

PLANNING & INFRASTRUCTURE DIRECTORATE**15.4 PLANNING PROPOSAL - 613 - 627 PACIFIC HIGHWAY, CHATSWOOD****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, ACTIVE STREET FRONTAGES AND LOT SIZE MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 29 JUNE 2021

RESPONSIBLE OFFICER:**HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR****AUTHOR:****CRAIG O'BRIEN – 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:****12 JULY 2021****1. PURPOSE OF REPORT**

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2021/4 for 613 - 627 Pacific Highway, 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:
 - a) To add Clause 4.4B 'Minimum non-residential floor space in the Mixed Use Zone' as follows:

"4.4B Minimum non-residential floor space in the Mixed Use Zone

Land zoned B4 Mixed Use is to contain a minimum non-residential floor space component. This is calculated at 17% of FSR as indicated on the Floor Space Ratio Map."
 - 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 amend Clause 6.7 'Active street frontages' as follows:
 - "(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.**
 - (2) This clause applies to land identified as "Active Street Frontages" on the Active Street Frontages Map.**
 - (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.**
 - (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—**
 - (a) entrances and lobbies (including as part of mixed use development),**
 - (b) access for fire services,**
 - (c) vehicular access.**

- (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 non-residential premises.”
- d) To amend Clause 6.8 (2) to include “Area 3 or Area 8 or Area 9” on the Special Provisions Area Map.
- e) To amend Clause 6.23 (2) to include “Area 8” or “Area 12” on the Special Provisions Area Map.
- f) To add Clause 6.25 as follows:
- “6.25 Sun access**
- (1) The objective of this clause is to
 - (a) protect certain public space in Chatswood CBD from excessive overshadowing.
 - (b) Protect properties in South Chatswood Conservation Area from a reduction in solar access
 - (2) The consent authority must not grant consent to development on land zoned B3 or B4 if the consent authority is satisfied that :
 - (a) the development will result in additional overshadowing in mid winter between 12 noon and 2pm, on:
 - Victoria Avenue between the interchange and Archer Street
 - Concourse Open Space
 - Garden of Remembrance
 - Tennis and croquet club
 - (b) the development will reduce solar access to any individual property within the South Chatswood Conservation Area to less than 3 hours between 9.00am and 3.00pm mid winter.
- g) Add to Schedule 1 Additional Permitted Uses:
- “75. Use of certain B4 land in Chatswood**
- (1) This clause applies to land zoned B4 in the Chatswood CBD.
 - (2) Development for the purpose of residential flat building is permitted with development consent if the consent authority is satisfied that:
 - (a) the ground level is used for non-residential purposes and
 - (b) A minimum of 17% of the total FSR is provided for non-residential purposes and
 - (c) No residential dwelling is located at the ground floor.”

- h) To amend the Land Zoning Map (Sheet LZN_004) for 613 – 627 Pacific Highway, Chatswood, to B4 Mixed Use.
 - i) To amend the Height of Buildings Map (Sheet HOB_004) for 613 – 627 Pacific Highway, Chatswood, to 90 metres.
 - j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 613 – 627 Pacific Highway, Chatswood, to 6:1 (including affordable housing).
 - k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 613 – 627 Pacific Highway, Chatswood, as Area 8.
 - l) To amend the Active Street Frontages Map (Sheet ASF_004) to include 613 – 627 Pacific Highway, Chatswood, to include the Pacific Highway and Nelson Street frontages.
 - m) To amend the Lot Size Map (Sheet LSZ_004) to include 613 – 627 Pacific Highway, Chatswood, with a minimum lot size of 1,800 sq metres.
2. Note that the Letter of Offer for a public right of way over the through site link for 24 hours a day 7 days a week is to apply to ground level and the airspace above.
3. Subject to 1 and 2. above, endorse for public exhibition the Planning Proposal as amended.
4. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific Development Control Plan provisions.
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:
- a) To proceed as recommended.
 - b) 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 residential tower development is located on a site within the existing Chatswood CBD boundary which has been extended in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy).

The CBD Strategy was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore rail line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The proposal incorporates B4 Mixed Use zoning, with a maximum height of 90m and a Floor Space Ratio of 6:1. This is subject to the satisfaction of other CBD Strategy requirements.

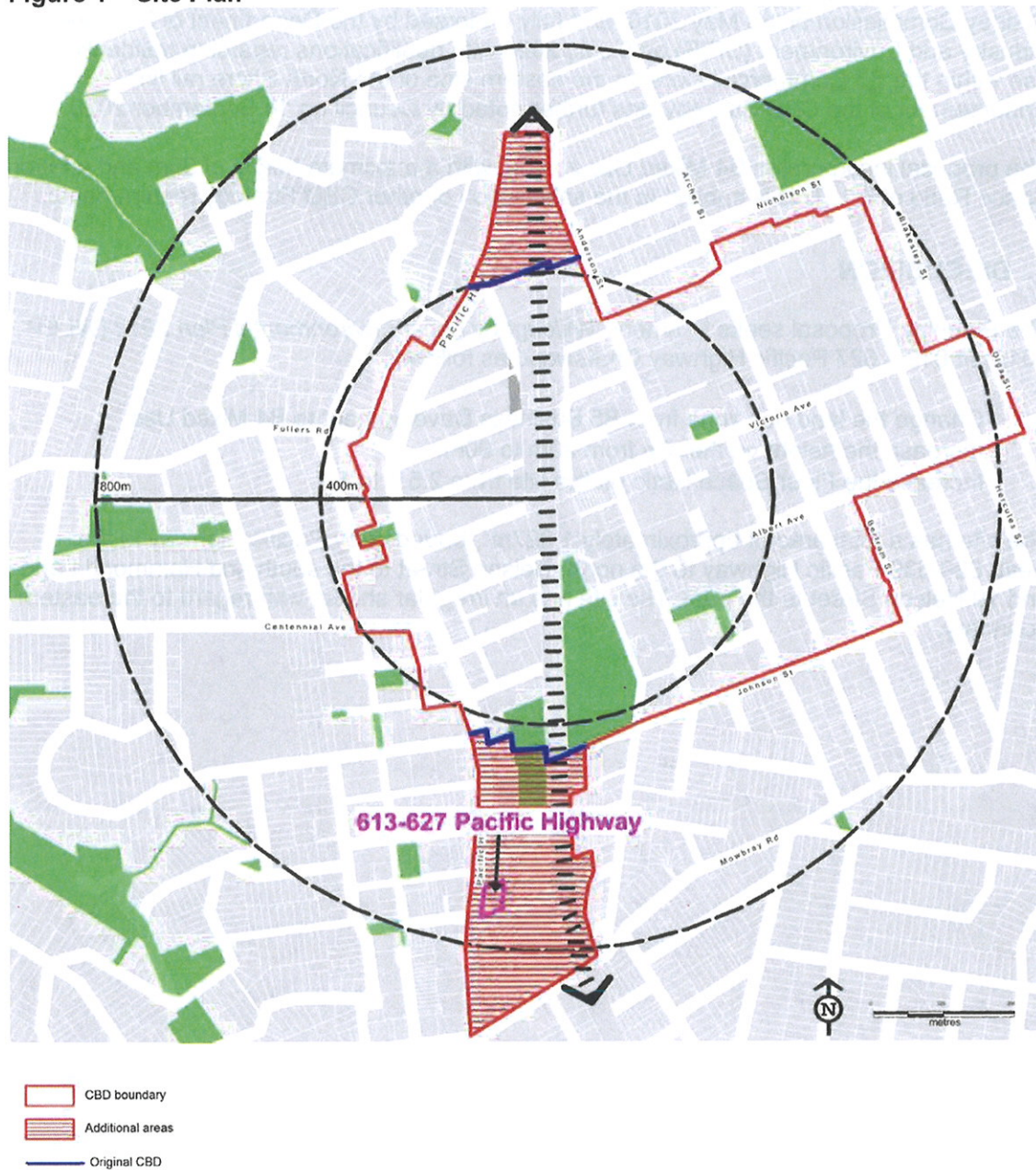
4. DISCUSSION

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) at 613 – 627 Pacific Highway Chatswood as follows:

- Change the land use zone from B5 Business Development to B4 Mixed Use.
- Increase the height on the site from 20m to 90m.
- Increase the Floor Space Ratio on the site from 2.5:1 to 6:1.

The site has a total area of approximately 1,827m², bounded by Pacific Highway to the west, 629-639 Pacific Highway to the north, Nelson Street to the south and Hammond Lane and 19 Nelson Street to the east. The site has an irregular shape, with regard to the eastern boundary.

Figure 1 – Site Plan



The Planning Proposal for a commercial podium and residential tower development is generally consistent with the recommendations of the CBD Strategy as endorsed by Council.

Consistency with the CBD Strategy, as well as other issues, are 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 **Attachment 3**).

Attachments 2 and 3 consider the proponent's documentation supporting the Planning Proposal, including:

- Concept plans showing a conceptual redevelopment plan for the site (**Attachment 4**).
- Site specific Draft Development Control Plan provisions (**Attachment 5**).

The site specific *Development Control Plan* provisions are satisfactory to Council officers for the purposes of progressing to public exhibition. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Willoughby City Council 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 **Attachments 6 and 7**).

Although an offer to enter a voluntary planning agreement (VPA) 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.

The Willoughby Local Planning Panel has provided advice on this matter dated 29 June 2021, 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 **Attachment 8**).

5. CONCLUSION

The Planning Proposal for a mixed use development at 613 – 627 Pacific Highway, 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 CBD 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 of its preference for Council's Planning Manager, Mr Ian Arnott to be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	<p>3.5 – Maintain quality of life by balancing population growth with the provision of assets and services</p> <p>5.1 – Be honest, transparent and accountable in all that we do</p>
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs.
Policy	This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</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 Development Control Plan</i> .
Consultation	<p>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.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination.</p>
Resource	No additional operating resources used to prepare this report beyond budget.
Risk	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> objectives and accommodating future growth requirements.
Legal	<p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p> <p>Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i>, which would provide the basis for future development application assessment.</p> <p>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 a Letter of Offer for a voluntary planning agreement to provide for demands on Council services and infrastructure – which will be separately negotiated.</p>
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	There are no budget/financial implications applicable to this report.