

## ATTACHMENT 2

## DETAILED ASSESSMENT

## The Site

The site is located in a prominent position on the corner of Victoria Avenue and Neridah Street, Chatswood, containing two parcels of land being Lot 1 DP 560914 (282 Victoria Avenue) and Lot 2 DP 549245 (284 Victoria Avenue). The site area is 2127m<sup>2</sup>.

The site is generally rectangular in shape, with a frontage to Victoria Avenue of approximately 42 metres and Neridah Street of approximately 50 metres. Refer below to Figure A – Site Plan.



Figure A – Site Plan

The property at 282 Victoria Avenue contains a 6-8 level commercial building. The property at 284 Victoria Avenue contains a three storey commercial building. The combined net lettable area across the two sites is approximately 5,572m<sup>2</sup>, with 116 car spaces. The site provides numerous pedestrian and vehicular access points.

The site is not listed as a heritage item or within a conservation area and does not contain any significant trees.

## The Locality

The subject site is located within the existing Chatswood CBD.

The immediate surrounding land uses to the north, east and west are generally retail and commercial. Directly opposite to the north, on the other side of Victoria Avenue, is Chatswood Chase. The properties to the east at 272 Victoria Avenue and west at 298 Victoria Avenue contain two storey commercial buildings. Residential land use is found to the south at 58 Neridah Street and 33 Bertram Street.

Further to the east, are a number of medical related uses and the Chatswood Place development on the block bounded by Victoria Avenue, Hercules Street, Oscar Street and Albert Avenue.

Further to the west, the site is approximately 530 metres from the Chatswood Railway Station and Bus Interchange.

Further to the south, at the end of the subject block and on the other side of Albert Avenue is the South Chatswood Conservation Area.

#### Background

The site is currently Zoned B3 Commercial Core with a maximum permitted 14m height limit and floor space ratio of 2.5:1 under *Willoughby Local Environmental Plan 2012* (referred to in this report as WLEP 2012). In addition the site is affected by Schedule 1 'Additional permitted uses' Clause 31 which states:

*"Use of certain land at Victoria Avenue, Chatswood*

- (1) This clause applies to land at Victoria Avenue, Chatswood, being "Area 5" on the Special Provisions Area Map.*
- (2) Development for the purpose of shop top housing is permitted with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises."*

This Clause means that after two levels of commercial use, then residential use is permitted up to a total height of 14 metres, along parts of Victoria Avenue, including Victoria Mall. This would generally mean a development comprising 2 levels of commercial and then 2/3 levels of residential.

The site is located within Area 5 on the Special Provisions Area Map in relation to the residential use aspects.

The site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy). This document was publicly exhibited in March 2017, 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. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy is intended to establish a strong framework to guide all future development in the Chatswood CBD over the next 20 years and to achieve exceptional design and a distinctive, resilient and vibrant centre.

Under the CBD Strategy, the site has been recommended as a B3 Commercial Core Zone, with a maximum height of 7m on the Victoria Avenue frontage and 90m for the rest of the site,



and a floor space ratio of 6:1, subject to the satisfaction of other requirements. Residential development is not permitted in the Commercial Core under the CBD Strategy.

### Planning Proposal

The Planning Proposal submitted seeks to:

- Change the land use zone from B3 Commercial Core to B4 Mixed Use.
- Increase the height on the site to 90 metres.
- Increase the Floor Space Ratio on the site to 6:1.

The proposed amendments to WLEP 2012 are detailed in Table 1 below.

Concept plans and supporting information submitted with the Planning Proposal show a development that would provide:

- A 7 level Podium containing non-residential uses:
  - Ground floor: Retail and loading
  - Level 1, 2 and 3: Non-residential
  - Level 4, 5, 6: Boarding Rooms and Non-residential
- Setbacks
  - Podium
    - Victoria Ave – Ground Level - No setback
    - Above 2 levels – 6m setback
    - Neridah Street – Ground Level – No setback
  - Residential tower
    - Victoria Ave – 6m
    - Neridah St – 6m
    - 58 Neridah St / 33 Bertram St (rear) – 4.5m
    - 298 Victoria Ave - 18m
- A residential tower above the Podium, over 282 Victoria Avenue (eastern) section of site, near Victoria Avenue and Neridah Street corner (approximately 13 residential storeys).
- Above Podium, over 284 Victoria Avenue (western) section of site, landscaped area.
- A total floor space ratio of 6:1.
  - gross floor area of approximately 12,762.6m<sup>2</sup>.
- A floor space breakdown as follows:
  - residential floor space ratio: 3:1 (gross floor area 6,381.3m<sup>2</sup>)
  - Non-residential floor space ratio 3:1 (gross floor area 6,381.3m<sup>2</sup>)
- All vehicle entry proposed via Neridah Street.
- 3 basement levels.

Note 1: Concept plans show potential redevelopment at 298 Victoria Avenue in the form of commercial, however this land is not part of the site being part of this Planning Proposal.

Note 2: The abovementioned concept plans and supporting documentation are amendments (December 2020) to the original Planning Proposal submitted in March 2020.

The proponent has also lodged an Economic Impact Assessment (Refer to Attachment 5) which discusses the economic benefits associated with the redevelopment of the subject site as B4 Mixed Use.

Table 1 – Summary of Planning Proposal Amendments

| Property                 | Zoning             |              |                    | Height |          |                                                      | Floor Space Ratio |          |              |
|--------------------------|--------------------|--------------|--------------------|--------|----------|------------------------------------------------------|-------------------|----------|--------------|
|                          | WLEP               | Proposed     | CBD Strategy       | WLEP   | Proposed | CBD Strategy                                         | WLEP              | Proposed | CBD Strategy |
| 282, 284 Victoria Avenue | B3 Commercial Core | B4 Mixed Use | B3 Commercial Core | 14m    | 90m      | 7m for Victoria Ave Frontage<br>90m for rest of site | 2.5:1             | 6:1      | 6:1          |

### Discussion

Discussion of the Planning Proposal is based on the 'Key Elements of Future LEP and DCP Controls' contained in the CBD Strategy dated September 2020, listed 1 to 35, with comments provided. Where relevant, the Key Elements have been addressed, however a comprehensive analysis of the Planning Proposal has not been undertaken by Council staff, with particular regard to detailed design issues, as the development does not succeed on rezoning, land use, strategic planning grounds and height.

It is noted that the proponent's discussion of the 35 Key Elements in its December 2020 documentation does not correctly address the CBD Strategy dated September 2020 – but rather an earlier version.

### CBD Boundary

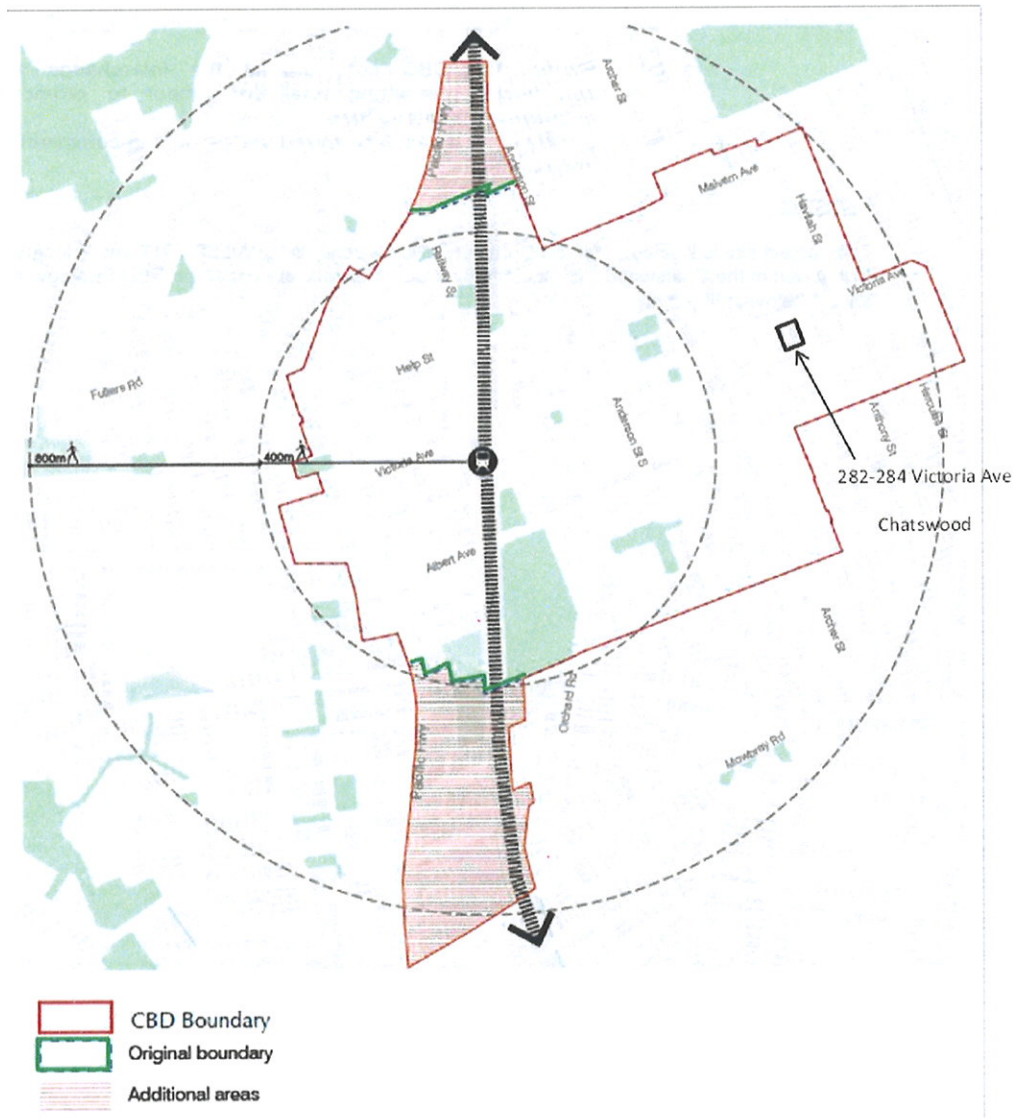
**Key Element 1.** The Chatswood CBD boundary is expanded to the north and south as per Figure 3.1.1. to accommodate future growth of the centre.

### Comment

The subject site is located within the existing Chatswood CBD boundary, and the boundary proposed in the CBD Strategy, as shown below in Figure 1.



Figure 1 – CBD boundary



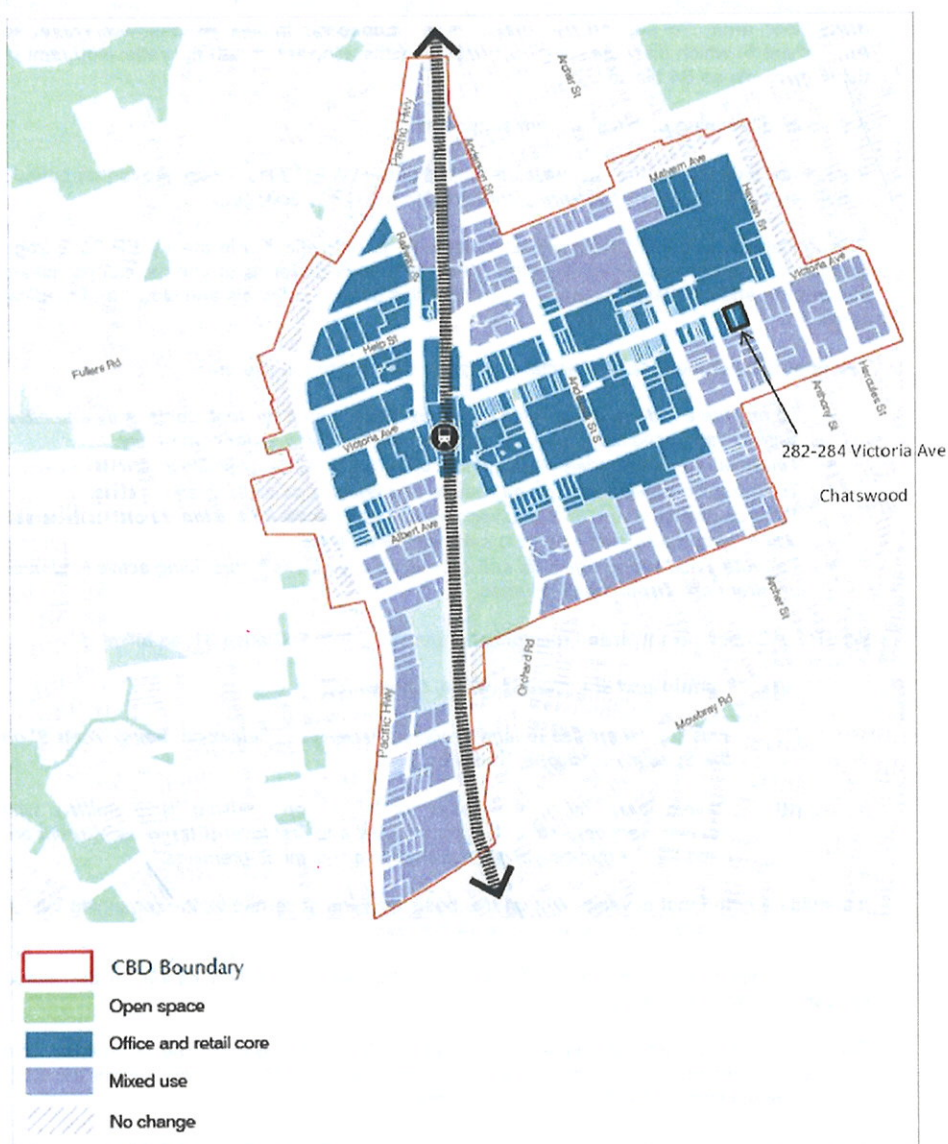
**Land Use**

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

**Comment**

The subject site is located in the B3 Commercial Core zone under WLEP 2012 and is located in that part of the Chatswood CBD identified as Commercial Core under the CBD Strategy, as shown below in Figure 2.

Figure 2 – Land Use





The Planning Proposal seeks a rezoning to change a B3 Commercial Core zoned site to B4 Mixed use, with 6,381.3m<sup>2</sup> of residential gross floor area and 6,381.3m<sup>2</sup> of non-residential gross floor area. To support the rezoning, an Economic Impact Assessment (Refer to Attachment 5) which discusses the economic benefits associated with the redevelopment of the subject site as B4 Mixed Use.

A proposed rezoning of this site is not supported.

Residential land use for the site, which is limited under WLEP 2012 (explained further below), is not permitted under Key Element 2 contained in the CBD Strategy.

Residential use in the B3 Commercial Core zone is not reflected in the WLEP 2012 zone objectives. The permissible uses in the B3 zone include all forms of commercial premises, community, educational and entertainment facilities as well as hotels and clubs, and medical centres.

The objectives of the B3 Commercial Core zone relevant to the site are:

- *To provide a wide range of retail business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Chatswood as a major centre for the inner north sub-region and to improve its public domain and pedestrian links.*
- *To protect and encourage safe and accessible city blocks by providing active land uses on street and pedestrian frontages.*

WLEP 2012 does permit limited residential under Schedule 1, Clause 31, as follows:

*"Use of certain land at Victoria Avenue, Chatswood*

- (1) *This clause applies to land at Victoria Avenue, Chatswood, being "Area 5" on the Special Provisions Area Map.*
- (2) *Development for the purpose of shop top housing is permitted with development consent if the ground level and first level of the development are used for the purpose of retail premises or business premises."*

It should be noted that development on this basis remains governed by the remaining WLEP 2012 and in particular height (in this case 14 metres).

The proponent is currently able to lodge a development application based on the above relevant WLEP 2012 controls.

The CBD Strategy does not suggest retaining Schedule 1, Clause 31. The preparation of a comprehensive Council Planning Proposal to amend WLEP 2012 and implement the CBD Strategy would involve the deletion of this clause.

The site has been identified as B3 Commercial Core and the envisioned future development involves commercial and other non-residential uses.

The above position is based on a Council initiated review in 2016 of the Chatswood CBD land uses with regard to the Greater Sydney Commission strategic planning reports *A Plan for Growing Sydney* and the *North District Plan*. The review also had regard to economic based

reports initiated by Willoughby Council including the *Willoughby Economic Development Study*, March 2016, prepared by SGS and *Chatswood CBD Competitive and Comparative Analysis*, May 2016, prepared by AEC Group.

The Analysis section of the CBD Strategy discussed land use and concluded that Chatswood's commercial core is suffering a lack of confidence due to a range of factors including:

- A general lack of investment over the past 10-15 years, which has led to a decline in the overall standard of office accommodation and a lack of building stock which satisfies modern standards.
- The growth of Macquarie Park having an impact on Chatswood as well as competition with other North Shore centres of North Sydney and St Leonards.
- The erosion of the office core by residential uses particularly due to State-led Part 3A approvals. This has led to both qualitative issues with residential uses not being preferred neighbours for office towers, and concerns over whether Chatswood's office core has the 'critical mass' to succeed in the future or will dissipate over time.
- Centralisation of employment is an issue for many secondary office centres in Sydney, with many losing their 'critical mass'.

Economic advice from BIS Oxford Economics highlighted protection of offices as a vital part of Chatswood's land use mix. The office core is considered to provide benefits to subsidiary uses (including retail and residential with jobs close to living areas) and is vital in Chatswood competing with similar high-order centres as a diverse and 'complete' centre. The CBD Strategy viewed the current lack of confidence in Chatswood as a CBD as needing to be addressed to give confidence to both existing tenants and future investors, and this has led to the CBD Strategy approach to the commercial core. The key issues for encouraging the future of office uses in Chatswood included:

- Ensuring adequate capacity for the future, with capacity assumptions demonstrating that there is very little capacity in the current Commercial Core.
- Allowing for larger floor plate buildings, to attract A grade offices.
- Providing high environment quality.
- Protecting the Commercial Core from encroachment.
- Encouraging smaller offices.

The CBD Strategy has attempted to find a balance of land uses to best plan for the future. In this regard the approach to land use is based on promoting office growth and promoting residential growth in the right locations, and this has resulted in the B3 Commercial Core zone and the surrounding B4 Mixed Use zone all within the CBD boundary.

The peripheral B4 Mixed Use zone will allow for considerable increase in density and height of residential development to ensure that sufficient residential development is located within the Chatswood CBD and close to infrastructure. This is based on residential not being permitted in the B3 Commercial zone. This land use mix and density approach to the B3 and B4 zones within the Chatswood CBD is considered consistent with and a response to strategic planning documents the *Greater Sydney Region Plan* and the *North District Plan*. It is considered that the CBD Strategy has provided capacity for additional mixed-use development in Chatswood in appropriate locations, being the strategically planned Mixed Use zone.

The CBD Strategy has been further informed by Chatswood CBD Strategy-Market Feasibility Testing, March 2019, prepared by BIS Oxford Economics, and Advice on Chatswood CBD Mixed Use Zone, February 2020, prepared by SGS Economics and Planning.



The subject Planning Proposal request is not consistent with the identified land use mix in the Council endorsed CBD Strategy, as it seeks to rezone a site for residential land use that is outside the Mixed Use zone. Mixed use development is catered for in nearby mixed use zones, and is very much part of the envisioned future of the Chatswood CBD.

Council is aiming to promote and encourage commercial development within the commercial core, and the subject Planning Proposal is contrary to this objective. The CBD Strategy is seeking to provide certainty within the commercial core in order to encourage commercial development. The rezoning of this site within the commercial core will create uncertainty within the commercial core, discouraging commercial investment.

It is noted that 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 demonstrable, 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 DPIE endorsement did not require or encourage any rezoning of B3 Commercial Core land east of the North Shore rail line.

In regards this Planning Proposal, the rezoning of this site to facilitate residential development is not supported. The Economic Impact Assessment provided does not change the Council position.

**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 involves land on the western side of the North Shore Rail Line in Chatswood as outlined in Clause 6.12 of WLEP 2012.

The subject site is located on land on the eastern side of the North Shore Rail Line.

Noting the above, and as the Planning Proposal is not supported, there is no need to amend WLEP 2012 to address this Key Element.

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

Comment

This Key Element is applicable to the Planning Proposal as the site is located within the B3 Commercial Core zone. As the Planning Proposal is not supported, there is no need to amend the WLEP 2012 to address this Key Element.



**Planning Agreements to fund Public Domain**

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

Comment

As the Planning Proposal is not supported, planning agreements have not been negotiated.

**Key Element 6.** 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).
- d) Contribute to public domain improvements in the centre (including streets and parks) that would enhance amenity and support residential and commercial uses.

Comment

The proponent has stated that there is the potential for contributions via a planning agreement.

However, as noted above, the Planning Proposal is not supported and planning agreements have not been negotiated.

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

Comment

The proponent has indicated a willingness to contribute to public art in accordance with Council's public art policy.

**Design Excellence and Building Sustainability**

**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

The proponent has indicated acceptance of Key Element 8.

No further discussion is provided as the Planning Proposal is not supported.

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

Comment

Council requires sustainability to be addressed in accordance with the CBD Strategy, in draft DCP provisions accompanying a Planning Proposal.

Draft DCP provisions have not been provided.

**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

No further discussion is provided as the Planning Proposal is not supported.

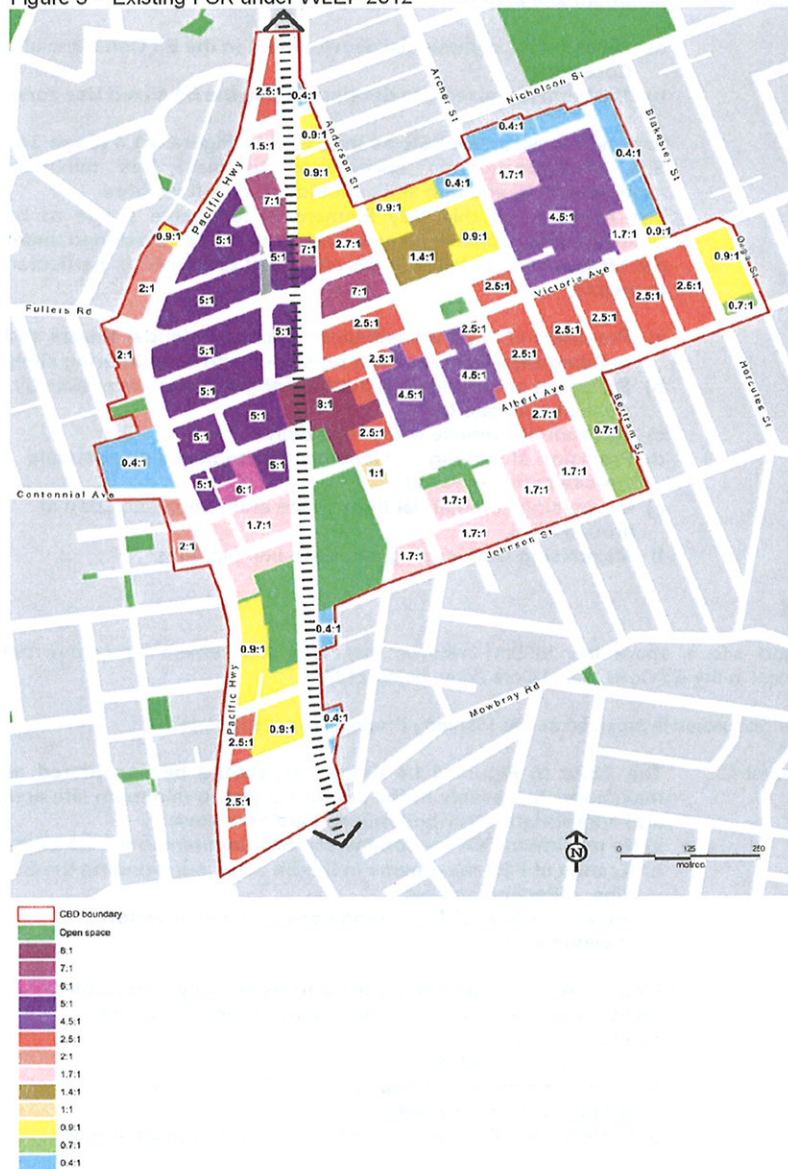
**Floor Space Ratio (FSR)**

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

Comment

The subject site is in a location with a maximum floor space ratio under WLEP 2012 of 2.5:1 as shown below in Figure 3.

Figure 3 – Existing FSR 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 (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.

**Comment**

The subject site is above the 1800m<sup>2</sup> minimum site area requirement for commercial development in the B3 Commercial Core zone, being 2127m<sup>2</sup>.

No further discussion is provided as the Planning Proposal is not supported.

**Key Element 13. 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.
- b) A range of FSR maximums in the B4 zone, surrounding the B3 zone, reflecting context.
- 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 satisfactorily addressing:

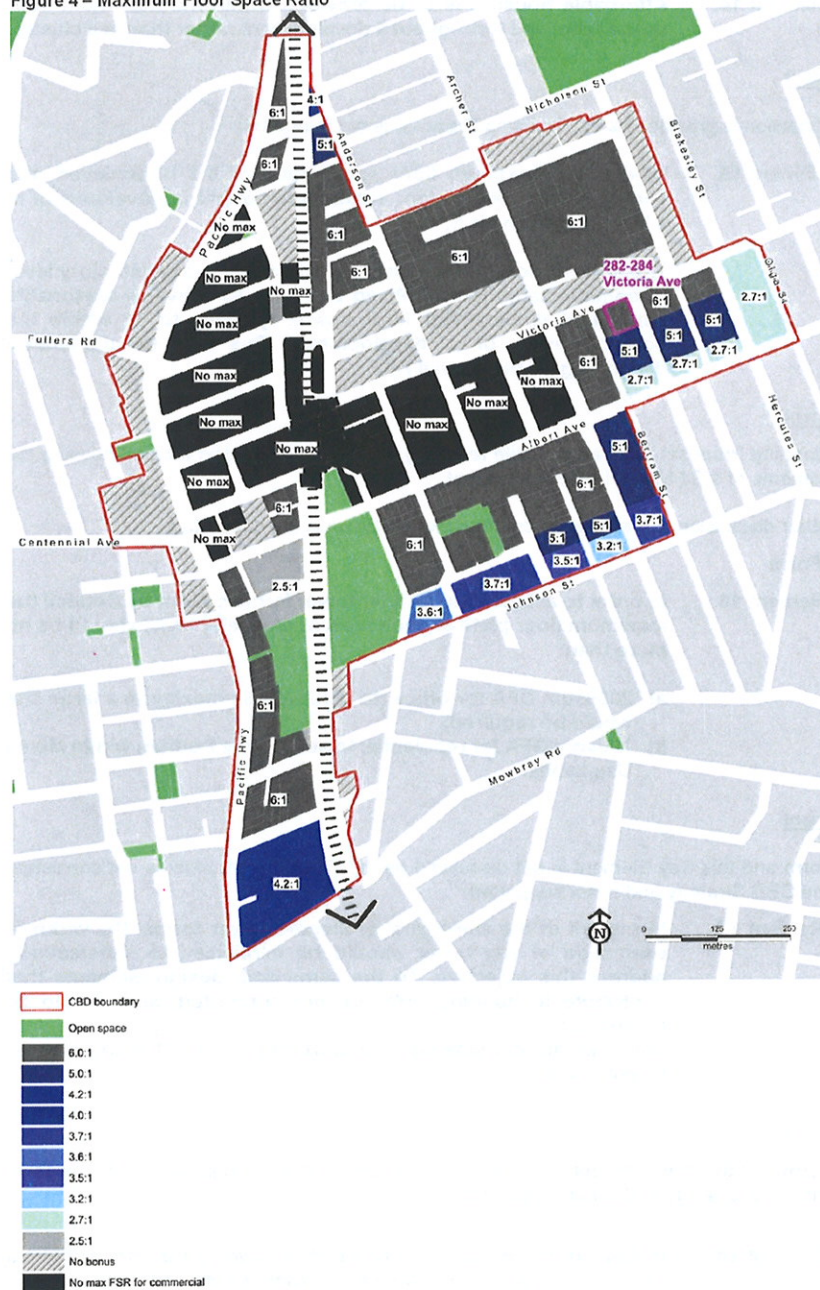
- a) Site constraints,
- b) Surrounding context,
- c) Other aspects of this Strategy including setbacks at ground and upper levels,
- d) SEPP 65 and the associated Apartment Design Guidelines.

**Comment**

An FSR of 6:1 is proposed, consistent with the maximum FSR permitted in the B4 Mixed Use zone under the Strategy.

No further discussion is provided as the rezoning of this site under the Planning Proposal is not supported.

Figure 4 – Maximum Floor Space Ratio





**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

No discussion is provided as the Planning Proposal is not supported.

**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 Planning Proposal is based on a site rezoning to B4 Mixed Use, and then addressing the requirements of a B4 Mixed Use development.

No further discussion is provided as the Planning Proposal is not supported.

**Built Form**

**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 (to achieve this maximum a large site would be required).
- b) 700sqm GFA for residential towers above Podium within Mixed Use zones.

Comment

Built form and this Key Element is not discussed as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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.  
Setbacks are considered an important part of achieving slender tower forms.

Comment

Built form and this Key Element is not discussed as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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

Built form and this Key Element is not discussed as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Sun Access to Key Public Spaces and adjacent conservation areas**

**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).

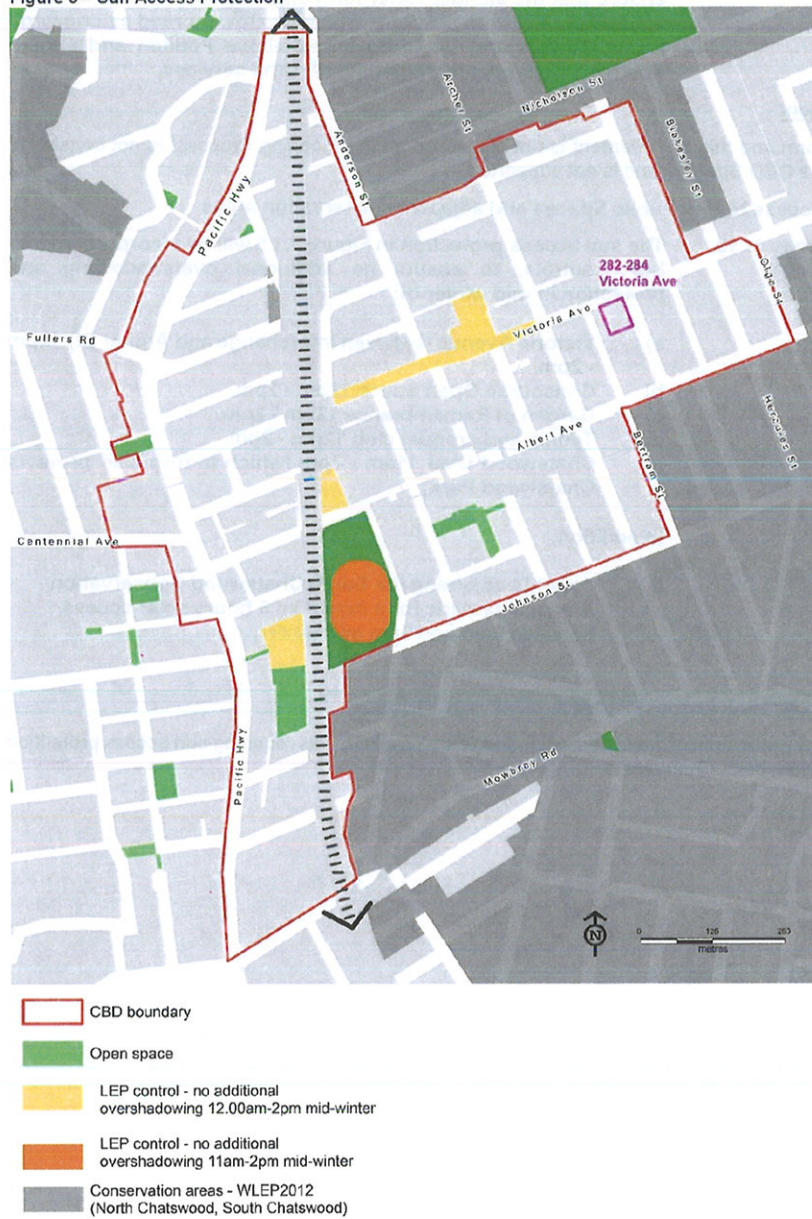
In addition,

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

Comment

The key public spaces identified within the Chatswood CBD as requiring sun access protection are shown below in Figure 5.

Figure 5 – Sun Access Protection



Sun access to key public spaces and this Key Element is not discussed further as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

#### **Building Heights**

##### **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**

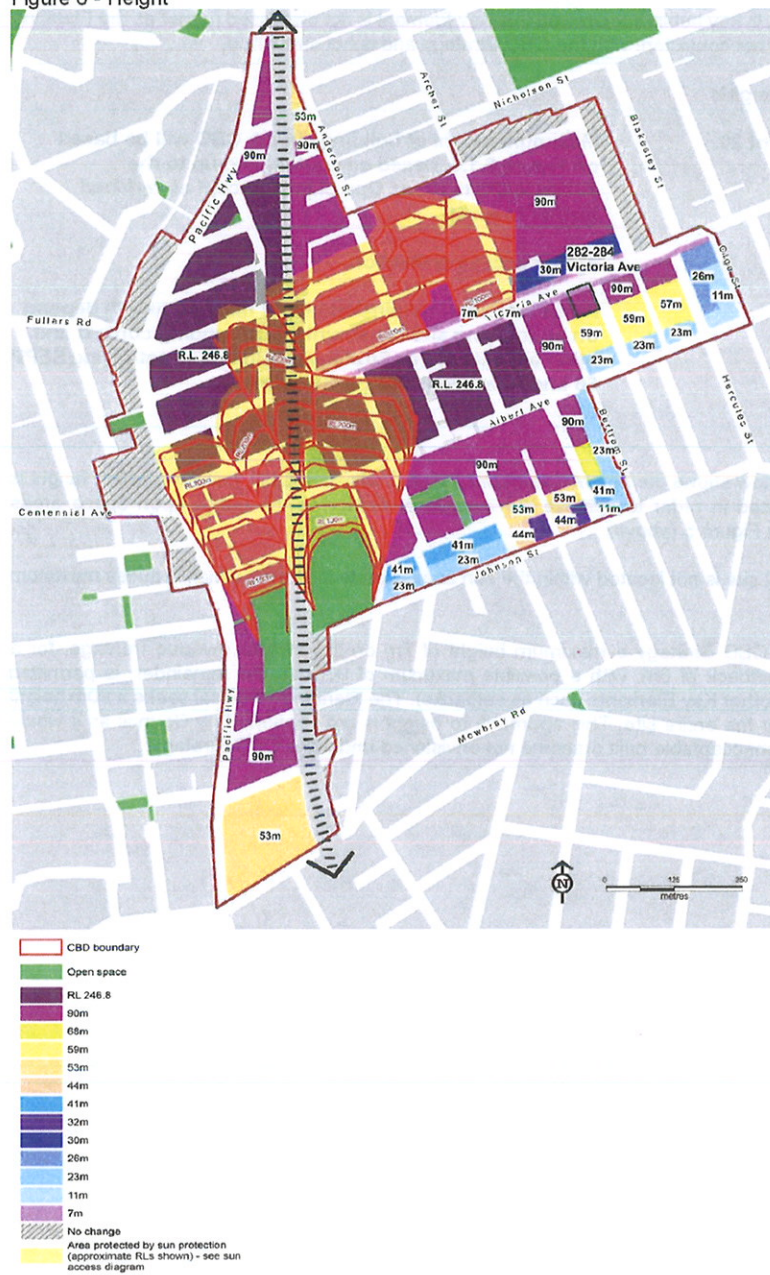
Figure 6 below shows the height maximums in the Chatswood CBD, including where height is to be reduced in order to achieve sun access protection to the public open space areas identified in Figure 5 (above).

The subject site is not located within the sun access protection area which reduces maximum height.

Under the CBD Strategy a maximum height of 7m on the Victoria Avenue frontage, for a minimum setback of 6m, with a possible maximum of 90m on the remainder, is permitted (subject to other Key Elements such as setbacks). The Planning Proposal seeks a 90m height control over the entire site. This approach to height is not supported by Council as it would create an unacceptable built outcome not envisioned under the CBD Strategy.



Figure 6 - Height



- 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

No further discussion is provided on building heights as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Links and Open Space**

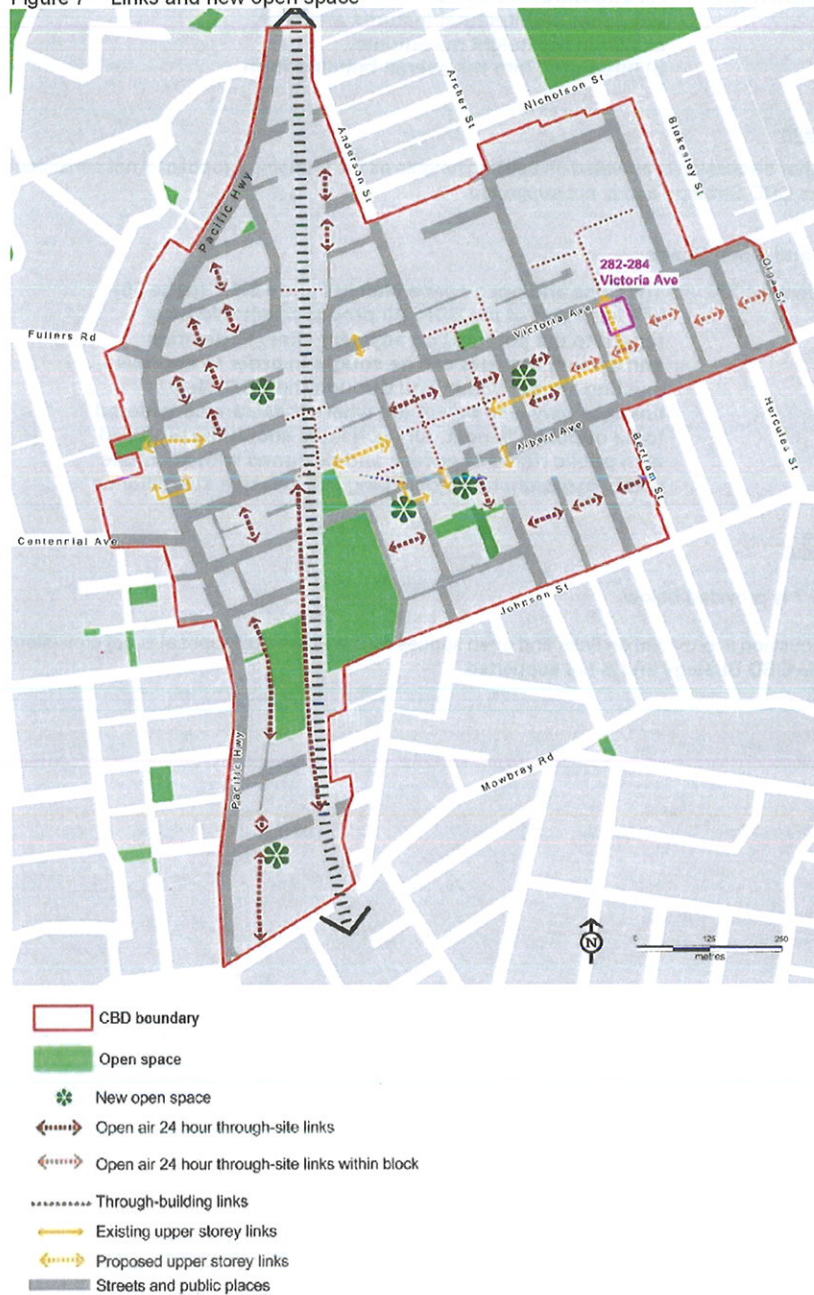
- Key Element 22. The links and open space plan in Figure 3.1.7 (page 36) will form part of the DCP. All proposals should have regard to the potential on adjacent sites. Pedestrian and cycling linkages will be sought in order to improve existing access within and through the CBD. New linkages may also 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.

Comment

Figure 7 is provided below.

No discussion is provided on links and open spaces as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

Figure 7 – Links and new open space





**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

A concept landscape plan has been provided.

No discussion is provided on this Key Element as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Public realm or areas accessible by public on private land**

**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, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.

Comment

As previously noted the proponent's discussion of the 35 Key Elements in its December 2020 documentation does not correctly address the CBD Strategy dated September 2020 – but rather an earlier version. This Key Element has not been addressed.

No discussion is provided on this Key Element as the Planning Proposal is inconsistent with the CBD Strategy and is not supported.

**Landscaping**

**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

As previously noted the proponent's discussion of the 35 Key Elements in its December 2020 documentation does not correctly address the CBD Strategy dated September 2020 – but rather an earlier version.

No discussion is provided on this Key Element as the Planning Proposal is not consistent with CBD Strategy and is not supported.

**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

As previously noted the proponent's discussion of the 35 Key Elements in its December 2020 documentation does not correctly address the CBD Strategy dated September 2020 – but rather an earlier version.

No discussion is provided on this Key Element as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Setbacks and street frontage heights**

**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.

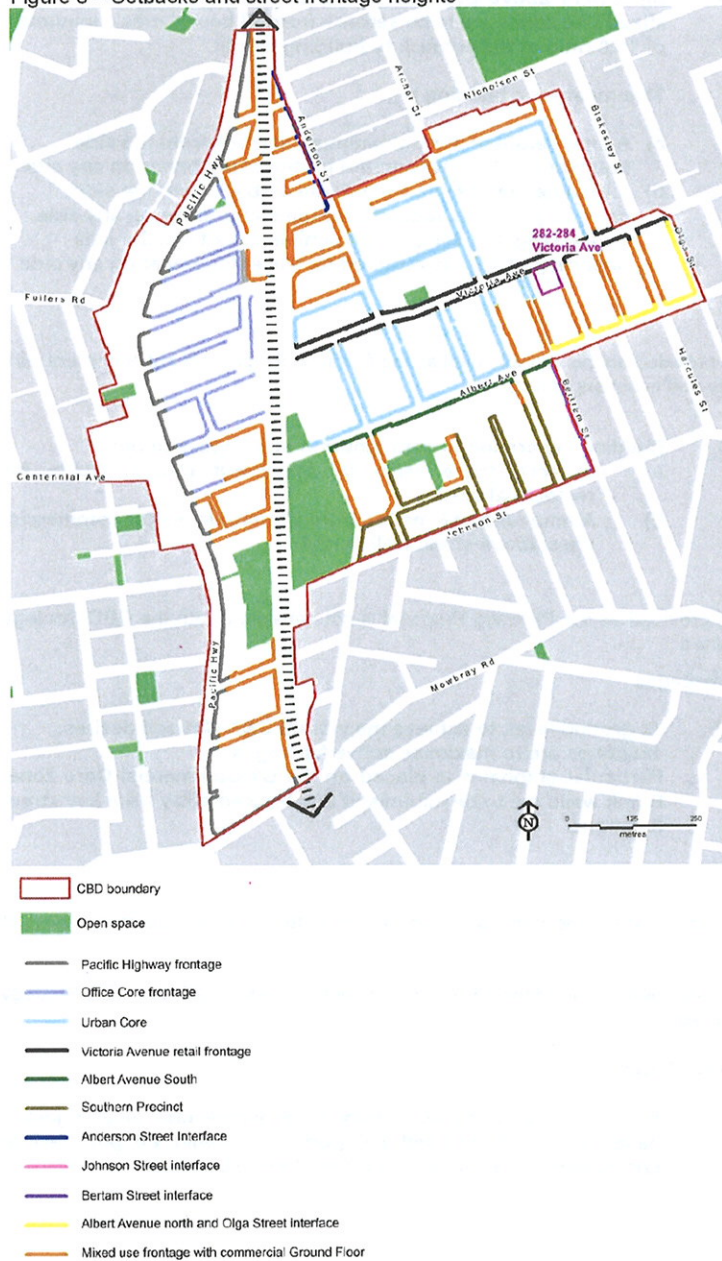
- a) Victoria Avenue retail frontage
  - i. Maximum of 7 metre street wall height at front boundary.
  - ii. Minimum 6 metre setback above street wall
- d) Mixed use frontage with commercial Ground Floor
  - i. 6-14 metre street wall height at front boundary.
  - ii. Minimum 3 metre setback above street wall.

Comment

The site is located within the Victoria Avenue retail frontage precinct, on the southern side Victoria Avenue opposite Chatswood Chase, with a 7m street wall and minimum 6m setback above street wall requirement. The Neridah Street side boundary is within the 'Urban Core', where a minimum 6 metre setback above street wall is required.

No further discussion is provided on this Key Element as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

Figure 8 – Setbacks and street frontage heights





**Key Element 28.** 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:

- a) 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.

Comment

No discussion is provided on this Key Element as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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 discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Active Street Frontages**

**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

Active street frontages are to be provided at ground level for Victoria Avenue and part of Neridah Street.

No discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Further Built Form Controls**

**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

Concern is raised with the site isolation of the neighbouring property at 298 Victoria Avenue, as a result of the Planning Proposal. This property is approximately 929m<sup>2</sup> and well below the minimum 1800m<sup>2</sup> site area required for commercial development under the CBD Strategy.

As a result of the Planning Proposal, this neighbouring site would not be able to be developed under the CBD Strategy, which is not the desired outcome.

It is considered that the optimum outcome would be the lodgement of a Planning Proposal consistent with the CBD Strategy, and including 298 Victoria Avenue in order to address the issue of site isolation.

No further discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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

The site is affected by this Key Element.

Any proposal on this site must adhere to the recommended traditional lot pattern arrangement along Victoria Avenue.

No further discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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 ground level loading area (and services such as waste facilities) is not supported. The provision of loading facilities and services should be provided within a basement level, and are to incorporate garbage trucks and loading / unloading vehicles of minimum 8.8m length.

No further discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**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

No discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

**Traffic and Transport**

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

#### Comment

Traffic issues have not been fully reviewed, as they are secondary to the land use, zoning, strategic planning and height issues, upon which the Planning Proposal is not supported.

Consideration of this Key Element should occur with reference to Key Element 33 above. No further discussion is provided as the Planning Proposal is not consistent with the CBD Strategy and is not supported.

Full consideration of traffic issues would be required, based on a proposal consistent with the CBD Strategy.

#### **Other Issues**

##### **Site Specific Development Control Plan provisions**

The proponent has not submitted draft *Development Control Plan* provisions. Any future Planning Proposal requires draft provisions satisfactorily addressing the 35 Key Elements of the CBD Strategy as well as any other site specific issues.

##### **Department of Planning, Industry and Environment Requirements**

The Planning Proposal is considered not to be in accordance with the requirements under Clause 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment (December 2018) '*A Guide to Preparing Planning Proposals*'. This document establishes six parts for consideration of a Planning Proposal



(Attachment 3).

#### Conclusion

The site has been confirmed as B3 Commercial Core in the *Chatswood CBD Planning and Urban Design Strategy 2036* endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, part endorsed on 9 August 2019 and then fully endorsed by the Department of Planning, Industry and Environment (DPIE) on 9 July 2020. This has been noted by Council on 14 September 2020.

Under WLEP 2012 and the CBD Strategy B3 Commercial Core zoning, residential development is not a permitted land use. The proponent has proposed a B4 Mixed use zone which permits residential land use, with a non-residential floor space ratio of 3:1 and residential floor space ratio of 3:1.

The Planning Proposal is inconsistent with WLEP 2012 and the CBD Strategy. It is also considered that the Planning Proposal is inconsistent with the *Greater Sydney Region Plan* and the *North District Plan*, as well as Council's *Local Strategic Planning Statement*. The Economic Impact Assessment provided by the proponent does not change the Council position, that the preservation of the B3 Commercial Core will have important economic benefits for the future of the Chatswood CBD.

Council officers have encouraged, and continue to encourage, a Planning Proposal that is consistent with the CBD Strategy.

Based on the above, it is recommended that this Planning Proposal should not be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

