

Planning Proposal to amend Willoughby LEP 2012 to increase building height and floor space ratio at 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood.

Proposal Title :	Planning Proposal to amend Willoughby LEP 2012 to increase building height and floor space ratio at 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood.		
Proposal Summary :	The planning proposal seeks to amend the building height at 12-14 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue, Chatswood and floor space ratio at 12-14 Malvern Avenue, 5-7 Havilah Street, Chatswood and amend Clause 1.8A - Savings provision relating to development applications.		
PP Number :	PP_2017_WILLO_001_00	Dop File No :	17/01221

Proposal Details

Date Planning Proposal Received :	12-Jan-2017	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 :	12-14 Malvern Avenue		
Suburb :	Chatswood	City :	Sydney
Land Parcel :	SP36362		Postcode : 2067
Street :	5-7 Havilah Street		
Suburb :	Chatswood	City :	Sydney
Land Parcel :	SP33860		Postcode : 2067
Street :	345 Victoria Avenue		
Suburb :	Chatswood	City :	Sydney
Land Parcel :	Lot 10 DP1143909		Postcode : 2067

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
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 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

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

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

Supporting notes

Internal Supporting Notes : **The proposal is made up of the following sites:**

- 12-14 Malvern Avenue, Chatswood, legally described as SP36362 with a site area of 2,605 square metres. The site is currently developed as a two storey commercial strata building.
- 5-7 Havilah Street, Chatswood, legally described as SP33860 with a site area of 1,195 sqm. The site is also developed as a two storey commercial strata building.
- 345 Victoria Avenue, Chatswood (Chatswood Chase Shopping Centre), legally described

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as Lot 10 DP 1143909, with an area of 35,334 sqm. The site is developed as a major regional shopping centre.

Chatswood Chase and the two sites being the subject of this Planning Proposal are located on the eastern edge of the Chatswood City Centre. The site is surrounded by mixed use development to the south and residential development to the north and east.

DELEGATION OF PLAN MAKING FUNCTIONS

Willoughby City Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment 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 :

Council supports this planning proposal as it is consistent with the Chatswood CBD Draft Planning and Urban Design Strategy, A Plan for Growing Sydney and the Draft North District plan. Council also recognises that the proposal will support new employment opportunities 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 facilitate an increase in the overall height at 12-14 Malvern Avenue and 5-7 Havilah Street and 345 Victoria Avenue and floor space ratio at 12-14 Malvern Avenue and 5-7 Havilah Street and to enable the assessment of a development application prior to the proposed amendment being finalised.

It is intended that the proposal will provide a generally consistent scale of development across the broader site, with taller building forms located towards Malvern Avenue and a lower building form towards the south.

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

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

Comment :

It is proposed to retain the existing zones, being a B3 Commercial Core zoning at 12-14 Malvern Avenue and Chatswood Chase Shopping Centre and B4 Mixed Use zoning at 5-7 Havilah Street. The proposal seeks to permit an increase in building height and floor space ratio across part of the sites.

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

a) Amend the building height of the sites as follows:

- 12-14 Malvern Avenue – from 14 metres to 40 metres
- 5-7 Havilah Street – from 14 metres to 34 metres
- Northern portion of the Chatswood Chase shopping centre (fronting Malvern Avenue and part of Havilah Street) – from 34 metres to 40 metres

b) Amend the Floor Space Ratio of the sites as follows:

- 12-14 Malvern Avenue – from 1.7:1 to 4.5:1
- 5-7 Havilah Street – from 1.7:1 to 4.5:1
- The Chatswood Chase shopping centre site remains at 4.5:1

c) Amend Clause 1.8A of the Willoughby LEP 2012 - Savings Provisions in Relation to Development Application to enable the determination of a development application made (but not finally determined) before the commencement of that Plan.

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

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

The proposal is considered to be consistent with the relevant section of the SEPP (Infrastructure) – Schedule 3 - Traffic generating development. In accordance with the SEPP, the proposal is required to consult with Roads and Maritime Services as it increases the site by more than 10,000m2 in area.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal involves amending the floor space ratio Sheet FSR_004 and building height map Sheet HOB_004 of WLEP 2012. The proposed mapping has been included as part of this proposal and should be included in the public exhibition period.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal anticipates a public exhibition period of 28 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The planning proposal and supporting information is considered adequate for the purposes of the Department's assessment.

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.

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Assessment Criteria

Need for planning proposal :

The planning proposal is not a result of any strategic planning or study.

The proposal has been developed in response to the proponents' acquisition of two adjoining sites of 12-14 Malvern Avenue and 5-7 Havilah Street, for the expansion of Chatswood Chase Shopping Centre. This proposal intends to increase the retail floor space at Chatswood Chase Shopping Centre and provide additional car parking space.

The proponent's report indicates that there will be an increase in gross lettable retail area of approximately 17,000m². There will also be an increase of car parking capacity by approximately 680 car parking spaces in accordance with the provisions of Council's Development Control Plan 2013.

The proponent has advised that the Havilah Street site will be primarily used for future retail expansion and the Malvern Avenue site and northern existing portion of Chatswood Chase Shopping Centre will be used for ancillary car parking.

Consistency with strategic planning framework :

The proposal is considered to be consistent with relevant objectives and actions identified in A plan for Growing Sydney (December 2014).

'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.

The planning proposal is consistent with the priorities and actions of the draft North District plan as it provides new employment opportunities in the strategic centre of Chatswood CBD.

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 and provides additional retail floor space in the major regional retail precinct of Chatswood City Centre.

It should be noted that Council has recently exhibited its draft Chatswood CBD Planning and Urban Design Strategy. The planning proposal should reference Council's draft Chatswood CBD Planning and Urban Design Strategy and its relevance to this proposal.

Environmental social economic impacts :

It is not envisaged the planning proposal will have adverse environmental, social or economic impacts.

ENVIRONMENTAL

The sites contain existing development within the urban commercial centre of Chatswood. The sites and surrounding area are not identified as containing any areas of critical habitat or threatened species, populations or ecological communities or habitats.

SOCIAL AND ECONOMIC

The proposed increase in height and floor space ratio contributes to the expanding regional retail precinct in Chatswood CBD. The proposal will provide an improved retail experience in the Chatswood regional retail precinct and will provide additional job opportunities that are within close proximity to public transport services.

The sites' proximity to existing public transport facilities and its location within an established retail precinct is considered beneficial for future users.

The proposal will improve economic opportunities and have a positive social impact, as the it will facilitate the provision of additional compatible uses and ancillary car parking

spaces within Chatswood Chase Shopping Centre.

BULK, SCALE AND URBAN DESIGN OUTCOMES

The proposed bulk and scale of the sites is a significant increase from the existing development. However, the existing development currently has a building height of 14m, although a building height of 34m is permissible at Chatswood Shopping Centre (345 Victoria Avenue). There is proposed to be an additional 6m increase in permissible height, to 40m along Malvern Avenue. The acquired sites at Havilah Street and Malvern Avenue are proposed to be amended in accordance with the existing controls at 345 Victoria Avenue. This will provide consistent built form standards across the site.

The proponent's report recognises that the proposed additional 6m increase in permissible height, to 40m along Malvern Avenue, will enable development of potential future lift overruns and plant areas without the need for a clause 4.6 variation of the WLEP 2012. This 40 metre height limit located towards Malvern Avenue is also based on the location of the existing car park and structural capacity of the building. The existing car parking areas at Chatswood Chase were informed by Clause 9 of the now repealed Sydney Regional Environmental Plan 5 — Chatswood Town Centre (SREP) which restricted vehicle access towards the rear. It is expected that there will be a generally consistent scale of development across the broader site, with taller building forms located towards Malvern Avenue and a lower building form towards the south.

Council's report generally agrees with the proposed height and scale of the proposal. However, there is concern that the potential impact of bulk and scale on neighbouring residential properties where the height is proposed to be 40 metres, being Malvern Avenue and part of Havilah Street. This will require careful consideration at development application stage. The proponent has suggested that there will be limited privacy impacts to residents adjoining to site along Malvern Avenue or Havilah Street as the retail use and activation of frontages are inwardly focused.

No indicative plans have been provided as part of this proposal. The proponent identifies that the final design of the future development is not resolved and as such no commitment can be made in relation to final materials, finishes and urban presentation of built form. The proponent has provided indicative façade treatments and building perspectives of the proposal. However, more detailed design concepts are required to determine the full extent of the increase of the proposal on the surrounding area.

More detailed perspectives and an urban design report should be undertaken to understand the impact of the proposed height and façade treatments on adjoining residential land at Malvern Avenue and Havilah Street and any privacy impact that may result.

SOLAR ACCESS IMPACTS

The proponent has provided a shadow analysis to indicate the extent of shadows that may result from the proposed maximum building heights of 40 metres (to the north of the site) and 34 metres (for the remainder of the site). The shadow analysis is considered at 9am, 12pm and 3pm, on 22 June.

Council's report identified that there will be some additional impacts from overshadowing created to existing development to the south of the site as follows:

- shadow impact to the adjacent school to the west of the site (located on the corner of Malvern Avenue and Archer Street) between 9am and 12pm. There is no overshadowing at 12pm.
- shadow cast on the residential dwellings on the eastern side of Havilah Street between 12 midday and 3pm. It is noted, however, that this shadow is cast over the front yards and roofs of these dwellings with no additional shadows cast over their principle private open space areas at the rear.

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- Shadow impacts to the adjacent buildings, in particular the residential flat buildings to the south of the Chatswood Chase site (339 and 341 Victoria Avenue).

Given the expected impact of overshadowing on surrounding development, it is recommended that detailed shadow diagrams should be provided prior to public exhibition for each hour between 9am and 3pm on 22 June.

TRAFFIC

A Traffic and Parking Assessment prepared by GTA Consultants has been submitted as part of the planning proposal. The report concluded that further improvements may be required at the Mowbray Road/ Archer Street intersection to accommodate the additional future traffic volumes generated by this development.

Council's report identifies that an independent consultant was engaged to assess the impacts of this planning proposal and concluded that traffic and car parking issues would require further assessment be undertaken prior to public exhibition as follows:

- In the analysis of traffic distribution and any assumptions used:
 - o Has regard to current traffic flows.
 - o Involves sensitivity modelling as suggested by GTA Consultants.
- Considers and recommends mitigation options to ameliorate the traffic impacts of the proposal on the local road network.

Given the potential increase in traffic generation, the planning proposal requires an updated traffic impact assessment to assess the implications of the proposal. The proposal will also require consultation with Roads and Maritime Services in accordance with SEPP (Infrastructure) Schedule 3.

HERITAGE

A Heritage Impact Statement was submitted as part of this planning proposal, which concluded that the development will not impact on the significance or visual setting of the Heritage Conservation Area and heritage items located to the north of the site. It is recognised that there is both physical and visual separation between these items and the subject site.

Council's report generally agrees with the conclusions of the Heritage Impact Statement provided.

The planning proposal is not considered to significantly impact on surrounding heritage items and it is considered that any further detailed assessment be undertaken at development application stage.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Adjoining LGAs		

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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
Application and Checklist.pdf	Proposal Covering Letter	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Additional Informaiton.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Elevations 1.pdf	Proposal	Yes
Elevations.pdf	Proposal	Yes
Existing Site Plan.pdf	Proposal	Yes
Facade Treatments.pdf	Proposal	Yes
Floor Plans 1.pdf	Proposal	Yes
Floor Plans 2.pdf	Proposal	Yes
Floor Plans 3.pdf	Proposal	Yes
Floor Plans.pdf	Proposal	Yes
Heritage Impact Statement.pdf	Proposal	Yes
Perspectives 1.pdf	Proposal	Yes
Perspectives 2.pdf	Proposal	Yes
Perspectives 3.pdf	Proposal	Yes
Planning proposal report.pdf	Proposal	Yes
Sections 1.pdf	Proposal	Yes
Shadow Diagrams.pdf	Proposal	Yes
Site Plan.pdf	Proposal	Yes
Transport Impact Statement - Additional Information.pdf	Proposal	Yes
Transport Impact Statement - Additional Information.pdf	Proposal	Yes
Traffic Impact Assessment 1 .pdf	Proposal	Yes
Traffic Impact Assessment 2.pdf	Proposal	Yes
Traffic Impact Assessment 3.pdf	Proposal	Yes
Traffic Impact Assessment 4.pdf	Proposal	Yes

Planning Team Recommendation

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

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S.117 directions: 1.1 Business and Industrial Zones
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements
 7.1 Implementation of A Plan for Growing Sydney

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

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) Amend the traffic impact assessment report to have regard to current traffic flows and sensitivity modelling as suggested by GTA Consultants and recommend mitigation options to ameliorate the traffic impacts of the proposal on the local road network;
 - (b) Undertake an urban design report that considers the impact of the proposed height, scale and façade treatments on adjoining residential land at Malvern Avenue and Havilah Street and any privacy impact that may result;
 - (c) Provide detailed shadow diagrams for each hour between 9am and 3pm on 22 June; and
 - (d) Reference Council's draft Chatswood CBD Planning and Urban Design Strategy and its relevance to this proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW – Sydney Trains
 - Office of Environment and Heritage
 - Adjoining Local Government Areas

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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

Supporting Reasons : Due to the established retail nature of the Chatswood Chase Shopping Centre and wider retail precinct, and marginal potential impacts upon the surrounding area, it is considered the proposal is well placed to support the increase in retail uses. It is also considered that the proposal will continue to support and strengthen the commercial core of Chatswood by increasing the availability of jobs in an identified strategic centre with good access to existing and planned public transport services.

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Signature:

Karen Armstrong

Printed Name:

KAREN ARMSTRONG

Date:

9/2/17