

**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

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**1. 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.

**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."**



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 700m<sup>2</sup>.”

**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.**

### 3. BACKGROUND

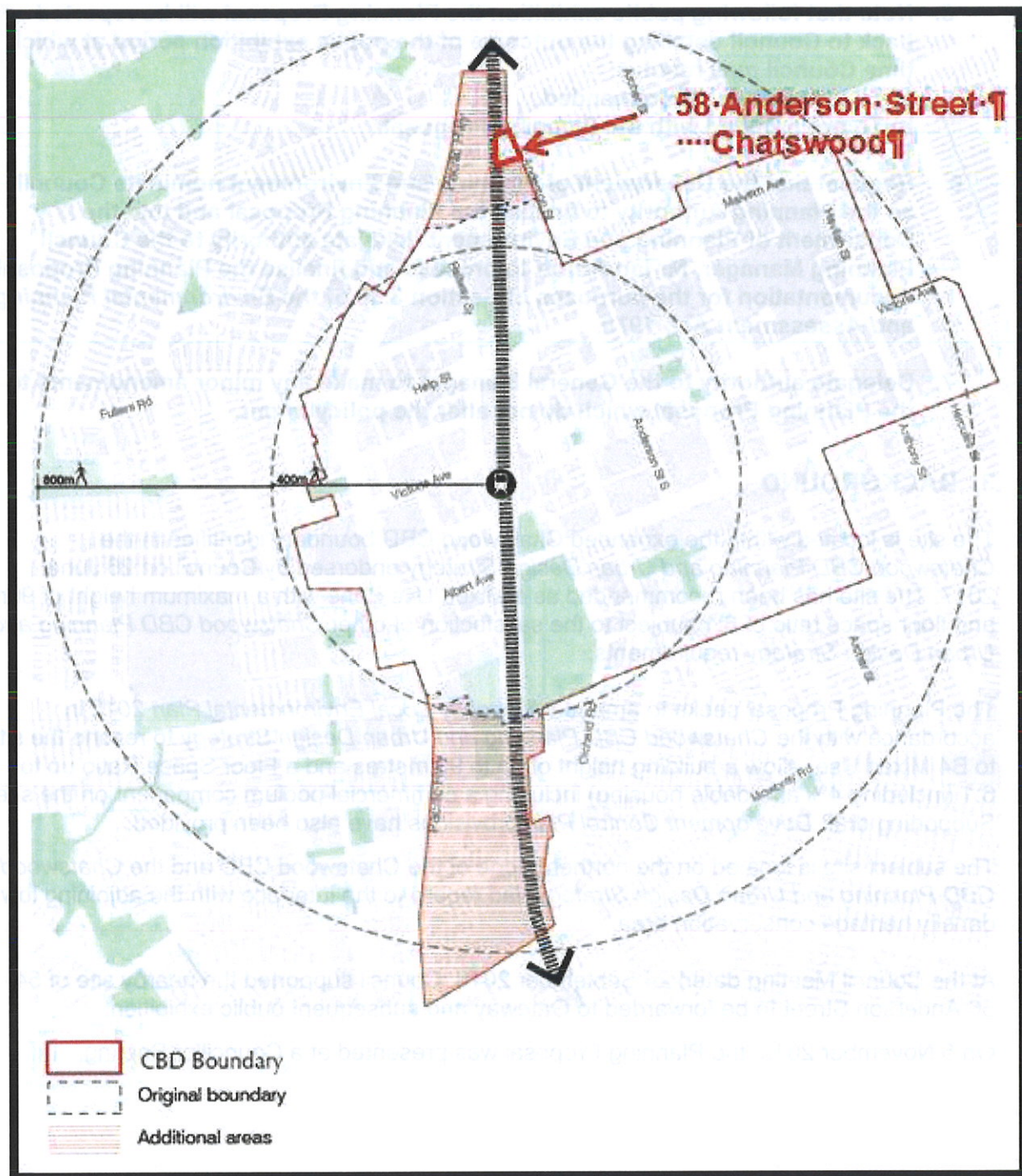
The site is located within the expanded Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy* endorsed by Council on 26 June 2017. The site has been recommended as a Mixed Use Zone with a maximum height of 90m and floor space ratio of 6:1 subject to the satisfaction 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.

The subject site is located on the northern edge of the Chatswood CBD and the *Chatswood CBD Planning and Urban Design Strategy* had regard to the interface with the adjoining low density heritage conservation area.

At the Council Meeting dated 24 September 2018, Council supported the nearby site of 54-56 Anderson Street to be forwarded to Gateway and subsequent public exhibition.

On 5 November 2018, the Planning Proposal was presented at a Councillor Briefing.





#### 4. DISCUSSION

The *Chatswood CBD Planning and Urban Design Strategy* recommends that a minimum site area of 1200m<sup>2</sup> is required for a mixed use development including residential towers in order for sites to achieve the maximum FSR, ensure a workable floorplate and achieve well separated slender towers.

The subject site is identified in the *Chatswood CBD Planning and Urban Design Strategy* as particularly challenging due to its size (565m<sup>2</sup>) and isolation on the northern side of Wilson Street. In response to the Planning Proposal submitted, Urban Design advice has been obtained by Council which has concluded the Concept Plans to represent a reasonable development due to the special circumstances. In particular, the proposal is able to comply with other controls including building separation and will be subject to design excellence.

The Urban Design advice outlined the merit of the proposal as follows:

- The site located on a corner with no direct neighbours as the lot is bound by two streets and the railway line and a development would be well separated from other development.
- There is a unique opportunity to provide an extremely slender tower on the site which can positively contribute to the Chatswood skyline in a prominent location being the northern most gateway site.
- The proponent investigated a variety of massing and height options to achieve the recommended FSR which can result in a workable floorplate.
- The Planning Proposal may otherwise be able to be compliant with the objectives and recommended controls of the Strategy.
- The development outcome would be suitable for both the site and surrounds.

The *Chatswood CBD Planning and Urban Design Strategy* considers this site an exception to what is envisioned, and that other sites within the expanded Chatswood CBD boundary are expected to either amalgamate with neighbouring sites or already achieve the minimum 1200m<sup>2</sup> site area for mixed use developments.

The Council reports at Attachment 2 and 3 consider the proponent's documentation supporting the Planning Proposal, including:

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

The Planning Proposal has been internally referred for Heritage, 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* (Refer to 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 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* apart from the site area requirement for a mixed use development.

The acceptability of the reduced site area in this case is determined by its unique location and exceptional circumstances of the site. The *Chatswood CBD Planning and Urban Design Strategy* requirement of a minimum site area of 1,200m<sup>2</sup> for mixed use development in the B4 Mixed Use zone remains unchanged and represents what is envisaged within the Chatswood CBD.

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 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*.



## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome:</b>	5.1: Be honest, transparent and accountable in all that we do.
<b>Business Plan Objectives, Outcomes/ Services</b>	To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> to accommodate future growth needs.
<b>Policy</b>	This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy</i> , endorsed by Council on 26 June 2017 with the exception of the site area. The variation in site area has been addressed in the Council reports and is acceptable due to its location and exceptional circumstances. The Amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i> .
<b>Consultation</b>	Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017. This Planning Proposal would also be publicly exhibited following Gateway Determination.
<b>Resource</b>	No additional operating resources used to prepare this report beyond budget.
<b>Risk</b>	Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i> objectives and accommodating future growth requirements.
<b>Legal</b>	<p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy</i>.</p> <p>Amendments are proposed to the <i>Willoughby Local Environmental Plan 2012</i>, which would provide the basis for future development application assessment. In addition <i>Development Control Plan</i> provisions are proposed to further guide future development application assessment.</p> <p>The Planning Proposal is accompanied by an offer for a voluntary planning agreement involving value uplift to provide for demands on Council services and infrastructure – which will be separately negotiated.</p>
<b>Legislation</b>	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
<b>Budget/Financial</b>	Nil

