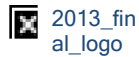


From: Mike Williams [mwilliams@legacyproperty.com.au]
Sent: Monday, 14 September 2020 11:07:08 AM
To: Council's Email
Subject: Submission for Council meeting tonight

Please see the attached submission in relation to agenda item 15.17 Updated Chatswood CBD Planning and Urban Design Strategy to 2036.

Kind regards,
Mike

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14 September 2020

Chief Executive Officer
Willoughby City Council

Via email: email@willoughby.nsw.gov.au

Submission to Council Meeting – 14 September 2020
Agenda Item 15.17 – Updated Chatswood CBD Planning and Urban Design Strategy 2036

We write to make the following submission in relation to the proposed changes to the updated Chatswood *CBD Planning and Urban Design Strategy 2036* (Updated Strategy) as it relates 28-30 Archer Street.

- 28-30 Archer Street is located on the north western corner of Archer and Johnson Street immediately opposite the South Chatswood Heritage Conservation Area (HCA). The site sits as a prominent corner on Archer Street, one of the key corridors through Chatswood.
- Legacy Property (Legacy) has been in discussion with Council planning staff in relation to 28-30 Archer Street for over a year having met and presented development schemes to Council on numerous occasions, most recently on 19 May 2020. The most recent scheme presented to Council included a mixed-use residential envelope of 19 storeys and an FSR of 5:1.
- Legacy has been aware of the additional work being undertaken by Council to address the Department of Planning Industry and Environment's (DPIE) conditions for the mixed-use areas, particularly the transition to adjoining HCAs. Based on feedback from Council, Legacy has continually worked to refine its scheme to manage impacts to the adjacent HCA and to respond to feedback.
- Throughout the process, Council has encouraged a design which pursued slender towers and provided an acceptable built form transition to minimise impacts to the HCA, including shadow impacts. Council have always expressed to Legacy that its key concerns related to the bulk of the design rather than the overall height, and even suggested in the most recent meeting that additional height would create a more slender appearance and improve solar access by creating more elongated and faster moving shadows.
- As part of the response to the DPIE conditions for endorsement it is our understanding that Council's Urban Design consultant GMU, put forward two scenarios for 28-30 Archer Street in their *Chatswood CBD Strategy Density Study* dated 8 May 2020. The two scenarios were based on development outcomes which achieved 2hrs and 3hrs of solar access between 9am – 3pm mid-winter to the HCA south of Johnson Street respectively. The built form recommendations for 28 – 30 Archer Street are outlined below.
 - **2hrs** – Height 55-61m, FSR 5:1
 - **3hrs** – Height 45m, FSR 3.2:1



- Notwithstanding the two recommendations put forward by GMU, Council is now proposing to adopt the lower recommendation within the Updated Strategy in addition for a requirement for development adjoining the Chatswood South Conservation Area to maintain a minimum 3hrs solar access to this area.
- The Updated Strategy recommendation comes as a surprise to Legacy as Council officers had generally been positive towards the concepts presented by Legacy, including the central premise of achieving a 5:1 FSR to support a viable redevelopment of the site. At no stage did Council officers indicate the position now being recommended in the Updated Strategy. We understood that Council officers understood the impact of reduced solar access being necessary and appropriate given the intended vision for Chatswood CBD, and cognisant that Council has previously supported the original strategy with greater height and FSR.
- The recommendation for 3hrs solar access exceeds the requirement of 2hrs for Metropolitan Areas within the Apartment Design Guide (ADG) which accompanies *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)*. Furthermore, the ADG makes no distinction that a more stringent solar access requirement should be applied to heritage conservation areas.
- The operation of clauses 6 and 6A of SEPP 65 and accompanying provisions within the ADG relating to solar access may result in a situation where any future provision within the LEP and DCP relating to maintaining 3hrs solar access are not enforceable as the SEPP / ADG will always prevail to the extent of the inconsistency. In other words, if the 3-hour sun access requirement is translated into subsequent LEP provisions, they will potentially have no effect. This situation will only create uncertainty in the minds of the community and render the implementation of the strategy uneconomic – contrary to the objects of the Act.
- The site immediately to the north of 28-30 Archer Street has been recommended for a 5:1 FSR and 53 metre height limit. While this site is further removed from the NCA to the south, it does not benefit from the prominent corner location of 28-30 Archer Street and this represents a lost opportunity to continue to the same proposed controls to 28-30 Archer Street.
- Legacy notes that the FSR of 3.2:1 proposed for 28-30 Archer Street in the Updated Strategy will render development of the site unviable due to the high value of the existing strata units in 30 Archer Street. Legacy has successfully initiated a Strata Renewal process with owners in the building, however the Updated Strategy means that there will be no uplift in value for these strata owners in the foreseeable future.
- Legacy also notes that Council proposes to adopt the Updated Strategy without further formal public consultation. This is extremely disappointing given the significant reductions in development potential from the previously Council endorsed strategy that was subject to formal exhibition.



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Legacy therefore requests that Council moves to amend the Updated Strategy to:

- adopt the GMU built form recommendations along Johnson Street for a minimum 2hrs solar access to the adjoining Chatswood South HCA, being consistent with the requirements of SEPP 65 and the ADG for Metropolitan Areas, and
- for 28-30 Archer Street, adopt a maximum FSR of 5:1 with a height limit of 65 metres to support potential for a slender tower form that minimises overshadowing.

In the event that Council is unwilling to support this proposition, we seek a deferral of the Updated Strategy to allow for further consultation between Council, land owners and the wider community.

Yours sincerely,

Mike Williams
Head of Strategy & Acquisitions