

3 March 2021

Mr Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

Dear Mr Betts,

**RE: Request for Rezoning Review, 45 Victor Street and 410-416 Victoria Avenue, Chatswood**

We write to seek a Rezoning Review in relation to a Planning Proposal (PP-2016/7/A) lodged with Willoughby City Council (Council) for a key site within the Chatswood CBD. The site is located on the eastern side of the railway line at 45 Victor Street and 410-416 Victoria Avenue, Chatswood, approximately 50m from the entrance to the Chatswood Transport Interchange.

A Planning Proposal #1 was lodged in December 2016 that incorporated engagement with Council during the preparation of their draft Chatswood CBD Strategy (the Strategy). A draft Strategy was subsequently released by Council in February 2017.

On 9 August 2019, DPIE endorsed the draft Strategy as it relates to the CBD Core area, noting that mixed use developments can be permitted on the eastern side of the railway line where it results in significant, assured and demonstrable jobs growth to meet the objectives of the North District Plan. As mentioned above, the subject site is located on the eastern side of the railway line.

Notwithstanding the December 2016 Planning Proposal being consistent with the DPIE's endorsement of the draft Strategy, following further engagement with Council and serious consideration of Council feedback, a revised Planning Proposal #2, which increased the quantum of proposed employment floor space by 60% (from 5:1 FSR to 8:1 FSR), was lodged in September 2020.

Council wrote to Mirvac on 28 October 2020 advising that the revised proposal #2 was unlikely to be supported. Primarily due to land use mix, despite this item being consistent with the DPIE's direction that mixed use development can be permitted on the eastern side of the railway line where it results in significant, assured and demonstrable jobs growth to meet the objectives of the North District Plan.

Mirvac took Council's October 2020 letter seriously and sought to make further changes where possible. This resulted in a final Planning Proposal #3 being lodged in December 2020.

Planning Proposal #3 represents a significant evolution of the prior Planning Proposals and conclusively demonstrates consistency with the objectives and principles of the Strategy as endorsed by DPIE. It also aims to deliver a feasible outcome which will deliver a material quantum of new jobs.

In response to the final Planning Proposal #3, Council issued a letter on 11 February 2021 advising that it was not in a position to support the application. It is noted Council maintained its position in relation to the final Planning Proposal despite that:

- The proposal comprises a true mixed-use development with the highest non-residential FSR that Mirvac is aware of for a mixed-use building, being 8:1, reflecting a mix of 40% non-residential uses.

- The mix of proposed uses is based on delivering a feasible overall development outcome, whilst maximising the otherwise unviable non-residential component at the request of Council. This will ensure that the development is able to commence immediately following approvals.
- The proposal has the potential to provide for over 1,500 jobs (on completion) based on the quantum of non-residential floor space proposed to be delivered, representing approximately 25% of the 2036 employment target for Chatswood under the North District Plan. It is difficult to see how this is not consistent with the vision for Chatswood when the proposal would singlehandedly deliver a quarter of the employment growth envisaged for the centre.
- The proposal provides a significant, assured, and demonstrable jobs growth proposition which will make a material contribution to the growth of employment within the Chatswood CBD.
- The proposal is consistent with the objectives and principles of the Strategy as endorsed by the DPIE, and any departures are sought to enable a viable overall project and viable non-residential floor plate, enabling the delivery of a major commercial development within a mixed use building.
- The viability of the commercial component is significantly challenged, as confirmed by advice from JLL and CBRE. If the proposal is unable to proceed in its current form, it is likely that the opportunity will be lost, with the subject sites remaining undeveloped in their current form for the long term, representing a poor outcome for both Local and State economies.

The proposal demonstrates significant strategic and site-specific merit and, is estimated by EY to make the following contributions to the Local and State economies:

- \$200m in value add to the Willoughby LGA over the construction period.
- \$110m in labour income over the construction period.
- 1,850 job-years generated during the construction period in the Willoughby LGA.
- \$330m each year in value add from additional economic activity enabled at the site within the Willoughby LGA.
- \$210m each year in labour income from incremental activity.
- 2,880 additional jobs being enabled in the Willoughby LGA when considering the flow on effects of the proposal.
- \$117m of net additional public value created over the life of the project.

The following public benefits are proposed as part of the proposal:

- Supply of more employment generating floorspace than that achieved within the last 25 years in Chatswood.
- The largest commercial building on the eastern side of the railway line in Chatswood.
- The third-largest commercial building in Chatswood overall.
- A significant opportunity for housing in close proximity to excellent public transport and amenity.
- Upgrade of Post Office Lane to deliver improved pedestrian amenity and connectivity to Chatswood Transport Interchange.
- Enhanced activation and built form interface to the surrounding streets.
- Public art, green walls and rooftop landscaping including accessible open space at the podium level.
- Affordable housing at a rate of 4% of the total residential floor space.
- Regeneration of two poor quality sites and a low amenity service laneway, which without this proposal proceeding, are likely to remain as is indefinitely.
- Local infrastructure contributions towards infrastructure upgrades.
- Design excellence processes.
- A new benchmark for the Chatswood CBD.

Since the lodgement of the original Planning Proposal in December 2016, Mirvac has genuinely and collaboratively worked with Council to modify the proposal on numerous occasions to seek to address matters raised through the assessment and consultation process. Despite this and the proposal being consistent with the objectives and principles of the Strategy as endorsed by the DPIE, Councils position to not support the proposal results in us respectfully submitting a Rezoning Review.


Mirvac commissioned FPD planning consultants to prepare a Rezoning Review report in accordance with DPIEs *A Guide to Preparing Local Environmental Plans*. A copy of this report including relevant attachments are provided as part of this submission.

We note that the proposal is suitable to be fast-tracked under the DPIE acceleration program and meets the relevant acceleration criteria as follows:

- **Jobs and economy:** The proposal will create in the order of 550 direct jobs and 85 indirect during construction. The proposal has potential to provide for over 1,500 jobs (on completion) based on the commercial and retail floor space, which will deliver up to 25% of the 2036 employment target for the Chatswood Strategic Centre.
- **Timing:** Mirvac is prepared to lodge a Development Application as soon as possible following rezoning and, commence the project immediately thereafter.
- **Public benefit:** Please refer to those listed on the previous page. With respect to a Planning Agreement, Mirvac are committed to securing the following public benefits via a Planning Agreement:
  - Public domain enhancements through the delivery of upgrades to Post Office Lane.
  - Minimum 8:1 non-residential FSR.
  - 4% affordable housing.

Thank you for your time receiving this letter. Should you require any further details in relation to this strategically significant proposal, please contact the undersigned at [adrian.checchin@mirvac.com](mailto:adrian.checchin@mirvac.com) or on 0412 877 052.

Yours sincerely,



**Adrian Checchin**  
**Development Director**