

Appendix 2 – Statutory Compliance Tables

339 Mowbray Road, Chatswood – ‘Chatswood Dive Site’ - Build-to-Rent (SSD-100006957)

Table 1: Statutory Compliance Table

Mandatory matters for consideration	Response	Document Reference
Consideration under the Act and Regulation		
<i>Environmental Planning and Assessment Act, 1979</i>	The proposal is consistent with the objects of the Act, in particular: • The proposed development will provide for the social needs of the community by providing for additional diverse housing in a highly accessible location. • The proposed development will create additional employment opportunities during the construction and operational phases. • The proposal will result in the orderly and economic development of the land, as the subject site is of an appropriate size and location to accommodate the development. • Appropriate utility services are available to service the subject site. • The proposal demonstrates design excellence and supports a high level of amenity in the public and private portions of the precinct. • Appropriate mitigation measures have been included to ensure acceptable environmental impacts and ongoing monitoring. • Any concerns raised during community engagement sessions have been addressed.	Section 5.8 of EIS.
<i>Environmental Planning and Assessment Regulation 2021</i>	Section 61(1) prescribes that the consent authority in determining a DA must consider Australian Standard AS 2601 – 2001. Any demolition works will be undertaken in accordance with AS 2601-1991. The Demolition of Structures published by Standards Australia. Section 69 prescribes that any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA) pursuant to Clause 69 of the EP&A Reg and will be conditioned as part any development consent. Section 193 prescribes that the principles of Ecologically Sustainable Development (ESD) are required to be	Section 5.9 of EIS.

Mandatory matters for consideration	Response	Document Reference
	considered in the assessment of the proposal. An ESD Report is available as Appendix 33 which addresses the four principles of ESD.	
Relevant Environmental Planning Instruments		
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development. An assessment against section 15C of Division 1 is provided in the Table 2 below. Chapter 5 of the Housing SEPP applies to the proposed development. An assessment against Chapter 5 is provided in Table 2 below.	Refer to Table 2 below.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Chapter 4 of the State Environmental Planning Policy (Residence and Hazards) 2021 Policy requires the consent authority to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, the consent authority must be satisfied that the land can and will be remediated before the land is used for that purpose. The site does not include and does not propose to include any land uses under Appendix 1 in the Managing Land Contamination Planning Guidelines (DUAP, EPA, 1998). As part of the approved works (SSI-7400) for the Sydney Metro line, remediation works to residential standards by Sydney Metro are complete. A Summary of Site Contamination prepared by JBS&G (Appendix 18) confirms that the site has been or will be assessed appropriately with respect to site contamination and will be demonstrated as suitable for the proposed residential with accessible soil use. The proposed SSDA boundary is entirely included within the SAS and RAP boundary, see Appendix 37 and 38, has been provided which demonstrates that the waste/contamination from the site has been appropriately classified and disposed off-site. The SAS further confirms that the site in its entirety is suitable for multiple land uses (low-density residential, high-density residential, public open space, and commercial/industrial).	Section 5.10.1 of EIS. and Appendix 2.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The site is identified in the City of Willoughby and is within an MU1 Mixed Use zone and therefore is considered a 'non-rural' area and this Chapter applies. The BDAR Wavier Request (Appendix 16) confirms that the proposed works will not reach the BOS threshold and therefore is not applicable. Chapter 2 aims to protect the biodiversity values of native vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. In this case of the subject proposal, the removal of the vegetation	Section 5.10.2 of EIS. and Appendix 2.

Mandatory matters for consideration	Response	Document Reference
	associated with Frank Channon Walk does not require a permit. The permit will be acquired prior to removal of the vegetation and is therefore consistent with the SEPP. If any future permit is required, this can be acquired from Council 28-days prior to the removal of vegetation. The BDAR Waiver (Appendix 40) confirms is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.	
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	2.98 Development adjacent to rail corridors The proposed development does not seek consent for the use of a crane air space above the rail corridor and proposed development footprint is not within 5m of an exposed overhead electricity power line. 2.99 Excavation in, above, below or adjacent to rail corridors The proposed development does not seek consent for the penetration of ground with 25m of the rail corridor.	Section 5.10.4 of EIS
	2.100 Impact of rail noise or vibration on non-rail development Intermittent train passbys have the potential to impact on residents, however after considering the NSW EPA Road Noise Policy, due to the distance between the site and the nearest residential receiver, and the low Lmax of sources anticipated to be operational during the night-time period, sleep disturbance impacts are unlikely.	Section 5.10.4 of EIS
	2.120 Impact of road noise or vibration on non-road development. Section 7.1.6 of this EIS provides a detailed assessment of noise and vibration impacts. However, two unattended noise monitors were installed between 16 and 29 Sept 2025 on the awning of The Great Northern Hotel (C02 in Figure above) and 9-11 Nelson St front yard. These measured traffic noise primarily from Pacific Highway and background noise levels. The external walls and roof/ceiling were considered satisfactory with no additional acoustic treatment expected. Regarding natural ventilation, with windows open the allowable internal noise level criteria at night cannot be achieved. The Noise Impact Assessment provides recommendations for the building envelope which are to be reviewed at detailed design stage. These include recommended minimum acoustic performance for glazing, which is detailed in Section 5.2.1 of the Noise and Vibration Assessment. The night time internal level criteria cannot be achieved with windows open on most facades, and alternative systems may be required to be investigated to	Section 5.10.4 and section 7.1.6 of EIS.

Mandatory matters for consideration	Response	Document Reference
	allow rooms to be ventilated. This is discussed in Section 7.1.6 of this EIS. 2.122 Traffic generating development The site is located nearby to Pacific Highway and Mowbray Road which are classified roads. This proposal will be assessed having regard to the classified road, including access arrangements and the impacts of the proposed development. The Proponent understands the subject SSDA will be referred to TfNSW as part of the exhibition process. Stantec has prepared a Traffic Impact Assessment which accompanies this SSDA (Appendix 28) which demonstrates that access has been designed to minimise impacts on the classified roads, and the roads have capacity to accommodate the growth associated with proposal.	Section 5.10.4 of EIS.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Chapter 2 Standards for residential development — BASIX Chapter 2 of the SBSEPP relates to standards for residential development – BASIX. Schedule 1 of the SBSEPP sets out the standards that apply to the proposal being BASIX development meeting the definition in paragraph (a) of the definition of 'BASIX development' in the Regulation. IGS has prepared a BASIX certificate in Appendix 34. Chapter 3 Standards for non-residential development. The development is residential in nature and Chapter 2 applies, as such is not subject of the provisions in Chapter 3 of the Sustainable Buildings SEPP.	Section 5.10.3 of EIS.
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Pursuant to Schedule 1, Part 27 Build-to-rent housing of <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP), the proposal is classified as State Significant development (SSD) as the proposal meets the threshold requirements, as it: - Includes development of land in the Eastern Harbour City, with an estimated development cost greater than \$50 million, current pre-SSDA submission estimates of the proposed development are greater than \$100 million excluding GST. - The tenanted component of the proposed development has a value at least 60% of the estimated development cost of the proposed development, and - Does not involve development that is prohibited under an environmental planning instrument. (<i>Subject to the approval of the Concurrent PP</i>).	Section 5.2 of EIS. and Appendix 2.
<i>Willoughby Local Environmental Plan 2012 (WLEP)</i>	Zoning and Permissibility The site is zoned MU1 Mixed Use pursuant to the Willoughby LEP 2012. As this SSDA includes the subdivision of the site, only an MU1 zone applies. The zonings under WLEP for each area of the site outlines a variety of land uses that are permissible with consent. These permissible land uses within each zone	Section 5.11 of EIS and Appendix 2.

Mandatory matters for consideration	Response	Document Reference				
	are detailed below, with the land uses associated with the proposed development highlighted in RED in the table below: <table><tr><th>Zoning</th><th>Land uses permissible with consent</th></tr><tr><td>MU1 Mixed Use Zone</td><td>Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4</td></tr></table> In addition to the uses identified above, the indicative scheme proposes the inclusion of ‘residential flat buildings’, which is a subset ‘residential accommodation’ of which is prohibited under the MU1 zone. The concurrent PP includes a proposed amendment to include ‘residential flat buildings’ as an additional permitted use within the MU1 Mixed Use zone over the site. Accordingly, the proposed development is permissible with consent. Table 3 below considers other WLEP provisions.	Zoning	Land uses permissible with consent	MU1 Mixed Use Zone	Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises ; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4	
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Consideration under other legislation						
Environment Protection and Biodiversity Conservation Act 1999	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) is federal legislation which provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as ‘matters of national environmental significance’ (MNES). No MNES listed under the EPBC Act will be impacted by the development. It is considered that the proposed development will have no adverse biodiversity impacts on the site and surrounding locality.	Section 5.6 of EIS.				
Biodiversity Conservation Act 2016	The <i>Biodiversity Conservation Act 2016</i> (BC Act) identifies and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological	Section 5.6 of EIS.				

Mandatory matters for consideration	Response	Document Reference
	communities listed under the BC Act are required to be assessed in accordance with s7.3 of the BC Act. A BDAR Waiver prepared by Firstfield Environmental (Appendix 15) accompanies this proposal. Firstfield Environmental makes the following assessment in the BDAR Waiver Request: • The site is a highly disturbed brownfield area and was previously subject to industrial use and extensive clearing, with no remnant native vegetation. • The site contains no mapped PCTs, and no ecological features of significance. A review of BioNet Atlas records, along with on-site inspections, confirmed the absence of threatened species, TECs, and suitable habitat. As such it is recommend that a BDAR is not required due to the lack of biodiversity values and minimal risk of direct or indirect impacts.	

State Environmental Planning Policy (Housing) 2021

Table 2: Housing SEPP Compliance Table

HSEPP Standards	Consistency
Chapter 3 Diverse Housing	
Part 4 Build-to-rent Housing	
72 Development for the purposes of build-to-rent housing permitted with consent	
<i>(1) The objective of this section is to enable certain residential accommodation to be used as build-to-rent housing.</i>	Noted. The proposal includes the future development of a mixed-use tower for the purposes of build-to-rent housing.
<i>(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land— (a) in the following zones— (i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument, (ia) Zone E2 Commercial Centre, (ib) Zone MU1 Mixed Use,</i>	Complies. The proposal includes a residential flat building within an MU1 Mixed Use zone.
<i>(3) Development consent may be granted for development to which this Part applies if— (a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and (b) all buildings containing the dwellings are located on the same lot of land.</i>	Complies. The proposed tower to be utilised for build-to-rent housing includes approximately 180 dwellings. The build-to-rent tower is subject to a separate SSD which is contained a singular lot.
73 Conditions of build-to-rent housing to apply for at least 15 years	
<i>(1) Development consent must not be granted to the erection or use of a building for development to which this part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building— (a) will not be subdivided into separate strata lots, and</i>	Complies. As per the subdivision plan prepared by Adam Richardson (Appendix 7), the proposed build-to-rent tower will be located on a singular lot and is not intended to be subdivided as part of any subsequent SSDA.
<i>(b) will be owned and controlled by 1 person, and</i>	Complies. It is intended that the future BTR tower will be owned and controlled by Landcom being 1 corporate entity.
<i>(c) will be operated by 1 managing agent, who provides on-site management.</i>	Complies. It is intended that the future BTR tower will be operated by a BTR managing agent who provides on-site management.
74 Non-discretionary development standards—the Act, s 4.15	
<i>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i>	Noted.

(2) <i>The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—</i> (a) <i>the building height of all proposed buildings is not more than the maximum building height permitted under Chapter 5, Chapter 6 or another environmental planning instrument for a building on the land,</i>	Complies. The concurrent PP seeks the amendment of the WLEP for the maximum height of building control over the site to be 85m. The proposed BTR development has is designed as a maximum of 79.25m and is therefore below the height permitted.
(b) <i>for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,</i>	Not applicable. The concurrent PP seeks the amendment of the WLEP to allow for 'residential flat buildings' is permissible over the subject site.
(c) <i>if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5, Chapter 6 or another environmental planning instrument,</i>	Complies. The concurrent PP seeks the amendment of the WLEP for the maximum FSR control over the site to be 5:9:1. The future BTR tower has been designed to be a maximum of 5.81:1 and is therefore below the height permitted.
(d) <i>for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City—</i> (i) <i>for land within an accessible area—at least 0.2 parking spaces for each dwelling, or</i> (ii) <i>otherwise—at least 0.5 parking spaces for each dwelling, or</i> (iii) <i>if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,</i>	Complies. The proposed BTR development is located in an accessible area and includes 180 dwellings which requires 36 parking spaces at a rate of 0.2 per dwelling. The development proposed 37 spaces, including accessible spaces, and therefore complies.
(e) <i>if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.</i>	Not applicable.
75 Design requirements	
(1) <i>This section applies to development to which this Part applies only if Chapter 4 applies to the building resulting from the development.</i>	Noted. Chapter 4 applies.
(2) <i>In determining an application for the modification of a development consent or a development application for the carrying out of development to which this section applies, the consent authority must—</i> (a) <i>be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and</i>	Noted. Refer to the Architectural Design Statement prepared by FK (Appendix 9).
(b) <i>in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—</i> (i) <i>the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,</i> (ii) <i>whether the configuration and variety of dwellings in the building will provide adequate</i>	Noted. Refer to the Architectural Design Statement prepared by FK (Appendix 9).

<i>options to prospective tenants in relation to the size and layout of the dwellings,</i> <i>(iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.</i>	
76 Active uses on ground floor of build-to-rent housing in business zones	
<i>(1) The objective of this section is to ensure that, in relation to development for the purposes of build-to-rent housing, active uses are provided at the street level in business zones to encourage the presence and movement of people.</i>	Complies. The site is located on an MU1 Zone. The proposed development has been designed to include an active frontage, with exception of the lobby, on the southern frontage towards the southern east-west road and future open space. This was considered the optimal location for the active frontage to integrate the development with the larger precinct and activate the public domain. A commercial premises is provided in the northeast corner to activate the site entry from Frank Channon Walk. The remainder of the northern entry is required for services and site access off Nelson Street, as the scheme responds to the SDRP feedback. The SDRP requested the passive activation of both the eastern and western frontages, in addition to the southern commercial activation, as such the services layout required a portion of the northern frontage. This outcome maximises the surveillance and activation of the public open space on 3 frontages in place of the western portion of Nelson Street. This is therefore an acceptable outcome as it maximises the presence of people in the public domain, and activation of spaces where possible.
<i>(2) This section applies to development to which this Part applies if the development is on land in a business zone, including as part of a mixed use development.</i>	Noted. The future BTR tower is on an MU1 Mixed Use Zone and is part of the wider mixed-use Chatswood Dive Site precinct.
<i>(3) Development consent must not be granted for development to which this section applies unless the consent authority is satisfied that a building resulting from the development will have an active street frontage.</i>	Noted. Refer to cl.76(1) response.
<i>(4) An active street frontage is not required for a part of a building used for 1 or more of the following—</i> <i>(a) entrances and lobbies,</i> <i>(b) access for fire services,</i> <i>(c) vehicular access.</i>	Noted. Refer to cl.76(1) response.
77 Conditions requiring land or contributions for affordable housing	
<i>Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.</i>	Noted.
78 Consideration of Apartment Design Guide for further subdivision of dwellings	
<i>Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision.</i>	Noted – the intention for the BTR tower is for the residential flat building to be owned and maintained by Landcom in perpetuity.

Chapter 4 Design of Residential Apartment Development

142 Aims of chapter – 149 Apartment Design Guide prevails over development control plans

Refer to the ADG Compliance Table prepared by FK (Appendix 9).

Willoughby Local Environmental Plan 2012

Table 3: Consistency with the Willoughby Local Environmental Plan 2012

Provision	Comment	Complies
Clause 2.2 – Zoning of the land to which this Plan applies	The zoned MU1 Mixed Use. The development is for the purpose of a residential mixed-use development, including both 'commercial premises' and 'residential flat buildings'. 'Commercial premises' (of which retail premises are a sub-category) are permissible with consent in the MU1 Mixed Use zone. 'Residential accommodation' (of which residential flat buildings are a sub-category) in the MU1 Mixed Use zone is prohibited, however the concurrent PP seeks to include 'residential flat buildings' as an additional permitted use on site.	Yes, with proposed PP.
Clause 2.3 – Zone objectives and Land Use Table - To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. - To minimise conflict between land uses within this zone and land uses within adjoining zones. - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. - To allow for city living on the edges of the city centre of Chatswood, which encourages public transport use, shopping and the use of businesses and recreational services that contribute to the vitality of the city, without undermining its commercial role.	For the reasons set out below, it is considered that the proposed development is consistent with the above stated objects of the zone: - The proposal establishes a concept that delivers diverse non-residential land uses on the ground floor of future built forms. - The future non-residential components activate existing and future public domain, including activating proposed street frontages to attract pedestrian movement in and through the precinct. - The scheme has been developed to respect and respond to the surrounding land uses and zones. - The proposal supports spaces encourage active frontages and pedestrian movement that ensure a future precinct that is activated and easily accessible. - The proposal allows for significant residential opportunities to live in the edges of Chatswood CBD with access to a variety of services and close proximity to a variety of public transport infrastructure.	Yes.
Clause 4.3 – Height of Building	The site is identified one the Height of Buildings Map with a maximum height of 53m. The concurrent PP accompanying this SSDA seeks to amend the Height of Buildings Map to introduce a height limit over only the BTR lot for	Yes, with proposed PP.

Provision	Comment	Complies
	85m. Subject to the proposed control, all development does not exceed the height limit. The proposed development has a height of 79.25m and is therefore compliant with the proposed control.	
Clause 4.4 – Floor Space Ratio	The site is identified on the Floor Space Ratio Map with a maximum FSR of 4.2:1. The concurrent PP accompanying this SSDA seeks to amend the Floor Space Ratio Map from 4.2:1 to 5.9:1 over only the BTR lot. Subject to the proposed control, the BTR development does not exceed the FSR based on the proposed subdivision plan prepared by Adam Richardson (Appendix 7). The proposed development will have an FSR of 5.81:1 and is therefore compliant with the proposed control.	Yes.
Clause 5.1 – Relevant acquisition authority	While the wider Dive Site includes a portion of land zoned as SP2 Infrastructure and marked “Classified road”, a subdivision is being sought which removes the SP2 land from the subject site. This area is not relevant to the BTR SSD.	Yes.
Clause 5.1A – Development on land intended to be acquired for public purposes	While the subject site includes a portion of land identified on the Land Reservation Acquisition Map and is zoned as SP2 Infrastructure and marked “Classified road”. This proposal does not relate to this portion of the wider Chatswood ‘Dive Site’ and therefore does not propose a development for a purpose opposite to that specified under Cl5.1A.	Yes.
Clause 5.10 – Heritage Conservation	The site is located adjacent to one heritage item with local significance known as ‘Mowbray House’ (196). A Statement of Heritage Impact (Appendix 24) has been prepared which provides an assessment of the proposed development around all surrounding heritage items. The SoHI confirms that the proposal has considered its surroundings and will not impact the presence and quality of the heritage values. See Appendix 24 for the detailed assessment of proposed works.	Yes.
Clause 5.11 – Bush fire hazard reduction	Not applicable. The proposal does not relate to bushfire hazard reduction.	N/A
Clause 5.21 – Flood planning	Consistent – The FIRA (Appendix 26) confirms that the site is not subject to overland flows or mainstream flooding. The site is not identified as flood-affected in the Scotts Creek Flood Study (2008) or Council’s current flood mapping and is located well above the designated flood planning area. The site is located outside the mapped mainstream 1% AEP and PMF flood extents and is therefore not subject to inundation under existing or proposed development conditions. Safe egress is available via the surrounding road network. Pedestrian egress is available via Nelson Street to	Yes.

Provision	Comment	Complies
	Pacific Highway. As no flooding is expected to affect the site, residents would be able to evacuate safely if required or alternatively remain sheltered within their dwellings without risk of flooding. In considering climate change under a long-term horizon to 2090, the flood depths is expected to rise by 0.1m. Given the minor increase and the site's elevated position outside the PMF extent, the projected effects of climate change are not expected to affect the site's flood risk classification or require specific mitigation measures.	
6.1 Acid sulfate soils	Consistent – The site is identified to include Class 5 across the entirety of the site. This clause applies to work within Class 5 lands if works extend below 5 metres Australian Height Datum. The Geotechnical Comments and Due Diligence prepared by PSM (Appendix 18) confirms that the potential for encountering acid sulphate soil at the site is considered low given that the site is not located in an area with a known or potential acid sulphate soil occurrence. An acid sulfate soils management plan is not required for the works.	Yes.
6.2 Earthworks	Consistent – The site is currently excavated in relation to the remediation works associated with the Sydney Metro approval (SSI-7400). As the proposed works relate to fill and minor excavation for structural features, it is unlikely to be at a detriment to drainage patterns or soil stability. The proposed development has been designed to ensure adequate water flow patterns and no impacts to surrounding development. Refer to the Integrated Water Management Plan (Appendix 28) for further detail. The Aboriginal Cultural Heritage Advice (Appendix 26) confirms that due to the previous uses any Aboriginal deposits which once existed on site are likely to have been destroyed and that no areas of archaeological potential were identified the proposed development site, as such the likelihood of disturbing relics is highly unlikely. As the site is a highly disturbed brownfield area with no remnant native vegetation and has been remediated to a level suitable to residential development, the proposed earthworks are highly unlikely to create adverse environmental effects. The proposed will have a positive effect on the surrounding properties but revitalising a cleared site for future activation and amenities.	Yes.
6.3 Urban heat	Consistent – The proposed works relate to the development of an undeveloped site to include a high quality sustainable development, which promotes ESD principles and minimises the impacts from and to the urban heat. The Sustainability Assessment Report prepared by IGS (Appendix 33) details how the proposed	Yes.

Provision	Comment	Complies
	development includes design elements to minimise impacts to the internal and external heat. The proposal supports the future delivery of tree canopy, open space and deep soil zones in the wider Chatswood 'Dive Site'.	
6.4 Limited development on foreshore area	Not applicable. The site is not identified in a foreshore area.	Yes.
6.5 Signage	Not applicable. No signage is put forward as part of the works. Any signage proposed as part of future development on site will be subject to a separate merit assessment.	Yes.
6.6 Airspace operations	The proposed development is located outside of the Sydney Airport OLS surface areas but is identified within the PANS-OPS surface areas, however, is well below the identified 246.6m height plane. The Chatswood 'Dive Site' is not amongst the listed lots which would likely breach the Willoughby LEP due to their alignment on the RSHS HLS approach and departure paths. Therefore Clause 6.6 does not apply.	Yes.
6.7 Active street frontages	Consistent – The site is zoned MU1 and identified on the Active Street Frontages Map and therefore this clause applies. The concurrent PP seeks to amend the Active Street Frontages Map to remove the identification of a portion of the Nelson Street, as below, and therefore does not apply to this SSDA. Despite this, the proposed BTR development provides activation of the southern frontage into the open space. A portion of the Nelson Street frontage is activated in the northeast corner, however, the site requires access off Nelson Street. The proposed scheme responds to the SDRP feedback which requested the passive activation of both the eastern and western frontages, as such the services layout required a portion of the northern frontage. This outcome maximises the surveillance and activation of the public open space on 3 frontages in place of the western portion of Nelson Street and therefore is an acceptable outcome.	Yes, with proposed PP.
6.8 Affordable housing	Consistent – The site is included under Area 4 of the Affordable Housing Map which requires the delivery of 10% affordable housing. The concurrent PP seeks to amend the WLEP to identification of the site from 'Area 3' within the Affordable Housing Map, as such this provision does not apply, see proposed map below.	Yes.
6.10 Minimum lot sizes for certain residential accommodation	Not applicable.	Yes.
6.14 Council infrastructure development	Not applicable.	Yes.
6.15 Sun access	Consistent – The site is zoned MU1 Mixed Use, and therefore this clause applies. The Design	Yes.

Provision	Comment	Complies
	Statement prepared by FK (Appendix 9) provides shadow diagrams which confirm that the future potential development will not result in additional overshadowing to any areas or items identified under Cl.6.15.	
6.16 Minimum lot sizes for commercial and mixed use development in Chatswood CBD	Not applicable. This site is not identified as 'Area 8' under the Special Provisions Area Map.	Yes.
6.23 Design excellence	Consistent – The site is identified within 'Area 5' on the Special Provisions Area Map and therefore this clause applies. The Architectural Design Statement prepared by FK (Appendix 9) confirms how the proposed BTR scheme has been developed to achieve design excellence within consideration to the matters under Cl.6.23 (4) and (5). As the intended development relates to built form over a height of 35m from ground level, it is notes that the design must be the winner of a competitive design process held in relation to the development, unless; • "(a) the applicant has made an application to the Government Architect NSW for an ADE pathway, and • (b) the Government Architect NSW has approved the application, and • (c) a design review panel nominated in the application has reviewed the design of the development, and • (d) the consent authority has considered the advice of the design review panel." In addition, a Design Competition Waiver (Appendix 13) prepared by Colliers demonstrates that how the development addresses the design excellence considerations of Cl.6.23. As part of this waiver, it is recognised that the BTR development has been reviewed by the Landcom Design Review Panel and the State Design Review Panel on two occasions, respectively. The strategy confirms that the outcomes of the design review and commentary have been incorporated into the final design. This waiver has been provided to GANSW for consideration and has since been endorsed. As such, this SSDA it is considered this SSDA is not subject to a design competition and demonstrates design excellence as defined under this clause.	Yes.
6.25 Shop top housing in Zone MU1	Not applicable. The proposal does not involve shop top housing.	Yes.
Schedule 1 - Section 27 – Use of Certain Land in Chatswood CBD	The site is identified under 'Area 8' within the Special Provisions Area Map which requires residential flat building in the MU1 Mixed Use Zone to contribute 17% of the gross floor area of the building to be used for non-residential purposes. The concurrent PP seeks to amend the application of Schedule 1, Part 27 in the WLEP to amend the	Yes.

Provision	Comment	Complies
	proposed non-residential gross floor area to 2% per building within the BTR lot (Lot 15). This SSDA provides 339.2 sqm of commercial GFA, contributing 2% to the overall delivery of non-residential GFA. This is located on the south and north-eastern frontages of the site to activate both the eastern entry from the Frank-Channan Walk, as well as activating the BTR interface with future landscaping and public domain.	