

**18.2 871-877 PACIFIC HIGHWAY, 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. 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 FRONTAGES MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 30 JANUARY 2019

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

**AUTHOR:** CRAIG O'BRIEN – 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

---

**PURPOSE OF REPORT**

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2018/4 for 871-877 Pacific Highway, 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 this Agenda Item.

**Procedural Motion**

That Sue Francis, Town Planner, City Plan Strategy and Development address the meeting and speak also on behalf of Steven Christoforidis, Architect, PBD Architects and Robert Varga, Traffic Consultant, Varga Traffic Planning Pty Ltd

**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*:

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 12 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 amend the Land Zoning Map (Sheets LZN\_003 and 004) for 871-877 Pacific Highway, Chatswood, to B4 Mixed Use.

- h) To amend the Height of Buildings Map (Sheets HOB\_003 and 004) for 871-877 Pacific Highway, Chatswood, to 90 metres.

- i) To amend the Floor Space Ratio Map (Sheets FSR\_003 and 004) for 871-877 Pacific Highway, Chatswood, to 6:1 (including affordable housing).

- j) To amend the Special Provisions Area Map (Sheets SPA\_003 and 004) to show 871-877 Pacific Highway, Chatswood, as Area 8, Area 9, Area 11 and Area 12.

- k) To amend the Active Street Frontages Map (Sheets ASF\_003 and 004) to include 871-877 Pacific Highway, Chatswood, to include the Pacific Highway and Wilson 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) **Section 2 'Built Form':**
    - i. Delete Controls 3 and 4.
    - ii. Add to Controls 5:  
"Substations are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions."
    - iii. Relocate Figure 2 from Section 4, 'Street Frontage Heights and Setbacks', Controls, so that it becomes Figure 1, and part of Controls 6  
"6. The building layout is to be in accordance with Figure 1."
  - b) **Section 3, 'Building Heights':**
    - i. Delete Controls 1.
  - c) **Section 4, 'Street Frontage Heights and Setbacks':**
    - i. Delete Performance Criteria 4
    - ii. Delete Controls 2.
    - iii. Make Figure 2 the figure from Key Element 27 Street Frontage Heights and Setbacks in the *Chatswood CBD Planning and Urban Design Strategy*.
  - d) **Section 6, 'Amenity':**
    - i. Delete Controls 4.
  - e) **Section 8, 'Active Street Frontages':**
    - i. Delete Controls 2.
  - f) **Section 9, 'Traffic and Transport':**
    - i. Delete Controls 4 and 5.
  - g) **Section 11, 'Design Excellence':**
    - i. Delete Controls 2.
  - h) **Section 12, 'Public Art':**
    - i. Delete Controls 1 and 2 and replace with:  
"1. Any Public Art is to be in accordance with Council's Public Art Policy."
  - i) **Section 13 'Sustainability':**
    - i. Add:  
"Performance Criteria  
1. Achievement of design excellence shall include achievement of higher building sustainability standards.  
Controls  
1. A minimum 5 star GBCA building rating is expected. A report is to  
be submitted at Development Application Stage."
- 4) Require prior to referral to Gateway, the following additional information:
- a) An amended landscape plan (to scale) detailing:
    - i. The shared pathway along the Pacific Highway frontage.
    - ii. Street tree planting along the Pacific Highway, both within Council's nature strip as appropriate and along the frontage of the site outside of any shared pathway.
    - iii. Dimensions and landscape treatment of all ground level landscaping within the site, including publicly accessible areas.



- b) Additional traffic analysis is to be provided:
  - i. Addressing the capacity and functionality of the vehicle access / egress and loading / unloading arrangement for the proposal development, and the potential use of the aforementioned by the neighbouring site at 879 Pacific Highway. Full management details are to be provided, including on-site physical measures that may be needed to be introduced.
  - ii. Addressing sight lines and safety for vehicles leaving the property in Wilson Street, with particular regard to turning right towards the Pacific Highway.
- 5) Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.
- 6) 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.
- 7) 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*.
- 8) 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, Tuon, Wright and Zhu.

**Against:** Councillors Coppock, Rozos and Saville.

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

Due to Item 18.2: 871-877 Pacific Highway, 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.

