

## 18 REPORTS FROM OFFICERS – PLANNING AND INFRASTRUCTURE DIRECTORATE

### 18.1 753 PACIFIC HIGHWAY AND 15 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 (PROVIDED SEPARATELY)
5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS
6. PROPOSED WRITTEN AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 LAND ZONING, HEIGHT OF BUILDINGS, FLOOR SPACE RATIO, SPECIAL PROVISIONS AREA AND ACTIVE STREET FRONTAGE MAPS

**RESPONSIBLE OFFICER:** IAN ARNOTT - PLANNING MANAGER

**AUTHOR:** EMMA BROWN – STRATEGIC PLANNER

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

**MEETING DATE:** 12 NOVEMBER 2018

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#### PURPOSE OF REPORT

To seek endorsement for the forwarding of Planning Proposal PP-2017/0007 for 753 Pacific Highway and 15 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 proceed to public exhibition.

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

#### Procedural Motion

That Brett Brown, Director, Ingham Planning address the meeting. Ross Nettle, Director of TTPA was available to answer questions of the Councillors.

**AMENDMENT**

That Council not support proceeding with the planning proposal due to:

1. the site area being below the minimum specified in the Strategy; and
2. Pressure on existing infrastructure including schools and roads will be exacerbated.

**MOVED COUNCILLOR SAVILLE****LAPSED FOR WANT OF A SECONDER****MOTION**

That Council:

1. 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*, with the following amendments to Willoughby Local Environmental Plan 2012:
  - a) To replace Clause 4.4 'Floor Space Ratio', (2A), (b) with the following:

“(b) any part of the floor area of a building that:

    - (i) is to be used for community facilities, or
    - (ii) is a heritage item, or
    - (iii) is to be used for affordable housing purposes if located within Area 3 on the Special Provisions Area Map is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building.”
  - b) To add Clause 5.6 'Architectural roof features', (2A) as follows:

“(2A) Despite subclause (2), development within Area 8 on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3.”
  - c) To replace Clause 6.8 'Affordable Housing', (2) with the following:

“(2) Development consent must not be granted to the erection of residential accommodation on land identified as “Area 3” and “Area 9” on the Special Provisions Area Map unless the consent authority has taken the following into consideration:

    - (a) the Willoughby Affordable Housing Principles,
    - (b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,
    - (c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles.



**Note. The affordable housing principles set out in Schedule 2 to State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) may also apply to the development.”**

**d) To replace Clause 6.8 ‘Affordable Housing’, (7) with the following:**

**“(7) In this clause:**

**accountable total floor space means:**

- a) If in Area 3 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, excluding any residential floor area of the building that is used for affordable housing purposes.**
- b) If in Area 9 on the Special Provisions Area Map, the gross floor space of the residential component of the development to which the development application relates, including any residential floor area of the building that is used for affordable housing purposes.”**

**e) To add Clause 6.23 as follows:**

**“6.23 Minimum commercial floor space within the Mixed Use zone**

**Land zoned B4 Mixed Use is to contain a minimum commercial floor space component of 1:1 if located within Area 11 on the Special Provisions Area Map.”**

**f) To add Clause 6.24 as follows:**

**“6.24 Design Excellence**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.**
- (2) This clause applies to development involving the erection of a new building on land shown in Area 11 on the Special Provisions Area Map.**
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.”**

**g) To add Clause 4.3A (9) as follows:**

**“4.3A (9) Development consent must not be granted to the erection of a building on the land at 753 Pacific Highway and/or 15 Ellis Street, Chatswood if the development would cause increased overshadowing impacts on the Chatswood Tennis and Croquet Club at mid winter between 12pm - 2pm.”**

**h) To amend the Land Zoning Map (Sheet LZN\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to B4 Mixed Use.**

**i) To amend the Height of Buildings Map (Sheet HOB\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 90 metres.**

- j) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 753 Pacific Highway & 15 Ellis Street, Chatswood, to 6:1.
  - k) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood, as Area 8, Area 9, Area 11.
  - l) To amend the Active Street Frontages Map (Sheet ASF\_004) to show 753 Pacific Highway & 15 Ellis Street, Chatswood to include the Pacific Highway and Ellis Street frontages.
2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as amended.
3. Endorse for public exhibition the Planning Proposal, with the accompanying draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Add under Built Form:  
"The maximum tower floor plate that applies to this site for residential towers above a podium is 700m<sup>2</sup>."
  - b) Add under Street Frontage Heights and Setbacks:  
"Building street frontage heights and setbacks are to be in accordance with Figure 2 "Street Frontage Heights and Setbacks" below.  
  
Figure 2 "Street Frontage Heights and Setbacks" is to replicate what is shown regarding the subject site, in Key Element 27, Figure 3.1.8 of the *Chatswood CBD Planning and Urban Design Strategy* to 2036.  
  
"All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the set back to building height (eg. 3m setback for a 60m building, 4.5m setback for a 90m building)."
  - c) Add under Traffic and Transport:  
  
Traffic shall be restricted to left in / left out on the Crispe Lane entrance, to be facilitated by the introduction of a median strip and constructed at the cost of the proponent and involving consultation with Councils Traffic Section."
4. Require an updated Letter of Offer to enter into a Planning Agreement, to be submitted to Council prior to referral to Gateway, as the basis for further negotiation.
5. Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
- a) To proceed as recommended.
  - b) To not proceed with the Planning Proposal.



6. Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal documentation for the purposes of Section 3.36 of the *Environmental Planning and Assessment Act, 1979*.
7. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which do not alter the policy intent.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

The motion on being put to the meeting was carried to become the resolution of Council.

**Voting**

**For the Resolution:** Councillors Campbell, Eriksson, Fernandez, Mustaca, Norton, Rozos, Tuon and Zhu.

**Against:** Councillor Saville

**Absent:** Councillors Giles-Gidney, Rutherford and Wright.

Due to Item 18.1: 753 Pacific Highway and 15 Ellis Street, Chatswood – Planning Proposal being a Sydney North Planning Panel (SNPP) matter, Her Worship the Mayor Councillor Giles-Gidney and Deputy Mayor, Councillor Rutherford declared a non-pecuniary significant interest as members of the SNPP and withdrew from the meeting taking no part in the discussion or voting on this topic.

Former Deputy Mayor Eriksson assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

