

**12.10 PLANNING PROPOSAL 10 GORDON AVENUE AND 15-19 NELSON STREET, CHATSWOOD**

<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. IMPLICATIONS</li><li>2. COUNCIL DETAILED ASSESSMENT</li><li>3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'LOCAL ENVIRONMENTAL PLAN MAKING GUIDELINE'</li><li>4. PLANNING PROPOSAL CONCEPT PLANS</li><li>5. DRAFT DEVELOPMENT CONTROL PLAN PROVISIONS</li><li>6. PROPOSED AMENDMENTS TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012</li><li>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</li><li>8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 29 NOVEMBER 2022</li></ol>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>CRAIG O'BRIEN – STRATEGIC PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</b>  <b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>12 DECEMBER 2022</b>

**1. PURPOSE OF REPORT**

The purpose of this report is to seek endorsement for the forwarding of applicant initiated Planning Proposal 2022/003 for 10 Gordon Avenue and 15-19 Nelson 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.

## 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, to achieve the following amendments to Willoughby Local Environmental Plan 2012:
  - (a) To amend Clause 6.25 by adding to sub clause (1):
    - i. (l) SP 85403, 10 Gordon Avenue, SP 89243, 15 Nelson Street, SP 76342, 17 Nelson Street, Lot 1 DP 1237932, 19 Nelson Street.”
  - (b) To amend the Land Zoning Map (Sheet LZN\_004) for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to B4 Mixed Use.
  - (c) To amend the Height of Buildings Map (Sheet HOB\_004) for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 90 metres.
  - (d) To amend the Floor Space Ratio Map (Sheet FSR\_004) for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, to 6:1 (including affordable housing).
  - (e) To amend the Special Provisions Area Map (Sheet SPA\_004) to show
    - i. 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, as Area 9 and Area 12.
  - (f) To amend the Active Street Frontages Map (Sheet ASF\_004) to
    - i. include for 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, the Gordon Avenue, Nelson Street and Hammond Lane frontages.
  - (g) To amend the Lot Size Map (Sheet LSZ\_004) to include 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, with a minimum lot size of 2,500 sq metres.
2. Endorse the Planning Proposal for public exhibition with the accompanying draft site specific Development Control Plan provisions.
3. Request that the Department of Planning and Environment nominate Council as the Planning Authority to make the Planning Proposal and that the Department of Planning and Environment delegate authority to Council's Head of Planning to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
4. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal which do not alter the policy intent.
5. A further report be provided to Council outlining the outcome of the public exhibition period.

### 3. BACKGROUND

The proposal for a commercial podium and residential tower development is located on a site within the extended Chatswood CBD boundary 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 endorsed by the Department of Planning and Environment (DPE) 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.

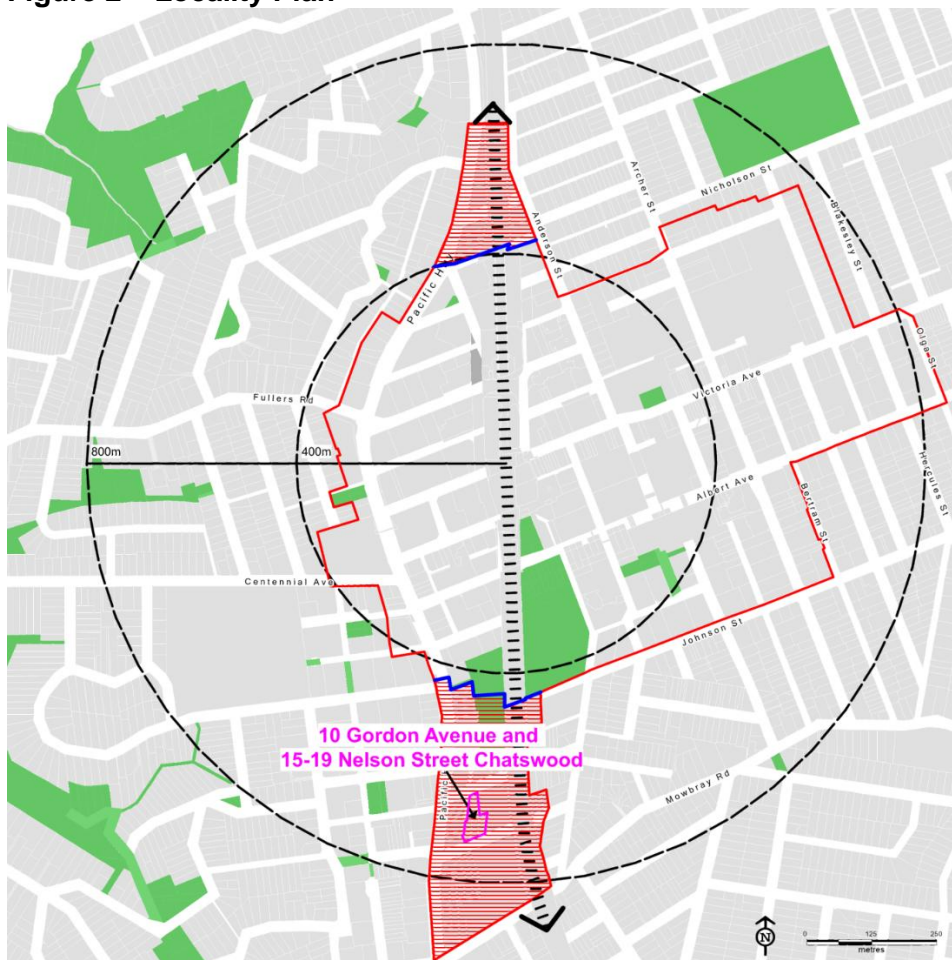
### 4. DISCUSSION

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) at 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, as follows:

- Change the land use zone from R3 Medium Density Residential to B4 Mixed Use.
- Increase the maximum height of buildings control from 12m to 90m.
- Increase the maximum Floor Space Ratio control from 0.9:1 to 6:1.
- Apply a minimum non-residential floor space requirement equating to 17% of total assessable GFA on the site

The site has a total area of 2,542.7m<sup>2</sup>, bounded by Gordon Avenue to the north, Nelson Street to the south, 9-11 Nelson Street to the east and Hammond Lane to the west.

Planning Proposals consistent with the CBD Strategy have already been supported by Council and made or are in the process of being made for 613-627 Pacific Highway and 629-637 Pacific Highway to the west, and 9-11 Nelson Street to the east, of the subject site. Including the subject site, this represents the block bounded by Gordon Avenue, Pacific Highway, Nelson Street and the Frank Channon Walk.

**Figure 1 – Location Plan****Figure 2 – Locality Plan**

The Planning Proposal for a retail and commercial podium and residential tower development is consistent with the recommendations of the CBD Strategy as endorsed by Council.

Consistency with the CBD Strategy, as well as other issues, are discussed in the Detailed Assessment at **Attachment 2**. The Planning Proposal has also been assessed with regard to the criteria contained in the Department of Planning and Environment's *Local Environmental Plan Making Guideline*, September 2022, and is generally satisfactory (Refer **Attachment 3**).

The Council assessment considered the proponent's documentation supporting the Planning Proposal, including:

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

The site specific draft Development Control Plan provisions are satisfactory at this stage of the process. This document will be further reviewed following exhibition. 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**).

An offer to enter a planning agreement (PA) has been made, and pending the conclusion of detailed discussions, this matter will be separately reported to Council with the inclusion of a draft PA.

The Willoughby Local Planning Panel has provided advice on this matter dated 29 November 2022, where it was concluded that the Planning Proposal is worthy of being forwarded to the DPE 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 10 Gordon Avenue and 15-19 Nelson Street, Chatswood, 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 and Environment's *Local Environmental Plan Making Guideline* 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 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 Council's Head of Planning be nominated as delegate to process and finalise the Planning Proposal.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	<p>3.5 – Maintain quality of life by balancing population growth with the provision of assets and services</p> <p>5.1 – Be honest, transparent and accountable in all that we do</p>
<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 2036</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 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> .
<b>Consultation</b>	<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>
<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 2036</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 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.</p> <p>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>
<b>Legislation</b>	Under <i>Environmental Planning and Assessment Act 1979</i> provisions.
<b>Budget/Financial</b>	There are no budget/financial implications applicable to this report.