

# Council Notes following 3 May 2023 Council Meeting

## 763-769 Pacific Highway Chatswood

### Proposed: Build to Rent development within the B3 Commercial Core

Council assessment of any application on this site would be based on the following:

- The Chatswood CBD Planning and Urban Design Strategy 2036 (CBD Strategy) publicly exhibited between January and March 2017, endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning and Environment (DPE) on 9 July 2020. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.
  - The CBD Strategy has been incorporated into the comprehensive WLEP 2012 review Planning Proposal, publicly exhibited between 5 March and 7 June 2022, supported for finalisation at the Council Meeting dated 12 December 2022, and currently with DPE to be made.
  - Any application within the Chatswood CBD should be designed based on the 35 Key Elements of the CBD Strategy, and be accompanied by a table that details how each Key Element has been addressed.
- Land Use
  - Council restates that the site is located in the B3 Commercial Core and that residential accommodation is a prohibited use under WLEP 2012, the CBD Strategy and the comprehensive WLEP 2012 review Planning Proposal.
  - Build to rent as proposed is not envisioned by Council on this site or the B3 Commercial Core zone.
- Amalgamation
  - Any proposal on this site is encouraged to involve the block – therefore to include 781 Pacific Highway.
  - Vehicle access, including loading and unloading, is an issue for all sites on this block. Direct access to / from the Pacific Highway and Albert Avenue is not favoured by Council or Transport for NSW. Access via Albert Lane needs to be in accordance with the CBD Strategy expectations of Key Element 35 – discussed below under Traffic and Transport.
  - The objective behind the block amalgamation is 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.”*

- Height

- Refer to Key Element 19 regarding Sun Access to Key Public Spaces and Adjacent Conservation Areas.

- CBD Strategy Key Element 20 states:

*“Maximum height of buildings in the CBD will be based on Figure 3.1.6, based on context and up to the airspace limits (Pans Ops plane), except as reduced further to meet:*

*a) Sun access protection.*

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

- Council does expect the CBD Strategy solar access plane (SAP) to result in different heights where it applies in both the B3 Commercial Core or B4 Mixed Use zones. Council has already supported and made Planning Proposals impacted by the SAP at:
  - 753 Pacific Highway and 15 Ellis Street: Maximum height being 60m
  - 3 Ellis Street: Maximum height being 44m

The height is dependent on the specific site location within the SAP.

Other reduced height outside the SAP area supported and made by Council:

- 58 Anderson Street: Maximum height being 53m
- 54-56 Anderson Street: Maximum height being 53m and 90m
- The expected varied heights provided by the SAP represent the built form for this part of the Chatswood CBD – the CBD has Key Elements that acknowledge different precincts within the CBD with different requirements and outcomes.
- The reason for the SAP relates to overshadowing and visual impact to the limited key public spaces within the Chatswood CBD. The importance of height difference and variety within the CBD is emphasised.
- The Chatswood CBD heights respond to context – and there are different height requirements throughout the Chatswood CBD. A universal height within the B3 Commercial Core or B4 Mixed Use zones is not provided for, nor expected.
- In regards the subject site, Council would expect a development that is in accordance with the site specific height based on the SAP.
- To be clear Council does not support varying the SAP control.

- Setbacks and street wall heights

- Three Key Elements apply to setbacks in the B3 Commercial Core zone – see below. Where there is a crossover, the greater setback applies.
- Your attention is drawn to CBD Strategy Key Element 27 which states:

*“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.*

*c) Office core frontage:*

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

*e) Pacific Highway frontage*

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

- Your attention is drawn to CBD Strategy Key Element 28 which states:

*“All towers above podiums in the B3 Commercial Core and B4 Mixed Use zones are to be setback from all boundaries a minimum of 1:20 ratio of the setback to building height.*

*This means if a building is:*

- 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.”*

- Your attention is drawn to CBD Strategy Key Element 29 which states:

*“Building separation to neighbouring buildings is to be:*

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

- CBD Strategy seeks additional setbacks – what is in the Key Elements are minimums.
- Any design is to be consistent with the above. Based on the concept plans provided, concern is raised with:
  - ❖ Ground setback to Pacific Highway (the 4m required is separate to the land acquisition land)  
Note: The Pacific Highway frontage wraps around the corner with Albert Avenue for 6m)
  - ❖ Tower setback to northern boundary with neighbouring property for the entire tower (Note: setback depends on height)
  - ❖ Tower setback to Albert Lane for the entire tower (Note: setback depends on height)
- Public realm
  - Your attention is drawn to CBD Strategy Key Element 24 which states:

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

- a) Is expected from all B3 and B4 redeveloped sites.*
- b) Is to be designed to respond to context and nearby public domain.*
- c) Should be visible from the street and easily accessible.*
- d) Depending on context, is to be accompanied by public rights of way or similar to achieve a permanent public benefit.”*

- Any application should positively respond to this Key Element.

- Heritage Item

- Council seeks for the Heritage Item to remain – noting it is identified for land acquisition.

- Land Acquisition

- It is recommended that the proponent engage with TfNSW on this issue.
- It is Council's understanding that the land for road acquisition on this site, fronting the Pacific Highway, is required by Transport for NSW.
- Any development on this site should be based on a design excluding the land acquisition area from the future site area and all calculations.

- Cycle path along Pacific Highway

- Council is actively seeking a cycle path along the eastern side of the Pacific Highway.
- This cycle path is to be planned on the subject site and outside of the land acquisition area.
- Consideration is to be given at design stage to the interaction of the cycle path with adjacent areas on site (and excluding the land acquisition area).

- Traffic and Transport, including parking

- Your attention is drawn to CBD Strategy Key Element 35 which states:

*“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.”*

- Parking is to be at reduced rates.
- Consistency with the Council WDCP is required (as updated) – however further reduction may be considered.
- If Build to Rent is to be pursued, Council would seek:
  - Consistency with built form controls in the CBD Strategy
  - A maximisation of any non-residential component, and within that commercial land use.
  - An affordable housing offer via a planning agreement in accordance with Council's affordable housing policy.
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- Design Excellence
  - The final design should satisfactorily respond to these Council Notes.
  - The final design is to be the subject of the competition.
  - It is recommended that this process take place after the LEP is made – to ensure any risks are minimised regarding potential changes to the LEP.