



TRANSCRIPT OF MEETING

**RE: NOVUS ON ALBERT – 763-769 PACIFIC HIGHWAY, CHATSWOOD –
BUILD-TO-RENT (SSD-59805958)**

COUNCIL MEETING

PANEL: BRONWYN EVANS (CHAIR)
MICHAEL WRIGHT

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON

**DEPARTMENT OF
PLANNING, HOUSING
& INFRASTRUCTURE:** PAULINA WYTHES
GABRIEL WARDENBURG
JUDITH ELIJAH

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:45PM – 3:25PM
TUESDAY, 17th JUNE 2025

<THE MEETING COMMENCED

DR BRONWYN EVANS: So, I can see there's – oh, that's us. I was going to say, I can see someone else is trying to get in. Okay, great. Thanks. Nicely timed.

MS PAULINA WYTHES: Happy to kick off until he joins.

DR EVANS: Ah, there he is now, so thank you. Okay, I'll get started. I have a statement to make in welcome and to open the session.

Before we begin, I'd like to acknowledge that I am speaking to you from Gadigal land, and I acknowledge the traditional owners of the lands from which we virtually meet today and pay my respects to their Elders present and past.

Welcome to the meeting today to discuss the Novus on Albert – 763-769 Pacific Highway, Chatswood – Build-to-Rent Project (SSD-59805958) currently before the Commission for determination. The Applicant, the Trustee for Albert Avenue Sub Trust, proposes the demolition of existing buildings and the construction of a shop-top housing development comprising 198 build-to-rent units, retail premises, car parking across three basement levels, residential amenities, and communal spaces.

My name is Dr Bronwyn Evans, and I am the Chair of this Commission Panel, I am joined by my fellow commissioner, Mr Michael Wright. We're joined today by Kendall Clydsdale and Tahlia Hutchinson from the Office of the Independent Planning Commission.

In the interests of openness and transparency and to fulfil the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you are asked a question and are not in a position to answer, feel free to take the question on notice and provide any additional information in writing, which we will then put on our website.

I request that all members here today introduce themselves before speaking for the first time, and for all the members to ensure they do not speak over the top of each other, to ensure accuracy of the transcript.

We will now begin, so welcome and thank you. And Paulina, I might hand over to you to give us, start the Department's presentation and opening remarks.

MS WYTHES: Great. Thank you, commissioners, for having us here this afternoon. I'm Paulina Wythes, the Director of the Social and Diverse Housing

Assessments Team at the Department of Planning, Housing and Infrastructure. With me today I have Gabriel Wardenburg, a Team Leader in my team, and Judith Elijah, Senior Planning Officer from my team, the Social and Diverse Housing Assessments Team.

Thanks for having us here to brief you today on the proposal at 763 to 769 Pacific Highway, Chatswood. We will kick off with a presentation outlining the site context and strategic context for the site, and we can also cover off the key issues that you've provided in your agenda.

The application has been referred to the IPC because Willoughby Council has objected to the proposal and maintains their objection. The Department also received 15 submissions from the public in response to the exhibition. The Department's assessed the proposal and has concluded the proposal is acceptable and recommends the proposal is approvable, subject to conditions.

In coming to this view, we consider the development supports government priorities to deliver well-located housing in highly accessible location. The proposed heritage reinterpretation strategy, which we will cover off in the presentation, demonstrates the most appropriate outcome for the site in terms of the Old Fire Station heritage item.

The development proposes a bulk and scale which is compatible with the character of the area and is consistent with the adjoining development. It achieves design excellence in terms of its architectural expression, using high-quality materials, and provides good residential amenity, and will be a significant public benefit in terms of job creation.

I will now hand over to Gabriel to cover off on the site context and some of the key issues, and happy to pause for questions as you see fit, commissioners.

DR EVANS: Thank you.

MR GABRIEL WARDENBURG: Thanks, Paulina. My name is Gabriel Wardenburg. I'm a Team Leader in the Social and Diverse Housing Assessments Team.

The first slide is the site context. So, the site is shown in red. It's located on the eastern side of the Pacific Highway, shown in blue there, and has an area of about 1,500 square metres with frontages to the Pacific Highway, Albert Avenue – sorry, Albert Lane and Albert Avenue. The site currently contains a small-scale retail/commercial building which includes a gym, dance studio and retail shops. And that includes the local heritage item which is the Old Fire Station within the site boundary itself.

So, around the site we've got a mix of commercial development within the Chatswood CBD to the north and east, and a mix of medium to high density

residential built form to the south and west. And I'll just point out the Chatswood Croquet Club is located to the south of the site.

5 So, if can move onto the next slide. So, we've got the statutory context. So, under the Willoughby LEP, the site is zoned E2 Commercial Centre and also has the SP2 classified road zoning as it's subject to a future road-widening works proposal on the Pacific Highway and Albert Avenue frontages.

10 The development is eligible for a maximum building height of 90 metres with no additional overshadowing permitted to the Chatswood Croquet Club between 10 and 2, so that's that site to the south. There's no FSR control for the site.

15 And the Old Fire Station is a locally significant heritage item located on that SP2 zoned land on the site, which is subject to future road-widening works. I must just talk to that quickly while it's on the slide. So, I'll just say that there's broad agreement that the majority of the heritage value for that item is within the façade. I know historically there used to be like a tower on top of that structure and there's obviously like the back of house and internal, but I think there's broad agreement that the crux of the value is really in that façade, so that's what we're looking at critically to maintain the value of that going forward for this development.

20 I just mention it now because that's the only photo in the slide pack showing the current Fire Station.

25 **DR EVANS:** Gabriel, can I just ask a question. Is that common for heritage sites such as this where the value is only in the façade rather than any other element of the building?

30 **MR WARDENBURG:** Look, I've got to say I'm not a heritage specialist, so I'll choose my words quite carefully, but not in my experience. So, what I would say is, my understanding of this site and the item here is that the internal fit-out has been subject to a lot of change. And so because of those renovations or changes that have occurred over time, the value of that has really diminished and the condition within the building itself is just not very good, right.

35 I've worked on other sites where the item is largely unchanged and so most of the building retains its internal original structure and original value. So, yes, I just point it out because I think there was a general consensus that the value really is in the façade here and there wasn't any disagreement that I'm aware of in terms of that premise, I suppose.

40 **DR EVANS:** Thank you. That's helpful.

45 **MR MICHAEL WRIGHT:** Gabriel, I know we're going to go out and have a look at it on site shortly, but does the structure go all the way through the block to Albert Lane, or is it ... So, is the original Fire Station traversing the entirety of the block from west to east?

MR WARDENBURG: I just ... I don't think it does. I'm just trying to think [cross-talk 00:10:45].

MR WRIGHT: ... shops on the Albert Lane side.

MR WARDENBURG: Yes, I need to think exactly [cross-talk 00:10:40], but yes.

MR WRIGHT: Thanks.

MR WARDENBURG: So, I might move to the next slide. So, I think as you're aware, the Applicant is seeking development consent for a build-to-rent development with shop-top housing, comprising demolition of the existing buildings including the Old Fire Station, construction of a shop-top housing development with a height of 27 storeys, 198 build-to-rent units, ground level retail uses, residential areas, sorry, lobbies, and other ancillary uses.

There's also a fairly high level of residential amenity provided through the development, including co-working facilities, rooftop communal spaces, and then we've got three levels of basement to accommodate the 53 car parking spaces, and of course, the heritage reinterpretation strategy.

So then, if we just flick to the next slide. I think we've got a summary of the key matters that were in the agenda. I'm happy to just continuing talking, so we've probably got a slide for each of these points, or I'm happy to take questions and we can flick to that slide and, yes, respond to any questions you have.

DR EVANS: I'm happy for you to just continue through the presentation addressing each of those key matters in turn. Thank you.

MR WARDENBURG: No problem. So, I think the first one is building height. I think that's relatively straight forward. The proposal has a maximum building height of 90 metres and that complies with the relevant building height control.

I think, importantly, there's the sun access restrictions and the provisions that apply there, which requires that the Chatswood Croquet Club remains unaffected essentially between 10 and 2 during mid-winter. And the development complies with that control.

So, we've just got a plan view on the right there, showing the overshadowing and, I guess, the investigations from the Applicant demonstrating that.

MR WRIGHT: There's no service over-runs at all, nothing, above the 90-metre?

MR WARDENBURG: No, I don't believe so, and certainly not overshadowing. And Judith, I think you're nodding to confirm. So, I think we can be fairly confident with that.

DR EVANS: Thank you.

MR WARDENBURG: And then we've got the next slide, which is density. So, I'll just note that there's no FSR control for the site. The proposal provides an FSR of 11.44:1 and 15,413 metres of GFA.

We considered the bulk and scale of the development to be compatible with nearby developments, considering its location within that Chatswood CBD context, and consider that it matches the desired future character of that CBD. And I think that's also balanced by a scheme that's providing a really good level of residential amenity to future occupants, and achieves design excellence. So, in terms of the overall density of the site, we were relatively satisfied.

MR WRIGHT: And Gabriel, and I notice, I think, Paulina introduced this as saying that this proposal is compatible with nearby buildings. In terms of FSR, and I understand there's no FSR for this particular site, I'm thinking about that, I think it's the Meriton Serviced Apartment Building immediately to the east. Do we have an FSR – do you have an FSR for that use?

MR WARDENBURG: I don't know it. I could take that on notice, and we can try and find out.

MR WRIGHT: It'll be interesting, just in terms of compatibility, it's useful to know, yes.

MR WARDENBURG: For sure, no, we'll take that on notice.

MR WRIGHT: And sorry, just on that, that's a substantially higher building, that serviced apartment building, is that because of the LEP or it's got a higher permitted height or what's the story there, do we know?

MR WARDENBURG: I ... Judith, do you know off, from your recollection, what the zoning plan looks like for heights in this area?

MS ELIJAH: No, I don't, but we could look at it. The other thing it could be is maybe the solar plain is different. But we can take that on notice and check what the heights were.

MS WYTHES: And it was determined quite a while ago, but we can sort of investigate to look at the assessment and see in the provisions.

MR WARDENBURG: So, then I'll move onto setbacks. So, I think there were two primary concerns here. The northern boundary being a zero-metre setback and that being a fairly deliberate design solution allowing both sites to develop to the boundary. And I think we recognised through our assessment that that was really necessary to support the feasibility of development on both sites.

The Applicant looked at amalgamation and demonstrated sufficiently that they had investigated that, so in terms of like an alternative larger site where you wouldn't

need to maintain those setbacks, that they demonstrated that they'd resolved that. And then after that, we were looking at compliant form, what would that do to the footprint on this site, and results in a substantial reduction. So, I think it impedes the feasibility of development on both sites to enforce a compliant outcome there.

And also, it creates this challenge for any future development in terms of privacy. So, you'd then have two developments sharing a boundary with no laneway access between them, having to manage those interactions between the two properties in the future. So, for that reason, we felt it was sufficient grounds for a zero-metre setback to be adopted and support development of both sites.

And then we might move onto the – oh sorry, the same slide, Judith, just different setback. So, Council also raised some concerns around the western setback. So, I'll just note that I've got it showing there on the right side, and you've got a relatively complex arrangement there with multiple setbacks to, I suppose, the road widening, the existing site boundary, and then the proposed landscaping. And I think down the bottom, you probably can't quite see, but you can see there's a fairly substantial setback being provided once you combine all of those different setbacks. And that's compliant with TfNSW's objectives for that road widening project and the relevant provisions in the LEP.

So, we thought with that consideration, the outcomes that are being proposed there in terms of landscaping and also the building articulation where it steps out, actually improving solar outcomes for the development itself, we thought that was fair and reasonable.

Now I might move onto heritage. So, as mentioned, the application involves the demolition of the Old Fire Station. And the Applicant revised their heritage interpretation strategy after the submission of the RTS to propose the mesh structure that you see here on the screen, as well as refining some of their other interpretative efforts throughout the design.

I think it's just important to recognise a few inherent challenges with any kind of reinterpretation strategy for this site. We spent quite a significant amount of time working with the Applicant and Council on different interpretation strategies that could be adopted for the site. I think within the application you'll find some really robust optioneering that was undertaken during the assessment.

Essentially, the outcomes of that were that relocating the façade as a whole single unit isn't really feasible. Any demolition, you're going to result in salvaged – that's going to result in salvage of that material, some of it in good condition, some of it not so much, and then that would need to be reconstructed which in itself will introduce limitations in terms of what type of materials are used in that process.

So, I think that sort of mixing of old and new materials really limits the ability to integrate that façade into a new building. Where I think it would be quite easy, and this was really demonstrated through the optioneering we found for that façade to

be visually overwhelmed by its integration into the podium. So, if you just move that façade right into the front podium, I think visually you'll see it's no longer distinct and it really loses a lot of its value, I think, in terms of the outcome.

5 So, that was certainly my finding looking at that, and then that was corroborated by Heritage New South Wales when we engaged with them, who shared those similar concerns. So, we really viewed this proposed solution as the best outcome for the site because it provides a feasible solution to retaining the available heritage value, but also providing the best outcome in terms of achieving
10 something that's prominent.

So, it's visually appealing, a member of the public can walk past, see what this was, it's immediately recognisable, it's freestanding. And it provides those opportunities for the public to pass by, engage with it, look at some of the write-
15 ups of that site's history and understand it. And I think in this context, that's far more appealing and clear for the local community, I think, than just trying to reintegrate it into a very large design and have it lost in that structure.

20 So, I think, yes, that really represents the best outcome for this site, we think. And we also think that aligns with the broader charter and the principles that support heritage interpretation.

DR EVANS: Can I just ask a question. One of the concerns or one of the points that Council raised is that they hadn't seen a detailed assessment of the façade reuse, whether it was – the extent to which it was practical to reuse. Was that a
25 report that you were able to see some sort of detailed assessment of the feasibility of reusing the materials?

MR WARDENBURG: Well, I suppose what we have is an understanding that
30 there is a level of uncertainty around how much material would be salvaged during demolition. Now, I think that in the Heritage Report that we have, and certainly the feedback from the Applicant's specialist, there is an estimate of how much material could be salvaged through that process.

35 And I would say a substantial portion of the material would be lost in that process. That was really their finding. That finding was supported by Heritage New South Wales, who shared the same concern. And certainly when I look at the condition of the current façade, I can understand those concerns and the uncertainty around the level of salvaged material. And also how that material is salvaged, so how you
40 actually go about moving a structure that's that old and maintain its integrity, essentially, to relocate it.

45 So, I think for us it was fairly clear that salvage in its current form would be difficult, extremely risky, I think, in terms of the uncertainty tied to that, and ultimately, potentially not feasible. So, probably not a good starting point for a reinterpretation strategy.

DR EVANS: Thank you.

5 **MR WRIGHT:** And just a follow-up question, Bronwyn. Is it the intention that some of the material from the façade would be incorporated into this proposed structure – I’m thinking of the columns and the capitals, I think I read that somewhere, Gabriel ...

10 **MR WARDENBURG:** That’s absolutely the intent. And also, I mean, so I’d say that the interpretation strategy itself is conditioned, so it’s subject to refinement, and that will occur in consultation with Council and the Department. But certainly, in terms of some of the options that we’ve seen, it would include reusing materials in those base structures, potentially also in the road structures itself, in educational material and signage around the item itself or around the structure itself.

15 Some of the other views that we have, like imagery that we have, shows some of those – I think you can see the lady in red, she could be standing in front of a bit of an outline of the site’s history, and there’s probably some better imagery in the application that gives you an idea of where the design got to. And I’ll just sort of say that, from my perspective, the Applicant’s optioneering around the different solutions for this issue was quite meaningful and quite detailed for an application at this stage. So, it was relatively convincing in terms of the current preferred solution.

DR EVANS: Thank you.

25 **MR WARDENBURG:** So, we can probably move onto the ADG. So, yes, we assessed the proposal having regard to the Housing SEPP and the ADG, and ultimately concluded that the proposal provides a high level of amenity for residents overall.

30 We’re generally consistent that the – sorry, generally satisfied that the development’s consistent with the key ADG criteria, especially considering the flexibility provided for build-to-rent developments. And the location of this site in a densely populated CBD context, the northern boundary, the challenges of designing within this environment, I just note that while some of the apartments don’t strictly meet the solar access criteria, this proposal also has no single aspect south-facing units, so there’s no units that aren’t receiving any sun.

40 And when you look at the overall ADG criteria, we were certainly satisfied that overall, the design is achieving a high level of amenity.

45 I might move onto overshadowing. So, yes, I’ll just start with, I suppose, the development fully complies with the 90-metre height standard. I’d note its location with the sort of urban context. There’s already quite a lot of overshadowing, I would say, from that Chatswood CBD. And we generally found that the impacts are either minor or where they do occur, they’re occurring together with are sort of representative of that urban context, if I can put it that way.

There's some buildings that are impacted but they're certainly impacted already by existing developments that are overshadowing them. And I'd suggest that those buildings located to the south are already susceptible to shading from any compliant scheme. And maybe that's – a key outcome I'm always looking for in developments is, if we have an impact, what can we do to minimise and mitigate that impact.

And in this case, I think ultimately any compliant scheme would almost certainly result in a similar level of impact. And I'd say that any of the affected buildings still receive the one to two hours of solar access, so they're still receiving an appropriate level of solar access for buildings located in a CBD context.

I might move onto visual privacy. I think the focus for this development was the Albert Lane. So, it's a relatively constrained site and the Albert laneway is quite narrow. I'd just point out that those serviced apartment buildings are set back only 0.9 metres from the boundary, so they're already operating on a very narrow setback.

This proposal's providing a 3-metre tower setback which complies with the DCP controls. There's a real question around, well, what can you do to improve that? I think if you had to, if you went with the ADG criteria, that's somewhere around 21 metres for a development of this height. And I think if you look at the plan on the right, you can see that increasing that from 3 to 21 metres is really impractical for this site and the limitations that it faces.

And so, our finding is really that it's quite difficult and unreasonable to require this development to make up for the shortfall in its current context. And because of that, we looked at the actual design elements. We considered that most of the habitable room windows are actually offset, so the design limits those direct lines of sights between, say, studio units located within the development and the serviced apartments to the east.

And I'd say their privacy is also improved just through blinds and window seeding and some small design choices like that. However, despite that, we have recommended conditions to impose, essentially, privacy measures, be it screening or otherwise, to further mitigate that and improve the visual separation between the two developments.

I'll probably flick to view loss. So, I'll just show, I'll just talk through what's actually on the slide. So, on the left we've got the buildings that were identified to have key views from the development. And in the middle, we've got two examples of views that you see from the development itself, so the top one is looking across to the apartment buildings, and I think that's representative of what you see looking to the north and to the east. So, typically from any view to those aspects of this development, you see that very urban context.

And then looking to the south and west, it's more reflective of the view on the bottom. And then we've got the view analysis from the serviced apartments on the right.

5 So, in our assessment we really considered that this development enables reasonable view sharing as affected properties already experience obstructed views due to existing buildings. And where those view impacts occur, I think they're reasonable given the Chatswood CBD context and, I think, most people – you'd have a reasonable expectation that a site zoned with the controls applicable to this
10 site would develop to the scale of those controls.

And I think it's really important to note that any alternative configuration that complies with the relevant controls would likely yield similar impacts in terms of view loss to neighbouring properties.

15 I might just flick over to waste management. So, I think it's probably worth just recognising that this site is fairly constrained. It's a corner block, you've got a main road on one side, and on that side you've got the heritage item and you've got a very relatively short road to the south side.

20 So, access there would be quite difficult, just being on the corner. And so, the laneway really becomes the primary access point for vehicles. It's quite a narrow laneway and we did quite a lot of robust analysis – we required the Applicant to do quite a lot of analysis around vehicular movements through that laneway. They
25 ultimately confirmed that to get a heavy-rigid vehicle through that laneway, you'd need to, because of the road geometry, you'd be needing to turn out into the opposite lane of traffic. So, it would essentially result in an unsafe road environment for any heavy-rigid vehicles coming through that site.

30 And so for that reason, heavy-rigid vehicles weren't really practical for this site. We considered that this development is a build-to-rent development, it's owned and operated by a single owner company, essentially, and that's in perpetuity. So, the responsibility of waste collection would sit with, essentially, Novus for the duration of this development. And for that reason, we considered private waste
35 collection to be a suitable alternative.

And I might move onto traffic ...

40 **MR WRIGHT:** Sorry, Gabriel, just on this one here. That pull-in bay, my understanding is that, I think it's a medium-rigid vehicle that would protrude into the carriageway. Is that correct?

MR WARDENBURG: Correct, yes.

45 **MR WRIGHT:** Is that an issue from a trafficability point of view, or not?

MR WARDENBURG: Look, I'd say that we considered that, certainly within the operation of the site. I think it's a satisfactory outcome, given the limitations and

constraints of that laneway. So, in terms of the realities of the available traffic network, that's the most suitable outcome.

I believe in some of the revisions, the loading bay there was revised slightly. And so it was certainly something that we looked at in detail to achieve the best outcome possible for the site.

DR EVANS: Yes. Thank you.

MR WARDENBURG: So, I think in terms of traffic, the traffic numbers are quite low. We looked through the traffic impact assessment and they can be certainly readily accommodated within the existing road network.

The Applicant did include a 4.6, but in terms of the Housing SEPP, we considered the objectives at the end, yes, are to prevent consent authority from requiring more onerous standards or refusing an application if the development complies with the NDDS, which is distinct from the operation of other development standards.

So, on this basis, we were of the view that a 4.6 isn't required to grant consent. And yes, we looked at the proposed resident car/motorcycle/bicycle parking spaces and consider them reasonable in the circumstances, given, I suppose, the objectives of reducing car reliance within which is a highly accessible area and providing the use of alternative means of transport.

DR EVANS: So Gabriel, can I just ask you a question. So, you considered the rate of 0.2 spaces per dwelling as the minimum rather than the maximum number of spaces. Is that a correct understanding?

MR WARDENBURG: Look, I think ultimately – yes, I think that's a fair assumption, yes.

DR EVANS: Thank you.

MR WARDENBURG: And then we've got recommended conditions. So, I think, I mean, we've got some typical conditions around the CEMP and managing those construction impacts.

But maybe the most pertinent one is the heritage interpretation strategy and the timing of that. So, we considered it necessary to defer that to after demolish in terms of finalising that strategy, because it relies on understanding the quantity of material that's able to be salvaged from the item itself. And so, when you review that, just have that in mind.

And then we've also got conditions around the management of ongoing waste collection, loading and unloading. Because it was a key issue raised by Council through the assessment of the application.

MR WRIGHT: That was comprehensive.

DR EVANS: You've certainly covered the areas that we proposed in the agenda, so thank you very much for that. Do you have anything else, Kendall?

5 **MR KENDALL CLYDSDALE:** Just on the Meriton Towers question that you took on notice. I've found that information, so probably no need for the Department to come back to us on that item.

DR EVANS: Oh, great, thank you.

10

MS WYTHES: Thanks Kendall, for doing that during the meeting.

MR WARDENBURG: Fantastic.

15

MR CLYDSDALE: No problems. And if we could get a copy of your presentation of slides, that would be wonderful. Thank you.

MR WARDENBURG: Absolutely.

20

DR EVANS: And Tahlia, was there anything ...?

MS HUTCHINSON: Nothing from me.

25

DR EVANS: Well, thank you very much to the Department for taking us through the presentation this afternoon and providing context and your perspectives. So, thank you.

[All say thank you]

30

>THE MEETING CONCLUDED