

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

Proposal Title :	Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood		
Proposal Summary :	The proposal seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) as it applies to the 'Mandarin Centre' site, located at Lots 1, 2 & 3 DP 1035379 and Lots 41 & 42 DP 1150370 (65 Albert Avenue, Chatswood). Amendments include 'shop top housing' as an additional use for the site in Schedule 1 of the LEP, amendment of the Height of Buildings Map, Floor Space Ratio Map, inclusion of an additional subclause regarding the Floor Space Ratio for the site, and inclusion of the site on the Land Acquisition Reservation Map to require a 3 metre wide strip of land along the Albert Ave frontage of the site for local road widening purposes.		
PP Number :	PP_2014_WILLO_004_00	Dop File No :	14/11050

Proposal Details

Date Planning Proposal Received :	26-Jun-2014	LGA covered :	Willoughby
Region :	Metro(CBD)	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	65 Albert Avenue		
Suburb :	Chatswood	City :	Sydney
		Postcode :	2067
Land Parcel :	Lots 1, 2 & 3 DP 1035379 and Lots 41 & 42 DP 1150370		

DoP Planning Officer Contact Details

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Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	244
Gross Floor Area :	0	No of Jobs Created :	500

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes : **Although the planning proposal suggests that allowing 'shop top housing' will not have an adverse impact on the Chatswood CBD, there is potential, though limited, that this could erode the intended land use outcomes of the B3 Commercial Core zone.**

There are already a number of sites identified in Schedule 1 of Willoughby LEP 2012 which allow for 'shop top housing' in the B3 zone. The planning proposal argues that this has not caused land use conflict or erode the intent of the B3 zone.

A B4 Mixed Use zoning for the site, as well as the Chatswood CBD as a whole would allow for a greater variety of land uses and a diversification of retail, office and residential land uses, however it would weaken the commercial/retail focus of the Chatswood CBD and could over time damage the viability of the centre.

Retaining the B3 zoning for the site, and the Chatswood CBD, but allowing 'shop top housing' allows for increased residential accommodation close to a major public transport interchange whilst keeping the focus of the Chatswood CBD on the core commercial land use. The proposed 'shop top housing' also has the potential to increase the viability of both the proposed redeveloped Mandarin Centre, but also the wider Chatswood CBD area.

The identification of 4% of the residential accommodation on the proposal site as affordable housing is a positive outcome

The improvements outlined in the proposed Voluntary Planning Agreement have the potential to improve public amenity and accessibility directly adjoining the site.

External Supporting Notes : **The site is located on the corner of Albert Avenue and Victor Street Chatswood, and has a site area of 3519 square metres. Orchard Road is located adjacent to the western boundary of the site and is a service road which provides vehicle access to the Sage building, a car parking station, and the Metro Towers which are currently being constructed above Chatswood Railway Station.**

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

The existing Mandarin Centre site comprises five levels of above ground retail/commercial space, and three levels of basement car parking. This development was approved and constructed in the 1990s. The Mandarin Centre has a frontage of approximately 73 metres to Albert Avenue and 44 metres to Victor Street.

The planning proposal suggests that allowing 'shop top housing' on this site will not set a precedent for other B3 Commercial Core sites in the Chatswood CBD to develop for shop top housing as this site is at the southern boundary of the B3 Commercial Core land and although adjacent to the Sage commercial office building, is removed from the primary office precinct on the western side of the railway line.

The planning proposal documentation provides for 4% of the residential floor space as affordable housing.

A proposed Voluntary Planning Agreement with Council will provide for a 3m wide road dedication to Council along Albert Ave to enable adequate traffic access to and from the site; a publicly accessible landscaped open space area connecting with the interchange open terrace precinct; and provision of a two metre building setback at the ground level of the proposed development along the full length of the Victor St frontage of the site providing the opportunity for the provision of a widened public footpath and street planting.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives to support the Planning Proposal are as follows:**

- (a) Set a floor space ratio and building height for the site that provides an appropriate transition between the adjacent Sebel and Sage buildings and a podium building envelope that reinforces the existing streetscape in Victor St and Albert Ave.**
- (b) Provide an additional land use of shop top housing and an increased floor space and building height that improves economic viability of the Mandarin Centre site.**
- (c) Ensure that amenity impacts on adjoining properties and open space, associated with increased development potential are not unreasonable.**
- (d) Enable more economic and efficient use of land and additional affordable housing adjoining the major bus/rail interchange.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP 2012, which will include:**

- (a) Add the additional use of shop top housing to Schedule 1 (Additional Permitted Uses) to clause 14 - Use of Certain land at 65 Albert Ave, Chatswood.**
- (b) Amend the Height of Buildings Map for the site at 65 Albert Ave, Chatswood as indicated in Attachment 4.**
- (c) Identify the land on the corner of Victor Street and Albert Avenue, Chatswood known as 65 Albert Ave in Lots 1, 2, 3 DP 1035379 and Lots 41 and 42 DP 1150370 as Area 16 on the Floor Space Ratio Map.**
- (d) Add the following additional sub clause 4.4A (20): The maximum floor space ratio for a**

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

- building on land identified as 'Area 16' on the Floor Space Ratio Map may exceed 2:5 if :
- (a) The total floor space ratio will not exceed 10.5:1
 - (b) The floor space ratio of any shop top housing will not exceed 6:1
 - (d) Identify the land as 'Area 3' on the Special Provisions Area Map for the purposes of affordable housing in accordance with Clause 6.8.
 - (e) Include on the Land Acquisition Reservation Map a 3 metre wide strip of land along the Albert Ave frontage of the site known as 65 Albert Ave for local road widening purposes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is not classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment :

The planning proposal document had not been clearly updated after the Council Report and Resolution. Prior to public exhibition this must be undertaken.

Proposal Assessment

Principal LEP:

Due Date : January 2013

Comments in relation to Principal LEP :

Willoughby LEP 2012 was published on 31 January 2013.

Assessment Criteria

Need for planning proposal :

This planning proposal is required to allow 'shop top housing' as an additional permitted land use and to allow a large increase in height (330%) and Floor Space Ratio (420%) required for the Planning Proposal.

The proposed 'shop top housing' has the potential to increase the viability of both the proposed redeveloped Mandarin Centre, but also the wider Chatswood CBD area.

The improvements outlined in the proposed Voluntary Planning Agreement have the potential to improve public amenity and accessibility directly adjoining the site.

Consistency with strategic planning framework :

The Planning Proposal is inconsistent with the objectives and actions of the applicable regional or sub-regional strategies as it proposes to allow shop top housing in the B3 Commercial Core zone on a site which would be a suitable size for a commercial office building.

There are many other opportunities around the CBD fringes to provide high density residential development. It is considered that the mix of commercial and residential uses on the site could increase the viability of the 'Mandarin Centre' redevelopment.

However, there are already a number of sites identified in Schedule 1 of Willoughby LEP 2012 which allow for 'shop top housing' in the B3 zone. The planning proposal argues that this has not caused land use conflict or erode the intent of the B3 zone.

Retaining the B3 zoning for the site, and the Chatswood CBD, but allowing 'shop top housing' allows for increased residential accommodation close to a major public transport interchange whilst keeping the focus of the Chatswood CBD on the core commercial land use. The proposed 'shop top housing' also has the potential to increase the viability of both the proposed redeveloped Mandarin Centre, but also the wider Chatswood CBD area.

Environmental social economic impacts :

The site and adjoining lands do not contain any areas of critical habitat or threatened species, populations or ecological communities or habitats.

There are outstanding traffic and parking issues with the proposed concept plans that require resolution.

It is considered that the Planning Proposal has adequately addressed some social and economic effects. Social impacts of additional residents on infrastructure services such as educational facilities, child care and recreation facilities are not addressed.

The proposal is generally consistent with Section 117 Ministerial Directions.

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - s56(2) (d) : **Department of Education and Communities
Office of Environment and Heritage
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Letter from Council.pdf	Proposal Covering Letter	Yes
2 - Planning Proposal (Original).pdf	Proposal	Yes
3 - Planning Proposal (Amended).pdf	Proposal	Yes
4 - Appendix A - Indicative Design Concepts.pdf	Proposal	Yes
5 - Appendix B - Traffic.pdf	Proposal	Yes
6 - Appendix C - Retail Residential and Commercial Report.pdf	Proposal	Yes
7 - Voluntary Planning Agreement.pdf	Proposal	Yes
8 - Shadow Diagrams.pdf	Drawing	Yes
9 - Urbis Letter to Council.pdf	Proposal	Yes
10 - Council Report and Resolution.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes**

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure that it reflects the outcomes of the Report to Council and Resolution of Council on the planning proposal dated 5 May 2014.

2. Additional information regarding Traffic and Parking Impacts is to be placed on public exhibition with the planning proposal.

3. Prior to undertaking public exhibition, Council is to update the planning proposal to include a Site Identification Map, and Height of Buildings, Floor Space Ratio, and Special Provisions Area maps which clearly show both the existing and proposed controls for the site and a Land Acquisition Reservation Map which shows the proposed 3 metre wide strip of land along the Albert Avenue frontage of the site, known as 65 Albert Avenue, for local road widening purposes.

These maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Transport for NSW – Sydney Trains
- Transport for NSW – Roads and Maritime Services
- Department of Education and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment.

Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from these public authorities, and copies of all submissions must be included with the revised proposal.

5. Prior to proceeding to public exhibition, the planning proposal is to be revised to reflect the above conditions and a copy submitted to the Director, Metropolitan Delivery (CBD) prior to community consultation under section 56(2)(c) and section 57 of the EP&A Act.

6. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Planning Proposal to allow shop top housing on the Mandarin Centre site at 65 Albert Avenue, Chatswood

Supporting Reasons :

Council considers the inclusion of 'shop top housing' on sites in Chatswood CBD as to be of minimum impact on the B3 Commercial Core zoning, it has approved a number of such sites in the locality. It is arguable that allowing for residential apartment blocks above retail/commercial space increases the viability of both the subject site and the Chatswood CBD as a whole.

The Department supports the planning proposal proceeding. The proposal is considered suitable for delegation.

Signature:



Printed Name:

Diane Sarkies

Date:

8/8/14