

15.11 PLANNING PROPOSAL - 815 PACIFIC HIGHWAY AND 15 HELP STREET, CHATSWOOD (PP 2018/12)**ATTACHMENTS:**

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING, INDUSTRY 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 HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGES MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 27 OCTOBER 2020

RESPONSIBLE OFFICER:

CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR:

CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME:

**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY**

MEETING DATE:

9 NOVEMBER 2020

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2018/12 for 815 Pacific Highway and 15 Help Street, Chatswood, to the Department of Planning, Industry 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, Industry 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*:

- 1.1. To amend the Land Use Table, Zone B3 Commercial Core, as follows:
In Permitted with consent, delete serviced apartments
In Prohibited, insert serviced apartments
- 1.2. To add Clause 4.1D 'Minimum lot size for Zone B3.'
“(1) The objective of this clause is to ensure a site is of sufficient size to achieve an optimum development outcome in the Chatswood CBD.
(2) This clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area X on the Lot Size Map.”
- 1.3. To add Clause 5.6 'Architectural roof features', (2A) as follows:
“(2A) Despite subclause (2), development within Area X on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
- 1.4. To amend Clause 6.7 'Active Street Frontages', (5) to read:
“(5) In this clause, a building has an active street frontage if:
 - 1.4.1. In the Zone B3 Commercial Core, all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
 - 1.4.2. In the Zone B1 Neighbourhood Business, B2 Local Centre, B4 Mixed Use, B5 Business Development and B7 Business Park, all premises on the ground floor of the building facing the street are used for the purposes of commercial premises.”
- 1.5. Repeal Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood.'
- 1.6. To add Clause 6.24 as follows:
 - “(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
 - 2) This clause applies to development that is the erection of a new building on land shown in Area X of the Special Provisions Area Map.
 - 3) Development consent, including modification of development consent, must not be granted to development to which this clause applies unless:
 - 1.6.1. Where a building will be above 35 metres in height
 - 1.6.1.1. an architectural design competition that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and
 - 1.6.1.2. the design of the development is the winner of the architectural design competition, and
 - 1.6.1.3. the consent authority considers and acknowledges that the development exhibits design excellence.
 - 1.6.2. Where a building is or will be higher than 12 metres but not above 35 metres in height
 - 1.6.2.1. The design is subject to review by a Design Excellence Review Panel, that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority

-
- 1.6.2.2. the consent authority considers and acknowledges that the development exhibits design excellence.
- 1.6.3. An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:
- 1.6.3.1. such a process would be unreasonable or unnecessary in the circumstances.
- 1.6.4. In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration Clause 3)a)iii) and 3)b)ii).
- 1.6.5. In this clause:
Design Excellence is a process and an outcome which follows a rigorous procedure including evaluation to achieve subclause (1).
Architectural Design Competition means a competitive process conducted in accordance with the Willoughby Design Excellence Clause and Guidelines for Design Excellence Review and Competitions.
Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Planning Secretary).
Guidelines for Design Excellence Review and Competitions mean Willoughby City Council Guidelines for Design Excellence Review and Competitions 09/12/2019.
Design Excellence Policy means the Willoughby City Council Design Excellence Policy 09/12/2019.”
- 1.7. To amend the Height of Buildings Map (Sheet HOB_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to RL 246.8m.
- 1.8. To amend the Floor Space Ratio Map (Sheet FSR_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to No Maximum.
- 1.9. To amend the Lot Size Map (Sheet FSR_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- 1.10. To amend the Special Provisions Area Map (Sheet SPA_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- 1.11. To amend the Active Street Frontages Map (Sheet ASF_004) to include the Pacific Highway, McIntosh Street and Help 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.
4. Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.

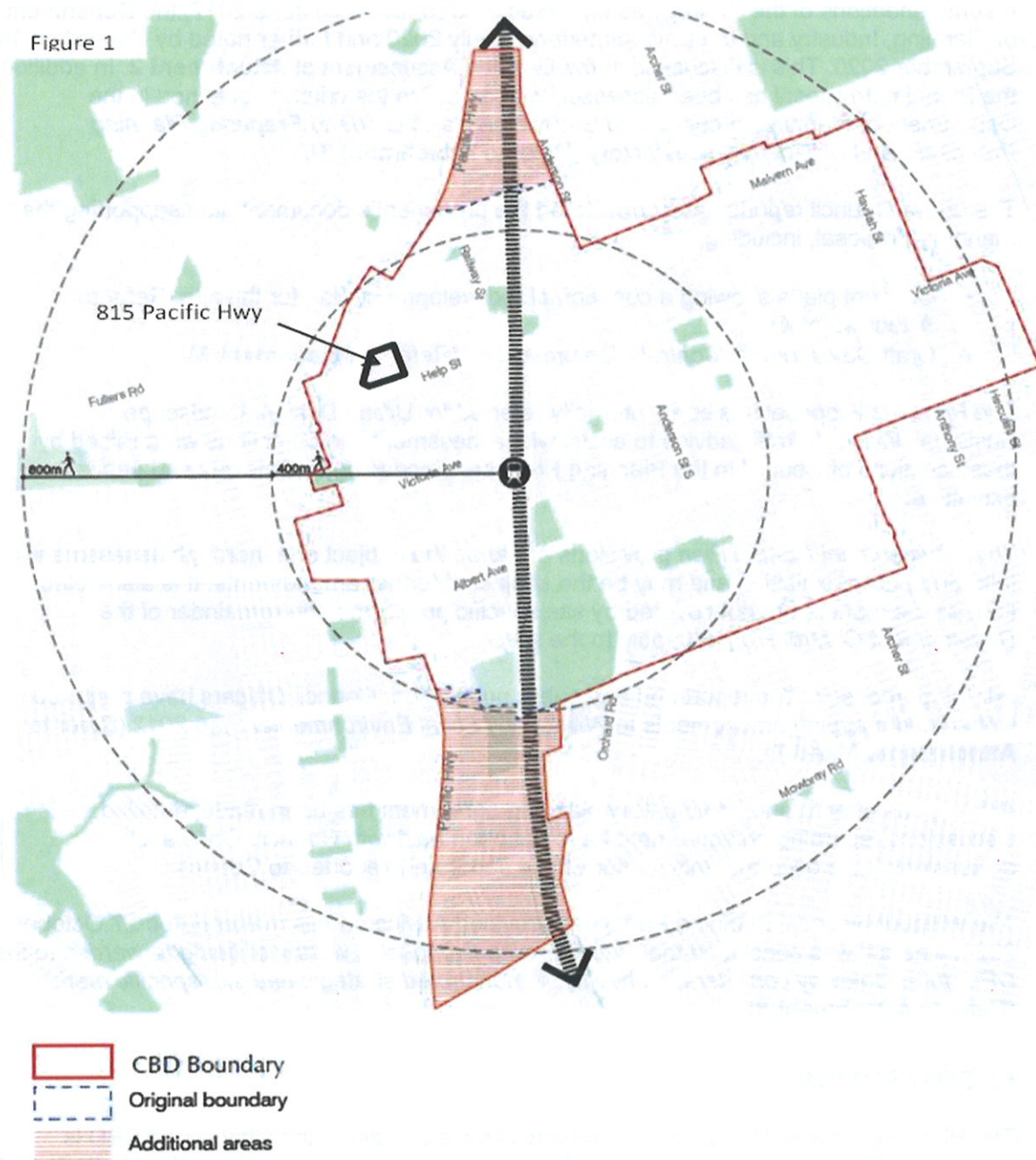
5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - 5.1. To proceed as recommended.
 - 5.2. To not proceed with the Planning Proposal.
6. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry and Environment delegate authority to the Council Planning Manager, to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
7. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

3. BACKGROUND

The proposal for a commercial podium and tower development involving a height of RL 246.8m is located on a site within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the Strategy) endorsed by Council on 26 June 2017, the Department of Planning, Industry and the Environment on 9 July 2020 and noted again by Council on 14 September 2020.

This report outlines the intent of the Planning Proposal 2018/12 for 815 Pacific Highway and 15 Help Street, Chatswood, and seeks Council's endorsement to forward the Planning Proposal to the Department of Planning, Industry and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Figure 1 – Site Plan



4. DISCUSSION

Under the *Chatswood CBD Planning and Urban Design Strategy* (the Strategy), the site has been confirmed as B3 Commercial Core with a maximum height of RL 246.8m with no maximum floor space ratio, subject to the satisfaction of other Strategy requirements.

The current zone is B3 Commercial Core under *Willoughby Local Environmental Plan 2012* and the Planning Proposal proposes no change to the current zoning. The Planning Proposal does seek to amend *Willoughby Local Environmental Plan 2012* in accordance with the Strategy to allow a building height of up to RL 246.8m with no maximum Floor Space Ratio. Supporting draft *Development Control Plan* provisions have also been provided.

The Planning Proposal for a wholly commercial development is generally consistent with the recommendations of the Strategy as endorsed by Council on 26 June 2017, the Department of Planning, Industry and the Environment on 9 July 2020 and further noted by Council on 14 September 2020. This is discussed in the Detailed Assessment at **Attachment 2**. In addition the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning, Industry and Environment's '*A Guide to Preparing Planning Proposals*' and is generally satisfactory (Refer to **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 (Refer to **Attachment 4**).
- Draft *Development Control Plan* provisions (Refer to **Attachment 5**).

The Planning Proposal has been internally referred for Urban Design, Landscape, Sustainability, and Traffic advice to assist with assessment. No objections were raised by these sections of Council to the Planning Proposal proceeding to Gateway and public exhibition.

The *Development Control Plan* provisions are to be the subject of a thorough assessment 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 *Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared written and mapping amendments to Willoughby *Local Environmental Plan 2012* (Refer to **Attachments 6 and 7**).

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

The Willoughby Local Planning Panel has provided Advice on this matter dated 27 October 2020, where it was concluded that "*the Planning Proposal is worthy of being forwarded to the DPIE for a Gateway consideration having demonstrated strategic and site specific merit*" (Refer to **Attachment 8**).

5. CONCLUSION

The Planning Proposal for a wholly commercial development in the Chatswood CBD is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan and Councils' Local Strategic Planning Statement (LSPS)*, as well as the *Chatswood CBD Planning and Urban Design Strategy 2036* (the 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, Industry 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 may be required.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning, Industry 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, Industry and Environment that the Planning Manager, be nominated as delegate to process and finalise the Planning Proposal.

