

Statutory Compliance Table

SSD-85024458 | 61A-65 Albert Avenue, Chatswood

Statutory Reference	Relevant Considerations	Relevance	Section in EIRS
Environmental Planning and Assessment Act 1979			
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>	Complies The proposed development will benefit the social welfare of the community by providing high-quality affordable and private market housing on the site. Specifically, 325 residential apartments including 16 affordable housing apartments will be provided as part of this application. 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.	Section 6
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	Complies The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation	

of biological and ecological integrity in accordance with the requirements of the EP&A Regulation.

Specifically, an ESD report has been prepared by Finding Infinity which outlines the developments pathway to Net Zero and includes a summary of initiatives that have been included in the design of the development to maximise environmental performance and minimise operating costs.

To promote the orderly and economic use and development of land

Complies

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.

To promote the delivery and maintenance of affordable housing,

Complies

The proposal is committed to deliver 16 affordable dwellings to be dedicated to Council in perpetuity, with the remaining 5% to be delivered either through physical stock or via contributions which will form part of conditions of consent.

To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats

Complies

The DPHI granted a BDAR Waiver (**Appendix FF**) on 3 November 2025 that confirms that the proposal is unlikely to

have any significant impact on biodiversity values of the site and surroundings.

To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

Complies

The proposal promotes the sustainable management of built and cultural heritage through redevelopment of a site that is not a heritage item, not within a heritage conservation area, not subject to an interim heritage order and not of Aboriginal cultural heritage significance.

An Aboriginal Due Diligence Report (**Appendix JJ**) and Statement of Heritage Impact (**Appendix KK**) were prepared by Everick Heritage to confirm the built and cultural heritage impact of the development.

To promote good design and amenity of the built environment,

Complies

The proposal delivers a built form that responds to a constrained site in a dense CBD environment while achieving alignment with the anticipated density and growth of the Chatswood CBD. The design balances residential amenity of future residents of the proposed development and adjacent buildings including the Sebel building.

The development has progressed through the Alternative Design Excellence Process and the Design Review Panel have confirmed that the project is capable of achieving design excellence.

	<i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	Complies The proposal can achieve compliance with BCA and access provisions as confirmed by the BCA Report (Appendix PP) and Access Report (Appendix QQ).	
	<i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	Complies The proposal will be referred to Council and relevant State agencies during the public exhibition period. All relevant submissions made by Council and other State agencies will be responded to as part of the Response to Submissions.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Complies Community and stakeholder engagement has been conducted during the preparation of the SSDA as detailed in the Engagement Table (Appendix D) and Engagement Report (Appendix L).	
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 (Biodiversity and Conservation) 2021</i>	See detail below under State Environmental Planning Policies (SEPPs).	See below.

- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Precincts – (Eastern Harbour City) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Sydney Local Environmental Plan 2012*

Draft environmental planning instruments	None relevant to the proposal.	Not applicable.
Relevant planning agreement or draft planning agreement	Not applicable.	Not applicable.
Environmental Planning and Assessment Regulation 2021 – Schedule 2	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	Not applicable.
Development control plans: Willoughby Development Control Plan 2023 (WDCP)	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.	Not applicable.
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 and economic impact on the locality are assessed in detail within the EIRS.	Section 8
The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIRS.	Section 9

Any submission made	Submissions will be considered following exhibition of the application.	Section 9
The public interest	The development responds to the relevant EPIs and planning controls that apply to the site. The proposal will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix C. On balance, the benefits of the proposal outweigh any potential adverse impacts, and the development is deemed to be in the public interest.	Section 9

Environmental Planning and Assessment Regulation 2021

Schedule 2	Environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	The EIRS has been prepared to address the requirements of Schedule 2 of the Regulation and SEARs.	Appendix A
Clause 27	A development application for BASIX development must be accompanied by— (a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and (b) the other matters required by the BASIX certificate.	The development is identified as BASIX development and accordingly a BASIX Certificate has been prepared and submitted with the SSDA.	Appendix AA
Clause 29	A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.	A Design Verification Statement prepared by Skidmore, Owings & Merrill is included in the Architectural Design Report.	Appendix G

Clause 173	Environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	The EIRS has been prepared to address the requirements of Clause 173 of the Regulation and SEARs.	-
Clause 193	The SSDA must include an assessment against the principles of ESD.	The EIRS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6
Biodiversity Conservation Act 2016			
Section 7.14	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.	The DPHI granted a BDAR Waiver on 3 November 2025 for the proposal that confirms the proposal is unlikely to have any significant impact on the biodiversity values of the site and surroundings.	Section 6 Appendix BB
State Environmental Planning Policies			
<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.	Geotechnical, Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan reports were undertaken by Douglas & Partners to assess the suitability of the site from a contamination perspective for the development. The DSI concluded that the site is suitable for the proposed mixed-use development subject to the implementation of the RAP.	Section 6 Section 8.7 Appendix S Appendix T Appendix U Appendix V

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)	Section 2.119: Where practicable and safe, vehicular access must be provided by a road other than a classified road and the safety, efficiency and ongoing operation of the classified road must not be adversely affected by the development.	The site fronts Albert Avenue, which is a classified road. Vehicular access for residential and retail purposes is proposed from Victor Street, which is not a classified road. Service vehicles and access to loading dock is via Orchard Road, which is not a classified road.	Section 6 Section 8.6 Appendix N
	Section 2.120: Given the potential impact of road noise or vibration, appropriate measures must be taken to ensure that the relevant LAeq levels are not exceeded for residential accommodation.	The Noise and Vibration Impact Assessment includes an assessment of the impact of road noise and vibration intrusion on the development. The NVIA found that the resulting noise and vibration levels will be acoustically acceptable without additional mitigation measures.	Section 8.8 Appendix O
	Section 2.122: Traffic generating development must be referred to TfNSW and consider the site's accessibility and any potential traffic safety, road congestion or parking implications of the development.	The Transport Impact Assessment includes an assessment of the proposal's vehicular accessibility and potential traffic safety, road congestion and parking implications of the development.	Section 8.6 Appendix N
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (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 Arboricultural Impact Assessment recommends 'Tree 15' (located along Victor Street) for removal to accommodate the proposed crossover and driveway on Victor Street. All other trees will be retained.	Section 8.4 Appendix Y
State Environmental Planning Policy (Sustainable Buildings) 2021	Chapter 2 of the Sustainable Buildings SEPP requires BASIX development to comply with the standards set out in Schedule 1. The standards relate to energy and water use and thermal performance.	The proposal achieves the requisite BASIX ratings. Aspire has quantified the embodied emissions attributable to the development in compliance with the Sustainable Buildings SEPP.	Section 6 Appendix AA

**(Sustainable
Buildings SEPP)**

State Environmental
Planning Policy
(Housing) 2021
(Housing SEPP)

Chapter 4 of the Housing SEPP requires the consent authority to consider:

- (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,*
- (b) *the Apartment Design Guide,*
- (c) *any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

The Architectural Design Report includes a detailed assessment against the design principles in the Apartment Design Guide (**ADG**). It demonstrates that the proposed development satisfactorily complies with the objectives and intent of the ADG. Where the design criteria is unable to be met, the proposed design demonstrates achievement with the design guidance.

Section 6
Section 8.1
Section 8.2
Appendix G

Willoughby Local Environmental Plan 2012

Zoning and land use E2 Commercial Centre

Complies (with proposed LEP Amendments)

Section 6

The proposed land use (shop top housing) is permissible on the site, under clause 6.24(2) of the LEP. The proposal is wholly permissible with consent.

The proposal seeks to introduce advertising signage as part of the interactive podium facade, which has been supported through the DRP.

Amendments are proposed to clause 6.24 to permit the advertising structure as part of a digital facade.

4.3 Height of buildings	Current: RL 172.15m and RL 192.9m Proposed: RL 192m and RL 205m	Complies (with proposed LEP Amendments) The proposal includes a concurrent rezoning application that seeks to amend the Height of Buildings map to apply a split control of part RL 192m and RL 205m to the site. The proposed development complies with the height limits established under the rezoning.	Section 4 Section 6 Appendix E
4.4 Floor space ratio	11.11:1 Proposed: Remove mapped FSR consistent with Chatswood CBD	Complies (with proposed LEP Amendments) The proposal includes a concurrent rezoning application that seeks to amend the Floor Space Ratio map to remove the Floor Space Ratio control that applies to the site, consistent with the approach taken for other land in the Chatswood CBD.	Section 4 Section 6 Appendix E
5.10 Heritage conservation	Development consent is required to (a) <i>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> (i) <i>a heritage item,</i> (ii) <i>an Aboriginal object,</i> (iii) <i>a building, work, relic or tree within a heritage conservation area,</i>	Complies The site does not contain any heritage items, is not within a heritage conservation area and is not subject to an interim heritage order. However, the site is within the vicinity of the Chatswood Garden of Remembrance. The Statement of Heritage Impact assessed the proposed development's potential impacts on the heritage significance of the heritage items in the vicinity of the site. The SoHI found that the proposal will not have a detrimental impact on the items in the vicinity.	Section 8.12 Appendix GG
5.21 Flood planning	The development must not adversely affect flood behaviour or cause risk to life in the event of a flood.	Complies The site is not subject to flood affectations. The proposed development will not adversely affect flood behaviours.	Section 6

6.3 Urban heat	The consent authority must be satisfied that the development aligns with ESD principles and avoids contributing to urban heat.	Complies The ESD Report included an assessment of the proposal's impact on urban heat and environmental sustainability.	Section 8.12 Appendix Z
6.5 Signage	<i>(2) Development consent must not be granted to the erection or display of signage unless the consent authority is satisfied—</i> <i>(a) the signage is associated with or ancillary to another permitted use of the land, and</i> <i>(b) the signage specifies one or more of the following—</i> <i>(i) the purpose for which the land or premises is used,</i> <i>(ii) the identification of a person residing or carrying on an occupation or business on the land or premises, including a description of the occupation or business,</i> <i>(iii) the goods or services provided on the land or premises, and</i> <i>(c) the erection, siting, dimensions or display of the signage will not have a significant adverse impact on the visual amenity or the safety of the area.</i>	Subject to future approval A signage strategy and signage details will be prepared in accordance with the recommended conditions of consent, once the detailed design is known.	-
6.7 Active street frontage	The site's frontages to Albert Avenue and Victor Street are mapped as Active Frontages.	Complies The proposal will activate the Albert Avenue and Victor Street frontages with retail premises on the ground floor.	Section 4 Appendix G

6.8 Affordable housing	Current: 4% as mapped Proposed rezoning amendment: 5% as mapped	Complies The proposal will commit 16 dwellings to be dedicated as affordable housing in perpetuity, with the remainder of the 5% to be delivered either in physical dwelling stock or via a monetary contribution as stipulated in a future condition of development consent. The committed 16 dwellings will be delivered in accordance with the Willoughby Affordable Housing Principles as per Clause 6.18(1). Specifically, the dwellings allocated as affordable housing will be of a quality that is consistent with the marketable dwellings within the development in relation to internal fittings and finishes, and privacy. The affordable dwellings are proposed to be located on levels 5 – 9 along the courtyard-facing north elevation. It should be noted that while these units do not achieve compliant solar access, this is driven by the neighbouring building to the north. Solar access is not achieved until level 19 of the tower for all courtyard facing units, both affordable and market dwellings.	Section 4 Section 6 Appendix E
6.15 Sun access	(1) Development consent must not be granted to development on land in Zone E2 Commercial Centre or Zone MUI Mixed Use that results in additional overshadowing on the following land at mid-winter between midday and 2pm— (a) Chatswood Garden of Remembrance, (b) Chatswood Tennis Club and Croquet Club,	Complies (with proposed LEP Amendments) The site is located immediately north east of the Chatswood Oval. The proposed development will result in minor additional overshadowing on Chatswood Oval between 11am – 12:15pm at mid-winter. The additional overshadowing is limited to the northern most edge of the Oval and effectively fills in the gaps	Section 4 Section 6 Section 8.2 Appendix G

- (c) Victoria Avenue and Concourse Open Space.
- (2) Development consent must not be granted to development that results in additional overshadowing on Chatswood Oval at mid-winter between 11am and 2pm.

between the tree canopies. It does not extend into areas of active recreation and given the minor slither that continues to move and reduce, is not expected to adversely affect the function of Chatswood Oval in any meaningful way.

The concurrent rezoning application seeks to insert a subclause within Clause 6.24 of the WLEP that states despite clause 6.15(2) Sun Access, development consent may be granted to development on the land, providing it results in minor additional overshadowing between 11am – 12:15pm. The proposed amendment is necessary to ensure that the development can deliver housing in accordance with the accepted HDA EOI and the State Governments mandate.

6.23 Design excellence

- (3) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (5) *The consent authority must also have regard to how the development addresses the following matters—*
- (a) *the suitability of the land for development,*
 - (b) *existing and proposed uses and use mix,*
 - (c) *heritage and streetscape constraints,*
 - (d) *the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

Complies

An Alternative Design Excellence Strategy (**ADES**) was prepared by Urbis and endorsed by Government Architect NSW on 2 October 2025 to guide the alternative design excellence process. The ADES elected to form a Design Review Panel that met twice: once on 15 October 2025 and once on 2 December 2025.

At the conclusion of the second DRP session, the panel formed the view that the proposed development exhibits design excellence and satisfies the criteria under Clause 6.23 of the WLEP.

The proposed development has addressed the matters at subclause 6.23(5) as follows:

Section 6
Section 8.1
Appendix H

- (e) *bulk, massing and modulation of buildings,*
- (f) *street frontage heights,*
- (g) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- (h) *achieving the principles of ecologically sustainable development,*
- (i) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (j) *the impact on, and proposed improvements to, the public domain,*
- (k) *the impact on special character areas,*
- (l) *achieving appropriate interfaces at ground level between the building and the public domain,*
- (m) *excellence and integration of landscape design.*
- (6) *Development consent must not be granted to development to which this clause applies unless—*
 - (b) *for a building with a height of 35m or more above ground level (existing)—the design of the development is the winner of a competitive design process held in relation to the development.*
- (8) *Subclause (6)(b) does not apply if—*
 - (a) *the consent authority certifies in writing that a competitive design process is not required, and*
 - (a) and (b) *The proposal is highly suitable for the site as it replaces an underutilised retail centre with a mixed-use retail and housing development in a highly accessible location, supported by existing infrastructure, remediated for residential use and integrated sensitively into the surrounding CBD context while delivering additional housing, including affordable homes.*
 - (c) *The proposal will not have any adverse impact to any heritage items and will improve the streetscape by increasing street frontage activation and by delivering public domain improvements including landscaping and upgrades to the pedestrian bridge.*
 - (d) *The proposed design has been shaped by constraints caused by limited setbacks provided by the adjoining developments north and west. Notably, the panel commended the design response to the north in relation to the Sage building, where constrained setbacks have been appropriately mitigated to deliver a balanced outcome.*
 - (e) *The proposed bulk, massing and modulation is the most balanced outcome for the site given the setback, view sharing and sun access constraints.*
 - (f) *The building has a street wall podium of four storeys, consistent with the prevailing character of the locality and adjacent developments.*
 - (g) *The proposed development will result in minor additional overshadowing on Chatswood Oval, as described in the assessment against clause 6.15 above. This is a design*

- (b) a design review panel reviews the development, and*
- (c) the consent authority takes into account the advice of the design review panel.*

direction that has been resolved through significant consultation with the DPHI and Council. It does not extend into areas of active recreation and given the minor slither that continues to move and reduce, is not expected to adversely affect the function of Chatswood Oval in any meaningful way.

- (h) The proposal intends to achieve a 70% reduction in emissions by 2035 and net zero by 2050, which was commended by the panel.
- (i) Vehicular and pedestrian access has been located in appropriate locations to minimise any adverse traffic impacts. The existing pedestrian connection to Chatswood Interchange will be maintained, and the existing pedestrian bridge over Albert Avenue will be maintained and improved.
- (j) The proposal includes public domain improvements to Albert Avenue and Victor Street, including landscaping, planters and improvements to the Albert Avenue pedestrian bridge.
- (k) The proposal will have no impact on any special character areas.
- (l) The proposal includes various entryways and activate frontages that result in appropriate interfaces with the public domain.
- (m) The proposal will provide thoughtful landscaping at ground level and on Level 04 within the communal open space.

6.24 61A Albert Avenue

Current:

- Development for the purposes of amusement centres and shop top housing is permitted with development consent on the land.
- Development consent must not be granted to development for the purposes of shop top housing unless the floor space ratio of commercial premises or health services facilities on the land is at least 7.68:1.
- Development for the purposes of serviced apartments is prohibited on the land.

Proposed rezoning amendment:

- Development for the purposes of amusement centres and shop top housing is permitted with development consent on the land.
- Development for the purposes of serviced apartments is prohibited on the land.
- Insert a new subclause that permits strata subdivision of land on the site despite clause 4.1A.
- Insert a new subclause that states despite clause 6.15(2) Sun Access, development consent may be granted to development on the land that results in minor additional overshadowing between 11am – 12:15pm within Area 2 of Chatswood Oval.

Complies (with proposed LEP Amendments)

The site is 61A–65 Albert Avenue.

Whilst the proposed shop top housing land use is permissible with consent on the site under the site-specific clause, an amended to this clause is required to facilitate the development outcome.

The current minimum non-residential FSR requirement contained in the LEP sterilises the development potential of the site and renders it unfeasible.

The proposed site-specific clause has been amended to reflect the development outcome sought for the site.

Section 4

Section 6

Appendix E

