



PLANNING AND INFRASTRUCTURE

Planning Unit

10 July 2025

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

Dear Edwina,

**Re: State Significant Development Application Number SSD-76555711
3-5 Help Street, Chatswood**

I am writing to you regarding the State Significant Development Application Number SSD-76555711 at 3-5 Help 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 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 35 storey residential tower comprising of 160 apartments (141 market residential and 15 affordable housing units under the Housing SEPP)
 - A 5-level basement car park consisting of 165 car parking spaces, 10 motorcycle spaces and 34 bicycle spaces, services and waste room and end of trip facilities.
 - 17% non-residential floor space based on the 6:1 FSR under WLEP 2012
- Floor space ratio of 7.68:1
- A total Gross Floor Area of 17,583.7m² consisting of:
 - Residential: 15,238.4m²
 - Non-residential: 2,345.3m²
- The residential dwellings consisting of:
 - 55 x 1 bedroom apartments.
 - 89 x 2 bedroom apartments.
 - 16 x 3 bedroom apartments.
 - Total: 160 apartments

- 15% of the total Gross Floor Area (2470 m²) as infill affordable housing as per Housing SEPP consisting of:
 - 18 x 1 bedroom apartments.
 - 14 x 2 bedroom apartments.
- Loading area on the Lower Ground Level accessed from Help 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-2023/160) before the issue of any Construction Certificate.

2. Height in close proximity to 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. A reduction in the proposed height will have substantial improvements by reducing impacts to adjoining land and the conservation area, whilst improving modulation with adjacent towers when viewed from the surrounding locality. 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. Whilst Council does not refuse any increase over the WLEP height of 90m, Council requests the proposal to be reduced in height to mitigate impacts to adjoining development and the conservation area to the north-east, whilst providing improved modulation when viewed from the surrounding locality.

3. Affordable housing contribution

The site is identified on the Affordable Housing Map under WLEP 2012 as being subject to a 4% affordable housing provision requirement. The EIS states the monetary value of 4% of the residential gross floor area will be provided to Council as a monetary contribution. Council's requests an affordable housing consent condition as part of any consent (provided in **Attachment 2**) to ensure the transparent provision of monetary contributions for affordable housing and to ensure the methodology for calculating the contribution is clear. In the absence of a clear condition there is a risk that disputes surrounding the methodology for calculation of the affordable housing will unnecessarily delay delivery.

Council also retains its standing objection to the Housing SEPP allowing the provision of 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. 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 156. This significantly exceeds the maximum residential car space rate of 80 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. Cambridge Lane and the public right of way

The previously approved development application proposed to enhance Cambridge Lane as a shared zone to take into consideration the uplift in residents from the proposal and surrounding development, resulting in an increase in vehicle and pedestrian movements through Cambridge Lane.

The previous consent for the approved development application (DA-2023/160) contained conditions regarding upgrades to Cambridge Lane and to establish the western pathway as a public right of way. These conditions of consent are still relevant and necessary to ensure improvements to Cambridge Lane are completed to meet the increase in vehicle and pedestrian movements, and to ensure the public right of way is provided and utilised appropriately. Conditions to ensure these outcomes occur are provided in **Attachment 2**.

7. 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**.

8. 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.

9. Engineering issues

Council has reviewed the proposed development's stormwater, flooding, and vehicle access arrangements and has identified several issues that require further consideration. While an on-site stormwater system has been included, it does not meet Council's requirements for limiting water flow during heavy rainfall. Minor design changes are also needed to ensure the system functions properly during storm events. Flood levels around the site have been assessed, and most requirements are met; however, some adjustments are necessary at the basement entry point. Concerns remain about waste vehicle manoeuvring and potential traffic conflicts at the site entry.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dyalan Govender', with a stylized, cursive script.

Dyalan Govender
Acting Head of Planning