

ATTACHMENT 1

Council Detailed Assessment 21 July 2026

SSD-87033962 - Mixed use development and amendments to Willoughby LEP 2012 815 Pacific Highway, Chatswood

On 30 January 2025, the applicant submitted an Expression of Interest (EOI) to the HDA for an SSDA and concurrent rezoning proposal. The HDA recommended the EOI as state significant development at the Briefing dated 24 March 2025. This EOI involved height of 54 storeys, 500 residential apartments which included 100 affordable rental apartments. State Significant Declaration Order (No 4) 2025 declared the project specified in EOI application 235229 dated 30 January 2025 as SSD in accordance with the Environmental Planning and Assessment (Housing Delivery Authority) Order 2024.

The subject SSDA seeks consent for the construction of a shop top housing development comprising:

- Demolition and construction of a 61 storey (including podium) mixed use building
- Maximum height 206.28m (RL 310.28m)
- 490 total number of residential apartments:
 - 414 market residential apartments (elsewhere in Planning Report 418 apartments is referenced)
 - 76 affordable rental housing apartments for 15 years
- FSR: 29.63:1 (including affordable housing for 15 years)
- GFA: 49,043m²
 - Residential GFA: 48,830m²
 - Non-residential GFA: 213m² (Retail)
- Nine-storey basement containing 156 car parking spaces
- Vehicle, including loading entry, via Help Street

The SSDA is accompanied by a rezoning request to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) as follows:

- Amend Schedule 1 of the WLEP 2012 to permit shop top housing as an Additional Permitted Use at 815 Pacific Highway
- Increase the maximum building height from RL 246.80 to RL 310.28

Council officers appreciate the opportunity to have input at exhibition stage.

Council officers provided feedback to DPHI to inform the SEARs (Council letter dated 14 July 2025), which were made available to the proponent. However, the issues raised by Council have not been satisfactorily addressed.

Council officers have not had the opportunity to engage with the relevant developer on the current scheme, or the HDA issues of infrastructure augmentation and development contributions/public benefit coming out of significant uplift.

While Council looks forward to this site being appropriately developed, objection is raised to the current proposal. The application in its current form is considered excessive in bulk and scale, and fails to address the associated impacts.

Council is prepared to work with the proponent and DPHI to arrive at an outcome that better addresses the opportunity presented by the site and the impacts of its proposed landuse change and intensification.

Notwithstanding the above, Council has provided draft conditions at **Attachment 2** that may be subject to change, dependent on progression of the SSDA, amendments and required further conditions.

Unresolved critical issues

a) Provision of public infrastructure

The Social and Community Needs Assessment submitted with the application finds that:

Chatswood contains a broad concentration of local, district and regional social infrastructure. On this basis, the proposal is considered to be located in a context where future residents would have access to an existing and evolving network of services and facilities. The proposal would contribute incremental demand across a range of infrastructure categories, including community facilities, libraries, childcare, schools, health services and open space. That demand should be understood in the context of cumulative growth occurring across Chatswood and the wider Willoughby LGA, rather than as a standalone demand driver.

This assessment does not identify a proposal-specific requirement for additional off-site social infrastructure beyond the operation of the standard statutory planning and contributions framework. The timing, funding, prioritisation and delivery of social infrastructure upgrades or new facilities remain matters for the relevant public authorities, service providers and infrastructure agencies.

The proposal represents a significant, unplanned for increase in residential demand for infrastructure. As the relevant public authority for local infrastructure planning, Council considers it necessary for this significant uplift in demand to be accompanied by an appropriate contribution towards addressing the need arising from this proposal. Council has a Community Infrastructure Contributions Framework in place and this should form the basis of the community needs assessment and the proponent's response to address the need generated.

It is noted that this site has recently been (30 June 2023) upzoned from 60m and 5:1 to RL 246.8m (142.8m) and no maximum. That upzoning was accompanied by a voluntary planning agreement in line with Council's community infrastructure contributions framework. If this upzoning is to be superseded by an alternate rezoning as is proposed, a new voluntary planning agreement to accompany the planning proposal commensurate with its impact, or alternate arrangements should be made to address the infrastructure impacts generated.

In regards public benefit, the proponent's Environmental Impact Statement concludes:

The SSDA and concurrent rezoning will deliver number of public benefits including:

- *Public domain enhancements along Pacific Highway, including introduction of substantially more landscaping along street frontages and pathway upgrades.*
- *Activation of the ground plane through retail uses with frontages to Pacific Highway and Help Street.*
- *Provision of diverse housing, including affordable dwellings, contributing to improved housing affordability within Chatswood CBD and wider Willoughby LGA.*
- *Multiple high-quality communal open space areas that support residential amenity and offer shared spaces for future residents.*
- *Efficient use of a highly accessible site with proximity to Chatswood Station, encouraging reduced car dependency and supporting public transport use.*

The above does not address the significant additional demand generated by the proposal with respect to open space, recreation facilities, social and cultural facilities, public domain, and on the local transit network (active and vehicular).

The Social and Cultural Infrastructure Strategy (2020) by the Northern Sydney Regional Organisation of Councils (NSROC) identifies a clear shortfall in public infrastructure provision across the Willoughby Local Government Area (WLGA), with particular pressure in strategic centres like Chatswood due to both residential growth and employment-related demand. The strategy confirms existing unmet need, ageing facilities, and high utilisation. Council's community infrastructure contribution current framework by which applications for significant uplift are to address the above.

Releasing additional capacity on this site without providing contributions to additional public infrastructure, such as open space, recreation facilities, or community facilities, to support the additional growth undermines the amenity of the housing proposed both on the site and in the precinct more broadly. It is also noted that the site's current connection to the Chatswood Station and Interchange (railway, metro and buses) is characterised by level changes and poor wayfinding and there is a significant opportunity for improved activation of the ground plane, greater permeability and ease of access to the station and surrounding public spaces.

The infrastructure needs proposed by the unplanned residential land use and density are above and beyond that envisioned in Council's infrastructure contributions plan. Any residential land use and density should be accompanied by a community infrastructure contribution consistent with Council's contributions policy.

The HDA recommendation at the Briefing dated 24 March 2025 stated:

that the applicant be advised that Willoughby City Council is currently undertaking a capacity analysis of available infrastructure within Chatswood CBD and any proposed rezoning will need to involve a discussion with Council on infrastructure augmentation and development contributions/public benefit coming out of significant uplift.

Issue and Assessment Requirement 4, Contributions and Public Benefit, of the SEARS referred to preparation of a draft planning agreement:

- *Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind agreement. and include details of any proposal for further material public benefit.*
- *Where a voluntary planning agreement is proposed, prepare a draft planning agreement in accordance with the Planning agreements – Practice note- February 2021.*

- *Consultation with Council on any public benefits to be negotiated as part of any proposed planning agreement to occur prior to the lodgement of an EIS.*

The previous planning agreement impacting this site reflected an amalgamation with 15 Help Street, non-residential land uses and a lower density than what is now proposed, with substantially lesser impacts on local infrastructure. A new planning agreement should be drafted and presented to Council to address the new infrastructure demands generated by the residential land use and increased density in the new proposal.

A planning agreement or other means to address the infrastructure needs generated by the proposal should accompany the application. The infrastructure contributions should be consistent with Council's Community Infrastructure Policy. Consent should not be issued for this proposal until the associated infrastructure needs are appropriately addressed.

b) S.7.11 / 7.12 contributions

The proponent contends that local infrastructure contributions do not apply to affordable housing (being the 76 affordable rental housing apartments for 15 years).

Such an exemption is not supported by Council as the SEPP affordable housing provision is not a permanent provision and will be reverted back to market dwellings after 15 years. Council anticipates the full payment of applicable S7.11/7.12 contributions.

In accordance with CI 2.5 and Table 1 of the Willoughby Local Infrastructure Contribution Plan 2019 (the Plan), where a single development application comprises a mix of type (a) Residential Accommodation that would result in a net increase in residents on the land and (b) other development that has a proposed cost of works more than \$100,000, either a S.7.11 contribution or a S.7.12 levy will be imposed. As per the Plan, the contribution method which produces the greater amount will be the method used for that application. Conclusively, a S.7.12 contribution of \$18,101,176.50 is payable for this development.

As noted above, the VPA should be updated to be commensurate to the landuse and density proposed in the subject SSDA. A draft condition has been included in **Attachment 2** regarding the existing planning agreement – however this would need to be further amended to reflect the upgraded planning agreement sought by Council.

The proponent has not consulted with Council in a meaningful manner as to the additional needs generated by the proposed uplift and how the development could mitigate the impacts of the residential landuse and density on the site.

Local contributions should be applied as per Council's proposed condition (refer to **Amendment 2**). Temporary affordable housing that reverts to market housing is not exempt from local contributions.

S7.12 contribution draft conditions have been provided in **Attachment 2**, should the application proceed to the drafting of a consent.

c) Affordable housing

Land within the commercial core of the Chatswood CBD is not identified on the WLEP 2012 Affordable Housing Map, as residential development was not envisioned in the commercial core under the Chatswood CBD Strategy.

The introduction of residential development on the subject site represents a significant change to the permissible land uses on the site. As such, it should be accompanied by a requirement to provide contributions toward affordable housing, consistent with the LEP provisions for residential development in the Chatswood CBD.

The proponent proposes no affordable housing dedicated to Council in perpetuity consistent with the requirements of Clause 6.8 of WLEP 2012, being 10% of residential GFA.

Council's preference is for the dedication of built affordable housing units. However, Council's controls also allow flexibility for a monetary contribution. If this option is chosen, the contribution amount is to be determined as follows:

- A mean figure for the market value of dwelling sales in Willoughby is to be obtained from the most recent Rent and Sales Report issued by the Department of Communities and Justice (current at the time of payment).
- A date-stamped screenshot of the relevant figure from the Rent and Sales Report must be provided.
- The most recent average unit size, as published by Council, must be used for the calculation (95m²).

The proposed residential GFA and density, without a commensurate increase in expected affordable housing consistent with WLEP 2012, exacerbates the critical shortfall of affordable housing.

Affordable housing, consistent with WLEP requirements for residential land in Chatswood CBD, must be provided on this site commensurate with residential GFA proposed.

d) Insufficient employment generation

The SSDA proposes 213m² of retail floor space and no other employment generating floor space in the development proposing a total GFA of 49,043m². The proposed development does not represent an appropriate outcome with respect to the needs and desired character of the Chatswood CBD. Chatswood is a significant strategic centre comprising a commercial centre and a surrounding mixed-use zone. This site is located at the edge of the commercial centre, and should residential uses be introduced onto the site, it should be done consistent with the objectives of the Mixed Use MU1 zone. The minimal ground floor retail is not consistent with these objectives and will fail to deliver the appropriate balance of residential uses, active street frontages, employment generating uses and service provision.

815 Pacific Highway is a site within the E2 Commercial Centre zone where the focus in WLEP 2012 is the provision of employment generating non-residential floor space. In the endorsement process behind the CBD Strategy (September 2020), DPHI emphasised the critical importance of E2 Commercial Centre land between the Pacific Highway and the North

Shore Rail Line – noting this was characterised by a strong existing commercial presence. It was E2 Commercial Centre land east of the North Shore Rail Line, more characterised by existing retail landuse, where DPHI concluded a residential component may be appropriate.

Meaningful and significant long term employment generation is sought on this site, accompanying any residential component.

The SSDA is requested to be amended to provide a meaningful and significant long term employment generation on the site. This is critical to ensuring the precinct meets its employment targets and continues to function as a E2 Commercial Centre.

e) Built form

The subject SSDA proposes a residential tower of 61 storeys, with a maximum height of 206.28m (RL 310.28m), which is 63.48m higher than what has previously been planned by Council in consultation with DPHI through the CBD Strategy and WLEP 2012 process.

The proponent's Urban Design Peer Review states:

The FJC proposal outlines an intensification of form on the site, driven by a number of factors, including the need to maximise the yield to create a viable development

While Council acknowledges the importance of viability, a viable commercial building currently located on the site and the case for change must be made in the form of a viable improved outcome. In addition to the concerns raised above in respect to lack of infrastructure, the built form proposed is not considered to represent a appropriate, improved outcome.

The proponent's Environmental Impact Statement states:

The proposed built form has been developed in response to the established and evolving character of the Chatswood CBD, which is undergoing a clear transition toward a high-density, vertically expressed centre focused along the Pacific Highway corridor.

The proponent's Architectural Design Report states in regards Design Quality Principles – Compliance Statement (SEPP Housing 2021, Schedule 9):

Principle 1 Context and Neighbourhood Character

The development acknowledges the surrounding cluster of tall buildings and contributes to a cohesive skyline composition

Principle 2 Built Form and Scale

The built form adopts a clear podium and tower composition ... The podium establishes a defined street wall aligned with the prevailing character of Pacific Highway

Council acknowledges that there are tall buildings in the vicinity of the subject site, some of which reach the height maximum of RL 246.8m. However, the delivery of taller buildings in the Chatswood CBD is being accompanied by appropriate setbacks to deliver slender tower forms. This has generally been achieved with appropriately scaled podiums, and additional setbacks to the towers, with taller buildings subject to larger setbacks.

WDCP contains the following setback controls for development on the Pacific Highway:

- minimum 4m setback at ground level from front boundary
- maximum 7m street wall height
- minimum 6m setback above street wall to tower

In addition:

All towers above podiums in the E2 Commercial Core and MU1 Mixed Use zone are to be setback from all boundaries with a minimum 1:20 ratio of the setback to building height.

This means if a building is:

- *a total height of 30m, a minimum setback from the side boundary of 1.5m is required for the entire tower on any side*
- *a total height of 60m, a minimum setback from the side boundary of 3m is required for the entire tower on any side*
- *a total height of 90m, a minimum setback from the side boundary of 4.5m is required for the entire tower on any side*
- *a total height of 120m, a minimum setback from the side boundary of 6m is required for the entire tower on any side*
- *a total height of 150m, a minimum setback from the side boundary of 7.5m is required for the entire tower on any side*

A specific setback control in the E2 Commercial Centre zone:

all tower uses must have a minimum 6m setback from all boundaries above the street level wall height.

Balconies and any other building intrusions are not to encroach into setbacks.

WDCP, Part L Place Based Plans, Section 4 Chatswood CBD, provided the following performance criteria applying to setbacks and street wall heights in the Chatswood CBD:

Setbacks shall:

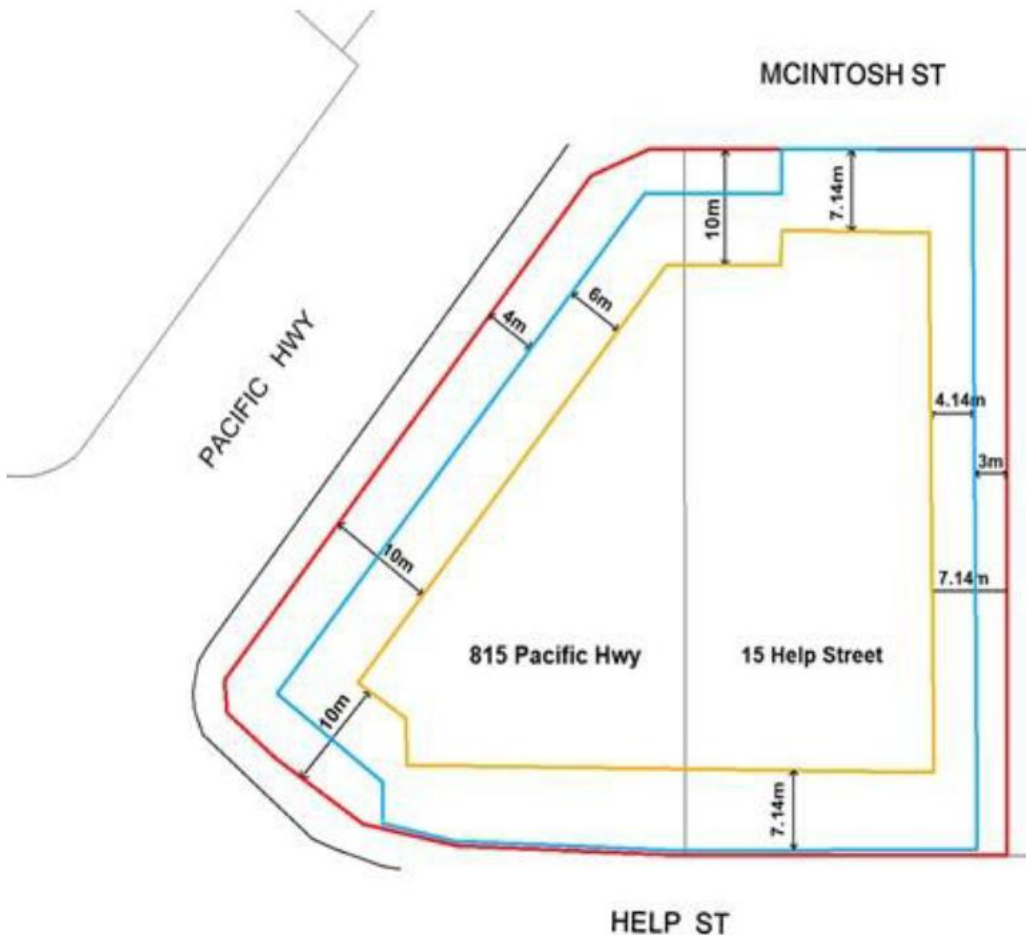
- *Ensure the positioning of new buildings is consistent with the proposed streetscape envisioned for Chatswood CBD and contained in the Chatswood CBD Planning and Urban Design Strategy 2036.*
- *Be provided at ground level to contribute to public realm.*
- *Contribute at ground level deep soil areas, landscaping, and open space.*
- *Contribute to slender tower forms.*
- *Protect all significant on-site trees and all street trees*

Street wall heights shall:

- *Ensure such heights are consistent with the street wall heights envisioned for Chatswood CBD and contained in the Chatswood CBD Planning and Urban Design Strategy 2036.*

WDCP, Part L Place Based Plans, Section 4, 13.3.13: 815 Pacific Highway and 15 Help Street Chatswood contained the following setbacks site layout.

Figure 41: Site Layout



Red line - boundary

Blue line - Podium

Yellow line - Tower

These WDCP provisions were recently established in 2023 as a result of an extensive urban design process, to manage the introduction of taller buildings to Chatswood CBD. Amalgamation with 15 Help Street resulted in a proposed development compliant with, and representing desired development under, the CBD Strategy – which Council supported.

While it is acknowledged that full compliance with WDCP provisions is not always achievable, and the Housing SEPP has more statutory weight than a DCP, this recently established DCP provides clear articulation of the key principles required to deliver appropriate taller forms in this location. Variations should consider and respond to the underlying objectives of the DCP to avoid unacceptable cumulative visual impacts, overshadowing and to ensure equitable access to solar amenity and development potential on surrounding sites. The current redevelopment proposed has little regard to existing controls and what is envisioned on this site or the surrounds

It should be noted that the Urban Design Report does not provide a credible review regarding how the proposed setbacks and podium street wall height is compliant or meets the relevant objectives.

Given the large increase proposed (63.48m), the visual impact assessment provided is considered insufficient. A change of this scale should be justified in relation to its anticipated

impact on the Chatswood skyline, both in terms of how that skyline presents to its wider visual catchment as well as in terms of how the building relates to its immediate context. The limited views provided, and the lack of detail provided, in regards the anticipated built form in the CBD, are not sufficient for an assessment of the proposed new scale.

The solar plane diagram is not clearly explained and clearly does not align with other development proposals regarding the justification of building height including the WDCP solar plane requirement to Victoria Avenue. Council is concerned that the cumulative impact of this site, combined with the other applications in the vicinity, has not been modelled or assessed.

Council notes when upzoning the site under the recent WLEP, air space authorities advised heights should not protrude above RL 246.8m. Concurrence should be sought from air space authorities prior to any consent. Concern is raised regarding potential for the building and associated construction equipment protruding radar terrain clearance levels.

The proposed SSDA podium is inconsistent with the approach specified in the DCP, and with recent approvals on the Pacific Highway. The Pacific Highway setback of the tower from the podium is 2.047m, which begins at 12 storeys and continues up to 61 storeys. A WDCP compliant tower setback would be 10m. There are also encroachments into the Pacific Highway setback by the podium (being 0.950m to the boundary) and the tower (being 2.047m from the boundary (tower)).

The setback and podium issues prevent the development from achieving the desired slender tower form and a site layout that enhances adjoining public spaces, enhances visual and acoustic privacy, natural ventilation, sun access and views and provides suitable areas for deep soil zones, landscaping and public domain embellishment. It is also unclear how significant canopy planting is to be achieved within the Pacific Highway setback.

The proposed built form should be significantly revised with more appropriate setbacks to reduce the bulk and scale of the building.

A more detailed substantial and visual assessment is required to facilitate the assessment of such a change.

Concurrence should be sought by the air space authority.

Overshadowing modelling should be updated to show the cumulative impact of overshadowing from the site, in the context of surrounding buildings currently proposed and under assessment.

f) Pacific Highway setback / landscaped shared user path

The Pacific Highway setback is particularly important as, in addition to the above, is part of a wider green and active transport grid. WDCP, Part L Section 4., 4.4.2 Pacific Highway – green setback, states:

The eastern side of the Pacific Highway must provide a 4m wide deep soil zone setback. Willoughby City Council is seeking an unobstructed shared pedestrian and cycle path along the eastern side of the Pacific Highway (within Chatswood CBD). This must be factored into redevelopment of any site fronting the Pacific Highway.

Dimensions for the path are to be based on a 1.5m wide landscape verge and 3m wide shared path. The shared path may encroach on the 4m wide deep soil zone setback on a site, but if this is the case, a public right of way will be required.

The Pacific Highway frontage is envisioned as a publicly accessible setback that is both providing soft / green canopy coverage while at the same time facilitating a shared path.

WDCP, Part L, Section 4 Chatswood CBD, states with regard to public realm or areas accessible by the public on private land are to:

- *Be direct and accessible to all and have a clear line of sight between public places;*
- *Be located and orientated to enhance the relationship between built form and open space.*
- *Be easily identified by users and include wayfinding signage;*
- *Include materials and finishes such as paving materials and tree planting consistent with the proposed urban quality of the precinct;*
- *Be clear of both permanent and temporary obstructions or structures, including utility elements, advertising/promotional material, street furniture and outdoor dining.*
- *Include lighting to provide safety, amenity, character and night time quality appropriate to the link.*
- *Maximise soft landscaping and deep soil planting.*
- *Located to maximise solar access*

The plans do not appear to show the standard 1.5m verge or 3m wide shared path. It is also unclear if retaining walls are proposed adjacent on-site landscaping that impact on the functionality of the shared path (thereby further reducing the real width available to cyclists and increasing safety concerns with other users).

A number of developments have been approved along the Pacific Highway incorporating shared path requirements. Council seeks for the continued incorporation at redevelopment stage of this active transport infrastructure. Approval of the current proposal would not only be inconsistent with the desired future character and function of the public domain along the Pacific Highway, it would also compromise the function of the public domain improvements that are being delivered on adjacent and nearby sites.

The Pacific Highway setback should not be averaged at the expense of soft / green landscaping and the shared path. There should be no building encroachments at ground level or above that impact landscaping and minimise the public usability and amenity of the landscaped shared user path. Achievement of a full 4m setback, without encroachments, is expected along the full length of the Pacific Highway frontage. No objection is raised to a curved setback outside of the minimum 4m setback.

With respect to the podium, the SSDA involves a podium presentation to the Pacific Highway that is approximately 25m, with levels 4 to 9 being 950mm from the front boundary. The Chatswood CBD and WDCP has established a podium height of 7m, with a step back to a tower form. In the consideration of other SSDA's on the Pacific Highway, Council has acknowledged that in order to ensure the viability of employment generating landuses, a podium height up to 10m may be considered appropriate. A number of SSDA's north and south of the subject site have been approved on the above approach to podium heights.

In addition, the design of the public domain and private ground plane interfaces are considered unresolved and would benefit from further collaboration between Council and the proponent to confirm and understand how the design is delivering the best outcome for

future commercial tenants and residents, maximising landscaping and planting opportunities, and delivering Council's shared user path.

Council seeks a design that does not encroach on ground level Pacific Highway setbacks and provides a more meaningful transition between podium and tower presenting to the Pacific Highway. In Council's view, a design should be provided that responds appropriately to the site, rather than maximising the development by encroaching on ground level setbacks and providing a built form that reads as one 61 storey tower. Council seeks amendments to the current design:

- a 1.5m verge and 3m shared path along the Pacific Highway.
- a podium more consistent with what is envisioned for the Pacific Highway, setback 4m.
- A podium setback to tower more consistent with what is expected for the Pacific Highway.

Updated public domain designs are required, and should be undertaken in collaboration with Council.

g) Design Excellence

Two SDRP meetings have been held, the first on the 1st of October 2025 (SDRP1) and the second on the 11th of December 2025 (SDRP2).

The proponent's Environmental Impact Statement states:

While the proposal does not fully resolve every item raised in the SDRP advice, this is the result of deliberate and justified design decisions, having regard to specific site constraints, the uniqueness of the site, and the need to balance competing design considerations. In these instances, strict adherence to every element of the advice would not result in a superior outcome for the site and will make the proposal unfeasible

The proponent's responses to the SRDP2 issues are noted. However, it is the view of Council officers that a number of concerns identified by the SRDP2 have not been adequately addressed as follows:

- The quality of public realm and residential amenity does not yet justify the level of uplift being sought.
- Departures from existing strategies and policies must result in equal or better outcomes, which has not been demonstrated.
- The proposal is not currently considered capable of achieving design excellence.
- Improvements to the Pacific Highway public realm, pedestrian wind comfort, and residential amenity are required to move the proposal towards design excellence.
- Proposed street tree planting along Pacific Highway is inadequate; four trees in podium niches will not deliver healthy, continuous canopy.
- Chatswood CBD Planning and Urban Design Strategy 2036 calls for two continuous corridors of street trees, connected deep soil, 4 m open to-sky setbacks, wind-appropriate conditions, and integrated public realm design.
- Engagement with Willoughby City Council is needed to coordinate planting locations, manage underground services, and provide buffer planting between shared paths and roadways.

- Podium and basement configurations should be revised to allow healthy canopy growth and connected deep soil.
- Current ground-level projections (lifts, columns) create narrow pinch points and reduce usable pedestrian circulation and lingering spaces.

Council's Urban Design Specialist has also reviewed the current SSDA and made the below comments.

The proponent's Urban Design Peer Review places importance on the site as a key node in Chatswood. In Council's assessment, the proposed ground floor configuration fails to support appropriate and necessary pedestrian amenity at intersection locations. The constrained form of the building in these locations restricts social interaction. It is not clear where there is a meaningful congregation allocation point or points delivering sociable public space or spaces. In addition, the constrained form of the Pacific Highway frontage constrains the capacity of the shared path to support adequate and planned active movement. The above issues significantly conflict with the site as a key node in the Chatswood CBD.

The development lacks intensified function as an activated pedestrianised space, limiting its capacity to serve as a successful key node.

Vehicle activity on Help Street bisects pedestrian amenities and undermines the connectivity of the surrounding space as well as the general function of the Chatswood CBD. Any redevelopment on this site should positively contribute to the urban amenity and connectivity of the CBD. The redevelopment's relationship with the Help Street and Pacific Highway intersection, in regards the pedestrian connectivity and experience, is not considered to be improved by the proposal or represent a best practice approach. Reconsideration of this important corner is requested in order to improve pedestrian amenity and overall experience accessing the wider CBD.

In regards to the Pacific Highway setback, there is a lack of appropriate deep soil planting. The basement is located on the Pacific Highway boundary, adversely impacting the capacity for significant tree planting and canopy provision.

The existing location lacks significant tree canopy. The proposed street frontage contains only one existing tree. The site is located along the ridgeline, which is identified in the Connecting to Country work, the CBD Strategy and the SDRP2 advice as an important feature of the local character. The future provision of meaningful tree planting and canopy coverage to the Pacific Highway is expressly sought by Council in WDCP.

There is inconsistency regarding the Urban Design Report and the Architectural Statement with regard to canopy tree scale. The Architectural Design Report Design Vision Statement identified "Large Canopy Trees" Page 4. The deep soil provisions only allow for medium sized trees and no reference is made to how this addresses urban heat canopy mitigation. Medium sized trees are not considered sufficient and large size tree are required.

Greater clarification is required regarding how a Green Roof outcome is achieved and confirming that irrigation will be supplied via stormwater reticulation.

The following information should be satisfactorily addressed:

- issues identified by the Design Review Panel are to be listed with explanations provided.

- reconsideration of the site's role as a key node in the Chatswood CBD, with particular reference to how the site facilitates improved ground level social interaction, intensified functionality as an activated pedestrian space, the functionality of the shared path and active transport generally, and the proposed landscape and spatial design of the Pacific Highway and Help Street corner in order to improve pedestrian amenity and overall experience accessing the wider CBD.
- environmental performance of the proposed design.
- provision of deep soil to facilitate significant tree planting and canopy provision in the Pacific Highway setback.
- detailed treatment external to the site boundary (Pacific Highway, Help Street and McIntosh Street) to Council's satisfaction.

h) Key Transport and Access Considerations

The site is within walking distance of Chatswood interchange and has excellent access to rail, metro and bus services. The location is highly suitable for transit-oriented development.

The proposal should demonstrate consistency with Council's strategic objectives in Chatswood CBD Strategy 2036, Willoughby Integrated Transport Strategy 2036 and Willoughby DCP 2023. This is to manage growth and congestion in the CBD while prioritising sustainable transport modes and efficient use of constrained road space.

Traffic, parking and access arrangements should support low private vehicle modal share, CBD network performance and support safe pedestrian and cyclist movement around the site.

The Traffic Impact Assessment (TIA) forecasts traffic generation based on the number of proposed parking spaces, rather than the number of dwellings. It adopts TfNSW Guide to Transport Impact Assessment (GTIA) (2024) Sydney-wide average rates for high-density residential development of 0.15 vehicle trips per parking space (AM peak hour) and 0.12 vehicle trips per parking space (PM peak hour).

Using this methodology, the future development is forecast to generate 23 (AM peak hour) and 18 (PM peak hour) vehicle trips. Considering surveys undertaken in February 2025 that recorded 16 (AM peak hour) and 15 (PM peak hour) vehicle trips from the existing commercial building, the TIA concludes that the net increase would be 7 (AM peak hour) and 3 (PM peak hour) vehicle trips.

However, the estimation of future traffic generation based on the number of parking spaces does not align with established GTIA (2024) guidance, which cautions against using these average rates for larger developments. GTIA (2024) emphasises estimating trip generation based on land use characteristics and recommends the use of benchmarking and/or First Principles methods to support and justify any average rates adopted.

Given the scale of the proposal and the amount of parking provided (156 car parking spaces and 3 loading spaces), concerns are raised with the robustness of the traffic generation forecasts and the minor net increases estimated. Further detail should be provided to justify the adopted trip generation rates and assumptions.

The TIA states that no intersection upgrades, traffic signals or separate TfNSW approvals are required, primarily due to the minor additional traffic generation forecasts.

Access is proposed from Help Street, with the driveway located to maximise separation from Pacific Highway. The site is located close to the Pacific Highway / Fullers Road / Help Street intersection, which currently operates under constrained conditions during peak periods. The submitted assessment has not demonstrated whether right-turn movements into the site from Help Street could adversely affect this intersection, including whether vehicles waiting to turn right into the driveway could impede through-traffic, and reduce intersection performance.

Given the constrained operating conditions of the surrounding road network, concerns are raised that right-turn access may have an unacceptable impact on traffic flow and safety. The proposed access arrangement should therefore be justified through a detailed traffic analysis, including consideration of whether a left-in/left-out only arrangement would be more appropriate.

Multiple surrounding SSDAs, each generating relatively modest additional traffic, collectively affect the operation and performance of the Chatswood CBD road network. This is particularly relevant along the Pacific Highway corridor, where existing intersections already operate under constrained conditions.

Cumulative impacts from approved, and under assessment SSDAs in the Chatswood CBD, should therefore be assessed.

It is recommended that an updated TIA be provided including:

- benchmarking and/or First Principles analysis to justify trip generation and distribution parking assumptions;
- detailed traffic analysis of the Help Street access arrangement, including right-turn queueing impacts, potential effects on the Pacific Highway / Fullers Road / Help Street intersection, and justification for retaining full movement access rather than a left-in/left-out arrangement; and
- assess the cumulative traffic impacts of approved and proposed SSDAs along the Pacific Highway corridor in the WLGA.

i) Car parking

The SSDA proposes 156 residential car parking spaces plus 3 van/car share spaces across 9 basement levels. This residential parking provision is above the minimum rate (79) and below the maximum rate (244) recommended under WDCP 2023.

Provision of parking at the minimum DCP rate would be preferred, but provision in the mid-range is acceptable.

No residential visitor, car share or retail parking has been proposed. Based on the minor non-residential landuse proposed, the provision of no non-residential car spaces may be considered. Concern is raised with the absence of visitor car spaces and car share spaces.

Concerns are also raised regarding the operational efficiency, user convenience and overall practicality of an underground car park of this scale. This is further discussed under Engineering issues.

Given the number of dwellings proposed (490), reallocation of a minimum number of residential parking spaces to residential visitor parking spaces and car share spaces should occur. To this end conditions have been included in **Attachment 2** requiring a minimum of 4 visitor car spaces and 2 car share spaces.

It is noted that some accessible parking spaces are proposed; these should be in appropriate and convenient locations including for visitors. EV-ready parking should be confirmed in accordance with WDCP 2023 provisions.

j) Walking, Cycling and Sustainable Transport

A total of 49 bicycle parking spaces are proposed for 490 residential units, which is consistent with the Willoughby DCP minimum requirements of one bicycle space per 10 dwellings. Notwithstanding this, a higher provision is recommended to support sustainable transport, potentially with a storage cage per dwelling that could be used for storage of a bicycle.

The TIA states that end-of-trip facilities are proposed on Basement Level 1 for staff of the commercial space, although it is unclear on the architectural plans where these are.

It is recommended that:

- The location of end-of-trip facilities be confirmed on the architectural plans; and
- A final Green Travel Plan be provided prior to occupation, including mode share targets, travel demand measures and monitoring.

k) Construction Traffic Management

The Transport Impact Assessment (TIA) includes a preliminary Construction Pedestrian & Traffic Management Plan (CPTMP). The preliminary CPTMP proposes construction vehicle routes via Centennial Avenue, Jenkins Street, Fullers Road, Pacific Highway and Help Street,

Expected construction vehicle activity is 20–30 vehicles per day or 4–5 vehicles per hour.

There is a no right-turn ban from Pacific Highway (northbound) into Help Street (eastbound). This necessitates alternative access for construction vehicles approaching the site from the south unless Victoria Avenue is used.

The proposed construction route via Centennial Ave then Jenkins Street does not seem feasible given the restrictions applying to Jenkins Street: load restriction prohibiting vehicles over 3 tonnes, 'No Through Traffic' signage and the narrow, one-way access arrangement south of the Jenkins Street / Western Way intersection. The route of vehicles should be determined in consultation with Council to minimise impacts.

It is recommended that further information be provided as follows:

- A final CPTMP should be prepared in consultation with Council and TfNSW and demonstrate how construction activity will be managed to minimise impacts on the surrounding road network, pedestrian and cyclist movements, and public transport operations.
- The CPTMP should identify proposed construction vehicle access arrangements, haulage routes, vehicle types and sizes, spoil removal volumes, works staging, worker parking arrangements, traffic control measures, craneage requirements, and any temporary occupation of the road reserve or footpath.
- The CPTMP should be coordinated with other development, and infrastructure works within the Chatswood CBD, especially regarding overlapping construction periods.
- A condition of consent should require the preparation, acceptance and implementation of a detailed Construction Pedestrian & Traffic Management Plan (CPTMP) prior to the commencement of any works.

I) Waste issues

In WDCP, Willoughby City Council has formally adopted the Waste Management Technical Guide and Development Controls by North Sydney Regional Organisation of Councils for multi-dwelling housing, residential flat buildings and mixed-use developments.

The technical guide provides comprehensive information to achieve best practice design and construction of waste management and recycling systems. The development controls provide specific requirements for internal waste storage facilities, individual bin storage areas, communal bin storage areas, bin carting routes, and access for collection vehicles. All major residential developments must comply with the technical guide and the specific controls for multi dwelling housing, residential flat buildings, and mixed-use buildings.

The SSDA does not satisfy the minimum requirements for waste management in the Willoughby DCP 2023 (Section 4.3.8) and Northern Sydney Regional Organisation of Councils (NSROC) 2018 Waste Management Technical Guide and Development Controls.

WDCP is clear that Council is responsible for residential waste collection. NSROC (2018) the technical guide referred to in the WDCP (Section 4.3.8) states:

NSROC 2018, Section 3.1.1, page 14

Council has legislative responsibility for providing domestic waste services, so it is essential to have a clear understanding of council's servicing requirements to ensure bin storage areas and collection points are integrated into the overall development from the initial planning stages and can be serviced efficiently and effectively by council.

NSROC 2018, Section 3.7, page 20

Check with the local Council for bin sizes and frequencies. However, that must be balanced with the number of times per week the truck must visit the site. The less truck movement the better.

Check with the local council for bins to be used and collection frequency.

NSROC 2018, Section 3.13.4, page 32, On-Site Collection

The development will be required to nominate a loading area for council's waste collection vehicle.

NSROC 2018, Section 6, page 51, Mixed use Development

Council will service the residential component of the development but is not required to service the commercial component. A private waste contractor may service the commercial part.

In addition to the DCP that clearly requires Council to collect residential waste, Council has a legislated responsibility to provide residential waste services. Furthermore, the NSW Government's own best practice guide NSW EPA 2019 notes that private waste collection should not be used as reason to override Council's design requirements.

NSW EPA, 2019, Section 2.4 pages 19-20.

The waste management systems and the location of the collection point should always be designed so that the council can provide the standard domestic waste management service for the life of the building. Some councils do not allow private contractors to service residential dwellings.

Some councils may require that as part of the waste management plan submitted with the DA, the following provisions are met:

- a statement from a waste management provider is submitted stating the proposed system is able to be serviced by a private contractor, and*
- the waste management plan states the reason why a private waste collection contractor is required for the building and information supporting this decision.*

If a private contractor is planned, the relevant council may still require that the design of the waste storage area comply with its specifications. This is because if, for any reason, the use of a private contractor stops, the council may be called on to carry out the waste collection. If this happens, council will be required to service the bins using its own collection vehicles or those of its contractor.

Council requires waste collection via heavy rigid vehicles (HRV). The vehicle turn table is not Council's preference, but may be considered in this case due to the shape of the site. In regards to the turn table, it must be designed to accommodate a HRV, and show relevant clearances in addition to the turn table diameter. Council requires clearances from AS2890.2:2018 with clarifications of:

- Vertical: at least 4.5m throughout the swept path.
- Rear: at least 2m within the collection area behind the truck parking space; an unobstructed loading zone behind the vehicle for the loading of bulk bins (660L or 1,100L) and bulky waste.
- Side: at least 0.5m on either side of the vehicle within the collection area truck parking space for driver movements and accessibility.

There is no objection to any loss of car parking, or relocation of appropriate services, to meet the above waste servicing requirements.

Section 5.4.1 of the OWMP states that *waste may be compacted and the final system selection is to be confirmed at detailed design stage*. This is not acceptable – Council will not collect compacted waste, and the size of the waste storage and collection areas must be based on uncompacted volumes, as it will not be possible to expand these areas post-approval.

It has not been demonstrated that service vehicles can safely undertake an alternative exit manoeuvre in the event of a turntable failure. The absence of a demonstrated fail-safe exit arrangement presents a servicing risk and requires further justification. Swept path analysis is required to demonstrate that all service vehicles can exit the site safely without reliance on mechanical systems and, where required, re-enter the public road network in a forward direction. This would also meet the preference of the Chatswood CBD Planning and Urban Design Strategy Strategic 2036 for physical ways of providing forward entry and exit for vehicles over mechanical means.

The current architectural drawings (Rev 3) do not show number of bins in each bin rooms. The drawing should be updated based on the number proposed in the WMP (Rev D).

The current proposal is for single chutes on each residential level. Council does not require a recycling chute and NSROC (2018) states that *current best practice is to have a chute for garbage only* (Section 5.4, p. 48). A recycling chute can be provided as a stand-alone recycling chute rather than a combined garbage and recycling chute with e-diverter. However, regardless of whether a recycling chute is provided, it is Council's requirement for the development to provide a 240L recycling bin in a waste storage cupboard, on each residential level (NSROC 2018, Section 5.5 Recycling cupboard on each floor), where all accepted residential recyclable materials can be disposed, including bulky cardboard (which is a large portion of Council's recycling) that cannot be placed down a chute due to fire safety and operational efficiency. The 240L recycling bin is also important for recycling disposal in case the recycling chute is broken.

While the OWMP (Rev D, 14/05/26, Section 5.6.3, p11) states that the bulky waste room door must be 2.5m wide, on the plans the bulky waste room door does not appear to be 2.5m wide (GA Plans Level 1 Waste & Services Rev 3). A 2.5m wide door is required in the DCP (NSROC 2018, Section 3.12).

A Charity waste / other recycling space is allocated, but not as a separate room as required in (NSROC, 2018, Section 3.12.1). This should be addressed in amended plans.

Detail is required regarding the equipment (e.g., bin tugs) to be used by caretakers or building managers to transport bins between the chute rooms and bin storage areas as required in NSROC (2018, Section 3.16 – Bin-carting Routes).

Further detail is required regarding a contingency plan to bring bins and bulky waste from the basement to the temporary holding room if the loading lift is not operational.

There is insufficient detail in the architectural plans to show compliance with the waste storage area condition requirements from Table 8 Bin Storage Area – Communal (NSROC, 2018, Section 3.10.4). This includes, but is not limited to:

- Size of the bin room(s);
- Door clearance of 2.5m;
- Aisle spaces of 1.5m; and
- Hot and cold taps indicated on the architectural plans

The Applicant must meet the requirements for onsite collection in accordance with the Willoughby DCP 2023 (e.g., NSROC, 2018, Section 3.13.4 Onsite Collection and Section 3.14 Designing for waste collection vehicle access).

It is also recommended that the proponent:

- Demonstrate compliance with Council's waste collection and servicing requirements, including adequately sized loading facilities, and swept path analysis confirming all service and waste vehicles can safely enter, manoeuvre and exit the site in accordance with Council's Waste Management Guide and relevant Australian Standards.
- Design waste storage and collection areas based on uncompacted waste volumes.
- Demonstrate a fail-safe vehicle exit arrangement that does not rely solely on mechanical systems such as turntables.

Further information is required as outlined to satisfactorily address waste requirements.

Draft conditions have been provided in **Attachment 2**, noting that these are subject to change based on the additional information to be provided.

m) Engineering issues

Parking spaces and aisle widths are not dimensioned on the architectural plans. This makes it difficult to comment on compliance with Australian Standards.

If the spaces marked "A" are intended to be accessible parking spaces they do not provide a shared zone as required by AS2890.6.

The SEARS requires consideration of the relationship of the proposal with the neighbouring site at 15 Help Street, and Council's Chatswood CBD Planning and Urban Design Strategy Strategic 2036 requires developments to provide an opportunity for vehicle access to adjoining sites, for example by connected basements. This aspect is not addressed in the documentation.

Civil documentation is limited at this stage; however, several matters will require resolution in future design iterations.

The water management plans are insufficient to confirm that stormwater has been adequately addressed. No details are provided for pumping out basement driveway runoff. The on-site detention/ rainwater tank location is different on the stormwater and architectural plans. On the stormwater plan, it would be beneath the new palm tree. This might be acceptable depending on the soil depth. There is no section or indication of the levels for the tank. No internal re-use of retained roofwater is proposed, and the daily re-use volume for irrigation alone appears to be overestimated.

The outlet pipe works in McIntosh Street will impact two street trees, Tree 7 and an unnumbered tree, resulting in their removal. This is not addressed in the arboricultural report, which recommends protection for Tree 7.

A condition is recommended that the detailed stormwater management plans be submitted to Council for approval prior to any Construction Certificate being issued.

Extensive public domain improvements will be required, including footpath construction and landscaping. Rights of public access will be required over the new footpath in the front and side setbacks. Smart poles are also a standard requirement for new development in the CBD. This would be conditioned, with the terms to be to Council's satisfaction.

The Architectural Design Statement indicates that undergrounding of power lines is not proposed. It is a standard requirement that undergrounding of services accompanies redevelopment within the Chatswood CBD, at the scale permitted under WLEP 2012 and above in response to the Housing SEPP and any rezoning applications. This would be consistent with recent, previous SSDA consents.

State Significant Development does not require a controlled activity approval from DECCW for dewatering in the same way as a development application would. The Groundwater Inflow Assessment does not state the total pumping volume in megalitres per year. Using the rate given in the geotechnical report, 50 litres per linear metre of basement, seems to give a rate of slightly over 3 megalitres per year (which is the usual trigger level for a tanked basement) for the 174 metres measured from the architectural plan. (3.19 MI). The Groundwater Inflow Assessment report does not give any guidance on whether this is acceptable or a tanked basement is required, and both reports seem to be restricted to conclusions on drawdown on neighbouring properties. The geotechnical report does foreshadow consultation with the Department and Council regarding discharge of seepage, however it would be late to switch to a tanked basement post-approval. Ultimately, this is a matter between the developer and DECCW, as Council recommends that it is addressed prior to the issue of any consent.

The geotechnical report contains the usual recommendations for excavation methods and support, vibration monitoring and dilapidation survey. Anchors may be needed, extending into the adjoining land including road reserves. Approvals for those will be required and this would be conditioned.

It is recommended that further information be provided:

- on pedestrian priority and safety at the Help Street driveway crossing;
- on operation of the proposed basement traffic signal system; and loading dock management and coordination with resident and waste collection movements.
- with dimensioned parking and circulation plans demonstrating compliance with AS/NZS 2890.1 and AS/NZS 2890.6, including parking bay dimensions, aisle widths, accessible parking provisions and associated shared zones.
- involving detailed and coordinated civil, stormwater and water management design demonstrating compliance with Council's engineering requirements, including driveway drainage collection and discharge, on-site detention, rainwater harvesting and reuse, stormwater infrastructure location and levels, street tree impacts, public domain upgrades and utility servicing.
- demonstrating consistency across all submitted documentation and minimise impacts on existing public assets and vegetation. Detailed stormwater management plans are to be submitted to Council for approval prior to the issue of any Construction Certificate.
- further assessing groundwater inflow, dewatering requirements and long-term seepage management, including confirmation of anticipated groundwater extraction volumes and justification of the proposed basement waterproofing approach.
- demonstrating that excavation, retention systems, groundwater management and any anchoring arrangements can be implemented without adverse impacts on adjoining properties or public infrastructure.
- further assessing of groundwater inflow, dewatering requirements and long-term seepage management, including confirmation of anticipated groundwater extraction volumes and justification of the proposed basement waterproofing approach.
- demonstrating that excavation, retention systems, groundwater management and any anchoring arrangements can be implemented without adverse impacts on adjoining properties or public infrastructure.

Hours of operation are required to be in accordance with Council's standard requirements. Draft engineering conditions have been included in **Attachment 2**.

n) Building sustainability

Development in the E2 Commercial Centre Zone is required to achieve a minimum 6-star GBCA building rating or the equivalent under WDCP. The expectation from Council under the CBD Strategy, which informed WDCP, was that significant uplift would be accompanied by higher sustainability standards.

The proponent and DPHI are requested to consider higher sustainability standards with the uplift proposed in this SSDA.

Council seeks for a minimum 6-star GBCA rating or the equivalent for the proposed SSDA development. Council seeks for any approval to contain conditions of consent requiring a 6-star GBCA rating or equivalent (refer to **Attachment 2**).

o) Public Art

Council is seeking a public art contribution consistent with the *Willoughby Public Art Policy*, noting that it would be Council's decision whether any public art contribution would be appropriate on-site or whether a contribution towards another location would be of greater public benefit.

Public art has been conditioned in the proposed draft conditions in **Attachment 2**.

p) Heritage

WDCP, Part L, Section 4 Chatswood CBD, 13.3.13: 815 Pacific Highway and 15 Help Street, stated:

Heritage Performance Criteria

- 1. Respect the built history of the Chatswood CBD.*

Controls

- 1. A historical record must be made of the existing building at 815 Pacific Highway recognising its contribution to the development of Chatswood CBD prior to any demolition.*

A condition requiring preparation of a photographic archival recording of 815 Pacific Highway Chatswood has been included in **Attachment 2**.