

07 July 2025

Sydney North Planning Panel
C/O Jade Buckman
Project Support Office – Planning Panels

Sydney North Planning Panel
Lillian Charlesworth
Planning Panel Secretariat – Planning Panels

For the attention of Panel Members:

Peter Debnam
Brian Kirk
Robert Freestone
Tanya Taylor

Dear Panel,

Re: Response to Sydney North Planning Panel Deferral Notice (PPSSNH-433– DA2023/256)

This letter has been prepared by Gyde Consulting (Gyde) on behalf of Polytec Australia Four Pty Ltd (the Applicant) and responds to the 'Record of Deferral' Notice issued by the Sydney North Planning Panel (the Panel) dated 25 June 2025 in relation to the proposed Development application (DA-2023/256) at Nos 629-639 Pacific Highway, Chatswood.

The Panel resolved to defer the determination of the application to allow the applicant additional time to provide further information to address the Reasons of Refusal outlined in the Councils staff assessment report dated 18 June 2025 and to discuss remaining issues of concern raised by Council staff. A meeting between Council staff and the applicant's representatives was held on 1 July 2025 and the following key concerns were identified that require further resolution:

- View Impact analysis - specifically the impacts upon No 8 Sutherland Road, Chatswood must be demonstrated.
- Privacy screen details- Council staff requested that further details be provided to demonstrate the performance of the privacy screen facing Nos 613 & 621-627 Pacific Highway, Chatswood
- Confirmation of overshadowing impacts to Nos 613 & 621-627 Pacific Highway, Chatswood
- Resolve the interface and setback treatment to Hammond Lane.
- Investigate the amount of non-residential floor space provided by the development in an endeavour to reduce or eliminate the variation.
- The merits of proceeding with the turntable design as opposed to the merits of progressing the current design that includes the cafeteria and setback encroachments to Hammond Lane.

It was requested that this information be provided as soon as possible but no later than close of business Monday 7 July 2025.

A key concern of the Council staff was whether the amended scheme that included a ground floor turntable alternative that was put before the Panel for consideration overcame all the concerns that were raised in the Reasons for Refusal identified in Councils staff report dated 18 June 2025.

Council staff raised several additional technical engineering, planning and landscaping concerns in relation to the alternative turntable design. These matters could not be resolved within the timeframe granted by the Panel to reconsider the matter.

On balance, Council staff considered that the current plans before the Panel (that included the encroachments to Hammond Lane Cafeteria and columns) would likely narrow the issues in contention and as such should be progressed in an endeavour to resolve concerns raised in relation to the treatment of the Hammond Lane setback and the provision or justification of any variation to the non-residential floor space requirement .

Subject to these issues being adequately resolved, it was suggested by Council staff that a more favourable recommendation may be submitted to the Panel for consideration.

This submission is accompanied by the following documentation: -

Table 1 Documents prepared/updated to address outstanding matters

Document	Prepared by	Date
Appendix A – Revised architectural plans prepared by PBD Architects seeking to address the concerns raised in relation to the treatment of Hammond Lane and reduce the variation from the 17% non-residential floor space requirement.	PBD Architects	7 July 2025
Appendix B – Visual Impact Assessment.	Gyde Consulting PBD Architects	3 July 2025
Appendix C – Engineering Options Analysis.	Adams Engineering	July 2025
Appendix D – Access Statement certifying compliance with relevant Access requirements.	Purple Apple Access	20 June 2025
Appendix E – Revised Clause 4.6 Minimum Site Area Request	Gyde Consulting	July 2025
Appendix F – Revised Clause 4.6 Minimum Non-Residential FSR Request	Gyde Consulting	July 2025
Appendix G – A revised landscaping plan extract demonstrating amendments and treatment to Hammond Lane frontage.	Arcadia	July 2025
Appendix H – Solar Access and Shadow Diagrams inclusive of the indicative proposed development on Nos 613-627 Pacific Highway, Chatswood	PBD Architects	June 2025
Appendix I – Revised Operational Waste Management Plan	Elephants Foot Consulting	7 July 2025
Appendix J – Traffic Compliance Statement	TTPP	7 July 2025
Appendix K – Solar Access and Shadow Diagrams	PBD Architects	15 May 2025

Council staff also requested that the matters listed below be further clarified having regard to the impacts from the proposed development upon the conceptual drawings associated with the planning proposal for the adjoining property at Nos 617-621 Pacific Highway, Chatswood.

- Privacy
- Solar access
- ADG spatial separation and setback compliance to adjoining property at 617-621 Pacific Highway, Chatswood

The outstanding matters identified by Council staff at

- Landscaping and treatment to Hammond Lane.
- Non-residential floor space requirement
- View Impact

A response to each item stated above is outlined in the following sections of this letter.

Privacy

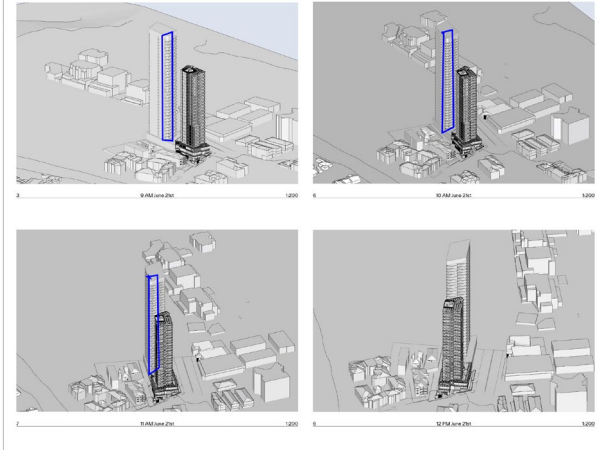
Table 2 Privacy comments and response

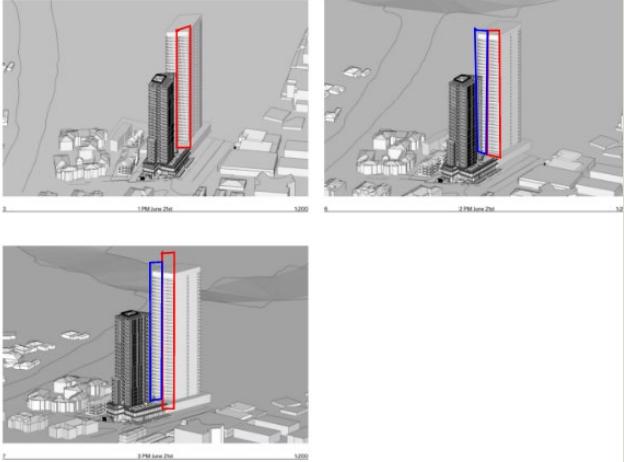
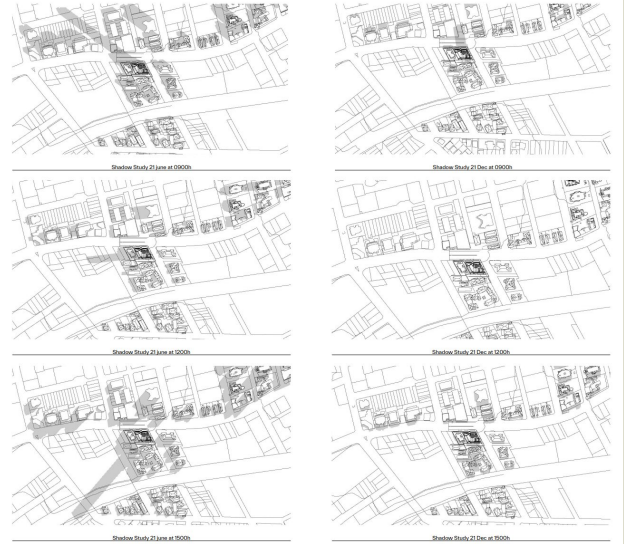
Council's comments	Applicant's response
A public submission from Nos. 613 & 621-627 Pacific Highway, Chatswood, raised concerns regarding privacy along the property. The submissions requested that the proposed privacy screens to be extended around the south-western corner for a minimum of 1 metre along the Pacific Highway elevation, on balconies with an outlook to Nos. 613-627 Pacific Highway. Council staff requested additional details at either a 1:20 or 1:50 scale so that the effectiveness of the privacy screen could be assessed.	As addressed in the SNPP Planning Panel letter dated 23 June 2025, the future development on Nos. 613-627 Pacific Highway, Chatswood, is not approved and by all accounts appears to be very much in its infancy in terms of design details and the progression of the SSDA. The future development should not be used as a determinative reference point for the redesign of aspects of the proposed development. Notwithstanding this concern, we indicated in our previous response that we would be satisfied with the imposition of a condition that addressed the increased length of privacy screens/blade walls on west-facing balconies where relevant to address privacy concerns. Privacy of the neighbouring property is currently maintained with the provisions of the separation distance provided (6m), green roof and planter beds. Collectively, these design features adequately maintain a physical separations and privacy between both sites. The extension of the privacy screens/blade walls (if conditioned and incorporated) would assist in maintaining visual privacy between development. In general, the design seeks to protect the privacy of its occupants and the future occupants of the adjoining building, evident with: - The proposed development is generally compliant with the recommended design criteria in relation to visual privacy within the ADG. - Windows, balconies and terrace areas of the upper-level apartments designed to prevent overlooking of the adjoining properties. - The proposed development is sufficiently separated from adjoining sites and adjoining development.

Solar Access

Table 3 Solar Access comments and response

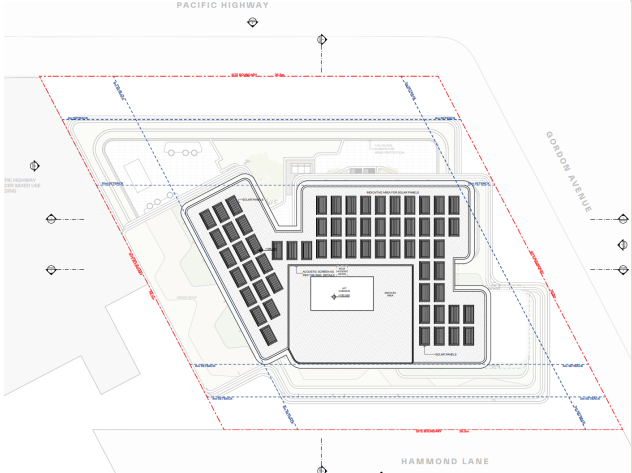
Council's comments	Applicant's response
A public submission from Nos. 613 & 621-627 Pacific Highway, Chatswood, raised concerns regarding solar access to the future mixed-use development proposed for the site (SSD-73505961), and the potential overshadowing impacts of the proposed development.	Solar access and shadow diagram with the indicative residential tower proposed in Nos. 613-627 Pacific Highway, Chatswood, have been prepared by PBD Architects (see attached Appendix K – Solar Access and Shadow Diagrams). The outcome of the analysis

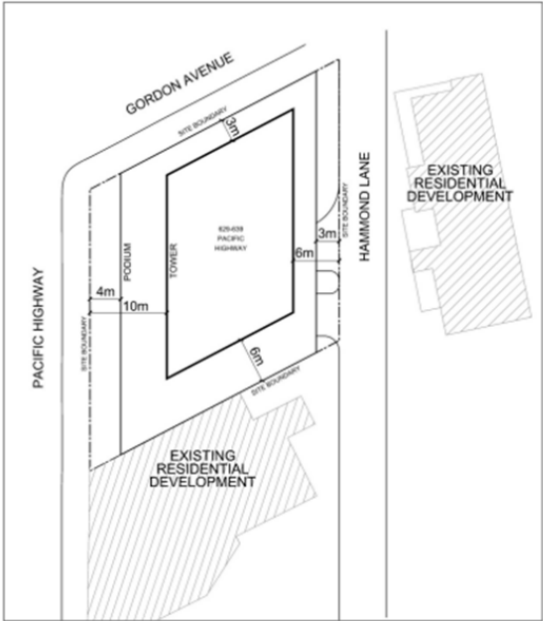
Council's comments	Applicant's response
A request was made within the submission for updated solar access analysis and shadow diagrams that included an analysis of the impacts to the indicative residential tower proposed in Nos. 613-627 Pacific Highway, Chatswood, Planning Proposal (PP-2021-2923) Council requires the applicant to prepare an analysis that clearly illustrates the shadow impact at 30-minute intervals between 9am – 3pm on 21 June, to confirm that the proposal does not unreasonably impact Nos. 613 & 621-627 Pacific Highway in its ability to achieve the minimum ADG solar access requirements.	demonstrates that the indicative residential tower proposed on the neighbouring site can achieve the minimum ADG solar access requirements (minimum 2-hours direct sunlight between 9 am and 3 pm at mid-winter). The figure below provides a high level visual illustration of the solar access received by apartments situated on the northeastern corner of the indicative development (highlighted in Blue in Figure 1 and 2).  Figure 1 Solar Analysis 613-627 Pacific Highway 9am-12pm June 21st (Source: PBD Architects, edited by Gyde Consulting) Apartments with balconies and windows situated on the northeastern corner of the indicative development proposed on Nos. 613-627 Pacific Highway, will achieve a minimum 2 hours of direct sunlight (9am-10am & 2pm-3pm). Apartments with balconies and windows situated on the northwestern corner of the indicative development will achieve a minimum 2 hours of direct sunlight from 1pm-3pm. The figure below provides a high-level visual illustration of the solar access received by apartments situated on the northwestern corner of the indicative development (highlighted in Red in Figure 2).

Council's comments	Applicant's response
	 Figure 2 Solar Analysis 613-627 Pacific Highway 1pm-3pm June 21st (Source: PBD Architects, edited by Gyde Consulting) The shadows cast from the amended development are considered an expected impact given the proposed development is compliant with the height and relevant WDCP building controls. Accordingly, the overshadowing impacts are acceptable as it is anticipated as part of the controls. Shadow analysis of the proposal's impact at various intervals between 9.00am and 3.00pm mid-winter are provided in Appendix K.  Figure 3 Shadow Diagrams (Source: PBD Architects) It should be noted that the indicative built form used to illustrate the proposed development on Nos. 613-627 Pacific Highway, Chatswood is still in its concept design stage and is therefore subject to change.

ADG spatial separation & setback compliance to adjoining property at Nos. 613-627 Pacific Highway, Chatswood

Table 4 ADG Spatial separation and setback compliance comments and response

Council's comments	Applicant's response
A public submission from Nos. 613 & 621-627 Pacific Highway, Chatswood, raised concerns regarding the proposed 6m tower setback to the common boundary with Nos. 613-627 Pacific Highway, Chatswood. The tower setback was identified as an impediment to visual privacy and building separation between the adjoining developments. A request in the submission was made to extend the proposed privacy screens around the south-western corner for a minimum of 1m along the Pacific Highway elevation, on balconies with an outlook to Nos. 613-627 Pacific Highway, Chatswood.	The separation between the proposed development on Nos. 613-627 Pacific Highway, Chatswood, and the subject development equates to a total separation distance of 18m (12m separation distance proposed within Nos. 613-627 Pacific Highway, Chatswood Concept Design submitted in Planning Proposal PP-2021-2923). The amended development provides the following setback to the southern boundary, adjoining Nos. 613-627 Pacific Highway, Chatswood: • Ground floor to Level 2 (0m Setback) • Level 3 to Level 26 (6m Setback) The separation distance between towers (18m) is sufficient to ameliorate any potential overlooking from adjoining apartments. The proposed setbacks and spatial separation to adjoining development is illustrated in the below figures. The provided setbacks between habitable rooms are compliant with the WDCP setback controls for both sites.  Figure 4 Roof Plan – Proposed setbacks(Source: PBD Architects) In tandem with the provision of a 6m setback, multiple design features assist in providing visual privacy between developments. These design features include the provision of privacy screens along communal open space and residential balconies, green roof, landscaping and planter boxes. The design features assist in maintaining visual privacy between developments, while overcoming a shortfall in the building separation provided (as required by the ADG). This is a result of a constrained site area, making it challenging to adequately provide setbacks and separation

Council's comments	Applicant's response
	distance that is consistent with the ADG design criteria. The setback provided along Pacific Highway, Gordon Avenue and Hammond Lane is detailed below: Pacific Highway frontage • Ground floor to Level 2 (4m Setback) • Level 3 to Level 26 (10m Setback) Gordon Avenue frontage • Ground floor (3m Setback) • Level 1 to Level 26 (1-3m Setback) Hammond Lane frontage • Ground floor to Level 2 (3m Setback) • Level 3 to Level 26 (6m Setback) The setbacks provided along street frontages are generally consistent with the site-specific provisions in the Willoughby DCP, detailed in Section 13.1.12, subsection 4 and Figure 39.  The diagram illustrates the site layout for WDCP Part L. It shows a rectangular site bounded by Pacific Highway to the west, Gordon Avenue to the north, and Hammond Lane to the east. The site is divided into a 'PODIUM' area and a 'TOWER' area. Setback dimensions are indicated: 4m for the podium along Pacific Highway, 10m for the tower along Pacific Highway, 3m for the ground floor along Gordon Avenue, and 6m for levels 3-26 along Hammond Lane. Existing residential development is shown as hatched areas to the south and east of the site. A north arrow is located in the bottom right corner. Figure 5 Figure 39: Site Layout WDCP Part L (Source: Willoughby City Council)

Landscaping and treatment to Hammond Lane.

Table 5 Landscaping and treatment to Hammond Lane comments and response

Council's comments	Applicant's response
The staff concerns in relation to the Hammond Lane setback are identified in the Councils Request for Further Information (RFI) emails dated 20 February 2025 and 3 June 2025 relating to the subject application. Following further discussions in relation to Councils position and the application of the specific controls relevant to Hammond Lane, the Council has indicated a preference to retain the encroachments to the setback area that includes a transfer slab necessary to support the loads of the tower above and two support columns located on the Hammond Lane boundary alignment. The acceptance of these encroachments was on the basis that the landscaping treatment was resolved in discussions with Councils Landscape specialist and that satisfactory accessibility requirements could be demonstrated for this setback area.	A landscaped extract/revision has been provided by Arcadia Landscape architects which reflects the discussions with Council landscaping and Planning staff. A statement from the Applicants Accessibility consultant is provided and demonstrates compliance with relevant access standards and Australian standard requirements. A café and potential for an outdoor eating area is proposed within the Hammond Lane setback area and serves to provide an attractive, active and inviting streetscape. This area can be managed operationally to address any pedestrian traffic in this location and will safely delineate or define areas used for vehicles and pedestrians. We believe that this is a compatible use and aligns with Councils strategic CBD permeability and pedestrian link initiatives.

Non-residential floor space requirement

Table 6 Non-residential floor space comments and response

Council's comments	Applicant's response
Council's Reasons for Refusal dated 18 June 2025 raised a contention that the Clause 4.6 submission submitted in support of the non - residential floor space standard was not well founded. Council staff requested that the departure be resolved or minimised as much as possible and then further justified.	The applicant's architect has investigated the extent of departure, and an amended Clause 4.6 submission accompanies the amended documentation and seeks to justify the variation based on what are believed to be well founded grounds. This Clause 4.6 submission refers to the SGS Economic and Planning Report dated February 2020 that provides advice in relation to the derivation of the 17% requirement of non - residential floor space for the Chatswood Mixed-use zones. The report particularly refers to the viability and capacity of the Chatswood Mixed-use zone and it should be noted that the advice identifies a distinct difference in the demands and characteristics and likely uses to be attracted to these zones in comparison the core commercial areas. Importantly, the report states at page 33 the following: - <i>"It should be noted that 0.5:1 non-residential development may better reflect the lessor</i>

Council's comments	Applicant's response
	<i>suitability and demand for commercial use on sites in the further part of the southern extension area”</i> The site at Nos 629-639 Pacific Highway, Chatswood is located at the very southern part of the extension area and the figure below identifies the sites proximity to the commercial core (highlighted in blue).  The map shows a street grid in Chatswood. A red line outlines the 'CBD boundary'. A black dot marks 'Chatswood Station'. A blue-shaded area represents the 'Mixed-use zone'. A specific location is marked with a red dot and labeled 'Subject site'. A double-headed arrow indicates the distance between the subject site and the CBD boundary. A legend in the bottom right corner identifies the 'CBD boundary'. Figure: Identification of Core CBD areas and location of Mixed -use zone and subject site (Source: CBD Strategy) If the 0.5:1 requirement was applied in the circumstances of our site and overall site area, the amount of non-residential floor space would equate to 592 m² The amended design currently provides 1,176.6m² and by comparison provides well more than what the SGS advice recommended for sites in the further part of the southern extension area. On balance, and noting the other justification provided and outlined in the Clause 4.6 submission, it is considered that a reasonable amount of employment floor space is provided and that the constraints of the site and inherent in meeting the abovementioned requirements justify the variation sought.

View Impacts

Table 7 View Impacts

Council's comments	Applicant's response
Council has specifically requested a view impact assessment having regard to a submission received from No 8 Sutherland Road, Chatswood. The submission amongst several matters raises the "blocking of views" as a concern. Council staff have requested that information is to be provided to address this concern.	A View Impact Analysis has been prepared demonstrating the extent of view impact that would result to the property and No 8 Sutherland Road, Chatswood. The analysis complements the view impact assessment conducted in the Statement of Environmental Effects that accompanies this submission. A further view loss submission was submitted by Medi - Aid Centre foundation, however no address is given to identify what address may be impacted. A postal address is given at Nos 217-223 Vimiera Road, Marsfield. Based on the distance away from the subject site it is believed that any loss of views is reasonable in consideration of the compliant nature of the proposal against the relevant built form controls, particularly having regard to maximum height, setback, and separation under the ADG criteria that applies to the site. Any loss of views in these circumstances are anticipated under the current controls that apply to a mixed-use tower development within the MU1-Mixed Use Zone. The design being a slender tower ensures the loss of views from distant locations are minimised to any future development

We provide this additional information to the Panel and Council for their consideration. The applicant has worked closely with Council to address the outstanding matters outlined in the Deferral Notice. We are of the view that all outstanding matters have been satisfactorily addressed and respectfully urge the Panel to grant approval of the DA.

Should you require any additional information, please do not hesitate to contact Richard Kinninmont or Tina Christy (contact details provided below).

Yours sincerely



Tina Christy
Director
tinac@gyde.com.au
0411 744 028



Richard Kinninmont
Associate Director
richardk@gyde.com.au
02 9071 1899