



17 November 2016

Ms Norma Shankie Williams  
Strategic Team Leader  
Willoughby City Council  
PO Box 57  
Chatswood NSW 2057

Dear Norma,

## **PLANNING PROPOSAL - 12-14 MALVERN AVENUE, 5-7 HAVILAH STREET AND 345 VICTORIA AVENUE (CHATSWOOD CHASE)**

On behalf of Vicinity Centres, please find below a consolidated response to the matters raised by Willoughby City Council in its emails dated 24 October and 27 October and in the meeting on 3 November 2016.

- 1. Confirm the existing as built heights of Chatswood Chase, with particular regard to any part proposed to be changed under this Planning Proposal. I need to compare existing, what's currently allowed and what is proposed. Also include existing levels, allowed levels (estimated) and proposed levels (estimated).*

**Comment:** The existing, permissible and proposed building heights are detailed in **Table 1** and on the elevations and sections submitted with the Planning Proposal, included at **Attachment A**.

Table 1 – Building Heights

| Site              | Existing Building Heights                                                                                                                                                                                                              | Permissible | Proposed Height Control                                   |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------|
| Chatswood Chase   | <u>Malvern Ave frontage</u> Maximum RL100.3 16.58m average to existing ground level (EGL)<br><br><u>Havilah Street frontage</u> Maximum RL105.515 20.95m average to EGL<br><br><u>Height around central void</u> RL106.3 (approx. 29m) | 34m         | Malvern Ave Frontage 40m<br><br>Remainder of the site 34m |
| 12-14 Malvern Ave | 7.5m (LIDAR data)                                                                                                                                                                                                                      | 14m         | 40m                                                       |
| 5-7 Havilah       | 10m (LIDAR data)                                                                                                                                                                                                                       | 14m         | 34m                                                       |

2. *Provide more detail on why a height of 40 metres is required for all of the northern portion – being 12-14 Malvern and part of Chatswood Chase. I need to understand why the existing 34 metres is not satisfactory for all of this northern portion.*

**Comment:** A 40m building height is proposed for the northern portion of the Chatswood Chase site for the following reasons:

- The scheme for the retail extension includes a possible level 5 car parking deck to future proof the development for additional car parking provision. The height of the deck is approximately 34m. The additional height (to 40m) allows for variances in the existing ground levels, and will allow for lift overruns and stair enclosures within the proposed maximum height limit.
  - The proposed 40m building height will mean that the proposal will not need to rely on a Clause 4.6 variation for any portions of the building over the existing 34m building height.
  - The height will allow for the additional car parking that will be required to accommodate the proposed increase in Gross Lettable Area.
3. *(a) Address what impact the 40 metre height of the northern portion will have on the residential dwelling houses on the opposite side of Malvern Avenue and Havilah Street. This should cover:*
    - 12-14 Malvern
    - the 6 metre increase for the rest of the northern portion.

**Comment:**

- Visual impact will be a key consideration of the detailed building design at Development Application stage. Indicative industry examples of façade treatments that could significantly enhance the visual appearance of the proposed street wall elements have been included at **Attachment B**.
- The existing street setbacks and separation to residential dwellings are considered appropriate in the context of the existing centre and any proposed design treatment of these facades.
- The detailed design will consider the mitigation of impacts from vehicle noise, exhaust fumes and light spill to surrounding residential properties.
- The orientation of the site means that there will be no significant impacts from overshadowing on the residential dwellings to the north along Malvern Avenue.
- At least 3hrs is maintained to the rear private open space of the residential properties on the eastern side of Havilah Street.
- The impact those portions of the development likely to be proposed between 34m and 40m will have less of an impact than the maximum impacts shown by the 40m envelope in the shadow diagrams.

*(b) Address the rationale behind having the lower part of Chatswood Chase towards the Archer St / Victoria St frontages, and the higher part towards the low density residential in Malvern Ave and Havilah St.*

- The location of the existing car park areas were informed by Clause 9 of the now repealed SREP 5 Chatswood Town Centre. The SREP restricted development to access and car parking associated with or ancillary to the use of the balance of the site which is that of the shopping centre. The restricted use of the site covered the area occupied by the existing access driveways from Malvern Avenue and Victoria Avenue and the existing multi deck car parking structures.

- Locating the 40m height towards the Archer/Victoria frontages above the retail component is not considered logical when considering the location of the existing car park and the structural capacity of the building.
  - The location of the additional car parking spaces will minimise any disruptions to centre operations throughout construction.
4. *Address the impact of the increase in height on the North Chatswood Conservation Area – which includes part of Malvern Street, Nicholson Street (behind Malvern Street) and Blakesley Street (behind Havilah Street).*

**Comment:** A Heritage Impact Statement (HIS) has been prepared by Urbis and is included at **Attachment C**. The HIS makes the following conclusion:

*“The subject planning proposal has been assessed against the relevant provisions and controls contained in the Willoughby LEP 2012 and Willoughby DCP 2006 and the following conclusions have been made:*

- *The proposed new development will not impact on the significance or visual setting of the proximate Heritage Conservation Area and heritage Item and it is recognised that there is both a physical and visual separation between these items and the subject site.*
- *Whilst it is acknowledged that the proposed development will be apparent in the wider setting and primarily in the backdrop of dwellings on the western side of Blakesley Street, the existing building on the subject site already forms a part of the visual setting of the area and the proposal will not impact on the cohesive streetscape character of Blakesley Street or detract from principal views to these dwellings.*
- *Intensification of development and density is anticipated in CBD contexts and a considered response is required to mitigate impacts on streetscape and heritage conservation areas/heritage items in the vicinity. It is recognised that the proposed building envelope will be subject to further detailed design which will address this.”*

The HIS recommends that the detailed design should be informed by Heritage Advice that any future Development Application must include a HIS. The HIS should include but is not limited to detailed design advice regarding scale, façade treatment, articulation, and materials.

5. *It is understood that 12-14 Malvern is to be used for car parking. Explain how this will occur – how this will connect with existing car parking.*

**Comment:** An indicative car park level plan is included in the plans at **Attachment D**. This floor plan shows how the proposed additional car park areas will integrate with the existing car park levels. As shown on the proposed elevation plans, the proposed levels of the Malvern Street extension will correspond with the existing Malvern Street car park levels.

6. *Explain / Identify exactly where the proposed 17,000m<sup>2</sup> GLA will be located.*

**Comment:** A proportion of the proposed additional retail GLA will be located on 5-7 Havilah Street which will be incorporated into the existing shopping centre. The remaining GLA will be achieved through internal reconfiguration of the existing centre. Due to commercial reasons and timing within the design development process it is not possible to identify the precise floor/tenancy layout at this stage.

The new layout will be subject to a future development application to be submitted to Council following exhibition of the planning proposal, as per the proposed Savings provision and when the amendment to the LEP is considered to be certain and imminent.

7. *Provide greater detail on the 17,000m<sup>2</sup> GLA increase, above the existing 59,000m<sup>2</sup> GLA. This represents a significant increase for the overall centre*

**Comment:** The existing, permissible and proposed Gross Floor Area (GFA) is detailed in **Table 2**. The proposed GFA is detailed on the plans at **Attachment D**.

Table 2 – Existing and proposed GFA

| Site                 | Site Area                  | Existing GFA               | Existing FSR | Current maximum permissible GFA | Proposed FSR | Future maximum permissible GFA | Proposed GFA                                       |
|----------------------|----------------------------|----------------------------|--------------|---------------------------------|--------------|--------------------------------|----------------------------------------------------|
| Chatswood Chase Site | 35,334m <sup>2</sup>       | 73,658m <sup>2</sup>       | 4.5:1        | 159,003m <sup>2</sup>           | 4.5:1        | 159,003m <sup>2</sup>          | 99,745m <sup>2</sup><br>(includes adjoining sites) |
| 12-14 Malvern Avenue | 2,605m <sup>2</sup>        | not available              | 1.7:1        | 4428.5m <sup>2</sup>            | 4.5:1        | 11722.5m <sup>2</sup>          | Included above                                     |
| 5-7 Havilah Street   | 1,195m <sup>2</sup>        | not available              | 1.7:1        | 2031.5m <sup>2</sup>            | 4.5:1        | 5377.5m <sup>2</sup>           | Included above                                     |
| <b>Totals</b>        | <b>39,134m<sup>2</sup></b> | <b>73,658m<sup>2</sup></b> | <b>-</b>     | <b>165,463m<sup>2</sup></b>     | <b>4.5:1</b> | <b>176,103m<sup>2</sup></b>    | <b>99,745m<sup>2</sup></b>                         |

**Table 2** demonstrates that despite any increase in the overall GLA, the Chatswood Chase centre will still be significantly below the achievable GFA under the existing or proposed FSR controls.

8. *Provide an explanation of the public benefit of this Planning Proposal.*

**Comment:** In regard to Councils request for a 'public benefit offer', we restate the benefits arising from this proposal as including the following:

- Significant investment in enhancing the sustainability, competitiveness, attraction and efficiency one of the major sources of employment and services in the Willoughby LGA.
- Supporting and strengthening the commercial core of Chatswood by increasing the availability of jobs and services close to public transport services and existing residential areas.
- Providing additional retail floor space and servicing which deliver significant economic benefits to Chatswood and the broader Willoughby LGA.
- Enhancing the attractiveness of Chatswood, strengthening its role as a strategic centre within the Sydney North region.

- Supporting the strategic intent expressed in the 'Chatswood City Centre Vision and Strategic Plan' where the site is identified as 'retail core', as well as the key direction articulated in the Willoughby Economic Development Study date May 2016 being to '*protect the commercial core and maintain employment potential*'.
- The proposed development will be accompanied by payment of significant Section 94A contributions to be directed to improving the public infrastructure and services in the Chatswood CBD.

We submit that these are all significant and tangible benefits accruing to the broader public as a direct result of the proposed changes to the current planning controls. Overall, the proposal enables significant investment in ensuring Chatswood Chase continues to evolve, securing its role as one of the major assets supporting Chatswood CBD as a place of employment and services. In this circumstance, we advise that the applicant does not consider there is a necessity to enter into a Voluntary Planning Agreement to provide any additional public benefits above that already arising. We request therefore that the Planning Proposal be recommended to be advanced to Gateway on the evident strategic and public benefits outlined above.

Notwithstanding this, we advise that the applicant remains open to discussion with Council about the circumstances in which a VPA may be entered into, ensuring the most effective application of monies and works arising from relevant Section 94 and other works required as conditions of consent in future Development Applications. The applicant shares Council's desire to see Chatswood CBD continue to grow and improve and is keen to identify ways in which works in kind or monies associated with the proposal are implemented in an efficient and timely manner.

9. *Council is concerned that the consolidated Chatswood Chase site will have two zonings – the majority being B3, with just the small 5-7 Havilah St site being the B4 zoning. .... Council prefers a comprehensive approach to any zoning on this site – being the B3 zone. This is consistent with the advice from Architectus, who are currently undertaking a review of the Chatswood CBD.*

**Comment:** Vicinity Centres does not seek to rezone the B4 land use zone on 5-7 Havilah for the following reasons:

- The rezoning of the Havilah site to B3 was not discussed as being part of this proposal and we note that the advice from Architectus (as forwarded by Council) is not making a specific recommendation that the zoning on the Havilah Street be changed to B3.
- The proposed upgrade of the centre is permissible on B4 zoned land;
- The land was purchased according to the land use potential of the B4 zone and as such any 'down-zoning' is not a commercially acceptable outcome.
- Vicinity Centres is a world leader in retail asset management and has a commitment to developing sustainable and world class retail centres. This commitment to retail development is emphasised by its plans for the continued retail upgrade of the Chatswood Chase Shopping Centre.



We trust that the information presented above and within the **attachments** to this letter addresses Council's concerns. Should you have any questions, or require any further information, please do not hesitate to contact either Jacqueline Parker or myself on (02) 8233 9900.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Christophe Charkos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christophe Charkos  
Consultant

cc. Mr Craig O'Brien