

15.10 PLANNING PROPOSAL - 44-52 ANDERSON STREET, CHATSWOOD**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, ACTIVE STREET FRONTAGES AND LOT SIZE MAPS
8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 27 APRIL 2021

RESPONSIBLE OFFICER: HUGH PHEMISTER – DIRECTOR PLANNING AND INFRASTRUCTURE

AUTHOR: CRAIG O'BRIEN – 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: 10 MAY 2021

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of Planning Proposal 2021/1 for 44-52 Anderson Street, Chatswood, to the Department of Planning, Industry 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, Industry 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 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."
 - b) To amend Clause 6.8 (2) to include "Area 3 or Area 8 or Area 9" on the Special Provisions Area Map.
 - c) To amend Clause 6.10 "Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing, residential flat buildings and secondary dwellings" in part to the following:

6.10 Minimum lot sizes for attached dwellings, dual occupancies, secondary dwellings, multi dwelling housing, residential flat buildings and Shop top housing.

 - (1) The objectives of this clause are:
 - (a) to achieve planned residential density in certain zones by:
 - (i) enabling development sites to be of sufficient size to provide adequate area for drainage, landscaping, and separation between buildings for privacy and solar and vehicular access, and
 - (ii) reducing the instances of isolated lots being left with reduced development potential.
 - (b) to increase the efficiency and safety of the road network by minimising the number of driveway crossings.
 - (2) Development consent may be granted to development for a purpose shown in Column 1 of the Table to this subclause on a lot in a zone shown in Column 2 of that Table opposite that purpose, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of that Table.

| Column 1 | Column 2 | Column 3 |
|------------------|--------------|---------------------|
| Shop top housing | B4 Mixed use | 1,200 square metres |

The remainder of this clause is unchanged.

- d) To amend Clause 6.23 (2) to include "Area 8" or "Area 12" on the Special Provisions Area Map.

- e) To add Clause 6.24 as follows:

“6.24 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 8 on the Special Provisions Area Map.”

- f) To amend the Land Zoning Map (Sheet LZN_004) for 44-52 Anderson Street, Chatswood, to B4 Mixed Use.
- g) To amend the Height of Buildings Map (Sheet HOB_004) for 44-52 Anderson Street, Chatswood, to 90 metres.
- h) To amend the Floor Space Ratio Map (Sheet FSR_004) for 44-52 Anderson Street, Chatswood, to 6:1 (including affordable housing).
- i) To amend the Special Provisions Area Map (Sheet SPA_004) to show 44-52 Anderson Street, Chatswood, as Area 8.
- j) To amend the Active Street Frontages Map (Sheet ASF_004) to include 44-52 Anderson Street, Chatswood, to include the Anderson Street, O'Brien Street and Day Street frontages.
- k) To amend the Lot Size Map (Sheet LSZ_004) to include 44-52 Anderson Street, Chatswood, with a minimum lot size of 2,500 sq metres.
2. Subject to 1. above, endorse for public exhibition the Planning Proposal as amended, with the accompanying draft site specific Development Control Plan provisions.
3. Note that a Voluntary Planning Agreement Letter of Offer has been submitted as part of this Planning Proposal.
4. 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.
5. Request that the Department of Planning, Industry and Environment nominate Council as the Planning Authority to finalise the Planning Proposal and that the Department of Planning, Industry 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.
6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.

3. BACKGROUND

The proposal for a commercial podium and residential tower development is located on a site located within the existing Chatswood CBD boundary which has been extended in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy).

The CBD Strategy was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020 with qualifications regarding residential land use within the B3 Commercial Core on the eastern side of the North Shore rail line. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The site has been recommended to be B4 Mixed Use, with a maximum height of 90m and a Floor Space Ratio of 6:1. This is subject to the satisfaction of other CBD Strategy requirements.

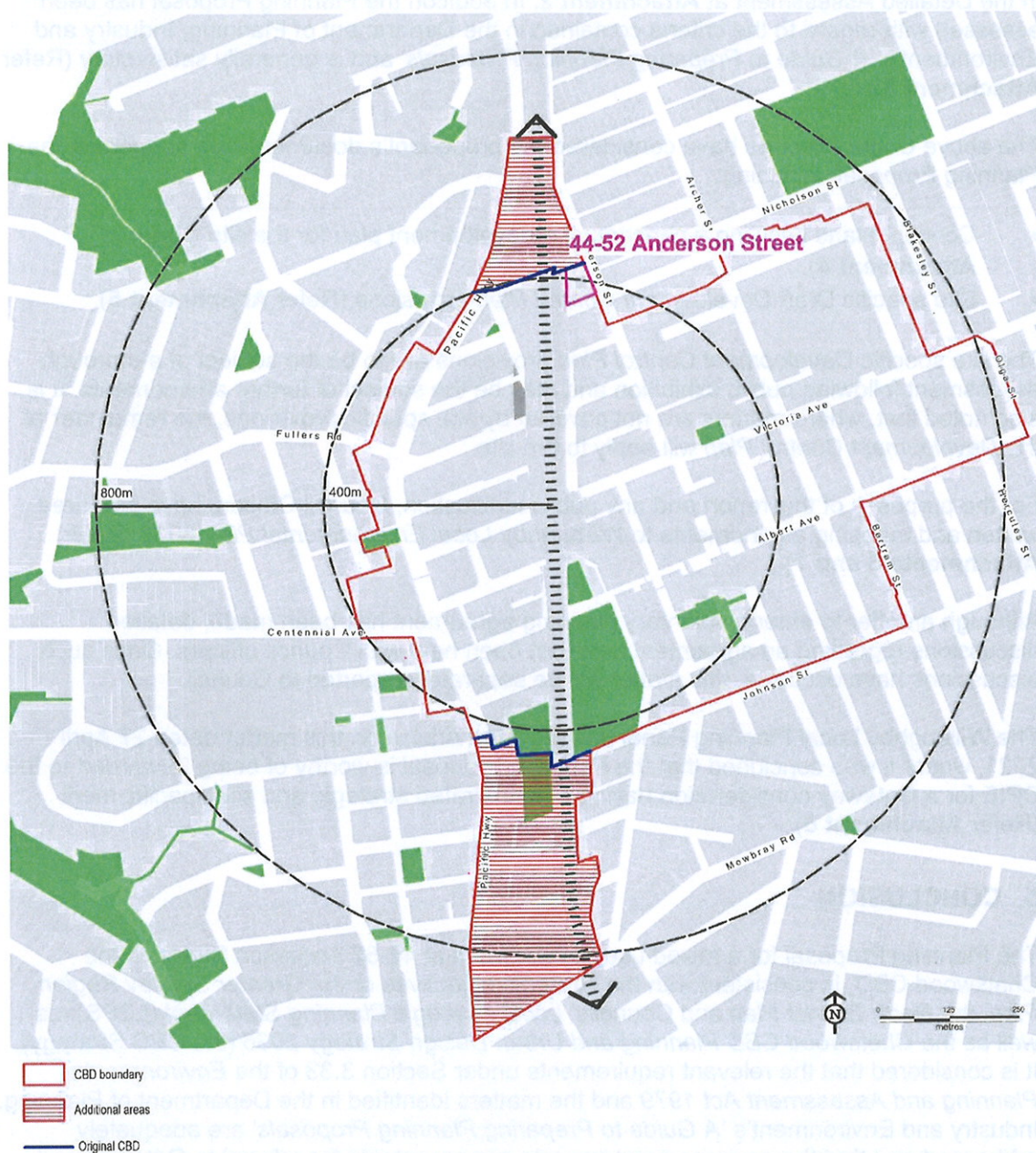
4. DISCUSSION

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP) at 44-52 Anderson Street Chatswood as follows:

- Change the land use zone from R3 Medium Density Residential to B4 Mixed Use.
- Increase the height on the site from 12m to 90m.
- Increase the Floor Space Ratio on the site from 0.9:1 to 6:1.

The site contains three lots involving SP 80201, SP 68797 and SP 78790, and is bounded by Anderson Street to the east, O'Brien Street to the north, Day Street to the south and a public pathway (with a right of way) and 1 Cambridge Lane to the west.

Figure 1 – Site plan



The Planning Proposal for a commercial podium and residential tower development is generally consistent with the recommendations of the CBD Strategy as endorsed by Council. The Planning Proposal has been referred to Council's Heritage Section as the site is opposite the North Chatswood Conservation Area, who have advised:

"In the context of the broader outcome of the CBD strategy, and with careful consideration of any proposed new development details to reduce and manage negative outcomes, the heritage impacts associated with the proposal are considered to be acceptable in this circumstance."

Consistency with the CBD Strategy, as well as other issues such as heritage, are discussed in the Detailed Assessment at **Attachment 2**. In addition the Planning Proposal has been assessed with regard to the criteria contained in the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals' and is generally satisfactory (Refer **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**).
- Site specific Draft *Development Control Plan* provisions (Refer **Attachment 5**).

The site specific *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 written and mapping amendments to *Willoughby Local Environmental Plan 2012* (Refer **Attachments 6 and 7**).

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.

The Willoughby Local Planning Panel has provided Advice on this matter dated 27 April 2021, where it was concluded that the Planning Proposal is worthy of being forwarded to the DPIE for a Gateway consideration having demonstrated strategic and site specific merit (Refer **Attachment 8**).

5. CONCLUSION

The Planning Proposal for a mixed use development at 44-52 Anderson Street, in the Chatswood CBD, is consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan* and Councils' *Local Strategic Planning Statement* (LSPS), as well as the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD 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, Industry 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.

Based on the above, it is recommended that Council forward the Planning Proposal to the Department of Planning, Industry 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, Industry and Environment that the Planning Manager, be nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

| IMPLICATIONS | COMMENT |
|---|--|
| City Strategy Link: | 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. |
| Business Plan Objectives, Outcomes/ Services | To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs. |
| Policy | This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> , endorsed by Council on 26 June 2017. 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> . |
| Consultation | <p>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.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination.</p> |
| Resource | No additional operating resources used to prepare this report beyond budget. |
| Risk | Risk of not achieving the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> objectives and accommodating future growth requirements. |
| Legal | <p>The Planning Proposal should be consistent with the endorsed <i>Chatswood CBD Planning and Urban Design Strategy 2036</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 a Letter of Offer for a voluntary planning agreement to provide for demands on Council services and infrastructure – which will be separately negotiated.</p> |
| Legislation | Under <i>Environmental Planning and Assessment Act 1979</i> provisions. |
| Budget/Financial | There are no budget/financial implications applicable to this report. |

