



PLANNING PROPOSAL REPORT

Draft Amendment to Willoughby Local Environmental Plan 2012

15-19 Nelson Street & 10 Gordon Avenue, Chatswood



DPG PROJECT 105

Prepared by

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Appendix A – Site Survey Plan prepared by C&A Surveyors

Appendix B – Urban Design Study - Design Concept Plans, 3D Envelopes, Shadow Diagrams, Floor Space Schedule, Urban Design Analysis, Visual Assessment, Preliminary SEPP 65 Apartment Design Guide Assessment prepared by DEM

Appendix C – Traffic Impact Assessment prepared by Varga Traffic Planning Pty Ltd

Appendix D – Chatswood CBD Strategy Key Elements Assessment prepared by Ingham Planning Pty Ltd

Appendix E – Qualitative Wind Assessment prepared by CPP Pty Ltd

Appendix F – Letter of Offer for a Voluntary Planning Agreement

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1. INTRODUCTION

This Planning Justification Report has been prepared to support a Planning Proposal for land at Chatswood described as No's 15-19 Nelson Street and No.10 Gordon Avenue, Chatswood. The subject land is located on the southern side of Gordon Avenue, on the southeast corner of Gordon Avenue and Hammond Lane, extending south to Nelson Street. The site location is between the Pacific Highway and the North Shore rail line, approximately 700m south of Chatswood Railway Station and Transport Interchange.

The subject land is irregular in shape with an area of 2,542.7m² and a frontage of 16.2m to Gordon Avenue and 412.8m to Nelson Street and a depth of 89.2m between Gordon Avenue and Nelson Street. The northern portion of the site, No. 10 Gordon Avenue contains a 3 storey apartment building with basement car parking. The southern portion of the site contains a 2 x 3 storey apartment building, with basement parking at 15-17 Nelson Street and a single storey dwelling at 19 Nelson Street.

The site is currently zoned R3 Medium Density Residential pursuant to Willoughby Local Environmental Plan 2012 (WLEP 2012). WLEP 2012 prescribes a maximum floor space ratio (FSR) of 0.9:1 and a maximum building height of 12m. The R3 primarily provides for medium density housing including residential flat buildings, attached dwellings and multi dwelling housing. A limited range of non-residential uses such as neighbourhood shops, places of public worship and childcare centres are also permitted.

The Chatswood CBD Planning and Urban Design Strategy (the CBD Strategy) has identified land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density, with a maximum FSR of 6:1 and maximum building height of 90m, subject to provision of public benefits for any floor space above the currently permitted maximum FSR of 0.9:1.

The Planning Proposal seeks amendment of WLEP 2012 to allow increased development density on the site, in accordance with the proposed development density recommended in the CBD Strategy. The Planning Proposal seeks an amendment of the WLEP 2012 to include site specific special provisions for the subject land that allow for an FSR of up to 6:1 and building height of up to 90m.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of "private" residential floor space, upgrade to public domain, provision of public art in accordance with Council's public art policy and additional developer contributions in accordance with *Council's Community Infrastructure Contribution Schedule Policy*.

This report has been prepared in accordance with the *Department of Planning and Infrastructure Guide for Preparing Planning Proposals*. It considers the site and strategic planning context and merits, traffic and transport considerations, environmental considerations, urban design considerations, economic considerations, social and cultural considerations, infrastructure considerations and other matters of relevance to the Planning Proposal.

The Planning Proposal Report also outlines the form of building envelope drawings and how it is envisaged that the land, after gazettal of the Planning Proposal, will be developed for a 27 storey mixed use building with roof feature in a manner that is consistent with the desired future character for the locality, as outlined in the Chatswood CBD Strategy.

A concept plan for redevelopment of the site in the form of a 27 storey mixed use building, comprising a 25 storey residential tower located above a 2-3 level podium, which contains 2,643m² of commercial/retail floor space within the podium, equating to a non-residential FSR of 1.04:1. The 25 storey residential tower above is proposed to contain a total residential floor space 12,710m², including 485m² of affordable housing floor space. Three levels of basement parking are also proposed.

WLEP 2012 allows affordable housing floor space to be excluded from the calculation of assessable FSR. Council has advised that proponents seeking to take advantage of the building height and floor space bonuses, as proposed in the Chatswood CBD Strategy, must provide the affordable housing within the 6:1 FSR limit, rather than as floor space above this 6:1 FSR limit. The site is identified for affordable housing in Council's recently exhibited Draft CBD Planning Proposal.

The concept plans are intended to illustrate how the site can be suitably developed at the proposed additional density and building height, in accordance with the setback controls proposed in the Chatswood CBD Strategy and generally in accordance with the Apartment Design Guide (ADG). In the event the Planning Proposal proceeds, a separate development application would be submitted to Council for the proposed building. Design of the tower would be the subject of a design excellence process.

A 3D schematic view of the proposed building envelope in the existing context is shown on the following page, in **Figure 1A**, looking north from south of Nelson Street, near the intersection of the Pacific Highway and Nelson Street. This context will change significantly in the future as high-rise mixed-use buildings are constructed around the site, on the eastern side of the Pacific Highway. **Figure 1B** shows the same view of the proposal, within this likely future context.

Figure 1A - 3D View of the Proposed Building Envelope – Existing Context

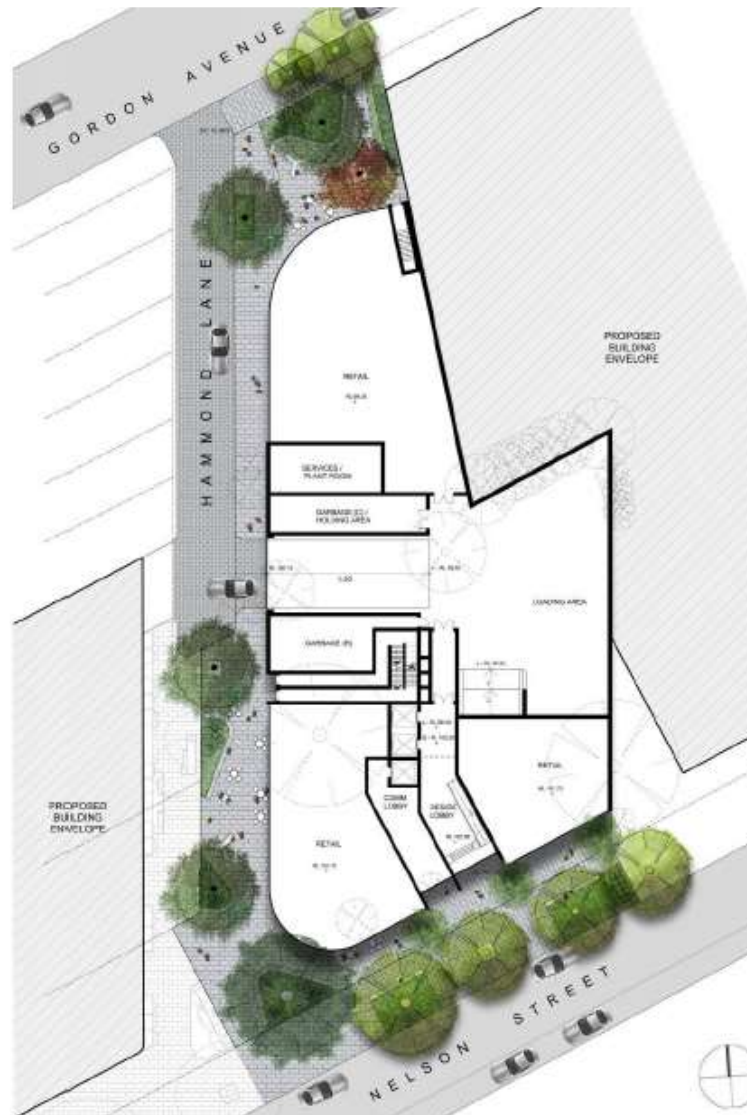


Figure 1B - 3D View of the Proposed Building Envelope – Future Context



Figure 1C on the following page provides an indicative plan of the ground floor level layout and adjoining public domain and landscaping. This includes a publicly accessible landscaped north facing plaza fronting Gordon Avenue, with potential for an outdoor dining facility and public art. A walkway is proposed along the eastern side of Hammond Lane extending south to provide pedestrian connectivity to Nelson Street. The podium setback to Nelson Street provides additional outdoor plaza area and space for large street trees.

Figure 1C – Ground Level Public Domain & Landscaping



Council's support for the Planning Proposal will enable the Planning Proposal to proceed to Gateway and subsequent public exhibition of the Planning Proposal. When gazetted, the proposed increase in building height and FSR controls will enable economic use of the land and its development to an appropriate height and density, commensurate with its accessibility to the nearby Chatswood CBD, proximity to high frequency public transport services and its Highway corridor location. Such an outcome is consistent with current strategic planning policies, which seek to increase development density on the eastern side of the Pacific Highway, near the Chatswood CBD, railway station and transport interchange.

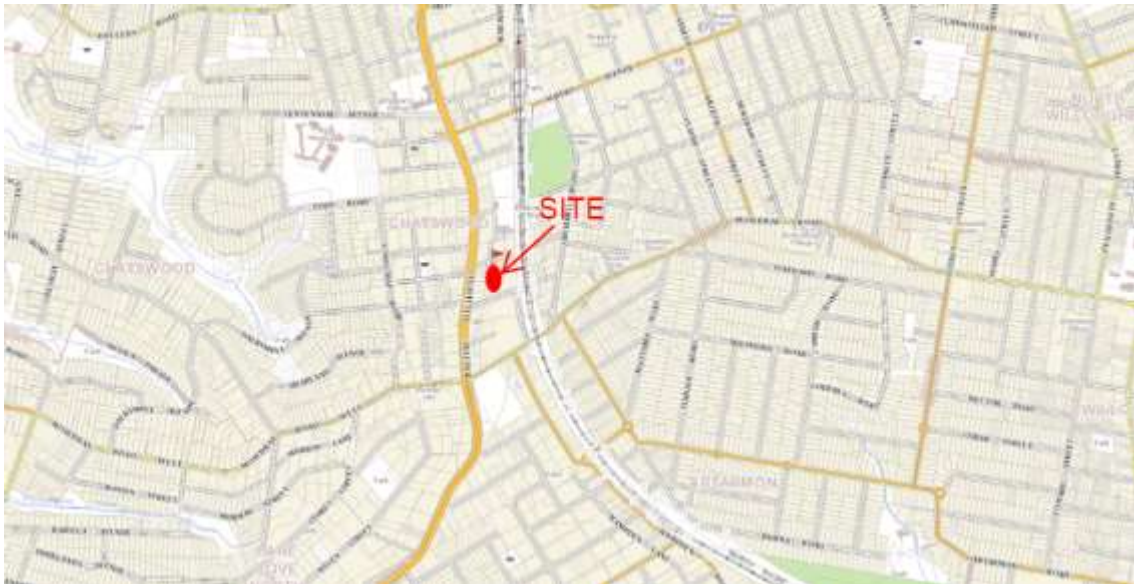
Design concept plans and urban design analysis are included in the Urban Design Study prepared by DEM and attached at **Appendix B**.

2. THE SITE, LOCALITY AND PLANNING CONTROLS

2.1 The Site and Locality

The subject land is described as Strata Plan 85403, No 10 Gordon Avenue, Chatswood, Strata Plan 89243 No. 15 Nelson Street, Chatswood, Strata Plan 76342 No. 17 Nelson Street, Chatswood and Lot 1 DP 1237932 No. 19 Nelson Street, Chatswood. The subject land is located on the eastern side of the Pacific Highway, east of Hammond Lane and extends north-south between Gordon Avenue and Nelson Street. The site is approximately 700m south of Chatswood Railway Station and Transport Interchange and 250m north of Mowbray Road (see **Figure 2 – Location**, below). A pedestrian walkway and cycleway to Chatswood CBD and Railway Station is located near the site, some 50m to the east, adjoining the North Shore rail line.

Figure 2 Location



The subject land is irregular in shape, comprising 4 separate land parcels with a total area of 2,542.7m². The site has a frontage of 16.2m to Gordon Avenue, approximately 49m to Hammond Lane and 41.8m to Nelson Street. The overall north-south depth of the site is 89.2m, with a gentle slope down to the north to Gordon Avenue.

The northern portion of the site, No. 10 Gordon Avenue, contains a 1960's 3 storey apartment building with basement car parking. The southern portion of the site contains a 2 x 3 storey 1980's apartment buildings, with basement parking at 15-17 Nelson Street and a single storey dwelling at 19 Nelson Street. Existing buildings on the site are of modest architectural value and have no heritage significance.

There are no watercourses on or, adjoining the site. The site does not appear to be subject to flooding or overland stormwater flow. Existing landscaping primarily comprises shrubs, small trees and ground cover. There are several small to medium sized street trees along the front boundaries of the site, complemented by existing street trees in Nelson Street and Gordon Avenue. A large tree of landscape significance is located in the southwest corner of No. 19 Nelson Street.

The Nelson Street frontage of the site contains 3 existing access driveways, extending north off Nelson Street. Existing vehicular access to the existing apartment building in northern portion of the site is off Hammond Lane.

A plan of the site is shown in **Figure 3**, below. A site survey is attached at **Appendix A**. An aerial view of the site is shown in **Figure 4** on the following page.

Figure 3 – Site Plan

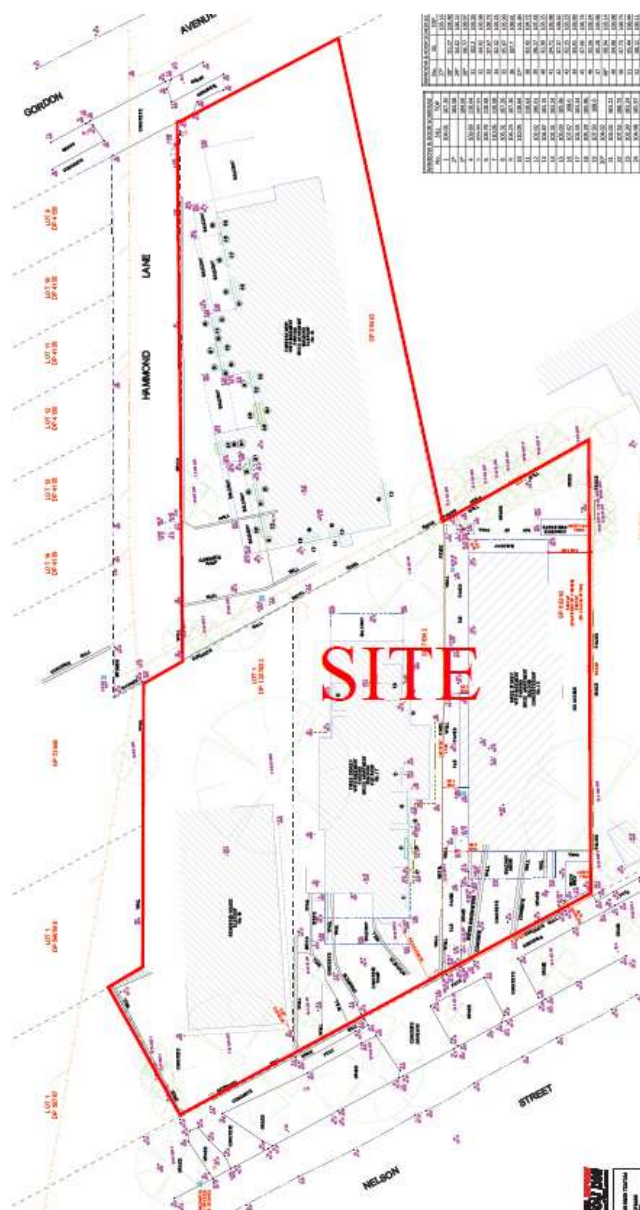


Figure 4 – Aerial View of the Site



Photo 1 below, is a view of the Gordon Avenue frontage of the site looking southeast from Gordon Avenue, with Hammond Lane shown at right.

Photo 1 – View of the Site Looking Southeast from Gordon Avenue



Photo 2, 3 and 4 below, show views of the Nelson Street frontage of the site.

Photo 2 – 15 Nelson Street Portion of the Site Looking North



Photo 3 – 17 Nelson Street Portion of the Site Looking North



Photo 4 – 19 Nelson Street Portion of the Site Looking North



An aerial view of the site and locality is shown in **Figure 5** below.

Figure 5 – Aerial View of Site and Locality



The locality around the site to the north and east comprises low rise 3 storey medium density residential flat buildings, generally with basement car parking. The existing 3 storey apartment building directly to the north of the site is shown below, in **Photo 5**.

Photo 5 – Existing Apartment Building at 5-9 Gordon Avenue



The nearby 3 storey apartment building on the southwest corner of the Pacific highway and Gordon Avenue is shown in **Photo 6** on the following page. The adjoining large 3 storey apartment complex at 9-11 Nelson Street, which extends north through to Gordon Avenue, is also shown on the following page, in **Photos 7** and **8**.

Photo 6 – Apartment Building at 641-653 Pacific Highway (Corner of Gordon Ave)



Photo 7 – Gordon Ave Frontage of Apartments at 9-11 Nelson St.



Photo 8 – Nelson St. Frontage of Apartments at 9-11 Nelson St.



To the west of the northern portion of the site is a 2 storey commercial building currently used as Payless Tyre and Brake as shown below in **Photo 9**. To the south of this site is a single storey commercial building used as Midas Car Service centre. To the west of the central portion of the site, is a 5 storey mixed use building, shown further below, in **Photo 10**. Adjoining the southern portion of the development site to the west, is a single storey commercial premises used for retailing paint, as shown in **Photo 11**, at the bottom of the page.

Photo 9 – View Looking Southwest - Commercial Premises at 635-639 Pacific Highway



Photo 10 – View Looking Southwest of the Rear of 625-627 Pacific Highway



Photo 11 – View Looking Northeast – Commercial Premises at 613-617 Pacific Highway



To the south of the site, on the southern side of Nelson Street, as shown in **Photo 12** below, is the “dive” site for the metro rail line extension to the Sydney CBD. When rail construction is completed, this site may be expected to be redevelopment for a high-rise mixed-use development, in accordance with the planning controls proposed in the Chatswood CBD Strategy.

Photo 12 – View of Looking Southeast of the Metro “Dive” Site in Nelson St.



Photo 13 below, shows a view looking south from near Gordon Avenue, of the Frank Channon Walkway, located approximately 50m to the east of the subject land. This walkway adjoins the North Shore rail line and doubles as a cycleway way, providing a convenient and direct pedestrian and cycling link to the nearby Chatswood CBD and Transport Interchange located to the north. The high solid noise barrier on the eastern side of the walkway significantly mitigates train noise from the railway line.

Photo 13 – Frank Channon Walkway Extending South from Gordon Ave to Nelson St.

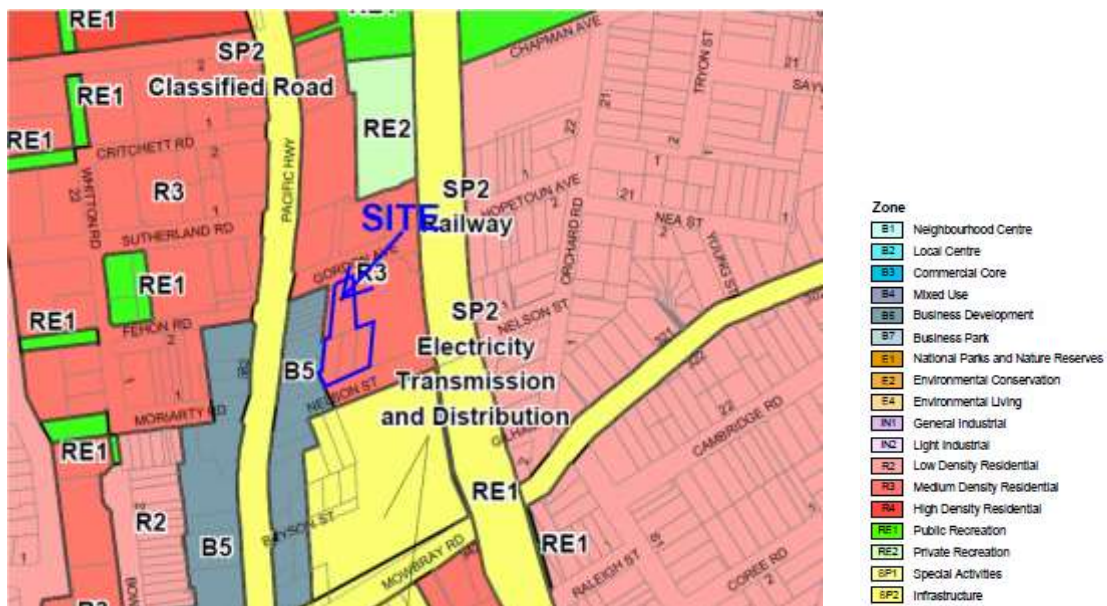


The character of the surrounding area to the east of the Pacific Highway extending east to the North Shore rail line will significantly change, as the locality is redeveloped for high-rise mixed-use towers in accordance with the Chatswood CBD Strategy. Council has endorsed Planning Proposals for this form of development for several adjoining and adjacent sites, including all the land to the west, between Nelson Street and Gordon Avenue, to the east at 9-11 Nelson Street and to the north, at 5-9 Gordon Avenue.

2.2 Willoughby LEP 2012 Planning Controls

Willoughby Local Environmental Plan 2012 (WLEP 2012) is the local planning instrument applying to the subject land. The site is zoned R3 Medium Density Residential. This R3 zone extends east and west of the south and on the southern side Gordon Avenue, between the railway line and Hammond Lane. A B5 Zone extends along the eastern and western sides of the Pacific Highway, south of Gordon Avenue. The Chatswood Bowling Club, to the north of the site is zoned RE2 Private Recreation. The zoning of the site (edged in blue) and locality is shown in **Figure 6 – Zoning**, below.

Figure 6 - Zoning Willoughby LEP 2012



The R3 Zone is designed to provide for low rise medium density housing primarily in the form of residential flat buildings, attached dwellings and multi dwelling housing. Only a limited range of non-residential uses are permitted, such as childcare centres, community facilities, neighbourhood shops and places of public worship. Shop-top housing is not identified as a permissible use.

The Planning Proposal includes a change in zoning of the land to B4 Mixed Use so that shop-top housing and a broader range of retail and other commercial uses will be permissible land uses on the site. This change in zoning is consistent with the Chatswood CBD Strategy, which recommends that the subject land and other nearby land in the R3 Zone, be zoned B4 Mixed Use. The B4 Zone will ensure that retail and/or commercial premises are located on the ground and first floor levels of future buildings.

The Planning Proposal requests inclusion of an incentives clause to allow increased building height and FSR, subject to the provision of public benefits in the form of affordable housing, Hammond Lane extension as a publicly accessible pedestrian walkway and additional developer levies for increased residential floor space.

The existing building height and FSR controls for the subject land (edged in red) and adjoining land, as contained in WLEP 2012 are shown in **Figures 7 and 8**, below.

Figure 7 - Maximum Building Height Willoughby LEP 2012



Figure 8 - Maximum Floor Space Ratio Willoughby LEP 2012



As shown above, the WLEP 2012 currently provides for a maximum FSR of 0.9:1 and maximum building height of 12m (4 storeys) on the subject land. The Chatswood CBD Strategy proposes to allow additional FSR, up to 6:1 and additional building height, up to 90m, subject to provision of public benefits in exchange for increased floor space and building height.

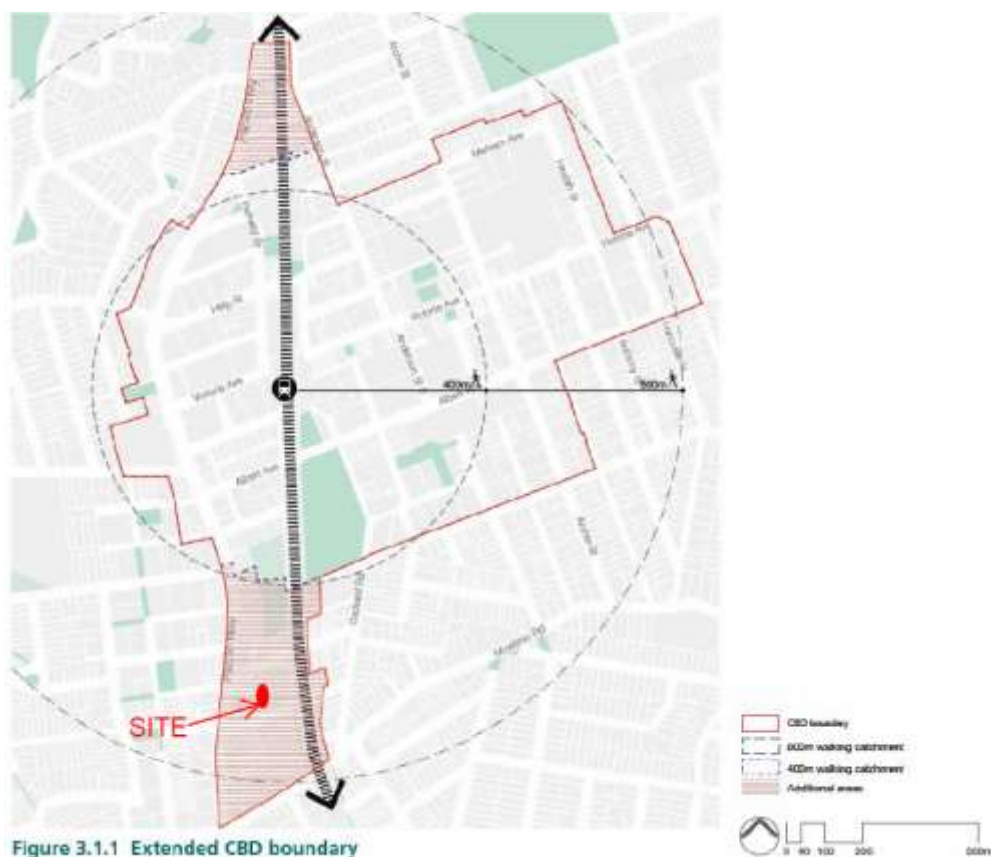
WLEP 2012 allows a floor space bonus where projects are subject to a design excellence process. The LEP also allows for exclusion of affordable housing from the calculation of assessable gross floor area, where it can be demonstrated that the affordable housing component does not material contribute to the overall bulk and scale of the development. Council has advised that a design excellence bonus will not apply, and affordable housing floor space must be included with the maximum 6:1 FSR, for development seeking to take advantage of the FSR and building height bonuses proposed in the Chatswood CBD Strategy.

2.3 Proposed Planning Controls – Chatswood CBD and Urban Design Strategy

The Chatswood CBD Planning and Urban Design Strategy September 2020 (the CBD Strategy) adopted by Council, proposes to introduce new planning controls for the Chatswood CBD and within areas recommended for expansion of the Chatswood CBD. The CBD Strategy received endorsement from the Greater Sydney Commission in early 2020 and in early July 2020 received endorsement from the NSW Department of Planning Industry and Environment (DP&E). Council has prepared a Draft PP for the Chatswood CBD to implement the endorsed Chatswood CBD Strategy. This Draft PP is currently on public exhibition until June 2022.

The CBD Strategy identifies land on the eastern side of the Pacific Highway, extending from the Chatswood CBD, south to Mowbray Road, including the subject land, for increased development density, by way of a building height and floor space bonus, subject to minimum site area criteria and provision of public benefit. **Figure 9**, below, is a copy of Figure 3.1.1 from the CBD Strategy showing the new CBD boundary that has now been endorsed by Council. The areas of expansion to the existing CBD boundary are shown coloured light red. The subject land is located within the southern CBD expansion area.

Figure 9 - Chatswood CBD Strategy Chatswood CBD Boundary



As detailed in Section 2.2, the subject land is currently permitted to be developed to a maximum building height of 12m and maximum FSR of 0.9:1. The proposed planning controls retain the existing maximum building height and FSR controls, but with potential to achieve up to an additional 78m of building height and an additional 5.1:1 FSR. This potentially allows the site to be developed to a maximum building height of 90m and maximum FSR of 6:1 (including any affordable housing). **Figure 10** below, is a copy extract of the FSR and Building Height Maps from the CBD Strategy, showing the location of the subject land, within those maps.

Figure 10 - Chatswood CBD Strategy Map Extracts of Bonus FSR & Building Height



With respect to land use, the CBD Strategy recommends that land not currently designated as open space, which is located outside the CBD, including the subject land be zoned B4 Mixed Use. When this zoning is implemented the zoning of the subject land will change from R3 Medium Density Residential to B4 Mixed Use.

The CBD Strategy proposes a minimum site size of 1,200m² for residential development that proposes to take advantage of additional height and FSR provisions. The subject land has an area of 2,542.7m², more than double the minimum area required.

Figure 3.1.8 of the CBD Strategy sets out required street frontage heights and setbacks. A mixed-use frontage with ground floor commercial is required for the site. A street wall height of between 6m to 14m, with zero setbacks permitted for the podium. Above the podium level a minimum setback of 3m applies to Gordon Avenue, Nelson Street and Hammond Lane. Tower setbacks above podium to other boundaries of the site to the east and west north are required to comply with the building separation/setback requirements of the SEPP 65 Apartment Design Guide (ADG) and would range from 6m up to 12m, based on a 50/50 sharing between adjoining sites.

Figure 11, on the following page, is an extract from Figure 3.1.8 of the CBD Strategy showing street frontage heights for the subject land (6-14m) and nearby land in the southern sector of the expanded CBD boundaries.

Figure 11 – CBD Strategy Map Extract Street Frontage Heights



The CBD Strategy envisages that for redevelopment along the street frontages of the site, a 2 storey commercial podium up to 8m high will be provided, which is permitted to have a zero front setback to site's street frontages. With respect to the residential tower above, a minimum 4.5m setback from the street frontage is required for a building extending to a height of 90m.

The proposal provides a 3m setback to Nelson Street and Hammond Lane. The 12m high Gordon Avenue podium elevation responds to the slope of the land by providing a lower ground floor level and 2 levels above. This podium is setback some 12m from Gordon Avenue, providing for a substantial area of north facing communal open space at the ground level of the Gordon Avenue frontage. For the most part a zero side setback is provided for the podium along the eastern side boundary, apart from a triangle of landscaped eastern side setback area in the southeast corner of the podium, which is setback up to 6m from the eastern boundary, at the site frontage.

The residential tower above the podium is proposed to have a 5.6m to 11.6m western setback to Hammond Lane and the proposed southward extension of Hammond Lane and a 7m tower setback to Nelson Street. Tower setback to Gordon Avenue is approximately 35m. A variable tower setback is provided to the eastern side boundary, with 4m to 6m provided at the lowest level of the tower, increasing to between 4m and 9m for Levels 3 to 19, and to between 4m and 12m for Levels 20 to 26.

Willoughby LEP 2012 allows a density bonus where a proposed development goes through a design excellence process. This density bonus will not apply to developments seeking to take advantage of the height and FSR bonuses provided for the CBD Strategy.

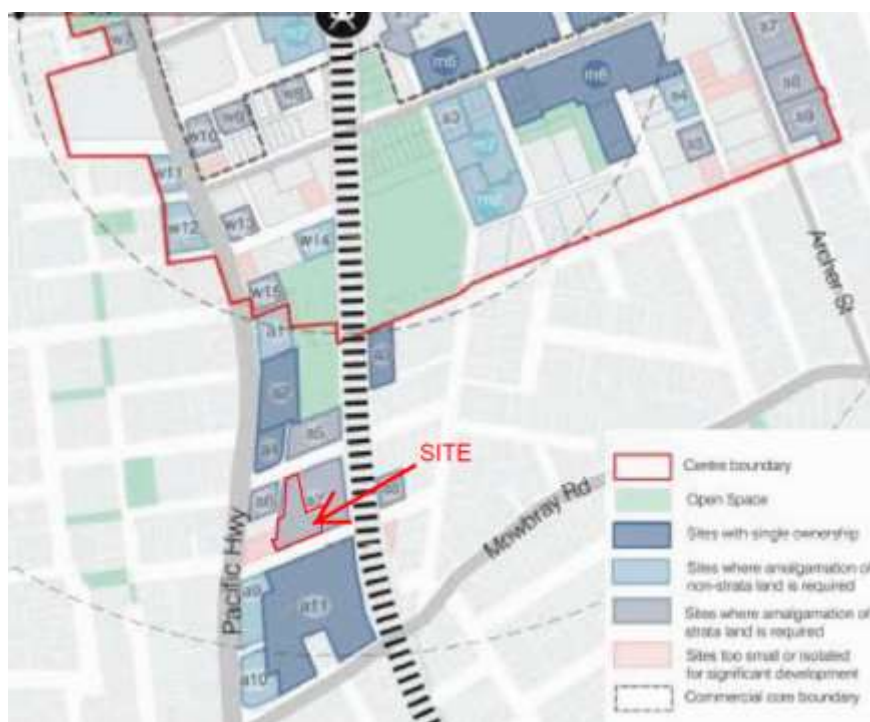
The Strategy specifies that all developments exceeding the existing FSR and with a height of more than 35 metres, must go through a design excellence process, with no further height or FSR bonuses available.

To achieve design excellence, development must achieve higher building sustainability standards and be endorsed by a Design Review Panel.

The CBD Strategy Study includes a map of opportunity sites, which identifies sites that may be available for development at the greater densities envisaged in the bonus height and FSR controls. The subject land is identified as an opportunity site (under existing strata title) outside the centre of the CBD.

Figure 5.2.1 of the CBD Planning and Urban Design Study included an indicative amalgamation pattern. An extract from Figure 5.2.1 of the CBD Strategy Study for the subject land and nearby land in the southern sector of the expanded CBD boundaries is shown at **Figure 12**, below. The subject land, together with the residential flat building site to the east, is identified as part of a large parcel “a7”, where site consolidation is required, and facilitates 2 large future development sites.

Figure 12 – CBD Strategy Study Indicative Site Amalgamation



The adjoining property to the east, located at 2-8 Gordon Avenue comprises a 1980's 3 storey residential flat building that is strata titled into multiple separate ownerships on a large site of more than 3,000m². This site is well in excess of the 1,200m² minimum area for redevelopment in accordance with the CBD Strategy. readily capable of being redeveloped in accordance with the CBD Strategy. The balance of land with site a7 is fully contained within the subject Planning Proposal for 10 Gordon Avenue and 13-19 Nelson Street. Accordingly, no isolated development sites are created.

All developments within the new CBD boundaries that take advantage of additional FSR are required to contribute towards public art in accordance with Willoughby's Public Art Policy.

The CBD Strategy envisages that all developments in the proposed B4 Mixed Use Zone will contain a podium that contains commercial floor space. A prescribed minimum commercial floor space is not recommended, but rather assessed on merit having regard to location. In locations within and adjoining the core area of the CBD and along major transport corridors, the ratio of commercial to residential floor space is likely to be higher, with the podium containing at least 2 storeys of commercial floor space.

In the case of sites located in the outer areas of the CBD, without “exposure” to a major road, as is the case with the subject land, the CBD Strategy envisages a reduced extent of commercial floor space. Rather than require 2 storeys of commercial, in such cases the CBD Strategy notes: *“outer areas should generally be mixed use with ground floor commercial required and upper floor commercial encouraged”*. The CBD Strategy further notes that *“appropriate controls should encourage these however not require them where they will not be viable.”*

The subject land is located in a cul-de-sac, towards the outer edge of the new boundaries Chatswood CBD and has no direct frontage or exposure to a busy road. In such circumstances, the viability of commercial floor space above ground level is questionable. Notwithstanding this, the Planning Proposal includes 2 levels of commercial floor space within the podium to achieve Council’s preference for a non-residential FSR of at least 1:1 (17% of total assessable GFA).

With respect to tower form, the CBD Strategy advocates development of slim, tall well separated tower forms with floor plates that do not exceed a gross floor area (GFA) of 700m². Willoughby LEP 2012 excludes the thickness of external walls, balcony areas and areas occupied by common vertical circulation such as lifts and stairs from the calculation of assessable GFA.

Implementation of the CBD Strategy will include a contribution mechanism to fund public domain and public and social infrastructure improvements. In addition to the usual Section 7.11 and 7.12 Developer Contributions.

The proposal includes a range of public benefits provided by way of a Voluntary Planning Agreement (VPA). Benefits include provision of affordable housing equivalent to 4% of “private” residential floor space, upgrade to public domain, provision of public art in accordance with Council’s public art policy and payment of additional contributions of \$765 per square metre of additional residential floor space, in accordance with Council's Community Infrastructure Contribution Scheme.

While the CBD Strategy states that the FSR bonus should be considered as the maximum achievable, it does not reference the existing Willoughby LEP 2012 provisions, which allow affordable housing floor space to be excluded from FSR calculations, if such floor space does not materially add to perceived building bulk and scale. Council has advised in Pre-Lodgement consultations that affordable housing will have to be provided within the allowable bonus FSR. The Planning Proposal provides for 485m² of affordable housing within, rather than in addition to, the maximum 6:1 FSR proposed for the site.

The Planning Proposal is not impacted by any of the conditions imposed by DP&E's conditional endorsement of the Chatswood CBD Strategy. The subject land is not located at an interface with and heritage conservation areas.

The building envelope in the Planning Proposal has been designed having regard to the proposed new planning controls in the CBD Strategy and as currently being exhibited in Council's Draft Planning Proposal for the Chatswood CBD. The concept plans for the Planning Proposal are evaluated against the CBD Strategy planning controls in Section 3.5 of the Planning Proposal Report.

3. THE PLANNING PROPOSAL

3.1 The Planning Proposal – Amendment to Willoughby LEP 2012

The Planning Proposal seeks to amend WLEP 2012 to rezone the land from R3 Medium Density Residential to B4 Mixed Use and include redevelopment incentives for the subject land to facilitate redevelopment of the site for the purposes of a prestige high-rise mixed-use building, in accordance with the development outcomes envisaged in the CBD Strategy. The proposal also includes provision of public benefits in the form of affordable housing, extension of Hammond Lane to the south for pedestrian access to Nelson Street and payment of additional developer levies.

The proposed incentives clause is intended to allow maximum FSR to be increased from 0.9:1 to 6:1 (including affordable housing) and maximum building height to be increased from 12m (4 storeys) to 90m (maximum of 28 storeys).

The proposed building envelope allows for a 2 storey 8m high podium, with a 25 storey tower above. The podium is to contain 2,543m² (2,643m²) of commercial floor space within the podium. The podium provides higher floor to ceiling heights to satisfactory accommodate retail and/or commercial uses. All residential floor space is provided in the 25 storey tower above the podium. A substantial area of communal open space is provided at ground level fronting Gordon Avenue and above the podium.

The building envelope is capable of accommodating more than 15,000m² of floor space, including affordable housing. A total assessable GFA of 15,253m² is proposed, based on an FSR of 6:1 on a site of 2,542.7m². Commercial/retail floor space of 2,643m² and residential floor space of 12,610m² are proposed. Residential floor space will comprise 12,225m² of private housing and 485m² of affordable housing, to be dedicated to Council, or a nominated community housing authority.

The Planning Proposal is proposed to be implemented by way of introduction of an additional subclause within WLEP 2012 relating to maximum building height and FSR and includes identification of the site within the LEP as an affordable housing site. A new clause 6.23 is proposed to be inserted into WLEP 2012 to allow a building height of up to 90 metres (28 Storeys) and FSR up to 6:1 (including affordable housing) on the consolidated site and either dedication of land to Council for the extension of Hammond Lane or provision of an easement for public access over the proposed pedestrian pathway south to Nelson Street.

It is also proposed to amend Willoughby DCP 2012 to include site specific building envelope and setback controls for the subject land. The site specific DCP would include the maximum building height and minimum podium and tower setbacks, as outlined in the Planning Proposal. Other site-specific provisions would include controls relating to car parking and vehicular access, communal open space and landscaping. A draft of the site-specific DCP prepared by DEM is attached at **Appendix H**.

3.2 The Planning Proposal Objectives

The objectives of the Planning Proposal are summarised as follows:

- (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.

3.3 Intended Outcomes

The preparation of the Planning Proposal and the potential building envelope has been informed by a detailed analysis of the site's development constraints and opportunities and the recommendations of the Chatswood CBD Strategy. This analysis has included site context, topography, aspect, relationship to neighbouring development, traffic and access, viability, development trends and market expectations.

The Planning Proposal would allow viable redevelopment of the subject land to provide for high quality contemporary apartment living, attractive to both investors and owner occupiers, particularly those households seeking to downsize. Providing a substantial increase in the number of apartments suitable for downsizers has a positive outcome by increasing the supply of housing available for those seeking to downsize in a location within convenient walking distance of the central area of the Chatswood CBD.

The residential tower design facilitates district views for occupants and with provision of lifts, enhances accessibility for seniors and disabled persons, who are becoming a significant segment of the demand for apartment living.

The slim form of the proposed tower envelope has been designed to minimise shadowing of residential properties to the south. Detailed tower design will ensure reasonable neighbour privacy is maintained.

By including substantial public benefits in the Planning Proposal, such as affordable housing, and provision of pedestrian access from Gordon Avenue to Nelson Street, as well as additional developer levies, returns from redevelopment are reasonably shared between the developer and the community.

The requested changes to the existing Willoughby LEP 2012 planning controls applicable to the site will enable the above outcomes to be achieved. The proposed LEP amendments to the site are summarised as follows:

- Amend the maximum building height to 90m
- Amend the maximum floor space ratio to 6:1
- Amend the Special Provisions Map to identify the site as an additional Area on the Map
- Amend the lot size map to indicate a minimum lot size of 2,000m²
- Amend the Active Street Frontages Map to include the site's Gordon Avenue and Nelson Street frontages as an active frontage
- Apply a minimum non-residential floor space requirement equating to 17% of total assessable GFA on the site under clause 4.4B
- Apply clause 5.6 Architectural Roof Features to the site.
- Amend clause 6.8(2) to include the site as an additional Area on the Special Provisions Map.
- Amend clause 6.23(2) to include the site as an additional Area on the Special Provisions Map
- Add the site to Schedule 1 Additional Permitted Uses to specify use of certain B4 zoned land in Chatswood and allow non-residential FSR in residential flat buildings.

The above amendments to Willoughby LEP 2012 are to be supported by an amendment of the Willoughby Development Control Plan (WDCP) to include site specific DCP development controls, as outlined in the Site-specific Draft DCP Provisions attached at **Appendix H**. Should the Planning Proposal proceed to Gateway a set of WLEP 2012 Map amendments will be prepared.

3.4 Public Benefits

As noted above, an important feature of the Planning Proposal is the provision of significant public benefits. These benefits are to be included in a Voluntary Planning Agreement (VPA), as well as the site being designated in WLEP 2012 for affordable housing. The public benefits are summarised as follows.

(a) Voluntary Planning Agreement (VPA)

The CBD Strategy proposes that where approval is sought for additional floor space and building height, beyond that provided for in the current planning controls, an additional developer levy is payable for each additional square metre of residential floor space. This levy is in addition to Council's standard Section 7.12 levies and applies to the residential component of the building. The amount payable for additional residential floor space as specified in Council's *Community Infrastructure Contribution Scheme (CIS)* is \$765 per square metre of additional residential floor space (excluding affordable housing).

The subject land is currently permitted to have a maximum FSR of 0.9:1 which equates to 2,288m² of assessable GFA. The proposed development (excluding 485m² of affordable housing floor space) will have an assessable residential GFA of up to 12,125m, or an increase of up to 9,837m² above existing FSR of 0.9:1.

The VPA Letter of Offer proposes an additional developer contribution of \$765 per square metre of residential floor space (excluding affordable housing) in accordance with Council's CIS. The contribution is used by Council towards funding infrastructure and community facilities identified for the area in the CIS. The proponent will also provide pedestrian access from Gordon Avenue to Nelson Street and contribute towards the delivery of public art as part of the design excellence process and in accordance with Council's Public Art Policy.

(b) Provision of Affordable Housing

The Planning Proposal includes provision of 4% of residential floor space within the proposed development site for affordable housing on this site. Based on "private" housing floor space of 12,125m², 4% of this floor space equates to a requirement to provide 485m² of affordable housing floor space in the building, to be provided to the Council or a nominated community housing organisation, in accordance with Council's affordable housing policy. This affordable housing allocation would be implemented by including the subject land within the WLEP 2012 Special Provisions Map (as also proposed in Council's Draft PP for the Chatswood CBD), as a site to which Council's affordable housing policy applies, requiring provision of affordable housing equivalent to 4% of proposed "private" residential floor space.

There are other public benefits arising from the Planning Proposal that are additional to affordable housing and additional developer levies.

These benefits include provision of a footpath on the eastern side of the existing Hammond Lane frontage of the site. Currently Hammond Lane does not have a footpath and pedestrians must walk on the road carriageway. Additionally, this proposed footpath will be extended south to Nelson Street providing a landscaped footpath pedestrian access between Gordon Avenue and Nelson Street.

The proposal will also generate more than 5 times the amount of Section 7.12 levies to Council, compared with a development that has a maximum FSR of 0.9:1, as currently applies.

3.5 Concept Plans and Proposed Development

A DA for future high-density mixed-use development of the site will be separately prepared and lodged with Council, following exhibition of the Planning Proposal and its referral to the Minister for Planning for gazettal.

A building envelope and concept plans for the proposed redevelopment of the subject land has been prepared. A copy of the Concept Plans is included in the Urban Design Study attached at **Appendix B** and includes an urban design analysis.

The concept plans provide for redevelopment of the site in the form of a 27 storey mixed use building comprising a 25 storey tower located above a 2 storey podium. The ground and lower ground floor levels of the podium contain entry lobbies and 943m² of retail floorspace, in 3 tenancies. The first-floor level of the podium provides 1,700m² of commercial office floor space, which is capable of being subdivided into smaller tenancies. The 25 storey tower above the podium contains 142 residential apartments. Communal open space is provided at ground level and above the podium. Three levels of basement parking for approximately 150 car spaces and a loading dock for trucks are provided below the podium, with access off Hammond Lane, south of Gordon Avenue.

The proposed building envelope can accommodate a total assessable gross floor area of more than 15,000m², comprising 142 apartments (depending on unit mix), and 2,643m² of commercial/retail floor space within the 2 storey podium. The ground floor level is also proposed to contain separate commercial and residential lobbies (accessed off Nelson Street), services and plant rooms, garbage room, loading dock, lifts and stairs. All car parking is located within the basement.

Apartment mix emphasises 2 bedroom units (99 units), with a smaller number of 1 and 3 bedroom units (18 and 25 respectively). The apartments are contained within a slim tower form, located above the podium. A substantial area of communal open space, in the order of 800m² is provided above the northern portion of the podium and at ground level. The relatively narrow tower form in the east-west elevation is proposed to optimise building separation and solar access and provide view corridors north to the Chatswood CBD.

A 3D view of the proposed podium and tower building form, as viewed looking north over the site, is shown below in **Figure 13**.

Figure 13 - 3D View of the Proposed Podium & Tower Form



The proposal provides a 3m setback to Nelson Street and Hammond Lane. The 7.8m high 2 storey podium is setback 12m to Gordon Avenue providing for a substantial area of north facing communal open space at ground level to the Gordon Avenue frontage. For the most part, a zero side setback is provided for the podium along the eastern side boundary, apart from a triangle of landscaped eastern side setback in the southeast corner of the podium, which is setback up to 6m from the eastern boundary, at the Nelson Street frontage.

The residential tower above the podium is proposed to have a 6m setback to Hammond Lane and 9m to the western boundary south of Hammond Lane and a 7m tower setback to Nelson Street. Tower setback to Gordon Avenue is approximately 35m.

A variable tower setback is provided to the eastern side boundary, with 9m provided at the lowest level of the tower to the southern and central portions of the tower and between 4.5m and 7.5m for the northernmost portion of the tower. Above Level 19 eastern side setback increases to 12m for the southern and central portions of the tower. Substantial building separation in the order of 21m to 24m is provided to planned future tower buildings to the east.

Active street frontage to Gordon Avenue and 80% of Hammond Lane is proposed by way of a retail tenancy in the northern half of the podium. An active frontage to Nelson Street is provided by way of 2 retail tenancies and residential and commercial lobbies.

There is also potential for 1 or more of the retail tenancies to be used as a café or restaurant, including outdoor seating within a portion of the landscaped communal open space areas fronting Gordon Avenue and Nelson Street.

In order to optimise an active frontage to the primary street frontages of Gordon Avenue and Nelson Street and minimise the number of vehicular accesses between Hammond Lane and the North Shore Rail line, it is proposed that vehicular access to the proposed development be shared with the adjoining Planning Proposal site to the east at 9-11 Nelson Street. This will be achieved by providing for a right-of-way over the driveway proposed off Gordon Avenue, for the redevelopment of 9-11 Nelson Street, with a breakout wall included in the basement design of both developments.

Given that it is anticipated that the redevelopment of the subject land (9-11 Nelson Street and 10 Gordon Avenue) will proceed prior to the redevelopment of 9-11 Nelson Street, the Planning Proposal concept plans make provision for a temporary vehicular access to the site off Hammond Lane, off the southern end of this Lane in a similar location to the existing vehicular access to No. 10 Gordon Avenue. This temporary driveway will also provide vehicular access to the loading dock in the uppermost basement level. The loading dock includes an internal truck turning area so that all vehicles enter and leave the site in a forward direction.

The 3m wide podium setback to Hammond Lane enables provision of a footpath on the eastern side of this Lane, which is extended south to Nelson Street within a landscaped area that will form part of the publicly accessible open space within the site. A sunny communal landscaped area in the order of 150m² fronts the podium in Gordon Avenue. A 3m landscaped podium setback to Nelson Street allows for footpath widening in this location, landscaping, additional canopy space for street trees and retention of the large pine in the southwest corner of No. 19 Nelson Street.

Figure 14A on the following page, shows the indicative layout proposed for the lower ground floor level, including the northern retail tenancy and the public plaza area fronting onto Gordon Avenue and Hammond Lane and the driveway to the basement car park and loading dock, utilising temporary vehicular accesses to Hammond Lane, pending provision of shared vehicular access through 9-11 Nelson Street.

Figure 14B further below on the following page, shows the indicative layout proposed for the lower ground floor level, with the temporary access driveway removed following provision of permanent vehicular access through 9-11 Nelson Street.

The northern retail/commercial tenancy is enlarged, or a separate retail tenancy provided, arising from relocation of the plant room and garbage room further to the south, in the space occupied by the temporary driveway off Hammond Lane, which is removed when the permanent vehicular access is provided through 9-11 Nelson Street. 2 retail tenancies and the commercial and residential lobbies are proposed fronting Nelson Street, providing for an active street frontage along the whole of Nelson Street.

Figure 14A Indicative Lower Ground Floor Layout Temporary Configuration (RL 99.3)

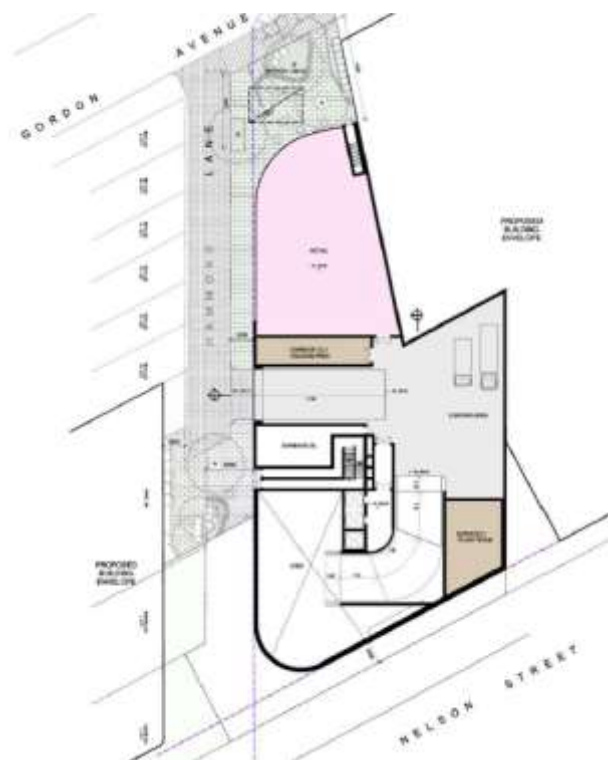


Figure 14B Indicative Lower Ground Floor Level Permanent Configuration (RL 101.7)

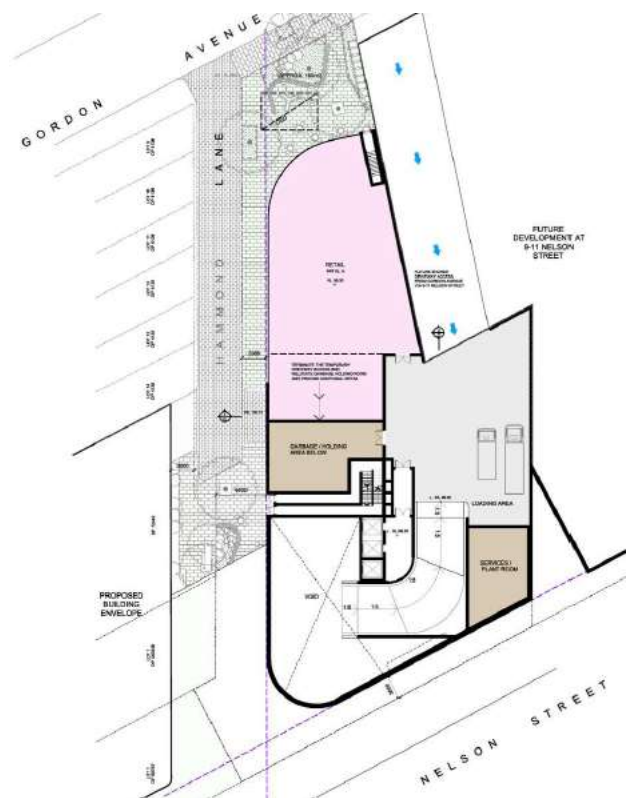
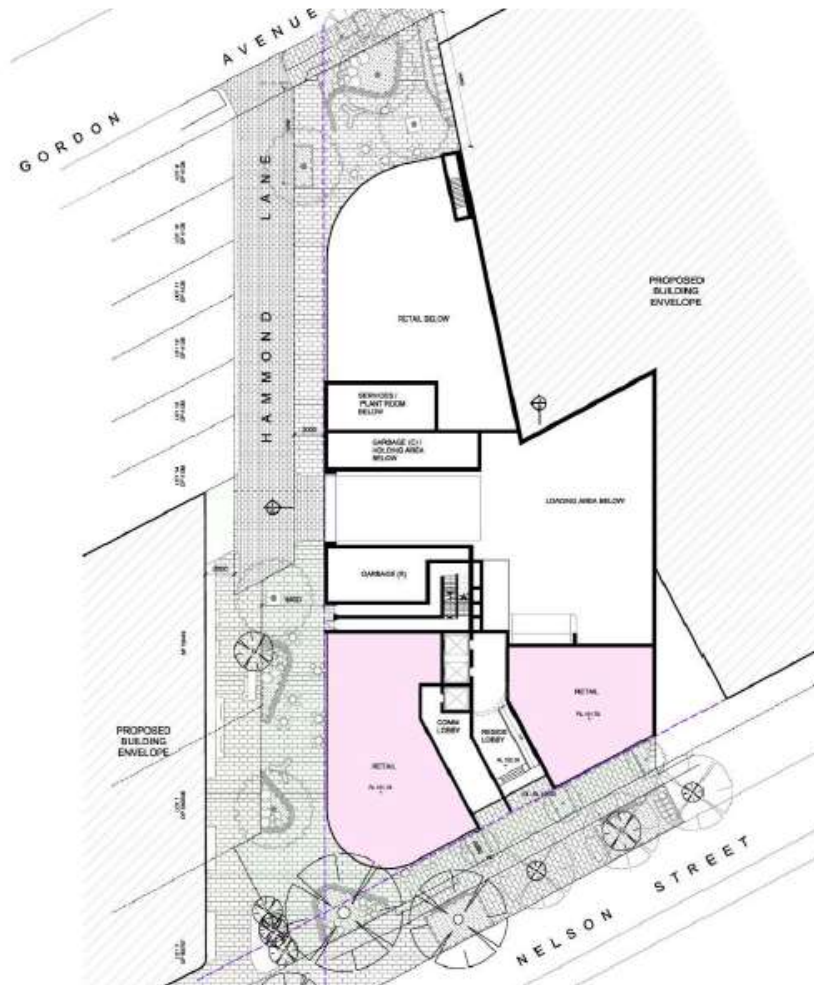


Figure 14C below shows the proposed ground floor layout. The ground floor layout is not impacted by changes to the lower ground floor layout arising from the deletion of temporary vehicular access to Hammond Lane.

Figure 14C Indicative Ground Floor Layout (RL 101.7)



Both levels within the 2 storey podium are provided with higher floor to ceiling height clearances to facilitate their functional use for retail and commercial purposes. Accordingly, a podium height of at least 7.8m is required. The whole of the first-floor level of the podium is provided as commercial office floor space, with a lift and access stairs to the ground floor and basement below.

The residential tower floor plate occupies approximately 60% of the podium floor plate, enabling provision of more than 600m² of communal open space on the podium of the building. Location of the tower floorplate has been informed by the location of the residential tower proposed in the Planning Proposal for 9-11 Nelson Street. This is illustrated in **Figure 15** on Page 30, which shows the proposed Level 2 plan and setbacks to the planned future redevelopment of 9-11 Nelson Street. A tower building separation of at least 18m is provided to the east and more than 24m to the north and northeast.

Figure 15 – Indicative Layout Plan Level 2 Above Podium



Tower floor plate does not exceed 700m² GFA (i.e. excluding balconies), with reduced floor plate areas in the upper levels of the tower. Tower floorplates typically accommodate 5 to 6 apartments on each level, with a tower width of 22.3m up to Level 19 and 19.3m for Levels 20 to 26.

Living areas and associated balconies are orientated to the north and south to minimise overlooking of future developments on neighbouring sites and take advantage of view corridors to the north and south. At least 3 apartments on each level will have living areas and associated balconies with a northerly aspect, maximising solar access. Other units will receive either morning or afternoon solar access. The number of single aspect south facing apartments is minimised.

The indicative tower floor plate for the lower levels of the residential tower is shown below in **Figure 16**. **Figure 17**, further below, shows the indicative floor plate for the tower middle levels 8-19. 6 units are provided on each of Levels 3 to 19.

Figure 16 – Indicative Tower Floor Plate Lower Levels 3-7

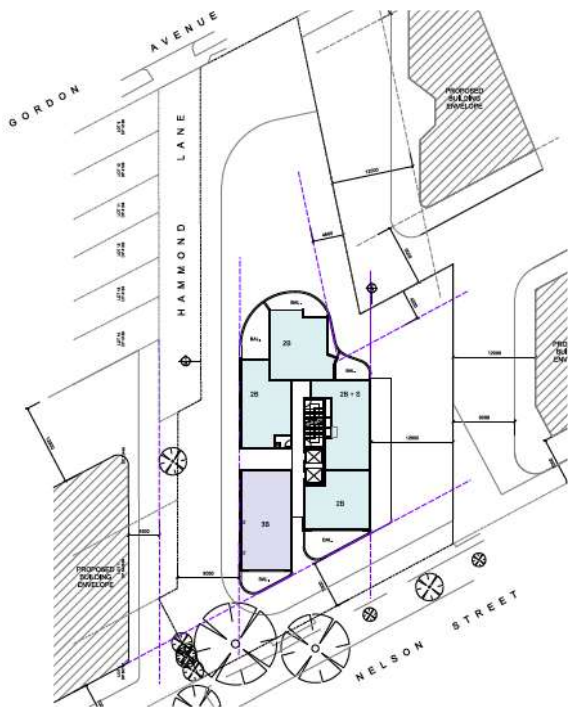


Figure 17 - Indicative Tower Floor Plate Middle Levels 8-19



Figures 18 below shows indicative floor plates for the uppermost levels of the residential tower. 5 units are provided on each of these levels (Levels 20 to 26).

Figure 18 - Indicative Tower Floor Plate Upper Levels 20-26



Section views of the podium and tower building form are shown below in Figure 19.

Figure 19 – Cross-Section Views of Concept Plan Podium & Tower Building Form



4. JUSTIFICATION OF THE PLANNING PROPOSAL

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any Strategic Study or report?

Yes.

The Planning Proposal arises from the adoption by Council of the Chatswood CBD Planning and Urban Design Strategy and its subsequent endorsement by DP&E. 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 Chatswood CBD Planning and Urban Design Strategy, relevant to the subject land are detailed in Section 2.3 of this Planning Proposal Report. A Draft PP which includes the Chatswood CBD Strategy area has been prepared and exhibited by Council to facilitate introduction of the recommended new development controls.

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. The NDP expects the Willoughby LGA accommodate more than 6,000 additional dwellings by 2036.

The Planning Proposal is also justified by an analysis of the site's context and redevelopment advantages associated with larger sites of more than 1,200m². Such sites are capable of suitably accommodating increased building heights and densities.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – there is no better way. The requested variation to maximum building height and FSR is greater than could reasonably be considered under the development standards variation clause in WLEP 2012. The proposal is consistent with the development controls proposed in the adopted Chatswood CBD Strategy. There is no material advantage in deferring redevelopment of the site while awaiting introduction of new planning controls proposed in Council’s exhibited Draft PP for the Chatswood CBD.

4.1.3 Is there a net community benefit?

Yes. The subject site can accommodate additional housing opportunities in a convenient location within walking distance of shops, services and high frequency public transport. Increased development yield will result in payment of additional Section 7.12 infrastructure levies to Council, assisting in the provision of new community facilities in the Willoughby LGA.

The Planning Proposal includes identification of the subject land as an affordable housing site in WLEP 2012, with 4% of residential floor space provided to Council or Council approved housing provider as affordable housing. The Planning Proposal is accompanied by a letter of offer for a Voluntary Planning Agreement (VPA) providing for payment of additional developer levies to Council.

The requested increase in building height and density encourages redevelopment of the existing underdeveloped land, which contains a low rise 3 storey apartment buildings that would not contribute positively to the modern high-rise mixed use contemporary urban character planned for the expanded Chatswood CBD.

4.2 Section B – Strategic Planning Context

4.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of 3 Cities

The Greater Sydney Region Plan – A Metropolis of 3 Cities (GSRP), prepared by the Greater Sydney Commission in 2017 and adopted in 2018, is essentially a review and update of the Sydney Metropolitan Plan – A Plan for Growing Sydney and updates and strengthens the directions identified in the Sydney Metropolitan Plan.

The GSRP aims to transform Sydney into a metropolis of some 8 million people by 2056 comprising 3 connected cities comprising the Western Parkland City, the Central City and the Eastern Harbour City. Chatswood is located within the Eastern Economic Corridor of the Eastern Harbour City and is identified as a Strategic Centre.

The 4 key themes of the GSRP are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. With respect to housing, the GSRP advocates a greater housing supply, which is more diverse and affordable and is in the right location. In the Eastern Harbour City the provision of additional housing is proposed to occur by way of a process of urban renewal, with increased densities focused in locations close to employment and with good quality public transport and accessibility to infrastructure and services.

The Planning Proposal supports a number of the planning objectives of the GSRP including Objective 10 – Greater housing supply, Objective 11 – Housing is more diverse and affordable, Objective 12 – Great places to bring people together, Objective 14 – Integrated land use and transport creates walkable and 20 minute cities, Objective 22 – Investment and business activity in centres.

The proposed increase in commercial and residential density in a location within the Chatswood CBD and close to employment, services and the Chatswood Transport Interchange is consistent with the GSRP.

The GSRP is to be implemented through District Plans prepared for each area of Sydney. The City of Willoughby is identified as being located within the North District of the Eastern Harbour City

North District Plan – Connecting Communities

The North District Plan – Connecting Communities (NDP), introduced in 2018, applies to the northern suburbs of Sydney, including Chatswood and highlights the important economic role that Strategic centres such as Chatswood play in supporting the growth of Sydney as a global city. The NDP provides the district strategic planning direction for the North District through to 2056.

With respect to housing, the NDP focuses on increasing housing supply, choice and affordability with access to jobs, services and public transport and seeks to achieve more housing in the right locations, including opportunities for urban renewal. The Planning Proposal is closely aligned with this important planning objective.

The North District Plan estimates the number of jobs in Chatswood will increase from 24,700 to between 31,000 and 33,000 by 2036. Chatswood is recognised as not only being a significant commercial centre, but also incorporates high density residential, high-profile retail and entertainment facilities and is an important civic and cultural centre. The North District Plan identifies the following policy directions for Chatswood:

- *maximise the land use opportunities provide by the Sydney Metro;*
- *provide height and floor space ratio incentives as part of the planning controls;*
- *promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering;*

- *enhance the role of the centre as a destination for cultural and leisure activities;*
- *promote and encourage connectivity and upgrade and increase public open spaces.*

The North District Plan sets a target of 25,950 additional dwellings by 2021, with 92,000 additional dwellings are expected to be required in the North District within the next 20 years. The Willoughby Local Government Area (LGA) is expected to deliver a 5 year housing target of 1,250 additional dwellings by 2021. Over a 20 year time frame, it is expected that at least 6,000 to 6,700 additional dwellings will be required by 2036 to meet anticipated population growth of some 13,200 persons in the Willoughby LGA.

With respect to Willoughby, the North District Plan places emphasis on urban renewal in locations that have regard to the capacity of existing and proposed infrastructure. Opportunities around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability area advocated. The Planning Proposal directly aligns with this planning principle.

Council is required to investigate areas for additional housing capacity and identify opportunities to address demand and diversity in and around local centres and infill areas. This work has commenced with the preparation of the Council's Draft Housing Strategy and adoption Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

The Planning Proposal is consistent with the North District Plan and will assist in meeting the housing supply targets in this District Plan in a manner that is consistent with Council's Draft Housing Strategy, Chatswood CBD Planning and Urban Design Strategy and the Willoughby Local Strategic Planning Statement.

The following table provides an assessment of the Planning Proposal with respect to consistency with the Directions and applicable Planning Priorities/Actions of the NDP.

North District Plan Consistency Assessment Table

DIRECTION	PLANNING PRIORITY/ACTION	ASSESSMENT
A city supported by infrastructure	N1 – Planning for a city supported by infrastructure.	The proposal includes significant developer contributions towards the provision of new infrastructure identified by Council as being necessary to service increased demand arising from anticipated new development in the Chatswood CBD.
A city for people	N3- Providing services and social infrastructure to meet people's changing needs.	Proposed commercial floor space will create opportunities for additional services for the Willoughby community.

	N4 – Fostering healthy, creative, culturally rich and socially connected communities.	<p>Proposed developer contributions will enable funding of enhanced social infrastructure. Increased residential population in the Chatswood CBD will contribute to creating a city for people.</p> <p>The site is strategically located close to cultural, recreational, retail, transport, entertainment, dining, employment, and other facilities that foster healthy, creative, culturally rich and socially connected communities.</p>
Housing the city	N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.	The proposal will provide 142 dwellings comprising a mix of apartment sizes, including 4% affordable housing, in a location within easy walking distance of jobs, services and public transport.
A city of great places	N6 – Creating and renewing great places and local centres and respecting District heritage.	The proposal contributes to urban renewal in Chatswood by replacing existing low-rise apartment buildings that are inconsistent with the desired future character of the extended Chatswood CBD.
Jobs and skills for the city	<p>N8 – Eastern economic corridor is better connected and more competitive.</p> <p>N10 – Growing investment, business opportunities and jobs in strategic centres.</p> <p>N13 – Supporting growth of targeted industry sectors.</p>	<p>The Chatswood CBD is a major centre within the Eastern economic corridor. Providing new opportunities for housing and employment will contribute to economic growth in the corridor in a well-connected location.</p> <p>The proposal represents a major investment in the Chatswood CBD and provides for an additional 120 jobs and new business opportunities within the proposed retail/commercial floor space.</p> <p>The proposal supports the objective of creating the growth of mixed-use development adjoining the commercial core of the Chatswood CBD and the expansion of commercial and retail floor space.</p>
A well-connected city	N12 – Delivering integrated land use and transport planning and a 30 minute city.	The subject land is strategically located within the Chatswood CBD within convenient walking distance of Chatswood Railway Station and Transport Interchange.

A city in its landscape	N17 – Protecting and enhancing scenic and cultural landscapes.	The site is located within a treed landscape close to Chatswood Oval and the croquet and bowling club. The scenic qualities and streetscape of the locality will be maintained by retaining street trees and providing landscaping to street frontages and replacing existing low-rise apartment buildings with high-rise mixed-use buildings consistent with the desired future character for the locality. Reasonable view sharing is achieved.
An efficient city	N21 – Reducing carbon emissions and managing energy, water and waste efficiently.	The future building will be designed to optimise energy, water and waste efficiency. The site's location within convenient walking distance of public transport, services and employment reduces car dependency and the extent of private vehicle trips, thereby reducing carbon emissions.
A resilient city	N22 – Adapting to the impacts of urban and natural hazards and climate change.	The future building can be designed to address any impacts from overland flow and the impacts of climate change, with respect to increasing temperatures, changes in rainfall and weather conditions.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Chatswood CBD Planning and Urban Design Strategy 2036

The Chatswood CBD Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy) provides a planning framework for the future development of the Chatswood CBD and is designed to accommodate future growth within the Chatswood CBD and proposes increased building heights to encourage new higher density development in the CBD.

The Chatswood CBD Strategy has informed the preparation of the Council's Draft CBD Planning Proposal and is also used to inform and assess site specific Planning Proposals for land within the Chatswood CBD, such as the subject land at 10 Gordon Avenue and 15-19 Nelson Street. The planning provisions of the Chatswood CBD Strategy are considered in relation to the Planning Proposal for the subject land in Section 2.3 of this Planning Proposal Report

The Chatswood CBD Strategy requires that Planning Proposal be consistent with the Key Elements in Section 3.1 of the Strategy relating to future LEP and DCP controls. An assessment of the Planning Proposal against the Strategy Key Elements is attached at **Appendix K**. This assessment demonstrates that the Planning Proposal is substantially consistent with the applicable Key Elements.

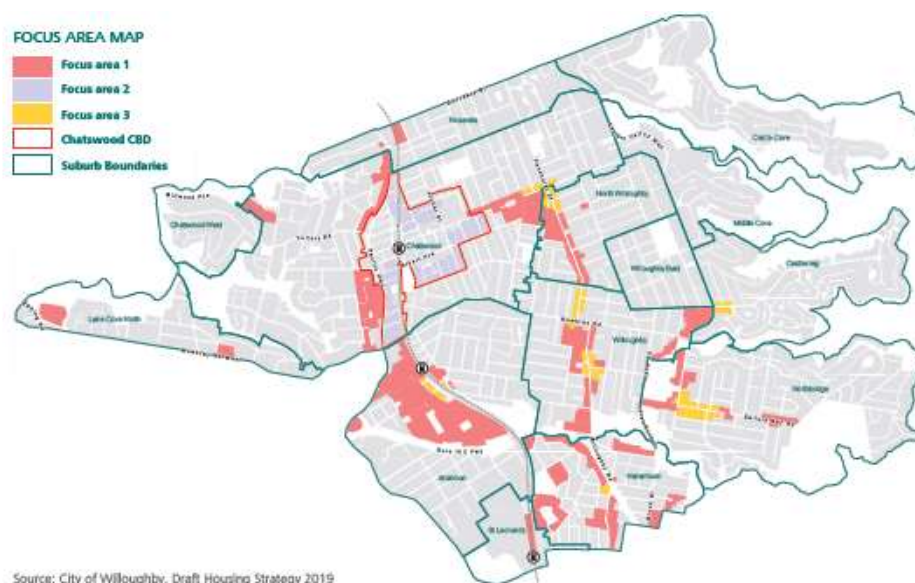
Willoughby Local Strategic Planning Statement

Willoughby Local Strategic Planning Statement March 2020 (WLSPS) sets out a 20-year vision for the Willoughby Local Government Area (LGA) and includes priorities and actions for land use planning that have a focus on local place values. Section 6.1 of the LSPS relates to Housing the City

With respect to housing the WLSPS places priority on increasing housing diversity to cater for families, the ageing population, diverse households, and key workers and increase the supply of affordable housing.

WLSPS aims to direct increased housing density to the “right location” and identifies 3 focus areas for new housing located within walkable distance of strategic and local centres. A substantial portion of the Chatswood CBD, including the subject land is identified as a focus for higher density housing. The Focus Area Map in the WLSPS is reproduced below in **Figure 20**.

Figure 20 – WLSPS Focus Area Map



WLSPS establishes housing intensification principles to guide increased housing density in the right locations, as set out below.

- Near local centres, schools, open space and community facilities
- With walking distance of high quality and frequent public transport

- Free from the natural hazards of bushfire and flooding
- Highly walkable, with high amenity walking and cycling routes nearby
- Outside of heritage areas/Environmental Living (E4) areas and areas with a uniform and highly valued suburban character.

The subject land complies with all the above requirements for increased housing density and is located within the southern Chatswood CBD expansion area identified to accommodate increased housing density within a proposed B4 Mixed Use Zone.

Our Future Willoughby 2028

Willoughby's Community Strategic Plan Our Future Willoughby 2028 provides the community's long-term vision and priorities for the future of the City of Willoughby. This recently adopted Community Strategic Plan provides a vision for Willoughby which envisages a City that is green, connected and inclusive, liveable, prosperous, vibrant, effective and accountable. Elements of the Community Strategic Plan that are supported by the Planning Proposal include:

- Increase in the number of journeys to work that do not use a motor vehicle
- Increase in people living and working in the Willoughby LGA
- Increased housing and employment accessible to high frequency train and bus services and promote a walkable town centre
- Providing housing supply, choice, and affordability with access to jobs, services, and public transport
- Contributing to urban renewal and housing supply
- Growing investment, business opportunities and jobs in strategic centres

The form of apartment development envisaged in the Planning Proposal has an emphasis on providing well designed high density living with a focus on affordability and meeting the needs of smaller households such as singles and couples and the retired, particularly those seeking to downsize. Provision of lifts and adaptable housing, adjacent to high frequency bus services is well suited to the needs of aging in place.

The proposed broad mix of apartment sizes will appeal to a broad range of apartment purchasers from investors and those seeking an affordable entry into the housing market to persons seeking a prestige apartment located in the upper half of the building, offering expansive district views.

In recognition of the mixed-use zoning, retail and commercial floor space is proposed on the ground and first floor levels of the podium in a format suitable for commercial uses seeking a more affordable city edge location. There are currently no employment land uses on the site. The proposed 2,543m² commercial/retail floor space is likely to provide space for up to 120 ongoing jobs. Such an outcome is consistent with the objective of providing increased employment in strategic centres.

The siting of the proposal within convenient walking distance to the Chatswood Transport Interchange and retail and other services within the Chatswood CBD contributes to achieving the objective of reducing car dependency and increased active transport, such as walking and cycling.

The proposal provides for affordable commercial floor space in a configuration that is ideally suited to small businesses seeking a location adjoining the Chatswood CBD Core and close to public transport. The proposal constitutes a significant investment in the local economy and the Chatswood centre, a key objective of Council's strategic direction relating to promoting business and investment opportunities in the Chatswood CBD.

The Planning Proposal is consistent with the vision and outcomes of *Our Future Willoughby 2028*.

Willoughby Housing Strategy 2036

As noted in consideration of the strategic planning framework, Willoughby City Council has prepared, exhibited and in December 2019, adopted the Willoughby Housing Strategy 2036, which addresses the future housing needs of the Willoughby LGA, as outlined in the North District Plan (NDP).

The Willoughby Housing Strategy aims to ensure there will be sufficient housing supply and mix of housing to meet housing requirements as anticipated in the NDP. Increased housing density is to be focussed in larger centres and locations within walkable distance of transport and other services. It is also proposed to increase the supply of affordable housing. The Strategy is designed to protect existing low-density housing areas, including the many heritage conservation areas from increased density to maintain the character of those areas and in the interests of housing choice and diversity.

The Strategy proposes that additional housing would be located within identified local centres and on the edge of Chatswood CBD as part of mixed-use developments, as recommended in the Chatswood CBD Planning and Urban Design Strategy to 2036. New up-zonings are to include provision for affordable housing.

Consistent with the Willoughby Local Strategic Planning Statement, the Housing Strategy focus increased housing densities into 3 focus areas, as shown on the map at **Figure 19**. The subject land is located within Focus Area 2 (coloured purple on the map), which comprises the Chatswood CBD, as defined in the Chatswood CBD Strategy. Focus Area 2 includes the proposed B4 Mixed-Use Zone that is planned to extend around the CBD Commercial Core.

The Planning Proposal is consistent with the objectives of the Willoughby Housing Strategy and the site is within the proposed mixed-use area located on the edge of the Chatswood CBD Core. Increased housing density on the subject land, in the form of 142 new apartments, compared to the existing 21 units and 1 house, and provision of

additional affordable housing (4% of residential floor space) is consistent with Council's Housing Strategy in relation to the Chatswood CBD.

Willoughby Integrated Transport Strategy 2036

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.

Comprehensive Review of Willoughby Local Environmental Plan 2012 and Willoughby DCP

Willoughby Council has prepared a Draft Planning Proposal that aims to establish controls to deliver on the vision and objectives of the Council's Local Strategic Planning Statement (LSPS). The Draft PP brings together recommendations drawn from a number of planning studies and strategies, including the Chatswood CBD Strategy, as well as updating the provisions contained within WLEP 2012.

The Draft PP proposes to amend the existing zoning and development controls for the subject land to provide for the following outcomes.

- Rezone the site from R3 Medium Density Residential to B4 Mixed Use.
- Increase maximum building height from 12m to 90m
- Increase maximum FSR from 0.9:1 to 6:1.
- Prescribe a minimum non-residential floor space equating to 17% of FSR as indicated on the Floor Space Ratio Map.
- Require active street frontages to the street frontages of the site.
- Identify the site as requiring the provision of affordable housing with such affordable housing floor space included within the maximum FSR permitted for the site.

The proposed PP for 10 Gordon Avenue and 15-19 Nelson Street is in full compliance with the above WLEP Amendments proposed in Council's Draft Planning Proposal for the Review of WLEP and the development controls proposed for the Chatswood CBD.

The NSW DP&E issued a Gateway for Council's Draft PP in May 2021 to allow the Draft PP to be exhibited and with a direction that the Draft PP be finalised within 18 months (i.e. by December 2022). It has taken over 12 months to finalise and exhibit the Draft PP. Exhibition of the Draft PP has now been completed and it is expected that Council will consider submissions to the exhibition of the Draft PP by December 2022. If material changes are made and re-exhibition is required, gazettal is unlikely before the third quarter of 2023.

As part of the review of WLEP 2012, the Council is also undertaking a comprehensive review of the Willoughby Development Control Plan (WDCP). This includes the introduction of new place-based development controls and guidelines for the Chatswood CBD, consistent with the provision of the Chatswood CBD Strategy and the associated Key Elements.

The proposed PP for 10 Gordon Avenue and 15-19 Nelson Street is consistent with the proposed amendments to WDCP, as outlined in Section 1.3 of this PP Report and the Chatswood CBD Key Elements Assessment, attached at **Appendix D**.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

The State Environmental Planning Policies (SEPPs) relevant to a consideration of the subject Planning Proposal are identified and addressed below.

SEPP	Consistency
SEPP (Resilience & Hazards) 2021 This SEPP addresses a range of hazards to development such as coastal erosion and land contamination. The SEPP requires remediation of contaminated land for the purposes of reducing risk to human health and/or the environment.	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. A preliminary land contamination assessment (copy attached at Appendix G) 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.

SEPP	Consistency
<p>SEPP (Building Sustainability Index - BASIX) 2004</p> <p>This SEPP is designed to encourage improved environmental performance and reduced energy consumption.</p>	<p>This SEPP will apply to future proposed dwellings/apartments and appropriate BASIX documentation will be submitted with any future DA for redeveloping the site.</p>
<p>SEPP 65 – Design Quality of Residential Flat Development</p> <p>This SEPP aims to improve the design quality of residential flat development including better built form and aesthetics and amenity and reduced energy consumption. The SEPP also aims to better satisfy housing demand and the needs of a wide range of people.</p>	<p>This SEPP will apply to the proposed residential component of the future mixed-use building. The concept plan has been prepared having regard to the SEPP 65 Apartment Design Guide (ADG) and achieves general compliance with this Guide and with the primary design standards.</p> <p>Adequate tower building separation is provided to adjoining and adjacent sites. All apartments will comply with minimum floor areas and other design criteria specified in the ADG.</p> <p>More than 75% of apartments achieve natural cross ventilation and at least 75% of apartments achieve 2 hours mid-winter solar access.</p> <p>A SEPP 65 assessment is required to be submitted with any future DA for redeveloping the site. A SEPP 65 ADG assessment relating to design principles and criteria, relevant to the proposed building envelope is included in Appendix B.</p>
<p>SEPP (Exempt and Complying Codes) 2008</p> <p>This SEPP provides planning provisions relating to exempt and complying development.</p>	<p>The Planning Proposal does not contain any provisions that would vary or conflict with the application of the Codes SEPP 2008.</p>
<p>SEPP (Housing) 2021</p> <p>This SEPP seeks to enable development of a diverse range of housing types that provides a reasonable level of amenity. The SEPP also encourages the development of housing that will meet the needs of more vulnerable members of the community, promotes housing in good locations where it makes good use of existing and planned infrastructure and</p>	<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>

SEPP	Consistency
services and mitigate the loss of existing affordable housing.	The Planning Proposal is consistent with the SEPP (Housing) 2021.
SEPP (Transport & Infrastructure) 2021 This SEPP aims to facilitate the effective delivery of infrastructure across the State, including road and other transport infrastructure. The SEPP also includes provisions relating to traffic generating development and development in or adjacent road and railway corridors.	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. 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. 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.

Regional Environmental Plans

Apart from the Greater Sydney Region Plan (addressed in Section 4.2.1), no Regional Environmental Plans (REP's) are applicable to the site.

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

This planning proposal has been assessed having regard for the Section 9.1 Directions [issued to Councils under s9.1(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act)], relevant to this planning proposal. The findings were as follows:

DIRECTION	CONSISTENCY Yes/No or Not Applicable
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.	Not Applicable - The site is zoned residential. The proposed B4 Mixed Use Zone will increase the amount of employment land and employment opportunities, an outcome that supports the objectives of the Chatswood CBD Planning and Urban Design Strategy.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable

DIRECTION	CONSISTENCY Yes/No or Not Applicable
1.5 Rural Lands	Not Applicable
2. ENVIRONMENT AND HERITAGE	
2.1 Environment Protection Zones The objective of Direction 2.1 is to protect and conserve environmentally sensitive areas.	Not Applicable (The site and adjoining lands are not identified as environmentally sensitive).
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Not Applicable (The site and adjoining lands are not identified as containing any items, areas, objects or places of environmental heritage or indigenous heritage significance). There are no heritage items nearby or within 100m of the site.
2.4 Recreation Vehicle Areas	Not Applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
2.6 Remediation of Contaminated land	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. A preliminary land contamination assessment is attached at Appendix G and confirms that the land is suitable for residential use.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones The objectives of Direction 3.1 are: To encourage a variety and choice of housing types to provide for existing and future housing needs. To make efficient use of existing infrastructure and services. To minimise the impact of residential development on the environment and resource lands.	YES – 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. The increased residential density provides a mix of apartment sizes that will provide for existing and future housing needs and increased housing choice. The Planning Proposal makes efficient use of existing infrastructure and services and has acceptable impact on the environment. No resource lands are adversely impacted.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.4 Integrating Land Use & Transport The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the	YES – the proposed increase in development density will improve access to housing in a location which is within convenient walking distance of a city centre offering employment and services, including high frequency public transport services and excellent access to jobs

DIRECTION	CONSISTENCY Yes/No or Not Applicable
nominated planning objectives e.g. improving access to housing, jobs and services, reducing dependence on cars and supporting efficient public transport.	and services in the Chatswood CBD and by way of high frequency public transport, to other major employment centres such as the Sydney CBD and North Sydney CBD and other nearby employment centres such as Macquarie Park, St Leonards and the Artarmon Industrial Area.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4 HAZARD AND RISK	
4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	The land is affected by overland flow (see Section 4.3.3 of the PP Report. DA design will address overland flow impact.
4.4 Planning for Bushfire Protection	Not Applicable
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies The objective of this Direction is to ensure that draft LEP's are consistent with the nominated regional strategies.	YES. The Planning Proposal is consistent with the Greater Sydney Region Plan and the North District Plan.
5.2 Sydney Drinking Water Catchment	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
5.10 Implementation of Regional Plans	Not Applicable
5.11 Development of Aboriginal Land Council land	Not applicable
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	YES- the proposal does not include requirements for the concurrence, consultation or referral of DA's to a Minister or Public Authority and does not identify any development as designated.
6.2 Reserving Land for Public Purposes	Not Applicable

DIRECTION	CONSISTENCY Yes/No or Not Applicable
	(No land is proposed to be reserved for public purposes – the proponent is agreeable to dedicate to Council at no cost, that part of the site located within the proposed southern extension of Hammond Lane)
6.3 Site Specific Provisions The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.	YES – the proposal seeks to reduce the level of restriction of height and FSR controls. Indeed, the opposite is the case, with increased development density proposed, primarily on the basis of providing public benefits and consistency with Council's planning strategy for the Chatswood CBD. The Planning Proposal does not include specific development/drawings of a development proposal. Concept building envelopes and indicative plans of a potential future mixed-use podium and tower building are included in order to objectively assess the implications of allowing increased building height and FSR.
7. METROPOLITAN PLANNING	No directions applicable to Metropolitan Planning are applicable to the subject land or the Planning Proposal for the site.

Department of Planning's Criteria for Spot Rezoning

This planning proposal has been assessed having regard for the Department of Planning's *LEP Pro-forma Evaluation Criteria-Category 1: Spot Rezoning LEP*, which provides criteria for consideration for any draft LEP. This proforma has effectively been replaced by DP&E's guidelines for Planning Proposals. Nevertheless, the PP requesting amendment of WLEP 2012 is assessed against the Pro-Forma criteria in the following table.

Criteria	Consistency
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will facilitate permanent employment generating activity by providing ground floor level floor space for future commercial/retail activities. The proposal will increase employment potential on the site and will not result in a loss of employment lands, as the site is currently not zoned for employment purposes and the proposed B4 Zone will allow for employment activities on the site.
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg, land release, strategic corridors, development within 800m of a transit node)?	As noted in Section 4.2.1 of this Planning Proposal report, the requested re-zoning is compatible with the Sydney Metropolitan Strategy 2036 and the North District Plan. The subject land is located within 800m of an important metropolitan regional city centre and public transport interchange (Chatswood) and is located adjacent to the Pacific Highway transport corridor. The proposal will not adversely impact on Chatswood City Centre or the Pacific Highway corridor.
Will the LEP implement studies and strategic work consistent with State and	The Planning Proposal will support the objectives of the Greater Sydney Region Plan and the North District Plan, with respect to the relevant objectives in those

Criteria	Consistency
regional policies and Ministerial (s.117) directions?	strategies. It is also consistent with the relevant s9.1 Directions as noted above.
Is the LEP located in a global / regional city, strategic centre or corridor nominated within the metropolitan Strategy or other regional / sub-regional strategy?	No, the site is located close to the central core of the Chatswood CBD. The Chatswood CBD is identified as a Strategic Centre and the site is within convenient walking distance to a transport hub/interchange in the Chatswood CBD. The site is located close to the Pacific Highway Transport Corridor but does not require direct access onto this Highway.
Will the LEP deal with a deferred matter in an existing LEP?	No.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The cumulative effects of increased building heights and densities in the locality have been considered in the Chatswood CBD Urban Design and Planning Strategy. Increased employment opportunities are planned for Chatswood and major enhancements to public transport to and from Chatswood are being implemented over the next 10 years to cope with increased residential densities. The Council is also proposing to improve local infrastructure, public open and community facilities, by utilising additional developer levies arising from higher density development.
Is the LEP likely to create a precedent, or create or change in the expectations of the landowner or other landowners?	No. The subject land is located within an area identified in the Chatswood CBD Planning and Urban Design Strategy for increased development density and building height. Accordingly, the proposal does not create a precedent for increased development density and building height in locations not identified in the Strategy for such development.
Will the LEP be compatible / complementary with surrounding land uses?	Yes. As detailed in the Planning Proposal Report, the site is located within a medium density residential zone, which has been identified for increased development density and building height. The proposed tower envelope has been designed to maintain reasonable neighbour residential amenity (privacy, outlook and solar access), pending redevelopment of those sites in accordance with the proposed planning controls.

Department of Planning Industry & Environment – A Guide to Preparing Planning Proposals

A Guide to Preparing Planning Proposals requires that a Planning Proposal demonstrate that it has both strategic and site-specific merit.

With respect to strategic merit the PP is to be consistent with the relevant strategic plans, including the Greater Sydney Region Plan, District Plans, Local Strategic Plans and the like. As addressed in Section 4.2 of this Report, the Planning Proposals achieves a high degree of consistency with the applicable strategic planning documents and is consistent with Council's exhibited draft zoning and planning controls for the Chatswood CBD.

With respect to site-specific merit, it should be demonstrated that the Planning Proposal has had regard to the nominated criteria such as the natural environment (including significant environmental values, resources, and hazards), existing uses, approved uses, likely future uses of land in the vicinity, services and infrastructure and financial arrangements for infrastructure. As demonstrated elsewhere in this Report, the proposal has site-specific merit and suitably addresses the site-specific merit criteria

The site is strategically located within the Chatswood CBD within convenient walking distance of high frequency public transport and the extensive range of services and employment available in the Chatswood CBD. The site is not subject to any significant development hazards and has a site area more than double the minimum area required for high-rise mixed-use development in the Chatswood CBD.

4.3 Section C – Traffic, Transport, Environmental, Urban Design, Economic and Social Impact

4.3.1 Traffic and Transport Considerations

The Planning Proposal is accompanied by a Traffic Transport and Parking Report prepared by Varga Traffic Planning addressing local traffic, public transport, cycling and pedestrian movement and car parking demand. This report concludes that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading. A copy of this report is attached at **Appendix C**.

The ARUP Chatswood CBD Traffic Study completed as part of the planning process for the Chatswood CBD also confirms that traffic arising from planned increased development densities can be satisfactorily accommodated within the existing road network.

The proposal will result in an increase in peak hour traffic compared to the existing 15 apartments on the site. The traffic assessment indicates a net increase of 55.1 vehicles per hour (vph) in the morning peak hour and 39.2 vph in the afternoon peak hour. The assessment concludes that such increase is modest and within the capacity of the existing road network, including the intersections with the Pacific Highway, including Gordon Avenue.

No road improvements are required because of the proposal and the projected additional traffic flows will not have any adverse effects on the operational performance of the Pacific Highway, Gordon Avenue or Nelson Street.

The traffic consultant confirms that vehicular access off Hammond Lane, as proposed, is appropriate and suitably designed and the basement levels are capable of accommodating required car parking, motorcycle and bicycle parking in accordance with the requirements of Council, Australian Standards and SEPP 65.

A 3m wide footpath will be provided on the eastern side of Hammond Lane. This proposed footpath will be extended further south through the site to connect with Nelson Street. Currently there is no separate footpath in Hammond Lane, with the road pavement shared by both vehicles and pedestrians and no pedestrian connection to Nelson Street in this location.

Council's DCP would require a total of 226.7 off-street car parking spaces, including 142 car spaces for residents, 35.5 car spaces for visitors and 49.2 car spaces for the retail/commercial component. Parking provision is rounded down to 226 car spaces.

The site is within 800m of a railway station in the Sydney metropolitan area. Both the RMS Guidelines and SEPP 65 allows reduced residential parking provision, in high density areas within metropolitan regional centres. Applying these parking provisions reduces resident parking from 142 car spaces to 106.5 car spaces and visitor parking from 35.5 car spaces to 20.3 car spaces. Accordingly, the total car parking requirement is reduced from 226 car spaces to 176 car spaces.

The concept plans provide for these car spaces to be accommodated within basement levels. There is potential to provide 150 car spaces within 3 basement levels. Should Council require more parking an additional basement level can be provided.

The concept plans provide for a loading dock and truck turning area in the uppermost basement level. All trucks and other service vehicles can enter and leave the site in a forward direction. Temporary vehicular access to the basement is proposed off Hammond Lane. This temporary vehicular access will be deleted when vehicular access is available through the adjoining development site at 9-11 Nelson Street.

4.3.2 Environmental Considerations

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

The site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats. Therefore, the proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities or habitats. There is only 1 major tree on the site, a large pine in the southwest corner of No. 19 Nelson Street. This tree is proposed to be retained.

4.3.2(b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Site Suitability

The Chatswood CBD Urban Design and Planning Strategy has identified the site as being suitable for high-rise mixed-use development.

Apart from relatively minor drainage impacts associated with overland stormwater flows, the subject land is free of development hazards such as bush fire, acid sulphate soils, land slip, mine subsidence and land contamination and the like.

The PP is accompanied by a Flood Study for the site prepared by SGC (copy attached at **Appendix I**). The Flood Study recommends that ground floor level retail level in the lower northern portion of the sites have a minimum RL of 99.3 (300mm above the 1% flood level – RL 99). The flood study also recommends that the driveway off Hammond Lane leading down to the basement, have a crest of at least RL 100 (300mm above the flood level in this location). The concept plans are consistent with these recommendations and ensure that the development will not be impacted by the 1% flood.

Acoustic Environment/Impacts

Future residential development on the site may be impacted to some extent by noise impacts from trains on the nearby North Shore Railway Line and to a lesser extent by noise from heavy vehicles on the Pacific Highway, to the west of the site. Noise impacts from the railway line are mitigated to some extent by an acoustic barrier wall located on the western side of the railway line. The NSW Planning *Development Near Rail Corridors and Busy Roads* applies to the site.

The Planning Proposal is accompanied by a Planning Stage Acoustic Report prepared by Resonate (copy attached at **Appendix J**) that includes a high-level desktop assessment of potential acoustic issues in relation to environmental noise and vibration and a proposed methodology for addressing acoustic issues.

The assessment recommends that a comprehensive program of noise measurements be conducted for the site, including predictions of environmental noise emissions from external mechanical services and other operational noise emissions to determine appropriate acoustic recommendations that can be incorporated into the future design of the building.

A range of noise mitigation measures are potentially available, including:

- *Glazing that achieves a targeted internal design level (35 dB(A)) in bedrooms and living areas.*
- *Design to incorporate noise attenuation measures such as standard float or proprietary laminated glazing systems, winter gardens and double glazed systems.*
- *Use of alternative means of fresh air ventilation (e.g. air conditioning) for residential spaces on noise-affected facades (windows may need to remain closed to ensure internal design sound levels can be met).*
- *Suitable design of mechanical services such as selecting the quietest plant, judicious location and orientation, use larger slower speed fans, provide barriers, internal lined ducts and bends, external duct and equipment wrapping, silencers.*

Suitable noise attenuation measures will need to be incorporated into the design and construction of the future building.

The site is located at least 50m from the North Shore Railway Line and would unlikely be subject to material rail-induced ground borne noise and vibration. A precautionary approach would be taken and prior to the preparation of detailed design plans, a vibration survey will be conducted on site to confirm whether further consideration of rail induced vibration is required.

Development of the site at the higher density proposed, will not result in any material adverse noise impact on neighbouring residential development. The site is separated from the neighbouring residential flat buildings to the north and south by public roads (Gordon Avenue and Nelson Street) and to the west, in part by Hammond Lane. South of Hammond Lane the adjacent land uses to the west are non-residential.

The site adjoins to the east, a large 3 storey apartment complex with basement parking, located at 9-11 Nelson Street. The proposed podium provides a solid 8m high masonry wall to the eastern boundary. Privacy/noise attenuation screens can be provided on the eastern side of the common open space area located on top of the podium. Similar measures can be provided in the western elevation, given that the existing adjacent non-residential sites to the west will likely be redeveloped in the future for high-rise mixed-use buildings.

There is potential for mechanical services to generate noise that may impact on residential amenity. The preliminary acoustic assessment recommends that mechanical plant be of a type that generates low noise and be located and orientated in a judicious manner. Other measures include using larger fans at lower speed, variable speed drives and use of barriers, internally lined ducts and bends, external duct and equipment wrapping and use of silencers.

Shadow Impacts

Shadow diagrams have been prepared by DEM, illustrating the shadow impact of the proposed building envelope. The shadow diagrams are included at **Appendix B**. The shadow diagrams illustrate that the proposed tall slim tower form with a modest east-west width of minimises additional shadows cast over neighbouring properties.

There will be some increase in mid-winter shadows cast over the existing residential apartments to the west at 625-627 Pacific Highway in the morning and in the afternoon over the existing residential apartment complex to the east. Neighbouring residential development to the east and west will continue to receive 2 hours mid-winter solar access between 9am and 3pm.

The modest east-west width of the tower ensures that additional shadows cast to the south, are transitory, moving relatively quickly across the southern side of Nelson Street from east to west.

There is currently no residential development on the southern side of Nelson Street. In the future this site may be expected to contain 2 residential towers extending to a height of up to 55m. These potential north facing towers will be able to achieve at least 2 hours mid-winter solar access to north facing apartments.

There will be no increase in mid-winter overshadowing to heritage conservation areas.

Privacy Impacts

Development of the site at the higher density proposed, will not result in any material adverse privacy impacts on existing neighbouring residential development.

The ADG prescribes a minimum separation distance of 12m for the first 4-storeys of residential development up to a height of 12m between habitable rooms/balconies of on the subject land and habitable rooms/balconies of neighbouring apartment buildings. This increases to 18m above a height of 12m and 24m above a height of 24m.

There is no privacy impact to the existing 3 storey apartment complex to the east from the proposed 2 storey retail/commercial podium, as the eastern side of the podium comprises a solid masonry wall with no east facing windows. A privacy screen can be provided on the eastern side of the roof of the podium to prevent overlooking from the communal open space and the apartments on Level 2. Apartments at level 3 and above provide a setback of at least 9m to the east and have views over the roofs of the apartment complex to the east. Building separation distance and existing and proposed landscaping ensure adequate privacy.

Only 1 apartment on each level above the podium has potential to overlook the 5 storey mixed use building to the west, at 625-627 Pacific Highway. A separation distance of at least 18m is provided and above the 8th storey, the proposed west facing apartments located directly to the east of the existing mixed-use building have views over the roof of this building at 625-627 Pacific Highway.

Other development to the west of the site is limited to non-residential uses. Substantial separation distances, well in excess of 24m are provided to the north and south to ensure no adverse privacy impacts on existing or future residential development to the north or south.

The concept plans provide appropriate building setbacks to potential future high-rise mixed-use buildings that are planned to be developed around the 10 Gordon Avenue and 15-19 Nelson Street.

The future building on the subject land can be designed to include privacy protection measures such as privacy screens, high sill windows, translucent glazing, offset windows and other privacy protection measures, which, in conjunction with separation distance, will ensure adequate neighbour privacy, having regard to the high-density urban character planned for the locality.

Overall, an adequate level of residential privacy is maintained commensurate with expectations of residential living in a high-density urban environment.

View and Visual Impact

The proposed increase in density and building height does not adversely impact on any existing significant or iconic regional or district views or outlook from existing development to the west, east and north of the site.

There will be some reduction in existing Chatswood CBD skyline views from the southern side of Nelson Street. However, at present land to the south of Nelson Street is used as a construction site for the Metro Rail extension and does not contain any residential properties. Notwithstanding this, the relatively narrow width of the proposed tower allows for view corridors to be maintained towards the Chatswood CBD on the eastern on western sides of the tower. The tower itself and future towers along Gordon Avenue will become part of the CBD skyline.

A detailed visual and view impact assessment is included in the Urban Design Report prepared by DEM (copy attached at **Appendix B**).

Visual and view impacts arising from the increase in building height and density, within the building envelopes proposed, are acceptable in the context of visual view impacts, having regard to proposed future planning controls for the locality, which envisage tall residential towers constructed above 2 storey podiums. In this context, visual impact is acceptable and reasonable view sharing is maintained.

Wind Impact

Tall tower buildings have potential to create adverse wind impacts at ground level. The Planning Proposal is accompanied by a qualitative wind impact assessment prepared by CPP Pty Ltd, a copy of which is attached at **Appendix E**. This preliminary assessment draws the following conclusions:

- *Being larger than the surrounding structures, the proposed development will have some impact on the local wind environment, though any changes are not expected to be significant from the perspective of pedestrian comfort or safety.*
- *The tower setbacks from the podium massing in the preliminary design prevent significant impact on ground level pedestrian locations.*
- *Wind conditions around the development are expected to be classified as suitable for pedestrian standing or walking activities from a Lawson comfort perspective and pass the distress/safety criterion.*
- *Local amelioration would likely be necessary for areas intended for long-term stationary or outdoor dining activities.*
- *Wind mitigation measures are likely to be required for podium and rooftop terraces.*
- *Wind-tunnel testing during the detailed design stage is needed to confirm qualitative assessment provided herein, and quantify the wind conditions in and around the development.*

A detailed wind impact assessment would be prepared, as part of the preparation of architectural plans for a future tower building, to be constructed within the proposed building envelope. Design of the building would have regard to the findings of the detailed wind impact assessment and be designed to minimise adverse effects of wind and include suitable wind impact amelioration measures.

Heritage Impact

The subject land is not located within or near a heritage conservation area and there are no heritage items on or near the site. The nearest heritage items are located more than 100m from the site. The proposal would have minimal impact on any heritage items in the locality. There are no matters of Aboriginal cultural heritage that would be impacted by the proposed development.

4.3.3 Urban Design Considerations

The Planning Proposal is accompanied by an Urban Design Study prepared by DEM addressing urban design issues such as the existing and future site and development context, development yield, building mass and floor plates, height and FSR, building setbacks, streetscape views, shadow and view impacts, sustainability, landscape concepts and design excellence process.

The Urban Design Study includes a recommended building envelope designed to accommodate redevelopment of the site to an FSR of up to 6:1 and building height of up to 90m, in accordance with the Chatswood CBD Strategy development controls and SEPP 65 ADG design guidelines.

The urban design analysis also includes an assessment of the preferred building envelope and concept plans against the design principles and criteria of SEPP 65 and the associated Apartment Design Guide (ADG) and development yield, as well as comprehensive Draft DCP provisions setting parameters for the proposed building envelope. A copy of DEM's Urban Design Study is attached at **Appendix B**.

The concept plans in the Urban Design Study show how a podium and tower mixed-use building form can be accommodated on the site and include indicative floor plate layouts. Actual design of the proposed development would be the subject of a design excellence process, prior to preparation of a Development Application.

4.3.4 Economic Considerations

The proposed increase in development density aligns with the recommendations of the Chatswood CBD Planning and Urban Design Strategy and is consistent with an important objective of the *Environmental Planning and Assessment Act*, which is to promote the orderly and efficient development of land.

Businesses occupying the proposed commercial/retail floor space will provide ongoing employment, in the order of 120 jobs, whereas no such employment opportunities are available under the current residential use of the land. The proposal will also result in creation of more than 300 construction related jobs during the construction phase and over the life of the development create employment opportunities relating to building services and maintenance.

Increased population on a site, near the central core of the Chatswood CBD, will increase use of existing public transport and increase spending within the CBD, contributing positively to the economic performance and viability of existing and future businesses in the CBD.

4.3.5 Social Considerations

The proposal will not result in any adverse social impacts. The provision of additional apartment living opportunities, as envisaged in Council's Housing Strategy and the Chatswood CBD Planning and Urban Design Strategy will contribute positively towards the social fabric of the local community and viability of local services such as retailing and public transport.

The provision of additional apartments within convenient 700m walking distance of Chatswood Railway Station, bus interchange and Chatswood City Centre shops and services is considered to have a positive social impact in the locality.

Increasing housing supply in such locations contributes positively to housing affordability and encourages "downsizing" whereby low occupancy single dwellings occupied by older residents can be made available for purchase by families, as older residents are able to move into more suitable accommodation, without their local area.

Increased residential population will increase demand for a range of public services and facilities, such as schools, childcare, health services, community services, recreational facilities, and open space. Additional developer contributions and future rating income will assist in funding augmentation of local services. Stamp duty from property sales will assist in funding State Government social infrastructure.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

Site Services (Water, Sewer and Drainage)

The site is located within an existing developed area that is well catered for in terms of service infrastructure. We understand that there is capacity within existing service systems for the proposal, subject to appropriate augmentation as necessary. Such augmentation is typically undertaken at the developer's cost and through service charges and headworks payments.

Education and Health Services

The locality within which the proposed development is located has convenient access to education and health facilities. A high school and primary school are within walking distance of the site, to the north on the western side of the Pacific Highway. Private hospital services are available in the nearby Chatswood CBD and a major public and private hospital is located less than 3kms to the south at Royal North Shore Hospital.

Roads, Traffic and Transport

Traffic generation has been considered in Section 4.3.1. The proposed increase in density will result in a modest and acceptable level of traffic generation on the local road network and on the Pacific Highway and associated intersections. The proposal does not require vehicular access from the Pacific Highway and will provide adequate on-site parking to meet parking demand.

The site adjoins existing high frequency bus services, via existing nearby bus stops on the Pacific Highway. The site is within convenient walking distance of Chatswood Railway Station and bus interchange. Additional rail services to and from Chatswood Station will soon be available upon completion of the northwest rail link extension to the Sydney CBD and on to Sydenham and Bankstown.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Under the Gateway process the views of State and Commonwealth public authorities are not known until after exhibition which will occur following issue of a Gateway Determination, if the proposal is supported.

This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination when a response to submissions will be prepared.

4.5 Community Consultation

The proponent has undertaken consultation with Willoughby City Council, as part of the preparation of the Planning Proposal. Council has also undertaken an extensive community consultation process as part of the preparation and subsequent adoption of the Chatswood CBD Planning and Urban Design Strategy. This Strategy recommended bonus building height and FSR provisions for land within and near the Chatswood CBD, including the subject land and received broad community support for its objectives of focusing increased development density in and near the Chatswood CBD so that existing low-density suburbs could be maintained substantially intact.

Council is currently undergoing further community consultation as part of the exhibition of the Council's Draft PP reviewing WLEP 2012, including the proposed new planning controls for the Chatswood CBD.

Under the Gateway process the level of community consultation is tailored for each Planning Proposal by the initial Gateway determination. The Planning Proposal has been designed to minimise environmental and amenity impacts on neighbouring properties, having regard to the context of the site as an existing medium density residential area, which is planned to be redeveloped for high density housing.

Should the Planning Proposal be supported by Council for Gateway, a Planning Proposal Timeframe will be prepared for inclusion with the Gateway process. The following table provides an estimated draft timeframe for submission, assessment and finalisation of the Planning Proposal.

Draft Planning Proposal Timeframe

ACTION	DATE
Submission of the Planning Proposal	May 2022
Planning Proposal presented to Council Meeting	August 2022
Planning Proposal referred to NSW DP&E for Gateway Determination	September 2022
Gateway Determination issued by NSW DP&E	December 2022
Exhibition of Planning Proposal	February 2023
Review and Assessment of submission to the Exhibition of the Planning Proposal	March 2023
Report on Exhibition & Submissions to the Planning Proposal presented to Council Meeting	April 2023
Planning Proposal forwarded to NSW DP&E for Finalisation	May 2023
Gazettal of Planning Proposal amending Willoughby LEP 2012	July 2023

5. CONCLUSION

This Planning Proposal seeks amendment of Willoughby LEP 2012 to rezone the subject land at 10 Gordon Avenue and 15-19 Nelson Street, Chatswood to B4 Mixed Use and introduce a new sub-clause allowing for additional building height and floor space, subject to provision of public benefits, as envisaged for the site and locality in Council's Chatswood CBD Planning and Urban Design Strategy.

The requested subclause would allow for a maximum building height of up to 90m and a maximum floor space ratio of up to 6:1 (including affordable housing).

Utilisation of additional floor space is subject to inclusion of the site as an affordable housing site in the Willoughby LEP, as proposed in Council's exhibited Draft PP for the Chatswood CBD and a Voluntary Planning Agreement, which includes payment of a developer levy (additional to Council's standard section 7.12 charges) that is consistent with Council's *Community Infrastructure Contribution Schedule Policy*. Other public benefits include the provision of a pedestrian footpath connection from Gordon Avenue to Nelson Street and provision of publicly accessible open space along the Gordon Avenue and Nelson Street frontages of the site.

This Planning Proposal Report and enclosed supporting information and plans has demonstrated that the subject land is capable of successfully accommodating a podium and tower building envelope extending to a height of up to 90m, with an FSR of up to 6:1. The proposed building envelope provides for a tall slim tower form and is consistent with the development objectives and controls recommended in the Chatswood CBD Strategy.

The proposed building envelope provides appropriate setbacks and building separation, generally in accordance with the expectations of the Chatswood CBD Strategy and the SEPP 65 ADG.

The concept plans demonstrate that the future built form can provide a high level of amenity for future occupants, that is not only compatible with the desired future character of the area, but also maintains satisfactory amenity for existing residents in the locality.

The subject land has an area more than double the minimum area required and does not result in the creation of any isolated development sites. Proposed building siting form and setbacks ensure that neighbouring sites can be suitably developed in accordance with the development controls prescribed in the Chatswood CBD Strategy.

The Planning Proposal will facilitate the orderly and economic use of land that is strategically located within convenient walking distance of the Chatswood City Centre and transport interchange. The site is within a locality that has been identified by Council as being appropriate for high-rise mixed-use development.

The Planning Proposal provides for redevelopment of the site in a manner that is generally consistent with the development controls proposed in the Chatswood CBD Planning and Urban Design Strategy 2020, as endorsed by DP&E and with the zoning and development controls proposed in Council's exhibited Draft WLEP 2012 Review Planning Proposal with respect to the Chatswood CBD.

It is recommended that Council support the Planning Proposal and request NSW DP&E to issue a Gateway to enable the Planning Proposal to proceed to public exhibition.