

ATTACHMENT 3

COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'

The Planning Proposal is considered to be generally in accordance with the requirements Under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives submitted by the proponent in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* are as follows:

- a) Provide a floor space yield that is commensurate with the site's strategic location along the Pacific Highway corridor, accessible to the Chatswood CBD and transport interchange and in a manner consistent with the maximum development density and building height recommended in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council.
- b) Provide an increased floor space and building height that improves viability of redevelopment.
- c) Encourage consolidation of existing allotments to facilitate enhanced urban design and development outcomes on larger development parcels.
- d) 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 Planning and Urban Design Strategy*.
- e) Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to retail, public transport and other services.
- f) Provide affordable housing on a site that currently is not required to provide affordable housing.
- g) Provide for a significant area of landscaped outdoor open space and plaza area that will be accessible to the general community as well as persons residing or working within the buildings and visitors to the site.
- h) Provide active street frontages to both street frontages on Ellis Street and the Pacific Highway surrounding the site.
- i) Provide for developer levies, in addition to Council's Section 7.12 levies, to assist with funding of infrastructure, community facilities and services and public art required to meet demand for such infrastructure, facilities and services, arising from proposed increased development density in and near the Chatswood CBD.
- j) Improve pedestrian connectivity on and around the site.
- k) Remove existing low density residential development that is of little architectural merit and which does not contribute positively to the desired future character of the Chatswood CBD.

PART 2 – EXPLANATION OF PROVISIONS

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

- 1) 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.”

- 2) 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.”

- 3) 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.”

- 4) 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.”

- 5) 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.”

- 6) 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."

- 7) 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."

- 8) To amend the Land Zoning Map (Sheet LZN_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to B4 Mixed Use.
- 9) To amend the Height of Buildings Map (Sheet HOB_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 90 metres.
- 10) To amend the Floor Space Ratio Map (Sheet FSR_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 6:1.
- 11) To amend the Special Provisions Area Map (Sheet SPA_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood, as Area 8, Area 9 and Area 11.
- 12) To amend the Active Street Frontages Map (Sheet ASF_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood to include the Pacific Highway, Ellis Street frontages.

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

The Planning Proposal is accompanied by draft site specific *Development Control Plan* provisions specific to 753 Pacific Highway & 15 Ellis Street, Chatswood for public exhibition.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

- 1) Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal arises from the endorsement by Council of the *Chatswood CBD Planning and Urban Design Strategy*, which recommends land use, increased building height and development density for land within the Chatswood CBD and the expanded CBD boundaries.

The subject site is located within the expanded CBD boundaries and is identified as mixed use, with an increase in maximum building height to 90 metres and increase in floor space ratio up to 6:1 subject to satisfaction of other Strategy requirements.

The site is subject to the Council endorsed *Chatswood CBD Planning and Urban Design Strategy* recommendations.

The increased commercial and residential density is intended to accommodate anticipated demand for employment and housing in the Willoughby Local Government Area.

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

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

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

It is considered that this Planning Proposal may be assessed following Council endorsement of the Strategy and prior to formal amendments to *Willoughby Local Environmental Plan 2012* which may take two or three years to finalise.

Section B - Relationship to strategic planning framework

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

The Planning Proposal is consistent with the strategic objectives of *A Metropolis of Three Cities Greater Sydney Region Plan* and the *North District Plan*, as well as the more detailed requirements of the *Chatswood CBD Planning and Urban Design Strategy*.

A Metropolis of Three Cities and the *North District Plan* were released by the Greater Sydney Commission in March 2018 in order to rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney being built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Delivering a metropolis of three cities will be guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents.

The North District forms a large part of the Eastern Harbour City and its economy is focused on the Harbour CBD which includes North Sydney as well as the strategic centres such as Chatswood within the Eastern Economic Corridor.

The Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. Entertainment facilities and a vibrant night-time economy contribute to the amenity. Job targets for Chatswood as a strategic centre has informed the scale of growth, land use and infrastructure planning.

Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub.

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and is the 6th largest office market in Greater Sydney. Chatswood is earmarked as a centre that should be attracting significant investment and business activity.

The *Chatswood CBD Planning and Urban Design Strategy* provides a response to the above strategic plans.

The Planning Proposal is considered consistent with *A Metropolis of Three Cities* and *North District Plan* released March 2018 for the following reasons:

- The proposal provides a 5.75:1 FSR (including 4% affordable housing and 1:1 commercial floor space). An amount generally envisioned under the *Chatswood CBD Planning and Urban Design Strategy*.
- The commercial component supports and strengthens the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services. The proposal will also provide more employment opportunities to local residents.
- The proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the Strategy.
- The additional housing is provided in a location close to existing and proposed transport and urban services infrastructure.
- The additional housing is in a location that is a walkable or cyclable distance to the Chatswood CBD centre.

The Department of Planning and Environment (August 2016) *A Guide to Preparing Planning Proposals* establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

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

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

Comment: The Planning Proposal is considered consistent with *A Metropolis of Three Cities Greater Sydney Region Plan* and *North District Plan* released March 2018.

- Consistent with a relevant local council Strategy that has been endorsed by the Department;

Comment: The *Chatswood CBD Planning and Urban Design Strategy* was endorsed by Council on 26 June 2017 and was forwarded to the Department of Planning and Environment for endorsement in February 2018. Written support for the CBD Strategy from the Greater Sydney Commission was received in June 2018. The Planning Proposal is considered consistent with

the CBD Strategy. This is discussed in the Council Detailed Assessment (Attachment 2).

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Comment: It is considered that the Planning Proposal is consistent with the Sydney Metro Northwest, Sydney City and Southwest planned transport infrastructure.

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

- The natural environment (including known significant environmental values, resources or hazards).

Comment: Not applicable.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

Comment: The planning controls proposed are consistent with the *Chatswood CBD Planning and Urban Design Strategy* and the envisaged future development for the locality which is within the expanded Chatswood CBD boundaries. The proposal promotes the future urban renewal of the two adjoining sites. Draft *Development Control Plan* site specific provisions require that an amalgamation plan be included, requiring 753 Pacific Highway & 15 Ellis Street to be consolidated in order for redevelopment to occur.

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

Comment: This issue is discussed in the Council Detailed Assessment under Public Benefit (Attachment 2).

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The *Willoughby City Strategy 2013-2029* is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The *Willoughby City Strategy 2013-2029* sets out six broad themes, with the relevant themes regarding this Planning Proposal being 'Housing,' with the sub-theme of 'Housing choice, quality and character,' and 'Economic Activity', with the sub-theme being 'Sustainable Business Activity.'

- i) The goal of the sub-theme 'Housing choice, quality and character' is:

"To be a place with housing that is liveable, sustainable and enhances urban character."

The following relevant strategies are identified:

3.1.1 Plan for housing choice

- b) Investigate changing demographics of the Willoughby area and review planning controls to encourage new housing types to meet community and intergenerational needs.
- a) Facilitate, provide and advocate for affordable housing.
- b) Protect important employment areas (industrial, commercial land) from incursion by residential development and other uses that affect the long term integrity of those areas.

3.1.2 Quality living amenity for residents

- a) Ensure future development can be provided with adequate infrastructure and services.
- b) Assess development for its quality, sustainability and amenity for living.

ii) The goal of the sub-theme 'Sustainable Business Activity' is:

"To maintain and promote the City's employment opportunities and the range and quality of businesses, industry and services"

The following relevant strategies are identified:

5.1.1 Local Business

- a) Facilitate business and employment opportunities servicing local and regional needs.
- b) Encourage a range of business, retail, office and industrial uses.
- f) Implement strategy for the long term development of Chatswood CBD as a major regional employment, retail and entertainment destination.

The Planning Proposal is considered consistent with the *Willoughby City Strategy 2013-2029*.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

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

SEPP Title	Comment
<i>SEPP (BASIX) 2004</i>	This SEPP will apply to future proposed dwellings/units and appropriate BASIX documentation will be required with any future development application for redeveloping the site.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The Planning Proposal does not contain provisions that contradict the application of the SEPP.

SEPP 65 – Design Quality of Residential Flat Development	This SEPP will apply to the proposed residential component of the future mixed use building. The concept plan has been submitted having regard to the <i>SEPP 65 Apartment Design Guide</i> (ADG) and achieves general compliance with this Code. Refer to Supporting Council report for discussion.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal provides for 4% affordable housing and is consistent with the SEPP.
SEPP (Infrastructure) 2007	The Planning Proposal provides for housing and jobs close to a commuter hub and is consistent with the SEPP.

6) Is the planning proposal consistent with applicable Ministerial Directions (Section 117 directions?)

The *Section 117 Directions* issued to councils under Section 117(2) of the *Environmental Planning and Assessment Act 1979* require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant *Section 117 Directions* in this instance.

6. EMPLOYMENT AND RESOURCES

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

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	The site does not contain any local heritage items or is it located within a conservation area.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is within a High Density R4 Residential Zone proposed to be B4 Mixed Use Zone. The proposal is consistent with the recommended rezoning addressed within the Chatswood CBD strategy.

Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will continue

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

4. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The Planning Proposal does not contain any provisions which require concurrence, consultation or referral to the Minister.

5. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with A Metropolis of Three Cities Greater Sydney Region Plan, and North District Plan released March 2018, as discussed above.

Section C- Environmental, social and economic impact

- 7) 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 have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

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

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

- Consistency with the *Chatswood CBD Planning and Urban Design Strategy*, as endorsed by Council. In this regard the following issues have been addressed:
 - CBD boundary
 - Land use
 - Public domain
 - Floor space ratio

- Design excellence
- Building sustainability
- Height
- Links, open space and landscaping
- Street frontage heights
- Setbacks
- Building separation
- Site isolation
- Substations
- Minimum site area
- Maximum residential tower size
- Public art
- Other issues including solar access, privacy and general amenity, traffic and car parking
- Public Benefit

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

It is considered that the Planning Proposal has adequately addressed social and economic effects. It should be noted that the Planning Proposal includes 4% affordable housing provision.

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

The site is located within an existing mixed use area located on a major transport corridor being the Pacific Highway, serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange. In addition transport capacity will be improved following completion of the Metro development.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included for consultation prior to or conjunction with the public exhibition.

PART 4 – MAPPING

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

- 1) To amend the Land Zoning Map (Sheet LZN_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to B4 Mixed Use.
- 2) To amend the Height of Buildings Map (Sheet HOB_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 90 metres.
- 3) To amend the Floor Space Ratio Map (Sheet FSR_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 6:1.
- 4) To amend the Special Provisions Area Map (Sheet SPA_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood, as Area 8, Area 9 and Area 11.

- 5) To amend the Active Street Frontages Map (Sheet ASF_ 004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood to include the Pacific Highway, Ellis Street frontages.

PART 5 – COMMUNITY CONSULTATION

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

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	November 2018
Planning Proposal submitted to Gateway	November 2018
Gateway Determination received by Council	December 2018
Community Consultation (28 days)	January 2019
Outcomes of Community Consultation presented to Council	February 2019
Planning Proposal submitted to Department requesting notification on Government website	March 2019