

Chatswood Grand Residences (SSD-74319707) | Willoughby LEP 2012 Compliance Assessment

Willoughby LEP 2012	Assessment	Complies
<p>Clause 2.3 Zone objectives and Land Use Table</p>	<p>The proposal is a mixed use development comprising 'shop top housing' and a 'child care centre' (as defined). These land uses are permissible with consent in the MUI (Mixed Use) Zone.</p> <p>The proposal is consistent with the objectives of the zone in that:</p> <ul style="list-style-type: none"> ▪ It provides a diversity of business and retail land uses that generate economic growth and employment opportunities. ▪ It provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. ▪ It has been designed in order to minimise conflict between land uses within the MUI zone and land uses within adjoining zones. ▪ It delivers business and retail and other non-residential land uses on the ground floor to active the streetscape. ▪ It provides residential accommodation within the Chatswood CBD and will encourage public transport use, shopping, and the use of businesses and recreational services that contribute to the vitality of the city. 	<p>Yes</p>
<p>Clause 4.3 Height of buildings</p> <ul style="list-style-type: none"> ▪ Max height: 90 metres <p>[Housing SEPP permits 30% increase – 117 metres]</p>	<p>Section 16(3) of the Housing SEPP permits an additional 30% height bonus above the LEP maximum building height development standard (based on the provision of 15% affordable housing). The proposal provides at least 15% affordable housing and is therefore eligible to utilise the full 30% uplift. This results in a maximum height of building development standard of 117 metres.</p> <p>The proposed development has a maximum building height of 121.53 metres and therefore exceeds the maximum building height development standard by 4.53 metres (exceedance of 3.9%).</p> <p>For the reasons detailed in the Clause 4.6 Variation Request, the exceedance of the maximum building height development standard under Section 16(3) of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention of the development standard.</p>	<p>No</p> <p>Variation justified on merit</p>
<p>Clause 4.4 Floor space ratio</p> <ul style="list-style-type: none"> ▪ Max FSR: 6:1 <p>[Housing SEPP permits 30% increase – 7.8:1]</p>	<p>Section 16(1) of the Housing SEPP permits an additional 30% FSR above the LEP maximum FSR development standard (based on the provision of 15% affordable housing). The proposal provides at least 15% affordable housing and is therefore eligible to utilise the full 30% uplift. This results in a FSR development standard of 7.8:1.</p> <p>The proposed development (as amended) has a total GFA of 39,014 sqm. Measured against the site area of 4,294 sqm, the proposal has an FSR of 9.09:1. Accordingly, the proposal exceeds the maximum FSR development standard under Section 16(1) of the Housing SEPP by 1.29:1 (an exceedance of 16.5%).</p>	<p>No</p> <p>Variation justified on merit</p>

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	<p>The non-compliance is a consequence of two design approaches:</p> <ul style="list-style-type: none"> ▪ Enclosure of balconies to create wintergardens to residential apartments along the eastern and northeastern façades to satisfy TfNSW guidelines for the protection of the rail corridors. ▪ Enclosure of horizontal corridors on Ground Level, Levels 01, 03, 04, and all levels beyond Level 05. This design amendment has been made following the original lodgement of the SSDA in order to align the SSDA with amended documentation submitted to Council for the Regional DA (DA-2024/47). <p>For the reasons detailed in the Clause 4.6 Variation Request, the exceedance of the maximum floor space ratio development standard under Section 16(1) of the Housing SEPP is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention of the development standard.</p>	
<p>Clause 5.10 Heritage conservation</p> <p>The objectives of the Clause are to conserve the environmental heritage of Willoughby and to conserve heritage significance of heritage items and heritage conservation areas.</p>	<p>The site is not listed as a local or State heritage item nor is it located within a heritage conservation area.</p> <p>The SSDA is accompanied by a Heritage Impact Statement which concludes that the proposed development would have a minimal impact on the heritage significance of the area and the proposal's design is sympathetic to the surrounding heritage items and the North Chatswood Heritage Conservation Area.</p>	Yes
<p>Clause 5.21 Flood planning</p> <p>The objectives of the Clause are to allow development on land that is compatible with the flood function and behaviour on the land.</p>	<p>The SSDA is accompanied by a Civil Engineering Design Report which concludes the site is not impacted by flooding, and an extensive flood impact assessment is not required for this SSDA.</p>	Yes
<p>Clause 6.1 Acid sulfate soils</p> <p>Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The site is identified as containing Class 5 acid sulfate soils. It is not however within 500 metres of adjacent Class 1, 2, 3 or 4 land.</p> <p>The SSDA is accompanied by a Remediation Action Plan which assesses the acid sulfate soils and concludes that an Acid Sulfate Soils assessment is not necessary for the proposed development.</p>	Yes
<p>Clause 6.2 Earthworks</p> <p>(2) Development consent is required for earthworks.</p>	<p>The SSDA is accompanied by a Geotechnical Report and Surface Water and Groundwater Impact Assessment to provide details on the existing ground conditions to inform methods of excavation and precautionary actions to mitigate impacts.</p>	Yes

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<p>Clause 6.3 Urban heat</p> <p>The objective of the Clause is to ensure new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protect community health and wellbeing.</p>	<p>The SSDA is accompanied by an ESD Report which details the extensive sustainability principles and measures incorporated into the proposal, including the BASIX and thermal comfort aspects.</p>	<p>Yes</p>
<p>Clause 6.6 Airspace operations</p> <p>Development consent must not be granted to development that is a controlled activity unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that division.</p>	<p>The development is not a controlled activity within the meaning of the Airports Act 1996 of the Commonwealth, Part 12, Division 4.</p>	<p>N/A</p>
<p>Clause 6.7 Active street frontages</p> <p>The northern boundary (Wilson Street), southern boundary (O'Brien Street), and western boundary (Pacific Highway) of the site are identified as active street frontages in the LEP Map.</p>	<p>The proposal provides commercial premises and retail premises along the three identified street frontages (O'Brien Street, Pacific Highway, and Wilson Street). These uses will promote activation and attract pedestrian traffic along the ground floor frontages.</p>	<p>Yes</p>
<p>Clause 6.8 Affordable housing</p>	<p>Pursuant to Clause 6.8(6)(a), the applicant proposes a monetary contribution paid to Council that is the value, calculated in accordance with subclause (4), of 4% of the base GFA (6:1).</p> <p>The 4% residential GFA should exclude the additional affordable housing GFA provided under the Housing SEPP (5,841 sqm). This is consistent with the Housing SEPP and DPHI's accompanying <i>In-fill Affordable Housing Practice Note</i> (December 2023) which make it abundantly clear that the intent of the State policy is to facilitate additional affordable housing separate to any local affordable housing that may be required under an EPI (in this case the LEP).</p>	<p>Yes</p>
<p>Clause 6.15 Sun access</p> <p>Consent must not be granted to development that results in additional overshadowing to</p>	<p>As demonstrated on the overshadowing plans in the architectural drawings submitted with the SSDA, the proposed development does not result in additional overshadowing to the land identified as Areas 1-5 during the prescribed time periods at mid-winter.</p>	<p>Yes</p>

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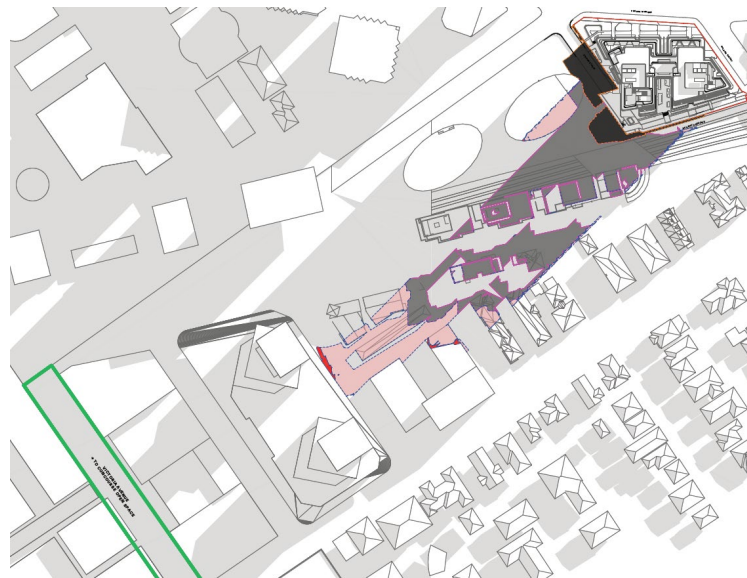
identified land at prescribed time periods (at mid-winter).

The extract below shows the extent of overshadowing to the nearest land (identified as Area 5) at 1pm and 2pm (mid-winter).

Overshadowing to Area 5 (1pm, mid-winter)



Overshadowing to Area 5 (2pm, mid-winter)



Clause 6.23 Design excellence
Development consent must not be granted to development to which this clause applies unless the consent authority considers

The SSDA scheme is an evolution of an architectural design competition which the applicant held in 2023. The winning competition scheme (by PBD Architects) was used as the basis for the SSDA, with an additional 30% height and FSR incorporated under the infill affordable housing provisions of the Housing SEPP. The additional building height and FSR has been managed through a GANSW endorsed "Bridging Design Excellence Strategy".

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<p>that the development exhibits design excellence.</p>	<p>The original SSDA proposal was subject to a Design Integrity Panel (DIP) meeting (on 23 October 2024) to ensure the scheme was capable of achieving design excellence. On 25 July 2025, the applicant reconvened the original DIP and coordinated a DIP session to review the amended SSDA. Following the session, the DIP prepared a letter confirming that the project (as amended) does not impact the capacity to achieve design excellence.</p> <p>The SSDA proposal has been subject to an ongoing competitive design process to ensure it achieves 'design excellence' in accordance with the matters for consideration in Clause 6.23.</p>	
<p>Clause 6.25 Shop top housing in Zone MUI</p> <p>Schedule 1 (Clause 27 Use of certain land in Chatswood CBD)</p> <p>Development consent for the purposes of shop top housing 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.</p>	<p>The proposal provides 4,213 sqm of non-residential GFA. Measured against the total GFA of the project (39,014 sqm), the GFA for the non-residential component equates to 10.8% of the total GFA.</p> <p>The non-compliance with the non-residential floor space control is a direct and cumulative consequence of design amendments made to the SSDA (as originally lodged) and the applicant's decision to utilise the in-fill affordable housing FSR and building height bonuses of the Housing SEPP to deliver affordable housing. As detailed in the Clause 4.6 Variation Request, the variation to the non-residential floor space control is a result of the following:</p> <ul style="list-style-type: none"> ▪ Amendments to improve the design, configuration, amenity and safety of the live / work units; ▪ Enclosure of open balconies to create wintergardens on eastern and north-eastern façades (to satisfy TfNSW design guidance to mitigate impacts on land with an interface to a rail corridor); ▪ Enclosure of open corridors on Ground Level, Levels 01, 03, 04, and all levels beyond Level 05 (creating high amenity benefits by reducing potential adverse wind and weather impacts); and ▪ Applying the in-fill affordable housing bonuses under the Housing SEPP (which permits additional residential GFA uplift). <p>Notwithstanding the non-compliance with the control, the project provides a substantial quantum of non-residential GFA (4,213 sqm sqm) and employment-generating land uses, including retail / commercial units, live / work apartments, and a childcare centre. Consistent with the inferred objectives of Clause 6.25, the non-residential uses will stimulate economic growth of the CBD.</p>	<p>No</p> <p>Variation justified on merit</p>