



PLANNING AND INFRASTRUCTURE

Planning Unit

10 June 2025

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

Dear Ryan,

Re: State Significant Development Application Number SSD-85024458
Mixed use development: 61A-65 Albert Avenue, Chatswood (Mandarin Centre)
Request for SEARs

I am writing to you regarding the State Significant Development Application SSD-85024458 at 61A-65 Albert Avenue, Chatswood (Mandarin Centre).

The Department of Planning, Housing and Infrastructure (DPHI) has received a request for *Secretary's Environmental Assessment Requirements* (SEARs) for 61A-65 Albert Avenue, Chatswood (Mandarin Centre), for a mixed use development.

This project was declared as SSD by the Minister on 26 February 2025 (State Significant Development Declaration Order 2025) (No 2). The Minister (or Delegate) is the consent authority that will formally determine the SSDA.

The SSDA proposes the following:

- Demolition of the existing building on the site.
- Construction of a 46 storey mixed use tower (RL 246.8m), including:
 - Single residential tower containing 300 apartments (inclusive of 30 affordable housing units).
 - Retail podium, comprising approximately 10,000m² of commercial floor space.
 - Approximately 550 car parking spaces across five (5) basement levels.
- Floor space ratio of 14.19:1
- A total Gross Floor Area of 50,000m² involving:
 - Residential: 40,000m²
 - Retail: 10,000m²
- 80% residential related floor space, 20% non-residential floor space

In addition, a Planning Proposal will be lodged concurrently with the SSDA to amend the WLEP to facilitate the development by:

- Delete clause 6.24(3) of the WLEP removing the current FSR restriction on shop top housing.

- Delete clause 6.24(4) to remove the prohibition of 'serviced apartments' on the site (noting this clause is redundant given the overall prohibition of 'serviced apartments' in the E2 Commercial Centre zone).
- Amend the 'Height of Buildings Map' referenced in clause 4.3 of the WLEP to specify a maximum building height of RL 246.8m.
- Amend the 'Floor Space Ratio Map' referenced in clause 4.4 of the WLEP to remove a maximum FSR from the site.
- Insert a new clause within 6.24 that states despite clause 6.15(2) Sun Access of the WLEP, development consent may be granted to development on the land, providing it results in no additional overshadowing to the Chatswood Oval between 12:15pm – 2pm at mid-winter.

Council officers appreciate the opportunity to have input into the SEARs for the proposal.

According to the Housing Delivery Authority's Terms of Reference, *"The new State Rezoning process will enable a concurrent planning proposal to enable an SSD to be determined such as to facilitate proposed densities or land use permissibility."*

Referring to the *State Significant Rezoning Policy* (September 2024), *"this pathway applies where there is a strategic imperative for State intervention. This is often where sites are large or at precinct scale, where there are State significant issues which are complex and best managed by the department, where the proposal is time sensitive (such as rezoning required to coincide with the delivery of a major transit station), and work is ready to commence."*

It is unclear how the site in question meets the relevant criteria established for the process, nor does Council consider the proposed rezoning to possess sufficient strategic merit to proceed. In particular, there is a significant deficit of public recreation space and community facilities to support the anticipated population. The site and its immediate surrounds already have capacity for significant residential development following recent rezonings, and this additional capacity is not planned for and is not supported by available infrastructure. Furthermore, the proposal seeks to reduce the amenity of the existing open space at Chatswood Oval, which is already under pressure from the growing population.

The current zoning was established recently in 2021, in full understanding of the capacity for residential available in the area and in understanding of the additional residential capacity planned in the immediate surrounds. There has been no additional infrastructure offered or delivered that would unlock additional capacity on this site.

Council is opposed to the proposal and recommends a SEARs not be issued based on the issues outlined in this submission.

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

1. Overdevelopment of the site

The existing maximum height limits for the site are RL 172.15m for the western half and RL 192.90m for the eastern half of the site. The subject SSDA requests a further increase in maximum height to RL 246.8m across the entire site and no maximum floor space ratio for the site. This represents an increase of the current height limit by 27.94%.

This proposed increase in height and floor space ratio is a significant and unnecessary increase in bulk and scale for the site. The introduction of split height controls and the provision to prohibit further overshadowing of Chatswood Oval

during winter was an intentional outcome by DPHI to ensure the built form does not lead to further overshadowing of Chatswood Oval.

The proposed increase in maximum height and floor space ratio is inconsistent with the permitted density allowance in the *Chatswood CBD Strategy* and is not considered necessary for a development on the site to be feasible.

2. Overshadowing of Chatswood Oval

The proposal seeks the addition of a site-specific provision under clause 6.24 of the WLEP restricting additional overshadowing to Chatswood Oval between 12:15pm – 2pm mid-winter (in lieu of the current 11am control which applies under clause 6.15).

Council objects in the strongest terms to the proposed provision and any further increase in overshadowing of Chatswood Oval during winter.

Chatswood Oval is a vital community asset utilised for casual and organised recreation. Its impact on the quality of life for the community of Willoughby and the greater local government area cannot be underestimated, particularly in light of the significant residential growth occurring in its immediate surrounds following recent up-zoning that have already sought to maximise density commensurate with the available capacity of the oval and other supporting infrastructure. Chatswood Oval is the only significant green open space within walking distance from the core of the Chatswood CBD. Maintaining solar access to Chatswood Oval is vital to promoting physical activity, social interaction and overall wellbeing.

A review of the proponent's shadow analysis is provided in **Attachment 1**.

3. Residential development in the commercial core

Following extensive assessment and consultation with the proponent and the DPHI, the most recent Planning Proposal was approved on the basis of a 30% residential floor space allocation. This was intended to support the long-term growth of the Chatswood CBD by ensuring adequate provision for employment-generating uses, including commercial and retail services. The current SSDA however, proposes an 80% residential floor space allocation—a significant departure from the previously endorsed limit by DPHI. This substantial increase is considered detrimental to the role of the Chatswood CBD as a commercial centre and to the retention of employment lands. Council strongly opposes any further increase to the residential floor space allowance.

While it is acknowledged there is greater demand currently for residential land uses than commercial floor space, the current controls already provide for significant residential capacity both on this site and in the immediate surrounds. Commercial land uses will be required in the future to service not just the local residents but also to service residents within the wider catchment facilitated by the metro station.

Further, employees have a different demand profile with respect to local and regional infrastructure. Replacing employees on the site with additional residents will have a significant impact on supporting infrastructure which is already under stress from existing growth and future capacity.

4. Affordable housing

For any approval of residential development on this site, Council seeks an affordable housing contribution of 10% be provided in perpetuity. This is consistent with the WLEP and CBD Strategy, which stipulates a 10% affordable housing contribution for mixed-use development in the Chatswood CBD.

5. Infrastructure contribution payments

Council anticipates the full payment of applicable local contributions and welcomes the opportunity to confirm the requirements under the *Willoughby Local Contributions Plan 2019* prior to the finalisation of any relevant conditions, should the application proceed to the drafting of a consent. However, it is noted that the local infrastructure contributions applicable do not provide for to the anticipated density proposed on the site; the open space and community facilities required to support the additional density arising from this proposal cannot be adequately addressed under the existing local contributions arrangements. Any proposed rezoning must address how the proposal will maintain appropriate access to open space and community facilities noting existing facilities are not sufficient to support the additional, un-planned growth proposed.

6. Provision of public infrastructure

The proposed uplift in residential dwellings within this part of the Chatswood CBD lacks strategic merit. 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 LGA, 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, high utilisation, and insufficient mechanisms to fund or deliver new infrastructure, particularly in high-density centres.

Releasing additional capacity on this site without providing additional infrastructure, such as open space, recreation facilities, or community facilities, to support the additional growth does not improve housing provision, but rather undermines its quality without providing a meaningful increase to supply in light of the substantial capacity already available and in the development pipeline in this area. It is also noted that the site has sub-optimal connection to the metro station and there is a significant opportunity for improved activation of the ground plane, greater permeability and ease of access to the metro station and surrounding public spaces.

7. Design Excellence Process

Council maintains that a competitive design process is mandatory for the proposal under clause 6.23 of the WLEP 2012 and the Willoughby Design Excellence Strategy. Council does not consider the exemption provisions under clause 6.23(8) to be satisfied. The *Willoughby Design Excellence Strategy* further reinforces the need for such a process to ensure high-quality, innovative, and contextually appropriate design outcomes in strategic centres like the Chatswood CBD. Waiving the requirement would undermine the integrity of the planning framework and set a poor precedent. This will be a prominent development in the Chatswood CBD skyline and a competitive design process is considered necessary and reasonable.

The site is on a block that will see multiple surrounding sites redevelop in the future; it is critical that the resultant built form on this site works in concert with the

neighbouring sites to ensure the amenity of future residents, employees, and users of the surrounding public spaces. A detailed urban design analysis showing the site's relationship to the surrounding future built form is recommended to facilitate the design competition process and the assessment of this proposal.

8. Building setback requirements

The concept plan indicates that the proposal does not comply with the setbacks for this site in the WDCP. It is Council's view that a smaller floorplate and a redesign of the podium should be proposed to ensure the impacts of the previously mentioned overdevelopment issues are minimised. This will provide the ability for appropriate setbacks to be achieved.

9. 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.

10. Vehicle access and waste disposal

Waste management is to comply with the requirements in the *Waste Management Technical Guide and Development Controls* by the North Sydney Regional Organisation of Councils. In particular, any design must ensure waste and delivery vehicles can be accommodated within the basement to ensure collection and deliveries are able to safely occur within the site.

11. Building sustainability

Council recently exhibited amendments to the WDCP from 17 March to 22 May 2025. The proposed amendments require development in the E2 Commercial Centre zone to achieve a minimum 6 star GBCA building rating. 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 development. Furthermore, Council seeks for any approval to contain conditions of consent requiring a 6 star GBCA rating or equivalent.

12. Information to be submitted

Attachment 1 provides further information that Council expects to be produced should the SSDA be issued a SEARs.

Notwithstanding Council's objection to the rezoning of the site, should the proposed development and rezoning progress to the next stage of the process, the proponent must be required to comprehensively address the strategic issues raised in this submission. This should include a detailed needs and demand analysis for public open space and community facilities, removal of changes that reduce the amenity and functionality of Chatswood Oval, and a clear explanation of how the proposal aligns with the objectives of the *North District Plan* and Willoughby's *Local Strategic Planning Statement* (LSPS), particularly in relation to ensuring that growth is supported by a commensurate provision of infrastructure.

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', written in a cursive style.

Dyalan Govender
Acting Head of Planning