



57-61 Archer Street and 34 Albert Avenue, Chatswood

Clause 4.6 Variation Request

Clause 6.25 - Non-residential floor space

Willoughby Local Environmental Plan 2012

PREPARED FOR

Chatswood Property Pty Ltd

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1 Introduction

This Clause 4.6 Variation Request accompanies a State Significant Development Application (SSDA) for a shop-top housing development at 57- 61 Archer Street and 34 Albert Avenue, Chatswood (the site). The development proposes to vary the development standard for non-residential floor space provision pursuant to Clause 4.6 of the *Willoughby Local Environmental Plan 2012* (LEP 2012).

The objectives of Clause 4.6 are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This Clause 4.6 Variation Request demonstrates that strict compliance with the non-residential floor space development standard is unreasonable and unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify the contravention.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliance, the proposed development will:

- provide a suitable amount of non-residential floor space within the building podium to promote commercial and retail activity in the Chatswood CBD;
- enable high quality retail tenancies on the ground level to activate street frontages to both Albert Avenue and Archer Street;
- attract pedestrian traffic and contribute to the vibrancy of the public realm on Albert Avenue and Archer Street;
- Provide a three-level podium which is comprised entirely of non-residential uses;
- encourage a mix of retail and commercial uses across three floors, that will generate employment opportunities;
- contribute to the provision of employment floor space within in the Chatswood CBD;
- optimise the provision of non-residential floor space within the site's building envelope;
- create residential opportunities on the edge of the Chatswood CBD whilst supporting the economic growth of the MUI Mixed Use zone; and
- respond to the desired future character of the locality.

Therefore, the development application can be supported notwithstanding the breach of the Clause 6.25 minimum non-residential floor space development standard in accordance with the flexibility afforded under Clause 4.6 of LEP 2012.



2 Development Standard to be Varied

The development standard sought to be varied under this written request is Clause 6.25 Shop top housing in Zone MU1 under the LEP 2012.

2.1 Clause 6.25 Shop top housing in Zone MU1

Clause 6.25 of LEP 2012 states:

“Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.”

The development proposes a total Gross Floor Area (GFA) of 17,186m², which is equivalent to an FSR of 6.5:1. In accordance with Clause 6.25, a total GFA of 17,186m², requires a minimum non-residential floor space of 2,921.62m² (i.e. at least 17%). The proposal provides a non-residential floor space of 2,247m², which equates to 13.07% of the GFA of the total GFA proposed or 674.62m² less than required

The development includes three levels of non-residential uses for the purposes of both retail and commercial development – this includes the Ground floor level, Level 1 and Level 2 of the development.

It should be noted that the proposed floor area for the adaptive reuse of a heritage item at 34 Albert Avenue is not included in this total GFA calculation. Alterations and additions and a change of use to this heritage listed building was approved by Willoughby City Council on 15 October 2024 (DA-2024/68). The total GFA of for this building is 119.5m² (as approved).

The exclusion of floor space for the heritage listed building is on the basis that Clause 4.4(2A)(b) of the LEP 2012 prescribes that the floor area of a heritage item (in this case the building at 34 Albert Avenue) is taken not to be part of the GFA of the building for determining the maximum FSR of the building if it is a heritage item. Approval for this exclusion forms part of the overall SSDA and is further addressed in the EIS prepared by Mecone.

Accordingly, 119.5m² has been excluded from both non-residential GFA and the overall GFA for the proposed development. If the GFA for this adaptive reuse of the heritage item was to be included in the calculations, the total non-residential GFA for the proposal would be 2,366.5m², which would equate to 13.78% of the total GFA



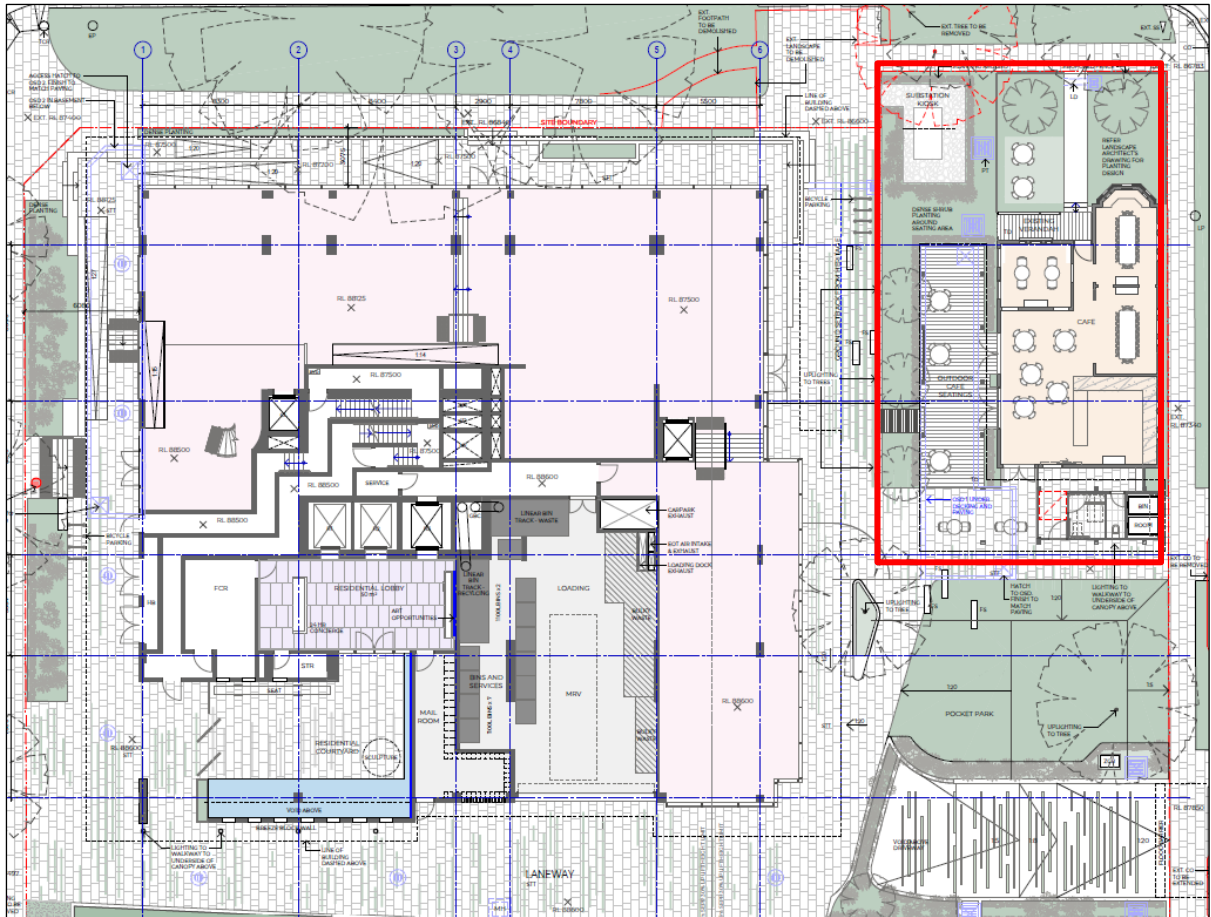
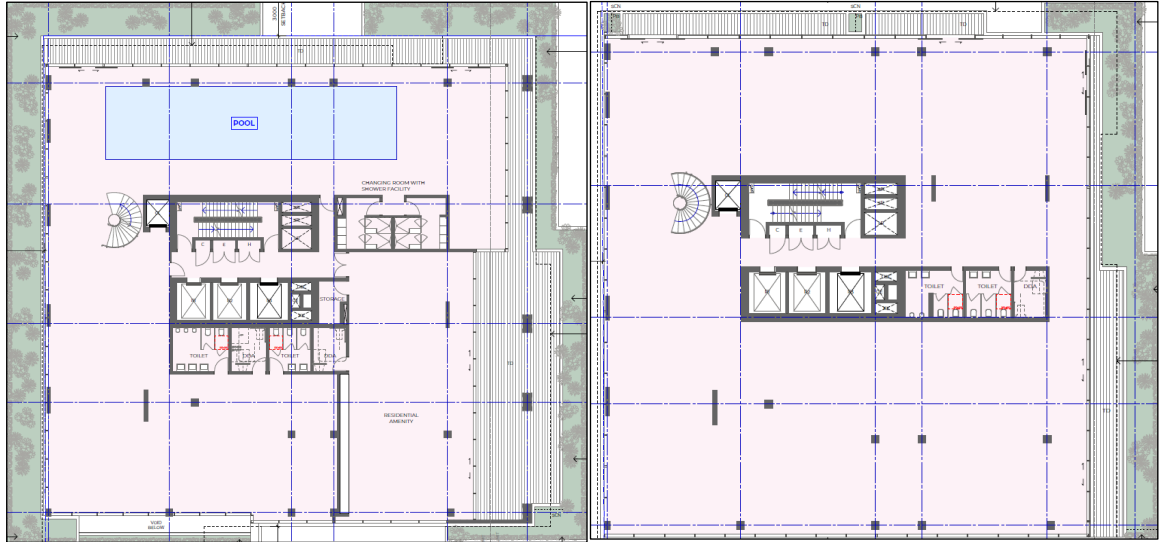


Figure 1: Ground level plan showing location of heritage item on the site in red outline

Source: Woods Bagot 2024



Level 1 commercial space

Level 2 commercial floor space

Figure 2: Proposed commercial floor space within Level 1 and Level 2

Source: Woods Bagot 2024



2.2 Is the Planning Control in Question a Development Standard?

The non-residential floor space requirement under Clause 6.25 of the LEP 2012 is a development standard involving a measurable quantum that can be varied.

It is noted that Clause 6.25 has no objectives, as such reference is made to **Section 4.1** and **4.3** of this report, which discusses the intent of Clause 6.25 as set out in the Department of Planning, Housing and Infrastructure (DPHI) endorsed *Chatswood CBD Planning and Design Strategy 2036* (Chatswood CBD Strategy).

3 Extent of Variation Proposed

The degree of the proposed variation to the non-residential floor space development standard in LEP 2012 is summarised in **Table 1** below:

Table 1: Non-residential floor space variation summary

Base LEP – per Willoughby LEP 2012				Housing SEPP – with 30% uplift			
LEP max FSR	Permitted GFA	Proposed non-residential GFA	LEP % Variation	Proposed FSR (inc. 30% Uplift)	Proposed GFA (inc. 30% uplift)	Proposed Non-residential GFA	Housing SEPP 30% uplift variation
5:1	13,224m ²	2,247m ² = 17% total GFA	0%	6.5:1	17,186m ²	2,247m ² = 13.07% total GFA	23.09%

The proposed SSDA seeks consent for 13.07% of the total GFA to be used for non-residential purposes, which represents a 23.09% variation (equivalent to 674.62m²) to the required minimum non-residential floor space provision of 17%.

As shown in **Table 1** above, the proposal complies with the provision of 17% non-residential GFA based on the LEP 2012 FSR of 5:1 or total permitted GFA.

In accordance with Clause 16(1) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), the site is eligible for the 30% uplift in GFA and height, which came into effect as of 1 July 2024.

The intent of this additional uplift under the Housing SEPP was to permit for additional market and affordable housing. However, this had unintended impacts on other GFA requirements by increasing the proportion of non-residential GFA in tandem with maximising the height and FSR bonuses afforded under the Housing SEPP. The provision of non-residential is commensurate with the increase in residential however, this was not the intent of the Housing SEPP. If viewed against the base controls the proposal would satisfy the minimum.

To fully apply Clause 6.25 of the LEP with the additional floor space bonuses under the Housing SEPP means that 17% of the uplifted GFA would also need to be non-residential floor space. This in principle doesn't align with the intent of Clause 16(1) of the Housing SEPP to provide additional infill affordable housing in locations with good access to public transport and services – like the subject site.

The proposed variation to the non-residential floor space standard is considered appropriate in the context of a shop top housing development with a total GFA of 17,186m² that both fulfils the requirements of the Housing SEPP to maximise the provision of new housing while also achieving Council's expectations for street activation and the opportunity for on-site jobs.

Strict compliance with the non-residential floor space would likely result in loss of residential units, which is inconsistent with the principles of the Housing SEPP, including "promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services" and "encouraging the development of housing that will meet the needs of more



vulnerable members of the community, including very low to moderate income households, seniors and people with a disability". Notably, Section 8 of the Housing SEPP states that if there is an inconsistency between the SEPP and another environmental planning instrument, whether made before or after the commencement of the SEPP, the SEPP prevails to the extent of the inconsistency.

Additionally, the In-fill Affordable Housing Practice Note released by DPHI in December 2023 specifies that local development standards should be applied flexibly and need to be balanced against the need to realise more affordable housing. Flexibility in applying the minimum non-residential floor space standard while utilising the in-fill affordable housing density uplift for the delivery of additional housing is thereby sought in this instance.

For this broad reason the proposal is consistent with the intent of the non-residential floor space requirement under the Chatswood CBD Strategy as justified and detailed in **Section 4.1.1** of this report.



4 Clause 4.6(3) Justification for Contravention of the Development Standard

Clause 4.6(3) of LEP 2012 provides that:

4.6 Exceptions to Development Standards

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that -*

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *there are sufficient environmental planning grounds to justify contravention of the development standard.*

Furthermore, Clause 4.6(1) of LEP 2012 allows for exceptions to development standards where it meets the following objectives:

- (a) *to provide an **appropriate degree of flexibility** in applying certain development standards to particular development,*
- (b) *to achieve **better outcomes** for and from development by allowing flexibility in particular circumstances.*

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (LEC) in:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90
- *Initial Action Pty Ltd v Woollahra Council* [2017] NSWLEC 1734
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [39]
- *WZSydney Pty Ltd v Ku-ring-gai Municipal Council* [2023] NSWLEC 1065

The relevant matters contained in Clause 4.6 of LEP 2012, with respect to the minimum non-residential floor space development standard, are each addressed below, having regard to these decisions.

4.1 Clause 4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances

The LEC judgement in *Wehbe v Pittwater Council* [2007] NSW LEC 827 sets out five possible ways for strict application of a standard to be unnecessary or unreasonable. In applying the tests of *Wehbe* to the proposal, the 'first way' is relevant to establishing that compliance with the minimum non-residential floor space development standard pursuant to Clause 6.25 of LEP 2012 is unreasonable or unnecessary:

1. **The objectives of the standard are achieved notwithstanding non-compliance with the standard.**

4.1.1 First way: The objectives of the standard are achieved notwithstanding non-compliance with the standard

Clause 6.25 does not include objectives for the non-residential floor space development standard. Notwithstanding, the intent of Clause 6.25 is set out in the Chatswood CBD Strategy. This Strategy is both endorsed by Council and DPHI.

The Chatswood CBD Strategy seeks to increase non-residential floor space within the Chatswood CBD to promote employment growth of the Strategic Centre. The boundary of the Chatswood CBD was expanded to the north and south and facilitates residential opportunities on the edge of the CBD as part of a MU1 Mixed Use zone. This edge was to provide key housing opportunities whilst providing some smaller scaled commercial opportunities that supported the core of the CBD, being the E2 Commercial Core zone.



To support job growth in the CBD the Chatswood CBD Strategy initially proposed a minimum non-residential floor space ratio of 1:1 for periphery sites like the subject site. This floor space was to be provided in the podium levels of a development that achieved a total maximum FSR of 6:1. This development standard was modified in the planning proposal process that resulted in a moderation to 17% of total GFA to accommodate sites that may have or achieve a lower maximum FSR control due to site constraints, surrounding context and the applicable built form controls - such as the Sun Access control in Clause 6.15 of LEP 2012 affecting large areas of the CBD.

At Page 33, the Chatswood CBD Strategy states that the objective of the recommended 1:1 minimum non-residential floor space standard (later converted to 17%) is as follows:

- *The objective of this Key Element is to achieve a **satisfactory level of commercial** in the B4 Mixed Use* zone to deliver a reasonable amount of **employment floor space**, typically to be **within the podium** levels of a development. This will be moderated depending on the overall FSR.
(our emphasis)*

*Note: the B4 Mixed Use zone is now referred to as the MU1 Mixed Use under the LEP 2012.

Further to the above, Section 3.1 of the Chatswood CBD Strategy provided key elements to guide future LEP and DCP controls*, including street frontage wall heights, which essentially constrains the podium levels and availability of non-residential floor space, noting that the site is subject to a maximum street wall height of 24m (to Albert Avenue) and 7m to Bertram Street,

*Street wall heights applicable to the subject site have since been adopted into the Willoughby Development Control Plan.

Response: The proposed development responds to a number of site-specific constraints which compete for, or constrain space within the podium:

- LEP - Clause 6.7 (Active Frontages), which are required to Archer Street and Albert Avenue.
- DCP - Control 4.3.4 (Setbacks and street frontage heights):
 - Southern precinct:
 - maximum 6m setback at ground level from front boundary
 - no setback from podium to tower
 - Bertram Street interface:
 - minimum 6m setback at ground level from front boundary
 - maximum 7m street wall height
 - minimum 3m setback above street wall to tower
 - Albert Avenue south:
 - minimum 3m setback at ground level from front boundary, with intermitted wider open space
 - maximum 24m street wall height
 - 3m setback above street wall to tower
- DCP - Clause 4.3.1 (Built Form)
 - Requirements relating to substations, fire egress and building services

The proposed 2,247m² of non-residential development within the podium of the development aligns with the above objectives in that:

- No habitable residential floorspace is proposed within the building podium;
- The proposed non-residential floor space includes two retail floor plates on ground level and a commercial floor plate across Levels 1 and 2, totalling 3 levels of non-residential uses - see **Figures 1 and 2**;



- The retail tenancies on ground level have been positioned to address the street frontages of Albert Avenue and Archer Street as well as the proposed pedestrian plaza within the development, facilitating street activation and passives surveillance of these street frontages and public domain areas;
- A significant portion of Level 1 has been dedicated commercial floorspace, providing flexibility for a variety of non-residential uses now and into the future to be adaptable to changing commercial needs. More specifically, the floorplate can be divided into multiple tenancies to meet the operational needs of the future businesses of various sizes; and
- In total the commercial floor space has the capacity to create both employment opportunities in an accessible location close to homes, contributing to a 30-minute city, while also creating opportunities for new jobs in the CBD.

Therefore, despite the proposed non-compliance, the proposed development optimises the provision of non-residential floor space within the constraints of the site and achieves the other LEP and DCP controls expected to support the Clause 6.25. For this reason and in the absence of LEP objectives for Clause 6.25 the proportion and design of the non-residential development is considered appropriate and achieves the intent of the Chatswood CBD Strategy.

4.2 Clause 4.6(3)(b) Sufficient environmental planning grounds to justify contravention of the development standard

There are sufficient environmental planning grounds to justify the proposed variation to the minimum 17% non-residential floor space development standard under Clause 6.25 on the basis that:

- To provide the additional 674.62m² of commercial space would mean that additional podium storeys would be required, which does not align with the design expectations of the Chatswood CBD Strategy and the principles of the Housing SEPP. Any increase in podium area would result in greater overshadowing impacts and would likely result in a bulky building that may not have resulted in obtaining endorsement through the design review process.
- The proposed non-residential floor space provision is consistent with the intent of the Chatswood CBD Strategy as it provides a wholly non-residential podium within at least two levels of commercial uses, contributing to the supply of employment floor space in the Chatswood CBD.
- The proposal would satisfy the 17% under the base case controls which pre-date the Housing SEPP and therefore the quantum envisaged under the Chatswood CBD Strategy has been achieved, despite having a technical breach as a result of the unintended policy of the Housing SEPP, which has proportionately increased the requirement.
- The proposed non-residential floor space includes the provision of active uses at ground level, which facilitates street activation and improves the amenity of the public domain. Combined with the commercial tenancies on Levels 1 and 2, the proposed non-residential floor space will increase the supply of employment floor space in the Chatswood CBD and creates job opportunities close to home, achieving the 30-minute city benchmark under the North District Plan and the Greater Sydney Region Plan – A Metropolis of Three Cities.
- The replacement of proposed residential floor with 674.62m² of non-residential floor space would result in the loss of approximately 11 apartments – thereby diluting the intent of the infill affordable housing controls under the Housing SEPP to maximise the provision of additional housing opportunities.
- Opportunities to provide a larger building footprint within the site is limited due to the retention and integration of the heritage item within the development as well as the provision of a pedestrian plaza and open space a ground level¹.

¹ **Note:** that the commercial floor space in this heritage item building of 119.5m² has not been included in the commercial floor space calculations as an exemption has been sought under Clause 4.4(2A)(b) of LEP 2012. Despite this, the total non-residential development on the site is in fact 2,367.5m² in total – which would result in 13.78% of the total GFA for the development.



- The proposed development been designed to optimise the provision of non-residential uses whilst also accommodating the spatial requirements of ground level loading and waste collection by a MRV truck, and building services requirements and vertical circulation. This has resulted in a reduction in available ground level non-residential floor space.
- The proposal has optimised the provision of non-residential floor space within the constraints of the required setbacks in the site-specific DCP and the ADG, as well as the vehicular access requirements. This outcome has also been achieved within the constraint of reduced building heights permitted on the eastern portion of the site under LEP 2012, the requirement to retain and improve the existing heritage listed building and the expectation for street level communal open space suitable for both resident and community use. These constraints have hampered the ability to provide non-residential floor space over the fuller site area.
- The proposed variation to the non-residential floor space standard, does not affect the proposed development's ability to provide a shop top housing development that is of appropriate bulk and scale. Notably, the proposal is compliant with the maximum 117m building height and maximum overall FSR of 6.5:1 allowable under the 30% uplift provided by Part 2, Division 1 of the Housing SEPP. Compliance with these other key controls will deliver a high density shop top development that is reflective of the desired future character of the Chatswood CBD while also contributing much needed housing supply.
- Reasonable design responses to accommodate the remaining non-residential component for floor space to comply with Clause 6.25 would result in poorer design outcomes given that it would likely result in:
 - More non-residential floor space within the tower component (i.e. top of podium) thereby reducing the quantum of housing, and/or
 - Substantially less deep soil and landscaping to the northern and eastern parts of the site; and/or
 - Increased demands on parking thereby requiring more on-site parking; and/or
 - Increase waste collection and loading bay requirements.

All of these options would either diminish the top-of-podium residential amenity of the site and its surrounds. Furthermore, they would undermine the design excellence of the scheme and be inconsistent with the merits of the design competition scheme which were identified by the design competition jury in the Design Competition Report dated 21 September 2023 (**Appendix AM**). These options would result in outcomes that would be inconsistent with the future desired character of the area.

- The potential reduction of housing resulting from the achieving compliance with the non-residential floor space standard is inconsistent with the principles stipulated in Section 3 of the Housing SEPP, relating to the delivery of housing and encourage the development of housing to meet the needs of the community. Section 8 of the Housing SEPP stipulates that the Housing SEPP prevails over the LEP 2012 in the event of inconsistency.
- The proposed 2,247m² of non-residential floor space still represents significant contribution to employment floor space in the mixed-use zone, which will support the economic growth and reinforce the commercial role of the Chatswood CBD core.
- Despite the numerical departure, the extent of variation is numerically small in the context of the overall development and will be imperceptible in the context of the wider CBD. Under CBD Strategy aims to boost employment opportunities on all sites in the edge of the CBD but also in its core areas.

Therefore, the deficit of 674.62m² in is both insignificant and imperceptible in a CBD location that already has significant non-residential floor space and that is expected to grow through the development of other similar mixed use and new commercial developments elsewhere in the CBD.

- The proposed non-residential floor space provision is consistent with the underlying objectives and aims of the Chatswood CBD Strategy as demonstrated in **Section 4.3** of this report.



The proposal is also consistent with the following objectives of the MU1 zone:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.*

The reason for the proposed development's consistency with the MU1 zone objectives is that it:

- Enables the provision of residential, retail and commercial uses within the building;
- Encourages a range of potential non-residential uses, making the space versatile to a range of employment uses; and
- Provides active street frontages, a pedestrian plaza and through site links that will attract pedestrian traffic, thus contributing to the provision of vibrant, diverse and functional streets.

The proposed non-residential uses will be located within the podium of the building in a highly accessible location within the Chatswood CBD. The site is within close proximity to the Chatswood Transport Interchange, which will promote public transport patronage.

The proposal will facilitate city living on the edge of the Chatswood CBD and contribute to the vitality of the city centre. The provision of non-residential floor space within the development will support the economic growth of the Chatswood CBD without undermining the commercial role of the CBD core.

Based on the above appraisal the proposed development has numerous environmental grounds to justify the variation sought to Clause 6.25 of LEP 2012.

4.3 Future Vision for Chatswood CBD

The Chatswood CBD Strategy has been in place since 2018 and was given effect via LEP Amendment No. 34 in June 2023. The proposal is consistent with the aims and intent of the proposed controls with respect to non-residential floor space provision under the Chatswood CBD Strategy, as discussed below.

The aims of the Chatswood CBD Strategy include:

- **Achieve a sustainable balance between commercial, retail, residential, education, cultural and other uses to ensure on-going vibrancy (p. 6).**

Response: The proposed development provides a mix of residential, commercial and retail uses to create a high-density residential environment with convenient access to local services, shops and employment opportunities for residents. It also includes the provision of retail uses and public domain works on ground level to create vibrant and active street frontages and provides high levels of pedestrian amenity in the public realm on Albert Avenue and Archer Street.

The proposed mix of residential and non-residential floor space is appropriate as it will provide a suitable level of commercial uses to support the ongoing vibrancy of the proposed development and the surrounding area. The proposed residential use will support the commercial core of Chatswood by providing high density residential communities within proximity to the commercial, cultural and community uses in the CBD.

At page 11, the CBD Strategy explains the intent of the various recommended development controls. In relation to non-residential floor space control, the Strategy states:



- **Ensure Chatswood's future as an employment centre is protected whilst allowing capacity for strong residential growth at the edge of the CBD (p. 11).**

Response: The proposed development will preserve the role of the Chatswood commercial core as an employment centre whilst supporting the growth of residential opportunities beyond the core of the Chatswood CBD. Importantly, the provision of non-residential floor space within the site seeks to be contained wholly within the building podium. This will support the vitality of the proposed mixed-use development and activation of the street, which serves a different role (being an extension to the CBD) to the commercial core of Chatswood. The core Chatswood CBD will maintain its strong position as an employment hub with a variety of offices and major retail facilities and will continue to be a vital component of the Eastern Economic Corridor.

Further, the proposed development will support residential growth on the edge of the CBD, consistent with the principles of the CBD Strategy. In particular, the proposal will provide a high-density residential environment and increase the supply of residential accommodation in Chatswood.

Affordable housing contributions will also be made in reference to the provisions of the LEP 2012 to ensure the availability of accommodation for a diverse range of residential population. The proposed residential units will therefore support strong residential growth on the edges of the city centre of Chatswood.

Accordingly, the proposed shop top housing will not undermine the commercial role of the Chatswood city centre and will realise the well-designed shop top development on the edges of the CBD to contribute to the vitality of the centre as intended by the Chatswood CBD Strategy.

- **Deliver sufficient floorspace appropriate to the projected growth requirements for Chatswood CBD (p. 11).**

Response: Under the Greater Sydney Region Plan, Chatswood is identified as one of the nine commercial office precincts in Greater Sydney. Under the North District Plan, Chatswood has a baseline jobs target of 31,000 and a higher target of 33,000 - requiring an additional 6,300 to 8,300 jobs by 2036. While the Chatswood CBD Strategy highlights the importance to meet the job targets set out by the North District Plan and maintain Chatswood's share of office employment amongst the strategic centres in Greater Sydney, it acknowledges that residential use is currently the most financially attractive land use which poses pressure on the existing stock and growth potential of Chatswood's office market. Without the provision for shop top development, most development would favour residential over commercial.

In this regard, the proposed shop top development enables the delivery of both residential and commercial uses in response to the increasing demand for residential accommodation and employment opportunities. While it involves a variation to the minimum non-residential floor space standard, the proposed 2,247m² non-residential floor space provision still represents a significant contribution to the employment floor space and provision of high-quality residential accommodation would support the vitality of the Chatswood CBD and respond to the market conditions that favour residential uses.



5 Conclusion

This Clause 4.6 Variation Request is for a variation to the minimum non-residential floor space development standard under clause 6.25 of LEP 2012. The request justifies the contravention of the development standard in the terms required under clause 4.6 of LEP 2012.

As demonstrated throughout this Variation Request, the variation sought to clause 6.25 is well-founded in this instance and the granting of a Clause 4.6 variation to this development standard is appropriate because:

- Compliance with the development standard is unreasonable and unnecessary as explained in **Section 4.1**;
- There are sufficient environmental planning grounds to justify the contravention of the development standard as demonstrated in **Section 4.2**;
- The underlying objective of the standard is achieved notwithstanding the non-compliance with the standard, as demonstrated in **Section 4.1.1**;
- The proposed development is consistent with the future vision of Chatswood CBD as discussed in **Section 4.3**;
- The extent of variation is considered minor and would be imperceptible in the context of the wider Chatswood CBD and the proposed development itself; and
- The proposal represents an optimal development outcome when compared to scenarios for achieving strict compliance.

Accordingly, the proposed variation to the minimum non-residential floor space development standard is well-justified and warrants approval.

