

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 in support of the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (referred to as WLEP 2012) are as follows:

- Provide additional housing
- Is located within walking distance of Chatswood Station, which is a major transport interchange;
- Protect and grow the commercial core;
- Maximise the land use opportunities provided by Sydney Metro;
- Promote and encourage connectivity, and upgrade and increase public open spaces.

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 WLEP 2012, which will include:

- 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 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.
- i) To amend the Height of Buildings Map (Sheet HOB_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
- j) To amend the Floor Space Ratio Map (Sheet FSR_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- k) To amend the Special Provisions Area Map (Sheet SPA_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
- l) To amend the Active Street Frontages Map (Sheet ASF_004) to include Gordon Avenue and Nelson Street, Chatswood frontages.
- m) To amend the Lot Size Map (Sheet LSZ_004) to show 9 – 11 Nelson Street, Chatswood with a minimum lot size of 4,000 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 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 2036*. 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? 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* 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, and endorsed by DPIE 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, with the site located 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.

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.
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
<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.
<i>SEPP 65 – Design Quality of Residential Flat Development (referred to as SEPP 65 in this report)</i>	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.
<i>SEPP (Affordable Rental Housing) 2009</i>	The Planning Proposal provides for affordable housing and is consistent with the SEPP.
<i>SEPP (Infrastructure) 2007</i>	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 (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	The site does not contain a Local Heritage Item or is part of a heritage conservation area. Furthermore, the site is not within close proximity of a Local Heritage Item or a heritage conservation area.

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 Planning Proposal involves a substantial increase in residential on the site in response to the CBD Strategy under the B4 Mixed Use zone, above what is currently permitted.
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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 addressed include solar access, privacy and general amenity and heritage.

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 9 – 11 Nelson Street, Chatswood, to B4 Mixed Use.
- b) To amend the Height of Buildings Map (Sheet HOB_004) for 9 – 11 Nelson Street, Chatswood, to 90 metres.
- c) To amend the Floor Space Ratio Map (Sheet FSR_004) for 9 – 11 Nelson Street, Chatswood, to 6:1 (including affordable housing).
- d) To amend the Special Provisions Area Map (Sheet SPA_004) to show 9 – 11 Nelson Street, Chatswood, as Area 8.
- e) To amend the Active Street Frontages Map (Sheet ASF_004) to include 9 – 11 Nelson Street, Chatswood, to include the Gordon Avenue and Nelson Street frontages.
- f) To amend the Lot Size Map (Sheet LSZ_004) to include 9 – 11 Nelson Street, Chatswood, with a minimum lot size of 4,000 sq metres.

PART 5 – COMMUNITY CONSULTATION

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning, Infrastructure and Environment '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 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	September 2021
Planning Proposal submitted to Gateway	October 2021
Gateway Determination received by Council	December 2021
Community Consultation (28 days)	February 2022
Outcomes of Community Consultation presented to Council	June 2022
Planning Proposal submitted to Department requesting notification on Government website	August 2022