

18.2 58 ANDERSON STREET, 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 (PROVIDED SEPARATELY)**
- 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**

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

AUTHOR: EMMA BROWN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 12 NOVEMBER 2018

PURPOSE OF REPORT

To seek endorsement for the forwarding of the Planning Proposal PP-2018/0001 for 58 Anderson Street, 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 Matt Hurst address the meeting.

RESOLUTION

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."

- d) 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."
- e) 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 11 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."
- f) To amend the Land Zoning Map (Sheet LZN_003) for 58 Anderson Street, Chatswood, to B4 Mixed Use.
- g) To amend the Height of Buildings Map (Sheet HOB_003) for 58 Anderson Street, Chatswood, to 90 metres.
- h) To amend the Floor Space Ratio Map (Sheet FSR_003) for 58 Anderson Street, Chatswood, to 6:1.
- i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 58 Anderson Street, Chatswood, as Area 8, Area 9, Area 11.
- j) To amend the Active Street Frontages Map (Sheet ASF_003) to show 58 Anderson Street, Chatswood to include the Anderson Street and Wilson Street frontages.
2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended.
3. Endorse for public exhibition the accompanying draft site specific *Development Control Plan* provisions, subject to the following amendments:
- a) Under Built Form, delete Point 17 and replace with:
"17. The maximum tower floor plate that applies to this site for residential towers above a podium is 700m²."

b) Under Street Frontage Heights and Setbacks:**i. Delete Point 35 and replace with:**

"35. Building street frontage heights and setbacks are to be in accordance with Figure 'Street Frontage Heights and Setbacks' below.

In respect to 58 Anderson Street, variation to the western setback to the railway may be considered where setbacks in excess of the standard are provided to the Anderson and Wilson Street frontages."

Figure "Street Frontage Heights and Setbacks" is to replicate what is shown regarding the subject site, in Key Element 27, Figure 3.1.8 of the *Chatswood CBD Planning and Urban Design Strategy to 2036*.

ii. Delete Point 36 and replace with:

"36. All buildings are to be setback from all boundaries a minimum of 1:20 ratio of the set back to building height (eg. 3m setback for a 60m building, 4.5m setback for a 90m building).

In respect to 58 Anderson Street, variation to the western setback to the railway may be considered where setbacks in excess of the standard are provided to the Anderson and Wilson Street frontages."

c) Under Traffic and Transport:**i. Add Point 40f. as follows:**

"40f. Traffic shall be restricted to left in / left out on the Anderson Street and the Wilson Street entrances, to be facilitated by the introduction of a median strip and constructed at the cost of the proponent and involving consultation with Councils Traffic Section."

ii. Add Point 40g. as follows:

"40g. Improvements to bicycle facilities and access along Anderson Street, including 'Filling the Gaps' in the existing bicycle lanes across intersections and widening of Anderson Street to support provision of acceptable widths for kerbside parking, bicycle lanes and travel lanes, is to be addressed to the satisfaction of Council's Traffic Section and included in any development application."

- 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. 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.
6. 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*.
7. 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, Mustaca, Norton, Tuon and Zhu.

Against: Councillors Rozos and Saville

Absent: Councillors Giles-Gidney, Fernandez, Rutherford and Wright.

Due to Councillor Fernandez declaring a non pecuniary significant interest in Item 18.2: 58 Anderson Street, Chatswood – Planning Proposal due to his relationship with the proponent and the architectural firm he withdrew from the meeting taking no part in the discussion or voting on this topic.

Due to Item 18.2: 58 Anderson Street, 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.

