

SNPP NO:	PPSSNH-433
COUNCIL	WILLOUGHBY CITY COUNCIL
ADDRESS:	629-639 PACIFIC HIGHWAY, CHATSWOOD NSW 2067
DA NO:	DA-2023/256
PROPOSAL:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF SHOP TOP HOUSING DEVELOPMENT COMPRISING 52 RESIDENTIAL UNITS; 4 LEVEL BASEMENT WITH 42 CAR PARKING SPACES, STRATA SUBDIVISION, LANDSCAPING AND ASSOCIATED WORKS, NOMINATED INTEGRATED DEVELOPMENT - WATER MANAGEMENT ACT 2000 S90 (WATERNSW).
RECOMMENDATION:	APPROVAL
ATTACHMENTS:	1. SECTION 4.15 (79C) ASSESSMENT 2. DRAFT CONDITIONS OF CONSENT (UPLOADED PORTAL 23 JULY 2025) 3. APPLICANT’S SUBMISSION DATED 7 JULY 2025 (UPLOADED PORTAL 23 JULY 2025) 4. UPDATED ARCHITECTURAL, LANDSCAPE AND STORMWATER PLANS (UPLOADED PORTAL 23 JULY 2025)
RESPONSIBLE OFFICER:	RITU SHANKAR - TEAM LEADER
AUTHOR:	PETER WELLS - CONSULTANT PLANNER
DATE:	23 JULY-2025

EXECUTIVE SUMMARY

1. PURPOSE OF REPORT

The proposal is regionally significant development as identified in Schedule 6 of the SEPP (Planning Systems) 2021. It has a capital investment value (CIV) of over \$30 million (\$43,695,454.55) and therefore Sydney North Planning Panel is the determination authority.

2. OFFICER’S RECOMMENDATION

2.1 THAT the Sydney North Planning Panel (SNPP) issue consent to the development subject to the attached conditions for the application DA-2023/152 for:

Nominated Integrated Development Water Management Act 2000 s90
(WaterNSW);
A) Demolition of existing structures

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- B) Construction of 27 storey shop top housing development comprising commercial/retail, 52 residential units, 4 levels of basement carparking
- C) Landscaping and associated works
- D) Publicly accessible pedestrian through-site links
- E) Strata subdivision.

at 629-639 Pacific Highway, Chatswood NSW 2067, for the following summary of reasons:

- a) Subject to compliance with the conditions of consent the development satisfies all relevant SEPP, LEP and DCP objectives and contain sufficient elements to achieve design excellence.
- b) The impacts to surrounding residences, open space and the surrounding locality emanate primarily from compliance with the Chatswood CBD Planning and Urban Design Strategy 2036, WLEP and DCP;
- c) The clause 4.6 request for departure to the non-residential floor space standard is well founded.
- d) The proposal satisfies the Chatswood CBD Planning and Urban Design Strategy 2036.

3.0 DESCRIPTION OF PROPOSAL

3.1 Proposed Development

The applicant has reduced the number of residential units (since the Panel saw this proposal at the Determination Briefing of 25 June 2025) from 53 to 52 by removing unit 201 from Level 2. The parking provisions remains unchanged at 42 spaces.

The proposal is for the construction of a 27-storey shop top housing development, involving:

- Demolition of existing structures
- Part 2, part 3-storey podium with ground floor retail premises, first floor commercial premises, second floor plant, and residential communal open space
- Construction of 52 residential units
- 4 level basement with 42 car parking spaces.
- Strata subdivision.

The proposal is Nominated Integrated Development - Water Management Act 2000 s90 (WaterNSW).



Image 1: Pacific Highway view taken from the fly-through (source: PBP Architects). Note: These montages do not reflect the deletion of unit 201 from Level 2.



Image 2: Hammond Lane view taken from the fly-through (source: PBP Architects). Note: These montages do not reflect the deletion of unit 201 from Level 2.



Image 3: North-western view taken from the fly-through (source: PBP Architects)



Image 4: South-eastern view taken from the flythrough (source: PBP Architects)



Image 5: View from Pacific Highway (source: PBP Architects)

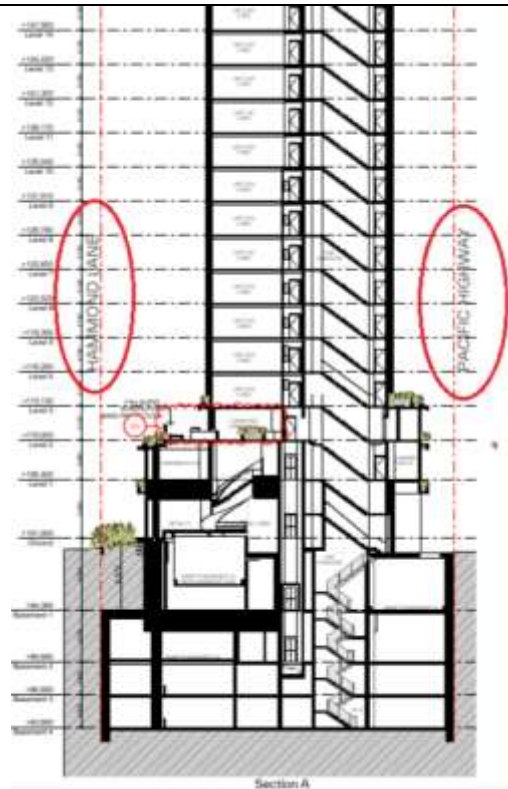


Image 6: Sectional detail at Drawing DA300 Rev 03 which inadvertently 'swaps' Hammond Lane with Pacific Highway.

3.2 Detailed breakdown of proposed Development

The below table provides summary of the proposed development:

Building	Details
Basement Level 4 (FFL RL 83.68) Drawing DA101 Issue 04	• 17 car parking spaces (residential), inclusive of - 5 x accessible spaces • Private storage areas • 15 x bicycle parking (residential) • Lifts and stairs • Vehicular ramp to upper basement levels
Basement Level 3 (FFL RL 86.68) Drawing DA-102 Issue 04	• 14 car parking spaces (residential), inclusive of - 3 accessible spaces - 4 x visitor spaces • Private storage areas • 23 x bicycle parking (residential) • 1 x motorbike parking • Lifts and stairs • Vehicular ramp to upper basement levels
Basement Level 2 (FFL RL 89.68) Drawing DA-103 Issue 04	• 11 car parking spaces, inclusive of - 7 retail spaces (incl. 1 x accessible) - 4 x visitor spaces (residential) • End-of-trip facilities • Storage areas (commercial) • 8 x bicycle parking (commercial) • 2 x motorbike parking • Unisex disabled toilet • Bulky waste 20m2 • Plant • Lifts and stairs
Basement Level 1 (FFL RL 94.38) Drawing DA-104 Issue 05	• Loading bay 10.5m long (2m service zone at rear not shown) • Bin holding room (residential) • Bin holding room (commercial) • Residential FOGO bin room (residential) • Bulky waste 20m2 • Plant room and services • Lifts and stairs
Basement Mezzanine Drawing DA-105 Issue 05	• Vehicular ramp to upper basement levels • Lifts and stairs
Ground Level (FFL RL 99.33, 99.68) Drawing DA-106 Issue 05	3 x retail area (one described as "cafeteria") Commercial lobby Residential lobby Substation

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	Landscaping (Note: 3m wide right-of-way to allow publicly accessible through-site link along the eastern boundary adjacent to Hammond Lane)
Level 1 (FFL RL 106.40) Drawing DA-107 Issue 05	Commercial tenancies x 4 Sanitary facilities Lifts and stairs
Level 2 (FFL RL 110.0) Drawing DA-108 Issue 04	• Communal open space (residential) • Plant • Lifts and stairs
Level 3 (FFL RL 113.13) Drawing DA-109 Issue 05	• 1 x 1-bed unit, 2 x 2-bed units • Communal terrace (13m2) • Lifts and stairs
Level 4 – 9 Drawing DA-110 Issue 05	3 x 2-bed units Lifts and stairs
Level 10 Drawing DA-111 Issue 05	2 x 3-bed units Lifts and stairs
Level 11 – 19 Drawing DA-112 Issue 05	2 x 3-bed units Lifts and stairs
Level 20 – 21 Drawing DA-113 Issue 05	1 x 2-bed unit, 1 x 3-bed unit Lifts and stairs
Level 22 and 24 Drawing DA-114 Issue 05	2 x 3-bed unit Lifts and stairs
Level 23 and 25 Drawing DA-115 Issue 04	1 x 3-bed unit and upstairs to 3-bed unit at Level 22/24. Lifts and stairs
Level 26 Drawing DA-116 Issue 04	1 x 3-bed unit Lifts and stairs
Roof Plan Drawing DA-117 Issue 03 (roof RL 188.25. Lift overrun RL	

4.0 BACKGROUND

The Sydney North Planning Panel determined on 25 June 2025:

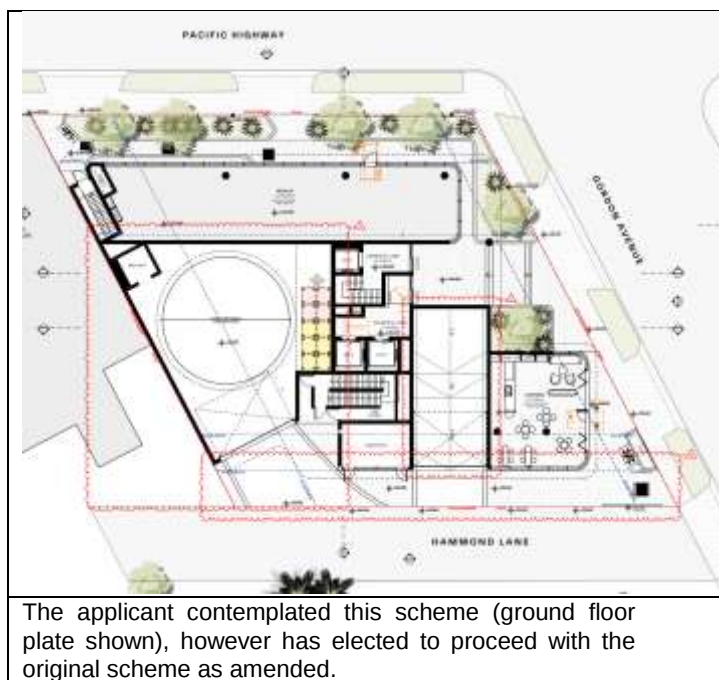
To allow progression of the Development Application to determination:

1. The Applicant and Council are to urgently meet in the next week to resolve the reasons for refusal
2. The Applicant is to submit to Council amended plans and any additional information required
3. Council is to upload a Supplementary Assessment Report and revised Draft Conditions as quickly as possible thereafter
4. The Panel will hold a Determination Briefing on 30 July 2025

On 1 July 2025 the applicant and Council met to discuss the reasons for refusal.

The applicant investigated an alternate proposal involving two vehicular accesses from Hammond Lane, one serving as a waste truck entrance as shown below, however Council considered this alternate scheme inferior to the current scheme due to its impact on Hammond Lane.

:



Council staff supports the amended scheme subject to conditions.

5.0 DISCUSSION

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The original scheme showed a “café outdoor seating” area and stairs within the Hammond Lane 3m setback requirement. The updated plans replace the stairs with a 1:20 ramp and the café outdoor seating area with a landscape area. Landscaping around the corner of Hammond Lane and Gordon Avenue is now reconfigured to satisfactorily promote the functionality of the public right of way that runs alongside the east-facing glassline at Hammond Lane. Accordingly, previous draft reason for refusal 6 is resolved.

This supplementary report is to be read in conjunction with the original report (available on the portal), as items like site description remain unchanged. Internal referrals were favourable and conditions of consent reflect this. External referrals were not required to be undertaken and the draft consent incorporates conditions from these approval bodies.

All previous draft reasons for refusal are now resolved. These are discussed in numerical order below.

Draft reason for refusal 1 (Design excellence)

The proposal satisfies the requirements of WLEP Clause 6.23 design excellence subject to conditions. The reconfiguration in the Hammond Lane setback contributed to this favourable position.

Draft reason for refusal 2 (overall floor space ratio)

The FSR complies at 5.93:1 (GFA 7,029.97m²), so there is no Clause 4.6 for FSR.

Draft reason for refusal 3 (Clause 4.6 Minimum non-residential floor space ratio)

Clause 6.25 of the WLEP prescribes a minimum non-residential floor space ratio of 17% of the gross floor area of the building. Clause 4.6 (at the time of lodgement of the DA) requires that the consent authority be satisfied that—

- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3) ie unreasonable and unnecessary to strictly impose the numerical standard and sufficient environmental planning grounds, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (iii) the concurrence of the Planning Secretary has been obtained.

The minimum non-residential floor area requirement for the development equates to 1,195.1m² (a slight variation to the applicant’s figure of 1176.6m² due to differing GFA totals) The proposal

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provides 1175.6m² resulting in a variation amounting to 19.5m², representing a 1.63% variation from development standard.

The Chatswood CBD Strategy contains the objectives of the minimum site area (the LEP clause does not contain objectives), to promote employment growth of the Strategic centre.

The applicant flags that the Chatswood CBD Strategy states that:

*“The objective of this key element is to achieve a **satisfactory** level of commercial in the B4 Mixed Use zone to deliver a **reasonable amount** of employment floor space, typically to be within the podium levels of a development. This will **be moderated** depending on the overall FSR.”* (our emphasis in bold)

Unreasonable and unnecessary

The applicant summarises grounds on which it would be unreasonable and unnecessary to impose the numerical standard:

- The proposal satisfies the objectives of the non-residential FSR development standard.
- There are sufficient environmental planning grounds to justify the variation and,
- The variation is also in the public interest because the development satisfies the objectives of the MU1 – Mixed Use Zone that applies to the land as well as the FSR development standard.

The applicant's clause 4.6 request is at Attachment 3.

In viability terms the applicant says:

“The ground floor and podium level are dimensioned and of a nature that will attract a range of retail, hospitality, small offices and local services (as identified in the SGS Economic and Planning Report dated February 2020) as opposed to larger commercial space-related corporate tenants that are attracted to the core that seek co-location, a sense of commercial address and atmosphere. The podium level space will also provide opportunities for midsized corporate tenants seeking benefits that come from locating close to the periphery of the lower density residential zones. Such uses include offices, medical centers, childcare facilities, and leisure facilities like gyms”.

In numerical terms the applicant seeks traction on the extent of variation being small.

In strategic intent terms, the applicant says the requirements in relation to non-residential floor space were derived using “*high level assumptions*” (SGS Economics & Planning

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advice dated February 2020) without having regard to the interplay of other development standards or site-specific constraints. Further, that overarching CBD strategy was based on the realization and delivery of an overall commercial floor space based across a broad locality that includes a vast array of uses permitted in both the commercial core and surrounding mixed-use development zones.

Further, that the underlying objective of this control requires that “a reasonable amount of employment floor space is provided” and that a “reasonable amount” of employment floor space must be determined on a site-by-site basis. The applicant says the specific environmental and physical constraints of the site and surroundings are relevant considerations. The undersized allotment features in the clause 4.6 reasoning for the departure.

The applicant also says:

“Council staff have encouraged the current design after significant, protracted discussions with all relevant specialist staff. The current design is considered to provide an optimum result having regard to the site and applicable controls and in accordance with this objective.

Assessment Planner’s commentary on unreasonable and unnecessary

The above points are considered to be reasonably strong, and the distribution of non-residential floor space at the ground floor plate and Level 1 is considered functional, attractive and viable. The degree of variation (19.5m²), in the scheme of the overarching Chatswood CBD Strategy, does not detrimentally compromise the strategic aims to maintain and enhance the viability and vitality of the retail and commercial sector in Chatswood, or to achieve a sustainable balance between commercial, retail, and residential floor space.

The proposal contributes to protect Chatswood’s future as an Employment Centre whilst allowing capacity for strong residential growth at the edge of the CBD.

Sufficient environmental planning grounds

The applicant bases its environmental planning grounds on:

- These non-residential spaces still provide reasonable, attractive, desirable, and accessible commercial floor space and employment opportunities in a mixed-use location set under the strategic planning documents for the southern edge of the Chatswood CBD.
- The proposal achieves objective 1.3 (g) of the EP&A Act, “to promote good design and amenity in the built environment”.

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- Small extent of departure does not detrimentally impact the site's contribution to providing flexibility for a variety of employment uses.
- The scheme was the subject of a Design Excellence Competition winner.
- The planning proposal was developed a non-residential provision (Chatswood CBD Strategy) of 1:1. This ratio results in a lesser amount of non-residential floor space compared to the site area in comparison to the 17% current provision.
- Strict compliance with the non-residential floor space standard would result in a poorer design and would necessitate the following:
 1. The reduction or reallocation of residential floor space or space dedicated to ancillary services to the provision of non-residential floor space which would undermine the overall building design or the high-quality residential apartment designs within the tower component (i.e. top of podium), or
 2. The removal of desirable communal open space and landscaping that currently ensures exceptional amenity to residents and users of the commercial and retail spaces, or
 3. A reduction to setbacks and floor plates that are fundamental to the overall design.
 4. Compromising the on-site waste collection and reduction of the ground level loading bay.

Assessment Planner's commentary on environmental planning grounds

On balance there are considered to be sufficient environmental planning grounds to support the minor departure. The design consequences of attaining the minimum standard (additional 19.5m²) are not necessarily as dire as the clause 4.6 alludes. Notionally Level 2 could replace plant with non-residential floor space, with internal access from the commercial space below. This said, for the reasons provided and due to the non-compliant allotment size, the departure is acceptable.

Public interest

The clause 4.6 mounts a sufficient case that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard (in this case Chatswood CBD Strategy) and the objectives for development within the zone in which the development is proposed to be carried out, and

Conclusion

On balance the clause 4.6 request is worthy of support.

Draft reason for refusal 4 (Clause 4.6 Minimum site area)

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The exclusion of Lots 9–14, DP 4138, 629 and 637–639 Pacific Highway at WLEP clause 6.16 (4) (c) obviates the need for a Clause 4.6 request for minimum site area.

It is noted that at the time of lodgement this exclusion did not apply to the site under WLEP – Clause 6.16 has since been amended. In any event, the applicant has prepared a Clause 4.6 request. It is Council's view that the exemption has no savings provision, so has effect and means no clause 4.6 is required. If the Panel takes a view that a clause 4.6 is required and seeks to use the one provided, it does adequately justify the departure.

Accordingly, previous draft reason for refusal 4 is resolved.

Draft reason for refusal 5 (Privacy and overshadowing)

Privacy

Gyde's submission at **Attachment 3** (page 4) invite a condition of consent to achieve a sufficient level of privacy. The windows and the west-facing balcony shows screening denoted by 'PS' with no specific detail. WDCP Part L 13.1.11 depicts the tower element of the future development at the adjoining property to the south (at 613-627 Pacific Highway) at 12m from the side boundary it shares with the subject site. It also shows this future tower at 10m from the Pacific Highway consistent with the subject proposal. The allocation of proposed privacy screens is satisfactory subject to a condition of consent requiring angling to achieve privacy.

Accordingly, previous draft reason for refusal 5 is resolved.

Overshadowing

Gyde's submission at Attachment 3 (page 4 and Appendix K) demonstrates that there is sufficient solar access to the (future) adjoining development at 613-627 Pacific Highway. Overshadowing to the existing surrounding properties (including the existing building at 613-627 Pacific Highway) is considered satisfactory on the basis that the proposal occupies a compliant envelope and the shadow moves across the sites in mid-winter to allow morning and afternoon sun.

Accordingly, previous draft reason for refusal 5 is resolved.

Draft reason for refusal 6 (landscaping in conjunction with outdoor cafeteria)

As earlier discussed, this area now successfully satisfies the objectives of the shared zone on Hammond Lane and WDCP 2023 Part L.

Draft reason for refusal 7 (View analysis)

A view impact assessment (VIA), dated 3 July 2025 by Gyde is at **Attachment 3** (Appendix B of that Attachment), which undertakes an assessment from 8 Sutherland

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Road Chatswood (who objected to view loss). The view impact assessment uses Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (Tenacity) and Arnott v City of Sydney [2015] NSWLEC 1052 (Arnott), and models the proposal's impact on 8 Sutherland Road.

Following the Tenacity steps, the following summary is made:

Step 1: *What views are to be affected?* District views enjoyed by mid-level and upper level units comprise skylines of Chatswood, Willoughby, North and Castlecrag, St Leonards, and North Sydney.

Step 2: *From what part of the property the views are obtained?*

Views are enjoyed across its side boundary.

Step 3: The extent of the impact.

There are figures in the VIA that demonstrate the extent of view impact. The proposed tower removes a section of an expanse of district views but not detrimentally so.

Step 4: *The reasonableness of the proposal that is causing the impact.*

The proposal occupies an envelope defined by the WLEP and WDCP, such that no view loss occurs as a result of non-compliant distribution of bulk.

Accordingly, previous draft reason for refusal 7 is resolved.

Draft reason for refusal 8 (Public interest)

As the proposal satisfies the objectives of the adopted controls including the overarching Chatswood CBD Strategy, and the clause 4.6 variation for non-residential gross floor area is well-founded, the proposal is sufficiently in the public interest.

Additional relevant commentary is provided as follows:

Apartment Design Guide

ADG assessment remains favourable. All residential units above Level 2 remain the same, and with the deletion of unit 201 at Level 2 the communal open space increases from 301m² to 385m², which equates to 33% of the site and comfortably satisfies the minimum 25% ADG requirement. The ADG setbacks (which are addressed in Gyde's submission at **Attachment 3** (page 7) are satisfactory on the basis that privacy is satisfied through the privacy screens and the proposal otherwise occupies a DCP-compliant envelope.

Community Participation Plan

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The Willoughby Community Participation Plan does not require the renotification of the amended plans. However, the applicant has addressed previous concerns about loss of views, privacy and overshadowing, as follows:

The assessment of the proposal under Section 4.15 EPAA is in **Attachment 1**.

The draft conditions of consent, if the Panel is of a mind to approve is in **Attachment 2**.

The applicant's response to the SNPP's deferral of this item is in **Attachment 3 (uploaded to portal 23 July 2025)**.

The updated architectural, landscape and stormwater plans is in **Attachment 4 (uploaded to portal 23 July 2025)**.

6.0 CONCLUSION

The Development Application DA-2023/256 has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, WLEP 2012, WDCP 2023, and other relevant codes and policies. The proposal is worthy of approval subject to the draft conditions of consent in **Attachment 2**.

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ATTACHMENT 1: SECTION 4.15 ASSESSMENT

Matters for Consideration Under S.79C EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory × Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	☐ State Environmental Planning Policies (SEPP)	✓
	☐ Local Environmental Plans (LEP)	✓
	☐ Comment: The proposal is satisfactory having regard to the SEPPs and LEP.	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	☐ Draft State Environmental Planning Policies (SEPP)	N/A
	☐ Draft Local Environmental Plans (LEP)	N/A
	Comment: N/A	
(a)(iii)	Any development control plans	
	☐ Development control plans (DCPs)	✓
	Comment: The proposal is satisfactory having regard to the DCP.	
(a)(iv)	Any matters prescribed by the regulations	
	Clause 61 (prev 92) EP&A Regulation-Demolition	✓
	Clause 62 (prev 93) EP&A Regulation-Fire Safety Considerations	✓
	Clause 64 (prev 94) EP&A Regulation-Fire Upgrade of Existing Buildings	N/A
	Comment: The proposal is satisfactory having regard to these considerations.	
(b)	The likely impacts of the development	
	☐ Context & setting	✓
	☐ Access, transport & traffic, parking	✓
	☐ Servicing, loading/unloading	✓
	☐ Public domain	✓
	☐ Utilities	✓
	☐ Heritage	✓
	☐ Privacy	✓
	☐ Views	✓
	☐ Solar Access	✓
	☐ Water and draining	✓
	☐ Soils	✓
	☐ Air & microclimate	✓
	☐ Flora & fauna	✓
	☐ Waste	✓
	☐ Energy	✓
	☐ Noise & vibration	✓
	☐ Natural hazards	✓
	☐ Safety, security crime prevention	✓
	☐ Social impact in the locality	✓

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	☐ Economic impact in the locality	✓
	☐ Site design and internal design	✓
	☐ Construction	✓
	☐ Cumulative impacts	✓
	Comment: The above matters have been considered and the proposal is satisfactory.	
(c)	The suitability of the site for the development	
	☐ Does the proposal fit in the locality?	✓
	☐ Are the site attributes conducive to this development?	✓
	Comment: The proposal is satisfactory having regard to the suitability of the site for the development.	
(d)	Any submissions made in accordance with this Act or the regulations	
	☐ Public submissions	✓
	☐ Submissions from public authorities	✓
	Comment: The proposal is not satisfactory having regard to the submissions made.	
(e)	The public interest	
	☐ Federal, State and Local Government interests and Community interests	✓
	Comment: The proposal satisfies public interest considerations.	

ATTACHMENT 2: DRAFT CONDITIONS OF CONSENT (UPLOADED PORTAL 23 JULY 2025)

ATTACHMENT 3: APPLICANT'S SUBMISSION DATED 7 JULY 2025 (UPLOADED PORTAL 23 JULY 2025)

ATTACHMENT 4: UPDATED ARCHITECTURAL, LANDSCAPE AND STORMWATER PLANS (UPLOADED PORTAL 23 JULY 2025)