

**QUESTION ON NOTICE FROM COUNCILLOR COPPOCK - CHATSWOOD CBD
PLANNING AND URBAN DESIGN STRATEGY 2036**

- ATTACHMENTS:**
- 1. LETTER FROM DPIE TO CEO - PARTIAL ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY**
 - 2. LETTER FROM DPIE TO CEO - CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY**
 - 3. LETTER FROM WCC TO DPIE - CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY TO 2036**
 - 4. LETTER TO WCC PLANNING MANAGER FROM DPIE – CHATSWOOD CBD STRATEGY REVIEW**
 - 5. LETTER TO WCC DIRECTOR PLANNING AND INFRASTRUCTURE FROM DPIE – PARTIAL ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY – MIXED USE AREAS**
 - 6. LETTER TO WCC DIRECTOR PLANNING AND INFRASTRUCTURE FROM DPIE – ENDORSEMENT OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY**

RESPONSIBLE OFFICER: CHRIS BINNS – ACTING PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR: IAN ARNOTT – PLANNING MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 12 OCTOBER 2020

Submitted by: Councillor Stuart Coppock

QUESTION

In relation to Item 15.17 - Updated Chatswood CBD Planning and Urban Design Strategy 2036 report to Council at its 14 September 2020 ordinary Council meeting, can council answer the following questions in relation to reports associated with the strategy:

1.
 - A. Report arising from letter Department of Planning, Industry and Environment (DPIE) 9 August 2019, who did the work arising out of the letter for Council Officers to write in the report “it is now possible to progress planning proposals to the B3 commercial core”?
 - B. Council consult with individual proponents of Planning Proposals in the proposed mixed use areas”?
2.
 - A. Reference to work by ARUP Group is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by ARUP?

- B. What exactly was the “way forward” to which you refer?
 - C. What exactly was the approach “arrived at between Council and proponents in late 2019”?
 - D. Who are exactly the proponents? If they are corporate entities, with which corporate officers did Council Officers discuss these matters?
 - E. What exactly was communicated to DPIE?
 - F. What dates are these communications and are they in writing?
3. Reference to work by SGS Economics and Planning is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by ARUP?
 4. Reference to work by GMU (GM Urban Design and Architecture) is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by GMU?
 5. Reference to work by Weir Phillips Heritage and Planning is mentioned in the same page of the Council report. Who paid for and directed and supervised the work done by Weir Phillips Heritage and Planning?

ANSWER

1.
 - A. There was no additional work to be carried out in regards the B3 Commercial Core zone, following the DPIE letter of 9 August 2019. The B3 Commercial Core was endorsed by DPIE subject to conditions, and the conditions were accepted by officers.

The Council report stated:
“As a result of the 9 August 2019 DPIE letter:

 - *It is now possible to progress planning proposals in the B3 Commercial Core consistent with the abovementioned identified conditions.”*

The Conditions are summarised on Page 284 of the 14 September 2020 Council report.
 - B. Council dealt with the proponents whose Planning Proposals had already received Council endorsement to proceed to Gateway at the DPIE. They were Develotek, Goldfields, Central Element, and H and R Vakili.
2.
 - A. Following the DPIE letter of 9 August 2019, Council consulted with individual proponents of Planning Proposals in the proposed mixed use areas of the CBD to develop a way forward to address the matters raised in the DPIE letter. An approach was arrived at between Council and proponents in late 2019 to engage independent consultants to prepare studies addressing each of the matters raised by DPIE with a view to addressing concerns raised by DPIE.

ARUP were engaged to prepare documentation addressing transport issues.

This process was outlined to DPIE on a number of occasions and supported, subject to the process being supervised by Council Officers (the Planning Manager and Strategic Planning Team) and Peer Reviewed by Transport for NSW.

Council Officers and Transport for NSW supervised the work and the proponents paid for the work.

The Peer Review on transport was undertaken by Transport for NSW at no cost to Council.

- B. To address the issues raised in the 9 August 2019 letter from the DPIE regarding the Strategy.
- C. To undertake further studies to address issues raised by DPIE, and submit those studies to peer review by the relevant State agencies involved (DPIE and Transport for NSW).
- D. See proponents listed in answer 1B above - all of whom had proposals supported by Council for progress to Gateway.
- E. Letter attached (also available on DPIE website).
- F. See DPIE letters attached.

3. It is assumed the question in Point 3 relates to **SGS and not ARUP**.

SGS Economics and Planning were engaged, supervised and paid to prepare economic feasibility testing by Council Officers (the Planning Manager and Strategic Planning Team).

The cost for this work was \$26,224 using budget for Council's overarching task to renew the LEP and DCP.

4. GMU were engaged to prepare documentation addressing urban design issues.

Council Officers supervised and proponents paid for the work.

The Peer Review on urban design and heritage was undertaken by the DPIE Urban Design Team at no cost to Council.

5. Weir Phillips Heritage and Planning were engaged to prepare documentation addressing heritage issues.

Council Officers supervised and the proponents paid for the work.

The Peer Review on heritage was undertaken by the DPIE Urban Design Team at no cost to Council.



Ms Debra Just
General Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Dear Ms Just

Request for endorsement of the Chatswood CBD Planning and Urban Design Strategy

I refer to Council's letter seeking endorsement of the Chatswood CBD Planning and Urban Design Strategy, adopted by Council at its 27 June 2017 meeting.

I wish to congratulate Council on the completion of the strategy. It is a comprehensive document that provides a platform for growth, management and direction of the Chatswood CBD for the next 20 years.

The Department supports the intention of the strategy to boost and support new commercial development and promote good urban design within the CBD which align with the actions and priorities of the North District Plan. However, further work is required to inform some of the strategy's key approaches.

Therefore, I advise that the strategy has been reviewed and endorsement has been approved by the Department but only where it relates to the CBD core area subject to the following conditions:

1. That no residential development is to be permitted in those areas of the CBD Core area where this land is located west of the North Shore railway line. The reason for this is that this part of the CBD is currently characterised as commercial core and still has opportunity for office space growth.
2. That mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth.
3. That any planning proposals for the CBD Core area do not result in significant traffic or transport impacts, as sites in this part of the CBD are highly accessible to Chatswood rail and bus interchange.
4. Council is to only utilise appropriate mechanisms within the parameters of the *Environmental Planning and Assessment Act 1979* for the provision of local infrastructure to support new development such as revisions to its Section 7.12 or Section 7.11 Plans or inserting a new clause in Willoughby LEP 2012 for the

delivery of on-site essential infrastructure. No value capture mechanism or the like will be supported by the Department.

For the purposes of these conditions the 'CBD core area' relates to all land in Chatswood CBD that is identified under Figure 4 of the strategy as 'Office and Retail Core area'.

With regard to the remainder of the land identified under the strategy (being those areas identified as 'Mixed Use' in Figure 4 of the strategy) the Department recommends that it does not support the proposed strategy directions for this land and that the following be carried out to review and revise key aspects of the strategy to ensure that impacts to surrounding development, traffic and heritage values are minimised:

1. Council is to consult with Department of Transport (formerly Transport for NSW and Roads and Maritime Services) regarding whether transport and traffic analysis is required to determine whether growth anticipated by the fuller strategy can be accommodated by current and future transport and road networks. This additional work may require the preparation of a Transport Management Action Plan (TMAP) or equivalent.
2. Council is to reconsider the proposed B4 Mixed use zoning within the CBD periphery, including permitting a minimum 1:1 commercial floor space outcome for all mixed-use areas identified in the strategy area is appropriate. The concern is that shop top type housing may not always be a suitable outcome for nominated mixed use areas and many are at some distance from other commercial areas and key transport nodes. This should be justified by further economic feasibility testing, which could additionally assess the potential impact of this large B4 zoned area on the economic viability of the CBD core.
3. Council is to undertake a detailed built form analysis and assessment of proposed building heights and FSRs for the land in the mixed-use areas identified by the strategy area. This analysis to review impacts to adjacent HCAs and/or retained low density development and is determine what appropriate built form transitions in terms of FSR and buildings are appropriate in mixed use areas to ensure that future development is compatible with adjacent existing and retained development outside of the strategy area.

This analysis work is to expressly include:

- visual impact analysis to illustrate how future built development in the strategy area will look along road and laneway streetscapes that will form the edge to the strategy area; and
 - an analysis of potential amenity impacts to the neighbouring low-density sites and/or existing development in HCAs by using accurate block modelling of potential future development to show extent of shadowing impacts, particularly during mid-winter.
4. Council is to only utilise appropriate mechanisms within the parameters of the *Environmental Planning and Assessment Act 1979* for the provision of local infrastructure to support new development such revisions to its Section 7.12 Contributions Plan, developing a Section 7.11 Contributions Plan or inserting a new clause in Willoughby LEP 2012 for the delivery of on-site essential infrastructure.

Once these matters have been addressed then the Department can re-evaluate the revised strategy with a view to look to wholly endorse it.

In the meantime, it is recommended that any planning proposal for sites within the CBD Core area will be considered by the Department where these satisfy the endorsement conditions outlined above.

All other planning proposals for land in the mixed-use areas under the strategy and with the Department with request for Gateway determination will be returned to Council. These will need to be revised to address the abovementioned criteria so as to consider the cumulative impacts to nearby existing development and to demonstrate suitable site-specific outcomes.

The Department will consider granting Gateway determination for these updated proposals or any new proposals for land in the mixed-use areas where these conditional matters have been adequately addressed and resolved as they pertain to each planning proposal.

The Department remains committed to working collaboratively with Council and other government agencies on planning for Chatswood's growth, and welcomes a further meeting with Council to work through next steps based upon the above.

If you have any more questions, please contact Ms Amanda Harvey, Director, Sydney Region East, at the Department of Planning, Industry and Environment on 8275 1128.

Yours sincerely



Marcus Ray
Group Deputy Secretary
Planning and Assessment

CC: Ian Arnott
Norma Shankie-Williams

09/08/2019



Ms Debra Just
General Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Dear *Debra* Ms Just

Thank you for your response to the Department's partial endorsement of the Chatswood CBD Planning and Urban Design Strategy.

I acknowledge Council's frustration and concerns regarding the Department's partial endorsement of its strategy. However, the Department remains fully committed to supporting and collaborating with Council to work towards full endorsement of the strategy.

Considering the significance of this strategy, I believe that a meeting between ourselves would provide the best forum to discuss and address Council's concerns and outline the next steps to work collaboratively towards the goal of full endorsement of the strategy.

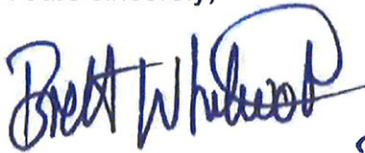
This letter also confirms that the following planning proposals have been returned to Council for review and to be updated in accordance with the Department's partial endorsement conditions:

- 629-639 Pacific Highway, Chatswood
- 54-56 Anderson Street, Chatswood
- 51-61 Archer Street, 34-34A Albert Avenue and 30-32A Bertram Street, Chatswood
- 58 Anderson Street, Chatswood
- 753 Pacific Highway and 15 Ellis Street, Chatswood
- 5-9 Gordon Avenue, Chatswood
- 3-5 Help Street, Chatswood
- 871-877 Pacific Highway, Chatswood

The conditions of the strategy should be adequately addressed before any future planning proposals within the proposed B4 Mixed Use area are submitted to the Department requesting Gateway determination.

I look forward to meeting and supporting Council to work towards attaining full endorsement of its strategy. Should you have any more questions or need further assistance, please contact Mr Nick Armstrong, Acting Senior Planner, North District, at the Department of Planning, Industry and Environment on 8275 1219.

Yours sincerely,



3 November 2019

Brett Whitworth
A/Deputy Secretary
Greater Sydney, Place and Infrastructure



ATTACHMENT 3

PLANNING AND INFRASTRUCTURE DEPARTMENT

23 December 2019

Mr Marcus Ray
Deputy Secretary
Department of Planning, Industry and the Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Ray,

**RE: UPDATE REGARDING COUNCIL RESPONSE TO LETTERS DATED 9 AUGUST
AND 3 NOVEMBER 2019**

I write to provide an update regarding the Council response to your letters dated 9 August and 3 November 2019 regarding the *Chatswood CBD Planning and Urban Design Strategy to 2036* (the *Strategy*).

The *Strategy* was endorsed by Council on 26 June 2017. Council subsequently sought the endorsement of the Department of Planning, Industry and the Environment (the Department) and was formally advised on the 9 August 2019 that partial endorsement was provided for the B3 Commercial Core west of the North Shore Railway Line. Regarding the B4 Mixed use zone, further work was required relating to a number of issues specified including transport impacts, the minimum 1:1 commercial floor space component, built form analysis and assessment of building heights and floor space ratios, and potential amenity impacts.

In regards the response to the Department, Council is not recommending a revised *Strategy* but rather responding to concerns raised to enable the Department to determine its position in respect to the endorsed *Strategy*.

Council has initiated the required additional work as specified by the Department, and will assure the integrity of this additional work in a comprehensive response back to the Department. In addition the response would have regard to the Chatswood CBD as a whole and the cumulative impacts of the *Strategy*, and is not restricted to individual sites or particular precincts.

Council has begun an independent review of the minimum 1:1 commercial floor space requirement. Work on other issues has involved a coordinated approach with the proponents of eight planning proposals already supported by Council for Gateway consideration, submitted to the Department for a Gateway Determination and returned to Council by the Department on 3 November 2019.

Following this coordinated approach with proponents, Council will conduct a peer review process to ensure the credibility of any conclusions. All findings will also be reviewed by Council Officers prior to any response to the Department in 2020.

Willoughby City Council

The Department has been previously made aware of the abovementioned approach to the additional required work, and Officers have indicated their support to the approach taken.

Council seeks a formal response that the abovementioned approach is considered satisfactory by the Department.

If you have any further questions please call me on 9777 7647.

Yours sincerely,



Ian Arnott
PLANNING MANAGER



IRF20/21

Mr Ian Arnott
Planning Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Dear Mr Arnott

Thank you for your correspondence to Marcus Ray, Group Deputy Secretary, Planning and Assessment regarding the Chatswood CBD Strategy review and continued collaboration. For your information, all future correspondence regarding the Chatswood CBD Strategy should now be directed to Brett Whitworth, Deputy Secretary, Greater Sydney Place and Infrastructure.

I note that since the Department issued a partial endorsement of the strategy on 9 August 2019 Council has been considering the conditions and recommendations provided as part of this partial endorsement and has sought to undertake further work to review the strategy with a view of obtaining full endorsement from the Department. I also note that some of this work has been undertaken with support of proponents.

I understand that ARUP, GMU and Weir Phillips Heritage have been engaged to review the potential traffic, built form and heritage impacts of the strategy to address recommendations of the strategy's partial endorsement.

With respect to Council's request for a formal response for support to this approach to this work, while this continued work is in principle supported, the scope of this work and the intended steps after this work is completed hasn't been shared with the Department.

Therefore, the Department would like further clarification regarding how this work and the economic feasibility testing in relation to the minimum 1:1 commercial FSR component for the B4 Mixed Use areas is intended to further support and shape the strategy.

The Department has scheduled a meeting with Willoughby City Council staff on 6 February 2019 to discuss Council's abovementioned approach and how the Department can assist Council before issuing a formal response. We look forward to meeting then to help support Council in its work to ensure the establishment of the strategy as a strong and comprehensive document that supports Council's 20-year vision for the area.

In the meantime, if you have any questions please contact Mr Nick Armstrong, Acting Senior Planner, North District at the Department of Planning, Industry and Environment on 8275 1219.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda Harvey', with a stylized flourish at the end.

Amanda Harvey 17 January 2020
Acting Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure



Mr Chris Binns
Planning and Infrastructure Director
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Dear Mr Binns

Willoughby City Council Response to the Partial Endorsement of the Chatswood CBD Planning and Urban Design Strategy – Mixed Use Areas

I refer to Willoughby City Council's letter, dated 27 March 2020, requesting the Department of Planning, Industry and Environment (the Department) to review Council's supplementary material to support its Chatswood CBD Planning and Urban Design Strategy (the Strategy).

I thank Council for its work in preparing this information in collaboration with several proponents to address the Department's partial endorsement conditions of the Strategy.

I confirm that the Department has received and is reviewing this material with an intention of completing the review within 8 weeks from the date of this letter.

I also wish to clarify the Department's position in response to Council's requests regarding the Strategy review process:

- The Department's internal Urban Design team will commence and provide an analysis of the submitted Urban Design Report and Heritage Impact Report in relation to the revised built form recommendations. A peer review of this information is not required.
- The review will address the previously imposed partial endorsement conditions of the Strategy with a view to provide full endorsement of a revised strategy, subject to the Department being of the opinion these conditions have been satisfied.
- At the completion of this review process and following the Department's full endorsement of the Strategy, Council will be able to proceed with its intended comprehensive Local Environmental Plan amendment and associated development control plan to give statutory effect to the Strategy.
- Planning proposals within the B4 Mixed Use areas that were previously returned to Council can be re-submitted to the Department for Gateway

determination, provided they are consistent with the Strategy and supplementary information.

- However, please note that the Gateway determinations for these proposals will not proceed prior to the completion of the Department's review of the Strategy and following the Department's full endorsement of the Strategy.

The Department looks forward to continuing to collaborate with Council in setting the 20-year vision of a strong strategic centre for Chatswood and my team will be in touch if any further queries or clarification is required.

In the meantime, if you have any more questions, please contact Mr Nick Armstrong, Senior Planning Officer, North District, at the Department of Planning, Industry and Environment on 8275 1219.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald', is positioned below the text 'Yours sincerely'.

15 April 2020

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure



Mr Chris Binns
Planning and Infrastructure Director (Acting)
Willoughby City Council
PO Box 57
Chatswood NSW 2067

Dear Mr Binns

I refer to Willoughby City Council's request for the Department of Planning, Industry and Environment's (the Department) full endorsement in the preparation of an amended Chatswood CBD Planning and Urban Design Strategy (the strategy) consistent with the recommendations contained within the submitted strategy supplement package.

The Department continues to support Council in the preparation of the strategy that will seek to grow Chatswood's role and significance as a key strategic centre within the Greater Sydney Metropolitan area for the next 20 years.

The Department notes that the strategy is a high-level strategic document that will inform Council's future work including the preparation of a comprehensive local environmental plan amendment, development control plan and site-specific planning proposals.

The strategy is also consistent with Council's current strategic planning work and the Department's endorsement of the strategy will help align these policies including:

- The Willoughby Local Strategic Planning Statement
- The Willoughby Local Housing Strategy
- The Willoughby Local Centres Strategy.

The Department has now reviewed the strategy supplement package. Previous concerns regarding the strategy in relation to traffic, built form, heritage and economic feasibility, as conditioned within the previous partial endorsement, are capable of being addressed as part of a revised strategy to be prepared and adopted by Council.

Therefore, the Department is able to offer Council its full endorsement of the Chatswood CBD Planning and Urban Design Strategy subject to the following recommendations:

1. Council in collaboration with Arup and Transport for NSW is to continue to progress its traffic and transport study. Any recommendations of this study are to be finalised prior to and incorporated within any amended or final Chatswood CBD Strategy.
2. Council should consider adopting a minimum non-residential FSR of less than 1:1 for any land within the proposed B4 Mixed Use area below a maximum FSR of 6:1.
3. Council is to implement the built form mitigation recommendations contained within GMU's Chatswood Precinct Urban Design Study in any amended or final Chatswood CBD Strategy. However, for any land where the maximum building height is reduced to below 90m, a reduction in the maximum FSR below 6:1 should also be proposed.

4. Council should consider if the current minimum lot size of 1200sqm for the B4 Mixed Use areas is sufficient to ensure a balanced delivery of the desired built form uplift and an improved public realm.
5. Council should continue the progression of its public realm strategy, which should be integrated within the Chatswood CBD Strategy where practical. This work should focus on:
 - a. retention of mature street trees in addition to improving the tree canopy with deep soil zones, especially at transition areas to lower density zones; and
 - b. opportunities for increasing pedestrian and bicycle movement through the CBD.
6. Council should implement the heritage interface recommendations contained within Weir Phillips' Chatswood Precinct Heritage Review report into any amended or final Chatswood CBD Strategy.

The Department wishes to congratulate Council on the development of a comprehensive strategy that provides a platform for the growth, development and management of the Chatswood CBD for the next 20 years.

If you have any more questions, please contact Mr Nick Armstrong, Senior Planning Officer, North District at the Department of Planning, Industry and Environment on 8275 1219.

Yours sincerely



9 July 2020

David McNamara
A / Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure