

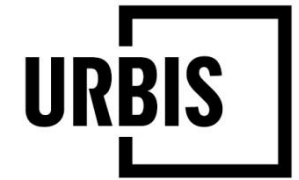


PLANNING PROPOSAL

2016SYE110 – WILLOUGHBY – PGR_2016_WILLO_002_00

MANDARIN CENTRE – 65 ALBERT AVENUE CHATSWOOD

Mandarin Developments &
Blue Papaya



AUGUST 2020

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CONTENTS

1. EXECUTIVE SUMMARY	PAGE 5
2. THE SITE & SURROUNDING CONTEXT	PAGE 16
3. CURRENT PLANNING CONTROLS	PAGE 22
4. PROPOSED CONCEPT	PAGE 28
5. PLANNING PROPOSAL ASSESSMENT	PAGE 33
6. ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACTS	PAGE 47
7. STATE & COMMONWEALTH INTERESTS	PAGE 57
8. MAPPING	PAGE 59
9. COMMUNITY CONSULTATION	PAGE 63
10. CONCLUSION	PAGE 65

ATTACHMENT 1	DESIGN REPORT – BATES SMART
ATTACHMENT 2	DEVELOPMENT BACKGROUND
ATTACHMENT 3	STRATEGIC PLANNING ASSESSMENT TABLES -URBIS
ATTACHMENT 4	TRANSPORT IMPACT ASSESSMENT –GTA
ATTACHMENT 5	EMPLOYMENT FIGURES – URBIS





1. EXECUTIVE SUMMARY

1.1 INTRODUCTION

This report has been prepared to support a planning proposal for the Mandarin Centre site at 65 Albert Avenue, Chatswood. The planning proposal was recommended by the Sydney North Planning Panel (SNPP) to be submitted for a Gateway Determination at a Pre-Gateway Review hearing on 10 September 2019.

The planning proposal has been prepared by Urbis on behalf of Mandarin Developments Pty Ltd and Blue Papaya Pty Ltd (the proponent) and has been updated to reflect:

- Amendments recommended by the SNPP in its Advice Report dated 10 September 2019;
- Partial endorsement of the Chatswood CBD Strategy to 2036 issued by the DPIE in August 2019;
- Draft Willoughby Local Strategic Planning Statement 2019.

The planning proposal requests that the Department of Planning, Industry and Environment (DPIE) and SNPP as the planning proposal Authority (PPA) support the proposed amendments to the *Willoughby Local Environmental Plan 2012 (WLEP 2012)* as follows.

- Amend the Floor Space Ratio (FSR) Map to include a new FSR of 11.11:1 and new Area XX (TBC) to be subject to specific exceptions relating to 65 Albert Avenue.
- Amend the Height of Buildings Map to increase the maximum permissible building height to RL192.90.
- Amend the Special Provisions Area Map to show 65 Albert Avenue as Area XX (TBC) to be subject to additional site specific local provisions.
- Amend Schedule 1 – to include ‘shop-top housing’ as an additional permitted use.
- A new provision within Clause 4.4A - Exceptions to Floor Space Ratio:
 - Ensure that any shop top housing development provides a minimum non-residential FSR of 7.68:1
 - Ensure that no maximum FSR applies to any development seeking consent for ‘commercial premises’ or ‘hotel or motel’ accommodation, consistent with the approach within the Chatswood CBD Strategy.
- Provide a new provision with clause 4.6 which provides that consent cannot be granted for development that contravenes the maximum residential FSR for the site for any development application seeking consent for shop top housing.
- Provide new additional local provisions which relate to the area shown on the amended special provisions area Map as follows.
 - Provide a minimum of 4% of GFA as affordable housing in addition to the maximum residential FSR of 3.43:1.
 - Include new design excellence objectives consistent with Council’s intended wording.
 - New provision which ensures that that development must not result in additional overshadowing of the playing surface of ‘Chatswood Oval’ between 11am and 2pm mid winter.
 - Prohibit development for the purpose of serviced apartments.

1.2 REPORT STRUCTURE

The planning proposal has been prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning (DP&E):

- *A Guide to Preparing Local Environmental Plans and*
- *A Guide to Preparing Planning Proposals.*

The report contains the following information:

- Executive Summary;
- Overview of Recommendations of the SNPP;
- Description of the site and its context;
- Overview of the strategic context of the site;
- Summary of the local planning controls;
- Description of concept proposal;
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the 'provisions' of the proposal;
- A justification for the proposal;
- Proposed WLEP maps;
- The expected process for community consultation;

These supporting documents accompany the planning proposal:

- Attachment 1 Concept Design Report – Bates Smart
- Attachment 2 Summary of Development Background
- Attachment 3 Strategic Planning Assessment Tables - Urbis
- Attachment 4 Transport Impact Assessment Addendum Letter and updated statement dated 24 February 2020 – GTA
- Attachment 5 Employment Figures - Urbis

1.3 SUMMARY OF BACKGROUND

PRE GATEWAY REVIEW (PGR_2016_WILLO_002_00)

In June 2016, Willoughby City Council advised Mandarin Developments in writing that they would not support a planning proposal which proposed to:

- Increase the height limit to 125.6m (RL217.6).
- Increase the FSR to 11.37:1.
- Add shop top housing as an additional permitted use.

A request for pre-gateway review of Council's decision was submitted to the Department of Planning and Environment (DP&E) in August 2016.

The DP&E assessed the proposal and recommended that the planning proposal be forwarded to the Sydney East Joint Regional Planning Panel (JRPP) for independent review.

DP&E determined that the proposal had strategic merit, given the supply of additional housing in close proximity to jobs and in a location well serviced by public transport. However, the assessment report noted the following site-specific concerns:

- *“The proposed height, bulk and scale should be considered in relation to the potential overshadowing on Chatswood Park based on the proposed building; and*
- *Non-compliance with SEPP 65.”*

SYDNEY EAST JOINT REGIONAL PLANNING PANEL – 26 OCTOBER 2016

The planning proposal was considered by the Sydney East Joint Regional Planning Panel (JRPP) at its meeting on 26 October 2016.

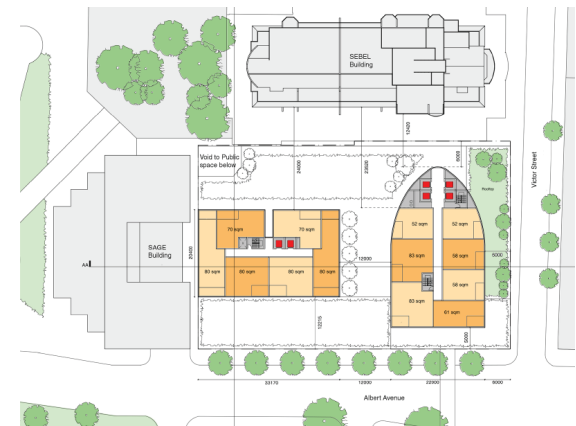
In this meeting the panel resolved that it could not determine the pre-gateway review until the Chatswood CBD Planning and Urban Design Strategy (Urban Design Strategy) was made public.

The panel also noted that specific concerns needed to be addressed before any decision could be made on the Gateway Determination, these included:

- Analysis of the cumulative shadow impact on Chatswood Oval determining that the oval should not receive any additional overshadowing between 11 am and 2 pm mid-winter.
- The reduction in employment floor space is undesirable and that more floor space should be devoted to employment uses in line with the CBD Strategy.

Figure 1 illustrates the 2016 planning proposal assessed by the JRPP.

Figure 1 – 2016 planning proposal



CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY TO 2036

The Draft Chatswood CBD Planning and Urban Strategy (Draft Urban Design Strategy) was released for public comment in February 2016. This strategy was finalised in January 2018 and has informed the Willoughby Council Chatswood CBD Strategy to 2036 (CBD Strategy).

Key recommendations in the CBD strategy include:

- A prohibition of residential uses within the B3 Commercial Core.
- No maximum FSR for commercial office development.
- A Minimum 1:1 commercial floor space to be provided in mixed use development.
- No additional overshadowing of Chatswood Oval between 11am and 2pm.
- Building height determined by solar access plane to ensure no additional overshadowing to Chatswood Oval.
- 3m/6m setbacks for commercial office development.
- Maximum tower floor plate size of 700sqm GFA for residential development and 2000sqm for commercial office.

Submissions were made by the proponent to Council on the basis that it clearly failed to recognise that ability of the site to provide a genuine mixed use development capable of generating both substantial employment and residential land uses.

Providing these land uses in separate towers allows for appropriately spaced slender towers that provide a balance between an acceptable level of development uplift and impacts to adjacent buildings..

The CBD Strategy was forwarded to the DPIE for endorsement in early 2018.

In 2019 the DPIE issued a partial endorsement of the strategy for the areas within the CBD Core and subject to specific conditions as follows:

- *That no residential development is to be permitted in those areas of the CBD Core area where this land is located west of the North Shore railway line. The reason for this is that this part of the CBD is currently characterised as commercial core and still has opportunity for office space growth.*
- ***That mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth.***
- ***That any planning proposals for the CBD Core area do not result in significant traffic or transport impacts, as sites in this part of the CBD are highly accessible to Chatswood rail and bus interchange.***
- *Council is to only utilise appropriate mechanisms within the parameters of the Environmental Planning and Assessment Act 1979 for the provision of local infrastructure to support new development such revisions to its Section 7.12 or Section 7.11 Plans or inserting a new clause in Willoughby LEP 2012 for the delivery of on-site essential infrastructure. **No value capture mechanism or the like will be supported by the Department.***
(our emphasis)

It is relevant to note that DPIE did not endorse the areas identified for mixed use development outside of the Chatswood B3 Commercial Core.. DPIE has directed that Council undertake further investigations into impacts such as heritage and traffic. The proposed concept scheme is not impacted by this decision.

2018 AMENDMENTS TO PLANNING PROPOSAL

Following exhibition of the CBD Strategy the proponent submitted to the DPIE significant amendments to its planning proposal to reflect:

- Advice from the Sydney East JRPP dated 26 October 2016.
- Matters raised by the DP&E and Council in their assessment of the original planning proposal.
- The Chatswood Draft CBD Planning and Urban Design Strategy (CBD Strategy)
- The recently finalised Greater Sydney Region Plan (GSRP) and Sydney North District Plan (SNDP).

The planning proposal argued that the particular constraints of the site warranted a site specific solution which balanced the objectives of the CBD strategy to increase commercial uses within the CBD with residential. A site specific mixed use development was considered to be the most appropriate development outcome to ensure that impacts to adjacent land could be appropriately mitigated. These constraints include:

- Sensitive boundary interfaces with the adjacent residential tower to the north.
- The requirement to protect solar access to Chatswood Oval; and
- The existing retail shopping centre with existing tenants and commercial lease agreements which require appropriate management to ensure the Centre can continue to operate without uncertainty

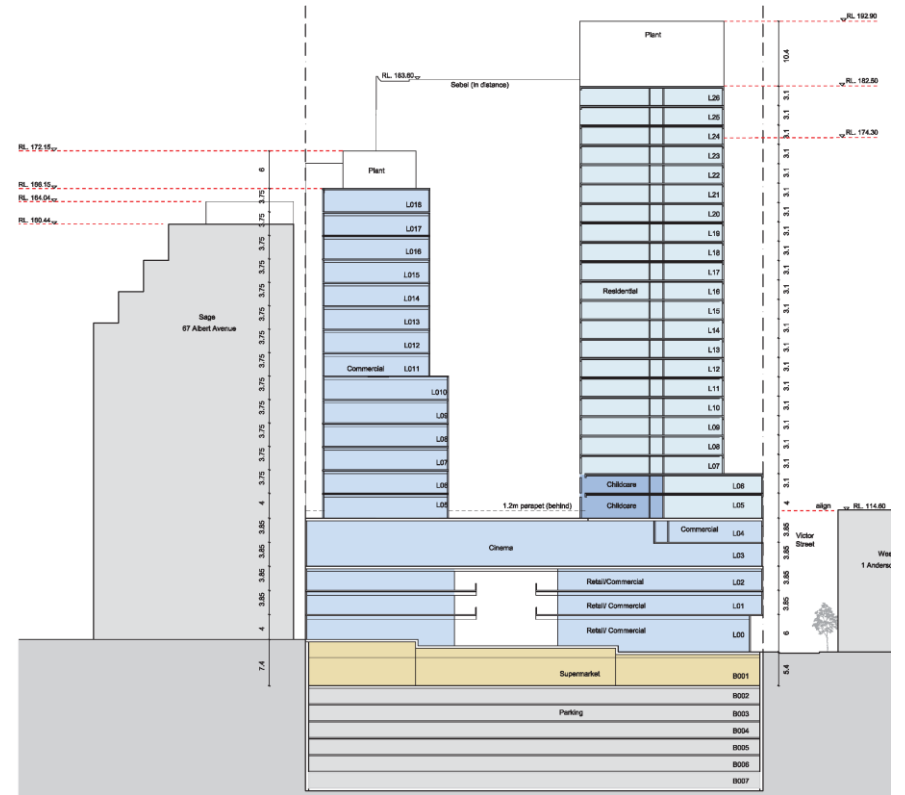
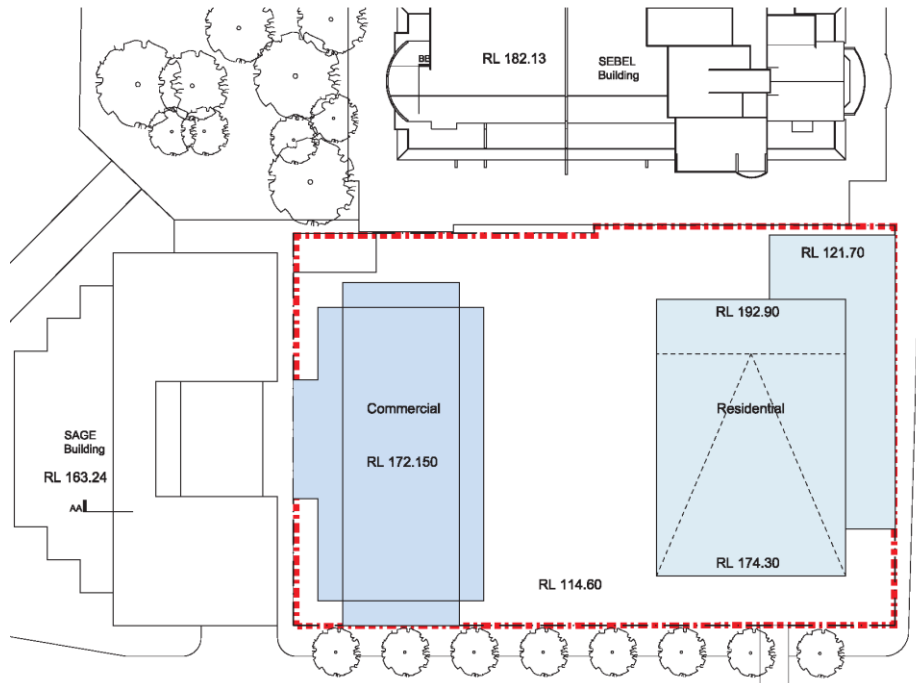
Bates Smart tested a variety of built form and land use options to arrive at an amended mixed use scheme which delivers an appropriate balance of retail, commercial office, community use and residential floor space.

The amendments reflect two appropriately sized tower envelopes on the site that ensures adequate building separation can be achieved. This promotes balanced approach to view sharing and acceptable levels of visual privacy between buildings. The amendments also recognise the value of a re-vitalised retail shopping centre to the Chatswood CBD and as such retains a similar level of retail NLA whilst also providing significant internal public malls with through site access to Chatswood Station and Interchange.

As outlined in Table 1, the proposal responds to the key matters raised by the Department of Planning and Sydney East JRPP (2016) and CBD Strategy in the following manner:

- The proposed scheme provides 69% of the overall GFA as employment floor space which includes 11,085 sqm of new commercial office GFA within the podium and Tower B.
- The employment floor space will have the potential to create 920 additional office jobs, 737 retail jobs and 6 child care jobs. This will contribute 1,664 jobs to the 20 year employment targets for Chatswood set within the revised North District Plan. This increases the number of jobs currently provided within the Mandarin Centre by 65.89 %.
- The retail shopping centre will be upgraded with significant additional area to be devoted to enlarged internal public areas and circulation spaces.
- The proposal will provide 860sqm of floor space for future community use such as childcare, after school care, other education related uses and health and wellness.
- There will be no additional overshadowing of Chatswood Oval as illustrated within the CBD Strategy between 11am and 2pm consistent with both the JRPP and CBD Strategy recommendations.
- The proposed residential tower building envelope is capable of consistency with SEPP 65 and the ADG including:
 - Acceptable building separation building separation between the residential tower and 'Sebel' noting that the separation was increased such that half the recommended building separation measured to the boundary (9m) can be achieved,
 - Acceptable building separation between the proposed residential tower A and commercial office tower to maximise views and amenity from the adjacent Sebel tower, and
 - Compliant solar access and cross ventilation.
- Commercial tower setbacks are generally consistent with the recommendations of the CBD Strategy (between 3m/6m for office areas).
- The proposed development concept provides two slender towers which are less than the maximum floorplate sizes under CBD Strategy for both commercial and residential uses.
- The proposal maintains a balanced approach to view sharing whilst still providing significant additional employment floor space as intended by the CBD Strategy.

Figure 2 - Proposed Site Plan and Section



Source: Bates Smart

Table 1 – Numerical Comparison between existing controls, 2014 Proposal submitted for Gateway and Current Proposed Scheme

Parameter	Existing Planning Controls	2015 – Original Scheme as Publicly Exhibited – Post Gateway	2020 Scheme Submitted for Gateway Determination	Change to 2015
Building Height	Max 27m (equiv. 8 storeys per LEP) Existing building height 28m (RL 74.36)	Tower A (East) RL 181.95 (approx. 89.95m) Tower B (West): RL 140.7 (63.81m)	Tower A East - Residential RL 192.9 (approx. 100.9m) Tower B West - Commercial RL 166.65 (approx. 74.65m)	+ 10.95m + 25.95m
Overall GFA/FSR	8,797.5sqm (permitted) 2.5:1 (permitted) 16,291sqm (existing) 4.6:1 (existing)	36,949 sqm 10.5:1	39,093sqm 11.11:1	+ 2,144sqm + 0.61:1
Residential GFA/FSR	None	21,114 sqm 6:1	12,060sqm 3.43:1 (31% of total proposed)	-9,054sqm -2.57:1
Commercial GFA/FSR	None	None	11,085 sqm 3.15:1 (28% of total proposed)	+ 11,085 sqm + 3.15:1
Retail and Other GFA	16,291sqm (existing) 4.61:1 (existing)	15,835 sqm 4.5:1 (42.86% of total proposed)	15,948 sqm 4.53:1 (41% of total proposed)	+1,113sqm + 0.03:1
Retail NLA	Approx. 13,044sqm	13,829 sqm	13,010 sqm	- 819 sqm
Total employment GFA	16,291sqm (existing) 4.61:1 (permitted)	15,835 sqm 4.5:1 (42.86% of total)	27,026 sqm 7.68:1 (69% of total proposed)	+11 191 sqm +3.18:1
Overshadowing to Chatswood Park and Oval (playing surface)	Park: Yes Oval: No	Park: Yes Oval: No	Park: Yes Oval: No	No change
Apartments	None	Approx. 200	158	- 42
Affordable Housing	None	4%	4%	No change
Car Parking		594	546	- 48
Jobs (Permitted FSR)	533 (specialty retail)	550 (specialty retail and supermarket)	1,664 (commercial, supermarket, specialty retail and childcare)	+1,114
View sharing	No impact.	Balanced approach	Balanced Approach	None

BENEFITS OF THE PLANNING PROPOSAL

The planning proposal will contribute the following positive benefits to Chatswood and the North District:

- The proposal will increase employment floorspace by 66% over the current Mandarin retail shopping centre.
- Whilst a minor reduction in overall retail floor space it is important to note that the upgrade will maintain a similar quantum of Net Lettable Area (NLA).
- Some 69% of floor space provided on the site will be for employment land uses and will increase the number of jobs currently provided within the Mandarin Centre by 65.89 %.
- The proposal provides employment and housing growth to support an integrated land use and transport approach and walkable and 30-minute cities as per the Regional Plan.
- A significant renewal of Chatswood's third largest retail shopping centre. The centre provides enlarged public mall and circulation areas and retail spaces to attract specialty retail. The centre provides sufficient floor space for an additional metro style supermarket and will complement the existing offering within the other major centres including Westfield and Chatswood Chase.
- The enlarged circulation spaces within the centre will improve public pedestrian links through the site to Chatswood Station.
- The proposal provides boutique commercial office suites within the upper podium levels consistent with the demand identified within the *Chatswood CBD Competitive and Comparative Analysis* by AEC. This report identified that these smaller spaces are required to attract emerging technology and creative occupiers and professional services firms.
- The proposal will provide a new 20 storey commercial tower complementing the adjacent 'Sage' Commercial Building.
- The proposal will provide additional space for community uses including child care, after school care and flexible spaces for other education related uses.
- The proposed residential tower will complement the adjacent Sebel by providing a slender tower form that maximises privacy and views.

- The proposal demonstrates strategic merit as it will provide additional housing and jobs in a highly accessible location which leverages the State Government investment in the Sydney Metro.

The proposal represents the most balanced development outcome for the site for the following reasons:

- The concept design ensures that the specific constraints of the site are recognised including protecting views and visual privacy from the 'Sebel' to the north.
- The proposal will ensure no additional overshadowing to Chatswood Oval.
- The residential floor space will assist with growing the Chatswood Strategic Centre by providing additional housing stock to accommodate future workers expected in the area. The provision for affordable housing of 4% of GFA is consistent with the WLEP 2012.
- The proposal will deliver a much needed upgrade to the Mandarin retail shopping centre, providing new employment opportunities within a refreshed retail offering.
- The proposal will provide significant commercial office floor space consistent with the objectives of the CBD strategy and North District Plan which aims to protect and grown the commercial core of Chatswood.

The planning proposal ensures that Chatswood's future as an employment centre is protected whilst also allowing capacity for residential growth close to Chatswood Station which is a hub for a major high density transport corridor.

The proposal balances the constraints specific to this site to mitigate the environmental impacts whilst providing improved pedestrian links, high quality retail spaces, community uses and commercial office floor space.

The proposal will enhance Chatswood's role as a major regional mixed-use centre providing housing, jobs and services in a genuine mixed use development and should be supported by the DP&E and the Sydney North Planning Panel to progress to the Gateway.

1.4 PRE-GATEWAY REVIEW

Following the partial endorsement of the Chatswood CBD in August 2019, an updated pre-Gateway review information assessment and recommendation report was finalised by the DPIE and submitted to the Sydney North Planning Panel for their recommendation.

The DPIE determined that there is sufficient strategic and site specific merit for the proposal to be supported subject to suitable Gateway conditions. Further the DPIE specifically noted:

“The prohibition of residential development within the eastern portion of the CBD core may remove the ability to incentivise commercial development and could undermine the objectives of the North District Plan to promote the growth of high quality commercial office buildings in the CBD in the short to medium term.”

On 10 September a pre-Gateway review determination hearing was held. Both Council and the proponent presented their arguments to the SNPP.

Following the Panel hearing the following recommendation was made by the SNPP:

The planning proposal should be submitted for a Gateway determination subject to the matters raised in the recommendation of the Panel

The advice and reasons for the recommendation were as follows:

- 1. The PP had been amended to address the concerns raised by the Panel in 2016 to incorporate significantly more employment floorspace and to reduce the scale of the proposal so that it would not cast shadows over Chatswood Oval between 11am-2pm mid winter.*
- 2. The Proposal is consistent with the endorsed Chatswood CBD Strategy which would allow some residential GFA on certain sites on the eastern side of the railway line where demonstrable, significant and assured employment GFA would be provided.*
- 3. The PP is consistent with the remainder of the CBD Strategy save for the inclusion of 30% of the GFA being residential.*
- 4. The PP would be consistent with the North District Plan and the key objectives of the CBD Strategy.*
- 5. The introduction of mixed uses on the site would not be inconsistent with the existing and likely future character of the immediate area.*
- 6. In allowing residential on the subject site, the majority of the Panel does not consider it would create a precedent for other sites within the B3 due to the high bar set by the endorsed strategy.*

In determining that the site has strategic and site specific merit, the Panel accepted the recommendations of the DPIE provided the following amendments as outlined in Table 2 are made to the planning proposal.

Table 2 – Response to SNPP Recommendations

Amendment	Response	Addressed in report
1. Further strengthen the explanation of solar access provisions as dictated by clause 4.3(A)8 of the Willoughby LEP 2012 and fully define the boundary of Chatswood Oval	The intent/explanation of the solar access provisions have been strengthened. The boundary of Chatswood Oval has been defined within the amended design report. As per the figure 3.1.5 of the CBD strategy, the oval is shown in orange and clearly relates to the playing surface of the oval and not the adjacent spectator area.	Section 5.2 Attachment 1
2. Include a requirement for design excellence	A requirement for design excellence has been provided within the explanation of intended provisions.	Section 5.2
3. Exclude serviced apartments as a permitted land use on the site under the B3 Commercial Core Zone	The exclusion of serviced apartments as permitted use has been provided within the explanation of intended provisions.	Section 5.2
4. Include additional detailed analysis to clearly illustrate and assess view sharing and shadow impacts of the proposal	<p>The proponent is currently undertaking an analysis of view sharing which will be submitted to the DPIE in due course. Should this not be provided the proponent requests that this form part of the conditions for Gateway Determination.</p> <p>Shadow analysis is provided within the amended design report and discussed within this amended planning proposal.</p>	Section 6.1 and Attachment 1
5. Ensure that it remains consistent with the Department’s conditions of the endorsed CBD Strategy.	The planning proposal remains consistent with DPIE’s conditions of endorsement as it will generate significant, demonstrable and assured job growth. An amended letter provided by GTA has specifically addressed the condition relating to traffic.	Attachment 1
6. Include a development standard that ensures a minimum FSR for non- residential development being 7.68:1	The intended provisions include a proposed development standard that ensures that a minimum FSR for non residential development of 7.68:1 will be provided	Section 5.2
7. Include a provision to exclude the application of cl4.6 to the minimum non-residential FSR Development Standard.	The intended provisions include a provisions to exclude the application of cl.4.6 to the minimum non – residential FSR Development Standard.	Section 5.2
8. Consider whether the 4% affordable residential accommodation proposed is accommodated within the total residential FSR proposed.	Clause 4.4 (2A) (b) (i) of the WLEP 2012 states that any part of the floor area of a building that is to be used for community facilities or affordable housing purposes, is taken not to be part of the gross floor area of the building for determining the maximum floor space ratio of the building. Whilst this applies to the R2 zone this is consistent with Objective (k) of clause 4.4 which is to encourage provision of affordable housing by permitting additional GFA for these land uses.	Section 5.2 and 6.2

2. THE SITE AND SURROUNDING CONTEXT

2.1 THE SITE

MANDARIN CENTRE

65 Albert Avenue

The site is located within the Chatswood CBD within the Willoughby LGA. The site is located on the corner of Victor Street and Albert Ave and is <100m from Chatswood train station.

The site has the following key characteristics:

- Site area - **3519sqm**
- Albert Avenue Frontage – **73m**
- Victor Street Frontage – **48m**
- Existing Floor Space Ratio - **4.6:1**
- Existing height of **28m (RL 74.36)**

It is noted that the existing controls are below the current built form. This is because the current height and FSR were approved under the now repealed *SREP No.5 Chatswood Town Centre*

The Mandarin Centre comprises five levels of retail and entertainment floor space including:

- Retail - **Ground Floor and Level 1**
- International food court - **Level 2**
- Hoyts Cinema - **Level 3**
- Strike Bowling - **Level 4**
- Registered Club - **Level 5**

The centre has a public connection at the first floor to an adjacent carpark building across Albert Ave to the south, along with an entrance towards Chatswood station at the second floor.

AERIAL PHOTO - 65 ALBERT AVENUE

Figure 3 – Aerial Photo

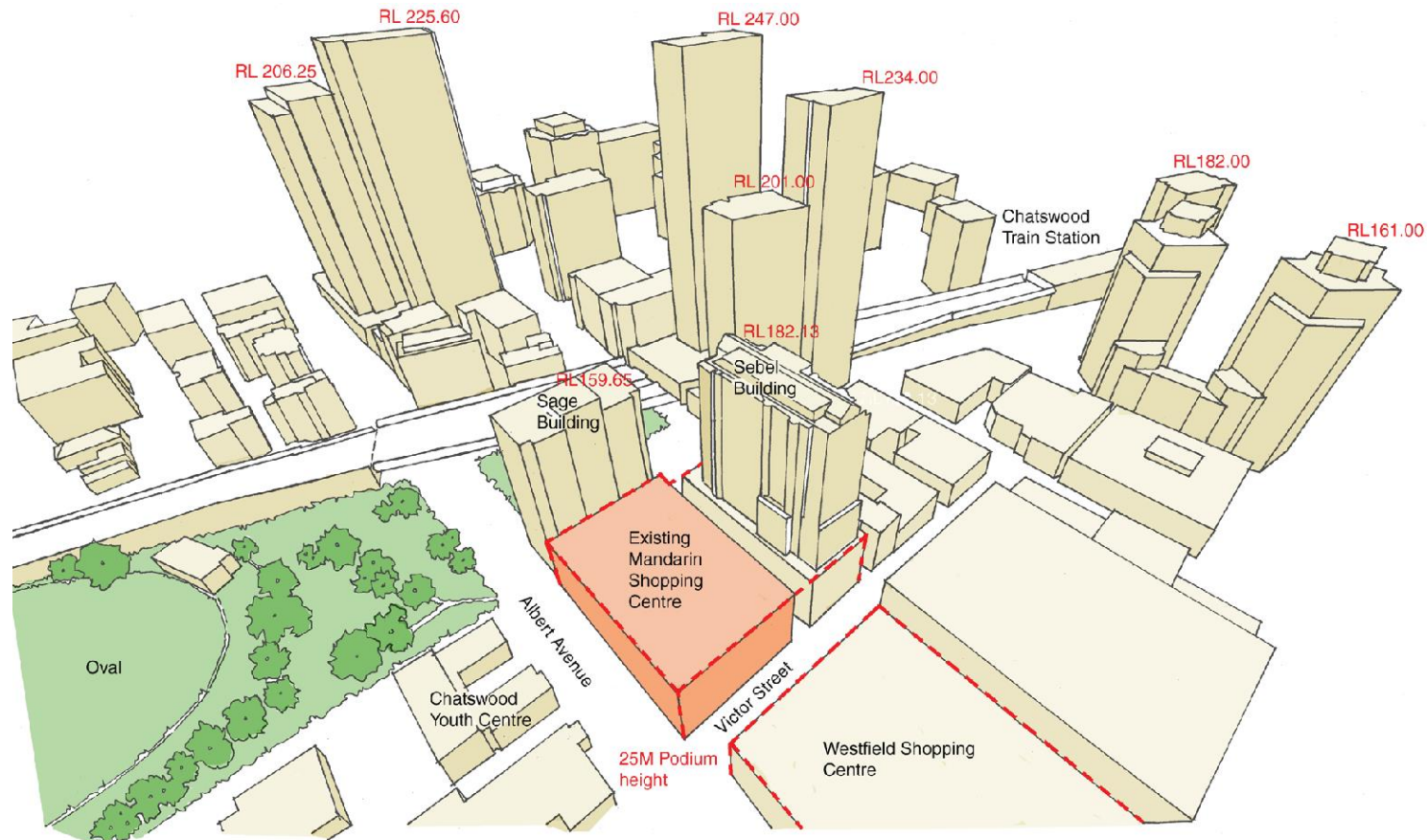


Source: Nearmaps

2.2 URBAN CONTEXT – SURROUNDING DEVELOPMENT

As illustrated in **Figure 4**, the surrounding development comprises a mix of retail, residential, commercial and civic uses. The site to the north is a 27 storey building (The Sebel) which contains serviced apartments up to level 13, and residential apartments above. The podium level of this building contains the offices of Willoughby City Council. The building to the north is an 14 storey office tower known as the 'Sage Building'. As shown in the diagram below and photos overleaf, the height, bulk and scale of the existing Mandarin Centre is significantly lower than surrounding buildings.

Figure 4 – Existing Development Context.



Source: Bates Smart

2.3 SITE PHOTOS

VIEW LOOKING NORTH WEST FROM VICTOR STREET



VIEW OF SITE FROM CHATSWOOD STATION TO THE WEST



CHATSWOOD PARK OPPOSITE THE SITE



THE SITE LOOKING NORTH EAST FROM CHATSWOOD PARK



2.4 STRATEGIC CONTEXT

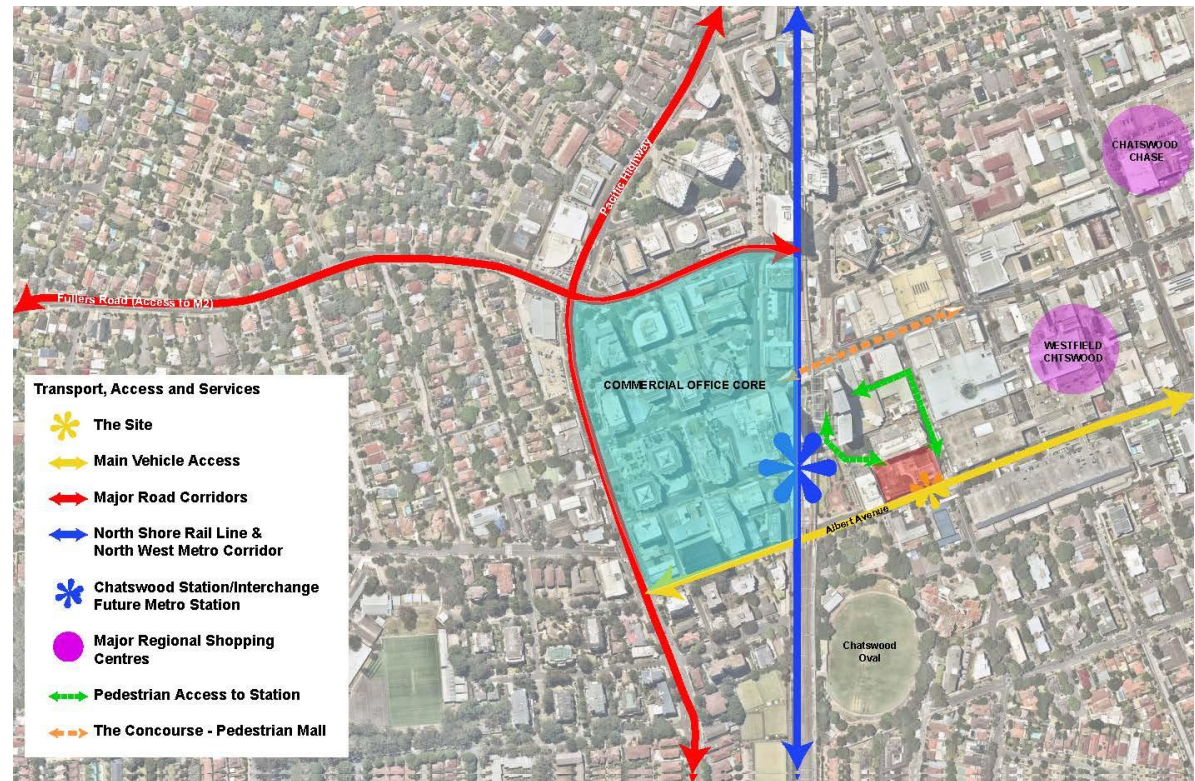
KEY FEATURES OF THE SITE

The contextual landscape of Chatswood is illustrated in the adjoining map. The key features are described below:

- Excellent public transport connections within 80m of the site.
- Excellent access to employment within the Chatswood CBD and links to Macquarie Park, North Sydney and Sydney CBD.
- Close access to major arterial roads including the Pacific Highway, and Fullers Road.
- A clearly defined commercial office precinct west of the train line.
- Two major regional retail shopping centres, Westfield and Chatswood Chase.
- Active ground level retail and entertainment uses along the Concourse
- A strong and vibrant Civic precinct the Willoughby Performing Arts Centre, Civic Pavilion, Chatswood Library on the northern side of Victoria Avenue.
- Large and accessible public open space including Chatswood Mall, Garden of Remembrance and Chatswood Park and Oval.

LOCAL CONTEXT

Figure 5 – Contextual Landscape

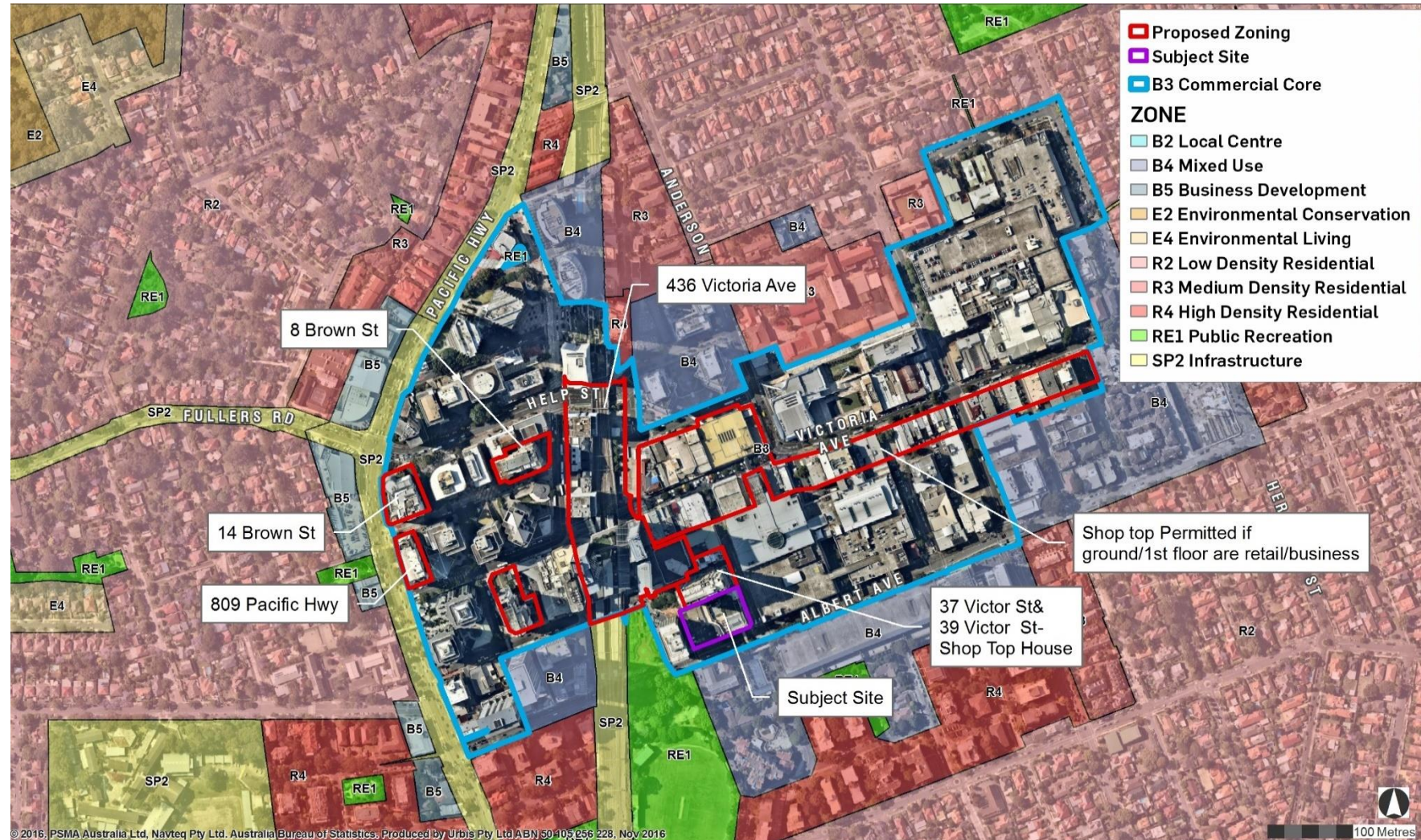


Source: Urbis

2.5 LAND USE CONTEXT – MIXED USE DEVELOPMENT WITHIN B3 COMMERCIAL CORE

Figure 6 illustrates that the B3 Commercial Core already includes a significant number of sites east of Chatswood Station which permit residential development. These sites include the adjacent site to the north 39 Victor Street 'The Sebel'.

Figure 6 – Existing Land Use Source: Urbis

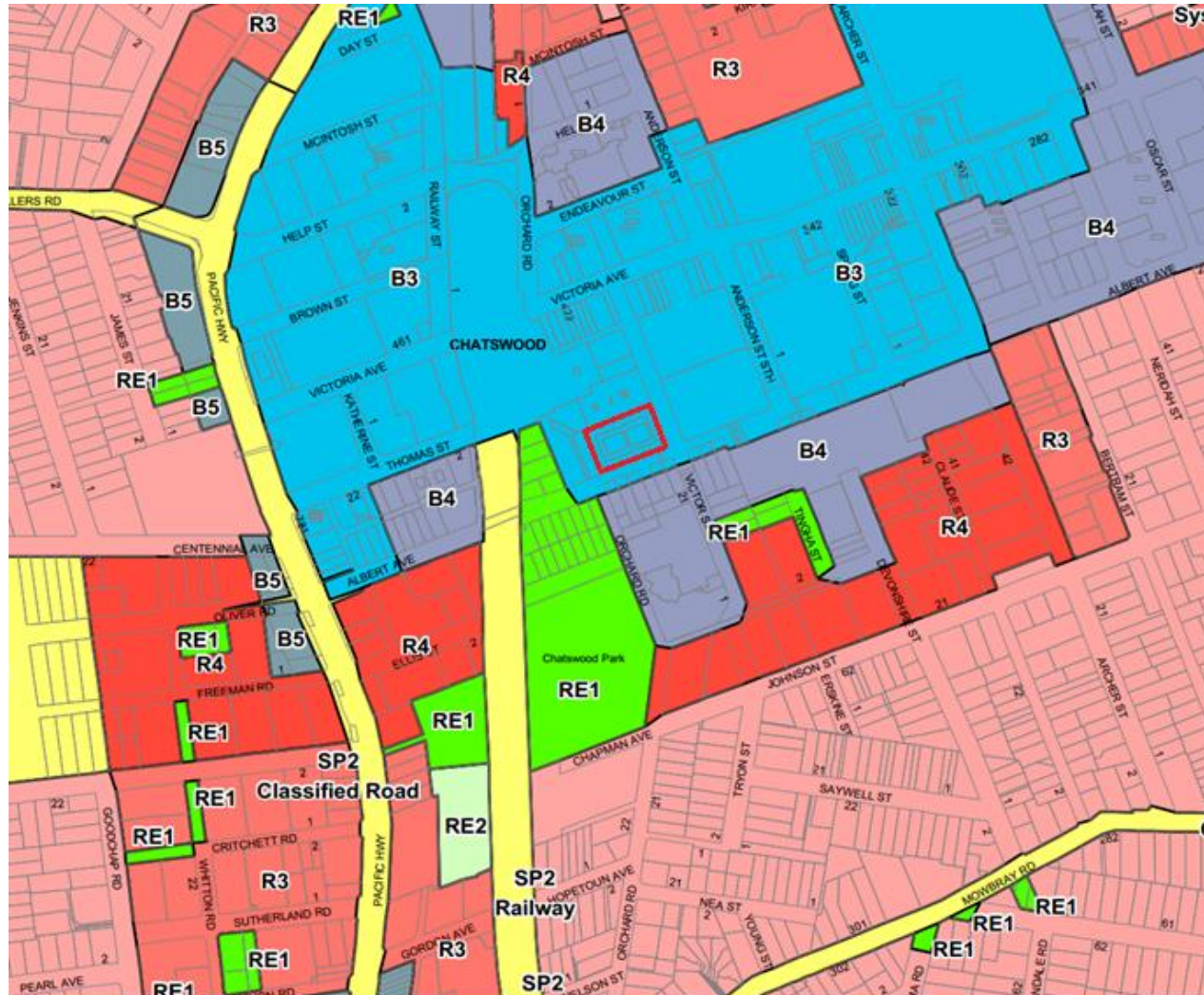


3. CURRENT PLANNING CONTROLS

WILLOUGHBY LEP 2012

3.1 EXISTING ZONING - B3 COMMERCIAL CORE

Figure 7 – Existing Zoning Willoughby LEP 2012



Willoughby Local Environmental Plan 2012

Land Zoning Map - Sheet LZN_004

Zone

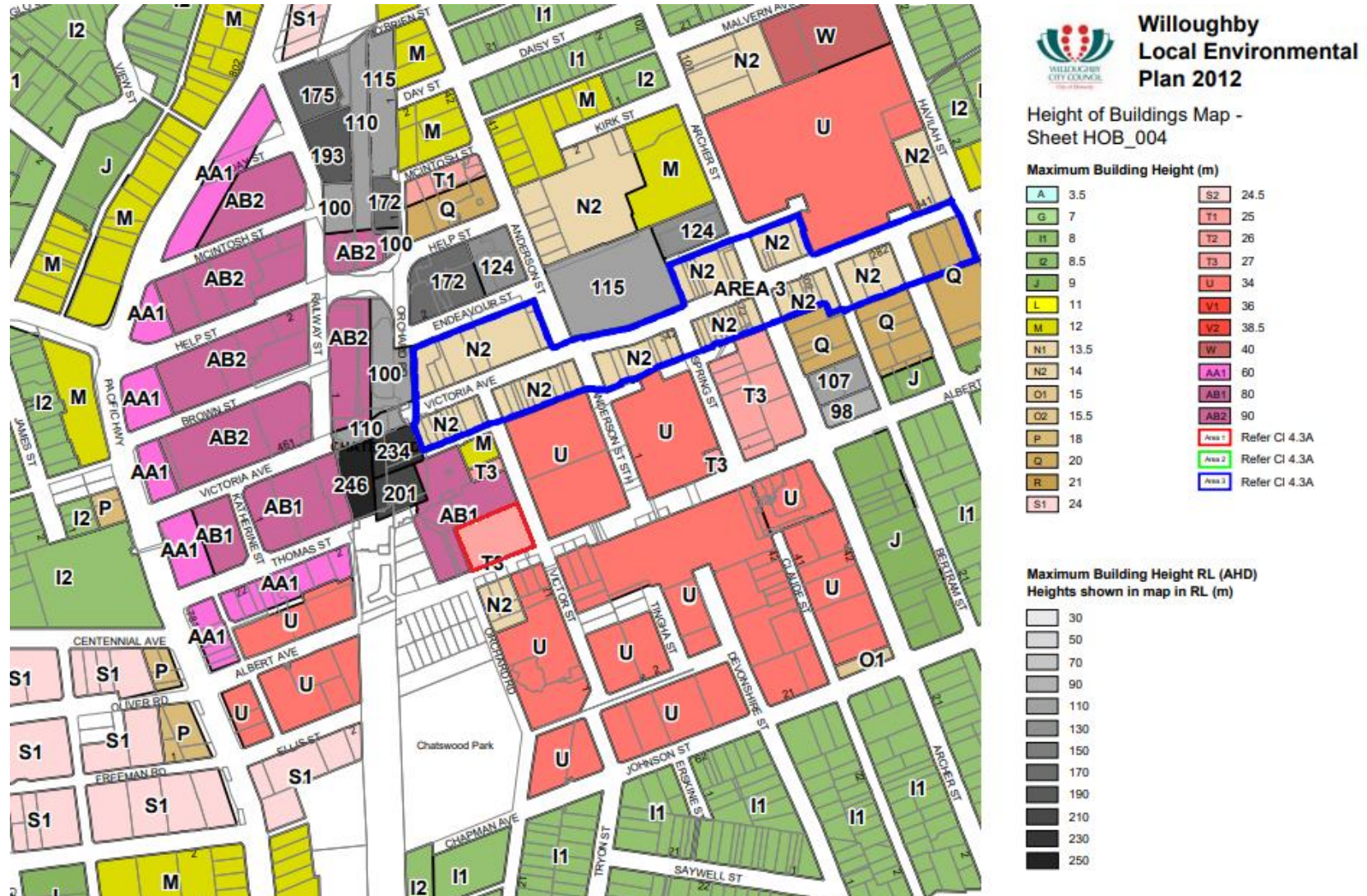
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure

Cadastre

Cadastre 12/11/2012 © Willoughby City Council

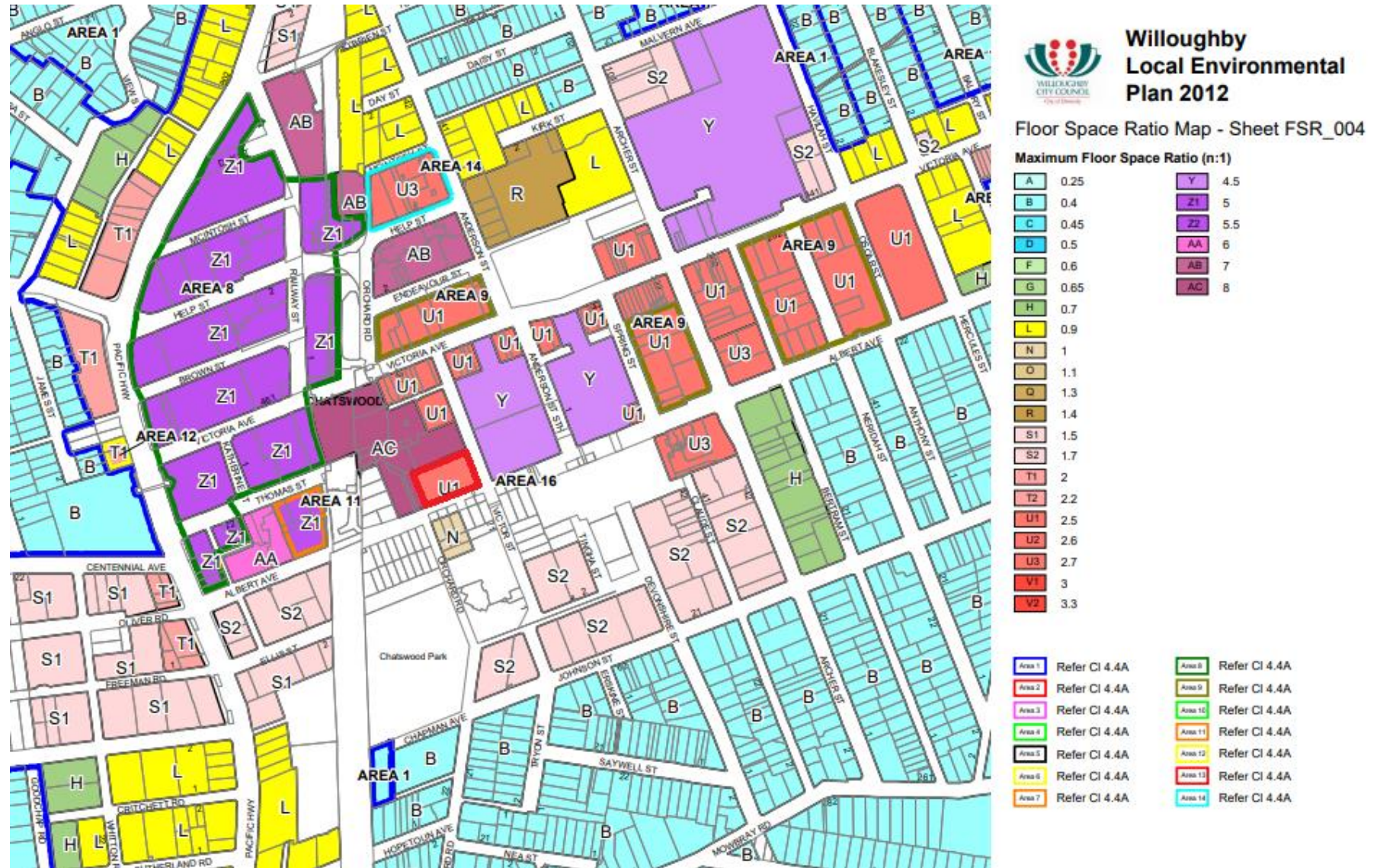
3.2 EXISTING BUILDING HEIGHT - 27M

Figure 8 – Existing Building Height Willoughby LEP 2012



3.3 EXISTING FLOOR SPACE RATIO – 2.5:1

Figure 9 – Existing FSR Willoughby LEP 2012



3.4 WILLOUGHBY LEP 2012 - CONTROL OBJECTIVES

ZONE OBJECTIVES AND PERMISSIBILITY

The objectives of the B3 Zone are:

- “To provide a **wide range of retail, business, office, entertainment, community and other suitable land uses** that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To **maximise public transport patronage** and encourage walking and cycling.
- To support the role of St Leonards as a specialised centre providing health, research and education facilities.
- To **strengthen the role of Chatswood as a major centre for the inner north sub-region and to improve its public domain and pedestrian links.**
- To protect and encourage safe and accessible city blocks by providing **active land uses on street and pedestrian frontages.**”

Permissible Development

- All forms of commercial premises, community, education and entertainment facilities, as well as tourist and visitor accommodation.
- B3 zone currently prohibits ‘**shop top housing**’

Key – **Bold Text** (our emphasis)

CLAUSE 4.3 HEIGHT CONTROL OBJECTIVES

The objectives of this clause are as follows:

- (a) to ensure that new development is **in harmony with the bulk and scale of surrounding buildings** and the streetscape,
- (b) to **minimise the impacts of new development on adjoining or nearby properties** from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (c) to ensure a **high visual quality** of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,
- (d) to **minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments** or from public open spaces with the height and bulk of the development,
- (e) to **set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land** given other development restrictions, such as floor space and landscaping,
- (f) to use **maximum height limits** to assist in responding to the **current and desired future character** of the locality,
- (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the **area east of the North Shore Rail Line, being the retail shopping core of Chatswood,**
- (h) to achieve **transitions in building scale** from higher intensity business and retail centres to surrounding residential areas.

FSR CONTROL OBJECTIVES

The objectives of this clause are as follows:

- (a) to **limit the intensity of development** to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land,
- (b) to **limit traffic generation** as a result of that development,
- (c) to **minimise the impacts of new development on adjoining or nearby properties** from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (d) to manage the bulk and scale of that development to **suit the land use purpose and objectives of the zone,**
- (e) to **permit higher density development at transport nodal points,**
- (f) to **allow growth for a mix of retail, business and commercial purposes** consistent with Chatswood’s sub-regional retail and business service, employment, entertainment and cultural roles while conserving the **compactness of the city centre of Chatswood,**
- (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, **and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,**
- (h) to provide functional and accessible open spaces with **good sunlight access during key usage times** and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood,
- (i) to achieve **transitions in building scale and density** from the higher intensity business and retail centres to surrounding residential areas,
- (j) to encourage the consolidation of certain land for redevelopment,
- (k) to encourage the provision of community facilities and **affordable housing** and the conservation of heritage items by permitting additional gross floor area for these land uses

3.5 WILLOUGHBY LEP 2012 - OTHER RELEVANT CLAUSES

Part 6 Additional Local Provisions

The Willoughby LEP 2012 provides specific additional local provisions which includes provisions relating certain types of development and other site specific development provisions.

- **Clause 6.1 Acid Sulfate Soils**
 - The site is identified as Class 5 on the Acid Sulfate Soils Map however any future works are located more than 500m from adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum.
- **Clause 6.7 Active Street Frontages**
 - Applies to land identified on the Active Street Frontage Map and includes the Victor St and Albert Ave frontages to the site.
 - The clause requires development to have an active street frontage with uses that attract pedestrian traffic at the ground floor of the building.
 - A building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.
 - Active street frontages exclude entrances and lobbies, access for fire stairs and vehicular access.
- **Clause 6.8 Affordable Housing**
 - Applies to land shown on identified as “Area 3” on the Special Provisions Area Map. The Mandarin Centre is **not currently** included as a site within ‘Area 3’.
 - This clause requires the consent authority to consider the Willoughby Affordable Housing principles and whether one of the affordable housing conditions should be imposed to ensure the provision affordable housing.
 - The affordable housing conditions require:
 - *Dedication in favour of the consent authority, free of cost, of land comprised of one or more complete dwellings with a gross floor area of the amount equivalent to 4% of the accountable total floor space, with each dwelling having a gross floor area of at least 50 square metres,*
 - *A condition requiring the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (4), of 4% of the accountable total floor space.*
- **Schedule 1 – Additional Permitted Uses**
 - Schedule 1 (14) allows use of certain land at the Mandarin Centre, 65 Albert Avenue for the purposes of an amusement centre.
 - In addition it is noted that the Willoughby LEP 2012 recognises the need for, and appropriateness of residential accommodation within the B3 Commercial Core zone by designating in Schedule 1 specific sites within the city centre on which shop top housing is permitted, including the designation of the adjoining ‘Sebel’ Building that immediately adjoins the site:

4. PROPOSED CONCEPT

4. PROPOSED CONCEPT

4.1 INDICATIVE CONCEPT SCHEME

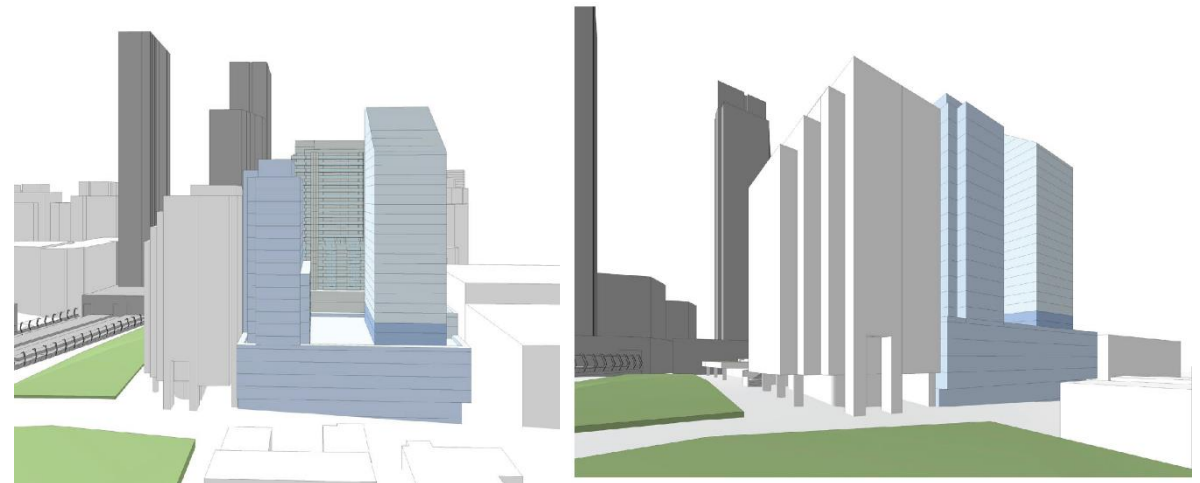
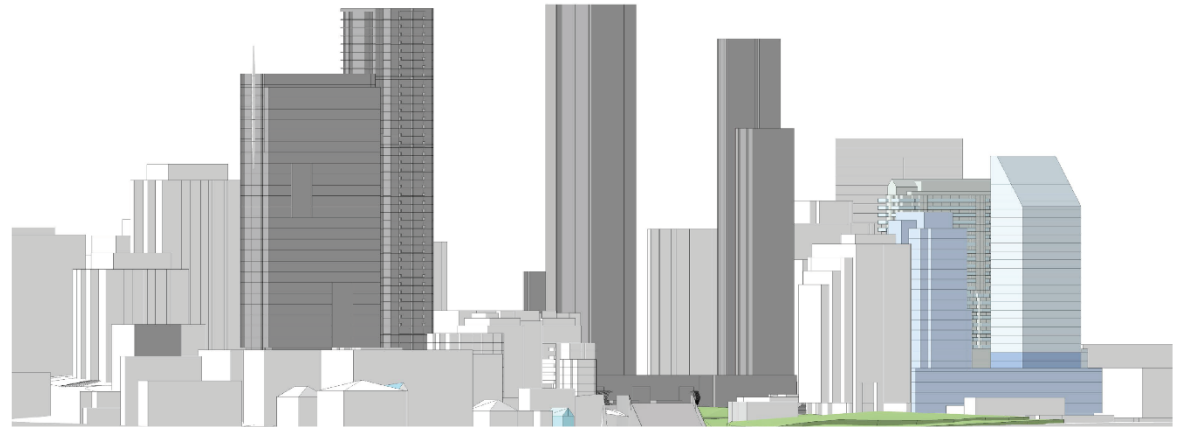
INDICATIVE CONCEPT

Design Considerations

- The following factors have informed the proposed concept design.
 - Comments from the DPIE in their assessment dated 30 September 2016.
 - Comments of the SNPP dated 26 October 2016 and 10 September 2020.
 - State Government investment in public transport including the Sydney Metro and the site's strategic location 80m from Chatswood Station.
 - The built form and future development context envisaged by the CBD Strategy.
 - State Environmental Planning Policy 65 (SEPP 65) and Apartment Design Guide (ADG) including appropriate setbacks and building separation.
 - Public domain presentation to Victor Street and Albert Avenue including active street frontages.
 - Enlarged malls within the shopping centre and improved through site connections to Chatswood Station.
- The proposed concept design provides a genuine mixed use development which includes
 - 15,088 sqm of upgraded retail GFA
 - 13,010 sqm NLA
 - 860sqm of GFA for community and other similar land uses such as child care, education and/or health and wellness.
 - 11,085 sqm of commercial office GFA within the podium and new office tower (Tower B),
 - 10,120 sqm NLA
 - 12,060 sqm of residential floor space excluding affordable housing.

3D VIEWS OF CONCEPT SCHEME

Bates Smart Architects



4.2 RETAIL – UPGRADE TO EXISTING SHOPPING CENTRE

OVERVIEW

The proposal will upgrade the existing Mandarin Shopping Centre to deliver:

- 15,088 sqm of upgraded retail GFA which includes
 - 2,595 sqm for the purpose of a supermarket
 - 12,493 sqm for specialty retail, entertainment and food premises.
- The proposal provides a large central void and areas for circulation and vertical transportation.
 - Increased public areas within the centre for passive recreation and respite.
 - Improvement of through site links to Chatswood Station and to the western side of the rail line.
- The proposal provides a 3m setback at the ground floor to facilitate an improved public domain and active frontage along Albert Avenue and Victor Streets.

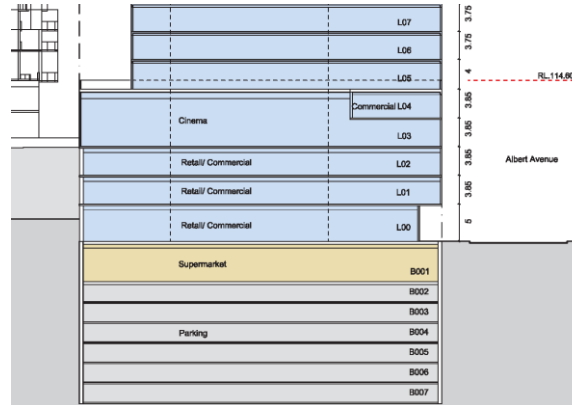
The proposed renewal maintains the centre's status as Chatswood's third largest retail centre.

The renewal will ensure that the centre remains competitive with other centres including Westfield and Chatswood Chase. The latter having recently received approval for a major expansion to include retail and commercial office floor space.

The renewal of the centre will reinforce Chatswood's role as one of the largest and most diverse shopping precincts in Greater Sydney. The proposed renewal will ensure the continued growth of the centre as a major regional retail employment hub.

SECTION BB – ALBERT AVE FRONTAGE

Source: Bates Smart



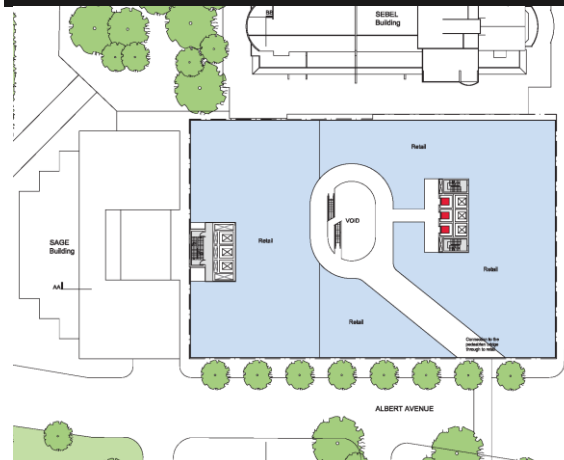
GROUND FLOOR RETAIL

Source: Bates Smart



LEVEL 1 RETAIL

Source: Bates Smart



LEVEL 2 RETAIL

Source: Bates Smart



4.3 PODIUM AND TOWER B – COMMERCIAL OFFICE

OVERVIEW

Around 11,085 sqm of new commercial office floor space will be provided within Level 4 of the podium and within a new 20 storey commercial office tower.

The commercial office envelope has been scaled to complement height and scale of the adjacent 'Sage' building.

The tower floorplate has been sized to ensure that appropriate setbacks are maintained generally according to the CBD Strategy as follows.

- 0 setback adjacent to the 'core' area of the 'Sage' office tower to the west
- 3m setback either side of the core along the western boundary (3m/60m tower)
- 6m setback with 3m indents at the southern and northern corners adjacent to 'Sage' to open up corner views.
- 6m setback to the northern boundary, consistent with the CBD strategy and blank wall setback to boundary requirements within the ADG. These setbacks increase to 9m at the northern corners.
- 21/24m internal building separation between Towers A and B. The 21m separation is for the first 10 levels of the towers. Whilst this is one level more than the ADG. The separation is greater than 18m below Level 9 and is considered an appropriate response in this context.
- Boutique commercial office suites are provided within the upper podium levels.

The commercial office tower will provide premium additional office floorspace within the Chatswood CBD in close proximity to Chatswood Station. The floorplates could suit a wide range of tenants including shared office / co-working spaces.

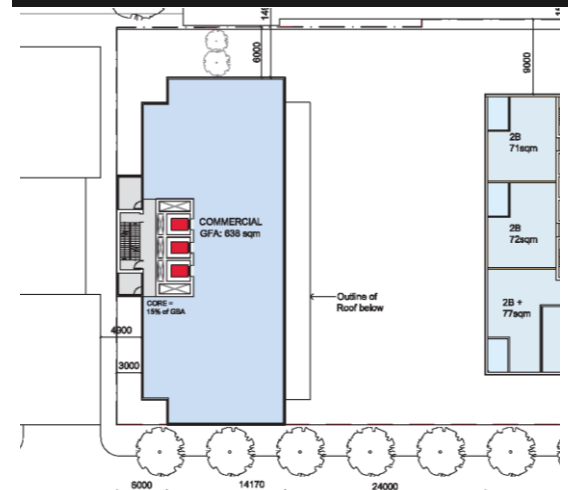
PODIUM OFFICE SUITES

Source: Bates Smart



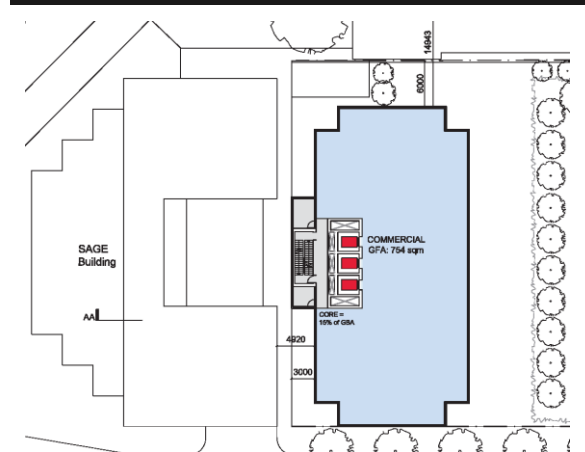
FLOOR PLATE LEVELS 11-18

Source: Bates Smart



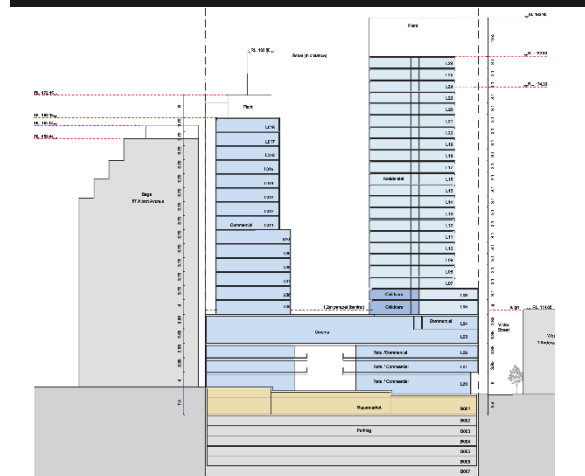
FLOOR PLATE LEVELS 6-10

Source: Bates Smart



SECTION AA

Source: Bates Smart



4.3 PODIUM AND TOWER A – COMMUNITY AND RESIDENTIAL

OVERVIEW

Tower A will include community uses on the first two levels with residential apartments above.

Community Use

The first two levels within Tower A will include 860sqm designated for community uses such as:

- Centre based child care/long day care with outdoor play areas located on the podium.
- After school care.
- Flexible spaces for extra curricular educational activities such as tutoring, music lessons and potentially overflow learning spaces made available to local schools.
- Health and wellness uses.

These uses will ensure adequate services are available to residents and workers and members of the general public. Co-locating these uses within a mixed use development will reduce car dependency.

Residential

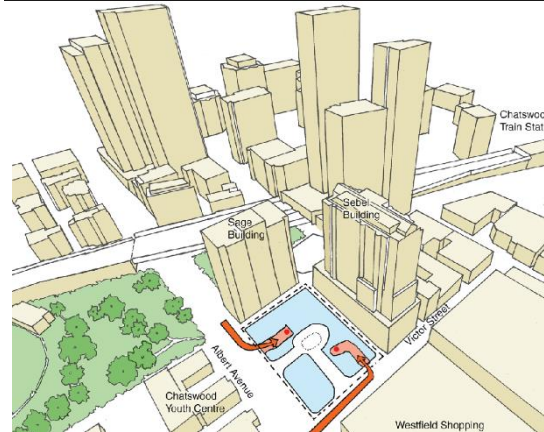
12,060 sqm of residential floor space will be provided within a 28 storey tower. The tower will provide 158 apartments.

Key design features of the residential tower include:

- Setbacks increased 9m to the northern boundary. Half the minimum separation distance as per Objective 2F of the ADG.
- Overall height ensures no additional shadow over Chatswood Oval playing surface between 11am and 2pm mid winter.
- Tower achieves the minimum solar access and cross ventilation requirements under the ADG.
- Apartments and balconies can meet the minimum size requirements under the ADG.

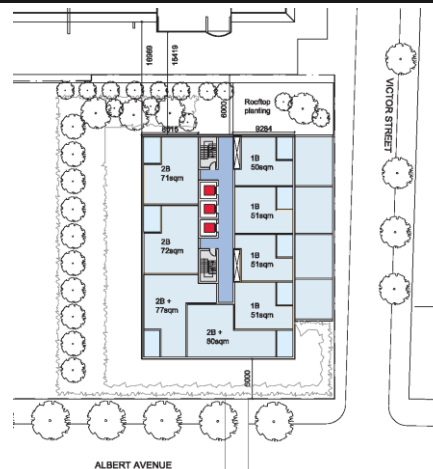
PROPOSED LOBBY ACCESS TO TOWERS

Source: Bates Smart



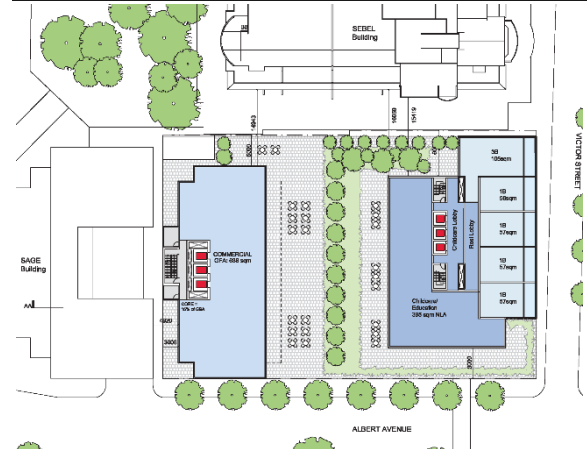
TYPICAL RESIDENTIAL LEVEL 7-10

Source: Bates Smart



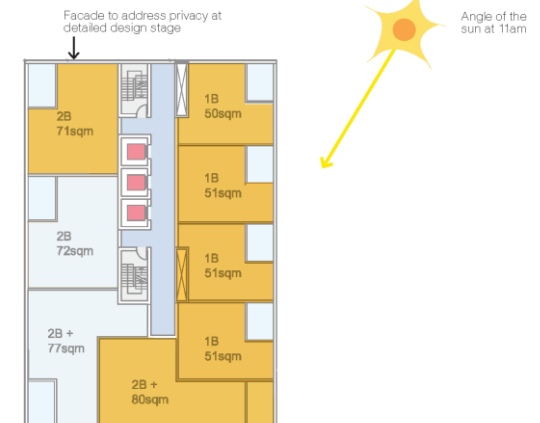
LEVEL 5 PODIUM FLOOR PLAN

Source: Bates Smart



AMENITY DIAGRAM

Source: Bates Smart



5. PLANNING PROPOSAL ASSESSMENT

THE PARTS OF A PLANNING PROPOSAL

5.1 OBJECTIVES & INTENDED OUTCOMES

OBJECTIVE

- To amend the WLEP 2012. The amendments will provide for the urban renewal of the site to accommodate a mixed-use development on the site with a taller building forms.

INTENDED OUTCOMES

- To satisfy State Government objectives to grow jobs, housing and infrastructure within Strategic Centres and to enhance Chatswood's role as a major regional mixed-use centre providing housing, jobs and services in a genuine mixed use development
- To ensure that Chatswood's future as an employment centre is protected whilst also allowing capacity for residential growth close to Chatswood Station.
- To balance the constraints specific to this site to mitigate the environmental impacts to adjacent residential uses and open space.
- To enable the redevelopment of the land in a manner consistent with the built form envisaged by the Chatswood CBD Strategy and the conditions of partial endorsement issued by the DPIE in 2019.
- To deliver significant public domain improvements including active street frontages, high quality internal and external public areas and improved connectivity to Chatswood train station.
- To provide a genuine mixed-use development with an appropriate balance of commercial office, retail, residential and community uses to contribute to the existing vibrant and active community in Chatswood.
- Contribute to the rejuvenation of Chatswood by encouraging and supporting development activity in the Commercial Core and supporting the diverse mixed use nature of the Chatswood precinct.
- To provide an additional 4% of the residential component for the purposes of Affordable Rental Housing consistent with the requirements of Clause 6.8 of the Willoughby LEP 2012 and in line with the targets envisaged by the Sydney North District Plan.
- To provide additional floor space within Chatswood for community uses including child care, after school care and future educational space close to compatible uses including Chatswood Primary School, offices and transport facilities.

5.2 EXPLANATION OF INTENDED PROVISIONS

INTENDED PROVISIONS	RATIONALE
<p>Map Amendments</p> <ul style="list-style-type: none"> Amend FSR Map to increase the FSR to 11.11:1 and include a new Area XX (TBC) Amend the Height of Buildings Map (Sheet HOB_004) for 65 Albert Avenue to RL192.5. Amend the Special Provisions Area Map (Sheet SPA_004) to show 65 Albert Avenue as Area XX (TBC). 	<p>The proposed mapping amendments will keep the number of changes to a minimum whilst ensuring the intent of both the planning proposal and the CBD Strategy can be achieved on the site.</p>
<p>Clause 4.3(A) 8 Remove the words 'Chatswood Park' from this clause and amend provision to ensure solar access provisions to the playing surface of Chatswood Oval apply from 11am and 2pm in mid-winter.</p>	<p>Consistent with SNPP recommendation and Gateway Determination 1 to strengthen solar access provisions for Chatswood Oval.</p>
<p>Clause 4.4A Exceptions to Floor Space Ratio Development consent must not be granted to development at 65 Albert Avenue Mandarin Centre identified as "Area XX" on the Floor Space Ratio Map unless:</p> <ol style="list-style-type: none"> For any development application seeking consent for shop top housing: <ol style="list-style-type: none"> A minimum non residential FSR of 7.68:1 is provided. A minimum of 4% of residential GFA as affordable housing in addition to the maximum residential FSR of 3.43:1. Notwithstanding the FSR shown on the map, no maximum FSR applies to 'commercial premises' or 'hotel or motel' accommodation land uses. 	<p>This clause will ensure that a minimum non-residential floor space is provided within any DA seeking consent for 'shop top housing' and clarify that GFA for the purpose of affordable housing is excluded from the overall provision GFA. This is consistent with Clause 4.4 (2A) (b) (i) of the WLEP 2012 which excludes affordable housing from the GFA. Objective (k) of clause 4.4 which is to encourage provision of affordable housing by permitting additional GFA for these land uses. The second part of the clause will ensure that a no maximum FSR will apply to 'commercial development' in line with the recommendations the Chatswood CBD Strategy.</p>
<p>Clause 4.6 (8) (cb) Exceptions to Development Standards Amend this clause such that development consent cannot be granted for development that contravenes the maximum residential FSR on the site for any development application seeking consent for 'shop top housing'</p>	<p>Consistent with SNPP recommendation 7.</p>
<p>Amend Part 6 Additional Local Provisions Include the following site specific provisions – to 65 Albert Avenue Area XX (TBC) on the Special Provisions Area Map.</p>	<p>Will ensure that the additional local provisions proposed will apply to 65 Albert Avenue only, such that they remain site specific provisions.</p>
<p>Amend clause 6.8(2) to also refer to new Special Provisions Area XX such that the clause 6.8 would be applicable to 65 Albert Avenue in addition to other site specific local provisions.</p> <p>Include design excellence objectives and provision that states that consent must not be granted to development unless the consent authority is satisfied that the proposed development exhibits design excellence.</p>	<p>Ensures clause 6.8 will apply to the new special area for 65 Albert Avenue.</p> <p>Consistent with SNPP recommendation 2 – will ensure that a requirement for design excellence for any future DA on the site.</p>
<p>Include a provision which specifically prohibits the land use 'serviced apartments'.</p>	<p>Consistent with SNPP recommendation 3.</p>
<p>Amend Schedule 1 Additional Permitted Use – Use of certain land at the Mandarin Centre, 65 Albert Avenue - Development for the purpose of 'shop top housing' is permitted with development consent</p>	<p>Ensures that 'shop top housing' is an additional permitted land use on the land.</p>

5.3. JUSTIFICATION FOR THE PLANNING PROPOSAL

Table 3 – Justification for the Planning Proposal

Question	Response
SECTION A – NEED FOR THE PLANNING PROPOSAL	
<p>Q1. Is the planning proposal a result of any strategic study or report.</p>	<p>No. However, the proposal has taken into considerations the recommendations of the CBD Strategy. The strategy was partially endorsed by the DPIE in August 2019 in relation to the CBD Core Area. In particular the partial endorsement noted that:</p> <p><i>“mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth.”</i></p>
<p>Q1. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>Yes as the current controls within the LEP do not allow for any development uplift nor permit residential land uses the planning proposal is the best means of achieving the objectives and intended outcome of the proposal.</p>
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	
<p>Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?</p>	<p>A detailed assessment of the planning proposal against the relevant objectives and actions of the applicable regional and district plans and strategies is provided at Attachment 3. A summary of the proposal’s consistency with these plans is provided below.</p>
<p>NSW State Plan 2012</p>	<p>The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The State Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth.</p> <p>The increased density proposed and future redevelopment of the site is consistent with the State Plan. This is because the proposal will provide jobs and encourage housing diversity in a location close to nearby services and facilities.</p>

Question	Response
<p>Greater Sydney Region Plan 2018</p>	<p>The proposal is consistent with the objectives and actions of the GSRP for these reasons:</p> <ul style="list-style-type: none"> • The proposal will optimise the use of infrastructure given its strategic location close to existing and planned rail services. The proposal's location will encourage usage of existing and new public transport infrastructure. • The proposal will provide an innovative approach to the use of land and floor space, including co-location with compatible uses such as primary schools and office buildings, close to transport facilities. • The proposal provides housing supply through the provision of 158 new dwellings. The new dwellings will contribute to the short to medium term housing targets for the North District. • The proposal's integrates land use and transport and supports the creation of the 30-minute city and walkable neighbourhoods. • The proposal will enhance the role of Chatswood as a major regional retail centre through significant upgrades to the existing shopping centre. • The proposal will provide 11, 085 sqm of new commercial office space to revitalise investment and business activity within Chatswood. This additional floor space is consistent with the strategic direction set by the CBD Strategy. • The proposal will contribute to an efficient city with walkable neighbourhoods and low carbon transport options. The site adjacent to Chatswood Station which is serviced to existing and future public transport services which will reduce private car use which will benefit of the surrounding road network.
<p>The North District Plan 2018</p>	<p>The North District Plan reflects the broader vision of Sydney as a three-city metropolitan region. The key targets of the Draft North District Plan are below:</p> <ul style="list-style-type: none"> • Housing – additional 92,000 dwellings by 2036 with a 5 year target within the Willoughby LGA of 1,250 dwellings. • Jobs – 31,000-33,000 jobs by 2036 which is a minimum additional 6,300 jobs within Chatswood over 20 years. <p>The proposal is consistent with Draft North District Plan for these reasons:</p> <ul style="list-style-type: none"> • The proposal will ensure that housing is more diverse and affordable. This will include providing 4% of residential GFA as affordable housing in line with the existing requirements within the Willoughby LEP 2012 and SEPP 70 Affordable Rental Housing (Revised Schemes). • The proposal will provide housing near to services and jobs and transport which promotes the 30-minute city and supports the State Government's investment in infrastructure. • The proposal will increase housing capacity in the Willoughby LGA. The proposal will foster liveable healthy communities by ensuring people can live where they can access jobs, transport and services without a car. • The proposed renewal of the retail shopping centre will contribute to creating a vibrant and active retail centre. • The proposal provides new office floor space to suit a wider range of businesses and services. The upgraded retail space will provide for additional specialty retail jobs. The proposal is therefore is consistent with the productivity objectives of the plan in particular Action 42 which relates to Chatswood. • The mixed-use proposal will deliver an integrated land use and transport outcome which balances the need for both employment and residential uses close to Chatswood station.

Question	Response
<p>Long Term Transport Master Plan</p>	<ul style="list-style-type: none"> • The NSW Long Term Transport Master Plan outlines several projects that will impact Sydney. The plan aims to build efficiently on existing transport connections, including those with the Sydney CBD through the Global Economic Corridor. These connections will connect people with jobs and other opportunities which in turn will support productivity and economic growth. • The Plan recognises that State Government investment in transport will grow and enhance businesses and precincts. The plan includes strategies to improve road capacity, reduce journey times and public transport solutions to promote accessibility across Sydney. • This planning proposal is consistent with the objectives of the NSW Long Term Transport Master Plan. The proposal provides a high density residential, commercial and community development near train and bus networks. The existing network provides excellent linkages to key nearby employment centres. • These short term and long term objectives promote the connectivity of Chatswood to the CBD and surrounding centres. The mixed-use proposal is timely given the proposed infrastructure upgrades planned to improve travel times between northern Sydney and the CBD.
<p>Future Transport 2056 Strategy</p>	<ul style="list-style-type: none"> • The strategy outlines the vision for the Greater Sydney mass transit network. The strategy identifies Chatswood as a 'strategic centre' within a City Shaping Corridor and Network linked directly to the 'Harbour City' (the Sydney CBD) via St Leonards and Norwest Business Park via Epping. • The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure. • The locality will significantly benefit from the frequency of transport services and upgraded infrastructure provided by the proposed public transport upgrades. • The strategy identifies future city shaping transport corridors include connecting to Western Sydney Airport via Epping and Rouse Hill and connections to Parramatta CBD via Epping. These corridors will further connect Chatswood to other Strategic Centres and Global Gateways within western Sydney. • The strategy also includes investigating improvements to bus services between Chatswood and the Northern Beaches.

Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?

Willoughby Local Strategic Planning Statement 2019

The Willoughby Local Strategic Planning Statement (LSPS) was adopted by Council in March 2020.

It is noted that the LSPS was not updated to include the partial endorsement of the DPIE relating to the CBD Strategy.

Mandarin Developments and Blue Papaya made a submission dated 14 October 2019 which stressed the importance of updating the LSPS to reflect the DPIE endorsement prior to finalisation. It was noted that updating the LSPS was critical to ensure that all of Council's strategic planning documents are consistent noting that all future planning proposals will be required to demonstrate consistency with both the LSPS and the Partially Endorsed CBD Strategy.

In its response to the public exhibition Council noted in its report dated 10 February 2020 that

The State requirement that the final LSPS be submitted for endorsement by March will be ahead of agreement on any revisions to the CBD Strategy. The LSPS can be revised when those matters are settled.

Notwithstanding the above an assessment has been undertaken against the LSPS in accordance with the Gateway Determination and is included within the Strategic Planning Assessment Tables at Attachment 3.

The planning proposal supports the recognition of Chatswood CBD as the LGA's major centre and supports the strategic priority to develop Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.

The proposal is considered generally consistent with the relevant priorities and actions of the endorsed LSPS.

Willoughby Council Chatswood CBD Strategy to 2036.

The Chatswood CBD Strategy aims to establish a strong framework to guide future private and public development as the CBD grows over the next 20 years. It aims to provide

- Capacity for future growth,
- Achieve exceptional design and a
- Distinctive, resilient and vibrant CBD.

The Strategy will inform changes to Willoughby LEP and DCP. Following exhibition and consideration of feedback, Council endorsed the Strategy on 26 June 2017 with the re-consideration of the sun access to Chatswood Oval endorsed in October 2017.

The Strategy was supported by transport and traffic input from Arup and economic advice from SGS, AEC and BIS-Oxford Economics. Despite making significant assumptions in relation to the viability of commercial office development within the Chatswood CBD, the BIS-Oxford Economics report was not released for public comment as part of the exhibition of the CBD Strategy.

The Strategy aims to achieve:

- A reinvigorated commercial core area and economically buoyant CBD, to provide for future employment.
- A sustainable balance between commercial, retail, residential, education, cultural and other uses to ensure on-going vibrancy.
- A compact, walkable CBD.
- A city form and scale to accommodate future growth and change.
- A CBD of exceptional urban design, easy pedestrian linkages and good public domain, where local character and heritage are embraced, and the greening of the
- centre is achieved.
- Simplified controls for the LEP and DCP in relation to the CBD.

The key elements of the future LEP and DCP controls within the CBD Strategy 2036 reflect the recommendations from the Draft CBD Strategy. An assessment of the planning proposals against these recommendations is provided in the following Table 4.

CHATSWOOD CBD STRATEGY TO 2036

Table 4 How is the proposal consistent?

Key Element (reflecting DPIE partial endorsement)	Planning Proposal
1. CBD Boundary Expanded	Proposal is within the existing CBD boundary however it is noted that sites opposite on Albert Avenue will be rezoned to B3 Commercial Core.
2. Land Use a) CBD Commercial Core – Commercial, Retail. b- All other areas mixed use. NB. DPIE has endorsed residential within the CBD Core east of the rail line where it achieves demonstrable and assured job growth.	The proposal is consistent with the DPIE partial endorsement which permits mixed use development where the proposal achieves demonstrable and assured job growth. The proposal will result in 69% of the development for employment use that will result in 1,664 jobs which is an increase of 877 (111%) over what is currently provided within the centre.
3. DCP limits on office and retail in parts of the commercial core to be removed.	This change does not impact on the proposal.
4. Serviced apartments to be removed as a permissible use from the B3 Commercial Core Zone.	Noted and provided as a site specific LEP provision (refer section 5.2).
5. The existing FSR controls are to be simplified and retained as a 'base' FSR	Noting that the base FSR under the strategy (2.5:1) is below the current existing FSR (4.6:1). It is proposed is to increase the base FSR to 11.11:1 for mixed use development.
6. Increased FSR linked to Value Uplift	N/A - DPIE has advised WCC that it does not support the value capture scheme and has recommended that alternate methods for the delivery of infrastructure to support uplift. On this basis any future DA will be required to provide contributions based on the current applicable s7.12 rate for the Chatswood CBD of 3% of the development cost.
7. Increased FSR required to contribute to Public Art in addition to value uplift.	Contribution to public art will be considered at the DA stage.
8. Design excellence including competitive designs for developments over 35m high.	Noted, a site specific provision is proposed to ensure design excellence.
9 Achievement of design excellence includes higher building sustainability standards	Noted – this will be a matter required to be addressed in the detailed DA/Design Excellence process.
10. Architects for design excellence schemes retained through the DA process.	Noted – this will be a matter required to be addressed in the detailed DA/Design Excellence process.
11. Maximum base FSR.	As above it is noted proposed base FSR is inconsistent with the existing FSR of the Mandarin Centre. Nevertheless, this proposal intends to increase the base FSR on the site to 11.11:1
12. Minimum site areas: a) 1800sqm for commercial development in the B3 zone: b) 1200sqm for mixed use development in B4 zone.	The site area is above the minimum site area requirement.

Key Element (reflecting DPIE partial endorsement)	Planning Proposal
<p>13. Maximum FSR a) no maximum FSR for commercial development.</p>	<p>A new provision is recommended to ensure a minimum Total Non-Residential FSR: 7.68:1 within a DA for 'shop – top housing' development. Notwithstanding this it is also recommended that a provision be provided that would allow for no maximum FSR for a future commercial development consistent with this recommendation of the strategy</p>
<p>14. Affordable housing to be provided within the maximum FSR.</p>	<p>The proposal maintains that given the significant non-residential floor space being provided, affordable housing should be excluded from the maximum FSR consistent with approach under clauses 4.4 and 6.8 of the current LEP.</p>
<p>15. Minimum commercial FSR in the B4 Zone is 1:1</p>	<p>Whilst not within a mixed use zone, the proposal will ensure a minimum 7.68:1 of employment floor space can be provided in any mixed use development on the site.</p>
<p>16. Maximum floor plates a) 2000sqm GFA for office, and b) 700sqm for residential towers above podium</p>	<p>Both proposed towers are below the maximum floor plate requirements.</p>
<p>17. Minimise tower widths reduce elements that contribute to building bulk.</p>	<p>Sides of both towers have been minimised.</p>
<p>18. Sufficient separation provided, avoid two towers that read as one large tower, no linking of towers above podium.</p>	<p>Building separation between the residential Tower A and commercial office Tower B is between 21/24m, all but the separation provided at level 10 is consistent with the ADG. Two separate slender tower forms are provided which read clearly as two towers. The two towers will operate independently in terms of lift cores and services.</p>
<p>19. No additional overshadowing of Chatswood Oval between 11am – 2pm (which in turn protects Chatswood Park)</p>	<p>Proposed height of both towers will ensure no additional shadow to Chatswood Oval between 11am and 2pm. An additional local provision is proposed to ensure that no additional sunlight will impact on the 'playing surface' of Chatswood Oval consistent with Figure 3.1.5 of the CBD Strategy.</p>
<p>20. Maximum height of buildings according to sun access protection diagram 3.1.6.</p>	<p>Maximum height has been provided in accordance with the sun access protection diagram.</p>
<p>21. All structures including lift overruns and architectural features to be integrated and included within the height maximums.</p>	<p>All features can be integrated into the tower forms and resolved within detailed DA design.</p>
<p>22. Links and open space to be provided in accordance with Figure 3.1.7.</p>	<p>Links are be provided through the site in accordance with Figure 3.1.7.</p>
<p>23. Publicly accessible open space and green landscaping required for all development subject to design principles.</p>	<p>Public access and landscaping details to the podium roof space can be resolved through detailed design and/or site specific DCP controls.</p>
<p>24. Roofs up to 30m from ground to be green roofs with a balance of passive and active spaces which maximise solar access.</p>	<p>Design for green roofs, open space etc. can be resolved through the design excellence process and detailed DA.</p>

Key Element (reflecting DPIE partial endorsement)	Planning Proposal
25. Minimum 20% of the site is to be soft landscaping located on ground, podium and roof top levels or green walls of buildings.	Soft landscaping can be resolved through the design excellence process and detailed DA.
26. Communal open space to be designed to address quality, safety and useability.	Proposal will be required to provide sufficient communal open space in accordance with the ADG for the residential tower, these details can be resolved through the design excellence process and detailed DA.
27. Street frontage heights and setbacks. b) Urban Core i) Maximum 24 street wall height. ii) Minimum setback above street wall.	A varied approach to street wall heights and setbacks has been taken to respond to existing context including the podium height of the adjacent Sebel (north). The Albert Ave podium height aligns with Westfield to the east. Above the street wall the residential tower is generally setback 6m from the street wall. The commercial tower setbacks align with the core and front setback of the adjacent 'Sentral' office tower to the west.
28. All buildings setback from all boundaries a minimum 1:20 ratio of the setback to building height, 3m/60m and 6m/120m.	Application of this setback to the podium shopping centre is not a desired development outcome. Nevertheless, the ground floor has been setback 3m from Albert Avenue to provide an active street frontage.
29. Building separation a) ADG for residential. b) 6m from all boundaries for commercial uses above street wall.	ADG separation distances are proposed for the residential tower: - 9m to northern boundary with 'Sebel' (half minimum separation distance) - 21/24m to commercial tower. Whilst level 10 is below the minimum separation distance the separation is greater than 18m required below Level 9 and is considered an appropriate response in this context.
30. Active frontages are to be maximised.	Active street frontages will be provided to both Albert Avenue and Victor Street.
31. Site isolation discouraged, joined basements and zero-setback podiums should be provided.	Subject site is not isolated yet is highly constrained by the use and setback of neighbouring buildings in particular the residential building to the north.
32. Maintain traditional lot patterns on Victoria Ave east.	Not applicable.
33. Floor space at ground level maximised with loading, parking, plant and services located in basements.	Renewal of the existing shopping centre will ensure that floor space at the ground level will be maximised.
34. Substations to be provided within buildings.	Noted and can be resolved at detailed design.
35. Travel Demand Management and addressing site specific transport issues including rationalise vehicle entry points, vehicles to enter and exit in a forward direction, loading areas to be located on site and reduced car parking provision.	All access and parking requirements are consistent with this approach. Refer to addendum letter provided by GTA at Attachment 4

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

Table 5 – Relevant State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (State and Regional Development) 2011	The aims of this Policy are to identify development that is State significant The proposal is neither currently identified within any of the relevant schedules of the SEPP nor deemed as State or Regional Development.
SEPP (Infrastructure) 2007	The future development will be referred to the RMS and any other relevant agencies if required in accordance .
SEPP 55 Remediation of Land	Given the existing building on the site and the CBD context. The proponent will undertake a Phase 1 Assessment as part of any future development application.
SEPP 65 Design Quality Residential Apartment Development (SEPP 65)	The proposed concept has been designed to be capable of complying with the requirements of SEPP 65 and the accompanying ADG.
SEPP 70 – Affordable Housing (Revised Schemes)	Any future affordable housing is to be provided in accordance with the principles outlined in Schedule 2 of SEPP 70.
SEPP Educational Establishments and Child Care Facilities (2017)	Any future education or child care use will have regard to the relevant provisions within the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.
Sydney (SREP) (Sydney Harbour Catchment) 2005	The site is within the Sydney Harbour Catchment to which this plan applies. The proposal is unlikely to have any additional impact on the water quality of Sydney Harbour as it is within an existing high density urban environment. Strategies to reduce overall surface runoff and water retention on the site will be considered as part of the detailed design.
SEPP Vegetation in Non-Rural Areas	There is no existing vegetation on the site. The site is within an existing urban area and as such will have minimal additional impact on the surrounding natural environment.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS SECTION 9.1 DIRECTIONS

Table 6 – Relevant Section 9.1 Directions

Section 9.1 Direction	Comment
1. Employment and Resources	
<p>1.1 Business and Industrial Zones</p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p>	<p>The proposal is consistent with this direction. The proposal provides for additional employment floorspace in a suitable location close to Chatswood Station. The proposal ensures that employment land within the Chatswood Commercial Core is protected through the retention and upgrade of the existing shopping centre which will provide 798 retail jobs. The additional commercial office tower will provide an additional 675 additional office jobs. The proposal therefore enhances and supports the viability of Chatswood as a Strategic Centre.</p>
2. Environment and Heritage	
2.3 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such the proposal does not trigger further consideration.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The proposal provides a mix of dwelling types to meet future population needs. Whilst located within the Commercial Core, the site is well placed to accommodate high density residential uses due to its location adjacent to Chatswood Station. The proposed mixed-use development will make efficient use of existing services and infrastructure. It will provide sufficient housing to help meet housing targets and reduce the need for land release on the metropolitan fringe.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands. This is because the precinct and sites are already developed and are not constrained by natural hazards. The proposal is consistent with the scale of development supported for the site the CBD Strategy.</p>

Section 9.1 Direction	Comment
3.4 Integrating Land Use and Transport	<p>The planning proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> • The proposal to increase density on the site supports the principle of integrating land use and transport. • The site has excellent access to public transport. It is within walking distance of Chatswood train station which will be a future interchange for heavy rail and the Sydney Metro, as well as existing bus services. • The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements. • The proposal will provide significant additional employment within Chatswood close to existing services and infrastructure. • The site is close to the Chatswood Retail Core which ensures that employment and other essential local services can be easily accessed within walking distance reducing private vehicle use.
3.5 Development Near Licensed Aerodromes	<p>Chatswood is not within the OLS of Sydney Airport however is within the RTCC at 244m AHD. The PANS-OPS (Procedures for Air Navigation Services, Operations) typically describes heights above which will not generally be permitted (or which may require changes to the flight paths of aircraft). For Chatswood this varies from 246.8m AHD to 300m AHD. The maximum height for this development is well below PANS-OPS to ensure no additional overshadowing to Chatswood Oval. As such it is not expected that the development will be required to be referred to the Civil Aviation Safety Authority for approval.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>The site is identified as Acid Sulfate Soils Class 5. However the Acid Sulfate Soils Map within the Willoughby LEP identifies the nearest adjacent land classified as Class 1,2, 3 or 4 to be located more than 500m from the site. As such, the proposed works are unlikely to require the preparation or consideration by the consent authority of an acid sulfate soils management plan. Notwithstanding this, an acid sulfate soils management plan can be provided as part of the detailed development application should the consent authority consider such a plan to be required.</p>

Section 9.1 Direction	Comment
5. Regional Planning	
5.10 Implementation of Regional Plans	The proposal is consistent with this Direction. This proposal outlines an assessment demonstrating the achievement of the objective of this Direction.
6. Local Planning Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for the PPA.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for PPA
6.3 Site Specific Provisions	<p>The proposal is consistent with this direction. A site specific provision is proposed to allow 'shop top housing' on the site. An additional local provision is also proposed to specify the amount of non-residential floorspace to be provided within the development and to add the site to 'Area 3' for provision of Affordable Housing.</p> <p>This approach is consistent with Willoughby City Council's approach to spot rezoning. No unnecessarily restrictive site-specific planning controls are proposed, rather conventional LEP amendments such as building height and FSR changes to Council maps.</p>
7 Metropolitan Planning	
7.1 Implementation of Greater Sydney Region Plan	The planning proposal is consistent with the previous planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in the Sydney Regional Plan.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

6.1 ENVIRONMENTAL CONSIDERATIONS.

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts is minimal

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is constrained by the surrounding built form and existing setbacks. The environmental effects from the development of the site need to be suitably balanced to ensure that impacts are appropriately mitigated whilst allowing the site to be developed to its maximum potential. The potential environmental effects of the proposal are discussed in the following sections.

Overshadowing to Chatswood Oval

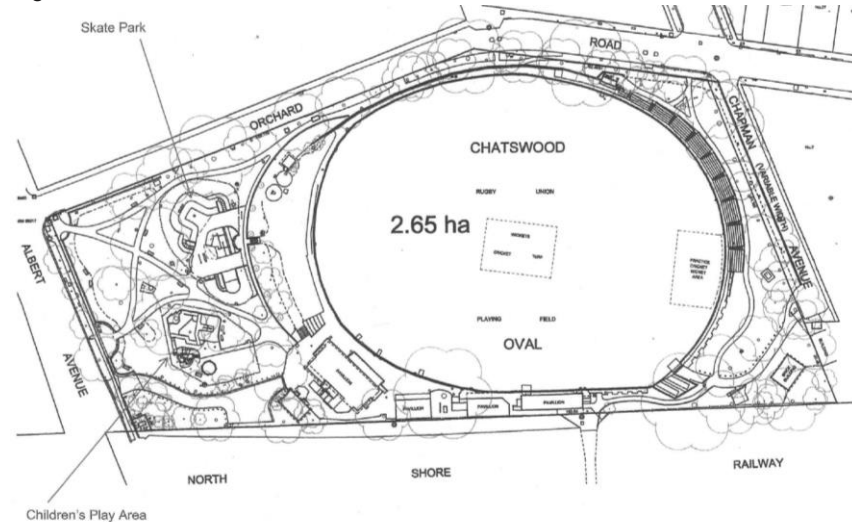
The planning proposal has taken into consideration the specific comments of the Panel and the recommendations of the CBD Strategy in relation to overshadowing of the playing surface Chatswood Oval as indicated within Figure 3.1.5 of the CBD Strategy provided below (Figure 10).

The CBD strategy notes that the shadow recommendation will ensure protection of Chatswood Park. Whilst the proposed envelopes will impact on the park between 10am and 11am. This impact is considered to be an unavoidable consequence of any redevelopment of the envisaged by the CBD strategy .

The only way that Chatswood Park could be afforded greater sunlight would be to permit a taller, more slender building envelope (similar to the 2016 scheme). However, such an envelope would only be conducive to residential development and whilst generating longer faster moving shadows would have some impact to the playing surface of Chatswood Oval between 11am and 2pm mid winter.

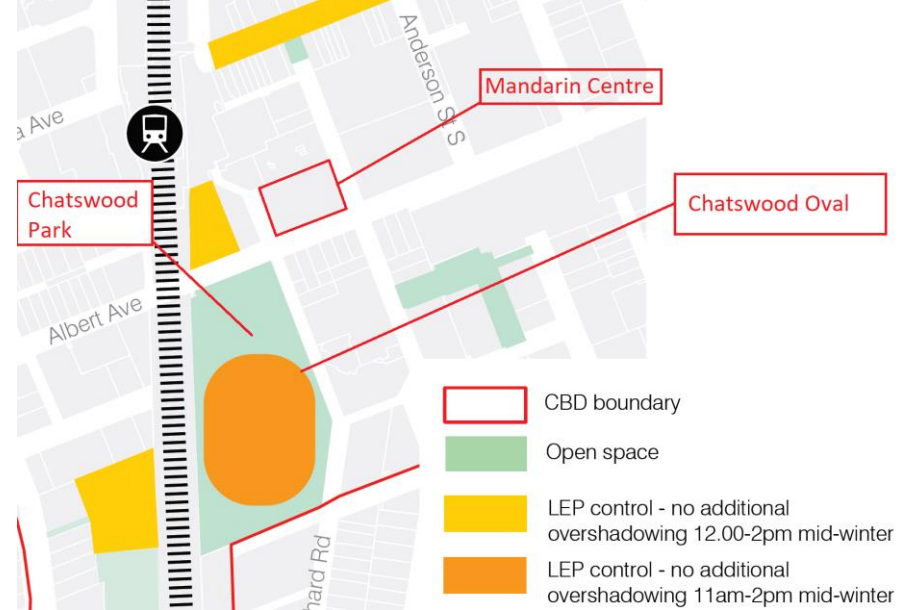
The recommendations of the SNPP included the requirement to more clearly define the boundary of Chatswood Oval. A site plan of the oval was included in a Council Report for the 2015 Planning Proposal (refer Figure 11). This plan has been overlaid on the submitted shadow diagrams (Figure 13 overleaf) and confirms there will be no impact to the playing surface of Chatswood Oval between 11am and 2pm mid winter. It is also noted that both the site plan and the aerial photo (Figure 12) show extensive existing tree cover in the area adjacent to the field of play impacted by shadow between 11am and 12.).

Figure 11 – Site Plan Chatswood Park and Oval



Source: Willoughby City Council

Figure 10 – CBD Strategy Solar Access Diagram



Source: Willoughby City Council

Figure 12 – Existing Tree Canopies – Chatswood Park

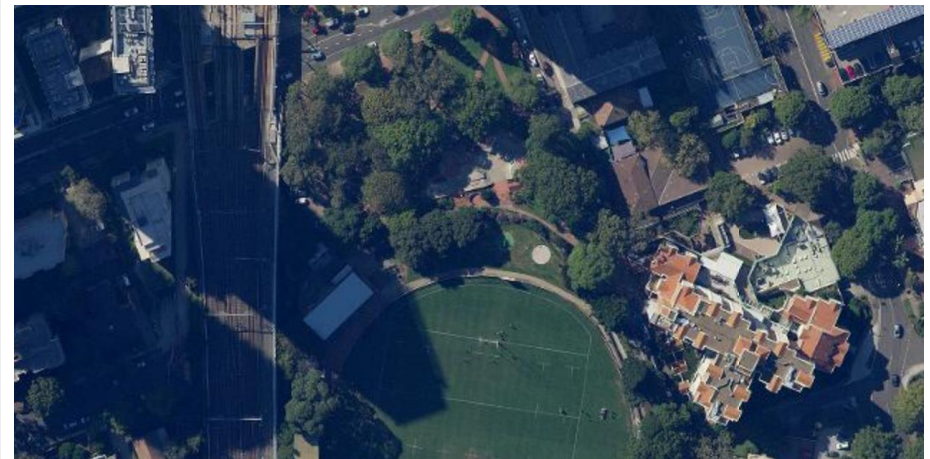
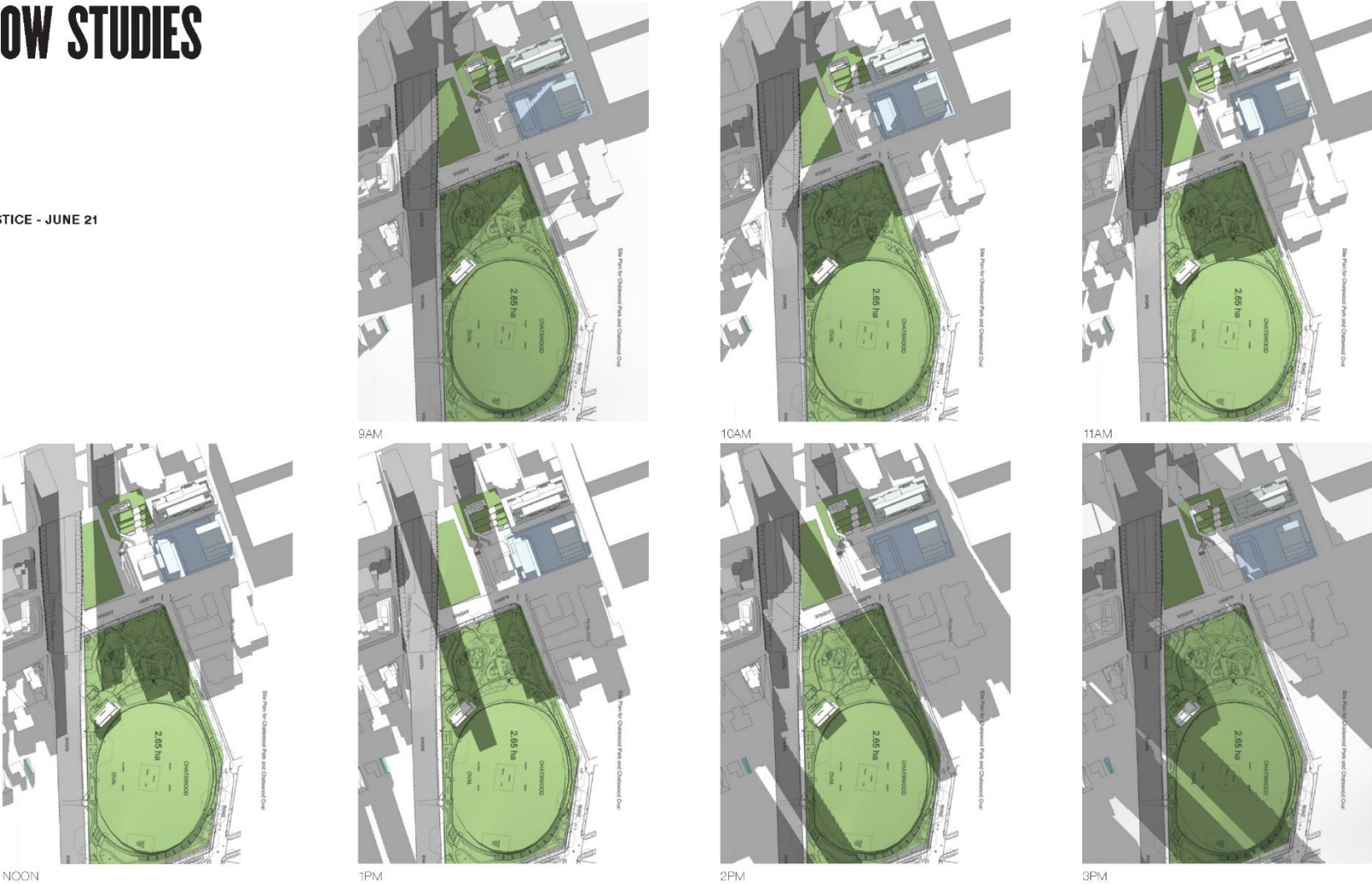


Figure 13 – Submitted Shadow Studies

APPENDIX 1.0 SHADOW STUDIES

WINTER SOLSTICE - JUNE 21



BATESSMART.

View Impacts

The proponent is committed to undertaking a detailed visual impact assessment (VIA) if required prior to the public exhibition of the planning proposal. It is therefore requested that the DPIE defer the SNPP recommendation for additional detailed analysis to assess view sharing to post Gateway Determination. The planning proposal supports the DPIE assessment of view sharing in its assessment dated 20 August 2019 which stated:

“While the proposal would have some impact on the current views of the Sebel tower, it is considered that it would be unreasonable and inequitable to expect that redevelopment of the site would be prevented indefinitely to preserve an unimpeded outlook from the Sebel tower. Moreover, the strategy contemplates additional scale and density of development for the subject site which would result in some level of view sharing.”

The proposal has been designed to minimise view impacts from the adjacent ‘Sebel’ tower. This has been achieved through increased separation between the residential and commercial tower. The proposed separation opens up additional views from the single aspect apartments at the lower level of the ‘Sebel’ that were previously impacted by the 2016 and 2015 planning proposals (**Figure 14**) which also illustrates the significant impact of an envelope which is consistent with the CBD Strategy (bottom left).

There will be some additional impacts to the western portion of the south facing façade ‘Sebel’ these impacts will be assessed as part of the detailed VIA. However it is noted that a number of balconies are dual aspect as shown in **Figures 15 and 16**.

Figure 15 – Duel Aspect Balconies (Western Façade) - Sebel



Figure 14 – Comparison of envelopes – proposed envelope bottom right

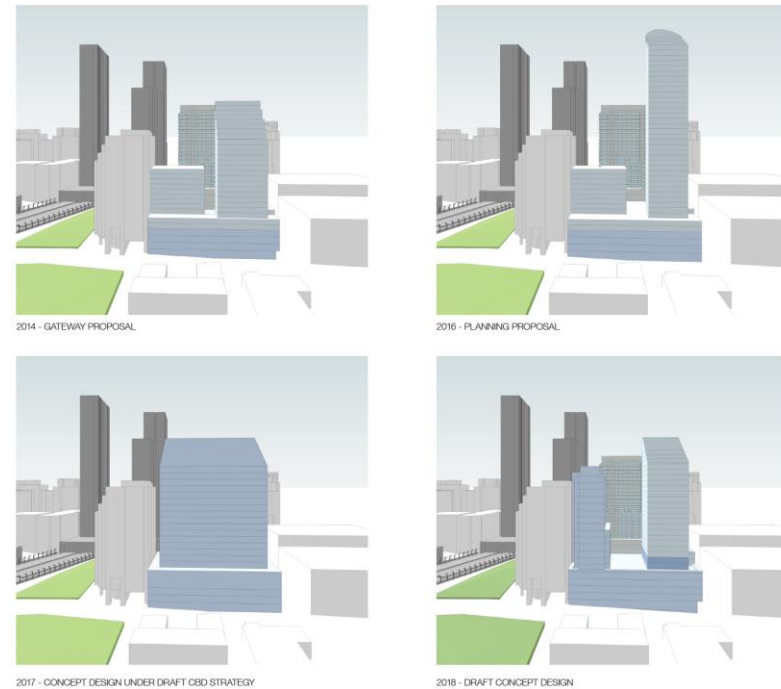


Figure 16 – Duel Aspect Balconies (Southern Façade) - Sebel



Built Form – Massing, Building Separation and Visual Privacy

The planning proposal scheme is generally consistent with the building separation and consistent and setback requirements of SEPP 65/ADG and the CBD Strategy.

Residential – Tower A

Apart from Levels 6 and 7, Tower A has been setback 6m from both Victor Street and Albert Avenue.

As illustrated in **Figure 17**, the setback between the residential Tower and ‘Sebel’ is 9m. The setback allows for a minimum building separation to the Sebel of 15m and a maximum separation of 17m.

Whilst this separation is below the 18m required by the ADG the setback provided to the northern boundary is half the minimum separation distance between non-habitable/ blank walls and habitable rooms. This is consistent with Objective 2-F of the ADG.

The proposed building separation to the ‘Sebel’ is consistent with Objective 2F of the ADG for these reasons:

- It ensures appropriate massing and spaces between buildings in a high density CBD context.
- It provides increased residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.
- The design allows for building separation to be distributed equally between neighbouring sites by providing half the minimum separation distance to the boundary.

- Blank walls/privacy treatments can be provided to north facing facades to ensure adequate visual privacy can be maintained to the ‘Sebel’.
- The internal building separation between Towers A and Tower B between 21/24m ensures that the residential tower can achieve excellent amenity and visual privacy.

Commercial – Tower B

The commercial office ‘Tower B’ is aligned with the front setback of the adjacent ‘Sentral’ commercial office tower. This will ensure a consistency of tower forms along Albert Ave.

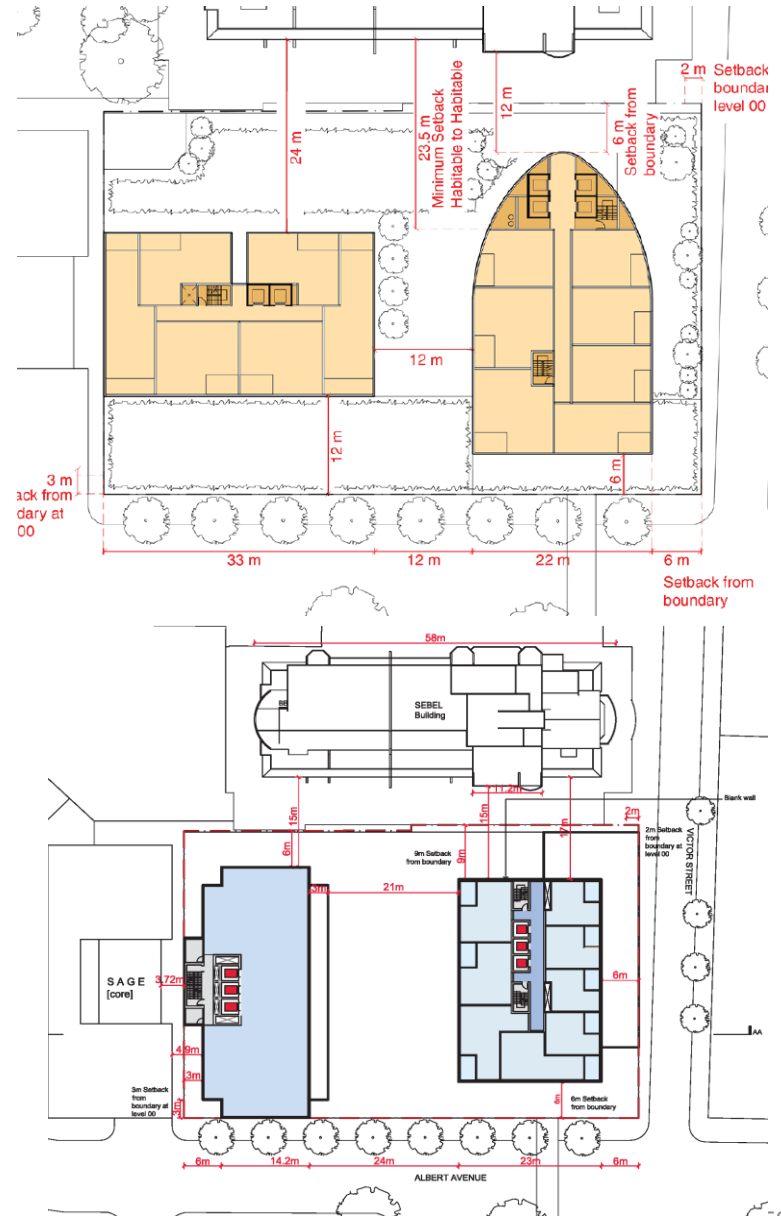
To minimise impacts on views from the commercial office towers the core of ‘Tower B’ has been aligned with the service core of the ‘Sentral’ building and comprises approximately 14m of its eastern façade

The part 3/6m setback to the western boundary is appropriate in the context of the current setback of the adjacent ‘Sentral’ tower which is built over Orchard Road below.

Summary

Overall, the proposed setbacks and separation are an appropriate response to the high density CBD environment. The proposed setbacks respond to the significant constraints imposed by existing setbacks on adjacent sites to the north and west. The proposed setbacks ensure that appropriately sized floor plates can be achieved whilst maintaining a strong and legible urban form to both Albert Avenue and Victor Street.

Figure 17 – Setback Comparison – 2016 Scheme to Current Proposal



Traffic Impacts

A Transport Impact Assessment (TIA) Addendum letter was prepared by GTA to support the amended scheme in 2018 (**refer Attachment 4**).

This letter assessed the impacts of the amended mixed use development including provision of additional commercial floor space.

The car parking numbers provided within the planning proposal are consistent with previous advice from the RMS dated 14 April 2015. This advice stated that

- *“amendments be made to Willoughby DCP for car parking rates which ensure the following rates below applies to the current site or to ensure consistency within the CBD Council may consider amending it for the entire Commercial Core B3 zoning.*
- *“Shop Top Housing” to provide “maximum parking rates” which are no greater than the :High Density Residential Flat Building (Metropolitan Regional CBD Centres)” parking rates provided within the Roads and Maritime Services – Guide to Traffic Generating Developments (October 2002).*
- *“Retail” to provide “maximum parking rates” which are no greater than 3 spaces/100m² GFA.”*

The ADG specifies that development within 800m of a railway station or light rail stop in the Sydney Metropolitan Area is to provide parking according to either the RMS or Council DCP rates whichever is less. Therefore, as the ADG prevails over the DCP the utilisation of the RMS rates is considered appropriate and consistent with the CBD Strategy.

Based on the parking rates provide within the Willoughby DCP, the amended proposal would be required to provide up to 832 spaces. Whilst the final number of spaces will be determined at detailed design, the intended number of car parking spaces provided within amended planning proposal will remain consistent with the original planning proposal presented for pre-gateway review.

The TIA assessed the intended number of car parking spaces be acceptable noting that it is only 1 space more than the expected parking demand. Further, the site’s strategic location adjacent to Chatswood Station will allow any future development to explore opportunities for demand management approach and a reduction in the overall car parking on the site, including sharing car parking between uses that peak at different times throughout the day (i.e. residential visitors and retail uses).

This approach can also be complemented by enhanced end of trip facilities for cyclists and pedestrians and is entirely consistent with the recommendations of the CBD Strategy.

The TIA notes that the proposed loading area at Basement Level 1 can be designed such that loading vehicles are able to enter and exit in a forward direction. Providing the loading area underground and allowing for forward in and forward out movements is consistent with the recommendations of the CBD Strategy.

The TIA notes that the site is expected to generate up to 69 (+24) compared to the previous proposal), 71 (+15) and 51 (-29) additional vehicle movements in the weekday AM and PM and Saturday lunchtime peak hours, respectively.

The TIA has confirmed that the additional traffic generated by the amended planning proposal could not be expected to compromise the safety or function of the surrounding road network. Additional traffic volumes generated by the amended planning proposal to the surrounding roads will continue to be low compared to existing volumes on these roads. The additional traffic volumes along each road section will continue to be generally less than 3% of existing volumes.

The TIA confirms that further analysis would be undertaken as part of the Development Application stage, in consultation with Council and RMS, to determine the most appropriate strategy to manage traffic generation on the surrounding road network. In terms of the previous RMS requirement for road widening along Victor Street the analysis considers that there would be negligible benefit to the road network operation in providing a widened Victor Street carriageway (i.e. left turn at Victor Street).

On the basis of the traffic and access analysis, the TIA concludes that the amended planning proposal scheme would have acceptable traffic impacts of the surrounding road network.

Traffic Impacts (Ctd.)

An updated statement has been prepared by GTA Consultants at **Attachment 4**. This addendum provides a specific response to Condition 3 of the DPIE endorsement of the Chatswood CBD Strategy for the CBD core which stated

That any planning proposals for the CBD Core area do not result in significant traffic or transport impacts, as sites in this part of the CBD are highly accessible to Chatswood rail and bus interchange.

The updated statement from GTA also provides details on sustainable transport initiatives that can be implemented as part of the proposal to strengthen the trend toward public and active travel modes and to minimise overall traffic impacts.

The updated statement notes the importance of recognising the changing nature of the Chatswood CBD but also Council's response to this through its CBD Strategy. It is also noted the significance of the Regional Plan and District Plan in setting the overall policy direction with particular regard to the alignment of land use and infrastructure, the delivery of jobs within the eastern economic corridor and housing targets to support major investments in rail infrastructure such as the Sydney Metro.

The updated statement recognises that rail travel to Chatswood will increase which will further reduce reliance on private car travel.

The statement recommends the preparation of a Green Travel Plan GTP which will ensure that measures are in place to raise awareness and influence the travel patterns of people living, working and visiting the site

The statement has recommended the preparation of a GTP could include the following initiatives:

- Limiting on site parking;
- Providing of a travel access guide which details on-site facilities for active; transport as well as details on public transport initiatives;
- Provision of transport information boards;
- Opportunities for car share spaces within the basement;
- Bicycle spaces and end of trip facilities for workers;
- Encouraging car pooling among businesses through a car pool club or similar initiative.
- Promoting walk/ride to work days; and
- Regular updates / newsletters to occupants on the site detailing any sustainable transport initiatives in the area.

In terms of updated traffic impacts the statement noted that Saturdays would generate most traffic (as a result of retail activity) with up to 315 vehicle trips, more than the anticipated 240 trips on a typical weekday evening and significantly more than weekday mornings.

However, the statement also noted that updated 'Aimsun' traffic modelling that it undertook for a recent expansion of Chatswood Chase shopping centre included future traffic generated by a re-developed Mandarin Centre (and other known developments). The statement noted that with the centre historically generating around 265 vehicle trips on a Saturday (midday), the estimated 80 additional trips would not result in a significant change to traffic conditions in the surrounding road network particularly if sustainable transport initiatives are undertaken to further encourage active and sustainable travel modes and habits.

Design Excellence and Sustainability

Any future development of the site will be subject to the design excellence provisions to be implemented as part of the proposed changes to the Willoughby LEP 2012. The CBD Strategy makes the following recommendations in relation to design excellence

- *Design excellence is to be required for all developments exceeding the base FSR, based on the following process:*
 - a) *A Design Review Panel for developments up to 35m high.*
 - b) *Competitive designs for developments over 35m high.*
- *Achievement of design excellence will include achievement of higher building sustainability standards.*
- *The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council*

This proposal recommends that a provision requiring design excellence be included as an additional local provision relating to 65 Albert Avenue. The wording of this provision should be consistent with Council's approach to design excellence for the Chatswood CBD in any future amendment to its LEP.

Wind

Wind impacts are expected to be limited due to the incorporation of an increased setback and awning along the Albert Avenue frontage. The parapet design of the podium will also reduce potential downward wind effects to the public domain. However, wind impacts will be assessed through detailed wind tunnel testing and analysis at the detailed design stage

Podium Greening

The podium level has been designed to be able to incorporate a balance of passive and active green spaces. A minimum of 20% of the podium can be provided as soft landscaping in line with the CBD Strategy. A detailed landscaping strategy can be developed as part of the detailed design at the development application stage.

Summary

Overall, the planning proposal, will not result in any significant environmental effects that would preclude the LEP amendment. The site is therefore appropriate for the high density mixed use residential development proposed.

6.2 SOCIAL AND ECONOMIC IMPACTS

Q9. Has the planning proposal adequately addressed any social and economic effects?

To determine whether the proposal adequately addresses economic effects, it is important to understand the current market conditions and how the proposal responds. Through realising economic benefits, a positive social on-flow effect will also occur with the public benefiting through job creation and public domain upgrades. Urbis has provided an analysis of the employment potential of the planning proposal at **Attachment 5**.

Social and Economic Effects

The proposal land use mix is considered to deliver the most balanced planning outcome for this site and will have the following positive social and economic effects:

- The proposed residential component will provide more housing close to services and jobs and transport. The proposal delivers more residential capacity within the Willoughby LGA in a highly accessible location which supports the State Government's significant investment in infrastructure such as the Sydney Metro. Residential uses in this location supports the notion espoused by the Regional and District plans of a 30-minute city.
- The proposal will foster liveable healthy communities by ensuring people can live where they can access jobs, transport and services without a car.
- The proposal will provide an additional 4% of GFA for affordable housing in accordance with the requirements of WLEP2012. The provision of these affordable housing units within walking distance of accessible public transport, shops and services will be a positive social outcome.
- The proposal will deliver significant employment floor space within a Strategic Centre. The proposal will provide approximately 737 retail jobs 920 commercial office jobs and 6 Childcare jobs. The total number of jobs provided by proposed scheme is 1,664 which is over 1000 more than the previously submitted scheme. The jobs will contribute to the productivity targets for Chatswood set in the North District Plan.
- The proposed renewal will create a vibrant and active retail centre through the upgrade of the Mandarin Shopping Centre. The enhanced retail with improved amenity and convenience will offer greater retail choice for residents, workers and visitors.
- The upgraded retail areas will provide increased publicly accessible mall area. These enlarged circulation areas will provide space for passive recreation and respite and improve overall efficiency of movement throughout the centre and will provide overall public benefit to Chatswood. The enlarged circulation areas will also improve through site linkages to Chatswood Station and areas west of the rail line.
- The proposal will have a positive social effect through the provision of additional floor space for community services such as child-care, after school care and other education related space.

Impact of Residential Land Uses on the Commercial Core

The proposed land use mix is considered appropriate for Mandarin Centre site. In particular the proposed residential use is considered appropriate for the site for the following reasons:

- Unlike other sites the proposed residential use will not result in the loss any employment floorspace on the site. The proposed residential component will not undermine the commercial viability of Chatswood. The site is unique in that is able to provide over 69% of the proposed GFA to employment use which includes a significantly upgraded retail shopping centre and new commercial office tower.
- The B3 Commercial Core already includes a significant number of sites which permit or have already been developed as residential including the adjacent site to the north. As such a mixed use outcome on the Mandarin Centre site would be consistent with the prevailing land use pattern east of the rail line.
- The residential use supports people accessing nearby work opportunities both within Chatswood and in nearby strategic centres through its access to high frequency transport connections.
- Mixed use development on the site will ensure the continued viability of the Chatswood retail core and contribute to its vibrant late night economy.

7. STATE AND COMMONWEALTH INTERESTS

Q10 Is there adequate public infrastructure for the planning proposal

The State Government is providing significant investment in public transport throughout Sydney. Through this investment Chatswood is set to become a major interchange for the main north shore train line and the Sydney Metro. This investment aims to ensure Sydney becomes a well connected, 30 minute city with walkable urban centres connected by high frequency public transport services. The Chatswood CBD is ideally positioned with access existing and future transport services to maximise the utilisation of these assets.

The proposal's location close to the rail line and within a major regional retail centre will contribute to reducing car dependency and burden on the existing road infrastructure within Chatswood. Measures can be implemented at DA stage to provide strategies to influence behaviour to ensure that the commercial and residential uses have minimal additional impacts on the surrounding road network.

The proposal will provide space for additional community uses such as child care, afterschool care and collaborative shared education spaces to support extra curricular activities of surrounding schools.

The site is served by existing utility services. Chatswood's main open space area 'Chatswood Park and Oval' is located immediately to the south of the site on Albert Avenue. The site is ideally located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area.

Q11 What are the views of state and Commonwealth Public authorities

No consultation with State or Commonwealth authorities has been carried out to date on the subject planning proposal however detailed consultation was undertaken with authorities as part of the previous planning proposal in 2014/2015.

The Gateway Determination will advise the public authorities to be consulted as part of the planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period. In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days. The RPA must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of *A guide to preparing local environmental plans*.

8. MAPPING

Figure 18 – Proposed Height of Building Map - WLEP 2012 Height of Buildings Map Sheet HOB_004



Figure 19 – Proposed Floor Space Ratio Map - WLEP 2012 Maximum Floor Space Ratio Map Sheet FSR 004

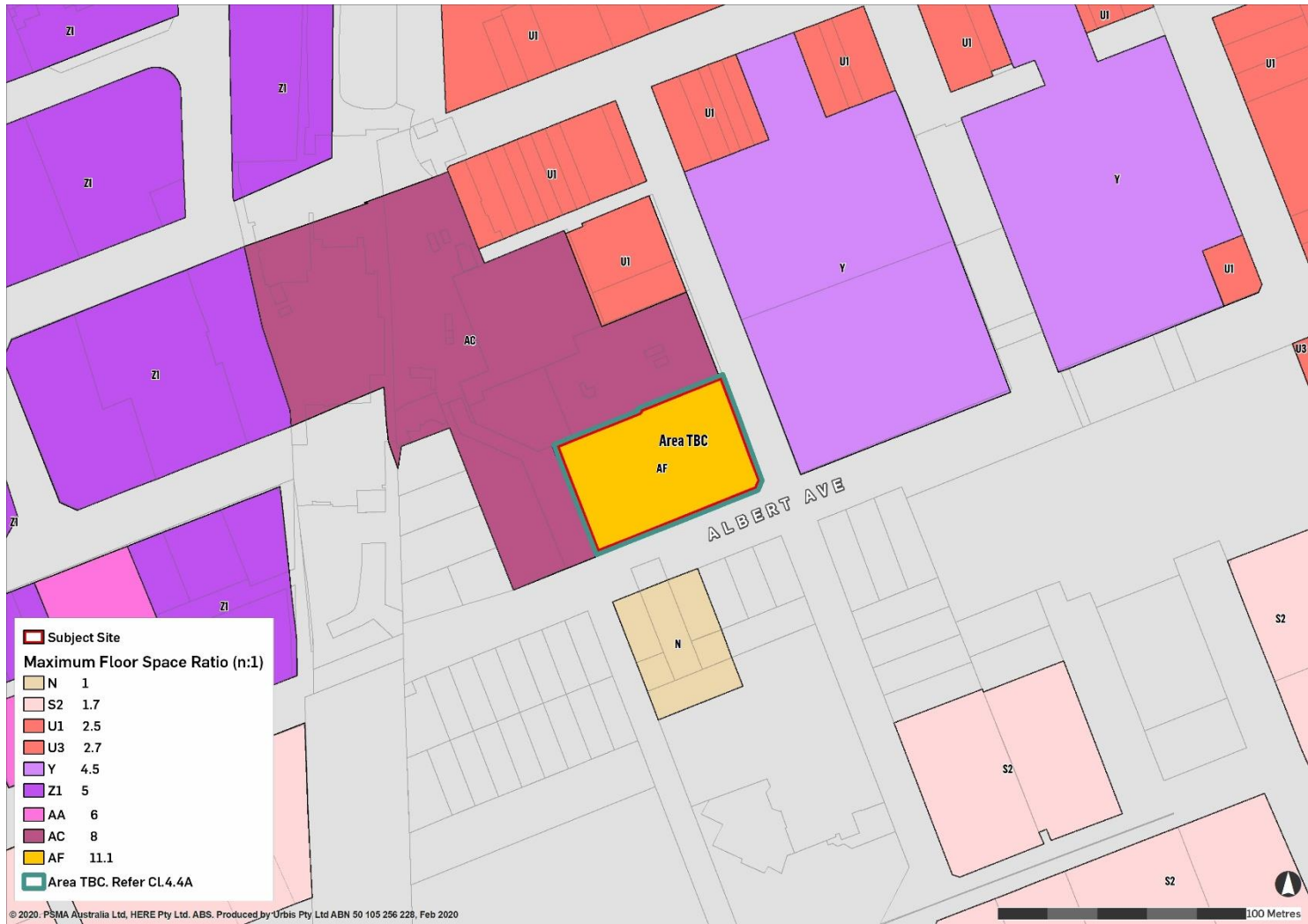
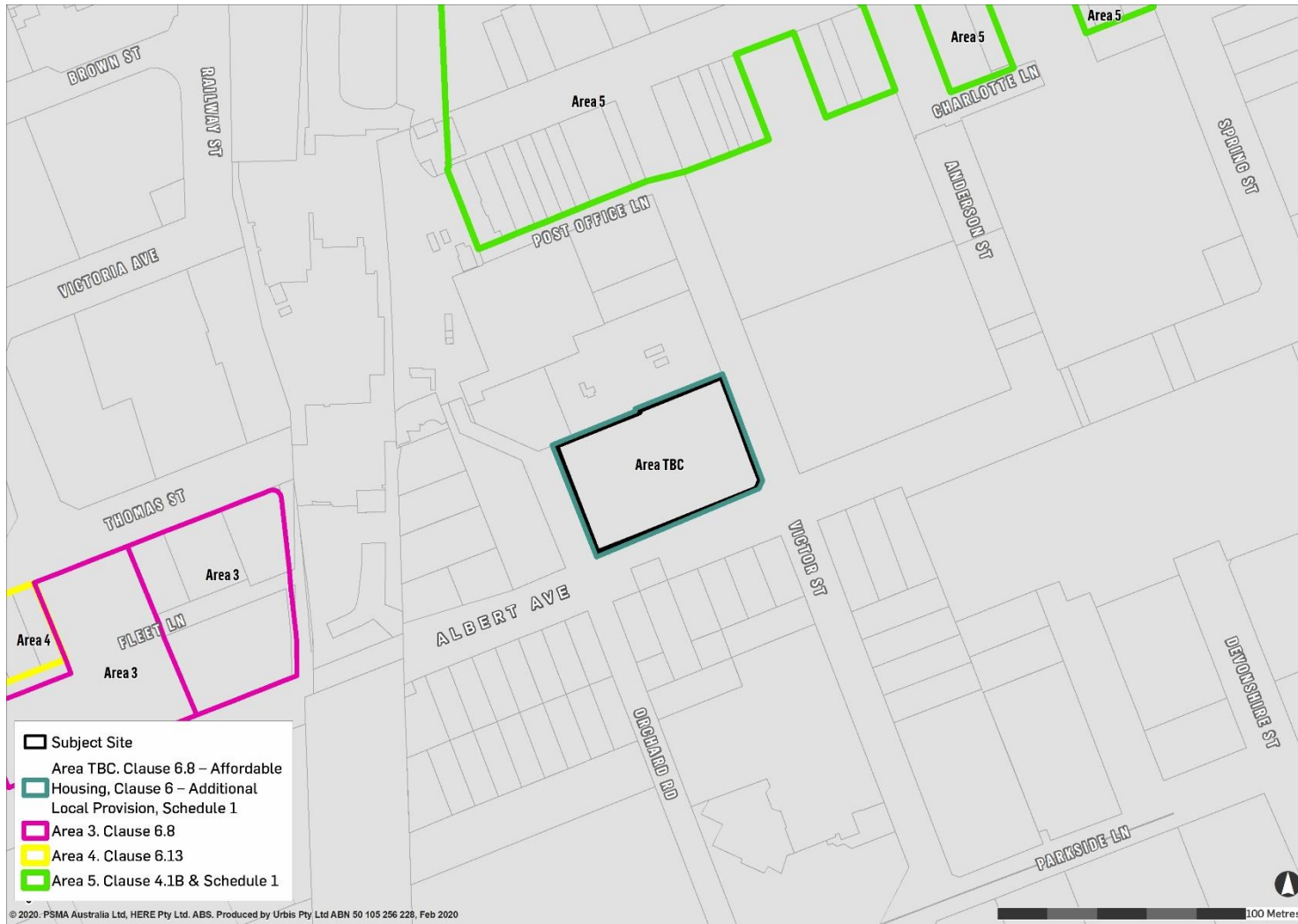


Figure 20 – Proposed Special Areas Map – WLEP 2012 Special Provisions Area Map - sheet SPA_004 – Area TBC



9. COMMUNITY CONSULTATION

Proposed Consultation

Section 3.33 of the EP&A Act requires the planning proposal authority to consult with the community in accordance with the gateway determination. It is anticipated that the planning proposal will be publicly exhibited for at least 28 days. This is in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the planning proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on the Willoughby City Council website/SNPP website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

Project Timeline

It is anticipated that the LEP amendment will be completed within 6-9 months. An indicative project timeframe is provided below.

Stage	Timeframe / Date	Responsibility
Pre-Gateway Review Hearing – Planning Proposal referred to Department of Planning Industry and Environment (DPIE) for Gateway Determination.	September 2019	Sydney North Planning Panel (SNPP)
Gateway Determination Issued by DPIE		
Planning Proposal amended by proponent and additional information provided in accordance with conditions of Gateway Determination	August 2020	Proponent
DPIE reviews additional information and forwards to SNPP for exhibition.	August 2020	DPIE
Commencement of Public Exhibition (28 Days)	September 2020	SNPP
Consultation with Authorities (21 days)	September 2020	SNPP/DPIE
Consideration of Submissions / Post Exhibition Report	6 weeks	DPIE
Proponent Responds to Submissions	2 weeks	Proponent
Panel meeting to consider submissions and post exhibition report	December 2020	SNPP
Making of the LEP (should plan be recommended to proceed by SNPP)	3 Months	DPIE

10. CONCLUSION

The planning proposal seeks an amendment to the Willoughby LEP 2012. The amendment will allow for a high density mixed use development at the Mandarin Centre, 65 Albert Avenue, Chatswood. The planning proposal has been prepared in accordance with:

- *Section 3.33 of the Environmental Planning and Assessment Act 1979 and,*
- *The relevant DPE guidelines.*

The planning proposal report provides strategic and site-specific justification for the LEP amendments. The proposed concept design has been informed by a detailed site analysis and previous concerns raised by the Sydney North Planning Panel, The Department of Planning and Environment and Willoughby City Council. The proposed amendments to the WLEP 2012 represents the most balanced development outcome for the site for the following reasons:

- The planning proposal 'gives effect' to the Greater Sydney Region Plan and North District Plan to provide additional jobs and residential accommodation in highly accessible Strategic Centre which promotes the 30min city, productivity and housing targets.
- The concept design ensures that the specific constraints of the site are recognised including protecting views and visual privacy from the 'Sebel' to the north.
- The proposal will ensure no additional overshadowing to Chatswood Oval.
- The residential floor space will assist with growing the Chatswood Strategic Centre by providing additional housing stock to accommodate future workers expected in the area. The provision for affordable housing of 4% of GFA is consistent with the WLEP 2012.
- The proposal will deliver a much needed upgrade to the Mandarin retail shopping centre, providing new employment opportunities within a refreshed retail offering.
- The proposal will provide significant commercial office floor space consistent with the objectives of the CBD strategy and North District Plan which aims to protect and grown the commercial core of Chatswood.

The planning proposal ensures that Chatswood's future as an employment centre is protected whilst also allowing capacity for residential growth close to Chatswood Station which is a hub for a major high density transport corridor. The proposal balances the constraints specific to this site to mitigate the environmental impacts whilst providing improved pedestrian links, high quality retail spaces, community uses and commercial office floor space.

The proposal will enhance Chatswood's role as a major regional mixed-use centre providing housing, jobs and services in a genuine mixed use development. The planning proposal supports the State government's objective to increase densities in major centres where there is excellent access to public transport and facilities and as such should be supported by the DP&E and the Sydney North Planning Panel to progress to the Gateway.

ATTACHMENT 1
DESIGN REPORT –
BATES SMART

ATTACHMENT 2

DEVELOPMENT

BACKGROUND

DEVELOPMENT BACKGROUND

ORIGINAL PLANNING PROPOSAL

- Submitted 20 September 2013
- A number of options were considered including commercial office. (refer Figure 1)
- Maximum FSR - 12.27:1 (Residential 6.24:1)
- Maximum Height - 94.73m
- Council endorsement to Gateway – 5 May 2014:
 - A maximum height of RL181.95 (Height of Sage)
 - Maximum FSR - 10.5:1 (6:1 Residential)
- Gateway Determination – August 2014.
- Public exhibition – May/June 2015.
- Council requested scheme be amended:
 - Maximum FSR - 8.65:1 (4.42:1 Residential)
- Draft VPA which included:
 - 3m road dedication along Albert Avenue
 - Publicly accessible landscape connection to the Chatswood Interchange.
 - 2m building setback along Victor Street for footpath widening.
- planning proposal – rejected by Council 14 September 2015 as the increase in height and FSR will have
 - unacceptable impact on neighbouring properties with regards to view loss
 - Unacceptable overshadowing of Chatswood Park
 - Unacceptable impact on surrounding road network

FIGURE 1 - COMPARISON OF POTENTIAL DEVELOPMENT OPTIONS TO INFORM FUTURE SCHEME

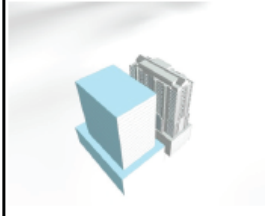
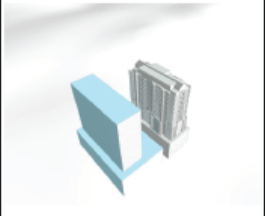
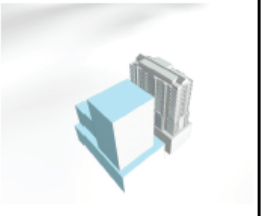
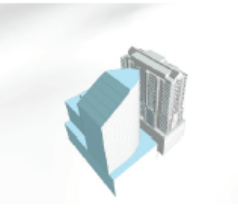
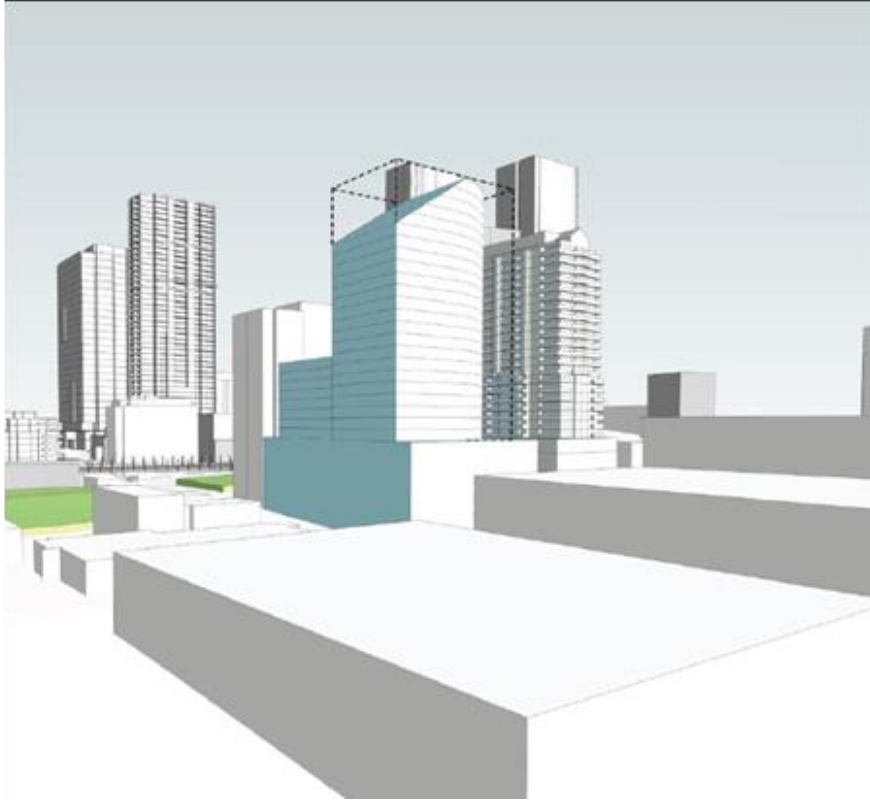
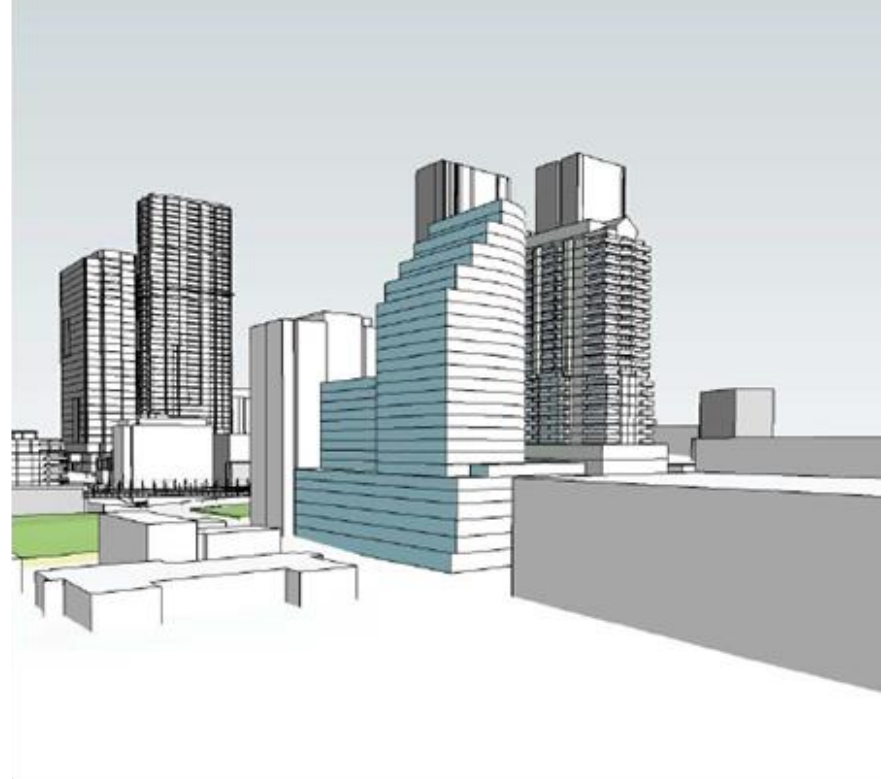
	Option 1 - Commercial	Option 2 - SEPP 65 Compliant Residential	Option 3 - SEPP 65 Compliant Residential	Option 4 - Residential
				
GBA	52054 sqm	47650 sqm	51606 sqm	49412 sqm
GFA	45598 sqm	41638 sqm	45685 sqm	43189 sqm
FSR	12.95 : 1	11.83 : 1	12.98 : 1	12.27:1
Height	93.75 m	94.05 m	94.05 m	94.73 m
Number of Floors (Tower only)	17	21	21	22
Total Number of Floors (incl. Ground Level)	23	27	27	28

FIGURE 2 COMPARISON OF ORIGINAL 2013 SCHEME TO THE GATEWAY SCHEME IN 2015

ORIGINAL SCHEME - 2013



SCHEME REJECTED BY COUNCIL - 2015



2016 PLANNING PROPOSAL (PRE-GATEWAY REVIEW) PGR_2016_WILLO_002_00

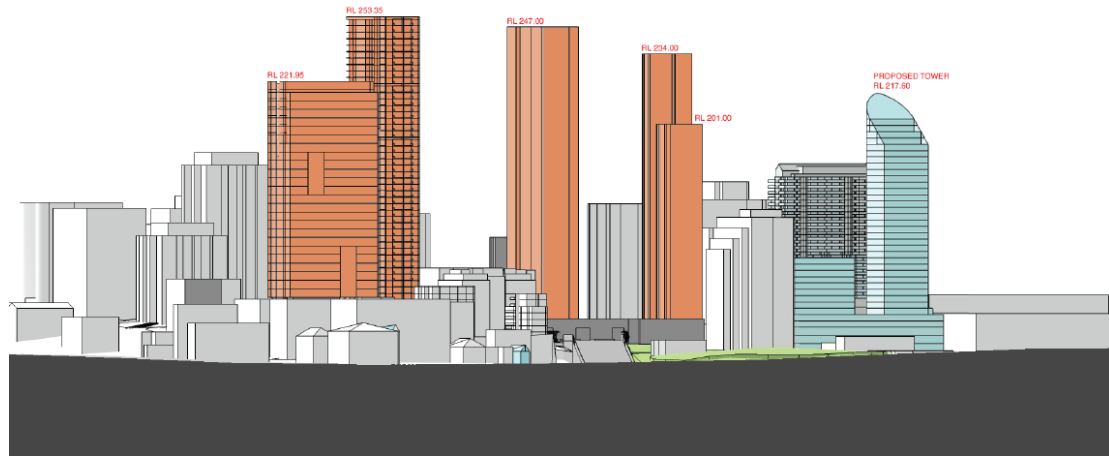
OVERVIEW

- New proposal submitted – **March 2016**
 - Add shop top housing as an additional permitted use,
 - Increase the height limit to 125.6m (RL217.6)
 - Increase the FSR to 11.37:1
- Reported to Council – **27 June** Recommended that Council not support the planning proposal for the following reasons:
 - *The specific height and floor space is considered inappropriate for this site, as well as traffic and community benefit concerns.*
 - *The planning proposal does not satisfactorily address the previously identified Council concerns.*

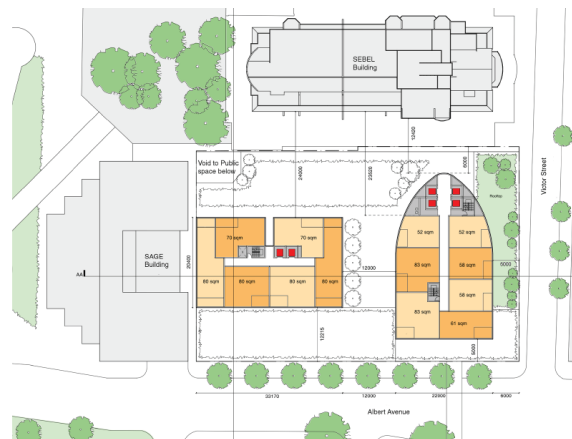
Pre-Gateway Review - 5 August 2016

- DP&E Assessment undertook a Strategic and Site Specific Merit Assessment and determined that the proposal should be submitted to Regional Planning Panel for advice:
- The panel's recommendation was deferred pending the public release of the Draft Chatswood CBD and Urban Design Strategy.
- Other issues raised by the panel included.
 - Impact on adjoining sites of a changed zoning and development controls for this site.
 - Analysis of shadow impacts on Chatswood oval with no additional shadowing between 11am and 2pm mid-winter.
 - Reduction in employment floor space is undesirable.

SKYLINE ELEVATION



TYPICAL FLOOR PLAN WITH SETBACKS



3D VIEW FROM SOUTH EAST



ATTACHMENT 3

STRATEGIC PLANNING ASSESSMENT TABLES

ATTACHMENT 4
TRANSPORT IMPACT
ASSESSMENT ADDENDUM
GTA CONSULTANTS

ATTACHMENT 5

EMPLOYMENT FIGURES -

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