

From: Robert Sargis [robert@develotek.com.au]

Sent: Saturday, 12 September 2020 11:40:27 AM

To: Council's Email

CC: Arnott, Ian; Binns, Chris; Giles-Gidney, Gail; Norton, Wendy; Rozos, Angelo; Rutherford, Judith; Tuon, Christine; Eriksson, Hugh; Fernandez, Denis; Zhu, Brendon; Wright, Nic; Coppock, Stuart

Subject: COUNCIL AGENDA ITEM 15.17 (AREA AT 54-56 ANDERSON ST CHATSWOOD)

To: General Manager (Willoughby City Council)

C/- Debra Just

CC: Mayor, Councillors & Planning Executive

Please consider our submission relating to item 15.17 on Council Agenda (14/09/20). Our submission letter + attachment included.

Much Appreciated

Regards

Robert Sargis



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11 September 2020

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General Manager
C/- Debra Just
Willoughby City Council
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Chatswood NSW 2067

BY EMAIL: email@willoughby.nsw.gov.au

Dear Debra,

RE: COUNCIL MEETING 14 SEPTEMBER 2020 - AGENDA ITEM 15.17/ RECOMMENDATIONS TO DEVELOPMENT PROPOSAL PP2017/06 - LOCATED AT 54-56 ANDERSON STREET CHATSWOOD NSW ('SITE')

We congratulate the efforts of the Executive Officers and Council in obtaining DPIE (Department of Planning, Infrastructure & Environment) endorsement of its CBD Strategy. We appreciate your extensive and industrious efforts to arrive at this point as we too have endured during the last four years.

We are supportive of the recommendations and content in the officer's report. All, except one matter that we believe has a reasonable case for being restored to its original position for the Site. It won't cause any undue impact on community and it will maintain full compliance with the CBD Strategy.

It is significant by way of its substantial economic impact to our proposal. For much of the last three years, our proposal has been reliant on a 6:1 FSR (Floor Space ratio) to accomplish all of its substantial community benefit. The updated Strategy proposes to reduce the FSR for the Site down to 5:1.

We have reviewed the Officer's report and have interpreted the following points.

[Agenda Item 15.17 "Updated Chatswood CBD Planning & Urban Design Strategy 2036, Attachment 2 – Detailed Report (Pages 328 – 329)]: -

In the report it describes the GMU (*Gabrielle Morrish Urban Planner*) Recommendations for changes to allow height transitions along the CBD periphery. Specifically we refer to the Officer's position on Height & FSR that:

"where unstated or unclear in the GMU study council has taken a consistent approach to interface areas",

However in relation to this Site we make the following observations: -

- GMU completed very detailed testing particularly as the Site has as an active planning proposal with detailed concept drawings;
- GMU recommended a height transition following its visual impact & shadowing assessment and Council has implemented the reduced heights. We agree with Council's new height controls;
- After the height adjustments were implemented, this site was then tested in detail by GMU and confirmed that the FSR of 6:1 was comfortably achievable;
- An FSR of 6:1 is appropriate and is confidently capable of complying with the Councils "Key Elements of LEP & DCP Controls"; &
- From our interpretation there doesn't appear to be any undesirable consequences by maintaining a 6:1 FSR on this site.

More than 50% of the site benefits from a 90m height limit. The GMU Study has proven that a 6:1 ratio is capable of being achieved (compliant with the "Key Elements of LEP & DCP Controls") and should be permitted across the whole site. The GMU Extract attached proves this is achievable. It maintains the council's desired interface with the low density heritage conservation periphery and conforms explicitly to the Council's new transitional heights. Furthermore the GMU Study was peer reviewed by the DPIE Urban Design Team who agreed with its recommendations and subsequently provided their full endorsement to Council.

To draw a comparison, the CBD Solar Access plane operates with transitional heights to protect sun access during middle winter to the sports ground and bowling greens. Whilst it critically controls heights, the strategy doesn't force untested lower FSR's onto those sites, enabling their proponents to reach an FSR that is appropriate for the site but no more than the maximum permissible of 6:1. This is similar in Principle.

COMMUNITY CONSULTATION

The Height & FSR changes in the CBD Strategy were prompted by DPIE to accomplish an appropriate interface with the heritage conservation zone. We thoroughly respect that this is a Community Strategy and to be fair we trust & rely on due process to accomplish a balanced outcome. The local community will have a lengthy opportunity to inspect the details of our proposal when it is exhibited for four weeks during the gateway process. Information sessions through our consultant Elton will help us connect with residents and assist us to inform future adjustments to the overall scheme before rezoning.

Consultation is not just about Heights an FSR. Its about demonstrating to the community how the proposal contributes to Social Liveability, Environmental Enhancement, An Inclusive Community and its Greater Prosperity. By restoring the FSR to its original 6:1, we can exhibit our proposal in all of its Social Merit for the community to consider.

BACKGROUND

This Site is currently represented by Planning Proposal endorsed by Council PP2017/06 on 25 June 2018. The site comprises amalgamation of 15 individually owned properties across 2,216sqm of Land (almost twice the size of the minimum site area of 1,200sqm). The amalgamation exhibits substantially better outcomes for the community by enabling: -

- Greener Public Domain;
- New Rail Pedestrian Link to Rail;

- New Cycle way along Anderson Street
- Active Street Frontages & Pedestrian Lane Frontage;
- A Safer Pedestrian Environment; &
- A significant area of north facing open space (pocket park) as illustrated in the attachment which can support a variety of leisure uses

These outcomes are the product of our efforts since 2017 and are reliant on achieving a 6:1 FSR. The Council should introduce a provision in the Strategy to restore the 6:1 FSR to this site. We believe the suggestion below are consistent with the new transitional zone and only promotes outcomes that are consistent with the CBD Strategy:-

OUR SUGGESTION

We propose either of the following two options for the Council to consider:-

- If the Council at its meeting of 14 September 2020 accepts that the above request is appropriate, then we suggest an amendment that:

“If a development proposal comprises more than 50% of its land in the 90m height zone, an FSR of 6:1 is permitted conditional on compliance with CBD Strategy Key Elements Controls”. (consistent with the intent of the GMU Study)

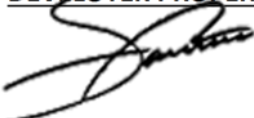
OR;

- Alternatively, If the Council would prefer, that without disturbing the officer’s recommendation, a provision enabling a 6:1 FSR as confirmed by the GMU Study for this Site conditional on compliance with CBD Strategy Key Elements. On-going consultation between the applicant and Council officers to clarify, confirm and resolve the matter with the proponent.

Again, we thoroughly value the work that the Executive Officers have accomplished. We are contributing major improvements to the community through our efforts which is only made economically viable by the 6:1 FSR. An unnecessary adjustment to the FSR depletes our ability to deliver these outcomes particularly for the purposes of amalgamating land to a size that enables exemplary social outcomes like illustrated in the attachments.

Yours faithfully

DEVELOTEK PROPERTY GROUP



ROBERT SARGIS

Director

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ATTACHMENTS

Attachment 'A1' Envelope diagram consistent with reduced height controls & FSR 6:1

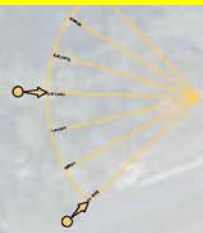
Attachment 'A2' GMU Study Extract recommending change in height & retaining FSR 6:1

Attachment 'A3' Perspective diagram consistent with reduced height controls & FSR 6:1

Attachment 'A4' Illustration of Concept with reduced height & FSR 6:1

CC: Ian Arnott (Planning Manager - Willoughby City Council)
CC: Chris Binns (Acting Planning Director - Willoughby City Council)
CC: Mayor Gail Giles-Gidney (Willoughby City Council)
CC: Councillor Wendy Norton
CC: Councillor Angelo Rozos
CC: Councillor Judith Rutherford AM
CC: Councillor Christine Tuon
CC: Councillor Hugh Eriksson
CC: Councillor Denis Fernandez
CC: Councillor Brendon Zhu
CC: Councillor Nic Wright
CC: Councillor Stuart Coppock
CC: Councillor Craig Campbell
CC: Councillor Tony Mustaca
CC: Councillor Lynne Saville

ATTACHMENT A1 – ENVELOPE CONSISTENT WITH REDUCED
COUNCIL HEIGHT CONTROLS & 6:1 FSR



ATTACHMENT A2 – ENVELOPE CONSISTENT WITH REDUCED COUNCIL HEIGHT CONTROLS & 6:1 FSR AS INFORMED BY GMU STUDY

54-56 Anderson Street & 58 Anderson Street

According to our analysis, sites identified in Figure 88 will require mitigation of visual impact and transition issues (Figure 89). Mitigation measures are as follows:

- Reduce maximum building height from 90m to 18-20 storeys for site at 58 Anderson Street, and further sculpting of the form for 54-56 Anderson Street as per Figure 91.
- Position taller forms away from Anderson Street for a height transition zone of up to maximum of 4m from Anderson Street (Figure 90).
- As per the heritage advice by Weir Phillips, large street trees should be incorporated in the streetscape design.
- Outcome of mitigation shown is shown as per Figure 92.

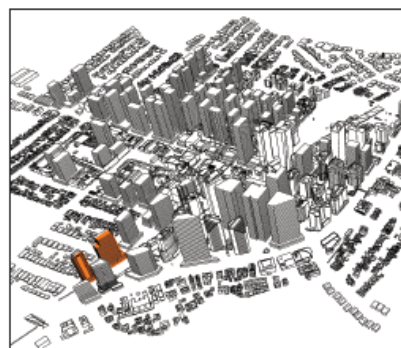


Figure 88. Key Plan

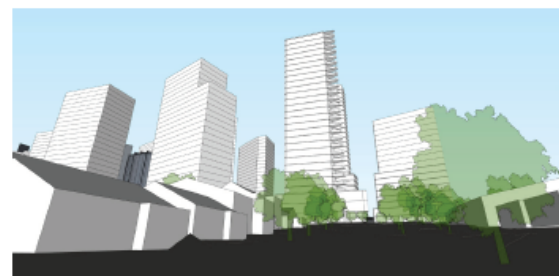


Figure 89. Built form proposed by the strategy

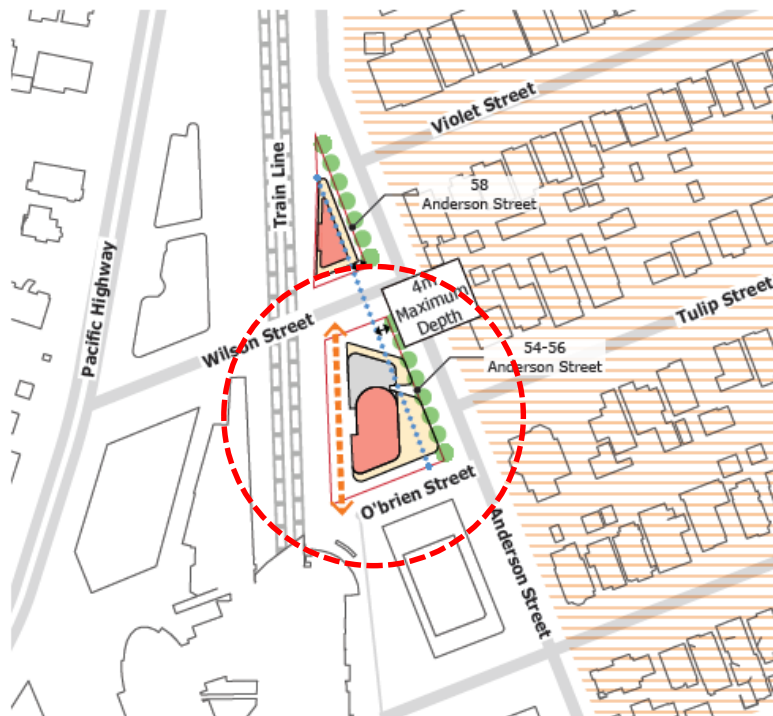


Figure 90. Overview of Recommendations (Plan)

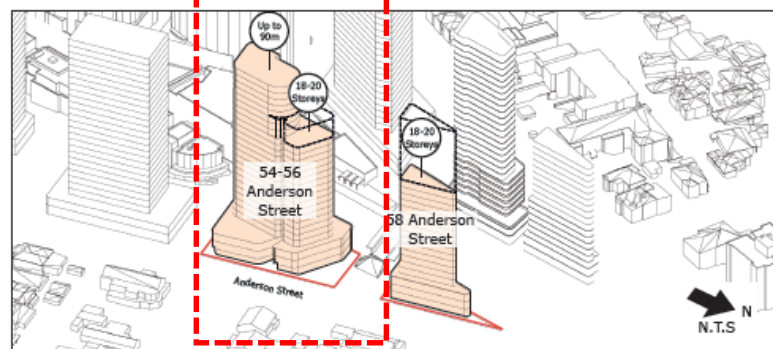


Figure 91. Overview of Recommendations (3D)

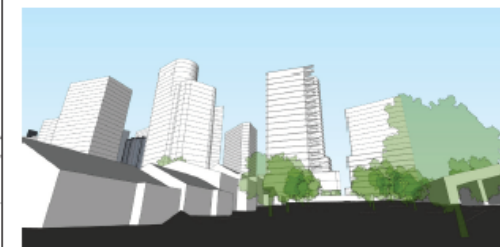
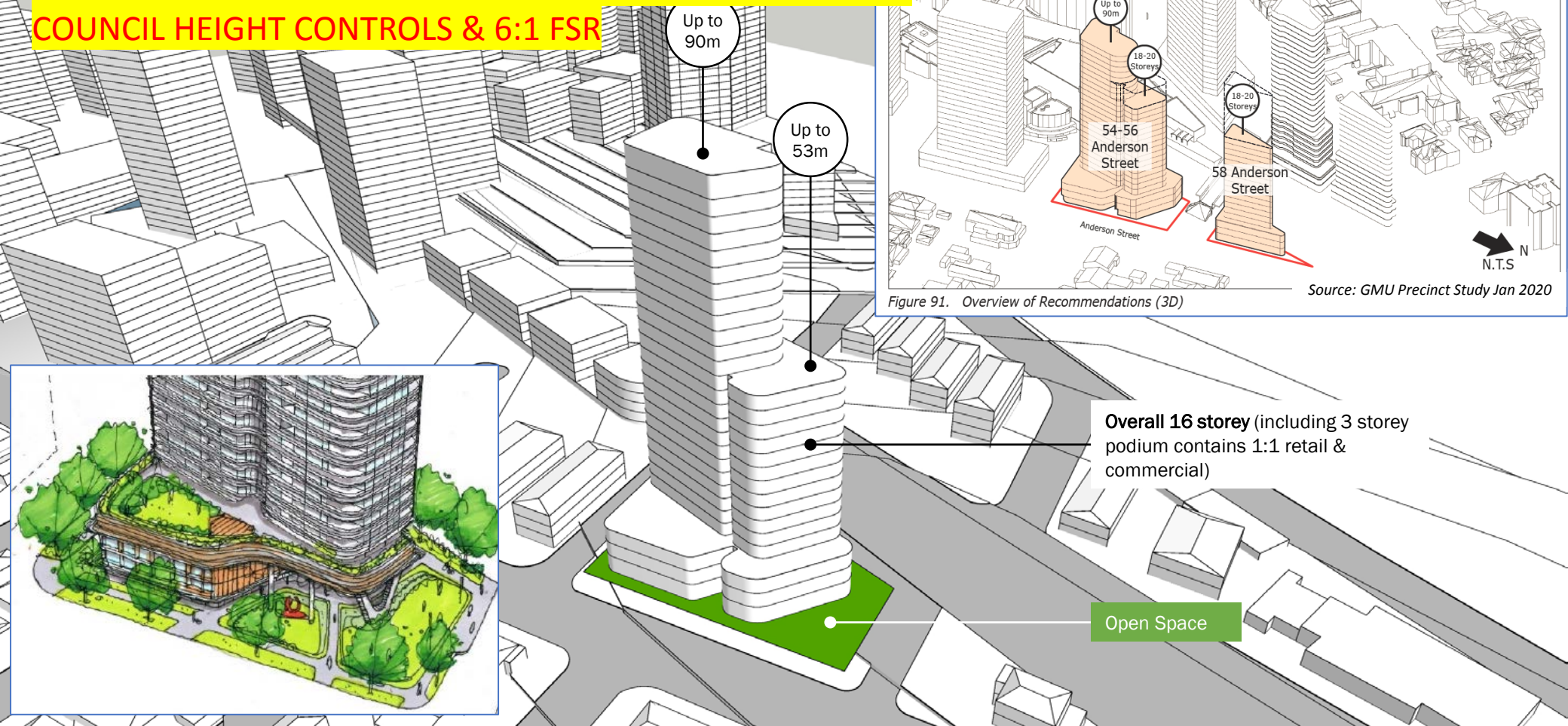


Figure 92. Mitigation outcome

ATTACHMENT A3 – ENVELOPE CONSISTENT WITH REDUCED COUNCIL HEIGHT CONTROLS & 6:1 FSR



With FSR6:1, the project can further provide additional benefits to the public such as:

- Create a publicly assessable open space to the north
- Through site links along west boundary
- Allow for future provision for bike lane, bus stop at Anderson Street

The FSR 6:1 can be incorporated within the revised approved height and building envelope. The building envelope is consistent with GMU's recommendation and council's height controls.

ATTACHMENT A4 – ILLUSTRATION OF CONCEPT AT FSR 6:1 & REDUCED HEIGHTS



- 54- 56 Anderson Street offers generous setbacks to buildings for improved public domain for walking and cycle paths
- Promote protection and growth of street trees to assist with greening the city
- Protect and embrace street trees relating to heritage items and conservation areas