



## PLANNING AND INFRASTRUCTURE

Planning Unit

8 July 2025

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

Dear Adam,

Re: State Significant Development Application Number SSD-77127711  
Mixed-use development with in-fill affordable housing  
691-699 Pacific Highway, Chatswood

I am writing to you regarding the State Significant Development Application Number SSD-77127711 at 691-699 Pacific Highway, Chatswood.

The project is a State Significant Development (SSD) pursuant to Section 26A of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). The SSDA seeks to use infill affordable housing incentives inserted into the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) in December 2023, enabling the maximum permissible floor space ratio and building height under *Willoughby Local Environmental Plan* (WLEP 2012) to be increased by 30% if the affordable housing component is at least 15% of the gross floor area (GFA) of the development.

The SSDA includes:

- Shop top development, comprising a two storey podium and tower above.
- Height of 117m (34 storeys, RL 212.2m)
- Floor space ratio of 7.8:1
- A total Gross Floor Area of 14,122.68m<sup>2</sup> involving:
  - Residential: 12,275.88m<sup>2</sup> including:
    - 2,119m<sup>2</sup> of infill affordable housing (15%) for 15 years
  - Non-residential: 1,846.8m<sup>2</sup> (13%) over three levels
- 101 residential apartments, including 27 in-fill affordable housing units.
- Equivalent to 1,227.6m<sup>2</sup> to be provided to Council as a monetary contribution based on WLEP 2012 Clause 6.8 Affordable Housing.
- 179 car parking spaces in basement levels accessed via Pacific Highway.
- Loading and waste collection at ground level accessed via Pacific Highway.

Council retains a number of reservations with respect to the infill affordable housing incentives inserted into the Housing SEPP in December 2023 and their 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.

DA 2023/166 for the demolition of existing structures and construction of a 27 storey residential building was the subject of an appeal with the Land and Environment Court (LEC) that was upheld on 19 February 2025 subject to conditions. The particulars of this matter have been noted, however the subject SSDA represents a new application proposing increased density and this submission has been written on that basis.

This exhibition represents the first comprehensive review opportunity for Council.

The Council submission is provided below, with additional comments provided in **Attachment 1** and proposed conditions provided in **Attachment 2**. The proposed conditions are not definitive and amendments or other conditions may be required reflecting the Council submission and concerns of the consent authority.

## **1. Local infrastructure impacts**

Having regard to the *In-fill Affordable Housing Practice Note*, it is noted that in-fill affordable housing bonuses do not override any LEP height or floor space ratio (FSR) controls. Council acknowledges that the proposal will be delivering through site links, improved activation of the ground plane and building separation. Notwithstanding this, when Council recently increased the maximum heights and FSR's for the site and surrounding precinct, it was done considering the amenity and built form implications as well as the available local infrastructure required to support the future population. There are local constraints relating to traffic, open space and community facilities.

While some additional height on the site can be accommodated from the perspective of the built form, and the improved ground plane amenity and activation, approving increased density to the full possible bonus will likely create issues with respect to demand on local open space and local traffic (see issues relating to car parking below).

## **2. Excessive car parking spaces**

Council seeks an approach to car parking in the Chatswood CBD that aligns with the significant and successful investment in the Metro, rather than default provisions that apply more broadly across NSW or outside metropolitan transport precincts.

In considering this SSDA, Council requests that emphasis be placed on the planning document that prescribes the lowest applicable car parking rate within the Chatswood CBD railway precinct—namely, the *Willoughby Development Control Plan* (WDCP), Part F: Transport and Parking Management. Strategic planning and traffic modelling for the Chatswood CBD are based on the enforcement of low parking rates to encourage a shift away from car use and to support the substantial public investment in the Chatswood Metro and other transport infrastructure.

The proposed number of residential car spaces is 179. This significantly exceeds the maximum residential car space rate of between 50 and 82 (depending on the non-residential landuse) in Council's WDCP. The SSDA is requested to be amended to have car parking consistent with the location's exceptional access to transit and WDCP car parking rates. Appropriate car parking rates or total should be conditioned in any approval.

Council's car parking rates were established in line with the existing densities accorded under Council's recently increased height and FSR in order to manage the impacts on the Pacific Highway. Excessive car parking rates in this location undermine efforts to deliver the required load shift to ensure the ongoing operation of the local road network and the Pacific Highway. Reductions in car parking also provide opportunities to decrease basement size and increase deep soil green planting. It is requested that this positive outcome be further explored. This is further discussed in the landscaping section.

### **3. Infrastructure contributions**

Council anticipates the full payment of applicable s7.11 or s7.12 local contributions and welcomes the opportunity to confirm the requirements under *Willoughby Local Contributions Plan 2019* prior to the finalisation of any relevant conditions, should the application proceed to the drafting of a consent. Infrastructure contribution conditions are provided in **Attachment 2**.

### **4. Green landscaping**

#### **a) Proposed reduction in Level 1 and Level 2 podium green landscaping to north eastern and eastern boundary**

In regards changes from the LEC approved DA plans to the proposed SSDA, there is reduced Level 1 and Level 2 podium green landscaping to the eastern boundary (where a pedestrian public right of way is to be provided on the subject site).

The provision of green landscaping at podium levels 1 and 2 (with particular regard to the more impacted Level 1) is considered important in achieving sympathetic integration between the proposed SSDA development and the proposed public right of way, Council owned key public space and Chatswood Bowling Club to the east. The site is also visible across the key public space to the Frank Channon Walk. At a minimum, a similar quantum of green landscaping, located adjacent the eastern podium of Levels 1 and 2 as they face towards the east, should be provided to provide a meaningful green presence that will be visible.

The SSDA has reduced landscaping to the Northeast corner at level 1 and 2. The addition of a pool on level 2 and replacing planted landscaping with a balcony in front of the commercial space on level 1 reduces the greening of the podium structure to the corner. This has increased the importance of appropriate green landscaping provision facing east.

b) Obstacles within publicly accessible through site links

Publicly accessible through site links are an expected accompaniment for development responding to WLEP 2012 and the density permitted to provide much needed public benefit by facilitating increased pedestrian movement within the CBD. The SSDA proposes a shared path with public right of way on the Pacific Highway frontage, a publicly accessible through site link along the northern boundary, connecting the Pacific Highway and the publicly accessible through site link along the eastern (rear) boundary.

With regards to the publicly accessible through site link along the northern boundary, there are inconsistencies between what is shown on the architectural plan and the landscape plan (Landscape Masterplan – Ground Floor, Revision C, dated 24.01.2025, prepared by Habit8), regarding obstacles in the form of outdoor seating.

Council acknowledges some outdoor dining may be beneficial to the activation of the adjacent through site links, however the balance between outdoor dining and space for pedestrian movement provided in the architectural plans is not considered acceptable as it is unlikely to create sufficient pedestrian space and is likely to create conflict and discourage public use. Any plans to be approved are requested to provide minimal outdoor seating similar to the landscape plan (as abovementioned), which provides outdoor seating towards the rear of the through site link where the proposed development steps in and the width is greater (north east corner of the site). This would continue to invite and encourage public use, and not compromise the primary movement functionality, while permitting outdoor seating in an appropriate location.

All other obstacles in any proposed on-site right of way are to be minimised to facilitate public access and movement. Rights of way and registration are addressed in proposed conditions in **Attachment 2**.

c) Other landscaping concerns

- As noted above in the car parking section, reduction in car parking provides opportunities to decrease basement size and increase deep soil green planting. It is noted that the deep soil areas currently proposed involve substantial hard paved areas, which do not allow green planting. Embellishment of green planting would represent a positive outcome consistent with the CBD Strategy and WDCP, Part L: Place Based Plans, 4. Chatswood CBD
- There is limited greenery at the ground level to the eastern boundary, with a reliance on the adjoining site to provide greening and large canopy trees. Opportunities should be explored to increase green landscaping close to the eastern boundary.
- A large portion of the landscape area on level 2 to the Western (Pacific Highway) side has a depth of less than 200mm, and therefore will only sustain planting of minimal height. A soil depth of 600mm minimum is required for inclusion in any landscape area calculations under the DCP.
- The plans indicate permeable paving to be used within the through site link. The landscape plan graphically shows the permeable paving as a “turf grid” style paving. This type of paving is not considered suitable for public access pathway on the through site link. Details of the proposed paving type have not been provided. The paving details should be provided and approved by Council for use in the through site link pathway.

## **5. Encroachment of building works over eastern boundary with key public space Council land**

Paving and steps are shown going beyond the eastern boundary, crossing into the key public space tennis and croquet precinct.

Council has not given its consent to any work beyond the boundary of 691-699 Pacific Highway. All work regarding the subject development should be within the property boundaries. Any encroachment should be deleted from plans.

## **6. Building sustainability**

The SSDA proposes to achieve at least a 4 Star Green Star Buildings rating.

Council exhibited amendments to the WDCP between 17 March to 22 May 2025. It was resolved to support these amendments at the Council Meeting of 23 June 2025. With regard to sustainability, these proposed amendments provide clarity on Council expectations regarding sustainability standards for new development across the Chatswood CBD. Development in the MU1 Mixed Use Zone is required to achieve a minimum 5 star GBCA building rating.

Council seeks a clear commitment consistent with WDCP as amended for a minimum 5 star GBCA rating or the equivalent for the proposed SSDA development. Council seeks for any approval to contain conditions of consent requiring a 5 star GBCA rating or equivalent.

## **7. Non-residential floor space**

The SSDA proposes 13% non-residential floor space over the whole proposed development. In Council's view, 17% non-residential minimum floor space requirement is entirely achievable, noting that Council planning controls permit non-residential uses within the tower form and 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.

## **8. Public art**

In Council's view, the SSDA does not provide a public art contribution consistent with the *Willoughby Public Art Policy*. Council is seeking a public art component consistent with aforementioned 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, and should be conditioned in any approval. The public art condition from the LEC approval is proposed in **Attachment 2**.

## **9. Isolation of neighbouring property at 689 Pacific Highway**

WDCP, Part L: Place Based Plans, 4 Chatswood CBD, 4.2 Performance Criteria, stated that proposed development in Chatswood CBD should involve amalgamated sites for optimum development outcomes. To this end, WDCP, Part L: Place Based Plans, 13.1.17 Precinct applying to the eastern side of Pacific Highway, between Gordon Avenue and Ellis Street, Chatswood (being 641-653, 655A, 689, 691-693, 695, 699, 701-705 and 745 Pacific Highway) provided guidelines for future development with particular regard to the subdivision pattern (including the amalgamation of 689, 691-693, 695, 699 Pacific Highway), provision of through site links and minimisation of traffic impacts.

In terms of the land making up the site, the SSDA does not include 689 Pacific Highway, being approximately 647m<sup>2</sup>.

During consideration of the LEC approved development application, it is understood that written evidence was provided that reasonable attempts were made to the owner/s of 689 Pacific Highway for it to amalgamate with 691-699 Pacific Highway, and that the owner/s of 689 Pacific Highway were not interested.

Noting that this SSD is a new application, and following on from the LEC approval at 691-699 Pacific Highway, it is considered reasonable for the proponent to provide updated written evidence that attempts have again been made to the owner/s of 689 Pacific Highway regarding possible amalgamation with 691-699 Pacific Highway, as part of this application process.

## **10. Design Excellence Process**

Noting the role of the design excellence process, Council officers request that appropriate regard be given by the consent authority (DPHI) to the issues raised in this submission.

The Bridging Design Excellence Strategy states that the proposal, following consideration by the Design Integrity Panel (DIP), has the potential to achieve design excellence. However, the design excellence process does not represent a fulsome assessment against the planning controls and does not presuppose that the application warrants approval. The advice provided by the DIP does not fetter the discretion of the consent authority in assessing impacts

Subsequent to the design excellence process, a comprehensive assessment has been undertaken having regard to the CBD Strategy, WLEP and WDCP (Part L: Place Based Plans), covering issues including local infrastructure impacts, car parking rates, infrastructure contributions, landscaping, encroachment, building sustainability, non-residential floor space, as well as engineering and waste matters. Amendments are requested as discussed in this submission, as well as the provision of additional information.

## 11. Consent conditions from LEC approval

Subject to this submission and **Attachments 1 and 2** (and any required amendments therein), it is considered that the conditions from Land and Environment Court of NSW, Case Number 2024/00046467, should be used if DPHI is to approve the subject SSDA. A number of these conditions (but not all), have been included in the conditions contained in **Attachment 2**. A small number of these conditions have been amended to reflect the new SSDA being considered.

## 12. Flooding, stormwater and technical car parking issues

**Attachment 1** contains engineering comments pertaining to flooding, stormwater, vehicle access and technical parking issues. If DPHI is to approve the subject SSDA, engineering conditions are provided at **Attachment 2**.

## 13. Waste management issues

**Attachment 1** contains waste comments to ensure waste management meets the requirements of the *Waste Management Technical Guide and Development Controls* by Northern Sydney Regional Organisation of Councils (NSROC). If DPHI is to approve the subject SSDA, waste conditions are provided at **Attachment 2**.

## 14. Affordable housing

It is Council's preference that built affordable housing units be provided to Council in perpetuity. Comments are provided in **Attachment 1**. If DPHI is to approve the subject SSDA, affordable housing conditions are provided at **Attachment 2**. Having regard to the infill affordable housing proposed, it is requested that the proponent and DPHI address the *Community Housing Providers (Adoption of National Law) Amendment Bill 2025*, which has been introduced to NSW Parliament 3 June 2025.

Should you have any question in regards this letter and **Attachment 1 and 2**, please contact Craig O'Brien – Acting Team Leader Strategic Planning on (02) 9777 7647.

Yours sincerely,



Dyalan Govender  
Acting Head of Planning