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 629-639 PACIFIC HIGHWAY, 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

Complies. The subject land is located within the southern extension of the 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

Complies. 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.

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.

Key Element 5. Planning Agreements will be negotiated to fund public domain Improvements.

COMMENT

Complies. 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:

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

COMMENT

Complies. 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.

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

COMMENT

Complies. 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

Complies. 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

Complies. 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

Complies. The PP includes a reference design for the proposed development of the site. This reference 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 2.5:1 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

Complies. The subject land has a site area of 1,185m^2, some 15m^2 or just1.25% less than the required minimum area of 1,200m^2. The site is adjoined on 3 sides by public roads. The adjoining site to the south contains a substantial strata titled mixed use building that is unlikely to be redeveloped in the foreseeable future. If the proposal included the adjoining property to the south, an isolated development site would be created on the northeast corner of the Pacific Highway and Nelson Street. The proposal includes potential for a future basement driveway extension to the property to the south.

The proposal does not create any isolated development sites if developed in its own right. As noted above, the only development site adjoining the subject land is the property to the south, containing a substantial mixed-use building. This property if amalgamated with the property on the northeast corner of the Pacific Highway and Nelson Street, would have an area in excess of 1,200m^2.

The site has the advantage of a laneway frontage for vehicular access and has sufficient area to provide for a slender tower form with adequate setbacks and provision of a ground level area of public realm, including areas accessed by the public on private land. Both the ground and first floor levels of the podium contained commercial floor space that is maximized as far as possible after allowing for the services core and loading facilities.

The Planning Proposal limits vehicular access and loading/unloading facilities to Hammond 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.

Floor space ratio maximums are not necessarily achievable on every site, and will depend on Addressing:

c) Site constraints,
d) Surrounding context,
e) Other aspects of this Strategy including setbacks at ground and upper levels,
f) satisfying SEPP 65 and the associated Apartment Design Guidelines.

COMMENT

Generally complies. The Planning Proposal seeks approval for a compliant maximum FSR of up to 6:1, including affordable housing and commercial floor space (705m^2). Given the location of the site near the southern edge of the extended Chatswood CBD, a commercial FSR of 0.6:1 is considered reasonable.

The attached concept design with adjustment to ground floor and level 1 podium can achieve close to 1:1 commercial FSR (total 1,172 m^2) being 347 m^2 on ground floor and 825 m^2 on level 1 podium which equates to 0.99:1.

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

Complies. Affordable housing component is provided and contained within the maximum allowable FSR. As part of the implementation of the planning proposal, it is proposed to identify the site in the Willoughby LEP as a site that 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 residential floor space is proposed.

Key Element 15. Where the maximum floor space ratio of 6:1 is achieved, the minimum commercial floor space ratio sought in development in a Mixed- Use zone is 1:1.
The objective of this Key Element is to achieve a satisfactory level of commercial in the B4 Mixed Use zone to deliver a reasonable amount of employment floor space, typically to be within the podium levels of a development. This will be moderated depending on the overall FSR.

COMMENT

Generally complies. The Planning Proposal seeks approval for a compliant maximum FSR of up to 6:1, including affordable housing and commercial floor space (705m^2). Given the location of the site near the southern edge of the extended Chatswood CBD, a commercial FSR of 0.6:1 is considered reasonable.

The attached concept design with adjustment to ground floor and level 1 podium can achieve close to 1:1 commercial FSR (total 1,172 m^2) being 347 m^2 on ground floor and 825 m^2 on level 1 podium which equates to 0.99:1.

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

Complies.The concept plan provides for tower floorplates of less than 450m^2 GFA, which is readily compliant with the 700m^2 GFA 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 minimized 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.

COMMENT

Council's preferred option
The concept plan has the rectangular built form with a maximum width of 16.5m and maximum length of 26.5m. The lift and stair core are tightly integrated within the building floorplate. The 25 storey tower elements sitting above 2 storey podium provides a simple yet contemporary and elegant building aesthetic that will provide a southern gateway to the Chatswood CBD.

Alternative option
The preferred residential tower form has a curved shape with a maximum width of 20m and maximum length of length of 26m, with a floor plate size maximum dimension of not more that has a maximum width 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 one third less than the maximum permitted, which in combination with a tower element 22 storey high, creates a slim tower form, as demonstrated in the 3D building envelope studies included with the PP.

Both options comply to the desired outcome of slender tower forms.

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)**

In addition,

f) **Heights adjoining the South Chatswood Conservation Area will provide a minimum 3 hours solar access between 9am and 3pm mid-winter.**

COMMENT

Key Element 19 does not apply as the site is located to the south of the nominated sun protected areas and does not adjoin the South Chatswood Conservation Area.

Key Element 20. 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.

COMMENT

Complies.The proposed mixed-use building extends to a height of 90m above existing ground level, which complies with the 90m maximum building height applying to the site under the CBD Strategy.

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

Complies.The concept plan's rooftop which include plant room and lift overruns are within the height of the building envelope. These facilities will be integrated into the final design of the building so these facilities do not detract from the architectural and visual quality of the building.

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 3.1.7 of the CBD Strategy. The site is located not far from Frank Channon Walk to the east, which also includes a cycleway. Gordon Avenue is a cul-de-sac that is suitable for an on-road cycleway connecting to Frank Channon Walk from the Pacific Highway. In accordance with the strategy, the proposal sought to widen Hammond Lane and provide a footpath to this laneway to improve pedestrian access to the south.

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

Complies.The proposal includes a rooftop garden 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 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 a public right of way or similar may be required to achieve a permanent public benefit.

COMMENT

Complies. The concept plan includes an area of publicly accessible open space within the setback along the Pacific Highway frontages of the site, which will include some tree planting and other landscaping. A right of way, or similar mechanism can be used to achieve a permanent public benefit. Street trees are proposed along the Pacific Highway and Gordon Avenue frontages of the site. 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 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.

COMMENT

Complies.The tower roof exceeds a height of more than 30m. A communal open space terrace, with landscaping is proposed on Level 3, above the podium. Good solar access is available to the eastern and western sides of this terrace.

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.

COMMENT

Complies.Based on a site area of 1,185m^2, a soft landscaped area of at least 237m^2 is required and will be provided at ground level and above the podium.

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.

Pacific Highway frontage

i. **Minimum 4m setback at Ground level from front boundary (with exception of heritage sites).**
ii. **Maximum 7m street wall height**
iii. **Minimum 6m setback above street wall to tower**

COMMENT

Council's preferred option

Complies. A 2 storey podium is proposed with a height of up to 7m to provide sufficient floor to ceiling height clearance for 2 commercial floor levels.

The podium setback is complying with the minimum 4m setback at ground level from the Pacific Highway frontage. A minimum of 10m setback to the Pacific Highway frontage is proposed for the tower.

Alternative option

Complies. The podium is setback a complying 4m from the Pacific Highway frontage. The CBD Strategy prescribes a minimum 10m tower setback to the Pacific Highway. A minimum setback to the Pacific Highway frontage of 7.5m is proposed for the tower, with an average setback of 9m to allow for a curved tower form that provides an improved architectural and urban design outcome for a corner site. Such an outcome warrants some flexibility with respect to tower setback to the Highway, particular as the depth of the site cannot be increased. The alternative of a more rectilinear shape could achieve a 10m tower setback.

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

Generally complies. The proposed residential tower above the podium provides a readily compliant 1:20 ratio tower setback to the Pacific Highway (10m), Hammond Lane (6m) and the southern side boundary (6m).

The 3m tower setback to Gordon Avenue is compliant up to a height of 60m. Above a height of 60m balconies and a small portion of the tower encroach up to 1.5m into the 4.5m minimum setback required above a height of 60m .

Given the corner location of the site, the relatively narrow width of the tower elevation to Gordon Avenue and the positive architectural outcomes resulting from the building form at the corner, some flexibility with respect to the 1:20 tower setback ratio is considered reasonable for the uppermost portion of the tower.

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

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

ADG building separation distances are shared 50/50 with adjoining sites. For example, where a 24m building separation is required, a development should provide a boundary building setback of at least 12m.

The proposed residential tower provides more than 24m building separation to the north and west. Building separation to the east generally achieves 18m, some 6m less than recommended in the ADG, due to the existing building to the east at 10 Gordon Avenue being located with minimal setback to Hammond Lane. The neighbouring apartment building is 3 storeys in height and when this site is redeveloped separation distance between residential towers will be increased to at least 24m.

While the 6m tower setback to the southern boundary is less than the 12m setback recommended in the ADG, the concept design orientates windows and balconies away from the northern elevation of the apartments adjoining the site to the south and at least 2 hours mid-winter solar access is maintained to these apartments. In such circumstances the ADG allows for reduced building setback.

The proposal achieves the objectives of the building separation provisions of the ADG.

Key Element 30. 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.

COMMENT

Complies. Glass fronted residential and commercial lobbies and glazing to commercial floor space is provided on the ground floor to the Pacific Highway and Gordon Avenue frontages of the site. Upgrade to the public domain to the Pacific Highway and Gordon Avenue frontages are provided. There is no blank wall at ground level facing these streets.

Key Element 31. Site Isolation will be discouraged and where unavoidable joined basements and zero-setback podiums should be provided to encourage future efficient sharing of infrastructure.

COMMENT

Complies. Development of the site would not create any isolated development sites. The site is adjoined on 3 sides by public roads. The adjoining sites to the south to Nelson Street have an area of more than 1,200m^2.
The Planning Proposal has made a number of provisions to mitigate site isolation and encourage future development to the south by providing:

- A zero Podium setback to 621-627 Pacific Highway to the south, being the only adjoining property boundary.
- Potential basement driveway access to 621-627 Pacific Highway. The Concept plans show a 'break-out wall ' on a basement level at 629-639 Pacific Highway which could connect with 621-627 Pacific Highway should this property be redeveloped.

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

Generally complies. The planning proposal provides as much floor space as possible at ground floor level for commercial floor space, with the ground floor frontages to the Highway and Gordon Avenue predominantly comprising glazed active retail/commercial frontages to the street.

Because it is not possible to get adequate height clearance for garbage trucks to access the basement with a compliant driveway gradient, it is necessary to provide a truck loading/unloading bay at ground floor level, off Hammond Lane. within the rear portion of the ground floor, adjoining the proposed truck loading bay. Where possible plant rooms and services have been located within the basement.

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

Complies. Consultation with the electricity authority indicates it is not possible to provide a substation in the basement level. The electricity transformer and supporting facilities can be discreetly integrated within the ground floor of the building, off the laneway at the northeast corner of the building away from the more visual prominent Pacific Highway/Gordon Avenue corner. It is to ensure that street activation can be preserved.

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

COMMENT

Complies. The proposal provides a two-way 6m driveway at the rear off Hammond Lane providing access to the basement car parking. This driveway represents approximately 25% of the width of the Hammond 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. Given that the loading bay is to a laneway frontage, proposed truck loading / unloading arrangements are considered practical and 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 300m^2 of GFA
- Office Parking = 1 space per 400m^2 of GFA

As a reference, the above parking rates equate to 70 residential parking spaces and 9 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. In addition, the proposal can comply with any future revised car parking rates in Councils DCP.

The basement levels also include provision for required motorbike spaces and bicycle parking spaces in accordance with the current Willoughby DCP.

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.

Nick Juradowitch –
Director Ingham Planning Pty Ltd: September 2020