

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

Sent: Saturday, 12 September 2020 9:52:17 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; Campbell, Craig; Mustaca, Tony; Saville, Lynne

Subject: COUNCIL AGENDA ITEM 15.17 (AREA AT ARCHER+ALBERT+BERTRAM STREET)

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



T: (02) 8294 2732 | **M:** 0451 173 699

E: robert@develotek.com.au | **W:** www.develotek.com.au

PO Box Q294 QVB NSW 1230

Please consider the environment before printing this email.

This email and any files transmitted with it are confidential and are intended solely for use by the addressee. Any unauthorised dissemination, distribution or copying of this message and any attachments is strictly prohibited. If you have received this email in error please notify the sender and delete the message. Any views or opinions presented in this email are solely those of the author. E-mail communications such as this cannot be guaranteed to be virus free, timely, secure or error free and we do not accept liability for any such matters or their consequences.

11 September 2020

www.develotek.com.au
ABN: 52 165 813 927
Level 14
97-99 Bathurst Street
Sydney NSW 2000
Tel: (02) 8294 2730
PO Box Q294 QVB
Sydney NSW 1230

General Manager
C/- Debra Just
Willoughby City Council
31 Victor St
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 PP2018/06
LOCATED AT 51-61 ARCHER ST & 34-34B ALBERT AVE & 30-32 BERTRAM ST 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 PP2018/06 on 24 September 2018. The site comprises amalgamation of 20 individual properties across 5,435sqm of Land (more than 4½ times the minimum site area of 1,200sqm). The amalgamation exhibits substantially better outcomes for the community by enabling: -

- Greener Public Domain;

- Multiple Pedestrian Links;
- Active Street Frontages;
- A Safer Pedestrian Environment; &
- A significant area of open space as illustrated in the attachment which supports a more successful commercial environment for future businesses that will operate at this Site.

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)

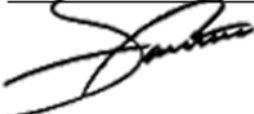
OR;

- 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

Telephone: 0451 173 699

Email: robert@develotek.com.au

ATTACHMENTS

Attachment 'A1' Envelope diagram consistent with reduced height controls & FSR 6:1
Attachment 'A2' Perspective diagram consistent with reduced height controls & FSR 6:1
Attachment 'A3' GMU Study Extract recommending change in & retaining FSR 6:1
Attachment 'A4' Illustration of Concept with reduced height & FSR 6:1
Attachment 'A5' 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

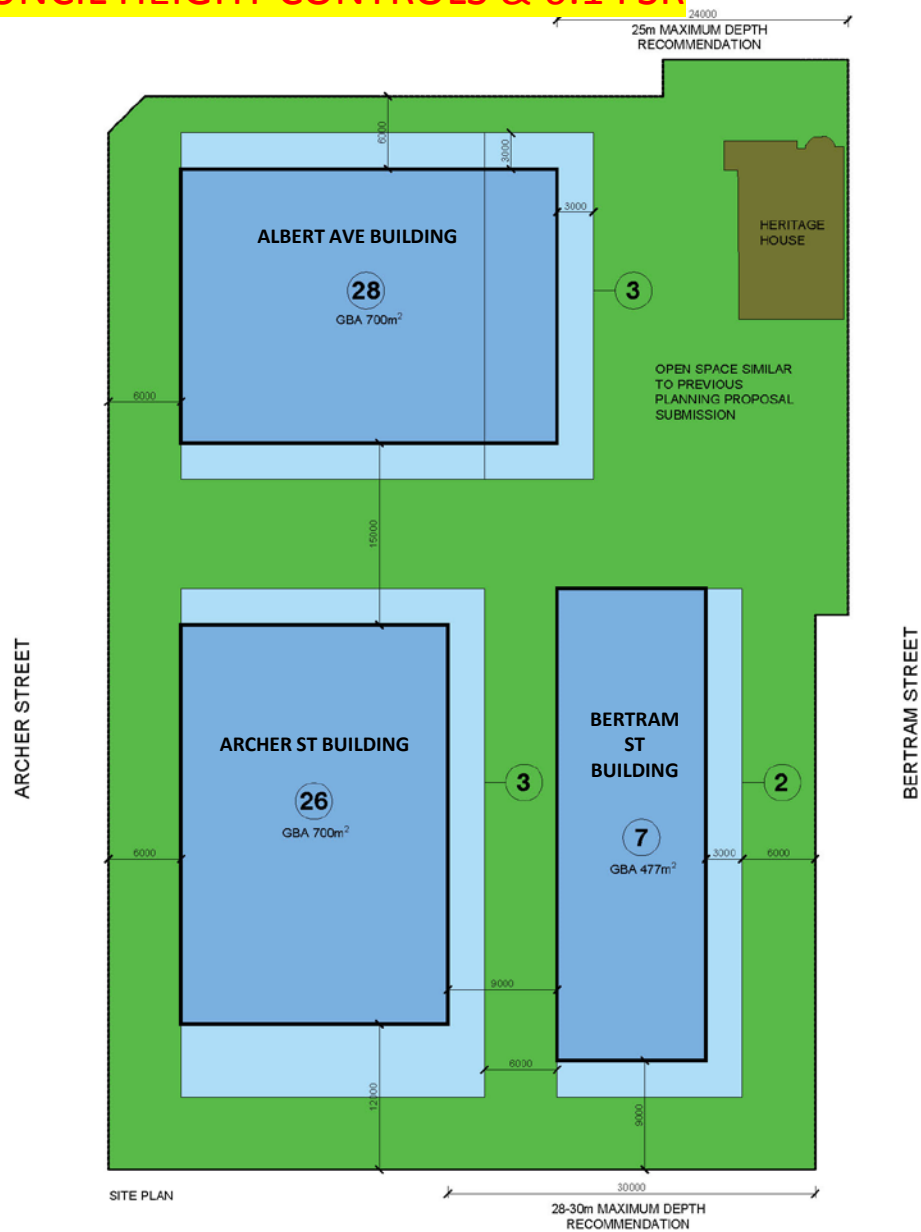
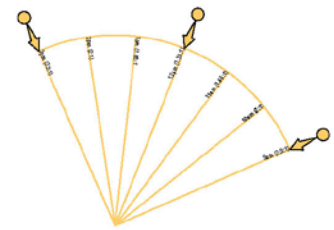


Figure 95. Overview of Recommendations (Plan)

Source: GMU Precinct Study Jan 2020



ATTACHMENT A2 – ENVELOPE CONSISTENT WITH REDUCED COUNCIL HEIGHT CONTROLS & 6:1 FSR

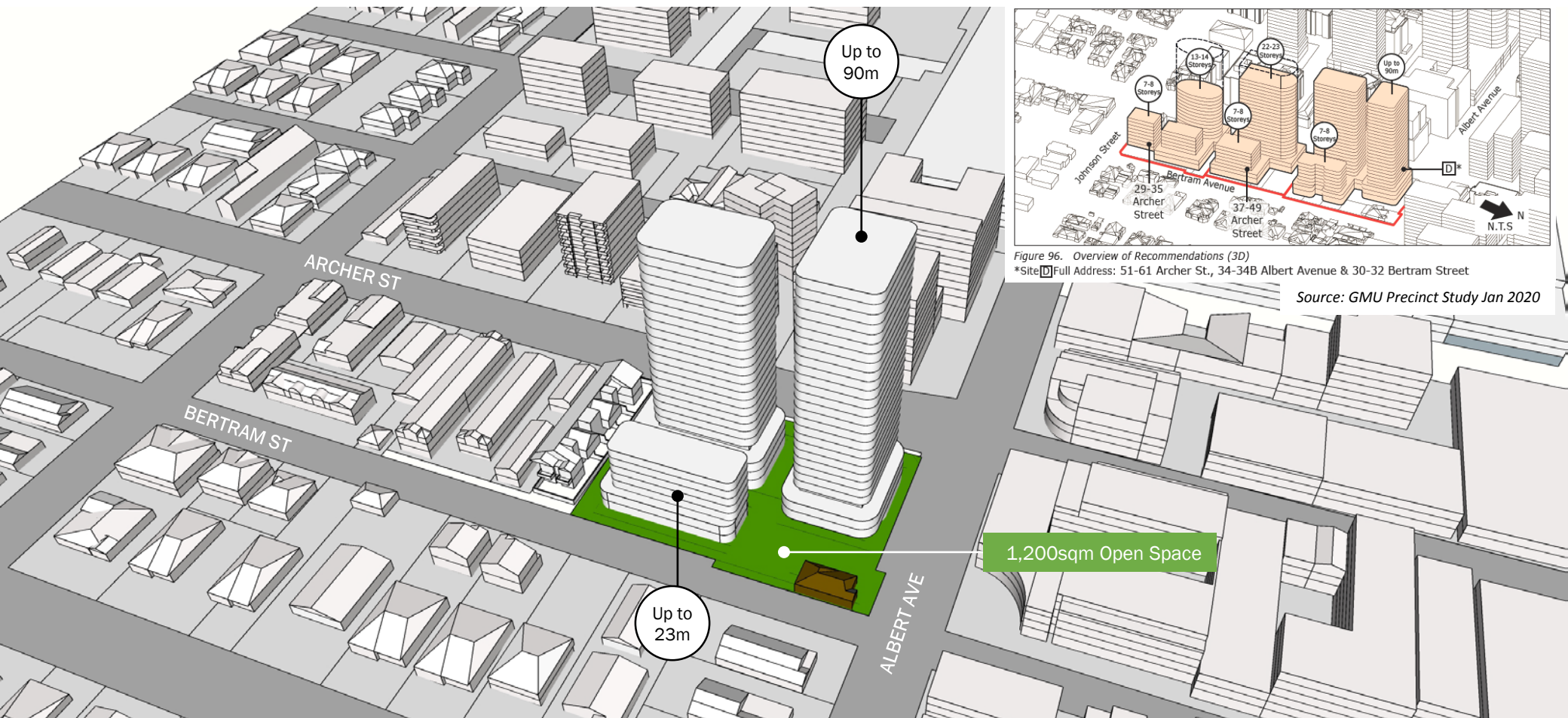


Figure 96. Overview of Recommendations (3D)
 *Site Full Address: 51-61 Archer St, 34-34B Albert Avenue & 30-32 Bertram Street

Source: GMU Precinct Study Jan 2020

With FSR bonus incentives, the project can further provide additional benefits to the public such as:

- Create a 1,200sqm open space
- Through site links for north-south and east-west

The FSR 6:1 can be incorporated within the approved height and building envelope. The building envelope is consistent with GMU's recommendation and council's controls. The Design Excellence Competition can offer opportunity to explore alternative built forms potentially contribute to urban design outcome.

ATTACHMENT A3 – GMU STUDY EXTRACT RECOMMENDING CHANGE IN HEIGHT BUT RETAIN 6:1 FSR

Block bounded by Archer Street and Bertram Street

According to our analysis, sites identified in Figure 93 require mitigation for visual impact and transition issues to Bertram Street and also overshadowing to the properties to the south of Johnson Street (Figure 94). Mitigation measures are suggested as follows:

- Higher forms are recommended to be positioned along Archer Street with lower transitional heights provided along Bertram Street and Johnson Street without any drop in height or FSR for Site D* (Figures 95 and 96).
- The transitional zone requires a maximum depth of 25-30m from Bertram Street and Johnson Street with heights between 7-8 storeys.
- 3m upper level setbacks from the street wall along Bertram Street should be provided.
- As per the heritage advice by Weir Phillips, large street trees should be incorporated in the streetscape design to further mitigate any potential visual impacts of taller forms.
- Maximum building heights as per Figure 96 and the outcome of overshadowing and visual impact mitigation is as per Figure 97. The maximum building height for the site at No. 37-49 Archer Street is decreased from 90m maximum to 22-23 storeys and the height for No. 29-35 Archer Street should drop to 13-14 storeys from 90m. By doing so, the buildings to the south of Johnson Street are free from overshadowing for 3 hours from 9 am to 12 pm which is consistent with Willoughby DCP 2012 E1.10, the northern windows of living areas of adjoining buildings need to have at least 3 hours of solar access between 9 am and 3 pm.

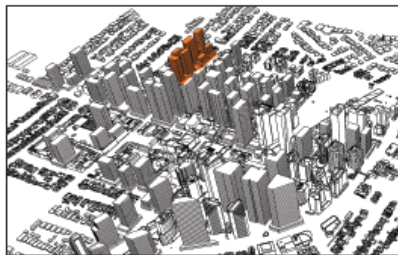


Figure 93. Key Plan

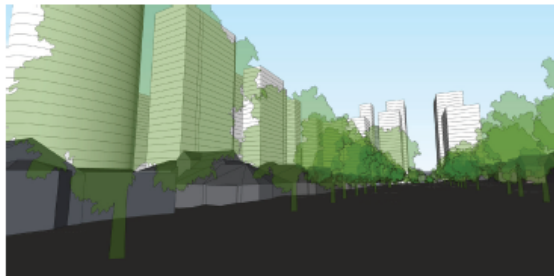


Figure 94. Build form proposed by the strategy



Figure 95. Overview of Recommendations (Plan)

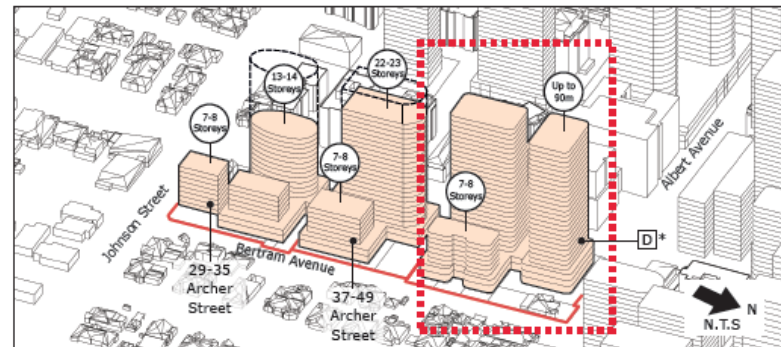


Figure 96. Overview of Recommendations (3D)

*Site D Full Address: 51-61 Archer St., 34-34B Albert Avenue & 30-32 Bertram Street

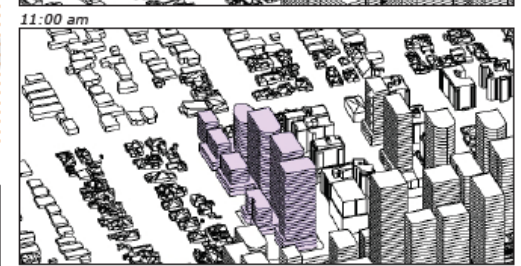
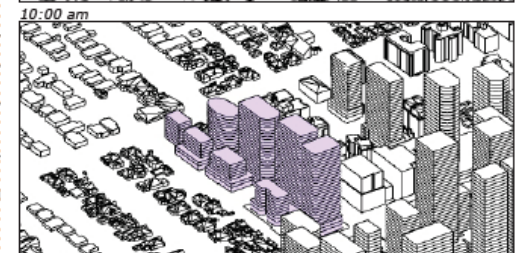
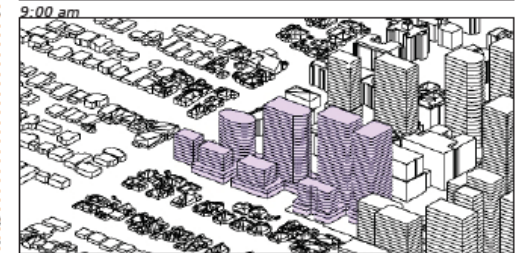
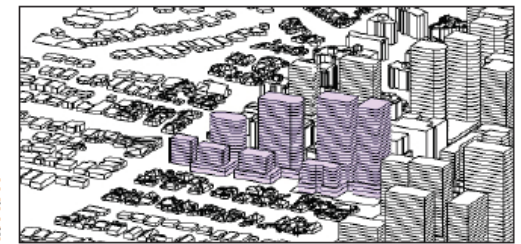
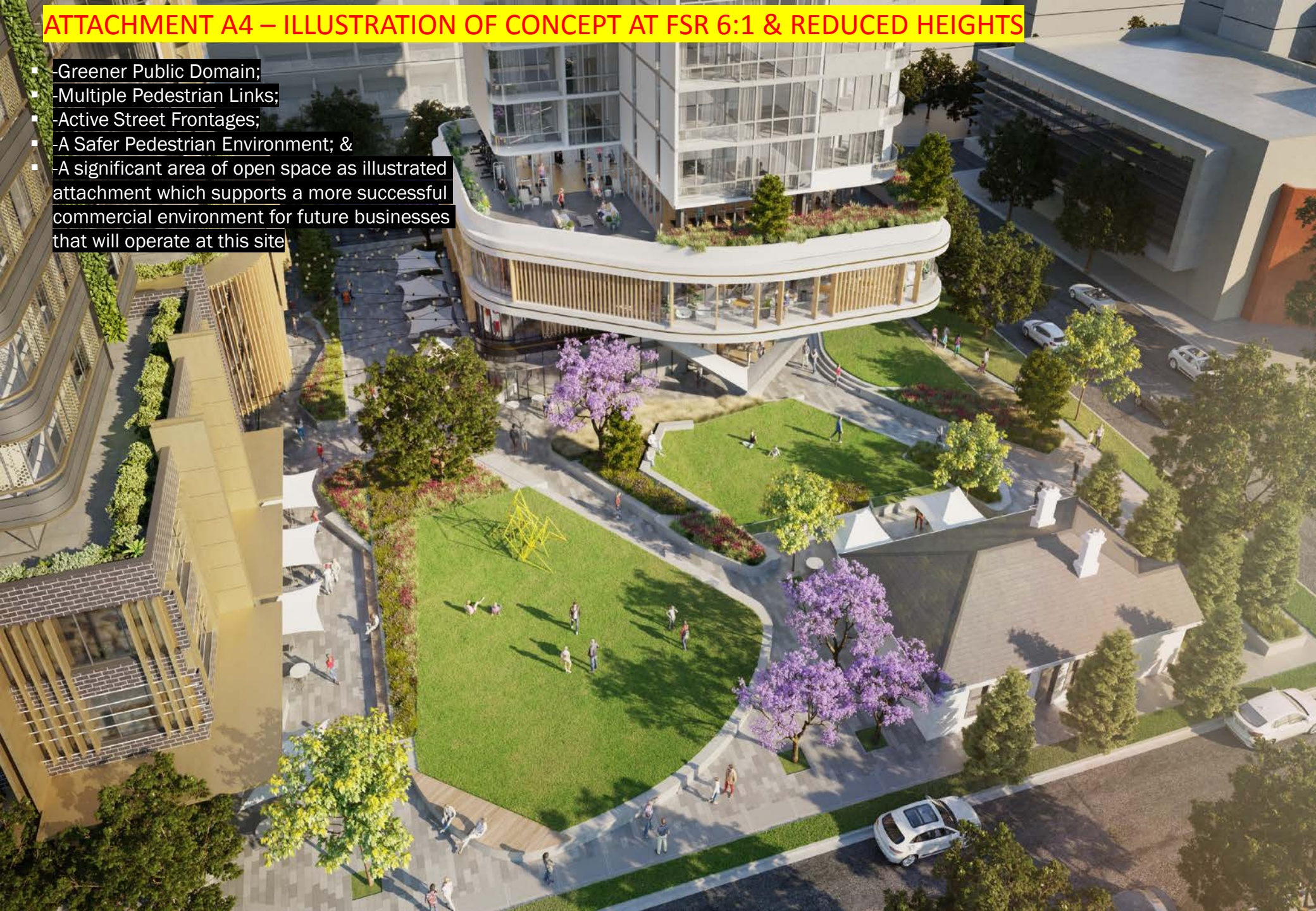


Figure 97. Mitigation outcome

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

- Greener Public Domain;
- Multiple Pedestrian Links;
- Active Street Frontages;
- A Safer Pedestrian Environment; &
- A significant area of open space as illustrated attachment which supports a more successful commercial environment for future businesses that will operate at this site



ATTACHMENT A5 – ILLUSTRATION OF CONCEPT ATFSR 6:1 & REDUCED HEIGHTS

- -Greener Public Domain;
- -Multiple Pedestrian Links;
- -Active Street Frontages;
- -A Safer Pedestrian Environment; &
- -A significant area of open space as illustrated attachment which supports a more successful commercial environment for future businesses that will operate at this site

