

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

1. 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.

2. OFFICER'S RECOMMENDATION

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.

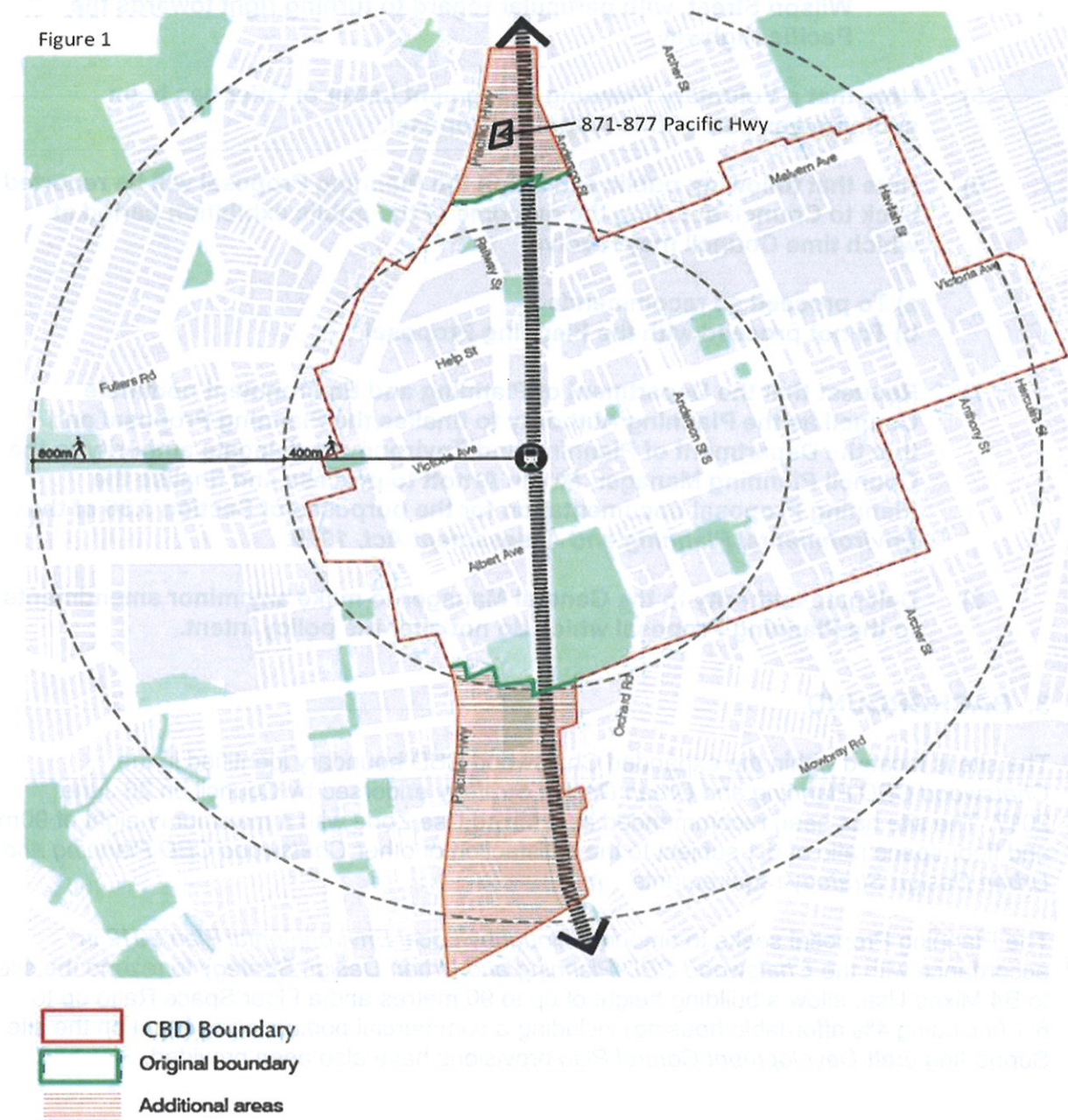
- 5) Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.
- 6) Note that following public exhibition the Planning Proposal will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - 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.

3. BACKGROUND

The site is located within the expanded 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 as a Mixed Use Zone with a maximum height of 90m and floor space ratio of 6:1 subject to the satisfaction of other *Chatswood CBD Planning and Urban Design Strategy* requirements.

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* in accordance with the *Chatswood CBD Planning and Urban Design Strategy* to rezone the site to B4 Mixed Use, allow a building height of up to 90 metres and a Floor Space Ratio up to 6:1 (including 4% affordable housing) including a commercial podium component on the site. Supporting draft *Development Control Plan* provisions have also been provided.

Figure 1 – Site Plan



4. DISCUSSION

The Planning Proposal is generally consistent with the recommendations of the *Chatswood CBD Planning and Urban Design Strategy* as endorsed by Council on 26 June 2017. This is discussed in the Detailed Assessment at Attachment 2. In addition the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' and is generally satisfactory (Attachment 3).

The above Council reports have considered the proponent's documentation supporting the Planning Proposal, including:

- Concept plans showing a conceptual redevelopment plan for the site (Attachment 4).
- Draft *Development Control Plan* provisions (Attachment 5).

The Planning Proposal has been internally referred for Urban Design, Landscape, Sustainability, Engineering and Traffic advice to assist with assessment. No objections were raised to the Planning Proposal proceeding to Gateway and public exhibition, subject to amendments being included in the Draft *Development Control Plan* provisions provided.

The *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition and may be the subject of further amendments. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared:

- 1) Written amendments to Willoughby *Local Environmental Plan 2012* (Attachment 6).
- 2) Amendments to the draft *Development Control Plan* provisions.

Although an offer to enter a voluntary planning agreement has been made, detailed discussions regarding an agreement have not been held with Council. Once such discussions have occurred, this matter will be separately reported to Council.

5. CONCLUSION

The Planning Proposal is consistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan*, as well as the *Chatswood CBD Planning and Urban Design Strategy*.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

It should be noted that following exhibition and further assessment, amendments may be required to supporting documentation such as the draft *Development Control Plan* provisions provided by the proponent.

Based on the above, it is recommended that Council 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*. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

