

Planning proposal to permit 'amusement centre' for Westfield Chatswood, at 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood

Proposal Title :	Planning proposal to permit 'amusement centre' for Westfield Chatswood, at 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood		
Proposal Summary :	The planning proposal seeks to amend Willoughby Local Environmental Plan 2012 to permit amusement centre uses for Westfield Shopping Centre at 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood.		
PP Number :	PP_2016_WILLO_002_00	Dop File No :	16/11920

Proposal Details

Date Planning Proposal Received :	05-Sep-2016	LGA covered :	Willoughby
Region :	Metro(CBD)	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1 Anderson Street		
Suburb :	Chatswood	City :	Sydney
Land Parcel :		Postcode :	2067
Street :	28 Victor Street		
Suburb :	Chatswood	City :	Sydney
Land Parcel :		Postcode :	2067
Street :	49-51 Albert Avenue		
Suburb :	Chatswood	City :	Sydney
Land Parcel :		Postcode :	2067

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	9

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes : **DELEGATION OF PLAN MAKING FUNCTIONS**
Willoughby City Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act 1979 to progress this planning proposal. Council has provided Attachment 4 - Evaluation Criteria for the delegation of plan making powers. Delegation is considered appropriate.

External Supporting Notes : **The site is located within the B3 Commercial Core Zone at Chatswood and accommodates three separate lots (Lot 1, DP879701 and Lot 2, DP879701 and Lot 1, DP1001932) and spans across Anderson Avenue, Victor Street and Albert Avenue.**

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The existing development is a major regional shopping centre known as Westfield, Chatswood. The shopping complex is a multistorey development that accommodates approximately 280 shopping and lifestyle retailers and attracts approximately 15.7 million customer visits annually. The centre is owned and managed by Scentre Group. Westfield, Chatswood has a frontage of approximately 171 metres to Anderson Street, 185 metres to Albert Avenue and 180 metres to Victor Street.

The proposal seeks an additional permitted use for amusement centre on the site to enable the inclusion of a games centre (PLAYTIME) within Westfield, Chatswood (level 6).

Council supports this planning proposal for part of the site to include an additional permitted use for part of the site at 28 Victor and 49-51 Albert Avenue. The proposal is consistent with the strategic objectives of A Plan for Growing Sydney, the Willoughby City Strategy and supports the provision of new expanded entertainment facilities in the Chatswood CBD.

Adequacy Assessment

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

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

Comment : **The objective of the Planning Proposal is to cater for the existing and future entertainment needs of visitors and residents within the existing Chatswood CBD, consistent with the objectives of the B3 Commercial Core zone.**

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

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

Comment : **It is proposed to retain the existing B3 zoning across the entire site and permit an additional use to enable amusement centre uses on the site.**

This will be achieved by amending Schedule 1 Additional Permitted Uses number 14 to include the subject site.

The outcome proposed will be achieved by preparing an amendment to the WLEP 2012 which will include:

14 Use of certain land at the Mandarin Centre, 65 Albert Avenue and at Westfield, 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood.

(1) This clause applies to land at the Mandarin Centre, 65 Albert Avenue, Chatswood, being Lot 2, DP 1035379 and Westfield, 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood being Lots 1 and 2 DP879701 and Lot 1 DP1001932.

(2) Development for the purpose of an amusement centre is permitted with development consent.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The planning proposal is for an additional permissible use on a site zoned B3 Commercial Core within an existing building and is consistent with the State Environmental Planning Policies.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **S117 Directions**

1.1 Business and Industrial Zones

The proposal seeks to encourage employment growth in a suitable location and to support the viability of identified strategic centres.

A rezoning is not proposed, however the use of part of the land will differ from what is currently permitted. As the proposed use facilitates the generation of employment opportunities, the proposal is considered consistent with this Direction.

6.1 Approval and Referral Requirements

The proposal facilitates the inclusion of an amusement centre on part of the site, which is currently not permitted within the zone. It is not considered appropriate to permit an amusement centre in the B3 zone as a whole. A site specific planning proposal to permit the use on the subject site is considered appropriate in this instance.

An additional permitted use for amusement centres is already included in Schedule 1 (14) of the LEP for land at the Mandarin Centre, 65 Albert Avenue, Chatswood. This proposal seeks to be included in Schedule 1 (14) to permit an amusement centre.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The planning proposal does not require amendments of any maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has stated that public exhibition will be in accordance with the Department's Gateway determination requirements, and should include the draft Willoughby Local Environmental Plan 2012 (written instrument).**

This would involve appropriate notification and receipt of submissions on the documents from relevant State agencies and the general community.

An exhibition period of 14 days is considered appropriate in this instance and therefore recommended.

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal meets the adequacy criteria.**

Delegation of plan making functions is considered to be appropriate in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Willoughby Local Environmental Plan 2012 was notified on 31 January 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal seeks to facilitate the use of an amusement centre, which is currently not permitted in the zone; to permit the site to include a gaming centre (PLAYTIME). Council considers it appropriate to propose the inclusion of an amusement centre as an additional permitted use under Schedule 1 of the WLEP 2012, rather than across the B3 zone in Willoughby. Although the proposal is supported in this instance, the Department's preference is to allocate land use zones that reflect the intended use of the land, instead of using Schedule 1. The Department encourage's Council to consider using this approach for any future planning proposals.**

A site specific control is considered appropriate due to the compatible surrounding land uses suited to this site, including existing entertainment facilities and secure Westfield complex. A planning proposal is the most appropriate mechanism to enable this use to occur.

The proposed additional permitted use appears to be suitable for the site as it will enable a games centre to be located within Westfield, Chatswood. The use is considered appropriate within the existing complex as it will provide an enhanced customer experience and varied entertainment facilities for members of the public. However, it is recommended by Council that the extent of the provision only be supported for part of the site at 28 Victor Street and 49-51 Albert Avenue where the proposed uses occurs. The Department agrees that 1 Anderson Road is not considered appropriate to be included as part of the proposal. The proposal indicated that the games centre will be located at shop 605 Level 6 of Westfield, Chatswood within close proximity to the cinema on the land at 28 Victor Street and 49-51 Albert Avenue. This part of Westfield, Chatswood has specific security and parking procedures that cater for these tenants, which are open later than typical centre trading hours.

Consistency with strategic planning framework : **'A Plan for Growing Sydney' includes Chatswood as a Strategic Centre. Under the Plan, Direction 1.7.1 is aimed at investment in Strategic Centres across Sydney to grow jobs and housing and create vibrant hubs of activity. The Plan also seeks to include a range of services and be an attractive place to live, work and play.**

Council's community strategic plan, the Willoughby City Strategy, supports the outcome of this proposal. Council's report indicates the proposal maintains and promotes the City's employment opportunities and a range and quality of businesses.

Environmental social economic impacts : **Environmental:
The site contains existing development within the urban commercial centre of Chatswood. The site and surrounding area are not identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.**

Social:

The provision for amusement centre on the site contributes to enhanced customer experience and varied entertainment facilities for the community. Its proximity to existing public transport facilities and location within an established retail precinct is considered beneficial for future users. The games centre is considered to compliment the existing cinema complex, which adjoins the proposed location of the games centre.

Council's report states that 'as part of any development application for an amusement centre, a social impact statement will be required and considered by Council'. This will ensure any potential impacts to adjoining tenants and the centre are considered at DA stage.

The Planning Proposal Application contains supportive information addressing the social effects of the proposed use, with examples of similar existing facilities and details on the security and management of the existing Westfield building. A future development application will be required to address the social impacts of the specific location, layout and operation of the proposed amusement centre within the existing building. The planning proposal identified that the operator of the Amusement Centre tenancy will follow a management plan as part of its Amusement Centre operation which will educate managers and employees on how to run the venue professionally and safely.

The proposal is unlikely to have any negative social impacts, as the proposal will facilitate the provision of additional compatible uses within Westfield, Chatswood.

Economic:

The Planning Proposal has adequately addressed the economic effects and will enable the provision of enhanced entertainment facilities for the community.

The proposal is considered to have a positive economic impact by increasing the flexibility of future uses of the sites to reflect changing economic and market demands within the shopping complex, in accordance with customer demands.

Traffic:

Traffic and transport is not considered to be a significant concern for this planning proposal. In this respect the additional use will occupy existing building space within the Westfield complex relying on existing parking provision and excellent public transport provided to Chatswood CBD.

Amenity Impacts:

Future use of the site to include an amusement centre may result in additional amenity impacts on adjoining tenants. However, the proposed tenancy is located within an existing retail complex, which already comprises a number of complimentary retail uses and a cinema complex. Use of part of the site for an amusement centre is considered to be consistent with the surrounding area. Any potential issues will be considered in any future development application.

Council's report states that the opening hours of the amusement centre will be similar to that of the cinema complex (10:00am - midnight). Specific hours of operation and the range of experiences provided will be subject to a future development application.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Westfield Chatswood.pdf	Proposal	Yes
Gateway Request.pdf	Proposal Covering Letter	Yes
Additional information for Council 22 August 2016.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council resolution 8 August 2016.pdf	Proposal	Yes
Council resolution 22 August 2016.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **The planning proposal should proceed subject to the following conditions:**

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1. Prior to public exhibition the planning proposal is to be updated to exclude any reference to 1 Anderson Street as part of the proposal.

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

(a) the planning proposal must be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. No consultation is required with public authorities under section 56(2)(d) of the Act.

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

5. Willoughby City Council be granted delegation to carry out the Greater Sydney Commission's functions under section 59 of the EP&A Act 1979 to progress this planning proposal.

6. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

Due to the established retail nature of the adjoining tenancies within Westfield, Chatswood and the absence of potential impacts upon the surrounding properties, it is considered the proposal is well placed to support amusement centre uses. It is also considered that the additional permitted use is the most appropriate mechanism to enable the proposed use in this case.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

22/9/16