

## RECORD OF THE PRE-PLANNING PROPOSAL LODGEMENT MEETING

**Date/Time of meeting:** 10.00am, 8 July 2020

### PROPERTY:

**3 Ellis Street, Chatswood**

### Description of Proposal:

Amend *Willoughby Local Environmental Plan 2012* for the site as follows:

- Rezone to B4 Mixed Use
- Increase FSR to 4.7:1 (based on Option 1)
- Increase building height to 44m

### Applicant/Proponent details:

Nick Juradowitch (Ingham Planning)  
Karla Castellanos (GMU)  
James Lian (MGA Architects)  
Wesley Chong (Applicant, MPGA)

### Council officers:

Norma Shankie-Williams (Strategic Planning Team Leader)  
Craig O'Brien (Strategic Planner)  
Wil Robertson (Urban Design Specialist)  
Andrew Gillies (Strategic Transport Planner)

### Current *WLEP 2012* controls

Current Zoning: R4 - High Density Residential  
Road widening: No  
Current Max. Height of Building: 34 metres  
Current Max. Floor Space Ratio: 1.7:1  
Conservation Area: No  
Local Heritage Item: No  
Flood Prone Area: No  
Bushfire Prone Area: No

## Description of the Pre- Planning Proposal Concept Plan

- Existing site 808.6m<sup>2</sup>.
- Demolition of existing development.
- Concept design showing a mixed use development, involving :
  - A two level podium.
  - Above podium, a residential tower of 12 storeys
    - Between 42m (RL 137m AHD) and 43.5m (RL 139.5m AHD)
  - A total floor space of 4.7:1 (being Option 1).
    - Residential: 4.18:1
    - Commercial: 0.52:1
  - Total GFA 3,797m<sup>2</sup>
    - Residential: 3,247m<sup>2</sup>
    - Affordable Housing: 130m<sup>2</sup>
    - Commercial: 420m<sup>2</sup>
  - Tower floor plate: Between 140m<sup>2</sup> (Loft), 248m<sup>2</sup> (Level 12) and 310m<sup>2</sup> (Level 2) GFA.
  - Approximately 3 levels of basement parking, containing 39 car spaces, with access off Ellis Street (34 residential spaces, 3 visitor spaces and 2 commercial spaces).
  - Basement level loading dock, with vehicle turntable, accessed off Ellis Street.
  - Tower provides ground level setbacks as follows:
    - 2m setback to Ellis Street, street wall of 7.6m, 3m setback above podium.
    - 3m to western boundary.
    - 4m to northern boundary, 9m at Level 1 (within podium), 12m at Level 9.
    - 0 at ground, between 800mm and 2.35m Level 1 to 9, between 1.5m and 2.35m above Level 9.
- Communal open space: 27% of site area.
- Deep soil planting: 13% of site area.
- The scale of the development as proposed would deliver 33 residential apartments.
- Letter of Offer provided detailing a VPA and public art contribution.
- Design Review Panel preferred by proponent over a Design Competition.

## Key issues for Consideration and officer comments

### 1. Relationship to strategic planning framework

The Planning Proposal will require justification with sufficient detail to demonstrate:

- consistency with the *Greater Sydney Region Plan* and the *North District Plan* and;
- consistency with local strategic planning documents - in particular the *Chatswood CBD Planning and Urban Design Strategy* (the *Strategy*).
- Consistency with directions from DPIE in regards the *Strategy*.

#### Officer comments:

- The strategic merit in exploring a mixed use development on this site is recognized.
- The site is located close to public transport being approximately 150m from Chatswood Transport Interchange.
- In a letter to Council regarding the *Strategy* dated 9 July 2020, DPIE recommended

that:

*“Council should consider if the current minimum lot size of 1,200m<sup>2</sup> for the B4 Mixed Use areas is sufficient to ensure a balanced delivery of the desired built form uplift and an improved public realm.”*

Any Planning Proposal is to include discussion of this DPIE recommendation.

## 2. Mixed use

Commercial is proposed on the Ground and Level 1, with a residential tower above.

### Officer comments:

- The proposal is generally consistent with the *Strategy* in regards land use.
- The extent of the commercial floor space provided is less than Council would consider desirable within a CBD location. In accordance with the intent of the *Strategy*, minimum commercial floor space of 1:1 should be provided. Any variation of this requirement requires justification for Council consideration.

## 3. Design

The site is located in Ellis Street, close to the Frank Channon Walk and will be visible from Chatswood Park (including Chatswood Oval).

### Officers Comments:

- An architectural design statement is to be provided at Planning Proposal stage – reflective of the comments in these Notes.  
Such a design statement is to:
  - Explain how the design addresses floor space, lot size and setbacks.
  - Explain how the proposal makes a positive contribution to Ellis Street, Frank Channon Walk and Chatswood Park (including Chatswood Oval).
  - Assess the appearance of each elevation in context.
  - Explain the design progression to final concept.

## 4. Scale and Form of Development

The scale of the proposed development illustrated in the concept plans submitted demonstrates an increase in height, density and scale – which in part is consistent with the *Strategy* and in part seeks exemptions from some controls included in the *Strategy* due to site specific arguments. Particular reference is made to floor space, lot size and setbacks (eastern setback).

### Officer comments:

- The scale and form of new mixed use development should achieve the slender tower objective stipulated in the *Strategy*.
- The slender tower objective will be assessed from all sides of any proposed residential tower.
- The maximum height and floor space contained in the *Strategy* is not necessarily achievable on every site, and will depend on addressing site constraints, surrounding context and other aspects of the *Strategy* in addition to compliance with SEPP 65 and the Apartment Design Guidelines (ADG).
- Any proposed increase in floor space from that in the *Strategy* will need to be justified, accompanied by analysis of any exceptional circumstances in this instance and whether there are any adverse impacts as a result (for example overshadowing impacts on key public spaces such as Chatswood Oval).
- A minimum site area of 1200m<sup>2</sup> is required for mixed use development in the B4

Mixed use zone. The subject site is 808.6m<sup>2</sup> – being a short fall of 391.4m<sup>2</sup>. Analysis is to be provided regarding how a development under the Strategy and the lot size proposed, is able to satisfactorily address the 35 Key Elements of the Strategy and the other comments in these notes.

- The requested height permitted should include lift over runs and any other structures at roof level.
- The floor plate size is to be consistent with the slender tower objective.
- Measures such as articulation, textures and shading should be utilized on each elevation.

#### 5. Setbacks at Ground level and upper levels

The setback of concern following a review of the plans provided is along the eastern elevation.

##### Officer comments:

- Council will seek compliance with setbacks under the Strategy and ADG, at all levels. In this regard Option 1 remains the supported option, with an average approach to setback provision to be clearly explained on plan and in writing, as well as justified, for Council consideration. Explanation is required why the full setback is not provided and why an average approach is taken.
- Setbacks to boundaries are to provide deep soil for planting purposes.

#### 6. Site amalgamation and lot size

As mentioned above, the subject proposal is on a site substantially below the minimum lot size. This is a major concern for Council for any Planning Proposal seeking to utilize the Strategy on this site.

##### Officer comments:

- A convincing case is needed to be made to Council as to:
  - Any unique circumstances and why a substantial variation is able to be considered in this case.
  - Why Council support for the proposal will not set a precedent in regards the minimum lot size and undermine the objectives / benefits in terms of the outcome intended to be achieved on a redeveloped site.
  - How any lot size variation is consistent with the DPIE letter dated 9 July 2020 (discussed above).
- Under the Strategy, this site is encouraged to be amalgamated with a neighbouring property / properties. All attempts to amalgamate the site with neighbouring properties are to be provided (relevant details such as which neighbours, when, how).
- Measures are encouraged and are to be detailed in regards how the subject site addresses neighbouring sites if in future amalgamation / linking of sites is possible. Particular attention is drawn to connection of basements between sites.

#### 7. Affordable Housing

4% Affordable housing is proposed.

##### Officer Comments:

- A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council's existing LEP and DCP requirements.

## 8. Landscaping

It is noted that there is a significant street tree presence in Ellis Street

### Officer Comments:

- Any Planning Proposal should demonstrate 20% of the site area provided as soft landscaping in accordance with the *Strategy* and the objective of greening the city. This should be shown on plan and maximized at Ground Level. Green areas on upper levels, in particular facing public areas such as Ellis Street and to the east are also supported.
- Green roofs to be provided on roofs up to 30m.
- Suitable planting is to be provided in deep soil areas.

## 9. Access and Parking

One vehicle entry point in and out to basement parking is shown from Ellis Street, servicing all cars and loading / unloading vehicles.

### Officer Comments:

- Vehicles including trucks accessing the site should be able to enter and leave in a forward direction. A physical solution rather than a mechanized solution is preferred. Any mechanized solution is required to be justified. Given a signalised red/green light system is proposed, the draft traffic and transport report should provide some additional justification as to why this system should be supported.
- All loading and unloading must be accommodated within the site and not on Ellis Street or any other street.
- A reduced car parking provision, given that the site is close to Chatswood Transport Interchange, would be favoured. Car parking rates under consideration for the Chatswood CBD have been provided.
- The draft traffic and transport report should be amended to state that the car parking rates which have been used are not the actual existing rates in Council's *DCP*, but reflect proposed/target rates that Council currently has under consideration.
- The proposal should include car share space(s) provision.
- Provision of bicycle parking and end-of-trip facilities at least as per Council's existing controls in Chapter C4 of *Willoughby DCP* is encouraged noting the sites close proximity to the Frank Channon Walk. An even higher provision of facilities as per the *Cycling Aspects of Austroads Guides* is recommended.

## 10. Substation

Concern is raised with a substation forward of the front building line facing Ellis Street.

### Officers Comments:

- The presence of any substation on the Ellis Street frontage is to be minimized. The *Strategy* requires this to be integrated into the building.

## 11. Design Excellence

It is noted that the proponent has a stated preference for a Design Review Panel over a Design Excellence Competition.

### Officers Comments:

- Council reaffirmed that, in accordance with the *Strategy*, a Design Excellence Competition would be required for a Planning Proposal of this scale on this site.

## 12. Street activation

A retail tenancy is proposed fronting Ellis Street.

**Comments:**

- Street activation to Ellis Street and the Frank Channon Walk is encouraged.

**13. Contamination Issues**

**Officer Comments:**

- The Planning Proposal will need to identify any contamination issues and proposed treatment.

**14. Public Art**

A public art contribution is proposed.

**Officer comments:**

- A public art contribution will be required. In most cases this is to be put into a consolidated council public art fund, with locations and works to be identified by Council.

**15. VPA**

**Officer Comments:**

- Council encourages a voluntary planning agreement towards costs associated with providing infrastructure works within the Chatswood CBD, such as involving public domain, streetscape, recreation, parks and cultural events – all to be determined by Council in line with a community infrastructure contributions schedule.

**16. Public domain**

Council considers the proximity of the site to the Frank Channon Walk as an important consideration and positive feature in regards any redevelopment of 3 Ellis Street.

**Officers comments**

- Council is prepared to consider the enhancement of the end of Ellis Street, where it connects with the Frank Channon Walk. Concept sketches may be provided in this regard for further Council consideration.

**17. Draft DCP controls**

The pre-Planning Proposal discussion tabled draft *DCP* controls.

**Officer comments**

- The comments raised in this document, as well as the applicable *Strategy 35 Key Elements*, are to be reflected in draft *DCP* controls.

**18. Timing**

It is understood that a Planning Proposal will be submitted in mid to late 2020.

Following Planning Proposal submission, comprehensive internal consultations will be undertaken, further meetings with the proponent may be required, as well as amendments as considered necessary, prior to the submission of a report to Council to determine whether the Planning Proposal should proceed to Gateway and exhibition.

Forms, Fees & Checklists including Electronic Application requirements  
<http://www.willoughby.nsw.gov.au/Development/fees-forms---checklists/>

Planning Legislation & Guidelines  
<http://www.willoughby.nsw.gov.au/Development/planrules/>

e-Planning Portal (Application Tracking)  
<https://eplanning.willoughby.nsw.gov.au/pages/xc.track/searchapplication.aspx>

Pre-Planning Proposal lodgement Meetings  
<http://www.willoughby.nsw.gov.au/Development/do-i-need-approval/pre-lodgement-meetings/>

**We thank you for attending the pre-lodgement meeting and assembling your proposal for Council's consideration. Council officers have used their best endeavours to assist you, but please be aware that other issues may arise during the processing of the planning proposal.**

**NO UNDERTAKING OR GUARANTEE CAN BE GIVEN THAT YOUR PLANNING PROPOSAL WILL BE APPROVED TO PROCEED TO A GATEWAY DETERMINATION WHEN IT IS LODGED.**

