

## REZONING REVIEW – Briefing Report

<b>Date of referral</b>	28/03/2019	
<b>Department ref. no</b>	RR_2019_WILLO_001_00	
<b>LGA</b>	Willoughby	
<b>LEP to be amended</b>	Willoughby Local Environmental Plan 2012	
<b>Address</b>	3 Ellis Street, Chatswood	
<b>Reason for review</b>	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
<b>Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?</b>	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: No donations or gifts to disclose.	

### 1. SUMMARY OF THE PROPOSAL

The rezoning review request relates to a planning proposal for 3 Ellis Street, Chatswood to amend the Willoughby Local Environmental Plan (LEP) 2012 to:

- amend clause 4.3A (Exceptions to height of buildings) to include the land as an 'Area' on the height of buildings map to permit development to a maximum building height of 49m (equivalent to 15 storeys);
- amend clause 4.4A (Exceptions to floor space ratio) to include the land as a lot to permit development to a maximum floor space ratio (FSR) of 5.1:1; and
- amend clause 6.10(4) (Minimum lot sizes for residential flat buildings) to permit a residential flat building on a lot of 800m<sup>2</sup> for this site only.

#### **1.1 Locality and context**

The subject site is at 3 Ellis Street, Chatswood in the Willoughby City local government area (**Figure 1**, page 2). The site is 250m walking distance from Chatswood Station to the north, and 150m walking distance from public bus services on the Pacific Highway to the west.

The site adjoins and is characterised by a mix of three-storey to nine-storey residential flat buildings of varying age to the north, south, east and west. Residential flat buildings at 4 Ellis Street and 84-86 Albert Avenue, to the east and south, were constructed within

the past seven years, while 7-13 Ellis Street and 88 Albert Avenue, to the north and west, were constructed in the 1970s to 1980s.

The North Shore rail corridor, Chatswood Park and Chatswood Oval are located to the east of the subject site.

The Chatswood CBD is 50m to the north of the site, which includes: Chatswood Station and transport interchange; three major shopping centres including Westfield, Chatswood Chase and the Mandarin Centre; and the Chatswood commercial core (**Figure 2**, page 3).

Chatswood Station has recently been upgraded to connect to the Sydney Metro network which provides access to new train services between Rouse Hill and Chatswood. The Sydney Metro Northwest opened on 26 May 2019 and currently provides a train every 5 minutes during peak times and every 10 minutes during other times. Chatswood station links directly to the strategic centres of Macquarie Park, North Sydney and the Sydney CBD.

The upgrade will also eventually connect Chatswood to Sydney Metro City and Southwest. This network is due to be completed in 2024 and will provide an extension of Sydney Metro Northwest from Chatswood under Sydney Harbour, through new CBD stations and south-west to Bankstown, with the capacity to provide trains every two minutes in each direction.

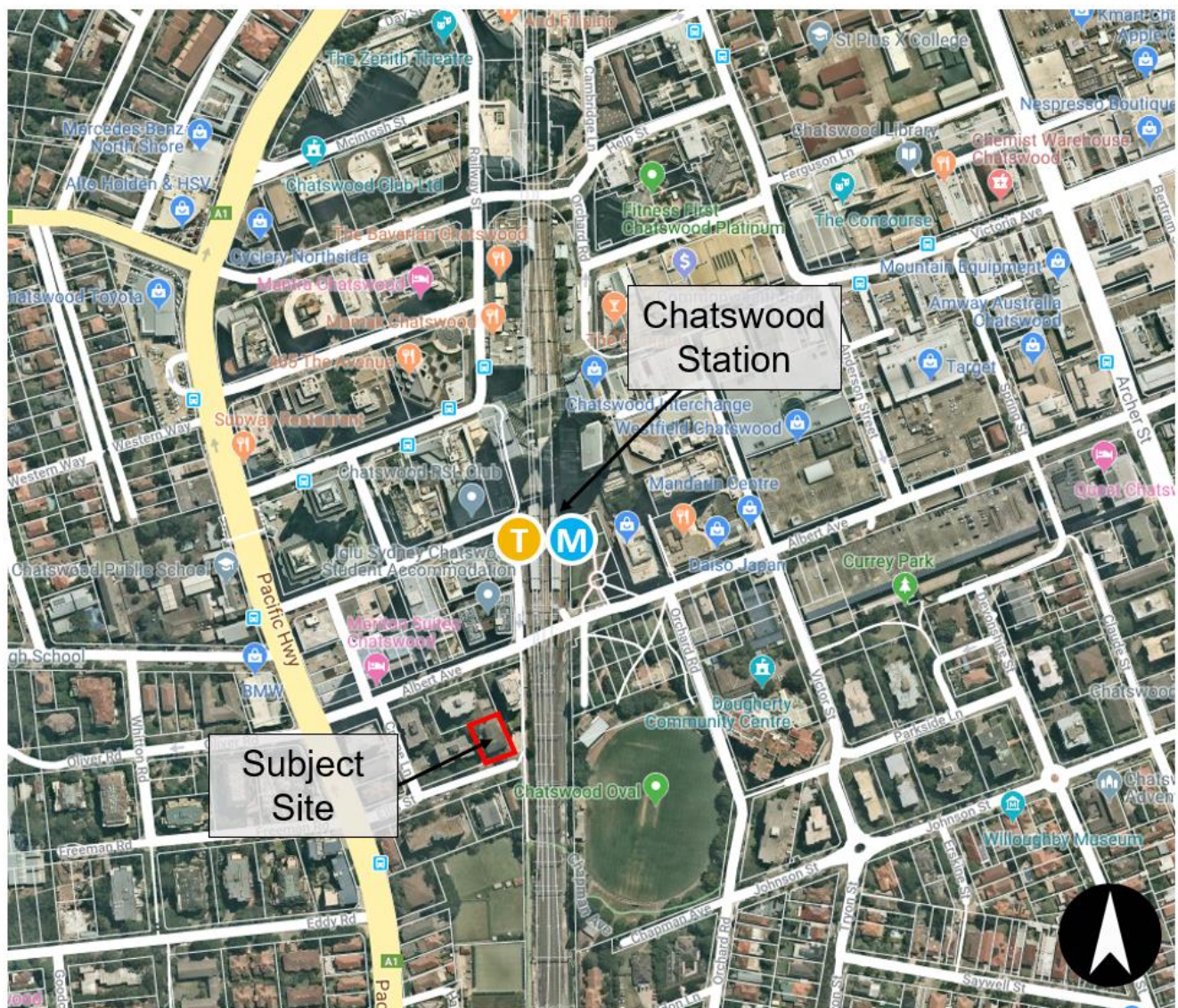


Figure 1: Locality map (source: Nearmap)



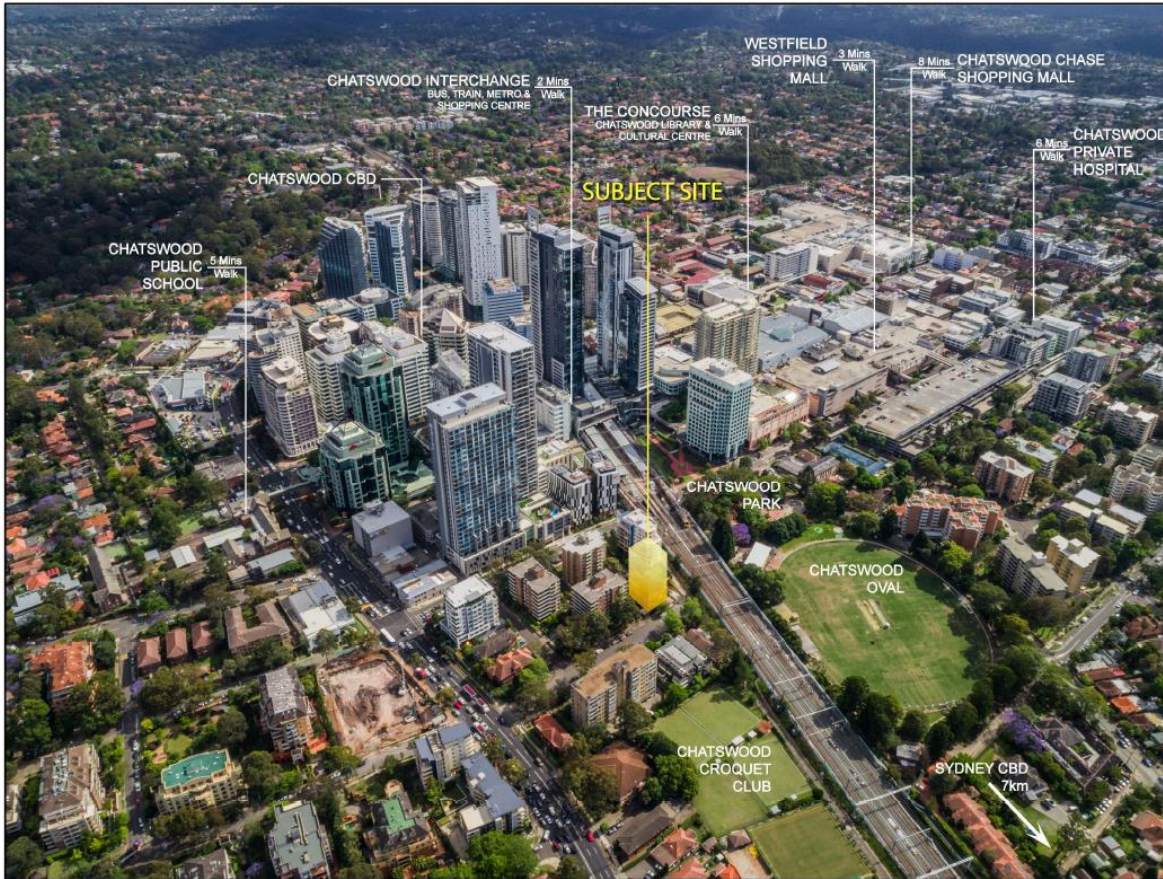


Figure 2: Location of subject site in relation to Chatswood CBD looking north (source: JW Planning)

## 1.2 Site description

The site is legally described as Strata Plan 2715 and is approximately 810m<sup>2</sup> in site area. It contains a four-storey residential flat building built in the 1960s, which accommodates nine units. The site has a 24.5m frontage to the northern side of Ellis Street, which provides direct vehicular and pedestrian access to the site (**Figures 3 and 4**, page 4).



Figure 3: Site map (source: Nearmap)





Figure 4: Existing development context (source: JW Planning)

### 1.3 Current planning provisions

Pursuant to the Willoughby LEP 2012, the following planning controls apply to the site:

- R4 High Density Residential zone (**Figure 5**, page 5);
- maximum building height of 34m (approximately 10-storeys) (**Figure 6**, page 5);
- maximum FSR of 1.7:1 (**Figure 7**, page 6); and
- minimum lot size for a residential flat building of 1100m<sup>2</sup>.

Residential flat buildings and shop-top housing are permissible uses in the R4 zone.

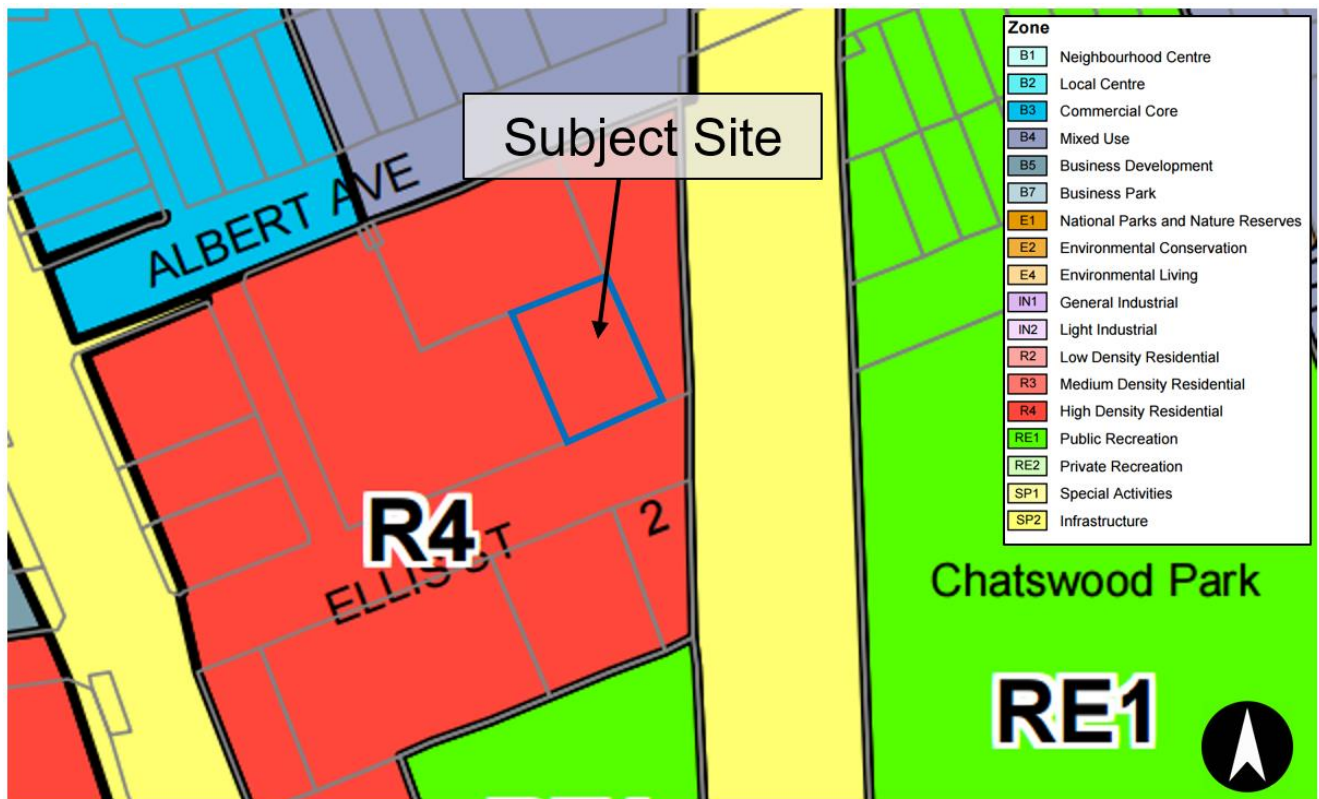


Figure 5: Current land zoning map under the Willoughby LEP 2012

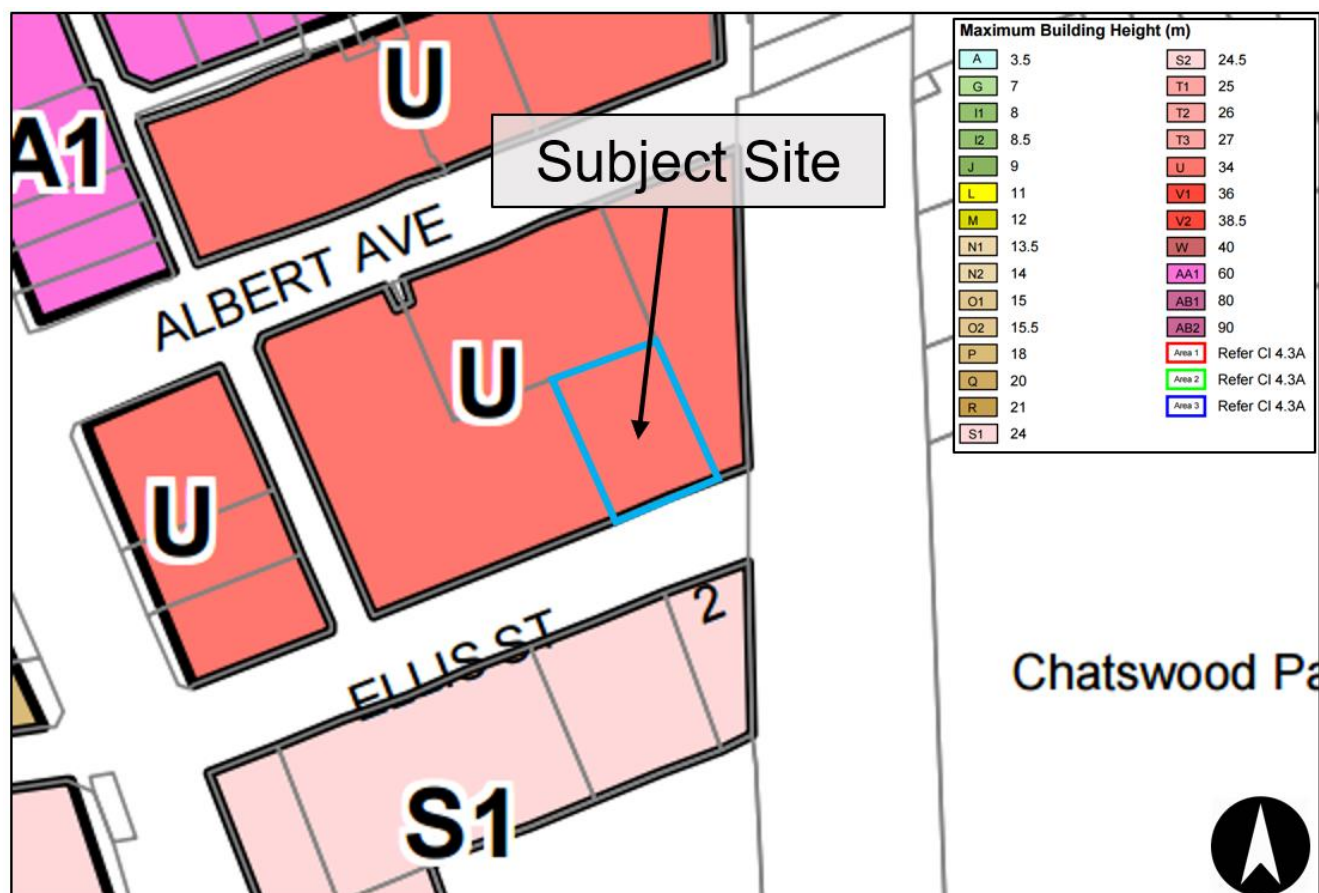


Figure 6: Current height of buildings map under the Willoughby LEP 2012



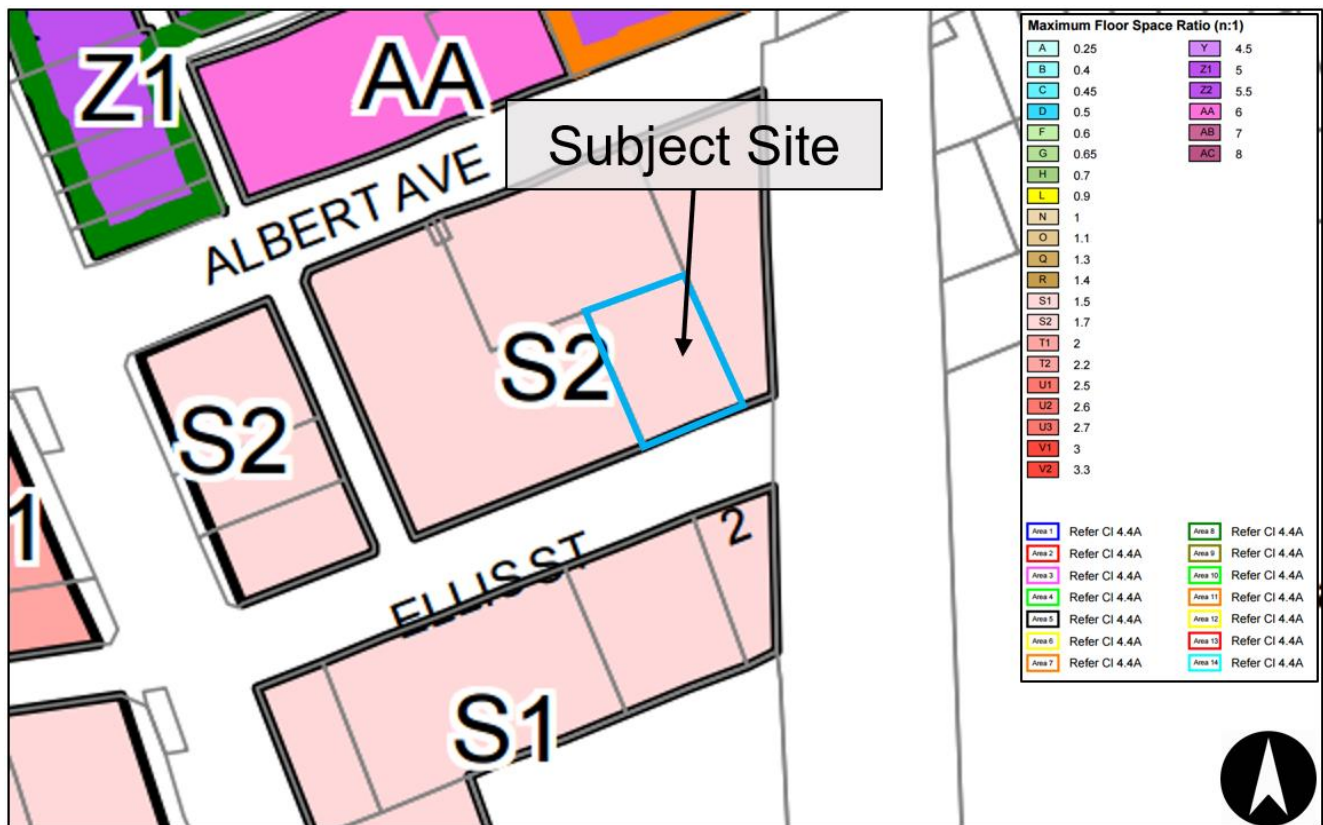


Figure 7: Current FSR map under the Willoughby LEP 2012.

#### 1.4 Chatswood CBD Planning and Urban Design Strategy

The subject site falls within the area subject to the Chatswood CBD Planning and Urban Design Strategy (the strategy). A background summary of the strategy has been provided below.

##### Summary of CBD strategy

Willoughby City Council prepared and endorsed the strategy to guide future development in the Chatswood CBD area over the next 20 years. The objective of the strategy is to encourage job and housing growth in the Chatswood CBD. To do this, the strategy seeks to expand the CBD and core commercial areas and provide additional locations for higher-density mixed-use activities at the periphery of the CBD.

The strategy comprises planning and urban design directives to facilitate growth in the Chatswood CBD. It aims to:

- expand the recognised CBD boundaries (**Figure 8**, page 9)
- moderately expand the commercial core area in the CBD by extending the current B3 Business zone on the eastern side of the railway line further south of Albert Avenue (**Figure 9**, page 10);
- permit high-rise mixed-use development in extended CBD boundaries north and south along the eastern side of the Pacific Highway, rezoning this land to B4 Mixed Use and increasing the permitted maximum height and FSR of development along this corridor (**Figure 9**);
- prohibit residential development in the commercial core area under the B3 Commercial Core zone and only permit new residential development within the periphery of the CBD in B4 Mixed Use-zoned locations (**Figure 9**);
- amend planning controls to increase the density and scale of development throughout the CBD;

- facilitate greater emphasis on sustainability and good urban design; and
- encourage the creation of a 'hard edge' built form, which would allow 90m buildings adjacent to low-density residential and heritage conservation areas on the periphery of the CBD.

A comparison between the current LEP provisions, the proposed controls and the recommendations of the CBD strategy is provided in **Table 1** (page 11).

#### Department's endorsement of the strategy

The Department supports the intention of the strategy to boost and support new commercial development and promote good urban design within the CBD which aligns with the actions and priorities of the North District Plan. However, further work was also recognised to inform some of the strategy's key approaches.

Therefore, on 9 August 2019, the Department issued a partial endorsement for the strategy (**Attachment F**) subject to the following conditions:

1. That no residential development is to be permitted in those areas of the CBD Core area where this land is located west of the North Shore railway line. The reason for this is that this part of the CBD is currently characterised as commercial core and still has opportunity for office space growth.
2. That mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth.
3. That any planning proposals for the CBD Core area do not result in significant traffic or transport impacts, as sites in this part of the CBD are highly accessible to Chatswood rail and bus interchange.
4. Council is to only utilise appropriate mechanisms within the parameters of the Environmental Planning and Assessment Act 1979 for the provision of local infrastructure to support new development such as revisions to its Section 7.12 or Section 7.11 Plans or inserting a new clause in Willoughby LEP 2012 for the delivery of on-site essential infrastructure. No value capture mechanism or the like will be supported by the Department.

For the purposes of these conditions the 'CBD core area' relates to all land in Chatswood CBD that is identified under Figure 4 of the strategy (**Figure 9**, page 10 of this report) as 'Office and Retail Core area'.

With regard to the remainder of the land identified under the strategy (being those areas identified as 'Mixed Use' in Figure 4 of the strategy) (**Figure 9**, page 10 of this report) the Department recommends that it does not support the proposed strategy directions for this land and that the following be carried out to review and revise key aspects of the strategy to ensure that impacts to surrounding development, traffic and heritage values are minimised:

1. Council is to consult with Department of Transport (formerly Transport for NSW and Roads and Maritime Services) regarding whether transport and traffic analysis is required to determine whether growth anticipated by the fuller strategy can be accommodated by current and future transport and road networks. This additional work may require the preparation of a Transport Management Action Plan (TMAP) or equivalent.
2. Council is to reconsider the proposed B4 Mixed use zoning within the CBD periphery, including permitting a minimum 1:1 commercial floor space outcome for all mixed-use areas identified in the strategy area is appropriate. The concern is that shop top type housing may not always be a suitable outcome for nominated mixed use areas and

many are at some distance from other commercial areas and key transport nodes. This should be justified by further economic feasibility testing, which could additionally assess the potential impact of this large B4 zoned area on the economic viability of the CBD core.

3. Council is to undertake a detailed built form analysis and assessment of proposed building heights and FSRs for the land in the mixed-use areas identified by the strategy area. This analysis to review impacts to adjacent HCAs and/or retained low density development and is determine what appropriate built form transitions in terms of FSR and buildings are appropriate in mixed use areas to ensure that future development is compatible with adjacent existing and retained development outside of the strategy area.

This analysis work is to expressly include:

- visual impact analysis to illustrate how future built development in the strategy area will look along road and laneway streetscapes that will form the edge to the strategy area; and
  - an analysis of potential amenity impacts to the neighbouring low-density sites and/or existing development in HCAs by using accurate block modelling of potential future development to show extent of shadowing impacts, particularly during mid-winter.
4. Council is to only utilise appropriate mechanisms within the parameters of the Environmental Planning and Assessment Act 1979 for the provision of local infrastructure to support new development such revisions to its Section 7.12 Contributions Plan, developing a Section 7.11 Contributions Plan or inserting a new clause in Willoughby LEP 2012 for the delivery of on-site essential infrastructure.

The Department has also indicated to Council that all planning proposals submitted for Gateway determination outside the CBD core area would be returned to Council to address the abovementioned criteria. However, any planning proposal for sites within the CBD Core area will be considered by the Department where these satisfy the endorsement conditions outlined above.

It should be noted that while the strategy has been partially endorsed by the Department, the subject site falls outside the CBD core area and therefore is not included within the endorsed strategy area. As a result, the strategy does not form part of the strategic merit test for the subject planning proposal. Further detail has been provided within section 2.1 of this report.



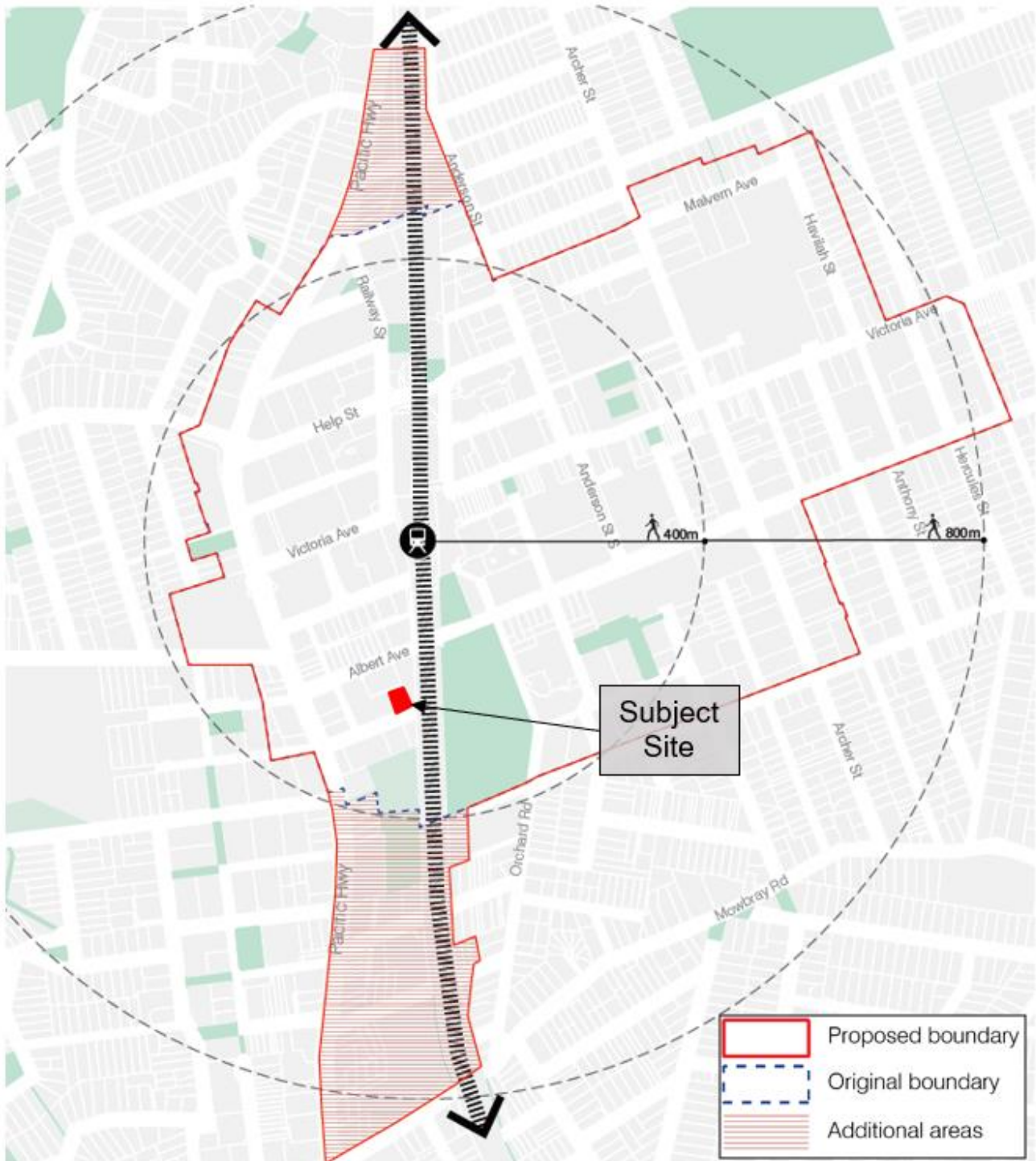


Figure 8: Proposed expanded areas under the CBD strategy (source: Architectus).

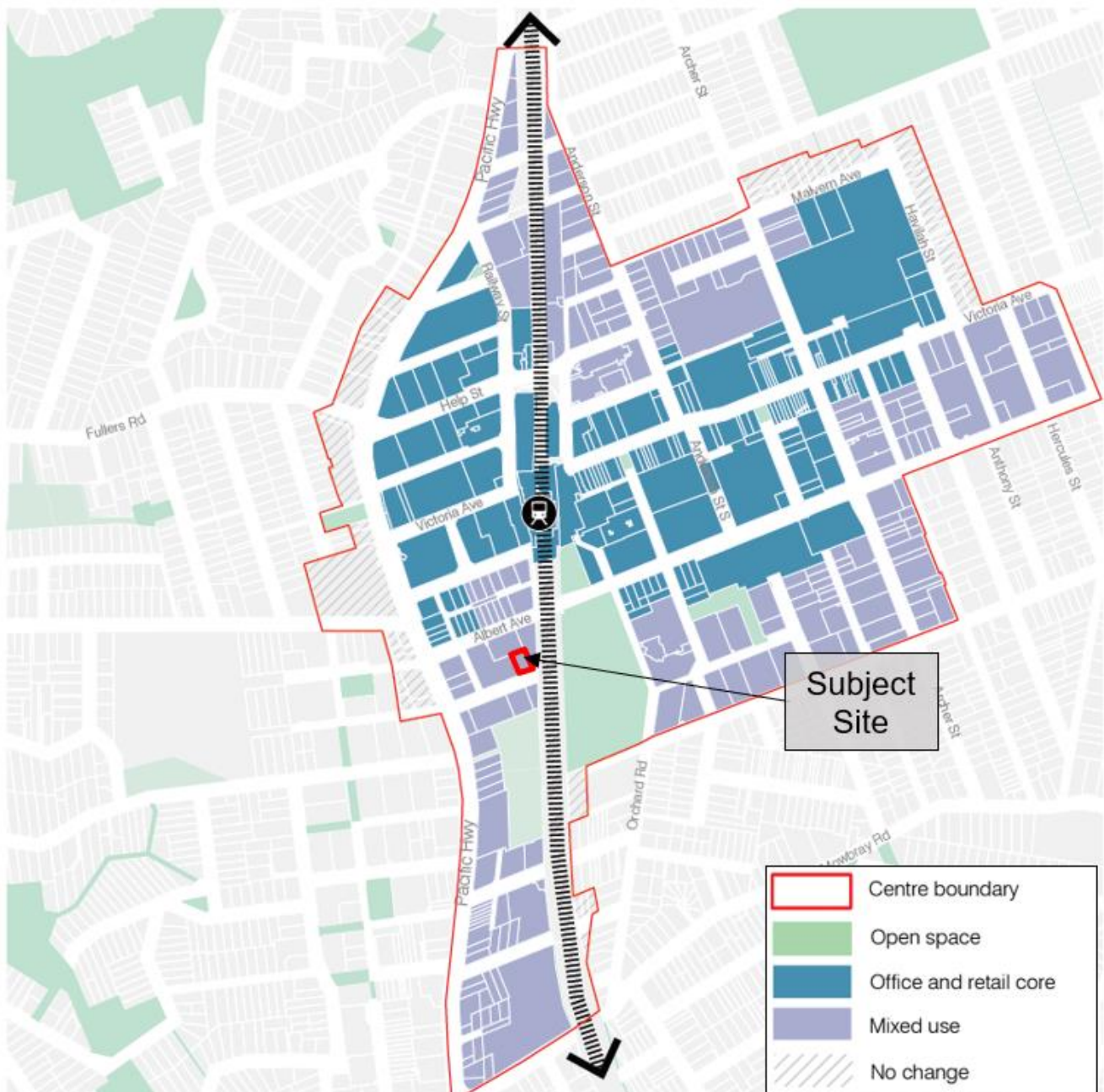


Figure 9: Proposed land use under the CBD strategy (source: Architectus).

### 1.5 Proposed planning provisions

The planning proposal for 3 Ellis Street, Chatswood seeks to amend the Willoughby LEP 2012 to:

- amend clause 4.3A (Exceptions to height of buildings) to include the land as an 'Area' on the height of buildings map to permit development to a maximum building height of 49m (equivalent to 15 storeys);
- amend clause 4.4A (Exceptions to floor space ratio) to include the land as a lot to permit development to a maximum floor space ratio (FSR) of 5.1:1; and
- amend clause 6.10(4) (Minimum lot sizes for residential flat buildings) to permit a residential flat building on a lot of 800m<sup>2</sup> for this site only.

No draft LEP maps were provided as part of the planning proposal.

A comparison table between the current and proposed controls and the recommendations of the Chatswood CBD strategy is provided in **Table 1**, page 11.



Table 1: Comparison between existing and proposed development standards and Council's recommended controls the Chatswood CBD strategy

Control	Current	Proposed	CBD strategy
<b>Zone</b>	R4 High Density Residential	R4 High Density Residential	B4 Mixed Use
<b>Height</b>	34m	49m	90m (subject to solar access plane)
<b>FSR</b>	1.7:1	5.1:1 (no minimum for commercial)	2.5:1 (1:1 minimum commercial component)
<b>Minimum lot size for residential flat buildings</b>	1100m <sup>2</sup>	800m <sup>2</sup>	1200m <sup>2</sup>

The proposal is supported by concept development plans and an indicative building envelope (**Figure 10**). The plans indicate that the built form of the site could include a 15-storey residential flat building comprising approximately 38 dwellings.



Figure 10: Concept indicative built form (source: Stanasic Architects).

## 1.6 Background

### 26 March 2018

The proponent consulted with Council through a pre-development application meeting. The concept development included a height of 46.9m (14 storeys) and an FSR of 4.9:1. This is similar to the controls sought under the subject planning proposal.

Council raised several concerns with the proposed concept development, including:

- inconsistency with the Willoughby LEP 2012 controls regarding height, FSR and minimum lot size for a residential flat building; and
- inconsistency with the recommended changes under the Chatswood CBD Planning and Urban Design Strategy, including zoning, height and FSR.

Council recommended that the concept development be revised to reduce the height and FSR and to amalgamate the site with neighbouring properties prior to lodgement.

### 16 November 2018

The subject planning proposal was submitted to Council requesting an increase to the maximum building height from 34m to 49m and to the maximum FSR from 1.7:1 to 5.1:1, and a minimum lot size of 800m<sup>2</sup> instead of 1100m<sup>2</sup> for the development of a residential flat building on the site.

### 30 January 2019

The Willoughby Local Planning Panel considered the subject planning proposal and advised Council that it should not be forwarded to the Department as it failed to demonstrate strategic and site-specific merit (**Attachment D2**).

### 11 February 2019

Council considered the planning proposal and resolved to not support forwarding it to Gateway (**Attachment D4**).

### 15 February 2019

Council notified the proponent that it does not support the planning proposal (**Attachment D5**).

### 28 March 2019

The rezoning review request was submitted to the Department (**Attachments E1-E8**).



## **2. INFORMATION ASSESSMENT**

*Does the proposal seek to amend a zone or planning control that is less than five years old?*

No. The Willoughby LEP 2012 commenced on 31 January 2013.

### **2.1 Strategic merit test**

*Consistency with the relevant regional plan outside of the Greater Sydney region, 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.*

*Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied on.*

#### **North District Plan**

The proponent has provided the following comments on how the planning proposal demonstrates consistency with the priorities of the North District Plan:

- *Priority N3 – Providing services and social infrastructure to meet people’s changing needs:* The rezoning review application states that the proposal provides an opportunity for contributions for the enhancement of and investment in social infrastructure.
- *Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport:* The rezoning review application states that the North District Plan identifies that approximately 92,000 homes will be required in the district by 2036. Furthermore, Council’s 0–5-year housing target is 1,250 dwellings.

The rezoning review application states that the planning proposal aims to optimise the provision of high-density housing in an area of accessibility and connectivity and could enable the delivery of approximately 38 dwellings, depending on dwelling mix.

The rezoning review application states that enabling high-density residential redevelopment of the site via appropriate, site-specific development standards would enable development consistent with the zone objectives and provide housing to support the North District Plan target of 6,000–8,000 additional jobs in the Chatswood area.

The rezoning review application states that the uses on the subject site, including residential or employment, would be subject to a future development application. The planning proposal seeks to enable a more intensive use of centrally located land.

- *Priority N12 – Delivering integrated land use and transport planning and a 30-minute city:* The rezoning review application states that the planning proposal could capitalise on the strategic location of the site given its proximity to Chatswood and Chatswood Station. The site is within a limited band of high-density residential zoning given it is adjacent to the CBD and less than a five-minute walk to Chatswood Station.

The rezoning review application states that Chatswood is identified as a strategic centre within the Eastern Economic Corridor and 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 that connect to major rail transport links. Chatswood Station and interchange are being upgraded to provide a major hub for public transport.

*Consistency with a relevant local strategy that has been endorsed by the Department.*

### Chatswood CBD Planning and Urban Design Strategy

The rezoning review application states that the strategy has not been endorsed by the Department at the time of lodgement. Despite this, the proponent indicates that the planning proposal seeks to enable a more efficient use of land in response to site circumstances and to enable the optimal use of centrally located residential land.

Since the proponent's rezoning review request was lodged, the strategy has been partially endorsed by the Department subject to conditions (**Attachment F**). Although, it should be noted that the subject site falls within the CBD periphery area (land proposed to be zoned B4 Mixed Use), which is the area of the strategy that has not been endorsed by the Department. Therefore, the strategy in this instance does not form a part of the strategic merit test for the current planning proposal.

As part of the strategy's partial endorsement, the Department has required Council to undertake additional work for these areas to understand the cumulative impact of the proposed uplift. Until this work has been completed, the Department is not considering proposals for Gateway determination in these areas which have been informed by the strategy.

However, the proponent has included an assessment of the planning proposal against the strategy's key elements as information of the strategy's endorsement was unavailable prior to the lodgement of the rezoning review. A summary of this information has been included within **Table 2**. The Department's conditions of endorsement for the strategy have been included in italics where relevant.

Table 2: Summary of planning proposal's consistency with key elements of the Chatswood CBD Strategy

Key Element	Consistent	Summary
CBD Boundary	Yes	Subject site is located within the strategy boundary.  <i>However, the subject site is not located within the CBD core area. The proposal is inconsistent with the Department's endorsement conditions.</i>
Land Use	No	Proposal maintains existing R4 High Density Residential land use where the strategy recommends B4 Mixed Use.  <i>The Department has raised concern over the amount of land zoned B4 Mixed Use outside the CBD core. Council has been required to conduct analysis to determine if the B4 zone is appropriate in the desired locations.</i>
Removal of DCP provisions for size of office and retail tenancies within B3 core	N/A	N/A
Serviced apartments to be removed as a permissible use within B3 core	N/A	N/A
Increased FSR above current controls are to be linked to a contributions scheme for the delivery of local infrastructure	Yes	The proponent has indicated that they intend to engage in discussions with Council for the necessary contributions relating to the increased FSR.  <i>Council's proposed value capture scheme is not supported by the Department. The Department has requested that Council consider alternative methods for delivery of infrastructure to support uplift.</i>
Design excellence required for all development above 35m	Yes - capable under a condition of Gateway	Proposal includes a maximum height of 49m for the subject site. Council would require all development above 35m to be subject to a design excellence process. This could be undertaken at a future DA stage.



Key Element	Consistent	Summary
Higher building sustainability standards	Yes	This could be determined at the DA stage.
Base FSR	Yes	The proposal would achieve an FSR above 1.7:1, the minimum (base) for this site.
Minimum site area	No	Site is approximately 800m <sup>2</sup> which is below the minimum site area requirement of 1200m <sup>2</sup> .
Maximum FSR	No	Site is subject to a proposed 2.5:1 maximum FSR requirement.  <i>The Department has raised concern over Council's proposed maximum FSRs for CBD periphery sites, including all land zoned B4 Mixed Use. Council has been recommended to undertake further studies including block modelling and amenity analysis for these areas outside the CBD core.</i>
Affordable Housing	Yes	The proposal seeks to provide affordable housing, with the allocation of units being subject to a future DA.
Minimum commercial FSR in mixed use zones is to be 1:1	Yes	The subject proposal states that a commercial FSR component could be incorporated into a future DA, despite no changes to the zoning as shop top housing is a permitted land use within the R4 zone.  <i>The Department has raised concern over the proposed extent of commercial land within B4-zoned areas. Further analysis has been recommended to be conducted by Council to determine the viability of mixed-use in CBD periphery areas.</i>
Maximum tower floor plate sizes	Yes	Proposed concept indicates a tower floorplate of approximately 400m <sup>2</sup> which is below the 700m <sup>2</sup> recommended under the strategy.
Width of the side of each side of any tower to be minimised	Yes	The concept design indicates that the sides of the tower would be less than 21m, which aligns with Council's goal of creating slender tower forms.
Tower separation if more than one tower is provided on site	Yes	Proposal would only be capable of producing one tower form.
Solar access protection to public spaces	Yes	The proposed concept development and shadow studies demonstrate that the overshadowing from the proposal does not appear to impact Chatswood Oval and the Garden of Remembrance.
Building Heights	Yes	The strategy recommends a maximum building height of 90m subject to a solar access plane, which limits the building height to RL 125m to RL 150m. The concept design illustrates that a future development could comply with this height limit.  <i>The Department has raised concern over the proposed blanket height limits within CBD periphery areas. Council has been recommended to review these proposed heights to allow for a better built form transition to surrounding areas.</i>
Lift over runs and architectural features	Yes – capable at DA stage	The proposed concept design integrates all plant and features within the tower form. This matter could be further refined a DA stage.
Links and open space	N/A	Strategy does not recommend any through-site links for the subject site.
Publicly accessible open space and landscaping	Yes – capable at DA stage	The concept design does not provide detail on publicly accessible open space or landscaping. As these controls are more aligned to DCP provisions, this issue could be resolved through the provision of a site specific DCP or resolved at DA stage.
All roofs up to 30m from the ground are to be green roofs	Yes – capable at DA stage	Detailed landscape drawings at a future DA stage would be able to consider and provide any desired planting requirements.
Soft landscaping is to apply to 20% of the site	Yes – capable at DA stage	Able to be resolved through the submission of a landscape plan at DA Stage.

Key Element	Consistent	Summary
Roof top communal open space	Yes	Could be resolved through the submission of detailed plans at DA stage and is required under the SEPP 65 ADG.
Street wall heights and setbacks	Yes – capable at DA stage	Could be resolved through the submission of a detailed design at DA stage.
Active street frontages	Yes	Victor Street and Albert Avenue both include active street frontages.
Site isolation	No	The site is currently isolated at 800m <sup>2</sup> and unlikely to be able to be developed with any of the neighbouring properties due to existing development which consist of strata-subdivided residential flat buildings greater than 8 storeys.
Traffic and transport	Yes	<p>All access and parking requirements are consistent with the strategy including single entry and exit, forward entry and exit direction, basement loading and parking requirements.</p> <p><i>The Department has requested Council consult further with TfNSW and RMS to undertake a due diligence and prepare a Transport Action Management Plan. All future proposals within the mixed-use areas would be subject to these recommendations to ensure that existing and proposed transport infrastructure could cope with the desired uplift.</i></p>

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

The rezoning review application states that:

- the Chatswood CBD and the subject site benefit from the connectivity provided by the Sydney Metro rail projects. 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 notes that the demographic profile of the district is expected to change up until 2036. For the Willoughby LGA, the greatest change is in the 65-84 years and 85+ years age groups. An inclusive city is one that encourages and accommodates older people to remain in their communities with access to local facilities and services; and
- the site and its location provide for additional affordable housing opportunities within walkable proximity to facilities and services for older residents such as: community centres; recreational activities; cultural centres; medical centres; Service NSW shopfronts; human services shopfronts; and church services.

## 2.2 Site-specific merit test

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

### Overshadowing

Clause 4.3A(8) of the Willoughby LEP 2012 protects Chatswood Park and Oval from any increase in overshadowing between 12pm and 2pm. Additionally, the Chatswood CBD Planning and Urban Design Strategy seeks to ensure that no increase in overshadowing occurs between 11am and 2pm to Chatswood Park and Oval and between 12pm and 2pm to Chatswood Tennis and Croquet Club during midwinter.

The planning proposal is supported by indicative built form massing, which includes solar access diagrams (**Attachment E7**). The diagrams indicate that additional shadows cast by the future built form would be compliant with the current Willoughby LEP 2012 provisions and the recommendations of the strategy.

## Environmental impact

The rezoning review application states that the subject site is largely developed and there is unlikely to be any critical or threatened species on the land. The proposal is unlikely to have any environmental impacts. A development resulting from this proposal may also incorporate environmental mitigation and sustainability measures.

A preliminary contamination report was submitted with the rezoning review application (**Attachment E8**) and concluded that the site was generally considered to be suitable for the proposed development, subject to assessment and management during future construction.

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

The rezoning review application states that the site is occupied by a 1960s residential flat building that is at the end of its useful and economic life. The building is four levels and comprises nine units and one level of parking. More modern buildings on adjoining lots comprise a total of 123 dwellings, rendering amalgamation with adjoining land neither realistic nor feasible for the short to medium term.

The rezoning review application states that the proposed additional height will not impose any additional unacceptable impacts on adjoining land uses, including public open spaces.

The rezoning review application states that the proposal does not suggest a change in land uses on the site or prohibit any additional change in accordance with the strategy. While the strategy has not been endorsed by the Department, the proposal provides site-specific consideration to these items and demonstrates that the proposed development controls respond to these constraints in a manner that facilitates compliance with the *Apartment Design Guide* of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

The rezoning review application states that the site has been mapped as an opportunity site under the Chatswood CBD strategy given its central location and relatively undeveloped nature. The proposal would facilitate the orderly and economic redevelopment of a strategically located parcel of residential land.

The rezoning review application states that due to the configuration and site-specific constraints of adjoining land, a built form can be positioned closer to a side boundary, reducing the required minimum lot area otherwise agreed to be necessary.

The rezoning review application highlights that a nearby planning proposal at 753 Pacific Highway and 15 Ellis Street, Chatswood was supported by Council and forwarded to the Department for Gateway determination. The application states that this earlier planning proposal was inconsistent with the building height and minimum lot size recommendations of the Chatswood CBD strategy and sets a precedent for Council's support.

However it should be noted that, the planning proposal for the 753 Pacific Highway and 15 Ellis Street site intends to rezone the site to B4 Mixed Use, increase the height of buildings to 90m (subject to solar access plane) and increase the FSR to 6:1. The site is approximately 1,211m<sup>2</sup> with 1,150m<sup>2</sup> of developable area due to a portion of the site being subject to a part SP2 Infrastructure zone. These controls align with the original recommendations of the strategy prior to the Department's conditional endorsement.

*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.*

The rezoning review application states that the proposal could result in the payment of up to \$680,000 in section 7.11 contributions to allow for investment in local social infrastructure.

The application states that it intends to take advantage of significant state government investment in public transport.



### **3. COUNCIL VIEWS**

On 1 April 2019, the Department wrote to Council advising of the rezoning review request and sought Council's comments. Council responded on 18 April 2019 (**Attachment D1**).

Council confirmed that the rezoning review request is generally consistent with the planning proposal submitted to Council for consideration on 11 February 2019.

In its submission, Council states the following:

- the subject site and surrounding land are identified as mixed use under the Chatswood CBD Planning and Urban Design Strategy;
- the CBD strategy aims to deliver on the jobs target set by the North District Plan for the Chatswood CBD as a strategic centre;
- the CBD strategy aims to ensure the ongoing economic success of Chatswood by protecting and growing the commercial core around the interchange for commercial development only;
- residential development is planned in the CBD but beyond this core area as part of a B4 Mixed Use zone extending into existing and new areas of the CBD; and
- since 26 June 2017, all planning proposals submitted within the Chatswood CBD have been assessed with regard to the CBD strategy. As noted in the Council resolution, the planning proposal is inconsistent with the Council-endorsed strategy.

In its 11 February 2019 resolution, Council did not support forwarding the planning proposal to the Department for Gateway determination as:

- it is a departure from the current planning controls on the site, which limits the height to 34m and the FSR to 1.7:1;
- it is inconsistent with the Council-endorsed Chatswood CBD Planning and Urban Design Strategy regarding the proposed land use, height, FSR, minimum lot size, street frontage height and setbacks, ground-floor use and street activation; and
- it is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan, which encourage employment within the Chatswood CBD.

## **ATTACHMENTS**

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current LEP maps and provisions

Attachment D1-D5 – Council correspondence

- D1 – Council comments
- D2 – Willoughby Local Planning Panel record of advice
- D3 – Council assessment report
- D4 – Council resolution
- D5 – Council notification letter to proponent decision

Attachments E1–E8 – Rezoning review application package

- E1 – Application form
- E2 – Cover letter – rezoning review request
- E3 – Draft planning proposal
- E4 – Concept plans
- E5 – Concept building envelope
- E6 – SEPP 65 ADG assessment
- E7 – Solar access assessment
- E8 – Preliminary site investigation

Attachment F – Department's endorsement of Chatswood CBD Strategy

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