

ATTACHMENT 3

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 Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning 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* (referred to as WLEP 2012) are as follows:

- "To facilitate the redevelopment of the site which is consistent with the objectives of the current Planning Proposal by Willoughby Council, as well as the direction of the Metropolitan Strategy: A Plan for Growing Sydney and the North District Plan;
- To amend the Willoughby LEP 2012 to implement the recommendations of Council's adopted Chatswood CBD Planning and Urban Design Strategy 2036 for the site;
- To facilitate the rezoning of the site to B4 Mixed Use which supports the principles of transit-orientated development and liveability near the Chatswood Transport Interchange including Chatswood Rail, bus and Metro Northwest and future Metro City and Southwest in 2024;
- To increase the height of buildings and FSR provisions as an incentive to amalgamate sites, provide public benefits and provide a high level of landscaping;
- Enable more economic and efficient use of land and inclusion of additional affordable housing accessible to public transport and other services;
- Improve active street frontages to Anderson Street, O'Brien Street, Day Street and improve pedestrian connectivity on and around the site;
- To facilitate an appropriate massing for the site which will be consistent with the wider precinct. Ensure that environmental and amenity impacts associated with increased development yield are not unreasonably increased having regard to the desired future character of the Chatswood CBD;
- To facilitate a development which will retain the majority of the significant trees surrounding the site and provide a high level of landscaping around the street frontages of the site.
- To provide for additional dwellings in an urban area while minimising adverse amenity impacts on the surrounding residential dwellings and public domain."

PART 2 – EXPLANATION OF PROVISIONS

In response to the Planning Proposal, Council Officers have proposed that the outcome be achieved by requiring that the planning proposal request be consistent with the following amendments to WLEP 2012, which will include:

- a) 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.”

b) To amend Clause 6.8 (2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Area Map.

c) To amend Clause 6.10 "Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings" in part to the following:

6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing

(1) The objectives of this clause are:

(a) to achieve planned residential density in certain zones by:

- (i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and
- (ii) reducing the instances of isolated lots being left with reduced development potential, and

(b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.

(2) Development consent may be granted to development for a purpose shown in Column 1 of the Table to this subclause on a lot in a zone shown in Column 2 of that Table opposite that purpose, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of that Table.

Column 1	Column 2	Column 3
Shop top housing	B4 Mixed use	1,200 square metres

The remainder of this clause is unchanged.

d) To amend Clause 6.23 (2) to include "Area 8 and Area 12" on the Special Provisions Area Map.

e) To add Clause 6.24 as follows:

"6.24 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 8 on the Special Provisions Area Map."

f) To amend the Land Zoning Map (Sheets LZN_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.

g) To amend the Height of Buildings Map (Sheets HOB_004) for 44-52 Anderson Street, Chatswood, to 90 metres.

h) To amend the Floor Space Ratio Map (Sheets FSR_004) for 44-52 Anderson Street,

Chatswood, to 6:1 (including affordable housing).

- i) To amend the Special Provisions Area Map (Sheets SPA_004) to show 44-52 Anderson Street, Chatswood, as Area 8.
- j) To amend the Active Street Frontages Map (Sheets ASF_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O'Brien Street and Day Street frontages.
- k) To amend the Lot Size Map (Sheet LSZ_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500 sq metres.

From the perspective of managing changes to the WLEP 2012 in response to the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to as the CBD 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.

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 CBD 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 existing and proposed CBD boundary 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 CBD Strategy requirements.

The CBD Strategy provides a CBD boundary which includes 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.

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* and the *North District Plan*, as well as the more detailed requirements of the CBD Strategy.

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, and is the 6th largest office market in Greater Sydney. 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.

The CBD Strategy 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 *Chatswood CBD Planning and Urban Design 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 proposal will assist in meeting the housing supply targets in a location identified as Mixed Use in the CBD 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 (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? Is 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* released March 2018.

- Consistent with a relevant local council Strategy that has been endorsed by the Department;

Comment: The *Willoughby Council Local Strategic Planning Statement* (LSPS) was endorsed by DPIE in March 2020.

The CBD Strategy was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, part endorsed by the DPIE on 9 August 2019 and fully endorsed on 9 July 2020 with qualifications. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The Planning Proposal is consistent with the endorsed Willoughby Council LSPS, and the CBD Strategy and its DPIE endorsement. This is discussed in the Council Detailed Assessment (Attachment 2).

- 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 envisioned land use mix within the Chatswood CBD, and the utilization of existing and upcoming infrastructure by different land uses. The CBD Strategy has been prepared with a careful allocation of commercial core and mixed use zones within an expanded Chatswood CBD, intended to utilise new infrastructure such as the rail metro and accommodate expected future residential demand.

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 2036* 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 relationship of the site and Planning Proposal to the North Chatswood Conservation Area is discussed in the Council Detailed Assessment (Attachment 2).

- 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.

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Our Future Willoughby 2028 is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

Our Future Willoughby 2028 sets out five broad outcomes, which are identified below with relevant community priorities:

1. A City that is green
 - 1.1 Create and enhance green spaces.
 - 1.2 Promote sustainable lifestyles and practices.
 - 1.3 Enhance, protect and respect waterways, bushland, nature, wildlife and ecological systems.
 - 1.4 Reduce energy, water and resource waste and encourage reuse and recycling.
 - 1.5 Reduce carbon and greenhouse gas emissions.
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 CBD Strategy has been developed having regard to the *Our Future Willoughby 2028*, with a commercial core as well as a mixed use area identified within the Chatswood CBD. The Planning Proposal is consistent with the above applicable objectives.

In regards the Willoughby LSPS, the Planning Proposal is consistent with the following priorities:

1. Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.
2. Increasing the supply of affordable housing.
3. Enhancing walking and cycling connections to Willoughby's urban areas, local centres and landscape features.
4. Respecting and enhancing heritage and local suburban character.
8. Facilitate the viability and vibrancy of our strategic and local centres.
9. Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.
17. Augmenting local infrastructure and using existing infrastructure more intensively and efficiently to accommodate planned growth.
20. Co-ordinating economic development for Chatswood and St Leonards.

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
SEPP (BASIX) 2004	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.
SEPP (Exempt and Complying Codes) 2008	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
SEPP 65 – Design Quality of Residential Flat Development (referred to as SEPP 65 in this report)	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> (referred to as ADG in this report) and achieves general compliance with this Code. Detailed assessment of compliance with SEPP 65 and Apartment Design Guidelines would occur at DA stage.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal provides for affordable housing and is consistent with the SEPP.
SEPP (Infrastructure)	The Planning Proposal provides for housing and

2007	jobs close to a commuter hub and is consistent with the SEPP.
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6) Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions?)

Section 9.1 Directions issued to councils 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
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation within a B4 Mixed Use Zone.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	<p>The site does not contain a Local Heritage Item or is part of a heritage conservation area.</p> <p>The site is opposite, on the other side of the Anderson Street, the North Chatswood Conservation Area. In close proximity, there are also Local Heritage Items at 20 Tulip Street and 21 Daisy Street.</p> <p>The Planning Proposal is accompanied by a Heritage Impact Statement prepared by Weir Phillips, who support the Planning Proposal.</p> <p>The Planning Proposal has been referred to Council's Heritage Section, who have advised:</p> <p><i>"In the context of the broader outcome of the CBD strategy, and with careful consideration of any proposed new development details to reduce and manage negative outcomes, the heritage impacts associated with the proposal are considered to be acceptable in this circumstance."</i> Refer to Attachment 2 for further discussion.</p>

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The site is within a R3 Medium Density Residential zone

			proposed to be B4 Mixed Use. The proposal is consistent with the recommended rezoning within the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> and involves residential uplift to the existing controls.
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Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Yes	Home occupations will 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 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> released March 2018, as discussed 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 2036*, as endorsed by Council. In this regard the following issues have been addressed:
 - CBD boundary
 - Land use
 - Commercial component
 - Design excellence
 - Building sustainability
 - Voluntary Planning Agreements
 - Public art
 - Floor space ratio
 - Minimum site area
 - Affordable housing
 - Maximum residential tower floor plate size
 - Built form
 - Sun access to key public places
 - Height
 - Links and open space
 - Landscaping
 - Public realm
 - Street frontage heights
 - Setbacks
 - Traffic and transport issues
- Other issues including heritage, solar access, privacy and general amenity.

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.

Section D - State and Commonwealth interests

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

The subject site is located within an identified mixed use area under the CBD Strategy, and 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 Land Zoning Map (Sheet LZN_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheet HOB_004) for 44-52 Anderson Street, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 44-52 Anderson Street, Chatswood, to 6:1 (including affordable housing).
- d) To amend the Special Provisions Area Map (Sheets SPA_004) to show 44-52 Anderson Street, Chatswood, as Area 8.
- e) To amend the Active Street Frontages Map (Sheets ASF_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O'Brien Street and Day Street frontages.
- f) To amend the Lot Size Map (Sheet LSZ_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500 sq metres.

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, Industry and Environment's Gateway Determination requirements and should include the Draft *Willoughby Local Environmental Plan 2012* Amendment (mapping) and the site specific *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

Planning Proposal Presented to Council	May 2021
Planning Proposal submitted to Gateway	June 2021
Gateway Determination received by Council	October 2021
Community Consultation (28 days)	January 2021
Outcomes of Community Consultation presented to Council	March 2021
Planning Proposal submitted to Department requesting notification on Government website	May 2021

