

## ATTACHMENT 3

**COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING, INDUSTRY 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, Industry and Environment (December 2018) '*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 (WLEP 2012)* are as follows:

*"The proposed development:*

- *recognizes the strategic location of the subject site, particularly being located within, strategic centre and in walking distance of existing rail, bus interchange and future metro rail station;*
- *leverages the subject site's proximity to public transport, town centres and housing;*
- *will be a catalyst to the urban renewal; and,*
- *increases employment opportunities by increasing commercial and retail floor space."*

**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 amend the Land Use Table, Zone B3 Commercial Core, as follows:  
  
In Permitted with consent, delete serviced apartments  
In prohibited, insert serviced apartments
- b) 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."
- c) 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."
- d) To amend Clause 6.7 'Active Street Frontages', (5) to read:  
  
"(5) In this clause, a building has an active street frontage if:

- a) 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.
  - b) 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."
- e) Repeal Clause 6.12 'Size of shops in Zone B3 and Zone B4 in Chatswood.'
- f) 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:
    - a) Where a building will be above 35 metres in height
      - i) 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
      - ii) the design of the development is the winner of the architectural design competition, and
      - iii) the consent authority considers and acknowledges that the development exhibits design excellence.
    - b) Where a building is or will be higher than 12 metres but not above 35 metres in height
      - i) 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
      - ii) the consent authority considers and acknowledges that the development exhibits design excellence.
  - 4) An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:
    - a) such a process would be unreasonable or unnecessary in the circumstances,
  - 5) 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).
  - 6) 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."

- g) To amend the Height of Buildings Map (Sheet HOB\_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to RL 246.8m.
- h) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to No Maximum.
- i) To amend the Lot Size Map (Sheet FSR\_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- j) To amend the Special Provisions Area Map (Sheet SPA\_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- k) To amend the Active Street Frontages Map (Sheet ASF\_004) to include the Pacific Highway, McIntosh Street and Help 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 2036* (the *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 on 26 June 2017 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 *Strategy* has also been the subject of partial endorsement on 9 August 2019 and then full endorsement by DPIE on 9 July 2020. This was subsequently noted at the Council Meeting dated 14 September 2020.

With regard to the abovementioned partial endorsement by DPIE on 9 July 2019, this included the commercial core on the western side of the North Shore Rail Line, where the subject site is located. The subject site is identified as Commercial Core, with an increase in maximum building height to RL 246.8 metres and no maximum floor space ratio subject to satisfaction of other *Strategy* requirements.

The *Strategy* provides a CBD boundary which includes this location because it is within the existing CBD boundary, close to the Chatswood City Centre, with significant transport infrastructure and urban services.

The increased commercial density is intended to accommodate anticipated demand for employment in the Willoughby Local Government Area to 2036.

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, submitted in 2018, may be assessed prior to formal amendments to *Willoughby Local Environmental Plan 2012* which may take longer 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*, the *North District Plan* and Councils' *Local Strategic Planning Statement*, as well as the more detailed requirements of the *Chatswood CBD Planning and Urban Design Strategy 2036*.

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. 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.

Councils' *Local Strategic Planning Statement* (the LSPS) sets out the 20 year vision for land use in the local area. The LSPS responds to land use questions for the local government area and gives effect to *A Metropolis of Three Cities* and the *North District Plan* produced by the Greater Sydney Commission. The LSPS also informs amendments to *Willoughby Local Environmental Plan 2012* and *Willoughby Development Control Plan*.

The *Chatswood CBD Planning and Urban Design Strategy 2036* 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 *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 additional employment is in a location that is a walkable or cyclable distance to the Chatswood CBD centre.

The Department of Planning, Industry and Environment (December 2018) '*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? Will it:

- give effect to 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*.

- give effect to a relevant local strategic planning statement or *strategy* that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement;

**Comment:** The proposal is consistent with the *Willoughby Local Strategic Planning Statement* endorsed by Council on 10 February 2020 and the subject of Greater Sydney Commission Assurance on 20 March 2020. As already noted the *Chatswood CBD Planning and Urban Design Strategy 2036* was endorsed by Council on 26 June 2017, partially endorsed by DPIE on 9 August 2019 and fully endorsed by DPIE on 9 July 2020.

The Planning Proposal is considered consistent with the Council endorsed *Strategy* and the subsequently noted *Strategy* on 14 September 2020. 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.

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.

The Willoughby City *Local Strategic Planning Statement (LSPS)* has already been discussed above. A range of Council land-use planning strategies and instruments will be guided by the *LSPS*, including the *Local Environmental Plan* and *Development Control Plan*. In this way, the *LSPS* will establish a strategic line-of-sight between the vision for Greater Sydney in the Greater Sydney Region Plan through to local planning outcomes in Willoughby's centres and neighbourhoods.

The following priorities apply to this Planning Proposal:

- 6.2 A city for people  
Priority 3: Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features.
- 6.4 A well-connected city  
Priority 7: Developing Chatswood's role as a true transport hub for Willoughby City and the North Shore.
- 6.5 Jobs and skills for the city  
Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.
- 6.6 A city in its landscape.  
Priority 14: Increasing Willoughby's tree canopy coverage
- 6.9 A City supported by infrastructure  
Priority 17: Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth  
Priority 18: Leveraging planned major infrastructure investments and projects to support growth
- 6.10 A collaborative City  
Priority 19: Working with other organisations to provide required infrastructure  
Priority 20: Co-ordinating economic development for Chatswood and St Leonards

A table of actions has been developed in the *LSPS* based on the abovementioned priorities.

The Planning Proposal is consistent with the applicable priorities and actions for the subject site.

**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 (SEPP) 32 – Urban Consolidation</i>	The proposed location is in an area where there is existing public infrastructure, transport and community facilities. This in turn enables people to live in a locality which is both close to employment and public transport enabling ease of travel to workplaces, leisure and other opportunities. The proposed amendment to development standards and redevelopment of the subject land is considered supportive to increased housing development in the locality as providing employment while reducing the reliance on private motor vehicles with direct access to public transport options.
<i>SEPP55 – Remediation of Land</i>	Clause 7 of SEPP 55 requires that contamination be considered in the assessment of Development Applications. Given the existing and long term commercial use of the subject land, it is not considered likely that the existing site has been contaminated. Nevertheless, appropriate investigation would be carried out at development stage.
<i>State Environmental Planning Policy No.64 – Advertising and Signage</i>	Future development will need to satisfy the provisions of the SEPP.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The Planning Proposal will facilitate the increases in commercial floor space and any future Development Application subsequent to this proposed LEP amendment would most likely be "traffic generating development" pursuant to clause 104 and Schedule 3 of SEPP (Infrastructure) 2007. It would be expected that the subject Planning Proposal will be referred to the Transport (RMS) for comment. It is further expected that a requirement of Gateway will be the preparation of a comprehensive Traffic Impact Statement.

**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
<b>1.1 Business and Industrial Zones</b> The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Yes	Yes	The Planning Proposal will support employment generation within a B3 Commercial Core Zone.

## 2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
<b>2.3 Heritage Conservation</b>	N/A	N/A	The site does not contain a Local Heritage Item or is part of a heritage conservation area.

Direction	Relevant?	Consistent?	Comment
<b>3.4 Integrating Land Use and Transport</b>	Yes	Yes	The Planning Proposal will add commercial floor space in close proximity to public transport and housing, both locally and regionally which is a Key Priority of the NSW State Government This Proposal also encourages the choice of available transport and reduces travel demand including the number of trips generated by development and the distances travelled, particularly by car whilst encouraging pedestrian access to nearby public transport.

## 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

## 5. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with the <i>Greater Sydney Region Plan</i> and <i>North District Plan</i> .

## 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 is currently located within the Chatswood CBD, as well as proposed to be in the Chatswood CBD under the *Strategy*.

- 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
  - Maximum residential tower size
  - 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
- Car parking
- Loading
- Transport
- Other issues including solar access, privacy and general amenity.
- 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 substantial employment provision close to public transport.

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

The subject site is located within an identified commercial core area serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange.

**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 Height of Buildings Map (Sheet HOB\_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to RL 246.8m.
- b) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 815 Pacific Highway and 15 Help Street, Chatswood, to No Maximum.
- c) To amend the Lot Size Map (Sheet FSR\_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- d) To amend the Special Provisions Area Map (Sheet SPA\_004) to identify 815 Pacific Highway and 15 Help Street, Chatswood, as Area X.
- e) To amend the Active Street Frontages Map (Sheet ASF\_004) to include the Pacific Highway, McIntosh Street and Help Street frontages.

**PART 5 – COMMUNITY CONSULTATION**

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning, Industry 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, Industry and Environment's Gateway Determination requirements and should include the Draft *Willoughby Local Environmental Plan 2012* Amendment (including mapping) and draft *Development Control Plan* provisions. This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

#### PART 6 – PROJECT TIMELINE

Amended Planning Proposal Presented to Council	November 2020
Planning Proposal submitted to Gateway	December 2020
Gateway Determination received by Council	January 2020
Community Consultation (28 days)	March 2020
Outcomes of Community Consultation presented to Council	June 2020
Planning Proposal submitted to Department requesting notification on Government website	August 2020