



**PLANNING AND INFRASTRUCTURE**  
Planning Unit

22 July 2024

Director Housing Delivery  
Housing Supply and Infrastructure  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022,  
Parramatta NSW 2124  
Att: Judith Elijah

Dear Judith,

Re: State Significant Development Application Number SSD-59805958  
Novus - Build to Rent: 763-769 Pacific Highway, Chatswood

I am writing to you regarding the State Significant Development Application Number SSD-59805958 at 763-769 Pacific Highway, Chatswood.

Following an initial presentation, Council provided Notes to the proponent on 7 June 2023 (**Attachment 3**). Since then Council has been approached by the proponent in regards to loading and unloading provision involving access from Albert Lane, Transport for NSW (TfNSW) land acquisition requirements on the Pacific Highway and Albert Avenue, and the Council position regarding land not required by TfNSW. Council has provided feedback to the applicant on these issues.

Council officers now appreciate the opportunity to make formal comment regarding all aspects of this SSD application, having access to all available information.

This submission is provided in recognition of the state government direction regarding the permissibility of build to rent development in the E2 Commercial Centre zone and seeks to ensure that the pursuit of additional housing above what has been already planned in the Chatswood CBD is undertaken with as little detrimental impact on the commercial core as is possible.

It is the position of Council officers that appropriate regard should still be given to the rationale behind the CBD Strategy (key elements) incorporated into WLEP 2012 and WDCP and addressed in this submission.

The Council submission is provided at **Attachment 1**. Suggested engineering conditions are also provided at **Attachment 2**.

**1) The rationale behind this submission is summarised as follows:**

**A. Consistency with Chatswood CBD strategy**

Council has undertaken significant, detailed, recent master planning of the Chatswood CBD and has implemented the controls to achieve the required growth and for the ongoing success of the precinct, ensuring future employees and

residents have access to adequate infrastructure. In June 2023, the CBD Strategy was implemented into *Willoughby Local Environmental Plan 2012* (WLEP 2012) and *Willoughby Development Control Plan* (WDCP). The CBD Strategy and the subsequent planning proposals and development applications have involved substantial community participation and achieved strong community support. The ad hoc implementation of generic changes that potential undermine that site specific work are of significant concern to our community. Concern is raised with a state government development (SSD) minimising this considered and established approach, without meaningful Council and community participation, having adequate regard to established expectations, the nuances of a site or local government area and reducing community faith in the planning system.

**B. Balancing Council and State government expectations**

Council recognises State government is the consent authority and is seeking the State government's support in requiring compliance with Council's controls. Meaningful incorporation of Council's and the community's vision for the site, being part of the Chatswood CBD and addressed in the CBD Strategy, WLEP 2012 and WDCP, is requested as outlined in this submission.

**C. Design Excellence**

Council officers are of the opinion development on this site can meet the requirements for design excellence while still providing appropriate regard to vision of the CBD Strategy, WLEP and WDCP; this is raised in greater detail in this submission.

**2) The amendments requested are summarised as follows:**

**A. Built form, slender towers and setbacks**

Amendments are sought to increase tower setbacks facing Pacific Highway (minimum 10m with no intrusions) and 481 Pacific Highway (minimum 4.5m with no intrusions), and more effectively address the vision for slender towers in the CBD (primarily, in this case, the presentation to the west). While the remaining setbacks are not all as expected in the CBD Strategy and WDCP, provided the issues above are addressed, these remaining variations could be supported. Although the Chatswood CBD does extend to part of the western side of the Pacific Highway, opposite the E2 Commercial Centre zone, significant increases in height and floor space (in accordance with the CBD Strategy and WLEP 2012) have been restricted to the eastern side. This means that the eastern side of the Pacific Highway is effectively the built form boundary of the CBD and presents in a highly visible manner to the west. This visibility, and importance of the built form in this location, is magnified by the Pacific Highway acting as a major state road leading towards the Sydney CBD and being on a ridgeline, which falls away to the west.

**B. Inadequate heritage response involving 767 Pacific Highway**

The existing façade of the heritage listed Chatswood Fire Station should be more effectively incorporated within the proposed podium of the development. Council is prepared to consider more effective and meaningful solutions for this local heritage item, which is in a highly visible location, both on a state road and on a gateway site into Chatswood CBD. Any work at the subject site should be consistent with the recommended management in the State Heritage Inventory listing sheet.

**C. Road widening on Pacific Highway and Albert Avenue**

Council supports TfNSW road widening on the Pacific Highway and Albert Avenue as shown on the WLEP 2012 Land Reservation Acquisition (LRA) Map relating to this site. If the TfNSW requirements are to be reduced, it is requested that the full areas identified in WLEP 2012 (being approximately 1.2m on the Pacific Highway and 1.5m on Albert Avenue) be provided as dedicated road reserve in order to ensure an appropriate public domain outcome - similar to the opposite side of Albert Avenue facing 763 Pacific Highway. For the purpose of clarity, the required setbacks outside of the TfNSW road widening, and dedicated road reserve, is requested to be subject to public rights of way (consistent with the approach to ground level setbacks in WDCP Part L).

**D. A Green Chatswood CBD**

Council's vision for the Pacific Highway, through the CBD Strategy and WDCP, is for a more positive and balanced relationship than the existing between the built environment, the state significant transport route, active transport and the natural environment, noting that this site is a key component of the western boundary of the Chatswood CBD and a major entry point to the CBD.

In addition to the requirement for a share path to promote active transport, the remainder of the 4m front setback with the Pacific Highway property boundary is to be green landscaped (and subject to public access via rights of way). Hard paving is to be minimised in this setback and deep soil planting is to be provided. In particular, a green gateway into and out of Chatswood via Albert Avenue is sought, with significant green planting provided (within the site) close to this corner (on 763 Pacific Highway).

**3) Requested additional information, clarification or technical matters is summarised as follows:**

**A. Public Realm embellishment**

Ground level public realm embellishment is expected in the CBD Strategy and WDCP to manage the significant increases in height and floor space. In this regard the proposed public realm embellishment (including to Albert Lane), is supported, subject provision as discussed in this submission.

**B. Engineering comments relating to Pacific Highway Albert Avenue frontages**

A variety of requirements are put forward, including the treatment of the Pacific Highway and Albert Avenue, to meet expected standards.

**C. Engineering comments on vehicle access and parking, stormwater management, public domain and infrastructure**

Due to site constraints, loading and unloading involving heavy rigid vehicles (including HRV waste provision) is prepared to be accepted at ground level, provided all loading occurs on site and not on any part of Albert Lane – ensuring an unobstructed Albert Lane at any time. Any other loading activities involving smaller vehicles is required to occur within basement levels.

The application inadequately addresses storm water, public domain and infrastructure issues and mitigation works should be provided for in any approval.

**D. Waste provision**

A variety of requirements are put forward to satisfactorily address expected standards.

**E. Updated documentation**

All plans identifying property boundaries should where relevant, clearly identify the adjusted property boundary after land acquisition by TfNSW.

Should you have any question in regards this letter and the attached, please contact Craig O'Brien – Acting Team Leader Strategic Planning on (02) 9777 7647.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dyalan Govender', written in a cursive style.

Dyalan Govender  
Acting Head of Planning