

MEMO

To: JRPP (East Sydney)
From: Annie Leung – Development Planner
Responsible Officer: Ian Arnott –Development Planning Manager
Date: 28 May 2012
Address: 73 & 77 Albert Avenue, CHATSWOOD NSW 2067
Ref/File No.: DA-2011/575
Subject: Correction of Calculation errors (FSR) in report

Dear Panel Members,

I refer to the JRPP Assessment report for the subject development seeking consent for the proposed Boarding house (student accommodation – 396 boarding rooms).

The following calculation errors have been discovered in the Assessment report, relating to the calculation of the Floor Space Ratio of the proposed boarding house. The errors are on Page 15 -18, and in Attachment 1 – Compliance Table (page 75 - 76).

The calculation error does not affect the merit assessment relating to the FSR of the proposed development or the recommendations of the report.

The report refers to the calculation of FSR under SREP 5 (Chatswood Town Centre). The report refers to a site area of 1676.2m², the maximum permissible FSR, and proposed FSR are calculated as follows:

Maximum permissible = 3352.4+ 17.62= 3370.02m² and FSR 2.01:1
Proposed = FSR 6.19:1

The report also refers to the effects of subclause c) of Clause 29 SEPP (Affordable Rental Housing), which states:

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
- (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

Contrary to what is stated in the report (page 16), the proposed development meets Subclause c) of SEPP (Affordable Rental Housing) (quoted above), which permits a FSR up to 2.51 (2.01+0.5) for the site, including the bonus of 0.5:1.

Under Draft WLEP 2012, the maximum permissible FSR, and proposed FSR are calculated as follows:

Maximum permissible Gross Floor Area = $8381 + 1676.2\text{m}^2 = 10057.2\text{m}^2$
 Maximum FSR 5:1

Proposed Gross Floor Area = 9647m^2
 Proposed FSR = 5.76:1

A Bonus FSR applicable to boarding house development pursuant to SEPP (Affordable Rental Housing) does not apply in the calculation of FSR under Draft WLEP 2012. This is due to residential flat building is no longer a permissible use in the proposed B4 zone under the Draft WLEP 2012.

In Attachment 1, Compliance Table, the compliance table needs to be revised as follows:

	Proposed	Standard	Compliance
SREP 5 (Chatswood)			
Floor Space Ratio (Clause 11)	6.19:1	2.01:1 + 0.5 = 2.51:1 (2:1 plus 0.1:1 per 100m ² above 1500m ²) plus additional 0.5 bonus under SEPP ARH	No. See SEPP1

Draft WLEP 2012	(Exhibited 25 March – 20 May 2010)		
Floor Space Ratio (Area Z1)	5.76:1	5:1	No
Plus SEPP (ARH) FSR bonus	5.76:1	5:1 + 1:1 = 6:1 Plus 20% (for maximum permissible FSR > 2.5 under LEP)	Yes

Accordingly, on page 18 of the report reference to a FSR of 6.1:1 (including bonus) should be corrected with a maximum FSR of 5:1. This compares with the proposal's FSR of 5.76:1. The numerical variation is supported for the reasons as set out in the report on page 19 – 20.

I apologise for the inaccuracy in the report. This advice will also be communicated to the Council, who is considering the matter at its scheduled meeting 28 May 2012.

Replacement pages (page 15 -18) and (page 75 -76) to the report are attached.

Kind Regards,

Annie Leung
 Development Planner

the Chatswood Bus and Rail interchange, and is consistent with the general objective of the plan.

The specific objectives of the Zone 3(C2) – Business Commercial are:

- (a) To consolidate this zone as Chatswood's main office core, and*
- (b) To accommodate service retail users to the extent necessary to cater for local office needs, and*
- (c) To permit residential uses while maintaining the predominant office use character of the zone, and*
- (d) To realise a better balance between office parking supply and demand.*

The proposed development is considered a suitable usage to as a transition between the commercial core of Chatswood CBD and the residential developments on the southern side of Albert Ave. It is a form of residential accommodation, which is unlikely to generate significant amenity impacts in terms of traffic, and noise, but will maintain a building appearance and presence akin to commercial development, including the ground floor component with glazed frontages, and 24 hour reception/common areas to provide casual surveillance and activities to Albert Ave and Thomas Lane.

71 Zone 3 (c2)—Business Commercial

Hotel, motel, and residential flat building are permissible in the zone. However, boarding house is not a permissible use under Clause 71 of SREP 5, but is permissible pursuant to SEPP (ARH) as previously stated in this report.

Clause 11 Floor Space Ratio

The proposed development does not comply with the prescribed FSR standard of 2.01:1. The departure from the FSR standard is subject to the submitted SEPP 1 objection as assessed and considered below.

SEPP 1 OBJECTION

Floor Space Ratio [Clause 11 SREP 5 (Chatswood)]

The application is accompanied by SEPP 1 Objection against the development standard contained in Clause 11 of Sydney Regional Environmental Planning Policy No 5 (Chatswood Town Centre), which prescribes the maximum FSR for the land.

Subclause (2)(d) of Clause 11 states that:

in the case of a building on land within Zone No 3 (c2), not being land bounded by McIntosh Street, O'Brien Street, the Pacific Highway and Railway Street, having a site area of 1 500 square metres or more—4:1 or 2:1 plus 0.1:1 for each 100 square metres by which the site area exceeds 1 500 square metres, whichever is the lesser,

Extent of variation

Based on a site area of 1676.2m², the maximum permissible FSR is calculated as follows:

Maximum permissible = 3352.4+ 17.62= 3370.02m² and FSR 2.01:1
Proposed = FSR 6.19:1

FSR Bonus provisions

Clause 11 incorporates provisions to vary or exceed FSR permissible in subclause 2(d) if prescribed requirements are met, including the dedication of land zoned within 9(a) for purposes of road widening. The proposed development's accompanying VPA dedicates 70.6m² for purposes of public road in lieu of the developer's contribution required under s94 of the Act. The site is not identified to be within Zone 9(a) (proposed road widening). In this regard, the bonus FSR described in subclause 4, 6 and 7 of Clause 11 of SREP 5 is not applicable to the development.

SEPP (ARH)

State Environmental Planning Policy (Affordable Rental Housing) concurrently applies to the proposed development, being a Boarding House (Student Accommodation). Clause 29 of the SEPP prescribes the grounds for which a consent authority must not refuse consent to a development application made pursuant to the SEPP for the carrying out of development for the purpose of a boarding house if the requirements contained in the clause are met. In subclause c) of Clause 29, it is stated that:

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

The proposed development meets Subclause c) (quoted above), which permits a FSR up to 2.51 (2.01+0.5).

Grounds for variations

The applicant submits that the proposed variations should be approved for the reasons (quoted in *“italics”*) discussed below.

SREP 5 does not contain explicit objective for FSR standard contained in Clause 11. The applicant assumes the following objectives for the standard, and seeks to demonstrate that the proposed development meets these objectives despite numerical variations.

- “(a) To achieve an appropriate height, bulk and scale*
- (b) To provide compatibility with existing and future development in Chatswood centre*
- (c) To safeguard visual privacy of nearby dwellings*
- (d) To minimise overshadowing (particularly overshadowing of nearby open spaces including Chatswood Park and the Garden of Remembrance)*
- (e) To protect existing views*
- (f) To limit the density of development in the centre to minimise adverse traffic impacts”*

Comments: The applicant's assumed objectives are considered relevant to the consideration of the proposed variation to the FSR standard. In addition, it is considered that the density of a development (expressed as a FSR) may also affect the level of

internal amenity of the development. This issue of concern is more specifically discussed in the context of SEPP 65 – Design Quality of Residential Flat Buildings.

“The proposal has an appropriate height, bulk and scale and is compatible with the existing and approved built form in Chatswood Centre (assumed objectives (a) and (b)) for the following reasons:

- a) Draft Willoughby Local Environmental Plan 2009 (Draft WLEP 2009) prescribes a 5:1 FSR development standard for the site.*
- b) Draft WLEP 2009 should be given determinative weight.....*
- c) The FSR development standard in SREP 5 has been virtually abandoned or destroyed by the granting of consents (under the former Part 3A of the EP&A Act) that depart from the standard.*
- d) As noted in the previous points, there is considerable precedence for variation of the FSR development standard in SREP 5 and the variation sought by the proposal is considerably smaller than that approved on nearby sites.*
- e) Compliance with the standard is inappropriate given the current environmental character of the site. The very modest scale of the proposal is illustrated on the attached Chatswood Centre elevation prepared by Bates Smart.*
- f) The proposal is consistent with a long standing urban design principle where building height limits in Chatswood Centre are set such that an arc is formed across the Centre’s skyline (encouraging lower buildings on the circumference of Chatswood Centre with taller buildings near the origin of the circle) to clearly delineate where the ‘heart’ of the Centre is located.*

Comments: The primary rationale contained in the applicant’s submission against the FSR and Height standards contained in SREP 5 is based upon the standards being destroyed or abandoned by various recent approvals in the vicinity of the site being well above the current standards, including immediately adjoining development to the west of the site, known as the Thomas Street Car Park development (Part3A major projects). A FSR comparison has been included in the submitted SEPP 1 objection, which notes that FSR of the immediately adjoining Part 3A development at the Thomas Street Car Park is at 11:1.

SREP 5 was first gazetted in 1983, and is not considered to reflect the FSR, and height of recent developments in Chatswood CBD. The proposed development standards as contained in exhibited Draft WLEP 2012, which takes into account the recent developments of Chatswood CBD, particularly recent large scale developments in proximity to the new Chatswood Bus and Rail Interchange is considered to better reflect the current development context of the site and the desired future character of the precinct.

When measured against the proposed FSR in Draft WLEP 2012, the FSR of the proposed development is calculated as follows:

Based on a site area of 1676.2m², the maximum permissible FSR based on Draft WLEP 2012 are:

Maximum permissible Gross Floor Area = 8381 + 1676.2m² = 10057.2 m²
Maximum FSR 5:1

Proposed Gross Floor Area = 9647m² (NB)
Proposed FSR = 5.76:1

NB: The calculation of Gross Floor Area for FSR standard contained in the Draft WLEP 2012 is measured from the internal face of external walls. This results in a relaxation of the measure of Gross Floor Area when compared with the definition of Gross Floor Area contained in SREP 5, which measures from the external face of external walls.

"The proposal will have acceptable environmental impacts (assumed objectives (c), (d), (e) and (f)) as:

- a) *The additional FSR does not generate additional overshadowing on Chatswood Park and the Garden of Remembrance nor any material new shadows on existing or approved residential properties (refer Shadow Diagrams by Bates Smart and Section 5.2 in the SEE)."*
- b) *The proposal improves the environmental and aesthetic quality of the Chatswood Town Centre by improving an underdeveloped site.*
- c) *The proposal has a high standard of landscape and architectural design.*
- d) *The proposal achieves a reasonable level of view sharing for existing and approved residential development (refer Section 5.2 in the SEE).*
- e) *Compared with the existing office uses on the site, the proposal will reduce traffic generated by the site (refer Appendix B and Section 5.2 in the SEE).*

Comments: The extent of the overshadowing impact of the proposed development is not considered to be the result of the proposed FSR non-compliance. Detailed discussion on the overshadowing impacts of the proposed development are provided under the SEPP 1 – Height below, and the Neighbour Notification Issues section in **Attachment 3** with respect to specific issues raised in public submissions received.

The proposed 12 storey building is considered appropriate in bulk and scale, and in transitioning between existing and approved high rise commercial and mixed use buildings (10 – 30 storey) to the north west of the site, and the 8 -10 storey residential flat buildings on the southern side of Albert Ave. The road carriageway of Albert Ave is approximately 12m in width with additional footpath/road reserve, and building setbacks on either side of Albert Ave, providing substantial separation between the subject site and residential developments on the southern side. A landscaped setback up to 4.3m in width is also provided along the Albert Ave frontage of the site to suitably soften the building façade when viewed from residential developments on the opposite side of Albert Ave.

The primary building façade of the proposal facing Albert Ave is broken up into an eastern wing and a western wing, with the connecting section of the building setback at approximately 9m from the street boundary to provide visual relief to the building façade. The eastern wing of the proposed building also has an angled alignment with the street boundary of Albert Ave which creates a sense of movement to the proposed built forms at

**Attachment 1 – Compliance Table
DEVELOPMENT STATISTICS**

	Proposed	Standard	Compliance
SREP 5 (Chatswood)			
Site Area (m ²)	1676.2m ²	-	-
Gross Floor Area (m ²)	10379 m ²	3352.4+ 17.62= 3370.02m ²	No
Floor Space Ratio (Clause 11)	6.19:1	2.01:1 + 0.5 = 2.51:1 (2:1 plus 0.1:1 per 100m ² above 1500m ²) plus additional 0.5 bonus under SEPP ARH	No. See SEPP1
Height (Clause 15)	32-36.3m	28m	No. See SEPP1
SEPP (Affordable Rental Housing)			
Development Standards (Clause 30)			
Facilities	At least one Communal Kitchen provided per 6 boarding rooms Studios have private facilities	At least 1 communal area Adequate kitchen facilities	Yes
Size of boarding room	<25 m ²	Max. 25m ²	Yes
No of occupants	max. 2 per room	Max 2 per room	Yes
Onsite manager	Provided with manager residence	Onsite manager	Yes
Ground floor commercial zone	With the exception of manager's residence, no boarding room is provided on ground floor.	No street frontage of ground floor for residential purpose	
Bicycle Spaces	80 spaces	1 per 5 boarding room (req: 79.2)	Yes
Motorcycle Bays	Not provided	1 per 5 boarding room (req: 79.2)	No. See SEPP 1
Standards that cannot be used to refuse consent (Clause 29)			
FSR	6.19:1	2.01:1 + 0.5 = 2.51:1 Plus 0.5 (for maximum permissible FSR <2.5:1 under LEP)	No. See SEPP 1
Building Height	32-36.3m	As per LEP (28m)	No. See SEPP 1
Landscaped Area	Proposed landscaped areas along Albert Ave and Thomas Lane frontages of the site	Compatible with streetscape	Yes.
Solar Access	Max 1-2hours for communal spaces	One Communal area at lease 3 hours solar access (9am-3pm winter solstice)	Considered satisfactory. Design maximise solar access but the site is affected by contextual shadows
Private Open Space	>300m (including ground indoor and outdoor recreational areas, first floor balcony area, and roof garden)	Principal POS min 20m ² min 3m (width)	Yes
	8m ² for manager	Onsite manager POS	Yes

	Proposed	Standard	Compliance
Parking	No parking provided 2 car spaces	Min 0.2 space / room (accessible area) (req: 79.2 spaces) Max 1 space/employee	No. See discussion in report. Yes
Accommodation Size	Clusters: 13.5 -15 m ² Studios: 19.3 - 21m ²	Min 12 m ² (single room) Min 16 m ²	Yes
Boarding Room Facility	Adequate kitchen and communal facilities	As required under Clause 30	Yes
Bicycle & Motorcycle	Bicycle Spaces only		No See SEPP 1
Draft WLEP 2012	(Exhibited 25 March – 20 May2010)		
Floor Space Ratio (Area Z1)	5.76:1	5:1	No (see additional bonus under SEPP ARH)
Plus SEPP (ARH) FSR bonus	5.76:1	5:1 + 1:1 = 6:1 Plus 20% (for maximum permissible FSR >2.5 under LEP)	Yes
Height (Area U)	32-38m	34m	No. See discussion in report
WDCP			
Car Spaces (C.4) Car spaces(Railway precinct) Road widening	2 car spaces for employee only Proposed 2m in VPA	Studio- 0.5 space 1 space/ 5 beds 1/ manager 3m widening on western side (Thomas Lane)	Override by SEPP (ARH) See VPA report. Attachment 4
Motorbikes	Not provided	1 motorcycle space per 25 car spaces	Override by SEPP (ARH)
Bicycle lockers Bicycle Racks (Additional Req C4.4)	80 bicycle spaces	1 per 10 units 1 per 12 units	
Water Management (C.5)	Stormwater proposal submitted	OSD requirements and technical standards	Subject to def comm. Condition B
Access/Mobility (C.6) Accessibility	6 accessible rooms	To and within every floor containing a dwelling required to be adaptable.	Yes
Visitor Disabled car space	1 accessible car space	1 accessible visitor's space in parking area with more than 50 spaces.	Yes