

17 March 2021

Our Ref: P-20212 (TC)

Brendan Metcalf

Director North District

Department of Planning, Industry and Environment

brendan.metcalf@planning.nsw.gov.au

Dear Brendan,

RE: REQUEST FOR REZONING REVIEW

PROPERTY: 849, 853 AND 859 PACIFIC HIGHWAY AND 2 WILSON STREET, CHATSWOOD

COUNCIL LGA: WILLOUGHBY COUNCIL

This letter has been prepared by City Plan Strategy & Development (City Plan), on behalf of 853 Pacific Highway Pty Ltd (ATF) (the client), in response to written advice received from Willoughby Council regarding the Planning Proposal 2020/10 (PP) at 849 - 859 Pacific Highway and 2 Wilson Street, Chatswood (the site). The site is legally described as SP 52947, SP 1496, SP 60178 and SP 10110 and currently accommodates four (4) residential flat buildings with 37 individual strata lots ranging in height from three to four storeys with a total site area of 3,166m².

The development site comprises 4 allotments, predominantly zoned R4 High Density Residential under the Willoughby LEP, with a portion along the western extent of the site fronting Pacific Highway zoned SP2 Infrastructure. Council's advice received on 11 February 2021 (letter dated 10 February 2021), states the inclusion in the PP of the SP2 zoned land as site area is not able to be supported, regardless of the proposed dedication in accordance with TfNSW's requirements. Council takes the view that the proposal is not consistent with endorsed Chatswood CBD Planning and Urban Design Strategy (CBD Strategy). Respectfully, the proponent and City Plan does not share this view as the Planning Proposal is wholly consistent with the CBD Strategy and offers significant public benefits.

Even if it is the case that there is a disagreement about whether the FSR calculation including the SP2 land should have been included, despite the CBD Strategy identifying the whole site for the application of the uplift, for the reasons set out below and in the PP; the site has both strategic merit and site-specific merit to accommodate the proposed GFA. Further, the controls to give effect to the CBD Strategy have not yet been made nor is there any certainty as to when those controls would be made. Finally, this approach to the GFA/FSR calculation facilitates dedication of the SP2 road widening land for nil consideration and this FSR transfer approach is widely applied in various local government areas throughout Sydney to facilitate dedication of land for road and open space purposes.

1. EXECUTIVE SUMMARY

1.1. Proposal background and rezoning review request

- In November 2020, the PP was lodged with Willoughby Council, which sought to amend the Willoughby Local Environmental Plan 2012 (WLEP) in relation to the site to be consistent with the objectives in the CBD Strategy. (Refer to **Appendix 1** for the documentation lodged with that application).

The PP sought to amend the WLEP in accordance with the CBD Strategy in the following way:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- Amend the maximum building height from 24 metres to 90 metres;

- Amend the maximum floor space ratio (FSR) from 1.5:1 to 6:1;
 - Add a minimum non-residential floorspace of 1:1 within the B4 Mixed Use zone;
 - Require the future development uplift to provide 4% affordable housing on the site, and
 - Introduce a new local provision in Part 6 of the WLEP that allows the total site area (including the SP2 land) to be included for the purposes of calculation of GFA/FSR if the SP2 land is dedicated to the TfNSW authority for road widening for 'nil cost'.
- On 7 December 2020, written advice was received from Council encouraging amendments to be made to the PP. The requirement to exclude SP2 land was not anticipated based on earlier meetings and discussions with Council. Subsequent detailed studies and supporting documentation was submitted to Council on 23 December 2020 addressing each of the items raised by Council, which we believe are wholly satisfied. For the reasons set out in our correspondence in reply to Council, the PP provides an optimal planning outcome with substantial public benefits (Please refer to **Appendix 2** for the advice from Council and the response).
- The applicant has applied for a rezoning review following Council's indication that it does not support the allocation of the FSR calculation to the SP2 land to facilitate the dedication of the SP2 road widening land for nil consideration. Notwithstanding that the inclusion of the total proposed GFA is easily able to be accommodated within a building envelope that is fully compliant with the CBD Strategy (Refer to Figure 1 below). The SP2 road reservation is on private land and the proposal does not seek to obtain a larger development on the site, but rather unlocks considerable public benefits as outlined below. All other criteria prescribed by Council have been met with the latest design concept.



Figure 1: Photomontage showing the resultant tall slender building compliant with the CBD Strategy. (Source: PBD Architects)

- We believe Council's position regarding floor space is inconsistent with SEPP 65 ADG guidelines for determining a suitable FSR standard based on the maximum permitted building envelope for a site. The proposed gross floor area will occupy less than 50% of the permitting building envelope for the site based on the CBD Strategy and is entirely consistent and well within the SEPP 65 Apartment Design Guideline (See below).
- The concept design scheme comprises a single slender tower and podium that delivers a considered articulated built form that is consistent with adopted urban design outcomes as per the CBD Strategy and is within the endorsed building envelope controls.
- The CBD Strategy lost a significant amount of uplift in the immediate area following a heritage review undertaken by GMU in 2019 of the original CBD Strategy endorsed by Council in 2017 (less 61,000sqm GFA). The main concern was ensuring an appropriate transition due to the

sensitive interface with the Heritage Conservation Areas. This does not include the subject site as this particular site is in between Pacific Highway and the rail line and significantly distanced from any conservation areas.

- It can also be demonstrated that this site is the only significant consolidated development site in the CBD Strategy that is capable of achieving more height and density, while remaining ADG compliant due to its unique location with taller and denser residential buildings to the south along Railway Street and commercial office towers to help meet planning targets. This proposal is unique in that it can replace some of the lost proposed GFA under the original CBD Strategy whilst still being consistent with the North District Plan to provide housing and maintaining a fully compliant envelope on site achieving the required setbacks and heights. The proponent also submits that the proposed PP is consistent with the CBD Strategy for the immediate area.
- The proposal will not set a precedent under the CBD Strategy in relation to the application of the calculation of the FSR to include the SP2 road widening land as only one other consolidated site is affected with the same SP2 road widening designation. This site, known as 753 Pacific Highway and 15 Ellis Street Chatswood, recently achieved Gateway determination with support to remove the SP2 reservation upon confirmation from Transport for NSW that this land was not required for road widening purposes. Under *Section 9.1 Ministerial Direction 6.2, Reserving Land for Public Purposes*, the Minister seeks to facilitate the provision of public services through land reservations and this proposal seeks to dedicate the SP2 land for nil consideration.
- Furthermore, and of significant relevance to the merits of this PP, the apartment buildings on 849 & 853 Pacific Highway physically encroach on the SP2 reservation. Without this proposal, the compulsory acquisition of the SP2 land would also require the acquisition of the adjoining land and demolition of the unit blocks at considerable cost to the Government. In this respect, the assessment of compensation of the acquisition of the SP2 land would need to be based on the highest and best use of the land having regard to the adjacent land use, in accordance with the valuation methodology prescribed in the *Land Acquisition (Just Terms Compensation) Act, 1991*. In this case, the DPIE, having adopted the CBD Strategy, the highest and best value would be a 6:1 FSR mixed use building to a max height of 90m. Based on the prescribed valuation methodology, the SP2 land would have an estimated land value in excess of \$7 million (and this excludes the cost of the necessary acquisition of the adjoining land due to the encroaching buildings). The dedication of this land for nil consideration with all encroachments removed is therefore clearly in the public interest as it provides a considerable cost saving to TfNSW and will enable funds to be otherwise utilised on the delivery of necessary road infrastructure to support the Chatswood CBD Strategy.
- The SP2 zoned land on the subject site is included in the CBD Strategy (Refer to Figure 2 below) and represents c.15% of the total site area (Refer to Figure 3 below).



Figure 2: Extract of Maximum FSR map from the Chatswood CBD planning & urban design strategy 2036. (Source: PBD Architects Urban Design Report)



Figure 3: Site plan showing the 4 x properties forming the PP site, with the pink area representing the SP2 zoned land. (Source: VPA letter to TfNSW)

- Only as at December 2020 did we recently discover that Council is seeking a minimum site area of 3,000m² for the subject site in their proposed newly updated LEP, which is inconsistent with the CBD Strategy (specifying a minimum 1,200m²) and furthermore, requires the SP2 land to be included to achieve this minimum site area. This is wholly unreasonable that Council mandates the inclusion of the SP2 land when Council provides no GFA consideration to this land. Furthermore, this is inconsistent with *Section 9.1, Ministerial Direction 6.3 Site Specific Provisions*, which aims to discourage unnecessarily restrictive site-specific planning controls.
- An alternative proposal will not provide the public benefits achieved with this proposal as listed below. Should the maximum permissible GFA calculation for the site not be able to include the SP2 portion of the site, it would not be viable to dedicate this land at nil cost in addition to delivering a 400sqm dedicated community facility as a public benefit.

1.2. Public benefits achieved with this proposal

Following written TfNSW confirmation (in August 2020) that it requires the SP2 road reservation land for future road works (WCC was informed), the proposal was reworked to provide the following significant public benefit offers, including:

- A saving to TfNSW in excess of \$7m to acquire the SP2 land under the *Land Acquisition (Just Terms Compensation) Act, 1991*, which can alternatively be used to deliver required road infrastructure in Chatswood to support the Strategy;
- A 400m² dedicated community facility to Willoughby Council for future generations in a prime location with high amenity;
- Additional affordable housing GFA and local developer s7.11 contributions through the GFA from the SP2 land in excess of \$1.56m;
- Additional commercial GFA in the immediate area; and
- Additional housing and jobs within a 5 min walk from a major transport hub.

Council to date has provided no comment regarding the public benefits achieved with this proposal.

1.3. SEPP 65 Apartment Design Guidelines (ADG)

It can be established that the proposed maximum GFA in the PP (including the SP2 land) is significantly less than the application of the ADG Guidelines would permit on the site.

Section 2B Building envelopes of the SEPP 65 Apartment Design Guidelines stipulates:

'A building envelope should be 25-30% greater than the achievable floor area (see section 2D Floor space ratio) to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space'.

Section 2D FSR of the SEPP 65 Apartment Design Guidelines stipulates:

'FSR is not a measure of the maximum capacity of the building envelope. The envelope provides an overall parameter for the design of the development. The allowable gross floor area should only 'fill' approximately 70% of the building envelope (see section 2B Building envelopes). In new urban areas or where an existing neighbourhood is undergoing change, building envelopes should be tested prior to setting FSR controls'.

The permissible building envelope for the site based on the Chatswood CBD Strategy built form controls accommodates a total gross floor area of approximately 38,286m². The proposed 6:1 FSR standard for the subject site (including SP2 land) equates to a maximum gross floor area of 18,996m². The proposed GFA equates to 50% of the permitted building envelope floor area for the site and well within the recommended maximum FSR capacity of the building envelope and in accordance with section 2B and 2D of the SEPP 65 Apartment Design Guidelines.

Further, the proposed residential tower includes a 630m² GFA floorplate, well within the maximum 700m² GFA floor plate size stipulated within the CBD Strategy (Key Element 16(b)).

Therefore, the proposed GFA enables the delivery of significant community infrastructure and is consistent with the SEPP 65 Apartment Design Guidelines, CBD Strategy and results in a suitable GFA maximum for the site and is wholly in the public interest.

1.4. Summary of the strategic and site-specific merits of the PP

Section 6.5 (pp50-51) of the PP written documentation (found in **Appendix 1** of this Review Package) provides a table with the details of the strategic merits of the PP in accordance with Planning Circular PS16-004. However, these can be summarised as follows:

- Provision of increased accommodation in the Chatswood CBD within close proximity to the Chatswood Rail and Bus Interchange,
- Provision of additional affordable housing,
- Provision of commercial floorspace (minimum 1:1 FSR), consistent with the CBD Strategy,
- Facilitation of the development of a slender tower above a 2-storey podium, providing appropriate building separation, solar access and privacy to surrounding developments,
- Activation of the street level and enhancement of a prominent 70m section of Pacific Highway
- Provision of a substantial deep soil zone to act as a 'green' buffer along the Pacific Highway, and
- Dedication of the SP2 land to the relevant authority to provide certainty for the future road widening.

The proposal clearly also has site specific merit. This PP provides a rare opportunity to amalgamate a significant land area to provide a consolidated built form outcome that is located on a key gateway site in the Chatswood CBD. The inclusion of SP2 land in calculating GFA to give effect to the CBD Strategy does not result in a variation to any recently made planning controls. There is presently no certainty as to when the planning control changes to give effect to the CBD Strategy will be made. Further, the making of an instrument change to give effect to this PP does not have any precinct wide implications. The additional permitted use clause proposed is site specific and responsive to the unique circumstances of this particular site with its SP2 frontage.

The proposal is also suitable to be fast tracked under DPIE's acceleration program, with the applicant in a position to lodge a DA as soon as rezoning is achieved. The assessment provided demonstrates

the proposal has strategic and site-specific merit that is capable of being supported by DPIE and which delivers considerable public benefits.

2. SITE DESCRIPTION AND CONTEXT

The subject site is located on an island corner block, with its primary frontage to Pacific Highway and secondary frontages to Wilson Street to the north and O'Brien Street to the south. (Refer to Figure 1 of the PP document in **Appendix 1** and Figure 2 above).

The development site presently comprises 4 landholdings that presents a poor urban design outcome on a key gateway site to Chatswood, being situated adjacent to 90m residential towers along Railway Street and a future gateway determined 90m tower immediately to the north; and within 450m of Chatswood Station. (Refer to Figures 2-5 of the Planning Proposal Request document in **Appendix 1**) and Figure 4 below.

The site is highly accessible by public transport being located within a 5-minute walk to Chatswood Rail and Bus Interchange, as well as several bus stops along Pacific Highway.

Through site consolidation, this significant site unlocks the ability to provide significant public benefits not otherwise possible and ensures an optimal urban design outcome and public amenity.

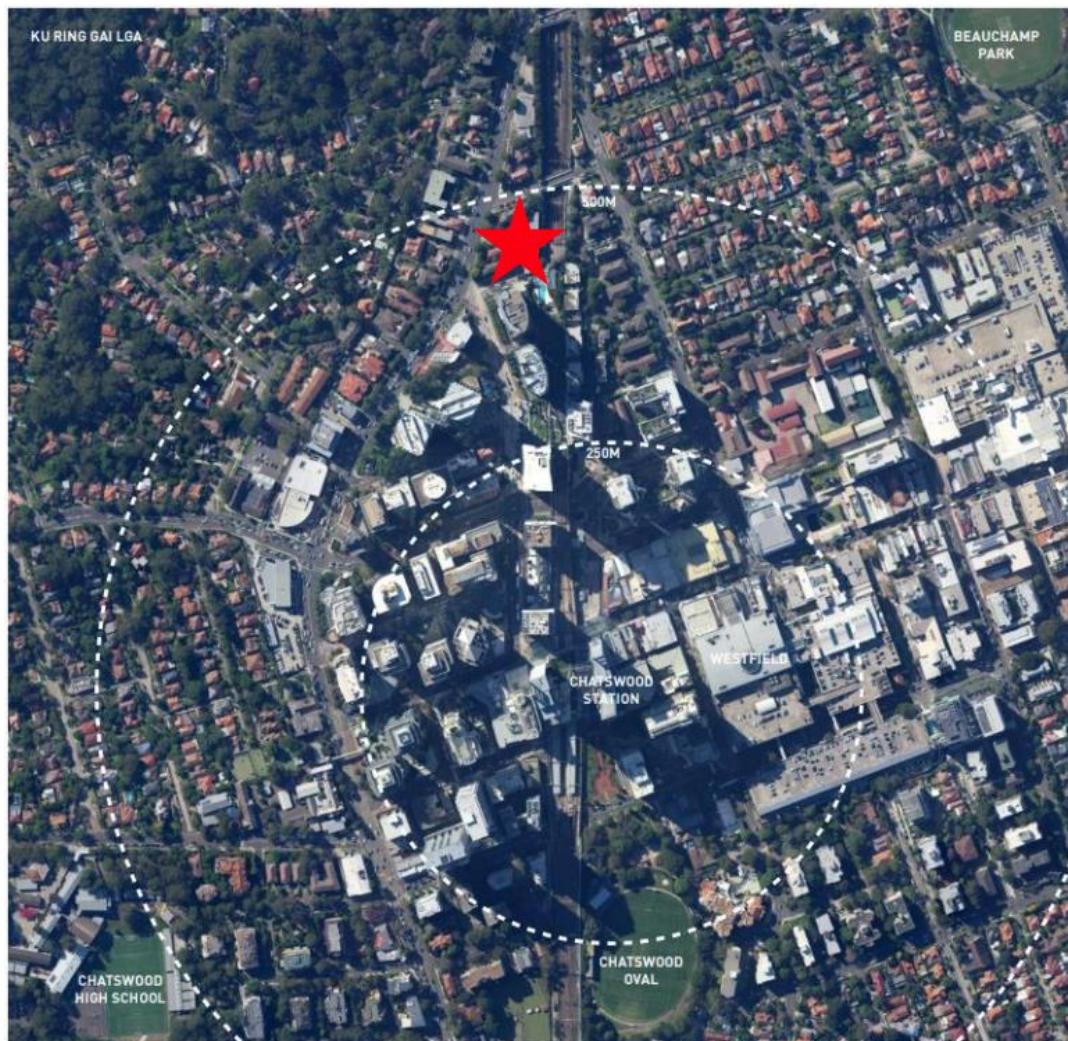


Figure 4: Location Plan, site location shown with red star (Source: PBD Architects and CityPlan Strategy and Development)

3. PP SUMMARY

The PP is consistent with the objectives of the standards set out in the CBD Strategy as per Architectus' detailed reports and analysis and it can be reasonably inferred that Architectus (the consultant behind the CBD Strategy) included the whole of the land for the purposes of their 6:1 FSR calculations by reference to the planning maps in their report. Architectus' analysis makes no additional reference to SP2 land in any document or report in relation to the CBD Strategy. Furthermore, the apartment buildings on 849 & 853 Pacific Highway physically encroach on the SP2 land meaning the development of the site would facilitate the resolution of this encroachment and the availability of the SP2 land for road widening purposes.

In other recently finalised precinct plans, such as Kellyville Station & North Ryde Station, there are specific clauses that deal with the transfer of floor space ratio, that encourage the provision of new roads by allowing transfer of FSR for that land to be dedicated at "nil cost" and ensures there are no offsets to local contributions or significant acquisition costs by relevant state/local authorities in future.

The same rationale should apply so as to be consistent and offer the same public benefit outcomes. Furthermore, there are numerous examples under current clause 6.21 of the WLEP, that provide 'bonus' GFA for development on consolidated sites on Pacific Highway, Freeman Road and Oliver Road, Chatswood. The applicant is not seeking a bonus, but rather the inclusion of the SP2 land in calculating GFA in return for dedication of this land to TfNSW for nil consideration. Further, Section 2D Floor Space Ratio of the ADG illustrates FSR should be allocated to future roads to be dedicated and stipulates consideration should be given when setting FSR standards to opportunities to achieve public benefits such as community facilities and public domain improvements, such as new streets, through-site links and open spaces.

Without the inclusion of the SP2 land in the maximum permissible GFA calculation, the 4-site amalgamation is unviable and will be split into two separate development sites, leaving one site undevelopable (being 849 & 853 Pacific Highway, whose existing buildings are located within the SP2 reservation). On the other hand, the consolidated site unlocks the ability to provide a dedicated new local community facility, additional affordable housing, additional local developer contributions and enhanced public domain, all housed within a building envelope that is entirely consistent with the built form controls in the CBD Strategy. A full summary of compliance can be found in Section 6.1.1 of the PP Report in **Appendix 1** and the amended Site Specific DCP provisions within **Appendix 2**.

3.1. Site amalgamation

The proponent has spent considerable resources over the past 3.5yrs to amalgamate four landholdings totalling a site area of 3,166m² per council's request (the minimum site area per the CBD Strategy is 1,200m²). The proponent has also had multiple discussions with WCC about the required dedication of the SP2 road widening land and inclusion of GFA, on the proviso that the urban design scheme would be compliant.

Full compliance is demonstrated by the Urban Design Study prepared by PBD Architects (part of the initial documentation submitted and now included in **Appendix 1**) and the revised concept plans included in **Appendix 2**. The amendments to the PP have been reflected in the amended DCP also included in **Appendix 2** of this Review Request.)

3.2. Concept design summary

The revised concept scheme submitted to Council in December 2020 (and attached in **Appendix 2** of this request) comprises a slender tower (630m² floorplate, which is below the 700m² maximum as prescribed in the Strategy, Key Element 16(b)) and podium; delivering considerable built form outcomes that respond to the surrounding context along Railway Street and future built form envisaged in the Strategy.

The proposed built form sits within the permissible envelope with the inclusion of the SP2 land GFA. The inclusion of the SP2 land provides a residential floorplate that represents only 23% of the site area excluding SP2 land, ensuring the tower will be read as a slender building.

The indicative scheme for the subject site includes the following:

- 2 storey podium of commercial development with tower element above. This podium is to have a 4m setback to the Future Road Widening along Pacific Highway and nil boundary setback to the other boundaries.
- Ground floor activation of three streets with commercial frontage along Pacific Highway, O'Brien Street and Wilson Street;
- All vehicular entry and exit from O'Brien Street. Tenant vehicle access can be separated from the loading access, minimising the service frontage while maximising the street frontage for commercial use;
- 3 street frontages and north-south site orientation, allowing good solar access and ventilation to be achieved to the residential units;
- A slender tower ensuring solar access to neighbouring dwellings;
- Landscaped areas within all setbacks and on the podium and roof levels, ensuring an extensive green character in accordance with the Chatswood CBD Strategy Principle;
- A public benefit in the form of dedication of 400sqm of gross commercial floor area for a new community facility,
- Provision of a diverse mix of dwellings including 4% affordable housing of additional proposed residential floorspace that is included in the overall 6:1 FSR control applied to the entire landholding area.
- Dedication of the SP2 road widening land to TfNSW.

The proposal achieves compliance with the 35 Key Elements of the Strategy, including, but not limited to:

- Consistency with the anticipated land use,
- Planning agreements to fund public domain,
- Improvements to the public realm along the Pacific Highway which is a key entry point into Chatswood, with a significant street setback, the provision of a pocket park, and pedestrian and cycling paths;
- An active street frontage to all three frontages,
- A tall slender building that fits within the anticipated building envelope and achieves acceptable setbacks and building separation,
- Provision of affordable housing,
- A 2-storey commercial podium,
- Provision of 20% of the site as soft landscaping, which includes deep soil landscaping along the Pacific Highway and all roofs up to 30m from ground level will be green roofs that balance active and passive open spaces; and
- Rationalisation of vehicle entry points, with tenants still separated from loading/unloading facilities.

3.3. Proposed Willoughby LEP amendment

This PP seeks to amend the *Willoughby Local Environmental Plan (WLEP) 2012* in accordance with the CBD Strategy as follows:

- Rezone the site from R4 High Density to B4 Mixed Use;
- Amend the Floor Space Ratio from 1.5:1 to 6:1.
- Increase the maximum building height from 21m to 90m.

- Add a minimum non-residential floor space of 1:1 within the Mixed-Use zone on the site.
- Require the development of the site to provide 4% of the residential gross floorspace uplift as Affordable Housing as per Clause 6.8 of the LEP and
- Introduce a new local provision in Part 6 of the WLEP that allows the total site area (including the SP2 land) to be included for the purposes of calculation of GFA/FSR through the amendment of Cl4.5 of the WLEP.

The Council in a Pre-PP meeting in October 2020, specifically requested that the Applicant put forward the proposed clause to give effect to the PP in a manner that would not have Precinct wide implications. The PP responds directly to this request and the mechanism to facilitate the inclusion of the SP2 zoned part of the site for the purposes of calculating the FSR, if the SP2 land is dedicated to the authority, is proposed to be implemented by adding a new Clause in Part 6 'Local Provisions' to the LEP as follows:

Development on Consolidated Sites located at 849-859 Pacific Highway and 2 Wilson Street, Chatswood

This clause applies to the following land at Chatswood: 849 Pacific Highway, Chatswood (SP1496), 853 Pacific Highway, Chatswood (SP60178), 859 Pacific Highway, Chatswood (SP10110), 2 Wilson Street, Chatswood (SP52947)

Despite clauses 4.3 and 4.4 of the LEP, development consent may be granted to development that will have a gross floor area not exceeding 18,997.2sqm; if the portion of land highlighted on the Land Reservation Acquisitions Map zoned SP2 is dedicated to the authority of the land.

3.4. Proposed Willoughby DCP amendments

An updated DCP was furnished to Council in December 2020 that is consistent with the built form controls in the Strategy (Refer to Revised Site Specific DCP controls updated 22.12.20 in **Appendix 2**).

3.5. VPAs to WCC and TfNSW

Accompanying the PP are two letters of offer from the applicant which include the following:

- Dedication of the frontage of the development site zoned SP2 to TfNSW for 'nil' consideration to provide for future road widening;
- The gross floor area uplift applicable to the SP2 land will increase the overall developer contributions, including s7.11s, and provide additional affordable housing;
- Dedication of 400sqm of gross commercial floor area on the eastern side of Level 1 to Council for the purpose of a new community facility that can be used for a flexible range of potential uses. This will include the provision of 2 parking spaces and 10 bicycle spaces;
- Affordable housing to be provided at the rate of 4% of the proposed additional private residential gross floorspace. The subject site is not currently identified under cl 6.8 of the Willoughby LEP 2012 or on the Special Provisions Area Map and there is no requirement for this provision.

Even though Council does not support the PP, the Applicant notes the following:

- (a) The SP2 road widening land would be dedicated to TfNSW pursuant to a VPA with that authority. The Applicant understands that TfNSW is willing to accept dedication of this land.
- (b) The additional local developer contributions and affordable housing conditions do not require entry into a VPA with the local Council.

The acceptance of the dedication of the community facility is a matter for Council. The Applicant remains willing to enter into a VPA to facilitate the dedication of this facility.

3.6. The natural environment

The proposal seeks to actively enhance the natural environment with considerable landscaping along Pacific Highway and improved sustainability outcomes on site. These matters have been discussed previously. In this regard, the proposal satisfies the Strategy.

3.7. Traffic and transport infrastructure

GTA (traffic consultant) confirmed the proposal would realise a significant improvement from existing access arrangements by consolidating the four existing driveways (including two off Pacific Highway) down to one off O'Brien Street and concluded the future redevelopment of the site in accordance with this PP will not result in any adverse impacts on the surrounding street network. (Refer to Traffic Report in **Appendix 1**)

4. CONCLUSION

The PP: -

- Is consistent with the planning objectives of the proposed B4 zoning pursuant to the current *Willoughby Local Environmental Plan (LEP) 2012*;
- Resolves the amalgamation of the site to enable mixed use development and for the portion of the land zoned SP2 to be dedicated to the relevant authority of the land for future road widening at nil cost;
- Is a suitable development which is consistent with the existing and future built form and will not adversely impact on the locality given the substantial land area;
- The proposed GFA is only 50% of the permitted building envelope for the site based on the CBD Strategy and consistent with the methodology included within the SEPP 65 Apartment Design Guideline for establishing appropriate maximum FSR standards for new site;
- Establishes a compliant building height across the site which creates the opportunity for a tall slender residential tower above a commercial podium providing increased residential and commercial development to the newly expanded Chatswood CBD area to the north;
- Is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities and District Plan objectives to locate increased residential density closer to public transport and access to mature road networks and existing urban centres;
- Provides public benefits, including via a planning agreement(s), the:
 - dedication to Council of 400sqm of commercial floor space for a new community facility,
 - provision of affordable housing within the site,
 - the economic and orderly development of land to achieve the future road widening of the Pacific Highway by the dedication of the SP2 land to TfNSW, and
 - the gross floor area uplift applicable to the SP2 land will increase the overall affordable housing s.7.11 and CIS contribution to Council;
- Is consistent with the Ministerial Directions; and
- Positively contributes net community benefits.

The dedication and reallocation of GFA from the SP2 portion of the site unlocks:

- A saving to TfNSW in excess of \$7m to acquire that portion under the Land Acquisition (Just Terms Compensation) Act, 1991 which can alternatively be used to deliver required road infrastructure in Chatswood to support the Strategy;
- Dedication of a new community facility;
- Additional affordable housing GFA and local developer s7.11 contributions through the GFA from the entire site;
- Additional commercial GFA in the immediate area; and

- Additional housing and jobs within a 5 min walk from a major transport hub.

The applicant is not seeking to increase the 6:1 FSR, but simply applying this control to the SP2 portion of land to facilitate the dedication of this land to TfNSW for nil consideration following their confirmation of the current anticipated need for this land for future requirements. This unlocks a considerable saving for the public in the future. Furthermore, maps in the CBD Strategy clearly indicate a 6:1 FSR for the entire site area, as shown in Figure 2 above.

Concern has been raised by WCC that the proposal is not in strict accordance with the CBD Strategy, yet the following PPs received council endorsement with Gateway determination approval and are all below the minimum 1,200m² site area (as set in the CBD Strategy)

- 58 Anderson Street – c. 566 m²,
- 15 Ellis Street & 753 Pacific Highway, Chatswood – 1,113m², 6:1 FSR and only 60m height with reduced setbacks to neighbouring properties, and
- 637-639 Pacific Highway, Chatswood c.1,185m² with reduced setbacks to neighbouring properties.

This PP will enhance the gateway into Chatswood's CBD from the north and meets the State and Willoughby Council's objective to increase densities in major centres including affordable housing and to provide jobs where there is excellent access to public transport.

Yours Sincerely,



Tina Christy
Associate Director

APPENDIX 1:

ORIGINAL DOCUMENTATION SUBMITTED

APPENDIX 2:

**LETTER FROM COUNCIL REQUESTING CHANGES AND RESPONSE ADDRESSING EACH ISSUE
RAISED.**