

7 December 2018

Amanda Harvey  
Director Sydney Region East  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Amanda

**Re: Planning Proposal for 753 Pacific Highway and 15 Ellis Street, Chatswood**

At its meeting of 12 November 2018, Council considered a report regarding a Planning Proposal and concept plans prepared by Ellis Street Development for 753 Pacific Highway and 15 Ellis Street, Chatswood.

This Planning Proposal is endorsed by Council for progression to Gateway in response to indicated changes to zoning and planning controls in the *Chatswood CBD Planning and Urban Design Strategy* (the CBD Strategy).

The CBD Strategy carefully follows the strategic direction of the Greater Sydney Commission's *Greater Sydney Region Plan* and the *North District Plan*.

The CBD Strategy seeks to deliver on the jobs target set by the District Plan for Chatswood CBD as a Strategic Centre. It aims to ensure the ongoing economic success of Chatswood by protecting and growing the Commercial Core around the Interchange for commercial development only. This area is the most suitable and B3 Commercial Core is the most appropriate zone, to attract A grade commercial development. Residential development is also planned in the CBD but beyond this Core as part of a Mixed Use zone extending into existing and new areas of the CBD. This is an important aspect of the CBD Strategy, demonstrating the balance struck between commercial core and surrounding mixed use which permits both commercial and residential.

The subject site is located towards the western boundary of the Chatswood CBD, on the eastern side of the Pacific Highway and on the corner with Ellis Street and Crispe Lane. The site is identified under the CBD Strategy as mixed use.

The Planning Proposal seeks to rezone the land B4 Mixed Use and to amend the current *Willoughby Local Environmental Plan 2012* by:

- Increasing the height on the site to 90m in accordance with the *Chatswood CBD Planning and Urban Design Strategy*.
- Increasing the Floor Space Ratio on the site to 6:1 in accordance with the *Chatswood CBD Planning and Urban Design Strategy*.

Council consideration of this Planning Proposal included the amendments required to be made to *Willoughby Local Environmental Plan 2012* and site specific *Development Control Plan* provisions. It was resolved:

*"That Council:*

1. *Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, with the following amendments to Willoughby Local Environmental Plan 2012:*

- a) *To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:*

*"(b) any part of the floor area of a building that:*

- (i) is to be used for community facilities, or*
- (ii) is a heritage item, or*
- (iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map*

*is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building."*

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

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

- c) *To replace Clause 6.8 'Affordable Housing', (2) with the following:*

*"(2) Development consent must not be granted to the erection of residential accommodation on land identified as "Area 3" and "Area 9" on the Special Provisions Area Map unless the consent authority has taken the following into consideration:*

- (a) the Willoughby Affordable Housing Principles,*
- (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,*
- (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.*

*Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development."*

- d) *To replace Clause 6.8 'Affordable Housing', (7) with the following:*

*"(7) In this clause:*



*accountable total floor space means:*

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.*
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.”*

*e) To add Clause 6.23 as follows:*

*“6.23 Minimum commercial floor space within the Mixed Use zone*

*Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”*

*f) To add Clause 6.24 as follows:*

*“6.24 Design Excellence*

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) This clause applies to development involving the erection of a new building on land shown in Area 11 on the Special Provisions Area Map.*
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”*

*g) To add Clause 4.3A (9) as follows:*

*“4.3A (9) Development consent must not be granted to the erection of a building on the land at 753 Pacific Highway and/or 15 Ellis Street, Chatswood if the development would cause increased overshadowing impacts on the Chatswood Tennis and Croquet Club at mid winter between 12pm - 2pm.”*

*h) To amend the Land Zoning Map (Sheet LZN\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to B4 Mixed Use.*

*i) To amend the Height of Buildings Map (Sheet HOB\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 90 metres.*

*j) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 6:1.*

*k) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood, as Area 8, Area 9, Area 11.*

- l) *To amend the Active Street Frontages Map (Sheet ASF\_ 004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood to include the Pacific Highway and Ellis Street frontages.*
2. *Subject to 1. Above, endorse for public exhibition the Planning Proposal as amended.*
3. *Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions, subject to the following amendments:*
  - a) *Add under Built Form:*  
*"The maximum tower floor plate that applies to this site for residential towers above a podium is 700m<sup>2</sup>."*
  - b) *Add under Street Frontage Heights and Setbacks:*  
*"Building street frontage heights and setbacks are to be in accordance with Figure 2 "Street Frontage Heights and Setbacks" below."*

*Figure 2 "Street Frontage Heights and Setbacks" is to replicate what is shown regarding the subject site, in Key Element 27, Figure 3.1.8 of the Chatswood CBD Planning and Urban Design Strategy to 2036.*

*"All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the set back to building height (eg. 3m setback for a 60m building, 4.5m setback for a 90m building)."*
  - c) *Add under Traffic and Transport:*  
*"Traffic shall be restricted to left in / left out on the Crispe Lane entrance, to be facilitated by the introduction of a median strip and constructed at the cost of the proponent and involving consultation with Councils Traffic Section."*
4. *Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.*
5. *Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:*
  - a) *To proceed as recommended.*
  - b) *To not proceed with the Planning Proposal.*
6. *Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.*
7. *Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which do not alter the policy intent."*



future discussions on the subject and have provided a letter in this regard. This is likely to result in a separate exhibition of a draft Voluntary Planning Agreement at a later stage.

Based on the abovementioned Council resolution, the Planning Proposal and the relevant documentation is now referred to the Department of Planning and Environment under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for a Gateway Determination.

Please find attached the following documentation:

- From Council:
  - Council Report dated 12 November 2018, (including Attachments and in particular Attachment 3 – Council Assessment of Department of Planning and Environment's 'A Guide to Preparing Planning Proposal's')
  - Council Resolution of 12 November 2018.
- From Willoughby Local Planning Panel
  - Record of Advice dated 7 November 2018.
- From the proponent:
  - Response to Council Resolution of 12 November 2018, in particular:
    - o Updated Draft WDCP provisions revised November 2018 to address Council Resolution Point 3.
    - o Updated Voluntary Planning Agreement Letter dated 23 November 2018 to address Council Resolution Point 4.
  - Planning Proposal Report prepared by Ingham Planning, dated 22 May 2018.
  - Architectural Concept Plans dated 16 May 2018.
  - Valuation Report dated 18 May 2018.
  - Acoustic Assessment, dated 1 May 2017
  - Traffic Report, dated November 2017
  - Design Report, dated 30 November 2017

Together with the hard copy, a soft copy of all the abovementioned documentation is available with access details contained in a separate email.

Should you have any enquiries regarding this matter please contact Craig O'Brien on 9777 7647 or email [Craig.Obrien@willoughby.nsw.gov.au](mailto:Craig.Obrien@willoughby.nsw.gov.au).

Yours sincerely



Norma Shankie-Williams  
STRATEGIC PLANNING TEAM LEADER