



PLANNING AND INFRASTRUCTURE

Planning Unit

16 June 2025

Director Housing Delivery
Housing Supply and Infrastructure
Department of Planning, Housing and Infrastructure
Locked Bag 5022,
Parramatta NSW 2124
Att: Anthony Kunz

Dear Anthony,

Re: State Significant Development Application Number SSD-74670720
38-42 Anderson Street, 3 McIntosh Street and 2 Day Street, Chatswood

I am writing to you regarding the State Significant Development Application Number SSD-74670720 at 38-42 Anderson Street, 3 McIntosh Street and 2 Day Street, Chatswood; Council's submission is attached.

The project is a State Significant Development (SSD) pursuant to Section 26A of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). The SSDA seeks to use infill affordable housing incentives provided in the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), enabling the maximum permissible floor space ratio and building height under Willoughby Local Environmental Plan (WLEP 2012) to be increased by 30% if the affordable housing component is at least 15% of the gross floor area (GFA) of the development.

The SSDA includes:

- Site preparation works including demolition of existing structures, vegetation clearing, and bulk earthworks.
- Anderson Street Building (Tower A) - Construction of a 33-storey shop-top housing development comprising:
 - 155 residential dwellings.
 - Private penthouse rooftop terraces.
 - Top of podium (level 2) communal open space and amenities.
- McIntosh Street Building (Tower M): Construction of a 23-storey shop-top housing development comprising:
 - 103 residential dwellings.
 - Private rooftop terraces.
 - Top of podium (level 2) communal open space and amenities.
 - Construction of a two-to three storey non-residential podium with substation, lift core, lobbies and building services.
- Floor space ratio of 7.8:1.
- A total Gross Floor Area of 34,641.7m² involving:
 - Residential: 30,124.4m²
 - Commercial: 4,517.3m²

- The residential dwellings (non-affordable housing) consisting of:
 - 5 x 1 bedroom apartments.
 - 69 x 2 bedroom apartments.
 - 128 x 3 bedroom apartments.
- 15% of the total Gross Floor Area (5,208.4m²) as infill affordable housing as per Housing SEPP consisting of:
 - 19 x 1 bedroom apartments.
 - 37 x 2 bedroom apartments.
- Maximum floor plate size of: 662.4m² (located on level 30)
- 83.1% residential related floor space, 16.9% non-residential floor space
- Construction of a seven-level basement with waste storage, services, loading dock, and 494 car parking spaces comprising:
 - 386 residential spaces (including 19 accessible spaces).
 - 36 residential visitor spaces (including 1 accessible spaces).
 - 72 commercial and retail spaces (including 2 accessible spaces).
 - 28 motorcycle spaces; and
 - 73 bicycle spaces.
- Loading dock at Basement Level 01 from McIntosh Street (accessed via Cambridge Lane).

Council retains a number of reservations with respect to the infill affordable housing incentives inserted into the Housing SEPP in December 2023 and their applicability to the Chatswood CBD, noting the significant housing provided in the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy) which became part of WLEP 2012 Amendment 34 (30 June 2023); notwithstanding, the concerns provided in this letter and attachments respond to the SEPP that is now in force.

The following is provided in this submission:

- 1) Council's submission is provided in **Attachment 1**.
- 2) Council's requested consent conditions in **Attachment 2**.

Council's submission in **Attachment 1** is summarised as follows:

1. Height on CBD boundary

Having regard to the In-fill Affordable Housing Practice Note, it is noted that in-fill affordable housing bonuses do not override any LEP height control. Council seeks for the proposal on this site to have appropriate regard to the location on the boundary of the Chatswood CBD, opposite the low density residential North Chatswood Conservation Area. The impact on adjoining land (and the other side of Anderson Street) is considered excessive, taking into account the building's height, scale and bulk. Particular regard is drawn to the expectations of the CBD Strategy and WDCP.

A nuanced approach to the Housing SEPP 30% bonus uplift is sought, with the proposed additional height in this location considered inappropriate based on bulk and scale impacts on the CBD boundary to the adjacent low density residential conservation area, and undermines recent strategic planning and community faith in the NSW planning system. The heights in this location have recently been substantially increased and indeed maximised. Council does not support any further increase in height above the existing WLEP height controls.

2. Affordable housing contribution

While Council acknowledges the decision of the Planning Panel regarding the affordable housing contribution applicable to the site (in relation to PP-2022-4316), Council continues to strongly support application of a 10% affordable housing contribution across all relevant sites, including this site, in accordance with WLEP 2012. The subject site is experiencing significant uplift and is capable to provide a 10% affordable housing contribution in line with other MU1 Mixed Use zoned land in the Chatswood CBD.

Further, the infill affordable housing bonuses were not intended to replace existing affordable housing requirements and this was clearly communicated throughout the exhibition and finalisation of the SEPP.

The SSDA should satisfactorily address s 7.32 (3) (a) of the *Environmental Planning and Assessment Act 1979* and s 15 of the SEPP (Housing) 2021, and s 7.32 (1) and (3) (c) of the *Environmental Planning and Assessment Act 1979*, in regards the affordable housing proposed (both in regards WLEP 2012 and the SEPP). This information should be submitted as part of this SSDA.

Having regard to any final decision on this matter, affordable housing conditions are provided at **Attachment 2**.

3. Infrastructure contributions

Council anticipates the full payment of applicable s7.11 or s7.12 local contributions and welcomes the opportunity to confirm the requirements under *Willoughby Local Contributions Plan 2019* prior to the finalisation of any relevant conditions, should the application proceed to the drafting of a consent. In calculating infrastructure contribution payments, the proponent must consider the applicable rates and any credits available for the existing development on the site.

Exemptions for affordable housing apply only to dwellings dedicated in perpetuity in accordance with the WLEP and there is no exemption for housing managed as affordable housing temporarily. Infrastructure contribution conditions are provided in **Attachment 2**.

4. Vehicle access and service requirements

Council supports the provision of an on-site loading dock and access for Heavy Rigid Vehicles (HRVs) to facilitate waste collection and servicing. However, the proposed development has not adequately demonstrated that HRVs can access the basement in accordance with relevant design standards and Council requirements. Additional information is required, including detailed swept path diagrams and grade levels, to confirm that vehicles can enter and exit the basement in a forward direction. This is necessary to ensure safe vehicle manoeuvring and to maintain pedestrian safety within and around the site.

5. Excessive car parking spaces

Council seeks an approach to car parking in the Chatswood CBD that aligns with the significant and successful investment in the Metro, rather than default provisions that apply more broadly across NSW or outside metropolitan transport precincts. In considering this SSDA, Council requests that emphasis be placed on the planning document that prescribes the lowest applicable car parking rate within the

Chatswood CBD railway precinct—namely, the *Willoughby Development Control Plan* (WDCP), Part F: Transport and Parking Management. Strategic planning and traffic modelling for the Chatswood CBD are based on the enforcement of low parking rates to encourage a shift away from car use and to support the substantial public investment in the Chatswood Metro and other transport infrastructure.

The proposed number of residential car spaces is 386. This significantly exceeds the maximum residential car space rate of 127 in Council's WDCP. The SSDA is requested to be amended to have car parking consistent with the location's exceptional access to transit and WDCP car parking rates.

6. Tower setbacks and podium heights

The CBD Strategy was developed to promote slender tower forms within the CBD, with the objective of reducing bulk and scale, minimising overshadowing, mitigating impacts on the adjacent North Chatswood Conservation Area, and limiting adverse effects on neighbouring properties. The proposed Building A is excessively tall and bulky, and fails to achieve these intended outcomes, particularly regarding the required 5.85m tower setback to all boundaries. Tower setbacks should be provided consistent with the WDCP and CBD Strategy to ensure a slender tower form.

7. Landscaping and the public domain

Appropriate deep soil zones are required to be provided on site, particularly to facilitate the growth of the *Angophora costata* which is intended to be a key feature of the site. Most of the area identified as deep soil area surrounding the feature *Angophora costata* is shown to be paved, with only a few small isolated planter beds and a small portion to be compacted decomposed granite. Deep soil areas should be free of structures including paving. It is noted that the lack of basement structure to the space will provide soil volume for the feature tree to grow to its full height.

Tree replacement at a ratio of 3:1 is not possible on the site and Council requests the proponent to enter a Deed of Agreement with Council and pay a fee for the off-site planting of 87 trees in accordance with *Willoughby Development Control Plan* Part G Vegetation Management clause 6 Replacement Trees and Part 7.3 Tree Offset Scheme of the Vegetation Management Guidelines.

8. Flooding, stormwater drainage and car parking spaces

The attached submission includes comments requesting amendments and or/further information pertaining to flooding, stormwater drainage and car parking spaces. Conditions are provided at **Attachment 2**.

9. Waste management issues

The attached submission includes comments requesting amendments to ensure waste management meets the requirements of the *Waste Management Technical Guide and Development Controls* by Northern Sydney Regional Organisation of Councils (NSROC). Conditions are provided at **Attachment 2**.

10. Building sustainability

Council recently exhibited amendments to the WDCP from 17 March to 22 May 2025. These proposed amendments provide clarity on Council expectations

regarding sustainability standards for new development across the Chatswood CBD. These amendments will be reported to the June 2025 Council meeting for finalisation.

The exhibited amendments require development in the MU1 Mixed Use Zone to achieve a minimum 5 star GBCA building rating.

Council seeks a clear commitment consistent with the exhibited WDCP amendment (soon to be finalised) for a minimum 5 star GBCA rating or the equivalent for the proposed SSDA development. Council seeks for any approval to contain conditions of consent requiring a 5 star GBCA rating or equivalent.

11. Missing information

The following information has been identified in the proponent's Environmental Impact Statement but has not been made available as part of the exhibition:

- Appendix B – Detailed Maps and Plans

12. Design Excellence Process

Council maintains that a Design Integrity Panel (DIP) conduct a review and is necessary under the *Willoughby Design Excellence Strategy*, which reinforces the need for such a process to ensure high-quality, innovative, and contextually appropriate design outcomes in strategic centres like the Chatswood CBD. Waiving the requirement would undermine the integrity of the planning framework and set a poor precedent.

The integrity review process was developed to ensure design quality continues through design development, construction drawings and into physical completion. The Strategy highlights the importance of the review process in achieving high-quality built form outcomes, encouraging innovation, and ensuring developments make a positive contribution to the public domain.

13. Non-residential floor space

The SSDA proposes 16.9% non-residential floor space over the whole proposed development. In Council's view, 17% non-residential minimum floor space requirement is entirely achievable, noting that Council planning controls permit non-residential uses within the tower form and in the podium.

The SSDA is requested to be amended to comply with this requirement, which is critical to ensuring the precinct meets its employment targets and continues to function as a mixed use centre.

Should you have any question in regards this letter and the attached, please contact Christopher Nguyen – Strategic Planner on (02) 9777 7646.

Yours sincerely,



Dyalan Govender
Acting Head of Planning