

PCU080335

PLANNING AND INFRASTRUCTURE
Planning Unit

18 November 2020

Planning Panels Secretariat
GPO Box 39
Sydney NSW 2001

To whom it may concern,

**RE: Planning Proposal Submission
PP_2020_WILLO_001_00 (2020SNH008)
65 Albert Avenue, Chatswood**

Department of Planning
Received
25 NOV 2020
Scanning Room

I am writing to you regarding Planning Proposal PP_2020_WILLO_001_00 for 65 Albert Avenue, Chatswood, where the Sydney North Planning Panel has been appointed as the Planning Proposal Authority.

Following Gateway Determination dated 9 June 2020, this Planning Proposal has now been placed on public exhibition between 22 October and 18 November 2020.

The Willoughby Council submission is contained in this letter and accompanying Attachments.

The Planning Proposal seeks to amend *Willoughby Local Environmental 2012 (WLEP 2012)* as follows:

- Increasing the maximum permitted building height from 27m to RL 192.90 (30 storeys).
- Increasing the maximum floor space ratio (FSR) from 2.5:1 to 11.11:1 and a new Area XX* to be subject to specific exceptions relating to the subject site.
- Establishing a minimum non-residential FSR of 7.68:1.
- Amending the Special Provisions Area Map to show 65 Albert Avenue as Area XX* subject to specific local provisions.
- Amending Schedule 1 to include 'shop top housing' as an additional permitted use for the subject site.
- Include a new provision within Clause 4.4A Exceptions to floor space ratio:
 - Ensuring that any shop top housing development provides a minimal non-residential FSR of 7.68:1.
 - Ensuring that no maximum FSR applies to any development seeking consent for 'commercial premises' or 'hotel or motel accommodation', consistent with the approach within the Chatswood CBD Strategy.
- Including a new provision within Clause 4.6 which provides that consent cannot be granted for development that contravenes the maximum residential FSR for the site for any development application seeking consent for shop top housing.
- Providing new additional local provisions which relate to Area XX* shown on the Special Provisions Map as follows:
 - Providing a minimum 4% GFA as affordable housing in addition to the maximum residential FSR of 3.43:1.

ENGLISH

If you do not understand this document, please visit Council's Administration Building to discuss it with Council staff who will arrange an interpreter service. The Administration Building is located at 31 Victor Street, Chatswood and open from 8.30am to 5pm, Monday to Friday. Alternatively, you may ring the Translating & Interpreting Service on 131 450 to ask for an interpreter to contact Council for you. Council's phone number is (02) 9777 1000.

ARABIC

إذا كنت لا تفهم هذه الوثيقة يُرجى زيارة مبنى إدارة مجلس البلدية لبحثها مع موظفي المجلس الذين سيتخذون ترتيبات للحصول على خدمة الترجمة الشفهية. يقع مبنى الإدارة على العنوان 31 Victor Street, Chatswood وهو يفتح من الساعة 8.30 صباحاً إلى 5 مساءً أيام الاثنين إلى الجمعة. يمكنك بدلاً من ذلك الاتصال بخدمة الترجمة الخطية والشفهية على الرقم 131 450 واطلب أن يقوم مترجم شفهي بالاتصال بالمجلس بالنيابة عنك. رقم هاتف المجلس هو: (02) 9777 1000.

ARMENIAN

Եթե չէք հասկնար այս փաստաթուղթը, խնդրեմ այցելեցեք Քաղաքային Խորհուրդի Վարչության Շենքը այդ մասին խոսելու Քաղաքային Խորհուրդի աշխատակիցներու հետ որոնք ձեզի համար թարգման մը կը կարգադրեն: Վարչության Շենքը կը գտնուի 31 Victor Street, Chatswood եւ բաց է կ.ա. 8.30 – կ.ե.5.00, Երկուշաբթիէն մինչեւ Ուրբաթ: Կարելի է նաեւ հեռաձայնել Թարգմանութեան Սպասարկութեան 131450 եւ խնդրել որ թարգման մը կապ հաստատէ Քաղաքային Խորհուրդին հետ ձեզի համար: Քաղաքային Խորհուրդի հեռախօսի համարն է՝ (02) 9777 1000:

CHINESE SIMPLIFIED

如果您不明白本文件，请前往市政府行政大楼，与市政府职员讨论，市政府职员会安排传译员提供服务。行政大楼位于31 Victor Street, Chatswood，上班时间是周一至周五上午8:30至下午5:00。此外，您也可以致电翻译传译服务处，电话131 450，请传译员为您联系市政府，市政府的电话是(02) 9777 1000。

CHINESE TRADITIONAL

如果您不明白本文件，請前往市政府行政大樓，與市政府職員討論，市政府職員會安排傳譯員提供服務。行政大樓位於31 Victor Street, Chatswood，辦公時間是週一至週五上午8:30至下午5:00。此外，您也可以致電翻譯傳譯服務處，電話131 450，請傳譯員為您聯絡市政府，市政府的電話是(02) 9777 1000。

CROATIAN

Ako ne razumijete ovaj dokument, molimo vas otidite u administrativnu zgradu općine i razgovarajte s osobljem općine koje će vam organizirati usluge tumača. Zgrada općine se nalazi na adresi 31 Victor Street, Chatswood i otvorena je od 8.30 izjutra do 5 poslije podne, od ponedjeljka do petka. Druga mogućnost je da nazovete Službu prevoditelja i tumača (Translating and Interpreting Service) na 131 450 i da ih zamolite da vam nazovu općinu. Broj telefona općine je (02) 9777 1000.

GREEK

Αν δεν καταλαβαίνετε αυτό το έγγραφο, παρακαλούμε επισκεφθείτε το Κτίριο Διοίκησης της Δημαρχίας για να το συζητήσετε με το προσωπικό της Δημαρχίας που θα οργανώσει διερμηνεία για την εξυπηρέτησή σας. Το Κτίριο Διοίκησης βρίσκεται στη διεύθυνση 31 Victor Street, Chatswood και είναι ανοιχτό από τις 08:30 π.μ. έως 5 μ.μ., Δευτέρα έως Παρασκευή. Διαφορετικά, μπορείτε να τηλεφωνήσετε στην Υπηρεσία Μεταφράσεων και Διερμηνείας στο 131 450 και να ζητήσετε από ένα διερμηνέα να επικοινωνήσει με τη Δημαρχία για λογαριασμό σας. Ο αριθμός τηλεφώνου της Δημαρχίας είναι (02) 9777 1000.

ITALIAN

Se avete difficoltà nel capire il presente documento, rivolgetevi all'Administration Building del Comune e gli addetti municipali provvederanno a richiedere l'assistenza di un interprete. L'Administration Building è situato al n. 31 di Victor Street, Chatswood ed è aperto dal lunedì al venerdì, dalle 8.30 alle 17. Oppure potete chiamare il Translating and Interpreting Service al 131 450 e chiedere loro di mettersi, per vostro conto, in contatto con il Comune. Il numero telefonico comunale è (02) 9777 1000.

JAPANESE

本文書が理解できない場合には、カウンシルの事務局にお越しいただければ、カウンシル職員が通訳サービスを手配の上で、ご相談に応じます。事務局の住所は、31 Victor Street, Chatswoodで、窓口受付時間は月曜から金曜の午前8時半から午後5時までです。他にも、電話131 450の翻訳通訳サービスにおかけの上、通訳士にカウンシルにつなぐように依頼することもできます。カウンシルの電話番号は、(02) 9777 1000です。

KOREAN

이 문서를 이해하지 못하실 경우 시의회 청사를 방문하셔서 시의회 직원과 이에 대해 상의하십시오. 시의회 직원이 통역사 서비스를 추천할 것입니다. 시의회 청사는 31 Victor Street, Chatswood에 위치하고 있으며 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지 오픈합니다. 아니면 여러분이 직접 번역통역서비스에 131 450으로 전화하셔서 통역사에게 시의회에 연락하여 여러분과 연결하도록 요청하십시오. 시의회 전화번호는 (02) 9777 1000입니다.

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- Including design excellence objectives consistent with Council's intended wording.
- Including a new provision which ensures that development must not result in additional overshadowing of the playing surface of 'Chatswood Oval' between 11am and 2pm during mid-winter.
- Prohibiting development for the purposes of serviced apartments.

This strategic vision for the Chatswood CBD has been based on a substantial body of work, public exhibition and consultation with government agencies. The *Chatswood CBD Planning and Urban Design Strategy 2036* (the *Strategy*) was originally prepared by Architectus at the request of Council in late 2016, publicly exhibited in early 2017 and endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, part endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 August 2019 and fully endorsed on 9 July 2020. The *Strategy* was again noted by Council on 14 September 2020 and subsequently updated to be date referenced September 2020.

Council seeks Planning Proposals within the Chatswood CBD that are consistent with the *Strategy*, and the strategic vision contained within as outlined in the 35 Key Elements, with the only variation being any specific condition identified by DPIE. Planning principles underpin the *Strategy*, and the vision and 35 Key Elements are clearly established for proponents to use as a guideline for planning proposals in the Chatswood CBD.

While amendments have occurred to the *Strategy* in response to DPIE endorsement, the majority of the 35 Key Elements applicable to the subject site remain essentially unchanged (endorsed as put forward) and the proponent has had opportunity to prepare a Planning Proposal consistent with what is expected under the *Strategy*. The Planning Report, dated August 2020, submitted with the Planning Proposal contains a table and discussion of the *Strategy* and the 35 Key Elements prior to the updating of the *Strategy* in September 2020. As the 35 Key Elements are the basis of any assessment of planning proposals within the Chatswood CBD it is considered appropriate and reasonable for an updated Planning Report and discussion of the *Strategy* and the 35 Key Elements to be provided in this case.

Notwithstanding this concern with documentation, Council recognizes that the Planning Proposal has strategic merit based on the broad objectives of the *Strategy* as endorsed by DPIE. This B3 Commercial Core site is suitable for significant increases in height and floor space, providing it results in substantial employment growth in line with Chatswood's Strategic Centre status. A limited residential component has been conceded in accordance with DPIE parameters, the site being close to transport and other infrastructure and services.

However at the same time the Planning Proposal does not provide a satisfactory level of site specific (or Key Element) merit in accordance with the *Strategy* – which is also the basis for amending current planning controls within the Chatswood CBD. In Attachment 1, Council has assessed the 35 Key Elements in the *Strategy* with regard to the site specific merit of this Planning Proposal. It is requested the proponent respond to Attachment 1 with amendments and accompanying documentation, which demonstrates

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how the proposal will help deliver the expected vision for Chatswood CBD as outlined in the *Strategy*. It is considered that the requested amendments are achievable.

Attachment 1 identifies:

- 1) Site specific (or Key Element) merit issues of concern for Council requiring amendments in order for consistency with the *Strategy* (or DPIE endorsement and Gateway Determination), in particular:
 - a) Land use
 - b) Voluntary Planning Agreements and public benefit
 - c) Affordable Housing
 - d) Design Excellence and building sustainability
 - e) Setbacks
 - f) Street wall heights
 - g) Internal vehicle access, loading / servicing provision
- 2) Other site specific (Key Element) merit issues requiring greater clarification to ensure consistency with the *Strategy*.
- 3) Further documentation requirements as follows:
 - a) Documentation updated to reflect the *Chatswood CBD Planning and Urban Design Strategy 2036* (September 2020).
 - b) Amendments and further information in line with the issues of concern and other Key Elements identified in this Attachment.
 - c) Conceptual elevation and section plans that refer to detailed RL heights, metres and storeys.
 - d) All concept plans accompanying a Planning Proposal should show on plan how the numerical requirements contained in the *Strategy* 35 Key Elements are addressed and satisfied. Particular reference is made to height, setbacks (ground, podium and upper levels) and street wall heights.
 - e) It is requested that Planning Proposals should be accompanied by draft Development Control Plan provisions that are site specific, addressing the *Strategy's* 35 Key Elements and at the same time consistent with the template approach taken with other Planning Proposals – as Council is seeking consistency in the approach to Planning Proposals within the Chatswood CBD. In order to assist, an example of draft DCP provisions is attached (already forward to DPIE with another Planning Proposal for a Gateway Determination).
 - f) Conceptual landscape plans that address soft landscaping on-site (on any relevant level).
 - g) Conceptual basement plans and traffic analysis showing and explaining all vehicle manoeuvring including loading/unloading and servicing vehicles.

The 35 Key Elements in the *Strategy* provide for an expected redevelopment of the Chatswood CBD to 2036, which considers an acceptable outcome for the public domain and neighbouring properties. Amenity to neighbouring properties has been a previous issue of redevelopment proposals on the subject site. Separate to the issue of the public domain and the very important issue of place making within the Chatswood CBD,

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variation of Key Elements on this site are not supported due to impacts on neighbouring properties with regard to visual amenity, building separation, view loss and traffic impacts.

Council is in a position where a planning proposal consistent with the *Strategy* represents appropriate development that has been endorsed by Council and DPIE. It is understood that DPIE as the Planning Proposal Authority will further consider in more detail amenity issues of neighbouring properties having regard to submissions received. Furthermore it is noted that, in line with Council's requirements, there will be the design excellence process and of course the DA process involving further public exhibition to refine the final outcome.

An amended Planning Proposal that both addresses strategic merit, as well as site specific merit (the 35 Key Elements), supported by the requested additional information, is encouraged on such an important site within the Chatswood CBD B3 Commercial Core zone.

Council seeks the opportunity to review the additional information provided in response to this letter and Attachment, and make further comment as necessary.

Should you have any questions regarding the contents of this letter, please contact Craig O'Brien on (02) 9777 7647.

Yours sincerely,



Ian Arnott
PLANNING MANAGER

Attachment 1 - Response to Planning Proposal

65 Albert Avenue, Chatswood

Discussion of *Chatswood CBD Planning and Urban Design Strategy 2036*

Council has assessed the Planning Proposal having regard to the 35 Key Elements in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the *Strategy*) as applicable.

As noted in the covering letter, Council recognizes that the Planning Proposal has strategic merit based on the broad objectives of the *Strategy* as endorsed by DPIE. The B3 Commercial Core site is suitable for significant increases in height and floor space, providing it results in substantial employment growth in line with Chatswood's Strategic Centre status. A limited residential component has been conceded in accordance with DPIE parameters, the site being close to transport and other infrastructure and services.

However at the same time the Planning Proposal does not provide a satisfactory level of site specific (or Key Element) merit in accordance with the *Strategy* – which is also the basis for amending current planning controls within the Chatswood CBD. Refer to the discussion below for detailed discussion.

Where appropriate draft *Willoughby Local Environmental Plan (WLEP 2012)* clauses have been included. Draft *DCP* provisions, based on the 35 Key Elements of the *Strategy*, are a standard requirement for any Planning Proposal seeking to utilise the uplift under the *Strategy* and are required in this instance. An example of site specific draft *DCP* provisions is provided for assistance.

1) Land Use

Key Element 2

Key Element 2 states:

"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.*
- b) Enable other areas to be mixed use permitting commercial and residential."*

A fundamental requirement within the *Strategy* is the prohibition of residential land use within the commercial core.

The subject site is located within the commercial core.

The Department of Planning, Industry and the Environment (DPIE) stated in its letter of 9 August 2019:

- *"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.*

- *That any planning proposals for the CBD Core area do not result in significant traffic or transport impacts, as sites in this part of the CBD are highly accessible to Chatswood rail and bus interchange.”*

The entire *Strategy* was endorsed by DPIE on 9 July 2020.

The Planning Proposal involves a land use split of 69% non-residential or employment land uses and 31% residential.

Benefits of the Planning Proposal, provided by the proponent, include:

- The proposal will increase employment floor space by 66% over the current Mandarin retail shopping centre.
- Whilst there is a minor reduction in overall retail floor space, it is important to note that the upgrade will maintain a similar quantum of Net Lettable Area (NLA).
- Some 69% of floor space provided on the site will be for employment land uses and will increase the number of jobs currently provided within the Mandarin Centre by 65.89 %.
- The proposal provides employment and housing growth to support an integrated land use and transport approach and walkable.
- A significant renewal of Chatswood’s third largest retail shopping centre. The centre provides enlarged public mall and circulation areas and retail spaces to attract specialty retail. The centre provides sufficient floor space for an additional metro style supermarket and will complement the existing offering within the other major centres including Westfield and Chatswood Chase.
- The enlarged circulation spaces within the centre will improve public pedestrian links through the site to Chatswood Station.
- The proposal provides boutique commercial office suites within the upper podium levels consistent with the demand identified within the Chatswood CBD Competitive and Comparative Analysis by AEC. This report identified that these smaller spaces are required to attract emerging technology and creative occupiers and professional services firms.
- The proposal will provide a new 20 storey commercial tower complementing the adjacent ‘Sage’ Commercial Building.
- The proposal will provide additional space for community uses including child care, after school care and flexible spaces for other education related uses.

References to the Sage building should be updated to reflect the ‘Sentral’ building (It is Council’s understanding this building name change happened in 2019).

It is noted that the Sydney North Planning Panel Pre – Gateway Review Advice Report referred in its ‘Advice and Reasons for the Recommendation’ that:

“The PP is consistent with the remainder of the CBD Strategy save for the inclusion of 30% of the GFA being residential.”

Council continues to emphasize that the subject site being located within the Commercial Core, very close to the Chatswood Transport Interchange and other services, is not an appropriate location for residential development in place of commercial development as strategically planned by Council. Notwithstanding this fundamental issue for Council, the conditions of the DPIE endorsement of the *Strategy* are acknowledged. Furthermore the parameters for consideration of a residential component in a development located within the Chatswood CBD B3 Commercial Core on the east side of the North Shore Rail Line by the Sydney North Planning Panel is also acknowledged.

A limited component of residential land use in this Planning Proposal of 30% is prepared to be accepted. The current Planning Proposal involving 31% should be reduced to 30%.

It is requested that the proponent review the floor space allocation and increase the commercial / non-residential floor space percentage for the site to 70% of the developable floor space, with residential being a maximum of 30%. A reduction in the residential component is possible by adhering to the required setbacks in the *Strategy* – as discussed below.

Council would seek for the 70% non-residential and 30% residential land use split to be applied as a control for this site within *WLEP 2012*.

Key Element 4

Key Element 4 states:

“Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.”

The proponent has agreed to this Key Element.

Council has an existing approach to serviced apartments within the B3 Commercial Core zone in the Chatswood CBD, being to amend the Land Use Table, Zone B3 Commercial Core, as follows:

In Permitted with consent, delete serviced apartments
In prohibited, insert serviced apartments

It is requested that this approach to amending *WLEP 2012* be utilised.

2) Planning Agreements to Fund Public Domain

To address Key Elements 5, 6 and 7, which are standard considerations for Planning Proposals seeking to apply the *Strategy* and would relate to the subject site, a Letter of Offer is requested with reference to Council’s draft VPA Policy recently on exhibition. The relevance of planning agreements to fund public domain improvements is considered both relevant and reasonable for this Planning Proposal, having regard to the significant uplift proposed involving a residential land use and the increased demand this places on public infrastructure and services.

Key Element 5

Key Element 5 states:

“Planning Agreements will be negotiated to fund public domain improvements.”

The discussion by the proponent of Key Element 5 refers to base FSR, which is not correct.

Documentation submitted with this Planning Proposal should be based on the current *Strategy*.

Key Element 6

Key Element 6 states:

"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.*
- b) Apply to commercial uses above 10:1 FSR.*
- 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 2012).*
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses."*

In regards Key Element 6, the proponent's Planning Report states:

"N/A - DPIE has advised WCC that it does not support the value capture scheme and has recommended that alternate methods for the delivery of infrastructure to support uplift. On this basis any future DA will be required to provide contributions based on the current applicable s7.12 rate for the Chatswood CBD of 3% of the development cost."

The discussion by the proponent of key Element 6 refers to value capture, which is no longer part of the *Strategy*.

Council seeks an approach to contributions consistent with Key Element 6, not a separate approach considered appropriate by the proponent. The above approach from the proponent to only provide s7.12 contributions is not considered to be adequate, consistent with what is expected or in the public interest. An affordable housing requirement of 4% for residential development (including within a shop top development) is already a standard requirement under *WLEP 2012*. Under the *Strategy*, there is no change to this standard requirement. As noted above contributions are intended to *"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 2012)."*

Key Element 7

Key Element 7 states:

"All redevelopments in the Chatswood CBD should contribute to public art in accordance with Council's Public Art Policy"

The proponent's Planning Report concludes that *"contribution to public art will be considered at the DA stage."*

Council seeks a commitment to working with Council's *Public Art Policy* at Planning Proposal stage. In this regard Council seeks public art to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

3) Design Excellence and Building Sustainability

Council seeks an approach to design excellence and building sustainability that is consistent with Key Elements 8, 9 and 10, which are standard requirements for Planning Proposals seeking to apply the *Strategy* and which would relate to the subject site, and Council's *Design Excellence Policy*.

Key Element 8

Key Element 8 states:

“Design excellence is to be required for all developments based on the following process:

- a) A Design Review Panel for developments up to 35m high.*
- b) Competitive designs for developments over 35m high.”*

In regards Key Element 8, the proponent’s Planning Report states:

“Noted, a site specific provision is proposed to ensure design excellence.”

Council has a design excellence clause that it consistently applies to Planning Proposal sites within the Chatswood CBD as follows:

- “1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- 2) This clause applies to development that is the erection of a new building on land shown in Area X of the Special Provisions Area Map.*
- 3) Development consent, including modification of development consent, must not be granted to development to which this clause applies unless:*
 - a) Where a building will be above 35 metres in height*
 - i) an architectural design competition that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions has been held in relation to the development, and*
 - ii) the design of the development is the winner of the architectural design competition, and*
 - iii) the consent authority considers and acknowledges that the development exhibits design excellence.*
 - b) Where a building is or will be higher than 12 metres but not above 35 metres in height*
 - i) The design is subject to review by a Design Excellence Review Panel, that is consistent with the Willoughby Design Excellence Policy and Guidelines for Design Excellence Review and Competitions, who consider that the design exhibits design excellence to a sufficient level to recommend that the project proceed to consideration by the consent authority*
 - ii) the consent authority considers and acknowledges that the development exhibits design excellence.*
- 4) An architectural design competition is not required under subclause (3) if the Planning Secretary or their delegate is satisfied that:*
 - a) such a process would be unreasonable or unnecessary in the circumstances,*
- 5) In deciding whether to grant development consent to development to which this clause applies, the consent authority must take into consideration Clause 3)a)iii) and 3)b)ii).*
- 6) In this clause:*

Design Excellence is a process and an outcome which follows a rigorous procedure including evaluation to achieve subclause (1).

Architectural Design Competition means a competitive process conducted in accordance with the Willoughby Design Excellence Clause and Guidelines for Design Excellence Review and Competitions.

Design Excellence Review Panel means a Council selected and appointed Panel or a Panel endorsed by the NSW Government Architects Office (Planning Secretary).

Guidelines for Design Excellence Review and Competitions mean Willoughby City Council Guidelines for Design Excellence Review and Competitions 09/12/2019.

Design Excellence Policy means the Willoughby City Council Design Excellence Policy 09/12/2019.”

It is requested that this approach to amending WLEP 2012 be utilised.

Key Element 9

Key Element 9 states:

“Achievement of design excellence will include achievement of higher building sustainability standards.”

In regards Key Element 9, the proponent’s Planning Report states:

“Noted – this will be a matter required to be addressed in the detailed DA/Design Excellence process.”

Council seeks a minimum GBCA rating or the like of 5 star in residential and commercial buildings. A higher GBCA rating is encouraged in commercial buildings.

In this regard Council seeks design excellence and building sustainability to be addressed in draft DCP provisions consistent with the Strategy and Council’s standard site specific DCP template approach.

4) Floor Space Ratio

Key Element 12

Key Element 12 states:

“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 (page 34). Site amalgamation is encouraged to meet this minimum requirement. In addition sites should not be left isolated.

The objective of this Key Element is to enable a site to be redeveloped to achieve an optimum outcome as envisioned under the Strategy and detailed in the other Key Elements. In particular, to enable:

- a) Provision of required setbacks to achieve slender towers and building separation whether on-site or with neighbouring sites,*
- b) Provision of ground level public realm or areas accessible by public on private land,*

- c) *Appropriate vehicle entry / exit point,*
- d) *Provision of parking and loading in basement with adequate on-site manoeuvrability,*
- e) *Maximising commercial floor space and street activation at ground level,*
- f) *Maximising landscaping and deep soil planting."*

The site is satisfactory with regard to Key Element 12 and the 1800sqm minimum site area. The objective of the minimum lot size in the B3 Commercial Core is to enable a site to be redeveloped to achieve an optimum outcome as envisioned under the *Strategy* and detailed in the other Key Elements. While the numerical requirement is achieved, this submission has regard to the abovementioned optimum outcome as envisioned under the *Strategy* and detailed in the other Key Elements.

Council has an approach to minimum site area that it consistently applies to Planning Proposal sites within the Chatswood CBD as follows:

To add Clause 4.1D 'Minimum lot size for Zone B3.

- "1) *The objective of this clause is to ensure a site is of sufficient size to achieve an optimum development outcome in the Chatswood CBD.*
- (2) *This clause applies to land in Zone B3 Commercial Core in the Chatswood CBD, identified as Area X on the Lot Size Map."*

It is requested that this approach to amending *WLEP 2012* be utilised.

Key Element 13

Key Element 13 states:

"The FSRs in Figure 3.1.4 (page 34), 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 ...*

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 ground and upper levels,*
- d) *SEPP 65 and the associated Apartment Design Guidelines."*

The subject site is in a location identified as having No Maximum for commercial development.

The following points are made that impact on the final FSR arrived at on this site:

- In the B3 Commercial Core zone, a No Maximum FSR was created to encourage commercial development (not mixed development). Under the *Strategy*, Council does not accept that the FSR achievable on this site would be the same for a sole commercial development as it would be for a mixed development.
- The Key Element is a standard requirement for Planning Proposals seeking to utilise the *Strategy* and would apply to the subject site. The FSR of 11.11:1 does not satisfy Key Elements 13 c) and d) above, and should be revised accordingly to be consistent with the envisioned outcome. This will have an impact on FSR.

Key Element 14

Key Element 14 states:

"Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster."

The abovementioned Key Element is a standard requirement for Planning Proposals seeking to utilise the *Strategy* and would apply to the subject site.

The proponent's Planning Report states:

"The proposal maintains that given the significant non-residential floor space being provided, affordable housing should be excluded from the maximum FSR consistent with approach under clauses 4.4 and 6.8 of the current LEP."

The Council response to this different approach is that if the proponent seeks to utilise the uplift under the *Strategy* for this site, then all relevant Key Elements apply. An approach of choosing which Key Elements apply and then relying on existing *WLEP 2012* clauses (that will be changed in response to the *Strategy*) is not considered reasonable or in the public interest.

Therefore, Council seeks affordable housing to be provided within any proposed residential floor space component (not in addition to, which would result in an FSR more than 11.11:1) and separate to any VPA (as per Key Element 6).

In regards the public interest, Council would be interested to hear from the proponent if there is an opportunity to increase the affordable housing provision within the residential component, with 4% being the minimum requirement and future increases being considered.

5) Built Form

Key Elements 16, 17 and 18, are standard requirements for Planning Proposals seeking to apply the *Strategy* and would relate to the subject site.

If residential land use is proposed in a mixed use approach to a site within the B3 Commercial Core zone, then requirements for mixed use development in the B4 Mixed Use zone would apply.

Key Element 17

Key Element 17 states:

*"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."*

The proponent's Planning Report states:

"Sides of both towers have been minimised."

Setbacks consistent with the *Strategy* reflect the built form envisioned for redevelopment – not retaining existing setback approaches. Floor plates below numerical standards and

minimisation of the sides of towers are not the sole requirements to be addressed. Setbacks are discussed further below.

Key Element 18

Key Element 18 states:

"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."

The proponent's Planning Report states:

"Building separation between the residential Tower A and commercial office Tower B is between 21/24m, all but the separation provided at level 10 is consistent with the ADG.

Two separate slender tower forms are provided which read clearly as two towers. The two towers will operate independently in terms of lift cores and services."

Council seeks consistency with building separation and the *Apartment Design Guidelines*. The slender tower outcome has positive implications from the public domain as well as in regards to the amenity of neighbouring properties. In regards Key Element 18, amendments should be made with regard to building separation, with particular reference to Level 10.

Council seeks built form to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

6) Sun access to Key Public Spaces and adjacent Conservation Areas

Key Element 19

Key Element 19 proposes to establish sun access protection and heights in Figure 3.1.5 in Local Environmental Plan controls, to ensure no additional overshadowing and protection of certain areas in mid winter.

Three key public spaces are located within close proximity to the subject site, and to the south:

"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."

It should be noted that Chatswood Park (which includes Chatswood Oval) is within the South Chatswood Conservation Area.

In regards Key Element 19, the proponent's Planning Report states:

"Proposed height of both towers will ensure no additional shadow to Chatswood Oval

between 11am and 2pm. An additional local provision is proposed to ensure that no additional sunlight will impact on the 'playing surface' of Chatswood Oval consistent with Figure 3.1.5 of the CBD Strategy."

The discussion of overshadowing on Page 49 of the proponent's Planning Report is noted. However the shadow diagrams provided (Appendix 1) do not clearly show the overshadowing directly related to the subject concept plans development, with all overshadowing shown in the same colour. Shadow diagrams are requested that clearly show:

- Overshadowing for what is proposed, together with any other overshadowing from other development. For clarity purposes, if the overshadowing is within existing shadowing, this still should be highlighted on the plans. Any additional overshadowing should also be shown.
- Pre and post development shadow diagrams for a comparison.

The above information is to clearly indicate the impact of overshadowing from the subject Planning Proposal on the three key public spaces abovementioned, with particular regard to Chatswood Oval (and Chatswood Park).

7) Building Heights

Key Element 20

The subject site is identified in Figure 3.1.6 'Recommended height' as located in the area protected by sun protection within the Chatswood CBD.

Key Element 20 states:

"Maximum height of buildings in the CBD will be based on Figure 3.1.6, based on context and 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."

This Key Element is a standard requirement for Planning Proposals seeking to utilise the *Strategy* and would apply to the subject site. The subject Council submission has had regard to the *Strategy* vision with regard to proposed height as affected by sun access protection and the other matters abovementioned.

In regards Key Element 20, the proponent's Planning Report states:

"Maximum height has been provided in accordance with the sun access protection diagram."

There are three RL's that affect the subject site, with the most southern RL being RL 160m (boundary where Albert Avenue meets Orchard Road), the middle section being RL 180 m and the most northern being RL 200 m (boundary where 65 Albert Avenue meets 31 Victor Street).

The Planning Proposal seeks a height control over the entire site of RL 192.9 m.

Council has no objection to the concept plans height provided it is in accordance with Figure 3.1.6 and the reduced height for sun access protection. The plans provided do not clearly indicate how compliance is achieved. Detailed plans should be provided showing how the heights proposed satisfactorily address the contours and RL heights shown on Figure 3.1.6 of the *Strategy*.

Council seeks building heights to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

Key Element 21

Key Element 21 states:

"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."*

In accordance with Key Element 21, all structures located at roof level are to be within the height maximum (including roof features). Roof features are encouraged however the height uplift under the *Strategy* has made allowance for such provision. In addition, these maximum heights are only achievable provided the other aspects of the *Strategy*, with particular regard to land use, are addressed.

For clarity purposes and to assist any reader, it is requested that elevation and section plans refer to RL heights, metres and storeys.

Council has an approach to architectural roof features and height that it consistently applies to Planning Proposal sites within the Chatswood CBD as follows:

To add Clause 5.6 'Architectural roof features', (2A) as follows:

"(2A) Despite subclause (2), development within Area X on the Special Provisions Area Map may only be carried out in accordance with the maximum height of Clause 4.3."

It is requested that this approach to amending *WLEP 2012* be utilised.

8) Links and Open Space

Key Element 22

Key Element 22 states:

"The links and open space plan in Figure 3.1.7 (page 36) 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."

Analysis is required to clearly identify how the requirements in Figure 3.1.7 have been addressed. How is this space to be managed and public access guaranteed ?

Key Element 23

Key Element 23 states:

“Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.”

The proponent’s Planning Report refers to an incorrect Key Element in regards Key Element 23 communal open space. Analysis of the *Strategy* should be updated to accurately reflect the 35 Key Elements.

It is also noted that the Planning Proposal provides for a commercial tower, a residential tower, a retail commercial podium and basement supermarket, as well as a podium level child care / education facility. The communal open space allocated to each use should be identified and satisfactorily serve each respective use. Particular concern is raised in regards the Level 5 Podium and the relationship between residential communal open space and the child care / education facility. It is considered that residential communal open space should be divided between podium level and roof top level for an acceptable outcome.

Council seeks links and open space to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council’s standard site specific *DCP* template approach.

9) Public realm or areas accessible by public on private land

Key Element 24

Key Element 24 states:

“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.”*

The proponent’s Planning Report refers to an incorrect Key Element in regards Key Element 24. Analysis of the *Strategy* should be updated to accurately reflect the 35 key Elements.

It is noted that the concept plans show a Ground Level setback of 3m to Albert Avenue, and 2m to Victor Street. These setbacks are supported and encouraged in regards to the provision of public realm, but are not considered reasons for variation of other *Strategy* or setback requirements.

Further explanation is requested on how the proposal has been designed to maximise public benefit and encourage public use – in accordance with this key Element. Council also requests detail on how the permanent public benefit is to be achieved (KE 24d)).

Council seeks public realm to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council’s standard site specific *DCP* template approach.

It is noted that Planning Proposal 2013/4 for the subject site was accompanied by improvements to the surrounding road network, provision of additional public open space and footpath widening in a draft Voluntary Planning Agreement (VPA) as follows:

- A 3m wide road dedication to Council along Albert Ave (unencumbered by any building above) to enable adequate traffic access to and from the site.
- A publicly accessible landscaped open space area (minimum area 97.8sqm) connecting with the interchange public open space terrace precinct.
- The provision of a two metre building setback at the ground level of the proposed development along the full length of the Victor St frontage of the site providing an active street frontage with a widened public footpath and street planting.

Council would be interested to discuss the possibilities of any of the above items being included in a Voluntary Planning Agreement. In regards Victor Street, Council would be interested in the provision of a two metre setback unencumbered by any building above to improve the pedestrian experience leading to and from Chatswood Mall and the Transport Interchange (via Post Office Lane).

10) Landscaping

Key Element 25

Key Element 25 states:

"All roofs up to 30 metres from ground are to be green roofs. These are to provide a green contribution to the street and a balance of passive and active green spaces that maximise solar access."

Although the incorrect Key Element number is used, in regards this issue the proponent's Planning Report states:

"Design for green roofs, open space etc. can be resolved through the design excellence process and detailed DA."

Council seeks green roofs to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

Key Element 26

Key Element 26 states:

"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."

Although the incorrect Key Element number is used, in regards this issue the proponent's Planning Report states:

"Soft landscaping can be resolved through the design excellence process and detailed DA."

Although it is appreciated that the design is still in 'concept' stage, Council nonetheless requests landscape plans that address soft landscaping on-site, how the above two 'Landscaping' Key Elements are addressed, and how the proposal is consistent with the objective of greening the Chatswood CBD. In addition to concept landscape plans, Council seeks draft *DCP* provisions which address *Strategy* Key Elements related to landscaping, consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

An important objective of the *Strategy* is redevelopment being accompanied by a greening of the Chatswood CBD – which is applicable to the B3 Commercial Core. Soft landscaping is to

be provided within a site, and where possible, visible from the street. The location of the site within the Urban Core precinct is acknowledged. Podium levels should contain greening that is visible from Albert Avenue and Victor Street.

The Planning report refers to incorrect Key Element numbering in regards Key Elements 25 and 26. Analysis of the *Strategy* should be updated to accurately reflect the 35 key Elements.

11) Setbacks and Street Frontage Heights

Key Element 27

Key Element 27 identifies the subject site as being in the Urban Core Precinct with setback and street frontage heights as follows:

- i. Maximum 24 metre street wall height at front boundary.*
- ii. Minimum 6 metre setback above street wall to tower."*

The above applies to both Albert Avenue and Victor Street. This key Element is to be read in conjunction with other Key Elements, with particular reference to Key Elements 24 Public Realm and 28 (below).

In regards Key Element 27, the proponent's Planning Report states:

"A varied approach to street wall heights and setbacks has been taken to respond to existing context including the podium height of the adjacent Sebel (north). The Albert Ave podium height aligns with Westfield to the east. Above the street wall the residential tower is generally setback 6m from the street wall. The commercial tower setbacks align with the core and front setback of the adjacent 'Sentral' office tower to the west."

The above approach to setbacks is not consistent with the vision established in the *Strategy* and expected from all future development.

The concept plans are not consistent with the street wall height to Albert Avenue (for approximately 14 metres of the Albert Avenue frontage). The concept plans show a street wall height to Albert Avenue of approximately 72 metres from Ground to Level 18 (being the highest level). The street wall height to Albert Avenue should be no higher than 24 metres, with a 6 metre setback then provided for the commercial tower. As previously discussed, the provision of a Ground Level setback does not justify an increase in street wall height.

The concept plans are not consistent with the street wall height to Victor Street. The concept plans show a street wall height to Victor Street of 28.5 metres – from Ground to level 6 (for the majority of the Victor Street frontage). The street wall height to Victor Street should be no higher than 24 metres, with a 6 metre setback then provided. In this regard Levels 5 and 6 should be further setback. As previously discussed, the provision of a Ground Level setback does not justify an increase in street wall height.

Key Element 28

Key Element 28 states:

"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."

This means if a building is:

- e) A total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side.*
- b) A total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side.*
- c) A total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side.*
- d) A total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side ...*

The required setback will vary depending on height and is not to be based on setback averages but the full setback.”

The proponent's Planning Report states:

“Application of this setback to the podium shopping centre is not a desired development outcome. Nevertheless, the ground floor has been setback 3m from Albert Avenue to provide an active street frontage.”

Key Element 28 applies to both towers – whether commercial or residential. Attention is drawn to the Albert Street frontage, Victor Street frontage, the commercial tower to the ‘Sentral’ building and Level 6 to 31 Victor Street. Amendments to the concept plans are required to be consistent with the *Strategy*. This is the desired development outcome as envisioned under the *Strategy*, and will be required into the future when neighbouring sites are redeveloped. The provision of the Ground level setback and active street frontage are matters that are either encouraged or required under the *Strategy* and not the basis for substantial variation in setback requirements.

In regards Key Element 28, a staggered setback as you go up in height is not what is sought – unless it is in addition to the minimum required. What is sought is a minimum setback at the beginning of the tower (for the whole tower) based on height.

Key Element 29

Key Element 29 states:

“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.”*

In regards Key Element 29, the proponent's Planning Report states:

*“ADG separation distances are proposed for the residential tower:
- 9m to northern boundary with ‘Sebel’ (half minimum separation distance)
- 21/24m to commercial tower. Whilst level 10 is below the minimum separation distance the separation is greater than 18m required below Level 9 and is considered an appropriate response in this context.”*

All buildings part of this Planning Proposal are to be in accordance with the abovementioned minimum setbacks. Particular regard is given to tower height above Podium.

In regards Key Element 29, if a residential component is proposed in the subject Planning Proposal, then it should be designed assuming that the neighbouring property may seek a residential component. On this basis clear analysis is to be shown on plans regarding how the Planning Proposal is able to satisfactorily address *SEPP 65* and the *Apartment Design Guide* for residential uses.

Council seeks setbacks and street frontage heights to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

The *Strategy* establishes clear parameters for future redevelopment of the Chatswood CBD in a manner that is consistent with the endorsed vision to 2036, respecting both the public domain and the amenity of adjoining buildings.

12) Active Street Frontages

Key Element 30

Key Element 30 states:

"At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Particular emphasis is placed on the B3 Commercial Core zone. Blank walls are to be minimised and located away from key street locations."

In regards Key Element 30, Council seeks active street frontages to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

13) Floor Space at Ground level

Key Element 33

Key Element 33 states:

"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."

In regards Key Element 33, Council seeks floor space at ground level to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

14) Substations

Key Element 34

Key Element 34 states:

"Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages."

In regards Key Element 34, the proponent's Planning Report states:

"Noted and can be resolved at detailed design."

This is a matter that Council seeks to have addressed, consistent with the *Strategy*. In this regard Council seeks substations (services) to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council's standard site specific *DCP* template approach.

15) Traffic and Transport

Key Element 35

Key Element 35 states:

"The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives consistent with Council's Integrated Transport Strategy ..."

The proponent's Planning Report states:

"All access and parking requirements are consistent with this approach ..."

The Planning Proposal concept plans show the following:

- Entry via Victor Street and exit via Orchard Road for basement parking, loading and servicing (referred to in documentation as Option 2).
- A physical loading solution in Basement 1.

It is noted that Victor Street ends in a road closure to Chatswood Mall, with a constrained vehicle turning capacity. In addition Victor Street intersects with Post Office Lane and is characterized on the eastern side by Westfield Shopping Centre.

Victor Street and its surrounds is highly pedestrianised, with Chatswood Mall being the pedestrian spine of the Chatswood CBD, Post Office Lane being an important pedestrian access / egress to / from the Chatswood Transport Interchange and Westfield having a pedestrian access/ egress from Victor Street.

The Council vision for Victor Street is to encourage pedestrian usage and manage vehicle impacts. This is consistent with the site's location close to the Chatswood Transport Interchange. It is acknowledged that the Council vision is required to be balanced with vehicle requirements for existing development and the vehicle requirements for future developments. A Planning Proposal (PP 2016/7/A, dated 25 September 2020) has already been submitted on a different site in Victor Street, being 45 Victor Street (the old Post Office site) and 410-416 Victoria Avenue – yet to be determined. Analysis of traffic implications should have regard to this Planning Proposal. Concern is also raised with SIDRA analysis dated April 2016.

With regard to optimum development outcomes in Victor Street, Council is seeking loading / servicing and car parking solutions to minimise streetscape impact – and seeks a consistent approach whether Council or DPIE is the Planning Proposal authority.

Key Element 35 a) states:

*"Vehicle entry points to a site are to be rationalised to minimise streetscape impact, with one entry area into and exiting a site. To achieve this objective loading docks, including garbage and residential removal trucks, are to be located within Basement areas.
Where possible, cars and service vehicle access should be separated."*

Council is prepared to consider entry via Victor Street, and exit via Orchard Road, provided the detail of the Basement arrangement is satisfactory to accommodate residential and commercial vehicles, as well as loading/unloading and servicing vehicles. It is noted that cars and service vehicles are proposed to be separated on Basement Level 1.

Key Element 35 c) states:

“All vehicles are to enter and exit a site in a forward direction. Physical solutions, rather than mechanical solutions are sought.”

It is understood that plans at this stage are conceptual in nature and it is accepted that detailed plans and solutions will be provided at DA stage, however Council is seeking a concept design that shows all on-site vehicle manoeuvrability including loading and servicing accommodated satisfactorily, without having adverse impacts on Victor Street, Orchard Road, as well as Albert Avenue. Under no circumstances are vehicles stopping on surrounding streets permitted.

A physical solution is supported in regards vehicle manoeuvring for loading/ unloading and service vehicles. Notwithstanding this support, concern is raised with the layout shown on Basement Level 1. The arrangement shown involves questionable manoeuvrability and suggests potential conflict between loading and servicing vehicles and other vehicles either accessing the lower Basement car park levels or seeking to exit the site via Orchard Road. A rethink of the Basement 1 Level is considered reasonable and justified at Planning Proposal stage (and not put off to DA stage), due to the important location of this site within the Chatswood CBD and its relationship with the surrounding road network.

In the interests of assisting the proponent, concept plans are requested showing:

- Within the basement, a separate commercial loading / garbage area and a separate residential loading / garbage area. It is noted that a supermarket and child care / education facility, in addition to other retail uses, and commercial and residential uses are proposed.
- Loading provision based on the maximum vehicle size required for the uses identified in the Planning Proposal, with particular regard to the supermarket, residential loading/unloading requirements and servicing vehicles.
- Child care / education facility vehicle movement provision, with particular requirements such as drop off and pick up addressed.

Plans and turning circles for a minimum medium rigid vehicle (or large if required) are requested for consideration, including entering and exiting the site, with particular regard to trucks exiting via Orchard Road.

Key Element 35 d) states:

“All commercial and residential loading and unloading is required to occur on-site and not in public streets.”

The request for additional information above is consistent with this Key Element. Council seeks the optimum outcome envisaged in the *Strategy* on this important site within the Chatswood CBD.

Key Elements 35 e) and f) state:

“Car parking should be reduced consistent with the objectives of Council’s Integrated Transport Strategy and in accordance with any future revised car parking rates in Councils DCP.

Other strategies for car parking reduction include reciprocal arrangements for sharing parking and car share.”

Concern is raised with the addition of 546 car spaces in this location (being 112 residential, 338 retail, 92 commercial and 3 child care / education). Council is in the process of reviewing car parking rates in the Chatswood CBD and requests the following rates are considered (being lower than the current *DCP* rates):

Land use	Parking rate
Office	1 space per 400 sqm GFA
Retail (<1000 sqm)	-
Retail (>1000 sqm)	1 space per 300 sqm GFA
Residential	
Studio	0.5 spaces per dwelling
1-bed	0.5 spaces per dwelling
2+ bed	1 space per dwelling
Visitor	1 space per 10 dwellings

Further reduction in car parking provision will have a positive impact on traffic volumes associated with this Planning Proposal, and therefore both Victor Street and Orchard Road.

Other matters where further detail is requested:

- Motorcycle / bicycle parking spaces and end-of-trip facilities.
Council would be interested to hear from the proponent if it would be possible to include a substantive end of trip cycle facility, serving the Chatswood CBD, as part of the proposal.
- Green Travel Plan (GTP)
- Car share and electric vehicle (EV) spaces

The following traffic and transport related amendments are requested to the Concept Plans:

- Reconsideration of Basement Level 1:
 - retaining a physical solution
 - enabling loading vehicles and garbage / servicing vehicles to enter and leave the site in a forward direction
 - showing no interference with internal traffic flows
- Car parking provision based on the abovementioned car parking rates.
- At the corner of Albert Avenue and Victor Street, a splay is to be provided that complies with the swept turning path of a minimum medium rigid vehicle (MRV).

Council seeks traffic and transport to be addressed in draft *DCP* provisions consistent with the *Strategy* and Council’s standard site specific *DCP* template approach.

12th November, 2020

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

815 Pacific Highway & 15 Help Street Chatswood

1.0 General

The controls contained in this Site Specific Development Control Plan applies to land bounded by Pacific Highway to the west, Help Street to the south and McIntosh Street to the north as shown on the map below.

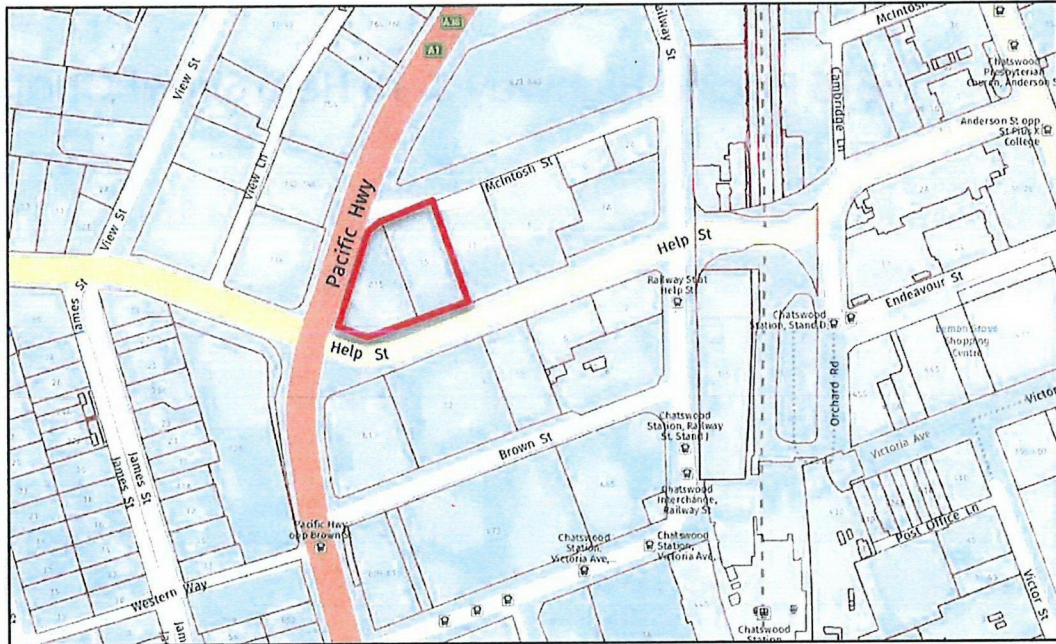


Figure 1: Land to which this Development control plan applies

Objectives of the Plan

The Objectives of the Plan are to:

1. Support the provision of commercial development at the western extent of Chatswood CBD.
2. Enable the development of the site without impacting the viability of adjoining land.
3. Provide an iconic building exhibiting design excellence in architectural form and materials.
4. Encourage a built form that presents the site as a landmark and gateway development for the Chatswood commercial centre.
5. Minimise traffic impacts on the surrounding road network.
6. Provide landscaping in and surrounding the site that enhances the presentation of the site as well as the amenity of the development.
7. Maximise street level activation.

2.0 Built form

Performance Criteria

The built form of new development shall:

1. Achieve a slender tower form on the site
2. Achieve a site layout that provides a pleasant environment for the occupants and minimises impact on surrounding properties.
3. Ensure visual and acoustic privacy and sun access.
4. Provide suitable areas for communal open spaces, deep soil zones and landscaping

Controls

1. The ground floor shall incorporate retail/commercial uses that present and display their activity to the street
2. Building materials and finishes are to be predominantly comprised of a natural palette of steel, concrete, glass and timber

3.0 Height of Building

Performance Criteria

The built form of new development shall:

1. Be consistent with the permitted Height of Buildings development standard applicable to the site.

Controls

1. The maximum building height is to include all structures located at roof level, including lift over runs and any other architectural features.
2. All rooftop lift overruns or exposed structures are to be integrated with the building.
3. Flat roof areas shall incorporate useable outdoor recreation space where suitable.

4.0 Street Frontage Heights And Setbacks

Performance Criteria

Setbacks shall:

1. Contribute to deep soil areas, landscaping and open space at street level
2. Minimise the effects of adverse wind conditions at street level
3. To ensure the positioning of new buildings contribute to the existing or proposed streetscape character.

Controls

1. The building setbacks are to be in accordance with Figure 2 "Street Frontage Heights and Building Setbacks" as detailed in the *Willoughby Council Chatswood CBD Strategy 2036*

SETBACKS AND STREET FRONTAGE HEIGHTS

27 Setbacks and street frontage heights 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.

c) Office core frontage:

- i. 4-12 metre street wall height at front boundary.
- ii. Minimum 6 metre setback above street wall to tower.

d) Mixed use frontage with commercial Ground Floor:

- i. 6-14 metre street wall height at front boundary.
- ii. Minimum 3 metre setback above street wall to tower.

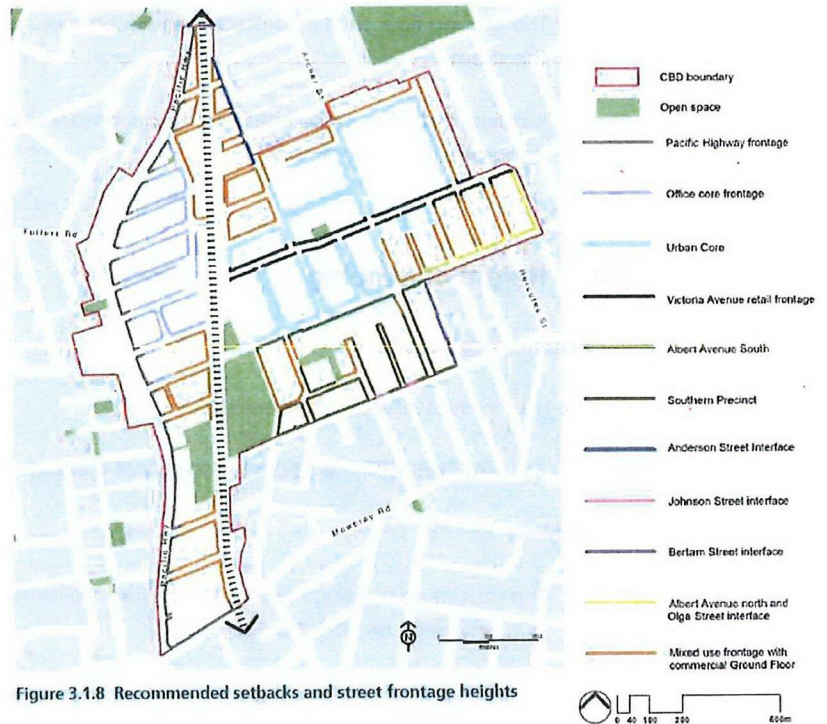


Figure 2: Street Frontage Heights and Building Setbacks

5.0 Building Exterior

Performance Criteria

1. Buildings are to demonstrate a high visual quality of development when viewed from the public domain and the surrounding area.
2. Building facades shall complement the character of the area and contribute to creating attractive pedestrian environments and streetscapes.
2. Facade design to encourage active street frontages to streets and their surrounding public domain.

Controls

1. The building façade is to be modulated and articulated to assist in softening the facades bulk and scale.
2. Facades are to be articulated and should incorporate recesses and projecting elements.
3. Extensive blank walls shall be avoided at street level.

6.0 Open Space and Landscaping

Performance Criteria

3. The development is to provide deep soil planting where green landscaping is located.
4. Green roof tops and usable rooftop areas shall be provided.

Controls

1. Open space at ground level shall be utilized as publicly accessible open space.
2. Public domain improvements shall be provided to all street frontages to Council requirements.
3. Ground floor open space areas are to incorporate landscaped areas that integrate with the surrounding public domain.
4. A minimum of 2 hours of sun access is to be provided to the public open space on the site.
7. A landscape plan is to be provided at Development Application stage detailing all vegetation proposed including species, container size at planting, spacing and approximate size of maturity.
8. All existing aerial cables which may include for electricity, communications and other cables connected to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for Street lighting and shall be positioned compatible to the landscaping design around the site

7.0 Links

Performance Criteria

1. The development shall provide publicly accessible links and open space.
2. Publicly accessible open space is to include green landscaping.

Controls

1. The development is to incorporate publicly accessible pedestrian links through the site to the adjoining road reserve level in accordance to figure 3 as detailed in the *Willoughby Council Chatswood CBD Strategy 2036*
2. All publicly accessible open space and linkages are to be the responsibility of the relevant ownership entity, with formal public access to be created over these areas.

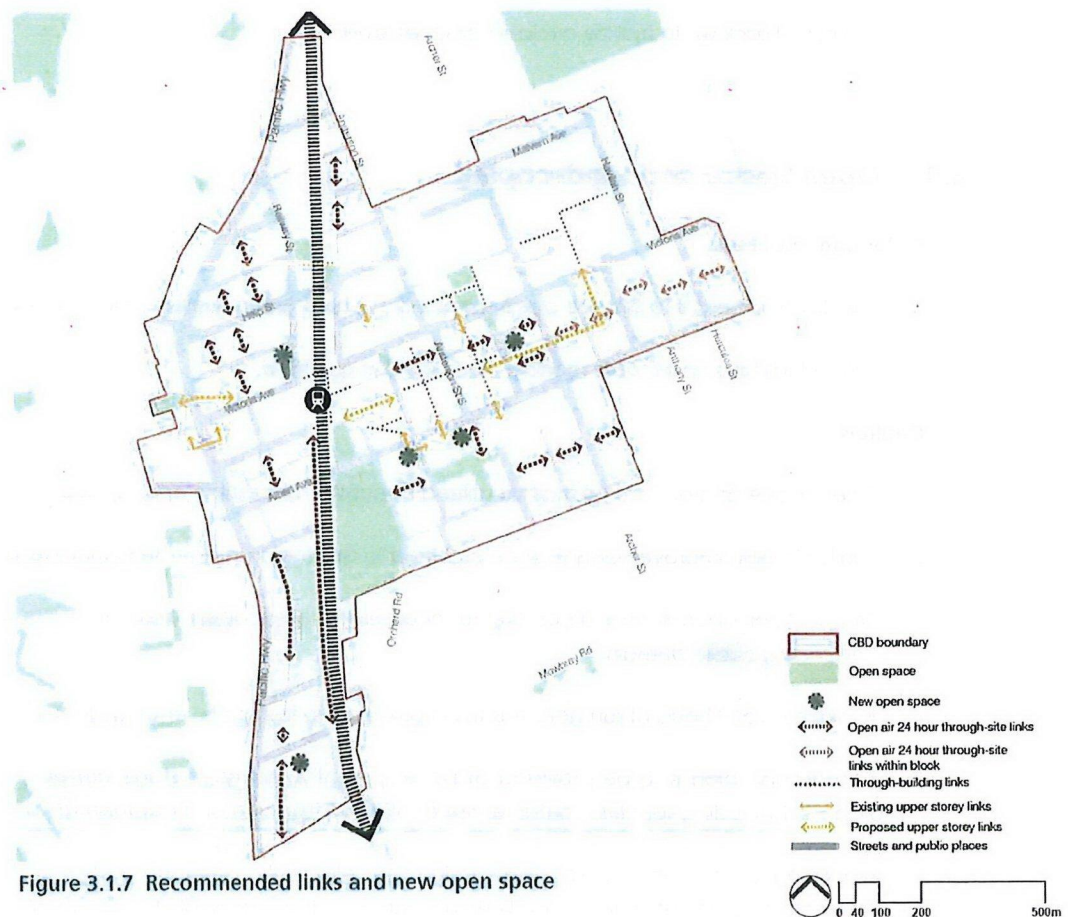


Figure 3: Pedestrian links

8.0 Traffic and Transport

Performance Criteria

1. The number of vehicle access points to the development are to be minimised.
2. Opportunities shall be explored to reduce on-site car parking.
3. Vehicle access points are designed to minimize their impacts on pedestrians.

Controls

1. Vehicle access points to the development are to be from McIntosh Street.
2. All car parking is to be located below ground level.
3. A loading dock screened from the public domain for delivery and service vehicles is to be provided which allows for vehicles to enter and leave in a forward direction.
4. All commercial/retail vehicle access points for the development are to occur via McIntosh Street.
5. All delivery and service vehicle access including waste points for the development are to occur via McIntosh street.
6. All loading/unloading to occur at basement level and screened from view from the public domain.

9.0 Waste Management and Loading

Performance Criteria

1. To ensure that adequate provision is made for waste storage and disposal.

Controls

1. A concealed waste storage and collection bay is to be provided within the basement parking level of the development. The waste storage and collection area is to be designed to ensure level and safe collection of all waste generated from the use of the development.
2. A Waste Management Plan shall be submitted at Development Application Stage.

10.0 Design Excellence and Building Sustainability

Design Excellence

1. Design excellence is to be required for all developments based on the following process:
 - a) A Design Review Panel for developments up to 35m high.
 - b) Competitive designs for developments over 35m high.

Sustainability

1. A minimum of 5.5 stars GBCA building rating is expected, with 6 stars GBCA building rating being encouraged. An assessment report is to be submitted at Development Application stage.
2. A detailed wind assessment report is to be provided at Development Application stage.

11.0 Public Art

1. Any Public Art is to be in accordance with Council's Public Art Policy.

12.0 Services

1. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages. Substations are to be designed to ensure protection of workers from Electro Magnetic Radiation (EMR) emissions.
2. All servicing conduits and reticulation are to be concealed and integrated into the building design.