

Planning Proposal Assessment against the 35 Key Elements of the Chatswood CBD Planning and Urban Design Strategy 2020

PLANNING PROPOSAL FOR A HIGH-RISE MIXED- USE BUILDING AT 753 PACIFIC HIGHWAY & 15 ELLIS STREET CHATSWOOD

Key Element 1. The Chatswood CBD boundary is extended to the north and south as per Figure 3.1.1 to accommodate future growth of the centre.

COMMENT

The subject land is located within the existing Chatswood CBD boundary, as identified in Figure 3.1.1 of the Strategy and is therefore, compliant with Key Element 1.

Key Element 2. Land uses in the LEP will be amended as shown in Figure 3.1.2, to:

(a) Protect the CBD core around the Interchange as commercial, permitting retail throughout to promote employment opportunities (with no residential permitted).

(b) Enable other areas to be mixed use permitting commercial and residential.

COMMENT

The subject land is located within the Chatswood CBD area proposed to be zoned B4 Mixed Use and is located outside the Commercial Core. The Planning Proposal (PP) includes a request for the site to be rezoned to a B4 Mixed Use Zone. The CBD Strategy requires a minimum commercial FSR of 1:1 in the B4 Zone. Council requires at least two storeys of commercial floor space within a podium.

The concept scheme provides for a commercial GFA of 1,113m² in the 2 storey podium, which illustrates a complying minimum non-residential FSR of 1:1. Can be achieved.

Key Element 3. The existing DCP limits on office and retail use in parts of the Commercial Core to be removed.

COMMENT

This Key Element is not applicable to the subject land as the site is not located within the B3 Commercial Core Zone.

Key Element 4. Serviced apartments to be removed as a permissible use from the B3 Commercial Core zone.

COMMENT

This Key Element is not applicable to the subject land as the site is not located within the B3 Commercial Core Zone.

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Key Element 5. Planning Agreements to Fund Public Domain Improvements

COMMENT

The CBD Strategy envisages that a monetary contribution will be paid with respect to additional residential floor space to fund public domain improvements, by way of a Voluntary Planning Agreement (VPA). The Planning Proposal includes a letter of offer to enter into a VPA providing for payment for developer contributions in accordance with Council's proposed Community Infrastructure Scheme that is to apply to the Chatswood CBD.

Key element 6. A new Planning Agreements Policy will apply and be linked to a contributions scheme that will provide public and social infrastructure in the Chatswood CBD necessary to support an increased working and residential population. The scheme would:

- i. Apply to residential uses**
- ii. Apply to commercial uses above 10:1 FSR**
- iii. Operate in addition to the existing Section 7.11 or 7.12 contributions scheme and separate from Affordable Housing requirements within Willoughby Local Environment Plan (WLEP).**
- iv. Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.**

COMMENT

As noted in Key Element 5 above, the Planning Proposal includes a letter of offer to enter into a VPA providing for payment for developer contributions for residential floor space in accordance with Council's proposed Community Infrastructure Scheme (CIS) that is to apply to the Chatswood CBD. The PP does not propose a commercial FSR above 10:1.

The proponent notes that the CIS contribution proposed per square metre of residential floor space is in addition to section 7.11 or 7.12 contributions and is to be implemented by way of a VPA. The proponent also notes that the CIS is separate from requirements for Affordable Housing. The PP includes separate provision for Affordable Housing equating to 4% of residential floor space.

It is proposed to embellish and dedicate the SP2 land to Council as part of the Planning Proposal. The open space dedication and embellishment would be deducted from the required Community Infrastructure (CIS) contribution. Alternatively a site specific provision could be included within the LEP Amendment providing for a 588m² GFA bonus for the development site if the SP2 land is dedicated to Council at no cost to the Council, with no reduction in the CIS contribution payable to Council.

Key Element 7. All developments in Chatswood CBD should contribute public art in accordance with Council's Public Art Policy.

COMMENT

The proponent will contribute to delivery of public art as part of the design excellence process and in accordance with Council's Public Art Policy.

Key Element 8. 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.**

COMMENT

As the proposed development will exceed a height of 35m a competitive design process will be required as part of the preparation of a Development Application for the future building. This competitive design process will be in accordance with Council's Design Excellence Policy.

Key Element 9. Achievement of design excellence will include achievement of higher building sustainability standards.

COMMENT

Council requires a high sustainability performance. A minimum 5 star GBCA rating for apartments, which is to be demonstrated at the Development Application (DA) stage. A sustainability report will be submitted with the DA, in addition to a SEPP 65 – Design Quality of Residential Flat Development report and detailed acoustic and wind assessments.

Key Element 10. The Architects for design excellence schemes should be maintained through the development application process and can only be substituted with written agreement of Council.

COMMENT

The PP includes a concept design for the proposed development of the site. This concept design informs the site specific DCP provisions. The architect for the design excellence process will be retained for the development application process, with the final form of the design prepared in consultation with Council and not adopted until endorsement by the Design Panel. The design excellence process will proceed in accordance with Council's Design Excellence Policy.

Key Element 11. Figure 3.1.3 shows the existing FSR controls under WLEP 2012.

COMMENT

The subject land has an existing maximum FSR of 1.7:1 pursuant to WLEP 2012, as shown in Figure 3.1.3 – Existing Floor Space Ratios under WLEP 2012..

Key Element 12. Minimum site area of:

a) 1800sqm for commercial development in the B3 Commercial Core zone

b) 1200sqm for mixed use development in the B4 Mixed Use zone to achieve maximum FSR as indicated in Figure 3.1.4. Site amalgamation is encouraged to meet this minimum requirement. In addition, sites should not be left isolated.

COMMENT

The subject land has a site area of 1,211m². A compliant site area is provided.

The proposal does not create any isolated development sites. While the site to the north has an area marginally less than 1,200m², it is developed with a contemporary 9 storey strata titled residential tower and would not be subject to redevelopment in the foreseeable future.

Site area is sufficient to provide for a slender tower form with adequate setbacks and provision of a generous area of ground level public realm, including areas access by the public on private land. Commercial floor space is maximized in the podium and an active frontage is provided to the Pacific Highway with a residential lobby provided to Ellis Street.

The Planning Proposal limits vehicular access and loading/unloading facilities to the rear lane. The limited depth of the site precludes the provision of a basement truck loading bay, as it would not be possible to provide a driveway of compliant gradient and achieve the height clearance to accommodate trucks.

Key Element 13. The FSRs in Figure 3.1.4, should be considered as maximums achievable in the centre subject to minimum site area and appropriate contributions, and are as follows:

- a) No maximum FSR for commercial development in the B3 zone.
- b) A range of FSR maximums in the B4 zone, surrounding the B3 zone
- c) Retention of 2.5:1 FSR along northern side of Victoria Avenue east.

The CBD Strategy proposes a maximum 6:1 FSR for the subject land and adjoining land to the north.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and the associated Apartment Design Guidelines.

COMMENT

The Planning Proposal seeks approval for a compliant maximum FSR of up to 6:1, including affordable housing and the required commercial FSR of at least 1:1.

Key Element 14. Affordable housing is to be provided within the maximum floor space ratio, and throughout a development rather than in a cluster.

COMMENT

Affordable housing must be provided and must be contained within the maximum allowable FSR. As part of the implementation of the PP, it is proposed to identify the site in the Willoughby LEP as a site that must provide 4% of residential floor space as affordable housing (or payment of an equivalent cash contribution to Council). As noted in Key Element 6, an affordable housing component equating to 4% of the “private” residential floor space (5,565m²) is proposed.

Key Element 15. The minimum commercial floor space ratio sought in development in a Mixed-Use zone is 1:1 in order to deliver a reasonable amount of employment floor space.

COMMENT

The concept scheme illustrates that on the ground and first-floor levels of the podium, a commercial assessable GFA of 1,113m² can be provided on the site which equates to a complying minimum non-residential FSR of 1:1.

Key Element 16. In order to achieve the slender tower forms sought by Council the maximum floor plate at each level of a development should be no more than:

- a) 2000sqm GFA for office and
- b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

COMMENT

The concept plan provides for tower floorplates typically in the order of 472m², which is readily compliant with the 700m² maximum permitted for residential towers.

Key Element 17. In pursuit of the same goal of slender tower forms, the width of each side of any tower should be minimised to satisfactorily address this objective. To the same end, design elements that contribute to building bulk are not supported and should be minimised.

COMMENT

The concept scheme residential tower form is broadly square in shape, with maximum dimensions of approximately 24m and 25.5m above Level 4 (excluding a minor protrusion by the lift/stair core) for most of the tower. This provides a typical tower floor plate at least 33% less than the maximum permitted, which in combination with a tower element 13 storeys high, creates a slim tower form.

The proposed concept scheme slim tower form is clearly demonstrated in the 3D building envelope studies included with the PP. The base of the tower, comprising Levels 2 to 4 occupy a larger footprint (611m² accommodating 5 and 6 units respectively. Levels 5 to 13 of the tower provide for a modest. 4 apartments on each level. The uppermost portion of the tower, comprising Levels 14 and 15, has a significantly smaller floor plates arising from increased setback to Ellis Street.

Key Element 18. If there is more than one residential tower on a site, sufficient separation is to be provided in accordance with setbacks required in this Strategy, SEPP 65 and the Apartment Design Guidelines, to ensure that the slender tower form objective is achieved. Council will seek to avoid an outcome where two towers read as one large tower. Towers are not to be linked above Podium and should operate independently regarding lifts and services.

Comment

Key Element 18 does not apply to the subject land, as only 1 residential tower is proposed.

Key Element 19. The sun access protection in Figure 3.1.5 will be incorporated into LEP controls, to ensure no additional overshadowing and protection in mid-winter of:

- a) Victoria Avenue (between interchange and Archer St) 12pm-2pm**
- b) Concourse Open Space 12pm-2pm**
- c) Garden of Remembrance 12pm- 2pm**
- d) Tennis and croquet club 12pm-2pm**
- e) Chatswood Oval 11am- 2pm (which in turn also protects Chatswood Park)**
- f) Heights adjoining the South Chatswood Conservation Area (SCCA) will provide a minimum 3 hours solar access between 9am and 3pm mid winter.**

COMMENT

The site is located northwest of the tennis and croquet club and Chatswood Oval. The proposed building envelope controls contained in the site specific DCP ensures no increase shadows to these sun access protected spaces. Shadows cast towards those spaces are contained within shadows of existing buildings and do not impact on sun access to these public open spaces, during the nominated sun protect hours in mid-winter. The site does not adjoin the SCCA.

Key Element 20. Maximum height of buildings in the CBD will be based on Figure 3.1.6 up to the airspace limits (Pans Ops plane), except as reduced further to meet:

- a) Sun access protection.**

Achievement of nominated height maximums will depend on addressing site constraints, surrounding context and other aspects of this Strategy in addition to satisfying SEPP 65 and Apartment Design Guidelines.

COMMENT

As the subject land is affected by a sun access plane, it is not possible to achieve a building height to the maximum 90m typically permitted, where a sun access plane does not apply. The proposed building envelope control in the site specific DCP ensures no increased shadows to the sun protected areas and comprising the tennis and croquet club and to Chatswood Oval and effectively limits building height to 17 storeys at the northern elevation and 15 storeys at the southern elevation.

While the proposed building form marginally encroaches above the sun access plane, it does not increase mid-winter shadows to the above nominated areas of public open space. An accurate shadow impact assessment is included with the PP identifying building height limits that can be achieved on the site, in a manner that prevents any increase the level of mid-winter shadows beyond those already cast over the nominated areas of public open space.

Key Element 21. All structures located at roof-top level, including lift over runs and any other architectural features are to be:

a) Within the height maximums.

b) Integrated into the overall building form

COMMENT

The concept plan includes rooftop plant, lift overruns and terrace within the height of the building envelope permitted by the site specific DCP. The site specific DCP permits a maximum building envelope of RL 159.2, which includes all structures and translates to a maximum height of 59.62m, well below the maximum permitted height of 90m above existing ground level for most of the land within the proposed B4 Mixed Use Zone.

Key Element 22. The links and open space plan in Figure 3.1.7 will form part of the DCP. All Proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also be sought where these are considered to be of public benefit. All such links should be provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance.

COMMENT

The subject land is not impacted by the links and open space plan in Figure 3.7.7 of the CBD Strategy. Strategy. The site is located not far from Frank Channon Walk to the east. Frank Channon Walk, which also includes a cycleway. Ellis Street, east of Crispe Lane, is a cul-de-sac suitable for an on-road cycleway connecting to Frank Channon Walk.

98m² of land to Pacific Highway frontage is proposed to be embellished and dedicated to Willoughby Council. The land is to be embellished in accordance with the future public domain plan which is yet to be finalised by Willoughby Council. This land will provide an opportunity for a landscaped corridor and potentially a shared cycle /pedestrian pathway.

Key Element 23. Any communal open space, with particular regard to roof top level on towers, should be designed to address issues of quality, safety and usability.

COMMENT

The proposal includes a rooftop terrace that has been designed to provide for a high quality communal space, with good solar access and an appropriate level of safety and usability.

Key Element 24. Public realm or areas accessible by the public on private land is expected from all B3 and B4 redeveloped sites. Such public realm areas are to be designed to respond to context and nearby public domain and should be visible from the street and easily accessible. Depending on context a public right of way or similar may be required to achieve a permanent public benefit.

COMMENT

The concept plan includes a substantial area of publicly accessible open space along the Pacific Highway frontage of the site, which will include some tree planting and other landscaping. Suitable arrangements can be established to ensure public access. 3 Street trees are proposed along the Pacific Highway frontage of the site and existing street trees in Ellis Street are retained. Detailed design of the public realm will be undertaken in consultation with Council and have regard to context and the nearby public domain.

Key Element 25. All roofs up to 30 metres from ground 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.

COMMENT

The tower roof exceeds a height of more than 30m and includes a landscaped terrace and communal facilities on Level 16. Morning and afternoon solar access is available to this area.

Key Element 26. A minimum of 20% of the site is to be provided as soft landscaping, which may be located on Ground, Podium and roof top levels or green walls of buildings.

Based on a site area of 1,211m², a soft landscaped area of at least 242.2m² is required and will be provided. The concept scheme design provides for a generous area soft landscaped area within the front setback, soft landscaping along a portion of the northern and eastern boundaries of the site, and in planter boxes on various levels of the building, including the rooftop terrace.

COMMENT

The proposed communal facilities and open space on Level 16 are designed in accordance with Key Element 26 and achieve adequate solar access. The communal facilities include a landscaped terrace, pool and 50m² common room, with access restricted to residents.

Key Element 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.

i) Minimum 4m setback at Ground level from front boundary

(with exception of heritage sites).

b) Maximum 7m street wall height

c) Minimum 6m setback above street

wall to tower

COMMENT

A 4 storey podium is proposed with a height of up to 14m, stepping down in height to a maximum of 7m along the Pacific Highway frontage of the podium. A podium height of up to 14m is permitted to the Ellis Street and Crispe Lane frontages of the site. A podium height of up to 14m is permitted for developments in the B4 Zone that provide a mixed-use frontage with a commercial ground floor. The second and third storeys of the podium are residential and provide additional Highway setback to the front walls of the apartments on these levels, so that the podium is read as a 2 storey height from the Pacific Highway. Due to the need to provide for increased floor to ceiling height clearance for the ground and first-floor commercial levels, a podium height of up to 7m to the Highway frontage is required for these levels.

The proposed setback of 7m from the Pacific Highway frontage of the site, some 3m in excess of the minimum 4m required and accommodates the future road or footpath widening. The CBD Strategy allows a zero podium setback to other street frontages and side and rear boundaries. The ground floor has a variable setback to these other boundaries. Level 1 of the commercial podium has a zero setback to Ellis Street and the northern side boundary and a 1m setback (behind a planter box to Crispe Lane). Street frontages heights and setbacks have been provided based on Figure 3.1.8.

A minimum tower setback of 10m is required to the Pacific Highway and at least 3m is required to other street frontages. The proposal provides a compliant 10m setback to the Pacific Highway frontage and a compliant 3m to Crispe Lane. Levels 2 and 3 of the residential tower are integrated into the podium to provide a 7-14m high street wall to Ellis Street and provide a zero setback to Ellis Street. However, fully compliant setback of 3m to Ellis Street is provided for all levels of the tower above Level 3, with increased setback for the top 2 levels. provided to all street frontages.

Key Element 28. All towers above podium in the B3 Commercial Core and B4 Mixed use zones are to be setback from all boundaries a minimum 1:20 ratio of the setback to building height (e.g. 3m setback for a 60m tower, and 4.5m setback for a 90m building).

COMMENT

The site specific DCP establishes a residential tower envelope above Level 3 of the podium that achieves a compliant 1:20 ratio tower setback. The tower component of the building extends to a height of not more than 60m and by providing setbacks of at least 3m is fully compliant with Key Element 28.

Key Element 29. Building separation to neighbouring buildings is to be:

- a) In accordance with the Apartment Design Guide for residential uses.**
- b) A minimum of 6 metres from all boundaries for commercial uses above street wall height.**

COMMENT

No commercial uses are proposed above street wall height. Accordingly, item (b) does not apply.

The site specific DCP references that compliance with the Apartment Design Guide (ADG) is required for the residential uses. ADG building separation distances are shared 50/50 with adjoining sites. For example, where a 24m building separation is required room windows/balconies with a sightline to neighbouring habitable rooms/balconies, a development should provide a boundary building setback of at least 12m.

The proposed concept scheme residential tower provides more than 24m building separation to the west, east and south. Building separation to the north ranges from 6m to 8m.

However, the northern elevation of the concept scheme has been carefully designed to preclude overlooking of apartments to the north from habitable rooms and balconies and no shadows are generated to the apartments to the north. The ADG allows for reduced building separation, where adequate privacy and solar access is maintained.

The proposed lift/stair core of the concept scheme provides a 6m setback to the northern boundary but has no privacy or shadow impact on the residential building to the north. The north facing habitable rooms and balconies of the concept scheme provide a northern setback of 8m, which is 1m less than recommended in the ADG. However, these habitable rooms and balconies are provided with privacy screens which provide a higher level of privacy compared to increasing setback to 9m, which would not require privacy screens. Further, the habitable rooms and balconies with a northern aspect have their primary outlook to either the west or east.

An increased northern setback for the upper half of the proposed residential tower is not considered necessary as north facing apartments on these levels are over the roof of the building to the north and ample building separation is provided

Key Element 30. At ground level, to achieve the vibrant CBD Council desires, buildings are to maximise active frontages. Blank walls are to be minimised and located away from key street locations.

COMMENT

Glass fronted residential and commercial lobbies and glazing to commercial floor space is provided on the ground floor to the Pacific Highway and Ellis Street frontages of the site. A landscaped plaza is also provided to the Pacific Highway frontage. At ground level there is no blank wall facing the Pacific Highway and the length of blank wall to Ellis Street is minimal.

Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided.

COMMENT

Development of the site would not create any isolated development sites. The site is adjoined on 3 sides by public roads. The adjoining site to the north has an area only marginally less than 1,200m². However, this site is developed with a contemporary 9 storey strata titled residential tower and would not be subject to redevelopment in the foreseeable future.

Key Element 32. Controls will be applied to ensure the traditional lot pattern along Victoria Ave east (building widths of between 6-12m) is reflected into the future.

COMMENT

Key Element 32 does not apply to the subject land.

Key Element 33. Floor space at Ground level is to be maximised, with supporting functions such as car parking, loading, garbage rooms, plant and other services located in Basement levels.

COMMENT

The PP provides at least 80% of floor space at ground floor level for commercial floor space and commercial and residential lobbies. Because it is not possible to get adequate height clearance for garbage trucks to access the basement with a comply driveway gradient, it is necessary to provide the waste storage rooms within the rear portion of the ground floor, adjoining the proposed truck loading bay.

The waste storage rooms and electricity transformer room occupy only about 15% of the floor space at ground floor level. Where possible plant rooms and services have been located within the basement.

The loading bay is screened to Crispe lane by a landscaped planter and a solid screen on the southern side of the required fire hydrant. A roller shutter screens the loading bay from view from Ellis Street.

Key Element 34. Substations are to be provided within buildings, not within the streets, open spaces or setbacks and not facing key active street frontages.

COMMENT

Consultation with the electricity authority indicates it is not possible to provide a substation in the basement. The electricity transformer and supporting facilities are discreetly located within a room located in the rear of the building alongside the loading bay. The electricity room has minimal if any impact on the streetscape of Crispe Lane.

Key Element 35. The CBD Strategy employs a Travel Demand Management approach seeking to modify travel decisions to achieve more desirable transport, social, economic and environmental objectives consistent with Council's Integrated Transport Strategy will build on the approach. In addition, site specific traffic and transport issues are to be addressed as follows:

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

b) In order to facilitate rationalisation of vehicle entry points on neighbouring sites, all development sites are to provide an opportunity within Basement levels to provide vehicle access to adjoining sites when they are developed.

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

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

e) 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 Council's DCP. by utilising RMS car parking rates for sites close to public transport, as well as reciprocal parking

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

COMMENT

The proposal provides a two-way 6m driveway at the rear off Crispe Lane providing access to the basement car parking. This driveway represents less than 20% of the width of the Crispe Lane frontage and is separate from the truck loading bay access. As noted in Key Element 12, it is not possible to provide a truck loading bay in the basement. Accordingly, a short length of driveway adjoining Crispe Lane is required to be wider to allow ingress and egress of trucks from the loading bay. Given that this is a laneway frontage a widened driveway in this location is considered reasonable.

ARUP Traffic Engineers have prepared a parking rates benchmarking analysis as part of the Chatswood CBD Strategic Transport Study which aim is to encourage more sustainable mobility pattern. This study recommended the following parking rates within the Chatswood CBD which are less than stipulated in the Willoughby DCP:

- Studio/1 bedroom apartment = 0.5 space
- Two bedroom or more apartment = 1 space
- Visitor parking = 1 space per 10 dwellings
- Retail Parking = 1 space per 300m² of GFA
- Office Parking = 1 space per 400m² of GFA

The above parking rates equate to 62 residential parking spaces and 10 commercial/visitor parking spaces based on the reference design included within the Planning Proposal. The reference design is compliant with the above mention parking control recommended by ARUP. 4 motorbike spaces and 18 bicycle parking spaces are proposed in accordance with the current Willoughby DCP.

Notwithstanding this, it is our understanding parking, bicycle and motorbike parking rates will be included within Part 3 of the amended Willoughby DCP as part of the Comprehensive LEP review, rather than within individual site-specific Planning Proposals.

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