

09141

12 August 2010

Anthony Witherdin
Team Leader - Metropolitan Projects
Department of Planning
23 - 33 Bridge Street
SYDNEY NSW 2000

Attention: Ben Lusher

Dear Anthony

**REQUEST FOR ADDITIONAL INFORMATION
THOMAS STREET CAR PARK MP09_0066**

We write to you on behalf of the applicant, Welles Thomas, in relation to your email dated 23 July 2010 requesting additional information in relation to the proposed redevelopment of the Thomas Street Carpark, Chatswood. Our response is provided below, for ease of reference I have included your original comments (*italics*) with our response under each comment.

Point 1

"Further analysis of maintaining privacy and solar access to apartments on the eastern façade of the residential tower is required. This analysis should take into account the possible 60 metre building height indicated by the draft WLEP 2009 for future development of the adjoining sites. Further review of this point may require further amendments to the façade of the building."

The architects have prepared several options for improving privacy of the apartments on the eastern elevation and have met with Greg Woodhams and Noni De Carvalho of Willoughby Council on several occasions. The screening option included at **Attachment A** provides the most favourable option. It is proposed to install privacy screens and angle the balconies towards the north. The angled balconies will increase the amount of solar access by extending the balconies into the setback zone and facing the sun. The privacy screens will allow residents to screen their balconies when required.

A solar analysis with a theoretical 60m building on the adjacent property is not considered to be warranted for the following reasons:

- In order to achieve the height of 60m and the nominated FSR a site amalgamation would be required with the adjacent lots further east on Thomas Street as 12 Thomas Street (the adjacent property) has a site area of just 512m²;
- The amalgamation would need to occur with the properties known as 6 - 8 Thomas Street and 4 Thomas Street so as to generate a total site area of 1,993m² as demonstrated on drawing SK001 submitted previously as Appendix A of the PPR;
- The size of the amalgamated site would enable a number of design options to be achieved on the amalgamated site which would not affect the solar access to the proposed building; and

- It is unusual to require a solar analysis of a building that does not yet exist. Especially when the redevelopment of this site is unlikely in the near future given the scale of the existing development on the site.

Point 2

“Further analysis of daylight access for the residential apartments is required. It is noted that only approximate numbers of dwellings achieving solar access and natural ventilation are provided in the PPR. This further analysis should have regard to any overshadowing created by nearby buildings, the reduced number of apartments to 202 and the amendments to levels 3-5 (including louvered screens or any other further amendments to this facade).”

A suns-eye view of the solar analysis to the apartments is provided at **Attachment B**.

Point 3

“The additional overshadowing diagrams illustrate that the existing building at 96-100 Albert Avenue would be overshadowed by the proposal. Hourly elevational shadow diagrams are required to understand the full overshadowing impact to this building. Further justification for the overshadowing impacts to this building is also sought.”

Hourly elevational diagrams are provided at **Attachment C**. The diagrams show that from September through to March all of the properties on the southern side of Albert Street will receive 2 hours of uninterrupted sunlight from 9am to 11am.

However on June 21, 96 – 100 Albert Street will receive sunlight between the hours of 9am and approximately 11.30am. Whilst this is slightly less than that which is required by SEPP 65 it is noted that these properties on the southern side of Albert Street are directly south of the Chatswood CBD which, under the draft Willoughby LEP 2009, is projected to grow in both height and density. In such environments it is hard to achieve compliance with the SEPP 65 solar access rule of thumb. This is acknowledged in other LGAs, such as the City of Sydney, where 2 hours of solar access is required to be demonstrated on March 21 as opposed to June 21. In the case of this proposal, 2 hours of sunlight will be achieved to all of the properties on the southern side of Albert Avenue on March 21.

Point 4

“The additional information provided in respect of view loss impacts to adjoining properties demonstrates the development will impact on the views currently enjoyed by nearby properties. Further justification for the view loss impact is sought.”

It is noted that neither the general aims of Sydney Regional Environmental Plan No 5 – Chatswood Town Centre (SREP 5) or the specific aims of the 3(c2) Zone – Business Commercial seek to protect views from public and private properties.

Section D.3.8 – Views and Vistas outlines the following intent of the planning controls relating to mixed use development:

- *The siting and form of development must have regard to the creation, retention and enhancement of significant views and vistas from public places, into, out of, and within the public domain and adjacent properties.*
- *‘View Sharing’ is encouraged whilst not restricting the reasonable development potential of a site*

The principles of view sharing established by the NSW Land and Environment (*Tenacity Consulting v Warringah Council (2004) NSWLEC 140*) can be summarised as the following:

1. The notion of view sharing is invoked when a property enjoys views and a proposed development would share that view by taking some of it away for its own enjoyment.

2. Taking a view away in its entirety cannot be called view sharing, although it may, in some circumstances, be quite reasonable.
3. To decide whether or not view sharing is reasonable involves a 4 step assessment:
 - An assessment of the view that is to be affected.
 - Consideration from what part of the property the views are obtained.
 - An assessment of the extent of the impact.
 - An assessment of the reasonableness of the proposal that is causing the impact.

The properties at 1 Katherine Street currently enjoy uninterrupted 180 degree views to the south, including views towards the St Leonards CBD and also distant views towards the North Sydney and Sydney CBDs (refer to view analysis diagrams submitted as Appendix E of the PPR).

The above views are obtained from living areas and balconies of the units at the upper levels of the southern elevation of the building.

The proposed building will partially obscure the views obtained by the residents of 1 Katherine Street. Views towards the south and south west will be lost as a result of the proposal and as such residents will no longer have views toward the regional centres of St Leonards, North Sydney or the Sydney CBD.

It is noted however that the current views extend 180 degrees, and that residents will maintain their existing views towards the east, south-east across middle harbour and towards the Sydney harbour and to the west across Lane Cove.

The above impact is considered to be reasonable for the following reasons:

- The proposal retains 50% of the existing views obtained by the residents within 1 Katherine Street and can therefore be considered to meet the DCP objective of 'view sharing';
- 1 Katherine Street is located within the centre of the Chatswood CBD and as such it is reasonable to expect that higher density development will occur within the CBD;
- The views obtained from 1 Katherine Street are private views and not public views and therefore the benefit of providing new dwellings and employment opportunities within close proximity of public transport and other centre facilities is considered to outweigh the impact of the partial view loss that occurs as a result of the proposed development.

Point 5

"Point 6 of the Director General's Requirements for this application identified the joint RTA/Council Traffic Study to be considered. Further consideration of the future traffic management along Albert Avenue envisaged by this study and the 1.5 metre road widening sought in the RTA submission is required"

Transport and Traffic Planning Consultants were asked to provide additional comments in relation to this issue (see **Attachment D**). They advise the following:

"The suggestion by the RTA for some future road widening (1.5 metres tapering to zero) is not a recommendation or consideration of the joint study but is merely a 'pencilled concept' produced at a meeting of the SRDAC which considered the application. If ultimately confirmed and detailed this minor road widening can be accommodated by a slight recess of the footway corridor into the colonnade"

Point 6

"Further information is required in support of the reconfiguration of the basement level. A swept path analysis for garbage collection vehicles is to be provided that demonstrates the ability to manoeuvre within the allocated turning areas and to safely enter and exit the site at Albert Avenue with the median strip in place on Albert Avenue. Further information demonstrating the management of potential traffic conflicts for vehicles using the exit ramp and entering the Right-Of-Way on Thomas Street is also required."

A swept path analysis of the entrance and exit ramps of the proposed development and the basement loading areas is also provided at **Attachment D**.

Point 7

"The Department requests proper architectural plans drawn at an appropriate scale be submitted for any proposed modifications to the building layout."

Modifications to the building layout will occur below ground and will not have any impact on the operation or amenity of neighbouring property. It is requested that the Department of Planning impose a condition of consent requiring the submission of detailed architectural plans to the Department of Planning prior to the issue of a Construction Certificate.

Point 8

"An updated RFDC compliance table is required following the PPR amendments and any further amendments as a result of careful consideration of the above points."

A revised RFDC table is included at **Attachment E**.

Point 9

"An amended floor space schedule is required for the amendments to the ground floor level."

An amended schedule is included at **Attachment F**. The overall GFA of the proposal is now 47,290m² which equates to a Floor Space Ratio of 10.94:1.

Fleet Lane

With relation to the GTK submission and service vehicle access to the properties located at the eastern end of Fleet Lane, we note Council's submission dated 9 July 2010 and the draft conditions of consent resolve this issue.

Public Benefits

We note that the proposed development is expected to have the following public benefits:

- The project presents an opportunity to develop a currently underutilised site in the Chatswood CBD for appropriate uses whilst still providing public carparking in excess of the number of carparking spaces currently provided on the site.
- The proposal is consistent with the Chatswood CBD Strategic Plan and the draft local environmental plan for Chatswood which will permit a maximum FSR of 10.5:1 on the site. Therefore, it will encourage new development in Chatswood that will be consistent with the desired future character for the area.
- The project provides for a large area of public open space and provides an accessible through-site link between Thomas Street to the north through to Albert Avenue in the south. The orientation of the outdoor space will accommodate good solar access from the north and 24 hour public access to the space will be available. Thus it will provide an attractive area of open space for use by existing residents and office workers. This area will provide recreational space for the local community.
- The project will provide 250 public parking spaces which exceeds the current provision of public parking on the site. This will support local businesses by providing casual parking for

shoppers and visitors to Chatswood. The new public car park will be more efficient and safer than the existing as it will be below ground.

- The project will provide 4 % of the gross floor area as affordable housing which will have a positive social impact and will support the local community.
- The proposal will not overshadow the Chatswood Croquet and Tennis Centre and will not significantly impact on the Chatswood Oval.
- The proposed development will provide a range of retail, commercial and residential uses within close proximity to public transport and existing services. The provision of some 24,000sqm of commercial and retail floor GFA on the site will result in a significant increase in economic activity and generate substantial employment in the Chatswood CBD. In addition, the proposed units will result in a substantial increase in the resident population in the Chatswood CBD. Residents are likely to support local business, services and retail premises in the Chatswood CBD thereby encouraging increased economic activity.
- The proposed development provides active retail and cafe ground floor uses which will activate the streetscape and make Chatswood a safer place.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or jbuchanan@jbaplanning.com.au.

Yours faithfully



Jennie Buchanan
Principal Planner