

**18.3 3 - 5 HELP STREET, CHATSWOOD - PLANNING PROPOSAL****ATTACHMENTS:**

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S A GUIDE TO PREPARING PLANNING PROPOSALS
4. PLANNING PROPOSAL CONCEPT PLANS
5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS
6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGE MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019

**RESPONSIBLE OFFICER:** IAN ARNOTT - PLANNING MANAGER

**AUTHOR:** EMMA BROWN – STRATEGIC PLANNER

**CITY STRATEGY OUTCOME:** 3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES

5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

**MEETING DATE:** 11 FEBRUARY 2019

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**1. PURPOSE OF REPORT**

To seek endorsement for the forwarding of the Planning Proposal 2018/0008 for 3 – 5 Help Street, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of the Agenda Item.

**2. OFFICER'S RECOMMENDATION****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 700m<sup>2</sup>.”
  - 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.

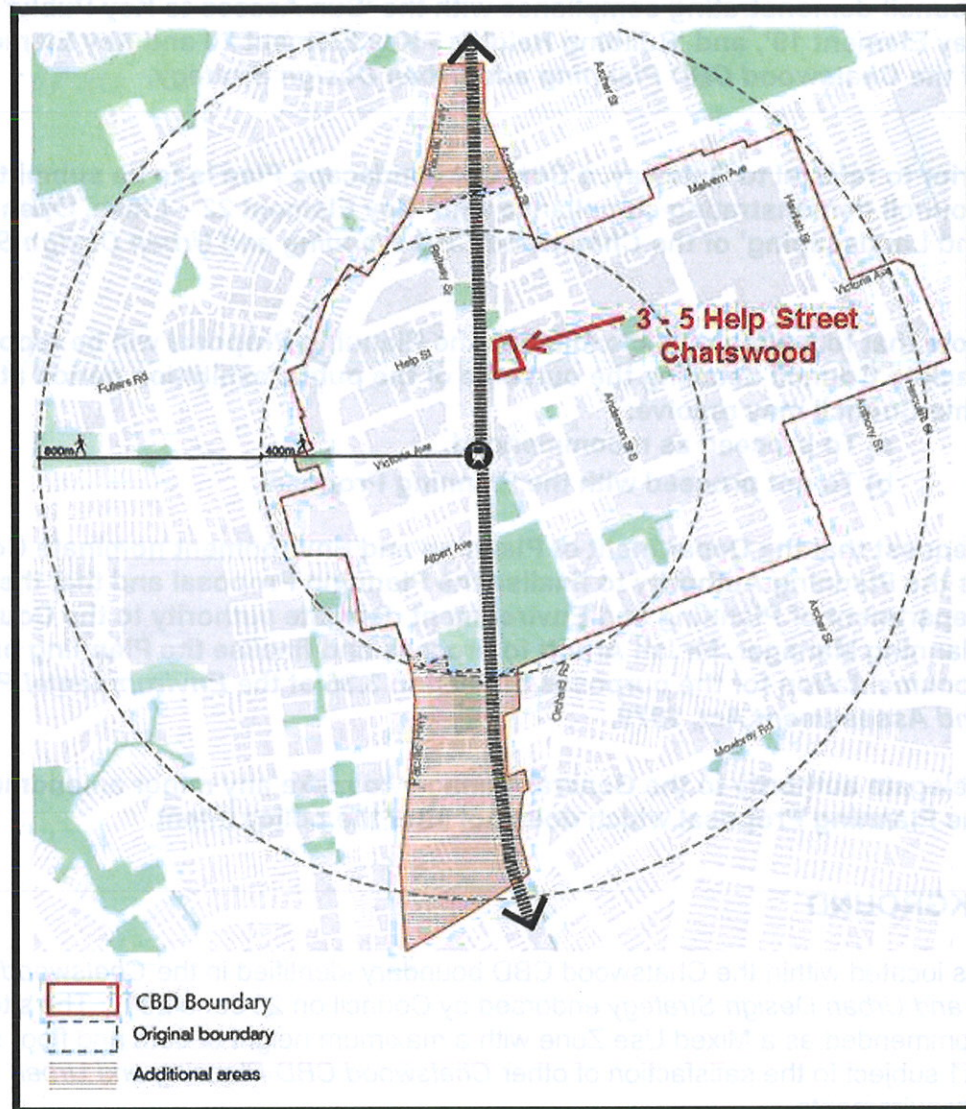
### 3. BACKGROUND

The site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. The site has been recommended as a Mixed Use Zone with a maximum height of 90m and floor space ratio of 6:1 subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements.

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* in accordance with the *Chatswood CBD Planning & Urban Design Strategy* to retain the sites B4 Mixed Use zoning, allow a building height of up to 90 metres and a Floor Space Ratio up to 6:1 (including 4% affordable housing), including a commercial podium on the site.



### Figure 1 Site Plan



## 4. DISCUSSION

The Planning Proposal as amended is generally consistent with the recommendations of the *Chatswood CBD Planning and Urban Design Strategy* as endorsed by Council on 26 June 2017. This is discussed in the Detailed Assessment (Attachment 2).

In addition the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' and is generally satisfactory (Attachment 3).

The above Council reports have considered the proponent's documentation supporting the Planning Proposal, including concept plans showing a conceptual redevelopment plan for the site (Attachment 4) and draft *Development Control Plan* provisions (Attachment 5). Updated concept plans are required showing height complying with the maximum permitted for the site under the *Chatswood CBD Planning and Urban Design Strategy* (90m).

The Planning Proposal has been internally referred to Landscape, Urban Design, Environmental Health and Traffic Engineers to assist with assessment. No objections were



raised to the Planning Proposal proceeding to Gateway and public exhibition, subject to amendments to the draft *Development Control Plan* provisions.

The draft *Development Control Plan* provisions are satisfactory for the purposes of public exhibition. Further assessment having regard to submissions will occur following public exhibition and may be the subject of further amendments. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Willoughby Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared:

- 1) Written amendments to Willoughby *Local Environmental Plan 2012* (Refer to Attachment 6).
- 2) Amendments to the draft *Development Control Plan* provisions.

Although an offer to enter a voluntary planning agreement has been made, detailed discussions regarding an agreement have not been held with Council officers. Once such discussions have occurred, this matter will be separately reported to Council.

## 5. CONCLUSION

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

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition. It should be noted that following exhibition and further assessment, amendments to supporting documentation may be required such as the draft *Development Control Plan* provisions provided by the proponent.

Based on the above, it is recommended that Council 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*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	3.5 – Maintain quality of life by balancing population growth with the provision of assets and services 5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes/ Services</b>	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> to accommodate future growth needs.
<b>Policy</b>	This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> , endorsed by Council on 26 June 2017. The Amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby</i>

*Development Control Plan.*

<b>Consultation</b>	Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017. This Planning Proposal would also be publicly exhibited following Gateway Determination.
<b>Resource</b>	No additional operating resources used to prepare this report beyond budget.
<b>Risk</b>	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> objectives and accommodating future growth requirements.
<b>Legal</b>	<p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i>. Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i>, which would provide the basis for future development application assessment. In addition <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.</p> <p>The Planning Proposal is accompanied by an offer for a voluntary planning agreement involving value uplift to provide for demands on Council services and infrastructure – which will be separately negotiated.</p>
<b>Legislation</b>	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
<b>Budget/Financial</b>	Nil