



PLANNING AND INFRASTRUCTURE

Planning Unit

2 June 2025

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-63324208
Novus - Build to Rent: 410-416 Victoria Avenue, Chatswood

I am writing to you regarding the State Significant Development Application Number SSD-63324208 at 410-416 Victoria Avenue, Chatswood; Council's submission is attached.

The project is a State Significant Development (SSD) pursuant to Section 27 of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). The SSDA seeks to use Build-to-rent housing provisions contained in the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), which makes Build-to-rent development permissible in the E2 Commercial Centre zone with consent.

The SSDA includes:

- Shop top development involving Build-to-rent.
- 2 storey podium to Victoria Avenue, 6 storey podium to Victor Street and Post Office lane with tower above (total height 46 storeys, RL 246.8m)
- Floor space ratio of 17.6:1
- A total Gross Floor Area of 18,475m² involving:
 - Residential: 16,318m²
 - Residential amenity: 1,047m²
 - Retail: 1,110m²
- Tower floor plate size: 389 / 390m²
- 94% residential related floor space, 6% non-residential floor space
- 260 Build-to-rent apartments, made up of 115 studios, 79 x 1 bed, 63 x 2 bed, 3 x 3 bed units.
- 3 basement levels containing car parking and services
- 9 car share spaces in basement levels accessed via Post Office Lane
- Loading at ground level accessed via Post Office Lane

Council retains a number of reservations with respect to the permissibility of Build-to-rent development in the E2 Commercial Centre zone under the Housing SEPP and applicability to the Chatswood CBD, noting the significant housing provided in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy), which became part of

WLEP 2012 Amendment 34 (30 June 2023); notwithstanding, the concerns provided in this letter and attachments respond to the SEPP that is now in force.

The following is provided in this submission:

- 1) Council's submission is provided in **Attachment 1**.
- 2) Council's response to the proponent's request for feedback prior to lodgement of the SSDA in **Attachment 2**.
- 3) Council's requested consent conditions in **Attachment 3**.

Council's submission in **Attachment 1** is summarised as follows:

1. Construction management required for uniquely sensitive site conditions

Chatswood Mall to the north of the site is a fully pedestrianised area. Victor Street to the west of the site is a shared zone characterised by significant pedestrian activity, and Post Office Lane to the south of the site is a pedestrian priority shared zone. Each is highly pedestrianised, with over 14,000 pedestrian movement on Post Office Lane alone, and significantly more in the Mall. The Mall is also used throughout the year for community events including the weekly Chatswood Mall Markets. Should the application be approved, it is critical that this significant community asset is managed and maintained throughout the construction phase and the disruption to community events and the functionality of the mall is minimised.

In light of the unique functional needs of the mall, the Economic Impact Study and the Transport Accessibility Impact Statement should be updated to address these needs. The application should address:

- Minimisation of the impact of the construction period on the Chatswood Mall Markets.
- Mitigation measures to be undertaken during the construction period to ensure pedestrian safety in Chatswood Mall, Victor Street and Post Office Lane and to maintain wayfinding to and from the metro station.
- Key infrastructure items to be retained or replaced, including public motorbike parking, adjacent electricity infrastructure, and fire egress routes/access utilising Post Office Lane.

2. Overdevelopment of the site

The proposed development is excessive in bulk and scale. The proposed building envelope is too excessive and situated on an undersized lot that does not meet the minimum lot size requirement. The excessive building envelope and its undersized lot is the primary cause of non-compliances with LEP and DCP controls and objectives, resulting in the following substandard outcomes:

- Non-compliant tower setbacks to all boundaries and a nil setback to the western boundary that will prevent the provision of an appropriate setback to any future development to the neighbouring site to the west. This will result in an excessively bulky form when the neighbouring site is developed reducing amenity to the surrounding sites, including Chatswood Mall, and resulting in a sub-optimal outcome with respect to the future Chatswood skyline.
- The size of the building footprint, despite its non-compliance with the minimum lot size, results in intensification beyond what can be accommodated by the proposed basement, resulting in insufficient waste servicing facilities on site, and exacerbating vehicle-pedestrian conflicts.

- Inadequate space for landscaping and greening for the public realm, particularly the frontages to Victor Street and Post Office Lane.
- The proposed development in its current form will increase traffic movement within Post Office Lane.

Council requests significant redesign to address the above.

3. Minimum lot size

The subject site is 1,050m² which is below the minimum lot sizes for commercial and mixed use development in the Chatswood CBD under clause 6.16 of the WLEP 2012. In the E2 zone, the minimum lot size is 1,800m² for commercial or non-residential development – noting that residential or mixed use is not permissible. In the MU1 Mixed zone, the minimum lot size is 1,200m² for mixed use development.

SSDAs proposing Build-to-rent development in the E2 zone should be consistent with the minimum lot size of permissible development in the E2 zone. If variation to the minimum lot size is considered reasonable, it should only be in instances where good architectural and urban design outcomes are achieved, including sufficient tower setbacks, landscaping, appropriate vehicle access, and an enhanced public realm.

4. Tower setbacks

The CBD Strategy, WLEP 2012 and the WDCP establish an expected future built form for redevelopment in the Chatswood CBD. The controls for the subject site does not have ground level setbacks, reflective of its location in the commercial centre of the CBD, however it does have specified tower setbacks depending on height. Presentation to the north is crucial in this case, due to the importance of Chatswood Mall as a high amenity, highly trafficked, public open space, critical to the function and amenity of the wider CBD.

It is Council's view that a smaller floorplate should be proposed to ensure the impacts of the previously mentioned overdevelopment issues are minimised. A tower setback is required to the western boundary (no tower setback is proposed).

5. Height of building

The proposed RL 246.8m height would be supportable in the absence of associated issues. As noted, the proposed development would result in a range of unacceptable impacts, and therefore, consideration should be given to a reduced height, if other options for redesign cannot address these impacts.

6. Floor space ratio

The SSDA seeks a floor space ratio (FSR) of 17.6:1. As noted above, Council considers the proposal to be an overdevelopment of the site, particularly given that it has not been amalgamated as was envisioned when establishing the relevant controls. In order to address the impacts of the proposal it would be expected that a lower floor space ratio results.

7. Vehicle access and appropriate loading/unloading arrangements

Council officers do not support vehicle access and the unloading/loading space off Post Office Lane.

Post Office Lane experiences up to 14,000 pedestrians a day. It is also used for servicing vehicles for surrounding properties and an emergency access route for the residential towers above the station. Council officers seek a solution for the pedestrianisation of Post Office Lane to significantly improve pedestrian access and safety, whilst ensuring vehicle access is maintained to surrounding properties.

8. Design Excellence

The Design Excellence Process does not comprise of a detailed assessment against the planning controls and does not presuppose that the application warrants approval. Noting the specific role of the Design Excellence Process, Council officers request that appropriate consideration for the key planning issues raised in this submission and that significant redesign occur incorporating the comment provided by the Design Excellence Panel

9. Inadequate provision of non-residential floor space

The SSDA proposes 94% residential floor space and 6% non-residential floor space over the whole development. This is not consistent with the land use mix Council has planned for either the E2 or MU1 zones within the Chatswood CBD.

The WLEP 2012 requirement for a minimum non-residential floor space of 17% should be required in Build-to-rent development, noting that Council planning controls permit non-residential land uses within the tower form, not just in the podium.

The SSDA is requested to be amended to comply with this requirement, which is critical to ensuring the precinct meets its employment targets and continues to function as a mixed-use centre.

10. Landscaping and greening of the site

The current proposal includes high-level concept plans for public domain upgrades associated with the redevelopment of the site. Council would support conditions of consent requiring upgrades to Council's satisfaction; Council would be seeking significant refinement and redesign noting that the concepts do not adequately address both the need for landscaping and greening and the function of these public domain areas.

11. Affordable housing

The introduction of Build-to-rent is a significant change to the permissible land uses on the site and this should be accompanied by a requirement to provide affordable housing, as is consistent with the LEP requirements for residential development elsewhere in the Chatswood CBD.

12. Infrastructure provision

Council anticipates the full payment of applicable local contributions and welcomes the opportunity to confirm the requirements under the local contributions plan prior to the finalisation of any relevant conditions, should the issues identified be sufficiently resolved for the application to proceed to the drafting of a consent.

13. Public art

No public art or contribution is proposed.

Council is seeking public art 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. This decision would be made having regard to the details of any offer made.

14. Building sustainability

The SSDA has not provided certainty regarding the expected minimum 6 star GBCA rating or the equivalent as the minimum sustainable building outcome for this site.

Council seeks a clear commitment, consistent with exhibited WDCP amendment (soon to be finalised), for a 6 star GBCA rating or the equivalent for the proposed SSDA redevelopment. Furthermore, Council seeks for any approval to be conditioned in this regard.

15. Waste disposal

The proposed development does not provide acceptable arrangements for waste disposal. Council does not support the collection of residential waste from a private operator. Vehicle access from Post Office Lane and the location of the turntable does not provide the ability for a Heavy Rigid Vehicle (HRV) to enter and collect waste from the site. The loading dock is not capable of providing a safe and practical arrangement for waste collection vehicles. There are a number of issues regarding the waste storage areas, location of waste chutes, and requested amendments to the construction and demolition waste plan.

16. Requested further amendments and information

The attached submission includes comments requesting amendments and or/further information pertaining to open space, engineering and waste matters. In particular amendments are required related to engineering comments. Conditions are provided at **Attachment 3**.

17. Missing information

The following information has been identified in the proponent's Environmental Impact Statement but has not been made available as part of the exhibition:

- Appendix M – Estimated Development Cost Report, prepared by WT Partnership.
- Appendix S – Legal advice prepared by Addisons regarding Clause 6.16 of the WLEP regarding minimum lot size.

Exhibition should include all information.

Should you have any question in regards this letter and the attached, please contact Christopher Nguyen – Strategic Planner on (02) 9777 7646.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dyalan Govender', with a stylized, cursive script.

Dyalan Govender
Acting Head of Planning