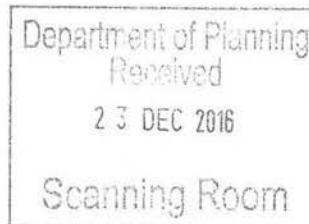




PCU068842

22 December 2016

Karen Armstrong
Director Sydney Region East
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001



Dear Karen,

Re: Planning Proposal regarding 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood

At its meeting of 12 December 2016, Council considered a report regarding a Planning Proposal and concept plans prepared by Urbis on behalf of Vicinity Centres for 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood.

The Planning Proposal seeks to:

- Amend the Willoughby Local Environmental Plan 2012 (WLEP) to:
 - align the height and FSR controls of 12-14 Malvern Avenue and 5-7 Havilah Street with those currently applying to the Chatswood Chase site.
 - increase the building height applying to the northern portion of the greater site area of Chatswood Chase (fronting Malvern Avenue and part of Havilah Street).
- Amend the Savings provisions within Clause 1.8A of WLEP 2012 to enable the determination of a Development Application reliant on the abovementioned amended planning controls should a development application be lodged with Council prior to gazettal of the Amending Instrument.

The Planning Proposal will require an amendment to the Height of Buildings and Floor Space Ratio Maps, as well as Clause 1.8A, under Willoughby Local Environmental Plan 2012. The changes to height and floor space are explained in the attached Council report and in particular Table 1 – Summary of Proposed Development Controls.

It was resolved at the Council Meeting of 12 December 2016:

"That Council:

1. *Support for public exhibition the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012:*

ENGLISH

If you do not understand this document, please visit Council's Administration Building to discuss it with Council staff who will arrange an interpreter service. The Administration Building is located at 31 Victor Street, Chatswood and open from 8.30am to 5pm, Monday to Friday. Alternatively, you may ring the Translating & Interpreting Service on 131 450 to ask for an interpreter to contact Council for you. Council's phone number is (02) 9777 1000.

ARABIC

إذا كنت لا تفهم هذه الوثيقة، يرجى زيارة مبنى إدارة مجلس البلدية لمناقشتها مع موظفي المجلس الذين سيتخذون ترتيبات للحصول على خدمة الترجمة الشفهية. يقع مبنى الإدارة على العنوان 31 Victor Street, Chatswood وهو يفتح من الساعة 8.30 صباحاً إلى 5 مساءً أيام الاثنين إلى الجمعة. يمكنك بدلاً من ذلك الاتصال بخدمة الترجمة الخطية والشفوية على الرقم 131 450 واطلب أن يقوم مترجم شفهي بالاتصال بالمجلس بالنيابة عنك. رقم هاتف المجلس هو: (02) 9777 1000.

ARMENIAN

Եթե չեք հասկանալ այս փաստաթուղթը, խնդրեմ այցելելք բաղադրային խորհուրդի վարչության ճեղքը այդ մասին խօսելու: Բաղադրային խորհուրդի աշխատակիցներու հետ որոնք ձեզի համար բարգման մը կը կարգադրեն: Վարչության ճեղքը կը գտնուի 31 Victor Street, Chatswood եւ բաց է կ.ա. 8.30 – կ.հ.5.00. Երկուշաբթիէն մինչեւ Ուրբաթ: Կարելի է հաւել հեռաձայնել Թարգմանութեան Աշխատկութեան 131450 եւ խնդրել որ թարգման մը կապ հաստատուի Բաղադրային խորհուրդին հետ ձեզի համար: Բաղադրային խորհուրդի հեռախօսի համարն է. (02) 9777 1000:

CHINESE SIMPLIFIED

如果您不明白本文件，请前往市政府行政大楼，与市政府职员讨论，市政府职员会安排传译员提供服务。行政大楼位于31 Victor Street, Chatswood，上班时间是周一至周五上午8:30至下午5:00。此外，您也可以致电翻译传译服务处，电话131 450，请传译员为您联系市政府，市政府的电话是(02) 9777 1000。

CHINESE TRADITIONAL

如果您不明白本文件，請前往市政府行政大樓，與市政府職員討論，市政府職員會安排傳譯員提供服務。行政大樓位於31 Victor Street, Chatswood，辦公時間是週一至週五上午8:30至下午5:00。此外，您也可以致電翻譯傳譯服務處，電話131 450，請傳譯員為您聯絡市政府，市政府的電話是(02) 9777 1000。

CROATIAN

Ako ne razumijete ovaj dokument, molimo vas otidite u administrativnu zgradu općine i razgovarajte s osobljem općine koje će vam organizirati usluge tumača. Zgrada općine se nalazi na adresi 31 Victor Street, Chatswood i otvorena je od 8.30 izjutra do 5 poslije podne, od ponedjeljka do petka. Druga mogućnost je da nazovete Službu prevoditelja i tumača (Translating and Interpreting Service) na 131 450 i da ih zamolite da vam nazovu općinu. Broj telefona općine je (02) 9777 1000.

GREEK

Αν δεν καταλαβαίνετε αυτό το έγγραφο, παρακαλούμε επισκεφθείτε το Κτίριο Διοίκησης της Δημαρχίας για να το συζητήσετε με το προσωπικό της Δημαρχίας που θα οργανώσει διερμηνεία για την εξυπηρέτησή σας. Το Κτίριο Διοίκησης βρίσκεται στη διεύθυνση 31 Victor Street, Chatswood και είναι ανοιχτό από τις 08:30 π.μ. έως 5 μ.μ., Δευτέρα έως Παρασκευή. Διαφορετικά, μπορείτε να τηλεφωνήσετε στην Υπηρεσία Μεταφράσεων και Διερμηνείας στο 131 450 και να ζητήσετε από ένα διερμηνέα να επικοινωνήσει με τη Δημαρχία για λογαριασμό σας. Ο αριθμός τηλεφώνου της Δημαρχίας είναι (02) 9777 1000.

ITALIAN

Se avete difficoltà nel capire il presente documento, rivolgetevi all'Amministrazione Building del Comune e gli addetti municipali provvederanno a richiedere l'assistenza di un interprete. L'Amministrazione Building è situato al n. 31 di Victor Street, Chatswood ed è aperto dal lunedì al venerdì, dalle 8.30 alle 17. Oppure potete chiamare il Translating and Interpreting Service al 131 450 e chiedere loro di mettersi, per vostro conto, in contatto con il Comune. Il numero telefonico comunale è (02) 9777 1000.

JAPANESE

本文書が理解できない場合には、カウンスルの事務局にお越しいただければ、カウンスル職員が通訳サービスを手配の上で、ご相談に応じます。事務局の住所は、31 Victor Street, Chatswoodで、窓口受付時間は月曜から金曜の午前8時半から午後5時までです。他にも、電話131 450の翻訳通訳サービスにおかけの上、通訳士にカウンスルにつなぐように依頼することもできます。カウンスルの電話番号は、(02) 9777 1000です。

KOREAN

이 문서를 이해하지 못하실 경우 시의회 청사를 방문하셔서 시의회 직원과 이에 대해 상의하십시오. 시의회 직원이 통역사 서비스를 주선할 것입니다. 시의회 청사는 31 Victor Street, Chatswood에 위치하고 있으며 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지 오픈합니다. 아니면 여러분이 직접 번역통역서비스에 131 450으로 전화하셔서 통역사에게 시의회에 연락하여 여러분과 연결하도록 요청하십시오. 시의회 전화번호는 (02) 9777 1000입니다.

a) To amend the Height of Buildings Map (Sheet HOB_004) as follows:

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

b) To amend the Floor Space Ratio Map (Sheet FSR_004) so as the Floor Space Ratio for 12-14 Malvern Avenue and 5-7 Havilah Street be the same as the Chatswood Chase site – 4.5:1.

c) To insert after clause 1.8A (1):

“(2) To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally determined) in respect to Chatswood Chase Shopping centre before the commencement of that Plan.”

2. *Apply the requirements of the Chatswood CBD Draft Planning and Urban Design Strategy, as endorsed by Council, in particular with regard to design excellence, to this Planning Proposal.*
3. *Request the proponent provide detailed shadow diagrams showing overshadowing each hour between 9am and 3pm on 22 June for public exhibition stage.*
4. *Request the proponent provide a revised traffic report that:*
 - a) *In the analysis of traffic distribution and any assumptions used:*
 - i) *Has regard to current traffic flows.*
 - ii) *Involves sensitivity modelling as suggested by GTA Consultants.*
 - b) *Considers and recommends mitigation options to ameliorate the traffic impacts of the proposal on the local road network.*
5. *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.*
6. *Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.”*

At the same Council Meeting, a separate Confidential report was considered regarding the issue of a Voluntary Planning Agreement. A Voluntary Planning Agreement has not been submitted with this Planning Proposal, however the proponents have indicated they are open to future discussions on the subject.

The Council resolved in regards the Confidential report:

“That Council:

1. *Agree to pursue discussions with Chatswood Chase to seek a VPA in conjunction with a design excellence process;*

2. *Agree to approach Chatswood Chase with a request that HillPDA review the development feasibility study on an open book basis on Council's behalf;*
3. *Agree to the results of that review being considered by the General Manager to determine further action as required."*

Based on the abovementioned Council resolutions, the Planning Proposal and the relevant documentation is now referred to the Department of Planning and Environment under Section 56 of the Environmental Planning and Assessment Act 1979 for a Gateway Determination. Progress on this Determination should be cognisant of concurrent discussions intended in relation to a Voluntary Planning Agreement which may eventuate in time for parallel exhibition with the Planning Proposal.

Please find attached the following documentation:

- Council report (including Attachments and in particular Attachment 3 – Department of Planning and Environment Assessment) and resolution of 12 December 2016.
- Confidential Council report and resolution of 12 December 2016.
- Planning Proposal report and supporting documentation, including concept plans and shadow diagrams, dated July 2016.
- Additional information from Urbis, dated 17 November 2016.
- Heritage Impact Statement, prepared by Urbis and dated 7 November 2016.
- Additional traffic information from GTA Consultants, dated 23 November 2016.

I provide a soft copy on CD of the Council reports and resolutions of 12 December 2016 as well as the abovementioned Planning Proposal report and all supporting documentation. The Council documentation is also provided in hard copy.

Should you have any enquiries regarding this matter please contact Craig O'Brien on 9777 7647 or email craig.obrien@willoughby.nsw.gov.au.

Yours faithfully,



Norma Shankie-Williams
STRATEGIC PLANNING TEAM LEADER

18.8 PLANNING PROPOSAL FOR 12 MALVERN AVENUE, 5-7 HAVILAH STREET AND 345 VICTORIA AVENUE (CHATSWOOD CHASE)

ATTACHMENTS:	1. PROPOSED HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO MAPS 2. PLANNING PROPOSAL CONCEPT PLANS 3. DEPARTMENT OF PLANNING AND ENVIRONMENT REQUIREMENTS ASSESSMENT (COUNCIL)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	CRAIG O'BRIEN - STRATEGIC PLANNER
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS.
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

For Council to resolve to forward the Planning Proposal for 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood to the Department of Planning and Environment for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Procedural Motion

That the following people address the meeting and answer questions of the Councillors:

- Paul Neilsen, Vicinity Centre (Proponent)
- Jacqueline Parker, Urbis (Planning Consultant)

RESOLUTION

That Council:

1. Support for public exhibition the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012:
 - a) To amend the Height of Buildings Map (Sheet HOB_004) as follows:
 - i) 12-14 Malvern Avenue – 40 metres
 - ii) 5-7 Havilah Street – 34 metres
 - iii) Northern portion of Chatswood Chase shopping centre (fronting Malvern Avenue and part of Havilah Street) – 40 metres
 - b) To amend the Floor Space Ratio Map (Sheet FSR_004) so as the Floor Space Ratio for 12-14 Malvern Avenue and 5-7 Havilah Street be the same as the Chatswood Chase site – 4.5:1.

c) To insert after clause 1.8A (1):

“(2) To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally determined) in respect to Chatswood Chase Shopping centre before the commencement of that Plan.”

2. Apply the requirements of the Chatswood CBD Draft Planning and Urban Design Strategy, as endorsed by Council, in particular with regard to design excellence, to this Planning Proposal.
3. Request the proponent provide detailed shadow diagrams showing overshadowing each hour between 9am and 3pm on 22 June for public exhibition stage.
4. Request the proponent provide a revised traffic report that:
 - a) In the analysis of traffic distribution and any assumptions used:
 - i) Has regard to current traffic flows.
 - ii) Involves sensitivity modelling as suggested by GTA Consultants.
 - b) Considers and recommends mitigation options to ameliorate the traffic impacts of the proposal on the local road network.
5. 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.
6. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.

MOVED COUNCILLOR ROZOS

SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

For the Resolution: Councillors Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville and Wright.

Against:

Absent: Councillors Giles-Gidney, Coppock and Stevens.

Due to Councillors Giles-Gidney and Coppock declaring a non-pecuniary substantial interest in Item 18.8: Planning Proposal for 12 Malvern Avenue, 5-7 Havilah Street and 345 Victoria Avenue (Chatswood Chase) being members of SPP (formerly JRPP), they withdrew from the meeting taking no part in the discussion or voting on this topic.

Councillor Mustaca assumed the Chair in the Mayor and Deputy Mayor's absence for this item.

18.8 PLANNING PROPOSAL FOR 12 MALVERN AVENUE, 5-7 HAVILAH STREET AND 345 VICTORIA AVENUE (CHATSWOOD CHASE)

ATTACHMENTS:	1. PROPOSED HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO MAPS 2. PLANNING PROPOSAL CONCEPT PLANS 3. DEPARTMENT OF PLANNING AND ENVIRONMENT REQUIREMENTS ASSESSMENT (COUNCIL)
RESPONSIBLE OFFICER:	IAN ARNOTT - PLANNING MANAGER
AUTHOR:	CRAIG O'BRIEN - STRATEGIC PLANNER
CITY STRATEGY LINK:	6.2.1 A COMMUNITY THAT IS INFORMED OF KEY COUNCIL POLICIES, SERVICES AND ACTIVITIES AND CAN PARTICIPATE IN THE DECISION MAKING PROCESS.
MEETING DATE:	12 DECEMBER 2016

Purpose of Report

For Council to resolve to forward the Planning Proposal for 12-14 Malvern Avenue, 5-7 Havilah Street and the Chatswood Chase Shopping Centre site at 345 Victoria Avenue, Chatswood to the Department of Planning and Environment for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

Background

As the beginning stage in the Gateway process, the proponent (Urbis on behalf of Vicinity Centres) has submitted this Planning Proposal to Council in order to amend *Willoughby Local Environmental Plan 2012*.

The proponent is seeking Council support for the Planning Proposal to be forwarded on to the Gateway, and for it to then proceed to public exhibition.

This matter has not previously been considered at a Council Meeting.

Discussion**The Site**

The sites which are the subject of this Planning Proposal are as follows:

- 12-14 Malvern Avenue (SP 36362), which is developed as a 2 storey commercial building that is strata titled and has a site area of 2,605m².
- 5-7 Havilah Street (SP 33860), which is developed as a 2 storey commercial building that is strata titled and has a site area of 1,195m².
- 345 Victoria Avenue (Lot 10 DP 1143909), which is developed as the Chatswood Chase Shopping centre and has a site area of 35,334m².

CC No. 1 Pty Ltd and CC No. 2 Pty Ltd are the owners of the Chatswood Chase Shopping Centre, and are represented by Vicinity Centres.

The abovementioned owners have acquired the adjacent sites at 12-14 Malvern Avenue and 5-7 Havilah Street. It is intended to amalgamate these two adjacent sites into the Chatswood Chase Shopping Centre.

Chatswood Chase is a major regional shopping centre and has main frontages to Archer Street to the west and Victoria Avenue to the south. Vehicle access to the Centre is via Malvern Avenue to the north, Archer Street to the west and Victoria Avenue to the south. Approximately 2,500 car spaces are provided over 9 car parking levels, which are located both above and below ground level and on the existing roof top.

The centre currently has a total Gross Floor Area (GFA) of 73,658m² and approximately 2,500 car spaces. The centre has 230 tenants, including David Jones, Kmart and Coles and approximately 99.8% occupancy.

Chatswood Chase has operated on the site since 1983 and underwent major refurbishment in 2009.

FIGURE 1: SUBJECT SITE



The Locality

Chatswood Chase and the two sites the subject of this Planning Proposal are located on the eastern edge of the Chatswood CBD. The land use character at this eastern edge forms a transitional zone between the Chatswood commercial core and adjacent residential areas.

The sites are within close proximity to the North Chatswood Conservation Area, being a small part of Malvern Avenue (not opposite the subject sites), Nicholson Street (behind Malvern Avenue) and Blakesley Street (behind Havilah Street).

The street block within which Chatswood Chase is located is bounded by Malvern Avenue, Havilah Street, Victoria Avenue and Archer Street. Other land uses within the block include strata titled commercial buildings, medium density residential and schools (Mercy College).

Land uses to the north and east of this block consist mainly of low and medium density residential development.

Immediately east of 12-14 Malvern Avenue is the northern entrance to the shopping centre car park. Immediately north of 5-7 Havilah Street site is a pedestrian entry to the Chatswood Chase shopping centre which provides accessibility to the retail centre and a through site link to Archer Street for nearby residents.

Planning Proposal

The Planning Proposal seeks to:

- Amend the *Willoughby Local Environmental Plan 2012* (WLEP) to:
 - align the height and FSR controls of 12-14 Malvern Avenue and 5-7 Havilah Street with those currently applying to the Chatswood Chase site.
 - increase the building height applying to the northern portion of the greater site area of Chatswood Chase (fronting Malvern Avenue and part of Havilah Street).
- Amend the Savings provisions within Clause 1.8A of WLEP 2012 to enable the determination of a Development Application reliant on the abovementioned amended planning controls should a development application be lodged with Council prior to gazettal of the Amending Instrument.

The proposed built form amendments to *Willoughby Local Environmental Plan 2012* are detailed in Table 1 below.

Table 1 – Summary of Proposed Development Controls

Property	Zoning		Height		Floor Space Ratio	
	WLEP	Proposed	WLEP	Proposed	WLEP	Proposed
12-14 Malvern Ave	B3 Commercial Core	No change	14m	40m	1.7:1	4.5:1
5-7 Havilah St	B4 Mixed Use	No change	14m	34m	1.7:1	4.5:1
345 Victoria Ave	B3 Commercial Core	No change	34m	40m (portion fronting Malvern Avenue)	4.5:1	4.5:1 – No change

			34m	34m (remain ing area) – no change		
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The proposed Height of Buildings and Floor Space Ratio Maps are at Attachment 1.

The proposed development controls will:

- Provide for the future expansion of Chatswood Chase, with an increase of the site area from 35,334m² to 39,134m² (3,800m²).
- Increase the Gross Floor Area (GFA) within the shopping centre by approximately 26,087m².
- Increase car parking capacity on the site in line with the required rate of provision (approximately 680 spaces) to 3180 car spaces.

The proposed amendments to the Willoughby LEP 2012 will enable the subsequent lodgement of a development application for the future expansion of the Chatswood Chase shopping centre over all three sites.

Concept plans have been provided showing a conceptual redevelopment plan for the shopping centre site. These show 5-7 Havilah Street being used mainly for future retail expansion and 12-14 Malvern Avenue being used for ancillary car parking. An indicative car parking plan has been provided, indicating how the proposed additional car parking will integrate with the existing car park levels.

The Concept Plans are at Attachment 2.

In regards urban design, the Planning Proposal Report prepared by Urbis, dated July 2016, states:

"The final design of the future development is not resolved and as such no commitment can be made at this time to the details of materials, finishes and urban presentation of the future building form. Vicinity is, however, committed to presenting a high quality building form to the public domain.

Any future development application will be assessed as to its appropriate interface with the public domain, including sensitive treatments to facades and urban landscaping."

Issues raised by Architectus

As authors of the *Chatswood CBD Draft Planning and Urban Design Strategy* (also on this Agenda), Architectus have been invited to comment on this Planning Proposal to assess its consistency with that Draft Strategy. The response from Architectus raised the following issues:

Zoning

Concern is raised that the consolidated Chatswood Chase site will have two zonings – the majority being B3 Commercial Core, with just the small 5-7 Havilah Street site retaining a B4 Mixed Use zoning. Council would generally prefer a comprehensive approach to zoning on such a large important Chatswood CBD site.

Architectus have also raised the two zonings on this site as a potential issue, with particular regard to permitted uses.

The Urbis letter dated 17 November 2016 addresses this issue as follows:

- *"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."*

Despite concern raised by Architectus regarding the two zonings, it is nonetheless considered acceptable for the Planning Proposal to proceed to Gateway and public exhibition. The reasons for this are that:

- The Concept Plans do not propose any residential floor area.
- There is no imminent likelihood of 5-7 Havilah Street being used for residential development as part of this shopping centre development.
- Council is in the process of reviewing this site as part of the Chatswood CBD Draft Strategy, which will make general recommendations for zoning throughout the CBD.

Height

Under Willoughby Local Environmental Plan 2012, the Chatswood Chase site has a maximum permissible height of 34 metres.

The existing built height:

- On the Malvern Avenue frontage is an average of 16.58 metres from existing ground level.
- On the Havilah Street frontage is an average of 20.95 metres from existing ground level.
- Of Chatswood Chase is approximately 29 metres around the central void.

The two sites, 12-14 Malvern Avenue and 5-7 Havilah Street, have an existing building height or permissible height of 14 metres.

The Planning Proposal seeks to amend heights as set out in Table 1.

There is no change to the height of the majority of the existing Chatswood Chase site, which is 34 metres.

The rationale behind locating the 40 metre height towards the Malvern Avenue northern portion of Chatswood Chase is based on the location of the existing car park and the structural capacity of the building. The location of the existing car parking areas was

informed by Clause 9 of the now repealed *Sydney Regional Environmental Plan 5 – Chatswood Town Centre (SREP)*. The SREP restricted the vehicle access and car parking areas to service the shopping centre towards the rear of Chatswood Chase.

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 impacts of this increased height are discussed below.

Residential Interface

The potential impact of bulk and scale on residential properties where the height is proposed to be 40 metres, being Malvern Avenue and part of Havilah Street, will require careful attention.

The proponent has suggested potential facade treatments including permeability for natural light penetration, directional louvres, extruded surfaces, articulated precast concrete façade, layering façade and design penetrations. The final façade treatment will be the focus of subsequent discussion following public exhibition and at development application stage.

The impact of the increase in height to 34 metres for 5-7 Havilah Street is considered to be acceptable. This site abuts Chatswood Chase to the north with a maximum height of 34 metres and is proposed to be incorporated into the existing Chatswood Chase site. The impact on the commercial building to the south is also considered acceptable.

The impact of this Planning Proposal on the residential streets to the north (Malvern Ave) and east (Havilah Street) will be minimised by the proposed design excellence requirement at development application stage for all developments exceeding the base floor space ratio currently proposed in the *Chatswood CBD Draft Planning and Urban Design Strategy*. A competitive design process is being recommended for developments over 25 metres high and a design review panel process for developments up to 25 metres high. Furthermore developments must achieve higher building sustainability standards to achieve design excellence. It is also recommended that the matter of design excellence be included in any Voluntary Planning Agreement discussion associated with this Planning Proposal.

Other Issues

Floor space

The existing Chatswood Chase site has a Floor Space Ratio of 4.5:1.

The two sites, 12-14 Malvern Avenue and 5-7 Havilah Street, have an existing Floor Space Ratio of 1.7:1.

The Planning Proposal seeks to increase the Floor Space Ratio on the abovementioned two sites, so that they are consistent with Chatswood Chase, enabling them to be incorporated into a future larger Chatswood Chase site. Refer to Table 1. This objective is considered reasonable.

Urbis have compared the existing and proposed Gross Floor Area (GFA). The figures provided show that:

- The existing Gross Floor Area of Chatswood Chase is 73,658m².
- The proposed increase in Gross Floor Area (GFA) for Chatswood Chase and the two adjacent sites results in a GFA of 99,745m², being a GFA increase of 26,097m².

- The abovementioned proposed Gross Floor Area (GFA) is significantly below what is achievable under the current maximum permissible GFA of 165,463m² or the proposed maximum permissible GFA of 176,103m².

Heritage

The Planning Proposal has been referred to Council's Heritage Section, and as a result a Heritage Impact Statement has been submitted to address heritage impacts on the North Chatswood Conservation Area and nearby Local Heritage Items.

The Heritage Impact Statement concluded:

"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."

Council's Heritage Section generally agree with the conclusions of the Heritage Impact Statement provided:

- Further detailed heritage conditions on materiality, landscape and design details to ensure further mitigation of potential adverse heritage outcomes, are provided regarding any future DA.
- The submitted Statement of Heritage Impact is included in the referral to the Gateway and for public exhibition.

Solar Access

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 9am, 12pm and 3pm, 22 June.

The Urbis report concludes that there will be some additional impacts from overshadowing created to existing development to the south. The shadow diagrams show:

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

The Urbis report states with regard to overshadowing:

"the final height of the proposed development concept has yet to be determined and that the final height of any future development concept will be designed to ensure that it will maintain an acceptable shadow impact on the neighbouring development and the public domain."

Detailed shadow diagrams should be provided at the public exhibition stage, showing overshadowing each hour between 9am and 3pm 22 June, for more detailed consideration. These diagrams should be provided showing the full extent of the line of shadow cast on the ground plane in this mid-winter period.

Privacy and general amenity

The Urbis report states:

- *"Activation of the frontages will be focussed on the existing Victoria and Archer Street frontages, being higher order streets with a pedestrian focus.*
- *Limited privacy impacts will occur to residents across Havilah Street or Malvern Avenue due to the retail use of the centre which is by nature, inwardly focussed."*

The Urbis letter dated 17 November 2016 states:

"The detailed design will consider the mitigation of impacts from vehicle noise, exhaust fumes and light spill to surrounding residential properties."

Further consideration of amenity impacts such as privacy may occur following public exhibition and at development application stage.

Traffic and Car Parking

A Traffic and Parking Assessment prepared by GTA Consultants has been submitted as part of the Planning Proposal.

Council engaged ARUP to assess the traffic impacts of the Planning Proposal. ARUP have also been requested to review the Planning Proposal with regard to the wider traffic review it is undertaking for the Chatswood CBD.

In response to concerns raised by ARUP, GTA Consultants submitted a further response dated 23 November 2016.

ARUP have concluded that traffic and car parking issues have been satisfactorily addressed for the initial Planning Proposal stage. Notwithstanding this conclusion, ARUP recommend that further analysis occur and be submitted for public exhibition stage as follows:

A revised traffic report is to be provided that:

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

Public Benefit

The issue of public benefit and a Voluntary Planning Agreement is discussed in a separate confidential report on this Agenda.

Department of Planning and Environment 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 and Environment (August 2016) 'A Guide to Preparing Planning Proposals'. This document establishes six parts for consideration of a Planning Proposal, which are addressed at Attachment 3.

Financial Implications

The Planning Proposal is subject to Section 94A Contributions under the *Willoughby City Section 94A Contributions Plan 2011*.

As stated above, the issue of a Voluntary Planning Agreement is the subject of a separate report on this Agenda.

Policy Implications

This Planning Proposal will result in amendments to the Height of Buildings and Floor Space Ratio Maps, as well as the Clause 1.8A of Willoughby Local Environmental Plan 2012.

The change to clause 1.8A is to insert sub clause (2) as follows:

"To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally determined) in respect to Chatswood Chase Shopping centre before the commencement of that Plan."

Community Notification

No formal public community consultation has been undertaken to date in regards this Planning Proposal. The community will be advised of the Planning Proposal as part of the formal notification period following Gateway determination.

Conclusion

The importance of strong, regional retail centres in the Chatswood CBD is recognized, and has been identified as a key element of the *Chatswood CBD Draft Planning and Urban Design Strategy* and *Draft North District Plan*. Also as part of the recommendations in that Draft Strategy, the requirement to subject significant proposals to a design excellence process should be applied to this Proposal.

With these additional requirements relating to design and sustainability applied, this Planning Proposal is supported for public exhibition. The Proposal is consistent with the strategic objectives of *A Plan for Growing Sydney* and the *Draft North District Plan*, and supports new employment opportunities 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 and Environment's 'A Guide to Preparing Planning Proposals' are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

The Planning Proposal will require an amendment to the Height of Buildings and Floor Space Ratio Maps, as well as Clause 1.8A, under *Willoughby Local Environmental Plan 2012*.

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:

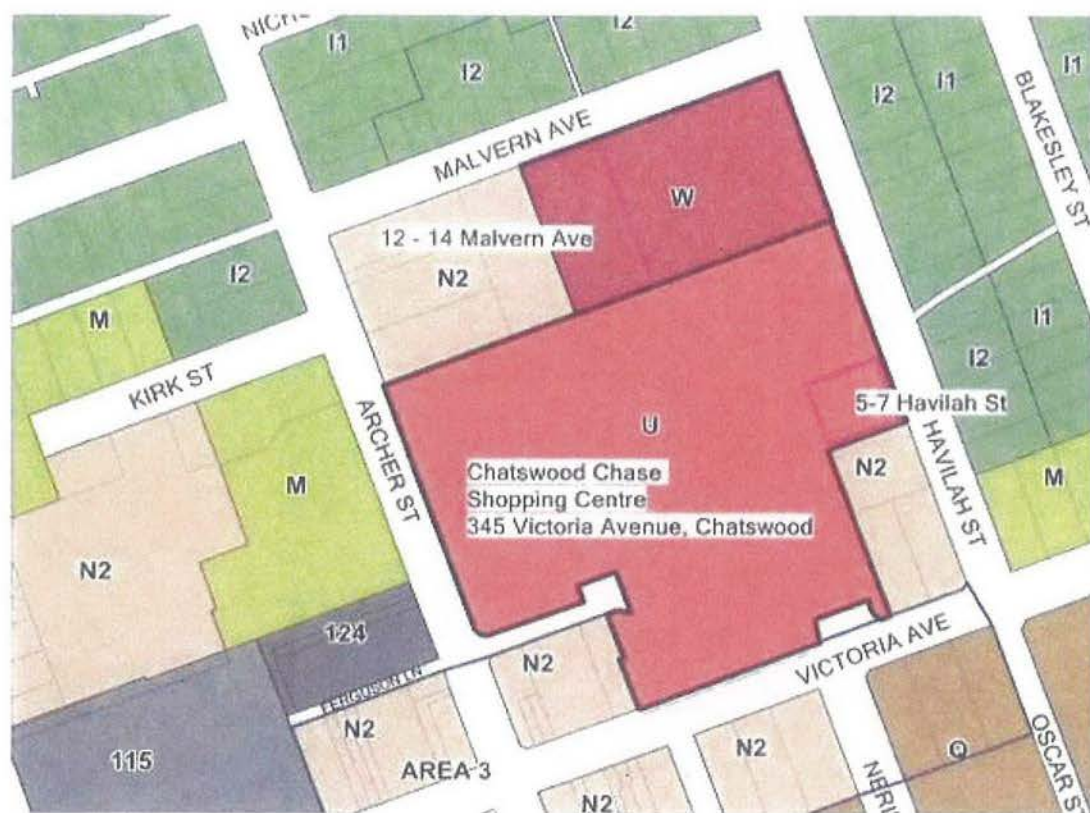
1. Support for public exhibition the Planning Proposal and draft amendments to Willoughby Local Environmental Plan 2012:
 - a) To amend the Height of Buildings Map (Sheet HOB_004) as follows:
 - i) 12-14 Malvern Avenue – 40 metres
 - ii) 5-7 Havilah Street – 34 metres
 - iii) Northern portion of Chatswood Chase shopping centre (fronting Malvern Avenue and part of Havilah Street) – 40 metres
 - b) To amend the Floor Space Ratio Map (Sheet FSR_004) so as the Floor Space Ratio for 12-14 Malvern Avenue and 5-7 Havilah Street be the same as the Chatswood Chase site – 4.5:1.
 - c) To insert after clause 1.8A (1):

“(2) To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally determined) in respect to Chatswood Chase Shopping centre before the commencement of that Plan.”
2. Apply the requirements of the Chatswood CBD Draft Planning and Urban Design Strategy, as endorsed by Council, in particular with regard to design excellence, to this Planning Proposal.
3. Request the proponent provide detailed shadow diagrams showing overshadowing each hour between 9am and 3pm on 22 June for public exhibition stage.
4. Request the proponent provide a revised traffic report that:
 - a) In the analysis of traffic distribution and any assumptions used:
 - i) Has regard to current traffic flows.
 - ii) Involves sensitivity modelling as suggested by GTA Consultants.
 - b) Considers and recommends mitigation options to ameliorate the traffic impacts of the proposal on the local road network.
5. 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*.

6. Advise the Department of Planning and Environment that the Planning Manager, Mr Ian Arnott is nominated as delegate to process and finalise the Planning Proposal.

ATTACHMENT 1

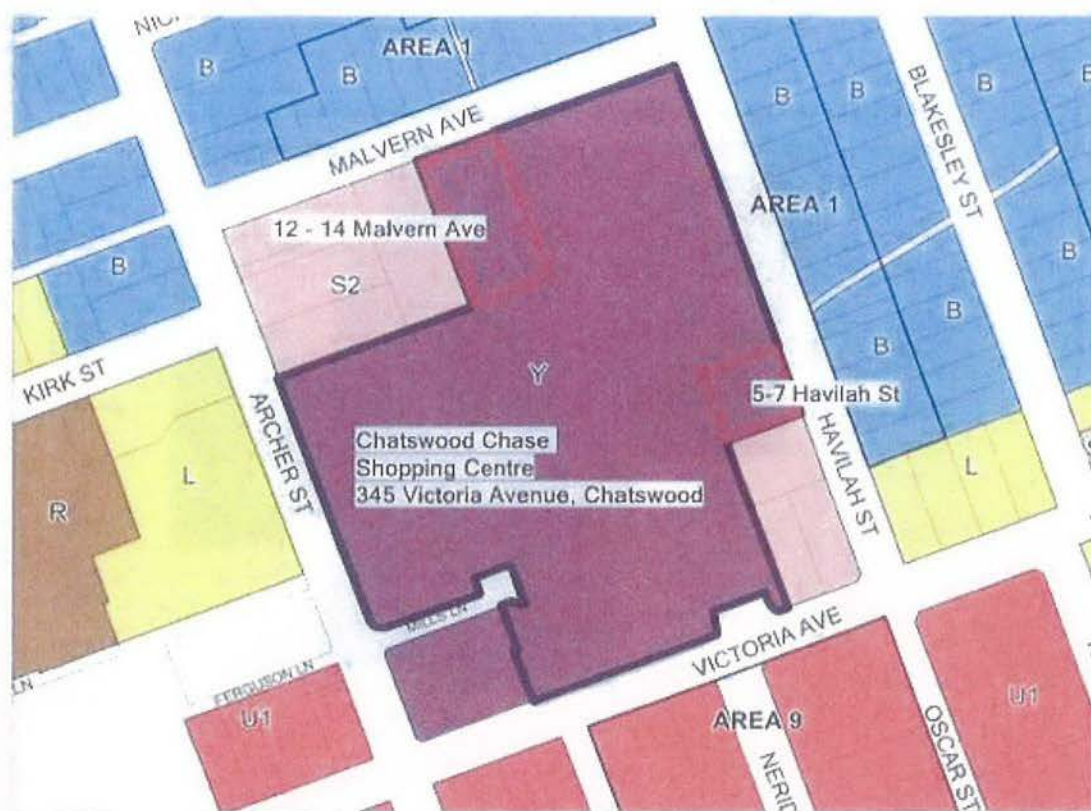
PROPOSED HEIGHT OF BUILDINGS MAP



Maximum Building Height



PROPOSED FLOOR SPACE RATIO MAP



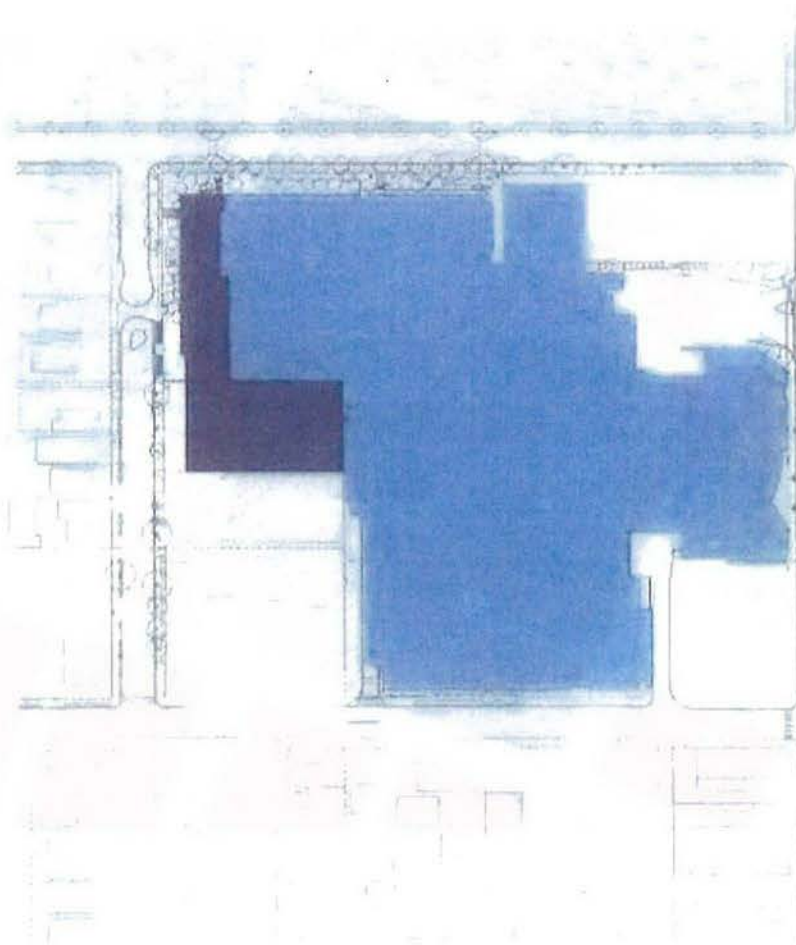
Maximum Floor Space Ratio



ATTACHMENT 2

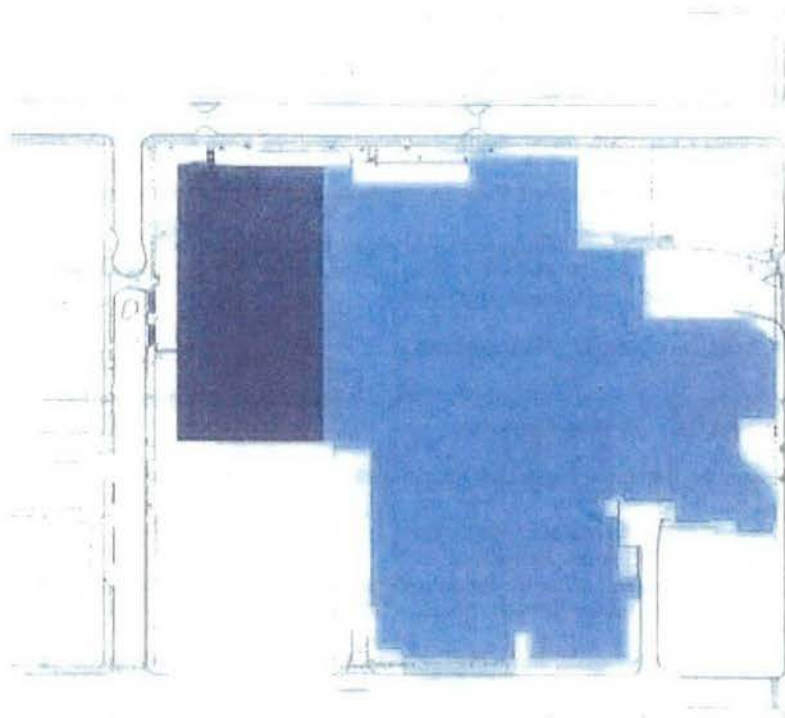
INDICATIVE LG PLAN
REF: 104-2005-07-10

LEGEND
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LEGEND



BUCHAN

CHATSWOOD CHASE 2016

ATTACHMENT 3

Department of Planning and Environment Requirements Assessment (Council)

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 and Environment (August 2016) *'A Guide to Preparing Planning Proposals'*. This document establishes six parts for consideration of a Planning Proposal:

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives to support the Planning Proposal to amend *Willoughby Local Environmental Plan 2012* (WLEP) are as follows:

- a) Facilitate an increase in the overall height of the three sites as described below in Part 2 (a).
- b) Facilitate an increase to the Floor Space Ratio on 12-14 Malvern Street and 5-7 Havilah Street.
- c) Enable the proponent to lodge a development application once the above Amendment is considered to be 'certain and imminent' and be determined in accordance with the finalised Amendment.

PART 2 – EXPLANATION OF PROVISIONS

The outcome proposed in the Planning Proposal will be achieved by preparing an amendment to WLEP, which will include:

- a) Amend the Height of Buildings Map (Sheet HOB_004) as follows:
 - 12-14 Malvern Avenue – 40 metres
 - 5-7 Havilah Street – 34 metres
 - Northern portion of the Chatswood Chase shopping centre (fronting Malvern Avenue and part of Havilah Street) – 40 metres
- b) Amend the Floor Space Ratio Map (Sheet FSR_004) so the Floor Space Ratio for 12-14 Malvern Avenue and 5-7 Havilah Street be the same as the Chatswood Chase site – 4.5:1.
- c) Clause 1.8A of the Willoughby LEP 2012, Savings Provisions in Relation to Development Applications states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

This clause requires amendment by inserting the following wording after clause 1.8A (1):

"(2) To avoid doubt, Willoughby Local Environmental Plan 2012 (Amendment No XX) applies to the determination of a development application made (but not finally

determined) in respect to Chatswood Chase shopping centre before the commencement of that Plan."

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.

Analysis supporting the application has been provided with the Planning Proposal.

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

It is considered that the Planning Proposal is the best means of achieving the objectives and outcomes discussed above.

Section B - Relationship to strategic planning framework

3) 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)?

A Plan for Growing Sydney (Metropolitan Plan) was released by the Department of Planning and Environment in December 2014 as the NSW Government's plan for the future of the Sydney Metropolitan area over the next 20 years.

The Plan sets four goals for Sydney to be:

- A competitive economy with world-class services and transport;
- A city of housing choice, with homes that meet Sydney's needs and lifestyles;
- A great place to live with communities that are strong, healthy and well connected; and
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Within the plan:

- A priority for the north subregion is a competitive economy.
- The priority for the strategic centre of Chatswood is:

"provide capacity for additional mixed-use development in Chatswood including offices, retail, services and housing."

In November 2016, the *Draft North District Plan* was placed on exhibition until March 2017.

The Planning Proposal is considered consistent with *A Plan for Growing Sydney* (Metropolitan Plan) and the *Draft North District Plan* for the following reasons:

- The proposal continues 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. The proposal will also provide more employment opportunities to local residents.
- The Planning Proposal will enable Chatswood Chase to provide additional retail floor space in the major regional retail precinct of Chatswood City Centre.

The Department of Planning and Environment (August 2016) 'A Guide to Preparing Planning Proposals' establishes specific assessment criteria to assist a Relevant Planning Authority.

Assessment Criteria

a) Does the proposal have strategic merit? Is it:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;

Comment: The Planning Proposal is considered consistent with the Draft North District Plan.

- Consistent with a relevant local council strategy that has been endorsed by the Department;

Comment: Council has engaged Architectus to undertake a Chatswood CBD Draft Planning and Urban Design Strategy. A report is on the Agenda for this Council Meeting proposing to exhibit the draft Strategy early in 2017.

The Planning Proposal is considered consistent with the Chatswood CBD draft Planning and Urban Design Strategy.

- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Comment: It is considered that the Planning Proposal is consistent with the Sydney Metro Northwest and Sydney Metro City and Southwest planned transport infrastructure.

b) Does the proposal have site-specific merit, having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards)

Comment: Not applicable.

- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal

Comment: By aligning the planning controls for two adjacent sites with the main Chatswood Chase site the Planning Proposal can be considered to be facilitating the orderly expansion of the shopping centre. The proposal promotes future urban renewal of the three sites involved.

- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Comment: This issue is discussed above under Public Benefit.

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

The *Willoughby City Strategy 2013-2029* is the Council's community strategic plan for the future of the local government area to help guide decision making and planning.

The Strategy sets out six broad themes, with the relevant theme regarding this Planning Proposal being 'Economic Activity', with the sub-theme being 'Sustainable Business Activity.'

The goal of the sub-theme 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:

5.1.1 Local Business

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

The Planning Proposal is considered consistent with the *Willoughby City Strategy 2013-2029*.

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

The following State Environmental Planning Policies are applicable, with comment provided.

SEPP Title	Comment
SEPP 55 – Remediation of Land	A phase 1 contamination report will be prepared for the DA stage and any necessary remediation will be proposed and carried out in accordance with SEPP 55.
SEPP (Exempt and Complying Codes) 2008	The Planning Proposal does not contain provisions that contradict the application of the SEPP.
SEPP (Infrastructure) 2007	The relevant part of this SEPP, namely traffic

	generating developments, is discussed under the Traffic Section of this report.
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6) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions?)

The Section 117 Directions issued to councils under s.117(2) of the EP&A Act 1979 require that a Planning Proposal does not conflict with the Directions. The following is a summary of the planning proposal against the relevant Section 117 Directions in this instance.

1. EMPLOYMENT AND RESOURCES

Direction	Relevant?	Consistent?	Comment
1.1 Business and Industrial Zones	Yes	Yes	The Planning Proposal will support employment generation.

2. ENVIRONMENT AND HERITAGE

Direction	Relevant?	Consistent?	Comment
2.3 Heritage Conservation	Yes	Yes	The Planning Proposal will not have any adverse impact on any nearby conservation area or heritage item.

3. 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. 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

5. METROPOLITAN PLANNING

Direction	Relevant?	Consistent?	Comment
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	The Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> 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 subject 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?

The following environmental impacts of the proposal and their proposed management are discussed in this report:

- Consistency with Architectus Chatswood CBD Draft Planning and Urban Design Strategy
- Zoning
- Floor space
- Height
- Bulk and scale
- Heritage
- Solar Access
- Privacy and general amenity
- Traffic and car parking
- Public Benefit

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

It is considered that the Planning Proposal has adequately addressed social and economic effects.

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

The subject site is located within an established commercial area serviced by existing utilities infrastructure, close to bus services and within walking distance from the Chatswood Railway Station. In addition transport capacity will be improved following completion of the Metro development.

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

Council has not notified any public authorities. It is expected that any Gateway Determination would establish which government authorities would be required to be included in the public exhibition.

PART 4 – MAPPING

As previously noted, this Planning Proposal involves amending the Height of Buildings and Floor Space Ratio Maps.

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 and maps). This would involve appropriate notification and receipt of submissions from relevant state agencies and the general community.

PART 6 – PROJECT TIMELINE

Planning Proposal Presented to Council	December 2016
Planning Proposal submitted to Gateway	January 2017
Gateway Determination received by Council	February 2017
Community Consultation (28 days)	March 2017
Outcomes of Community Consultation presented to Council	May 2017
Planning Proposal submitted to Department requesting notification on Government website	July 2017

20.3 CHATSWOOD CHASE VPA - CONFIDENTIAL

RESPONSIBLE OFFICER: PETER CONROY - PLANNING & INFRASTRUCTURE
DIRECTOR

AUTHOR: NORMA SHANKIE-WILLIAMS – STRATEGIC
PLANNING TEAM LEADER

CITY STRATEGY LINK: 5.1.1 LOCAL BUSINESS

MEETING DATE: 12 DECEMBER 2016

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

20.4 TENDER 101402 - PUBLIC TOILET REFURBISHMENT WORKS**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A (2) (d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

20.1 SHORELINK REVIEW**Recommendation Summary**

That Council note the additional information provided in the attachment to this report.

20.2 SWIMMING LANE HIRE - WILLOUGHBY LEISURE CENTRE**Recommendation Summary**

That Council note the additional information provided in the attachment to this report.

20.3 CHATSWOOD CHASE VPA - CONFIDENTIAL**Recommendation Summary**

That Council:

1. Agree to pursue discussions with Chatswood Chase to seek a VPA in conjunction with a design excellence process;
2. Agree to approach Chatswood Chase with a request that HillPDA review the development feasibility study on an open book basis on Council's behalf;
3. Agree to the results of that review being considered by the General Manager to determine further action as required.

20.4 REPORT TO COUNCIL - TENDER 101402 - PUBLIC TOILET REFURBISHMENT WORKS**Recommendation Summary**

That Council note the additional information provided in the evaluation criteria to this report.