

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 15-17 NELSON STREET & 10 GORDON AVENUE, 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 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

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

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 of developer contributions in accordance with Council's 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

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 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

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 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 0.9:1 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 2,542.7m², well in excess of the 1,200m² minimum site area required for mixed-use development in the B4 Zone. The existing allotments within the proposed development site will be amalgamated into a single allotment, prior to redevelopment.

The site is adjoined to the north and south by public roads (Gordon Avenue and Nelson Street respectively) and to the east by an existing low-rise medium density apartment development that extends east to the North Shore Railway Line. The northern portion of the site is adjoined to the west by Hammond Lane and on the western side of this Lane, a commercial development comprising Payless Tyres and Brakes and Midas Vehicle Service Centre, fronting onto the Pacific Highway. The southern portion of the site is adjoined to the west by a 5 storey mixed use building and a single storey commercial building used as a paint store.

No isolated development sites are created. The adjoining land holding to the east is large in size, well in excess of 1,200m². The neighbouring properties to the west have been the subject of 2 Planning Proposals that have been supported by Council for high-rise mixed-use development in accordance with the Chatswood CBD Planning and Urban Design Strategy

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

The Planning Proposal seeks approval for a compliant maximum FSR of up to 6:1, including affordable housing and commercial/retail floor space in the order of 2,543m².

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 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 of 485m² equating to 4% of residential floor space is proposed and dispersed within the residential tower.

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

The proposal provides on the ground and first-floor levels of the podium, a commercial/retail assessable GFA 2,643m², which equates to a compliant commercial FSR of 1.04:1.

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 of not more than 700m² GFA, which is compliant with the 700m² 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

A slim tower form is proposed, with tower floor plates of modest size (5-6 apartments), as noted above and with a generous tower setback to Gordan Avenue and substantially compliant setbacks to other site boundaries. The proposed 25 storey residential tower, above the 2 storey podium, has a maximum width of 23m and a maximum length of 36m, which as demonstrated in the urban design report's CGI, can achieve the desired outcome of slender tower form.

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

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

The concept plan's rooftop includes screened plant room and lift overruns that are within the 90m maximum 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

Figure 3.1.7 of the CBD Strategy requires that the subject land, in conjunction with the land to the west, provide an open air 24 hour through site link from the southern end of Hammond Lane to Nelson Street. The Concept Plan provides for such a link in the form of a landscaped corridor containing a pedestrian only link to Nelson Street. The site is located close to Frank Channon Walk to the east, which also includes a cycleway. Gordon Avenue and Nelson Streets are cul-de-sacs that are both suitable for on-road cycling connecting from the Pacific Highway east to Frank Channon Walk. In accordance with the Strategy, the proposal includes widening Hammond Lane and provision of a footpath to this laneway to improve pedestrian access to the north.

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 ground level communal open space and a large landscaped communal terrace on the roof of the podium 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

The concept plan includes an area of publicly accessible open space along the Gordon Avenue frontage 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/retained along the Gordon Ave & Nelson St. 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

The tower roof exceeds a height of more than 30m. A large communal open space terrace, with landscaping is proposed above the podium. Good solar access is available to most of the podium communal open space. In such circumstances landscaped communal open space on the roof of the tower is not considered necessary.

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

Based on a site area of 2,542.7m², a soft landscaped area of at least 508.54m² 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.

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.

COMMENT

A 2 storey podium is proposed with a compliant height of up to 8m to provide sufficient floor to ceiling height clearance for 2 commercial floor levels. Above the street wall of the podium, compliant tower setbacks of at least 3m are provided, with additional tower setback provided to the north, east and south.

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 proposed residential tower above the podium provides a readily compliant tower building setback ratio of more than 1:20 (4.5m) to all site boundaries and are generally 6m or greater. Due to the irregular angled boundary near the northeast corner of the tower, a very minor portion of the tower is located 4m from the eastern side boundary in this location.

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.

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 south. The neighbouring residential building to the east is less than 4 storeys, which would require a minimum 12m building separation between residential floor levels. This site will in the future be redeveloped for a mixed-use high-rise tower with a tower setback in the order of 12m to the shared side boundary. The proposed eastern side setback of between 9m and 12m provides adequate building separation of 21m to 24m, supplemented by privacy protection measures where separation is less than 24m.

The neighbouring buildings to the west comprise a 5 storey mixed-use building and 1 and 2 storey commercial buildings. These sites are also likely to be redeveloped in the future for high-rise mixed-use towers, separated from the subject land by Hammond Lane and the southward extension of this Lane to Nelson Street. The tower component of the proposed development is confined to the southern half of the site and will provide a tower separation of at least 13.6m to the future tower building to the west. Appropriate privacy protection measures will be included in the western elevation of the proposed tower. Primary living areas are orientated to the north, south and southeast. In such circumstances the ADG allows reduced tower separation.

The existing 5 storey mixed use building to the west would typically require an 18m building separation between residential floor levels. However, as noted above, suitable privacy protection measures can be implemented to ensure there is no material privacy impact on this mixed-use building to the west.

There is a limited and acceptable shadow impact to the east or west, for both existing and future buildings, as the tower is located in the southern half of the development site. Shadow impacts will not materially impact on future towers to the south. The relatively narrow east-west tower form ensures that shadow impacts will be within acceptable limits with respect to any future high-rise residential tower on the southern side of Nelson Street.

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

Glass fronted residential and commercial lobbies and glazing to commercial floor space is provided on the ground floor to the 2 road frontages of the site. Glazing is also provided at first floor to the street frontages. A landscaped setback is also provided to the road frontages. At ground level there is no blank wall facing towards Gordon Avenue or Nelson Street. Temporary vehicular access is proposed off Hammond Lane, pending provision of permanent vehicular access off Gordon Avenue, through 9-11 Nelson Street. At least 80% of the Hammond Lane frontage will comprise an active frontage.

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

The site is adjoined on 2 sides by public roads, a Lane to the west for over half the length of the site and to the east by a large medium density site, which has an area well in excess of the 1,200m² required for redevelopment. The development sites to the west and east have Planning Proposals for high-rise mixed-use towers, supported by Council. No isolated development site will be created.

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 proposal provides more than half the ground floor area for commercial/retail floor space, with the ground floor frontage to Gordon Avenue wholly comprising glazing to the commercial floor space and 85% of the Nelson Street frontage also active frontage. Residential and commercial lobbies are proposed off Nelson Street Avenue. Temporary vehicular access is proposed to the basement car parking and loading dock, located off Hammond Lane in much the same location as the existing driveway off this Lane. The temporary driveway access will be removed and replaced with commercial floor space when vehicular access is available through the adjoining redevelopment site at 9-11 Nelson Street. When this permanent vehicular access is available there will be no driveways to any of the site's street frontages.

Approximately 80% of floor area on the ground floor comprises commercial suites and the residential and commercial entries and lobbies. . Where possible plant rooms and services are in 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

Consultation with the electricity authority indicates it is not possible to provide a substation in the basement. The electricity transformer and supporting facilities is discreetly located off Hammond Lane near the driveway to the basement car park.

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

The proposal provides a temporary two-way 6m driveway off Hammond Lane near the southern end of the existing Lane carriageway. This driveway represents less than 10% of the length of the Hammond Lane frontage, as extended to Nelsons Street. All vehicles utilizing the basement car park and loading dock can enter and leave in a forward direction. The loading dock includes a truck turning area to ensure that all trucks can enter and leave the site in a forward direction

The proposal includes future sharing of vehicular access with the proposed redevelopment of the adjoining land at 9-11 Nelson Street. As noted above when development of 9-11 Nelson Street is completed a new permanent vehicular access will be provided to Gordon Avenue, via a right-of-way through 9-11 Nelson Street, with the temporary driveway off Hammond Lane then removed. to optimize an active frontage to Hammond Lane and optimize pedestrian safety and amenity, particularly in the proposed southerly extension of Hammond Lane, a separate loading dock and loading access is proposed off Nelson Street, in the southeast corner of the site.

ARUP Traffic Engineers have prepared a parking rate 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 3.5 level basement car park provides parking for at least 152 car spaces, which is adequate to accommodate parking for 142 apartments and 2,643m² of commercial floor space, applying the parking rates as outlined above. The strategy is to minimise on-site car parking to encourage use of public transport, walking and cycling. The site is close to regular high frequency bus services travelling on the Pacific Highway and is within convenient walking distance of the Chatswood Transport Interchange and the retail, services, and employment opportunities available in the Chatswood CBD.

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, rather than within individual site-specific Planning Proposals.

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