

Department of Planning, Housing and Infrastructure

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Modification 1 – Mixed use development with in-fill affordable housing, Chatswood

State Significant Development Modification Assessment Report (SSD-74670720-Mod-1)

April 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1 Introduction

This report details the Department of Planning, Housing and Infrastructure’s (the Department’s) assessment of a modification of the State significant development (SSD) application SSD-74670720.

On 7 December 2025, Aeon Residence Chatswood Pty Ltd (the Applicant) was granted consent for the construction of a mixed use development including shop-top housing and in-fill affordable housing.

The Applicant seeks approval to modify the timeframe for the submission of a valuation report to Willoughby City Council (Council) required to inform the monetary contribution amount to be paid to Council for the purposes of providing affordable housing.

1.1 Project location

The site is located at 38-42 Anderson Street, 3 McIntosh Street and 2 Day Street, Chatswood in the City of Willoughby local government area. The site is shown in **Figure 1**.

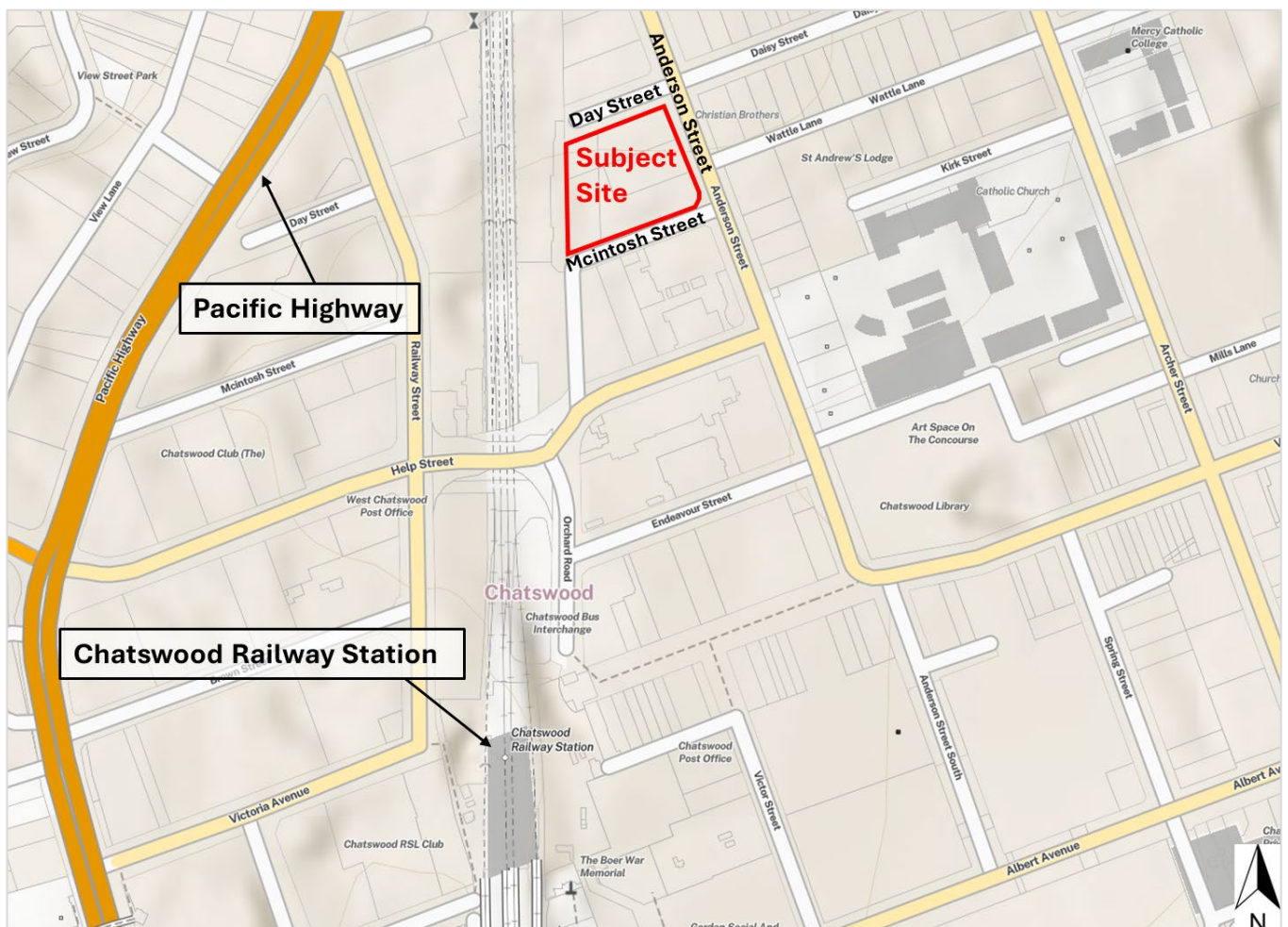


Figure 1 | Site location (base source: NSW Spatial Services)

1.2 Approval history

On 7 December 2025, the Director of Key Sites and TOD Assessments, as delegate of the Minister for Planning and Public Spaces, granted development consent to the construction of a mixed use development including shop top housing and in-fill affordable housing, comprising:

- demolition of the existing buildings and structures;
- site preparation works including tree removal, bulk earthworks, utilities and services relocation;
- a seven-storey basement with 494 car parking spaces;
- a part two-storey and part three-storey podium with commercial and retail uses and a recreation facility (indoor);
- two residential flat buildings with a combined 258 residential apartments, including:
 - a 23-storey building (McIntosh Street tower) containing 103 apartments including 56 in-fill affordable apartments (for at least 15 years), and
 - a 33-storey building (Anderson Street tower) containing 155 apartments;
- rooftop mechanical plant;
- communal open space areas; and
- landscaping and public domain works.

The development has not previously been modified. The approved development is shown in **Figure 2**.



Figure 2 | Northern elevation photomontage (source: Applicant's EIS)

2 Proposed modification

In accordance with Condition A18 of the development consent, the Applicant is required to pay a monetary contribution to Council for the purposes of providing affordable housing. The Applicant seeks to modify the timing of the submission of a valuation report to Council that is required to inform the overall monetary contribution.

Condition A18 currently requires the valuation report to be submitted to Council within six months of the determination of the SSD application. The Applicant seeks to amend the timing to within three months of the issue of a Construction Certificate to align with the construction certificate staging, and provides the Applicant with the option to choose the market value methodology to ensure consistency with other comparable SSD consents.

A detailed description of the proposed modification and the Applicant's justification for the proposed amendments is provided in **Appendix A**.

3 Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in **Table 1** below.

Table 1 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	<p>The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as:</p> <ul style="list-style-type: none">• no physical changes are proposed• is substantially the same development as originally approved• it will not involve any further disturbance outside of the already approved disturbance areas for the project. <p>The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and does not constitute a new development application.</p> <p>Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.</p>
Consent authority	<p>The Minister of Planning and Public Spaces continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify the consent.</p>
Decision-maker	<p>Under the Minister’s Instrument of Delegation dated 21 November 2025, the Team Leader, Key Sites and TOD Assessments, may determine the application as:</p> <ul style="list-style-type: none">• a reportable political donation or gift has not been disclosed• no submissions were received by way of objection• the submission received from Council has been considered in the assessment of the modification application.

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department’s consideration of these matters is shown in **Table 2** below.

Table 2 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B – Statutory considerations
EP&A Regulation	Appendix B – Statutory considerations
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1.1 – Introduction and Section 5 – Assessment
Public submissions	Section 4 - Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix B**.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development (ESD).

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

4 Engagement

In accordance with the Environmental Planning and Assessment Regulation 2021, the Department made the modification application publicly available on the NSW Major Projects Planning Portal and referred it to Council for comment.

Council raised no concerns in response to the proposed modification application and advised that some flexibility to the standard wording of Condition A18 is acceptable.

5 Assessment

Condition A18 of the consent requires the Applicant to pay an affordable housing contribution to Council. Part of the condition requires the submission of a valuation report to Council to determine the market value of similar dwellings in order to determine an acceptable rate for the contribution.

Condition A18 currently requires the valuation report to be submitted to Council within six months of the determination of the SSD application. The Applicant seeks to amend the timing to within three months of the issue of a Construction Certificate.

The proposed amendment ties the submission of the valuation report to the Construction Certificate, rather than the determination of the SSD application. This will provide the Applicant greater flexibility to determine the timing of the submission of the valuation report, and is consistent with similar recent SSD approvals in the Chatswood area.

Other minor administrative changes to the wording of Condition A18 are also proposed for clarity, and to further align the proposal with similar recent SSD approvals.

Council raised no objections to the proposed modification.

The Department accepts the Applicant's reasoning and justification for the proposed modification, noting that:

- it is largely administrative in nature by altering the timing of the submission of the valuation report to Council
- it does not affect the obligation of the Applicant to pay the affordable housing contribution or the timing of that payment
- it allows for a consistent approach across similar SSD approvals in the Chatswood area
- no physical changes are proposed to the approved development
- it would not result in any adverse environmental impacts.

Accordingly, the Department considers the proposed modification to be acceptable, subject to the recommended modified conditions.

The Department notes that the proposed modification originally proposed additional changes to the methodology in regards to how the market value of apartments is to be determined. Both the Department and Council raised concerns with the Applicant in response to this proposed amendment. In response, the Applicant removed that element from the proposed modification application and submitted a revised Modification Report.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act and concludes that the modification is acceptable as:

- the development, as proposed to be modified, would be substantially the same development as originally approved and would not result in any adverse environmental impacts
- the development would continue to be an appropriate height, bulk and scale
- the development would continue to provide a high level of residential amenity for future occupants.

Consequently, the Department considers the modification to be in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the **Team Leader, Key Sites and TOD Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies the consent** for the mixed use development with in-fill affordable housing (SSD-74670720) at 38-42 Anderson Street, 3 McIntosh Street, and 2 Day Street, Chatswood, subject to the conditions in the attached instrument of modification.
- **signs** the attached instrument of modification (**Appendix C**).

Recommended by:



Adam Flynn

Senior Planning Officer

Key Sites and TOD Assessments

8 Determination

The recommendation is **adopted** by:

B Devine

Brent Devine

Team Leader

Key Sites and TOD Assessments

Appendices

Appendix A – List of referenced documents

The modification report and supporting information to this assessment report can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-alterations-condition-a18-affordable-housing>

Appendix B – Statutory considerations

Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 3** below.

Table 3 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55 1A)	Assessment
1A(a) The proposed modification is of minimal environmental impact	<p>The Department is satisfied that the proposed modification is of minimal environmental impact as:</p> <ul style="list-style-type: none"> • no physical changes are proposed • it will not introduce any additional environmental impacts • it will not involve any further disturbance outside of the already approved disturbance areas for the project.
1A(b) The development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified	<p>The proposal seeks consent for changes that would not materially impact the nature of the overall development. The modification application is considered to result in development that is substantially the same development as that originally approved.</p>
1A(c) The application has been notified in accordance with the regulations	<p>The application is not required to be notified in accordance with the EP&A Regulation. The application was made publicly available on the Department’s website.</p>
1A(d) Any submission made concerning the proposed modification has been considered	<p>The Department received advice from Willoughby Council which has been considered in Section 4 of this report.</p>
(3) Relevant matters in Section 4.15(1) of EP&A Act and reasons given by the	<p>The relevant matters in Section 4.15 of the EP&A Act are considered at Table 4.</p>

Section 4.55 1A)	Assessment
consent authority for the grant of the consent that is sought to be modified	The Department considers the project would not change the reasons for consent, including that the development remains permissible with consent and compatible with the relevant plans and policies, and that the impacts on the community and the environment can be appropriately managed.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 4** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 4 | Consideration of the matters listed under Section 4.15 of the EP&A Act

Section 4.15 Matters for consideration	Department's assessment
(1)(a)(i) any environmental planning instrument	The modifications are consistent with the relevant Environmental Planning Instruments (EPIs) as addressed in this report.
(1)(a)(ii) any proposed instrument	There are no relevant draft EPIs.
(1)(a)(iii) any development control plan	Under section 2.10 of State Environmental Planning Policy (Planning Systems) 2021, development control plans do not apply to State significant development.
1(a)(iiia) any planning agreement	Not applicable.
(1)(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to application, the requirements for notification and application fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Section 5 of this report provides a detailed assessment of the impacts associated with the modified development. The modified development is not expected to result in unacceptable environmental impacts.
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	The Department has considered the advice received from the City of Willoughby Council at Section 4 .

Section 4.15 Matters for consideration	Department's assessment
(e) the public interest	The Department considers the proposed modification to be in the public interest.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment. The following EPIs are relevant to the application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- North Sydney Local Environmental Plan 2013

The Department undertook a comprehensive assessment of the application against the relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modifications do not result in any inconsistency with these EPIs.

Appendix C – Recommended instrument of modification

The instrument of modification can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-alterations-condition-a18-affordable-housing>