

18.5 3 ELLIS STREET, CHATSWOOD - PLANNING PROPOSAL

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. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019**

RESPONSIBLE OFFICER: IAN ARNOTT – PLANNING MANAGER

AUTHOR: PHILIP ADAMS – 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: 11 FEBRUARY 2019

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement to not forward the Planning Proposal 2018/0010 for 3 Ellis Street, Chatswood, to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and public exhibition.

Members of the Sydney (North) Planning Panel should retire from Council Chambers during consideration of this Agenda Item.

2. OFFICER'S RECOMMENDATION

That Council:

- 1) **Not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, as the Planning Proposal:**
 - i. **Is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.**
 - ii. **Is inconsistent with the Council endorsed *Chatswood CBD Planning and Urban Design Strategy* regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.**
 - iii. **Is inconsistent with the strategic objectives of the *Greater Sydney***

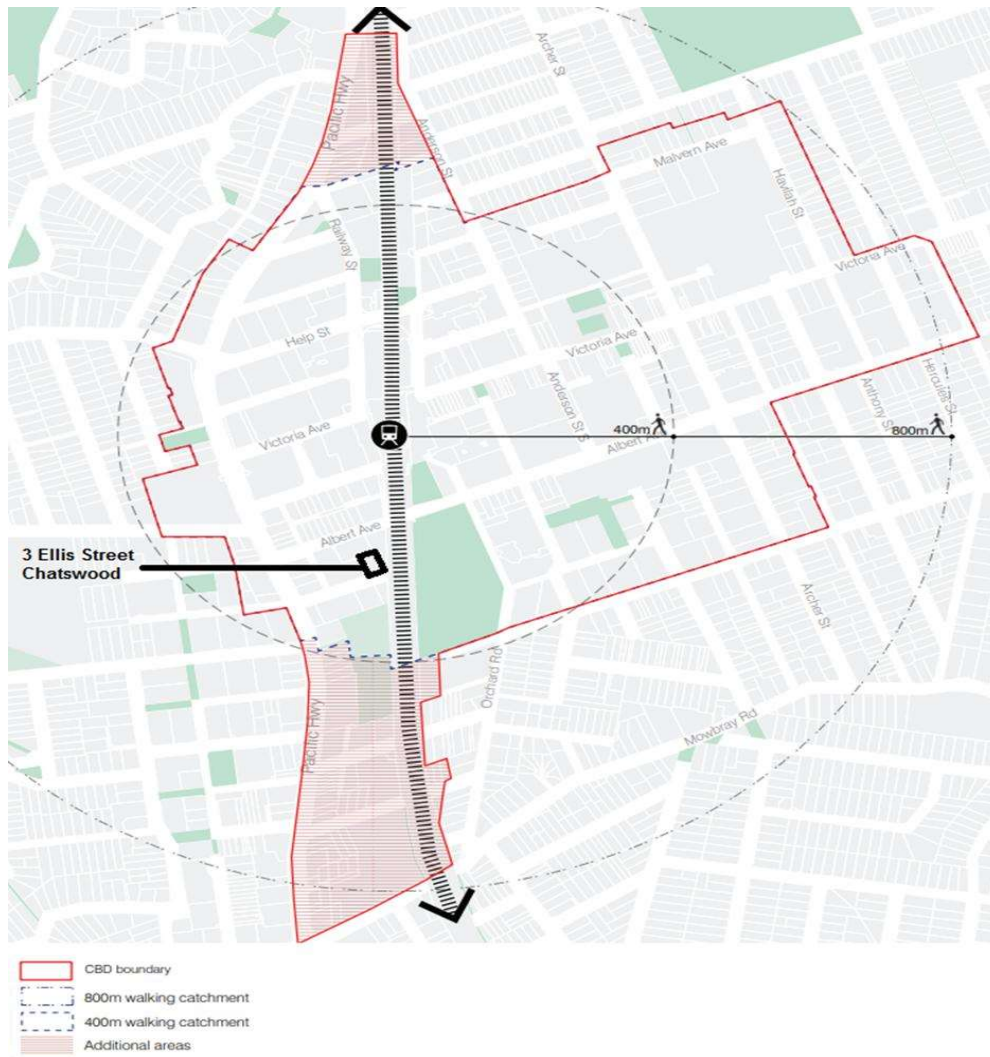
Region Plan and the North District Plan which encourages employment within the Chatswood CBD.

- 2) **Notify the applicant of Council's decision.**

3. BACKGROUND

The site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. The site has been recommended to change to a B4 Mixed Use Zone (being commercial and residential land use), with the opportunity for an uplift to a maximum height of between RL120m and RL160m based on sun access to key public spaces and maximum floor space ratio of 2.5:1 (including a minimum 1:1 commercial component), subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements. In the Background report the site is also identified as constrained, meaning it is recommended to be amalgamated with surrounding sites as it is too small to satisfy certain requirements of the *Chatswood CBD Planning and Urban Design Strategy*.

Figure 1 – Site Plan



The site is currently zoned R4 High Density Residential, with a maximum permitted height of 34m and a maximum FSR of 1.7:1 under *Willoughby Local Environmental Plan 2012*.

The *Chatswood CBD Planning and Urban Design Strategy* was endorsed by Council on 26 June 2017 and seeks to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years, provide capacity for growth and to achieve a distinctive, resilient and vibrant centre for Chatswood.

The *Chatswood CBD Planning and Urban Design Strategy* aims to assist implementation of the Greater Sydney Commission's *Greater Sydney Region Plan* and the *North District Plan*. Particular regard is given to the preservation of the commercial core and employment generation, as well as the provision of mixed use development around this core, all within the identified Strategic Centre of Chatswood. Written confirmation has been received from the Greater Sydney Commission that the *Chatswood CBD Planning and Urban Design Strategy* is consistent with the *North District Plan*.

A briefing on this Planning Proposal was held with Councillors on 4 February 2019.

4. DISCUSSION

The site is located on the western side of the North Shore Train Line, in Ellis Street which connects with Crispe Lane and the Pacific Highway. The site is known as SP 2715, containing 9 units and is 809.38m² in area.

The Planning Proposal seeks to amend *Willoughby Local Environmental 2012* planning controls for 3 Ellis Street Chatswood in the following manner:

- To increase the height to 49 metres (from the base RL).
- To increase the Floor Space Ratio to 5.1:1.
- To establish an 800m² minimum lot size.

No amendment is sought to the existing R4 High Density Residential zone under *Willoughby Local Environmental 2012*.

Concept plans have been provided showing a conceptual redevelopment plan for the site (Attachment 4). The proponent has indicated that the Planning Proposal does not include Draft *Development Control Plan* provisions or a Voluntary Planning Agreement letter of offer.

The Planning Proposal, which proposes residential land use, is not consistent with the *Chatswood CBD Planning and Urban Design Strategy*. According to the Strategy, B4 Mixed Use is identified for the subject site.

In addition the Planning Proposal is inconsistent with the floor space ratio maximum of 2.5:1 and minimum site area of 1200m² required for this mixed use land rezoning.

The proponent is seeking to use the zoning under *Willoughby Local Environmental Plan 2012* with the increased height and floor space under the *Chatswood CBD Planning and Urban Design Strategy*. Such an approach is considered unacceptable with regard to the envisioned future development within the Chatswood CBD.

The *Chatswood CBD Planning and Urban Design Strategy* encourages a specific commercial and residential development mix within the mixed use sections of the Chatswood CBD, by requiring a minimum of 1:1 commercial floor space ratio.

The *Chatswood CBD Planning and Urban Design Strategy* responds to:

- Directions from the Greater Sydney Commission for councils to review local planning controls.
- Strategic planning documents prepared by the Greater Sydney Commission including the *Greater Sydney Region Plan* (March 2018) and the *North District Plan* (March 2018).
- The increasing pressure for further residential development throughout the Chatswood CBD, which has displaced commercial development sites in recent years.

The Planning Proposal is not considered consistent with the strategic planning documents prepared by the Greater Sydney Commission as residential only development within the Chatswood CBD is not considered appropriate.

The proponent did not initiate a pre-lodgement planning proposal meeting with Council prior to the lodgement of this Planning Proposal. Furthermore Council concerns raised in a pre-development application meeting based on inconsistencies with the *Chatswood CBD Planning and Urban Design Strategy* have not been incorporated into this Planning Proposal.

In addition to the fundamental land use issue the following other concerns are raised:

- The floor space and scale of the proposed development is not what is envisioned for the site.
- The site is below minimum lot size.
- An activated mixed use frontage with commercial ground floor response is required for the site and not provided.
- Draft *Development Control Plan* provisions addressing the 35 Key Elements of the *Chatswood CBD Planning and Urban Design Strategy*, as well as any other site specific issues, have not been provided.
- There is a lack of traffic analysis.

Detailed assessment of these aspects of the Planning Proposal has not been undertaken because the development is not supported on fundamental land use grounds.

As the Planning Proposal is inconsistent with the Strategy and not supported, negotiation regarding a planning agreement has not been held with the proponent.

5. CONCLUSION

The site has been identified as B4 Mixed Use in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. Under the envisioned zoning, commercial and residential land use is permitted. Under the Planning Proposal, only residential land use is proposed.

The Planning Proposal is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy*. Furthermore the Planning Proposal is inconsistent with the *North District Plan* and the *Greater Sydney Region Plan*.

Council Officers encourage a Planning Proposal that is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Based on the above, it is recommended that this Planning Proposal should not be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT 1

IMPLICATIONS	COMMENT
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.
Business Plan Objectives, Outcomes/ Services	The Planning Proposal, which proposes residential land use only, is not consistent with either <i>Willoughby Local Environmental Plan 2012</i> with regard to height and floor space, or the <i>Chatswood CBD Planning and Urban Design Strategy</i> with regard to the fundamental issue of land use of the subject site.
Policy	The <i>Chatswood CBD Planning and Urban Design Strategy</i> was endorsed by Council on 26 June 2017. The <i>Chatswood CBD Planning and Urban Design Strategy</i> aims to assist implementation of the Greater Sydney Commission <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i> , with particular regard to the preservation of the commercial core and employment generation, as well as the provision of mixed use development around this core, all within the identified Strategic Centre of Chatswood. Any approval of this Planning Proposal would lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i> .
Consultation	This Planning Proposal has not been publicly exhibited and is not recommended for future public exhibition.
Resource	No additional operating resources were used to prepare this report beyond budget.
Risk	The approval of this Planning Proposal would bring into question the <i>Chatswood CBD Planning and Urban Design Strategy</i> , which has been based on a commercial core without residential land use, surrounded by a mixed use zone that does allow residential land use provided a 1:1 commercial FSR is provided. Heights and floor space ratio have been designed to encourage commercial development while potentially accommodating for large amounts of population growth. The development uplift in the surrounding mixed use zone, within the CBD, is on the basis of the future mix of land uses, and not solely residential which would directly impact the future commercial strength of the Chatswood CBD.
Legal	The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> .
Legislation	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
Budget/Financial	Nil

ATTACHMENT 2

DETAILED ASSESSMENT

The Site

The site is located on the western side of the North Shore Train Line, in Ellis Street which connects with Crispe Lane and the Pacific Highway. The site is known as SP 2715, is generally rectangular in shape with a frontage to Ellis Street of 24.5 metres and is 809.38m² in area. The site sits at RL 95-95.5m elevation at the south, rising to RL96.5-96.95 to the North.

Figure A- Site Plan of 3 Ellis Street



Currently the site contains a 4 storey residential flat building, approximately 13m in height, incorporating 9 units and car parking.

The site is not listed as a heritage item or within a conservation area under the *Willoughby Local Environmental Plan 2012*.

The Locality

The site is located within the existing Chatswood CBD, as identified in the *Chatswood CBD Planning and Urban Design Strategy*. The immediate land use is as follows:

- To the East of the site is an 8 floor residential flat building (84-86 Albert Avenue).
- To the West is an 8 floor residential flat building (7-13 Ellis Street).
- To the North is a 9 floor residential flat building (88 Albert Avenue).

The North Shore Rail Line is approximately 50 metres, and Chatswood Park including Chatswood Oval approximately 150 metres, to the east of the site. Chatswood Railway Station and Bus interchange is approximately 250 metres to the north of the site.

Ellis Street connects with the Pacific Highway to the west, and to the east connects with the pedestrian and cycle path known as the Frank Channon Walk, which runs parallel to the train line between Albert Ave and Mowbray Road.

Background

The site is currently zoned R4 High Density Residential under *Willoughby Local Environmental Plan 2012* with a maximum permitted 34m height limit, maximum permitted floor space ratio of 1.7:1 and minimum lot size of 1100m².

The site is also located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy*, which was publicly exhibited in March 2017, endorsed by Council on 26 June 2017 and forwarded to the Department of Planning and Environment in January 2018. The *Chatswood CBD Planning and Urban Design Strategy* is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

Under the *Chatswood CBD Planning and Urban Design Strategy*, the site has been recommended as a B4 Mixed Use zone, with

- A height maximum over the site of between RL 120m and RL approximately 144m based on sun access to key public spaces
- A maximum floor space ratio of 2.5:1.
- A minimum lot size of 1200m² for mixed use development.

Planning Proposal

The Planning Proposal seeks to:

- Increase the height to 49 metres (from the base RL).
- Increase the Floor Space Ratio to 5.1:1.
- Establish an 800m² minimum lot size.

No change is proposed to the existing R4 High Density Residential zone on the site.

The proposed amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

The Concept Plans and supporting information submitted with the Planning Proposal show a development that would provide:

- A 15 storey residential flat building with the highest point being RL143.4m.
- The residential flat building would contain
 - Ground level containing vehicle access and services, with no floor space.
 - 14 levels of residential units
- Floor Space Ratio of 5.1:1, being all residential.
- Approximately 49 residential units.
- Vehicle entry proposed via Ellis Street.
- Ground level loading.

Table 1 – Summary of Planning Proposal Amendments

	Zoning			Height		Floor Space Ratio			Minimum lot size		
	WLEP	Proposed	CBD Strategy	WLEP	Proposed	WLEP	Proposed	CBD Strategy	WLEP	Proposed	CBD Strategy
3 Ellis Street	R4 High Density Residential	R4 High Density Residential	B4 Mixed Use (with minimum 1:1 commercial) <u>Compliance: No</u> A minimum commercial component of 1:1 is required.	34 m (from base RL of 95m)	49m (from base RL of 95m)	1.7:1	5.1:1	2.5:1 <u>Compliance: No</u> Above this requirement by 2.6:1	1100m ² (for residential flat buildings) (Cl. 6.10)	800m ² (site being 809.3 m ²)	1200m ² for mixed use development <u>Compliance: No</u> Below this requirement by 390.7m ²

Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the *Chatswood CBD Planning and Urban Design Strategy* dated January 2018 as presented to the Department of Planning and Environment and Greater Sydney Commission, listed 1 to 35, with comments provided. Where relevant, the 'Key Elements' have been addressed, however a comprehensive analysis of the Planning Proposal has not been undertaken by Council staff, with particular regard to detailed design issues, as the development does not succeed on land use and strategic planning grounds.

The Planning Proposal seeks a fundamental change to how the existing *Willoughby Local Environmental Plan 2012* and *Chatswood CBD Planning and Urban Design Strategy* would relate to the subject site regarding land use, in that a residential flat zone is sought instead of a mixed use zone.

The proponent contends that the Planning Proposal is consistent with the *Chatswood CBD Planning and Urban Design Strategy* and other strategic documents. The position of the proponent and the concerns of Council regarding land use and strategic planning are discussed under Key Element 2 below.

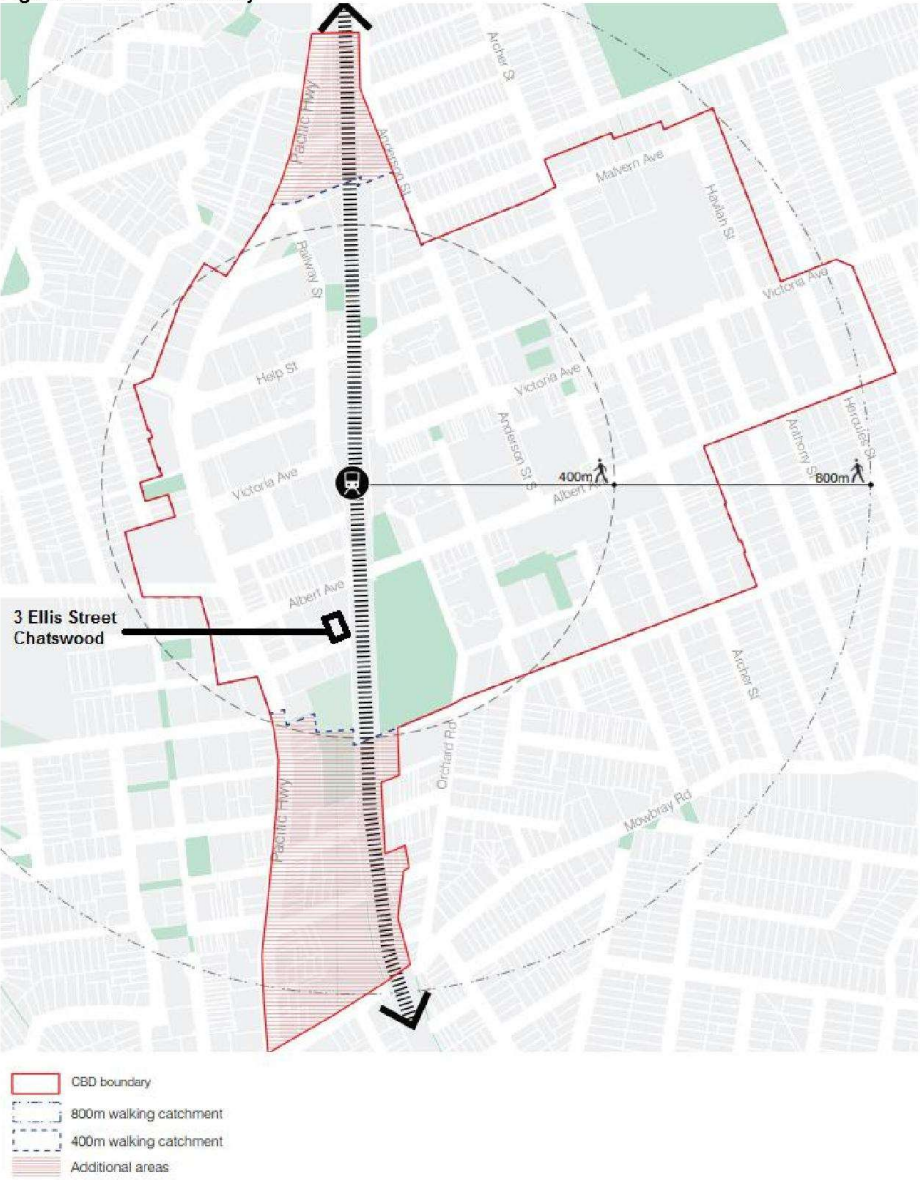
Relation to *Chatswood CBD Planning and Urban Design Strategy***CBD Boundary**

Key Element 1. The Chatswood CBD boundary is extended to the north and south as per Figure 3.1.1 to accommodate future growth of the centre.

Comment

The subject site is located within the existing Chatswood CBD boundary, and the boundary proposed in the *Chatswood CBD Planning and Urban Design Strategy*, as shown below in Figure 1.

Figure 1 – CBD Boundary



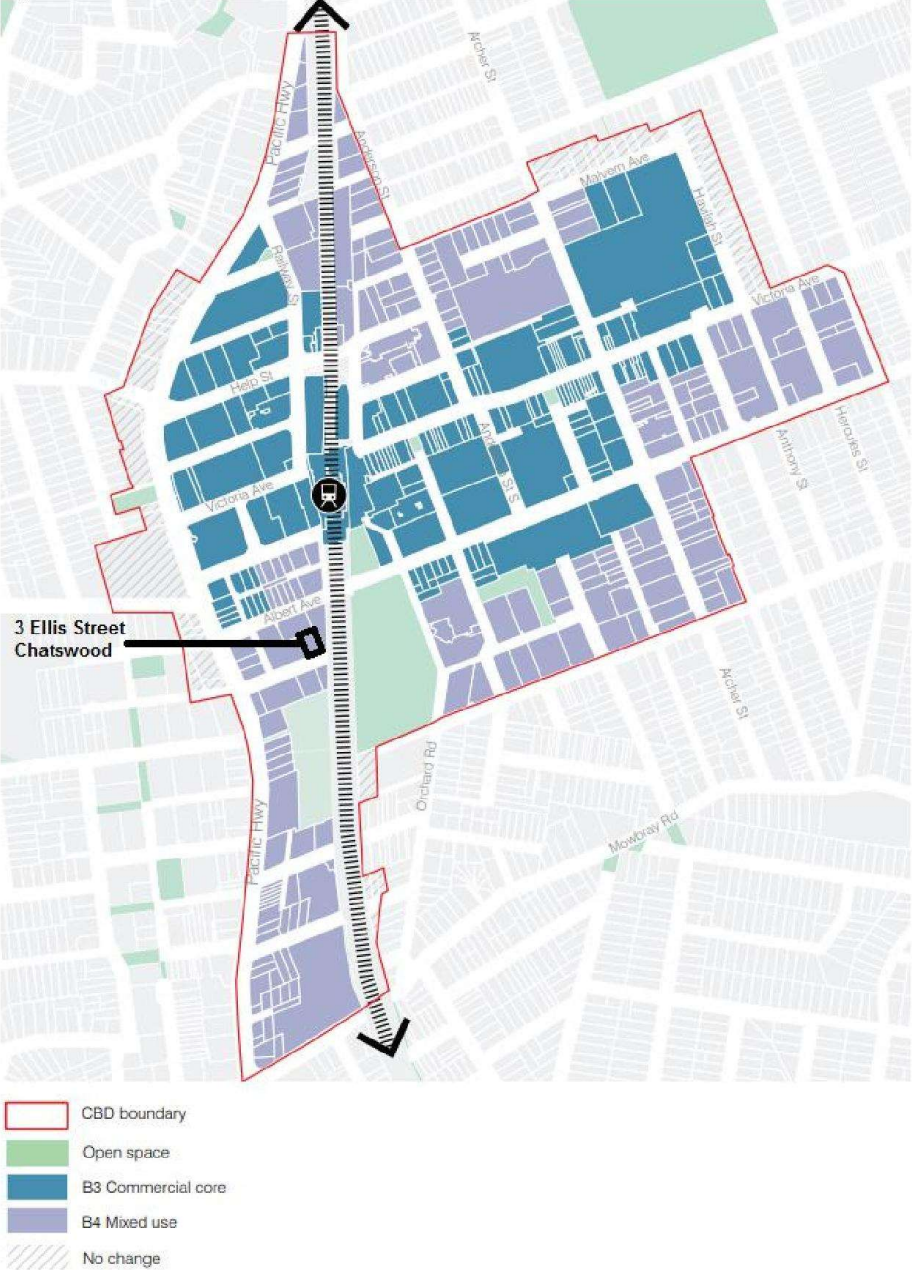
Land Use

- Key Element 2.** Land uses in the LEP will be amended as shown in Figure 3.1.2, to:
- (a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).
 - (b) Enable other areas to be mixed use permitting commercial and residential.

Comment

The subject site is located in the R4 High Density Residential zone under *Willoughby Local Environmental Plan 2012* and is located in that part of the Chatswood CBD identified as Mixed Use under the *Chatswood CBD Planning and Urban Design Strategy*, as shown below in Figure 2.

Figure 2 – Land Use



The Planning Proposal proposes residential land use (and no commercial) for the site, which is permitted under *Willoughby Local Environmental Plan 2012* (depending on height and floor space and minimum site area controls) and permitted as part of a commercial and residential mixed use development under Key Element 2 contained in the *Chatswood CBD Planning and Urban Design Strategy*.

The intent of the *Chatswood CBD Planning and Urban Design Strategy* is to zone land identified as mixed use development as B4 Mixed Use under *Willoughby Local Environmental Plan 2012*. The objectives of the B4 Mixed Use zone are:

- "To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow for city living on the edges of the city centre of Chatswood, which supports public transport use, shopping, business and recreational services that contribute to the vitality of the centre, without undermining its commercial role."

It should be noted that, in regards to the B4 Mixed Use Zone, residential accommodation is a prohibited use under *Willoughby Local Environmental Plan 2012*. Residential flat buildings are listed under the definition of residential accommodation. While shop top housing is also identified as residential accommodation, it is separately identified as a use permissible with consent.

The proposed development is consistent with a primary strategic objective of the *CBD Strategy*, being a planned Chatswood CBD containing a commercial core and a mixed use zone that would provide for both employment and housing.

Willoughby Council initiated a review of the Chatswood CBD in the middle of 2016. This review had regard to the following Greater Sydney Commission strategic planning reports:

- *A Plan for Growing Sydney 2014*.
- *Draft North District Plan*, November 2016.

The review also had regard to the following economic based reports initiated by Willoughby Council:

- *Willoughby Economic Development Study*, March 2016, prepared by SGS.
- *Chatswood CBD Competitive and Comparative Analysis*, May 2016, prepared by AEC Group.

The *Chatswood CBD and Urban Design Strategy* was supported by Economic advice from BIS (Shrapnel) Oxford Economics, that stressed the need for the protection of office as a vital part of Chatswood's land use mix. The key issues for encouraging the future of office uses in Chatswood included:

- Ensuring adequate commercial capacity for the future.
- Providing high environment quality.
- Protecting the Commercial Core from encroachment.
- Encouraging smaller offices and retail opportunities.

The provision of smaller offices and retail opportunities are particularly catered for in the mixed use zone surrounding the commercial core.

The *Chatswood CBD Planning and Urban Design Strategy* has attempted to find a balance of land uses to best plan for the future. In this regard the approach to land use is based on promoting office growth and promoting mixed commercial and residential growth in the right locations, and this has led to the B3 Commercial Core zone and the surrounding B4 Mixed Use zone all within the CBD boundary. Considerable increases in the density and height of residential development has been provided in the B4 Mixed Use zone to ensure that both commercial and residential development is located within the Chatswood CBD and close to infrastructure. This land use mix and density approach to the B3 and B4 zones within the Chatswood CBD is considered consistent with and a response to updated strategic planning documents being the *Greater Sydney Region Plan* and *North District Plan* (March 2018).

The Planning Proposal is not supported on the basis of land use.

Key Element 3. **The existing *DCP* limits on office and retail use in parts of the Commercial Core to be removed.**

Comment

As the proposal does not lie within the commercial core of the Chatswood CBD, this does not apply.

Key Element 4. **Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.**

Comment

As the proposal does not lie within the commercial core of the Chatswood CBD, this does not apply.

Value Uplift Sharing to Fund Public Domain

Key Element 5. The existing FSR controls are to be simplified and be retained as a 'base' FSR (Figure 3.1.3).

Comment

Under the *Chatswood CBD Planning and Urban Design Strategy*, a base floor space ratio (FSR) is established (Refer to Figure 3 below). The intention is that this base FSR is to be used instead of the maximum FSR in cases where other requirements cannot be met.

The Planning Proposal does not meet other *Chatswood CBD Planning and Urban Design Strategy* requirements, with particular regard to land use, height, floor space ratio, minimum lot size, street frontage heights, setbacks and ground floor use for the site.

As the Planning Proposal is not supported, there is no need to amend the *Willoughby Local Environmental Plan 2012* to address this Key Element.

Key element 6. Increased FSR between the base FSR and the maximum FSR is to be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population.

The scheme would:

- i. Apply to residential uses above the base FSR
- ii. Apply to commercial uses above 10:1 FSR
- iii. Operate in addition to the existing Section 94A contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).
- iv. Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.
- v. Apply a Value Uplift Sharing rate identified in Council's Voluntary Planning Agreement (VPA) Policy.

Comment

As previously noted, the *Chatswood CBD Planning and Urban Design Strategy* does not permit residential land use alone in the B4 Mixed Use zone.

As the Planning Proposal is not supported, there is no need for further discussion.

Key Element 7. All developments in Chatswood Centre achieving a FSR uplift through this strategy should contribute public art in accordance with Council's Public Art Policy, which is separate to the value uplift contributions scheme above.

Comment

The proponent has not addressed this Key Element in the Planning Proposal stating it is to be addressed at the development application phase.

The Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* in this regard.

Design Excellence and Building Sustainability

Key Element 8. Design excellence is to be required for all developments exceeding the base FSR, based on the following process:

- a) A Design Review Panel for developments up to 35m high.
- b) Competitive designs for developments over 35m high.

Comment

Design Excellence is a requirement for all new development exceeding the base floor space ratio and the Planning Proposal involves a development that is over 35 metres in height. On this basis a competitive design process is envisaged at development application stage to ensure design excellence, which is an expected outcome and not an offering to justify variations in Key Elements of the Strategy.

Council is in the process of developing a design excellence policy to establish an appropriate process with regard to design excellence.

No further discussion is provided as the Planning Proposal is not supported.

Key Element 9. Achievement of design excellence will include achievement of higher building sustainability standards.

Comment

As part of the competitive design process to achieve design excellence, higher building sustainability standards are expected.

No further discussion is provided as the Planning Proposal is not supported.

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

Comment

No further discussion is provided as the Planning Proposal is not supported.

Key Element 11. Figure 3.1.3 shows a simplified FSR diagram to that in the existing LEP. It provides a maximum base FSR which:
a) Is the maximum FSR for sites below the minimum site areas identified in Point 12 below.
b) Forms the base above which value uplift sharing and design excellence applies

Comment

The subject site is in a location with a maximum base floor space ratio of 1.7:1 as shown below in Figure 3.

Figure 3 – Base Floor Space Ratio



The base floor space ratio is the maximum FSR for sites below minimum site areas. This is identified in Key Element 12 below.

It should be noted that the base floor space ratio for this site is based on a mixed use land use, and the Planning Proposal includes residential land use only.

No further discussion is provided as the Planning Proposal is not supported.

- Key Element 12.** Minimum site area of:
- a) 1800sqm for commercial development in the B3 Commercial Core zone
 - b) 1200sqm for mixed use development in the B4 Mixed Use zone to achieve maximum FSR as indicated in Figure 3.1.4. Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

The subject site is significantly below the 1200m² minimum site area for redevelopment under the *Chatswood CBD Planning and Urban Design Strategy* (by 390.7m²).

No further discussion is provided as the Planning Proposal is not consistent with Key Element 12 and is therefore not supported.

- Key Element 13.** The FSRs in Figure 3.1.4, should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:
- a) No maximum FSR for commercial development in the centre,
 - b) 6:1 FSR in outer centre.
 - c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

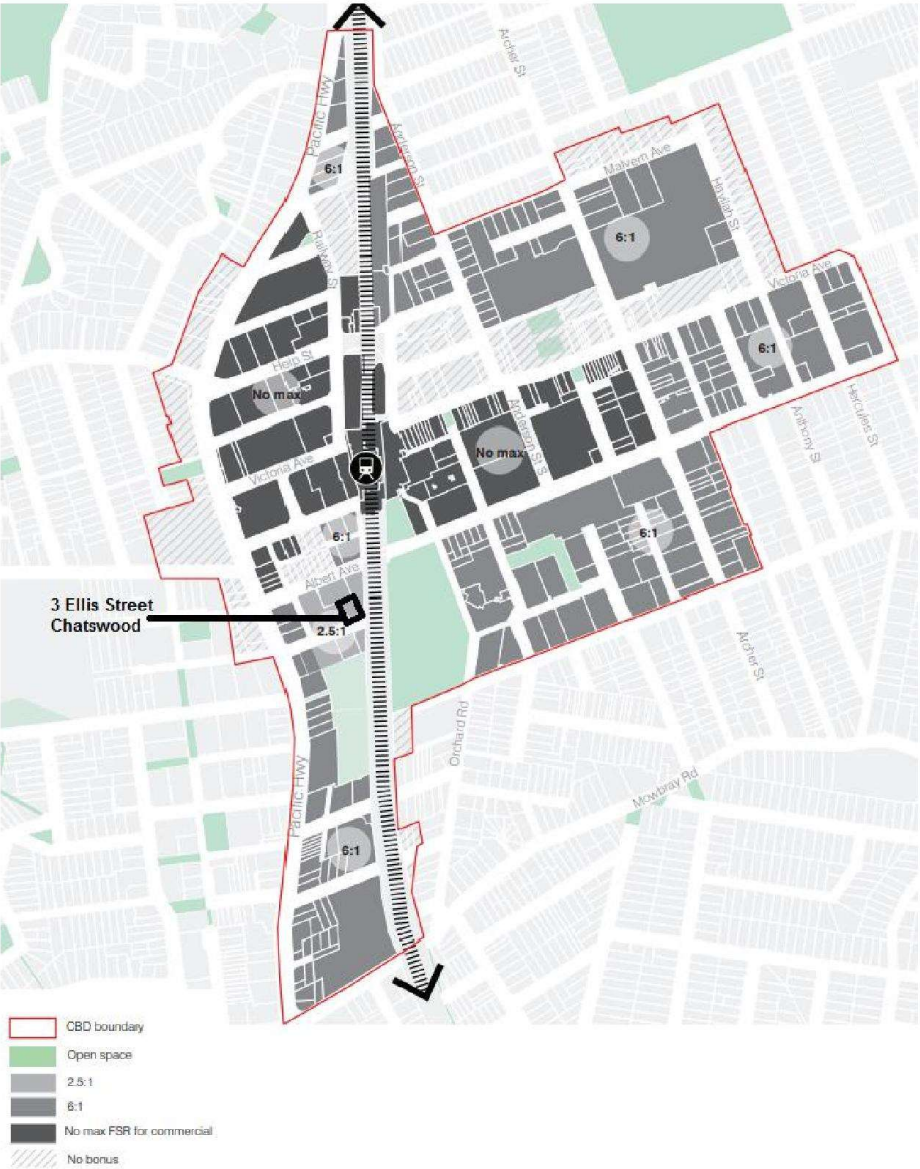
Floor space ratio maximums are not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and the associated Apartment Design Guidelines.

The maximum recommended floor space ratio under the *Chatswood CBD Planning and Urban Design Strategy* for this site and its surrounds is 2.5:1 as shown below is Figure 4, including a minimum floor space ratio of 1:1 for commercial development.

The Planning Proposal proposes a floor space ratio 5.1:1, with no commercial component.

No further discussion is provided on floor space as the Planning Proposal is not consistent with Key Element 13 and is not supported.

Figure 4 – Maximum Floor Space Ratio



Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

Comment

The provision of affordable housing within the Chatswood CBD is relevant in the B4 Mixed Use zone, where residential land use as part of a mixed use development is permitted.

The *CBD Strategy* requires that affordable housing be provided within the maximum floor space ratio and throughout the development rather than in a cluster.

No further discussion is provided on affordable housing as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 15. The minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1 in order to deliver a reasonable amount of employment floor space.

Comment

The proposal aims to retain an exclusively residential zoning with no commercial floor space.

The Planning Proposal is not consistent with Key Element 15 and is therefore not supported.

Built Form

Key Element 16. In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:

- a) 2000sqm GFA for office and
- b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment

The Planning Proposal proposes a single residential tower on the site, with no commercial podium.

Built form and this Key Element is not discussed as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 17. In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised.

Comment

Built form and this Key Element is not discussed as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 18. If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is

achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding lifts and services.

Comment

There is only one tower proposed on this site and therefore this Key Element is not relevant.

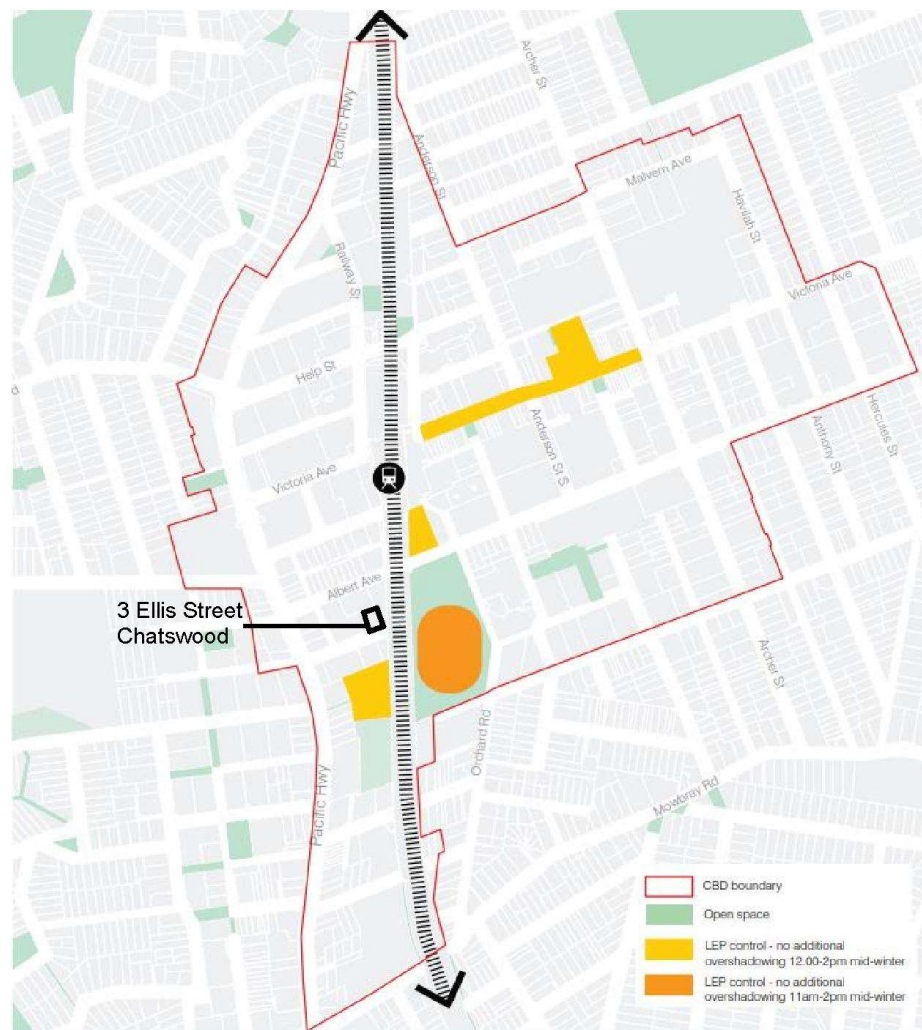
Sun Access to Key Public Spaces

- Key Element 19.** The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid-winter of:
- a) Victoria Avenue (between interchange and Archer St) 12pm - 2pm
 - b) Concourse Open Space 12pm - 2pm
 - c) Garden of Remembrance 12pm - 2pm
 - d) Tennis and croquet club 12pm - 2pm
 - e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park)

Comment

The key public spaces identified within the Chatswood CBD as requiring sun access protection are shown below in Figure 5.

Figure 5 – Sun access



Any overshadowing of key public spaces surrounding this site as a result of the Proposal is not supported, with particular regard to the Tennis and Croquet Club and Chatswood Oval.

The Planning Proposal seeks to establish a 49m height control over the site. There is concern that the Planning Proposal is inconsistent with the *CBD Strategy* (see below) and will result in additional overshadowing to the abovementioned key public spaces.

Sun access to key public spaces and this Key Element is not discussed further as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Building Heights

- Key Element 20.** Maximum height of buildings in the CBD will be based on Figure 3.1.6, up to the airspace limits (Pans Ops plane), except as reduced further to meet:
- a) Sun access protection.

Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

Comment

Figure 6 below shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5 (above).

The current RL for the site is approximately RL 95-96m. The height limits for the site recommended in the *CBD Strategy* are approximately 120-144m RL, rising from south to north. Height for the site is limited to a maximum of approximately 25m at the southern edge and approximately 45m at the northern edge of the site.

Insufficient analysis has been provided to ascertain that the height limit is in accordance with the *CBD Strategy*.

A height limit of 49m would only be supported over a minimal northernmost component of the site.

- Key Element 21.** All structures located at roof top level, including lift over runs and any other architectural features are to be:
- a) Within the height maximums.
 - b) Integrated into the overall building form

Comment

No further discussion is provided on building heights as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Links, Open Spaces and Landscaping

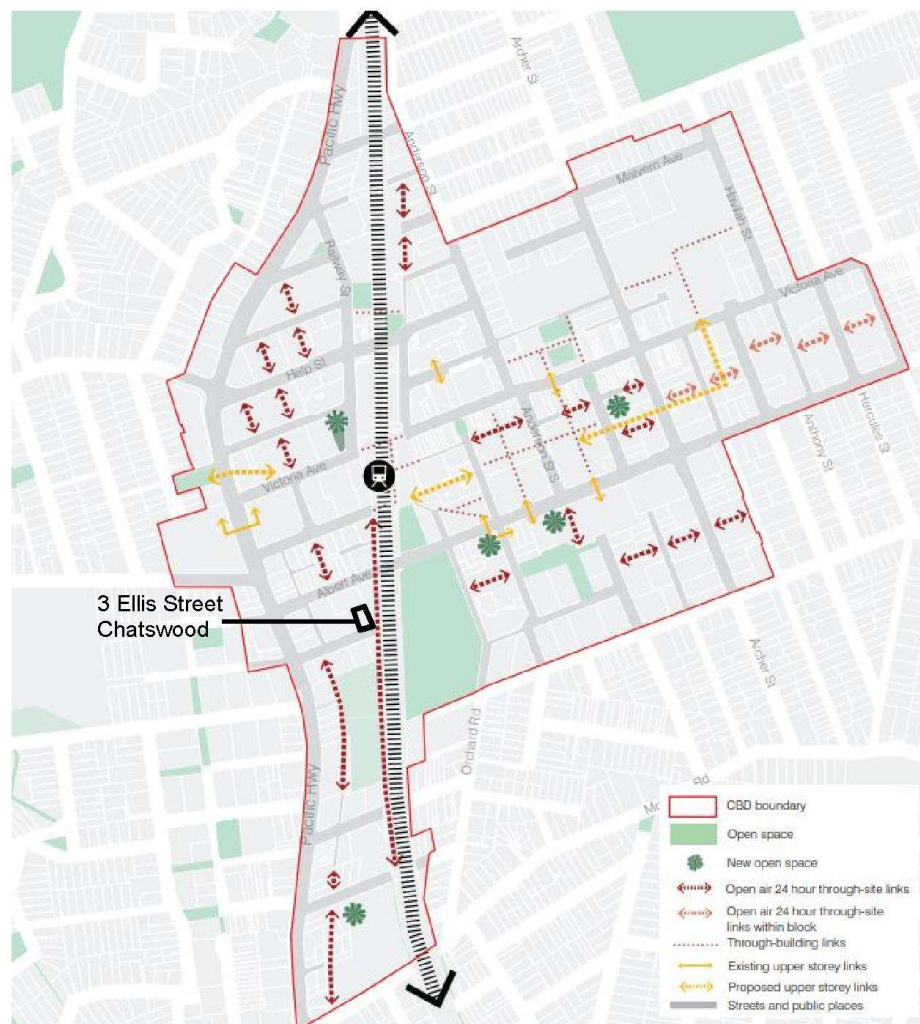
- Key Element 22.** The links and open space plan in Figure 3.1.7 will form part of the *DCP*. All Proposals should have regard to the potential on adjacent sites.

Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

Comment

The site is not the subject of an identified sought active linkage. It is noted that the site is within close proximity to the existing Frank Channon Walk adjacent the North Shore Rail Line.

Figure 7 – Links and New Open Space



No further discussion is provided as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 23. Publicly accessible open space and green landscaping such as street trees will be required by all development, subject to design principles.

Comment

There is inadequate detail regarding green landscaping, including potential deep soil planting, however, no further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 24. All roofs up to 30 metres from ground to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.

Comment

It is indicated that landscaping will be provided above the Podium roof. However no further detail is provided on green roofs, including passive and active green spaces.

No further discussion is provided on this Key Element as the Planning Proposal is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 25. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Comment

Any mixed use development would need to be accompanied by a detailed landscape plan showing how this Key Element has been satisfactorily addressed.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 26. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

Comment

No discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Street Frontage Heights and Setbacks

Key Element 27. Street frontage heights and setbacks are to be provided based on Figure 3.1.8, which reflect requirements for different parts of the Chatswood CBD.

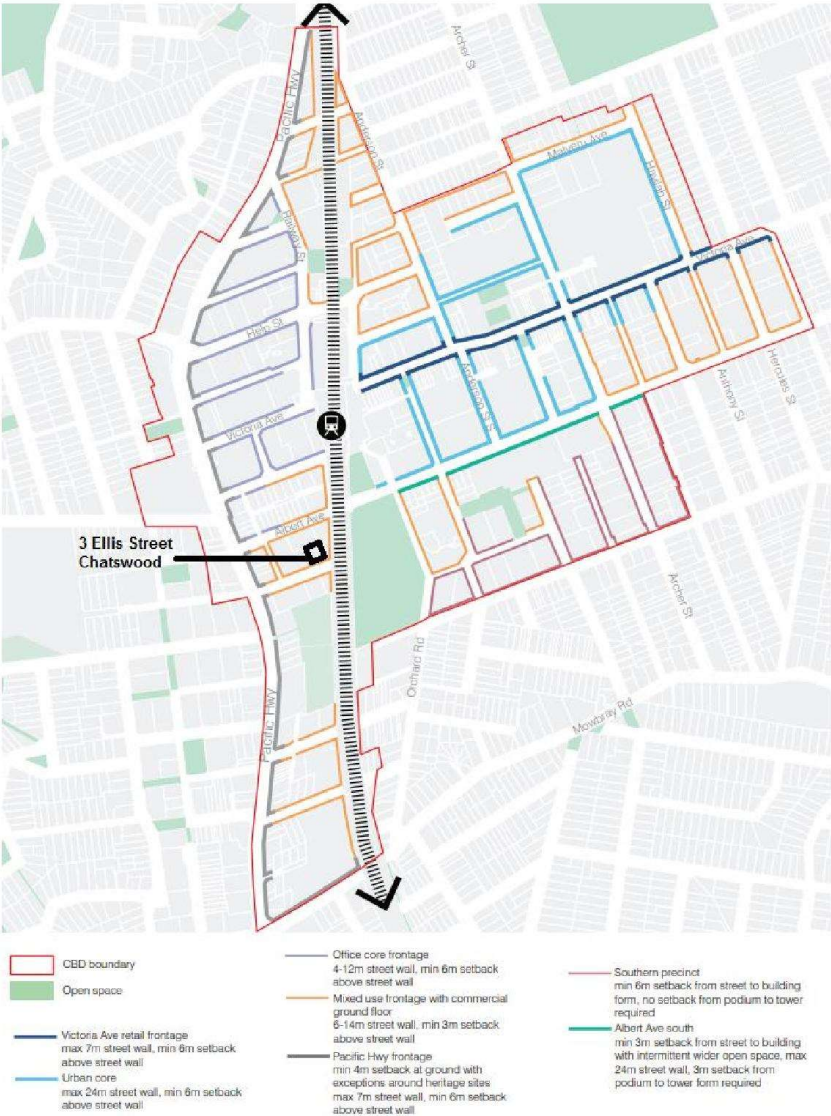
With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided.

- d) Mixed use frontage with commercial Ground Floor
 - i. 6-14 metre street wall height at front boundary.
 - ii. Minimum 3 metre setback above street wall.

Comment

With regard to this key objective, the site is located within the 'mixed use frontage with commercial ground floor' as shown below in Figure 8 below.

Figure 8 – Street Frontage Heights and Setbacks



The site proposes no mixed use commercial frontage.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 28. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height (e.g. 3m setback for a 60m building, and 6m setback for a 120m building).

Comment

The residential tower as shown in concept plans does not satisfy this requirement due to the mass and bulk proposed.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 29. Building separation to neighbouring buildings is to be:
a) In accordance with the Apartment Design Guide for residential uses.
b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.

Comment

This Key Element is not discussed in the Planning Proposal. No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Active street frontages

Key Element 30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Blank walls are to be minimised and located away from key street locations.

Comment

Due to the residential land use proposed, the proposal is not consistent with this Key Element.

In addition, the Eastern façade facing the public domain (Chatswood Oval) is almost entirely blank according to concept design. Council envisages new development providing positive interface with key public spaces.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Further Built Form Controls

Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.

Comment

The intention for any sites below the minimum site area under the Strategy is that it be amalgamated with neighbouring properties. As noted previously the subject site is 370.7m² below the minimum site area of 1,200m² for mixed use development.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 32. Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.

Comment

This Key Element is not relevant as the subject site is not located on Victoria Avenue east.

Key Element 33. Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.

Comment

The ground floor as shown in the concept plans contains no floor space, as it solely involves vehicle access and service facilities. As such the Planning Proposal is inconsistent with this Key Element.

No further discussion is provided as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

Comment

Detail on how this may be achieved has not been provided.

No further discussion is provided as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Key Element 35. The *CBD Strategy* employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach. In addition, site specific traffic and transport issues are to be addressed as follows:

a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.

b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.

- c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.
- d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.
- e) Car parking should be reduced by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking and car share strategies.

Comment

The Planning Proposal currently does not satisfactorily address this Key Element, stating it is to be addressed at development application phase. No Traffic and Transport study has been provided. In particular the following would need to be addressed:

- The impact on traffic flows in and out of a highly restricted access adjoining an extremely busy roadway with limited accessibility (note one way in and out)
- How public transport is encouraged due to the close proximity to the Chatswood Interchange, Pacific Highway as well as the active transport link/ proposed loop to the East of the site.
- The location of loading facilities in the Basement.

No further discussion is provided as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Other Issues to be addressed

Referrals

The Planning Proposal has not been internally referred to the other sections of Council as the Planning Proposal is not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and is not supported.

Development Control Plan provisions

The proponent has not submitted draft *Development Control Plan* provisions. Any future Planning Proposal requires draft provisions satisfactorily addressing the 35 Key Elements of the *Chatswood CBD Planning and Urban Design Strategy* as well as any other site specific issues. This is in addition to standard *DCP* provisions in order to clarify and reinforce the proposed built form guidelines and design principles as well as provide a framework for the design excellence competitive process currently under consideration by Council.

Public Benefit

The proponent has not indicated that the Planning Proposal includes the potential of a planning agreement. It is necessary to construct such an agreement to fulfil the requirements of the *CBD Strategy*.

As the Planning Proposal is inconsistent with the *Chatswood CBD Planning and Urban Design Strategy* and not supported, discussions regarding a planning agreement have not been held with the proponent.

It is considered that discussions regarding a planning agreement may occur when a Planning Proposal is received that is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

Department of Planning and Environment Requirements

The Planning Proposal is considered to be not in accordance with the requirements under Clause 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal (Attachment 3).

Conclusion

The Planning Proposal is not consistent with the strategic objectives of the *Greater Sydney Plan* and the *North District Plan*, as well as the *Chatswood CBD Planning and Urban Design Strategy*. The subject site has been identified as part of the Chatswood CBD mixed use precinct, not a purely residential area. The Planning Proposal is unsatisfactory with regard to land use, height, floor space ratio, minimum lot size, street frontage heights and setbacks, ground floor use and street activation.

The Planning Proposal is therefore not supported.

Based on the above, it is recommended that public exhibition of this Planning Proposal should not proceed, and that it should not be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT 3

COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'A GUIDE TO PREPARING PLANNING PROPOSALS'

Some elements of this Planning Proposal are 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 (August 2016) '*A Guide to Preparing Planning Proposals*'. Other parts of the planning proposal are markedly inconsistent with these requirements and therefore it is not recommended that Council forward the proposal to the Department of Planning and Environment for gateway determination under 3.34 of the *Environmental Planning and Assessment Act 1979* following a Willoughby Council endorsement to not support the application.

This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

As per the Planning Proposal:

"The objective of the proposal is to amend the WLEP 2012 to enable suitable redevelopment of the land for high density residential development.

This proposal will facilitate:

1. High quality residential development adjacent to Chatswood CBD and within the walkable catchment of the Chatswood Rail Station
2. Accommodation and home ownership options for the projected increase in population in Sydney's North District"

PART 2 – EXPLANATION OF PROVISIONS

Per the proposal, the proponent seeks to amend *Willoughby Local Environmental Plan 2012* as follows:

"The proposed outcome can be achieved by:

1. Amending CI 4.3A Exceptions to height of buildings of the WLEP 2012 to include the land as an "Area" on the Height of Buildings Map to permit development to a height of 49m.
2. Amending CI 4.4A Exceptions to Floor Space Ratio of the WLEP 2012 to include the land as a Lot to permit development to a maximum FSR of 5.1:1
3. Amending CI 6.10 (4) Minimum lot sizes for residential flat buildings in the WLEP 2012 to include the land as a Lot to permit development for a residential flat building on land that is at least 800 square metres. This will reflect existing use rights of the existing RFB."

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 is not the result of any study or report. However, the Planning Proposal refers to the *Chatswood CBD Planning and Urban Design Strategy*, endorsed by Council on 26 June 2017. The *Chatswood CBD Planning and Urban Design Strategy* recommends land use increased building height and development density for land within the Chatswood CBD as well as expanded CBD boundaries.

The site is located Ellis Street, Chatswood within 300m of CBD core, and within land currently zoned R4 High Density Residential, with a future zoning requirement of B4 Mixed Use under the strategy. This land use is required to have a minimum of 1:1 commercial floor space as part of its land use mix on the site. A FSR of 2.5:1 (inclusive of the 1:1 Commercial requirement) and approximately 120-145m RL height is recommended for the site. The Planning Proposal submitted includes residential development (FSR 5.1:1) only, inconsistent with permitted use in the B4 Mixed Use zone and is therefore incompatible with the Strategic vision of the endorsed Strategy for the Chatswood CBD, as discussed below.

The fundamental objective of the B4 Mixed Use zone is to provide a balanced provision of housing and commercial land use in the Chatswood CBD in close proximity to key services and to provide housing outside of the commercial core, in order to strengthen and secure Chatswood's future as an economic hub with a range of employment opportunities and Chatswood CBD's role as a complete centre with a mix of land uses.

In this regard the Strategy has been designed with an extended CBD boundary that includes within it a commercial core boundary, which permits commercial uses (office and retail), surrounded by a substantial mixed use (residential and commercial) area outside of the designated commercial core. The Key Element regarding land use and the importance of the commercial core is further discussed in the Council Detailed Assessment at Attachment 2.

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 not the best means of achieving Key Element 2 of the *Chatswood CBD Planning and Urban Design Strategy*. The purpose of the *Chatswood CBD Planning and Urban Design Strategy* is to establish a strong framework to guide all future development in the CBD over the next 20 years. The Strategy was based on considerable background work, which:

- Reviewed the current planning framework that controls the development of the Chatswood CBD.
- Identified the opportunities and constraints that are impacting on development in the Chatswood CBD.
- Developed and recommended a planning framework that Council could implement to ensure Chatswood sustainably grows as a competitive strategic centre of Sydney

Approval of residential floor space only within the boundaries of the identified Chatswood CBD will remove potential floor space from future commercial use and will set a precedent for further residential development. Development is sought within the Chatswood CBD that is consistent with the *Chatswood CBD Planning and Urban Design Strategy*.

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)?

Background

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 in an equitable manner 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 is guided by 10 overarching directions, which provide interconnected infrastructure, productivity, liveability and sustainability benefits for key user groups of the Greater Sydney Region.

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. 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.

These strategies form an integrated local and state vision for the Chatswood CBD that relates to the locality as well as the wider regional influence of this strategic centre from an economic, social and environmental perspective.

The Planning Proposal is considered to be inconsistent with the *Greater Sydney Region Plan* and the *North District Plan* for the following reasons:

- The Proposal provides residential use only in an area designated for mixed use.
- Having regard to the Greater Sydney Region Plan and North District Plan, the *Chatswood CBD Planning and Urban Design Strategy* has carefully planned for a protected commercial core with a surrounding mixed use zone where substantial increases in residential dwellings are proposed. This land use arrangement meets the direction and numerical requirements of the Greater Sydney Commission strategic planning documents. Any changes to the land use arrangements threaten the envisioned land use mix, employment opportunities and access to goods and services.
- Contributes no commercial or retail in an area of high proximity to Chatswood CBD with adjacent active transport infrastructure and active open space available, as well as a close proximity to the Pacific highway.

Assessment Criteria

The Department of Planning and Environment (August 2016) '*A Guide to Preparing Planning Proposals*' establishes specific assessment criteria to assist a Relevant Planning Authority.

a) Does the proposal have strategic merit? Is it:

- Consistent with 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: No. The Planning Proposal is considered inconsistent with *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 *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017 and has been forwarded to the Department of Planning and Environment for endorsement. Written support for the CBD Strategy from the Greater Sydney Commission was received in June 2018.

The Planning Proposal is considered inconsistent with the CBD Strategy. As 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 inconsistent with the envisioned land use mix within the Chatswood CBD, and the utilization of existing and upcoming infrastructure by different land uses. The *Chatswood CBD Planning and Urban Design 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 Sydney 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: Not applicable

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?

Comment: No. The planning controls proposed are not consistent with the *Chatswood CBD Planning and Urban Design Strategy* and the envisaged future development within the B4 Mixed Use zone.

- 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 (Attachment 2) under public benefit.

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, with the relevant outcomes regarding this Planning Proposal being 'A City that is Liveable,' and 'A City that is prosperous and vibrant.'

- i) The outcome 'A City that is Liveable' contains the following 'Community Priority':
 - "3.5 *Maintain quality of life by balancing population growth with the provision of assets and services.*"
- ii) The outcome 'A City that is prosperous and vibrant' contains the following 'Community Priorities':
 - "4.1 *Facilitate the development of all businesses.*
 - "4.2 *Build and support a night-time economy.*
 - "4.3 *Create memorable food destinations.*
 - "4.4 *Attract visitors and promote local, destination based tourism.*
 - "4.5 *Diversify our economy including creative and innovative industries.*
 - "4.6 *Facilitate the viability and vibrancy of our village centres.*"

The *Chatswood CBD Planning and Urban Design 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. It is considered that the Planning Proposal is inconsistent with these two documents.

5) Is the proposal consistent with applicable State Environmental Planning Policies?

SEPP Title	Comment
SEPP No. 55 – Remediation of Land	The Planning Proposal is required to satisfy matters with regard to this SEPP and potential contamination of land. A preliminary report has been provided that indicates that no contamination is present on site.
SEPP (Exempt and Complying Codes) 2008	The Planning Proposal does not contain provisions that contradict the application of the SEPP.

SEPP (Infrastructure) 2007	Proposed intensification of development would provide for housing close to a commuter hub, consistent with the SEPP.
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5) Is the planning proposal consistent with applicable Ministerial Directions?

The *Local Planning Directions* issued to councils under Section 9.1 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 117 Directions* in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	No	The Planning Proposal will not support employment generation to the extent envisaged under the <i>Chatswood CBD Planning and Urban Design Strategy</i> . Concern is also raised that the approval of residential development will further facilitate the decline of Chatswood as a Strategic Centre with a growing commercial core component.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	No	Not Applicable	The site does not contain any local heritage items or conservation area.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent	Comment
3.1 Residential Zones	Yes	Yes	The existing Zone on this site is R4 High Density Residential. A variety of housing types and an increase in housing numbers are provided for in the Proposal. However the future land use envisaged supports a Mixed Use Zoning and no commercial element has been provided for the site.

Direction	Relevant?	Consistent	Comment
3.3 Home Occupations	Yes	Not applicable	

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	No	The Strategy has identified this site as mixed use in order for both commercial and residential land use to fully take advantage of the close public transport linkages and other services. The Planning Proposal only involves residential land use.

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 <i>Plan for Growing Sydney</i>	Yes	No	The Planning Proposal is inconsistent 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

- 6) 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 site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

- 7) 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 (Attachment 2):

- Consistency with the *Chatswood CBD Planning and Urban Design Strategy*, as endorsed by Council and forwarded to the Department of Planning and Environment. In this regard the following themes from *Chatswood CBD*

Planning and Urban Design Strategy, and the supporting Key Elements, have been addressed:

- CBD boundary
- Land use
- Public domain
- Design excellence
- Building sustainability
- Floor space ratio
- Built Form
- Sun Access to Key Public Spaces
- Building heights
- Links, open space and landscaping
- Street Frontage Heights and Setbacks
- Traffic management
- Public Benefit

9) Has the planning proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal has not adequately addressed social and economic effects. The protection and growth of the commercial element of the CBD is seen as critical for the future social and economic well-being of Chatswood as a whole as well as surrounding areas. Residential land use still has an important role to play in the *Chatswood CBD Planning and Urban Design Strategy*, with the CBD boundary being extended and height and densities increased in identified mixed use zones on the fringe in order to allow for substantial future growth, which can accommodate a more balanced outcome for the CBD and Willoughby area.

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

The site is serviced by existing utilities infrastructure and within walking distance from the Chatswood Railway Station and Transport Interchange. In addition transport capacity will be improved following completion of the Metro development. There is strong active transport linkage to the interchange via a direct pathway to the east of the site, further strengthening connectivity to public transport and services.

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.

PART 4 – MAPPING

The Planning Proposal is not supported.

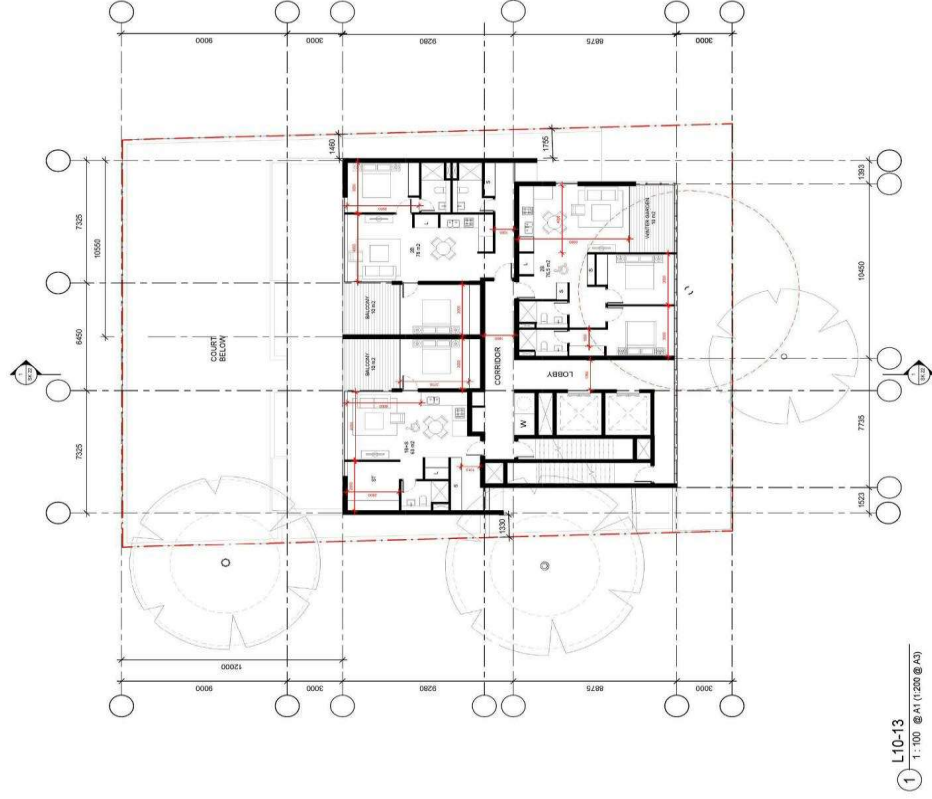
PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is not supported. On this basis it is not proposed to forward the Planning Proposal to the Planning and Infrastructure 'Gateway' process seeking endorsement for the proposal to be placed on public exhibition.

PART 6 – PROJECT TIMELINE

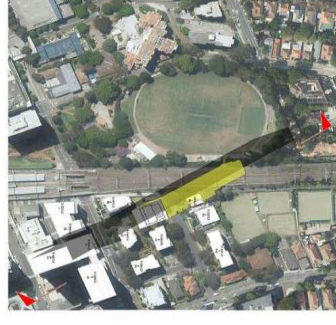
Planning Proposal Presented to Council	February 2019
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Department of Planning and Environment and Proponent advised of Council decision	February 2019
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DATE	10/02/2019	PROJECT	RESIDENTIAL FLAT BUILDING 3 ELLIS STREET CHATSWOOD
BY	STANISLAW KOWALSKI	CLIENT	MPG AU PT PT
CHECKED		DATE	10/02/2019
APPROVED		DATE	10/02/2019
The project shown and the area shown are for planning and information only. It is not to be used for construction purposes.			
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Sheet: 19 of 19			
SK 19			



SECTION B-B
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