

13 DEFERRED MATTERS

13.1 1 ANDERSON STREET, 28 VICTOR STREET AND 49-51 ALBERT AVENUE CHATSWOOD - PLANNING PROPOSAL

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CITY STRATEGY LINK:	1.2.1 RELEVANT SERVICES AND FACILITIES ARE AVAILABLE FOR THE COMMUNITY
MEETING DATE:	22 AUGUST 2016

Purpose of Report

To seek Council support to forward a Planning Proposal to the Department of Planning for a Gateway Determination and public exhibition.

Background

This report advises Council of a current Planning Proposal relating to the 'Westfield' complex located at 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood. The Planning Proposal is to allow "amusement centre" as a permissible use on the site so that additional entertainment facilities can be provided within the centre.

Proposed Development

The Planning Proposal applies to the Westfield site, outlined in red in Figure 1 below, that comprises Lots 1 and 2 DP879701 and Lot 1 DP1001932, known as 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood. The site is located within the B3 Commercial Core Zone under WLEP2012. It is within the retail precinct of Chatswood, east of the railway line, surrounded by large scale retail, commercial and residential buildings.

'Westfield' is a major retail complex located within the Chatswood Central Business District (CBD), that is owned and managed by the Scentre Group. Over many years the complex has been extended and the range of facilities and services expanded. At present it provides an extensive variety of retail, business, leisure and entertainment facilities.

Leisure and entertainment facilities, including cinemas, are currently provided on Level 6 of the complex. The owner seeks to expand the opportunities for entertainment by offering arcade games, electronic and interactive gaming, skill tester games, and ancillary activities of karaoke and corporate team building activities.

The Planning Proposal is necessary to allow this expanded use on the site as under the B3 zone of WLEP 2012 an "amusement centre" is not a permitted use. The definition within the WLEP2012 states:

"amusement centre" means a building or place (not being part of a pub or registered club used principally for playing:

- (a) billiards, pool or other like games, or*
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.*

While an “amusement centre” is generally not permissible within the Chatswood CBD, there is already a specific provision within WLEP 2012 that permits such activities at the Mandarin Centre, 65 Albert Avenue, Chatswood. This proposal seeks to provide an alternative venue for such entertainment facilities.

There is no intention to change the Commercial Core B3 zoning as it generally applies in Willoughby City, but only to permit an additional use for this site, via Schedule 1- Additional Permitted Uses of WLEP 2012. The additional permitted use of amusement centre will enable Westfield to seek development consent to include an amusement centre tenancy within the existing shopping and entertainment complex.

Figure 1 Location Plan



Discussion

Operating Hours

Initially it is intended that the amusement centre will be open within the same operating hours as the cinema complex, that is, 10.00am until midnight. The specific hours of operation and the range of experiences provided will be subject to a future development application. It could be expected that these will change over time as new products are available and demand for leisure activities change.

Safety and Security

Should the application proceed to public exhibition, the planning proposal will be referred to the NSW Police Service, Chatswood Crime Prevention Officer for comment, however there is no specific development proposal at this time.

Important matters such as the location of the amusement centre within the Westfield complex and the particular details of the facilities to be provided will be considered at development application stage. This will need to consider the impacts of a proposed development, such as hours of operation, access, personal safety, noise, vibration and crowding, on the amenity of surrounding tenancies and walkways, as well as the social impact of the proposed development.

Traffic and transport

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 the excellent public transport provided to Chatswood CBD.

B3 Commercial Core Zone

In Willoughby City, the B3 Commercial Core zone applies to most of the Chatswood CBD, including the office precinct on the western side of the railway line and the retail precinct on the eastern side. It also applies to land on the edge of the St Leonards CBD in Chandos Street. These locations all have different characteristics, built forms and existing land uses.

The proposed inclusion of amusement centre as a permitted use is consistent with the first objective of the B3 zone being:

“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”

However, amusement centres are not considered appropriate to locate across the different areas of the B3 zone in Willoughby. Rather, they are most appropriately sited in specific locations with the appropriate built form, access, security and compatible surrounding land uses.

The large Westfield complex incorporating existing entertainment facilities is considered to be a suitable location for an amusement centre. Consequently, the planning proposal is for a site specific only additional permissible land use.

Willoughby Development Control Plan

There is currently within the Willoughby Development Control Plan (WDCP) *Part E.3.3 Amusement Centres in Mandarin Centre Chatswood*. This provision was originally a site specific DCP adopted by Council over 20 years ago. The provisions are now out dated and not considered appropriate to extend to the Westfield site, should the planning proposal to add amusement centres to the list of permissible uses on the site be successful.

As part of any development application for an amusement centre, a social impact statement will be required and considered by Council.

Department of Planning Requirements

The Planning Proposal is considered to be generally in accordance with the requirements under Clause 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning's (October 2012) 'A guide to preparing planning proposals'. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective to support the Planning Proposal is as follows:

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, by permitting the additional use of amusement centres on the site with the consent of Council.

PART 2 – EXPLANATION OF PROVISIONS

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP2012, Schedule 1- Additional Permitted Uses that will permit the additional use of amusement centre on the subject site. This will be done by amending Schedule 1 Additional Permitted Uses, by replacing the existing number 14 with the following:

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.

PART 3 – JUSTIFICATION

Questions to consider when demonstrating the justification

Section A- Need for the Planning Proposal

1) *Is the Planning Proposal a result of any strategic study or report?*

The Planning Proposal did not result from a strategic study or report.

2) *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal facilitates the use of the site for a use that is currently not permitted within the zone. A Planning Proposal is the only way to enable the use. For the reasons described above in this report, it is not considered appropriate to permit the proposed use of amusement centres in the landuse table for the B3 zone as a whole. A site specific planning proposal to permit the use on the subject site is therefore considered appropriate.

Section B- Relationship to strategic planning framework

3) *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The strategic planning context of the site is established by the NSW

government's plan for the Sydney Metropolitan Area "A Plan for Growing Sydney". Under the plan, Chatswood is listed as a Strategic Centre. Direction 1.7.1- Invest in Strategic Centres across Sydney to grow jobs and housing and create vibrant hubs of activity, includes the action: *"To provide a range of services and be an attractive place to live, work and play."* In the North subregion section of the plan, the priority for Chatswood is: *"Work with Council to provide capacity for additional mixed use development in Chatswood including offices, retail, services and housing."*

The proposal is consistent with the applicable regional and subregional strategies in *"A Plan for Growing Sydney"*

4) Is the proposal consistent with a council's local strategy or other local strategic plan?

Council's community strategic plan, the Willoughby City Strategy, provides goals and strategies relevant to the planning proposal:

Economic Activity

The goal of the subtheme Sustainable Business Activity is:

"To maintain and promote the City's employment opportunities and the range and quality of businesses, industry and services"

The following relevant strategies are identified under 5.1.1 Local Business:

- a) *Facilitate business and employment opportunities servicing local and regional needs.*
- b) *Encourage a range of business, retail, office and industrial uses.*
- f) *Implement strategy for the long term development of Chatswood CBD as a major regional employment, retail and entertainment destination.*

5) Is the proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is for an additional permissible landuse on a site zoned B3 Commercial Core within an existing building and is consistent with the State Environmental Planning Policies that apply to the site.

6) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions?)

The Section 117 Directions issued to councils under Section 117(2) of the Environmental Planning and Assessment Act 1979 require that a planning proposal does not conflict with the Directions. A summary of the Planning Proposal against the relevant Section 117 Directions is contained in Attachment 1.

The Planning Proposal is consistent with all relevant Section 117 Directions with the exception of 6.3 Site Specific provisions which discourages site specific changes.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The planning proposal will support employment generation

2. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

Direction	Relevant?	Consistent?	Comment
3.4 Integrating Land Use and Transport	Yes	Yes	The site is well located close to public transport linkages

4. HAZARD AND RISK

Direction	Relevant?	Consistent?	Comment
4.1 Acid Sulfate Soils	Yes	Yes	The site is identified as Class 5 on the Acid Sulfate Soils Map of WLEP 2012

5. REGIONAL PLANNING

Direction	Relevant?	Consistent?	Comment
5.1 Implementation of Regional Strategies	Yes	Yes	The Planning Proposal is consistent with "A Plan for Growing Sydney"

6. LOCAL PLAN MAKING

Direction	Relevant?	Consistent?	Comment
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not contain any provisions which require concurrence, consultation or referral to the Minister
6.3 Site specific provisions	Yes	No	The planning proposal intends to permit amusement centres on this site. The planning proposal does not propose allowing amusement centres in the B3 zone generally. The inclusion of amusement centres is not considered appropriate to locate across the different areas of the B3 zone in Willoughby, but rather in site specific locations with the

			appropriate built form, access, security and compatible surrounding landuses. The proposed land use is particularly suited to this site due to the existing entertainment facilities and other compatible uses in the large, secure Westfield complex.
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7. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The planning proposal is consistent with “A Plan for Growing Sydney” as outlined in the report above.

Section C- Environmental, social and economic impact

- 7) *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 a densely developed urban commercial centre. The site and adjoining lands have not been identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

- 8) *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no other likely environmental impacts of the proposal that cannot be managed through development consent conditions. For example, noise impacts on adjoining commercial premises.

- 9) *Has the planning proposal adequately addressed any social and economic effects?***

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

- 10) *Is there adequate public infrastructure for the planning proposal?***

The subject site is located within an established major commercial centre in Sydney with good access to public transport, infrastructure and services.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with the NSW Police, Chatswood Crime Prevention Officer and any other public authorities required by the Gateway determination.

PART 4 – MAPPING

This Planning Proposal does not involve any WLEP2012 Map amendments.

PART 5 – COMMUNITY CONSULTATION

Should Council support the Planning Proposal for public exhibition, it will proceed to the Planning and Infrastructure ‘Gateway’ process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Environment’s Gateway Determination requirements and should include the draft WLEP 2012 Amendment (written instrument). This would involve appropriate notification and receipt of submissions on the documents from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	August 2016
Planning Proposal submitted to Gateway	September 2016
Gateway Determination received by Council	October/November 2016
Community Consultation (28 days)	November/December 2016
Outcomes of Community Consultation presented to Council	February 2016
Planning Proposal submitted to Department requesting notification on Government website	March 2016

Timing of the community consultation and public exhibition and the steps thereafter is dependent on the receipt of advice from the Gateway determination.

Conclusion

The Planning Proposal to permit the additional permitted use of “amusement centre” at Westfield, located at 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood, is supported for public exhibition. 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.

It is considered that the relevant requirements under Section 55 of the Environmental Planning & Assessment Act and the matters identified in the Department of Planning’s “A guide to preparing planning proposals” are adequately addressed in the Planning Proposal and that the environmental impacts of the Proposal are acceptable.

The Planning Proposal requires an amendment to WLEP2012 Schedule 1 Additional Permitted Uses.

It is therefore recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979. It is further recommended that Council advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott, be nominated as delegate to process and finalise the Planning Proposal.

OFFICER'S RECOMMENDATION

That Council:

- 1. Support the Planning Proposal and draft amendment to Willoughby Local Environmental Plan 2012 allowing “amusement centre” use for land that comprises Lots 1 and 2 DP879701 and Lot 1 DP1001932, known as 1 Anderson Street, 28 Victor Street and 49-51 Albert Avenue, Chatswood, for public exhibition.**
- 2. Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.**
- 3. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott be nominated as delegate to process and finalise the Planning Proposal.**