AMENDED
Land Owner Initiated Planning Proposal to amend the Willoughby Local Environmental Plan 2012

282 – 284 Victoria Avenue,

CHATSWOOD

16 December 2020

HDC
Haskew de Chalain
PLANNING

This report was prepared and approved for release by Gilbert de Chalain.

Haskew de Chalain

Gilbert Blandin de Chalain MPIA

Partner

Office: The Cooperage, Suite 308, 56 Bowman Street, Pyrmont NSW 2009

Email: gilbert@hdcplanning.com.au

Mobile: 0417 253 416

Copyright: The concepts and information contained within this document is the property of ***Haskew de Chalain***. Use or copying of this document in whole or in part without the written permission of ***Haskew de Chalain*** constitutes an infringement of copyright laws.

TABLE OF CONTENTS

TABLE OF CONTENTS **3**

1 INTRODUCTION **5**

1.1 PROPOSED LEP AMENDMENT 7

2 SITE DETAILS **9**

2.1 OFFICIAL SITE DESCRIPTION 12

2.2 EXISTING DEVELOPMENT 12

3 SITE CONTEXT **15**

3.1 SITE CONTEXT – LOCATIONAL 15

3.2 SITE CONTEXT – PLANNING FOR CHANGE 16

3.2.1 A Metropolis of Three Cities *16*

3.2.2 North District Plan *18*

3.2.3 Chatswood CBD - Planning and Urban Design Strategy 2036 ..... *19*

4 EXISTING STATUTORY PLANNING FRAMEWORK **21**

5 PROPOSED DEVELOPMENT **25**

5.1 OPPORTUNITIES 25

5.2 CONSTRAINTS 26

5.3 CONCEPT DESIGN 26

5.4 PRESERVING DEVELOPMENT POTENTIAL OF ADJOINING SITE 26

5.5 PUBLIC DOMAIN IMPROVEMENTS 28

5.6 SOCIO-ECONOMIC BENEFITS OF MIXED USE DEVELOPMENT 28

5.7 SUPPORTING DOCUMENTATION 30

6 PLANNING PROPOSAL **31**

PART 1 – OBJECTIVES AND INTENDED OUTCOMES 31

PART 2 – EXPLANATION OF PROVISIONS 31

PART 3 – JUSTIFICATION 32

Section A – Need for the Planning Proposal *32*

Section B – Relationship to strategic planning framework *32*

Section C – Environmental, social and economic impact *42*

Section D – State and Commonwealth Interests *42*

PART 4 - MAPPING 43

PART 5 – COMMUNITY CONSULTATION 43

PART 6 – PROJECT TIMELINE 43

7 CONCLUSION 45

APPENDIX 1 46

CONSISTENCY WITH KEY ELEMENTS OF THE CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY . 46

1 Introduction

This report has been prepared to accompany a request to initiate a Planning Proposal, which seeks to amend the:

- Land use zone;
- the Floor space ratio map; and,
- the Height of buildings map,

within the Willoughby Local Environmental Plan 2012 (WLEP 2012). This application relates to two (2) parcels of land forming a development site with frontage to Victoria Avenue to the North and a secondary frontage to Neriah Street to the East.

The amalgamation of the two (2) parcels of land provides a development site of 2127sqm.

The subject site is located at the eastern edge of the Chatswood central business district occupying a gateway position and defining the entrance to Chatswood. Victoria Avenue forms a central spine to the retail centre through to the Chatswood rail and bus interchange.

Figure 1: Site location

The subject site is zoned B3 – Commercial Core, with B4-Mixed Use zone to the south and west. Permitted land uses include the usual commercial/non-residential type uses. Residential land uses in the form of shop top housing is currently permitted by way of Schedule 1 of the WLEP 2012.

As recognised by Council within their *Chatswood CBD Planning and Urban Design Strategy*, current, Height of Building and Floor Space Ratio do not permit development of the type and scale needed to support redevelopment, hence the reason for this planning proposal.

This Planning Proposal has been prepared on the basis of detailed urban design analysis of the subject site and context which argues that the site is able to support the scale of development as proposed and would act as a catalyst to the progress urban renewal of the Victoria Avenue corridor.

It is further argued that transformation of the Chatswood centre as envisaged by Council is unlikely under the existing development standards. It is argued that the current local development standards will not encourage the acquisition and redevelopment of outdated and aged premises. Furthermore, the existing retail land uses along Victoria Avenue represents an uninspiring streetscape and affords very little in the way of creating the renewed Chatswood centre envisaged in the *Chatswood CBD Planning and Urban Design Strategy*. The existing situation is undesirable and if it is to be redressed, then it is clear that amendment of the current planning regime is required.

The solution which is advanced by the Planning Proposal is to amend the land use zone from B3-Commercial Core to B4-Mixed use with amendment to the current height of buildings and floor space ratio development standards. The increase in permitted height and FSR sought by this proposal would enable redevelopment of the subject site in line with the concept plan submitted as part of this proposal.

It is argued that this is the most appropriate means of achieving a desirable development outcome because the development scheme envisaged for the site precisely accords with the standard instrument zone objectives and would not undermine the desire to preserve a retail and urban hierarchy. That is, ***this proposal will continue to include commercial floor area, supported by viable residential land use in the form of shop top housing.***

It is suggested that the amendment of planning controls applicable to the subject site would bring significant benefits to the locality. For instance, the subject site has contributed moderate employment opportunity in the past and existing land uses are a less than ideal use of well-located and strategically significant land. Moreover, permitting development of the subject land as proposed would have the potential to bring about positive amenity improvements to the locality by creating a buffer and transition between the Victoria Avenue precinct and finer grain development to the east and south of the subject site.

If considered necessary, secondary local controls in the form of a Site-Specific Development Control Plan could provide a suite of supplementary controls which would encourage the development of the land as detailed in this proposal. However, it should be noted that a fully resolved development control plan is not required in order to determine whether a Planning Proposal warrants referral to Gateway. If Council is of a mind to support this proposal, required studies can form part of Gateway's requirements to be completed prior to public exhibition of a Draft LEP.

It should be noted that this proposal is supported by a comprehensive architectural and urban design package.

1.1 PROPOSED LEP AMENDMENT

This Planning Proposal has been prepared to initiate a change in land use zone and development standards to support the redevelopment of the subject site for the provision for employment generating land uses, integrated with residential land uses within a defined development site.

This Planning Proposal would seek to amend the:

- Land use zone from B3-Commercial Core to B4-Mixed Use;
- height of buildings (HOB) map to apply maximum building height to the subject site of 90 metres; and,
- amend the floor space ratio (FSR) map to apply a maximum FSR to the subject site of total FSR of 6.0:1 (incl. 3.0:1 commercial FSR).

The Concept Plan submitted with this proposal seeks to deliver a built form that is consistent with that suggested in the *Chatswood CBD Planning and Urban Design Strategy*.

Following an assessment of the planning context and the relevant State and local planning policies, it can be concluded that there is planning merit for the preparation of a Planning Proposal. It is therefore recommended that this request to prepare a Planning Proposal be favorably considered by Willoughby Council and that Council resolve to forward a proposal to the NSW Department of Planning and Environment for Gateway determination in accordance with the Environmental Planning and Assessment Act, 1979 to prepare the necessary LEP amendment.

This page has been left intentionally blank

2 Site Details

The subject Planning Proposal relates to two (2) parcels of land forming a development site with frontage to Victoria Avenue to the North and a secondary frontage to Neriah Street to the East. The amalgamation of the two (2) parcels of land provides a development site of 2127sqm.

The site's location is shown in the Regional context as Figure 2. An Aerial Photograph (Neighbourhood Context) and Aerial Photograph (Local Context) are provided as Figure 3 and Figure 4 respectively. An extract of the current zoning map is included as Figure 5.

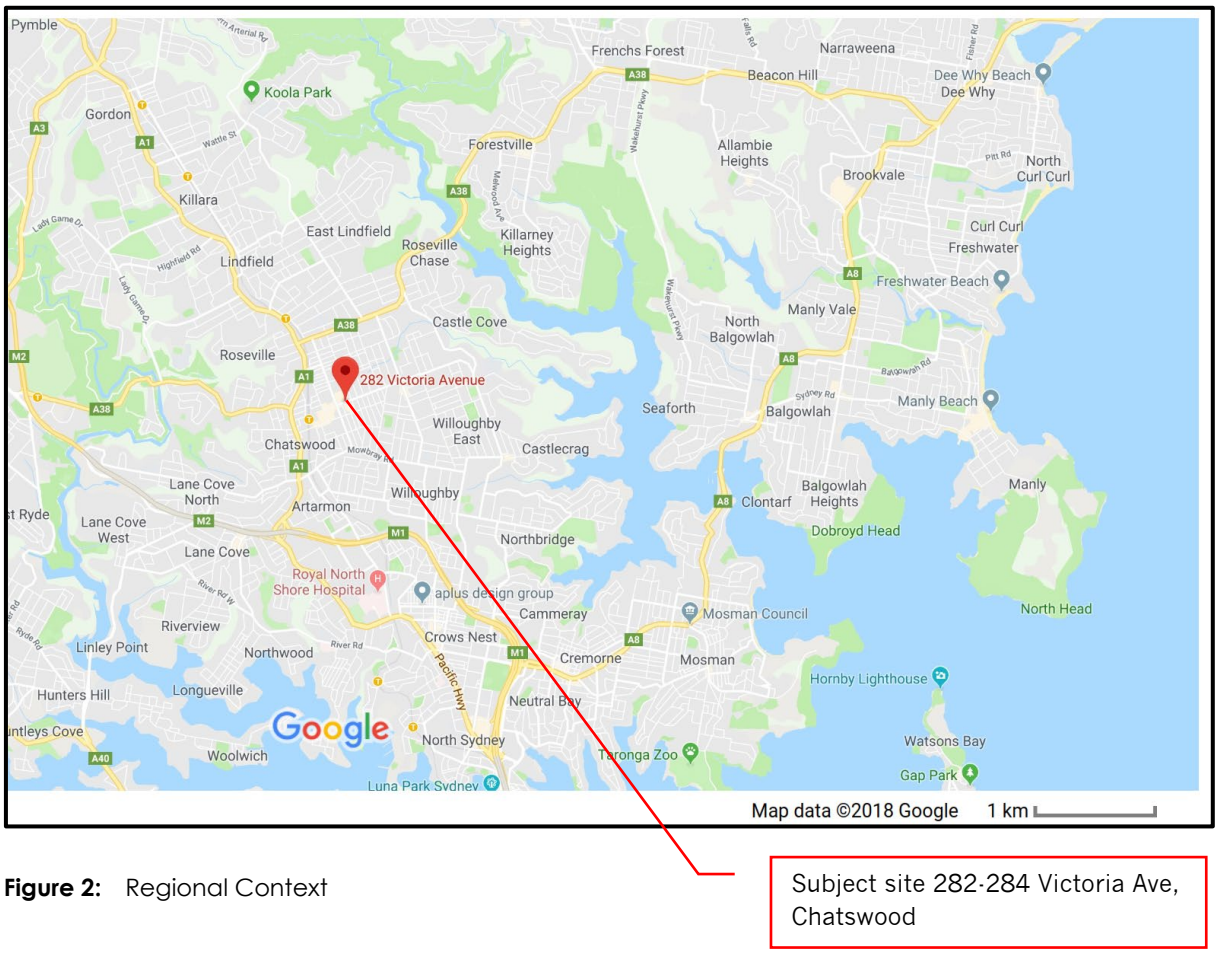


Figure 2: Regional Context

Subject site 282-284 Victoria Ave, Chatswood

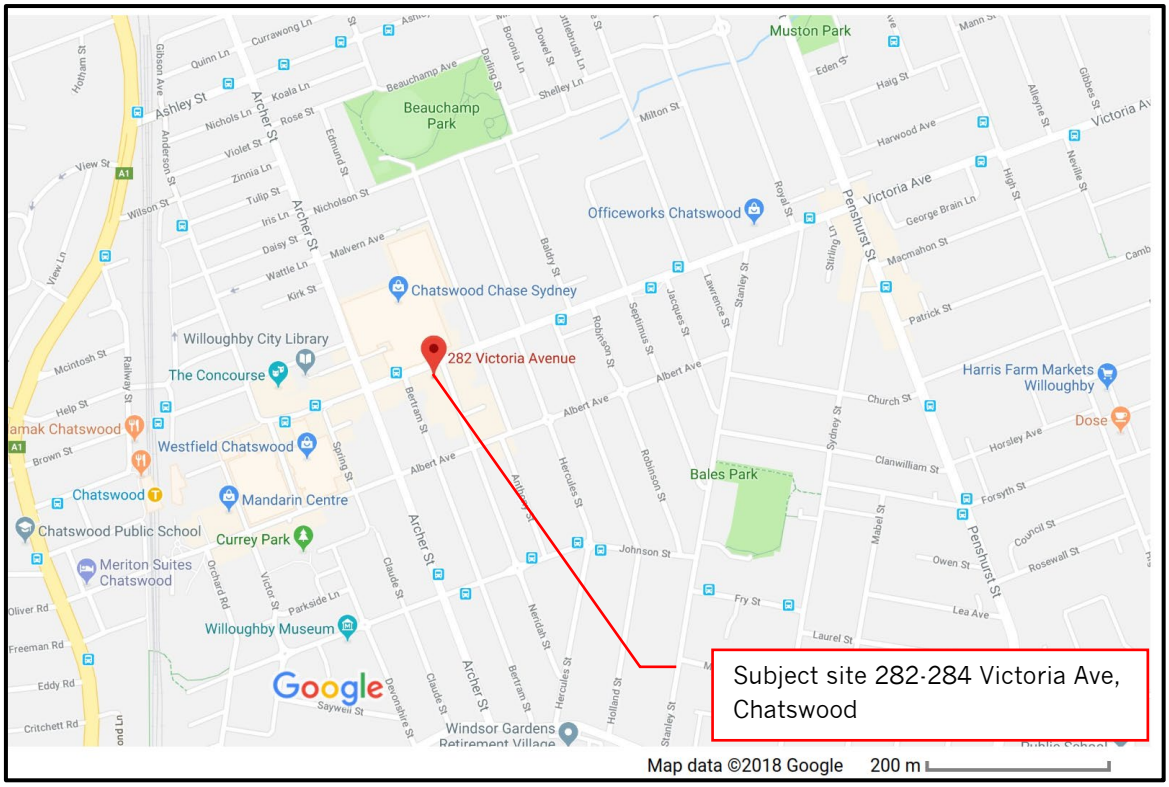


Figure 3: Neighbourhood Context

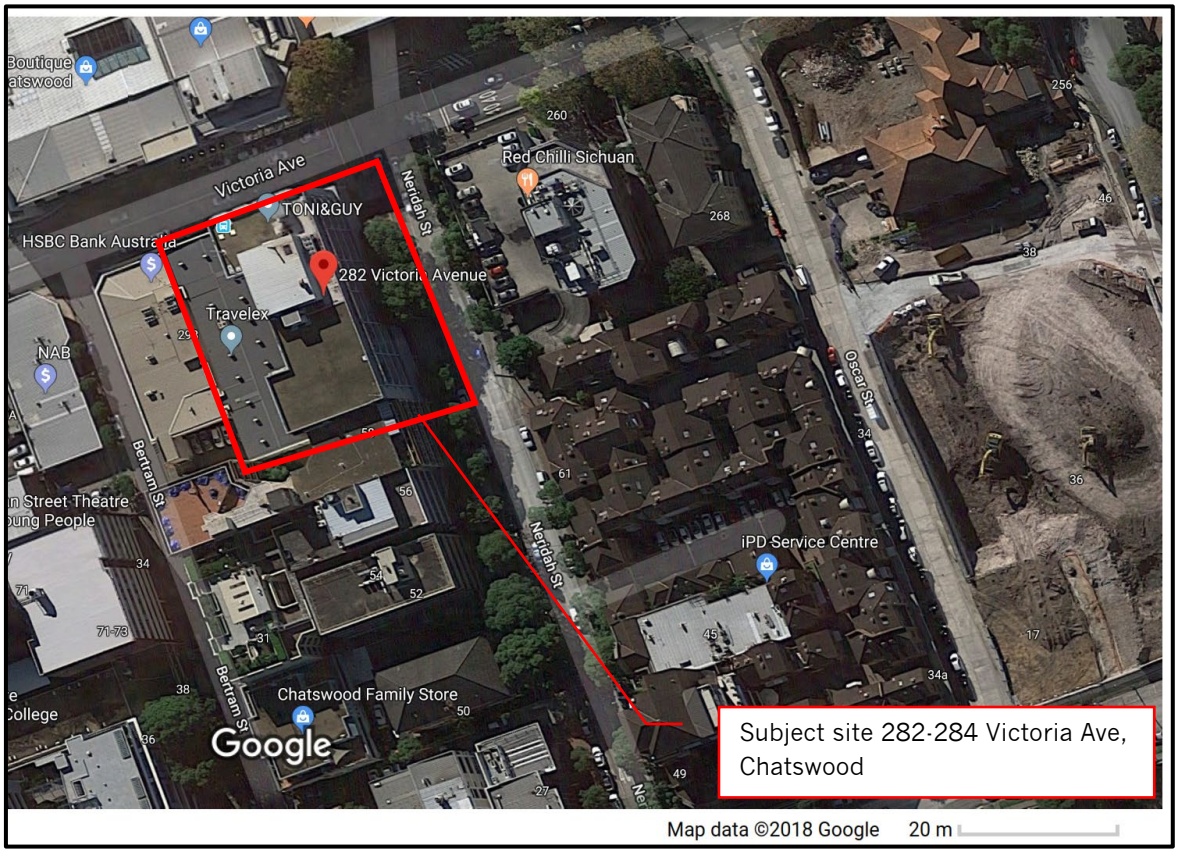


Figure 4: Subject site – Local Context

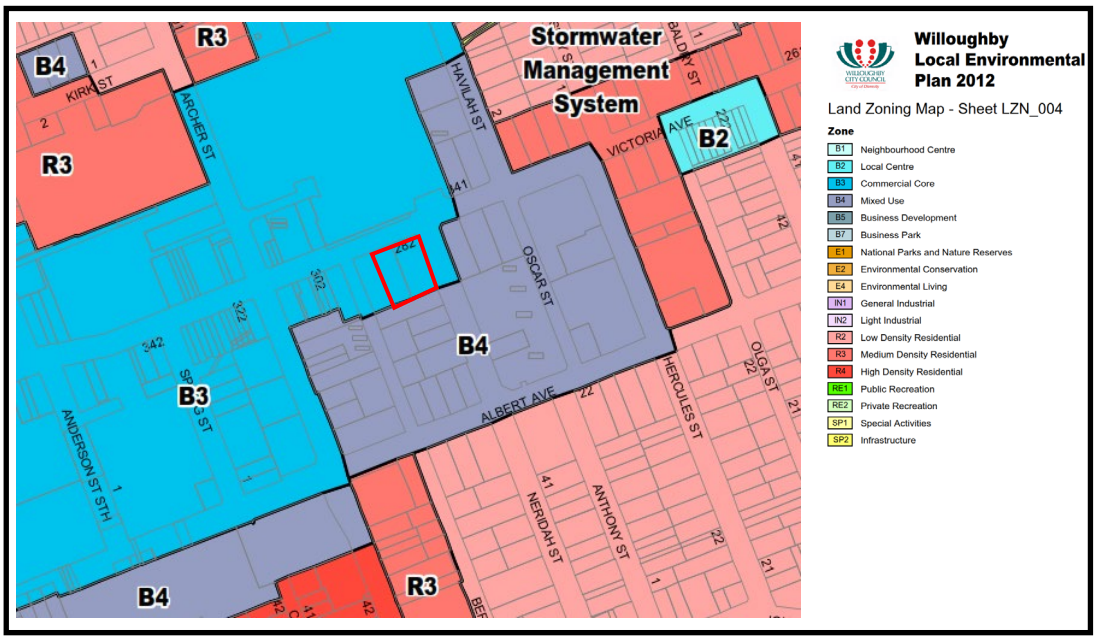


Figure 5: Current Zoning

The subject site currently supports relatively marginal non-residential land uses and under current land use controls, is unlikely to attract redevelopment for more desirable uses of the land. In fact, it is argued that the more appropriate use of land has been restricted by an outdated and overly conservative approach to zoning and development standards for a site that is located within a highly accessible location. The existing restriction on building height and density in highly desirable and accessible locations has not kept up with contemporary approaches to urban living.

The subject site is particularly attractive in terms of access, size and location for modern mixed use development and with amendment of the land use zone and development standards within the WLEP 2012, a broader range of contemporary employment generating land uses may be encouraged and with the inclusion of more residential land uses, a healthy mix of employment and residential opportunities are likely. A mix of employment and residential uses within the same precinct brings with it a variety of environmental, transport and economic advantages encouraged by state level planning.

The subject land is situated within walking distance of Chatswood Railway Station, Bus Interchange and future Metro Station, adjacent to significant areas of employment land. The Sydney CBD is easily accessible by rail, bus and future metro services.

It is argued that increased population in this locality can be easily accommodated and would be consistent with State Government policy as a location appropriate for growth.

This Planning Proposal provides a Concept Plan for the subject site which indicates a mix of land uses that does not displace employment generation. Rather, this plan increases employment opportunity while also providing for additional housing.

2.1 Official Site Description

The site comprises two (2) allotments officially described as:

- Lot1, DP. 560914 – 282 Victoria Avenue, Chatswood; and,
- Lot 2, DP. 549245 – 284 Victoria Avenue, Chatswood.

2.2 Existing Development

All allotments are developed for commercial purposes. The existing uses contribute little to street level activation or aesthetic. Reference should be made to images below for an indication of existing development along Victoria Avenue.

Figure 6: Subject site

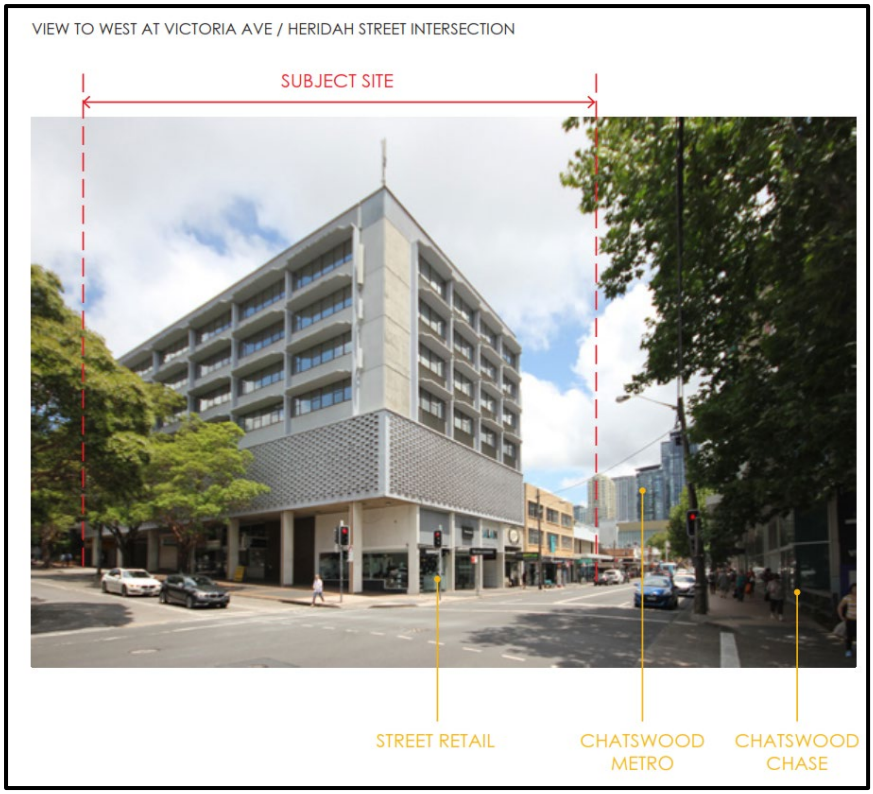


Figure 7: View West at intersection of Victoria Ave and Neridah Street

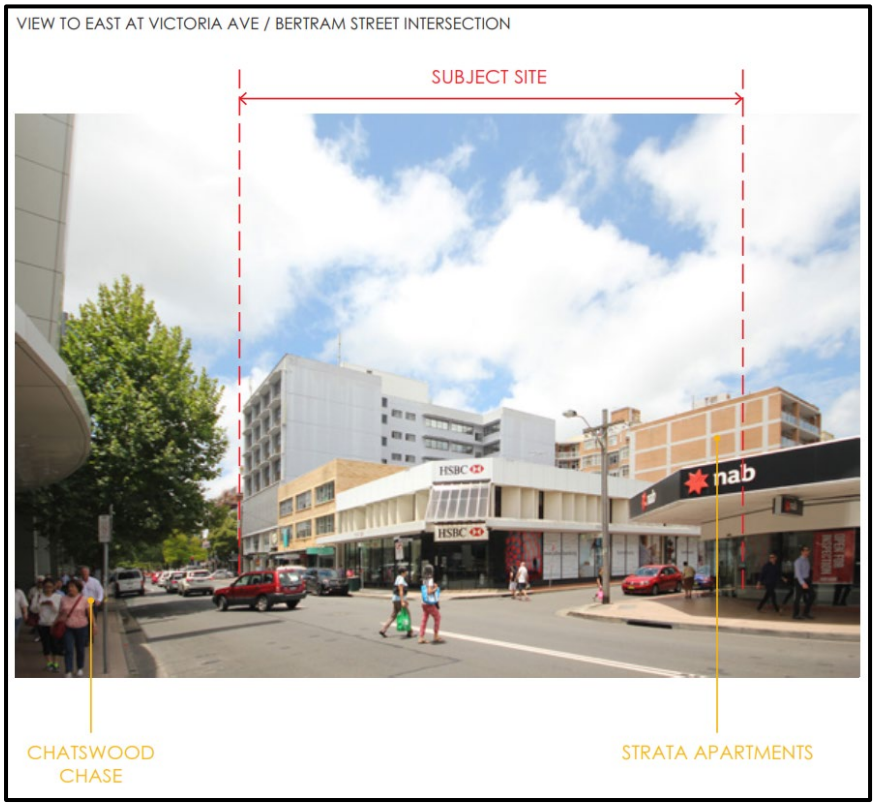


Figure 8: View East at the intersection of Victoria Ave and Bertram Street

This page has been left intentionally blank

3 Site Context

It is argued that the site context is a function of locational context (where the subject site is located within the metropolitan area) and planning context (how the site should be considered in light of recent planning strategies and plans). The consideration of the site context then leads to the establishment of the opportunities and constraints influencing future development potential. These matters are discussed below.

3.1 Site Context – Locational

As the figure below shows, the subject site is located at the western edge of the Chatswood Central Business District and excellent public transport options. The subject site is accessible by Rail, Bus and future metro services. Significant higher order shopping and professional services are in close proximity with the Sydney CBD being close by.

Subject site 282-284 Victoria Ave, Chatswood

Figure 9: Local Context

3.2 Site Context – Planning for change

The planning context for the Chatswood is established by a number of significant planning strategies recently completed by the Greater Sydney Commission and Willoughby Council. The strategies and plans provide a wide range of transformation plans and initiatives spanning higher level objectives to more specific actions supported by suggested planning controls and land use guidelines. All of which will influence land use and redevelopment decisions for the subject site and locality. The most relevant plans and strategies are listed and commentary on the relevance of the plan or strategy to the subject site provided below.

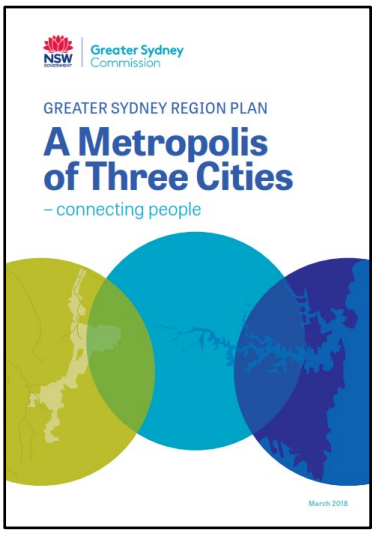
In summary, Chatswood is a strategic centre that has the potential to be transformed by significant investment in Metro Rail adding to excellent accessibility from rail and bus services. It is argued that this proposal will leverage off this significant investment and contribute to the urban renewal of Chatswood. Furthermore, this proposal will provide jobs within close proximity to housing and social infrastructure such as schools, community facilities, open space and public spaces, supporting the notion of a 30 minute city.

As the Government has predicted in numerous strategies, the significant investment in transport infrastructure should act as a catalyst for new development giving the community the potential for shorter commutes to major job centres.

The scale of investment in the metro rail, along with the existing rail and bus services means that Chatswood could be transformed, provided there is support at the local level with an appropriate amendment to the local environmental plan to enable a viable redevelopment projects to be devised.

This proposal is entirely consistent with government strategy and if supported, a prominent site within a strategic centre, close to rail, metro rail, jobs, shopping and social infrastructure will be transformed to provide new employment supportive development contributing to the urban renewal of the locality.

3.2.1 A Metropolis of Three Cities



Greater Sydney Region Plan – March 2018 (Greater Sydney Commission)

The Greater Sydney Region Plan, A Metropolis of Three Cities has at its foundation that most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The vision of the plan says that it seeks to bring new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The plan aims to provide residents with quick and easy access to jobs and essential services. The plan seeks to put workers closer to jobs, city-scale infrastructure and services, entertainment and cultural facilities.

The plan says that:

> *The Eastern Harbour City has significant rail projects underway to increase its global competitiveness, boost business-to-business connections and attract skilled workers with faster commuting times. The Sydney Metro Northwest links Rouse Hill to* ***Chatswood****, Sydney Metro City & Southwest connects* ***Chatswood*** *to Sydenham-Bankstown ….*

Furthermore, Chatswood is defined as being within the Eastern Economic Corridor and a strategic centre. Strategic centres are said to enable access to a wide range of goods, services and jobs. Strategic centres are expected to accommodate high levels of private sector investment, enabling them to grow and evolve.

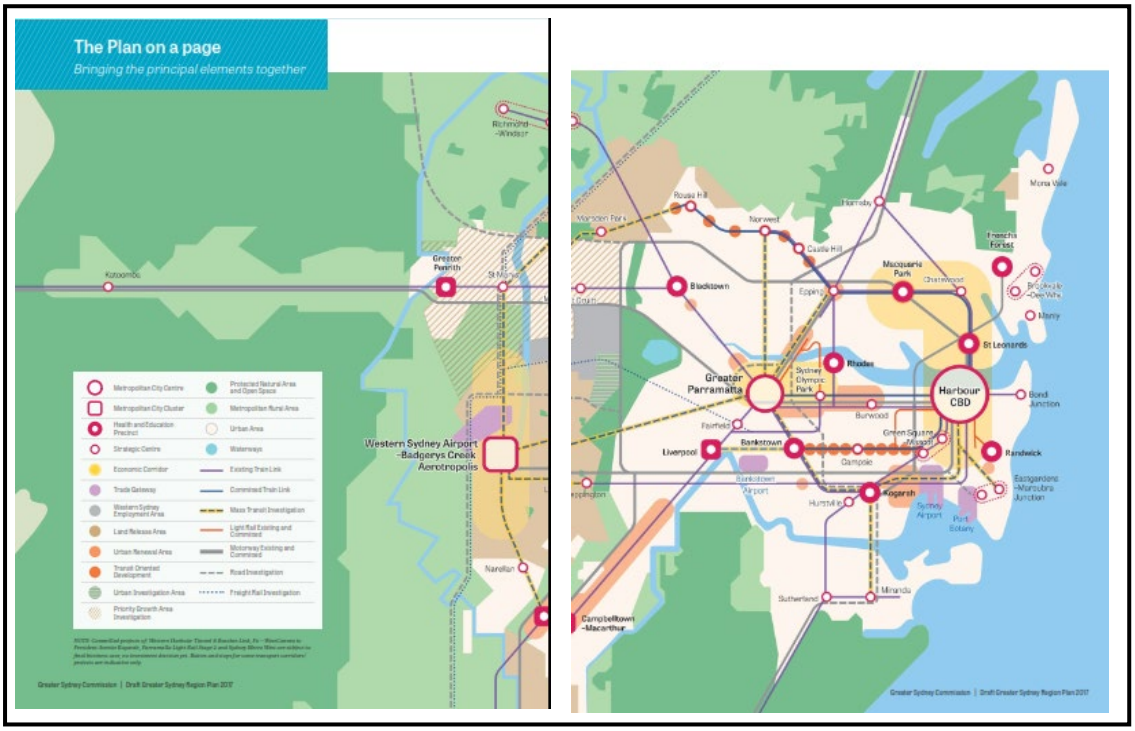
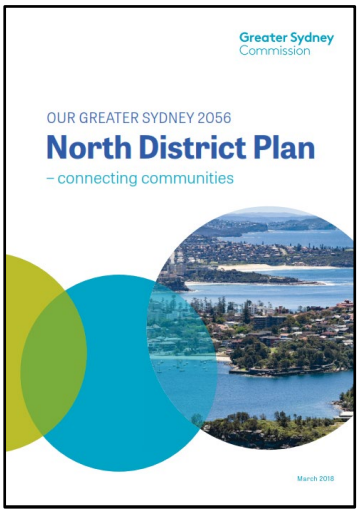


Figure 10: Extract from the Greater Sydney Region Plan – Chatswood identified as a strategic centre

It is argued that this proposal will support the provision of commercial development, supported by viable residential development in the form of shop top housing within a locality that is a defined strategic centre that is the beneficiary of significant Government investment, that is accessible to transport, jobs, housing and social infrastructure.

The subject site will benefit from major infrastructure investment including Metro Rail, is accessible by existing rail, is within 30 minutes to housing and services, is within walking distance of centres, schools and health facilities.

3.2.2 North District Plan



North District Plan – March 2018 (Greater Sydney Commission)

This District Plan has been prepared to give effect to A Metropolis of Three Cities, the Region Plan that applies to the five districts that make up the Greater Sydney Region. The North District Plan says that: *….the North District forms a large part of the Eastern Harbour City, ……and includes the District's strategic centres of Macquarie Park,* ***Chatswood*** *and St Leonards which are part of the State's greatest economic asset – the Eastern Economic Corridor.*

Road and rail investments such as the Sydney Metro Northwest, Sydney Metro City & Southwest and Western Harbour Tunnel and Beaches Link will provide faster access to the Harbour CBD to bolster business and jobs growth.

The Plan says that the Chatswood strategic centre comprises a mix of uses including retail, office, residential as well as community and health. The centre has a highly successful retail focus. Maintaining and growing a high quality commercial core will facilitate the continued growth of the centre as a major employment hub. ***This proposal, with the inclusion of significant commercial and retail floor space will support the growth and success of Chatswood***.

Action 42 - Strengthen Chatswood is relevant to this proposal.

Actions	Responsibility
42. Strengthen Chatswood through approaches that: a. protect and grow the commercial core b. maximise the land use opportunities provided by Sydney Metro c. promote the role of the centre as a location for high quality, commercial office buildings and a diverse retail offering d. enhance the role of the centre as a destination for cultural and leisure activities e. promote and encourage connectivity, and upgrade and increase public open spaces f. investigate interchange operations on both sides of the railway line to increase capacity and efficiency of modal changes g. improve pedestrian connectivity between the eastern and western side of the rail line	Willoughby City Council, other planning authorities and State agencies

That is, this proposal would:

- Protect and the commercial centre with the introduction of a mixed use zone that only permits shop top housing and then the provision of significant commercial floor space;
- Place significant job opportunities within easy walking distance to future metro rail; and,
- Facilitate the provision of premium office and retail offerings mixed with residential land use as shop top housing.

3.2.3 Chatswood CBD - Planning and Urban Design Strategy 2036

Chatswood CBD Planning and Urban Design Strategy

Council's Chatswood CBD Planning and Urban Design Strategy, has been exhibited for community consultation and revised and adopted.

The purpose of the Strategy:

to establish a strong framework to guide future private and public development as the CBD grows over the next 20 years. It aims to provide capacity for future growth, achieve exceptional design and a distinctive, resilient and vibrant CBD. The Strategy will inform changes to Willoughby LEP and DCP.

The Strategy aims to achieve:

- A reinvigorated commercial core area and economically buoyant CBD, to provide for future employment.
- A sustainable balance between commercial, retail, residential, education, cultural and other uses to ensure on-going vibrancy.
- A compact, walkable CBD.
- A city form and scale to accommodate future growth and change.
- A CBD of exceptional urban design, easy pedestrian linkages and good public domain, where local character and heritage are embraced, and the greening of the centre is achieved.
- Simplified controls for the LEP and DCP in relation to the CBD.

Of particular relevance to this proposal, the study reviewed the current planning framework (statutory and non-statutory) that directs the development of the Chatswood CBD. Relevant to the subject site, the Strategy, as depicted in the figures below, recommends:

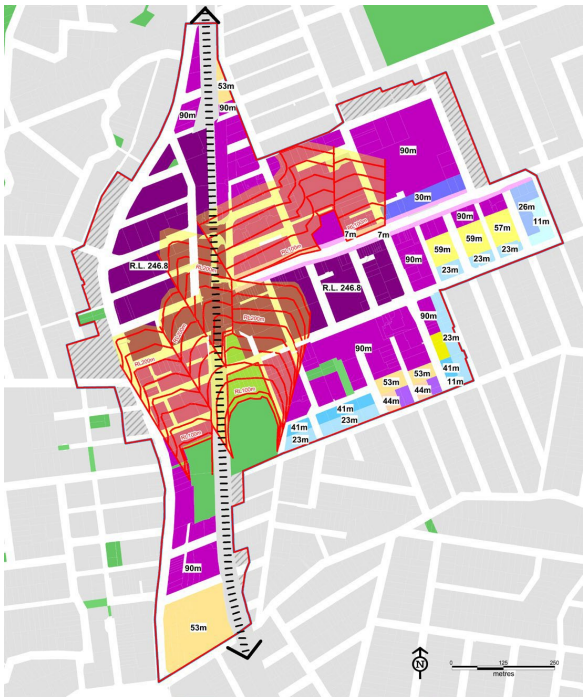


Figure 11: Recommended building heights – 90 metres

Relevant to the subject site, the Strategy recommends increased height of building to 90 metres and FSR of 6:1.

This proposal seeks amendment of the WLEP 2012 to permit a building height of 90 metres and a total FSR of 6.0:1.

This page has been left intentionally blank

4 Existing Statutory Planning Framework

Willoughby Local Environmental Plan 2012 provides the local statutory planning framework for the subject site with the key provisions which will be amended as a result of this proposal are detailed below.

Zoning

The site is zoned B3 – Commercial Core

Figure 12: Current Zoning

The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community;
- To encourage appropriate employment opportunities in accessible locations;
- To maximise public transport patronage and encourage walking and cycling;
- To support the role of St Leonards as a specialised centre providing health, research and education facilities;
- To strengthen the role of Chatswood as a major centre for the inner north sub-region and to improve its public domain and pedestrian links; and
- To protect and encourage safe and accessible city blocks by providing active land uses on street and pedestrian frontages.

This proposal seeks amendment to zoning and land use permissibility.

Further justification for this request for amendment arises from correspondence from the NSW Department of Planning, Industry and Environment dated 9th August, 2019. This correspondence is a response to Council regarding a request for endorsement of the Chatswood CBD Planning and Urban Design Strategy. This correspondence says:

I advise that the strategy has been reviewed and endorsement has been approved by the Department but only where it relates to the CBD core area subject to the following conditions:

> *2. That mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth.*

Comment: The subject site is currently zoned Commercial Core, but is east of the rail line, hence deserving consideration for mixed use development. Furthermore this proposal includes significant FSR for non-residential land uses to assure job growth.

Height of Buildings

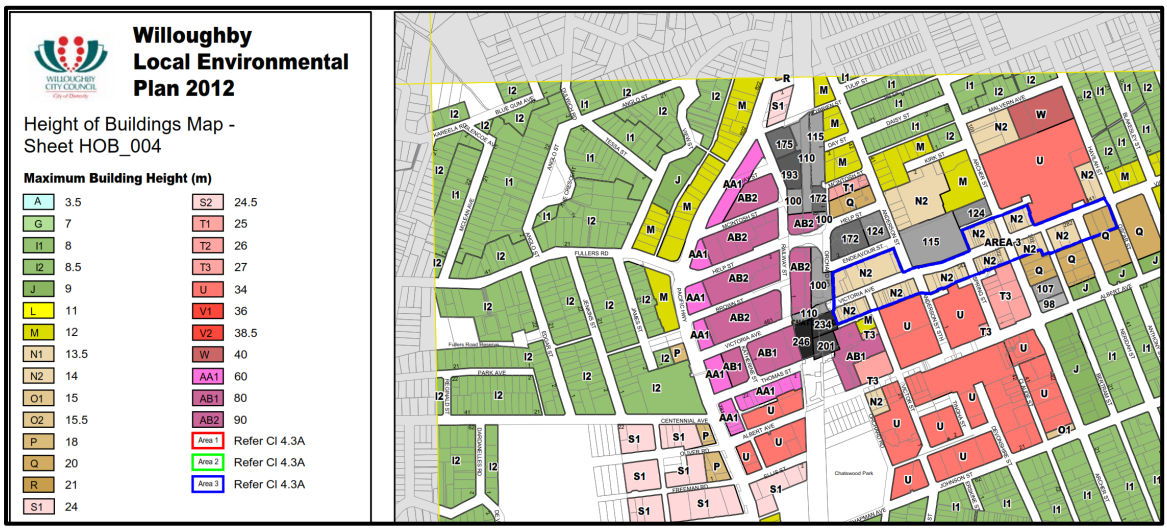


Figure 13: Current HOB standard – 14 metres

Clause 4.3 (Height of buildings) establishes a maximum building height of 14 metres for the site. The objectives of the clause are:

The objectives of the clause are:

- To ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape;
- To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion;
- To ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores;
- To minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development;
- To set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping;

- To use maximum height limits to assist in responding to the current and desired future character of the locality;
- To reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood; and
- To achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

This Proposal seeks an amendment in HOB standard to 90 metres and it is argued that the objectives of the clause will still be able to be satisfied, even with a significant increase in permitted height. Furthermore, this building height is consistent with the Chatswood CBD Planning and Urban Design Strategy 2036.

Floor Space Ratio

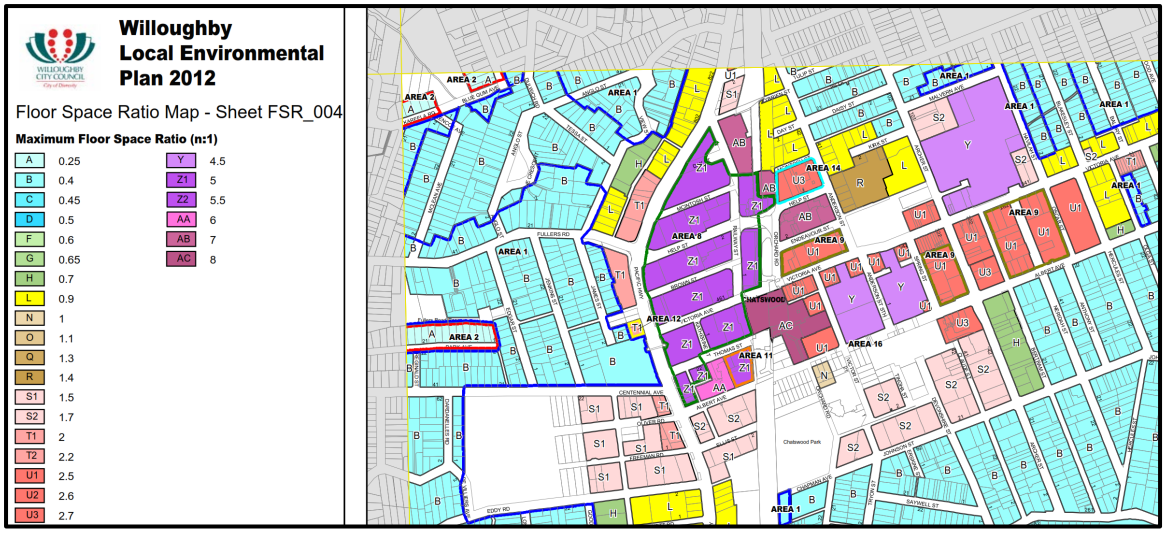


Figure 14: Current Floor Space Ratio Standard – 2.5:1

Clause 4.4 (Floor space ratio) establishes a maximum floor space ratio (FSR) of 2.5:1 for the site.

The objectives of the clause are:

- To limit the intensity of development to which the controls apply so that it will be carried out in accordance with the environmental capacity of the land and the zone objectives for the land;
- To limit traffic generation as a result of that development;
- To minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion;
- To manage the bulk and scale of that development to suit the land use purpose and objectives of the zone;
- To permit higher density development at transport nodal points;
- To allow growth for a mix of retail, business and commercial purposes consistent with Chatswood's sub-regional retail and business service, employment, entertainment and cultural roles while conserving the compactness of the city centre of Chatswood;

- To reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood;
- To provide functional and accessible open spaces with good sunlight access during key usage times and provide for passive and active enjoyment by workers, residents and visitors to the city centre of Chatswood;
- To achieve transitions in building scale and density from the higher intensity business and retail centres to surrounding residential areas;
- To encourage the consolidation of certain land for redevelopment; and
- To encourage the provision of community facilities and affordable housing and the conservation of heritage items by permitting additional gross floor area for these land uses.

This proposal seeks the application of a FSR of 6.0:1 and it is argued that this increase in permitted FSR will not undermine the objectives of the standard and is consistent with the Chatswood Town Centre Strategy.

5 Proposed Development

This planning proposal is required to enable the development of the subject site for a mix of land uses at the height and density detailed in this report. This planning proposal seeks to amend zoning. The uses envisaged are permitted land uses within the B4 Mixed Use zone. A concept plan is submitted with this proposal. This plan has been devised to respond to the site opportunities and constraints as summarised below. Furthermore, the design has been developed with regard to the Chatswood CBD Planning and Urban Design Strategy. The building from proposed is a result of the development controls suggested in the Strategy.

5.1 OPPORTUNITIES

The key site opportunities are considered to be:

Transport and access

- The site is in close proximity (walking distance) to Railway, bus interchange and future Metro Station.

Proximity to Centres and services

- The site is in the Chatswood Commercial core providing any easy commute to Sydney CBD and other major centres.
- The site is in easy access to professional, educational shopping and entertainment services.

Ability to provide new local services and connections

- This proposal offers the opportunity for street level activation.
- Mixed use development as proposed will make efficient use of existing services and infrastructure investment to the locality.
- Mixed use development as proposed will provide a mix of housing contributing to housing targets consistent with State Government policies towards locating housing close to jobs and services.
- This proposal will also provide an opportunity to accommodate commercial premises to support jobs growth and cater for the future residents in the locality.

Site area

- The site has several street frontages providing alternative vehicular and pedestrian access points to the site.
- Site has a total site area of 2127sqm.

5.2 CONSTRAINTS

The physical constraints are considered to be:

Noise

- Residential development is required to respond to noise originating primarily from high volumes of traffic. This is a residential design matter to be addressed at a DA stage.

Solar Access

- The need to protect solar access to existing surrounding residential development and to achieve reasonable levels of solar access to apartments within the development.

5.3 CONCEPT DESIGN

This Planning Proposal seeks to amend the Willoughby Local Environmental Plan 2012 to support a mixed use tower development over the subject site and will enable the subsequent lodgement of Development Applications for construction and use of the building.

The future redevelopment for the site centers about the creation of a high-quality mixed use development that includes the potential to integrate:

- commercial and/or retail land uses;
- Residential apartments; and
- Provision of Car parking

The concept includes the proposal to:

- Adopt a slender tower form;
- Provide high quality improvements to the public domain;
- Provision of a pedestrian link over Victoria Avenue;
- Provide 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.

The Concept Design is fully detailed in the accompanying design package prepared by Aplus Design Group.

5.4 PRESERVING DEVELOPMENT POTENTIAL OF ADJOINING SITE

Development potential is possible without amalgamation of 282-284 Victoria Avenue with 298 Victoria Avenue. While the Chatswood CBD Planning and Urban Design Strategy recommends a site amalgamation pattern that encourages the formation of larger development sites to increase the development potential. This proposal demonstrates that viable development is possible over the amalgamation of two sites (282-284) without compromising development potential of 298 Victoria Avenue. As shown in the figures below,

the subject site and the neighbouring site can be developed individually to achieve maximum development outcome. Furthermore, the figures below show how development of the subject site would not "isolate" the adjoining site.

Figure 15: Vehicular access with right of way enables the development of the subject site whale also providing for future access to adjoining site.

Basement Level Plan

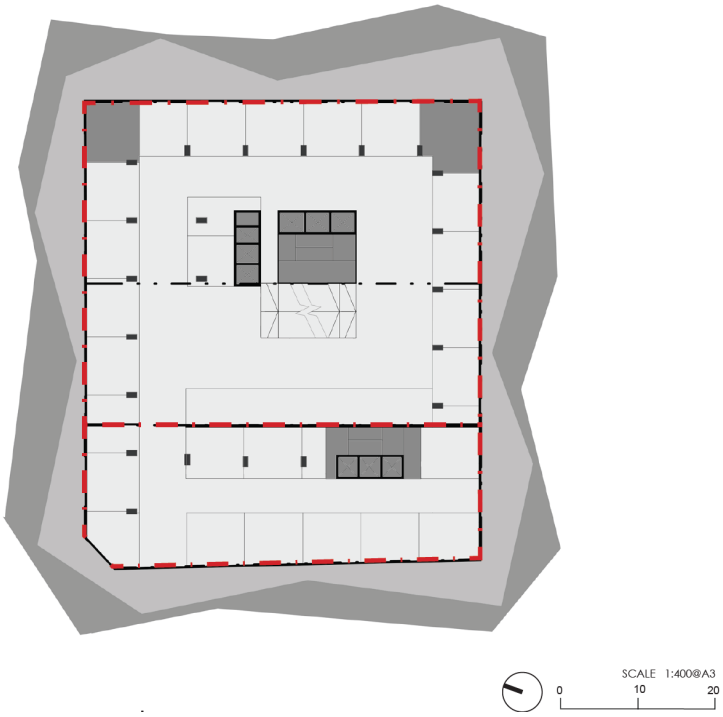


Figure 16: Basement development not compromised. Breakthrough panel included in construction enables future amalgamation for efficient basement configuration.

Ground Floor Plan

Figure 17: Sites are able to be serviced and operate either in amalgamated form, or independently.

5.5 Public Domain Improvements

Envisaged public domain works include the enhancement of the pedestrian areas thereby activating the street frontages. Furthermore, the applicant is amenable to the dedication of floor area to the Council for community purposes.

Notwithstanding the above, the Environmental Planning and Assessment Act, provides for a proponent to enter into a Voluntary Planning Agreement (VPA) where a change to an environmental planning instrument is sought. That is, the developer may pay a monetary contribution or provide a material public benefit to be used or applied towards a public purpose. In this regard, the proponent is willing to enter into more detailed discussions with Council for the preparation of a formal offer to Council to enter into a VPA. This process will be advanced at a later stage and will include consideration to a range of public benefits that could include dedication of floor area within a completed building, further streetscape and public domain works in and around the site, and/or provision of a monetary contribution to Council.

5.6 Socio-Economic Benefits of Mixed use Development

While a detailed discussion into the socio-economic benefits of mixed use development is outside the scope of a request to initiate the preparation of a Planning Proposal, it is nevertheless an important consideration. The benefits of mixed use development have been widely reported. Studies have demonstrated that mixed use developments encourage greater social interaction, improved health

outcomes, reduction in private motor vehicle dependence and the potential to generally foster improved quality of life brought about by providing opportunity for flexible work environments.

Increasing density and therefore residential population in and around centres of activity with a concentration of retail, commercial, community and/or specialised activity is widely recognized as an effective economic stimulus to town centres. Promoting higher density forms of residential development within mixed use developments in identified locations within centres has long been a key part of state and local planning policies. The colocation of residential population within an established area of economic, employment and cultural activity in close proximity to existing public transport infrastructure is seen as economically efficient and conducive to the building of stronger and healthier communities.

Essential Economics completed a study into the befits experienced in three centres for The Department of Environment, Land, Water and Planning (Victoria)[1] and found that:

- As well as increasing in population, each activity centre experienced a significant increase in the number of persons working in the centre
- Compared to Greater Melbourne, a higher proportion of persons aged 20 and 34 years of age live in the centres
- A higher proportion of residents of the centre tend to earn more than $1,250 per week than the average for Greater Melbourne
- A higher proportion of residents of the centre tend to work as Managers and Professional than the average for Greater Melbourne.

Furthermore it was found that residential population increases within centres resulted in:

- A growing and well-educated residential labour force;
- Business owners and operators generally expect positive impacts from an increased residential population; and,.
- Optimism from the business community that increased residential densities will generate additional retail trade and opportunities

Studies show that the increase in the residential population of centres has resulted in an increase in the available retail spending, floorspace expansion and employment opportunities associated with additional spending. When interviewed, businesses owners and managers saw positive impacts from an increase in residential development in centres, with some pointing to actual – or expected – improvements in retail activity, as well as safety and security.

It is argued that achieving the support of the Council to prepare a planning proposal to enable development as proposed will encourage the evolution of an integrated, mixed use precinct that will be a benefit to the business community including elevation of business optimism and confidence in a very uncertain point in time.

In the next six (6) to twelve (12) months the business community will be looking for ways to kickstart the local economy and build confidence. New and innovative ways to live and work will be the key to recovery. Providing the opportunity for teams of varying size to work at or in close proximity to home in

[1] Essential Economics Pty Ltd (Feb 2018) *Monitoring Land Use Planning Outcomes: Assessment of Local Economic Impacts of Increased Residential Development in Activity Centres* Prepared for Department of Environment Land Water and Planning.

innovative spaces is imperative for recovery. Todays workforce seeks modern, flexible work environments that support new business start-ups, non-traditional work hours or methods of trade and the all-important work-life balance. This is most probable from within accessible, mixed use developments, within existing centres of activity in close proximity to public transport. This proposal provides all of these benefits and is worthy of support on planning grounds and also for the socio-economic benefits that it will bring to the town centre of Chatswood.

5.7 SUPPORTING DOCUMENTATION

This Planning Proposal is supplemented by comprehensive Urban Design and Architectural Package and traffic impact advice.

6 Planning Proposal

This section of this report provides information to satisfy the Environmental Planning and Assessment Act 1979. Reference has been made to the *Department of Planning's Guide to preparing Planning Proposals (August 2016)*.

PART 1 – Objectives and Intended Outcomes

The key objective of this Planning Proposal is to amend the provisions of the Willoughby Local Environmental Plan 2012 to:

- permit a greater mix of land use;
- enable building heights and density greater than the current height and floor space ratio controls permit.

The proposed amendments to built form development standards aim to facilitate development which:

- recognizes the strategic location of the subject site, particularly being located within, strategic centre and in walking distance of existing rail, bus interchange and future metro rail station;
- leverages the subject site's proximity to public transport and town centres;
- will be a catalyst to the urban renewal; and,
- provides a range of housing opportunities close to jobs and transport.

Concept designs for future development has been prepared and summarised in Section 5 of this report and are separately attached. However, it should be noted that the scheme will be refined as part of the Development Application process once the Planning Proposal has been supported by Council and a favorable Gateway Determination has been received.

Part 2 – Explanation of Provisions

This Planning Proposal will amend the Willoughby Local Environmental Plan 2012 by:

- Amendment of land use zone to B4 Mixed Use;
- Amendment to the height of buildings (HOB) map to permit building heights height applicable to the subject site of up to 90 metres; and,
- Amendment of the floor space ratio (FSR) map to apply a maximum FSR to the subject site of 6.0:1.

Part 3 – Justification

Justification for this proposal is outlined in accordance with the Department of Planning and Environment's Guide to preparing Planning Proposals.

Section A – Need for the Planning Proposal

Q1. Is this Planning Proposal a result of any Strategic Study or Report?

The Planning Proposal is in generally consistent with the objectives of the *Chatswood CBD Planning and Urban Design Strategy* as detailed in section 3 of this report. This Planning Proposal will contribute to the urban renewal of Chatswood and facilitate the provision of additional commercial floor space and housing opportunities in the form of shop top housing. The submitted architectural package supports this proposal

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal amending permitted height of buildings and floor space ratio and amending the land use zone is the only means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The applicable strategies are discussed in section 3.2 of this report. This proposal is considered to have strategic merit as this proposal is consistent with the applicable strategies and represents development that is responding to a change in circumstance triggered by significant investment into a renewal corridor, strategic centre and where significant investment towards improved transport infrastructure is to occur.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

This proposal is consistent with the Chatswood CBD Planning and Urban Design Strategy with respect to height of buildings development standard. This strategy recommends a floor space ratio of 6:1 and height of buildings of 90 metres. This proposal seeks a height of buildings of 90 metres and total FSR of 6.0:1.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides a summary of applicable State Environmental Planning Policies

Legislation and Provisions	Comments
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	The Planning Proposal is not inconsistent with the SEPP.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	The Planning Proposal is not inconsistent with the SEPP.
State Environmental Planning Policy (Major Development) 2005	This Planning Proposal does not impact upon the application of the SEPP to future development.
State Environmental Planning Policy (SEPP) 32 – Urban Consolidation	This Planning Proposal seeks to rezone and redevelop the subject land for higher density living in close proximity to public transport options in accordance with current NSW State Government policy. The proposed is in an area where there is existing public infrastructure, transport and community facilities. This in turn enables people to live in a locality which is both close to employment and public transport enabling ease of travel to workplaces, leisure and other opportunities. The proposed amendment to development standards and redevelopment of the subject land is considered an optimal solution to increased housing development while reducing the reliance on private motor vehicles with direct access to public transport options. It is also considered that the proposed redevelopment will provide a greater diversity of housing types within the locality to meet the demand generated by changing demographic and household needs.
State Environmental Planning Policy 55 - Remediation of Land	Clause 7 of SEEP 55 requires that contamination be considered in the assessment of Development Applications. Given the existing and long term commercial use of the subject land, it is not considered likely that the existing site has been contaminated. Appropriate investigation would be carried out at development stage.
SEPP 65 – Design Quality of Residential Apartment Development	The Planning Proposal seeks to provide shop top housing that meets the design quality requirements specified in the SEPP. It is considered that the Proposal will provide sustainable housing in social and environmental terms and will be a long-term asset to the surrounding neighbourhood. It will provide a variety of dwelling types to meet population growth, and to support housing affordability, which is of crucial importance in NSW. It will also satisfy the increasing demand for housing, including the needs of a wide range of people from childhood to old age, including those with

Legislation and Provisions	Comments
	disabilities, acknowledging the changing social and demographic profile of our communities. The opportunity for existing residents to downsize from the family home to a residential apartment is also an important outcome which allows residents to 'age in place'. The Planning Proposal seeks to maximise amenity, safety and security for the benefit of the occupants of each building and the wider community. The proposed shop top housing buildings will achieve better built form and aesthetics including the surrounding streetscapes and the public spaces they define. It is intended to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions both during the construction of the buildings and during the life of the property.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal is not inconsistent with the SEPP.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal will not preclude new affordable rental housing under the Policy. Moreover, by increasing housing supply in a highly accessible location, the Planning Proposal is consistent with the aims of the SEPP regardless of whether subsequent Development Applications proposed affordable housing.
SEPP (BASIX) 2004	Future residential flat building development would be BASIX affected development. Future Development Applications would be expected to be accompanied by BASIX Certificates.
State Environmental Planning Policy No.64 – Advertising and Signage	Future development will need to satisfy the provisions of the SEPP.
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal will facilitate the increases in residential apartments and as such, any future Development Application subsequent to LEP amendment would most likely be "traffic generating development" pursuant to clause 104 and Schedule 3 of SEPP (Infrastructure) 2007. It would be expected that the subject Planning Proposal will be referred to the RMS for comment. It is further expected that a requirement of Gateway will be the preparation of a comprehensive Traffic Impact Statement.

The applicable Ministerial Directions have been identified and comment provided below.

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
1. Employment and Resources			
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Yes	Yes	The proposal seeks to amend the current zoning, however, employment uses continue. As demonstrated in the concept plan and discussed in this report this proposal relates to an integrated shop top housing development that increases available commercial floor space. Residential development will not undermine the commercial core zone objectives. The development as proposed will strengthen the economic activity within the strategic centre of Chatswood.
1.2 Rural Zones	Yes	N/A	This proposal does not increase density of land within a rural zone.
1.3 Mining, Petroleum, Production and Extractive Industries	Yes	N/A	This proposal does not impact on Mining, Petroleum, Production and Extractive Industries
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	N/A	The site of the Planning Proposal is not within an environment protection zone or land identified for environment protection purposes.
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	Yes	Yes	The Willoughby LEP 2012 contains Standard Instrument LEP heritage clauses. The Proposal relates to a site that is not a heritage item or within a heritage conservation area.
2.4 Recreation Vehicle Area	YEs	N/A	This proposal has no impact on recreation vehicle area

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Yes	Yes	While this direction does not strictly apply to this proposal (not in a residential zone) it is worth noting that this proposal will broaden housing choice, maximise infrastructure efficiency, minimise housing consumption …. and be of good design. This Planning Proposal will add to the number of dwellings and broaden the choice of building types and locations in the housing market The proposal will make efficient use of existing infrastructure and services, use existing developed land so as to avoid the consumption of land for housing and associated urban development and is of a good design complying with the Apartment Design Guide. The subject land is in close proximity to public transport and employment, both locally and regionally.
3.2 Caravan Parks and Manufactured Home Estates	Yes	N/A	Direction does not impact on Caravan Parks and Manufactured Home Estates.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Yes	N/A	The Planning Proposal will not affect the home occupation related provisions of the LEP.
3.4 Integrated Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking,	Yes	Yes	The Planning Proposal will add to the number of dwellings in close proximity to public transport and employment, both locally and regionally which is a Key Priority of the NSW State Government. This Proposal also encourages the choice of available transport and reduces travel demand including the number of trips generated by development and the distances travelled, particularly by car whilst

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.			encouraging pedestrian access to nearby public transport.
3.5 Development Near Licensed Aerodromes	Yes	N/A	The site is not near a Licensed Aerodromes.
3.6 Shooting Ranges	Yes	N/A	The subject site is not near a shooting range
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Yes	Yes	The site is identified as Class 5 land. The Planning Proposal does not amend Clause 6.1 and the current Acid Sulfate Soils Map for the site.
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply.
4.3 Flood Prone Land	Yes	N/A	The site is not identified a Flood Prone Land or within a potential flood planning area.
4.4 Planning for Bushfire Protection	No	N/A	Direction does not apply.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Drinking Water Catchment	No	N/A	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)			Direction revoked.
5.6 Sydney to Canberra Corridor			Direction revoked.
5.7 Central Coast			Direction revoked.
5.8 Second Sydney Airport: Badgerys Creek			Direction revoked.
5.9 North West Rail Link Corridor Strategy	No	N/A	Direction does not apply.
5.10 Implementation of Regional Plans	No	N/A	Direction does not apply.
6. Local Plan Making			
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	Yes	The Proposal seeks to minimise the inclusion of provisions that would require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Yes	Yes	No reservation of public land required
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Yes	The Planning Proposal does not propose site specific or development specific controls outside those listed within this report. However, the Council may request the preparation of a site specific development control plan.

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Yes	Yes	As discussed in this Report, this Planning Proposal is considered to be consistent with applicable state strategic plans.
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A	Direction does not apply.
7.3 Parramatta Road Corridor Urban Transformation Strategy The objectives of this Direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.	No	N/A	Direction does not apply.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan Objective (1) The objective of this	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).			
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan Objective (1) The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).	No	N/A	Direction does not apply.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan Objective (1) The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	No	N/A	Direction does not apply.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor Objective (1) The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent	No	N/A	Direction does not apply

Ministerial Direction	Applicable to Planning Proposal?	Consistency of Proposal with Direction	Assessment
with the plans for these precincts.			
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan Objective (1) The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan)	No	N/A	Direction does not apply
7.9 Implementation of Bayside West Precincts 2036 Plan Objective (1) The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	No	N/A	This direction does not apply
7.10 Implementation of Planning Principles for the Cooks Cove Precinct Objective (1) The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	No	N/A	This direction does not apply

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the subject land does not contain threatened or endangered ecological communities.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The primary causes for potential impacts are visual / streetscape impacts arising from a proposal which will be transformative to the existing character. Other impacts relate to traffic and additional demand for public services and utilities. It is argued that the impacts are not unacceptable and can be appropriately managed.

Streetscape and character impacts are to be managed/mitigated through high standards of architectural design. A site specific DCP could also be prepared in consultation with Council and other stakeholders. The introduction of shop top housing at the scale sought by this proposal is necessarily to enable urban renewal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of this proposal are significantly positive as it will facilitate additional supply and choice of housing within a highly accessible location. The development as proposed will also act as a catalyst to the urban renewal of the outer portion of the Chatswood CBD. This proposal will enable the development of a large site with a high standard of amenity and deliver a high quality mixed use product which promotes healthy and sustainable living.

Given the mixed use nature of development which will be facilitated by this Planning Proposal, it is likely that the proposal will have significant long term economic impacts. The construction phase of future redevelopment will result in considerable employment and economic benefit. Increases in commercial floor space will also be an economic benefit to the locality. There are no identified negative economic impacts.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The subject site is located in an area which is well serviced by existing infrastructure as detailed within this proposal. The locality is provided with all necessary utilities and public transport services. It would be expected that liaison with utility providers will occur subsequent to Gateway Determination. It would be expected that any requirement to augment the capacity of existing services will be at the developer's expense.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with other public authorities or the wider community has not yet occurred. The Gateway determination will establish which authorities should be consulted.

Part 4 - Mapping

This planning proposal will require amendments to LEP mapping including, the Land Zoning, Height of Buildings and Floor Space Ratio Maps.

Part 5 – Community Consultation

This is a matter for the Council to determine and then to be confirmed as part of the Gateway determination. The applicant is prepared to assist as appropriate.

Part 6 – Project Timeline

This is a matter for the Council to determine and then to be confirmed as part of the Gateway determination.

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

7 Conclusion

This Planning Proposal has been prepared to initiate a change to land zone and development standards. This Planning Proposal would seek to:

- amend the land use zone to B4 Mixed Use;
- amend the height of buildings (HOB) map to apply maximum building height of 90 metres; and,
- amend the floor space ratio (FSR) map to apply a maximum FSR to the subject site of 6.0:1.

It is argued that these changes to the LEP are essential to the long-term viability of centre growth while also supporting the notion of a "30 minute city" where a greater proportion of the population are able to live and work in accessible, well serviced locations.

This Planning Proposal has been prepared on the basis of detailed urban design and planning analysis which argues that the subject site is able to support the scale of development as proposed and would act as a catalyst to the progress urban renewal along with the provision of additional commercial floor space.

It is further argued that the future for Chatswood envisaged by Local and State Planning Authorities under the existing development standards is unlikely. Current development standards and those suggested within the Chatswood CBD Planning and Urban Design Strategy will not encourage the acquisition and redevelopment of aged premises. Existing land uses results in a highly undesirable streetscape presentation and affords very little in the way of creating the renewed Centre.

The solution which is advanced by the Planning Proposal is to amend the zoning to permit a mix of land uses and introduce an amendment to the height of buildings and FSR standards in line with the concept plan submitted as part of this proposal.

Furthermore, it is argued that this is the most appropriate means of achieving a desirable development outcome because commercial floor area is preserved which would not undermine the desire to preserve a commercial core.

It is suggested that the amendment of planning controls applicable to the subject site would bring significant benefits to the locality. For instance, the subject site has only contributed marginally to employment generation in the past and existing land uses are a less than ideal use of well-located and strategically significant land. Moreover, permitting development of the subject land as proposed would have the potential to bring about positive amenity improvements to the locality by creating a buffer and transition from Victoria Avenue to lower density residential in the vicinity.

With appropriate secondary local controls, land use mix and intensity can be managed to encourage a compatible use of land that would continue to serve as a buffer between existing non-residential and residential land uses.

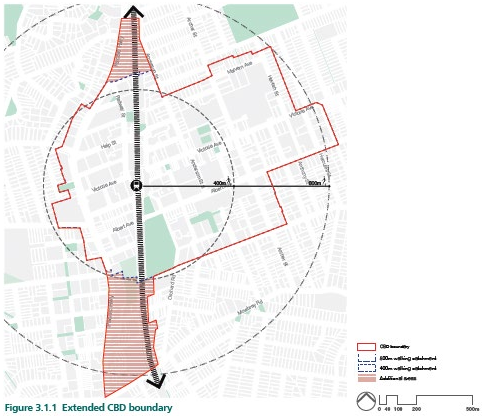
The amendment of development standards applicable to the subject site would bring significant benefits to the locality. Permitting development of the subject land as proposed will have the potential to bring about significant urban renewal including positive amenity improvements. The mixed use nature of the proposal will also contribute to improved economic performance of the strategic centre of Chatswood while also providing increased housing choice.

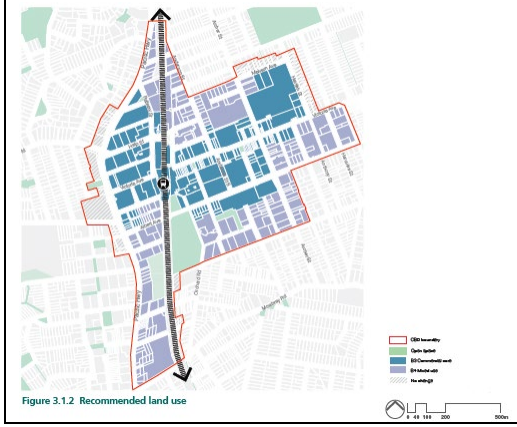
Given the mixed use nature of development which will be facilitated by this Planning Proposal, it is likely that the proposal will have significant long term economic impacts. The construction phase of future redevelopment will result in considerable employment and economic benefit. Increases in commercial floor space will also be an economic benefit to the locality.

This proposal is considered consistent with state strategic planning and would encourage beneficial change to the locality. As such, Council's support to progress a planning proposal is sought.

Appendix 1

Consistency with Key Elements of the Chatswood CBD Planning and Urban Design Strategy

Key Element	Comment	Consistency
CBD boundary 1 The Chatswood CBD boundary is expanded to the north and south as per Figure 3.1.1. to accommodate future growth of the centre.  Figure 3.1.1 Extended CBD boundary	• The subject site is located at 282-284 Victoria Avenue, Chatswood. • The site is located within the existing CBD boundary. • This proposal does not undermine the CBD boundary key element.	CONSISTANT

Key Element	Comment	Consistency
Land use 2 Land uses in the LEP will be amended as shown in Figure 3.1.2, to:		
(a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities.	• Residential proposed. However, residential land use only as shop top housing.	INCONSISTANT
(b) Enable other areas to be mixed use permitting commercial and residential.	• It is argued that the mixed use area be expanded to include the subject. Justification for this request for amendment arises from correspondence from the NSW Department of Planning, Industry and Environment dated 9th August, 2019. This correspondence is a response to Council regarding a request for endorsement of the Chatswood CBD Planning and Urban Design Strategy. This correspondence says: *I advise that the strategy has been reviewed and endorsement has been approved by the Department but only where it relates to the CBD core area subject to the following conditions:* *2. That mixed used development can be permitted within appropriate parts of the remaining CBD Core area (i.e. east of the North Shore rail line), but only where this results in demonstratable, significant and assured job growth, thereby aligning with the key objective of the District Plan to support job growth..*	INCONSISTANT
3 The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.		
4 Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.  Figure 3.1.2 Recommended land use	• Serviced apartments not included in this proposal.	NOT RELEVANT TO THIS PROPOSAL

Key Element	Comment	Consistency
PLANNING AGREEMENTS TO FUND PUBLIC DOMAIN		
5 Planning Agreements will be negotiated to fund public domain improvements	• The applicant is prepared to enter into a planning agreement.	ABLE TO COMPLY
6 A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide the public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population		
The scheme would: a) Apply to residential uses	• This proposal includes residential uses.	ABLE TO COMPLY
b) Apply to commercial uses above 10:1 FSR	• This proposal does not include commercial uses above 10:1 FSR	NOT APPLICABLE
c) Operate in addition to any adopted Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).	• Noted	
d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.	• Applicant is willing to offer a contribution via VPA to public domain that would enhance amenity and support residential and commercial uses.	ABLE TO COMPLY
7 All developments in Chatswood Centre should contribute public art in accordance with Council's Public Art Policy.	• The Applicant is willing to contribute to public art in accordance with Council's Public Art Policy (this policy is currently under review)	ABLE TO COMPLY

Key Element	Comment	Consistency
Design excellence and building sustainability 8 Design excellence is to be required for all developments exceeding the base FSR, based on the following process: a) A Design Review Panel for developments up to 35m high.	• This proposal will exceed 35 metres.	ABLE TO COMPLY
b) Competitive designs for developments over 35m high.	• The applicant will participate in a competitive design process.	
9 Achievement of design excellence will include achievement of higher building sustainability standards.	• Sustainability standards achieved will be detailed in a development application.	ABLE TO COMPLY
10 The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.	• Noted	NOTED
Floor Space Ratio (FSR) 11 Figure 3.1.3 shows existing FSR controls under the WLEP2012.	• Subject site is within the 2.5:1 FSR area	NOTED
12 Minimum site area of: a) 1800sqm for commercial development in the B3 Commercial Core zone b) 1200sqm for mixed use development in the B4 Mixed Use zone to achieve maximum FSR as indicated in Figure 3.1.4. Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.	• This proposal relates to an amalgamation of sites to achieve a site area to permit an FSR greater than the base FSR.	ABLE TO COMPLY

Key Element	Comment	Consistency
13 The FSRs in Figure 3.1.4, should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:		
a) No maximum FSR for commercial development in the B3 zone,	• Site is in the B3 commercial core, however this proposal seeks amendment to B4 Mixed Use and would exceed the minimum site area. Site is located within the 6:1 FSR area and this proposal seeks a FSR of 6.0:1	CONSISTANT
b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.	• This proposal relates to a mixed use development in the outer centre.	
c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.	• This proposal is not along the northern side of Victoria Ave east.	NOT RELEVANT TO THIS PROPOSAL
Floor space ratio maximums are not necessarily achievable on every site, and will depend on satisfactorily addressing a)site constraints, b) surrounding context c) other aspects of this Strategy including setbacks at the ground and upper levels d) SEPP 65 and the associated Apartment Design Guidelines.	• Noted. SEPP 65 and the associated Apartment Design Guide will apply to this proposal.	CONSISTANT
14 Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.	• Noted.	NOT RELEVANT TO THIS PROPOSAL
15 Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed Use zone is 1:1.	• This proposal is for shop top housing and the proposed commercial FSR exceeds 1:1, 3.0:1 proposed	CONSISTANT

Key Element	Comment	Consistency
Built Form 16 In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than: a) 2000sqm GFA for office and b) 700sqm GFA for residential towers above Podium within Mixed Use zones.	• Reference should be made to the concept design that accompanies this proposal that indicates floor plates for mixed use development	TO BE CONSIDERD ON MERIT
17 In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported, and should be minimised. Setbacks are considered an important part of achieving slender tower forms.	• Reference should be made to the concept design that accompanies this proposal that indicates floor plates for mixed use development	TO BE CONSIDERD ON MERIT
18 If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding lifts and services	• SEEP 65 and apartment design guide will apply.	ABLE TO COMPLY

Key Element	Comment	Consistency
Sun access to key public spaces 19 The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid winter of: a) Victoria Avenue (between interchange and Archer St)12pm - 2pm. b) Concourse Open Space 12pm - 2pm. c) Garden of Remembrance 12pm - 2pm. d) Tennis and croquet club 12pm - 2pm. e) Chatswood Oval 11am - 2pm (which in turn also protects Chatswood Park). In addition, f) Heights adjoining the South Chatswood Conservation Area will provide for a minimum 3 hours solar access between 9am and 3pm mid winter.	• Development as proposed will not impact upon sun access to key public spaces. • No additional LEP control required in respect to this key element and this proposal.	NO IMPACT
BUILDING Heights 20 Maximum height of buildings in the CBD will be based on Figure 3.1.6, up to the airspace limits (Pans Ops plane), except as reduced further to meet: a) Sun access protection. Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines. 21 All structures located at roof top level, including lift over runs and any other architectural features are to be: a) Within the height maximums. b) Integrated into the overall building form.	• The subject site is not impacted by sun access protection controls. • SEPP 65 applies to this proposal. • Subject site located within the 90m area • This proposal is within the maximum height limit Noted	CONSISTANT ABLE TO COMPLY CONSISTANT CONSISTANT ABLE TO COMPLY

Key Element	Comment	Consistency
Links, open space and landscaping 22 The links and open space plan in Figure 3.1.7 will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance. 23 Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.	This proposal allows for new linkages as indicated in the Strategy • Noted	CONSITANT ABLE TO COMPLY
Public realm or areas accessible by Public on private land 24 Public realm or areas accessible by public on private land: a) Is expected from all B3 and B4 redeveloped sites. b) Is to be designed to respond to context and nearby public domain. c) Should be visible from the street and easily accessible. d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.	• Noted • Noted • Noted • Noted	ABLE TO COMPLY

Key Element	Comment	Consistency
Landscaping		
25 All roofs up to 30 metres from ground to be green roofs. These are to provide a balance of passive and active green spaces that maximise solar access.	• Proposed roof will be above 30 metres.	NOT RELEVANT TO THIS PROPOSAL
26 A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.	• Refer to concept plan. Landscape requirements are achievable	ABLE TO COMPLY
Setbacks Street frontage heights and		
27 Street frontage heights and setbacks are to be provided based on Figure 3.1.8, which reflect requirements for different parts of the Chatswood CBD. With setbacks of 3 metres or more, including the Pacific Highway, deep soil planting for street trees is to be provided. a) Victoria Avenue retail frontage: i. Maximum of 7 metre street wall height at front boundary. ii. Minimum 6 metre setback above street wall to tower b) Urban Core: i. Maximum 24 metre street wall height at front boundary. Ii Minimum 6 metre setback above street wall to tower	• Reference should be made to the concept plans accompanying this application which demonstrates consistency with this key element.	CONSISTANT
28 All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.	• Reference should be made to the concept plans accompanying this application which demonstrates consistency with this key element.	CONSISTANT

Key Element	Comment	Consistency
29 Building separation to neighbouring buildings is to be: a) In accordance with the Apartment Design Guide for residential uses. b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.	• Reference should be made to the concept plans accompanying this application which demonstrates consistency with this key element.	CONSISTANT
Active street frontages 30 At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Blank walls are to be minimised and located away from key street locations.	• This proposal will include retail uses at the street level encouraging street level activity.	CONSISTANT
Further built form controls 31 Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.	• Site isolation has been avoided. This proposal includes site amalgamation and allows for further amalgamation	CONSISTANT
32 Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.	• Noted	
33 Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.	• Basement proposed	CONSISTANT
34 Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.	• Noted	ABLE TO BE COMPLIED WITH

Key Element	Comment	Consistency
Traffic and Transport 35 The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives. A new CBD Transport Strategy will build on the approach. In addition, site specific traffic and transport issues are to be addressed as follows:		
a) Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.	• Only one entry point per street proposed.	CONSISTANT
b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.	• Basement proposed.	CONSISTANT
c) All vehicles are to enter and exit a site in a forward direction. In this regard vehicle turntables should be provided where necessary.	• Entry and exit in a forward direction.	CONSISTANT
d) All commercial and residential loading and unloading is required to occur on-site and not in public streets.	• Loading and unloading will occur in the proposed basement.	CONSISTANT
e) Car parking should be reduced consistent with the objectives of Council's Integrated Transport Strategy and in	• Car parking proposed to meet the needs of the proposed development. Refer to traffic report.	CONSISTANT

Key Element	Comment	Consistency
accordance with any future revised car parking rates in Councils DCP. f) Other strategies for car parking reduction include reciprocal arrangements for sharing parking and car share.	• Noted	

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK