

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

1. 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.

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:
 - 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 700m²."

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

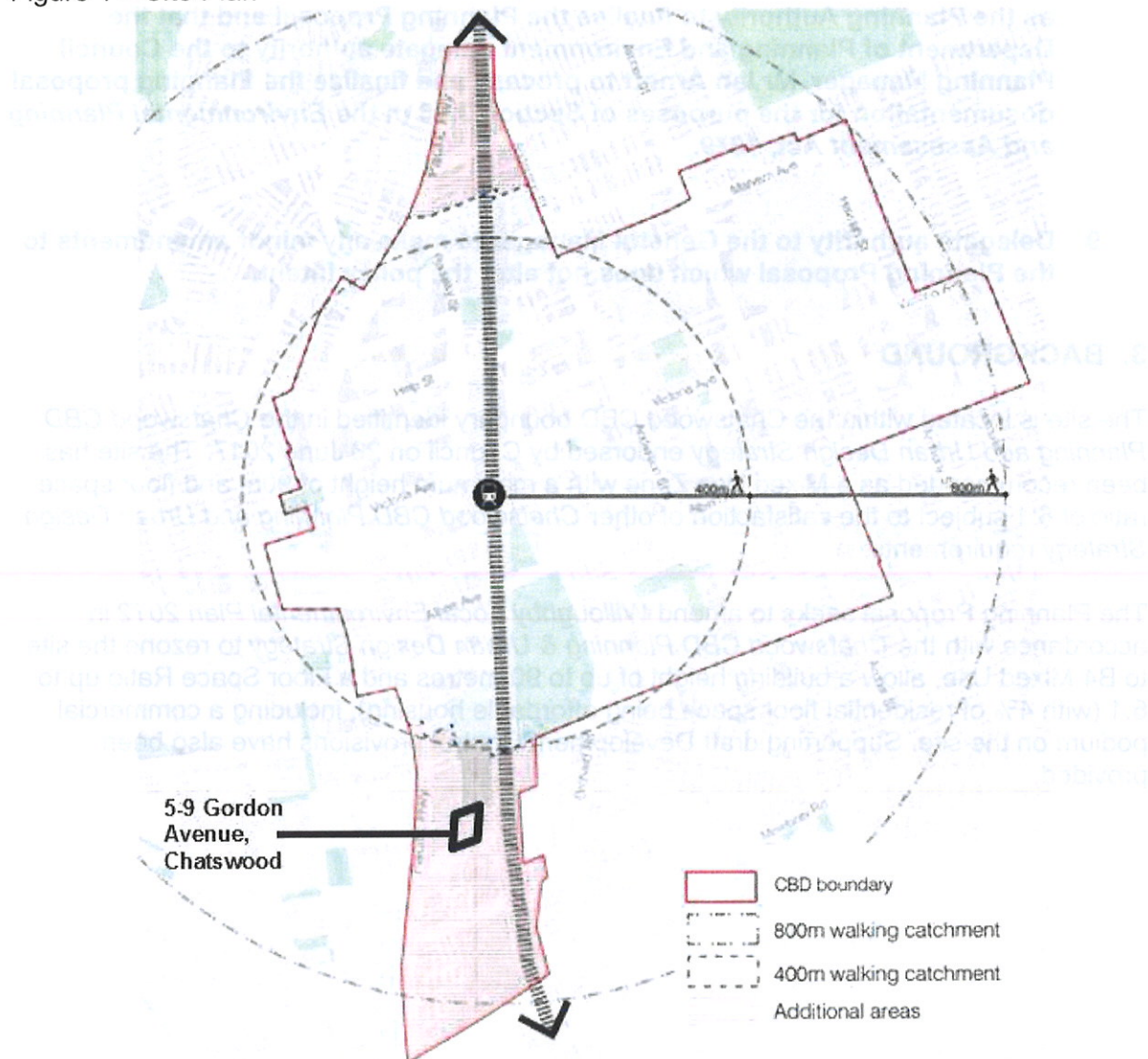
8. **Request that the Department of Planning and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning and Environment delegate authority to the Council Planning Manager, Mr Ian Arnott to process and finalise the Planning proposal 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.**

3. BACKGROUND

The site is located within the 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 & 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 (with 4% of residential floor space being affordable housing), including a commercial podium on the site. Supporting draft Development Control 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 (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 (refer to 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 (refer to Attachment 4) and draft *Development Control Plan* provisions (refer to Attachment 5).

The Planning Proposal has been internally referred to Landscape, Urban Design and Traffic Engineers to assist with assessment. No objections were raised to the Planning Proposal proceeding to Gateway and public exhibition.

The draft site specific *Development Control Plan* provisions are to be the subject of a thorough assessment following public exhibition. It is also noted that, where matters are not covered by site specific provisions, the remainder of the *Willoughby 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 site specific *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 officers. 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 *North District Plan* as well as the more detailed requirements of 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 to supporting documentation may be required 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.

