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Our Ref: 11517

28 March 2019

The Minister for Planning & Environment
NSW Department of Planning & Environment
Rezoning Reviews Team
320 Pitt Street
SYDNEY 2000

Dear Sir or Madam,

**REQUEST FOR REZONING REVIEW
PLANNING PROPOSAL TO AMEND WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012
SP 2715, 3 ELLIS ST, CHATSWOOD – WILLOUGHBY LGA**

The **enclosed** folder of documentation, including an application for Rezoning Review, and the attached justification of strategic and site specific merit (**Attachment A**), are presented in support of a request for a Rezoning Review (Planning Proposal).

This application is being made as Willoughby Council has advised the applicant that the Planning Proposal, as provided, is not supported. Willoughby City Council provided notice of this decision on 15 February 2019 (**Reference PP2018/10**).

The request for review is in respect of a planning proposal (**'the proposal'**) that aims to amend certain site specific development standards within the Willoughby LEP 2012. More particularly, the proposal seeks to enable optimal redevelopment outcomes on a centrally located parcel of land that is bound on all sides by a total of 123 modern high density residential units. Prior planning decisions in respect of the adjoining developments have unfortunately excluded consideration of the subject lot, artificially limiting redevelopment options compliant with the generic development controls in the current LEP.

The proposal demonstrates that with site specific development controls informed by proper assessment, the site has considerably greater potential to provide high density housing adjacent to Chatswood CBD and Chatswood railway/bus Interchange, than the LEP allows; at the same time, maintaining compliance with SEPP 65 and Council's adopted Strategy objectives relating to overshadowing.

A summary of Council's refusal to support the Planning Proposal is attached (**Attachment B**), and a graphical summary of the site, the circumstances and the strategic merits of the Planning Proposal is provided in **Attachment C**. Also **enclosed** is a cheque for the prescribed fee in the amount of \$20,000, and the receipt should be issued in the name of MPG Pty Ltd.

It is requested that the enclosed application and the accompanying information be forwarded to the Sydney North Planning Panel for review, and in the interim, should there be any need to discuss the application, please do not hesitate to contact the undersigned.

Yours faithfully,
JW PLANNING PTY LTD

Jason Wasiak
DIRECTOR – PRINCIPAL URBAN PLANNER
Bach. Urban & Regional Planning (U.N.E)
Assoc. Dip. Eng (LESD) (H.I.T)

Attachment A

Justification of Strategic and Site Specific Merit

Strategic Merit Test

The Planning Panel or the Commission will undertake an assessment to determine whether the proposal:

a) Has strategic merit as it is:

- *gives effect to 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; or*
- *gives effect to a **relevant local strategy that has been endorsed by the Department**, such as the local strategic planning statement, housing strategy; or*
- ***responding to a change in circumstances**, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

Response

1. **Gives effect to 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**

The *North District Plan* (NDP) identifies that approximately 92,000 homes will be required in the District by 2036. Additionally, both the current and anticipated primary household structures are couples, couples with children and single persons. Subsequently, **Planning Priority N5** aims to “provide housing supply, choice and affordability with access to jobs, services and public transport”.

Chatswood is identified as a *Strategic Centre* and is located within the *North District Economic Corridor*. The Plan also notes that the area will benefit from new, major infrastructure, including the Sydney Metro Northwest line. The Chatswood CBD contributes to this objective through its opportunities for connectivity, being proactive in the provision of pedestrian and cycle tracks which connect to major rail transport links. The Chatswood station and interchange is being upgraded to provide a major hub for public transport.

The location of the subject site provides a comparative advantage for high density housing in that there is no need to provide additional infrastructure upgrades; taking advantage of significant state government investment in public transport and fulfilling the state government's objective of a '30-minute City'. The site is within a limited band of High Density Residential zoning given it is adjacent the CBD, and less than a 5 minute walk to the Chatswood railway station.

The proposal aims to optimise the provision of high density housing within an existing area of high accessibility and connectivity. The development also provides an opportunity for contributions for the enhancement of and investment in social infrastructure. For example, an estimated \$21M redevelopment can provide up to \$680,000 in public investment funds.

Under the NDP, Willoughby Council has been presented with actions to maximise land use opportunities provided by the Sydney Metro project and a target housing supply target of at least 1,250 dwellings between 2016 and 2021. The Council will then be required to prepare a Housing Strategy for the further 6-10 year period.

For the 2016-17 financial year, DP&E records show that 105 dwellings were approved via development applications or Complying Development Certificates, while for the 2017-2018 financial year, 210 dwellings were approved (*Source: www.peopleandplaces.nsw.gov.au/performance/housing/north/Willoughby-city-council*). For the same period (2016-2018), a further 189 dwellings were approved via a JRPP and a future 64 facilitated through planning proposals (*Source: Willoughby Council Reports to May 2018*).

This brings the total approved dwellings to 568 for the 2 year period, although it is unclear as to how many of the approved dwellings will be completed, or the actual net increase in approvals given data on demolitions/dwelling removal is not readily available.

Currently, the site is occupied by a 1960s Residential Flat Building that is at the end of its useful and economic life. The building is 4 levels, comprising 9 units and 1 level of parking. More modern buildings on each adjoining lot comprise a total of some 123 residential units, rendering amalgamation with adjoining land neither realistic nor feasible. The requested development standards in the planning proposal could enable a SEPP 65 compliant redevelopment with a yield of around 38 units, depending on the dwelling mix.

Enabling mixed use or high density redevelopment of the site via appropriate, site specific development standards would not only enable development consistent with the zone objectives, but provide housing to support the NDP target of 6,000-8,000 additional jobs in the Chatswood area.

2. Gives effect to a relevant local strategy that has been endorsed by the Department

The relevant local strategy has not been endorsed by the Department. Nonetheless, the Planning Proposal seeks support for site specific development controls that enable development to more efficiently respond to site circumstances, and enable optimal use of centrally located residential land. The proposed development controls would not preclude or hinder the objectives of the Council adopted Strategy, if it were to be endorsed by the Department.

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

The Chatswood CBD and the subject site benefits from the connectivity provided by the Sydney Metro rail project. In efforts to encourage the initiative of the '30 Minute City', residents of the site would be able to commute to workplaces in Macquarie Park, Barangaroo, Sydney City and Bankstown in as little as 23 minutes.

The *North District Plan* also notes that the demographic profile of the district is expected to change over time to 2036. For the Willoughby LGA, the greatest change is in the 65-84 and 85+ year's age groups. An inclusive city is one which encourages and accommodates older people to remain in their community with accessibility to local facilities and services.

The site and its location provides for additional, affordable housing opportunities within walkable proximity to facilities and services provided for older residents such as: community centres (with U3A groups), recreational activities (bowling greens), cultural centres, medical centres, Service NSW shopfronts, Human Services shopfronts and Church services.

Attachment B

Willoughby City Council - Reasons for Not Supporting the Planning Proposal

The planning proposal was submitted early November 2018, and reported to Willoughby City Council for consideration at its meeting of 11 February 2019. The Council report indicates that a detailed assessment was not undertaken of the development controls proposed in the Planning Proposal, as the proposal was inconsistent with the Council adopted *Chatswood CBD Planning and Urban Design Strategy* (unendorsed by the DP&E).

Additionally, the proposal was not recommended for support for the following particular reasons (in *italics*, applicant's comment non-italics):

- i. *It is a departure from the current planning controls on the site which limits height to 34 metres and the floor space ratio to 1.7:1.*

Consequently a Planning Proposal was lodged to demonstrate suitable site specific amendments to the existing controls, given the current development standards in the LEP artificially limit and hinder achieving the objectives of the high density zone and the North District Plan.

- ii. *Is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy regarding the proposed land use, height, floor space ratio, minimum lot size, street frontage height and setbacks, ground floor use and street activation.*

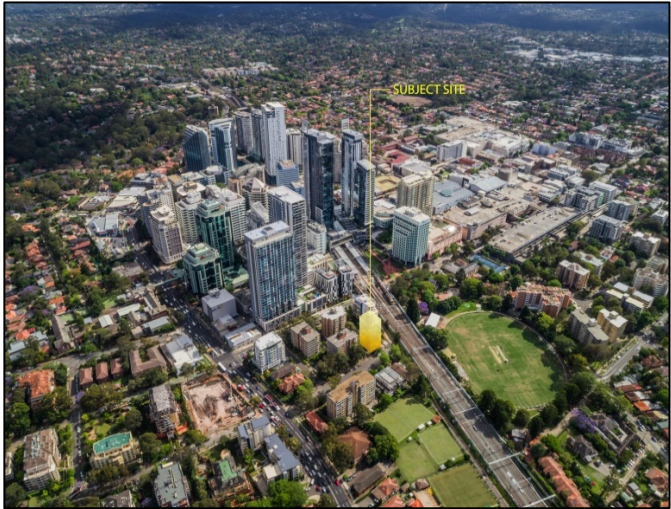
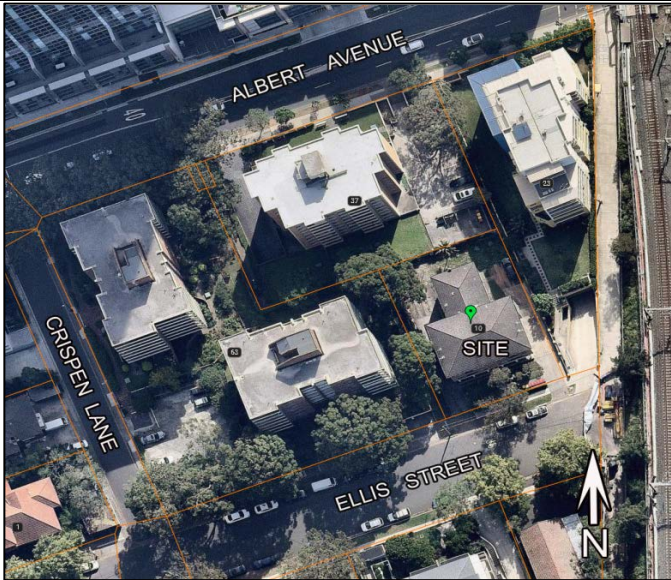
Although the Council Strategy has not been endorsed by the NSW Department of Planning & Environment, the planning proposal provides site-specific consideration of these items, and demonstrates that the proposed development controls respond to these constraints in manner that facilitates SEPP 65 compliant residential development. In particular, the planning proposal:

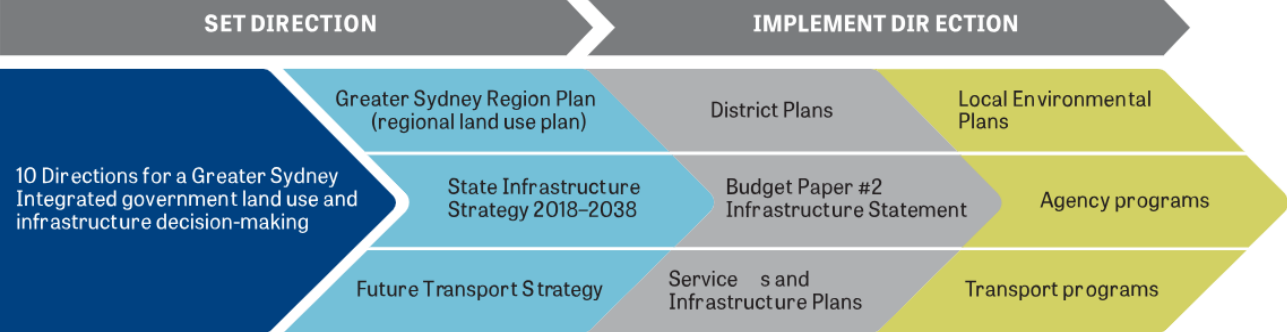
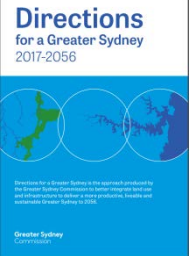
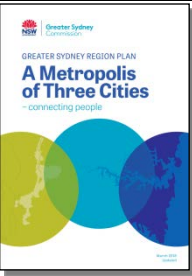
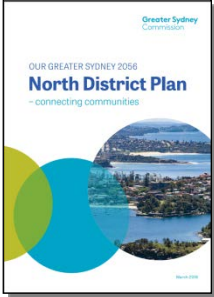
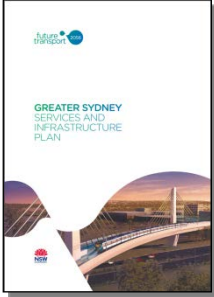
- does not suggest a change in land uses on the site, nor prohibit any additional changes in accordance with Councils Strategy.
 - illustrates that, as a result of detailed survey of the site and surrounds, the proposed additional height will not impose any additional, unacceptable impacts to adjoining land uses, including public open spaces.
 - justifies an increased floor space ratio (FSR) through the assessment of a built form in accordance with the SEPP 65 Apartment Design Guidelines (ADG). This is demonstrated by a building envelope incorporating the required boundary setbacks, the proposed building height and a reduction in this figure to 70% of the total potential floor area.
 - justifies that, due to the configuration and site-specific constraints on adjoining land, a built form is able to be positioned closer toward a side boundary, reducing the required minimum lot area otherwise agreed to be necessary.
 - does not preclude any additional Council considerations for street frontage, height and setbacks, ground floor use and street activation under a future Development Application. The illustrative built form presented in the proposal is simply to demonstrate that with the proposed site specific development controls, future development is able to meet all other development assessment criteria, especially under the ADG. It is not the intention that the illustrative built form be assessed in detail for suitability or construction.
- iii. *Is inconsistent with the strategic objectives of the Greater Sydney Regional Plan and the North District Plan which encourages employment within the Chatswood CBD.*

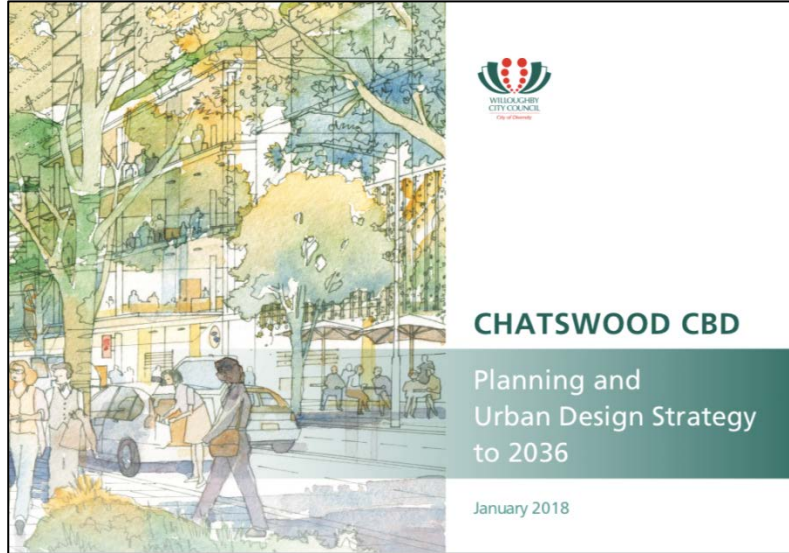
The proposal enables sustainable development by enabling an increase in the co-location of housing with CBD employment and public transport, thus reducing congestion and private vehicle kilometres travelled, and improving liveability. Justification of the Proposal against the objectives of the North District Plan is included in **Attachment A** (above).

Attachment C

Summary of Site, Circumstances and Strategic Merits of the Planning Proposal

3 ELLIS STREET CHATSWOOD Summary of Planning Proposal refused by Council February 2019			
SITE & CIRCUMSTANCES		IMPLICATIONS	
250m - 5 minute walk to Train Station & CBD		Reduced private car use Reduced traffic Increased public transport use	
Existing 1960s Residential Flat Building		Building 50+ years old and Uneconomical End of useful life	
Zoned B4 High Density Residential			Currently only 9 units Detailed design confirms capacity for 38 units if LEP amended
Land locked by 123 units on all sides: - West - circa 70s - 63 Strata Lots - North - circa 80s - 37 Strata Lots - East - circa 2012 - 23 Strata Lots		Consolidation with adjoining lots neither practical or feasible Opportunity to consolidate with eastern lot was missed in 2012	
The Land and the Units are in single ownership		Redevelopment is now feasible and achievable Site 'isolation' warrants a site specific design response, and an LEP Amendment required to: - Facilitate orderly and economic redevelopment of strategically located residential land; and - To implement NSW State Government Greater Sydney Regional and District Plans	

NSW GOVERNMENT REQUIRE: Council Strategies and LEP amendments that give effect to:			
Directions for a Greater Sydney		A Vision for Greater Sydney to 2056 Produced by the Greater Sydney Commission to better integrate land use and infrastructure to deliver a more productive, liveable and sustainable Sydney	
Greater Sydney Regional Plan		A vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.	
North District Plan	A guide for implementing the Greater Sydney Region Plan, <i>A Metropolis of Three Cities</i>, at a district level and is a <u>bridge between regional and local planning</u>.		The North District Plan: • Informs local environmental plans and the assessment of planning proposals • assists councils to plan for and support growth and change, and align their local planning strategies to place-based outcomes
Greater Sydney Services and Infrastructure Plan	Relevance to North District Plan: Planning Priority N12 In giving effect to <i>A Metropolis of Three Cities</i>, this Planning Priority delivers on the following objectives and the corresponding strategies: Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	 The city-serving network enables and supports higher density residential areas by offering convenient and reliable connectivity to key destinations.	Under Planning Priority N12 of the North District Plan, walkable and 30-minute cities mean that: housing, jobs, health and education facilities will be planned in metropolitan and strategic centres and more people will have public transport access to their closest metropolitan or strategic centre within 30 minutes. This will enable more efficient access to workplaces, services and community facilities.
Willoughby Housing Target 1,250 dwellings (before 2021)	 Table 2: North District Housing Targets (extract)		Housing Target = 250 dwellings per year Only 568 dwelling approvals granted since July 2016 Uncertainty as to how many will be delivered by 2021

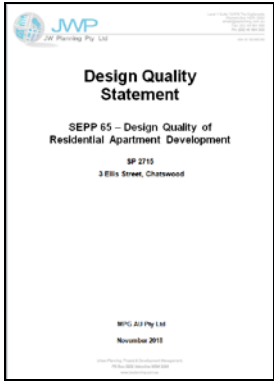
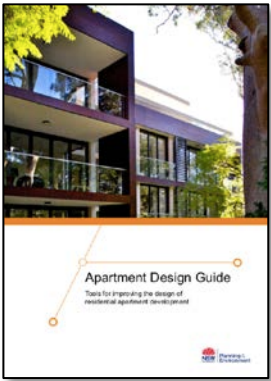
Chatswood Strategy (Adopted by Council – not endorsed by DPE)		
<u>Key Recommendations for an LEP Amendment:</u> To: - implement a B4 Zone to enable Mixed Use development - implement Development Standards to ensure no increased overshadowing of Chatswood Oval (FSR, Height, Lot Size)		
Site Specific Strategy Observations	Architectus RECOMMENDED Framework for Key Controls (Section C.1 Exhibited Draft Strategy)	
- Site mapped 'Opportunity Site' given central location and underdeveloped; and - Site mapped as 'Difficult to Develop', given: - Existing 808sqm Lot Size less than 'typical/preferred' Minimum Lot Size for Residential Towers; and - Existing High Density Development on adjoining Lots would preclude Lot Amalgamation to increase Lot Size	Strategic locations should not be artificially limited – see page 178: Extent of certainty vs. flexibility in the controls Architectus' philosophy is generally to provide flexibility in controls where possible and control those elements where there is a robust rationale to do so and it is clearly in the public interest. Particularly for central locations, a long term view should be taken and strategic land in centres which is close to centres and transport should not be artificially limited to an extent that in the future houses and jobs have to be provided further from centres and transport.	Precedents support 800sqm Minimum Lot Size for Towers Detailed site testing a means of confirming lot size suitability - see page 179: Application of increased FSR controls The expectation of increased floorspace potential on smaller sites is often difficult to realise as providing commercially viable floorplate sizes and good separation between towers cannot be generally realised. Where Floor Space Ratios may be significantly increased from the existing control it is recommended that a minimum site size is applied to ensure that there is no expectation of the delivery of floorspace on sites which cannot provide good building separation. Architectus recommends a minimum site sizes for any site to achieve a significant uplift from the existing controls. This is based on the site testing that we have done in order to provide slender towers that are well separated. As a point of comparison, the minimum lot size for towers in Central Sydney (decided following over 40 representative site tests) was concluded at 800sqm. If other site sizes are to be considered for additional FSR, detailed site testing is necessary to demonstrate this.

Site Specific Design Investigation Outcomes

Testing of EXISTING Overshadowing of Chatswood Oval



Testing of Built Form Compliance



The design brief called for a building design that is not inconsistent with the criteria of *State Environmental Planning Policy No. 65 (SEPP 65) Design Quality of Residential Apartment Development* Guideline (ADG) which aims to ensure high quality residential apartment development.

An ADG compliant design enables assessment of built form overshadowing impacts.

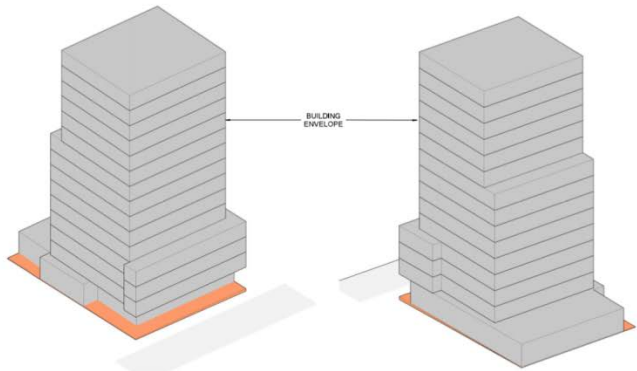


FIGURE 1
3D PERSPECTIVE VIEW OF BUILDING ENVELOPE FOR PROPOSED DEVELOPMENT (FOR NORTH VIEW)

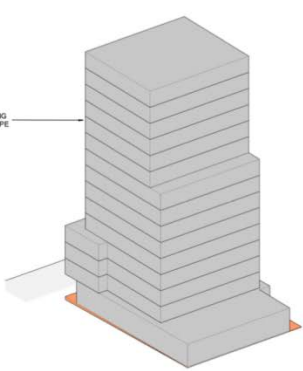
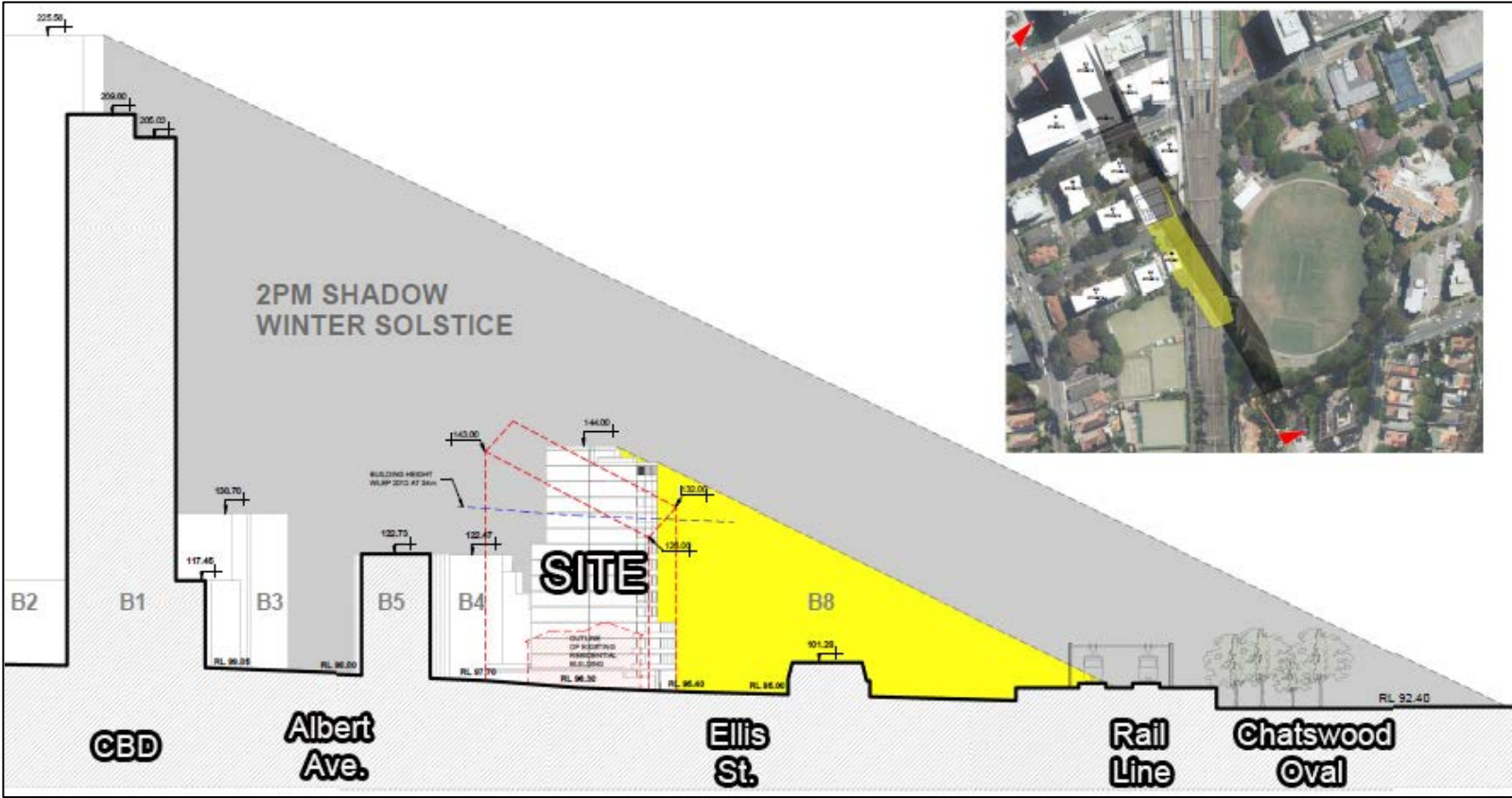


FIGURE 2
3D PERSPECTIVE VIEW OF BUILDING ENVELOPE FOR PROPOSED DEVELOPMENT (FOR NORTH VIEW)

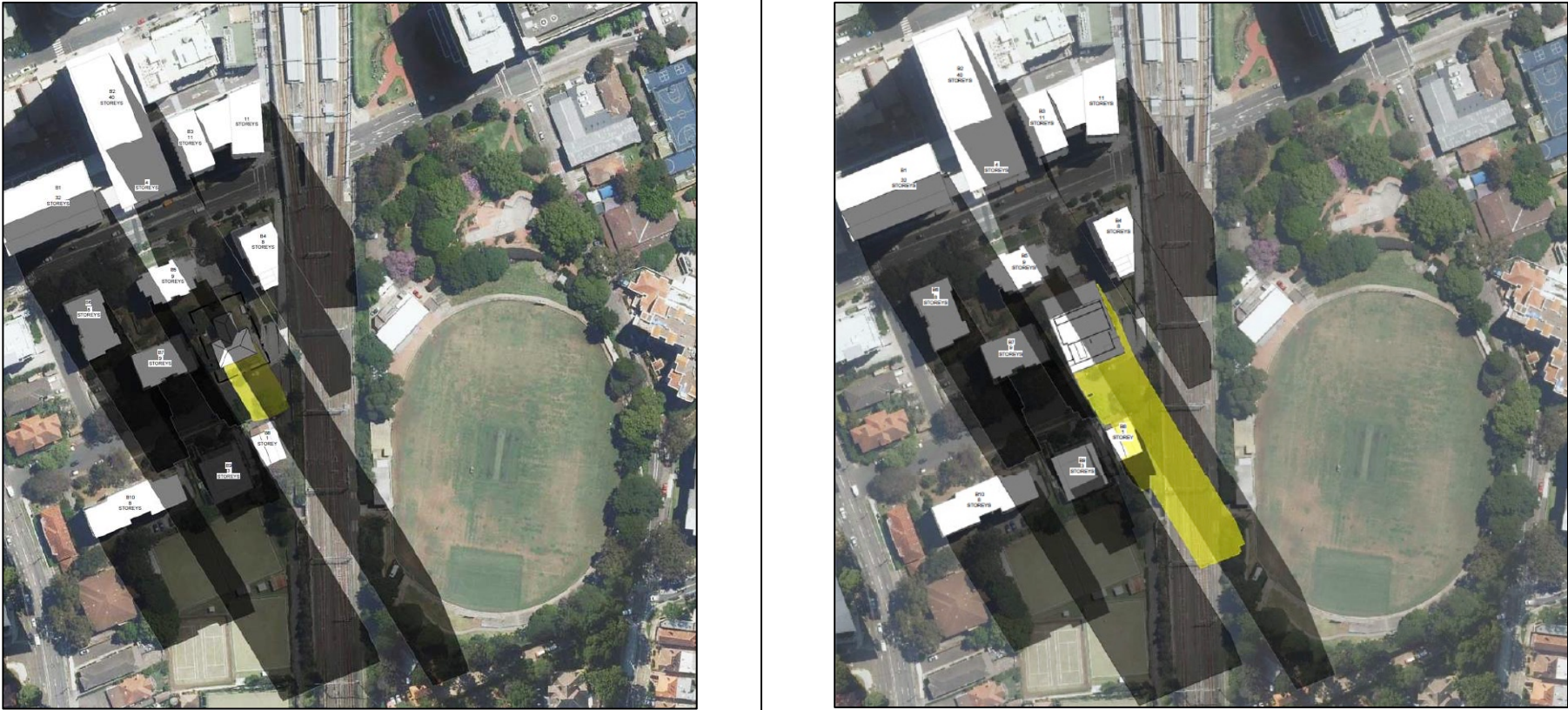


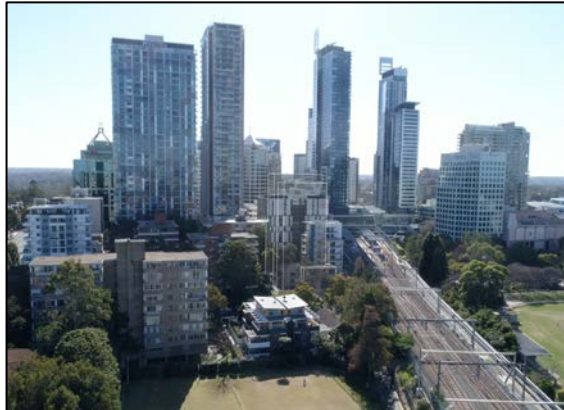
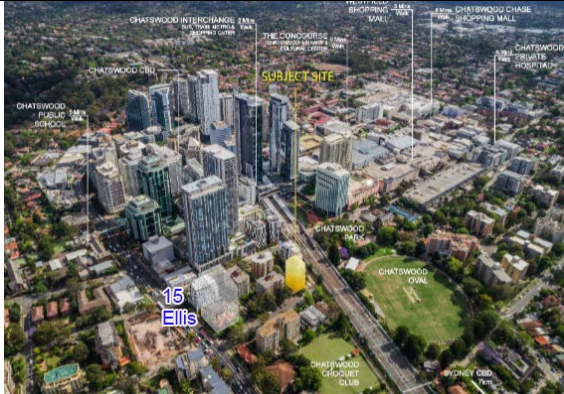
FIGURE 3
2D PLAN VIEW OF BUILDING ENVELOPE FOR PROPOSED DEVELOPMENT (FOR NORTH VIEW)

Survey of Contextual Topography
& Existing Building Heights



Testing of POTENTIAL Overshadowing of Chatswood Oval
(all modelling correlated with site photos taken 22nd June at relevant times)



Montage of Compliant Built Form		The proposal will enable: • redevelopment of an expired building that is not feasible lease or maintain • redevelopment with no overshadowing of Chatswood Oval or Bowling Greens. • provision of housing for 38 households instead of only 9 households in an area of high accessibility, walkability, and connectivity. • up to \$680,000 in contributions toward enhancement of and investment in social infrastructure.		
Precedent Council Support – 15 Ellis Street		Willoughby Council recently supported a Planning Proposal at 15 Ellis St. That proposal seeks an LEP amendment to: • increase the allowable FSR to 6.1:1- consistent with the Strategy • increase max. building height to 53.5m - inconsistent with 90m per Strategy due to overshadowing (indicating weakness of Strategy) • reduce the minimum lot size to 1,105sqm - inconsistent with 1,200sqm per Strategy No shadow diagrams or apartment design quality statement.		
Council Refusal of Planning Proposal	Council Reasons		Circumstances	
	1. Proposal departs from current Planning Controls		1. Hence the Planning Proposal - to enable properly informed <u>Site Specific Controls</u> (so land use not artificially limited)	
	2. Inconsistent with Council endorsed Chatswood CBD Planning and Urban Design Strategy		2. (a) Council Strategy not ENDORSED by DP&E; and (b) see Strategy extracts above – flexibility where merits exist, lot size etc	
	3. Inconsistent with Greater Sydney Regional Plan & North District Plan which encourages employment within the Chatswood CBD.		3. Proposal does not change land use – only controls to enable more intensive use of centrally located land for housing adjacent CBD employment. Uses on site (employment/housing) subject to future DA.	
Summary of LEP Amendments Sought in Planning Proposal				
Limiting WLEP 2012 Provision	Current LEP	Chatswood Strategy Recommendation	Tested & Confirmed Site Capability	Proposed WLEP 2012 Amendments <i>Site Specific Enabling Provisions</i>
Min. Lot Size for RFB	1,100sqm	1,200sqm	818sqm <i>Existing Use Rights</i>	Amend Cl. 6.10 to enable 3 Ellis Street 800 sqm minimum lot size for residential flat buildings
Max. Building Height	34m	25m to 60m	49m	Amend Cl. 4.3A to enable 3 Ellis Street an exception to height of buildings with HoB map depicting 49m
Max. Floor Space Ratio	1.7:1	1.7:1 (or 2.5:1 with contributions)	5.1:1	Amend Cl. 4.4A to enable 3 Ellis Street an exception to floor space ratio with FSR map depicting 5.1:1