

14 March 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 3-5 Help Street, Chatswood

At its meeting of 11 February 2019, Council considered a report regarding a Planning Proposal and concept plans prepared by Parade Consulting on behalf of H and J Vakili for 3-5 Help 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 *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 the existing CBD B4 Mixed use zone, and is identified under the CBD Strategy as B4 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:

- 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 Height of Buildings Map (Sheet HOB_004) for 3 – 5 Help Street, Chatswood, to 90 metres.*

- h) To amend the Floor Space Ratio Map (Sheet FSR_004) for 3 – 5 Help Street, Chatswood, to 6:1.*

- i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 3 Help Street & 5 Help Street, Chatswood, as Area 8, Area 9, Area 11 and Area 12.*

- j) To amend the Active Street Frontages Map (Sheet ASF_004) to show 3 – 5 Help Street, Chatswood to include the Help Street, McIntosh Street and the Cambridge Lane frontages.*

- 2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.*
- 3. Endorse for public exhibition the draft site specific Development Control Plan provisions, subject to the following amendments:*

- a) Number all objectives*

- b) Under ‘Design excellence and building sustainability’:*

- i). Add 5A: “A minimum 5 star GBCA building rating is expected.
A report is to be submitted at Development Application Stage.”*

- c) Under ‘Built Form’:*

- i). Replace 9 with *"The maximum tower floor plate that applies to this site for residential towers above a podium is 700m²."*

d) Under 'Building Heights'

- i). Delete existing 14 and replace with: *"Maximum height of buildings in the CBD will be based on Figure 3.1.6 of the Chatswood CBD Planning and Urban Design Strategy up to the airspace limits (Pans-Ops plane) except as reduced further to meet: a) Sun access protection"*
- ii). Add 14A Figure 1: *"Recommended Height": which will replicate what is shown regarding the subject site, in Key Element 20, Figure 3.1.6 of the Chatswood CBD Planning and Urban Design Strategy to 2036.*

e) Under 'Links, Open space and Landscaping':

- i). Replace under 28: 'western' with 'eastern'.

f) Under 'Street Frontage Heights and Setbacks':

- i). Add 29C: *"Building street frontage heights and setbacks are to be in accordance with Figure 2 "Street Frontage Heights and Setbacks" below.*
- ii). Add 29C Figure 2 *"Street Frontage Heights and Setbacks"* which will 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.

g) Under 'Further Built Form Controls':

- i) Add to 33: *"Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions."*

h) Under 'Traffic and Transport' with consideration of numerical order:

- i) Add *"Traffic shall be restricted to left in/ left out on the Help Street 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."*
- ii) Add *"Bicycle access/facilities and circulation along McIntosh Street shall be encouraged, including 'filling the gaps' in the existing bicycle network across intersections."*
- iii) Add *"The ability of all vehicles to safely access/egress the development via Help Street from the kerb lane shall be confirmed through the use of turning path analysis/assessment."*

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. Prior to referral to Gateway, updated Concept Plans are to be submitted to Council demonstrating compliance with the 'Sun Access to Key Public Places - Key Element 19', and 'Building Heights - Key Element 20 and Key Element 21'

of the Chatswood CBD Planning and Urban Design Strategy.

6. *Prior to referral to Gateway, a Concept Landscape Plan is to be submitted to Council demonstrating compliance with 'Key Element 22 – Links, Open Space and Landscaping' of the Chatswood CBD Planning and Urban Design Strategy.*
7. *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.*
8. *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.*
9. *Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent."*

A Voluntary Planning Agreement will be required for 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 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:

- 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 to satisfactorily address the Council resolution, with particular regard to Points 3, 4, 5 and 6. 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 sincerely,



Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER