

28 May 2019

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

Dear Amanda,

Re: Planning Proposal regarding 871-877 Pacific Highway, Chatswood

At its meeting of 11 February 2019, Council considered a report regarding a Planning Proposal and concept plans prepared by PBD Architects and City Plan on behalf of Megland Group for 871-877 Pacific Highway, 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 *Sydney Region Plan* and *North District Plan*.

The CBD Strategy aims 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 within a newly proposed northern extension of the CBD under the CBD Strategy and is identified as mixed use.

The Planning Proposal seeks to amend the current *Willoughby Local Environmental Plan 2012*, in accordance with the *Chatswood CBD Planning and Urban Design Strategy*, by:

- Rezoning the site from B5 Business Development to B4 Mixed Use.
- Increasing the height on the site to 90 metres.
- Increasing the Floor Space Ratio on the site to 6:1.

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 12 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 amend the Land Zoning Map (Sheets LZN_003 and 004) for 871-877 Pacific Highway, Chatswood, to B4 Mixed Use.*
 - h) *To amend the Height of Buildings Map (Sheets HOB_003 and 004) for 871-877 Pacific Highway, Chatswood, to 90 metres.*
 - i) *To amend the Floor Space Ratio Map (Sheets FSR_003 and 004) for 871-877 Pacific Highway, Chatswood, to 6:1 (including affordable housing).*
 - j) *To amend the Special Provisions Area Map (Sheets SPA_003 and 004) to show 871-877 Pacific Highway, Chatswood, as Area 8, Area 9, Area 11 and Area 12.*
 - k) *To amend the Active Street Frontages Map (Sheets ASF_003 and 004) to include 871-877 Pacific Highway, Chatswood, to include the Pacific Highway and Wilson 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) *Section 2 ‘Built Form’:*
 - i. *Delete Controls 3 and 4.*
 - ii. *Add to Controls 5:*

“Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.”
 - iii. *Relocate Figure 2 from Section 4, ‘Street Frontage Heights and Setbacks’, Controls, so that it becomes Figure 1, and part of Controls 6*

“6. The building layout is to be in accordance with Figure 1.”

- b) Section 3, 'Building Heights':
 - i. Delete Controls 1.
 - c) Section 4, 'Street Frontage Heights and Setbacks':
 - i. Delete Performance Criteria 4
 - ii. Delete Controls 2.
 - iii. Make Figure 2 the figure from Key Element 27 Street Frontage Heights and Setbacks in the Chatswood CBD Planning and Urban Design Strategy.
 - d) Section 6, 'Amenity':
 - i. Delete Controls 4.
 - e) Section 8, 'Active Street Frontages':
 - i. Delete Controls 2.
 - f) Section 9, 'Traffic and Transport':
 - i. Delete Controls 4 and 5.
 - g) Section 11, 'Design Excellence':
 - i. Delete Controls 2.
 - h) Section 12, 'Public Art':
 - i. Delete Controls 1 and 2 and replace with:
 - "1. Any Public Art is to be in accordance with Council's Public Art Policy."
 - i) Section 13 'Sustainability':
 - i. Add:
 - "Performance Criteria
 - 1. Achievement of design excellence shall include achievement of higher building sustainability standards.
 - Controls
 - 1. A minimum 5 star GBCA building rating is expected. A report is to be submitted at Development Application Stage."
- 4) Require prior to referral to Gateway, the following additional information:
- a) An amended landscape plan (to scale) detailing:
 - i. The shared pathway along the Pacific Highway frontage.
 - ii. Street tree planting along the Pacific Highway, both within Council's nature strip as appropriate and along the frontage of the site outside of any shared pathway.
 - iii. Dimensions and landscape treatment of all ground level landscaping within the site, including publicly accessible areas.
 - b) Additional traffic analysis is to be provided:
 - i. Addressing the capacity and functionality of the vehicle access / egress and loading / unloading arrangement for the proposal development, and the potential use of the aforementioned by the neighbouring site at 879 Pacific Highway. Full management details are to be provided, including on-site physical measures that may be needed to be introduced.
 - ii. Addressing sight lines and safety for vehicles leaving the property in Wilson Street, with particular regard to turning right towards the Pacific Highway.
- 5) Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.

- 6) *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.*
- 7) *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.*
- 8) *Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which do not alter the policy intent."*

A Voluntary Planning Agreement will be associated with this Planning Proposal but has not been submitted at this stage. The proponents have however indicated they intend to participate in 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 concurrently with the exhibition of the Planning Proposal following a Gateway Determination.

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:

- Council Report dated 11 February 2019, including Attachments and in particular:
 - Attachment 3 - Department of Planning and Environment Assessment, and
- Willoughby Local Planning Panel Record of Advice dated 30 January 2019.
- Council Resolution of 11 February 2019.

All of this documentation, as well the relevant documentation submitted by the proponent, will be provided to you electronically (the link will be emailed separately to this letter). Note that the proponent has submitted additional information (as recently as 17 May 2019) to satisfactorily address the Council resolution, with particular regard to Points 3, 4a and 4b. This information is included in the electronic link.

Should you have any enquiries regarding this matter please contact Craig O'Brien on 9777 7647 or email craig.obrien@willoughby.nsw.gov.au.

Yours faithfully,



Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER