

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 Clause 55(2) 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.

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officer's have proposed that the outcome be achieved by preparing an amendment to *Willoughby Local Environmental Plan 2012*, which will include:

- (a) To add Clause 4.4 (2D) as follows:

2D. Subclause (2A) (b) (i) does not apply to any land shown in Area 8 on the Special Provisions Area Map, with affordable housing here to be taken as part of the gross floor area of the building for determining the maximum floor space ratio of the building.

- (b) 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.

(c) 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 8 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.

(d) To amend the Land Zoning Map (Sheet LZN_004) for 629 – 639 Pacific Highway, Chatswood, to B4 Mixed Use.

(e) To amend the Height of Buildings Map (Sheet HOB_004) for 629 – 639 Pacific Highway, Chatswood, to 90 metres.

(f) To amend the Floor Space Ratio Map (Sheet FSR_004) for 629 – 639 Pacific Highway, Chatswood, to 6:1 (including affordable housing).

(g) To amend the Special Provisions Area Map (Sheet SPA_004) to show 629 – 639 Pacific Highway, Chatswood, as Area 8.

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 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 *Chatswood CBD Planning and Urban Design Strategy* has increased the CBD boundaries to include 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)?

A Plan for Growing Sydney (Metropolitan Plan) was released by the Department of Planning and Environment in December 2014 as the NSW Government's plan for the future of the Sydney Metropolitan area over the next 20 years.

A Plan for Growing Sydney (Metropolitan Plan) sets four goals for Sydney to be:

- A competitive economy with world-class services and transport.
- A city of housing choice, with homes that meet Sydney's needs and lifestyles.
- A great place to live with communities that are strong, healthy and well connected.
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Within *A Plan for Growing Sydney (Metropolitan Plan)*:

- A priority for the north subregion is:
 - A competitive economy.
 - Accelerate housing supply, choice and affordability and build great places to live.
This is to be achieved by working with Councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services along key public transport corridors.
- The priority for the strategic centre of Chatswood is:
 - provide capacity for additional mixed use development in Chatswood including offices, retail, services and housing.

On 22 October 2017, the *Draft Greater Sydney Region Plan* was released by Greater Sydney Commission, which represents a review and update of *A Plan for Growing Sydney (Metropolitan Plan)*. This Review concluded that while the directions

in *A Plan for Growing Sydney* were still relevant, they required updating or strengthening.

The Draft Greater Sydney Region Plan identifies Sydney as three connected cities, with Willoughby City located within the Eastern Harbour City, and more specifically in the North District.

The four key themes in the Draft Greater Sydney Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

Under Infrastructure and Collaboration, objectives include:

- Infrastructure aligns with forecast growth (P. 28).
- Infrastructure use is optimised (P. 33).

Under Liveability, objectives include:

- Communities are healthy, resilient and socially connected (P. 43).
- Greater housing supply.
- Housing is more diverse and affordable (P.56).
- Great places that bring people together (P. 61).

The North District is identified as having housing targets of 25,950 over a 0-5 year period, and 92,000 over a 20 year period. As an action, Councils are required to prepare housing strategies that respond to housing targets.

Under Productivity, objectives include:

- Investment and business activity in centres (P.102).
- Industrial and urban services land is planned, protected and managed (P.109).
- Economic sectors are targeted for success (P.115).

Chatswood remains a Strategic Centre located in the Eastern Economic Corridor, and is listed as one of nine stand-alone office markets in Greater Sydney. Strategy 22.1 (P.106) states in part:

Provide access to jobs, goods and services by:

- Attracting significant investment and business activity in strategic centres to provide jobs growth.
- Creating conditions 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.

Under Sustainability, objectives include:

- Urban tree canopy cover is increased (P.141).
- Public open space is accessible, protected and enhanced (P.143).
- The Green Grid links parks, open spaces, bushland and walking and cycling paths (P.145).

A **Revised Draft North District Plan** was also released on October 2017, based on the *Draft Greater Sydney Region Plan*.

In regards the theme of Infrastructure and collaboration, and ensuring infrastructure aligns and adapts with forecast growth, the planning priorities involve:

- Planning for a city supported by infrastructure.
- Working through collaboration.

In regards the theme of Liveability, in order to address housing supply, Councils are required to develop strategies that:

- Make provision to meet the five and ten year (when agreed) housing targets and identify capacity to contribute to ... the 20 year district strategic supply.
- Inform the Affordable Rental Housing Target for development precincts.
- Coordinate the planning and delivery of local and state infrastructure (P.38).

The five year housing supply target for Willoughby is identified as 1,250. Emphasis is placed on more housing in the right locations, with urban renewal to have regard to location and the capacity of existing and proposed infrastructure.

“Urban renewal opportunities may exist around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability.” (P.36)

In regards the theme of Productivity, and the strategic centre of Chatswood, the identified actions were to strengthen Chatswood through approaches that:

- Protect and grow the commercial core.
- Maximise the land use opportunities provided by Sydney Metro.
- Promote the role of the centre as a location for high quality commercial buildings and a diverse retail offering.
- Enhance the role of the centre as a destination for cultural and leisure activities.
- Promote and encourage connectivity, and upgrade and increase public open spaces.

A baseline jobs target of 31,000 and a higher target of 33,000 are identified for 2036, above the 2016 estimate of 24,700, requiring some 6,300 - 8,300 additional jobs.

In regards the theme of Sustainability, and improving sustainability at the same time as addressing the other themes above, planning priorities involve:

- Protecting and improving the health and enjoyment of Sydney Harbour and the District’s waterways.
- Protecting and enhancing bushland and biodiversity.
- Protecting and enhancing scenic and cultural landscapes.
- Increasing urban tree canopy cover and delivering Green Grid connections.
- Delivering high quality open space.

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

The Planning Proposal is considered consistent with *A Plan for Growing Sydney* (Metropolitan Plan), the *Draft Greater Sydney Region Plan* and the *Revised Draft North District Plan* for the following reasons:

- The proposal provides commercial floor space at an amount generally envisioned under the *Chatswood CBD Planning and Urban Design Strategy* (though not at the preferred amount of 1:1). The variation is discussed in the Council Detailed Assessment. Although located towards the edge of the Chatswood CBD, 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 *Revised Draft North District Plan*.

- 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. Council is preparing to forward the Strategy to the Department of Planning and Environment for endorsement.

The Planning Proposal is considered consistent with the 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: 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 also promotes the future urban renewal of the two sites involving six lots.

- 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?

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>State Environmental Planning Policy No 55 – Remediation of Land</i>	The preliminary site investigation report concludes that while the previous use of the site for car related servicing raised concerns regarding the presence of contaminants, the site could be made suitable for mixed commercial and residential use. The report recommends hazardous materials assessment, that a soil and water investigation be carried out, as well as classification of waste taken from the site. A Stage 2 detailed site investigation will need to be submitted with any development application to inform a remedial action plan followed by validation that the site has been suitably remediated.
<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 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.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	No	Not Applicable	The site and adjoining lands are not local heritage items or within conservation areas. The nearest heritage items are over 120 metres away at 10 Moriarty Road on the western side of the Pacific Highway and at 339 Mowbray Road being part of the Metro dive site (<i>Willoughby Local Environmental Plan 2012</i> References: I147 and I96). The nearest conservation area, being the South Chatswood Conservation Area, is located on the eastern side of the railway line.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	No	Not Applicable	The site is not within a residential zone. The existing zone is B5 Business Development and it is proposed to be B4 Mixed Use.

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

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 <i>A Plan for Growing Sydney</i>	Yes	Yes	The Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> and the <i>Draft Greater Sydney Region Plan</i> as outlined in the report 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 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
 - 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 does include affordable housing provision.

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

The subject 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 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 (Sheet LZN_004) for 629 – 639 Pacific Highway, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheet HOB_004) for 629 – 639 Pacific Highway, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 629 – 639 Pacific Highway, Chatswood, to 6:1 (including affordable housing).
- d) To amend the Special Provisions Area Map (Sheet SPA_004) to show 629 – 639 Pacific Highway, Chatswood, as Area 8.

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