



Ms Paulina Wythes  
Director, Social and Diverse Housing Assessments  
Department of Planning, Housing and Infrastructure  
[REDACTED]  
PARRAMATTA NSW 2150

18 June 2025

Via email: [REDACTED]

**Novus on Albert – 763-769 Pacific Highway, Chatswood – Built-to-Rent (SSD-59805958)  
Request for Information**

Dear Paulina,

I refer to the State significant development application for Novus on Albert – 763-769 Pacific Highway, Chatswood – Built-to-Rent (SSD-59805958) (**Application**), currently before the Independent Planning Commission (**Commission**) for determination. The Commission is seeking the following information from the Department of Planning, Housing and Infrastructure (**Department**):

The Applicant took a question on notice from the Commission Panel in a stakeholder meeting as to whether the development before the Commission is what the Applicant intends to develop. The Applicant subsequently provided the following information to the Commission via email on 16 June 2025:

*“The current drafting erroneously uses the term “mixed use” rather than “shop top housing” to describe the development, noting that shop top housing is the permissible use for which development consent is being sought. In this regard:*

- Chapter 3, Part 4 of the Housing SEPP specifically makes “shop top housing” for BTR development a permissible use on land zoned E2 Commercial Centre, and makes no reference to “mixed use” development.*
- The EIS and RTS reports describe the proposal as a “shop top housing” development and seek development consent on this basis, noting the permissibility of the use under the Housing SEPP.*
- The DPHI Assessment Report also refers to the proposal as a “shop top housing” development, noting the permissibility of the use under the Housing SEPP, and recommends development consent be granted on this basis.*
- The LEP definition of “shop top housing” is the most applicable definition for this site given the nature of the proposal.*

*In our view, and based on advice from Ethos Urban and discussions with DPHI, it is important that the development description in the development consent matches the terminology of the Housing SEPP, EIS, and Assessment Report.*

*We also propose two other minor amendments to clarify that:*

- There are other ancillary uses located on the ground floor which support the residential and retail uses; and*
- The coworking facilities are included within the residential amenity offering, rather than being a standalone commercial use.*



*On this basis, we propose that the development description be implemented in the final development consent be amended as follows:*

*Construction of a new ~~mixed-use~~ shop top housing development comprising:*

- 198 build-to-rent units*
- ground level retail uses, ~~and~~ residential area lobbies, ~~and other ancillary uses~~*
- residential amenities, ~~including~~ co-working facilities and rooftop communal spaces*
- demolition, bulk earthworks, landscaping, tree removal, and associated works*

*We confirm that both Novus and DPHI are aligned in this approach.”*

Given this correspondence, the Commission seeks the Department’s clarification of the following matters:

1. Is the Department satisfied that the proposed description of the development accurately reflects the proposed development before the Commission?
2. Does the Application as assessed and recommended for approval by the Department include the ‘number of design refinements and amendments’ referred to in the Applicant’s Response to Submissions report?
3. Is the Department satisfied that a formal amendment of the Application under section 37 of the *Environmental Planning and Assessment Regulation 2021* is not required to encompass the Applicant’s ‘refinements and amendments’ – and if so, why?

Could you please provide the Department’s response by **5pm Tuesday, 24 June 2025**.

Should you require any clarification in relation to the above, or wish to discuss further, please contact Kendall Clydsdale or Tahlia Hutchinson at [REDACTED] or [REDACTED] respectively, or phone [REDACTED].

Yours sincerely,

[REDACTED]

Brad James

**Acting Planning Director**