

REZONING REVIEW – Briefing Report

Date of referral	24 May 2021	
Department ref. no	RR-2021-76 (PP-2021-3315)	
LGA	Willoughby	
LEP to be amended	Willoughby LEP 2012	
Address	45 Victor Street and 410-416 Victoria Avenue, Chatswood	
Reason for review	<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
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required	

1. SUMMARY OF THE PROPOSAL

The rezoning review application was submitted by Mirvac for a planning proposal for the site at 45 Victor Street and 410-416 Victoria Avenue, Chatswood (**Attachment G**). The proposal seeks to amend the Willoughby Local Environmental Plan (LEP) 2012 to:

- Increase the maximum height of buildings to RL 262m (approx. 45-storeys).
- Increase the maximum floor space ratio (FSR) to 20:1 including:
 - A minimum non-residential FSR to 8:1.
- Amend Schedule 1 Additional permitted uses to expand 'Area 5' to allow shop top housing on the entire site.
- Remove the application of Clause 4.3A Exceptions to heights of buildings 'Area 3' for the subject site.
- Require a minimum non-residential FSR of 8:1 through a site-specific provision in Clause 4.4A identifying the site as 'Area 15' on the FSR map.

The proposed LEP provisions seek to facilitate a 45-storey mixed-use development at the site which includes:

- A 13-storey commercial podium with 18,375m² of commercial floor space (approx. 1,500 jobs).
- A 32-storey residential tower above with 27,563m² of residential floor space (approx. 310 dwellings).

- 314 parking spaces.

The proposal is also accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) which includes:

- Establishing a minimum 8:1 FSR for non-residential GFA.
- Acquisition or other arrangements with Council to upgrade and embellishment of Post Office Lane.
- Provision of 4% affordable housing within the total residential FSR.

The rezoning review request was submitted as Willoughby Council wrote to the applicant to advise that it does not support the proposed amendment (**Attachment G8**).

1.1 Background

Original Planning Proposal – December 2016

The rezoning review request states that the original planning proposal was submitted to Council in December 2016 (**Attachment G6**). The planning proposal was developed in consultation with Council and concurrently with the preparation of the draft Chatswood CBD Strategy.

The proposed LEP changes in the 2016 proposal included:

- Increasing the maximum height of buildings to RL 262m;
- Including a minimum non-residential FSR of 5:1.
- Expanding the shop top housing additional permitted use to apply across the entire site.

Council recommended that the planning proposal be revised to align with Council's strategic documents, the Department's endorsement and previous discussions with the proponent.

Revised Planning Proposal – 25 September 2020

On 25 September 2020, a revised planning proposal was submitted to Council (**Attachment G5**), to better align with Council's strategic documents, the Department's Chatswood CBD Strategy endorsement letters and consultation with Council.

The rezoning review request states that the revised proposal sought to progress the mixed-use concept design and sought to provide a total FSR of 20:1 including a:

- A minimum non-residential floor space of 18,376m² GFA (40%) equating to an FSR of 8:1.
- A residential floorspace of 27,563m² GFA equating to an FSR of 12:1 to deliver a mix of approximately 310 apartments.

On 28 October 2020, Council wrote to the applicant (**Attachment G7**) and advised that the revised planning proposal was unlikely to be supported as:

- The proposed residential component is not consistent with the existing or the future B3 Commercial Core zone as outlined in the Chatswood CBD Strategy.
- The proposed height of RL 262m is above the specified maximum height of RL 246.8m as outlined in the Chatswood CBD Strategy.
- The height of the façade facing Victoria Avenue is above the 7m required fronting Victoria Avenue to a depth of 6m.
- The FSR of no maximum is also only considered if other aspects of the Chatswood CBD Strategy are satisfactorily addressed.

Final Planning Proposal - 18 December 2020

On 18 December 2020, the proponent responded with further amendments to the planning proposal to address Council's concerns (**Attachment G4**).

The rezoning review states that the revised planning proposal responded to issues raised by Council and included updated and additional documents to support the proposed concept development on the site. The additional documents include but not limited to an updated traffic analysis, economic appraisal, office market analysis and review of heights in relation to the strategic airspace.

The rezoning review states that the development of standalone non-residential assets is unviable in the Chatswood CBD and mixed-use outcomes are required to achieve Council's and the Department's desire to increase employment.

A summary of the comparison of the original planning proposal and the planning proposal submitted in December 2020 is outlined in **Table 1**.

Table 1: Comparison of planning proposals.

Item		Original Planning Proposal December 2016	Current Planning Proposal 2020	
Height		RL 262m (solar access plane)	RL 262m (solar access plane)	
FSR	Non-residential / Commercial GFA	5:1 (11,000m ² GFA)	8:1 (18,376m ² GFA)	
	Residential / Dwellings	No maximum	12:1	
		320	310	
Employment (new full-time employment jobs on completion)		920	Over 1,500	
Employment (during construction)		550 (direct)	550 (direct)	
		85 (indirect)	85 (indirect)	
Parking rates		Deferred to DA	1 Bed	0.5
			2 Bed	1
			3 Bed	1.25
			Total	259
			Non-residential	1 per 330m ²
			Visitors	0
			Car Share	5
Planning Agreement Offer		N/A	Establishing a minimum 8:1 FSR for non-residential GFA <ul style="list-style-type: none">• Upgrade and rejuvenation of Post Office Lane• Delivery of 4% of the total residential floor space as affordable housing	
Shared Basement Provisions		N/A	<ul style="list-style-type: none">• Provision for shared loading dock and goods lift for use by retail properties with loading via Post Office Lane to the west of the site• Provision for “break through” walls to allow consolidated basement access for neighbouring sites	

Item	Original Planning Proposal December 2016	Current Planning Proposal 2020
Links and Landscaping	<ul style="list-style-type: none"> Undesirable link (based on Council feedback) Landscaping not provided 	<ul style="list-style-type: none"> Through-site links in accordance with Council feedback Green roofs to all roofs up to 30 metres from ground floor Provision for 20% soft landscaping in accordance with Council's Chatswood CBD Strategy
Design Excellence	N/A	Design excellence process proposed in accordance with City of Sydney's competitive design alternatives process.
Site specific DCP	N/A	Site specific DCP provisions proposed

1.2 Locality and context

The site is within the B3 Commercial Core zone in the Chatswood CBD. The Chatswood interchange and T1 and T9 rail line divide the Chatswood CBD with commercial land uses predominately on the western side and mixed use on the eastern side. The subject site is within 50m of the eastern entrance to the interchange on Victoria Avenue (Victoria Mall).

The interchange contains retail and mixed-uses and Chatswood station including existing bus and train services connecting to major centres such as North Sydney and the Sydney CBD. The interchange also contains access to the north-west Metro with connections to Macquarie Park, Castle Hill and a future planned extension.

The rezoning review states that the site is near major retail and service facilities such as Chatswood Westfield and Chatswood Chase. It is also close to community facilities and recreational spaces such as The Concourse, Chatswood Library, Dougherty Community Centre, Chatswood Park and Chatswood Oval.

The site does not contain any heritage items and is not in a heritage conservation area (HCA). The heritage item 236, the Garden of Remembrance is approximately 150m to the south-west of the site with Chatswood Oval beyond and item 239, the Orchard Tavern is approximately 50m to the north-west of the site (**Figure 13**).

Site and locality maps are provided at **Attachment A** and **Figures 1** and **2**.

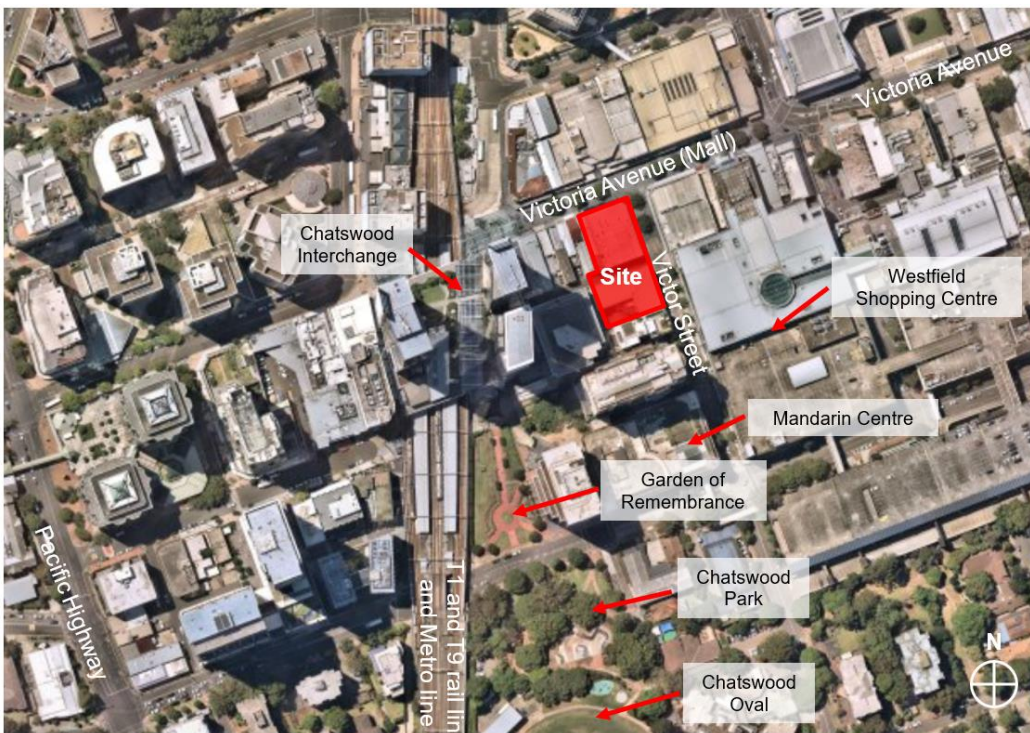


Figure 1: Subject site (source: Nearmap, overlay by DPIE)

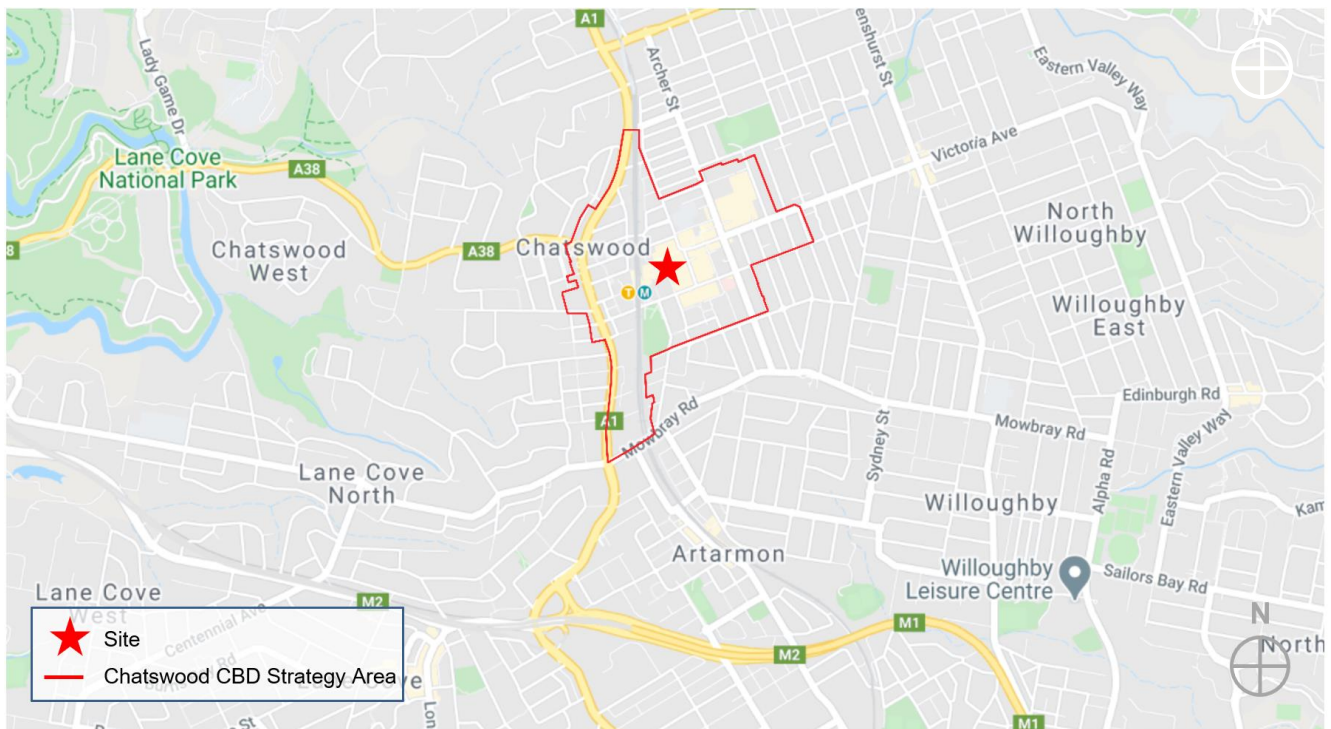


Figure 2: Locality (source: Nearmap, overlay by DPIE)

1.3 Site description

The site is located on the corner of Victor Street and Victoria Avenue and comprises two parcels of land with a total area of approximately 2,297m² and includes the area over Post Office Lane (**Figure 3**):

- 45 Victor Street which is legally described as:
 - Lot 1 DP569727.
- 410-416 Victoria Avenue which is legally described as:
 - Lot A DP406105;
 - Lot B DP406105; and
 - Lot 4 DP82303.
- Part of the airspace above Post Office Lane.

The parcels of land are bisected by Post Office Lane (**Figures 3 and 5**). The area for development is currently occupied by:

- The vacant three storey former Australia Post office to the south with a primary north frontage to Victor Street (**Figures 3 and 4**).
- Land fronting Victoria Avenue (Chatswood Mall) with a secondary frontage to Victor Street, occupied by mostly two storey small retail tenancies (**Figures 3 and 6**).

The rezoning review request states that the applicant is also seeking to enter into an arrangement with Council to allow development over the airspace of part of the adjacent Council owned Post Office Lane (**Figures 3 and 5**).

A site map is included at **Attachment B** and **Figures 1-3**.



Figure 3: Subject site (source: Nearmap, overlay by DPIE)



Figure 4: Subject site from Victor Lane with the form Australia Post site at left and the low scale retail outlets facing Victoria Avenue at right (looking approximately north) (source: Google Maps)



Figure 5: Post Office Lane – part of the planned redevelopment of the site (source: Google Maps)



Figure 6: Subject site from Victoria Mall (corner Victor Street and 410-416 Victoria Avenue) with the low scale retail outlets, looking approximately west towards the entrance to the Chatswood Interchange (source: DPIE)

1.4 Current planning provisions

Under the Willoughby LEP 2012, the site is subject to the following planning provisions:

- For the whole site the following applies:
 - A B3 Commercial Core zone (**Figure 7**).
 - A maximum FSR of 2.5:1 (**Figure 9**).
 - A minimum lot size of 2,500m² (**Figure 10**) and Clause 4.1B Minimum subdivision lot size for shop top housing within 'Area 1' which permits a minimum lot size of below 2,500m².
 - Active Street Frontages along land fronting Victoria Avenue and Victor Street (**Figure 11**).
- For land at 45 Victor Street (former Australia Post site) the following applies:
 - Maximum building height of 12m (**Figure 8**).
- For land at 410-416 Victoria Avenue the following applies:
 - A Maximum height of 14m and Clause 4.3A Exceptions to heights of buildings 'Area 3' maximum height of 7m applies for the first metre back from the frontage to Victoria Avenue (**Figure 8**).
 - Schedule 1 Additional permitted uses to allow shop top housing with consent if the ground level and first level are for retail or business uses in 'Area 5' (**Figure 12**).

The relevant objectives of the current written provisions in Willoughby LEP 2012 are as follows:

Clause 4.1B Minimum subdivision lot size for shop top housing

(1) Despite clause 4.1, development consent may be granted for the subdivision of shop top housing on a lot—

(a) on which development for the purpose of shop top housing is permitted under Schedule 1, and

(b) that comprises land identified as "Area 1" on the Lot Size Map,

even if the size of any or all lots resulting from the subdivision is less than the minimum size shown on the Lot Size Map in relation to that land.

(2) For the avoidance of doubt, the minimum size shown on the Lot Size Map in relation to that lot continues to apply to the subdivision of the premises on the ground floor and any other floor that does not contain shop top housing on that lot.

Clause 4.3A Exceptions to heights of buildings

(3) Subject to subclause (4), the height of a building on land in Victoria Avenue, Chatswood that is identified as “Area 3” on the Height of Buildings Map must not exceed, for the first 1 metre of the building back from the road frontage, 7 metres above ground level (existing) at the centre point of the lot boundary where it adjoins the road frontage.

(4) If the building is on the northern side of Victoria Avenue, Chatswood on land that is identified as “Area 3” on the Height of Buildings Map, any part of the building that is more than 1 metre back from the road frontage and higher than 7 metres above ground level (existing) at the centre point of the lot boundary where it adjoins the road frontage must be set back to conform to the sun plane angle at mid-winter between 12.00 pm and 2.00 pm.

Schedule 1 Additional Permitted Uses

31 Use of certain land at Victoria Avenue, Chatswood

(1) This clause applies to land at Victoria Avenue, Chatswood, being “Area 5” on the Special Provisions Area Map.

(2) Development for the purpose of shop top housing is permitted with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises.

The current LEP maps and the written provisions are provided in **Attachment C**. Maps are also provided in **Figures 7-13**.

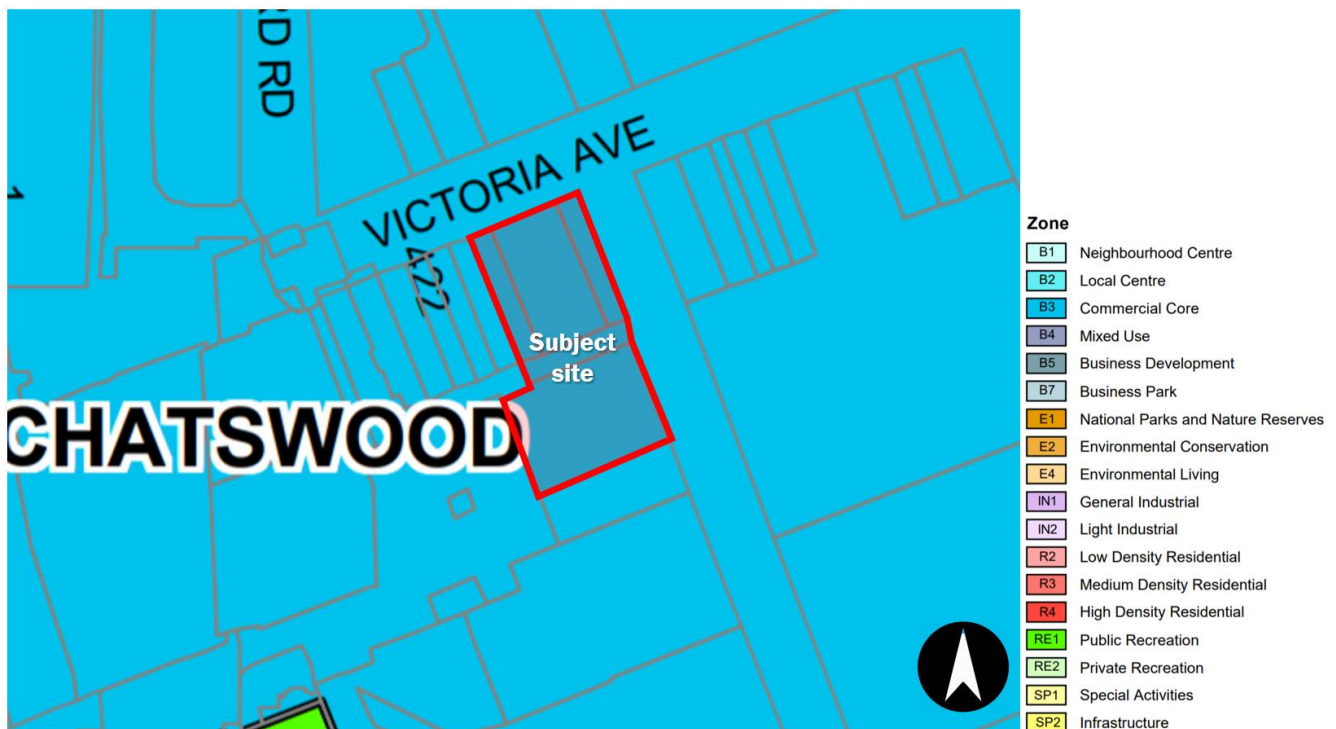


Figure 7: Land zoning map LZN_004 (source: NSW Legislation, overlay by DPIE)

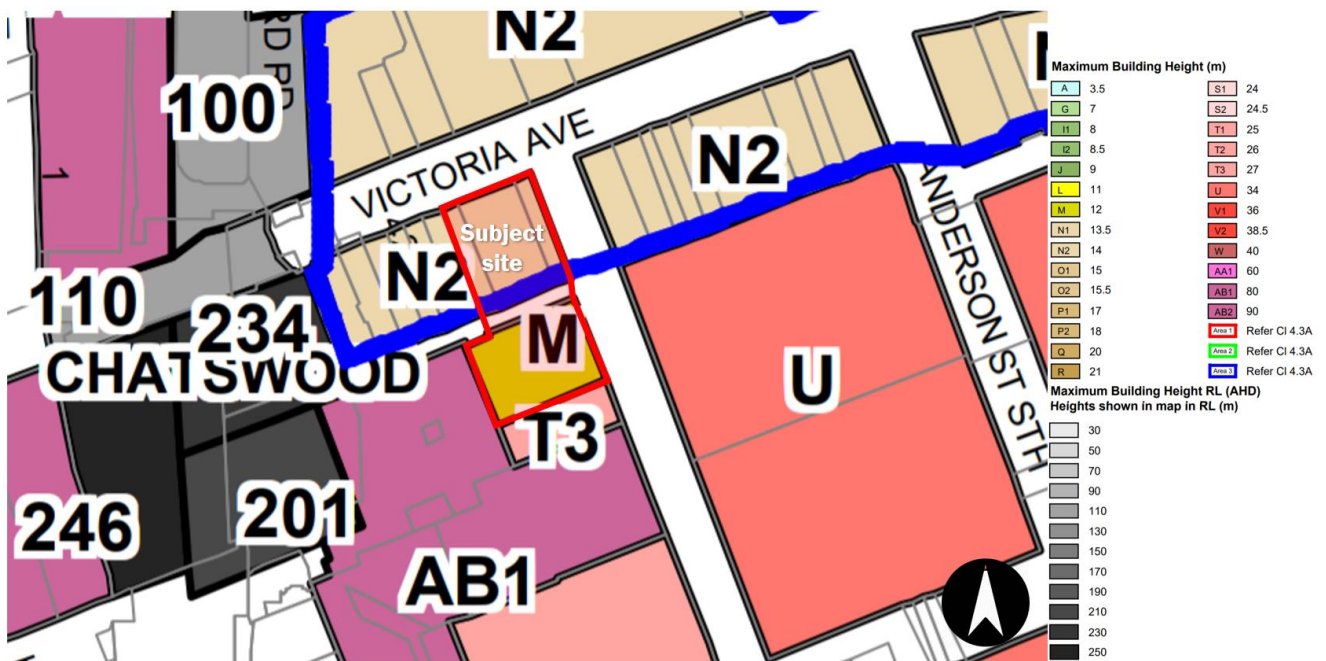


Figure 8: Maximum height of buildings map HOB_004 (source: NSW Legislation, overlay by DPIE)

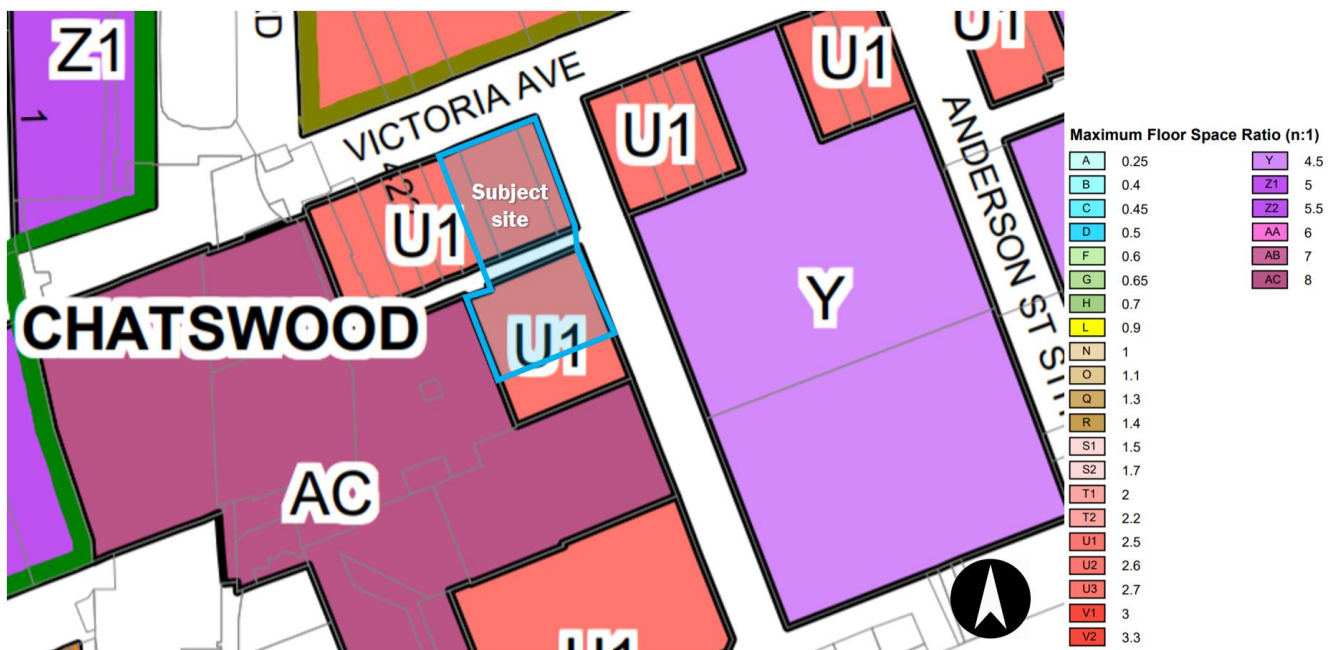


Figure 9: Maximum floor space ratio map FSR_004 (source: NSW Legislation, overlay by DPIE)

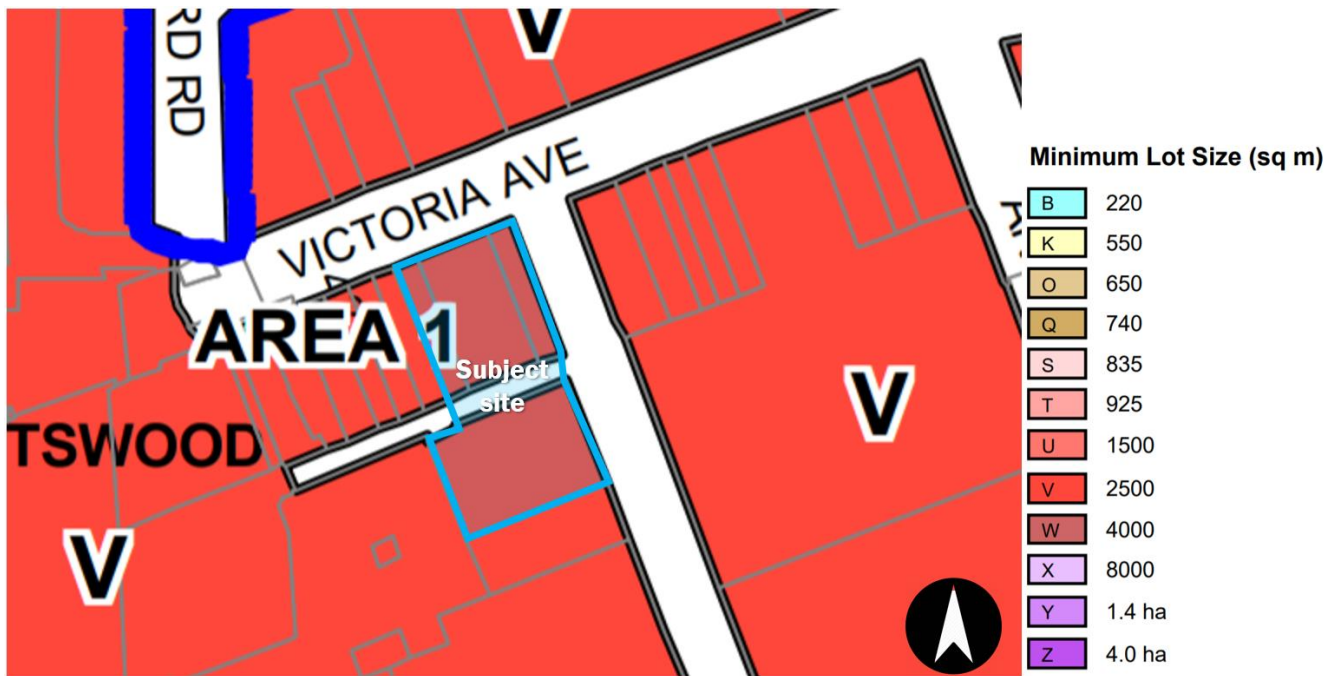


Figure 10: Lot size map LSZ_004 (source: NSW Legislation, overlay by DPIE)

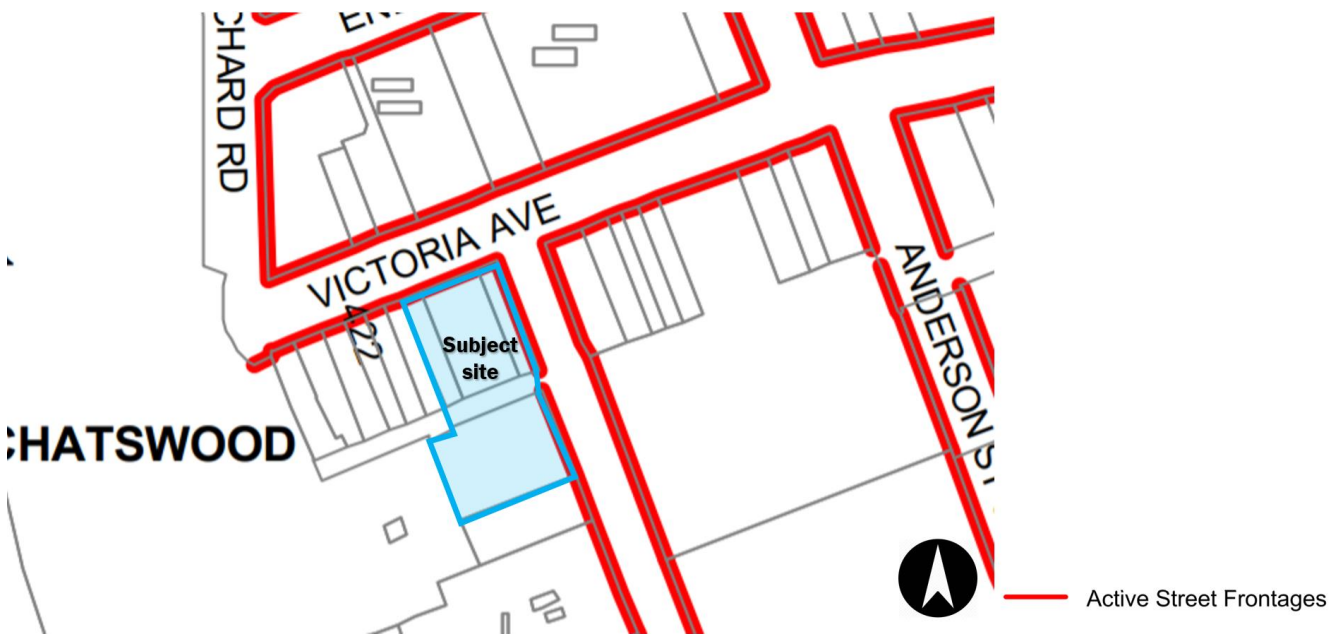


Figure 11: Active Street Frontages map ASF_004 (source: NSW Legislation, overlay by DPIE)

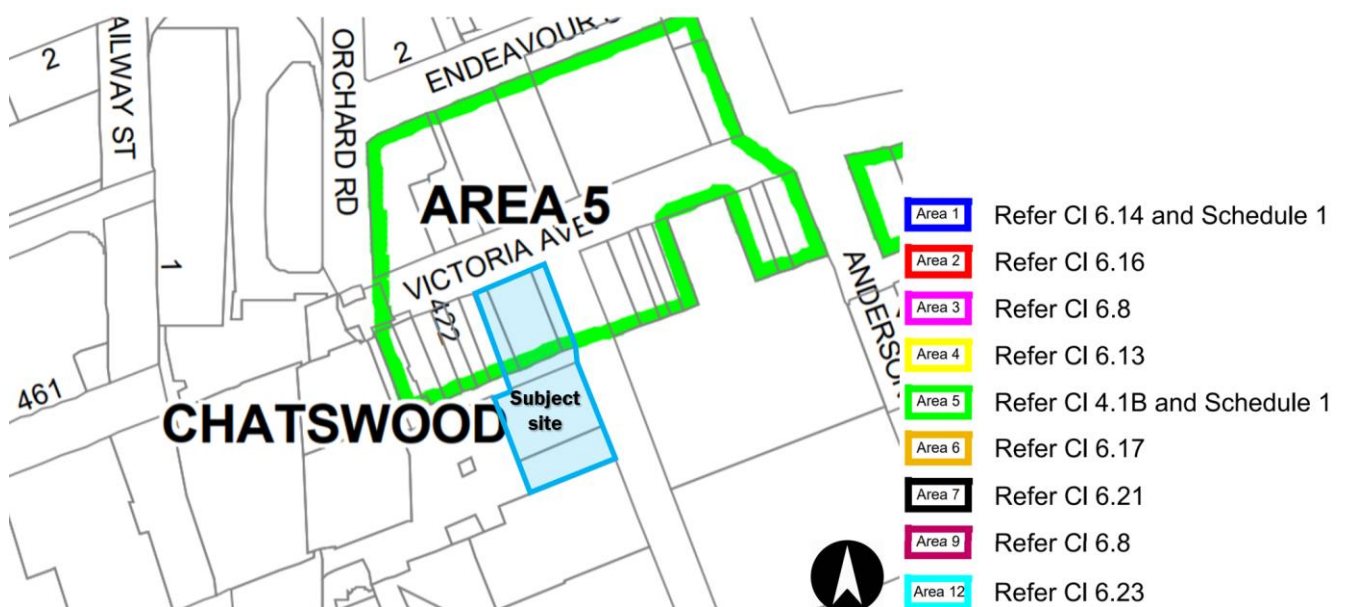


Figure 12: Special provisions map SPA_004 (source: NSW Legislation, overlay by DPIE)

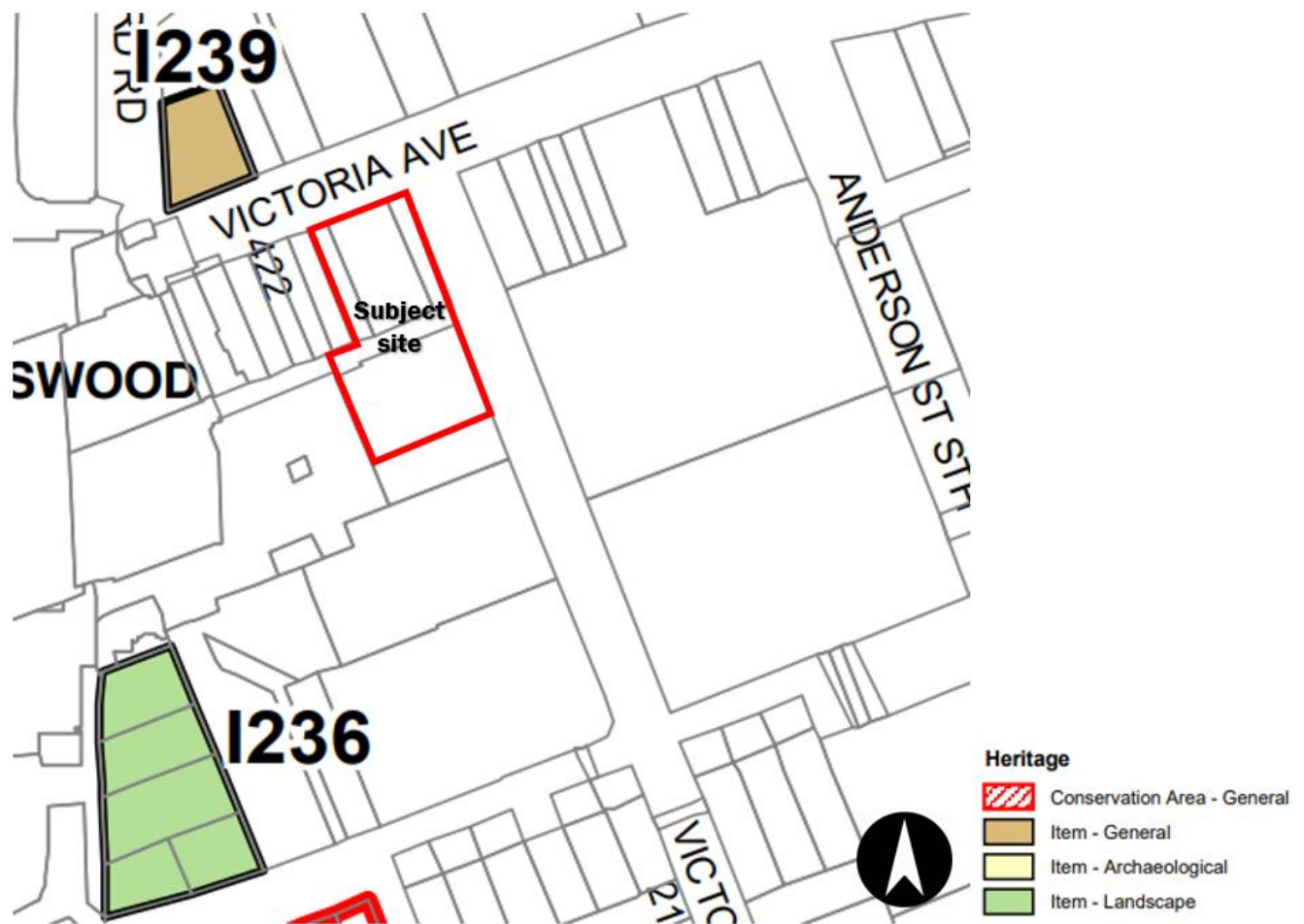


Figure 13: Heritage map HER_004 (source: NSW Legislation, overlay by DPIE)

1.5 Proposed planning provisions

The rezoning review documentation states that the planning proposal seeks to amend the Willoughby LEP 2012 by:

- Increasing the maximum height of buildings from part 12m and 14m to RL 262m (approx. 45 storeys) (**Figure 14**).
- Increasing the maximum FSR from 2.5:1 to 20:1 (**Figure 15**) including:
 - A minimum non-residential FSR of 8:1 with the application of Clause 4.4A referring to the site as 'Area 15' on the FSR map for the delivery of non-residential FSR.
- Expanding the application of 'Area 5' on Special Provisions Map (**Figure 16**) for the application of shop top housing.
- Removing the application of Clause 4.3A Exceptions to heights of buildings applying to the site for a maximum building height of 7m for the first metre of the site.

The proposed LEP maps and the written provisions are provided in **Attachment D**. LEP Maps are also provided at **Figures 14-16**.

The proposed LEP provisions seek to facilitate a 45-storey mixed-use development (**Figures 17-23**) at the site which includes:

- A 13-storey commercial podium with 18,375m² of commercial floor space (approx. 1,500 jobs).
- A 32-storey residential tower above with 27,563m² of residential floor space (approx. 310 dwellings).
- 314 parking spaces.

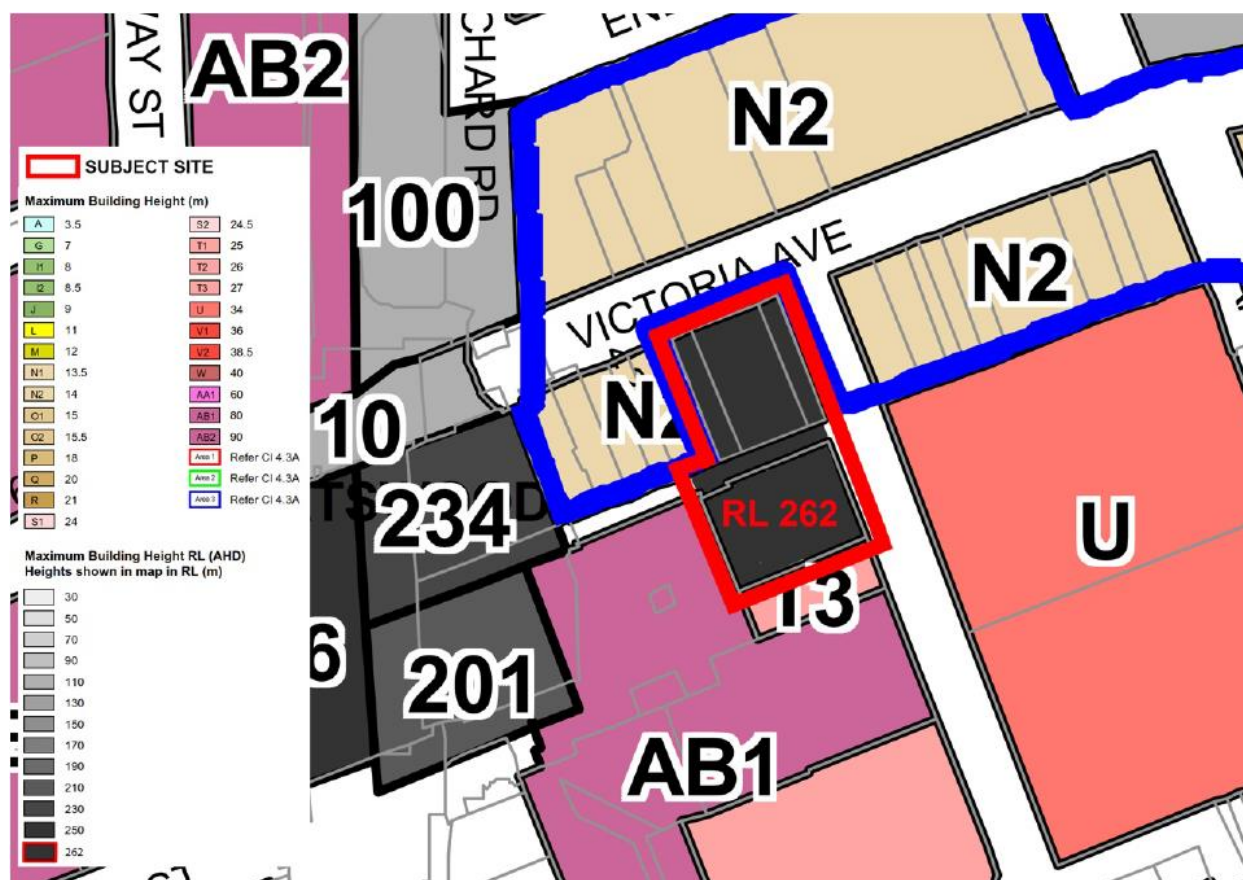


Figure 14: Proposed maximum Height of Buildings map (source: Mirvac Design)

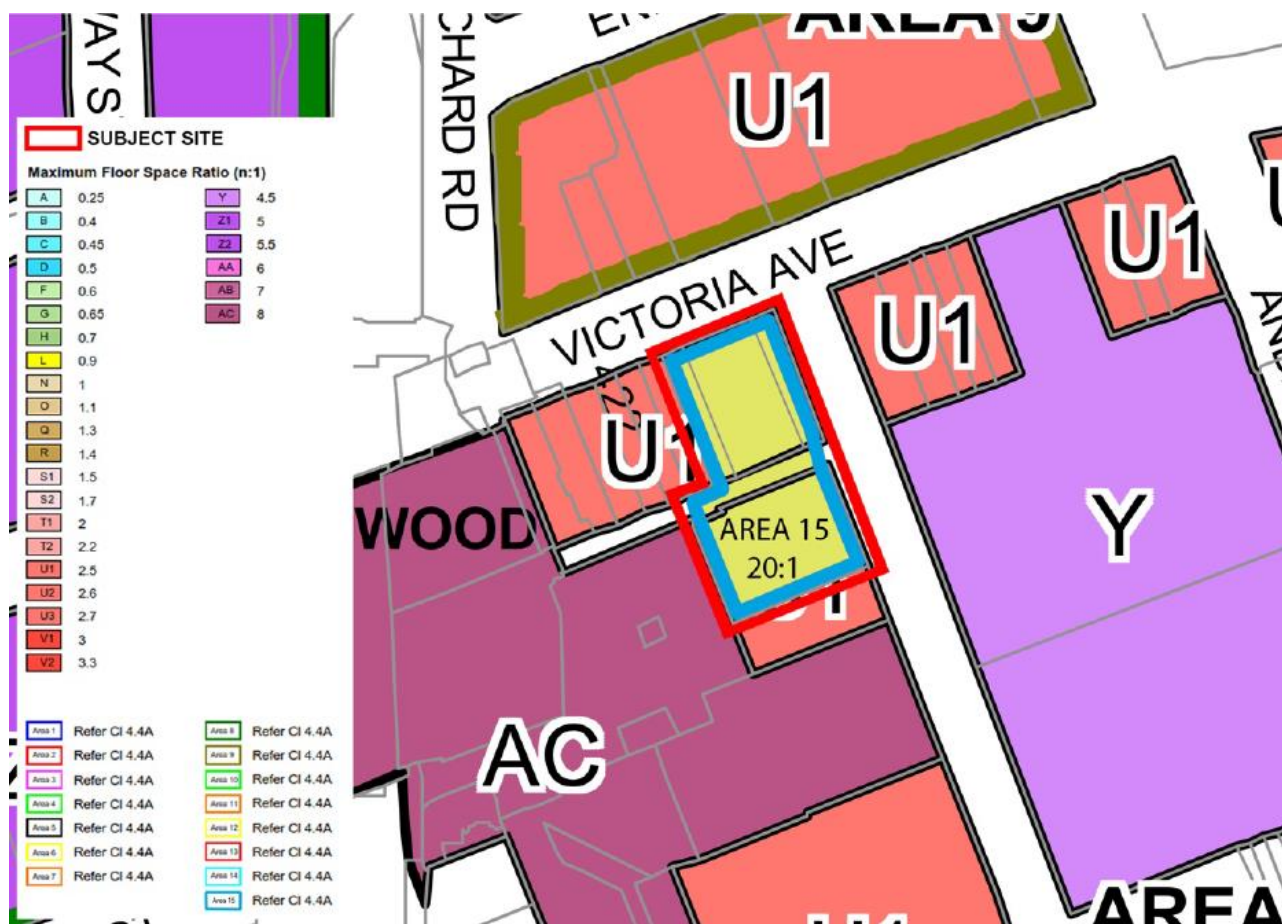


Figure 15: Proposed maximum FSR map (source: Mirvac Design)

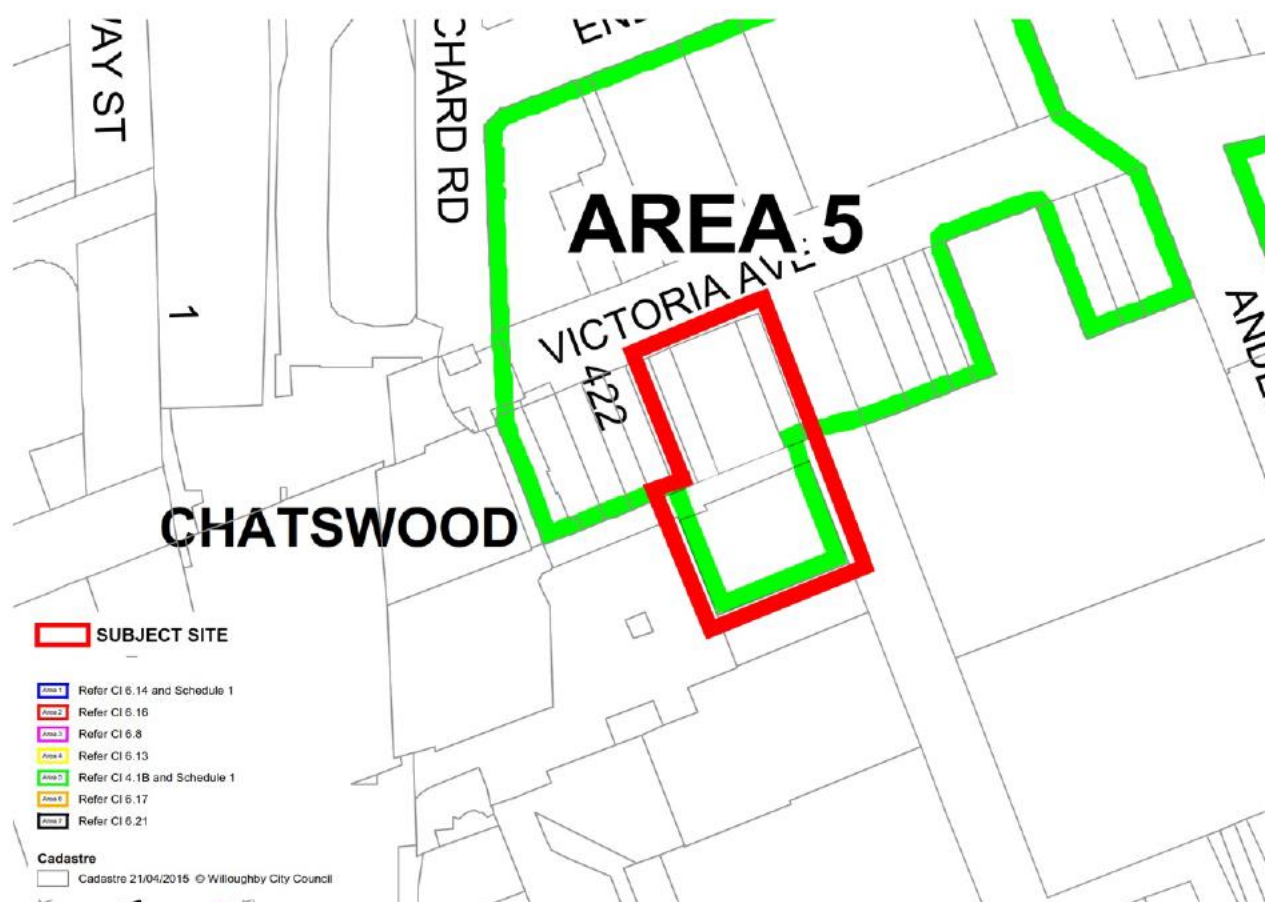


Figure 16: Proposed Special Provisions Area map (source: Mirvac Design)



Figure 17: Concept of the proposed development from Victoria Mall looking south-west (source: Mirvac Design)

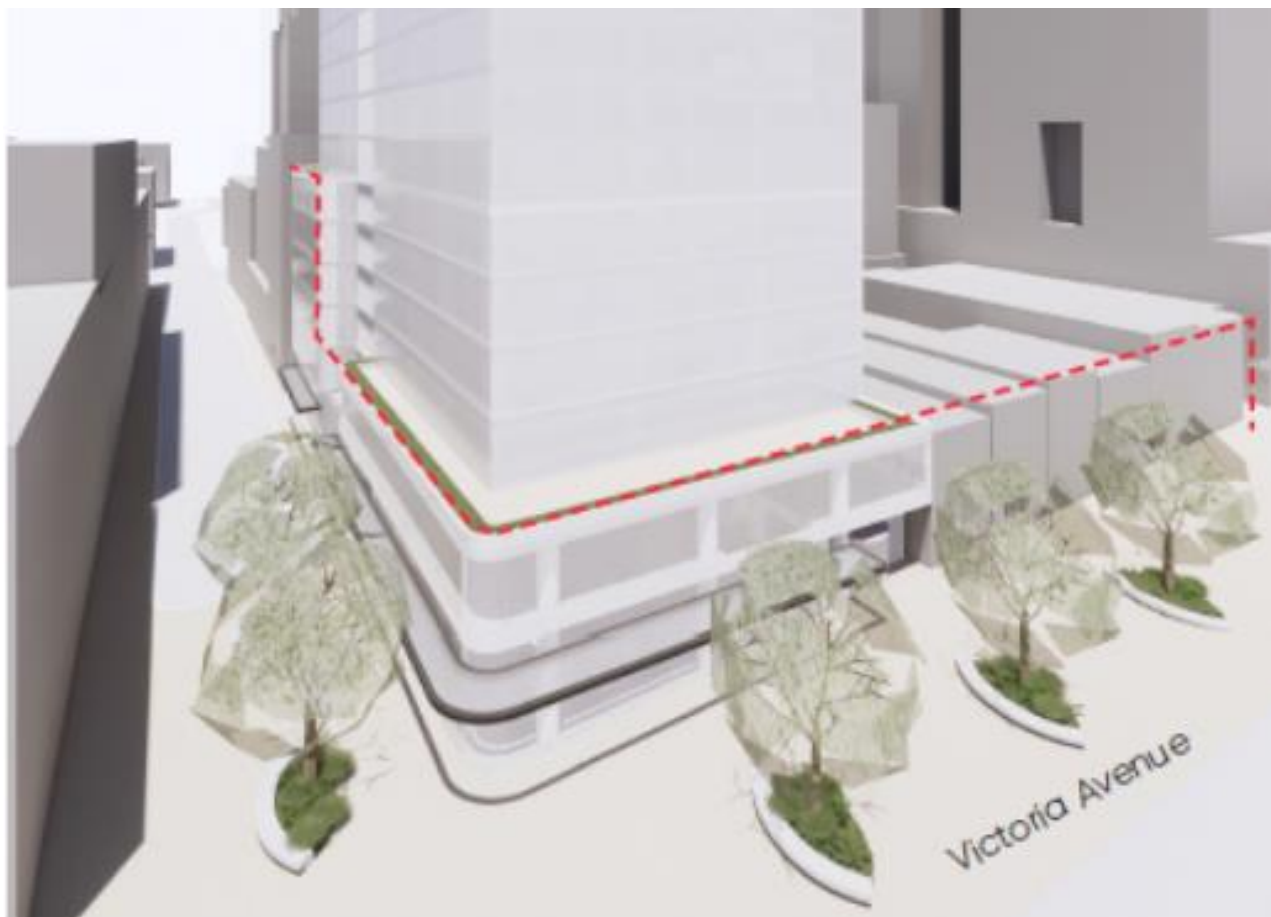


Figure 18: Concept of the proposed podium height, looking south-west (source: Mirvac Design)

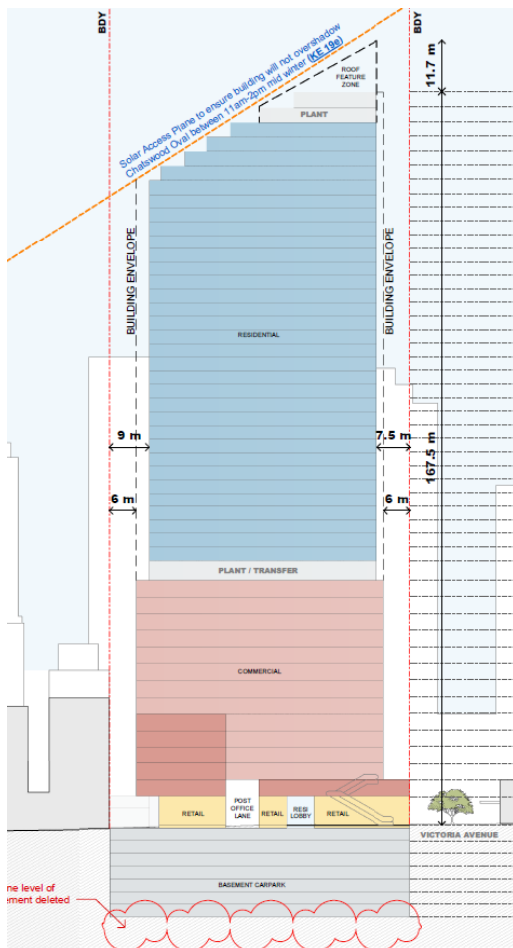


Figure 19: Revised indicative north-south section (from Victor Street) (source: Mirvac Design)

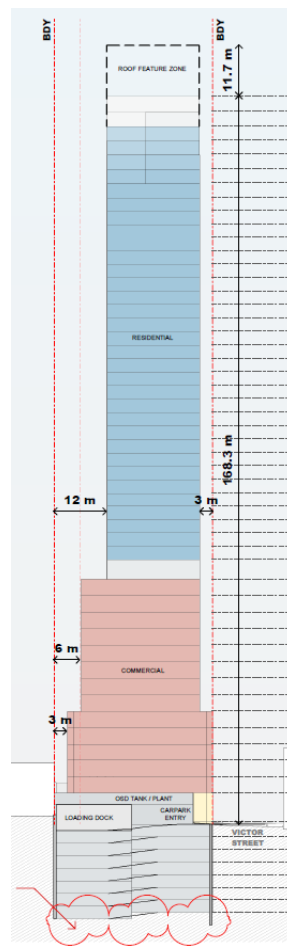


Figure 20: Revised indicative east-west section (from Victoria Avenue) (source: Mirvac Design)

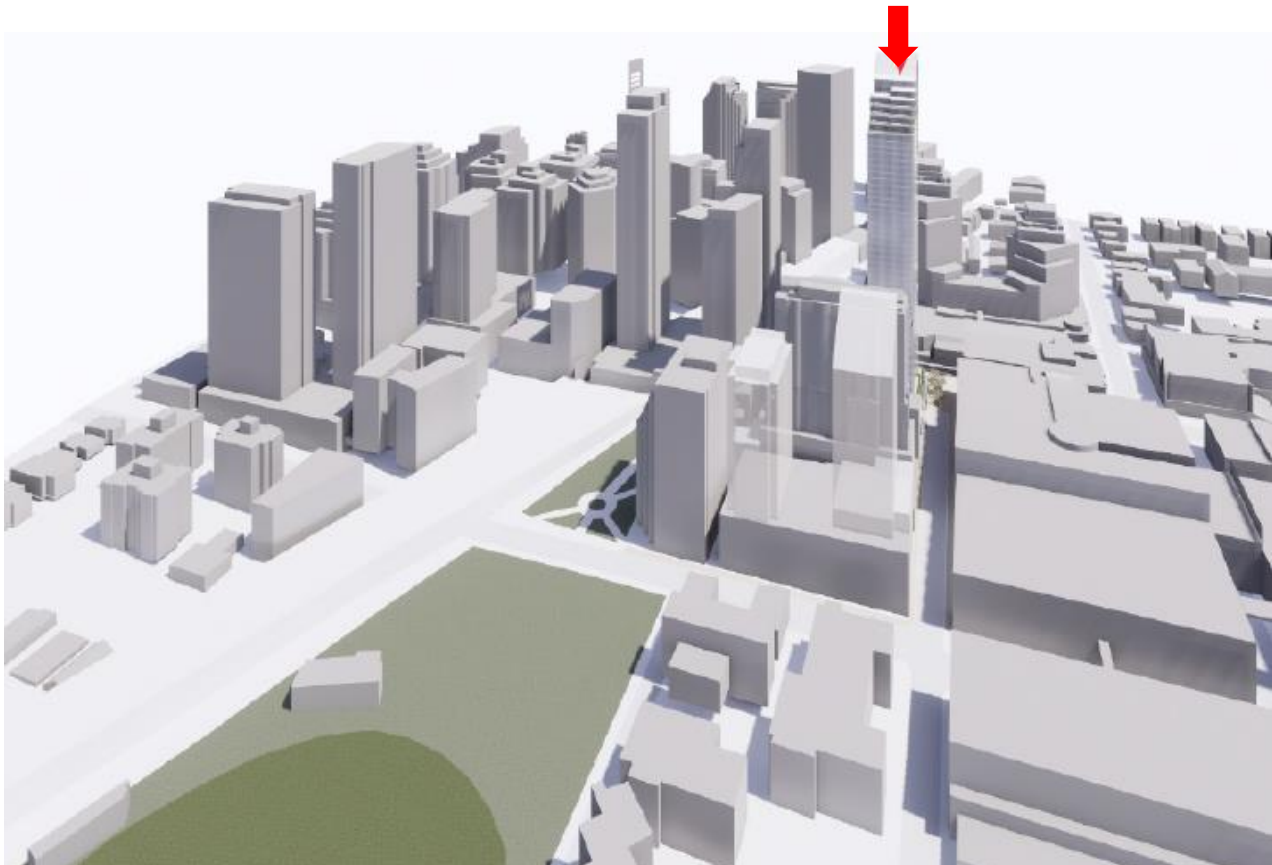


Figure 21: Concept of the proposed development looking north amongst the Chatswood CBD (source: Mirvac Design)

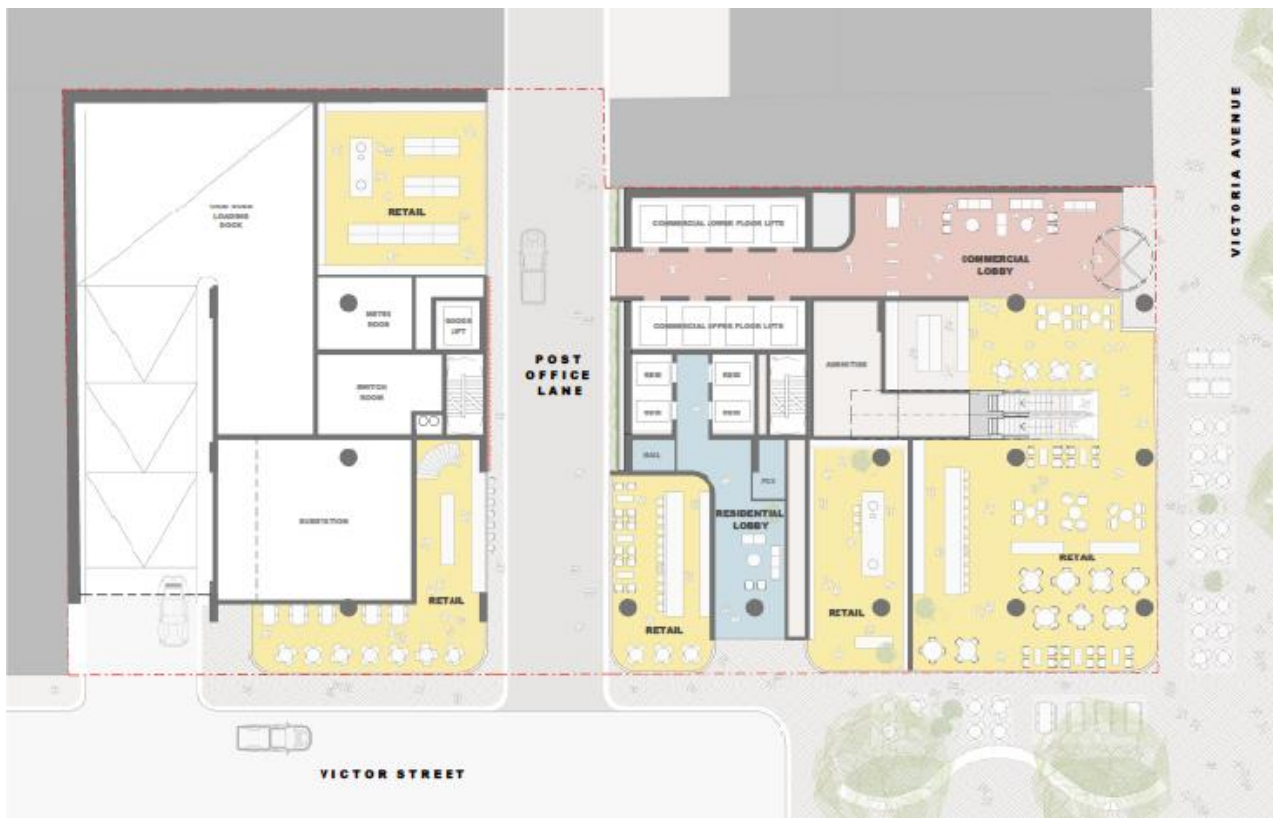


Figure 22: Concept of the proposed ground floor level (source: Mirvac Design)



Figure 23: Indicative lower level residential floor plate (source: Mirvac Design)

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 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.

North District Plan

The rezoning review documentation outlines the consistency of the planning proposal against the North District Plan.

The rezoning review documentation states that the North District Plan reinforces the role of the Eastern Economic Corridor and the benefits of its major transport infrastructure. It outlines Chatswood's role as a Strategic Centre with its mix of uses including retail, commercial, residential, community and health.

The North District Plan identifies that Chatswood provides 278,919sqm of office floor space (2017) and sets a jobs growth target in the centre of 6,300 to 8,300 from 2016 to 2036.

The rezoning review documentation states that the proposal supports the objectives of the North District Plan, including the continued growth of Chatswood as a major commercial hub through the delivery of a significant component of commercial floor space.

The consistency of the proposal with the relevant priorities and actions of the North District Plan is outline in **Table 2**.

Table 2: Consistency of the proposal against the North District Plan.

Planning Priority	Proponent Response
<i>N1: Planning for a city supported by infrastructure</i>	The rezoning review states that the proposal seeks to align housing and jobs growth located adjacent to the Chatswood Interchange, supporting recent and planned infrastructure investment in the Sydney Metro project.
<i>N5: Providing housing supply, choice and affordability with access to jobs, services and public transport</i>	The rezoning review states that the proposal will contribute to the delivery of the 6-10 year housing target through the delivery of over 300 apartments. The rezoning review states that the proposal will deliver affordable housing at a rate of 4% of total residential floor space.
<i>N8: Eastern Economic Corridor is better connected and more competitive</i>	The rezoning review states that the proposal will support the 30-minute city by aligning growth with significant transport infrastructure investment within the Chatswood Strategic Centre and within the Eastern Economic Corridor.
<i>N10: Growing investment, business opportunities and jobs in strategic centres</i>	The rezoning review states that the proposal satisfies this objective by: <ul style="list-style-type: none">• Providing a significant component of commercial floor space. It would be the third largest commercial office building in Chatswood and the first to be developed since 1995.• Accommodating ground floor retail uses to enhance activation and support opportunities for night-time economy.• Providing a component of residential, while maintaining retail uses and a large component of commercial floorspace.• Improving the walkability within the centre by improving the pedestrian environment along Post Office Lane.• Enhancing the public domain through improved built form interfaces and upgrade to Post Office Lane.

Planning Priority	Proponent Response
	<p>The planning proposal identifies that it aligns with North District Plan Action 42. <i>Strengthen Chatswood through approaches that:</i></p> <ul style="list-style-type: none"> <i>a. protect and grow the commercial core</i> <i>b. maximise the land use opportunities provided by Sydney Metro</i> <i>c. promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering</i> <i>d. enhance the role of the centre as a destination for cultural and leisure activities</i> <i>e. promote and encourage connectivity, and upgrade and increase public open spaces</i> <i>f. investigate interchange operations on both sides of the railway line to increase capacity and efficiency of modal changes</i> <i>g. improve pedestrian connectivity between the eastern and western side of the rail line.</i> <ul style="list-style-type: none"> • By providing opportunity for a significant component of commercial floor space within the mixed use/retail precinct of the CBD. • Increasing the supply of A grade office space and a mix of retail tenancies. • Improving pedestrian connectivity along Post Office Lane to the eastern side of the Chatswood Interchange. <p>The rezoning review states that the seeks to amend the planning controls which apply to the site to enable its renewal, delivering a mix of uses including a large component of commercial floor space making a significant contribution to the jobs target for Chatswood.</p>
<p><i>N12: Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The rezoning review states that the proposal supports the 30-minute city by providing jobs and housing growth accessible to the Chatswood Interchange with excellent access to wider centres via the Sydney Metro network.</p> <p>The rezoning review states that the proposal plans for new employment and residential uses which will optimise the use of the Sydney Metro City and Southwest project.</p>
<p><i>N19: Increasing urban tree canopy cover and delivering Green Grid connections</i></p>	<p>The rezoning review states that the site is currently entirely cleared of vegetation. The proposal includes provision of podium rooftop landscaping and green walls to maximise opportunities for green cover.</p>
<p><i>N20: Delivering high quality open space</i></p>	<p>The rezoning review states that the subject site is within 200m of a large area of open space being Chatswood Park which comprises local open space, a playground, skate park and sports field.</p> <p>The proposal will provide local infrastructure contributions towards the enhancement of open space in the LGA.</p>
<p><i>N21: Reducing carbon emissions and managing energy, water and waste efficiently</i></p>	<p>The rezoning review states that the proposal is capable of achieving sustainability measures which will be outlined during the detailed design phase.</p>
<p><i>N22: Adapting to the impacts of urban and natural hazards and climate change</i></p>	<p>The rezoning review states that the proposal is not within an area subject to known hazards.</p> <p>The rezoning review states that the proposal includes provision of podium rooftop landscaping and green walls to maximise opportunities for green cover to reduce the urban heat island effect.</p>

Willoughby Local Strategic Planning Statement

The Willoughby Local Strategic Planning Statement (LSPS) was finalised in March 2020 and sets a context and direction for land use decisions within Willoughby LGA for the next 20 years.

Chatswood is outlined in the LSPS as the Willoughby local government area's (LGA) major centre with a mix of commercial, retail, education, recreation and civic and cultural floorspace. The rezoning review states that the LSPS notes that the strong growth in apartments has supported cultural, restaurant and night-time economy.

The rezoning review states that the proposal aligns with the LSPS as it seeks to develop a site to accommodate a significant increase in commercial office floorspace with retail and residential uses. The consistency of the proposal against the LSPS is outlined in **Table 3**.

Table 3: Consistency of the proposal against the Willoughby LSPS.

Planning Priority	Proponents Response
<i>Priority 1: Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.</i>	<p>The rezoning review states that the proposal directly aligns with action by seeking to amend the planning controls for the site to support a mixed-use development delivering new dwellings and increasing housing diversity in the LGA.</p> <p>The rezoning review states that the design of dwellings will occur as part of the detailed design process, with the proposal capable of creating a range of dwelling types and sustainable measures to meet market demand.</p>
<i>Priority 7: Developing Willoughby City LGA transport system and Chatswood's role as a true transport hub for Willoughby City and the North Shore</i>	<p>The rezoning review states that the proposal will reduce congestion and the impact of car usage within Chatswood through the location of a mix of uses with excellent access to a wide range of public transport options. A traffic and car parking assessment has been prepared to support the proposal.</p>

Planning Priority	Proponents Response
<p><i>Priority 9: Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor</i></p>	<p>The rezoning review states that the proposal is located within the mixed-use precinct to the east of Chatswood Station. The proposal seeks to deliver ground floor retail and a substantial quantity of commercial office floor space (total non-residential FSR 8:1) with residential uses above.</p> <p>The proposal will also enhance street activation through retail frontages and enhanced building address to Victoria Avenue Mall, Victor Street and Post Office Lane.</p> <p>The rezoning review states that the proposal is consistent with this action as follows:</p> <ul style="list-style-type: none"> • It seeks to implement the recommendations of the Chatswood CBD Strategy for the site. • It proposes a competitive design process which will ensure a high-quality design outcome for the site as discussed in Section 5.5 of the proposal. • It will deliver transformation of an existing service lane enhancing activation and connectivity to the station. <p>The rezoning review states that the proposal includes provision of podium rooftop landscaping and green walls to maximise opportunities for green cover.</p> <p>The proposal is capable of achieving sustainability measures which will be outlined during the detailed design phase.</p> <p>The rezoning review states that the proposal aligns with this action by:</p> <ul style="list-style-type: none"> • Providing a significant component of commercial floor space within the Chatswood Strategic Centre, the third largest commercial office building in Chatswood and the first to be developed since 1995. • Accommodating ground floor retail uses / restaurant uses and an increased resident population to support Chatswood's role as a culture, food, leisure and night-time economy hub. <p>The rezoning review states that the proposal will deliver a number of public benefits, in particular public domain upgrades and regeneration along Post Office Lane, delivery of affordable housing and infrastructure contributions.</p>
<p><i>Priority 14: Increasing Willoughby's tree canopy coverage</i></p>	<p>The rezoning review states that the proposal includes provision of podium rooftop landscaping and green walls to maximise opportunities for green cover.</p>
<p><i>Priority 15: Improving the efficiency of Willoughby's built environment</i></p>	<p>The rezoning review states that the proposal supports sustainable transport through its highly accessible location within the Chatswood CBD and adjacent to the Chatswood Interchange.</p> <p>The rezoning review states that the proposal is capable of achieving sustainability measures which will be outlined during the detailed design phase.</p> <p>The rezoning review states that the specification of building materials will occur at the DA stage including the potential for cool building materials.</p> <p>The rezoning review states that the waste minimisation and re-use and recycling will be addressed at the DA stage in accordance with the Willoughby DCP and other relevant policies.</p>

Chatswood CBD Planning and Urban Design Strategy

The Chatswood CBD [Strategy](#) represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy provides a strategic framework

for site specific planning proposals and aligned to Council's LSPS, Local Housing Strategy (LHS) and priorities of the North District Plan.

The rezoning review documentation states that the key land use and built form controls recommended for the site in the Chatswood CBD Strategy are to:

- Retain the B3 Commercial Core zone (**Figures 8 and 24**) and remove serviced apartments as a permissible use from the B3 Zone.
- Retain existing FSR of 2.5:1 as the maximum base FSR.
- Provide no maximum FSR for commercial uses subject to minimum site size of 1,800sqm and appropriate contributions (**Figure 25**).
- Height limits based on PANS-OPS airport restrictions and solar access planes to limit overshadowing of open space (**Figure 26**).
- Street frontages heights as follows:
 - Victoria Avenue – 7m street wall with minimum 6m setback above.
 - Victor Street – 24m street wall with minimum 6m setback above.

The Chatswood CBD Strategy includes a series of 'key elements' to guide the assessment of planning proposals and development. The rezoning review documentation outlines a revised consistency of the planning proposal with these key elements (**Attachment G9**).



Figure 24: Recommended land use (source: Willoughby City Council)

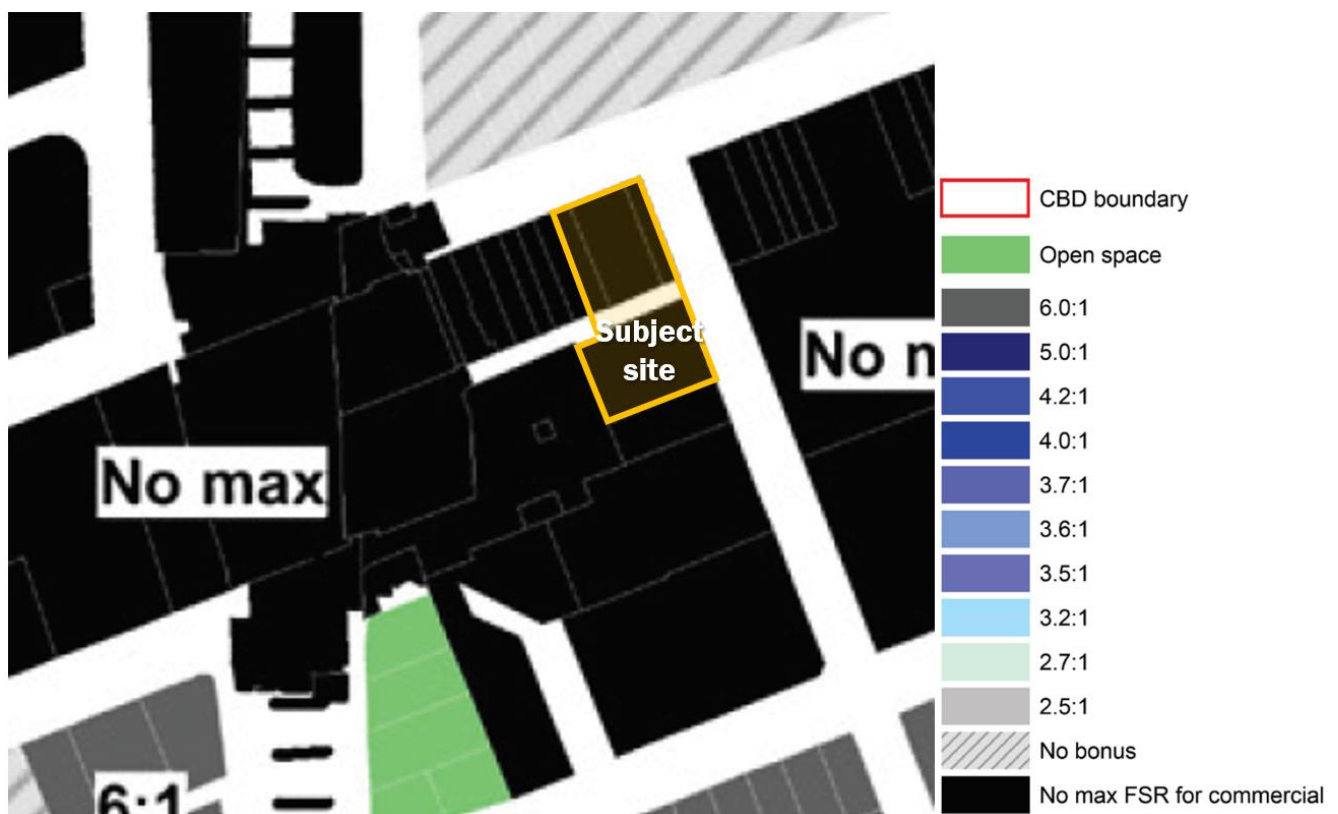


Figure 25: Recommended FSR in the Chatswood CBD (source: Willoughby City Council)

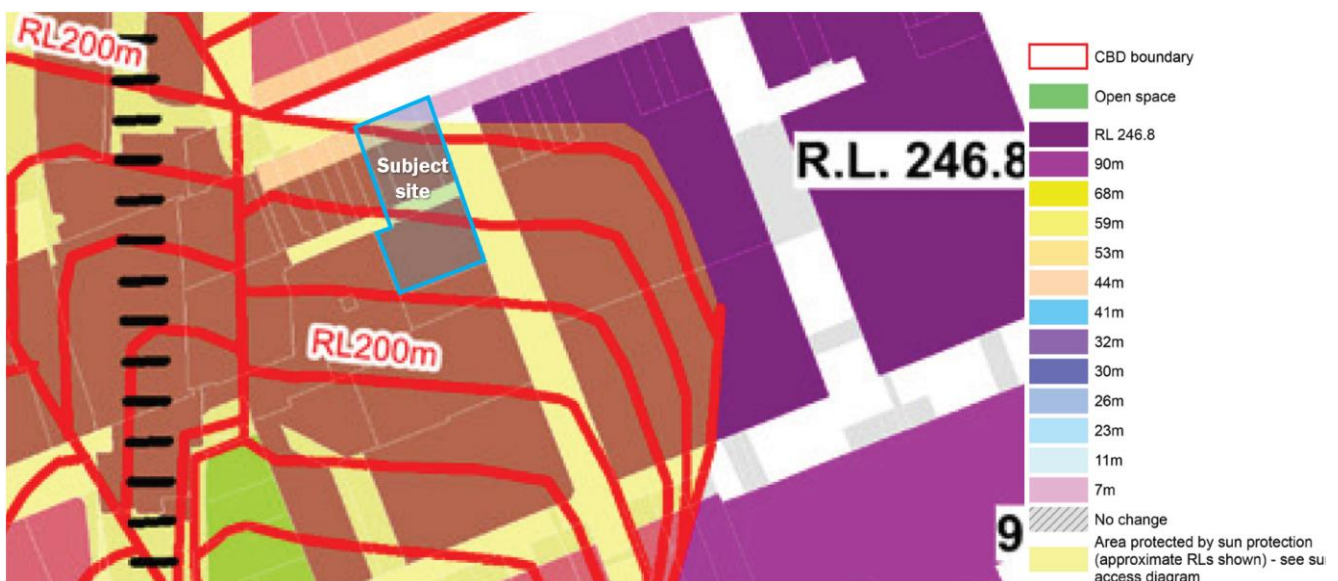


Figure 26: Recommended height in the Chatswood CBD (source: Willoughby City Council)

2.2 Site-specific merit test

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

Overshadowing Impact

The rezoning review documentation outlines the impact of overshadowing on the public domain and existing and proposed land uses. It states the proposal is able to meet the recommendations of the Chatswood CBD Strategy for maintaining solar access in midwinter to key spaces (**Figures 27-30**) which include:

- Victoria Avenue (between interchange and Archer St) 12pm-2pm.
- Garden of Remembrance 12pm-2pm.
- Chatswood Oval 11am-2pm.

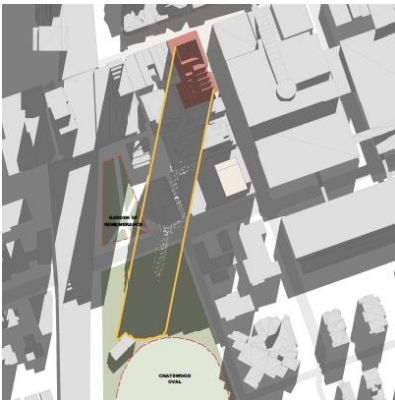


Figure 27: Overshadowing to Chatswood Oval 11:15am (source: Mirvac Design)



Figure 28: Overshadowing to Chatswood Oval 11:30am (source: Mirvac Design)



Figure 29: Overshadowing to Chatswood Oval 12:00pm (source: Mirvac Design)

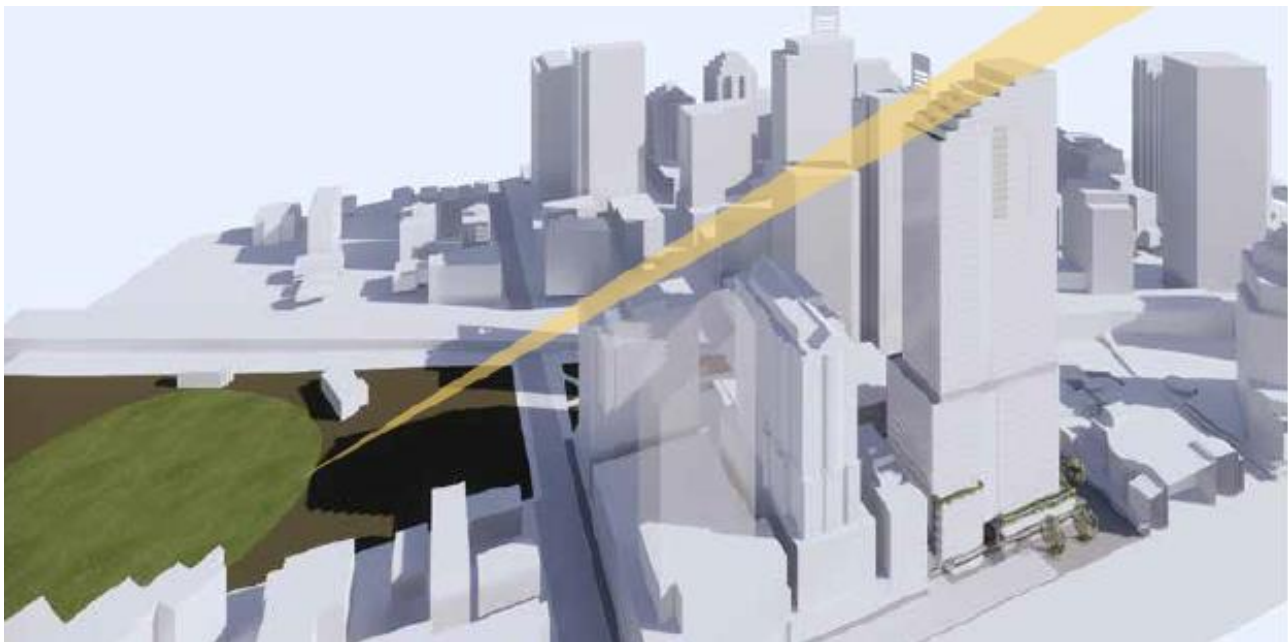


Figure 30: Overshadowing to Chatswood Oval 11:45am (source: Mirvac Design)

Solar Access Impact

The rezoning review states that the north-south orientation of the proposed development with generous building separation to nearby towers and the slender tower form will ensure that all apartments have adequate solar access.

A solar access analysis has been undertaken to demonstrate that the surrounding residential uses receive an appropriate level of solar access. At least two hours of solar access would be maintained to the north-facing Sebel Tower façade (**Figures 31-33**) and to the façade of north and east-facing apartments in the Metro Towers (**Figures 34-36**).

The rezoning review states that the surrounding overshadowing impact is minimised by the slender nature of the mixed-use component compared with a full commercial use outcome. Minor overshadowing is expected in a major employment centre in the CBD.

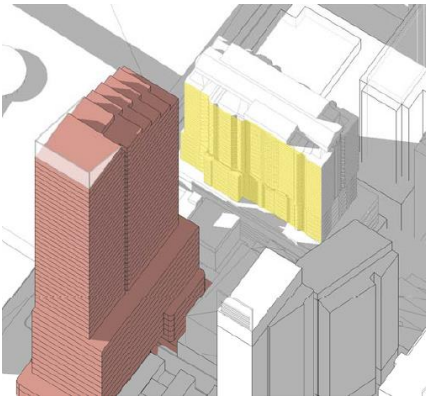


Figure 31: 9am Solar access mid-winter to the Sebel, 31-37 Victor Street to the south of the site (source: Mirvac Design)



Figure 32: 12pm Solar access mid-winter to the Sebel, 31-37 Victor Street to the south of the site (source: Mirvac Design)



Figure 33: 3pm Solar access mid-winter to the Sebel, 31-37 Victor Street to the south of the site (source: Mirvac Design)



Figure 34: 9am Solar access mid-winter to the Metro Towers Victoria Avenue west of the site (source: Mirvac Design)

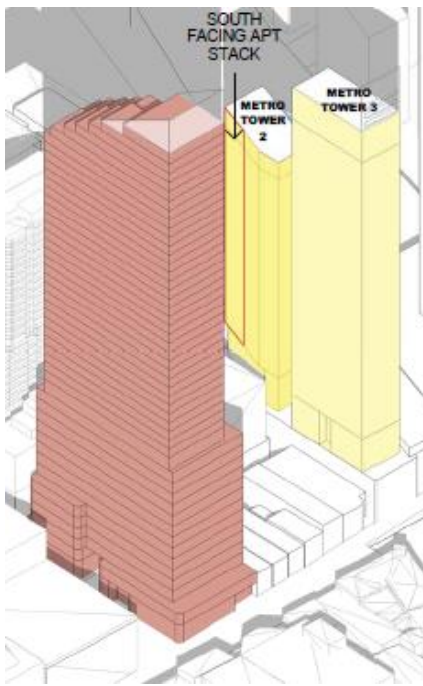


Figure 35: 10.30am Solar access mid-winter to the Metro Towers Victoria Avenue west of the site (source: Mirvac Design)

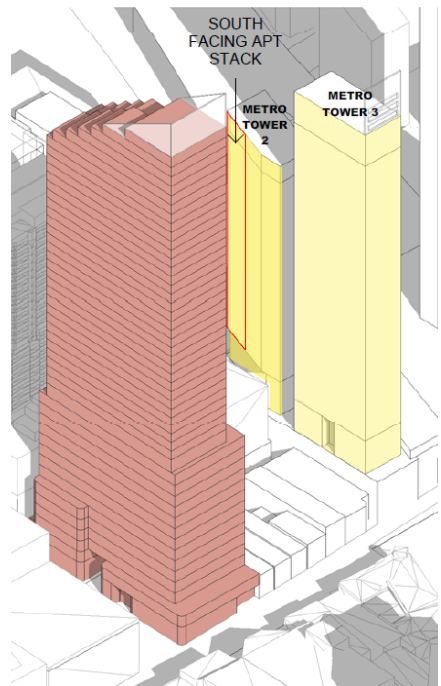


Figure 36: 12.30am Solar access mid-winter to the Metro Towers Victoria Avenue west of the site (source: Mirvac Design)

Visual and Views Impact

The rezoning review documentation states that the single slender tower form will minimise the visual impacts and allow for view sharing. The view impact is seen as acceptable as:

- The site, in the centre of the CBD is key to meeting Council's strategic objectives and high-density development is expected.
- The proposal is consistent with Council's built form constraints as outlined in the Chatswood CBD Strategy.
- A major employment outcome and the provision of new dwellings close to existing transport, services and facilities outweighs the partial view loss that may occur as a result of development.

Traffic, Transport and Parking Impact

The rezoning review states that a traffic and transport assessment was prepared by GTA Consultants to support the planning proposal.

The rezoning review documentation states that the assessment highlighted the sites proximity within the Chatswood CBD and access to the interchange with existing transport options to access major centre such as the Sydney CBD and Macquarie Park. The assessment also indicated the benefits of the site in reducing the demand for private vehicles and an increase in sustainable transport.

The rezoning review documentation states that reduced carparking rates are proposed as the site is close to existing public transport. The documentation concludes the proposed carparking rates are unlikely to have a significant impact on trip generation during peak periods.

No visitor parking is provided as the site is close to public transport and off-street public carparks. With the provision of visitor carparking there is a likelihood of misuse by residents and visitors to the retail precinct.

The rezoning review documentation states that modelling was undertaken to assess the impact of the proposal on key intersections close to the site. The modelling demonstrated that there was adequate capacity in the surrounding road network and operating conditions on Victor, Orchard Road and Albert Street intersections.

The intersection of Pacific Highway and Albert Street is operating at or near capacity during peak periods with modelling demonstrating that the development will have a minor impact on the operation of this intersection representing less than 1% of the base traffic volumes.

In a review of their analysis provided as an appendix to the rezoning review documentation, GTA Transport Engineers demonstrated that the reduction to the one-bedroom parking rates resulted in an improvement to the local traffic network compared to the second planning proposal lodged on 25 September 2020.

The rezoning review states that the final planning proposal includes revised loading arrangements to remove the turntable and implement an alternative solution to allow heavy vehicle to leave the site in a forward direction.

The rezoning review documentation states that an end of trip facility servicing the wider Chatswood CBD is not supported as suggested by Council and presents access, security and maintenance concerns for future owners and users of the building.

The carparking rates are summarised in **Table 5**.

Table 5: Carparking rates

Carparking Rates						
Land Use		Dwellings / Net Lettable Area (NLA)	Council's DCP Parking Requirements	TfNSW Guide	Council's Preferred Rates	Proposed Rates
Residential	1 bedroom	125	125	50	63	63
	2 bedroom	157	157	110	157	157
	3 bedroom	31	39	37	31	39
	Visitor		78	45	31	0
Subtotal			399	242	282	259
Office		17,619	88	DCP	44	53
Retail		745	4	DCP	-	2
Total			491	334	326	314 + 5 car share

Land Contamination

The rezoning review documentation contains a preliminary site investigation (PSI) prepared by Douglas Partners. The PSI concluded that there was a low to moderate risk of contaminated soil and groundwater due to underground storage tanks on the Victor Street site (former Post Office) and south of the Victoria Avenue site in Post Office Lane.

The PSI stated that a validation report would be required for the removal of any tanks. The report stated that the site was typical in the location and could be made suitable for the proposed mixed-use development. Further investigations can be undertaken at the DA stage.

Site Isolation

Council requested that the proponent attempt to consolidate neighbouring properties into the subject planning proposal with reference to 418-430 Victoria Avenue and 39 Victor Street.

The rezoning review documentation states that initially the site at 410-416 Victoria Avenue was negotiated to be included. Early attempts to amalgamate other neighbouring properties did not eventuate.

Significant issues arise in expanding the development footprint further including:

- Amalgamation of properties to the west is unlikely due to fragmented ownership and titling structure.
- Expansion further west would impact Apartment Design Guide (ADG) separation and guidelines.
- Solar access to the Sebel to the south would be impacted.

The rezoning review documentation states that the breakthrough points have been considered in the proposal should neighbouring properties be developed in the future. This will need further resolution in respect to access, legalities, security and insurance implications (**Figure 37**). The breakthrough points are included as part of the updated site-specific DCP.



Figure 37: Possible break through provisions (source: Mirvac Design)

Setbacks and Frontage Heights

The rezoning review states that the planning proposal is complies with key elements 28 and 29 of the Chatswood CBD Strategy in respect to setbacks and frontage heights wherever possible. Departures are proposed based on viability and the site's relationship to the surrounding context.

The rezoning review states that the 6m setback to Victoria Avenue above the street wall meets Council's requirements. A 3m setback above the street wall is proposed instead of 6m to allow a minimum viable commercial and residential floorplate.

The rezoning review states that the establishment of a consistent 6m tower setback along Victor Street is not justified. The 3m setback aligns with the existing Sebel Tower and further redevelopment along Victor Street is unlikely.

The rezoning review notes that the proposal for the Mandarin Centre contains setbacks that are inconsistent with the Chatswood CBD Strategy. The proposed concept for the subject site provides more generous setbacks (**Figures 38-41**).

The rezoning review states that part of key element 29 of the Chatswood CBD Strategy requires that building separation is to be in accordance with the ADG and a minimum of 6m from all boundaries for commercial uses above street wall height.

The rezoning review states that a 7m height limit to Victoria Avenue:

- Would result in floor to floor heights of 3.5m which does not permit a useable retail space resulting in a split level unviable stepped commercial floorplate (**Figure 42**).
- Would result in a submerged lower level in order to achieving the target 1200m² (**Figure 43**).
- Results in a difference of 1.3m with the fall of the Victoria Avenue frontage. As a result, the proposed street wall varies in height providing a slightly higher street wall of approximately 8.7m in the west to approximately 10m on the corner of Victoria Avenue and Victor Street in the east.
- Is not consistent with the Westfield site on the opposite corner of Victor Street which has a street wall height in excess of 7m as well as the existing building on the subject site and some existing parapets to the west of the site (**Figure 44**).

The rezoning review documentation states that a preliminary aeronautical assessment was undertaken after the receipt of Council's comments. The assessment stated that the site was within Sydney Airport's Prescribed Airspace and under PANS-OPS and radar terrain clearance chart (RTCC) surfaces and outside Sydney Airport's Obstacle Limitation Surfaces (OLS).

The proposed maximum height of RL 262m is well below the limiting height of RL 305m for RTCC and RL 335m for PAN-OPS and as such there is no need to gain prior height approval under the Airports Regulations.

The rezoning review states that the proposed height of RL 262m also complies with Council's solar access requirements (**Figures 30-36**).

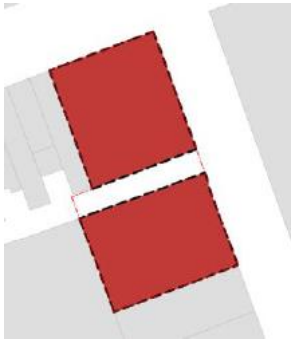


Figure 38: Ground and level 1 - Retail and commercial – zero setbacks to all boundaries

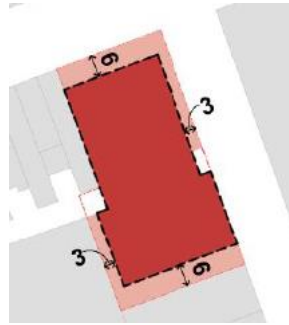


Figure 39: Levels 2-5 – commercial – southern and western setbacks at podium level south of Post Office Lane provide natural light to commercial floorplate

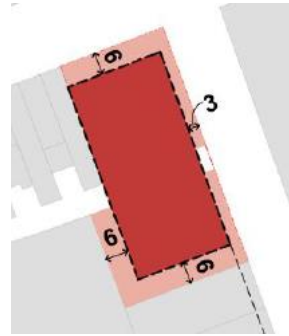


Figure 40: Levels 6-13 – commercial – 3m setback to Victor Street with approximate alignment with the Sebel Tower, 31-37 Victor Street to the south

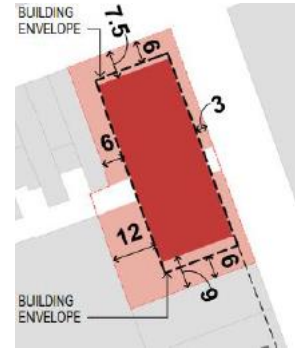


Figure 41: Levels 14-42 (Levels 43-46 step back) – residential – building envelope (dotted) allows flexibility for residential footprint. Setbacks of 7.5 to the north of and 9m to the south resulting in a maximum floorplate of 870m².

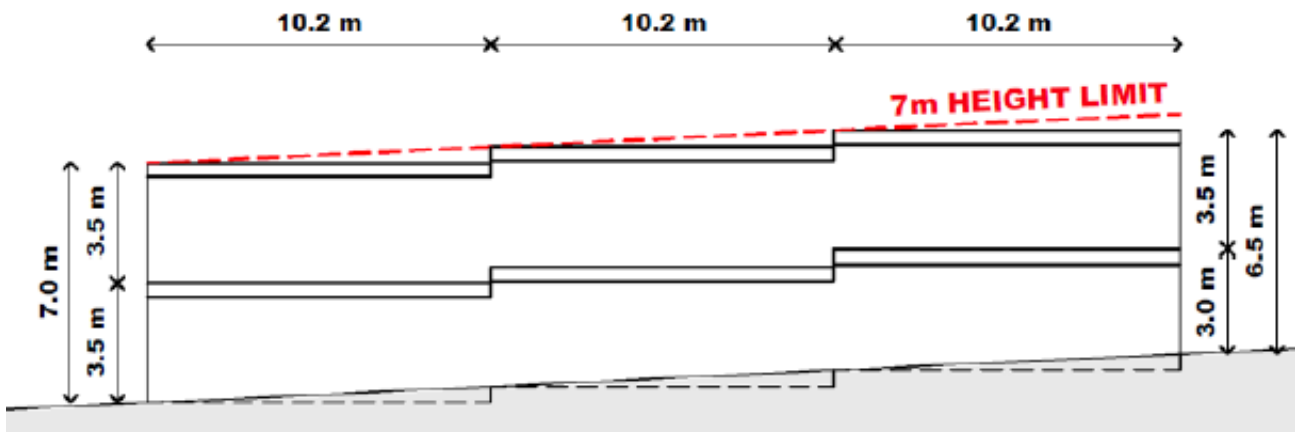


Figure 42: Split level floor plate would result in an unviable commercial floorplate (source: Mirvac Design)

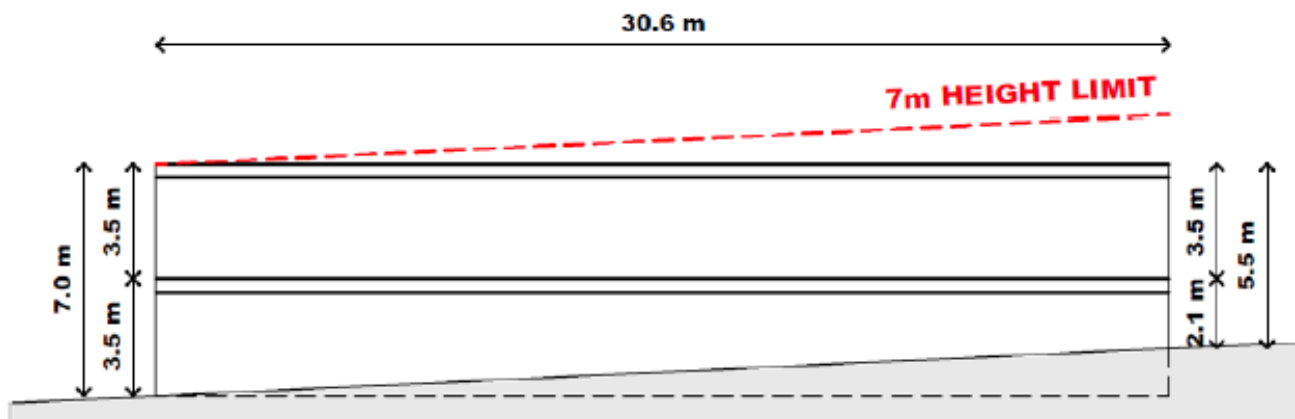


Figure 43: Target floorplate of 1200m² with lower level submerged (source: Mirvac Design)



Figure 44: Existing frontages to Victoria Avenue (Victoria Mall) (source: Mirvac Design, overlay by DPIE)

Post Office Lane

The rezoning review documentation responded to Council's comments on the use of the airspace over Post Office Lane (**Figures 45 and 46**) stating that:

- An urban design analysis has been carried out setting design principles to support the reimagination of the space.
- Post Office Lane is currently well used but offers no pedestrian amenity, priority or safety with no activation or passive surveillance and is poorly maintained.
- The height of the laneway ranges from 8m to 9.5m and open at both ends and can accommodate vehicular access.
- A two-storey wall will be carried through the lane and Council's suggestion of increasing the height to 10m would result in the division in the commercial floorplate and hence the reduction of floorspace.
- Council will retain ownership of the laneway at ground level.
- The lane will have ongoing public access through appropriate title and public liability and security details are yet to be finalised.

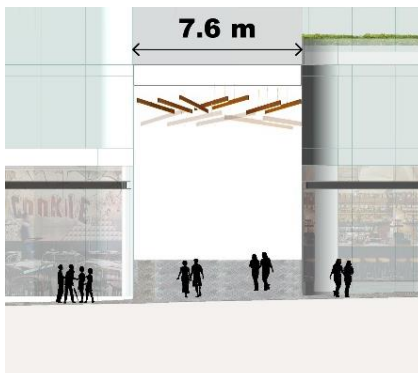


Figure 45: Victor Street elevation looking west (south to north) (source: Mirvac Design)

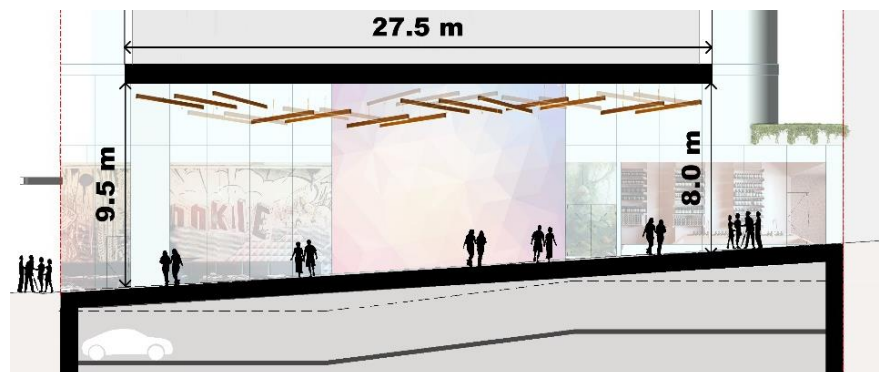


Figure 46: Section of Post Office Lane looking north (source: Mirvac Design)

Surrounding Land Uses

The site is within the Chatswood CBD close to public transport and services (**Figures 1, 6 and 47**). The rezoning review documentation states that the proposal generally complies with the recommended controls outlined in the draft Chatswood CBD Strategy.

The rezoning review states that the proposal is an appropriate response to the surrounding streetscape and development with the podium configuration completing the Victor Street and Victoria Avenue street wall.

The Mandarin Centre, 65 Albert Street, Chatswood approximately 60m to the south of the site was supported by the Sydney North Planning Panel to proceed to a Gateway determination. This development is proposed to support approximately 1,664 jobs.

The rezoning review states that the increased density sought by the proposal supports Council’s vision to rejuvenate the CBD into a distinctive, resilient, vibrant centre and increase employment uses with a high level of amenity.



Figure 47: Local context (source: Mirvac Design)

Services and Infrastructure

The rezoning review documentation states:

- The site has excellent access to:
 - A range of existing transport options at the Chatswood Interchange.
 - Public open space such as Chatswood Park, Chatswood Oval, Chatswood Library and the Dougherty Community Centre.
 - Retail services within the Chatswood CBD including Westfield and Chatswood Chase.
- The proposal will deliver public benefits including local infrastructure contributions towards the enhancement of open space in the LGA and the regeneration of Post Office Lane.
- The proposal will provide social infrastructure including contributions to affordable housing.

Employment and Economic Impact

The rezoning review documentation states that the proposal will:

- Deliver 1,578 jobs on completion.
- Add \$200m in value to the Willoughby LGA over the construction period.
- Add \$110m in labour income over the construction period.

- Enable 2,880 additional jobs in the Willoughby LGA when considering the flow on effects of the proposal.
- Create over \$117m of net additional value over the life of the project.

The rezoning review documentation includes an Addendum – Chatswood Office Market Analysis from Jones Lassalle (JLL) as Appendix D and Market Consultancy Report – Updated Advice from CRBE as Appendix E in the planning proposal in response to Council’s letter of 28 October 2020. The addendum states that Mirvac’s mixed use scheme will provide significantly more employment space and the updated advice states that non-residential uses of scale are not viable in Chatswood.

The rezoning review documentation also states comparing the proposal for this site to the recent panel decision on the Mandarin Centre was not appropriate as:

- The Mandarin Centre proposal was considered by the panel based on an existing shopping centre looking to provide other uses.
- The subject site’s non-residential FSR of 8:1 is higher, equating to nearly 18,000m² of new employment floor space while the Mandarin Centre provides a non-residential FSR of 7.68:1, equating to approximately 11,085m².
- The subject concept development proposes a greater proportion of new commercial floorspace while the Mandarin Centre is mostly replacing existing retail.
- The subject site is a smaller vertical mixed-use building opposed to a large box like retail centre with residential towers above.
- It will provide more than a tenfold increase in employment than the existing.

The rezoning review documentation provides a comparison of the two sites in Appendix G in the final planning proposal (**Attachment G4**).

The rezoning review states that the proposed concept will result in substantial public benefits. These include the renewal of a disused building, retention of 24-hour access and upgrade of Post Office Lane with enhanced streetscape including safety, pedestrian amenity, street activation and increased connectivity.

The rezoning review documentation states that the proposal:

- Has the potential to provide over 1,500 jobs on completion representing approximately 25% of the employment target for Chatswood to 2036.
- Meets the objectives of the North District Plan with the provision of assured jobs growth.
- Will be the third largest commercial office development in Chatswood overall and one of the first significant commercial office space developed since 1995.
- Will be the largest commercial office development on the eastern side of the Chatswood station.
- In terms of value the proposal will add:
 - \$200m during the construction period to the Willoughby LGA;
 - \$110m in labour income over the construction period;
 - 1,850 job-years during construction;
 - \$330m per annum from additional economic activity;
 - \$210m per annum in labour income from incremental activity;
 - 2,880 additional jobs from flow on effects;
 - \$117 of net additional public value over the life of the project.

3. COUNCIL VIEWS

The Department emailed Council on 1 April 2021 advising of the pending rezoning review request. Council responded on 16 April 2021 (**Attachment E3**).

The matter was reported to Council on 12 April 2021. Council noted that the planning proposal seeks to amend the Willoughby LEP 2012 as it applies to the site by:

- Allowing shop top housing as an additional permitted use;
- Increasing the maximum building height to RL 262m;
- Removing the 7m height limit fronting Victoria Avenue;
- Applying a maximum FSR of 20:1 including a site-specific control requiring a minimum FSR of 8:1 for non-residential uses.

Council noted that the planning proposal seeks to include the adjacent section of Post Office Lane as part of the development.

At the meeting Council resolved to not forward the planning proposal to the Department as:

- The proponent has proposed a mixed use development consisting of 60% residential and 40% commercial land use inconsistent with the current planning controls on the site which prohibit residential land uses except for part fronting Victoria Avenue which allows shop top housing with consent if the ground and first levels are for retail or commercial uses.
- It is inconsistent with the Willoughby LEP 2012 and the Chatswood CBD Planning and Urban Design Strategy 2036 because:
 - The site is zoned B3 Commercial Core and prohibits residential land uses.
 - The site has a maximum height of 7m to Victoria Avenue to a minimum setback of 6m with a maximum height of RL246.8m.
 - Of the approach to design excellence, setbacks and street wall heights.
- It is inconsistent with the objectives of the Greater Sydney Region Plan and North District Plan which aims to protect the Chatswood CBD commercial core for employment purposes.
- It is inconsistent with Council's Local Strategic Planning Statement.
- Council does not support the inclusion of part of Post Office Lane as part of the site.

Council noted that the proponent's original assessment of the planning proposal in December 2020 was based against the 35 key elements of an earlier version of the Chatswood CBD Strategy. Council provided an assessment of the planning proposal against the endorsed version of the Chatswood CBD Strategy (**Attachment E5**). Council's assessment concludes the proposal is inconsistent with several key elements of the Chatswood CBD Strategy, including land use, building height, street wall height, setbacks and design excellence that prevent Council from supporting the proposed planning control changes.

Council's advice is consistent with the advice provided by the Willoughby Local Planning Panel on 30 March 2021 (**Attachment F**).

ATTACHMENTS

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current LEP maps

Attachment D – Proposed LEP maps

Attachment E – Council Comments

- **E1** – Council comments – 16 April 2021
- **E2** – Council letter to proponent – 22 May 2020
- **E3** – Council resolution – 12 April 2021
- **E4** – Council letter to proponent – 2 October 2019
- **E5** – Council assessment of planning proposal against Key Elements

Attachment F – Local Planning Panel record of advice – 20 March 2021

Attachment G – Rezoning review request

- **G1** – Application form
- **G2** – Cover letter
- **G3** – Rezoning review request
- **G4** – Final planning proposal – 3 Dec 2020
- **G5** – Revised planning proposal – 2 Sep 2020
- **G6** – Original proposal – 1 Dec 2016
- **G7** – Council letter to proponent – 28 October 2020
- **G8** – Council letter to proponent – 11 Feb 2021
- **G9** – Proponent's assessment of Chatswood CBD Strategy Key Elements

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