

REZONING REVIEW – Briefing Report

Date of referral	2 June 2021	
Department ref. no	RR-2021-81	
LGA	Willoughby	
LEP to be amended	Willoughby LEP 2012	
Address	282-284 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 APlus Design Group for a planning proposal for the site at 282-284 Victoria Avenue, Chatswood (**Attachment G** and **Table 1**). The proposal seeks to amend the Willoughby Local Environmental Plan (LEP) 2012 to:

- rezone the site from B3 Commercial Core to B4 Mixed Use;
- increase the maximum height of buildings from 14m to 90m; and
- increase the maximum FSR from 2.5:1 to 6:1.

The planning proposal is supported by a concept plan to facilitate the development of a mixed-use tower development that will include commercial and retail uses with a non-residential FSR of 3:1, a residential FSR of 3:1, providing 87 residential apartments and the provision of car parking. A summary of the proposal is provided in **Table 1**.

Table 1: Summary of the proposal

Item		Proposed
Site area		2,127.1m ²
Height		90m
FSR	Residential	3:1 (approximately 87 apartments)
	Non-residential	3:1
Total		6:1
GFA	Residential	6,381.3m ²
	Non-residential	6,381.3m ²
	Total	12,762.6m ²

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

1.1 Background

On 6 March 2020, APlus Design Group submitted a planning proposal to Council on behalf of the landowner for the site at 282-284 Victoria Road, Chatswood.

On 15 December 2020, the applicant submitted an amended planning proposal seeking to;

- rezone the site from B3 Commercial Core to B4 Mixed use;
- increase the height to 90m; and
- increase the FSR to 6:1 with a non-residential FSR of 3:1 and a residential FSR of 3:1.

On 8 February 2021, Council resolved to not forward the planning proposal to the Department (**Attachment E2**).

On 22 February 2021, Council wrote to the applicant advising that the planning proposal (**Attachment E7**) will not be forwarded to the Department seeking a Gateway determination as the proposal:

- *is a departure from the current planning controls on the site which prohibit residential land use apart from limited shop top housing with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises;*
- *is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy 2036 which identifies this site as B3 Commercial Core and prohibits residential land use;*
- *is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages protection of the Chatswood CBD commercial core for employment purposes; and*
- *is inconsistent with the Council endorsed Chatswood CBD Planning and Urban Design Strategy 2036 which identifies this site as having a maximum height of 7m on the Victoria Avenue frontage, for a minimum setback of 6m, with a possible maximum height of 90m.*

The rezoning review application was lodged with the Department on 19 March 2021, satisfying the 42-day submission requirement for rezoning reviews following Council's decision to not support the planning proposal.

On 2 June 2021, the applicant formally lodged the rezoning review through the NSW Planning Portal after the applicant experienced initial problems with the portal lodgement.

1.2 Locality and context

The site is within the B3 Commercial Core in the Chatswood CBD and covered by the Chatswood Planning and Urban Design Strategy 2036 (Chatswood CBD Strategy 2036) (**Attachment H1**). The transport 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 530m of the eastern entrance to the Chatswood 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. It also contains access to the north-west Metro with connections to Macquarie Park, Castle Hill and a future planned extension.

To the north of the site, across Victoria Avenue is Chatswood Chase Shopping Centre, to the east of the site, across Neridah Street is a two-storey commercial/retail area with a number of medical related facilities beyond.

To the south in Neridah Street directly adjoining the site is a 5-6 storey residential flat building with commercial/retail on the lower levels with the South Chatswood Conservation Area beyond across Albert Avenue. To the west of the site is a 2-storey commercial/retail development on the corner of Victoria Avenue and Bertram Street.

A locality map is provided at **Attachment A** and **Figure 1**.

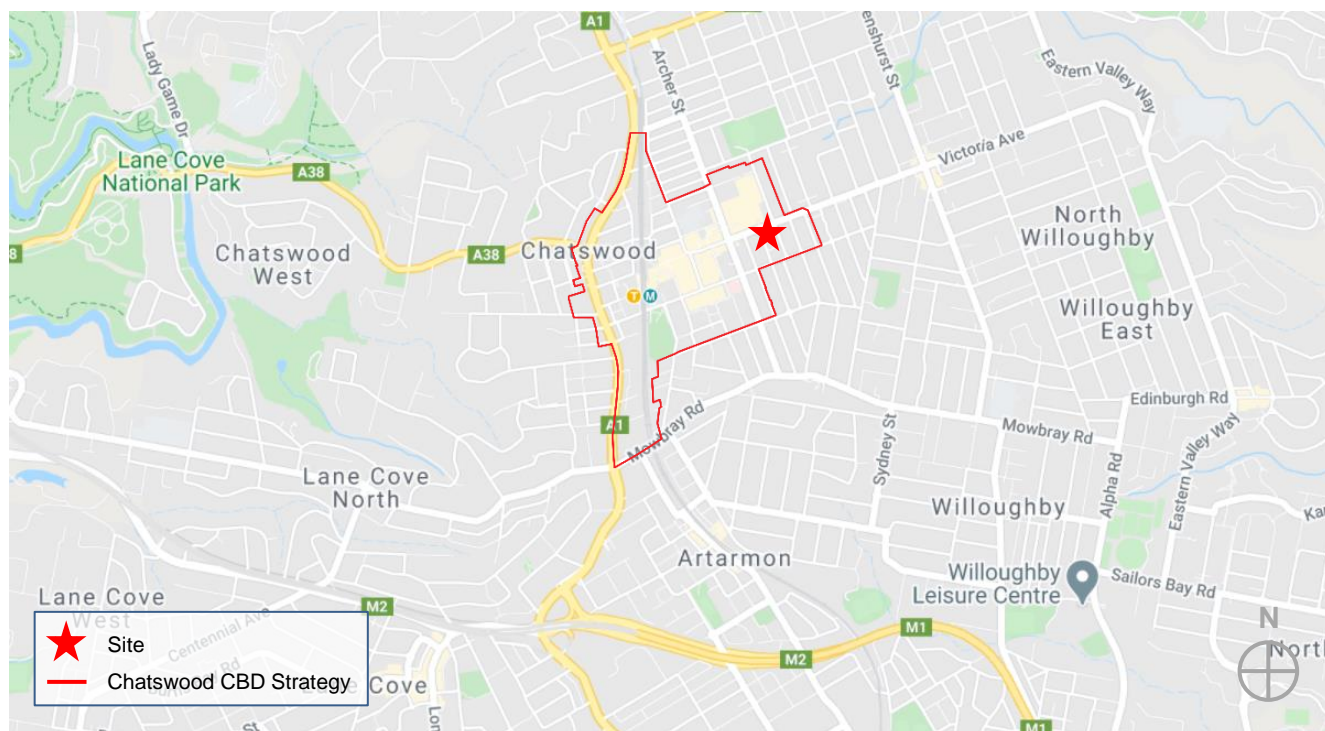


Figure 1: Locality (source: Nearmap, overlay by DPIE)



Figure 2: Subject site (source: Sixmaps, overlay by DPIE)



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

1.3 Site description

The site is within the Chatswood CBD, located on the corner of Victoria Avenue and Neridah Street, Chatswood and comprises two parcels of land with a total area of approximately 2,127m² (**Figure 3**):

- 282 Victoria Avenue is legally described as Lot 1 DP 560914; and
- 284 Victoria Avenue is legally described as Lot 2 DP 549245.

The rezoning review states that the area for development is currently occupied by buildings used for commercial purposes.

Council's detailed assessment (**Attachment E4**) states that the combined net lettable area across the two sites is approximately 5,572m² with 116 car parking spaces and various entry points.

The lot at 282 Victoria Avenue has a primary frontage to Victoria Avenue with the secondary frontage to Neridah Street and is currently occupied by a 6 to 8 storey commercial building.

The lot at 284 Victoria Avenue has a primary frontage to Victoria Avenue and this lot contains a three-storey commercial building.

The site contains no heritage items, is not within a heritage conservation area (HCA) and contains no significant trees.

A site map is included at **Attachment B** and **Figures 2** and **3**.

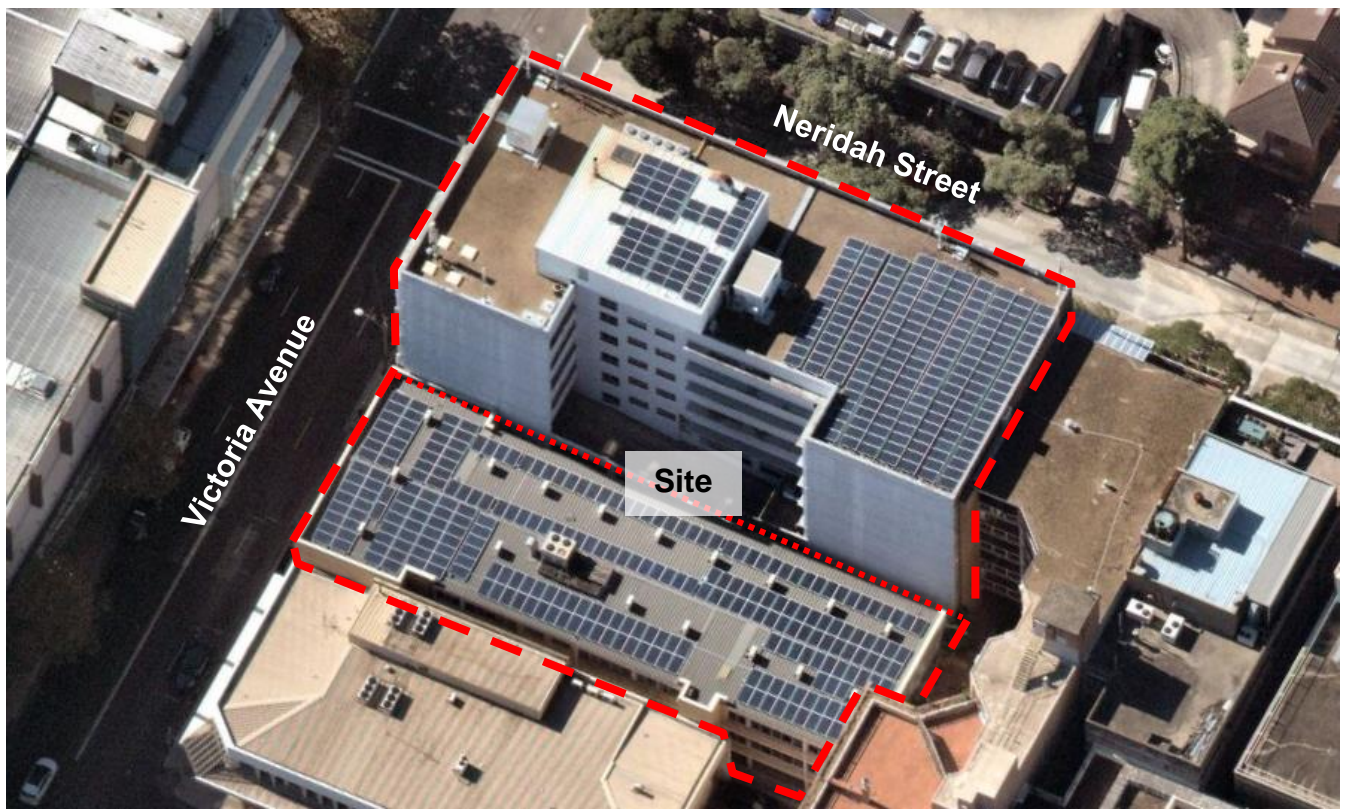


Figure 4: Aerial of subject site (source: Nearmap, overlay by DPIE)



Figure 5: Subject site from the corner of Victoria Street and Neridah Street looking south-west (source: APlus Design Group, overlay by DPIE)

1.4 Current planning provisions

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

- B3 Commercial Core zone (**Figure 6**);
- maximum HOB 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 7**);
- maximum FSR of 2.5:1 and Clause 4.4A Exceptions to floor space ratio being 'Area 9' (**Figure 8**);
- minimum Lot Size 2,500m² and Clause 4.1B Minimum subdivision lot size for shop top housing being 'Area 1' (**Figure 9**);
- Active Street Frontages to Victoria Street and Neridah Street (**Figure 10**); and
- Special Provisions to referring to Clause 4.1B and Schedule 1 Clause 31 Use of certain land at Victoria Avenue, Chatswood being 'Area 5' (**Figure 11**) which allows an additional permitted use for shop top housing.

Schedule 1, Clause 31 means that development for the purposes 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 or business premises. Under the current controls, this clause provides for two levels of commercial/retail on the ground and first levels with residential above to a height of 14m on the site.

The current LEP clauses, zoning, maximum building height, maximum FSR, lot size map, active street frontages map, special provisions map and planning provisions are provided in **Attachment C** and **Figures 6-11**.

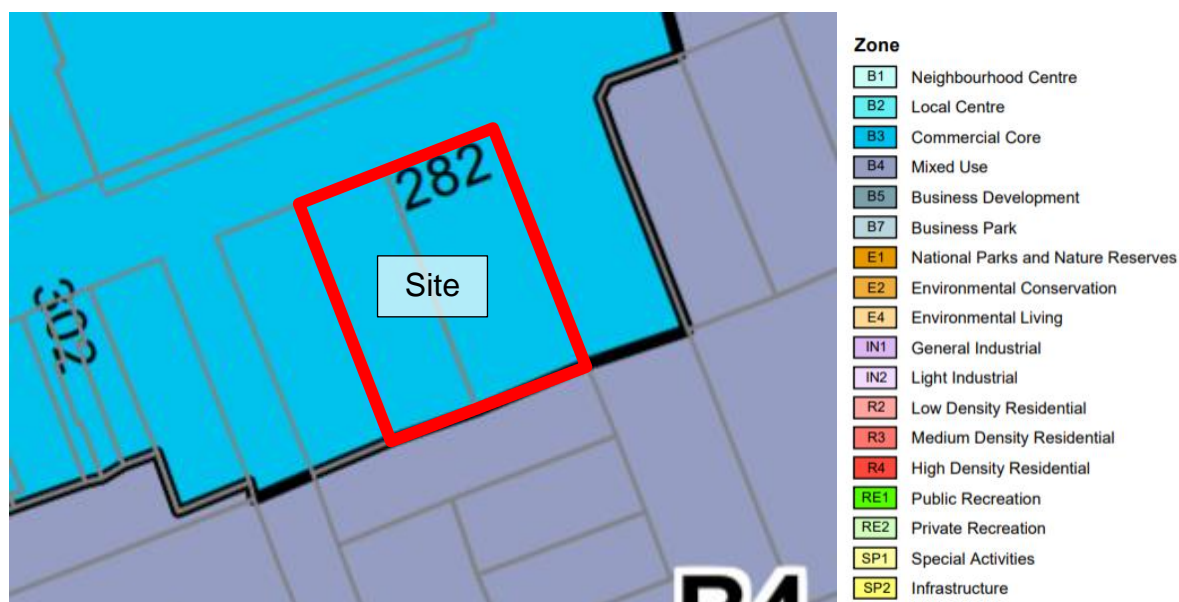


Figure 6: Land zoning map LZN_004 (current zone - B3 Commercial Core) (source: NSW Planning Portal, overlay by DPIE)

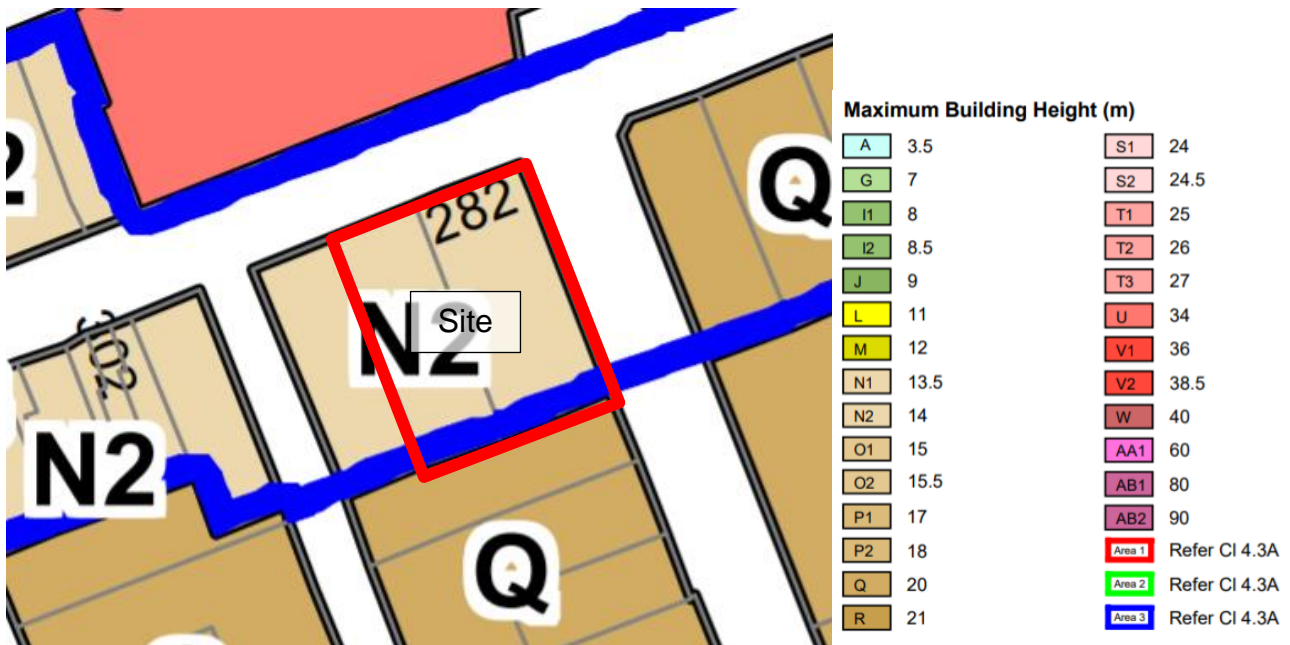


Figure 7: Maximum height of building map HOB_004 (current maximum HOB 14m) (source: NSW Planning Portal, overlay by DPIE)

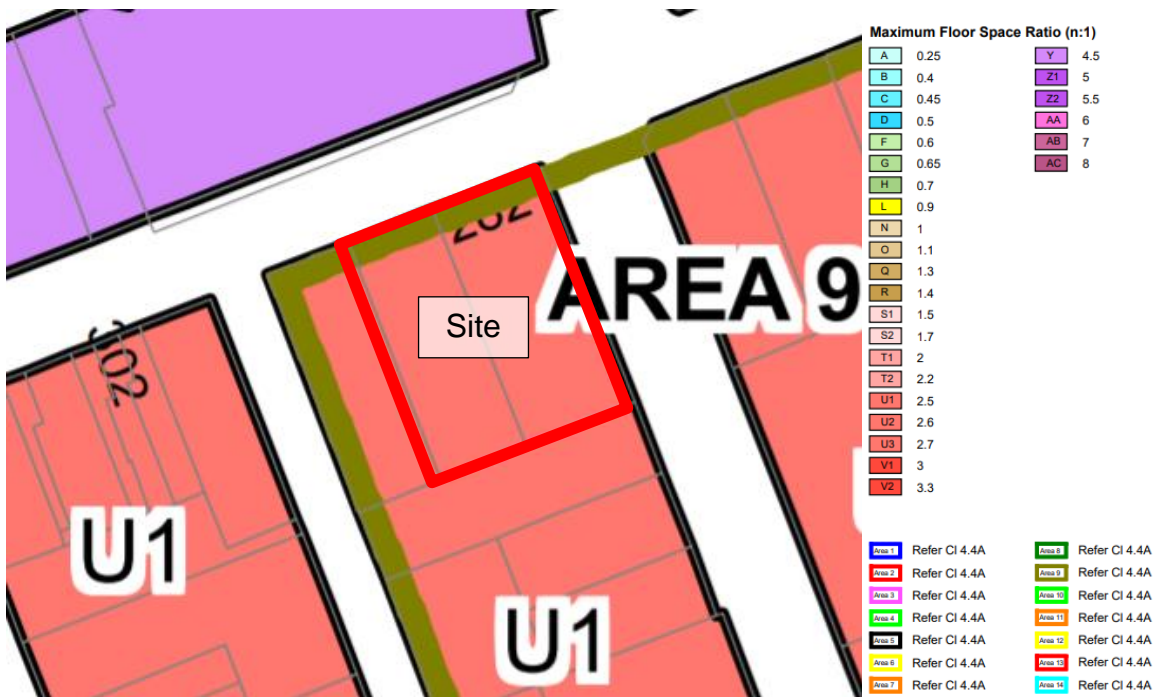


Figure 8: Maximum floor space ratio map FSR_004 (current maximum FSR 2.5:1) (source: NSW Planning Portal, overlay by DPIE)

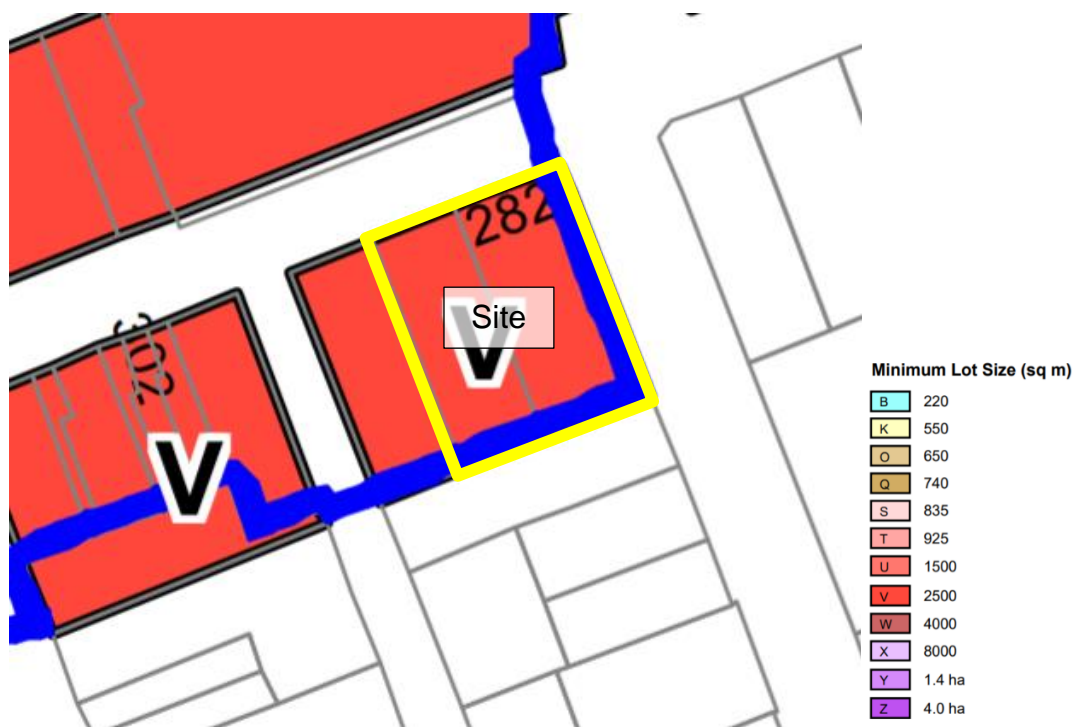


Figure 9: Minimum Lot size map LSZ_004 (current lot size – 2,500m²) (source: NSW Planning Portal, overlay by DPIE)

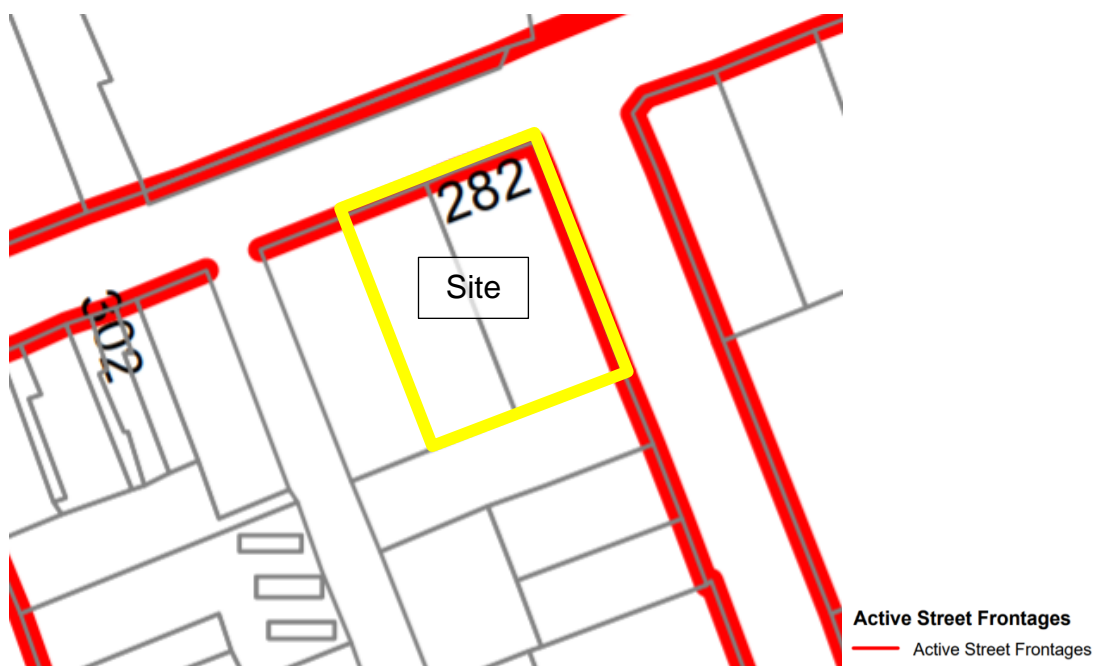


Figure 10: Active Street Frontages Map ASF_004 (currently applied to Victoria Avenue and Neridah Street frontages) (source: NSW Planning Portal, overlay by DPIE)



Figure 11: Special Provisions Map SPA_004 ('Area 5' refers to Clause 4.1B Minimum subdivision lot size for shop top housing and Schedule 1 Clause 31 Use of certain land at Victoria Avenue, Chatswood being 'Area 5' which allows an additional permitted use for shop top housing) (source: NSW Planning Portal, 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:

- rezoning the site from B3 Commercial Core to B4 Mixed Use;
- increasing the maximum height of buildings from 14m to 90m; and
- increasing the maximum FSR from 2.5:1 to 6:1.

The proposed concept seeks to facilitate a 20 storey mixed use tower with seven podium levels including retail at ground level, three floors of non-residential, three floors of boarding rooms and non-residential, with approximately 13 residential storeys above containing approximately 87 residential apartments.

The concept included in the planning proposal provides for:

- a slender tower form;
- high quality improvements to the public domain;
- a pedestrian link over Victoria Avenue;
- a high quality residential environment with significant spaces between buildings with excellent access to amenities and close proximity to public transport; and,
- increased employment opportunities with the inclusion of new commercial, retail and hotel land uses.

Vehicular entry is proposed to be via Neridah Street with three basement levels. Heavy vehicle access for loading and unloading is provided at ground level via Neridah Street (**Figure 18**).

The proposed concept scheme is shown in **Figures 14-21**.

The proposed LEP maps are included in **Attachment D** and **Attachment G9**.

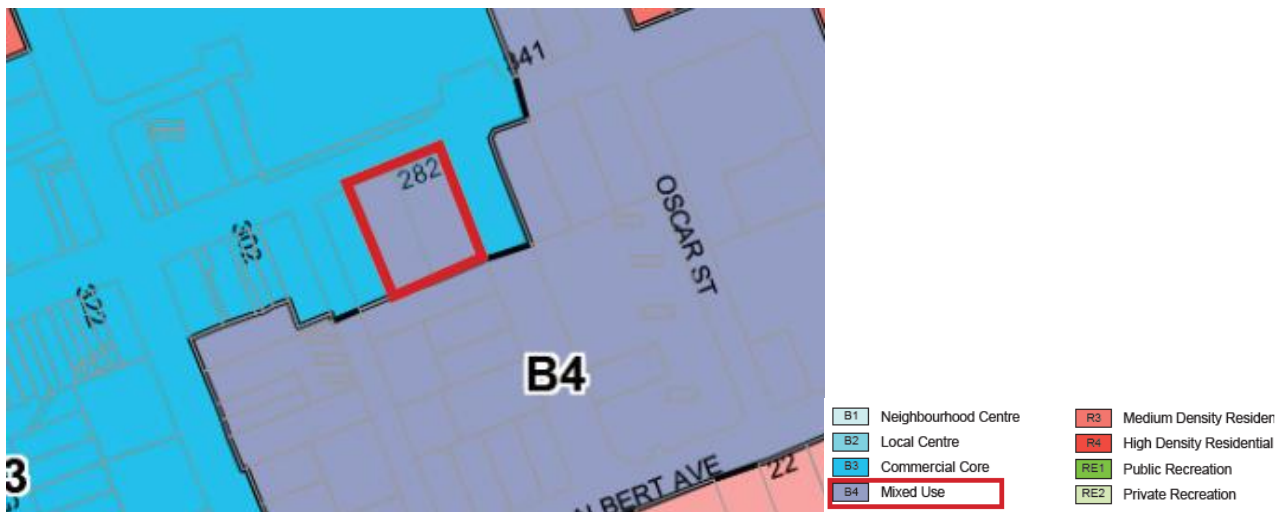


Figure 12: Proposed land zoning map (source: APlus Design Group)

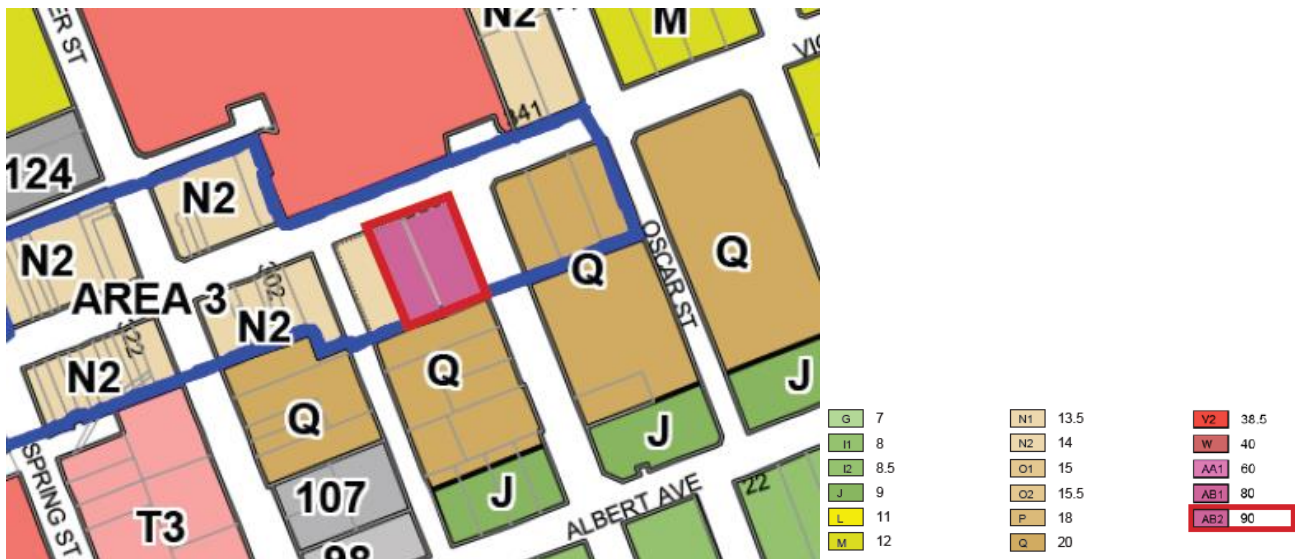


Figure 13: Proposed maximum HOB map (source: APlus Design Group)

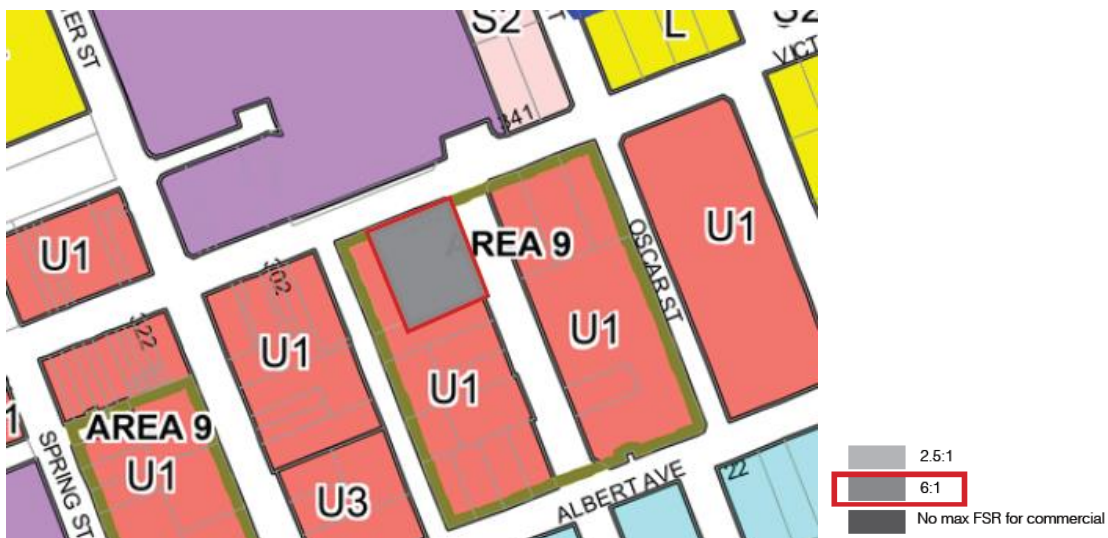


Figure 13: Proposed FSR map (source: APlus Design Group)



Figure 14: Proposed concept of the development from Victoria Avenue looking south-west (source: APlus Design Group)



Figure 15: Proposed concept of the development from Victoria Avenue looking east (source: APlus Design Group)

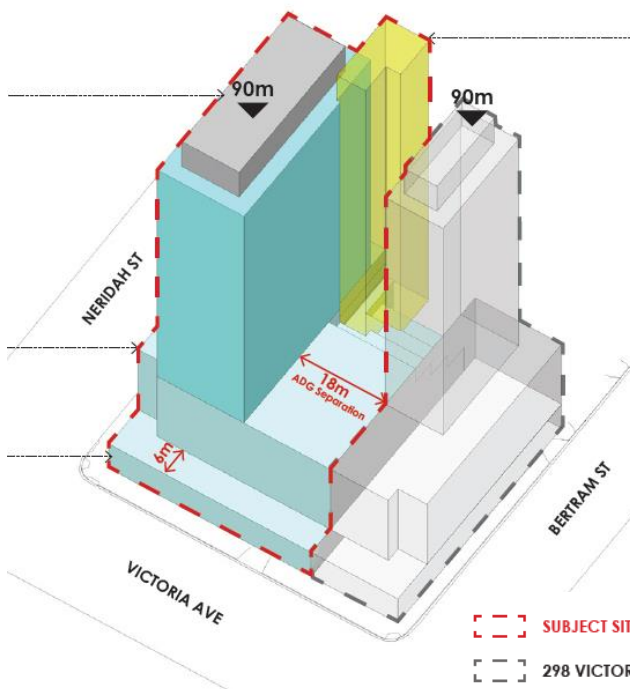


Figure 16: Proposed concept of the development showing heights and setbacks (source: APlus Design Group)

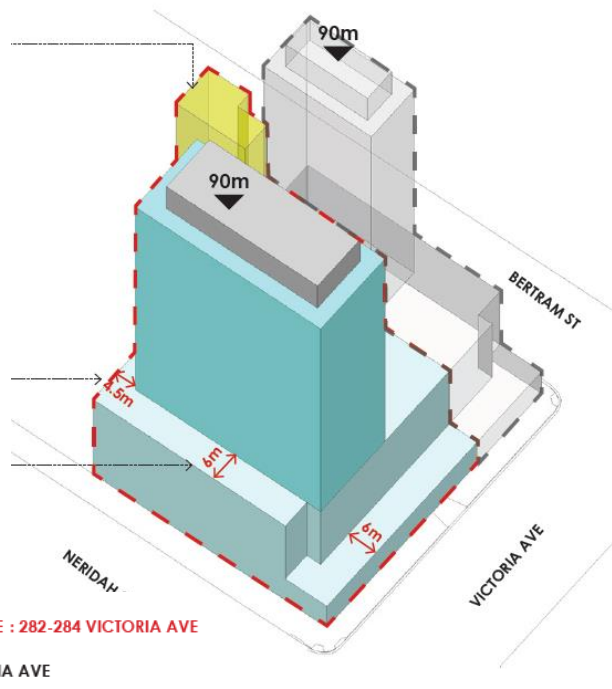


Figure 17: Proposed concept of the development showing heights and setbacks (source: APlus Design Group)



Figure 18: Proposed concept plan of the ground floor (source: APlus Design Group)

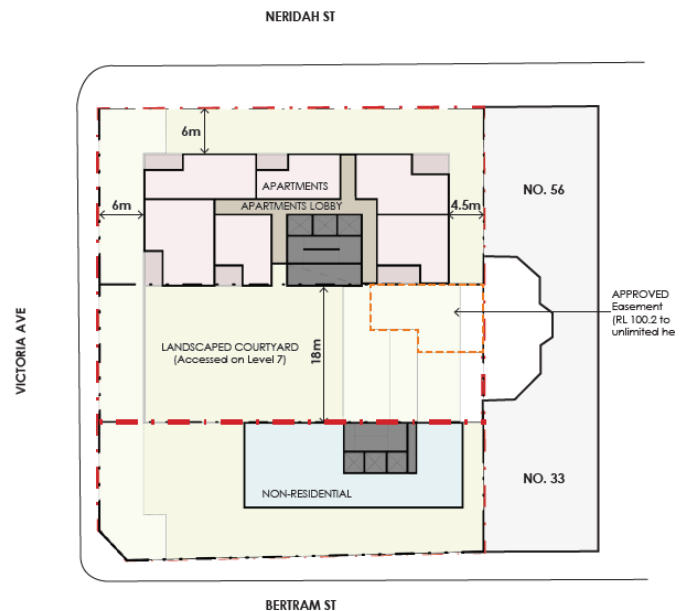


Figure 19: Proposed concept plan of level 7 – (podium level) (source: APlus Design Group)

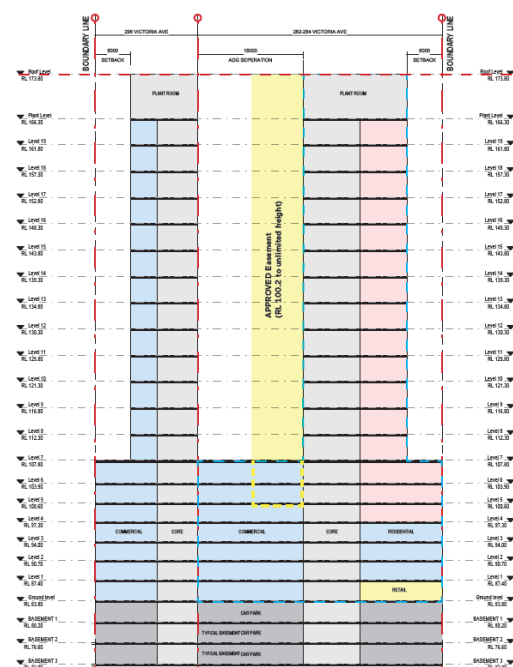


Figure 20: Proposed concept east-west section from Neridah Street to Bertram Street (source: APlus Design Group)

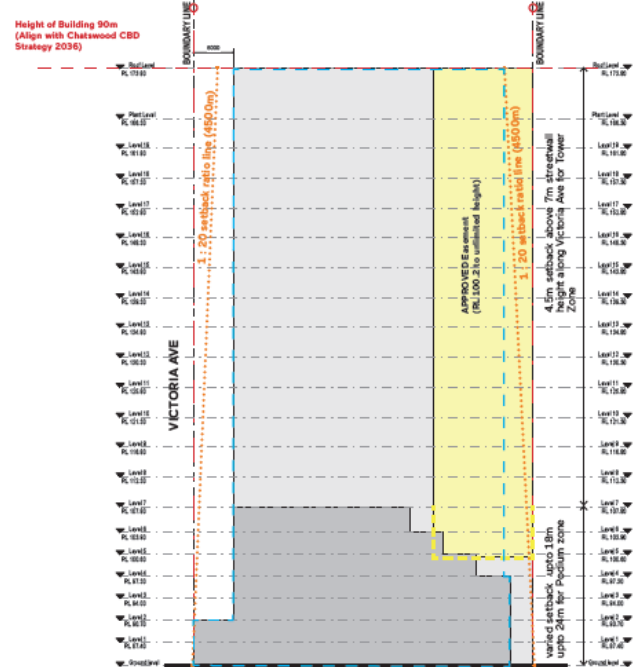


Figure 21: Proposed concept north-south section (source: APlus Design Group)

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.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning and Public Spaces or the Department of Planning, Industry

and Environment have announced that such a plan will be updated before being able to be relied on.

The rezoning review documentation has provided an assessment of the planning proposal against the following strategic documents:

Greater Sydney Region Plan

The rezoning review states that the Greater Sydney Region Plan outlines that:

- a foundation of the plan is that most people will live within 30 minutes of jobs. Education and health facilities, services and great places;
- it brings new thinking to land use and transport patterns to boost liveability, productivity and sustainability;
- rail projects are underway including the Sydney Metro North with linking Rouse Hill to Chatswood and the Sydney Metro City and Southwest connecting Chatswood via Sydenham-Bankstown to increase global competitiveness, boost business to business connections, attract skilled workers and increase commute times;
- Chatswood is within the Eastern Economic Corridor and a strategic centre enabling access to a wide range of jobs, services and goods with a high level of private sector investment;

The rezoning review states that the proposal will support the provision of commercial development supported by viable a residential component near transport, jobs, housing and social infrastructure.

The rezoning review states that the subject site will benefit from major infrastructure investment including the Metro, accessible by existing rail within 30 minutes of housing and services and within walking distance of centres, schools and health facilities.

North District Plan

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

The North District Plan indicates that the North district forms a large part of the Eastern Harbour City and designates Chatswood as a strategic centre.

The rezoning review states that the plan states that the Chatswood strategic centre comprises a mix of uses including office, residential and services. The centre has a focus on retail and maintaining and growing a quality commercial core will facilitate growth as a major employment hub.

The rezoning review states that Action 42 of the North District Plan is of relevance which states that Chatswood would be strengthened through the following approached:

- *protect and grow the commercial core;*
- *maximise the land use opportunities provided by the Sydney Metro;*
- *promote the role of the centre as a location for high quality commercial office buildings and a diverse retail offering;*
- *enhance the role of the centre as a destination for cultural and leisure activities;*
- *promote and encourage connectivity, and upgrade and increase public open space;*
- *investigate interchange operations on both sides of the railway line to increase capacity and efficiency of modal changes; and*
- *improve pedestrian connectivity between the eastern and western side of the rail line.*

The documents submitted with the rezoning review states the proposal would:

- protect the commercial centre with the introduction of a mixed-use zone permitting shop top housing and the provision of significant commercial space;
- provide significant job opportunities within walking distance to the future metro; and
- facilitate the provision of premium office and retail floorspace mixed with residential land use as hop top housing.

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

Chatswood CBD Planning and Urban Design Strategy

The Chatswood CBD Strategy (**Attachment H1**) represents Council's 20-year development and land use vision for the future of the Chatswood CBD. The strategy gives strategic merit to site specific planning proposals and to align Council's strategic planning work in regard to its Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and comprehensive LEP amendment with the actions and priorities of the North District Plan. The Chatswood CBD Strategy was fully endorsed by the Department on 9 July 2020 (**Attachment H3**).

The rezoning review states that the Chatswood CBD Strategy establishes a strong framework to guide future development to facilitate growth, achieve exceptional design and a distinctive resilient and vibrant CBD.

The rezoning review states that the Chatswood CBD Strategy aims to:

- reinvigorate the commercial core area to provide future employment and an economically viable CBD;
- provide balance between land uses such as commercial, retail, residential, educational and cultural;
- provide exceptional urban design with pedestrian linkages and enhanced public domain embracing local character and heritage; and
- simplified controls for the LEP and DCP.

For the subject site the Chatswood CBD Strategy recommends:

- a B3 Commercial Core zoning
- a maximum building height of 90m; and
- a maximum FSR of 6:1.

The documentation submitted with the rezoning review outlines the consistency of the planning proposal against the Chatswood CBD Strategy and is summarised in **Attachment G13**.

The planning proposal states that the assessment suggests the proposal is consistent with and/or able to comply with key elements of the Strategy except for land use. That is, the strategy does not support residential uses within the B3 Commercial Core zone. In this regard the proposal notes that the subject site is at the edge of the commercial core and that residential land use as proposed is in the form of shop top housing, ensuring that employment generating uses are not displaced.

The proposal also notes that the subject site is currently zoned Commercial Core, and seeks to expand the mixed use area to include the subject site. The proposal states that justification for this request arises from the Department's letter to Council dated 9 August 2019 (**Attachment H2**) which quotes "that mixed use 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..”. There is no further detail provided on the contribution of the site to the North District Plan employment targets, other than the indication of that the proposed concept plan to provide non-residential floor space ratio of 3:1 and GFA of 6,831.3m²

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 states that the strategic centre of Chatswood has the potential to be transformed by leveraging off the investment in the Metro, adding increased accessibility to connections to other major job centres through existing rail and bus services.

The proposal will contribute to the urban renewal and the 30-minute city by providing jobs near housing and social infrastructure such as schools, community facilities and open space.

2.2 Site-specific merit test

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

Overshadowing Impact

The rezoning review documentation included a shadow analysis of the proposed concept (**Figures 22 to 24 and Attachment G6**).

The rezoning review states that the development as proposed will not impact upon sun access to key public spaces.

The shadow analysis indicates overshadowing will impact the following development:

- prior to 12pm, affects the commercial area to the south-west (B3 Commercial Core zone);
- from 12pm to after 3pm the overshadowing affects the shop top development and residential flat buildings directly to the south of the site facing Bertram Street, Albert Avenue and Neridah Street (B4 Mixed Use zone); and
- from 3pm the overshadowing affects:
 - the shop top housing on the corner of Neridah Street and Albert Avenue (B4 Mixed Use zone; and
 - the residential area on the south side of Albert Avenue (R2 Low Density Residential zone).

The south side of Albert Avenue contains heritage items and the South Chatswood Heritage Conservation Area (C11). The heritage item at 34 Albert Avenue (not within the HCA) is affected by shadow at approximately 2pm. The Strategy requires heights adjoining the South Chatswood Conservation Area to provide for a minimum 3 hours solar access between 9am and 3pm mid winter. The HCA will experience overshadowing after 3pm.



Figure 22: Shadow diagram 21st June 9am
(source: APlus Design Group)

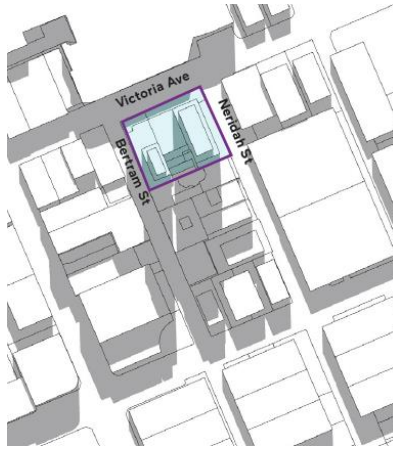


Figure 23: Shadow diagram 21st June 12pm
(source: APlus Design Group)

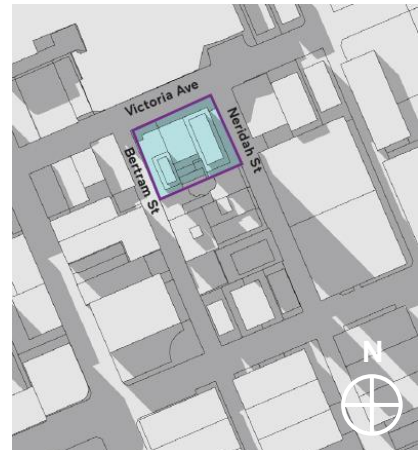


Figure 24: Shadow diagram 21st June 3pm
(source: APlus Design Group)

Site Isolation Impact

The rezoning review documentation states that although the Chatswood CBD Strategy recommends site amalgamation to increase development potential, development of the subject site is possible without the amalgamation of 298 Victoria Avenue to the west of the site (**Figures 25 and 26**). Under the CBD Strategy 1,800m² minimum size area is required for land in the B3 zone and a 1,200m² minimum site area is required for land in the B4 zone. Site amalgamation is encouraged to meet the minimum requirement. In addition sites should not be left isolated.

The subject site will achieve a site area of 2,127 sqm. The rezoning review states that the proposed development demonstrates that viable development is possible over the amalgamation of two sites (282-284 Victoria Ave) without compromising the development potential of 298 Victoria Avenue and will not result in the isolation of the adjoining lot. (**Figures 27 and 28**). The site at 298 Victoria Avenue has site area of 919m² and if developed with the HOB of 90m and FSR 6:1 would result in an overall GFA of 5,514m².

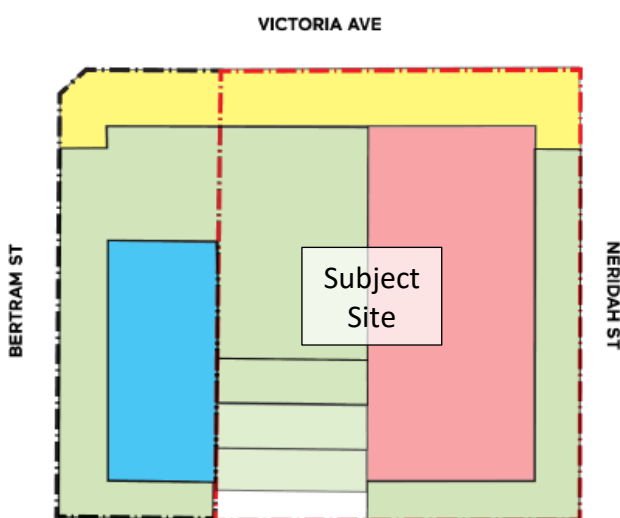


Figure 25: Site plan of block bounded by Bertram Street and Neridah Street and Victoria Avenue (source: APlus Design Group)

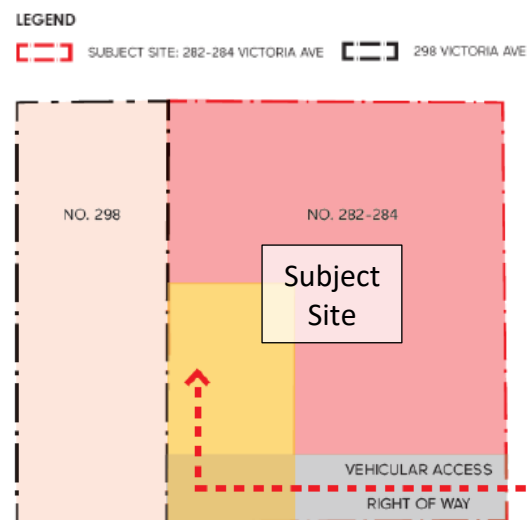


Figure 26: Detail of vehicular access
(source: APlus Design Group)

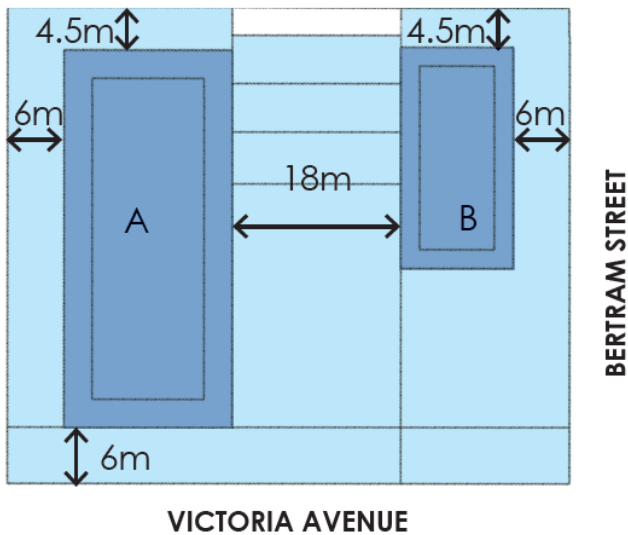


Figure 27: Site plan of block bounded by Bertram Street and Neridah Street and Victoria Avenue (source: APlus Design Group)

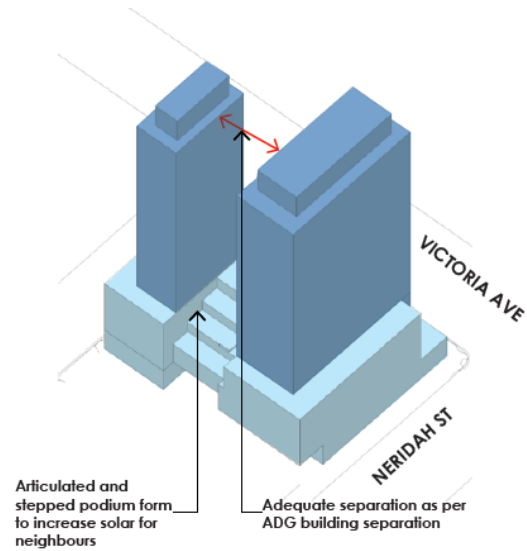


Figure 28: Site plan of block bounded by Bertram Street and Neridah Street and Victoria Avenue (source: APlus Design Group)

Access and parking Impact

The rezoning review was accompanied by a letter from Varga Traffic Planning (**Attachment G10**). The letter stated that a review of the concept plans was undertaken that found:

- a single two-way vehicular access off Neridah Street will serve both sites;
- the proposed development provides separate basement parking areas, enabling 298 Victoria Road to be developed into the future;
- interconnected basement car parking levels would enable basement parking on both sites to be accessed via a single two-way ramp located at 282-284 Victoria Avenue; and
- the access and carparking arrangements illustrated are capable of achieving compliance with the relevant Australian standards and Council's DCP parking requirements.

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

The rezoning review states that it would be a 'bookend' to the retail precinct of Victoria Avenue (**Figure 29** and **30**) and facilitate significant urban renewal with positive amenity improvements as a response to the Chatswood CBD Strategy.

The rezoning review states that the planning proposal for the subject site will improve the locality and create a buffer between the existing residential and non-residential land uses in the vicinity. The amended zoning, height and FSR would allow a mix of land uses reserving commercial floorspace and not undermine the desire to protect the commercial core.

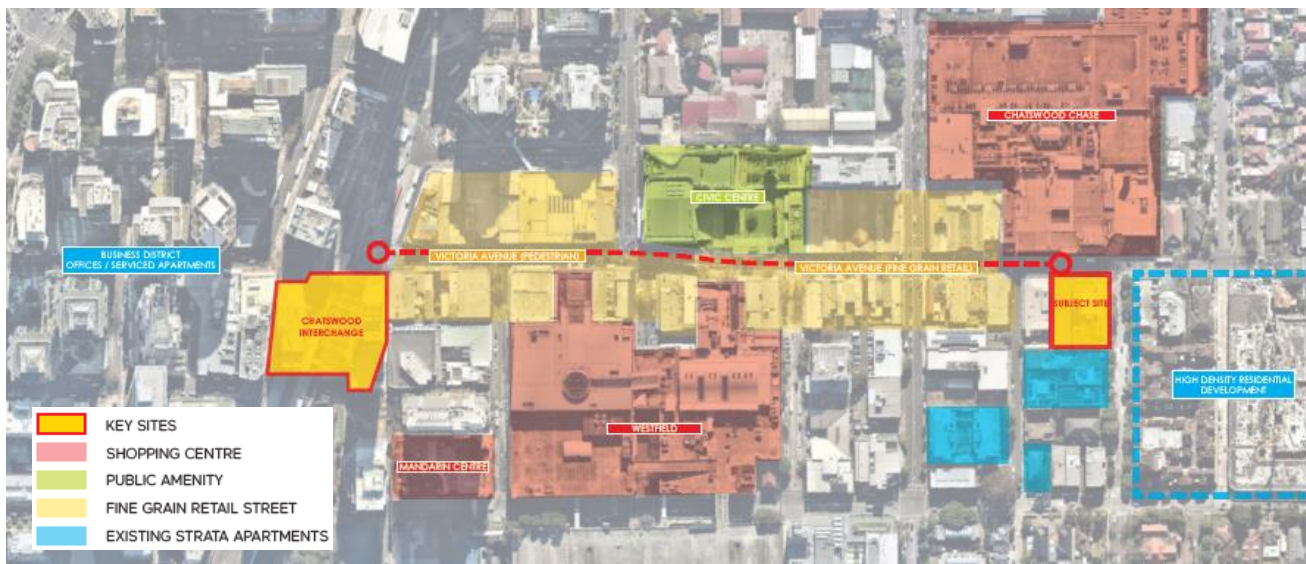


Figure 29: Existing land uses in the vicinity of the proposed development site (source: APlus Design Group)



Figure 30: Proposed land uses in the vicinity of the proposed development site (source: APlus Design Group)

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 states that the subject site is within an area which is well serviced by existing infrastructure such as public transport and utilities. Consultation is expected with utility service providers as part of a Gateway determination.

The rezoning review states that any expansion of the capacity of the existing services is expected to be at the developer's expense.

Employment and Economic Impact

The rezoning review documentation included an Economic Impact Assessment prepared by Hill PDA (**Attachment G11**). This assessment report states that this location has been recommended by the Department for rezoning to mixed-use where significant uplift in employment was provided.

The assessment stated that the development would potentially increase employment on the site by 278 jobs, an increase of 39% from the existing conditions on the site, consistent with the recommendations by the Department.

The Economic Impact Assessment states that the proposal will facilitate:

- 6,381m² of residential floorspace equating to approximately 87 apartments; and
- 6,381m² of non-residential floorspace consisting of retail and hotel uses.

The assessment included a summary of economic benefits for the development (**Table 2**).

Table 2: Economic benefits

	Planning Proposal	Net Increase
Total jobs created	278	+78
Total staff remuneration (\$m/annum)	\$18.7m	+\$5.9m
Gross value added in Willoughby LGA	\$24.7m	\$7.7m
Design and construction costs	\$79.5m	
Total economic activity in the LGA – design and construction	\$135.3m	
Job years in the LGA - design and construction	300	
Additional whole-of-Government revenue	\$27.5m	

3. COUNCIL VIEWS

The Department wrote to Council on 8 June 2021 advising of the rezoning review request. Council responded by email on 30 June 2021 forwarding the letter (**Attachment E7**) sent to the applicant following Council's meeting of 8 February 2021 (**Attachments E1-E5**) which provides Council's position on the proposed concept.

Council noted that the planning proposal dated 16 December 2020 on the planning portal was *not* the same document submitted to them. The planning proposal submitted to Council was dated 12 December 2020 and provided an assessment of the proposal against the key elements of an outdated version of the Chatswood CBD Strategy including maps. The planning proposal dated 16 December 2020 contains an updated assessment of the key elements in the current Chatswood CBD Strategy.

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

- the current planning controls on the site prohibiting residential land uses except for limited shop top housing with development consent if the ground floor is used for retail or business purposes;
- the Council endorsed Chatswood CBD Strategy which identifies the site as zoned B3 Commercial Core prohibiting residential land uses;
- the strategic objectives of the Greater Sydney Region Plan and the North District Plan which encourages protection of the commercial for employment purposes; and
- the Council endorsed Chatswood CBD Strategy which identifies the site as having a maximum height of 7m to the Victoria Avenue frontage for a minimum setback of 6m and a possible maximum height of 90m.

A summary of Council's assessment and discussion of the proposal against the key elements of the Chatswood CBD Strategy are in **Attachment E6** and Council's detailed assessment (**Attachment E4**).

Council's summary of the proposed amendments is in **Table 3**.

Table 3: Summary of existing and proposed amendments

Control	LEP	Proposed	CBD Strategy
Zoning	B3 Commercial Core	B4 Mixed Use	B3 Commercial Core
Height	14m	90m	90m (7m to Victoria Avenue)
FSR	2.5:1	6:1	6:1

Council states that the site is within 200m of the CBD core which does not permit residential development, except for the provisions under the current controls under Schedule 1 clause 31 allowing for limited residential development in the form of shop top housing, with consent.

Council states that under the Chatswood CBD Strategy the site is zoned B3 Commercial Core prohibiting residential land uses and can achieve a maximum height of 90m and FSR of 6:1 provided that all other key elements of the strategy have been satisfied. The proposal submitted intends to facilitate a residential FSR of 3:1 above a non-residential podium of 3:1 which is inconsistent with the strategic vision of the strategy. The site has been confirmed as B3 Commercial Core in the CBD Strategy which does not permit residential land use. The CBD Strategy provides for residential land use in the B4 Mixed Use areas that surround the B3 Commercial Core.

Council considers that the proposal has not adequately addressed the social and economic effects as mixed use zones are proposed on the fringe allowing future growth and protection of the commercial core.

Council states that the Economic Impact Assessment accompanying the planning proposal does not change Council's position that the preservation of the B3 Commercial Core will have important economic benefits for the Chatswood CBD into the future. Council's report considers that the subject site located in the commercial core, close to the Chatswood Interchange and other services is not an appropriate location for this scale of additional residential floor space. The Council report notes the conditions of the DPIE endorsement of the Strategy is acknowledged, however it is not considered that the extent of residential indicated being 50% of the floor space proposed aligns with the intent of the direction.

Council notes it is aiming to promote commercial development within the commercial core and the subject proposal is contrary to this the objective as it proposes to rezone the site to B4 Mixed Use.

Council's report comments that height is an issue as the proposal seeks a height of 90m over the entire site, where the Strategy provides for a maximum height of 7m on the Victoria Avenue frontage for minimum setback of 6m, with a possible maximum of 90m on the remainder of the site. Council considers that this approach to height would create an unacceptable built outcome not envisioned under the CDB Strategy.

Council also raises the following concerns with regard to the proposal:

- The proponent has not submitted any draft DCP provisions for the site. Council states that any future planning proposal requires draft DCP provisions satisfactorily addressing the 35 key elements of the CBD Strategy as well as any other site-specific issues.
- Lack of basement loading and unloading.
- The site isolation of the property directly adjoining the proposed development at 298 Victoria Avenue which may impact on its future developability. This property is approximately 929m² which is below the minimum site area of 1,800m². Council

considers this is not a desired outcome as the site would not be able to be developed for commercial uses under the strategy.

Council encourages the submission of planning proposals that are consistent with the Chatswood CBD Strategy.

4. LOCAL PLANNING PANEL

On 1 February 2021, the Local Planning Panel provided advice to Council (**Attachment G**). The Panel noted that the proposal was to include site specific provisions for the site to amend the maximum building height to a maximum of 90m and apply a maximum FSR of 6:1 and amend the land use zone from B3 to B4.

The Panel considered that the proposal did not have strategic merit or site-specific merit and should not be forwarded to the Department for a Gateway determination as:

- it is not consistent with the endorsed Willoughby Local Strategic Planning Statement and the Chatswood CBD Planning and Urban Design Strategy 2036, both identifying the site as B3 Commercial Core prohibiting residential land use;
- it is not consistent with the strategic objectives of the Greater Sydney Region Plan and North District Plan which aims to protect the commercial core for employment purposes;
- it is not consistent with the Chatswood CBD Planning and Urban and Design Strategy 2036 as it leaves the site at 298 Victoria Avenue as an isolated site unable to achieve the site area required for commercial development;
- the planning proposal does not represent a meaningful uplift in employment generating commercial land use from the existing; and
- the Panel considered that the proposal did not have site specific merit as the proposal represents poor urban design and inconsistent with the Chatswood CBD Planning and Urban and Design Strategy 2036 which requires a maximum height of 7m to Victoria Avenue for a minimum setback of 6m and a maximum possible height of 90m, therefore, does not contribute positively to the streetscape.

ATTACHMENTS

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current LEP maps

Attachment D – Proposed LEP maps

Attachment E1-7 – Council Comments

Attachment F – Local Planning Panel Comments

Attachment G - Rezoning review package

- G1 – Application form
- G2 – Cover letter – rezoning review request
- G3 – Draft planning proposal
- G4 – Amended architectural set
- G5 – Amended Urban Design analysis
- G6 – Amended shadow analysis
- G7 – Landscape
- G8 – Photomontage
- G9 – Proposed maps
- G10 – Traffic letter of support
- G11- Economic impact assessment
- G12 – Response to Council
- G13 – Applicant's assessment of the proposal against the CBD Strategy
- H1 – Chatswood CBD Planning and Urban Strategy 2036
- H2 – DPIE partial endorsement letter
- H3 – DPIE full endorsement letter

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