

**18.4 5-9 GORDON AVENUE, 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 FRONTAGE MAPS**
- 8. 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****PURPOSE OF REPORT**

To seek endorsement for the forwarding of the Planning Proposal 2018/0003 for 5-9 Gordon Avenue, 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 Nick Juradowitch, Ingham Planning Pty Ltd address the meeting and answer questions of the Councillors.**

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 Use Zoning Map (Sheet LZN\_004) for 5-9 Gordon Avenue, Chatswood, to B4 Mixed Use.

- h) To amend the Height of Buildings Map (Sheet HOB\_004) for 5-9 Gordon Avenue, Chatswood, to 90 metres.

- i) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 5-9 Gordon Avenue, Chatswood to 6:1.

- j) To amend the Special Provisions Area Map (Sheet SPA\_004) to show 5 -9 Gordon Avenue, Chatswood, as Area 8, Area 9, Area 11 and Area 12.

- k) To amend the Active Street Frontages Map (Sheet ASF\_004) to show 5-9 Gordon Avenue, Chatswood to include the Hammond Lane and the Gordon Avenue street frontage.

- 2. Subject to 1. Above, endorse for public exhibition the Planning Proposal as outlined in 1. above.

- 3. Endorse for public exhibition the draft site specific *Development Control Plan* provisions, subject to the following amendments:

- a) Section 2.0 ‘Built Form’:

- i) Add to Controls 2:



**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

**“The maximum tower floor plate that applies to this site for residential towers above a podium is 700m<sup>2</sup>.”**

- ii) **Add Controls 2 “2. The building layout is to be in accordance with Figure 1.”**
  - iii) **Relocate Figure 1 from Section 4, ‘Minimum Building Setbacks’, so that it becomes Controls 2, Figure 1**
- b) Section 4.0 ‘Street Frontage Heights and Setbacks’:**
- i) **Amend Control 1 to state ‘Figure 2 – Street Frontage Heights and Setbacks’ instead of ‘Figure 1’.**
  - ii) **Add after Controls 2, Figure 2 which is the figure from Key Element 27 Street Frontage Heights and Setbacks in the *Chatswood CBD Planning and Urban Design Strategy*.**
- c) Section 8.0 ‘Traffic and Transport’:**
- i) **Add “A pedestrian footpath for Hammond Lane is to be provided in accordance with Objective 22 of the *Chatswood CBD Planning and Urban Design Strategy 2036*.”**
  - ii) **Add Controls 12, “The width and layout driveway on Hammond Lane, ramp and aiseways supporting the car park shall accommodate concurrent two way flows for service vehicles and satisfy AUS Standards.”**
  - iii) **Remove from 8.0 (6) the following words: “Further detail shall be provided at the DA stage”.**
- d) Section 9A Design Excellence:**
- i) **Remove Control 1 and replace with:  
With “Design Excellence is to be undertaken in accordance with requirements of the *Chatswood CBD Planning and Urban Design Strategy*.”**
- 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. Prior to referral to Gateway, an updated Traffic and Transport Statement is required that is supportive of basement access for both commercial and residential parking purposes in relation to Australian Standards.**
- 6. Prior to referral Gateway, updated concept plans are to be provided demonstrating consistency with Key Element 27 of the *Chatswood CBD Planning and Urban Design Strategy*, regarding deep soil plating for street trees within setbacks of 3m or more and the deep soil requirements in the Department of Planning’s *Apartment Design Guide*. Particular mention is made to the Hammond Lane setback.**

7. 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
8. 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*.
9. Delegate authority to the General Manager to make any minor amendments to the Planning Proposal which does not alter the policy intent.

**MOVED COUNCILLOR MUSTACA**

**SECONDED COUNCILLOR CAMPBELL**

**CARRIED**

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

**Voting**

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

**Against:** Councillor Saville.

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

Due to Item 18.4: 5-9 Gordon Avenue, 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.