



PLANNING AND INFRASTRUCTURE

Planning Unit

30 June 2025

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

Dear Russell,

**Re: State Significant Development Application Number SSD-78520463
54-56 Anderson Street, Chatswood**

I am writing to you regarding the State Significant Development Application Number SSD-78520463 at 54-56 Anderson 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:

- Demolition of the existing buildings and structures and removal of trees on site.
- Site preparation works, including basement excavation and preparatory earthworks.
- The construction of a new shop-top housing development comprising:
 - A 32 storey residential tower comprising of 117 apartments (87 market, 24 affordable housing units under the Housing SEPP, 6 affordable housing dedicated to Council).
 - Ground floor: residential lobby, commercial premises and lobby (482.7m²), restaurant tenancy (72.8m²), mailroom and fire control room.
 - First level: one commercial tenancy (1272.9m²).
 - Communal open facilities at Levels 1 and 20 providing a terrace, co working space, and sitting areas.
 - A 5-level basement car park consisting of 126 car parking spaces, 7 motorcycle spaces and 76 bicycle spaces, services and waste room and end of trip facilities.
- Construction of a publicly accessible northern pocket park and through site link along the western boundary.
- Floor space ratio of 6.5:1
- A total Gross Floor Area of 14,404m² consisting of:
 - Residential: 12,520.4m²

- Non-residential: 1,883.6m²
- The residential dwellings consisting of:
 - 12 x 1 bedroom apartments.
 - 69 x 2 bedroom apartments.
 - 24 x 3 bedroom apartments.
 - 12 x 4 bedroom apartments.
 - Total: 117 apartments
- 15% of the total Gross Floor Area (5,208.4m²) as infill affordable housing as per Housing SEPP consisting of:
 - 4 x 1 bedroom apartments.
 - 20 x 2 bedroom apartments.
- 17% non-residential floor space based on the 5:1 FSR under WLEP 2012
- Loading dock in basement level accessed from O'Brien Street.

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. Background of project and development consent conditions

As this SSDA primarily seeks an increase in building height and floor space ratio while largely retaining the original design of the previously approved development application, the consent conditions issued by Council remain relevant in ensuring that the development is constructed in accordance with best safety practices and the intended design quality outcomes are maintained. Council's recommended consent conditions are in **Attachment 2**.

If this SSDA is granted consent, a condition is required for the surrendering of the consent for development application (DA-2023/152) before the issue of any Construction Certificate.

2. 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.

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. The Practice Note, in explaining how the SEPP is to be applied explicitly confirms that the bonus is not an entitlement applicable to every site and any additional height and FSR must meet relevant merit considerations. In this case it is Council's view that the proposed height and FSR should not be supported.

3. Affordable housing contribution

Council supports the provision of 4% of the total residential gross floor area to be dedicated as permanent affordable housing to Council in line with the requirements of the WLEP 2012. Council's affordable housing consent condition is requested as part of any consent to ensure the transparent dedication of affordable housing to Council and is provided in **Attachment 2**. Council also retains its standing objection to the SEPP allowing the provided affordable housing to revert to market housing after 15 years, as the affordability challenges facing the community require permanent, long term solutions.

4. Infrastructure contributions

Council anticipates the full payment of applicable s7.11 or s7.12 local contributions and requests 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.

The methodology to calculate the contribution rates and any relevant credits can be found in the *Willoughby Local Contributions Plan 2019*. 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**.

Council requests that should the proposal be approved, the local contributions should be calculated prior to issuing the consent and the contributions payable should be specified in the conditions.

5. Infrastructure provision

This site was rezoned with an associated voluntary planning agreement put in place to ensure that the local infrastructure required to support the future residents of the site can be adequately serviced. It is critical that any approval issued for the SSDA retains the agreed infrastructure contributions under the voluntary planning agreement.

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

6. 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 117. This significantly exceeds the maximum residential car space rate of 58 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.

7. Vehicle access and parking requirements

Revised swept paths for waste vehicles, service vehicles (SRV) and B99 passenger vehicles must be provided through to the basement level. It must be demonstrated these vehicles can pass each other at all points from the site entry to the loading bay. Similarly, the swept path diagrams for waste vehicles, medium rigid vehicles (MRV) and B99 vehicles do not extend through to the loading dock and therefore does not been demonstrate that these vehicles can safely pass one another throughout the access route.

Council requests all proposed car spaces identified as "*small car*" spaces to be redesigned to meet the minimum dimensions and any other required specifications for standard car spaces in accordance with the relevant Australian Standards. As Council requests a reduction in number of residential car spaces in accordance with the maximum allowance in the WDCP, there would be adequate space to achieve providing standard car spaces.

The design of the commercial parking spaces must be amended to comply with the medium-term (Class 2) parking requirements suitable for customers and client use. Column placements have resulted in a reduction of ramp width between levels to 5.9 metres. To comply with AS2890.1, all vehicle ramps must maintain a minimum clear width of 6.1 metres between all structures, including columns and walls.

8. Landscaping and the public domain

Tree replacement at a ratio of 3:1, which is required under the relevant controls, 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 11 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.

9. Stormwater management

The proposed development does not demonstrate that the outlet of the on-site stormwater detention (OSD) tank is located above the downstream water level, nor that the orifice will operate in accordance with its design parameters to achieve the required outflow rates. To confirm this, a Hydraulic Grade Line (HGL) analysis is required to demonstrate that the OSD outlet is not adversely affected by downstream conditions. This analysis must be undertaken for the 1% Annual Exceedance Probability (AEP) storm event, with the adopted downstream water level taken as the grate level at the connection point to Council's drainage system.

10. 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**.

11. 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.

12. Improvements for through-site link

Council requests the pillars located within the through-site link to be further set back to improve accessibility. The doors exiting to the pathway should open inwards only. This is easily achievable through a redesign and conditions of consent.

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