

Statement of Environmental Effects

Section 4.55(2) Modification Application
to SSD-76555711

3-5 Help Street, Chatswood

Prepared for
Australia Oriental Chatswood Development Pty Ltd

May 2026



Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.

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Revision	Revision date	Status	Authorised: Name & Signature
A	19 May 2026	DraftV1	
B	21 May 2026	Final	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Executive Summary

This Modification Application has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Australia Oriental Chatswood Development Pty Ltd (the **Applicant**) to accompany a Section 4.55(2) Modification Application to modify development consent SSD-76555711 relating to 3-5 Help Street, Chatswood (the **site**).

The following changes to the approved development are sought under this application:

- Reduction in total dwelling numbers from 160 to 143, reflecting market demand and facilitating an increased proportion of 3-bedroom units, introduction of 4-bedroom units and reduction in 1-bedroom units, resulting in the following composition:
 - 1-bedroom units: 28 (19.6%);
 - 2-bedroom units: 81 (56.6%);
 - 3-bedroom units: 30 (21%);
 - 4-bedroom units: 4 (2.8%).
- Façade modifications to respond to updated apartment layouts, including:
 - Coordination of the façade at Levels 6 and 7 with mid-rise Levels 8–16;
 - Extension of the mid-rise façade expression to Level 21 on the western elevation (where privacy screens are required) to maintain datum alignment and design continuity;
 - Conversion of balconies to winter gardens on Levels 24–33 across the northern, southern and eastern elevations.
- Increase in overall building height by 1.1m to 116.3m (RL 209.4) to accommodate lift overrun and building services requirements.
- Minor increase of floor-to-floor height for Basement Levels 3-5 and Levels 16 and 31-32. This results in an overall increase of 450mm in basement depth and increase in the tower building height by 450mm (excluding the lift overrun increase discussed above) to accommodate building services.
- Increase in affordable housing GFA provided in response to the increase in GFA across the development.
- Extension of Basement Level 5 from a partial to a full basement level and increase in on-site car parking from 166 to 206 spaces.
- Conversion of part of the internal communal space to a residential gym.
- General refinements to internal apartment layouts.
- Provision of a deeper lift pit below Basement Level 5 to accommodate lift requirements and stair access.
- Reconfiguration of the building core to improve operational efficiency.
- General updates to back-of-house areas, including updates to the waste room and services at Lower Ground Level to enhance functionality and efficiency.
- Updates to the residential lobby and entry arrangements to align with the revised building core.
- Inclusion of additional amenities within the retail tenancies.



- Transition from a gas to an electric hot water system at roof level, along with associated plant layout adjustments.

This modification is substantially the same, and results in no discernible environmental impacts.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2021 (EP&A Regulations)*. This SEE includes an assessment of the proposed modification in relation to the matters for consideration set out under section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this report **Table 1** below.

Table 1: Accompanying Appendices

Appendix	Report	Author
A	Revised Architectural Plans	EMBECE
B	Revised Architectural Design Report and Design Verification Statement	EMBECE
C	BCA Capability Statement	Codex
D	Access Capability Statement	Codex
E	Revised BASIX Report and Certificate	Aspire Sustainability
F	Revised ESD Report	Aspire Sustainability
G	Revised Embodied Emissions Tool	Aspire Sustainability
H	Revised Transport Impact Assessment	PDC Consultants
I	Flood Risk Statement	Stantec
J	Updated Groundwater Memorandum	Stantec
K	Structural Statement	Capital Engineering Consultants
L	Revised Noise Impact Assessment	PWNA
M	Revised Operational Waste Management Plan	Elephants Foot
N	Revised Landscape Plans	Studio Georgouras
O	Revised Civil Engineering Plans	Stantec
P	Wind Impact Addendum	Windtech
Q	Revised EDC Report	Newton Fisher Group
R	Email from DPHI confirming DIP does not need to be reconvened	DPHI
S	Net Zero Statement	Aspire Sustainability



1 Introduction

This Modification Application has been prepared by Mecone on behalf of Australia Oriental Chatswood Development Pty Ltd (the **Applicant**) pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to modify development consent SSD-76555711 for 3-5 Help Street, Chatswood.

1.1 Applicant Details

The Applicant details for this modification application are provided in **Table 2**.

Table 2: Applicant Details

Applicant Name	Australia Oriental Chatswood Development Pty Ltd
Applicant Address	Suite 1201, 495 Victoria Avenue, Chatswood NSW 2067
ABN	53 689 859 756
Nominated Contact	Paige Matthews – Senior Planner (Mecone)

1.2 Site Location and Context

The site is located at 3-5 Help Street, Chatswood, within the Willoughby Council Local Government Area (**LGA**). The site has a total area of 2,290m² and consists of two lots which are legally identified as SP52320 and SP134.

The site contains three street frontages: Cambridge Lane to the west, Help Street to the south and McIntosh Street to the north. To the east, the site shares a common boundary with an 8-storey shop top housing development, which encompasses the remainder of the street block. The existing development on the site consists of two mid-rise residential flat buildings of various ages.

The site is located in the northern portion of Chatswood CBD, approximately 250m north of Chatswood Transport Interchange, and benefits from immediate access into the core of the Chatswood CBD via a walkway and cycleway.

The site is zoned MU1 Mixed Use under the *Willoughby Local Environmental Plan 2012* (**WLEP 2012**). The proposal is permissible with development consent in the MU1 zone and meets the zone objectives.



Figure 1: Subject Site

Source: Mecone

1.3 Project Background

1.3.1 Approved Development – SSD-76555711

SSD-76555711 was granted consent by the Department of Planning, Housing and Infrastructure (DPHI) on 28 November 2025 for:

Construction of a mixed-use development with shop-top housing and in-fill affordable housing, comprising:

- *Demolition of existing buildings, vegetation clearing and earthworks*
- *A three-storey podium containing commercial and retail uses*
- *Maximum gross floor area of 17,583.7m²*
- *A residential tower with a height of 35 storeys containing 160 dwellings, including 32 affordable housing units*
- *Five basement levels containing 166 car parking spaces with vehicle access from Help Street*
- *Communal open space to Level 02*
- *Services and infrastructure works.*

1.4 Modification Overview

This application seeks modifications to the Architectural Plans and conditions of consent associated with SSD-76555711 to improve the overall efficiencies in the layout and operation of the development and respond to market feedback.

The updated Architectural Plans demonstrate the proposed changes sought and are included as **Appendix A**.

In summary, the proposed modification involves internal reconfigurations to basement and apartment layouts and amendments to services and engineering areas, resulting in minor increased in building height and excavation depth, changes to the façade and a reduction in apartment number from 160 to 143 units. The proposed changes are further discussed in **Section 3** below.



The proposed changes to the façade do not materially change the fabric of the building and seek to adopt improvements in the overall efficiency, following continued design and technical development. The conversion of upper-level balconies to wintergardens is not perceptible from street level and responds to market and technical testing.

Although some refinements are proposed to the building expression, including the extension of the mid-rise façade treatment up to Level 21 on the western elevation and the further coordination of the lower-level façades with the mid-rise levels, these changes do not alter the overall architectural intent, bulk, or perceived massing of the building.

The proposed adjustments maintain the established vertical rhythm and proportions ensuring that the building continues to read as a coherent and consistent form when viewed in its broader context. The extension of the mid-rise façades helps maintain a consistent design rather than introducing a new design outcome for the tower.



2 Strategic Context

The proposed modification includes changes to the basement and residential level layouts and associated car parking. Whilst the proposed amendments reduce the overall number of apartment units delivered, the revised unit mix responds to demonstrated market demand by increasing the proportion of larger 3 and 4-bedroom apartments capable of accommodating a broader range of household types, including families.

In this regard, the proposal remains consistent with the objectives of the National Housing Accord 2022 and the NSW Housing 2041 strategy, which seek to deliver diverse, well-located and high-quality housing supply that better aligns with changing demographic needs, supports housing choice and improves long-term liveability outcomes within strategic centres.

It also remains consistent with the Greater Sydney Region Plan and North District Plan, contributing to housing targets, liveability, connectivity, and sustainability in Chatswood as a Strategic Centre.

Locally, the proposal remains in line with the Willoughby LSPS, Chatswood CBD Strategy, and Willoughby Housing Strategy 2036, supporting the ongoing role of the Chatswood CBD for housing, jobs, and investment. The modification also retains measures for Aboriginal cultural heritage, sustainability, and design excellence in accordance with the Connecting with Country Framework and Better Placed principles, ensuring the scheme continues to deliver high-quality, well-designed housing in a highly accessible location.

Overall, the proposed modification facilitates the efficient delivery of the approved scheme, supporting the broader intent of increasing housing supply as detailed in its strategic context. As demonstrated in the approved SSDA, the approval is aligned with the relevant state, district and local strategic plans and policies applying to the site.



3 Modification Description

This section provides a summary of the proposed modifications, highlighting the key numeric parameters of the development and its operation that have been amended.

3.1 Architectural Changes

This modification application seeks consent for the increase in building height, expansion of basement level B5 and internal reconfiguration of the residential layouts to accommodate additional parking and storage spaces, as well as unit consolidations to deliver more spacious apartments that could accommodate larger household sizes.

A detailed breakdown of the proposed design changes is summarised below:

- Reduction in total dwelling numbers from 160 to 143, reflecting market demand and facilitating an increased proportion of 3-bedroom units, introduction of 4-bedroom units and reduction in 1-bedroom units, resulting in the following composition:
 - 1-bedroom units: 28 (19.6%);
 - 2-bedroom units: 81 (56.6%);
 - 3-bedroom units: 30 (21%);
 - 4-bedroom units: 4 (2.8%).
- Façade modifications to respond to updated apartment layouts, including:
 - Coordination of the façade at Levels 6 and 7 with mid-rise Levels 8–16;
 - Extension of the mid-rise façade expression to Level 21 on the western elevation (where privacy screens are required) to maintain datum alignment and design continuity;
 - Conversion of balconies to winter gardens on Levels 24–33 across the northern, southern and eastern elevations.
- Increase in overall building height by 1.1m to 116.3m (RL 209.4) to accommodate lift overrun and building services requirements.
- Minor increase of floor-to-floor height for Basement Levels 3-5 and Levels 16 and 31-32. This results in an overall increase of 450mm in basement depth and increase in the tower building height by 450mm (excluding the lift overrun increase discussed above) to accommodate building services.
- Increase in affordable housing GFA provided in response to the increase in GFA across the development.
- Extension of Basement Level 5 from a partial to a full basement level and increase in on-site car parking from 166 to 206 spaces.
- Conversion of part of the internal communal space to a residential gym.
- General refinements to internal apartment layouts.
- Provision of a deeper lift pit below Basement Level 5 to accommodate lift requirements and stair access.
- Reconfiguration of the building core to improve operational efficiency.



- General updates to back-of-house areas, including updates to the waste room and services at Lower Ground Level to enhance functionality and efficiency.
- Updates to the residential lobby and entry arrangements to align with the revised building core.
- Inclusion of additional amenities within the retail tenancies.
- Transition from a gas to an electric hot water system at roof level, along with associated plant layout adjustments.

These modifications are demonstrated in the Architectural Plans at **Appendix A**.

3.2 Proposed Amendments to Conditions of Consent

The proposed modification requires the following amendments to the following conditions of consent included in SSD-76555711 (new in ***bold/italic***, deletions in ~~strikethrough~~):

3.2.1 Description of Development

Construction of a mixed-use development with shop-top housing and in-fill affordable housing, comprising:

- Demolition of existing buildings, vegetation clearing and earthworks
- A three-storey podium containing commercial and retail uses
- Maximum gross floor area of ~~17,583.7~~ **17,820** m²
- A residential tower with a height of 35 storeys containing ~~460~~ **143** dwellings, including 32 affordable housing units
- Five basement levels containing ~~466~~ **206** car parking spaces with vehicle access from Help Street
- Communal open space to Level 02
- Services and infrastructure works.

3.2.2 Approved Plans

A1. The development must be carried out:

- (a) In compliance with the conditions of this consent;
- (b) In accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to request for further information; and
- (c) In accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural Drawings prepared by EMBECE Architects			
Drawing Number	Rev	Name of Plan	Date
SSDA-0000	C E	Cover Sheet	02/09/2025 15/05/2026
SSDA-0010	-	BASIX Commitments	20/12/2024
SSDA-0100	B	Existing Site Plan	15/05/2026
SSDA-0101	B	Site Context and Analysis Plan	15/05/2026
SSDA-0102	- B	Site Demolition Plan	20/12/2024 15/05/2026
SSDA-0110	- C	Proposed Site Plan	20/12/2024 15/05/2026



SSDA-0111	B E	Public Domain Plan	15/10/2025 15/05/2026
SSDA-0900	B	B06 Plan	15/05/2026
SSDA-1000	A D	B05 Plan	12/02/2025 15/05/2026
SSDA-1001	A D	B04 Plan	12/02/2025 15/05/2026
SSDA-1002	A D	B03 Plan	12/02/2025 15/05/2026
SSDA-1003	A E	B02 Plan	12/02/2025 15/05/2026
SSDA-1004	B F	B01 Plan	02/09/2025 15/05/2026
SSDA-1010	D H	LG Plan	02/09/2025 15/05/2026
SSDA-1011	G G	UG Plan	02/09/2025 15/05/2026
SSDA-1100	- D	Mezzanine Plan	20/12/2024 15/05/2026
SSDA-1101	- D	L01 Plan	20/12/2024 15/05/2026
SSDA-1102	B E	L02 Plan	02/09/2025 15/05/2026
SSDA-1103	A E	L03-05 Plan	02/09/2025 15/05/2026
SSDA-1106	- C	L06 Plan	20/12/2024 15/05/2026
SSDA-1107	- C	L07-13 Plan L07 Plan	20/12/2024 15/05/2026
SSDA-1114	- C	L14-25 Plan L08-16 Plan	20/12/2024 15/05/2026
SSDA-1115	B	L17-21 Plan	15/05/2026
SSDA-1116	- C	L26-31 Plan L22-23 Plan	20/12/2024 15/05/2026
SSDA-1117	B	L24-31 Plan	15/05/2026
SSDA-1122	- C	L32 Plan	20/12/2024 15/05/2026
SSDA-1123	- C	L33 Plan	20/12/2024 15/05/2026
SSDA-1126	- D	Roof Plan	20/12/2024 15/05/2026
SSDA-2000	- D	West Elevation Cambridge Lane	20/12/2024 15/05/2026
SSDA-2001	A D	North Elevation McIntosh Street	02/09/2025 15/05/2026
SSDA-2002	- C	East Elevation	20/12/2024 15/05/2026



SSDA-2003	- C	South Elevation Help Street	20/12/2024 15/05/2026
SSDA-3000	A C	Section North-South	29/04/2025 15/05/2026
SSDA-3001	A C	Section East-West	29/04/2025 15/05/2026
SSDA-4000	-	Adaptable Apartment A	20/12/2024
SSDA-4001	-	Adaptable Apartment B	20/12/2024
SSDA-4002	-	Adaptable Apartment C	20/12/2024
SSDA-4003	-	Adaptable Apartment D	20/12/2024
SSDA-4004	B	Adaptable Apartment S	15/05/2026
SSDA-4005	A	Adaptable Apartment R	15/05/2026
SSDA-4500	- B	Driveway Ramp Plan	20/12/2024 15/05/2026
SSDA-4501	A C	Driveway Ramp Sections	12/02/2025 15/05/2026
SSDA-9101	A C	Housing SEPP Storage Schedule	07/05/2025 15/05/2026
SSDA-9900	- C	Material Palette	20/12/2024 15/05/2026
Landscape plans prepared by Studio Georgouras, project No. 2210			
L-001	A C	Cover Page and Notes	09/05/2025 06/05/2026
L-01	A C	Existing Tree Plan	09/05/2025 06/05/2026
L-02	A C	Deep Soil Zone	09/05/2025 06/05/2026
L-03	A C	Landscape Site Plan	09/05/2025 06/05/2026
L-04	A C	Landscape Plan – Ground	09/05/2025 06/05/2026
L-05	A C	Planting Plan – Ground	09/05/2025 06/05/2026
L-06	A C	Landscape Plan – Mezzanine	09/05/2025 06/05/2026
L-07	A C	Planting Plan – Mezzanine	09/05/2025 06/05/2026
L-08	A C	Landscape Plan – Level 1	09/05/2025 06/05/2026
L-09	A C	Planting Plan – Level 1	09/05/2025 06/05/2026
L-10	A C	Landscape Plan – Level 2	09/05/2025 06/05/2026
L-11	A C	Planting Plan – Level 2	09/05/2025 06/05/2026
L-12	A C	Landscape Plan – Level 6	09/05/2025



			06/05/2026
L-13	A C	Planting Plan – Level 6	09/05/2025 06/05/2026
L-101	A C	Section 1/101	09/05/2025 06/05/2026
L-102	A C	Section 1/102	09/05/2025 06/05/2026
L-201	A C	Typical Details	09/05/2025 06/05/2026

3.2.3 Conditions

A summary of the conditions subject to amendments under this modification is provided in **Table 3** below.

Table 3: Summary of Amendments to Conditions

Condition Reference	Condition	Reason for Amendment
A7	Gross Floor Area Certification Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 17,583.7m² 17,820m², measured in accordance with the definition provided within the Willoughby Local Environmental Plan 2012.	This modification seeks to increase the affordable housing GFA to obtain additional FSR uplift under the Housing SEPP, as a direct result of converting balconies to wintergardens. As the proposal now provides a minimum of 14.85% affordable housing GFA, the development is eligible for a 29.69% uplift in FSR, to a maximum GFA of 17,826m². The modified proposal proposes a GFA of 17,820m², compliant with the maximum under the Housing SEPP.
A8	Maximum Building Height Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum building height does not exceed RL 208.45m 209.4m AHD, measured in accordance with the definition provided within the Willoughby Local Environmental Plan 2012.	As noted above, this modification seeks to increase the affordable housing GFA to obtain additional FSR uplift under the Housing SEPP, as a direct result of converting balconies to wintergardens. As the proposal now provides a minimum of 14.85% affordable housing GFA, the development is eligible for a 29.69% uplift in building height to a maximum of 116.7m. The modified proposal proposes a height of 116.3m (RL209.4m),



		compliant with the maximum under the Housing SEPP. Whilst the modification results in an increased overall building height by 1.1m, the height of the parapet of the roof is only increased by 0.45m, with the remaining height increase accounting for the height of roof plant within the building footprint.
A9	Local Developer Contributions Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of <i>Environmental Planning and Assessment Act, 1979</i> in the amount of \$3,173,619.52 \$4,134,120 for the purposes of the Local Infrastructure identified in the <i>Willoughby Local Infrastructure Contributions Plan</i>. In accordance with the <i>Willoughby Local Infrastructure Contributions Plan</i>, this contribution is based on 3% of the estimated cost of development, being \$105,787,317.18 \$137,804,000 provided on 6/5/2025 6/5/2026	Total EDC updated to reflect updated EDC report at Appendix Q.
A15	Affordable Housing In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent i.e. 45,238.40 15,463m²) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following, at the nomination of the Applicant before the first construction certificate is issued: The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development (which in this case is 609.54 618.52m² i.e. 4% x 45,238.40 15,463m² = 609.54 618.52m²). The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below. ...	These numbers have been updated to reflect the modified residential GFA as noted above.



A59	Adaptable Units Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that: (a) 34 30 adaptable dwellings have been provided within the Development; (b) and any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.	The adaptable unit numbers have been updated to reflect an overall reduction in units.
A66	Amended Landscape Plans Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to indicate that the proposed <i>Livistona australis</i> palms located along Cambridge Lane are to be of minimum height 4m trunk height at time of planting. In addition, the Landscape Plans are to show three (3) street trees (<i>Pyrus calleryana</i>) planted along McIntosh Street, located within a landscape bed that is contiguous with the proposed landscape strip that runs along McIntosh Street. These trees are to be evenly spaced along the McIntosh Street frontage and be minimum pot size of 75 litres. Amended Plans are to be submitted to the nominated Certifying Authority for approval prior to issue of a Construction Certificate.	It is requested this condition be removed as the Landscape Plans have been updated to show the proposed <i>Livistona australis</i> palms along Cambridge Lane with a minimum 4m trunk height at the time of planting. The plans also show three evenly spaced <i>Pyrus calleryana</i> street trees along the McIntosh Street frontage within a contiguous landscape bed, with each tree provided in a minimum 75L pot size.
A67	Stormwater Design Prior to the issue of a Construction Certificate, the Applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall be submitted to the Certifier with any application for a construction certificate. Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer, which include a OSD system and water quality management system for the site. The plans are to be generally in accordance with Stantec drawings CI-060-101/EH, CI-060-201/AK, CI-060-301/F, CI-500- 001/DE, CI-522-001/FH, CI-526-001/EF and CI-526-002/GI, amended to include the following items...	Updated Civil Plans have been provided at Appendix O . These plans have been updated to reflect the proposed modifications to the basement.
A71(c)	Stormwater Design A suitably qualified and experienced civil engineer must certify that: ...	It is requested this component of condition A71 is removed, as dismountable flood gates have been integrated into the basement driveway design to satisfy flood planning requirements. These have been introduced due to the planning



	(c) Additional flood mitigation measures, including flood warning systems and flood protection devices (barriers or flow-control mechanisms), will be implemented to further protect the proposed basement from PMF flood events. (e) That the proposed works comply with the Stantec's report "Flood Risk Assessment for State Significant Development Application" dated 7 May 2025 and Flood Impact and Risk Memo dated 18 May 2026	level difference relative to the existing street levels. These flood gates will be integrated into the building operation and management plan. The introduction of this flood gate is in direct response to condition A71(c).
A94	Sydney Metro Corridor All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents: • Geotechnical Investigation Report Revision 4 prepared by Cardno (Stantec) dated 25 February 2025. • Civil Drawings Rev 1K – [General Arrangement Plan – Lower Ground Floor] prepared by Stantec dated 18 February 2025 18 May 2026. • Flood Risk Assessment Rev 06 prepared by Stantec Australia dated 7 May 2025, and Flood Impact and Risk Memo prepared by Stantec Australia dated 18 May 2026 • Noise Impact Assessment Rev 42 prepared Pulse White Noise Acoustics Pty Ltd subject to any amendments to those documents required by Sydney Metro in accordance with this consent.	These conditions have been updated to reflect the updated reports and plans prepared.
B4	Ecologically Sustainable Development Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Green Star Strategy Report, prepared by Walkerbai Consulting 28 January 2025 ESD Report, prepared by Aspire Sustainability Consulting 20 May 2026.	An updated ESD Report addressing sustainability requirements and Greenstar is provided by Aspire at Appendix F.
B9	Car Parking (g) the allocation of a maximum of 166 206 car parking as follows: (i) 15 affordable housing car parking spaces using the following rates: • 0.4 spaces per 1 bedroom apartment • 0.5 spaces per 2 bedroom apartment	The proposal increases on-site parking from 166 to 206 spaces through the extension of Basement 5 to a full basement level. The development provides 176 residential parking spaces, exceeding the minimum 138 spaces required under Section 22A of the Housing SEPP, as



	(ii) 118 market housing car parking spaces using the following rates: • 0.5 spaces per 1 bedroom apartment • 1 space per 2 bedroom apartment • 1.5 spaces per 3+ bedroom apartment. (i) 176 residential car parking spaces, including a minimum of 15 car parking spaces for affordable housing (iii) 23 21 visitor parking spaces (iv) 40 9 commercial parking spaces.	well as 21 visitor spaces aligned with the WDCP. The additional parking is considered appropriate given the constrained on-street parking conditions in and around the Chatswood CBD and will assist in reducing spillover parking impacts on surrounding streets. The proposal also recognises that residents may still require access to private vehicles despite the site's strong public transport accessibility. For the non-residential component, 9 parking spaces are proposed, which complies with the WDCP guidance. This is discussed in further detail in Section 7.4.1 below.
B10	Wind Mitigation Measures Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Assessment, prepared by ARUP Australia dated 1 January 2025 and the document titled Wind Environment Addendum Letter dated 18 May 2026.	A Wind Impact Addendum prepared by Windtech reviewed the proposed design changes, including the conversion of balconies to wintergardens. The assessment concludes that the modification will have a negligible impact on wind comfort and safety conditions at ground and elevated levels, with most balcony areas remaining suitable for their intended use. The wintergardens are expected to improve wind conditions for private open spaces at the upper levels. While adverse wind conditions were identified on the eastern balconies at Level 32 due to their exposure, impermeable perimeter screening has been incorporated into the updated design to address this issue. Overall, the proposal is expected to remain consistent with the conclusions of the original Environmental Wind Assessment.
B11	Compliance with Acoustic Assessment Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations	A Revised Noise and Vibration Impact Assessment (NVIA) has been prepared and is included in Appendix L to reflect the proposed architectural changes and to determine if any additional acoustic mitigation measures are required to be implemented based on the



	contained in the Noise Impact Assessment, prepared by PWNA dated 29 November 2024 dated 18 May 2026.	proposed design modifications. As part of the original Development Application, PWNA has previously prepared a NVIA which included determination of Rating Background Levels (RBLs), formulation of relevant project noise and vibration criteria as well as any acoustic mitigation measures to ensure compliance. Based on their assessment of the modifications, PWNA does not propose any modification to the previously determined RBLs and associated acoustic criteria, nor are there any new mitigation measures that have been introduced. By incorporating the recommendations outlined in the acoustic report, the proposed development, as amended is expected to remain consistent with the applicable criteria established under the SSD NVIA for both the construction and operational phases. This includes compliance with the Noise Policy for Industry and the Interim Construction Noise Guideline during construction, as well as achieving the relevant internal amenity targets under the ADG and NCC during operation.
B13	BASIX Certification Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate No. 1394390M_06-08, and any updated certificate issued if amendments are made, must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.	A revised BASIX Certificate has been issued based on the modified scheme.
E14	Compliance with BASIX Certificate Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate (Certificate No. 1394390M_06-08) approved under this consent have been implemented.	
F10	Ecologically Sustainable Development Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the	The proposed modification amends the sustainability commitment from a 5-star Green Star as-built rating to a 4-star Green Star 'Buildings'



	development, operating in accordance with this consent achieves a minimum 4 Star or equivalent and targets a 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.	Equivalency. The updated ESD Report and Green Star scorecard confirm the development will continue to achieve a high standard of environmental performance and deliver “Best Practice” sustainability outcomes under the Green Building Council of Australia framework. The amendment reflects ongoing design development and does not alter the approved building form, land use outcomes or overall sustainability intent of the project. The proposal will continue to deliver strong sustainability measures across energy efficiency, water management, indoor environmental quality and operational performance. As there is no statutory requirement for a certified 5-star Green Star rating, the proposed 4-star equivalency remains an appropriate and reasonable sustainability outcome consistent with the objectives of ecologically sustainable development under the EP&A Act.
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4 Statutory Planning Framework

This section provides a preliminary assessment of the proposal in relation to key relevant provisions contained in the EP&A Act, environmental planning instruments, including state environmental planning policies (SEPPs), Willoughby Local Environmental Plan 2012, and Willoughby Development Control Plan 2025.

4.1 Environmental Planning & Assessment Act 1979

4.1.1 Section 4.55(2) Other Modifications

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is **the same or substantially the same development as the development for which consent was originally granted** and before that consent as originally granted was modified (if at all), and*
- (b) *it has **consulted with the relevant Minister, public authority or approval body** (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has **notified the application** in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has **considered any submissions** made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

(Emphasis added)

An assessment of the proposed modification against the matters for consideration listed under Section 4.55(2) and 4.15(1) of the EP&A Act is provided below.

4.1.1.2 The Same or Substantially the Same Development

As established in *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280 (**Moto Projects**), a comparison of the changes of the modified application to the original consent may include an appreciation of qualitative and quantitative differences.

An appreciation of the qualitative and quantitative differences between the original development and proposed modifications is provided below.

Qualitative Assessment

A qualitative assessment of the proposed modification demonstrates that all elements of the building design remain substantially unaltered as outlined below:

- The use of the land and the operational characteristics remain unchanged.



- The proposed amendment does not materially change the approved fabric of the development.
- The proposed changes do not alter the overall architectural intent or perceived massing of the building.
- The proposed changes will have no impact on the overall architectural quality of the development.
- The proposed changes to the layout of the basement and residential floors will increase efficiencies in the operation and use of the site, and respond to market demand.
- The proposal remains compliant with the relevant development controls under Environmental Planning Instruments.

Quantitative Assessment

Quantitatively, the proposal is substantially the same development as that originally approved as:

- The building footprint and the majority of the façade remain unchanged.
- The proposal results in an increase in building height of 1.1m (1% increase) that does not introduce new or intensified environmental impact.
- The proposal results in an increase in excavation depth of 450mm (<1% increase) that does not introduce new or intensified environmental impact.
- The proposal results in an increase in GFA of 236.3m², which also introduces additional affordable housing GFA accounting for an increase of 179.6m².

Based on the above, the modification is substantially the same and represents a continuation of the approved development from a qualitative and quantitative perspective.



5 Section 4.15 Assessment

In determining an application for modification of a consent under Section 4.55(2), the consent authority must take into consideration the matters referred to in Section 4.15(1) in relation to the development the subject of this application.

5.1 Environmental Planning Instruments

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments.

5.1.1 State Environmental Planning Policy (Housing) 2021

An assessment of the proposed development concerning the relevant provisions of the Housing SEPP is provided below.

Table 4: Summary of Compliance with Housing SEPP

Section	Standards	Comment
Chapter 2 Affordable Housing		
15C Development to which this division applies	(1) <i>This division applies to development that includes residential development if—</i> (a) <i>the development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument</i> (b) <i>the affordable housing component is at least 10%</i> (c) <i>all or part of the development is carried out—</i> (i) <i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</i> (ii) <i>for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone</i> (2) <i>Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</i>	Complies The site is zoned MU1 Mixed Use which permits shop top housing. The proposal has a total GFA of 17,820m² with an affordable housing component of 14.87% of total GFA (2,649.6m²). The site is located on land within the Six Cities region in an accessible area,.
16 Affordable housing requirements for additional	(1) <i>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on</i>	Complies As the proposed development provides an affordable housing component of at least 14.85% of total GFA, it is eligible for



floor space ratio	<i>the minimum affordable housing component calculated in accordance with subsection (2).</i>	an additional floor space ratio of up to 29.7%. The applicable FSR under WLEP 2012 is 6:1. With the application of the 29.69% additional FSR, the maximum FSR permitted by the Housing SEPP is 7.78:1 (equivalent to 17,826m²). The proposed development has a total GFA of 17,820m² and therefore complies with the maximum FSR for the site under the Housing SEPP.
	(2) <i>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</i> <i>affordable housing component = additional floor space ratio (as a percentage) ÷ 2</i>	Complies Based on the calculation, 29.69% (additional FSR) divided by 2 = 14.85% affordable housing. At least 14.85% of affordable housing is provided in the proposed development.
	(3) <i>If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</i>	Complies The proposed development is for shop top housing. The proposed development is eligible for an additional 29.69% above the maximum building height under the WLEP 2012 – being 90m. The proposal provides a maximum height of 116.3m (RL 209.4).
19 Non-discretionary development standards – the Act, s4.15	(2) <i>The following are non-discretionary development standards in relation to the residential development to which this division applies—</i> (a) <i>a minimum site area of 450m²,</i>	Complies The area of the site is 2,290m².
	(b) <i>a minimum landscaped area that is the lesser of—</i> (i) <i>35m² per dwelling, or</i> (ii) <i>30% of the site area,</i>	Complies The modification only seeks amendment to the quantity and arrangement of plants within the landscaped area. No change to the size of landscaped areas is proposed.
	(c) <i>a deep soil zone on at least 15% of the site area, where—</i> (i) <i>each deep soil zone has minimum dimensions of 3m, and</i> (ii) <i>if practicable, at least 65% of the deep soil zone is located at the rear of the site,</i>	Not applicable See subsection 19(3) below.
	(d) <i>living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours</i>	Not applicable See subsection 19(3) below.



	of direct solar access between 9am and 3pm at mid-winter	
	(e), (f) (Repealed)	N/A
	(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Complies As confirmed in the Design Report (Appendix B), the proposed development meets the minimum internal areas stipulated in the ADG .
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 does apply to this development. On this basis, subsection 2(c) and (d) do not apply.
21 Must be used for affordable housing for at least 15 years	Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	Complies The development proposes 14.87% of floor space as affordable housing for a period of 15 years. A registered community housing provider will manage the affordable housing component of the development for 15 years after issue of Occupation Certificate, as originally approved.
22A Requirement to provide car parking	Development consent must not be granted to development under this division unless— (a) the consent authority is satisfied the development will result in— (i) the following number of parking spaces for dwelling used for affordable housing— (A) for each dwelling containing 1 bedroom— at least 0.4 parking spaces, (B) for each dwelling containing 2 bedroom— at least 0.5 parking spaces, (C) for each dwelling containing 3 bedroom— at least 1 parking spaces, and (ii) the following number of parking spaces for dwelling used for affordable housing—	Complies The minimum car parking requirements are as follows: Affordable housing 1-Bedroom: 17 units at 0.4 spaces = 7 spaces required 2-Bedroom: 15 units at 0.5 spaces = 8 spaces required 3-Bedroom: 0 unit Sub-Total: 15 required Market housing 1-Bedroom: 11 units at 0.5 spaces = 6 spaces required 2-Bedroom: 66 units at 1 spaces = 66 spaces required 3-Bedroom: 34 units at 1.5 spaces = 51 spaces required Sub-Total: 123 required Minimum total parking spaces



	<i>(A) for each dwelling containing 1 bedroom— at least 0.5 parking spaces,</i> <i>(B) for each dwelling containing 1 bedroom— at least 1 parking spaces,</i> <i>(C) for each dwelling containing 1 bedroom— at least 1.5 parking spaces,</i> <i>(b) the consent authority has considered the Guide to Transport Impact Assessment published by Transport for NSW on 4 November 2024.</i>	required: 138 spaces The modified development proposes an increase in residential parking from 156 to 176. The provision of 176 residential spaces exceeds the minimum requirement under Section 22A of the Housing SEPP and is therefore compliant.
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Chapter 4 Design of Residential Development

147 Determination of development applications and modification applications for residential apartment development	<i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i> <i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i>	The proposal is subject to Chapter 4 of the Housing SEPP.
148 Non-discretionary development standards for residential apartment development – the Act, s 4.15	<i>(2) The following are non-discretionary development standards—</i> <i>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i> <i>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</i> <i>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling</i>	Complies Car parking has been provided in accordance with Chapter 2. The internal area and ceiling heights are consistent with the ADG (at Appendix B).



heights specified in Part 4C of the
Apartment Design Guide.

5.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.100 Impact of rail noise or vibration on non-rail development

The Noise and Vibration Impact Assessment (**NVIA**) which was approved as part of SSD-76555711 concluded that appropriate mitigation measures can be input to ensure the rail noise does not impact the residents. The modification does not propose changes to the material of the development and will not impact the mitigation measures. The development will remain satisfactory to the noise and vibration requirements.

A Revised NVIA has been prepared and is included in **Appendix L** to reflect the proposed architectural changes. The report has concluded that the effect of any potential structure-borne noise from the adjoining railway is negligible. An assessment on human comfort is also undertaken on the impacts of the tactile vibration, where it is expected the design will be compliant with the relevant criteria.

By incorporating the recommendations outlined in the NVIA, the proposed development, as amended is expected to remain consistent with the applicable criteria established under the SSD NVIA for managing rail noise. This includes compliance with relevant internal amenity targets under the ADG and NCC during operation.

Section 2.120 Impact of road noise or vibration on non-road development

The Noise and Vibration Impact Assessment (**NVIA**) which was approved as part of SSD-76555711 concluded that appropriate mitigation measures can be input to ensure the road noise does not impact the residents. The modification does not propose changes to the material of the development and will not impact the mitigation measures. The development will remain satisfactory to the noise and vibration requirements.

A Revised NVIA has been prepared and is included in **Appendix L** to reflect the proposed changes. The report has concluded that the acoustic design of the building includes performance of glass and solid façade elements, which will ensure internal noise levels with operable windows closed will achieve internal noise level requirements and ensure a suitable acoustic amenity for future residence.

By incorporating the recommendations outlined in the NVIA, the proposed development, as amended is expected to remain consistent with the applicable criteria established under the SSD NVIA for managing road noise. This includes compliance with relevant internal amenity targets under the ADG and NCC during operation.

Section 2.122 Traffic-generating development

The relevant referral thresholds for traffic generating development are as follows:

Purpose of Development	Size or Capacity—Site with Access to a Road (Generally)
Residential accommodation	300 or more dwellings
Commercial premises (other than premises specified elsewhere in this table)	10,000m ² in gross floor area



Food and drink premises (other than take away food and drink premises with drive-through facilities) Car parking for 200 or more motor vehicles

Whilst additional car parking spaces are proposed, the proposed modification will result in reduction of apartment units from 160 units to 143 units. The capacity of the development remains less than the threshold listed under this section and therefore referral to TfNSW is not required.

5.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP provides a State-wide approach to the remediation of contaminated land and primarily promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health.

A Preliminary Site Investigation (**PSI**) was prepared by Stantec as part of the original application, which concluded that the historical uses of the site do not typically present a significant risk of contamination. The site presents a relatively low risk of contamination and can be made suitable for the proposed residential use. A data gap investigation should be undertaken following the demolition and removal of existing structures.

The proposed modification involves increase in basement depth and footprint to accommodate the conversion of basement level 5 from partial to full level basement. The increased basement depth is to accommodate the lift pit and stairwell.

An updated Groundwater Memorandum has been undertaken in **Appendix J**, which has confirmed that based on the nature and scale of the proposed works, and subject to implementation of the Dewatering Management Plan and associated management measures, the works are not expected to result in any significant deterioration in groundwater quality beyond 40m from the site. Accordingly, the proposed works are considered to have minimal impact to the groundwater quality.

5.1.4 State Environmental Planning Policy (Sustainability Buildings) 2022

The Sustainability Buildings SEPP aims to encourage the design and delivery of more sustainable buildings across NSW. It provides a set of provisions and requirements to set out directions to meet climate change targets. The proposal involves the erection of a new residential building (as amended) and therefore requires assessment against BASIX requirements under Chapter 2 the Sustainable Buildings SEPP.

A revised BASIX Assessment Report and certification have been prepared by Aspire at **Appendix E**. The assessment has concluded that the revised development will continue to satisfy the minimum BASIX requirements for energy and water commitments.

Section 3.3 Other considerations for large commercial development

As the development may in the future contain more than 1,000m² of commercial office Net Lettable Area (**NLA**), the project is subject to the NSW Large Commercial Development provisions under the Chapter 3 of the Sustainable Buildings SEPP and is required to target NABERS Energy for Office Base Building 5.5 Star Rating for commercial office spaces and NABERS water 3 star rating within the site.

An Agreement to Rate will be executed by the developer prior to SSDA, committing to a 5.5 Star NABERS Energy Rating for Office Base Building in operation. An Agreement to Rate will also be executed for SSDA, committing to a 3 Star NABERS Water Rating for Office Base Building in operation.

Greenstar Rating



The proposed modification seeks to amend the sustainability commitment from a 5-star Green Star as-built rating to a 4-star Green Star 'Buildings' Equivalency. Despite this change, the development will continue to achieve a high standard of environmental performance consistent with the objectives of the relevant planning framework and the approved development consent.

Importantly, the proposal continues to incorporate a broad range of sustainability initiatives and performance measures, as demonstrated in the updated ESD Report and accompanying Green Star scorecard included at Appendix C of the ESD Report at **Appendix F**. The scorecard confirms that the development is capable of achieving a 4-star Green Star 'Buildings' Equivalency, which represents "Best Practice" environmental design outcomes under the Green Building Council of Australia framework.

The proposed amendment does not fundamentally alter the approved building form, land use outcomes, or overall sustainability intent of the development. Rather, it reflects ongoing design development and refinement of the project as it progresses towards detailed design and delivery. In this regard, the proposal will continue to deliver meaningful sustainability outcomes across energy efficiency, water management, indoor environmental quality, material selection and operational performance.

It is also relevant that there is no statutory requirement under the applicable planning framework mandating the achievement of a certified 5-star Green Star rating. The proposed 4-star equivalency remains a strong environmental outcome for a development of this scale and context and continues to align with the broader objectives of ecologically sustainable development under the EP&A Act.

Accordingly, the proposed amendment is considered reasonable and will continue to deliver a high-quality, sustainable development outcome consistent with the strategic and environmental objectives applying to the site.

5.1.5 Willoughby Local Environmental Plan 2012

The Willoughby Local Environmental Plan 2012 (**LEP**) is the comprehensive environmental planning instrument applicable to the Willoughby LGA. An assessment with regard to the relevant clauses is provided in Table 5 below.

Table 5: WLEP 2012 Compliance Table

Clause	Consideration	Comment
Clause 2.1 Land use zones	The site is zoned MU1 Mixed Use.	Complies The site is zoned MU1 Mixed Use. The modification does not seek to amend the land uses approved under SSD-76555711. The modification remains consistent with the zone objective.
Clause 4.3 – Height of Buildings	The site is subject to a maximum building height of 90m	Complies The development is seeking the 29.22% uplift in height under Clause 18 of the Housing SEPP. Refer to discussion on compliance with the Housing SEPP above in Section 5.1.1 .
Clause 4.4 – Floor Space Ratio	The site is subject to a maximum Floor Space Ratio (FSR) of 6:1	Complies The development is seeking the 29.69% uplift in FSR under Clause 18 of the Housing SEPP.



		Refer to discussion on compliance with the Housing SEPP above in Section 5.1.1 .
Clause 5.10 – Heritage Conservation	<i>Development consent is required for any of the following—</i> (a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i> (i) <i>a heritage item,</i> (ii) <i>an Aboriginal object,</i> <i>a building, work, relic or tree within a heritage conservation area,</i>	Complies The site does not contain an item of heritage significance nor is it located within an HCA. The proposal does not involve any changes to the approved development that would impact the heritage items.
Clause 6.1 – Acid Sulfate Soils	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	Complies The subject site is identified as containing Class 5 Acid Sulfate Soils. A Geotechnical Interpretation Report approved as part of SSD-76555711 has concluded it is not anticipated that potential acid sulfate soils will impact development on the site.
Clause 6.2 – Earthworks	Development consent is required for earthworks. (3) <i>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i> (a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i> (d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> (e) <i>the source of any fill material and the destination of any excavated material,</i> (f) <i>the likelihood of disturbing relics,</i> (g) <i>the proximity to, and potential for adverse impacts on, any watercourse, drinking water</i>	Complies A Geotechnical Interpretation Report was approved as part of SSD-76555711 which provided recommendations to be addressed during the design and construction phases of the project to mitigate any detrimental impact on drainage patterns and soil stability. The proposed modification involves additional excavation and construction to extend Basement Level 5 from a partial to a full basement level. Minor increase of floor-to-floor height for basement level 3-5 is also proposed, resulting in an increase of maximum basement depth of 450mm. It has been confirmed by the geotechnical consultant that the proposed works are considered to have minimal impact to the ground water source and surrounding receptors.



	<i>catchment or environmentally sensitive area,</i> <i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	
Clause 6.7 – Active Street Frontages	<i>All premises on the ground floor of the building facing the street are to apply active street frontages.</i> <i>Despite the above subclause, an active street frontage is not required for any part of a building that is used for any of the following—</i> <i>(a) entrances and lobbies (including as part of mixed-use development),</i> <i>(b) access for fire services,</i> <i>(c) vehicular access.</i> <i>In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of commercial premises.</i>	Complies The proposed modifications are in relation to the basement and residential levels and will not impact the active frontages.
Clause 6.8 – Affordable Housing	<i>Development consent must not be granted to the erection of residential accommodation on land identified as “Area 2” on the Special Provisions Area Map unless the consent authority has taken the following into consideration—</i> <i>(a) the Willoughby Affordable Housing Principles,</i> <i>(b) the impact the development would have on the existing mix and likely future mix of residential housing stock in Willoughby,</i> <i>(c) whether one of the affordable housing conditions should be imposed on the consent for the purpose of providing affordable housing in accordance with the Willoughby Affordable Housing Principles</i> The affordable housing conditions include 4% of the gross floor space of the residential component of the development is to be used for affordable housing purposes, monetary contribution that is of equivalent value, or a mix of both.	Complies The proposed modifications involve an overall increase in residential GFA which will impact the provision of local affordable housing. This results in the 4% local affordable housing monetary contribution increasing in alignment with an increase in residential GFA generally. This has been addressed in the proposed amendments to Condition A15 in Section 5.1.1 above.



Clause 6.15 Sun Access	(1) Development consent must not be granted to development on land in Zone E2 Commercial Centre or Zone MU1 Mixed Use that results in additional overshadowing on the following land at mid-winter between midday and 2pm— (a) Chatswood Garden of Remembrance, (b) Chatswood Tennis Club and Croquet Club, (c) Victoria Avenue and Concourse Open Space. (2) Development consent must not be granted to development that results in additional overshadowing on Chatswood Oval at mid-winter between 11am and 2pm. (3) Development consent must not be granted to development that results in a dwelling on land in the South Chatswood Conservation Area receiving less than 3 hours of direct sunlight between 9am and 3pm at mid-winter. (4) Development consent must not be granted to development that results in additional overshadowing on the tree canopy of the Angophora costata tree identified as Schedule 5, Part 1, item I237 at mid-winter between midday and 2pm.	Complies Whilst the modification results in an increased overall building height by 1.1m, the height of the parapet of the roof is only increased by 0.45m, with the remaining height increase accounting for the height of roof plant within the building footprint. As such, the additional overshadowing created under this modification is minimal with no material change compared to the approved scheme and will not result in any additional overshadowing on the Victoria Avenue and Concourse Space at mid-winter between midday and 2pm.
Clause 6.23 – Design Excellence	<i>(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</i>	Complies This is addressed in detail in Section 7.1 below.
Clause 6.25 – Shop top housing in Zone MU1	<i>Development consent for the purposes of shop top housing on land in Zone MU1 Mixed Use must not be granted unless the consent authority is satisfied at least 17% of the gross floor area of the building will be used for non-residential purposes.</i>	Non-compliance The proposed modifications will increase the non-residential GFA by 35m², resulting in a total of 2,357m² non-residential GFA within the development. Clause 6.25 of WLEP 2012 requires a minimum of 17% of the GFA to be provided as non-residential floor space. Notwithstanding this requirement, DPHI supported a Clause 4.6 variation request as part of the SSD approval



		on the basis that the proposed development provided 17% non-residential floor space when calculated against the compliant 6:1 FSR under WLEP 2012, notwithstanding the additional uplift floor space achieved under the incentive scheme. The proposed modification results in a minor increase in non-residential GFA and continues to maintain the equivalent 17% non-residential floor space relative to the compliant FSR GFA, consistent with the approach supported by DPHI under the approved SSD.
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5.1.6 Willoughby Development Control Plan 2023

In accordance with Section 2.10 of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, the provisions of the Willoughby Development Control Plan 2023 do not apply to this development. As such, there is no requirement for assessment of the proposal against the WDCP 2023 for this SSDA.

Nonetheless, an assessment of the relevant provision of the DCP is provided below:

Table 6: WDCP 2023 Compliance Table

Clause	Consideration	Comment
Part F Transport and Parking Management		
Part 5 Major Development		
Parking Rates	Table 1 Car parking rates - Residential – residential flat buildings within Chatswood CBD and St Leonards precinct (maximum rate) 1 visitor space per 7 dwellings - Office/business/retail within Chatswood CBD and St Leonards precinct (maximum rate) - Office and business premises: 1 space/400m² - Retail premises (excluding supermarkets): 1 space/70m²	Complies The proposed development complies with the minimum parking rates under Chapter 2 Division 1 of the Housing SEPP. The WDCP parking rates have been used to guide the provision of parking for retail and commercial purposes. 21 residential visitor car parking is provided within the development, equivalent to a rate of 1 space per 7 dwellings and thus complies with the rate under the DCP. As there is only a minor increase in non-residential floorspace, the non-residential car parking spaces are compliant with the minimum DCP requirement of 5 spaces and maximum requirement of 10 spaces, by providing 9 spaces in total.



	Table 2 Motorcycle parking rates - Business and Residential components of mixed-use development in Chatswood CBD (minimum rate) 1 space per 20 parking spaces; 1 visitor space per 10 motorcycle spaces	Complies The proposed modification results in an increase in car parking spaces to 206 spaces in total, which requires the development to provide 11 motorcycle parking spaces. In total 17 motorcycle parking spaces are provided within the development, which complies with this requirement.
	Table 3 Requirement for bicycle parking and end-of-trip facilities - Residential components of mixed-use development in Chatswood CBD (minimum rate) 1 Class A or B parking space per 10 units; 1 Class C per 10 apartments for visitors - Business use in Chatswood CBD (minimum rate) 1 Class A or B space per 10 car parking spaces - Minimum 1 Class C bicycle space or 1 space per 10 Class A or B bicycle spaces, whichever is the greater	Complies The proposed modification comprises a reduction in overall units to 143 residential units in total, resulting in a requirement for 14 residential bicycle parking spaces and 14 visitor bicycle parking spaces. In addition, as 9 commercial car parking spaces are proposed, a further 2 bicycle parking spaces are required for the commercial component. The development provides a total of 58 bicycle parking spaces and therefore complies (and exceeds) the bicycle parking requirements.

Part L Place Based Plans

4.3 Controls for Chatswood CBD

4.3.1 Built form	b. Sun access protection to key public spaces and the South Chatswood Conservation Area Willoughby LEP includes provisions to protect certain places from excessive overshadowing. Map 3 in the DCP identifies these places to be protected.	Complies The proposal will not overshadow key public spaces and will not excessively overshadow the South Chatswood Conservation Area. Whilst the modification results in an increased overall building height by 1.1m, the height of the parapet of the roof is only increased by 0.45m, with the remaining height increase accounting for the height of roof plant within the building footprint. As such, the additional overshadowing created under this modification is minimal with no material change compared to the approved scheme and will not result in any additional overshadowing on the Victoria Avenue
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		and Concourse Space at mid-winter between midday and 2pm.
13 Controls for specific sites		
13.1.7 3-5 Help Street, Chatswood		
6. Amenity	1. A Wind Assessment shall be submitted at Development Application Stage.	Complies A Wind Impact Addendum has been prepared at Appendix N.
	2. A detailed Acoustic Assessment shall be submitted at Development Application Stage.	Complies A revised Noise Impact Assessment has been prepared at Appendix J.
	3. Residential units shall be designed to maximize solar access, cross ventilation, visual and acoustic privacy.	Complies Residential units have been designed to maximize solar access, cross ventilation, visual and acoustic privacy.



6 Engagement

Detailed stakeholder and community engagement was undertaken in the preparation of the SSD-76555711, which was then approved. This engagement included community and stakeholder consultation with the following parties:

- Adjoining neighbours and landholders
- Willoughby City Council
- First Nations Stakeholders (including Registered Aboriginal Parties (RAPs) and Metropolitan Local Aboriginal Land Council (MLALC) consulted as part of ACHAR)
- Department of Planning, Housing and Infrastructure (DPHI)
- Government Architect NSW (GANSW)
- Transport for NSW (TfNSW)
- Ausgrid
- Sydney Airport
- Sydney Trains

This engagement was consistent with the community participation objectives in the Undertaking Engagement Guidelines for State Significant Projects and complied with the community engagement requirements in the SEARs.

In accordance with the Regulations, the EIS was placed on formal public exhibition once DPHI had reviewed the EIS and deemed it 'adequate' for this purpose. Following this exhibition period, the applicant will respond to any matters raised by notified parties.

Based on the nature of the proposed modifications, it is not anticipated that further engagement with stakeholders and agencies is required.



7 Assessment of Impacts

7.1 Design Excellence

7.1.1 Architectural Design Competition

An Architectural Design Competition (**ADC**) was undertaken for the site between September - November 2022. The ADC was undertaken in accordance with Clause 6.23(6)(b) of the WLEP 2012 and Council's Guidelines for Design Excellence Review and Competitions as in effect at the time.

The ADC was undertaken as an invited process where the proponent sought three competitors to respond to a Competitive Process, which was unanimously won by EMBECE.

The Jury praised the team's high level of urban and architectural ambition, resolution of the scheme, and the clear graphic and verbal presentation of the proposal. The Jury provided feedback identifying a range of matters that required further consideration prior to the submission of the detailed Development Application. This feedback was implemented into the SSDA design and reviewed by the subsequent Design Integrity Panel (**DIP**).

7.1.2 Bridging Design Excellence Strategy and Design Integrity Panel

Prior to lodging the SSDA, a Bridging Design Excellence Strategy (**BDES**) was prepared and endorsed by GANSW on 5 February 2025. The purpose of this BDES was to establish the process to transition the recently completed Local Design Competition to a revised scheme, seeking to pursue In-fill Affordable Housing (**IAH**) as part of an SSDA. By providing a BDES, there was no requirement to run a new Design Competition for the site.

Following the endorsement of the BDES, a DIP meeting was held on 18 February 2025, in which the same jury members were reconvened to determine whether the IAH bonus scheme presented the same level of design excellence as that found in the ADC.

The DIP found that the SSDA proposal retained the potential to exhibit design excellence. The DIP supported the amendments to the scheme as they were consistent with the quality and strategies of the Design Excellence Competition proposal.

In particular, the Panel noted their support for the:

- Increased height resulting in a slender tower form
- Sculpting of the upper tower levels to reduce overshadowing impacts on the public domain
- Provision of affordable housing with a shared ground floor lobby and access to communal open space facilities.
- Revised apartment mix while retaining high levels of natural cross ventilation and solar access
- Increased Communal Open Space provision including internal areas located on the podium rooftop.

Following the DIP endorsement a design competition exemption waiver was granted by GANSW on 11 March 2025.



7.1.3 Consultation with GANSW and DPHI in accordance with Condition B1

Condition B1 requires that *if the Applicant proposes changes to the approved architectural drawings, the Planning Secretary's advice must be sought to determine whether such changes are likely to require review by the Design Integrity Panel.*

Upon consultation with DPHI in accordance with Condition B1, it was confirmed via email on 12 May 2026 (**Appendix R**) that the DIP does not need to be reconvened for the purpose of this modification and GANSW will review the application post-lodgement.

7.2 Built Form

7.2.1 Building Height

The original SSD was made pursuant to *Chapter 2, Division 1* of the Housing SEPP which approved a 28% uplift to the LEP compliant building height (being 90m) through the provision of 14% infill affordable housing

This modification application results in an overall increase in GFA from 17,583m² to 17,820m², arising from the conversion of balconies on Levels 24–33 to wintergardens, together with a minor increase of 35m² in non-residential GFA as part of ongoing design development.

As a result of this increase in total GFA, the modified proposal now provides affordable housing GFA equivalent to 14.87% of the total GFA. Accordingly, the development is eligible for a 29.74% uplift in building height under the Housing SEPP.

Based on this uplift, the maximum permissible building height is calculated as 116.72m. The modified proposal results in a maximum building height of 116.3m (RL209.4) and therefore remains compliant with the maximum bonus height permitted under the Housing SEPP.

7.2.2 Overshadowing

Whilst the modification results in an increased overall building height by 1.1m, the height of the parapet of the roof is only increased by 0.45m, with the remaining height increase accounted for in the height of roof plant (lift overrun) within the building footprint.

A revised Shadow Analysis has been prepared and is included in **Appendix A** and depicted in **Figure 2** below. As demonstrated in the analysis, the additional overshadowing impact created by the modification is minimal with no material change compared to the approved scheme. As such, the additional overshadowing created under this modification is minimal with no material change compared to the approved scheme and will not result in any additional overshadowing on the Victoria Avenue and Concourse Space at mid-winter between midday and 2pm.

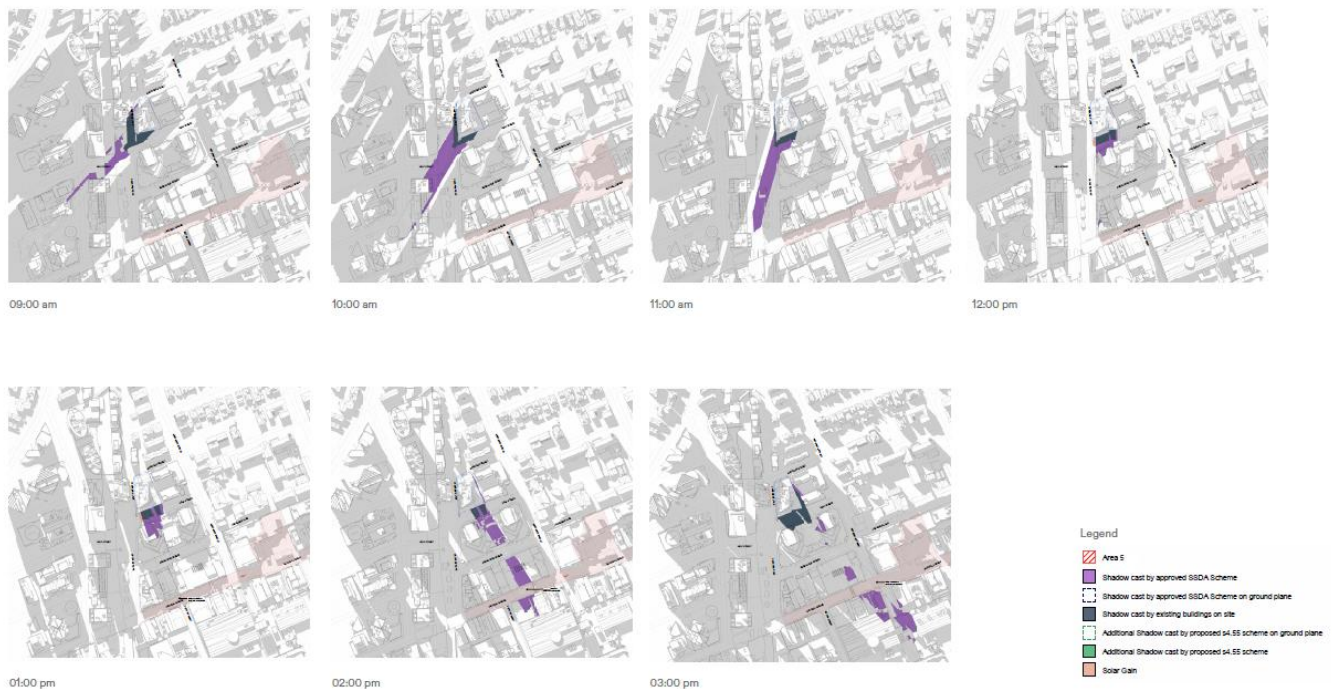


Figure 2: Shadow Diagrams – Proposed

Source: EM BE CE

7.2.3 Floor Space Ratio

As noted above, this modification results in an overall increase in total GFA on the site.

As a result of this increase in total GFA, the modified proposal now provides affordable housing GFA equivalent to 14.87% of the total GFA. Accordingly, the development is eligible for a 29.74% uplift in FSR under the Housing SEPP.

Based on this uplift, the maximum permissible FSR is calculated as 7.78:1. The modified proposal results in a maximum building height of 7.78:1 and therefore remains compliant with the maximum bonus FSR permitted under the Housing SEPP.

The proposed increase in GFA across the development is utilised in (or alternatively results from) the conversion of balconies to wintergardens on Level 24 to 33 across the northern, southern and eastern elevations, to mitigate impact from increased wind exposure on upper levels.

It is important to note that, while some apartments have been reconfigured and consolidated to provide additional 3-bedroom and 4-bedroom dwellings, resulting in a reduction in the total number of apartments within the development, the number of affordable housing units on the site remains unchanged from the approved scheme.

Accordingly, the community will continue to benefit from the same provision of affordable housing, alongside an increased supply of larger 3-bedroom and 4-bedroom apartments that better respond to housing market demand.

7.2.4 Façade and Materiality

The updates to the façade are summarised as follows:

- Coordination of the façade at Levels 6 and 7 with mid-rise Levels 8 to 16



- Extension of the mid-rise façade expression to Level 21 on the western elevation to achieve privacy screens while also maintaining datum alignment and design continuity
- Conversion of balconies to wintergardens on Levels 24 to 33 across the northern, southern and eastern elevations

The proposed changes to the façade do not materially change the fabric of the building and seek to adopt improvements in the overall efficiency, following continued design and technical development. The conversion of upper-level balconies to wintergardens is not perceptible from street level and responds to market and technical testing.

Although some refinements are proposed to the building expression, including the extension of the mid-rise façade treatment up to Level 21 on the western elevation and the further coordination of the lower-level façades with the mid-rise levels, these changes do not alter the overall architectural intent, bulk, or perceived massing of the building.

The proposed adjustments maintain the established vertical rhythm and proportions ensuring that the building continues to read as a coherent and consistent form when viewed in its broader context. The extension of the mid-rise façades helps maintain a consistent design rather than introducing a new design outcome for the tower.

Importantly, the proposed alterations to the façade do not result in a significant change to the overall appearance, scale, and visual impact of the development. As demonstrated in **Appendix A**, the proposed alterations show no appreciable difference in the building's overall visual presentation. No amendment to the materiality and colour palette is proposed.

7.3 Landscape

Minor refinements are proposed to the approved landscaping to reflect the requirement of condition A66. In response to this condition the Landscape Plans have been updated to show the proposed *Livistona australis* palms along Cambridge Lane with a minimum 4m trunk height at the time of planting. The plans also show three evenly spaced *Pyrus calleryana* street trees along the McIntosh Street frontage within a contiguous landscape bed, with each tree provided in a minimum 75L pot size.

The modification does not amend the quantity and quality of the canopy, landscaped area and deep soil area provided within the development as approved. A set of revised Landscape Plans are included at **Appendix L**, detailing the proposed refinements.

7.4 Traffic and Parking

An updated Traffic Impact Assessment has been provided by PDC Consultants at **Appendix H**.

7.4.1 Parking

The approved car parking on the site is proposed to be increased from 166 to 206 spaces to reflect the proposed extension of basement 5 from partial to full basement level.

Residential Parking

The amended residential parking has been calculated based on the Section 22A under Part 2, Division 1 of the Housing SEPP. The amended residential parking spaces have been summarised in the table below.

**Table 7: Summary of Residential Car Parking**

Type		Number of Units	SEPP Parking Requirements		Proposed Parking
			Minimum Parking Rate	Minimum Number of Spaces	
Non-Affordable Housing	1 bed	11	0.5	123	176
	2 bed	66	1.0		
	3/4 bed	34	1.5		
Affordable Housing	1 bed	17	0.4	15	
	2 bed	15	0.5		
TOTAL		123	-	138	

Noting that the development requires a minimum of 138 residential car parking spaces under the Housing SEPP, the development provides a total of 176 residential car parking spaces and therefore satisfies the minimum requirement under Section 22A of the Housing SEPP.

It is noted that 21 residential visitor spaces are proposed, compliant with the WDCP which advises a rate of 1 visitor space per 7 dwellings. The resulting total residential parking provision is 197 spaces.

The proposed increase in car parking is considered appropriate given constrained and highly contested on-street parking within the Willoughby LGA, particularly in and around Chatswood CBD where demand significantly exceeds supply and occupancy levels often exceed practical thresholds. Council's Street Parking Strategy identifies nearby residential streets as "hotspots" with high occupancy rates, reinforcing the limited capacity of the existing kerbside network to absorb additional demand.

Providing parking above the Housing SEPP minimum requirements is therefore supported as it helps prevent spillover into surrounding streets and protects local amenity and network efficiency.

It is also relevant to note that residents' choice to use public transport is influenced primarily by the quality, coverage and convenience of available services, rather than by the limitation of on-site parking alone. While some residents may commute by public transport during weekdays, households may still require access to a private vehicle for social, recreational and household trips, including weekend travel to destinations not well served by public transport, grocery shopping, and trips involving bulky items. However, it is not anticipated that all residents will need to utilise their cars during peak times and would instead utilise the nearby public transport offerings during these times.

Accordingly, adequate on-site parking is necessary to avoid transferring demand onto already constrained surrounding streets.

Non-residential

As there is only a minor increase in non-residential floorspace, the non-residential car parking spaces are compliant with the minimum DCP requirement of 5 spaces and maximum requirement of 10 spaces, by providing 9 spaces in total.



7.4.2 Traffic Impact

Based on the assessment by PDC, there is no net increase in traffic generation resulting from the modification compared to the approved SSDA. In this regard, the net change in traffic generation resulting from the proposed development is expected to be as follows:

- 0 vehicle trips / hour (0 in, 0 out), during the AM peak period.
- -1 vehicle trips / hour (-1 in, 0 out), during the PM peak period.

On this basis, the proposed increase in parking is not expected to result in any material increase in traffic generation when compared with the approved SSDA. Rather, the proposal results in no net increase during the AM peak period and a minor net decrease of one vehicle trip during the PM peak period, based on a decrease in units to 143 in total. Accordingly, the proposed modification will not alter the traffic impacts previously assessed and approved under the SSDA and is therefore considered acceptable from a traffic generation and road network capacity perspective.

7.4.3 Site Servicing

The loading, basement and servicing arrangement continue to be refined through detailed design to improve functionality, accessibility, and operational efficiency. Particularly, the reconfiguration of the lift cores, to provide direct access to the loading dock from one of the lifts, provides a significant improvement to basement access for apartments, making loading and unloading more efficient and convenient.

The proposed modifications to the loading basement and servicing do not fundamentally introduce any changes to the approved design.

7.5 Structural Engineering

A Structural Statement has been provided by Capital Engineering Consultants as **Appendix K**. This statement certifies that the structural advice provided by CEC has been incorporated into the S4.55 submission, confirming that the modified development is structurally sound and will be designed in accordance with the relevant Australian Standards

7.6 Apartment Design Guide

7.6.1 Private Open Space

As part of the internal layout reconfiguration, balcony designs have also been reviewed. It is proposed that balconies on levels 24 to 33 to be converted to wintergardens.

The primary intent of the conversion is to mitigate increased wind exposure and enhance the usability of private open space on upper levels. The wintergardens will be provided as an adaptable glazed balcony, providing opportunity and flexibility for residents to control their internal and external environment in response to changing weather conditions. This arrangement will also assist moderating external conditions, improving internal room comfort and providing an additional acoustic buffer.

The Architectural Design Report at **Appendix B** has confirmed that the conversion is minimal, ensuring seamless integration with the approved façade.



7.6.2 Solar Access and Cross Ventilation

The proposed modifications seek to maintain natural cross-ventilation and increase the approved solar access from 23.6% of the total units to 44.1% of the total units achieving more than 2 hours of solar access (based on future conditions).

This is demonstrated by the Architectural Design Report at **Appendix B**.

7.7 Acoustic

A detailed Acoustic Assessment has been undertaken as part of the original application. The modification does not propose changes to the material of the development and will not impact the mitigation measures. The development will remain satisfactory to the noise and vibration requirements.

A Revised NVIA has been prepared and is included in **Appendix L** to reflect the proposed architectural changes and to determine if any additional acoustic mitigation measures are required to be implemented based on the proposed design modifications. As part of the original Development Application, PWNA has previously prepared a NVIA which included determination of Rating Background Levels (RBL's), formulation of relevant project noise and vibration criteria as well as any acoustic mitigation measures to ensure compliance.

Based on their assessment of the modifications, PWNA does not propose any modification to the previously determined RBLs and associated acoustic criteria, nor are there any new mitigation measures that have been introduced.

By incorporating the recommendations outlined in the NVIA, the proposed development, as amended is expected to remain consistent with the applicable criteria established under the SSD NVIA for managing rail noise. This includes compliance with relevant internal amenity targets under the ADG and NCC during operation.

7.8 Wind

A detailed Environmental Wind Assessment was undertaken as part of the original application. Noting the conversion of balconies to wintergardens a Wind Impact Addendum Letter has been prepared by Windtech and is included in **Appendix P**.

A review of the proposed design has been undertaken, where it is concluded that the proposed modification is expected to have a negligible impact on the wind environment comfort and safety conditions for the ground and elevated levels from the previous design, and the majority of balcony locations will be suitable for their intended uses. The review has also noted that the proposed conversion of balconies into wintergardens would make the private open spaces suitable for their intended uses.

However, the assessment notes that adverse wind conditions may be experienced on Level 32 eastern balconies due to their overall exposure. As such, the recommended balustrade to apartment terraces on Level 31 to a height of 1.5m, has been incorporated into the updated design.

7.9 ESD

The proposed modification amends the sustainability commitment from a 5-star Green Star as-built rating to a 4-star Green Star 'Buildings' Equivalency. The updated ESD Report and Green Star scorecard confirm the development will continue to achieve a high standard of environmental



performance and deliver “Best Practice” sustainability outcomes under the Green Building Council of Australia framework.

The amendment reflects ongoing design development and does not alter the approved building form, land use outcomes or overall sustainability intent of the project. The proposal will continue to deliver strong sustainability measures across energy efficiency, water management, indoor environmental quality and operational performance.

As there is no statutory requirement for a certified 5-star Green Star rating, the proposed 4-star equivalency remains an appropriate and reasonable sustainability outcome consistent with the objectives of ecologically sustainable development under the EP&A Act.

7.9.1 BASIX

A revised BASIX Assessment Report and certification have been prepared by Aspire at **Appendix E**.

The assessment has concluded that the revised development will continue to satisfy the minimum BASIX requirements for energy and water commitments, subject to the implementation of the commitments outlined in the BASIX Certificate.

7.10 Geotechnical

The proposed modification involves increase in basement depth and footprint to accommodate the conversion of basement level 5 from partial to full level basement. The increased basement depth is to accommodate the lift pit and stairwell.

An updated Groundwater Memorandum has been prepared and is included in **Appendix J**, assessing the potential groundwater impacts of the proposal. The statement has concluded the followings:

- **Water Table:** No registered groundwater supply works have been identified within 50m of the proposed excavation. It is considered that the predicted drawdown effects of the proposed works are negligible and satisfy minimal impact considerations for water table impact.
- **Water Pressure:** No registered groundwater supply works are present within 50m of the proposed excavation. It is considered that the predicted drawdown effects of the proposed works are negligible and satisfy the minimal impact considerations for groundwater pressure impacts.
- **Water Quality:** With implementation of appropriate dewatering management measures, it is concluded that the proposed works are not expected to result in any significant deterioration in groundwater quality beyond 40m from the site.

Accordingly, the proposal as amended is considered to meet the minimal impact considerations of relevant policy, and the proposed development is expected to result in no more than minimal harm to the groundwater source and surrounding receptors.

7.11 Waste Management

A Revised Operational Waste Management Plan (**OWMP**) has been prepared by Elephant Foot and is included in **Appendix M** of this application. The updates to the OWMP reflect the minor reconfiguration of waste room due to the revised number of apartment and the minor increase in commercial GFA.

Waste management has been updated to improve overall efficiency within waste rooms. The layout has been optimised to ensure smoother movement and operational flow throughout the waste areas. The commercial waste room now has direct access to the commercial lift, supporting better separation and



more efficient handling. The FOGO bin room has also been strategically located close to the residential lobby to provide convenient access for residents.

Whilst the configuration of the waste room has been amended, the operational waste arrangement of the development remains largely the same. The waste management and collection arrangement has been formulated to accommodate Council's controls and requirements and will be appropriately managed, as originally approved.

7.12 Flood

Stantec have prepared a letter at **Appendix I** to cover a review of flood impact and risk adjustments based on the proposed modifications. As public domain, ground floor building extents and driveway levels are the same as the previously submitted design, there will be no flood impact generated from updated building architectural design, as confirmed by Stantec.

Dismountable flood gates have been integrated into the basement driveway design to satisfy flood planning requirements. These have been introduced due to the flood planning level difference relative to the existing street levels. These flood gates will be integrated into the building operation and management plan in direct response to condition A71(c).

7.13 BCA and Accessibility

A BCA and Access Capability Statements have been provided by Codex at **Appendix C** and **D** respectively. These statements confirm that the development, as amended, is capable of complying with the relevant provisions of the National Construction Code (NCC) and significant design developments are not required to satisfy these provisions.



8 Justification of modified project

8.1 Consistency with Strategic Policy

The proposed modification updates the basement, residential layouts and parking arrangements. While the total number of apartments is reduced, the revised unit mix increases larger 3 and 4-bedroom apartments to better meet market demand and support housing diversity.

The proposal remains consistent with relevant state, district and local strategic planning policies and continues to support housing supply, liveability, sustainability and design excellence within the Chatswood Strategic Centre.

8.2 Compliance with Statutory Requirements

The relevant State and local environmental planning instruments are outlined in **Section 4**. The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act. The modified proposal complies with the relevant provisions within the relevant instruments detailed in **Section 4**.

8.3 Site Suitability and Public Interest

The modification application is considered suitable for the proposed development and will remain within the public interest for the following reasons:

- The site remains highly suitable for the development. The proposed modification relates to ongoing design development and, while resulting in a minor increase in building height, does not materially alter the approved built form or compromise the continued delivery of both market and affordable housing in accordance with the Housing Accord.
- The development continues to be consistent with the MU1 Mixed Use zone, WLEP 2012, and WDCP 2023.
- The proposal aligns with the strategic vision for the Chatswood CBD, optimising the use of an underutilised site and supporting high-quality market and affordable housing.
- The bulk, scale, and environmental compatibility of the development remain appropriate.
- The site is well-serviced by transport, including proximity to the Chatswood Transport Interchange and future Sydney Metro connections.
- The modification does not affect public interest outcomes, with the development continuing to provide housing supply, commercial and retail opportunities, and economic and social benefits for the LGA.
- No adverse environmental impacts are anticipated, and the orderly and efficient use of the land is maintained.
- The proposed development remains substantially the same as that to which consent was originally granted.



9 Conclusion

This Modification has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Australia Oriental Chatswood Development Pty Ltd (the **Applicant**) to accompany a Section 4.55(2) Modification Application to modify development consent SSD-76555711 relating to 3-5 Help Street, Chatswood (the **site**).

The proposed modifications have been assessed in accordance with section 4.55(2) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The development will remain consistent with the land use objectives for the MU1 Mixed Use zone. The modification does not alter the overall intent behind the approved development, which was deemed to be consistent with the relevant environmental planning instruments and applicable regulations.
- The proposed modifications are indicative of ongoing design development and do not detract from the architectural quality of the approved development as originally assessed in the Design Integrity Report.
- The modification will not result in additional environmental impacts beyond those identified in the SSD application as approved.
- The proposal remains in line with the Willoughby LSPS, Chatswood CBD Strategy, and Willoughby Housing Strategy 2036, supporting the ongoing role of the Chatswood CBD for housing, jobs, and investment
- The proposed development remains substantially the same as that to which consent was originally granted.

In consideration of the above and conclusions throughout this SEE, it is requested that approval of the proposed modification be granted.



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