

5 March 2019

Amanda Harvey  
Director Sydney Region East  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Amanda,

**Re: Planning Proposal regarding 5-9 Gordon Avenue, Chatswood**

At its meeting of 11 February 2019, Council considered a report regarding a Planning Proposal and concept plans prepared by Ingham Planning on behalf of DPG Project 23 Pty Ltd for 5-9 Gordon Avenue, Chatswood.

This Planning Proposal is endorsed by Council for progression to Gateway in response to indicated changes to zoning and planning controls in the *Chatswood CBD Planning and Urban Design Strategy* (the CBD Strategy).

The CBD Strategy carefully follows the strategic direction of the Greater Sydney Commission's *Sydney Region Plan* and *North District Plan*.

The CBD Strategy aims to deliver on the jobs target set by the District Plan for Chatswood CBD as a Strategic Centre. It aims to ensure the ongoing economic success of Chatswood by protecting and growing the Commercial Core around the Interchange for commercial development only. This area is the most suitable and B3 Commercial Core is the most appropriate zone to attract A grade commercial development. Residential development is also planned in the CBD but beyond this Core as part of a Mixed Use zone extending into existing and new areas of the CBD. This is an important aspect of the CBD Strategy, demonstrating the balance struck between commercial core and surrounding mixed use which permits both commercial and residential.

The subject site is located within a newly proposed southern extension of the CBD under the CBD Strategy and is identified as mixed use.

The Planning Proposal seeks to amend the current *Willoughby Local Environmental Plan 2012*, in accordance with the *Chatswood CBD Planning and Urban Design Strategy*, by:

- Rezoning the site from R3 Medium Density Residential to B4 Mixed Use.
- Increasing the height on the site to 90 metres.
- Increasing the Floor Space Ratio on the site to 6:1.

Council consideration of this Planning Proposal included the amendments required to be made to *Willoughby Local Environmental Plan 2012* and site specific *Development Control Plan* provisions. It was resolved:

*"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 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:

*"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."

ii) 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 aisleways 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:

*"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."*

A Voluntary Planning Agreement will be required for this Planning Proposal but has not been submitted at this stage. The proponents have however indicated they intend to participate in future discussions on the subject and have provided a letter in this regard. This is likely to result in a separate exhibition of a draft Voluntary Planning Agreement at a later stage.

Based on the abovementioned Council resolution, the Planning Proposal and the relevant documentation is now referred to the Department of Planning and Environment under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for a Gateway Determination.

Please find attached the following documentation:

- Council Report dated 11 February 2019, including Attachments and in particular:
  - Attachment 3 - Department of Planning and Environment Assessment, and
  - Attachment 8 - Willoughby Local Planning Panel Record of Advice dated 30 January 2019.
- Council Resolution of 11 February 2019.

All of this documentation, as well the relevant documentation submitted by the proponent, will be provided to you electronically (the link will be emailed separately to this letter). Note that the proponent has submitted additional information to satisfactorily address the Council resolution, with particular regard to Points 3, 4, 5 and 6. This information is included in the electronic link.

Should you have any enquiries regarding this matter please contact Craig O'Brien on 9777 7647 or email [craig.obrien@willoughby.nsw.gov.au](mailto:craig.obrien@willoughby.nsw.gov.au).

Yours faithfully,



Norma Shankie-Williams  
STRATEGIC PLANNING TEAM LEADER