



APPENDIX B – STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposed development will benefit the social welfare of the community by providing high-quality affordable and private market housing on the site. The EIS includes thorough environmental, economic, and social assessments to inform the design of the proposal and ensure its suitability for the site. Where appropriate, mitigation measures are provided to manage the social and economic welfare of the community during construction and operational phases of the development.	Throughout the EIS
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, and the conservation of biological and ecological integrity. In addition, an ESD Report and a NatHERS and BASIX Assessment have been prepared to accompany the EIS which identifies how ESD principles are incorporated into the design and ongoing operation of the proposed development, how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards, and how the development minimises greenhouse gas emissions and consumption of resources.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed redevelopment of the site responds to the State's growing population and the need to build more homes in accessible locations, to boost housing supply and improve affordability. The redevelopment of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against strategic and statutory planning policies to promote the orderly and economic use and development of the land.	

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	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal includes the delivery of 28 affordable housing units (15% of the total proposed GFA) which will be managed by a Community Housing Provider for at least 15 years.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	A biodiversity assessment has been undertaken for the site. The assessment concluded the site is not considered to hold any biodiversity value. As such, a BDAR Waiver has been issued by DPHI in respect of the proposed development.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>An Aboriginal Heritage Impact Assessment Report (AHIA) and Statement of Heritage Impact (SoHI) have been prepared to assess the impacts of the proposal on built and cultural heritage.</p> <p>Both reports have concluded that the proposed development will not a detrimental impact on any matters of built and cultural heritage.</p> <p>The AHIA has found that no known Aboriginal objects or Aboriginal places have been identified within the curtilage of the subject site.</p> <p>The SoHI determined that the proposed development will have an acceptable impact on the heritage significance of the Heritage Conservation Area and heritage items located adjacent to an in the vicinity of the site.</p>	
	<i>To promote good design and amenity of the built environment,</i>	<p>The proposed development comprises the construction of a 28-storey shop top housing development. The development will have a contemporary appearance and provide a high level of amenity to future residents, tenants and visitors.</p> <p>Setbacks and a stepped massing approach is proposed to minimise the impacts of the proposal on adjoining landowners, especially to the South Chatswood Heritage Conservation Area.</p>	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Community and stakeholder engagement has been undertaken during the preparation of the SSDA, as detailed in Section 5 of the EIS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will	

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		respond to any concerns raised during the notification of the SSDA.	
Section 4.15	Relevant environmental planning instruments: <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Housing) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>Willoughby Local Environmental Plan 2012</i>	See detail below under State Environmental Planning Policies (SEPPs).	
	Draft environmental planning instruments	Not applicable.	Not applicable.
	Relevant planning agreement or draft planning agreement	Not applicable.	Not applicable.
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	
	Development control plans: <i>Willoughby Development Control Plan 2023 (WDCP 2023)</i>	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of the Policy) do apply to state significant development. Notwithstanding this, an assessment has been undertaken of the proposal against the key development controls. Please see detail below under development control plan.	See below
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social an economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submission made	Submissions will be considered following exhibition of the application.	Section 7
	The public interest	The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated	Section 7

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>by the proposed mitigation measures provided at Appendix C.</p> <p>On balance, the benefits of the development outweigh any adverse impacts and the development is deemed to be in the public interest.</p>	
Environmental Planning and Assessment Regulation 2021			
Section 26	<p>Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Community Housing Provider (CHP) who will manage the affordable housing component of the development.</p>	<p>The Applicant has provided a letter outlining their strategy for the delivery of affordable housing as part of the proposed development which identifies Link Wentworth as a potential community housing provider for the proposed development. This letter is accompanied by a letter of support from Link Wentworth.</p>	Appendix JJ Appendix KK
Schedule 2	<p>Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.</p>	<p>This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.</p>	Appendix A
Biodiversity Conservation Act 2016			
Section 7.14	<p>The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.</p>	<p>A BDAR Waiver has been issued for the proposed development confirming that the development is unlikely to have any significant impact on biodiversity values of the site and surroundings.</p>	Section 6.2.2 Appendix CC
State Environmental Planning Policies			
<p><i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i></p>	<p>Clause 26A of Schedule 1 of the Planning Systems SEPP provides that development for the purpose of infill affordable housing is classified as SSD if:</p> <ul style="list-style-type: none"> ▪ It relates to development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies ▪ The development relates to residential development with a CIV of more than \$75m; and ▪ The development does not pertain to development that is prohibited under an EPI. 	<p>The residential component of the proposal has an estimated EDC of greater than \$75,000,000 (refer Appendix LL).</p> <p>The proposed use 'shop top housing' is permitted with development consent in the MU1 Mixed Use zone.</p> <p>The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.</p>	Section 4 Appendix LL

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<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Preliminary Site Investigation has been prepared to address the potential for contamination on the site. The PSI concludes that the site can be made suitable for the proposed development, subject to the implementation of a series of mitigation measures including the preparation of a Detailed Site Investigation following demolition.	Section 6.2.5 Appendix Y
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	<u>Section 2.119</u> For development with frontage to a classified road, the consent authority must be satisfied that:	The site has frontage to Archer Street, a classified road, to the west. However, vehicular access to the site will be provided via Bertram Street.	Section 6.1.9 Appendix Q
	<i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i>		
	<i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i>	The proposed development does not propose vehicular access to Archer Street and subsequently will not have an adverse effect on the safety and efficiency of the classified road.	Section 6.1.9 Appendix Q
	<i>(i) the design of the vehicular access to the land, or</i>		
	<i>(ii) the emission of smoke or dust from the development, or</i>	Emission of smoke or dust from the proposal during future construction phase is not anticipated to adversely affect Archer Street.	Section 6.1.9 Appendix Q
	<i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i>	Traffic modelling within the Transport and Parking Impact Assessment accompanying this application identified that the proposed development will maintain the existing level of service for relevant intersections, which is considered acceptable. As such, the proposed development will have no discernible impact on the safety, efficiency and ongoing operation of Archer Street.	Section 6.1.9 Appendix Q
	<i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i>	The Noise and Vibration Assessment (NVA) accompanying this application outlines mitigation measures to ameliorate potential traffic noise impacts from Archer Street to the future development, including the use of high acoustic performance glazing systems. The NVA concludes that future dwellings on the site will achieve acceptable noise levels, subject to the implementation of the mitigation measures.	Section 6.2.3 Appendix R
	<u>Section 2.122</u> Traffic generating development specified at Section 2.122 requiring referral to Transport for NSW (TfNSW) includes:	The proposal is seeking consent for more than 50 parking spaces and has access to a classified road, being Archer Street. The proposal is therefore considered 'traffic-generating development' under the Transport and	Section 6.1.9 Appendix Q

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	Car parks (whether or not ancillary to other development) including 50 or more parking spaces if the proposal has access, or connects to a road that has access, to a classified road.	Infrastructure SEPP. The application will be required to be referred to TfNSW for a response.	
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (B&C SEPP)	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other 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.	The accompanying Aboricultural Impact Assessment demonstrates how the proposal seeks to minimise tree removal. No trees that have been proposed for removal have been assessed to contain high retention value. A BDAR Waiver has been granted for the proposed development which confirms that the proposed development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix Z Appendix CC
<i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP)	Chapter 2 Division 1 Infill Affordable Housing <u>Section 15C</u> The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if – <ul style="list-style-type: none"> ▪ The development is permitted with consent under an EPI. ▪ The affordable housing component is at least 10%. ▪ The development is carried out in an accessible area. 	The proposed use 'shop top housing' is permitted with development consent in the MU1 Mixed Use zone. 15% of the total GFA is proposed to be affordable housing. The site is located within 800m of Chatswood Station and therefore meets the 'accessible area' requirements of the Housing SEPP.	Section 4 Appendix D
	<u>Section 16 Affordable housing requirements for additional floor space ratio</u> The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2). In accordance with Section 16 (3), 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).	15% of the total GFA proposed is provided as affordable housing. The proposal seeks to utilise the 30% FSR bonus available. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises shop top housing, a 30% height bonus is also applicable to the proposed development.	Section 3.2.6
	<u>Non-discretionary development standards</u> 19(2)(a) Minimum site area of 450m ²	The site has an area of approximately 2,201sqm.	Appendix G

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	19(2)(b) minimum landscaped area that is the lesser of: <ul style="list-style-type: none"> ▪ 35m² ▪ 30% of the site area 	A total landscaped area of 887m ² is proposed on the site, representing 40.3% of the site area.	Appendix F
	19(2)(c) 15% deep soil zone, with: <ul style="list-style-type: none"> ▪ Minimum dimensions of 3m ▪ 65% located at the rear of the site 	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.	Not applicable.
	19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.	Not applicable.
	19(2)(e) car parking for affordable housing dwellings: <ul style="list-style-type: none"> ▪ 1 bedroom: 0.4 parking spaces ▪ 2 bedroom: 0.5 parking spaces ▪ 3 bedroom: 1 parking space 	The proposal generates an affordable housing parking requirement of 14 spaces, and a total residential parking requirement of 123 spaces. The proposed development provides 123 resident parking spaces.	Section 6.1.9 Appendix Q
	19(2)(f) car parking for non-affordable housing dwellings: <ul style="list-style-type: none"> ▪ 1 bedroom: 0.5 parking spaces ▪ 2 bedroom: 1 parking spaces ▪ 3 bedroom: 1.5 parking space 	The proposal generates a non-affordable housing parking requirement of 109 spaces, and a total residential parking requirement of 123 spaces. The proposed development provides 123 resident parking spaces.	Section 6.1.9 Appendix Q
	<u>Section 20 Design Requirements</u> Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct.	The proposed development has been designed in response to the existing and future character of Chatswood CBD, leveraging the site’s proximity to Chatswood Station to deliver retail and commercial floorspace and market and affordable housing. The proposed landscaping, mix of uses, built form design and materiality all contribute to a desirable outcome for this part of Chatswood CBD. The design responds to the adjoining South Chatswood Heritage Conservation Area and appropriately mitigates amenity impacts to surrounding developments.	Section 6.1.1 Appendix E

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	<p><u>Section 21 Must be used for affordable housing for at least 15 years</u></p> <p>The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.</p>	<p>The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by a Community Housing Provider for a period of 15 years.</p>	Appendix KK
	<p>Chapter 4 Design of Residential Apartment Development</p> <p>Under Chapter 4 of the Housing SEPP, the consent authority must consider:</p> <p>(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,</p> <p>(b) the Apartment Design Guide</p>	<p>A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report. The assessment demonstrates that the proposal achieves full compliance with the key numerical requirements of the ADG including:</p> <ul style="list-style-type: none"> ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Deep soil area. <p>Storage.</p>	Appendix E
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2021</i> (Sustainable Buildings SEPP)</p>	<p>The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.</p>	<p>An ESD Report and BASIX Report have been prepared for the proposed development, which demonstrates compliance with the relevant standards.</p>	Appendix AA Appendix BB
Willoughby Local Environmental Plan 2012			
<p>Zoning and Land Use</p>	<p>The site is zoned MU1 Mixed Use under the Willoughby Local Environmental Plan.</p> <p>The MU1 zone has the following objectives:</p> <ul style="list-style-type: none"> ▪ To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. 	<p>The proposed development is for the purposes of 'shop top housing' which is a permissible use within the MU1 zone.</p> <p>The proposal is entirely consistent with the objectives of the zone given:</p> <ul style="list-style-type: none"> ▪ The development offers a diverse mix of retail and residential uses, creating employment opportunities. 	Section 4

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Ground floor non-residential uses and a proposed through site link will help activate the site and attract pedestrian traffic. ▪ The built form and massing contribute positively to the evolving identity and quality of the locality, without resulting in any adverse heritage impacts on the HCA and heritage items in the vicinity of the site. ▪ The development locates housing, employment and retail opportunities in an accessible area within walking distance of public transport in order to contribute to the vitality of Chatswood and its commercial role. 	
4.3 Height of Buildings	The site has a maximum building height control of part 23m, part 68m under the Willoughby LEP.	<p>Non-compliant – variation proposed.</p> <p>The proposed development seeks a 30% bonus to the maximum height control under the provisions of Chapter 2 Section 16 of the Housing SEPP as it will deliver 15% affordable housing.</p> <p>As such, the maximum building height control is part 29.9m and part 88.4m.</p> <p>The maximum building height proposed is 32m in the lower height control area and 93.4m in the higher height control area. This results in a 7% (2.1m) and 5.7% (5m) non-compliance with the height controls respectively, once the 30% bonus is included.</p> <p>The height non-compliance is comprehensively justified in the accompanying Clause 4.6 Variation Request. There are sufficient environmental grounds to justify the proposed exceedance, with minor overshadowing occurring during brief periods at nearby dwellings, along with minor visual impacts resulting from the exceedance above the compliant built form.</p>	Section 3.2.6 Appendix D Appendix H
4.4 Floor Space Ratio	The site has a maximum floor space ratio control of 5:1 under the Willoughby LEP.	The proposed development seeks a 30% bonus to the maximum FSR control under the provisions of Chapter 2 Section 16 of the Housing SEPP as it will deliver 15% affordable housing.	Section 3.2.6 Appendix D

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>As such, the maximum FSR control is 6.5:1.</p> <p>The proposed development has a maximum FSR of 6.47:1 and therefore complies with the FSR control.</p>	
5.10 Heritage Conservation	<p>Development consent is required to</p> <p><i>(a) demolish or move 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></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p>	<p>The site does not contain an item of local or stage heritage significance. The site is immediately adjacent to the South Chatswood Heritage Conservation Area which is to the east of the site across Bertram Street. The site is also in the vicinity of several heritage items listed under Schedule 5 of the <i>Willoughby Local Environmental Plan 2012</i>.</p> <p>A Statement of Heritage Impact has been prepared to support the proposed development which concludes that the proposal will have an acceptable impact on the heritage significance of the heritage conservation area and the heritage items in the vicinity of the site.</p>	Section 6.1.12 Appendix GG
5.21 Flood Planning	<p>Development on land the consent authority considers to be within the flood planning area is required to be:</p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>	<p>The site is located within a 'flood planning area'. A Flood Impact Risk Assessment has been prepared by PTC in support of the development. The FIRA concludes that the proposed development will reduce flood levels on the site from the pre-development level up to and including the 1% AEP storm event. The site will be flood affected up to a depth of 1.14m in some areas during the PMF event, however the FIRA determines that this flood risk is acceptable.</p> <p>Refer to Appendix T for further detail and assessment.</p>	Section 6.1.11 Appendix T
6.1 Acid Sulfate Soils	<p>The site has Class 5 Acid Sulfate Soils. Development consent is required for the carrying out of works described below:</p> <p>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 mapped as containing Class 5 acid sulfate soil.</p> <p>An Acid Sulfate Soils Management Plan has been prepared which details how the soil can be appropriately managed during construction works.</p>	Section 6.1.10 Appendix W

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
6.2 Earthworks	<p><i>(2) Development consent is required for earthworks unless—</i></p> <p><i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p><i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p> <p><i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>Consent is sought for earthworks to accommodate a 6-storey basement parking area. A Geotechnical Investigation has been prepared by Douglas Partners in support of the proposed development. This report provides recommendations on excavation, shoring, foundations, and other geotechnical issues relevant to the proposed development.</p>	Section 6.1.10 Appendix U
6.3 Urban Heat	<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>Effective design measures such as the use of low solar absorptance/high solar reflectivity materials on the roof, podium and ground level hardscape surfaces as well as generous landscaping and vegetation are proposed and have been initiated through the ESD Report attached to the EIS.</p>	Appendix AA
6.7 Active Street Frontages	<p>Development consent must not be granted unless the consent authority is satisfied that the building will have an active street frontage.</p>	<p>The proposed development includes a through-site link along the northern site boundary connecting Archers Street and Bertram Street. Retail uses will be provided at ground level on both street frontages and to the through site link. These uses will promote activation and attract pedestrian traffic along the ground floor street frontages.</p>	Appendix D Appendix E
6.8 Affordable Housing	<p>Residential accommodation on land mapped on the Affordable Housing map must deliver an affordable housing contribution equivalent to the mapped percentage.</p>	<p>The subject site is mapped as Area 3 on the Affordable Housing Map and must deliver an affordable housing</p>	Appendix KK

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	<p>(5) <i>The contribution for development on land is the amount of gross floor area equivalent to the mapped percentage of the gross floor area of the residential component of the development.</i></p> <p>(6) <i>A condition imposed under this clause must permit a person to satisfy the contribution by one or both of the following—</i></p> <p>(a) <i>a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m²,</i></p> <p>(b) <i>a monetary contribution paid to the Council.</i></p> <p>(7) <i>A monetary contribution must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.</i></p>	<p>contribution equivalent to 10% of GFA of the residential component of the development.</p> <p>Pursuant to Clause 6.8(6), the affordable housing contribution will be provided as a monetary contribution.</p>	
6.15 Sun Access	(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.	An overshadowing analysis has been prepared by Fuse Architects which confirms that 3 hours of direct sunlight during mid-winter will be maintained to all neighbouring properties, including those in the South Chatswood Conservation Area.	Section 6.1.3.1 Appendix D
6.23 Design Excellence	Development consent must not be granted on the site unless the development exhibits design excellence and the design of the development is the winner of a competitive design process.	Hyecorp undertook an architectural design competition with three highly regarded Australian architectural firms. The design scheme presented by Fuse Architects was selected by the Jury in October 2024 and has been developed with the consultant team for SSDA lodgement.	Section 6.1.1 Appendix J
6.25 Shop top housing in Zone MU1	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.	<p>Non-compliant – variation proposed.</p> <p>A Clause 4.6 Variation Request (FSR) is submitted to justify the non-residential GFA non-compliance. Measured against the total GFA of the proposal of 14,230sqm, the GFA for the non-residential component equates to 13.44% of the total GFA.</p> <p>The proposed development complies with the 17% non-residential floor space requirement if this was applied to the base GFA applicable to the site under the WLEP control, however is non-compliant with the GFA allowed under the Housing SEPP provisions. The increased demand for non-residential floor space generated by the bonuses afforded by the Housing SEPP is minor in this location given the site's</p>	Appendix I

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		<p>distance from the Chatswood CBD. If compliance was achieved, there is significant potential for vacancy of non-residential floor space and result in an efficient use of the land.</p> <p>Accordingly, the SSDA includes a Clause 4.6 Variation request is submitted at Appendix I to justify this non-compliance.</p>	
Willoughby Development Control Plan 2023			
Part B Residential Development			
4.4 Further controls for residential flat buildings, and the residential components of shop top housing and mixed use developments			
4.4.1 Site coverage	<p>The site coverage for residential flat buildings should not exceed:</p> <ul style="list-style-type: none"> a) 30% of the site area for three storey building b) 28% of the site area for four storey building c) 26% of the site area for five storey building d) 24% of the site area for six storey building e) 22% of the site area for seven storey building f) 20% of the site area for a building with eight or more storeys 	<p>The proposed development has a site coverage of approximately 70%. However, a through site link, considerable setbacks and extensive landscaping has been provided throughout the development in order to soften the appearance of its bulk and scale.</p>	Appendix D
4.4.2 Building height	Refer to LEP.	<p>As discussed above, the proposed development is non-compliant with the building height control and a Clause 4.6 Variation Request accompanies the EIS.</p>	Section 3.2.6 Appendix H
4.4.3 Floor space ratio	Refer to LEP.	<p>As discussed above, the proposed development is compliant with the FSR control.</p>	Section 3.2.6
4.4.4 Setbacks	Not applicable to residential development in MU1 zone. See 6.1 below.	N/A	
4.4.5 Open space	<p>a) Soft landscaped area/deep soil zones and tree planting</p> <p>The site should:</p> <ol style="list-style-type: none"> 1. comprise at least 35% of soft landscaped areas and deep soil zones at ground level (excluding planter boxes) 2. provide deep soil zones primarily in the front setback areas and around the perimeter of the site. 	<p>The proposed development provides 205sqm of landscaped area at ground level which is equivalent to 9.3% of the site area. However, additional landscaped areas are provided across the site at higher levels, resulting in total landscaped area equivalent to 40.3% of site area.</p> <p>A deep soil area of 314sqm (14.3% of site area) including within the setbacks to Archer Street and Bertram Street.</p>	Section 6.1.8 Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>b) Private open space The minimum area and depth of balconies and ground level private open spaces apply as detailed in Section 4E of the Apartment Design Guide.</p>	Each apartment has access to a secure private open space in the form of a balcony which is consistent with the minimum areas and depths outlined in the Apartment Design.	Appendix E
	<p>c) For development with 15 or more apartments, communal open space should:</p> <ol style="list-style-type: none"> 1. provide 25sqm of communal open space per each dwelling where balconies are the only form of open space. 2. have a minimum dimension of 5m and minimum area of 50sqm. 	<p>A communal open space for residents with area 565sqm is provided at Level 08 of the development, which is equivalent to 25.7% of site area. This is consistent with the minimum requirement for communal open space of 25% of site area under the Apartment Design Guide.</p> <p>The minimum dimension of the communal open space exceeds 5m.</p>	Appendix D Appendix E
Part D Commercial Development			
4 Performance criteria and controls			
4.4 Frontages	A minimum width of 27m is required for developments that exceed 11m in height or where vehicular access is only available from the primary street frontage.	The proposed development has a minimum lot width of approximately 37m.	Appendix G
6 Shop top housing and mixed-use developments			
6.1 Setbacks	<p>6.1.1 Front setback</p> <ol style="list-style-type: none"> a. the front (street) setback of the ground floor level may be set at the property boundary defining the street corridor with a continuous edge b. the first floor level is required to be setback a minimum 2m from the street frontage c. balconies are not to encroach into the required setback of the level below d. the first floor level may have a zero setback if it comprises commercial uses and/or it is in keeping with established adjoining developments e. the third floor level and above is required to be setback 5m plus 1.2m for each level above the third level 	6m setbacks are provided to the Archer Street and Bertram Street frontages. An upper level setback of 24m is provided to the Bertram Street frontage above the podium level. These setbacks are intended to facilitate appropriate building separation and sufficient space for landscaping and deep soil, as well as minimise the perceived bulk and scale of the development.	Section 6.1.2 Appendix D Appendix E
	<p>6.1.2 Side setbacks</p> <ol style="list-style-type: none"> a. the ground floor level may have a zero setback b. the first and second floor level are required to have zero setback for a maximum of 50% of the length of the side boundary located within the front half of the site 	Nil setback is provided to the southern site boundary, increasing to 9m above Level 12. The design of the built form to the southern boundary responds to the proposed form of the development to the south which is currently under consideration by Willoughby Council.	Section 6.1.2 Appendix D Appendix E

Statutory Reference	Relevant Considerations	Relevance	Section in EIS						
	<p>c. the side boundary setbacks for the first and second floors for the remainder of the building are to comply with the building envelop determined by a line projected horizontally at 30o from the side boundary from halfway along the boundary towards the rear of the site</p> <p>d. the third floor and above is required to have a setback of 3m plus 1.2m for each level above the third level</p>	<p>An 8m setback is provided to the northern site boundary to accommodate the proposed through site link.</p>							
6.2 Landscaping	<p>c. a planter box with a minimum internal width of 1m must be provided along the edge of a balcony or terrace on the first floor level that faces low or medium density zoned land</p> <p>f. a minimum of 20% of any podium and a minimum 20% of any rooftop open space must be landscaped.</p> <p>g. details of the type and height of shrubs and trees within the deep soil zones, planter boxes, podium and/or rooftop open space must be shown on the landscaped plans</p>	<p>The Landscape Plans prepared by Black Beetle demonstrate that a variety of planting is proposed on the site, including a variety of trees and shrubs. This landscaping is spread throughout the development, including in the entrance and central courtyards and the landscaped setbacks.</p> <p>Planter boxes with width exceeding 1m are provided to the northern, eastern and western site boundaries at Level 02.</p> <p>37% of the communal open space at the podium level is landscaped and approximately 39% of the rooftop open space is landscaped.</p>	Section 6.1.8 Appendix F						
6.3 Car parking and access	<p>a. access to the residential car parking area must be separated from the commercial car parking and loading areas</p> <p>c. vehicle movements for loading and unloading must be separated from all car parking areas</p>	<p>Given the small site area, only one vehicular access point is provided as part of the development in order to minimise vehicle movements on the site. As such, access to car parking is shared between residential and commercial users. However, commercial car parking is provided on Basement Level 01, whilst the bulk of residential spaces are provided on Basement Levels 02-06, creating some separation of uses.</p> <p>A loading bay and associated turning bay are provided on the ground level, above the basement car park area.</p>	Section 6.1.9 Appendix Q						
6.4 Building mass and bulk	<p>a. buildings over 11m should have a defined podium level</p>	<p>The proposed development consists of a 9 storey podium form with a tower above.</p>	Appendix D						
Part F Transport and Parking Management									
Table 1 Car parking rates	<table border="1"> <thead> <tr> <th data-bbox="409 1281 584 1342">Development type</th> <th data-bbox="595 1281 846 1342">Chatswood CBD (maximum rates)</th> <th data-bbox="857 1281 1108 1342">Chatswood CBD (minimum rates)</th> </tr> </thead> <tbody> <tr> <td data-bbox="409 1350 584 1410">Affordable housing</td> <td data-bbox="595 1350 846 1410">The minimum number of car parking spaces</td> <td data-bbox="857 1350 1108 1410">The minimum number of car parking spaces</td> </tr> </tbody> </table>	Development type	Chatswood CBD (maximum rates)	Chatswood CBD (minimum rates)	Affordable housing	The minimum number of car parking spaces	The minimum number of car parking spaces	<p><u>Residential</u> Required: 14 affordable housing spaces and maximum 49 market housing spaces. Total 63 spaces. Proposed: 123 spaces</p>	Section 6.1.9 Appendix Q
Development type	Chatswood CBD (maximum rates)	Chatswood CBD (minimum rates)							
Affordable housing	The minimum number of car parking spaces	The minimum number of car parking spaces							

Statutory Reference	Relevant Considerations		Relevance	Section in EIS						
		must comply with Housing SEPP 2021.	must comply with Housing SEPP 2021.	<p><u>Residential Visitor</u> Required: 18 spaces Proposed: 18 spaces</p> <p><u>Office</u> Required: 2-4 spaces Proposed: 4 spaces</p> <p><u>Retail</u> Required: 1-3 spaces Proposed: 3 spaces</p> <p><u>Food and Beverage</u> Required: 2-6 spaces Proposed: 6 spaces</p> <p>The proposed development complies with the car parking requirements for office, retail, food and beverage and residential visitors. The development is non-compliant with Willoughby Council's residential car parking requirements, specifically for market dwellings. However, the proposed car parking provision is compliant with the non-discretionary standards (which prevent a consent authority from requiring more onerous standards) within the Housing SEPP as outlined earlier in this table. As such, the Housing SEPP requirements prevail and the proposed development is compliant with the relevant parking requirements.</p>						
Table 2 Motorcycle parking rates	<table border="1"> <thead> <tr> <th data-bbox="407 1061 754 1085">Zone type and usage</th> <th data-bbox="777 1061 1124 1085">Chatswood CBD</th> </tr> </thead> <tbody> <tr> <td data-bbox="407 1093 754 1197">Business zones</td> <td data-bbox="777 1093 1124 1197">1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces</td> </tr> <tr> <td data-bbox="407 1204 754 1334">Residential zones and the residential components of shop top and mixed use developments</td> <td data-bbox="777 1204 1124 1334">1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces</td> </tr> </tbody> </table>	Zone type and usage	Chatswood CBD	Business zones	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces	Residential zones and the residential components of shop top and mixed use developments	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces		Required: 10 motorcycle parking spaces. Proposed: 11 motorcycle parking spaces.	Section 6.1.9 Appendix Q
Zone type and usage	Chatswood CBD									
Business zones	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces									
Residential zones and the residential components of shop top and mixed use developments	1 space per 20 car parking spaces; 1 visitor space per 10 motorcycle spaces									
Table 3 Requirements for	<table border="1"> <thead> <tr> <th data-bbox="407 1369 754 1393">Zone type and usage</th> <th data-bbox="777 1369 1124 1393">Chatswood CBD</th> </tr> </thead> <tbody> <tr> <td data-bbox="407 1401 754 1409"></td> <td data-bbox="777 1401 1124 1409"></td> </tr> </tbody> </table>	Zone type and usage	Chatswood CBD				Required: 29 bicycle parking spaces. Proposed: 28 bicycle parking spaces.	Section 6.1.9 Appendix Q		
Zone type and usage	Chatswood CBD									

Statutory Reference	Relevant Considerations	Relevance	Section in EIS				
bicycle parking and end-of-trip facilities	<table border="1"> <tr> <td>Business zones</td> <td>1 bicycle 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</td> </tr> <tr> <td>Residential zones and the residential components of shop top and mixed use developments</td> <td>1 Class A or B parking spaces per 10 units 1 Class C (rails/racks) per 10 apartments for visitors</td> </tr> </table>	Business zones	1 bicycle 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	Residential zones and the residential components of shop top and mixed use developments	1 Class A or B parking spaces per 10 units 1 Class C (rails/racks) per 10 apartments for visitors		
Business zones	1 bicycle 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						
Residential zones and the residential components of shop top and mixed use developments	1 Class A or B parking spaces per 10 units 1 Class C (rails/racks) per 10 apartments for visitors						
Table 4 End-of-trip facilities for non-residential developments	<ul style="list-style-type: none"> One shower per 5 bicycle parking spaces (Class A or B) One change room per shower Two personal lockers per bicycle space 	Required: 1 shower, 1 change room and 6 lockers. Proposed: 2 showers/change rooms. 6 lockers will be provided in the vicinity of the EOT facilities at the detailed design stage.	Section 6.1.9 Appendix Q				
Part H Heritage Items and Heritage Conservation Areas							
1.5 Heritage impact statement	Development applications must include a heritage impact statement (HIS) for heritage items, or for land in the vicinity of a heritage item or for a building, work, relic, site or place within a heritage conservation area.	A Statement of Heritage Impact (SoHI) has been prepared in support of this application and is provided at Appendix GG .	Section 6.1.12 Appendix GG				
2.1.1 Setting	e. Development in the vicinity of a heritage item or a heritage conservation area should respect the visual curtilage of that item.	The SoHI finds that, while the proposed development will have a visual impact on the adjoining HCA, this impact will be appropriately mitigated through the use of setbacks to the Bertram Street frontage and concentration of the bulk of the development towards Archer Street. Additionally, the proposed development is consistent with its surrounding context which is defined by high-rise developments throughout Chatswood CBD and as such will exist as part of a cohesive high-density backdrop to the HCA.	Section 6.1.12 Appendix GG				
2.1.2 Scale	c. New buildings must not visually dominate, compete with or be incompatible with the scale of existing buildings of heritage significance or contributory value either on the site or in the vicinity of the proposal.	As above.	Section 6.1.12 Appendix GG				
Part I Stormwater Management							

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
3.1 Onsite detention for major developments	All major developments must provide OSD systems designed to capture and detain stormwater runoff for all storm events up to and including the 1% AEP storm event.	The proposed development includes an OSD system on the ground floor which will retain stormwater runoff for the 1% AEP storm event and control the release of this runoff to a permissible site discharge. Refer to Appendix S for further detail and assessment.	Section 6.2.4 Appendix S
3.5 Water quality	For all major developments, water quality improvement measures are to be provided in line with technical standard 1 – stormwater management.	The Integrated Water Management Plan at Appendix S confirms that the development will reduce all pollutant loads to levels compliant with water quality requirements through the proposed treatment train.	Section 6.2.4 Appendix S
3.6 Water Sensitive Urban Design	All major developments must consider and, where practical, implement appropriate WSUD measures.	WSUD measures have been considered in the Integrated Water Management Plan at Appendix S .	Section 6.2.4 Appendix S
3.7 Further Information	For some larger or more complex developments, the stormwater management plan should include a comprehensive water cycle management strategy.	As the proposed development incorporates more than 15 dwellings, it is required to be accompanied by a water cycle management strategy. A Water Cycle Management Plan has been prepared by JN Responsive Engineering and accompanies this application at Appendix S .	Section 6.2.4 Appendix S
Part J Building Sustainability			
3.2 General Requirements	For developments with an estimated cost over \$30 million, projects should seek to achieve a minimum 4-star rating and aspire to achieve a 5-star rating using the most recent and relevant Green Star rating tool (or equivalent)	An Ecologically Sustainable Development Report and a NatHERS & BASIX Assessment have been prepared by Efficient Living which outline the sustainability and energy efficiency initiatives for the proposed development.	Appendix AA Appendix BB
3.4 National Construction Code	Section J of the National Construction Code requires the design of certain non-residential buildings to satisfy minimum standards to improve energy efficiency. These provisions relate to Class 3 and Class 5 to 9 buildings. Compliance must be shown at the construction certificate stage. However, the design of an environmentally sustainable building needs to be resolved at the development application stage. A compliance statement, prepared by a suitably qualified person, must be included with the development application for all Class 3 and Class 5 to 9 buildings. This is to confirm that the energy targets can be achieved in line with the 'deemed to satisfy' or 'performance solution' provisions under Section J of the code.	A Section J compliance statement has been prepared in support of this application and is provided at Appendix BB .	Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Part L Place Based Plans			
4.3 Controls for Chatswood CBD			
4.3.1 Built form	a. Height of buildings Refer to LEP	As discussed above, the proposed development is non-compliant with the building height control and a Clause 4.6 Variation Request accompanies the EIS.	Section 3.2.6 Appendix H
	b. Sun access protection to key public spaces and the South Chatswood Conservation Area Willoughby LEP includes provisions to protect certain public spaces in Chatswood CBD and South Chatswood Heritage Conservation Area from excessive overshadowing.	As discussed above, the proposed development maintains a minimum 3 hours of direct sunlight during mid-winter to all neighbouring properties, including those in the South Chatswood Heritage Conservation Area.	Section 6.1.3.1 Appendix D
	c. Minimum site area Refer to LEP	N/A	Not applicable.
	d. Slender towers To achieve slender towers and adequate building separation, the maximum gross floor area at each level of a development should be no more than: <ul style="list-style-type: none"> ▪ 2000m² for office developments ▪ 700m² for residential towers above the podium level in the mixed-use zone 	For the tower portion of the proposed development (i.e. above the podium at Level 08), the maximum residential GFA at each level is 352m ² -481m ² , which is below the maximum of 700m ² . There is no commercial floorspace within the tower form.	Appendix D
	f. Vehicular access Only one entry area into and exiting a site is permitted. This is to minimise streetscape impacts, ensure vehicle entry points are rationalised and maximise ground level commercial floor space.	Only one vehicular access point into the site is proposed on Bertram Street.	Appendix D
	g. Loading/unloading facilities All development is expected to provide loading/unloading facilities on site. All loading docks, including provision for garbage trucks and residential removal trucks are to be within basement areas with adequate onsite manoeuvrability. This is to ensure vehicles can enter and leave the site in a forward direction.	The proposed development includes a loading dock area at the ground floor within the basement car park area and includes a turning bay to ensure that vehicles can enter and leave the site in a forward direction.	Appendix D Appendix Q
	i. Substations Substations are to be integrated within buildings, not located in a street, open space, setback or area subject to a public right of way	A new substation will be required to service the electrical needs of the proposed development. This substation has been integrated into the built form as a mini chamber accessed from Bertram Street. Its location and design have	Section 6.1.1

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
4.3.2 Greening Chatswood CBD	<p>These controls apply to all high rise buildings:</p> <p>a. all roofs up to 30m from the ground are to be green roofs (in particular podium roofs); these are to provide a green contribution visible to the street and a balance of passive and active green spaces that maximise solar access</p> <p>b. a minimum of 20% of the site is to be soft landscaping, which may be on the ground, podium, and roof top levels of buildings; soft landscaping must be a minimum depth of 600mm</p> <p>c. 'green' walls are encouraged</p>	<p>been reviewed by consultants to meet servicing, access, and freeboard requirements.</p> <p>Landscaping and greening is proposed to both the podium rooftop at Level 08 and the tower rooftop. Communal and private open spaces are also provided on the podium and rooftop as well as at ground level in the proposed through site link.</p> <p>A total landscaped area of 887m² is proposed on the site, representing 40.3% of the site area.</p>	Section 6.1.8 Appendix F
4.3.3 Links and public realm	<p>a. All proposals must consider the potential for through links to public places. Pedestrian and cycling links are sought to improve existing access within and through the CBD (see Map 4). New linkages are sought where these are considered to be of public benefit. All such links must be:</p> <ul style="list-style-type: none"> ▪ a minimum of 3m wide ▪ provided with public rights of access and designed with adequate width, sympathetic landscaping and passive surveillance <p>b. Public realm or areas accessible by the public on private land is required to be included in all E2 and MU1 redeveloped sites. These must be:</p> <ul style="list-style-type: none"> ▪ designed to respond to context and nearby public domain ▪ visible from the street and easily accessible ▪ accompanied by public rights of way or similar to achieve a permanent public benefit 	<p>The proposed development includes a through site link connecting Archer Street and Bertram Street with a minimum width of approximately 4m. This link is identified in Map 4 of the DCP. The proposed through site link will be landscaped, publicly accessible, visible from the street and incorporate CPTED principles, including passive surveillance from the retail tenancies provided along the edge of the through site link.</p>	Section 3.2.3 Appendix D Appendix F Appendix II
4.3.4 Setbacks and street frontage heights	<p>a. The minimum setbacks and maximum street frontage heights below apply to certain areas within Chatswood CBD.</p> <p>6. Southern precinct:</p> <ul style="list-style-type: none"> ▪ maximum 6m setback at ground level from front boundary ▪ no setback from podium to tower <p>9. Bertram Street interface:</p> <ul style="list-style-type: none"> ▪ minimum 6m setback at ground level from front boundary ▪ maximum 7m street wall height ▪ minimum 3m setback above street wall to tower 	<p>The proposed development provides 6m setbacks to the Archer Street and Bertram Street frontages, which is compliant with the DCP control. Additionally, nil setback from podium to tower is provided on the Archer Street (southern precinct) frontage and a 16m setback above the podium to the tower is provided on the Bertram Street frontage, exceeding the minimum setback requirement.</p> <p>The proposed development has a street wall height of 9m to the Bertram Street frontage which is inconsistent with the</p>	Section 6.1.2 Appendix D Appendix E Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>With setbacks of 3m or more, including the Pacific Highway, deep soil planting for street trees is to be provided.</p> <p>b. All towers above podiums in the E2 Commercial Core and MU1 Mixed Use zone are to be setback from all boundaries with a minimum 1:20 ratio of the setback to building height.</p> <p>c. Separation of buildings must be provided in line with the Apartment Design Guide (NSW Department of Planning and Environment, July 2015) for residential apartments within a mixed use development.</p> <p>d. Commercial uses must have a minimum 6m setback from all boundaries above the street level wall height.</p>	<p>DCP control. However, this variation is necessary to provide sufficient floor to floor heights for the proposed retail and commercial uses on the ground level and Level 01, as discussed in the Design Report.</p> <p>Deep soil zones are provided within the setbacks to Archer Street and Bertram Street.</p> <p>The proposed tower will have a 6m setback from the Archer Street frontage, a 24m setback from the Bertram Street frontage, an 8m setback from the northern site boundary and a 9m setback from the southern site boundary. This exceeds the minimum tower setback required, being 4.67m (given the development has a maximum building height of 93.4m).</p> <p>The proposed development achieves appropriate building separation distances in line with the Apartment Design Guide, as outlined in the Design Report accompanying the application.</p> <p>All commercial uses are setback a minimum of 6m from the northern, eastern and western site boundaries. The development has a nil setback at the podium level to the southern boundary which will impact the commercial office tenancies proposed on Level 01 and Level 02. However, the interface of the proposed development with the southern boundary has been designed to respond to the proposed form of the development to the south which is currently under consideration by Willoughby Council. As such, any potential amenity impacts as a result of the nil setback proposed have been appropriately considered in the design and will be managed accordingly.</p>	
4.4.3 Interface with low density residential conservation areas	<p>Designs for developments at the interface with low density residential conservation areas must consider the surrounding low density heritage context. The objective is to minimise impacts by:</p> <p>a. maximising setbacks and minimising street wall heights to provide separation and reduce bulk and scale (setbacks above minimum requirements may be sought in these locations)</p> <p>b. providing deep soil planting at ground, landscaping on podium levels, and wherever possible, the upper levels</p>	<p>The proposed development includes a generous 6m setback to the Bertram Street frontage which interfaces with the South Chatswood Heritage Conservation Area across Bertram Street. This setback is increased to 24m above the podium level. These setbacks will ensure adequate building separation can be achieved to minimise potential privacy or overshadowing impacts. The proposed setback will also assist in reducing the perceived bulk and scale of the development to create an appropriate interface with the low-density HCA.</p>	<p>Section 6.1.2 Section 6.1.12 Appendix D Appendix E Appendix F Appendix GG</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	c. using design, façade treatment and high quality materials and finishes	<p>The proposed development will include deep soil planting and landscaping at the ground level and podium level in order to soften the appearance of the development. Landscaping will also be provided at Level 02 facing the HCA.</p> <p>The materials, design and façade treatment have been considered in order to minimise potential impacts on the HCA, as discussed in the Statement of Heritage Impact at Appendix GG.</p>	