

19 June 2025

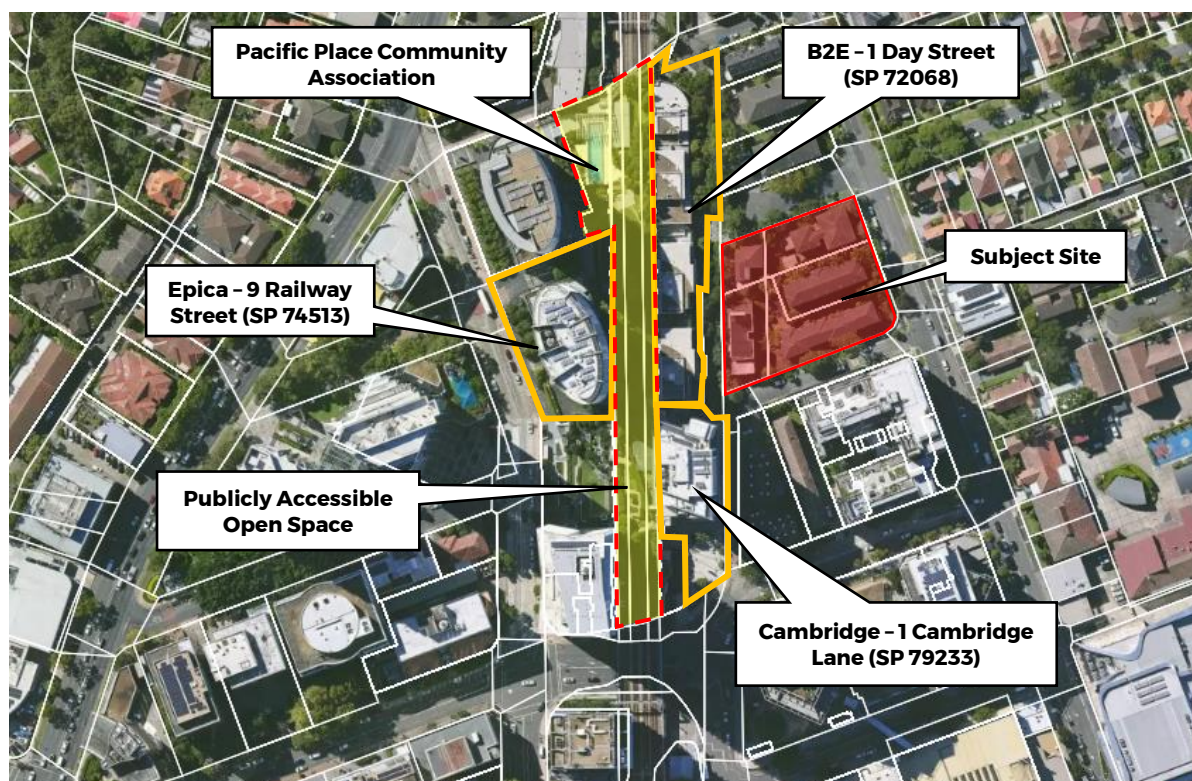
Hon. Paul Scully MP  
Minister for Planning and Public Spaces  
NSW Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

**Attention: Anthony Kunz – Senior Planning Officer**

Dear Mr Scully

**OBJECTION SUBMISSION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION NO. SSD-74670720  
PROPOSING A MIXED USE DEVELOPMENT WITH IN-FILL AFFORDABLE HOUSING  
3 MCINTOSH STREET, 2 DAY STREET & 38-42 ANDERSON STREET, CHATSWOOD (SP 2650, SP 76364, Lot 1  
DP 603632, SP 19181 & SP 1604)**

We refer to the above State Significant Development Application (SSDA) No. SSD-74670720 described by the Department of Planning, Housing and Infrastructure (the Department) as, “*Construction of a mixed use development comprising 250 residential apartments (including 49 in-fill affordable apartments), retail and office uses, excavation works and associated works.*” Milestone (AUST) Pty Limited (Milestone) acts for the following parties which due to their immediate proximity to the development site are key stakeholders and most affected by the proposed development, including the Strata Committee of B2E, located at 1 Day Street Chatswood (SP 72068), the Strata Committee of Epica, located at 9 Railway Street Chatswood (SP 74513), the Strata Committee of Cambridge located at 1 Cambridge Lane Chatswood (SP 79233), and the Pacific Place Community Association on Deposited Plan 270368. Refer to **Figure 1** for a Site Location Map.



**Figure 1: Site Location Map**  
Source: Metro Map, 2025

## Summary of Objection

This submission strongly objects to the following key aspects of the proposed development:

1. Non-residential Gross Floor Area.
2. View Loss.
3. Wind impacts.
4. Dust Impacts.
5. Construction Impacts.
6. Cumulative Impacts.

On the basis of the insufficient information submitted to determine the full extent of environmental impacts from the proposed development, we contend that the State Significant Development Application cannot be reliably supported.

### **1. BACKGROUND**

This submission has been prepared on behalf of the residents that benefit from Pacific Place Community Association (Deposited Plan 270368), including the Strata Committee of B2E (SP 72068), located at 1 Day Street Chatswood, the Strata Committee of Epica (SP 74513) located at 9 Railway Street Chatswood and the Strata Committee of Cambridge located at 1 Cambridge Lane Chatswood (SP 79233). Together, these properties comprise of 851 individual strata subdivided lots.

#### **Pacific Place Community Association (SP 270368)**

Pacific Place Community Association on Deposited Plan No. 270368, utilises the existing communal open space shown in **Figure 1** (shaded yellow), which includes a community garden and swimming pool on the northern extent of the open space. The Pacific Place Masterplan Development Application was approved under Development Consent No. 1999/1812 on 12 February 2001 and includes six buildings. Pacific Place accommodates 848 residential lots accommodating more than approximately 2,000 residents between the following Strata Plans:

- SP 72068 – B2E – 64 lots.
- SP 74513 – Epica – 221 lots.
- SP 71281 – Altura – 137 lots.
- SP 88191 – ERA – 294 lots.
- SP 79233 – Cambridge – 132 lots.

Refer to **Photos 1** and **Photo 2** showing the communal open space area.



**Photo 1: View north to communal open space managed by the Pacific Place Community Association**  
Source: Milestone, 2024



**Photo 2: Community Garden, view north**  
Source: Milestone, 2024

#### **B2E – 1 Day Street, Chatswood (SP 72068)**

B2E comprises a 5-storey medium-rise residential flat building and includes 64 residential lots on Strata Plan No. 72068. B2E directly adjoins the site of SSD-74670720 to the west, as shown in **Photo 3**.





**Photo 3: B2E and Subject Site; View east**  
**Source: Milestone, 2024**

### **Epica – 9 Railway Street, Chatswood (SP 74513)**

Epica comprises a 32-storey elliptical tower and includes 221 residential lots on Strata Plan No. 74513. The tower is located approximately 50m to the west of the site of SSD-74670720. The east-north-east orientation of the Epica tower provides for the enjoyment of expansive views to the north and east of the site from the majority of residential apartments, which are also afforded solar access during morning periods.

### **Cambridge – 1 Cambridge Lane, Chatswood (SP 79233)**

No. 1 Cambridge Lane, Chatswood is a 23-storey residential development and comprises 135 lots on Strata Plan No. 79233, with commercial uses on the ground floor level including a coffee shop and real estate tenancy. Cambridge is located approximately 10m from the southwest corner of the site of SSD-74670720.

## **2. GROUNDS FOR OBJECTION**

### **2.1. Non-residential Gross Floor Area**

The proposed mixed use development is categorised as shop top housing development on land identified within the MUI Mixed Use Zone under *Willoughby Local Environmental Plan 2012* (LEP 2012). The proposal is therefore subject to the requirements under Clause 6.25 of LEP 2012:

#### **6.25 Shop top housing in Zone MUI**

*Development consent for the purposes of shop top housing on land in Zone MUI Mixed Use must not be granted unless the consent authority is satisfied **at least 17% of the gross floor area of the building will be used for non-residential purposes.***

The proposed development comprises a total GFA of 34,641.7m<sup>2</sup>, which utilises a bonus 30% uplift to the maximum building height and floor space ratio (FSR) controls applicable to the site, permitted under Clause 16(1), Division 1, Part 2, Chapter 2 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The purpose of this bonus uplift is to incentivise the delivery of infill affordable housing within new development to support very low, low, and moderate-income households.

The proposed non-residential floor space component of the proposal is 4,517.3m<sup>2</sup>, which represents 13.04% of the total GFA. This results in a variation of **3.96%** (or **1,371.79m<sup>2</sup>**) below the minimum required to be provided under Clause 6.25 of LEP 2012.

A Clause 4.6 Written Request dated May 2025 was prepared by Mecone in accordance with Item No. 1 of the SEARs, seeking a variation to Clause 6.25 of LEP 2012. Milestone is of the opinion that the proposal does not adequately justify the proposed variation to Clause 6.25. The fundamental planning intent that underpins Clause 6.25 is to ensure that employment-generating floor space is retained within mixed-use developments

and to guard against the long-term erosion of non-residential uses in the Chatswood CBD. While the inclusion of a non-residential component is acknowledged, the claim that the 3.96% shortfall is “well-founded” fails to recognise the cumulative impact of such variations on the integrity of employment-focussed objectives for the MUI Mixed Use Zone.

The Applicant’s argument that strict compliance is “unreasonable or unnecessary” due to the need to prioritise affordable housing under the Housing SEPP, does not suitably justify the departure from Clause 6.25. The Applicant is seeking to benefit from the incentives of the Housing SEPP without meeting the proportional responsibility for non-residential floor space, which is critical for maintaining the economic role and land use balance intended for the Chatswood CBD under LEP 2012.

The variation to Clause 6.25 should not be supported. The proposal fails to adequately demonstrate that strict compliance with the standard is either unreasonable or unnecessary pursuant to Clause 4.6 and does not provide sufficient environmental planning grounds to justify the departure from this control. The proposal should therefore be amended to achieve a higher level of compliance with Clause 6.25 of LEP 2012, to create a more vibrant community by integrating living and working, as well as retail spaces.

## 2.2. View Loss

### 2.2.1. Epica – 9 Railway Street, Chatswood (SP 74513)

A detailed assessment of view loss as a result of the proposal from long-standing surrounding residential buildings directly adjacent to the site has not been undertaken by the Applicant. The Visual Impact Assessment prepared by Urbis, dated April 2025, provides a detailed view analysis only from nearby public vantage points.

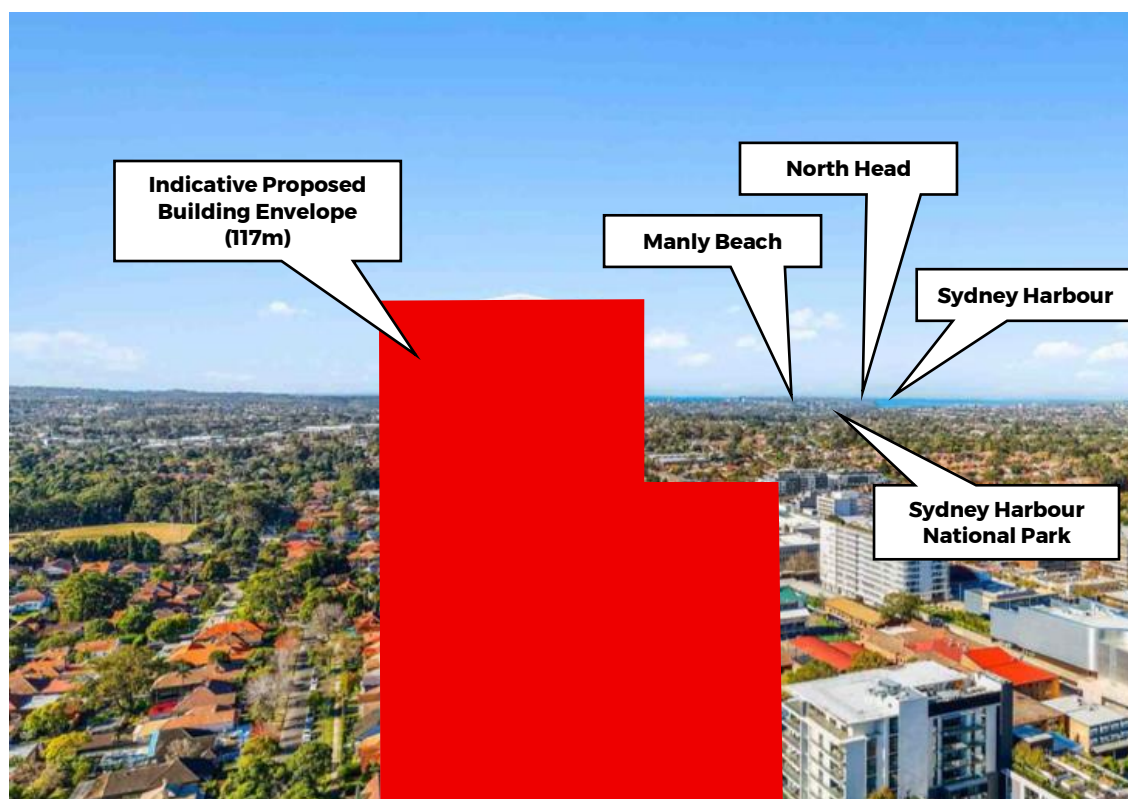
The eastern elevation of Epica offers significant views southeast and east to iconic elements such as North Head, parts of Garigal National Park along Wakehurst Parkway as well as Coogee Beach and Bondi Beach to the south. Many apartments enjoy an eastern horizon view to the Tasman Sea. The residents in east-facing and south-east-facing apartments currently enjoy uninterrupted district views including views to the south-east toward Coogee and Bondi coastlines, as well as significant iconic views to the North Head, as shown in **Figure 2**.

The proposal has not adequately considered the significant views currently obtained from private residential properties, which will be significantly impacted by the proposal, as shown in **Figure 3**.



**Figure 2: View East, Level 31 Epica**  
**Source: Realestate.com, 2025**





**Figure 3: Indicative Post Development View East, Level 31 Epica**  
**Source: Realestate.com, 2025**

View Loss Planning Principal - Tenacity Consulting v Waringah [2004] NSWLEC 140

The Visual Impact Assessment prepared by Urbis recognises the high sensitivity of the east-facing dwellings within a number of adjoining residential flat buildings including Epica as a result of the new proposal and states that based on the analysis undertaken by Urbis, it is not anticipated that any dwellings would be exposed to any significant extent of view loss or merit in *Tenacity* terms. Additionally, the Visual Impact Assessment states *“The proposal does not block views to any heritage items or compositions of high scenic quality”*. These two conclusions made are simply incorrect.

There has been no detailed assessment of view loss undertaken for Epica and Cambridge residential towers. Further, there is no tangible justification provided within the Visual Impact Assessment that supports the conclusions by way of the principals of *Tenacity*.

Milestone has therefore considered the steps of *Tenacity*, as detailed within **Table 1** below.

**Table 1: View Loss Planning Principal Assessment – Epica**

View Loss Planning Principal Step	Milestone Response
<i>“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.</i>	As seen in <b>Figure 2</b> and <b>Figure 3</b> , not only district land views are afforded to Epica, but also highly valued iconic views of North Head, Sydney Harbour and the Pacific Ocean. These views are currently unobstructed however it is noted that the direct interface between land and water is not visible.
<i>“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.</i>	Views are afforded from primary living areas and areas of private open space. Obscured views or side views are not relied upon in this instance.  <u>Epica</u>  Epica comprises a 32-storey elliptical tower and includes 221 residential lots on Strata Plan No. 74513. The east-north-east orientation of the Epica tower provides for the enjoyment of expansive views to the north, east and south-

	<p>east of the site from multiple residential apartments, which are also afforded solar access during morning periods. Between Levels 1 and 4 of the Epica tower, several apartments on each level contain a mix of balconies and terraces that face the north, east and south-east and will be significantly visually impacted by the development. Between Levels 5 and 29, Milestone has assessed that at least four apartments on each level contain balcony areas on the north-eastern side and eastern side of the building that are oriented toward the site. Between Levels 30 and 32, four apartments contain a mix of balconies and terraces that contain views to the east and south-east.</p> <p><u>Cambridge</u></p> <p>It is also estimated that approximately 44 east-facing and south-east-facing apartments located at 1 Cambridge Lane will be impacted by view loss as a result of the proposal.</p> <p>East-facing and south-east facing apartments on Levels 15 to 23 are considered the worst impacted apartments. The view of the land and water interface between North Head and the Tasman Sea is completely lost.</p>
<p><i>"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating".</i></p>	<p>The proposed view loss will be experienced by all residential units of Epica with an east and south facing aspect. The view loss is not isolated to a small number of units, rather the majority of units that are afforded the iconic views.</p> <p>While the Visual Impact Statement prepared by Urbis concludes that the proposal does not obstruct views to heritage items or <u>compositions of high scenic quality</u>, this assessment fails to acknowledge or address the highly valued and iconic views identified by Milestone, namely, views toward North Head, Sydney Harbour, and the Pacific Ocean.</p> <p>Importantly, the Visual Impact Statement does not provide a detailed analysis or consideration of view loss from private residential vantage points. In the absence of such assessment, the conclusion that the proposal is acceptable on visual impact grounds is unsubstantiated and cannot be reliably supported.</p>
<p><i>"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable".</i></p>	<p>It is considered that the proposal is unreasonable, as it seeks to set a maximum building envelope on the site without having an understanding of the true impacts of the maximum building envelope on highly valued views from the living areas and private open space areas of surrounding residential apartments.</p>

Based on this assessment, Milestone considers a more comprehensive and balanced evaluation of the potential visual impacts, particularly from the perspective of affected nearby residents, is essential before a responsible planning determination can be made.

Additionally, the current Visual Impact Statement does not adequately address Item No. 7 (Environmental Amenity) of the SEARS, which specifically requires an assessment of amenity impacts, including view loss and view sharing, to demonstrate that the proposal will maintain a high level of environmental amenity for surrounding sensitive and residential land uses.

## 2.3. Wind Impacts

### 2.3.1. Common Issues

The Pedestrian Wind Environment Assessment dated 17 April 2025, prepared by Windtech, assesses the likely impact of the proposed development on the local wind environment within the critical outdoor areas of the proposed development, including the ground level areas and pedestrian footpath along Anderson Street, the communal open space on the Level 2 common podium, and private balconies and terraces. Recommended design features and wind mitigation strategies are provided for the proposed development to ensure that the identified outdoor trafficable areas are suitable for their intended use. These measures have been incorporated into the design of the proposed development.

The assessment provides limited consideration of the proposal and the potential impact on the wind environment of surrounding recreation and residential land uses, including the Pacific Place communal open space, and the private balconies of B2E, Epica and Cambridge. The Pacific Place communal open space sits between several tall buildings within the Chatswood CBD, as seen in **Figure 4**. Therefore, there is great concern that given the level change between the open space and the top of the proposed building envelope, which is a maximum of 117m above the existing ground level, this will result in a substantial wind tunnelling effect.

Currently, there is no assessment within the Pedestrian Wind Environment Assessment to demonstrate that the proposed development will not cause an unreasonable impact on atmospheric conditions within the Pacific Place communal open space and the adjoining private balconies. It is also important to note that no wind tunnel testing was conducted by Windtech in the preparation of the current assessment. As a result, the report addresses only general wind effects and any localised impacts observable through visual inspection, and its recommendations are made on an in-principal basis only.

Given the scale of the proposed development and also noting the recommendation for wind mitigation strategies to be integrated into the design of the proposal, there are likely to be impacts on the surrounding areas, including the Pacific Place communal open space and nearby residential balconies. Wind tunnel testing is necessary to provide a detailed analysis of wind flow patterns and potential wind acceleration, or downdrafts caused by the proposed development. This further assessment will ensure that potential wind-related issues associated with the proposed development is properly mitigated, and to ensure safe and comfortable public spaces and private open space areas of adjoining residential apartments.

Milestone considers the current Pedestrian Wind Environment Assessment does not adequately address Item No. 7 (Environmental Amenity) of the SEARS, which specifically requires an assessment of amenity impacts, including wind associated impacts, to demonstrate that the proposal will maintain a high level of environmental amenity for surrounding sensitive and residential land uses.

Accordingly, we request that the Applicant undertake further wind environment analysis to assess these potential impacts and specify any mitigation measures, particularly, to ensure reasonable amenity to Pacific Place open space area, which is used by 2,000 residents.



**Figure 4: View South, Chatswood CBD**  
**Source: Vipac Engineers and Scientists Limited (DA-2023/152), 2023**  
**Milestone (AUST) Pty Limited**

## **2.4. Dust Impacts**

### *2.4.1. Common Issues*

No dust management plan has been submitted with the SSDA and the Environmental Impact Statement prepared by Mecone dated 2 May 2025 does not address the potential impacts of dust created during the construction phase. Given the wind tunnelling effect conditions within the Chatswood CBD, dust being spread from the subject site into Pacific Place Open Space and the residential balconies of surrounding buildings is expected to be of a high impact as a result of the proposed construction. If dust is not mitigated properly, this will result in increased maintenance and cleaning costs for the Pacific Place Community Association and associated residential apartment buildings, with particular concern for the swimming pool which may have damage caused to the filter system.

In addition to this, a dusty environment for the users of Pacific Place Open Space will render the area undesirable during the construction phase and render the area unusable for the residents that benefit from access to Pacific Place. The residents deserve the right to understand the duration of such adverse impacts now and to not disclose this information is unreasonable. This impact has the ability to substantially reduce the amenity of the existing residents and the proposed dust mitigation measures should be detailed upfront at this stage so that they can be considered and understood by the community. Based on this, Milestone requests that a Dust Management Plan be prepared and submitted to the Department, and this document be publically exhibited so that the community understand the proposed dust mitigation measures for the duration of the construction phase.

## **2.5. Construction Impacts**

### *2.5.1. Common Issues*

The demolition and construction phase of the proposed development will generate significant noise, dust and vibration impacts which will directly impact the residents of the immediately adjoining sites and the Pacific Place open space area. No demolition management plan has been submitted with the SSDA which details how impacts from the demolition and construction phase of the development will be mitigated.

The Noise and Vibration Impact Assessment prepared by Renzo Tonin & Associates, dated 3 April 2025, includes a construction noise assessment and concludes the construction noise levels are likely to exceed highly noise-affected levels at the identified nearby receivers during demolition, excavation, civil works, and construction phases. A number of noise mitigation measures are recommended that aim to reduce demolition and construction noise to nearby sensitive receivers.

We note in Section 2.2 (page 5) of the Noise and Vibration Impact Assessment that only three residential receivers have been considered in this assessment, as shown in **Figure 5**, one of which being the southern part of B2E. Milestone raises that other immediately adjoining sensitive nearby residential receivers (shown in purple shading on **Figure 5**) also need be captured within this assessment, including:

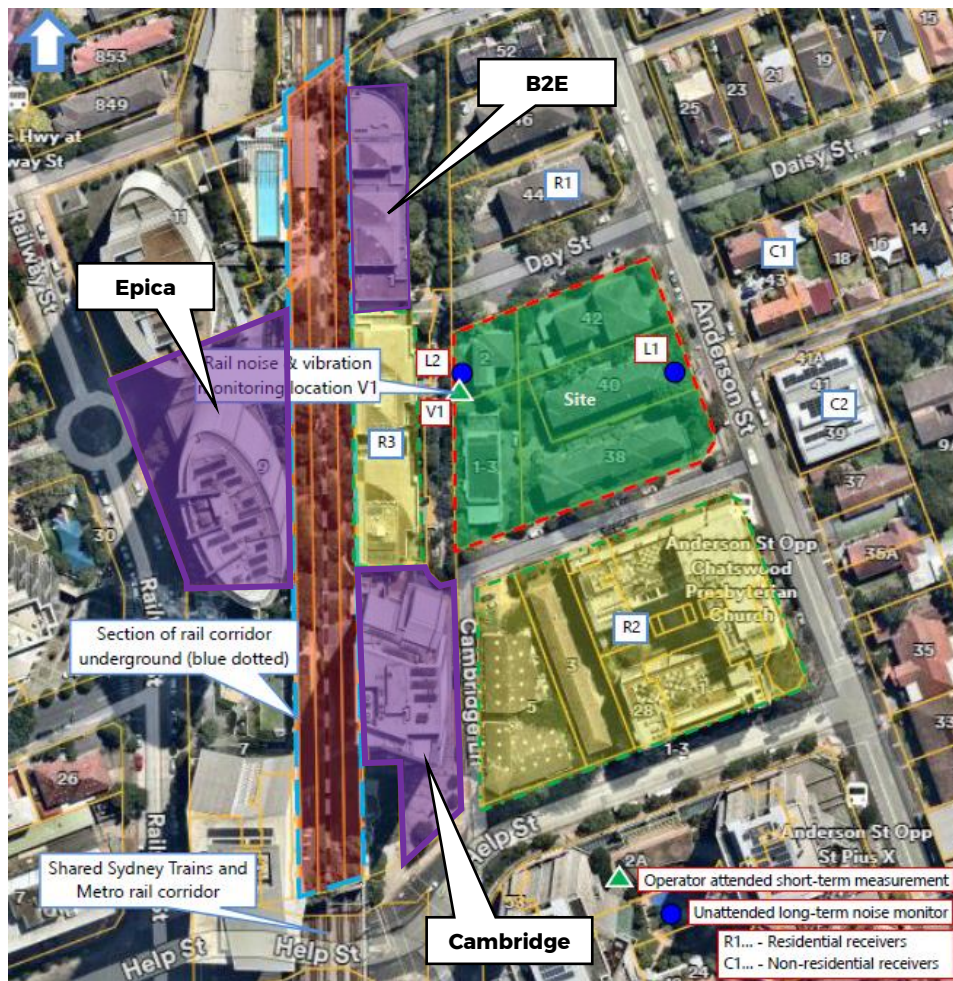
- The northern part of 1 Day Street (B2E);
- 1 Cambridge Lane, Chatswood (Cambridge); and
- 9 Railway Street, Chatswood (Epica).

Due to the close proximity of the abovementioned residential buildings to the project site, it is critical that these sites are identified along with the relevant noise criteria so an informed assessment of acoustic and vibration impacts to these residents is known. On this basis, we request the Noise and Vibration Report is updated to correctly identify these sites.

Additionally, given the high sensitivity of nearby receivers to construction noise and vibration, particularly residential properties, we request that the Department impose suitable conditions on any consent requiring ongoing noise and vibration monitoring during the demolition, excavation and construction phases.

In addition to this, there are concerns held regarding how the removal of the existing contaminated soils on the site which are identified in the Remedial Action Plan prepared by GEC Geotechnical dated 4 April 2025 will be undertaken to ensure there are no impacts on the health of nearby residents in surrounding properties. We request that prior to demolition works and remediation of contamination occurring, that the Strata Committees of B2E, Epica, Cambridge, and Pacific Place are provided a minimum of seven days of notice so that residents can make preparations to ensure windows are closed and washing is not left outside.





**Figure 5: Monitoring Locations**

**Source: Renzo Tonin & Associates, Noise and Vibration Impact Assessment, dated 3 April 2025**

## 2.6. Cumulative Development Impacts

### 2.6.1. Common Issues

A key concern held by all residents of B2E, Epica, Cambridge and Pacific Place are the cumulative impacts of the redevelopment of the northern end of the Chatswood CBD. This proposed development is not an isolated redevelopment of aged housing stock, with the northern end of the Chatswood CBD having six separate development sites that have all been the subject of Local Development Applications, having Development Consents for large mixed use buildings, having obtained SEARs or have a State Significant Development Application being assessed by the Department. The cumulative impacts of all of these developments for matters including wind, noise, and construction impacts need to be considered in depth. The cumulative impacts of the redevelopment of the Chatswood CBD needs to be carefully considered to ensure a balanced approach to the redevelopment while appropriately mitigating environmental impacts to existing residents so that reasonable amenity is maintained.

## 3. CONCLUSION

Thank you for the opportunity to comment on State Significant Development Application No. SSD-74670720. Milestone has prepared this Objection Submission on behalf of the Strata Committees of B2E, Epica, and Cambridge, and over 2,000 residents that enjoy the communal open space area of Pacific Place Community Association, in relation to State Significant Development Application No. SSD-74670720 described by the Department as *“Construction of a mixed use development comprising 250 residential apartments (including 49 in-fill affordable apartments), retail and office uses, excavation works and associated works.”*

Insufficient supporting information and assessment has been submitted with the State Significant Development Application to determine the full extent of environmental impacts from the proposed development, with the following supporting reports not providing the necessary detail nor proper assessment required to determine the environmental impacts of the proposed development:

- Visual Impact Assessment prepared by Urbis, dated April 2025 – No analysis of view loss from long-standing surrounding residential buildings directly adjacent to the site, in accordance with Item No. 7 of the SEARs.
- Pedestrian Wind Environment Assessment dated 17 April 2025, prepared by Windtech – No analysis of the potential impact on the wind environment of surrounding recreation and residential land uses, including impact on the Pacific Place communal open space, and the private balconies of B2E, Epica and Cambridge, in accordance with Item No. 7 of the SEARs.
- Revised Noise and Vibration Assessment to be prepared by Renzo Tonin & Associates – To include northern part of 1 Day Street (B2E) 1 Cambridge Lane (Cambridge) and 9 Railway Street (Epica).
- Site Specific Construction Environmental Management Plan – Not submitted with State Significant Development Application for consideration.
- Dust Management Plan – Not submitted with State Significant Development Application for consideration.

Additionally, we request that the Department insists on amendment to the proposal to provide a higher non-residential GFA in line with Clause 6.25 of *Willoughby Local Environmental Plan 2012*, on the basis that the Clause 4.6 Written Request prepared by Mecone, dated May 2025, does not provide sufficient environmental planning grounds to justify the departure from this control.

We request that any additional information submitted as part of this State Significant Development Application as detailed in this submission is placed on public exhibition so that the community have an opportunity to review and comment on any amended design or additional documentation/assessment.

We would appreciate the opportunity to discuss our concerns with you and also invite the Department's Officers as part of this planning assessment process to inspect the communal open space managed by the Pacific Place Community Association as well as residential apartments of B2E, Cambridge and Epica, both internally and externally, to better understand the nature of the concerns and the proposed recommendations detailed in this submission.

If you have any queries in relation to this matter, please do not hesitate to contact the undersigned.

Yours sincerely

**Milestone (AUST) Pty Limited**



**Luke Signoretti**  
Associate



**Lisa Bella Esposito**  
Director