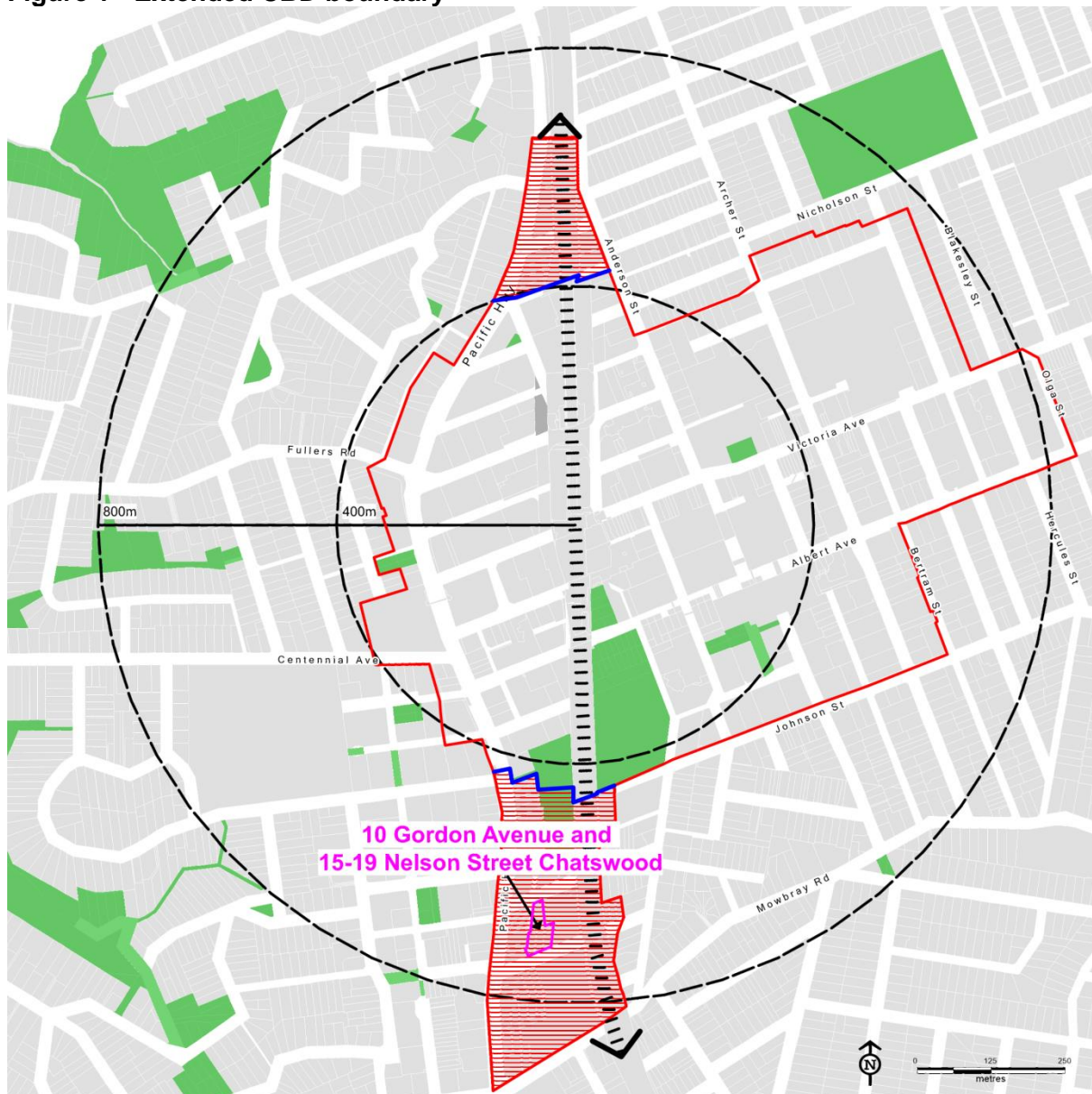
CBD Boundary

Key Element 1. The Chatswood CBD boundary is expanded to the north and south as per Figure 1 to accommodate future growth of the centre.

Comment

The subject site is located within the expanded Chatswood CBD boundary proposed in the CBD Strategy, as shown below in **Figure 1 - Extended CBD boundary**.

Figure 1 - Extended CBD boundary



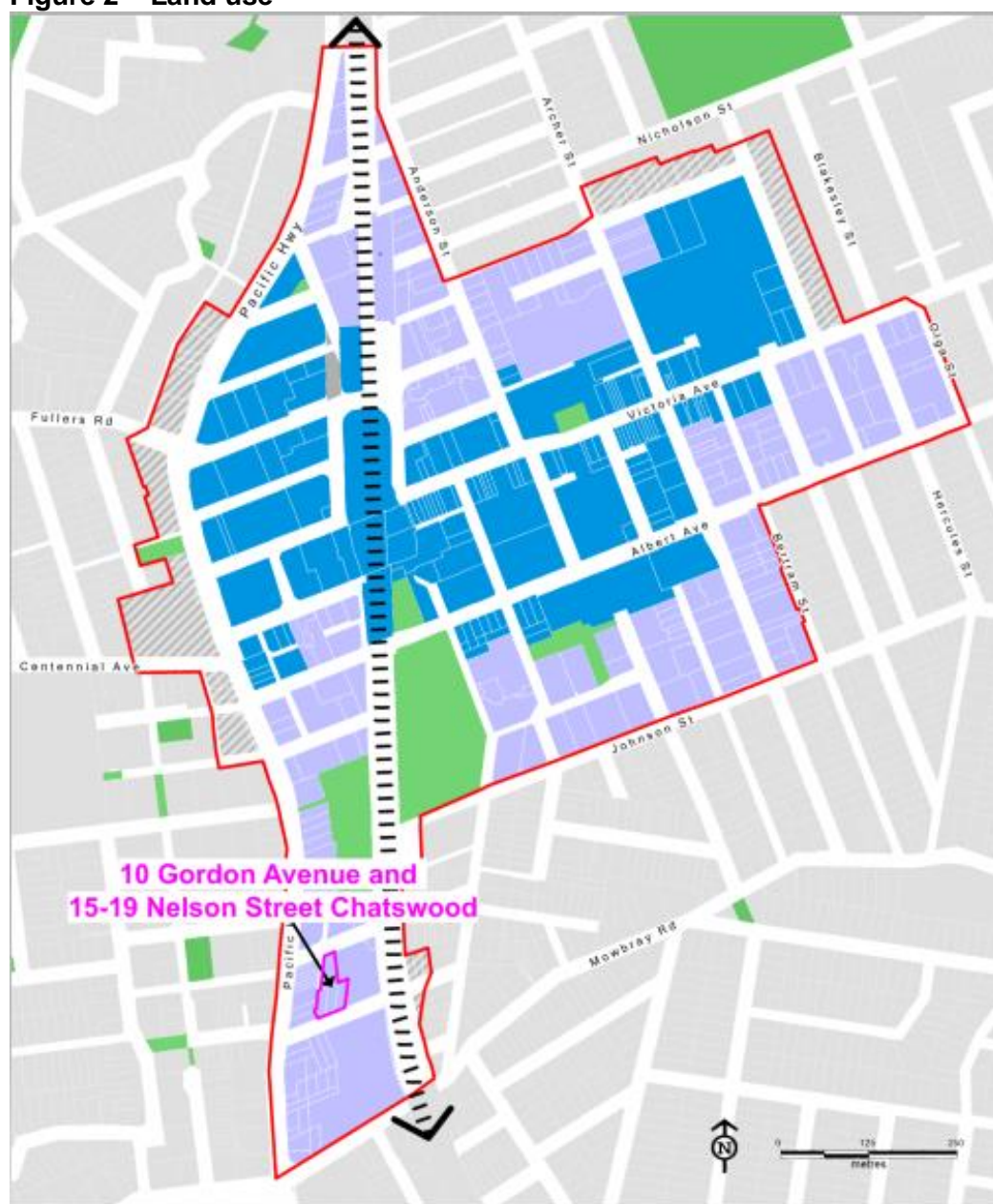
Land Use

- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 2, to:
- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
 - (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

The subject site is located in that part of the Chatswood CBD identified as Mixed Use, meaning part commercial and part residential. Refer below to **Figure 2 – Land use**.

Figure 2 – Land use





The proponent has proposed the zoning for the site be changed from R3 Medium Density Residential to B4 Mixed Use which is consistent with the CBD Strategy.

The concept plans propose a Mixed Use development, with retail on the lower ground and ground floors, and commercial development on level 1 (1:1), with residential on level 2 and above (5:1).

Regarding land use, the Planning Proposal is considered consistent with the CBD Strategy.

Key Element 3. The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Key Element 4. Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.

Comment

This Key Element is not applicable to the Planning Proposal as the site is not located within the B3 Commercial Core zone.

Planning Agreements to fund public domain

Key Element 5. Planning Agreements will be negotiated to fund public domain improvements.

Comment

The proponent has put forward a Letter of Offer in regards a voluntary planning agreement that is generally supported by Council officers. Further discussed below.

Key Element 6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- a) Apply to residential uses.**
- b) Apply to commercial uses above 10:1 FSR.**
- c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).**
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.**

Comment

The Planning Proposal is accompanied by a Letter of Offer involving payment of a monetary contribution comprising the CIC payable under Council's Planning Agreements Policy.

Separate to the VPA, affordable housing and Section 7.12 contributions are proposed.

Key Element 7. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.

Comment

The draft DCP provisions state that *"Public Art is to be provided in accordance with Council's Public Art Policy."*

The intention of a public art contribution is that it is subject to a Council policy where that money is to be spent. This does not prevent a proponent addressing public art on-site separately to Council.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments based on the following process:
a) A Design Review Panel for developments up to 35m high.
b) Competitive designs for developments over 35m high.

Comment

Consistent

The Planning Proposal involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence under existing WLEP 2012 Clause 6.23 Design Excellence at certain sites. In this regard the subject site is to be included on the Special Provisions Area Map.

Key Element 9. Achievement of design excellence will include achievement of higher building sustainability standards.

Comment

Consistent

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected. This is acknowledged by the proponent.

The proposed Development Control Plan provisions include a requirement that a minimum 5 star GBCA building rating is expected. An assessment report is to be submitted at Development Application Stage.

Higher building sustainability standards will be assessed to ensure the Key Element is satisfied at development application stage.

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

Comment

With regard to Key Element 10, it is considered that the Planning Proposal is consistent with the CBD Strategy and will be further considered at design excellence stage.

Floor Space Ratio (FSR)

Key Element 11. Figure 3 shows the existing FSR controls under WLEP 2012.

Comment

The subject site is in a location with a maximum floor space ratio of 0.9:1 (relating to the R3 Medium Density Residential land) as shown below in **Figure 3 – Existing FSR under WLEP 2012**.

The Planning Proposal seeks to increase this to 6:1, which is discussed below in Key Element 12.

Figure 3 – Existing FSR under WLEP 2012





Key Element 12. Minimum site area of:

- a) 1800sqm for commercial development in the B3 Commercial Core zone.
- b) 1200sqm for mixed use development in the B4 Mixed Use zone.

to achieve maximum FSR as indicated in Figure 4.

Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

Comment

The subject site is 2,542.7m² and is above the minimum site area of 1200m² for mixed development involving residential land use.

In response to the subject Planning Proposal and the amalgamated site involved, it is proposed to introduce a site specific lot size requirement of 2,500m² on the Lot Size Map.

Key Element 13. The FSRs in Figure 4 should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:

- a) No maximum FSR for commercial development in the B3 zone.
- b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
- c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on satisfactorily addressing:

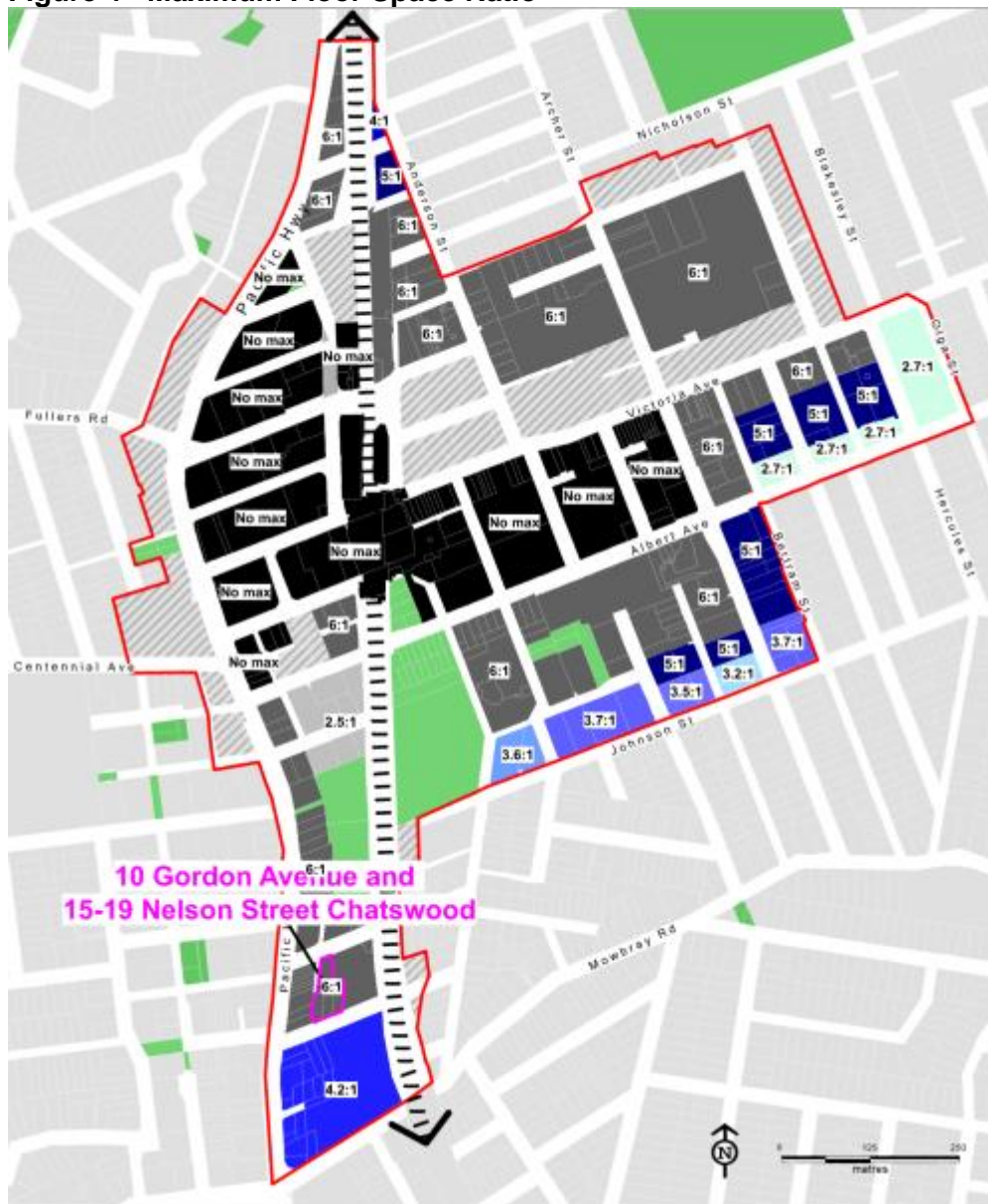
- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

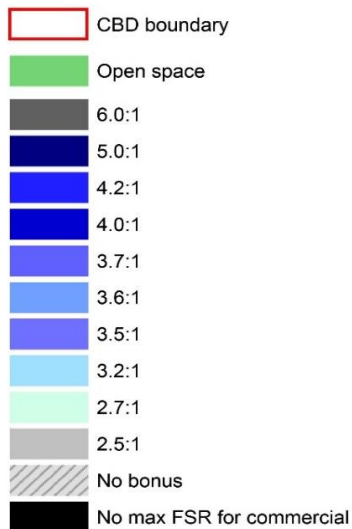
Comment
Consistent.

The subject site is in a general location with an FSR of 6:1, as shown below in **Figure 4 - Maximum Floor Space Ratio**.

The Planning Proposal proposes a maximum FSR of 6:1, which includes affordable housing, and is therefore consistent with the CBD Strategy.

Figure 4 - Maximum Floor Space Ratio





Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

Comment
Consistent.

The floor space ratio of 6:1 proposed in the Planning Proposal includes affordable housing, to be provided in accordance with Council's DCP requirements.

To achieve the above in regards implementation under WLEP 2012, the site is to be included on the Specials Provisions Area Map.

Key Element 15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.

The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

Comment
Consistent.

The proponent has indicated that a commercial component of 1:1 will be provided, and has shown this in the concept plans provided.

Clause 6.25 of WLEP 2012 states in regards shop top housing at certain sites in Chatswood:

"Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes."

It is proposed to add the subject Planning Proposal site to the list of applicable sites within Chatswood.

Built Form

- Key Element 16.** In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:
- a) 2000sqm GFA for office (to achieve this maximum a large site would be required).
 - b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment
Consistent.

The tower above the podium shown in the Concept Plans contain a floor plate Gross Floor Area of:

- From level 2 to Level 19: 480m²
- From Level 20 to Level 26: 460m²

This is below the identified Gross Floor Area maximum of 700m².

- Key Element 17.** In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised.

Setbacks are considered an important part of achieving slender tower forms.

Comment
Consistent.

The dimensions of the residential towers shown in the Concept Plans are considered generally consistent with the slender tower objective and an appropriate response to the site.

It should be noted that setbacks consistent with, and in some cases greater than, CBD Strategy requirements have been provided.

Consistency with the CBD Strategy setback requirements has assisted in satisfying the slender tower objective. Setbacks are discussed below.

Building articulation and appropriate architectural design responses will be further explored at design excellence stage.

- Key Element 18.** If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding

lifts and services.

Comment

Two towers are not proposed in the concept plans. One tower is proposed.

Sun Access to Key Public Spaces

- Key Element 19.** **The sun access protection in Figure 5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of:**
- a) **Victoria Avenue (between interchange and Archer St) 12pm - 2pm.**
 - b) **Concourse Open Space 12pm - 2pm.**
 - c) **Garden of Remembrance 12pm - 2pm.**
 - d) **Tennis and croquet club 12pm - 2pm.**
 - e) **Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park).**

 - f) **In addition, Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.**

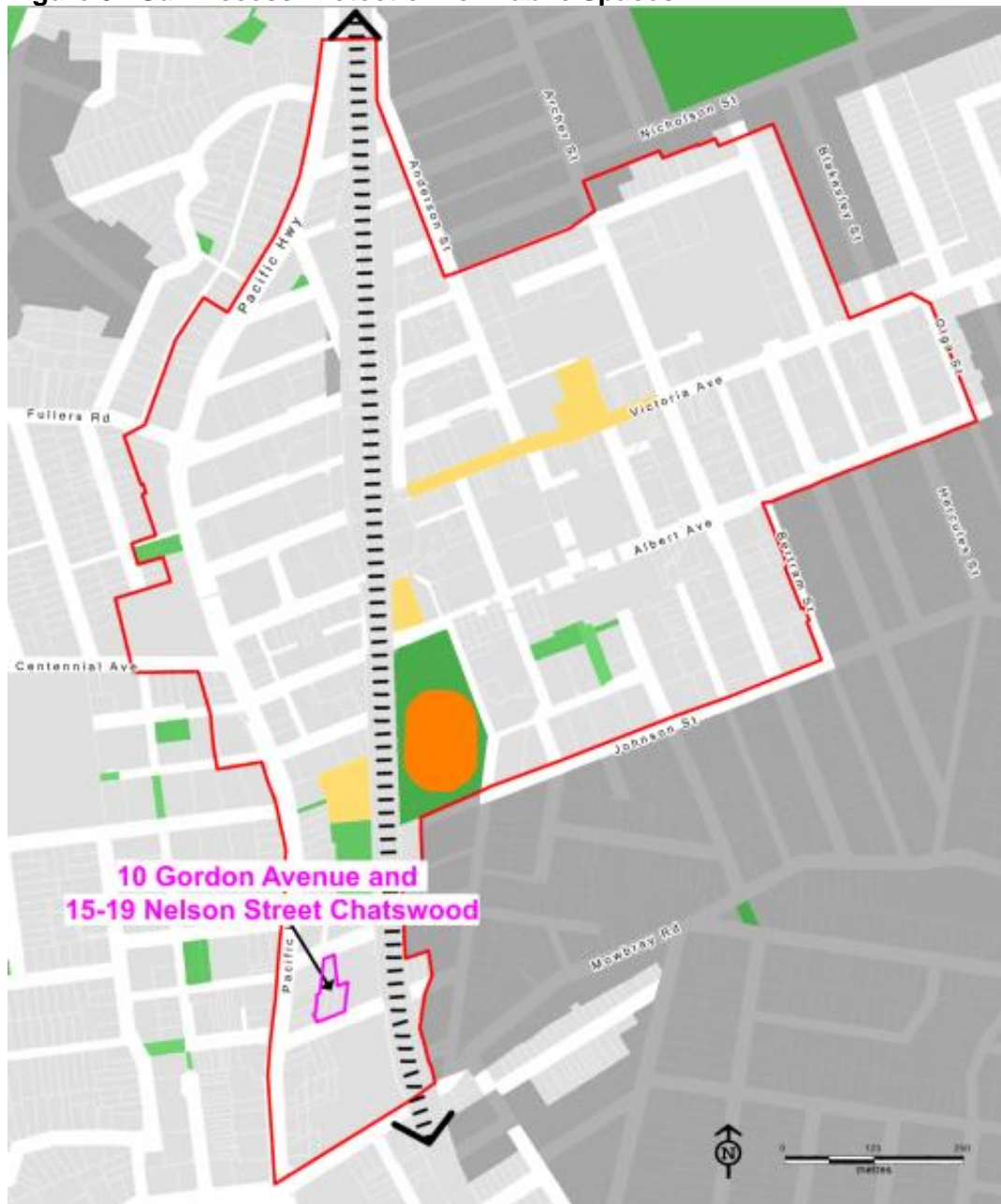
Comment

Consistent.

The subject site is located in the southern section of the Chatswood CBD, south of any public open space areas identified within the Chatswood CBD as requiring sun access protection, as shown below in **Figure 5 - Sun Access Protection**. It is outside of the area where additional height control is required to ensure sun access to the specified open space areas, as shown in **Figure 6 – Height**.

Overshadowing and the South Chatswood Conservation Area is discussed below under Solar Access.

Figure 5 - Sun Access Protection for Public Spaces



- CBD boundary
- Open space
- LEP control - no additional overshadowing 12.00am-2pm mid-winter
- LEP control - no additional overshadowing 11am-2pm mid-winter
- Conservation areas - WLEP2012 (North Chatswood, South Chatswood)

Building Heights

Key Element 20. Maximum height of buildings in the CBD will be based on Figure 6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:

- a) Sun access protection.

Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

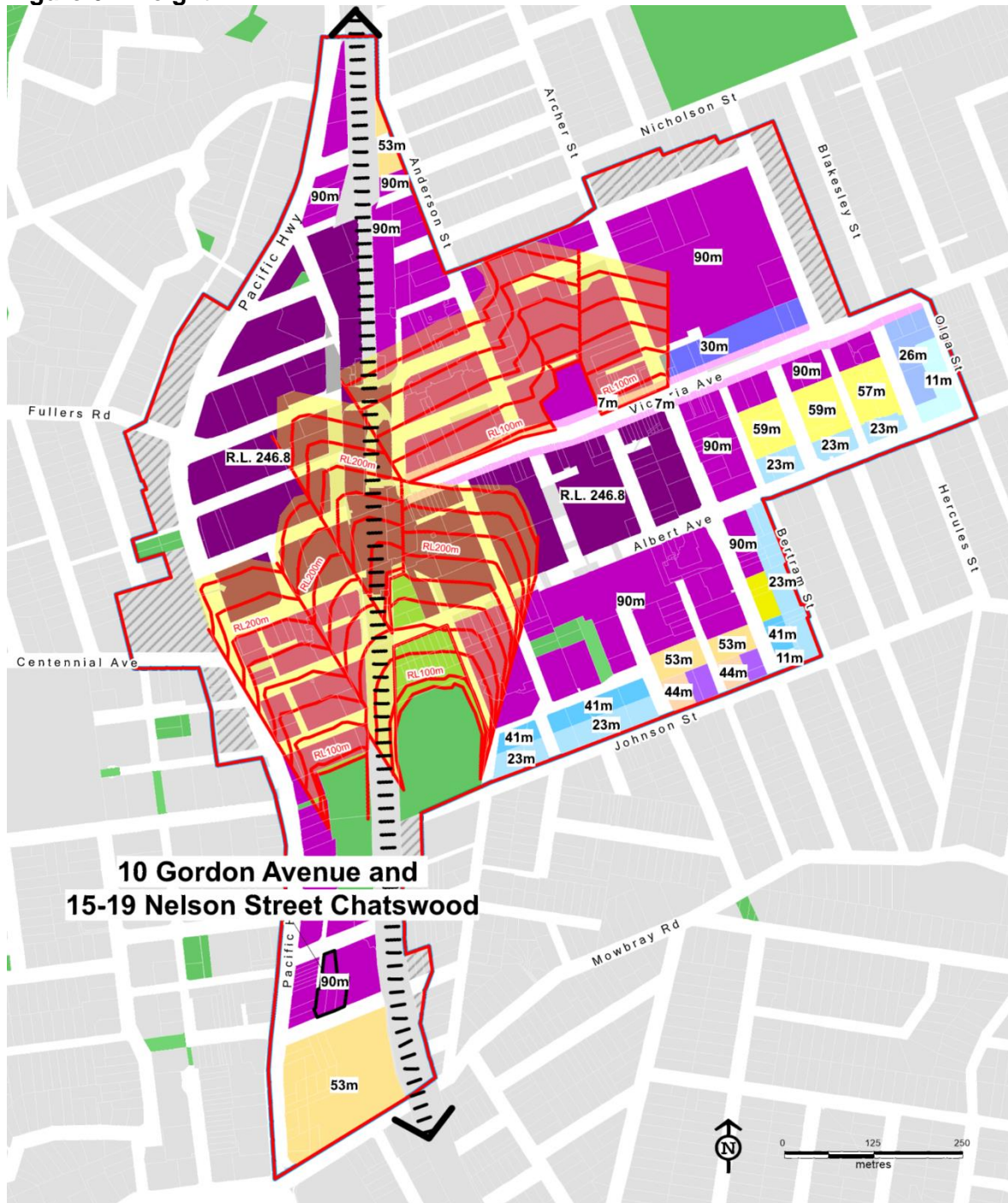
Comment
Consistent.

Figure 6 – Height below shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in **Figure 5** (above).

The subject site is in a general location with a height maximum of 90m.

The Planning Proposal proposes a maximum height of 90m, and is therefore consistent with the CBD Strategy.

Figure 6 – Height





Key Element 21. All structures located at roof top level, including lift over runs and any other architectural features are to be:

- Within the height maximums.
- Integrated into the overall building form.

Comment
Consistent.

The concept plans provided show a tower designed to contain all roof top structures within the height maximum of 90 metres.

Detailed plans, showing integration of roof top structures into the overall building form will be provided at development application stage.

Links and Open Space

Key Element 22. The links and open space plan in Figure 7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD.

New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment
Consistent.

A pedestrian and cycle through site link is identified as being required between the subject site and the neighbouring site at 613-627 Pacific Highway (being a Planning Proposal already supported by Council). The responsibility of providing this through site link is considered to be shared by both properties.

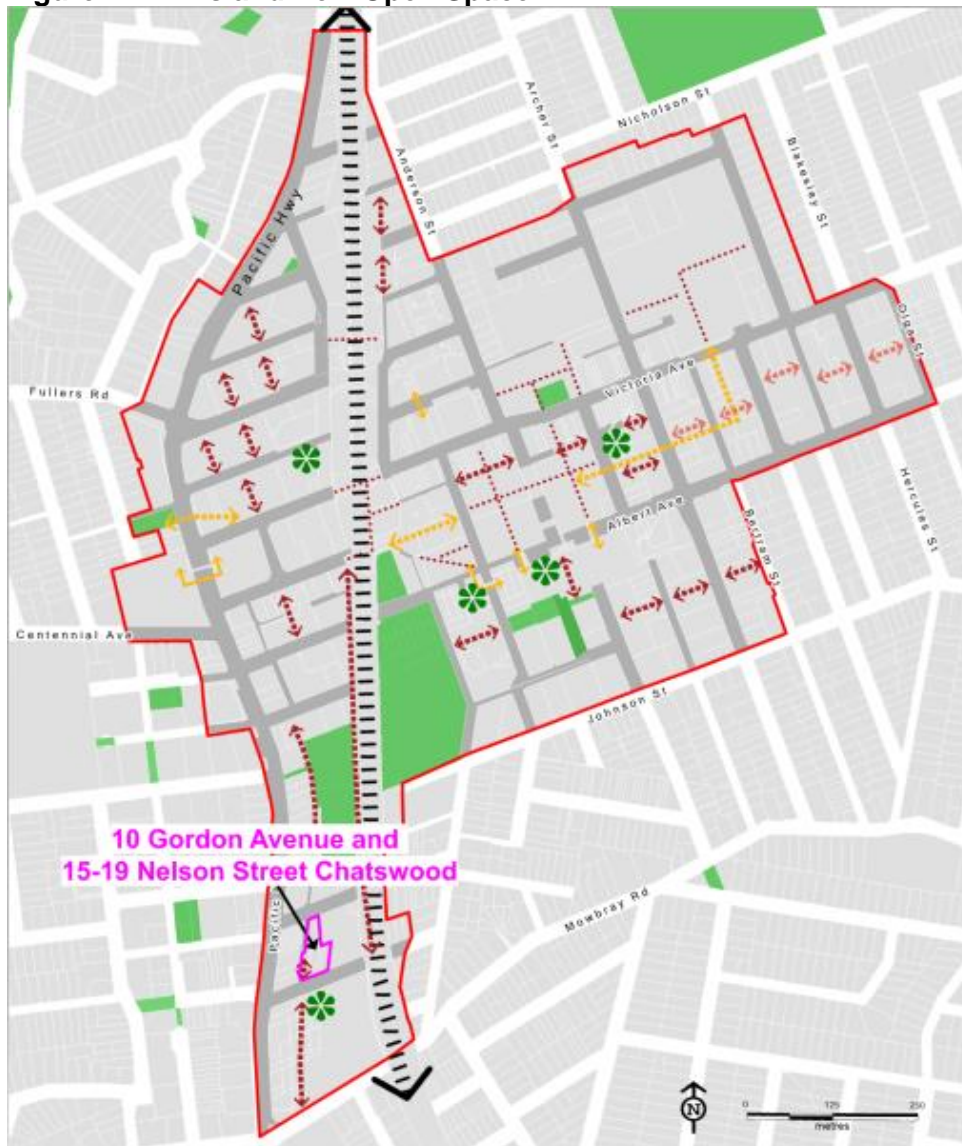
It should be noted that a through site link was provided in the Planning Proposal at 613-627 Pacific Highway – with dimensions of between 3m and 7.4m – and subject of a ROW. This link connects with Hammond Lane, that is envisioned as an increasingly shared space with pedestrians and cyclists.

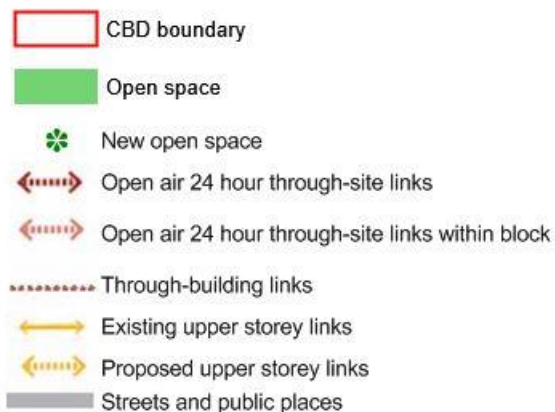
The subject Planning Proposal provides:

- A publicly accessible pocket park facing Gordon Avenue (approx. 180m²).
- A publicly accessible setback along Nelson Street
- A publicly accessible setback along Hammond Lane and the boundary with 613-627 Pacific Highway (between 3m and 6.4m) embellishing the provision of a through site link.

The intention is for the through site link, involving the subject Planning Proposal site and the neighbouring Planning Proposal site 613-627 Pacific Highway, to be integrated into one continuous through site link.

Figure 7 - Links and New Open Space





Key Element 23. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment
Consistent.

Communal open space has been provided within concept plans on the site, with particular regard to the podium.

Public realm or areas accessible by public on private land

Key Element 24. Public realm or areas accessible by public on private land:

- a) Is expected from all B3 and B4 redeveloped sites.
- b) Is to be designed to respond to context and nearby public domain.
- c) Should be visible from the street and easily accessible.
- d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.

Comment
Consistent.

The Planning Proposal has satisfactorily addressed this Key Element by the provision of publicly accessible ground level space in the form of a pocket park in the Gordon Avenue setback, the Nelson Street setback and along the western boundary setback with Hammond Lane and 613-627 Pacific Highway (and the through site link connecting Nelson Street and Hammond Lane).

Key Element 25. All roofs up to 30 metres from ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access.

Comment
Consistent.

Concept plans have been provided showing green roofs at podium level – presenting to all elevations. This will be further assessed post exhibition.

Key Element 26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment
Consistent.

Soft landscaping has been provided above 20% of the site area.

Setbacks and street frontage heights

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 8, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.

Comment
Consistent.

The concept plans are consistent with the below **Figure 8 - Setbacks and street frontage heights** requirements applying to the subject site. For the purpose of this Key Element, the Mixed use frontage applies to Gordon Avenue and Nelson Street.

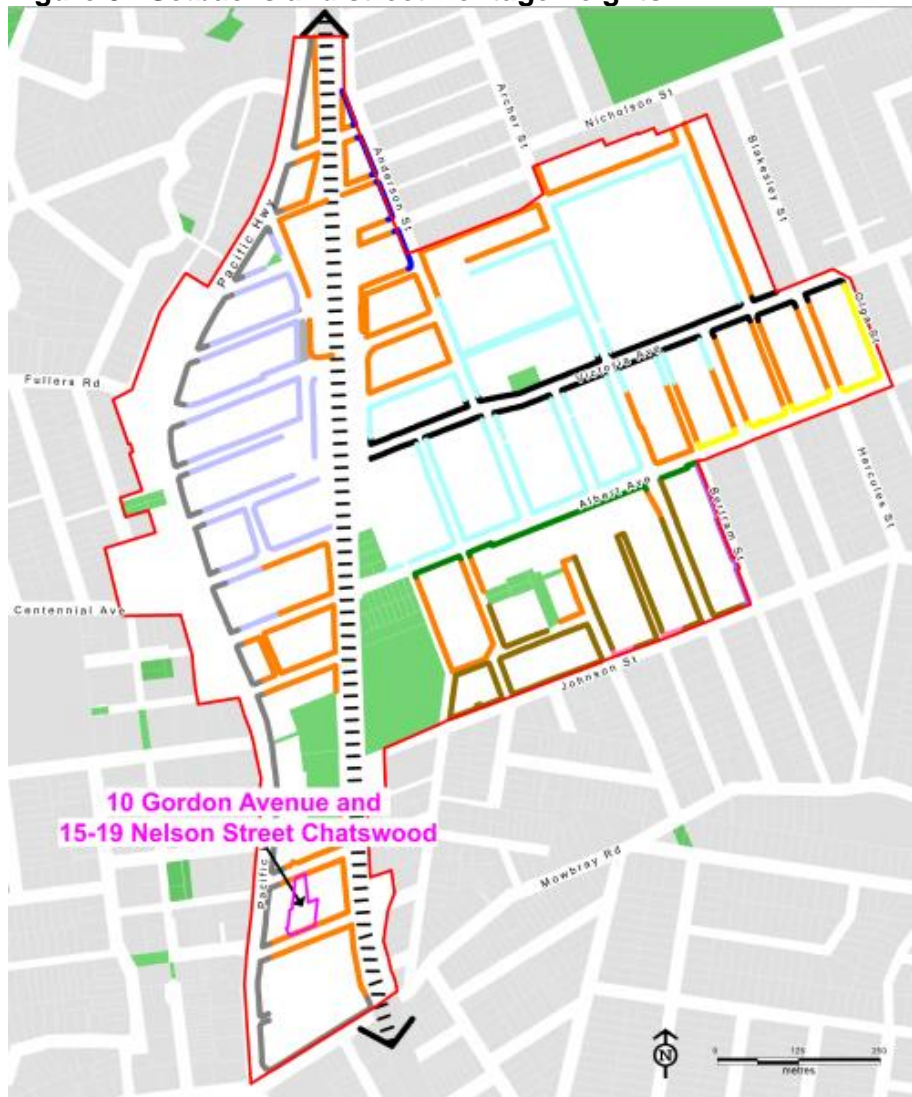
Additional ground setbacks are provided to Gordon Avenue, Nelson Street, Hammond Lane and 613-627 Pacific Highway.

Additional tower setbacks above Podium are provided to Gordon Avenue, Nelson Street, Hammond Lane and 613-627 Pacific Highway, and to 9-11 Nelson Street. It should be noted that the site is irregular in shape. With particular regard to the eastern boundary, where it steps in at approx. the mid-point, at no point is the tower including balconies closer than 4.5m from any site boundary.

Setbacks above minimum requirements are supported and encouraged where possible.

An 8m / two storey street wall is provided to all elevations. A street wall height below the maximum under the CBD Strategy is supported.

Figure 8 - Setbacks and street frontage heights



- CBD boundary
- Open space
- Pacific Highway frontage
- Office Core frontage
- Urban Core
- Victoria Avenue retail frontage
- Albert Avenue South
- Southern Precinct
- Anderson Street Interface
- Johnson Street interface
- Bertam Street interface
- Albert Avenue north and Olga Street interface
- Mixed use frontage with commercial Ground Floor

Key Element 28. All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.

This means if a building is:

- a) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side.
- e) A total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side.
- f) A total height of 160m, a minimum setback from the side boundary of 8m is required for the entire tower on any side.

The required setback will vary depending on height and is not to be based on setback averages but the full setback.

Comment

Consistent.

Key Element 28 is a general requirement for all new development within the Chatswood CBD. The proposed height of 90 metres requires a minimum 4.5 metre building setback from all boundaries for all towers above podiums.

Tower setbacks have been provided consistent with the Strategy.

Key Element 29. Building separation to neighbouring buildings is to be:

- a) In accordance with the Apartment Design Guide for residential uses.
- b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

The Concept Plans address the required setbacks to neighbouring properties as outlined in this Key Element.

In regards building separation and the Apartment Design Guide for residential uses, a shared 50/50 approach has been taken.

Active Street Frontages

Key Element 30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages.

Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations.

Comment
Consistent.

The Concept Plans provided show retail floor space at Ground Level with the opportunity for active street frontages to Gordon Avenue, Nelson Street, Hammond Lane and the through site link.

This issue will be further assessed at development application stage.

Further Built Form Controls

Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.

Comment
Consistent.

This Key Element is satisfactorily addressed as the Planning Proposal involves the amalgamation of four lots and does not leave any site isolated. The adjoining sites are the 4,219m² 9-11 Nelson Street to the east, and the 1,827 m² 613-627 Pacific Highway to the west.

Key Element 32. Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.

Comment
Not applicable.

Key Element 33. Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.

Comment
Consistent.

All car parking and loading as well as garbage provision for the site is shown in the concept plans as located within the lower ground and basement levels.

Services are shown as being provided on the lower ground level.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

Comment
Consistent.

This Key Element will be further reviewed at development application stage.

- Key Element 35.** **The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach.**
In addition, site specific traffic and transport issues are to be addressed as follows:
- a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.**
 - b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.**
 - c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.**
 - d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.**
 - e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.**

Comment
Consistent.

A Transport and Parking Assessment Report, prepared by Varga Traffic Planning and dated 3 November 2022, has been submitted with the initial Planning Proposal submission.

The Planning Proposal is considered to satisfactorily address this key Element for the purposes of Gateway consideration and exhibition:

- All car parking is located within the Basement levels.
- All loading and car parking is accommodated off street.
- A total of 176 car spaces are proposed in the concept plans based on WDCP, with the proposal agreeing to the reduced parking rates for developments in the Chatswood CBD. The total number of car spaces will be reviewed following finalised car parking rates endorsed by Council.

Council has raised with the proponent that vehicle and loading access is to be reviewed and master planned in conjunction with the adjoining land at 9-11 Nelson Street. One vehicle and loading point in Gordon Avenue is preferred for the block bounded by Nelson Street, Gordon Avenue, Hammond Lane and the Frank Channon Walk – with no vehicle access via Hammond Lane. The combined vehicle and loading access via Gordon Avenue was a requirement for the Planning Proposal at 9-11 Nelson Street, which was supported for finalisation at the Council Meeting of 31 October 2022.

The proponent has responded as follows:

“We understand and agree with the solution ...

The traffic report tests and proves the Nelson shared driveway is achievable.”

In regards vehicle access, the proponent has requested a two stage solution:

“with interim access via Hammond Lane in case there are major delays to the development of 9-11 Nelson. The intention is for the interim Hammond Lane access to be discontinued and substituted with a retail frontage thereafter, and the access located on 9-11 Nelson Street to be utilised.”

Transport and parking will be considered by Transport for NSW during exhibition and will be further reviewed by Council post exhibition.

Full traffic consideration of this Planning Proposal will be required at development application stage.

Other Issues to be addressed

Solar Access

With regard to the built form being the subject of the Concept Plans, and impacts on surrounding properties, the shadow analysis provided by the proponent for 9am to 3pm, 21 June shows the following:

- At 9am, properties to the south west, in the direction of 613-627 Pacific Highway and ending at 552-554 Pacific Highway, are affected by additional overshadowing. Overshadowing crosses the Pacific Highway
- At 10am, 613 Pacific Highway and a portion of the Metro Dive site near the Nelson St / Pacific Highway intersection, are affected by additional overshadowing. The overshadowing stops on the Pacific Highway
- At 11am, a portion of the Metro Dive site is affected by additional overshadowing.
- At 12pm, a portion of the Metro Dive site (approx. in the middle, and reaching approx the middle) is affected by additional overshadowing. 613 Pacific Highway is no longer affected.
- At 1pm, additional overshadowing occurs to part of the Metro Dive site, in the eastern section.
- At 2pm, additional overshadowing occurs to part of the Metro Dive site, in the eastern section.
- At 3pm, additional overshadowing occurs to part of the Metro Dive site, in the eastern section, crossing the North Shore Rail Line and ending approx. at 340 Mowbray Road (which is not within a conservation area). 2 Orchard Road is partially affected – and is further discussed below.

The following conclusions can be made:

- At 10am, overshadowing no longer crosses the Pacific Highway to the western side.
- At 12pm, the adjacent property to the west, 613 Pacific Highway, is no longer affected.
- The site most affected is the Metro Dive site. However the shadow is slender and moves every hour across the site to cross the North Shore Rail Line at 3pm.
- The Individual Heritage Item (I96) on the Metro Dive site, being 339 Mowbray Road and located on the Mowbray Road frontage, is unaffected through the day.
- The South Chatswood Conservation is unaffected – with the exception of 2 Orchard Road (which is also an Individual Heritage Item (I105), located on the boundary of the South Chatswood Conservation Area where Orchard Road meets Mowbray

Road. 2 Orchard Road (made up of 2 lots) is partially affected, being a portion of the garden facing Mowbray Road located on the second lot, at 2.55pm.

- Neighbouring properties are able to achieve the minimum 2 hour solar access requirement under the Apartment Design Guidelines and WDCP requirement of 3 hours of sunlight between 9am and 3pm mid-winter.
- The proposed on-site pocket park, facing Gordon Avenue, is unaffected through the day.
- The through site link connecting Hammond Lane and Nelson Street is unaffected after 12pm.

It is considered that the overshadowing from this Planning Proposal is reasonable for a site located within the Chatswood CBD. It should be noted that the Planning Proposal does not impact on any of the areas identified as a key area public space requiring sun access protection in the CBD Strategy. In addition the proposed height still results in the South Chatswood Conservation Area (and in particular 2 Orchard Road) achieving a minimum 3 hours solar access between 9am and 3pm mid winter as required in the CBD Strategy.

Further consideration of overshadowing may occur following public exhibition and at development application stage.

Privacy and general amenity

With regard to privacy and general amenity impacts to neighbouring properties, it is noted that:

- To the north, on the other side of Gordon Avenue, is 5-9 Gordon Avenue – the subject of a Planning Proposal responding to the CBD Strategy, supported by Council and finalised 25 March 2022 (maximum height of 90m and FSR of 6:1). Another Planning Proposal is being assessed for 641-655A Pacific Highway (maximum height of 90m and FSR of 6:1).
- To the east is 9-11 Nelson Street – the subject of a Planning Proposal responding to the CBD Strategy, supported by Council 31 October 2022 and to be finalised (maximum height of 90m and FSR of 6:1).
- To the west is Hammond Lane, and two Planning Proposals at 613-627 Pacific Highway and 629-637 Pacific Highway – both supported by Council 19 September 2022 and to be finalised (maximum height of 90m and FSR of 6:1).
- To the south, on the other side of Nelson Street, is the Sydney Metro Dive site (no PP has been lodged, with this site having a maximum height of 53m and FSR of 4.2:1).

Further consideration of amenity impacts such as privacy may occur following public exhibition of the Planning Proposal, and at the design excellence and development application stage.

Other Internal Referrals

The Planning Proposal has also been referred to the Urban Design, Traffic, Engineering and Open Space sections of Council, and no objections have been raised.

The Engineering section made the following comment:

- The site will require OSD, and space for this needs to be included in any Development Application plans. Given the size of the system required, consideration

should be given at this stage as to where the OSD tank will be located, ensuring that all impervious area can drain to the tank. The outlet level for the tank needs to be above the downstream 1%AEP flood level. Where connecting to a Council pit, the adopted level must be the grate level on the pit.

- The site is tagged as flood affected – overland flow study major. While flood impact reports are not required at Planning Proposal stage, input from a flood engineer should be obtained early in the design process to address potential flood issues. We note that any entrances to basements will need to be above the 1%AEP flood level + 500mm or the PMF water level, whichever is higher.

It is considered that satisfactory information has been provided to enable the Council to forward the Planning Proposal to the Gateway.

Development Control Plan provisions

The proponent has submitted site specific Development Control Plan provisions. The site specific Development Control Plan provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of amendments.

It is also noted that, where matters are not covered by site specific provisions, the remainder of the Development Control Plan will apply to the site.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (September 2022) *Local Environmental Plan Making Guideline*. Refer to Attachment 3.

Conclusion

From the perspective of managing changes to the *Willoughby Local Environmental Plan 2012* in response to the *Chatswood CBD Planning and Urban Design Strategy 2036*, it is proposed to consider requested amendments under this Planning Proposal in the form of:

- Written amendments to *Willoughby Local Environmental Plan 2012* and the accompanying Land Zoning Map, Height of Buildings Map, Floor Space Ratio, Special Provisions Area Map, Active Street Frontages Map and Lot Size Map.
- Draft Willoughby Development Control Plan provisions.

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*. Under the CBD Strategy, the subject site has been identified as within the B4 Mixed Use zone, permitting mixed use development with a maximum height of 90m and floor space ratio of 6:1. The Planning Proposal is consistent with the zoning, height and floor space specified in the CBD Strategy.

The draft Development Control Plan provisions are satisfactory for the purposes of public exhibition and may be the subject of further amendments.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's (September 2022) *Local Environmental Plan Making Guideline* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. It is further recommended that Council advise the Department of Planning and Environment that Council's Head of Planning be nominated as delegate to process and finalise the Planning Proposal.

**COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S
'LOCAL ENVIRONMENTAL PLAN MAKING GUIDELINE.**

The Planning Proposal is considered to be generally in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (September 2022) *Local Environmental Plan Making Guideline*. This document establishes six parts for Planning Proposal preparation:

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The proponent provides the following objectives in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (referred to as WLEP 2012):

- (a) Provide a floor space and building height yield that is commensurate with the site's location within convenient walking distance of the Chatswood CBD and transport interchange and in a manner consistent with the desired future character for the Chatswood CBD.
- (b) Provide an increased floor space and building height that enables redevelopment of the site in accordance with the Key Elements of the *Chatswood CBD Planning and Urban Design Strategy* and with the planning controls in Council's exhibited Draft Planning Proposal for the Chatswood CBD.
- (c) Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the locality and likely future redevelopment of neighbouring properties in accordance with the Chatswood CBD Strategy.
- (d) Enable more economic and efficient use of land in a location that is readily accessible to employment, retail, public transport, and other services.
- (e) Assist in achieving the objectives of and ensure consistency with Council's *Local Strategic Planning Statement* (LSPS) and *Local Housing Strategy* (LHS), including increasing housing density in locations recommended in the LSPS and LHS.
- (f) Provide affordable housing on a site that currently is not required to provide affordable housing.
- (g) Ensure that any increased demand for such infrastructure, facilities and services, arising from proposed development can be addressed.
- (h) Improve pedestrian amenity and access by way of providing a southward pedestrian extension of Hammond Lane, to Nelson Street.
- (i) Remove existing low-rise medium density housing developments that are not compatible with the desired future mixed-use high-rise character planned for the area.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officer's have proposed that the outcome be achieved by requiring that the Planning Proposal request be consistent with the following amendments to *Willoughby Local Environmental Plan 2012* (WLEP 2012), which will include:

- a) Amend Clause 6.25 to include 10 Gordon Avenue and 15-19 Nelson Street, Chatswood. Clause 6.25 currently is as follows:

"6.25 Shop top housing at certain sites at Chatswood

(1) This clause applies to the following land at Chatswood—

- (a) Lot 20, DP 1107551, 58 Anderson Street,*
- (b) SP 57091, 5–9 Gordon Avenue,*
- (c) SP 6576, 753 Pacific Highway and SP 53910, 15 Ellis Street,*
- (d) SP 17870, 871–877 Pacific Highway,*
- (e) SP 134 and SP 52320, 3–5 Help Street,*
- (f) SP 11846 and SP 30740, 54–56 Anderson Street,*
- (g) SP 2715, 3 Ellis Street,*
- (h) SP 80201, SP 68797 and SP 78790, 44, 46 and 52 Anderson Street.*
- (i) Lot 1, DP 80767, Lot 1, DP 540549 and SP 72449, 613 and 621–627 Pacific Highway.*

(2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building's gross floor area will be used for non-residential purposes."

- b) To amend the Land Zoning Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to B4 Mixed Use.
- c) To amend the Height of Buildings Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 90 metres.
- d) To amend the Floor Space Ratio Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- e) To amend the Special Provisions Area Map to show 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, as Area 9 and Area 12.
- f) To amend the Active Street Frontages Map to include for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, the Gordon Avenue, Nelson Street and Hammond Lane frontages.
- g) To amend the Lot Size Map to include 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, with a minimum lot size of 2,500 sq metres.

From the perspective of managing changes to the WLEP 2012 in response to the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to as the CBD Strategy), it is proposed to consider requested amendments under this Planning Proposal in the form of amendments to the written instrument and relevant maps.

Accompanying the Planning Proposal are draft *Development Control Plan* provisions.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

1) Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal arises from the adoption by Council of the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy) and its subsequent endorsement by the Department of Planning and Environment (DPE) . The CBD Strategy recommends increased building heights and development density for land within the Chatswood CBD and the proposed expanded CBD boundaries. These new boundaries extend to the north and south of the existing CBD, along the eastern side of the Pacific Highway, north to Wilson Street and south to Mowbray Road.

The subject land is located within the proposed expanded CBD boundaries to the south and is identified for an increase in maximum building height up to 90m and increase in floor space ratio (FSR) up to 6:1. These increased densities are intended to accommodate anticipated demand for additional housing in the Willoughby Local Government Area (LGA) as envisaged in the *Greater Sydney Region Plan – A Metropolis of 3 Cities* and the *North District Plan* (2018).

The proposed new development controls, as recommended in the CBD Strategy, relevant to the subject land are detailed in Section 2.3 of this Planning Proposal Report.

A Council initiated Planning Proposal for the Willoughby LGA, proposing changes to *Willoughby Local Environmental Plan 2012* (LEP) and *Willoughby Development Control Plan* (DCP), was exhibited from 5 March until June 2022. The changes proposed to the Chatswood CBD under the CBD Strategy have been included in this Council initiated Planning Proposal. The Council initiated Planning Proposal is under post exhibition assessment of submissions.

Council's current planning strategy for accommodating existing and future housing demand, as outlined in the *Willoughby Local Strategic Planning Statement* (WLSPS) and the *Willoughby Housing Strategy*, is to concentrate higher density development in and adjoining the Chatswood City Centre and other larger centres and transport corridors, so that existing low density suburban housing areas can be retained substantially as they currently exist. This approach is also consistent with the *Greater Sydney Region Plan* and the *North District Plan* (NDP).

The *North District Plan* aims to increase densities along transport corridors and in centres, particularly in those centres near public transport and facilitate redevelopment of existing apartment sites that are capable of accommodating increased density. In response to the NDP Council's Local Housing Strategy anticipates the Willoughby LGA will be required to accommodate more than 6,000 additional dwellings by 2036.

Analysis supporting the application has been provided with the Planning Proposal.

2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes discussed above.

Section B - Relationship to the strategic planning framework

3) 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)?

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, as well as the more detailed requirements of the CBD Strategy.

The *Greater Sydney Region Plan* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Delivering a metropolis of three cities will be guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents.

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor. The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth and land use and infrastructure planning. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and an important office market in Greater Sydney. Chatswood is earmarked as a centre that should be attracting significant investment and business activity in strategic centres to provide jobs growth; creating the conditions for residential development within strategic centres but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

The CBD Strategy has been a response to the above strategic plans and is consistent with the objectives of those plans as well as being a component of Willoughby's LSPS.

The Planning Proposal is considered consistent with the *Greater Sydney Region Plan* and the *North District Plan* for the following reasons:

- The proposal provides commercial floor space at an amount envisioned under the *Chatswood CBD Planning and Urban Design Strategy 2036*. The commercial component supports and strengthens the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services. The proposal will also provide more employment opportunities to local residents.
- The proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the CBD Strategy.
- The additional housing is provided in a location close to existing and proposed transport and urban services infrastructure.
- The additional housing is in a location that is a walkable or cyclable distance to the services and amenities of Chatswood CBD centre.

The Department of Planning and Environment (September 2022) *Local Environmental Plan Making Guideline* establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

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

- Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy;

Comment: The Planning Proposal will give effect to the *Greater Sydney Region Plan* and *North District Plan* released March 2018.

- Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan;

Comment: The *Willoughby Council Local Strategic Planning Statement* (LSPS) was granted assurance by DPE in March 2020.

The CBD Strategy was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and endorsed by DPE on 9 July 2020 with qualifications. Full endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The Planning Proposal is consistent with the Willoughby Council LSPS, and the CBD Strategy as endorsed by DPE. This is discussed in the Council Detailed Assessment (**Attachment 2**).

- Respond to a change in circumstances that has not been recognised by the existing planning framework.

Comment: The Planning Proposal does not respond to a change in circumstances not recognised by the planning framework. It is considered that the Planning Proposal is consistent with the envisioned land use mix within the Chatswood CBD, and the utilization of existing and upcoming infrastructure by different land uses. The CBD Strategy has been prepared with a careful allocation of commercial core and mixed use zones within an expanded Chatswood CBD, intended to capitalise on infrastructure such as the Metro rail and accommodate expected future residential demand.

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

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)

Comment: The site is not characterised by an existing significant natural environment. The proposal does have site specific merit with ground level publicly accessible open space proposed with landscaping.

- existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates

Comment: The planning controls proposed are consistent with the *Chatswood CBD Planning and Urban Design Strategy 2036* and the envisaged future development for the locality, with the site located within the expanded Chatswood CBD boundaries. The proposal promotes the future urban renewal of the land involved.

- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

Comment: This issue is discussed in the Council Detailed Assessment.

4) Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Our Future Willoughby 2028 is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

Our Future Willoughby 2028 sets out five broad outcomes, which are identified below with relevant community priorities:

1. A City that is green
 - 1.1 Create and enhance green spaces.
 - 1.2 Promote sustainable lifestyles and practices.
 - 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
 - 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
 - 1.5 Reduce carbon and greenhouse gas emissions.
2. A city that is connected and inclusive
 - 2.1 Enhance transport choices and connections throughout the City.
 - 2.4 Reduce parking and traffic congestion.
 - 2.7 Promote accessible services for the community
3. A city that is liveable
 - 3.5 Maintain quality of life by balancing population growth with the provision of assets and services.
4. A city that is prosperous and vibrant
 - 4.1 Facilitate the development of all businesses.
5. A City that is effective and accountable
 - 5.1 Be honest, transparent and accountable in all that we do.

The CBD Strategy has been developed having regard to the *Our Future Willoughby 2028*, with a commercial core as well as a mixed use area identified within the Chatswood CBD. The Planning Proposal is consistent with the above applicable objectives.

In regards the Willoughby LSPS, the Planning Proposal is consistent with the following priorities:

1. Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.
2. Increasing the supply of affordable housing.
3. Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features.
8. Facilitate the viability and vibrancy of our strategic and local centres.
9. Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.
17. Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth.
20. Co-ordinating economic development for Chatswood and St Leonards.

The Willoughby Integrated Transport Strategy 2036 adopted by Council in August 2020 is designed to provide an “*overarching framework for transport planning and initiatives across the Willoughby local government area to 2036.*” The Strategy aims to achieve 5 key transport outcomes relating to matters such as sustainability/promotion of walking and cycling, efficient local and regional connectivity accessible to all, contribute to vibrant, liveable, and safe places, support the local economy, efficiently manage congestion and parking demand, embrace smart technology, and respond to community needs.

The Planning Proposal is consistent with the *Willoughby Integrated Transport Strategy 2036* in that it will:

- Provide increased housing density and additional employment in close proximity to Chatswood Railway Station and Transport Interchange.
- Its location within easy walking and cycling distance of a wide range of services, retail and employment area will encourage active transport and reduced car dependency.
- Adopts reduced off-street parking rates to minimise reliance on private motor vehicles and traffic generation.

The Planning Proposal for 10 Gordon Avenue and 15-19 Nelson Street is consistent with the WLEP Amendments proposed in Council's Draft Planning Proposal – for the Review of WLEP 2012.

5) Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is considered consistent with relevant State strategies.

6.) Is the planning proposal consistent with applicable SEPPs?

The following State Environmental Planning Policies (SEPPs) are applicable, with comment provided.

SEPP Title	Comment
SEPP (Resilience & Hazards) 2021	<p>The site is zoned residential and has a long history of residential use and is not identified as potentially contaminated. The site is suitable for the proposed high-density mixed-use development.</p> <p>A preliminary land contamination assessment indicates potential for contamination arising from imported fill and hazards building materials within existing buildings and recommends more “intrusive” investigation and a hazardous building materials survey prior to any development of the site and appropriate remediation to make the site suitable for mixed-use as proposed, prior to construction commencing. These matters can be addressed in any future DA consent issued for redevelopment of the site.</p>
SEPP (BASIX) 2004	<p>This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future development application for redeveloping the site.</p>
SEPP (Exempt and Complying Codes) 2008	<p>The Planning Proposal does not contain provisions that contradict the application of the SEPP.</p>
SEPP 65 – Design Quality of Residential Flat Development (referred to as SEPP 65 in this report)	<p>This SEPP will apply to the proposed residential component of the future mixed use building. The concept plan has been submitted having regard to the <i>SEPP 65 Apartment Design Guide</i> (referred to as ADG in this report) and achieves general compliance with this Code.</p> <p>Detailed assessment of compliance with SEPP 65 and Apartment Design Guidelines would occur at DA stage.</p>
SEPP (Housing) 2021	<p>The Planning Proposal will increase the supply and range of housing types in the Chatswood CBD in a location close to services and in a manner that provides a reasonable level of amenity for occupants and neighbours. A good design outcome is achieved by requiring that the future building be the subject of a design competition.</p> <p>The proposal does not result in removal of any affordable housing and will provide at least 489m² of affordable housing.</p> <p>The Planning Proposal is consistent with the SEPP (Housing) 2021.</p>

SEPP (Transport & Infrastructure) 2021	<p>The Planning Proposal provides additional housing and jobs close to services and infrastructure and includes monetary contributions towards the funding of additional infrastructure. The Planning Proposal is consistent with SEPP (Transport & Infrastructure) 2021.</p> <p>The proposal does not require vehicular access to an arterial or sub-arterial road and does not include any provisions that would affect application of this SEPP.</p> <p>Suitable noise attenuation measures can be incorporated in future building design to mitigate the impacts of road and rail noises from the nearby Pacific Highway and North Shore Rail Line.</p>
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7.) Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Section 9.1 Directions issued to councils require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant Section 9.1 Directions in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation within a B4 Mixed Use Zone.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.1 Environment Protection Zones	No	N/A	The site and adjoining lands are not identified as environmentally sensitive

2.3 Heritage Conservation	Yes	Yes	<p>The site does not contain a Local Heritage Item or is part of a heritage conservation area.</p> <p>The site is not within close proximity of a Local Heritage Item or a heritage conservation area.</p> <p>The nearest Local Heritage Item is approximately 135m away – on the Mowbray Road frontage of the Metro Dive site. The closest point of the South Chatswood Conservation Area is 90m away, on the eastern side of the North Shore Rail Line.</p>
2.6 Remediation of Contaminated land	Yes	Yes	<p>The subject land has a long history of residential use and is not identified as potentially contaminated land, nor have any activities been conducted on the site that would potentially result in land contamination.</p> <p>A preliminary land contamination assessment is provided which confirms that the land is suitable for residential use.</p>

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	<p>The site is located within an R3 Medium Density Residential Zone. The proposed rezoning to B4 Mixed Use will maintain high density housing opportunities for the site, in the form of shop top housing apartments.</p> <p>The increased residential density provides a mix of apartment sizes that will provide for existing and future housing needs and increased housing choice.</p> <p>The Planning Proposal makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.</p>

Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will be permissible development on the site.

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	Yes	The site is well located close to public transport linkages and employment.

4. HAZARD AND RISK

Direction	Relevant?	Consistent?	Comment
4.3 Flood Prone Land	Yes	Yes	The land is affected by overland flow. DA design will address overland flow impact.

5. REGIONAL PLANNING

Direction	Relevant?	Consistent?	Comment
5.1 Implementation of Regional Strategies	Yes	Yes	The Planning Proposal is consistent with the Greater Sydney Region Plan and the North District Plan.

6. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister
6.3 Site Specific Provisions	Yes	Yes	The Planning Proposal is consistent with this Direction.

Section C – environmental, social and economic impact

- 8) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

9) Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The following environmental impacts of the proposal and their proposed management are discussed in the Council Detailed Assessment (see **Attachment 2**):

- Consistency with the *Chatswood CBD Planning and Urban Design Strategy 2036*, as endorsed by Council. In this regard the following issues have been addressed:
 - CBD boundary
 - Land use
 - Commercial component
 - Design excellence
 - Building sustainability
 - Planning Agreements
 - Public art
 - Floor space ratio
 - Minimum site area
 - Affordable housing
 - Maximum residential tower floor plate size
 - Built form
 - Sun access to key public places
 - Height
 - Links and open space
 - Landscaping
 - Public realm
 - Street frontage heights
 - Setbacks
 - Traffic and transport issues
- Other issues addressed include solar access, privacy and general amenity.

10) Has the planning proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has adequately addressed social and economic effects. It should be noted that the Planning Proposal does include affordable housing provision.

Section D – Infrastructure (Local, State and Commonwealth)

11) Is there adequate public infrastructure for the planning proposal?

The subject site is located within an identified mixed use area under the CBD Strategy, and serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange.

Section E – State and Commonwealth Interests

12) What are the views of state and federal public authorities and government

agencies consulted in order to inform the Gateway determination?

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPS

This Planning Proposal as proposed involves amending *Willoughby Local Environmental Plan 2012* maps as follows:

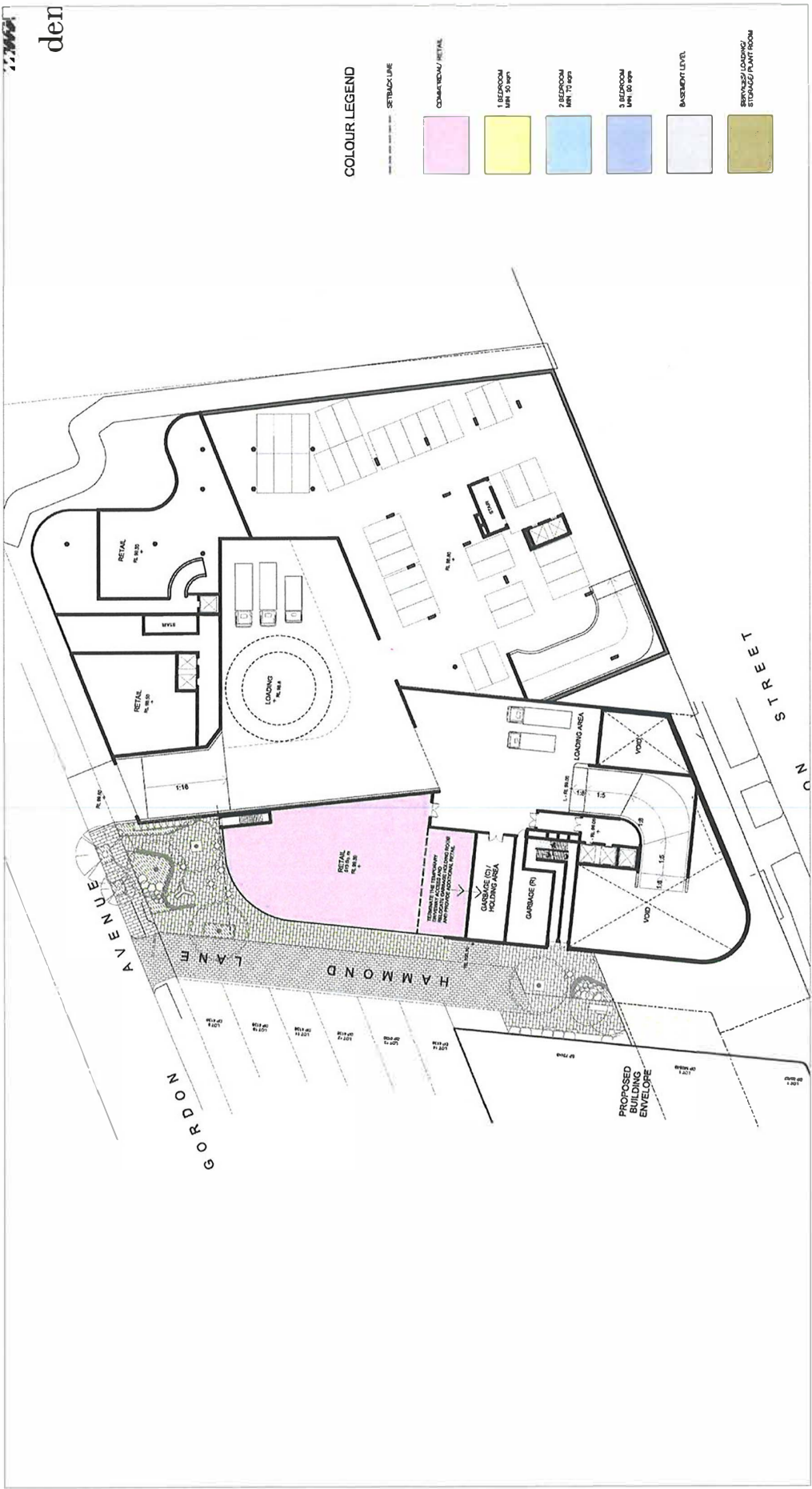
- a) To amend the Land Zoning Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- d) To amend the Special Provisions Area Map to show 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, as Area 9 and Area 12.
- e) To amend the Active Street Frontages Map to include for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, the Gordon Avenue, Nelson Street and Hammond Lane frontages.
- f) To amend the Lot Size Map to include 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, with a minimum lot size of 2,500 sq metres.

PART 5 – COMMUNITY CONSULTATION

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning and Environment 'Gateway' process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment's Gateway Determination requirements and should include the Draft *Willoughby Local Environmental Plan 2012* Amendment and the site specific *Draft Development Control Plan* provisions. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	December 2022
Planning Proposal submitted to Gateway	January 2023
Gateway Determination received by Council	March 2023
Community Consultation (28 days)	April 2022
Outcomes of Community Consultation presented to Council	August 2023
Planning Proposal submitted to Department requesting notification on Government website	September 2023







dem

COLOUR LEGEND

--- SETBACK LINE

COMMERCIAL/RETAIL

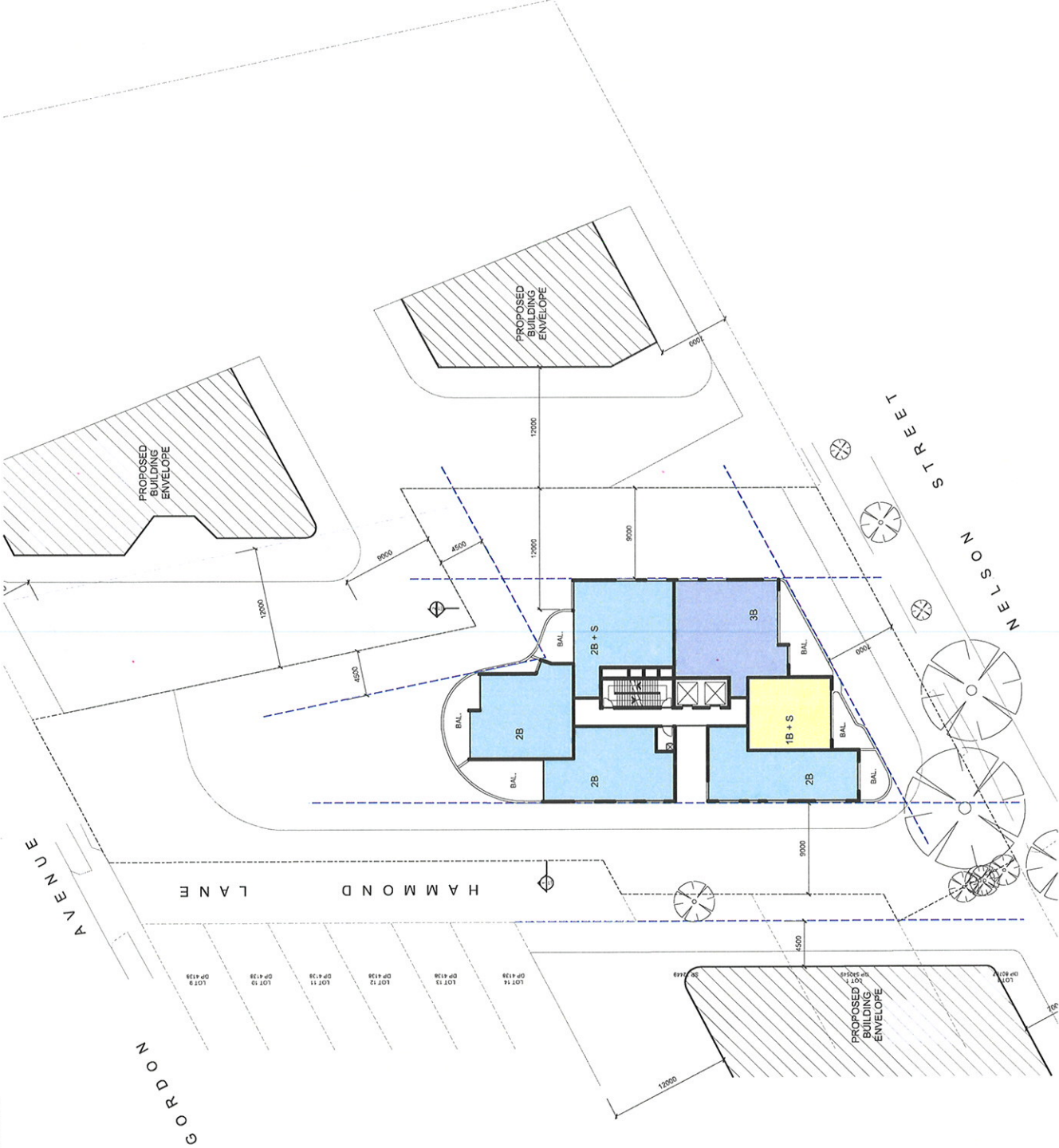
1 BEDROOM
MIN. 50 sqm

1 BATHROOM
MIN. 7.5 sqm

1 BEDROOM
MIN. 50 sqm

BASEMENT LEVEL

SERVICE LOADING
STORAGE PLANT ROOM



15-19 Nelson Street & 10 Gordon Avenue, Chatswood

lower typical floor plan
(level 3-7)

planning, urban design, architecture,
landscape architecture, interior design
PO BOX 5056 WEST CHATSWOOD NSW 1515
TEL: 02 9439 6000
WWW.DEM.COM.AU

DATE: 04/11/22
SCALE: 1:200
DRAWING NO: ar-1207

PROJECT NO: 4590-00

REVISION: -04

DATE: 04/11/22

SCALE: 1:200

DRAWING NO: ar-1207

PROJECT NO: 4590-00

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PROJECT NO: 4590-00

REVISION: -04

DATE: 04/11/22

SCALE: 1:200

DRAWING NO: ar-1207

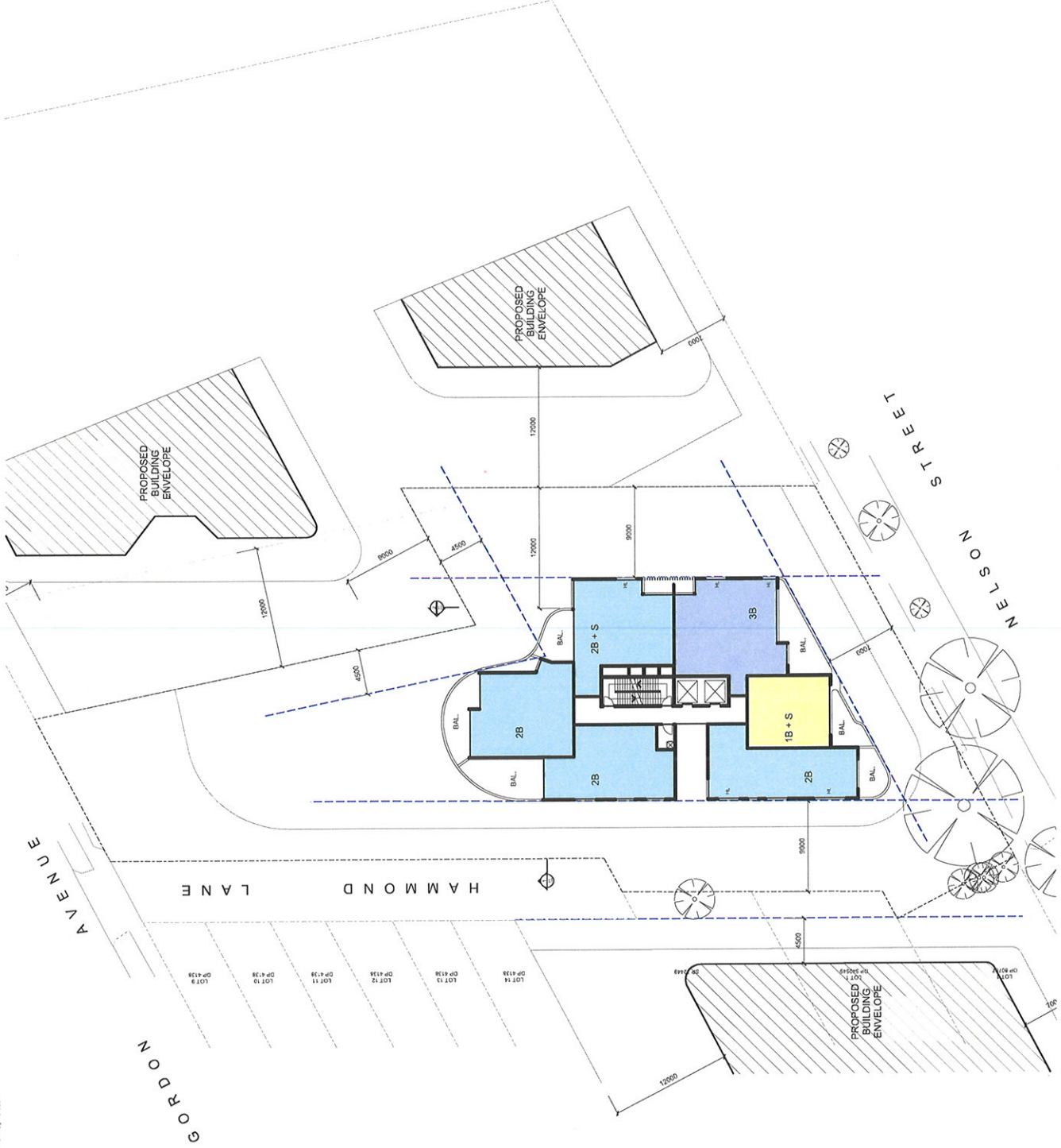
PROJECT NO: 4590-00

REVISION: -04

DATE: 04/11/22



dem



COLOUR LEGEND

--- SETBACK LINE

	COMMERCIAL/RETAIL
	1 BEDROOM MIN. 50 sqm
	2 BEDROOM MIN. 75 sqm
	3 BEDROOM MIN. 90 sqm
	BASEMENT LEVEL
	SERVICES/LOADING/ STORAGE/PAINT ROOM



15-19 Nelson Street & 10 Gordon Avenue, Chatswood

middle typical floor plan
(level 8-19)

planning, urban design, architecture,
landscape architecture, interior design
PO BOX 5036 WEST CHATSWOOD NSW 1515
WWW.DEM.COM.AU

DATE 04/11/22
SCALE 1:200
PROJECT ar-1208

4590-00

-04



dem

COLOUR LEGEND

SETBACK LINE

COMMERCIAL/RETAIL

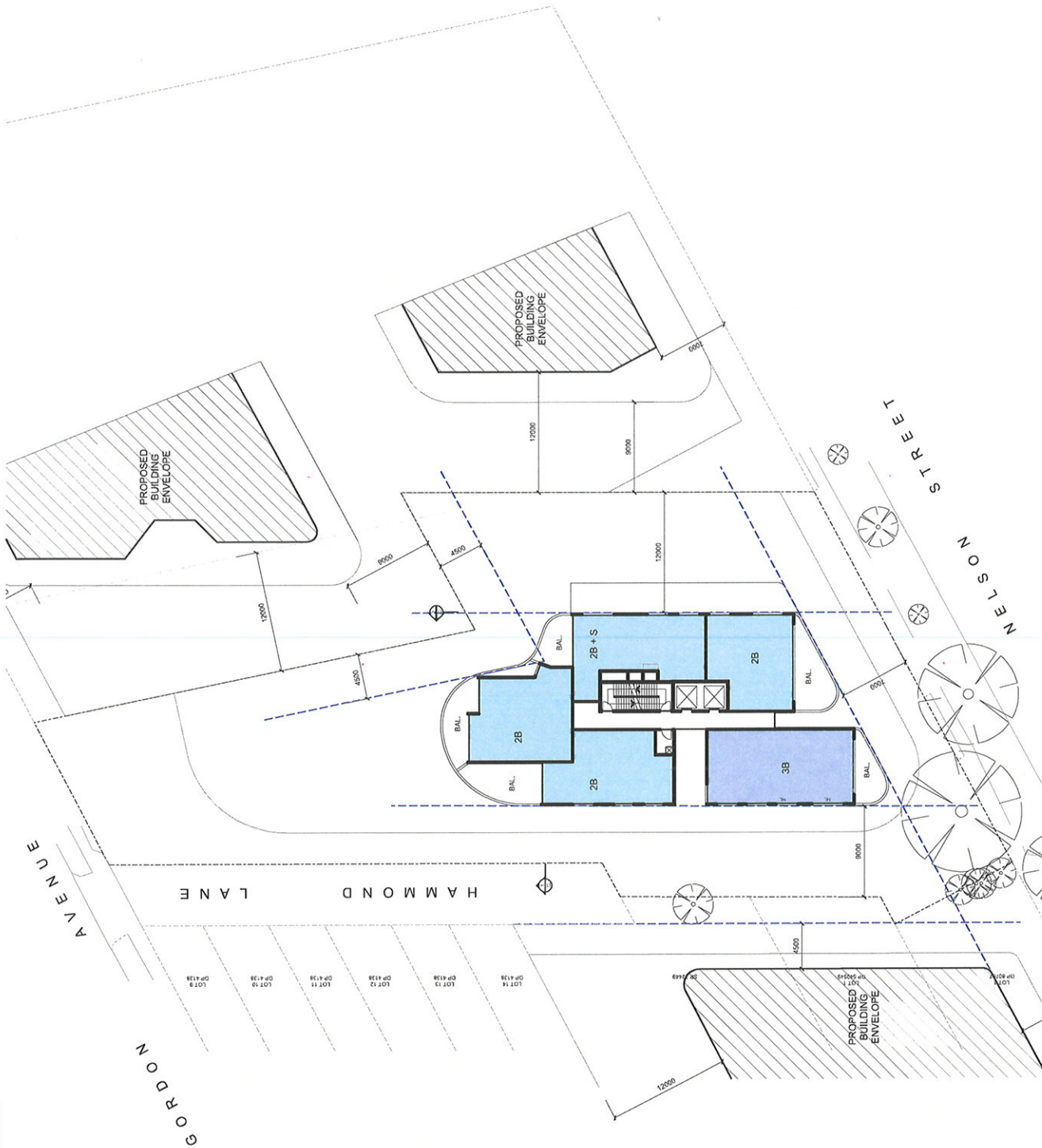
1 BEDROOM
MIN. 50 sqm

2 BEDROOM
MIN. 70 sqm

3 BEDROOM
MIN. 90 sqm

BASEMENT LEVEL

SERVICE LOADING
STORAGE PLANT ROOM



15-19 Nelson Street & 10 Gordon Avenue, Chatswood

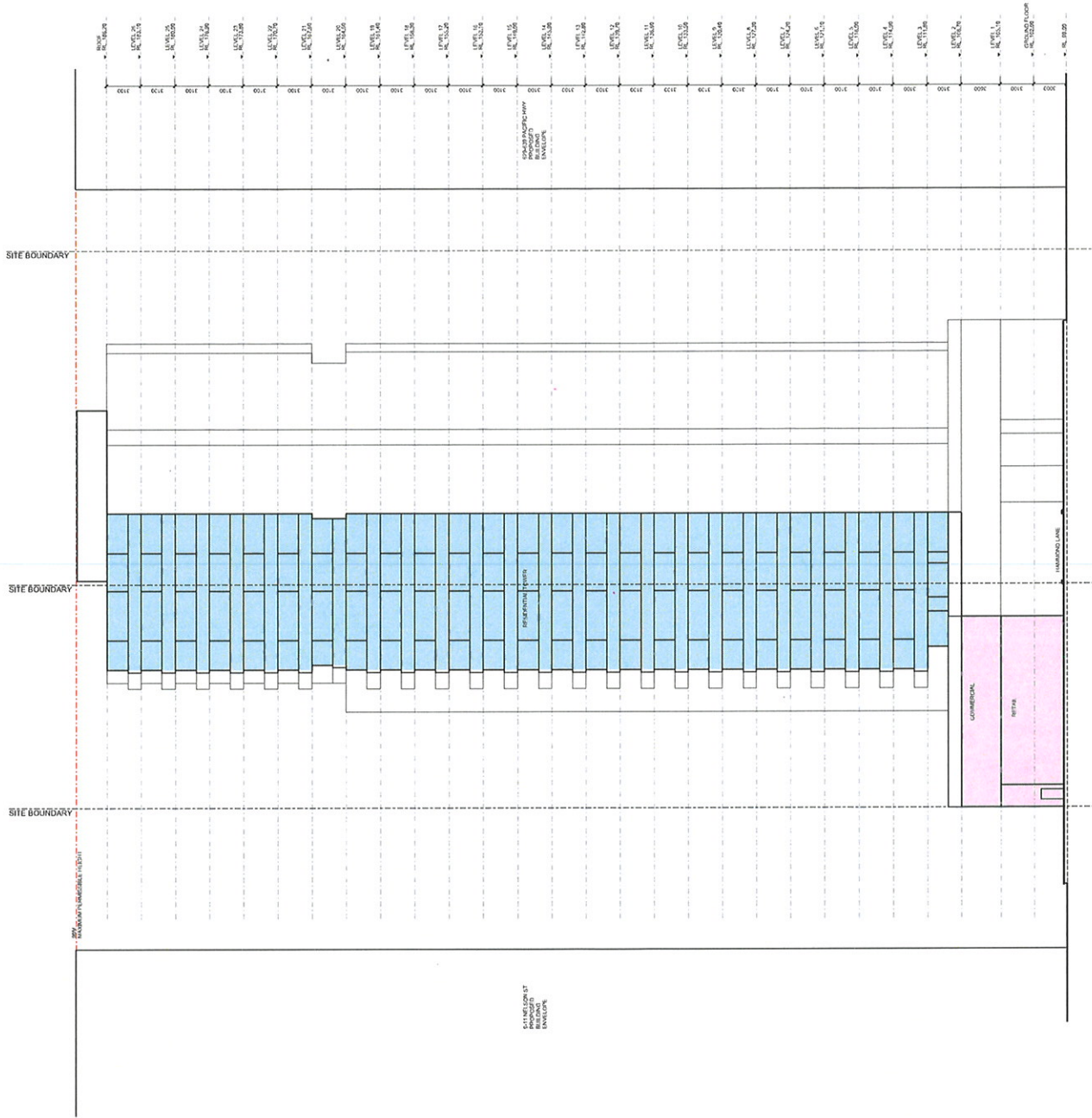
upper typical floor plan
(level 20-26)

planning, urban design, architecture,
landscape architecture, interior design
PO BOX 5536 WEST CHATSWOOD NSW 1515
T 02 9439 6000 F 02 9439 6001
WWW.DEM.COM.AU

DATE 04/11/22
SCALE 1:200
DRAWING NO. ar-1209
PROJECT NO. 4590-00
SHEET NO. -04



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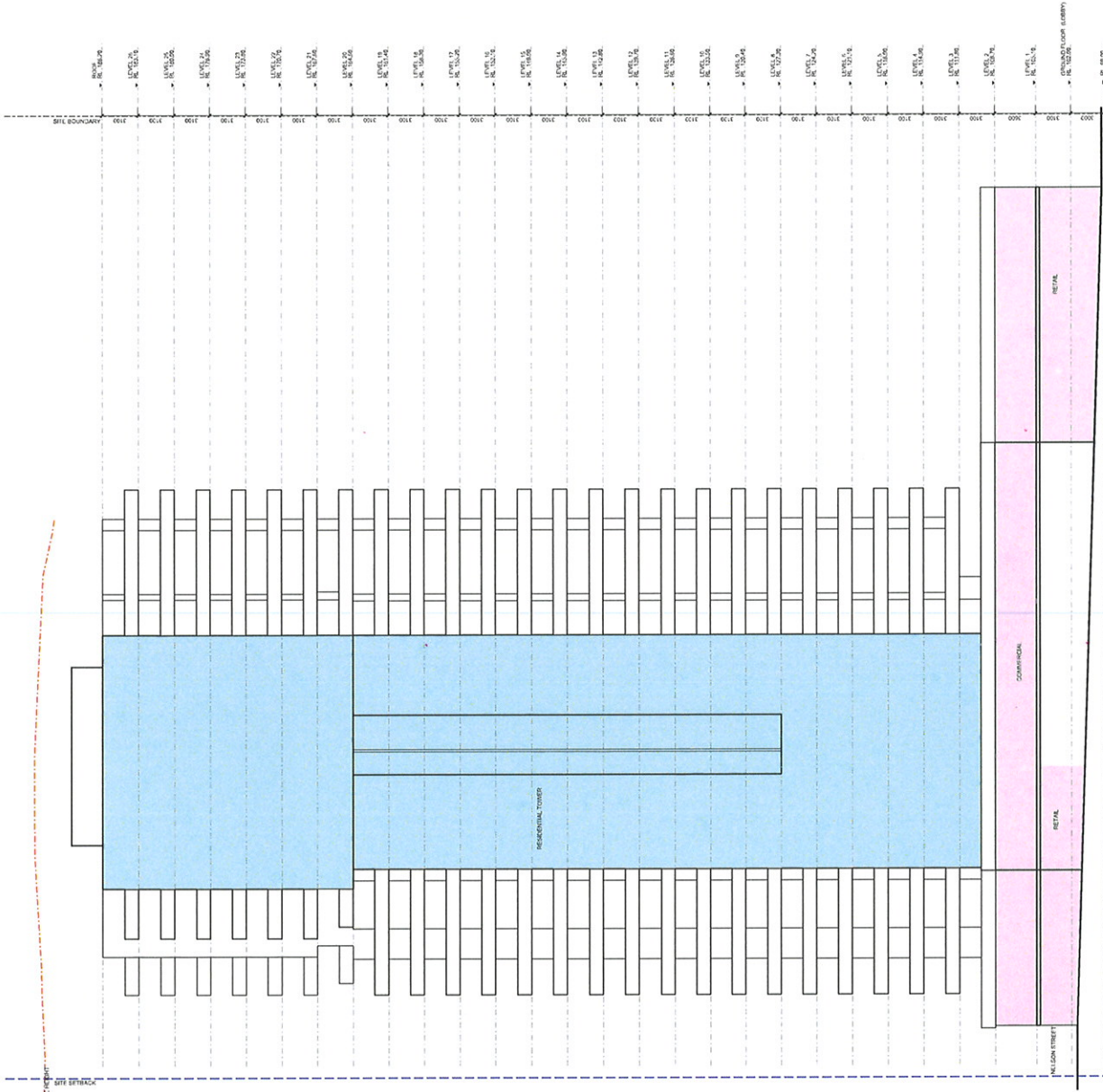


15-19 Nelson Street & 10 Gordon Avenue, Chatswood

elevation from Gordon Avenue



dem

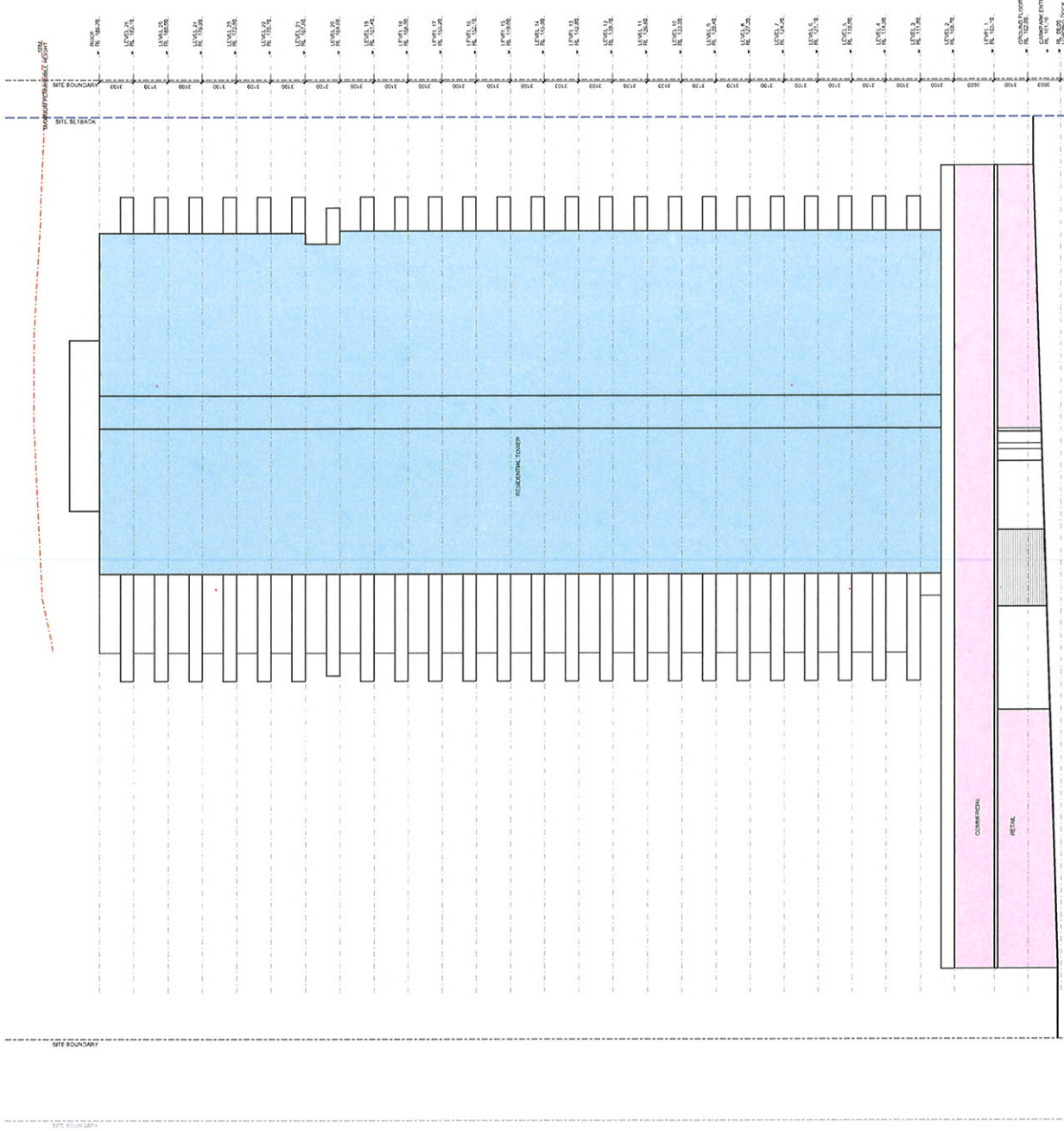


15-19 Nelson Street & 10 Gordon Avenue, Chatswood

east elevation



dem



15-19 Nelson Street & 10 Gordon Avenue, Chatswood

elevation from Hammond Lane

planning, urban design, architecture,
landscape architecture, interior design
P: PO Box 5536 West Chatswood NSW 1515
E: info@dem.com.au
W: www.dem.com.au

4590-00
04/11/22 1:200
ar-2503 -01

11 November 2022

Site Specific Development Control Plan

15-19 NELSON STREET & 10 GORDON AVENUE, CHATSWOOD

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Figure 1 Site Map

Figure 2 Maximum Building Height

Figure 3 Minimum Building Setbacks


Figure 4 Through-site links

1.0 GENERAL

The controls contained in this Site Specific Development Control Plan applies to 15-19 Nelson Street & 10 Gordon Avenue, Chatswood. The land is bounded by Nelson Street to the south, Gordon Avenue to the north and Hammond Lane to the west as shown on the map below.



Figure 1 Site Map

NOT TO SCALE 

The aims and objectives of this plan are to:

1. Provide guidelines for a mixed use development of the site.
2. Provide a development that ensures the viability of future development of surrounding properties.
3. Minimise traffic impacts on the surrounding road network.
4. Ensure development on the site minimises impacts to the amenity of neighbouring residential properties.
5. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
6. Achieves architectural and urban design excellence.
7. Maximise activation to Nelson Street, Gordon Avenue and along Hammond Lane.
8. Provide a safe and publicly accessible pedestrian pathway between Gordon Avenue and Nelson Street to promote cross site link connectivity.
9. Provide a publicly accessible landscape open space at Gordon Avenue frontage.

2.0 BUILT FORM

PERFORMANCE CRITERIA

The built form of the new development shall:

1. Achieve a slender tower form on the site.
2. Achieve a site layout that provides a pleasant environment for the occupants and minimises impacts on surrounding properties.
3. Ensure visual and acoustic privacy, natural ventilation, sun access and views.
4. Provide suitable areas for communal open spaces, deep soil zones and landscaping.

CONTROLS

1. The maximum floor plate at each level of a development should be no more than:
 - a) 2000sqm GFA for office (to achieve this maximum a large site would be required).
 - b) 700sqm GFA for residential towers above Podium within Mixed Use zones.
2. The width of each side of any tower should be minimised and design elements that contribute to building bulk should be minimised.
3. The ground floor shall incorporate non-residential uses that present and display their activity to the street.

3.0 HEIGHT OF BUILDING

PERFORMANCE CRITERIA

The built form of the new development shall:

1. Be consistent with the permitted Height of Buildings development standard applicable to the site.
2. Minimise overshadowing of surrounding properties and the adjacent public domains.

CONTROLS

1. The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.
2. All rooftop lift overruns or exposed structures are to be integrated with the building.
3. The maximum building height is to be in accordance with the diagram in Figure 3 Maximum Building Height.

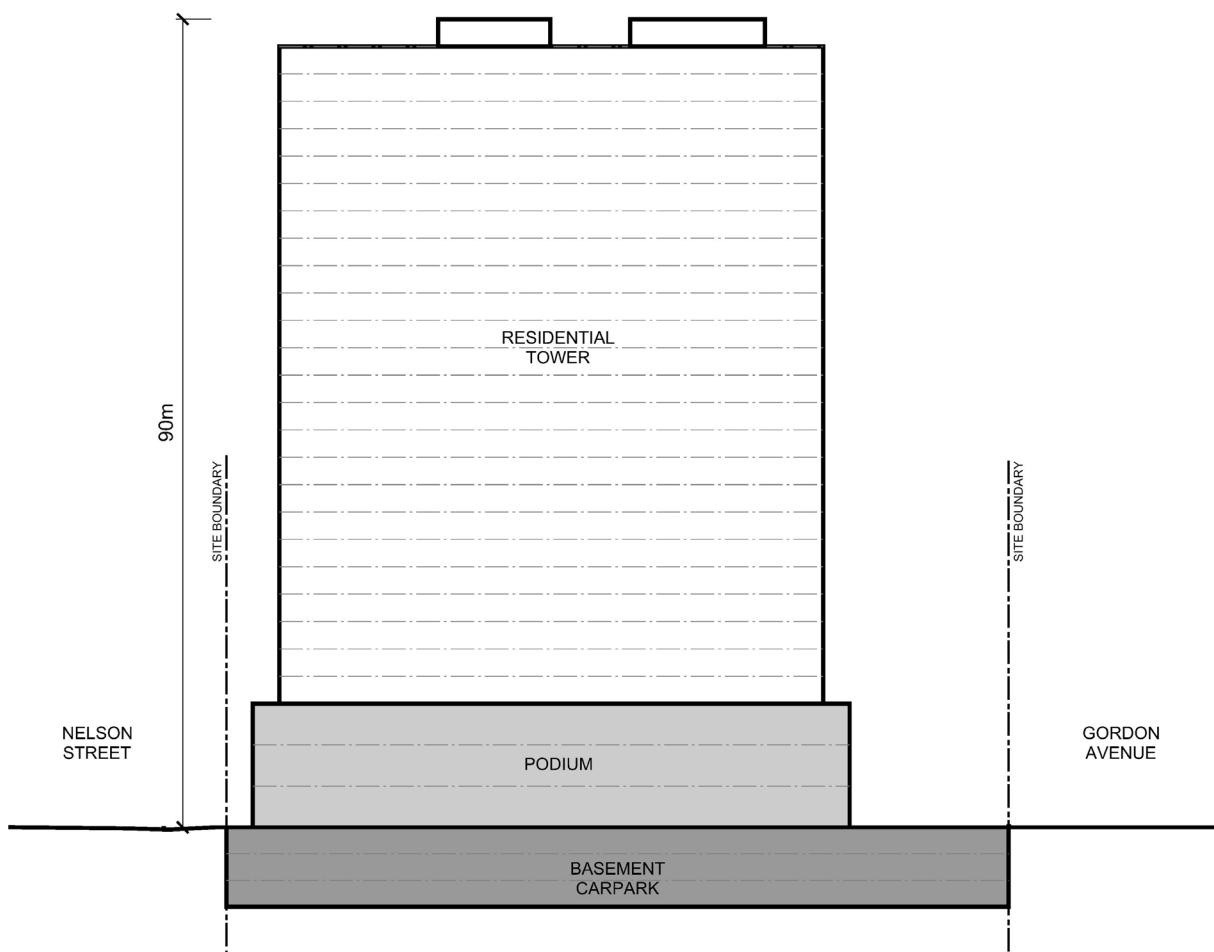


Figure 2 Maximum Building Height

4.0 SETBACKS AND STREET FRONTAGE HEIGHTS

PERFORMANCE CRITERIA

Setbacks shall:

1. Ensure the positioning of new building is consistent with the proposed streetscape envisioned for Chatswood CBD and contained in the Chatswood CBD Planning and Urban Design Strategy 2036.
2. Be provided at Ground level to contribute to public realm.
3. Contribute at Ground level deep soil areas, landscaping and open space.
4. Protect all significant on site trees and all street trees on Gordon Avenue and Nelson Street.
5. Contribute to slender tower forms.
6. Minimise the effects of adverse wind conditions at street level.

Street wall heights shall:

1. Ensure such heights are consistent with the street wall heights envisioned for Chatswood CBD and contained in the Chatswood CBD Planning and Urban Design Strategy 2036

CONTROLS

1. The building setbacks are to be in accordance with *Figure 4 Minimum Building Setbacks*. The setbacks are summarised as follows:
 - a) Nelson Street & Gordon Avenue Frontage
 - i) Minimum 3 metre setback at ground level from front boundary.
 - ii) Maximum 14 metre street wall height.
 - iii) Minimum 6 metre setback to residential tower.
 - b) Hammond Lane Frontage
 - i) Minimum 3 metre setback at ground level from front boundary.
 - ii) Maximum 14 metre street wall height.
 - iii) Minimum 5 metre setback to residential tower.
2. Minimum 1:20 ratio of the setback to building height above the podium (e.g. 4.5m setback for a 90m building).



Figure 3 Minimum Building Setbacks

5.0 BUILDING EXTERIOR

PERFORMANCE CRITERIA

1. Buildings are to demonstrate a high design visual quality when viewed from the public domain and surrounding area, including Gordon Avenue, Nelson Street, and Hammond Lane.
2. Building facades shall complement the character of the area and contribute to creating attractive pedestrian environments and streetscapes.
3. Facade design to encourage active street frontages to streets and their surrounding public domain.
4. Facade treatment and design is to be used to breakdown the mass and bulk of building.

CONTROLS

1. Facades are to be articulated and should incorporate recesses and projecting elements.
2. Extensive blank walls shall be avoided at street level.

6.0 AMENITY

PERFORMANCE CRITERIA

1. To maximise solar access and ventilation to residential units.
2. Ensure visual and acoustic privacy of residential units within the development and developments on adjoining properties.
3. Improve pedestrian amenity surrounding the site.

CONTROLS

1. A Wind Assessment shall be submitted at Development Application Stage.
2. An Acoustic Assessment shall be submitted at Development Application Stage.
3. Residential units shall be designed to maximise solar access, cross ventilation, visual and acoustic privacy.

7.0 OPEN SPACE AND LANDSCAPING

PERFORMANCE CRITERIA

1. Landscaping is to soften and complement the development.
2. Landscaping at street level shall improve the amenity and appearance of the pedestrian environment.
3. The development shall provide publicly accessible links and open space.
4. The development is to provide deep soil planning where green landscaping is located.
5. Publicly accessible open space is to include green landscaping.
6. Green roof tops and usable rooftop areas shall be provided.
7. Street tree planting is to be provided.

CONTROLS

1. Open space at ground level shall be utilised as publicly accessible open space.
2. Public domain improvements shall be provided to all street frontages to Council requirements.
3. Ground floor opens space areas are to incorporate landscaped areas that integrate with the surrounding public domain.
4. All roofs up to 30 metres from ground are to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.
5. A minimum of 2 hours of sun access is to be provided to the public open space fronting Gordon Avenue.
6. Publicly accessible open space and green landscaping such as street trees will be required by all developments.
7. Communal open space for residents of building is to be incorporated within/ on the building, including seating, recreational areas (e.g. barbeque area) and landscaping.
8. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.
9. A minimum of 20% of the site area is to be provided as soft landscaping, which may be located on ground, podium and roof top levels or as green walls of buildings. Soft landscaping includes planting's on and above structures (e.g. planter boxes).
10. The development is to incorporate publicly accessible open space within the setback to Gordon Avenue.
11. All publicly accessible open space and linkages are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.
12. A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container sized at planting, spacing and approximate size of maturity.
13. All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for Street lighting and shall be positioned compatible to the landscaping design around the site.

8.0 LINKS

PERFORMANCE CRITERIA

1. The development shall provide a publicly accessible through site pedestrian link.
2. Public accessible open space is to include green landscaping.

CONTROLS

1. The development is to incorporate publicly accessible through site links and open space.
2. The development is to incorporate public accessible through site pedestrian link along western boundary of the site from Nelson Street to Gordon Avenue in accordance with Figure 5. as detailed in the Chatswood CBD Planning and Urban Design Strategy 2036.
3. All publicly accessible open space and linkages are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.

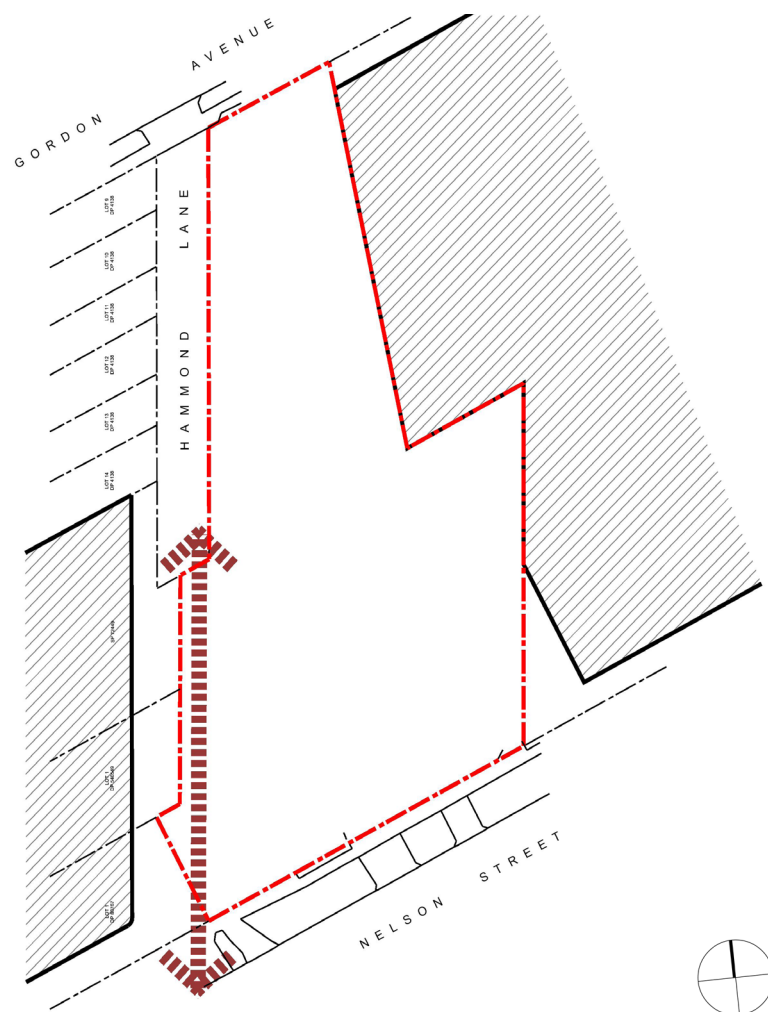


Figure 4 Through-site links

9.0 ACTIVE STREET FRONTAGES

PERFORMANCE CRITERIA

1. To ensure that uses on the ground level contribute to the activation of the public domain.
2. To ensure that design and location of ground floor uses maximise surveillance of the public domain.

CONTROLS

1. At ground level buildings are to maximise active frontages to Gordon Avenue and Nelson Street.
2. Blank walls are to be minimised and located away from Gordon Avenue, Nelson Street and Hammond Lane.
3. A building has an active street frontage if all premises on the ground floor of the building facing the street(s) are used for the purposes of commercial premises or non-residential purposes and provide elements of visual interest when viewed from the street.
4. Convert Hammond Lane vehicular driveway into retail or commercial space once Gordon Avenue shared driveway is operational.

10.0 TRAFFIC AND TRANSPORT

PERFORMANCE CRITERIA

1. Development must be designed to provide adequate and safe access to the site.
2. Development on the site is not the cause adverse traffic impacts on the surrounding road system.
3. Minimise the number of vehicular access points to the development.
4. All vehicles are to enter and exit the site in a forward direction.
5. Minimise car parking and encourage alternative transport options.
6. Vehicle access points are designed to minimise their impacts on pedestrians.
7. Vehicular movement should avoid relying on the use of turntables or carlifts.

CONTROLS

1. All vehicles are to enter and exit in a forward direction via one entry area into and exiting the site.
2. All car parking is to be located below ground level.
3. All loading/unloading to be screened from view from the public domain.
4. Vehicle access point is designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape.
5. Other Strategies for car parking reduction, such as reciprocal arrangements for sharing parking and car share, is to be included in any future Development Application.
6. Provide a temporary vehicular access from Hammond Lane with provision to convert into retail or commercial premises.
7. Create vehicular access via Gordon Avenue when the shared driveway at 9-11 Nelson Street is operational.
8. The following is to be provided in the future development application:
 - a) Car parking provision based on reduced parking rates, consistence with the requirements for new developments in the Chatswood CBD as supported by Transport of NSW.
 - b) A minimum of 1 secure bicycle parking per apartment and per 100m² of commercial/retail floor space.
 - c) Adequate end of trip facilities including lockers, showers, etc. for use by commercial and retail tenants.
 - d) A bicycle rack within the site boundary for use by retail customers.
 - e) A minimum of one (1) freight and service vehicle space in addition to the one (1) Medium Rigid Vehicle (MRV) space proposed within the loading dock.
 - f) A Green Travel Plan.
 - g) Updated traffic analysis and modeling.

11.0 WASTE MANAGEMENT AND LOADING

PERFORMANCE CRITERIA

1. All loading, unloading and servicing is required to occur on-site.
2. To ensure that adequate provision is made for waste storage and disposal.
3. Floor space at Ground level is to be maximise with building services located within Basement car park floors.

CONTROLS

1. A concealed waste storage and collection bay is to be provided. The waste storage and collection area is to be designed to ensure level and safe collection of all waste generated from the use of the development.
2. All commercial and residential loading and unloading is required to occur on-site and not in public streets.
3. A Waste Management Plan shall be submitted at the Development Application Stage.

12.0 DESIGN EXCELLENCE

PERFORMANCE CRITERIA

1. Ensure high quality and varied design through the use of competitive design processes.
2. Implement a rigorous process to support good design outcomes.
3. Design excellence is to be required for all developments based on the following process:
 - a) A Design Review Panel for developments up to 35m high.
 - b) Competitive designs for developments over 35m high.
4. Achievement of design excellence shall include achievement of higher building sustainability standards.

CONTROLS

1. All developments that have a height of 35m or more is subject to a competitive design process.
2. The competitive design process must be undertaken in accordance with the Willoughby Design Excellence Policy and Willoughby Design Excellence Guidelines.

13.0 PUBLIC ART

PERFORMANCE CRITERIA

1. All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy.

CONTROLS

1. Public Art is to be provided in accordance with Council's Public Art Policy.

14.0 BUILDING SUSTAINABILITY

PERFORMANCE CRITERIA

1. Design excellence shall include achievement of higher building sustainability standards.

CONTROLS

1. A minimum of 5 stars GBCA building rating is expected. An assessment report is to be submitted at Development Application stage.

Draft Amendments to Willoughby Local Environmental Plan 2012

10 Gordon Avenue and 15-19 Nelson Street Chatswood

Written Amendments

1) Delete:

“6.25 Shop top housing at certain sites at Chatswood

(1) This clause applies to the following land at Chatswood—

- (a) Lot 20, DP 1107551, 58 Anderson Street,*
- (b) SP 57091, 5–9 Gordon Avenue,*
- (c) SP 6576, 753 Pacific Highway and SP 53910, 15 Ellis Street,*
- (d) SP 17870, 871–877 Pacific Highway,*
- (e) SP 134 and SP 52320, 3–5 Help Street,*
- (f) SP 11846 and SP 30740, 54–56 Anderson Street,*
- (g) SP 2715, 3 Ellis Street,*
- (h) SP 80201, SP 68797 and SP 78790, 44, 46 and 52 Anderson Street.*
- (i) Lot 1, DP 80767 and Lot 1, DP 540549, 613 Pacific Highway and SP 72449, 621-627 Pacific Highway.*

(2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building’s gross floor area will be used for non-residential purposes.”

Replace with:

“6.25 Shop top housing at certain sites at Chatswood

(1) This clause applies to the following land at Chatswood—

- (a) Lot 20, DP 1107551, 58 Anderson Street,*
- (b) SP 57091, 5–9 Gordon Avenue,*
- (c) SP 6576, 753 Pacific Highway and SP 53910, 15 Ellis Street,*
- (d) SP 17870, 871–877 Pacific Highway,*
- (e) SP 134 and SP 52320, 3–5 Help Street,*
- (f) SP 11846 and SP 30740, 54–56 Anderson Street,*
- (g) SP 2715, 3 Ellis Street,*
- (h) SP 80201, SP 68797 and SP 78790, 44, 46 and 52 Anderson Street,*
- (i) Lot 1, DP 80767 and Lot 1, DP 540549, 613 Pacific Highway and SP 72449, 621-627 Pacific Highway.*
- (j) SP 85403, 10 Gordon Avenue, SP 89243, 15 Nelson Street, SP 76342, 17 Nelson Street and Lot 1 DP 1237932, 19 Nelson Street*

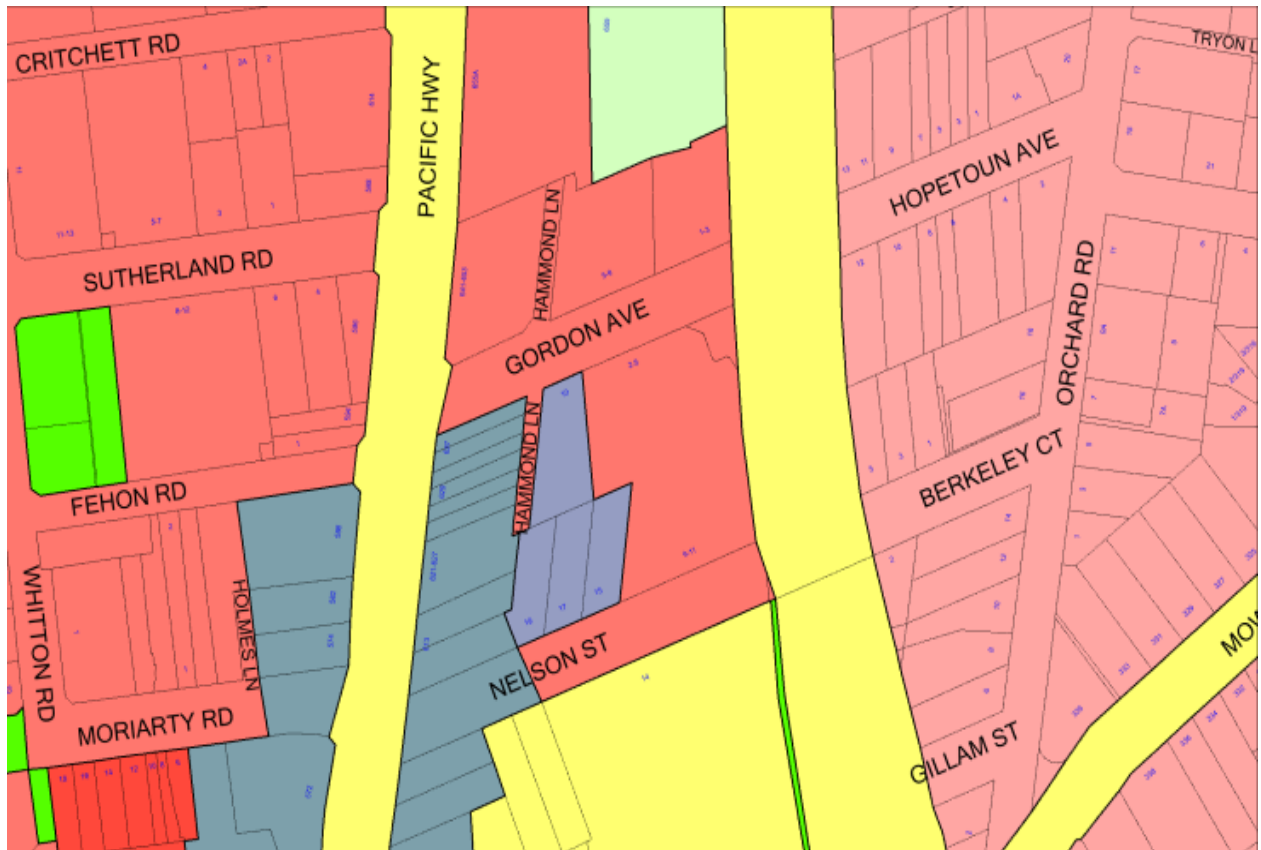
(2) Development consent for the purposes of shop top housing must not be granted unless the consent authority is satisfied at least 17% of the building’s gross floor area will be used for non-residential purposes.”

Draft Amendments to Willoughby Local Environmental Plan 2012

10 Gordon Avenue and 15-19 Nelson Street Chatswood

Mapping Amendments

Land Zoning Map



B4 Mixed Use

Note: Council has supported Planning Proposals for the remaining block bounded by Gordon Avenue, Nelson Street, Pacific Highway and the Frank Channon Walk as B4 Mixed Use, Height: 90m and FSR: 6:1.

Height of Buildings Map



AB2 = 90m

Note: Council has supported Planning Proposals for the remaining block bounded by Gordon Avenue, Nelson Street, Pacific Highway and the Frank Channon Walk as B4 Mixed Use, height: 90m and FSR: 6:1.

Floor Space Ratio Map



AA = 6:1

Note: Council has supported Planning Proposals for the remaining block bounded by Gordon Avenue, Nelson Street, Pacific Highway and the Frank Channon Walk as B4 Mixed Use, Height: 90m and FSR: 6:1.

Lot Size Map



U2 = 2,500m²

Active Street Frontages Map



Active Street Frontage to Gordon Avenue, Hammond Lane and Nelson Street

Special Provisions Map



Area 9: Refer to CI 6.8 Affordable Housing

Area 12: Refer to CI 6.23 Design Excellence at certain sites at Willoughby



WILLOUGHBY
Local
Planning
Panel

**PLANNING PROPOSAL
RECORD OF ADVICE**

DATE OF ADVICE	29 November 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Trevor Bly, James Harrison, and Linda Tully.
DECLARATIONS OF INTEREST	None

Closed meeting held at Willoughby City Council on 29 November 2022.

PLANNING PROPOSAL

The proposal **PP-2022/3** seeks an amendment to the *WLEP 2012* to include site specific special provisions for the subject land, 10 Gordon Avenue & 15-19 Nelson Street, Chatswood NSW 2067, that allow for a rezoning to Land use Change to B4 Mixed Use, Increase building height to 90 meters , increase FSR TO 6:1.

PANEL DISCUSSION

The Panel considered a number of issues including:




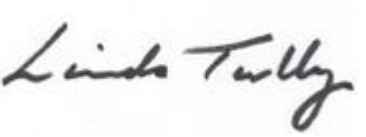
- compliance with the strategic framework,
- connection to a wider pedestrian and cycle network as this is developed,
- vehicular accessibility of the site, considering its proximity to the Pacific Highway and the potential for shared driveway access,
- design excellence outcomes,
- podium design,
- right of way vs dedication and the potential for coordination of maintenance, design and future redesign, and public use, and
- importance of application of the Apartment Design Guidelines (ADG) in relation to internal and external amenity considerations.

PANEL ADVICE

The Panel advises it is satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having demonstrated strategic and site specific merit.

The Panel recommends:

- This advice is provided to Council as part of its consideration of this planning proposal.
- Forwarding the planning proposal to the DP&E for a Gateway consideration following consideration by Council.
- Supporting a shared driveway access solution with 9-11 Nelson Street.
- Integration of the designs of the podia for the subject site and 9-11 Nelson Street.
- Council review the approach requiring rights of way as opposed to dedication and the implications this may have on the future maintenance and redesign of the public spaces.

PANEL MEMBERS	
 ABIGAIL GOLDBERG (CHAIR)	 TREVOR BLY
 JAMES HARRISON	 LINDA TULLY