

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:

- Provide increased housing supply outside of the Chatswood CBD Commercial Core, which responds to the needs of the local community;
- Enhance and activate the site by providing a mix of uses including retail and commercial space on the ground and first floor;
- Provide affordable housing in accordance with the *Willoughby Affordable Housing Policy*;
- Capitalise on opportunities within the site to provide an economic and orderly use of the land for a mixed-use development;
- Avoid the potential for isolation of the adjoining site by giving consideration to the future development on both sites;
- Facilitate a high quality urban and architectural design that responds to adjoining land uses;
- Provide an opportunity to improve the presentation of the site to the public domain, and enhance the streetscape in doing so;
- Minimise adverse impacts on existing development;
- Ensure the future development and use of land is appropriate to minimise environmental risks and potential impacts on adjoining land uses; and
- Satisfy State Government objectives in the *Greater Sydney Region Plan* as well as relevant Section 117 directions.

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:

- (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 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.

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.

Accompanying the Planning Proposal are draft *Development Control Plan* provisions, with some amendments recommended by Council.

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 on the edge but within the CBD boundary 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 *Chatswood CBD Planning and Urban Design Strategy* provides a CBD boundary which includes this location because it is close to the Chatswood City Centre, with significant transport infrastructure and urban services.

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 the *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*.

The *Greater Sydney Region Plan* and the *North District Plan* were released by the Greater Sydney Commission in March 2018. The *Greater Sydney Region Plan* will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

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

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

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and is the 6th largest office market in Greater Sydney. Chatswood is earmarked as a centre that should be attracting significant investment and business activity in strategic centres to provide jobs growth; creating the conditions for residential development within strategic centres but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

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

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

- The proposal provides commercial floor space at an amount envisioned under the *Chatswood CBD Planning and Urban Design Strategy*. 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 the *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. The Strategy has been forwarded to the Department of Planning and Environment for endorsement.

The Planning Proposal is considered consistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy*. This is discussed in the Council Detailed Assessment.

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

- 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 land involved.

- 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.

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

Our Future Willoughby 2028 (June 2018) is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The following objectives apply to this Planning Proposal:

1. A City that is green

- 1.1 Create and enhance green spaces.
- 1.2 Promote sustainable lifestyles and practices.
- 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
- 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
- 1.5 Reduce carbon and greenhouse gas emissions.

2. A city that is connected and inclusive

- 2.1 Enhance transport choices and connections throughout the City.
- 2.4 Reduce parking and traffic congestion.
- 2.7 Promote accessible services for the community

3. A city that is liveable

- 3.5 Maintain quality of life by balancing population growth with the provision of assets and services.

4. A city that is prosperous and vibrant

4.1 Facilitate the development of all businesses.

5. A City that is effective and accountable

5.1 Be honest, transparent and accountable in all that we do.

The Planning Proposal is consistent with the above applicable objectives.

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>SEPP55 – Remediation of Contamination Land</i>	The site is adjacent to a service station to the north. A detailed site investigation (contamination) was undertaken by Douglas Partners in 2015. A cover letter has been provided by Douglas Partners stating that the conclusions of the 2015 report are unchanged with regard to the subject Planning Proposal. A Hazmat Report and a Remediation Action Plan accompanies the Planning Proposal, and the issue of contamination will require to be further addressed at development application stage.
<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.
<i>SEPP 65 – Design Quality of Residential Flat Development</i>	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.
<i>SEPP (Affordable Rental Housing) 2009</i>	The Planning Proposal provides for affordable housing and is consistent with the SEPP.
<i>SEPP (Infrastructure) 2007</i>	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 9.1 directions)

The *Section 9.1 Directions* issued to councils under Section 9.1(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 9.1 Directions* in this instance.

1. EMPLOYMENT AND RESOURCES

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

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	The site does not contain a Local Heritage Item nor is it part of a heritage conservation area. A local heritage item, being a boarding house, is located on the opposite side of the Pacific Highway at 850 Pacific Highway (I108). On the other side of the railway line, is the North Chatswood Conservation Area. The Planning Proposal is considered reasonable and expected development under the <i>Chatswood CBD Planning and Urban Design Strategy</i> and is considered to not have adverse impacts on any heritage item or conservation area.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent?	Comment
3.1 Residential Zones	No	Not Applicable	The site is within a B5 Business Development zone proposed to be B4 Mixed Use. The proposal is consistent with the recommended rezoning within the <i>Chatswood CBD Planning and Urban Design Strategy</i> .

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

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

5. REGIONAL PLANNING

Direction	Relevant?	Consistent?	Comment
5.10 Implementation of Regional Plans	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> , and <i>North District Plan</i> released March 2018, as discussed above.

6. LOCAL PLAN MAKING

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

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

- 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 (see 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
 - Design excellence
 - Building sustainability
 - Floor space ratio

- Minimum site area
- Affordable housing
- Maximum residential tower size
- Commercial component
- Built form
- Sun access to key public places
- Height
- Links, open space and landscaping
- Street frontage heights
- Setbacks
- Building separation
- Site isolation
- Substations
- Public art
- Other issues including heritage, 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 does include affordable housing provision.

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

The subject site is located within an identified mixed use area 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 in the public exhibition.

PART 4 – MAPPING

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

- a) To amend the Land Zoning Map (Sheets LZN_004) for 871-877 Pacific Highway, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheets HOB_003 and 004) for 871-877 Pacific Highway, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map (Sheets FSR_003 and 004) for 871-877 Pacific Highway, Chatswood, to 6:1 (including affordable housing).

- d) 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.
- e) 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.

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

